

6/14/10

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

E side of Beachwood Road; 879 feet NE of
the c/l of I-695
15th Election District
6th Councilmanic District
(8143 Beachwood Road)

MJM Associates, LLC

Legal Owner

Salvage Direct, Inc.

Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

*

*

Case No. 2010-0159-XA

* * * * *

ORDER ON PETITIONER'S REQUEST TO WITHDRAW PETITIONS

This matter came before this Deputy Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by Martin Marano, Member, on behalf of MJM Associates, LLC, the legal property owner, and Robert T. Joyce, President of Salvage Direct, Inc., the contract purchaser. Petitioner Salvage Direct, Inc. requested a Special Exception use for a junkyard (temporary storage of unlicensed or inoperative motor vehicles with no dismantling of vehicles) pursuant to Section 256.2 of the Baltimore County Zoning Regulations ("B.C.Z.R."). The Variance requests were as follows:

- From Section 408.1 of the B.C.Z.R. to allow 16.7 acres of land to be used for the junkyard in lieu of the permitted 5 acres; and
- From Section 408.2 of the B.C.Z.R. to allow automobiles and vehicles not in running condition to be located as close as 0 feet from other adjoining properties in lieu of the required 30 feet, and as close as 0 feet from any other zone in lieu of the required 300 feet.

The subject property and requested relief were more fully described on the redlined site plan that was marked and accepted into evidence at the hearing as Petitioner's Exhibit 1.

Appearing at the requisite public hearing were Martin Marano and Adam Weidner on behalf of MJM Associates, LLC, the legal property owner, and Robert T. Joyce, President, and Shelly Los, in-house counsel, for Salvage Direct, Inc., the contract purchaser. David H. Karceski, Esquire appeared as attorney for Petitioner Salvage Direct, Inc. Also appearing in support of the requested relief was David Martin with Martin & Phillips Design Associates, Inc., the landscape architect who prepared and sealed the site plan. There were no Protestants or interested persons in attendance.

The testimony and evidence presented at the hearing indicated that Salvage Direct, Inc. is an online vehicle salvage and auction company that specialized in remarketing of vehicles. The company would typically store vehicles for the relative short term (approximately 60 days) before they would be sold or otherwise transferred. Salvage Direct desired to purchase the subject property for one of its salvage facilities and sought the aforementioned relief in order to use the land as a "junkyard" under the definition set forth in the Zoning Regulations. Although Salvage Direct, Inc. did not desire to utilize the property for a typical junkyard use, this was the only use category contained in the Regulations that approximated the proposed use.

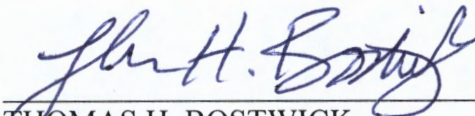
Following the hearing and after consideration of the testimony and evidence, the undersigned issued an Order dated March 10, 2010 granting the requested relief. Thereafter, the undersigned received a letter dated April 9, 2010 from Petitioners' attorney, Mr. Karceski, requesting that the I treat the letter as a motion for reconsideration in light of continuing negotiations between Petitioners and the Wells-McComas Citizens Community Association as to the relief granted, and that I hold the matter open pending the outcome of those negotiations.

Since that time, the undersigned has received a subsequent letter dated May 19, 2010 from Mr. Karceski. In this letter, Mr. Karceski indicates that, following discussions between the

aforementioned parties, his client, Salvage Direct, Inc. has decided to move in a different direction and withdraw the previously granted zoning petitions filed in the case. Mr. Karceski also indicates his client understands that by withdrawing the petitions, the Order issued in the case will have no further force and effect and be null and void, but requests that it be without prejudice to the right of the legal owner of the property or any other contract purchasers or lessees of the property to seek approvals in the future.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of June, 2010 that Petitioner's Special Exception and Variance Petitions filed in the above-captioned matter pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") be and are hereby **WITHDRAWN** with prejudice, to the extent that the case may not be resubmitted for a hearing by Salvage Direct, Inc. for a period of at least 18 months from the date of this Order. This withdrawal is also without prejudice to the property owner or any other contract purchasers or lessees of the subject property to submit zoning petitions and seek approvals in the future.

The foregoing Order of Dismissal is subject to Appeal before the County Board of Appeals, and Notice of such appeal must be filed within thirty (30) days from the date of this Order.



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 4, 2010

DAVID KARCESKI, ESQUIRE
VENABLE, LLP
210 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON, MD 21204

Re: Petitions for Special Exception and Variance

Case No. 2010-0159-XA

Property: 8143 Beachwood Road

Dear Mr. Karceski:

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.

Sincerely,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

- c: Fred Theiss, President, Wells-McComas Citizens Improvement Association, 4102 Beachwood Road, Dundalk MD 21222
Martin Marano and Adam Weidner, MJM Associates LLC, 8143 Beachwood Road, Baltimore MD 21222
Robert T. Joyce, President, Salvage Direct, Inc., 42336 Gilbert Drive, Titusville PA 16354
Shelly Los, Esquire, Salvage Direct, Inc., 42336 Gilbert Drive, Titusville PA 16354
Carole S. Demilio, Esquire, Deputy People's Counsel

May 19, 2010

HAND-DELIVERED

Mr. Thomas H. Bostwick
Deputy Zoning Commissioner
Zoning Commissioner's Office
The Jefferson Building
105 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 2010-0159-XA
8143 Beachwood Road
15th Election District, 6th Councilmanic District

David H. Karceski

T 410.494.6285

F 410.821.0147

DMKarceski@Venable.com

RECEIVED

MAY 19 2010

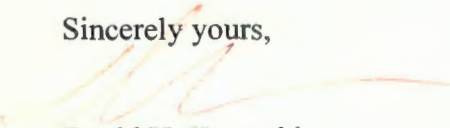
ZONING COMMISSIONER

Dear Commissioner Bostwick:

The purpose of this letter is to inform you that, after discussions with the Wells-McComas Citizens Community Association, my client and Petitioner in the above-referenced case, Salvage Direct, Inc., has decided to withdraw the zoning petitions filed in the case. My client understands that, by withdrawing its petitions, the order issued in the case will have no further force and effect and be null and void.

This withdrawal is without prejudice to the right of the legal owner of the property or any contract purchasers or lessees of the property to seek approvals in the future.

Sincerely yours,


David H. Karceski

DHK/rab

cc: Fred Theiss, President
Wells-McComas Citizens Community Association
Carole S. Demilio, Esquire, Deputy People's Counsel
Arnold Jablon, Esquire

3/10/10

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

E side of Beachwood Road; 879 feet NE of
the c/l of I-695
15th Election District
6th Councilmanic District
(8143 Beachwood Road)

MJM Associates, LLC
Legal Owner
Salvage Direct, Inc.
Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 2010-0159-XA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by Martin Marano, Member, on behalf of MJM Associates, LLC, the legal property owner, and Robert T. Joyce, President of Salvage Direct, Inc., the contract purchaser. The Special Exception is requested for a junkyard (temporary storage of unlicensed or inoperative motor vehicles with no dismantling of vehicles) pursuant to Section 256.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.").

The Variance requests are as follows:

- From Section 408.1 of the B.C.Z.R. to allow 16.7 acres of land to be used for the junkyard in lieu of the permitted 5 acres; and
- From Section 408.2 of the B.C.Z.R. to allow automobiles and vehicles not in running condition to be located as close as 0 feet from other adjoining properties in lieu of the required 30 feet, and as close as 0 feet from any other zone in lieu of the required 300 feet.

The subject property and requested relief are more fully described on the redlined site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

ORDER RECEIVED FOR FILING

Date 3-10-10

By [Signature]

Appearing at the requisite public hearing in support of the Special Exception and Variance requests were Martin Marano and Adam Weidner on behalf of MJM Associates, LLC, the legal property owner, and Robert T. Joyce, President, and Shelly Los, in-house counsel, for Salvage Direct, Inc., the contract purchaser (hereinafter "Petitioners"). David H. Karceski, Esquire appeared as attorney for Petitioners. Also appearing in support of the requested relief was David Martin with Martin & Phillips Design Associates, Inc., the landscape architect who prepared and sealed the site plan. There were no Protestants or interested persons in attendance.

Testimony and evidence in the case revealed that the subject property is irregular-shaped and consists of approximately 16.683 acres, more or less, zoned M.H.-I.M. The property is located on the south side of Beachwood Road, with Interstate 695 situated to the west and an existing railroad line to the east, in the Dundalk / Edgemere area of Baltimore County. As depicted on the site plan and shown in the aerial photograph with site plan overlay that was marked and accepted into evidence as Petitioners' Exhibit 2, the property is presently improved with several buildings situated at the northern end of the property. The property is somewhat unusual in that it is surrounded by a mix of zoning, including R.C.20 to the east, D.R.1 to the south, and M.L. to the northeast; the properties to the west have similar M.H.-I.M. zoning, as well as M.L.-I.M. Another feature of the property, as shown on the aerial photograph, is that it is well buffered -- surrounded by trees and vegetation.

Salvage Direct was founded in 1997 by Robert Joyce, who had previous experience working with an insurance company in managing the salvage process and developing creative solutions for marketing salvage. He introduced the original, on-line only salvage vehicle auction concept. Today, the company is a leading online remarketer of many different vehicles, including cars, trucks, motorcycles, power sports, watercraft, commercial equipment and

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Date 3.10.10 2

By PJS

vehicles. Salvage Direct remarkets all kinds of vehicles that have been recovered, repossessed, damaged and non-damaged, and salvage and non-salvage. It has nearly 100 facilities in 18 States, with concentrations in the Mid-Atlantic States, including Maryland, Pennsylvania, Virginia, Delaware, West Virginia, and Ohio. The company typically stores vehicles for the relative short term (approximately 60 days) before they are sold or otherwise transferred. Most of the salvage units are total losses for the insurance companies. A few are recovered vehicles from theft or storm damage. All are settled with the original owner and titled for salvage through Salvage Direct's titling department. The company also works with rental companies and fleet operators to sell unwanted units, and sells only to licensed buyers including rebuilders, used and new vehicle dealers, dismantlers, and importers and exporters worldwide.

At this juncture, Salvage Direct desires to utilize the subject property for one of its salvage facilities. Photographs that were marked and accepted into evidence as Petitioners' Exhibits 3A and 3B illustrate a typical storage lot configuration at one of its facilities. A rendering of the anticipated parking configuration on the subject property was marked and accepted into evidence as Petitioners' Exhibit 4 and shows how the vehicles would be stored in organized rows. The vehicles would be accessed by tow trucks, fork lifts, or similar equipment, as depicted in the photographs that were marked and accepted into evidence as Petitioners' Exhibits 5A and 5B. Generally, the facility hours would be Monday through Friday from 8:00 AM to 5:00 PM with five employees that include an office manager, a site manager, and three yard workers. Because of the nature of Salvage Direct's business and the clients they serve, there would be limitations on access to the site, to include vehicle carriers (flatbeds and tow trucks), insurance company representatives, and registered buyers. There would be no direct access to the public.

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Date 3-10-10

By [signature]

Mr. Joyce, the President of the company, testified that typically when looking for potential sites, they try to find properties that are relatively flat so as to maximize their storage area, and with good access to major roads or highways, as well as existing improvements for office space and storage of equipment and prepping of vehicles, which would not necessitate wholesale changes or modifications to a site. They also look for a site that is already paved with asphalt or some other form of durable and dustless surface. On just about all these points, Mr. Joyce indicated the subject site is ideal for Salvage Direct's operation and facility needs.

In addition, although the instant Petition for Special Exception requests to use the property for a junkyard, Mr. Joyce believes this is somewhat of a misnomer. The definition of a "junkyard" in Section 101 of the B.C.Z.R. does include the storage of unlicensed or inoperative motor vehicles -- similar to Salvage Direct's operation. But the definition also includes a number of elements such as storage or sale of scrap metal, wastepaper, rags or other junk, and dismantling or storage of vehicles or parts thereof, or used machinery, which is not characteristic of their operation. His company also stores vehicles on a relative short term basis. He views his company's operation as more of a "warehouse" storage, though it obviously includes outdoor storage as well.

Also testifying in support of the relief was David Martin, Petitioners' landscape architect. Mr. Martin's resume was marked and accepted into evidence as Petitioners' Exhibit 8. He was offered and accepted as an expert in land use, development, and zoning, with specific knowledge and interpretation of the B.C.Z.R. Mr. Martin testified that the proposed use would fit in well and be consistent with the surrounding industrial uses. Mr. Martin first referred to the American Yeast Corporation located to the north and east of the subject property. As shown on the zoning map aerial photograph that was marked and accepted into evidence as Petitioners' Exhibit 6,

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Date 3.10.10

By ps

further north on Fisher Road are heavy trucking facilities with containers, and to the west are more commercial/industrial uses and trucking facilities. Mr. Martin testified that Morse Lane and Lynhurst Road are major trucking roads. To the south of the subject property are more residential and environmentally sensitive areas.

Presently, the property is used as a trucking and container storage facility. Photographs of the existing conditions at the site were marked and accepted into evidence as Petitioners' Exhibits 7A through 7D. A driveway from the Beachwood Road entrance of the property leads approximately 700 feet through a wooded area to the main, open area of the property. This leads to several buildings and an extensive paved area where the trucks and containers are stored. Mr. Martin testified that the proposed "technical" use as a junkyard would be no more intense than the present use as a trucking and container storage facility -- and likely less intense based on the nature of Salvage Direct's business. Mr. Martin also agreed that the proposed use is more of a departure from the traditional "junkyard" use as that term is defined in the regulations. Because of the creative and innovative manner in which Salvage Direct manages and markets the salvage process, the proposed use does not fit completely within the definition of a junkyard, although it does have some of the characteristics as indicated previously (storage of unlicensed or inoperative motor vehicles); however, Mr. Martin testified that the salvage facility would be a fairly innocuous use and would not negatively impact the special exception criteria set forth in Section 502.1 of the B.C.Z.R. On the contrary, the proposed use would be wholly consistent with the commercial and industrial uses permitted in the M.H.-I.M Zone.

As to the variances, Mr. Martin indicated that generally, a junkyard area may not consist of less than one acre, but not more than five acres of land. In the instant matter, Petitioners are proposing an area of approximately 16.7 acres. In support of this request, Petitioners again point

ORDER RECEIVED FOR FILING

Date 3.10.10

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By PZ

to the fact that the proposed use as a salvage facility in the manner operated by Salvage Direct is not the traditional "junkyard" as that term is defined in the Regulations. There will be no storage or sale of scrap metal, wastepaper, rags or other junk, and no dismantling or storage of vehicles or parts thereof, or used machinery. Salvage Direct generally stores vehicles for less than 60 days and goes through an organized process that begins with acquisition and ends in the sale of the particular vehicle at auction. This includes vehicle intake, assessing the preservation needs to put the vehicle in the best possible condition, staging (where photographs are taken and information on the vehicle is uploaded via proprietary software onto a custom online bid page), and storing the vehicle in the storage yard (which often includes both indoor and outdoor storage areas, paved storage areas, management of groundwater, and fencing).

In support of the variances related to the storage of vehicles not in running condition within 300 feet of any other zone and within 30 feet of any adjoining property, Mr. Martin explained that this relief is largely necessitated by the odd configuration of the different zone lines near the property. As shown on the site plan, the zoning to the west and south of the property is M.L.-I.M. and the zoning to the east is M.L., with R.C.20 zoning even further east. These zone lines effectively pinch the area on the subject property that would permit the storage of Salvage Direct's vehicles, leaving a very small area in which to do so. The property is also constrained by its irregular shape and because it is sandwiched between the Baltimore Beltway (Interstate 695) and a railroad line. It also has an extensive vegetative buffer that surrounds the property on all sides. Mr. Martin also emphasized that the property has a history of industrial use and would be used in the same manner without any detrimental impacts or negative effects on the area.

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Date 3.10.10

By [Signature]

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comments received from the Department of Environmental Protection and Resource Management (DEPRM) dated January 22, 2010 indicates that development of the property must comply with the Chesapeake Bay Critical Area Regulations. In addition, comments from the Office of Planning dated January 26, 2010 indicate that it supports the limited use as termed a junkyard and as described by Petitioners as a temporary storage yard of inoperative motor vehicles for insurance inspection and appraisal. The Office of Planning does not support the other uses described in the definition of junkyard in the B.C.Z.R. As to the variance relief to store vehicles within 30 feet of any adjoining property line, Planning opposes the granting of this relief. Finally, the Office of Planning recommends that certain conditions be imposed if granting the relief; however, it appears these conditions have already been incorporated on the site plan as "Project Proposal Notes."

Turning first to the requested special exception to use the property as a junkyard, I am persuaded to grant the relief. Based on the testimony and evidence presented, it is clear that Petitioners' proposed use would not be a traditional "junkyard" as that term is defined in the Regulations. This would be more of a short term storage of various types of vehicles and salvage units and it appears that the facility would be well organized and maintained in good order. The evidence indicates that part of what makes Salvage Direct's business successful is keeping the vehicles in the best possible condition in anticipation of sale, and in an orderly and efficient environment. I am convinced that the proposed use at the subject property will not have the perceived negative connotations that a junkyard generally has, and that it will not have any detrimental impacts on the 502.1 criteria, nor will the use result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would

ORDER RECEIVED FOR FILING

Date 3.10.10

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By ps

otherwise result from the development of such a special exception use located anywhere within the Zone.

In regard to the variance requests, based on the testimony and evidence, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. In my judgment, the irregular shape of the property, combined with the unusual configuration of the zoning lines near the property, significantly limit the area available for the storage of vehicles and drive the need for the variance relief. These are the kinds of peculiar circumstances that make the regulations impact this property disproportionately compared to others in the district. Therefore I find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Clearly, Petitioners would not be able to use the land for a purpose that has been utilized similarly in the past, and the curvature of the zoning lines would leave only a small area for the permitted storage, which would not be practical.

Finally, I find these variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare; however, in an abundance of caution, I shall require that the 30 foot distance between the storage of vehicle/salvage inventory not in running condition and the nearest property line be maintained at the southernmost corner of the property. This is shown in the blue-lined crosshatched area of Petitioners' Exhibit 2. This particular area of the subject property is closest to the residentially zoned R.C.20 and D.R.1 areas and could potentially have some visual impact on those areas with the storage of vehicles and other salvage units in close proximity to those property lines.

ORDER RECEIVED FOR FILING

Date 3.10.10

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By YB

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioners' Special Exception request and the Variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 10th day of March, 2010 that Petitioners' request for Special Exception for a junk yard (temporary storage of unlicensed or inoperative motor vehicles with no dismantling of vehicles) pursuant to Section 256.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") be and is hereby **GRANTED**, consistent with the redlined site plan and the blue-lined aerial photograph with site plan overlay that were accepted into evidence as Petitioners' Exhibits 1 and 2, respectively; and

IT IS FURTHER ORDERED that Petitioners' Variance requests as follows:

- From Section 408.1 of the B.C.Z.R. to allow 16.7 acres of land to be used for the junk yard in lieu of the permitted 5 acres; and
- From Section 408.2 of the B.C.Z.R. to allow automobiles and vehicles not in running condition to be located as close as 0 feet from other adjoining properties in lieu of the required 30 feet and as close as 0 feet from any other zone in lieu of the required 300 feet.

be and are hereby **GRANTED**.

The granting of the above relief shall be subject, however, to the following conditions precedent:

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

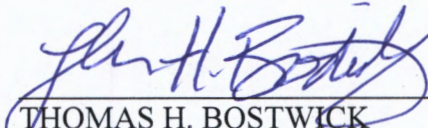
ORDER RECEIVED FOR FILING

Date 3.10.10

By PJ

2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. Petitioners shall comply with the "Project Proposal Notes" denoted on the redlined site plan accepted into evidence as Petitioners' Exhibit 1.
4. The granting of the variance relief to allow automobiles and vehicles not in running condition to be located as close as 0 feet from other adjoining properties in lieu of the required 30 feet shall not include the bluelined crosshatched area of the aerial photograph with site plan overlay accepted into evidence as Petitioners' Exhibit 2. There shall be no storage of vehicles or other salvage units in the crosshatched area.

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

ORDER RECEIVED FOR FILING

Date 3.10.10

By pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 10, 2010

DAVID KARCESKI, ESQUIRE
VENABLE, LLP
210 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON, MD 21204

Re: Petitions for Special Exception and Variance
Case No. 2010-0159-XA
Property: 8143 Beachwood Road

Dear Mr. Karceski:

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.

Sincerely,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Martin Marano and Adam Weidner, MJM Associates, LLC, 8143 Beachwood Road, Baltimore MD 21222
Robert T. Joyce, President, Salvage Direct, Inc., 42336 Gilbert Drive, Titusville PA 16354
Shelly Los, Esquire, Salvage Direct, Inc., 42336 Gilbert Drive, Titusville PA 16354
David Martin, Martin & Phillips Design Associates, Inc., 222 Bosley Avenue, Suite B1, Towson MD 21204



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 8143 Beachwood Road

which is presently zoned MH-IM

Deed Reference: 25343 / 735 Tax Account # 1516350690

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Salvage Direct, Inc.

Name - Type or Print By: Robert T. Joyce, President

Signature [Signature]
Address 42336 Gilbert Drive Telephone No. 814-827-0300
City Titusville State PA Zip Code 16354

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature [Signature]
Company Venable LLP
Address 210 W. Pennsylvania Ave., Suite 500 Telephone No. 410-494-6285
City Towson State MD Zip Code 21204

Case No. 2010 0159 XA

ORDER RECEIVED FOR FILING

REV 07/27/2007

Date 3-10-10

By [Signature]

Legal Owner(s):

MJM Associates, LLC

Name - Type or Print

Signature [Signature]
Name - Type or Print Martin Marano, Member

Signature [Signature]
Address 8143 Beachwood Road Telephone No. 410-853-665
City Baltimore State MD Zip Code 21222

Representative to be Contacted:

David H. Karceski

Name David H. Karceski
Address 210 W. Pennsylvania Ave., Suite 500 Telephone No. 410-494-6285
City Towson State MD Zip Code 21204

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1 DAY
UNAVAILABLE FOR HEARING —

Reviewed By JL Date 11/23/09

**PETITION FOR SPECIAL EXCEPTION
ATTACHED SHEET**

8143 Beachwood Road

Special exception for a junkyard (temporary storage of unlicensed or inoperative motor vehicles with no dismantling of vehicles), pursuant to Section 256.2 of the Baltimore County Zoning Regulations.



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 8143 Beachwood Road

which is presently zoned MH-IM

Deed Reference: 25343 / 735 Tax Account # 1516350690

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

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

TO BE DETERMINED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Salvage Direct, Inc.

Name - Type or Print By: Robert T. Joyce, President

Signature

42336 Gilbert Drive

814-827-0300

Address

Telephone No.

Titusville

PA

16354

City

State

Zip Code

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 W. Pennsylvania Ave., Suite 500 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

MJM Associates, LLC

Name - Type or Print

Signature

Martin Marano, Member

Name - Type or Print

Signature

8143 Beachwood Road

Address

Baltimore

MD

21222

City

State

Zip Code

Representative to be Contacted:

David H. Karceski

Name

210 W. Pennsylvania Ave., Suite 500 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. 2010 0159 XA

ORDER RECEIVED FOR FILING

REV 8/20/07

Date 3.10.10

By [Signature]

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by [Signature] Date 11/23/09

**PETITION FOR VARIANCE
ATTACHED SHEET**

8143 Beachwood Road

1. Variance from Section 408.1 of the Baltimore County Zoning Regulations ("BCZR") to allow 16.7 acres of land to be used for the junkyard in lieu of the permitted 5 acres.
2. Variance from BCZR Section 408.2 to allow automobiles and vehicles not in running condition to be located as close as 0 feet from other adjoining properties in lieu of the required 30 feet and as close as 0 feet from any other zone in lieu of the required 300 feet.

MARTIN

MARTIN
&
PHILLIPS

PHILLIPS

&

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

November 6, 2009

ZONING DESCRIPTION

8143 BEACHWOOD ROAD

Beginning for the description of a 16.683 acre tract identified as Parcel 431 Tax Map 104, at a point at the centerline intersections of Beachwood Road and the north bound lanes of I-695 thence S73° 30' 10" E 879.78' feet more or less to a point of beginning at the northwest corner of the subject property thence the following courses:

- 1) N64°- 37'-25"E, 339.34' , thence
- 2) N25°- 45'-157"W, 841.50' thence
- 3) N61°- 11'-44"W, 81.54' , thence
- 4) S24°- 17'-20"E, 846.51' , thence
- 5) S24°- 17'-20"E, 1639.02' , thence
- 6) S24°- 17'-20"E, 161.60' , thence
- 7) S34°- 58'-08"W, 30.66' , thence
- 8) N50°- 59'-32"W, 196.22' , thence
- 9) S64°- 43'-11"W, 285.16' , thence
- 10) N24°- 17'-20"W, 1638.35' , thence
- 11) back to the point of beginning

0159

Containing 726,711.48 Square Feet or 16.683 Acres of Land more or less.

The above bearings are based on the Maryland State Coordinate System (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.



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/neighborhood 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 2010 0159 XA

Petitioner: MJM ASSOC. LLC

Address or Location: 8143 BEACHWOOD RD

PLEASE FORWARD ADVERTISING BILL TO

Name: ATTN: DAVE KARCESKI VENABLE ~~RENNER~~ - LLP

Address: 210 W. PENNA. AVE, TOWSON MD 21204

Telephone Number: 410-494-6285

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

No.

47554

Date:

11/23/09

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					705.00

Total:

705.00

Rec

From:

For:

XA FILING 8143 BEACHWOOD RD

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

DATE: 11/23/2009 TIME: 11:31:43
 REF: 0005 MARKED: 0001 1000
 RECEIPT # 517540 11/23/2009 0001
 5 020 VARIOUS VERIFICATION
 CR NO. 047554
 Recpt Tot: 4705.00
 4705.00 CR 1.00 PA
 Baltimore County, Maryland

**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: # 2010-0159-XA

8143 Beachwood Road

E/side of Beachwood Road, approx. 879 feet n/east of centerline of I-695.

15th Election District - 6th Councilmanic District

Legal Owner(s): MJM Associates, LLC

Special Exception: for a junkyard (temporary storage of unlicensed or inoperative motor vehicles with no dismantling of vehicles); **Variance:** to allow 16.7 acres of land to be used for the junkyard in lieu of the permitted 5 acres; to allow automobiles and vehicles not in running condition to be located as close as 0 feet from other adjoining properties in lieu of the required 30 feet and as close as 0 feet from any other zone in lieu of the required 300 feet.

Hearing: Wednesday, January 27, 2010 at 9:00 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/1/720 Jan. 12

226436

CERTIFICATE OF PUBLICATION

1/14/ 2010

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 1/12/ 2010.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2010-0159-XA

RE: Case No.: _____

Petitioner/Developer: _____
MJM Associates, LLC

January 27 2010
Date of Hearing/Closing: _____

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: _____

8143 Beachwood Road

26

The sign(s) were posted on _____
January 12 2010,
(Month, Day, Year)

Sincerely,

Robert Black Jan 15 2010
(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)

**SCALE
MON-FRI
7:30AM-4:30PM**

ZONING NOTICE

CASE # **2010-0159-XA**

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

PLACE: Room 104, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE TOWSON
21204

DATE AND TIME WEDNESDAY, JANUARY 27, 2010 AT 9:00 ^{A.M.}

REQUEST SPECIAL EXCEPTION FOR A JUNKYARD (TEMPORARY

STORAGE OF UNLICENSED OR INOPERATIVE MOTOR VEHICLES WITH NO
DISMANTLING OF VEHICLES); VARIANCE TO ALLOW 16.7 ACRES OF LAND
TO BE USED FOR THE JUNKYARD IN LIEU OF THE PERMITTED 5 ACRES, TO
ALLOW AUTOMOBILES AND VEHICLES NOT IN RUNNING CONDITION TO BE
LOCATED AS CLOSE AS 0 FEET FROM OTHER ADJOINING PROPERTIES IN LIEU
OF THE REQUIRED 30 FEET AND AS CLOSE AS 0 FEET FROM ANY OTHER ZONE
IN LIEU OF THE REQUIRED 300 FEET.

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
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
December 21, 2009

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: 2010-0159-XA

8143 Beachwood Road

E/side of Beachwood Road, approx. 879 feet n/east of centerline of I-695

15th Election District – 6th Councilmanic District

Legal Owners: MJM Associates, LLC

Special Exception for a junkyard (temporary storage of unlicensed or inoperative motor vehicles with no dismantling of vehicles); Variance to allow 16.7 acres of land to be used for the junkyard in lieu of the permitted 5 acres; to allow automobiles and vehicles not in running condition to be located as close as 0 feet from other adjoining properties in lieu of the required 30 feet and as close as 0 feet from any other zone in lieu of the required 300 feet.

Hearing: Wednesday, January 27, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 W. Pennsylvania Ave., Ste. 500, Towson 21204
Robert Joyce, Salvage Direct, Inc., 42336 Gilbert Drive, Titusville PA 16354
Martin Marano, MJM Associates, LLC, 8143 Beachwood Road, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 12, 2010.**
- (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, January 12, 2010 Issue - Jeffersonian

Please forward billing to:

David Karceski
Venable, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

410-494-6285

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: 2010-0159-XA

8143 Beachwood Road

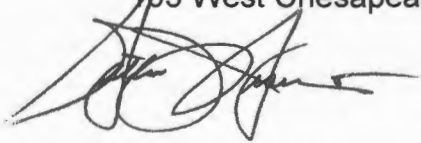
E/side of Beachwood Road, approx. 879 feet n/east of centerline of I-695

15th Election District – 6th Councilmanic District

Legal Owners: MJM Associates, LLC

Special Exception for a junkyard (temporary storage of unlicensed or inoperative motor vehicles with no dismantling of vehicles); Variance to allow 16.7 acres of land to be used for the junkyard in lieu of the permitted 5 acres; to allow automobiles and vehicles not in running condition to be located as close as 0 feet from other adjoining properties in lieu of the required 30 feet and as close as 0 feet from any other zone in lieu of the required 300 feet.

Hearing: Wednesday, January 27, 2010 at 9:00 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

January 21, 2010

David Karceski
Venable, LLP
210 Pennsylvania Ave Ste. 500
Towson, MD 21204

Dear: David Karceski

RE: Case Number 2010-0159-XA, 8143 Beachwood Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 23, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Martin Marano: MJM Associates, LLC; 8143 Beachwood Rd.; Baltimore, MD 21222
Salvage Direct, Inc.; 42336 Gilbert Dr.; Titusville, PA 16354

TB
1-27-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 22 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: January 22, 2010

SUBJECT: Zoning Item # 10-159-XA
Address 8143 Beachwood Road
(MJM Associates, LLC Property)

Zoning Advisory Committee Meeting of December 6, 2009.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Regina Esslinger

Date: December 23, 2009

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 26, 2010

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

SUBJECT: 8143 Beachwood Road

Item Number: 10-159

Petitioner: MJM Associates, LLC

Zoning: MH-IM

Requested Action: Special Exception and Variance

To permit a junkyard, and variances to permit 0 ft. property line setbacks, and use of the full property in lieu of a 5-acre limit.

SUMMARY OF RECOMMENDATIONS:

The property is currently used to store truck trailers, containers, and materials as well as an office for the operation of the on-site business. The site is adjacent to wooded wetlands and other environmentally sensitive areas. In addition, it is across Morse Lane from several residential communities, and near an area that has recently been reclassified by the county as residential.

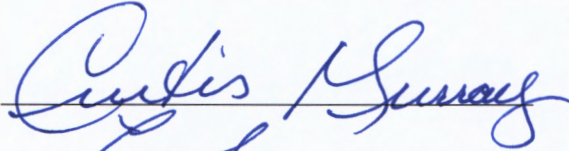
It is the understanding of the Office of Planning that the property is intended to be a storage yard for cars and or light duty trucks that have been involved in collisions awaiting review/appraisal by insurance adjusters. The site will not be open to the public nor will sales or other such transactions be conducted on the site. The reason the applicant is requesting relief for a junkyard is because of how the proposed use is defined in the BCZR. The Office of Planning supports the use as described by the petitioner as a temporary storage yard of inoperative motor vehicles for insurance inspection and appraisal. The Office of Planning does not support other uses described in the definition of junkyard in the BCZR. The variance relief requested under Section 408.2 for utilizing 30 feet from any adjoining property should not be granted; furthermore the following conditions shall apply to any relief granted:

1. All existing impervious areas of crusher run, asphalt and compacted earth will be re-paved using a tar and chip specification;
2. No vertical storage of vehicles, no crushing, shredding, dismantling parting or parts sales. There shall be no storage of hazardous substances and no draining of fluids or fuels;
3. There shall be no public access to the proposed facility;
4. The facility is utilized for clean, audited and insured storage of vehicles accessible to insurance adjusters for assessment and claim resolutions;
5. No on-site sales of vehicles permitted. Any sales must occur off premises;
6. Vehicles are removed from car carriers at the receiving office and are placed in the storage rows by specialized loader equipment operated by licensed professionals;

7. Buffers and setbacks must be accurately demarked and observed.
8. No fuel, oil or other environmentally hazardous substances may be stored on site unless it is what is contained within the inner workings of the stored vehicles.

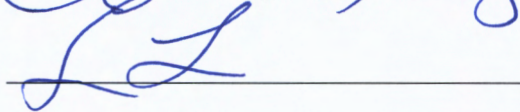
For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by:

A handwritten signature in blue ink, appearing to read "Curtis R. Gurney", written over a horizontal line.

Division Chief:

AFK/LL: CM

A handwritten signature in blue ink, appearing to read "L. L. Alexander", written over a horizontal line.



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

December 10, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 6th 2009

Item Numbers: 0150, 0159, 0161

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For December 21, 2009
Item Nos. 2010-0150, 152, 156, 157,
158, 159, 160, 161, 163, 164 and 165

DATE: December 10, 2009

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-12212009 -NO COMMENTS.doc



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

Beverly K. Swaim-Staley, Secretary
Nell J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: DEC. 11, 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. 2010-0199-XA
8143 BEACHWOOD RD
SPECIAL EXCEPTION -
VARIANCE -

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. 2010-0199-XA.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael P. Bailey".

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb



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

January 15, 2010

RECEIVED

JAN 15 2010

HAND DELIVERED

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

ZONING COMMISSIONER

Re: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
MJM Associates, LLC, Owner and Salvage Direct, Inc- Contract Purchaser
8143 Beachwood Road
Case No: 10-159-XA

Dear Mr. Wiseman,

We 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 January 14, 2010, which is self-explanatory. As is our custom, we forward it to you for consideration. The hearing is set for January 27, 2010.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: David Karceski, Esquire
Stephen E. Weber, Division of Traffic Engineering

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 1/14/2010 7:08 PM
Subject: Fwd: MJM Associates & Salvage Direct Case No. 10-159-XA
Attachments: 10-159-XA Petition.pdf

Dear Mr. Zimmerman:

Please be advised that we have reviewed this request and find that there are no traffic issues of concern with this Item. The surrounding road network and land use would appear to acceptably accommodate the proposed use.

Should you wish to discuss the matter further, please let me know.

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 12/15/09 1:46 PM >>>
Mr. Weber,

Attached you will find the Petitions for Special Exception and Variance in the above case. Please review and let our office know if there are any traffic concerns.

Thank you in advance.
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

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
AND VARIANCE		
8143 Beachwood Road; E/S Beachwood	*	ZONING COMMISSIONER
Road, approx. 879' NE c/line of I-695		
15 th Election & 6 th Councilmanic Districts	*	FOR
Legal Owner(s): MJM Associates, LLC		
Contract Purchaser(s): Salvage Direct, Inc	*	BALTIMORE COUNTY
Petitioner(s)	*	10-159-XA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED

DEC 08 2009

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of December, 2009, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 West Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 8143 Beachwood Rd
CASE NUMBER 2010-159-XA
DATE 1-27-10

[illegible]

Bob Joyce
President

42336 Gilbert Drive • P.O. Box 306 • Titusville, PA 16354
814-827-0300 • Cell 814-657-0155 • bob@salvagedirect.com
eFax 208-474-5671 • Fax 814-827-9724

www.SALVAGEDIRECT.com

Case No.: 2010 - 0159 - A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	redlined site plan	
No. 2	aerial photograph w/ site plan overlay	
No. 3 A+B	photos of typical site storage layout	
No. 4	rendering of proposed layout for illustrative purposes	
No. 5 A+B	photos of typical equipment used in storage yard	
No. 6	aerial photograph w/ zoning map	
No. 7 A-D	photos of subject property	
No. 8	David Marten resumé	
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO.

3 A



PETITIONER' S

EXHIBIT NO. 3B



TYPICAL CAR CARRIER



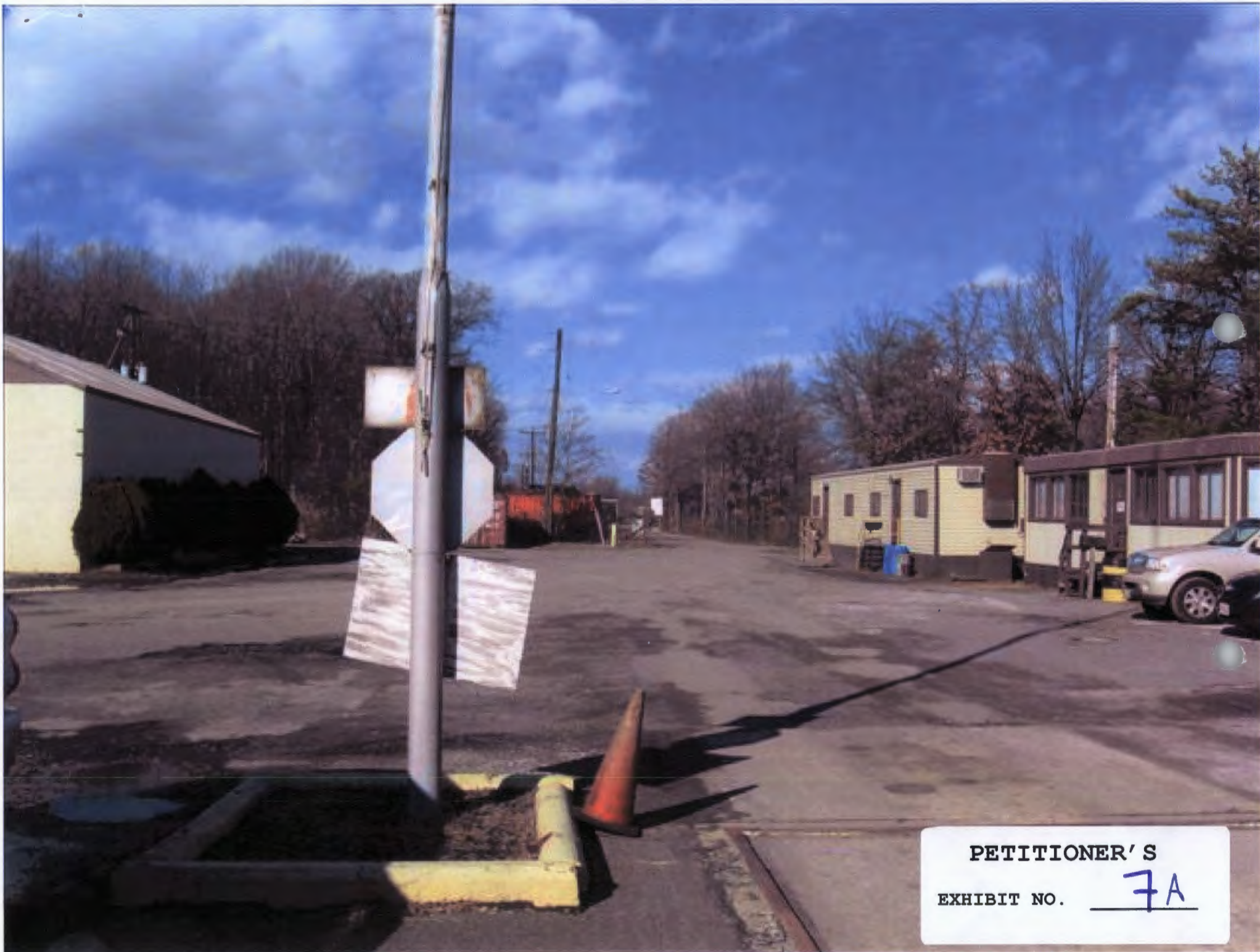
TYPICAL VEHICLE LOADER



PETITIONER'S

EXHIBIT NO.

6



PETITIONER'S
EXHIBIT NO. 7A







MARTIN



&

PHILLIPS

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

CURRICULUM VITAE

DAVID L. MARTIN, L.A.

**Martin & Phillips Design Associates, Inc., Principal
Director of Land Planning / Landscape Architecture**

Professional Registration: Landscape Architect
Maryland - No. 776
Pennsylvania - No. 573-E

Education:

The Pennsylvania State University
Bachelor of Science Landscape Architecture - 1971

Professional Affiliations:

American Society of Landscape Architects, Member
Urban Land Institute, Member

Professional practice includes 38 years of land planning, landscape architecture, comprehensive zoning, PUD master planning, site planning, and expert witness testimony regarding land use and zoning issues. Mr. Martin has been practicing in the Greater Baltimore Metropolitan region since 1987 and has been qualified as an expert in land planning, site planning, and zoning cases in Anne Arundel County, Baltimore County, Howard County, Harford County, Cecil County, Bel Air, Aberdeen, Havre de Grace, Perryville, Port Deposit and Federal District Court of Baltimore.

Prior to his relocation to Maryland, Mr. Martin practiced landscape architecture and land planning in Pennsylvania, Florida, Massachusetts, Alabama, The Commonwealth of the Bahamas and Jamaica.

As President of Martin & Phillips Design Associates, Inc. Mr. Martin supervises community planning, site development, subdivision development plans, and master planning efforts. He also offers zoning testimony and interpretation on land planning issues before zoning commissioners, boards of appeals, planning commissions, and elected bodies. Mr. Martin facilitates community input meetings, and presents Development Plans in Baltimore County and oversees the preparation of special exception and variance plan requests. He also directs the design of parks, amenity features, lighting plans and landscape plans associated with residential, commercial and institutional projects.

Significant projects include Developments of Regional Impact (DRI) in the State of Florida including: Palm Coast, Florida - 10,000 acre master plan, Beverly Hills, Florida - 6,500 acre master plan, and Doral Park, Florida - 2000 acre master plan. Representative local projects include: Hollywoods, Monmouth Meadows, Greenbriar, Bainbridge Development, Forge Landing, Owings Mills Commerce Center, The Avenue at Whitmarsh, Cedar Lane Farms P.U.D., Westwicke, Beaverbrook, Biddison Property, Bridle Ridge, Green Spring Station, Home Depot of Owings Mills, Bel Air and Timonium, Ashland Market Place, Powell Property, and Baker Property, Highlands Corporate Park, Preston Gateway North Industrial Park,

Mr. Martin has prepared numerous comprehensive-zoning petitions in Baltimore County during the 1992, 1996, 2000, 2004 and 2008 CZMP processes and has a thorough understanding of the principles of Euclidean zoning and their application throughout the Baltimore Metro region. He also served on an ad-hoc committee that authored the Service Employment (SE) Zone of Baltimore County and the Public Affairs Committee for NAIOP. He has extensive experience dealing with all of the Baltimore Regional Area County's development regulations.

TELEPHONE: 410.321.8444, TOLL FREE: 866.395.8500
FAX: 410.321.1175

PETITIONER'S

EXHIBIT NO.

8

ENTRANCE AND EXIT

846.51'
S24°17'20"E

841.50'
N25°45'15"W

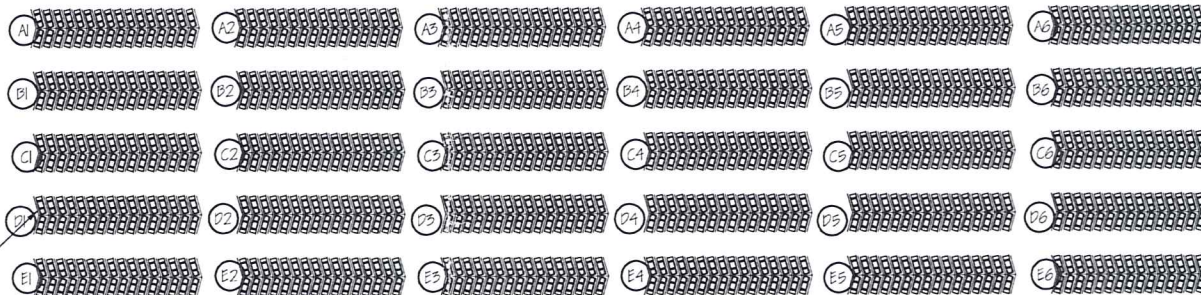
1639.02'
S24°17'20"E

161.60'
S24°17'20"E

339.94'
N64°37'25"E

EXISTING BUILDINGS TO REMAIN
5 EMPLOYEE PARKING SPACES

APPROX 800 UNITS
18'X9" PARKING SPACE TYP
20' MIN AISLE WIDTH TYP



1638.35'
N24°17'20"W



INSTALL NEW 8'-10" HIGH FENCE
AROUND ENTIRE PERIMETER OF PARKING
AREA

SITE PLAN
SCALE: NTS

PETITIONER'S

EXHIBIT NO. 4

Project: SALVAGE DIRECT - DUNDALK
8143 BEACHWOOD ROAD, DUNDALK MD 21222

Sheet Contents: SITE PLAN

Owner's
Approval:

DATE:

Revisions:

MARK	DESCRIPTION	DATE

Scale: NTS

Drawn By: LAW

Approved By:

Drawing Number:

A1

1/22/10

104B1

AMERICAN EAST (LOTS 26 & 27) (PDM File/Project #)

Lot # 26
2200007707

MH

Pt. Bk. 10 Folio 123

1507583560

Lot # 3
1519071994
1519071993

Lot # 2
1519071992

Lot # 1
1519071991

1513203293

LYNHURST RD

RC 20

2200018587

8143

8143

8143

1516350690

MH IM

15 ED

7 CD

104B2

SE 3-H

1695

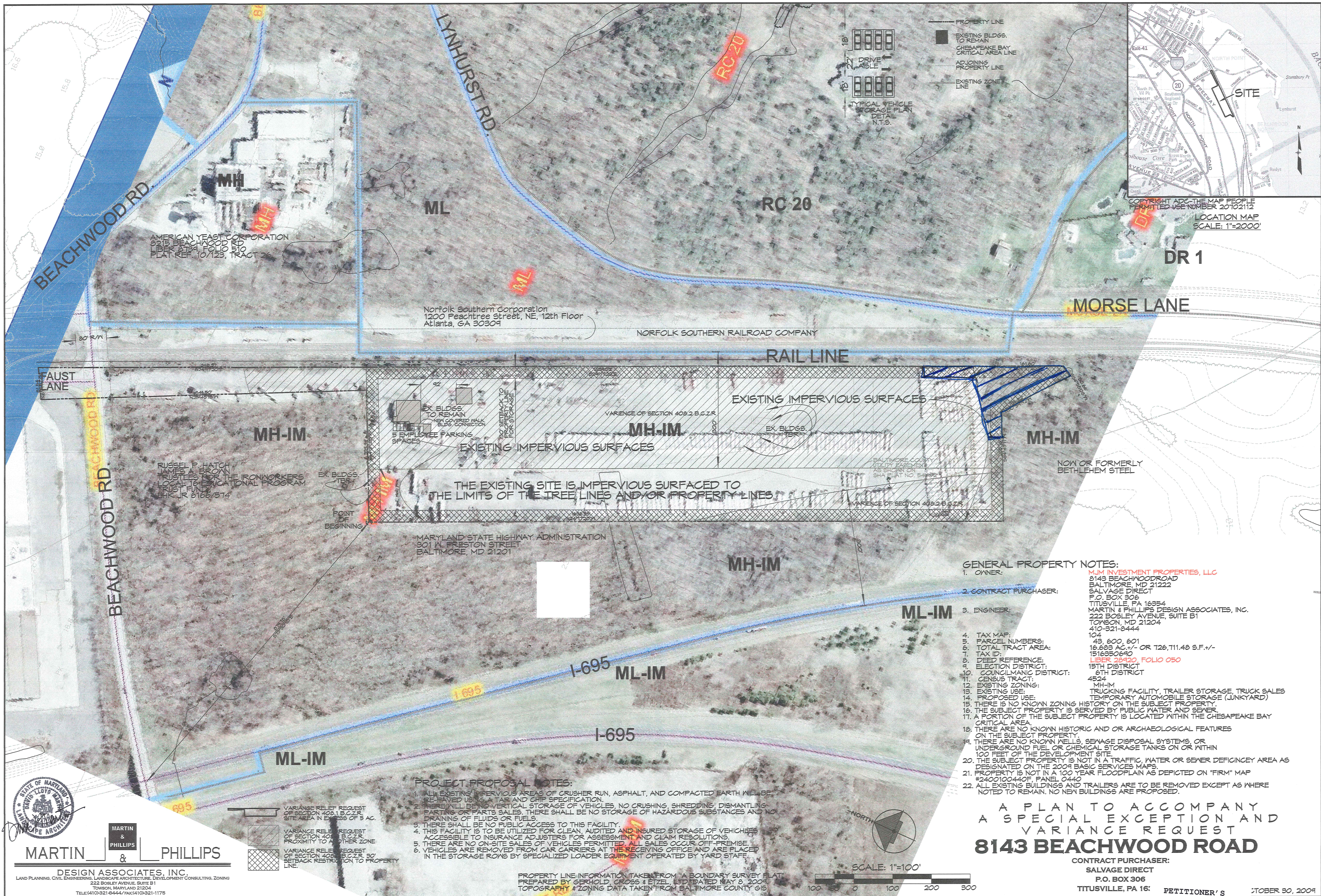
1700000869

ML IM

16951695

2000002069

1900007889



MARTIN & PHILLIPS
DESIGN ASSOCIATES, INC.
LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1
TOWSON, MARYLAND 21204
TEL: 410-321-8444 / FAX: 410-321-1175

PROJECT PROPOSAL NOTES:

1. ALL EXISTING IMPERVIOUS AREAS OF CRUSHER RUN, ASPHALT, AND COMPACTED EARTH WILL BE RE-HAVED USING A TAR AND CHIP SPECIFICATION.
2. THERE WILL BE NO VERTICAL STORAGE OF VEHICLES, NO CRUSHING, SHREDDING, DISMANTLING, PARTING OR PARTS SALES, THERE SHALL BE NO STORAGE OF HAZARDOUS SUBSTANCES AND NO DRAINING OF FLUIDS OR FUELS.
3. THERE SHALL BE NO PUBLIC ACCESS TO THIS FACILITY.
4. THIS FACILITY IS TO BE UTILIZED FOR CLEAN, AUDITED AND INSURED STORAGE OF VEHICLES ACCESSIBLE TO INSURANCE ADJUSTERS FOR ASSESSMENT AND CLAIM RESOLUTIONS.
5. THERE ARE NO ON-SITE SALES OF VEHICLES PERMITTED, ALL SALES OCCUR OFF-PREMISE.
6. VEHICLES ARE REMOVED FROM CAR CARRIERS AT THE RECEIVING OFFICE AND ARE PLACED IN THE STORAGE ROWS BY SPECIALIZED LOADER EQUIPMENT OPERATED BY YARD STAFF.

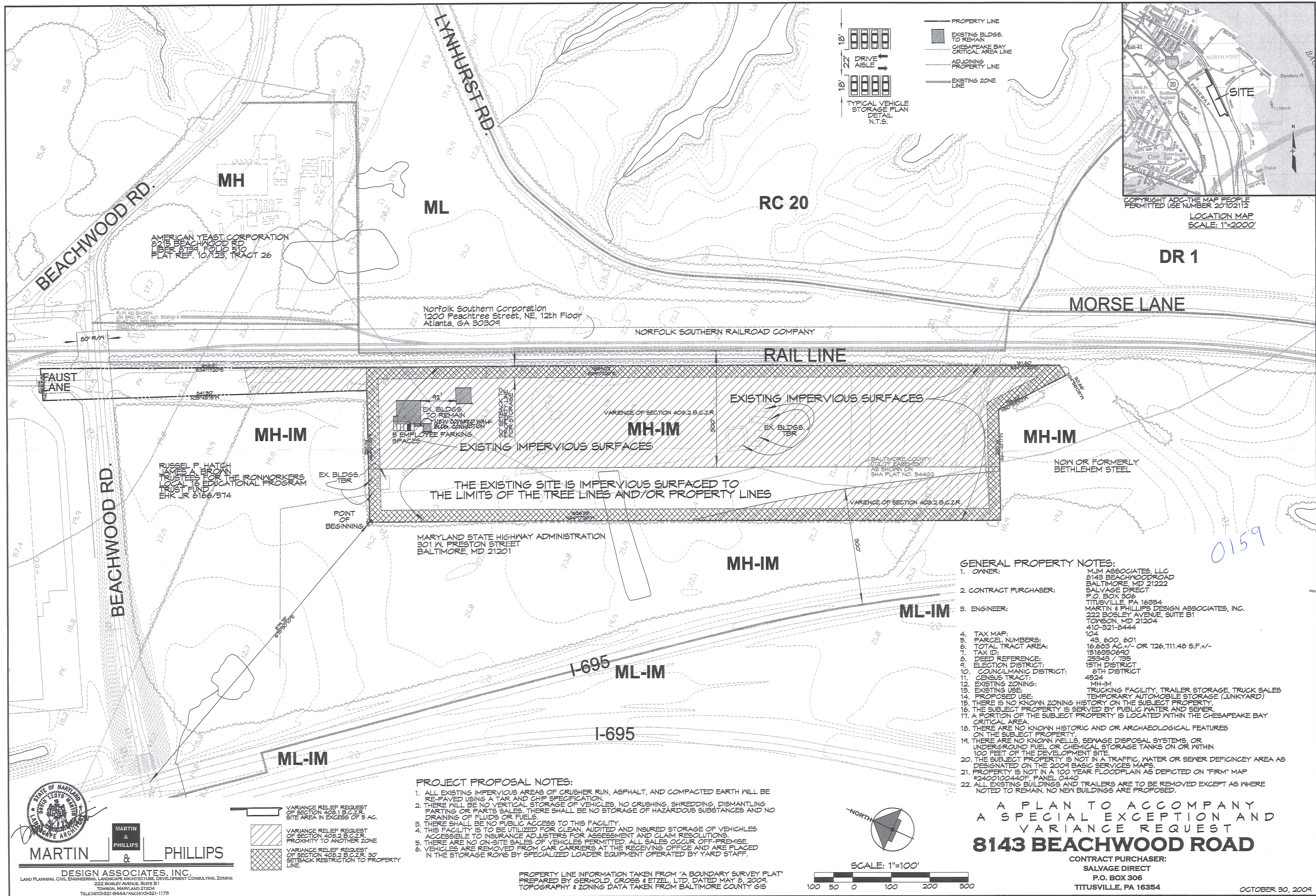
PROPERTY LINE INFORMATION TAKEN FROM "A BOUNDARY SURVEY PLAT" PREPARED BY GERHOLD, CROSS & ETZEL, LTD. DATED MAY 8, 2004. TOPOGRAPHY & ZONING DATA TAKEN FROM BALTIMORE COUNTY GIS

GENERAL PROPERTY NOTES:

1. OWNER: **MJM INVESTMENT PROPERTIES, LLC**
8143 BEACHWOOD ROAD
BALTIMORE, MD 21222
2. CONTRACT PURCHASER: **SALVAGE DIRECT**
P.O. BOX 306
TITUSVILLE, PA 16354
3. ENGINEER: **MARTIN & PHILLIPS DESIGN ASSOCIATES, INC.**
222 BOSLEY AVENUE, SUITE B1
TOWSON, MD 21204
410-321-8444
4. TAX MAP: 104
5. PARCEL NUMBERS: 43, 600, 601
6. TOTAL TRACT AREA: 16,683 AC. +/- OR 726,711.48 S.F. +/-
7. TAX ID: 1516350690
8. DEED REFERENCE: **LIBER 22420, FOLIO 050**
9. ELECTION DISTRICT: 15TH DISTRICT
10. COUNCILMANIC DISTRICT: 6TH DISTRICT
11. CENSUS TRACT: 4524
12. EXISTING ZONING: MH-IM
13. EXISTING USE: TRUCKING FACILITY, TRAILER STORAGE, TRUCK SALES
14. PROPOSED USE: TEMPORARY AUTOMOBILE STORAGE (JUNKYARD)
15. THERE IS NO KNOWN ZONING HISTORY ON THE SUBJECT PROPERTY.
16. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
17. A PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
18. THERE ARE NO KNOWN HISTORIC AND OR ARCHAEOLOGICAL FEATURES ON THE SUBJECT PROPERTY.
19. THERE ARE NO KNOWN WELLS, SEWAGE DISPOSAL SYSTEMS, OR UNDERGROUND FUEL OR CHEMICAL STORAGE TANKS ON OR WITHIN 100 FEET OF THE DEVELOPMENT SITE.
20. THE SUBJECT PROPERTY IS NOT IN A TRAFFIC, WATER OR SEWER DEFICIENCY AREA AS DESIGNATED ON THE 2004 BASIC SERVICES MAPS.
21. PROPERTY IS NOT IN A 100 YEAR FLOODPLAIN AS DEPICTED ON "FIRM" MAP #2400100440F, PANEL 10440
22. ALL EXISTING BUILDINGS AND TRAILERS ARE TO BE REMOVED EXCEPT AS WHERE NOTED TO REMAIN. NO NEW BUILDINGS ARE PROPOSED.

**A PLAN TO ACCOMPANY
A SPECIAL EXCEPTION AND
VARIANCE REQUEST
8143 BEACHWOOD ROAD**

CONTRACT PURCHASER:
SALVAGE DIRECT
P.O. BOX 306
TITUSVILLE, PA 16: PETITIONER'S
OCTOBER 30, 2009
EXHIBIT NO. 2
P.N. 09-1087

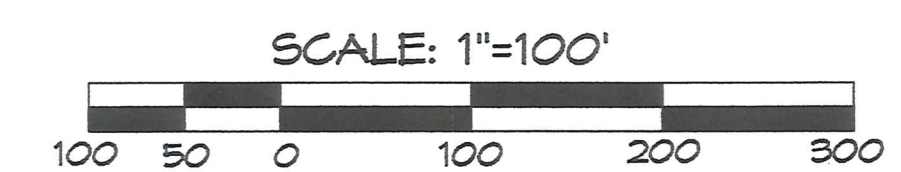


COPYRIGHT ADC-THE MAP PEOPLE
PERMITTED USE NUMBER 20102112
LOCATION MAP
SCALE: 1"=2000'

- GENERAL PROPERTY NOTES:**
1. OWNER: MUM ASSOCIATES, LLC
8143 BEACHWOOD ROAD
BALTIMORE, MD 21222
SALVAGE DIRECT
P.O. BOX 306
TITUSVILLE, PA 16354
 2. CONTRACT PURCHASER: MARTIN & PHILLIPS DESIGN ASSOCIATES, INC.
222 BOSLEY AVENUE, SUITE B1
TOWSON, MD 21204
410-321-8444
 3. ENGINEER: 43, 600, 601
16,683 AC +/- OR 726,711.48 S.F. +/-
1516350690
25343 / 735
15TH DISTRICT
6TH DISTRICT
4324
MH-IM
TRUCKING FACILITY, TRAILER STORAGE, TRUCK SALES
TEMPORARY AUTOMOBILE STORAGE (JUNKYARD)
 4. TAX MAP: 16,683 AC +/- OR 726,711.48 S.F. +/-
 5. PARCEL NUMBERS: 1516350690
 6. TOTAL TRACT AREA: 25343 / 735
 7. TAX ID: 15TH DISTRICT
 8. DEED REFERENCE: 6TH DISTRICT
 9. ELECTION DISTRICT: 4324
 10. COUNCILMANIC DISTRICT: MH-IM
 11. CENSUS TRACT: TRUCKING FACILITY, TRAILER STORAGE, TRUCK SALES
 12. EXISTING ZONING: TEMPORARY AUTOMOBILE STORAGE (JUNKYARD)
 13. EXISTING USE: TRUCKING FACILITY, TRAILER STORAGE, TRUCK SALES
 14. PROPOSED USE: TEMPORARY AUTOMOBILE STORAGE (JUNKYARD)
 15. THERE IS NO KNOWN ZONING HISTORY ON THE SUBJECT PROPERTY.
 16. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
 17. A PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 18. THERE ARE NO KNOWN HISTORIC OR OR ARCHAEOLOGICAL FEATURES ON THE SUBJECT PROPERTY.
 19. THERE ARE NO KNOWN WELLS, SEWAGE DISPOSAL SYSTEMS, OR UNDERGROUND FUEL OR CHEMICAL STORAGE TANKS ON OR WITHIN 100 FEET OF THE DEVELOPMENT SITE.
 20. THE SUBJECT PROPERTY IS NOT IN A TRAFFIC, WATER OR SEWER DEFICIENCY AREA AS DESIGNATED ON THE 2009 BASIC SERVICES MAPS.
 21. PROPERTY IS NOT IN A 100 YEAR FLOODPLAIN AS DEPICTED ON "FIRM" MAP #2400100440F, PANEL 0440
 22. ALL EXISTING BUILDINGS AND TRAILERS ARE TO BE REMOVED EXCEPT AS WHERE NOTED TO REMAIN. NO NEW BUILDINGS ARE PROPOSED.

- PROJECT PROPOSAL NOTES:**
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VARIANCE REQUEST
8143 BEACHWOOD ROAD**

CONTRACT PURCHASER:
SALVAGE DIRECT
P.O. BOX 306
TITUSVILLE, PA 16354

OCTOBER 30, 2009
P.N. 09-108

