MD FOR ORDER REGE

IN RE: PETITIONS FOR SPECIAL HEARING,

SPECIAL EXCEPTION & VARIANCE -

ZONING COMMISSIONER N/S Cockeys Mill Road, 2780' W of the c/l *

Reisterstown Road

(Miller Tree and Landscape)

OF BALTIMORE COUNTY

4th Election District

4th Council District Case No. 03-466-SPHXA

Rushley, LLC, Owners Bohica, LLC, Contract Purchasers

BEFORE THE

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, Rushley, LLC, and the Contract Purchasers, Bohica, LLC, through their attorney, John B. Gontrum, Esquire. The Petitioners request a special exception to approve a horticultural nursery and landscape service operation on the subject property, pursuant to Sections 1A03.3.B.10 and 11. In addition, a special hearing is requested to approve, 1) a wood waste chipping facility (mulching operation) as an accessory use to a nursery and landscaping business; 2) to allow both a horticultural nursery and a landscape service operation concurrently on the same property; and, 3) to allow plant materials to be sold at retail as allowed by a horticulture nursery, notwithstanding the limits of the landscape service operation pursuant to Section 404.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). Finally, variance relief is requested from Section 404.2.A of the B.C.Z.R. to allow a storage and display area of materials including the brush storage, mulch processing and mulch storage area of 3.3 acres, more or less, in lieu of the maximum allowed 1.0 acres (10% of the nursery or a maximum of 1.0 acres); and, from Section 404.1.A to permit an internal road setback of 15 inches from the property line in lieu of the required 2.5 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Neil W. Miller, Principal of Bohica, LLC, Contract Purchaser; Thomas J. Hoff, Registered Landscape Architect who prepared the site plan for this property; and John B. Gontrum, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

The subject property under consideration is an irregular shaped parcel with frontage on Cockeys Mill Road, just west of the right-of-way for the Northwest Expressway (I-795) in Reisterstown. The property contains a gross area of 24.1 acres, more or less, zoned R.C.4 and is presently vacant. Photographs of the site from a variety of viewpoints were submitted which show that the property is buffered from adjacent roadways by mature forests and a berm. Additionally, the site plan shows that the property is somewhat uniquely configured by the existence of a notch along Cockeys Mill Road. This notch limits the property's frontage along that road and is comprised of two lots that are owned by other individuals. The site plan shows that one of the lots is owned by John and Connie Parks and is improved with a single-family dwelling. The other lot is owned by Ronnie Clifton and is also improved with a single-family dwelling and outbuildings.

Mr. Miller and his company are in the landscape/nursery business and propose relocating their operation to the subject site. As more particularly shown on the site plan, the proposed horticultural nursery operation will occupy approximately 11.11 acres of the property. A horticultural nursery operation is defined in Section 101 of the B.C.Z.R. as "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." The definition further describes certain accessory uses incidental to a horticultural nursery operation. A horticultural nursery operation is permitted by special exception in the R.C.4 zone. Mr. Miller described the operation and indicated that much of the property dedicated to that particular use would be utilized for the growing of plants and trees to be sold for transplantation elsewhere.

As noted above, the Petitioner also proposes to operate a landscape service business on the subject property. The landscape service operation will occupy a smaller portion of the property

as shown in the hatched area on the site plan. A landscape service operation is likewise defined in the B.C.Z.R. as "An operation primarily engaged in the designing, installing, planting or maintaining of lawns, gardens or other plantings at off-site commercial or residential uses." A landscape service operation is also permitted only by special exception.

The provisions of Section 404 of the B.C.Z.R regulate both horticultural nurseries and landscape service operations. A horticultural nursery is subject to the regulations specifically set out in Section 404.2 thereof, and a landscape service operation is subject to the requirements of Section 404.3.

Based on the testimony and evidence presented, I am persuaded that the proposed uses are appropriate at this site and that special exception relief should be granted. The testimony was persuasive that the proposed uses will not detrimentally impact the health, safety and general welfare of the locale. The character of the neighborhood, the size of the subject site, and the existing natural buffer around the perimeter of the property are persuasive factors that the proposed uses will not adversely impact adjacent properties. For all of these reasons, special exception relief shall be granted.

A series of approvals are also requested under the Petition for Special Hearing. Approval is requested to permit a mulching operation as an accessory use to the nursery and landscaping business. In this regard, the site plan shows an area for mulch processing of approximately .29 acres. Additionally, a mulch storage area of approximately 1.59 acres is shown. The Petitioner submitted a copy of a brochure of a tub-grinder machine that will process the wood chips into mulch. Mr. Miller also provided testimony regarding this operation. Based upon the testimony and evidence presented, I find that the wood waste chipping facility/mulching operation is an appropriate accessory use to the nursery and landscaping businesses. The mulching operation is incidental to those businesses and is subordinate in area, extent or purposes to those principal uses.

Special hearing relief is also requested to allow both the horticultural nursery operation and the landscape service operation to exist concurrently on the same property. In this regard, the

site plan submitted shows the distinct areas for both operations. Moreover, it is clear that the operations are similar in character and can co-exist on the site without detrimental impacts to the locale. Thus, special hearing relief will be granted to permit both businesses to operate on the subject property.

Special hearing relief is also requested to allow plant materials to be sold at retail from the subject site. This is permitted by the horticultural nursery definition, however, is limited by the landscape service operation. Again, given that these are two separate, yet related businesses is persuasive to a finding that the retail sale of plant materials is appropriate.

Lastly, variance relief is also requested. Section 404.2.A of the B.C.Z.R. limits the storage and display areas within horticultural nurseries. In this regard, the site plan shows the proposed nursery area where plants will be stored and also an area of 1.45 acres for brush storage. This is in addition to the mulch areas described above. The variance request to allow a total area of 3.3 acres for the brush storage, mulch processing, and mulch storage is appropriate. Finally, variance relief is requested from Section 404.1.A to allow an internal road setback from the property line of 15 inches in lieu of the required 2.5 feet. This setback is measured from the eastern boundary that faces the Northwest Expressway (I-795). As more particularly shown on the plan, vehicular access to the site will be by way of a driveway that will lead to the interior of the site from Cockeys Mill Road. The "notch" in the property as described above drives the location of this access point. The location of this driveway appears most appropriate and traffic to and from the site will not greatly impact the private Clifton and Parks' residences. The driveway is located to be near an existing transmission right-of-way area and the right-of-way for I-795. I easily find that variance relief should be granted.

Based upon the testimony and evidence presented, I am persuaded to grant the relief. It is to be noted that there were no Protestants present at the hearing, and a Zoning Advisory Committee (ZAC) in support of the request was received from the Office of Planning. The Petitioner also explained at the hearing how buffering would be accomplished. Finally, it is to be noted that the site plan does show the potential construction of two buildings and a parking area in

ORDER RECEIVED FOR FILING Date connection with the businesses. One building is shown as an office/shop, 40' x 60' in dimension and one-story tall. The second building is similarly shown as 40' x 60' in dimension and one-story tall which will be used as a garden shop. The Petitioner indicated that his plans were unclear at this time as to the ultimate configuration of these buildings. In any event, the total building area will not exceed 4800 sq.ft. and the buildings may be combined in some fashion for so long as they collectively do not exceed that size and that variance relief is not generated by their ultimate location on the property. The Petitioner shall be afforded flexibility to finalize the details of the construction later.

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

this 22 day of July 2003, that the Petition for Special Exception to approve a horticultural nursery and a landscape service operation, pursuant respectively to Sections 1A03.3.B.10 and 11 of the B.C.Z.R., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve, 1) a wood waste chipping facility (mulching operation) as an accessory use to a nursery and landscaping business; 2) to allow both a horticultural nursery and a landscape service operation concurrently on the same property; and, 3) to allow plant materials to be sold at retail as allowed by a horticulture nursery, notwithstanding the limits of the landscape service operation pursuant to Section 404.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 404.2.A of the B.C.Z.R. to allow a storage and display area of materials including the brush storage, mulch processing and mulch storage area of 3.3 acres, more or less, in lieu of the maximum allowed 1.0 acres (10% of the nursery or a maximum of 1.0 acres); and, from Section 404.1.A to permit an internal road setback of 15 inches from the property line in lieu of the

required 2.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

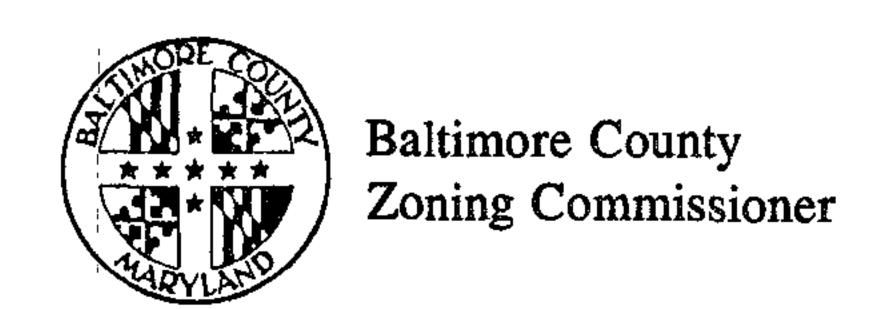
- 1) The Petitioners may apply for their building/use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The total building area of the office/shop and garden shop will not exceed 4800 sq.ft. The two buildings may be combined in some fashion for so long as they do not collectively exceed that size and variance relief is not generated by their ultimate location on the property.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



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

Fax: 410-887-3468

July 21, 2003

John B. Gontrum, Esquire Romadka & Gontrum 814 Eastern Boulevard Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE N/S Cockeys Mill Road, 2,780' W of the c/l Reisterstown Road (Miller Tree & Landscape)

4th Election District – 4th Council District
Rushley, LLC, Owners; Bohica, LLC, Contract Purchasers - Petitioners
Case No. 03-466-SPHXA

Dear Mr. Gontrum:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Neil W. Miller, 2119 Eastridge Road, Timonium, Md. 21093 Mr. Thomas J. Hoff, 406/W. Pennsylvania Avenue, Towson, Md. 21204 People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

N/5 Cockeys Mill Road

for the property located at ____ 2780' W of Reisterstown Road which is presently zoned R.C. 4

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve (mulching operation)

wood waste chipping facility as an accessory use to nursery and landscaping business; allow both a horticultural nursery and a landscape service operation concurrently on the same property;

allow plant materials to be sold at retail as allowed by a horticultural nursery notwithstanding the limits of the landscape service operation under secion 404.3.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.		
Contract Purchaser/Lessee:	Legal Owner(s):		
Name - Type or Print	Bohica, LLC Name - Type or Print		
Signature	Signature :		
Address	Neil Miller, Owner		
Telephone No.	Name - Type or Print		
City State Zip Code	Signature		
Attorney For Petitioner:	Miller Tree & Landscaping Co. 410-252-090		
John B. Gontrum, Esq.	Address Telephone No.		
Name - Type or Print	P.O. Box 526, Timonium, MD 21094 City State Zin Code		
(13 /st_	outo . zip code		
Signature	Representative to be Contacted:		
Romadka & Gontrum, LLC			
Company	Name		
814 Eastern Boulevard 410-686-8274			
Jelephone No.	Address Telephone No.		
Baltimbre, MD 21221 State Zip Code	City State Zin Code		
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	OFFICE USE ONLY		
	ESTIMATED LENGTH OF HEARING		
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Revi	ewed By JNP Date 4/10/03		



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

M/S Cockeys Mill Road

for the property located at 2780' W.of Reisterstown Road

which is presently zoned _______

I/We do solemnly declare and affirm, under the penalties of

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

- horticultural nursery Section 1A03.3B.10
- landscape service operation Section 1A03.3B.11 b)

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

	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u> .
Name - Type or Print	Bohica, LLC Name - Type or Print
Signature	Signature Signature
Address Telephone No.	Neil Miller, Owner Name - Type or Print
City State Zip Code	Signature
ttorney For Petitioner:	Miller Tree & Landscaping Co. 410-252-090
John B. Gontrum, Esq.	Address P.O. Box 526, Timonium, MD 21094
me - Type or Print	City State Zip Cod
grature	Representative to be Contacted:
Romadka & Gontrum, LLC	
ompany	Name
814 Eastern Boulevard 410-686-8274 ddress Telephone No.	Address Telephone No
Baltimore, MD 21221 State Zip Code	City State Zip Code
	OFFICE USE ONLY
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<u>a</u>

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 2780' W of Relateratown Road

which is presently zoned __R.C. 4

I/We do solemnly declare and affirm, under the penalties of

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

404.2.A - Variance to allow a storage and display area of materials including the brush storage, mulch processing and mulch storage area of 3.3 AC. +/- in lieu of the permitted 1.0 AC. +/-(10% of the nursery or a maximum of 1.0 AC) 404.1.1. To allow internal pond setbook or 15' parm property Line in lieu of required 25.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Unique configuration of property and access point creates the practical difficulty. Practical difficulty created by overlapping zoning regulations for permitted uses on property and by size of property. Other reasons to be provided at hearing.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			perjury, that I/we are the is the subject of this Petit	legal owner(s) of thion.	e property which
Contract Purchaser/Lessee:		Legal Owner(s):			
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Signature			Signature		
Addross	<u> </u>	Telephone No.	Neil Miller, Owner Name - Type of Print	<u></u>	
Attorney For Petit	State	Zip Code	Signature Miller Tree & Lark	lscaping Co.	410-252-0900
John B. Contoun		•	P.O. Box 526, Time	onium, MD 21	Telephone No. 094
Name Type or Pont	**************************************	······································	City	State	Zip Code
Skinature	<u> </u>		Representative to b	e Contacted:	
Romadka & Gontin	m, LLC	<u> </u>	Name	· · · · · · · · · · · · · · · · · · ·	
Company (5) 814 Eastern Blv	d 410-686-	Ω ኃ7 <i>Λ</i>	Name		
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THOMAS J. HOFF, INC.

Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

April 10, 2003

Description One of Miller Tree & Landscape Property, Cockeys Mill Road, to Accompany Petition for a Special Exception to Permit a Horticultural Nursery in a RC 4 Zone.

BEGINNING FOR THE SAME at a point on the north side of Cockeys Mill Road, 2,780 feet more or less west of the intersection of the centerlines of Cockeys Mill Road and Reisterstown Road.

Thence binding on the north side of Cockeys Mill Road,

- 1) North 75 degrees 03 minutes 43 seconds West 79.32 feet, thence
- 2) North 78 degrees 58 minutes 01 seconds West 64.64 feet, thence leaving the north side of Cockeys Mill Road
- 3) North 05 degrees 03 minutes 34 seconds East 204.69 feet, thence
- 4) North 81 degrees 37 minutes 16 seconds West 415.90, thence
- 5) South 13 degrees 40 minutes 14 seconds West 193.05 feet, thence binding on the centerline of Cockeys Mill Road
- 6) North 71 degrees 22 minutes 26 seconds West 158.40 feet, thence
- 7) North 68 degrees 38 minutes 30 seconds West 334.70 feet, thence leaving the centerline of Cockeys Mill Road
- 8) North 30 degrees 26 minutes 30 seconds East 1,454.38 feet, thence
- 9) North 89 degrees 07 minutes 57 seconds East 226.91 feet, thence
- 10) North 08 degrees 56 minutes 43 seconds East 417.67 feet, thence
- 11) North 79 degrees 35 minutes 09 seconds East 117.51 feet, thence
- 12) South 03 degrees 00 minutes 00 seconds West 1,976.07 feet, to the place of beginning.

Containing 24.1 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.

03-466-SPHKA

THOMAS J. HOFF, INC.

Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

April 10, 2003

Description Two of Miller Tree & Landscape Property, Cockeys Mill Road, to Accompany Petition for a Special Exception to Permit a Landscape Service Operation in a RC 4 Zone.

BEGINNING FOR THE SAME at a point on the north side of Cockeys Mill Road, 2,780 feet more or less west of the intersection of the centerlines of Cockeys Mill Road and Reisterstown Road.

Thence binding on the north side of Cockeys Mill Road,

- 13) North 75 degrees 03 minutes 43 seconds West 79.32 feet, thence
- 14) North 78 degrees 58 minutes 01 seconds West 64.64 feet, thence leaving the north side of Cockeys Mill Road
- 15) North 05 degrees 03 minutes 34 seconds East 204.69 feet, thence
- 16) North 81 degrees 37 minutes 16 seconds West 415.90, thence
- 17) South 13 degrees 40 minutes 14 seconds West 193.05 feet, thence binding on the centerline of Cockeys Mill Road
- 18) North 71 degrees 22 minutes 26 seconds West 158.40 feet, thence
- 19) North 68 degrees 38 minutes 30 seconds West 334.70 feet, thence leaving the centerline of Cockeys Mill Road
- 20) North 30 degrees 26 minutes 30 seconds East 1,454.38 feet, thence
- 21) North 89 degrees 07 minutes 57 seconds East 226.91 feet, thence
- 22) North 08 degrees 56 minutes 43 seconds East 417.67 feet, thence
- 23) North 79 degrees 35 minutes 09 seconds East 117.51 feet, thence
- 24) South 03 degrees 00 minutes 00 seconds West 1,976.07 feet, to the place of beginning.

Containing 24.1 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.

03-466-SPHXA

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 23607	PATT RECEIPT INISTRESS ACTUAL TIME DWD -/10/2003 4/10/2003 09:44:39 2
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FOR: Streial Hearing, Spreial Excep	tion Variance	
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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 <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

Case: #03-466-SPHXA

N/side Cockeys Mill Road, 2780 feet west of

Reisterstown Road

N/east side of Cockeys Mill Road, approximately 300 feet

west centerline I-795

4th Election District - 4th Councilmanic District

Legal Owner(s): Bohica, LLC, Neil Miller, Owner

Special Hearing: to permit wood waste chipping facility (mulching operation) as an accessory use to nursery and landscaping business. To permit both a horticultural nursery and a landscape service operation concurrently on the same property. To permit plant materials to be sold at retail as allowed by a horticultural nursery not withstanding the limits of the landscape service operation. Special Exception: to permit horticultural nursery and landscape service operations. Variance: to allow a storage and display area of materials including the brush storage mulch play area of materials including the brush storage, mulch processing and mulch storage area of 3.3 acres +/- in lieu of the permitted 1.0 acres +/- (10% of the nursery or a maximum of 1.0 acres).

Hearing: Tuesday, June 10, 2003 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing,
Contact the Zoning Review Office at (410) 887-3391. C605146 5/329 May 22

CERTIFICATE OF PUBLICATION

5/23/,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
$\frac{5 22 ,2003}{}$
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 03-466-SPHXA
Petitioner/Developer:

Bohica, LLC, Neil Miller,

Owner

Hearing Date: 6/10/03

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

Attention: Mr. George Zahner

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at N/side Cockeys Mill Road, 2780 feet west of Reisterstown Road.

The sign(s) were posted on 5/21/03.

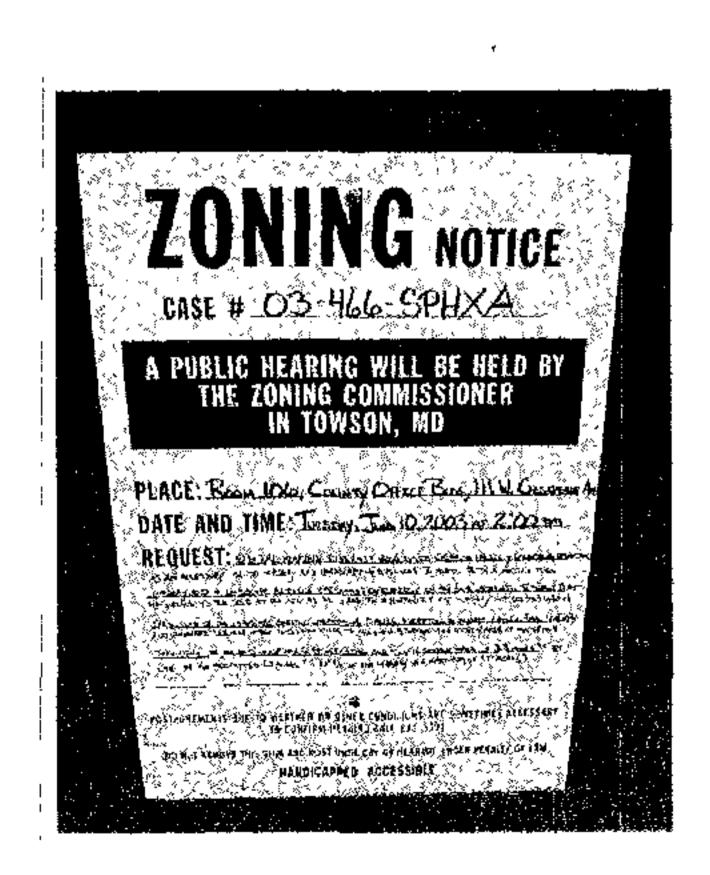
Sincer

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



RE: PETITION FOR SPECIAL HEARING

SPECIAL EXCEPTION & VARIANCE

N/Eside Cockeys Mill Rd; 2780 West

Reisterstown Rd; approx 300' W c/line I-795

4th Election & 4th Councilmanic Districts

Legal Owner(s): Neil Miller, Bohica, LLC

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

03-466-SPHXA

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this April, 2003, a copy of the foregoing Entry of Appearance was mailed to John B Gontrum, Esquire, Romadka & Gontrum, LLC, 814 Eastern Boulevard, Baltimore, MD 21221, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Thursday, May 22, 2003 Issue - Jeffersonian

Please forward billing to:

Neil Miller P.O. Box 526

Timonium, MD 21094-0526

443-506-1132

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: 03-466-SPHXA

N/side Cockeys Mill Road, 2780' feet west of Reisterstown Road N/east side of Cockeys Mill Road, approximately 300 feet west centerline I-795 4th Election District – 4th Councilmanic District Legal Owner: Bohica, LLC, Neil Miller, Owner

Special Hearing to permit wood waste chipping facility (mulching operation) as an accessory use to nursery and landscaping business. To permit both a horticultural nursery and a landscape service operation concurrently on the same property. To permit plant materials to be sold at retail as allowed by a horticultural nursery not withstanding the limits of the landscape service operation. Special Exception to permit horticultural nursery and landscape service operations. Variance to allow a storage and display area of materials including the brush storage, mulch processing and mulch storage are of 3.3 acres +/- in lieu of the permitted 1.0 acres +/- (10% of the nursery or a maximum of 1.0 acres).

Hearings: Tuesday, June 10, 2003 at 2:00 p.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue

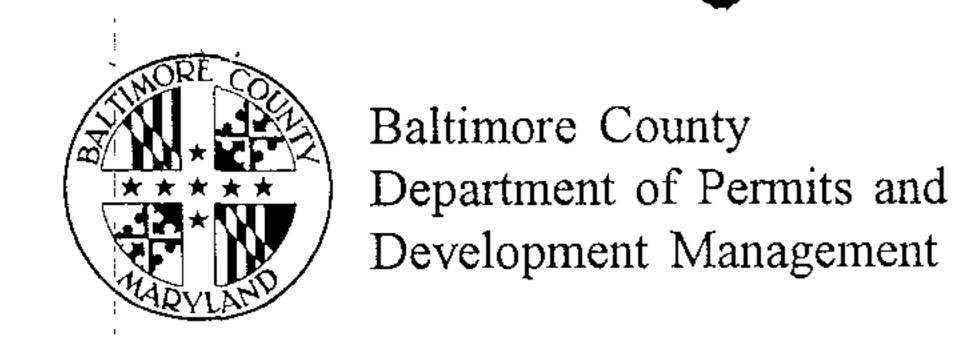
LAWRENCE E. SCHMIDT

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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

April 22, 2003

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: 03-466-SPHXA

N/side Cockeys Mill Road, 2780' feet west of Reisterstown Road N/east side of Cockeys Mill Road, approximately 300 feet west centerline I-795 4th Election District – 4th Councilmanic District Legal Owner: Bohica, LLC, Neil Miller, Owner

Special Hearing to permit wood waste chipping facility (mulching operation) as an accessory use to nursery and landscaping business. To permit both a horticultural nursery and a landscape service operation concurrently on the same property. To permit plant materials to be sold at retail as allowed by a horticultural nursery not withstanding the limits of the landscape service operation. Special Exception to permit horticultural nursery and landscape service operations. Variance to allow a storage and display area of materials including the brush storage, mulch processing and mulch storage are of 3.3 acres +/- in lieu of the permitted 1.0 acres +/- (10% of the nursery or a maximum of 1.0 acres).

Hearings:

Tuesday, June 10, 2003 at 2:00 p.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue

Arnold Jabion

Director

AJ:klm

C: John B. Gontrum, Romadka & Gontrum, LLC, 814 Eastern Blvd., Baltimore 21221
Bohica, LLC, Neil Miller, Owner, Miller Tree & Landscaping Co., P.O. Box 526, Timonium 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 24, 2003.

(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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

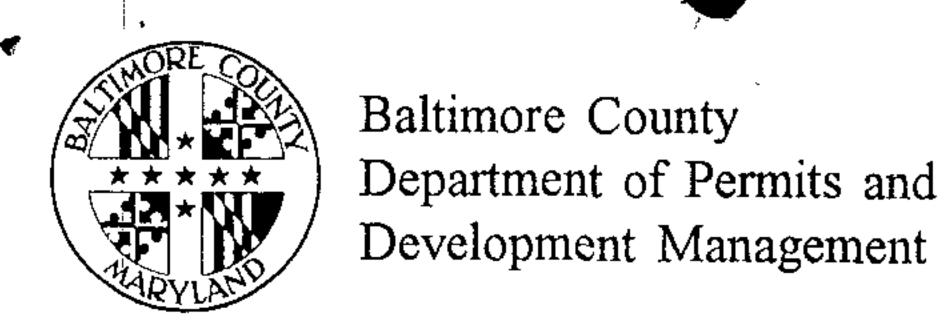
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

For Newspaper Advertising:	
Item Number or Case Number: 03-466-SPHXA	
Petitioner: Bohica, LLC	
Address or Location: North Side of Cockeys Mill Road, 2780 ft. West of Reson	terstown Rd
PLEASE FORWARD ADVERTISING BILL TO: Name: Voil Willer	
Address: 7,0 Box 526	
Timonium MD 21094-0526	
Telephone Number: 443-506-1132	



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

June 6, 2003

John B. Gontrum, Esq. Romadka & Gontrum, LLC 814 Eastern Boulevard Baltimore, MD 21221

Dear Mr. Gontrum:

RE: Case Number: 03-456-SPHXA, N/side of Cockeys Mill Rd., 2780' feet west of Reisterstown Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 10, 2003.

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.

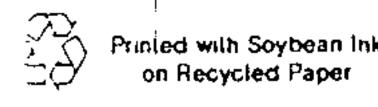
Supervisor, Zoning Review

U. Callaball

WCR:klm

Enclosures

c: People's Counsel Bohica, LLC, Neil Miller, Owner, P.O. Box 526, Timonium 21094





700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

April 24, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 21, 2003

Item No.:

466

Dear Ms. Hart:

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 Baltimore County Fire Prevention Code, (2000 edition of NFPA 1 & 101), prior to occupancy or beginning of operation.

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

cc: File

W. S. M.

APR 2 4 2003

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 30, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 28, 2003, Item Nos. 465 466, 467, 468, 469, 470, 473, 474, 475, 476, and 477

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

RWB:CEN:jrb

cc: File

Som

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 29, 2003

RECEIVED

APR 3 0 2003 VG COMMISSIONE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Cockeys Mill Road

INFORMATION:

Item Number:

03-466

Petitioner:

Bohica, LLC.

Zoning:

RC 4

Requested Action:

Variance/Special Hearing/Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request provided the petitioner installs a 6-foot high board-on-board fence in conjunction with vegetative screening along the side and rear of the adjacent residential properties.

Prepared by:

Section Chief:

AFK/LL:MAC:

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt Governor



Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

4.18.03 Date:

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

RE: Baltimore County

Item No.

ノNT

Dear. Ms. Hart:

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

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

Very truly yours,

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

Safer tub grinding

Safety and innovation go hand in hand at Vermeer. That's why the TG400A features a Falling Object Canopy (F.O.C.) located above the ground control panel, a tub lift and neutral start interlocks, and the proven, patented Thrown Object Restraint System. The loader operator cab, with 370 degrees of rotation for unmatched visibility, is equipped with .25" (64 mm) clear LEXAN® windows and a front intrusion guard.

Work efficiently

A CAT 3406 turbocharged engine delivers 400 HP (298 kw) into a direct-driveline protected by a torque limiter, enabling the TG400A to deliver maximum power with minimum effort. The extra-large cooling system, industrial-style fuses and sealed electrical box keep your operation running in demanding conditions. Tub support rollers reduce friction and lower hydraulic operating pressure.

The New Direction n Tub Grinding



High-Capacity Discharge System

Larger distance between the hammermill

and the conveyor combined with variable

high-volume processed materials. A belt

belt speed provides quick removal of

seal reduces spillage.

Thrown Object Restraint System

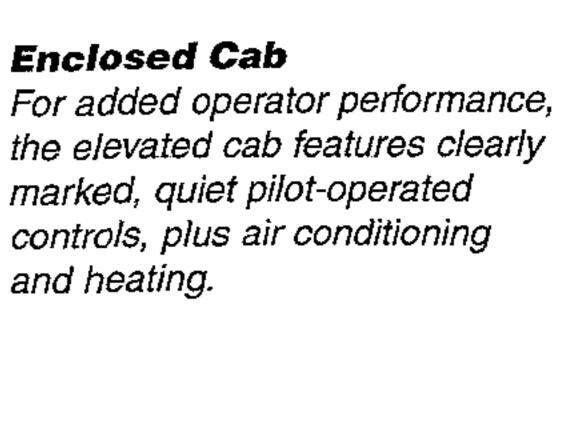
A proven cover and rotor deflector team up to reduce the quantity and distance of thrown objects. The tub cover is hydraulically operated for effortless operation and transport positioning. The rotor deflector is aligned to help direct debris into the tub cover, reducing the potential for thrown objects.

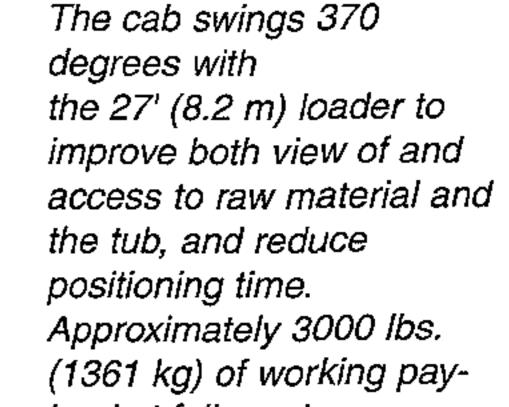
GRINDER



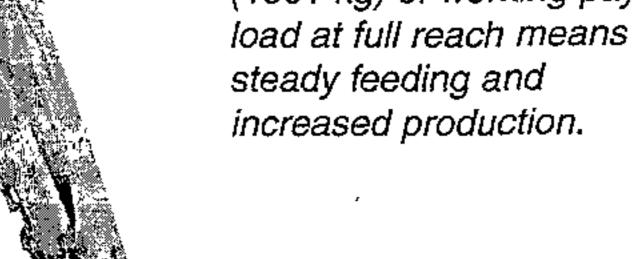
Rugged Claws

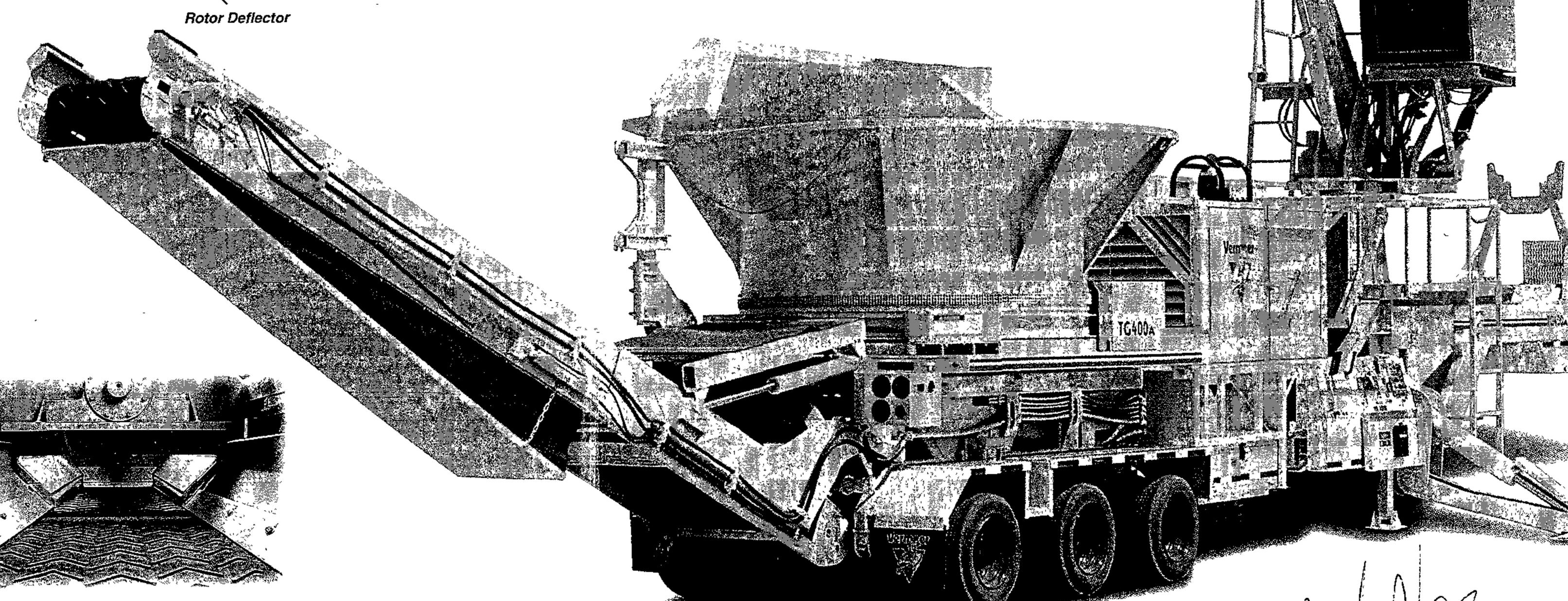
Choose a grapple that fits your application with openings up to 84" (213 cm) to lift large stumps and piles of brush with ease. Full rotation allows for precision loading.





27' Loader







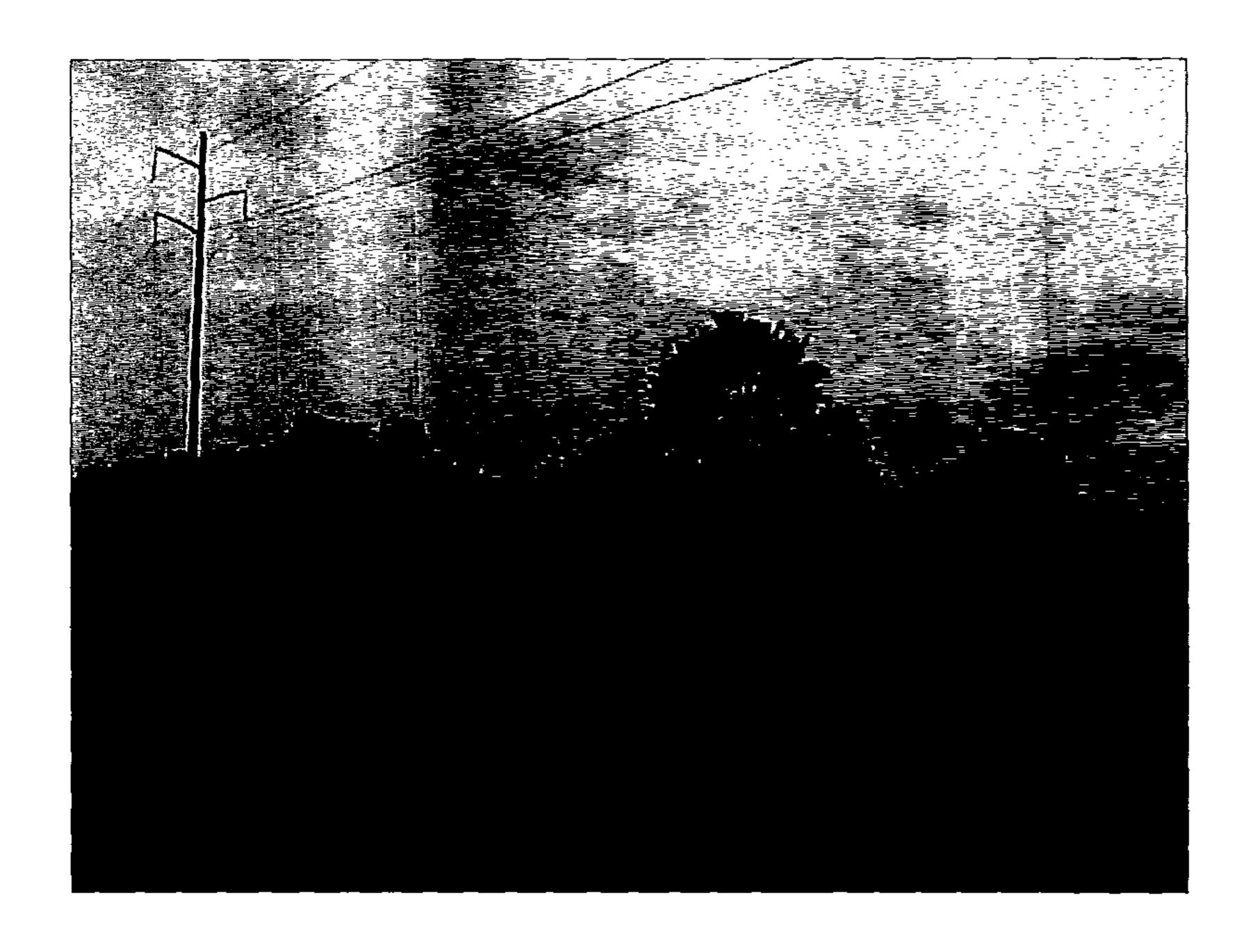


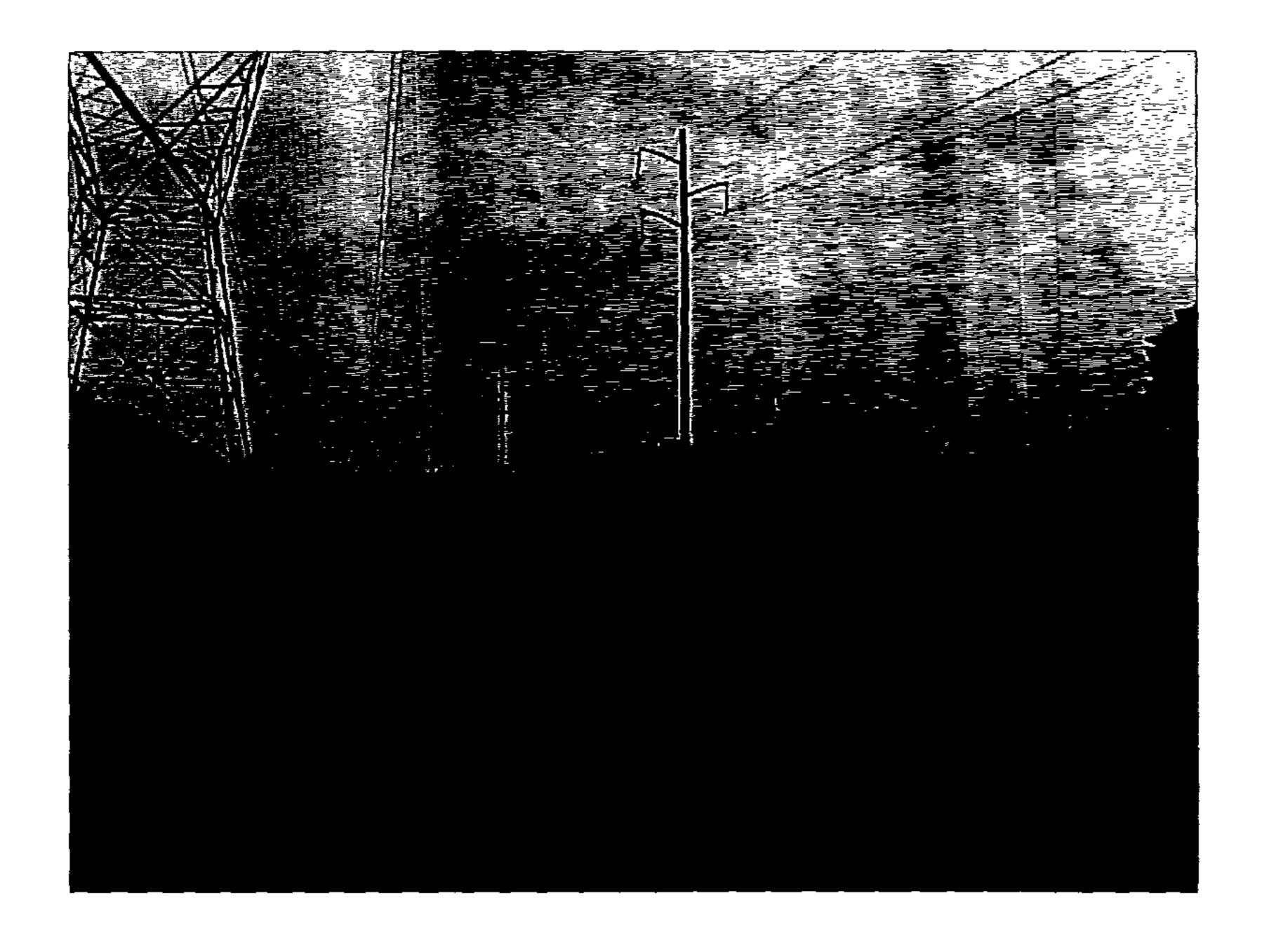






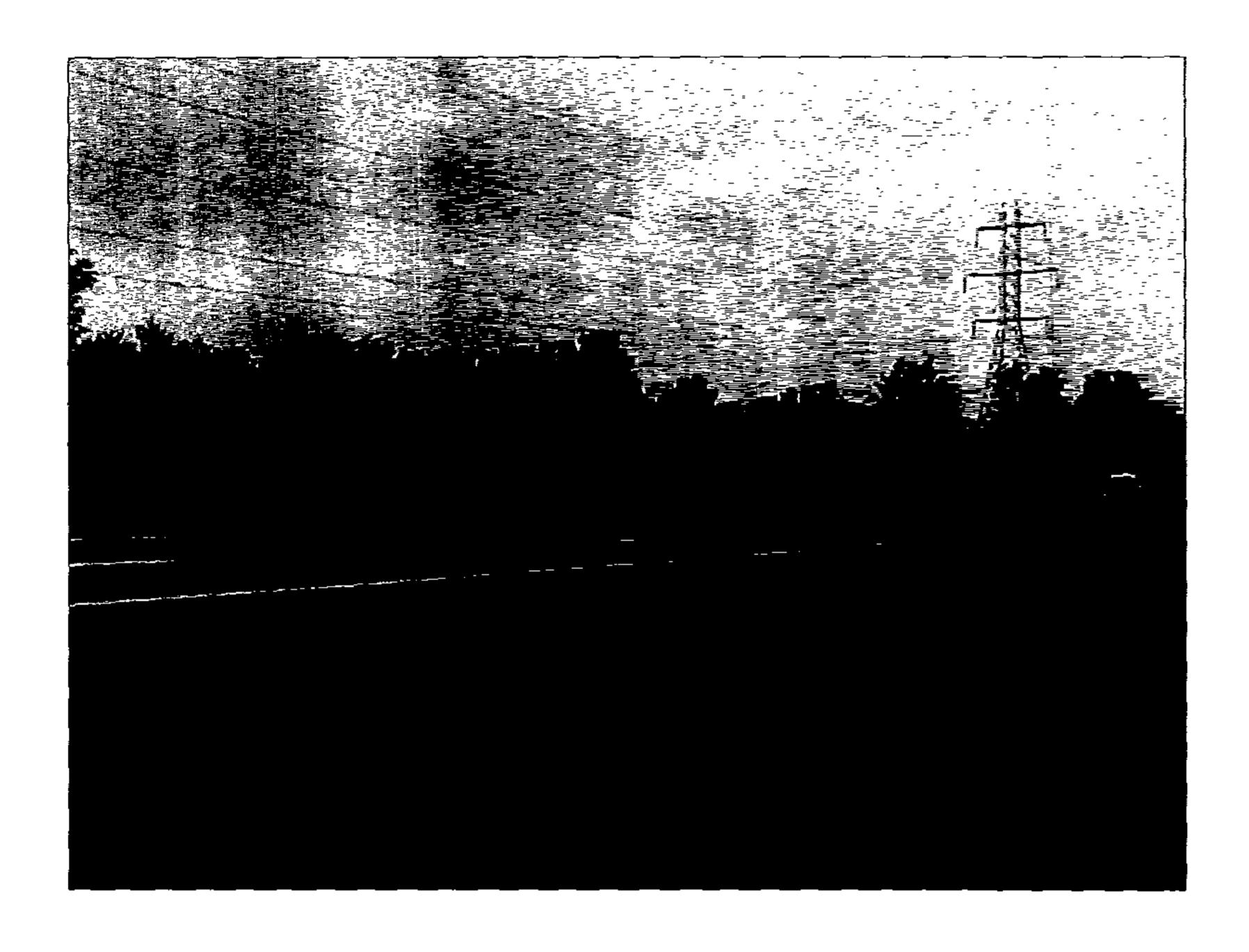














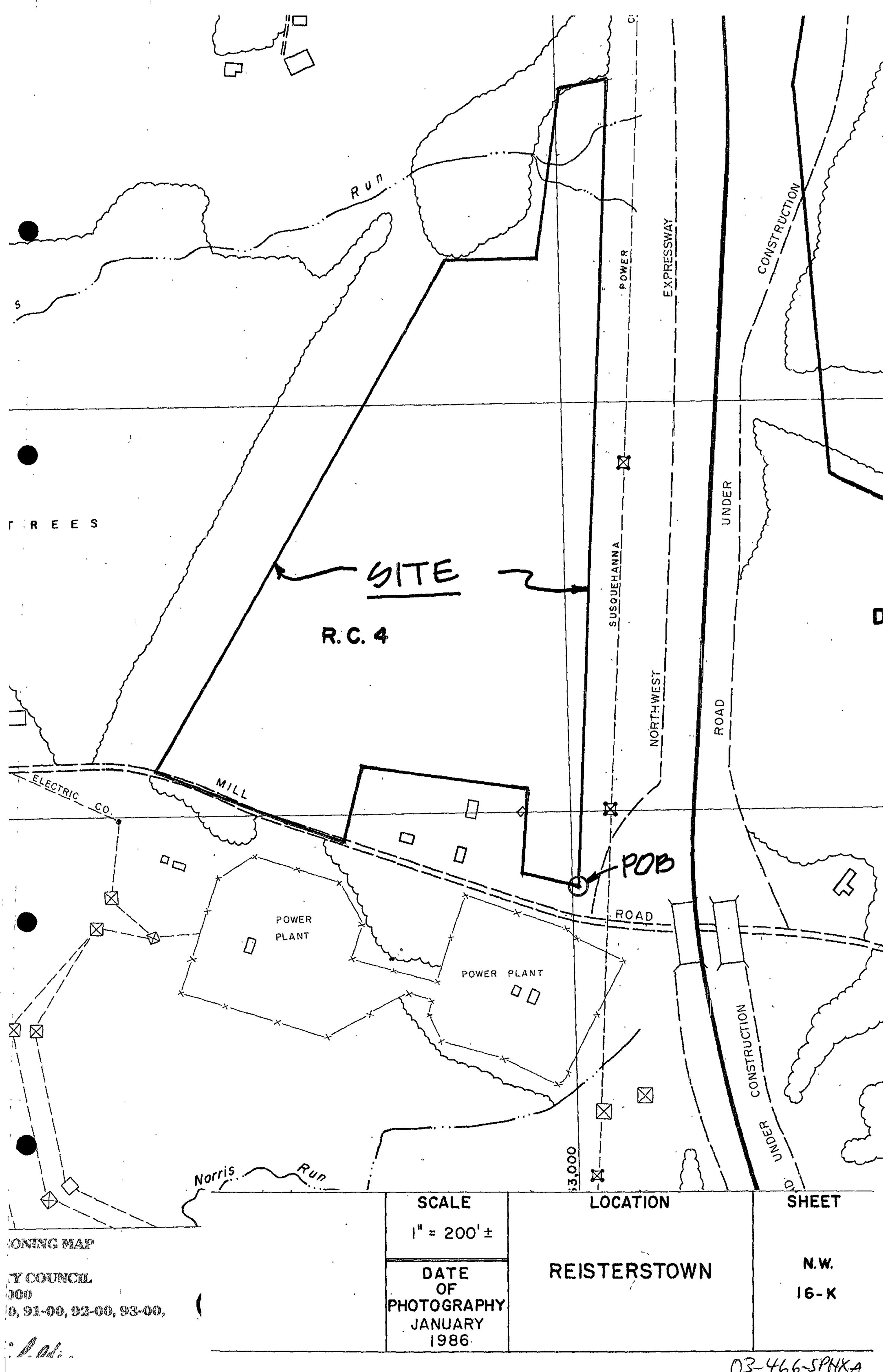



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
CASE NAME	
CASE NUMBER	
DATE	

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
THOMAS J. HOFF	406 W. PENNSYLVANIA	AVE. TOWSON, MD. ZIZO4 TIMONIUM, MD 2/093	
Nell W. Miller	2119 Eastridge 7d	TIMONIUM, MO 2/093	<u> </u>
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