

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
S side of Embleton Road, 110 feet SW		
of Hammershire Road	*	DEPUTY ZONING
4 th Election District		
2 nd Councilmanic District	*	COMMISSIONER
(104 Embleton Road)		
	*	FOR BALTIMORE COUNTY
Herbert B. and Joan A. Gampel		
<i>Petitioners</i>	*	Case No. 2009-0237-SPH

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner for consideration of a Motion for Reconsideration filed by Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County. The Motion for Reconsideration was filed pursuant to Rule 4(k) of Appendix G of the Baltimore County Zoning Regulations (B.C.Z.R.) wherein the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer for Baltimore County are provided. Rule 4(k) permits a party to file a Motion for Reconsideration of an Order issued by the Zoning Commissioner. This Motion must be filed within 30 days of the date the Order was issued, and must state with specificity the grounds and reasons for their request.

In the instant matter, Petitioners requested Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two commercial vehicles to be parked on the owners' residentially occupied lot and to display advertising, in lieu of one commercial vehicle with advertising limited to driver's and front seat passenger's door, respectively, pursuant to Section 431.1.B of the B.C.Z.R. In an Order dated June 2, 2009, the undersigned granted the Special Hearing request, finding that Petitioners' parking of two commercial vehicles with advertising on a driveway located in the rear yard of the subject property since 1983 constitutes a nonconforming use pursuant to the definition of that term in

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By [Signature]

Section 101 of the B.C.Z.R. and the use provision of Section 104.1 of the B.C.Z.R. Moreover, because the undersigned found the parking of the two commercial vehicles with advertising to be nonconforming, I declined to place any particular limits or restrictions on that use, believing that the nature of a nonconforming use precluded my authority to do so.

Thereafter, Mr. Zimmerman's office submitted a letter dated June 29, 2009, to be treated as a Motion for Reconsideration. In his Motion, Mr. Zimmerman requests that approval of the nonconforming use be limited specifically to the personal use by Herbert and Joan Gampel so long as they reside at 104 Embleton Road, and that the use not continue with any successors, whether they be family descendants or other successors. In support of this request, Mr. Zimmerman explains that an argument can be made that the use of the property for parking Petitioners' vehicles prior to the enactment of Bill 70-1988 may not constitute a nonconforming use, especially where there was no prior zoning regulation that specifically permitted commercial trucks in residential zones. With that said, however, Mr. Zimmerman also indicates that he recognizes the equitable considerations that may favor at least a limited continuation of the use, but with some limitations. As such, he requests that I impose a limitation that allows Petitioner to continue his business as before, but does not allow him to pass it on to successors in this manner.

Subsequently, the undersigned received an email dated June 30, 2009 and a letter dated July 1, 2009 from Petitioners' attorney, Mr. Schmidt, responding to People's Counsel's Motion. In his response, Mr. Schmidt indicates that Petitioners' storage of trucks on his property as described in testimony is nonconforming, but is not a permitted "use" in the sense referenced by Mr. Zimmerman in the *Kowalski* and *Surina* cases. He explains that the regulation for which his client sought relief was not from a "use" regulation. Rather, he views the prohibition on the storage of trucks as actually akin to an area regulation. Mr. Schmidt gives an example of a

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By [Signature]

building with deficient setbacks that can be non-conforming and therefore not illegally located on a lot because it was constructed before the setback regulation applicable was enacted; in that same vein, Petitioners' trucks are non-conforming to the regulation that was adopted by the County Council and now appears as Section 431 of the B.C.Z.R. In short, Mr. Schmidt indicates that the storage of trucks is not a "use" within those "uses" permitted by right or special exception in the particular zone. Nonetheless, after conferring with Petitioners and in the interest of bringing this particular matter to an equitable resolution, Mr. Schmidt indicates that Petitioners are willing to consent to the imposition of a restriction limiting the duration and succession of the nonconforming relief previously granted by the undersigned.

In considering the Motion for Reconsideration, the undersigned reviewed the file and the Findings of Fact and Conclusions of Law dated June 2, 2009, as well as the respective positions of the parties outlined in People's Counsel's Motion and Petitioners' response. After reviewing these items, I agree that the equitable considerations of the case support granting the motion for reconsideration as agreed to by the parties. In doing so, I recognize People's Counsel's position that takes issue with the undersigned's findings with regard to the storage of the vehicles as legally nonconforming; I also recognize and acknowledge Mr. Schmidt's position that his and his clients' willingness to resolve the case in this manner does not waive his position that the undersigned cannot unilaterally impose conditions or restrictions on the granting of that which is determined to be nonconforming, especially where restrictions are already in place in the applicable regulation (See, Section 104.3 of the B.C.Z.R.). With all that said, I shall grant the Motion for Reconsideration.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of July, 2009 that the aforementioned Motion for Reconsideration be

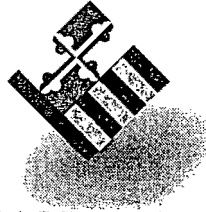
and is hereby GRANTED, and the Special Hearing relief previously granted in the above-captioned matter shall be modified and a second condition added to the Order as follows:

2. The relief granted herein is personal to Herbert and Joan Gampel for so long as they reside at 104 Embleton Road, and the approval shall not continue/pass to any successors in title, whether they be family descendants or others.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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Date 11-16-09
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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 16, 2009

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

RE: PETITION FOR SPECIAL HEARING - Motion for Reconsideration
S side of Embleton Road, 110 feet SW of Hammershire Road
4th Election District - 2nd Councilmanic District
(104 Embleton Road)
Herbert B. and Joan A. Gampel – *Petitioners*
Case No. 2009-0237-SPH

Dear Mr. Schmidt:

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

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:dlw
Enclosure

c: Herbert B. and Joan A. Gampel, 104 Embleton Road, Owings Mills MD 21117
Linda Eve Percy, President, County Club Estates Community Association of
Reisterstown, Inc., Box 32, Reisterstown MD 21136
People's Counsel; File



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

June 29, 2009

CAROLE S. DEMILIO
Deputy People's Counsel

RECEIVED

JUN 29 2009

ZONING COMMISSIONER

Hand-delivered

Thomas H. Bostwick, Deputy Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
S/S of Embleton Road, 110' SW of Hammershire Road
(104 Embleton Road)
4th Election District; 2nd Council District
Herbert and Joan Gampel- Petitioners
Case No.: 09-237-SPH

Dear Mr. Bostwick:

Please accept this letter as a Motion for Reconsideration under Rule 4K of the Findings of Fact and Conclusions of Law and Order dated June 2, 2009 in the above-referenced case.

The purpose of this motion is to request that the approval of the nonconforming use for two commercial trucks be limited to the personal use by Herbert and Joan Gampel so long as they reside at 104 Embleton Road, and that the use not continue with any successors, whether they be family descendants or other successors. Preliminarily, I have spoken with Lawrence Schmidt, Esquire, attorney for Petitioners, and I believe there is a good chance petitioners will not oppose such a condition.

Let me explain the reasons for this request.

The June 2 opinion allows the tow trucks used in the family glass business to be a nonconforming use on the basis that the use existed prior to enactment of Bill 70, 1988, which added BCZR § 431, the zoning regulation which controls commercial vehicles on residential properties. This regulation, which remains in place, allows a resident one commercial vehicle if it does not exceed 10,000 pounds gross vehicle or combination weight and if it meets other specified requirements.

At first glance, one might imagine that vehicles in use prior to that date might be nonconforming. But that is not the case. Before enactment of Bill 70, 1988, there was no zoning regulation which permitted commercial trucks in residential zones. There was nothing in the D.R. zone regulations (BCZR § 1B01) and nothing in any special regulation which allowed such uses. Unless explicitly permitted, a use was and is prohibited. BCZR §102.1. See Kowalski v. Lamar 25 Md. App. 493 (1975); People's Counsel v. Surina 400 Md. 662 (2007).

According to a 1987 Planning Board report, there were many complaints concerning commercial vehicles parked on residential properties. The zoning office believed these were not permitted. However, in the absence of a specific regulation on the subject, the zoning office was having a hard time prevailing in enforcement cases with district judges. It is likely that district judges accustomed to the criminal law process were not attuned to the structure of zoning law and demanded more specific provisions. (Zoning enforcement in district court was always a difficult proposition. This led to the amendments which created the current hearing officer enforcement system.)

Although we believe the Gampel glass business trucks do not qualify as a nonconforming use, we recognize equitable considerations which favor at least a limited continuation of the use. According to testimony recited in the opinion, the Gampels have had the trucks at their residential property since 1983. The neighbors are content with Mr. Gampel's business. The local community association is willing to have the Gampel use continue, but does not want a precedent. Meanwhile, Mr. Gampel says he is winding down the business. While we hesitate to place a time limit for his retirement, we do believe it is appropriate to limit the use to his current business and personal use, and that it not apply or run to this successors and assigns, if any, or to subsequent owners or residents at the site.

We are cognizant of your observation in the opinion that, as a matter of law, nonconforming uses ordinarily run with the property and do not terminate based on a change in ownership or personnel. We agree with that as a general rule. However, in our view, the only justification for the continuation of the Gampel use is based on equitable considerations, and not strictly on the law. In that context, it does not conflict with the public interest to reach an equitable result which allows Mr. Gampel to continue his business until he retires, but does not allow him to pass it on to successors. This will further reinforce the point that this case should not be viewed as a legal precedent. Occasionally, in unusual situations, there have been such equitable resolutions of nonconforming use cases. This appears to us to be such an occasion.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Lawrence E. Schmidt, Esquire
George Harman
Linda Percy

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
S side of Embleton Road, 110 feet SW		
of Hammershire Road	*	DEPUTY ZONING
4 th Election District		
2 nd Councilmanic District	*	COMMISSIONER
(104 Embleton Road)		
	*	FOR BALTIMORE COUNTY
Herbert B. and Joan A. Gampel		
<i>Petitioners</i>	*	Case No. 2009-0237-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Herbert and Joan Gampel, the legal property owners. Special Hearing relief is requested in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two commercial vehicles to be parked on the owners' residentially occupied lot, and to display advertising and visible materials (glass)¹ in lieu of one commercial vehicle with advertng limited to driver's and front seat passenger's door and no visible materials, respectively, pursuant to Section 431.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief were Petitioners Herbert and Joan Gampel, and Lawrence E. Schmidt, Esquire, attorney for Petitioners. Appearing on behalf of the Country Club Estates Community Association of Reisterstown, Inc. was Linda E. Percy of 1003 Kingsbury Road in Reisterstown. There were no other Protestants or interested persons in attendance at the hearing.

¹ During the hearing, the testimony and evidence offered by Petitioners indicated that they do not desire to display visible materials such as glass on the commercial vehicles. Mr. Gampel explained that glass pieces are either stored inside the vehicles or picked up from suppliers on the way to a particular job. As such, midway through the hearing, Petitioner withdrew that aspect of the requested relief.

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It should be noted that this matter is currently the subject of an active violation case (Case No. C0005443) in the Division of Code Inspections and Enforcement. A citation for code violation was issued in this matter due to Petitioners parking multiple commercial vehicles in a residential area. The fact that a code enforcement citation is issued is generally not relevant to the decision to be made in the underlying zoning case. This means that on the one hand, Petitioner cannot use the fact that a structure has been built or a use is ongoing in order to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify or that a discontinued use may impact Petitioner financially come into consideration of the zoning case. On the other hand, the fact that a structure may have been built or a use occurred which is contrary to the Regulations is also not held against Petitioner as some sort of additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. Such is not the purview of this office.

Turning now to the instant matter, the testimony and evidence offered revealed that the subject property is an irregular-shaped rectangle, in which it tapers outward to the rear, making the rear property line (~ 95 feet) substantially wider than the front property line (~ 65 feet) at Embleton Road. The property consists of approximately 13,366 square feet or 0.31 acre, more or less, zoned D.R.3.5. The property identified as Lot 25 is located on the south side of Embleton Road in the "Suburbia" subdivision in the Owings Mills area of Baltimore County, situated between Owings Mills Boulevard to the east and Reisterstown Road to the west and Gwynnbrook Avenue to the south. The property is improved with Petitioners' one-story single-family dwelling, with a 156 foot long by 18 feet wide macadam driveway running along the side of the property, almost the entire length of the eastern property line.

Petitioner has been in the glass business almost his entire life. His company is known as "Herb Gampel Glass" and specializes in furniture tops, patio doors, tub and shower doors,

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[Signature]

mirrored closet doors, storm windows, and storefronts. The company began in approximately 1945 as a family glass business with his father and brother and operated on High Street in Baltimore City. Petitioners have lived at the subject property since 1977. In 1983, the business became more of a "one man" operation with Petitioner utilizing glass mechanics and helpers where needed, and two trucks. As a result, Petitioner moved out of the City and transferred his glass operation to his residence at the subject location. Specifically, Petitioner testified that since 1983, he has continuously parked two commercial vehicles on his driveway towards the rear of his property. The vehicles are pickup trucks that have been modified with areas for glass storage inside and on the exterior sides of the trucks. Generally, one truck would be used for the work for a particular day and the other truck would sit as a back up if necessary. Petitioner's wife handles the accounting and bookkeeping for the business from the home as well.

During a routine "sweep" of Baltimore County Code Inspectors, Petitioners were cited for the parking of commercial vehicles on their property; hence, Petitioners filed the instant special hearing relief. Petitioner explained that he is now 67 years old and is essentially "winding the business down" to some extent, dealing mostly with existing clients; however, he does wish to continue running his small operation and desires relief from Section 431.1 of the B.C.Z.R. in order to park his two commercial vehicles displaying advertising on his residentially occupied lot. After receiving the Correction Notice from the County Code Inspectors, Petitioner attended a meeting of his community association -- the Country Club Estates Community Association of Reisterstown, Inc. (the "community association"). The purpose of attending the meeting was for Petitioner to explain his business and what he had been doing over the years. Thereafter, Petitioner obtained a copy of a letter dated January 16, 2009 from Mark Hemler, President of the community association, to the County's Code Enforcement Bureau. The letter was marked and accepted into evidence as Petitioner's Exhibit 2 and indicates the association's position that the citation issued to Petitioner should not have occurred pursuant to the County

sweep. The letter ends by requesting a re-evaluation of the citation given to Petitioner and gives support to Petitioner's "situation."

Petitioner also submitted a letter of support for his two glass trucks parked at the rear end of his home. The letter was marked and accepted into evidence as Petitioner's Exhibit 3 and was signed in support of Petitioner's request by a number of nearby neighbors. Photographs of the vehicles were marked and accepted into evidence as Petitioner's Exhibits 4A through 4I. These photographs show the appearance of the trucks in Petitioner's driveway. In addition, Petitioner submitted a letter from Guy and Karen Pritzker of 102 Embleton Road, Petitioner's neighbors and next-door residents from which Petitioner's vehicles are most visible. This letter was marked and accepted into evidence as Petitioner's Exhibit 5 and indicates they have lived next door to Petitioners for the last 18 years. They also state that they have never been bothered by Petitioner's trucks and actually prefer the trucks to be parked there because of neighborhood security -- in that the trucks give the appearance that someone is always home at the subject location. They also point out that there have never been any complaints against Petitioner concerning his glass trucks.

Testifying in opposition to Petitioner's special hearing request was Linda Percy of 1003 Kingsbury Road in Reisterstown. Ms. Percy is the current President of the Country Club Estates Community Association of Reisterstown, Inc. The community consists of approximately 1,000 homes. Notwithstanding the letter previously authored by her predecessor Mr. Hemler, Ms. Percy generally opposed Petitioners' request and indicated that Petitioner's request to park two commercial vehicles with advertising on the subject property would set a bad precedent for others in the neighborhood to do the same and expect similar relief. Such a situation could compromise the property values and the residential appearance of the neighborhood.

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 April 7,

2009 which indicates that the subject lot is one of several lots that abut on the rear yard of the Consolidated Gas and Electric Light and Power right-of-way and local open space. The property is within the boundaries of Country Club Estates Community Association and the Reisterstown Owings Mills Glyndon Community. The Office of Planning questions whether the owners are operating a glass business under the home occupation definition in Section 101.1 of the B.C.Z.R. If the business use itself is a zoning violation, then no commercial vehicles should be stored on site.

Near the conclusion of the hearing, based on the testimony adduced from Petitioner as to his continuous use of the property for parking of his two commercial vehicles since 1983, Petitioner's attorney, Mr. Schmidt reviewed his copy of Section 431.1 of the B.C.Z.R. and questioned whether his clients' use of the property for this length of time would constitute a nonconforming use as permitted by Sections 101 and 104.1 of the B.C.Z.R. This is because it appears that Section 431.1 of the B.C.Z.R. is not codified in the B.C.Z.R. until 1988. The undersigned then concluded the hearing but left the record open for Mr. Schmidt to investigate the legislative history of Section 431.1 of the B.C.Z.R.

On May 8, 2009, two days after the hearing, the undersigned received correspondence from Mr. Schmidt. While advocating that Petitioner's business constituted a "home occupation" under Section 101 of the B.C.Z.R. and also citing the abundance of neighbors that are supportive of Petitioners' request, Mr. Schmidt also pointed out that Section 431.1 of the B.C.Z.R. was enacted into law through Bill No. 70-1988 during the County Council's 1988 legislative session. A copy of the Bill accompanying Mr. Schmidt's letter indicates the regulation took effect on August 15, 1988. Mr. Schmidt also indicated that his review of the previous editions of the B.C.Z.R. indicates that there was no similar regulation in effect prior to Bill No. 70-1988. Moreover, the term "commercial vehicle" was not defined until Bill No. 70-1988. Based on the testimony introduced at the hearing and his investigation of Section 431.1 of the B.C.Z.R., Mr.

Schmidt argues that his clients' parking of two commercial vehicles with advertising is legally nonconforming and, therefore, should be permitted to continue without restrictions. Following Mr. Schmidt's letter and attachments, the undersigned received a letter dated May 14, 2009 from Ms. Percy on behalf of the community association. Ms. Percy indicated that the association has no objection to a finding that Petitioner's use of the property is nonconforming. Such a finding specific to this case would allow Mr. Gampel's use of the property to park his glass trucks to continue, without setting a precedent that would allow others in the community to do the same. The association did request, however, that a time restriction be put on the nonconforming use.

Considering of all the testimony and evidence presented, I find that Petitioners' parking of two commercial vehicles with advertising on a driveway located in the rear yard of the subject property since 1983 constitutes a nonconforming use pursuant to the definition of that term in Section 101 of the B.C.Z.R. and the use provision of Section 104.1 of the B.C.Z.R.; thus, I am persuaded to grant the special hearing relief to allow this use to continue. I am also impressed by the outpouring of support by Petitioners' neighbors, particularly their next-door neighbors, Mr. and Mrs. Pritzker at 102 Embleton Road. As to the imposition of restrictions on the use, such as a time limit on such use, I do not believe I can order restrictions on the existing use that has been found to be nonconforming. While I agree with Ms. Percy on behalf of the community association that a time limit such as 5 years would give some comfort to residents that the continued parking of these vehicles would not go on in perpetuity, the Regulations do not permit me to alter or change or modify the use at this time. However, Petitioner must be mindful of Section 104.1 of the B.C.Z.R. which states 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."

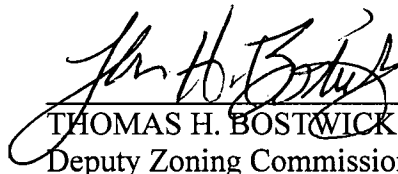
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Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 2nd day of June, 2009 that Petitioners' request for Special Hearing relief filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two commercial vehicles to be parked on the owners' residentially occupied lot, and to display advertising, in lieu of one commercial vehicle with advertizing limited to driver's and front seat passenger's door and no visible materials, respectively, pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 431.1.B be and is hereby GRANTED as a nonconforming use, subject to the following:

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 its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

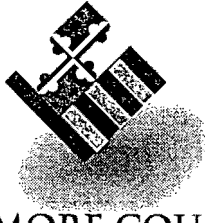
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 2, 2009

LAWRENCE E. SCHMIDT, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 2009-0237-SPH
Property: 104 Embleton Road

Dear Mr. Schmidt:

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

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Th. H. Bostwick", enclosed within a circular stamp or seal.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Herbert B. and Joan A. Gampel, 104 Embleton Road, Owings Mills MD 21117
Linda Eve Percy, President, County Club Estates Community Association of Reisterstown,
Inc., Box 32, Reisterstown MD 21136



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 104 Embleton Road
which is presently zoned D.R. 3.5

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

PLEASE SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special 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:

Lawrence E. Schmidt
Name - Type or Print _____ City _____
Signature Lawrence E. Schmidt
Gildea & Schmidt, LLC
Company _____
600 Washington Avenue, Suite 200 (410) 821-0070
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Herb B. Gampel
Name - Type or Print _____
Signature Herb B. Gampel
Joan A. Gampel
Name - Type or Print _____
Signature Joan A. Gampel
104 Embleton Road 410-356-6359
Address _____ Telephone No. _____
Owings Mills MD 21117
State _____ Zip Code _____

Representative to be Contacted:

Lawrence E. Schmidt, Gildea & Schmidt, LLC
Name _____
600 Washington Avenue, Suite 200 (410) 821-0070
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING ?

Reviewed By DROP OFF Date 3/13/09

REV 9/15/98

6209
PM

DROP OFF PET.

ATTACHMENT TO PETITION FOR SPECIAL HEARING

104 Embleton Road

4th Election District

2nd Councilmanic District

To permit two commercial vehicles to be parked on the owners residentially occupied lot and to display advertising and visible materials (glass) in lieu of one commercial vehicle with adverting limited to driver's and front-seat-passenger's door and no visible materials (respectively) pursuant to BCZR Section 431.1.B.

DROP OFF

PROPERTY DESCRIPTION

104 Embleton Road

4th Election District

2nd Councilmanic District

Beginning at a point on the South side of Embleton Road, which is 35 feet in width at the distance of approximately 110 feet south west of the centerline of the nearest improved intersecting Hammershire Road.

Beginning for the same and being known and designated as Lot 25, Block F, as shown on a Plat entitled Section 5, Plat 2, Sheet 2, Suburbia, which Plat is recorded in the Land Records of Baltimore County in Plat Book O.T.G. 32 folio 10. The improvements thereon now known as 104 Embleton Road.

0237

DROP OFF

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

2009 0237 SPH
 DROP OFF

No. 35224

Date: 3/13/09

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 3/20/2009 3/19/2009 11:26:35 2

REG #502 MAIL JEVA JEE
 >> RECEIPT # 628144 3/19/2009 OFLN

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.00

Item: 5 528 ZONING VERIFICATION
 CR ID. 035224

Recpt Tot \$65.00
 \$65.00 CK \$0.00 CA
 Baltimore County, Maryland

Total: 65.00

Rec From: Guldea + Schubert
 For: Res SPH DROP OFF FILING- 104 EMBLETON RD

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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: # 2009-0237-SPH

104 Embleton Road

S/s of Embleton Road, 110 feet s/w of Hammershire Road

4th Election District — 2nd Councilmanic District

Legal Owner(s): Herb & Joan Gampel

Special Hearing: to permit two commercial vehicles to be parked on the owners residentially occupied lot and to display advertising and visible materials (glass) in lieu of one commercial vehicle with advertising limited to driver's and front seat passengers door and no visible materials (respectively).

Hearing: Wednesday, May 6, 2009 at 10:00 a.m. in Room 104, Jefferson Building, 105 West 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 4/693 Apr. 21

199267

CERTIFICATE OF PUBLICATION

4/23/, 2009

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 4/21/, 2009.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0237-SPH

Petitioner/Developer: _____

Herb & Joan Gampel

Date of Hearing/closing May 6, 2009

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

Attn : Kristin 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, _____
104 Embelton Road, 110 feet s/w of Hammershire Road

The sign(s) were posted on _____ April 21 2009
(Month, Day, Year)

Sincerely,

Robert Black April 28, 2009
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2009-0237-SPH

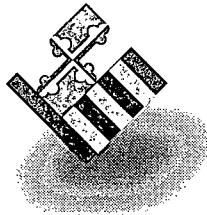
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

Room 104 JEFFERSON BUILDING 21204
PLACE: 105 WEST CHESAPEAKE AVE. TOWSON
DATE AND TIME WEDNESDAY, MAY 6, 2009 AT 10:00 A.M.

REQUEST: SPECIAL HEARING TO PERMIT TWO COMMERCIAL
VEHICLES TO BE PARKED ON THE OWNERS RESIDENTIALLY OCCUPIED LOT
AND TO DISPLAY ADVERTISING AND VISIBLE MATERIALS (GLASS)
IN LIEU OF ONE COMMERCIAL VEHICLE WITH ADVERTISING LIMITED
TO DRIVERS AND FRONT SEAT PASSENGERS DOOR AND NO VISIBLE
MATERIALS (RESPECTIVELY).

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

April 8, 2009
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0237-SPH

104 Embleton Road
S/s of Embleton Road, 110 feet s/w of Hammershire Road
4th Election District – 2nd Councilmanic District
Legal Owners: Herb & Joan Gampel

Special Hearing to permit two commercial vehicles to be parked on the owners residentially occupied lot and to display advertising and visible materials (glass) in lieu of one commercial vehicle with advertng limited to driver's and front seat passengers door and no visible materials (respectively).

Hearing: Wednesday, May 6, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Mr. & Mrs. Gampel, 104 Embleton Road, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 21, 2009.**
- (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, April 21, 2009 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2009-0237-SPH

104 Embleton Road

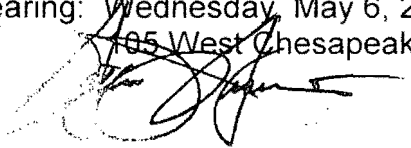
S/s of Embleton Road, 110 feet s/w of Hammershire Road

4th Election District – 2nd Councilmanic District

Legal Owners: Herb & Joan Gampel

Special Hearing to permit two commercial vehicles to be parked on the owners residentially occupied lot and to display advertising and visible materials (glass) in lieu of one commercial vehicle with advertng limited to driver's and front seat passengers door and no visible materials (respectively).

Hearing: Wednesday, May 6, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West 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.

Drop off 7:30
NO LTR FROM ARMY
VIDL PER

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: 2009 0237 JPH
Petitioner: Herb B. Gamble + Joan H. Gamble
Address or Location: 104 Embleton Road Owings Mills, MD
21117

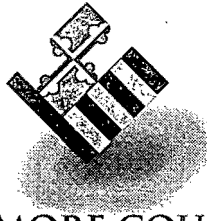
PLEASE FORWARD ADVERTISING BILL TO:

Name: Gildea + Schmidt, LLC c/o Lawrence E. Schmitz
Address: 600 Washington Ave. Suite 200
Towson, MD 21204

Telephone Number: 410821-0070

Revised 7/11/05 - SCJ

DROP OFF



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
April 30, 2009

Lawrence Schmidt
600 Washington Ave. Ste. 200
Towson, MD 21204

Dear: Lawrence Schmidt

RE: Case Number 2009-0237-SPH, 104 Embleton Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 13, 2009. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Mr. & Mrs. Gampel; 104 Embleton Rd.; Owings Mills, MD 21117

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

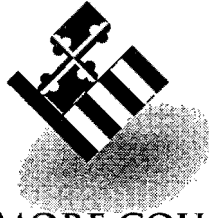
DATE: March 25, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For March 30, 2009
Item Nos. 2009-0232, 0233, 0234, 0237,
0240, 0241, 0242, 0243, 0245, and 0246

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

DAK:CEN:lrk
cc: File
ZAC-03302009 -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

March 26, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 23, 2009

Item Numbers 0234, **0237**, 0240, 0241, 0242, 0243, 0245 and 0246

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

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

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

cc: File

TB 5/6
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 7, 2009

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

SUBJECT: 104 Embleton Road

INFORMATION:

Item Number: 9-237

Petitioner: Herb and Joan Gampel

Zoning: DR 3.5

Requested Action: Special Hearing

RECEIVED

APR 13 2009

ZONING COMMISSIONER

The property in question is an average size lot, (lot 25 in Section 5 Plat 2 of Suburbia). The subject lot is one of several lots that abuts on the rear yard, the Consolidated Gas and Electric, Light and Power right of way and local open space. The property is within the boundaries of Country Club Estates Community Association and the Reisterstown Owings Mills Glyndon Community.

The petitioner requests a special hearing to permit two commercial vehicles to be parked on the owner's residentially occupied lot and to display advertising and visible materials (glass) in lieu of one commercial vehicle with advertising limited to driver's and front seat passenger's door and no visible materials (respectively) as per Section 431.1B of the BCZR.

On 12/15/08, during a zoning "sweep" of the neighborhood, the property was cited with a zoning violation for commercial vehicle storage. Vehicles parked on the street display HG Glass and the owner's home phone number.

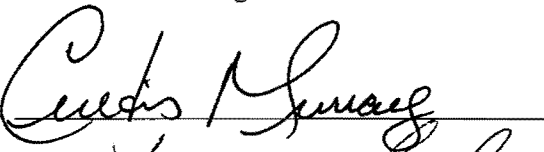
SUMMARY OF RECOMMENDATIONS:

The Office of Planning questions whether the owner is operating his glass business under the home occupation definition in Section 101.1 of the BCZR.

If the business use itself is a zoning violation, then no commercial vehicles should be stored on site.

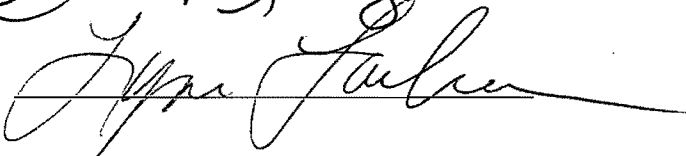
For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM





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: 3/23/2009

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

RE: Baltimore County
Item No 2009-0237-SP4
104 EMBLETON RD
HERB & JOAN GAMPEL PROPERTY
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0237-SP4.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
104 Embleton Road; S/S Embleton Road, * ZONING COMMISSIONER
110' SW of Hammershire Road * FOR
4th Election & 2nd Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Herb & Joan Gampel *
Petitioner(s) * 09-237-SPH

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

APR 06 2009

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of April, 2009, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TB
5-6-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 04 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: May 4, 2009

SUBJECT: Zoning Item # 09-237-SPH
Address 104 Embelton Road
(Gampel Property)

Zoning Advisory Committee Meeting of March 23, 2009

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

Reviewer: JWL

Date: 5/4/09

TO FILE

CASE #

2009 0237 SPH

FREQUENT FLYER ATTORNEYS
DROP OFF ZONING PETITIONS
POLICY PROCEDURES

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with all technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.
3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

NO ATTORNEY LTR PROVIDED WITH PACE
VIOLATION?

3/22/05
JLL/rjc



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

April 17, 2009

HAND DELIVERED

William J. Wiseman, III, Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

APR 17 2009

ZONING COMMISSIONER

Re: PETITION FOR SPECIAL HEARING
Herb and Joan Gampel – Legal Owners
105 Embleton Road
Case No: 09-237-SPH

Dear Mr. Wiseman,

Petitioners request a special hearing for two commercial vehicles on a residential lot with advertising displays instead of one vehicle with limited advertising on the driver's or passenger's door. The petition is labeled as a special hearing, but its content really delineates it as a variance.

BCZR § 431 allows one commercial vehicle per residential lot, and only under the following conditions: that it weigh less than 10,000 pounds gross vehicle weight; that it be an owner/operator-occupied lot; and that it be parked in an enclosed structure, or in the alternative, have very limited lettering, figures, or design on the front door or passenger door, and be parked in the side or rear yard.

Our office has consistently opposed special hearing and variance petitions for commercial vehicles in residential zones. We view these virtually as use variances, in conflict with the core legislative intent, and detrimental to the character of residential neighborhoods.

There have been many County Board of Appeals cases over the years in which we have successfully defended against such requests, however described. Typically, these cases involve the use of just one commercial vehicle in conflict with the law. The presence case includes the heightened aggravation of two commercial vehicles.

It is virtually impossible to find a situation where there is any genuine argument that the uniqueness of the property results in practical difficulty, which justifies such a use. These cases involve personal preference and convenience to mix business with residential use. In such

April 17, 2009

Page 2

circumstances, the grant of one variance would inevitably be a justification for another and another, severely eroding the quality of residential life and at some point leading to an accumulation of traffic congestion and hazards.

Moreover, a petitioner cannot circumvent the law by calling it a special hearing. To illustrate, the County Board of Appeals so held in the enclosed February 23, 2005 decision in the case of Gabriel & Melissa Croy No. 4-470-SPH. A special hearing may not be used as a tactical vehicle to overturn the law.

Here, as the April 7, 2009 office of planning comment observes, this is an average size a suburban subdivision lot of average size in the Country Club Estates Community in Owings Mills. There is absolutely no justification for a special hearing or variance. While there is a transmission line running to the rear of many of the houses, there is nothing unique about that here or in other areas of the county. Moreover, the existence of a transmission line would not be an excuse to use commercial vehicles in a residential subdivision.

The OPZ comment raises the additional reasonable concern that the property owner is operating its commercial "HG Glass" business out of the home. The enclosed copies of photographs from the PDM enforcement file corroborate this concern. The photos show that the glass trucks are very large vehicles (the weight needs to be identified with specificity). They show significant advertising on the back for the "Herb Gampel Glass Co., Inc., 410 356-6359, Owings Mills, Md." The sides of the vehicle are barely visible in these photographs, so they do not show if there is other advertising on the sides or side doors. The OPZ comment reference to "HG Glass" advertising may refer to the sides of the trucks. There is no reason to park these vehicles at this location unless the business is being operated substantially out of the residence. A web search revealed the enclosed "ThomasNet" company profile for the Herb Gampel Glass Co. at the 104 Embleton Road residential address. Such a business, in our view, would clearly not be a home occupation. Even if the business has another location, there is no excuse to park these trucks at the residential lot.

The OPZ comment also indicates that the commercial vehicles are parked on the street. The PDM photos confirm this occurrence. This raises other concerns with respect to parking regulations discussed below.

We also asked Stephen E. Weber, Chief of Traffic Engineering, to review the petition and site plan in this case for any traffic/parking issues. As a result, he sent the enclosed e-mail dated April 15, 2009, along with two GIS photographs. As is our custom, we forward it for your consideration.

While Mr. Weber did not observe any traffic hazard issue from these vehicles at this time, his comment corroborates that the commercial vehicles detract from the residential character of the area, and that once an exception is allowed, it is hard to stop anyone from extending a personal business into the residential area.

The GIS photographs also confirm OPZ's observation that the lot is a typical suburban subdivision lot. They reflect the transmission line running to the rear of many of the adjacent homes, a common feature of the modern power system distribution system. These photographs show the two vehicles toward the rear of the property at the time taken.

As noted earlier, however, based on the OPZ comment and the PDM photographs, the trucks are sometimes parked on the street. This is not surprising. Once a commercial vehicle is allowed on a residential lot, it is likely that it will sometimes be on the street. This depends on the owner's convenience. The additional concern, as Mr. Weber also points out, is that county parking regulations prohibit parking of commercial trucks in front of homes.

The petition reflects that there is a pending violation, as also confirmed by the OPZ comment. As a result, we reviewed the enforcement file and obtained copies of the PDM photographs. While the existence of a violation citation is not a reason to deny a legitimate petition, the existence of a zoning petition should not be a reason to perpetuate a true zoning violation or provide an advantage. There does not appear to be any substantial legal justification for the present petition.

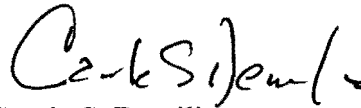
The hearing is currently scheduled for May 6, 2009.

Thank you for your consideration.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/rmw

cc: Lawrence E. Schmidt, Esquire
Stephen E. Weber, Division of Traffic Engineering
Curtis Murray, Office of Planning
Timothy Kotroco, Director, PDM
George Harman, President of Reisterstown-Owings-Mills-Glyndon CC

IN THE MATTER OF
THE APPLICATION OF
GABRIEL & MELISSA CROY - PETITIONERS
FOR SPECIAL HEARING ON PROPERTY LOCATED
ON THE E/S SPARROWS POINT ROAD, 30' S OF C/L
McCOMAS AVE (2931 SPARROWS POINT ROAD)

15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 04-470-SPH

* * * * *

OPINION

This case comes to the County Board of Appeals as an appeal filed by the Office of People's Counsel from a decision of the Deputy Zoning Commissioner issued on June 18 2004, granting the special hearing request in Case No. 04-470-SPHA to permit the parking of a vehicle in excess of 10,000 pounds of gross weight (tractor /trailer) on a residential lot.

The Petitioners, Gabriel and Melissa Croy, appeared *pro se*, and Peter M. Zimmerman, People's Counsel for Baltimore County, appeared on behalf of that office. The Board conducted a public hearing on February 8, 2005, and a public deliberation on February 8, 2005.

Testimony

The Petitioner, Gabriel Croy, was the only witness for the Petitioners. Mr. Croy introduced Petitioner's Exhibit #1, Site Plan, and Petitioner's Exhibit #2, 18 photos of the area. Mr. Croy testified that he worked for Atlas Van Lines. He stated that he owned a tractor and trailer and needed to park his equipment at his home because the Atlas parking lot was constantly being vandalized. He also stated that none of his neighbors had protested the use of the area for parking. Mr. Croy also indicated that much of the area is mixed use and many other individuals in the area park commercial vehicles in their yards. Mr. Croy testified that the combined weight of his vehicle and trailer is in excess of 80,000 lbs. Mr. Croy further indicated the time he was

parking the vehicle was over night.

Mr. Zimmerman introduced People's Counsel Exhibit #1, § 431 of the *Baltimore County Zoning Regulations* (BCZR); People's Counsel Exhibit #2, A.D.C. Map; People's Counsel Exhibit #3, an aerial photo of the site and surrounding neighborhood; People's Counsel Exhibit #4, a zoning map of the area; People's Counsel Exhibit #5, Planning Board Comment dated May 25, 2004; and People's Counsel Exhibit #6, Department Of Assessments and Taxation owner information report.

The only witness called by People's Counsel was Mark Cunningham of the Baltimore County Office Of Planning. Mr. Cunningham indicated he had visited the site on two occasions and was concerned that granting the request would change the nature of the residential neighborhood and would lead to others doing the same. He also believed it would affect the property located next door.

Decision

Section 431 A of the BCZR provides:

A commercial vehicle exceeding 10,000 pounds gross weight or combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle.

The Board finds that the Petitioners' request would violate § 431 A. The vehicle weight of 80,000 lbs would exceed the 10,000-lb. weight limit. The regulations do not allow any exception to this requirement.

Therefore, the Board will deny the special hearing request and will so order.

ORDER

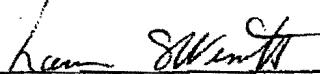
THEREFORE, IT IS THIS 23rd day of February, 2005 by the

County Board of Appeals of Baltimore County

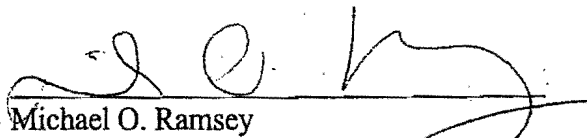
ORDERED that the Petitioner's special hearing request to approve the parking of a vehicle in excess of 10,000 pounds of gross weight (tractor /trailer) on a residential lot be and the same is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

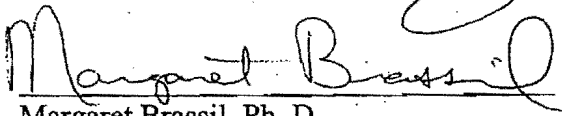
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence S. Wescott, Panel Chair



Michael O. Ramsey



Margaret Brassil, Ph. D.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 7, 2009

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

SUBJECT: 104 Embleton Road

INFORMATION:

Item Number: 9-237

Petitioner: Herb and Joan Gampel

Zoning: DR 3.5

Requested Action: Special Hearing

The property in question is an average size lot, (lot 25 in Section 5 Plat 2 of Suburbia). The subject lot is one of several lots that abuts on the rear yard, the Consolidated Gas and Electric, Light and Power right of way and local open space. The property is within the boundaries of Country Club Estates Community Association and the Reisterstown Owings Mills Glyndon Community.

The petitioner requests a special hearing to permit two commercial vehicles to be parked on the owner's residentially occupied lot and to display advertising and visible materials (glass) in lieu of one commercial vehicle with advertising limited to driver's and front seat passenger's door and no visible materials (respectively) as per Section 431.1B of the BCZR.

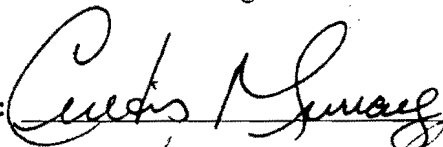
On 12/15/08, during a zoning "sweep" of the neighborhood, the property was cited with a zoning violation for commercial vehicle storage. Vehicles parked on the street display HG Glass and the owner's home phone number.

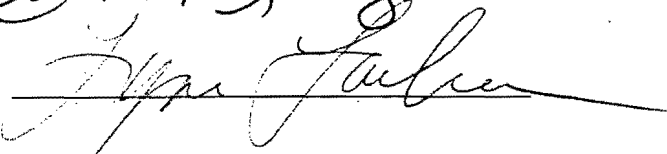
SUMMARY OF RECOMMENDATIONS:

The Office of Planning questions whether the owner is operating his glass business under the home occupation definition in Section 101.1 of the BCZR.

If the business use itself is a zoning violation, then no commercial vehicles should be stored on site.

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

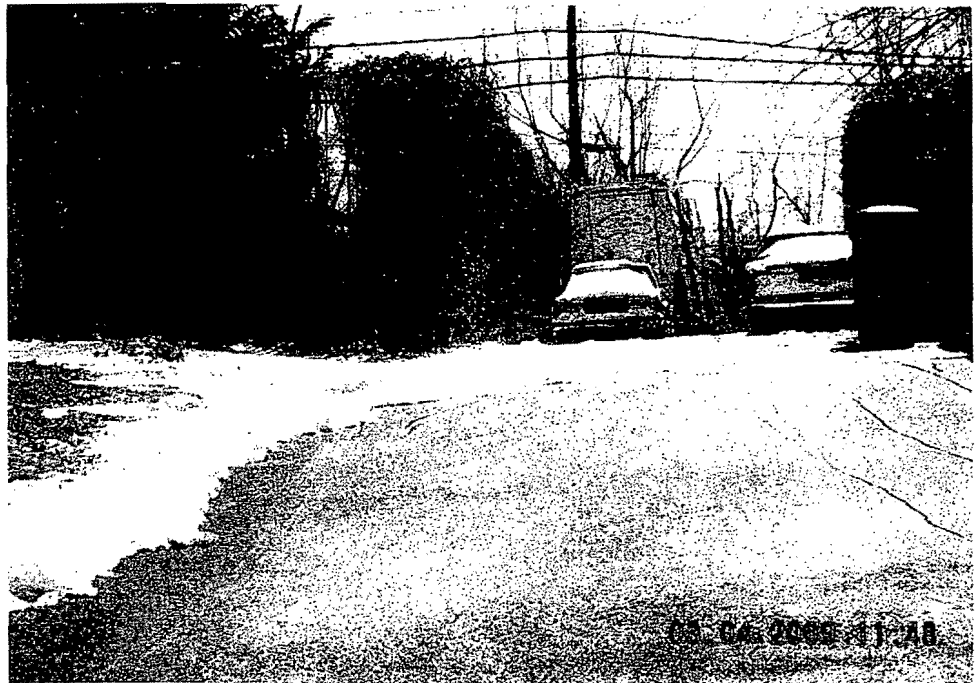
Prepared by: 

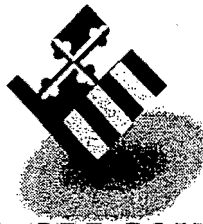
Division Chief: 
AFK/LL: CM



7A 0122625

7A 0122625





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

March 9, 2009

Mr. and Mrs. Herbert B. Gampel
104 Embleton Road
Owings Mills, Maryland 21117

Dear Mr. and Mrs. Gampel:

RE: Case No. 0054443
104 Embleton Road

Please be advised that a re-inspection of the above referenced property on March 4, 2009 revealed you are still in violation of the Baltimore County Zoning Regulations. As per the original Code Inspections and Enforcement Correction Notice (Correction Notice) issued to you, the commercial vehicle must be removed.

You must comply by March 27, 2009. Failure to comply will result in the issuance of a Citation wherein monetary fines of \$200.00 per day from the date of the original Correction Notice may be imposed.

This is your final notice. If there are any questions, please contact me at 410-887-3351 between 8:00 a.m. and 10:00 a.m. or between 3:00 p.m. and 5:00 p.m.

Sincerely,

A handwritten signature in black ink, appearing to read "Layette Street".

Layette Street
Code Inspections and Enforcement Officer

/LS



7A0122625 18

FA 0122025

CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER 54443	PROPERTY TAX ID 0402068250	DATE ISSUED 12/10/08
NAME(S): Herbert B. Gumpel		
MAILING ADDRESS 104 Embledon Rd		
CITY Owings Mills, MD	STATE MD	ZIP CODE 21117
VIOLATION ADDRESS 104 Embledon Rd		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE 21117

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☐ DR3.5 ☐ DR5.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50 (1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC (1A06) ☐ RC7 (1A08)
☐ OTHER: _____

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL (230) ☐ BR (236) ☐ BM (233)
☐ MR (240) ☐ ML (253) ☐ MH (256)
☐ OTHER: _____

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- | | |
|---|--|
| ☐ 101; 102.1: Definitions; general use | ☐ 415A: License/ remove untagged recreation vehicle |
| ☐ 1B01.1: DR Zones-use regulations | ☐ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☐ 410: Illegal Class II trucking facility |
| ☒ 431: Remove commercial vehicle(s) | ☐ 400: Illegal accessory structure placement |
| ☐ 101; 102.1: Remove contractors equip. storage yard | ☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs |
| ☐ 101; 102.1; ZCPM: Cease service garage activities | ☐ 102.5: Residential site line violation /obstruction |
| ☐ 402: Illegal conversion of dwelling | ☐ 408B: Illegal rooming/ boarding house |
| ☐ 101; 102.1; ZCPM: Illegal home occupation | ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM:
Violation of commercial site plan and/or zoning order |

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|--|--|
| ☐ 13-7-112: Cease all nuisance activity | ☐ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-115: County to abate nuisance & lien costs | ☐ 18-2-601: Remove all obstruction(s) at street, alley, road |
| ☐ 13-7-310: Remove all trash & debris from property | ☐ 13-7-310(2): Remove bird seed / other food for rats |
| ☐ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 32-3-102: Violation of development plan/ site plan |
| ☐ 13-7-201(2): Cease stagnant pool water | ☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 12-3-106: Remove animal feces daily | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests | |
| ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids | |

OWNER OCCUPIED HOUSING (B.C.C.)

- | | |
|---|--|
| ☐ 35-5-302(a)(1): Unsanitary conditions. | ☐ 35-5-302(a)(2): Store all garbage in trash cans |
| ☐ 35-5-302(a)(3): Cease _____ infestation from prop. | ☐ 35-5-302(b)(1): Repair exterior structure |
| ☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc | ☐ 35-5-302(b)(1)(3): Repair exterior extensions |
| ☐ 35-5-302(b)(1)(4): Repair chimney & similar extensions | ☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces |
| ☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s) | ☐ 35-5-302(b)(1)(7): Repair defective fence |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|--|---|
| ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition | ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members | ☐ 35-2-404(a)(1)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry | ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations |
| ☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s) | ☐ 35-2-404(a)(4)(i)(ii): Board & secure. Material to match building color of structure |

OTHER VIOLATIONS OR REMARKS:

☐ NOTICE POSTED AND MAILED

POTENTIAL FINE: ☒ \$200 ☐ \$500 ☐ \$1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: **01/10/09**

INSPECTOR NAME: **L. STREET**
PRINT NAME (Rev 9/05)

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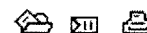


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 !

Herb Gampel Glass inc

Maryland

Home > [Search Results: Glass](#) > Company Profile



Gampel, Herb Glass Co., Inc.

Phone: 410-356-6359

Address:

104 Embleton Rd.
Owings Mills, MD 21117
[map](#)

► Tell your suppliers you found them on ThomasNet

Company Profile

Manufacturer, Distributor, Rep., Glass Service

Sales: Under \$1 Mil
Employees: 1-9
Activities: Distributor, Manufacturer, Manufacturers' Rep, Service Company

Year Company Founded: 1983

Ownership: African American

Glass Information

Manufacturer, Distributor, Rep., Service

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If you have different information about this company or were unable to contact them let us know.

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Gampel, Herb Glass Co., Inc.

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Price ★★★★★

Availability ★★★★★

Quality ★★★★★

Service ★★★★★

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From: Stephen Weber
To: People's Counsel
Date: 04/15/2009 11:21 AM
Subject: Fwd: Case No. 09-237-SPH, #104 Embleton Rd
Attachments: 09-237-SPH Petition.pdf; 104Embleton-b.bmp; 104Embleton-a.bmp

Peter -

I don't really see these type of issues so much as a traffic issue as it is an aesthetics issue. As long as they're not bringing tractor-trailers onto the property, it probably isn't really a traffic issue.

I certainly wouldn't want something like this in my neighborhood and the prohibition against commercial vehicles in residential neighborhoods is to help insure that they maintain their residential character. If you start making exceptions for one person, where do you really stop doing this, until eventually you have numerous people in a neighborhood basically using their private residential properties as extensions of their personal businesses. These trucks are likewise prohibited from parking on the County street in front of the homes as well.

I've attached 2 aerial photos of the property giving you some flavor of the surrounding homes. It is in a single-family home neighborhood. You can see in the photo what appears to already be the subject trucks parked at the very rear of the property on an extremely long driveway. The adjacent properties do have a high-voltage transmission line running behind the houses, so there would never be any close adjacent homes being built behind #104 Embleton Rd.

If there is anything further you need from us or if you wish to discuss the matter further, please give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

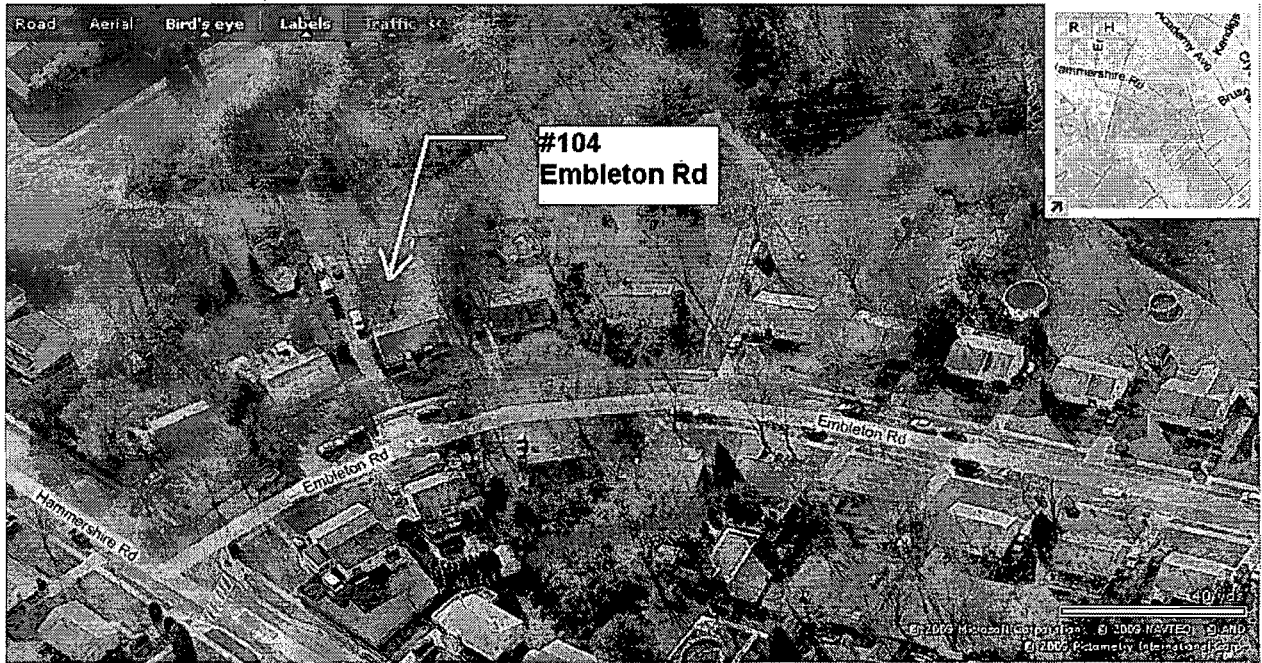
>>> People's Counsel 4/15/09 10:45 AM >>>
Steve,

Enclosed please find the Petition for Special Hearing with regard to the above-mentioned case. Please review with respect to any traffic concerns.

Thank you for your consideration.

Peter Max Zimmerman

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax





Bill Wiseman - People's Counsel Letter to WJW Case 09-237-SPH

From: Carl Richards
To: Bostwick, Thomas; Kotroco, Timothy; Wiseman, Bill
Date: 04/22/09 3:58 PM
Subject: People's Counsel Letter to WJW Case 09-237-SPH

Bill,

Pete's trite objection to form and use is worn out. I wish he would stick to the facts. He tries to broaden his objection and rejection unnecessarily. There is no guilt by application in this office as Pete has indicated. Petition applications are processed in this office in accordance with the BCZR. Also, he attached a BOA decision in case # 04-470SPH that presumably would justify his objection to form. Incredibly, the BOA assumed the role of inspector and not the court when they stated "the regulations do not allow any exception to this requirement" DUH!

Eighty to ninety percent of the structured provisions in the BCZR do not allow exceptions, and that is one of the main reasons the BOA exists. Anybody remember the ZONING BOARD OF APPEALS?

OOOR we could allow exceptions for handicapped, minority, feminist, atheist, gay, dwarf veteran that was related to the governor. I would respectfully remind Pete and the Board of all the proximity variances and special hearings that have been granted over the years. The "use" argument may be legitimate, however it has been successfully rejected many times by the BOA and Court. Once the "just the facts ma'am " are presented, the decisions will follow and hopefully equitable compliance will survive without objection to form.

Thomas Bostwick - RE: Case No. 09-237-SPH - Gampel Property

From: "Larry Schmidt" <lschmidt@gildeallc.com>
To: "Thomas Bostwick" <tbostwick@baltimorecountymd.gov>
Date: 6/30/2009 6:21 PM
Subject: RE: Case No. 09-237-SPH - Gampel Property
CC: "People's Counsel" <peoplescounsel@baltimorecountymd.gov>

Mr. Bostwick: I have received Mr. Zimmerman's letter. I will forward a written letter in reply for your file. Given the potential cost and delays associated with a potential appeal, Mr. and Mrs. Gampel are agreeable to a restriction that the relief granted is "personal to Herbert and Joan Gampel for so long as they reside at 104 Embleton Road and that the approval shall not continue/pass to any successors in title, whether they be family descendents or others." I will confirm this agreement via letter so that you have it for your file.

Strictly as an academic exercise, I note the following: I have reservations about whether the Zoning Commissioner can impose restrictions on the grant of something that has been determined to be non-conforming. There are already restrictions in the law (see e.g. Section 104.3) in terms of expansion, etc. and I do not believe that additional restrictions can be imposed. The item considered is either non-conforming as a matter of law or it isn't, I don't know how a restriction can be added; unlike the grant of a variance or special exception.

Moreover, Mr. Zimmerman's comment that Mr. Gampel's trucks are not a non-conforming "use" is indeed a correct statement, but not for the reason he states. The regulation from which we seek relief is not "use" regulation. The actual "use" on this property is as a "dwelling" and a "home occupation", as defined under BCZR 101. The prohibition on the storage of trucks is actually akin to an area regulation. Just as a building with deficient setbacks can be non-conforming and therefore not illegally located on a lot because it was constructed before the setback regulation applicable was enacted; my clients' trucks are non-conforming to the regulation that was adopted by County and now appears as BCZR 431. Thus, this is not a *Kowalski* or *Surina* case as Mr. Zimmerman suggests. The storage of trucks is not a "use" within those "uses" permitted by right or special exception in the zone. It is not a use at all.

In any event, I will not debate the point further. If the restriction noted above ends the case and allows my client to store his trucks while he lives and operates at the property, he is more than pleased to enter into that restriction. As noted above, I will send you a letter to that effect.

Larry Schmidt

Lawrence E. Schmidt

Gildea & Schmidt, LLC

600 Washington Avenue

Suite 200

Towson, MD 21204

(410) 821-0070

(410) 821-0071 - fax

This email contains information from the law firm of Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Gildea & Schmidt, LLC by telephone immediately.

-----Original Message-----

From: Thomas Bostwick [mailto:tbostwick@baltimorecountymd.gov]

Sent: Tuesday, June 30, 2009 11:25 AM

To: Larry Schmidt

Cc: People's Counsel

Subject: Fwd: Case No. 09-237-SPH - Gampel Property

Mr. Schmidt,

The attached letter dated June 29, 2009 from People's Counsel was hand delivered to this office yesterday. While it indicates that you were copied on the letter, I am attaching a copy for your review concerning the above-referenced matter.

Please advise me of your position on People's Counsel's Motion for Reconsideration in writing at your earliest convenience.

Thank you. Tom Bostwick.

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

CO-0054443
104 Embleton Rd

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: March 30, 2009

TO: W. Carl Richards, Jr.

FROM: Meghan Ferguson, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No: 2009-0237-sph
Legal Owner/Petitioner: Herb & Joa Gampel
Contract Purchaser:
Property Address: 104 Embleton Rd
Location Description: South side of Embleton Rd; 100 feet South West of
Hammershire Rd.

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Case No: CO-0054443

Photographs
Final Notice Letter

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Christina Moscati in Room 213 in order that the appropriate action may be taken relative to the violation case.

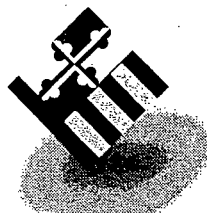
MF/cm
C: Lavette Street, Code Enforcement Officer



7A 0122625



7A 0122625



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

March 9, 2009

Mr. and Mrs. Herbert B. Gampel
104 Embleton Road
Owings Mills, Maryland 21117

Dear Mr. and Mrs. Gampel:

RE: Case No. 0054443
104 Embleton Road

Please be advised that a re-inspection of the above referenced property on March 4, 2009 revealed you are still in violation of the Baltimore County Zoning Regulations. As per the original Code Inspections and Enforcement Correction Notice (Correction Notice) issued to you, the commercial vehicle must be removed.

You must comply by March 27, 2009. Failure to comply will result in the issuance of a Citation wherein monetary fines of \$200.00 per day from the date of the original Correction Notice may be imposed.

This is your final notice. If there are any questions, please contact me at 410-887-3351 between 8:00 a.m. and 10:00 a.m. or between 3:00 p.m. and 5:00 p.m.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Street", written over a circular stamp.

L. Street
Code Inspections and Enforcement Officer

/LS

**Maryland Department of Assessments and Taxation****Taxpayer Services Division**

301 West Preston Street W Baltimore, MD 21201 (2007 vw1.1)

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Taxpayer Services Division

Entity Name: HERBERT GAMPEL GLASS COMPANY, INC.
Dept ID #: D01530153

General Information Amendments Personal Property Certificate of Status

Principal Office
(Current): 104 EMBELTON ROAD
OWINGS MILLS, MD 21117

Resident Agent
(Current): BERNARD J. SACHS
111 N. CHARLES STREET
BALTIMORE, MD 21201

Status: FORFEITED

Good Standing: No

Business Code: Ordinary Business - Stock

Date of
Formation or 03/08/1983
Registration:

State of
Formation: MD

Stock/Nonstock: Stock

Close/Not Close: Unknown

Link Definition

General Information	General information about this entity
Amendments	Original and subsequent documents filed
Personal Property	Personal Property Return Filing Information and Property Assessments
Certificate of Status	Get a Certificate of Good Standing for this entity

**Maryland Department of Assessments and Taxation****Taxpayer Services Division**

301 West Preston Street W Baltimore, MD 21201 (2007 vw1.1)

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Taxpayer Services Division**Entity Name: HERBERT GAMPEL GLASS COMPANY, INC.****Dept ID #: D01530153****General Information Amendments Personal Property Certificate of Status**NOTICE ABOUT IMAGE AVAILABILITY AND ACCURACY

Page 1 of 1

Description	<u>Date Filed</u>	<u>Time</u>	<u>Film</u>	<u>Folio</u>	<u>Pages</u>	<u>View Document</u>	<u>Order Copies</u>
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DEPT. ACTION -
FORFEITURE

10/05/2007 01:21-AM

THE ENTITY WAS FORFEITED FOR FAILURE TO FILE PROPERTY RETURN FOR 2006.

CONVERTEDAMENDMENT WITH NAME
CHANGE

01/04/1985 10:02-AM F2693 290 0002



AMENDMENT N.C. FROM: HERBERT GAMPEL COMPANY, INC.

ARTICLES OF
INCORPORATION

03/08/1983 09:28-AM F2581 2841 0004

**Link Definition**

General Information	General information about this entity
Amendments	Original and subsequent documents filed
Personal Property	Personal Property Return Filing Information and Property Assessments
Certificate of Status	Get a Certificate of Good Standing for this entity



People Search

First Name

Last Name

State

Herbert

Gampel

Maryland

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Finding People, Places,
and Businesses

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YELLOW PAGES

WHITE PAGES

REVERSE LOOKUP

HELP

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- Background Search
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- Social Net Search

Sponsored Link

Background Check

First Name

Herbert

Last Name

Gampel

City

Owings Mills

State

Maryland

FIND



FIND A PERSON



Last Name Required

Gampel

TIP: Use the full name

First Name

Herbert

TIP: Try just the 1st letter

Street

104 Embleton

TIP: Use full street address

City

Owings Mills

State

MD

ZIP Code

21117

FIND

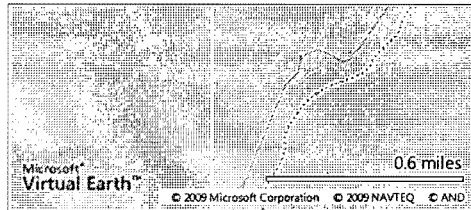
> Search Tips

Herbert B Gampel

104 Embleton Rd
Owings Mills, MD 21117
(410) 356-6359

[Add to Address Book](#) | [Nearby Businesses](#) | [Map](#) | [Driving Directions](#)

Remove Listing



MORE INFORMATION ON Herbert B Gampel

- (410) 356-6359 is a Land Line phone.
- The local time is 11:30 PM.
- Location: Owings Mills, MD

Information provided solely by Intelius

Find More Information for Herbert B Gampel

Email and Unlisted Phone Lookup

Find Herbert B Gampel's Email Address & Unlisted Number.

Get Detailed Background Information

Run a Background Check on Herbert B Gampel

Verify Public Records

Does Herbert B Gampel Have any civil court records?

View Property & Area Information

What is this property worth?

View Social Network Profile

Find Herbert B Gampel online personality

Get Complete Address History

Find Herbert B Gampel address history

Additional records provided by Intelius

Public records found for Herbert Gampel with current & verified Phone & Address



First Name

Herbert

Last Name

Gampel

City

Owings Mills

State

Maryland

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GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

May 8, 2009

RECEIVED

MAY 08 2009

ZONING COMMISSIONER

Via Hand Delivery

Honorable Thomas H. Bostwick
Deputy Zoning Commissioner
Office of the Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

**Re: Herb Gampel Glass Co./104 Embleton Road
Case No. 09-0237-SPH**

Dear Commissioner Bostwick:

This is to follow up our comments in open hearing regarding the above matter and the Petition for Special Hearing filed by my clients, Herb & Joan Gampel.

As you recall, I presented testimony and evidence at the hearing regarding my client's longstanding use of his property for the storage of two small trucks at the end of the driveway (rear yard). Evidence was presented that I believe is persuasive to a finding that Mr. Gampel's business activity on the property qualifies as a "home occupation" under the definition of that term in Section 101 of the Baltimore County Zoning Regulations ("BCZR"). Specifically, testimony was uncontradicted that each of the criteria contained within that definition are met by Mr. Gampel.

I also submitted documentation that indicated Mr. Gampel's use of his property is not objected to by any of his immediate neighbors. Particularly, the neighbors on both sides of his property are supportive of the ongoing parking on the site. The only interested party that appeared in opposition was Ms. Percy, the current president of the County Club Estates Community Association. The previous president (Mark Hemler) has submitted a letter in support of Mr. Gampel's request which offered into evidence as Exhibit No. 2. That letter is dated January 16, 2009, and was written after Mr. Gampel's presentation to the Community Association at their January meeting.

Honorable Thomas H. Bostwick

May 8, 2009

Page 2

At your direction, I have investigated the history of the relevant regulation that relates to this case. As you are aware, Section 431 of the BCZR is the applicable statute. Section 431 is titled "Parking of Commercial Vehicles on Residential Property" and was enacted into law through Bill No. 70-1988. The section regulates both the storage of commercial vehicles exceeding 10,000 lbs. gross vehicle weight and those which are less than 10,000 lbs. gross vehicle weight. Mr. Gampel's two vehicles are far less than the weight limitation.

As the Bill number suggests, this Bill was enacted into law during the County's 1988 legislative session. I have reviewed the Zoning Regulations in effect prior to that date and enclose relevant portions of those regulations.

These regulations are persuasive to a finding that Baltimore County first regulated parking of commercial vehicles on a residential zone through Bill 70-1988. That is, to the best of my knowledge, there was no regulation in effect prior to this time which addressed that issue. I enclose herewith the definitional section (Section 101 of the BCZR) from the 1981 regulations. Please note that a commercial vehicle is not defined. This definition was first provided through Bill No. 70-1988. Moreover, there is no Section 431 in the 1981 edition of the BCZR nor is there any other section which regulated this subject matter.

Mr. Gampel's uncontradicted testimony was that he and his wife purchased the property in 1977 and he began his home occupation use and parking in 1983. He further testified that the two vehicles which he presently keeps on the property are 1985 models. Thus, it is clear the ongoing use and vehicles pre-date the effective date of the applicable regulation contained in Section 431.

Under the circumstances, I would request that you find that Mr. Gampel's use of the property is "nonconforming" as defined in Section 101 of the BCZR and regulated in Section 104 thereof. As you indicated at the hearing, the nonconforming designation serves to grandfather an otherwise illegal use. I believe that this is an appropriate finding as it will serve my client and the interests of the community. Under law, Mr. Gampel will be eligible to continue storing his vehicles on the property in accordance with his longstanding practice. In terms of the community's interest, this finding will prevent others from a similar use. Specifically, only those individuals who had stored commercial vehicles on their property prior to 1988 (similar to Mr. Gampel) would be eligible for approval. In that the likelihood of any other resident of this neighborhood having used a property similarly for the past 21 years is highly unlikely; this should address Ms. Percy's concern about the establishment of any precedent by this case.

I have also considered the potential imposition of conditions on Mr. Gampel's use. Upon reflection, I am reluctant to voluntarily agree to any restrictions, given the fact that I respectfully do not believe that your office has the authority to enter such a restriction in a

Honorable Thomas H. Bostwick

May 8, 2009

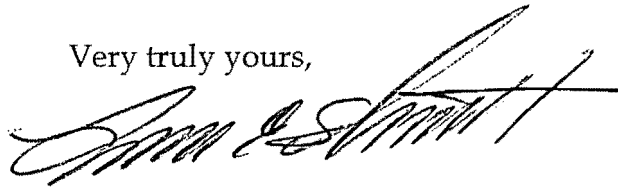
Page 3

nonconforming case. That would establish a precedent which could be a matter of concern in future cases. Moreover, based on the overwhelming testimony offered, it is clear that Mr. Gampel's operation is not detrimental to his neighborhood. The fact that he has stored vehicles in the back of his property since 1983 without complaint is persuasive. Additionally, as noted above, he enjoys the support of his immediate adjacent neighbors on both sides. Finally, in view of Mr. Gampel's age, it is unlikely that this storage will continue for a lengthy period. He testified that he is "semi-retired" and at age 67, it is unlikely that this will present any long term issue for the community.

In conclusion, I would request that you determine that the existing use is nonconforming in nature and issue the appropriate order. I would also respectfully request that you withhold the imposition of any condition regarding the use, in view of the potential precedent that such action may establish. Again, I emphasize the minimal impact cause by this use and believe that the community's primary concern will be address if the matter is handled in this fashion.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", with a long horizontal flourish extending to the right.

Lawrence E. Schmidt

LES: jkl

Enclosure

CC: Herb Gampel, Herb Gampel Glass Co.

Linda Percy, President, County Club Estates Community Association

Charles B. Marek, III, Esquire

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

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DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

RECEIVED

MAY 18 2009

May 15, 2009

ZONING COMMISSIONER

Via Hand Delivery

Honorable Thomas H. Bostwick
Deputy Zoning Commissioner
Office of the Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

**Re: Herb Gampel Glass Co./104 Embleton Road
Case No. 09-0237-SPH**

Dear Commissioner Bostwick:

I am receipt of Ms. Percy's letter dated May 14, 2009, regarding the above matter. I appreciate her forwarding a copy to me for my review. I do not intend to continue the dialogue on this case, but felt that the following was necessary for inclusion in the case file.

First, it appears that all are in agreement that a proper disposition of this case is a finding that Mr. Gampel's use is nonconforming. In the event of such a finding, the variance would be dismissed as moot in that it is no longer requested. Procedurally, a dismissal of the variance as opposed to a denial, is appropriate.

Second, I believe that Mr. Gampel's use qualifies as a home occupation. Just as the business of a Walgreen's later becoming a Rite-Aid, is a drug store under either name, the fact of the matter is that the use of the property (either as a corporation, sole proprietorship, etc.) is continuing. I would respectfully submit that the form of the business is not relevant in terms of that determination.

Finally, I appreciate Ms. Percy's position regarding the imposition of a restriction on the use. As set forth in my prior letter, my concern is the precedent that this would establish and the fact that under law I respectfully suggest that you are without authority to impose such a condition. From a practical standpoint, Mr. Gampel does not have children who intend in following in his business footsteps. Ultimately, I suspect that he and his wife will vacate their house and the business will terminate then if not before. I find it highly unlikely

Honorable Thomas H. Bostwick

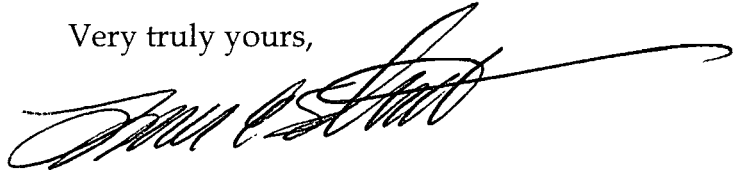
May 15, 2009

Page 2

that someone would want to park to glass hauling trucks in the rear of the property as a condition of the acquisition of 104 Embleton Road.

In any event, I am pleased that we are able to come to an agreed resolution. Please contact me should you have any further questions regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", with a long, sweeping horizontal line extending to the right.

Lawrence E. Schmidt

LES: jkl

CC: Herb Gampel, Herb Gampel Glass Co.

Linda Percy, President, County Club Estates Community Association

Charles B. Marek, III, Esquire

GILDEA & SCHMIDT, LLC

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LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

July 1, 2009

RECEIVED

JUL 01 2009

ZONING COMMISSIONER

Via Hand Delivery

Honorable Thomas H. Bostwick
Deputy Zoning Commissioner
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

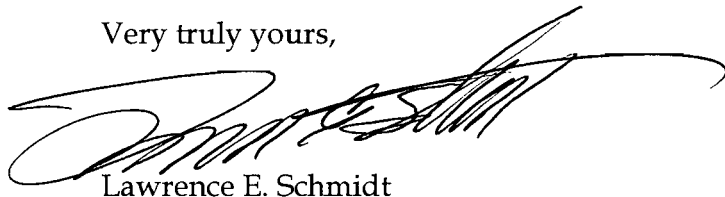
**Re: Herb Gampel Glass Co./104 Embleton Road
Case No. 09-0237-SPH**

Dear Commissioner Bostwick:

This is in response to People's Counsel's letter of June 29, 2009, regarding the above matter. I have spoken to my clients, Hebert and Joan Gampel, and they are agreeable to a restriction that provides that the non-conforming relief granted to them is "personal to Herbert and Joan Gampel for so long as they reside at 104 Embleton Road and that the approval shall not continue/pass to any successors in title, whether they be family descendants or others." I am hopeful that the imposition of such a restriction will address the concerns expressed by People's Counsel in their letter and that further proceedings related to this case will not be necessary.

As I indicated in open hearing, I have some concern over whether the Zoning Commissioner can impose a restriction on the granting of a non-conforming use. Without waiving that position in any future matters, I am willing to consent to the imposition of a restriction due to the equities present in this case. Also, as I have previously advised you by email, I do not believe that the regulation at issue is a "use" regulation. However, I concur with People's Counsel's letter that the equitable considerations of this case, including the positions of the respective parties, justify the disposition as stated herein above. Please do not hesitate to contact me should you have any questions regarding this matter.

Very truly yours,



Lawrence E. Schmidt

LES: jkl

CC: Herbert Gampel, Herb Gampel Glass Co.

Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County

Carole S. DeMilio, Esquire, Deputy People's Counsel

Linda Percy, President, County Club Estates Community Association

George Harman, President, Reisterstown - Owings Mills - Glyndon Coordinating Council

TB 5/6
10am

Country Club Estates
Community Association of Reisterstown, Inc.
Box 32, Reisterstown, Maryland 21136
www.CCECA-ONLINE.com

May 14, 2009

RECEIVED

MAY 15 2009

ZONING COMMISSIONER

Honorable Thomas H. Bostwick
Deputy Zoning Commissioner
Office of the Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: OPPOSITION TO VARIANCE FOR 104 EMBLETON ROAD
PETITION FOR SPECIAL HEARING
Herb and Joan Gampel - Legal Owners
104 Embleton Road
Owings Mills, MD 21117
Case No. 09-0237-SPH

Dear Commissioner Bostwick:

This letter is in response to Mr. Schmidt's follow up correspondence of May 8, 2009, in which he reviews testimony and evidence to support a finding that his client's business activity on the property qualifies as a "home occupation" under the definition of that term in Section 101 of the Baltimore County Zoning Regulations ("BCZR"). Mr. Gampel did testify that he dissolved his corporation in 2007, but continued doing business as a sole proprietor. If changing the form of his business does not constitute a discontinuation of business, then the Association concedes that Mr. Gampel has operated his business without interruption since 1983, and is a home occupation.

However, the Association denies that the former President of the Association, Mark Hemler, wrote a letter supporting Mr. Gampel's petition for a variance. He did not. I testified to this fact at the hearing. That letter that Mr. Schmidt refers to, dated January 16, 2009, addresses the sweep the county did regarding code violations, and only the sweep. There is no mention anywhere in that letter about a variance. The Association has never provided Mr. Gampel anything in writing that supports his petition for a variance. I have attached a copy of the former President's January 16, 2009 letter as Exhibit 1.

The Association has no objection to your finding that Mr. Gampel's use of the property is "nonconforming" as defined in Section 101 of the BCZR and as regulated in Section 104. The Association asks that the petition for a variance be denied, and that a nonconforming use be found. That would allow Mr. Gampel's use to be grand fathered in. Grand fathering Mr. Gampel's use would not present a threat to the community as would permitting a variance.

Mr. Schmidt has argued that no restrictions should be placed on Mr. Gampel's use, and cites Mr. Gampel's advancing age. He also states that Mr. Gampel has the support of his immediate neighbors (one of whom parks his van used in his painting business and has advertising on it on the street). The Association feels that there should be a time limit placed on the nonconforming use, with good reason. Mr. Gampel testified that he originally was in a "family" business. What is to prevent other family members from joining Mr. Gampel in his business, and carrying on after Mr. Gampel stops. What is to stop Mr. Gampel from selling his home and business to another person to carry on the same use. Section 104.1 of the Zoning Regulations states that a nonconforming use may continue except as otherwise specifically provided in these regulations. There is nothing in Section 100, in the definition of home occupation, or in Section 104.4 to prevent the hypotheticals posed by the Association. The Commission has the authority to terminate a nonconforming use under Section 104.8. It stands to reason that the Commission has the authority to place a limit on a nonconforming use. Therefore, the Association asks that a time limit be placed on this nonconforming use.

The Association does not object to a finding of a nonconforming use, but asks that the Commission place a time restriction on the nonconforming use.

Sincerely,



Linda Eve Percy, President
Country Club Estates Community Association
of Reisterstown, Inc.
1003 Kingsbury Road (Home address)
Reisterstown, MD 21136
410-244-6634

cc: Lawrence E. Schmidt, Esq.

Country Club Estates
Community Association of Reisterstown, Inc

BOX 32, REISTERSTOWN, MARYLAND 21136

January 16, 2009

TO: THE DEPARTMENT OF CODE ENFORCEMENT
FROM: Mark Hemler – President of Country Club Estates Community Assoc.
SUBJECT: COMMUNITY SWEEP – COMMERCIAL VEHICLE PARKING

To Whom It May Concern,

It has come to my attention at a recent Community Association meeting that one of the residents of our community Mr. Herb Campbell of Campbell Glass Co. was given a citation for having a commercial vehicle parked in his driveway on Embleton Rd.

After much discussion about the community sweep and what it was suppose to entail it was unanimously agreed by all that this citation should not have been given to Mr. Campbell as he is an outstanding member of the community. He follows the regulations such as parking on the side of the house, etc as the regulations state and there have never been any complaints against him ever that I am aware of.

Our assumption may be incorrect but it is our concern and understanding that the community sweep is conducted on a weekday during normal business hours. This is very acceptable to a community as far as any of the other county code issues are concerned. ~~When it comes to the significant group of commercial vehicle violators, they have moved their vehicles to go to work themselves during normal business hours. This seems to me to be a very unfair practice (related to citing commercial vehicles during weekdays) for addressing this issue within a community as it singles out a very select few when the majority of violations of this nature are being overlooked simply because of the timing of the sweep. Everyone knows that if you are looking for commercial vehicle violations in any community one must look on a weekend or evening to see the true extent of the situation. We respect the fact that the county may not find it feasible to conduct community sweeps in the evenings or on weekends and as such are simply asking for fairness in this situation.~~

I think in this case it would be fair to all to reevaluate the citation that was given to Mr. Campbell. If you have any question concerning this matter as related to the support of Mr. Campbell's situation please feel free to contact me, 410-299-7517.

Any help you can give Mr. Campbell in this matter will be greatly appreciated.

Thank You in advance,



Mark Hemler
President
Country Club Estates Community Assoc.

Exhibit 1

CASE NAME _____
CASE NUMBER _____
DATE 5/6/09
ET _____

CASE NAME _____
CASE NUMBER _____
DATE 5/6/09
ET _____

[illegible]

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 2009-0237-SPH

DATE 5-6-09

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Linda Percy

1003 Kingsbury

Reisterstown

lpercy@verizon.net

↳ Country Club Estates Community Association of Reisterstown, Inc.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1988, LEGISLATIVE DAY NO. 10

BILL NO. 70-88

MESSRS. EVANS & HICKERNELL, COUNCILMEMBERS

BY THE COUNTY COUNCIL, May 16, 1988

A BILL ENTITLED

AN ACT concerning

Commercial Vehicles on Residential Property

FOR the purpose of amending the Baltimore County Zoning Regulations in order to define a commercial vehicle and to regulate the parking of such vehicles on residential property in Baltimore County.

BY adding

Section 101 - Definitions, the definition of
"Commercial Vehicle"

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

Section 101 - Definitions, the definition of
"Garage, Residential"

Baltimore County Zoning Regulations, as amended

BY adding

Section 431

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon, now, therefore,

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2. COUNTY, MARYLAND, that the definition of "Commercial Vehicle" be and it
3. is hereby added, alphabetically, to Section 101 - Definitions, of the
4. Baltimore County Zoning Regulations, as amended, to read as follows:

5. Section 101 - DEFINITIONS

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1. Words used in the present tense include the future; words in the
2. singular number include the plural number; the word "shall" is
3. mandatory. For the purposes of these Regulations, certain terms and
4. words are defined as follows:

5. COMMERCIAL VEHICLE - ANY VEHICLE WITH A GROSS VEHICLE WEIGHT
6. OR GROSS COMBINATION WEIGHT OVER 10,000 POUNDS, OR ANY VEHICLE,
7. REGARDLESS OF WEIGHT, WHICH: ~~{1} IS REGISTERED AS A TRUCK, OR~~
8. ~~{2}~~ (1) IS USED FOR THE TRANSPORTATION OF MATERIALS, PRODUCTS,
9. FREIGHT, OTHER VEHICLES, OR EQUIPMENT IN FURTHERANCE OF ANY COMMERCIAL
10. ACTIVITY; OR {3} (2) IS USED "FOR HIRE"; OR {4} (3) DISPLAYS
11. ADVERTISING THEREON. IDENTIFICATION OF THE VEHICLE'S MANUFACTURER,
12. MODEL OR DEALER SHALL NOT BE CONSIDERED AS ADVERTISING. COMMERCIAL
13. VEHICLES SHALL NOT BE DEEMED TO INCLUDE ANY FARM VEHICLE OR FARM
14. EQUIPMENT ACTUALLY AND REGULARLY USED ON A FARM, SATELLITE FARM, OR
15. FARMETTE; SCHOOL OR CHURCH VEHICLE LOCATED AT A CIVIC, EDUCATIONAL,
16. SOCIAL, RECREATIONAL OR RELIGIOUS INSTITUTION; RECREATIONAL VEHICLE AS
17. DEFINED IN SECTION 101: TRAILER (OR MOBILE HOME) AS DEFINED IN SECTION
18. 101; VANPOOL OR HISTORIC VEHICLE AS REGISTERED WITH THE STATE MOTOR
19. VEHICLE ADMINISTRATION. AS USED HEREIN, GROSS VEHICLE WEIGHT OR GROSS
20. COMBINATION WEIGHT MEANS THE WEIGHT RECORDED BY THE STATE MOTOR VEHICLE
21. ADMINISTRATION ON THE VEHICLE'S REGISTRATION CERTIFICATE OR RECORDED BY
22. THE MANUFACTURER ON THE CERTIFICATE OF ORIGIN IF NO SPECIFIC WEIGHT IS
23. RECORDED ON THE REGISTRATION CERTIFICATE.

24. SECTION 2. And be it further enacted, that the definition of
25. "Garage, Residential", in Section 101 - Definitions, of the Baltimore
26. County Zoning Regulations, as amended, be and it is hereby repealed and
27. re-enacted, with amendments, to read as follows:

28. Garage, Residential: An accessory building, portion of a main
29. building, or building attached thereto, used for storage of private
30. motor vehicles [, only one of which may be a commercial vehicle].

1. SECTION 3. And be it further enacted that Section 431 be and it
2. is hereby added to the Baltimore County Zoning Regulations, as amended,
3. to read as follows:

4. SECTION 431 - PARKING OF COMMERCIAL VEHICLES ON RESIDENTIAL
5. PROPERTY

6. (A) A COMMERCIAL VEHICLE EXCEEDING 10,000 POUNDS GROSS VEHICLE
7. WEIGHT OR GROSS COMBINATION WEIGHT MAY NOT BE PARKED ON A RESIDENTIAL
8. LOT FOR A PERIOD EXCEEDING THE TIME ESSENTIAL TO THE IMMEDIATE USE OF
9. THE VEHICLE.

10. (B) ONE COMMERCIAL VEHICLE PER DWELLING UNIT MAY BE PARKED ON A
11. RESIDENTIAL LOT FOR A PERIOD EXCEEDING THE TIME ESSENTIAL TO THE
12. IMMEDIATE USE OF THE VEHICLE ~~IF THE GROSS VEHICLE WEIGHT OR GROSS~~
13. SUBJECT TO THE FOLLOWING CONDITIONS:

14. (1) THE GROSS VEHICLE WEIGHT OR GROSS COMBINATION WEIGHT
15. SHALL NOT EXCEED 10,000 POUNDS.

16. (2) THE OWNER OR OPERATOR OF THE VEHICLE SHALL RESIDE ON
17. THE LOT.

18. (3) THE VEHICLE SHALL BE PARKED WITHIN A FULLY ENCLOSED
19. STRUCTURE OR, ALTERNATIVELY, IF NOT WITHIN A FULLY ENCLOSED STRUCTURE:

20. (a) NO MATERIALS, PRODUCTS, FREIGHT, OR EQUIPMENT
21. SHALL BE VISIBLE;

22. (b) THE VEHICLE SHALL DISPLAY NO ADVERTISING OTHER
23. THAN LETTERING, FIGURES OR DESIGNS LOCATED ON THE
24. DRIVER'S DOOR OR FRONT SEAT PASSENGER'S DOOR; AND

25. (c) THE VEHICLE SHALL BE PARKED IN A SIDE OR REAR
26. YARD.

1. COMBINATION WEIGHT EXCEEDS 7,000 POUNDS BUT DOES NOT EXCEED 10,000
2. POUNDS, OR IF THE VEHICLE DISPLAYS ADVERTISING OTHER THAN LETTERING,
3. FIGURES OR DESIGNS ON THE DRIVER'S DOOR OR FRONT SEAT PASSENGER'S DOOR
4. OF THE VEHICLE, AND

5. 1) THE VEHICLE SHALL BE PARKED WITHIN A FULLY ENCLOSED
6. STRUCTURE OR IN A REAR OR SIDE YARD FULLY SCREENED FROM PUBLIC VIEW,
7. AND

8. 2) THE OWNER OR OPERATOR OF THE VEHICLE SHALL RESIDE ON
9. THE LOT.

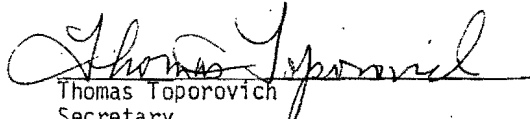
10. C. TWO COMMERCIAL VEHICLES PER DWELLING UNIT MAY BE PARKED
11. ON A RESIDENTIAL LOT FOR A PERIOD EXCEEDING THE TIME ESSENTIAL TO THE
12. IMMEDIATE USE OF THE VEHICLE IF THE GROSS VEHICLE WEIGHT OR GROSS
13. COMBINATION WEIGHT IS 7,000 POUNDS OR LESS, AND IF THE VEHICLE DISPLAYS
14. NO ADVERTISING OTHER THAN LETTERING, FIGURES OR DESIGNS ON THE DRIVER'S
15. DOOR OR FRONT SEAT PASSENGER'S DOOR OF THE VEHICLE, AND

16. 1) THE VEHICLE SHALL BE PARKED WITHIN A FULLY ENCLOSED
17. STRUCTURE OR IN A REAR OR SIDE YARD FULLY SCREENED FROM PUBLIC VIEW, OR
18. ALTERNATIVELY, ALL MATERIALS, FREIGHT, PRODUCTS, OR EQUIPMENT MUST BE
19. FULLY ENCLOSED WITHIN THE VEHICLE, AND

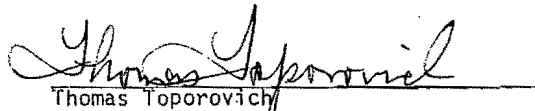
20. 2) THE OWNER OR OPERATOR OF THE VEHICLE SHALL RESIDE ON
21. THE LOT.

22. SECTION 4. And be it further enacted, that this Act shall take
23. effect forty-five days after its enactment.

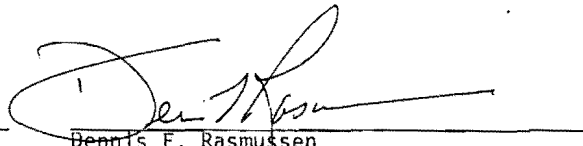
READ AND PASSED this 20th day of June, 1988
BY ORDER


Thomas Toporovich
Secretary

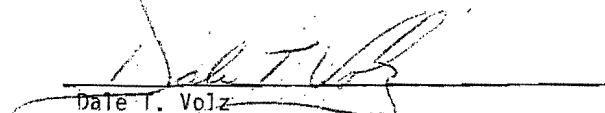
PRESENTED to the County Executive for his approval this 21st day
of June, 1988


Thomas Toporovich
Secretary

APPROVED AND ENACTED:

7/1/88

Dennis F. Rasmussen
County Executive

I HEREBY CERTIFY THAT BILL NO. 70-88 IS TRUE AND CORRECT AND TOOK
EFFECT ON August 15, 1988.


Dale T. Volz
Chairman, County Council

BALTIMORE COUNTY ZONING REGULATIONS

AS AMENDED THROUGH OCTOBER 29, 1981

1981 EDITION

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND

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Basement: That portion of a building below the first floor, the floor of which is less than one-half of the height of the room below the average grade of the adjoining ground. (See definitions of Cellar and Story) [B.C.Z.R., 1955.]

Bedroom: The term "bedroom" includes a bedroom, any other room used principally for sleeping purposes, an "all-purpose room," a study, or a den, provided that no room having less than 100 square feet of floor area shall be considered a bedroom. [Bill No. 100, 1970.]

Boarding House: A building other than a hotel in which meals or rooms and meals are provided for compensation for four or more persons, including a "care home", as defined by the Maryland State Health Department. (B.C.Z.R., 1955)

Boat Yard: A commercial or non-profit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling, and general servicing of marine craft of all types. [Bill No. 64, 1963]

Building: A structure enclosed within exterior walls or firewalls for the shelter, support, or enclosure of persons, animals, or property of any kind. [B.C.Z.R., 1955.]

Building Height: The vertical distance measured from the average grade to the average elevation of the roof of the highest story. [B.C.Z.R., 1955.]

Building Line: The line established by law beyond which a building shall not extend. [B.C.Z.R., 1955.]

Car Wash: An area of land and/or a structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. [Bill No. 108, 1964.]

Cellar: That portion of a building below the first floor, the floor of which is more than one-half the height of the room below the average grade of the adjoining ground. (See definition of Basement) [B.C.Z.R., 1955.]

Collector street, major: A street, or a part of one, that: is intended for travel between neighborhoods or between neighborhoods and other places, but not for travel within neighborhoods; is not an arterial street; and has been designated as a major collector street by the Planning Board by the same method used to designate freeways, expressways, and arterial streets. [Bill No. 18-76]

Commercial fishing, crabbing and shellfishing operation [Bill No. 93-75]

Primary and Secondary deleted by Bill No. 30-78

(see fishing and shellfishing facility) Sect. 101

Commercial motorway, Class I: A motorway, or portion thereof at least one mile in length, with at least 70% of all frontage thereon (the sum of the lengths of both sides), excluding land publicly owned for highway right-of-way purposes, zoned as B.L., B.M., B.R., and/or M.L., and designated as a Class I commercial motorway under ordinance of the County Council. No portion of a motorway shall be considered as a Class I commercial motorway unless such portion is bounded at its ends by inter-sections with freeways, expressways, arterial streets, town-center boundaries, political-subdivision boundaries, the urban-rural demarcation line, or major streams or rivers. [Bill No. 40, 1967.]

Commercial motorway, Class II: Same as Class I commercial motorway in all respects except that less than 70% of the frontage considered, but at least 20% of such frontage, is zoned B.L., B.M., B.R., and/or M.L., and except that it is designated as Class II³ commercial motorway under ordinance of the County Council. [Bill No. 40, 1967.]

no
commercial
vehicle
definition

Community: A coherent urban area generally comprising three to five neighborhoods and a central concentration of public facilities and commercial uses necessary or appropriate to serve the population of the area as a whole, usually including a middle, junior-high or high school (or school-recreation center) and a variety store. [Bill No. 100, 1970.]

Community care center: A small-scale facility, sponsored or operated by a private charitable organization or by a public agency and licensed by the Maryland State Department of Health and Mental Hygiene or by the Maryland State Department of Social Services, for the housing, counseling, supervision, or rehabilitation of alcoholics or drug abusers or of physically or mentally (including emotionally) handicapped or abused individuals who are not subject to incarceration or in need of hospitalization. [Bill No. 142-79]

Convalescent Home: This term includes rest homes, nursing homes, convalescent homes for children, and homes providing chronic and convalescent care. It does not include a "care home" as defined by the Maryland State Health Department, which merely provides board, shelter, and personal services in a protective environment for persons not gainfully employed. [B.C.Z.R., 1955.]

Country club: A 9- or 18-hole golf course with a clubhouse and other appropriate facilities, which may include other recreational facilities (see Section 406A). [Bill No. 62-78]

County trucking-facilities- development officials: A committee consisting of the County Administrative Officer, as chairman; the Directors of Planning, Public Works, Permits and Licenses, and Traffic Engineering; and the Director of the Industrial Development Commission; or their respective designees. [Bill No. 18-76]

["Density, Gross" and definition deleted by Bill No. 106, 1963.]

["Density, Gross Residential" and definition added by Bill No. 106, 1963; deleted by Bill No. 100, 1970.]

["Density, Net" and definition deleted by Bill No. 100, 1970.]

The Country Clubber



A Neighborhood

MAY 2009

Country Club Estates Community Yard Sale Day



Saturday - May 30

8:30am to 12:30

Everyone may participate.

No rain date

Put things out like you would if having your own yard sale. Post the signs at each end of your street to show people your street is having a yard sale.

End of street SIGNS are already created for your use. Please help promote this event by printing out the General Announcement signs and posting them starting two weeks before May 30

Visit our website home page to print out the signs
www.CCECA-ONLINE.com



CCECA General Meeting

May 13th, 2009

Open To All CCE Residents

Can You Help?

We are looking for someone to help as

Membership Coordinator

Now computerized and easy to maintain
Some Spreadsheet Understanding Needed
Call 410-517-0819 for details

Become A Featured Article Writer

Call 410-517-0819 for details

Official Website Of Country Club Estates

www.CCECA-ONLINE.com



WHAT'S INSIDE

President's Message
General Meeting Minutes
CCECA/Verizon FIOS Promotion
Home & Garden
CCECA-Online Update
A Little Of This & That (Misc Info)
Clubber Classifieds
Citizens On Patrol Report
CCECA Scholarship 2009
Words Of Inspiration
Pet -Talk

SPECIAL FEATURES

NEW - Neighbor To Neighbor !!!

Case No.: 2009-0237-5PH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Written testimony and info from Linda Percy
No. 2	Letter from Previous comm. assoc.	
No. 3	Letter of Support	
No. 4	photographs	
No. 5	letter of support from neighbor	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 104 Embleton Road

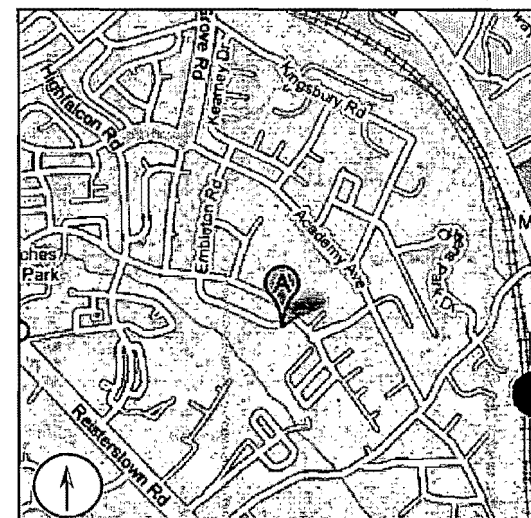
SUBDIVISION NAME Suburbia

PLAT BOOK # 32 FOLIO 10 LOT # 25 SECTION # 5 BLOCK F

OWNER Herbert B. Gampel and Joan A. Gampel

PETITIONER'S

EXHIBIT NO. 1



VICINITY MAP

LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT 2

1"=200' SCALE MAP # 058A1

ZONING D.R.3.5

LOT SIZE 13,366.00

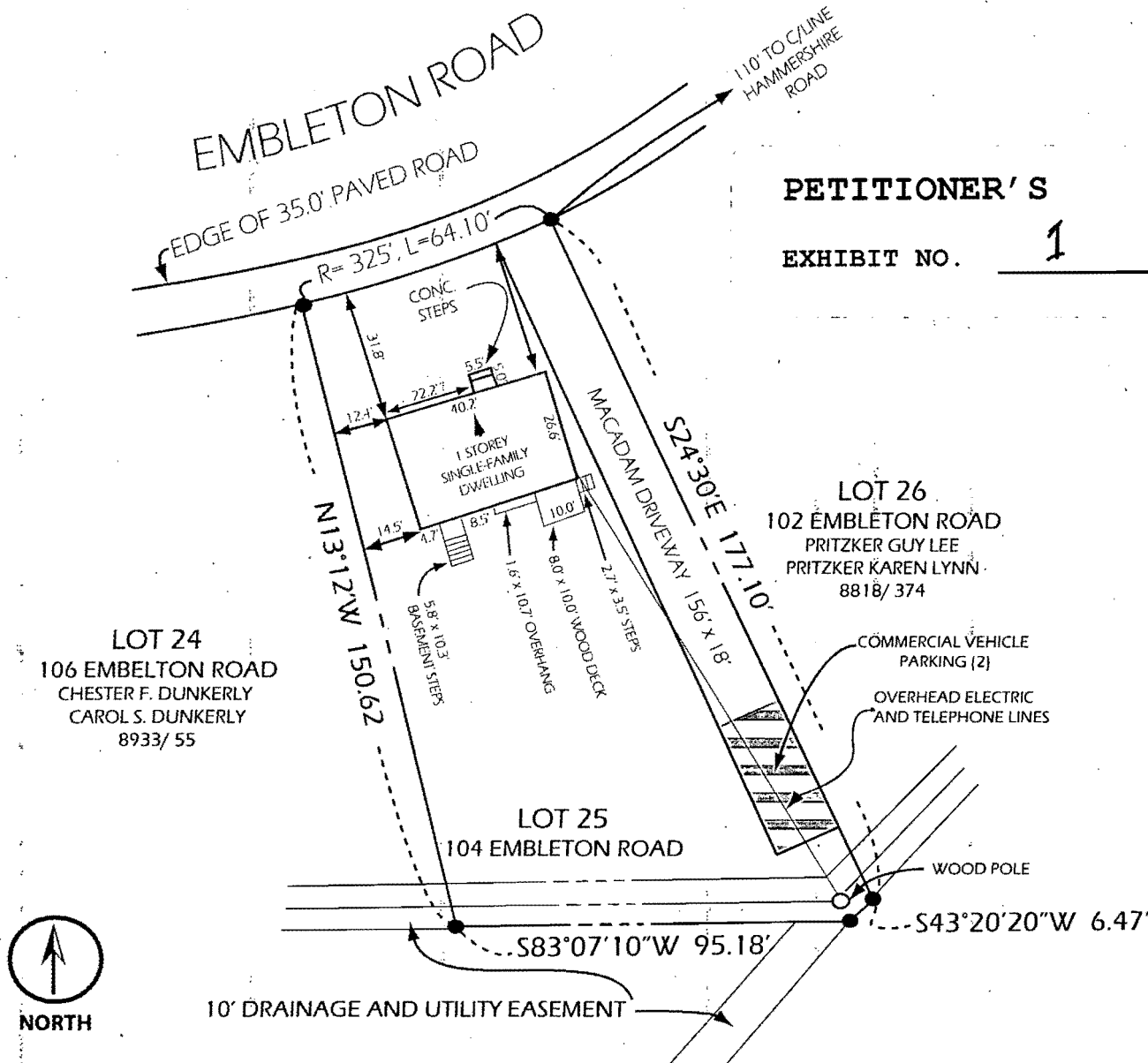
	ACREAGE	SQUARE FEET
		PUBLIC PRIVATE

SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	☐	☒

ZONING OFFICE USE ONLY

REVIEWED BY _____ ITEM # _____ CASE # _____



PREPARED BY: Herbert B. Gampel

SCALE OF DRAWING: 1" = 40'

**Country Club Estates
Community Association of Reisterstown, Inc**

BOX 32, REISTERSTOWN, MARYLAND 21136

January 16, 2009

TO: THE DEPARTMENT OF CODE ENFORCEMENT
FROM: Mark Hemler – President of Country Club Estates Community Assoc.
SUBJECT: COMMUNITY SWEEP – COMMERCIAL VEHICLE PARKING

To Whom It May Concern,

It has come to my attention at a recent Community Association meeting that one of the residents of our community Mr. Herb Campbell of Campbell Glass Co. was given a citation for having a commercial vehicle parked in his driveway on Embleton Rd.

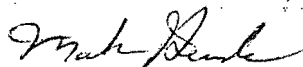
After much discussion about the community sweep and what it was suppose to entail it was unanimously agreed by all that this citation should not have been given to Mr. Campbell as he is an outstanding member of the community. He follows the regulations such as parking on the side of the house, etc as the regulations state and there have never been any complaints against him ever that I am aware of.

Our assumption may be incorrect but it is our concern and understanding that the community sweep is conducted on a weekday during normal business hours. This is very acceptable to a community as far as any of the other county code issues are concerned. When it comes to the significant group of commercial vehicle violators, they have moved their vehicles to go to work themselves during normal business hours. This seems to me to be a very unfair practice (related to citing commercial vehicles during weekdays) for addressing this issue within a community as it singles out a very select few when the majority of violations of this nature are being overlooked simply because of the timing of the sweep. Everyone knows that if you are looking for commercial vehicle violations in any community one must look on a weekend or evening to see the true extent of the situation. We respect the fact that the county may not find it feasible to conduct community sweeps in the evenings or on weekends and as such are simply asking for fairness in this situation.

I think in this case it would be fair to all to reevaluate the citation that was given to Mr. Campbell. If you have any question concerning this matter as related to the support of Mr. Campbell's situation please feel free to contact me, 410-299-7517.

Any help you can give Mr. Campbell in this matter will be greatly appreciated.

Thank You in advance,

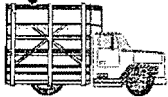


Mark Hemler
President

Country Club Estates Community Assoc.

PETITIONER'S

EXHIBIT NO. 2



HERB GAMPEL GLASS CO., INC. 410-356-6359

FREE ESTIMATES Since 1945 AFFORDABLE PRICES

104 Embleton Road Owings Mills, MD 21117

ALL TYPES OF GLASS, MIRRORS AND ALUMINUM PRODUCTS

THIS ORDER NUMBER MUST APPEAR
ON ALL PACKAGES, INVOICES AND
SHIPPING PAPERS

PURCHASE ORDER

NO. 2343

DATE

TO The Baltimore County
Commissioners of Planning
Towson, Maryland

PETITIONER'S
EXHIBIT NO. 3

Md. Home Improvement License No. 19186

F.O.B.	TERMS	DELIVERY DATE
QUANTITY	DESCRIPTION	PRICE
	AMOUNT	

Dear Commissioners:

I am Herb Gampel. I live at 104 Embleton Road in Owings Mills, Maryland, in the subdivision known as Country Club Estates. Please find below the following list of my fellow neighbors that state they are not offended by the fact that I park my two glass trucks in my driveway at the complete rear end of my property behind my home.

Sincerely, Herbert Gampel

Wayne Dancy 103 Embleton Rd Owings Mills, MD 21117

Diane Shoemaker

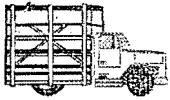
Norma F. Kotz 619 Hammershire Rd Owings Mills, MD 21117

Low Salisbury 619 Hammershire Rd

Dwight P. Pitzer 103 Embleton Rd

Robert P. Pitzer 103 Embleton Rd

Edward & Mary Gibson 120 Embleton Rd



**HERB GAMPEL GLASS
CO., INC.**
410-356-6359

FREE ESTIMATES Since 1945 AFFORDABLE PRICES

104 Embleton Road Owings Mills, MD 21117

ALL TYPES OF GLASS, MIRRORS AND ALUMINUM PRODUCTS

THIS ORDER NUMBER MUST APPEAR
ON ALL PACKAGES, INVOICES AND
SHIPPING PAPERS

PURCHASE ORDER

NO. **2344**

DATE

SHIP TO

SHIP VIA

The Baltimore County
TO (comm) back of zoning
Toussaint, Maryland

Md. Home Improvement License No. 19186

F. O. B.	TERMS	DELIVERY DATE
----------	-------	---------------

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	Robert Lee Powell 111 Embleton Rd Owings Mills Md 21117		
	Chest + Caryl Dunkley 106 Embleton Rd Chest 7 Dunkley		
	BRIAN M'LAUGHLIN 126 EMBLETON RD 21117		
	James Jennings 105 Embleton Rd. 21117		
	MR + MR Willie F Booker 1609 HAMMERSHIRE Rd 21117		
	JEFF KAPPER 122 EMBLETON Rd		
	Walter 100 E		

REMEMBER: WHEN YOU NEED GLASS - "DON'T GAMBLE" - CALL HERB GAMPEL

AUTHORIZED SIGNATURE



PETITIONER' S

EXHIBIT NO.

4A-11







To Whom It May Concern:

We are Guy and Karen Pritzker, residents at 102 Embleton Road, in Owings Mills. We have lived at our current address for eighteen years, and have always considered Herb Gamble to be a good next door neighbor and friend.

Never, have we been bothered by his trucks. They do not disturb the peace, nor do they take up space in a way that is disruptive to the neighborhood. Actually, we prefer his vehicles to remain where they are. With his trucks parked in the driveway, it looks as though someone is always home. This actually gives us peace of mind in regards to neighborhood safety. A house that always looks occupied does not easily catch the attention of loiterers who may be passing through a residential street. Therefore, we see no reason for why his trucks cannot remain as they are.

Herb Gamble has always been a kind, friendly neighbor who greets anyone who comes his way. We have never had complaints about him or his trucks. In all fairness, we wouldn't want another neighbor living in his place. Thank you for taking the time to read our letter.

Sincerely,

Guy Pritzker
Karen Pritzker

Guy and Karen Pritzker

PETITIONER'S
EXHIBIT NO. 5

Country Club Estates
Community Association of Reisterstown, Inc.
Box 32, Reisterstown, Maryland 21136
www.CCECA-ONLINE.com

May 5, 2009

Re: **OPPOSITION TO VARIANCE FOR 104 EMBLETON ROAD**
PETITION FOR SPECIAL HEARING
Herb and Joan Gampel - Legal Owners
104 Embleton Road
Owings Mills, MD 21117
410-356-6359

To the Zoning Commission:

My name is Linda Eve Percy, and I am the President of the Country Club Estates Community Association of Reisterstown. I am here to inform you that our Association opposes Mr. Gampel's request for a variance to allow him to park two commercial vehicles, with advertising, at his residence which is 104 Embleton Road.

Our Community Association

Our community consists of a little over 1,000 homes. Our Association puts out a monthly 20 page newsletter, and hand delivers it to all of these homes owners. On the inside cover of the newsletter is a complaint form. Anyone can fill out the form, and send it to us for our consideration. We also have a web site where residents can obtain information and file a complaint. We do not search the community for code violations. However, we request that the County conduct a code violation sweep at least once a year.

Our Policy and Procedure Regarding Code Violations

If our Community Association receives a complaint, it is our policy to look at the property to see for ourselves if a violation has in fact occurred. If we feel that there has been a clear violation, we will send a "friendly letter" to the home owner letting them know that we have received a complaint, and that they "may be in violation of the County Code." We also invite the home owner to call us to discuss the matter, and invite them to join us at one of our meetings. If the homeowner ignores our letter, or refuses to correct the violation, we will then file a complaint with code enforcement, and request a follow up. The most frequent complaint we receive is about parked commercial vehicles, unregistered vehicles, and disabled vehicles stored in the open on the premises for long periods of time.

Opposition to the Request for a Variance for 104 Embleton

It is our understanding the Mr. Gampel is asking to have two commercial vehicles with advertising on them to be parked at his residence. We are opposed to this request. If the request is granted, it is of great concern to us as to how the county could reasonably deny other requests of a similar nature from other home owners. I have seen people copy what they see others do, to the detriment of our community. Our community will be inundated with complaints of other residents bringing home their commercial vehicles, and parking them on the streets, with or without a variance for their own properties.

Permitting This Variance May Create a Violation of Another Zoning Regulation.

I have been by the property of 104 Embleton on several occasions, and have seen a commercial truck parked in the driveway next to the house. Corporate Charter has records on the corporation that is advertised on the truck.

In 1983, according to the public records at Corporate Charter, Mr. Gampel started his business, and gave as his principal place of business his home address, 104 Embleton Road, Owings Mills, MD 21117.

In 1986 he changed the name of his corporation, but nothing else. The principal place of business remained 104 Embleton Road.

In 2006 Mr. Gampel failed to file his corporate property tax return.

On October 5, 2007, Corporate Charter issued a Forfeiture Notice of Mr. Gampel's corporation. I have attached the print outs from Corporate Charter with this information.

Mr. Gampel indicated to Corporate Charter that his business is located at his home, and has done so since 1983. The phone number on his commercial vehicles is his home phone. It appears that Mr. Gampel is running his business out of his home. If this variance is permitted, it may create another zoning violation regarding running a business at a home and having commercial vehicles and materials and commercial advertising at the residence. Accordingly, the variance should be denied.

If Mr. Gampel is winding down his business by letting his corporation go into default, our community should not have to bear the burden of housing his commercial vehicles until he stops his business all together. Given this shrinking economy, I am sure there are other residents who would like to give up their commercial rental space and bring their businesses, vehicles and all, to their homes rent free. If Mr. Gampel's request is granted, how could the county deny the requests of other business owners who live in the community who want to do the same.

Parking Commercial Vehicles on the Narrow Streets Presents a Hazard

Many streets in our community are very narrow, and, with parking on both sides of the street, two moving vehicles cannot pass each other at the same time. One vehicle has to pull over to let the other vehicle pass. If this request is permitted, I have no doubt that other members of our community will start parking their commercial vehicles at their homes as well. Commercial vehicles parked on these narrow streets will create a hazard for the residents and for those people who are passing through.

Please deny the request for two commercial vehicles with advertising on the residential lot of 104 Embleton Road. I would appreciate notification of your decision regarding this property. Thank you for your time in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Eve Percy".

Linda Eve Percy, President
Country Club Estates Community Association
Of Reisterstown
Work: 410-244-6634
Home: 410-833-2062
E-mail: lpercy@verizon.net