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

James L. Yirka, et ux Petitioners BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

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.

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.

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..."

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

11

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 _______ 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

IN THE MATTER OF:

JAMES L. YIRKA, ET UX.

Petitioners
14911 Hanover Pike

* BOARD OF APPEALS

SE For Firewood Operation

* BOARD OF APPEALS

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 // Cday of September, 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

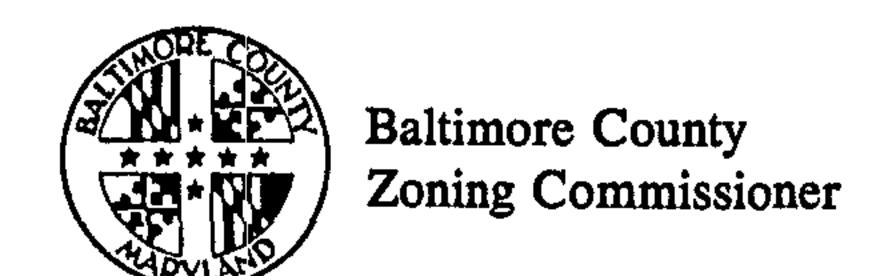
Melissa Moyer Adams, Member

Reviewed By:

Carroll Holser

F. Vernon Boozez

Orders/Hanover Rd. Assn.-CBA-9-25-03



August 15, 2002

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

Fax: 410-887-3468

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



OBDER REC

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

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

FIREWOOD 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:	Legal Owner(s):
	JAMES L. YIRKA
Name - Type or Print	Name - Type or Print
Signature	Signature Signature Virka
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature (1/4) 7 C (2)
Attorney For Petitioner:	Address Telephone No.
F. VERNON BOOLER	MAnchester mo 21102
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Company	ABOVE
614 Bosley Ave 410-828-9441	Name
Add Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
Care No. 0 2 -480-X	ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING
22009[15] 98	Reviewed By INP Date 4/30/02

April 30,2002

Zoning Description for #14911 Hanover Pike, Firewood Operation Area:

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 leaving the east side of Hanover Pike 6 82 degrees 30 minutes East, 476 feet to the true point of beginning; thence the following courses and distances as recorded in the Land Records of Baltimore County in Deed Liber 14336, folio 663:

\$ 82 degrees 30 minutes East, 250 feet; thence \$ 07 degrees 30 minutes West, 300 feet; thence N 82 degrees 30 minutes West, 250 feet and thence for a new line of division for zoning N 07 degrees 30 minutes East, 300 feet to the place of beginning.

Containing 1.7 acres of land, more or less. Also known as #14911 Hanover Pike and located in the 4th. Election District and the 3rd. Councilmanic District.

J. Tilghman Downey, Jr.

02-480-X

The Zoning Commissioner of Baltimore County by authority of the Zoning Actand Regulations of Baltimore County will hold a public hearing in Towson.

Maryland on the property identified herein as follows:

Identified herein as follows:

Case: #02-480-X
14911 Hanover Pike
E/S of Hanover Pike
E/S of Hanover Pike, (476'
to the rear) 3400' S of
Emory Road
4th Election District
3rd Councilmanic District
Legal Owner(s): James &
Karen L. Yirka
Special Exception: to use
the property for firewood
operation
Hearing: Friday, August 2,
2002 at 10:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave.

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 con-cerning the File and/or Hearing Contact the Zoning Review Office at (410) 887-

3391. 7/147 July 18

C551034

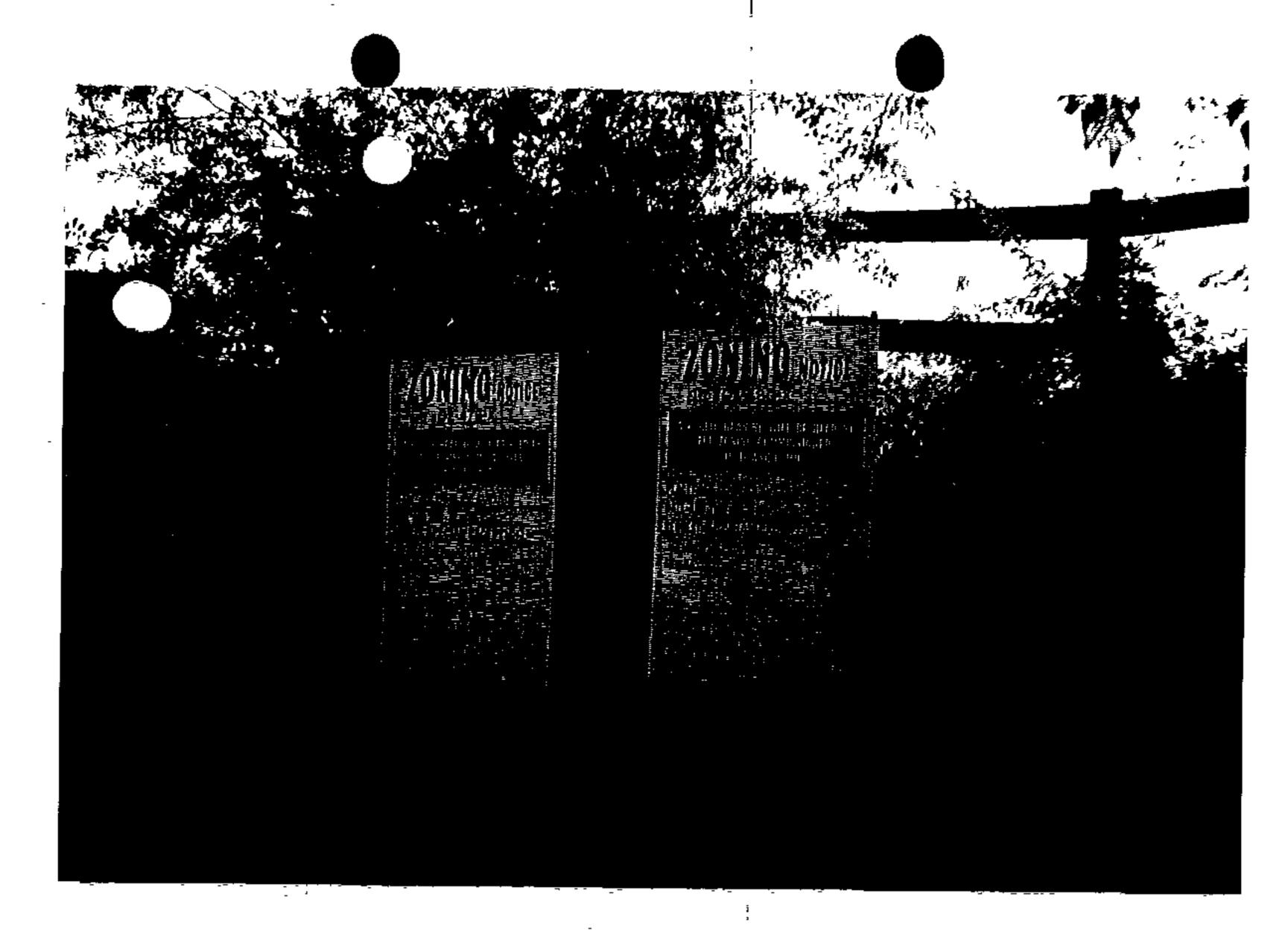
CERTIFICATE OF PUBLICATION

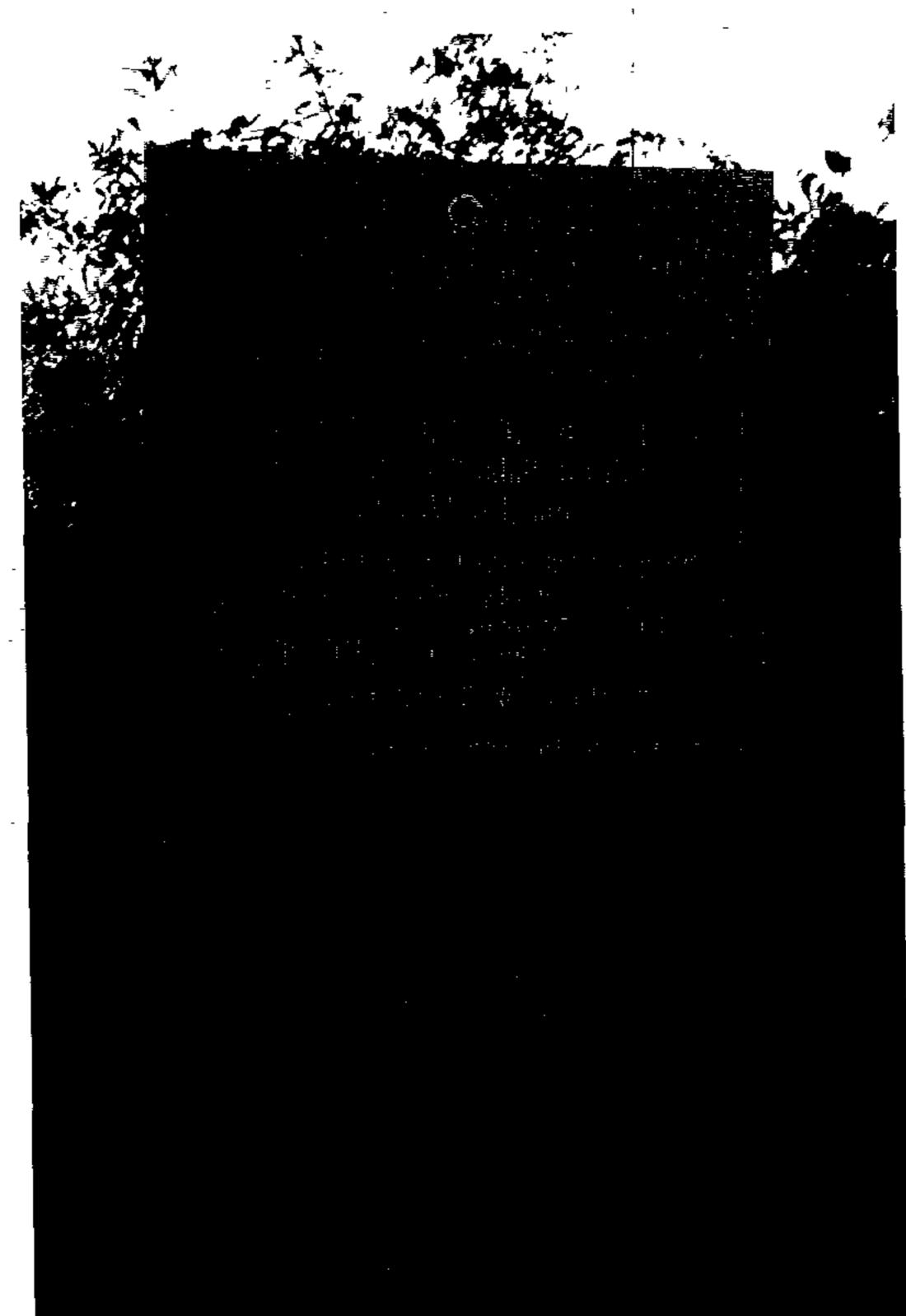
THIS IS TO CERTIFY, that the annexed advertisement was pub	lished
in the following weekly newspaper published in Baltimore County	, Md.,
once in each ofsuccessive weeks, the first publication appe	earing
on 18,2002.	
The Jeffersonian	
Arbutus Times	-
Catonsville Times	_
☐ Towson Times	
Owings Mills Times	ļ 1
□ NE Booster/Reporter	
☐ North County News	
S. Wilkinson	

LEGAL ADVERTISING

CERTIFICATE OF OSTING

	RE: Case No.: 02-480-X
	Petitioner/Developer:
	JAMES & KANGU YIRKA
	Date of Hearing/Closing: 8-02-07
caltimore County Department of ermits and Development Management county Office Building, Room 111 11 West Chesapeake Avenue owson, MD 21204	
ttention: Ms. Gwendolyn Stephens	
adies and Gentlemen:	
ere posted conspicuously on the proper	s of perjury that the necessary sign(s) required by law ty located at HALIOVEN PIKE
he sign(s) were posted on	UU 16, 7007 (Month, Day, Year)
	Sincerely, (Signature of Sign Poster and Date) GARLAND E, MOORE (Printed Name) 3225 RYERSONI CIRCLE (Address) BALTIMORE, MD, 21227 (City, State, Zip Code) (410) 242-4263 (Telephone Number)

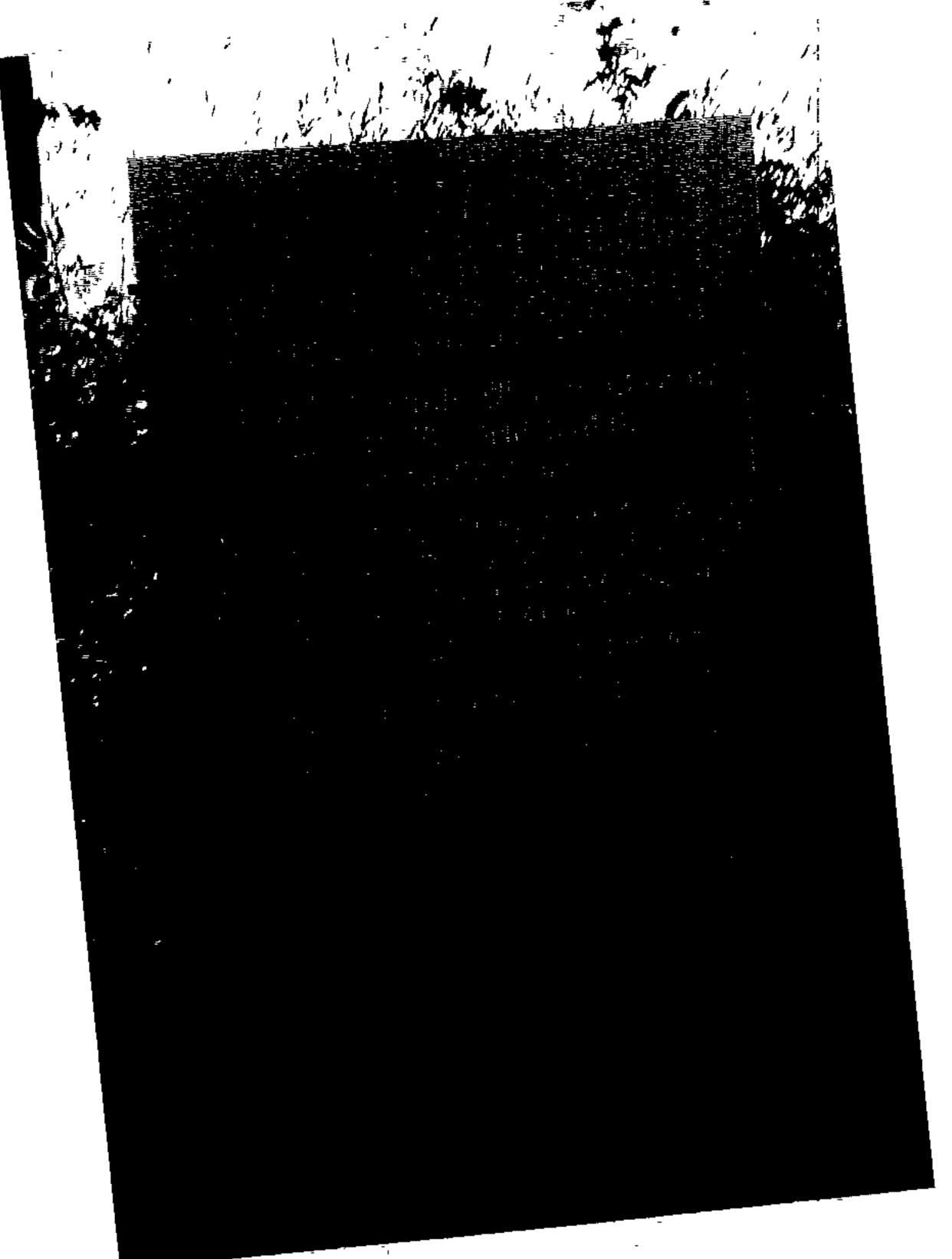




CERTIFICATE OF JOSTING

RE: Case No.: 0'2-400	
Petitioner/Developer:	·
Mr. amrs. James L.	YIRKA
Date of Hearing/Closing:	1-26-02
Baltimore County Department of Permits and Development Management County Office Building, Room 111 [11] West Chesapeake Avenue Fowson, MD 21204	
Attention: Ms. Gwendolyn Stephens	4
Ladies and Gentlemen:	•
This letter is to certify under the penalties of perjury that the necessary sign(s) requere posted conspicuously on the property located at	uired by law
The sign(s) were posted on <u>JUMG 10, 2002</u> (Month, Day, Year)	•
Sincerely,	
Signature of Sign Poste	r and Date)
GARLANDE, M (Printed Name	
_ `	Carcle
BACTIMIORE, M (City, State, Zip Co	[D, 21227 ode)
(40) 242-46 (Telephone Numb	<u>-(0)</u> er)





APPEAL SIGN POSTING REQUEST

CASE NO.: 02-480-X

James L. Yirka and Karen Lynn Yirka - LEGAL OWNERS

Reuston
14911 Hanover Pike - Upperco, MD 2//3/2 APPEALED: 9/13/2002 4th ELECTION DISTRICT ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1) CERTIFICATE OF POSTING TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204 Attention: Kathleen Bianco Administrator Case No.: 02-480 RE: Petitioner/Developer: This is to certify that the necessary appeal sign was posted conspicuously on the property located at: The sign was posted on , 2002 By: (Signature of Sign Poster)

(Printed Name)

APPEALSION POSTING REQUEST

CASE NO.: 02-480-X

James L. Yirka and Karen Lynn Yirka - LEGALOWNERS

1491 Hanover Pike - Upperco. Vib. 22/18/20

4th ELECTION DISTRICT

APPEALED: 9/13/2002

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

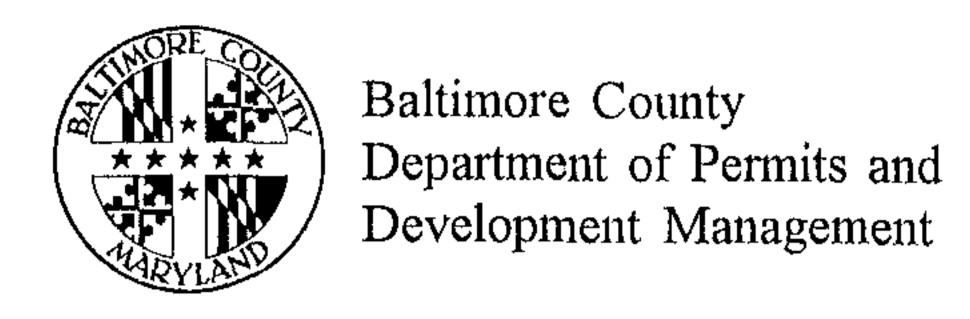
<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

The <u>Baltimore County Zoning Regulations</u> (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.

Item Number or Case Number: 02-480-X	<u></u>
Petitioner: Virka	
Address or Location: 14911 Hanover Pite (rear)	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: JAMES & KARON YIRKA	
Address: 2910 PATRICIA COURT.	



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: 02-480-X

14911 Hanover Pike

E/S of Hanover Pike, (476' to the rear) 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 firewood operation.

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

Building, 401 Bosley Avenue

Arnold Jablon 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.

PATUXENT PUBLISHING COMPANY TO:

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: 02-480-X

14911 Hanover Pike

E/S of Hanover Pike, (476' to the rear) 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 firewood operation.

HEARING:

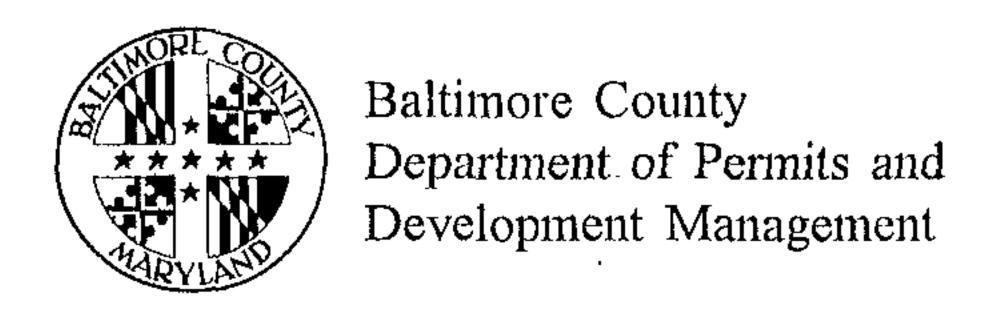
Wednesday, June 26, 2002 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



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: 02-480-X

14911 Hanover Pike

E/S of Hanover Pike, (476' to the rear) 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 firewood operation.

HEARING: Friday, August 02, 2002 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon ふりつ 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, Upperco 21155

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.

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: 02-480-X

14911 Hanover Pike

E/S of Hanover Pike, (476' to the rear) 3400' S of Emory Road

4th Election District – 3rd Councilmanic District

Legal Owner: James L & Karen L Yirka

Januer Establish

Special Exception to use the property for firewood operation.

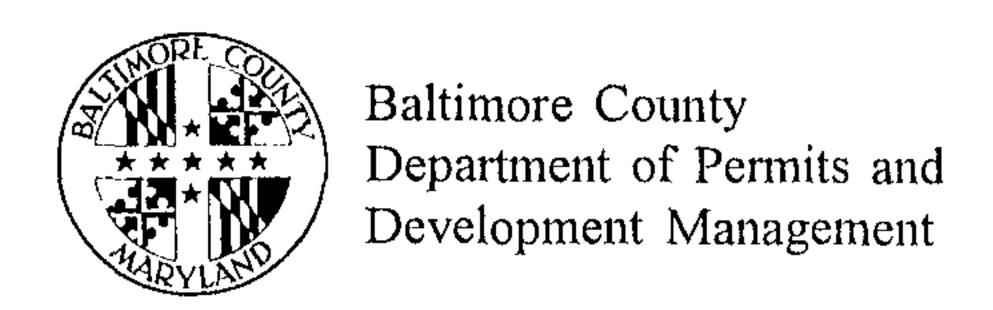
HEARING: Friday, August 02, 2002 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT ゆうで 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.



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. 02-480-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 Jabion 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

Case #02-480-X # 72-479-X Notified per ST. is UNS 100 pm. #02-479-X #02-480-X apperco Mas 21155 410-526-1360 Notific of new hearing date

-



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

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
Appellants / Petitioners

: 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



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

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
Appellants /Petitioners

: F. Vernon Boozer, Esquire

: 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



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

₹AX: 410-887-3182

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
Appellants / Petitioners

: F. Vernon Boozer, Esquire : 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







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. Blanco, Administrator

c:

Counsel for Appellants /Petitioners

Appellants /Petitioners

: F. Vernon Boozer, Esquire

: Mr. and Mrs. James L. Yirka

Counsel for Protestants

Protestants

: J. Carroll Holzer, Esquire

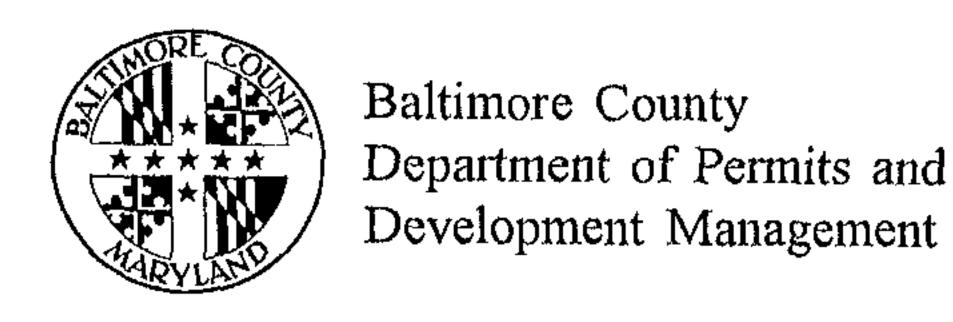
: Hanover Road Association / George Harman, Pres.

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)

Director, Department of Permits & 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: 02-480-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. 607

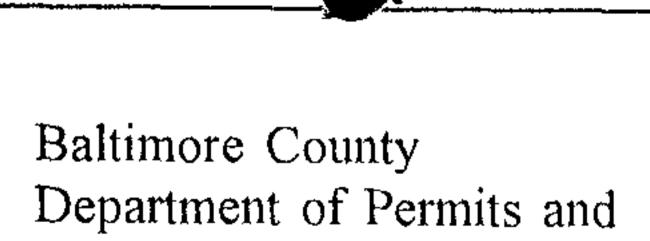
W. Carl Ruchards, Jr.

Supervisor, Zoning Review

WCR: gdz

Enclosures

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



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: 02-480-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. らりて

W. Carl Ruchard, Jr.

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 Robert Walker, 14625 Hanover Road, Upperco 21155 Code Enforcement Officer Dennis Rioux People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 5, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

14911 Hanover Pike

INFORMATION:

Item Number:

02-479 & (2-480)

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:

Section Chief:

AFK/LL:MAC:



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

May 9,2002

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

ATTENTION: George Zahner

RE: Yirka

Location: DISTRIBUTION MEETING OF May 13, 2002

Item No.: 480

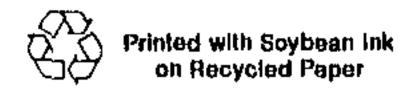
Dear Mr. Zahner:

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.

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

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 29, 2002

Department of Permits & Development

Management

FROM:

Robert W. Bowling

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 2002 Item No. 480

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Before the County can allow the storage of equipment or materials on this site, the developer will have to determine the limits of the 100-year flood plain for the existing stream at the back of the property. A 100-year flood plain boundary will be created that is 1.0 foot higher than the computed elevation. This boundary will be used to determine the limits of the area that can be used for storage of equipment and materials.

Check with the Department of Public Works to see if there are any flood plain studies on file for this stream.

RWB:CEN Cc: file



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams
Administrator

Date: 5.14.272

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

RE: Baltimore County

Item No. 4800 3MP

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 32.

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,

1

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley (185 /767

DATE:

June 20, 2002

SUBJECT:

Zoning Item 479

Address

14911 Hanoverpike

Zoning Advisory Committee Meeting of May 13, 2002

See attached comments

Reviewer:

Wally Lippincott

Date: June 18, 2002

RE: PETITION FOR SPECIAL EXCEPTION 14911 Hanover Pike, E/S Hanover Pike (476' to the rear), 3400' S of Emory Road 4th Election District, 3rd Councilmanic

Legal Owner: James L. & Karen L. Yirka Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- ^k Case No. 02-480-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

People's Counsel for Baltimore County

Reter May Timmerman

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

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

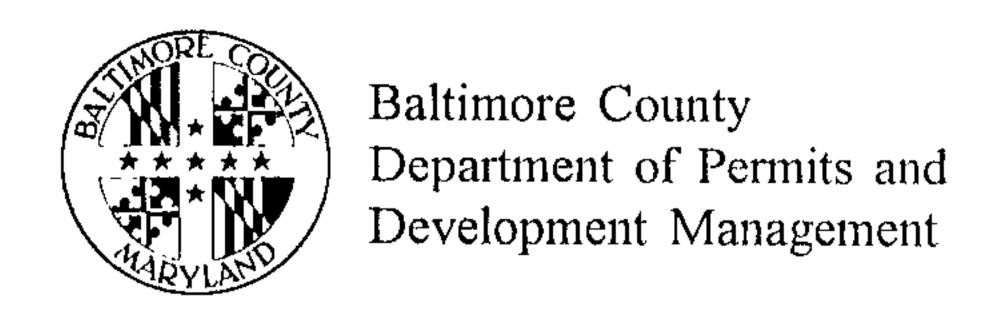
Correction Notices

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



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. 02-480-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 Jabion 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

RECEIVED

SEP 1 7 2002

BALTIMORE COUNTY BOARD OF APPEALS

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.:02-480-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: See Case No. 02-479-X

- 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: See Case No. 02-479-X

1. Photographs (8 pictures)

Miscellaneous (Not Marked as Exhibits): See Case No. 02-479-X

- 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.:02-480-X

- Petition for Special Exception (dated 04/30/02)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (dated 06/27/02)
- V Certification of Publication (The Jeffersonian issue dated 07/18/02)
- Certificate of Posting (dated 07/16/02 posted Garland E Moore)
- V Entry of Appearance by People's Counsel (dated 05/22/02)
- V Petitioner(s) Sign-In Sheet (1 page)
- ✓ Protestant(s) Sign-In Sheet (1 page)
- Citizen(s) Sign-In Sheet (none)
- Zoning Advisory Committee Comments
- V Petitioners' Exhibits: See Case No. 02-479-X
 - 1. Letter to Mr. Arnold Jarlon from 4th Election District (dated 04-28-97) and reply from Jun R Fernando (dated 05/14/97)
 - V2. 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: See Case No. 02-479-X

√1. Photographs (8 pictures)

✓ Miscellaneous (Not Marked as Exhibits): See Case No.

Division of Code Inspections & En Documents (Violation Case 98-017

Letter to Mr. Lawrence Schmidt fro 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

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

MR. AND MRS. JAMES L. YIRKA 2910 PATRICIA CT. MANCHESTER, MD 21102 SID TRUMP 30 PINEBARK CT. COCKEYSVILLE, MD 21030

GEORGE HARMAN 5429 WEYWOOD DRIVE REISTERSTOWN, MD 21136

MR. GEORGE NEUBECK 14301 HANOVER PIKE REISTERSTOWN, MD 21136

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

BALTIMORE COUNTY
BOARD OF APPEALS
BOARD OF APPEALS

Sheila M. Becker
PO Box 174
New Windsor MD 21776





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

- 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

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

No. 02-480-X

Page 2

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, CORRESPONDENCE

INTER-OFFICE CORRESPONDENCE

DATE: May 7, 2003

TO:

File/Yirka

File/Yirka **%0** 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.



County Moard of Appeals of Waltimore 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.

Kathleen C. Bianco Administrator

Mr. and Mrs. James L. Yirka C: 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

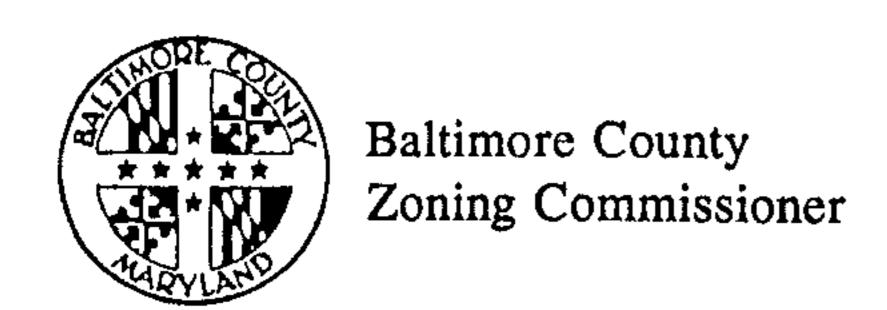
Pat Keller, Planning Director

Lawrence E. Schmidt, Zoning Commissioner

James H. Thompson, Code Enforcement /PDM (Case No. 98-0175)

Timothy M. Kotroco, Director /PDM





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

Zoning Commissione

/for Baltimore County

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

LES:bjs

CC:

BALTIMORE COUNTY, MARYLAND ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Inter-Office Correspondence

DATE: June 13, 2002

TO:

Development Review

FROM:

Wally Lippincott, Jr.

RE:

Case No. 02-479-x

Background: The Department of Permits and Development Management, Code Enforcement, requested comment by the Baltimore County Agricultural Advisory Board in 2000 on whether the use on the property was agriculture. I visited the property on May 12, 2000 with a member of the Advisory Board. We observed some nursery material in poor condition on the south side of the property near Rt 30 and a variety of junk including snow removal equipment, automobile parts, and junk vehicles. Mr. Yirka later informed us that he had also planted nursery stock on the north side of the property.

The Advisory Board recommended that to the Zoning Office that the activities on the farm relating to the growing of nursery stock were agricultural in nature and thus the use could be considered agricultural.

On June 13, 2002, I visited the property to prepare comments for the proposed Special Exception request. On this visit I found that there no longer was any nursery material on the south side of the property, that the area had grown up in grass. I also noted that the trees on the north side of the property were hard to see because the area was overgrown with grass. From my visit to the property I concluded that nursery use is not sufficient to justify a request for an accessory landscaping use. Over the last two years the landowner has not progressed in establishing a bona-fide nursery operation.

Also on the visit, I noted that the firewood, wood cutting operation appeared to expand from the visit in 2000, so that it appeared to be the dominant use of the property. Most of the junk appeared to have been removed.

Recommendation: Recommend denial of the request for Horticultural Nursery Operation. The request appears to be for a Landscape Operation and not for a Horticultural Nursery Operation which is primary a nursery operation with some accessory landscape activity.

The request does not appear to meet 404.2.B.1. The plan appears to be requesting a landscape and equipment storage that will be the principle use of the property and not accessory.

The request does not appear to meet 404.2.B.2. The request to locate a loading/unloading area for vehicle shipping and receiving goods in the center of the property does not appear to be compatible with the surrounding uses. The property to the north has a parking area on Rt 30 and the property to the South is principally a residential use.

Wallace S. Lippincott, Jr.

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. O2-480-X

Dete Completed/Initials	
5-17-02	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filling, post and advertise at least 15 days prior to hearing)
5-73-02	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice, place original advertising notice in Patuxent's box; file copies of both notices in hearing file, update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder, file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
6-27-02	POSTPONEMENTS (type postponement letter, make appropriate copies, mail original and copies; send copy to zoning commissioner, file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file, update hearing calendar and ZAC in computer; refile hearing folder)
7-26-02	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet) 7-18 6-11 6-70 7-7-6 ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
7-26-06	COMMENTS (check off agency comments received on front of hearing file, make copies; type comments letter; mail original to petitioner, file copy in hearing file)
The party of the p	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday, verify that checklist on front of hearing file has been completed; secure all papers under clips in file, send files for

hearings to zoning commissioner's office by noon on Friday and files for administrative

on Tuesday morning)

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 Charter Division



SS22-B P61

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re County Bal Department of Permits and Development Management Code Inspections Entocamen' County Office B 椰 111 West Chesapence Avenue Towson, MD 21204

Code Enforcement:

410-887-3351

Building Inspection:

410-887-3953

Plumbing Inspection:

410-487-31620

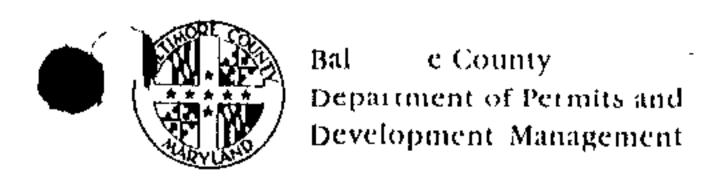
Electrical Inspection:

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BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE
Citation/Case No. 175 Property No. 2-022800 Zoning
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KACEN LYNN VICKA
Address: 2910 PATRICIA (OUTH ME 202- SH
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YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:
On or Before: (a-22-01) Date Issued: (-7-01)
FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR A CONVICTION FOI
EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, 5500, CR \$2000 PER DIES VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.
Print Name 1) ENNIS KIOUX
INSPECTOR: Dennis Quout
STOP WORK NOTICE
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Code Inspect' and Enforcement County Officeding 111 West Chesapeake Avenue Towson, MD 21204

Code Enforcement:

410-887-3351

Plumbing Inspection:

410-887-3620

Building Inspection:

410-887-3953

Electrical Inspection:

410-887-3960

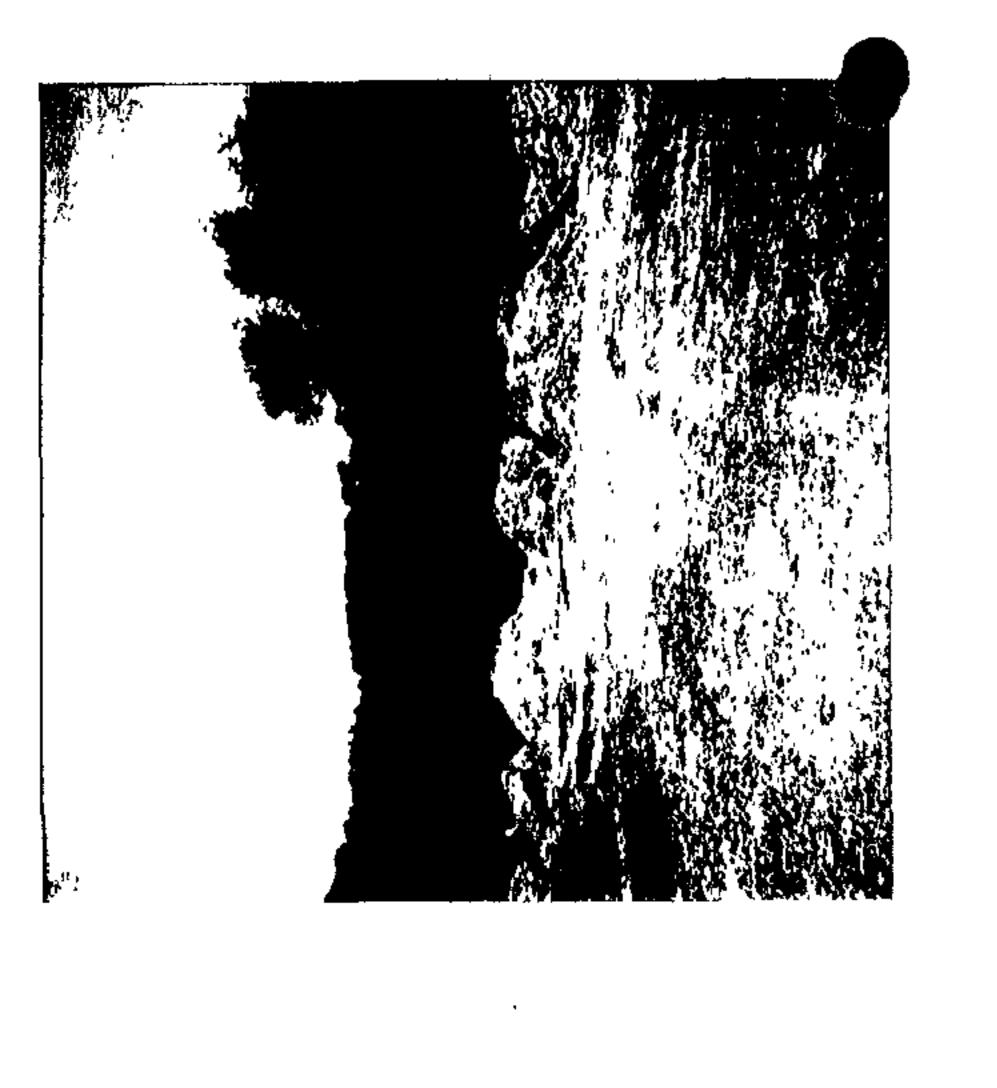
BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

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A quasi-judicial	hearing has been	pre-scheduled in 1	Room 116,	Date:
III West Chesaj	peake Avenue, 10	owson, Maryland,	tor:	Time:
				9:00
Citation must b	e served by:	·		Date: 7-/3-01
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Date

Defendant's Signature

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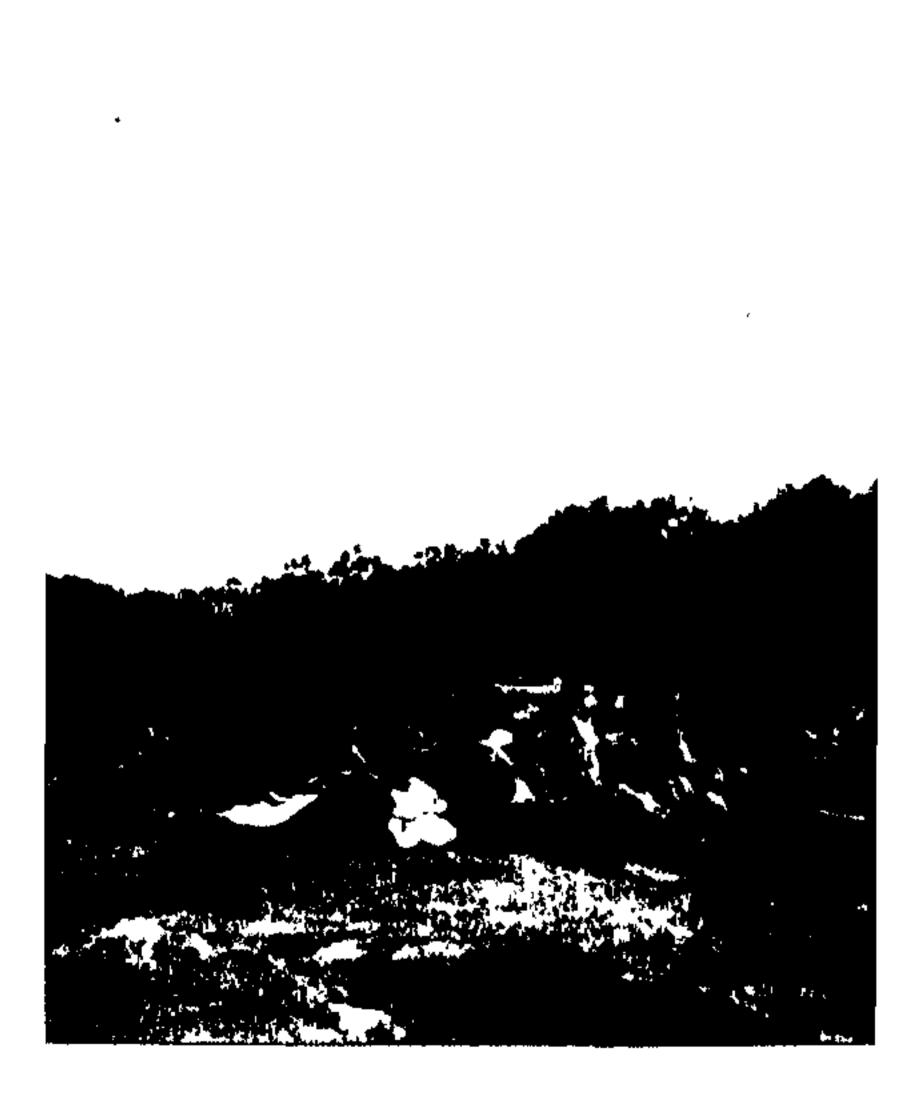
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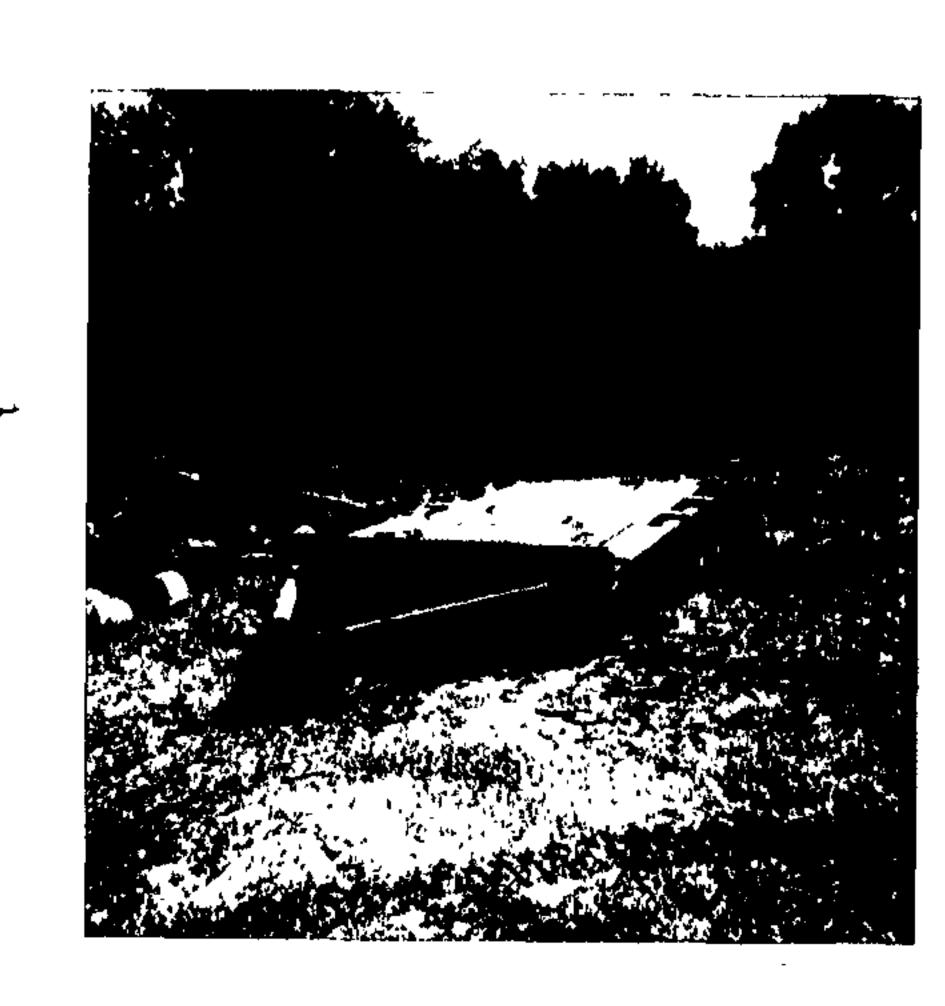












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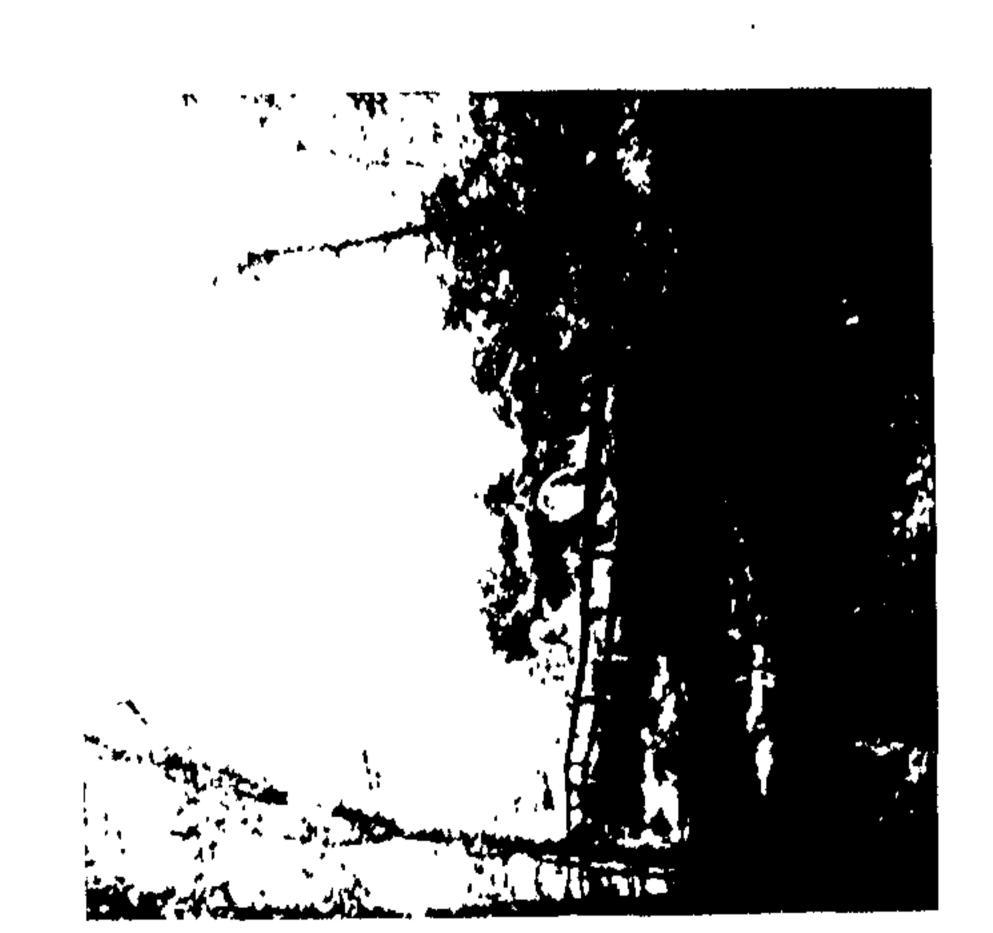
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Baltimore County, Maryland
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 98-0175

James L. Yirka, III Karen Lynn Yirka 14911 Hanover Pike

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on 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.

IT IS ORDERED by the Code Enforcement Hearing Officer, this 2/ 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

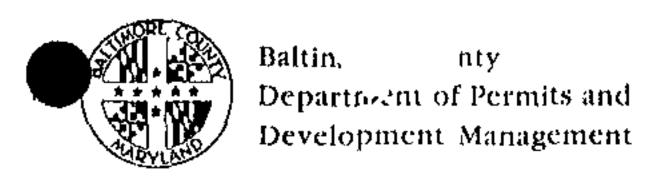
Code Enforcement Hearing Officer

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.

SUBM. COMMENTS: NO. င္သ 8 2 PROPERTY # 04-02-022800

REPRESENTS PENALTY ASSESSED PUTELS INVOICE CONSTITUTES A LIE
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TOWSON, MARYLAND 21204-4665 SUB BALTIMORE COUNTY, MARYLAND ACTV PROVIDER CODE / SOC SEC. NO. TELEPHONE (410) 887-2413 Llen AS LAN MITHIN AT THE PURSUANT TO **B B** TAXES AGAINST Page 808 30 DAYS SOURCE 00000 CIVIL THE RE ONE (1) PERCENT REAL CITATION HANOVER SUB PROPERTY INVOICE REPT CATG INVOICE - • INVOIC おし **≈**∯-; 98-0175 Y TO EE DATE ACC CASHIER US L NEA TOTAL AMOUN \$5,0 MON





Code Inspections at forcement County Office Building 111 West Chesapeake Avenue Towson, MD 21204

Code Enforcement: Building Inspection:

410-887-3351

410-887-3953

Plumbing Inspection: Electrical Inspection:

410-887-3620 410-887-3960

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

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Citation/Car	se No.	Property O4/	No. - 02-	022	800	Zoning:	2	
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Date

Defendant's Signature

PHOTOGRAPHIC RECORD

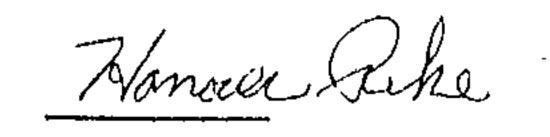
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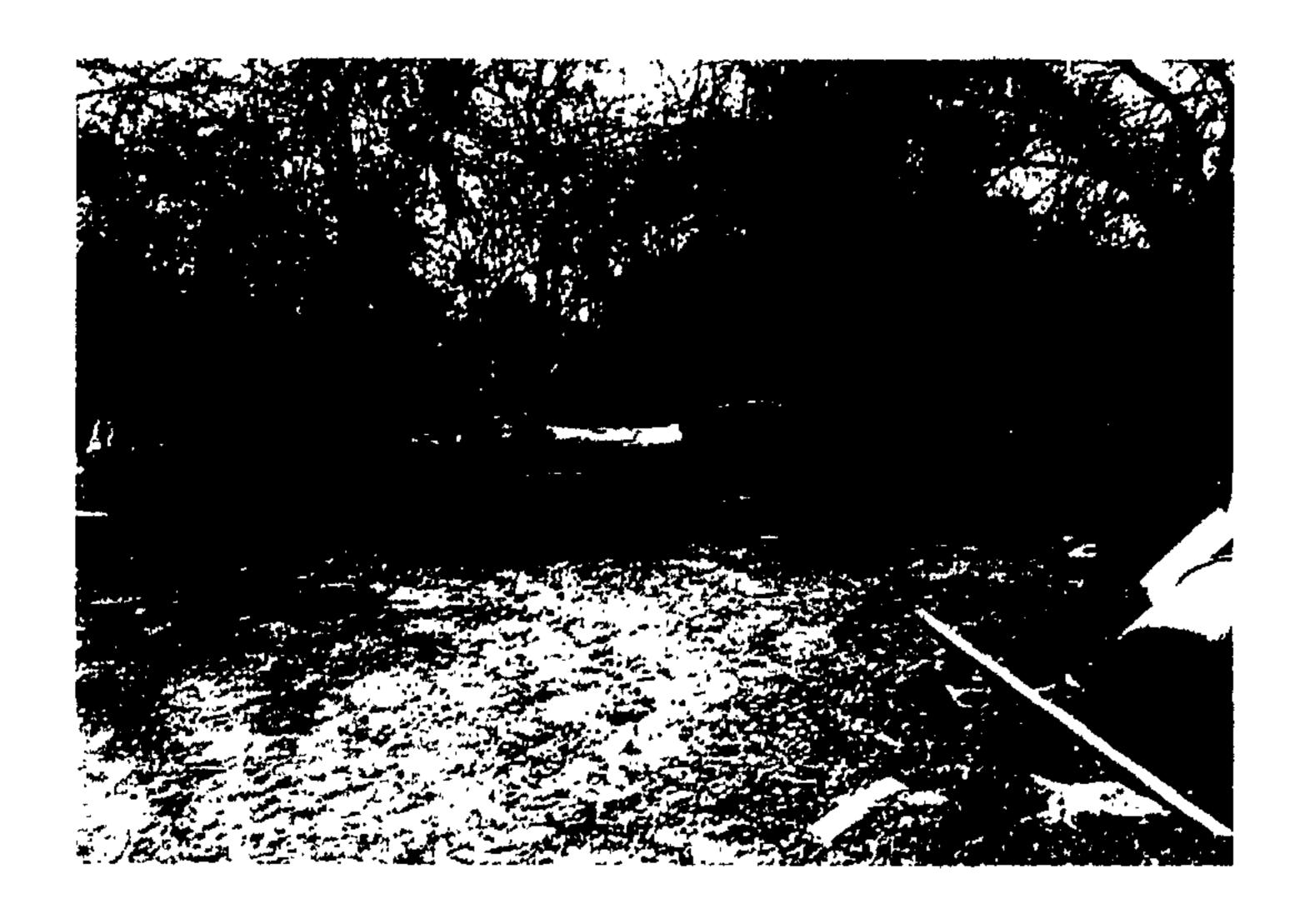


I HEREBY CERTIFY that I took the ________ photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

Enforcement Officer

Citation/Case I Date of Photog

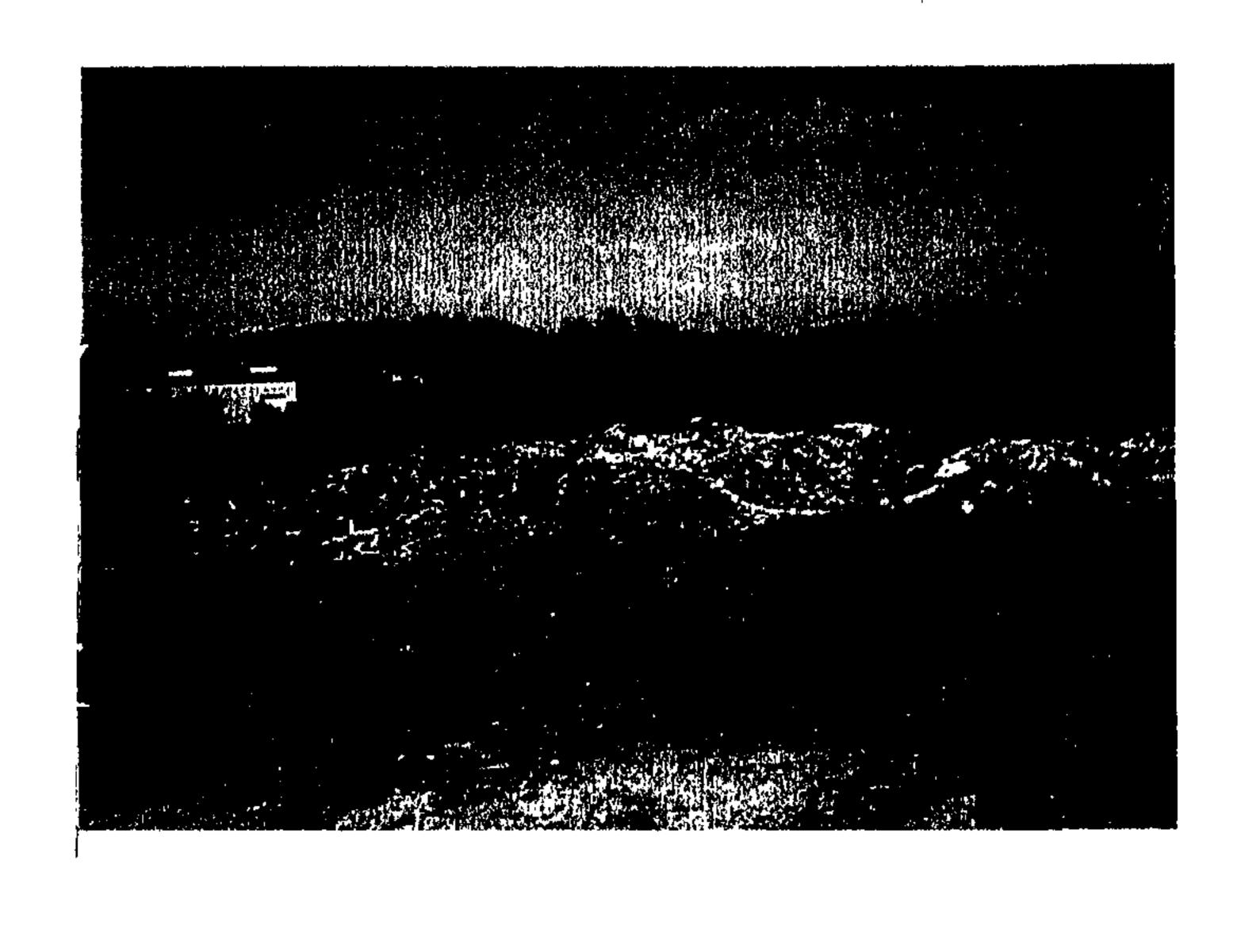




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Enforcement Officer

Citation/Casi Date of Photi Hanoue Rike



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Enforcement Officer

Citation/Casc Date of Photo Hanoue Rike



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Enforcement Officer

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Enforcement Officer

Citation/Casi Date of Photi Hanoua Rike



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Enforcement Officer

11/14/00

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Citation/Casc Date of Photo Hanous Rike



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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.

Enforcement Officer

Citation/Case
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HEREBY CERTIFY that I took the // 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 itation/case number on the date set out above.

Enforcement Officer

Citation/Case
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Enforcement Officer

11/14/00

Citation/Case
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Honoux Rike



HEREBY CERTIFY that I took the // 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.

Enforcement Officer

1/14/00

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW

614 BOSLEY AVENUE

EDWARD C. COVAHEY, JR.

F. VERNON BOOZER *

MARK S. DEVAN

THOMAS P. DORE

MICHAEL T. PATE

STACIE D. TRAGESER

BRUCE EDWARD COVAHEY

410-828-9441

TOWSON, MARYLAND 21204

FAX 410-823-7530

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

*ALSO ADMITTED TO D.C. BAR

JENNIFER MATTHEWS HERRING

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, May 15, 2003 @ 10:00 a.m.

Dear Ms. Bianco:

It is respectfully requested that the hearing in the above captioned cases be postponed from May 15, 2003 @ 10:00 a.m., as I am previously scheduled to appear that day in the Circuit Court for Harford County in the case of <u>State of Maryland v. Donna S. Diepold</u>. See attached copy of correspondence from the Circuit Court for Harford County.

The Board's indulgence in rescheduling the above hearing is greatly appreciated.

F. VERNON BOOZER

FVB:jb Enclosure

Eliciosui

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

Lawrence E. Schmidt, Zoning Commissioner, 401 Bosley Ave., Ste. 405, Towson, MD 21204

Arnold Jablon, Director/PDM, 111 W. Chesapeake Ave., Towson, MD 21204

0411gab05

Poss 6/05

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

ANNEX OFFICE SUITE 302 606 BALTIMORE AVE. TOWSON, MD 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

August 14, 2003

*ALSO ADMITTED TO D.C. BAR

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

AUG 15 2003

BALTIMORE COUNTY BOARD OF APPEALS

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

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

Lawrence E. Schmidt, Zoning Commissioner, 401 Bosley Ave., St. 405, Towson, MD 21204 Arnold Jablon, Director/PDM, 111 W. Chesapeake Ave., Towson, MD 21204

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ATTORNEYS AT LAW

TOWSON, MARYLAND 21204

AREA CODE 410 828-9441

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

FAX 410-823-7530

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

September 13, 2002

* ALSO ADMITTED TO D. C. BAR

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

RECEIVED
SEP 17 2002

BALTIMORE COUNTY BOARD OF APPEALS

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

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PAGE

CHARLESTON PLANTATION, LLC

May 19, 2003

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

Dear Mr. Yirka:

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 permitted 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 connect you in the near future. To discuss this matter in futther detail.

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

Cc Thomas Hutton

Cpll/sw/01.44

President

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

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

HANOVER ROAD ASSOCIATION, Inc.

P.O. Box 70Boring, MD 21020

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

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 /

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_

day of June, 2002.

ATTEST:

Hanover Road Association, Inc.

Robert Walker, Secretary

George Harman, President

JUN 2 6 Walk

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



July 10, 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,

Reful Soldely

	02-419-X
Case Number	02-480-X

PLEASE <u>PRINT</u> LEGIBLY

PETITIONER'S SIGN-IN SHEET

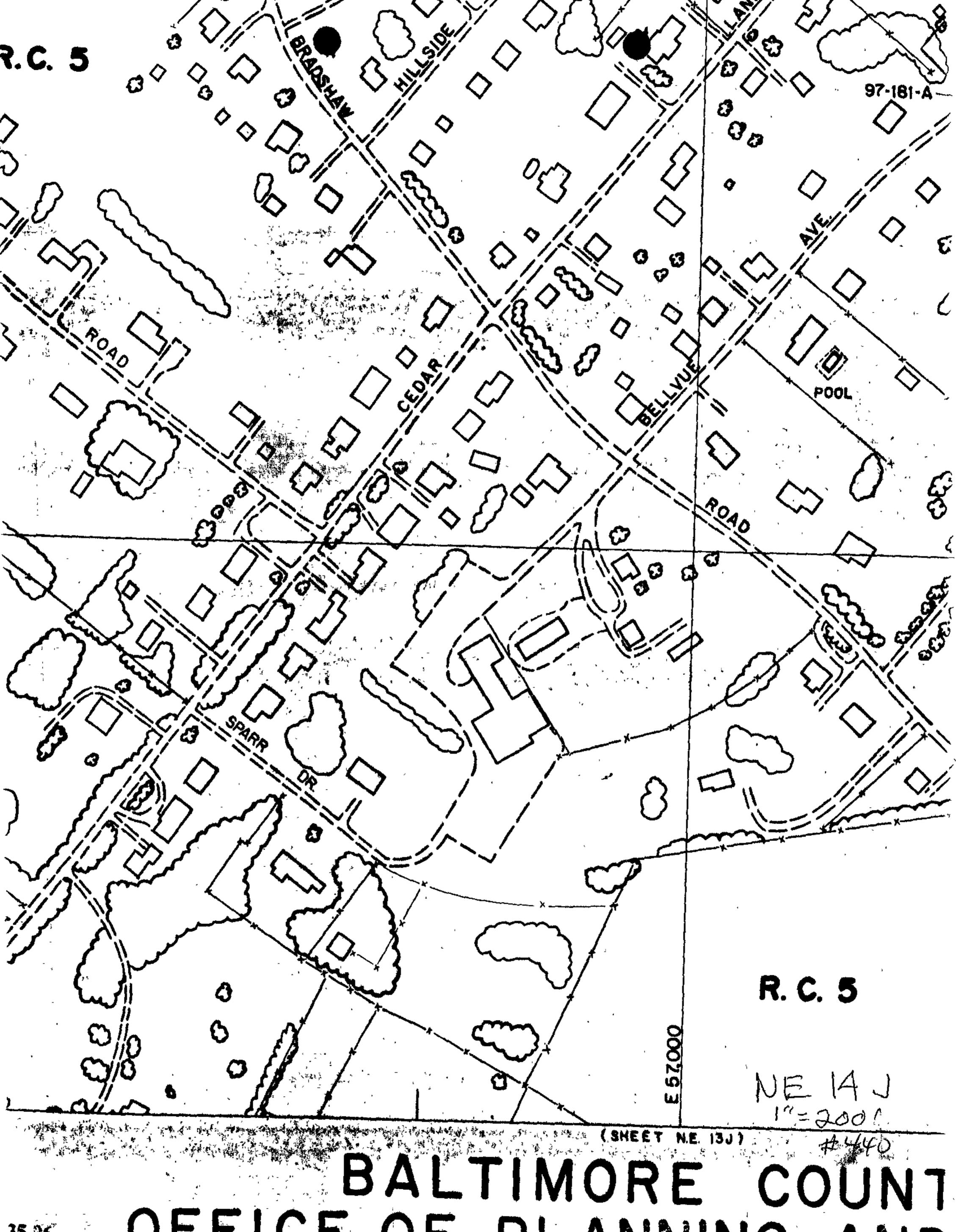
Name	Address	City, State	Zìp Code
SITE RITE SCIEVEYING, IN VINCENT MOSKYNAS	200E. JOPPA RD.	Towson MD	21286
VERNON BOOZER	614 Bosley Ave.	towson mel	21204
Jim Virka	2910 Patrice de	MancheterMID	- · · · · · · · · · · · · · · · · · · ·
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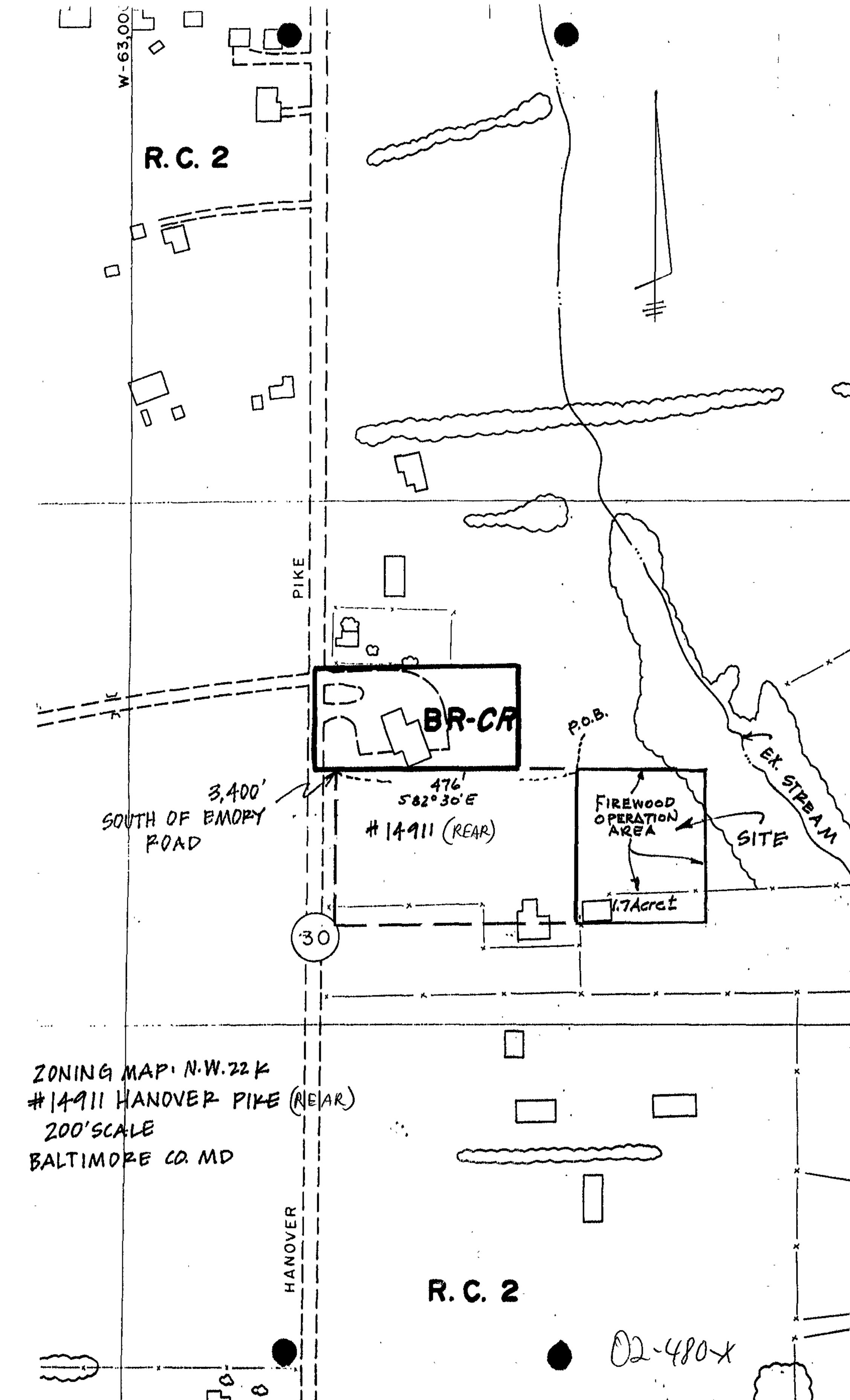
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Case Number	02-480A

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PROTESTANT'S SIGN-IN SHEET 30 Pinebark CT.

Name	Address		City, State	Zip Code
George Harman	5429 Wexwood Dr.	 	Troistous	21136
Dan Louge	300 Pindale CH.		Toobay ille M	121130
17200 ISO1AC	15003 K. Warue		Morrison	2115 5
Richard Isate	15603 HAMORE RU	, c.	Michieu MD	21159
CERNU ELSERONS	}	Λ		2-1136
Greange Neubeck			Reisters Town (M)	
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5/7/97 JON E G E I V E TO SOLAY PDM

April 28, 1997

April 28, 1997

April 28, 1997

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 according, we are replying to your letter with marginal notes. If you need more information, do not healtste to call or write. Thank you for your interest.

for Picky

May 14, 1997

4th Election District

Dear Mr. Yirka:

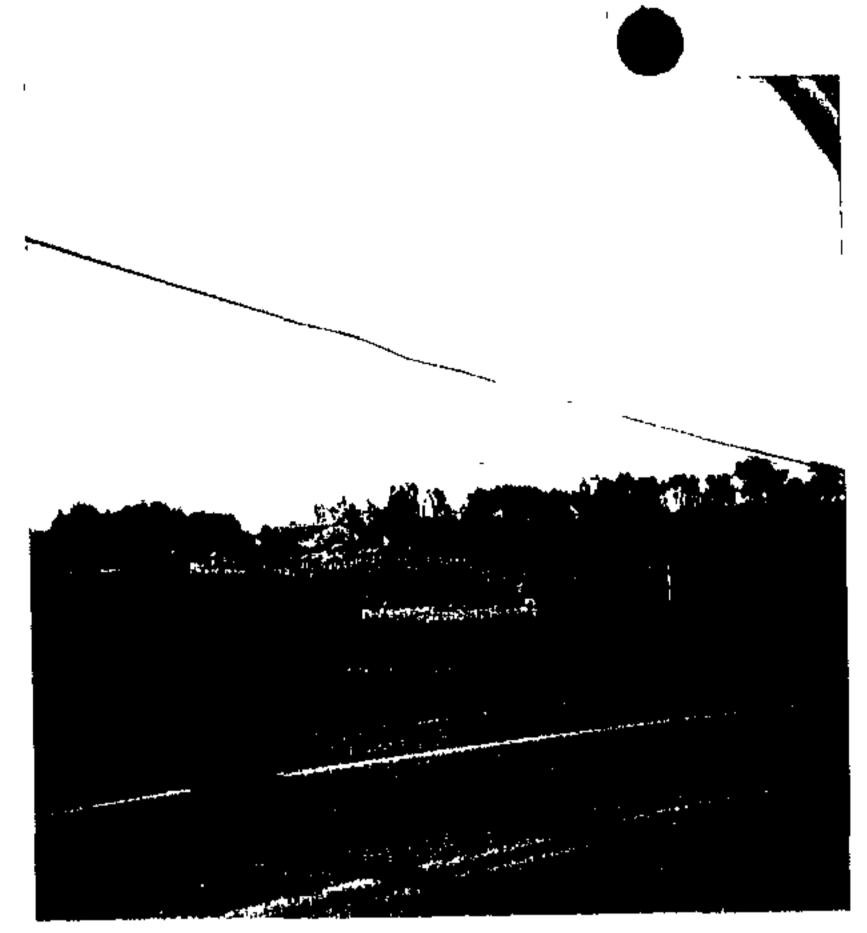
Based upon your information, please be advised that this type of operation would be considered as a farm use which is permitted in the R.C.-2 zone. All equipment and/or buildings are limited to your farm use and may not be used off-site.

Very truly yours,

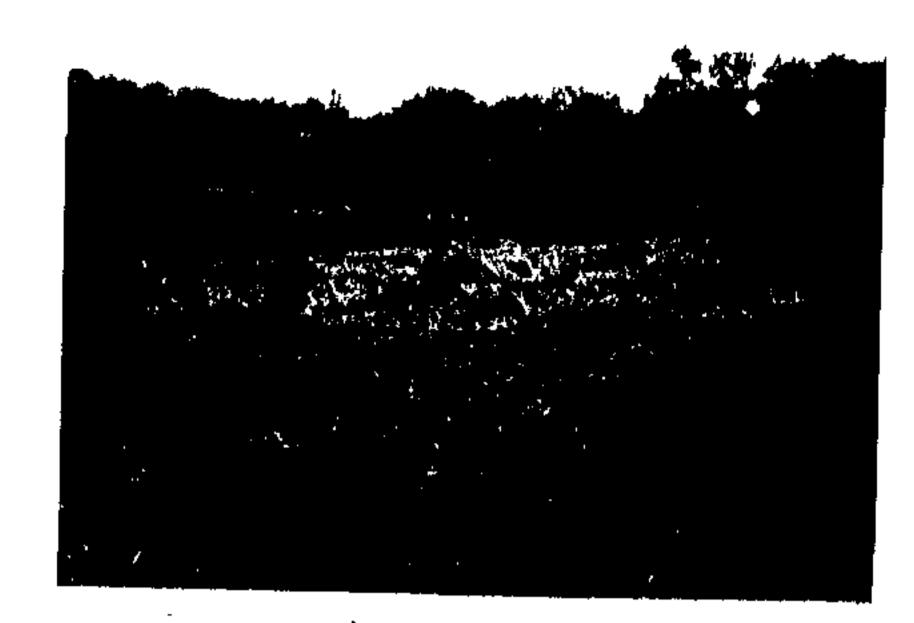
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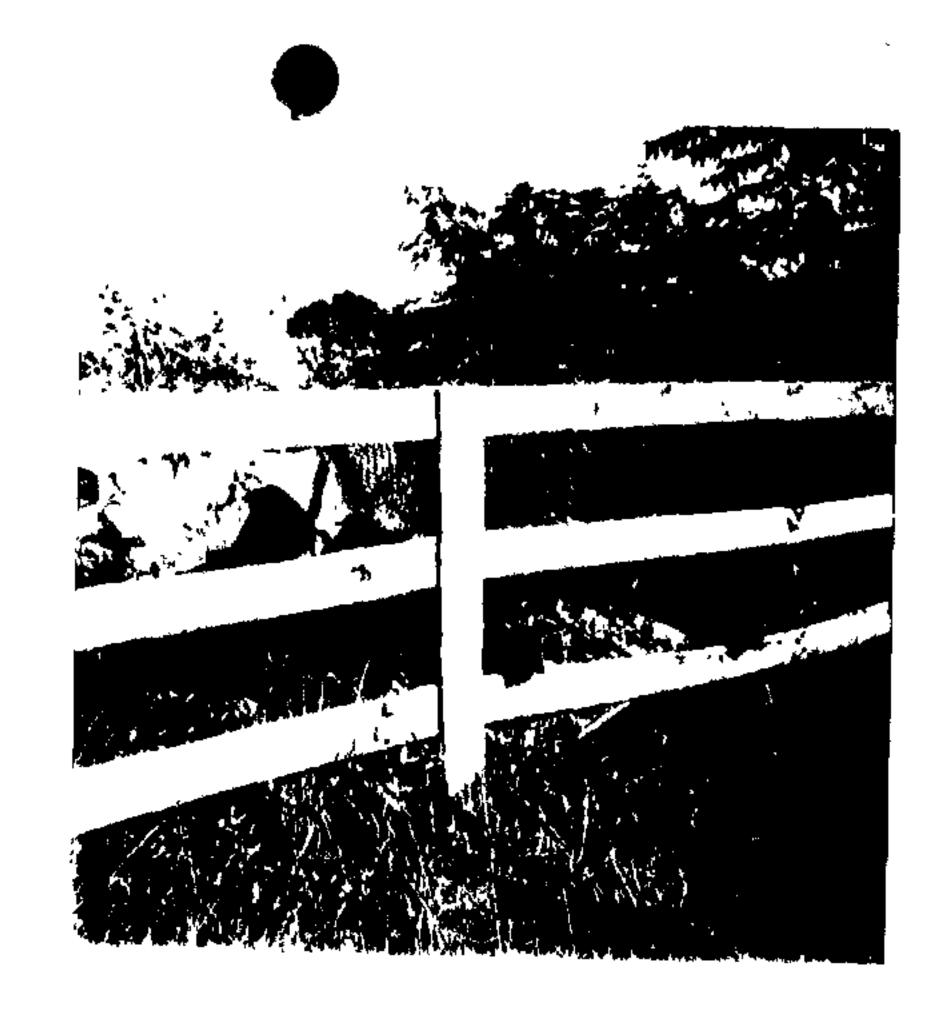


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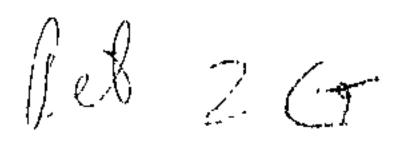


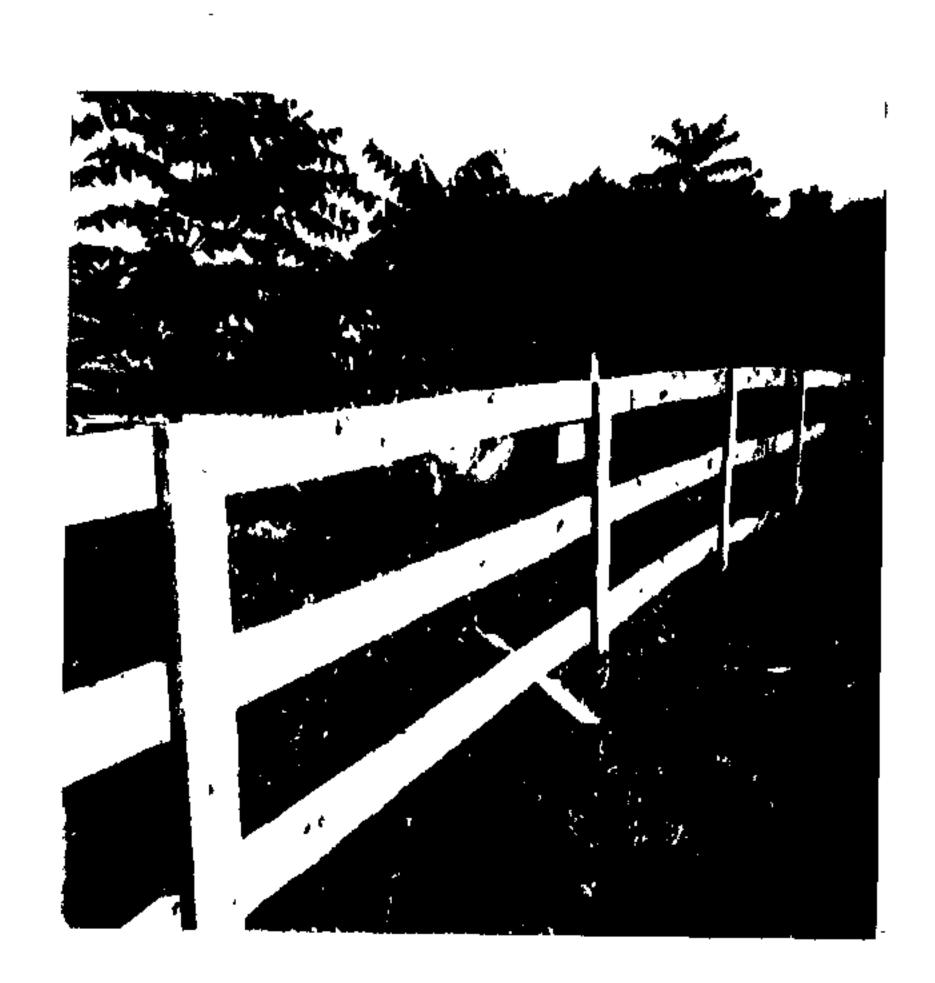
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ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT INTER OFFICE CORRESPONDENCE

887-4488 Ext. 241 Fax 887-4804

Tar.

Hunter Rowe, Zoning Enforcement

Date: May 26, 2000

From:

Baltimore County Ag. Board

Wally Lippincott, Jr., Program Administrator

Ret

14911 Hanover Pike - Zoning (. 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 visual the property with Munter Rowe on May 12, 2000. Mr. Daniel Colhoun Chaus an 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. Live it was also pointed 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.

Theragricultural Advisory Boardidiscussed the issue and and voted to recommend that therefroperty owner had tree fairning activities on the property and therefore was a farm.

Wallace Lippincott, Mr., Program Amministrator

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To Whom It May Concern, I, Debrick a Terrer reader at 14209 Honor Pika does not mend if there is a fourned or himselture operation next door.

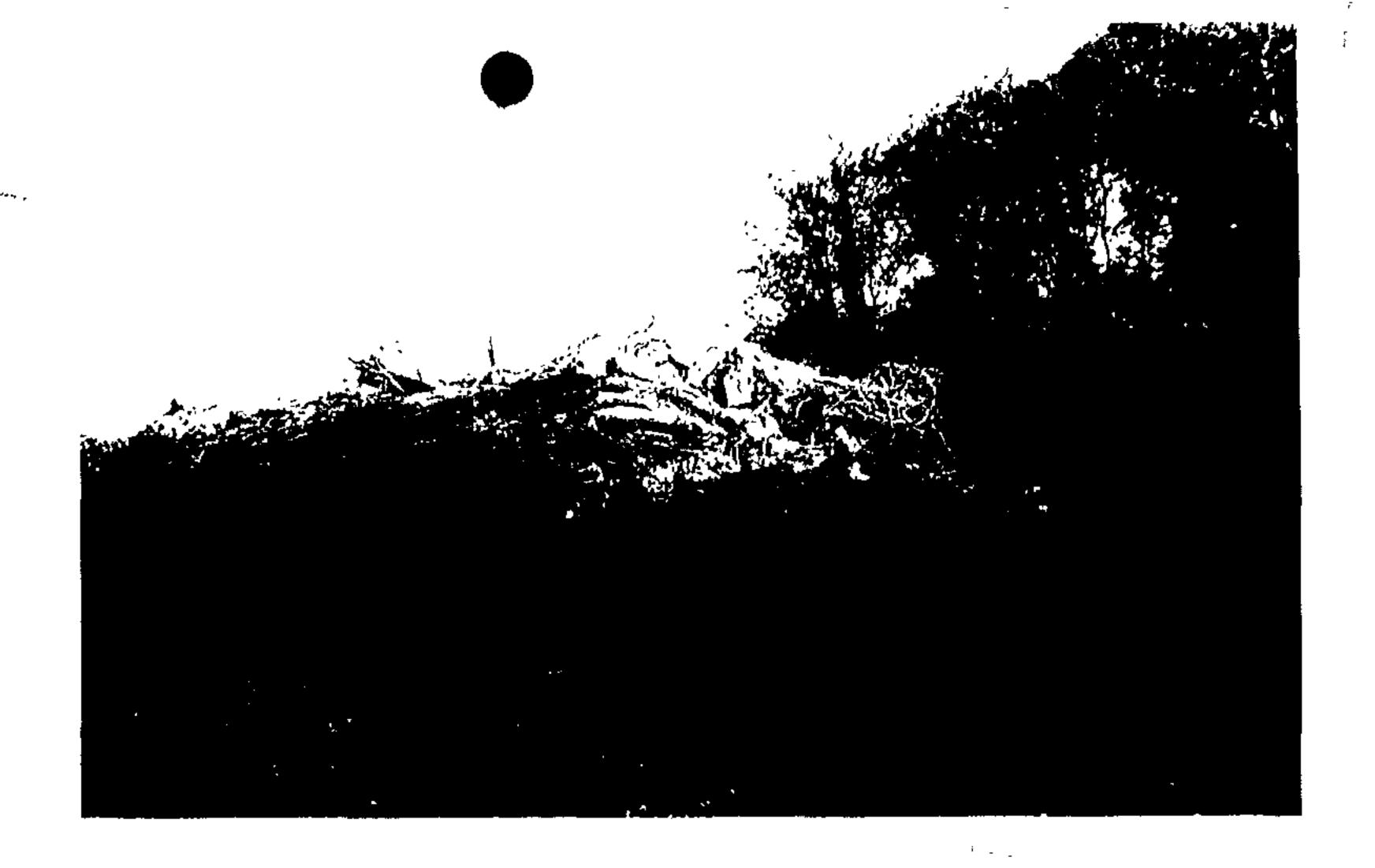
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i	COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY HEARING
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3	IN THE MATTER OF:
4	JAMES L. YIRKA, ET UX, CASE NO. 02-479-X
5	Petitioners, CASE NO. 02-480-X
6	14911 Hanover Road
7	/
8	
9	September 25, 2003
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
18	On behalf of Petitioners
19	J. Carroll Holzer, Esquire On behalf of Protestants
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21	Reported by: Charles H. Long

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PROCEEDINGS

MR. STAHL: All right. Good morning. 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

represent.

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MS. DEMILIO: Carole Demilio, peoples'

3 | deputy counsel.

MR. STAHL: Okay. Good morning, everyone.

I understand there have been some discussions among

6 | counsel.

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

Chairman, and members of the Board. I want Mr. Yirka to listen to me as I put this agreement on the record before you today. We have agreed to dismiss the appeals, both cases, that you've just cited with an agreement with the protestants and the county that we first of all will not reapply for any zoning on this property, any special exceptions until such time as

we've satisfied the county with regard to a six thousand dollar lien against the property. It will either be paid or there will be negotiations and it

Secondly, there is logs on the property and my client will remove all of these logs from the property within ninety days.

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will be satisfied with the county.

Next, there is mulch on the property.

That will be removed by my client within six months and also during that six months he will remove all stumps, metal, debris and motors from the property and he agrees to meet the county standards as to debris and also to satisfy any requirements of the Maryland Department of the Environment, the Baltimore County Department of the Environment and that no new products will be brought on site and there will only be clean up operations conducted there on that site by my client.

We understand that if he fails to comply with this agreement that the protestants will pursue the county and the county attorneys' office to file an injunction against him and he will not attempt to conduct any further firewood or nursery operation on any site owned by him, if he does not comply with the legal requirements and particularly the zoning requirements of Baltimore County.

Now, Mr. Yirka, stand up here. You've heard this agreement and I ask you if you accept the

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

MR. YIRKA: Yes.

So, I would make that amendment.

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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.

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.

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MR. HOLZER: Oh. I thought you had looked at them. Insofar as the, the continued operation it is my understanding that the agreement calls for no continuation of any dumping of any work on the, on the site other than removal pursuant to this agreement, removal of those products and materials that are there.

And, finally Mr. James Thompson of the Baltimore County Zoning Enforcement Office is here. He has been kind enough to stay for the proceedings. I have requested and he has talked with those in authority over in his department -- I've requested that in the event the ninety days passes and the materials are not cleaned up as required within that timeframe or in the six month timeframe that Baltimore County Office of Law be requested by Mr. Katroko, head of the department, to request an injunction under the Baltimore County code and we, the community, would then participate in that request for injunction to cease the activities and I believe there was a 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 2 County zoning regulations. I think that should also 3 be amended to say own or leased in terms of obviously 4 5 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 8 as a result of a violation the special exceptions were 9 filed to correct an existing problem, so we don't want 10 to see that occur in another location in the 11 community. With that, that's the understanding. 12 13 MR. STAHL: All right. Let's take them one at a time. First, the photographs, Mr. Boozer? 14 15 MR. BOOZER: No objection. 16 MR. STAHL: Okay. Let's deal with that 17 first. Let's get them in. 18 MR. HOLZER: I've marked them collectively 19 as Number 1. 20 MR. STAHL: Okay. This will be marked as 21 Protestant's 1. Keep them in the file.

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

impossible for the parties and Mr. Holzer particularly to name every type of debris that is on the site, so 3 there has to be some commitment on the part of the property owner that the spirit and intent of this 4 settlement agreement is that this property will not in anyway, shape or form continue to be conducted the way 6 it has been in the past ten years and he will clean up the site to the satisfaction from the way it was from the very beginning. So, the spirit and intent I think is very important here. If there is going to be an order drafted to that effect, the spirit is that all of this debris should be cleaned up it might be in the order. There is more there than we can possibly list. I mean, having seen the list I can say that from my own observation.

MR. STAHL: Mr. Boozer, not that that was actually specific, but can you join in?

MR. BOOZER: I will say this is overkill. We said we're going to meet the county regulations, the environment regulations.

> MR. STAHL: All I'm asking you is do you

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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.
	Chairman, to clean that property up, move all what we
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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	
21	MR. STAHL: Not that I well, for reasons that will become above.
	reasons that will become obvious in a minute, not that

- -

I want to throw any monkey wrenches into it, but, Mr.

Boozer, how do you feel about beginning today or beginning -- I don't want to get involved in your negotiations obviously.

MR. HOLZER: Right.

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beginning today?

MR. STAHL: How do you feel about

MR. BOOZER: I would normally have no problem except I ask you to take into consideration this. We have just gone through a horrific time in

Baltimore County and it is not always easy to get the equipment or the manpower that you need to get started, so perhaps a few extra days and I'm sure

you'll get this order out by a week anyway.

MR. STAHL: Well, let me interrupt you for a second. Maybe I can resolve that part of it too while you're standing up. There is a lot of detail here I understand and, and appreciate that there has been a lot of history and back and forth and certainly appreciate the fact that you seem all to have come to a reasonable conclusion to this. I'm going to ask you

folks to submit something in writing. I'm going to give you a choice. I don't really care how you do it, but I would like the record to reflect the specific conditions that exist so whether it's an agreement that you append to an order of dismissal or an order of dismissal that recites all of the conditions, I don't really care much how you skin the cat, but just that there be something detailed in the file so that if we have to come back here again for any reason there is no question, no issue as to what it is and then you can work out exactly when it would start, you know, a date that you know makes sense.

MR. HOLZER: I think from my perspective we put on the record and we've give even you exhibits of what, what should be there. Although I personally don't have any trouble in writing an order, preparing an order I would prefer that, that the agreement as articulated by Mr. Boozer and amended by me be the agreement and the reason I say --

MR. STAHL: Well, it is the agreement.

MR. HOLZER: The reason I say that is that

I'm going to be away next week and I don't want -- I don't want some negotiation and haggling over whether or not there is an agreement and whether I worded it correctly. I would prefer since it came out of Mr. Boozer's mouth that that be the record, whatever was transpired.

MR. STAHL: The agreement is made. What I'm saying is if we have to come back here and I'm not suggesting that we will, Mr. Boozer -- certainly I'm, I'm moving that this is ending it -- but it's easier to deal with these scenarios now than it is later on down the road. In the unlikely event that we would have to come back then we're talking about everyone's notes as to what occurred and we have to get a transcript. It would make a lot more sense if there were something actually in here. I'm sensitive to your time difficulties.

MR. HOLZER: Mr. Chairman, let me suggest this. I'll prepare an order today that says that, that the Board hereby accepts the dismissal and I will attach the court reporter notes to it. That's the --

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that's the absolute --
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                MR. STAHL: You can do that.
                MR. HOLZER: Words out of the horse's
 4
    mouth.
                MR. STAHL: That would be acceptable, just
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    so that there is no question, no additional step that
    we have to take in the future.
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                MR. HOLZER: I understand.
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                MR. STAHL: That we have it all in front
10
    of us.
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                MR. HOLZER: I will adopt -- I will --
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                MR. STAHL: Can I suggest then that you
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    resolve --
14
             MR. HOLZER: The time.
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                MR. STAHL: -- Now, if you can, the time
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    that it begins.
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                MR. HOLZER: It was my understanding --
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                MR. BOOZER: Well, the operation has been
    there, Mr. Chairman, for five years. This has been
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20
    going on for two years.
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                MR. STAHL: We're just talking about
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whether it's dated in the order for from today.

MR. BOOZER: So, I don't really see where another week makes any difference.

MR. STAHL: Can you live with another

MR. HOLZER: No.

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week?

MR. STAHL: Okay. Then you guys have to come to some conclusion.

MR. HOLZER: Then try the case. Let me -Let me put it to you this way. Counsel has -- his
client has been spending five years and the community
has been wasting effort and money and time. The
county has violations that are as long as my arm and,
and to suggest that we have to do other things other
than just come here and agree to today -- he's got.
six months to get that stuff off there. He doesn't
need another week. He doesn't need another day. The
agreement -- what we talked about said that as of
today no new product is coming on the site. Well, if
no new product is coming on the site today then the
time period should start today and that's my position

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

O Scale Map: N.W. 22-K BP-CP t located in a Historic Area 10981/631 ot located in the Chesapeake Bay Critical Area "LYNCH 1900004300 ot located in 100 Year Floodplain Area oning Violation: Citation No. 98-0175 usting Use: Vacant (two existing sheds) 3 Ac. ± Firewood Operation Pre are no proposed buildings for this site "LYNCH NING DESIGNATION SHOWN O CONING LINE PROPERTY P 23! EPE APE NO WELLS OF SEPTIC SYSTEMS ON THIS SITE EPE APE NO SIGNS PROPOSED ON THIS SITE, OR ANY THAT ARE EXISTING. #14931 PPIVATE 10 ZONING HISTORY WITH THIS PROJECT THERE WILL BE NO RETAIL SOLD ON THIS PROPERTY, THEREFORE THERE WILL BE NO PARKING REQUIRED FOR THIS SITE. NO FIRE WOOD SOLD ON PROPERTY. LANDSCAPING IN ACCORDANCE WITH SECT 4049B PLANTING WILL PROVIDE YEAR ROUND VISUAL SCREENING UPON MATURITY FOR THE TIMBER AND 15004/194 FIREWOOD STORAGE AREAS AND THE VEHICLE PARKING AND EQUIPMENT STORAGE AREAS "PESIDENTIAL" No MARETING OF FIREWOOD ON THIS PROPERTY. O FIREWOOD WILL NOT EXCEED DECIBEL LEVELS UNDER COMAR 26 02 03. TIMBER WOOD / FIRE WOOD DRYING & STORAGE AREA AND VECHICLE PARKING EQUIPMENT STORAGE DEBORAH FEUER 0419027560 11825/533 5 25 AC ± EX ONE STY DWL9 ± 650

#14911 HANOVEP

SCALE: 1"= 1000

MAP

P. 253

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 25,2002

Owner: James and Karen Yirka

2910 Patricia Court

Deed Ref.: 14336/663

Manchester, MD 21102-1848

PHONE # 410 239-6888

Tax Account No. 0402022800

16.97 Ac.+



The Surveying, Inc.

E Joppa Road

I Building, Room 101

on, MD 21286

7)828-9060

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: #02-480-X
14911 Hanover Pike
E/S of Hanover Pike, (476' to the
rear) 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 firewood
operation.
Hearing: Wednesday, June
26, 2002 at 9:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Avenue. nue.

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/6/673 June 11 C544253

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 ofsuccessive weeks, the first publication appearing on
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. WUKINST.