IN THE MATTER OF THE APPLICATION OF MARK D. LOY – LEGAL OWNER /PETITIONER FOR SPECIAL HEARING ON PROPERTY LOCATEAD ON THE N/S OF MT CARMEL RD, 1,450' E OF THE C/L OF GRACE ROAD (4714 MT. CARMEL ROAD)	* * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
5TH ELECTION DISTRICT ~~8TH~~ COUNCILMANIC DISTRICT 3RD	*	Case No. 06-315-SPH

* * * * * * * * *

OPINION

This case comes to the County Board of Appeals as an appeal of the Zoning Commissioner's decision to deny a special hearing request to park a commercial vehicle in a private driveway. An appeal was filed on behalf of the subject property owner, Mark D. Loy, by his attorney, Jason T. Vettori, Esquire.

Appearing at the de novo hearing in support of the request was Mark Loy and his wife, Kimberly Loy, property owners. Mark and Debra Hermann, adjacent property owners, appeared in opposition. Appearing on behalf of the Office of People's Counsel was Carole S. Demilio, Deputy People's Counsel for Baltimore County.

Through evidence and testimony, the Board was able to learn that the property is a rectangular shaped parcel located on the north side of Mt. Carmel Road, east of Grace Road, in Hampstead. The property measures a gross area of 1.1698 acres, more or less, is zoned R.C. 2, and is improved with a two-story dwelling and detached garage with a large blacktop parking area. A driveway leads into the property from Mt. Carmel Road and provides access to the garage and parking area, which are situated to the rear of the house. The Petitioners have owned and lived on the property since 2002.

Mark Loy testified that he works for H & H Concrete Construction, Inc., in the petroleum division of the company, building and repairing gas stations. The company has assigned a

company truck to Mr. Loy for his duties. As part of his duties, Mr. Loy is dispatched to emergency calls for gasoline leaks because he holds a certification by the State of Maryland's Department of the Environment (MDE), Waste Management Administration. He is called upon at all hours and needs his truck with him because the truck is equipped to handle all types of emergency situations. It was noted that, although he carries a certification from the State, he is not affiliated with MDE in any way. His certification allows him to work on tanks and underground pumps. Mr. Loy hopes to keep his truck on his property in the area shown on the site plan. It is also to be noted that, because the truck weighs in excess of 10,000 lbs, a variance from § 431 of the *Baltimore County Zoning Regulations* (BCZR) would be required to permit the storage of such a vehicle on residential property.

Mark Hermann testified that he and his wife live in the home that is located to the rear of Mr. Loy's property. It is accessed from Mt. Carmel Road on a private drive that runs the length of Mr. Loy's property. Mr. Hermann testified that the area is a residential rural setting that is generally quiet. He has lived in his home for 16 years. He stated that, when Mr. Loy moved in, he owned a small truck that they did not hear. Mr. Hermann was concerned because Loy's new truck has a loud diesel engine that wakes up the Hermanns at 5:30 a.m. when Mr. Loy leaves for work. Mr. Hermann's bedroom faces the Loy property. Mr. Hermann related the case of a commercial truck owned by "Ted's Towing" that was parking in the residential area. According to Hermann, the truck was forced to move.

Hermann acknowledged that he drives a commercial truck for Verizon and has to respond to emergencies. After the "Ted's Towing" case, Hermann started leaving his truck at work and driving to his company in his personal vehicle. He indicated that some of the neighbors park trucks in a lot owned by Black & Decker located 3 or 4 miles away. Mr. Hermann also testified to traffic concerns due to Mr. Loy backing down his driveway from Mt. Carmel Road and the

impact his truck will have on the value of their property.

The Board convened for public deliberation on November 15, 2006. After considering all the testimony and evidence presented, this Board finds that it would be a direct violation of BCZR § 431 to allow Petitioner to park his commercial truck weighing over 10,000 lbs. in his driveway. The Board also feels it would have a negative impact on the surrounding property values, and would have adverse impacts on the quality of living in the surrounding area.

Therefore, the Board will deny Petitioner's request and will so order.

ORDER

THEREFORE, IT IS THIS 7th day of June, 2007 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioner's request to park the subject commercial vehicle in a private driveway be and the same is hereby **DENIED.**

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman (2006)

Robert W. Witt

Edward W. Crizer, Jr.

County Board of Appeals of Baltimore County

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

June 7, 2007

Jason T. Vettori, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

RE: *In the Matter of: Mark D. Loy - Legal Owner /Petitioner*
Case No. 06-315-SPH

Dear Mr. Vettori:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.**
If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco, Adm.

Kathleen C. Bianco
Administrator

Enclosure

c: Mark D. Loy
Mr. and Mrs. Mark Hermann
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Sophie Jennings /Code Enforcement /PDM
James H. Thompson, Supervisor, Code Enforcement **[Code Violation #05-9119]**
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-234-0070
FACSIMILE 410-234-0072
www.gildeallc.com

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E. SCHMIDT
LSCHMIDT@GILDEALLC.COM

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SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

JASON T. VETTORI
JVETTORI@GILDEALLC.COM

TOWSON, MD OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

March 6, 2006

Via Hand Delivery
Mr. Timothy Kotroco
Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

RECEIVED
MAR 0 6 2006
Per.....

Re: Loy/4714 Mt. Carmel Road
Case No.: 06-315-SPH

Dear Mr. Kotroco:

Enclosed please find the original and a copy of our Notice of Appeal in the above referenced matter. Please accept the original for filing and return a date stamped copy to my attention in the self-addressed, stamped envelope enclosed herein. Additionally, I am enclosing our check for Four Hundred Dollars ($400.00) for the filing of the Notice of Appeal. Thank you for your prompt attention to this most important matter.

Very truly yours,

Jason T. Vettori

JTV: sf
Enclosure
CC: Mark D. Loy
William J. Wiseman, III, Zoning Commissioner for Baltimore County
Kathy Bianco, Baltimore County Board of Appeals
David K. Gildea, Esquire

IN THE MATTER OF	*	BEFORE THE
	*	ZONING COMMISSIONER
Mark D. Loy, 4714 Mt. Carmel Road	*	OF
Hampstead, MD, Petitioner	*	BALTIMORE COUNTY
	*	CASE No. 06-315-SPH

RECEIVED
MAR 06 2006
Per.

* * * * * * * * * *

NOTICE OF APPEAL

Mark Loy, Petitioner in the above-captioned case, by and through his attorneys, Jason T. Vettori and Gildea & Schmidt, LLC, feeling aggrieved by the decision of the Zoning Commissioner in the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 13, 2006 attached hereto and incorporated herein as **Exhibit #1**.

Filed concurrently with this Notice of Appeal is Petitioner's check made payable to Baltimore County to cover the costs of the appeal. Petitioner was a party below and fully participated in the proceedings.

Respectfully submitted,

JASON T. VETTORI, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street
Suite 1440
Baltimore, MD 21202
(410) 234-0070
Attorney for Appellant

IN RE: **PETITION FOR SPECIAL HEARING** N/S Mt. Carmel Road, 1,450' E of the c/l Grace Road **(4714 Mt. Carmel Road)** 5th Election District ~~5th~~ 3RD Council District Mark D. Loy Petitioner	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 06-315-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Mark D. Loy. The Petitioner requests a special hearing seeking approval to park a commercial vehicle (24-hour emergency response unit for Maryland Department of Environment {MDE} controlled sites) in a private driveway. The subject vehicle and requested relief are more particularly described on the site plan and photographs submitted, which were accepted into evidence and marked as Petitioner's Exhibits 1 and 2A through 2G, respectively.

Appearing at the requisite public hearing in support of the request was Mark Loy and his wife, Kimberly Loy, property owners. Mark and Debra Hermann, adjacent property owners, appeared in opposition. There were no other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located on the north side of Mt. Carmel Road, east of Grace Road in Hampstead. The property contains a gross area of 1.1698 acres, more or less, zoned R.C.2 and is improved with a two-story dwelling, an in-ground swimming pool, and detached garage with an accessory parking area. A driveway leads into the property from Mt. Carmel Road and provides access to the garage and parking area, which are located to the rear of the home. The Petitioners have owned and resided on the property since June 2002.

This matter comes before me as the result of a zoning violation (Case No. 05-9119) relative to the parking of a commercial vehicle on the subject property. In this regard, Mr. Loy

ORDER RECEIVED FOR FILING
Date 2/13/06
By

testified that he is employed as a Sub-surface Storage Technician and is certified by the State of Maryland's Department of Environment, Waste Management Administration. In the course of carrying out his duties, Mr. Loy drives a commercial vehicle, which is owned by H & H Concrete Construction, Inc. It is this vehicle that Mr. Loy wishes to park on his property in the area shown on the site plan. Mr. Loy testified that he is regularly on call and is required to utilize this work vehicle on an emergency basis in the event he is needed during non-working hours. He testified that H & H Concrete builds and maintains gasoline service stations and responds to calls in the event fuel pumps or storage tanks are dislodged. This truck is equipped with all types of specialized equipment used in vapor recovery systems, installation and/or maintenance of nozzles, etc. Mr. Loy was unaware that parking his work truck on his property in this very rural area of Hampstead was a violation of the Baltimore County Zoning Regulations (B.C.Z.R.), and was surprised when he was issued a citation by Code Enforcement.[1] Mr. Loy maintains that there are no hazardous materials or chemicals, which could leak from the truck, and thus, it poses no threat to anyone. He is hopeful that the relief requested will be granted so that he can continue to park his truck at home in the area shown on the site plan. It is also to be noted that because the truck weighs in excess of 10,000 lbs., a variance from Section 431 of the B.C.Z.R. would be required to permit the storage of such a vehicle on residential property.

As noted above, the adjacent property owners, Mark and Debra Hermann, appeared in opposition to the request. They reside immediately adjacent to the subject property and proposed parking area and are most affected by the proposal. Mr. & Mrs. Hermann expressed concerns relative to traffic and noise. They testified that because the driveway is narrow, the Petitioner backs his vehicle down the driveway, which sets off the various warning bells and alarms, and often blocks or impedes oncoming traffic on Mt. Carmel Road. They also stated that because the vehicle has a diesel engine, they hear it whenever it is started up or moved. Mr. Hermann also noted that he drives a 10,000-plus lb. truck for Verizon and must park his vehicle off-site. The

[1] In Hampstead, the storage of commercial vehicles on residential property is met with stiff opposition. See Case No. 02-316-A involving an unsuccessful attempt before this Commission to park a tow truck inside a metal building and out of view of passing motorists on Mt. Carmel Road.

ORDER RECEIVED FOR FILING
Date 2/13/06
By

Hermanns are also concerned over the affect that the storage of a commercial vehicle on the subject property will have on the value of their home and the rural character of the neighborhood. Finally, the Hermanns called into question the affiliation of the subject truck with the Maryland Department of the Environment and dispute the "emergency response" status of the vehicle (see Protestant's Exhibit 1).

After due consideration of all of the testimony and evidence presented, I am persuaded to deny the requested relief. Although there were no adverse comments submitted by any County reviewing agency, I find that the Petitioners' proposal to park a commercial vehicle on the subject residential property would have adverse impacts to the adjacent properties and surrounding locale and should be denied. In order to grant permission in this case, I would have to ignore the zoning regulations as they apply to this situation. Moreover, it is clear that the neighbors object to the proposal and believe that a grant of the variance would have a detrimental impact upon the value of their property and the surrounding neighborhood. For all of these reasons, the relief requested must be denied.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of February 2006 that the Petition for Special Hearing seeking approval to park a commercial vehicle (24-hour emergency response unit for Maryland Department of Environment {MDE} controlled sites) in a private driveway, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petitioner shall have sixty (60) days from the date of this Order to arrange for off-site parking of the subject vehicle.

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

WJW:bjs

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 2/13/06
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

February 14, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Mark D. Loy
4714 Mt. Carmel Road
Hampstead, Maryland 21074

RE: **PETITION FOR SPECIAL HEARING**
N/S Mt. Carmel Road, 1,450' E of the c/l Grace Road
(4714 Mt. Carmel Road)
5th Election District – 5th Council District
Mark D. Loy - Petitioner
Case No. 06-315-SPH

Dear Mr. & Mrs. Loy:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied, in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Mark Hermann
4712 Mt. Carmel Road, Hampstead, Md. 21074
Code Enforcement Division, DPDM; People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4714 Mt. Carmel Rd Hampstead
which is presently zoned 04-residential RC2

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

Parking of a commercial vehicle in a private driveway. Vehicle is a 24 hour emergency response unit for M.D.E. controlled sites.

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Martin D. Loy
Name - Type or Print

Signature

Name - Type or Print

Signature

4714 Mt. Carmel Rd. 410-239-9476
Address Telephone No.

Hampstead MD 21074
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date 12-20-05

ORDER RECEIVED FOR FILING
Date 2/13/06
By

Case No. 06-315-A

REV 9/15/98

CORRECTION:

CASE NUMBER: 06-315-SPH
4714 Mt. Carmel Road
North side of Mt. Carmel Road, **1450 feet** east of centerline of Grace Road
5th Election District – 5th Councilmanic District
Legal Owner: Mark D. Loy

Special Hearing to allow parking of a commercial vehicle in a private driveway. Vehicle is a 24-hour emergency response unit for MDE controlled sites.

Zoning Description for 4714 Mt. Carmel Rd.

Beginning at a point on the North side of Mt. Carmel Rd which is 30' wide at the distance of 1450 Ft East of the centerline of the nearest improved intersecting street, Grace Rd. which is 40 Ft wide. Being Lot # 1, Block N/A, Section # N/A in the subdivision of Buena Vista Estates as recorded in Baltimore County Plat Book (Plat 1) # 39, Folio # 50, Containing 1-1.698 Ac. Also known as 4714 Mt. Carmel Rd and located in the 5th Election District, 5th Councilmanic District.

06-315-A

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing

Zoning Review will ensure that the legal requirements for advertising are satisfied However, the petitioner is responsible for the costs associated with these requirements The newspaper will bill the person listed below for the advertising This advertising is due upon receipt and should be remitted directly to the newspaper

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number 06-315-A

Petitioner Mark Loy

Address or Location 4714 Mt. Carmel Rd Hampstead, MD. 21074

PLEASE FORWARD ADVERTISING BILL TO

Name: Mark Loy

Address 4714 MT Carmel Rd
Hampstead MD 21074

Telephone Number 410 239 9676

06-315-A

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: # 06-315-SPH
4714 Mt. Carmel Road
North side of Mt. Carmel Road, 1450 feet east of centerline of Grace Road
5th Election District
5th Councilmanic District
Legal Owner(s): Mark D. Loy
Special Hearing: to allow parking of a commercial vehicle in a private driveway. Vehicle is a 24-hour emergency response unit for MDE controlled sites.
Hearing: Monday, January 30, 2006 at 9:00 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 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.

1/094 Jan. 12 80664

CERTIFICATE OF PUBLICATION

1/12/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/12/, 2006.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 1-14-06

RE: Case Number: 06-315 SPH

Petitioner/Developer: Mark and Kimberly Loy

Date of Hearing/Closing: Jan 30, 2006

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4714 Mt Carmel Rd

The sign(s) were posted on 1-14-06
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J.LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 OLD BARN RD
(Street Address of Sign Poster)

PARKTON, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ATTACH PHOTOGRAPH OF SIGN POSTED ON PROPERTY HERE

Revised 3/1/01 - SCJ

JAN 17 2006

ZONING NOTICE

CASE # _____

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

PLACE: _____

DATE AND TIME: _____

REQUEST: _____

_____

_____

_

06-315-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2812

DATE 12/20/05 ACCOUNT R.001.006 6150

AMOUNT $ 65.00

RECEIVED FROM: Hank Low

FOR: Res. Special Hearing
4714 Mt. Carmel Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

5177

PAID RECEIPT
BUSINESS ACTUAL TIME DRAWER
12/20/2005 12/20/2005 10:29:02 9
066 REVB MANUAL UPON REF
RECEIPT # 391056 12/20/2005 OPEN
Rept. S 528 20000 VERIFICATION
CS NO. 007317
Recpt Tot. $65.00
$65.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

DATE _____ ACCOUNT _____

AMOUNT $ _____

RECEIVED
FROM: _____

FOR: _____

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5004

DATE 3/6/06 ACCOUNT 001-006-6150

AMOUNT $ 400.00

RECEIVED FROM: Gildea + Schmidt LLC

FOR: Appeal #06-315-SPH
Loy/4714 Mt Carmel Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

GILDEA & SCHMIDT, LLC
300 E. LOMBARD STREET
SUITE 1440
BALTIMORE, MD 21202

Bay National Bank
Baltimore, MD
65-335/550

4225

Mar 06, 2006

PAY TO THE ORDER OF **Baltimore County** $ **400.00**

***** Four Hundred ***** **00/100** DOLLARS

Security features. Details on back.

Baltimore County
100 County Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMO:

⑈004225⑈ ⑆055003353⑆ ⑈1000001784⑈

APPEAL SIGN POSTING REQUEST

CASE NO. 06-315-SPH

4714 MT. CARMEL ROAD

5 TH ELECTION DISTRICT APPEALED: 3/6/2006

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

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

CERTIFICATE OF POSTING

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

RECEIVED
APR - 6 2006
BALTIMORE COUNTY
BOARD OF APPEALS

Attention: Kathleen Bianco
Administrator

CASE NO.: 06-315-SPH

LEGAL OWNER: MARK D. LOY

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

4714 MT. CARMEL ROAD

The sign was posted on April 5, 2006.

By: Jeff Radcliffe
(Signature of Sign Poster)

Jeff Radcliffe
(Print Name)

MAP 5 C7

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

December 29, 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: 06-315-SPH
4714 Mt. Carmel Road
North side of Mt. Carmel Road, 14 feet east of centerline of Grace Road
5th Election District – 5th Councilmanic District
Legal Owner: Mark D. Loy

Special Hearing to allow parking of a commercial vehicle in a private driveway. Vehicle is a 24-hour emergency response unit for MDE controlled sites.

Hearing: Monday, January 30, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mark Loy, 4714 Mt. Carmel Road, Hampstead 21074

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 14, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 12, 2006 Issue - Jeffersonian

Please forward billing to:
Mark Loy
4714 Mt. Carmel Road
Hampstead, MD 21074

410-239-9676

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: 06-315-SPH
4714 Mt. Carmel Road
North side of Mt. Carmel Road, 14 feet east of centerline of Grace Road
5th Election District – 5th Councilmanic District
Legal Owner: Mark D. Loy

Special Hearing to allow parking of a commercial vehicle in a private driveway. Vehicle is a 24-hour emergency response unit for MDE controlled sites.

Hearing: Monday, January 30, 2006 at 9:00 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.

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

June 19, 2006

NOTICE OF ASSIGNMENT

CASE #: 06-315-SPH **IN THE MATTER OF: MARK D. LOY –Legal Owner/ Petitioner** 4714 Mt. Carmel Road
5th Election District; 5th Councilmanic District

2/13/06 -Z.C.'s Order in which requested zoning relief was **DENIED.**

ASSIGNED FOR: **THURSDAY, AUGUST 3, 2006 at 10:00 a.m.**

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

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

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

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

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellant /Petitioner : Jason T. Vettori, Esquire
Appellant /Petitioner : Mark D. Loy

Protestants : Mr. and Mrs. Mark Hermann

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Sophie Jennings /Code Enforcement /PDM
James H. Thompson, Supervisor, Code Enforcement **[Code Violation #05-9119]**
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

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

November 8, 2006

NOTICE OF DELIBERATION

IN THE MATTER OF:

MARK D. LOY – Legal Owner /Petitioner
Case No. 06-315-SPH

Having heard this matter on 8/03/06, public deliberation has been scheduled for the following date /time:

DATE AND TIME : WEDNESDAY, NOVEMBER 15, 2006 at 10:30 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner : Jason T. Vettori, Esquire
Appellant /Petitioner : Mark D. Loy

Protestants : Mr. and Mrs. Mark Hermann

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Sophie Jennings /Code Enforcement /PDM
James H. Thompson, Supervisor, Code Enforcement **[Code Violation #05-9119]**
Timothy M. Kotroco, Director /PDM

FYI: 3-6-7

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on Recycled Paper

Department of Permits a
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 30, 2006

Mark Loy
4714 Mt. Carmel Road
Hampstead, Maryland 21074

Dear Mr. Loy:

RE: Case Number: 06-315-A, 4714 Mt. Carmel Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 20, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

SHA
State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 1.3.02

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

RE: Baltimore County
Item No. 315 JRA

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

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

SHA
Driven to Excel
State Highway Administration
Maryland Department of Transportation

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

Date: 1-9-06

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

RE: Baltimore County
Item No. 06-315-SPH
4714 Mt. Carmel Rd

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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
Engineering Access Permits Division

Baltimore County
Fire Department

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

January 4, 2006

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

ATTENTION: Zoning Review planners

Distribution Meeting of: December 26, 2005

Item No.: 315, 316, 317, 318, 319, 320

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 william F Connolly, Jr.
Fire Marshal's Office
(410) 887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: January 10, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 2, 2006
Item Nos. 315, 317, 318, 319, and 320

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-01102006.doc

BW
1/30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: January 12, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-315- Special Hearing**

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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

RECEIVED
JAN 17 2006
ZONING COMMISSIONER

Division Chief: Lynn Lanham

CM/LL

W:\DEVREV\ZAC\6-315.doc

RE: PETITION FOR SPECIAL HEARING 4714 Mt. Carmel Road; N/S Mt. Carmel Road, 14' E c/line Grace Road 5th Election & 5th Councilmanic Districts Legal Owner(s): Mark Loy Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-315-SPH

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

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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of January, 2006, a copy of the foregoing Entry of Appearance was mailed to Mark Loy, 4714 Mt. Carmel Road, Hampstead, MD 21074, Petitioner(s).

RECEIVED
JAN 03 2006
Per CLK

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

VIOLATION CASE: 05-9119

4714 Mt. Carmel Rd

ZONING CASE: 06-315-SPH
4714 MT CARMEL ROAD

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: January 17, 2006

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

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

SUBJECT: Item No.: 315
Legal Owner/Petitioner: Mark Loy
Contract Purchaser:
Property Address: 4714 Mt. Carmel Road
Location Description: North side of Mt. Carmel Road, 14 feet east of centerline of Grace Road

VIOLATION INFORMATION: **Case No.: 05-9119**
Defendants: Mark Loy

Please be advised that the aforementioned petition is the subject of an active violation case. **When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:**

Mark Hermann
4712 Mt. Carmel Road
Hampstead, MD 21074

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint letter
Complaint Intake Form
State Tax Assessment printout
Other: Daily worksheet

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/
c: Sophia Jennings

From: "Mark Hermann" <mark.hermann1@verizon.net>
To: "S Jennings" <sjennings@co.ba.md.us>
Date: Sunday, December 11, 2005 12:07:07 PM
Subject: 4714 Mt.Carmel Rd

05-9119

2005 12 11

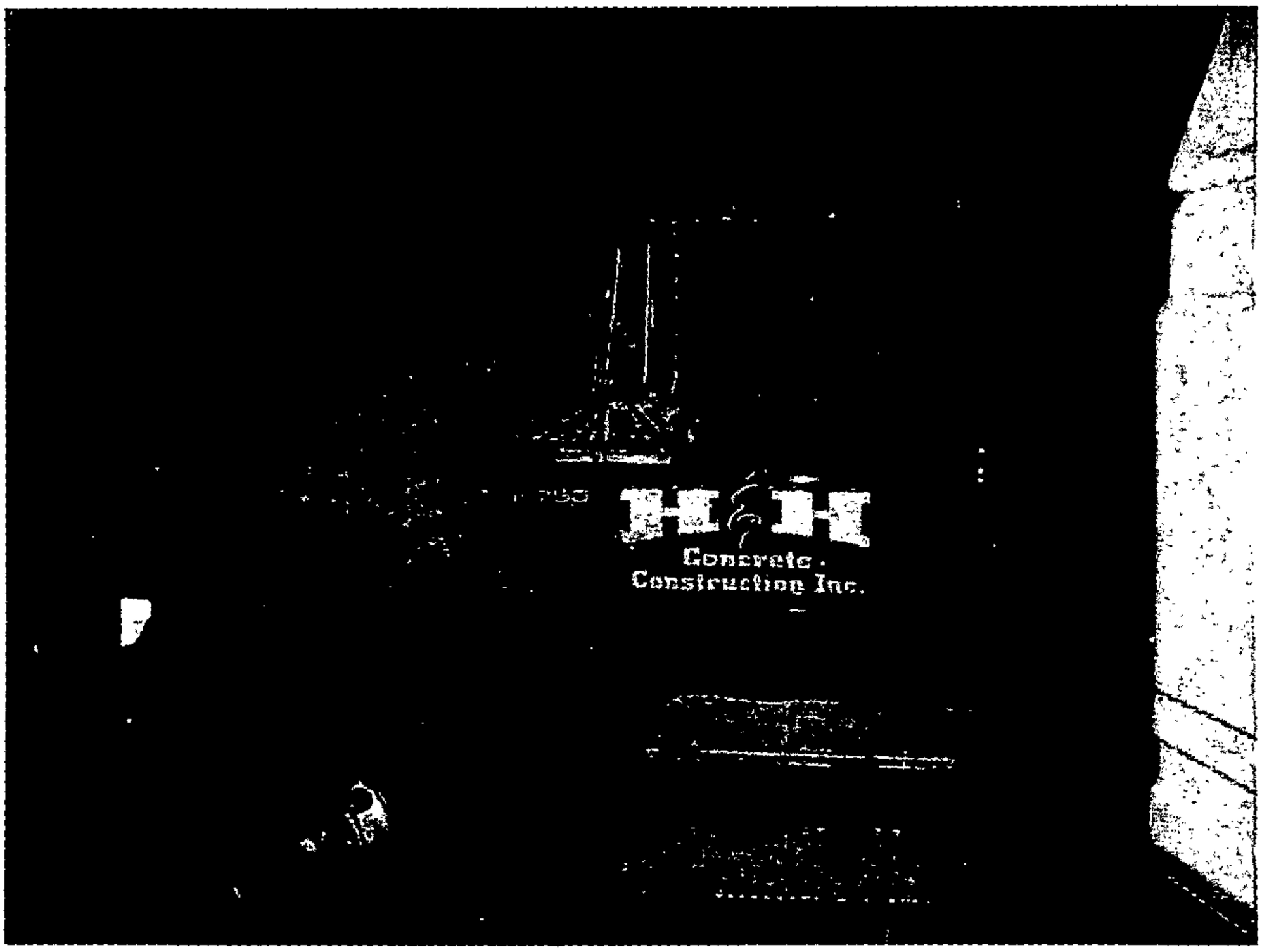
From: "Mark Hermann" <mark.hermann1@verizon.net>
To: "S Jennings" <sjennings@co.ba.md.us>
Date: Saturday, December 10, 2005 2:42:47 PM
Subject: 4714 Mt.Carmel Rd

05-9119

10

From: "Mark Hermann" <mark.hermann1@verizon.net>
To: "S Jennings" <sjennings@co.ba.md.us>
Date: Friday, December 09, 2005 5:22:27 PM
Subject: 4714 Mt.Carmel Rd

05-9119


Concrete.
Construction Inc.

From: "Mark Hermann" <mark.hermann1@verizon.net>
To: <gmorton@co.ba.md.us>
Date: Thursday, December 01, 2005 5:44:40 PM
Subject: Commercial vehicle parked in residential neighborhood.

December 1, 2005

Office Of The Zoning Commissioner

William J. Wiseman, III, Zoning Commissioner

Dear Commissioner William J. Wiseman,

I had the pleasure of talking to you about the zoning problem we are having in our neighborhood. I am writing this letter to thank you for your help, but unfortunately let you know the poor results so far. A commercial vehicle over 10,000 lbs is illegally parking in my neighborhood. As you instructed, I called Gale Morton of Councilman McIntire's Office and Sophie Jennings of Code Enforcement, and I was told that nothing can be done until the zoning hearing is settled.

Also, I was told that the resident of 4714 Mt.Carmel Rd. Hampstead MD 21074 had an appointment with Permits and Development on November 21, 2005. They cancelled the appointment and rescheduled the meeting for December 20, 2005.

You advised me to call Christen Mathews of Permits and Development to ask her how often they can cancel and reschedule. She told me there was no limit; it was up to Code Enforcement to write a violation to force them to keep the appointment.

I called Sophie Jennings back to inform her of my findings. Sophie said she had no evidence to write a violation, because she has not seen the vehicle. I told her when I made the report that the truck was parked weekdays after 6:30pm until 6:00am and all day on Saturday and Sundays. She told me she works Monday through Friday 8:00am until 4:30pm. I would have to send a picture for evidence. As I told you, this is how Baltimore County put neighbor against neighbor. I bet this wouldn't happen in Worthington Valley. I will continue to try to call Sophie's supervisor Jim Thompson. I've called him three times before, and he never calls back.

Thank you for your help. I really appreciate your time and advice with this matter.

Sincerely,

05-1119

Mark Hermann

4712 Mt.Carmel RD

Hampstead, MD 21074

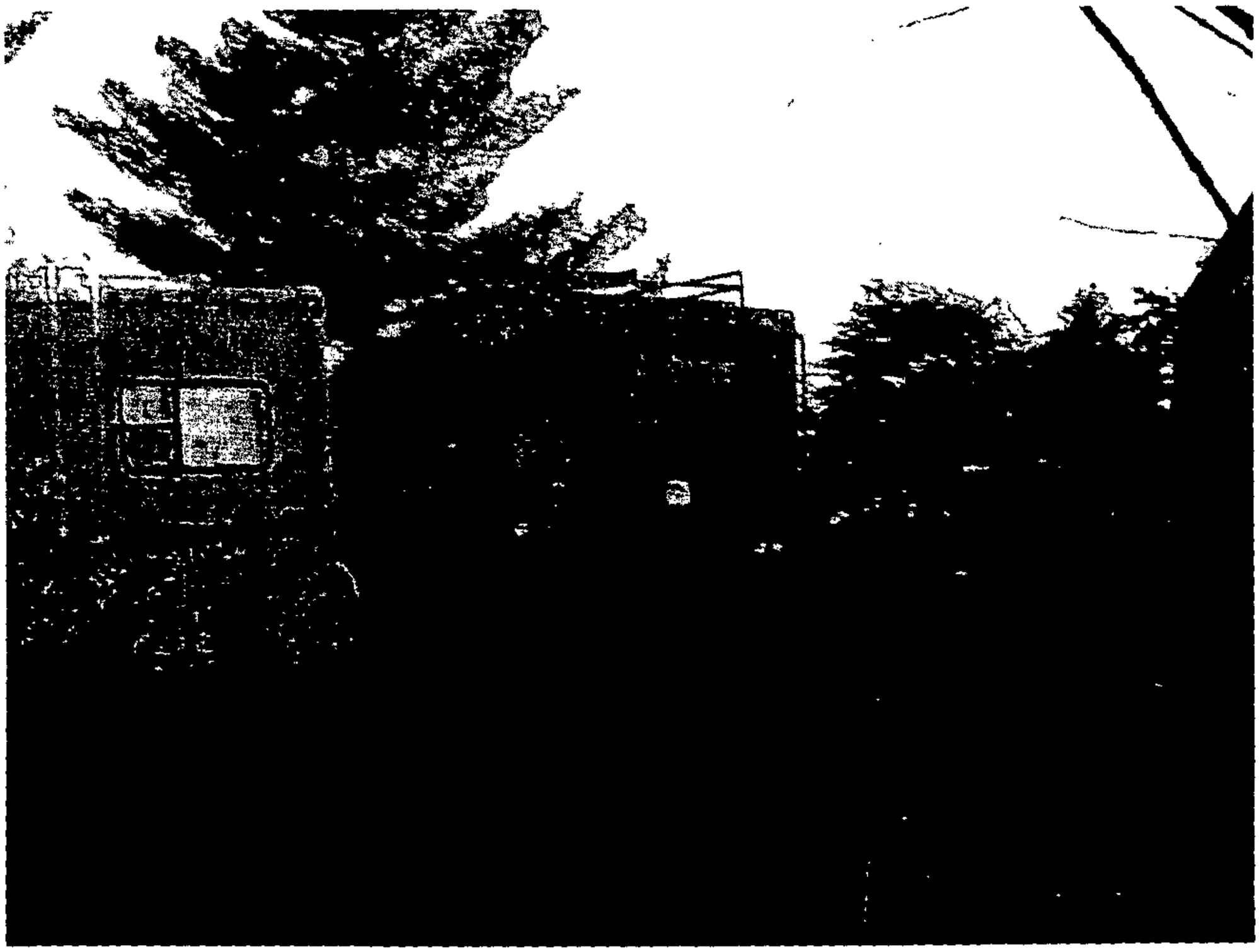
Home 410-239-4026

Cell 410-259-2230

mark.hermann1@verizon.net

From: "Mark Hermann" <mark.hermann1@verizon.net>
To: <sjennings@co.ba.md.us>
Date: Wednesday, November 30, 2005 3:40:53 PM
Subject: 4714 Mt.Carmel RD Hampstead MD 21074

05-010

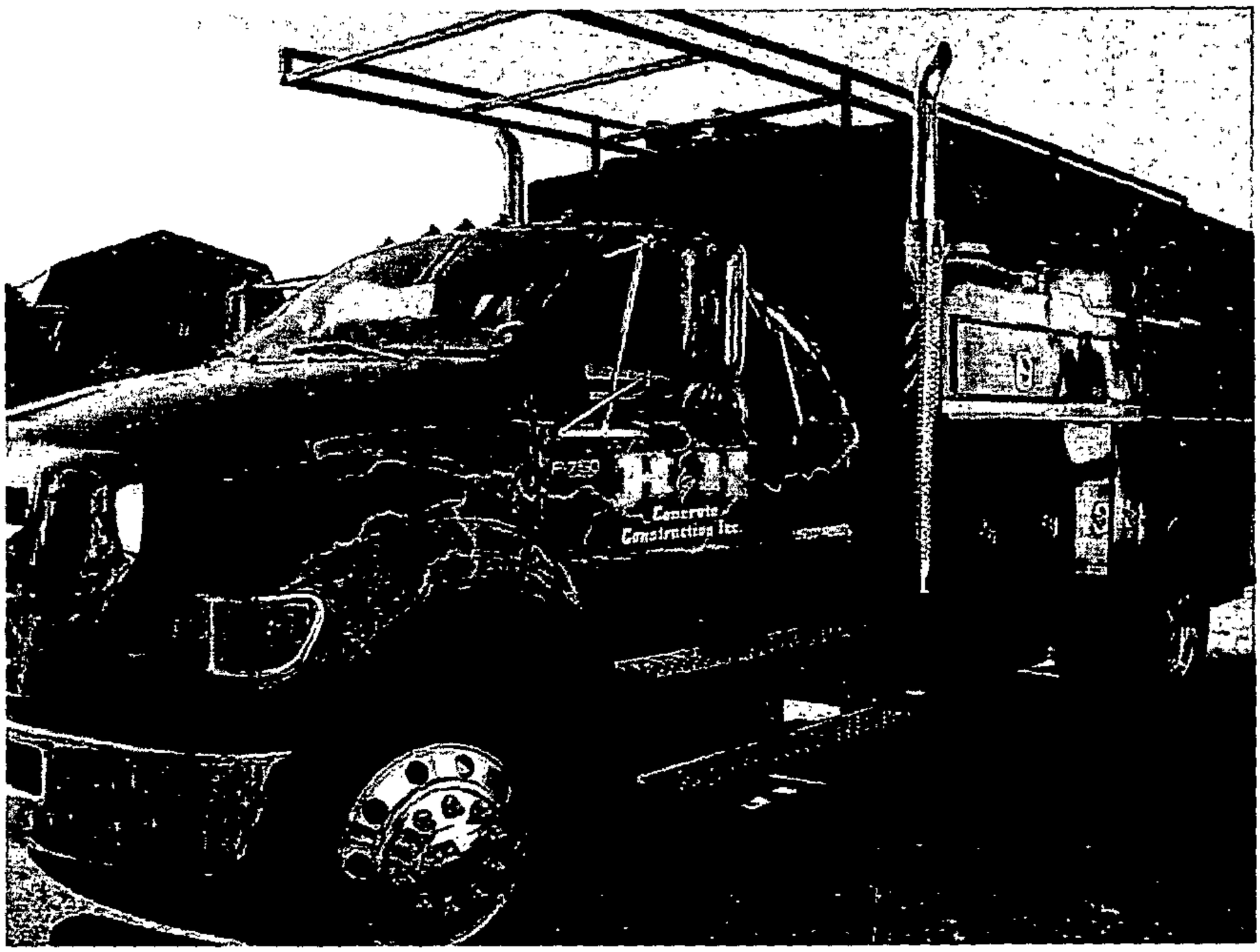


From: "Mark Hermann" <mark.hermann1@verizon.net>
To: <sjennings@co.ba.md.us>
Date: Wednesday, November 30, 2005 3:27:36 PM
Subject: Commercial vehicle 4714 Mt.Carmel Rd

Commercial vehicle parkrd at 4714 Mt.Carmel Rd Hampstead MD 21074

05-9119

Ford
T5P-935


F-250
Construction Inc.

05-9119
FYI
S Jennings

X 3353
F ~~5708~~ 2824

County Council of Baltimore County
Court House, Towson, Maryland 21204

CODE ENFORCEMENT
REQUEST FOR INSPECTION

BRIAN T. McINTIRE
COUNCILMAN, THIRD DISTRICT

COUNCIL OFFICE:
410-887-3387

Received By: Gail Telephone: 410-887-3387 Date: 11/18/05

Council Fax Number: 5791 Mail Stop: 2201

Address/Location: 4714 Mt. Carmel Rd

Cross Street: Zip: 21074

Constituent Reporting Issue: Mark Herman

Telephone: 410-239-4026 (Home) (Work)

Issue/Problem: Commercial vehicle - Ford F250 tagged 75P935 parking in residential driveway - Sophie May already be working on this. Precedent at 4700 Mt Carmel. Cited for same violation. Community feels they should not have to fight this issue again.

****

ACTION TAKEN

Inspector: Telephone: Date:

05-9119

PDM-Enforce - Web-Code Enforcement Complaint

From: <webform@co.ba.md.us>
To: <pdmenforce@co.ba.md.us>
Date: 10/5/2005 3:31 PM
Subject: Web-Code Enforcement Complaint

Complaint Location:	4714 Mt. Carmel Rd Hampstead Md
Complaint Location Zip Code:	21074
Description of Problem:	A large commercial vehicle, Ford F-750 is parking on property. It is usually parked 5:30pm till 7:00am on weekdays and all weekend. The tag number is 75P-935. The name of the company is H+H Construction in Mt.Airy. Thank you. Sincerely Mark Hermann
Email:	mark.hermann2@verizon.net
Name:	Mark Hermann
Address:	4712 Mt.Carmel Rd. Hampstead Md
Zip Code:	21074
Home Phone Number:	410-239-4026
Work Phone Number:	410-259-2230
Additional Information:	

CODE ENFORCEMENT REPORT

DATE: 10/6/05 INTAKE BY: JS CASE #: 05-9119 INSPEC: 2 Jennings

COMPLAINT LOCATION: 4714 MT. CARMEL RD

ZIP CODE: 21074 DIST:

COMPLAINANT NAME: MARK HERMANN PHONE #: (H) 410-239-4026 (W) 410-259-2230

ADDRESS: 4712 MT. CARMEL RD ZIP CODE:

PROBLEM: COMM VEHICLE → SEE LETTER ATTACHED,
SPECIAL HOURS REQUIRED (NIGHT)

IS THIS A RENTAL UNIT? YES ____ NO ____
IF YES, IS THIS SECTION 8? YES ____ NO ____

OWNER/TENANT INFORMATION: MARK LOY
(SAME)

TAX ACCOUNT #: 17-00-007334 ZONING:

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

RA1001B

DATE: 10/06/2005 STANDARD ASSESSMENT INQUIRY
TIME: 09:42:30

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
17 00 007334	05	2-0	04-00	H	NO		05/02/05

LOY MARK
DESC-1.. IMPS1.1698 AC
DESC-2.. BUENA VISTA ESTATES

4714 MOUNT CARMEL RD
PREMISE. 04714 MT CARMEL RD
00000-0000

HAMPSTEAD MD 21074-2931 FORMER OWNER: CADLEROCK JOINT VENTURE LP

---------- FCV ----------			---------- PHASED IN ----------		
	PRIOR	PROPOSED		CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	50,800	91,440				
IMPV:	151,620	164,550	TOTAL..	220,276	220,276	202,420
TOTL:	202,420	255,990	PREF...	0	0	0
PREF:	0	0	CURT...	220,276	220,276	202,420
CURT:	202,420	255,990	EXEMPT.		0	0
DATE:	07/01	06/04				

---- TAXABLE BASIS ----		FM DATE
ASSESS:	220,276	11/11/04
ASSESS:	202,420	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Code Enforcement - Daily Worksheet

Inspector - JENNINGS

Area	Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
002	05-9119	4714 MT CARMEL RD		21074	10/06/2005	10/20/2005

Tax Acct #: 1700007334

Owner: MARK LOY

Complainant Name: (Last) HERMANN (First) MARK
Addr: 4712 MT CARMEL RD
Str # Dir Street Name Type Apt
HAMPSTEAD MD 21074
City ST Zip
Phone: (Home) 410/239-4026 (Work) 410/259-2230

Problem: COMM VEH

5E7

Notes:

**10/11/05-TELEPHONE MESSAGE FROM MARK HERMAN, COMPLAINANT (C 259-2230, H 239-4026) INQUIRING ABOUT THE COMPLAINT. NOTE: I WAS OUT SICK FROM 10/11/05 THRU 10/14/05. (SCJ)

**10/13/05-TELEPHONE MESSAGE FROM MARK HERMAN. SEE NOTES ABOVE. (SCJ)

10/21 11 A.m no commercial vehicle seen. left copy of commercial vehicle definition + my card advising them to stop if doing so

10/24/05 CP

P/U Date 10/25			Closed Date		Gary F to update
Anonymous Complaint	Complainant Updated		Updated by voice message ✓	Unable to update	Update not necessary
Executive office Complaint	Yes	No ✓	If Yes is Executive memo attached?	Yes	No

APPEAL

Petition for Special Hearing
4714 Mt. Carmel Road
North side of Mt. Carmel Road, 1,450 feet
East of the centerline of Grace Road
5th Election District – ~~5th~~ 3RD Councilmanic District
Legal Owner: Mark D. Loy

Case No.: 06-315-SPH

Petition for Special Hearing (December 20, 2005)

Zoning Description of Property

Notice of Zoning Hearing (December 29, 2005)

Correction of Notice of Zoning Hearing (Undated Note)

Certificate of Publication (January 12, 2006– The Jeffersonian)

Certificate of Posting (January 14, 2006) by J. Lawrence Pilson

Entry of Appearance by People's Counsel (January 3, 2006)

Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet

Zoning Advisory Committee Comments

Petitioner's Exhibits
1 Site Plan of the property
2 8 Photographs numbered 2A-2H
2 Certifications from MDE

Protestants' Exhibits
1 Letter from Alan Williams, MDE
2 12 Photographs numbered 2A-2L
3 Traffic Study

Miscellaneous (Not Marked as Exhibits)
1 Division of Code Inspections & Enforcement Violation Case Documents for Violation #05-9119, 4714 Mt. Carmel Road
2 E-Mail dated 1/23/06 from Mark Hermann with attached Zoning Order in prior Case No. 01-244-A
3 List of Concerns – Mr. Hermann

Zoning Commissioner's Order (Petition for Special Hearing – DENIED) dated 2/13/06

Notice of Appeal received on March 6, 2006 from Jason T. Vettori, Esquire

c: People's Counsel of Baltimore County

Code Enforcement
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
Jason T. Vettori, Esq., Gildea & Schmidt, LLC, 300 E. Lombard St., Ste. 1440, Baltimore, MD 21202
Mr. & Mrs. Mark D. Loy, 4714 Mt. Carmel Road, Hampstead, MD 21074
Mr. & Mrs. Mark S. Hermann, 4712 Mt. Carmel Road, Hampstead, MD 21074

date sent March14, 2006, raj

Case No. 06-315-SPH

In the Matter of: Mark D. Loy – Legal Owner /Petitioner
4714 Mt. Carmel Road 5th E; 5th C

SPH – Seeking approval to park a commercial vehicle (24'hour emergency response unit for MDE controlled sites) in a private driveway.

2/13/06 - Z.C.'s Order in which requested zoning relief was **DENIED.**

6/19/06 --Notice of Assignment sent to following; assigned for hearing on Thursday, August 3, 2006 at 10 a.m.:

Jason T. Vettori, Esquire
Mark D. Loy
Mr. and Mrs. Mark Hermann
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Sophie Jennings /Code Enforcement /PDM
James H. Thompson, Supervisor, Code Enforcement **[Code Violation #05-9119]**
Timothy M. Kotroco, Director /PDM

11/08/06 – Notice of Deliberation sent to parties; assigned for Wednesday, November 15, 2006 at 10:30 a.m., as agreed by 3-6-7. Copy to 3-6-7 FYI this date.

11/15/06 – Board convened for public deliberation (3-6-7); unanimous decision to deny requested zoning relief; written opinion and order to be issued; appellate period to run from date of written order. (7)

Bill Wiseman - Thanks again.

From: "Mark Hermann" <mark.hermann1@verizon.net>
To: "Biil Wiseman" <wwiseman@co.ba.md.us>
Date: 1/23/2006 5:58:08 PM
Subject: Thanks again.

January 23, 2006

Office Of The Zoning Commissioner

William J. Wiseman, III, Zoning Commissioner

Dear Commissioner William J. Wiseman,

Your people are on the ball again. Debra Wiley was able to provide me with the case file number for 4800 Mt. Carmel Road. I called Chris at Permits and Development Management with the number. She was able to fax me a copy of the results. The Deputy Zoning Commissioner denied the request of the Petitioners' to permit the storage of a commercial vehicle in excess of 10,000 lbs. on residential property. It will be helpful at the hearing January 30, 2006.

Thanks again. Maybe see you on the 30th.

Sincerely,

Mark Hermann
4712 Mt.Carmel RD
Hampstead, MD 21074
Home 410-239-4026
Cell 410-259-2230
mark.hermann1@verizon.net

List of Concerns

1. Property Value.
   I believe this storage of a commercial will have a negative affect to my property value, as did the resident that appeared in opposition to the petitioners' in Case File No. 01-244-A.

2. Neighborhood.
   I am worried that the storage of a commercial vehicle of this size will have a negative affect on the rural character of the neighborhood, as did the resident that appeared in opposition to the petitioners' in Case File No. 01-244-A.

3. Hazardous Material.
   I rely on well water. I am concerned what types of hazardous material are being brought into my neighborhood and the chemicals leaking from the drive train the vehicle. I called H+H Concrete Construction; they would not return my call. I don't want a company operating in my neighborhood that can't even deal with public relation questions.

4. Traffic Safety.
   I have traffic study compiled by Karl Hess from the State Highway Administration. It state's that over 4000 cars, trucks, buses and motorcycles pass by this property on a given day. The driveway that the truck is stored can not give the drive ability to turn around. He has to block both lanes of traffic to back the truck in. The driveway is on a blind turn. When he does turn around in the grass, the truck gets stuck.

5. Noise From The Vehicle.
   Each time vehicle leaves or arrives there is a disruption.

6. What Is A Emergency Vehicle
   I believe emergency vehicles are ambulance, fire truck or police car, not a concrete construction truck. Their claim to be associated with the MDE is false. I have a letter from Alan Williams, the Manager of the Emergency Response and Nuclear Planning Program from the MDE, stating H+H Concrete is not associated with the Maryland Department of the Environment's Emergency Response Division. He said in the letter not to hesitate to call him at (410) 537-3994.

7. Unfair Business Advantage
   If businesses with the same commercial vehicles over 10,000lbs have to park on commercial property in Baltimore County, this Carroll County business should do the same.

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

March 14, 2006

Jason T. Vettori, Esquire
Gildea & Schmidt, LLC
300 East Lombard Street, Ste. 1440
Baltimore, MD 21202

Dear Mr. Vettori:

RE: Case: 06-315-SPH, Loy/4714 Mt. Carmel Road

Please be advised that we received your appeal of the above-referenced case on March 6, 2006. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:raj

c: William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
Office of People's Counsel, M.S. 2010
Mr. & Mrs. Mark D. Loy, 4714 Mt. Carmel Road, Hampstead, MD 21074
Mr. & Mrs. Mark Hermann, 4712 Mt. Carmel Road, Hampstead, MD 21074
Code Enforcement

Printed on Recycled Paper

IN RE: PETITION FOR VARIANCE N/S Mt. Carmel Road, 844' E centerline of Grace Road 5th Election District 3rd Councilmanic District (4800 Mt. Carmel Road) Martin G. & Deneen M. Ziegler Petitioners	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 01-244-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Martin and Deneen Ziegler. The Petitioners are requesting a variance for property located at 4800 Mt. Carmel Road, which property is split-zoned RC2/RC4. The variance request is from Section 431 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the property owner to park one commercial vehicle in excess of 10,000 lbs. on residential property.

Appearing at the hearing on behalf of the variance request were Martin and Deneen Ziegler, owners of the property, William Hohman and Margaret Rosenberger, nearby property owners and Michael Paul Smith, attorney at law, representing the Petitioners. Appearing in opposition to the Petitioners' request were Janet Davis, Anna Bye, Georgia Mills and Phillip McWilliams.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 2.3344 acres, more or less, split-zoned RC2/RC4. The subject property is improved with a single-family residential dwelling wherein the Ziegler's reside. The property is located on the north side of Mt. Carmel Road, east of its intersection with Grace Road in northwest Baltimore County. In addition to the single-family residential dwelling, the Petitioners have also constructed a storage building on

the subject property as shown in the photographs submitted into evidence. The storage building was recently constructed and, therefore, is not shown on the site plan submitted into evidence. The purpose for the variance request is to allow Mr. Ziegler, who operates a tow truck for Ted's Towing, a towing business located at 4920 Hazelwood Road in Rosedale, Maryland, to be allowed to park his tow truck on his property on a permanent basis. Inasmuch as the tow truck weighs in excess of 10,000 lbs., a variance is necessary to permit the permanent storage of such a vehicle on residential property.

The Ziegler's moved to the subject property within the past year. The home that was constructed on the property is a new dwelling. Mr. Ziegler began parking and storing his tow truck on the subject property after moving into his residence. As a result of parking and storing the vehicle on the property, many complaints were registered with the Code Enforcement Section of Baltimore County. In an effort to mitigate the concerns and objections raised by the residents of the area, the Petitioner constructed a metal frame storage building as shown in Photograph 5-C which was entered into evidence. Mr. Ziegler is able to park the tow truck entirely within the metal building. Once parked, the vehicle is out of view from motorists passing by on Mt. Carmel Road and also adjacent property owners. After constructing the storage building, many of the residents who originally opposed the storage of the tow truck on the property changed their position and now have no objection to its storage. Mr. Ziegler testified that the only time when the tow truck is actually seen by neighbors is when he comes and goes to the property, given its storage within the building.

As stated previously, several residents from the surrounding community appeared in opposition to Mr. Ziegler's request. Ms. Janet Davis, Georgia Mills, Anna Bye and

Phillip McWilliams all appeared and testified in opposition to the tow truck being stored on the property. These residents are concerned over the value of their homes and the effects that the storage of a commercial vehicle will have on the rural character of their neighborhood. The construction of the storage building did not alleviate the concerns of these nearby residents as it did for others in the community. Therefore, they remain opposed to the granting of this variance and asked that the Petitioner no longer be permitted to store the tow truck on his property.

The Petitioner has done a good job of storing the tow truck out of view from nearby residents and passing motorists. However, this has not been enough to alleviate the concerns of those who appeared in opposition to this request. Aside from the testimony offered at the hearing both for and against the storage of this vehicle, I have a greater concern regarding the *licensing requirements for tow truck operators in Baltimore* County. The testimony indicated that Mr. Ziegler is employed by Ted's Towing whose office is located on Hazelwood Avenue in Rosedale. The truck, which is the subject of this variance request, is owned by Ted's Towing. It is my understanding that the licensing requirements would not permit the storage of this particular tow truck, which is owned by Ted's Towing, on property owned by Mr. and Mrs. Ziegler. Therefore, in order to grant the ~~variance~~ permission in this case, I would have to ignore the ~~towing~~ zoning regulations as they apply to this situation. Accordingly, I find that the variance request to allow the tow truck to be stored on the Petitioners' residential property should be denied.

THEREFORE, IT IS ORDERED this _____ day of March, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 431 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the storage of a commercial vehicle in excess

of 10,000 lbs. on residential property, be and is hereby DENIED.

IT IS FURTHER ORDERED, that the Petitioners shall have ninety (90) days from the date of this Order to make arrangements to park or store this commercial vehicle in accordance with the requirements of all applicable zoning and towing regulations.

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

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

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

DATE: January 25, 2008

TO: Timothy Kotroco, Director
Permits & Development Management

FROM: Linda B. Fliegel
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

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

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
06-063-A	***Same***	Joseph F. Baird	1009 Bowleys Quarters Road
06-070-A	***Same***	Ann C. Shepter	611 Piccadilly Road
06-320-A	***Same***	Charisopher & Sally Pfaeffle	1217 Merediths Ford Road
06-421-X	***Same***	Omnipoint Communications CAP	4000 Offutt Road
06-315-SPH	***Same***	Mark D. Loy	4714 Mt. Carmel Road
06-108-SPH	***Same***	Benjamin A. & Kayren P. Governale	39 Glenbrook Road
CBA-06-050	***DRC #100306***	Hilgartner Property a/k/a Park Heights Avenue	11964 Park Heights Avenue

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Mark Loy	4714 Mt Carmel Rd	Hampstead MD 21074	
Kimberly Loy	4714 Mt Carmel Rd	Hampstead MD 21074	

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Mark S Hermann	4712 Mt. Carmel Rd	Hampstead MD 21074	Mark.Hermann@verizon.net
DEBRA L. HERMANN	4712 Mt. CARMEL Rd.	Hampstead MD 21074	

06-315-88#

Petitioners Exhibits

1. Pictures of Truck on Driveway
2. Arial Photo of Subject property
3a + b Support letters from neighbors
4. Video of Trucks + subject property
5. 2AC Comments

Windows Live Local
powered by Virtual Earth Beta

Pet. Ex # 2

July 20, 2006

Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: 4714 Mt. Carmel Road

To Whom It May Concern:

I live next door to Mark Loy. I support my neighbor, Mark Loy, in his request to allow him to park his commercial vehicle on his private property. The truck does not pose a nuisance to me or my neighbors and does not detract from the rural setting in which we live.

Sincerely,

Howard J. Pease
4710 Mt. Carmel Road

Pet. Ex #3A

July 20, 2006

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

Re: 4714 Mt. Carmel Road
Case No.: 06-315-SPH

To Whom It May Concern:

I am Mark Loy's next-door neighbor. My house is located along Mt. Carmel Road. Mr. Loy's driveway is on the side opposite of our adjoining property line. I support Mr. Loy in his effort to be able to park his work truck on his property. The truck is not a nuisance to me or any of my neighbors.

It is my understanding that there have been complaints that the truck is unusually loud. His work vehicle is in no way louder than any other pick-up truck, any of my vehicles or any of our neighbors' diesel trucks and assorted vehicles. Mr. Loy's work truck does not have any reverse warning bells or alarms. Personally, I think it's the nicest truck in the neighborhood. I don't see how it could be viewed as a nuisance to anybody in the neighborhood and I support Mr. Loy's parking of his commercial vehicle on his residential property.

Yours truly,

Lester Kemp

Lester Kemp
4716 Mt. Carmel Road

Cc: Mark Loy

Pet. Ex #3B

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

Pet. Ex. 5

January 30, 2006

Mark Loy
4714 Mt. Carmel Road
Hampstead, Maryland 21074

Dear Mr. Loy:

RE: Case Number: 06-315-A, 4714 Mt. Carmel Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 20, 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,

W. Carl Richards Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Pet. Ex # 5

Baltimore County
Fire Department

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

January 4, 2006

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

ATTENTION: Zoning Review planners

Distribution Meeting of: December 26, 2005

Item No.: 315,316,317,318,319,320

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 william F Connolly, Jr.
Fire Marshal's Office
(410) 887-4880
MS-1102F

cc: File

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

SHA
State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 1.3.02

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

RE: Baltimore County
Item No. 315 JRA

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

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

SHA
State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 1-9-06

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

RE: Baltimore County
Item No. 06-315-SPH
4714 Mt. Connel Rd

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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
Engineering Access Permits Division

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: January 10, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 2, 2006
Item Nos. 315, 317, 318, 319, and 320

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

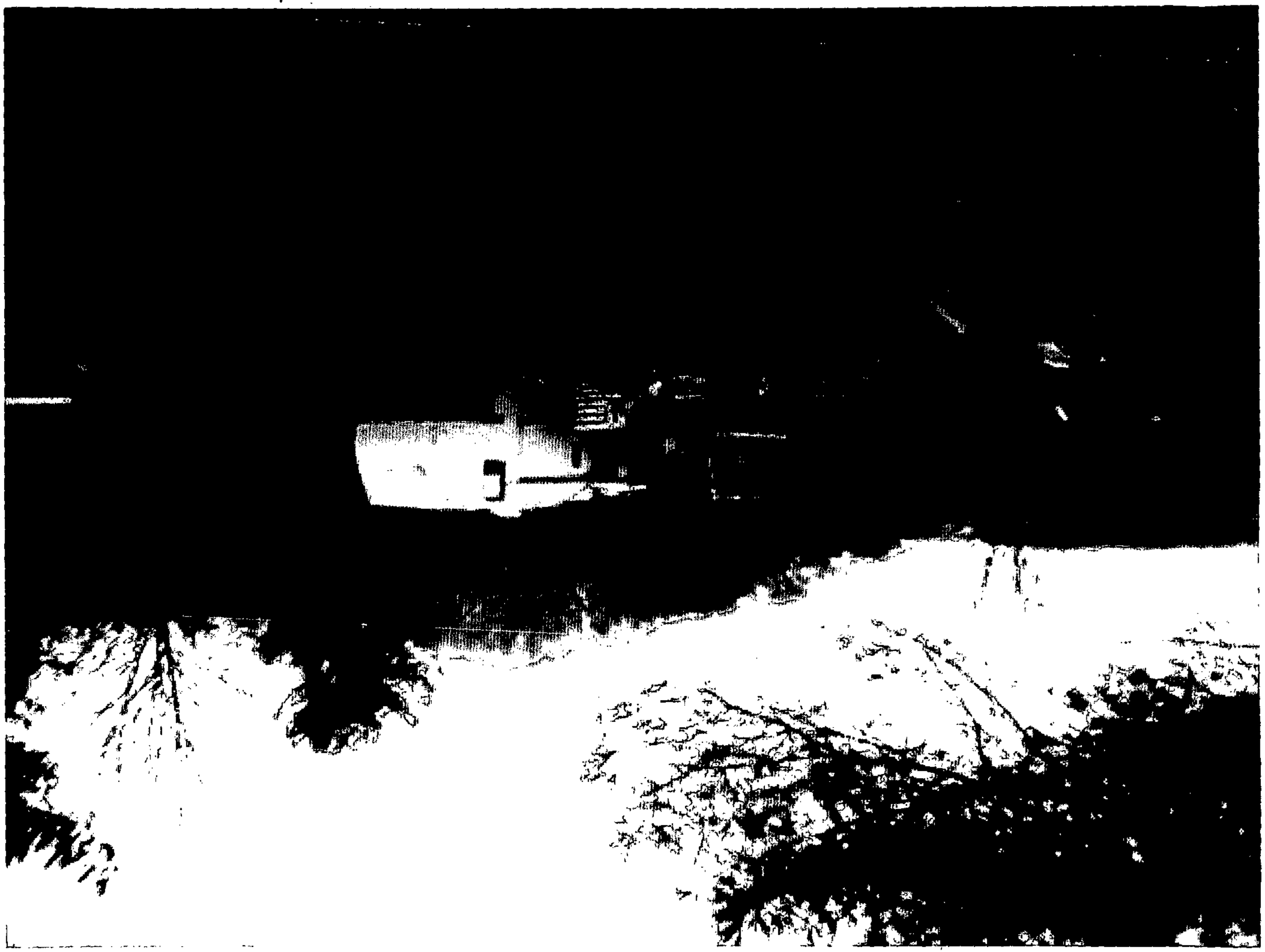
DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-01102006.doc

Case No.: 06-315 SPH

Exhibit Sheet

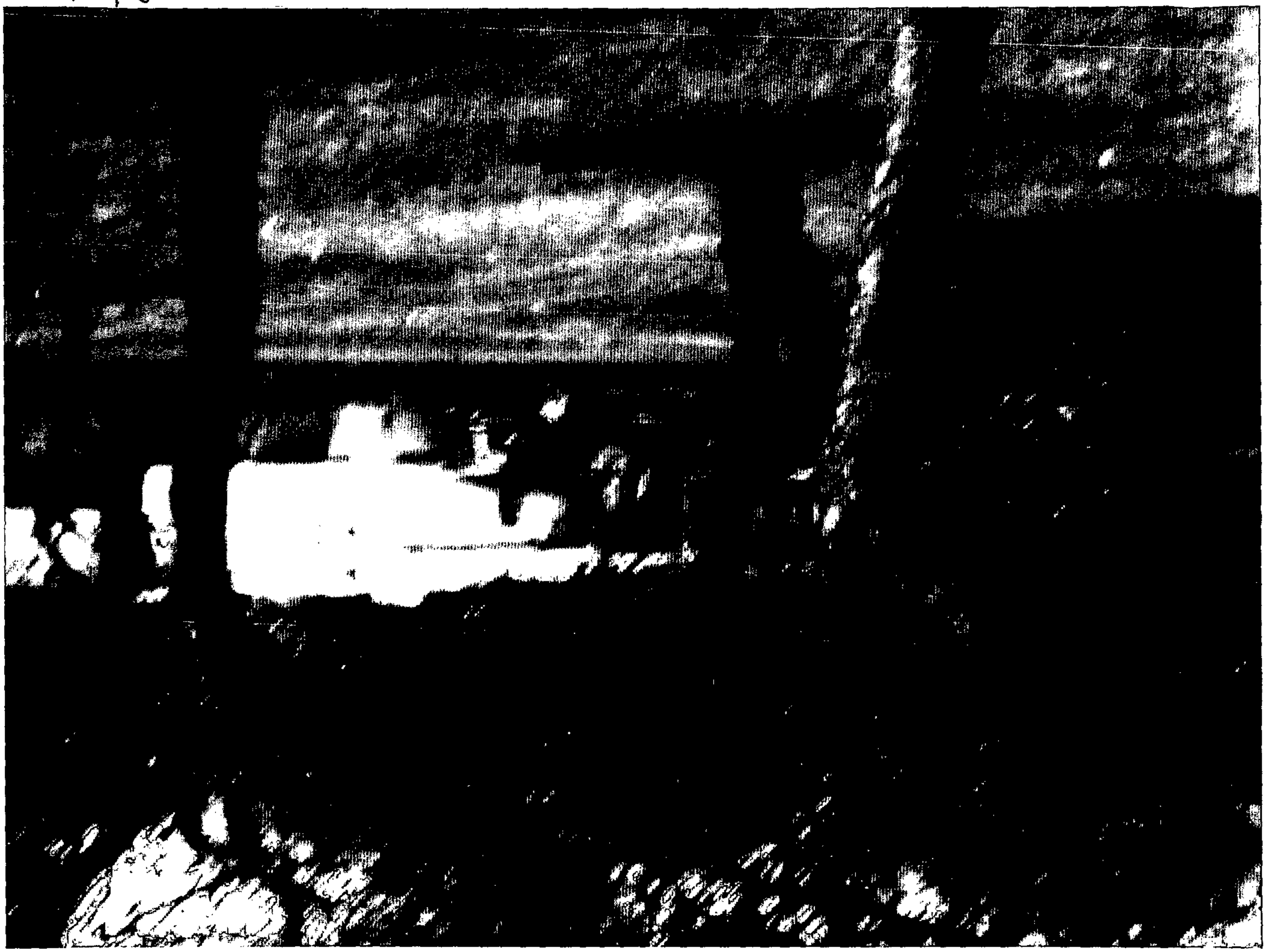
	Petitioner/Developer	Protestant
No. 1	SITE PLAN	LETTER FROM ALAN WILLIAMS
No. 2	2A thru 2G 8 PHOTOGRAPHS	2A thru 2L 12 Photographs
No. 3	Certifications from MDE	TRAFFIC STUDY
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

(A thru G)
PETITIONER'S
EXHIBIT NO. 2A



California Exhibit 28

Petitones 2c

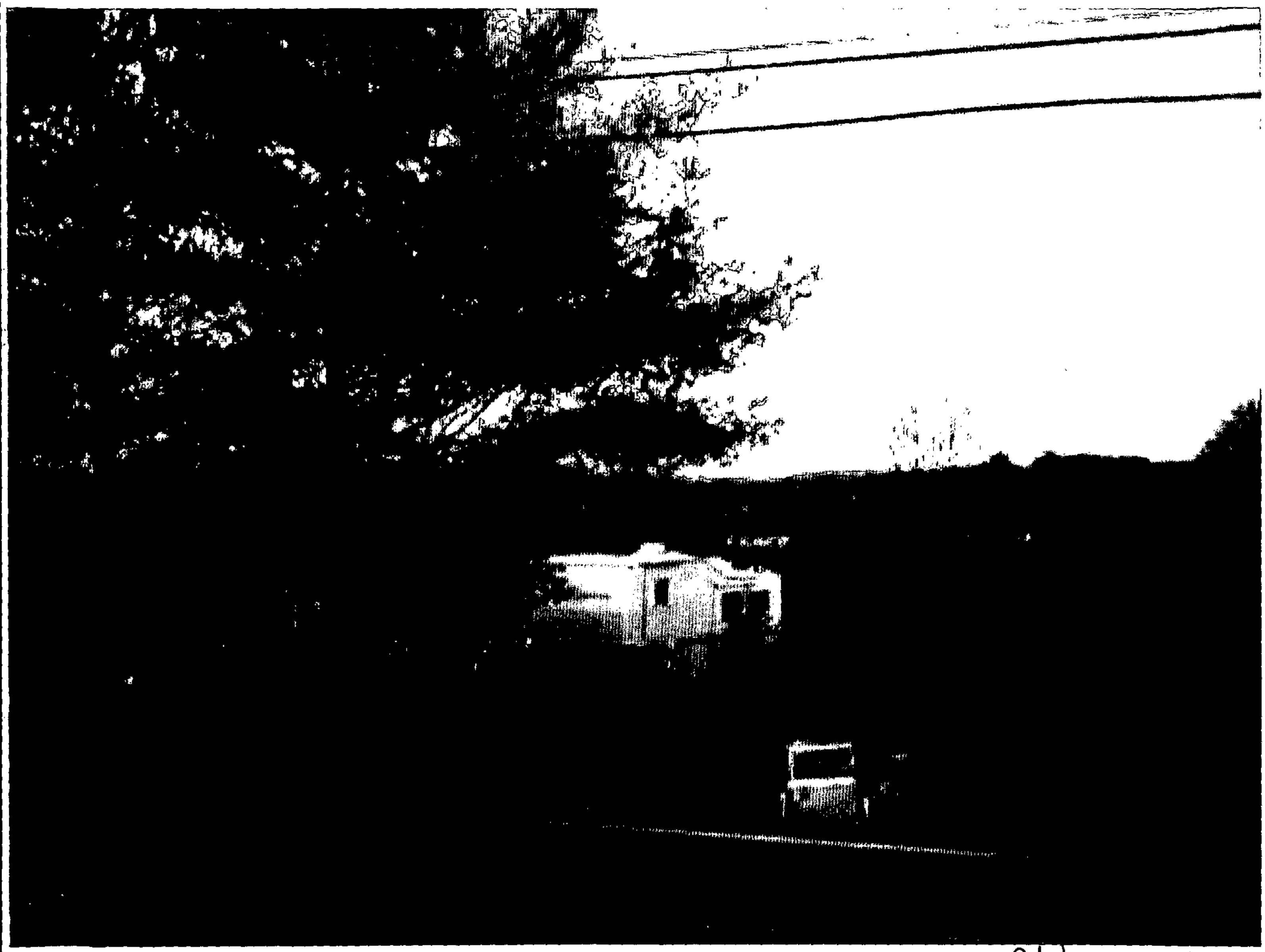


Pathway 2D

Petitions 2E

Petitions 2F

Patterns 2G



Petitioner 2H

APT

POLY-TECH™ FLEXIBLE
UNDERGROUND PIPING SYSTEMS

Factory Trained Installer

THIS IS TO CERTIFY

Mark Loy

HAS SUCCESSFULLY COMPLETED
THE POLY-TECH FACTORY TRAINING PROGRAM

2/99
DATE

99-0638

APT, Inc.
Muskegon, MI

STATE OF MARYLAND
Dept. of the Environment
Underground Storage System Technician Certificate

Certificate # MDTC-2005-1625 Class: T

Issued to Mark D. Loy

Address 4714 Mount Carmel Road
Hampstead, MD 21074

Expires January 1, 2007

Waste Management Administration

Director

This Card is not Transferable

OPW
A DOVER COMPANY

Attestation No. P 02793
Mark Loy
H & H Concrete Construction Inc.

Attended Installation Training for **EVR Phase I by OPW, Inc.**

By *Glenn Eckart* On *7/13/2005*

In *Mt. Airy, MD* Exp Date: *7/13/2007*

Completion of this training course does not create a warranty or guaranty by OPW of your installation and/or maintenance of nozzles, vapor recovery systems and EVR PHASE I systems. This training course does not eliminate the need to strictly adhere to manufacturer instructions and procedures when installing and maintaining nozzles, vapor recovery systems and EVR PHASE I Systems. All nozzles, vapor recovery systems and EVR PHASE I Systems must be installed and maintained in accordance with manufacturer instructions and procedures.

DPM

DIVERSIFIED PRODUCTS MFG LLC
Acknowledges
MARK LOY
as having completed
Training & Certification Classes

Training completed and certificate issued:
January 15, 2004

TRAINING CERTIFICATION

EASTERN ENVIRONMENTAL (E^2)
Certifies that

Mark Loy

has successfully completed the 8-Hour HAZWOPER refresher training in accordance with 29 CFR 1910.120(e)(8)

Certificate Number: 04040207
Completion: April 4, 2002

Fiber Glass Systems
A Vareo Company

SMITH FIBERCAST DIVISION

BONDER TRAINING

This is to certify that on 3/24/05 MARK LOY *successfully completed bonder training as set forth in the* SMITH FIBERCAST Total Quality Installation Program for the installation of UL listed primary and secondary containment products.

Randy Petty
Manager, Field Services

Renewal of the bonder certification is recommended every five years or when a bonder has not used the specific bonding process for a period of 6 months.

BLUE LINE

265 Burns Drive, Yuba City, CA 95991 Tel: (530) 671-5060 Fax: (530) 671-5208
www.blue-line-technologies.com Email: sales@blue-linetechnologies.com

Name: Mark Loy

Company: H & H Concrete Construction Inc.

Certified Trained Installer Card #: MD-009

Expiration Date: April 5, 2008

XERXES® CORPORATION

Card # 1925

Installation Contractor Training Seminar
Certificate of Completion
presented to

Mark Loy

of Subsurface Technologies Inc
913 Old New Windsor Pike
Westminster, MD 21157

Successful Completion Date

03 / 16 / 00

PETITIONER'S

EXHIBIT NO. 3

ALL AMERICAN ENVIRONMENTAL SERVICES, INC.

STI Steel Tank Institute

STEEL TANK INSTITUTE
ABOVEGROUND TANK INSPECTOR
CERTIFICATION PROGRAM
847-438-8265

Name: Mark Loy
I.D. #AST-520-03
Expiration Date: June 4, 2008

The person to whom this card has been issued has

Attestation No. P 02856

Mark Loy

Subsurface Technologies, Inc.

Middle River MD

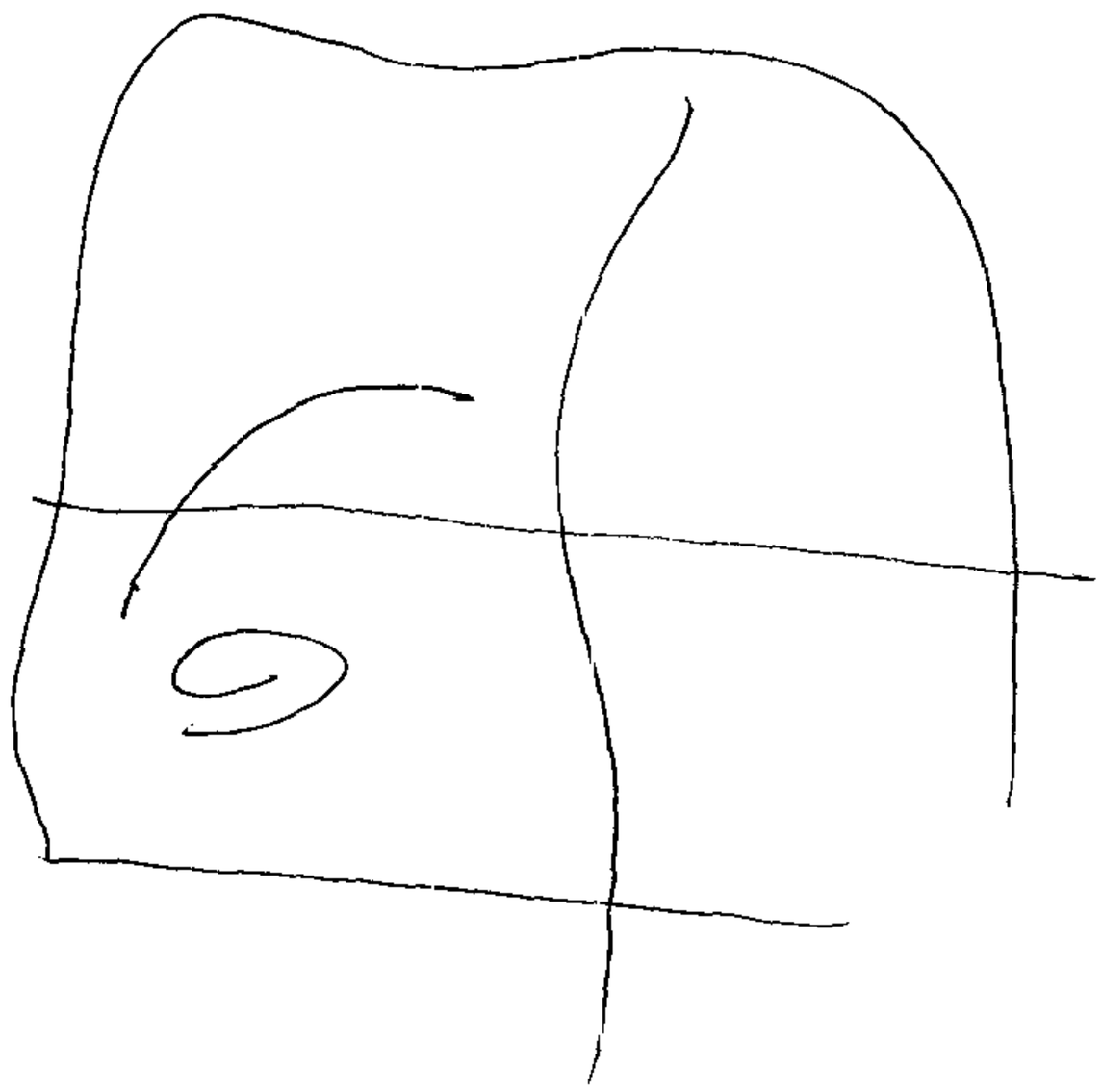
Attended Installation Training for **PISCES by OPW, INC**

PISCES

Date 4/24/2003 Instructor: Dave Duncan

RC-2

06-315-A



06-315-A

Code Enforcement

Jim Thompson

John Lewis

OG-315-A

CG-315-A

06-315-67

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Technical and Regulatory Services Administration (TARSA)
1800 Washington Blvd. ♦ Baltimore, Maryland 21230
410-537-3572 ♦ 1-800-633-6101 ♦ http://www.mde.state.md.us

MDE

Robert L. Ehrlich, Jr.
Governor

Kendl P. Philbrick
Secretary

FAX COVER SHEET

TO: Mark Hammond FROM: [illegible]

FAX: PAGES: 2

PHONE: DATE:

RE: CC:

Urgent ____ For Review _____ Please comment ____ Please reply ____ Please recycle

- **Comments:**

MDE

MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230
410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lieutenant Governor

Kendl P. Philbrick
Secretary

Jonas A. Jacobson
Deputy Secretary

January 27, 2006

Mr. Mark Hermann
4712 Mt. Carmel Road
Hampstead, MD 21074

Dear Mr. Hermann:

This is to confirm our conversation on January 26, 2006. H & H Concrete is not associated with the Maryland Department of the Environment's Emergency Response Division.

If I can be of any further assistance, please do not hesitate to contact me at (410) 537-3994.

Sincerely,

Alan Williams, Manager
Emergency Response and Nuclear Planning Program

AW:law

PROTESTANT'S
EXHIBIT NO. 1

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Technical and Regulatory Services Administration (TARSA)
1800 Washington Blvd. • Baltimore, Maryland 21230
410-537-3572 • 1-800-633-6101 • http://www.mde.state.md.us

MDE

Robert L. Ehrlich, Jr.
Governor

Kendl P. Philbrick
Secretary

FAX COVER SHEET

TO: Mark Hammond FROM: Alan Walker

FAX: PAGES: 2

PHONE: DATE:

RE: CC:

Urgent ____ For Review _____ Please comment ____ Please reply ____ Please recycle

- **Comments:**

Maryland Department of Transportation
State Highway Administration
Highway Information Services Division

Classified Count Detail Report

Station ID : B1013
Location : MD137-.50 MI W OF MD25
Date : 03/30/2004 To 03/31/2004

County : Baltimore
Compiled By : KHess

03/30/2004 **Direction: East**

					Single-Unit Trucks		Single-Trailer Trucks				Multi-Trailer Trucks			
	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9	Class 10	Class 11	Class 12	Class 13	
Beginning Hour	Motorcycles	Passenger Cars	Light Trucks	Buses	2 Axle 6 Tire	3 Axle	>=4 Axle	<=4 Axle	5 Axle	>=6 Axle	<=5 Axle	6 Axle	>=7 Axle	Total
0:00	0	2	0	0	0	0	0	0	0	0	0	0	0	2
1:00	1	0	0	0	0	1	0	0	1	0	0	0	0	3
2:00	0	1	0	0	0	0	0	0	0	0	0	0	0	1
3:00	0	1	0	0	1	0	0	0	2	0	0	0	0	4
4:00	0	1	2	0	0	2	0	0	1	0	0	0	0	6
5:00	1	19	7	1	4	1	0	2	2	0	0	0	0	37
6:00	0	47	23	1	6	2	0	2	3	0	0	0	0	84
7:00	0	75	19	0	3	3	0	2	4	0	0	0	0	106
8:00	0	66	21	4	3	1	1	3	1	0	0	0	0	100
9:00	0	41	12	1	3	1	0	2	2	0	0	0	0	62
10:00	0	34	16	0	5	0	0	1	3	0	0	0	0	59
11:00	0	45	15	1	5	0	0	1	5	0	0	0	0	72
12:00	0	36	16	1	6	5	0	2	5	0	0	0	0	71
13:00	0	44	11	1	5	1	0	2	4	0	0	0	0	68
14:00	0	48	17	0	4	0	1	1	0	0	0	0	0	71
15:00	0	50	15	2	2	0	0	0	1	0	0	0	0	70
16:00	0	77	19	1	7	1	0	1	1	0	0	0	0	107
17:00	0	59	24	1	6	0	0	0	1	0	0	0	0	91
18:00	0	48	15	0	2	0	0	3	1	0	0	0	0	69
19:00	0	28	4	1	2	0	0	0	0	0	0	0	0	35
20:00	0	24	2	0	0	0	0	0	2	0	0	0	0	28
21:00	0	9	5	0	0	0	0	0	0	0	0	0	0	14
22:00	0	11	1	0	1	0	0	0	0	0	0	0	0	13
23:00	0	1	2	0	0	0	0	0	0	0	0	0	0	3
Total :	2	767	246	15	65	18	2	22	39	0	0	0	0	1,176
Percentage :	0.17%	65.22%	20.92%	1.28%	5.53%	1.53%	0.17%	1.87%	3.32%	0.00%	0.00%	0.00%	0.00%	

Total Class 1-3 : 1,030 **Percent Class 1-3:** 87.59% **Total Class 4:** 15 **Percent Class 4:** 1.28% **Total Class 5-13 :** 146 **Percent Class 5-13 :** 12.41%

Protestants Exhibit 3

Maryland Department of Transportation
State Highway Administration
Highway Information Services Division

Classified Count Detail Report

Station ID : B1013
Location : MD137-.50 MI W OF MD25
Date : 03/30/2004 To 03/31/2004

County : Baltimore
Compiled By : KHess

03/30/2004 **Direction: West**

					Single-Unit Trucks		Single-Trailer Trucks				Multi-Trailer Trucks			
	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9	Class 10	Class 11	Class 12	Class 13	
Beginning Hour	Motorcycles	Passenger Cars	Light Trucks	Buses	2 Axle 6 Tire	3 Axle	>=4 Axle	<=4 Axle	5 Axle	>=6 Axle	<=5 Axle	6 Axle	>=7 Axle	Total
0:00	0	3	0	0	0	0	0	0	0	0	0	0	0	3
1:00	0	2	0	0	0	0	0	0	0	0	0	0	0	2
2:00	0	2	0	0	0	0	0	0	0	0	0	0	0	2
3:00	0	2	0	0	0	0	0	0	1	0	0	0	0	3
4:00	0	5	1	0	0	1	0	0	1	0	0	0	0	8
5:00	0	11	7	0	0	2	2	0	1	0	0	0	0	23
6:00	1	26	18	1	4	2	1	0	3	0	0	0	0	56
7:00	0	45	14	0	3	0	1	1	2	0	0	0	0	66
8:00	0	63	13	2	4	0	0	2	2	0	0	0	0	86
9:00	1	53	13	1	7	1	0	1	1	0	0	0	0	78
10:00	0	38	13	1	7	0	1	2	0	0	0	0	0	62
11:00	1	41	13	0	3	1	1	1	4	1	0	0	0	66
12:00	1	41	6	1	5	1	0	2	2	0	0	0	0	59
13:00	0	31	11	0	1	0	1	1	1	0	0	0	0	46
14:00	0	53	20	0	7	1	0	2	0	0	0	0	0	83
15:00	0	66	20	1	7	0	0	0	2	0	0	0	0	96
16:00	0	90	30	0	8	1	1	0	2	0	0	0	0	132
17:00	0	107	21	1	7	1	1	0	1	0	0	0	0	139
18:00	0	52	19	1	1	0	0	1	0	0	0	0	0	74
19:00	0	41	14	0	4	0	0	0	0	0	0	0	0	59
20:00	0	38	10	0	1	0	0	0	1	0	0	0	0	50
21:00	1	20	1	0	0	1	0	0	0	0	0	0	0	23
22:00	0	10	0	0	0	0	0	0	0	0	0	0	0	10
23:00	0	7	1	0	0	0	0	0	0	0	0	0	0	8
Total :	5	847	245	9	69	12	9	13	24	1	0	0	0	1,234
Percentage :	0.41%	68.64%	19.85%	0.73%	5.59%	0.97%	0.73%	1.05%	1.94%	0.08%	0.00%	0.00%	0.00%	

Total Class 1-3 : 1,106 **Percent Class 1-3:** 89.63% **Total Class 4:** 9 **Percent Class 4:** 0.73% **Total Class 5-13 :** 128 **Percent Class 5-13 :** 10.37%

Maryland Department of Transportation
State Highway Administration
Highway Information Services Division

Classified Count Detail Report

Station ID : B1013
Location : MD137-.50 MI W OF MD25
Date : 03/30/2004 To 03/31/2004

County : Baltimore
Compiled By : KHess

3/30/2004 ***** Summary *****

					Single-Unit Trucks		Single-Trailer Trucks				Multi-Trailer Trucks			
	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9	Class 10	Class 11	Class 12	Class 13	
Beginning Hour	Motorcycles	Passenger Cars	Light Trucks	Buses	2 Axle 6 Tire	3 Axle	>=4 Axle	<=4 Axle	5 Axle	>=6 Axle	<=5 Axle	6 Axle	>=7 Axle	Total
0:00	0	5	0	0	0	0	0	0	0	0	0	0	0	5
1:00	1	2	0	0	0	1	0	0	1	0	0	0	0	5
2:00	0	3	0	0	0	0	0	0	0	0	0	0	0	3
3:00	0	3	0	0	1	0	0	0	3	0	0	0	0	7
4:00	0	6	3	0	0	3	0	0	2	0	0	0	0	14
5:00	1	30	14	1	4	3	2	2	3	0	0	0	0	60
6:00	1	73	41	2	10	4	1	2	6	0	0	0	0	140
7:00	0	120	33	0	6	3	1	3	6	0	0	0	0	172
8:00	0	129	34	6	7	1	1	5	3	0	0	0	0	186
9:00	1	94	25	2	10	2	0	3	3	0	0	0	0	140
10:00	0	72	29	1	12	0	1	3	3	0	0	0	0	121
11:00	1	86	28	1	8	1	1	2	9	1	0	0	0	138
12:00	1	77	22	2	11	5	0	4	7	0	0	0	0	130
13:00	0	75	22	1	6	1	1	3	5	0	0	0	0	114
14:00	0	101	37	0	11	1	1	3	0	0	0	0	0	154
15:00	0	116	35	3	9	0	0	0	3	0	0	0	0	166
16:00	0	167	49	1	15	2	1	1	3	0	0	0	0	239
17:00	0	166	45	2	13	1	1	0	2	0	0	0	0	230
18:00	0	100	34	1	3	0	0	4	1	0	0	0	0	143
19:00	0	69	18	1	6	0	0	0	0	0	0	0	0	94
20:00	0	62	12	0	1	0	0	0	3	0	0	0	0	78
21:00	1	29	6	0	0	1	0	0	0	0	0	0	0	37
22:00	0	21	1	0	1	0	0	0	0	0	0	0	0	23
23:00	0	8	3	0	0	0	0	0	0	0	0	0	0	11
Grand Total:	7	1,614	491	24	134	30	11	35	63	1	0	0	0	2,410
Percentage:	0.29%	66.97	20.37%	1.00%	5.56%	1.24%	0.46%	1.45%	2.61%	0.04%	0.00%	0.00%	0.00%	

Total of Class 1-4: 2136 **Percent of Class 1-4:** 88.63% **Total of Class 5-13:** 274 **Percent of Class 5-13:** 11.37%

Maryland Department of Transportation
State Highway Administration
Highway Information Services Division

Classified Count Detail Report

Station ID : B1013
Location : MD137-.50 MI W OF MD25
Date : 03/30/2004 To 03/31/2004

County : Baltimore
Compiled By : KHess

03/31/2004 **Direction: East**

					Single-Unit Trucks		Single-Trailer Trucks				Multi-Trailer Trucks			
	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9	Class 10	Class 11	Class 12	Class 13	
Beginning Hour	Motorcycles	Passenger Cars	Light Trucks	Buses	2 Axle 6 Tire	3 Axle	>=4 Axle	<=4 Axle	5 Axle	>=6 Axle	<=5 Axle	6 Axle	>=7 Axle	Total
0:00	0	1	0	0	0	0	0	0	1	0	0	0	0	2
1:00	0	0	1	0	0	0	0	0	1	0	0	0	0	2
2:00	0	1	0	0	0	0	0	0	0	0	0	0	0	1
3:00	0	0	0	1	0	0	0	0	1	0	0	0	0	2
4:00	1	2	1	0	2	1	0	0	1	0	0	0	0	8
5:00	2	15	9	1	3	3	0	0	0	0	0	0	0	33
6:00	0	49	21	1	5	2	0	0	0	0	0	0	0	78
7:00	0	72	20	1	6	1	0	2	1	1	0	0	0	104
8:00	0	57	14	2	6	1	0	0	3	0	0	0	0	83
9:00	0	47	11	1	2	1	1	1	3	0	0	0	0	67
10:00	0	27	9	0	8	1	0	1	1	0	0	0	0	47
11:00	0	36	14	1	0	1	0	2	3	0	0	0	0	57
12:00	0	34	10	2	4	0	0	0	4	0	0	0	0	54
13:00	0	30	16	0	0	0	1	2	2	0	0	0	0	51
14:00	0	40	16	0	2	0	0	0	2	0	0	0	0	60
15:00	0	47	17	4	6	3	0	1	0	0	0	0	0	78
16:00	0	64	31	3	6	1	0	1	3	0	0	0	0	109
17:00	0	66	16	0	7	1	0	0	1	0	0	0	0	91
18:00	0	48	13	0	4	0	0	1	0	0	0	0	0	66
19:00	0	33	7	0	2	0	0	0	0	0	0	0	0	42
20:00	0	27	5	0	1	0	0	0	1	0	0	0	0	34
21:00	0	16	0	0	1	0	0	0	1	0	0	0	0	18
22:00	0	10	1	0	0	0	0	0	0	0	0	0	0	11
23:00	0	3	1	0	0	0	0	0	0	0	0	0	0	4
Total :	3	725	233	17	65	16	2	11	29	1	0	0	0	1,102
Percentage :	0.27%	65.79%	21.14%	1.54%	5.90%	1.45%	0.18%	1.00%	2.63%	0.09%	0.00%	0.00%	0.00%	

Total Class 1-3 : 978 **Percent Class 1-3:** 88.75% **Total Class 4:** 17 **Percent Class 4:** 1.54% **Total Class 5-13 :** 124 **Percent Class 5-13 :** 11.25%

Maryland Department of Transportation
State Highway Administration
Highway Information Services Division

Classified Count Detail Report

Station ID : B1013
Location : MD137-.50 MI W OF MD25
Date : 03/30/2004 To 03/31/2004

County : Baltimore
Compiled By : KHess

03/31/2004 **Direction: West**

					Single-Unit Trucks		Single-Trailer Trucks				Multi-Trailer Trucks			
	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9	Class 10	Class 11	Class 12	Class 13	
Beginning Hour	Motorcycles	Passenger Cars	Light Trucks	Buses	2 Axle 6 Tire	3 Axle	>=4 Axle	<=4 Axle	5 Axle	>=6 Axle	<=5 Axle	6 Axle	>=7 Axle	Total
0:00	0	3	2	0	0	1	0	0	0	0	0	0	0	6
1:00	0	1	0	0	0	0	0	0	0	0	0	0	0	1
2:00	0	1	0	1	0	0	0	0	0	0	0	0	0	2
3:00	0	1	0	0	0	0	0	0	0	0	0	0	0	1
4:00	0	5	1	0	0	0	0	0	0	0	0	0	0	6
5:00	1	8	4	0	0	3	0	1	2	0	0	0	0	19
6:00	0	29	17	0	3	1	0	0	1	0	0	0	0	51
7:00	0	54	7	2	3	0	0	1	0	0	0	0	0	67
8:00	0	65	22	1	8	0	0	2	1	0	0	0	0	99
9:00	0	38	10	1	9	3	1	1	0	0	0	0	0	63
10:00	0	32	15	1	2	0	0	0	1	0	0	0	0	51
11:00	0	29	12	0	4	0	0	1	1	0	0	0	0	47
12:00	0	26	7	1	6	0	0	0	2	0	0	0	0	42
13:00	0	41	10	1	6	1	0	1	4	0	0	0	0	64
14:00	0	39	14	1	8	2	0	0	1	0	0	0	0	65
15:00	1	59	24	1	7	0	1	2	1	0	0	0	0	96
16:00	0	89	20	1	4	4	1	0	1	0	0	0	0	120
17:00	0	111	26	1	4	0	0	0	0	0	0	0	0	142
18:00	0	78	17	0	3	0	0	0	0	0	0	0	0	98
19:00	0	33	7	0	1	0	0	0	2	0	0	0	0	43
20:00	0	36	5	0	0	0	0	0	0	0	0	0	0	41
21:00	0	26	6	0	0	0	0	0	0	0	0	0	0	32
22:00	0	12	2	0	0	0	0	0	1	0	0	0	0	15
23:00	0	6	0	0	0	0	0	0	0	0	0	0	0	6
Total :	2	822	228	12	68	15	3	9	18	0	0	0	0	1,177
Percentage :	0.17%	69.84%	19.37%	1.02%	5.78%	1.27%	0.25%	0.76%	1.53%	0.00%	0.00%	0.00%	0.00%	

Total Class 1-3 : 1,064 **Percent Class 1-3:** 90.40% **Total Class 4:** 12 **Percent Class 4:** 1.02% **Total Class 5-13 :** 113 **Percent Class 5-13 :** 9.60%

Maryland Department of Transportation
State Highway Administration
Highway Information Services Division

Classified Count Detail Report

Station ID : B1013
Location : MD137-.50 MI/W OF MD25
Date : 03/30/2004 To 03/31/2004

County : Baltimore
Compiled By : KHess

3/31/2004 ***** Summary *****

					Single-Unit Trucks		Single-Trailer Trucks				Multi-Trailer Trucks			
	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9	Class 10	Class 11	Class 12	Class 13	
Beginning Hour	Motorcycles	Passenger Cars	Light Trucks	Buses	2 Axle 6 Tire	3 Axle	>=4 Axle	<=4 Axle	5 Axle	>=6 Axle	<=5 Axle	6 Axle	>=7 Axle	Total
0:00	0	4	2	0	0	1	0	0	1	0	0	0	0	8
1:00	0	1	1	0	0	0	0	0	1	0	0	0	0	3
2:00	0	2	0	1	0	0	0	0	0	0	0	0	0	3
3:00	0	1	0	1	0	0	0	0	1	0	0	0	0	3
4:00	1	7	2	0	2	1	0	0	1	0	0	0	0	14
5:00	3	23	13	1	3	6	0	1	2	0	0	0	0	52
6:00	0	78	38	1	8	3	0	0	1	0	0	0	0	129
7:00	0	126	27	3	9	1	0	3	1	1	0	0	0	171
8:00	0	122	36	3	14	1	0	2	4	0	0	0	0	182
9:00	0	85	21	2	11	4	2	2	3	0	0	0	0	130
10:00	0	59	24	1	10	1	0	1	2	0	0	0	0	98
11:00	0	65	26	1	4	1	0	3	4	0	0	0	0	104
12:00	0	60	17	3	10	0	0	0	6	0	0	0	0	96
13:00	0	71	26	1	6	1	1	3	6	0	0	0	0	115
14:00	0	79	30	1	10	2	0	0	3	0	0	0	0	125
15:00	1	106	41	5	13	3	1	3	1	0	0	0	0	174
16:00	0	153	51	4	10	5	1	1	4	0	0	0	0	229
17:00	0	177	42	1	11	1	0	0	1	0	0	0	0	233
18:00	0	126	30	0	7	0	0	1	0	0	0	0	0	164
19:00	0	66	14	0	3	0	0	0	2	0	0	0	0	85
20:00	0	63	10	0	1	0	0	0	1	0	0	0	0	75
21:00	0	42	6	0	1	0	0	0	1	0	0	0	0	50
22:00	0	22	3	0	0	0	0	0	1	0	0	0	0	26
23:00	0	9	1	0	0	0	0	0	0	0	0	0	0	10
Grand Total:	5	1547	461	29	133	31	5	20	47	1	0	0	0	2,279
Percentage:	0.22%	67.88	20.23%	1.27%	5.84%	1.36%	0.22%	0.88%	2.05%	0.04%	0.00%	0.00%	0.00%	

Total of Class 1-4: 2042 **Percent of Class 1-4:** 89.60% **Total of Class 5-13:** 237 **Percent of Class 5-13:** 10.40%

Maryland Department of Transportation
State Highway Administration
Highway Information Services Division

Classified Count Detail Report

Station ID : B1013
Location : MD137-.50 MI W OF MD25
Date : 03/30/2004 To 03/31/2004

County : Baltimore
Compiled By : KHess

03/31/2004 ***** Summary of Total Report *****

					Single-Unit Trucks		Single-Trailer Trucks				Multi-Trailer Trucks			
	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9	Class 10	Class 11	Class 12	Class 13	
Beginning Hour	Motorcycles	Passenger Cars	Light Trucks	Buses	2 Axle 6 Tire	3 Axle	>=4 Axle	<=4 Axle	5 Axle	>=6 Axle	<=5 Axle	6 Axle	>=7 Axle	Total
0:00	0	9	2	0	0	1	0	0	1	0	0	0	0	13
1:00	1	3	1	0	0	1	0	0	2	0	0	0	0	8
2:00	0	5	0	1	0	0	0	0	0	0	0	0	0	6
3:00	0	4	0	1	1	0	0	0	4	0	0	0	0	10
4:00	1	13	5	0	2	4	0	0	3	0	0	0	0	28
5:00	4	53	27	2	7	9	2	3	5	0	0	0	0	112
6:00	1	151	79	3	18	7	1	2	7	0	0	0	0	269
7:00	0	246	60	3	15	4	1	6	7	1	0	0	0	343
8:00	0	251	70	9	21	2	1	7	7	0	0	0	0	368
9:00	1	179	46	4	21	6	2	5	6	0	0	0	0	270
10:00	0	131	53	2	22	1	1	4	5	0	0	0	0	219
11:00	1	151	54	2	12	2	1	5	13	1	0	0	0	242
12:00	1	137	39	5	21	6	0	4	13	0	0	0	0	226
13:00	0	146	48	2	12	2	2	6	11	0	0	0	0	229
14:00	0	180	67	1	21	3	1	3	3	0	0	0	0	279
15:00	1	222	76	8	22	3	1	3	4	0	0	0	0	340
16:00	0	320	100	5	25	7	2	2	7	0	0	0	0	468
17:00	0	343	87	3	24	2	1	0	3	0	0	0	0	463
18:00	0	226	64	1	10	0	0	5	1	0	0	0	0	307
19:00	0	135	32	1	9	0	0	0	2	0	0	0	0	179
20:00	0	125	22	0	2	0	0	0	4	0	0	0	0	153
21:00	1	71	12	0	1	1	0	0	1	0	0	0	0	87
22:00	0	43	4	0	1	0	0	0	1	0	0	0	0	49
23:00	0	17	4	0	0	0	0	0	0	0	0	0	0	21
Grand Total:	12	3161	952	53	267	61	16	55	110	2	0	0	0	4,689
Percentage:	0.26%	67.41	20.30%	1.13%	5.69%	1.30%	0.34%	1.17%	2.35%	0.04%	0.00%	0.00%	0.00%	

Total of Class 1-4: 4178 **Percent of Class 1-** 89.10% **Total of Class 5-13:** 511 **Percent of Class 5-13:** 10.90%

06-3154PH

Peoples Counsel Exhibits

1. Arial photo (GIS)
2. 24 Hour Spill Report
3. Ford Truck info.
4. Case # 01-244-A
5. Picture of Truck

State of Maryland
Department of the Environment
Technical and Regulatory Services Administration
Emergency Response Division
1800 Washington Blvd. #105 – Baltimore , Maryland. 21230
Office 410-537-3975 Facsimile 410-537-3932

24 HOUR SPILL REPORT - 1-866-633-4686

Memo

To: Carole Demilio

From: Geoffrey Donahue, Chief, Emergency Response Division

CC:

Date: 7/31/2006

Re: Mark D. Loy, Parking of H & H Concrete Construction Vehicle

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Ms. Demilio,

This memo is to affirm that the Maryland Department of the Environment's Emergency-Response Division maintains no written or verbal affiliation with Mr. Mark D. Loy, nor H&H Concrete Construction, whereby requiring him to maintain a company vehicle at his residence. Furthermore, this division is unaware of H&H Concrete Construction performing Emergency Spill Response activities, nor do they appear on the Oil Spill Contractors list, as prepared by this Department's Oil Control Program (O.C.P.). Additionally, in checking with our Oil Control Program, O.C.P. does not have any requirements for contractors to take response vehicles home. H&H Concrete Construction does appear on O.C.P.'s list of Underground Storage Tank System Technicians/Removers, however there is, again, no requirement for them to have take-home vehicles.

Should you need any further information or assistance in this endeavor, please do not hesitate to call.

Respectfully,

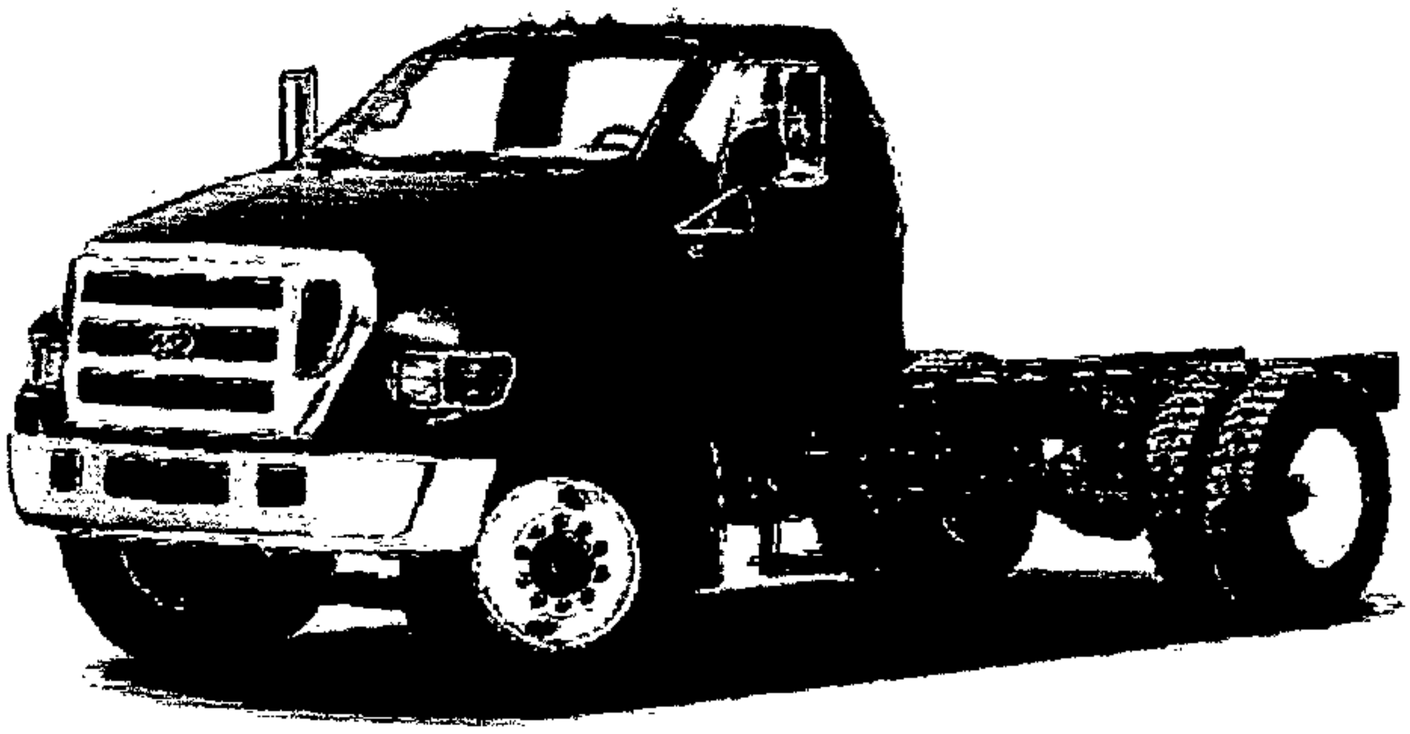
Geoffrey L. Donahue
Chief, Emergency Response Division
Maryland Department of the Environment

P.C. Ex #2

F-750 Summary

The F-750 ranks at the top of the Ford Super Duty commercial truck line in GVWR, offering both a 30,000 lb. and a 33,000 lb.

Pet. Ex #3



Close

Super Duty
F-750 Chassis Cab

Introducing the newest, biggest F-Series Super Duty ever Built Ford Tough - the Ford F-750 Super Duty. These Class 7 trucks complete the redesign of the F-Series line that began with the present-generation F-150 in 1996. Now Ford F-Series' range of GVWRs can take you all the way up to 33,000 lbs. (F-750). No matter what line of work you're in, so is F-Series Super Duty from Ford.

Configurations: The tough-working Super Duty F-750 is available in Regular Cab, 4 door SuperCab and Crew Cab models both in XL and XLT trim levels. There are 6 different cab and trim combinations, with wheelbases stretching from 158" to 260".

Highlights:

- Distinctive aerodynamic sloping hood design and "in your Face" Massive Chrome Grille.
- High Back driver's seat standard on XL and XLT
- Choice of 3 diesel engine families: Caterpillar, Cummins and Power Stroke.
- Choice of transmissions - Allison, Eaton and Spicer.
- 750 S Available for severe service applications.

- **Axle, Front**
  - 10,500 lb. (I-100SG), I-Beam Type (Includes Ross TAS-66 Integral Power Steering)
  - 10,500 lb. Parabolic Taper-leaf Springs
- **Axle, Rear**
  - 21,000 lb. Single Speed
  - 23,500 lb. Multi-Leaf Springs
- **Brakes**
  - Hydraulic - Split System, Disc, Front and Rear, With Automatic Adjustment
  - ABS - Four Channel Wabco ABS Antilock Brake System
- **Engine**
  - Power Stroke (6.0L) V8 (50 State) 200 HP @ 2600 RPM, 520 lb-ft Torque @ 1500 RPM, 2800 RPM Governed Speed
- **Tranmission**
  - 5-Speed Automatic Overdrive - Allison 2500RDS/WR, Wide Ratio
- **Alternator** - 12 Volt, 130 amp, 1950 watt, Leece-Neville
- **Battery** - 12 Volt, Motorcraft - Two, 625 CCA (1250 CCA Total)
- **Fuel Tank**
  - 45 U.S. gal. - Single, RH Rectangular Steel, Shallow (13" deep) (Clean CA w/ Regular Cab)

- **Seat, Front, Driver** - Hi-Back with Integral Headrest, Folding/Reclining Back, No Arm Rest, Non-Suspension, Mortor Cloth with Brick Cloth Insert (Regular Cab, SuperCab and Crew Cab)
- **Seat, Front, Passenger** - Hi-Back with Integral Headrest, Folding Back, Intermediate Folding Center Back creates Arm Rest with Cup Holder, Non-Suspension, Mortor Cloth with Brick Cloth Insert (Regular Cab, SuperCab and Crew Cab)
- **Seat Rear, Full Width Bench** - Convert to Load Floor Flip-Up Feature, Mortor Cloth with Brick Cloth Insert(SuperCab)
- **Front End Tilting Fiberglass Hood & Fenders Assembly** - Tilt Type, Frame Mounted, Torsion Bar Assist (Included Integral Noise & Inner Splash Shields and Mud Flaps)
- **Grille** - Chrome (Includes Chrome Headlight Bezels)
- **Mirrors** - Dual Rectangular, 7 1/2"X161/2" Stainless Steel, West Coast Style, 102" spacing

Major Standard Features:

- **Power Equipment Group** - Two Power Windows with Power Door Locks (Four with Crew Cab)
- **Tow Hooks, Front(2)** - Frame Mounted
- **Windshield Wiper Control** - Two-Speed Electric Intermittent w/Windshield Washers
- **Air Conditioning, Manual** - Includes Integral Heater and Defroster
- **Auxilliary Power Point**
- **Radio AM/FM Stereo/Single CD** (With Clock) (Includes Four Speakers)
- **Safety Belts** - Belt Minder
- **Speed Control** I/P Mounted
- **Steering Column** - Tilt
- **Wheels, Front - 22.5X7.50** - Steel Disc, 10 Hole - Hub Piloted, 5 Hand Hold, Painted White
- **Body Color Available** - Bright Red, True Blue, Black, Oxford White, Winter White, Holly Green, Omaha Orange, Bold Yellow, School Bus Yellow

---

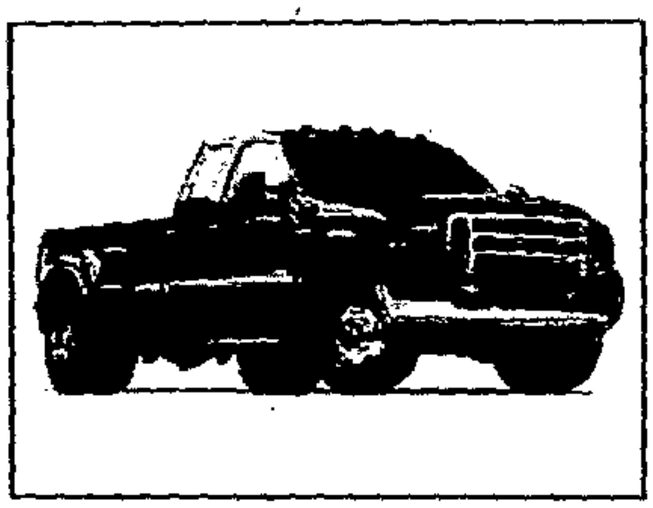
- Caterpillar CT Turbo Diesel 190-300 HP, 520-860 lbs-ft Torque.
- Cummins ISB 5.9L Turbo Diesel 185-275 HP, 420-660 lbs-ft Torque.
- Power Stroke 6.0L Turbo Diesel 215-230 HP, 520-620 lbs-ft Torque.

Major Optional Features:

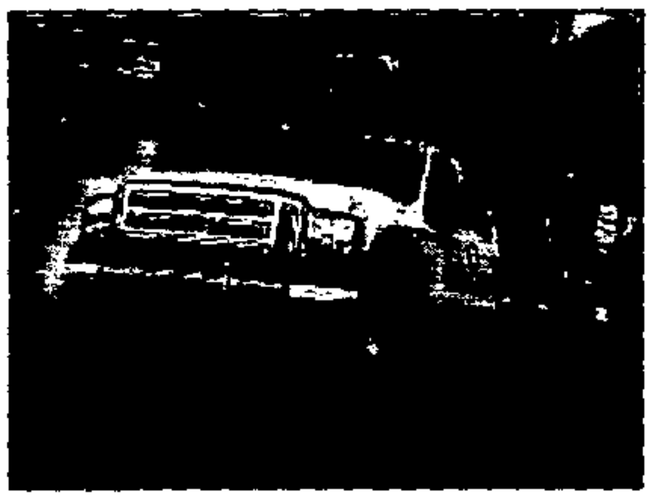
- Allison Automatic Transmissions.
- Eaton/Spicer Manual Transmissions.
- Single and Dual Fuel Tank Alternatives.
- Air Brake Systems
- Air Suspensions.
- Choices - Frames, Axles, suspensions, Trailer connections, Alternators, Batteries, weight ratings, seats, tires and wheels and 9 regular production colors.

The purpose of this site is to help you find the right truck for your job, spec it out in **Build & Price**, save it (up to six vehicles) in **Access My Garage**, then contact your Ford Commercial Truck Dealer.

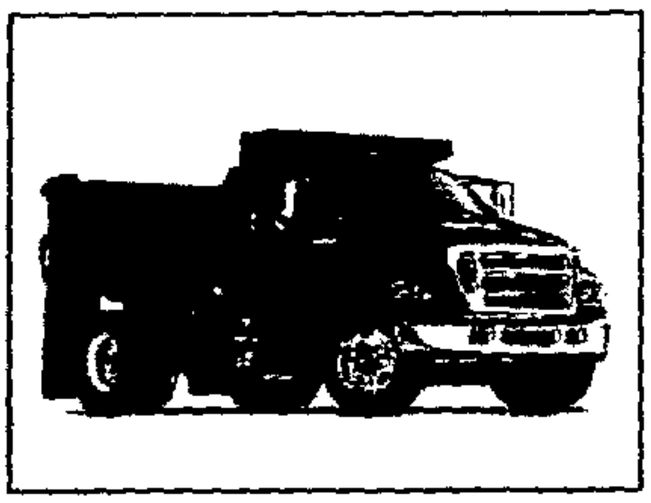
The first thing you need to do is choose between the **F-Series** and the **E-Series**. Most people in **Construction/Contractor**, spec an F-Series, but if you're looking for a truck that provides the cargo security of an enclosed body, a certain body configuration, or the ride and handling of a Van or a Cutaway, the E-Series is the place to shop.



F-250/350 Super Duty Pickups



F-350/450/550 Super Duty Chassis Cabs



F-650/750 Super Duty Chassis Cabs

F-Series

Begin by identifying the exact ways in which you will use your truck, and under what conditions. What, exactly, d you need it to do?

Determine your payload requirements. Are you looking for a Pickup? An F-350/450/550 Super Duty Chassis Cat for light to medium-duty application? Or a heavier-duty F-650/750 Super Duty Chassis Cab?

Click on one of the photos above for the fastest way to determine the right truck for you.

IN RE: PETITION FOR VARIANCE N/S Mt. Carmel Road, 844' E centerline of Grace Road 5th Election District 3rd Councilmanic District (4800 Mt. Carmel Road) Martin G. & Deneen M. Ziegler Petitioners	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 01-244-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Martin and Deneen Ziegler. The Petitioners are requesting a variance for property located at 4800 Mt. Carmel Road, which property is split-zoned RC2/RC4. The variance request is from Section 431 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the property owner to park one commercial vehicle in excess of 10,000 lbs. on residential property.

Appearing at the hearing on behalf of the variance request were Martin and Deneen Ziegler, owners of the property, William Hohman and Margaret Rosenberger, nearby property owners and Michael Paul Smith, attorney at law, representing the Petitioners. Appearing in opposition to the Petitioners' request were Janet Davis, Anna Bye, Georgia Mills and Phillip McWilliams.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 2.3344 acres, more or less, split-zoned RC2/RC4. The subject property is improved with a single-family residential dwelling wherein the Ziegler's reside. The property is located on the north side of Mt. Carmel Road, east of its intersection with Grace Road in northwest Baltimore County. In addition to the single-family residential dwelling, the Petitioners have also constructed a storage building on

P.C. Ex #4

the subject property as shown in the photographs submitted into evidence. The storage building was recently constructed and, therefore, is not shown on the site plan submitted into evidence. The purpose for the variance request is to allow Mr. Ziegler, who operates a tow truck for Ted's Towing, a towing business located at 4920 Hazelwood Road in Rosedale, Maryland, to be allowed to park his tow truck on his property on a permanent basis. Inasmuch as the tow truck weighs in excess of 10,000 lbs., a variance is necessary to permit the permanent storage of such a vehicle on residential property.

The Ziegler's moved to the subject property within the past year. The home that was constructed on the property is a new dwelling. Mr. Ziegler began parking and storing his tow truck on the subject property after moving into his residence. As a result of parking and storing the vehicle on the property, many complaints were registered with the Code Enforcement Section of Baltimore County. In an effort to mitigate the concerns and objections raised by the residents of the area, the Petitioner constructed a metal frame storage building as shown in Photograph 5-C which was entered into evidence. Mr. Ziegler is able to park the tow truck entirely within the metal building. Once parked, the vehicle is out of view from motorists passing by on Mt. Carmel Road and also adjacent property owners. After constructing the storage building, many of the residents who originally opposed the storage of the tow truck on the property changed their position and now have no objection to its storage. Mr. Ziegler testified that the only time when the tow truck is actually seen by neighbors is when he comes and goes to the property, given its storage within the building.

As stated previously, several residents from the surrounding community appeared in opposition to Mr. Ziegler's request. Ms. Janet Davis, Georgia Mills, Anna Bye and

Phillip McWilliams all appeared and testified in opposition to the tow truck being stored on the property. These residents are concerned over the value of their homes and the effects that the storage of a commercial vehicle will have on the rural character of their neighborhood. The construction of the storage building did not alleviate the concerns of these nearby residents as it did for others in the community. Therefore, they remain opposed to the granting of this variance and asked that the Petitioner no longer be permitted to store the tow truck on his property.

The Petitioner has done a good job of storing the tow truck out of view from nearby residents and passing motorists. However, this has not been enough to alleviate the concerns of those who appeared in opposition to this request. Aside from the testimony offered at the hearing both for and against the storage of this vehicle, I have a greater concern regarding the licensing requirements for tow truck operators in Baltimore County. The testimony indicated that Mr. Ziegler is employed by Ted's Towing whose office is located on Hazelwood Avenue in Rosedale. The truck, which is the subject of this variance request, is owned by Ted's Towing. It is my understanding that the licensing requirements would not permit the storage of this particular tow truck, which is owned by Ted's Towing, on property owned by Mr. and Mrs. Ziegler. Therefore, in order to grant the variance in this case, I would have to ignore the towing regulations as they apply to this situation. Accordingly, I find that the variance request to allow the tow truck to be stored on the Petitioners' residential property should be denied.

THEREFORE, IT IS ORDERED this _____ day of March, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 431 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the storage of a commercial vehicle in excess

of 10,000 lbs. on residential property, be and is hereby DENIED.

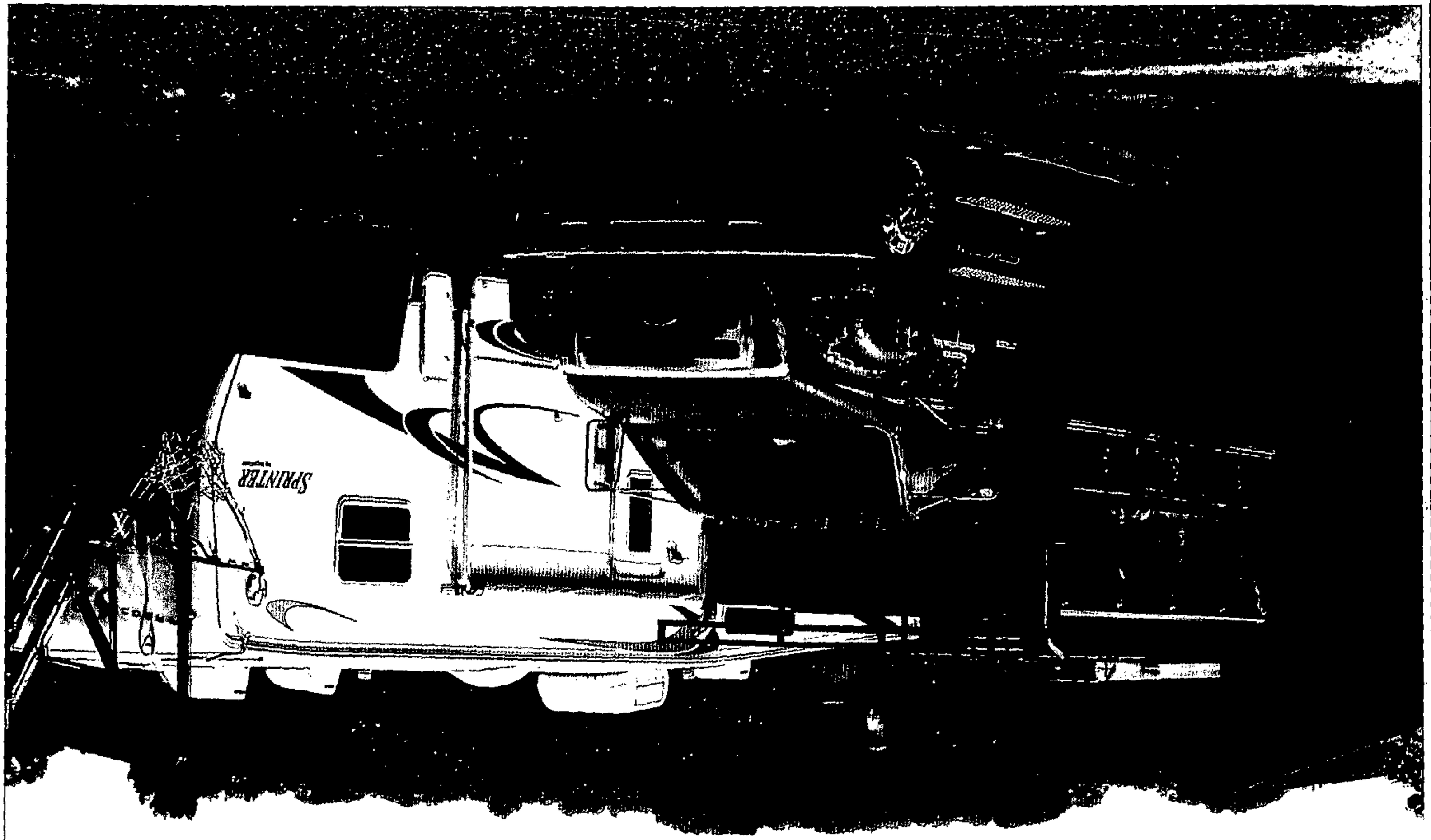
IT IS FURTHER ORDERED, that the Petitioners shall have ninety (90) days from the date of this Order to make arrangements to park or store this commercial vehicle in accordance with the requirements of all applicable zoning and towing regulations.

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

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Pic #5

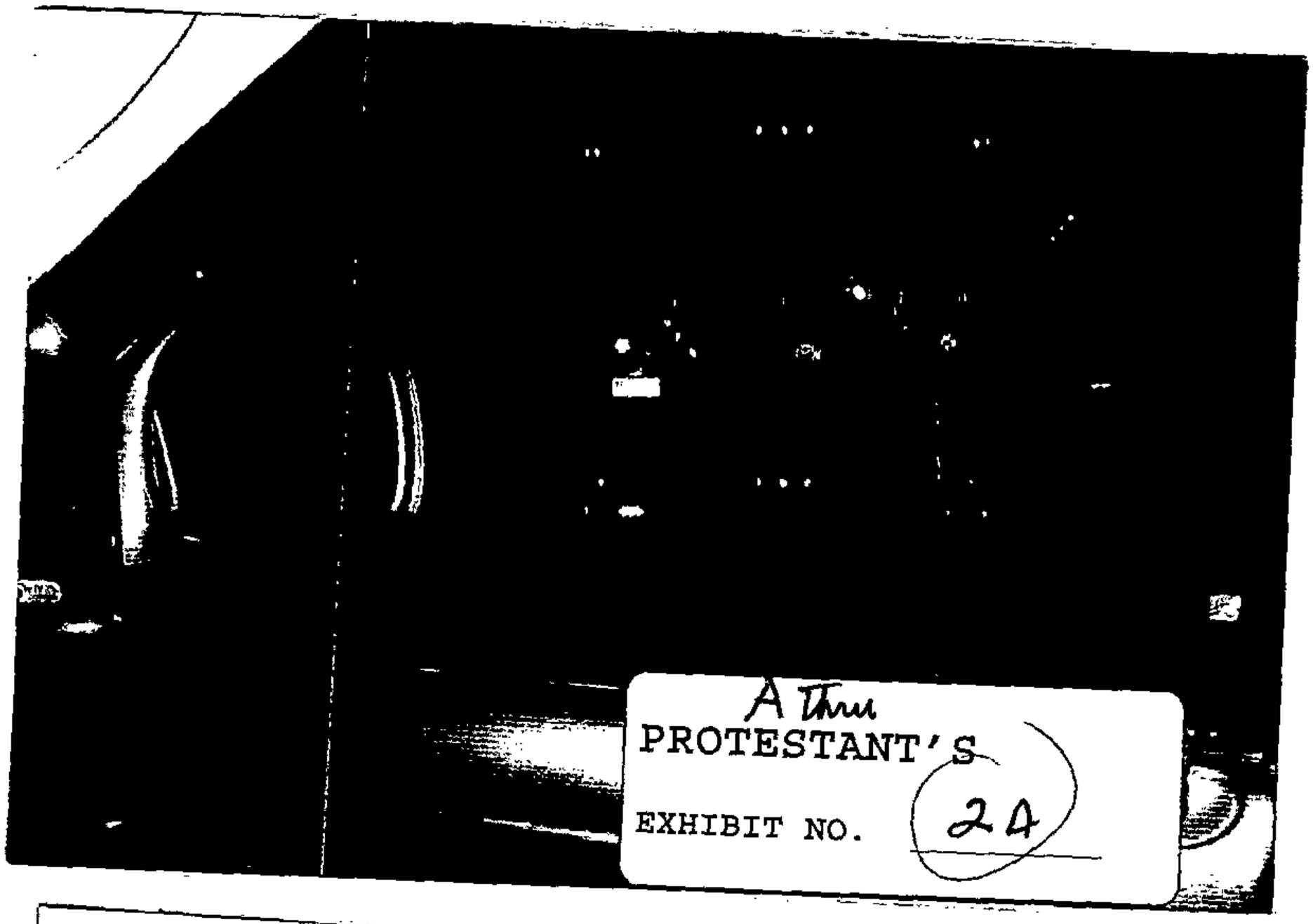
In the Matter of:

Mark D Long
4714 Mt Carmel Road.

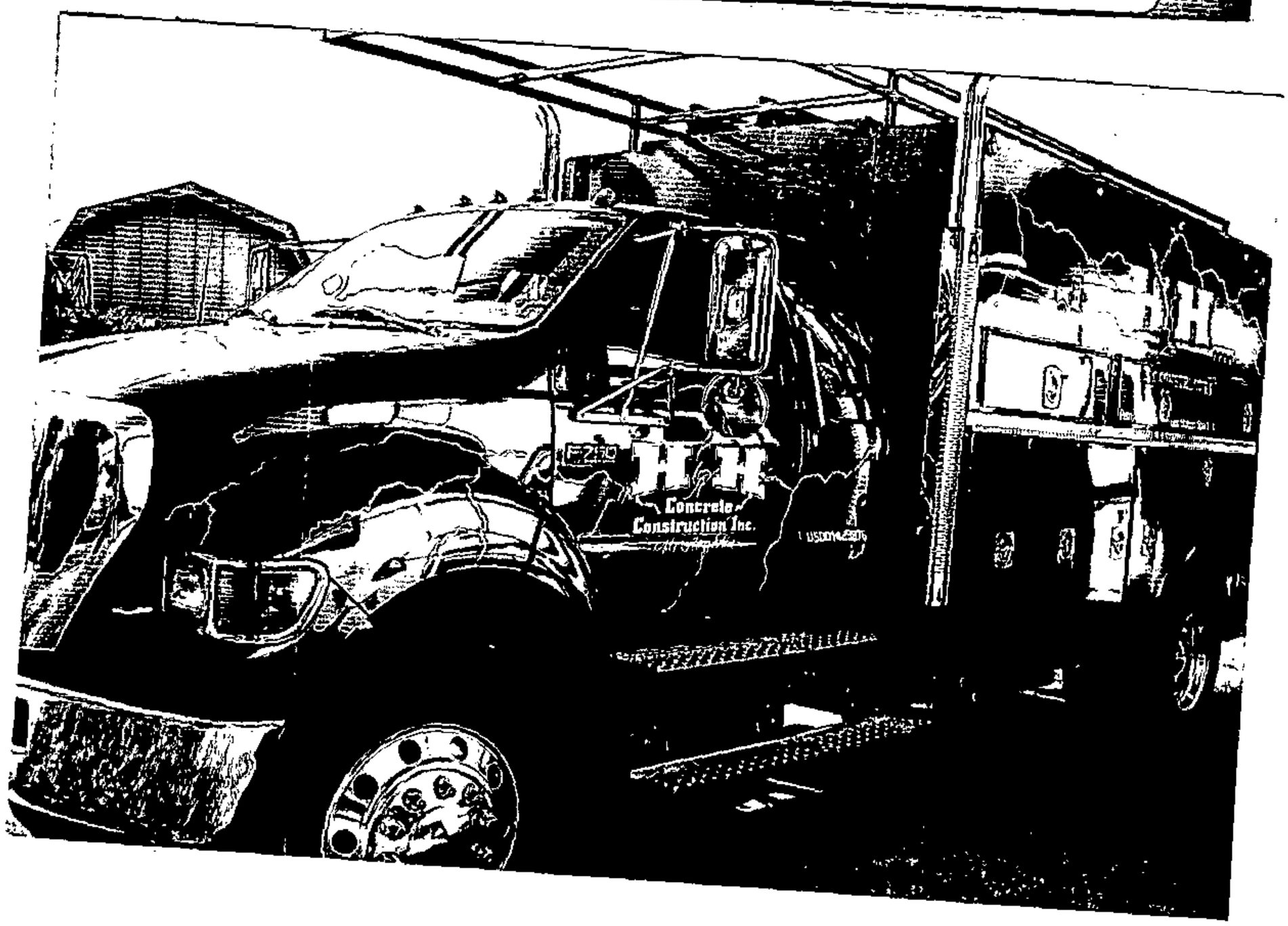
06-315-SPH

Petitioner's Exhibits

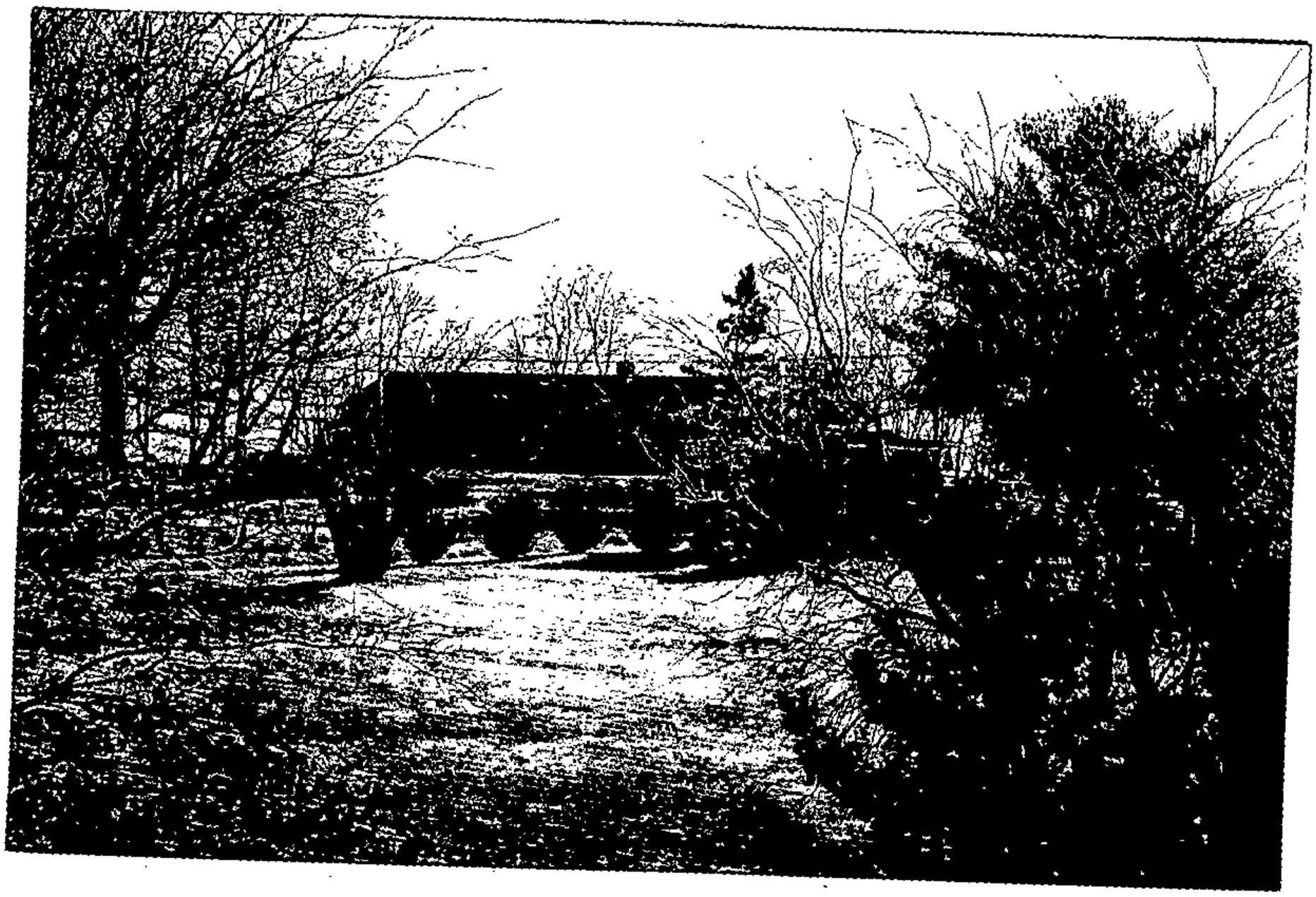
Petitions - 2(A) - 2(L)

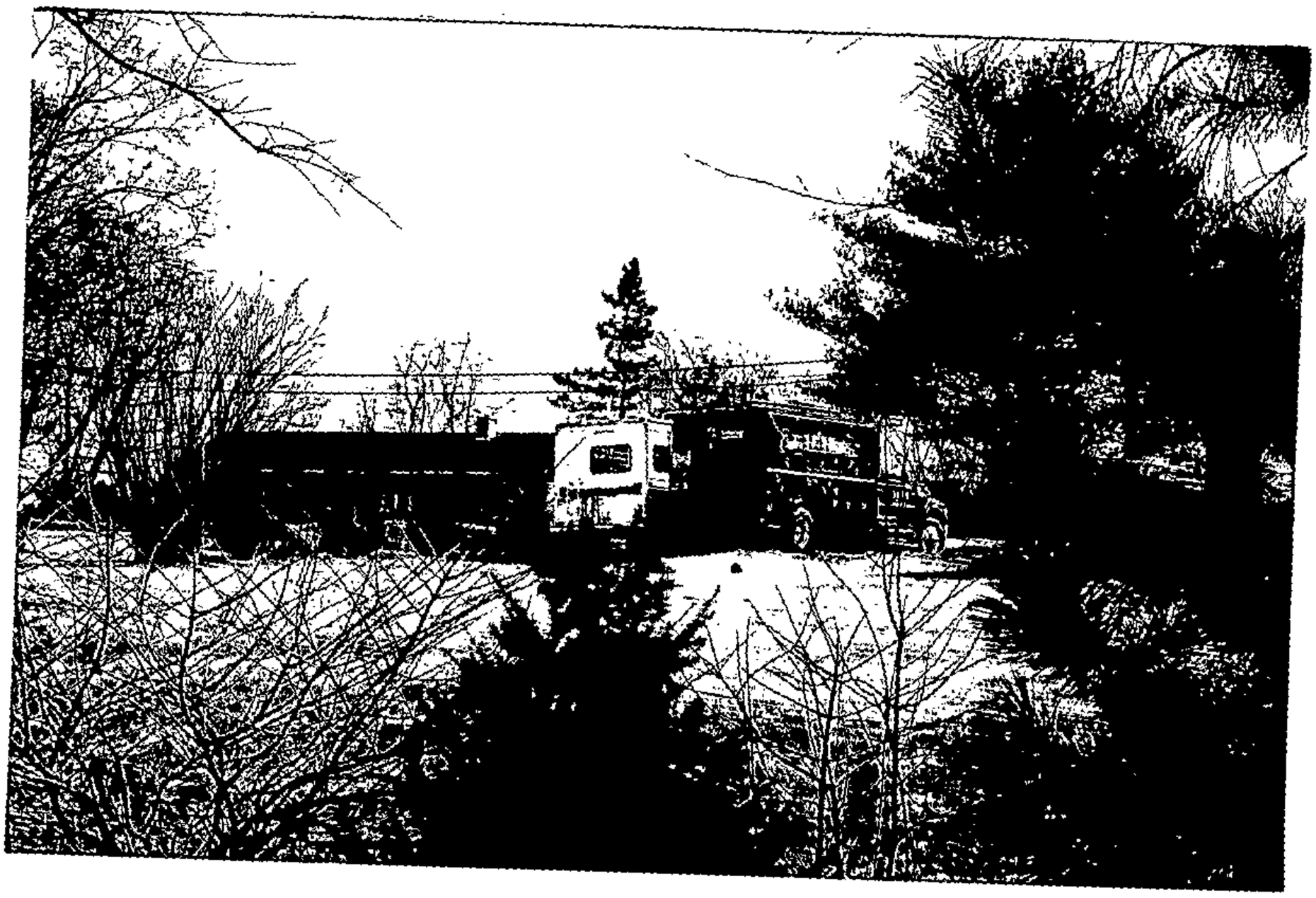


A thru
PROTESTANT'S
EXHIBIT NO. 24



SAVANNA





2005 12 11

2005 12 11

2005 12

4714 MT Carmel Road

PC Ex #1

Produced by Baltimore County GIS Services Unit
Date: April 17, 2006
Date of Imagery: 2005

1 inch equals 50 feet

The Cadastral Information on this Plot was compiled from existing deed information. This Information is not to be considered authoritative. The Survey Information was not field checked and Certified by a licensed land surveyor.

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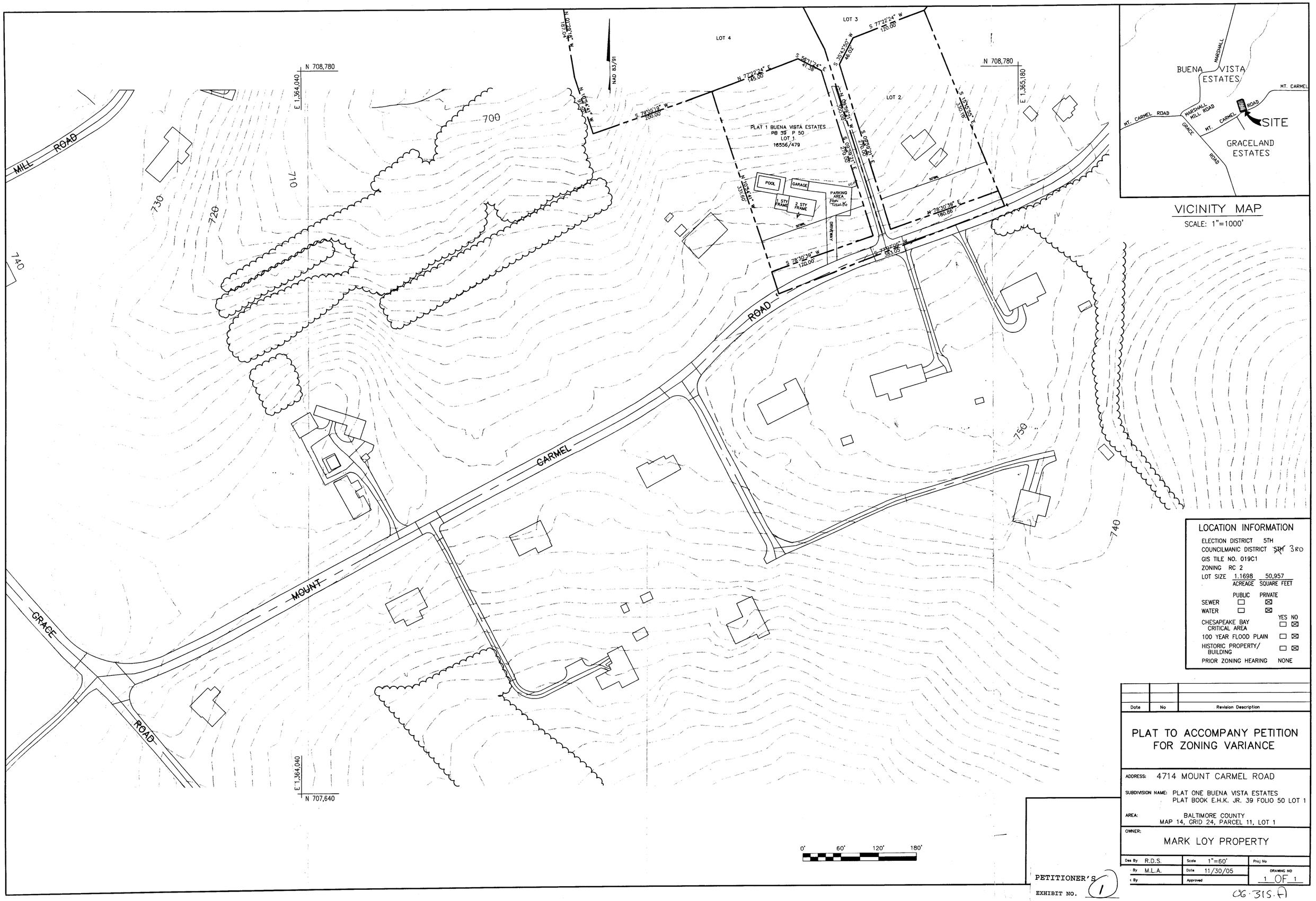

VICINITY MAP

SCALE: 1"=1000'

LOCATION INFORMATION

ELECTION DISTRICT 5TH

COUNCILMANIC DISTRICT ~~5TH~~ 3RD

GIS TILE NO. 019C1

ZONING RC 2

LOT SIZE 1.1698 ACREAGE / 50,957 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING NONE

Date	No	Revision Description

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

ADDRESS: 4714 MOUNT CARMEL ROAD

SUBDIVISION NAME: PLAT ONE BUENA VISTA ESTATES
PLAT BOOK E.H.K. JR. 39 FOLIO 50 LOT 1

AREA: BALTIMORE COUNTY
MAP 14, GRID 24, PARCEL 11, LOT 1

OWNER: MARK LOY PROPERTY

Des By R.D.S.	Scale 1"=60'	Proj No	
By M.L.A.	Date 11/30/05	DRAWING NO 1 OF 1	
By	Approved		

PETITIONER'S EXHIBIT NO. 1

06-315-A