

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE – SE/S Lodge Farm Road, *
250' SW of the c/l North Point Road * ZONING COMMISSIONER
(2855 Lodge Farm Road) *
15th Election District * OF BALTIMORE COUNTY
5th Council District *
Case No. 01-251-SPHA
Thomas E. Gray, Jr. & Lillian F. Gray Pugh *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Thomas E. Gray, Jr. and his grandmother, Lillie F. Gray Pugh. The Petitioners request a special hearing to approve an amendment to the previously approved site plan in prior Case No. 95-91-SPH to permit the construction of a 3500 sq.ft. (50' x 70') building for the storage of construction equipment. In addition, the Petitioners request variance relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 12 feet in lieu of the required 30 feet for the proposed building. The subject property and requested relief 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 request were Thomas E. Gray, Jr., co-Petitioner/Property owner, and David Billingsley on behalf of Central Drafting and Design, Inc., who prepared the site plan. There were no Protestants or other interested persons present.

This Zoning Commissioner is familiar with the subject property by virtue of the prior hearing held in Case No. 95-91-SPH. That matter came before the undersigned for consideration of a Petition for Special Hearing to approve an existing construction equipment storage yard as a nonconforming use of the subject property. By Order dated February 17, 1995, the Petition for Special Hearing was granted and an area of the property designated as nonconforming for a

ORDER RECEIVED FOR FILING

Date

By

construction equipment storage yard. In the written decision for that case, the nature of the business and historical use of the property were detailed. As indicated therein, the property is approximately 1.34 acres in area, zoned D.R.5.5. At that time, the property featured two structures, a one-story dwelling known as 2855 Lodge Farm Road, and a one-story block building of 1732 sq.ft., which served as a shop and office for the business that occupies the property. Apparently, a construction business was established on the property many years ago by Ms. Pugh's deceased husband and is now operated by her grandson, Thomas E. Gray, Jr. At one time, the business included a coal hauling operation, a towing business, and a welding operation.

The instant Petitions were filed as the result of the Petitioners' plan to construct another construction equipment storage building on the subject property. As shown on the site plan, the proposed structure will be a one-story building, 3500 sq.ft. in area. Pursuant to the relief granted in prior Case No. 95-91-SPH, only a portion of the site was determined to be nonconforming. A copy of the site plan approved in that case was submitted into evidence in the matter before me as Petitioner's Exhibit 4. That plan shows the area of the nonconforming use for the construction equipment storage yard. The proposed building will be located entirely within that area. Thus, the Petitioners are not proposing to increase the area of the nonconforming use as established in Case No. 95-91-SPH. Areas of the property outside the demarcation of the nonconforming use will continue to be subject to the limitations of the D.R.5.5 zoning classification.

Mr. Gray testified that the proposed building will actually be an improvement insofar as the impact of the nonconforming use on the neighborhood. That is, he indicated that much of the equipment is now stored out of doors and is visible from other properties and subject to the elements. The proposed building will eliminate this problem and protect the equipment from the elements.

The variance relief requested relates to the location of the building and the nearest property line. As more particularly shown on the plan, the rear portion of the building will fall within 12 feet of the adjacent property line. This rear portion of the site also coincides with the

3/16/11
[Signature]

area of the nonconforming use. Mr. Gray indicated that construction of the building where proposed would be most appropriate and would provide a buffer to adjacent properties.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. The Petitioner is reminded that the activities of the business must exist only within the area of the nonconforming use as described in Case No. 95-91-SPH. However, I concur that construction of the building will mitigate the sights and sounds associated with the use from other properties and should therefore be granted. Thus, the Petition for Special Hearing should be approved. I am also persuaded that the siting of the building is appropriate and that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for variance relief to be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of March, 2001 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in prior Case No. 95-91-SPH to permit the construction of a 3500 sq.ft. (50' x 70') building for the storage of construction equipment, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 12 feet in lieu of the required 30 feet for the proposed building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORIGINAL FILED
DATE 3/16/01
BY [signature]



Baltimore County
Zoning Commissioner

March 16, 2001

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

Mr. Thomas E. Gray, Jr.
Ms. Lillie F. Gray Pugh
2855 Lodge Farm Road
Baltimore, Maryland 21219

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
SE/S Lodge Farm Road, 250' SW of the c/l North Point Road
(2855 Lodge Farm Road)
15th Election District – 5th Council District
Thomas E. Gray, Jr. & Lillian F. Gray Pugh - Petitioners
Case No. 01-251-SPHA

Dear Mr. Gray & Ms. Pugh:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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: Mr. David Billingsley
Central Drafting & Design, 601 Charwood Court, Edgewood, Md. 21040
People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2855 LODGE FARM ROAD
which is presently zoned D.R. 5.5

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

A request to revise the approved site plan (Case No. 95-91SPH) to permit the construction of a 50' X 70' (3500 S.F.) building for storage of construction equipment.

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:

Name - Type or Print _____ City _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

THOMAS E. GRAY, JR.

Name - Type or Print Thomas E. Gray, Jr.
Signature _____
LILLIE F. GRAY PUGH
Name - Type or Print Lillie F. Gray Pugh
Signature _____

2855 LODGE FARM ROAD (410) 477-5115
Address _____ Telephone No. _____
BALTIMORE, MARYLAND 21219
City _____ State _____ Zip Code _____

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.
Name _____
601 CHARWOOD COURT (410) 679-8719
Address _____ Telephone No. _____
EDGEWOOD, MARYLAND 21040
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By 5007 Date 12-18-00

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 3/16/01

By [Signature]

Case No. 01-251-SPA A



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2855 LODGE FARM ROAD
which is presently zoned D.R. 5.5

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 Variance from Section(s)

1B01.2C.1.a to allow a rear yard of 12 feet instead of the required 30 feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Maintaining the required 30 foot rear yard reduces the area available for storage of construction equipment by approximately 1400 S.F. (area between building and existing storage yard) and limits the area available for storage and maneuverability in front of the proposed building.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, 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:

Name - Type or Print _____ City _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

THOMAS E. GRAY, JR.

Name - Type or Print _____
Signature Thomas E. Gray Jr.
LILLIE F. GRAY PUGH
Name - Type or Print _____
Signature Lillie F. Gray Pugh
2855 LODGE FARM ROAD (410) 477-5115
Address _____ Telephone No. _____
BALTIMORE, MARYLAND 21219
City _____ State _____ Zip Code _____

Representative to be Contacted:

DAVID W. BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.
Name _____
601 CHARWOOD COURT (410) 679-8719
Address _____ Telephone No. _____
EDGEWOOD, MARYLAND 21040
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

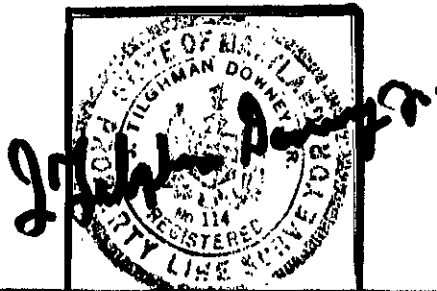
Case No. D1-251-SPHA

Reviewed By SPH Date 12-18-00

01-251-SPHA

ZONING DESCRIPTION
2855 LODGE FARM ROAD

Beginning at a point on the south side of Lodge Farm Road (30 feet wide), distant 242 feet from the intersection formed by the south side of said Lodge Farm Road with the center of North Point Road, thence being all of Lot 409 as shown on the plat of Lodge Forest recorded among the Baltimore County Plat Records in plat book 10 folio 76 and all of Lot 4 as shown on the plat of St. Lukes Church Property recorded among the Baltimore County Plat Records in plat book 64 folio 94. Containing 1.340 acres of land more or less and being located in the 15TH Election District and the 7TH Councilmanic District of Baltimore County, Maryland.



CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

01-251.SPHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

90147

DATE 12-15-00 ACCOUNT RC0016150

AMOUNT \$ 500.00

RECEIVED FROM: GRAY TRANSDUCT INC
COMMERCIAL UTILITIES REL
FOR: COMMERCIAL SPECIAL HEATING REL
ECO

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT SOURCE TIME
12/15/2000 12/15/2000 14:36:10
REF V003 CASHIER LINDA LORR BAKER
Dpt 5 522 ZINXMS VERIFIED/OK
Posit # 15781
CP 001 001047
Receipt Tot 500.00
Paid 00 CR 00 CR
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #01-251-SPHA

2855 Lodge Farm Road

SE/S Lodge Farm Road, approximately 250'

SW of centerline North Point Road

15th Election District - 7th Councilmanic District

Legal Owner(s): Lillie F. Gray Pugh & Thomas E. Gray, Jr.

Special Hearing: to approve an amendment to the approved site plan in case number 95-91-SPH to permit the construction of a 50-foot by 70-foot building for storage of construction equipment. **Variance:** to allow a rear yard of 12-feet in lieu of the required 30-feet.

Hearing: Thursday, February 8, 2001 at 9:00 a.m. in Room 407, 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.

1/24/01 Jan. 25

0445993

CERTIFICATE OF PUBLICATION

TOWSON, MD, 1/25, 2001

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 1/25, 2001.

S. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 01-251-SPHA

Petitioner/Developer: Lillie GRAY PUGH

Thomas GRAY SR

Date of Hearing/Closing: 8 Feb 2001

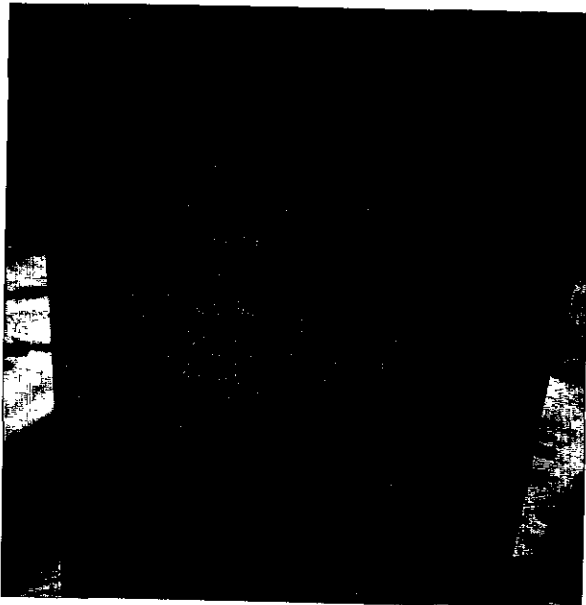
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 2855 Lodge Farm Rd

The sign(s) were posted on 24 JAN 2001
(Month, Day, Year)



Sincerely,

[Signature] 24 Feb 2001

(Signature of Sign Poster and Date)

SSG Robert Black
(Printed Name)

1508 Leslie Road
(Address)

Dundalk Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
2855 Lodge Farm Rd, SE/S Lodge Farm Rd,
appx. 250' SW of c/l North Pt Rd
15th Election District, 7th Councilmanic

Legal Owner: Thomas E. & Lillie F. Gray, Jr.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-251-SPHA

* * * * *

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

FEB - 9


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 19th day of January, 2001 a copy of the foregoing Entry of Appearance was mailed to David W. Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood, MD 21040, representative for Petitioners.


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

January 10, 2001

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: 01-251-SPHA

2855 Lodge Farm Road

SE/S Lodge Farm Road, approximately 250' SW of centerline North Point Road

15th Election District – 7th Councilmanic District

Legal Owners: Lillie F. Gray Pugh & Thomas E. Gray, Jr.

Special Hearing to approve an amendment to the approved site plan in case number 95-91-SPH to permit the construction of a 50-foot by 70-foot building for storage of construction equipment. Variance to allow a rear yard of 12-feet in lieu of the required 30-feet.

HEARING: Thursday, February 8, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".
GDZ

Arnold Jablon
Director

C: Lillie F. Gray Pugh & Thomas E. Gray, Jr., 2855 Lodge Farm Road, Baltimore 21219
David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court,
Edgewood 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY JANUARY 24, 2001.
(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
Thursday, January 25, 2001 Issue – Jeffersonian

Please forward billing to:

Thomas E. Gray, Jr.
2855 Lodge Farm Road
Baltimore, MD 21219

410 477-5115

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: 01-251-SPHA

2855 Lodge Farm Road

SE/S Lodge Farm Road, approximately 250' SW of centerline North Point Road

15th Election District – 7th Councilmanic District

Legal Owners: Lillie F. Gray Pugh & Thomas E. Gray, Jr.

Special Hearing to approve an amendment to the approved site plan in case number 95-91-SPH to permit the construction of a 50-foot by 70-foot building for storage of construction equipment. Variance to allow a rear yard of 12-feet in lieu of the required 30-feet.

HEARING: Thursday, February 8, 2001 at 9:00 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: 01-251-SPHA

Petitioner: THOMAS E GRAY, JR.

Address or Location: 2855 LODGE FARM ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: THOMAS E GRAY, JR.

Address: 2855 LODGE FARM ROAD

BALTO MD 21219

Telephone Number: (410) ~~575~~ 477-5115

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

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

February 2, 2001

Thomas E Gray Jr
2855 Lodge Farm Road
Baltimore MD 21219

Dear Mr. Gray Jr.:

RE: Case Number: 01-251-SPHA, 2855 Lodge Farm Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 18, 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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: David Billingsley, Central Drafting & Design Inc, 601 Charwood Court, Edgewood
21040
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 6, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For January 16, 2001
Item Nos. 251, 252, 253, 254, 255, 256,
257, 259, 260, 261, 262, 263, 264, and
265

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

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

January 9, 2001

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 January 8, 2001

Item No.: 251, 254, 255

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.

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

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



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *MC/RBS*

DATE: January 19, 2001

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of January 8, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
251	2855 Lodge Farm Road
254	6311 Sherwood Road
255	800 Race Road
257	2005 Security Boulevard
258	15505 Carroll Road
259	10407 Vincent Road
261	1018 Wagner Road
262	15 Hanover Road 10 Westminster Pike
263	9639 Belair Road
265	1678 Bullock Circle

4/2/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 25, 2000

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

JAN 25

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-251.

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey W. Long

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 1.10.01

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

RE: Baltimore County
Item No. 251 JRA

Dear Ms. Jackson:

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 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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
CENTRAL DRAFTING & DESIGN
DAVID BILLINGSLEY

THOMAS E GRAY JR.

ADDRESS
601 CHARWOOD COURT
EDGEWOOD, MD. 21040

2855 LOOSE FARM RD. (SALTO,
MD 21219)



11/21/94

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
SE/S Lodge Farm Road, 220 ft.		
W of North Point Road	*	ZONING COMMISSIONER
2855 Lodge Farm Road		
15th Election District	*	OF BALTIMORE COUNTY
7th Councilmanic District		
Lillie F. Pugh and Gray	*	CASE No. 95-91-SPH
Transport, Inc., Petitioners		

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 2855 Lodge Farm Road in the Sparrows Point section of Baltimore County. The Petition is filed by Lillie F. Pugh, Thomas E. Gray, Jr., and Gray Transport, Inc.; all legal owners of the property. Relief is requested to approve an existing construction equipment storage yard as a nonconforming use.

Appearing at the requisite public hearing held for this case was Lillian F. Pugh and her grandson, Thomas E. Gray, Jr., property owners. Also present in support of the Petition was Carl Hobson and Janice Ramsey. The Petitioners were represented by Norman R. Stone, Jr., Esquire. Virginia Tolbert and Pearl Gintling appeared as Protestants.

The site plan, Petitioner's Exhibit No. 1, shows that the subject property is located on Lodge Farm Road, not far from Back River in Sparrows Point. The property is zoned D.R.5.5 and is approximately 1.34 acres in area. The site is improved with two large structures. The first is a one story stucco single family dwelling which is 1,248 sq. ft. in area. That structure is located in the front of the property immediately adjacent to Lodge Farm Road. The rear of the subject lot is improved with a one story block building. That building is 1,732 sq. ft. in area and serves as an office and shop for the business which operates on the property. The property also contains a trailer, which is used for storage, and a small wooden shed.

The subject construction equipment storage yard occupies 13,034 sq. ft. of the property. That portion of the site is shown on the site plan and is surrounded by a wooden stockade fence. Much of the yard is covered by gravel. However, other portions are in grass and dirt. Mrs. Pugh testified that she has lived on the site for 54 years, having moved there in 1939. She testified that her husband originally operated a construction business on this site. Her husband passed away approximately 17 years ago. Mrs. Pugh indicated that the business included a coal hauling operation, a towing business and a welding operation. Mrs. Pugh also produced a number of pictures showing the previous activities. Several of these pictures were introduced into evidence and show the trucks used on the site and the business activities thereon in the early 1940s.

Thomas E. Gray, Jr. also testified. He is Mrs. Pugh's grandson and now operates the business, which he describes as a contracting business and a welding shop. He described in detail the vehicles which are located and used in the business. They include 4 tandem axel dump trucks, a small bobcat, 1 single axel truck, as well as welding equipment and snow plows which are used in inclement weather. Mr. Gray apparently purchased the property from his family about 2-1/2 years ago and has been using the site for approximately 8 years. He indicated that about 1/3rd of the area of the property is used as the construction equipment storage yard and he also described the surrounding area and history of the site. He confirmed that his grandfather (Mrs. Pugh's husband) worked on the site until the late 1960s or early 1970s. At that point in time, his father took over the business until Mr. Gray began operating the business in the late 1980s. Mr. Gray testified that the same type of activities are now conducted by the business as were before; namely, welding, hauling, towing and similar activities. He also

testified that the operation of the business had never been abandoned or discontinued on the subject site.

Carl Hobson, an uncle of Thomas Gray also testified in support of the Petition. He has been familiar with the site since the 1950s and described the activities of this business since that time. His testimony was echoed by Janice Ramsey, President of the North Point Peninsula Community Coordinating Council. She has no complaints with the subject business.

Certain testimony was also received from Pearl Gintling and Virginia Tolbert, nearby residents. They acknowledged that other commercial activities are nearby and voiced concerns that the residential communities within this area need be protected.

As noted above, this matter comes before the Zoning Commissioner as a Petition for Special Hearing seeking approval of a nonconforming use. A nonconforming use is defined in Section 101 of the Baltimore County Zoning Regulations (BCZR) as "A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use."

The nonconforming use designation is often used to grandfather an otherwise illegal use. Zoning initially came to Baltimore County by act of the County Commissioners in 1945. In 1955, the regulations were comprehensively amended and readopted. The 1955 regulations are the predecessor regulations to the current version of the BCZR.

All of these regulations have recognized the validity of nonconforming uses. A nonconforming use can be conferred on a given use of property which existed prior to the prohibiting regulation. For so long as the use is not changed, been abandoned or discontinued, the use may continue irrespective that the present zoning classification would prohibit such a use. Noncon-

forming uses are governed by Section 104 of the BCZR; the provisions of which are self explanatory.

In this case, the uncontradicted testimony and evidence offered is that the Gray Transport Company business has operated from this site continuously and uninterruptedly since the early 1940s. In that same predates the effective date of the first set of zoning regulations in Baltimore County, it is clear that the use is nonconforming.

The testimony was also compelling that the use has not significantly changed over the years. That is, similar activities are now conducted on the site, as compared with the prior business. These include the welding service and certain hauling, towing and plowing activities. Moreover, it is clear that the nature of the business should be defined as a construction equipment storage yard and not a trucking facility or other use. A construction equipment storage yard, as defined by Section 101 of the BCZR is "The use of any space, whether inside or outside of building for the storage of construction equipment or machinery, including landscaping equipment and associated materials." This description fits the use conducted on this site.

Other evidence offered in this case is contained within a letter from the aforementioned Janice Ramsey, President of the North Point Peninsula Community Coordinating Council. She asked that this Zoning Commissioner impose three conditions on the use of this property. Mr. Gray expressed a willingness to be bound by these conditions. However, unlike Petitions for Special Exception or Variance, this Zoning Commissioner's decision in granting the Petition for Special Hearing cannot be conditioned, per se. That is, the Baltimore County Code and Baltimore County Zoning Regulations allow the Zoning Commissioner to condition variance or special exception relief so as to prevent adverse impact on the surrounding locale. The issue presented

in this case is different. If the use is nonconforming, it is permitted irrespective of any impact which might result.

Nonetheless, some of the concerns expressed by Mrs. Ramsey and agreed to by Mr. Gray are applicable by operation of law. Specifically, Section 104 of the BCZR imposes limits on the expansion of nonconforming uses. A nonconforming use cannot be expanded or enlarged except as provided in that Section (i.e., no more than 25% of the ground floor area of the building so used). Moreover, the nonconforming use cannot be discontinued or abandoned. If said use is discontinued or abandoned for more than one year, the right to continue such a use is forfeited. Moreover, the character of the nonconforming use must remain consistent.

Based upon these provisions of the BCZR, it is clear that a conferring of nonconforming use status on the property will not be a basis nor shall same set precedent for future zoning changes in the area. This was one concern of Mrs. Ramsey. Moreover, as noted above, the expansion or change in character of the nonconforming use is regulated and prohibited by Section 304. Moreover, I find that the number of construction equipment vehicles to be stored on the site should not exceed 7 and the size of those vehicles should be no larger than a tandem axel dump truck with a load capacity of 65,000 pounds. This finding is not made as a condition to the relief granted, but represents my findings of fact that the equipment stored on this site since the 1940s has not exceeded this number or size of vehicles. Thus, the Petitioner is limited to the vehicles which he identified at the hearing, namely, 4 tandem axel dump trucks, a small bobcat, a single axel dump truck and the various snow plows and welding equipment. Obviously, these vehicles may be replaced due to age or disrepair, however, the number or size of replacement vehicles is limited as provided herein.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17th day of February 1995, that, pursuant to Petition for Special Hearing, approval to allow an existing construction equipment storage yard as a nonconforming use, be and is hereby GRANTED subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall comply with all recommendations and requirements of DEPRM relating to the development of this site, including, but not limited to, those comments contained within the ZAC comment from DEPRM dated September 27, 1994.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

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

September 27, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #91 *Q*
2855 Lodge Farm Road
Zoning Advisory Committee Meeting of September 19, 1994

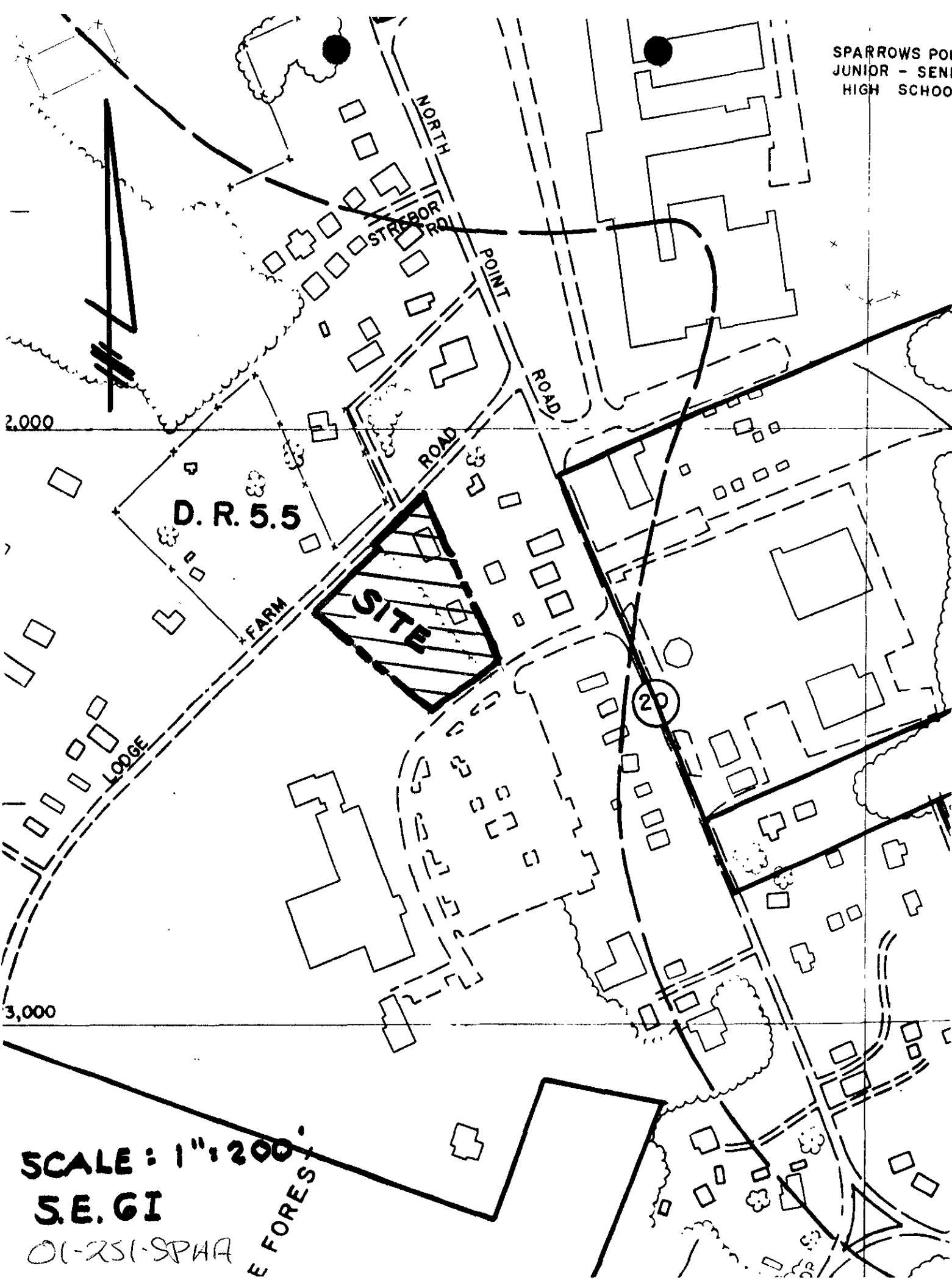
The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The site is in proximity to a residential area and a nursing home. We have no objections to the expansion provided that airborne particulate does not become a problem and Maryland State noise standards are met at all times.

JLP:SAR:sp

LODGE/DEPRM/TXTSBP

SPARROWS POINT
JUNIOR - SENIOR
HIGH SCHOOL

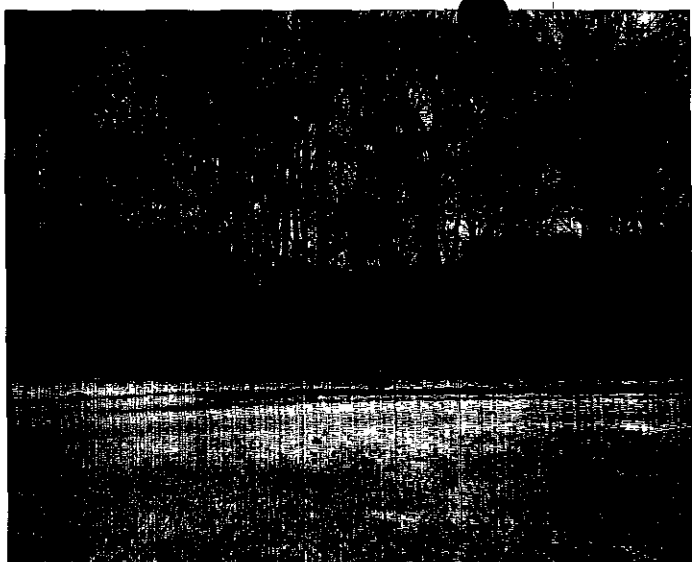


SCALE: 1" = 200'

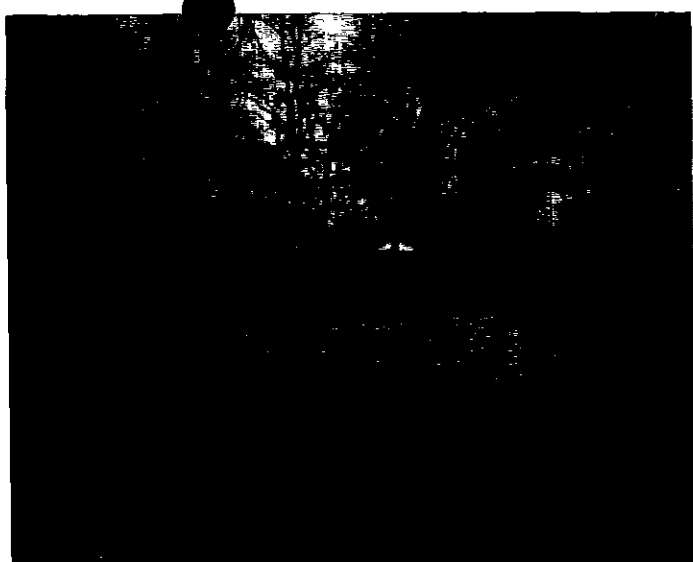
S.E. 61

01-251-SPHA

E FOREST



1



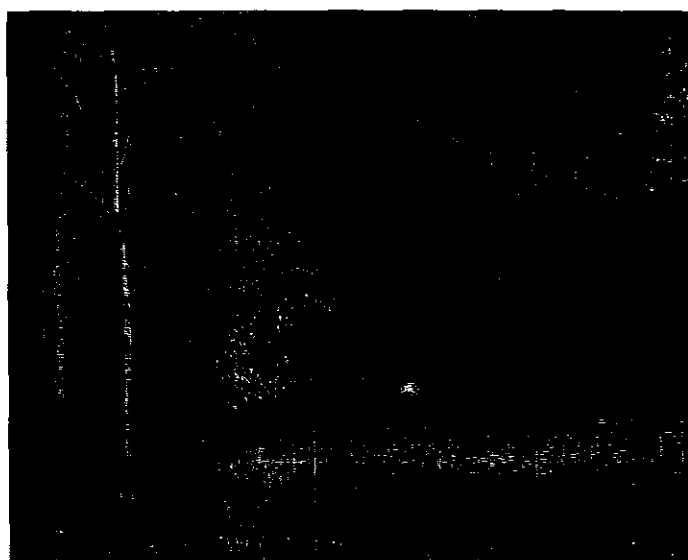
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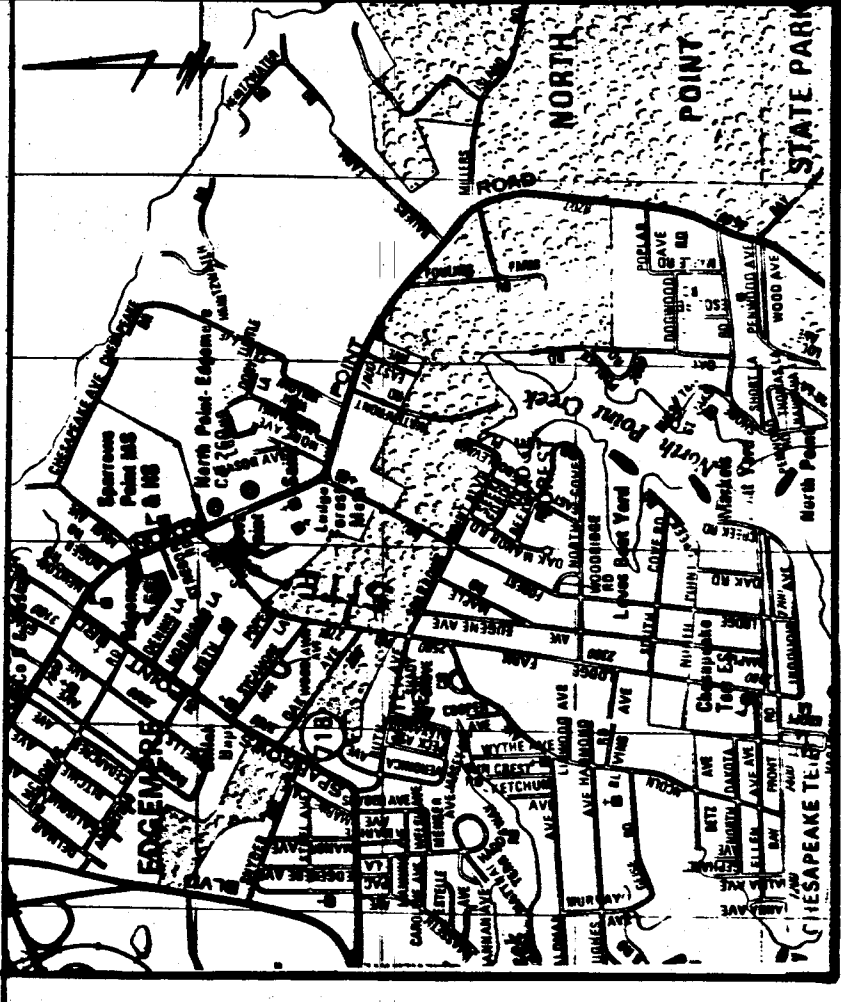


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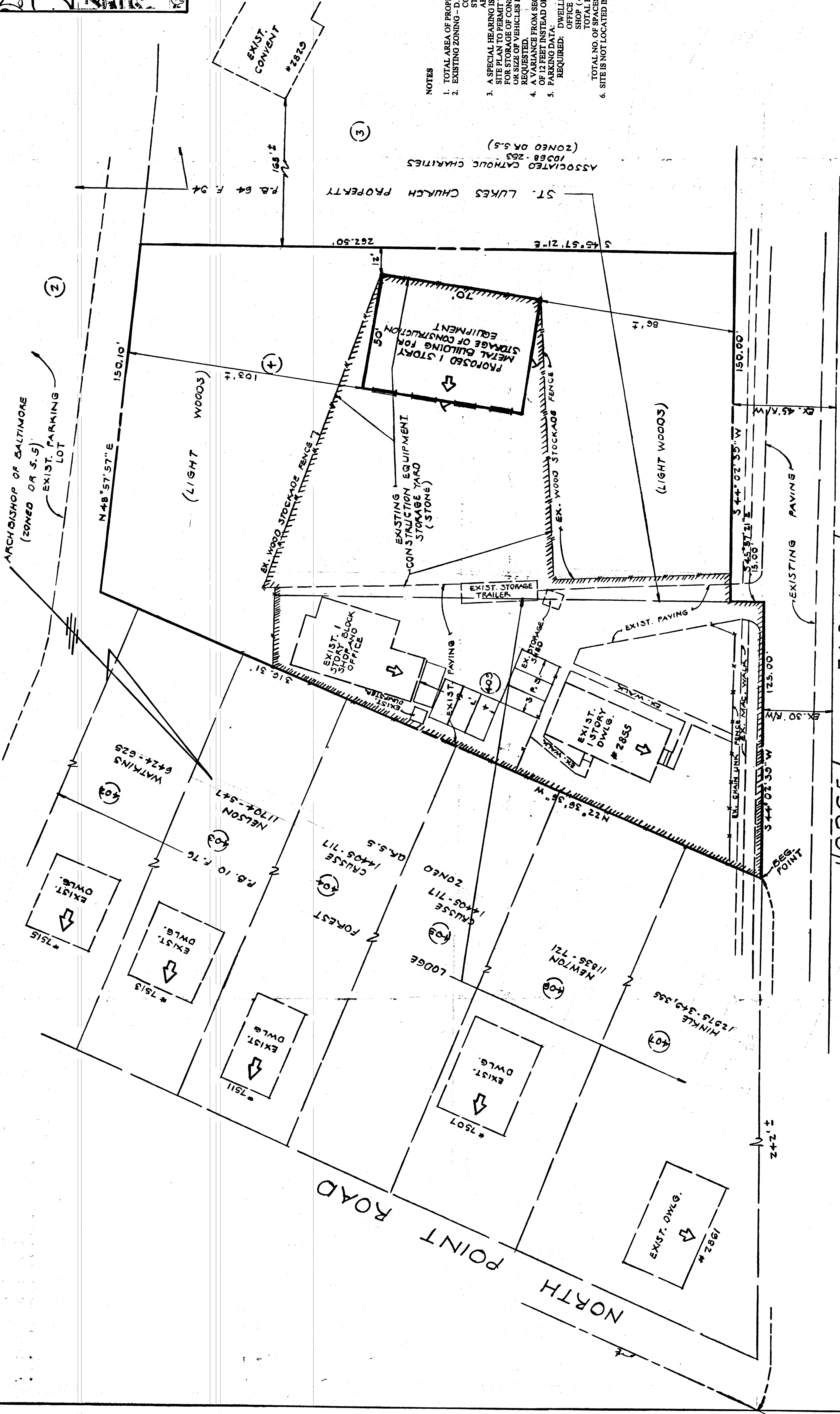


5

Ref No 3



VICINITY MAP
SCALE 1" = 2000'



NOTES

1. TOTAL AREA OF PROPERTY = 1.340 ACRES
2. EXISTING ZONING = DR 5.5 (ZONED DR 5.5)
3. A SPECIAL HEARING IS REQUESTED TO ALLOW A REVISION TO THE APPROVED SITE PLAN TO PERMIT THE CONSTRUCTION OF A 50' X 70' (3500 S.F.) BUILDING FOR STORAGE OF CONSTRUCTION EQUIPMENT. NO INCREASE IN THE NUMBER OF VEHICLES PERMITTED UNDER THE NON-CONFORMING USE IS REQUESTED.
4. A VARIANCE FROM SECTION 1801.2C.1 IS REQUESTED TO ALLOW A REAR YARD OF 12 FEET INSTEAD OF THE REQUIRED 30 FEET.
5. PARKING DATA:
REQUIRED: DWELLING..... 2 SPACES
OFFICE (300 S.F. @ 1.3 SPACES / 100 S.F.)..... 4 SPACES
SHOP (4 EMPLOYEES @ 1 SPACE / EMPLOYEE)..... 4 SPACES
TOTAL REQUIRED..... 10 SPACES
TOTAL NO. OF SPACES PROVIDED..... 7 SPACES
6. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.

PLAN TO ACCOMPANY
PETITION FOR
VARIANCE & SPECIAL HEARING
2855 LODGE FARM ROAD
ELECT. DIST. 15.67 BALTO. CO. MARYLAND
SCALE: 1" = 20' NOVEMBER 15, 2000

OWNERS
LILLIE E. GRAY EUGEN
THOMAS E. GRAY, JR. THOMAS E. GRAY SR.
2855 LODGE FARM ROAD
BALTO., MD. 21215

01-251-SP4A

LODGE FARM ROAD

ROBERTS
6128-3355

SINGLE FAMILY DWELLINGS
YOST
11725-683,633

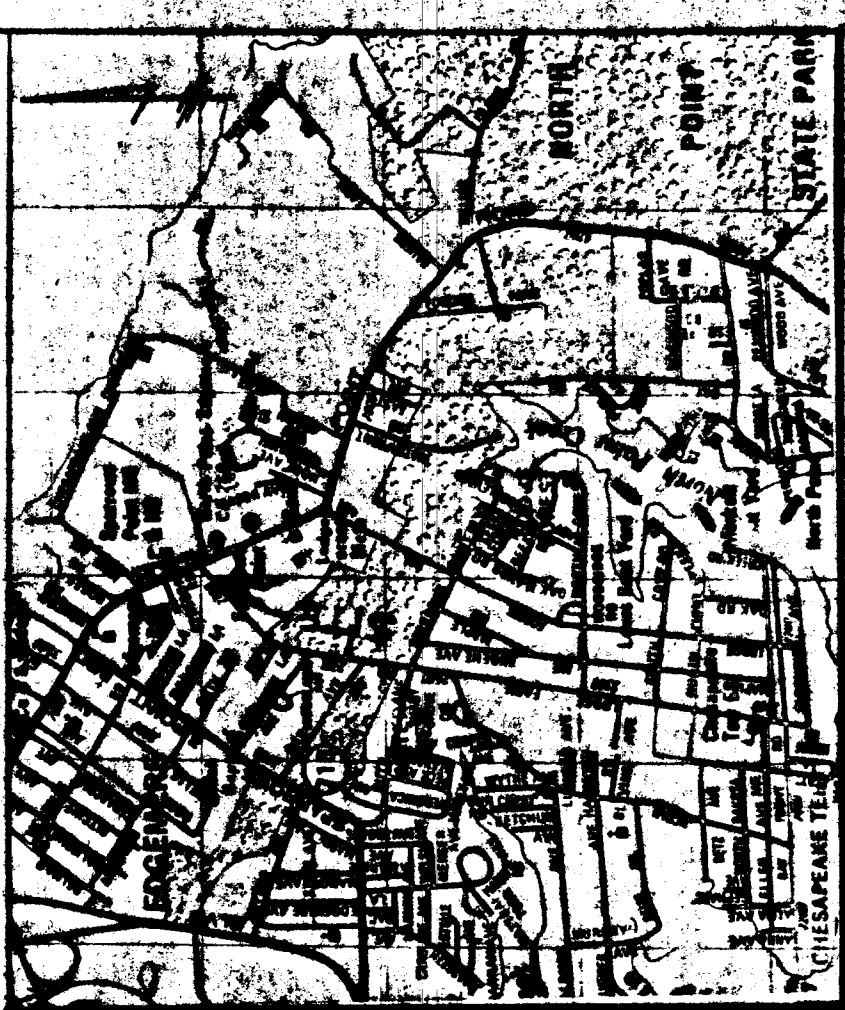
MORGENTHAU
8241-51

CARTWRIGHT
8921-53

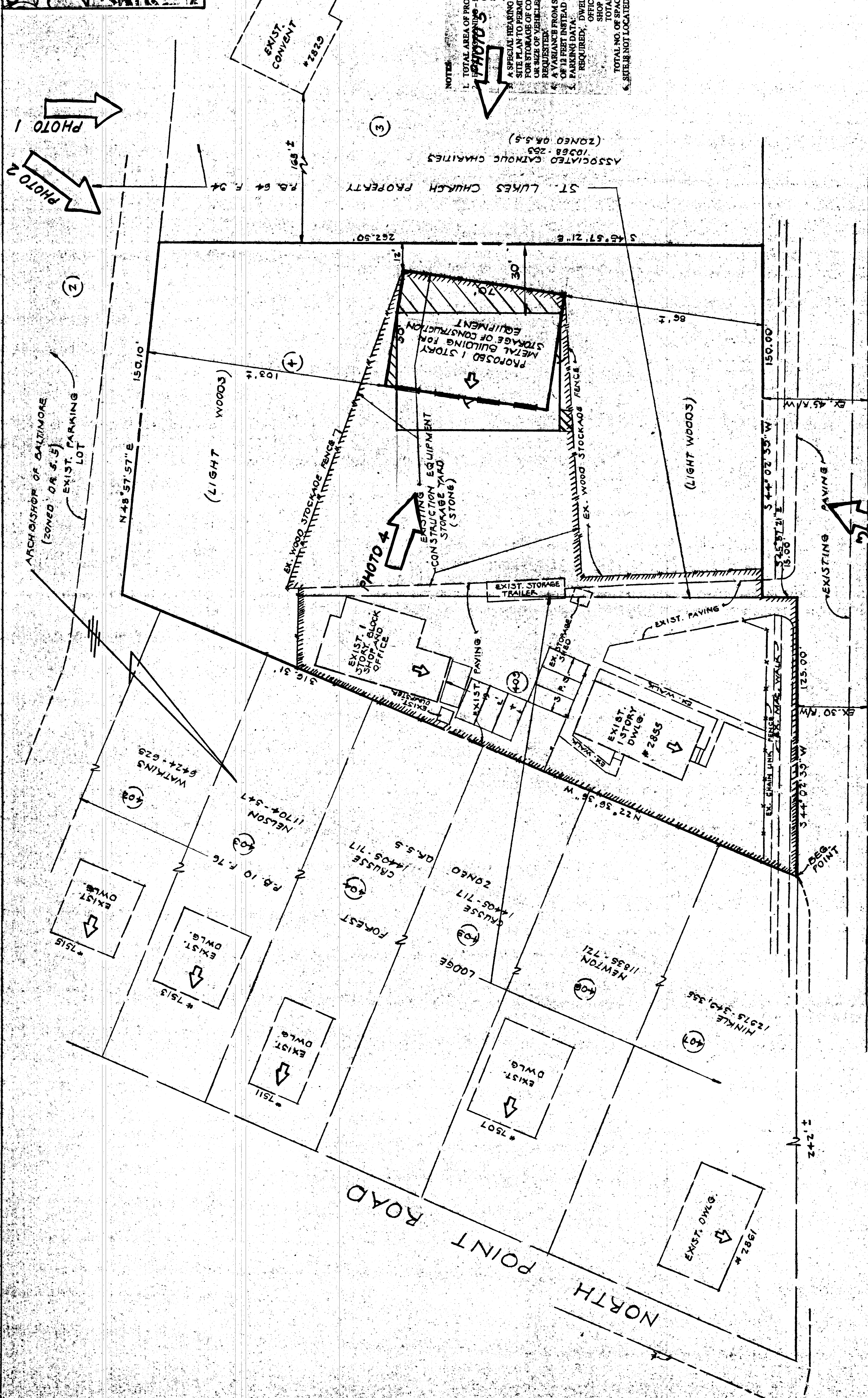
John Dinga



CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719



VICINITY MAP
SCALE 1" = 2000'



NOTES

- 1. TOTAL AREA OF PROPERTY = 1.340 ACRES
- 2. CONFORMING TO D.R. 5.5 WITH 0.72 ACRES APPROVED AS A NON-CONFORMING USE FOR CONSTRUCTION EQUIPMENT STORAGE YARD PER CASE NO. 95-515PH
- 3. AREA SHOWN THIS ON PLAN IS EXISTING
- 4. A SPECIAL HEARING IS REQUIRED TO ALLOW A REVISION TO THE APPROVED SITE PLAN TO PERMIT THE CONSTRUCTION OF A 10,000 S.F. (200' X 50') BUILDING FOR STORAGE OF CONSTRUCTION EQUIPMENT AND MATERIALS. THE BUILDING OR SIZE OF VEHICLES PERMITTED UNDER THE NON-CONFORMING USE REQUESTED.
- 5. A VARIANCE FROM SECTION 1801.2C.1 IS REQUIRED TO ALLOW A REAR YARD OF 13 FEET INSTEAD OF THE REQUIRED 30 FEET.
- 6. PARKING DATA:
 - OFFICE (300 S.F. @ 3.3 SPACES / 1000 S.F.) 2 SPACES
 - SHOP (4 EMPLOYEES @ 1 SPACE / EMPLOYEE) 4 SPACES
 - TOTAL REQUIRED 7 SPACES
 - TOTAL NO. OF SPACES PROVIDED 7 SPACES
- 7. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA

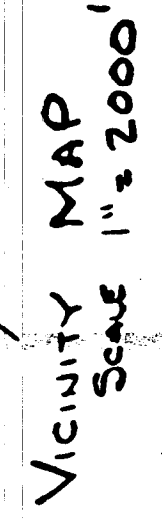
PLAN TO ACCOMPANY
PETITION FOR
VARIANCE & SPECIAL HEARING
2855 LODGE FARM ROAD
ELECT. DIST. 15, C7 BALTO. CO. MARYLAND
SCALE: 1" = 20'
NOVEMBER 15, 2000

OWNERS
LILLIE P. GAFF, PUGH
THOMAS E. GAFF, JR. THOMAS E. GAFF, SR.
2855 LODGE FARM ROAD
BALTO., MD. 21223

John D. Long



CENTRAL DRAFTING & DESIGN, INC.
201 CHARWOOD COURT
BETHESDA, MD 20814
(301) 470-4710

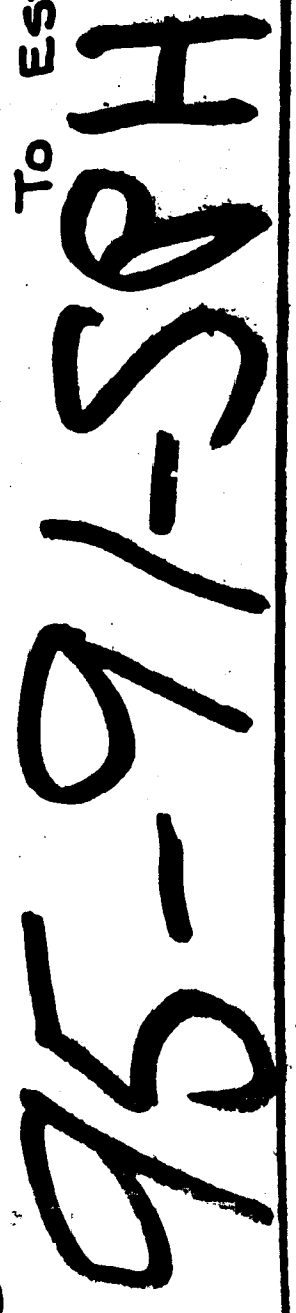


ZONED: D.R. 5.5 - (SE - GI)
 PROPERTY ACREAGE - 1.34 AC. ±
 LOTS NOT IN CHESAPEAKE BAY CRITICAL AREA
 * EXISTING UTILITIES - PUBLIC WATER & SEWER

**SPECIAL HEARING: PLAN FOR
2855 LODGE FARM ROAD
BALTIMORE COUNTY, MARYLAND
IN ELECTING DISTRICT - 7TH CONGRESSIONAL DISTRICT
PLAT TO ACCOMPANY PETITION
FOR NON-CONFORMING USE AND
EXPANSION APPROVAL HEARING**

SCALE 1" = 20' DATE 8/7/94 SHEET 1 OF 1

FILE REF.



**HOPKINS ENGINEERING
18 BRIGHT STAR COURT
BALTIMORE, MARYLAND 21206
PHONE: 866-8226**