

7/1/08

IN RE: PETITIONS FOR
SPECIAL EXCEPTION AND
SPECIAL HEARING
1102 Back River Neck Road
15th Election District
6th Council District

Paul and Linda Bonolis
Petitioners/Owners

* BEFORE THE
* COUNTY BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* **Consolidated Cases No. 08-152-X
and 06-568-SPH**

ORDER

Petitioners, Paul and Linda Bonolis, are the legal owners of 1102 Back River Neck Road ("the property"). They petitioned for special hearing relief to approve the nonconforming use and continuation of truck storage in connection with a solid waste collection business at the property. The Zoning Commissioner for Baltimore County approved the petition for special hearing and issued an Order dated July 17, 2006 (Case 06-568-SPH). People's Counsel for Baltimore County appealed that decision to this County Board of Appeals.

Before that matter was heard by this Board, Petitioners filed, as an alternative, a petition for special exception per Baltimore County Zoning Regulation ("BCZR") Section 1A05.2.G to permit a garbage truck storage yard (where all work performed is that related to contracts with Baltimore County): as a use substantially similar in character and impact to a use permitted by special exception in the R.C. 20 zone (a public utility use not permitted by right per BCZR Section 1A05.2C.5). The Zoning Commissioner granted the special exception relief and issued an Order dated December 17, 2007 (Case 08-152-X). People's Counsel also appealed that decision to this Board.

In order to reach an amicable and reasonable resolution consistent with the law, Petitioners and People's Counsel reviewed the entire situation and arrived at a joint proposal to be presented to the Board for its review and approval. In addition, Petitioners have filed a rezoning request of the site in the 2008 CZMP. Petitioners agree in good faith to make known in writing to the County Council and the Planning Office that, in light of the resolution agreed to herein, they are not pursuing their request to rezone the site in the 2008 CZMP and in future CZMPs so long as the current trash hauling use exists. The parties set forth their proposed resolution in a letter dated February 20, 2008 from People's Counsel to the attorneys for Petitioners. Consistent with this resolution, they appeared before this Board on March 4, 2008, explained the background, submitted the February 20 letter as an exhibit, and orally made a Joint Motion requesting:

1) That this Board affirm the Findings of Fact and Conclusions of Law of the Zoning Commissioner in Case 08-152-X, Order dated December 17, 2007, approving the special exception relief, and incorporate into this Board's approval a red-lined Site Plan which lists the conditions and restrictions imposed by the Zoning Commissioner in his December 17, 2007 Order;

2) That Petitioner's special hearing petition (Case 06-658-SPH) be dismissed with prejudice, thus mooted People's Counsel's appeal of that case; and

3) That People's Counsel's appeal of the special exception case (Case No. 08-152-X) be dismissed with prejudice, in conjunction with the Order which follows.

Upon review of the record and the presentation made in open hearing, the County Board of Appeals is satisfied to enter the following order consistent with law,

THEREFORE, IT IS ORDERED, by the County Board of Appeals for Baltimore County this 15th day of July, 2008 that the Petition for Special Exception, in Case No. 08-152-X pursuant to BCZR Section 1A05.2G to permit the use of the site for truck storage in connection with solid waste collection business, be and is hereby GRANTED, thereby reaffirming the Zoning Commissioner's Order and recognizing People's Counsel withdrawal of opposition, subject to the following restrictions,

1) The Petitioners may not expand the business to include private contract solid waste hauling.

2) The use shall cease at such time as the site ceases to be used under the contract with Baltimore County's Solid Waste Management Bureau or its successor.

3) The area to be utilized for the use shall be the area indicated on Petitioners' Exhibit 1 as the 1 1/2 story block and vinyl sided garage and the existing gravel drive area surrounding it between the grassed areas.

4) The existing truck trailer shall either be incorporated into a new permanent building approved by permit or shall be replaced by said building and removed from the property. In no event shall the existing truck trailer be allowed to remain as a free-standing storage structure or otherwise be permitted under the special exception use.

5) There shall be no major repairs to any of the commercial vehicles on the site, and no commercial vehicles shall be washed on site. Only minor repairs such as tires, hoses, belts, oil changes, windshield wipers, etc consistent with historic usage may be undertaken at the site.

6) At no time shall garbage, trash or debris associated with the business be permitted on the site.

7) The proposed storage area shall be screened and landscaped by fence or evergreen shrubs and trees in accord with a landscape plan to be approved by Baltimore County's Landscape Architect.

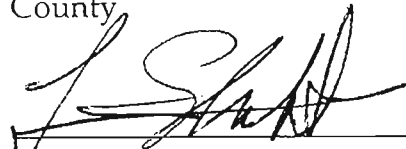
8) The Petitioners shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) reasonable access on the subject property to insure compliance with this Order.

9) A red-lined Site Plan listing the above restrictions be submitted and incorporated into the County's file.

IT IS FURTHER ORDERED, that the Petition for Special Hearing in Case No. 06-658-SPH be and hereby is dismissed with prejudice, thereby also mootng People's Counsel's appeal.

Any appeal of this decision must be taken within thirty (30) days.

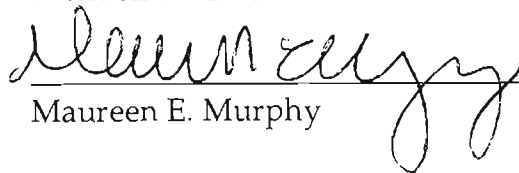
County Board of Appeals for Baltimore
County



Lawrence M. Stahl, Panel Chairman



Wendell H. Grier



Maureen E. Murphy



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3150
FAX: 410-887-3182

July 1, 2008

Peter M. Zimmerman
People's Counsel for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

John B. Gontrum, Esquire
Jennifer R. Busse, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

RE: *In the Matter of: Paul and Linda Bonolis -Petitioners*
Case No. 08-152-X and Case No. 06-568-SPH

Dear Counsel:

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

Very truly yours,

Kathleen Bianco

Kathleen C. Bianco
Administrator

Enclosure

c: Paul and Linda Bonolis
J. Scott Dallas /J. Scott Dallas, Inc.
Chesapeake Bay Critical Area Commission
Mr. and Mrs. Ray Brehm
John Sell
William Bafitis
Avery Harden
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

7/17/06

IN RE: PETITION FOR SPECIAL HEARING
W/S Back River Neck Road, 263' N of
Centerline of Somogyi Lane
(1102 Back River Neck Road)
15th Election District
6th Council District

Paul and Linda Bonolis
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* **Case No. 06-568-SPH**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Paul A. and Linda D. Bonolis, through their attorneys, John B. Gontrum, Esquire, and Whiteford, Taylor & Preston, LLP. The Petitioners request a special hearing to approve the non-conforming use and continuation of truck storage in connection with a solid waste collection business. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Paul A. and Linda D. Bonolis, property owners, their daughter, Anastasia Bonolis, and John B. Gontrum, Esquire, attorney for the Petitioners. Raymond Brehm and his wife, Connie Brehm, cousins of the Petitioners, appeared in opposition to the Petition and were accompanied by John Sell.

Testimony and evidence presented revealed that the subject site, which is comprised of two parcels totals approximately .715 acres and zoned R.C. 20. Petitioners' Exhibits 3 and 4 disclose that the zoning was changed to R.C. 20 as a result of the 1988 Comprehensive Zoning Map Process. Prior to December, 1988, and at the time of the commencement of the non-conforming use, the zoning on the property was M.L.R.

ORDER RECEIVED FOR FILING
Date 7-17-06
By D. Wang

Testimony was clear that the parking area for the four (4) garbage trucks and two (2) pick-up trucks currently used in the business is located on the gravel area situated along the side of the existing garage and between the garage and the existing dwelling. Not shown on the site plan is a recreational trailer, which is properly tagged and not connected to any water or sewer. That trailer is located to the rear of the garage and is occasionally used by Mr. Bonolis as a recreational trailer. He testified it is not used as a residence. Also not indicated on the site plan is a tractor trailer body that has been used by Mr. Bonolis over the years for storage. The house on the property is rented as a residence and became vacant in December, 2005. Although Mr. Bonolis occasionally stays overnight in the house to satisfy homeowner insurance conditions, it is being renovated for future residential use.

This case arose out of a code enforcement complaint (Case No. 06-0792) filed by Mr. Brehm. At the time of filing, there were numerous complaints about junk and debris upon the site. Those issues have been resolved. Mr. Bonolis has received a building permit for a storage building to eliminate the truck trailer as an independent storage unit. As long as the recreation trailer is properly licensed and tagged and is not being used as a residence or as part of the business on the site, it is an acceptable accessory use in the zone. No complaint was noted about the trailer.

The focus of the case comes down to the legitimacy of the continued use of the property for the storage of the garbage trucks and the pick-up trucks in connection with Mr. Bonolis's business as a non-conforming use under the Baltimore County Zoning Regulations (B.C.Z.R.). In this regard, Petitioners' Exhibit 2 is a letter from Ms. Mary Roper, Chief of the Solid Waste Management Bureau, on county stationery directed to Mr. Gontrum. Ms. Roper's letter confirms the testimony received from Mr. Bonolis that since 1979 he has operated continuously

under a verbal, year-to-year agreement with Baltimore County doing business picking up residential waste under his individual name and under the name of Marlyn Refuse, Inc.

The nature of this particular use is important. The garbage trucks are used strictly under the terms of the county contract. The two (2) pick-up trucks are used to navigate narrow alley ways to remove recyclable materials deposited in the larger garbage trucks for disposition. There has never been independent or private commercial refuse hauling outside of the noted agreement conducted by Petitioners from the site. Petitioners submitted Exhibits 5 and 6, which are copies of the pertinent section of the Baltimore County Code as it existed in 1979 and as it exists today with respect to contractors associated with the county for solid waste hauling. Section 13-39 of the 1978 Baltimore County Code stated:

The county is authorized to employ a sufficient number of men with vehicles, or to contract for the removal of refuse in such thickly populated places as they shall consider necessary; and the bureau of sanitation of the county is authorized and **empowered to have control of the persons so employed as collectors of refuse** and to report any failure or delinquency on their part to the county. (emphasis added)

Section 13-4-210 of the Baltimore County Code of 2003 states:

- (a) *Authority of the Department of Public Works.* The Department of Public Works may:
 - (1) Contract for solid waste collection in such thickly populated places as it considers necessary;
 - (2) **Have regulatory control of the persons employed as collectors of solid waste;** and
 - (3) Report to the county any failure or delinquency of persons employed as collectors of solid waste.
- (b) *Exempt from certain laws.* In entering into contracts under this section, the Department of Public Works is exempt from the county purchasing laws and the requirement of competitive public bidding as authorized under Article 25A, §5A of the Annotated Code of Maryland. (bold emphasis added)

Mr. Bonolis explained there are no contracts reduced to writing with Baltimore County, just oral agreements. The County Solid Waste Collection Bureau determines the routes his

trucks take, the houses from which they collect and the rates he charges the County. In addition, trucks are inspected at least once a year by County inspectors. The route is personal to him, and should he or his family cease to operate the business, the route would be available to others. As a practical matter the County is under no particular obligation to renew the operators on a year-to-year basis, but routes once given are seldom taken away without cause.

There is no issue that the use of storage of garbage trucks is not permitted under the R.C. 20 zone without at least a special exception. There also is no contest of the facts presented that this particular use has existed on this property continuously and without interruption since December, 1979, when the property was zoned M.L.R.

It is clear to me that this Petitioners' operation is different from many other solid waste business operations primarily because his/its only business is with Baltimore County. The County regulates the Petitioners' service area, its rates and regulates and supervises the method and means of collection. In a very real sense the Petitioner operates as a public utility. The phrase "public utility" is not defined in the zoning regulations, and pursuant to Section 101 of the B.C.Z.R., the ordinarily accepted definition should be sought in Webster's Third New International Dictionary of the English Language, Unabridged, where it is defined as follows:

"a business organization deemed by law to be vested with public interest usually because of monopoly privileges and so subject to public regulation such as fixing of rates, standards of service and provision of facilities...."

Also clear is that the county was familiar with this site and that the site was approved in 1979 for the petitioned use. A public utility use was allowed as of right in an M.L.R. zone pursuant to B.C.Z.R. Section 248.1, which accepts uses permitted in a M.R. zone. In a very real sense the Petitioners are providing a public service under the aegis of Baltimore County. The

ORDER RECEIVED FOR FILING

Date

7-17-80

By

D. D. [Signature]

public utility use of storage of vehicles used by the utility was a permitted use in 1979 even though it would today require a special exception under current R.C. 20 zoning.

Protestants' primary argument is that the continued use of the property for the storage of trucks in relation to the county solid waste hauling contract will adversely impact the value of the adjacent family farm property, which is now on the market for sale. It is argued that things have changed on the Back River peninsula over the past 40 years and especially in recent years under the current Administration's "Renaissance" initiative and that the use is now anachronistic to the current development. Protestants do not attack the former legitimacy of the operation, but simply state that in their belief other properties are now available and better suited for this use. Other issues raised by the parties with respect to the family interest in the farm, alleged code violations on the farm, etc. are all immaterial to the issues presented by the special hearing petition.

The very purpose of a non-conforming use albeit incompatible and therefore subject to various limitations is to preserve existing, once permitted uses against changes in zoning and land use regulation. The B.C.Z.R. Section 101 defines a Nonconforming Use as "A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use." In a very real sense a non-conforming use is by its definition an anachronism. The fact that the use may no longer fit in with the current flow of development has no legal impact on its validity as a continuing use. The Court of Appeals in *Trip Associates, Inc. v. Baltimore*, Op. No. 58-2003, filed May 9, 2006, reiterated long established law that a "nonconforming use is a vested right entitled to constitutional protection." The Court also pointed out that such uses create real problems with zoning and planning and for that reason are not favored. Nonetheless, B.C.Z.R. Section 104 not only allows non-conforming

uses but also permits limited expansion of them, and in the 1991 regulations, Section 104 was amended to permit the reconstruction of non-conforming buildings destroyed by casualty.

As noted, the character of the use is very limited. As a public utility, one of its features is that it is limited particularly to the Bonolis family strictly for the continued operation pursuant to their county contract. The use permitted is not that of a general contractor's storage yard or service garage or of a trucking facility. Any cessation of use under the county contract or abandonment of the use by the Bonolis family would effectively terminate the relief granted by this Order. In addition, any expansion of the use to other uses including private solid waste hauling even as an accessory use to the county residential contract would require at the very least a special hearing and may well not be permitted under the limited relief granted herein.

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

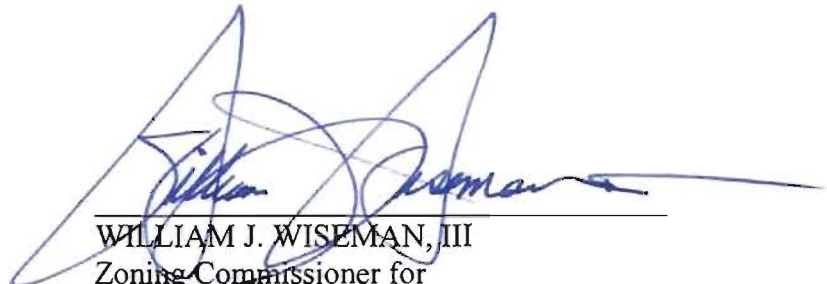
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 17th day of July, 2006, that the Petition for Special Hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a non-conforming use for truck storage in connection with a solid waste collection business be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may not expand the business to include private contract solid waste hauling.
- 2) The use shall cease at such time as the contract with Baltimore County's Solid Waste Management Bureau or its successor ceases the relationship with the Bonolis family.
- 3) The area to be utilized for the non-conforming use shall be the area indicated on Petitioners' Exhibit 1.
- 4) The existing truck trailer shall either be incorporated into a new permanent building approved by permit or shall be replaced by said

building and removed from the property. In no event shall the existing truck trailer be allowed to remain as a freestanding storage structure or otherwise be permitted under the non-conforming use.

- 5) There shall be no major repairs to any of the commercial vehicles on the site, and no commercial vehicles shall be washed on site. Only minor repairs such as tires, hoses, belts, oil changes, windshield wipers, etc. consistent with historic usage be allowed to be undertaken at the site.
- 6) At no time shall the storage of garbage, trash or debris associated with the business be permitted on the site.
- 7) The Petitioners shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) reasonable access on the subject property to insure compliance with this Order.

Any appeal of this decision must be taken within thirty (30) days in accordance with Section 32-3-401 of the Baltimore County Code.



WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

UNDER RECEIVED FOR FILING
Date 7-17-09
By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 17, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue
Towson, Maryland 21204

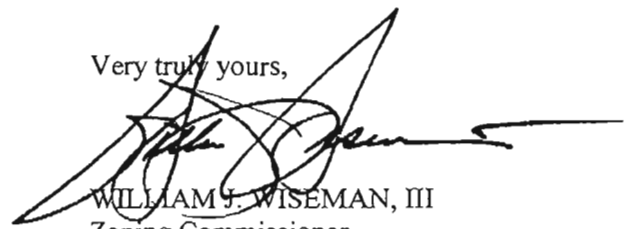
RE: PETITION FOR SPECIAL HEARING
W/S Back River Neck Road, 263' N c/l Somogyi Lane
(1102 Back River Neck Road)
15th Election District – 6th Council District
Paul and Linda Bonolis - Petitioners
Case No. 06-568-SPH

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with restrictions, 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:dlw

c: Mr. & Mrs. Paul A. Bonolis and Anastasia Bonolis,
620 North Stuart St., Baltimore, Md. 21221
Mr. & Mrs. Ray Brehm, 1505 Somogyi Lane,
Baltimore, Md. 21221 and 1330 Rock Ridge Road,
Jarrettsville, Md. 21084
Mr. John Sell, 7 Bartley Court, Baltimore, Md. 21236
Code Enforcement, DPDMD; Solid Waste Management Bureau, DPW;
People's Counsel; Case File

CBCA



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1102 Back River Neck Road
which is presently zoned RC 20

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 a non-conforming use for truck storage in connection with solid waste collection business.

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:

John B. Gontrum

Name - Type or Print

Signature

Whiteford, Taylor & Preston, LLP

Company

210 W. Pennsylvania Avenue 410-832-2055

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Paul A. Bonolis

Name - Type or Print

Signature

Linda D. Bonolis

Name - Type or Print

Signature

620 N. Stuart Street 410-391-8314

Address

Telephone No.

Baltimore

MD

21221-4831

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

Case No. 06 568-SPH

REV 1/15/98

ORDER RECEIVED FOR FILING

7-17-06

Date

By

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

13523 LONG GREEN PIKE
P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

ZONING DESCRIPTION #1102 BACK RIVER NECK ROAD

BEGINNING for the same at a point in the center of Back River Neck Road, (paved 20' +/-) distant 263 feet, more or less north of the center of Somogyi Road, 30 feet wide. thence running the three following courses and distances: **(1) North 82 degrees 22 minutes 00 seconds West 400.00 feet (2) North 06 degrees 08 minutes 00 seconds East 78.00 feet and (3) South 82 degrees 22 minutes 00 seconds East 395.59 feet** to intersect said center of Back River Neck Road thence running with and binding on said center of Back River Neck Road the two following courses and distances: **(4) South 03 degrees 27 minutes 00 seconds East 26.48 feet and (5) South 06 degrees 08 minutes 00 seconds West 52.00 feet** to the place of beginning.

CONTAINING 31132 square feet or 0.715 acres of land, more or less.

BEING all of those two parcels of land which by deed dated May 17, 1985 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6930 folio 114 etc. was conveyed by Jeanette Erma Fulton, Personal Representative to Paul A. Bonolis and wife.

ALSO known as # **1102 Back River Neck Road** and located in the 15th Election District 6th Councilmanic District.

Note: above description is for zoning purposes only.



06-568-SP11

**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: #06-568-SPH

1102 Back River Neck Road
West side of Back River Neck
Road, 263 feet north of
centerline of Somogyi Road
15th Election District

6th Councilmanic District
Legal Owner(s): Paul A. &
Linda D. Bonolis

Special Hearing: to permit
a non-conforming use for
truck storage in connection
with solid waste collection
business.

**Hearing: Wednesday, July
5, 2006 at 9:00 a.m. in
Room 106, County Office
Building, 111 West Chesapeake
Avenue, Towson
21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-3868.

(2) For information con-
cerning the File and/or Hear-
ing, Contact the Zoning Re-
view Office at (410) 887-
3391.

JT6/704 June 20 99356

CERTIFICATE OF PUBLICATION

6/22/2006

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 6/20/2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 06-568-SPH

Petitioner/Developer: PAUL A

+ LINDA D. BONOLIS

Date of Hearing/Closing: JULY 5, 2006

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

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

Ladies and Gentlemen:

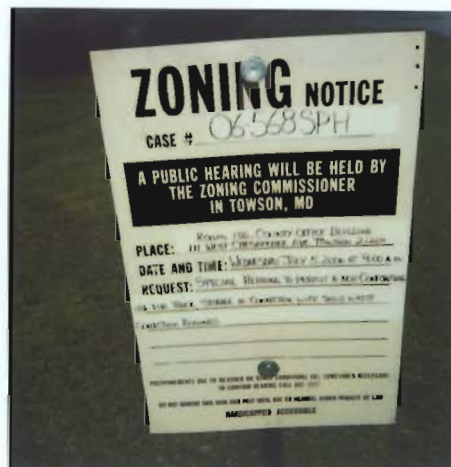
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

1102 BACK RIVER NECK ROAD

The sign(s) were posted on

6-18-06
(Month, Day, Year)

Sincerely,



Robert Black 6-20-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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

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

May 16, 2006

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: 06-568-SPH

1102 Back River Neck Road

West side of Back River Neck Road, 263 feet north of centerline of Somogyi Road

15th Election District – 6th Councilmanic District

Legal Owners: Paul A. & Linda D. Bonolis

Special Hearing to permit a non-conforming use for truck storage in connection with solid waste collection business.

Hearing: Wednesday, July 5, 2006 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: John Gontrum, 210 W. Pennsylvania Avenue, Towson 21204
Mr. & Mrs. Bonolis, 620 N. Stuart Street, Baltimore 21221-4831

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 20, 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.



APPEAL SIGN POSTING REQUEST

CASE NO. 06-568-SPH

1102 BACK RIVER NECK ROAD

15TH ELECTION DISTRICT

APPEALED: 8/7/2006

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

Attention: Kathleen Bianco
Administrator

CASE NO.: 06-568-SPH

LEGAL OWNER: PAUL & LINDA BONOLIS

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

1102 BACK RIVER NECK ROAD

The sign was posted on 1/23/07, ~~2006~~.

By: Jeff Radcliffe
(Signature of Sign Poster)

Jeff Radcliffe
(Print Name)



County Board of Appeals of Baltimore County

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

*pp'd to 10/18/07;
reg. of document
for petition*

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 25, 2007

NOTICE OF ASSIGNMENT

CASE #: 06-658-SPH

IN THE MATTER OF: PAUL AND LINDA BONOLIS –Legal Owners
/Petitioners 1102 Back River Neck Road
15th Election District; 6th Councilmanic District

7/17/2006 - .Z.C.'s Order in which requested special hearing was GRANTED
with restrictions.

ASSIGNED FOR:

THURSDAY, JUNE 28, 2007 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: Appellant : Office of People's Counsel
Counsel for Legal Owners /Petitioners : John B. Gontrum, Esquire
Legal Owners /Petitioners : Paul and Linda Bonolis

Mr. and Mrs. Ray Brehm
John Sell
William Bafitis

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



SEVEN SAINT PAUL STREET
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FAX 410 752-7092

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115 ORONOCO STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 703 836-5742
FAX 703 836-3558

JOHN B. GONTRUM
DIRECT NUMBER
410-832-2055
JGontrum@wtplaw.com

May 16, 2007

Margaret Brassil, Chairman
Board of Appeals for Baltimore County
400 Washington Avenue
Room 49
Towson, Maryland 21204

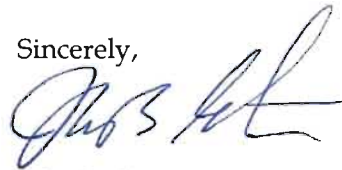
Re: 1102 Back River Neck Road
Our File No. 81262/1

Dear Ms. Brassil:

Pursuant to Rule 2.B of the Board of Appeals' Rules of Practice and Procedure, please accept this letter as a request for a postponement of the hearing set in the above-referenced matter. Currently the hearing in this matter is set to take place on Thursday, June 28, 2007 at 10:00 a.m. The office of People's Counsel, the only other attorney of record in this case at this point, does not object to this request for a postponement. This office has been in negotiations with the office of the People's Counsel and is hopeful that, with additional time, a resolution can be obtained.

Thank you for your attention to this matter. Please do not hesitate to contact me or Jennifer R. Busse of my office with any questions or concerns.

Sincerely,



John B. Gontrum

JBG:tdm

cc: Kathleen C. Bianco
Peter Max Zimmerman, Esq.
Mr. Paul A. Bonolis
Mr. and Mrs. Ray Brehm
Mr. John Sell
Mr. William Bafitis

382948



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 18, 2007

Margaret Brassil, Chair
County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING
Paul & Linda Bonolis - Petitioners
1102 Back River Neck Road
Case No.: 06-568-SPH



Dear Ms. Brassil:

There is no objection to Petitioner's first request for postponement in this case. I disagree, however, with Petitioner's counsel's May 16, 2007 letter insofar as it states there are "negotiations" between our office and Petitioner's attorney's office.

Please set the case in for hearing on our appeal on another convenient date consistent with the Board's schedule. We do not anticipate any additional postponements.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink that reads "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw
cc: John B. Gontrum, Esquire



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

May 21, 2007

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 06-658-SPH

IN THE MATTER OF: PAUL AND LINDA BONOLIS –Legal Owners
/Petitioners 1102 Back River Neck Road
15th Election District; 6th Councilmanic District

7/17/2006 - .Z.C.'s Order in which requested special hearing was GRANTED
with restrictions.

which had been scheduled for hearing on 6/28/07 has been POSTPONED at the request of Counsel for Petitioner,
without objection by the Office of People's Counsel; and has been

REASSIGNED FOR:

THURSDAY, OCTOBER 18, 2007 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: Appellant : Office of People's Counsel
Counsel for Legal Owners /Petitioners : John B. Gontrum, Esquire
Legal Owners /Petitioners : Paul and Linda Bonolis

Mr. and Mrs. Ray Brehm
John Sell
William Bafitis

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

*PP'd by reg
of Counsel for
Petitioner;
has a
new
date?*



SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

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FAX 703 836-3558

JOHN B. GONTRUM
DIRECT NUMBER
410-832-2055
JGontrum@wtplaw.com

September 6, 2007

Margaret Brassil, Chairman
Board of Appeals for Baltimore County
400 Washington Avenue
Room 49
Towson, Maryland 21204

Re: 1102 Back River Neck Road
Our File No. 81262/1

Dear Ms. Brassil:

Pursuant to Rule 2.B of the Board of Appeals' Rules of Practice and Procedure, please accept this letter as a request for a postponement of the hearing set in the above-referenced matter. Currently the hearing in this matter is set to take place on Thursday, October 18, 2007, at 10:00 a.m. The office of People's Counsel, the only other attorney of record in this case at this point, does not object to this request for a postponement.

This office is filing a new Petition with the Zoning Office for this property on September 27, 2007, in hopes that this newly-requested zoning relief will resolve the issue and eliminate the need for a hearing before the Board of Appeals. Although we are ready to file with the Zoning Office at this time, due to the inability to file the petitions with the Zoning Office prior to September 27, we will not be able to have this new zoning relief matter be heard by the Zoning Commissioner before the October 18 Board of Appeals hearing date. Therefore, we respectfully request that another postponement of the matter before the Board of Appeals be granted.

Thank you for your attention to this matter. Please do not hesitate to contact me or Jennifer R. Busse of my office with any questions or concerns.

Sincerely,

John B. Gontrum
John B. Gontrum

JBG:tdm

cc: Kathleen C. Bianco
Peter Max Zimmerman, Esq.
Mr. Paul A. Bonolis
Mr. and Mrs. Ray Brehm
Mr. John Sell
Mr. William Bafitis

382948v2





County Board of Appeals of Baltimore County

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

*PP'd to
3/04/08 - reg. of
John. Gontrum*

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 11, 2007

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 06-658-SPH

IN THE MATTER OF: PAUL AND LINDA BONOLIS –Legal Owners
/Petitioners 1102 Back River Neck Road
15th Election District; 6th Councilmanic District

7/17/2006 - Z.C.'s Order in which requested special hearing was GRANTED
with restrictions.

which had been reassigned for hearing to 10/18/07 has been POSTPONED at the request of Counsel for Petitioner,
without objection by the Office of People's Counsel; and has been

REASSIGNED FOR:

TUESDAY, JANUARY 8, 2008 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: Appellant : Office of People's Counsel

Counsel for Legal Owners /Petitioners : John B. Gontrum, Esquire
Legal Owners /Petitioners : Paul and Linda Bonolis

Mr. and Mrs. Ray Brehm
John Sell
William Bafitis

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



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TELEPHONE 703 836-5742
FAX 703 836-3558

JOHN B. GONTRUM
DIRECT NUMBER
410-832-2055
JGontrum@wiplaw.com

November 5, 2007

Edward W. Crizer, Jr., Chairman
Board of Appeals for Baltimore County
400 Washington Avenue
Room 49
Towson, Maryland 21204

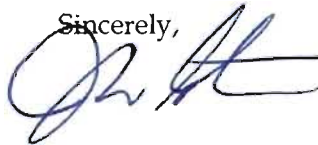
Re: 1102 Back River Neck Road
Board of Appeals Case No. 06-658-SPH
Our File No. 81262/1

Dear Mr. Crizer:

The above-referenced matter has been scheduled to be heard by the Board of Appeals on Tuesday, January 8, 2008 at 10:00 a.m. Pursuant to Rule 2.B of the Board of Appeals' Rules of Practice and Procedure, please accept this letter as a request for a postponement of this hearing. We have filed a Petition for Special Exception which has been scheduled for a hearing before the Zoning Commissioner, set to occur on Tuesday, December 4, 2007, at 9:00 a.m. (Zoning Case No. 08-152-X). Our hope is that this newly requested zoning relief will resolve the underlying issue and eliminate the need for the Hearing before the Board of Appeals.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,



John B. Gontrum

JBG:tdm

cc: Kathleen C. Bianco
Peter Max Zimmerman, Esq.
Mr. Paul A. Bonolis
Mr. and Mrs. Ray Brehm
Mr. John Sell
Mr. William Bafitis

382948v3





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

November 15, 2007

THIRD NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 06-658-SPH

IN THE MATTER OF: PAUL AND LINDA BONOLIS –Legal Owners
/Petitioners 1102 Back River Neck Road
15th Election District; 6th Councilmanic District

7/17/2006 - .Z.C.'s Order in which requested special hearing was GRANTED
with restrictions.

which had been reassigned for hearing to 1/0/08 has been POSTPONED at the request of Counsel for Petitioner; and
has been

REASSIGNED FOR:

TUESDAY, MARCH 4, 2008 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: Appellant : Office of People's Counsel
Counsel for Legal Owners /Petitioners : John B. Gontrum, Esquire
Legal Owners /Petitioners : Paul and Linda Bonolis

Mr. and Mrs. Ray Brehm
John Sell
William Bafitis

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

June 30, 2006

John B. Gontrum
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Ave.
Towson, MD 21204

Dear: Mr. Gontrum,

RE: Case Number: 06-568-SPH, 1102 Back River Neck Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 8, 2006.

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:sma

Enclosures

c: People's Counsel
Paul Bonolis Linda Bonolis 620 N. Stuart St. Baltimore, MD 21221-4831



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

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

Maryland Department of Transportation

Date: 5.11.06

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

RE: Baltimore County
Item No. 568 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,

Steven D. Foster, Chief
Engineering Access Permits Division

Fire Department

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



Baltimore County

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

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

May 16, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 15, 2006

Item Numbers: 558 thru 573

568

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.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 17, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For May 22, 2006
Item Nos. 558, 560, 561, 562, 563, 564,
565, 566, 567, 568, 571, 572, 573

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-05172006.doc

BW
7/5

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 08 2006

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *DL*
DATE: June 8, 2006
SUBJECT: Zoning Item # 06-568-SPH
Address 1102 Back River Neck Road
(Bonolis Property)

Zoning Advisory Committee Meeting of May 15, 2006

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property is within the Resource Conservation Area of the CBCA. The lot is allowed 5,445 square feet of impervious area and needs to maintain a 15% tree cover.

Reviewer: Kevin Brittingham

Date: June 1, 2006

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1102 Back River Neck Road; W/S Back
River Neck Rd, 263' N c/line Somogyi Road* ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Paul & Linda Bonolis . * FOR
Petitioner(s) * BALTIMORE COUNTY
* 06-568-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 and all 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 16th day of May, 2006, a copy of the foregoing Entry of Appearance was mailed to, John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204 , Attorney for Petitioner(s).

RECEIVED

MAY 16 2006

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

VIOLATION CASE: 06-0792

1102 Back River Neck Road

ZONING CASE: 06-568-SPH
1102 BACK RIVER NECK ROAD

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: May 22, 2006

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

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

SUBJECT: Item No.: 568
Legal Owner/Petitioner: Paul A. Bonolis and Linda D. Bonolis
Contract Purchaser:
Property Address: 1102 Back River Neck Road
Location Description: West side of Back River Neck Road, 263 feet north of centerline of
Somogyi Road

VIOLATION INFORMATION: **Case No.: 06-0792**
Defendants: Paul A. Bonolis and Linda D. Bonolis

Please be advised that the aforementioned petition is the subject of an active violation case.

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:

Data Entry Forms

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: Dennis Rioux

Case No: 06-0792Address: 01102 BACK RIVER NECK RD 21221Insp Area: 015 Dist: 000 Date Rcv: 2/03/2006 Grp: ENF Intk: LMHInspec: RIOUX Inspec2: Date Inspec: 6/12/2006Close: 0/00/0000 Activity: Delete: Problem: 4 DUMP TRUCKS ON PROPCL Name: BREHM RAYCL Address: 01330 ROCKRIDGE RD21084CL Home Phone: 410-666-3230 CL Work Phone: Tax Acct. 1519610110Owner: PAUL A & LINDA D BONOLIS, 620 N STUART ST, 21221

Enter=Continue F12=Cancel

Case No: 06-0792

Notes: 2/6/06 OBSERVED 4 UNLICESNED VEHICLES ON PROPERTY, ALSO TRAILER ON PROPE
RYTY, 2 CARS, 1 RV, 1 TRASH TRUCK, 1 PICK UP. 1 >>>> TRUCK. ISSUED NOTICE. P/U 3
/6/06. COMPL. UPDATED. DR/SS

**3/7/06 INSPECTED, 1 VEHICLE HS BEEN REMOVED. TRASH & DEBRIS ALSO REMOVED. OW
NERS MAKING PROGRESS. P/U 4/10/06. COMPL. UPDATED. DR/SS

**4/11/06 INSPECTED, UNLICENSED TRUCK, TRASH & DEBRIS STILL ON PROPERTY. UPDATE
D D.ROSCOE, ISSUED CITATION. P/U 4/17/06 FOR SERVICE. DR/SS

**4/18/06 P/U 4/27/06 TO CHECK FOR SERVICE. COMPL. UPDATED. DR/SS

***4/19/06, CITATION SENT CERT & REG MAIL TO PAUL A & LINDA D BONOLIS, 620 N
STUART ST, 21221, P/U 4/27/06 TO CHECK FOR SERVICE, DR/CP***

4/26/06, NOTICE OF INTENT TO DEFEND RECEIVED, GAVE TO DR/CP

5/1/06, GREEN CARD RETURNED SIGNED, GAVE TO DR/CP

**5/1/06 SERVICE OBTAINED P/U 6/12/06. FOR PRE HEARING INSPECTION. COMPL. UPDA
TED. DR/SS

Enter=Continue F12=Cancel

**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*

September 28, 2006

John B. Gontrum
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

Dear Mr. Gontrum:

RE: Case: 06-568-SPH, 1102 Back River Neck Road

Please be advised that an appeal of the above-referenced case was filed in this office on August 7, 2006 by People's Counsel of Baltimore County. 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,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Mr. & Mrs. Bonolis, 620 North Stuart St., Baltimore 21221
Mr. & Mrs. Ray Brehm, 1505 Somogyi Lane, Baltimore 21221
John Sell, 7 Bartley Court, Baltimore 21236
Code Enforcement



*2/13/07 Mr. Brehm called to say his husband's
address is 1330 Rock Ridge Rd, Jarrettsville 21084.*

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





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

August 7, 2006

CAROLE S. DEMILIO
Deputy People's Counsel

Hand-delivered

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING
W/S Back River Neck Road, 263' N of c/line Somogyi Lane
(1102 Back River Neck Road)
15th Election District; 6th Council District
Paul & Linda Bonolis - Petitioners
Case No.: 06-568-SPH

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated July 17, 2006 by the Baltimore County Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

RECEIVED

AUG 07 2006

Per

PMZ/CSD/rmw

cc: John B. Gontrum, Esquire
Raymond & Connie Brehm

APPEAL

Petition for Special Hearing
1102 Back River Neck Road
W/S Back River Neck Road, 263' N/of Centerline of Somogyi Lane
15th Election District – 6th Councilmanic District
Legal Owners: Paul & Linda Bonolis

Case No.: 06-568-SPH

- ✓ Petition for Special Hearing (May 8, 2006)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (May 16, 2006)
- ✓ Certification of Publication (June 20, 2006 – The Jeffersonian)
- ✓ Certificate of Posting (June 18, 2006) by SSG Robert Black
- ✓ Entry of Appearance by People's Counsel (May 16, 2006)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- ✓ Protestant(s) Sign-In Sheet – None
- ✓ Citizen(s) Sign-In Sheet – One Sheet
- ✓ Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Letter from Solid Waste
3. Portion of 1984 – Zoning Map
4. Portion of 1988 – Zoning Map
5. BCC – 1978 Edition
6. BCC – 2003 Edition

Protestants' Exhibits:

1. Photographs shown but not accepted as evidence

Miscellaneous (Not Marked as Exhibit)

- ✓ 1. Violation Case Documents
- ✓ Zoning Commissioner's Order (GRANTED w/Restrictions)
- ✓ Notice of Appeal received on August 7, 2006 by People's Counsel

BAFITIS, WM - 1249 Englebert Rd

- c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

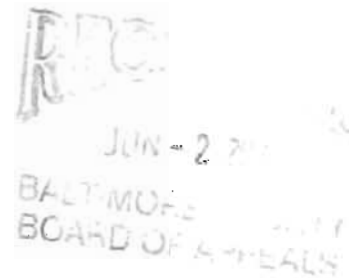
410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 2, 2008

Lawrence M. Stahl, Panel Chairman
Wendell H. Grier, Panel Member
Maureen E. Murphy, Panel Member
County Board of Appeals
of Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Room 203
Towson, MD 21204



Re: In the Matter of the Paul & Linda Bonolis
Case Nos.: 06-568-SPH & 08-152-X

Dear Mr. Stahl:

Enclosed for your review and approval please find a proposed Order regarding the above-referenced cases.

Following the hearing on March 4, 2008, Petitioners' counsel prepared a draft, to which we added some explanatory revisions. We believe the resulting proposed Order is consistent with the resolution memorialized in the February 20, 2008 correspondence entered as an exhibit, the presentations of counsel on March 4, and the Board's deliberation and decision.

We delayed submitting this Order as a courtesy to allow time for Petitioners' counsel to give Mr. & Mrs. Bonolis ample time to review it. Enough time has now lapsed that it appears appropriate to forward it for your review and approval.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: John B. Gontrum, Esquire
Jennifer Busse, Esquire

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

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06-568-SPH
EXHIBITS

People's Counsel

Exhibit # 1 - Ltr. (2/20/08) fr. PC to
John Gontrom, Esq. Terms of
Settlement - Proposed.

P.C. Exhibit 1



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

February 20, 2008

Jennifer Busse, Esquire
John B. Gontrum, Esquire
Whiteford, Taylor & Preston, LLP
210 W Pennsylvania Avenue
Towson, MD 21204

RE: Paul & Linda Bonolis – Legal Owners
Case Nos : 06-568-SPH, 08-152-X

Dear Jennifer and John:

Thank you for meeting with us on January 29th regarding our appeals of the Zoning Commissioner's decisions in the above cases. Our office filed appeals of the approval of the use of the site, zoned R.C. 20, for a garbage truck storage yard in both of the above cases. They are now pending in the County Board of Appeals.

On July 17, 2006, the Zoning Commissioner approved Petitioners' Petition for Special Hearing for nonconforming use of truck storage in connection with a trash hauling business. (Case # 06-568-SPH). It is your position that the use began nearly 30 years ago when the site was zoned M.L.R. and continued through the rezoning to R.C. 20 in 1988, and that it then qualified as a "public utility" use. We disagreed.

In 2007, you filed a separate Petition for Special Exception for a garbage truck storage yard "similar" to a public utility use permitted by special exception in the R.C. 20 Zone (Case No. 8-152-X). Petitioners submitted they are under contract exclusively with Baltimore County and do not operate a private hauling business. The Zoning Commissioner granted the Petition for a Special Exception, subject to restrictions, finding that your client's trash hauling business is similar to a "public utility" use. Our office maintained the use is not a public utility *per se* and questioned the extent of similarity.

Petitioners have also applied to rezone the site to M.L. in the 2008 Comprehensive Zoning Map Process (CZMP), Issue No. 6-18. There was discussion that you may consider the use a service garage and request B.M. zoning in lieu of M.L.

As a result of our meeting and other discussions and correspondence, and in light of the totality of unusual facts and circumstances presented in this case, we believe this matter can be resolved consistent with the public interest in the following manner:

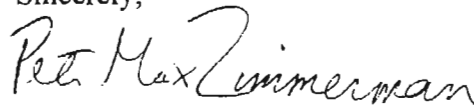
- (i) Case No. 8-152-X: Your client agrees to the terms of the Special Exception in the Zoning Commissioner's Order dated December 17, 2007, including the seven restrictions in the Order.
- (ii) The site plan in Case 08-152-X shall be amended *via* red-lined changes to reflect the restrictions in the Order approving the special exception; the site plan will be attached to the Joint Motion.
- (iii) Case No. 8-152-X: Our office will withdraw its appeal of the December 17, 2007 Zoning Commissioner's decision, conditioned on Petitioners' simultaneous submission of the aforesaid redlined plan.
- (iv) Case No. 6-568-SPH: Petitioners will dismiss with prejudice the Petition for Special Hearing for nonconforming use. The Zoning Commissioner's decision dated July 17, 2007 shall thereby be ordered null and void.
- (v) Comprehensive Zoning Map Process: It is our understanding the issues cannot be withdrawn from CMZP. If so, Petitioners agree in good faith to make known in writing to the County Council and the Planning Office that, in light of the above resolution, they are not pursuing their request to rezone the site in the 2008 CZMP and in future CZMPs so long as the current trash hauling use exists. As a result, the site is expected to remain zoned R.C. 20.
- (vi) The parties shall submit to the County Board of Appeals for review and approval a Joint Motion of Petitioners and our office and a proposed Order for Cases 08-152-X and 06-568-SPH, incorporating with the attached red-line Site Plan, the terms of our agreement as set forth in this letter. We believe for future clarity, the CBA Order, in reciting the approval of the special exception as a result of the withdrawal of the appeal, should also recite the restrictions contained on pages 7 & 8 of the Zoning Commissioner's Order dated December 17, 2007.

Jennifer Busse, Esquire
John B. Gontrum, Esquire
February 20, 2008
Page 3

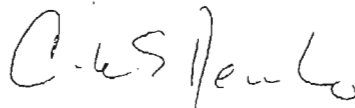
We hope this reflects our mutual understanding of the resolution of the appeals.
Perhaps you can draft a Joint Motion, proposed Order and red-lined Site Plan for our review.

Thank you for your co-operation in this matter.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel for Baltimore County

PMZ/CSD/rmw
cc: Carl Maynard

Case No.:

06 - 568 - SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	✓ SITE PLAN	Photographs - shown but not accepted into evidence as Too FAR Removed FROM SUBJECT Property
No. 2	✓ Letter FROM SOLID WASTE	
No. 3	✓ Portion of 1984 - zoning Map MLR	
No. 4	✓ Portion of 1988 - zoning Map RC	
No. 5	BCC-39 1978 edition	
No. 6	BCC Sect 2003 edition 13-4-210	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



BALTIMORE COUNTY
MARYLAND

RECEIVED

MAY 15 2006

WHITEFORD, TAYLOR & PRESTON L.L.P.

JAMES T. SMITH JR.
County Executive

May 12, 2006

Mr. John B. Gontrum
Whiteford, Taylor & Preston L.L.P.
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515

Re: Marlyn Refuse Service, Inc.

Dear Mr. Gontrum:

In response to your letter dated May 10, 2006 concerning Marlyn Refuse Service, Inc., please be advised that the owner/operators of the company, Mr. Paul Albert Bonolis and his wife Linda Diane Bonolis were appointed to be Baltimore County residential refuse/recycling collectors on July 16, 1979. Their mailing address has remained unchanged since that time at 620 North Stewart Street, Baltimore, Maryland 21221. Marlyn Refuse Service, Inc. has operated from 1102 Back River Neck Road during this time frame. Baltimore County has no written contracts with the operators of its residential collection routes.

Sincerely,

Mary B. Roper
Chief

MBR:mbr

c: File

PETITIONER'S

EXHIBIT NO.

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establishments to provide for the collection and disposal of all refuse produced at such places at the expense of the owner, tenant or operator of such commercial, industrial or institutional establishment and in the manner prescribed in these regulations. Provisions must be made to prevent odors from such refuse during holding, transporting and final disposal. (Bill No. 166, 1969, § 1; Balto. Co. Code, 1968, as amended, § 13-34)

Sec. 13-39. Employment of men with vehicles for collection; contracts for collection.

The county is authorized to employ a sufficient number of men with vehicles, or to contract for the removal of refuse in such thickly populated places as they shall consider necessary; and the bureau of sanitation of the county is authorized and empowered to have control of the persons so employed as collectors of refuse and to report any failure or delinquency on their part to the county. (Bill No. 166, 1969, § 1; Balto. Co. Code, 1968, as amended, § 13-35)

Sec. 13-40. Tying rubbish in bundles; placement of refuse for collection; amounts constituting undue burden on refuse collection service.

(a) All persons, in such places in the county as may be supplied with a force for the collection of refuse, shall collect all such matter accumulating on his premises into suitable receptacles. Garbage and other offal, rubbish and ashes shall each be placed in secure receptacles in compliance with section 13-35; except, that in lieu of placing rubbish as heretofore defined, in a container, it may be securely tied in bundles which can be readily handled. All of such receptacles or rubbish bundles shall be put in a place convenient to the collectors of garbage, rubbish, ashes and other offal, and any person who shall allow garbage, rubbish, ashes and other offal to accumulate on his premises, without collecting and placing it as aforesaid, shall be deemed guilty of a misdemeanor and subject to prosecution.

(b) In the event that any person shall have for removal such amount of garbage, rubbish, ashes or other offal as will, in the opinion of the county, through its bureau of sanitation, unduly burden the refuse collection service, then and in that event the county, through its bureau of sanitation, by notice in writing addressed to such person, may require such person to arrange for disposition of such garbage, rubbish, ashes or other offal, at his own expense, and without the aid of the county refuse collection facilities. Such notice and order may be rescinded at any time by the county, if the condition necessitating same is deemed, in its opinion, no longer to exist. (Bill No. 166, 1969, § 1; Balto. Co. Code, 1968, as amended, § 13-37).

(d) *Same - Details.* The display of identification required by this section:

(1) Shall be in letters in sharp color contrast to the background and shall be of a size, shape, and color as to be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is not in motion; and

(2) May be accomplished through the use of a removable device so prepared as to otherwise meet the identification and legibility requirements of this section.

(e) *Same - Compliance with other requirements.* The provisions of subsections (c) and (d) of this section do not prohibit the display of any additional identification required by other laws of the state or of any other state or by any agency or department of the federal government.

(1988 Code, § 32-38) (Bill No. 156, 1989, § 1; Bill No. 105-00, § 2, 7-1-2004)

§ 13-4-210. EMPLOYMENT OF PEOPLE FOR COLLECTION.

(a) *Authority of the Department of Public Works.* The Department of Public Works may:

(1) Contract for solid waste collection in such thickly populated places as it considers necessary;

(2) Have regulatory control of the persons employed as collectors of solid waste; and

(3) Report to the county any failure or delinquency of persons employed as collectors of solid waste.

(b) *Exempt from certain laws.* In entering into contracts under this section, the Department of Public Works is exempt from the county purchasing laws and the requirement of competitive public bidding, as authorized under Article 25A, § 5A of the Annotated Code of Maryland.

(1988 Code, § 32-39) (Bill. No. 173, 1989, § 2; Bill No. 77-93, 1993, § 1; Bill No. 105-00, § 2, 7-1-2004)

§ 13-4-211. REQUIREMENTS FOR PERSONS HAVING SOLID WASTE COLLECTION BY THE COUNTY.

(a) *In general.* A person having solid waste collection by or through any department or agency of the county, shall:

(1) Collect all solid waste accumulating on the premises and place the solid waste into suitable receptacles;

(2) Place the solid waste in secure receptacles in compliance with the provisions of this subtitle or securely tie the solid waste in bundles that can be readily handled; and

(3) Place the receptacles or bundles in a location that is convenient to the solid waste collectors.

PROTESTANT' S

EXHIBIT NO. 6

(b) *Failure a misdemeanor.* A person who allows solid waste to accumulate on the person's premises, without collecting and placing it as provided in this section is guilty of a misdemeanor.

(c) *County may require private solid waste collection.* If a person has for removal an amount of solid waste that, in the opinion of the Director of Public Works, will burden unduly the solid waste collection service, the county, through the Department of Public Works, by notice in writing addressed to the person, may require the person to arrange for disposition of the solid waste at the person's own expense, and without the aid of the county solid waste collection facilities.

(d) *County may rescind requirement.* If county determines that the condition necessitating the notice and order under subsection (c) of this section no longer exists, the county may rescind the notice and order at any time.

(1988 Code, § 32-40) (Bill. No. 173, 1989, § 2; Bill No. 105-00, § 2, 7-1-2004)

§ 13-4-212. HOT OR BURNING MATERIAL.

(a) *Placement for removal prohibited.* A person may not place on any street, lane, road, alley, highway, avenue, byway, or parking lot, including shopping center or drive-in parking lots of any kind used in the county, whether or not maintained by the county, any receptacles containing hot or burning material for removal and disposal by solid waste collectors.

(b) *Violation a misdemeanor.* A person who violates this section is guilty of a misdemeanor.
(1988 Code, § 32-41) (Bill No. 105-00, § 2, 7-1-2004)

§ 13-4-213. RECYCLING OF WASTES.

(a) *Authority to adopt regulations.* The county may adopt regulations for the purpose of promoting the recycling of solid waste.

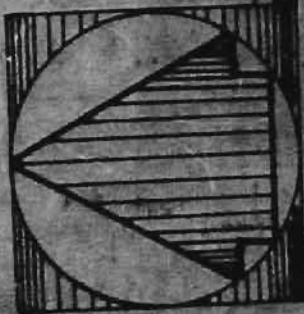
(b) *Content of the regulations.* The regulations shall:

(1) Require residents designated by the county to separate certain recyclable materials from their solid waste at the collection point in accordance with provisions of the county solid waste recycling plan;

(2) Prohibit the collection of source-separated recyclable materials that are separated for collection in accordance with regulations of the Department of Public Works by any person except employees of the county engaged in public work or private companies authorized by the county;

(3) Require a person transporting recyclable materials for processing or intermediate or final disposal, whether inside or outside of the county, to report on an annual basis the tonnages being transported in each category on forms provided to the transporters by the Department of Public Works;

DEC. 15, 1987



1984 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
NOV. 13, 1984
BILL NOS. 133-84, 134-84, 135-84,
136-84, 137-84, 138-84 AND 139-84

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1984 MAP 4A

PETITIONER'S

EXHIBIT NO.

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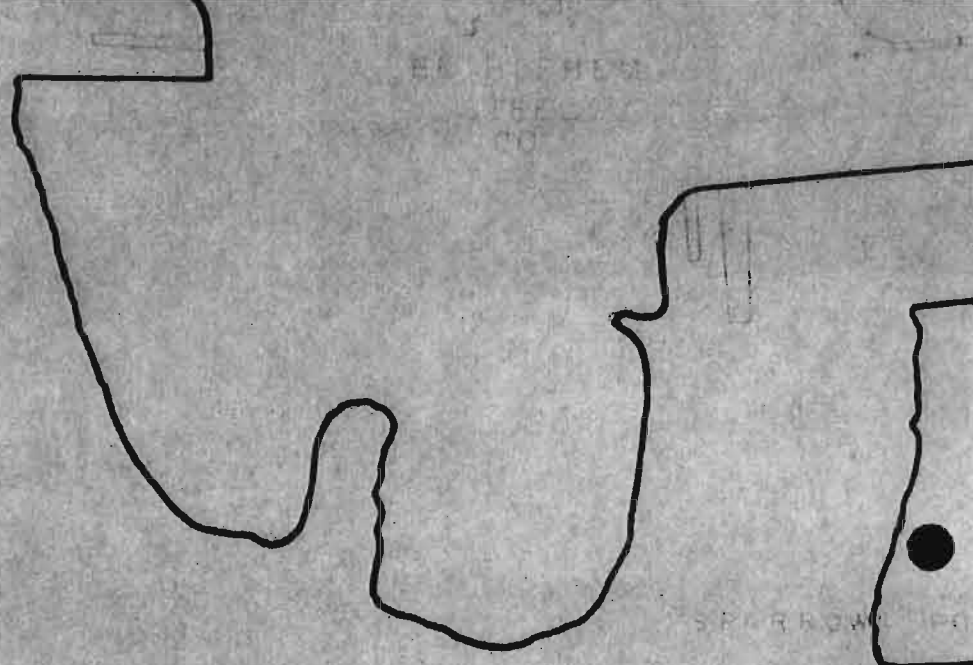


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ANNE ARUNDEL
COUNTY



1988 COMPREHENSIVE ZONING MAP
Adopted by Anne Arundel County Council

Bill NOS. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Dale T. Voss
Chairman, County Council

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FEET

PETITIONER'S

EXHIBIT NO.

4

BALTIMORE
OF PLANNING

1/6/89

