

**IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION**

E side of North Point Blvd., 451 feet N
of Merritt Lane
15th Election District
7th Councilmanic District
(4420 North Point Blvd.)

Charles S. and Betty A. Ratliff
Petitioners
Edwin and Dorothy Hayes
Contract Purchasers

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 2008-0539-SPHX**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by Charles S. Ratliff (deceased) and Betty A. Ratliff, the legal property owners, and Edwin and Dorothy Hayes, the contract purchasers. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to determine that an asbestos, lead, and mold remediation and demolition contractor's equipment storage constitutes a contractor's equipment storage yard pursuant to Section 101 of the B.C.Z.R. The Special Exception is to allow a contractor's equipment storage yard in a B.R. Zone in accordance with Section 236.4 of the B.C.Z.R. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and special exception were Petitioners Edwin and Dorothy Hayes, the contract purchasers. Leslie M. Pittler, Esquire, appeared and represented Petitioners, and Betty Ratliff also appeared. Also appearing in support of the requested relief was Kenneth Colbert, with Colbert Matz Rosenfelt,

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Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested citizens in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is L-shaped and consists of approximately 45,738 square feet or 1.05 acre, more or less, zoned B.R.-A.S. The property is located on the east side of North Point Boulevard, south of Wise Avenue, in the Sparrows Point area of Baltimore County. As shown on the site plan, the property is actually made up of three separate parcels. Parcel 219, Lot 11 (0.31 acre) is situated along North Point Boulevard and has an entry way directly to the road. This parcel is proposed to be improved with a one-story 1,600 square foot warehouse for administrative offices and storage. Parcel 491 (0.28 acre) is located to the east of (directly behind) Parcel 219. It is currently unimproved and is proposed for the contractor's equipment storage yard. Parcel 212 (0.46 acre) is located to the north of (directly above) Parcel 491 and is also proposed for the contractor's equipment storage yard.

Petitioners Edwin and Dorothy Hayes have owned and operated A-1 Demolition for approximately 20 years. They have operated at the subject location for approximately the last 10 years. Petitioners recently became interested in purchasing the subject property and according to Mr. Pittler, settlement on the property already occurred between Mr. and Mrs. Hayes and Betty Ratliff and Petitioners are now the legal owners of the property. Because Petitioners are now owners of the property and because they wish to make certain improvements to the property in order to increase the efficiency of their business and enhance the appearance of the site, they desire to legitimize the existing conditions and uses on the site; hence the Petitions for Special Hearing and Special Exception.

Petitioners' business specializes in demolition, removal, and temporary storage of hazardous materials including asbestos abatement and mold and lead paint removal. The company also performs general demolition services that do not require the stringent demolition and storage

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procedures that accompany hazardous materials abatement. The company utilizes closed trailers for the temporary storage of the hazardous materials and dumpsters for non-hazardous general demolition. The company also stores general construction equipment as well as equipment specifically for hazardous material removal. The company is certified by the Maryland Department of the Environment (MDE) and is re-certified each year. As such, MDE will visit the site each year and inspect various aspects of hazardous materials storage to ensure compliance with MDE standards.

As shown on the aerial photograph that was marked and accepted into evidence as Petitioners' Exhibit 2, the surrounding area is a mix of industrial and commercial uses. To the west of the subject property are large, heavy industrial uses. The aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 3 shows a closer view of the subject property and surrounding businesses. These include a metal processing company, a crane company, a rental systems company, a general contractor, and an auto service business. There is also a lumber and hardware company, another auto repair business, a marine service business, and a used car sales lot. Located to the east, behind the subject property is a wooded area that backs up to Interstate 695 and the Amtrak railroad tracks. A zoning map marked and accepted into evidence as Petitioners' Exhibit 4 shows the zoning in the area to be predominantly business and manufacturing, including B.L., B.M., B.R., M.L., and M.H., with portions having an A.S. and I.M. overlay.

Photographs of the site which were marked and accepted into evidence as Petitioners' Exhibit 5 show the appearance of the site and the surrounding properties. Two photographs labeled "site frontage" depict the front parcel (Parcel 219, Lot 11) with the 1,600 foot warehouse that has been constructed pursuant to Baltimore County permit number B698070. The photographs labeled "rear parcels" depict the other two parcels (Parcels 491 and 212) where the

contractor's equipment storage yard is proposed. It is apparent based on the photographs that the site is well maintained and organized. Debris is placed in closed containers or dumpsters, depending on whether the debris consists of hazardous materials or general demolition materials. The photo labeled "containers" shows the containers that are used to temporarily store the hazardous materials.

In addressing the special hearing to determine whether Petitioners' storage of asbestos, lead, and mold materials and demolition and remediation equipment constitutes a contractor's equipment storage yard pursuant to Section 101 of the B.C.Z.R., Petitioners' consulting engineer, Kenneth Colbert, testified at the hearing. Mr. Colbert is a registered professional engineer in the State of Maryland and has practiced in the field of civil engineering and site planning and land development for approximately 40 years. He has testified extensively as an expert in the field of civil engineering and land development before this Commission and the Board of Appeals. He was offered and accepted as an expert in this case.

A Contractor's Equipment Storage Yard is defined in Section 101 of the B.C.Z.R. as follows:

The use of any space, whether inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage or landscaping equipment and associated materials.

Mr. Colbert indicated that Petitioners utilize the subject property, and specifically Parcels 491 and 212, to store their construction equipment related to their general demolition work and their demolition and removal of hazardous materials. He also indicated that Petitioners utilize the parcels to temporarily store the hazardous materials in the closed storage trailers, in compliance with MDE requirements, and to store general demolition materials in dumpsters. Mr. Colbert

offered his opinion that these activities are consistent with the definition of a Contractor's Equipment Storage Yard.

Mr. Colbert then addressed the Special Exception criteria set forth in Section 502.1 of the B.C.Z.R. pertaining to the request to use the property as a contractor's equipment storage yard in a B.R. Zone pursuant to Section 236.4 of the B.C.Z.R. Mr. Colbert opined that the use would not be detrimental to the health, safety or general welfare of the locale. The manner in which the materials are handled and stored will not result in any negative impacts to the surrounding community. Mr. Colbert also indicated that the use would not have a negative impact on any of the other 502.1 criteria, and in particular would not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of the Zoning Regulations. And again, based on the manner in which materials are handled and stored, Mr. Colbert opined that the use would not be detrimental to the environmental and natural resources of the site and vicinity. In addition, the site is sufficiently screened from other properties with landscaping and fencing so as not to cause any adverse impact.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated June 26, 2008 which indicates that the site currently has stored on it a number of dumpsters full of plastic bags, as well as building material debris, pieces of mechanical equipment, lumber (under a large storage roof) and two closed truck trailers. There is a mixture of industrial, retail and office uses proximate to the site. The Planning Office recommends that Petitioner clean up and clear the existing site to meet the description on the site plan. Provide a clear and accurate description of the procedures for transporting, unloading and storing the referenced materials, so as to convince the Zoning Commissioner that there will be no contamination of the subject property or adjacent properties.

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Based on the testimony and evidence presented, I am persuaded to grant the special hearing relief. I agree with the uncontroverted testimony of Petitioner's expert, Mr. Colbert, that the storage of Petitioners' construction equipment related to their general demolition work and their demolition and removal of hazardous materials, the temporary storage of the hazardous materials in the closed storage trailers -- in compliance with MDE requirements, and the storage of general demolition materials in dumpsters, are consistent with the definition of a Contractor's Equipment Storage Yard in Section 101 of the B.C.Z.R..

I am also persuaded to grant the requested special exception relief pursuant to Section 236.4 of the B.C.Z.R. Again, the testimony is uncontroverted that Petitioners' use of the property will not have any detrimental impacts on the criteria set forth in Section 502.1 of the B.C.Z.R. I am convinced that as long as the site is well kept and maintained, that all equipment and materials are properly stored and the property secured, and that storage of hazardous materials is in compliance with the standards required by the MDE, that the use can be permitted with no adverse impacts on the surrounding community.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' request for special hearing and special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 13th day of August, 2008 that Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to determine that an asbestos, lead, and mold remediation and demolition contractor's equipment storage constitutes a contractor's equipment storage yard pursuant to Section 101 of the B.C.Z.R. be and is hereby GRANTED.

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[Signature]

IT IS FURTHER ORDERED that the request for Special Exception to allow a contractor's equipment storage yard in a B.R. Zone in accordance with Section 236.4 of the B.C.Z.R. be and is hereby GRANTED.

This Order is subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners shall properly maintain the site and keep the site well organized and clear of unnecessary debris, with the storage of construction and demolition equipment in designated areas, and the storage of general demolition materials and hazardous materials in designated areas and in proper dumpsters or closed trailers.
3. Petitioners shall maintain their certification with the Maryland Department of the Environment (MDE) for the demolition, remediation, and temporary storage of hazardous materials. Petitioner shall comply with all MDE standards and/or requirements.
4. Petitioners shall permit the property to be subject to inspections by the Baltimore County Division of Code Inspections and Enforcement to ensure that the site is well maintained and in compliance with all County Codes and Regulations.

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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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 4420 NORTH POINT BOULEVARD

which is presently zoned BR AS

Deed References 6975/321 and 6913/126 Tax Account # 1800008238, 1512201463, and 1512201462

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

Special Hearing to determine that an asbestos, lead, and mold remediation and demolition contractor's equipment storage is a contractor's equipment storage yard pursuant to Section 101 of the BCZR.

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

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

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

Contract Purchaser/Lessee:

Edwin and Dorothy Hayes

Name - Type or Print

Signature

525 Bayside Drive

Address

Baltimore

City

443-992-3276

Telephone No.

MD 21222

State Zip Code

Attorney For Petitioner:

Les Pittler

Name - Type or Print

Signature

Company

25 Wandsworth Bridge Way

Address

Lutherville

City

410-823-4455

Telephone No.

MD 21093

State Zip Code

Case No. 2008-0539-SPHX

Legal Owner(s):

Charles S Ratliff

Name - Type or Print

Signature

Betty A Ratliff

Name - Type or Print

Signature

4428 North Point Boulevard

Address

Baltimore

City

410-477-8160

Telephone No.

MD 21219

State Zip Code

Representative to be Contacted:

Kenneth J Colbert

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

Address

Baltimore

City

410-653-3838

Telephone No.

MD 21209

State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By CM Date 05-19-08



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at: 4420 North Point Boulevard

which is presently zoned BR AS

Deed Reference 6975/321 and 6913/126 Tax Account # 1800008238, 1512201463, 1512201462

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 of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A contractor's equipment storage yard in a BR zone in accordance with Section 236.4 of the BCZR.

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

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

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

Contract Purchaser/Lessee:

Edwin and Dorothy Hayes

Name - Type or Print

Signature

525 Bayside Avenue

Address.

Baltimore

City

443-992-3276

Telephone No.

MD 21222

State Zip Code

Attorney For Petitioner:

Les Pittler

Name - Type or Print

Signature

Company

25 Wandsworth Bridge Way

Address

Lutherville

City

410-823-4455

Telephone No.

MD 21093

State Zip Code

Legal Owner(s):

Charles S Ratliff

Name - Type or Print

Signature

Betty A Ratliff

Name - Type or Print

Signature

4428 North Point Boulevard

Address.

Baltimore

City

410-477-8160

Telephone No.

MD 21219

State Zip Code

Representative to be Contacted:

Kenneth J Colbert

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

Address

Baltimore

City

410-653-3838

Telephone No.

MD 21209

State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

CM

Date 05-19-08

Case No. 2008-0539-SAH

8-13-08

PM

No.

15315

PAID RECEIPT

Date:

8-19-08

Total:

76-117

From:

For:

YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**



ZONING DESCRIPTION 4420 NORTH POINT BOULEVARD

Beginning at a point on the east side of North Point Boulevard, which is of variable width, at a distance of 451 feet, more or less, north of the centerline of Merritt Lane, which is of variable width, thence the following courses and distances:

N 08°06'W, 100 ft.;
N 80°40'E, 123.2 ft.;
N 08°39'W, 191.2 ft.
N 85°41'E, 90.1 ft.
S 20°01'E, 272.6 ft.
S 70°03'W, 147.5 ft.
N 08°30'W, 11.8 ft. thence
S 80°40'W, 123.1 ft. to the Point of Beginning

Containing 1.05 acre of land, more or less, as recorded in Deed Liber 6975, folio 321 and Deed Liber 6913, folio 126. Also known as #4420 North Point Boulevard and located in the 15th Election District, 7th Councilmanic District.



2008-0539-5/14
2008-0539

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: # 2008-0539-SPHX

4420 North Point Boulevard

E/side of North Point Blvd., 451 feet north of Merritt Lane

15th Election District — 7th Councilmanic District

Legal Owner(s): Charles & Betty Ratliff

Contract Purchaser: Edwin & Dorothy Hayes

Special Hearing: to determine that an asbestos, lead, and mold remediation and demolition contractor's equipment storage is contractor's equipment storage yard pursuant to Section 101 of the BCZR. **Special Exception:** for a contractor's equipment storage yard in a BR zone in accordance with Section 236.4 of the BCZR.

Hearing: Thursday, July 31, 2008 at 9:00 a.m. in the Jefferson Building, 1st Floor, 105 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 7/636 July 15

178335

CERTIFICATE OF PUBLICATION

7/17/2008

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 7/15/2008.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/17/08

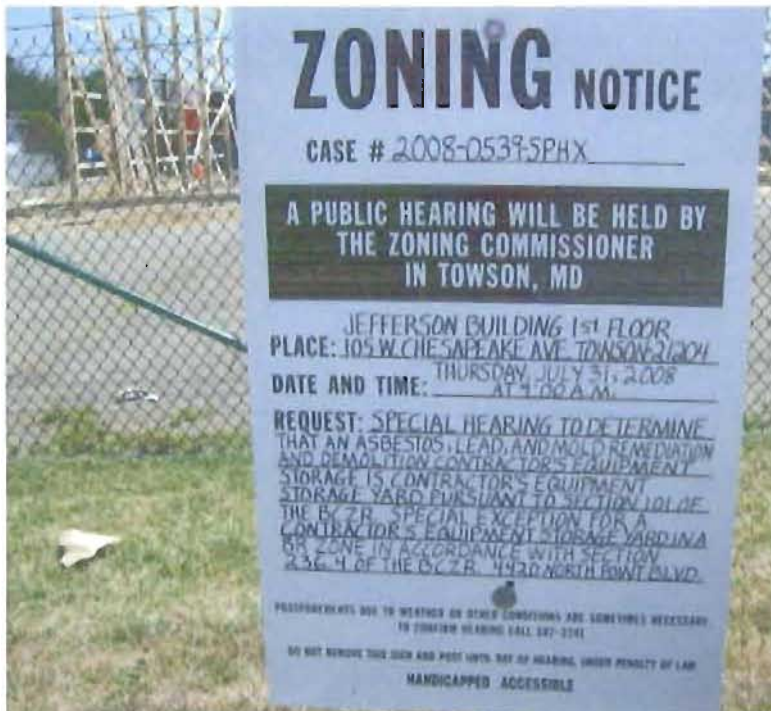
Case Number: 2008-0539-SPHX

Petitioner / Developer: LES PITLER, ESQ.~MR. & MRS. HAYES~
MR. & MRS. RATLIFF~KENNETH COLBERT

Date of Hearing (Closing): JULY 31, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
4420 NORTH POINT BOULEVARD

The sign(s) were posted on: JULY 16, 2008



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

**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: 2008-0539-SPHX
Petitioner: E & D. HAYES
Address or Location: 4420 NORTH POINT BLVD. 71222

PLEASE FORWARD ADVERTISING BILL TO:

Name: LES BITTLE
Address: 25 WANDSWORTH BRIDGE WAY
LUTHERVILLE MD 21043
Telephone Number: 410-823-4455

Revised 2/20/98 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

June 18, 2008

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

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

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: 2008-0539-SPHX

4420 North Point Boulevard

E/side of North Point Blvd., 451 feet north of Merritt Lane

15th Election District – 7th Councilmanic District

Legal Owners: Charles & Betty Ratliff

Contract Purchaser: Edwin & Dorothy Hayes

Special Hearing to determine that an asbestos, lead, and mold remediation and demolition contractor's equipment storage is contractor's equipment storage yard pursuant to Section 101 of the BCZR. Special Exception for a contractor's equipment storage yard in a BR zone in accordance with Section 236.4 of the BCZR.

Hearing: Thursday, July 31, 2008 at 9:00 a.m. in the Jefferson Building, 1st Floor,
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Les Pittler, 25 Wandsworth Bridge Way, Lutherville 21093
Mr. & Mrs. Hayes, 525 Bayside Avenue, Baltimore 21222
Mr. & Mrs. Ratliff, 4428 North Point Blvd., Baltimore 21219
Kenneth Colbert, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 16, 2008.**
- (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, July 15, 2008 Issue - Jeffersonian

Please forward billing to:

Les Pittler
25 Wandsworth Bridge Way
Lutherville, MD 21093

410-823-4455

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: 2008-0539-SPHX

4420 North Point Boulevard

E/side of North Point Blvd., 451 feet north of Merritt Lane

15th Election District – 7th Councilmanic District

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Special Hearing to determine that an asbestos, lead, and mold remediation and demolition contractor's equipment storage is contractor's equipment storage yard pursuant to Section 101 of the BCZR. Special Exception for a contractor's equipment storage yard in a BR zone in accordance with Section 236.4 of the BCZR.

Hearing: Thursday, July 31, 2008 at 9:00 a.m. in the Jefferson Building, 1st Floor,
105 W. Chesapeake 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.



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
July 22, 2008

Les Pittler
25 Wandsworth Bridge Way
Lutherville, Md. 21093

Dear: Les Pittler

RE: Case Number 2008-0539-SPHX, Address: 25 Wandsworth Bridge Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 19, 2008. 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:lnw

Enclosures

c: People's Counsel
Charles S. & Betty A. Ratliff, 4428 North Point Boulevard, Baltimore, Md. 21219
Kenneth J. Colbert, 2835 Smith Avenue, Suite G, Baltimore, Md. 21209
Edwin and Dorothy Hayes, 525 Bayside Avenue, Baltimore, Md. 21222

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 26, 2008

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

SUBJECT: 4420 North Point Boulevard

INFORMATION:

Item Number: 8-539

Petitioner: Betty A. Ratliff

Zoning: BR-AS

Requested Action: Special Hearing and Special Exception

The petitioner is seeking a Special Hearing and Special Exception to store toxic materials on site.

SUMMARY OF RECOMMENDATIONS:

The site currently has stored on it, a number of filled dumpsters full plastic bags, as well as building material debris, pieces of mechanical equipment, lumber (under a large storage roof), and two closed truck trailers.

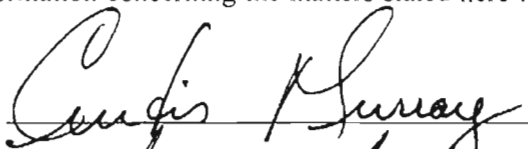
There is a mixture of industrial, retail, and office uses proximate to the site.

The Office of Planning recommends that the applicant clean up and clear the existing site to meet the description on the site plan.

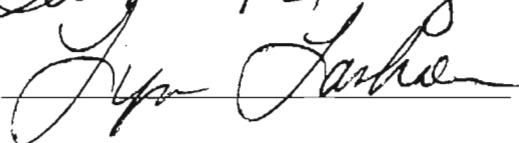
Provide a clear and accurate description of the procedures for transporting, unloading and storing the referenced materials, so as to convince the Zoning Commissioner that there will be no contamination of the subject property or adjacent properties.

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

Reviewed by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 28, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 2, 2008
Item Nos. 08-0311, 0535, 0536, 0537,
0538, 0539, and 0540

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

DAK: ~~CEN~~:lrk
cc: File

ZAC-05282008-NO COMMENTS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

June 2, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 26, 2008

Item Number: 2008-0535-A, 0311-A, 0536-A, 0537-SPH, 0538-A, 0539-SPHX

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.

1The 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*

State Highway
Administration

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

Maryland Department of Transportation

Date: June 20, 2008

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

RE: Baltimore County
Item No. 2008-0539-SPHX
MD 151 (North Point Blvd)
4420 North Point Blvd.
Ratiff Property
Special Exception
Special Hearing

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 06/16/2008. A field inspection and internal review reveals that an entrance onto MD 151 (North Point Blvd.) consistent with current State Highway Administration guidelines is required. As a condition of approval for 4420 North Point Boulevard, Case Number 2008-0539-SPHX the applicant must contact the State Highway Administration to obtain an entrance permit.

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

Very truly yours,

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION *
4420 Old North Point Blvd; E/S North * ZONING COMMISSIONER
Point Blvd, 451 N of Merritt Lane *
15th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): Charles & Betty Ratliff
Contract Purchasers: Edwin & Dorothy Hayes* BALTIMORE COUNTY
Petitioner(s) *
08-539-SPHX

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

JUN 02

Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Kenneth Colbert, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Leslie Pittler, Esquire, 25 Wandsworth Bridge Way, Lutherville, MD 21093, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER 2008-0539-SPHX
DATE 7-31-08

[illegible]



RESUME

PROFESSIONAL BACKGROUND AND EXPERIENCE

KENNETH J. COLBERT
2835 SMITH AVENUE, SUITE G
BALTIMORE, MD 21209

PROFESSIONAL STATUS: Professional Engineer, Maryland, PE No. 9752

EDUCATION: University of Missouri-Rolla
Rolla, Missouri
B.S. in Civil Engineering

PROFESSIONAL BACKGROUND AND EXPERIENCE:

Practiced in the field of Civil Engineering and Site Planning for Land Development projects since 1968.
Accepted as an expert in those areas, and testified before the following:

Anne Arundel County Administrative Hearing Officer
Anne Arundel County Board of Appeals
City of Annapolis City Council
City of Annapolis Planning Commission
Baltimore County Board of Appeals
Baltimore County Zoning Commissioner
Baltimore City Board of Municipal Zoning Appeals
Cecil County Board of Appeals
City of Elkton Planning Board
City of Elkton City Council
City of Gaithersburg Planning Board
City of Gaithersburg City Council
Harford County Board of Appeals
Howard County Hearing Examiner
Howard County Board of Appeals
Montgomery County Planning Board
Montgomery County Hearing Examiner
Montgomery County Board of Appeals
City of Rockville Planning Commission
City of Rockville Board of Appeals
City of Westminster Planning Board

Testified as an expert witness in the field of Civil Engineering for Land Development in the District Courts of Baltimore County and Howard County.

PROFESSIONAL EXPERIENCE:

April, 1987 – Present Colbert Engineering, Inc. / Colbert Matz Rosenfelt, Inc.
Consulting Civil Engineers & Surveyors
Baltimore, Maryland

Established a private consulting firm for design and construction management of land development projects. Primary services include site design and preparation of plans for commercial and residential land development projects, as well as complete survey and construction stakeout services.

In September 1994 Colbert Engineering, Inc. merged its operations with another consulting engineering firm to form Colbert Matz Rosenfelt, Inc. This merger enabled the new firm to expand its client base and to better, and more effectively serve its existing clients.

Mr. Colbert is the managing partner of the company while maintaining project management responsibilities. In addition, he is the principal responsible for operation of the Survey Department.

Jan., 1986 – Apr., 1987 Security Management Corporation
Builders and Developers
Baltimore, Maryland

Employed by Security Management Corporation as Engineering Manager for Land Development activities with responsibility for budgeting, management and supervision of the land development phases for all projects. Projects included single family and multi-family developments ranging in size from 50 units to 1500 units in four governmental jurisdictions.

Nov., 1978 – Jan., 1986 Colbert Engineering, Inc. / CDH Engineering Corp. / Kidde Consultants
Consulting Civil Engineers and Surveyors
Glen Burnie, Maryland

Established a private consulting firm for design and construction management of land development projects. Services included site design and preparation of site development plans for residential and commercial developments.

In June 1982, Colbert Engineering, Inc. merged its operation with that of another consulting engineering firm to form CDH Engineering Corporation. This merger enabled the new firm to expand its engineering and surveying capabilities, and grow to maintain a staff of approximately 20 people. As engineering and managing partner, duties and responsibilities continued as before but on an expanded basis

CDH Engineering Corporation was purchased by Kidde Consultants, Inc., a top 500 engineering company, in June 1984. The office became one of eight branch offices spread throughout Maryland, Virginia, Delaware and Pennsylvania. As Branch Office Manager, duties and responsibilities continued to include engineering for land development projects of various types and sizes, as well as interaction with the main office on management, marketing and budget matters.

Mar., 1976 – Nov., 1978 Anne Arundel County, Maryland
Department of Public Works
Annapolis, Maryland

Employed by Anne Arundel County as a Senior Engineer responsible for the Engineering Review Section of the Development Services Division, Department of Public Works. This Section, which had a complement of four engineers, reviewed the engineering plans for all Land Development activities within the County. Promoted to Chief of the Development Services Division. The Division staff consisted of 13 Engineers, Engineering Technicians, Construction Inspectors and Clerical personnel. The function of this Division was the review and processing of all private construction within the County.

May, 1973 – Mar., 1976 Purdum & Jeschke
Consulting Engineers & Surveyors
Baltimore, Maryland

Employed by Purdum & Jeschke as a Design Engineer with prime areas of responsibilities being design of Storm Drainage Systems and Site Grading for various land development projects. Advanced to Project Engineer responsible for residential and commercial development projects.

Sept., 1971 – May, 1973 Mathews-Phillips, Inc.
Builders and Developers
Silver Spring, Maryland

Employed by Mathews-Phillips, Inc. as an Assistant Construction Superintendent for Garden Apartment and Townhouse Projects. Prime area of responsibility was for installation of Underground Utilities, Storm Drainage, Site Grading and Paving.

July, 1970 – Sept., 1971 Richard P. Browne Associates
Consulting Engineers and Surveyors
Columbia, Maryland

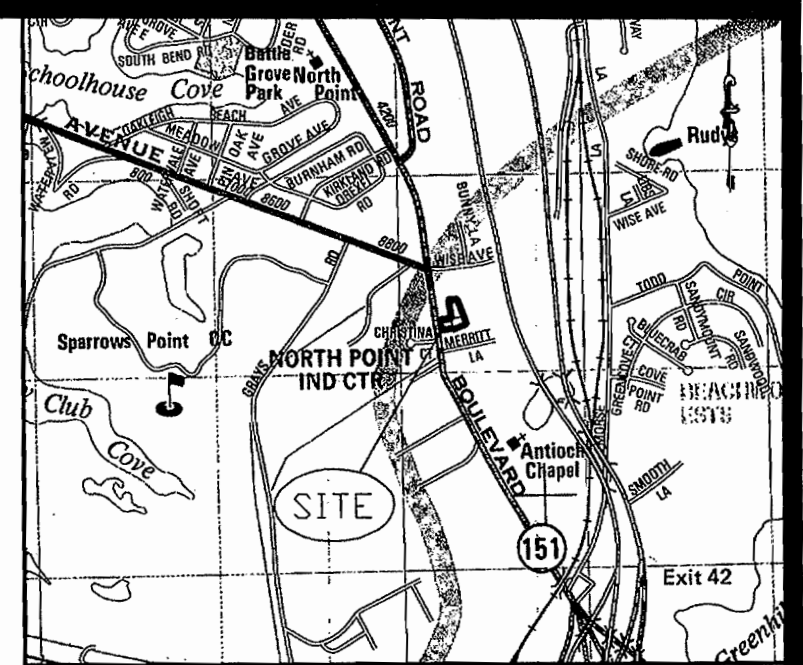
Employed by Richard P. Brown Associates as a Design Engineer with prime responsibility being design of Storm Drain Systems and Site Grading

for various land development projects including single family residential and multi-family sites

June, 1968 – July, 1970 Clayton Surveying and Engineering Company
Consulting Engineers and Surveyors
St. Louis, Missouri

Joined Clayton Surveying and Engineering Company immediately following graduation from college as a Design Engineer working primarily on the design of Road Systems, Storm Drains and Sanitary Sewer Systems for residential subdivisions and commercial sites.

I:\RESMES\RESUME.KEN.ZONING



COPYRIGHT ADC THE MAP CORP. MAP USE NUMBER 20112231
SCALE: 1/4" = 200' 000 FEET

NOTES

- PREVIOUS OWNER:
RATLIFF, CHARLES S
RATLIFF, BETTY A
4428 N POINT BLVD
BALTIMORE, MD 21219
- OWNER/DEVELOPER:
EDWIN & DOROTHY HAYES
525 BAYSIDE DRIVE
BALTIMORE, MD 21222
- SITE DATA:
PARCEL 212:
TAX ACCOUNT NO.: 1800008238
DEED REF.: 6975/321
SITE AREA: 0.46 ACRE OR 20,099 SF
PARCEL 491:
TAX ACCOUNT NO.: 1512201463
DEED REF.: 6913/126
SITE AREA: 0.28 ACRE OR 12,308.75 SF
PARCEL 219 (LOT 11):
TAX ACCOUNT NO.: 1512201462
DEED REF.: 6913/126
SITE AREA: 0.31 ACRE OR 13,489.99 SF
TOTAL SITE AREA:
NET: 1.05 ACRE OR 45,738 SF
GROSS: 1.19 ACRE OR 51,836.4 SF
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 7
- THE SITE IS ZONED BR AS, (MAP 104B3)
- THERE IS NO ZONING HISTORY ON THIS PROPERTY.
- (a)(i)(iv) EXEMPTION GRANTED DRC NO 070708J.
- EXISTING USE: OFFICE/WAREHOUSE UNDER CONSTRUCTION P. 219
PARCEL 212 & 491 - VACANT
PROPOSED USE: OFFICE, WAREHOUSE & CONTRACTOR'S EQUIPMENT YARD.
- FLOOR AREA RATIO CALCULATIONS:
FLOOR AREA: 2,884 SF
GROSS AREA: 51,836.4 SF
MAXIMUM FAR ALLOWED: 2.0
PROPOSED FAR: 0.06
- OFF-STREET PARKING CALCULATIONS
REQUIRED PARKING: OFFICE SPACE (448 SF) = 2 SPACES @ 3.3 SPACES
PER 1,000 SF;
WAREHOUSE (2,400 SF) = 0 SPACES @ 1 SPACE PER 1
EMPLOYEE
TOTAL REQUIRED PARKING = 2 SPACES
PROPOSED PARKING = 2 SPACES
- THE SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA
- THE SITE IS NOT IN A 100-YEAR FLOOD PLAIN.
- THE SITE IS NOT IN A HISTORIC DISTRICT AND HAS NO HISTORIC BUILDINGS.

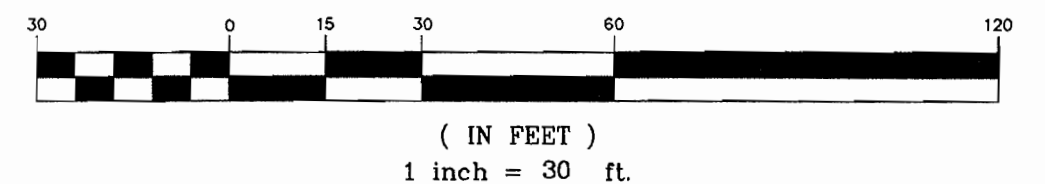
NOTES, CONTINUED

- REQUIRED SETBACKS PER SECTION 238, BCZR:
FRONT: 50'
SIDE: 30'
REAR: 30'
PROPOSED SETBACKS:
FRONT: 50'
SIDE: 30'
REAR: 30'
- BUILDING PERMIT B678070 ISSUED ON PARCEL 216, LOT 11
- THERE ARE NO EXISTING OR IMPENDING FAILURE OF BASIC SERVICE MAPS.
- THERE ARE NO OUTSTANDING ZONING VIOLATIONS ON THIS SITE.

PLAN TO ACCOMPANY SPECIAL HEARING AND SPECIAL EXCEPTION PETITIONS

4420 NORTH POINT BLVD

MAP 104 - GRID 21 - PARCEL 212, 219 & 491
15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
GRAPHIC SCALE



PETITIONER'S

EXHIBIT NO. 1

SPECIAL HEARING TO DETERMINE THAT AN ASBESTOS, LEAD, AND MOLD REMEDIATION AND DEMOLITION CONTRACTOR'S EQUIPMENT STORAGE IS A CONTRACTOR'S EQUIPMENT STORAGE YARD PURSUANT TO SECTION 101 OF THE BCZR.

SPECIAL EXCEPTION TO PERMIT A CONTRACTOR'S EQUIPMENT STORAGE YARD IN A BR ZONE IN ACCORDANCE WITH SECTION 236.4 OF THE BCZR.

Professional Certification

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 9752 Expiration Date: 2/28/10



Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



SCALE: 1" = 30'	
DATE: 05/08/08	
JOB NO.: 2008045	
DESIGNED:	
DRAWN: DSL	
CHECKED: JWW	
FILE: ZONING_DRC_BPP	
DRAWING NUMBER: SPEX-1	
1 7/16/08 ADJUST BUILDING SIZE & LOCATION KJC	
NO. DATE REVISIONS: BY SHEET 1 OF 1	



AERIAL PHOTO EXHIBIT

4420 NORTH POINT BLVD

MAP 104 - GRID 21 - PARCEL 219

15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

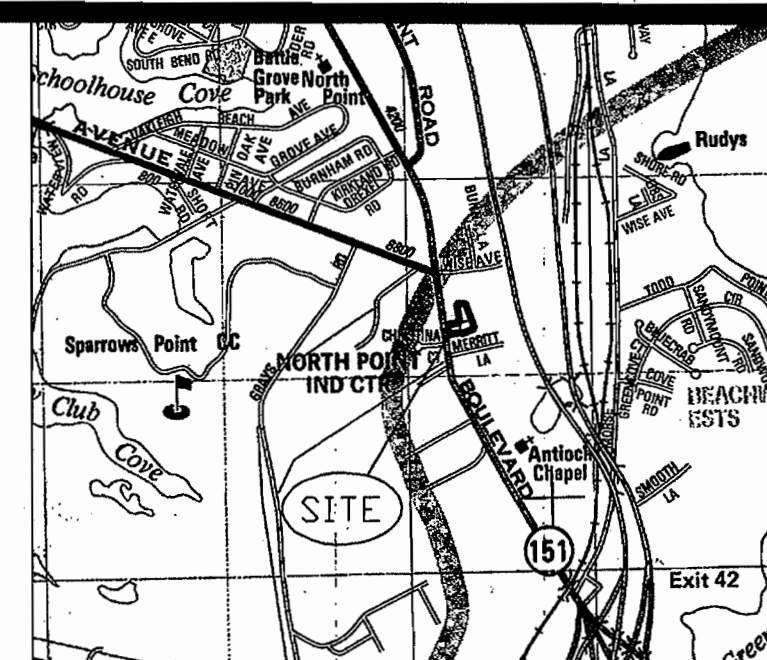
PETITIONER'S
EXHIBIT NO. 3

Colbert Matz Rosenfelt, Inc.

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2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

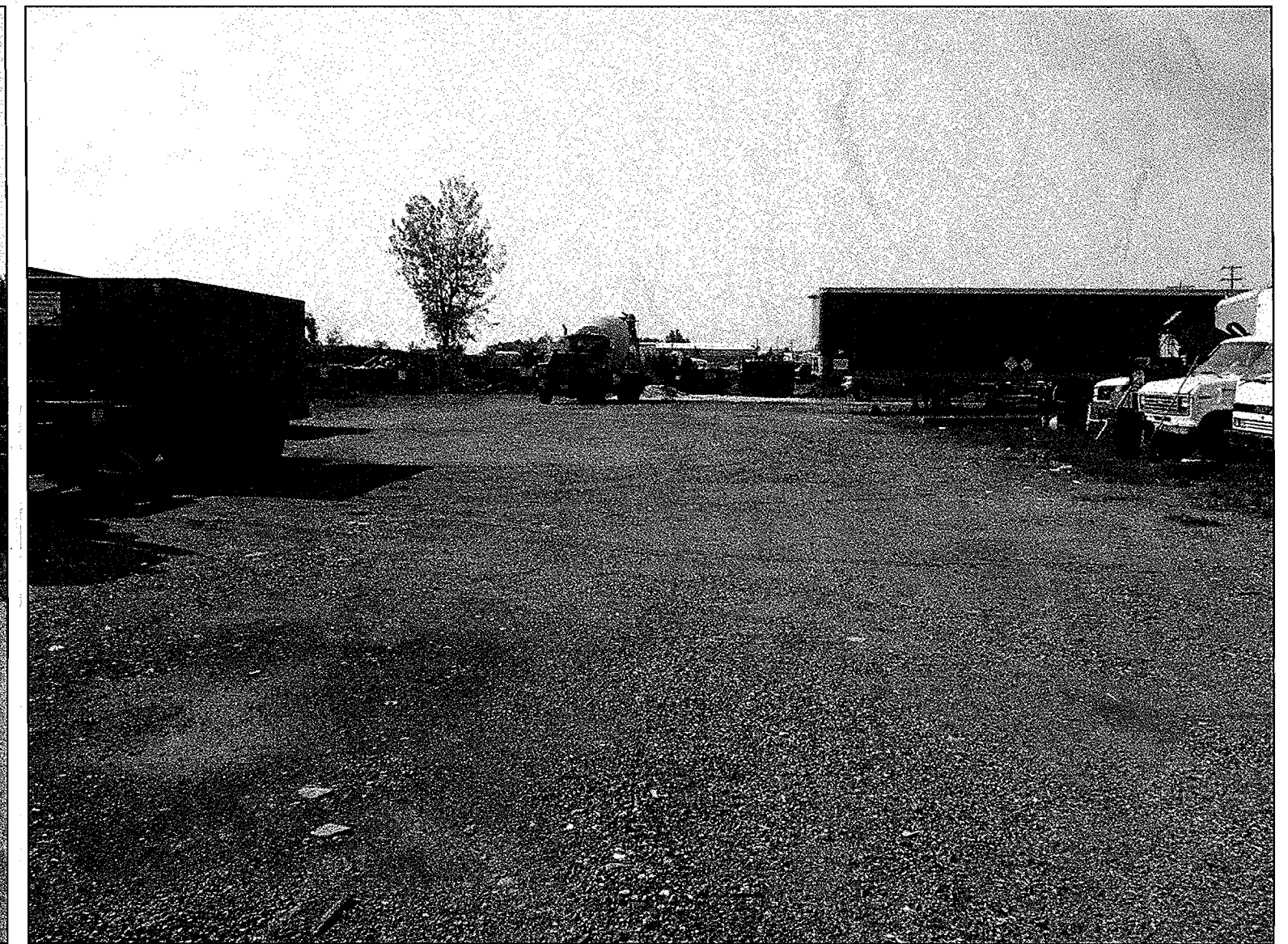
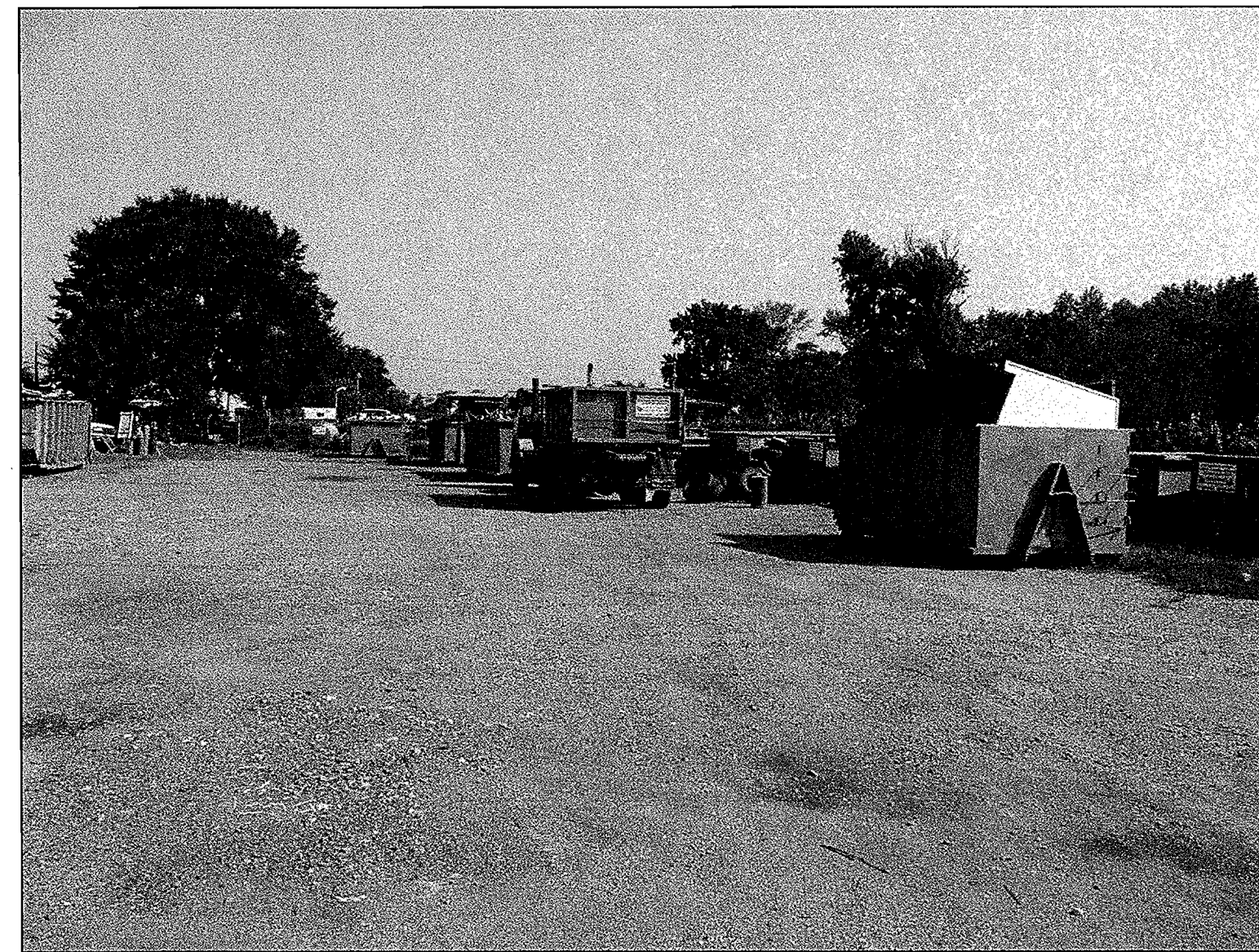


			SCALE: 1" = 50'
			DATE: 07/25/08
			JOB NO.: 2008045
			DESIGNED:
			DRAWN: AKC
			CHECKED: KJC
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			DRAWING NUMBER:
NO.	DATE	REVISIONS:	BY SHEET 1 OF 1

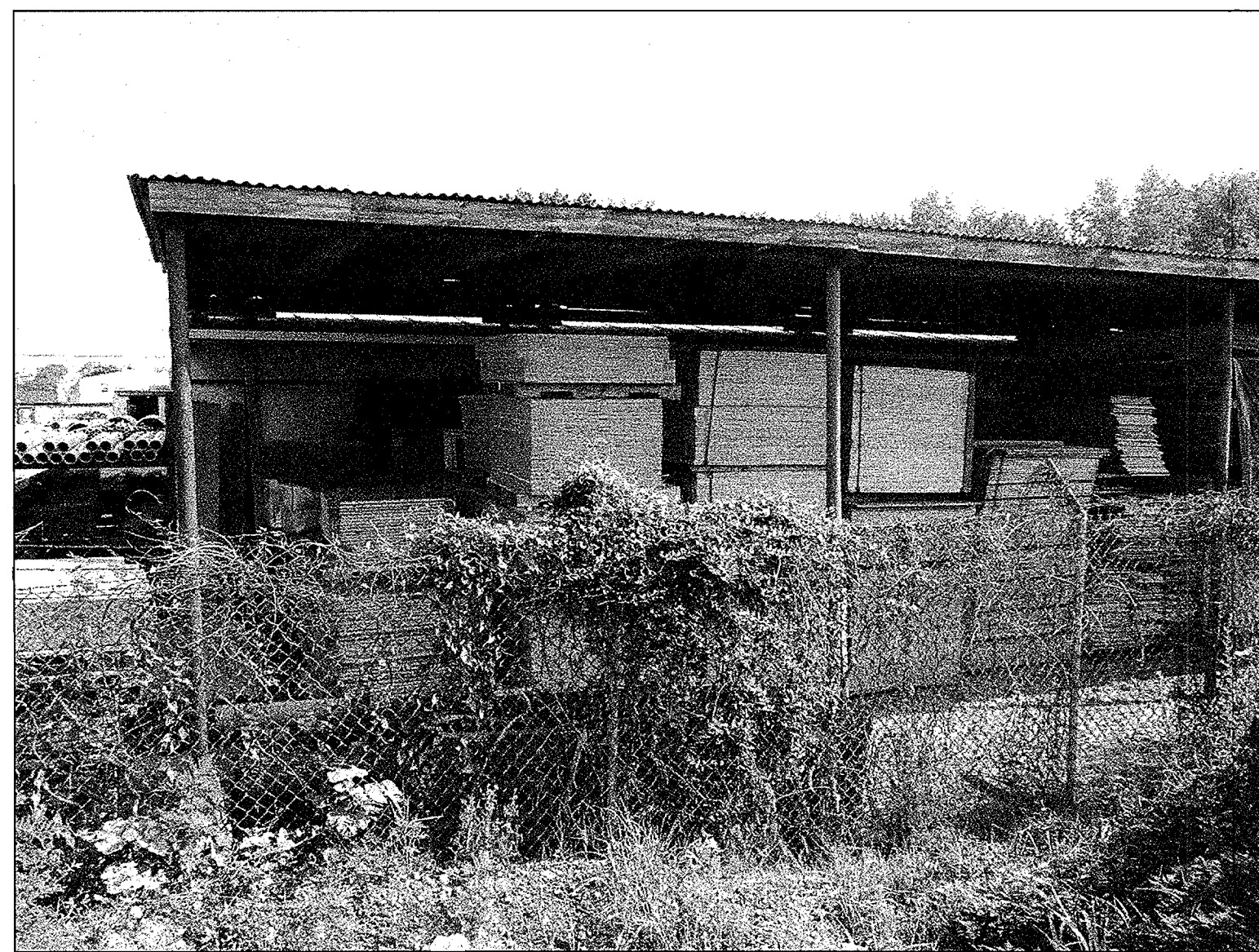
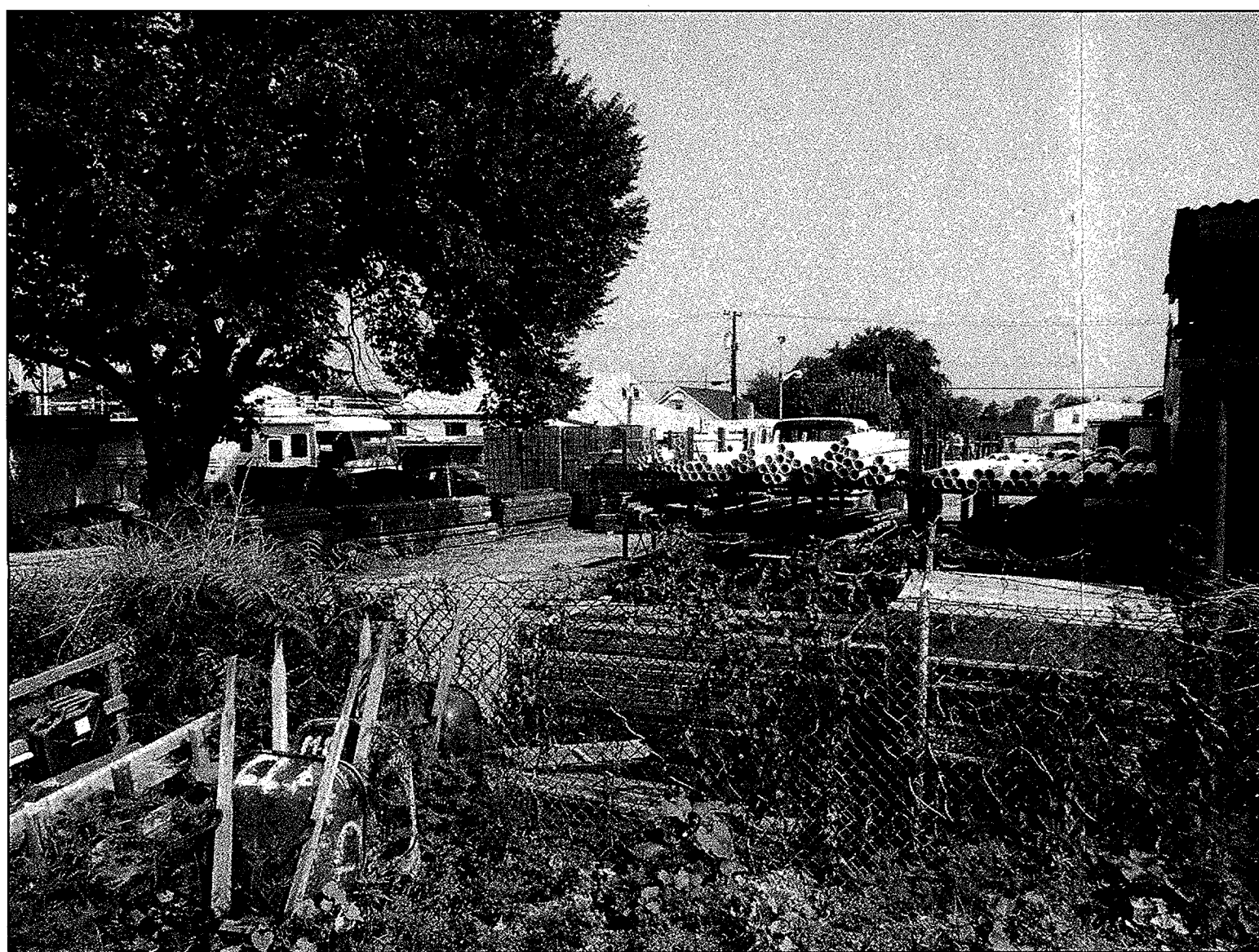




SITE FRONTAGE



REAR PARCELS



ADJACENT NORTH



CONTAINERS



ADJACENT SOUTH

SITE PHOTO EXHIBIT

4420 NORTH POINT BLVD

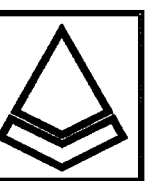
MAP 104 - GRID 21 - PARCEL 219

15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

PETITIONER'S
EXHIBIT NO. 5

Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



			SCALE: NONE
			DATE: 07/25/08
			JOB NO.: 2008045
			DESIGNED: AKC
			DRAWN: AKC
			CHECKED: KJC
			FILE: 2008045 PHOTO EXHIBITS.dwg
			DRAWING NUMBER:
NO.	DATE	REVISIONS:	BY SHEET 1 OF 1



AERIAL PHOTO EXHIBIT

4420 NORTH POINT BLVD

MAP 104 - GRID 21 - PARCEL 219

15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

PETITIONER'S
EXHIBIT NO. 2

Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



				SCALE: 1" = 200'
				DATE: 07/25/08
				JOB NO.: 2008045
				DESIGNED:
				DRAWN: AKC
				CHECKED: KJC
				FILE: 2008045 AERIAL EXHIBITS.dwg
				DRAWING NUMBER:
NO.	DATE	REVISIONS:	BY	SHEET 1 OF 1