ADER PROFINED FOR FLARE

IN RE: PETITIONS FOR SPECIAL EXCEPTION, \*
SPECIAL HEARING & VARIANCE
North Point Boulevard @ NE/Corner
with Merritt Avenue
15th Election District
7th Councilmanic District
(North Point Blvd. @ NE/Corner
\*

(North Point Blvd. @ NE/Corner with Merritt Ave.)

Apple O Development Ltd. Partnership,

Legal Owner

and

Atlantic Nationwide Trucking, Inc.,

Lessee

Petitioners

#### **BEFORE THE**

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-055-SPHXA

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Exception, Special Hearing and Variance filed by the legal owner of the subject property, Apple O Development Ltd. Partnership and Atlantic Nationwide Trucking, Inc., Lessee. The Petitioners are requesting special exception, special hearing and variance relief for property located at North Point Boulevard at the northeast corner of Merritt Boulevard in the eastern area of Baltimore County. The special exception request is to permit a Class II Trucking Facility in a ML-IM zone in accordance with Section 253.2A.12 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, special hearing relief is requested: 1) to permit Class II Trucking Facility within eighty (80°) ft. from the right-of-way of an existing freeway or expressway in lieu of the required one hundred (100°) ft. as otherwise required by Section 253.4 of the B.C.Z.R. and 2) to permit Class II Trucking Facility access through Private Driveway zoned BR-AS. Finally, variance relief is requested from Section 253.4 of the B.C.Z.R., to permit a Class II Trucking Facility a minimum distance of eighty (80°) ft. from the right-of-way of an existing freeway or expressway in lieu of the required one hundred (100°) ft.

FLAR FROM SECTION SECT

The property was posted with Notice of Hearing on August 29, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 30, 2005 to notify any interested persons of the scheduled hearing date.

#### Applicable Law

#### Section 502.1 of the B.C.Z.R. Special Exceptions

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

#### Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

#### Section 307 of the B.C.Z.R. Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in

residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

#### Section 410A Class II Trucking Facility

410A.2 Location. Proximity to residential zone or wetland. No Class II trucking facility or part thereof (including any access point or driveway) established on or after the effective date of this section may be located within 200 feet of a wetland or, with the exception of accessory passenger automobile parking areas, within 300 feet of a dwelling or a residential zone. No passenger automobile parking area or part thereof accessory to a Class II trucking facility may be located within 25 feet of a dwelling or a residential zone.

410A.3 Site and development standards; plans; operation. The standards of this subsection apply to Class II trucking facilities established on or after the effective date hereof, to conforming Class II trucking facilities established before that date and hereafter expanded or otherwise changed, and, to

the extent specified in Section 410A.1, to nonconforming Class II trucking facilities.

Access points.

- Any point of access to a public street must be on a public industrial service road, on a major collector street or on an arterial street. However, no access point on a public industrial service road is permitted unless the hearing authority (in the case of a trucking facility permissible by special exception) or the Director of Public Works (in the case of a facility permitted as a matter of right) prescribes an appropriate route for trucks traveling to or from the facility or finds that an appropriate route has already been prescribed. (Such a decision may be appealed to the Board of Appeals as provided under Section 602 of the Baltimore County Charter, as amended and Section 26-132 of the Baltimore County Code, 1988 Edition, as revised.) [Bill No. 218-1980]
- The curb tangent length between access points must be at least 100 feet, except that a shorter length may be allowed or greater length required by the Zoning Commissioner on recommendation of the county trucking facilities development officials. The number, widths and channelization (if any) of access points shall be as required by the Zoning Commissioner, after recommendation of the county trucking facilities development officials and, in the case of access points on a statemaintained highway, recommendation of the State Highway Administration.

Other site and development standards. **B**.

Unless the lot on which the facility is situated lies within a planned industrial park, the net area of the lot must be at least five acres and its diametrical dimension must be at least 150 feet. (This paragraph does not limit the number of trucking facilities that may be situated on a lot of the minimum size.)

The layout of improvements must be such as to provide for convenient forward movement of vehicles leaving or entering the site and such as to preclude any likelihood that trucks will be unable to gain immediate access onto the site at any time, as determined by the Zoning Commissioner after

recommendation by the county trucking facilities development officials.

FEMALE FOR FOR FALSE

3. At least 75% of that part of the site devoted to trucking operations must be devoted to parking of truck tractors and trailers, not including maneuvering area. (See Section 409 for

automobile parking requirements.)

4. Except in an M.H. Zone, that part of the site devoted to trucking operations (not including the automobile parking area) must be surrounded by security fencing at least six feet high. In any zone, except for approved access points, the site as a whole must be enclosed or partially enclosed by opaque fencing, walls or living screen planting to visually screen the use and its accessory uses from residential zones, from residential premises or from churches, schools, hospitals or other similar institutional uses, and to prevent extension of uses beyond the site boundaries. The height of the visual screening must be at least six feet, except that screen planting may be as low as three feet from the ground at the time of planting if it is of such a variety that it can reasonably be expected to be at least six feet high no more than two years after it is planted. In any case, planting must be such as to provide full screening effect within two years after it is planted and must be maintained in good condition. Further, all fencing and screening must be in accordance with adopted design provisions (as defined in Section 101).

Wheel stops or other means must be provided to protect walls, fencing or screen planting.

6. All parking, loading, maneuvering and storage areas must be paved in accordance with the applicable provisions of Section 409. Curbing at the edges of paved areas must be provided if required by the Zoning Commissioner, on recommendation of the county trucking facilities development officials. [Bill No. 26-1988]

7. Proper drainage of the entire site must be provided for. On-site stormwater detention or

controlled-release facilities may be required by the Department of Public Works.

8. Adequate rest room facilities (for both sexes), a drivers' room and telephone service for the truck drivers and other personnel must be provided on the site.

9. Upon the effective date of the Baltimore County Landscape Manual, all landscaping and screening shall be in accordance with such manual adopted pursuant to Section 26-283 of the Baltimore County Code, 1988 Edition, as revised. [Bill No. 31-1984]

C. Plans and operation.

1. The plans for a Class II trucking facility submitted in or with an application to Baltimore County for any permit to establish or alter such a facility, or submitted in pursuance of any provisions of these Zoning Regulations, must show the layout and operation of the use in detail that is sufficient for the Zoning Commissioner to determine whether and in what manner the facility will meet the requirements of these Zoning Regulations and must be certified by a professional engineer or other competent professional (as described in Section 410.3.C.1). The operation, as well as the development, of the use must be in accord with the approved plans. In particular, the number of vehicles (including trailers) on the site must not at any time exceed the number provided for by the plans.

2. Automotive parts must be concealed from off-site view. Junk vehicles may not be stored or

otherwise situated on the site.

3. In the granting of a special exception authorizing the establishment of a Class II trucking facility, the Zoning Commissioner may impose (in addition to any other reasonable restriction) reasonable limitations on hours of operation.

Actions of county officials to be consistent with certain provisions.

A. Consistency of actions with purposes. Whenever the Zoning Commissioner, the county trucking facilities development officials or any other county official or officials take an action pursuant to the provisions of this section, that action must, where applicable, be as consistent as is feasible with the purposes of this section, as set forth in Subsection B below and elsewhere in this section, and with the other purposes of these regulations in general (including the purposes set forth in Title 26 of the Baltimore County Code, 1988 Edition, as revised).

B. Purposes. In addition to other purposes implied or expressed in other provisions, the purposes of this section are:

1. To promote the spatial consolidation of trucking facilities, such as joint use of larger sites, so that the number of locations of trucking facilities will not be excessive with respect to the public interest and so as to provide for greater flexibility in the layout of individual sites.

2. To assure that the improvements on the sites of existing and future Class II trucking facilities are of such design, quality or character that they will not be likely to deteriorate in such a way that a public nuisance would be created or that the public interest would otherwise be adversely affected.

To minimize heavy-truck traffic on motorways other than freeways, expressways or arterial streets.

4. To minimize the off-premises parking or storage of vehicles associated with existing and future Class II trucking facilities.

5. To promote the on-site provision of important conveniences so that employees or others associated with existing and future Class II trucking facilities need not seek such conveniences in or about the homes or business establishments of others or in other inappropriate places.

6. To provide the county government with plans and other records that are sufficiently detailed to afford proper administration of this section and related provisions.

7. In general, to accommodate trucking activities, in recognition of their importance to the economy of the county and the nation. While minimizing the impact of existing and future Class II trucking facilities on the environment and achieving an optimum level of compatibility between such facilities and nearby uses, especially dwellings and institutional uses.

#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A revised ZAC comment was received from the State Highway Administration dated August 10, 2005, a copy of which is attached hereto and made a part hereof.

#### Interested Persons

Appearing at the hearing on behalf of the variance and special exception requests were Fred Thompson, civil engineer, Ken Schmeid, traffic engineer and Christopher Lessner, for the corporate Petitioner. Arnold Jablon, Esquire and David Karceski, Esquire, represented the Petitioners. No protestants or interested citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

# FOR FRANCIS FOR FACE OF SOLVED SOLVED

#### Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 5.71 acres of land, more or less, zoned ML-IM and BR-AS. This is parcel 1 of a larger 12-acres site which is vacant. See Petitioners' Exhibit 1. The site lies adjacent to the Baltimore Beltway and is located behind a line of small commercial and industrial uses along the east side of North Point Boulevard. Mr. Jablon proffered that there are no homes or residential zones within 300 ft. of the facility. The site meets all County requirements for a Class II trucking facility except the distance to the Beltway right-of-way which is 80 ft. One Hundred feet is required. The Zoning Office recommended that the Petitioners request alternative relief as a variance for the 80 ft. distance or a special hearing to approve this distance from the right-of-way. Mr Jablon opined that the site was unique from a zoning standpoint, given the location next to the Beltway and the odd way the three zones were applied on this property.

One of the oddities of the site is the fact that access to North Point Boulevard is accomplished by a driveway that connects to Merritt Avenue which itself is the boundary between MH and BR zones. Consequently, even though the vast majority of the site is ML, the entrance touches the other two zones. As a result, the Zoning Office requested the Petitioners apply for a special hearing to allow access to the facility through a commercial (BR) zone.

In regard to the special exception, Mr. Jablon proffered that the plan met all requirements under section 502.1 of the B.C.Z.R. He noted again that major roads, as well as commercial and industrial uses surround the site so there would be no adverse affect on the neighborhood. He presented a letter in support of this site as a trucking facility from the Wells/McComas Community Association. See exhibit 2. This Petitioner was also the Petitioner in Case No. 05-302-XA which is under appeal at the Board of Appeals. Mr. Jablon indicated that if this site is approved he would withdraw the requests of Case No. 05-032 XA. Apparently, all agree that this is a superior site to that of Case No. 05-032 XA. Finally, he noted that the site is between the Cove Road and North

FORED FORES

Point interchanges on the Beltway. Trucks would turn right to exit the facility and travel to Cove Road to get onto the Beltway. Similarly, trucks would exit the Beltway at North Point Road to get to the facility. See traffic flow detail of Petitioners' Exhibit 1.

#### Findings of Fact and Conclusions of Law

#### **Special Exception**

From the testimony and evidence, I find that there will be no adverse impact on the community as long as the trucks stick to the traffic flow detail of Exhibit 1. The area is industrial and commercial, and above all there is no house or residential zone nearby. Remarkably, the Wells/McComas Community Association supports the requests after a continuing battle in Case No. 05-302- XA. I further find that the site plan meets all criteria of Section 502.1 of the B.C.Z.R. Therefore, I will grant the special exception.

#### Special Hearing

Frankly, I do not see the need for the special hearing to permit a Class II Trucking Facility within eighty (80') ft. from the right-of-way of an existing freeway or expressway in lieu of the required one hundred (100') ft. as otherwise required by Section 253.4 of the B.C.Z.R. This seems to me to be a simple variance. Based on the evidence and testimony, I will grant the special hearing to allow the access through a BR zone for this industrial use. There is a small piece of property zoned BR through which the site has access to the public road. I see no detriment to the community in using this small portion of business zone to permit Class II Trucking Facility access through Private Driveway zoned BR-AS.

#### **Variance**

I find that the property is unique from a zoning standpoint located 80 ft. from the Beltway. One Hundred feet is required. In addition, the split zoning impacts this site differently from others not so burdened. I further find the owners would suffer hardship if they could not use the property for this purpose. Finally, I find no adverse impact on the community as above.

FOR FORMULE FOR FACE AND PROPERTY OF THE PROPE

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' requests for special exception, special hearing and variance should be granted.

THEREFORE, IT IS ORDERED, this 22 day of September, 2005, by the Deputy Zoning Commissioner, that the Special Exception request to permit a Class II Trucking Facility in a ML-IM zone in accordance with Section 253.2A.12 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED subject to the following condition:

1. Traffic flow to and from the site shall be in accord with the traffic flow detail on Exhibit 1 so that trucks would turn right to exit the facility to get onto the Beltway and would enter the facility from the south from the Beltway.

IT IS FURTHER ORDERED, that the special hearing relief requested: 1) to permit Class II Trucking Facility within eighty (80') ft. from the right-of-way of an existing freeway or expressway in lieu of the required one hundred (100') ft. as otherwise required by Section 253.4 of the B.C.Z.R. is hereby denied as unnecessary; and

IT IS FURTHER ORDERED that the Petitioners' request to permit Class II Trucking Facility access through Private Driveway zoned BR-AS, be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the variance relief requested from Section 253.4 of the B.C.Z.R., to permit a Class II Trucking Facility a minimum distance of eighty (80') ft. from the right-of-way of an existing freeway or expressway in lieu of the required one hundred (100') ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
- 2. Compliance with the ZAC comments submitted by the State Highway Administration dated August 10, 2005, a copy of which is attached hereto and made a part hereof; and

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.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

SAMEON DE PRINCE

#### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

32 September 21, 2005

Arnold Jablon, Esquire David Karceski, Esquire Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, Maryland 21204

Re: Petitions for Special Exception, Special
Hearing & Variance
Case No. 06-055-SPHXA
Property: North Pt. Blvd. @ NE/corner w/ Merritt Ave.

Dear Messrs. Jablon & Karceski:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Fred Thompson, Gower Thompson, Inc., 429 E. Lake Ave., Baltimore, MD 21212 Christopher Lessner, 1107 Green Acre Road, Towson, MD 21286 Ken Schmid, 325 Gambrills Road, Suite E. Gambrills, MD 21056



Visit the County's Website at www.baltimorecountyonline.info



## Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located atwith M	erritt Ave
which is presently zon	
	AV A

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)

SEE ATTACHED

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

TO BE DETERMINED AT HEARING

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

1, 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.

reserved and restrictions of patrimore County adopted pursuan	it 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):
Atlantic Nationwide Trucking, Inc.	Apple O Development Lmtd Partnership
Name - Type or Print	Name - Type or Print
Signature 8230 Bletzer Road 410-477-9733	Signature
Address Telephone No.	Name - Type or Print-
Baltimore, Maryland 21222	
State Zip Code  Attorney For Petitioner:	Signature 57 Timonium Rd, Suite 106
Arnold Jablon	Address Timonium, Maryland 21093
Name - Type or Print	City State Zip Code Representative to be Contacted:
Venable, LLP Company	Arnold Jablon
210 Allegheny Ave 410-494-6298	Name 210 Allegheny Ave 410-494-6298
Towson, Maryland 21204	Address Telephone No. Towson, Maryland 21204
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 06 055 SPHXA	ESTIMATED LENGTH OF HEARING 20AV
	UNAVAILABLE FOR HEARING Reviewed By 1/ Date 7/26/02

### PETITION FOR VARIANCE ATTACHED SHEET

#### North Point Blvd at NE corner with Merritt Ave

1. Variance to permit Class II Trucking Facility a minimum distance of eighty (80') feet from the right-of-way of an existing freeway or expressway in lieu of the required one hundred (100') feet, pursuant to §253.4, Baltimore County Zoning Regulations (BCZR).



## Petition for Special Exception

to the Zoning Commissioner of Baltimore Count

North Point Blvd @ NE corner

for the property located at \_

of Merritt Ave

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

SEE ATTACHED

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 zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Contract Purchaser/Less	see:	
Atlantic Nationwide Tru	icking, Inc	•
Name - Type or Print		
Signature 8230 Bletzer Road	410-477-9	733
Baltimore, Maryland 21	222	Telephone No.
City	State	Zip Code
Attorney For Petitioner:		•
Arnold Jablon		
Name - Type or Print	······································	
Signature		
Venable, LLP	-	
Company		· · · · · · · · · · · · · · · · · · ·
210 Allegheny Ave.	410-494-62	298
Address		Telephone No.
Towson, Maryland 21204		
City	State	Zip Code
Case No	<u> 255</u> S	PHXA

医医肠胚

MAN TO THE

Legal Owner(s):
Apple 0 Development Lmtd Partnership

Name - Type or Print

Signature

Name - Type or Print

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

perjury, that I/we are the legal owner(s) of the property which

Name - Type or Print

Signature

57 Timonium Rd, Suite 106

Address Telephone No.
Timonium, Maryland 21093

City State Zip Code

Representative to be Contacted:

Arnold Jablon

Name
210 Allegheny Ave 410-494-6298

Address
Towson, Maryland 21204

Towson, Maryland 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING ZDAY

UNAVAILABLE FOR HEARING

Reviewed By 1/26/05

7)

#### PETITION FOR SPECIAL EXCEPTION

#### **ATTACHED SHEET**

#### NORTH POINT BLVD @ NE CORNER OF MERRITT AVE

Special Exception to permit a Class II Trucking Facility in a ML-IM zone, pursuant to Section 253.2A.12 of the Baltimore County Zoning Regulations.



## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

Date 7/26/05

which i	s presently	zon	ed	ML-	I M	BK-AS	
for the property located at	W	ith I	Merri	tt A	ve.		
	North Po	int	RING	@ NE	cor	ner	

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

See Attached

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.

zoning regulations and restrictions of Baltimore County adopted pr	ursuant 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):
Atlantic Nationwide Trucking, Inc.	Apple O Development Lmtd Partnership
Name - Type or Print	Name - Type or Print
Signature	
Signature 8230 Bletzer Road 410-477-9733	Signature
8230 Bletzer Road 410-477-9733 Address Telephone No.	Name - Type or Print
Baltimore, Maryland 21222	reame - Type of Parit
City State Zip Code	Signature
Attorney For Petitioner:	57 Timonium Road, Suite 106
	Address Telephone No.
Arnold Jablon	Timonium, Maryland 21093
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Signature Venabile, LLP "	Arnold Jablon
Venabile(, LLP Company	Name
2 0 Allegheny Ave 410-494-6298	210 Allegheny Ave. 410-494-6298
Address Telephone No.	Address Telephone No.
Towson, Maryland 21204	Towson, Maryland 21204
State Zip Code	City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING ZDA
dase No. ()6 055 SPHXA	UNAVAILABLE FOR HEARING

Reviewed By \_\_\_\_\_\_

#### PETITION FOR SPECIAL HEARING ATTACHED SHEET

#### North Point Blvd at NE corner with Merritt Ave

- 1. To permit Class II Trucking Facility within eighty (80') feet from the right-of-way of an existing freeway or expressway in lieu of the required one hundred (100') feet as otherwise required by §253.4, Baltimore County Zoning Regulations (BCZR).
  - 2. To permit Class II Trucking Facility Access Through Private Driveway Zoned BR-AS.

065

## ZONING DESCRIPTION NORTHPOINT ENTERPRISE PARK NORTH POINT BOULEVARD AT MERRITT AVENUE

BEING A PORTION OF A 12.07 ACRE SITE LOCATED ON THE EAST SIDE OF NORTHPOINT BOULEVARD AT THE NORTHEAST CORNER OF MERRITT AVENUE, A PRIVATE RIGHT OF WAY. BEGINNING AT A POINT IN THE INTERIOR OF THE PARCEL THAT IS LOCATED THE FOLLOWING THREE COURSES AND DISTANCES FROM THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF MERRITT AVENUE AND THE EASTERN RIGHT OF WAY LINE OF NORTH POINT BOULEVARD.

- 1. NORTH 71 DEGREES 29 MINUTES 18 SECONDS EAST, 194.48 FEET;
- 2. SOUTH 18 DEGREES 34 MINUTES 22 SECONDS EAST, 15.00 FEET, AND;
- 3. NORTH 71 DEGREES 29 MINUTES 18 SECONDS EAST, 100.00 FEET TO THE POINT OF BEGINNING.

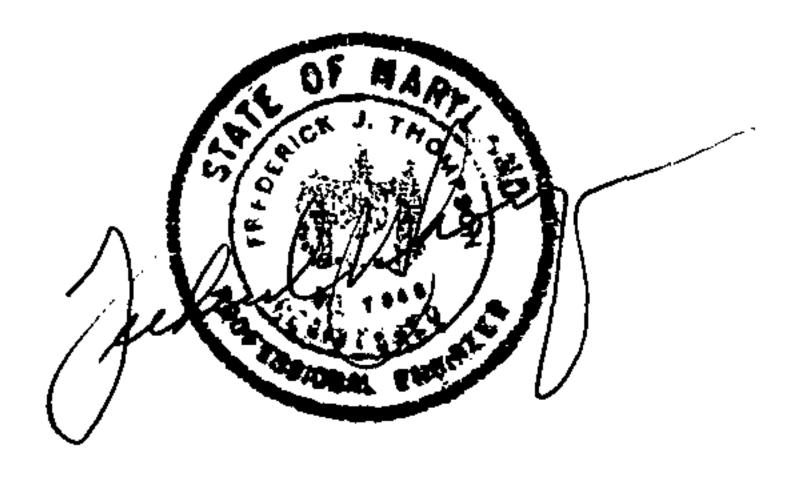
THENCE EXTENDING THE FOLLOWING 8 COURSES AND DISTANCES:

- 1. NORTH 14 DEGREES 19 MINUTES 12 SECONDS WEST, 56.33 FEET;
- 2. NORTH 15 DEGREES 15 MINUTES 07 SECONDS EAST, 129.04 FEET;
- 3. NORTH 71 DEGREES 29 MINUTES 18 SECONDS EAST, 384.58 FEET;
- 4. ALONG THE RIGHT OF WAY LINE OF INTERSTATE 695 ON AN ARC CURVING TO THE LEFT HAVING A RADIUS OF 5,829.58 FEET, THE ARC DISTANCE OF 330.01 FEET, AND A CHORD BEARING OF SOUTH 21 DEGREES 27 MINUTES 31 SECONDS EAST, A CHORD DISTANCE OF 329.96 FEET;
- 5. SOUTH 16 DEGREES 01 MINUTES 30 SECONDS EAST, 113.32 FEET;
- 6. SOUTH 16 DEGREES 40 MINUTES 38 SECONDS EAST, 95.48 FEET;
- 7. SOUTH 71 DEGREES 29 MINUTES 18 SECONDS WEST, 469.86 FEET;
- 8. NORTH 18 DEGREES 26 MINUTES 32 SECONDS WEST, 374.72 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.71 ACRES MORE OR LESS

ALSO INCLUDING A 30 FEET WIDE, APPROXIMATELY 300 FEET LONG, ACCESS DRIVE TO PERMIT TRUCKING FACILITY ACCESS THROUGH A PRIVATE DRIVEWAY IN A BR-AS ZONED PROPERTY BETWEEN THE RIGHT OF WAY LINE OF NORTH POINT BOULEVARD AND THE ABOVE DESCRIBED PARCEL. THE ACCESS DRIVE BE CONSTRUCTED AND WILL ALSO ALLOW ACCESS TO TWO OTHER PARCELS.

RECORDED IN LIBER 8007 FOLIO 225 AND LOCATED IN THE 15<sup>TH</sup> ELECTION DISTRICT.



BALTIMORE COUNT OFFICE OF BUDGET & MISCELLANEOUS F	FINANCE	5514	(D/O) No. 4482	54
DATE	03 ACCOUNT	00/	006	<u>515</u> 0
	AMOUNT	\$	20.00	<u> </u>
RECEIVED FROM:	Connecte	Tauck	eng	
FOR: - Tul	king Fall	alla C	PHXA	
- MPT	De Mon	uHan	2	
DISTRIBUTION WHITE - CASHIER PINK - A	AGENCY YELLOW	- CUSTOMER		

PATE	DECEMBE

LUTTA VETETLE **BUSINESS** 紀刊組 TIME 16年 7/27/2005 10:44:13 REG #505 WALKIN NOUN NEG >>RECEIPT # 389120 7/26/2005 OFUN Dept 5 528 ZONING VERIFICATION DR NO. 448254 Respt Tot \$800.00 \$800.00 OF \$.00 CA Baltimore County, Maryland

**CASHIER'S VALIDATION** 

## NOTICE OF ZONING HEARING

authority of the Zoning Act and Regulations of Baltimore
County will hold a public hearing in Towson, Marylandon
the property identified herein as follows:

Case: #06-055-SPHXA

North Point Blvd., @ NE Corner with Merritt Avenue,
15th Election District — 7th Councilmanic District:
15th Election District — 7th Councilmanic District —

William J. Wiseman, III

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 8/765 August 30

hat the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY once in each of

凶 The Jeffersonian

**Fimes** Arbutus Times Catonsville 1

**Towson Times** 

Owings Mills Times

NE Booster/Reporter

ty News North Coun

1 Julias

LEGAL ADVERTISING

#### CERTIFICATE OF POSTING

RE: Case No.: 26-055 - SPHXA

Petitioner/Developer: ATLANTIC

NATIONWIDE TRUCKING, ING

Date of Hearing/Closing: SEPT 15, 2005

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

ATTN: Kristen Matthews {(410)-887-3394}\_\_\_

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:

NORTH POINT BUND. @ NE CORNER WITH MERRITH

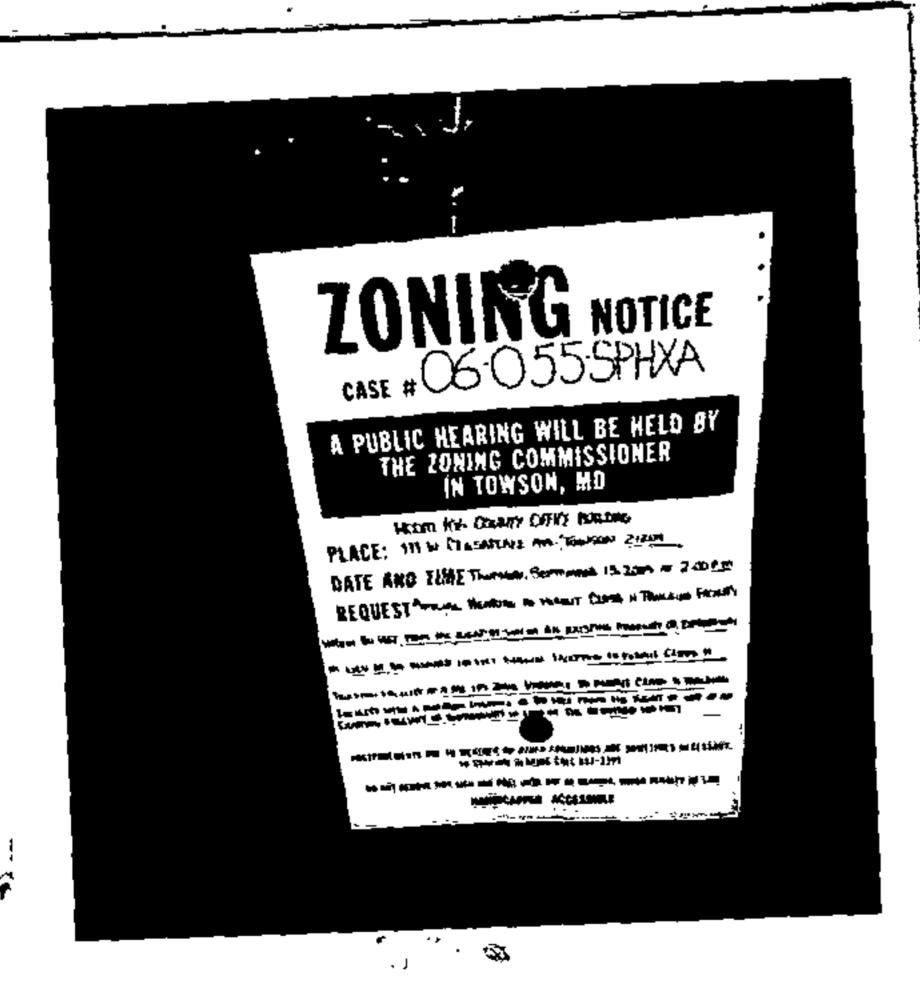
AVE

The sign(s) were posted on

8-29-05

(Month, Day, Year)

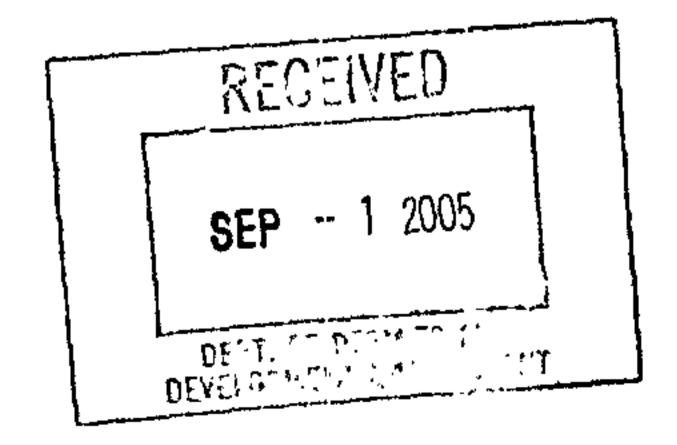
Sincerely,



N. PT. BLVD & MERRIH AVE

Robert Black	8-30-05
(Signature of Sign Poster)	(Date)
SSG Robert Black	(Print Name)
1508 Leslie Road	(Address)
Dundalk, Maryland 21222	
(City, State, Zip Code)	
(410) 282-7940	
(Telephone Number)	

SEP 7.2005



TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 30, 2005 Issue - Jeffersonian

Please forward billing to:
Arnold Jablon
210 Allegheny Avenue
Towson, MD 21204

410-494-6298

#### **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: 06-055-SPHXA

North Point Blvd., @ NE corner with Merritt Avenue 15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District Legal Owners: Apple O Development Ltd Partnership

Contract Purchaser: Atlantic Nationwide Trucking, Inc.

Special Hearing to permit Class II Trucking Facility within 80 feet from the right-of-way of an existing freeway or expressway in lieu of the required 100 feet. Special Exception to permit Class II Trucking Facility in a ML-IM zone. Variance to permit Class II Trucking Facility with a minimum distance of 80 feet from the right-of-way of an existing freeway or expressway in lieu of the required 100 feet.

Hearing: Thursday, September 15, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

## Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708





#### **Baltimore County**

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

August 9, 2005

#### 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: 06-055-SPHXA

North Point Blvd., @ NE corner with Merritt Avenue 15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District Legal Owners: Apple O Development Ltd Partnership Contract Purchaser: Atlantic Nationwide Trucking, Inc.

Special Hearing to permit Class II Trucking Facility within 80 feet from the right-of-way of an existing freeway or expressway in lieu of the required 100 feet. Special Exception to permit Class II Trucking Facility in a ML-IM zone. Variance to permit Class II Trucking Facility with a minimum distance of 80 feet from the right-of-way of an existing freeway or expressway in lieu of the required 100 feet.

Hearing: Thursday, September 15, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco Director

huth Kotroco

TK:klm

C: Arnold Jablon, 210 Allegheny Avenue, Towson 21204
Apple O Development Ltd Partnership, 57 Timonium Road, Ste. 106, Timonium 21093
Atlantic Nationwide Trucking, Inc., 8230 Bletzer Road, Baltimore 21222
Arnold Jablon, 210 Allegheny Avenue, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 31, 2005

- (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.



Visit the County's Website at www.baltimorecountyonline.info

## 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: <u>0.55</u>
Petitioner: APPLE O DEVELLEMENT LINT PARTNERSHIP
Address or Location: NE CORNER NORTH POINT ROY MERRITTAVE
PLEASE FORWARD ADVERTISING BILL TO:  Name:AHOOD SAHOOD
Address: 210 AUBBHRDI AUR
Address: 210 AWEBHRDY AUR_ TOWSON ZIZOY
Telephone Number: 10 494-6298

## Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson. Maryland 21204



#### Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

September 5, 2005

Arnold Jablon Venable, LLP. 210 Allegheny Avenue Towson, Maryland 21204

Dear Mr. Jablon:

RE: Case Number: 06-055-SPHXA

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 26, 2005

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.

U. Carl Richall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

c: People's Counsel
Apple O Development Partnership 57 Timonium Road, Ste. 106 Timonium 21093
Atlantic NationwideTrucking, Inc. 8230 Bletzer Road Baltimore 21222



Visit the County's Website at www.baltimorecountyonline.info

#### Fire Department

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



#### Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

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

August 3, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: August 8, 2005

Item No.: 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055) 056, 057, 058, 059, 060, 061, 062, 063, 064, 065 and 066.

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

#### 1. The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-48810 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountyonline.info

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** August 10, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For August 15, 2005

Item Nos. 046, 047, 048, 052, 053, 054, 055, 056, 057, 058, 064, 065, and 066

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

DAK:CEN:clw

cc: File :

ZAC-NO COMMENTS-08102005.doc

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: August 122005/ED

AUG 1 7 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

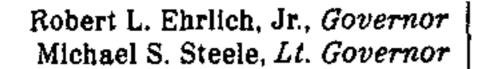
SUBJECT: Zoning Advisory Petition(s): Case(s) 6-055- Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

**Division Chief:** 

CM/LL





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

#### Maryland Department of Transportation

Date: 8-2.05

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

RE:

Baltimore

Dear. Ms. Matthews:

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,

Steven D. Foster, Chief

1. 1. Moulh

Engineering Access Permits Division



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

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

#### Maryland Department of Transportation

August 10, 2005

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

RE: Baltimore County Item No. 055 (JLL)

MD 151

North Point Enterprise Park

Mile Post 2.86

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. However we will require the owner to obtain an access permit through our office and as a minimum the following will be conditioned to the permit:

- A revised traffic impact analysis. The final design for any required roadway improvements will be determined following the review and approval of the traffic impact analysis.
- Detailed engineered plans showing the new construction, lane configurations, entrances etc. along MD 151.

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

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

KEEPIN FIE. 06-055-SPHXA

## FREQUENT FLYER ATTORNEYS DROP OFF ZONING PETITIONS POLICY PROCEDURES

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

- 1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with <u>all</u> technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
- 2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.
- 3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

3/22/05 JLL/rjc Zoning Office Department of Permits and Development Management 111 West Chesapeake Ave Towson, Maryland 21204

#### Zoning Office:

Please be advised that we, the undersigned, have authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief. We hereby understand that the relief requested is for property we own and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed are for property located at <a href="North Point Blvd at NE corner Merritt Ave">North Point Blvd at NE corner Merritt Ave</a>, property we own.

Further, the undersigned is the contract purchaser of said property, and hereby and herewith authorize Mr. Jablon to be my attorney-in-fact and attorney-at-law and represent me in this matter.

Apple Q Development Limited Partnership (owner)

By: William H. Knott

57 W. Timonium Rd, Suite 106, Timonium, Maryland 21093 address

Atlantic Nationwide Trucking, Inc.

Chris Lessner, President

Contract Purchaser

6/30/05 (Date)

## WELLS MCCOMAS CITIZENS IMPROVEMENT ASSOCIATION 4102 BEACHWOOD ROAD BALTIMORE, MARYLAND 21222

September 1, 2005

Arnold Jablon Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

RE: Atlantic Nationwide Trucking

Dear Mr. Jablon:

The location of Atlantic Nationwide Trucking at the property along the 4500 block Of North Point Blvd. is not a concern of our Association. At our Meeting in August the matter was discussed and there was no opposition. This completely appears to be a more suitable location for the type business they are in. Should you Require any additional information feel free to call me at 410-477-1111.

Sincere,

Fred Thiess President

Pet #2





RE: PETITION FOR SPECIAL HEARING

SPECIAL EXCEPTION & VARIANCE.

North Point Blvd @ NE corner of Merritt Ave\*

15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts

Legal Owner(s): Apple O Development

Ltd Partnership

Contract Purchaser(s): Atlantic Nationwide \*

Trucking, Inc

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

FOR ·

**BALTIMORE COUNTY** 

06-055-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 5<sup>th</sup> day of August, 2005, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

AUG U 5 2005

Per A

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 Telephone 410-494-6200 www.venable.com
Facsimile 410-821-0147

www.venable.com

TO COP) RECEIPED 5

ARNOLD JABLON (410) 494-6298

aejablon@venable.com

21 February 2008

Timothy M. Kotroco, Director
Department of Permits and Development Management
County Office Building
111 West Chesapeake Ave
Towson, Maryland 21204

Re: Atlantic Nationwide Trucking, Inc.

Case No. 06-055 SPHXA

DRC #: XV-490

Northpoint Business Park Tax acct #: 21000008537

Dear Mr. Kotroco:

This office represents Atlantic Nationwide Trucking, Inc. The purpose of this letter is to confirm that the proposed changes to a previously approved special exception site plan is within the spirit and intent of the decision rendered in the special exception case.

My client purchased parcel 1 of the subdivision known as North Point Enterprise Park, located at 4450-4480 North Point Blvd, PDM # XV-490. A copy of the development plan is attached, as **Exhibit 1**. Pursuant to a special exception granted in Case No. 06-055 SPHXA, 22 September 2005, my client has been operating a Class II trucking facility on parcel 1. A copy of the zoning order is attached, as **Exhibit 2**. Also attached is a copy of the special exception site plan, as **Exhibit 3**. The trucking facility site plan as been approved.

My client wishes to move a building, identified on the special exception plan and on the amended development plan as a "maintenance building", from the location shown to a new location, shown on the amended development plan, Exhibit 1, 30' from the property line between parcel 1 and parcel 2.

February 21, 2008 Page 2

A request to amend the approved development plan was filed with the DRC. On February 19<sup>th</sup>, the DRC agreed to the amendment, subject to the zoning office agreeing that the proposed changes to the site plan in Case No. 06-055 were "de minimis".

The changes, as indicated on the plan, are to relocate the maintenance building and to reconfigure the truck parking spaces to suit the maintenance building. No changes to the number of parking spaces is proposed nor required. There would also be a slight change to the FAR of parcel 1, but no impact to the zoning requirements.

As you will note, we are simply suggesting to move and enlarge the maintenance building. There are no changes to the special exception area nor to the approved special exception use. Hopefully, you will agree this is a minor change and will require no further action. We ask that you agree the proposed minor change is within the spirit and intent of the zoning order issued in Case No. 06-055 SPHXA.

If you agree with our conclusion, I am requesting that you sign on the appropriate signature line provided below and notify Walt Smith, in Development Management. Please also return a signed copy of this letter to me.

Thank you for your cooperation.

Sincerely,

Arnold Jablon

AEJ/aj

PER THE 2 REVISED PLANS RECIEVED

6/03/08

Timothy M. Kotroco, Director

Department of Permits and Development Management

## PLEASE PRINT CLEARLY

CASE NAME Apple 0 Developmente CASE NUMBER 06-055-SAHX/ DATE 1/5/0/

PETITIONER'S SIGN-IN SHEET

Sower They Po to E- MAIL 2110 2/2/2 mo, 21286 5012 STATE, ZIP Townshop CON. CITY, GOEEN PERE DO, 520 Sumbrills 121 Exter ADDRESS 3278 CHArsholter NAME

VENABLE LLP

, 1 😘

210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517

1. ETH # 08- 002 /15 TH ED. Telephone 410-494-6200

Facsimile 410-821-0147

THE LIRE FINE

ARNOLD JABLON (410) 494-6298

aejablon@venable.com

21 February 2008

Timothy M. Kotroco, Director Department of Permits and Development Management County Office Building 111 West Chesapeake Ave Towson, Maryland 21204

Atlantic Nationwide Trucking, Inc.

Case No. 06-055 SPHXA

DRC #: XV~490

Northpoint Business Park Tax acct #: 21000008537

Dear Mr. Kotroco:

This office represents Atlantic Nationwide Trucking, Inc. The purpose of this letter is to confirm that the proposed changes to a previously approved special exception site plan is within the spirit and intent of the decision rendered in the special exception case.

My client purchased parcel 1 of the subdivision known as North Point Enterprise Park, located at 4450-4480 North Point Blvd, PDM # XV-490. A copy of the development plan is attached, as Exhibit 1. Pursuant to a special exception granted in Case No. 06-055 SPHXA, 22 September 2005, my client has been operating a Class II trucking facility on parcel 1. A copy of the zoning order is attached, as Exhibit 2. Also attached is a copy of the special exception site plan, as Exhibit 3. The trucking facility site plan as been approved.

My client wishes to move a building, identified on the special exception plan and on the amended development plan as a "maintenance building", from the location shown to a new location, shown on the amended development plan, Exhibit 1, 30' from the property line between parcel 1 and parcel 2.

February 21, 2008 Page 2

A request to amend the approved development plan was filed with the DRC. On February 19<sup>th</sup>, the DRC agreed to the amendment, subject to the zoning office agreeing that the proposed changes to the site plan in Case No. 06-055 were "de minimis".

The changes, as indicated on the plan, are to relocate the maintenance building and to reconfigure the truck parking spaces to suit the maintenance building. No changes to the number of parking spaces is proposed nor required. There would also be a slight change to the FAR of parcel 1, but no impact to the zoning requirements.

As you will note, we are simply suggesting to move and enlarge the maintenance building. There are no changes to the special exception area nor to the approved special exception use. Hopefully, you will agree this is a minor change and will require no further action. We ask that you agree the proposed minor change is within the spirit and intent of the zoning order issued in Case No. 06-055 SPHXA.

If you agree with our conclusion, I am requesting that you sign on the appropriate signature line provided below and notify Walt Smith, in Development Management. Please also return a signed copy of this letter to me.

Thank you for your cooperation.

Sincerely,

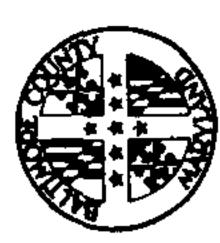
Arnold Jablon

AEJ/aj

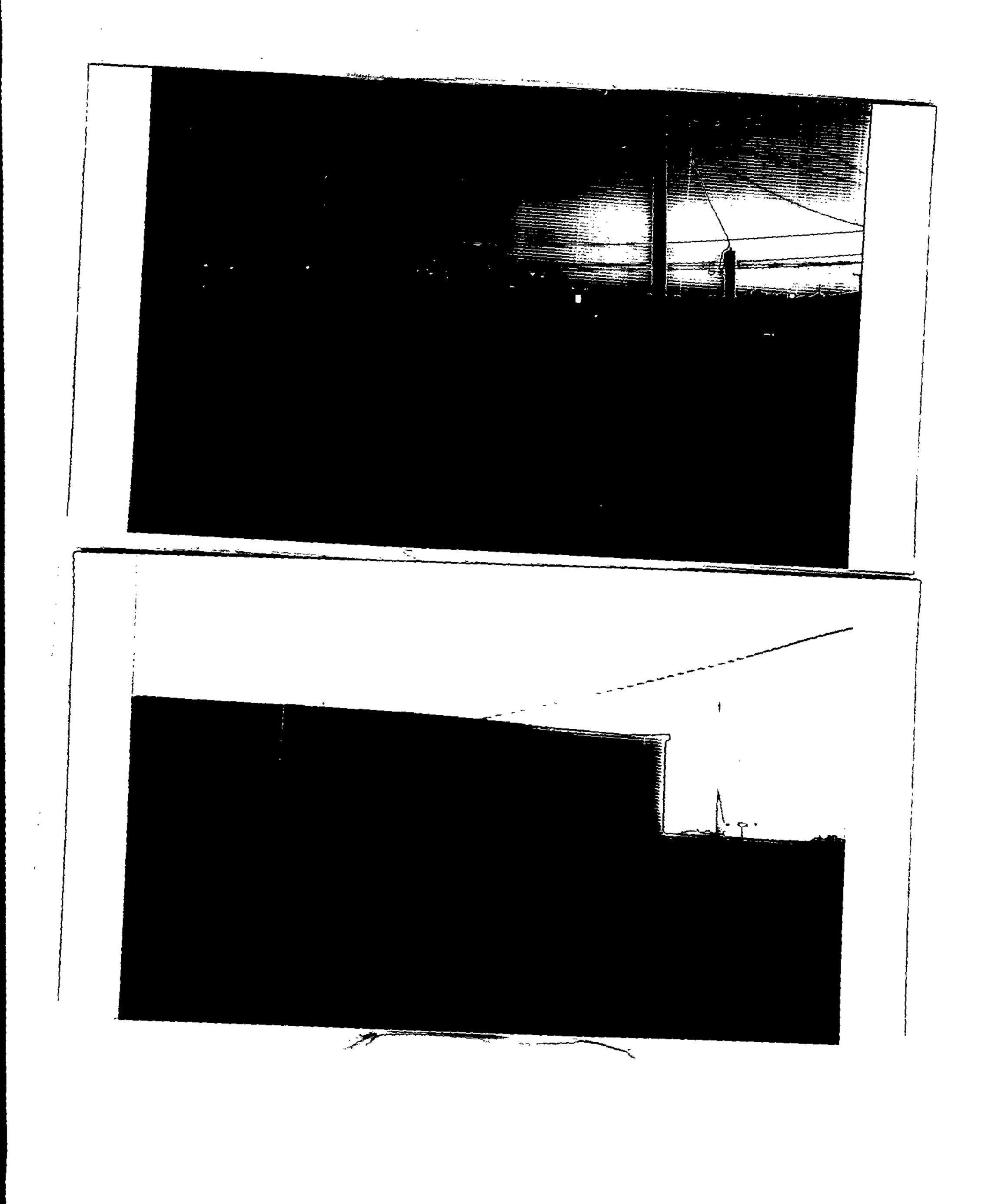
PER THE 2 REVISED PLAN'S RECIEVED 6/03/08

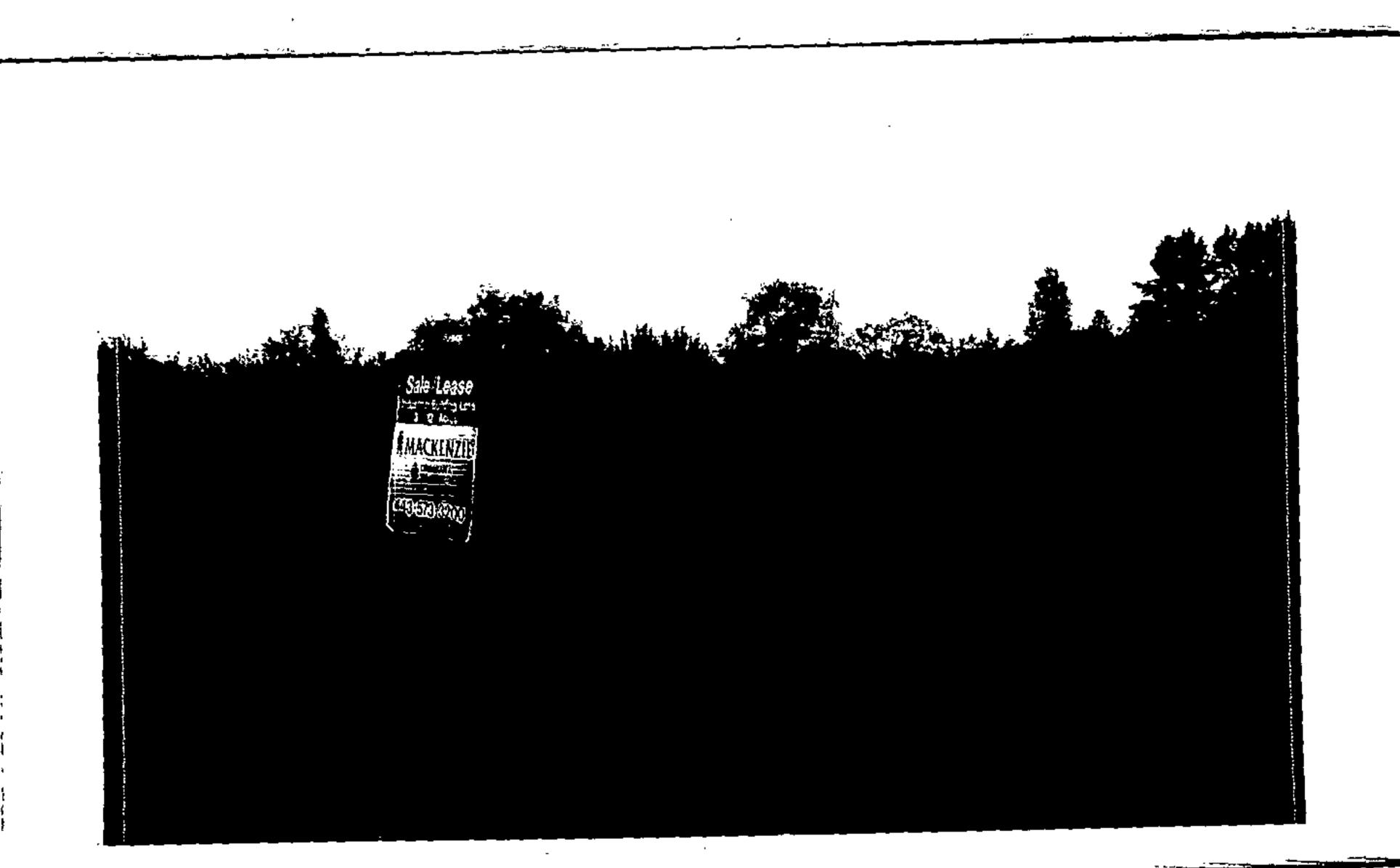
Timothy M/ Kotroco, Director

Department of Permits and Development Management



Baltimore County Zoning Commissioner Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

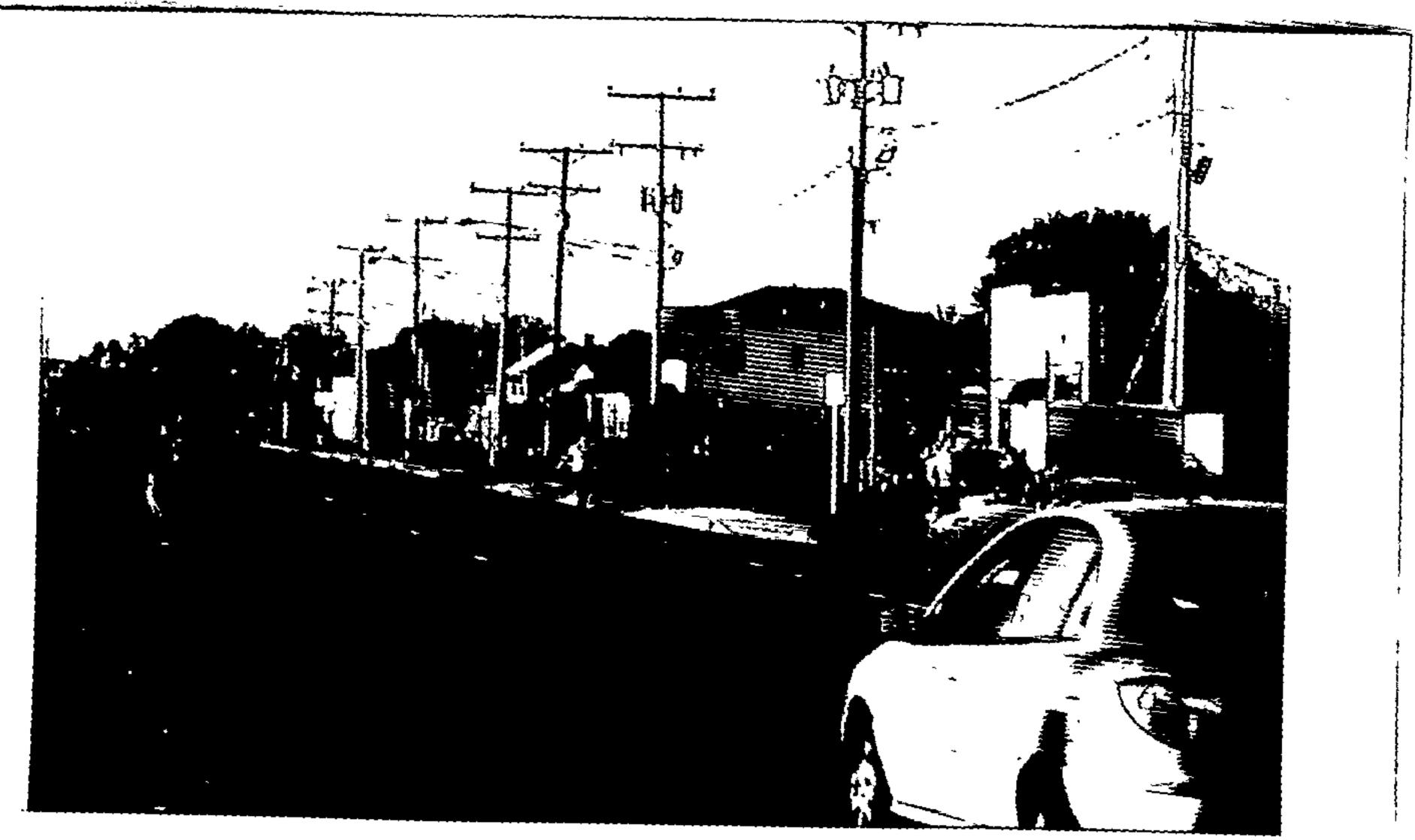


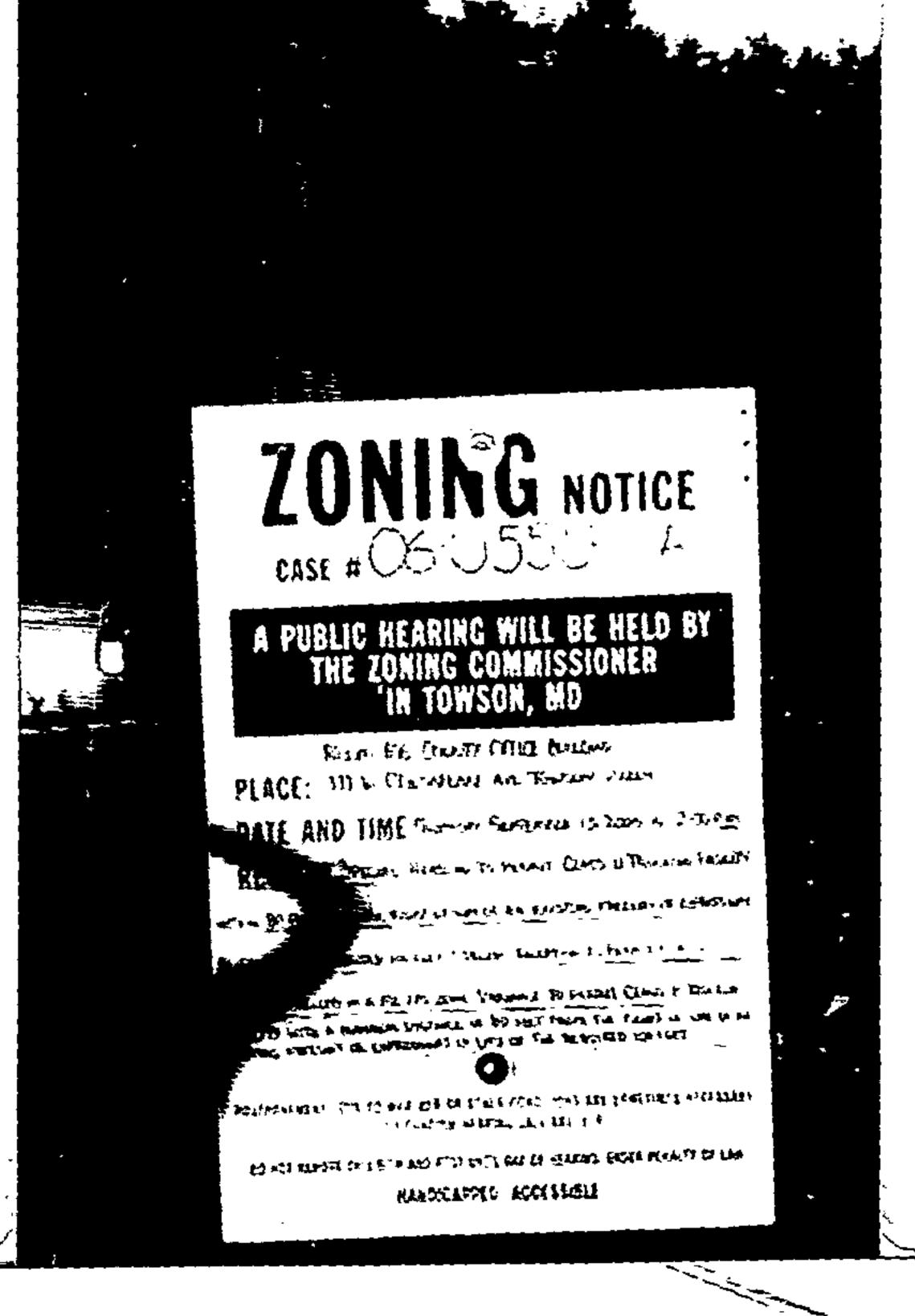




.



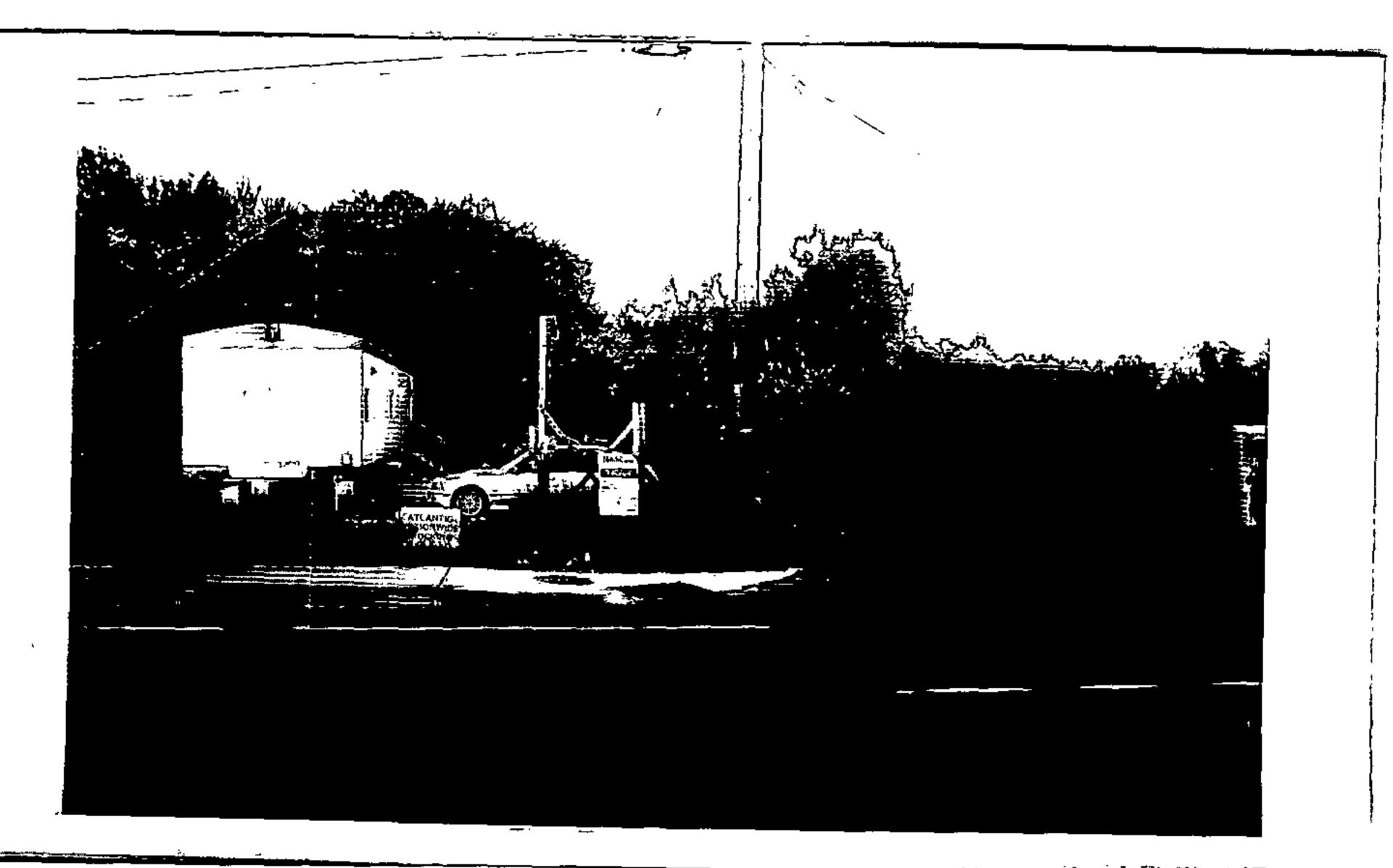








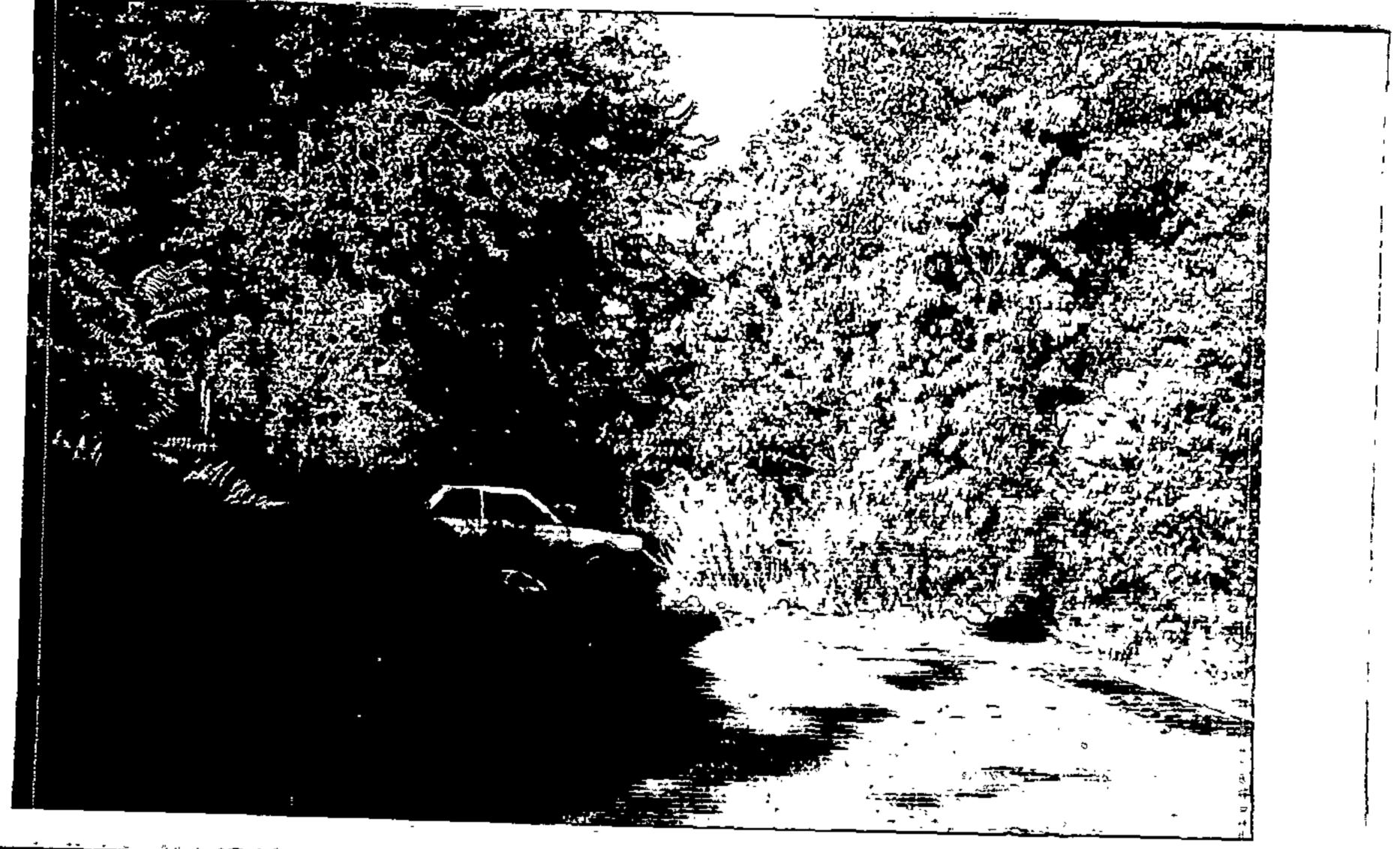








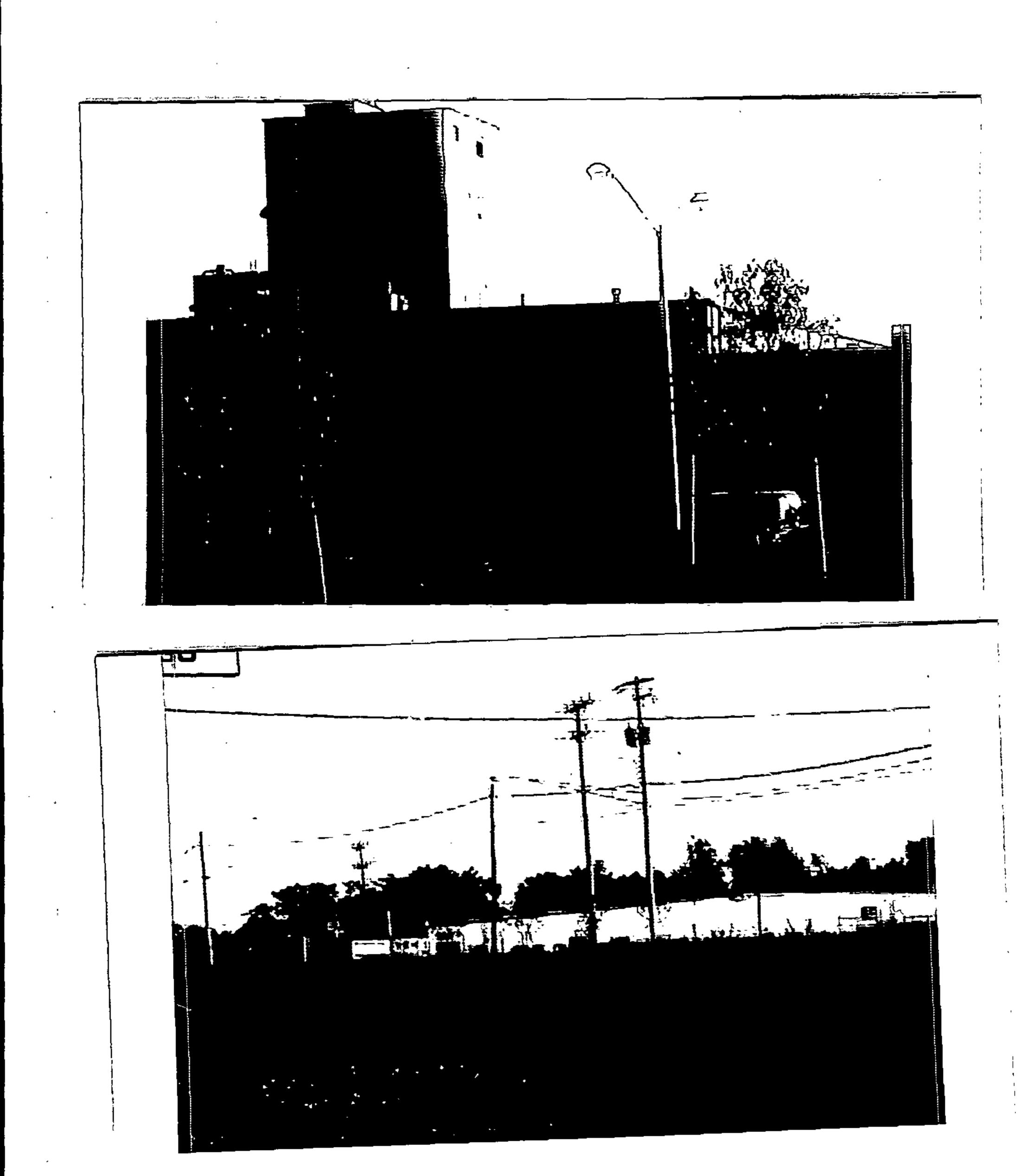


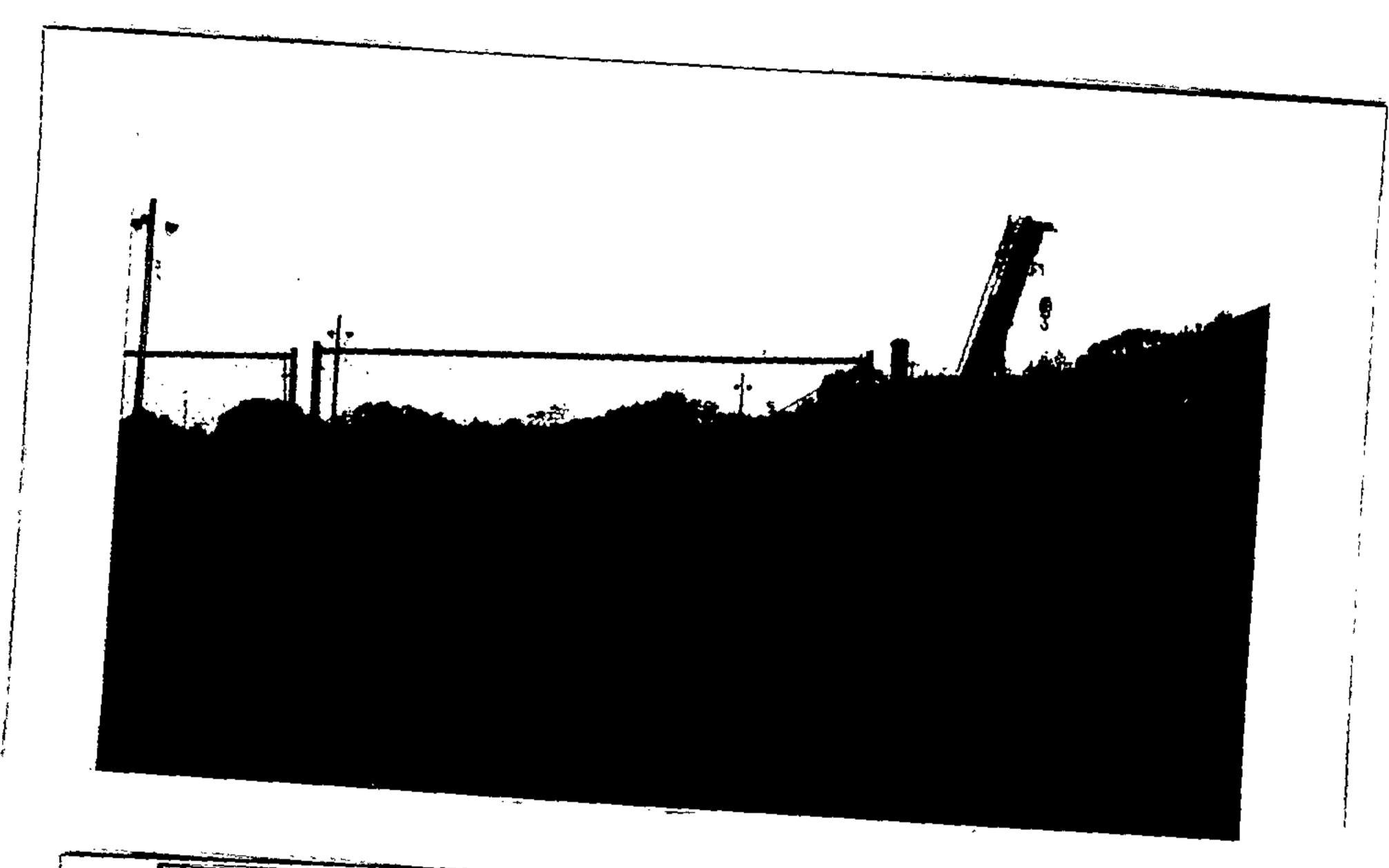


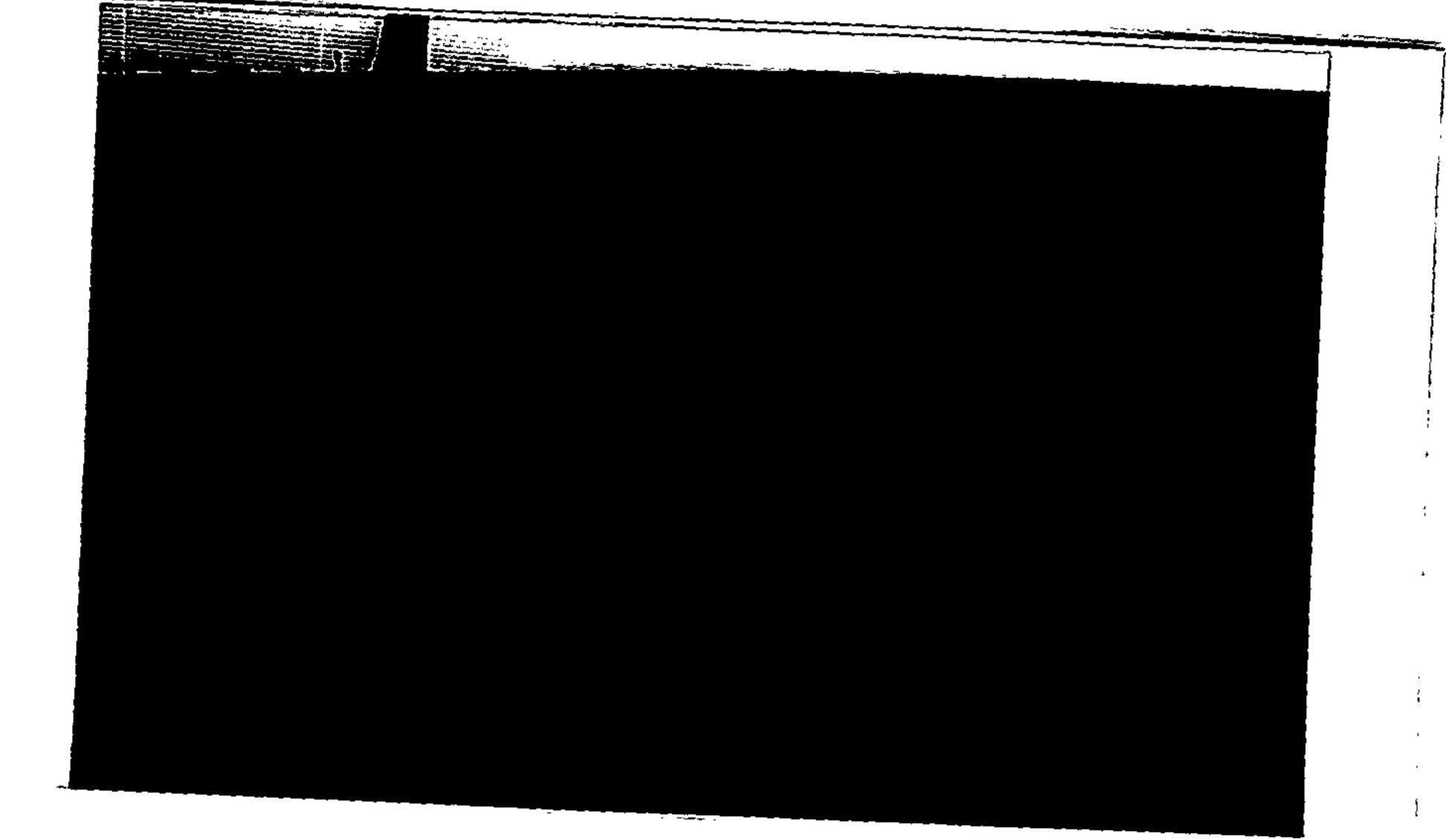


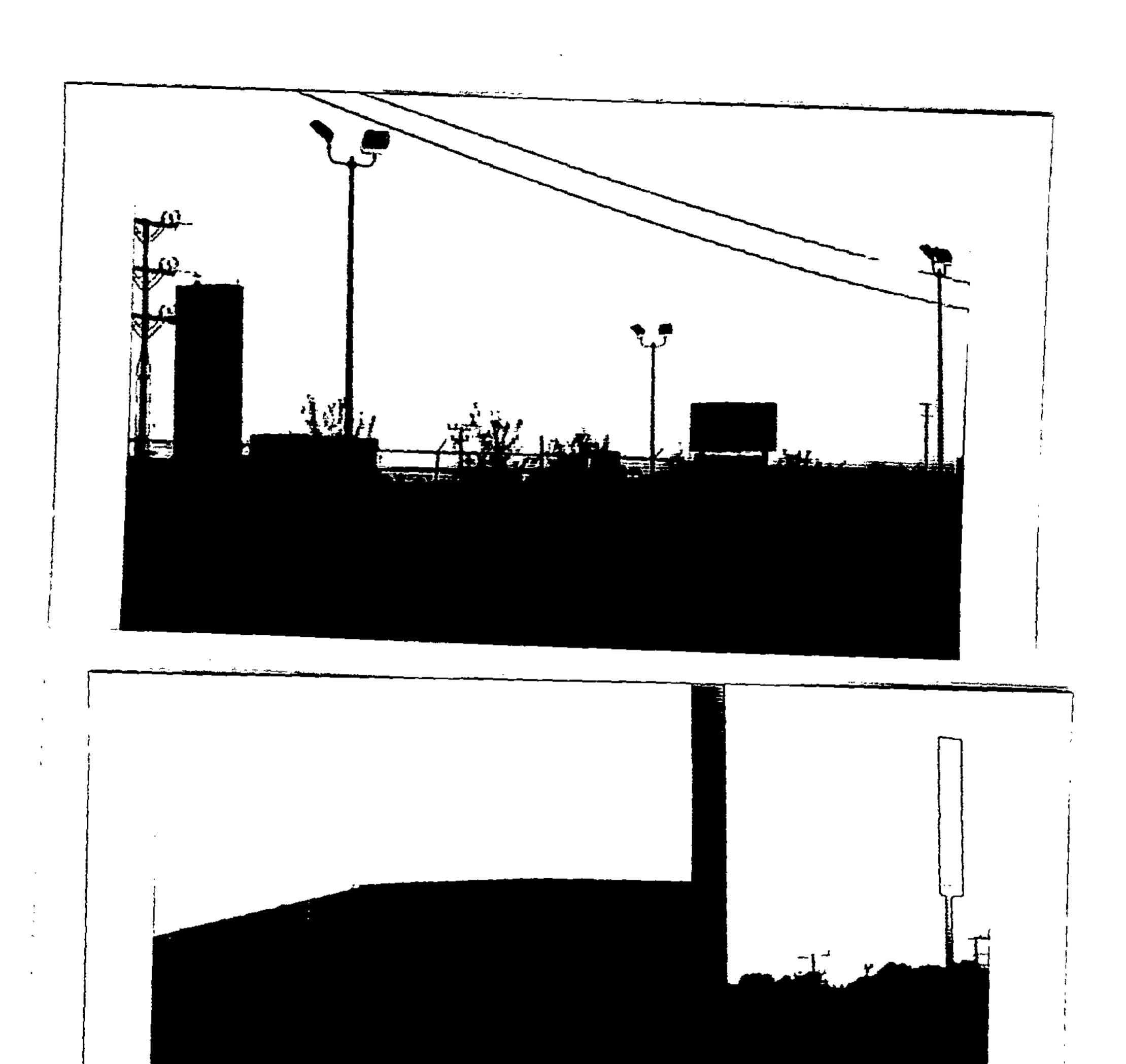




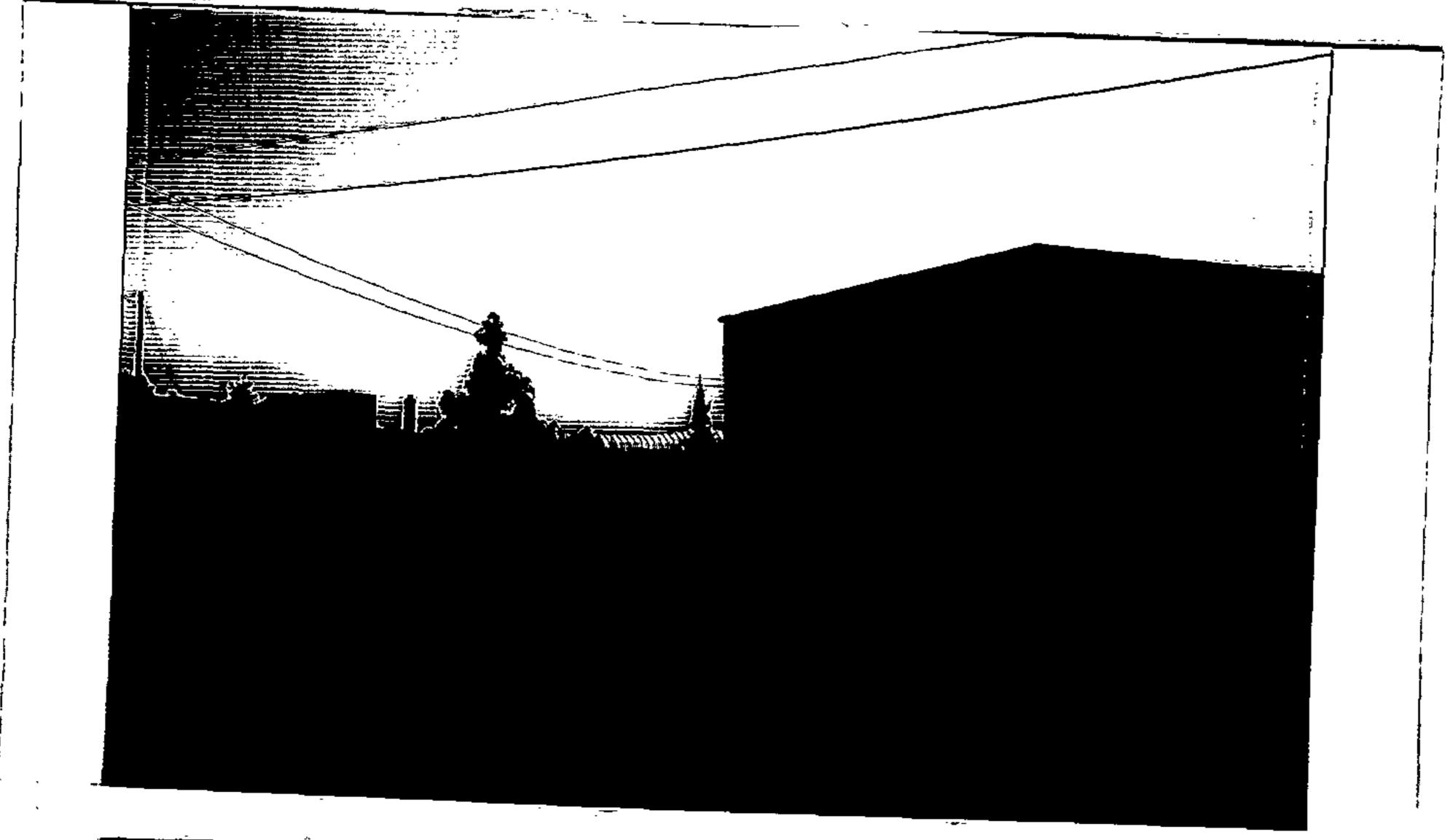


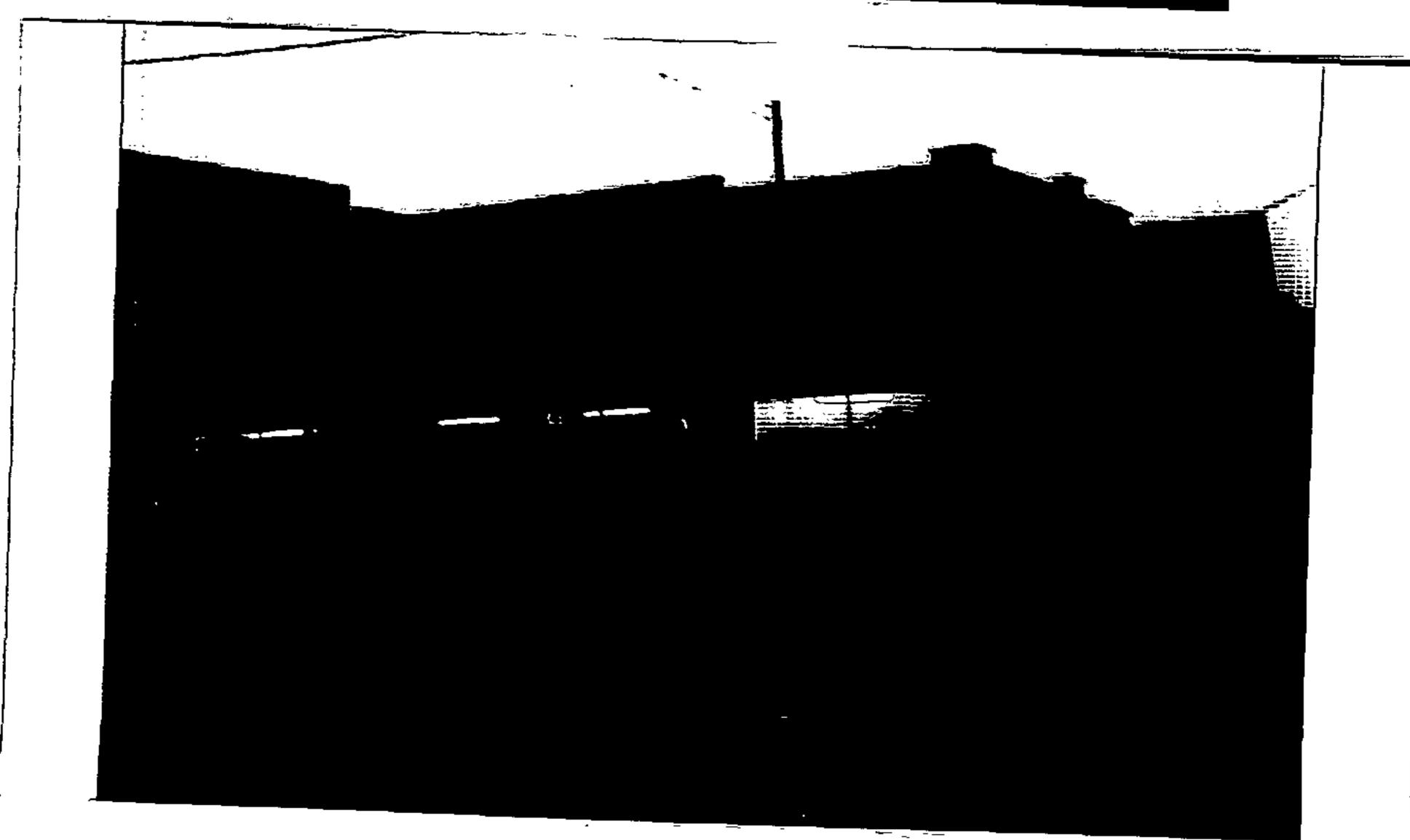


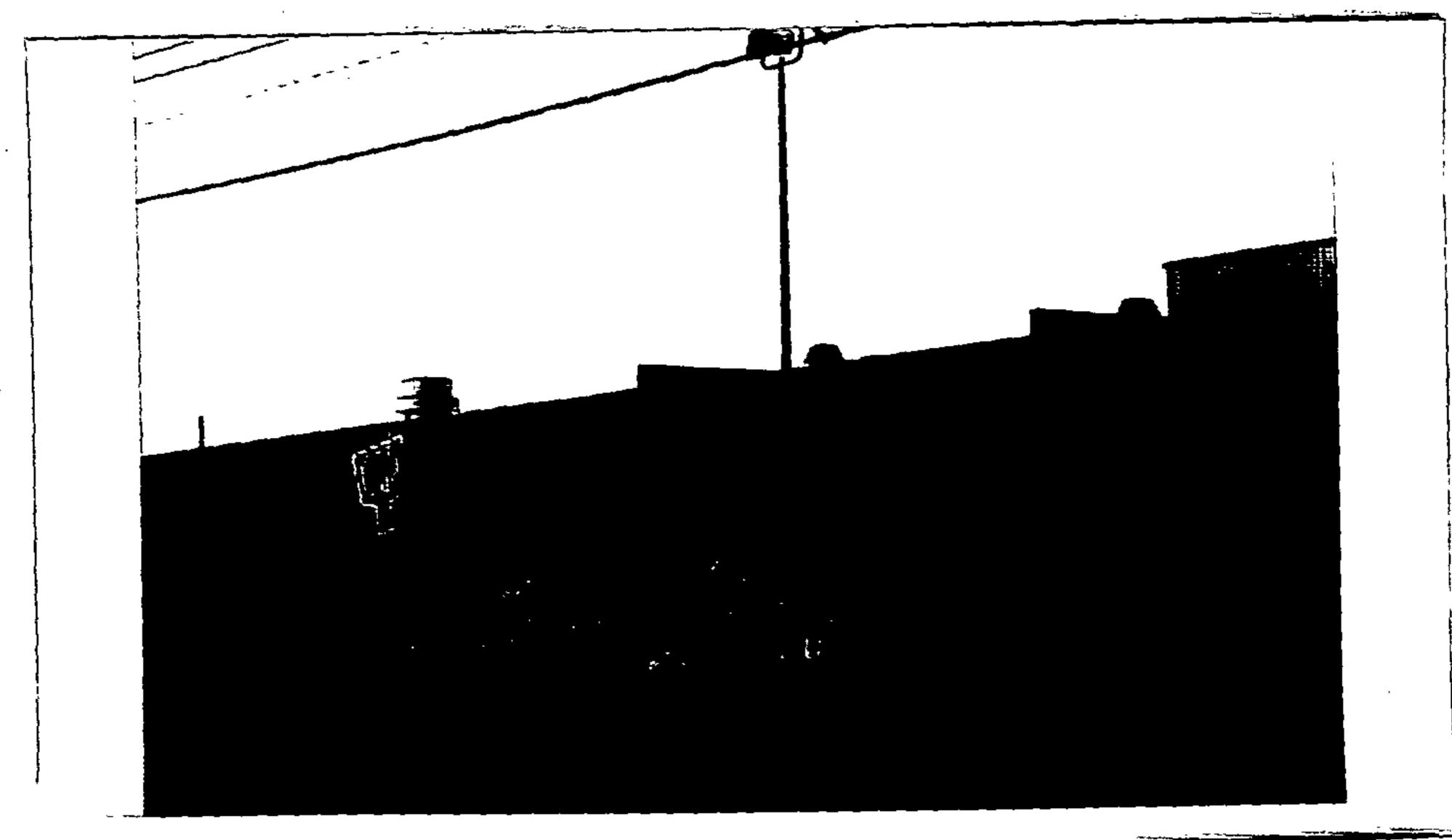


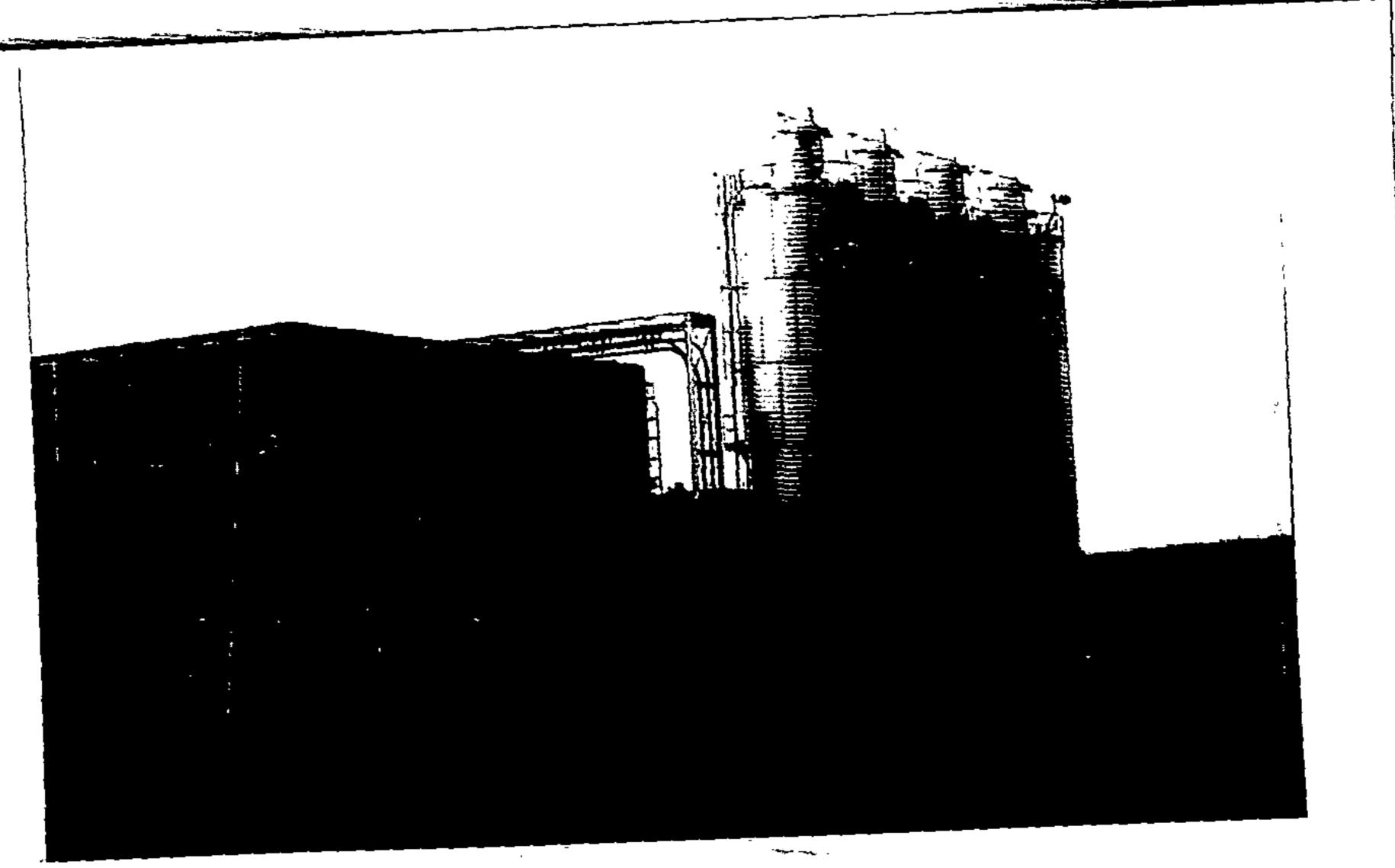


. ------

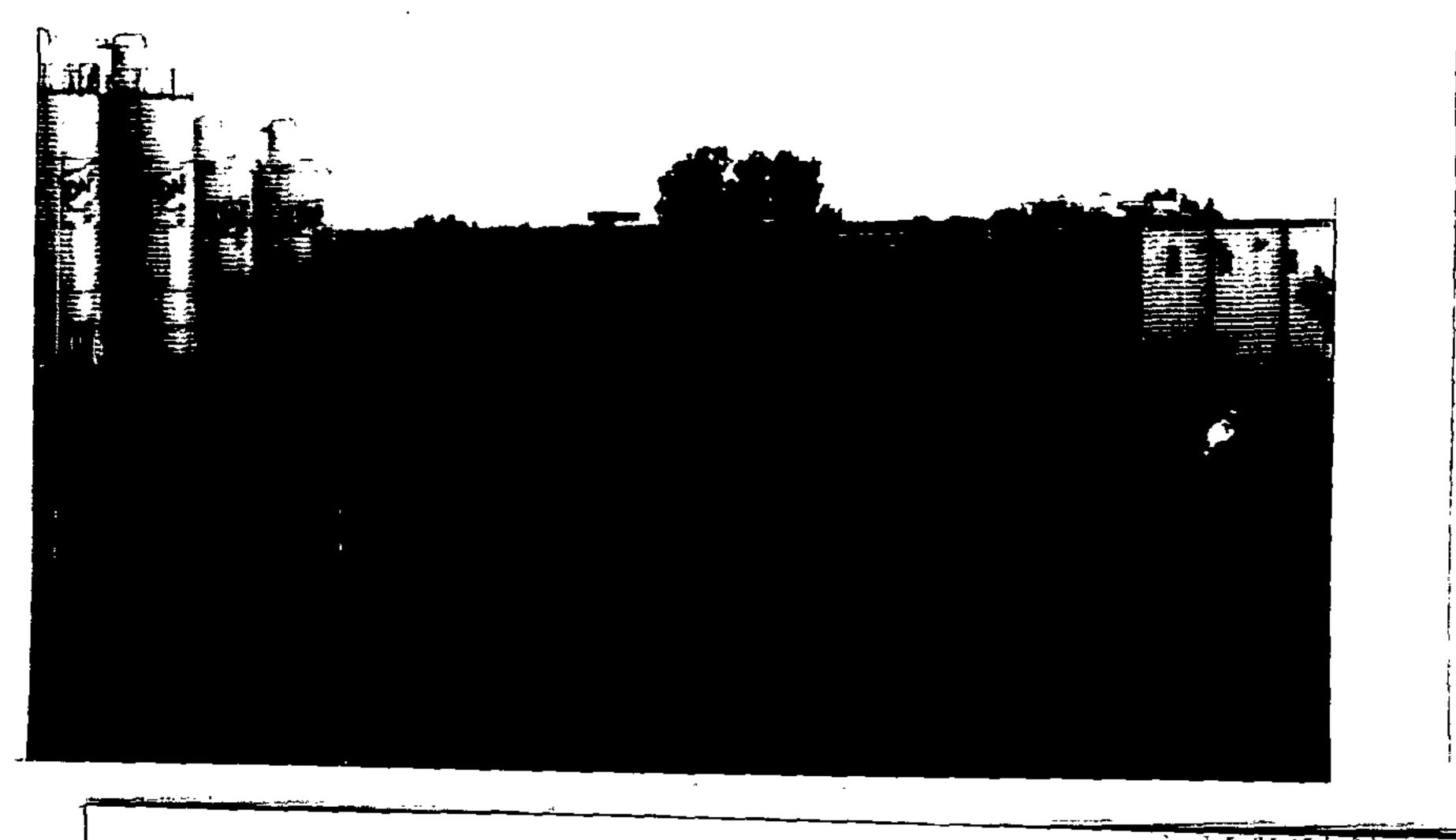








•





•

