

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND SPECIAL EXCEPTION – SW/S		
Liberty Road, 1,490' E of Holbrook Road	*	ZONING COMMISSIONER
(10501 Liberty Road)		
2 nd Election District	*	OF BALTIMORE COUNTY
3 rd Council District		
	*	Case No. 01-173-SPHX
James W. Scharf, III and		
James W. Scharf, Jr. - Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owners of the subject property, James W. Scharf, III and James W. Scharf, Jr., through their attorney, Lawrence M. Hammond, Esquire. The Petitioners request a special hearing to approve the placement of an accessory structure on a vacant lot, zoned R.C.2, without a primary structure or principle dwelling thereon. In addition, the Petitioners request a special exception to permit a landscape service operation on the subject property, pursuant to Section 1A01.2.C.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were James W. Scharf, III, co-owner of the subject property, and Lawrence M. Hammond, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

This interesting case involves a roughly rectangularly shaped parcel located adjacent to the south side of Liberty Road (Maryland Route 26), just west of that road's intersection with Lyons Mill Road in Randallstown. The property contains a gross area of .735 acres, more or less, split zoned R.C.2 and R.C.5 and is shown on the site plan as Parcel 575. The property is unimproved, but for a gravel driveway that leads from Liberty Road through the property into an adjacent parcel owned by Baltimore Gas and Electric Company (BG&E).

ORDER RECEIVED FOR FILING

Date 11/9/11

By [Signature]

This case is unique in that the Petitioners own a second parcel, identified on the plan as Parcel 220, located on the opposite side of the BG&E property, immediately adjacent to the intersection of Liberty Road and Lyons Mill Road. This triangular-shaped parcel contains 0.5685 acres in area, and is improved with a two-story single family dwelling that serves as the residence of James Scharf, III and his family. Other improvements on this parcel include a macadam-paved driveway and two small sheds.

As noted above, the BG&E lot separates the two parcels owned by the Petitioners. Apparently, BG&E utilizes this property to accommodate a portion of its transmission system. Specifically, it was indicated that overhead wires pass over this property; however, the land itself is unimproved. In fact, the younger Mr. Scharf has used the property, with BG&E's permission, for some time. Specifically, a storage trailer used in connection with Mr. Scharf's business is located on the BG&E parcel. Additionally, the existing gravel drive which occupies a portion of Parcel 575 extends onto the BG&E parcel, nearly to the property line adjoining Parcel 220.

In this regard, Mr. Scharf is self-employed in a lawn-cutting business. His clients are mainly residential customers to whom he leases his services through the summer months. His equipment includes a one-ton dump truck and three smaller pick-up trucks. Additionally, he has two trailers that are used to haul mowers and similar lawn cutting equipment. Apparently, Mr. Scharf has stored this equipment within the trailer located on the BG&E property for some time without complaint. He indicated at the hearing, however, that a zoning violation had been filed against him by a competitor. As a result of that violation, the instant Petitions were filed to legitimize his use of the property.

As to the Petition for Special Exception, it is to be noted that landscape service operations are permitted in the R.C.2 zone by special exception, only, pursuant to Section 1A01.C.14 of the B.C.Z.R. Such operations are not permitted in the R.C.5 zone, and are regulated under Section 404.1 of the B.C.Z.R. Additionally, a landscape service operation is defined as "An operation primarily engaged in the designing, installing, planting or maintaining of lawns, gardens or other plantings at off-site commercial or residential uses."

As noted above, there were no Protestants or other interested persons present at the hearing. In addition, the Petitioner produced a letter from an adjoining property owner indicating that the business as presently conducted has not caused any detrimental impacts on the neighborhood.

Although no one appeared in opposition, adverse Zoning Advisory Committee (ZAC) comments were received from the Office of Planning (OP) and the Department of Environmental Protection and Resource Management (DEPRM). The Planning Office notes the criteria set forth in Section 404.3 of the B.C.Z.R. relative to landscape service operations. Their comment specifically notes that those regulations require a property to be of a sufficient size and design to insure protection for the existing neighborhood from noise, dust, glare and other nuisance factors. Additionally, that regulation requires compatibility with vehicle parking and equipment storage and the surrounding land uses. A similar comment was offered from DEPRM. That agency notes that the B.C.Z.R. requires extensive buffering in order to minimize impacts on adjacent residential properties.

The landscape service operation on the subject property is limited. The definition noted above is more wide-ranging and could include the storage of equipment, mulch, nursery stock, etc. on a given property. On the contrary, the limited operation conducted here consists only of the storage of lawn mowers and equipment incidental to Mr. Scharf's lawn-cutting business. Mr. Scharf indicated that he does not grow nursery stock on the site, does not maintain or sell produce, mulch, or equipment from the property and does not utilize the property for anything more than as a parking lot and storage area for his equipment. In this regard, he testified that he and his employees meet on the property early in the day, travel to clients' properties to perform the lawn maintenance, and return to the subject site in late afternoon or early evening.

Limited to this use, I believe that the Petition for Special Exception can be granted and that a landscape service operation can be conducted on this site without detrimental impact to the surrounding locale. In this regard, I believe that such a limited operation would meet the standards

ORDER RECEIVED FOR FILING

Date

By

set forth in Section 502.1 of the B.C.Z.R. Thus, I will grant the Petition for a landscape service operation consistent with that described at the hearing.

As to the Petition for Special Hearing, the proposed storage trailer is a permissible accessory structure. In this regard, an accessory use or structure is defined in the B.C.Z.R. as a "Use or structure which is customarily incidental and subordinate to the principle use of the property. Additionally, the structure must be located on the same lot as the principle use and must contribute to the comfort, convenience and necessity of the business of the principle use." In this regard, the principal use is a landscape service operation. Clearly, the proposed storage trailer is customarily incidental and accessory to that use. Moreover, it will be located on the same lot. This is not unlike those cases that have come before this Zoning Commissioner with proposed buildings on waterfront lots. In those cases, it has been held that the building may exist as accessory to a waterfront operation, irrespective of the absence of other structures on the site. Here, it is the use of the land that is the primary purpose to be served and the accessory structure has been erected for that reason.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore county this 18th day of January, 2001 that the Petition for Special Hearing to approve the placement of an accessory structure on a vacant lot, zoned R.C.2, without a primary structure or principle dwelling thereon, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a landscape service operation on the subject property, pursuant to Section 1A01.2.C.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRNTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

ORDER RECEIVED FOR FILING

Date

By

- 2) The relief granted herein is limited to the landscape service operation described herein. There shall be no storage of any landscape products on-site, including mulch, and no nursery stock shall be grown on the premises. Only the storage of the vehicles and equipment used in the landscape service operation, as described herein, shall be permitted on the property.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 11/19/11
By [Signature]



Baltimore County
Zoning Commissioner

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

January 18, 2001

Lawrence M. Hammond, Esquire
Hammond & Hammond
465 Main Street, P.O. Box 569
Reisterstown, Maryland 21136

RE: PETITIONS FOR SPECIAL HEARING and SPECIAL EXCEPTION
SW/S Liberty Road, 1,490' E of Holbrook Road
(10501 Liberty Road)
2nd Election District – 3rd Councilmanic District
James W. Scharf, III & James W. Scharf, Jr. - Petitioners
Case No. 01-173-SPHX

Dear Mr. Hammond:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Messrs. James W. Scharf, III and James W. Scharf, Jr.
10501 Liberty Road, Randallstown, Md. 21133
Office of Planning; DEPRM; People's Counsel; Case File



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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



VOCATION

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10501 Liberty Road

which is presently zoned RC 2

This Petition shall be filed with the Department of Permits and 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

the placement of an accessory structure on the the RC 2 property, which is vacant and without a primary structure or principal dwelling

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Lawrence M. Hammond, Esquire

Name - Type or Print

Signature

Hammond & Hammond, LLC

465 Main Street

P. O. Box 569

410-833-7576

Address

Telephone No.

Reisterstown, Maryland 21136

City

State

Zip Code

Legal Owner(s):

James W. Scharf, III

Name - Type or Print

Signature

James W. Scharf, Jr.

Name - Type or Print

Signature

10501 Liberty Road

(410) 655-7152

Address

Telephone No.

Randallstown, Maryland 21133

City

State

Zip Code

Representative to be Contacted:

Lawrence M. Hammond, Esquire

Name

465 Main Street

410-833-7576

P. O. Box 569

Telephone No.

Reisterstown, Maryland 21136

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By Jim

Date

10-26-00

Case No. 01-1738PHX

Date 10/15/98

By

ORDER RECEIVED FOR FILING



VIOLATION

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 10501 Liberty Road

which is presently zoned RC 2

This Petition shall be filed with the Department of Permits and 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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Landscape Service Operations pursuant to Section 1A01.2.C.14 of the Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Lawrence M. Hammond

Name - Type or Print

Signature

Hammond & Hammond, LLC

Company

465 Main Street 410-833-7576

Address Telephone No.

Reisterstown, Maryland 21136

City State Zip Code

Legal Owner(s):

James W. Scharf, III

Name - Type or Print

Signature

James W. Scharf, Jr.

Name - Type or Print

Signature

10501 Liberty Rd. 410-655-7152

Address Telephone No.

Randallstown, Maryland 21133

City State Zip Code

Representative to be Contacted:

James C. Sadler

Name

152 Westminster Pike 410-526-5618

Address Telephone No.

Reisterstown, Maryland 21136

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By Jim Date 10.26.00

ORDER RECEIVED FOR FILING
Date 09/15/98
By

Case No. 01-173 SP1X

W. T. SADLER SURVEYORS

Phone [410] 526-5618

Fax [410] 526-7199

152 Westminster Road

Reisterstown, Maryland 21136

James C. Sadler

ZONING DESCRIPTION

10501 Liberty Road
2nd Election District Baltimore County, MD.

PARCEL 575

Beginning for the same on the southwest side of Liberty Road, at a distance of 1490 feet, more or less easterly from the centerline of Holbrook Road; thence running and binding along the southwest side of Liberty Road

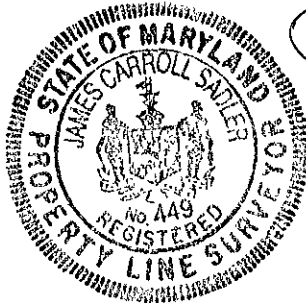
- 1) South 67 degrees 14 minutes 14 seconds east 24.12 feet and
- 2) South 74 degrees 03 minutes 18 seconds east 130.68 feet ; thence leaving the southwest side of Liberty Road
- 3) South 02 degrees 55 minutes 09 seconds west 225.25 feet
- 4) North 65 degrees 50 minutes 00 seconds west 160.94 feet and
- 5) North 02 degrees 55 minutes 09 seconds east 204.51 feet to the place of beginning, containing 0.7358 acres, more or less.

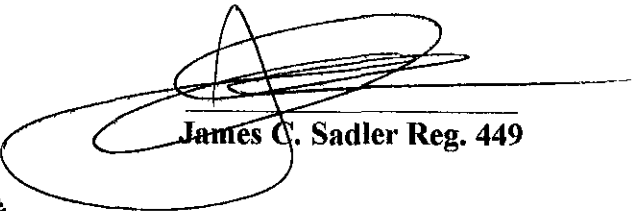
PARCEL 220

Beginning for the same on the southwest side of Liberty Road at a distance of 1750 feet, more or less easterly from the centerline of Holbrook Road; thence running and binding along the southwest side of Liberty Road

- 1) along a curve to the right with a radius of 678.20 feet a distance of 201.63 feet, the chord of said curve being South 55 degrees 31 minutes 00 seconds east 200.84 feet ; thence leaving the southwest side of Liberty Road
- 2) South 45 degrees 41 minutes 45 seconds west 195.78 feet
- 3) North 65 degrees 50 minutes 00 seconds west 41.01 feet and
- 4) North 02 degrees 55 minutes 09 seconds east 233.97 feet to the place of beginning, containing 0.5685 acres of land, more or less.

These descriptions have been prepared for ZONING purposes only and are not intended for recordation.




James C. Sadler Reg. 449

173

01-173-SPHX

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

173

No. 86737

DATE 10-26-00 ACCOUNT R-1-6150

AMOUNT \$ 550.00

RECEIVED FROM: J. Schnof 10501 Limerick Rd

FOR: SPH HRI
CDH X

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

SLMA

PAID RECEIPT

PAYMENT : ACTUAL TIME
10/27/2000 10/26/2000 14:41:28
REG 0801 CASHIER JMD JMD 1
Dept 5 523 ZONING VERIFICATION
Receipt # 008013
T. NO. 006737

Receipt Tot 550.00
550.00 OK 00 00
Baltimore County, Maryland

01-173-SPHX

CASHIER'S VALIDATION

RE: Case No.: 01-173-SPHX

Petitioner/Developer: _____

James W. Jr. & James W. Scharf, III

Date of Hearing/Closing: 12-7-00

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 10501 Liberty Road
Randallstown, MD 21133

The sign(s) were posted on November 20, 2000
(Month, Day, Year)

Sincerely,

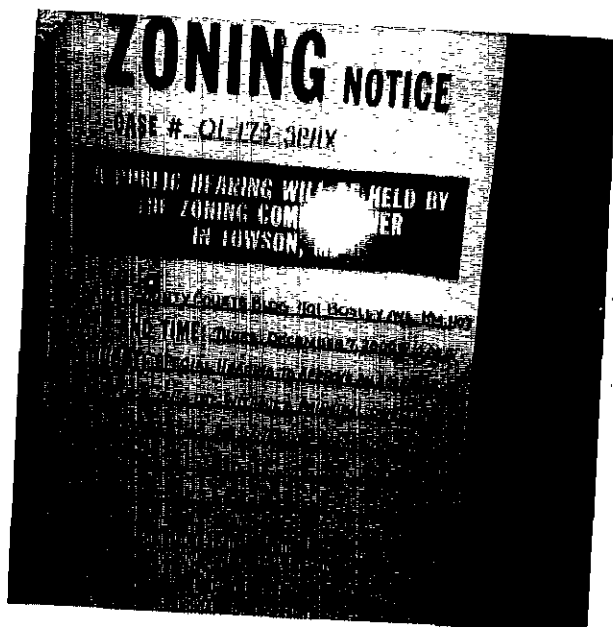
Stacy Gardner 11/20/00
(Signature of Sign Poster and Date)

Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS, INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

(City, State, Zip Code)

410-781-4000
(Telephone Number)



**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: #01-173-SPHX
10501 Liberty Road
SW/S Liberty Road, opposite
Lyons Mill Road and E &
W/S BGE Transmission Line
2nd Election District
3rd Councilmanic District
Legal Owner(s): James W.
Jr., & James W. Scharf, III

Special Hearing: to approve an accessory structure on a lot without a principal dwelling. **Special Exception:** for landscape service operations.

Hearing: Thursday, December 7, 2000 at 10:00 a.m. in Room 487, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/11/711 Nov 21 C435239

CERTIFICATE OF PUBLICATION

TOWSON, MD, 11/22, 2000

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 11/21, 2000.

S. Wilkinson
THE JEFFERSONIAN,
LEGAL ADVERTISING

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR SPECIAL EXCEPTION *
10501 Liberty Road, SW/S Liberty Rd, opp Lyons Mill Rd * ZONING COMMISSIONER
and E & W/S Transmission Ln *
2nd Election District, 3rd Councilmanic * FOR

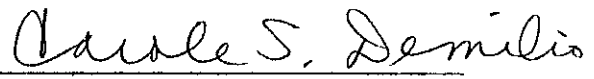
Legal Owners: James W. Scharf, Jr. and * BALTIMORE COUNTY
James W. Scharf, III *
Petitioner(s) * Case No. 01-173-SPHX

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 13th day of November, 2000 a copy of the foregoing Entry of Appearance was mailed to Lawrence Hammond, Esq., 465 Main Street, Reisterstown, MD 21136, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



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

November 03, 2000

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: 01-173-SPHX

10501 Liberty Road

SW/S Liberty Road, opposite Lyons Mill Road and E & W/S BGE Transmission Line

2nd Election District – 3rd Councilmanic District

Legal Owners: James W. Jr., & James W. Scharf, III

Special Hearing to approve an accessory structure on a lot without a principal dwelling.
Special Exception for landscape service operations.

HEARING: Thursday, December 7, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon". Below the signature, the initials "GDZ" are written.

GDZ

Arnold Jablon
Director

C: Lawrence M. Hammond, Esquire, Hammond & Hammond, LLC

465 Main Street, Reisterstown 21136

James W. Jr., & James W. Scharf, III, 10501 Liberty Road, Randallstown 21133

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 20, 2000.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 21, 2000 Issue – Jeffersonian

Please forward billing to:

Lawrence M. Hammond, Esquire
465 Main Street
Reisterstown, MD 21136

410 833-7576

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: 01-173-SPHX

10501 Liberty Road

SW/S Liberty Road, opposite Lyons Mill Road and E & W/S BGE Transmission Line

2nd Election District – 3rd Councilmanic District

Legal Owners: James W. Jr., & James W. Scharf, III

Special Hearing to approve an accessory structure on a lot without a principal dwelling.
Special Exception for landscape service operations.

HEARING: Thursday, December 7, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

GDZ

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 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: 173
Petitioner: James W. Scharf, III c/ James W. Scharf, Jr.
Address or Location: 10501 Liberty Road, Randallstown, MD 21133

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence M. Hammond, Esquire
Address: 465 MAIN STREET, P.O. Box 569
REISTERSTOWN, MD 21136
Telephone Number: _____

Revised 2/20/98 - SCJ

01-173-SPHX



Baltimore County
Department of Permits and
Development Management

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

December 4, 2000

Lawrence M. Hammond, Esquire
Hammond & Hammond, LLC
465 Main Street
Reisterstown, MD 21136

Dear Mr. Hammond:

RE: Case Number: 01-173-SPHX, 10501 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 26, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. CDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: James W., Jr., & James W. Scharf, III, 10501 Liberty Road, Randallstown 21133
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: November 24, 2000

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 13, 2000
Item No. 173

The Bureau of Development Plans Review has reviewed the subject zoning item. Liberty Road, Maryland Route 26, is a state road. All improvements, intersections, entrances, drainage requirements and construction affecting a state road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

November 3, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 6, 2000

Item No.: See Below

Dear Ms. Stephens:

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

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

177, 173, 172, 170, 169, 175, and 167

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *MS*

DATE: November 16, 2000

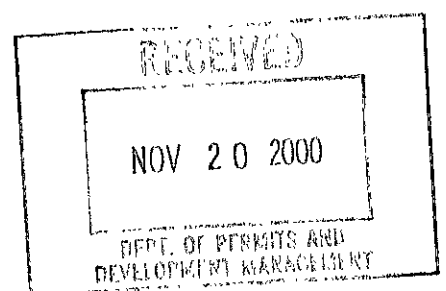
SUBJECT: Zoning Item #173
10501 Liberty Road

Zoning Advisory Committee Meeting of November 6, 2000

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X Agricultural Preservation: This zoning variance request raises concerns. The amount of RC2 to support this use is minimal. Landscape operations are intensive and the Baltimore County Zoning Regulations (BCZR) provide for extensive buffering in order to minimize impact on any adjacent residential property.

Reviewer: Wally Lippincott

Date: November 15, 2000



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 6, 2000

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

- 6

SUBJECT: 10501 Liberty Road

INFORMATION:

Item Number: 01-173

Petitioner: James W. Scharf, III & James W. Scharf, Jr.

Zoning: RC 2/RC 5

Requested Action: Special Hearing/Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has determined that the property in question is the subject of an alleged zoning violation (00-1036) for the storage of commercial vehicles and contractor equipment in a residential zone. This office conducted a site visit on November 6, 2000, and observed a commercial trailer on the property, with a rather large sign, "Cutters", advertising a lawn cutting service.

The property consists of two separate non-contiguous parcels separated by a BGE transmission right of way parcel. The easternmost parcel is located on Tax Map 66 Grid 15 Parcel 220, approximately .5685 acres, zoned RC 5 and improved with a well-maintained two story frame dwelling. The westernmost parcel is Parcel 575, which consists of .35 acres zoned RC2 and .3858 acres zoned RC5 and is unimproved. It should be noted that both parcels are undersized for their respective zones.

The subject case is a request for a Special Exception for a landscape service operation in an RC2 zone and a Special Hearing to allow an accessory structure on a lot without a primary structure or principal dwelling. As to the Special Exception, an undersized RC2 lot does not appear to meet the criterion set forth in Section 404.3 of the Baltimore County Zoning Regulations. In addition to the requirements of Section 502.1 of the BCZR, a landscape service operation shall be located on a site "of sufficient size and properly designed to insure protection of existing neighboring dwellings from noise, dust, glare and other nuisance factors. Location of the vehicle parking and equipment storage shall be compatible with surrounding uses and shall

be screened from residentially zoned or used properties as specified in Section 404.1C." of particular concern to this office, is the undersized nature of the property, the lack of adequate screening for the residential property to the west (Conrey), and the proposed storage container. There is only 15 feet from the adjacent residential property to the proposed parking area.

Based on the rationale described above, this office does not support the use of this undersized lot for a landscape service operation. It is not an appropriate land use at this location. It appears that approval of such a use at this location would be out of character with the rural residential area.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey W. Long

AFK:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 11.2.00

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

RE: Baltimore County
Item No. 173 JCM

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 26 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

to Kenneth A. McDonald Jr., 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

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT
VIOLATION CASE DOCUMENTS

IMPORTANT MESSAGE

FOR Bette
 DATE 12/18 TIME 2:30 A.M.
 M. Larry Hussick
 OF Bette Co.
 PHONE 887-3351
AREA CODE NUMBER EXTENSION
☐ FAX voice mail X-7282
☐ MOBILE voice mail X-7282
AREA CODE NUMBER TIME TO CALL

TELEPHONED		PLEASE CALL	☒
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE Let him know
when decision comes
out on case # 01-173-SPHX

Schwarz
10501 Liberty Rd.
 SIGNED Dy.

NING CASE: 01-173-SPHX
10501 Liberty Road

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: October 31, 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 173 (01-173-SPHX)
Legal Owner/Petitioner: James W. Scharf, Jr. & James W. Scharf, III
Contract Purchaser: N/A
Property Address: 10501 Liberty Road
Location Description: SW/S Liberty Road, opposite Lyons Mill Road and
E & W/S BGE Transmission Line

VIOLATION INFORMATION: Case No.: 00-1036
Defendants: James W. Scharf, Jr. & James W. Scharf, III

Please be advised that the aforementioned petition is the subject of an active violation case.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form/Code Enforcement Officer's report and notes
State Tax Assessment printout
Photographs including dates taken
Code Violation Notices (121414 through 121417)
Citation Notice and Proof of Service
Final Order of the Code Enforcement Hearing Officer Stanley Schapiro (dated June 7, 2000)
Office of Budget & Finance Billing Notice/Property Lien Sheet
Letter from Lawrence Hammond, Esquire (dated 9/15/00) Requesting an Extension

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/scj

C: Code Enforcement Officer Hucik

E ENFORCEMENT REPORT

AICF

DATE: 3-13-2000 INTAKE BY: G.H. CASE #: 00-1036 INSPEC: G.H.

COMPLAINT

LOCATION: 10501 Liberty Rd
Randallstown MD ZIP CODE: 21133 DIST:

COMPLAINANT

NAME: Anonymous PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: Granting a business from a residential area

OWNER/TENANT
INFORMATION:

TAX ACCOUNT #: ZONING:

INSPECTION: Inspected property on 3/12/2000 (G.H. in
during inspection) saw 2 trailers with Cutler
Trailer Service printed on side of trailer. Saw
small dump truck with equipment on it.
roughly 2'x2'REINSPECTION: 2 other pickup trucks with equipment
attached. And a small pile of material. Found
a flat bed trailer with sides attached to the rear.
5 photographs taken. Sent violation notice by

REINSPECTION: regular mail.

Reinspected on 4/17/2000 2 Photographs
Shows Cutler trailers - 2 work trucks - small
red dump truck & storage trailer. SeveralREINSPECTION: vehicles are parked on side (crush area)
area) - Has an appl. to set up bearing on
5/8/2000 G.H. for a variance. - No
report on variance from Mrs Schenk

COLE ENFORCEMENT REPORT
RE-INSPECTION SHEET CONTINUED

Date: Reinspected property 6/5/00 Gary Huik
During inspection I saw 5 vehicles parked on
a crush a run area located on side of defendants
house. The area is used to park employees of Mr. Scarf.
The Cutter trailers snow plows, and other contractors
equipment is no longer stored on property.
Date: No longer any commercial vehicles ~~to~~ stored
on property.

Date: Lawrence M Hammond (Attorney)
(Lawyer)
410-833-07576

Date:

ate:

DATE: 03/06/2000

STANDARD ASSESSMENT INQUIRY (1)

RA1001B

TIME: 13:27:07

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
21 00 000083 02 1-3 04-00 H NO 02/16/00

SCHARF JAMES W, 3RD DESC-1.. IMPSSS LIBERTY RD

SCHARF JAMES W, JR DESC-2.. LYONS MILL RD

10501 LIBERTY RD PREMISE. 10501 LIBERTY

RD

00000-0000

RANDALLSTOWN

MD 21133-0000 FORMER OWNER: DORN ALTA N

FCV		PHASED IN			
PRIOR	PROPOSED	CURR	CURR	PRIOR	
		FCV	ASSESS	ASSESS	
LAND:	37,440	37,440			
IMPV:	73,130	77,390			
TOTL:	110,570	114,830	114,830	45,930	45,360
PREF:	0	0	0	0	0
CURT:	110,570	114,830	114,830	45,930	45,360
DATE:	05/94	01/97		0	0

TAXABLE BASIS		FM DATE
00/01 ASSESS:	45,930	08/07/99
99/00 ASSESS:	45,360	06/04/99
98/99 ASSESS:	44,790	06/05/98

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Chadwick
9-12



10501 Liberty Rd 3/3/2000
#665-7152 Cutters.
G. Hucik

Photos 3/3/2000
Ex 2

G. Hucik
10501 Liberty RD 3/3/2000

G. Hucik
10501 Liberty RD
Pallets & mulch
G. Hucik

10501 Liberty RD 3/3/2000

G. Hucik

Photos 4-17-00
Ex 3

4-17-2000

NEW POP-UP 9/15/00 G.H.



Photos 3/3/2000
Ex 2

10501 Liberty RD 3/3/2000

G. Hucik

10501 Liberty RD 3/3/2000

G. Hucik

10501 Liberty RD 3/3/2000

Pallets & mulch

G. Hucik

10501 Liberty RD 3/3/2000

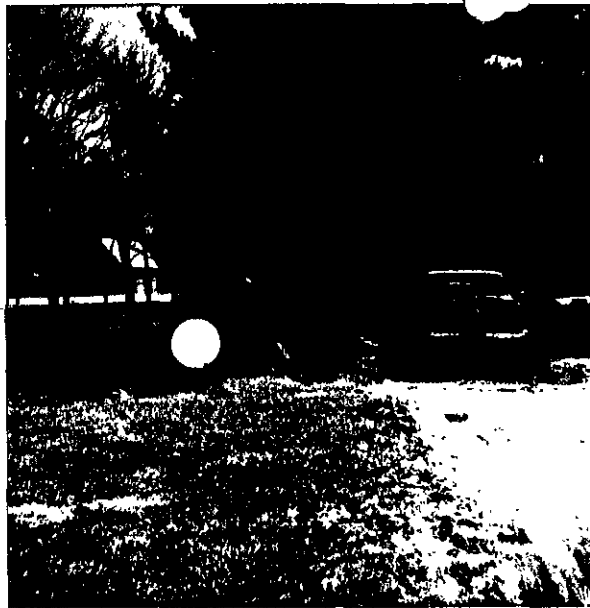
G. Hucik

Photos 4-17-00
Ex 3

4-17-2000

NEW POP-UP

G.H.
9/15/00



10501 Liberty RD 3/3/2000

G. Hucik

10501 Liberty RD

Pallets & mulch

G. Hucik

10501 Liberty RD 3/3/2000

G. Hucik

4-17-2000

Photos 3/3/2000
Ex 2

Photos 4-17-00
Ex 3

NEW POP-UP

9

G.H.

15/00



10501 Liberty RD 3/3/2000
 Pallets & mulch
 G. Hucik
 10501 Liberty RD 3/3/2000
 G. Hucik

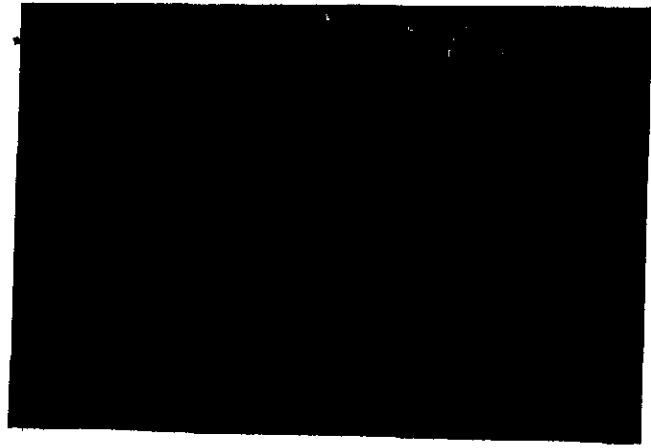
4-17-2000

NEW POP-UP

G.H.
 9/15/00

Photos 3/3/2000
 Ex 2

Photos 4-17-00
 Ex 3



Photos 3/
Ex 2

Photos 4/
Ex 3

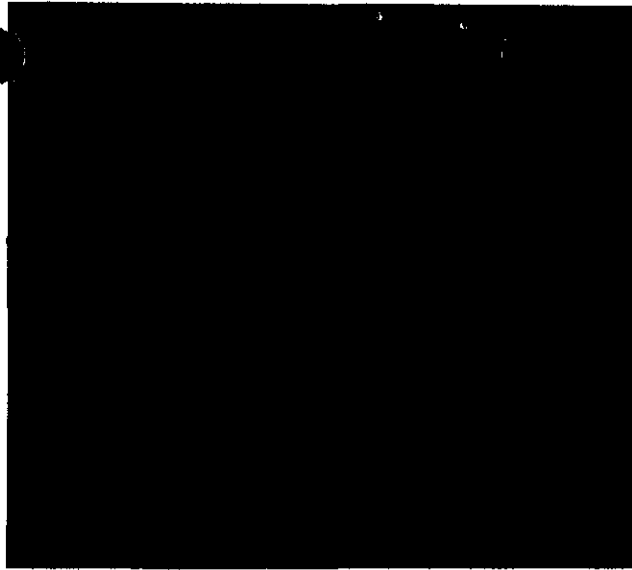
10501 Liberty RD 3/3/2000

G. Hucik

2

4-17-2000

NE RD POP-UP 9/15 G.



South
of



4-17-2000

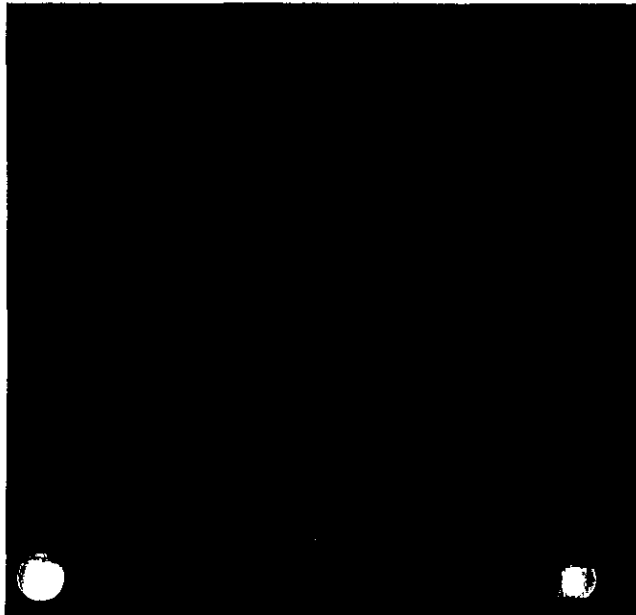
4-17-2000

NEW POP-UP 9/15/00 G.A.

Photos 3/31

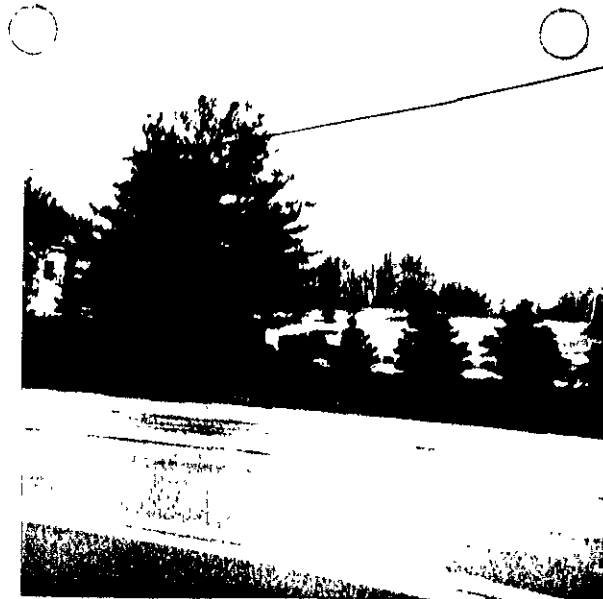
Ex 2

Photos 4-1
Ex 3



Cont. of
Ant. of 10 ft
Inoc.

Photos 3/3/2000
Ex 2



Photos 4-17-00
Ex 3

4-17-2000

NEW POP-UP 9/15/00 G.H.



Baltimore County
Department of Permits and
Development Management

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

Code Enforcement: 410-887-3351 Extension 7282
Building Inspection: 410-887-3953

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

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No
121414

Case No.
00-1036

Election District 02 Permit No. _____

Name (s) James W Scharf 3rd

Address 10501 Liberty Rd Randallstown MD 21133

Location of Violation (if different than address) Same

Vehicle License No. _____ Vehicle ID _____

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code:

§§ _____
§§ _____

Zoning Regulations:

§§ 180.1A; 101; 102.1
§§ 180.1A; 101; 102.1; 431

Building Code (BOCA):

§§ _____
§§ _____

Livability Code (18-66)

§§ _____
§§ _____

Investment Property Act (7-66):

§§ _____

Electrical Code (NEC):

§§ _____

Plumbing Code (NSPC):

§§ _____

Dwelling (CABO):

§§ _____

Other: §§ 3200.00 a day per day per violation

COMMENTS OR OTHER VIOLATIONS:

- 1) Cease all storage of commercial vehicles on residential property. One commercial vehicle is permitted if vehicle meet (BCZR).
- 2) Cease the operation of a contractors equipment storage yard. Discontinue the storage of snowplows, equipment trailers, dumptruck, outside storage of materials etc.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE
4/5/2000 FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON
THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: 3/6/2000 INSPECTOR: G. Hucik

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS,
YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER
PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE
INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: _____

DATE ISSUED: _____ INSPECTOR: _____

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE.
PLEASE READ CAREFULLY.

AGENCY



Baltimore County
Department of Permits and
Development Management

Code Inspection and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351 Extension 7282
Building Inspection: 410-887-3953

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

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No.

121415

Case No.

Election District 02 Permit No. _____

Name (s) James W Scharf JR.

Address 10501 Liberty Rd Randallstown MD 21133

Location of Violation (if different than address) Same

Vehicle License No : _____ Vehicle ID _____

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS

County Code:

§§ _____

§§ _____

Zoning Regulations:

§§ 1801.1A; 101; 102.1

§§ 1801.1A; 101; 102.1; 431

Building Code (BOCA):

§§ _____

§§ _____

Livability Code (18-66)

§§ _____

§§ _____

Investment Property Act (7-66):

§§ _____

Electrical Code (NEC):

§§ _____

Plumbing Code (NSPC):

§§ _____

Dwelling (CABO):

§§ _____

Other: §§ \$200.00 a day per day per violation

COMMENTS OR OTHER VIOLATIONS.

- 1) Cease storage of commercial vehicles on residential property. One commercial vehicle is permitted if vehicle meets (BCZR).
- 2) Cease operation of a contractors storage equipment storage yard. Discontinue the storage of snowplow equipment trailers, dump truck, and all outside storage of materials etc.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE

4/5/2000 FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON

THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: 3/6/2000 INSPECTOR: G. Huxik

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: _____

DATE ISSUED: _____ INSPECTOR: _____

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE PLEASE READ CAREFULLY.

AGENCY



County Office
Permits and
Development Management

County Office
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351 Extension 7282
Building Inspection: 410-887-3953

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

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No.

121416

Case No.:

00-1036

Election District 02 Permit No. _____

Name (s) James W Scharf Jr.
Address 10501 Liberty RD Randallstown MD 21133

Location of Violation (if different than address) SAME

Vehicle License No.: _____ Vehicle ID: _____

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS.

County Code:

§§ _____
§§ _____

Zoning Regulations.

§§ 1801.1A; 101.102.1
§§ _____

Building Code (BOCA):

§§ _____
§§ _____

Livability Code (18-66)

§§ _____
§§ _____

Investment Property Act (7-66):

§§ _____

Electrical Code (NEC):

§§ _____

Plumbing Code (NSPC):

§§ _____

Dwelling (CABO):

§§ _____

Other: §§ _____

COMMENTS OR OTHER VIOLATIONS:

1) Cease operating business from residence.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE
4/5/2000 FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON
THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: 3/6/2000 INSPECTOR: G. Hucik

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS,
YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER
PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE
INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: _____

DATE ISSUED: _____ INSPECTOR: _____

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE.
PLEASE READ CAREFULLY.

AGENCY



Baltimore County
Department of Permits and
Development Management

Code Inspection and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351 Extension 7282
Building Inspection: 410-887-3953

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

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No.

121417

Case No.:

00-1036

Election District 02 Permit No. _____

Name (s) James W. Sehart 3rd

Address 10501 Liberty Rd Randallstown MD 21133

Location of Violation (if different than address) SAME

Vehicle License No.: _____ Vehicle ID: _____

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS.

County Code:

§§ _____
§§ _____

Zoning Regulations:

1801.18 104 102.1
§§ _____

Building Code (BOCA):

§§ _____
§§ _____

Livability Code (18-66)

§§ _____
§§ _____

Investment Property Act (7-66):

§§ _____

Electrical Code (NEC):

§§ _____

Plumbing Code (NSPC):

§§ _____

Dwelling (CABO):

§§ _____

Other: §§ _____

COMMENTS OR OTHER VIOLATIONS:

1) Cease operation a business from a residential area.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE
4/5/2000 FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON
THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: 3/6/2000

INSPECTOR: G. Hucik

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS,
YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER
PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE
INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: _____

DATE ISSUED: _____

INSPECTOR: _____

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE.
PLEASE READ CAREFULLY.

AGENCY

Map 23 H-8

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204BALTIMORE COUNTY, Plaintiff, vs. James W Scharf 3rd, DefendantHearing Date 6/6/2000 Issued Date 4/20/2000 Expiration Date 5/5/2000

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process no later than the last day following the termination of the validity of the process.

PROOF OF SERVICE

I hereby CERTIFY that:

☐ A Citation and all other papers filed with it were served by restricted delivery mail, return card attached.☐ A Citation and all other papers filed with it were served by personal delivery to James W Scharf 3rd

_____, on 4.26.00, at 8:30 PM a.m./p.m.
Title _____ Date _____ Name _____ Time _____

Description of defendant: Race W Sex M Height 5'8"Weight 170 Age 35 Other _____☐ The premises at 10501 Liberty Rd were posted.☐ I was unable to serve because NOT HOME 4.26.00 11 AM

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief, and do further affirm that I am a competent person over 18 years of age and not a party to the case.

[Signature]
Signature

111 W. Chesapeake Ave
Address

4.30.00
Date

IN SPECTOR
Title

410 887 3351
Telephone No.

8:30 PM a.m./p.m.
Time



Baltimore County
Department of Permits and
Development Management

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

Code Enforcement: 410-887-3351, Extension 7282
Building Inspection: 410-887-3953
E-Mail: Pdm enforce@co.ba.md.us

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960
Pdm inspect@co.ba.md.us

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

SERVE ON RESIDENT AGENT/CORPORATE OFFICER (IF APPLICABLE)

Citation/Case No

00-1036

Name (s) James W Scharf 3rd

Address 10501 Liberty Rd Randallstown MD 21133

Owner ☒ Occupant ☐ Other _____ Related Citations _____

Location and Date (s) of Violation: 10501 Liberty RD 21133

Dates: 3/6/2000 Through 4/17/2000

Vehicle License No.: _____ Vehicle ID: _____

IT IS FORMALLY CHARGED BY BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS (CIRCLE RELEVANT ZONE BELOW, IF APPLICABLE):

<u>1B01(DR)</u>	1A01(RC2)	1A02(RC3)	1A03(RC4)	1A04(RC5)
200(RAE)	202(ROA)	204(RO)	205(OR1)	206(OR2)
207(O3)	210(SE)	216(BMM)	221(BMB)	229(CB)(BLR)
230(BL)	233(BM)	236(BR)	240(MR)	247(MLR)
253(ML)	256(MH)			

- 1) 1B01.1A; 101; 102.1; 431 Storing commercial vehicles
- 2) 1B01.1A; 101; 102.1 Operating a contractor equipment storage yard.
- 3) 1B01.1A; 101; 102.1 Operating a commercial business in a residential zone.
- 4) _____ 8) _____

(Unless otherwise noted, all references are to zoning regulations.)

IMPORTANT TO READ REVERSE FOR IMPORTANT INFORMATION AND
DIRECTIONS

AGENCY

In the Matter of

Civil Citation No. 00-1036

James W. Scharf, Jr.
James W. Scharf, III

10501 Liberty Road

Respondents

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 6 June 2000, for a hearing on a citation for violations under the Baltimore County Zoning Regulations, for maintaining commercial vehicles, operating a contractor's equipment storage yard, and operating a commercial business on residential property zoned RC, located at 1051 Liberty Road.

Gary Hucik, code enforcement inspector, stated that the County received a complaint concerning the condition of the property. The property was inspected on 3 March 2000, and the inspector found two trailers with letters "Lawn Service" painted on side of the trailer, small dump truck, two pickup with snow plows, and a pile of mulch.

On 6 March 2000, the inspector issued written correction notices pursuant to §1-7(c), Baltimore County Code, which described the nature of the violation and the manner of correction. The correction notice was marked in evidence as PEx1A&B and was served on the Respondents.

On 20 April 2000, pursuant to §1-7(d), Baltimore County Code, a code enforcement citation was issued. The citation was marked in evidence as PEx2 and was legally served on the Respondents.

The citation described the violations as follows: Baltimore County Zoning Regulations, §1B01.1A; 101; 102; 431, storing commercial vehicles, operating a contractor's equipment storage yard, operating a commercial business in a residential zone. Further, the citation proposed a civil penalty of \$13,200 to be assessed. A code enforcement hearing date was scheduled for 6 June 2000.

James W. Scharf, III appeared and testified.

Lawrence M. Hammond, Esquire, appeared on behalf of the Respondents.

Gary Hucik, also testified. He stated that an inspection on 5 June 2000 showed the trailers, snowplows, and other contractor equipment no longer stored on the property.

Mr. Hammond stated that he was attempting to obtain a special exception variance. He said the property is in two different zones, RC2 and RC5, divided by a high power transmission line.

The inspector offered photographs taken on 3 March and 17 April 2000 in evidence and marked PEx2 and 3.

Pursuant to the correction notice and subsequent code enforcement citation issued, and hearing held, and for the reasons set forth above, it is found as a matter of law that code violations existed from 6 March 2000.

THEREFORE, IT IS ORDERED by the Code Official, this 7 day of June 2000, as follows:

- (1) A civil penalty is imposed in the amount of \$1000;
- (2) The civil penalty in the amount of \$1000 shall be suspended on condition the Respondents maintain the property free of commercial vehicles or obtain a special exception on or before 15 September 2000. In addition, the Respondent must refrain from storing contractor's equipment on the subject property. If the Respondents fail to correct the violation in the time allotted or

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

any extension granted for good cause shown, then the civil penalty imposed shall be \$1000.

IT IS FURTHER ORDERED that the inspector, monitor the property to determine whether the violations have been corrected.

Signed: Stanley J. Schapiro
Stanley J. Schapiro
Code Enforcement Hearing Officer

The violator is advised that pursuant to §1-7(g)(1), Baltimore County Code (effective June 6, 1997), an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §1-7(g)(2) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.

BALTIMORE COUNTY, MARYLAND
 OFFICE OF BUDGET AND FINANCE • COURTHOUSE ROOM 150
 TOWSON, MARYLAND 21204-4665
 TELEPHONE (410) 887-2413

CASHIER USE ONLY

JAMES H. SQUARE, JR.
 JAMES H. SQUARE, JR.
 10501 LINDENY ROAD
 RIVERMONT, MARYLAND 21153

INVOICE NO. 192806

INVOICE DATE 07-11-80

ISSUING AGENCY AND ORGANIZATION

PROVIDER CODE / SOC. SEC. NO

INVOICE TYPE

TOTAL AMOUNT DUE

LINE NO.	FUND	AGCY	ORGN	SUB ORGN	ACTV	OBJ	SUB OBJ	REV SOURCE	SUB REV	REPT CATG	BS ACCT	LINE AMOUNT
01	001	000										
02												
03												

COMMENTS: CIVIL PENALTY

DESCRIPTION: PROPERTY # LI-00-000000
 REPRESENTS PENALTY ASSESSED PURSUANT TO CIVIL SECTION 10-10.30
 THIS INVOICE CONSTITUTES A DEB AGAINST THE REAL PROPERTY TO BE COLLECTED
 IN THE SAME MANNER AS TAXES
 IF THE DEBTS ARE NOT PAID WITHIN 30 DAYS OF INVOICE DATE, THEY WILL
 BE SUBJECT TO INTEREST AT THE RATE OF ONE (1) PERCENT PER MONTH

INVOICE NO. 192806

BALTIMORE COUNTY, MARYLAND
 OFFICE OF BUDGET AND FINANCE • COURTHOUSE ROOM 150 • TOWSON, MARYLAND 21204-4665

ORIGINATING AGENCY COPY

HAMMOND & HAMMOND, L.L.C.
ATTORNEYS AT LAW
465 MAIN STREET
P.O. BOX 569
REISTERSTOWN, MARYLAND 21136-0569
(410) 833-7576

LLOYD J. HAMMOND
LAWRENCE M. HAMMOND

DOUGLAS S. CURTIS

September 15, 2000

Handwritten: J. Schapiro
12/21/00
TELECOPIER
(410) 833-4744
Handwritten: M. Scharf, Jr.

Honorable Stanley J. Schapiro
Code Enforcement Hearing Officer
Department of Permits &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

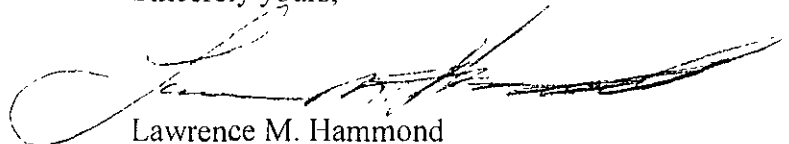
**RE: Civil Citation No. 00-1036
In the matter of James W. Scharf, Jr.
And James W. Scharf, III**

Dear Mr. Schapiro:

I write today in order to request an extension for my client to correct the violation on his property located at 10501 Liberty Road, Randallstown, Maryland. This request is made in order to refile a Petition for Special Exception together with a Petition for Special Hearing. I have met with officials of the Zoning Office and they have requested changes to the plat and have informed me that we will also need a Special Hearing together with the Special Exception hearing in order to permit Mr. Scharf to operate his landscaping operations within the RC 2 portion of his property. Additionally, Mr. Sadler has been in Florida for a large portion of the summer surveying the inter-coastal waterway and this caused a delay in filing Mr. Scharf's Petition. I fully anticipate filing both the Petition for Special Hearing and the Petition for Special Exception within a week of this letter. Once the Petitions have been accepted by the Zoning Office, I will forward copies to you.

I thank you for your attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely yours,


Lawrence M. Hammond

LMH:dje

10517 Liberty Road
Randallstown, Md 21133

December

To whom it may concern:

This is to notify you that the property at 10500 Liberty Road in the name of James Scharf known as "Cutters Corporation" which is located next to my property 10517 Liberty Road is not and never has been a problem or disruption as a "landscape service".

The property has been well maintained and presentable at all times, with no noise or disturbances since purchasing it in 1987.

Sincerely
Laura E. Scott

NOTE TO FILE:

10/26/00

CONCERNS:

1. STORAGE CONTAINER IN
THE RC-2 ZONE,

2. COMMERCIAL ACCESS
THROUGH ADJOINING RESIDENTIAL
ZONE. ~~DELETED~~

3 COMPLIANCE WITH 404.1 & 3.

~~4. IF STORAGE CONTAINER TRAILER
IS CONSIDERED PRINCIPLE
PRINCIPLE STRUCTURE SETBACKS
REQUIRED.~~

173

01-173-SPHX

PTT # 2462

This Deed, MADE THIS 27th day of March

in the year one thousand nine hundred and eighty-seven

by and between

ALTA N. DORN

of Baltimore County, State of Maryland, Party

of the first part, and

JAMES W. SCHARF III and JAMES W. SCHARF JR., Parties

of the second part.

WITNESSETH, That in consideration of the sum of Seventy-Seven Thousand Five Hundred and No/100ths (\$77,500.00) Dollars, and other good and valuable consideration, the receipt of which is hereby acknowledged,

the said Party of the First Part,

B R C F 27.00

B I TX 387.50

B DCS 387.50

DEED 0 #

SM CLERK 902.00

#49217 0004 R01 109:53

06/11/87

do es grant and convey to the said Parties of the Second Part, as joint tenants

and not as tenants in common, their assigns and the survivor of them and the survivor's

personal representatives/EXECUTORS and assigns

, in fee simple, all

that lot of ground situate in Baltimore (2nd) Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

SEE ATTACHED EXHIBIT A FOR METES AND BOUNDS DESCRIPTION FOR PARCEL ONE, CONTAINING 0.5685 ACRES OF LAND, MORE OR LESS.

SEE ATTACHED EXHIBIT B FOR METES AND BOUNDS DESCRIPTION FOR PARCEL TWO, CONTAINING 0.7358 ACRES OF LAND, MORE OR LESS.

THE improvements thereon being known as 10501 Liberty Road.

BEING part of that parcel of land which by deed dated February 27, 1924, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 585, folio 584 was conveyed by James P. Keiley, unmarried, to L. Jean Sellman and Beulah D. Sellman.

See also deed dated May 14, 1986 to the within grantor recorded among the said Land Records in Liber 7180, folio 833.

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION

4/8/87
DATE

AGRICULTURAL EXEMPTION
RELIGIOUS
4/8/87



**SPELLMAN, LARSON
& ASSOCIATES, INC.**

SUITE 107 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3838

LIBER 7568 PAGE 180

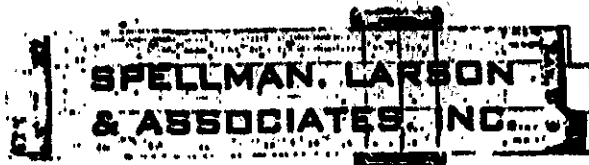
ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
HENRY M. APPEL
ALFRED F. JANDERS, P.L.S.

EXHIBIT A

DESCRIPTION OF # 10501 LIBERTY ROAD, SECOND DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a wood hub found on the South side of Liberty Road where the same is intersected by the Second line of that parcel of land which by deed dated Nov. 11, 1960 and recorded among the Land Records of Baltimore County in Liber WJR No. 3782, Folio 65 was conveyed by Beulah D. Sellman, widow, to Bankers Trust Company and Baltimore Gas and Electric Company all as shown on State of Maryland Department of Transportation State Highway Administration State Roads Commission Plat No. 49853 and running thence and binding on the South side of Liberty Road as shown on said Plat and referring the courses of this description to the Meridian as shown on said Plat Easterly by curve to the right with the radius of 678.20 feet the distance of 201.63 feet (the chord of the arc bears South 55 Degrees 31 Minutes 00 Seconds East 200.84 feet) to a wood hub found leaving the South side of Liberty Road and binding reverserly along the Third line of the Second exception described in a deed dated Dec. 30, 1953 and recorded among the aforesaid Land Records in Liber GLB No. 2413, Folio 525 from John K. Ruff, Inc. to Broadview Estates, Inc. South 45 Degrees 41 Minutes 45 Seconds West 195.78 feet to an iron bar set and running thence reverserly along a part of the Second line of said Second exceptions North 65 Degrees 50 Minutes 00 Seconds West 41.01 feet to an iron bar set and to the end of the Second line of the land first herein referred to and running thence and binding reverserly along a part of said

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION



LIBER 7568 PAGE 181

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
HENRY M. APPEL
ALFRED F. JUNGERS, P.L.S.

SUITE 107 — JEFFERSON BUILDING
108 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

DESCRIPTION OF # 10501 LIBERTY ROAD, SECOND DISTRICT, BALTIMORE COUNTY,

MARYLAND

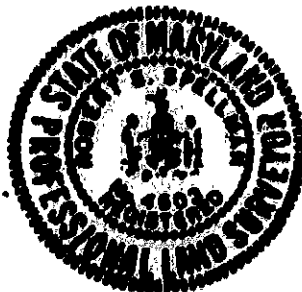
Page 2

(4) Second line North 2 Degrees 55 Minutes 09 Seconds East 233.97 feet to the place of beginning.

Containing 0.5685 acres of land, more or less.

Being part of that parcel of land which by deed dated Feb. 27, 1924 and recorded among the Land Records of Baltimore County in Liber WPC No. 585, Folio 584 was conveyed by James P. Kelley, unmarried, to L. Jean Sellman and Beulah D. Sellman.

1/7/87



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**SPELLMAN, LARSON
& ASSOCIATES, INC.**

LIBER 7568 PAGE 182

SUITE 107 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
HENRY M. APPEL
ALFRED P. JANDERS, P.L.S.

EXHIBIT B

**DESCRIPTION OF A PART OF THE SELLMAN PROPERTY, LIBERTY ROAD,
SECOND DISTRICT, BALTIMORE COUNTY, MARYLAND**

Beginning for the same at a wood hub found on the South side of Liberty Road where the same is intersected by the fourth line of that parcel of land which by deed dated November 11, 1960 and recorded among the Land Records of Baltimore County in Liber WJR NO. 3782, folio 65 was conveyed by Beulah D. Sellman, widow, to Bankers Trust Company and Baltimore Gas and Electric Company all as shown on State of Maryland Department of Transportation State Highway Administration State Roads Commission Plat NO. 49853 and running thence and binding reversely along a part of said third line and referring the courses of this description to the Meridian as shown on said Plat South 2 Degrees 55 Minutes 09 Seconds West 225.25 feet to intersect the second line of the second exception described in a deed dated December 30, 1953 and recorded among the aforesaid Land Records in Liber GLB NO. 2413, folio 525 from John K. Ruff, Inc. to Broadview Estates, Inc. and running thence and binding reversely along a part of said second line North 65 Degrees 50 Minutes 00 Seconds West 160.94 feet to intersect the second line of that parcel of land which by deed dated July 5, 1974 and recorded among the aforesaid Land Records in Liber ENK JR. NO. 5463, Folio 847 was conveyed by Beulah D. Sellman, widow, to Elizabeth Wallace Conroy, et al, and running thence and binding reversely along a part of said second line North 2 Degrees 55 Minutes 09 Seconds East 204.51 feet to a wood hub found on the South side of Liberty Road and as shown on the State Highways Administration Plat herein referred to and running thence and binding on the South side of Liberty Road as shown on said Plat South 67 Degrees 14 Minutes 14 Seconds East 24.12 feet to a wood hub found and South 74 Degrees 03 Minutes 18 Seconds East 130.68 feet to the place of beginning.

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**SPELLMAN, LARSON
& ASSOCIATES, INC.**

SUITE 107 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
829-3835

LIBER 7568 PAGE 183

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
HENRY M. APPEL
ALFRED F. JUNGERS, P.L.S.

**DESCRIPTION OF A PART OF THE SELLMAN PROPERTY, LIBERTY ROAD,
SECOND DISTRICT, BALTIMORE COUNTY, MARYLAND**

page 2

Containing 0.7358 acres of land, more or less.

The entire parcel of land being subject to a 150 foot right of way as referred to in the deed of right of way dated December 16, 1930 and recorded among the Land Records of Baltimore County in Liber LMCLM NO. 867, folio 190 said right of way being granted by L. Jean Sellman and wife to the Susquehanna Transmission Company of Maryland.

Subject to a perpetual easement near the Northeast corner of the above described property as shown on the State Highways Administration Plat NO. 49853 herein referred to.

Being part of that parcel of land which by deed dated February 27, 1924 and recorded among the Land Records of Baltimore County in Liber WPC NO. 585, 584 was conveyed by James P. Kelley, unmarried, to L. Jean Sellman and Wife.

3-26-87



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LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

TOGETHER with the buildings thereupon, and the rights, alleys, ways, 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

Parties of the Second Part, as joint tenants and not as tenants in common, their assigns and the survivor of them and the survivor's

personal representatives/

and assigns, in fee simple.

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

WITNESS the hand and seal of said grantor

Test:

T. Bryan M. Stice

Alta N. Dorn (SEAL)
ALTA N. DORN

(SEAL)

STATE OF MARYLAND, County of Carroll, to wit:

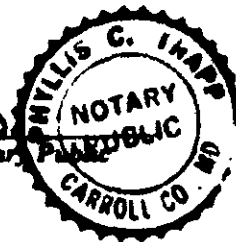
I HEREBY CERTIFY, That on this 27th day of March, in the year one thousand nine hundred and eighty-seven, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared

ALTA N. DORN

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

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

Phyllis C. Dorn



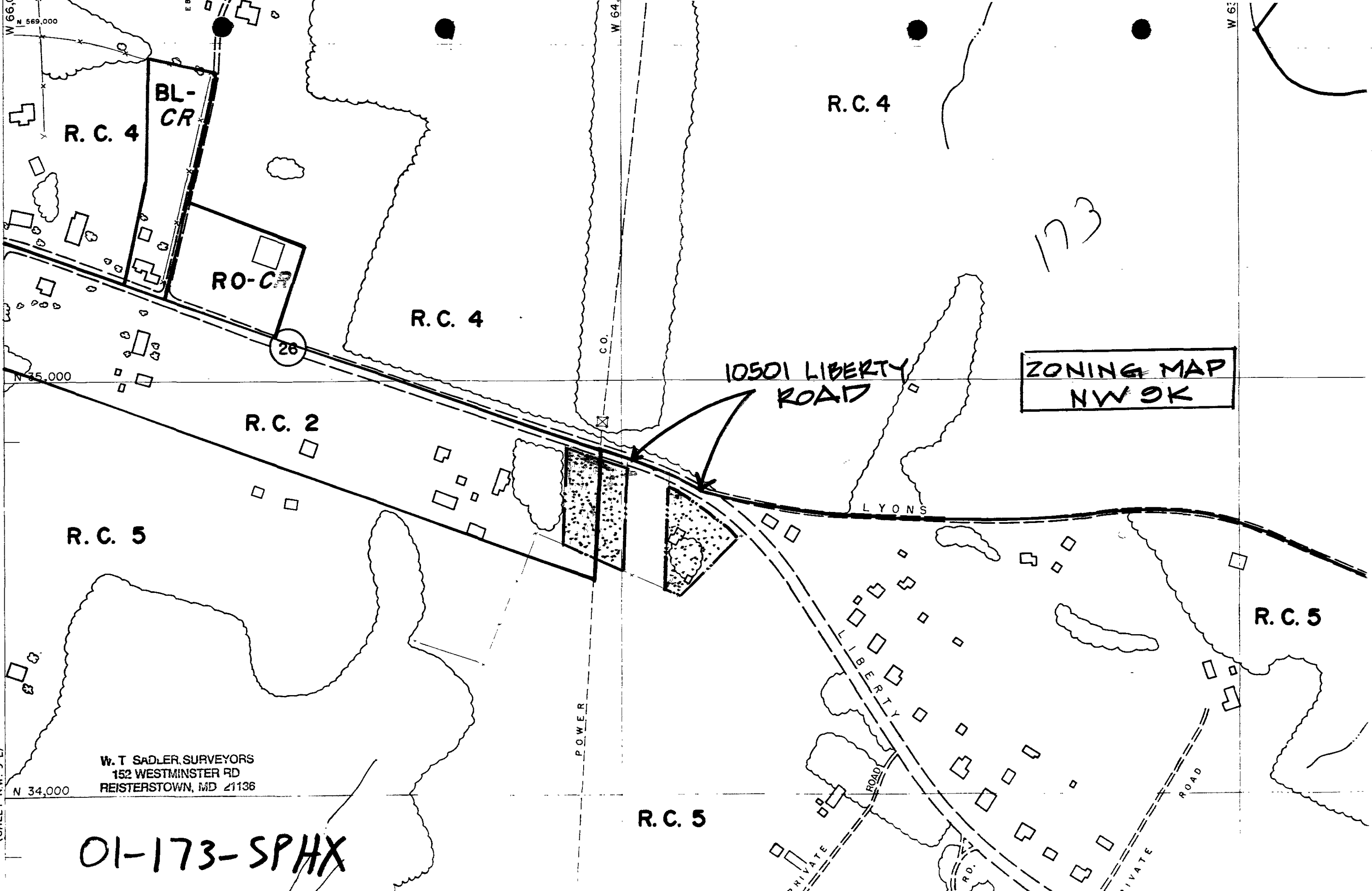
My Commission expires:

July 1, 1990.

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.

William H. Morstein
WILLIAM H. MORSTEIN

PT TITLE
1085 Main St
Westminster 21157



R. C. 4

BL-
CR

RO-CR

R. C. 4

R. C. 2

R. C. 5

R. C. 5

R. C. 5

R. C. 4

ZONING MAP
NW 9K

10501 LIBERTY
ROAD

LYONS

LIBERTY
ROAD

RD.

PRIVATE

PRIVATE

POWER

CO.

W 64

W 64

W 66
N 569,000

N 35,000

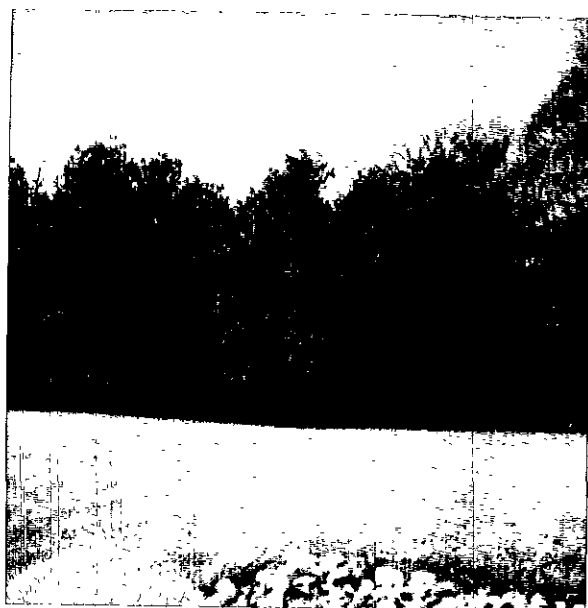
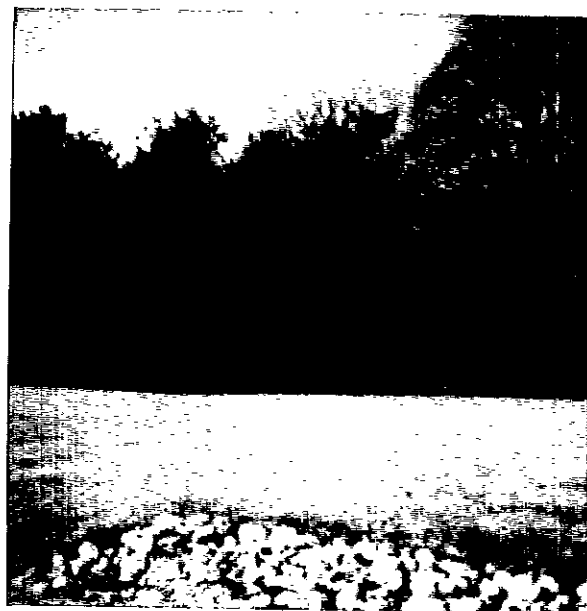
N 34,000

W. T. SADLER, SURVEYORS
152 WESTMINSTER RD
REISTERSTOWN, MD 21136

01-173-SPHX

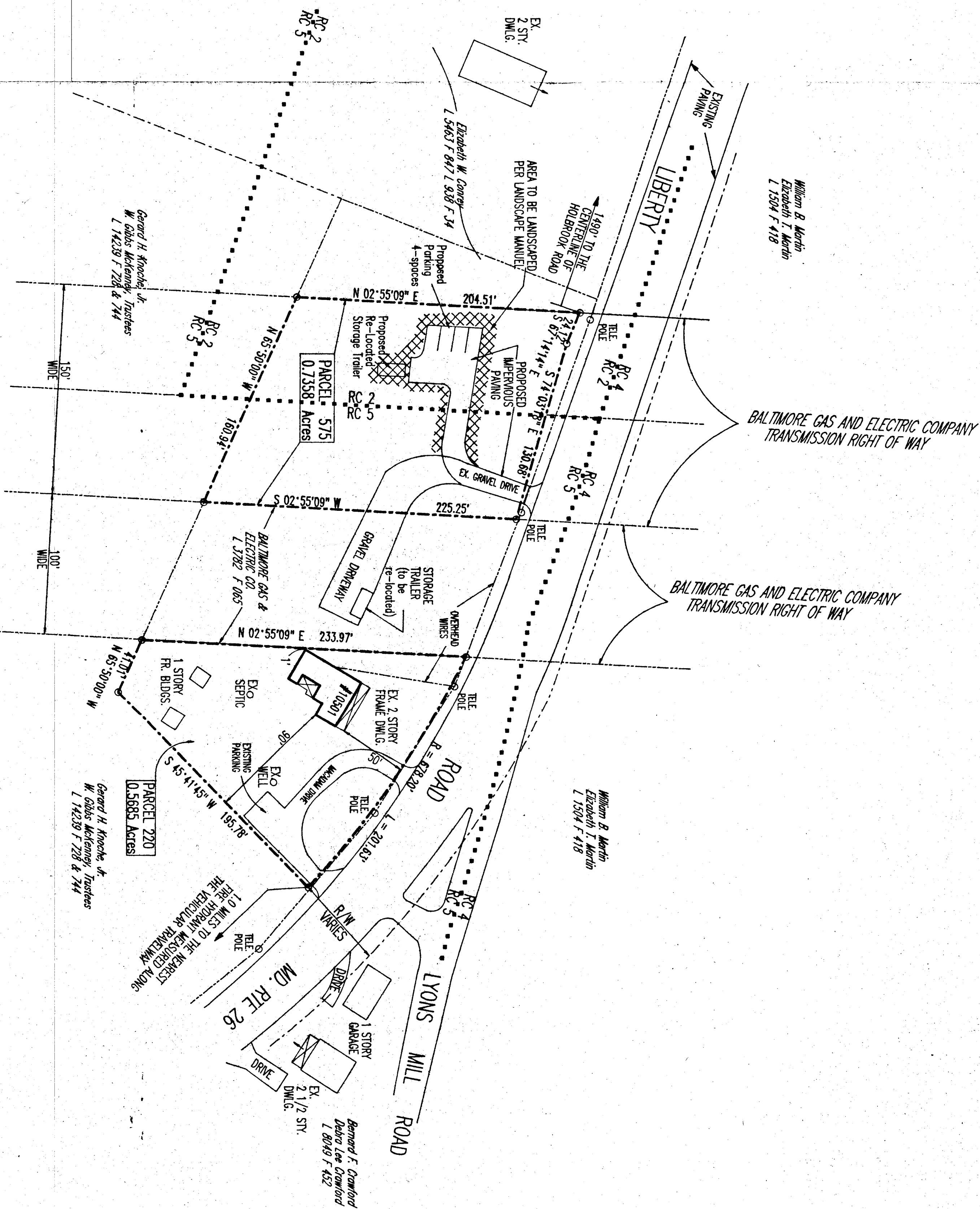
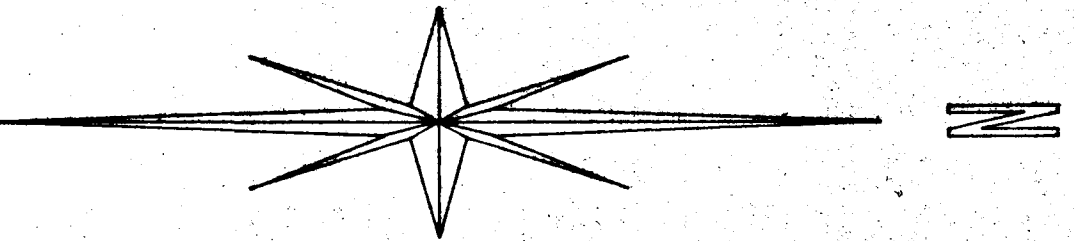
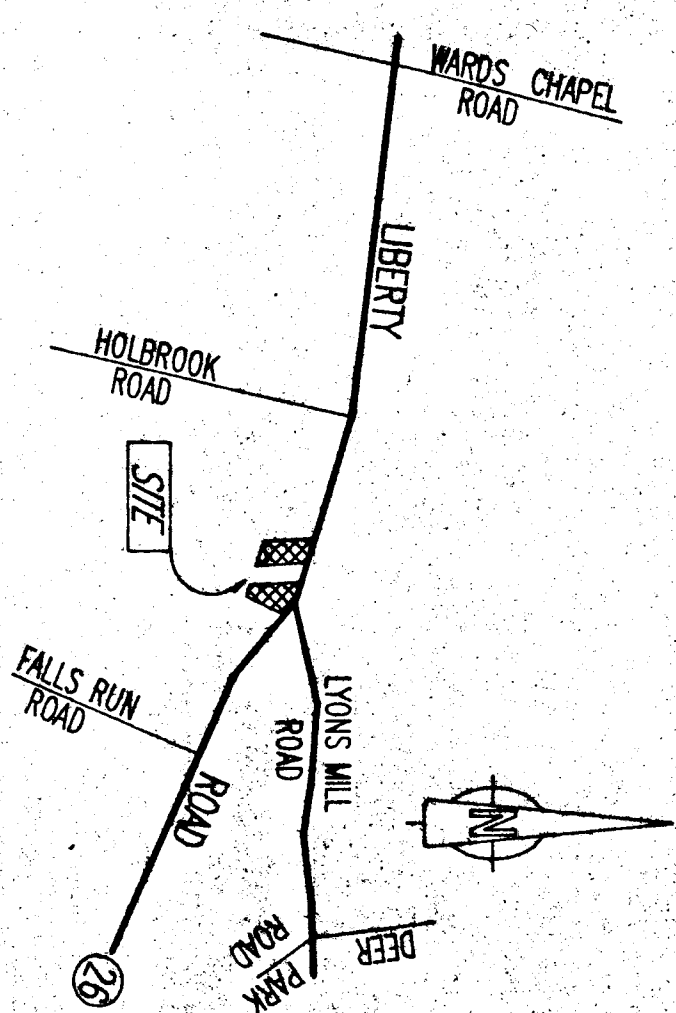
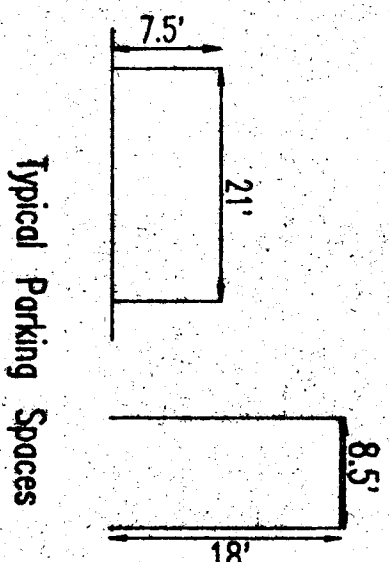
photographs

Case # 01-173-SPX



FLOOR AREA RATIO CALCULATION

TOTAL FLOOR AREA -----2486 Sq. Ft.
TOTAL GROSS SITE AREA -----56813.3 Sq. Ft.
FLOOR AREA RATIO -----0.044



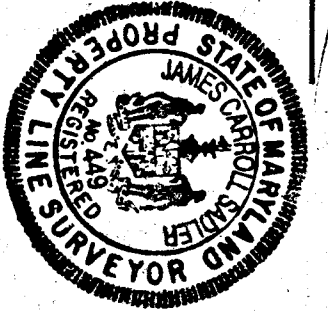
- GENERAL NOTES
- Title Ref. L 7568, F 179 - Act # 2100000083 & 2100000084
 - Map 66 Gnd 15 Parcel 220 & 5/5
 - Existing Zoning - as shown
 - All adjoining property is Zoned as shown
 - Zoning Map # NW 9-K
 - Zoning History/ Previous Hearings - None
 - Signs - None
 - Utilities - shown private water and sewer
 - The property shown hereon does not lie in any Flood Plain as designated on the Flood Insurance Rate Map community panel no. 240010 02158, effective date March 2, 1981.
 - Screening for the parking area shall be provided in accordance with the Landscape Manual adopted pursuant to Section 22-103 of Title 22nd Section 404.1C of the Baltimore County Code.
 - There will be no loading or unloading of vehicles for the purpose of receiving or distributing goods.
 - The Subject Property is currently subject to Civil Citation, Violation # 00-1036

PREVIOUS PERMITS / HEARINGS / WARNERS

(None Found)

James C. Sadler
Reg. No. 449

W.I. SADLER SURVEYORS
152 Westminster Pike
Reisterstown, MD 21136
Ph. 410-526-5618 Fax 410-526-7199



OWNER/DEVELOPER
James W. Scharf
10501 Liberty Road
Randallstown, MD 21133
410-655-7152

10501 LIBERTY ROAD
2nd Election District
Baltimore County
3rd Councilmanic District
Maryland 21136

Scale 1" = 50'

Date May, 2000
Rev. Sept. 11, 2000
Rev. Oct. 23, 2000

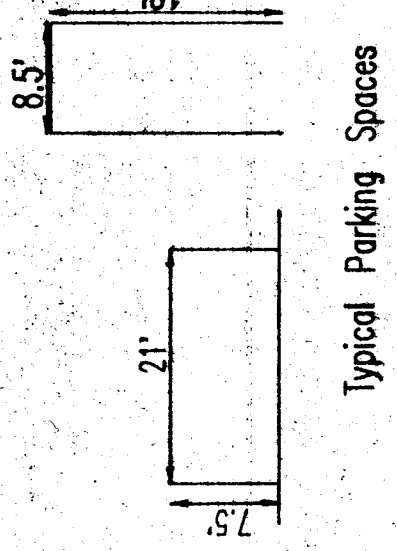
Co. File #
Job No. W-373-00

01-173-SPHX



FLOOR AREA RATIO CALCULATION

TOTAL FLOOR AREA	-----	2188	Sq. Ft.
TOTAL GROSS SITE AREA	-----	5815.3	Sq. Ft.
FLOOR AREA RATIO	-----	0.044	



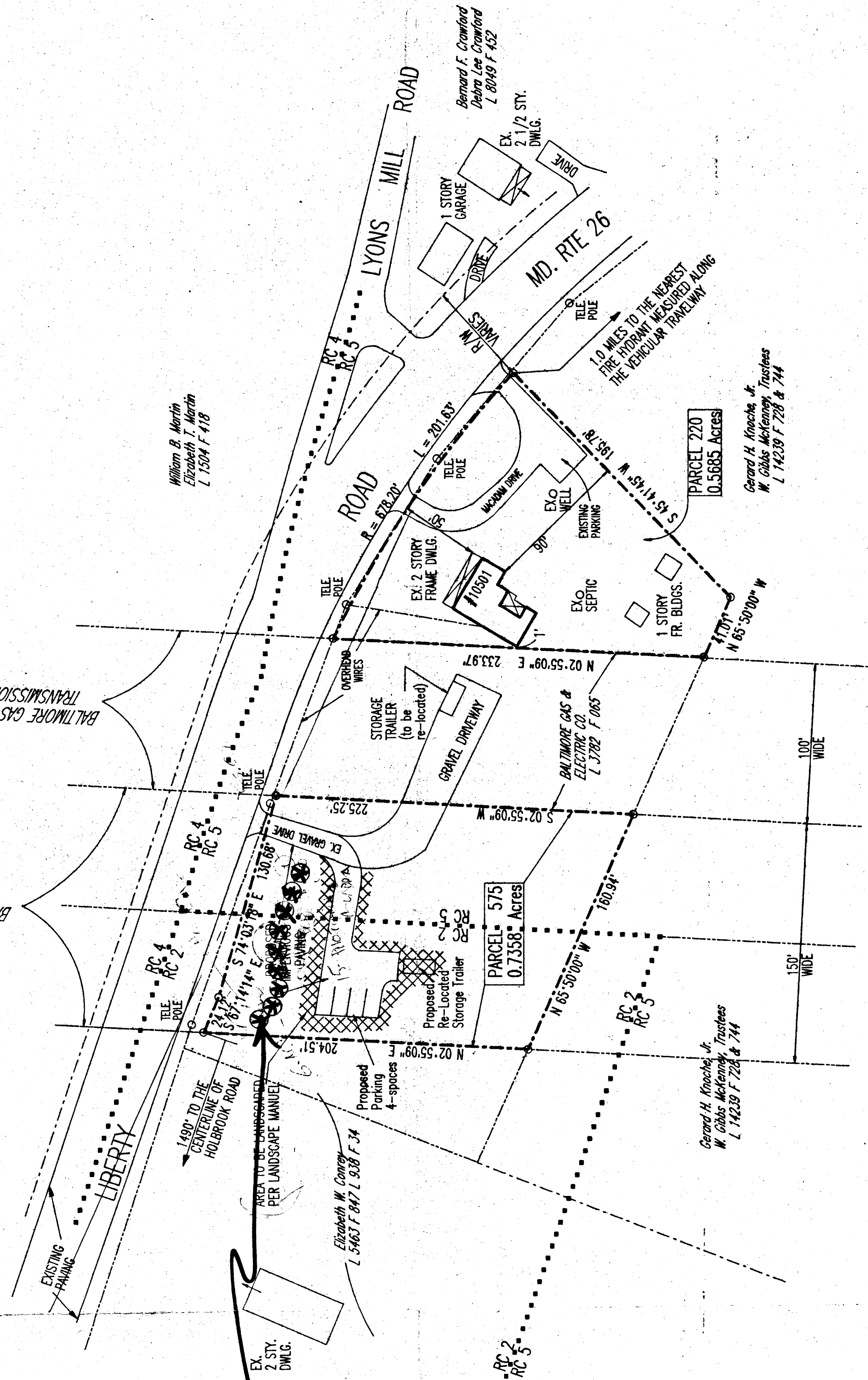
PARKING TABULATION

- No. of required spaces - - - - 3
- No. of Proposed Spaces - - - - 4
- Required Spaces - - 1 for each 3 employees
- No. of employees - - - - 8

Typical Parking Spaces

BALTIMORE GAS AND ELECTRIC COMPANY
TRANSMISSION RIGHT OF WAY

William B. Martin
Elizabeth T. Martin
L 1504 F 118



PLANT LIST
9- PICEA ABIES- NORWAY SPRUCE
SIZE 5-6'

NOTE: (General) SEA CONTAINER NOT TO BE MOVED AT THIS TIME
BUT MUST COMPLY WITH THE RELOCATION
AS APPLICABLE IN THE HEARING- IN
A TIMELY FASHION.

7- PINE TREES 2-20' CAL
1- YOUNG CUM 18-20'
5-6' SPRUCE
20' CYPRESS

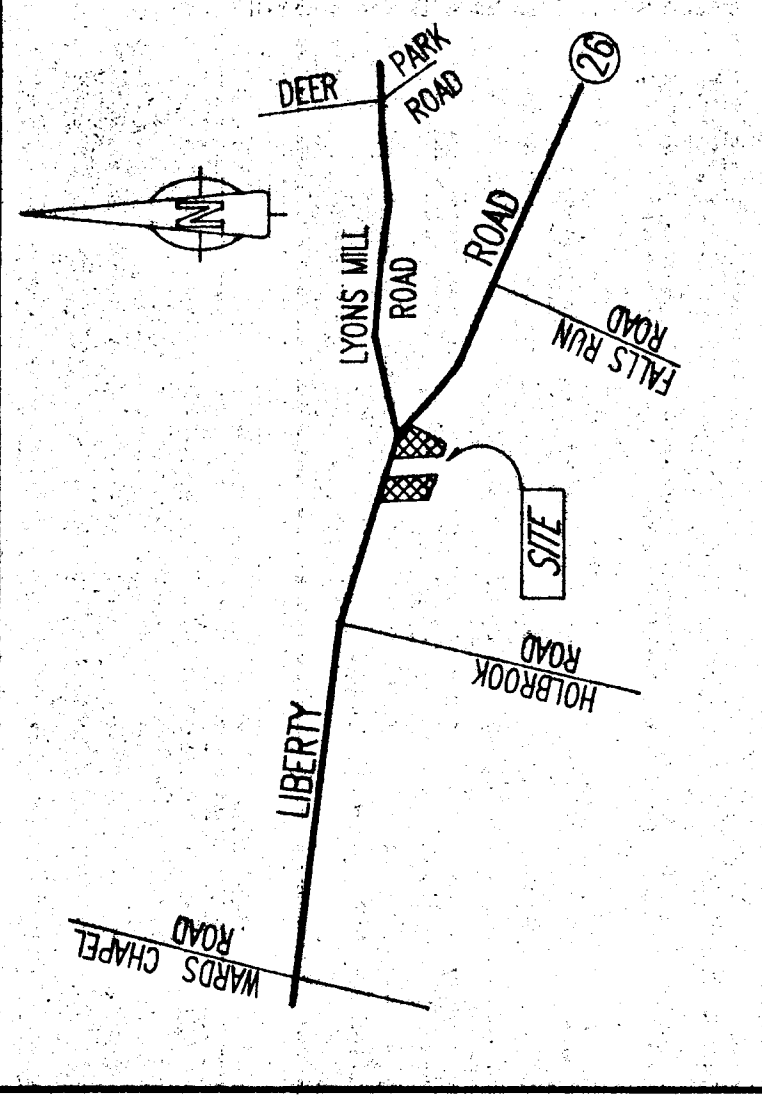


James C. Sadler
Reg. No. 449

W.T. SADLER SURVEYORS
152 Westminster Pike
Reisterstown, MD. 21136
Ph. 410-526-5618 Fax 410-526-7199

OWNER/DEVELOPER
James W. Scharf
10501 Liberty Road
Randallstown, MD. 21133
410-655-7152

PAGE 1 of 2



VICINITY MAP Scale 1" = 2000' ±

GENERAL NOTES

- Title Ref. L 7568 F 179 - Act # 2100000083 & 2100000084
- Map 66 Grid 15 Parcel 220 & 575
- Existing Zoning- as shown
- All adjoining property is Zoned as shown.
- Zoning Map # MW 9-K
- Zoning History/ Previous Hearings - None
- Signs- None
- Utilities- shown provide water and sewer
- The property shown herein does not lie in any Flood Plain, as designated on the Flood Insurance Rate Map community plan no. 24010D 0213B effective date March 2, 1961.
- Screening of the parking area shall be provided in accordance with the existing landscape.
- The subject property is currently subject to Baltimore County Code, Ordinance 404.1C of the Baltimore County Code.
- There will be no loading or unloading of vehicles for the purpose of retailing or distributing goods.
- The Subject Property is currently subject to Civil Citation, Violation # 00-1036

PREVIOUS PERMITS / HEARINGS / WAIVERS

(None Found)

PLAN TO ACCOMPANY APPLICATION FOR A SPECIAL EXCEPTION & SPECIAL HEARING FOR THE OPERATION OF A LANDSCAPING BUSINESS IN A RC-2 ZONE

10501 LIBERTY ROAD
2nd Election District
Baltimore County
Maryland 21136

Scale 1" = 50'
Date May, 2000
Rev. Sept. 11, 2000
Rev. Oct. 23, 2000

Co. File #
SHEET 1 of 2
Job No. W-573-00

SEE EVERY HARDEN FOR TITLE PLAN PLANS FOR USE PERMIT FOR A LANDSCAPING BUSINESS AND ACCESSORY STRUCTURE ON UNIMPROVED LOT. WITH COPY OF ALL APPLICABLE CITY AND STATE LAWS AND LIMITED RES. RESTRICTIONS.

CASE NO. 01-173-SPHX
PAGE 2 of 2

set forth in Section 502.1 of the B.C.Z.R. Thus, I will grant the Petition for a landscape service operation consistent with that described at the hearing.

As to the Petition for Special Hearing, the proposed storage trailer is a permissible accessory structure. In this regard, an accessory use or structure is defined in the B.C.Z.R. as a "Use or structure which is customarily incidental and subordinate to the principle use of the property. Additionally, the structure must be located on the same lot as the principle use and must contribute to the comfort, convenience and necessity of the business of the principle use." In this regard, the principal use is a landscape service operation. Clearly, the proposed storage trailer is customarily incidental and accessory to that use. Moreover, it will be located on the same lot. This is not unlike those cases that have come before this Zoning Commissioner with proposed buildings on waterfront lots. In those cases, it has been held that the building may exist as accessory to a waterfront operation, irrespective of the absence of other structures on the site. Here, it is the use of the land that is the primary purpose to be served and the accessory structure has been erected for that reason.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore county this 18th day of January, 2001 that the Petition for Special Hearing to approve the placement of an accessory structure on a vacant lot, zoned RC-2, without a primary structure or principle dwelling thereon, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and, IT IS FURTHER ORDERED that the Petition for Special Exception to permit a landscape service operation on the subject property, pursuant to Section 1401.2.C.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that the proposed use shall be at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is limited to the landscape service operation described herein. There shall be no storage of any landscape products on site, including mulch, and no nursery stock shall be grown on the premises. Only the storage of the vehicles and equipment used in the landscape service operation, as described herein, shall be permitted on the property.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

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