

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
NW side of Emmanuel Court; 788 feet	*	DEPUTY ZONING
SW of Windsor Mill Road		
2 nd Election District	*	COMMISSIONER
4 th Councilmanic District		
(2006 Emmanuel Court)	*	FOR BALTIMORE COUNTY
 Frederic Charles Hilnbrand	*	
<i>Petitioner</i>		Case No. 2011-0107-SPHA
	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Frederic C. Hilnbrand, the legal property owner. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a proposed accessory building with a footprint that is larger than the principal use dwelling and a personal use car lift within the proposed accessory building. Petitioner is also requesting Variance relief from Section 400.3 of the B.C.Z.R to permit a proposed accessory building with a height of 26 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief was Petitioner Frederic C. Hilnbrand. Also appearing in support of the relief was Jack Kelly, On-Scene Coordinator with the U.S. Environmental Protection Agency ("EPA"), Region III, in Philadelphia, PA. Appearing as an interested citizen was Reverend Lin Taylor of the adjacent property at 2020 Emmanuel Court.

Testimony and evidence offered revealed that the subject property is irregular shaped and consists of approximately 0.928 acre, more or less, zoned D.R.5.5. The property is located at the

ORDER RECEIVED FOR FILING

Date 11-26-10
By 1023

end of Emmanuel Court on the northwest side, southwest of Windsor Mill Road, in the Woodlawn area of Baltimore County. As shown on the site plan, the property is improved with an existing two-story frame dwelling. It is also improved with an unusual multi-story large metal and block building. Photographs of the large building were marked and accepted into evidence as Petitioner's Exhibits 3 and 4.

The property was purchased by Petitioner's parents in 1985 from the Powhatan Mining Co. They lived in the residential dwelling and used the large multi-story mill-like structure for storage and the attached one-story garage-like structure for auto repair, heavy equipment storage, and a body shop. Petitioner believes that the zoning once allowed for the large buildings and industrial uses, but by 1995, the zoning had changed to D.R., such that the business uses were no longer permitted. Petitioner indicated he was in an accident in 1997 and as a result became permanently disabled. According to tax records, he acquired the property from his parents in 2007. Petitioner now utilizes the garage-like structure as a personal garage and for storage of furniture and household items as well as a number of antique vehicles that he works on for his own pleasure and personal use. Photographs of the garage-like structure were marked and accepted into evidence as Petitioner's Exhibits 5A and 5B.

According to testimony provided by Mr. Kelly with the EPA as well as internal EPA Memorandums in support of EPA clean-up and the proposed demolition and compensation, each dated June 8, 2010 and marked and accepted into evidence as Petitioner's Exhibits 9 and 10, respectively, the property was owned by the Powhatan Mining Company from approximately 1917 to 1985. The company operated a processing facility at the site to convert asbestos ore to a finished product for use in a variety of industrial and commercial materials. The ore was mined in Maryland until mines were exhausted in the 1940's and then was brought in from other States. The company went into bankruptcy in 1984.

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Date

By

In support of the special hearing and variance requests, Mr. Kelly explained that the Maryland Department of the Environment ("MDE") brought the site to the EPA's attention in late 2008. Soils testing and investigation revealed that the former facility and adjacent grounds are highly contaminated with loose, friable asbestos. As a result, the EPA proposes to demolish the former processing facility and clean up the site. As depicted on the site plan, they also propose to compensate Petitioner by constructing a replacement 60 foot by 75 foot garage-like accessory structure on the property for Petitioner's storage needs, and to move a vehicle lift in the existing garage-like building to the new building. A conceptual rendering of the replacement structure was marked and accepted into evidence as Petitioner's Exhibit 6. Because the proposed accessory structure would be substantially larger than the existing dwelling on the property, special hearing relief is necessary to approve an accessory building with a footprint that is larger than the principal use dwelling, as well as to approve the car lift within the proposed new building. Variance relief is also necessary because, according to Petitioner and Mr. Kelly, a replacement to the existing garage-like building that would be of adequate size requires a roofline and pitch with a height of 26 feet, in excess of the 15 foot height permitted.

Also testifying regarding the requested relief was Reverend Lin Taylor on behalf of the church located adjacent to the subject property and owned by Emmanuel Ministries International, Inc. Reverend Taylor indicated that he was glad the EPA had pledged to clean up the site and was not opposed to the replacement accessory building, per se; however, he did express concerns over the potential visual impact of the new building on the surrounding neighborhood and suggested that a fence be erected along the Emmanuel Court frontage, especially if the nearby adjacent areas of Emmanuel Court are eventually developed residentially.

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 which indicates that after reviewing Petitioner's request and accompanying site plan, the property is the subject of Environmental Protection Agency Super Fund clean up effort. The EPA has a policy of replacing existing structures when removal actions are approved. The Office of Planning does not oppose the requested variance and special hearing provided: 1) Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities; 2) the accessory structure shall not be used for commercial purposes.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. The history of this property and the after-effects of the prior use present an unprecedented situation that now confronts the EPA and Petitioner. Knowing what we have known about asbestos and its effects over the years, it is almost unimaginable that such an asbestos processing facility would have existed in this residential area within the last 30 years or so. Realizing that this property has contamination that could potentially affect other nearby properties, the EPA has taken a responsible approach to remediation of the situation and providing Petitioner with an equitable alternative to replace the existing building. In my view, these constitute special circumstances or conditions that are peculiar to the land or structure which is the subject of the variance request and also render 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. If the requested relief for an accessory structure height of 26 feet in lieu of 15 feet were denied, Petitioner would lose the beneficial use of a building that is currently utilized for storage of his antique/historic vehicles as

11-26-10
[Signature]

well as other equipment and personal items, without an adequate replacement. Finally, I find the variance 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. It is noteworthy that the Office of Planning supports the requested relief subject to certain conditions that will be expounded on further in this Order. As to the requested special hearing, I am persuaded to grant that relief as well. The mill-like processing facility building and the garage-like building are substantially larger than the dwelling and have existed on the property since the 1920's, and could be deemed to be nonconforming. For reasons that are self evident, these buildings are slated for removal, to be replaced with a garage-like building of similar size. Given the unusual circumstances of this case, special hearing relief is appropriate in this instance to permit an accessory structure with a footprint larger than the principal dwelling, as well as to permit the personal car lift within that new accessory structure. Finally, though I am mindful of Reverend Taylor's suggestion of a fence along the Emmanuel Road frontage to lessen the visual impact of the accessory structure, based on my review of the evidence, including the photographs of the property and the site plan, I do not believe a fence is necessary at this point. To some extent, I think a fence would bring even more attention to the property and would close it off from the rest of the street. I believe the proposed accessory structure is set back far enough from the street not to have a significant visual impact to passersby or future development.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of November, 2010 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to

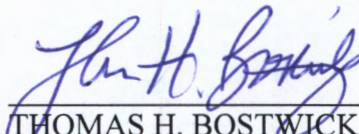
approve a proposed accessory building with a footprint that is larger than the principal use dwelling, and a personal use car lift within the proposed accessory building, be and are hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner's Variance request from Section 400.3 of the B.C.Z.R. to permit a proposed accessory building with a height of 26 feet in lieu of the maximum allowed 15 feet, be and is hereby **GRANTED**.

The relief granted herein is subject to the following conditions:

1. Petitioner is advised that he may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 26, 2010

FREDERIC CHARLES HILNBRAND
2006 EMMANUEL COURT
WOODLAWN MD 21207

Re: Petition for Special Hearing and Variance
Case No. 2011-0107-SPHA
Property: 2006 Emmanuel Court

Dear Mr. Hilnbrand:

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

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

Very truly yours,

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Jack Kelly, U.S. Environmental Protection Agency III, 1650 Arch Street, Philadelphia PA 19103
Rev. Lin Taylor, 2020 Emmanuel Court, Gwynn Oak, MD 21207



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2006 Emmanuel Court
which is presently zoned Residential (DRS)

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

a proposed accessory building with a footprint that is larger than the principal use dwelling, and
approve a personal use car lift within the proposed accessory building.

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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

Name - Type or Print

Signature

City

State

Zip Code

Attorney For Petitioner:

2006 Emmanuel Court 410-944-1256

Address

Telephone No.

Name - Type or Print

City

State

Zip Code

Signature

Representative to be Contacted:

Company

Name

Address

Telephone No.

Address

Telephone No.

City

State

Zip Code

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2011-0107-SPHA

Reviewed By JNP Date 9/17/2010

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 11-26-10

By [Signature]



TAX ACCOUNT # 0216600010

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2006 EMMANUEL COURT
which is presently zoned Residential (ORS-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 Variance from Section(s) 400.3, BC2R, to permit a proposed accessory

building with a height of 26 feet in lieu of the maximum allowed 15 feet.

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 Presented 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

2006 EMMANUEL COURT 40-944-1256

Address Telephone No.

WOODLAWN MD 21207

City State Zip Code

Representative to be Contacted:

JACK KELLY, US EPA

Name

1650 ARCH ST. 215-514-6792

Address Telephone No.

Philadelphia PA 19103

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JNP Date 9/17/2010

Case No. 2011-0107-SPHA

JOHN C. MELLEMA SR., INC.

LAND SURVEYORS

5409 EAST DRIVE BALTO. MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507
MAY 15, 2007

ZONING DESCRIPTION

#2006 EMMANUEL COURT
BALTIMORE COUNTY, MARYLAND
TAX MAP 88 GRID 13 PARCEL 269

BEGINNING FOR THE SAME AT A POINT SOUTHWESTERLY 87.10 FROM THE SOUTHWESTERN END OF EMMANUEL COURT, THENCE RUNNING NORTHWESTERLY 35.27 FEET, THENCE NORTHEASTERLY 35.82 FEET, THENCE NORTHWESTERLY 206.74 FEET, THENCE NORTHEASTERLY 142.34 FEET, THENCE SOUTHEASTERLY 231.42 FEET, THENCE SOUTHWESTERLY 251.38 FEET TO THE POINT OF BEGINNING CONTAINING 1.00 ACRES OF LAND MORE OR LESS.

BEING ALL OF THE PROPERTY DESCRIBED IN A DEED DATED AUGUST 4, 1998 BY AND BETWEEN DAVID HILNBRAND PARTY OF THE FIRST PART AND FREDERICK C. HILNBRAND PARTY OF THE SECOND PART, RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY MARYLAND IN DEED LIBER 25748 FOLIO 434.



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

No. **59511**

Date: **9/17/2010**

PAID RECEIPT

BUSINESS ACTUAL TIME DOW
 9/17/2010 9/17/2010 11:41:38 2

REG 1602 MAIL JEVA JEE
 RECEIPT # 702856 9/17/2010 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
007	806	0000		6150						130.00

Dept 5 528 ZONING VERIFICATION
 NO. 059511

Recpt Tot \$130.00
 \$1.00 CK \$130.00 CA
 Baltimore County, Maryland

Total: **130.00**

Rec
 From:

For:

Special Hearing / Variance - 2006 Emmanuel Court
2011-0107-SHA (Hilnbrand)

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: # 2011-0107-SPHA

2006 Emmanuel Court

N/west side of Emmanuel Court, 788 feet s/west of Windsor Mill Road

2nd Election District — 4th Councilmanic District

Legal Owner(s): Frederic Charles Hillbrand

Special Hearing: for a proposed accessory building with a footprint that is larger than the principal use dwelling, and approve a personal use carlift within the proposed accessory building. **Variance:** to permit a proposed accessory building with a height of 26 feet in lieu of the maximum allowed 15 feet.

Hearing: Wednesday, November 3, 2010 at 2:00 p.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 10/739 October 19

258357

CERTIFICATE OF PUBLICATION

10/21/2010

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 10/19/2010.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2011-0107-SPHA

Petitioner/Developer FREDERIC
CHARLES HILNBRAND

Date Of Hearing/Closing: 11/3/10

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 2006 EMMANUEL COURT

This sign(s) were posted on October 19, 2010

Month, Day, Year

Sincerely,

Martin Ogle 10/19/10
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411



Martin Ogle 10/19/10

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 19, 2010 Issue - Jeffersonian

Please forward billing to:

Jack Kelly
Kenron Inc co/o EPA Trailer
1650 Arch Street
Philadelphia, PA 19103

215-514-6792

NOTICE OF ZONING HEARING

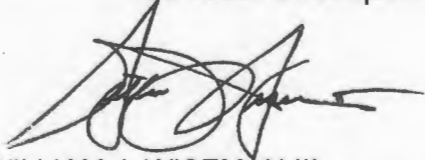
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0107-SPHA

2006 Emmanuel Court
N/west side of Emmanuel Court, 788 feet s/west of Windsor Mill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Frederic Charles Hiltbrand

Special Hearing for a proposed accessory building with a footprint that is larger than the principal use dwelling, and approve a personal use carlift within the proposed accessory building. Variance to permit a proposed accessory building with a height of 26 feet in lieu of the maximum allowed 15 feet.

Hearing: Wednesday, November 3, 2010 at 2:00 p.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

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
October 12, 2010

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: 2011-0107-SPHA

2006 Emmanuel Court

N/west side of Emmanuel Court, 788 feet s/west of Windsor Mill Road

2nd Election District – 4th Councilmanic District

Legal Owners: Frederic Charles Hilnbrand

Special Hearing for a proposed accessory building with a footprint that is larger than the principal use dwelling, and approve a personal use carlift within the proposed accessory building. Variance to permit a proposed accessory building with a height of 26 feet in lieu of the maximum allowed 15 feet.

Hearing: Wednesday, November 3, 2010 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Mr. Hilnbrand, 2006 Emmanuel Court, Woodlawn 21207
Jack Kelly, 1650 Arch Street, Philadelphia PA 19103

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

**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: 2011-0107-SPHA
Petitioner: Frederick Charles Hilbrand
Address or Location: 2006 Emmanuel Court

PLEASE FORWARD ADVERTISING BILL TO:

Name: GARY ~~Kennan~~ Beland
Address: Kemron Inc.
c/o EPA Trailer
2006 Emmanuel Court, Woodlawn, MD 21207
Telephone Number: call Jack Kelly, EPA 215-514-6792



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 27, 2010

Mr. Hilnbrand
2006 Emmanuel Ct.
Woodlawn, MD 21207

Dear: Mr. Hilnbrand

RE: Case Number 2011-0107-SPHA, 2006 Emmanuel Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 17, 2010. 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
Jack Kelly; 1650 Arch St.; Philadelphia, PA 19103

TB
11-3-10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 28, 2010

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

RECEIVED

OCT 29 2010

SUBJECT: 2006 Emmanuel Court

INFORMATION:

ZONING COMMISSIONER

Item Number: 11-107

Petitioner: Frederic Charles Hihnbrand

Zoning: DR 5.5

Requested Action: Special Hearing and Variance

- Variance from section 400.3 BCZR to permit a proposed accessory building with a height of 26 feet in lieu of the maximum allowed 15 feet.
- Special Hearing to allow a accessory structure with a footprint larger than the principal use dwelling and approved a personal use car lift with in the proposed accessory building.

SUMMARY OF RECOMMENDATIONS:

After reviewing the petitioner's request and accompanying site plan the property is the subject of Environmental Protection Agency (EPA) Super fund clean-up effort. The EPA has a policy of replacing existing structures when removal actions are approved.

Therefore, the Office of Planning does not oppose the requested variances and special hearings provided:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

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

Prepared by: COM by LF

Division Chief: Lynn Lounsbury
AFK/LL: CM

TB 11/3 2pm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: October 26, 2010
SUBJECT: Zoning Item # 11-107-SPHA
Address 2006 Emmanuel Court
(Hilnbrand Property)

RECEIVED

OCT 26 2010

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of October 4, 2010.

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

Reviewer: JWL Date: 10/26/10

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 7, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For October 18, 2010
Item Nos. 2011- 103, 106, 107, 108,
109, 110, 111, 112, 113, 115, 116,
117, 118, 119, 120, 121 and 122

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-10182010 -NO COMMENTS.doc



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

October 4, 2010

ATTENTION: Kristen Mathews
ZAC Agenda Oct. 18, 2010

The Baltimore County Fire Department has no comments on the following case numbers:

2011-0102-A	Kingston Park La.
2011-0103-SPHA	Harrison Ave.
2011-0106-A	Valleyfield Rd.
2011-0107-SPHA	Emmanuel Ct.
2011-0108-A	Locust Ave.
2011-0110-A	Woodland Dr.
2011-0111-A	Monaghan Ct.
2011-0112-SPHA	Oakleigh Rd.
2011-0113-A	Stoney Batter Rd.
2011-0114-A	New Section Rd.
2011-0115-SPH	Hanover Pike
2011-0116-A	Meandering Dr.
2011-0117-A	Cockeys Mill Rd.
2011-0118-A	Cedarside Dr.
2011-0119-A	Linwood Ave.
2011-0120-A	Sue Grove Rd.
2011-0121	Burnbrae Rd.
2011-0122-A	Mt. Carmel Rd.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info



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

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 15, 2010

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

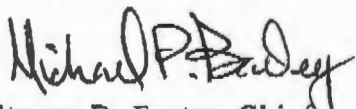
RE: Baltimore County
Item No. 2011-0107-SPHA
2006 EMMANUEL CT
FREDERIC HANBRAND
SPECIAL HEARING -
VARIANCE

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. 2011-0107-SPHA.

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,


for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE

2006 Emmanuel Court, NW/S Emmanuel
Court, 788' SW of Windsor Mill Road
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Frederic Hilnbrand

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 2011-107-SPHA

* * * * *

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

OCT 12 2010

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 12th day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to Jack Kelly, US EPA, 1650 Arch Street, Philadelphia, PA , Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



*Maryland Department of Planning
Maryland Historical Trust*

*Martin O'Malley
Governor*

*Anthony G. Brown
Lt. Governor*

*Richard Eberhart Hall
Secretary*

*Matthew J. Power
Deputy Secretary*

August 24, 2010

Samantha Phillips Beers, Director
Office of Enforcement, Compliance and Environmental Justice
United States Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Powhatan Mining Company Demolition
Determination of Eligibility
Baltimore County, Maryland

Dear Ms. Beers:

Thank you for your recent letter, dated July 28, 2010, regarding the above-referenced undertaking. The Maryland Historical Trust (Trust), the State Historic Preservation Office, has reviewed the above-referenced undertaking with respect to potential effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act. Trust staff carefully reviewed your submittal and we offer the following comments.

The submitted Determination of Eligibility (DOE) form and required attachments are generally consistent with the *General Guidelines for Compliance Generated DOEs* and has been added to our archives for the benefit of future researchers. The Trust concurs with the preparer's recommendation that Powhatan Mining Company site, BA-3258, is not eligible for listing in the National Register of Historic Places under Criteria A, B, or C. the Trust concurs with the EPA's assessment that the demolition and cleanup of the former Powhatan Mining Company site in Woodlawn will have no adverse effect on historic resources.

Thank you for your cooperation in this matter. If you have any questions or require further assistance, please do not hesitate to contact me at 410-514-7630 or aapple@mdp.state.md.us.

Sincerely,

Amanda R. Apple
Preservation Officer, Project Review & Compliance
Maryland Historical Trust

ARA\201003635

Patricia Zook - Case 2011-0107-SPHA - hearing is Wednesday Nov 3 - comment needed

From: Patricia Zook
To: Murray, Curtis
Date: 10/28/2010 11:25 AM
Subject: Case 2011-0107-SPHA - hearing is Wednesday Nov 3 - comment needed

Good morning Curtis -

We need a Planning comment for this case which is scheduled for a hearing on Wednesday, Nov. 3.

Thanks for your help!

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

From: <Kelly.Jack@epamail.epa.gov>
To: "Jeffrey Perlow" <JPerlow@baltimorecountymd.gov>
Date: 10/12/2010 8:55 AM
Subject: Re: Fw: Powhatan Site - lettter to install signs

Thanks for getting back to me so quickly, Jeff.

I realize its likely out of your control but if you have any influence to make this go more quickly, I would appreciate it. The primary rationale being its a Federal Superfund cleanup at the request of the State.

If things hold as is, I assume the hearing wouldn't be scheduled until after the 15-day sign posting period? Which would put the hearing around late November or early December?.

And finally, if the Hearing doesn't disclose any issues, and the Zoning Commissioner is ok with all, how long does it routinely take to get final approval to proceed with plans?

Please realize I am not trying to hold you to any reply, I am just trying to get a sense of the duration of events. If you are more comfortable calling me, please do so.

Thanks again.
Jack

Jack Kelly, Removal Response Program
EPA Region III, Philadelphia, PA
215-814-3112 office
215-514-6792 cell

From: "Jeffrey Perlow" <JPerlow@baltimorecountymd.gov>
To: Jack Kelly/R3/USEPA/US@EPA
Date: 10/12/2010 08:41 AM
Subject: Re: Fw: Powhatan Site - lettter to install signs

Hi Jack,
Probably between the beginning and middle of November, but you can contact Kristen Lewis of our office at 410-887-3391 closer to that date.
Jeff

>>> <Kelly.Jack@epamail.epa.gov> 10/9/2010 1:26 PM >>>
Hi Jeff,

Any news on when we might receive the notice/letter to post signs for the hearing?

Thanks,

Jack

Thomas Bostwick - Case Number: 2011-0107-SPHA

From: "randomorbit3" <randomorbit3@verizon.net>
To: <tbostwick@baltimorecountymd.gov>
Date: 11/05/10 4:49 PM
Subject: Case Number: 2011-0107-SPHA
CC: <Kelly.Jack@epamail.epa.gov>

November 5, 2010

Dear Mr. Tom Bostwick,

I just wanted to make sure that you understand that I have 6 not 5 (1 tagged) antique/historic vehicles. As well as a 1956 BMW motorcycle that I am restoring. And I have 3 other vehicles that are tagged. During the winter months I put my vehicles under roof to try to keep them in the best condition possible. I also have my plow truck that might be ugly but it does its job keeping the area open during the winter. It also kept the roadway open for the church before the new street was put in because the developer left 10-12" of mud on the roadway and if I did not keep it open Pastor Taylor would have had to rent a place to hold services. Yes it was that bad and I have a letter from Pastor Taylor thanking me for what I did even though it was not my job. I am quite sure you could call him and verify this with him. During this time I allowed the members of the church to use my property to park on for there was no place to park that was not a sea of mud. This too can be verified with Pastor Taylor.

I hope this extra information is helpful in your decision and hope you will allow Mr. Kelly to erect my building as asked. I also can get statements from my neighbors stating that they have no complaints with the size of the building or its new location.

*Sincerely,
Frederic C. Hilnbrand
2006 Emmanuel Court
Baltimore, Maryland 21207
410-913-4694*



Powhatan Mining Company

Woodlawn, MD - EPA Region III



Site Contact:
Jack Kelly
OSC
kelly.jack@epa.gov

6721 Windsor Mill Road
or 2006 Emmanuel Court
Woodlawn, MD 21207-8725
www.epaosc.org/powhatan
Latitude: 39.3250000
Longitude: -76.7358000

[KML](#) | [RSS](#) | [site map](#) | [area map](#) | [bookmark](#)

The Powhatan Mining Company site is the location of a former anthophyllite asbestos ore processing facility that operated from about 1920 to 1980. Asbestos ore was mined from areas in Maryland until reserves were depleted and then ore was shipped to the facility from other parts of the U.S. and reportedly from overseas. After facility operations ceased, the plant essentially was boarded up and adequately secured but it has deteriorated over the years. Construction activities directly adjacent to the site in 2007 exposed asbestos-containing soils leading to an investigation of the former facility and surrounding grounds for potential cleanup needs. In August 2010, EPA began a removal action at the site.

For additional information, visit the **Pollution Report (POLREPs)** section.

Bulletins

None for this site.

Images



[List All...](#)

Documents

[Powhatan Faci Sheet #3...](#)
[Powhatan Action Memorandum ...](#)
[historic article on the compan...](#)
[Site Layout with surroundings...](#)

[List All...](#)

POLREPs

[POLREP - 19](#)
[POLREP - 18](#)
[POLREP - 17](#)

[List All...](#)

Contacts

START
Daniel.Mioskie@westonsolutions.com

[List All...](#)

Links

[ATSDR Fact Sheet for Asbestos...](#)
[EPA Website on Asbestos...](#)

[List All...](#)



U.S. Environmental Protection Agency

Powhatan Mining Company Site

-- EPA to Conduct Air and Soil Sampling --



Gwynn Oak, Baltimore County, MD

U.S. Environmental Protection Agency, Region 3

August 18, 2009

Collecting Samples

The U.S. Environmental Protection Agency (EPA), in cooperation with the Maryland Department of the Environment (MDE), will collect air and soil samples at the former Powhatan Mining Company facility, located in the Gwynn Oak neighborhood of Woodlawn, Maryland. Due to past asbestos processing, EPA will test samples for elevated levels of asbestos contamination. The testing will help find out:

- If asbestos levels exist above the regional, naturally-occurring background levels,
- If elevated levels of asbestos have migrated off the old facility property, and if so,
- Where and how far it has moved, and most importantly,
- If there is a potential threat to human health and the environment.

Soil sampling will begin this week. Samples will be collected from various locations, both on and near the site. **EPA may ask some adjacent residential property owners if soil samples may be collected from their yards.**

- ✓ Residential participation is voluntary.
- ✓ Residential samples will not be collected without the owner's permission.
- ✓ Sampling costs will be the responsibility of EPA, not the residents.
- ✓ Property owners will receive a copy of their sampling results.

During soil sampling work, EPA will also be collecting onsite air samples.

What You May Notice

Workers may be wearing various protective gear such as:

- plastic coveralls, booties and gloves
- breathing masks
- hard hats, or
- safety goggles

Protective gear is often worn by environmental sampling workers, as part of their job requirements. It will not be necessary for nearby residents to wear similar equipment.



Southeast view of the former Powhatan Mining Company plant, located in Gwynn Oak, MD



Southwest view of the building, showing the former processing area.

Next Steps

- Approximately 20 soil and air samples will be collected in the next few weeks.
- The sampling schedule will depend on weather conditions and permitted access to residential yards.
- The samples will be sent to a laboratory for analysis. EPA expects initial results back in 3 to 5 weeks, and confirmed results back in an additional few weeks.
- Follow-up sampling may be needed.
- EPA will continue to work closely with MDE during this investigation.

EPA considers individual private property information confidential, however the overall sampling results will be shared with the community.

The results will provide a better picture of the extent and level of asbestos contamination that may exist and will help determine the appropriate cleanup methods to be used for the site.

What is Asbestos?

Asbestos is a naturally-occurring mineral that has long and flexible heat-resistant fibers that can be spun or woven. Because of these

characteristics, asbestos has been used for a wide range of manufactured goods, such as building materials, friction products like auto parts, and packaging.

We are all exposed to low levels of asbestos in the air we breathe. However, breathing air contaminated with elevated levels of asbestos, especially over a long period of time, can cause serious lung problems and cancer.

EPA will work together with the federal Agency for Toxic Substance and Disease Registry (ATSDR) during this investigation. For more health-related information, please visit the ATSDR website at: <http://www.atsdr.cdc.gov>.

Brief Site Background

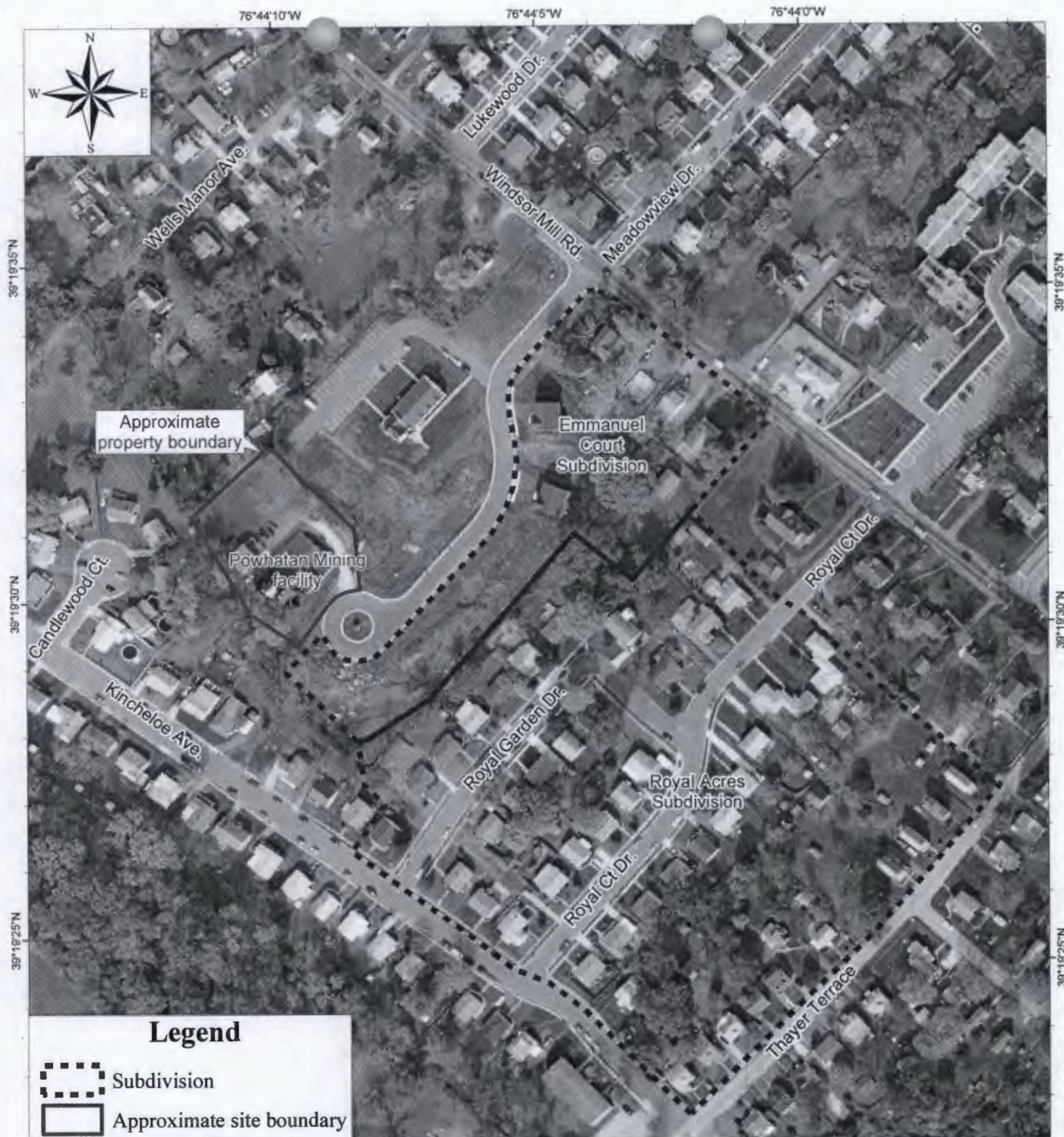
- ❖ The asbestos processing facility processed regional (and later out-of-state) asbestos ore from the 1920s until the late 1970s.
- ❖ In 1984, the Powhatan Mining Company declared bankruptcy.
- ❖ The Site is approximately one acre in size and is located off of Windsor Mill Road, within a residential area of northern Baltimore County.
- ❖ In April 2009, MDE requested EPA to conduct a site investigation and cleanup.
- ❖ Through the course of several site visits and the review of previous testing data, EPA determined that the on-site asbestos could pose a potential threat to human health and will begin actions to address the site.

For More Information

Visit EPA's website at: www.epaossc.net/powhatan

Or contact:

- Trish Taylor or David Polish
EPA Community Involvement Coordinators
(800) 553-2509
taylor.trish@epa.gov
polish.david@epa.gov
- Jack Kelly, EPA On-Scene Coordinator
(215) 814-3112 or kelly.jack@epa.gov
- Arthur O'Connell, Chief
MDE Controlled Hazardous Substance (CHS)
Enforcement Division
(410) 537-3493 or aoconnell@mde.state.md.us



Source: Modified from DigitalGlobe aerial photography, November 1, 2009.

0 50 100 150 200 250 300
Feet

Approximate Site Location = ■



Maryland

Powhatan Mining Company Site
Woodlawn, Baltimore County, Maryland

Figure 2
Site Layout Map

TDD No. E43-026-09-08-003
EPA Contract No. EP-S3-05-02

Map created on February 2, 2010
by D. Call, Tetra Tech EM Inc.



TETRA TECH



To see a better printed map, use the Print button in the main menu

0206000040

Lot # 5

6727 B

0204350140

PDM # 020584 VALERIE MANOR (PDM File/Project # 2-584)

Pt. Bk./Folio # 078120

2500000335

Lot # 12

Pt. Bk. 78, Folio 120

54651 - 20040187

2020

Lot # 21

0218720810

SITE

4 CD

DR 5.5

0216600010

2006

NW 3-F

088A3

Lot # 20

0203002220

2 ED

Lot # 19

Pt. Bk. 27, Folio 150

0223001670

0220450350

Lot # 18

PDM # 020120

0203231143

Lot # 17

Lot # 16

6734

Lot # 15

0213552220

6732

Lot # 14

0210450900

2500000324

2001

Lot # 1

54651 - 20040187

EMMANUEL CT

EMMANUEL CT

Lot # 4

Lot # 2

Lot # 3

2500000325

2500000326

Lot # 13

CASE NAME 2006 Emmanuel Ct.
CASE NUMBER 2011-0107-SPHA
DATE 11-3-10

[illegible]

PLEASE PRINT CLEARLY

CASE NAME 2006 Emmanuel Ct.
CASE NUMBER 2011-0107-SPNA
DATE 11-3-10

CITIZEN'S SIGN-IN SHEET

[illegible]

Case No.: 2011-0107-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	aerial photograph	
No. 3	existing building	
No. 4	existing building from court	
No. 5 A+B	existing garage part of building	
No. 6	conceptual drawing of new garage	
No. 7	photo of existing property	
No. 8	photo of existing home	
No. 9	Memo of Justification for EPA Cleanup/removal of building	
No. 10	Memo justifying demolition of building + compensation	
No. 11	EPA Compensation Policy	
No. 12	document regarding burden of proof for variance	



Legend



Portrait Development house *



Site of 8 undeveloped Portrait Development lots



Source: Modified from DigitalGlobe aerial photography, November 1, 2009.

* At the time of this aerial photo, only 2 of the 3 Portrait Development houses were built.

0 50 100 150 200 250 300

Feet

Approximate Site Location = ■



Maryland

Powhatan Mining Company Site
Woodlawn, Baltimore County, Maryland

Figure 1
Site Layout Map

TDD No. E43-026-09-08-003

Map created on February 12, 2010
D. Call, Tetra Tech EM Inc.



TETRA TECH

PETITIONER'S

EXHIBIT NO.

2

- Facility Location

PETITIONER'S

EXHIBIT NO.

3

— Former Facility
(Green lawn in front is where new GARAGE is proposed)



PETITIONER'S

EXHIBIT NO.

4

- Former Facility



PETITIONER'S

current Garage Partition

EXHIBIT NO.

5A



PETITIONER'S

EXHIBIT NO.

SB

- CURRENT GARAGE PORTION

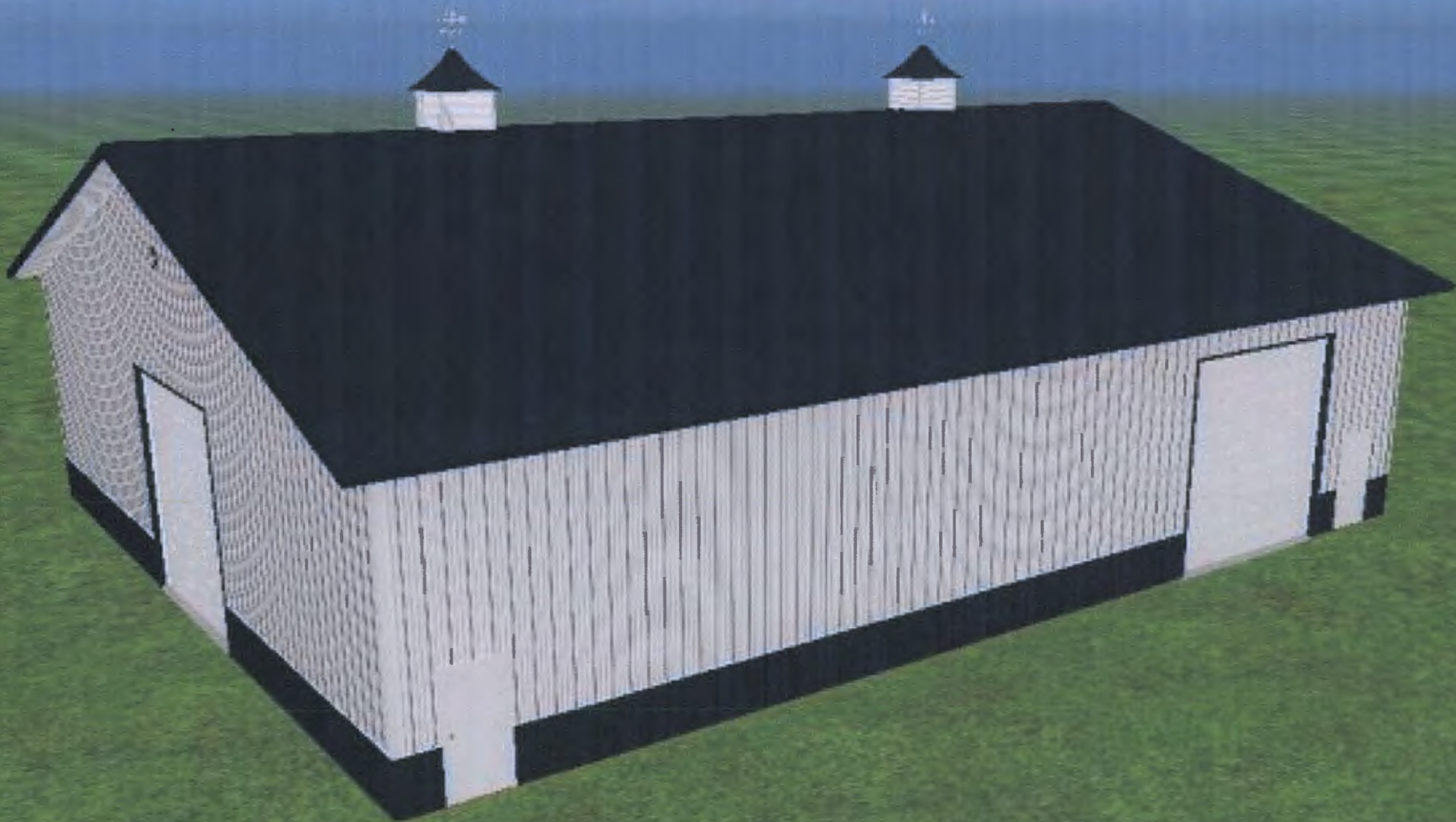


PETITIONER'S

EXHIBIT NO.

6

Conceptual Idea of New Garage



PETITIONER'S

EXHIBIT NO.

7

Ground view of New Garage. Location



PETITIONER'S

Ground View of Current Residence

EXHIBIT NO.

8



PETITIONER'S

EXHIBIT NO. 9

- Document justifying / authorizing
EPA cleanup



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

SUBJECT: Request for Exemption from the \$2 Million and 12-Month Statutory Exemptions and Additional Funding for a Removal Action at the Powhatan Mining Company Site in Woodlawn, Baltimore County, Maryland

FROM: Jack Kelly, On-Scene Coordinator
Eastern Response Branch (3HS31)

TO: Kathryn A. Hodgkiss, Acting Director
Hazardous Site Cleanup Division (3HS00)

I. **PURPOSE**

The purpose of this Action Memo is to request additional funding for the continuation of a Removal Action necessary to mitigate the release and threatened release of hazardous substances, pollutants or contaminants at the Powhatan Mining Company Site (the Site). A non-emergency Removal Action was initiated by the OSC in a Special Bulletin dated August 11, 2009. More recent data and conditions warrant a time-critical action requiring greater funding.

The Site includes a former asbestos ore processing facility and the nearby grounds contaminated by the release of asbestos. A Removal site evaluation initiated by the On-Scene Coordinator (OSC) in accordance with Section 300.410 of the National Oil and Hazardous Substances Contingency Plan (NCP), 40 C.F.R. § 300.410 has identified a threat to public health or welfare or the environment due to hazardous substances at the Site. To mitigate the threat, funding under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) is needed to conduct a Removal Action pursuant to Section 300.415 of the NCP, 40 C.F.R. §300.415 which will minimize the public's exposure to asbestos. A Removal Action Project Ceiling for funds in the amount of \$2,136,000 of which \$1,920,000 are from the Regional Removal Allowance is necessary to mitigate the threats as identified in this Action Memorandum.

Exemptions to the 12-month and \$2 million statutory limits for completion of the Removal Action will be necessary. The Site meets the criteria in section 104(c) of CERCLA for an emergency exemption to the statutory limits. EPA has determined that a Removal Action falls within the nationally significant or precedent-setting category if it addresses asbestos as the principal contaminant of concern. Because asbestos is the hazardous substance of concern at the Site, the Removal Action is within this category.

PETITIONER'S

EXHIBIT NO.

10

- Document Justifying
Demolition + Compensation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

SUBJECT: Powhatan Mining Company Site in Woodlawn, Baltimore County, Maryland -
Headquarters Consultation Memorandum for Demolition/Compensation Proposal

FROM: Kathryn A. Hodgkiss, Acting Director
Hazardous Site Cleanup Division (3HS00)

TO: Dana Tulis, Director (5104A)
Office of Emergency Management

This memorandum is submitted in accordance with OSWER Policy Directive 9360.3-24 *Analyzing Compensation Alternatives for Partially or Completely Demolished Structures*, July 30, 2004. The Region's draft Action Memorandum (Action Memo) for the Powhatan Mining Company Site (Site) proposes to dismantle a former asbestos ore processing facility (Facility) located at the Site. The Facility currently houses many personal items, some quite large, belonging to the Facility owner. The draft Action Memo calls for construction of a smaller building on the Site for use by the Facility owner, including storage of these items after the Facility is dismantled. There is no proposal to demolish the Facility owner's residence located directly adjacent to the former Facility.

A detailed history may be found in the Site Conditions and Background section of the accompanying draft Action Memo. The discussion below follows guidance appearing on page 7 of the July 2004 OSWER Directive.

Background: From approximately 1920 to 1980, the Powhatan Mining Company operated a processing facility at the Site to convert asbestos ore to finished product for use in a variety of industrial and commercial materials. The ore was mined in Maryland until mines were depleted in the 1940s and then was brought in from other States. The asbestos ore was primarily of the anthophyllite type. The company went into bankruptcy in 1984.

The attached photographs show the four sides of the exterior of the Facility. The Facility owner's residence is seen on one of the photos. The "garage-like portion" of the Facility referred to later in this document is the cement-block section shown in another photo. This document proposes to demolish the entire Facility. Additional photographs of the exterior and interior of the Facility and adjacent grounds are available on request.

The Maryland Department of the Environment (MDE) brought the Site to EPA's attention in late 2008. The OSC conducted several sampling rounds of soil, waste, dust and air for asbestos analyses in 2009. A non-emergency Removal Action was initiated by the OSC in August 2009. Sample results received after that date indicate that the Facility and adjacent

PETITIONER'S

EXHIBIT NO. 11

- EPA Compensation Policy

Agency

action

Office of Emergency and
Remedial Response
Washington, DC 20460

9225.4-01
EPA/540/R-95/127
PB95 - 963290
September 1995



Guidance on Compensation for Property Loss in Removal Actions



Powhatan Mining Company Site
2006 Emmanuel Court
Woodlawn, Maryland

Baltimore County Zoning Variance Hearing
November 3, 2010 @ 2:00 pm

Petitioner's Burden to Satisfy Hearing Officer
(prepared by Jack Kelly, EPA Region III - 215-514-6792, kelly.jack@epa.gov)

Exhibit 12 -

Document :

Petitioner's Burden

to satisfy Hearing Officer

(A) First Step - The property where the new garage is proposed to be placed is "unique, unusual or different" in that it is the site of a former asbestos processing facility operated by the Powhatan Mining Company from about 1917 to 1980. The former processing building is contaminated with asbestos and portions of the surrounding grounds and adjacent property grounds are also contaminated. The owner was willed the property by his father who bought it in 1985 from the trustee assigned by the Circuit Court of Baltimore County to sell the real estate of the former Powhatan Mining Company.

In 2009, EPA was requested by the State of Maryland to conduct a Superfund removal action to clean up the facility and grounds (Superfund = Comprehensive Environmental Response Compensation and Liability Act). As the On Scene Coordinator for the project, I proposed cleanup and demolition of the former processing facility and this decision was concurred on by EPA management in an Action Memorandum dated June 2010. Part of the building, mainly the cement block garage-like portion, is used by the current owner to store personal materials. In accordance with EPA's Guidance on Compensation for Property Loss in Removal Actions, September 1995, I've concluded that construction of a building similar in size to this cement block portion is appropriate to compensate the property owner. EPA management agreed to this by concurring on a document titled Headquarters Consultation Memorandum for Demolition/Compensation Proposal in June 2010.

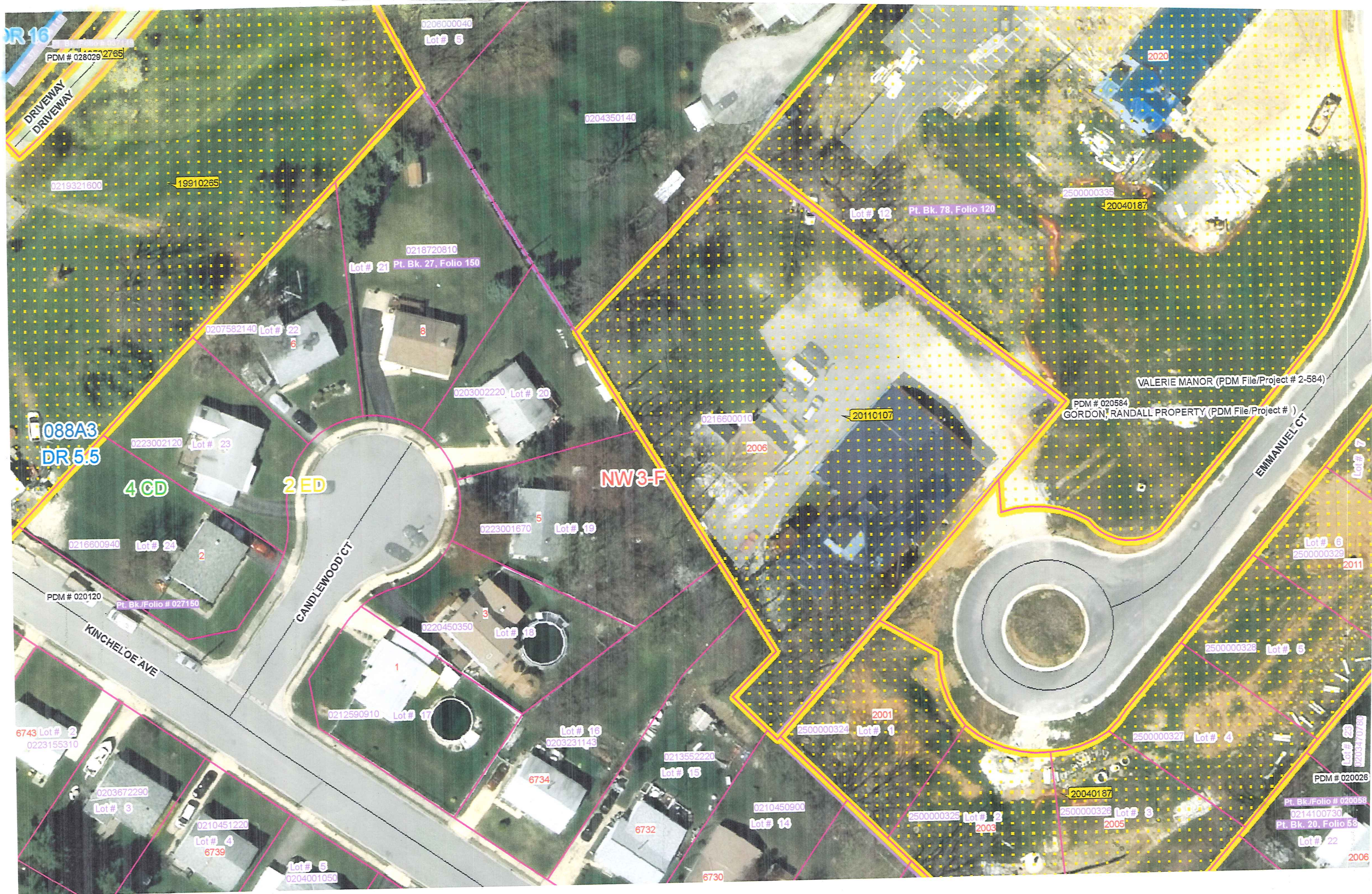
(B) Second Step -

(1) Undue Hardship for Use Variance

The owner is not proposing any changes in building use. He works on his personal cars in the existing cement block building and stores personal items. He would continue to do so. The existing building has a car lift and EPA proposes to move the lift and place into the new building in a functioning manner. The owner does not use the building for commercial purposes since, after his father purchased the property in 1985, the family was surprised to learn that a non-conforming use status would have been necessary to conduct commercial auto repair operations. His father apparently did not understand that the property's former use as an industrial operation and industrial taxation for several years following purchase did not automatically give a green light to perform commercial activities.

Cars and automotive repair work are the owner's passion having been a mechanic for many years before medical disabilities required that he end full-time mechanic work. Cleanup and demolition of the former facility, including the cement block portion, is not a result of the owner's own actions. EPA has initiated this action through the Superfund law.

PETITIONER'S



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 2006 Emmanuel Court

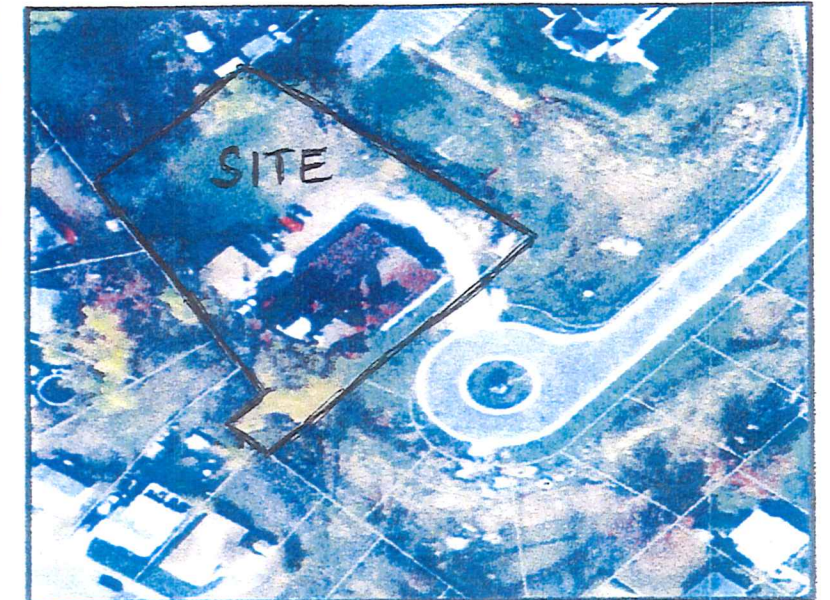
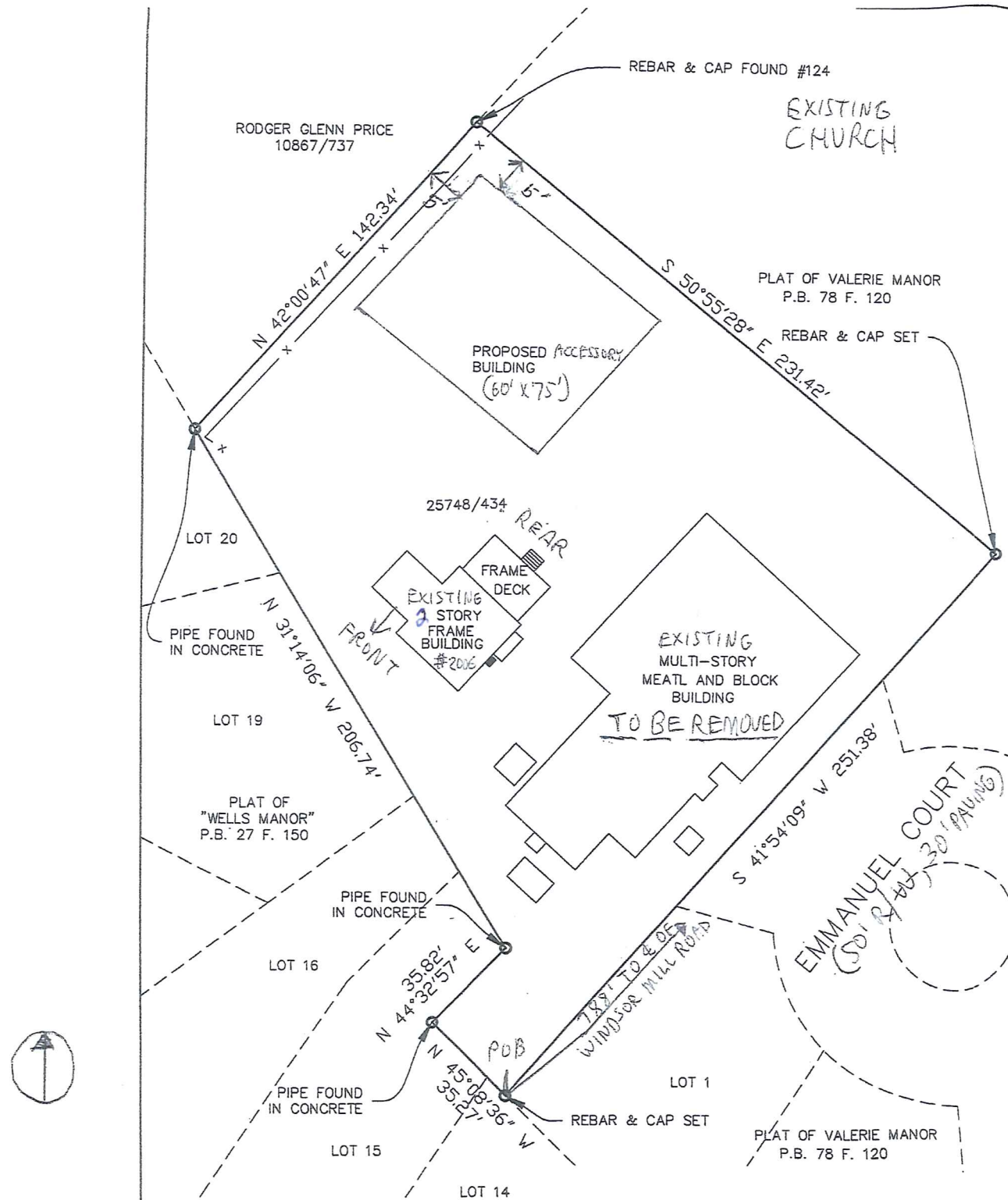
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME _____

PLAT BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____

OWNER Frederic Charles Hilnbrand

DEED REFERENCE: 25748/434



VICINITY MAP

SCALE: $\sim 1" = 144'$

LOCATION INFORMATION

ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 088A3

ZONING DRS.5

LOT SIZE 0.9279 40,419
ACREAGE SQUARE FEET

PETITIONER'S

EXHIBIT NO. 1

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	<u>NONE</u>	

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

JNP

PREPARED BY SPACK Kelly, EPA

SCALE OF DRAWING: 1" = 50'