PROER RECEIVED FOR FILTING

IN RE: PETITIONS FOR SPECIAL EXCEPTION \*

& SPECIAL HEARING

W/Side of Earls Road, 600' North

Of Eastern Avenue

5th Election District

6th Councilmanic District

(60-72 Earls Road)

Norman I. Sines, Jr.

\*
Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-270-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception and Special Hearing filed by the legal owner of the subject property, Norman I. Sines, Jr., Legal Owner. The Petitioner is requesting special exception and special hearing relief for property located at 60-72 Earls Road in the Chase area of Baltimore County. The Special Exception is requesting to use the property for a service garage in a ML-IM zone pursuant to Section 253 2B1 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Special Hearing request is to determine whether or not the Zoning Commissioner should approve that the variances approved in Case 00-386-XA apply to the entire site and approve an amendment to the previously approved site plan to include the area set forth in the Petition as a Special Exception use pursuant to Section 500.7 of the B.C.Z.R.

The property was posted with Notice of Hearing on December 20, 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 December 20, 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.

### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the Department of Environmental Protection and Resource Management (DEPRM) dated December 16, 2005, and the Office of Planning dated December 20, 2005, copies of which are attached hereto and made a part hereof.

#### **Interested Persons**

Appearing at the hearing on behalf of the special exception and special hearing requests were Jerry Dewald, Philip Ruby and Victoria Sines, Petitioner. Rick Richardson of Richardson Engineering, LLC, who prepared the site plan, was also in attendance. Alfred L. Brennan, Esquire represented the Petitioner. No protestants or interested citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Testimony and Evidence

Mr. Brennan proffered that this property contains 5.8 acres and is zoned ML-IM. It is improved by an existing service garage in building # 50, which was approved in Case No. 00-386-XA. See Petitioner's Exhibit 1 for the outline of the special exception granted in that case. There were also four (4) variances granted in that case. The order allowed: a building separation of 58 feet in lieu of 60 feet; parking surfaces of crushed stone in lieu of durable and dustless paved surface for parking and storage; storage of disabled vehicles on compacted stone paving surface in lieu of permanent all weather paved surface; and screening of disabled vehicles by natural feature rather than opaque fencing.

The Petitioner essentially wants the above results to apply to the rest of the usable land on the site. Mr. Richardson explained that the subject property has a very large flood plane/wetland/forest conservation area on the western side as shown on Petitioner's Exhibit 1. It is bounded on the north by the railroad right of way. He noted that even the remaining usable portion of the site lies below Earl's road and so is naturally screened from the surrounding community. That community is primarily business and industry with the nearest residential uses perhaps 1000 feet away to the south across Eastern Avenue. He noted that the subject portion of the property couldn't be seen from these residences due to the woods in between and the low-lying nature of the new special excepting area.

The remaining usable land is improved by an existing one-story building designated as # 64 on Exhibit 1. Presently, the Petitioner rents space in this building to three service garage businesses that operate six days a week from 6 AM to midnight. Consequently, the Petitioner would like to expand the area for the special exception for service garage uses by another acre as shown to include # 64. None of the tenants would do body work or painting.

The special hearing requests that the four (4) variances approved in Case No. 00-386-XA apply to the entire site. The first is that a building separation of 58 feet in lieu of 60 feet would be allowed. Mr. Richardson noted that the buildings exist, no new building is proposed and so the same variance approved in the prior case should be approved here.

The second request is to have the same parking surface variance previously allowed in the prior case to be extended to the remaining usable land. The prior order allowed crushed stone in lieu of durable and dustless paved surface for parking and storage, which he opined, would be equally applicable here. In fact, the usable area is already paved with crusher run stone on which the Petitioner has parked vehicles and stored material for many years without a problem. He noted that the Department of Environmental Protection and Resource Management (DEPRM) prefers stone to paving to improve absorption of rain rather than having it run off paved surfaces.

The third request is to store disabled vehicles on compacted stone paving surface in lieu of permanent all weather-paved surfaces for the reasons above.

Finally, the Petitioner requests to be allowed to screen disabled vehicles by natural features rather than opaque fencing. See Photographs 2I and 2J. He opined that the natural features of the property such as the woods, flood plains, railroad, and low-lying nature provide excellent screening of disabled and stored vehicles so that no opaque fencing is needed. Again, he noted that this was previously approved in the prior case.

In regard to the request for special exception, Mr. Richardson noted that this was simply an expansion of existing uses and would have no adverse impact on the community. He noted that the request met each criteria of Section 502.1 of the B.C.Z.R. again for the reasons cited above.

### Findings of Fact and Conclusions of Law

#### **Special Exception**

I find that the same reasoning which persuaded the Zoning Commissioner to grant the Special Exception in Case No. 00-286-XA apply equally here. This is an industrially zoned

property surrounded by railroad, industrial and commercial uses. The nearest residence is more the 1000 feet away. I find no adverse impact on the community. I also find the request meets each criteria under Section 502.1 of the B.C.Z.R. Therefore, I will approve the request for special exception for a service garage in the area indicated on Petitioner's Exhibit 1.

#### **Special Hearing**

The Planning Office does not oppose the special hearing provided the same restrictions apply as in Case No. 00-286-XA. The Petitioner agrees and requests the same conditions. I find the reasoning in the former case equally applicable and persuasive here as before. The distance between buildings exists. The crusher run paving surface seems to have proven itself over many years with the existing service garage for both parking and storage. I note that DEPRM is not opposed to the request presumably because more rain would recharge the ground water rather than run off with stone paving rather than asphalt. Again, the usable portion of the property seems to be naturally screened so that opaque screening is not required. I know of no complaints to the contrary.

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, and special hearing should be granted.

THEREFORE, IT IS ORDERED, this day of January, 2006, by the Deputy Zoning Commissioner, that the Special Hearing request, that the variances approved in Case No. 00-386-XA apply to the entire site and to approve an amendment to the previously approved site plan to include the area set forth in this petition shown in Exhibit 1 as a special exception use, be and hereby are GRANTED; and

IT IS FURTHER ORDERED THAT the Special Exception requested to use the property for a service garage in a ML-IM zone per Section 253 2B1 of the Baltimore County Zoning

Regulations (B.C.Z.R.), pursuant to Section 500.7 of the B.C.Z.R., be and is 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 DEPRM dated December 16, 2005 relative to the protection of water quality, streams, wetlands and floodplains, and forest conservation regulations.
- 3. Compliance with the ZAC comments submitted by the Office of Planning dated December 20, 2005 and the previous conditions from Case No. 00-386-XA as follows:
  - No vehicles shall be sold from the subject property and no automotive bodywork or painting performed on the premises.
  - The site shall be kept free and clear of debris, and damaged/disabled vehicles and automotive parts shall be stored in an area where they are not visible from any public right-of-way.
  - Landscaping along the property's frontage on Earls Road shall be in accordance with the landscape plan submitted to and approved by the County; however, the installation of such landscaping shall be designed and implemented in a manner consistent with the County's road improvements along Earls Road.
- 4. When applying for a building permit, the site plan and landscaping 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

MIP:WANTED FOR IT.



JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 06, 2006

Alfred L. Brennan, Jr., Esquire Brennan & Brennan, Attorneys At Law, P.A. 825 Eastern Boulevard Baltimore, Maryland 21221

> Re: Petition for Special Hearing and Special Exception Case No. 06-270-SPHX Property: 60-72 Earls Road

Dear Mr. Brennan:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing and Special Exception has been granted with conditions in accordance with the enclosed Order.

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

for Baltimore County

JVM:dlw Enclosure

C: Norman I. Sines, Jr., Victoria D. Sines, 7126 Greenbank Road, Baltimore, MD 21220
 Jerry R. Dewald, 18 Right Wing Drive, Baltimore, MD 21220
 Philip W. Ruby, 700 Dorsey Avenue, Essex, MD 21221
 Rick Richardson, Richardson Engineering, LLC, 110 Old Padonia Rd., Suite LC, Cockeysville, MD 21030
 Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401
 People's Counsel; Avery Harden, PDM; DEPRM; Case File



ORDER RECEIVED FA

## Petrion for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 60-72 Earls Road
which is presently zoned MLIM

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

An Amendment to the previously Approved site plan to include the Area set forth in this Petition as a special exception user

that the variances approved in case 00-386-XA apply to the entire site.

Property is to be posted and advertised as prescribed by the z l, or we, agree to pay expenses of above Special Hearing, advertisi zoning regulations and restrictions of Baltimore County adopted pur	nd nosting etc. and further agree to and are to be hounded by the
	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:	<u>Legal Owner(s):</u>
Name - Type or Print	Norman I. Sines, Jr.  Name Type or Print
Signature	Signature 1 Signature
A did to a a	Victoria D. Sines
Address Telephone No.	Name - Type or Print  1 LCLOVIA DUNES
City State Zip Code	Signature Signature
Attorney For Petitioner:	7126 Greenbank Road (410)335-9530
Alfred L. Brennan, Jr., Esquire	Address Baltimore, Maryland 21220 Telephone No.
Name - Type or Print	City State Zip Code
Sirbiahira / - 1 )/	Representative to be Contacted:
Brennan & Brennan, Attorneys At Law, P.A.	Alfred L. Brennan, Jr., Esquire
Company	Name
825 Eastern Boulevard (410) 687-3434	825 Eastern Boulevard (410) 335-9530
Address Telephone No.	Address Telephone No
Baltimore Maryland 21221	Baltimore, Maryland 21221
State Zip Code	City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No. 06.270 Spu X	UNAVAILABLE FOR HEARING
Dessi	ewed By 507- Date 1205.
REVIE	



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## Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 60-72 Earls Road

which is presently zoned MLIM

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

A Service garage in a ML-IM zone per section 253 2B1 BCZR

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

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

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
Name - Type or Print	Norman I. Sines, Jr., Name-Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print  Wictoria D. sines  Name - Type or Print  Willia Willia
City State Zip Code	Signature
Attorney For Petitioner:	7126 Greenbank Road (410) 335-9530
Alfred L. Brennan, Jr., Esquire	Address Telephone No. Baltimore, Maryland 21220
Name - Type or Print Signature	City State Zip Code  Representative to be Contacted:
Brenzian & Brennan, Attorneys At Law, P.A. Company	Alfred L. Brennan, Jr., Esquire Name
Address Telephone No.	825 Eastern Boulevard (410) 687-3434 Address Telephone No.
Haltimore, Maryland 21221	Baltimore, Maryland 21221
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 66-270 SPHX	ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING
RES 09/15/98	Reviewed By 377 Date 1.71-0

110 Old Padonia Road, Suite LC Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

# SPECIAL EXCEPTION ZONING DESCRIPTION FOR 60-72 EARLS ROAD 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the West side of Earls Road existing right-of-way, variable in width, and 600 feet more or less North from the intersection of Eastern Avenue existing right-of-way 150 feet in width. Thence leaving said point of beginning; the eight following courses and distances: (1) South 88 degrees 31 minutes 21 seconds West 31.71 feet to a point; (2) South 69 degrees 03 minutes 44 seconds West 139.60 feet to a point; (3) South 26 degrees 19 minutes 18 seconds West 75.29 feet to a point; (4) North 43 degrees 03 minutes 56 seconds West 26.84 feet to a point; (5) Thence North 50 degrees 35 minutes 00 seconds West 112.38 feet to a point; (6) North 72 degrees 15 minutes 00 seconds West 72.65 feet to a point; (7) along a curve to the left having a radius of 9,174.00 feet and a arc length of 407.87 feet with a chord bearing and distance of North 65 degrees 31 minutes 58 seconds East 407.87 feet to a point; (8) South 00 degrees 30 minutes 11 seconds West 163.86 feet to the point of beginning.

Containing an area of 43,815 square feet or 1.006 acres, more or less.



26-270-STZaX

RECEIVED FROM: FOR: DATE. DISTRIBUTION OFFICE OF BUDGET & FINANCE "ISCELLANEOUS BALTIMORE "ITE - CASHIER :A COUNTY, PINK - AGENCY RECEIPT MARYLAND AMOUNT ACCOUNT · MOTTBA CUSTOMER No.23913 **保料** 1054 93Y 国的 MAN 明]到

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Claime Conty, Maylant

#### MOTICE OF ZOMING 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: #06-270-SPHX

LANE #23 Care Road

140 12 Earls Road

West side of Earls Road, 600 feet north of Eastern Avenue 5th Election District - 6th Councilmanic District \*\*Trigg Dwner(s): Norman I. & Victoria D. Sines, Jr.

Special Hearing: to permit that the variances approved in case no. 00-386-XA apply to the entire site and to amend the previously approved site plan to include the area set forth in this Petition as a Special Exception use. Special Exception: to allow a service garage in a ML-IM zone.

Hearing: Wednesday, January 4, 2006 at 11:00 a.m. in Record 407, County Courts Building, 481 Bosley Muchan Towson 21284. thei shok

STANTELIAM OF WISEMAN, HIT .

NOTES: (1) Hearings are Handicapped Accessible; for passecial raccommodations Please Contact the Zoning telegrams signers Office at (410) 887-4386.

DOM: For information concerning the File and/or Hearing, 178676

≪4T#2/672 Dec. 20

## CERTIFICATE OF PUBLICATION

1221,20 <u>05</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $12 20 ,2005$ .
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.: 06-270-5PHX
	Petitioner/Developer: NORMAN
	1. + VICTORIA D. SINES JR
	Date of Hearing/Closing: JAN 4 2006
Baltimore County Department of Permits and Development Managem County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews	
Ladies and Gentlemen:	•
posted conspicuously on the property	-72 EARLS RD
The sign(s) were posted on	/2.2005 . (Month, Day, Year)
	Sincerely,
	. Robert Black 12-21-05.
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
page to the control of the control o	(Address)
	Dundalk, Maryland 21222
· · · · · · · · · · · · · · · · · · ·	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

60-72 EARLS 60

TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 20, 2005 Issue - Jeffersonian

Please forward billing to:

Brennan & Brennan, Attorneys @ Law 825 Eastern Boulevard Baltimore, MD 21221

410-687-3434

#### **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: 06-270-SPHX

60-72 Earls Road
West side of Earls Road, 600 feet north of Eastern Avenue
5<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District
Legal Owners: Norman I. & Victoria D. Sines, Jr.

<u>Special Hearing</u> to permit that the variances approved in case no. 00-386-XA apply to the entire site and to amend the previously approved site plan to include the area set forth in this Petition as a Special Exception use. <u>Special Exception</u> to allow a service garage in a ML-IM zone.

Hearing: Wednesday, January 4, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley 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 a Development Management

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





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

November 25, 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: 06-270-SPHX

60-72 Earls Road

West side of Earls Road, 600 feet north of Eastern Avenue

5<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Norman I. & Victoria D. Sines, Jr.

<u>Special Hearing</u> to permit that the variances approved in case no. 00-386-XA apply to the entire site and to amend the previously approved site plan to include the area set forth in this Petition as a Special Exception use. <u>Special Exception</u> to allow a service garage in a ML-IM zone.

Hearing: Wednesday, January 4, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Alfred Brennan, Jr., 825 Eastern Boulevard, Baltimore 21221 Mr. & Mrs. Sines, Jr., 7126 Greenbank Road, Baltimore 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 20, 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 66-270-SPAX
Petitioner Norman F. Sins, In + Victoria, D. Sincs
Address or Location. 60-72 EAN/S ROAD.
PLEASE FORWARD ADVERTISING BILL TO  Name Breanger Billing Attends 2 At Low A
Address 825 Engleson Bonleson
BAH-mer MN. 21221
Telephone Number <u>1/0-657-343</u> /

## Department of Permits 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

January 2, 2006

Alfred L. Brennan, Jr. Brennan & Brennan Attorneys at Law 825 Eastern Blvd. Baltimore, Maryland 21221

Dear Mr. Brennan:

RE: Case Number: 06-270-SPHX, 60-72 Earls Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 21, 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.

Very truly yours,

U. Callille Calling

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

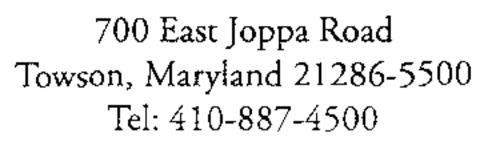
Enclosures

People's Counsel C: Norman I.Sines 7126 Greenbank Road Baltimore 21220



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

## Fire Department







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

November 29, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 21, 2005

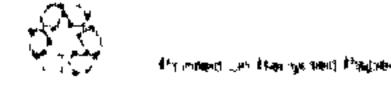
Item No.: 270.

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.

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

DATE: December 6, 2005 Department of Permits & Development

Management

Dennis A. Kennedy, Supervisor FROM:

Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting

For November 28, 2005

Item Nos. 173, 263, 264, 266, 268, 269, 27

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- 12062005.doc

## BALTIMORE COUNTY, MARYLAND

## Inter-Office Correspondence



Timothy M. Kotroco

FROM:	R. Bruce Seele	ey		
DATE:	December 16,	2005		
SUBJECT:	Zoning Item Address	# 06-270 60-72 Earls Road Sines Property		
Zoning	g Advisory Con	nmittee Meeting of No	vember 21, 20	05
	-	nvironmental Protection on the above-refere		_
<u>X</u>	Protection of	of the property must co Water Quality, Streams ugh 33-3-120 of the Ba	, Wetlands and	d Floodplains (Sections
<u>X</u>		of this property must constant Regulations (Sections and Code).		
Additi	onal Comments	<u>3:</u>		
Reviev	ver: Martha	Stauss	Date:	12/13/2005

TO:



#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** December 20, 2005

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

60-72 Earls Road

**INFORMATION:** 

**Item Number:** 

6-270

Petitioner:

Alfred L. Brennan

Zoning:

ML-IM

Requested Action: Special Exception

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request to operate a service garage in the subject ML-IM zone. This request is an amendment to a previously approved Special Hearing (case 00-386XA) to allow for a building currently used as a warehouse to serve as an auto repair facility. The Office of Planning does not oppose the petitioner's request provided the conditions set forth in case 00-386XA remain effective through the subject zoning relief.

For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

**Division Chief:** 

AFK/LL: CM



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

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

#### Maryland Department of Transportation

Date: 11.28.05

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

RE:

Baltimore County

IRA

0

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. J. Gredh

Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING

AND SPECIAL EXCEPTION

60-72 Earls Road; W/S Earls Road,

600' N Eastern Avenue

5<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts Legal Owner(s): Norman & Victoria Sines

Petitioner(s)

\* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 06-270-SPHX

#### 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 29th day of November, 2005, a copy of the foregoing Entry of Appearance was mailed to Alfred Brennan, Jr., Esquire, Brennan & Brennan, Attorneys At Law, P.A., 825 Eastern Boulevard, Baltimore, MD 21221, Attorney for Petitioner(s).

RECEIVED

NOV 2 9 2005

Per & Dr

HERR MAX ZIMMERMAN

People's Counsel for Baltimore County



TIMOTHY M KOTROCO, Director

Department of Permits and

Development Management

JAMES T. SMITH, JR.

County Executive

James Michael Perry Line-X of Baltimore 52 Earls Road Baltimore. MD 21220

February 15, 2007

Dear Mr. Perry

Re: 52 Earls Road, 15<sup>th</sup> Election District

Spirit and Intent Case No. 00-386-XA, & 06-270-SPHX

The order 3/1/00

Your recent letter to Mr. Timothy Kotroco, Director of PDM has been referred to me for reply. Based on the information provided therein and my review of the available zoning records for the property and consultation with Carl Richards, Zoning Review Supervisor, the following has been determined:

- 1. Zoning case no. 00-386-XA included a restriction requiring that "no vehicles shall be sold from the subject property and no automotive bodywork or **painting** performed on the premises". This office considers that the process of applying the new product Line-X Xtra, as a topcoat to the finished bedliners as described in your letter constitutes **painting** in a technical sense and is restricted under item (2) of the zoning case no. 00-386-XA.
- 2. Special exception case no. 06-270-SPHX granted that the variances approved in Case no. 00-386-XA apply to the entire site. However your consideration to add washing of vehicle at 62-Earl Road site is not included in special exception granted under Case no. 06-270-SPHX, and, the application of Line-X Xtra top coat is considered a painting job and is restricted under item (2) of the zoning case no. 00-386-XA and item (3) of the special exception case no. 06-270-SPHX.

I trust that the information set forth in this letter is sufficiently detailed and responsive to your request. Please be aware that this is a zoning response only and it is not intended for any other agency or to give legal advice. You may request a special hearing to amend the special conditions as set forth by the two above mentioned zoning cases. Should you have any questions, please feel free to contact me at 410-887-3391.

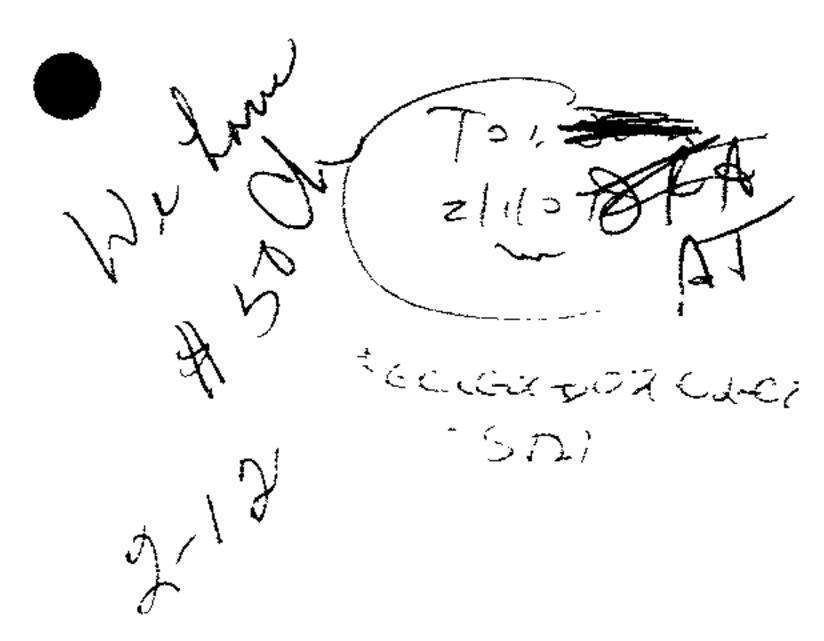
AKT 07-01

Auron Tsui, Planner II
Zoning Review

Yours truly,

To Timothy Kotroco
Director P.D. M.
County Office Building
111 W Chesapeake Ave
Towson, MD 21204

From James M. Perry
President
Line-X of Baltimore, Inc.
52 Earls Road
Baltimore, MD 21220



RE. Spirit and Intent

Mr. Kotroco,

I have two requests. Reference S&I Case No. 00-386-XA: The first has to do with the property that I am currently located at, 52 Earls Road. The company, Line-X of Baltimore, Inc. applies spray-on bedliners to pick-up trucks. Line-X has a new product Line-X Xtra, that is a topcoat that gets applied to the finished bedliner. The products MSDS is attached. If I were allowed to use this product, it would be in a very limited quantity (< 2qts per week). The current restriction to the property states,

"...no automotive bodywork or painting performed on the premises".

Question: If changes were made to the building in accordance with county building requirements, would this process be allowed to be added with the current exception?

Secondly, I am considering adding 60 Earls Road to the business. In that location I would do Undercoating and washing of vehicles. It is similar to the line-X process and I have also added the MSDS for the product that would be used. This building also has a special exception: 06-270-SPHX

Question: Does this process fit in this location?

Thank you very much and I look forward to your reply,

James M. Perry
President
Line-X of Baltimore, Inc.
52 Earls Road
Baltimore, MD 21220
410-344-9411

Mu home (I Another W/Lallow Called 1/20 10:JRA 10:JRA 1/30/07

Director P.D. M.

County Office Building

111 W Chesapeake Ave.

Towson, MD 21204

From James M. Perry
President
Line-X of Baltimore, Inc.
52 Earls Road
Baltimore, MD 21220

Timothy Kotroco

RE: Spirit and Intent

Mr. Kotroco,

To

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Thank you very much and I look forward to your reply,

James M. Perry

President

Line-X of Baltimore, Inc.

52 Earls Road

Baltimore, MD 21220

410-344-9411

#### Material Safety Data Sheet

May be used to comply with OSHA's Hazard Communication Standard 29 CFR 1910.1200. Standard must be

#### U.S. Department of Labor

Occupational Safety and Health Administration (Non-Mandatory Form)

Form Approved OMB No. 1218-0072 Forms Published by ChemSW™, Inc. (707)864-0846 consulted for specific requirements Note. Blank spaces are not permitted If any item is not applicable, or no IDENTITY information is available, the space must be marked to indicate that. TST UNDERCOATING Section I Emergency Telephone Number Manufacturer's Name (412) 653-7690 TOTAL SYSTEMS TECHNOLOGY, INC. Telephone Number for Information Address (Number, Street, City, State, and ZIP Code) 65 TERENCE DRIVE Date Prepared Sept. 2005 PITTSBURGH, PA 15236 Signature of Preparer (optional) Section II - Hazardous Ingredients/Identity Information Other Limits % (optional) OSHA PEL ACGIH TLV Recommended Hazardous Components (Specific Chemical Identity; Common Name(s CAS #[8052 - 42 - 4] TLV - 5 mg/m3 **ASPHALT** CAS # [64742 - 88 - 7] TLV - 100 ppm PEL. 500 ppm ALIPHATIC PETROLEUM DISTILLATES

Boiling Point	Specific Gravity (H2O = 1)	•
	1.046	
Vapor Pressure (mm Hg)	Melting Point	
2.0 mm Hg		
Vapor Density (AIR ≈ 1)	Evaporation rate	
Heavier than air.	Slower than ether.	+ -

Not soluble.

#### Appearance and Odor

Black, opaque liquid with a mild odor.

107 Degrees F  Extinguishing Media  Regular foam, carbon dioxide or dry chemic	Lower flammable unit:	<u>1</u> %	
	~ ~ ¹		
Regular foam, carbon dioxide or dry chemic	1		
	cai.		
Special Firefighting Procedures			
Wear self-contained breathing apparatus.			
Unusual Fire and Explosion Hazards		•	- ·= u.u

#### Optional Hazard Ratings Identification

Hazard Rating	National Fire Protection Association (NFPA)	
4-Extreme		
3-High	FIRE: 2 REACTIVITY: 0	
2-Moderate	HEALTH: 1 SPECIAL HAZARDS:	
1-Slight		
0-Insignificant		

Stability	•			
-	Unstable	Conditions to Avoic		
•	Stable			
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compatibility	y (Materials to Avok	d	<del></del>	
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	ecomposition or By <sub>l</sub> ovic materials o	•	on monoxide, various hydrocarb	ons etc
azardous	May Occur	Conditions to Avoid	2011 MONOXIGE, Vallous Hydrocard	0113, 010.
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	ds (Acute and Chro.	-	tation, nauesa, vomiting and diarr	thea
			edness, tearing, blurred vision.	110a 
		,	ct can cause moderate irritation.	defatting, dermatitis,
	_		se nasal and respiratory irritation,	
			usness and even asphyxiation	
Carcinogenici	ity:	NTP?	IARC Monographs?	OSHA Regulated?
edical Cond enerally Agg	litions gravated by Exposu	re		
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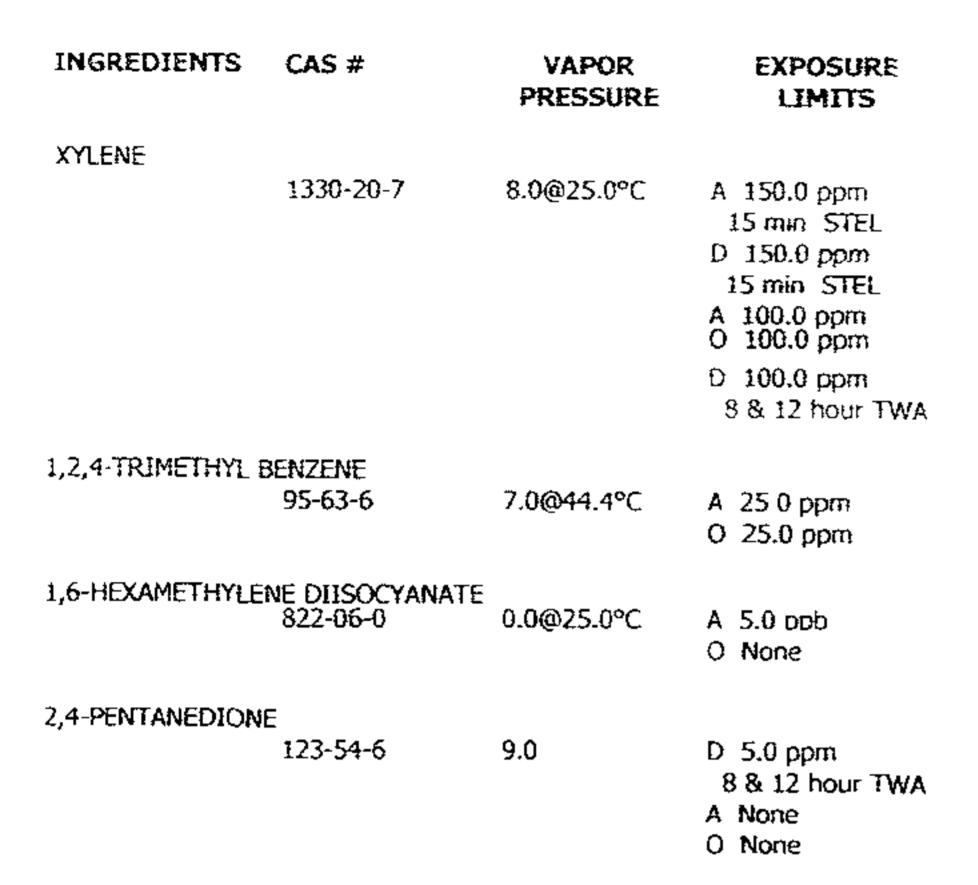
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### **MATERIAL SAFETY DATA SHEET**

SECTION 1 - Product and Company Identification				INGREDIENTS	CA\$#	VAPOR PRESSURE	EXPOSURE LIMITS
Distributed by:	Line-X Corporation 2400 S. Garnsey Street Santa Ana, CA 92707			DIBUTYL TIN DILA	_	ATE	
Telephone:	MSDS Information		(800) 831-3232 (800) 441-3637		77-58-7	0.2@160.0°C	O 0.1 mg/m3 Sn A 0.2 mg/m3 15 min STEL Skin Sn
Product:	LX-4AC™ Accelerator LX-15A™ Activator LX-1000™ Black						A 0.1 mg/m3 Skin Sn
Hazardous Materials Information: See Section 10.			10.	ETHYL 3-ETHOXY F	PROPIONATE 763-69-9	1.1@25.0°C	A None O None
SECTIO	N 2 - Composit	ion, Information	n on Ingredients	TELDA OCNIZENE			O NOME
INGREDIENTS	CAS #	VAPOR PRESSURE	EXPOSURE LIMITS	ETHYLBENZENE	100-41-4	7.0	A 125.0 ppm 15 min STEL
ACETONE	67- <del>64-</del> 1	247.0@68.0°F	A 750.0 ppm 15 min STEL A 500.0 ppm				A 100.0 ppm O 100.0 ppm D 25.0 ppm 8 & 12 hour TWA
			O 1000.0 ppm D 500.0 ppm 8 & 12 hour TWA	ETHYLENE GLYCOL	MONOBUTYL ETH 112-07-2	ER ACETATE 0.3	A 20.0 ppm D 10.0 ppm Skin
ACRYLIC POLYMER							O None
	Not Avail	None	A None O None	METHYL AMYL KETO	ONE		
41 70111777 5501185	00444			THE THE PARTY ENGINE	110-43-0	3.4	A 50.0 ppm
ALIPHATIC POLYIS	28182-81-2	None	S 1.0 mg/m3 15 min STEL	POLYESTER RESIN			O 100.0 ppm
			S 0.5 mg/m3 A None O None		68604-67-1	None	A None O None
AROMATIC HYDROCARBON				POLYOL RESIN	Alaba.ca:1	Mana	<b>A A</b> 1
	64742-95-6	10.0@25.0℃	D 50.0 ppm A None O None	TOLUENE	NotAvail	None	A None O None
BUTYL ACETATE			O NOIR	TOCOLITE	108-88-3	22.0	O 300.0 ppm CEIL
~	123-86-4	10.0	A 200.0 ppm 15 min STEL A 150.0 ppm O 150.0 ppm				O 500.0 ppm 10 min TWA O 200.0 ppm D 50.0 ppm 8 & 12 hour TWA
CARBON BLACK	1333-86-4	None	A 3.5 mg/m3 O 3.5 mg/m3 D 0.5 mg/m3	VM&P NAPHTHA			A 50.0 ppm Skin
			8 & 12 hour TWA		8032-32-4	17.9@68.0°F	D 100.0 ppm A 300.0 ppm O None

#### MSDS May 2005



<sup>\*</sup>A=ACGIH, O=OSHA, D=DuPont, S=Suppliers. Limits are 8 hour TWA unless otherwise specified. Vapor pressure @25°C unless otherwise noted.

#### **SECTION 3 - Hazards Information**

#### Potential Health Effects:

#### Inhalation:

May cause nose and throat irritation. May cause nervous system depression characterized by the following progressive steps: headache, dizziness, nausea, staggering gait, confusion, unconsciousness. Reports have associated repeated and prolonged overexposure to solvents with permanent brain and nervous system damage. If this product contains or is mixed with an isocyanate activator/hardener, the following health effects may apply: Exposure to isocyanates may cause respiratory sensitization. This effect may be permanent. Symptoms include an asthma-like reaction with shortness of breath, wheezing, cough or permanent lung sensitization. This effect may be delayed for several hours after exposure. Repeated overexposure to isocyanates may cause a decrease in lung function, which may be permanent. Individuals with lung or breathing problems or prior reactions to isocyanates must not be exposed to vapors or spray mist of this product.

#### Ingestion:

May result in gastrointestinal distress.

#### Skin or eye contact:

May cause irritation or burning of the eyes. Repeated or prolonged liquid contact may cause skin irritation with discomfort and dermatitis.

#### Other Potential Health Effects in addition to those listed above:

#### **ACETONE**

The following medical conditions may be aggravated by exposure: lung disease, eye disorders, skin disorders. Overexposure may cause damage to any of the following organs/systems: blood, central nervous system, eyes, kidneys, liver, respiratory system, skin.

#### **ACRYLIC POLYMER**

Increased susceptibility to the effects of this material may be observed in people with preexisting disease of any of the following: skin.



#### **ALIPHATIC POLYISOCYANATE RESIN**

Overexposure may cause asthma-like reactions with shortness of breath, wheezing, cough, which may be permanent; or permanent lung sensitization. This effect may be delayed for several hours after exposure. The following medical conditions may be aggravated by exposure. asthma, skin disorders, respiratory disorders. Potential skin sensitizer that may cause allergic reactions and contact dermatitis resulting in severe irritation, dryness, and cracking of the skin. Skin or eye contact may cause any of the following: irritation.

#### AROMATIC HYDROCARBON

The following medical conditions may be aggravated by exposure: skin disorders. Laboratory studies with rats have shown that petroleum distillates can cause kidney damage and kidney or liver tumors. These effects were not seen in similar studies with guinea pigs, dogs, or monkeys. Several studies evaluating petroleum workers have not shown a significant increase of kidney damage or an increase in kidney or liver tumors

#### **BUTYL ACETATE**

May cause abnormal liver function. The following medical conditions may be aggravated by exposure: respiratory system. Tests for embryotoxic activity in animals has been inconclusive. Rats exposed to very high airborne levels have exhibited high frequency hearing deficits. The significance of this to man is unknown. Has been toxic to the fetus in laboratory animals at doses that are toxic to the mother.

#### **CARBON BLACK**

Is an IARC, NTP or OSHA carcinogen. Has shown carcinogenic activity in laboratory animals at high doses. Significance to man is unknown. The following medical conditions may be aggravated by exposure: asthma, respiratory disease. WARNING: This chemical is known to the State of California to cause cancer.

#### ETHYLBENZENE

Is an IARC, NTP or OSHA carcinogen. Increased susceptibility to the effects of this material may be observed in people with preexisting disease of any of the following: central nervous system, kidneys, liver, lungs. Recurrent overexposure may result in liver and kidney injury. Studies in laboratory animals have shown reproductive, embryotoxic and developmental effects. WARNING: This chemical is known to the State of California to cause cancer.

#### ETHYLENE GLYCOL MONOBUTYL ETHER ACETATE

May destroy red blood cells. May cause abnormal kidney function. May cause temporary upper respiratory and/or lung irritation with cough, difficult breathing, or shortness of breath. The following medical conditions may be aggravated by exposure: central nervous system, gastrointestinal system, kidneys, liver, dermatitis. Can be absorbed through the skin in harmful amounts. Overexposure may cause damage to any of the following organs/systems: blood, kidneys, liver. Ingestion may cause headache, nausea, vomiting, dizziness, and drowsiness.

#### TOLUENE

Increased susceptibility to the effects of this material may be observed in people with preexisting disease of any of the following, central nervous system, kidneys, liver, respiratory system, skin. Can be absorbed through the skin in harmful amounts. Recurrent overexposure may result in liver and kidney injury. High airborne levels have produced irregular heart beats in animals and occasional palpitations in humans. Rats exposed to very high airborne levels have exhibited high frequency hearing deficits. The significance of this to man is unknown, WARNING: This chemical is known to the State of California to cause birth defects or other reproductive harm.

#### **MSDS**

May 2005

#### VM&P NAPHTHA

Increased susceptibility to the effects of this material may be observed in people with preexisting disease of any of the following: central nervous system, kidneys, liver, lungs, respiratory system, skin. This substance may cause damage to any of the following organs/systems: central nervous system, kidneys, liver, lungs skin and eyes. Material may be harmful or fatal if swallowed.

#### XYLENE

Increased susceptibility to the effects of this material may be observed in people with preexisting disease of any of the following: bone marrow, cardiovascular system, central nervous system, kidneys, liver, lungs. Recurrent overexposure may result in liver and kidney injury. High exposures may produce irregular heart beats. Canada classifies Xylene as a developmental toxin as high exposures to xylenes in some animal studies have been reported to cause health effects on the developing fetus/embryo. These effects were often at levels toxic to the adult animal. The significance of these effects to humans is not known. Repeated or prolonged skin contact may cause any of the following: irritation, dryness, cracking of the skin

#### 1,6-HEXAMETHYLENE DIJSOCYANATE

Overexposure may cause asthma-like reactions with shortness of breath, wheezing, cough, which may be permanent; or permanent lung sensitization. This effect may be delayed for several hours after exposure. The following medical conditions may be aggravated by exposure: asthma, skin disorders, respiratory disorders. Overexposure may cause damage to any of the following organs/systems: lungs, skin. Can result in irritation and possible corrosive action in the mouth, stomach tissue and digestive tract. Potential skin sensitizer that may cause allergic reactions and contact dermatitis resulting in severe irritation, dryness, and cracking of the skin. Skin or eye contact may cause any of the following: irritation.

#### 2,4-PENTANEDIONE

2,4-pentanedione, a component of this product, is regulated by the U.S. EPA, under a significant new use rule. It is a violation of federal law to sell or use this product in consumer applications, including to private individuals, schools, and vocational schools. Can be absorbed through the skin in harmful amounts. Repeated exposures to high concentrations has caused adverse health effects in laboratory animals. These effects involved the central nervous system, immune system, and the red blood cell forming system. No effect was seen at 100 ppm. The odor is disagreeable at a few ppm. Repeated or prolonged skin contact may cause any of the following: skin sensitization. Skin or eye contact may cause any of the following: irritation. Overexposure of this substance may cause effects on any of the following organs/systems: central nervous system, lungs, upper respiratory system, thymus.

#### **SECTION 4 - First Aid Measures**

#### First Aid Procedures:

Inhalation:

If affected by inhalation of vapor or spray mist, move to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing difficulty persists, or occurs later, consult a physician.

Ingestion:

In the unlikely event of ingestion, DO NOT INDUCE VOMITING. Call a physician immediately and have names of ingredients available.

Skin or eye:

In case of eye contact, immediately flush with plenty of water for at least 15 minutes; call a physician. In case of skin contact, wash thoroxighly with soap and water. If imitation occurs, contact a physician.

#### SECTION 5 - Firefighting Measures

Flash Point (Closed Cup) See Section 11 for exact values.
Flammable limits LFL 0.0 % UFL 12.8 %
Extinguishing media:

Universal aqueous film-forming form, carbon dioxide, dry chemical Fire fighting procedures:



Full protective equipment, including self-contained breathing apparatus, is recommended. Water from fog nozzles may be used to prevent pressure build-up.

#### Fire & explosion hazards:

For flammable liquids, vapor/air will ignite when an ignition source is present. In other cases, when heated above the flash point, emits flammable vapors which, when mixed with air, can burn or be explosive. Fine mists or sprays may be flammable at temperatures below the flash point.

#### SECTION 6 - Accidental Release Measures

#### Steps to be taken in case material is released or spilled:

Ventilate area. Remove sources of ignition. Prevent skin and eye contact and breathing of vapor. If the material contains, or is mixed with an isocyanate activator/hardener: Wear a positive-pressure, supplied-air respirator (NIOSH approved TC-19C), eye protection, gloves and protective clothing. Pour liquid decontamination solution over the spill and allow to sit at least 10 minutes. Typical decontamination solutions for isocyanate containing materials are: 20% Surfactant (Tergitol TMN 10) and 80% Water OR 0 -10% Ammonia, 2-5% Detergent and Water (balance) Pressure can be generated. Do not seal waste containers for 48 hours to allow CO2 to vent. After 48 hours, material may be sealed and disposed of properly. If material does not contain or is not mixed with an isocyanate activator/hardener: Wear a properly fitted air-purifying respirator with organic vapor cartridges (NIOSH approved TC-23C), eye protection, gloves and protective clothing. Confine, remove with inert absorbent, and dispose of properly.

#### SECTION 7 - Handling and Storage

## Precautions to be taken in handling and storing: Observe label precautions.

If combustible (flashpoint between 100 - 200°F), keep away from heat, sparks and flame. If flammable (flashpoint less than 100°F), also keep away from static discharges and other sources of ignition. If material is extremely flammable (flashpoint less than 20°F) or flammable, VAPORS MAY IGNITE EXPLOSIVELY OR CAUSE FLASH FIRE, respectively. Vapors may spread long distances. Prevent buildup of vapors. Close container after each use. Ground containers when pouring. Wash thoroughly after handling and before eating or smoking. Do not store above 120°F. If product is waterbased, do not freeze.

#### Other precautions:

If material is a coating: do not sand, flame cut, braze or weld dry coating without a NIOSH approved respirator or appropriate ventilation, and gioves.

#### SECTION 8 - Exposure Controls or Personal Protection

## Engineering controls and work practices: Ventilation:

Provide sufficient ventilation in volume and pattern to keep contaminants below applicable exposure limits.

#### Respiratory:

Do not breathe vapors or mists. If this product contains isocyanates or is used with an isocyanate activator/hardener, wear a positive-pressure, supplied-air respirator (NIOSH approved TC-19C) while mixing activator/hardener with paint, during application and until all vapors and spray mist are exhausted. If product does not contain or is not mixed with an isocyanate activator/hardener, a properly fitted air-purifying respirator with organic vapor cartridges (NIOSH TC-23C) and particulate filter (NIOSH TC-84A) may be used. Follow respirator manufacturer s directions for respirator use. Do not permit anyone without protection in the painting area. Individuals with history of lung or breathing problems or prior reaction to isocyanates should not use or be exposed vapor or spray mist if product contains or is mixed with isocyanate activators /hardeners.

#### Protective clothing:

Neophene gloves and coveralls are recommended.

#### **MSDS**

#### May 2005

#### Eye protection:

Desirable in all industrial situations. Goggles are preferred to prevent eye irritation. If safety glasses are substituted, include splash guard or side shields.

#### SECTION 9 - Physical and Chemical Properties

Evaporation Rate	Slower than Ether
Solubility in water	NIL
Vapor Density	Heavier than air
Approx. boiling range (°C)	No Data Available
Approx. freezing range (°C)	-7335 DEG (C)
Gallon weight (lbs/gal)	7.97 - 9.35
Specific gravity	0.96 - 1.12
Percent volatile by volume	12.77 - 99.06
Percent volatile by weight	10.00 - 99.00
Percent solids by volume	0.94 - 87.23
Percent solids by weight	1.00 - 90.00

#### SECTION 10 - Stability and Reactivity

Stability:

Stable

Incompatibility (materials to avoid): water, alcohols, amines

Hazardous decomposition products:

CO, CO2, smoke, and oxides of any heavy metals that are reported in "Composition, Information on Ingredients" section.

Hazardous polymerization:

Will not occur.

Sensitivity to static discharge:

For flammable materials (flashpoint less than 100°F) and combustibles (fiashpoint between 100-200°F) if heated above the flashpoint, solvent vapors in air may explode if static grounding and bonding is not used during transfer of this product.

Sensitivity to mechanical impact: Not Applicable

#### **SECTION 11 - Additional Information**

PRODUCT CODE

**INGREDIENTS** (Product Specific)

LX-4AC\*\* dibutyl tin dilaurate, 2,4-pentanedione

GAL WT: 8.14 WT PCT SOLIDS: 1.00 VOL PCT SOLIDS: 0.94 SOLVENT DENSITY: 8.12 VOC LE: 8.1 VOC AP: 8.1 FLASH POINT: 73°F to below 100°F H: 2 F: 3 R: 0 OSHA STORAGE: IC TSCA STATUS: In compliance PHOTOCHEMICALLY REACTIVE: NO

LX-15A\*\* aliphatic polyisocyanate resin, aromatic hydrocarbon, butyl acetate, 1,2,4-trimethyl benzene(1-2%\*), 1,6-hexamethylene diisocyanate(0.2%\*@)

GAL WT: 9.35 WT PCT SOLIDS:90.00 VOL PCT SOLIDS:87.23 SOLVENT DENSITY: 7.29 VOC LE: 0.9 VOC AP: 0.9 FLASH POINT: 100°F - 141°F H: 2 F: 2 R: 1 OSHA STORAGE: II TSCA STATUS: In compliance PHOTOCHEMICALLY REACTIVE: YES

LX-1000\*\* acetone, acrylic polymer, butyl acetate, carbon black(1.6%). ethyl 3-ethoxy propionate, ethylbenzene(0.3-0.4 %\*@), ethylene glycol monobutyl ether acetate(1%\*@), methyl amyl ketone, polyester resin, polyol resin(7%\*), toluene(3-3%\*@), vm&p naphtha, xylene(1-2%\*@)

GAL WT: 7.97 WT PCT SOLIDS:51.04 VOL PCT SOLIDS:43.04 SOLVENT DENSITY: 6.83 VOC LE: 3.1 VOC AP: 2.3 FLASH POINT: 20°F to below 73°F H: 2 F: 3 R: 0 OSHA STORAGE: IB TSCA STATUS: In compliance PHOTOCHEMICALLY REACTIVE: NO



#### Footnotes:

**TSCA:** in compliance = In compliance with TSCA Inventory requirements for commercial purposes.

ACGIH = American Conference of Government Industrial Hygienists.

**IARC** = International agency for Research on Cancer.

NTP = National Toxicology Program

OSHA = Occupational Safety and Health Administration

PNOR = Particles Not Otherwise Regulated. **PNOC** = Particles Not Otherwise Classified.

STEL = Short Term Exposure Limit.

TWA = Time Weighted Average

\* = Section 313 Supplier Notification: These chemicals are subject to the reporting requirements of Section 313 of the Emergency planning and Right-to-Know act of 1986 and of 40 CFR 372.

@ = Clean Air Act Hazardous Air Pollutant.

# = EPCRA Section 302 - Extremely Hazardous Substance.

#### NOTICE-

The information on this Material Safety Data Sheet relates only to the specific material designated herein and does not relate to use in combination with any other material or in any process.



## Technical Product Guide

## Line-X XXTRA® LX-1000TM 2.8 VOC Urethane

Line-X XXTRA® LX-1000 TM Low VOC Two Point Eight Urethane is a high performance Urethane formulated with DuPont TM Kevlar® micro-pulp to deliver protection and durability when applied directly over polyurea truck spray-on coating systems

#### **COMPONENTS:**

LX-1000™ Low VOC Two Point Eight Urethane LX-15A™ Activator LX-4AC™ Accelerator

#### POT LIFE:

1-2 hours at 70F° / 50% Relative Humidity

#### SUBSTRATE:

Designed to be applied directly over polyurea truck spray-on coatings systems.

#### MIXING:

4 - 1

Mix:

4 Parts LX-1000™ 2.8 VOC Urethane 1 Part LX-15A™ Activator

#### ACCELERATOR:

Add 1 ounce LX-4AC™ Accelerator per Readyto-Spray quart LX-1000™.

Example: 1 full gallon of LX-1000™ yields a 160 ounces or Ready-to-Spray material; add 5 ounces LX-4AC™ Accelerator to a full activated gallon LX-1000™ (full yield 165 ounces).

#### SPRAY VISCOSITY:

14" - 18" #4 Ford Cup.

#### SPRAY PRESSURE:

Pressure Pot: 60 – 80 PSI at the gun;

12 – 15 on the pot 45 PSI

HVLP:

8 - 10 PSI

#### **TYPICAL GUN SET-UPS:**

HVLP:

1.3mm – 1.5mm (0.59" - .071")

#### **APPLICATION:**

Apply directly to polyurea coating (120 - 150° F).

Apply LX-1000<sup>TM</sup> Low VOC Two Point Eight Urethane medium wet coat first coat followed by a medium second cross coat. A third coat may be applied to achieve the recommend film build.

Allow 5 – 10 minutes flash time between coats 70° F. Do not ignore flash times between coats.

#### DRYING TIME:

Tack Free: 2 hours
Air Dry: 4 hours
Hard Dry: 24 hours

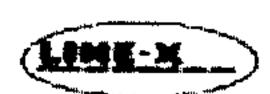
\*Lower temperatures may extend dry times. .

#### **CLEANING OF PAINT EQUIPMENT:**

Use Universal Lacquer Thinner or a Complaint Low VOC Gun & Equipment Cleaning Solvent.

\*Refer to appropriate Air Quality District requirements for proper use of equipment and solvent

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<sup>\*</sup>Accelerator required (LX-4AC™ Accelerator)

#### RECOMMENDED FILM THICKNESS:

1.8 – 2.2 Mil. Dry Film.

#### FLASH POINT: CLOSED CUP:

Below 20°F

#### PHYSICAL PROPERTIES:

Appearance:

Excellent

Adhesion: Mek Rubs Excellent

100%

Direct Impact:

80% inch/lb.

Chip: Humidity: Salt Spray:

Very Good

Excellent Excellent

#### CHEMICAL RESISTANCE:

5% Sodium Hydroxide:

No Effect

10% Sulfuric Acid:

No Effect

Methyl Ethyl Ketone: No Effect Gasoline:

No Effect Toluene/Naphtha (50/50): No Effect

#### MAX. VOC - READY TO SPARY:

2.8 Lbs./gal.

#### **IMPORTANT NOTES:**

- Do not apply if below 50F° or above 110F°.
- Mixing and reducing instruction must be followed to remain VOC complaint.

#### **VOC REGULATED AREAS:**

These directions refer to the use of products which may be restricted or require special mixing instructions in VOC regulated areas.

#### SAFETY AND HANDLING:

This product is intended for industrial use by professional, trained painters. Before using any industrial refinish product, read all safety warnings and directions for use on the product label and Material Safety Data Sheet. Use of NIOSH approved respirators and appropriate personal protective equipment is recommended. Consult the product label for recommendations specific to the use of this product. Do not permit anyone without specified protection in the painting area.

#### Distributed by:

Line-X Corporation 2400 S. Garnsey Street Santa Ana, CA 92707

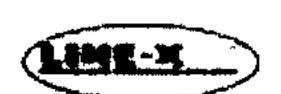
For MSDS Information & Customer Service:

1-800-831-3232

For Medical & Environmental Information:

1-800-441-3637

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IN RE: PETITIONS FOR SPECIAL EXCEPTION \*

AND VARIANCE - W/S Earls Road,

309' N of Eastern Avenue

(50 Earls Road)

15<sup>th</sup> Election District

5<sup>th</sup> Council District

Norman I. Sines, Jr., et ux, Owners; Robert L. Temple, Contract Purchaser BEFORE THE

ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 00-386-XA

\* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owners of the subject property, Norman I. Sines, Jr., and his wife, Victoria D. Sines, and the Contract Lessee, Robert L. Temple, through their attorney, Alfred L. Brennan, Jr., Esquire. The Petitioners request a special exception to allow a service garage in a M.L.-I.M. zone, pursuant to Section 253.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and variance relief from the B.C.Z.R. as follows: From Sections 238.2 and 255.2 to permit a building separation of 58 feet in lieu of the required 60 feet, pursuant to Section 102.2 of the B.C.Z.R.; from Sections 409.8.A.2 & 6 to permit a surface of compacted stone without painted striping, in lieu of the required durable and dustless paved surface with painted striping; from Section 405.A.2 to permit the storage of damaged or disabled motor vehicles on a compacted stone paving surface in lieu of the required storage on a permanent, all-weather paved surface; and from Section 405.A.1 to permit the screening of stored or disabled motor vehicles by existing features in lieu of the required screening. The subject property and relief sought 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 Norman and Victoria Sines, property owners, Robert Temple, Lessee, Clyde F. Hinkle, a representative of Basitis and Associates, Inc., the land use firm which prepared the site plan for this property, and,

Alfred L. Brennan, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is located adjacent to the intersection of Earls Road and Eastern Avenue (Maryland Route 150) in the Chase community of eastern Baltimore County. The property consists of approximately 9.3 acres in area, zoned M.L.-I.M., and is improved with a one-story commercial building, a partially completed service garage, and a trailer, which was formerly used as office space. As shown on the site plan, a significant portion of the site is environmentally sensitive. The rear of the property contains wetlands, woods and a floodplain, and development of the site has been clustered along the front of the site, immediately adjacent to Earls Road.

Presently, the existing commercial building houses a marine service company, office space, and a service garage business operated by Mr. Temple. In an effort to accommodate his growing business, the Petitioners commenced construction of a second building on the site. That building is located to the rear of the existing building and is a one-story structure containing six (6) bays. It is envisioned that Mr. Temple's service garage business will be moved from the existing building to the new structure upon its completion. Testimony indicated that the new structure will provide Mr. Temple with a bigger facility and allow expansion of his operation.

Mr. Temple testified and described his business. Apparently, he has several contracts with businesses in the area under which he services and repairs fleets of vehicles. Additionally, his business is open to the public. It was indicated that his business is in operation from 6:00 AM to Midnight and that he operates two shifts on the site. Mr. Temple also indicated that his business does no painting or body work, only engine and mechanical repairs. Additionally, there are no sales of vehicles from the premises.

Insofar as the special exception request, I am persuaded to grant same. The fact that a service garage has operated on this property for many years without complaint or incident is persuasive. Mr. Temple's operation as described at the hearing appears appropriate for this

property and the surrounding community. There is no evidence that the use would be detrimental to the health, safety or general welfare of the locale.

In addition, Mr. Temple agreed to the imposition of certain reasonable restrictions as to the service garage use. As noted above, he does not plan to sell cars from this site and there will be no automotive bodywork or painting done on the premises. Additionally, it was indicated that abandoned vehicles and parts will not be stored or displayed such that they are visible from any public right-of-way. In this regard, the proposed building is large enough to accommodate the storage of these materials inside. Mr. Temple indicated that the site would be kept clean and maintained free of debris.

In addition to the special exception request, a series of variances are being requested. The first requests a minimal deviation from the required 60-foot building separation distance. As shown on the site plan, the existing and proposed buildings will be 58 feet apart. It was indicated at the hearing that this variance was requested due to the environmental constraints associated with this property as outlined above. Development need be clustered in the front corner of the site to avoid those features.

The second variance requests a paving surface of compacted stone without painted striping in lieu of the required, painted and striped, durable and dustless surface. In this regard, Mr. Sines testified that due to the environmental constraints associated with this property a non-durable and impervious surface was preferable. In response to a comment submitted by the Fire Department, Mr. Sines indicated that heavy equipment frequently visit the site in connection with the businesses thereon. He testified that the site easily accommodates those vehicles and similar emergency equipment in excess of 50,000 pounds over two axles in all weather conditions. In my judgment, this variance should also be granted. The third variance is a similar request. Again, the Petitioners seek approval to store disabled motor vehicles on the compacted stone paving surface in lieu of the required permanent, all-weather surface. Based upon the environmental constraints associated with this property, and the testimony of the witnesses, this variance should also be granted.

The fourth variance requests screening of the stored vehicles, utilizing existing features in lieu of the required screening set out in Section 405.A.1 of the B.C.Z.R. In this regard, photographs of the site were submitted which show that the property contains a large area of forest and is landscaped. In my view, the existing vegetation is sufficient to provide the required screening.

Based upon the testimony and evidence presented, I am persuaded to grant the relief requested. In my judgment, the Petitioners have satisfied the requirements of Sections 502.1 and 307 of the B.C.Z.R. for special exception and variance relief to be granted. Given the nature of the neighborhood and the environmental constraints associated with this property, I believe that the relief requested is appropriate and should be granted. However, in granting the Petitions, I will impose certain conditions and restrictions as to the service garage use.

As noted above, Mr. Temple indicated that his business does not sell used cars and that there is no automotive bodywork or painting done on the premises. Thus, as a condition to the granting of the relief, I will incorporate these activities as restrictions. Second, the site shall be maintained and kept free and clear of debris. Moreover, damaged/disabled vehicles and automobile parts shall be stored in an area where they are not visible from any public right-of-way. Third, the Petitioners shall comply with the requirements of the Department of Environmental Protection and Resource Management (DEPRM) in view of the property's close proximity to Chesapeake Bay Critical Areas and the environmental constraints associated with this property. Finally, a comment from the Office of Planning requested that landscaping be provided along the property's frontage on Earls Road. In this regard, it was noted that the County is apparently undertaking significant improvements to Earls Road and a bridge along that roadway which crosses over the adjacent railroad line. Indeed, photographs of the site show this activity, which is ongoing immediately next to the subject site. In fact, the subject property's frontage along Earls Road has been significantly altered to accommodate these improvements. Under these circumstances, it seems shortsighted to require landscaping until such time as the County's road improvements are completed. Mr. Hinkle did indicate that a landscape plan had been submitted and approved by the

County as part of the bridge project. Thus, although I will require that the Petitioners landscape the property along its frontage, such buffering/screening shall be designed and implemented consistent with and in accordance with the County's improvements to Earls Road.

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.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Andrew day of June, 2000 that the Petition for Special Exception to allow a service garage in a M.L.-I.M. zone, pursuant to Section 253.2.B.1 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 the B.C.Z.R. as follows: From Sections 238.2 and 255.2 to permit a building separation of 58 feet in lieu of the required 60 feet, pursuant to Section 102.2 of the B.C.Z.R.; from Sections 409.8.A.2 & 6 to permit a surface of compacted stone without painted striping, in lieu of the required durable and dustless paved surface with painted striping; from Section 405.A.2 to permit the storage of damaged or disabled motor vehicles on a compacted stone paving surface in lieu of the required storage on a permanent, all-weather paved surface; and from Section 405.A.1 to permit the screening of stored or disabled motor vehicles by existing features in lieu of the required screening, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following terms and conditions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) No vehicles shall be sold from the subject property and no automotive bodywork or painting performed on the premises.
- 3) The site shall be kept free and clear of debris, and damaged/disabled vehicles and automobile parts shall be stored in an area where they are not visible from any public right-of-way.

- 4) The Petitioners shall comply with the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated April 6, 2000, a copy of which is attached hereto and made a part hereof.
- 5) Landscaping along the property's frontage on Earls Road shall be in accordance with the landscape plan submitted to and approved by the County; however, the installation of such landscaping shall be designed and implemented in a manner consistent with the County's road improvements along Earls Road.

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

LAWRENCE E. SCHMID

Zoning Commissioner for Baltimore County

LES:bjs

## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENTS

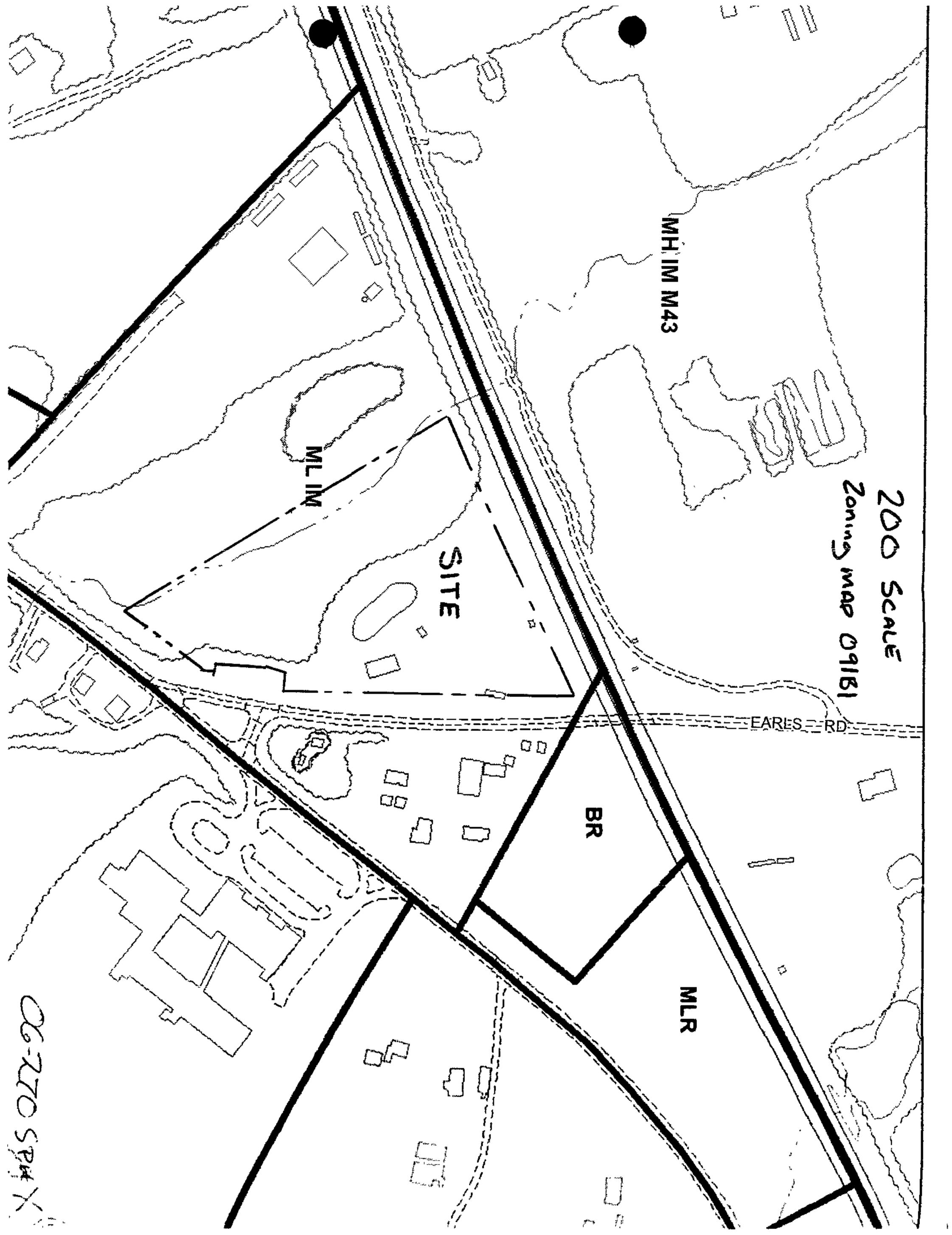
TO:

Arnold Jablon

	•													
FROM:	R. Bruce Seeley / Mが													
DATE:	April 6, 2000													
SUBJECT:	Zoning Item #386 50 Earles Road													
Zoning Advisory Committee Meeting of April 3, 2000														
The Decomme	The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.													
an exte	The Department of Environmental Protection and Resource Management request an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.													
X The De	Department of Environmental Protection and Resource Management offers ollowing comments on the above-referenced zoning item:													
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Section 14-331 through 14-350 of the Baltimore County Code).													
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).													
4	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).													

Reviewer: Glenn Shaffer

Date: April 3, 2000



PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE 1/4/06

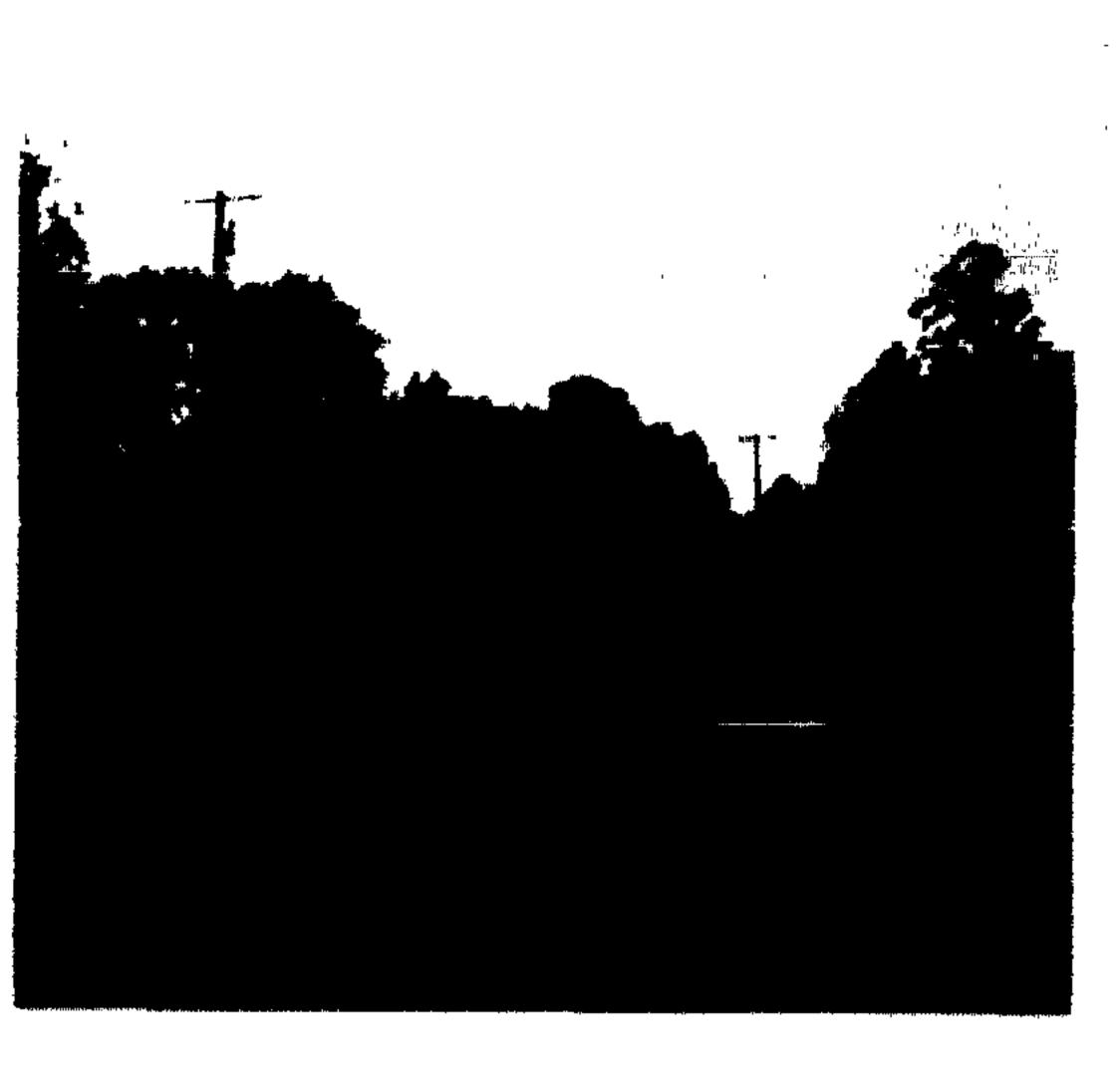
## COUNTY REPRESENTATIVE'S SIGN-IN SHEET

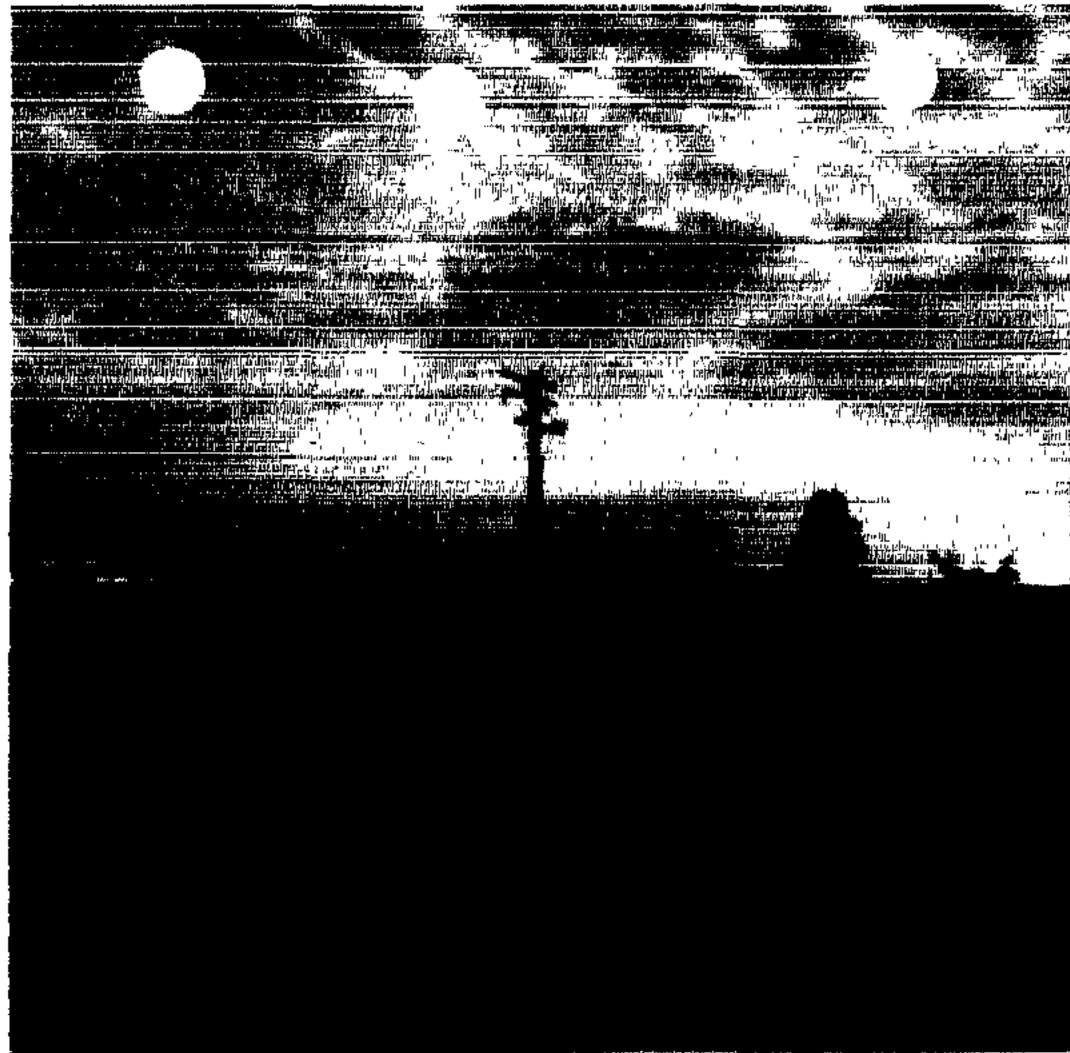
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