

IN RE: PETITION FOR SPECIAL HEARING *

SE/Side Philadelphia Road near
Rosewick Avenue
15th Election District
7th Councilmanic District
(7921 Philadelphia Road)

Integrity Recycling, Inc.
Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2011-0206-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Special Hearing filed by Jason T. Vettori, Esquire with Gildea & Schmidt, LLC, on behalf of Integrity Recycling, Inc., the legal owner of the subject property. Petitioner requests Special Hearing relief pursuant to Sections 500.6 and 500.7 of the Baltimore County Zoning Regulations ("BCZR.") as follows:

- That Integrity Recycling, Inc.'s operation on site is not an open dump/junkyard as defined in Section 101.1 of the BCZR,
- That Integrity Recycling Inc.'s operation on site, a scrap metal processing facility, is a use permitted in the M.L. zone, and
- Such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 4.

Appearing at the public hearing in support of the special hearing request were David VanMetre, Vice President of Petitioner Integrity Recycling, Inc., Kenneth James Wells with KJ Wells, Inc., the professional surveyor who prepared the site plan for the petitioner, and Jason T. Vettori, Esquire, the attorney representing the Petitioner. This request generated significant interest in the surrounding community and over twenty interested citizens appeared at the hearing.

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Russell Mirabile acted as the foreperson in presenting the Protestants' case and elicited testimony from Peter and Dawn Single, Jenice Suddoth and Darlene Zeiler. For the sake of brevity, the remaining community members will not be individually named in this Order but their names are contained in the case file and are part of the record in this case. Finally, Jason Seidelmen, a Baltimore County Code Inspector, appeared as an interested citizen and was called by the Protestants to testify.

This matter is currently the subject of an active violation case (Case No. 08-5476) before the Office of Administrative Hearings. A code citation was issued for allegedly operating an open dump/junkyard in violation of the BCZR, and the violation hearing was stayed pending the outcome of this Petition for Special Hearing. It should be noted that the fact that a code violation is issued is generally not considered in a zoning case. Zoning enforcement is conducted by the Department of Permits, Inspections and Approvals, which has the authority to issue Correction Notices and Citations and to impose fines and other penalties for violation of law. On the other hand, the role of the Administrative Law Judge in this matter is to decide the discreet legal issue of whether the Petitioner is entitled to the requested special hearing.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner began by calling David Reynolds, Vice President of Integrity Recycling, Inc. ("Integrity"), who provided extensive testimony regarding the nature of the business using the property. Mr. Reynolds testified the property is located on the southeast side of Philadelphia Road in the Spivey Industrial Park in the Rosedale area of Baltimore County. The Industrial park contains four businesses, also housing a concrete, pool supply and HVAC company. In addition

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By PJS

to other businesses on Petitioner's site, he described the considerable commercial character of the area. These included businesses to its immediate east and west, a fire department station two blocks away, and a school bus storage depot a block away from the site. Petitioner submitted a lengthy series of photographs that were marked and accepted into evidence as Petitioner's Exhibits 11A-CC. Mr. Reynolds used the photographs to describe the scrap metal recycling process, which is labor intensive and requires various pieces of heavy machinery.

According to Mr. Reynolds, Integrity purchased the property in 1995 and has been operating a scrap metal processing facility with approximately 20 employees for over 15 years. The business operates by purchasing raw materials and items containing recyclable metals that are shipped to the property at varying times via trucks and tractor trailers. After the materials arrive on site, they are unloaded, separated, identified and sorted. The items are analyzed with x-ray machines and so called "specto analyzers" pursuant to industry standards to determine what type of metals and other materials they contain. The company belongs to the Institute of Scrap Recycling Industrials, under whose auspices the employees of Integrity are trained to efficiently and safely process the materials received. The items are then consolidated and packaged for shipment to steel mills or processing yards throughout the mid Atlantic region. Materials remain on the property for varying times, often being packaged and shipped in only a few days and other times remaining on site for several months until they are sold to a suitable buyer. No solid wastes, cars or other "demolition" debris is kept or processed by the Petitioner.

Mr. Reynolds testified that Integrity has grown over the years and cannot keep all of the materials inside of the building on the site. He asserted that without the ability to "stage" outside the building, the business could be forced to cease operations. He stated that he needed the space

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By PJ

to receive and process the materials; without it, the work flow would simply not be able to function.

The witness described the hours of operation as Monday through Friday 7:00 am to 4:00 pm, and Saturday 8:00 am to 12:00 noon. He added, that shifts are sometimes extended on weekdays, beginning as early as 5:00 am and ending as late as 8:00 pm.

When pressed on cross examination, he took issue with the characterization of the business as a junkyard or dumpsite by pointing out that the company pays for the materials brought in as opposed to charging people money to bring materials to the company, as would be the commercial arrangement in a dump.

In order to prevent the neighboring community from seeing the materials that are stored on the property, Integrity has constructed a fence 12 feet and in some places higher along the property line on Philadelphia Road with a large screen liner that works to block the view of the industrial park. Integrity also planted a series of trees in 2008 at the suggestion of DEPRM. The fence, screen and trees are depicted on Petitioner's Exhibits 11C-D.

Petitioner then called Kenneth Wells, who was accepted as an expert witness in the field of surveying and the regulations pertaining to development in Baltimore County. Mr. Wells testified that the subject property is irregular in shape and contains approximately 3.8 acres of land zoned M.L. and improved by a parking/staging area for containers and roll off vehicles, a concrete area for loading; a main building approximately 175 feet x 125 feet and an overhanging area of 20 to 25 feet x 125 feet.

He added additional details regarding the subject property. He described the landscaping along Philadelphia Road, including the wood line in the rear of the property. He observed that the site elevation drops approximately 18 feet as you go away from Philadelphia Road. There is a

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floodplain to the right of the site, the north side of Philadelphia Road is residential, and he further described and confirmed the various commercial uses adjacent and nearby to the property. He then presented a "red line" copy of the site plan, showing alterations and improvements to the fencing surrounding the property.

The witness then turned his attention to the various statutes and definition purportedly supporting Petitioner's case.

He pointed to the "uses permitted as of right" in an ML zone which is set forth in subsection 253.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), specifically subsections (A)(31) and (A)(56) (Petitioner's Exhibit 12). It is his opinion that the Petitioner's business falls under these sections and observed that the statutes contained no injunction or preclusion directing that these activities could only be carried be on indoors. Moreover, he testified that in all of his review, nothing contained in any statute precluded the all important "staging process" from being carried on outside.

He then directed his attention to the definitions contained in subsections 101.1 of the B.C.Z.R., particularly those of "junkyard" and "open dump" (Petitioner's Exhibit 13 and 14). He pointed to the exclusion of scrap for use in manufacturing processes contained in both definitions as further indication that the Petitioner's business was lawfully operating. It was his belief that the "manufacturing" exclusion was derived from the definition of that term contained in *Webster's Third New International Dictionary of the English Language*, unabridged definition, (Petitioner's Exhibit 7), which is utilized by statute when a term is not included or defined within the Code.

Finally, he pointed to excerpts from the Master Plan 2010 (Petitioner's Exhibit 16) noting the County's approval of and support of recycling programs as part of its commitment to sound ecological policies. As a result of the above, he believed and it was his expert opinion that

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By PB

Integrity was not an open dump or a junkyard under the Code definitions; that Integrity, a scrap metal processing facility, was a use permitted in the ML zone; and that carrying out the various activities primarily "staging" outside of the actual structure on the site was legal and not in violation of the Code.

Under cross and redirect examination, the witness acknowledged that the Fire Department had been called to the property two times since 2004, when a torch operator could not completely extinguish a piece of material upon which he was working. He also agreed that 18 wheeler trucks come to the property on a varied scheduled and that traffic bringing materials to and removing packages of recycled materials from the site occurs two or three times per week.

In response to further questioning, he confirmed and maintained that all fluids are removed from items to be recycled, or they are not accepted by the company. He further stated that all items which are actually kept by Integrity are triple rinsed to remove any fluids or vestiges of fluids that may remain and that no hazmat (hazardous materials) are present on the site. He revealed that affidavits are required for items which are "flushed" of all fluids before they are received by the company. He then noted that the Maryland Department of Environmental Protection had inspected the site with negative results, that a silt fence had been constructed and that noise and air quality tests had been carried out and the company's activities had been found to be within proper limits.

A number of nearby community residents testified. Peter Single, a resident living approximately 60 feet across Philadelphia Road from Integrity presented his testimony. He stated that it had been his original understanding that all activities of Integrity would be conducted under roof, and complained of noise, including constant crushing noises at all hours, odors from the site and the coming and going of trucks running all night. His concerns ranged from the hours of

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By [Signature]

operation of the company to the noise levels, delivery times, hazardous waste and other related perceived health dangers.

Dawn Single, adopted her husband's testimony and added that she had complained to the Baltimore County Fire Chief regarding the odors emanating from the site, which she believed were as a result of burning. Resident Jeniece Suddeth also adopted the previous testimony of Mr. and Mrs. Single and offered her own testimony that sometimes her house and windows rattle as a result of items dropped at the subject site. She also sees piles of materials from her second floor windows. She believes that Philadelphia Road should be widened to deal with the trucks and traffic deliveries and other concerns. Darlene Zeiler, another nearby resident, complained also of noises emanating from the Integrity site at all odd hours.

Jason Seidelman was the final witness at the hearing. A Code Enforcement Inspector for Baltimore County for over eight years, he testified that the subject site was a part of his regular route area. He related that upon a complaint by a citizen, he met with Mr. VanMetre about the expanding business. He found Mr. VanMetre friendly and cooperative in resolving two issues (lawn cutting and fence repair). In September, 2010 the question of whether or not the site was junkyard or open dump was raised as an issue for possible Code violation. In light of the fact that he found nothing specifically concerning this type of operation, including whether or not these activities should be carried on inside or outside, within the Code, he issued the Code violation set forth above.

The issues in this case concern determinations not specifically, clearly or directly addressed by either the Baltimore County Code or the Baltimore County Zoning Regulations. Such is often the case when new science, activities and businesses develop and are not addressed upon their inception and development by local law.

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By JP

Such is the case concerning commercial recycling. We clearly recognize as a society that recycling protects natural resources and aids in the proper treatment and management of our environment. Master Plan 2010 lauds Baltimore County's ranking as No. 1 relative to recycling in the State with a 58% recycling rate as calculated in 2008 by the Maryland Department of the Environment. The Plan recognizes and calls for policies which will address the need to improve our handling and processing of recyclable materials, to reduce the degree to which these materials are wastefully discarded, to minimize the need for land filling, and to extend the useful life of our existing landfills.

Unfortunately, there are no Code provisions that specifically define the entities which are essential and needed to meet these goals, nor which set guidelines and parameters for the private sector to address the locations, and processes by which commercial recycling can exist and operate. These deficiencies in the law result in matters such as the instant case. Therefore, I will attempt to resolve the issues raised both by the Petitioner as well as the neighboring community as they relate to the existence and day to day operations of Integrity Recycling, Inc.

The definition of "junkyard" is found in Section 101.1 of the B.C.Z.R., which states:

JUNKYARD – Any land used commercially or industrially for stage or for sale of scrap metal, wastepaper, rags or other junk, and any land, except as provided for by Section 428, used for the storage of unlicensed or inoperative motor vehicles, dismantling or storage of such vehicles or parts thereof, or used machinery, regardless of whether repairs or any other type of commercial operation occurs, but excluding scrap for use in manufacturing process on the premises or waste materials resulting from such process or resulting from the construction or elimination of facilities for such processes. The term does not include unlicensed motor vehicles located at automotive service stations, service garages or new or used motor vehicle outdoor sales areas, or any vehicle stored pursuant to Section 405A. [Bill No. 135-1986]

An "open dump" is also described in Section 101.1 as:

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By [Signature]

OPEN DUMP – Any land publicly or privately owned, other than a sanitary landfill, on which there is deposit and accumulation, either temporary or permanent, of any kind of organic or inorganic refuse, including but not limited to waste materials, waste products, wastepaper, garbage, empty cans, broken glass, rags and all other kinds of organic or inorganic refuse, but excluding scrap for use in manufacturing processes on the premises, or waste materials resulting from such processes, or resulting from the construction or elimination of facilities for such processes. [Bill No. 140-1962]

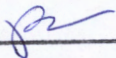
Both sections include the identical exclusion – “but excluding scrap for use in manufacturing process on the premises or waste materials resulting from such process or resulting from the construction or elimination of facilities for such processes.” The term “manufacturing” is not defined in Section 101.1. Pursuant to the Code, we then look to *Webster’s Third New International Dictionary of the English Language, Unabridged* for guidance. We find definitional choices under “manufacturing” which include “to make (as raw materials) into a product suitable for use”; as well as “to make from raw materials by hand or by machines.”

“Recycling” in its modern 21st century understanding, is not defined in subsection 101.1. Webster’s noted above offers as a definition for that term “to pass again through a cycle of changes or treatment” and “to feed back continuously in a laboratory or industrial operation or process for further treatment.” The Webster’s volume utilized under the Code was published in 1986 and does not address at all modern recycling as we know it today; a process and social activity which is one of the cornerstones of modern environmental conduct.

Notwithstanding this dearth of references to modern day recycling, I find that “excluding scrap metal for use in manufacturing processes on the premises” appearing in both definitions of “junkyard” and “open dump” can and should be read, albeit in a liberal interpretation, to encompass recycling; a process by which materials already used in a product or thing are removed,

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grouped and made available in some form for reuse. Therefore, a recycling operation such as Petitioner's is clearly not a "junkyard" or "open dump".

Turning to the question of whether or not the Petitioner's business is permitted in an ML zone, I refer first to the list of uses permitted as of right in that zone which appear in subsection 253.1(A) of the B.C.Z.R. I have particularly reviewed subsection (A)(31), which states:

"Metal products manufacture or processing, limited to the restricted production (See Section 253.3.) of articles made of sheet metal, light metal mesh, pipe, wire, rods, strips or other shapes or similar component parts."

and (A)(56) which reads:

"Other manufacture of articles of merchandise made from materials permitted to be used and made by processes permitted to be employed in the production activities more specifically listed above."

Though not specifically including the words "recycle" or "recycling", subsection (A)(31) which includes "processing" of items for production (which under subsection 253 includes the words "manufacture from previously prepared" materials), it does, in my determination, when read with the previously noted definition of "manufacture" permit me to extrapolate and conclude that the items received by the Petitioner, which are by process morphed (read "manufactured") into a product sold to subsequent purchasers, absent language to the contrary, is an activity permitted under subsection (A)(31).

Accordingly, I also find that, under Section (A)(56), permitting manufacture of merchandise made from and by that which is permitted previously in subsection (A), Petitioner's operation would also be allowable in the ML zone.

Having disposed of the above inquiries, I am still left with a number of problematic issues concerning the activities carried on the Petitioner at the site, especially as they impact upon the surrounding community. Testimony revealed the various activities carried out by Petitioners'

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By R

employees in connection with its recycling activities. There is nothing in the Master Plan, Code or B.C.Z.R. restricting or directing activities connected with modern commercial recycling. For instance, I can find no specific direction in the statutes as to what should occur indoors, under cover of some description, or outside. Having said that, the testimony of the surrounding residents makes clear that some restriction and limitation is necessary to address concerns regarding the public health, safety and general welfare. These considerations must be addressed if any determination made is to be granted in harmony with the spirit and intent of the County's zoning regulations.

The testimony of the neighboring residents addressed problems and concerns in a number of areas, including traffic, noise, quality of life in relation to hours of operation, air quality, and the undeniable negative aesthetic affect of Petitioner's business on the neighboring community. There was considerable concern regarding the odors and health concerns related to the items brought onto Petitioner's site. Petitioner's witnesses did reveal satisfactory Maryland Department of Environment noise and air quality test results; and presented a detailed description of the steps taken by Integrity to deal with fluids contained in or connected to items received, including a refusal in some circumstances to accept the receipt of proffered items for recycling. However, these activities must continue to be intensely monitored with results made easily available to the public.

Likewise, testimony revealed that noise generated by the process of "staging" and other related activities on the site including the ingress and egress of trucks to the site, is a prevailing and constant irritant to the surrounding community. It is also clear that certain activities, by their very nature, must be carried on outside and will generate noise thereby; the movement in and out

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of material before and after recycling activities are complete are also essential to the Petitioner's business. However, the above irritants can and should be subject to reasonable restriction.

Even if ameliorative steps are taken, the normal activities of Integrity are simply not aesthetically pleasing to a neighboring community and need to be screened from view as effectively as possible, by man-made and natural means.

Considering therefore all of the testimony and evidence presented, I am persuaded to grant the special hearing relief, subject to the conditions enumerated in the Order below. I further find that the granting of the relief as set forth below can be accomplished without injury to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED this 23rd day of March, 2011 by this Administrative Law Judge that Petitioner's Special Hearing request from Sections 500.6 and 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- That Integrity Recycling, Inc.'s operation on site is not an open dump/junkyard as defined in Section 101.1 of the B.C.Z.R.,
- That Integrity Recycling Inc.'s operation on site, a scrap metal processing and recycling facility, is a use permitted in the M.L. zone,

be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The hours of operation of any activities carried on by Petitioner on the subject site located at 7921 Philadelphia Road shall be limited to 7:00 am – 5:00 pm Monday through Friday, and Saturday 10:00 am – 2:00 pm.

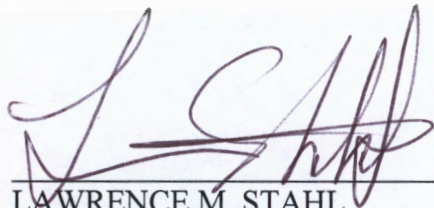
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By [Signature]

2. The ingress and egress of trucks to the Petitioner's site located at 7921 Philadelphia Road shall be limited to the hours of 8:00 am – 5:00 pm Monday through Friday, and the hours of 10:00 am – 2:00 pm on Saturday.
3. That testing as to soil makeup, air quality, and noise levels at Petitioner's site shall be carried out at least once every six months by the Maryland Department of the Environment or other private entity deemed qualified by MDE to do so; that the results of said tests shall be made available to the public within 15 days of its receipt by Petitioner on the Petitioner's company website. Written copies are to be made available upon request.
4. That all fence and lining screens thereof shall be immediately repaired and that the height of all fencing and lining shall be maintained at the height of 14 feet. That additional fast growth trees are to be planted along Philadelphia Road, especially as it approaches Rosewick Avenue; Petitioner shall provide a plan showing the location and detail of the proposed additional tree planting and fencing and shall submit plan to Avery Harden, Landscape Architect for Baltimore County, subject to his review and approval.
5. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

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Date 3-23-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

March 23, 2011

JASON T. VETTORI, ESQUIRE
GILDEA & SCHMIDT LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON MD 21204

Re: Petition for Special Hearing
Case No. 2011-0206-SPH
Property: 7921 Philadelphia Road

Dear Mr. Vettori:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a horizontal line. Below the signature, the name "LAWRENCE M. STAHL" is printed in a bold, sans-serif font.

Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: David VanMetre, Vice President of Integrity Recycling, Inc., 7921 Philadelphia Road,
Baltimore MD 21237
Kenneth James Wells with KJ Wells, Inc., 7403 New Cut Road, Kingsville MD 21087
Jason Seidelman, Baltimore County Code Enforcement
See Attached List

RUSSELL MIRABILE
7932 OAKDALE AVENUE
ROSEDALE MD 21237

NANCY GREEN
7922 PHILADELPHIA ROAD
BALTIMORE MD 21237

PETER AND DAWN SINGLE
7924 PHILADELPHIA ROAD
BALTIMORE MD 21237

DARLENE AND FRANCIS ZEILER
8114 OLD PHILADELPHIA ROAD
ROSEDALE MD 21237

VIRGINIA AND WILLIAM
JAZWINSKI
7928 PHILADELPHIA ROAD
BALTIMORE MD 21237

JENICE SUDDOTH
7930 PHILADELPHIA ROAD
ROSEDALE MD 21237

JAMES JONES
7721 PHILADELPHIA ROAD
ROSEDALE MD 21237

MARY WATERS
7930 PHILADELPHIA ROAD
ROSEDALE MD 21237

MARY AND WILLIAM JAMES
1301 ROSEWICK AVENUE
BALTIMORE MD 21237

CECILIA OGDEN
7928 PHILADELPHIA ROAD
ROSEDALE MD 21237

DEBORAH HODGES
7932 PHILADELPHIA ROAD
ROSEDALE MD 21237

ANGELINA GOLES
7928 PHILADELPHIA ROAD
BALTIMORE MD 21237

KATHLEEN MARTIN AND
MARGARY WATERS
7933 PHILADELPHIA ROAD
BALTIMORE MD 21237

JOSEPH BENBROOK
7926 PHILADELPHIA ROAD
ROSEDALE MD 21237



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7921 Philadelphia Road

which is presently zoned ML, BR-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, interested person(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition(s) 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

See Attachment

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 interested person(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:

Jason T. Vettori

Name - Type or Print

Signature

Gidea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

410-821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Interested Person(s):

David VanMetre, Integrity Recycling, Inc.

Name - Type or Print

Signature

Name - Type or Print

Signature

7921 Philadelphia Road

410-866-4000

Address

Telephone No.

Baltimore

MD

21237

City

State

Zip Code

Representative to be Contacted:

Jason T. Vettori

Name

600 Washington Avenue, Suite 200

410-821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2011-0206-SPH

ORDER RECEIVED FOR FILING

Reviewed By ASH

Date

1/6/11

REV 9/15/98

Date

3-23-11

By

jm

ATTACHMENT TO PETITION FOR SPECIAL HEARING

7921 Philadelphia Road

Petition for Special Hearing relief in accordance with Sections 500.6 & 500.7 of the Baltimore County Zoning Regulations ("BCZR") to determine whether or not the Zoning Commissioner should approve:

1. That Integrity Recycling, Inc.'s operation on site is not an open dump/junkyard as defined in Section 101.1 the BCZR;
2. That Integrity Recycling, Inc.'s operation on site, a Scrap Metal Processing Facility, is a use permitted in the ML zone; and
3. Such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800
Fax: (410) 817-4055
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

January 6, 2011

Zoning Descriptions of 7921 and 7931 Philadelphia Road

Baltimore County
Maryland
15th Election District
7th Councilmanic District

First Parcel:

Beginning at a point located on the southeast side of Philadelphia Road (60 feet wide) at a distance of 157 feet southwest from the center line of Rosewick Avenue (width varies) and being Lot 3 in the subdivision of Spivey Industrial Park recorded in Baltimore County Plat Book 35 folio 76 containing 165,528 square feet or 3.80 acres and known as 7921 Philadelphia Road.

Second Parcel:

Beginning at a point located on the southeast side of Philadelphia Road (60 feet wide) at a distance of 157 feet southwest from the center line of Rosewick Avenue (width varies) thence the following courses and distances:

- 1) North 48 degrees 13 minutes 11 seconds East 113.00 feet
- 2) South 47 degrees 37 minutes 19 seconds East 114.62 feet
- 3) North 85 degrees 47 minutes 09 seconds West 159.33 feet

to the place of beginning and containing 6,474 square feet or 0.15 acres and known as 7931 Philadelphia Road.



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

No. **62295**

Date: **1/6/11**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 1/07/2011 1/06/2011 14:13:46 5

REC WS03 WALKIN RODS LTD
 >>> RECEIPT # 502719 1/06/2011 OFLH

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					\$ 385.00

Dept 5 520 ZONING VERIFICATION
 CR NO. 062295

Recpt Tot \$385.00
 \$385.00 CK \$1.00 CA
 Baltimore County, Maryland

Total: **\$ 385.00**

Rec From: **Smith, G. Ida & Schmidt LLC**

For: **Special Hearing**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Item # 0206

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: # 2011-0206-SPH

7921 Philadelphia Road

SE/s Philadelphia Road, near Rosewick Avenue

15th Election District — 7th Councilmanic District

Legal Owner(s): David VanMetre, Integrity Recycling, Inc.

Special Hearing: to determine that Integrity Recycling, Inc.'s operation on site is not an open dump/junkyard as defined in Section 101 of the BCZR; to permit a Scrap Metal Processing Facility, on site, is a use permitted in the ML zone; and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Friday, February 11, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS 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 1/6/92 January 25

265797

CERTIFICATE OF PUBLICATION

2/11
1/28/2011

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 1/25/2011.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2011-0206-SPH

RE: Case No.: _____

Petitioner/Developer: _____

David VanMetre, Integrity Recycling, Inc.

Feb 11, 2011

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: Kristen Matthews:

Ladies and Gentlemen:

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

7921 Philadelphia Road

January 26, 2011

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

Sincerely,

 January 27, 2011

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2011-0206-SPH

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

PLACE: Room 205. JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME FRIDAY, FEBRUARY 11, 2011 AT 11:00 A.M.

REQUEST: SPECIAL HEARING TO DETERMINE THAT INTEGRITY RECYCLING, INC.'S OPERATION ON SITE IS NOT AN OPEN DUMP/JUNKYARD AS DEFINED IN SECTION 101 OF THE BCZR. TO PERMIT A SCRAP METAL PROCESSING FACILITY, ON SITE, IS A USE PERMITTED IN THE ML ZONE; AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 25, 2011 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Gildea & Schmidt
600 Washington Ave., Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

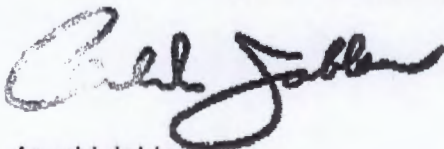
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0206-SPH

7921 Philadelphia Road
SE/s Philadelphia Road, near Rosewick Avenue
15th Election District – 7th Councilmanic District
Legal Owners: David VanMetre, Integrity Recycling, Inc.

Special Hearing to determine that Integrity Recycling, Inc.'s operation on site is not an open dump/junkyard as defined in Section 101 of the BCZR; to permit a Scrap Metal Processing Facility, on site, is a use permitted in the ML zone; and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Friday, February 11, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections 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.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 20, 2011

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: 2011-0206-SPH

7921 Philadelphia Road
SE/s Philadelphia Road, near Rosewick Avenue
15th Election District – 7th Councilmanic District
Legal Owners: David VanMetre, Integrity Recycling, Inc.

Special Hearing to determine that Integrity Recycling, Inc.'s operation on site is not an open dump/junkyard as defined in Section 101 of the BCZR; to permit a Scrap Metal Processing Facility, on site, is a use permitted in the ML zone; and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Friday, February 11, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Ave., Ste. 200, Towson 21204
David VanMetre, 7921 Philadelphia Road, Baltimore 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., JANUARY 26, 2011.**
- (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.
- (4) FOR INCLEMENT WEATHER PLEASE FOLLOW CIRCUIT COURTS SCHEDULE.

**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 that is the subject of an upcoming zoning hearing. For those petitions that 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: 2011-0206-SPH

Petitioner: INTEGRITY RECYCLING, INC.

Address or Location: ~~WATKINS~~ 7921 PHILADELPHIA ROAD

Please Forward Advertising Bill to:

Name: SMITH, GILDEA & SCHMIDT, LLC c/o JASON VETTORI

Address: 600 WASHINGTON AVE., STE. 200

TOWSON, MARYLAND 21204

Telephone: (410) 821-0070



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

Mr. David VanMetre
Integrity Recycling, Inc.
7921 Philadelphia Road
Baltimore, MD 21237

Date January 31, 2011

Dear: David VanMetre,

RE: 2011-0206-SPH; 7921 Philadelphia Road; Baltimore, MD 21237

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 6, 2011. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Jason T. Vettori; 600 Washington Avenue; Towson, MD 21204
Gildea & Schmidt, LLC; 600 Washington Avenue; Towson, MD 21204



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

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

Maryland Department of Transportation

Date: 1/23/2011

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

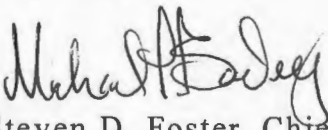
RE: Baltimore County
Item No. 2611-0206 SPH
MD 7
7921 PHILADELPHIA RD
INTEGRITY RECYCLING, INC.
SPECIAL HEARING

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 1/13/2011. A field inspection and internal review reveals that an entrance onto MD 7 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 7921 PHILADELPHIA RD Case Number 2011-0206-SPH.

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

Very truly yours,


For Steven D. Foster, Chief
Access Management Division

SDF/mb

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 04 2011

ZONING COMMISSIONER

TO: Office of Administrative Law

FROM: Dave Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: February 3, 2011

SUBJECT: Zoning Item # 11-206-SPH
Address 7921 Philadelphia Road
(Van Metre/ Integrity Recycling Property)

Zoning Advisory Committee Meeting of January 18, 2011.

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

Reviewer: Regina Esslinger

Date: 2/2/11



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

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

Maryland Department of Transportation

Date: 1/23/2011

Hearing
2/11/11

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

RE: Baltimore County
Item No. 2011-0206 SPH
MD 7
7921 PHILADELPHIA RD
INTEGRITY RECYCLING, INC.
SPECIAL HEARING

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 1/13/2011. A field inspection and internal review reveals that an entrance onto MD 7 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 7921 PHILADELPHIA RD Case Number 2011-0206-SPH.

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

Very truly yours,

Steven D. Foster
For Steven D. Foster, Chief
Access Management Division

SDF/mb

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 24, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For January 24, 2011
Item Nos. 2011- 205, 206, 207, 208,
209, 210, 211, 212 and 214

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-01242011 -NO COMMENTS.doc

RE: PETITION FOR SPECIAL HEARING
7921 Philadelphia Road
SE Side Philadelphia Road, near Rosewick Avenue
15th Election and 7th Councilmanic Districts
Legal Owners: David Van Metre, Integrity Recycling, Inc.

PETITIONER(S)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO: 2011-0206-SPH

* * * * *

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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

JAN 19 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of January, 2011, a copy of the foregoing Entry of Appearance was mailed to:

Jason T. Vettori, Esq.
Smith, Gildea, & Schmidt
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - Re: ZAC Comments

From: Dennis Kennedy
To: Murray, Curtis; Wiley, Debra
Date: 2/7/2011 1:48 PM
Subject: Re: ZAC Comments
CC: Richards, Carl

Deb:

We had no comments on either 2011-205-A or 2011-206-A.

Dennis Kennedy

>>> Debra Wiley 2/6/2011 11:20 AM >>>
Gentlemen,

In reviewing next weeks case files, it appears no comments were contained in the following folders:

2011-0205-SPH (8414 Old Harford Road, Parkville, 21234, Merril & Adelina Plait) and

2011-0206-SPH (7921 Philadelphia Road Baltimore, 21237, Integrity Industries, LLC) - Floodplain

Thanks for your continued assistance and patience; it is appreciated.

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

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

In the Matter of

Civil Citation No. 08-5476

Integrity Industries LLC
817 Fridinger Mill Road
Westminster, MD 21157

7921 Philadelphia Road

Respondent

FINDINGS OF FACT AND CONCLUSION OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on October 2, 2008, for a hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 102.1, 253, 408, 500.9, failure to use land in conformance with existing regulations and approvals; failure to comply with approved site plan and recycling permit #08-15; failure to remove debris and junkyard conditions on residential property zoned ML known as 7921 Philadelphia Road, 21237.

On July 29, 2008, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$28,000.00 (twenty eight thousand dollars).

David Reynolds VanMetre, Vice President of Integrity industries LLC appeared for the Hearing.

Sebastian Cross, Esquire appeared representing Integrity Industries LLC.

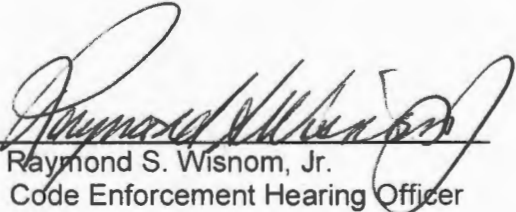
Sophia Jennings and Jerry Siewierski presented the case for Baltimore County.

Mr. VanMetre testified to business expansion and the need for larger more efficient equipment. The expansion and equipment upgrades resulted in unexpected field problems.

IT IS ORDERED by the Code Enforcement Hearing Officer this 7th day of October 2008 that case #08-5476 is continued for 1 year to allow for monitoring by the Department of Environmental Protection and Resource Management (DEPRM).

IT IS FURTHER ORDERED that a Show Cause Hearing shall be scheduled should the Respondent fail to operate as required.

IT IS FURTHER ORDERED that the inspector inspect the property to determine whether the violations have been corrected.

Signed: 

Raymond S. Wisnom, Jr.
Code Enforcement Hearing Officer

The violator is advised that pursuant to §3-6-301(a), Baltimore County Code, an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §3-6-302(a)(b)(c)(d) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.

2-15-11

Dear Judge Lawrence Stahl

Enclosed are requested forms signed, duplicated
in reference to Rule 8, as required for Resolution.

Also is a copy of the format I followed.

Thank You

Russ Mordale, Pres. Round Bay Comm. Assoc.

RECEIVED

FEB 17 2011

ZONING COMMISSIONER

***Rosedale Community Association
P.O. Box 9680
Rosedale, Maryland 21237***

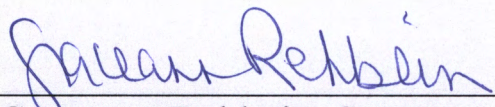
February 15, 2011

To The Honorable Lawrence Stahl

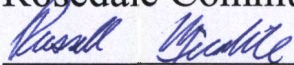
RE: Appearance as Representative of Rosedale Community
Association according to Rule 8, paragraph #2 (a), (b), (c)
Resolution

This resolution adopted on this special meeting dated February 15, 2011 states that Russ Mirabile has been appointed to the "responsibility for review and action of all zoning matters" as the zoning committee to all hearing referencing Integrity Recycling in Rosedale, Maryland.

Sincerely,



Graceann Rehbein, Secretary
Rosedale Community Association



Russ Mirabile, President
Rosedale Community Association

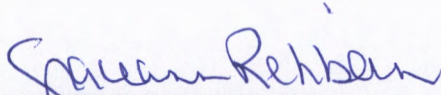
Rosedale Community Association

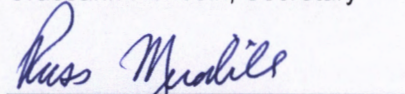
RESOLVED: That at the special meeting of the Rosedale Community Association held on February 15, 2011, it was decided by the Association that responsibility for review and action on all zoning matters for the period till concluded or finality be placed in the Zoning Committee consisting of the following members, each of whom is hereby authorized to testify on behalf of the Association before the County Board of Appeals or other duly constituted zoning agency, body, or commission:

Russ Mirabile

AS WITNESS OUR HANDS AND SEAL THIS 15TH day of February 2011.

ATTEST:


Graceann Rehbein, Secretary


Russ Mirabile, President

DATE: 2-15-11

Rosedale Community Association

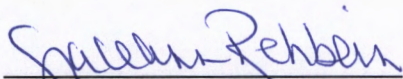
RESOLVED: That the position of the Rosedale Community Association as adopted by the Zoning Committee on the zoning matter known as:

Integrity Recycling

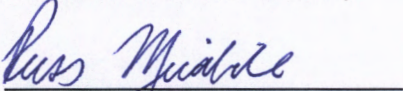
Is that: Russ Mirabile can/may testify at all zoning hearings in reference to the Integrity Recycling in Rosedale, Maryland on behalf of the members and concerned parties.

AS WITNESS OUR HANDS AND SEAL THIS 15TH day of February 2011.

ATTEST:



Graceann Rehbein, Secretary



Russ Mirabile, President

DATE: 2.15.11

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1)
BALTIMORE COUNTY

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

Account Identifier:

District - 15 Account Number - 1600007444

Owner Information

Owner Name:	INTEGRITY INDUSTRIES L L C	Use:	INDUSTRIAL
Mailing Address:	7921 PHILADELPHIA RD BALTIMORE MD 21237-2619	Principal Residence:	NO
		Deed Reference:	1) /10869/ 73 2)

Location & Structure Information

Premises Address	Legal Description
7921 PHILADELPHIA RD	3.80 AC 7921 PHILADELPHIA RD SPIVEY INDUSTRIAL PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
89	22	908					3	3	Plat Ref:	35/ 76

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1973	22,176 SF	3.80 AC	07

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	359,000	651,800		
Improvements:	472,000	476,300		
Total:	831,000	1,128,100	1,029,066	1,128,100
Preferential Land:	0	0	0	0

Transfer Information

Seller:	C KING INC	Date:	12/14/1994	Price:	\$625,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/10869/ 73	Deed2:	
Seller:	REESE-HENDERSON REALTY CO	Date:	06/11/1990	Price:	\$593,909

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1)
BALTIMORE COUNTY

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

Account Identifier: District - 15 Account Number - 1502654943

Owner Information

Owner Name:	INTEGRITY INDUSTRIES LLC	Use:	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	7921 PHILADELPHIA RD BALTIMORE MD 21237-2004	Deed Reference:	1) /26964/ 577 2)

Location & Structure Information

Premises Address	Legal Description
PHILADELPHIA RD	.308AC SES PHILADELPHIA RD 300 SW CHESACO AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	22	786						3	
									Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		13,424.00 SF	04

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	51,060	63,600		
Improvements:	0	0		
Total:	51,060	63,600	59,420	63,600
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BURNS EDWARD LEE	Date:	05/06/2008	Price:	\$73,000
Type:	UNIMPROVED ARMS-LENGTH	Deed1:	/26964/ 577	Deed2:	
Seller:	BORLIE MARY A	Date:	06/24/2004	Price:	\$35,000

CASE NAME 2011-206 SPH
CASE NUMBER _____
DATE 2/11/2011

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

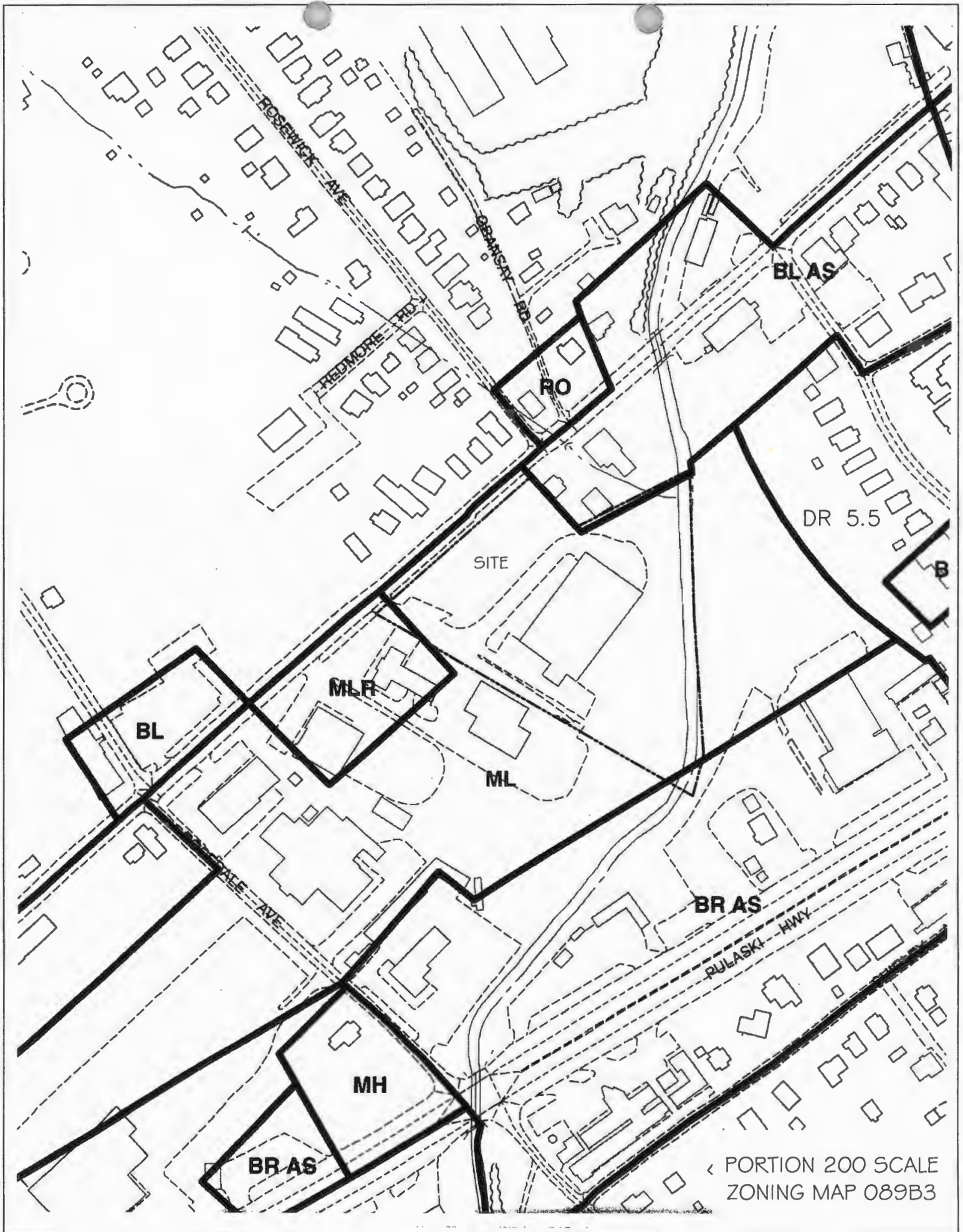
PLEASE PRINT CLEARLY

CASE NAME Integrity Recy.
CASE NUMBER 2011-0206-SP14
DATE 2-11-11

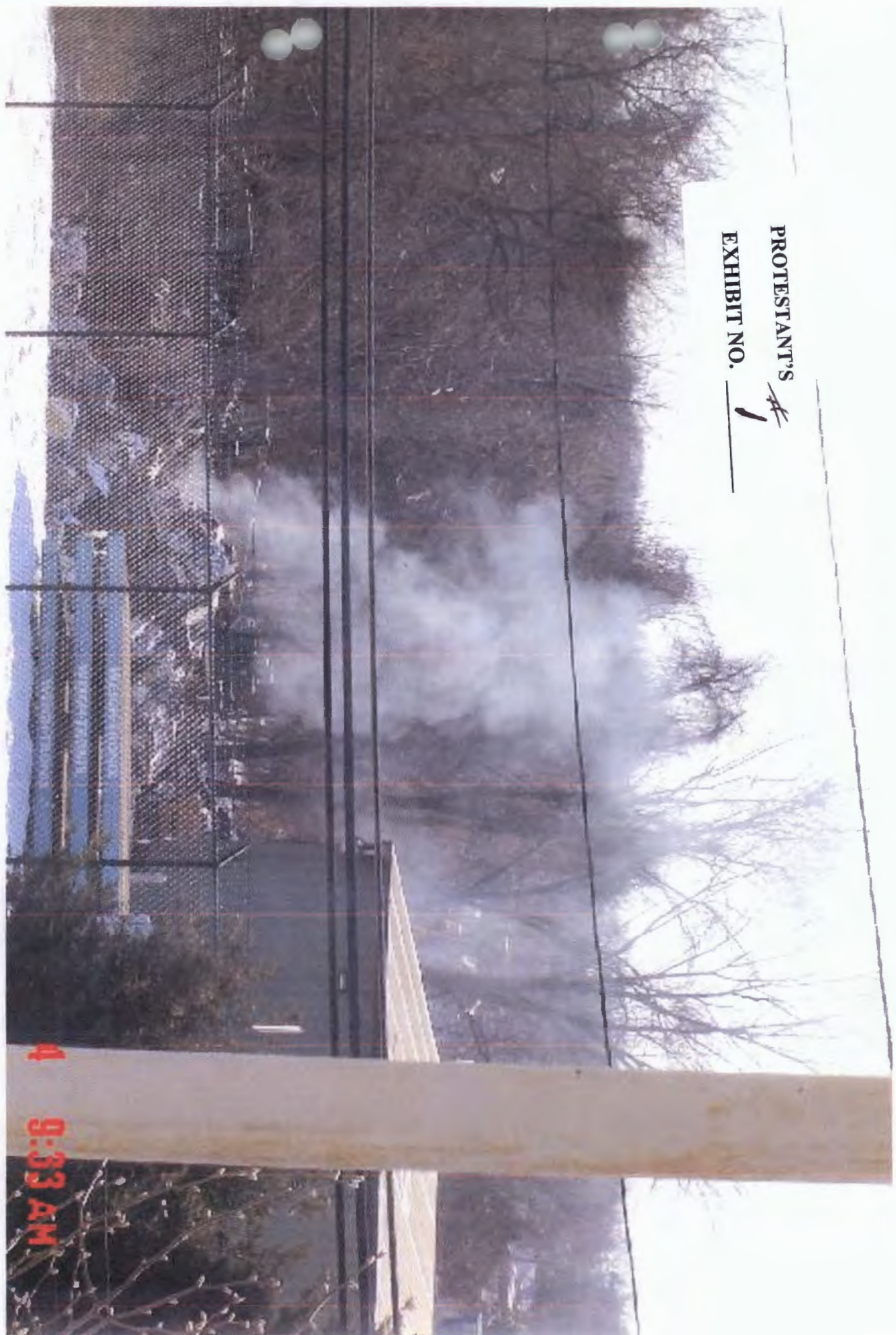
CITIZEN'S SIGN-IN SHEET

NAME ADDRESS CITY, STATE, ZIP E-MAIL

Nancy Green	7922 Philadelphia Rd	Baltimore, MD 21237	
* Peter & Dawn Single	7924 Phila Rd	Baltimore MD 21237	
P. Single Jr.	7924 Philadelphia Rd	Baltimore MD 21237	
Virginia Gajurinski	7928 Phila Rd	Baltimore MD 21237	
James L. Dvoros	7721 Philadelphia Rd	Rosedale MD 21237	
Teriece Suddoth	7930 Phila. Rd.	Rosedale MD 21237	
William Jazwinski sr	7928 Philadelphia Rd	" " "	
Mary Waters	7930 Philadelphia Rd.	" " "	
Mary James	1301 Rosewick Ave.	Balti, Md. 21237	
William James	1301 Rosewick Ave.	Balti, Md. 21237	
CECILIA OGDEN	7928 PHILA. RD	ROSDALE MD. 21237	
DEBORAH HODGES	7932 PHILADELPHIA RD	ROSDALE MD 21237	
MARLENE ZEILER	8114 OLD PHILA. RD.	ROSDALE MD. 21237	
FRANCIS ZEILER	8114 OLD PHILA. RD	ROSDALE, MD 21237	
Angelina Gales	7928 Philadelphia Rd	Baltimore, md. 21237	Angelina_Gales@yahoo.com
KATHIEEN MARTIN	7933 Philadelphia Rd	Baltimore, Md. 21237	K.MARTIN14@verizon.net
Margary Waters	7933 Philadelphia Rd	Balti md	
* Russ Muñile	7932 Oakdale Ave	Rosedale, md. 21237	none
Joseph Bonbarrick	7926 Philadelphia Rd	Rosedale MD 21237	
JASON SEIDEMAN	111 W CHESAPEAKE COVE ENFORCE.	COUNTY BORDING	



PROTESTANT'S
EXHIBIT NO. 1



4 9:33 AM

Integrity Recycling, Inc./7921 Philadelphia Road

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7921 Philadelphia Road

which is presently zoned ML, BR-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, interested person(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition(s) 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

See Attachment

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 interested person(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:

Jason T. Vettori

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

410-821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Interested Person(s):

David VanMetre, Integrity Recycling, Inc.

Name - Type or Print

Signature

Name - Type or Print

Signature

7921 Philadelphia Road

410-866-4000

Address

Telephone No.

Baltimore

MD

21237

City

State

Zip Code

Representative to be Contacted:

Jason T. Vettori

Name

600 Washington Avenue, Suite 200

410-821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. _____

Reviewed By _____ Date _____

Z

CERTIFICATE OF POSTING

2011-0206-SPH

RE: Case No.: _____

Petitioner/Developer: _____

David VanMetre, Integrity Recycling, Inc.

Feb 11, 2011

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: Kristen Matthews:

Ladies and Gentlemen:

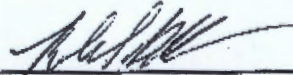
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were
posted conspicuously on the property located at: _____

7921 Philadelphia Road

January 26, 2011

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

Sincerely,



January 27, 2011

(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)

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: # 2011-0206-SPH

7921 Philadelphia Road

SE/s Philadelphia Road, near Rosewick Avenue

15th Election District — 7th Councilmanic District

Legal Owner(s): David VanMetre, Integrity Recycling, Inc.

Special Hearing: to determine that Integrity Recycling, Inc.'s operation on site is not an open dump/junkyard as defined in Section 101 of the BCZR; to permit a Scrap Metal Processing Facility, on site, is a use permitted in the ML zone; and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Friday, February 11, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS 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.

IT 1/6/92 January 25

265797

CERTIFICATE OF PUBLICATION

1/28/ 2011

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 1/25/ 2011.

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

S. Wilkinson

LEGAL ADVERTISING



KEVIN KAMENETZ
County Executive

5
ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

Mr. David VanMetre
Integrity Recycling, Inc.
7921 Philadelphia Road
Baltimore, MD 21237

Date January 31, 2011

Dear: David VanMetre,

RE: 2011-0206-SPH; 7921 Philadelphia Road; Baltimore, MD 21237

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 6, 2011. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Jason T. Vettori; 600 Washington Avenue; Towson, MD 21204
Gildea & Schmidt, LLC; 600 Washington Avenue; Towson, MD 21204

IN RE: PETITION FOR VARIANCE
SE/S of Philadelphia Road, 49 ft. SW
centerline of Rosewick Avenue
15th Election District
7th Councilmanic District
(7931 Philadelphia Road)

Edward Lee Burns
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-488-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Edward Lee Burns. The variances requested are for property located at 7931 Philadelphia Road in the eastern area of Baltimore County. The variance requests are from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- (1) from Section 255.2 (243.1), to allow a front yard setback of 30 ft. in lieu of the required 75 ft.;
- (2) from Section 255.2 (243.2), to allow side yard setbacks of 5 ft. and 32 ft. in lieu of the required 50 ft.; and
- (3) from Section 255.2 (243.3), to allow a rear yard of 46 ft. in lieu of the required 50 ft.

The property was posted with Notice of Hearing on April 25, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 26, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. - *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted

RECEIVED FOR FILING
5/12/05
Ray

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Millard A. Spivey and Thelma P. Spivey, his wife

or we and Wallcrafters, Inc. legal owners 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R. 5.5 zone to an

M.L.

zone for the following reasons: There was error in the adoption of the zoning map by virtue of its failure to extend the existing ML zone to the south side of Philadelphia Road and by leaving a small parcel of DR5.5 zoning surrounded by Philadelphia Road, ML zoning, BL zoning and MLR zoning.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

Property is to be posted and advertised as prescribed by Zoning Regulations.

For we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

WALLCRAFTERS, INC.

By Richard R. Spivey
Contract purchaser

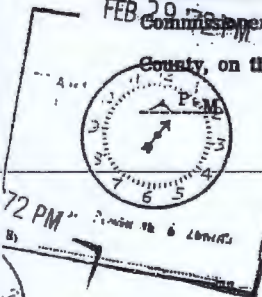
Address 2000 Vine Street
Baltimore, Maryland 21223

Rand R. Spivey
Petitioner's Attorney
212 Washington Avenue
Address Towson, Maryland 21204

Millard A. Spivey
Thelma P. Spivey
Legal Owner
Address 915 Breezewick Road
Towson, Maryland 21204

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of February, 1972 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5th day of April, 1972 at 1:00 o'clock



(over)

Eric R. Spivey
Zoning Commissioner of Baltimore County.

MAP	<u>215</u>
SECTION	<u>NE 2-E</u>
DISTRICT	<u>15</u>
D. TEL.	<u>41471</u>
TYPE	<u>R/G</u>
HEARING	<u>4/1/72</u>
BY	<u>MR</u>

#72-231-R
#17

72-163-XA

6C

RE: PETITION FOR VARIANCE : BEFORE THE
AND SPECIAL EXCEPTION :
SE 1/4 of Philadelphia Road, 190' : DEPUTY ZONING
and 306' N. of Rosedale Avenue :
15th District : COMMISSIONER
Millard A. Spivey - Petitioner :
NO. 72-163-XA (Item No. 94) : OF
: BALTIMORE COUNTY

*** **

This is a request for a Variance to permit a one (1') foot setback from a residential zone line instead of the required seventy-five (75') feet and a Special Exception for a Wireless Transmitting and Receiving Structure.

Testimony indicated that the contract purchasers planned to construct a warehouse and office with a floor area of 36,220 square feet. Other improvements are to include a loading dock, paved parking area and wireless transmitting and receiving structure.

The Petitioner's engineer described the site as being irregular in shape with a severe change in grade along the rear of the property as it traverses Red House Run. The Engineer explained that the buildable area of the site was further reduced by the construction of a twenty-seven (27') inch sanitary line along the north side of the Red House Run flood plain, and a two hundred (200') foot strip of residential zoning along Philadelphia Road at the front. He pointed out that the one (1') foot setback Variance requested represented a one (1') foot setback from a zone line and that the actual setback from the front property line would be between eighty-five (85') feet and two Hundred (200') feet.

In answer to objections of area residents regarding the three hundred (300') foot height of the antenna and its location within two hundred (200') feet of Philadelphia Road, the developers agreed to relocate the structure to a point at the rear of the property, which would be approximately four hundred (400') feet from said road.

ORDER RECEIVED FOR FILING

DATE 4/9/72

BY *Janette C. Harris*
ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING

DATE 4/9/72

MILLARD A. SPIVEY
SE 1/4 Philadelphia Rd. 190' and 306' N. of
Rosedale Ave. 15th Dist.
#72-163-XA
#94

72-163-XA
#94

has some advantage in producing a more tion—Thomas Tredgold) b: the finish covering the front and sometimes the two ney (the skill of our craftsmen is reflected in —Sweet's Catalogue Service) 2: the usu. above a fireplace (stepped to the ~ and on it—Eudora Welty)

at usu -d+ +V n [ME, fr. MF, dim. of cloak] 1: a very short cape, cloak, or at-let -d+ +V n: a movable shelter y besiegers as a protection when attacking ard ~s and pavises and the archers muster he woods—Sir Walter Scott

mant'ed-a n -s [It, prob. modif. of ML l. of L mantellum cloak, mantle]: a kneemantle that is sleeveless but has armholes, is it but fastened at the neck, and is worn by ps, and other high prelates of the Roman

mant'ōnē n -s [It, augm. of mantello purple cloak worn over the cassock by prelatary rank attached to the papal court

mant'ōnē n -s [It, mantel with its side elements

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mitotic spindle and that appear to draw the chromosomes apart

mantlerock \ˈmɒn.təl.ɹɒk\ n: unconsolidated residual or transported material that overlies or covers the solid rock in place—called also regolith; compare LATERITE, SAPROLITE

mantlet var of MANTELET

mantling n -s [fr. gerund of mantle] 1: a heraldic representation of a mantle behind and around a coat of arms—called also lambrequin 2: MANTLE 4

man-to \ˈmæn.tə\ n -s [Sp, fr. LL mantus—more at MANT] 1: a usu. black shawl worn esp. by Spanish or Latin American women as a covering for head and shoulders 2: a nearly horizontal or gently inclined sheetlike body of ore—called also BLANKET DEPOSIT b: a pipe-shaped ore body

man-to-dea \ˈmæn.təˈdiːə\ or man-toi-dea \ˈmæn.təˈdiːə\ [NL, fr. Mantis + -odea or -oidea] syn of MANTEODEA

man-toi-dea \ˈmæn.təˈdiːə\ adj [NL Mantoidea]: of, relating to, or resembling the Mantoidea

mantoid \ˈmæn.tɔɪd\ n -s: MANTIS 1

man-toi-ogy \ˈmæn.tɔɪ.əˈdʒi\ n -es [Gk mantis prophet + E -o + -logy—more at MANTIS] archaic: DIVINATION

man-to-mān \ˈmæn.təˈmæn\ adj: characterized by frankness and honesty; discussion had been straightforward man-to-mān talks—Hendrick

man-to-mān defense n: a system of defense in various sports (as football and basketball) in which each defensive player guards a specified opponent—compare ZONE DEFENSE

man-toux test \ˈmæn.tuːˈtɛst\ n, usu cap M [after Charles Mantoux 1947 French physician]: an intracutaneous test for hypersensitivity to tuberculin and thus for past or present infection with tubercle bacilli—compare TUBERCULIN TEST

man-tra \ˈmæn.trə\, man-also man-tram \ˈtræm\ n -s [Skt mantra, lit., speech, hymn, incantation, fr. manayate he thinks—more at MAND] 1: a Vedic hymn or prayer 2: a verbal spell, ritualistic incantation, or mystic formula used devotionally in popular Hinduism and Mahayana Buddhism

man-trap \ˈmæn.træp\ n, pl man-traps 1: a trap for catching men; specif: a trap designed to catch trespassers 2: something (as a carelessly built scaffold) likely to bring about injury or death to the unwary 3: a source of potential danger or difficulty (his innocence of all the tricks and man-traps in the rigorous profession of politics—Herbert Agar)

man-tua \ˈmæn.tʃuːə\ n, pl man-tuas [modif. (influenced by Mantua, Italy) of E manteau—more at MANTLE] 1: a usu. loose-fitting gown or robe worn open at the front to show the underdress or petticoat and popular esp. with women in the 17th and 18th centuries 2 [fr. Mantua, Italy]: a silk dress fabric orig. made in Italy

mantua-maker \ˈmæn.tʃuː.əˈmeɪ.kər\ n: one that makes mantuas; broadly: DRESSMAKER

man-tu-an \ˈmæn.tʃuː.ən\ n -s cap [L Mantuanus, adj. & n. fr. Mantua, Italy + L -anus -an]: a native or inhabitant of Mantua, Italy

mantuan \ˈmæn.tʃuː.ən\ adj, usu cap [L Mantuanus]: of or relating to the Italian city of Mantua

man-tu-ty \ˈmæn.tʃuː.əˈtɪ\ Scot var of MANTUA

man-tu-zu \ˈmæn.tʃuː.əˈtɪ\ or man-tu-zu \ˈtʃuː.əˈtɪ\ n, pl manten or mantuz or mantis or mantises usu cap: MAN

manu \ˈmæn.juː\ n -s usu cap [Skt—more at MAN] 1: one of a series of progenitors of human beings and authors of human wisdom in Hindu mythology

man-u-al \ˈmæn.juː.əl\ adj [ME manuel, fr. MF, fr. L manus, fr. manus hand + -al -al; akin to OE & ON mund hand, OHG munt, Gk mair hand, Alb mair I take] 1: a, of, relating to, or involving the hands ~ dexterity b: designed for use with the hands ~ worked by hand (an engine with a ~ choke) 2: a: requiring or involving physical skill and energy (~ labor) b: engaged in an activity or occupation requiring or involving physical skill and energy (~ workers) 3: AUTOGRAPH 4: existing in fact or deed ~ ACTUAL—used of legal possession or occupation 5: using signs and the manual alphabet in teaching the deaf—compare ORAL

manu-al n -s [ME manuel, fr. LL manuale, fr. L, neut. of manualis, adj.] 1: a: a small book capable of being carried in the hand or conveniently handled: as (1) a book containing the forms of religious ceremonies used in the medieval Christian church (2) a book used by underwriters and agents that gives classifications, rates, forms, and rules for writing insurance (3) a book containing in concise form the principles, rules, and directions needed for the mastery of an art, science, or skill b: a concise treatise based on a larger work ~ HANDBOOK 2: the prescribed movements in the handling of a weapon or other military item during a drill or ceremony (the ~ of arms) (the ~ of the guidon) 3: a keyboard for the hands (upper ~ of a harpsichord); specif: one of the several keyboards of a pipe-organ console controlling a separate division of the instrument (solo ~) (swell ~) 4: PRIMARY 3a

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man-u-duc-tion \ˈmæn.juːˈdʌk.ʃən\ n -s [ML, manu-ductio, fr. L manus hand + ductio-, ductio action of leading, fr. ductus (past part. of ducere to lead) + -ion-, -io -ion—more at TOW] 1: the act of guiding or leading (as by the hand) (the ground over which he had accepted my hurried ~—W.E. Gladstone) 2: something that guides or leads: INTRODUCTION (a pleasant and scholarly ~ into alchemical byways—F.O. Taylor)

man-u-duc-tive \ˈmæn.juːˈdʌk.tɪv\ adj [manu-ductio + -ive]: leading by or as if by the hand

man-u-duc-tor \ˈmæn.juːˈdʌk.tər\ n -s [LL, fr. L manus hand + ductor leader, fr. ductus + -or]: DIRECTOR; esp: the director of a band or choir

man-u-duc-tory \ˈmæn.juːˈdʌk.tərɪ\ adj [manu-ductio + -ory]: MANUFACTURE

man-u-fac-tor \ˈmæn.juːˈfæktər\ n [LL manu-ductio made by hand + E -or—more at MANUFACTURE] archaic: MANUFACTURER

man-u-fac-tory \ˈmæn.juːˈfækt(ə)rɪ\, -rɪ\ n [LL manu-ductio + E -ory] 1 archaic: a product of manufacture (a fleet... being the natural ~ of this country—Thomas Paine) 2 archaic: MANUFACTURING (clothed in woollens apparently of their own ~—J.J. Henry) 3: FACTORY 2a (his father had started a match ~ in a barn—E.J. Benton)

man-u-fac-tur-able \ˈmæn.juːˈfæktərəbəl\, -ksh-adj: capable of being manufactured (aircraft, electronics, and a thousand other ~ wonders—C.M. Wilson)

man-u-fac-tur-age n -s obs: MANUFACTURE

man-u-fac-tur-al \ˈmæn.juːˈfæktərəl\, -ksh-adj: of or relating to manufacture

man-u-fac-ture \ˈmæn.juːˈfæktʃər\, -ksh-adj n -s [MF, fr. LL manu-ductio made by hand (fr. L manu—abl. of manus hand + ductus, past part. of ducere to make, do) + MF -ure—more at MANU-] 1: something made from raw materials by hand or by machinery (hemp and tow cloth were familiar household ~s—V.S. Clark) (imports most ~s used by consumers or needed for internal development—D.L. Cohn) 2: the process or operation of making wares or other material products by hand or by machinery esp. when carried on systematically with division of labor (families engaged in domestic ~ often lived and worked in one room—J.W. Krutch) (the ~ of furniture) (steel ~) b: a productive industry using mechanical power and machinery 3: obs: a manual occupation or trade 4: archaic: FACTORY (as my prospects were built on a ~ I had erected—Daniel Defoe) 5: the act or process of making, inventing, devising, or fashioning: PRODUCTION, CREATION (the ~ of blood goes on constantly in the human body—Morris Fishbein) (a true appreciation of the ~ of a movie and of a star—Horace Sutton) (his ideas about the ~ of this world and his hopes for his future—Rudyard Kipling)

man-u-fac-ture n -s obs: MANUFACTURE

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Chapter 199

(Senate Bill 99)

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

FOR the purpose of altering the requirements for records that certain junk dealers and scrap metal processors must keep for each purchase of certain junk or scrap metal in the State; providing that certain provisions of law do not apply to certain transactions; providing for the designation of primary law enforcement units; preempting certain rights of certain counties and municipalities superseding certain laws of certain counties and municipalities; providing for the applicability of the record keeping requirements; providing for the form and contents of the records; requiring that certain records be kept electronically; providing for the submission of certain records to certain law enforcement units under certain circumstances; providing that certain provisions may not be construed to require junk dealers and scrap metal processors to incur certain ~~additional expenses~~ financial burdens for complying with certain record submission requirements; authorizing certain law enforcement units to issue certain waivers under certain circumstances; prohibiting junk dealers and scrap metal processors from purchasing a catalytic converter except under certain circumstances; prohibiting junk dealers and scrap metal processors from purchasing cemetery urns, grave markers, and certain other items except under certain circumstances; authorizing State or local law enforcement personnel to request information from certain records under certain circumstances; authorizing a State or local law enforcement agency to issue a certain hold notice under certain circumstances; exempting certain items acquired from certain entities from certain record and reporting requirements; requiring certain contracts to be open to inspection by a local law enforcement agency under certain circumstances; prohibiting certain contracts from being open to public inspection without the consent of certain junk dealers or scrap metal processors; authorizing certain law enforcement personnel to enforce this Act; establishing certain penalties; altering a certain definition; making this Act an emergency measure; and generally relating to junk dealers and scrap metal processors.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12-102(a), 17-1001(e), 17-1010, and 17-1011
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

9a

Search:

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Baltimore County Code

ARTICLE 21. PERMITS, LICENSES, AND BUSINESS REGULATION
TITLE 21. JUNK DEALERS AND SCRAP METAL PROCESSORS

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TITLE 21. JUNK DEALERS AND SCRAP METAL PROCESSORS

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Editor's note:

Bill No. 78-09 provides that the language in this Title 21 is to be codified as Article 21, Title 20, but Bill No. 73-09 passed earlier had already created a new Article 21, Title 20 (Pet Cemeteries). Accordingly, the provisions in Bill 78-09 are codified in Article 21,

TITLE 21. SCRAP METAL PROCESSORS

Section

- 21-21-101. Definitions
- 21-21-102. Adoption of regulations
- 21-21-103. License required
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- 21-21-117. Correction notice issued upon finding of violation
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- 21-21-119. Enforcement
- 21-21-120. Penalty
- 21-21-121. Separability

Editor's note:

Bill No. 78-09 provides that the language in this Title 21 is to be codified as Article 21, Title 20, but Bill No. 73-09 passed earlier had already created a new Article 21, Title 20 (Pet Cemeteries). Accordingly, the provisions in Bill 78-09 are codified in Article 21, Title 21 of the Code.

§ 21-21-101. DEFINITIONS.

(a) *In general.* In this title the following terms have the meanings indicated.

(b) *Holdable scrap metal.* "Holdable scrap metal" means the following items of reportable scrap metal, whether or not containing non-ferrous metal:

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2010, Legislative Day No. 14

Bill No. 79-10

Mr. John Olszewski, Sr., Chairman
By Request of County Executive

By the County Council, September 7, 2010

A BILL
ENTITLED

AN ACT concerning

Junk Dealers and Scrap Metal Processors - Conformance with state law

FOR the purpose of conforming county law with state law pursuant to the enactment of Chapter 199 of the Laws of Maryland of 2010; repealing the statutory requirement to hold certain junk or scrap metal for a certain number of days; altering the type of information a junk dealer or scrap metal processor must record and report after the purchase of junk or scrap metal; repealing law on the release of junk or scrap metal; altering the authority of the Police Department to inspect the records of a junk dealer or scrap metal processor; clarifying the application of certain enforcement provisions; altering the penalty for certain violations; defining certain terms; and generally relating to conforming county law with state law.

By repealing

Sections 21-21-110, 21-21-112, 21-21-114, 21-21-115, and 21-21-116
Title 21. Scrap metal processors
Title 21. Permits, Licenses, and Business Regulation
Baltimore County Code, 2003

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

By repealing and reenacting, with amendments

**INTEGRITY
RECYCLING
LLC**



7921 PHILADELPHIA RD.
410-866-4000

**INTEGRITY
RECYCLING, INC.**

BUYERS OF
BRASS
ALUMINUM CANS
ALUMINUM SCRAP
COPPER, STEEL
STAINLESS STEEL

\$.50
CANS
PRICE
PER LB.

Get in the Loop



11



B



§ 252.1 ELEVATOR-APARTMENT RESIDENCE ZONES,
RESIDENTIAL-OFFICE ZONES, OFFICE ZONES, BUSINESS
ZONES, MANUFACTURING ZONES AND DISTRICTS § 253.1

SECTION 252

M.L.R. Zone Site Development Plans
[Bill No. 56-1961⁶³]

§ 252.1. Site development plans.

Development of an individual establishment within an M.L.R. Zone shall be in accord with approved site development plans, as required in building permit processing prior to development in any industrial zone. Approved plans for site development should include:

- A. Three or more copies of a general plan for site development, showing building coverage, placement of other structural features, interior roads, parking areas, existing topography and proposed grading, screening and areas of lawn and planting.
- B. Plans or sketches of all elevations of each building exterior, indicating building materials.
- C. A general explanation of the proposed plan of use and operation, including but not limited to such factors as expected maximum number of employees and times of operation; timing and routing of movements of raw materials to the site and of finished products therefrom; expected levels of potential emanations, including but not limited to noise, dust, odors, vibration, glare and heat.

SECTION 253

Manufacturing, Light (M.L.) Zone Use Regulations
[Bill No. 100-1970⁶⁴]

§ 253.1. Uses permitted as of right.

The uses listed in this section, only, shall be permitted as of right in M.L. Zones, subject to any conditions hereinafter prescribed.

A. The following industrial uses:⁶⁵

- 1. Airplane assembly.
- 2. Automobile assembly.
- 3. Boatyards (including marinas or marine railways).
- 4. Bottling establishments, soft-drink.
- 5. Brewery, Class 5B, if within the urban rural demarcation line [Bill No. 185-1995]
- 6. Candy manufacture, packaging or treatment.

63. Editor's Note: This bill also repealed former Section 252 (BCZR 1955), consisting of the area regulations for M.L. Zones. Such area regulations now appear in Section 243.

64. Editor's Note: This bill also repealed former Subsections 253.1 through 253.5, derived from part of BCZR 1955, as amended by County Commissioners' Resolution of November 21, 1956, and County Council Bill Nos. 64-1960; 56-1061; 64-1963; 40-1967; 61-1967; and 85-1967.

65. Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.

offer any of the accessory services permitted at horticultural nurseries shall be considered a farm. [Bill No. 41-1992]

NURSERY SCHOOL — A school or a level within a school providing educational instruction for children between two and four years old. [Bill No. 47-1985]

NURSING HOME (formerly "convalescent home") — A facility which provides board, shelter and nursing care to chronic or convalescent patients. This term also includes facilities which provide domiciliary care within a nursing home. [Bill No. 37-1988]

OFFICE — A building or portion of a building used for conducting the affairs of a business, profession, service, industry or government, including a medical office. The term "office" does not include a bank, a post office, a veterinarian's office or an establishment where merchandise is stored on or sold from the premises. [Bill Nos. 13-1980; 167-1980; 37-1988; 186-1994]

OFFICE BUILDING, CLASS A — A principal building that was originally constructed as a one-family or two-family detached dwelling and that is converted by proper permit to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purposes of this definition, enclosure of a porch of a house or the addition of an exterior stairway at the side or rear of the building does not constitute external enlargement. [Bill Nos. 13-1980; 170-1991]

OFFICE BUILDING, CLASS B — A principal building used for offices and which is not a Class A office building. [Bill Nos. 151-1988; 186-1994]

OPEN DUMP — Any land publicly or privately owned, other than a sanitary landfill, on which there is deposit and accumulation, either temporary or permanent, of any kind of organic or inorganic refuse, including but not limited to waste materials, waste products, wastepaper, garbage, empty cans, broken glass, rags and all other kinds of organic or inorganic refuse, but excluding scrap for use in manufacturing processes on the premises, or waste materials resulting from such processes, or resulting from the construction or elimination of facilities for such processes. [Bill No. 140-1962]

OPEN SPACE, COMMON — Local open space, public parks or other parklike open space reserved for the public use and enjoyment, whether privately owned or owned by the county, state or federal government or other agencies. Space that lies within the boundaries of an area designated as common open space and is devoted to such recreational facilities as are customarily found in public parks is considered part of the common open space. Amenity open space (as defined elsewhere in this section) is not common open space unless it is so designated by the developer of the tract on which the space is located. Upon the adoption of appropriate standards pursuant to the authority of Section 504, nontidal streams and lakes and other nontidal watercourses or bodies of water lying within, lying partially within or abutting common-open-space land areas are to be considered part of the common open space to the extent permitted under those standards. Storm-drainage-reservation strips and floodplains may be designated common open space, but fenced portions of stormwater management facilities do not constitute common open space. [Bill Nos. 98-1975; 62-1978; 167-1980]

OPEN SPACE TRACT, LOCAL — Land provided in residential subdivisions and necessary and desirable for the local recreational needs of residents of such subdivisions for such

256.1.A.2; any manufacturing use not listed in those provisions; or any use accessory to one of those uses. [Bill No. 178-1979]

INDUSTRIAL SERVICE ROAD, PUBLIC — A motorway that is owned or maintained by the county, state or federal government and:

- A. That was designed for the primary or exclusive use of trucks or other vehicles traveling to or from industrial uses, or that was not originally designed for that use but, because of its relation to industrial properties, is suitable for that use; and
- B. Has been officially designated as a public industrial service road by the Director of Public Works²⁵ in conformance with the criteria stated above. (Such a designation may be appealed to the Board of Appeals, as provided under Section 602 of the Baltimore County Charter, as amended.) [Bill No. 218-1980]

INFECTIOUS WASTE — Any waste material or substance which is known or suspected to be contaminated with organisms capable of producing disease in humans, and as further defined in the § 9-227 of the Environment Article of the Annotated Code of Maryland. [Bill Nos. 87-1987; 137-2004]

INFECTIOUS WASTE INCINERATOR — An enclosed device or contrivance using controlled flame combustion or heat for the thermal destruction of infectious waste or other refuse. [Bill No. 87-1987]

INOPERATIVE MOTOR VEHICLE — Any motor vehicle that cannot be operated in its existing condition because the parts necessary for operation, including but not limited to tires, windshield, engine, drive train, driver's seat, steering wheel or column, or gas or brake pedals, are removed, destroyed, damaged or deteriorated. [Bill No. 135-1986]

JET-PROPELLED SKIS — A type of watercraft which consists of self-propelled water skis designed to accommodate one or two riders. For the purpose of these regulations, jet-propelled skis shall not be considered boats or recreational vehicles. [Bill No. 54-1993]

JUNKYARD — Any land used commercially or industrially for storage or for sale of scrap metal, wastepaper, rags or other junk, and any land, except as provided for by Section 428, used for the storage of unlicensed or inoperative motor vehicles, dismantling or storage of such vehicles or parts thereof, or used machinery, regardless of whether repair or any other type of commercial operation occurs, but excluding scrap for use in manufacturing processes on the premises or waste materials resulting from such processes or resulting from the construction or elimination of facilities for such processes. The term does not include unlicensed motor vehicles located at automotive service stations, service garages or new or used motor vehicle outdoor sales areas, or any vehicle stored pursuant to Section 405A. [Bill No. 135-1986]²⁶

25. Editor's Note: The title "Director of Public Works" has been substituted here for "Director of Traffic Engineering" in conformance with Section 2-78 of the Baltimore County Code, as amended.

26. Editor's Note: The former definition of "kennel," which immediately followed this definition, was repealed by Bill No. 87-2001. See now the definitions of "commercial kennel" and "private kennel."

12. Office or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence at the time of application; does not occupy more than 25% of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees. **[Bill Nos. 105-1982; 65-1999]**
 13. Poultry killing, commercial, as an accessory use on farms, only.
 14. Private colleges (not including business or trade schools), dancing schools, dormitories or fraternity or sorority houses. **[Bill No. 47-1985]**
 15. Public utility uses other than those permitted as of right, but excluding steam power plants, service centers and storage yards.
 16. Public utility service centers.
 17. Public utility storage yards.
 18. Radio studios.
 19. Rail passenger stations, subject to Section 434. **[Bill No. 91-1990]**
 20. Television studios.
 21. Tourist homes.
 22. Veterinarians' offices.
 23. Volunteer fire company stations.
 24. Wireless telecommunications towers, subject to Section 426. **[Bill No. 30-1998]**⁶
- D. The following provision, which was enacted by Bill No. 140-1962, took effect on November 17, 1962, and was heretofore designated as Subsection 200.16 of these Zoning Regulations, is reenacted without amendment, and nothing in this article shall be construed to abrogate its effect:

Junkyards and open dumps as defined in Section 101. Any existing junkyards in this (R.40) or any other residential zone, and any existing open dumps in any zone shall be completely eliminated not later than two years after the date of effectuation of this amendment. **[Bill No. 140-1962]**

6. Editor's Note: Former Sections 1B01.1.C.25, 26, 27 and 28, which followed, regarding continuing-care and assisted-living facilities and housing for the elderly, were repealed by Bill No. 19-2004.

- (10) Ensure that sewer extensions to correct failing septic areas outside the URDL only address existing problems and do not stimulate growth and development.

Solid Waste Management/Recycling

The future environmental sustainability of Baltimore County depends heavily on its citizens and the County government engaging in responsible solid waste management and recycling practices. Winner of international, national, and statewide recognition for its solid waste management/recycling program on numerous occasions in the past, the County is well positioned for future progress.

Baltimore County's overall (commercial and residential) waste diversion rate of 63% in 2008, as calculated by the Maryland Department of the Environment, ranked first out of all Maryland jurisdictions. This figure reflects a recycling rate of 58% plus the maximum 5% waste prevention credit for engaging in specific activities designed to minimize waste.

The leadership of Baltimore County in recycling is largely attributable to businesses in general, and the Sparrows Point steelmaking plant in particular, realizing the cost-effectiveness of waste recycling. The County also experienced substantial growth in residential recycling tonnages since the February 1, 2010 start of single stream recycling for 237,000 single-family homes and town homes.

Recycling is growing in the institutional sector as well. Most Baltimore County employees already have easy access to single stream-recycling collection at work, and these opportunities are expanding. The public schools and the community college system also implemented a recycling program.

There remain opportunities for improvement. Within the residential sector most recyclable material continues to be discarded as trash. Interring this at Eastern Sanitary Landfill (ESL) comes at a considerable cost to the taxpayer. Even more costly in financial and environmental terms would be the establishment of a new landfill in order to take pressure off the ESL, which has a projected 30-year operational capacity as of 2010. The County is actively working to expand single stream recycling to apartments and condominiums. Waste prevention and recycling is the most practical, convenient way that residents can make a positive difference with the environment and reduce landfill costs.

Policy: Promote solid waste reduction, reuse, recycling, and resource recovery to minimize the need for land filling, and to extend the useful life of the Eastern Sanitary Landfill Solid Waste Management Facility (ESL).

APPLICATION FOR BUILDING PERMIT

PERMIT #: B693373 CONTROL #: MR DIST: 15 PREC: 01

LOCATION: 7921 PHILADELPHIA RD
SUBDIVISION:
TAX ASSESSMENT #: 1600007444

OWNERS INFORMATION

NAME: INTEGRITY INDUSTRIES
ADDR: 7921 PHILADELPHIA RD

APPLICANT INFORMATION

NAME: DAVID BILLINGSLEY
COMPANY:
ADDR1:
ADDR2:
PHONE #: 410.679.8719 LICENSE #:NOTES
JRFDRC#
PLANS: CONST PLOT 1 R PLAT DATA ELEC NO PLUM NOTENANT:
CONTR: OWNER

ENGR:

SELLR:

WORK: CONSTRUCT 1350FT X 12FT FENCE AROUND EX
INDUSTRIAL BUILDING AS PER SITE PLANPROPOSED USE: RECYLING CO & FENCE
EXISTING USE: RECYLING CO

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

ESTIMATED COST OF MATERIAL AND LABOR:

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: FENCE

FOUNDATION:

SEWAGE: PUBLIC EXIST

BASEMENT:

WATER: PUBLIC EXIST

CONSTRUCTION: WOOD FRAME

FUEL:

CENTRAL AIR:

SINGLE FAMILY UNITS

TOTAL 1 FAMILY BEDROOMS

MULTI FAMILY UNITS

EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:

NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:

TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

18



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JONAS A. JACOBSON, *Director*
Department of Environmental Protection
and Resource Management

April 27, 2010

Mr. David Van Metre: General Manager
Integrity Recycling, Inc
7921 Philadelphia Rd
Baltimore, MD 21237

Re: Violation Notice

Dear Mr. Van Metre:

Inspections of your facility were conducted by this office on 4/14/10 and 4/22/10. The inspections, conducted in response to a complaint, revealed that processing activities, including the acceptance, separation, sorting, and baling of ferrous and/or non-ferrous metals, are being conducted outside of the building and canopy.

Please be advised that this represents a violation of condition # 2 of your Baltimore County Recycling Facility permit # 10-09. This condition requires that all processing activities be conducted in the building or under the canopy. As a result, you are hereby ordered to bring the facility back into compliance by moving all processing activities back into the building or under the canopy, or by extending the canopy to cover the materials stored outside, within 30 days following receipt of this letter. If you wish to request a change in the permit conditions, to allow for outside processing of materials, such request must be made in writing to this office. Such a request must indicate the types of processing operations to be conducted outside and their location.

Please call me at 410 887-4488 x-309 if you have any questions or need additional information.

Sincerely

Eugene G. Siewierski
Waste Management

Cc Jerry Chen: PADM Code Enforcement



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

July 20, 2010

John Scharf
J & F Associates, LLC
P.O Box 15320
Middle River, MD 21220

Dear Mr. Scharf:

Re: Zoning Verification, Integrity Recycling Inc., 7921 Philadelphia Road, 15th Election District

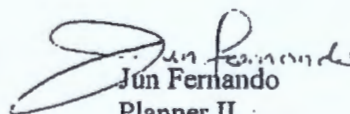
This is in response to your letter dated May 24, 2010 to Timothy Kotroco, Director of Permits & Development Management, who has authorized this reply. Based on the information contained in your letter, the available zoning records and my conversation with Mr. Carl Richards, Zoning Supervisor, the following has been determined.

1. The subject property is currently zoned ML (Manufacturing Light) per Baltimore County Zoning Map no 089B3 (copy attached).
2. Regretfully, the proposed three new areas for outside processing and staging metal recyclables are not allowed in the ML zone. Should you not agree with this decision, you may request a determination by Special Hearing before the Zoning Commissioner as the law allows.

The foregoing is merely an informal opinion. It is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,


Jun Fernando
Planner II
Zoning Review

JRF/kl

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204



Code Enforcement 410-887-3351
Building Inspection 410-887-3953
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Signs/ Fences 410-887-3896

CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER	PROPERTY TAX ID	DATE ISSUED / /
NAME(S):		
MAILING ADDRESS		
CITY	STATE	ZIP CODE
VIOLATION ADDRESS		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

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

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL (230) ☐ BR (236) ☐ BM (233)
☐ 415A: Improperly parked recreation vehicle
☐ 415A: One recreational vehicle per property
☐ MR (240) ☐ ML (253) ☐ MH (256)
☐ OTHER: _____

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

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

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

BALTIMORE COUNTY CODE (B.C.C)

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

OWNER OCCUPIED HOUSING (B.C.C)

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

INVESTMENT PROPERTY (B.C.C)

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

OTHER VIOLATIONS OR REMARKS: _____

☐ NOTICE POSTED AND MAILED

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

COMPLIANCE DATE: ____/____/____ INSPECTOR NAME: _____

PRINT NAME (Rev 9/05)

VIOLATION SITE

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave.
Towson, Maryland 21204



Code Enforcement 410-887-3351
Building Inspection 410-887-3953
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Signs/ Fences 410-887-3896

CODE ENFORCEMENT & INSPECTIONS CITATION

CASE NUMBER	PROPERTY TAX ID	ZONE
NAME(S):		
MAILING ADDRESS:		
CITY	STATE	ZIP CODE
VIOLATION ADDRESS:		
CITY	STATE	ZIP CODE
VIOLATION DATES:		

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

1. Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

2. A quasi-judicial hearing has been pre-scheduled in room 116, 111 W. Chesapeake Ave, Towson, Maryland, 21204, for:

DATE: _____ / _____ / _____

TIME: _____ A.M. / P.M.

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

\$ _____

A quasi-judicial hearing has been pre-scheduled in room 116, 111 W. Chesapeake Ave, Towson, Maryland, 21204, for:

DATE: _____ / _____ / _____

TIME: _____ A.M. / P.M.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name:

INSPECTOR SIGNATURE: _____ Date: _____ / _____ / _____

PRINT NAME

VIOLATION #



23

JAMES T. SMITH, JR.
County Executive

BALTIMORE COUNTY
MARYLAND

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

October 7, 2010

Attn Janet & Daniel Fangmeyer
Integrity Recycling Inc.
7921 Philadelphia Road
Baltimore MD 21237

Dear Mr. & Ms. Fangmeyer:

Your application for a Scrap Metal Processing Facility has been received and processed. However during the inspection process, your facility was disapproved by the Code Enforcement division for the following reason(s):

"Open zoning violations"

If you have any questions regarding the above, please contact Mr. Jerry Chen of Code Enforcement, at 410-887-8099.

Sincerely,

Karen L. Lewis, Processing Supervisor
Miscellaneous Permits and Licenses

KLL

C: File
Jerry Chen

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

In the Matter of

Civil Citation No. 08-5476

Integrity Industries LLC
817 Fridinger Mill Road
Westminster, MD 21157

7921 Philadelphia Road

Respondent

FINDINGS OF FACT AND CONCLUSION OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on October 2, 2008, for a hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 102.1, 253, 408, 500.9, failure to use land in conformance with existing regulations and approvals; failure to comply with approved site plan and recycling permit #08-15; failure to remove debris and junkyard conditions on residential property zoned ML known as 7921 Philadelphia Road, 21237.

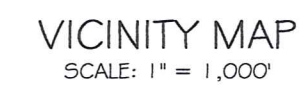
On July 29, 2008, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$28,000.00 (twenty eight thousand dollars).

David Reynolds VanMetre, Vice President of Integrity industries LLC appeared for the Hearing. Sebastian Cross, Esquire appeared representing Integrity Industries LLC. Sophia Jennings and Jerry Siewierski presented the case for Baltimore County.

1. THAT INTEGRITY RECYCLING, INC.'S OPERATION ON SITE IS NOT AN OPEN DUMP/JUNKYARD AS DEFINED IN SECTION 101.1 THE BCZR;
2. THAT INTEGRITY RECYCLING, INC.'S OPERATION ON SITE, A SCRAP METAL PROCESSING FACILITY, IS A USE PERMITTED IN THE ML ZONE; AND
3. SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

1) OWNERS: INTEGRITY INDUSTRIES, LLC.
2) OWNERS ADDRESS: 7921 PHILADELPHIA ROAD
ANNAPOLIS, MARYLAND 21427
3) OWNERS TELEPHONE NO.: 410-357-5000
4) TAX ACCOUNT NUMBERS: 160004744-4 & 150265494-3
5) DEEDS: 01/25/02 GREENBELT GREENBELT, LOT 3 903 & 776
6) DEED REFERENCES: 10569703/ & 26296477
7) GROSS AREA: 3.80 ACRES & 0.31 ACRES
8) ZONING: W-089B
9) ZONING:
BR-AS = 4.09 ACRES
BR-AS = 0.02 ACRES
10) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCA.
11) THE SUBJECT PROPERTY IS LOCATED WITHIN A 50-FOOT
FLOODPLAIN PER RECORD PLAT 35/76 & FEMA MAP
2400 1004 I.F.
11) PREVIOUS HEARINGS OR PERMITS:
PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL
EXCEPTION CASE NO. 72-163XA
12) NO PREVIOUS ZONING RE-CLASSIFICATION AND/OR SPECIAL
EXCEPTION CASE NO. 72-231R
13) PETITION FOR A VARIANCE CASE NO. 05-488-A
14) NO HISTORICALLY SIGNIFICANT STRUCTURES ON
THE SUBJECT PROPERTY.
15) AMENITY OPEN SPACE: NONE REQUIRED
16) A/E/C = 0
15) PARKING:
REQUIRED: 1 SPACE PER EMPLOYEE ON LARGEST SHIFT
PROVIDED: 13 SPACES
16) PUBLIC WATER OR SEWER



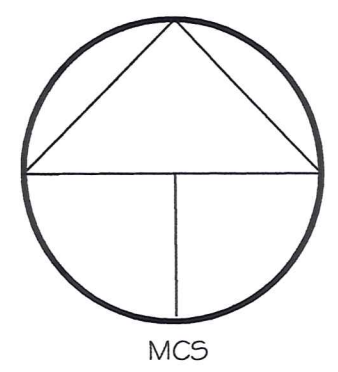
CASE NO. 72-163XA:
A VARIANCE FROM SECTION 255.2 AND/OR SECTION 243.1 OF THE BCZR WAS GRANTED TO ALLOW A 1 FOOT SETBACK IN LIEU OF REQUIRE 100 FOOT AND/OR 75 FOOT SETBACK.
A SPECIAL EXCEPTION WAS GRANTED TO USE THE PROPERTY DESCRIBED FOR A WIRELESS TRANSMITTING AND RECEIVING STRUCTURE.
APPROVAL ORDER DATE: NOVEMBER 30, 1971

CASE NO. 72-231R:
A PORTION OF THE SUBJECT PROPERTY WAS GRANTED A RE-CLASSIFICATION FROM DR 5.5 TO ML MAKING THE
PROPERTY ENTIRELY ZONED ML.
APPROVAL ORDER DATE: FEBRUARY 29, 1972.

NOTES:
1) CASE NO. 72-231R RENDERED THE VARIANCE APPROVAL IN CASE NO. 72-163XA MOOT.
2) THE GRANTED SPECIAL EXCEPTION WAS NOT UTILIZED WITHIN THE ALLOTTED PERIOD OF TIME OF ITS BEING GRANTED AND HAS EXPIRED IN ACCORDANCE WITH SECTION 502.3 OF THE CURRENT BCZC.

CASE NO. 05-466-A:
A VARIANCE FROM SECTION 255.2 (243.1) WAS GRANTED TO ALLOW A FRONT YARD SETBACK OF 30 FEET IN LIEU OF THE REQUIRED 75 FEET;
A VARIANCE FROM SECTION 255.2 (234.2) WAS GRANTED TO ALLOW A SIDEYARD SETBACK OF 5 AND 32 FEET IN LIEU OF THE REQUIRED 50 FEET; AND
A VARIANCE FROM SECTION 255.2 (234.3) WAS GRANTED TO ALLOW A REAR YARD SETBACK OF 46 FEET IN LIEU OF THE REQUIRED 50 FEET.

NOTE:
THE PROPOSED WAREHOUSE HAS NOT BEEN ERECTED TO DATE.



2/10/20

PLAN TO ACCOMPANY A PETITION
FOR A
SPECIAL HEARING
INTEGRITY INDUSTRIES, LLC PROPERTIES
BALTIMORE COUNTY, MARYLAND

2010-028

SHEET 1 OF 1

MBSL

EX. LANDSCAPING
EX. FENCING
EX. WOODS LINE
STORM DRAIN MANHOLE
SANITARY SEWER MANHOLE
EX. UTILITY POLE
EX. GUY WIRE
EX. GAS CAP
EX. WATER CAP
EX. WATER METER
EX. WATER VALVE
EX. FIRE HYDRANT
OVERHEAD UTILITY LINES
MINIMUM BUILDING SETBACK LINE

GRAPHIC SCALE



40 0 20 40 80 160

(IN FEET)

1 inch = 40 ft

SPECIAL HEARING REQUESTS:

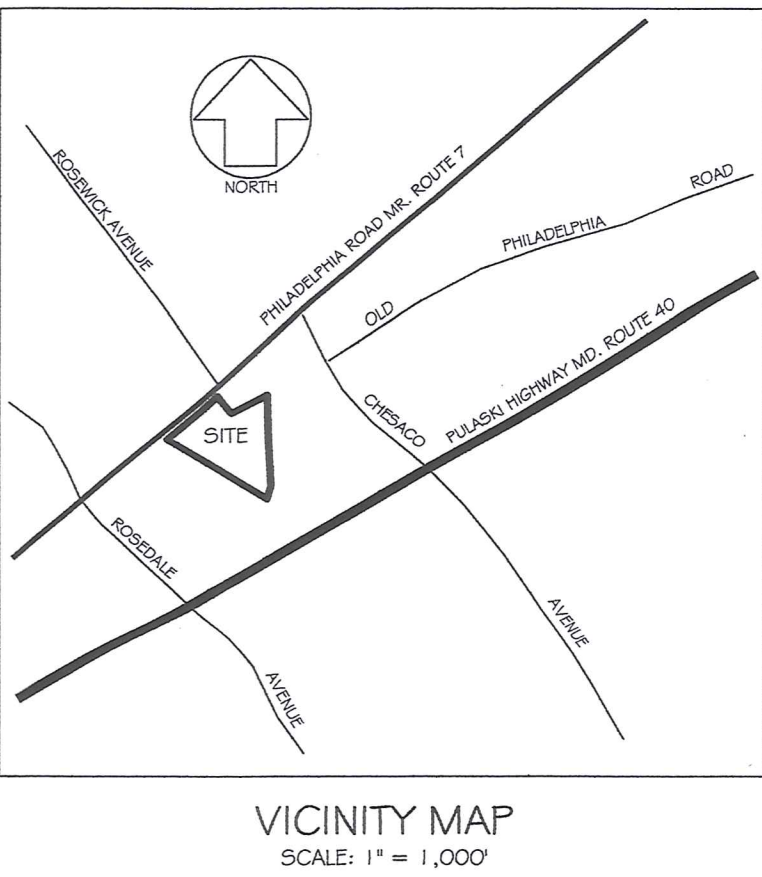
1. THAT INTEGRITY RECYCLING, INC.'S OPERATION ON SITE IS NOT AN OPEN DUMP/JUNKYARD AS DEFINED IN SECTION 101.1 THE BCZR;

2. THAT INTEGRITY RECYCLING, INC.'S OPERATION ON SITE, A SCRAP METAL PROCESSING FACILITY, IS A USE PERMITTED IN THE ML ZONE; AND

3. SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

SITE DATA:

1) OWNERS: INTEGRITY INDUSTRIES, LLC.
2) OWNERS ADDRESS: 7921 PHILADELPHIA ROAD BALTIMORE, MARYLAND 21237
3) OWNERS TELEPHONE NO.: 410-357-5000
4) TAX ACCOUNT NUMBERS: 160007444 & 150254943
5) TAX MAP: 89 GRID: 22 PARCELS: LOT 3 908 & 786
6) DEED REFERENCES: 10669/073 & 26964/577
7) GROSS AREA: 3.80 ACRES ± 0.31 ACRES
8) ZONING MAP: 08893
9) ZONING: ML = 4.09 ACRES
BR-AS = 0.02 ACRES
10) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCA.
11) PREVIOUS HEARINGS OR PERMITS:
PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION CASE NO. 72-1631A
PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION CASE NO. 72-231R
PETITION FOR A VARIANCE CASE NO. 05-488-A
12) NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE SUBJECT PROPERTY.
13) AMENITY OPEN SPACE: NONE REQUIRED
14) F.A.R. = 0
15) PARKING:
REQUIRED: 1 SPACE PER EMPLOYEE ON LARGEST SHIFT
PROVIDED: 13 SPACES
16) PUBLIC WATER OR SEWER



PREVIOUS HEARINGS:

CASE NO. 72-1631A
A VARIANCE FROM SECTION 255.2 AND/OR SECTION 243.1 OF THE BCZR WAS GRANTED TO ALLOW A 1 FOOT SETBACK IN LIEU OF REQUIRED 100 FOOT AND/OR 75 FOOT SETBACK.
A SPECIAL EXCEPTION WAS GRANTED TO USE THE PROPERTY DESCRIBED FOR A WIRELESS TRANSMITTING AND RECEIVING STRUCTURE.
APPROVAL ORDER DATE: NOVEMBER 30, 1971

CASE NO. 72-231R
A PORTION OF THE SUBJECT PROPERTY WAS GRANTED A RE-CLASSIFICATION FROM DR 5.5 TO ML MAKING THE PROPERTY ENTIRELY ZONED ML.
APPROVAL ORDER DATE: FEBRUARY 29, 1972.

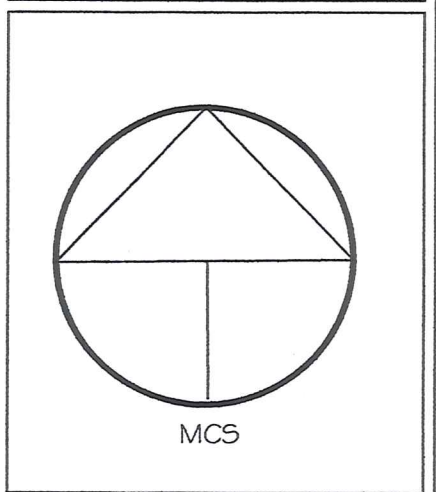
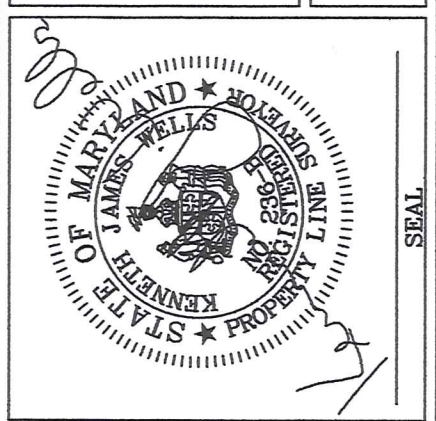
NOTES:
1) CASE NO. 72-231R RENDERED THE VARIANCE APPROVAL IN CASE NO. 72-1631A VOID.
2) THE GRANTED SPECIAL EXCEPTION WAS NOT UTILIZED WITHIN THE ALLOTTED PERIOD OF TIME OF ITS BEING GRANTED AND HAS EXPIRED IN ACCORDANCE WITH SECTION 502.3 OF THE CURRENT BCZR.

CASE NO. 05-488-A
A VARIANCE FROM SECTION 255.2 (243.1) WAS GRANTED TO ALLOW A FRONT YARD SETBACK OF 30 FEET IN LIEU OF THE REQUIRED 75 FEET.
A VARIANCE FROM SECTION 255.2 (234-2) WAS GRANTED TO ALLOW A SIDEYARD SETBACK OF 5 AND 32 FEET IN LIEU OF THE REQUIRED 50 FEET; AND
A VARIANCE FROM SECTION 255.2 (234-3) WAS GRANTED TO ALLOW A REAR YARD SETBACK OF 46 FEET IN LIEU OF THE REQUIRED 50 FEET.

NOTE:
THE PROPOSED WAREHOUSE HAS NOT BEEN ERCTED TO DATE.

kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 582-6800

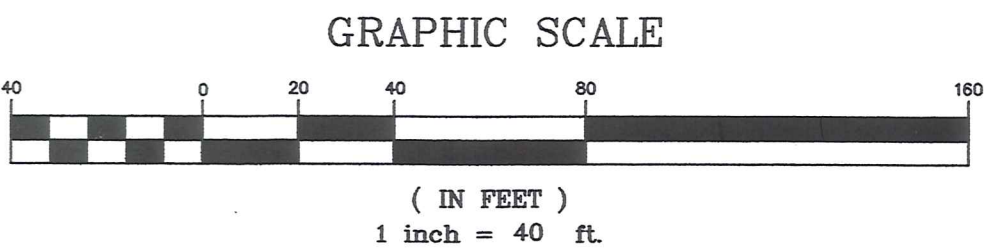
Land Surveying & Site Planning



REVISIONS:	
NO.	DATE

PLAN TO ACCOMPANY A PETITION
FOR A
SPECIAL HEARING
INTEGRITY INDUSTRIES, LLC PROPERTIES
BALTIMORE COUNTY, MARYLAND
15th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 12/21/2010
PROJECT NO.: 2010-028
SHEET 1 OF 1



- LEGEND:
- EX. LANDSCAPING
 - EX. FENCING
 - EX. WOODS LINE
 - STORM DRAIN MANHOLE
 - SANITARY SEWER MANHOLE
 - EX. UTILITY POLE
 - EX. GUY WIRE
 - EX. GAS CAP
 - EX. WATER CAP
 - EX. WATER METER
 - EX. WATER VALVE
 - EX. FIRE HYDRANT
 - OVERHEAD UTILITY LINES
 - MINIMUM BUILDING SETBACK LINE

