

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

W/S York Road (MD Route 45), 485' S of *
Freeland Road

(21616 York Road) *

7th Election District

3rd Council District *

Maryland Concrete Septic Tank, Inc. *
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-0548-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Ramsey V. Gemmill, Jr., President of Maryland Concrete Septic Tank, Inc., the owner of the subject property, by and through their attorney, J. Neil Lanzi, Esquire. As filed, the Petitioner requests a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the continued non-conforming use and expansion of same (see Variance Request #1) of the property known as 21616 York Road for the manufacture, warehousing, office, caretakers residence, sales and wholesale distribution of concrete products. Petitioner is also requesting variance relief pursuant to Sections 307, 104.3, 1A01.3 and 1A04.3 of the B.C.Z.R. as follows: (1) to allow nonconforming structures and use of nonconforming structures to be extended more than 25% of the area of the structures so used, and (2) to allow existing manufacturing structures not higher than 60' erected in the R.C.2 and R.C.5 zones with a height which exceeds the allowed 35 feet. The subject property and requested relief are more particularly described on the redlined site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

RECEIVED FOR FILING
Date 8-8-08
By [signature]

Appearing at the public hearing in support of the request were Ramsey V. Gemmill, Jr., and his wife, Deborah Gemmill, Corporate Officers of the property owner; Scott A. Lindgren, a property line surveyor and expert in zoning matters with Gerhold, Cross & Etzel, Ltd., the engineering firm that prepared the site plan for this property, and J. Neil Lanzi, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

This same property is well known to the Undersigned as it was the subject of a special hearing involving a non-density transfer of 3.69 acres of land from Parcel 94 to Parcel 108. The relief granted in that case (Case No. 08-167-SPH) effectively separated the residential and agricultural used portions of the property from the commercial operations used to produce concrete septic tanks. The Petitioners now return to legitimize this use. In this regard, the testimony received discloses that the commercial used property consists of an assemblage of parcels located just south of Freeland Road and west of York Road in the township known as Maryland Line. Industrial and agricultural uses have been conducted at this location continuously for over 60 plus years. On the northeastern portion of the site, a concrete plant produces precast forms for septic tanks requiring the storage of cement, sand and gravel. To the south and west is the Gemmill's home and farm shown on Petitioner's Exhibit 1 as Parcel 94. As illustrated on the site plan and photographs presented (Petitioner's Exhibit 2), the Petition(s) involve a total of five (5) parcels. Parcel 94, the farm property as noted above, is accessed from Freeland Road and now consists of 19.76 acres of R.C.2 zoned land as a result of the January 4, 2008 Order (Case No. 08-167-SPH) allowing a non-density transfer of 3.69 acres from Parcel 94 to Parcel 108. The commercial property consists of the following separately deeded parcels totaling 7.37 acres, more or less:

- (i) Parcel 108 is split zoned R.C.2 and R.C.5 and contains Petitioner's manufacturing building, parking, storage and concrete silo.

By _____
Date 8-8-08
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- (ii) Parcel 109 is zoned R.C.5 and contains a two-story concrete block storage and office building with a maintenance facility for Petitioner's vehicles.
- (iii) Parcel 20 is zoned R.C.5 and contains a concrete block storage and manufacturing building as well as a two-story wood frame structure used for office and storage.
- (iv) Parcel 19 is zoned R.C.5 and provides for the ingress and egress from York Road (Md Route 45) to Petitioner's improvements and septic tank fabrication operations.

A review of the 50 photographs demonstrated that the property is well-maintained and kept in meticulous condition. In this regard, a great volume of letters and testimonials were reviewed and attests to this Petitioner being a well-respected and valued member of the community. Moreover, the Zoning Advisory Committee (ZAC) comments received from County reviewing agencies familiar with this site have no objection to the relief requested. However, the Office of Planning requested that parcel numbers and specific uses be clearly noted on the Plan. Redlined additions to the plans have been made and I am satisfied that Petitioner's Exhibit 1 clearly labels the parcels, existing structures and uses on each parcel.

Section 104 of the B.C.Z.R. governs nonconforming uses in Baltimore County. A nonconforming use is defined in Section 101 of the B.C.Z.R. as "A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use." Often, the nonconforming use designation is applied to grandfather an otherwise illegal use. If the Petitioner can establish that the use began prior to the effective date of the zoning regulation which prohibited such use, and the use has continued without interruption since that time, that use may continue as nonconforming.

Ramsey V. Gemmill, Jr. is the President of Maryland Concrete Septic Tank, Inc., the owner of the parcels at issue. Mr. Gemmill testified that he was born on the subject property and has lived his entire life there as did his parents before him. He stated that the parcels and

DATE RECEIVED FOR PLANNING
8-18-88
BY [signature]

structures thereon which are the subject of this Petition have been in place and used continuously, without interruption, for the manufacture, warehousing, office, caretakers residence, sales and wholesale distribution of concrete products since the early 1940's through to today. These products are sold in Maryland, Delaware and Pennsylvania. Various repairs, improvements and expansions to the structures have taken place since the 1940's including the addition of parking areas as shown on Petitioner's Exhibit 1. The structures as shown in the photographs admitted into evidence as Petitioner's Exhibit 2 were reviewed and Mr. Gemmill confirmed the only structure greater than 35 feet in height was a cement silo. All trucks utilized for the business are stored inside the storage buildings when not used.

Scott Lindgren reviewed Parcels 108, 109, 20 and 19 as shown on Petitioner's Exhibit 1 and specified the structures on each parcel and the use of each parcel. Mr. Lindgren further testified regarding the uniqueness of the property, including its steep slopes and heavy manufacturing use on what had been initially zoned "A" Residence in 1945 changed to R.D.P. (Rural Deferred-Planning) in the 1970's and is now RC (Resource Conservation) zoned property. Mr. Lindgren further confirmed that the nonconforming structures and use of the nonconforming structures as described by Mr. Gemmill had been extended by more than 25% of the **ground floor** area of the buildings so used resulting in the necessity for the zoning relief requested. **This was** the result of the various upgrades to the structures since the business began in the mid 1940's. Mr. Gemmill's letters of support and testimony confirmed the absence of any opposition to the continued manufacturing use of the property and also demonstrated the absence of any detriment to the health, safety and general welfare of this community should the requested relief be granted.

By _____
Date 8-18-08
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Based on the testimony and exhibits submitted into evidence, it would appear there has been a consistent use of the site for the manufacture of concrete septic tanks dating back to the early 1940's. In this case, the relevant date is January 2, 1945, the inception date of the zoning regulations. Based upon the evidence presented, it is clear that this family run business has been continuous and without interruption since the mid-1940's and as such is nonconforming. Therefore, I shall approve the continuing nonconforming use.

Turning next to the variances, in all probability filed as an alternative, I shall grant them as well. In my judgment, the Petitioner has satisfied the requirements of Section 307. The Petitioner has agreed as a condition of variance approval to a requirement that all commercial trucks to be stored inside the existing buildings on the property when not in use. I find that the uniqueness of the property originates from the steep slopes on portions of the property, the location of structures, and the 60 plus years of a successful manufacturing operation in what is essentially farm country. Requiring the cessation of this commercial operation and the removal of its supporting structures would result in "practical difficulty" to the Petitioner. I further find there will be no adverse impact to the health, safety and general welfare of the general locale by allowing the continued operation of the manufacturing business at the property and that the granting of the requested relief will be consistent with the spirit and intent of the B.C.Z.R. The neighbors and surrounding business owners have indicated the absence of adverse impact through their letters and testimonials. Petitioner's end product utilized as a key component in septic systems has been and will in the future be a sought after commodity in Maryland and the surrounding states.

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 8th day of August, 2008, that the Petition for Special Hearing seeking approval pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the continued non-conforming use and past expansion of same on the property known as 21616 York Road for the manufacture, warehousing, office, caretakers residence, sales and wholesale distribution of concrete products, be and is hereby GRANTED; and

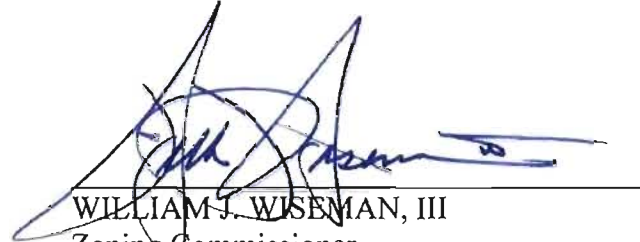
IT IS FURTHER ORDERED, that the Petition for Variances from Sections 307, 104.3, 1A01.3 and 1A04.3 of B.C.Z.R. to allow nonconforming structures and use of nonconforming structures to be extended more than 25% of the area of the structure so used and to allow manufacturing structures (the existing concrete silo only) not higher than 60 feet erected in the R.C.2 and R.C.5 zone which exceeds the allowed 35 feet, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; and

IT IS FURTHER ORDERED for the reasons stated above that this decision is subject to the following conditions precedent to the relief granted:

1. The Petitioner, its successors and assigns, shall not park or store any vehicle larger in size than a three-quarter ton pick-up truck overnight on the subject property unless such commercial trucks are stored inside the structures on the property.
2. For the purpose of this case and for future reference, the continuing non-conforming concrete septic tank operation as shown on the red-lined site plan (Exhibit 1) shall limit any future improvements whether called renovations, replacements, or additions to the Maryland law on non-conforming uses and to Baltimore County Zoning Regulation 104 (or as amended).
3. When applying for any permits, the site plan must reference this case and set forth and address the restrictions of this Order.

By Date 8-8-08
1037
RECEIVED FOR FILING

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILES
Date 8-8-08
By [signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

August 8, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
W/S York Road (MD Route 45), 485' S of Freeland Road
(21616 York Road)
7th Election District - 3rd Council District
Maryland Concrete Septic Tank, Inc. - Petitioner
Case No. 08-0548-SPHA

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted with restrictions, in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Ramsey V. and Deborah A. Gemmill, P.O. Box 306, Maryland Line, MD 21105
Scott A. Lindgren, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Boulevard, #100,
Towson, MD 21286
People's Counsel; Office of Planning; File

ORIGINAL KEEP IN FILE

Received Time May. 8. 11:26AM



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 21616 York Road

which is presently zoned RC2/RC5

(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)

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

J. Neil Lanzi

Name - Type or Print

Signature

J. Neil Lanzi, P.A.

Company

409 Washington Ave, Suite 617 410-296-0686

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

Legal Owner(s):

Maryland Concrete Septic Tank, Inc.

Name - Type or Print

Signature

By: Ramsey Gemmill, Jr., President

Name - Type or Print

Signature

21616 York Road

410-343-1001

Address

Telephone No.

Maryland Line

MD

21105

City

State

Zip Code

Representative to be Contacted:

J. Neil Lanzi, Esquire

Name

409 Washington Ave, Suite 617 410-296-0686

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

2 hrs

Case No.

2008 0548 SPHA

UNAVAILABLE FOR HEARING

JUL 18 - 25

REV 9/15/08

Date

8-8-08

By

[Signature]

0548

Petition for Special Hearing Attachment

Maryland Concrete Septic Tank, Inc., Petitioner, by J. Neil Lanzi, Esquire, its attorney, hereby petitions the Zoning Commissioner for a special hearing under Section 500.7 of the Zoning Regulations for Baltimore County to approve the continued non-conforming use and expansion of same (see Variance Request #1) of the property known as 21616 York Road, Maryland Line, Maryland, for the manufacture, warehousing, office, caretakers residence, sales and wholesale distribution of concrete products. 104

The property consists of several separately deeded parcels as shown on the attached site plan.

(i) Parcel 108 consists of 4.89 acres zoned RC2 and contains Petitioner's manufacturing building, parking and storage.

(ii) Parcel 109 consists of 1.06 acres zoned RC 5 and contains a two story concrete block storage and office building with a maintenance facility for Petitioner's vehicles.

(iii) Parcel 20 consists of .884 acres zoned RC 5 and contains a concrete block storage and manufacturing building as well as a two story wood frame structure used for office and storage.

(iv) Parcel 19 consists of .427 acres zoned RC 5 and is used mainly for the entrance and exit to Petitioner's property.

The total acreage subject to Petitioner's request is ^{6.91}~~7.26~~ acres. Petitioner submits the above described uses have continued uninterrupted since prior to the creation of the Baltimore County Regulations and through the date of this filing. 104

ORIGINAL KEEP IN FILE
Received Time May. 8. 11:26AM



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 21616 York Road
which is presently zoned RC2/RC5

Deed Reference: 26154 / 42 Tax Account # 0707015200, 0708066101,

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 Variance from Section(s)

See attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)

See attached

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

J. Neil Lanzi, Esquire

Name - Type or Print

Signature

J. Neil Lanzi, P.A.

Company

409 Washington Ave, Suite 617 410-296-0686

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

Legal Owner(s):

Maryland Concrete Septic Tank, Inc.

Name - Type or Print

Signature

By: Ramsey Gemmill, Jr., President

Name - Type or Print

Signature

21616 York Road

410-343-1001

Address

Telephone No.

Maryland Line

MD

21105

City

State

Zip Code

Representative to be Contacted:

J. Neil Lanzi

Name

409 Washington Ave, Suite 617 410-296-0686

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

Case No. 2008 0548 SP4A

Office Use Only

UNDER RECEIVED FOR FILING

Estimated Length of Hearing 2 HRS
Unavailable For Hearing

REV 8/20/07

Date

8-8-08

Reviewed by

JL

Date

5/27/08

By

100

0548

Petition for Variance Attachment

Maryland Concrete Septic Tank, Inc., Petitioner, for the property known as 21616 York Road, by its attorney, J. Neil Lanzi, Esquire, hereby petitions the Zoning Commissioner for the following variance from the Baltimore County Zoning Regulations:

1. Variance from Section 104.3 of the BCZR to allow nonconforming structures and use of nonconforming structures to be extended more than 25% of the area of the structures so used.

2. Variance from Section 1A01.3 and 1A04.3 of the BCZR to allow existing manufacturing structures not higher than 60' erected in the RC2 and RC5 zones with a height which exceeds the allowed 35 feet. *cannot 5, do*

3. Any other variance relief deemed necessary by the Zoning Commissioner.

The Zoning Commissioner has the power to grant variances in cases where strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty or unreasonable hardship to Petitioner. Petitioner further states the granting of the variances requested will provide substantial justice to the Petitioner and will allow for the observance of the spirit of the Regulations while maintaining the security of the public safety and welfare.



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

May 20, 2008

0548

ZONING DESCRIPTION
Maryland Concrete Septic Tank CO. INC. PROPERTY
21616 York Road
Baltimore County, Maryland

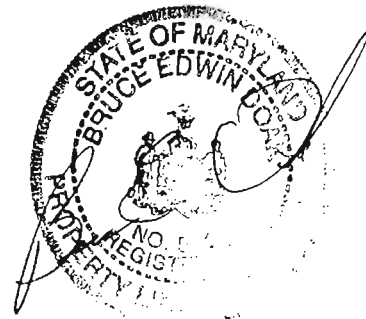
All that piece or parcel of land situate, lying and being in the Seventh Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point of intersection with the West side of York Road (route 45) and the South side of Freeland Road, running South Easterly along York Road 485 feet, to the point of beginning, thence running.

- 1) South 23°41'20" East 215.48 feet,
- 2) North 63°13'27" East 234.48 feet,
- 3) South 20°18'57" East 163.29 feet,
- 4) South 66°50'02" West 135.50 feet,
- 5) South 70°38'57" West 50.14 feet,
- 6) South 67°38'13" West 258.82 feet,
- 7) North 63°18'12" West 229.62 feet,
- 8) North 16°47'37" West 363.89 feet,
- 9) North 73°00'04" East 405.01 feet,
- 10) South 24°44'39" East 117.07 feet,
- 11) North 63°17'33" East 186.73 feet,
- 12) South 23°41'20" East 14.19 feet,
- 13) North 63°17'33" East 200.12 feet, to the point of beginning.

Containing 6.91 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



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: # 2008-0548-8PHA

21616 York Road

W/side of York Road, 485 feet south of Freeland Road

7th Election District — 3rd Councilmanic District

Legal Owner(s): Maryland Concrete Septic Tank, Inc., Ramsey Gemmill, Pres.

Special Hearing: under Section 500.7 of the BCZR to approve the continued non-conforming use and expansion of same (see Variance request 1) of property for the manufacture, warehousing, office, caretakers residence, sales and wholesale distribution of concrete products. **Variances:** to allow non-conforming structures and use of non-conforming structures to be extended more than 25% of the area of the structures so used. To allow existing manufacturing structures not higher than 60 feet erected in the RC2 and RC5 zones with a height, which exceeds the allowed 35 feet. Any other variance relief deemed necessary by the Zoning Commissioner.

Hearing: Wednesday, July 30, 2008 at 9:00 a.m. in 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.

JY 7/635 July 15

178333

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

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

0548
 JL

No. 15352

Date: 5/27/08

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				650.00

Total: 650.00

Rec

From:

For:

MD Concrete
 Comm. Varnum - SPH 21616 YORK RD
 \$ 325.00 EA x 2

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

BUSINESS ACTUAL TIME TRM
 5/28/2008 5/27/2008 09:32:36 1
 RED 4501 WALKIN JRIC JHR
 RECEIPT # 375551 5/27/2008 OFLH
 5 528 ZONING VERIFICATION
 CR 015352
 Recpt Tot \$650.00
 \$650.00 CR \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



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Suite 100 • 320 East Towson Town Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 2008-0548-SPHA
PETITIONER/DEVELOPER:
Maryland Concrete Septic Tank
Ramsey Gemmill, President
DATE OF HEARING: July 30, 2008

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

(see page 2 for full size photo)

LOCATION:
21616 York Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSON TOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: July 10, 2008

ZONING NOTICE

CASE # :08-0548-SPHA

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

PLACE: First Floor Jefferson Building
105 W. Chesapeake Ave., Towson, MD

TIME & DATE:

9:00 AM Wednesday July 30, 2008

Special Hearing: under Section 500.7 of the BCZR to approve the continued non-conforming use and expansion of same (see variance request 1) of property for the manufacture, warehousing, office, caretakers residence, sales and wholesale distribution of concrete products. Variance: to allow non-conforming structures and use of non-conforming structures to be extended more than 25% of the area of the structures so used. To allow existing manufacturing structures not higher than 60 feet erected in the RC2 and RC5 zones with a height, which exceeds the allowed 35 feet. Any other variance relief deemed necessary by the Zoning Commissioner.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING

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



ZONING NOTICE

DATE: 8/10/2018

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSION
ON 8/10/2018

PLACE: 10000 W. 100th Ave., Suite 100
10000 W. 100th Ave., Suite 100

TIME & DATE:
8:00 AM TO 10:00 AM, 8/10/2018

Subject: 10000 W. 100th Ave., Suite 100
The Zoning Commission will hold a public hearing on the proposed rezoning of the property located at 10000 W. 100th Ave., Suite 100, from its current zoning of R-1 to R-2. The property is currently zoned R-1 and is being proposed for rezoning to R-2. The rezoning is being proposed by the owner of the property, 10000 W. 100th Ave., Suite 100. The rezoning is being proposed to allow the property to be used for residential purposes. The rezoning is being proposed to allow the property to be used for residential purposes. The rezoning is being proposed to allow the property to be used for residential purposes.

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: 2008-0548-SPNA

Petitioner: Maryland Concrete Septic Tank, Inc.

Address or Location: ~~323 Freedom~~ 21616 York Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: J Neil Lanza

Address: 409 Washington Ave Ste 617
Towson MD 21204

Telephone Number: 410 596 0686

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: 2008-0548-SPHA

21616 York Road

W/side of York Road, 485 feet south of Freeland Road

7th Election District – 3rd Councilmanic District

Legal Owners: Maryland Concrete Septic Tank, Inc., Ramsey Gemmill, Pres.

Special Hearing under Section 500.7 of the BCZR to approve the continued non-conforming use and expansion of same (see Variance request 1) of property for the manufacture, warehousing, office, caretakers residence, sales and wholesale distribution of concrete products. Variance to allow non-conforming structures and use of non-conforming structures to be extended more than 25% of the area of the structures so used. To allow existing manufacturing structures not higher than 60 feet erected in the RC2 and RC5 zones with a height, which exceeds the allowed 35 feet. Any other variance relief deemed necessary by the Zoning Commissioner.

Hearing: Wednesday, July 30, 2008 at 9:00 a.m. in Jefferson Building, 1st Floor,
105 W. Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204 ✓
Ramsey Gemmill, 21616 York Road, Maryland Line 21105

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 15, 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:

J. Neil Lanzi
409 Washington Avenue, Ste. 617
Towson, MD 21204

410-296-0686

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: 2008-0548-SPHA

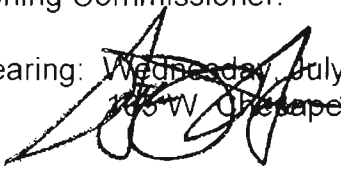
21616 York Road

W/side of York Road, 485 feet south of Freeland Road

7th Election District – 3rd Councilmanic District

Legal Owners: Maryland Concrete Septic Tank, Inc., Ramsey Gemmill, Pres.

Special Hearing under Section 500.7 of the BCZR to approve the continued non-conforming use and expansion of same (see Variance request 1) of property for the manufacture, warehousing, office, caretakers residence, sales and wholesale distribution of concrete products. Variance to allow non-conforming structures and use of non-conforming structures to be extended more than 25% of the area of the structures so used. To allow existing manufacturing structures not higher than 60 feet erected in the RC2 and RC5 zones with a height, which exceeds the allowed 35 feet. Any other variance relief deemed necessary by the Zoning Commissioner.

Hearing:  Wednesday, July 30, 2008 at 9:00 a.m. in Jefferson Building, 1st Floor,
165 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.

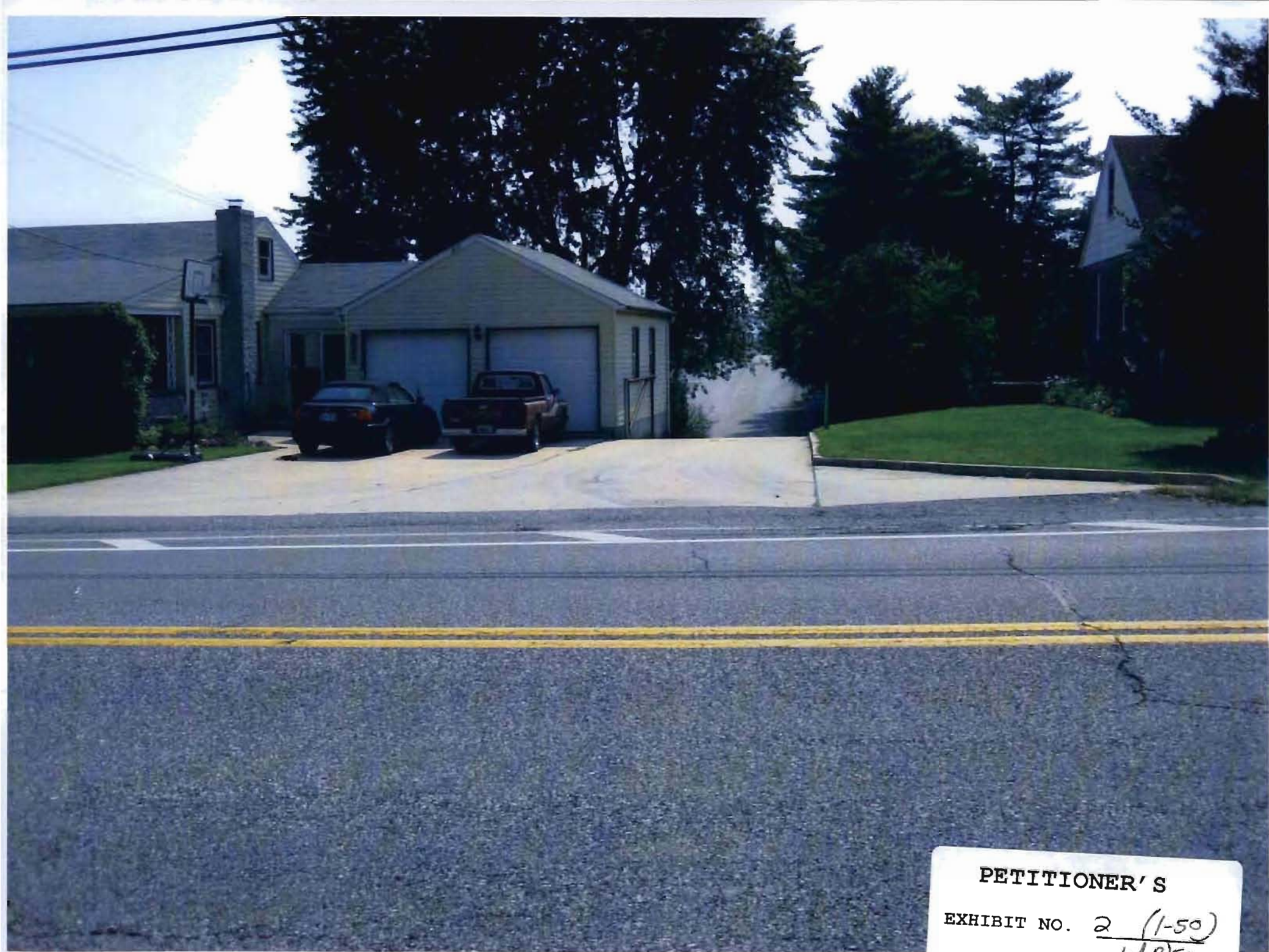
Case No.: 2008-0548-SPHA 21616 York Rd

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED RED LINED SITE PLAN	
No. 2	50 PHOTOGRAPHS OF EXISTING CONDITIONS Collectively Reviewed with Photo Map	
No. 3	15 LETTERS OF SUPPORT REVIEWED	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 2 (1-50)
w/p/gm

















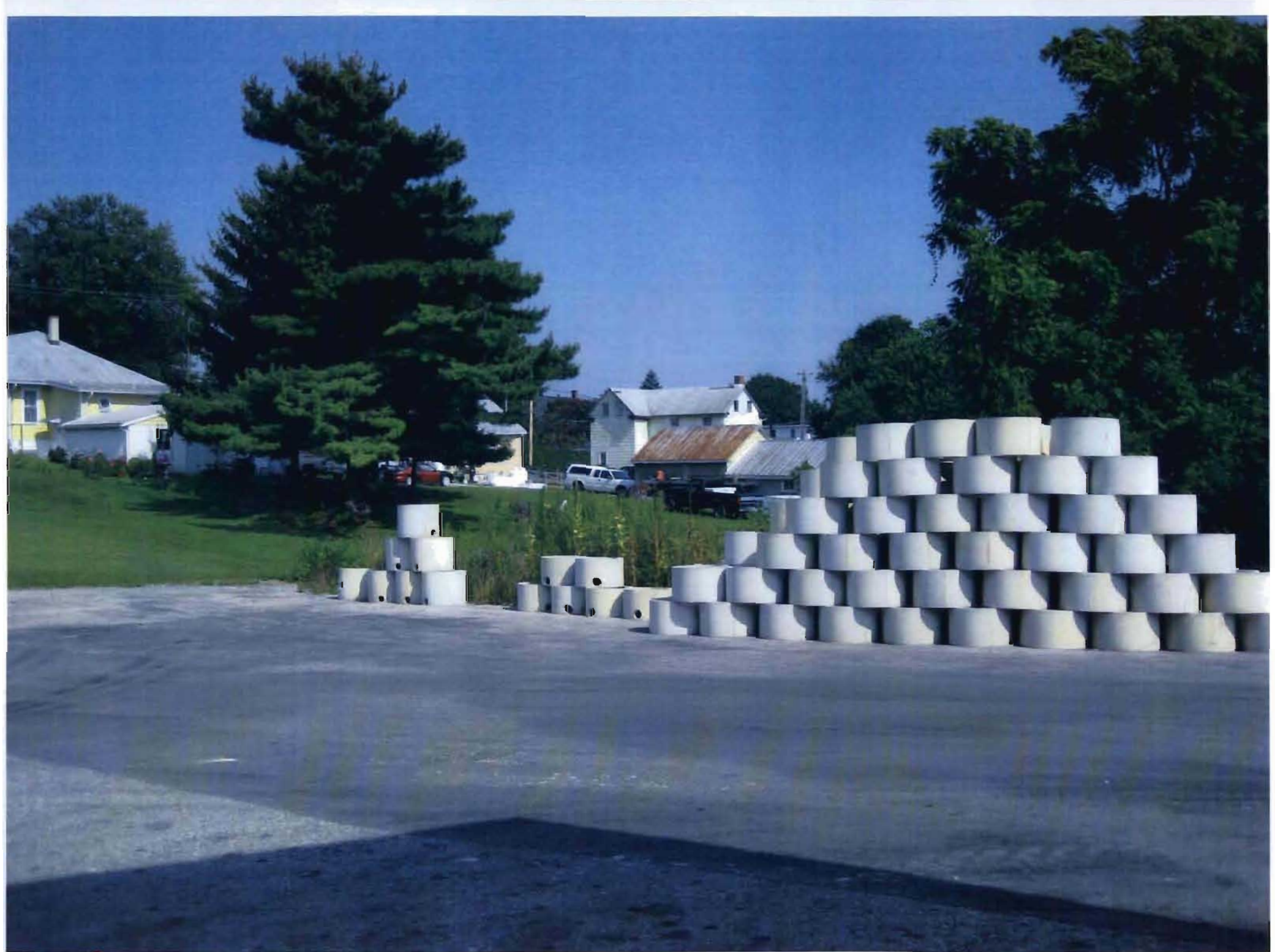






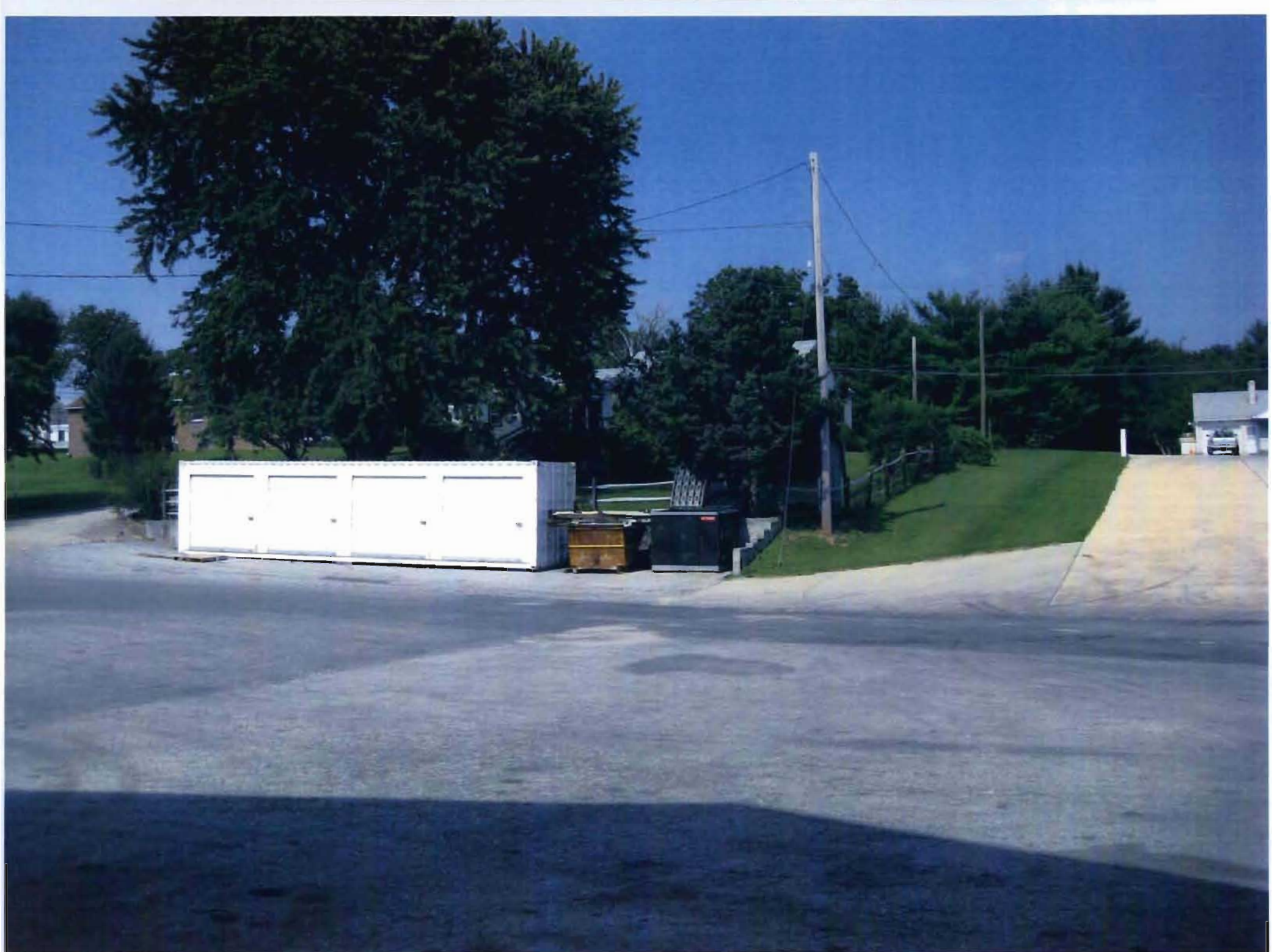














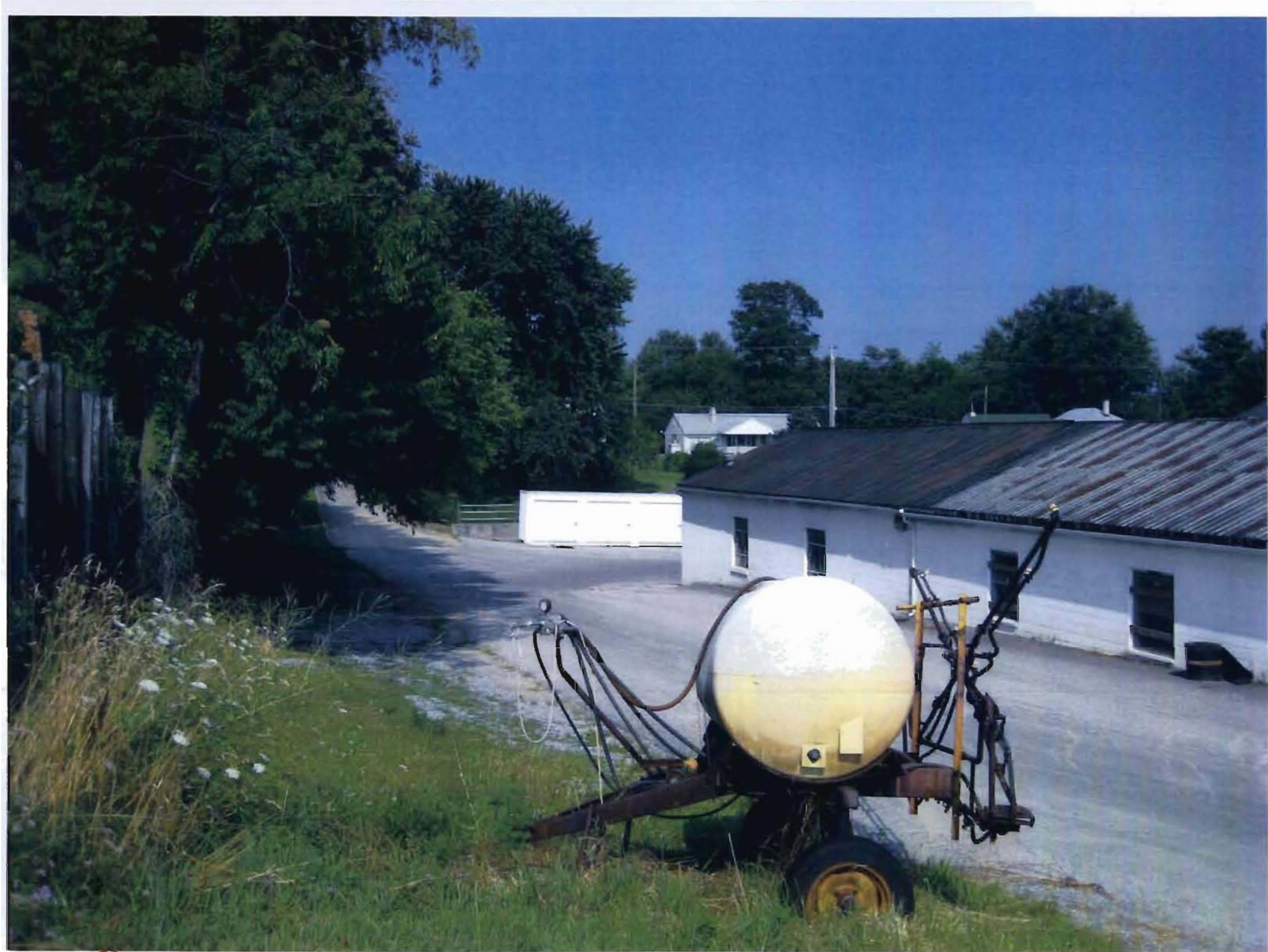












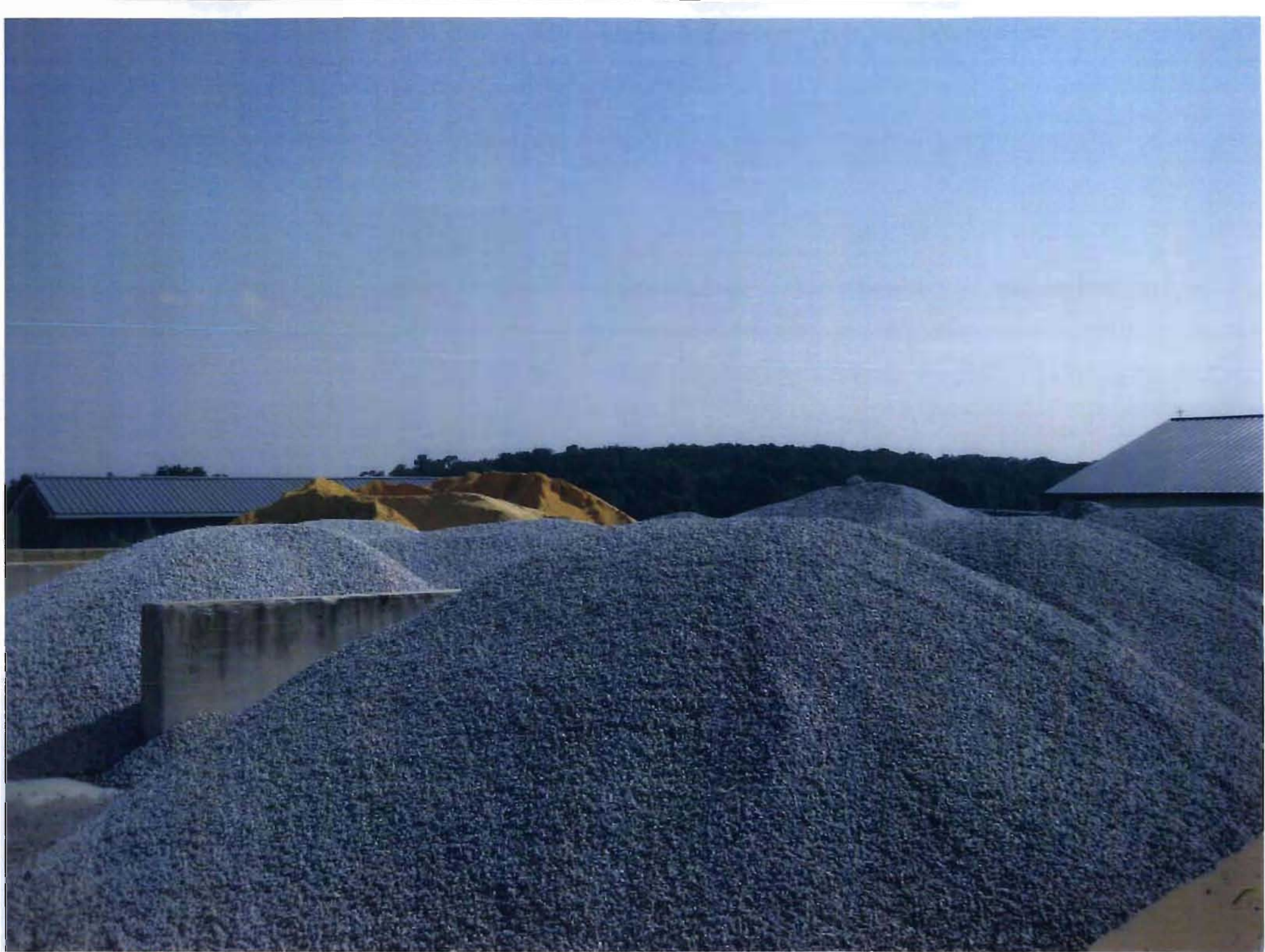




















































BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

July 22, 2008

J. Neil Lanzi
409 Washington Ave.
Towson, MD 21204

Dear: J. Neil Lanzi, Esquire

RE: Case Number 2008-0548-SPHA, Address: 21616 York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 27, 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
Maryland Concrete Septic Tank, Inc, 21616 York Rd., Maryland Line, Md. 21105

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 26, 2008

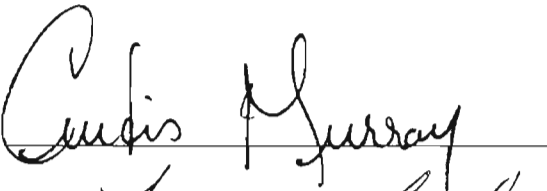
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-548- Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. However, parcel numbers should be clearly labeled on the plan so it is understood what is being done.

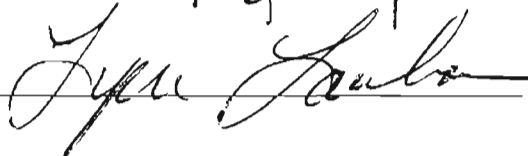
For further questions or additional information concerning the matters stated herein, please contact Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:

CM/LL



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: July 29, 2008

SUBJECT: Zoning Item # 08-548-SPHA
Address 21616 York Road
(Maryland Concrete Septic Tank, Inc.)

Zoning Advisory Committee Meeting of June 9, 2008

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

 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).

 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:

Reviewer: J. Livingston

Date: July 29, 2008



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 16, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 09, 2008

Item Number: 0548SPHA

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 10, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 16, 2008
Item Nos. 08-0548, 0549, 0550, 0551,
0552, 0553, 0554, 0555, 0556, and 0557

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

DAK:CEN:lrk

cc: File

ZAC-06102008-NO COMMENTS



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: 6/20/2008

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

RE: Baltimore County
Item No. 2008-0548-SPHA
MD 45
2616 York RD
MD. SEPTIC CONCRETE, INC.
VARIANCE
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 6/16/08. A field inspection and internal review reveals that the existing entrance onto MD 45 is consistent with current State Highway Administration requirements. Therefore, this office has no objection to 2616 York RD, Case Number approval.

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,

Foster 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 VARIANCE *
21616 York Road; W/S York Road, * ZONING COMMISSIONER
485' S of Freeland Road *
7th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): Maryland Concrete Septic Tank *
Petitioner(s) * BALTIMORE COUNTY
* 08-548-SPHA

* * * * *

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.

RECEIVED

Per.....

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: Livingston, Jeffrey
Date: 07/28/08 10:12:42 AM
Subject: DEPRM Comment Needed - 7/30 Hearing

Good Morning Jeff,

Bill will be conducting a hearing this Wednesday, July 30th at 9:00 AM and we're missing a DEPRM comment. I have provided a case description for your convenience. Thanking you in advance for your cooperation.

CASE NUMBER: 2008-0548-SPHA

21616 York Road

Location: W side of York Road, 485 feet S of Freeland Road

7th Election District, 3rd Council District

Legal Owner(s): Maryland Concrete Septic Tank Inc.

VARIANCE To allow non-conforming structures and use of non-conforming structures to be extended more than 25% of the area of the structures so used; to allow existing manufacturing structures not higher than 60 feet erected in the RC 2 and RC 5 zones with a height which exceeds the allowed 35 feet; and any other variance relief deemed necessary by Zoning Commissioner.

SPECIAL HEARING to approve the continued non-conforming use and expansion of same (see variance request #1) for the manufacture, warehousing, office, caretakers residence, sales and wholesale distribution of concrete products

Hearing: Wednesday, 7/30/2008 at 9:00:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

Thanks and have a great day !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Mail Envelope Properties (488DD3DA.A5E : 38 : 53259)

Subject: DEPRM Comment Needed - 7/30 Hearing
Creation Date 07/28/08 10:12:42 AM
From: Debra Wiley

Created By: dwiley@baltimorecountymd.gov

Recipients	Action	Date & Time
baltimorecountymd.gov		
NCH_PO.NCH_DOM	Delivered	07/28/08 10:12:42
AM		
jlivingston (Jeffrey Livingston)		

Post Office	Delivered	Route
NCH_PO.NCH_DOM	07/28/08 10:12:42 AM	
	baltimorecountymd.gov	

Files	Size	Date & Time
MESSAGE	2416	07/28/08 10:12:42 AM

Options

Auto Delete: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

To Be Delivered: Immediate
Status Tracking: Delivered & Opened

Folio Bound VIEWS - [PC/Codebook - Baltimore County Zoning Regulations]

File Edit View Search Customize Window Help

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ARTICLE 1, GENERAL PROVISIONS
 Section 101A, Critical Area Definitions [Bill Nos. 32-1988; 9-1996EN]
 Section 104, Nonconforming Uses [BCZR 1955]

Section 104, Nonconforming Uses [BCZR 1955]

104.1 A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate. [Bill Nos. 18-1976; 124-1991]

104.2 A structure damaged to any extent or destroyed by fire or other casualty may be restored within two years after such destruction or damage but may not be enlarged. In the case of residentially used structures which are nonconforming in density, the number of dwelling units or density units rebuilt may be equal to but may not exceed the number of units which existed before the casualty. [Bill No. 124-1991]

104.3 No nonconforming building or structure and no nonconforming use of a building, structure or parcel of land shall hereafter be extended more than 25% of the ground floor area of the building so used. This provision does not apply to structures or uses restored pursuant to Section 104.2, except as authorized by the Zoning Commissioner pursuant to Section 307. [Bill No. 124-1991]

104.4 Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. [Bill Nos. 167-1980; 124-1991]

104.5 Any use which becomes or continues to be nonconforming which exists within the Chesapeake Bay Critical Area on or after the effective date of this section is subject to the provisions of Sections 104.1, 104.2 and **104.3** and to the variance provisions and procedures of § 32-4-231, § 33-2-205, or § 33-2-603 of the Baltimore County Code, whichever is or are applicable. [Bill Nos. 32-1988; 124-1991; 9-1996; 137-2004]

104.6 A striptease business lawfully operating prior to the effective date of this legislation^{EM} that is in violation of the requirements contained herein shall be deemed a nonconforming use. A striptease business which is a nonconforming use:

- A. Shall be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more; and
- B. Shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. [Bill No. 137-1990]

104.7 Notwithstanding the provisions of this section, nonconforming signs are subject to Section 450.8.C. [Bill No. 89-1997]

Record: 595/7820 Hit: 0/2 Query: 104.3

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Folio Bound VIEWS - [PC/Codebook - Baltimore County Zoning Regulations]

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THE REGULATIONS
 ARTICLE 1A, RESOURCE CONSERVATION ZONES [Bill No. 98-1975 EN]
 Section 1A01, R.C.2 (Agricultural) Zone
 mixtures. [Bill Nos. 178-1979, 51-1993]

- g. Firewood operations. [Bill No. 151-1992]
- h. Winery, including accessory retail and wholesale distribution of wine produced on-premises. Temporary promotional events, such as wine tastings or public gatherings associated with the winery, are permitted, within any limits set by the special exception. [Bill No. 51-1993]
- i. Bottled water plant, if the source of the water is located on the same site as the plant, and provided that the Director of Environmental Protection and Resource Management makes a recommendation that the proposed facility will not adversely affect the quality or capacity of surface water or groundwater. [Bill No. 51-1993]

1A01.3 Height and area regulations.

- A. Height regulation. No structure hereafter erected in an R.C.2 Zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.
- B. Area regulations. [Bill No. 178-1979]
 - 1. Subdivision lot density. No lot of record lying within an R.C.2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of one lot for each 50 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record. [Bill Nos. 199-1990; 125-2005]
 - 2. Lot size. A lot having an area less than one acre may not be created in an R.C.2 Zone.
 - 3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C.2 Zone may be situated within 75 feet of the center line of any street or within 35 feet of any lot line other than a street line.
 - 4. Principal dwellings per lot. No more than one principal dwelling is permitted on any lot in an R.C.2 Zone.

Record: 732/7820 Hit: 1/2 Query: 1a01.3

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Folio Bound VIEWS - [PC/Codebook - Baltimore County Zoning Regulations]

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THE REGULATIONS
ARTICLE 1A, RESOURCE CONSERVATION ZONES [Bill No. 98-1975 EN]
Section 1A04, R.C.5 (Rural-Residential) Zone

minimum of 50 acres, and the property owner shall file a nutrient management plan with the petition for special exception. [Bill No. 20-2007]

1A04.3 Height and area regulations.

A. Height regulation. No structure hereafter erected in an R.C.5 Zone shall exceed a height of 35 feet, except as provided under Section 300.

B. Area regulations.

1. Lot area; density control. [Bill Nos. 178-1979; EN 55-2004^{EN}]
 - a. A lot having an area of less than 1 1/2 acres may not be created in an R.C.5 Zone. The maximum gross residential density is 0.5 dwelling per acre. [Bill No. 128-2005^{EN}]
 - b. Exceptions to minimum lot size. [Bill No. 152-2004]
 - (1) The owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement, or does not meet the setback requirement of Paragraph 2, may apply for a special hearing under Article 5 to alter the minimum lot size requirement. However, the provisions of Section 1A04.4 may not be varied.
 - (2) The Office of Planning may authorize a smaller lot size per residential unit, but in no event less than one acre per unit, for a tract of property for which growth allocation acreage has been awarded prior to June 11, 2004, pursuant to Article 32, Title 9 of the Baltimore County Code, if at least 50% of the tract is donated to and accepted by the County for public benefit.
2. Building setbacks. [Bill No. 55-2004]
 - a. As used in this section, "collector road" means a street or road that is intended for travel, including commuter travel, between residential neighborhoods, but not for travel within neighborhoods, and is not designated as a principal arterial. [Bill No. 77-2005^{EN}]
 - b. Any principal building hereafter constructed in an R.C. 5 Zone shall be situated at least 150 feet from the center line of any collector road, or any scenic route identified in the Baltimore County Master Plan, and 100 feet from the center line of any road that leads to or connects with a collector road, and at least 75 feet from the center line of any other street or road, and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 5 below. [Bill No. 77-2005^{EN}]

Record: 1038/7820 Hit: 1/3 Query: 1a04.3

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Folio Bound VIEWS - [PC/Codebook - Baltimore County Zoning Regulations]

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THE REGULATIONS
 ARTICLE 1A, RESOURCE CONSERVATION ZONES [Bill No. 98-1975 EN]
 Section 1A04, R.C.5 (Rural-Residential) Zone

property for which growth allocation acreage has been awarded prior to June 11, 2004, pursuant to Article 32, Title 9 of the Baltimore County Code, if at least 50% of the tract is donated to and accepted by the County for public benefit.

2. Building setbacks. [Bill No. 55-2004]
 - a. As used in this section, "collector road" means a street or road that is intended for travel, including commuter travel, between residential neighborhoods, but not for travel within neighborhoods, and is not designated as a principal arterial. [Bill No. 77-2005^{EN}]
 - b. Any principal building hereafter constructed in an R.C. 5 Zone shall be situated at least 150 feet from the center line of any collector road, or any scenic route identified in the Baltimore County Master Plan, and 100 feet from the center line of any road that leads to or connects with a collector road, and at least 75 feet from the center line of any other street or road, and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 5 below. [Bill No. 77-2005^{EN}]
 - c. Any principal building constructed in an R.C. 5 Zone that is contiguous to an R.C.2 or R.C.7 Zone shall be situated at least 150 feet from the zone line.
3. Coverage. No more than 15% of any lot in an R.C.5 Zone may be covered by buildings, except as otherwise provided in Paragraph 5 below.
4. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the land records of Baltimore County with the approval of the Baltimore County Office of Planning on or before the effective date of these zoning regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed in force at the time of the lot recordation.
5. Dwellings per lot. No more than one dwelling is permitted on any lot in an R.C.5 Zone, but not excluding additional dwellings for bona fide tenant farmers.

1A04.4 Performance standards. [Bill No. 55-2004^{EN, EN}]

- A. The standards in this section apply to all residential development in the R.C. 5 Zone, including single lots of record and minor subdivisions.
- B. Intent; evaluation of compliance.

1. These standards are intended to ensure that rural residential development conforms with a pattern of design that sustains and reflects the rural

Record: 1038/7820 Hit: 1/3 Query: 1a04.3

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 07 Account Number - 0707015200

Owner Information

Owner Name:	MARYLAND CONCRETE SEPTIC TANK INC	Use:	INDUSTRIAL
Mailing Address:	BX 37 YORK RD MARYLAND LINE MD 21105-0037	Principal Residence:	NO
		Deed Reference:	1) /26154/ 42 2)

Location & Structure Information

Premises Address	Legal Description
21616 YORK RD	.884 AC 21616 YORK RD 235 FT S FREELAND RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
3	21	20						1	Plat Ref:

Special Tax Areas

Town	
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1979	3,600 SF	38,507.00 SF	07
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2007	07/01/2008
Land	55,500	79,500		
Improvements:	136,600	155,200		
Total:	192,100	234,700	206,300	220,500
Preferential Land:	0	0	0	0

Transfer Information

Seller: MARYLAND CONCRETE INC	Date: 09/12/2007	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /26154/ 42	Deed2:
Seller: GEMMILL RAMSEY V	Date: 04/06/2005	Price: \$121,500
Type: IMPROVED ARMS-LENGTH	Deed1: /21672/ 41	Deed2:
Seller: HEATHCOTE E G	Date: 01/19/1952	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 2065/ 66	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

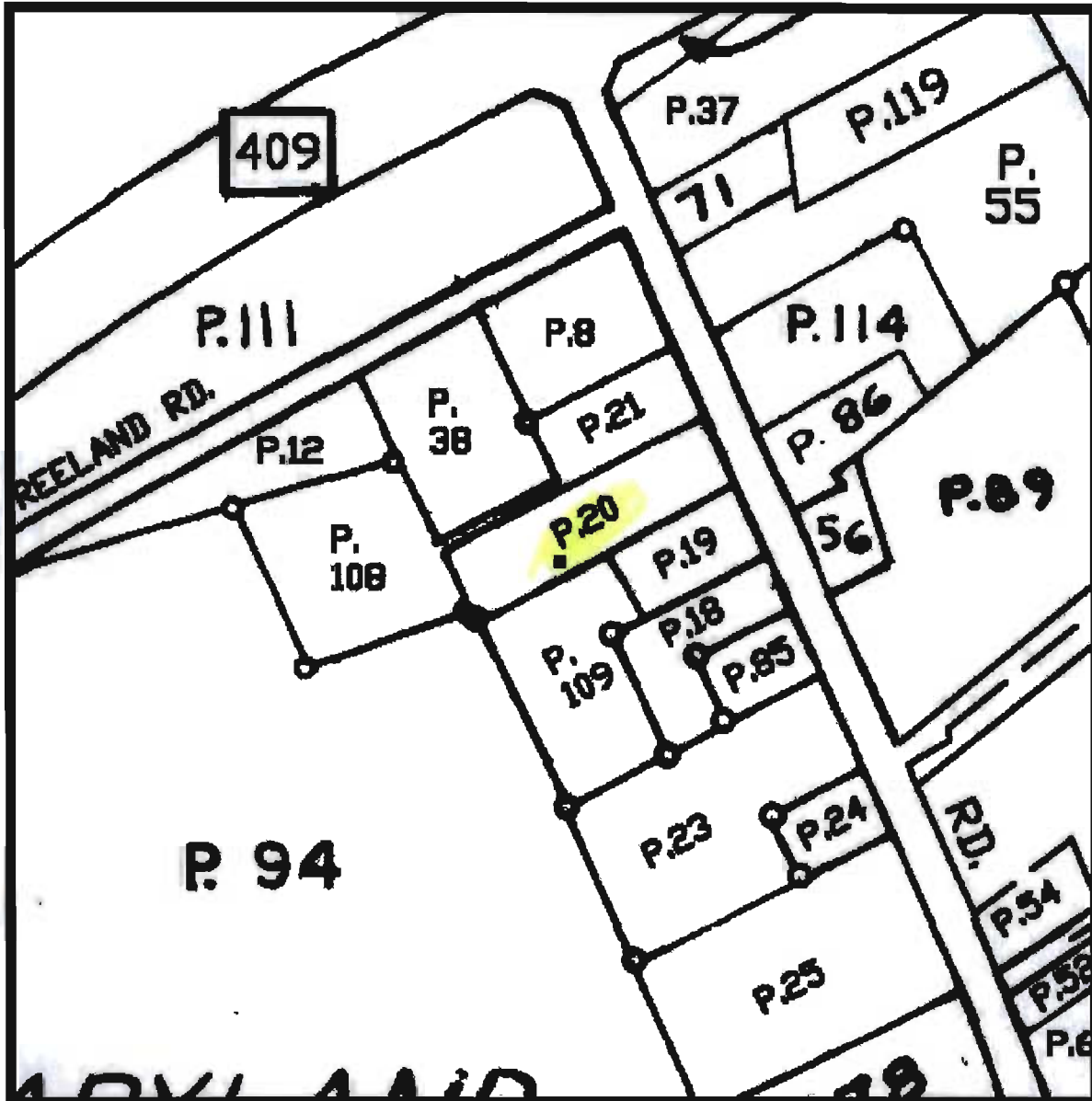
* NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 07 Account Number - 0707015200



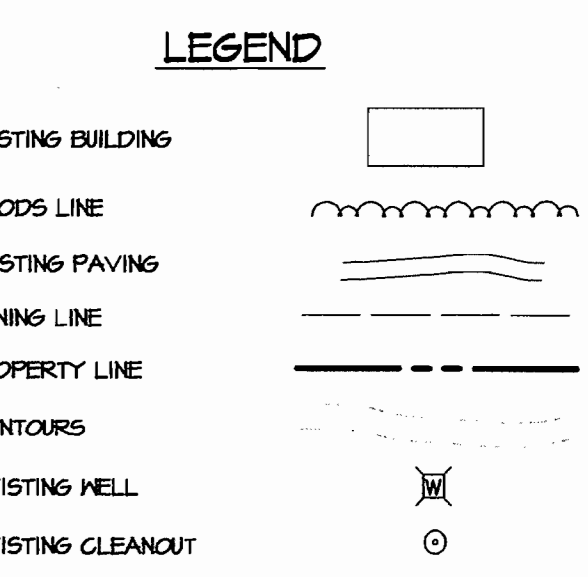
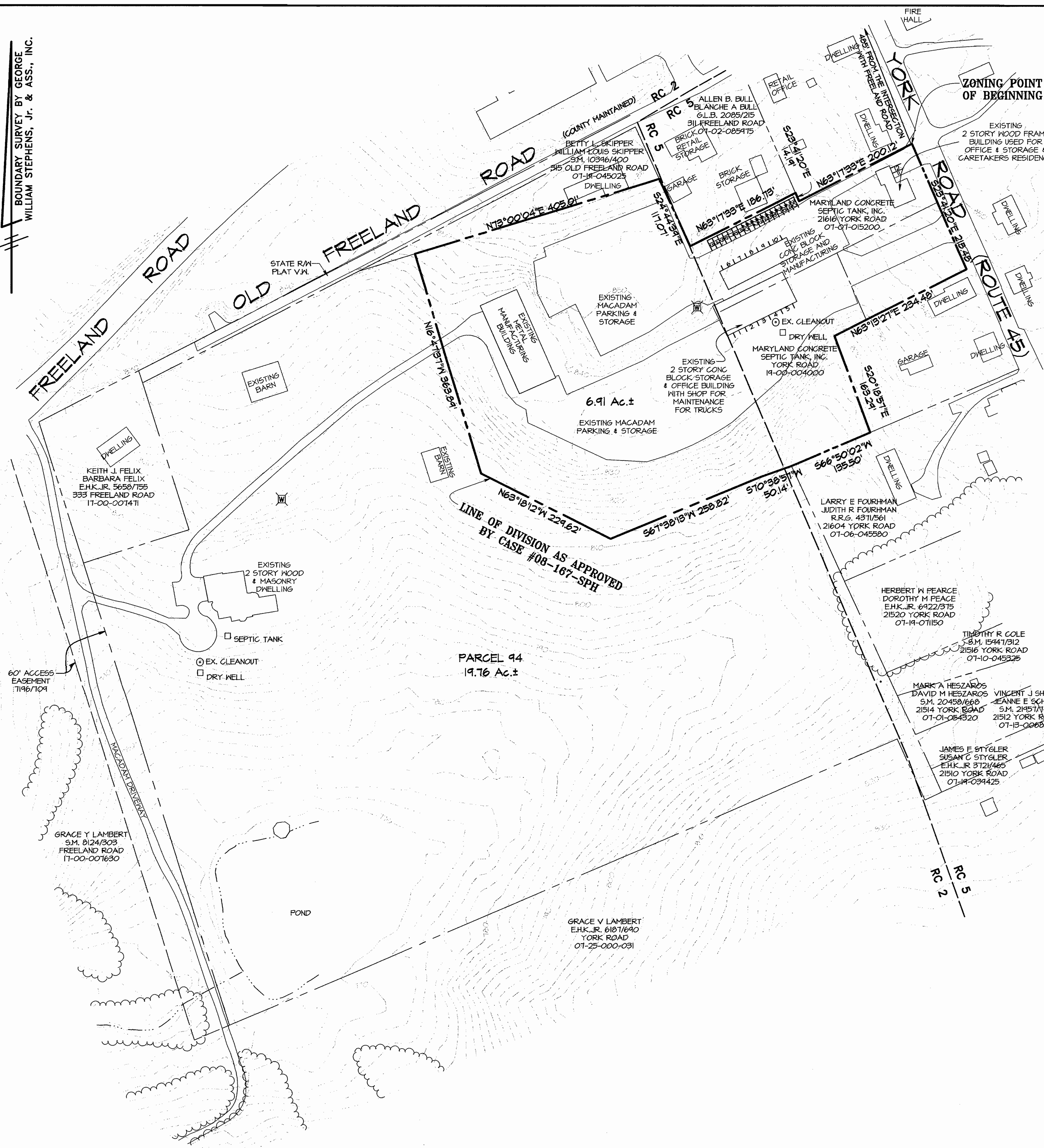
Property maps provided courtesy of the Maryland Department of Planning ©2004.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web
 site at www.mdp.state.md.us/tax_mos.htm



CASE NAME Int. Concrete Septic Tank - Int.
CASE NUMBER 2008-548-SHA
DATE 7-30-08

[illegible]

BOUNDARY SURVEY BY GEORGE
WILLIAM STEPHENS, JR. & ASS., INC.



ZONING ORDER CASE # 08-167-SPH

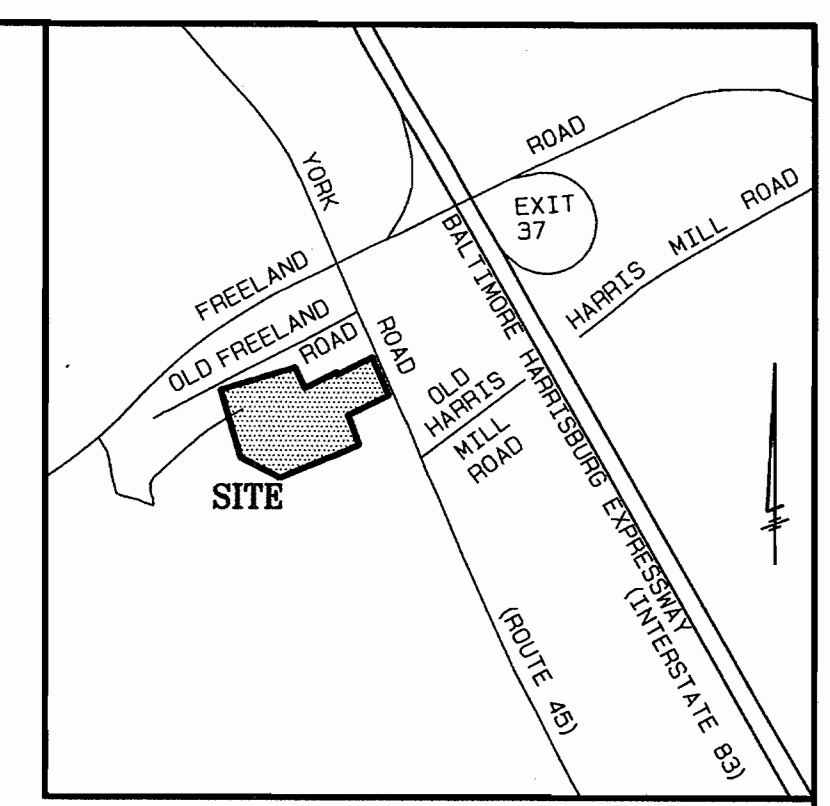
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of January, 2008 that the Petition for Special Hearing seeking approval pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the reconfiguration of two (2) existing contiguous parcels by allowing a non-density transfer of 3.69 acres from Parcel 94 to Parcel 108, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1. The Petitioner shall be required to apply to the Development Review Committee (DRC) for a limited exemption under Baltimore County Code (B.C.C.) Section 32-4-106(a)(1)(viii) concerning the lot line adjustment.

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

WJW:dlw

(Signature)
WILLIAM J. WISEMAN III
Zoning Commissioner
for Baltimore County



VICINITY MAP
1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GEORGE WILLIAM STEPHENS, JR. & ASS., INC.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 003A3, 003B3.
3. CENSUS TRACT 407000 REGIONAL PLANNING DISTRICT 301 WATERSHED LOCH RAVEN RESERVOIR SUBWATERSHED NONE SCHOOL DISTRICT, ELEMENTARY - SEVENTH DISTRICT E.S. MIDDLE - HEREFORD M.S. HIGH - HEREFORD H.S. A.D.C. MAP 4 GRID 3 FI
4. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
7. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
8. THERE IS NO ADDITIONAL PARKING PLANNED FOR THIS SITE, ALL PARKING SHOWN IS EXISTING

ZONING HISTORY FOR PROPERTY

1. "A RESIDENTIAL" FROM THE DATE OF FIRST OFFICIAL COUNTY MAP UNTIL THE 1955 COUNTY ZONING MAP WHEN THE PROPERTY WAS GIVEN THE "RDP" ZONING CLASSIFICATION.
2. PROPERTY RETAINED "RDP" ZONING UNTIL THE RC ZONES WERE CREATED AND THE PROPERTY WAS DESIGNATED RC-2 AND RC-5 BY THE 1975 BALTIMORE COUNTY ZONING MAP.
3. THE RC-2 AND RC-5 ZONING CONTINUED TO 2004 WHEN DURING THE CZMP THE PROPERTY WAS SPLIT ZONED TO RC-2 AND RC-5 AS IT IS PRESENTLY ZONED TODAY.

OWNER

MARYLAND CONCRETE
SEPTIC TANK, INC.
RAMSEY V. GEMMILL, JR. PRESIDENT
21616 YORK ROAD
MARYLAND LINE, MD 21105

SPECIAL HEARING REQUESTED

Maryland Concrete Septic Tank, Inc., Petitioner, by J. Neil Lanzi, Esquire, its attorney, hereby petitions the Zoning Commissioner for a special hearing under Section 500.7 of the Zoning Regulations for Baltimore County to approve the continued non-conforming use and expansion of same (see Variance Request #1) of the property known as 21616 York Road, Maryland Line, Maryland, for the manufacture, warehousing, office, caretakers residence, sales and wholesale distribution of concrete products.

The property consists of several separately deeded parcels as shown on the attached site plan.

1. Parcel 108 consists of 4.84 acres zoned RC2 and contains Petitioner's manufacturing building, parking and storage.
2. Parcel 109 consists of 1.06 acres zoned RC 5 and contains a two story concrete block storage and office building with a maintenance facility for Petitioner's vehicles.
3. Parcel 20 consists of .884 acres zoned RC 5 and contains a concrete block storage and manufacturing building as well as a two story wood frame structure used for office and storage.
4. Parcel 19 consists of .427 acres zoned RC 5 and is used mainly for the entrance and exit to Petitioner's property.

The total acreage subject to Petitioner's request is 6.91 acres. Petitioner submits the above described uses have continued uninterrupted since prior to the creation of the Baltimore County Regulations and through the date of this filing.

VARIANCE REQUESTED

Maryland Concrete Septic Tank, Inc., Petitioner, for the property known as 21616 York Road, by its attorney, J. Neil Lanzi, Esquire, hereby petitions the Zoning Commissioner for the following variance from the Baltimore County Zoning Regulations:

1. Variance from Section 104.3 of the BCZR to allow nonconforming structures and use of nonconforming structures to be extended more than 25% of the area of the structures so used.
2. Variance from Section 1A01.3 and 1A04.3 of the BCZR to allow existing manufacturing structures not higher than 60' erected in the RC2 and RC5 zones with a height which exceeds the allowed 35 feet.
3. Any other variance relief deemed necessary by the Zoning Commissioner.

The Zoning Commissioner has the power to grant variances in cases where strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty or unreasonable hardship to Petitioner. Petitioner further states the granting of the variances requested will provide substantial justice to the Petitioner and will allow for the observance of the spirit of the Regulations while maintaining the security of the public safety and welfare.

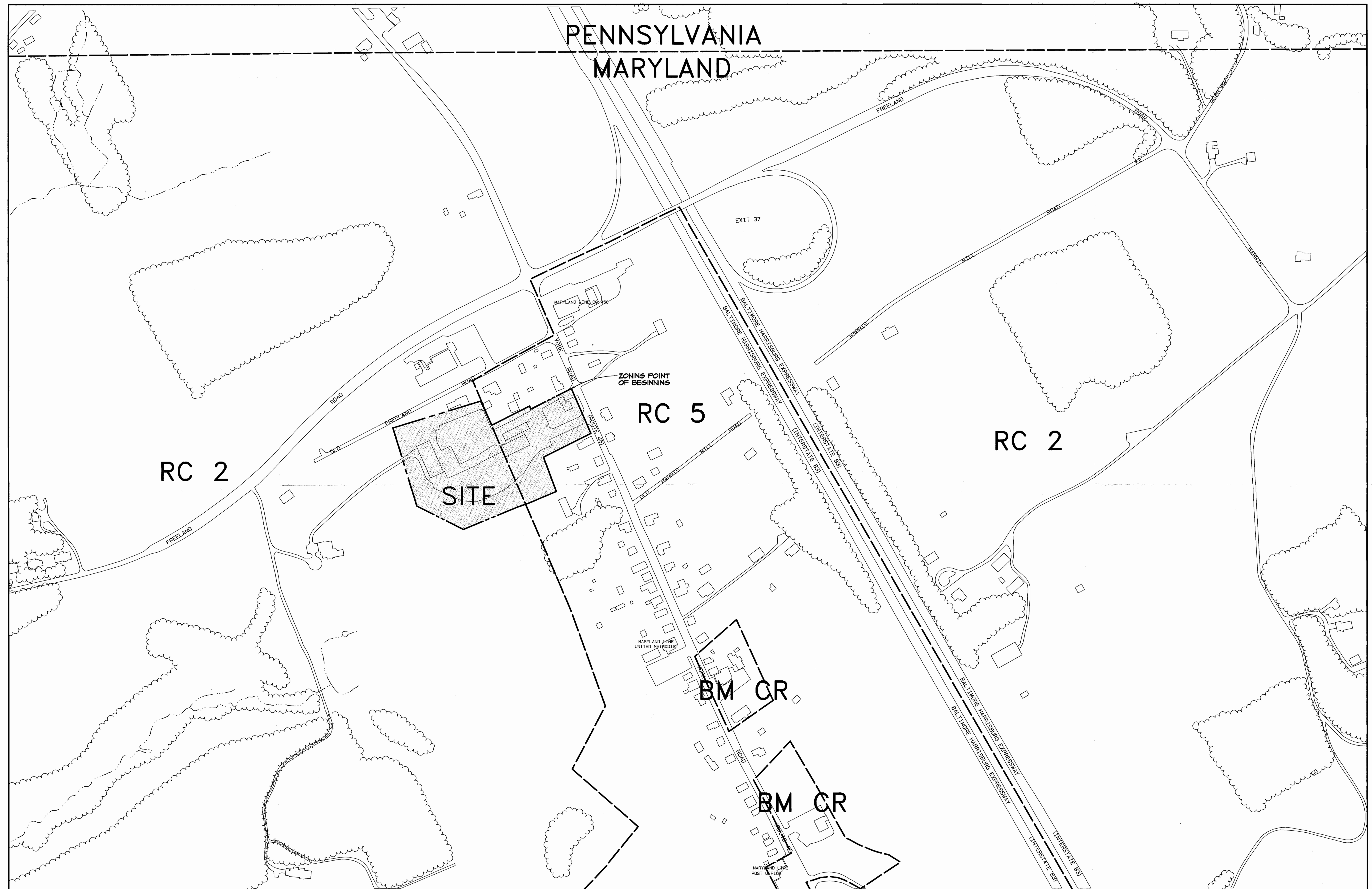


REVISION	DATE
REVISION per submittal meeting with John Lewis, add distance to the intersection and correct address	05/21/08
REVISION per John Lewis, add zoning history, zoning order, lotline & notes	05/20/08
REVISION	DATE

Scale: 1"=100' Date: MAY 15, 2008

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED:	DRAWN: CLM	CHECKED:	FILE:X:\V\gemmill\zoning plat variance.p
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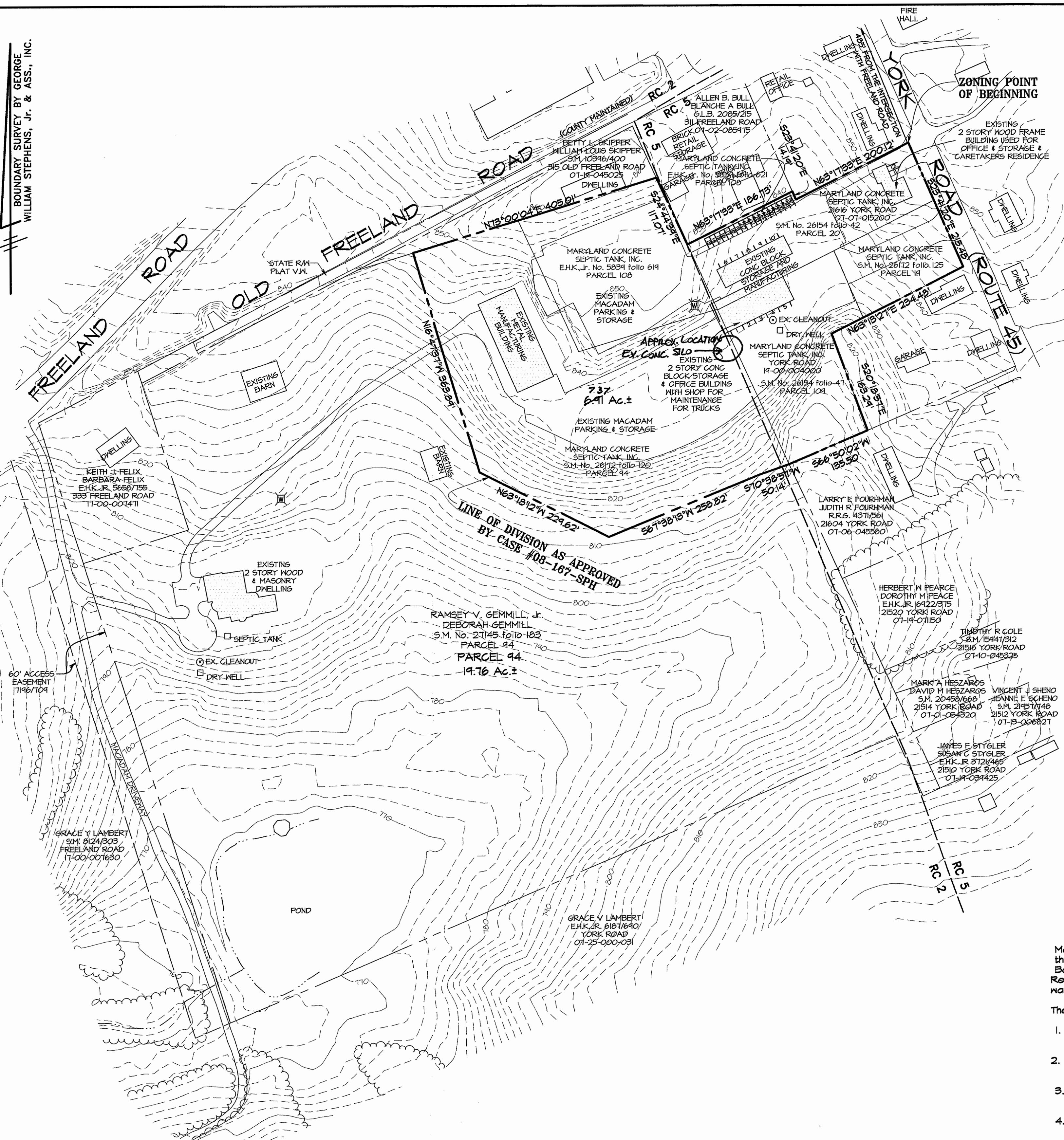
0548

ZONING MAP

GIS TILES: 003A3, 003B3

SCALE: 1" = 200'

BOUNDARY SURVEY BY GEORGE
WILLIAM STEPHENS, JR. & ASS., INC.



LEGEND

EXISTING BUILDING	
WOODS LINE	
EXISTING PAVING	
ZONING LINE	
PROPERTY LINE	
CONTOURS	
EXISTING WELL	
EXISTING CLEANOUT	

ZONING ORDER CASE # 08-167-SPH

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of January, 2008 that the Petition for Special Hearing seeking approval pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the reconfiguration of two (2) existing contiguous parcels by allowing a non-density transfer of 3.69 acres from Parcel 94 to Parcel 108, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1. The Petitioner shall be required to apply to the Development Review Committee (DRC) for a limited exemption under Baltimore County Code (B.C.C.) Section 32-4-106(a)(1)(viii) concerning the lot line adjustment.

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

WJW:dlw

William J. Wiseman III
Zoning Commissioner
for Baltimore County

GENERAL NOTES

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3. GENUS TRACT 407000 REGIONAL PLANNING DISTRICT 301
- WATERSHED LOCH RAVEN RESERVOIR SUBWERSHED NONE
- SCHOOL DISTRICT: ELEMENTARY - SEVENTH DISTRICT ES; MIDDLE - HEREFORD MS.; HIGH - HEREFORD HS.
- ADJ. MAP # GRID 3 F1
4. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
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RAMSEY V. GEMMILL, JR. PRESIDENT
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MARYLAND LINE, MD 21105

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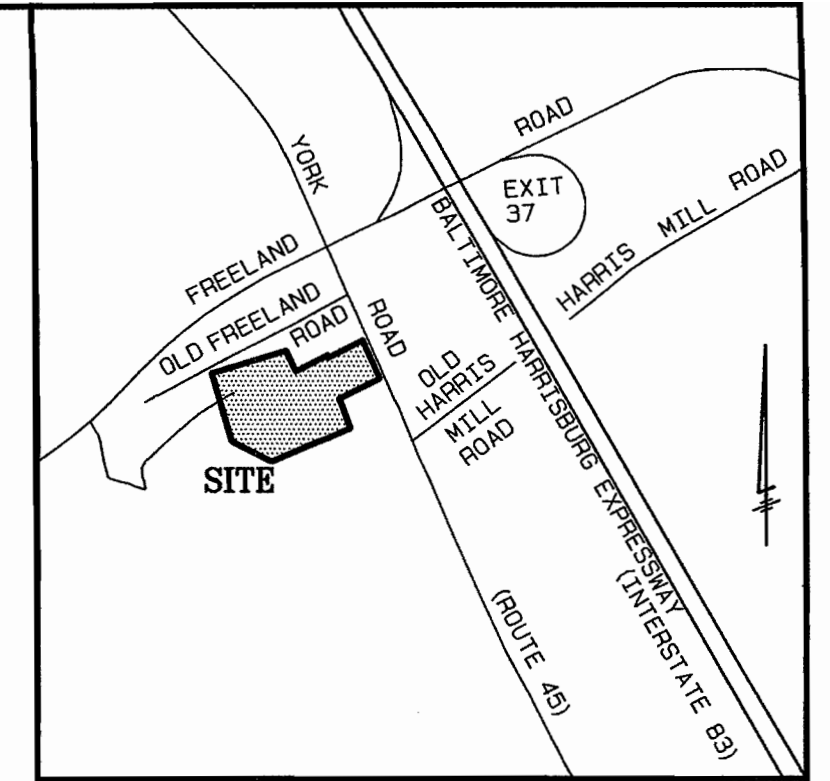
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VICINITY MAP
1" = 1000'

Scale: 1"=100'

Date: MAY 15, 2008

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

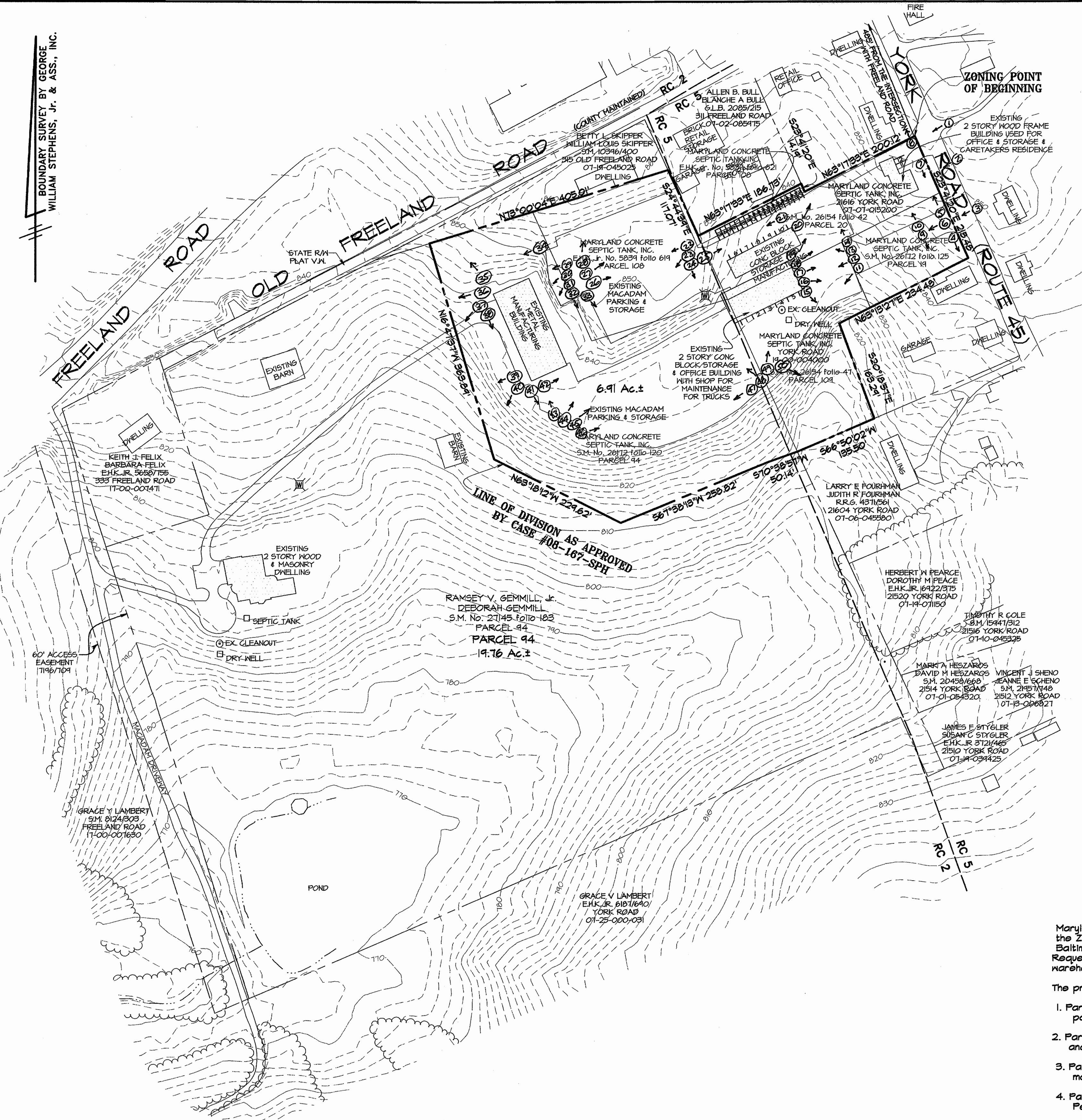
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

PETITIONER'S

EXHIBIT NO. 1

	RED LINED TO SHOW TAX PARCELS 6.91 ACRES TO 7.37 ACRES (1.46 ACRES)	8/4/08
REVISION per submittal meeting with John Lewis, add distance to the intersection and correct address	REVISION per John Lewis, add zoning history, zoning order, lotline & notes	07/21/08
REVISION	DATE	COMPUTED, DRAWN, CLM, CHECKED, FILE, X, V, S, etc.

BOUNDARY SURVEY BY GEORGE
WILLIAM STEPHENS, JR. & ASS., INC.



LEGEND

EXISTING BUILDING	
WOODS LINE	
EXISTING PAVING	
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EXISTING WELL	
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WJW:dlw

William J. Williams III
Zoning Commissioner
for Baltimore County

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- WATERSHED LOCH RAVEN RESERVOIR SUBWERSHED NONE
- SCHOOL DISTRICT, ELEMENTARY - SEVENTH DISTRICT E.S., MIDDLE - HEREFORD M.S., HIGH - HEREFORD H.S.
- A.D.C. MAP & GRID 3 FI
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PLAN TO ACCOMPANY PHOTOGRAPHS
2008-0548-SPHA

PLAN TO ACCOMPANY A REQUEST
FOR A SPECIAL HEARING AND
VARIANCES

**MARYLAND CONCRETE
SEPTIC TANK, INC.
PROPERTY**

21616 YORK ROAD
Tax Account No.: 07-25-000080
Tax Map 3; Grid 21; Parcel 94
YORK ROAD
Tax Account No.: 17-00-014371
Tax Map 3; Grid 21; Parcel 108
Zoned RC 2, RC 5; GIS Tiles 003A3, 003B3
7th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=100'

Date: MAY 15, 2008

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
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RED LINED TO SHOW TAX PARCELS	01/24/08
REVISION per submittal meeting with John Lewis: add distance to the intersection and correct address	05/21/08
REVISION per John Lewis: add zoning history, zoning order, lotline & notes	05/20/08
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COMPUTED:	DRAWN: CLM
CHECKED:	FILE: X:\9\gemmill\zoning plat variance.p