

IN RE: PETITION FOR SPECIAL HEARING

W side of Orchard Tree Lane, 496 feet N
of c/l of East Joppa Road
9th Election District
5th Councilmanic District
(1526 East Joppa Road)

1526 East Joppa Road, LLC
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-190-SPH**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing for the property located at 1526 East Joppa Road. The Petition was filed by Pio Marocco, member of 1526 East Joppa Road, LLC, the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a nonconforming use for a contractor's equipment storage yard and building materials storage yard, including existing office, parking and inside storage of materials and equipment related to the contractor's use. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing was Pio Marocco on behalf of Petitioner 1526 East Joppa Road LLC, his wife Anita Marocco, and his attorney, Douglas L. Burgess, Esquire. Also appearing in support of the requested relief was Nick Commodari, Petitioner's consultant. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 87,186 square feet or two acres, more or less, and zoned B.R.

ORDER RECEIVED FOR FILING

1-7-08

MB

The property is situated on the west side of Orchard Tree Lane, approximately 500 feet north of East Joppa Road. The property is located among other adjacent commercial properties in the Towson area of Baltimore County. The property is improved with an existing two-story commercial building consisting of approximately 6,430 square feet. The property is currently home to Mr. Marocco's contracting business. In addition to office space, the property is also used for storage of contracting equipment and building materials. This matter comes before this Commission as a result of a notice previously issued by the Division of Code Inspections and Enforcement pertaining to the storage of equipment and materials on the property. That notice has since been addressed by Petitioner and dismissed by Code Enforcement; however, in order to legitimize the existing use of the property, Petitioner seeks special hearing approval of the nonconforming use.

In support of the request for special hearing, Petitioner's attorney, Mr. Burgess, proffered the testimony of Mr. Marocco and Mr. Commodari. Mr. Burgess indicated that Mr. Marocco is 78 years old and is very familiar with the subject property. In approximately 1947, Mr. Marocco's father was engaged in the contracting business, specializing mostly in water and sewer lines, and storm drains. Prior to that time, the company's office was located in Baltimore City. In 1947, Mr. Marocco's father purchased the subject property and consolidated the company's offices with its storage of vehicles, equipment, and materials -- all at one site. Mr. Marocco was a teenager in high school at that time and recalls observing the site with vehicles and piles of pipes for the contracting work. There was also equipment stored on site which was used for moving and installing the pipe, including backhoes, cranes, and trucks.

Mr. Burgess also proffered that Mr. Marocco has lived in the area and has observed the site since the 1940's. When Mr. Marocco's father passed away in 1954, he and his older brother

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VB

took over running the business at the site. Since Mr. Marocco's retirement in 2000, and following his brother's retirement, Mr. Marocco's nephew has been running the contracting business at the site. Mr. Marocco would testify that the subject property has been used as a contractor's equipment and building materials storage yard continuously and uninterrupted since the 1940's through to the present day.

Mr. Burgess then proffered the testimony of Mr. Commodari, Petitioner's consultant. Mr. Commodari was previously employed in the Baltimore County Zoning Office from 1973 through 1985. During that time, he reviewed plans for compliance with Baltimore County Zoning Regulations, including as Chairman of the Zoning Plans Advisory Committee, and coordinated petitions and provided comments on petitions and plans. Since then, Mr. Commodari has worked as an independent consultant, advising commercial clients regarding compliance with the zoning regulations, including nonconforming use matters. Mr. Commodari was offered and accepted as an expert in the area of Baltimore County Zoning Regulations. Mr. Burgess proffered that Mr. Commodari visited the site, interviewed Petitioner, reviewed the Baltimore County microfilm files, reviewed the zoning and other agency comments, reviewed the deeds, reviewed the plats and prior plats, reviewed the first set of regulations and the 1955 regulations, and reviewed the testimony of Mr. Marocco. Following this review, Mr. Commodari concluded that the use of the property as a contractor's equipment and building materials storage yard in the "E" Commercial Zone was permitted in the 1945 to 1955 regulations, and that the present use of the property for the same purpose satisfies the requirements of a permitted nonconforming use.

FROM RECEIVED FOR FILED

1-7-08

pm

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

Based on the testimony and evidence presented, I am persuaded to grant the special hearing relief and permit the nonconforming use. In this case, I find that Petitioner has presented testimony persuasive to a finding that the storage of contractor's equipment and building materials has been ongoing and continuous on this site since approximately 1947. The evidence is persuasive that there have been no gaps in this use, in that Mr. Marocco's father operated his contracting business from the subject property following its acquisition in 1947, and that Mr. Marocco and his brother continued to run the business following their father's death in 1954. Since then, the evidence shows that Mr. Marocco's nephew has continued that use through to the present day. It should also be noted that the nature of the business has remained largely unchanged, and the nature of the equipment and materials stored on the property, and use thereof, has remained consistent.

In my judgment, Petitioner's use of the property is appropriate and will not be detrimental to the health, safety, or general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 7th day of January, 2008 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a nonconforming use for a contractor's equipment storage yard and building materials storage

ORDER RECEIVED FOR FILED

1-7-08

PB

yard, including existing office, parking and inside storage of materials and equipment related to the contractor's use is hereby GRANTED, subject to the following:

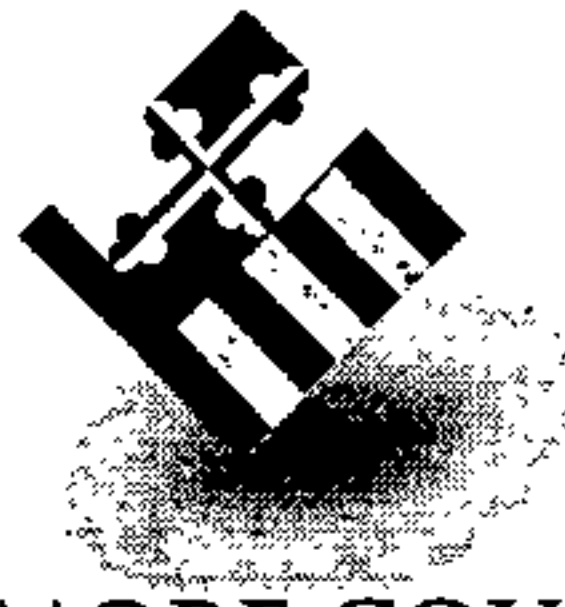
1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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1-7-08
PB



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 7, 2008

DOUGLAS L. BURGESS, ESQUIRE
NOLAN PLUMHOFF & WILLIAMS CHTD.
502 WASHINGTON AVENUE #700
TOWSON MD 21204

Re: Petition for Special Hearing
Case No. 08-190-SPH
Property: 1526 East Joppa Road

Dear Mr. Burgess:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Pio and Anita Marocco, 16 Oakridge Court, Lutherville MD 21093
Nick Commodari, 1553 Doxbury Road, Towson MD 21286



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1526 East Joppa Road
which is presently zoned BR

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

BCZR 236.4 TO PERMIT

Non conforming use for contractor's equipment storage yard and building materials storage yard, including existing office, parking and inside storage of materials and equipment related to contractor's use.

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 bound 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:

Douglas L. Burgess, Esquire

Name - Type or Print

Signature

Nolan, Plumhoff & Williams, Chfd.

Company

502 Washington Ave., #700 410-823-7800

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

1526 East Joppa Road, LLC

Name - Type or Print

Signature

Pio Marocco, Member

Name - Type or Print

Signature

16 Oakridge Ct

Address

410-583-2215

Telephone No.

Lutherville

City

MD

State

21093

Zip Code

Representative to be Contacted:

Douglas L. Burgess, Esquire

Name

502 Washington Ave., #700 410-823-7800

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No.

08-190-SPH

UNAVAILABLE FOR HEARING

REV 9/15

UNDER RECEIVED FOR FILING

By

A. TSM

Date

10/22/07

1-7-08

PM

Legal Description for 1526 East Joppa Road

Beginning for the same at a point on the fourth line of the first parcel of land conveyed by Pio Marocco, Jr. and Raymond Marocco to 1526 East Joppa Road, LLC, by deed dated October 28, 1999 and recorded among the land records of Baltimore County in Liber 14134, Folio 429, said point of beginning being the end of the second line of the parcel of land conveyed by Pio Marocco, Jr., Raymond Marocco and Josephine Lazzati to Esserweius, Incorporated by deed dated May 25, 1976 and recorded among said land records in Liber 5637, Folio 814, said point of beginning also being 496 feet more or less northwesterly from the center of East Joppa Road and 15 feet more or less southwesterly from the center line of Orchard Tree Lane and running thence binding on part of the fourth line of the deed mentioned firstly herein, to the end thereof,

1. North 08 degrees 26 minutes 35 seconds West 235.00 feet; thence binding on part of the fifth line of the deed mentioned firstly herein,
2. South 81 degrees 33 minutes 25 seconds West 381.94 feet to the end of the third line of the parcel of land conveyed by Pio Marocco Jr., Raymond Marocco, and Josephine Lazzati to Southeastern Insurance Agency, Inc. By deed dated January 15, 1975 and recorded among said land records in Liber 5503, Folio 486; thence binding reversely on the third line of the last mentioned deed,
3. South 08 degrees 26 minutes 35 seconds East 225.00 feet to a point on the second line of the parcel of land conveyed Pio Marocco, Jr., Raymond Marocco, and

08-190-SPH

Josephine Lazzati by deed dated September 16, 1974 and recorded among said land records in Liber 5478, Folio 635; thence binding on part of the second line of last mentioned deed, to the end thereof,

4. North 81 degrees 33 minutes 25 seconds East 256.94 feet; thence binding on part of the third line of last said deed,
5. South 08 degrees 26 minutes 35 seconds East 10.00 feet to the beginning of the second line of the deed mentioned secondly herein; thence binding on the second line of the deed mentioned secondly herein,
6. North 81 degrees 31 minutes 25 seconds East 125.00 feet to the place of beginning.

Containing 2.0 acres of land, more or less.



08-190-SPH

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: #08-190-SPH

1526 East Joppa Road

W/side of Orchard Tree Lane, 496 feet north of centerline of East Joppa Road

9th Election District - 5th Councilmanic District
Legal Owner(s): 1526 East Joppa Road, LLC

by Pio Marocco, Member

Special Hearing: to permit non conforming use for contractor's equipment storage yard and building materials storage yard, including existing office, parking and inside storage of materials and equipment related to contractor's use.

Hearing: Thursday, January 3, 2008 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/12/684 Dec. 18 158309

CERTIFICATE OF PUBLICATION

12/20/2007

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 12/18/2007.

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

LEGAL ADVERTISING

P. McKinnon

CERTIFICATE OF POSTING

RE: Case No: 08-190-SPH

Petitioner/Developer: DOUGLAS BURGESS

Date Of Hearing/Closing: 1/3/07

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

Attention:

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
at 1526 EAST TOPPA ROAD

This sign(s) were posted on December 18, 2007

(Month, Day, Year)

Sincerely,

Martin Ogle 12/18/07
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE

CASE # 08-190-SPH

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

ROOM 407, COUNTY COURTS BUILDING,
PLACE: 401 BOSLEY AVENUE, TOWSON 21204

THURSDAY, JANUARY 3, 2008
DATE AND TIME: AT 9:00 AM

REQUEST: SPECIAL HEARING TO PERMIT ADD-CONTRACTOR
EQUIPMENT STORAGE YARD AND BUILDING MATERIALS STORAGE
YARD, INCLUDING EXISTING OFFICE, PARKING AND INSIDE
STORAGE OF MATERIALS AND EQUIPMENT RELATED TO
CONTRACTOR USE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 867-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

October 31, 2007
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

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: 08-190-SPH

1526 East Joppa Road

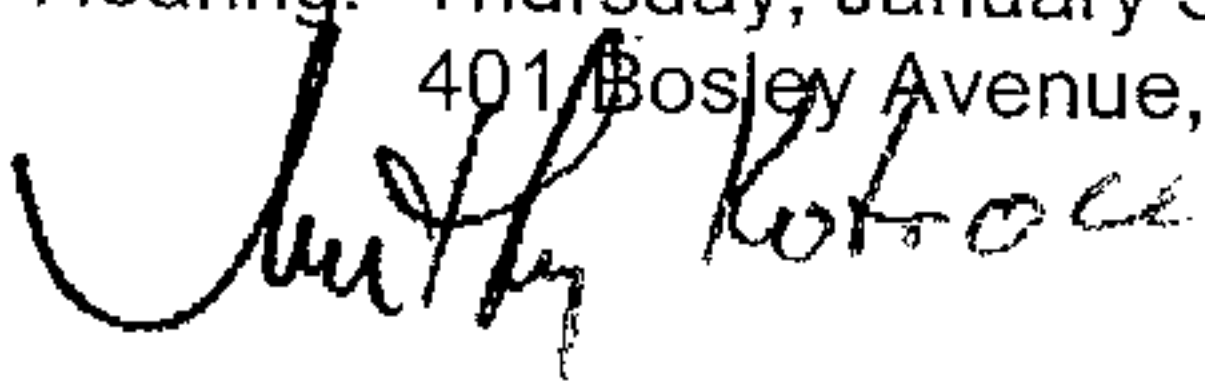
W/side of Orchard Tree Lane, 496 feet north of centerline of East Joppa Road

9th Election District – 5th Councilmanic District

Legal Owners: 1526 East Joppa Road, LLC by Pio Marocco, Member

Special Hearing to permit non conforming use for contractor's equipment storage yard and building materials storage yard, including existing office, parking and inside storage of materials and equipment related to contractor's use.

Hearing: Thursday, January 3, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Douglas Burgess, 502 Washington Avenue, #700, Towson 21204
Pio Marocco, 16 Oakridge Court, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 19, 2007.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 18, 2007 Issue - Jeffersonian

Please forward billing to:

Doug Burgess
Nolan, Plumhoff & Williams
502 Washington Avenue, Ste. 700
Towson, MD 21204

410-823-7800

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: 08-190-SPH

1526 East Joppa Road

W/side of Orchard Tree Lane, 496 feet north of centerline of East Joppa Road

9th Election District – 5th Councilmanic District

Legal Owners: 1526 East Joppa Road, LLC by Pio Marocco, Member

Special Hearing to permit non conforming use for contractor's equipment storage yard and building materials storage yard, including existing office, parking and inside storage of materials and equipment related to contractor's use.

Hearing: Thursday, January 3, 2008 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: _____

08-190-SPH

Petitioner: _____

PIO MOROCCO

Address or Location: _____

#1526 E. TOPPA RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

DOUGLAS BURGESS

Address: _____

NOLAN, PLUMHOFF & WILLIAMS

Telephone Number: _____

410-923-7000



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

December 27, 2007

Douglas L. Burgess, Esquire
Nolan, Plumhoff & Williams, Chtd.
502 Washington Avenue, #700
Towson, Maryland 21204

Dear Mr. Burgess:

RE: Case Number: 08-190-SPH, 1526 East Joppa Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 22, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
1526 East Joppa Road, LLC Pio Marocco, Member 16 Oakridge Ct. Lutherville 21093

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1526 East Joppa Road; W/S Orchard Tree
Lane, 496' N c/line East Joppa Road * ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts
Legal Owner(s): 1526 East Joppa Road, LLC* FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-190-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 31st day of October, 2007, a copy of the foregoing Entry of Appearance was mailed to Douglas Burgess, Esquire, Nolan, Plumhoff & Williams, Chtd., 502 Washington Avenue, Suite 700, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

OCT 31 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 8, 2007

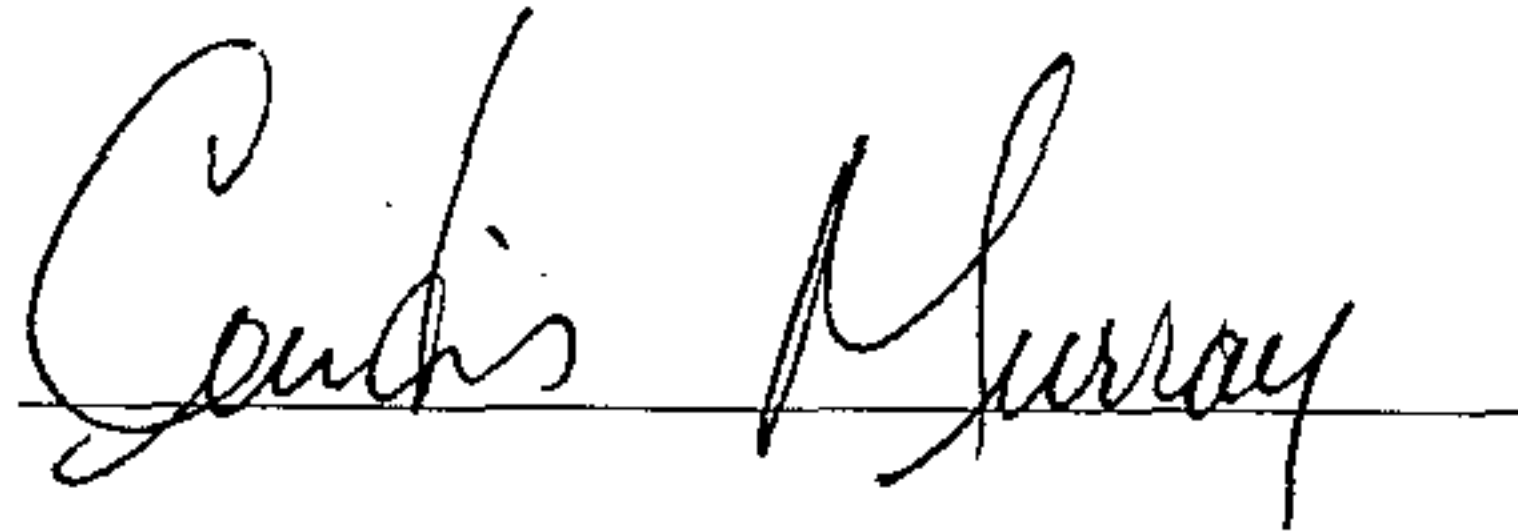
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-190- Special Hearing**

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

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

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 30, 2007

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 5, 2007
Item Nos. 08-157, 184, 185, 186, 187,
188, 190, 191, 192, 193, 194, and 196

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-10302007.doc

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



Maryland Department of Transportation

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

Date: **NOVEMBER 1, 2007**

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

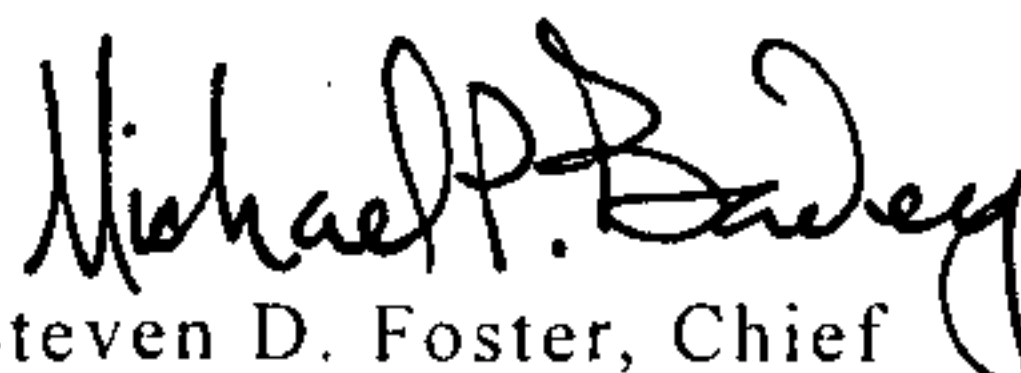
RE: Baltimore County
Item No. **B-190-SPH**
1526 EAST JOPPA ROAD LLC
1526 EAST JOPPA RD
SPECIAL HEARING

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. **B-190-SPH**.

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,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

DOUGLAS L. BURGESS

DIRECT DIAL:
(410) 823-7857E-MAIL:
dburgess@nolanplumhoff.comLaw Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTEREDSUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765J. EARLE PLUMHOFF
(1940-1988)NEWTON A. WILLIAMS
(RETIRED 2000)RALPH E. DEITZ
(1918-1990)

October 18, 2007

VIA FACSIMILE ONLY 410-887-3048Ms. Kristen Matthews
Permits and Development
ManagementRe: 1526 East Joppa Road - Non-Conforming Use Petition

Dear Kristen:

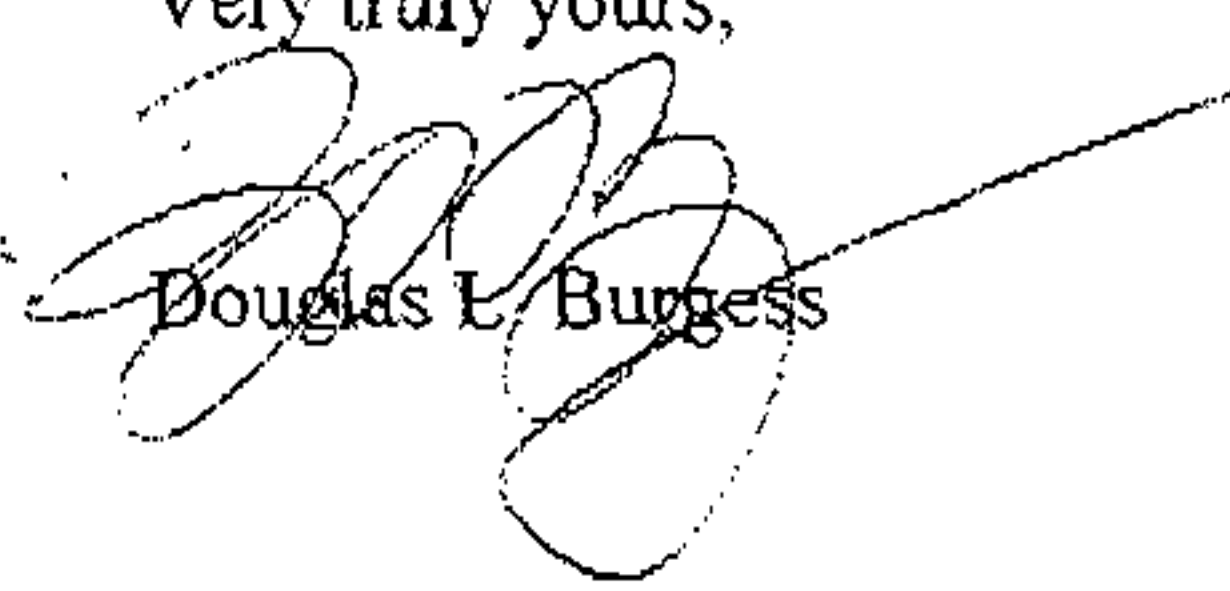
Thank you for speaking with me this morning.

I am counsel for the petitioner in the above matter.

Kindly do not set this matter in for a hearing during the following time periods:

1. November 15 - December 1
2. December 13
3. The week of Christmas
4. There may be other dates that become unavailable as my trial calendar fills up so please call when you have a tentative date.

Very truly yours,


Douglas L. Burgess

DLB/daf

cc: Mr. Pio Marocco
Mr. Nick Commodari

DOUGLAS L. BURGESS

DIRECT DIAL:
(410) 823-7857

E-MAIL:
dburgess@nolanplumhoff.com

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

J. EARLE PLUMHOFF
(1940-1988)

NEWTON A. WILLIAMS
(RETIRED 2000)

RALPH E. DEITZ
(1918-1990)

October 12, 2007

VIA HAND DELIVERY

Mr. Carl Richards
Baltimore County Department of
Permits and Development
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Drop-Off Petition
1526 East Joppa Road
Non-Conforming Use – Commercial Use

Dear Carl:

Kindly find enclosed a drop-off Petition for Special Hearing for Non-Conforming Use (three copies).

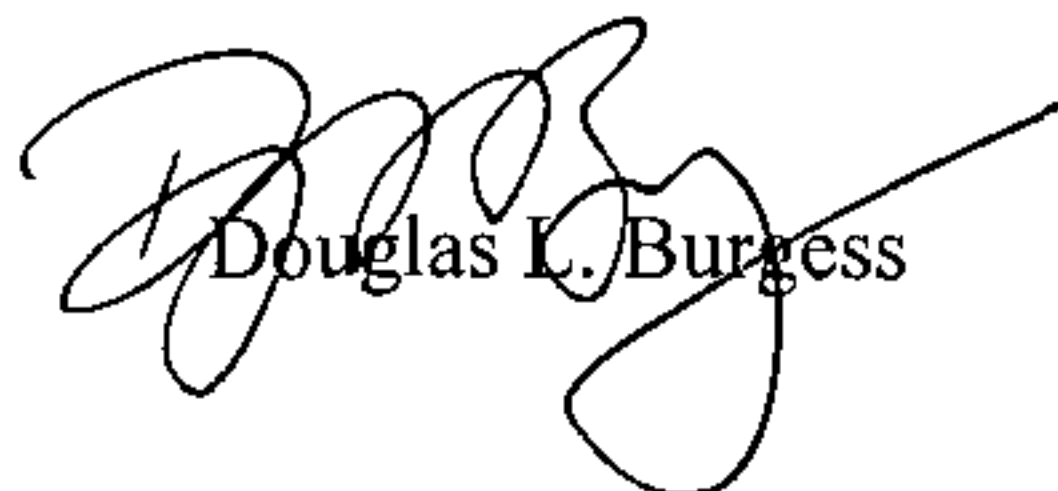
Enclosed also are:

1. Plat (12 copies);
2. Description (3 copies);
3. Zoning Map (1 copy);
4. Filing Fee: check for \$325.00 to Baltimore County; and
5. Advertising Form.

Please process this and send me a receipt. Please also contact me with any proposed hearing dates so I can clear it on my calendar and that of the petitioner.

If there are any questions or concerns regarding this filing, please advise and I will walk over to your office and handle the matter.

Very truly yours,


Douglas L. Burgess

DLB/daf

Enclosures

cc: 1526 East Joppa Road, LLC (w/o enclosures)

CASE NAME _____
CASE NUMBER 08-190-5PH
DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]

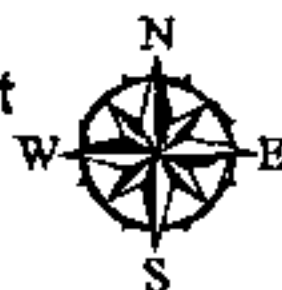
1526 East Joppa Rd



08-190-SPH



Publication Date: September 11, 2007
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



DQ Map Notes



1 inch equals 200 feet

Case No.: 08-190-5PH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	Testimony of Pio Marocco	
No. 3	1945-55 Regs	
No. 4	Testimony of Nick Commodore	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

**Transcript of Testimony of Pio Marocco regarding
1526 East Joppa Road, Towson, Maryland**

September 20, 2007

Mr. Burgess: Mr. Marocco, would you please state your full name, and your address as well as the address of the property we're discussing here today?

Mr. Marocco: My name is Pio J. Marocco, 16 Oakridge Court, Lutherville, Maryland 21093, and my, uh, the building is at 1526 East Joppa Road, in Towson.

Mr. Burgess: Now, Mr. Marocco, could you state for the record whether you were around in the 1940s when your family first acquired 1526 East Joppa Road and whether you had personal knowledge of that site.

Mr. Marocco: Yes, I can recall and I was around since 1947.

Mr. Burgess: And you were a teenager at that time?

Mr. Marocco: Yes, I was a teenage at a high school in '47.

Mr. Burgess: And you personally observed and remember going to the site? Is that right?

Mr. Marocco: Oh, yes. I recall that.

Mr. Burgess: Could you describe what you personally observed at that site in the 1940's?

Mr. Marocco: I observed that my father would have equipment there and piles of pipes for the work that he was in as a contractor.

Mr. Burgess: And you observed in addition to piles of pipe for the contractor actually contractor's equipment used to move the pipe?

Mr. Marocco: Uh, yes, usually backhoes or possibly a crane and maybe some trucks there as they go back and forth.

Mr. Burgess: And Mr. Marocco, since you observed this site in the 1940s, have you lived in the Baltimore area and have you had an occasion to observe the use of the site, by your family since the 1940s until the present.

Mr. Marocco: Yes I have.

Mr. Burgess: And you have continuously lived in the Baltimore area for this period of time?

PETITIONER' S

EXHIBIT NO.

2

PJM

DVB

Mr. Marocco: That is correct.

Mr. Burgess: And you've also have an occasion to observe and be familiar with the use of the site since the 1940s until today, is that right?

Mr. Marocco: Yes, that's right.

Mr. Burgess: And could you tell us what the use of that site was since the '40s until today?

Mr. Marocco: It was, uh, used originally as a storage for pipes and things with equipment and we continued doing that. . . .

Mr. Burgess: And it is still used for that today, is that right?

Mr. Marocco: That's correct, yes.

Mr. Burgess: Now was there ever a period of time within the 1940s until 2007 when there was an interruption of the use of the site, um, for the building equipment, which is the pipes, or contractor's equipment storage yard, which is the backhoe, the trucks and the cranes, was there ever an interruption because of a fire or flood or other casualty?

Mr. Marocco: No, there wasn't.

Mr. Burgess: So it's been continuous used from that time until the present, is that right?

Mr. Marocco: That's correct, yes.

Mr. Burgess: Okay, I have no further questions for your, thank you very much.

*I swear and affirm under penalties of perjury
that the foregoing statement is true and
correct.*

WITNESS:

[Signature]

[Signature]
Pio J. Marocco

Date: 10-9-07

Appendix K¹
1945-1955
ZONING REGULATIONS AND RESTRICTIONS
FOR
BALTIMORE COUNTY

ADOPTED BY THE COUNTY COMMISSIONERS
OF BALTIMORE COUNTY,
Enabling Acts of the General Assembly of Maryland:

Session of 1941, Chapter 247

Session of 1943, Chapter 877

Session of 1945, Chapter 502

Session of 1947, Chapter 915

CHRISTIAN H. KAHL,
President

JOHN R. HAUT

BREMEN A. TRAIL
County Commissioners
of Baltimore County

Codified Sept. 1, 1948 by

CHAS. H. DOING

Zoning Commissioner of Baltimore County.

PETITIONER'S

EXHIBIT NO. 3

¹ Editor's Note: The 1945 Baltimore County Zoning Regulations are included here, for reference, as they were adopted 1-2-1945, and codified 9-1-1948, including amendments through 7-1-1953. Amendments from 7-2-1953, through 3-30-1955 are included at the end. Note that these regulations were repealed by the 1955 version. See Appendix A of this volume.

5. Accessory Buildings: Accessory buildings shall be permitted without restrictions as to setback from division line of dwelling units or rear property lines.
6. No group house shall contain more than seven single or two-family dwellings.

SECTION VII — "E" COMMERCIAL ZONE

- A. Use Regulations: Except as expressly provided in subsequent sections, any building or structure or land may be used and any building or structure may be hereafter erected, altered, repaired or used for any use or uses except the following:
 1. Arsenal.
 2. Automobile dismantling or storage of motor vehicles not in running order.
 3. Brick, tile, terra cotta, concrete and cinder block manufacturing.
 4. Code Ovens.
 5. Cooperage.
 6. Contractor's plant for preparation of materials.
 7. Creosote manufacture or treatment.
 8. Dump, either public or private, for disposal of refuse.
 9. Exterminators and insect poisons manufacture.
 10. Gasoline Service (Filling) Station.
 11. Junk Yard.
 12. Machine Shop or Woodworking Plant.
 13. Poultry; commercial killing, dressing and storage.
 14. Railroad yard or round house.
 15. Storage or baling of scrap paper or rags.
 16. Any use listed under Section VIII, "A".
 17. Any kind of manufacture other than manufacturing clearly and exclusively incident to a retail business conducted in the main building on the lot.
 18. All other use for which a special permit is required as hereinafter provided.
- B. Height Regulations: Building height unlimited.
- C. Area Regulations:
 1. The front building line of commercial buildings shall be the front lot line and the side building line shall be the side lot line, provided, however, that when more than 50 per cent of the frontage on one side of any street, between two

TESTIMONY OF NICHOLAS COMMODARI

Question: Please state your full name and address for the records.

Answer:

Question: Can you please tell the Commissioner your education and experience with regard to the Baltimore County Zoning Regulations.

Answer: (Give years that you worked for Baltimore County with the zoning department and your official titles.) *Sept 17 1973 → Dec 31, 1985*

(Give your experience as an independent contractor in the area of zoning and permits. *Dec 31, 1985 zoning*

Question: Can you tell the Commissioner how many plans you have reviewed for compliance with the Baltimore County Zoning Regulations and how many comments you have given regarding those plans? *part of my job - reviewed plans*

Answer: (Nick will explain this, including review of non-conforming use, petitions and plans.) *last 9 Chairman Zoning Plans Advisory Committee*
Coordinator of petitions - all types
commented on all the plans

Question: Have you had an occasion over the years to advise private clients regarding compliance with the Baltimore County Zoning regulations including but not limited to nonconforming issues? *last 22 years*

Answer (Nick to answer this).

commercial clients

Question: I offer Nick Commodari as an expert in the area of Baltimore County Zoning Regulations.

Questions: Now, turning to this case in particular, can I ask you what steps you have done to determine the zoning of this site and the permitted uses as well as the actual uses and what zoning relief you believe is appropriate for the petitioners?

Answer: (Nick to indicate he has been to the site, interviewed the petitioner, reviewed the Baltimore County microfilm files, talked to various officials at Baltimore County, reviewed the zoning and other agency comments, reviewed the deeds, reviewed the plats and prior plats, reviewed the 1955 regulations. Reviewed the 1975 plat of the property, reviewed the statement of Pio Marocco and have concluded as follows:

reviewed the first set of regulations

PETITIONER' S

EXHIBIT NO. *4*

Plat to Accompany Petition for
Zoning Variance and a Nonconforming
Use Permit

Property Address: 1526 East Joppa Road
Baltimore County, Md. 21204

Tax Account No.: 09-0913200210

Deed Reference: Liber: 14134, Folio: 439

Property Owner: 1526 E. Joppa Rd. LLC

Mailing Address: 16 Oakridge Court
Luth-Timonium, Md. 21093

Current Property Use:

Contractor Equipment Storage
and Building Material Yard

LEGEND

F.H. Fire Hydrants
Fence Existing Chain Link Fence
I Drainage Inlet
U.T. Utility Pole

No signs existing or proposed
A.O.S. - None Required

Scale: 1" = 100'



Nelson L. Matthews

10/6/07

Ruxton Design Corporation

8422 Bellona Lane

Suite 300

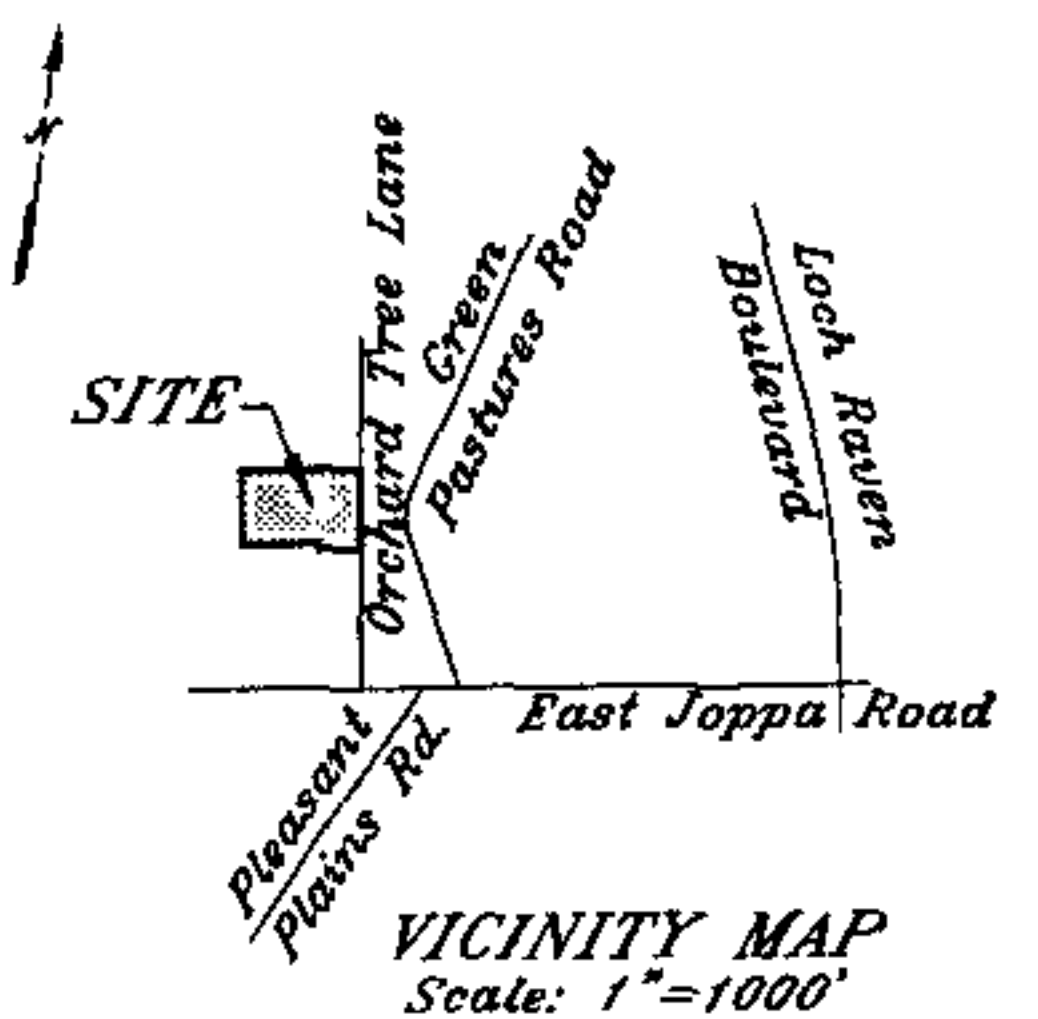
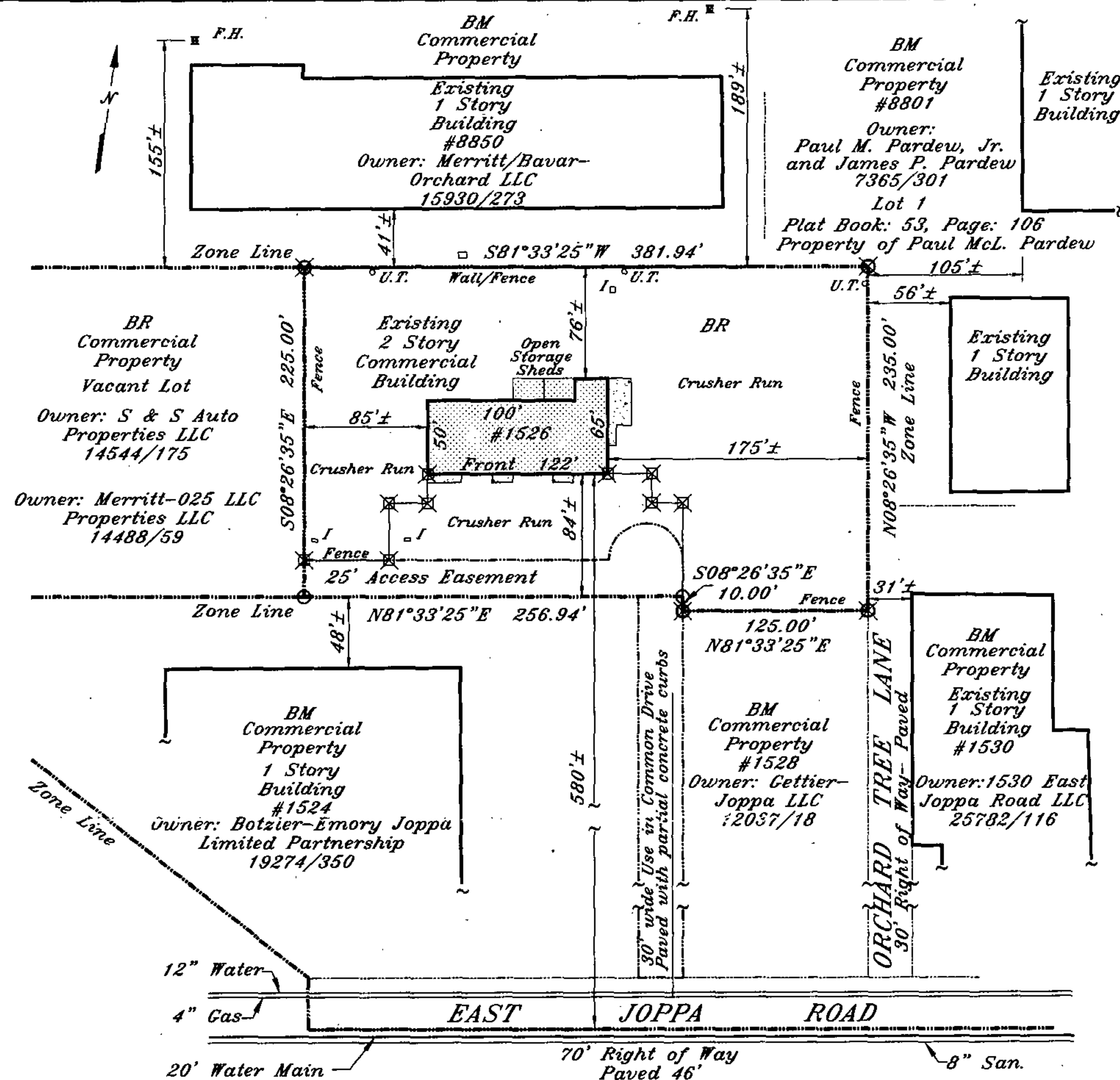
Towson, Maryland 21204

410-823-5000

410-823-0115 fax

rdc@ruxtondesign.com

www.ruxtondesign.com



LOCATION INFORMATION

Election District: 9

Councilmanic District: 9B5

1"=200' Scale Map No.: 070C2

Zoning: BR

Building Size: 6430 sq. ft.±

Lot Size: 2.0 Ac.± or
87,186 sq. ft.±

	Public	Private
Sewer:	☒	☐
Water:	☒	☐
Chesapeake Bay Critical Area:	Yes ☐	No ☒

Prior Zoning Hearings: None

Prior Commercial Permits:

No.431-76: Alterations

No.1140-75: Add office space,
warehouse with
added office space

No.274-74: Install Gas Tank

No.1256-74: Construct two open
sheds

Property lies in Flood Zone
C

F.E.M.A. Map Panel Number
240010 0265 B, Dated 3/02/81

ZONING OFFICE USE ONLY

Reviewed By	Item Number	Case Number
A. Tsui	190	08-190-SPH

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No signs existing or proposed
A.O.S. - None Required

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Nelson L. Matthews 10/6/07

Ruxton Design Corporation

8422 Bellona Lane
Suite 300

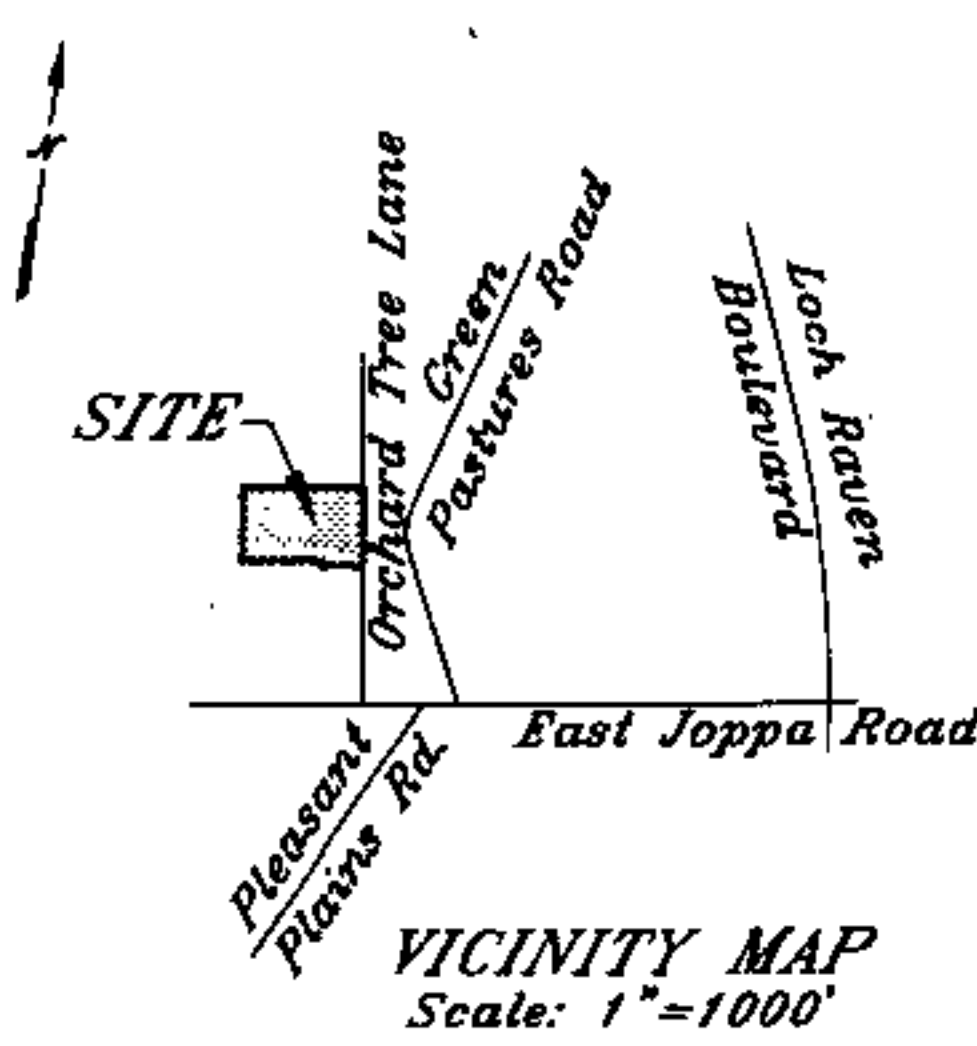
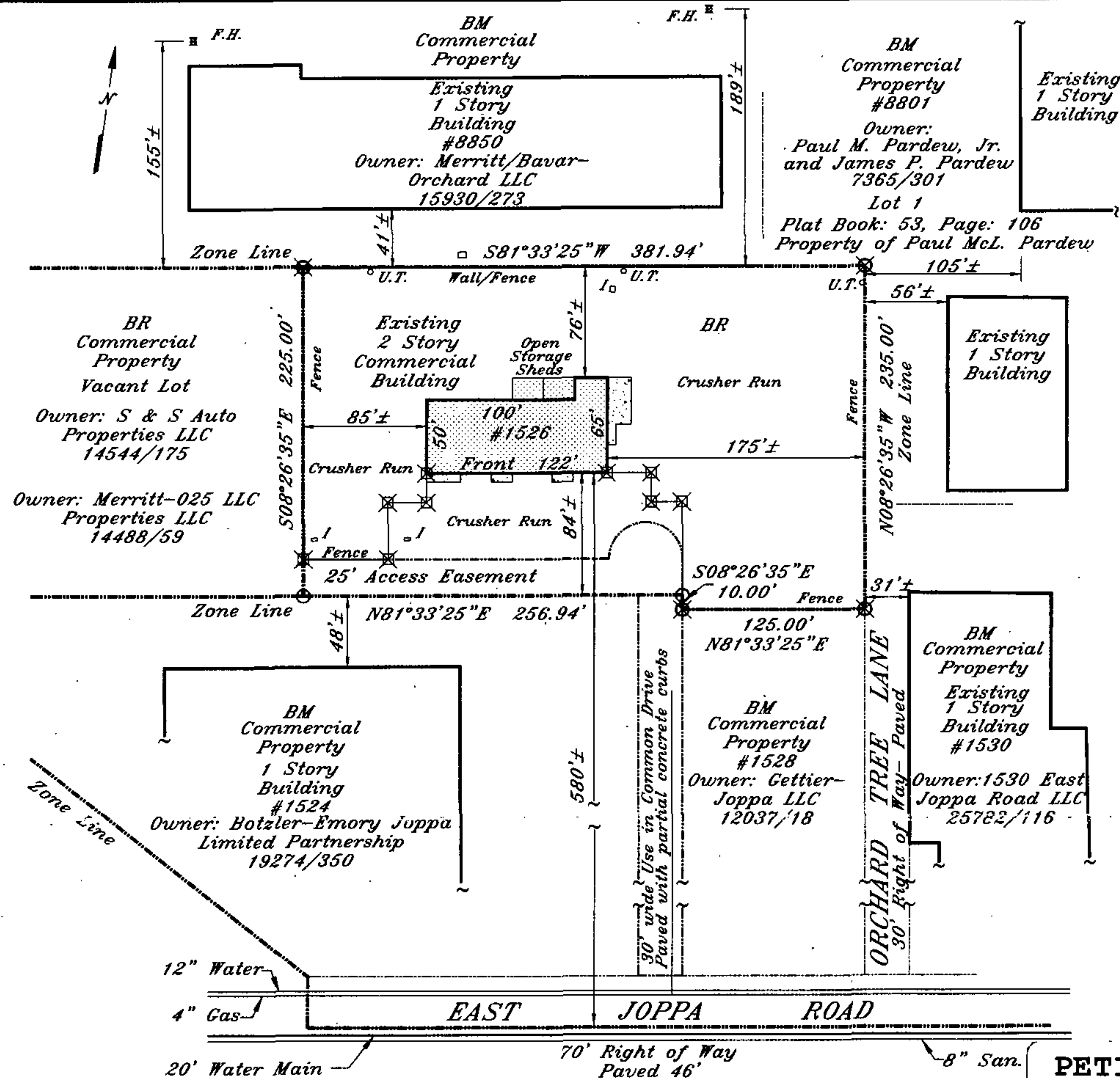
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rdc@ruxtondesign.com

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LOCATION INFORMATION

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87,186 sq. ft.±

	Public	Private
Sewer:	☒	☐
Water:	☒	☐
Chesapeake Bay Critical Area:	☐ Yes	☒ No

Prior Zoning Hearings: None
Prior Commercial Permits:
No. 431-76: Alterations
No. 1140-75: Add office space, warehouse with added office space
No. 274-74: Install Gas Tank
No. 1256-74: Construct two open sheds

Property lies in Flood Zone C
F.E.M.A. Map Panel Number 240010 0265 B, Dated 3/02/81

ZONING OFFICE USE ONLY		
Reviewed By	Item Number	Case Number

PETITIONER'S
EXHIBIT NO. 1 0-SIPH