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 mooting 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 mooting 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
410-887-3180
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

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,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ\rmw
cc: John B. Gontrum, Esquire
Jennifer Busse, Esquire

P.C. Exh. 6 + 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.

IN RE: **PETITION FOR SPECIAL EXCEPTION** 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 Bonolis, et ux Petitioners	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY **Case No. 08-152 – X**

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for a Special Exception filed by the owners of the subject property, Paul A. Bonolis and his wife, Linda D. Bonolis, by and through their attorneys, John B. Gontrum, Esquire, and Whiteford, Taylor & Preston, LLP. The Petitioners request approval of a special exception pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 1A05.2G for 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 pursuant to B.C.Z.R. Section 1A05.2C.5). The subject property and requested relief are more particularly described on the site plan, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing were Paul and Linda Bonolis, property owners, and J. Scott Dallas, property line surveyor, who prepared the site plan. Representing the Petitioners and owners was their attorney, John B. Gontrum, Esquire. There were no Protestants or other interested persons present.

The subject site under consideration was the subject of a prior zoning hearing in Case No. 06-568-SPH, wherein a non-conforming use of the site for truck storage in connection with a

solid waste collection business was granted, subject to conditions. That case is now on appeal to the County Board of Appeals. I am aware of the history of the site and the exhibits filed in that case (06-568-SPH) pertaining to the continued use of this site for garbage truck storage under a contract for trash hauling with Baltimore County.

The proffered testimony received from Petitioners' Counsel revealed that the subject site, which is comprised of two (2) parcels, totals approximately 0.715 acres, zoned R.C.20. The zoning was changed to R.C.20 as a result of the 1988 Comprehensive Zoning Map Process (C.Z.M.P.). Prior to December, 1988, and at the time of the commencement of the use, the property was zoned Manufacturing Light, Restricted (M.L.R.). The pertinent history of the existing use and improvements on the site for which the special exception is now sought is recited in my Order of July 17, 2006. As noted above, there have been no changes in either the use or improvements on the site since the issuance of those findings.

The evidence presented established that Mr. Bonolis has been a contract trash hauler for Baltimore County since 1979. He has stored his trucks, consisting of four (4) garbage trucks and two (2) pickup trucks on the gravel area situated along the side of the existing garage and between the garage and existing buildings since that time. The nature and extent of this use predates not only the change in zoning but also the enactment of the Chesapeake Bay Critical Area Regulations (CBCA).

In the instant case, as it was in the previous case, an understanding of the nature of the particular use is important. The garbage trucks are used strictly under the term of the county contract. The county regularly inspects the trucks for safety and utility. The two (2) pick-up trucks are used to navigate narrow alley ways to remove recyclable materials deposited in larger garbage trucks for disposition. The territory and dwellings served by Mr. Bonolis are

designated by the Bureau of Solid Waste Management within the Baltimore County Department of Public Works (DPW). DPW serves as the contractor with Mr. Bonolis and establishes his payment. The route is personal to Mr. Bonolis, and should he or his family cease to operate the business, the route would be available to others. DPW has been aware of Mr. Bonolis's operation and storage of trucks at the subject site since 1979.

Section 13-4-210 of the Baltimore County Code (B.C.C.) 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, Section 5A of the Annotated Code of Maryland." (Emphasis added.)

Section 103.5(C) of the B.C.Z.R. states:

"The county shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on June 13, 1988. If the existing use does not conform with the provisions of the local protection program, its intensification or expansion may be permitted only in accordance with Section 104.5 of these regulations and with the variance provisions and procedures outlined in Section 32-4-231, Section 33-2—205, or Section 33-2-603 of the Baltimore County Code, whichever is or are applicable."

It is clear from the record before me that the use proposed as a special exception at this location has not expanded or intensified since 1988. Mr. Bonolis has never been cited for a violation of the Chesapeake Bay Critical Area regulations at this location.

ORDER RECEIVED FOR FILING
Date 12-17-07
By

In Case No. 06-568-SPH I found that Mr. Bonolis was operating as a public utility at this location. 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 found 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....*" I found that Mr. Bonolis was providing a public service under the aegis of Baltimore County. The finding that his use constituted a public utility as well as the finding that the storage of vehicles used by the utility as a permitted use under the M.L.R. zone has been disputed on appeal.

In this case as presented, it is not necessary to make a finding that the use of the Bonolis property constitutes a public utility. B.C.Z.R. Section 1A05.2G allows by special exception in a R.C.20 zone: "Other uses substantially similar in character and impact to the uses ordinarily permitted by right or by special exception in the zone." Section 1A05.2C.3 allows the following uses by right without special exception: "Telephone, telegraph, electrical power or other similar lines or cables, all underground; underground gas, water or sewer mains or storm drains; other underground conduits, except underground interstate and intercontinental pipelines." Section 1A05.2C.5 then states that in a R.C.20 zone permitted by special exception are: "Public utility uses not permitted as of right, including underground or interstate pipelines." Since the only uses connected with public utilities otherwise mentioned in Section 1A05.2C are contained in Section 1A05.2C.3, it is reasonable to assume that "all other" means what it says, and that any other public utility uses not mentioned in Section 1A05.2C.3 require special exceptions.

Some indication of what these public utility uses might be is contained in B.C.Z.R. Section 1B01. Sections 1B01.1A.4 and 1B01.1A.5 list certain above and below ground utility systems permitted as of right in the D.R. zones. Section 1B01.1C.15 permits by special exception: "public utility uses other than those permitted as of right, but excluding steam power plants, service centers and storage yards." Both public utility service centers and public utility storage yards are permitted by special exception in subsections 16 and 17 of 1B01.1C.

The fact that public utility storage yards and service centers are explicitly excluded from the phrase "public utility uses other than those permitted as of right" for the purposes of the D.R. zones would indicate that such uses may generally be included as public utility uses but for an explicit exclusion. *Consequently, I am led to conclude that when Section 1A05.2C.3 states that* "all other" public utility uses require a special exception in the R.C.20 zone, public utility service centers and public utility service yards are permitted by special exception in the R.C.20 zone.

Based on Counsel's argument during the presentation and evidence produced, I do find that the use of the Bonolis property is sufficiently similar to a public utility use including the storage of trucks in character and impact as to permit a special exception for the use in a R.C.20 zone.

Section 502.1 of the B.C.Z.R. states the criteria under which a special exception may be evaluated. In this case it appears that this use at this location has not been injurious to the health, safety or general welfare of the community since its beginning nearly thirty (30) years ago. This track record of use at a site is unusual in a special exception request, but it is clear from the record in both cases pertaining to the use at this location that it has not caused any congestion to the roads, streets or alleys nor created a potential hazard. In addition, it is clear that the use has been confined to a relatively small area on the site consisting of approximately 8,000 square feet

on an already impervious area. No expansion or intensification of the use is sought. Accordingly, such use appears consistent with B.C.Z.R. Section 103.5C.

The property clearly falls within the Chesapeake Bay Critical Area boundaries as mapped in Baltimore County. The property, however, lies outside the 1,000 area required by state regulations. It contains no streams, forested area or wetlands. It presents no unique or special circumstances that would cause this use at this location to have more of a deleterious impact than at similarly zoned locations.

Additional landscaping or fencing of the site should be considered, however, in order to buffer the view from the adjoining Somogyi property, which has been before the County Council for county acquisition. I agree with DEPRM's comment on this issue. Mr. Bonolis has installed landscaping in the form of evergreen trees along the rear portion of the grassed area behind the house to screen the truck storage area from Back River Neck Road. That landscaping should be maintained. Mr. Bonolis has expressed interest in building a garage to house the trucks in the area on the site where they are now stored, and I would favor the construction of such building in the 8,000 square foot area, where storage now occurs over outside storage of the vehicles.

I am persuaded to grant the relief requested but in a very limited fashion. It is the limited use of this site for the storage of vehicles used under a county contract for trash hauling that persuades me that it is similar in character to public utility uses permitted by special exception in the zone. No trash storage should be allowed at the site nor should the site be considered a service garage for other than routine minor maintenance of the vehicles. Any cessation of the use of this property for trash hauling under the county contract shall 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 to modify the special exception granted herein and may well not be permitted as a permitted use in the R.C.20 zone. Furthermore, any intensification of the use or expansion of the use to additional area may necessitate further review under both the zoning regulations and the Chesapeake Bay Critical Area Regulations.

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 granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 17th day of December, 2007 that the Petition for Special Exception filed pursuant to Section 1A05.2G of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the use of the site for truck storage in connection with solid waste collection business, in accordance with Petitioners' Exhibit 1, 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 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.

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

ORDER RECEIVED FOR FILING
Date 12-11-97
By

CBCA

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1102 Back River Neck Rd

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Please see attached

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by 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:

N/A

Name - Type or Print

Signature

Address Telephone No.

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 St 410 391-8314

Address Telephone No.

Baltimore, MD 21221

City State Zip Code

Attorney For Petitioner:

John B. Gontrum

Name - Type or Print

Signature

Whiteford, Taylor & Preston

Company

210 W Pennsylvania Ave 410 832-2055

Address Telephone No.

Towson, MD 21204

City State Zip Code

Representative to be Contacted:

John B. Gontrum

Name

210 W Pennsylvania Ave 410 832-2055

Address Telephone No.

Towson, MD 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 9/27/07

Case No. 08-152-X

REV 09/15/98

ORDER RECEIVED FOR FILING

Date 12-17-07

By DW

Attachment to Petition for Special Exception
1102 Back River Neck Road
Zoned R.C. 20

Petition for Special Exception per Baltimore County Zoning Regulations §1A05.2G 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 as of right is permitted by special exception per §1A05.2C.5).

385965

#152

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.

STATE OF MARYLAND
JONATHAN SCOTT DALLAS
No. 468
REGISTERED
PROPERTY LINE SURVEYOR

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: #08-152-X
1102 Back River Neck Road
W/side of Back River Neck Road, 263 feet north centerline of Somogyl Road
15th Election District - 6th Councilmanic District
Legal Owner(s): Paul & Linda Bonolis

Special Exception: 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 RC-20 zone (a public utility use not permitted as of right is permitted by special exception per Section 1A05.2C.5).

Hearing: Tuesday, December 4, 2007 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) 887-3868.

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

JT/11/732 Nov. 20 155839

CERTIFICATE OF PUBLICATION

11/22, 2007

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 11/20, 2007.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 08111

Date: 9/27/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				$ 380.00

Total: $ 380.00

Rec From: Whiteford, Taylor & Preston LLP

For: Special Exception

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
5 528 ZONING VERIFICATION
Recpt Tot $380.00
$380.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Item #152

CERTIFICATE OF POSTING

RE: Case No.: 08-152-X

Petitioner/Developer: PAUL & LINDA BONOUS

Date of Hearing/Closing: 12-4-07

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}

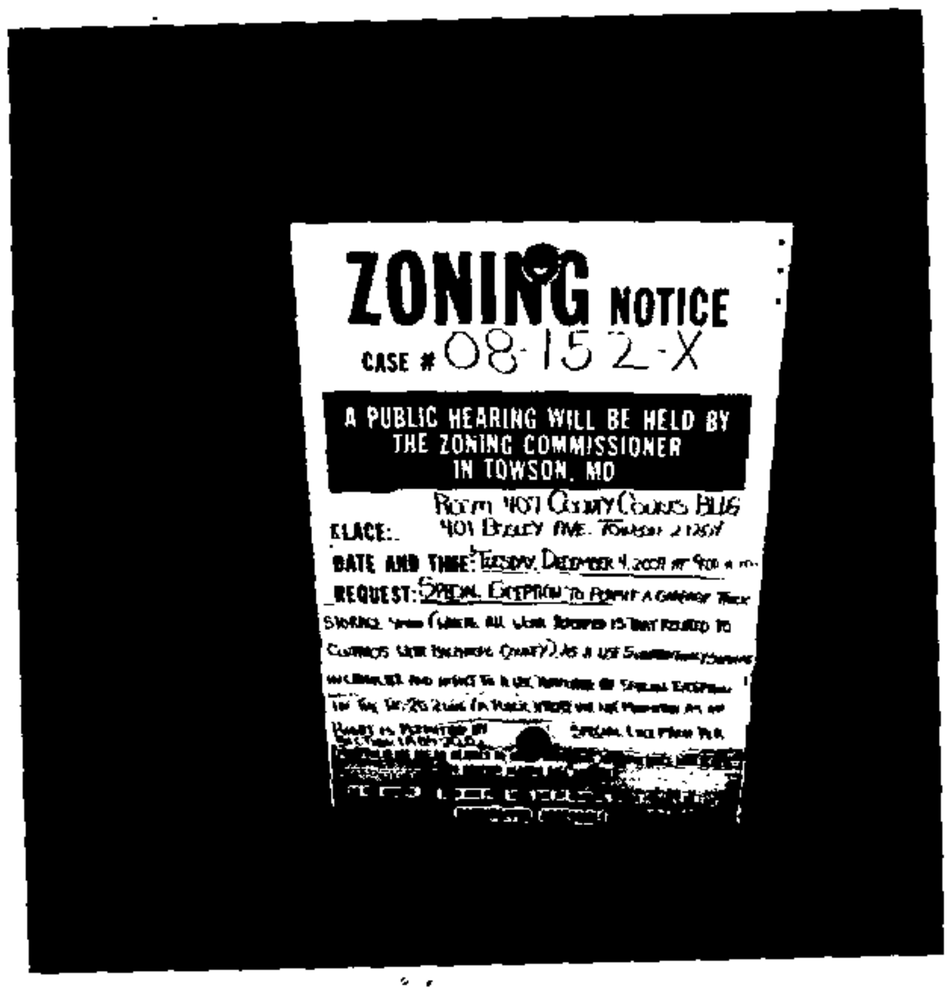
Ladies and Gentlemen:

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 11-19-07
(Month, Day, Year)

Sincerely,



Robert Black 11-26-07
(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)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 20, 2007 Issue - Jeffersonian

Please forward billing to:
Jennifer Busse
210 W. Pennsylvania Avenue, Ste. 400
Towson, MD 21204

410-832-2077

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: 08-152-X
1102 Back River Neck Road
W/side of Back River Neck Road, 263 feet north centerline of Somogyi Road
15th Election District – 6th Councilmanic District
Legal Owners: Paul & Linda Bonolis

Special Exception 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 RC-20 zone (a public utility use not permitted as of right is permitted by special exception per Section 1A05.2C.5).

Hearing: Tuesday, December 4, 2007 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.

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: 08-152-X

Petitioner: Paul A. Bonolis

Address or Location: 1102 Back River Neck Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer Busse

Address: 210 W. Pennsylvania Ave
Suite 400
Towson MD 21204

Telephone Number: 410 832 2077

Revised 7/11/05 - SCJ

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 mooting 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 mooting 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

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.

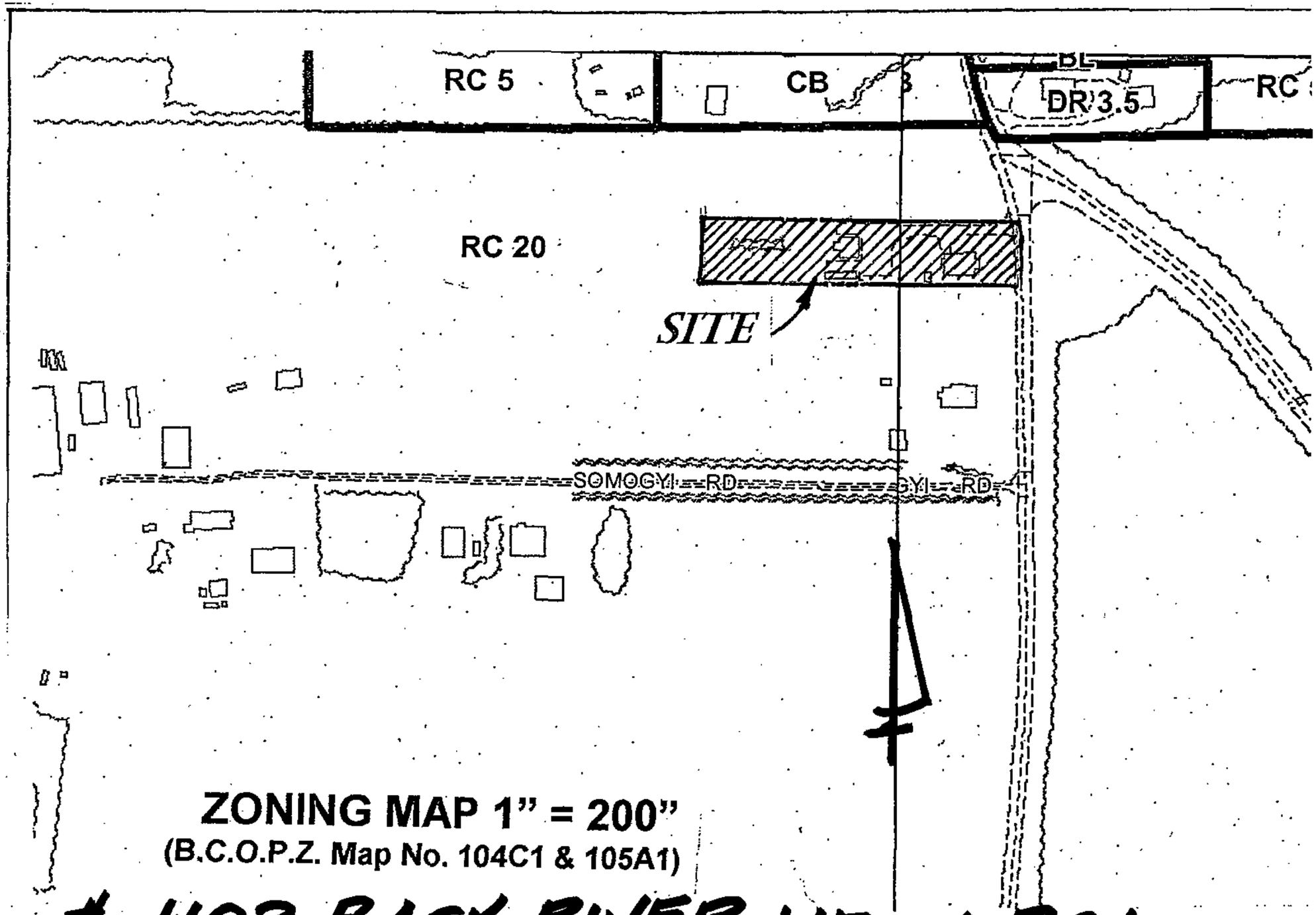
Thank you for your consideration.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ\rmw
cc: John B. Gontrum, Esquire
Jennifer Busse, Esquire



ZONING MAP 1" = 200"
(B.C.O.P.Z. Map No. 104C1 & 105A1)

1102 BACK RIVER NECK ROAD

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

November 28, 2007

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

Dear Mr. Gontrum:

RE: Case Number: 08-152-X, 1102 Back River Neck Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 27, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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:amf

Enclosures
c: People's Counsel
Paul A. Bonolis Linda D. Bonolis 620 N. Stuart Street Baltimore 21221

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 11, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For October 15, 2007
Item Nos. 08-136, 145, 146, 147, 148, 149, 151, 152, 154, 158, and 161

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-10112007.doc

Baltimore County
Fire Department

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

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

October 11, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 8, 2007

Item Number: Item Number 136,145,146,147,148,149,150,151,152,154,155,158
159 and161

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C)443-829-2946
MS-1102F

cc: File

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA
State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: October 15, 2007

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

RE: Baltimore County
Item No. 8-192-X
1102 Back River Neck Road
Bonolis Property
Special Exception

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-192-X.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BW 12/4
9AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
NOV 0 6 2007
BY:_____

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: November 6, 2007

SUBJECT: Zoning Item # 08-152-X
Address 1102 Back River Neck Road
(Bonolis Property)

Zoning Advisory Committee Meeting of October 8, 2007

____ 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:

The site is located within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area (CBCA) and is subject to all requirements set forth in the Code referenced above. – *Paul A. Dennis; Environmental Impact Review*

If approved – it should be required to heavily landscape the area around the storage area because the property is a "gateway" to the Coastal Rural Legacy Area. – *W.S. Lippincott; Agricultural Preservation*

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2008\ZAC 08-152-X.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 3, 2007

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

SUBJECT: 1102 Back River Neck Road

INFORMATION:

Item Number: 8-152

Petitioner: Paul A. Bonolis

Zoning: RC 20

Requested Action: **Special Exception**

Requested Action: 1)Special Exception 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 as of right is permitted by special exception per 1A05.2C.5)

SUMMARY OF RECOMMENDATIONS:

The Planning Office has reviewed the subject request and has no opposition, provided the following conditions are met:

- The Petitioners shall not expand the business to include private contract solid waste hauling.
- 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.
- At no time shall the storage of garbage, trash or debris associated with the business be permitted on the site.

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

Reviewed by: _____

Division Chief: _____
AFK/LL: CM

W:\DEVREV\ZAC\8-152.doc

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 19, 2008

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

Dear Mr. Gontrum:

RE: Case: 08-152-X, 1102 Back River Neck Road

Please be advised that an appeal of the above-referenced case was filed in this office on January 3, 2008 by the Office of People's Counsel. 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:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Paul and Linda Bonolis, 620 North Stuart Street, Baltimore 21221
J. Scott Dallas, P.O. Box 26, Baldwin 21013
CBCAC, 1804 West Street, Ste. 100, Annapolis 21401
Avery Harden, Landscape Architect, PDM

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

January 3, 2008

RECEIVED
JAN 03 2008
Per.....

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

Re: PETITION FOR SPECIAL EXCEPTION
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.: 08-152-X

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 December 17, 2007 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

PMZ/CSD/rmw

cc: John B. Gontrum, Esquire

OP
missing

From: Debra Wiley
To: Murray, Curtis
Date: 12/03/07 9:28:11 AM
Subject: Comment Needed for Bill - 08-152-X - Tomorrow - Tuesday, 12/4

Hi Curtis,

Bill will be conducting a hearing tomorrow at 9 AM in Room 407 and is asking for an OP comment for the following:

08-152-X
1102 Back River Neck Road
W/side of Back River Neck Road, 263 feet north centerline of Somogyi Road
15th Election District - 6th Councilmanic District
Legal owners: Paul & Linda Bonolis

Special Exception: 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 as of right is permitted by special exception per Section 1A05.2C.5).

Thanking you in advance and have a great day !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

RE:	PETITION FOR SPECIAL EXCEPTION 1102 Back River Neck Road; W/S Back River Neck Rd; 263' N c/line Somogyi Road 15th Election & 6th Councilmanic Districts Legal Owner(s): Paul & Linda Bonolis Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 08-152-X

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

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 11th day of October, 2007, 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
OCT 11 2007
Per.....

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

PLEASE PRINT CLEARLY

CASE NAME 08-152-X
CASE NUMBER
DATE 12-4-07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
J. Scott Dallas	P.O. Box 24	Baldwin, MD 21013	jsdinceaol.com
Linda Bonulis	620 North Stuart Street	Baltimore, MD 21221	
Paul Bonulis	620 North Stuart Street	Baltimore, MD 21221	

45 K2

Requested: Feb. 29, 2008

APPEAL SIGN POSTING REQUEST

CASE NO.: 08-152-X

1102 BACK RIVER NECK ROAD

15th ELECTION DISTRICT APPEALED: 1/3/2008

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.: 08-152-X

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

W/S Back River Neck Road – 263' N of c/line Somogyi Lane

The sign was posted on _____, 2008.

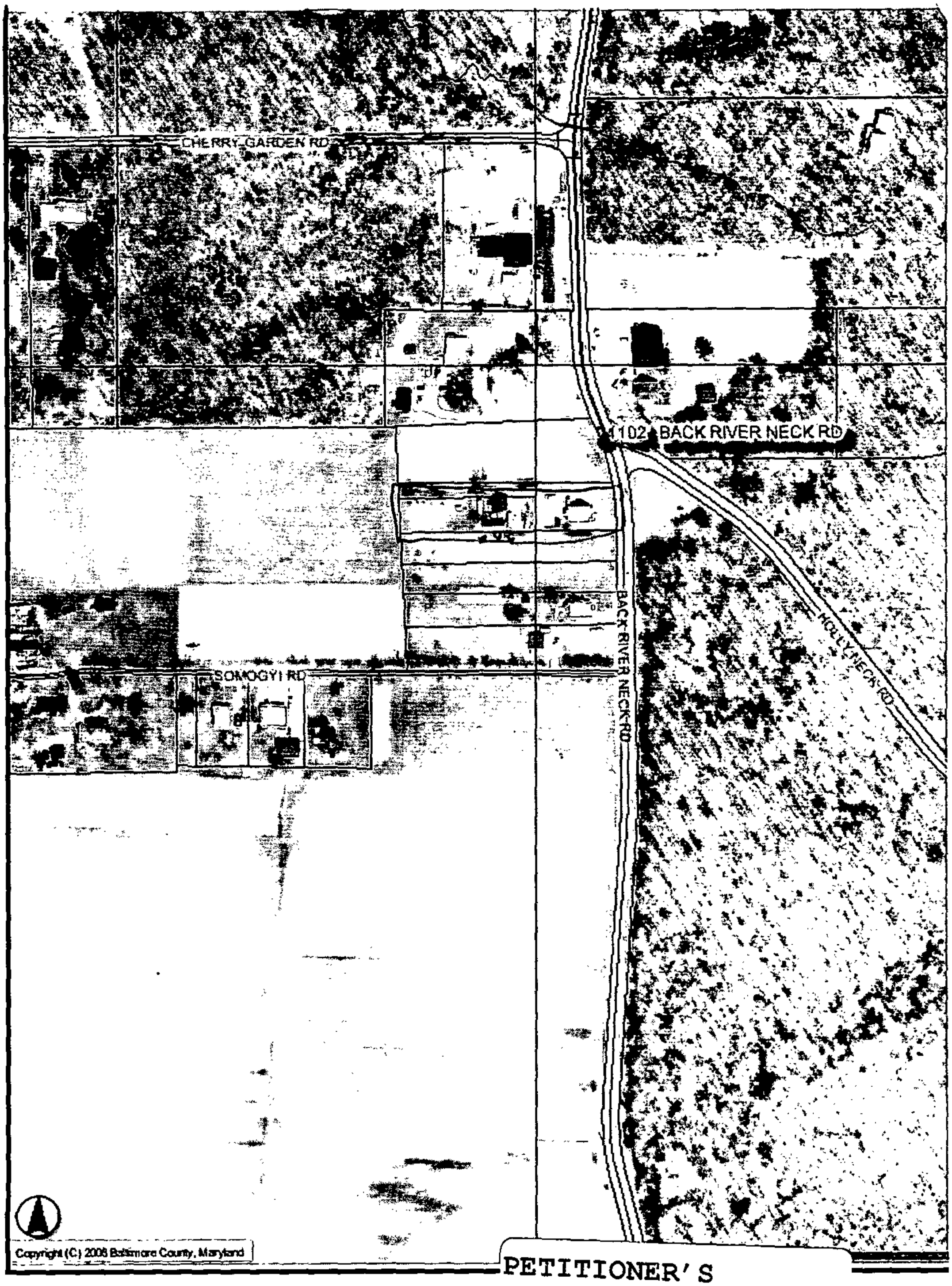
By: _____
(Signature of Sign Poster)

_____
(Print Name)

Case No.: 08-152-X 1102 BACK RIVER NECK RD

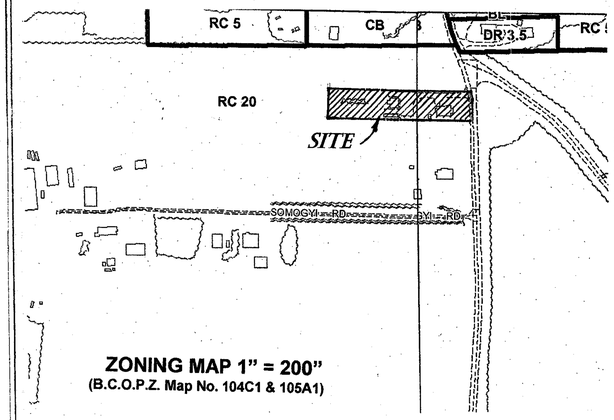
Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN	
No. 2	AERIAL Photograph	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

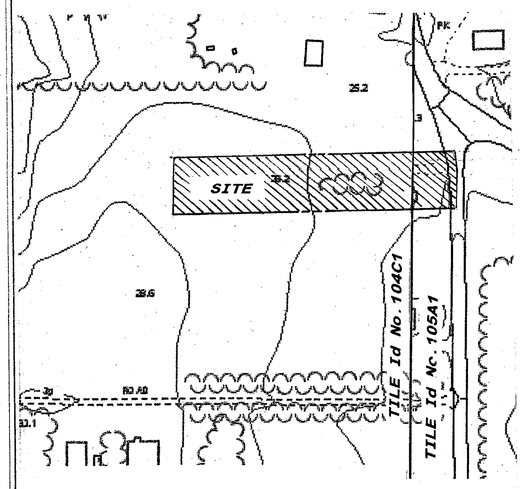
EXHIBIT NO. 2



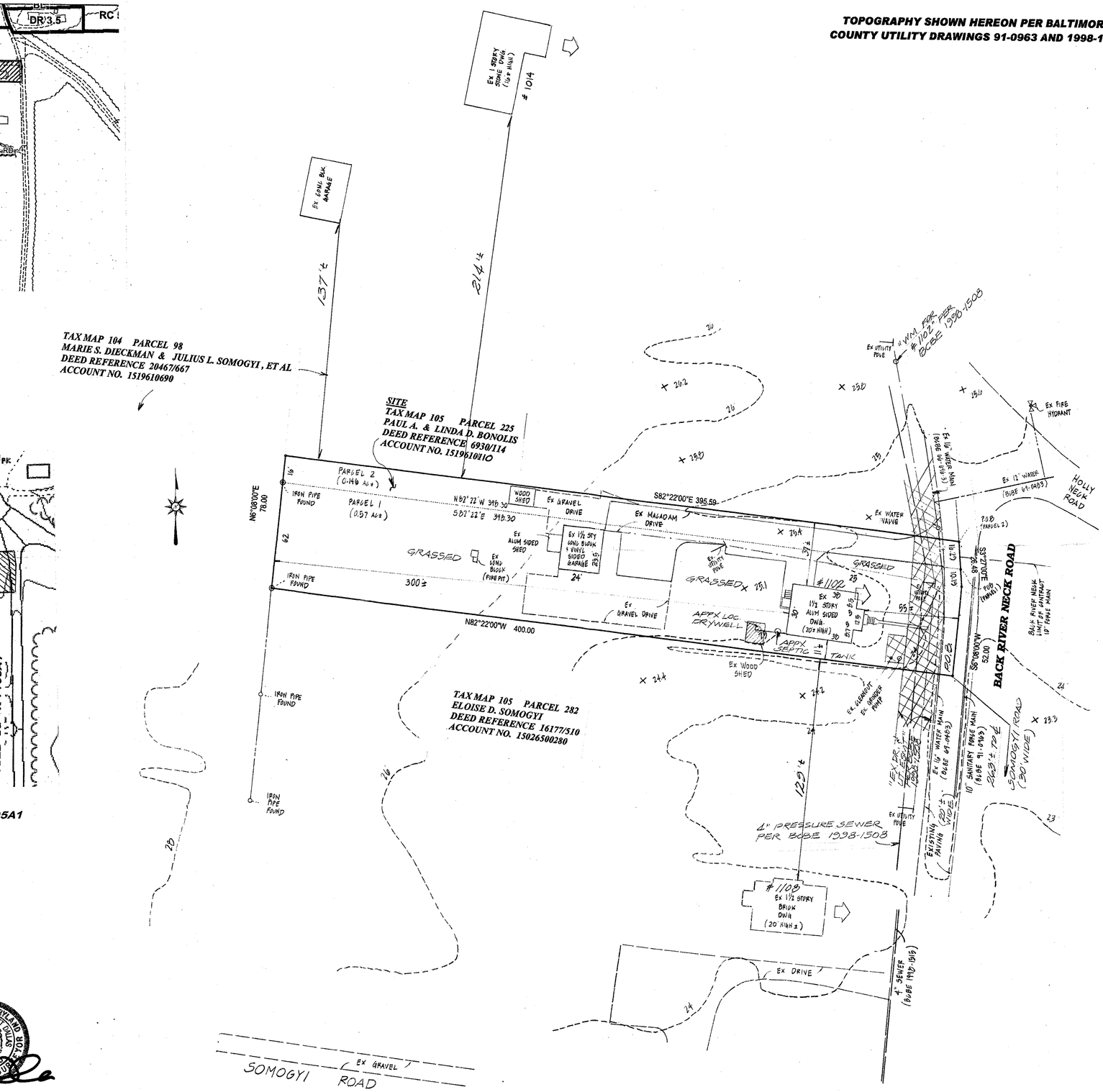
ZONING MAP 1" = 200"
(B.C.O.P.Z. Map No. 104C1 & 105A1)

TOPOGRAPHY SHOWN HEREON PER BALTIMORE COUNTY UTILITY DRAWINGS 91-0963 AND 1998-1515

VICINITY MAP 1" = 1000'



SCALE 1" = 100'
BALTIMORE COUNTY G.I.S. TILE Id No. 105A1
AND TILE Id No. 104C1



NOTES:

1. SITE LIES WITHIN C.B.C.A. PER MAP 105 (R.C.A)
2. ~~NO KNOWN~~ ZONING HISTORY ~~FOR THE SUBJECT PROPERTY~~.
3. OWNER: PAUL A. & LINDA D. BONOLIS
   #620 N. STUART STREET
   BALTO. MD. 21221
   PHONE: 410 391-8314
4. EXISTING ZONING OF SITE AND SURROUNDING = RC20
5. EXISTING USE OF SITE:
   RESIDENTIAL PROPERTY WITH REFUSE VEHICLE STORAGE
6. PROPOSED USE OF SITE :
   RESIDENTIAL PROPERTY WITH REFUSE VEHICLE STORAGE
7. TOTAL AREA OF SUBJECT PROPERTY- PARCEL 1 0.569 AC ± 24783 S.F. ±
   PARCEL 2 0.146 AC ± 6349 S.F. ±
   TOTAL 0.715AC ± 3113.2 S.F. ±
8. SITE LIES WITHIN ZONE C PER F.I.R.M. 240010/0455C

JSD
06-368-SPH
PETITION FOR SPECIAL HEARING FOR NON-CONFORMING USE
(UNDER APPEAL)
GRANTED 7-17-06

SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
PER BALTIMORE COUNTY ZONING REGULATIONS SEC.1A05.2G 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 AS OF RIGHT IS PERMITTED BY SPECIAL EXCEPTION PER SEC.1A05.2C.5)

#1102 BACK RIVER NECK ROAD

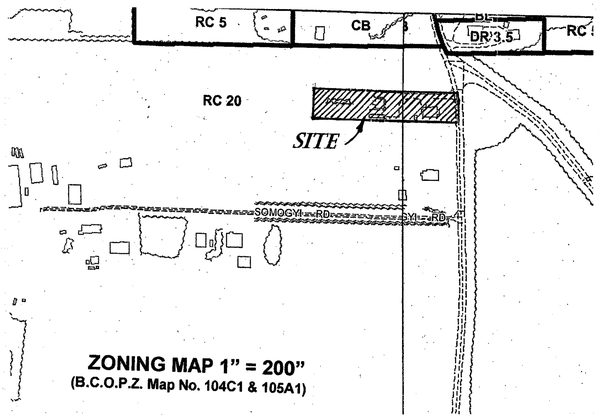
15TH ELECTION DISTRICT 6TH COUNCIL DISTRICT
BALTIMORE COUNTY, MD
SCALE : 1" = 30' AUGUST 2007

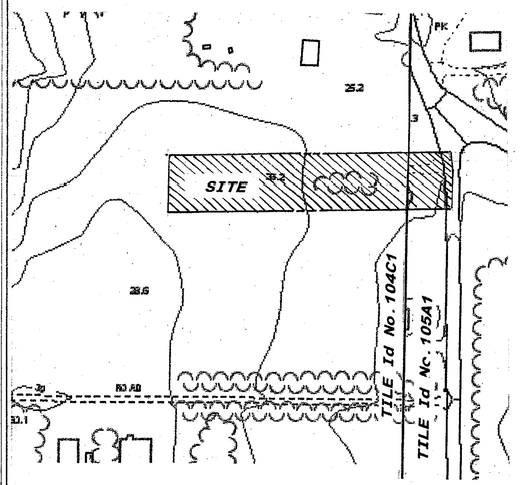
J. S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O BOX 26 BALDWIN, MARYLAND 21013
PHONE (410) 817-4600 FACS: (410) 817-4602

JD. 051059A

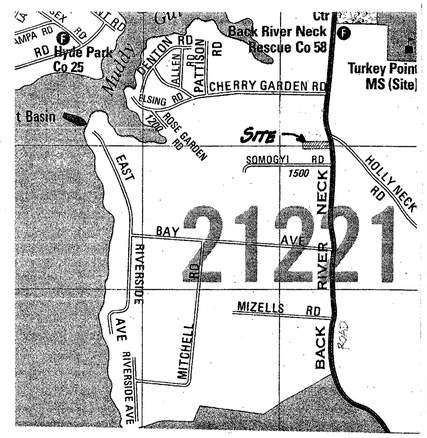
PETITIONER'S
EXHIBIT NO. 1

#152





TOPOGRAPHY SHOWN HEREON PER BALTIMORE COUNTY UTILITY DRAWINGS 91-0963 AND 1998-1515

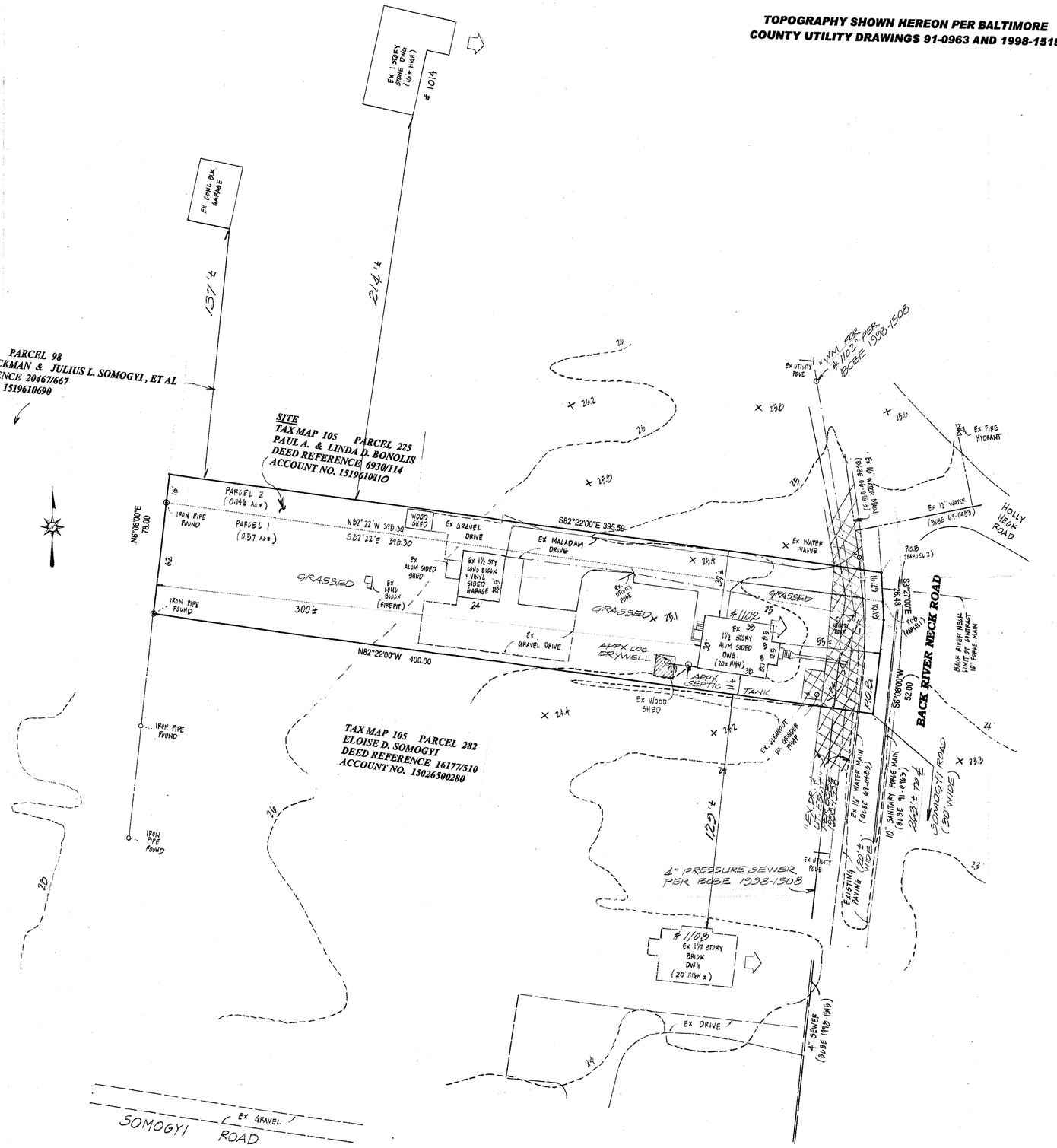


VICINITY MAP 1" = 1000'

TAX MAP 104 PARCEL 98
MARIE S. DIECKMAN & JULIUS L. SOMOGYI, ET AL
DEED REFERENCE 20467/667
ACCOUNT NO. 1519610690

SITE
TAX MAP 105 PARCEL 225
PAUL A. & LINDA D. BONOLIS
DEED REFERENCE 6930/114
ACCOUNT NO. 1519610810

TAX MAP 105 PARCEL 282
ELOISE D. SOMOGYI
DEED REFERENCE 16177/510
ACCOUNT NO. 15026500280



NOTES:

1. SITE LIES WITHIN C.B.C.A. PER MAP 105 (R.C.A)
2. ~~NO KNOWN~~ ZONING HISTORY ~~FOR THE SUBJECT PROPERTY~~.
3. OWNER: PAUL A. & LINDA D. BONOLIS
   #620 N. STUART STREET
   BALTO. MD. 21221
   PHONE: 410 391-8314
4. EXISTING ZONING OF SITE AND SURROUNDING = RC20
5. EXISTING USE OF SITE:
   RESIDENTIAL PROPERTY WITH REFUSE VEHICLE STORAGE
6. PROPOSED USE OF SITE:
   RESIDENTIAL PROPERTY WITH REFUSE VEHICLE STORAGE
7. TOTAL AREA OF SUBJECT PROPERTY- PARCEL 1 0.569 AC± 24783 S.F.±
   PARCEL 2 0.146 AC± 6349 S.F.±
   TOTAL 0.715 AC± 31132 S.F.±
8. SITE LIES WITHIN ZONE C PER F.I.R.M. 240010/0455C

(JSD) 06-508-SPH PETITION FOR SPECIAL HEARING FOR NON CONFORMING USE (UNDER APPEAL) GRANTED 7-17-06

SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
PER BALTIMORE COUNTY ZONING REGULATIONS SEC.1A05.2G 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 AS OF RIGHT IS PERMITTED BY SPECIAL EXCEPTION PER SEC.1A05.2C.5)

#1102 BACK RIVER NECK ROAD
15TH ELECTION DISTRICT 6TH COUNCIL DISTRICT
BALTIMORE COUNTY, MD
SCALE: 1" = 30' AUGUST 2007

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O BOX 26 BALDWIN, MARYLAND 21013
PHONE (410) 817-4600 FACS: (410) 817-4602

STATE OF MARYLAND JOHN W. SCOTT DALLAS PROPERTY LINE SURVEYOR No. 460

J0. 051095A

#152