IN RE: PETITIONS FOR SPECIAL EXCEPTION E/S Hanover Pike, 3,500' S of Emory Road (14911 Hanover Pike) 4th Election District 3rd Council District	* * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
James L. Yirka, et ux Petitioners	* *	Cases Nos. 02-479-X & 02-480-X

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception filed by the owners of the subject property, James L. and Karen L. Yirka, through their attorney, F. Vernon Boozer, Esquire. The requests were consolidated and heard at a single public hearing. In Case No. 02-479-X, the Petitioners request a special exception for a horticultural nursery operation on the subject property, and in companion Case No. 02-480-X, special exception relief is requested for a firewood operation. The subject property and requested relief are more particularly shown on the site plan submitted into evidence and marked as Petitioner's Exhibit 6.

Appearing at the requisite public hearing in support of the requests were James Yirka, property owner, Vincent Moskunas, on behalf of Site Rite Surveying, Inc., the consultants who prepared the site plan for this property, and F. Vernon Boozer, Esquire, attorney for the Petitioners. A number of residents from the surrounding locale appeared as Protestants in the matter, including George Harmon, Sid Trump, Richard and Carol Isaac, Glenn Elseroad and George Neubeck.

The instant Petitions were filed as the result of an active zoning violation. The Petitioners have owned the property since 1997 and since that time, the property and uses thereon have been the subject of ongoing complaints from the neighbors. The Petitioners filed the instant Petitions in an effort to legitimize their operation and significant testimony and evidence were received at the hearing from both sides regarding the use of the property.

ORDER RECEIVED FOR FILING
Date 8/13/02
By

As shown on the site plan, the subject property is a rectangular shaped parcel containing approximately 3.3 acres in area, zoned R.C.2. Testimony indicated that although the property is unimproved, it is used in connection with an off-site tree-trimming business owned by Mr. Yirka. Specifically, the property is used to store and process firewood. Mr. Yirka testified that tree branches are cut into useable firewood pieces and stored on the premises for curing purposes. In addition, Mr. Yirka has planted evergreen and deciduous trees, azaleas and other shrubs on the site in connection with a horticultural nursery operation. He testified that these products are sold on a wholesale/retail basis. In addition to these products, the Petitioners also store and sell mulch from the premises.

The Protestants who testified described the operation in an entirely different manner. They believe that the property is being used as a junkyard or dump. Both sides submitted photographs depicting conditions on the property. Additionally, the Protestants produced a video that was recorded immediately prior to the hearing depicting the subject site and operations thereon. The Protestants generally object to the use of the property, given its unsightly appearance.

There are a number of land uses defined in Section 101 of the B.C.Z.R. that are relevant to rendering a decision in this case. Initially, it is to be noted that "agricultural-commercial" is defined in the B.C.Z.R. as "The use of land, including ancillary structures and buildings, to cultivate plants, or raise or keep animals for income..." Commercial agriculture includes forestry and similar activities. The term "farm" is defined in Section 101 of the B.C.Z.R. as "Three acres or more of land, and any improvements thereon, used primarily for commercial agriculture, as defined in these regulations, or for residential and associated agricultural uses." It is to be noted that "farm" does not include landscape service operations, firewood operations, or horticultural nursery operations. (Farms are permitted by right in the R.C.2 zones, pursuant to Section 1A01.2.B.2 of the B.C.Z.R.)

Turning to the Petitions for Special Exceptions, attention is first given to the uses requested therein. A horticultural nursery operation is "An agricultural operation primarily engaged in the production and marketing of trees, shrubs and plants. The plant materials may be produced on the premises and may be purchased elsewhere at any stage of maturity for further production..."

ORDER RECEIVED FOR FILING
Date 8/15/12
By

In the alternative, the Petitioners request approval of a firewood operation. A "firewood operation" is defined under the B.C.Z.R. as "The business of processing wood so that it can be marketed and burned as fuel."

The Petitioners first argued that their operation is that of a farm and therefore permitted as of right. If not a farm, the Petitioners seek alternative special exception relief as set forth above. At the quasi-judicial/administrative hearing conducted on this matter, the undersigned was provided the opportunity to judge the credibility of the witnesses. The photographs and video produced at the hearing also provided insight as to the actual agricultural operations on the property.

In my judgment, it is clear that the use of the property as described above is not a farm. Forestry operations are considered part of commercial agricultural operations; however, the testimony and evidence offered was persuasive that the Petitioner's planting of trees and shrubs on the property is but a minor aspect of the ongoing use of the site. Despite Mr. Yirka's testimony to the contrary, the photographs and video tape submitted show little evidence of an active tree farm or plant-growing operation. Therefore, I do not find the use to be a farm and do not consider the use of the property to include forestry operations.

As noted above, the property is zoned R.C.2. The basis of the R.C.2 zoning classification is to foster conditions favorable to continued agricultural use. (See Section 1A01.1.B.) The subject site also abuts Hanover Road (Maryland Route 30). This is a major arterial roadway in this rural section of Baltimore County. Finally, it is to be noted that there are commercial uses immediately adjacent to the subject property. In most circumstances, these factors would be persuasive to a finding that special exception relief should be granted for a horticultural nursery operation or firewood operation. Properly managed operations of the permitted uses as described above would be an appropriate land use of this parcel; however, Mr. Yirka's operation on the subject site is troubling. The testimony and evidence offered was overwhelming that he does not use the property as either a horticultural nursery or firewood operation. Rather, it is used as a dumping ground for by-products associated with his off-site tree trimming business. Onsite

ORDER RECEIVED FOR FILING
Date 8/13/02
By

activities as presently conducted are obnoxious to the neighbors and detrimental to the health, safety and general welfare of the locale. Under these circumstances, the following findings are rendered.

First, as noted above, I find that the property is not a farm in that the use is not commercial agriculture, as defined under Section 101 of the B.C.Z.R. Secondly, although a firewood operation or horticultural nursery operation might well be appropriate for this site, special exception approval cannot be given in view of the present use of the property. Thus, the instant Petitions will be denied. However, were Mr. Yirka to clean up the site and provide proper assurance that a horticultural nursery operation and/or firewood operation would be appropriately conducted on the property, special exception relief might be granted. In this regard, the requirements of Section 500.12 of the B.C.Z.R. are noted. When special exception relief is denied, that Section prohibits the Zoning Commissioner from considering any other Petition for Special Exception with respect to the same property until at least 18 months have passed from the date of the final Order related to the previous Petition. Thus, a waiver of that requirement is appropriate in this instance. Should Mr. Yirka cease dumping operations, clean up the site, and provide an appropriate plan for future use of the property as a firewood operation and/or horticultural nursery operation, a new Petition for Special Exception could be appropriately filed and considered.

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 denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of August, 2002 that the Petitions for Special Exception seeking approval of the subject property as a horticultural nursery operation and/or firewood operation, in accordance with Petitioner's Exhibit 6, be and are hereby DENIED.

IT IS FURTHER ORDERED that any appeal of this decision must be filed within thirty (30) days of the date of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 8/13/02
By

IN THE MATTER OF: **JAMES L. YIRKA, ET UX.** Petitioners 14911 Hanover Pike	*	**BEFORE THE**
	*	**BALTIMORE COUNTY**
	*	**BOARD OF APPEALS**
SE For Horticultural Nursery **SE For Firewood Operation** 4th Election District; 3rd Councilmanic District	* * *	Case No. 02-479-X 02-480-X

* * * * * * * * * * * *

OPINION AND ORDER

This matter comes before the Board of Appeals for consideration of Petitions for Special Exceptions filed by the owners of the subject property, James L. and Karen L. Yirka, through their attorney, F. Vernon Boozer, Esquire. The petitions were consolidated into a single hearing. The Petitioners request a Special Exception for a horticultural nursery operation and a firewood operation on the subject property.

Protestants, Hanover Road Association, Inc., and Sid Trump, adjacent property owner and others attending this Board's Hearing on September 25, 2003, were represented by J. Carroll Holzer, Esq. and appeared to oppose the Petitions.

The parties, through their attorneys orally presented to the Board a Settlement Agreement negotiated and agreed upon, the substance of which was acknowledged by the parties before this Board. The Board hereby adopts and incorporates the verbal Agreement as presented in the official transcript recorded by Gore Brothers (**Exhibit A**) as documentation of the agreed upon terms as if it were fully set forth herein as part of our Opinion and Order.

ORDER

It is this 10th day of ~~September~~ October, 2003, **ORDERED** that upon Petitioners' Motion, the Petitions for Special Exception in Case Nos. 02-479-X and 02-480-X be dismissed as part of an Agreement with Protestants, subject to the terms and conditions set forth in the Agreement between the parties. Further, that the time for complying with the conditions of the Agreement shall begin to run from the date of the hearing on September 25, 2003.

Lawrence M. Stahl, Chair

Charles L. Marks, Member

Melissa Moyer Adams, Member

Reviewed By:

J. Carroll Holzer (S.L.)
J. Carroll Holzer

F. Vernon Boozer

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 10, 2003

F. Vernon Boozer, Esquire
James V. McFaul, Esquire
COVAHEY & BOOZER, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: *In the Matter of: Mr. and Mrs. James L. Yirka - Legal Owners /Petitioners*
Case No. 02-479-X and Case No. 02-480-X

Dear Mr. Boozer:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

Enclosure

c: Mr. and Mrs. James L. Yirka
J. Carroll Holzer, Esquire
Hanover Road Association /George Harman, Pres.
George Harman, Individually
George Neubeck, Individually
Sheila M. Becker
Sid Trump
Mr. & Mrs. Richard Isaac
Glen Elseroad
Terry Brook, Assistant A.G. /MDE
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, Code Enforcement /PDM **(Case No. 98-0175)**
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Zoning Commissioner

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

August 15, 2002

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION
E/S Hanover Pike, 3500' S of Emory Road
(14911 Hanover Pike)
4th Election District – 3rd Council District
James L. Yirka, et ux - Petitioners
Cases Nos. 02-479-X and 02-480-X

Dear Mr. Boozer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception have been denied, 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. & Mrs. James L. Yirka, 2910 Patricia Court, Manchester, Md. 21102
Mr. George Harman, 5429 Weywood Drive, Reisterstown, Md. 21136
Mr. Sid Trump, 30 Pinebark Court, Cockeysville, Md. 21030
Mr. & Mrs. Richard Isaac, 15003 Hanover Road, Upperco, Md. 21155
Mr. Glenn Elseroad, 5423 Mt. Gilead Road, Reisterstown, Md. 21136
Mr. George Neubeck, 14301 Hanover Pike, Reisterstown, Md. 21136
Code Enforcement Division, DPDM; People's Counsel; Case File

Printed with Soybean Ink

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 14911 HANOVER PIKE (front)
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

HORTICULTURAL NURSERY OPERATION

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:

F. Vernon Boozer
Name - Type or Print

Signature

Company

614 Bosley Ave — 410-828-9441
Address — Telephone No.

Towson — Md — 21204
City — State — Zip Code

Legal Owner(s):

JAMES L. YIRKA
Name - Type or Print

Signature

KAREN LYNN YIRKA
Name - Type or Print

Signature

2910 Patrick Rd — 410-239-6888
Address — Telephone No.

Manchester — MD — 21102
City — State — Zip Code

Representative to be Contacted:

A Bove
Name

Address — Telephone No.

City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____
Reviewed By JNP Date 4/30/02

ORDER RECEIVED FOR FILING
Date 5/16/02
By

Case No. 02-479-X

REV 09/15/98

April 30,2002

Zoning Description for #14911 Hanover Pike, Horticultural Nursery Operation:

Beginning at a point on the east side of Hanover Pike (Route No. 30) which is 80 feet wide at the distance of 3,400 feet south of the centerline of Emory Road (Route No. 91) which is 80 feet wide. Thence the following courses and distances as recorded in the Land Records of Baltimore County in Deed Liber 14336, folio 663:

S 82 degrees 30 minutes East, 476 feet; thence for a new line of division for zoning S 07 degrees 30 minutes West, 300 feet; thence N 82 degrees 30 minutes West, 476 feet and thence N 07 degrees 30 minutes East, 300 feet to the place of beginning.

Containing 3.3 acres of land, more or less. Also known as #14911 Hanover Pike and located in the 4th. Election District and the 3rd. Councilmanic District.

STATE OF MARYLAND
J. TILGHMAN DOWNEY
No. 114
REGISTERED
PROPERTY LINE SURVEYOR

J. Tilghman Downey, Jr.

02-479-X

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: #02-479-X
14911 Hanover Pike
E/S of Hanover Pike, 3400' S of Emory Road
4th Election District
3rd Councilmanic District
Legal Owner(s): James L. & Karen L. Yirka
Special Exception: to use the property for horticultural nursery operation.
Hearing: Friday, August 2, 2002 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.
7/146 July 18 C550831

CERTIFICATE OF PUBLICATION

7/18/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/18/, 2002.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

DATE 9-16-02 ACCOUNT 001 006 6150

AMOUNT $ 570.00

RECEIVED FROM: F. VERNON BOOZER
COVAHEY + BOOZER

FOR: TWO APPEALS @ 285.00 EACH
02-479-X + 02-480-X

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 133426

DATE 4/30/02 ACCOUNT R-001-006-6150

AMOUNT $ 250.00

RECEIVED FROM: [illegible]

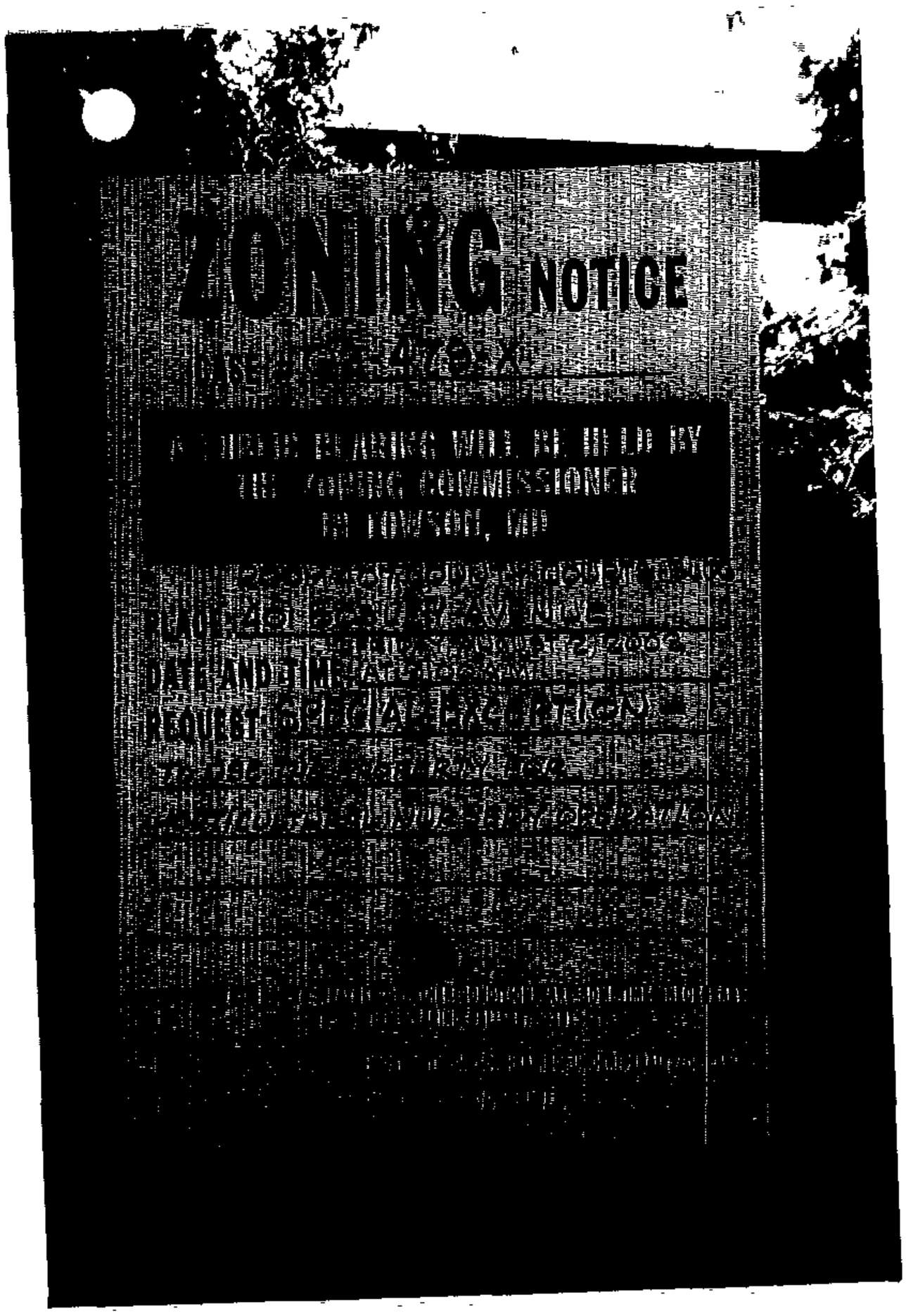
FOR: [illegible] (front property)

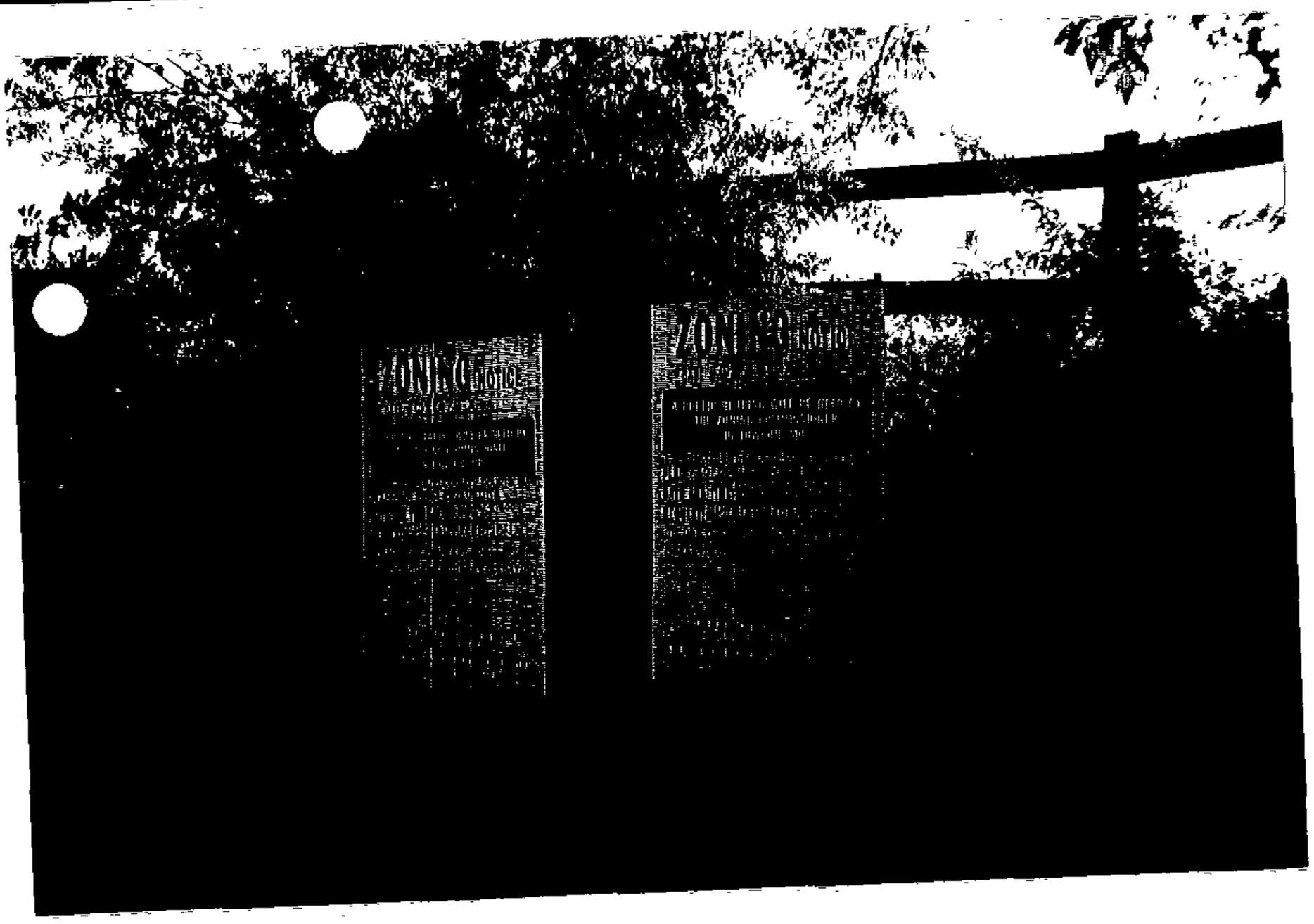
[illegible]

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME
5/01/2002 4/30/2002 15:16:20
REG W901 WALKIN JRIC JRK DRAWER 1
RECEIPT # 108925 4/30/2002 OFLH
5 630 ZONING VERIFICATION
CR NO. 013536
Rcpt Tot $250.00
250.00 CK .00 CA

CASHIER'S VALIDATION


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


ZONING NOTICE
ZONING NOTICE

CERTIFICATE OF POSTING

RE: Case No.: 02-479-X

Petitioner/Developer: JAMES & KAREN YINKA

Date of Hearing/Closing: 8-2-02

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

14911 HANOVER PIKE

The sign(s) were posted on JULY 16, 2002
(Month, Day, Year)

Sincerely,

(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(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: #02-479-X
14911 Hanover Pike
E/S of Hanover Pike, 3400' S of Emory Road
4th Election District
3rd Councilmanic District
Legal Owner(s): James L. & Karen L. Yirka
Special Exception: to use the property for horticultural nursery operation.
Hearing: Wednesday, June 26, 2002 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.

JT/6/674 June 11 C644256

CERTIFICATE OF PUBLICATION

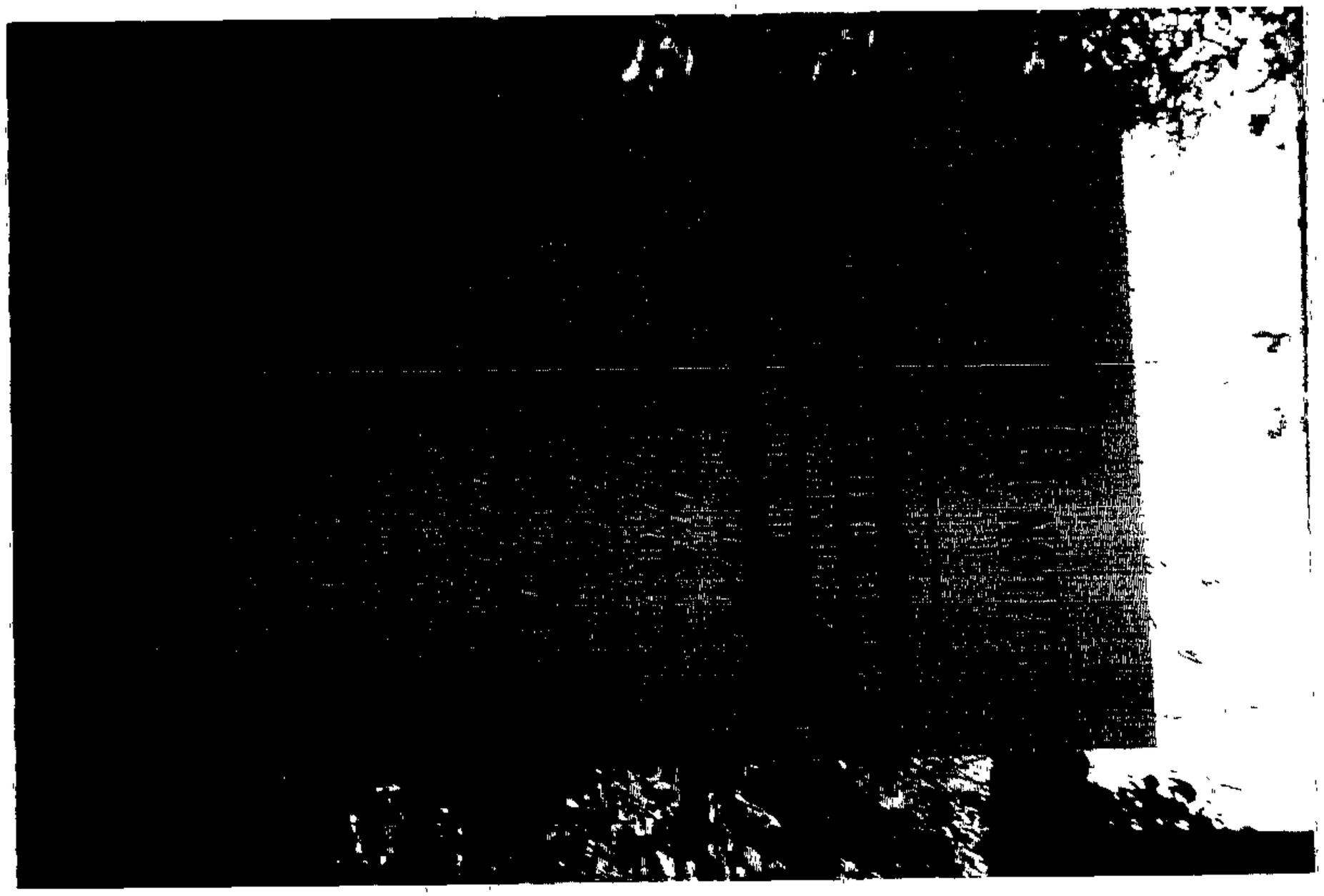
6/13/, 2002

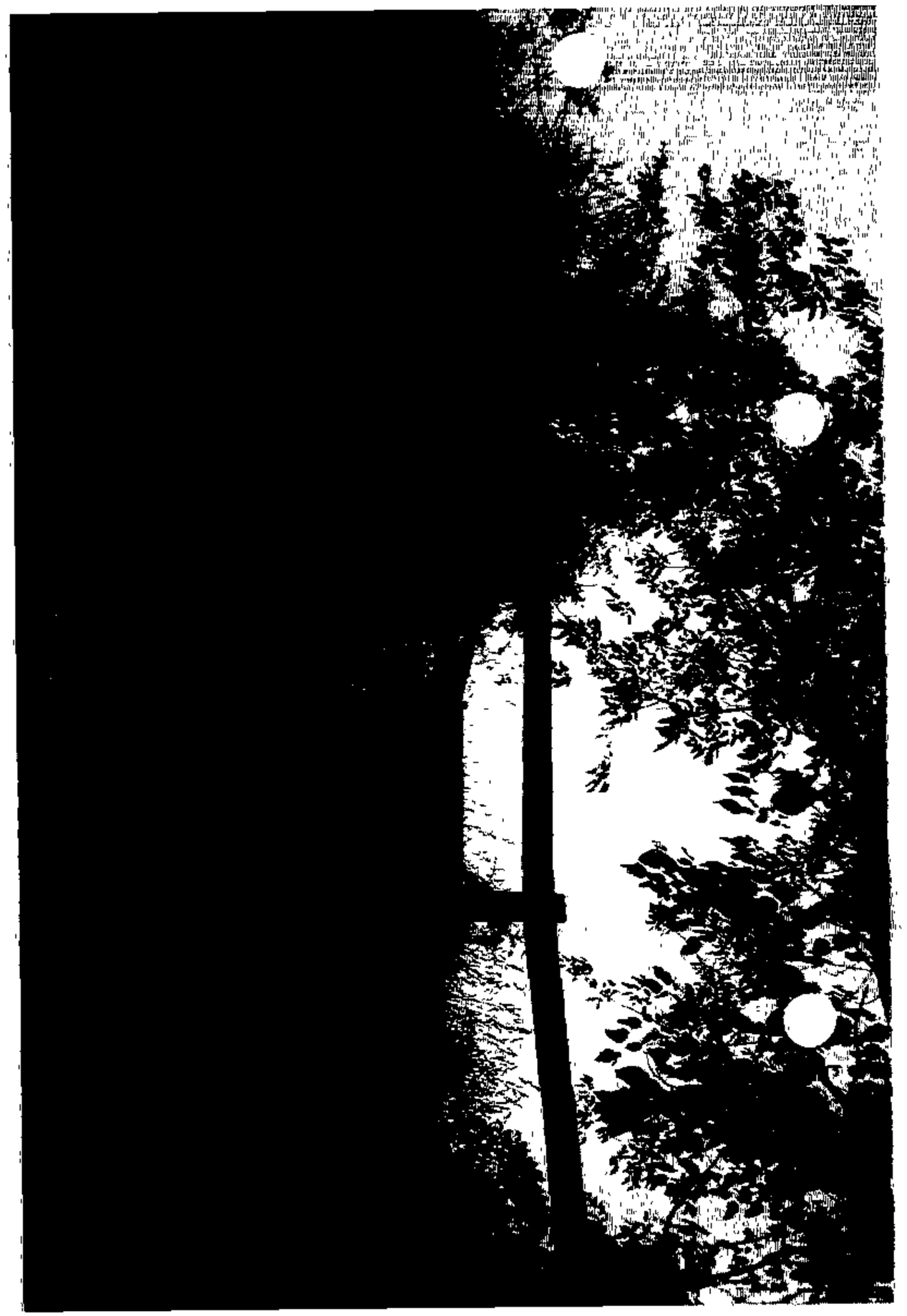
THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/11/, 2002.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING





CERTIFICATE OF POSTING

RE: Case No.: 02-479-X

Petitioner/Developer:

MR. & MRS. JAMES L. YIRKA

Date of Hearing/Closing: 6-26-02

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

14911 HANOVER PIKE

The sign(s) were posted on JUNE 10, 2002
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

APPEAL SIGN POSTING REQUEST

CASE NO.: 02-479-X

James L. Yirka and Karen Lynn Yirka - LEGAL OWNERS

14911 Hanover Pike – ~~Upperco, MD~~ Reisterstown, 21136

4th ELECTION DISTRICT

APPEALED: 9/13/2002

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

APPEAL SIGN POSTING REQUEST

CASE NO.: 02-479-X

James L. Yirka and Karen Lynn Yirka - LEGAL OWNERS

14911 Hanover Pike – ~~Upperco, MD~~ Reisterstown 21136

4th ELECTION DISTRICT APPEALED: 9/13/2002

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No.: 02-479-X

Petitioner/Developer:

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

The sign was posted on 11/4, 2002

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

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: 02-479-X

Petitioner: Yirka

Address or Location: 14911 Hanover Pike (front)

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMES & KAREN YIRKA

Address: 2910 PATRICIA CT.
MANCHESTER, MD. 21102-1848

Telephone Number: 410-239-6888

Revised 2/20/98 - SCJ

Case #

02-479-X

work with

02-480-X

GO BACK

02-479 X
02-480 X

Back to Back.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 11, 2002 Issue – Jeffersonian

Please forward billing to:
James Yirka
2910 Patricia Court
Manchester MD 21102-1848

410 239-6888

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: 02-479-X
14911 Hanover Pike
E/S of Hanover Pike, 3400' S of Emory Road
4th Election District – 3rd Councilmanic District
Legal Owner: James L & Karen L Yirka

Special Exception to use the property for horticultural nursery operation.

HEARING: Wednesday, June 26, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
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.

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

May 23, 2002

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: 02-479-X
14911 Hanover Pike
E/S of Hanover Pike, 3400' S of Emory Road
4th Election District – 3rd Councilmanic District
Legal Owner: James L & Karen L Yirka

Special Exception to use the property for horticultural nursery operation.

HEARING: Wednesday, June 26, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ
Director

C: F. Vernon Boozer, 614 Bosley Avenue, Towson 21204
Mr. & Mrs. James L Yirka, 2910 Patricia Court, Manchester 21102

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 11, 2002.**
(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.

Printed with Soybean Ink

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

June 27, 2002

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: 02-479-X
14911 Hanover Pike
E/S of Hanover Pike, 3400' S of Emory Road
4th Election District – 3rd Councilmanic District
Legal Owner: James L & Karen L Yirka

Special Exception to use the property for horticultural nursery operation.

HEARING: Friday, August 2, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ
Director

C: F. Vernon Boozer, 614 Bosley Avenue, Towson 21204
Mr. & Mrs. James L Yirka, 2910 Patricia Court, Manchester 21102
George Neubeck, Chairman, Hanover Road Association Inc,
P O Box 70, Boring 21020
Bob Walker, 14625 Hanover Road,

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 18, 2002.**
(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.

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TO: PATUXENT PUBLISHING COMPANY
Thursday, July 18, 2002 Issue – Jeffersonian

Please forward billing to:
James Yirka
2910 Patricia Court
Manchester MD 21102-1848

410 239-6888

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: 02-479-X
14911 Hanover Pike
E/S of Hanover Pike, 3400' S of Emory Road
4th Election District – 3rd Councilmanic District
Legal Owner: James L & Karen L Yirka

Special Exception to use the property for horticultural nursery operation.

HEARING: Friday, August 2, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
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.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

PP'd @ req of Counsel for Petitioner - Dct conflict (letter in 02-479)

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

March 12, 2003

NOTICE OF ASSIGNMENT

CASE #02-479-X **IN THE MATTER OF: JAMES L. YIRKA, ET UX**
- Petitioners 14911 Hanover Pike 4th E; 3rd C

SE – For horticultural nursery operation on subject property

AND

CASE #02-480-X SE – For firewood operation on subject property

8/15/02 – Petitions for Special Exception **DENIED** by ZC (in both Case No. 02-479-X and Case No. 02-480-X).

ASSIGNED FOR: **THURSDAY, MAY 15, 2003 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Petitioners : F. Vernon Boozer, Esquire
Appellants /Petitioners : Mr. and Mrs. James L. Yirka

George Harman
Sid Trump
Mr. & Mrs. Richard Isaac
Glen Elseroad
George Neubeck

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, Code Enforcement /PDM **(Case No. 98-0175)**
Arnold Jablon, Director /PDM

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

pp'd 40 6/25/03 @ req. of counsel for Petitioner

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 17, 2003

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #02-479-X — **IN THE MATTER OF: JAMES L. YIRKA, ET UX**
- Petitioners 14911 Hanover Pike 4th E; 3rd C
SE – For horticultural nursery operation on subject property

AND
CASE #02-480-X — SE – For firewood operation on subject property

8/15/02 – Petitions for Special Exception **DENIED** by ZC (in both Case No. 02-479-X and Case No. 02-480-X).

which was assigned to be heard on 5/15/03 has been **POSTPONED** at the request of Counsel for Petitioners due to Circuit Court schedule conflict; and has been

REASSIGNED FOR: **THURSDAY, JUNE 5, 2003 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco, Administrator

c: Counsel for Appellants /Petitioners : F. Vernon Boozer, Esquire
Appellants /Petitioners : Mr. and Mrs. James L. Yirka

Sheila M. Becker
George Harman
Sid Trump
Mr. & Mrs. Richard Isaac
Glen Elseroad
George Neubeck

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, Code Enforcement /PDM **(Case No. 98-0175)**
Arnold Jablon, Director /PDM

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

PP'd - req. of Counsel for Protestants to 9/25/03

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

May 23, 2003

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #02-479-X — **IN THE MATTER OF: JAMES L. YIRKA, ET UX**
- Petitioners 14911 Hanover Pike 4th E; 3rd C
SE – For horticultural nursery operation on subject property

AND
CASE #02-480-X — SE – For firewood operation on subject property

8/15/02 – Petitions for Special Exception **DENIED** by ZC (in both Case No. 02-479-X and Case No. 02-480-X).

which was reassigned to be heard on 6/05/03 has been **POSTPONED** at the request of Counsel for Petitioners due to unavailability of client (scheduled to be out of town that day for work-related matter); and has been

REASSIGNED FOR: **WEDNESDAY, JUNE 25, 2003 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco, Administrator

c: Counsel for Appellants /Petitioners : F. Vernon Boozer, Esquire
Appellants /Petitioners : Mr. and Mrs. James L. Yirka

Sheila M. Becker
George Harman
Sid Trump
Mr. & Mrs. Richard Isaac
Glen Elseroad
George Neubeck

J. Carroll Holzer, Esquire

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, Code Enforcement /PDM **(Case No. 98-0175)**
Arnold Jablon, Director /PDM

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

June 2, 2003

THIRD NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #02-479-X — **IN THE MATTER OF: JAMES L. YIRKA, ET UX**
- Petitioners 14911 Hanover Pike 4th E; 3rd C
SE – For horticultural nursery operation on subject property

AND
CASE #02-480-X — SE – For firewood operation on subject property

8/15/02 – Petitions for Special Exception **DENIED** by ZC (in both Case No. 02-479-X and Case No. 02-480-X).

which was reassigned to be heard on 6/25/03 has been **POSTPONED** at the request of Counsel for Protestants due to previously scheduled conflict for the week of June 23; and has been

REASSIGNED FOR: **THURSDAY, SEPTEMBER 25, 2003 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco, Administrator

c: Counsel for Appellants /Petitioners : F. Vernon Boozer, Esquire
Appellants /Petitioners : Mr. and Mrs. James L. Yirka

Counsel for Protestants : J. Carroll Holzer, Esquire
Protestants : Hanover Road Association /George Harman, Pres.
George Harman, Individually
George Neubeck, Individually

Sheila M. Becker
Sid Trump
Mr. & Mrs. Richard Isaac
Glen Elseroad

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, Code Enforcement /PDM **(Case No. 98-0175)**
Director, Department of Permits & Development Management

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Baltimore County
Department of Permits and
Development Management

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

June 21, 2002

Mr. & Mrs. James L Yirka
2910 Patricia Court
Manchester MD 21102

Dear Mr. & Mrs. Yirka:

RE: Case Number: 02-479-X, 14911 Hanover Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 30, 2002.

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: F Vernon Boozer, 614 Bosley Avenue, Towson 21204
People's Counsel

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Baltimore County
Department of Permits and
Development Management

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

July 26, 2002

F Vernon Boozer
614 Bosley Avenue
Towson MD 21204

Dear Mr. Boozer:

RE: Case Number: 02-479-A, 14911 Hanover Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 30, 2002.

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: Mr. & Mrs. James L Yirka, 2910 Patricia Court, Manchester 21102
George Neubeck, Chairman, Hanover Road Association Inc, P O Box 70, Boring 21020
Code Enforcement Officer Dennis Rioux
People's Counsel

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Sup 6/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 5, 2002

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

JUN - 6 2002

SUBJECT: 14911 Hanover Pike

INFORMATION:

Item Number: 02-479 & 02-480

Petitioner: James and Karen Yirka

Zoning: RC-2

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request providing the following conditions are met:

1. The subject site shall not be used for a landfill or for the permanent disposal of landscape or wood waste products or debris.
2. No burning of landscape or wood waste products shall be conducted on the subject site.
3. Submit a landscaper buffer plan to Avery Harden, Baltimore County Landscape Architect for review and approval prior to the issuance of any building permits.

Prepared by: Mark A. Cunningham

Section Chief: Lynn Lochar
AFK/LL:MAC:

JL
6/26

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS /TGT

DATE: June 20, 2002

SUBJECT: Zoning Item 480
Address 14911 Hanoverpike

Zoning Advisory Committee Meeting of May 13, 2002

See attached comments

Reviewer: Wally Lippincott Date: June 18, 2002

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5·14·02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 479 JNP

Dear Mr. Zahner:

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 30.
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,

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 29, 2002

FROM: Robert W. Bowling
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for May 13, 2002
Item No. *473, 475, 476, 477, 478, 479, 481, 482, 483, 484, 485, 486 and 487*

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

RWB:CEN
Cc: file

Baltimore County
Fire Department

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

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

May 9,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 13, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

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

472, 475-479 482-487

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

cc: File

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on Recycled Paper

BALTIMORE COUNTY, CORRESPONDENCE

INTER-OFFICE CORRESPONDENCE

DATE: May 7, 2003

TO: File/Yirka 80-X
02-479-X and 02-479-X

FROM: Theresa R. Shelton
Board of Appeals

SUBJECT: Video tape

May 6, 2003 Peter Zimmerman came into the office with 2 gentlemen to look at the file.

The men stated that there was a video presented at the zoning hearing.

May 7, 2003 Called Becky in PDM to inquire about a video. Becky checked both files and could not locate any video that was presented as evidence.

BALTIMORE COUNTY, MARYLAND
ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
Inter-Office Correspondence

DATE: June 18, 2002

TO: Development Coordination

FROM: Wally Lippincott, Jr.

RE: Special Exception –02-480x, 14911 Hanover Pike

Comments: Property is currently being used for a firewood operation. Firewood operation locations are needed in the County. This property has direct access to Rt 30, a major transportation corridor.

Recommendation: Recommend approval of firewood operation subject to the following condition. The storage of vehicles for the permitted use shall be limited to the area indicated in the center of the requested area only. Equipment is not to be stored elsewhere on the property as shown on the plan.

W S Lippincott Jr

Wallace S. Lippincott, Jr.

RE: PETITION FOR SPECIAL EXCEPTION 14911 Hanover Pike, E/S Hanover Pike, 3400' S of Emory Road 4th Election District, 3rd Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
Legal Owner: James L. & Karen L. Yirka Petitioner(s)	*	BALTIMORE COUNTY
	*	Case No. 02-479-X

* * * * * * * * * * * * * *

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of May, 2002 a copy of the foregoing Entry of Appearance was mailed to F. Vernon Boozer, Esq., Covahey & Boozer, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County
Zoning Commissioner

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

September 9, 2002

Mr. George Harman, President
Hanover Road Association, Inc.
P.O. Box 70
Boring, Md. 21020

RE: PETITIONS FOR SPECIAL EXCEPTION
(14911 Hanover Pike)
James L. Yirka, et ux – Petitioners
Cases Nos. 02-479-X and 02-480-X

Dear Mr. Harman:

In response to your letter of September 2, 2002 concerning the above-captioned matters, the following comments are offered.

By my Findings of Facts and Conclusions of Law and Order dated August 15, 2002, I denied the Petitions for Special Exception for a horticultural nursery operation (Case No. 02-479-X) and firewood operation (02-480-X). Section 400.12 of the Baltimore County Zoning Regulations (B.C.Z.R.) states, in part, "If a special exception petition has been denied, the Zoning Commissioner may not accept for filing any other special exception petition with respect to the same property or any part of that property until at least 18 months have passed from the date of the final Order relating to the previous Petition..."

For reasons set forth in my Order, I believed it appropriate to provide Mr. Yirka, or any subsequent owner of the property, the opportunity to file a new Petition for Special Exception prior to the expiration of the 18 month period from the date of my Order (February 15, 2004). Thus, I granted a waiver from that 18-month restriction. My authority for granting the waiver falls under Section 500.7 of the B.C.Z.R., which authorizes me, at my discretion, to pass such Orders as shall be necessary for the proper enforcement and interpretation of the zoning regulations. Additionally, Sections 502.1 and 502.2 of the B.C.Z.R. authorize the Zoning Commissioner to impose such conditions and restrictions as might be appropriate upon the grant of a special exception.

As to the other concerns raised in your letter, another public hearing will be held in the event Mr. Yirka or a subsequent property owner elects to file another Petition for Special Exception for the subject property. At that time, testimony and evidence will be received from all parties relative to the issues presented and a decision based thereon will be rendered.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Code Enforcement Division, DPDM; People's Counsel; Case File

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on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

August 19, 2003

F. Vernon Boozer, Esquire
COVAHEY & BOOZER, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: Case No. 02-479-X and Case No. 02-480-X
In the Matter of: James L. Yirka, et ux
Request for Postponement

Dear Mr. Boozer:

I am writing in response to your letter of August 14, 2003 in which you request a postponement of the hearing scheduled for September 25, 2003 in the subject matter.

These cases, which were decided by the Zoning Commissioner on August 15, 2002, have had a total of four assigned hearing dates before the Board, three of which (May 15, 2003; June 5, 2003; and June 25, 2003) were postponed. The September 25, 2003 date was assigned for these cases only after confirmation with counsel as to availability.

Therefore, your request for postponement is denied. The Board will convene on September 25, 2003 at 10:00 a.m. to hear the subject cases as scheduled.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco
Administrator

c: Mr. and Mrs. James L. Yirka
J. Carroll Holzer, Esquire
Hanover Road Association /George Harman, Pres.
George Harman, Individually
George Neubeck, Individually
Sheila M. Becker
Sid Trump
Mr. & Mrs. Richard Isaac
Glen Elseroad
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, Code Enforcement /PDM **(Case No. 98-0175)**
Timothy M. Kotroco, Director /PDM

FILE

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

To File

August 19, 2003

F. Vernon Boozer, Esquire
COVAHEY & BOOZER, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: Case No. 02-479-X and Case No. 02-480-X
In the Matter of: James L. Yirka, et ux
Request for Postponement

Dear Mr. Boozer:

I am writing in response to your letter of August 14, 2003 in which you request a postponement of the hearing scheduled for September 25, 2003 in the subject matter.

These cases, which were decided by the Zoning Commissioner on August 15, 2002, have had a total of four assigned hearing dates before the Board, three of which (May 15, 2003; June 5, 2003; and June 25, 2003) were postponed. The September 25, 2003 date was assigned for these cases only after confirmation with counsel as to availability.

Therefore, your request for postponement is denied. The Board will convene on September 25, 2003 at 10:00 a.m. to hear the subject cases as scheduled.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

c: Mr. and Mrs. James L. Yirka
J. Carroll Holzer, Esquire
Hanover Road Association /George Harman, Pres.
George Harman, Individually
George Neubeck, Individually
Sheila M. Becker
Sid Trump
Mr. & Mrs. Richard Isaac
Glen Elseroad
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, Code Enforcement /PDM **(Case No. 98-0175)**
Timothy M. Kotroco, Director /PDM

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INTERESTED CITIZEN

#02-479-X
#02-480-X

Bob Walker
14625 Hanover Rd.
Upperco MD 21155
410-526-1360

Notify him of new hearing date

RECEIVED
AUG 20 2003
DEPT OF PERMITS AND
DEVELOPMENT MANAGEMENT

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: November 24, 2003

TO: Timothy Kotroco, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
03-310-A	*03-310-A*	GRACE A.M.E.	671/2 WINTERS LANE 21228
02-479-X AND 02-480-X	*02-479-X AND 02-480-X*	JAMES AND KAREN YIRKA	14911 HANOVER PIKE 21136
03-267-A	*03-267-A*	KENNETH AND JUDY PETERS	9916 MARILYN ROAD 21128
03-548-SPH	*03-548-SPH*	JAMES KNITTLE	4305 BECKLEYSVILLE ROAD 21074

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;

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

September 16, 2002

Mr. George Harman
5429 Weywood Drive
Reisterstown MD 21136

Dear Mr. Harman:

RE: Case No. 02-479-X, 14911 Hanover Pike

Please be advised that an appeal of the above-referenced case was filed in this office on September 13, 2002 by F. Vernon Boozer on behalf of Mr. & Mrs. James L Yirka. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Arnold Jablon GDZ
Director

AJ: gdz

c: F. Vernon Boozer Esquire, Covahey & Boozer, 614 Bosley Avenue, Towson 21204
Mr. Sid Trump, 30 Pinebark Court, Cockeysville MD 21030
Mr. & Mrs. Richard Isaac, 15003 Hanover Road, Upperco 21155
Mr. Glenn Elseroad, 5423 Mt Gilead Road, Reisterstown 21136
Mr. George Neubeck, 14301 Hanover Pike, Reisterstown 21136
Code Enforcement Dennis Rioux
People's Counsel

Printed with Soybean Ink
on Recycled Paper

APPEAL

Petition For Exception
14911 Hanover Pike
E/S Hanover Pike, 2500' S of Emory Road
4th Election District – 3rd Councilmanic District
Mr. & Mrs. James L Yirka - Legal Owner
Case No.:02-479-X

Petition for Special Exception (dated 04/30/02)

Zoning Description of Property

Notice of Zoning Hearing (dated 06/27/02)

Certification of Publication (The Jeffersonian issue dated 07/18/02)

Certificate of Posting (dated 07/16/02 posted Garland E Moore)

Entry of Appearance by People's Counsel (dated 05/22/02)

Petitioner(s) Sign-In Sheet (1 page)

Protestant(s) Sign-In Sheet (1 page)

Citizen(s) Sign-In Sheet (none)

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Letter to Mr. Arnold Jarlon from 4th Election District (dated 04-28-97) and reply from Jun R Fernando (dated 05/14/97)
2. Photographs (12 pictures)
3. Letter to Hunter Rowe, Zoning Enforcement from Wally Lippincott Jr, Program Administrator, Baltimore County Ag. Board (dated 05/26/00)
4. Drawing of site plan
5. Letter from Deborah Fever (who approves dated 08/02/02)
6. Plan to Accompany a Petition for Special Exception (dated 04/28/02)

Protestants' Exhibits:

1. Photographs (8 pictures)

Miscellaneous (Not Marked as Exhibits):

- Division of Code Inspections & Enforcement Violation Case Documents (Violation Case 98-0175)
- Letter to Mr. Lawrence Schmidt from Robert B Walker (dated 06/10/02)

Zoning Commissioner's Order (dated 08/15/02 - DENIED)

Notice of Appeal received on dated 09/13/02 from F Vernon Boozer, Covahey & Boozer, 614 Bosley Avenue, Towson 21204

c: F Vernon Boozer Esquire Covahey & Boozer, 614 Bosley Avenue, Towson 21204
James H. Thompson, Code Enforcement (Enforcement Case No. 98-0175)
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

APPEAL

Petition For Exception
14911 Hanover Pike
E/S Hanover Pike, 2500' S of Emory Road
4th Election District – 3rd Councilmanic District
Mr. & Mrs. James L Yirka - Legal Owner
Case No.:02-479-X

✓ Petition for Special Exception (dated 04/30/02)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (dated 06/27/02)

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✓ Petitioner(s) Sign-In Sheet (1 page)

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- ✓❖ Letter to Mr. Lawrence Schmidt from Robert B Walker (dated 06/10/02)

✓ Zoning Commissioner's Order (dated 08/15/02 - DENIED)

✱✓Notice of Appeal received on dated 09/13/02 from F Vernon Boozer, Covahey & Boozer, 614 Bosley Avenue, Towson 21204

Add to Yirka files:

Terry Brooks
Assistant Attorney General
Maryland Department of the Environment
1800 Washington Boulevard
Suite 6048
Baltimore, MD 21230

RECEIVED
SEP 17
BALTIMORE
BOARD OF A

c: F Vernon Boozer Esquire Covahey & Boozer, 614 Bosley Avenue, Towson 21204
James H. Thompson, Code Enforcement (Enforcement Case No. 98-0175)
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Added 4/16/03 – Owner
SHEILA M. BECKER
PO BOX 174
NEW WINDSOR, MD 21776

MR. AND MRS. RICHARD ISAAC
15003 HANOVER ROAD
UPPERCO, MD 21155

✱ F. VERNON BOOZER, ESQUIRE
COVAHEY & BOOZER
614 BOSLEY AVENUE
TOWSON, MD 21204

GEORGE HARMAN
5429 WEYWOOD DRIVE
REISTERSTOWN, MD 21136

MR. GLEN ELSEROAD
5423 MT. GILEAD RD.
RESISTERSTOWN, MD 21136

✱ MR. AND MRS. JAMES L. YIRKA
2910 PATRICIA CT.
MANCHESTER, MD 21102

SID TRUMP
30 PINEBARK CT.
COCKEYSVILLE, MD 21030

MR. GEORGE NEUBECK
14301 HANOVER PIKE
REISTERSTOWN, MD 21136

Cases No. 02-479-X and
No. 02-480-X

SE –For horticultural nursery operation on subject property (02-479-X) and for a firewood operation (02-480-X)

8/15/02 –Z.C.'s Order in which Petitions for Special Exception were DENIED (in both cases).

3/12/03 -Notice of Assignment sent to following; assigned for hearing on Thursday, May 15, 2003 at 10 a.m.:

F. Vernon Boozer, Esquire
Mr. and Mrs. James L. Yirka
George Harman
Sid Trump
Mr. & Mrs. Richard Isaac
Glen Elseroad
George Neubeck
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, Code Enforcement /PDM **(Case No. 98-0175)**
Arnold Jablon, Director /PDM

Cases No. 02-479-X and
No. 02-480-X

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Glen Elseroad
George Neubeck
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, Code Enforcement /PDM **(Case No. 98-0175)**
Arnold Jablon, Director /PDM

4/15/03 – Received letter requesting postponement of 5/15/03 hearing date; he is Circuit Court for Harford County (notice for same attached to letter); will reassign upon confirmation of date.

4/16/03 – T/C from Sheila M. Becker – Owner of subject property; requesting information as to above hearing date; advised her that postponement request had been received; to be reassigned to earliest possible date upon confirmation of date to be assigned. Added Ms. Becker to file for receipt of notice, etc. (PO Box 174, New Windsor, MD 21776).
-- Spoke with P. Zimmerman; advised him that early June date was coming open; left message for Mr. Harman regarding this request; will hold 24 hours before sending notice; to be reassigned to June date

---

4/18/03 – Notice of PP and Reassignment sent to parties; reassigned to Thursday, June 5, 2003 at 10:00 a.m.

5/22/03 – Letter from F. Vernon Boozer, Esquire, requesting postponement of 6/05/03 hearing date; client Yirka will be out of town at meeting in Charleston SC on June 5 (letter attached); requests postponement.

5/23/03 – Second Notice of PP sent to parties; case reassigned to Wednesday, June 25, 2003 at 10:00 a.m.

5/28/03 – T/C and Letter via FAX from J. Carroll Holzer, Esquire; entry of appearance on behalf of Hanover Road Association, George Harman, President; and George Harman and George Neubeck, individually, Protestants; also requesting postponement of 6/25/03 hearing; will be away on vacation that week. Possible dates of 9/17, 9/18 or 9/25 for reassignment provided to Mr. Holxer; copy to V. Boozer, Esq.

6/02/03 – T/C from Gloria, V. Boozer's office; of three dates, only 9/25/03 is workable for Mr. Boozer. Third Notice of PP and Reassignment sent this date; case reassigned to Thursday, September 25, 2003 at 10:00 a.m.

6/04/03 – Letter from J. Carroll Holzer, Esquire – entering appearance on behalf of George Harman et al, Protestants; also requesting postponement of 6/25/03 hearing date as previously referenced in prior correspondence (NOTE: Notice of PP and Reassignment sent 6/02/03; reassigned to 9/25/03 at 10 a.m.)

8/15/03 – Letter from F. Vernon Boozer, Esquire, requesting postponement of 9/25/03 hearing date; has been advised by his client that "both of his expert witnesses, the engineer and the architect, have a conflict with the September 25th, 2003 hearing date."

8/19/03 – Letter to Mr. Boozer; request for postponement is denied. Has been assigned for hearing a total of four times (3 of which have already been postponed); 9/25/03 hearing date was confirmed with counsel prior to utilizing this date (notice sent in June of 2003); request is denied; Board will proceed with hearing on 9/25/03 as scheduled

SE –For horticultural nursery operation on subject property (02-479-X) and for a firewood operation (02-480-X)

8/15/02 –Z.C.'s Order in which Petitions for Special Exception were DENIED (in both cases).

9/25/03 – Board convened for hearing as scheduled (Stahl, Adams, Marks); parties reached agreement – put on the record; proposed Order for dismissal of appeal to be submitted by counsel, including attached copy of transcript.

9/30/03 – T/C from Terry Brooks, Asst A.G., MDE, 1800 Washington Blvd, Suite 6048 21230 – copy of final order in both cases when sent out.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: May 21, 2002

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

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

SUBJECT: Item No.: 02-479-X and 02-480-X
Legal Owner/Petitioner: James L. and Karen L. Yirka
Contract Purchaser:
Property Address: 14911 Hanover Pike
Location Description: E/side of Hanover Pike, 3,400 ft. South of Emory Road

VIOLATION INFORMATION: **Case No.: 02-1078**

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

When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME George Neubeck, Chairman
Hanover Road Association, Inc.

ADDRESS P.O. Box 70
Boring, MD 21020

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:

Letter from State of Maryland August 14, 2001
Code Enforcement Final Order
Lien
Correction Notices
Citations
Photos

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/lrs

C: Dennis Rioux, Code Enforcement Officer

STATE OF MARYLAND
Department of Assessments and Taxation

I, PAUL ANDERSON OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE DEPARTMENT, BY LAWS OF THE STATE, IS THE CUSTODIAN OF THE RECORDS OF THIS STATE RELATING TO THE FORFEITURE OR SUSPENSION OF CORPORATIONS OR THE RIGHTS OF CORPORATIONS TO TRANSACT BUSINESS IN THIS STATE, AND THAT I AM THE PROPER OFFICER TO EXECUTE THIS CERTIFICATE.

I FURTHER CERTIFY THAT ARBOR CARE TREE EXPERTS, INC. IS NOT IN GOOD STANDING WITH THIS DEPARTMENT FOR THE FOLLOWING REASONS:

THE CORPORATION WAS FORFEITED AS OF OCTOBER 06, 1998

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY SIGNATURE AND AFFIXED THE SEAL OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF MARYLAND AT BALTIMORE ON THIS AUGUST 14, 2001.

Paul B. Anderson

Paul B. Anderson
Charter Division

301 West Preston Street, Baltimore, Maryland 21201
Telephone Balto. Metro (410) 767-1340 / Outside Balto. Metro (888) 246-5941 0001421152
MRS (Maryland Relay Service) (800) 735-2258 TT/Voice
Fax (410) 333-7097

SS22-B
P61

M B E S
ENTITY SELECTION LIST

2001-07-09
12:16:02
Page 001 of 001

Sel	Entity ID	Status	Entity Name
	00365190	F	ARBOR CARE TREE EXPERTS, INC

SELECT: (A)AMEND HIST (M)PPROP AND PRESS ENTER

PF: 1-HELP 3-END 10-PRV

FORFEITED.

7-9-01

Maryland
Department
of
Assessments
&
Taxation

Bal re County
Department of Permits and
Development Management

Code Inspections Enforcemen:
County Office B ng
111 West Chesapeake Avenue
Towson, MD 2120

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

Plumbing Inspection: 41:-87-36
Electrical Inspection: 41:-87-39

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 98-0175 Property No. 04-02-022800 Zoning RC-2

Name(s): JAMES L. YIRKA, 3rd
KAREN LYNN YIRKA

Address: 2910 PATRICIA Court MARYLAND 21122-3

Violation Location: 14911 HANOVER PIKE (PARCEL 38, MAP 3)

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAW:
101°, 102.1°, 1A01.2C.12°, 1A01.2C.20
B.C.Z.R.

#1) FIREWOOD OPERATION WITHOUT BENEFIT OF A SPECIAL EXCEPTION.

#2) HORTICULTURAL NURSERY OPERATION WITHOUT BENEFIT OF A SPECIAL EXCEPTION.

CEASE ABOVE ACTIVITIES BY THE DATE OF COMPLIANCE.

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

On or Before: 6-22-01 Date Issued: 6-7-01

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name DENNIS RIOUX

INSPECTOR: Dennis Rioux

STOP WORK NOTICE

PURSUANT TO INSPECTION 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:

Not Later Than: Date Issued:

Bal e County
Department of Permits and
Development Management

Code Inspect' ind Enforcement
County Office . .ding
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No. 98-0175
Property No. 04-02-022800
Zoning: RC-2

Name(s): JAMES L. YIRKA 3rd
KAREN LYNN YIRKA

Address: 2910 PATRICIA COURT MANCHESTER MD. 21102-1848

Violation Location: 14911 HANOVER PIKE (PARCEL 98, MAP 31)

Violation Dates: 5-31-01 to 6-25-01

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

101; 102.1; 1A01.2C.12; 1A01.2C.29.9 BCZR

#1) Firewood operation without benefit of special exception

#2) Horticultural nursery operation without benefit of a special exception

Pursuant to Section 1-8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated: 26 days X $400 per day — $ 10,400

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for: Date: 8-15-01 Time: 9:00 AM

Citation must be served by: Date: 7-13-01

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

Print Name: DENNIS RIOUX

6.28.01 Dennis Rioux
Date. Inspector's Signature

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name:

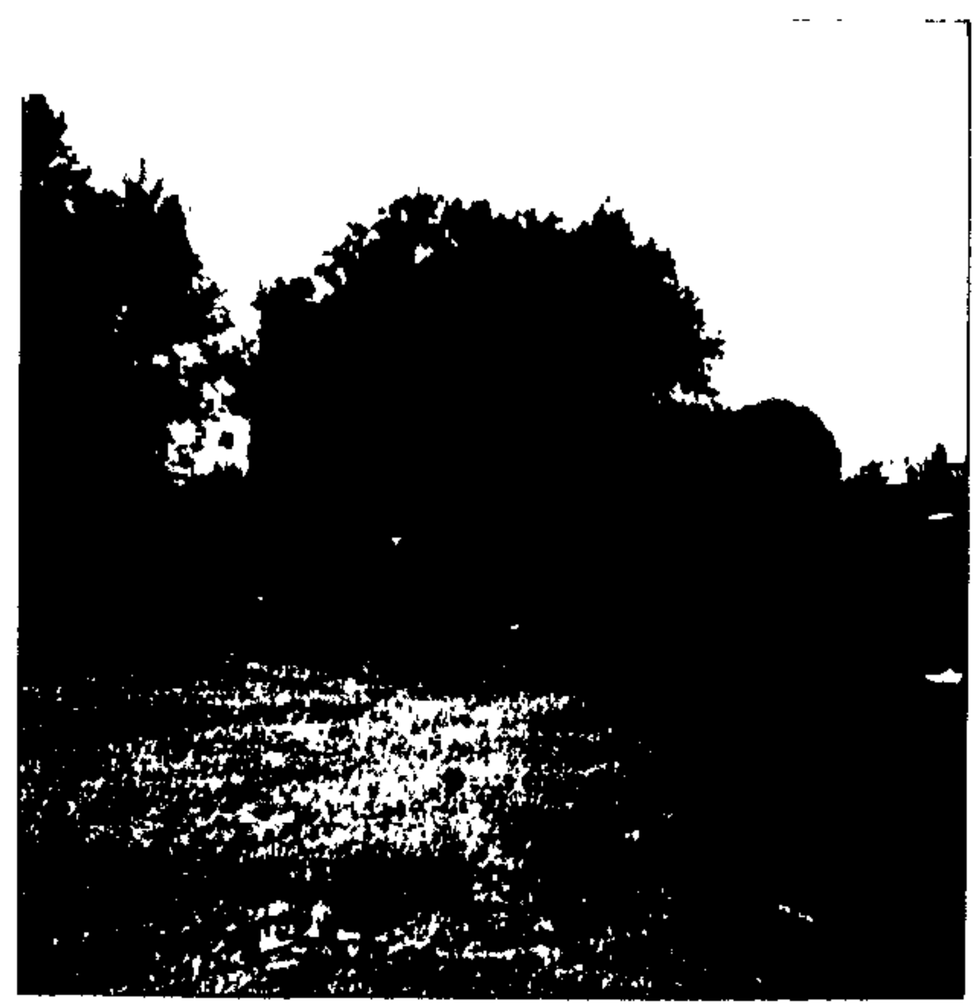
Citation/Case No.: 98-0175

Address:

Date Defendant's Signature

AGENCY

Trash Packers of Maryland Inc.
$625



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

In the Matter of

James L. Yirka, III
Karen Lynn Yirka

Respondents

Civil Citation No. 98-0175

14911 Hanover Pike

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 15 August 2001, for a hearing on a citation for violations under the Baltimore County Zoning Regulations for maintaining a firewood operation and horticultural nursery operation without special exception on property, zoned RC2 located at 14911 Hanover Pike.

On 28 June 2001, pursuant to §1-7(d), Baltimore County Code, a code enforcement citation was issued. The citation was legally served on the Respondents.

The citation described the violations as follows: Baltimore County Zoning Regulations, §101; 102.1; 1A01.2C; 1A01.2C.29.9, firewood operation without benefit of special exception, horticultural nursery operation without benefit of a special exception. Further, the citation proposed a civil penalty of $10,400 to be assessed. A code enforcement hearing date was scheduled for 15 August 2001.

The Respondents failed to request a code enforcement hearing or failed to appear after requesting a hearing. Baltimore County Code §1-7(d) and (e) provides that in case of failure to request a hearing or if the Respondents failed to appear after requesting a hearing, then the citation and the civil penalty, shall be a non-appealable, final Order of the Code Official.

Yirka, III
Citation No 98-0175

IT IS ORDERED by the Code Enforcement Hearing Officer, this 21 day of August 2001 as follows:

(1) That a civil penalty is imposed in the amount of $5000;

(2) The civil penalty in the amount of $5000 shall be reduced to $1000 on condition the Respondents obtain the special exception required for the firewood operation or the horticultural nursery operation on or before 31 October 2001. If the Respondents fail to correct the violations in the time prescribed, then the civil penalty imposed shall be $5000.

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

Section 1-7(e)(1) of the Baltimore County Code, 1988, as amended, states that no appeal may be taken if the violator fails to appear for the hearing.

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

CASHIER US

JAMES L. YIRKA, 3RD
KAREN LYNN YIRKA
2910 PATRICIA CT
MANCHESTER, MD 21102-1848

INVOICE NO. 2106

INVOICE DATE //

SUBM-	G AGENCY AND ORGANIZATION	PROVIDER CODE / SOC SEC NO	INVOICE TYPE	TOTAL AMOUN
	017-1715			$5,0

LINE NO.	FUND	AGCY	ORGN	SUB ORGN	ACTV	OBJ	SUB OBJ	REV SOURCE	SUB REV	REPT CATG	BS ACCT	
01	001	006						3120				$5,0
02												
03												

COMMENTS:
CIVIL PENALTY

DES TION:
PROPERTY # 04-02-022800 PREMISE: 00000 HANOVER RD
REPRESENTS PENALTY ASSESSED PURSUANT TO CIVIL CITATION # 98-0175
THIS INVOICE CONSTITUTES A LIEN AGAINST THE REAL PROPERTY TO BE
COLLECTED IN THE SAME MANNER AS TAXES
IF THE CHARGES ARE NOT PAID WITHIN 30 DAYS OF INVOICE DATE THEY
WILL BE SUBJECT TO INTEREST AT THE RATE OF ONE (1) PERCENT PER MON
#98-

INVOICE NO. 210661

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

ORIGINATING

Baltimore County
Department of Permits and
Development Management

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

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No. 98-0175
Property No. 04-02-022800
Zoning: RC2

Name(s): James L. Tyrka 3rd.
Karen Lynn Tyrka

Address: 2910 Patricia Court Manchester Md. 21102

Violation Location: 14911 Hanover Pike (Parcel 98, map 31)

Violation Dates: 5-31-01 through 2-13-02, 214 days

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

101; 102.1; 1A01.2C.12; 1A01.2C.29 BCZR

1) firewood operation without benefit of a special exception
2) Horticultural nursery operation without benefit of a special exception

Pursuant to Section 1-8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated: $42,800

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for: Date: April 3, 2002 Time: 9:00 am

Citation must be served by: Date: Feb 28, 2002

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

Print Name: DENNIS RIOUX

Feb 13, 2002 Dennis Rioux
Date Inspector's Signature

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name:

Citation/Case No.: 98-0175

Address:

Date Defendant's Signature

AGENCY

PHOTOGRAPHIC RECORD

Citation/Case Number: 14911 Hancock Pike

Date of Photographs: 3-29-02

I HEREBY CERTIFY that I took the 11 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

Dennis Reoux

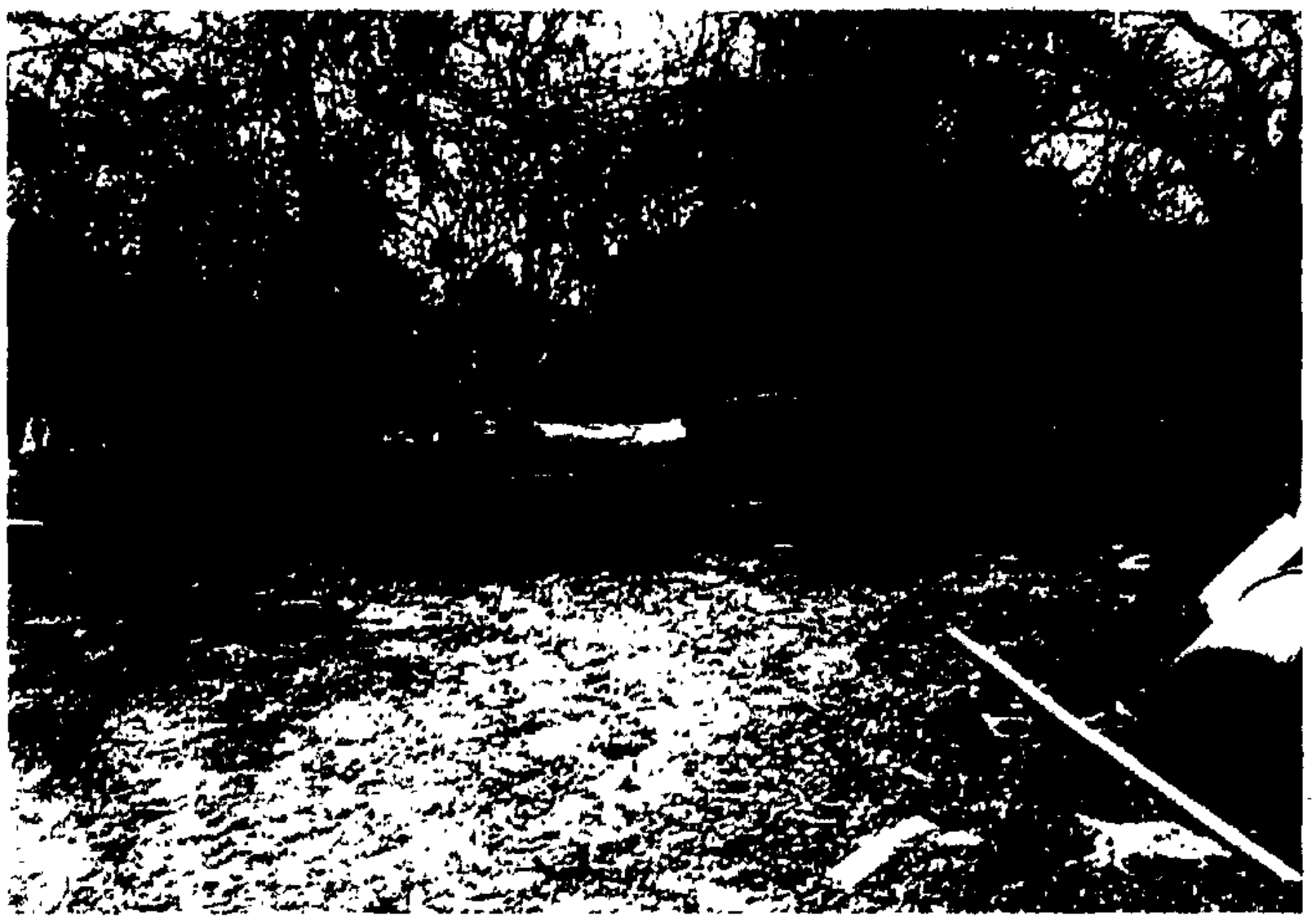
Enforcement Officer

11/14/00

Citation/Case N

Date of Photog

Hanover Pike



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Dennis Reoing

Enforcement Officer

11/14/00

Citation/Cas

Date of Phot

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Dennis Reoux

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Citation/Case

Date of Photo

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Dennis Rewis

Enforcement Officer

11/14/00

Citation/Case

Date of Photo

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Dennis Rewis

Enforcement Officer

11/14/00

Citation/Case Hanover Pike

Date of Photo

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Dennis Reoux

Enforcement Officer

11/14/00

Citation/Case

Date of Photo

Hanover Pike

HEREBY CERTIFY that I took the 11 (number of photos) photographs set out above, and that these photographs airly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

Dennis Reoni

Enforcement Officer

1/14/00

Citation/Case Hanover Lake

Date of Photo

I HEREBY CERTIFY that I took the 11 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

Dennis Rewing

Enforcement Officer

11/14/00

Citation/Case

Date of Phot

Hanover Lake

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Dennis Rewing

Enforcement Officer

/14/00

Citation/Case Hanover Pike

Date of Phot

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Dennis Reoring

Enforcement Officer

11/14/00

Citation/Case

Date of Photo

Hanover Lake

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Dennis Rewis

Enforcement Officer

1/14/00

9/13/02

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
MICHAEL T. PATE
STACIE D. TRAGESER

* ALSO ADMITTED TO D. C. BAR

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

September 13, 2002

Arnold Jablon, Director
Departments of Permits and
Development Management
111 West Chesapeake Avenue
Towson, MD 21204

RE: Petitions for Special Exception
E/S Hanover Pike, 3500' S of Emory Road
(14911 Hanover Pike)
4th Election District, 3rd Council District
James L. Yirka, et ux - Petitioners
Case Nos. 02-479-X and 02-480-X

Dear Mr. Jablon:

Please enter an appeal for the Petitioners to the County Board of Appeals from the Findings of Fact and Conclusions of Law of the Baltimore County Zoning Commissioner dated August 15, 2002 in the above entitled cases.

Enclosed is our check in the amount of $570.00 for the filing fees. Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

F. VERNON BOOZER

cc: Mr. & Mrs. James L. Yirka, 2910 Patricia Ct., Manchester, MD 21102
Mr. George Harman, 5429 Weywood Dr., Reisterstown, MD 21136
Mr. Sid Trump, 30 Pinebark Ct., Cockeysville, MD 21030
Mr. & Mrs. Richard Isaac, 15003 Hanover Rd., Upperco, MD 21155
Mr. Glenn Elseroad, 5423 Mt. Gilead Rd., Reisterstown, MD 21136
Mr. George Neubeck, 14301 Hanover Pike, Reisterstown, MD 21136
Code Enforcement Division, DPDM; People's Counsel; Case File

RECEIVED
SEP 13 2002
By GDZ

0910gab10

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
MICHAEL T. PATE
STACIE D. TRAGESER
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING

*ALSO ADMITTED TO D.C. BAR

410-828-9441

FAX 410-823-7530

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

August 14, 2003

RECEIVED
AUG 15 2003
BALTIMORE COUNTY
BOARD OF APPEALS

Kathleen C. Bianco, Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: IN THE MATTER OF: JAMES L. YIRKA, ET UX
Case Nos: 02-479-X and 02-480-X
Hearing Date: Thursday, September 25, 2003 @ 10:00 a.m.

Dear Ms. Bianco:

I have been advised by my client, James L. Yirka, that both of his expert witnesses, the engineer and the architect, have a conflict with the September 25th, 2003 hearing date. Therefore, I respectfully request a postponement of the above cases.

Thank you for your attention and cooperation in this matter. If you have any questions, do not hesitate to contact my office.

Very truly yours,

F. VERNON BOOZER

Enclosure
cc: Mr. & Mrs. James L. Yirka, 2910 Patricia Ct., Manchester, MD 21102
Mr. George Harman, 5429 Weywood Dr., Reisterstown, MD 21136
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Mr. George Neubeck, 14301 Hanover Pike, Reisterstown, MD 21136
Code Enforcement Division, DPDM; People's Counsel; Case File
Lawrence E. Schmidt, Zoning Commissioner, 401 Bosley Ave., St. 405, Towson, MD 21204
Arnold Jablon, Director/PDM, 111 W. Chesapeake Ave., Towson, MD 21204
0814gab02

5/22/03
WJR

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.
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JENNIFER MATTHEWS HERRING

*ALSO ADMITTED TO D.C. BAR

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

April 11,2003

Kathleen C. Bianco, Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: IN THE MATTER OF: JAMES L. YIRKA, ET UX
Case Nos: 02-479-X and 02-480-X
Hearing Date: Thursday, June 5, 2003 @ 10:00 a.m.

Dear Ms. Bianco:

Please be advised that my client, James L. Yirka, has a very important meeting in Charleston, South Carolina on June 5, 2003 (see attached copy of letter) and it is therefore, respectfully requested that the hearing in the above captioned cases be postponed.

Thank you for your attention and cooperation in this matter. If you have any questions, do not hesitate to contact my office.

Very truly yours,

F. VERNON BOOZER

Enclosure
cc: Mr. & Mrs. James L. Yirka, 2910 Patricia Ct., Manchester, MD 21102
Mr. George Harman, 5429 Weywood Dr., Reisterstown, MD 21136
Mr. Sid Trump, 30 Pinebark Ct., Cockeysville, MD 21030
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Mr. George Neubeck, 14301 Hanover Pike, Reisterstown, MD 21136
Code Enforcement Division, DPDM; People's Counsel; Case File
Lawrence E. Schmidt, Zoning Commissioner, 401 Bosley Ave., Ste. 405, Towson, MD 21204
Arnold Jablon, Director/PDM, 111 W. Chesapeake Ave., Towson, MD 21204
0521gab04

MAY 22 2003
03-1651

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
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JENNIFER MATTHEWS HERRING

*ALSO ADMITTED TO D.C. BAR

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

April 11,2003

RECEIVED
MAY 2 2 2003
BALTIMORE COUNTY
BOARD OF APPEALS

Kathleen C. Bianco, Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: IN THE MATTER OF: JAMES L. YIRKA, ET UX
Case Nos: 02-479-X and 02-480-X
Hearing Date: Thursday, June 5, 2003 @ 10:00 a.m.

Dear Ms. Bianco:

Please be advised that my client, James L. Yirka, has a very important meeting in Charleston, South Carolina on June 5, 2003 (see attached copy of letter) and it is therefore, respectfully requested that the hearing in the above captioned cases be postponed.

Thank you for your attention and cooperation in this matter. If you have any questions, do not hesitate to contact my office.

Very truly yours,

F. VERNON BOOZER

Enclosure
cc: Mr. & Mrs. James L. Yirka, 2910 Patricia Ct., Manchester, MD 21102
Mr. George Harman, 5429 Weywood Dr., Reisterstown, MD 21136
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Code Enforcement Division, DPDM; People's Counsel; Case File
Lawrence E. Schmidt, Zoning Commissioner, 401 Bosley Ave., Ste. 405, Towson, MD 21204
Arnold Jablon, Director/PDM, 111 W. Chesapeake Ave., Towson, MD 21204
0521gab04

CHARLESTON PLANTATION, LLC

May 19, 2003

Mr. James Yicka
President
Arbor Care,Inc.
Manchester MD

Dear Mr. Yicka:

We have been notified by our civil engineer that there will be an on site meeting with the City of Charleston planning department concerning the extent of the tree clearing permited on our 540 acre property located in Charleston, South Carolina. We have been requested to have our clearing and grading contractor at this meeting to review the engineers site plans and to discuss bonding, qualifications and scheduling. It is of the utmost importance that you attend this meeting.

We have been given the dates of June 4, -June 6,2003. We will contact you in the near future To discuss this matter in further detail.

Thank you for your cooperation on this short notice. We look forward to seeing you in Charleston.

Sincerely,

Michael P. Elliott
President

Cc Thomas Hutton

Cpll/sw/0144

45 EAST BAY STREET / SUITE 201 / CHARLESTON SC 29422/ 843-937-1800

The Circuit Court for Harford County

THE THIRD JUDICIAL CIRCUIT OF MARYLAND
COURTHOUSE
20 W. COURTLAND STREET
BEL AIR, MARYLAND 21014

CHAMBERS OF
WILLIAM O. CARR
JUDGE

(410) 638-3262
(410) 879-2000, EXT. 3262

March 10, 2003

F. Vernon Boozer, Esquire
Covahey and Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204

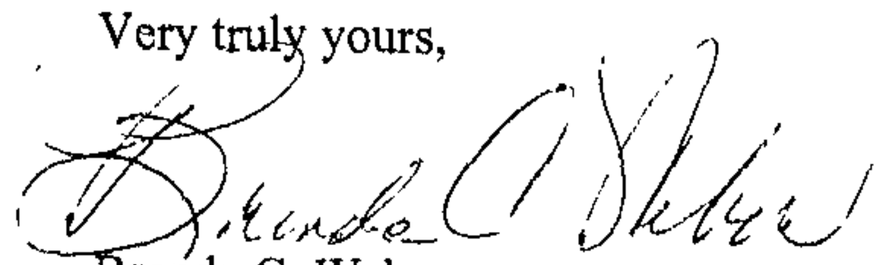
Re: *State of Maryland v. Donna S. Diepold*
Criminal Case No. K-02-0893

Dear Mr. Boozer:

In reference to the above-captioned case, this letter confirms that a sentence modification hearing has been scheduled for **Thursday, May 15, 2003 at 9:00 a.m. before Judge William O. Carr.**

Please mark your calendar accordingly.

Very truly yours,



Brenda C. Weber
Judicial Secretary

/bcw

cc: Jean Thompson, Office of the State's Attorney

HOLZER
&
LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

June 2, 2003
7410

Kathleen Bianco, Administrator
Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Case No. 02-479-X and
02-480-X
Special Exceptions for Horticulture Nursery and
Special Exception for Firewood Operation

Dear Ms. Bianco:

Please be advised that I am entering my appearance on behalf of the George Harman, et al., Protestants in the case below and Appellees before the County Board of Appeals.

As I have previously indicated in other correspondence, I will be out of the state on June 25, 2003 on vacation, and would, therefore, request a postponement of the Hearing on that date.

Mr. Harman and the number of individuals who have retained me, intend to be present and present evidence and testimony in this matter. I would very much appreciate your postponing this matter, and please feel free to contact me in regard to a mutually agreeable date.

Very truly yours,

J. Carroll Holzer

cc: George Harman

JCH: bdm

RECEIVED
JUN 04 2003
BALTIMORE COUNTY
BOARD OF APPEALS

C:\My Documents\Letters\Kathy Bianco--6-2-03.doc

pp'd to 9/25/03 - notice sent 6/02/03

HOLZER
&
LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

May 28, 2003
#7410

VIA FAX 410-887-3182
Kathleen Bianco, Administrator
Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: In the Matter of: James Yirka, et ux.
14911 Hanover Pike
Case No. 02-479-X and 02-480-X

Dear Ms. Bianco:

Please enter my appearance on behalf of Protestants Hanover Road Association, George Harman, President and individuals George Harman and George Neubeck in this case. Yesterday, one of my clients, George Harman informed me that the Board set in June 25 as the hearing date. Unfortunately, I will be away on vacation that whole week. I understand from Sterling Leese of my office, after a conversation he had with you, that September 17, 18 and 25 are available as alternate dates. I am available all three days and have put in a call to my clients to determine if they have a conflict. I will call you after I hear from them.

As always, I appreciate your assistance and understanding.

Very truly yours,

J. Carroll Holzer

JCH:clh

cc. George Harman
F. Vernon Boozer, Esq.

H:\Letters\Kathy Bianco - Entry of Appearance for Marjorie Shipley.doc

To Sept date -
pull 6/25/03

10:00 6/2

pc → Glaria
410 828 9441

re: Jones Yirka

9/25

Vernon Booze's
office

HANOVER ROAD ASSOCIATION, INC.
P.O. Box 70
Boring, Maryland 21020

The undersigned hereby acknowledge and attest that on June 12, 2002 the Hanover Road Association, Inc. (HRA), a Maryland corporation, in accordance with Section 2-408 of the Maryland Corporations and Associations Code and its Charter and By-Laws, approved the Resolution set forth herein:

RESOLVED: That HRA opposes the zoning special exemptions requested by James and Karen Yirka for property that it is planning to use at 14911 Hanover Pike.

AND FURTHER RESOLVED: That the HRA empowers and instructs George H. Harman, S. Glen Elseroad, Robert Walker, or George Neubeck, President, Vice President, Secretary, and Zoning Committee Chair respectively, to represent HRA at a hearing before the Zoning Commissioner of Baltimore County scheduled for June 26, 2002, or at any time that the hearing may be rescheduled, to appear at that hearing for HRA and make known to the Zoning Commissioner the position of HRA in this matter, to wit, that:

HRA opposes the proposed special exemptions that would allow the property to be used as a horticultural nursery or firewood operation. Furthermore, George H. Harman, S. Glen Elseroad, Robert Walker, or George Neubeck is authorized to explain or amplify as they see fit, this stated position.

WITNESS OUR HANDS AND SEALS THIS 18th day of June, 2002.

ATTEST:

The Hanover Road Association, Inc.

Robert Walker, Secretary

George Harman, President

RESOLVED, that at the June 2002 meeting of HRA, that the responsibility for review and recommend of action on all zoning and development matters is hereby placed on the President, Vice President, Secretary, and Zoning Committee Chair as elected, or duly appointed.

WITNESS OUR HANDS AND SEALS THIS 18th day of June, 2002.

ATTEST: Hanover Road Association, Inc.

Robert Walker, Secretary

George Harman, President

JUN 26 2002

HANOVER ROAD ASSOCIATION, Inc.

P.O. Box 70
Boring, MD 21020

SEP - 5 2002

September 2, 2002

Mr. Lawrence Schmidt
Zoning Commissioner
County Courts Bldg., Room 407
401 Bosley Avenue
Towson, MD 21204

RE: Cases: 02-479-X and 02-480-X

Dear Mr. Schmidt:

The Hanover Road Association has been reviewing your Findings of Fact and Conclusions of Law regarding the referenced cases dated August 15, 2002. We are seemingly in agreement with the final statement that denies the requested Special Exceptions. However, we are troubled by the inclusion of a sentence in the third from last paragraph in the document. In that paragraph, you included a sentence that reads: "Thus, a waiver of that requirement is appropriate in this instance." Are you indicating that a waiver of the 18-month restriction on filing a petition is possible and that Mr. Yirka could receive a Special Exception if he cleans up the site and offers a plan to you without another Special Exception hearing? Or, are you indicating that the waiver is only for the 18-month waiting period? In either case, I would request that you provide the statutory authority for granting waivers.

We are also troubled by your statement, also in the same paragraph, that states that a special exception might be granted if the site was operated appropriately. Our testimony indicated that a firewood operation involving the use of chain saws could preclude the granting of a special exception based on noise alone. Past practices might have also caused groundwater contamination and that some monitoring to assure that this had not occurred would be necessary before any operation could start again. Thus, your permissive statement should have been balanced with requirements to evaluate these and the following bulleted issues so as not to promote false expectations with the petitioner.

In our testimony, it was indicated that the Hanover Road Association would only be willing to support the granting of a special exception if:

- it was demonstrated through groundwater monitoring that past practices had not contaminated the groundwater,
- the requirements of the fire code for a perimeter road were met,
- a bond was posted to assure that the site would be maintained and cleaned at least twice each year,
- the required tree buffers would be planted an allowed to grow to a state of maturity that would met the goal of that requirement, especially in light of the fact that the site has been

illegally in operation for several years without benefit of a special exception during which time buffers should have been growing to maturity,

- the operations were determined by a certified hydrologist to have not encroached into the flood plain before any resumption of operations was considered,
- required set backs from adjacent properties were clearly marked on the site to facilitate compliance determinations of those zoning requirements, and
- a certified acoustical consultant would evaluate the noise of chain saw operations on adjacent residential property and determine if compliance with the State's noise standards found in COMAR 26.03.03 was possible.

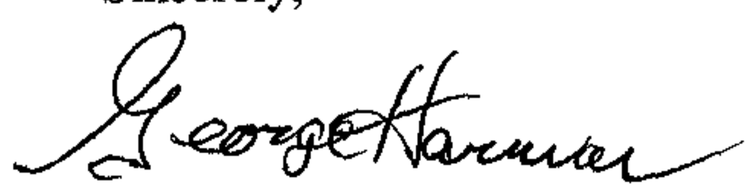
If any offering of a Special Exception were intended without these requirements being imposed to address the above concerns, the Hanover Road Association would be required to consider an appeal of your decision. Thus, we would request that you clarify the language of the paragraph and sentence cited above regarding the potential for the issuance or authorization of a waiver.

The Hanover Road Association would also like to see clear language in the decision that states that the current operations, being without an approved Special Exception, are not authorized and must not be continued. Further, we would request language to indicate that the only activity that could be allowed on the site would be the removal of the accumulated material that has been dumped on the site. Specifically, there should be no continuing firewood operations by Mr. Yirka or his company.

By copy of this letter to Mr. James Thompson of Zoning Enforcement, we are requesting that the previously imposed fines for zoning violations be pursued. In this regard, we are also requesting that a bond be required for the clean up of the existing site conditions.

We would appreciate your prompt response to our inquiry so that we can have adequate time to evaluate whether an appeal of your decision is necessary.

Sincerely,



George Harman, President

cc: James Thompson, Zoning Enforcement
Peter Zimmerman, Peoples Counsel

File

HANOVER ROAD ASSOCIATION, Inc.

P.O. Box 70
Boring, MD 21020

April 5, 2004

Code Enforcement Hearing Officer
Raymond S. Wisnom Jr.
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Cases: 02-479-X and 02-480-X

Dear Mr. Wisnom:

It was a pleasure for the members of the Hanover Road Association to have an opportunity to express their concerns with the operation of the Arborcare facility at 14911 Hanover Pike. As was expressed, we have been seeking resolution to our complaints for over five years. At every step, we have been thwarted by hearing postponements and other delays in obtaining action to resolve the violations caused by the owner of Arborcare. We trust that you will give due consideration to the facts at hand and impose all past and current fines and levies that may be appropriate without any reductions. An injunction against the use of the site for any operations by Arborcare is also requested to prevent a reoccurrence of the problems.

We are deeply concerned that at least some of the solid waste and debris that had been previously noted on the site has been buried beneath the "mulch" and soil indicated in the photos presented by Mr. Yirka. We would very much like to have a detailed site evaluation, including the use of metal detectors, to verify that none of the metal debris remains beneath the graded soil and mulch. Reports of pits having been dug by Mr. Yirka are also of concern because of the potential for burial of other potentially hazardous material. Although we did not present testimony regarding the Maryland Department of the Environment's (MDE) site complaint concerning solid waste violations, we would request that the County coordinate a formal environmental assessment of the site with MDE to determine if both the County and State concerns have been addressed by Mr. Yirka, as he testified.

At one point during the hearing, Mr. George Neubeck, our Watchdog Committee (Zoning Enforcement) Chair, attempted to introduce an issue relating to Mr. Yirka's tree expert's license suspension by the Department of Natural Resources (DNR). You ruled that the issue was not pertinent to this case and I agree that the issue itself is irrelevant. However, the statements made by the Administrative Law Judge in the ruling in that matter relating to the veracity of Mr. Yirka is germane to this case, since the community members in attendance heard gross misrepresentations from Mr. Yirka and his witnesses.

The pertinent excerpt from the DNR press release relating to Arborcare's license suspension is present below and the full text is attached:

> "The judge found that Yirka committed breach of contract, trespassed, destroyed private and public property (the client's neighbor's property and a public sidewalk), used threatening language with a customer, and failed to cooperate with a departmental investigation regarding the Timonium incident. The judge also found that Yirka falsified and misrepresented his professional qualifications and lied under oath at the previous hearing."

The most telling statement is found in the last sentence – "Yirka . . . lied under oath". Given that we weren't under oath at your April 2, 2004 hearing, the credibility of the statements made by Mr. Yirka and his witnesses should be considered in light of his actions and statements in the referenced license hearing. Therefore, we believe that although the case itself was not germane in this situation, the veracity of the witnesses is at issue. Also attached is the text from an article in the Feb 21, 2004 Carroll County Times, which reports on the DNR press release and contains a bit more detail on Mr. Yirka's falsifications.

I am also enclosing a photograph (number 1) that I took on December 31, 2003. The photo was taken from near the rear of the Liberty Discount property. In the very center of the photo there are a dozen or more logs in the foreground of the truck. This is especially pertinent given the testimony of the prospective property owner (testifying on behalf of Mr. Yirka) and Mr. Yirka's workers that testified to the fact that "no new logs were brought on site" and that there were "no logs on site at Christmas." These logs were clearly ready for cutting and splitting, which was actually occurring to the rear of the subject truck during my observations on Dec. 31, 2003. These logs were not recovered from the much pile (second photo through the saplings), since their value would have clearly precluded their prior burial. These logs were most likely those reported to me by the workers at Liberty Discount that had been dumped during the preceding couple of days (reference my letter to Mr. Tompson dated January 4, 2004), which is in your file. Therefore, the statements made by Mr. Yirka and his witnesses that there were no logs on site at Christmas clearly demonstrate that new logs must have been brought on site after that date, which is in violation of the Board of Appeals decision that states that no new material would be brought on site after September 25, 2003. Thus, my observations and photographs strongly suggest that Mr. Yirka and his witnesses provided false statements. The witness statements, associated with my observations and photographs, clearly demonstrate that new logs had been brought on site in violation of the September 25, 2003 Board decision, and that firewood operations were continuing after the December 25, 2003 Board of Appeals ordered cessation of those activities.

Given the above facts, and the breech of agreement between Mr. Yirka and the Board of Appeals, we request that all potential penalties be levied. If it is possible, we would request that these penalties be held for use in fully restoring the site if additional cleanup is required and those costs cannot otherwise be recovered from Mr. Yirka. This will help to defray costs that might otherwise befall the mortgage holder and previous owner, Mrs. Becker, who we believe could ultimately become liable for the cleanup if Mr. Yirka defaults on the mortgage loan that she extended to him.

Sincerely,

George Harman, Vice President

Attachments:
1 – DNR press release
2- Carroll County Times article
3 – Photograph #1
4 – Photograph #2

cc: without photos and attachments
The Honorable T. Bryan McIntire
Timothy M. Kotroco, Director/PDM
David A.C. Carroll, DEPRM
John Hohman, Baltimore County Fire Dept.
Kathleen Bianco, Board of Appeals for
Lawrence M. Stahl, Chair
Charles L. Marks, Member
Melissa Moyer Adams, Member
James Thompson, Supervisor, Code Enforcement
Carole DeMilio – Office of People's Counsel
Terrylin Brooks, Assistant A.G., MDE
Edward Dexter, Solid Waste Program, MDE
Lawrence E. Schmidt, Zoning Commissioner
Robert Walker, President, Hanover Road Association
George Neubeck, HRA, Watchdog Committee

Robert B. Walker
14625 Hanover Road, Upperco, MD 21155

July 10, 2002

AUG - 1 2002

Mr. Lawrence Schmidt
401 Bosley Ave. #405, Towson, MD 21024

RE: Case Number 02-479-A; Case Number 02-480-A (14911 Hanover Pike, Upperco 21155)

Dear Mr. Schmidt:

Please consider the following comments regarding the cases cited above.

As a nearby neighbor of the property, I had planned to appear to speak against the proposed changes to the property. Because of the hearing's postponement, and because I will be out of town on the rescheduled date, I am submitting this letter.

I am opposed to the use of the property as a legitimate firewood operation. In the past, while conducting such operations, the operators have repeatedly set open fires, endangering neighboring property and causing smoke to settle in the valley area that extends south of their property. Apparently, some nights when this burning was occurring, the smoke became so thick that it set off interior smoke alarms in my neighbor's house. I have also awakened in the morning with the heavy smell of smoke in my house and cars. The operators have also, in the past, created, in effect, a "stump dump" on the steep slope on the rear of the property that leads down to the stream area. The dangers of a stump dump should be well known to anyone in Baltimore County, and the unsightliness of the "dump" is also a negative for the community. I am also concerned about anything else that they may be dumping in the stream area. The stream flows through my property and others, and I am concerned about any landscaping chemicals or other material that maybe disposed of on the property.

If it is legally impossible to preclude the firewood operation on the property, I hope the operators will be required to stop the illegal open burning that has take place in the past.

I am also opposed to the second request to use the property as a landscaping business. In the past, the property has been used commercially by Arborcare. Employees of the business have arrived in the morning, parked their cars, and gone out in the large trucks, returning in the afternoon. All manner of junk and machinery have been stored on the land. Commercial vehicles have been parked along the road for sale, or just parked in a manner to display the "advertising" on the side of the truck. There has been little attempt to mask the unsightliness of the operation. I am also concerned about the storage and/or disposal of chemicals that may be used in the business.

I am also concerned that this sort of "spot" rezoning of agricultural/residential land into what is essentially a commercial operation is a terrible precedent to set for the area. Although the property adjoining this lot to the north is commercial, no other adjacent or nearby property is commercial. If this reclassification were to occur, there is sure to be increased pressure to rezone other nearby parcels. Members of the community have worked for many years to avoid this kind of event, trying to preserve the agricultural/residential nature of our community, and trying to avoid what has happened to Hanover Pike in Carroll County, to the north.

Again, if it impossible to avoid granting the change, I hope some conditions could be considered to minimize the commercial aspects. Since it is supposedly a landscaping business, maybe some shrubbery could be planted to screen the operation. Hopefully, employee parking could also be set back from the road. And finally, maybe the use of a large sign or the parking of large trucks to advertise the business, could be prohibited.

Thank you,

Robert B Walker

Don't mean to go overboard here, but here is the DNR press release about Yirka's suspension, with dates.
--Bob

Carroll County Tree Care Expert Given 30-Day License Suspension

Violations related to negligent and wrongful conduct

ANNAPOLIS, MD â□" The Office of Administrative Hearings ordered a 30-day license suspension for Licensed Tree Expert James Louis Yirka III of Arborcare Tree Experts, Inc., a commercial tree care firm in Manchester. The suspension was sought by the Maryland Department of Natural Resources (DNR) Forest Service for wrongful conduct in the practice of tree care.

The order concludes departmental action related to a complaint from a citizen in Timonium regarding an incident in October 2002 and to departmental charges that the licensee violated ethics regulations by falsifying credentials under oath during a previous hearing in January 2003. The judge found that Yirka committed breach of contract, trespassed, destroyed private and public property (the clientâ□™s neighborâ□™s property and a public sidewalk), used threatening language with a customer, and failed to cooperate with a departmental investigation regarding the Timonium incident. The judge also found that Yirka falsified and misrepresented his professional qualifications and lied under oath at the previous hearing. These are improper practices and considered wrongful conduct in the practice of tree care by DNR, which licenses the stateâ□™s commercial practitioners. The suspension runs from March 5, 2004, through April 3, 2004.

All tree care professionals practicing in Maryland must be licensed. Without a license, advertising services and practicing are prohibited. The DNR website at http://dnrweb.dnr.state.md.us/forests/oflists/lte/treeexpert.html contains a complete list of licensed tree experts. Call the DNR Forest Service at 1-887-620-8360, ext. 8531, to file complaints regarding licensed or unlicensed tree experts.

Dorothy Griffin pointed this out in the Feb.21 Carroll Co Times

Tree care license suspended for wrongful conduct

An employee of Arborcare Tree Experts Inc. in Manchester had his tree care license suspended Friday for 30 days by the Maryland Department of Natural Resources.

James Yirka III had his license suspended for wrongful conduct, according to Michael Galvin, supervisor of urban and community forestry for the DNR. Yirka, who has been licensed through the DNR since January 1993, didn't perform work he was contracted to do, damaged public and private property and lied about his credentials while under oath at an administrative hearing, Galvin said.

Galvin said a Timonium resident accused Yirka of not clearing tree stumps properly and damaging two yards and a public sidewalk. Yirka also lied about being licensed by the International Society of Arboriculture as an arborist during a January 2003 hearing, Galvin said.

Yirka has had his license suspended several times before, Galvin said, once in 2002 for five days and once in 2003 for one day.

All tree care professionals in Maryland must be licensed through the DNR, which has the power to suspend their license for misconduct, Galvin said.

For a list of licensed tree care experts in Maryland, visit www.dnr.state.md.us/forests/oflists/lte/treeexpert.html

- Jamie Kelly

02-479X

Case Number 02-480A

PLEASE *PRINT* LEGIBLY

PROTESTANT'S SIGN-IN SHEET

30 Pinebark Ct.

Name	Address	City, State	Zip Code
George Harman	5429 Weywood Dr.	Reisterstown	21136
Sid Trump	30 Pinebark Ct.	Cockeysville Md	21030
Carol Isaac	15003 Hanover Rd	Upperco	21155
Richard Isaac	15003 Hanover Rd	Upperco MD	21155
Glenn Elseroad	5423 Mt Gilead Rd	Reisterstown MD	21136
George Neubeck	14301 Hanover Pike	Reisterstown, MD	21136

Revised 4/17/00

Case Number 02-479-X
02-480-X

PLEASE *PRINT* LEGIBLY

PETITIONER'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
SITE RITE SURVEYING, INC VINCENT MOSKUNAS	200 E. JOPPA RD.	TOWSON MD	21286
VERNON BOOZER	614 Bosley Ave.	Towson Md	21204
Jim Yika	2910 Patrick Ct	Manchester MD	21102

Revised 4/17/00

02-479-X
and
02-480-X
Yirka

9-25-03

EVID

Pet
~~#1~~ Photos Collectively
~~#2~~ List of Community

Prot #2

CAROL ISAAC 15003 HANOVER RD
Richard ISAAC Upperco MD 21155
Dale Thump 14815 Hanover Rd Upperco, Md 21155
S. GLENN ELSEROAD 5423 MT GILEAD Rd. 21136
Sheila + Roland Becker P.O. Box 174 New Windsor, Md. 21776
Bob Walker P.O. Box 51 BORING MD 21020
George Neubeck 14301 HANOVER PIKE Reisterstown, MD 21136
George Harman 5429 Wexwood Dr., Reisterstown, MD 21136

5/7/97
To: Jun
5/9/97
OKAY

RECEIVED
MAY 7 1997
PDM

April 28, 1997
LANDWATER 5/12

Mr. Arnold Jarlon
Director PDM
County Office Building, Room 111
111 W. Chesapeake Avenue
Towson, Md. 21204

Dear Sir,

I'm sending you this letter to request a zoning certificate for property located at 14911 E. Hanover Pike, Upperco Md. 21155. This property is a 5 acre parcel zoned RC2. My intention is to grow trees for wholesale sale. I intend to plant 2,000 to 4,000 trees within one year from date of purchase. I intend to construct a building to store necessary equipment and trucks needed to maintain the tree business.

Sincerely,

Speed Letter
In the interest of speed and economy, we are replying to your letter with marginal notes. If you need more information, do not hesitate to call or write. Thank you for your interest.

Please Call For Pickup

May 14, 1997

4th Election District

Dear Mr. Yirka:

Based upon your information, please be advised that this type of operation would be considered as a farm use which is permitted in the R.C.-2 zone. All equipment and/or buildings are limited to your farm use and may not be used off-site.

Very truly yours,

Jun R. Fernando
Jun R. Fernando
Planner I
Zoning Review

Petitioner No 1

JRF:rye

BALTIMORE COUNTY, MARYLAND

ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE
887-4488 Ext. 241 Fax 887-4804

To: Hunter Rowe, Zoning Enforcement Date: May 26, 2000

Ref No 3

From: Baltimore County Ag. Board
Wally Lippincott, Jr., Program Administrator

Re: 14911 Hanover Pike – Zoning Code Enforcement

The Baltimore County Agricultural Advisory Board met on May 17, 2000 and in response to your request for a determination on whether there was a farm use at 14911 Hanover Pike – specifically a tree farm activity.

Wally Lippincott visited the property with Mr. Hunter Rowe on May 12, 2000. Mr. Daniel Colhoun Chairman of the Agricultural Advisory Board was also present. I observed many items on the property such as snow removal equipment, automobile parts, and junk vehicles. I observed that a number of trees had been planted on the property and that the trees were in poor condition due to lack of irrigation. Later it was also pointed out to me that there were other trees on the site that I had not observed. The growing and sale of trees produced on site are characteristic of a farm. There were also stumps, mulch and other materials that are associated with a horticultural nursery that requires a Special Exception approval

Mr. Yirka, the property owner, attended the meeting and indicated that he had junk stored on the property while he was building a storage building on another property. He indicated he had planted several thousand trees and that he owned two nearby farm parcels. He indicated a willingness to remove the junk material from the site.

The Agricultural Advisory Board discussed the issue and and voted to recommend that the property owner had tree farming activities on the property and therefore was a farm.

6-25-01

Wallace Lippincott, Jr., Program Administrator

Jim, in reviewing the photos of your property dated 5-31-01 with Wally Lippincott today, he is in support of the correction notice on the

Ref No 4

Pt 30

(Future)

Fence

Pond

Mulch Area

40×60 Pole Bldg.

Gate

Planted

Staging Area.

Green house

Fence

Norway Spruce

Norway Spruce

Edge of trees

8-2-02

To Whom It May Concern,

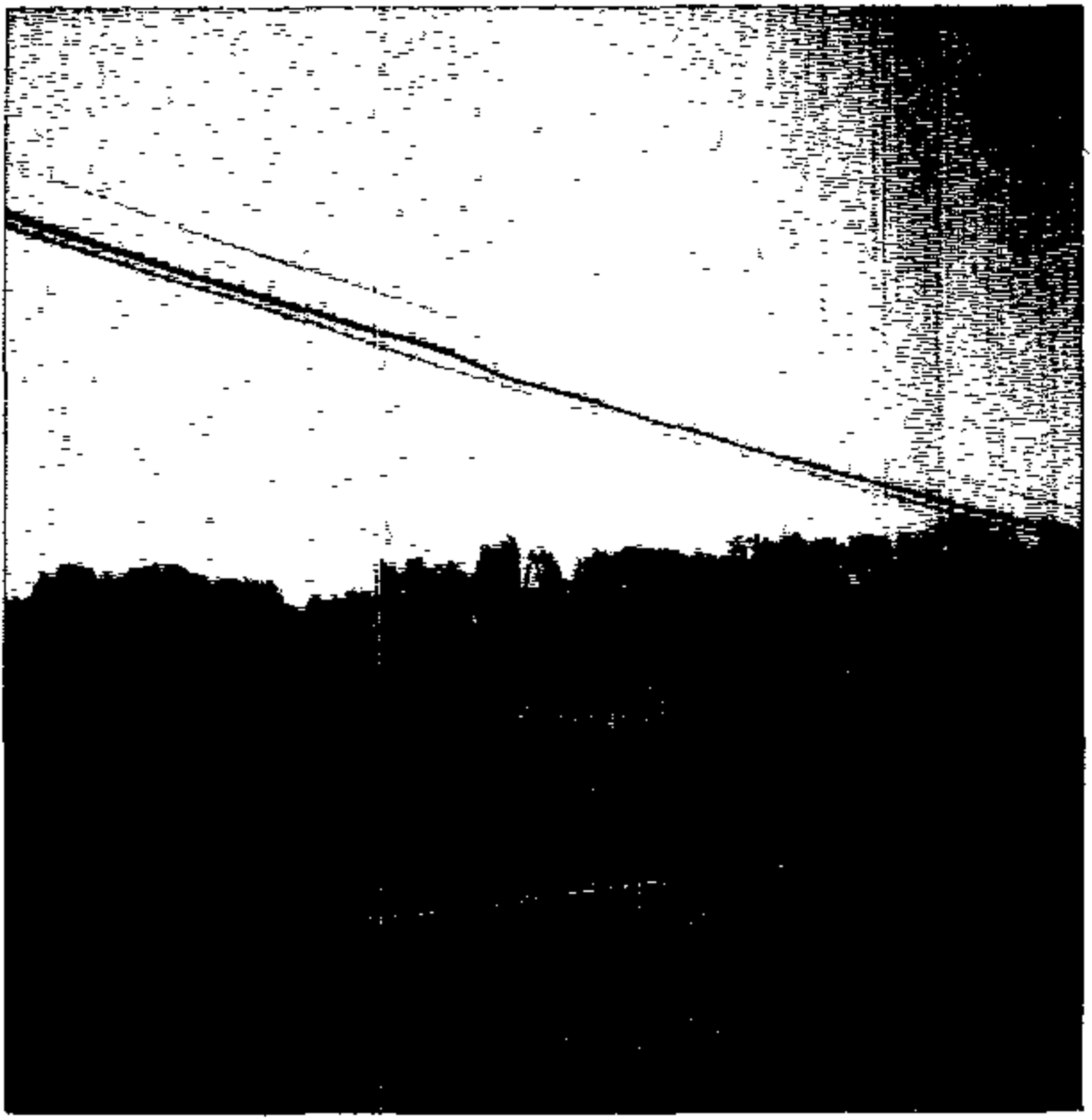
I, Ulebral A Feuer resides at 14909 Hanover Pike does not mind if there is a furrowed or horiculture operation next door.

Ulebral Feuer
14909 Hanover Pike
Upperco, MD 21155
410-526-2179

Ref No 5

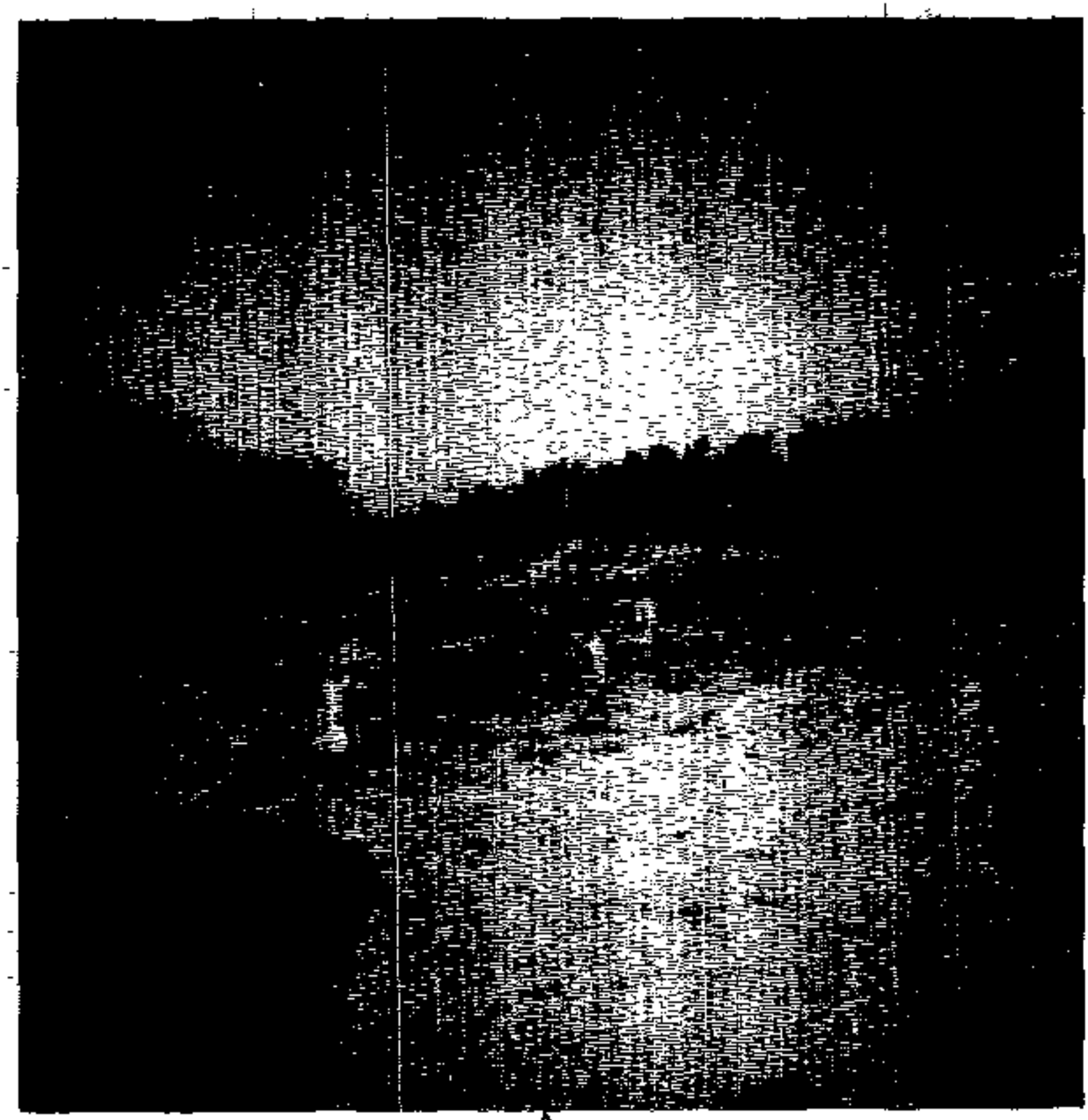
Petitioner's Ex.
2A - 2H
and other
photographs

02-479 & 480-X



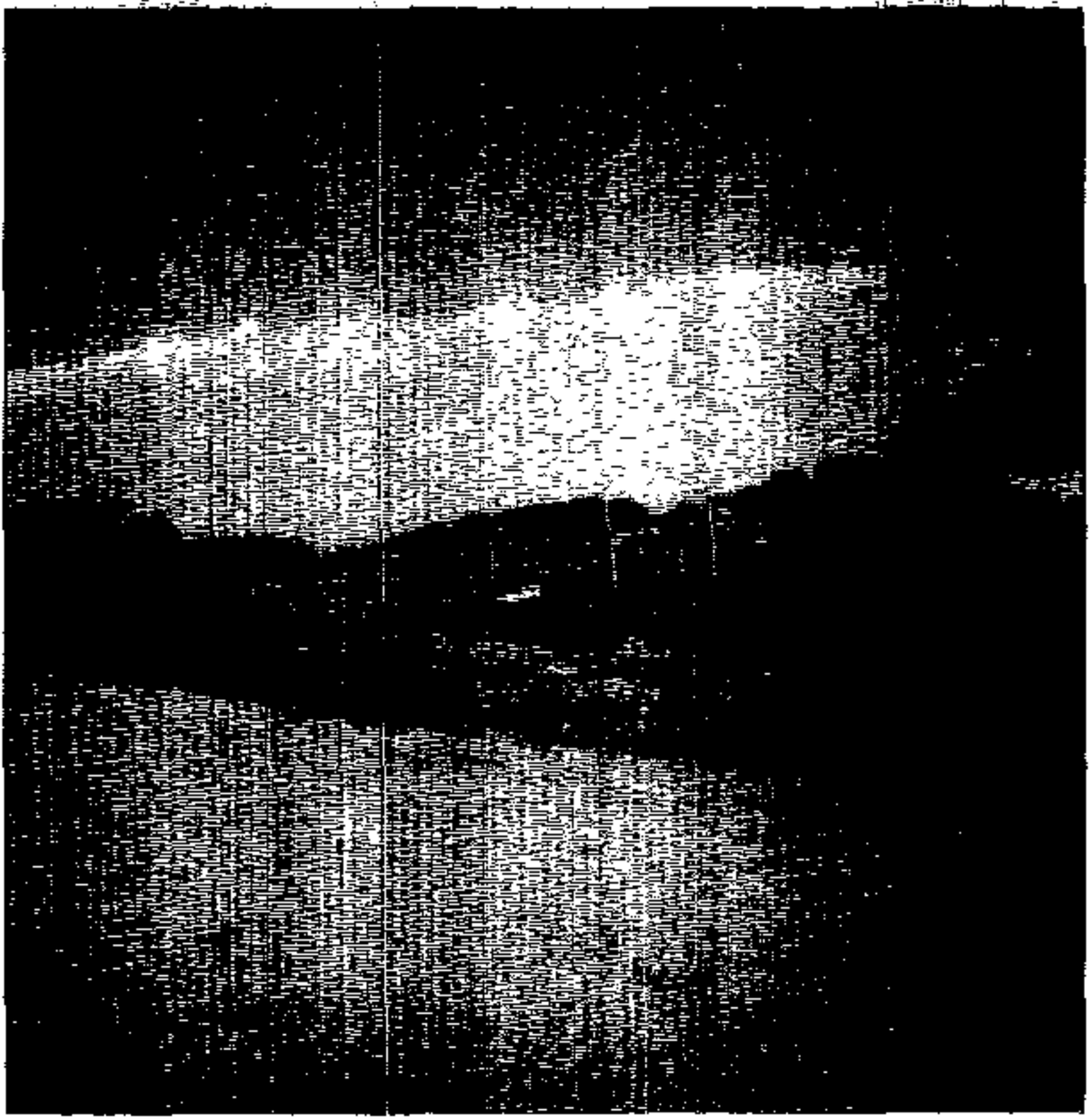
Lot 2A

1 of 23



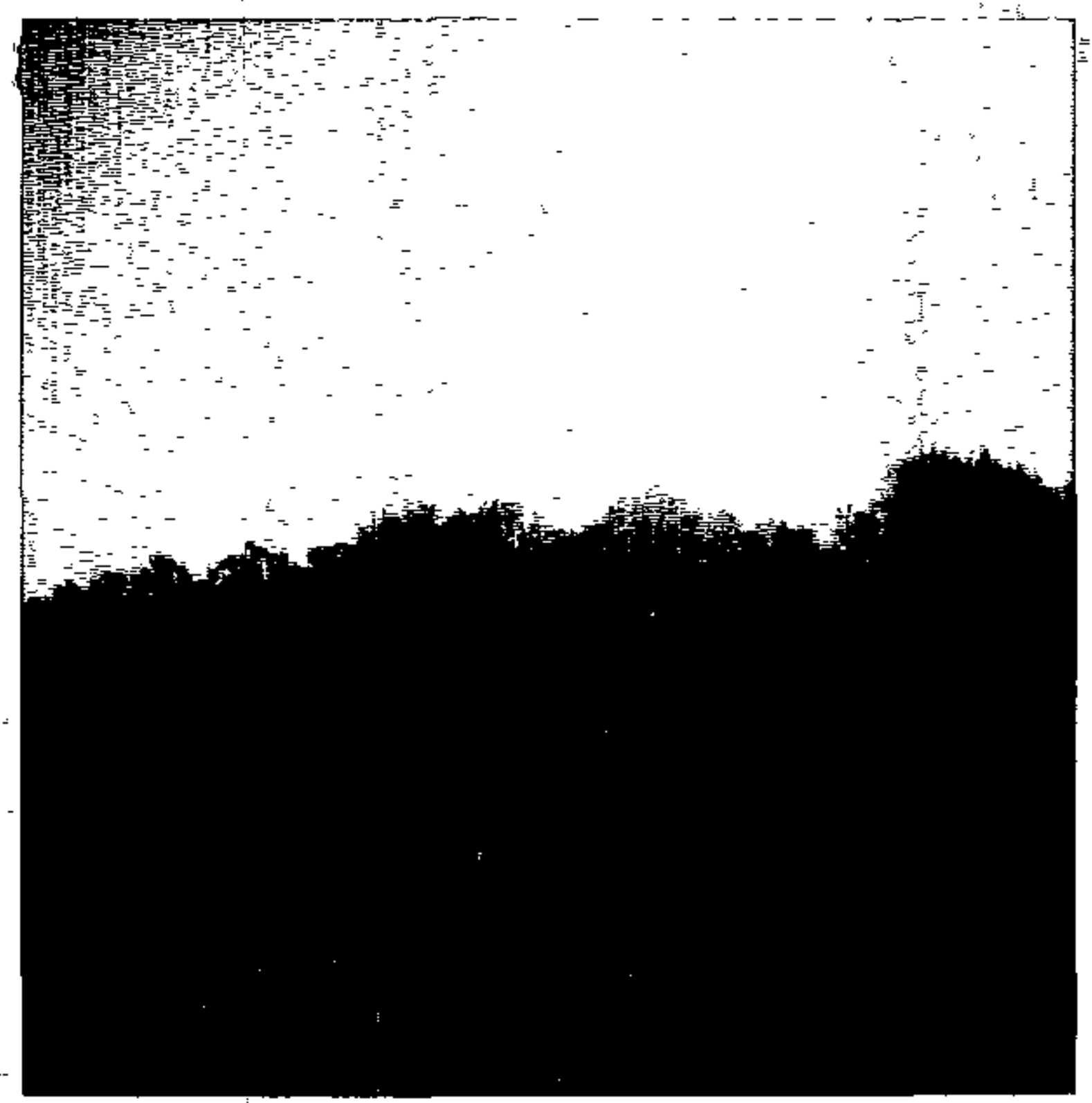
Pl 2c

Ref 2D

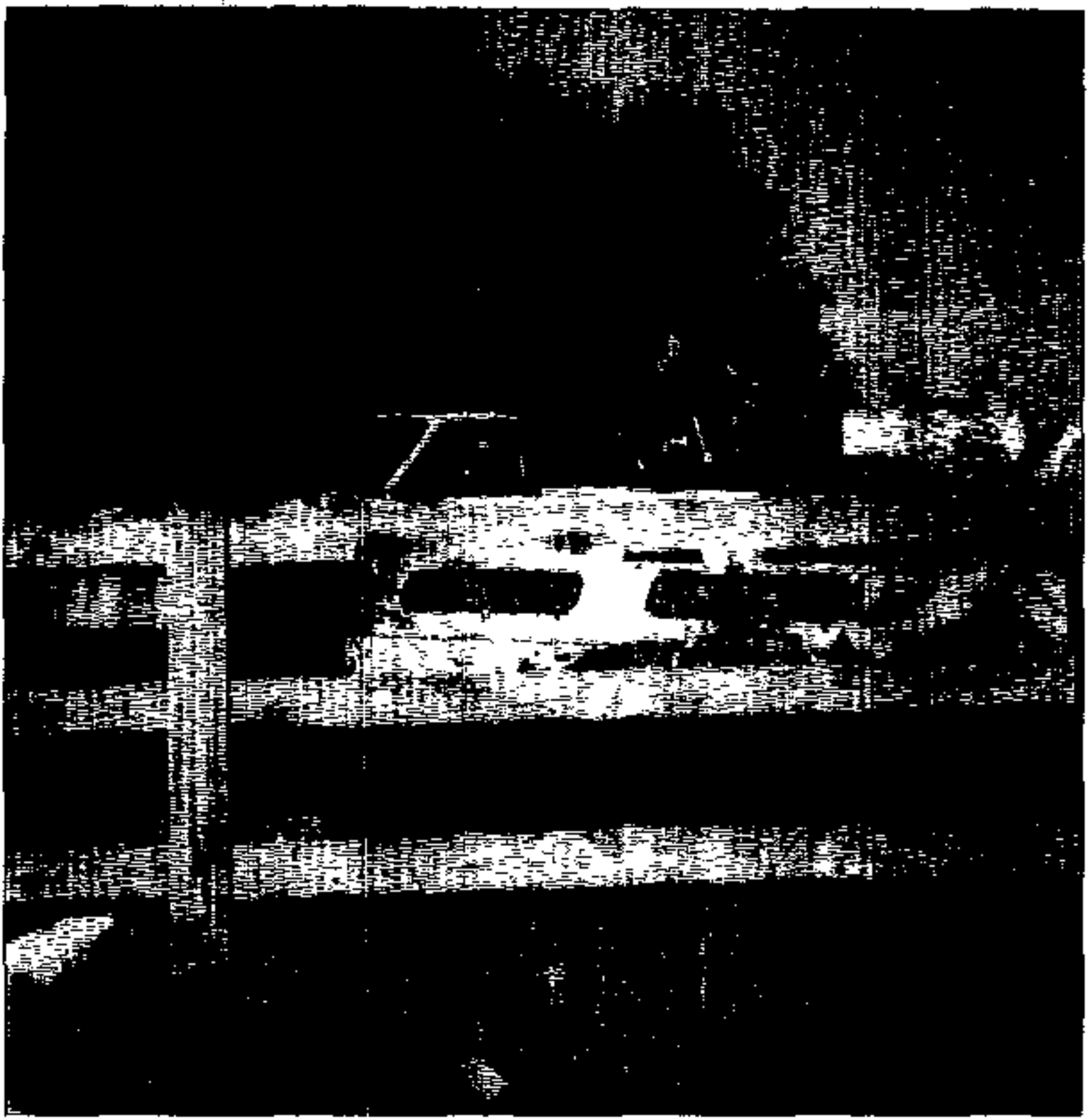


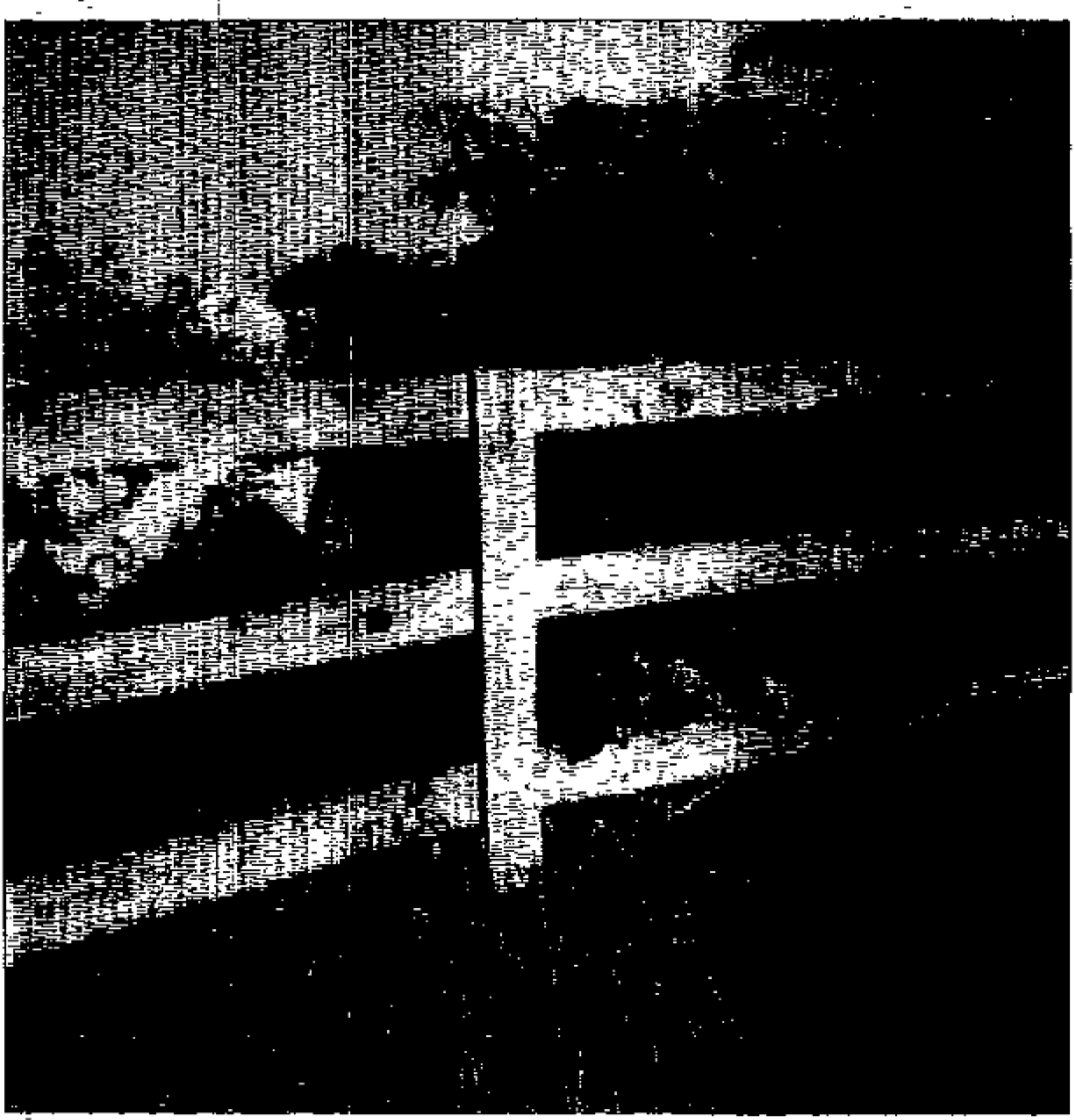
Pl 2 E

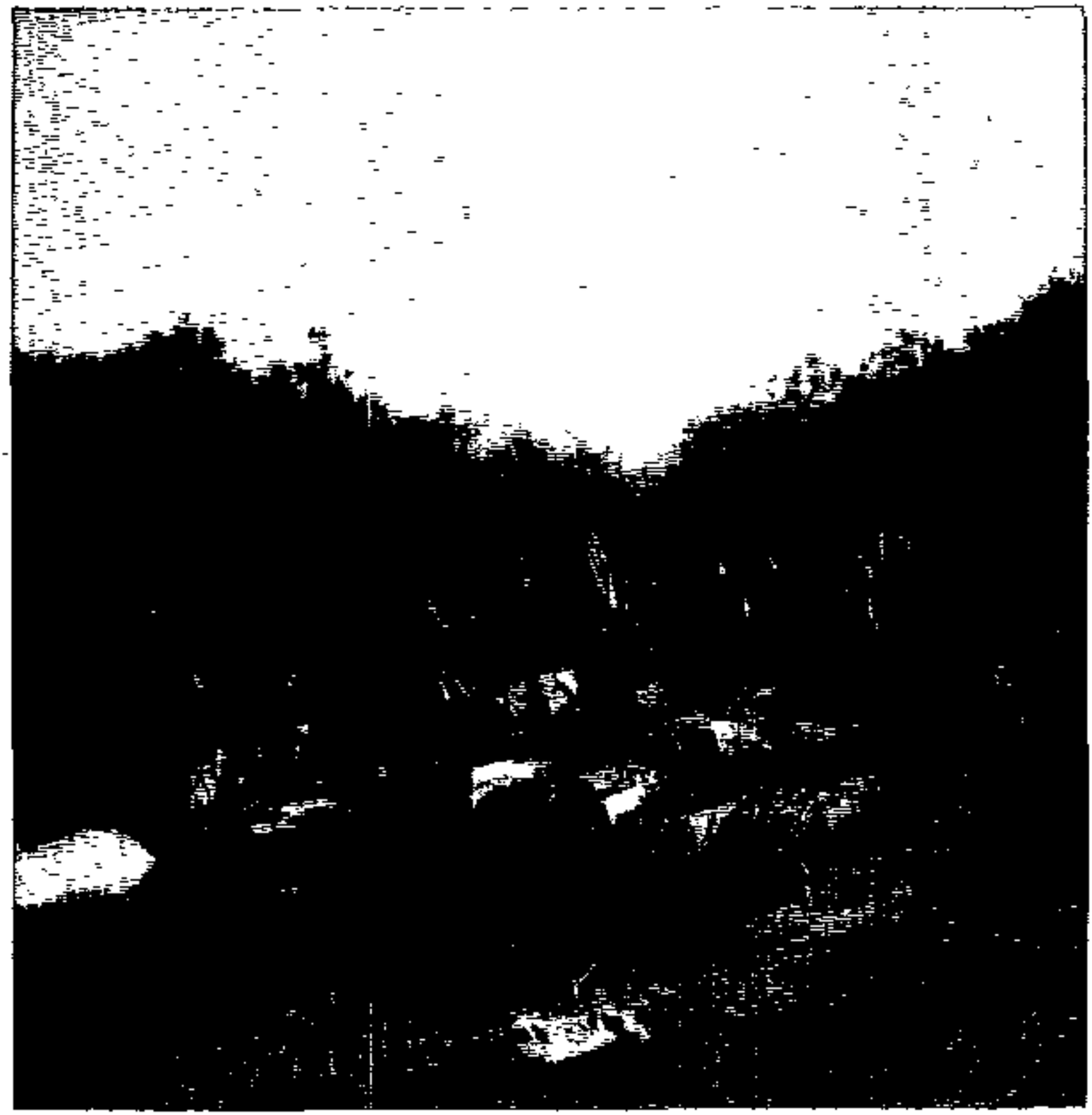
Pel 2F



Ref 214



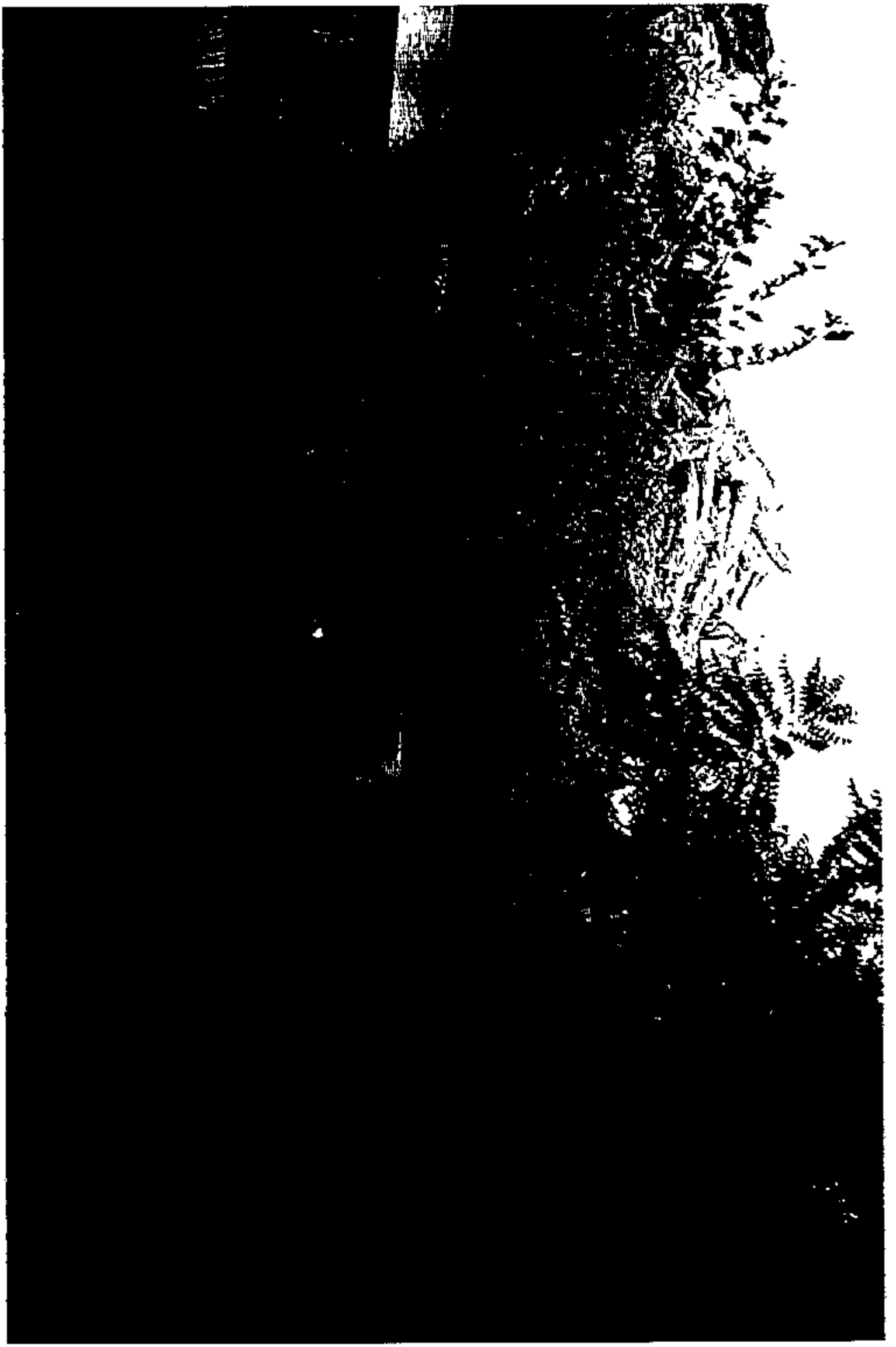




Ref 2G

Protestant
Photo

02-479 & 480-X



CARO ISAAC

SHOWS HOW TREE DEBRIS IS PUSHED OVER THE EDGE TO COVER WHAT HAS ROLLED OVER THE EDGE OF THE DUMP

ALL OF THE TREE LOGS, STUMPS WILL EVENTUALLY BE COVERED BY THE MATERIAL THAT IS DUMPED BY THE CHIPPER

PREMIUM PROCESSING PLUS

MAY 2003

CAROL ISAAC

HIGHER UP THE HILL
SHOWS BROKEN FENCE
DISCARDED TOOL BOX
STYROFOAM

HOUSES IN THE BACKGROUND
[illegible]'S SHED
MY HOUSE
FARM HOUSE OTHER SIDE OF HANOVER RD.

SAROI ISAAC

SHOWS WHEEL BARROW
METAL CART
METAL POSTS (PUSHING PAST FENCE)
TRUCK TOP
STYROFOAM

PREMIUM PROCESSING PLUS
MAY 2003

CAROL ISAAC

SHOWS METAL BEAMS

CHAIN FENCE

WOOD SUPPORTS (4X4)

PREMIUM PROCESSING PLUS

MAY 2003

CARO ISAAC

CLOSE UP OF THE METAL SCRAP
THE TRAILOR

NOTE THE YELLOW OBJECT ON RIGHT
SIDE OF PICTURE

IT IS A SKID LOADER PUSHING THE
PILES LEFT BY THE CHIPPER

MAY 2003
PREMIUM PROCESSING PLUS

UPCLOSE OF
METAL SCRAP
CHEMICAL TRUCK
WOOD PLANKS

CHAIN LINK FENCE
WOOD BEAMS
(OFF A DECK?)

ALBERTA SPRUCE
PLANTED FOR
LANDSCAPING?

JUST DUG A HOLE
DID NOT FILL IN
THE HOLE

Pat

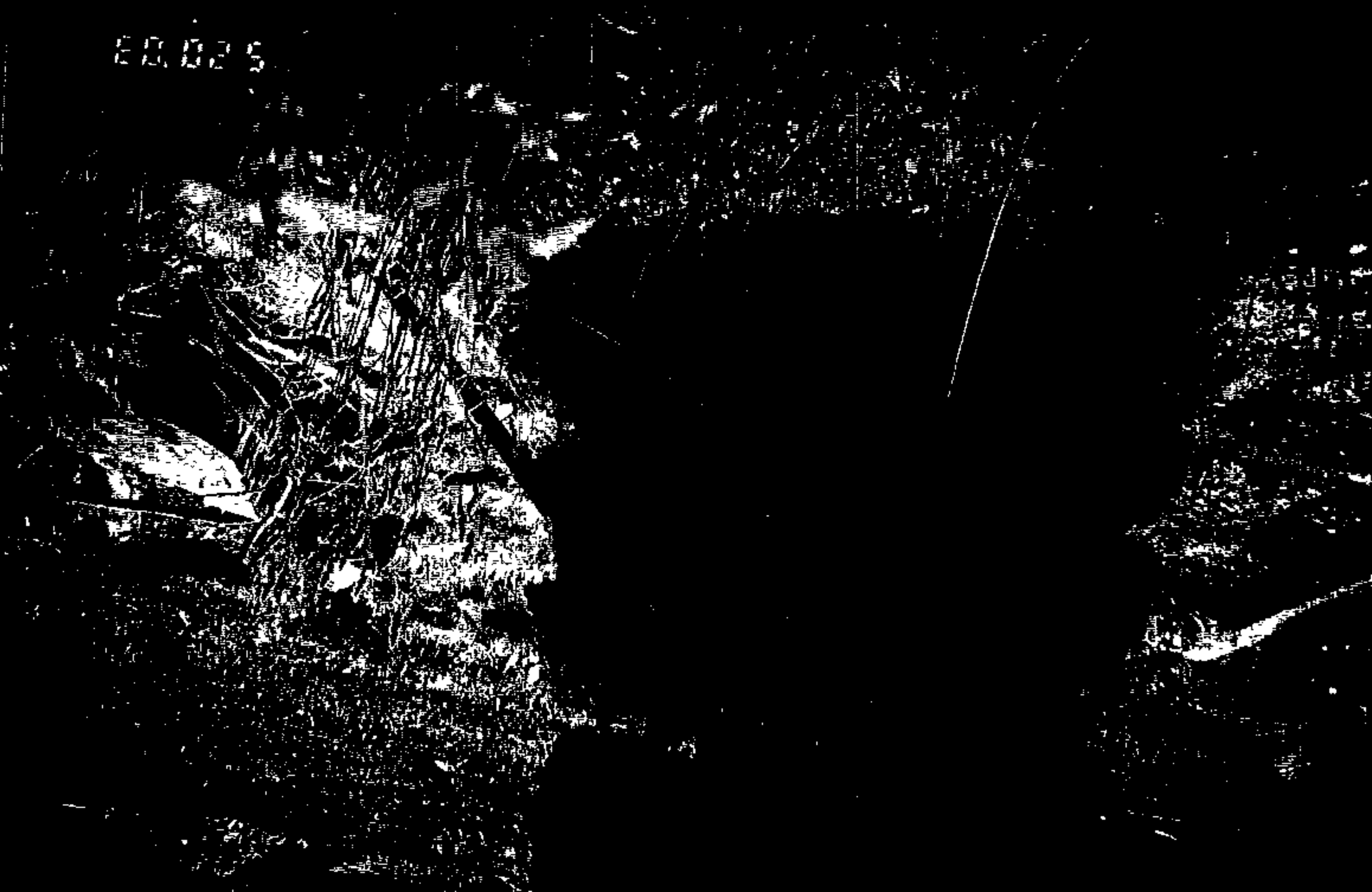
Rein

CAROL ISAAC

SHOWS VARIOUS METAL OBJECTS
CHEMICAL TRUCK
SKID LOADER

PRECIUM PROCESSING PLUS

MAY 2003


E8.02 5

CAROL ISAAC

ON CLOSER LOOK

THE SPRUCE WASN'T PLANTED AT ALL

JUST DUG A HOLE & DROP IN

PREMIUM PROCESSING PLUS

MAY 2003

6245246

CAROL ISAAC

ALBERTA SPRUCE BROUGHT IN FOR LANDSCAPING

LIBERTY DISCOUNT CAN BE SEEN
NOTE THE PILES LEFT BY THE CHIPPER
SOON THEY WILL BE SPREAD OVER THE
EDGE

PREMIUM PROCESSING PLUS
MAY 2003

Protestants'
#1

Bd File 02-479-X

SHOWS
FENCE WITH
METAL TRASH
TRUCK TOP
ALUMINUM
STRIPS
TRAILOR
SHED
CHEMICAL TANK
wheelbarrow
Metal Cart
STEEL BARS

SHOWS
SITE AFTER
CHIPPER PILES
HAVE BEEN
SMOOTHED OVER
TREE LOGS / LIMBS
THAT ROLLED OVER
THE EDGE

HEIGHT OF
PILE ABOVE
GROUND LEVEL

THE FENCE
RAIL IS 4' HIGH

CAROL ISAAC

ANOTHER ANGLE OF THE DUMP

THIS WILL ALL BE COVERED
BY THE CONTENTS DUMPED BY THE
CHIPPER

PREMIUM PROCESSING PLUS
MAY 2002

CAROL ISAAC

SHOWS JUNK BEING STORED ON BACK
OF PROPERTY
TRUCK TOP
WOOD PLANKS
METAL BAND (STRAP)
TRAILOR

WE NOW HAVE A SHED
BRICKS, BLOCK STORED AROUND IT

PLASTIC CHEMICAL TANK

MAY 2003
PREMIUM PROCESSING PLUS

CARO, ISAAC

TAKE FROM REAR OF PROPERTY

LIBERTY DISCOUNT CAN JUST BE SEEN

PREMIUM PROCESSING PLUS
MAY 2003

CAROL ISAAC

SHOWS MORE METAL
ALUMINUM STRIPS
NOTE HOW CLOSE THIS IS TO THE FENCE
METAL FIRE ESCAPE ?

LIBERTY DISCOUNT CAN BE SEEN
MY HOUSE IS IN THE BACKGROUND

AND AGAIN MORE PILES DUMPED BY THE
CHIPPER SOON TO BE PUSHED
OVER THE EDGE

EDGE NEW
PREMIUM PROCESSING PLUS

SHOWS

TRUCK LOADS
DUMPED AT
EDGE OF SITE

WILL BE COVERED
WITH CHIPPER
DEBRIS IN THE
FUTURE

SHOWS

STORED METAL
JUNK
TOOL BOX
TRUCK CAP
WOOD PLANKS
METAL SCRAP

'98 9 24

CAROL ISAAC

TAKEN THROUGH THE TOP & SECOND FENCE BOARDS

NOTE THE VARIOUS forms of TREE LOGS, LIMBS, DEBRIS

THIS WILL EVENTUALLY BE COVERED BY THE PILES OF DEBRIS BROUGHT IN BY THE TRUCK LOADS

'98 8 26

CAROL ISAAC

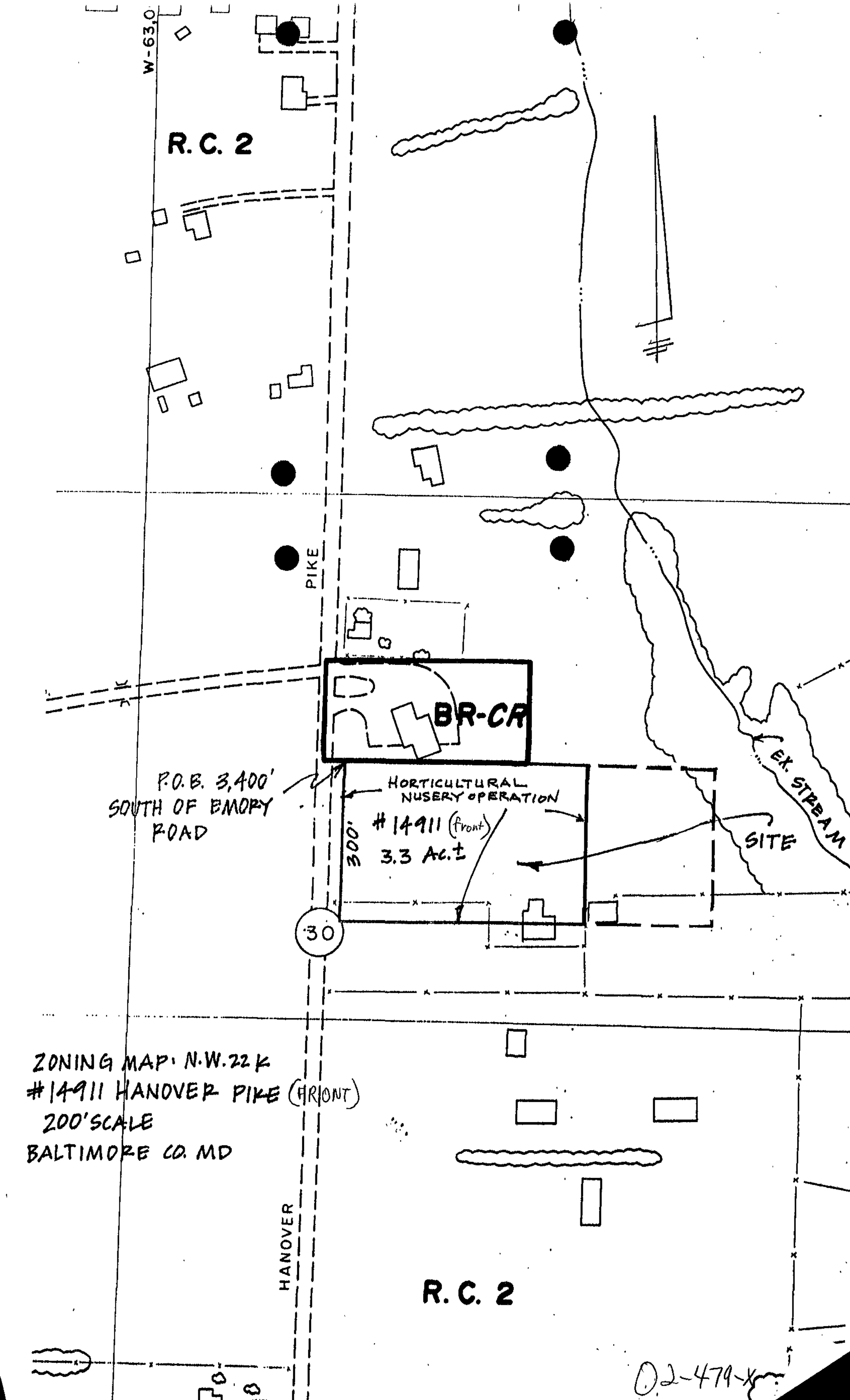
Shows Some of THE Junk Dumped
AT THE REAR OF THE PROPERTY

TRUCK

BLUE METAL FRAME

THE WHITE Building IN THE PICTURE IS
LIBERTY Discount (marked LD)

YIRKA PROPERTY


W-63.0
R.C. 2
PIKE
BR-CR
P.O.B. 3,400'
SOUTH OF EMORY
ROAD
HORTICULTURAL
NUSERY OPERATION
#14911 (front)
3.3 Ac.±
300'
SITE
EX. STREAM
30
ZONING MAP: N.W.22 K
#14911 HANOVER PIKE (FRONT)
200' SCALE
BALTIMORE CO. MD
HANOVER
R.C. 2
02-479-X

1 COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY HEARING

2

3 IN THE MATTER OF:

4 JAMES L. YIRKA, ET UX, CASE NO. 02-479-X

5 Petitioners, CASE NO. 02-480-X

6 14911 Hanover Road

7 _____/

8

9 September 25, 2003

10

11 BEFORE:

12 LAWRENCE M. STAHL, Chairman

13 CHARLES L. MARKS, Board Member

14 MELISSA MOYER ADAMS, Board Member

15

16 APPEARANCES:

17 F. VERNON BOOZER, ESQUIRE
On behalf of Petitioners

18

J. Carroll Holzer, Esquire
19 On behalf of Protestants

20

21 Reported by: Charles H. Long

PROCEEDINGS

MR. STAHL: All right. Good morning. We are here in the matter of James L. Yirka. There are two cases, 02-479-X and 02-480-X regarding special exception for horticultural nursery operation on the subject property which is 14911 Hanover Pike in the 4th election in the 3rd Council manic District, a special exception for firewood operation on the subject property and we're here arising out of an 8-15-02 petition for special exception which was denied by the zoning commissioner below in both of those case numbers.

Counsel, if you will for the record, please?

MR. BOOZER: Vernon Boozer, 614 Bosley Avenue, for the Appellants, Mr. Yirka.

MR. HOLZER: J. Carroll Holzer, 508 Fairmount Avenue, Towson Maryland on behalf of the Hanover Road Association, Inc., and Mr. Sid Trump, an adjacent property owner, plus there are other individuals here who are signing a sheet that I also

1 represent.

2 MS. DEMILIO: Carole Demilio, peoples'

3 deputy counsel.

4 MR. STAHL: Okay. Good morning, everyone.

5 I understand there have been some discussions among

6 counsel.

7 MR. BOOZER: Yes, there has, Mr.

8 Chairman, and members of the Board. I want Mr. Yirka

9 to listen to me as I put this agreement on the record

10 before you today. We have agreed to dismiss the

11 appeals, both cases, that you've just cited with an

12 agreement with the protestants and the county that we

13 first of all will not reapply for any zoning on this

14 property, any special exceptions until such time as

15 we've satisfied the county with regard to a six

16 thousand dollar lien against the property. It will

17 either be paid or there will be negotiations and it

18 will be satisfied with the county.

19 Secondly, there is logs on the property

20 and my client will remove all of these logs from the

21 property within ninety days.

1 Next, there is mulch on the property.
2 That will be removed by my client within six months
3 and also during that six months he will remove all
4 stumps, metal, debris and motors from the property and
5 he agrees to meet the county standards as to debris
6 and also to satisfy any requirements of the Maryland
7 Department of the Environment, the Baltimore County
8 Department of the Environment and that no new products
9 will be brought on site and there will only be clean
10 up operations conducted there on that site by my
11 client.
12 We understand that if he fails to comply
13 with this agreement that the protestants will pursue
14 the county and the county attorneys' office to file an
15 injunction against him and he will not attempt to
16 conduct any further firewood or nursery operation on
17 any site owned by him, if he does not comply with the
18 legal requirements and particularly the zoning
19 requirements of Baltimore County.
20 Now, Mr. Yirka, stand up here. You've
21 heard this agreement and I ask you if you accept the

terms as I've just read them to the Board?

MR. YIRKA: Yes.

MR. STAHL: Mr. Holzer.

MR. HOLZER: Yes, I've heard what Mr. Boozer proposed. I believe in regard to the first issue that, that he satisfy the county lien, there was also an additional requirement that he could not reapply for any zoning relief until all violations were corrected -- all zoning, zoning, environmental through either the state or the county were corrected. So, I would make that amendment.

Insofar as the, the comment in regard to the mulch, the other materials and so forth being removed in six months I have photographs here that I've shown to counsel which reflect what exists and as an illustration of the types and kinds of materials that are on site that must be removed. I would like to submit them into this case simply as an illustration of what the property looked like and what needs to be cleaned up.

MR. BOOZER: Let me see those.

1 MR. HOLZER: Oh. I thought you had looked
2 at them. Insofar as the, the continued operation it
3 is my understanding that the agreement calls for no
4 continuation of any dumping of any work on the, on the
5 site other than removal pursuant to this agreement,
6 removal of those products and materials that are
7 there.
8 And, finally Mr. James Thompson of the
9 Baltimore County Zoning Enforcement Office is here.
10 He has been kind enough to stay for the proceedings.
11 I have requested and he has talked with those in
12 authority over in his department -- I've requested
13 that in the event the ninety days passes and the
14 materials are not cleaned up as required within that
15 timeframe or in the six month timeframe that Baltimore
16 County Office of Law be requested by Mr. Katroko,
17 head of the department, to request an injunction under
18 the Baltimore County code and we, the community, would
19 then participate in that request for injunction to
20 cease the activities and I believe there was a --
21 there was a comment in regard to that he would not

conduct any operations on property that he owned in the county that are in violation of the Baltimore County zoning regulations. I think that should also be amended to say own or leased in terms of obviously if you lease property you still have to comply with the zoning regulations, so it should be clear that under either circumstance. The reason for that request was because in this case it was operated and as a result of a violation the special exceptions were filed to correct an existing problem, so we don't want to see that occur in another location in the community. With that, that's the understanding.

MR. STAHL: All right. Let's take them one at a time. First, the photographs, Mr. Boozer?

MR. BOOZER: No objection.

MR. STAHL: Okay. Let's deal with that first. Let's get them in.

MR. HOLZER: I've marked them collectively as Number 1.

MR. STAHL: Okay. This will be marked as Protestant's 1. Keep them in the file.

1 Now, Mr. Boozer, let's do them one at a
2 time. Do you have any difficulties with any of the
3 additions, corrections, if you will, that Mr. Holzer
4 has mentioned?
5 MR. BOOZER: I have no problem. We accept
6 those amendments.
7 MR. STAHL: Okay.
8 MR. BOOZER: And I ask Mr. Yirka, Mr.
9 Yirka, you've heard the amendments offered here by Mr.
10 Holzer. Do you have any problem with any of those
11 amendments? Speak up.
12 MR. YIRKA: No.
13 MR. STAHL: Okay. Ms. Demilio.
14 MS. DEMILIO: Yes, as you know our office
15 is appearing here as a party. This is an appeal filed
16 by a petitioner in a case and we're generally not a
17 party to any settlement agreement, but we do expect
18 and recognize that the agreement worked out by the
19 parties today will hopefully end the, the conditions
20 that have existed on the property for many years. I
21 would like the Board to know that it's nearly

1 impossible for the parties and Mr. Holzer particularly
2 to name every type of debris that is on the site, so
3 there has to be some commitment on the part of the
4 property owner that the spirit and intent of this
5 settlement agreement is that this property will not in
6 anyway, shape or form continue to be conducted the way
7 it has been in the past ten years and he will clean up
8 the site to the satisfaction from the way it was from
9 the very beginning. So, the spirit and intent I think
10 is very important here. If there is going to be an
11 order drafted to that effect, the spirit is that all
12 of this debris should be cleaned up it might be in the
13 order. There is more there than we can possibly list.
14 I mean, having seen the list I can say that from my
15 own observation.
16 MR. STAHL: Mr. Boozer, not that that was
17 actually specific, but can you join in?
18 MR. BOOZER: I will say this is overkill.
19 We said we're going to meet the county regulations,
20 the environment regulations.
21 MR. STAHL: All I'm asking you is do you

1 join in that philosophical outlook?

2 MR. BOOZER: Oh, my client is going to

3 make every effort to comply with this agreement, Mr.

4 Chairman, to clean that property up, move all what we

5 said, move all the debris, move all the mulch.

6 MR. STAHL: Of whatever description.

7 MR. BOOZER: Right.

8 MR. STAHL: If you will just give me a

9 moment.

10 MR. BOOZER: Again, so as long as it's

11 within the law.

12 MR. STAHL: Right, I understand. Yes?

13 MR. HOLZER: If I could just, Mr.

14 Thompson raises a very good point that all the

15 attorneys have overlooked, does the time period begin

16 to run today, and I would request that it would or

17 does it run from the date of the order, so I would

18 request that, that it run from today and if you need

19 to get an order out just --

20 MR. STAHL: Not that I -- well, for

21 reasons that will become obvious in a minute, not that

1 I want to throw any monkey wrenches into it, but, Mr.
2 Boozer, how do you feel about beginning today or
3 beginning -- I don't want to get involved in your
4 negotiations obviously.
5 MR. HOLZER: Right.
6 MR. STAHL: How do you feel about
7 beginning today?
8 MR. BOOZER: I would normally have no
9 problem except I ask you to take into consideration
10 this. We have just gone through a horrific time in
11 Baltimore County and it is not always easy to get the
12 equipment or the manpower that you need to get
13 started, so perhaps a few extra days and I'm sure
14 you'll get this order out by a week anyway.
15 MR. STAHL: Well, let me interrupt you for
16 a second. Maybe I can resolve that part of it too
17 while you're standing up. There is a lot of detail
18 here I understand and, and appreciate that there has
19 been a lot of history and back and forth and certainly
20 appreciate the fact that you seem all to have come to
21 a reasonable conclusion to this. I'm going to ask you

1 folks to submit something in writing. I'm going to
2 give you a choice. I don't really care how you do it,
3 but I would like the record to reflect the specific
4 conditions that exist so whether it's an agreement
5 that you append to an order of dismissal or an order
6 of dismissal that recites all of the conditions, I
7 don't really care much how you skin the cat, but just
8 that there be something detailed in the file so that
9 if we have to come back here again for any reason
10 there is no question, no issue as to what it is and
11 then you can work out exactly when it would start, you
12 know, a date that you know makes sense.
13 MR. HOLZER: I think from my perspective
14 we put on the record and we've give even you exhibits
15 of what, what should be there. Although I personally
16 don't have any trouble in writing an order, preparing
17 an order I would prefer that, that the agreement as
18 articulated by Mr. Boozer and amended by me be the
19 agreement and the reason I say --
20 MR. STAHL: Well, it is the agreement.
21 MR. HOLZER: The reason I say that is that

1 I'm going to be away next week and I don't want -- I
2 don't want some negotiation and haggling over whether
3 or not there is an agreement and whether I worded it
4 correctly. I would prefer since it came out of Mr.
5 Boozer's mouth that that be the record, whatever was
6 transpired.
7 MR. STAHL: The agreement is made. What
8 I'm saying is if we have to come back here and I'm not
9 suggesting that we will, Mr. Boozer -- certainly I'm,
10 I'm moving that this is ending it -- but it's easier
11 to deal with these scenarios now than it is later on
12 down the road. In the unlikely event that we would
13 have to come back then we're talking about everyone's
14 notes as to what occurred and we have to get a
15 transcript. It would make a lot more sense if there
16 were something actually in here. I'm sensitive to
17 your time difficulties.
18 MR. HOLZER: Mr. Chairman, let me suggest
19 this. I'll prepare an order today that says that,
20 that the Board hereby accepts the dismissal and I will
21 attach the court reporter notes to it. That's the --

1 that's the absolute --

2 MR. STAHL: You can do that.

3 MR. HOLZER: Words out of the horse's

4 mouth.

5 MR. STAHL: That would be acceptable, just

6 so that there is no question, no additional step that

7 we have to take in the future.

8 MR. HOLZER: I understand.

9 MR. STAHL: That we have it all in front

10 of us.

11 MR. HOLZER: I will adopt -- I will --

12 MR. STAHL: Can I suggest then that you

13 resolve --

14 MR. HOLZER: The time.

15 MR. STAHL: -- Now, if you can, the time

16 that it begins.

17 MR. HOLZER: It was my understanding --

18 MR. BOOZER: Well, the operation has been

19 there, Mr. Chairman, for five years. This has been

20 going on for two years.

21 MR. STAHL: We're just talking about

1 whether it's dated in the order for from today.

2 MR. BOOZER: So, I don't really see where

3 another week makes any difference.

4 MR. STAHL: Can you live with another

5 week?

6 MR. HOLZER: No.

7 MR. STAHL: Okay. Then you guys have to

8 come to some conclusion.

9 MR. HOLZER: Then try the case. Let me --

10 Let me put it to you this way. Counsel has -- his

11 client has been spending five years and the community

12 has been wasting effort and money and time. The

13 county has violations that are as long as my arm and,

14 and to suggest that we have to do other things other

15 than just come here and agree to today -- he's got

16 six months to get that stuff off there. He doesn't

17 need another week. He doesn't need another day. The

18 agreement -- what we talked about said that as of

19 today no new product is coming on the site. Well, if

20 no new product is coming on the site today then the

21 time period should start today and that's my position

1 and if counsel can't agree to it then try the case.
2 MR. STAHL: I'll hear from you, Mr.
3 Boozer.
4 MR. BOOZER: You know, Mr. Holzer is being
5 his usual cordial self here and I asked my client and
6 he's just told me that, you know, it can take him
7 several weeks with this weather and all even getting
8 the equipment in there that he needs. You just can't
9 go out nowadays and get the kind of equipment he's
10 going to need in there. With all that we've just gone
11 through all that equipment is tied up on a lot of
12 other jobs. So, as I said before what's another week,
13 the big thing I guess with Mr. Holzer and his clients.
14 What do you want to do?
15 MR. YIRKA: Take today.
16 MR. BOOZER: We'll take today's date, Mr.
17 Chairman. Thank you very much, Mr. Holzer.
18 MR. HOLZER: You're welcome.
19 MR. STAHL: Okay. The notes from the
20 reporter then will now be appended to the order and we
21 will move that all activities set forth in this

1 agreement, the counting of the deadline begins from
2 today, the 25th of September, 2003, notwithstanding
3 the fact that it may take some delay to get the actual
4 order signed.
5 MR. HOLZER: Thank you. I will -- I will
6 prepare an order for you, for the Board's signature.
7 I will submit it to Mr. Boozer for his review and I
8 will order a transcript to be attached thereto as per
9 my prior statement.
10 MR. STAHL: All right. Under those
11 circumstances, there being nothing else, this matter
12 is adjourned.
13 MR. BOOZER: Thank you, Mr. Chairman,
14 members of the Board.
15 (Proceedings was concluded at 10:40 A.M.)
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21

1 State of Maryland

2 Carroll County, to wit:

3

4 I, Charles H. Long, a Notary Public of the

5 State of Maryland, Carroll County, do hereby certify

6 that the foregoing is a true and accurate transcript

7 of the proceedings indicated.

8

9 As witness my hand and notarial seal this

10 25th day of September, 2003

11

12

13

14 _____

15 Charles H. Long

16 Notary Public

17

18

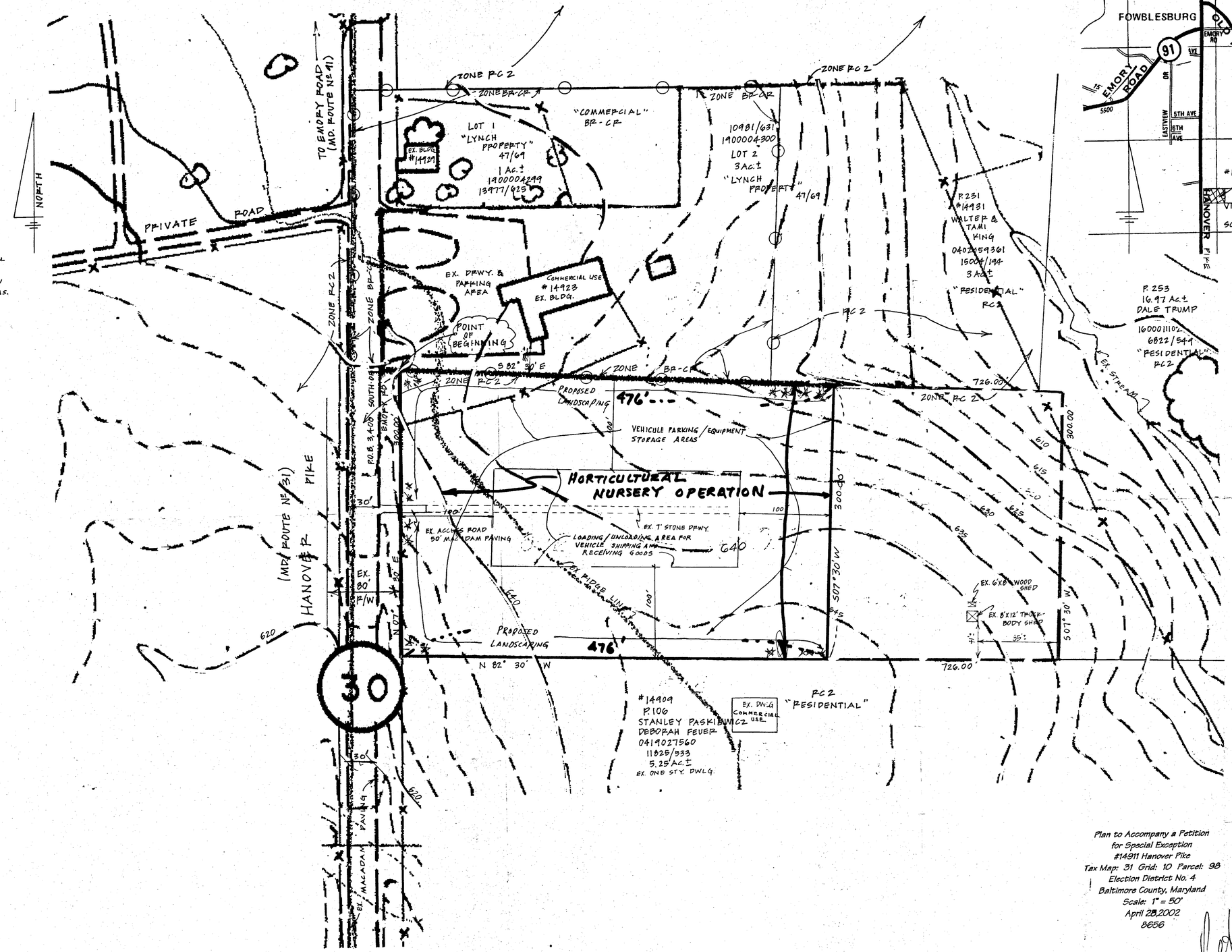
19

20 My Commission Expires:

21 September 13, 2004

General Notes

1. Existing zoning: R.C. 2
2. 200' Scale Map: N.W. 22-K
3. Councilmanic District No. 3
4. Lot Area: 3.3 Ac.+/- or 143,748 S.F.+/-
5. Community Panel No. 240010 0100B
   Zone "C"
6. Not located in a Historic Area
7. Not located in the Chesapeake Bay Critical Area
8. Not located in 100 Year Floodplain Area
9. Zoning Violation: Citation No. 98-0175
10. Existing Use: Vacant (Area has been planted with trees)
    Proposed Use: Horticultural Nursery Operation (No Sale of trees to the Public From This Property.
11. There are no proposed buildings for this site
12. ZONING DESIGNATION SHOWN : —O— ZONING LINE
13. THERE ARE NO WELLS OR SEPTIC SYSTEMS ON THIS SITE
14. THERE ARE NO SIGNS PROPOSED ON THIS SITE OR ANY THAT ARE EXISTING.
15. NO ZONING HISTORY WITH THIS PROJECT.
16. THERE WILL BE NO RETAIL SOLD ON THIS PROPERTY, THEREFORE THERE WILL BE NO PARKING REQUIRED FOR THIS SITE.
17. THE OWNER OF THIS PROPERTY AGREES TO COMPLY WITH B.C.Z.R. SECTION 404, 404.1, 404.2 OR ANY OTHER SECTION THAT MAY APPLY TO THE HORTICULTURAL NURSERY OPERATION OF THIS PROPERTY.
18. LANDSCAPING SHOULD BE PROVIDED IN ACCORDANCE WITH SEC. 404.1C. PLANTING WILL PROVIDE VISUAL SCREENING UPON MATURITY FOR THE VEHICULAR LOADING/UNLOADING AREAS AND THE VEHICLE PARKING & EQUIPMENT STORAGE AREAS.



Plan to Accompany a Petition
for Special Exception
#14911 Hanover Pike
Tax Map: 31 Grid: 10 Parcel: 98
Election District No. 4
Baltimore County, Maryland
Scale: 1" = 50'
April 28,2002
8656

Owner: James and Karen Yirka
2910 Patricia Court
Manchester, MD 21102-1848
Deed Ref.: 14336/663
Tax Account No. 0402022800
PHONE # 410 239 6888

Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

Ped No 6

02-479-X

CARO / ISAAC

Shows TREES

TRUCK LOADS of DÉBRIS

Potential FIREWOOD OVER Side of Dump

CAROL ISAAC

SHOWS TREES

TREE DEBRIS

HEIGHT OF DUMP SITE

CAROL ISAAC

TREES VERY CLOSE TO NEIGHBORING PROPERTY

PILES OF TREE DEBRIS