



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

May 30, 2017

C. William Clark, Esq.
Law Office of C. William Clark, LLC
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, MD 21204

Peter Max Zimmerman, Esq.
Office of People's Counsel
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

RE: Petition for Special Exception and Variance – Case No. 2015-0096-XA and
Petition for Special Exception – Case No. 2015-0097-X
Properties: 1325-1335 Mohrs Lane and 10001 Pulaski Highway

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matters.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Richard Pitz, 808 Cold Spring Road, Baltimore, MD 21220

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(1325-1335 Mohrs Lane)
15th Election District
6th Council District
Timberline Properties, LLC, *Legal Owner*
The Harvey Salt Co., *Lessee*
Petitioners**

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2015-0096-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 1325-1335 Mohrs Lane. The Petitions were filed on behalf of the legal owner, Timberline Properties, LLC and lessee, The Harvey Salt Co. ("Petitioners"). The Petition for Special Exception seeks relief per §§ 253.2.A.12 and 410.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to use the herein described property for a trucking facility (existing). The Petition for Variance seeks relief under B.C.Z.R. as follows: (1) to permit a Class II trucking facility (existing) within a distance of 50 feet in lieu of the required 200 feet of wetland; (2) to permit a Class II trucking facility (existing) within a distance of 75 feet of a dwelling in lieu of the required 300 feet; (3) to permit a Class II trucking facility (existing) with a net area of 3.02 in lieu of the required area of 5 acres; (4) to permit a Class II trucking facility (existing) with a curb tangent length between access points of 83 feet in lieu of the required 100 feet; (5) to permit a Class II trucking facility (existing) with a front yard of 22 feet in lieu of the required 50 feet; and (6) to permit a Class II trucking facility (existing) with a rear yard of 1 foot in lieu of the required 30 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

ORDER RECEIVED FOR FILING

Date 5-30-17

By lwj

Appearing at the hearing in support of the Petitions were Michael Di Deminicus, Bernadette Moskuna and landscape architect Matt Bishop. C. William Clark, Esq. represented the Petitioners. Richard Pitz (a neighbor) and People's Counsel Peter Zimmerman also attended the hearing. When this petition was originally filed in 2015, there was significant community opposition. In the ensuing two years the parties met on multiple occasions and were able to reach an amicable resolution of several issues. As such, the petition in this case was unopposed.

The Harvey Salt Co., a family run business with approximately 30 employees, has operated at this location for over 40 years. The company owns numerous tractor trailers and commercial trucks which are used to distribute salt products (stored on the site) to business and industrial users. Though the business has been operated in this fashion for many years, Petitioners recently became aware that a special exception was never obtained for the trucking facility. As such, this petition was filed to "legitimize" existing site conditions and (other than as noted below) Petitioners do not propose at this time to alter the existing buildings on the site or construct other improvements.

The property is approximately three (3) acres in size and is split-zoned ML-IM, ML-AS and BR-AS. The majority of the existing buildings and trucking activity occurs in the ML-IM portion of the site, where a class II trucking facility is permitted by special exception. The site is located near the intersection of Mohrs Lane and Pulaski Highway and is adjacent to other industrial and commercial uses.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals

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By DW

discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Here, Mr. Bishop testified the trucking facility has been operated at the current location for over 40 years without complaint. He noted landscaping would be provided to screen the facility and that the owner would provide storm water management for the site featuring level spreaders and a bio-retention facility to treat storm water runoff prior to its conveyance to an off-site wetland area. At present no storm water management is provided for this site. As noted earlier, the property is located in an industrial/commercial setting, and I believe based on Mr. Bishop's testimony and a review of the plans and other documents this use and operation will not have any non-inherent detrimental impacts at this location.

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. Mr. Bishop testified the property has an irregular shape and a 14-foot grade change across the site. These factors constrain the available building envelope and also render the property unique. If the B.C.Z.R. were strictly interpreted Petitioners would suffer a practical difficulty, in that they would be unable to continue using the existing improvements and operating the business at this location. I find that the variance can be granted in harmony with the spirit and

ORDER RECEIVED FOR FILING

Date 5-30-17

By OW

intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition. In addition, the owner has agreed to provide certain site improvements (noted below) which will improve the safety and appearance of the site, and will help to ensure the grant of special exception and variance relief will not be injurious to the community.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 30th day of **May, 2017**, that the Petition for Special Exception per B.C.Z.R. §§ 253.2.A.12 and 410.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to use the herein described property for a trucking facility (existing), be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a Class II trucking facility (existing) within 50 feet of a wetland in lieu of the required 200 feet; (2) to permit a Class II trucking facility (existing) within 75 feet of a dwelling in lieu of the required 300 feet; (3) to permit a Class II trucking facility (existing) with a net area of 3.02 in lieu of the required area of 5 acres; (4) to permit a Class II trucking facility (existing) with a curb tangent length between access points of 83 feet in lieu of the required 100 feet; (5) to permit a Class II trucking facility (existing) with a front yard of 22 feet in lieu of the required 50 feet; and (6) to permit a Class II trucking facility (existing) with a rear yard of 1 foot in lieu of the required 30 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Within 15 days of the date hereof Petitioners must submit to the Office of Administrative Hearings (OAH) an amended site plan on

ORDER RECEIVED FOR FILING

Date 5-30-17

By LDW

which is highlighted and demarcated the 2.8 acre special exception area for the trucking facility.

3. Petitioners must provide additional paving at the site as described in the report of Geo-Technology Associates, Inc., admitted as Exhibit 24.
4. Petitioners must provide a sidewalk along the entire Mohrs Lane frontage of the site, as requested in the DOP ZAC comment.
5. Petitioners must provide an environmental containment system for the above ground fuel tank on the site, to prevent the discharge of petroleum products in the event of a spill or failure of the fuel tank.
6. Petitioners must provide landscaping for the subject property and the parcel at 10001 Pulaski Highway, as shown and described on the final landscape plan admitted as Exhibit 32.
7. Petitioners must provide storm water management (SWM) for the subject property as described in the letter from DEPS dated January 20, 2017, admitted as Exhibit 34.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 5-30-17

By LSW



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:
Address 1325-1335 Mohrs Lane which is presently zoned ML-AS/BR-AS
Deed References: 33/85/469 10 Digit Tax Account # See attached
Property Owner(s) Printed Name(s) Timberline Properties, LLC

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. **X** a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for a trucking facility (existing) under Section 253.2.A.12 and Section 410.A.1
3. **X** a **Variance** from Section(s)

See attached.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

To be presented at a Hearing.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), 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. Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

The Harvey Salt Company
 Name- Type or Print
 Signature Bonnie C. Hammer (Pres)
 1325 Mohrs Lane Baltimore MD
 Mailing Address City State
 21220 410-391-9100
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Timberline Properties, LLC
 Name #1 - Type or Print Name #2 - Type or Print
 Signature #1 Bonnie C. Hammer Signature #2 (Pers. Resp. Est. of Bonnie C. Hammer sole member)
 c/o The Harvey Salt Company
 1325 Mohrs Lane, Baltimore MD
 Mailing Address City State
 21220 410-391-9100
 Zip Code Telephone # Email Address

Attorney for Petitioner:

C. William Clark
 Name- Type or Print
 Signature C. William Clark
 502 Washington Ave., Ste. 700 Towson MD
 Mailing Address City State
 21204 410-823-7800 cwclark@nolanplumhoff.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Bernadette Moskunus, Site Rite Surveying, Inc.
 Name - Type or Print
 Signature
 200 E. Joppa Road Towson, MD 21286
 Mailing Address City State
 Zip Code Telephone # Email Address siteriteinc@aol.com

CASE NUMBER 2015-0096 - **XA** Filing Date 10/23/14

Do Not Schedule Dates: **ORDER RECEIVED FOR FILING** Reviewer JS
REV. 10/4/11

Date 5-30-17

By [Signature]

Attachment to Petition for Zoning Hearings 1323-1325 Mohrs Lane

Tax Account Numbers

1516350490

1506100440

1600010659

1900007813

VariANCES:

1. To permit a Class II trucking facility (existing) within a distance of 50 feet in lieu of the required 200 feet of wetland.
2. To permit a Class II trucking facility (existing) within a distance of 75 feet of a dwelling in lieu of the required 300 feet.
3. To permit a Class II trucking facility (existing) with a net area of 3.02 in lieu of the required area of 5 acres.
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5. To permit a Class II trucking facility (existing) with a front yard of 22 feet in lieu of the required 50 feet.
6. To permit a Class II trucking facility (existing) with a rear yard of 1 foot in lieu of the required 30 feet.

**ZONING DESCRIPTION
#1323 - #1335 MOHRS LANE
HARVEY SALT**

BEGINNING at a point on the north side of Mohrs Lane which is 60 feet inside at a distance of 204 feet southeast of the center line of Pulaski Highway (State Route No. 40) which is 150 feet wide.

Thence the following courses and distances: (1) North 46° 26' 50" East, 205.18', (2) South 60° 30' East, 165.02', (3) North 34° 45' East, 85.00', (4) South 60° 30' East, 219.67', (5) South 59° 35' East, 117.00', (6) South 35° 34' 20" West, 277.10', (7) North 61° 55' 40" West, 118.03', (8) North 60° 30' West, 257.67' and (9) North 60° 32' West, 168.80' back to the Point of Beginning as recorded in Deed Liber 33785, folio 469, containing 3.02 acres, more or less. Located in the 15th Election District and 6th Councilmanic District.



Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

FILE: 1323-1335 MOHRS LANE.DOC\2014 ZONING DESC

2015-0096- XA

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#1323 - #1335 MOHRS LANE
HARVEY SALT**

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(410) 828-9060

FILE: 1323-1335 MOHRS LANE.DOC\2014 ZONING DESC

2015-0096-XA

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

No. **118365**

Date: **10/23/14**

PAID RECEIPT

BUSINESS ACTUAL TIME INW
 10/24/2014 10/23/2014 10:11:35 5

RECEIPT # 768,99 10/23/2014
 5 520 ZIMING VERIFICATION
 NO. 118365

Receipt Tot \$1,000.00
 \$1,000.00 CR \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 1000.00

Total: **\$ 1000.00**

Rec From: **TIMBERLINE PROPERTIES, LLC**

For: **2015-0096- KA**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2015-0096-XA

RE: Case No.: _____

Petitioner/Developer: _____

The Harvey Salt Company
Timberline Properties, LLC

December 2, 2014

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

1325-1335 Mohrs Lane

November 12, 2014

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



Sincerely,

 November 12, 2014

(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)

LETTER OF TRANSMITTAL

Site Rite Surveying, Inc.

Shell Building, Room 101
200 East Joppa Road
Towson Maryland 21286
410-828-9060
FAX: 410-828-9066

DIRECT CORRESPONDENCE TO:

TO: ALJ

DATE: 9 June 2017

SUBJECT: Harvey Salt

Case No. 2015-0096-XA

ATTENTION: Judge Beverungen

OUR FILE: 10043

WE ARE: HEREWITH
 UNDER SEPARATE COVER

TRANSMITTING VIA:
 MESSENGER
 U.S.MAIL () THE FOLLOWING:
 hand-delivered - Bernadette

QUANTITY	DRAWING	DESCRIPTION AND/OR TITLE
1	x	Highlighted amended plan per order for above referenced case (#1323-1325 Mohrs Lane)

RECEIVED
JUN 09 2017
OFFICE OF
ADMINISTRATIVE HEARINGS

TRANSMITTED AS INDICATED BELOW:

- PER AGREEMENT
- FOR YOUR INFORMATION
- FOR COMMENT
- PER YOUR REQUEST
- FOR APPROVAL
- _____

1 COPY(S) OF transmittal/plan SENT TO Mr. Bud Clark, Esq.
____ COPY(S) OF _____ SENT TO _____
____ COPY(S) OF _____ SENT TO _____

REMARKS: _____

PLEASE SIGN AND RETURN ONE (1) COPY OF THIS TRANSMITTAL AS A RECEIPT

VERY TRULY YOURS:

Site Rite Surveying, Inc.
SENT BY: Bernadette

RECEIVED BY: _____
DATE: _____

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(1325-1335 Mohrs Lane)
15th Election District
6th Council District
Timberline Properties, LLC, *Legal Owner*
The Harvey Salt Co., *Lessee*
Petitioners**

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2015-0096-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 1325-1335 Mohrs Lane. The Petitions were filed on behalf of the legal owner, Timberline Properties, LLC and lessee, The Harvey Salt Co. (“Petitioners”). The Petition for Special Exception seeks relief per §§ 253.2.A.12 and 410.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to use the herein described property for a trucking facility (existing). The Petition for Variance seeks relief under B.C.Z.R. as follows: (1) to permit a Class II trucking facility (existing) within a distance of 50 feet in lieu of the required 200 feet of wetland; (2) to permit a Class II trucking facility (existing) within a distance of 75 feet of a dwelling in lieu of the required 300 feet; (3) to permit a Class II trucking facility (existing) with a net area of 3.02 in lieu of the required area of 5 acres; (4) to permit a Class II trucking facility (existing) with a curb tangent length between access points of 83 feet in lieu of the required 100 feet; (5) to permit a Class II trucking facility (existing) with a front yard of 22 feet in lieu of the required 50 feet; and (6) to permit a Class II trucking facility (existing) with a rear yard of 1 foot in lieu of the required 30 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners’ Exhibit 1.

Appearing at the hearing in support of the Petitions were Michael Di Deminicus, Bernadette Moskuna and landscape architect Matt Bishop. C. William Clark, Esq. represented the Petitioners. Richard Pitz (a neighbor) and People's Counsel Peter Zimmerman also attended the hearing. When this petition was originally filed in 2015, there was significant community opposition. In the ensuing two years the parties met on multiple occasions and were able to reach an amicable resolution of several issues. As such, the petition in this case was unopposed.

The Harvey Salt Co., a family run business with approximately 30 employees, has operated at this location for over 40 years. The company owns numerous tractor trailers and commercial trucks which are used to distribute salt products (stored on the site) to business and industrial users. Though the business has been operated in this fashion for many years, Petitioners recently became aware that a special exception was never obtained for the trucking facility. As such, this petition was filed to "legitimize" existing site conditions and (other than as noted below) Petitioners do not propose at this time to alter the existing buildings on the site or construct other improvements.

The property is approximately three (3) acres in size and is split-zoned ML-IM, ML-AS and BR-AS. The majority of the existing buildings and trucking activity occurs in the ML-IM portion of the site, where a class II trucking facility is permitted by special exception. The site is located near the intersection of Mohrs Lane and Pulaski Highway and is adjacent to other industrial and commercial uses.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals

discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Here, Mr. Bishop testified the trucking facility has been operated at the current location for over 40 years without complaint. He noted landscaping would be provided to screen the facility and that the owner would provide storm water management for the site featuring level spreaders and a bio-retention facility to treat storm water runoff prior to its conveyance to an off-site wetland area. At present no storm water management is provided for this site. As noted earlier, the property is located in an industrial/commercial setting, and I believe based on Mr. Bishop's testimony and a review of the plans and other documents this use and operation will not have any non-inherent detrimental impacts at this location.

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. Mr. Bishop testified the property has an irregular shape and a 14-foot grade change across the site. These factors constrain the available building envelope and also render the property unique. If the B.C.Z.R. were strictly interpreted Petitioners would suffer a practical difficulty, in that they would be unable to continue using the existing improvements and operating the business at this location. I find that the variance can be granted in harmony with the spirit and

intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition. In addition, the owner has agreed to provide certain site improvements (noted below) which will improve the safety and appearance of the site, and will help to ensure the grant of special exception and variance relief will not be injurious to the community.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 30th day of **May, 2017**, that the Petition for Special Exception per B.C.Z.R. §§ 253.2.A.12 and 410.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to use the herein described property for a trucking facility (existing), be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a Class II trucking facility (existing) within 50 feet of a wetland in lieu of the required 200 feet; (2) to permit a Class II trucking facility (existing) within 75 feet of a dwelling in lieu of the required 300 feet; (3) to permit a Class II trucking facility (existing) with a net area of 3.02 in lieu of the required area of 5 acres; (4) to permit a Class II trucking facility (existing) with a curb tangent length between access points of 83 feet in lieu of the required 100 feet; (5) to permit a Class II trucking facility (existing) with a front yard of 22 feet in lieu of the required 50 feet; and (6) to permit a Class II trucking facility (existing) with a rear yard of 1 foot in lieu of the required 30 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Within 15 days of the date hereof Petitioners must submit to the Office of Administrative Hearings (OAH) an amended site plan on

which is highlighted and demarcated the 2.8 acre special exception area for the trucking facility.

3. Petitioners must provide additional paving at the site as described in the report of Geo-Technology Associates, Inc., admitted as Exhibit 24.
4. Petitioners must provide a sidewalk along the entire Mohrs Lane frontage of the site, as requested in the DOP ZAC comment.
5. Petitioners must provide an environmental containment system for the above ground fuel tank on the site, to prevent the discharge of petroleum products in the event of a spill or failure of the fuel tank.
6. Petitioners must provide landscaping for the subject property and the parcel at 10001 Pulaski Highway, as shown and described on the final landscape plan admitted as Exhibit 32.
7. Petitioners must provide storm water management (SWM) for the subject property as described in the letter from DEPS dated January 20, 2017, admitted as Exhibit 34.

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

MAY 22, 2017

2015-0096-~~1A~~
2015-0097-t

combined for hearing

Case No.:

Exhibit Sheet

Petitioner/Developer

Protestants

DW 5-26-17

No. 1	site plan (trucking case) #0096	
No. 2	site plan (storage yard) #0097	
No. 3	DOP ZAC comments #0096	
No. 4	DOP ZAC comments #0097	
No. 5	Redline plan - #0096 after DOP review	
No. 6	Redline plan - #0097 after DOP review	
No. 7	Redline plan #0096	
No. 8	Redline plan #0097	
No. 9	order in # 90-434-SPHA	
No. 10	My Neighborhood Map	
No. 11	Zoning map	
No. 12	Zoning map	

2015-0096
2015-0097

Case No.:

Exhibit Sheet - Continued

	Petitioner/Developer	Protestants
No. 13	1987 Sleepy Hollow Flood Plain Study	
No. 14	Sleepy Hollow 1992 Subdivision plan	
No. 15	Steep Slope Analysis April 2013	
No. 16	Photos trucking facility	
No. 17	Photos trucking facility	
No. 18	Photos - Mohrs Lane	
No. 19	Photos - trucking facility	
No. 20	Photos - trucking facility	
No. 21	Photo - trucking facility	
No. 22	Church CV	
No. 23	Wirth CV	
No. 24	Geotech report	

2015-0096

2015-0097

Case No.: _____

Exhibit Sheet

Petitioner/Developer

Protestants

No. ✓	Petitioner/Developer	Protestants
25	"Product Line" exhibit	
26	photo - tractor trailer	
27	Permit - Garage	
28	County inspection record	
29	site plan for garage on site	
30	Licensing Agreement 2012	
31	Deed (2013) trucking facility.	
32	Approved final landscape plan	
33	Rendering of landscape	
34	DEPS letter dated 1-20-17 re: SWM	
35	Photo - Bio retention facility example	
No. 12		



Pet. # 16



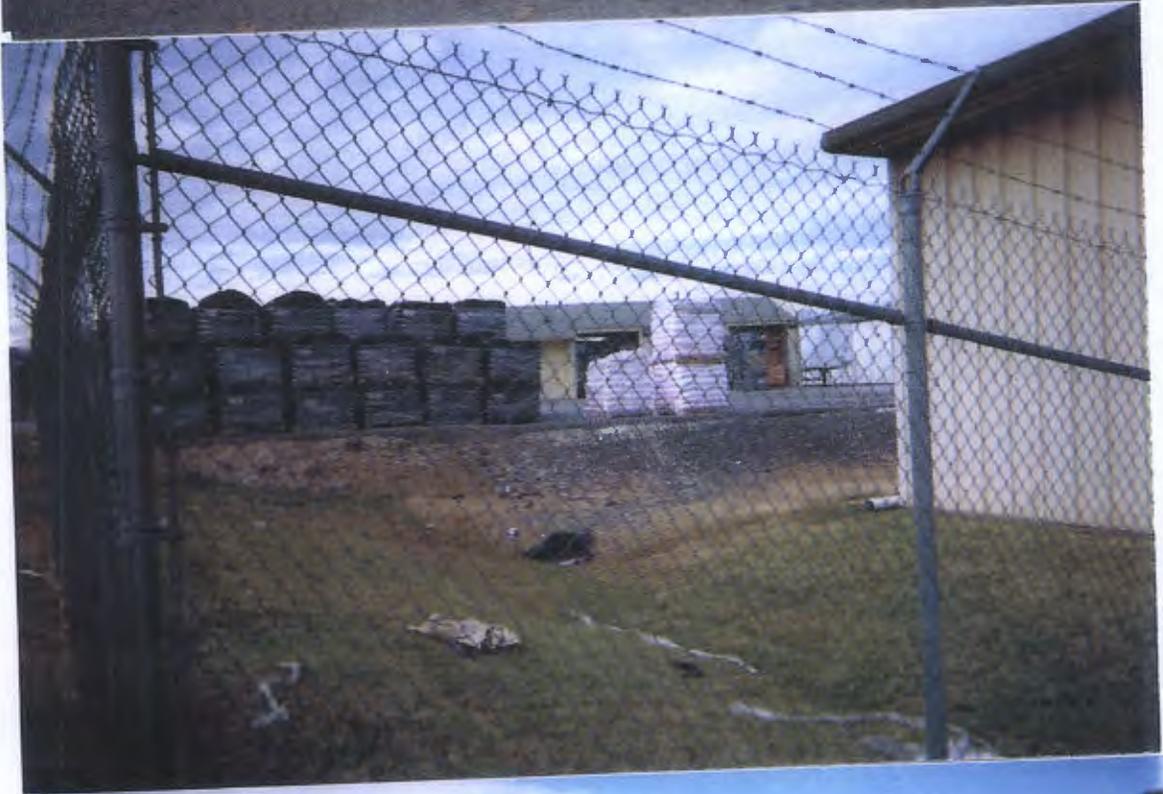
Pet. # 17



Pet. # 18



Pet. # 19



Pet. #20



Pet. # 21

Eric B. Church, E.I.T.

Project Geotechnical Professional

PROJECT ASSIGNMENT:

Construction Manager, Geotechnical Exploration and Design

YEARS OF EXPERIENCE:

GTA: 6

EDUCATION:

B.S., Civil Engineering, Virginia Military Institute, 2011

M.E., Geotechnical Engineering, University of South Carolina, 2015-Present

ACTIVE REGISTRATION:Engineer in Training:
Maryland, 2012**MEMBERSHIPS:**

American Society of Civil Engineers

QUALIFICATIONS:

As a Project Geotechnical Professional with Geo-Technology Associates, Inc., Mr. Church's responsibilities include performing quality assurance, quality control on a wide variety of geotechnical and construction observation and testing (COT) projects; provides training and supervision of field technicians; project manager for commercial and residential projects; and preparing reports. Mr. Church prepares proposals for new work, handles relations with clients and local agencies, and manages budget and billing for geotechnical and COT projects. Mr. Church prepares design and construction drawings for segmental block retaining walls for various residential and commercial projects. Mr. Church also completes all the required AutoCAD drawings for both the COT and geotechnical projects in the Abingdon office.

In addition, Mr. Church provides specialized inspections in the field and laboratory including soil stabilization; shallow and deep foundation systems; masonry and concrete observations; spray applied fireproofing; and observation of subsurface explorations including test borings/test pits. He is proficient in laboratory testing following ASTM and AASHTO standards. Some of Mr. Church's recent experiences include providing construction monitoring services and geotechnical explorations and design for the following:

Reserve at Riverside, Harford County, Maryland – Project Manager for a residential site with 7 apartment building complexes, with testing and observation of associated roadways, subsurface utilities, stormwater management facilities, retaining wall, footings, slab-on-grade, and soil rehabilitation with soil cement. Designed a retaining wall for a dog park area and produced construction drawings with specifications.

9104 & 9108 Yellow Brick Road, Baltimore County, Maryland – Project manager for a retaining wall, 12 feet tall and 418 feet long, supporting U.S. Route 7 to rehabilitate a failing slope with site grading, footings, concrete testing, utility installation, and rehabilitation of soil using soil cement. Coordinated subsurface explorations using Standard Penetration Testing, laboratory testing to determine site conditions and in-situ soils; engineering properties. Evaluation of existing fill materials encountered during subsurface exploration. Produced construction plan drawings for the retaining wall.

Country Club of Maryland, Baltimore County, Maryland – Designed three separate retaining walls for a residential development with the largest wall being 1,180 feet long and 20 feet tall. Produced the construction drawings and specifications for each of the walls using AutoCAD.

Rogers Ford, Harford County, Maryland – Project Manager for a residential development with single family homes. Coordinated testing and observation of lots, associated roadways, subsurface utilities, off-site utilities, stormwater management facilities, and soil rehabilitation with soil cement.

Union Bridge Quarry Replacement, Carroll County, Maryland – Project Manager for geotechnical and COT services performed for a five mile conveyor system connecting a new quarry to the existing processing plant. Coordinated testing and observation of conveyor alignment, associated roadways and building foundations, subsurface utilities, stormwater management facilities, 50 foot mechanically stabilized earth wall, and structural steel associated with the conveyor.

Principio Business Parking – Building B, Cecil County, Maryland – Project Manager for the geotechnical investigation for a 1.2 million square foot warehouse. Coordinated drilling and laboratory testing associated with the site. Produced a geotechnical report for the site with recommendations for structural fills, foundations, slab-on-grade, and pavement design.


**GEO-TECHNOLOGY
ASSOCIATES, INC.**

THOMAS M. WIRTH, P.E.
Vice President

PROJECT ASSIGNMENT:
Principal, Geotechnical Engineer

YEARS OF EXPERIENCE:
GTA: 15

EDUCATION:
B.S., Civil Engineering, Virginia Military Institute, 1998
M.S., Geotechnical Engineering, University of Delaware, 2006

ACTIVE REGISTRATION:
Professional Engineer:
Maryland, 2007, #33973
Delaware, 2008, #15474
Pennsylvania, 2008, #PE075607

MEMBERSHIPS:
Harford County Contractor's Association, President
American Society of Civil Engineers
Society of American Military Engineers
Maryland Building Industry Association (MBIA)
Urban Land Institute (ULI), Baltimore
Design and Construction Network
American Institute of Architects, Member
Maryland Asphalt Association

QUALIFICATIONS:

Mr. Wirth's responsibilities include managing quality assurance and quality control and providing design services on a wide variety of geotechnical and construction observation and testing (COT) projects. Mr. Wirth prepares proposals for new work, handles relations with clients and local agencies, and manages the budget and billing for all geotechnical and COT projects in the Abingdon office.

Mr. Wirth's Geotechnical services include the design recommendation and consultation services during the planning of residential, commercial, retail, industrial, and government projects. Mr. Wirth manages the scheduling and layout of soil borings and test pit excavations, reviews the classification of soils, and prepares the reports of geotechnical exploration including design and construction recommendations.

Mr. Wirth supervises the Abingdon office COT department and is responsible for the quality assurance and quality control of construction projects for the Abingdon office. Specifically, Mr. Wirth is responsible for the engineering management and review of all COT projects, and supervision of the field technicians and COT managers. As part of his responsibilities, Mr. Wirth is involved in the training and mentoring of laboratory and engineering technicians and assistant managers. Construction related tasks include deep and shallow foundation preparation, earthwork observation, earth retaining structures, pavement construction, structural concrete, and structural steel and framing inspection.

Responsibilities also include overseeing the day-to-day operations in the soils and concrete testing laboratory. Specifically, Mr. Wirth verifies and performs laboratory testing utilizing ASTM specifications, maintains laboratory equipment, performs calculations of laboratory results, generates reports of laboratory results and geotechnical logs and maintains quality control for the lab.

Mr. Wirth's geotechnical design services have included the design and/or review of mechanically stabilized earth walls, modular block retaining walls, reinforced soil slopes, dam embankments, pavement design, shallow and deep foundations, the chemical modification and stabilization of soil, and drainage systems for pervious pavement and foundations.



GEO-TECHNOLOGY ASSOCIATES, INC.

GEO-TECHNOLOGY ASSOCIATES, INC.

GEOTECHNICAL AND
ENVIRONMENTAL CONSULTANTS

A Practicing Geoprofessional Business Association Member Firm



August 6, 2015

Morris & Ritchie Associates, Inc.
1220-C East Joppa Road, Suite 505
Towson, Maryland 21286

Attn: Mr. Matthew Bishop, PLA, LEEP AP
Associate

Re: Report for Geotechnical Services
Harvey Salt – Pavement Evaluation
Baltimore County, Maryland

Dear Matt:

In accordance with our agreement, Geo-Technology Associates, Inc. (GTA) has evaluated the condition of the existing pavement at the parking lot of the Harvey Salt facility. The evaluation consisted of observing the condition of the existing surficial pavements and coring of the existing asphalt pavement sections to determine its thickness and composition. The condition of the existing pavements was then used for the pavement design.

The existing pavements within the parking lot area of the Harvey Salt facility were cored at three locations, identified as C-1 through C-3, and are depicted on the attached *Core Location Plan*. In addition to measuring the thickness of the asphalt, hand auger probes were performed at each core location to measure the thickness of the aggregate base and sample the pavement subgrade soil.

Based on our measurements, the asphalt thickness ranged from approximately 2.5 to 9 inches, with an average thickness of approximately 5.75 inches. Beneath the asphalt, the aggregate base was measured to have a thickness of greater than 18 inches at all core locations. The pavement subgrades soils were not encountered at any of the coring locations. The descriptions of the subgrade soils are based on visual classifications by a GTA geologist in the field, supplemented by available laboratory test results.

3445-A Box Hill Corporate Center Drive, Abingdon, MD 21009 (410) 515-9446 Fax: (410) 515-4895

✦ Abingdon, MD ✦ Baltimore, MD ✦ Laurel, MD ✦ Frederick, MD ✦ Waldorf, MD ✦ Sterling, VA ✦ Fredericksburg, VA ✦ Maivern, OH
✦ Somerset, NJ ✦ NYC Metro ✦ New Castle, DE ✦ Georgetown, DE ✦ York, PA ✦ Quakertown, PA ✦ Towanda, PA ✦ Charlotte, NC

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Ex. 24

CORE SUMMARY

Core No.	Core Thickness (in)	Aggregate Base Thickness (in)	Aggregate Base Type
C-1	5.75	18+	GAB
C-2	2.5	18+	GAB & RAB
C-3	9.0	18+	RAB

GAB = Graded Aggregate Base

RAB = Recycled Concrete Aggregate Base

Laboratory Testing

A bulk sample was obtained from the parking lot aggregate base and was tested for grain size analysis and Atterberg limits. The grain size analysis testing was performed to determine the American Association of State Highway and Transportation Officials (AASHTO) designation, which provides information regarding soil behavior beneath pavement systems. The bulk soil sample had a USCS classification of Silty SAND with gravel (SM), and an AASHTO designation of A-1-b. The laboratory test report is included herein.

CONCLUSIONS AND RECOMMENDATIONS

Based on our observations, portions of the asphalt pavement sections had deteriorated to varying degrees, primarily in front of the loading docks. The pavement subgrade soils were not encountered during our exploration. However, a Graded-Aggregate-Base (GAB) was encountered at each coring location and found to exceed 18 inches in thickness. Remediation of the deteriorated or failed pavement areas is feasible provided that the following recommendations are followed.

Traffic Analysis

The pavement recommendations are based on anticipated subgrade conditions and traffic loads. The Client has indicated that approximately 35 tractor-trailers arrive and 30 tractor-trailers leave the facility daily, and that 20 personal vehicles are at this facility. Using these traffic counts, GTA calculated the 18,000-pound Equivalent Single Axle Load (18k ESAL) over a pavement design life of 20 years for the various pavement areas as 743,662 ESAL.

Pavement Subgrade

Based on our observations during our exploration, the pavement subgrade soils were not encountered at any of the coring locations. However, GAB was encountered at core locations C-1 and C-2, and a recycled aggregate base was encountered at core location C-3. It should be noted that at core location C-2 the GAB had a thickness of approximately 7 inches and was underlain by a recycled aggregate base. At all locations the GAB and/or recycled aggregate base had a thickness of greater than 18 inches.

Pavement Design

The flexible pavement sections are designed in accordance with the *AASHTO Guide for Design of Pavement Structures (1993)* for a design period of 20 years. The following pavement sections assume that the subgrade soils and aggregate base course materials have been uniformly compacted to 95 percent of Modified Proctor maximum dry density. Other design parameters are summarized as follows:

Load Transfer Coefficient	4.00
Drainage Coefficient	1.00
Initial Serviceability	4.20
Terminal Serviceability	2.50
Standard Deviation	0.45
Reliability	85%

Flexible Pavements

Assuming a CBR value of 5 percent for the existing subgrade soil conditions beneath the surface, GTA recommends that the existing asphalt pavement in front of the loading dock areas (C-2) should be removed and replaced with following flexible pavement section:

<u>Flexible Pavement Section – Loading Docks</u>	
HMA Surface Course (12.5 mm [*])	2.0 inches
HMA Base Course (19.0 mm [*])	2.5 inches

* Compaction: Level 1 (50 Gyration), Binder Type: PG70-22

Before any asphalt is placed in the loading docks area, the stone base should be proof rolled to locate any soft or loose areas. If soft or loose areas are encountered they should be undercut to a stable stratum and backfilled with controlled compacted GAB. The removal of any surface materials and the subsequent proof rolling and undercutting of any unsuitable or unstable material, and placement of controlled, compacted fill should be observed by the Geotechnical Engineer or their qualified representative.

For the remainder of the asphalt pavement drive and parking areas (C-1 and C-3), which had little to no noticeable distress, GTA recommends milling down and replacing the surface course with 2.0 inches of HMA Surface Course (12.5mm). Care should be taken during the implementation of this option not to damage the existing utility structures or valves, or the curb which may still be in suitable condition.

Additional Work

We recommend that during the reconstruction of the pavement section, GTA be retained to provide the following additional services:

- Survey services.
- Construction testing services.

LIMITATIONS

These recommendations, including all supporting field data, field notes, laboratory test data, calculations, estimates and other documents prepared by GTA in connection with this Project, have been prepared for the exclusive use of MRA pursuant to the agreement between GTA and MRA dated June 8, 2015, in accordance with generally accepted engineering practice.

The analysis and recommendations contained herein are based on the data obtained from limited observation and testing of the encountered materials. Explorations indicate subsurface conditions only at specific locations and times, and only at the depths penetrated. They do not necessarily reflect strata or variations that may exist between explorations locations. Consequently, the analysis and recommendations must be considered preliminary until the subsurface conditions can be verified by direct observation at the time of construction. If variations of subsurface conditions from those described in this Report are noted during construction, recommendations in this Report may need to be re-evaluated.

In the event that any changes in the nature, design, or location of the facilities are planned, the conclusions and recommendations contained in this Report should not be considered valid unless the changes are reviewed and conclusions of this Report are verified in writing. GTA is not responsible for any claims, damages, or liability associated with interpretation of subsurface data or reuse of the subsurface data or engineering analysis without the expressed written authorization of GTA.

The scope of our services for this geotechnical exploration did not include any environmental assessment or investigation for the presence or absence of wetlands, or hazardous or toxic materials in the soil, surface water, groundwater or air, on or below or around this site. Any statements in this Report or on the logs regarding odors or unusual or suspicious items or conditions observed are strictly for the information of our Client.

This Report and the attached logs are instruments of service. The subject matter of this Report is limited to the facts and matters stated herein. Absence of a reference to any other conditions or subject matter shall not be construed by the reader to imply approval by the writer.

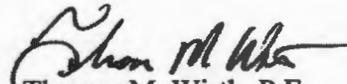
All terms and conditions set forth in the Agreement are incorporated herein. No other warranty, express or implied, is made herein. Use and reproduction of this Report by any other person is unauthorized. GTA appreciates the opportunity to have been of assistance to you on this project.

Should you have any questions or require any additional information, please contact
GTA's office at (410) 515-9446.

Sincerely,
GEO-TECHNOLOGY ASSOCIATES, INC.



Eric J. Kussman
Project Scientist



Thomas M. Wirth, P.E.
Vice President

EJK/TMW/mlw
150952

L:\Shared\Geo\2015 Projects\150952 Harvey Salt\Report\150952 Harvey Salt Pavement ltr.doc

Attachments:

Core Location Plan
Laboratory Test Results

Particle Size Distribution Report



ASTM Specifications performed may include: D421, D422, D2216, D2217, and D4318.

GRAIN SIZE - mm.

% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	3.8	21.3	12.6	22.0	25.4	14.9	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
1	100.0		
.75	96.2		
.5	87.6		
.375	83.9		
#4	74.9		
#8	64.8		
#10	62.3		
#16	55.3		
#30	45.7		
#40	40.3		
#50	34.3		
#100	22.9		
#200	14.9		
#270	14.3		

Soil Description

Silty SAND with gravel

Atterberg Limits

PL= NP LL= NP PI= NP NM=

Coefficients

D₉₀= 14.2968 D₈₅= 10.5283 D₆₀= 1.6911
 D₅₀= 0.8038 D₃₀= 0.2332 D₁₅= 0.0766
 D₁₀= C_u= C_c=

Classification

USCS= SM AASHTO= A-1-b

Remarks

* (no specification provided)

Source of Sample: Aggregate Base
 Sample Number: S-1

Date: 7/21/15

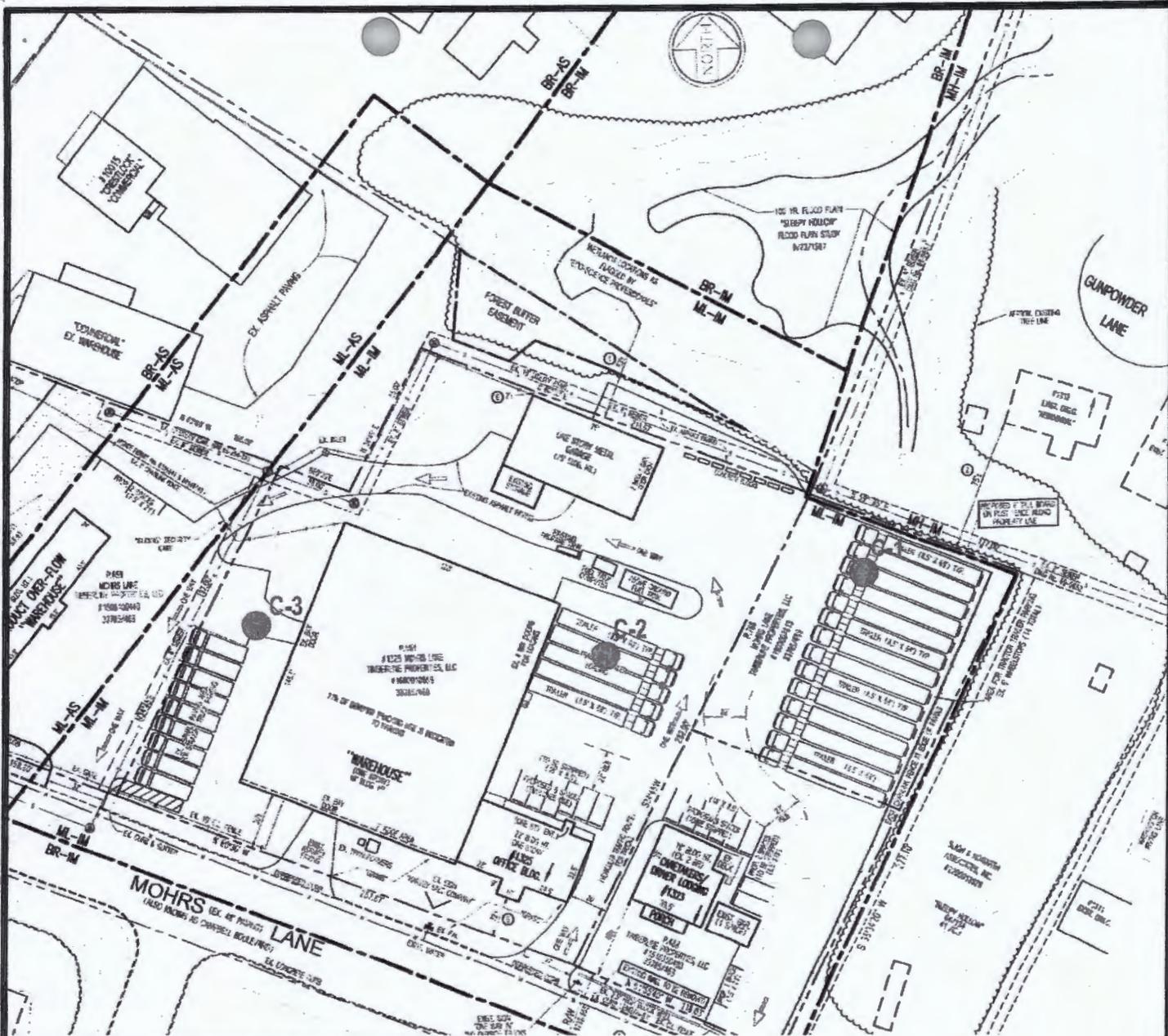


GEO-TECHNOLOGY ASSOCIATES, INC.
 3445-A Box Hill Corporate Center Drive
 Abingdon, MD 21009

Client: Morris & Ritchie Associates, Inc
Project: Harvey Salt - Pavement Evaluation
Project No: 150952

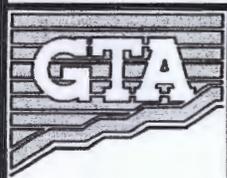
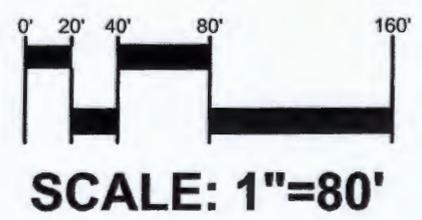
Tested By: J. Watkins

Checked By: T. Wirth



SOURCE: PLAN ADAPTED FROM A PLAN TITLED SPECIAL EXCEPTION AND VARIANCE PLAN, "HARVEY SALT," PREPARED BY MORRIS & RITCHE ASSOCIATES, INC., DATED JULY 8, 2015

LEGEND
 C-1 CORING LOCATIONS



GEO-TECHNOLOGY ASSOCIATES, INC.
 GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS
 3445-A BOX HILL CORPORATE CENTER DRIVE
 ABINGDON, MARYLAND 21009
 410-515-9448
 FAX: 410-515-4895
 WWW.GTAENG.COM
 © 2015 GEO-TECHNOLOGY ASSOCIATES, INC.

**CORING LOCATION PLAN
 HARVEY SALT**

BALTIMORE COUNTY, MARYLAND

JOB NO.	150952	SCALE:	1"=80'	DATE:	JULY 2015	DRAWN BY:	CLO	REVIEW BY:	EK	FIGURE:	1
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Product Line

Please call (800) 527-4571 for pricing and sales assistance!

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[Home](#)

Ice Control Products

[Ice Control](#)

Halite, Magnesium Chloride Pellet & Flake, Calcium Chloride Pellet & Flake, Clear-Way, Jiffy Melt, Liquid Magnesium Chloride, PC Ice Melter, Sand, Sand & Salt Mix, Urea, Zero Ice, and More

[Water Treatment](#)

Water Treatment Products

[Agricultural](#)

[Food Grade](#)

[Miscellaneous](#)

Coarse Solar Salt, Medium Solar Salt, Plaine Block, Red-Out Block, Dura Cube, Dura Cure Red-Out, Sun Gems, Sun Gems W/Red-Out, K-Life, Softouch, Carbon, Filter Media, Magnesium Oxide, X-O White, Filter Gravel, pH Neutralizer, Magnesium Suphate, Dense Soda Ash, Lite Soda Ash, Sodium Bicarbonate, Various Filters, A Complete Line Of Pro-water Treatment Chemicals and More

Agricultural Products

Plain Block, Iodized Block, Sulpher Block, Trace Mineral Block, Brick Holders, Deer Brick, Iodized Brick, Plain Brick, Sulpher Brick, Trace Mineral Brick, Mixing Salt, Assorted Bunny Spools, Plain Bunny Spools, Trace Mineral Bunny Spools, Trace Mineral Salt and More

Food Grade Products

Alberger Coarse Salt, Alberger Fine Flake Improved Salt, Alberger Fine Flake Salt, Alberger Fine Flake Flour Salt, Alberger Fine Flake Supreme Salt, Alberger Topping Flake, Alberger Fine prepared Flour Salt, Alberger Shur Flo Flour Salt, Alberger Shur Flo Fine Flake Salt, Sea Salt, Extra Coarse Top Flake, General Purpose Salt, Grandulated Salt, Iodized Granulated Salt, Kosher Salt, Popcorn Salt, Pretzel I Salt, Pretzel M Salt, TNA Purified Salt, and more

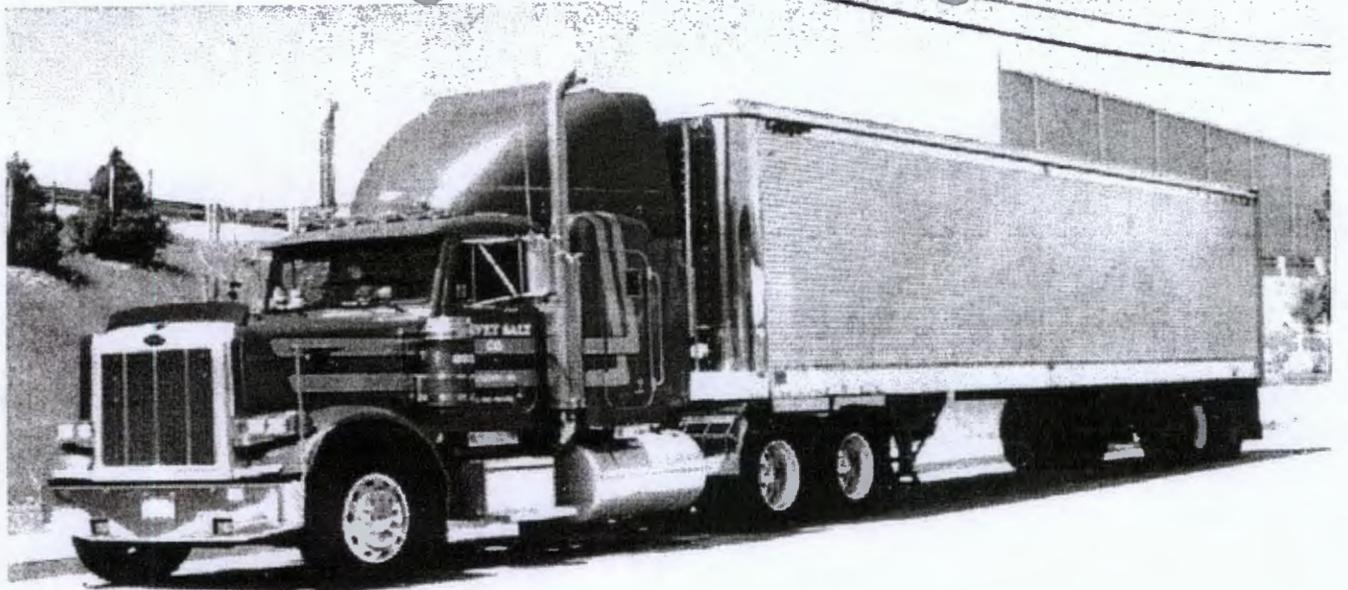
Miscellaneous Products

Various Stone Products, CobbleLock Brick Products, Limestone Products, and Sakrete Sand/Concrete Product

[[Home](#)] [[Ice Control](#)] [[Water Treatment](#)] [[Agricultural](#)] [[Food Grade](#)] [[Miscellaneous](#)]

Send mail to mdidominicus@harveysalt.com with questions or comments about this web site.
Last modified: December 13, 1999

Ret. #25





BALTIMORE COUNTY, MARYLAND
 DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
 TOWSON, MARYLAND 21204

[Signature]
 DIRECTOR

BUILDING PERMIT

[Signature]
 BUILDINGS ENGINEER

PERMIT #: B398672 CONTROL #: C- DIST: 15 PREC: 04
 DATE ISSUED: 01/07/2000 TAX ACCOUNT #: 1600010659 CLASS: 07

PLANS: CONST 2 PLOT 9 R PLAT 0 DATA 0 ELEC YES PLUM YES
 LOCATION: 1325 MOHRS LANE
 SUBDIVISION: 300 SE PULASKI HWY

OWNER'S INFORMATION
 NAME: HAMMEN, LOUIS W
 ADDR: 200AKRIDGE CT 21093

TENANT:
 CONTR: AMC INC
 ENGR:
 SELLR:
 WORK: CONST 1 STY WAREHOUSE BLDG ON REAR OF PROPERTY.
 75'X40'X25'=3000SF

**THIS PERMIT
 EXPIRES ONE
 YEAR FROM DATE
 OF ISSUE**

BLDG. CODE: BOCA CODE
 RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: OFFICE/WAREHOUSE & NEW WAREHOUSE BLDG
 100,000.00 EXISTING USE: OFFICE/WAREHOUSE

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
 USE: INDUSTRIAL STORAGE BUILDING
 FOUNDATION: SLAB BASEMENT: NONE
 SEWAGE: PUBLIC EXIST WATER:

LOT SIZE AND SETBACKS

SIZE: 1.600AC
 FRONT STREET:
 SIDE STREET:
 FRONT SETB: NC
 SIDE SETB: 30/113
 SIDE STR SETB:
 REAR SETB: 30'

EX. 27

**STEEL
BUILDING
SPECIALISTS, INC.**

TIMOTHY COOPER

3928 WASHINGTON BLVD
HALETHORPE, MD 21227
E-MAIL: TIM@SBSMD.COM

PHONE: (410) 247-9300
FAX: (410) 247-9369

BALTIMORE COUNTY
BUILDING INSPECTION
410-887-3953

Part of Building Inspected:
398625

Approved Disapproved ()

REMARKS:

5/12/00 DATE *Keay* BUILDING INSPECTOR

BALTIMORE COUNTY
BUILDING INSPECTION
410-887-3953

B010622 FT
Part of Building Inspected:
1325 MOHRS LANE

Approved Disapproved ()

REMARKS:

5-6-00 DATE *Raura Fawcner* BUILDING INSPECTOR

Ex. 28

#30

REVOCABLE LICENSE AGREEMENT

THIS REVOCABLE LICENSE AGREEMENT is made as of this 17 day of February, 2012 by and between CSS CREST, LLC, a Maryland Limited Liability Company (hereinafter referred to as "Licensor") and LOUIS W. HAMMEN (hereinafter referred to as "Licensee").

WHEREAS, Licensor is the owner of the property known as 10015 Pulaski Highway, Baltimore County, Maryland (hereinafter referred to as the "Licensor=s Property"); and

WHEREAS, Licensee is the owner of two parcels of land, each being adjacent to Licensor=s Property known as Parcel 551 on Baltimore County Tax Map 82, with an address of 3125 Mohrs Lane, and as Parcel 766 on Baltimore County Tax Map 82, with an address of Mohrs Lane (hereinafter referred to as "Licensee=s Properties"); and

WHEREAS, in connection with Licensee's use of Licensee=s Properties, Licensee uses and desires to continue to use a portion of Licensor=s Property described on Exhibit A as Driveway Encroachment (hereinafter referred to as the "License Area"), and Licensor has agreed to grant Licensee a license over the License Area in accordance with the provisions hereof.

NOW, THEREFORE, WITNESSETH for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

SECTION 1

GRANT OF LICENSE

Licensor hereby grants to Licensee a revocable nonexclusive license over the License Area for the sole purpose of providing to Licensee a convenient alternate means of ingress, egress and access between Licensee=s Properties. Licensee shall have no right to use any other portion of Licensor=s Property.

SECTION 2

CONDITION OF LICENSE AREA

Licensee recognizes that Licensor has no duty (or responsibility) in regard to the condition of the License Area on the date hereof or at any time hereafter, and Licensee accepts the License Area "AS IS".

SECTION 3

CONSIDERATION; MAINTENANCE

As consideration for the license hereby granted, Licensee shall pay to Licensor the following amounts: Three Hundred Dollars (\$300.00) per year, payable on the first day of each month in monthly installments of Twenty-five Dollars (\$25.00) each. Licensee agrees to maintain the License Area in good order and repair during the term of this License.

If this License is recorded in any land records or other government records by or on behalf of Licensee, this License shall be null and void at the sole option of Licensor, exercisable in writing at any time.

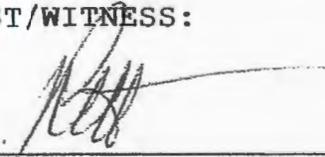
SECTION 8

TABLE OF CONTENTS; CAPTIONS

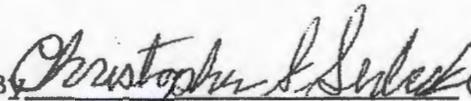
The captions appearing in this License are inserted only as a matter of convenience and do not define, limit, construe, or describe the scope or intent of the Sections of this License nor in any way affect this License.

WITNESS the hands and seals of the parties hereto as of the day and year first above written.

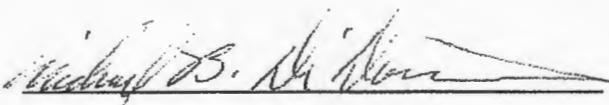
ATTEST/WITNESS:



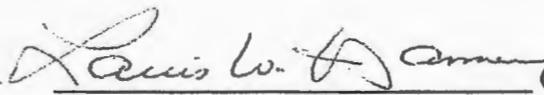
LICENSOR

By  (SEAL)
Christopher S. Serbeck

ATTEST/WITNESS:



LICENSEE

 (SEAL)
Louis W. Hammen

035185 469

**EXEMPT FROM TRANSFER TAXES
PURSUANT TO MD. TAX PROPERTY ARTICLE
TITLE 12, SECTION 108 (bb) CODE ANN.
TRANSFER FROM REAL ESTATE ENTERPRISE
TO A LIMITED LIABILITY COMPANY**

1323 Mohrs Lane-15-16-350490
1325 Mohrs Lane-16-00-0106590
Mohrs Lane-15-06-100440
Mohrs Lane-19-00-007813

THIS DEED, Made this 3rd day of June, in the year Two Thousand and Thirteen (2013),
by and between **LOUIS W. HAMMEN**, also known as **LOUIS WILLIAM HAMMEN**, a
Maryland Resident, Grantor, and **TIMBERLINE PROPERTIES LLC**, a Maryland Limited
Liability Company, Grantee.

WHEREAS, the Grantor is a Real Estate Enterprise as defined in Tax Property Article
12 Section 108(bb) of the Maryland Annotated Code and is principally involved in buying,
selling, leasing and managing real estate. (See attached Real Estate Enterprise Affidavit attached
hereto and made a part hereof.)

WHEREAS, the Grantor filed Articles of Organization of Timberline Properties LLC
(the "Articles") with the Maryland State Department of Assessments and Taxation on June 3,
2013, thereby converting the Real Estate Enterprise to Timberline Properties LLC, a Maryland
Limited Liability Company.

WHEREAS, at the time of filing the Articles, the Grantor had a fee simple interest in the
real property in Baltimore County, Maryland described in Exhibit A attached hereto.

WITNESSETH, That for valuable consideration consisting solely of issuance of
membership interests in Grantee, but no monetary consideration, the said **LOUIS W.
HAMMEN**, also known as **LOUIS WILLIAM HAMMEN**, does grant and convey unto the
said **TIMBERLINE PROPERTIES LLC**, A Maryland Limited Liability Company, its

successors and assigns, in fee simple, all those four (4) parcels of land, lying, and being in Baltimore County, State of Maryland, and described as follows, that is to say:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT TO all easements, restrictions, covenants and mortgages of record.

TOGETHER WITH the buildings and improvements thereupon erected, made, or being and all and every the rights, alleys, ways, waters, privileges, appurtenances, and advantages to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances, and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said **TIMBERLINE PROPERTIES LLC**, A Maryland Limited Liability Company, its successors and assigns, in fee simple.

AND the said Grantor hereby covenants that he will warrant specially the property granted, and that he will execute such further assurances of the same as may be requisite.

SIGNATURES AND ACKNOWLEDGMENTS TO APPEAR ON THE NEXT PAGES.

AS WITNESS the signature of the said Grantor.

WITNESS:

Louis W. Hammen (SEAL)
Louis W. Hammen, aka Louis William Hammen

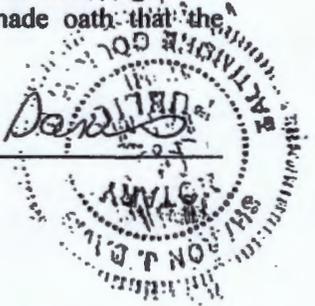
STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that on this 3 day of JUNE, 2013, before me, a Notary Public in and for the State aforesaid, personally appeared **Louis W. Hammen, aka Louis William Hammen**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained; and further made oath that the consideration hereinabove set forth is true and correct.

AS WITNESS my hand and Notarial Seal.

Sharon Z. Daniels
Notary Public

My Commission Expires 11/13/2016



ATTORNEY'S CERTIFICATION

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland. No title examination was requested or conducted.

Cornelia M. Koetter
Cornelia M. Koetter

Return to:
Cornelia M. Koetter, Esquire
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
NPW File No. 10511-003

**REAL ESTATE ENTERPRISE AFFIDAVIT
PURSUANT TO Tax Property 12-108(bb)**

The Grantor and Grantee of the foregoing Deed from **Louis W. Hammen, aka Louis William Hammen**, unto **Timberline Properties LLC**, a Maryland Limited Liability Company, swear and affirm under penalties of perjury that the following statements are true and correct.

- 1. The foregoing transfer represents a transfer that is an exempt transaction under TP 12-108(bb) (the "Statute").
- 2. Grantor holds title as tenant in severalty.
- 3. Grantor is principally involved in buying, selling, leasing and managing real property.
- 4. Grantor is a "real estate enterprise" (hereinafter "REE") as defined in TP 12-108(bb).
- 5. The foregoing Deed transfer is for no consideration other than the issuance of membership interests in the Grantee limited liability company (hereinafter "Grantee LLC").
- 6. The member of the Grantee LLC is identical to the owner of the Grantor REE.
- 7. The member of the Grantee LLC has the identical allocation of profit and loss as that member's allocation of profit and loss under the REE.
- 8. The foregoing Deed transfer is part of a discontinuation of the REE.
- 9. All real property owned by the individual and used in the conduct of any real estate enterprise is being conveyed to a single limited liability company, and Grantor REE's other business interests, if any, are unrelated to the REE.

SIGNATURES AND ACKNOWLEDGMENTS TO APPEAR ON THE NEXT PAGES.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 33785, p. 0472, MSA_CEE2_33641. Date available 06/26/2013. Printed 04/14/2014.

GRANTOR:

Louis W. Hammen

Louis W. Hammen, aka Louis William Hammen

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that on this 3 day of JUNE, 2013, before me, a Notary Public in and for the State aforesaid, personally appeared **Louis W. Hammen, aka Louis William Hammen**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained; and further made oath that the consideration hereinabove set forth is true and correct.

AS WITNESS my hand and Notarial Seal.

Sharon J. Davis

Notary Public



My Commission Expires 11/13/2016

GRANTEE:
TIMBERLINE PROPERTIES LLC,
a Maryland Limited Liability Company

Louis W. Hammen

By: Louis W. Hammen, aka Louis William
Hammen, Sole Member

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that on this 3 day of JUNE, 2013, before me, a Notary Public in and for the State aforesaid, personally appeared Louis W. Hammen, aka Louis William Hammen, the Sole Member of Timberline Properties LLC, a Maryland Limited Liability Company, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained; and further made oath that the consideration hereinabove set forth is true and correct.

AS WITNESS my hand and Notarial Seal.

Sharon Z. Davis

Notary Public

My Commission Expires 11/13/2016



EXHIBIT A
LEGAL DESCRIPTIONS

1323 Mohrs Lane (Tax ID No. 1516350490) (Parcel 1)

BEGINNING for the same on the northeast side of Mohrs Lane at an iron pipe heretofore planted at the beginning of the lot of ground conveyed by Josephine Wladowski, widow, to Edward Kowalczyk and wife by a Deed dated June 20th, 1953 and recorded among the Land Records of Baltimore County in Liber GLB No. 2311, folio 250 etc. running thence and binding on the northeast side of Mohrs Lane and on a part of the first line in said Deed South 61 degrees 55 minutes 40 seconds East 118.03 feet to an iron pipe at the beginning point of the lot of ground conveyed by Edward Kowalczyk and wife to Josephine Wladkowski, widow by a Deed dated August 25th, 1955 and recorded among the aforesaid Land Records in Liber GLB No. 2786, folio 73 etc. thence leaving the lane and binding reversely on the last line in the last mentioned Deed north 35 degrees 34 minutes 20 seconds east 277.10 feet to an iron pipe heretofore planted at the end of the third line in said Deed and to intersect the third line in the aforesaid Deed to Kowalczyk thence binding on a part of the last mentioned third line north 59 degrees 35 minutes west 117.02 feet to a pipe at the end of said line thence with the last line thereof south 35 degrees 40 minutes west 282.00 feet to the place of beginning. Containing 0.75 of an acre of land more or less.

SAVING AND EXCEPTING all of the land previously conveyed to the said Louis W. Hammen by George W. Phelps and Marion A. Phelps, his wife, in fee simple, by Deed dated the 15th day of December, 1982 and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No. 6466 folio 348, etc., containing 0.37 acres of land, more or less.

BEING the same property which by Deed dated December 23, 1986 and recorded among the Land Records of Baltimore County in Liber 7370 folio 243 was granted and conveyed by George W. Phelps and Marion A. Phelps, his wife, unto Louis W. Hammen, the Grantor herein, in fee simple.

1325 Mohrs Lane (Tax ID No. 1600010659) (Parcel 2)

BEGINNING for the same on Mohr's Lane at the distance of 37 feet reversed on the last or North 60 degrees 30 minutes West 294.67 foot line of that parcel of land which by Deed dated June 6, 1942 and recorded among the Land Records of Baltimore County, in Liber C.H. K. No. 1235 folio 278, was conveyed by William A. Sullivan, unmarried, to Philip F. Mohr and Margaret E. Mohr, his wife; running thence parallel with and distant 37 feet easterly from the first or North 34 degrees 45 minutes East 332 foot line of said land, North 34 degrees 45 minutes East 197 feet to intersect the last or North 60 degrees 30 minutes West 289.61 foot line of that parcel of land which by Deed dated March 3, 1943 and recorded among the aforesaid Land Records in R.J.S. No. 1283 folio 257, was conveyed by Philip E. Mohr to Irene B. Nooft; running thence reversely binding on said line, South 60 degrees 30 minutes East 38.00 feet to the beginning of said line; running thence North 34 degrees 45 minutes East 85 feet to the beginning

of the South 60 degrees 30 minutes East 219.67 foot line of the land herein first mentioned; running thence and binding on said line, South 60 degrees 30 minutes East 219.67 feet; running thence South 34 degrees 45 minutes West 282 feet to Mohr's Lane aforesaid; running thence binding on said Lane, with the use thereof in common with others entitled thereto, North 60 degrees 30 minutes West 257.67 feet to the place of beginning. Containing 1.6 acres of land, more or less. Situate on the northeast side of Mohr's Lane.

SUBJECT TO the easement created by Deed and Agreement dated February 9, 1972 and recorded among the Land Records of Baltimore County, in Liber O.T.G. No. 5250 folio 18 was granted and conveyed by Edward Kowalczyck to Baltimore County, Maryland, saving and excepting out of the above described property that portion thereof conveyed by said Deed.

BEING the same property which by Deed dated April 29, 1977 and recorded among the Land Records of Baltimore County in Liber 5748 folio 452 was granted and conveyed by Albert Beever, III, John E. Beever and Albert Beever, Jr. unto Louis W. Hammen, the Grantor herein, in fee simple.

Mohrs Lane (Tax ID No. 15-06-100440) (Parcel 3)

BEGINNING for the same on the northeast side of Mohrs Lane at a stone set at the beginning point of the parcel conveyed by Lewis Helldorfer et al. to Philip F. Mohr and wife by a deed dated October 20, 1941 and recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1194, folio 254, said beginning stone also being in the last line of the land conveyed by Philip F. Mohr and wife to Louis P. Rohe et al. by a deed dated August 26, 1946 and recorded among the aforesaid Land Records in Liber R.J.S. No. 1488, folio 507, distant 168.80 feet measured along said last line from the end of the third line thereof, running thence and binding reversely on a part of said last line and on the northeast side of Mohrs Lane, South 60° 32' East 168.80 feet to a stake at the end of the aforesaid third line, thence reversely on said third line, North 34° 45' East 197.00 feet to a pipe set at the end of the second line thereof, thence reversely on a part of said second line North 60° 30' West 127.02 feet to a pipe, thence leaving said second line and running South 46° 26' 50" West 205.18 feet to the place of beginning, containing six hundred sixty six one-thousandths (0.666) of an acre, more or less, being the same and all the land conveyed by and described in a deed from Louis F. Rohe and Lolou M. Rohe, his wife, et al. to Lucy Ferguson, for life, dated January 30, 1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2428, folio 102, with reservation of full, absolute and individual power and authority to the said Lucy Ferguson at any time during her natural life to grant and convey said property without consent or joinder of anyone; the said Lucy Ferguson having since intermarried with Henry Seymour, and this deed is intended to be an exercise of the power of the Grantor herein as set forth in the aforementioned deed, for the purpose of conveying to the Grantees herein.

BEING the same property which by Deed dated April 3, 2007 and recorded among the Land Records of Baltimore County in Liber 25493 folio 048 was granted and conveyed by Westmeath,

LLC, a Maryland Limited Liability Company, unto Louis William Hammen, the Grantor herein, in fee simple.

Mohrs Lane (Tax ID No. 19-00-007813) (Parcel 4)

BEGINNING for the same at a point in and distant North 35-34-20 East 142.00 feet from the beginning of the second or North 35-34-20 East 277.10 foot line of that parcel of land conveyed by and described in a deed from Leo S. Kucharczyk and Genevieve Kucharczyk, his wife, to George W. Phelps and Marion A. Phelps, his wife, dated 3 May 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. 3985, page 488, running thence and binding on the remainder of the second, third and part of the fourth lines of the aforesaid deed recorded in Liber W.J.R. 3985, page 488, the 3 following courses and distances as now surveyed, viz:

- (1) North 35-34-20 East 135.10 feet to a pipe now set,
- (2) North 59-26-52 West 117.00 feet to a pipe now set, and
- (3) South 35-40-00 West 140.25 feet to a point, thence for a new line of division through and across the land of the herein above named grantors,
- (4) South 61-55-40 East 117.79 to the beginning hereof. Containing 0.37 acres of land more or less.

BEING the same property which by Deed dated September 15, 1982 and recorded among the Land Records of Baltimore County in Liber 6466 folio 348 was granted and conveyed by George W. Phelps and Marion A. Phelps, his wife, unto Louis W. Hammen, the Grantor herein, in fee simple.

State of Maryland Land Instrument Intake Sheet

033785 478

Baltimore City County: Baltimore

Information Provided is for the use of the Courts Office, State Department of Assessments and Taxation and County Finance Office Only.
(Type or Print in Black Ink Only - All Copies Must be Legible)

1 Type(s) of Instruments Check Box if Addendum Intake Form is Attached.

Deed Mortgage Other _____

Deed of Trust Lease Other _____

2 Conveyance Type Check Box

Improved Sale Arms-Length [1] Unimproved Sale Arms-Length [2] Multiple Accounts Arms-Length [3] Not an Arms-Length Sale [9]

3 Tax Exemptions (if applicable)

Recordation: **Exempt Transfer from Real Estate**

State Transfer: **Enterprise to a Limited Liability Company**

County Transfer: **Tax Property Article 12-108 (bb)**

IMP FD SURE 48.00
RECORDING FEE 28.00
TOTAL 68.00
Res# B484 Rct# 25376
JLE CR Blk# 2463
Jun 14, 2013 02:53 PM

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only	
Purchase Price/Consideration	\$	Transfer and Recordation Tax Consideration	
Any New Mortgage	\$	Transfer Tax Consideration	\$
Balance of Existing Mortgage	\$	X () % =	\$
Other: <u>AV (see)</u>	\$	Less Exemption Amount	\$
Other: <u>1,349,300.00</u>	\$	Total Transfer Tax	\$
Full Cash Value	\$	Recordation Tax Consideration	\$
		X () per \$500 =	\$
		TOTAL DUE	\$
Amount of Fees		Doc. 1	Doc. 2
Recording Charge	\$ 20.00	\$	\$
Surcharge	\$ 40.00	\$	\$
State Recordation Tax	\$	\$	\$
State Transfer Tax	\$	\$	\$
County Transfer Tax	\$	\$	\$
Other	\$	\$	\$
Other	\$	\$	\$

5 District: 15 Property Tax ID No. (1): 15-16-350490 Grantor Liber/Folio: 7370-243 Map: 0082 Parcel No.: 488 Var. LOG: () (5)

Subdivision Name: 16-00-010659 / 5748-452; 551 Lot (3a): _____ Block (3b): _____ Sect/AR(3c): _____ Plat Ref.: _____ Sq.Ft./Acreage (4): 60

Location/Address of Property Being Conveyed (2): 1323 & 1325 Mohrs Ln., .66 & .37 Acs Mohrs Ln. Baltimore MD 21220

Other Property Identifiers (if applicable): 15-06-100440 / 25493-48; 659; 19-00-007813 Water Meter Account No.: 6466-348; 766

Residential or Non-Residential Fee Simple or Ground Rent Amount: _____

Partial Conveyance? Yes No Description/Amt. of Sq Ft/Acreage Transferred: _____

7 Transferred From

Doc. 1-Grantor(s) Name(s): Louis W. Hammen, a/k/a Louis William Hammen

Doc. 2-Grantor(s) Name(s): _____

Doc. 1-Owner(s) of Record, if Different from Grantor(s): _____

Doc. 2-Owner(s) of Record, if Different from Grantor(s): _____

8 Transferred To

Doc. 1-Grantee(s) Name(s): Timberline Properties LLC

Doc. 2-Grantee(s) Name(s): _____

New Owner's (Grantee) Mailing Address: _____

9 Other Names to Be Indexed

Doc. 1-Additional Names to be Indexed (Optional): _____

Doc. 2-Additional Names to be Indexed (Optional): _____

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Robin Thomas, Legal Assistant Return to Contact Person

Firm: Nolan, Plumhoff & Williams, Chtd. Hold for Pickup

Address: 502 Washington Avenue, Suite 700 Return Address Provided

Towson, MD 21204 Phone: (410) 823-7800

11 Space Reserved for County Validation

IMPORTANT: BOTH THE ORIGINAL DEED AND PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information Yes No Will the property being conveyed be the grantee's principal residence? Yes No Does the transfer include personal property? If yes, identify: _____

Yes No Was the property surveyed? If yes, attach copy of recorded survey (if recorded, no copy required).

Terminal Verification Agricultural Verification Assessment Use Only No Real Estate License Required Transfer Process Verification

Transfer Number: 20 Date Received: 20

Year: _____ Land: _____ Buildings: _____ Total: _____

REMARKS: _____

Per: _____ Date: _____

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 33785, p. 0478, MSA_CEG2_33641. Date available 06/26/2013. Printed 04/24/2014.

Industrial Proof



NE 7-H

NE 7-I

R-1994-0337
1514650915

BM

NE 6-H

BLR

1103001152

1971-0032-X

1503231976

REAMES RD

2005-0070-X

ML IM

1514650910

ML AS

R-1963-0071-X

PAI # 158114
Pt. Bk./Folio # 070033
Pl. Bk. 0000070, Folio 0033
1514650916
PAI # 158114 PAI # 158114

R-1966-0281-X
R-1978-0176-XA
GF-1994-0001G

PULASKI HWY

082C2

ML IM

1502371390

1951-1910-XT

1952-2254-X

20860991

BR IM

1323 1320
1318
1316
1316
1314
1310
1321 1319 1317
1315
1984-0178-SP
1987-0126-XA
1985-0359-SPH
1990-0434-SPHA
R-1980-0072
1982-0050-XA
R-1971-0121

PAI # 158171

1977-0243-X

R-1955-3426

1999-0125-SPHA
1991-0077-SPHA
2013-0047-SPHA

15 ED

Pt. Bk./Folio # 064134

1310

PAI # 150415 308

1306 Pt. 000000 10008 to 0134

2200013928

1304

1302 1315 10009

10011 10018

10021

BR

1800005

Lot #

ML AS

R-1954-3284

MH IM

Martin State Airport Restriction

1307

150915 10007

10010

10013

ML AS

1523502800

1337

1536109A

1996-0159-X

6 CD

1600010659

2015-0097-X

NE 6-I

MOHRS LN

ML IM

1305

150415 10010

10013

10015

BR AS

2011-0189-A
1954-2847-X

Lot # 2

Pt. Bk./Folio # 062129

MOHRS LN

VAN WINKLE LN

1316

1312

10011

Pt. Bk./Folio # 064135

1309

1307

10019

BR IM

Lot # 1

2200005182
CR-1991-0364
1989-0407-X
1994-0432-SPHA
1987-0414-X

2002-0420-A
1992-0042-X
R-1994-0338

PAI # 150435

PAI # 150435

PAI # 150435

PAI # 150435

Pt. Bk. 0000068, Folio 0024

1994-0058-A
2012-0152-A

2200005184

9955

ROAD

9921

082C3

Pt. Bk./Folio # 061024

Pt. Bk. 0000064, Folio 0135

2200013930

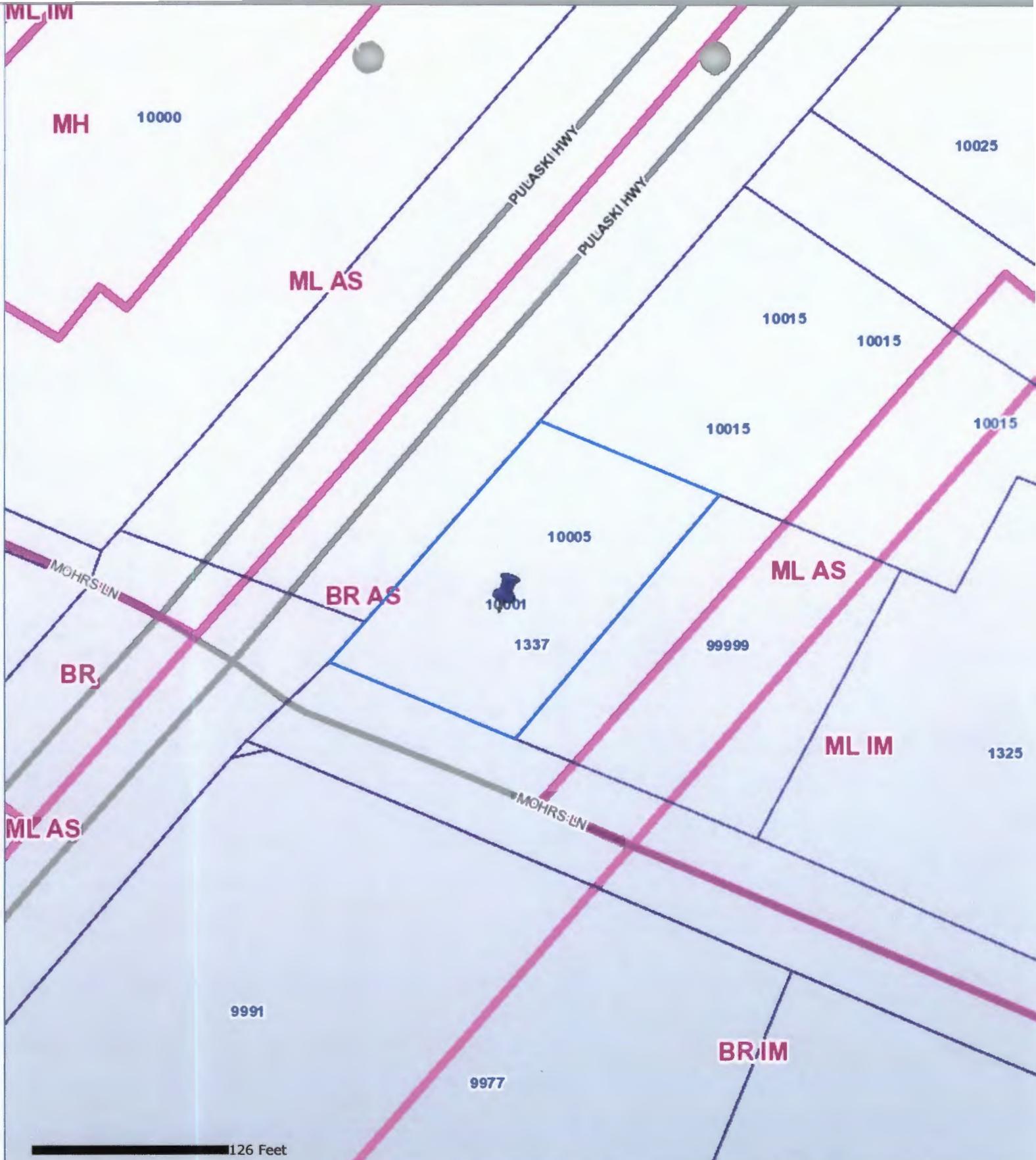
PAI # 150867

DR 3.5

DR 10.5

2014-0171-SPHA

2003-0241-SPH



My Neighborhood Map

Created By
Baltimore County
My Neighborhood

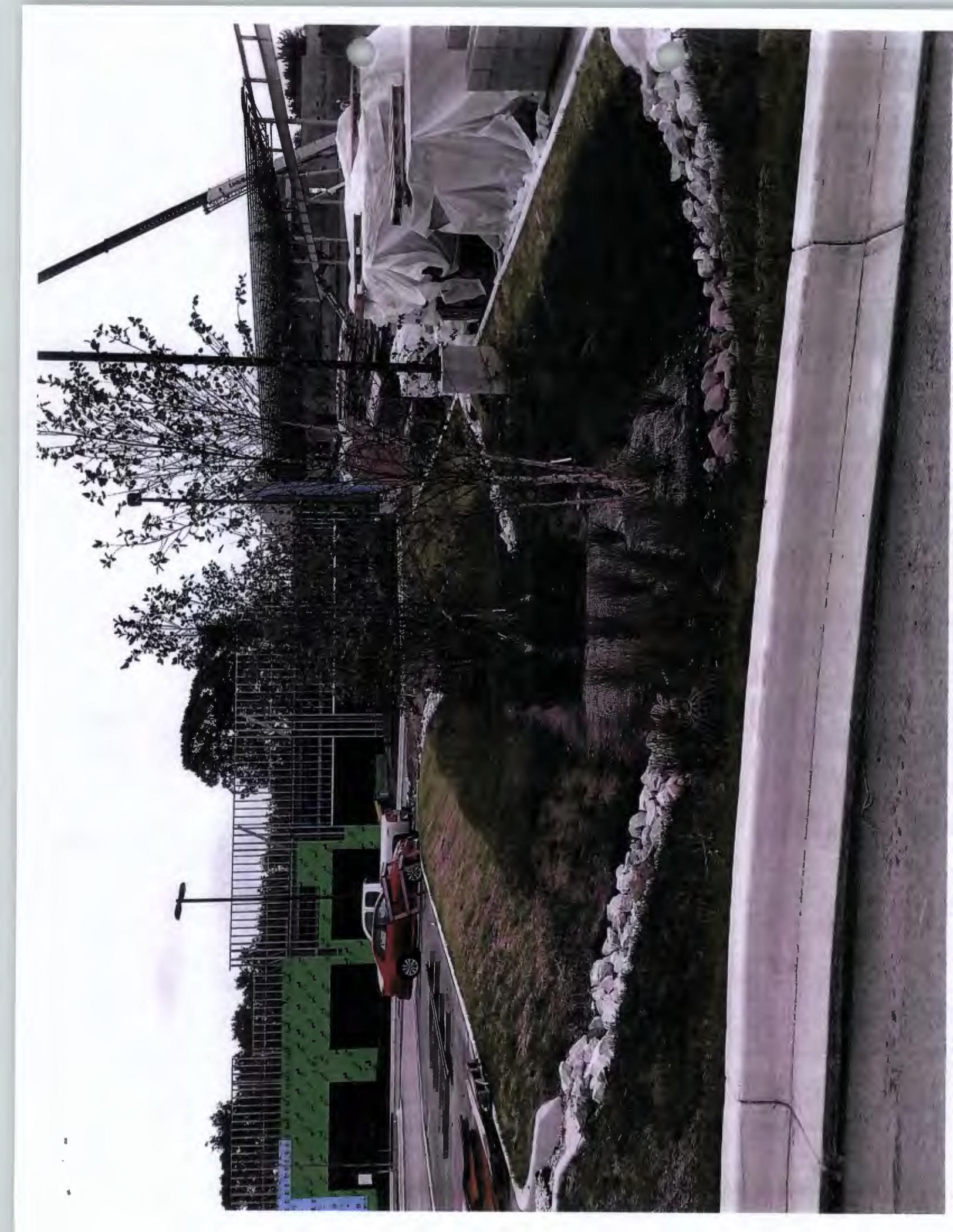


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Printed 6/1/2016

Pet. #10







KEVIN KAMENETZ
County Executive

VINCENT J. GARDINA, *Director*
Department of Environmental Protection
and Sustainability

Stormwater Management

410-887-3768
FAX 410-887-4804

January 20, 2017

Morris & Ritchie Associates, Inc.
1220-C East Joppa Road, Suite 505
Towson, Maryland 21286
Attn: Mr. Matthew Bishop, PLA

RE: Harvey Salt, 1323-1325 Mohrs Lane

Dear Mr. Bishop:

Thank you for allowing me to review the proposed stormwater management retrofit plan for the above referenced site.

The proposed stormwater management retrofit plan for the existing Harvey Salt site proposes one (1) micro bioretention facility, two (2) level spreaders, and the removal of some existing impervious area. The micro bioretention facility is an Environmental Site Design (ESD) facility which will provide water quality and quantity control for the 1-year, 24-hour storm event. The proposed level spreaders consist of a two (2) foot wide stone diaphragm applied longitudinally to the downhill edge of the existing pavement separating the impervious parking lot from the open space area and the forest conservation area on the southern portion of the site. The practical application of these level spreaders are to dissipate stormwater runoff not collected by the micro bioretention facility so that it minimizes concentrated storm water runoff and reduces the velocity of the runoff prior to entering the forest conservation area. The removal of existing impervious area reduces both the amount of runoff associated with the site as a whole, and is generally accepted as a method to be credited towards stormwater management.

Based on my review, the proposed stormwater management retrofit plan will, when implemented, allow for proper drainage of the site and will provide some stormwater management quality and quantity control to help protect the downstream resources.

Very truly yours,

A handwritten signature in dark ink, appearing to read "J. Markle". The signature is fluid and cursive.

James A. Markle, P.E., Manager
Stormwater Management
Department of Environmental Protection and
Sustainability

JAM:jcm



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 21, 2014

RECEIVED

NOV 21 2014

OFFICE OF ADMINISTRATIVE HEARINGS

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Timberline Properties, LLC – Harvey Salt Company
1325-1335 Mohrs Lane
Case No.: 2015-096-XA
Hearing scheduled December 2, 2014, 1:30 P.M., Jefferson Building Room 205
&
Corner Properties, LLC – Harvey Salt Company
10001 Pulaski Highway
Case No.: 2015-097-X
Hearing scheduled December 8, 2014, 10 A.M., Jefferson Building Room 205

Dear Judge Beverungen,

These cases with different corporate property owners (Timberline Properties, LLC; Corner Properties, LLC), relate to adjacent properties in the Pulaski Highway corridor controlled by Harvey Salt Company (HSC) and represented by C. William Clark, Esquire. While the zoning classifications, uses, and situations are different, it seems sensible to discuss them concurrently.

The first case (096) involves a three-acre property on the north side of Mohrs Lane. Based on the site plan scale, it begins about forty yards east of Pulaski Highway and stretches another 190 yards eastward to its boundary with the Sleepy Hollow residential community. The zoning here is mainly Manufacturing–Light (M.L.-I.M., M.L.-A.S.) with a modest B.R.-A.S. segment at its westerly end.

The purpose of the petition is to legitimize HSC's existing trucking facility. The history is complicated. HSC's owner acquired and assembled the various lots which comprise the facility by deeds dated 1977, 1982, and 1986. Unfortunately, there was no attention paid to the

zoning law. BCZR Sec. 410A. HSC never sought the required special exception and multiple variances before commencing operations. The requested variances are significant qualitatively and quantitatively. They fall well short of the minimum 5-acre size (BCZR (410A.3.B.1); minimum 200/300 feet setbacks from wetlands and dwellings/residential zones respectively (BCZR 410A.2); minimum curb tangent length; and minimum front and rear yards (BCZR 255.1/238). HSC seeks these zoning approvals now.

There are also zoning provisions in BCZR 410A.3 relating to access points (public industrial service road, arterial, or collector); layout or convenient movement of vehicles; percentage of site trucking operations area devoted to parking; security fencing, wheel stops, paving, drainage, landscaping and screening. Even now, the site plan does not appear to address any of these requirements. There is also a provision in BCZR 253.4 pertaining to setbacks for properties within 100 feet of specified roadways. This should be checked.

The second case (097) involves the .57 acre property at the southeast corner of Pulaski Highway and Mohrs Lane. The zoning here is B.R.-A.S. HSC, via Corner Properties, LLC, acquired this property in 2013.. HSC razed the existing building(s). The proposal is for a new contractor's equipment storage yard. This requires a special exception. BCZR 236.2.

To assist in an understanding of the area, we enclose an ADC Road Map 29 excerpt and a Google Earth aerial view accessible from the Baltimore County My Neighborhood Map website.

Our office has historically paid great attention to trucking facility zoning petitions, especially with locational variances. In the brief time available to review the present petitions, we have had occasion to visit the site and converse with Linda Felts, President of the Bird River Community Association, and Robert Bandler, President of the Essex-Middle River Civic Council umbrella group. At this writing, they are reviewing the situation.

We have also had a professional and courteous meeting and discussion with Mr. Clark. We expressed some of our concerns and indicated we would set them down in a letter, with ample time for him to prepare to address them at the hearing. It is fair to say that Mr. Clark, in his former role as County Board of Appeals panel member in the 1990s, was already familiar with our office's attention to trucking facility cases.

HSC operates a substantial trucking business. Based on a google search, we found the enclosed current link at Quick Transport Solutions, Inc., which we also provided to Mr. Clark. The data show a substantial trucking operation, with USDOT and MC certifications or numbers. The truck/tractor/trailer numbers are not identical to those on the site plan, but that may be due to the different categories.

Several questions initially present themselves. The first is: Why did HSC not seek proper zoning approval at least by the mid-1980s, when they had assembled the various lots for this significant regulated business? We don't know. When zoning petitions come in to legitimize noncompliant existing businesses, this adds a complication. We shall deal with it below.

The second question is: Why now? There was never any zoning enforcement. There were no complaints which have been brought to our attention. To be sure, area citizens may have assumed there was no legal issue or available relief.

Our impression is that acquisition of the corner property, the desire for zoning relief there, and a possible concern about future financing/refinancing or other transactions on either or both properties led to an identification of the zoning issues and the present strategy to try to obtain zoning approval. It is unclear whether there are any plans to expand the trucking business as it evolves further, or if there will be any integration of the use of the two properties.

This brings us to the legal analysis. The trucking facility petition is plainly the most troublesome. But we shall begin with a brief word on the special exception for the corner contractor's equipment storage yard. The ALJ is familiar with the standards under such cases as People's Counsel v. Loyola College 406 Md. 54 (2008), People's Counsel v. Mangione 85 Md. App. 738 (1991) Board of County Comm'rs v. Holbrook 314 Md. 210 (1988); and Schultz v. Pritts 291 Md. 1 (1981). The initial comment here would be that the site plan is not informative. While it shows the razing of the buildings onsite, it does not show clearly the dimensions or parameters of the proposed use. There should also be consideration of the planned extension of Campbell Boulevard here, of which more below.

Let us now turn to HSC's trucking facility. Variances are always difficult to prove from a legal point of view, whether the uses are existing or proposed. Cromwell v. Ward 102 Md. App. 691 (1995); Trinity Assembly of God v. People's Counsel 407 Md. 53 (2008). Moreover, when combined with special exceptions, better described as conditional uses, they arguably displace whatever advantage may be attributed to the "presumption" in favor of special exceptions.

When it comes to trucking facilities, the Baltimore County trucking facilities law adds a major dimension of its own to basic special exception and variance law.

1. The Trucking Facilities law. On April 19, 1976, County Executive Theodore Venetoulis signed enclosed Bill 18-76, an act "to regulate truck oriented uses" This legislation grew out of the work of a Citizens Task Force on Truck Terminals (as they were previously called), appointed by the county executive and chaired by Councilman John W. O'Rourke. Their work led to the enclosed Planning Board Report dated February 19, 1976.

As reflected in this report, a point of emphasis was to safeguard residential areas. Furthermore, in what often has been called "the environmental decade," the decision was also made to safeguard wetlands. There are many other provisions in the legislation, but the M.L. Zone BCZR 253.2 special exception standards and BCZR 410A.2 locational minimum setback standards in BCZR 410A.2 were at the heart of it.

Within BCZR Article 4, "Special Regulations," the trucking facilities law stands out as probably the most comprehensive legislation devoted to a single use. It has remained intact, without significant amendment, for the last 38 years. Because of the strong legislative intent, our office has typically challenged zoning petitions for trucking facilities which fail to satisfy locational standards, whether new, existing, and/or expansion.

In 1976, the framers of the law did recognize that many existing facilities did not meet the locational standards. While it was too harsh to close them down, the law set up a procedure for existing nonconforming facilities to file site plans, subject to upgraded site development standards and review by the zoning office. Many facilities obtained nonconforming status. HSC, even in its earliest incarnation, came too late to qualify as a nonconforming use. Its operation has thus been noncompliant since its inception and in its later expanded modes.

2. Proximity to dwellings. HSC operates directly adjacent to the Sleepy Hollow residential neighborhood. While this neighborhood is zoned M.L., it has been established that the law plainly protects dwellings, regardless of the zoning. Laskey v. Bethlehem Steel Corp., Court of Special Appeals No. 18, Sept. Term, 1979, enclosed The Laskey decision is also helpful because it reviews the history of the transition from the previous "truck terminal" provisions to Bill 18-76 and places reliance on the plain language of the law as well as the Planning Board report to confirm that the trucking facilities must not be located near dwellings, even if the dwellings are in an industrial zone.

3. The magnitude of the variances. The HSC site is three acres, not the minimum five; 75 feet from the nearest dwelling, not the minimum 300 (and not an isolated single dwelling); and 50 feet from the nearest wetland, not the minimum 200. The other deviations are also significant. To add to this, there is uncertainty about many of the site development standards.

4. The Umerley case. Barely a half mile away, on Philadelphia Road, not far from Mohrs Lane, directly across from the Nottingham residential neighborhood, there evolved in the 1990s the well-publicized litigation over Leo Umerley's trucking facility. The ADC map excerpt shows the proximity of Nottingham to the HSC property. The litigation led to the enclosed Umerley v. People's Counsel 108 Md. App. 497, cert. denied 342 Md. 584 (1996).

The Umerley case resonates here not only because it involved a major case in a nearby M.L. Zone, but also because the requested special exception and variances essentially parallel the requests here, particularly as to locational setbacks pertinent to residential zone or dwellings and to wetlands. Umerley did have a sizable lot, 8.5 acres; and he did have a nonconforming use for his original facility. But he had expanded without obtaining the proper zoning approval. As a result, he had to file the zoning petition for special exception and variances.

The County Board of Appeals granted the petitions by 2-1 panel majority. Circuit Court Judge Norris Byrnes reversed. The Court of Special Appeals affirmed the Circuit Court.

Other than the usual spin that there was something “unique” about the property, Umerley focused on the economic benefits of his business, including his contractual relationship hauling for Baltimore County. He argued that the legislative reference, among other things, of the purpose “to accommodate trucking facilities, in recognition of their importance to the economy of the County and the nation” effectively trumped the legal standards or justified the variances. The CSA rejected this argument.

We could go into Umerley in more detail, but believe it unnecessary as it plainly shows the path to review and control of the present case.

5. The Campbell Boulevard extension; the gateway. Traffic issues are usually among the factors in these cases. One of the several purposes of assuring a distance from residential areas is to alleviate the adverse impacts of truck traffic. At the present time, Mohrs Lane stops at a dead end just east of Sleepy Hollow and the Home Depot. So, there is already the impact to the Sleepy Hollow residents, who must use Mohrs Lane to get out to Pulaski Highway.

Meanwhile, as I have been alerted or reminded, the Campbell Boulevard extension is planned to run along the present Mohrs Lane here. I found the enclosed County website link. This will open up the area to new uses, some of the residential. I am told that a townhouse development called Ravenhurst is planned to the east.

There is also the factor that the Pulaski Road/Campbell Boulevard intersection may be viewed as a gateway to this area. This is not just my idea or name for it. There has been work on a Pulaski Highway Redevelopment Study. While this has not come to fruition in any official plan, study reports have logically identified this intersection as a future gateway.

6. The Whitemarsh Run restoration. It has been brought to my attention that environmental work in the Bird Run watershed includes a multimillion dollar restoration project for Whitemarsh Run. The County website links are enclosed. To citizens concerned with the environment, it appears anomalous to have a variance to get closer to wetlands. While environmental issues are complicated, and it may be difficult to prove the precise impact of any single use, the purpose of the wetlands setback is to provide some margin of safety.

Our understanding is that the Department of Environment will not issue any comment. If our understanding is correct, this reflects only that they do not do a field or in-depth wetlands review at this time. Their silence is not to be taken as an affirmative endorsement.

7. What is to be done in consideration that HSC exists? It is sometimes said that a zoning petitioner should not be penalized for noncompliance. This is invoked where the petition has merit. But this does not translate to a justification to grant a petition which lacks merit. The main thing is that the law does not encourage noncompliance. There is no justification to reward noncompliance by relaxing legal standards for the sake of business convenience. At the end of the day, is the rule of law to be taken seriously?

If this zoning petition were filed (as it should have before commencement) as a petition for a new trucking facility, it could not reasonably be approved consistent with the legislative purpose and standards. Even without the current factors involving Campbell Boulevard and Whitmarsh Run, the site falls so far short of meeting the legislative tests that it does not qualify as a matter of law. The Cromwell and Trinity Assembly of God cases pale in comparison.

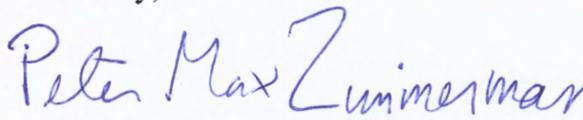
The fact that the site falls short, or is shaped a certain way, does not translate to the “uniqueness” resulting in practical difficulty required to satisfy the variance test, especially where a special exception is also involved. There are many sites in the Pulaski Highway and other industrial corridors which are zoned M.L. and vary in size. There is nothing unusual about a 3-acre site (or now 3.6 acres, including the corner). There appear to be 112 listed uses permitted by right in the M.L. Zone and 18 by special exception. Some of the listed uses include a variety of uses. BCZR 253.

HSC has enjoyed the use of a noncompliant trucking facility for many years. There is not in this proceeding any question of seeking to impose a penalty, retribution, sanction, or moral blame. The dispassionate objective question is whether to perpetuate a use which does not satisfy legal standards in a major way.

The CSA in Umerley rejected Leo Umerley’s position that the special exception and variances should be granted in order to permit an economically significant business. Remarkably, such a position is analogous to the “Too Big to Fail” mantra in the financial world. Essentially, Leo Umerley argued that his business was too valuable and too entrenched to be denied. The implicit message of the Umerley case is that there is not one zoning law implemented for the ordinary individual citizen and another for businesses based on economic significance.

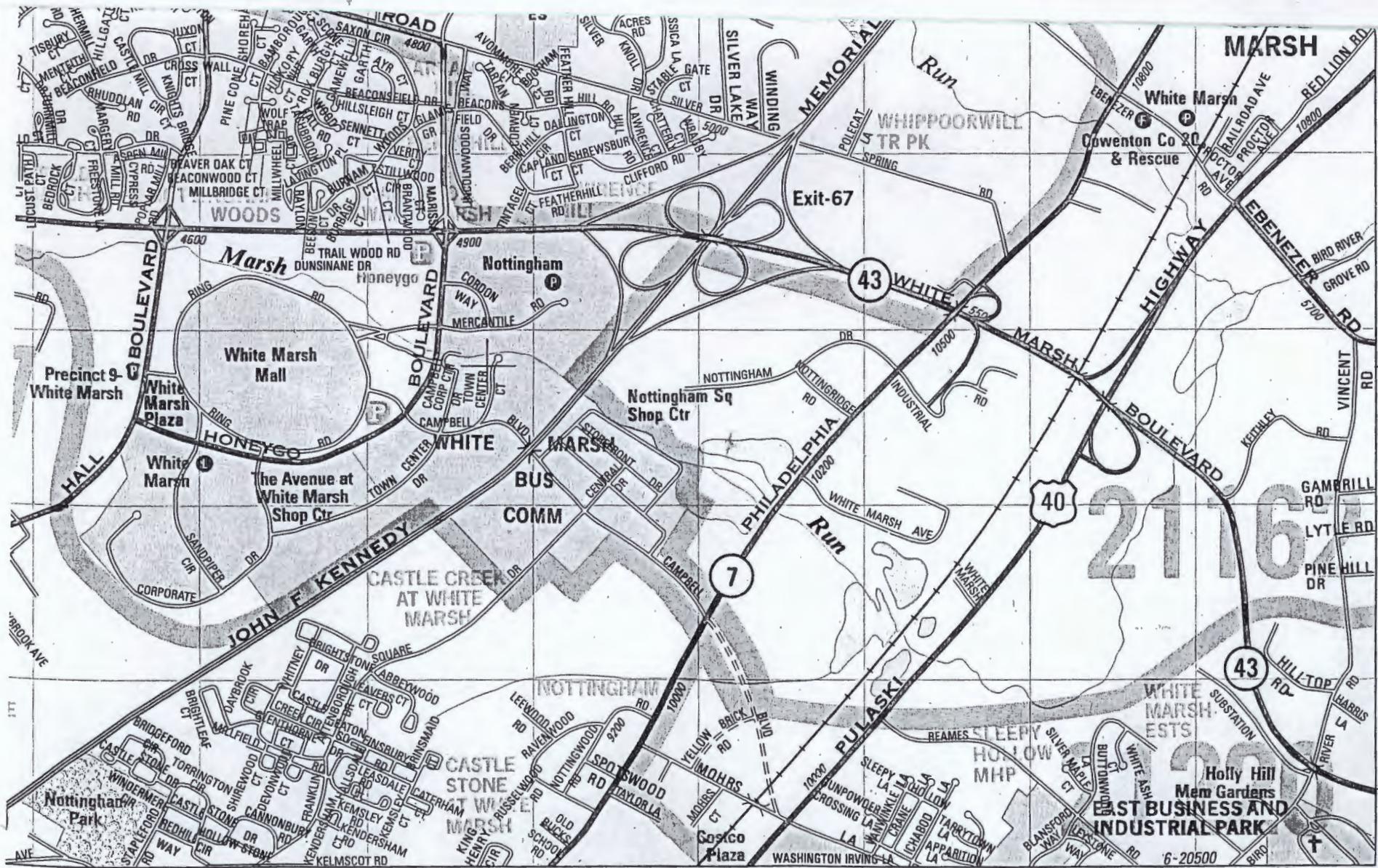
We transmit this letter in advance of the hearing to provide your office with a view of our thought process and to provide petitioner and other parties the opportunity to respond to our concerns, without undue surprise.

Sincerely,



Peter Max Zimmerman
People’s Counsel for Baltimore County

- cc: C. William Clark, Esquire, Petitioners’ attorney (first class mail and e-mail)
Andrea Van Arsdale, Director of Planning
Vincent Gardina, Director of DEPS
Linda Felts, Bird River Community Association
Robert Bendler, Essex-Middle River Civic Council





My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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Harvey Salt Co Inc

Maryland Transport Company

Company Overview

Harvey Salt Co Inc is an active carrier operating under USDOT Number 6931 and MC Number 165700.

Total Trucks	19
Tractors Owned	21
Trailer Owned	25
Total Drivers	17
USDOT	6931
MC NUMBER	165700
MCS-150 Mileage Year	
MCS-150 Date	
MCS-150 Mileage	
Does Harvey Salt Co Inc transport Hazardous Material?	No
Carrier Operation	N/A
D&B D-U-N-S Number	077410389

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CEO, Fisher Investments

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Company Contact Info

Harvey Salt Co Inc
1325 Mohrs Ln
Baltimore, MD 21220
 ☎ 410-391-9100
 📠 410-391-9104

Cargo Hauled by Harvey Salt Co Inc

General Freight
Salt Products

Do you operate Harvey Salt Co Inc business?

QuickTSI will provide this website/profile as a **marketing platform for Harvey Salt Co Inc**. Let potential shippers learn more about Harvey Salt Co Inc. QuickTSI will publish Harvey Salt Co Inc. business information here.

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Refrigerated Trucking Cor
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Truck Stops
Truck & Trailer Wash Loc
Daily Fuel Prices
Freight Forwarders
Process Agents
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Transport News
Trucking Resources
Green Transport
Trucking Freight Gloss
A/R Collection Compar
Truck Decal Wrap Comp

24/7 DOT Permits/Licenses

Temporary Permits, IRP,
UCR And IFTA Services

Bad Cr Upda

People with a F
Annuity, Struct
Settlement, or
Disability Incor
\$300 per month
total income ov
\$1,500 per mon
qualify for a Lu
Advance up to

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Harvey Salt Co Inc. Safety Measurement System Data

Last Updated Nov 2014

Safety Rating

Total Number of Inspections for the measurement period (24 months)

Total Number of Driver Inspections for the measurement period

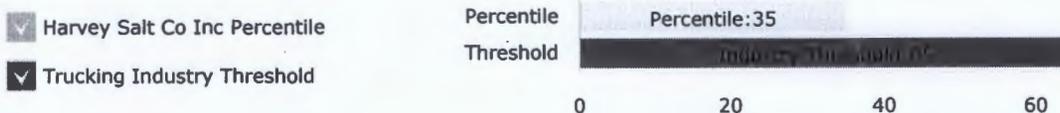
Total Number of Driver Inspections containing at least one Driver Out-of-Service Violation

Total Number of Vehicle Inspections for the measurement period

Total Number of Vehicle Inspections containing at least one Vehicle Out-of-Service violation

Harvey Salt Co Inc Unsafe Truck Driving Data

Number of inspections with at least one Unsafe Driving BASIC violation	8
Unsafe Driving BASIC Roadside Performance Measure Value	3.33
Unsafe Truck Driving BASIC Roadside Performance	35

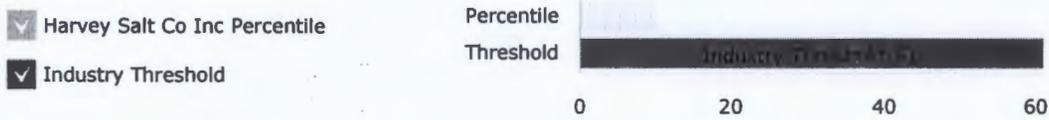


Unsafe Truck Driving BASIC Roadside Performance Over Threshold Indicator (Y = Over Intervention Threshold)	N
Unsafe Truck Driving BASIC Serious Violation Indicator (Y = Serious Violation from investigation within previous 12 months)	N
Unsafe Truck Driving Overall BASIC Indicator (Y - Roadside Performance Percentile over threshold and/or Serious Violation within previous 12 months)	N

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Harvey Salt Co Inc Fatigued Truck Driving Data

Number of inspections with at least one Hours-of-Service BASIC violation	3
Hours-of-Service (HOS) Compliance BASIC Roadside Performance measure value	.17
Fatigued Truck Driving BASIC Roadside Performance	10



Fatigued Truck Driving (Hours-of-Service) BASIC Roadside Performance Over Threshold Indicator (Y = Over Intervention Threshold)	N
Fatigued Truck Driving (Hours-of-Service) BASIC Serious Violation Indicator (Y = Serious Violation within previous 12 months)	N
Fatigued Truck Driving (Hours-of-Service) BASIC Indicator (Y - Roadside Performance Percentile over threshold and/or Serious Violation within previous 12 months)	N

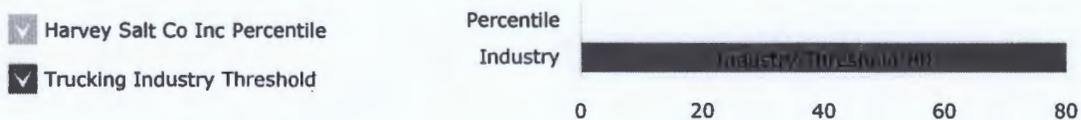
Harvey Salt Co Inc Truck Driver Fitness Data

Number of inspections with at least one Driver Fitness BASIC violation	3
Driver Fitness BASIC Roadside Performance measure value	.21
Truck Driver Fitness BASIC Roadside Performance Percentile	0
Truck Driver Fitness BASIC Roadside Performance Over Threshold Indicator (Y = Over Intervention Threshold)	N
Truck Driver Fitness BASIC Serious Violation Indicator (Y = Serious Violation from investigation within previous 12 months)	N
Truck Driver Fitness BASIC Indicator (Y - Roadside Performance Percentile over threshold and/or Serious Violation within previous 12 months)	N

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Harvey Salt Co Inc Controlled Substances and Alcohol Data

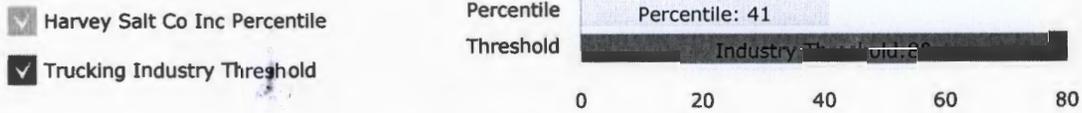
Number of inspections with at least one Controlled Substances and Alcohol BASIC violation	0
Number of inspections with at least one Controlled Substances and Alcohol BASIC violation	0
Controlled Substances and Alcohol BASIC Roadside Performance	0



Controlled Substances and Alcohol BASIC Roadside Performance Over Threshold Indicator (Y = Over Intervention Threshold)	N
Controlled Substances and Alcohol BASIC Serious Violation Indicator (Y = Serious Violation from investigation within previous 12 months)	N
Controlled Substances and Alcohol BASIC Indicator (Y - Roadside Performance Percentile over threshold and/or Serious Violation within previous 12 months)	N

Harvey Salt Co Inc Vehicle Maintenance Data

Number of inspections with at least one Vehicle Maintenance BASIC violation	24
Vehicle Maintenance BASIC Roadside Performance measure value	3.64
Vehicle Maintenance BASIC Roadside Performance	41



Vehicle Maintenance BASIC Roadside Performance Over Threshold Indicator (Y = Over Intervention Threshold)	N
Vehicle Maintenance BASIC Serious Violation Indicator (Y = Serious Violation from investigation within previous 12 months)	N
Vehicle Maintenance BASIC Indicator (Y - Roadside Performance Percentile over threshold and/or Serious Violation within previous 12 months)	N

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Harvey Salt Co Inc Insurance History

Insurance Form	Insurance Type	Insurance Carrier	Policy/Surety	Coverage Amount From	Cover:
91X	BIPD/Primary	Greenwich Insurance Company	AEC000362801	\$0	\$1,000
91X	BIPD/Primary	Erie Insurance Exchange	Q07 0140430 M	\$0	\$1,000
91X	BIPD/Primary	Erie Insurance Exchange	Q07 0140430 M	\$0	\$1,000
91X	BIPD/Primary	Harleysville Insurance Company	BA 9G 71 79	\$0	\$1,000
91X	BIPD/Primary	Harleysville Insurance Company	BA 9G 71 79 (FAX-TG)	\$0	\$1,000
91X	BIPD/Primary	Harleysville Mutual Insurance Co.	BA9G7179	\$0	\$1,000
91X	CARGO	Harleysville Mutual Insurance Co.	MPA9G7179	\$0	\$5,000

Insurance Form	Insurance Type	Insurance Carrier	Policy/Surety	Coverage Amount From	Cover:
91X	BIPD/Primary	Greenwich Insurance Company	AEC000362803	\$0	\$1,000
91X	BIPD/Excess	Greenwich Insurance Company	UEC000362902	\$1,000,000	\$4,000
91X	BIPD/Excess	Greenwich Insurance Company	UEC000362902	\$1,000,000	\$4,000
91X	BIPD/Primary	Greenwich Insurance Company	AEC000362803	\$0	\$1,000
91X	BIPD/Primary	Liberty Mutual Fire Insurance Co.	AS2-131-488272-02	\$0	\$1,000
91X	CARGO	Liberty Mutual Insurance Co.	KO1-131-488272-04	\$0	\$5,000
91X	BIPD/Primary	United Pacific Insurance Co	PB 8542308	\$0	\$1,000
91X	BIPD/Primary	Pma Group (chage To Acct 4110 Penn Manuf Ass	1596003385218	\$0	\$1,000
91X	BIPD/Primary	The Employers' Fire Insurance Co.	FP AC 28431	\$0	\$1,000
91X	BIPD/Primary	The Employers' Fire Insurance Co.	FP AC 28431	\$0	\$1,000

* If a carrier is in compliance, the amount of coverage will always be shown as the required Federal minimum (\$5,000 per vehicle, \$10,000 per occurrence for cargo insurance and \$75,000 for bond/trust fund). The carrier may actually have higher levels of coverage.;

Harvey Salt Co Inc. Insurance Companies Information

**United Pacific
Insurance Co**

4 PENN CENTER
PLAZA 4TH FL
PHILADELPHIA, PA
Fax:(215)864 - 4955

**Greenwich Insurance
Company**

505 EAGLEVIEW BLVD
EXTON, PA
Fax:(610)458 - 8667

**Liberty Mutual
Insurance Co.**

PO BOX 8095
WAUSAU, WI

Liberty Mutual Fire Insurance Co.
175 BERKELEY ST, PO BOX 140
BOSTON, MA

The Employers' Fire Insurance Co.
44 WHIPPANY RD
MORRISTOWN, NJ

Erie Insurance Exchange
100 ERIE INSURANCE PLACE
ERIE, PA
Fax:(814)870 - 4345

Harleysville Mutual Insurance Co.
355 MAPLE AVENUE
HARLEYSVILLE, PA
Fax:(866)220 - 6530

Harleysville Insurance Company
355 MAPLE AVE
HARLEYSVILLE, PA
Fax:(866)220 - 6350

Pma Group (chage To Acct 4110 Penn Manuf Ass
380 SENTURY PARKWAY
BLUE BELL, PA

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☎ 510-284-7280

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Hayward, CA 94544-3686

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County Council of Baltimore County
Maryland

Legislative Session 1976, Legislative Day No. 7

BILL NO. 18-76

Introduced by Mr. O'Rourke, Councilman

(By request of County Executive)

By the County Council, March 15, 1976

A BILL

Entitled

AN ACT to amend the Baltimore County Zoning Regulations to regulate truck oriented uses of property in Baltimore County, to designate the zoning classifications under which such uses shall be permitted as of right, allowed by special exception or prohibited both in terms of control over the development of new facilities as well as remedial measures applicable to existing ones, by adding certain definitions to Section 101 of said zoning regulations and revising certain existing ones, by repealing and re-enacting with amendments Section 104 thereof, by redesignating the subtitle "Statement of Purpose" under Article 4 thereof, by repealing and re-enacting with amendments subsections 233.2, 236.4, 241.1, 253.2A, 256.2, 256.4, 409.2b and 500.7 thereof and by adding new sections B400, 410 and 410A to said zoning regulations:

SECTION 1. *Be it enacted by the County Council of Baltimore County, Maryland,* that the following definitions be and they are hereby added, in alphabetical order, to Section 101 of the Baltimore County zoning regulations.

Section 101 Definitions

Collector street, major: A street, or part of one, that is intended for travel between neighborhoods or between neighborhoods and other places, but not for travel within neighborhoods; it is not an arterial street; and has been designated as a major collector street by the Planning Board by the same method used to designate freeways, expressways, and arterial streets.

(Page 2—Bill No. 18-76)

County trucking facility development officials: The Directors of Planning, Public Works, and Traffic Engineering and of the Industrial Development Commission; COUNTY TRUCKING-FACILITIES-DEVELOPMENT OFFICIALS: A COMMITTEE CONSISTING OF THE COUNTY ADMINISTRATIVE OFFICER, AS CHAIRMAN; THE DIRECTORS OF PLANNING, PUBLIC WORKS, PERMITS AND LICENSES, AND TRAFFIC ENGINEERING; AND THE DIRECTOR OF THE INDUSTRIAL DEVELOPMENT COMMISSION; OR THEIR RESPECTIVE DESIGNEES.

Trucking facility: A structure or land used or intended to be used primarily for trucking operations or truck or truck trailer parking or storage, other than a warehouse, moving and storage establishment, truck stop. A trucking facility may include, as incidental uses only, sleeping quarters and other facilities for trucking personnel, facilities for the service or repair of vehicles, or necessary space for the transitory storage of goods or chattels. PRIMARILY A) TO ACCOMMODATE THE TRANSFER OF GOODS OR CHATTELS FROM TRUCKS OR TRUCK TRAILERS TO OTHER TRUCKS OR TRUCK TRAILERS OR TO VEHICLES OF OTHER TYPES, IN ORDER TO FACILITATE THE TRANSPORTATION OF SUCH GOODS OR CHATTELS; OR B) FOR TRUCK OR TRUCK-TRAILER PARKING OR STORAGE. A TRUCKING FACILITY MAY INCLUDE, AS INCIDENTAL USES ONLY, SLEEPING QUARTERS AND OTHER FACILITIES FOR TRUCKING PERSONNEL, FACILITIES FOR THE SERVICE OR REPAIR OF VEHICLES OR NECESSARY SPACE FOR THE TRANSITORY STORAGE OF GOODS OR CHATTELS. THE TERM "TRUCKING FACILITIES" DOES NOT INCLUDE A WAREHOUSE, MOVING AND STORAGE ESTABLISHMENT, OR TRUCK STOP. LAND USED FOR THE PARKING, STORAGE OR REPAIR OF TRUCKS USED AS AN ACCESSORY TO A LAWFUL BUSINESS OR INDUSTRIAL USE OF THE LAND THAT SUCH PARKING OR STORAGE AREA FORMS A PART OF SHALL NOT BE CONSIDERED A TRUCKING FACILITY WITHIN THE MEANING OF THIS DEFINITION. As used in this definition, neither the terms "trucks", ~~nor the term~~ "truck trailers", AND "TRUCK TRACTORS" DO NOT include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration.

Trucking facility, Class I (truck terminal): A trucking facility whose primary purpose is to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types, in order to facilitate the transportation of such goods or chattels.

Trucking facility, Class II: A trucking facility other than a Class I trucking facility, including a truck yard (the primary purpose of which is to accommodate the parking or storage of trucks, ~~or~~ truck trailers, OR TRUCK TRACTORS).

Truck stop: A structure or land used or intended to be used primarily for the sale of fuel for trucks and, usually, incidental service or repair of trucks; or a group of facilities consisting of such a use and attendant eating, sleeping, or truck-parking facilities. As used in this definition, the term "trucks" does not include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration.

Warehouse: A building or part of a building used or intended to be used primarily for the storage of goods or chattels that are to be sold retail or wholesale from other premises or sold wholesale from the same premises; for the storage of goods or chattels to be shipped on mail order; for the storage of equipment or materials to be used or installed at other premises by the owner or operator of the warehouse; or for similar storage purposes. (The term "warehouse" does not include a retail establishment whose primary purpose is for the sale of goods or chattels stored on the premises; however, nothing in this definition is meant to exclude purely incidental retail sales in warehouses. Further, the term does not include a truck terminal, at which any storage is minor, transitory, and merely incidental to the purpose of facilitating transportation of goods or chattels.)

Wetland: A private wetland or a state wetland as defined in Section 9-101 of the Natural Resources article of the Annotated Code of Maryland, 1974, and, if a private wetland, as delineated under Section 9-301 of that article.

SECTION 2. *Be it further enacted*, that the definition of "automotive service station" in Section 101 of said regulations be and it is hereby repealed and re-enacted with amendments, to read as follows:

Automotive service station: A structure [and/or site] or land used or [part thereof] intended to be used primarily for the retail sale [to the public] of automotive [fuels] fuel, but not a truck stop. [and other automotive energy or power sources.]

SECTION 3. *Be it further enacted*, that the definition of "nonconforming use" in Section 101 of said regulations, be and it is hereby repealed and re-enacted with amendments, to read as follows:

Nonconforming Use: A legal use [of a building or of land that antedates the adoption of these regulations and does not conform to the use regulations for the zone in which it is located.] that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use.

SECTION 4. *Be it further enacted*, that the definition of "Truck Terminal" in Section 101 of said regulations, be and it is hereby repealed.

SECTION 5. *Be it further enacted*, that Section 104 of said regulations, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

Section 104 NONCONFORMING USES

104.1 [A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue;] *A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75) per cent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used.*

SECTION 6. *Be it further enacted*, that the use "Warehouse-sales and storage" set forth in subsection 233.2 of said regulations is hereby repealed and re-enacted, with amendments, to read as follows:

[Warehouses sales and storage.] *Warehouses.*

SECTION 7. *Be it further enacted*, that the use "Truck terminal as set forth in subsection 236.4 of said regulations, be and it is hereby repealed.

SECTION 8. *Be it further enacted*, that the following uses are hereby added in alphabetical order to subsection 236.4, of said regulations:

Moving and storage establishments

Truck stops

SECTION 9. *Be it further enacted*, that the use "Warehouse, storage" set forth in subsection 241.1 of said regulations, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

[Warehouse, storage] *Warehouses*

SECTION 10. *Be it further enacted*, that the following use be and it is hereby added in alphabetical order to ~~AT THE END OF~~ subsection 41.1 of said regulations.

Accessory uses

SECTION 11. *Be it further enacted*, that the use "Truck terminals" set forth as item no. 6 of subsection 253.2 A of said regulations be and it is hereby repealed.

SECTION 12. *Be it further enacted*, that the following uses be and they are hereby added in numerical order to subsection 253.2A of said regulations:

- 3A. Moving and storage establishments
- 6. Trucking facilities (see Sections 410 and 410A)
- 6A. Truck stops

SECTION 13. *Be it further enacted*, that the use "Truck terminal" set forth in subsection 256.2 of said regulations, be and it hereby is repealed.

SECTION 14. *Be it further enacted*, that the following uses be and they are hereby added in alphabetical order to subsection 256.2 of said regulations.

- Moving and storage establishments
- Trucking facilities (see Sections 410 and 410A)

SECTION 15. *Be it further enacted*, that the following use be and it is hereby added in alphabetical order to subsection 256.4 of said regulations:

- Truck stops

SECTION 16. *Be it further enacted*, that the subheading "Statement of Purpose" under Article 4 of said regulations, be and it is hereby repealed and a new Section designation and subtitle is hereby enacted in lieu thereof, to read as follows:

Section A400 PURPOSE

SECTION 17. *Be it further enacted*, that a new section is hereby added to said regulations under Article 4 thereof to immediately precede Section 400, to read as follows:

Section B400 APPLICATION OF THIS ARTICLE'S PROVISIONS

The provisions of this article apply only to principal uses except as otherwise specified (as in Item 405.4.C.10 405.4.C.12) or unless the provision implicitly relates to accessory usage (as in Section 405A)

SECTION 18. *Be it further enacted*, that subsection 409.2.b. of said regulations, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

b. Parking space for [buildings] uses other than dwellings -- In all zones, permanently maintained offstreet parking spaces shall be provided as follows:

USE	PARKING SPACES
(1) High school, college, or university auditorium; theatre, church, general auditorium, stadium or similar place of assembly	1 for each 6 seats
(2) Hospital, Class A	1 for each 4 beds
Hospital, Class B and convalescent home	1 for each 10 beds
(3) Dance hall, night club, restaurant or	1 for each 50 square feet of total floor area
(3-a) Bowling Alley	three per individual alley
(4) Medical or dental offices and clinics	1 for each 300 square feet of total floor area
(5) Other institutional, office, and non retail commercial buildings (excluding garage structures) having a total floor area of more than 5,000 square feet	1 for each 300 square feet of total ground floor area and 1 for each 500 square feet of total area of upper floors
(6) Buildings devoted to retail trade	1 of each 200 square feet of total floor area
(7) Industry, wholesale or warehouse type of commercial use, except trucking facilities	1 for each 3 employees in the numerically largest shift, except that the Zoning Commission may reduce the number of

spaces required where employment conditions are such as to make the above requirement clearly excessive.

(8) Trucking facilities, Class I

5 plus 1 for each 2 employees in the largest shift EXCEPT THAT THE ZONING COMMISSIONER, PURSUANT TO A PUBLIC HEARING, MAY REDUCE THE NUMBER OF SPACES REQUIRED WHERE EMPLOYMENT CONDITIONS ARE SUCH AS TO MAKE THE ABOVE REQUIREMENTS CLEARLY EXCESSIVE

(9) Trucking facilities, Class II

1 for each 2 employees in the largest shift, or 1 for each 3000 square feet of total area devoted to parking of truck tractors, truck trailers, or tractor-trailers (not including truck maneuvering area or loading area), but in no case less than 10 EXCEPT THAT THE ZONING COMMISSIONER, PURSUANT TO A PUBLIC HEARING, MAY REDUCE THE NUMBER OF SPACES REQUIRED WHERE EMPLOYMENT CONDITIONS ARE SUCH AS TO MAKE THE ABOVE REQUIREMENTS CLEARLY EXCESSIVE

Parking space as required above shall be either on the same lot with the principal use to which it is accessory or within 500 feet of the building it is intended to serve.

SECTION 19. Be it further enacted, that new Section 410 be and it is hereby added to said regulations, to read as follows:

Section 410 CLASS I TRUCKING FACILITIES (TRUCK TERMINALS)

410.1 Nonconforming and other existing Class I trucking facilities. The provisions of this subsection apply to Class I trucking facilities existing on the effective date of this section.

A. Plans.

1. In the case of any Class I trucking facility for which approved plans are not on file with the Office of Planning and Zoning or the Department of Permits and Licenses on the effective date of this section, the owner of or authorized agent for the trucking facility must file plans of the facility with the Zoning Commissioner within one year after that date. (See Subparagraph 410.3.C.1 for requirements. See also Subparagraph 2, below.) Where the plans for a Class I trucking facility are on file with the Office of Planning and Zoning or the Department of Permits and Licenses but, in the judgment of the Zoning Commissioner, are in insufficient detail to afford the proper administration of these Regulations with respect to that facility, the Zoning Commissioner may require that the owner or authorized agent file sufficiently detailed plans within the 1 year period. (The mere submission of plans under the subparagraph will not establish the legality of any Class I trucking facility.)

2. Within 30 days after the effective date of this section, the Zoning Commissioner shall publish a checklist of requirements for plans submitted pursuant to Subparagraph 1, above. The checklist must indicate, among other things, 1 or more acceptable scales to which plans must be drawn.

B. Rulings etc. as to nonconformance with respect to certain provisions.

1. Within 1 year after the date the Zoning Commissioner accepts plans for a trucking facility as required under Subparagraph 410.1.A.1, he shall review them and issue a ruling whether or not the facility conforms with the provisions listed in Subparagraph 2 and, if not conforming with any such provision, whether the nonconformance may be allowed to stand under the provisions of Subparagraph 3. If the provision requires the recommendation or approval of authorities other than the Zoning Commissioner, the ruling with respect to conformance with that provision may be made only upon such recommendation or approval.

1. IF THE OWNER OF OR AUTHORIZED AGENT FOR A CLASS I TRUCKING FACILITY BELIEVES THAT APPROVED PLANS OF THAT TRUCKING FACILITY ARE ON FILE WITH THE OFFICE OF PLANNING AND ZONING OR DEPARTMENT OF PERMITS AND LICENSES ON THE EFFECTIVE DATE OF THIS SECTION, HE MUST SO NOTIFY THE ZONING COMMISSIONER, IN WRITING, WITHIN 6 MONTHS AFTER THAT DATE, UNLESS HE HAS FILED OR WILL FILE PLANS AS PROVIDED IN SUBPARAGRAPH 2, BELOW, WITHIN 30 DAYS AFTER HE RECEIVES THE WRITTEN NOTICE, THE ZONING COMMISSIONER SHALL INFORM THE OWNER OR AGENT WHETHER THE PLANS ARE, IN FACT, ON FILE AND, IF THEY ARE ON FILE, WHETHER THEY MEET THE REQUIREMENTS OF SUBPARAGRAPH 410.3.C.1. IF

THE PLANS DO NOT MEET THOSE REQUIREMENTS, THE OWNER OR AGENT SHALL FILE PLANS THAT DO MEET THE REQUIREMENTS, WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

2. IF APPROVED PLANS OF A CLASS I TRUCKING FACILITY ARE NOT ON FILE WITH THE OFFICE OF PLANNING AND ZONING OR THE DEPARTMENT OF PERMITS AND LICENSES ON THE EFFECTIVE DATE OF THIS SECTION, OR IF THE ZONING COMMISSIONER IS NOT NOTIFIED UNDER SUBPARAGRAPH 1, THE OWNER OF OR AUTHORIZED AGENT FOR THE TRUCKING FACILITY MUST FILE PLANS OF THE FACILITY, MEETING THE REQUIREMENTS OF SUBPARAGRAPH 410.3.C.1, WITHIN 1 YEAR AFTER THAT DATE.

3. WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE ZONING COMMISSIONER SHALL PUBLISH A CHECKLIST OF REQUIREMENTS FOR PLANS SUBMITTED PURSUANT TO SUBPARAGRAPH 2. THE CHECKLIST MUST INDICATE, AMONG OTHER THINGS, 1 OR MORE ACCEPTABLE SCALES TO WHICH PLANS MUST BE DRAWN.

4. THE MERE SUBMISSION OF PLANS UNDER THIS PARAGRAPH WILL NOT ESTABLISH THE LEGALITY OF ANY CLASS I TRUCKING FACILITY.

B. RULINGS ETC. AS TO NONCONFORMANCE WITH RESPECT TO CERTAIN PROVISIONS.

1. WITHIN 1 YEAR AFTER THE DATE THE ZONING COMMISSIONER ACKNOWLEDGES THE ADEQUACY OF PREVIOUSLY FILED PLANS OF A TRUCKING FACILITY OR ACCEPTS NEW PLANS FOR THE FACILITY, AS PROVIDED UNDER PARAGRAPH A, HE SHALL REVIEW THE PLANS AND ISSUE A RULING WHETHER OR NOT THE FACILITY CONFORMS WITH THE PROVISIONS LISTED IN SUBPARAGRAPH 2 (BELOW) AND, IF NOT CONFORMING WITH ANY SUCH PROVISION, WHETHER THE NONCONFORMANCE MAY BE ALLOWED TO STAND UNDER THE PROVISIONS OF SUBPARAGRAPH 3. IF THE PROVISION REQUIRES THE RECOMMENDATION OR APPROVAL OF AUTHORITIES OTHER THAN THE ZONING COMMISSIONER, THE RULING WITH RESPECT TO CONFORMANCE WITH THAT PROVISION MAY BE MADE ONLY UPON SUCH RECOMMENDATION OR APPROVAL.

2. The provisions with respect to which the Zoning Commission shall issue rulings under Subparagraph 1 are the following:

- Subparagraph 409.2.b(8) (automobile parking)
- Subparagraph 410.3.A.1 (access to streets)
- Subparagraph 410.3.B.3 (layout such as not to cause congestion)
- Subparagraph ~~410.3.B.5~~ 410.3.B.5 (fencing etc.)
- Subparagraph 410.3.B.6 (wheel stops etc.)
- Subparagraph 410.3.B.7 (paving and curbing)
- Subparagraph 410.3.B.8 (drainage)
- Subparagraph 410.3.B.9 (rest rooms and other conveniences)
- Subparagraph 410.3.C.2 (concealment of automotive parts, JUNK VEHICLES)

3. A trucking facility's nonconformance with Subparagraph 409.2.b(8) shall be allowed to stand if a variance to that subparagraph is granted pursuant to Section 307 of these Regulations and Section 22-23 of the Baltimore County Code 1968, as amended by Bill No. 72, 1969. Nonconformance with Subparagraph 410.3.A.1 shall be allowed to stand if the site of the trucking facility does not abut a street on which access is permitted under that subparagraph or, if it does abut such a street, the County trucking-facilities-development officials determine that the length of the coextensive street line and site boundary is insufficient to permit proper access from that street. However, in any case where access that is not in accordance with Subparagraph 410.3.A.1 is allowed to remain, the Zoning Commissioner shall have the power to prescribe the route that trucks must use in reaching or on leaving the site, in accordance with a recommendation of the County trucking-facilities-development officials.

C. Procedure etc. In case of nonconformance with respect to certain provisions. If the Zoning Commissioner, under Subparagraph 410.1.B.1, rules that a trucking facility does not conform with a provision listed in Subparagraph 410.1.B.2 and if the nonconformance with that provision is not allowed to stand under Subparagraph 410.1.B.3, one or both of the courses of action set forth in Subparagraphs 1 and 2, below, must be followed.

1. Within 90 days of the date of the Zoning Commissioner's ruling, the owner or agent must file with the Zoning Commissioner an acceptable program of compliance, showing that conformance with each provision in question will be achieved within 27 months after the date of the ruling. The program must include, among other things that the Zoning Commissioner may reasonably require, a) a plan of the trucking facility as it will be upon conformance as required and b) the schedule under which conformance will be achieved. The Zoning Commissioner

may refuse to accept any such program that, in his judgment, does not show that approximately half of all the work to be completed under the program will be done by the end of the 16th month after the date of the ruling or does not meet other requirements of these Zoning Regulations. The trucking facility covered by a program of compliance submitted pursuant to this subparagraph must be in partial compliance with the provisions in question by the end of the 16th month after the date of the ruling, as shown in the program, and must be in full compliance with all such provisions at the end of the 27th month after the date of the ruling. Or;

2. Within 90 days after the date of the Zoning Commissioner's ruling, the owner or agent must file with the Zoning Commissioner a petition requesting that the facility not be required to conform with a provision in question, the petition to be advertised and heard in accordance with the provisions of Subsection 500.7. No relief may be granted under this subparagraph, however, unless the petitioner shows that conformance with the provision would cause undue hardship and would not be in the interest of the general welfare of the community, with particular consideration given to any dwellings within 300 feet of the facility. Such relief may be granted to the extent necessary to eliminate undue hardship, and only to that extent, and only in keeping with the intent of these Zoning Regulations in general and this section in particular; relief may not be granted to an extent detrimental to the general welfare of the community. Where relief is sought but not granted under this subparagraph, the Zoning Commissioner shall require a program of compliance such as that provided for under Subparagraph 1, above, and shall provide for enforcement of that program. In any case, the trucking facility must conform with any provision from which relief is not granted under this subparagraph within 27 months of the date of the Zoning Commissioner's ruling pursuant to Subparagraph 410.1.B.1.

D. Effects of failure to comply.

1. The failure of an owner or authorized agent for a Class 1 trucking facility to comply with an applicable requirement of Paragraph A or C, above, or failure to comply with an order by the Zoning Commissioner prescribing a truck route as provided in Subparagraph 3 of Paragraph B, shall constitute a violation of these Zoning Regulations.

2. The right to continue any Class 1 trucking facility that was established before the effective date of this section and whose owner or agent has failed to comply with an applicable requirement of Paragraph A shall cease 3 years after that date, unless the facility conforms or has been changed to conform with all provisions of these Zoning Regulations, as if it were a new use.

3. The right to continue any Class 1 trucking facility that was established before the effective date of this section and whose

owner or agent has complied with the applicable requirements of Paragraph A but has failed to comply with an applicable requirement of Paragraph C shall cease 3 years after the date of the Zoning Commissioner's ruling issued pursuant to Subparagraph 1 of Paragraph B, unless the facility conforms or has been changed to conform with all provisions of these Zoning Regulations, as if it were a new use.

~~E. Expansion of nonconforming Class 1 trucking facilities. Any contrary provision of Section 104 notwithstanding, the site, structures and paved areas of a nonconforming Class 1 trucking facility may not be expanded unless the use is made to conform in all respects with these Zoning Regulations, except that expansion to the minimum extent necessary to comply with the standards of Subsection 410.3 may be allowed by the Zoning Commissioner provided that the expansion is not in excess of that allowed under Section 104 and that, in the judgement of the Zoning Commissioner, the expansion would be in the interest of the general welfare of the community, with particular consideration given to any dwellings within 300 feet of the trucking facility.~~

E. EXPANSION OF NONCONFORMING CLASS I TRUCKING FACILITIES. THE SITE, STRUCTURES, AND PAVED AREAS OF A NONCONFORMING CLASS I TRUCKING FACILITY MAY NOT BE EXPANDED UNLESS THE USE IS MADE TO CONFORM IN ALL RESPECTS WITH THESE ZONING REGULATIONS OR EXCEPT AS FOLLOWS:

1. EXPANSION TO THE MINIMUM EXTENT NECESSARY TO COMPLY WITH THE STANDARDS OF SUBSECTION 410.3 MAY BE ALLOWED BY THE ZONING COMMISSIONER, AFTER PUBLIC HEARING, PROVIDED THAT THE EXPANSION IS NOT IN EXCESS OF THAT ALLOWED UNDER SECTION 104 AND THAT, IN THE JUDGEMENT OF THE ZONING COMMISSIONER, THE EXPANSION WOULD BE IN THE INTEREST OF THE GENERAL WELFARE OF THE COMMUNITY, WITH PARTICULAR CONSIDERATION GIVEN TO ANY DWELLINGS WITHIN 300 FEET OF THE TRUCKING FACILITY.

2. OPERATIONS OF THE TRUCKING FACILITY MAY BE ENCLOSED WITHIN BUILDINGS, EVEN THOUGH THE CONSTRUCTION OF BUILDINGS OR ENLARGEMENT OF EXISTING BUILDINGS NECESSARY TO DO SO WOULD RESULT IN AN EXPANSION BEYOND THE LIMIT IMPOSED UNDER SECTION 104, PROVIDED THAT THE TRUCKING FACILITY IS IN AN M.L. OR M.H. ZONE AND THAT THE ZONING COMMISSIONER FINDS, AFTER PUBLIC HEARING, THAT THE ENCLOSURE WOULD LESSEN THE NET OVERALL ENVIRONMENTAL IMPACT OF THE FACILITY AND WOULD OTHERWISE BE IN THE INTEREST OF THE GENERAL WELFARE OF THE COMMUNITY.

F. With the exception of plans for conforming Class 1 I trucking facilities in M.H. zones, plans approved under this subsection may be amended only by special exception.

G. Public information program on provisions of this section and Section 410A. For the period from the beginning of the 2nd month to the end of the 12th month after the date of enactment of this section, the Zoning Commissioner shall implement a program of public information regarding the provisions of this section and Section 410A, with emphasis on the provisions of this subsection and Subsection 410A.1. In particular, he shall endeavor to ensure that any party responsible for complying with these sections is informed of the provisions therein. (However, the failure of the Zoning Commissioner to inform any party of the provisions of these sections will not constitute a legal justification for that party's failure to comply with them.)

410.2 Location. No Class 1 I trucking facility or part thereof (including any access point or driveway) established on or after the effective date of this section may be located within 200 feet of a wetland or, with the exception of accessory passenger-automobile parking areas, within 300 feet of a dwelling or a residential zone. No passenger-automobile parking area or part thereof accessory to a Class 1 I trucking facility may be located within 25 feet of a dwelling or a residential zone.

410.3 - Site and development standards; plans; operation. The standards of this subsection apply to Class 1 I trucking facilities established on or after the effective date hereof, to conforming Class 1 I trucking facilities established before that date and hereafter expanded or otherwise changed, and, to the extent specified in Subsection 410.1, to nonconforming Class 1 I trucking facilities.

A. Access points.

1. Any point of access to a public street must be on a public industrial service road, on an arterial street, or on a major collector street, except that —

a. No access point on a public industrial service road is permitted unless the service road has direct access to an arterial street, an expressway, or a freeway, and unless the place of that access is closer to the use in question than any point of access the service road may have to a motorway other than an arterial street, an expressway, or a freeway; and

b. No access point on a major collector street is permitted unless the access point is within a travel distance of ¼ mile from the major collector street's access to an arterial street, an expressway, or a freeway.

2. The curb tangent length between access points must be at least 100 feet, except that a shorter length may be allowed or greater length required by the Zoning Commissioner on recommendation of the County trucking-facilities-development officials. The number, width, and channelization (if any) of access points shall be as required by the Zoning Commissioner, after recommendation of the County trucking-facilities-development officials and, in the case of access points on a State-maintained highway, recommendation of the State Highway Administration.

B. Other site and development standards.

1. Unless the lot on which the facility is situated lies within a planned industrial park, the net area of the lot must be at least 3 acres and its diametral dimension must be at least 150 feet. (This subparagraph does not limit the number of trucking facilities that may be situated on a lot of the minimum size.)

2. Contrary provisions of these regulations notwithstanding, the trucking facility's floor area ratio may not exceed 0.1.

3. The layout of improvements must be such as to provide for convenient forward movement of vehicles leaving or entering the site and such as to preclude any likelihood that trucks will be unable to gain immediate access onto the site at any time, as determined by the Zoning Commissioner after recommendation by the County trucking-facilities-development officials.

4. The minimum area of the surface that must be provided for parking of truck tractors and trailers on the site, not including maneuvering area, is 1,320 square feet per loading berth. However, a lesser area may be allowed or greater area required by the Zoning Commissioner after recommendation by the County trucking-facilities-development officials. (See Section 409 for automobile-parking requirements.)

5. That part of the site devoted to trucking operations (not including the automobile-parking area) must be surrounded by security fencing at least 6 feet high. Further, except for approved access points, the site as a

6. EXCEPT IN AN M.H. ZONE, THAT PART OF THE SITE DEVOTED TO TRUCKING OPERATIONS (NOT INCLUDING THE AUTOMOBILE-PARKING AREA) MUST BE SURROUNDED BY SECURITY FENCING AT LEAST 6 FEET HIGH. IN ANY ZONE, EXCEPT FOR APPROVED ACCESS POINTS, THE SITE AS A whole must be enclosed or partially enclosed by opaque fencing, walls, or living screen planting to visually screen the use and its accessory uses from residential zones, from residential premises, or from churches, schools, hospitals, or other, similar institutional uses, and to prevent possible extension of uses beyond the site boundaries. The height of the

visual screening must be at least 6 feet, except that screen planting may be as low as 3 feet from the ground at the time of planting if it is of such a variety that it can reasonably be expected to be at least 6 feet high no more than 2 years after it is planted. In any case, planting must be such as to provide full screening effect within 2 years after it is planted and must be maintained in good condition. Further, all fencing and screening must be in accordance with adopted design provisions (as defined in Section 101).

6. Wheel stops or other means must be provided to protect walks, fencing, or screen planting.

7. All parking, loading, and maneuvering areas must be paved in accordance with adopted design provisions (as defined in Section 101), FORMULATED AFTER CONSULTATION WITH AND RECOMMENDATION BY THE COUNTY TRUCKING - FACILITIES - DEVELOPMENT OFFICIALS. Curbing at the edges of paved areas must be provided if required by the Zoning Commissioner, on recommendation of the County trucking-facilities-development officials.

8. Proper drainage of the entire site must be provided for. On-site storm-water-detention or controlled-release facilities may be required by the Department of Public Works.

9. Adequate rest-room facilities (for both sexes), a drivers' room, and telephone service for the truck drivers and other personnel must be provided on the site.

C. Plans and operation.

1. The plans for a Class \pm I trucking facility submitted in or with an application to Baltimore County for any permit to establish or alter such a facility, or submitted in pursuance of any provision of these Zoning Regulations, must show the layout and operation of the use in detail that is sufficient for the Zoning Commissioner to determine whether and in what manner the facility will meet the requirements of these Zoning Regulations and must be certified by a professional engineer (registered as such under the provisions of Article 75% of the Annotated Code of Maryland, 1957, 1975 Replacement Volume 7A) or by a professional who is not an engineer but who is registered under law as competent to certify the accuracy of the plans. The operation, as well as the development, of the use must be in accord with the approved plans. In particular, the number of vehicles (including trailers) on the site must not at any time exceed the number provided for by the plans.

2. Automotive parts must be concealed from off-site view. Junk vehicles may not be stored or otherwise situated on the site.

3. In the granting of a special exception authorizing the establishment of a Class \pm I trucking facility, the Zoning Commissioner may impose (in addition to any other reasonable restriction) reasonable limitations on hours of operation.

410.4 ACTIONS OF COUNTY OFFICIALS TO BE CONSISTENT WITH CERTAIN PURPOSES.

A. CONSISTENCY OF ACTIONS WITH PURPOSES. WHENEVER THE ZONING COMMISSIONER, THE COUNTY TRUCKING-FACILITIES-DEVELOPMENT OFFICIALS, OR ANY OTHER COUNTY OFFICIAL OR OFFICIALS TAKE AN ACTION PURSUANT TO THE PROVISIONS OF THIS SECTION, THAT ACTION MUST, WHERE APPLICABLE, BE AS CONSISTENT AS IS FEASIBLE WITH THE PURPOSES OF THIS SECTION, AS SET FORTH IN PARAGRAPH B, BELOW, AND ELSEWHERE IN THIS SECTION, AND WITH THE OTHER PURPOSES OF THESE REGULATIONS, IN GENERAL (INCLUDING THE PURPOSES SET FORTH IN TITLE 22 OF THE BALTIMORE COUNTY CODE 1968).

B. PURPOSES. IN ADDITION TO OTHER PURPOSES IMPLIED OR EXPRESSED IN OTHER PROVISIONS, THE PURPOSES OF THIS SECTION ARE --

1. TO PROMOTE THE SPATIAL CONSOLIDATION OF TRUCKING FACILITIES, SUCH AS JOINT USE OF LARGER SITES, SO THAT THE NUMBER OF LOCATIONS OR TRUCKING FACILITIES WILL NOT BE EXCESSIVE WITH RESPECT TO THE PUBLIC INTEREST AND SO AS TO PROVIDE FOR GREATER FLEXIBILITY IN THE LAYOUT OF INDIVIDUAL SITES.

2. TO ASSURE THAT THE IMPROVEMENTS ON THE SITES OF EXISTING AND FUTURE CLASS I TRUCKING FACILITIES ARE OF SUCH DESIGN, QUALITY, OR CHARACTER THAT THEY WILL NOT BE LIKELY TO DETERIORATE IN SUCH A WAY THAT A PUBLIC NUISANCE WOULD BE CREATED OR THAT THE PUBLIC INTEREST WOULD OTHERWISE BE ADVERSELY AFFECTED.

3. TO MINIMIZE HEAVY-TRUCK TRAFFIC ON MOTORWAYS OTHER THAN FREEWAYS, EXPRESSWAYS, OR ARTERIAL STREETS.

4. TO MINIMIZE THE OFF-PREMISES PARKING OR STORAGE OF VEHICLES ASSOCIATED WITH EXISTING AND FUTURE CLASS I TRUCKING FACILITIES.

5. TO PROMOTE THE ON-SITE PROVISION OF IMPORTANT CONVENIENCES SO THAT EMPLOYEES OR OTHERS ASSOCIATED WITH EXISTING AND FUTURE CLASS I TRUCKING FACIL-

ITIES NEED NOT SEEK SUCH CONVENIENCES IN OR ABOUT THE HOMES OR BUSINESS ESTABLISHMENTS OF OTHERS OR IN OTHER INAPPROPRIATE PLACES.

6. TO PROVIDE THE COUNTY GOVERNMENT WITH PLANS AND OTHER RECORDS THAT ARE SUFFICIENTLY DETAILED TO AFFORD PROPER ADMINISTRATION OF THIS SECTION AND RELATED PROVISIONS.

7. IN GENERAL, TO ACCOMMODATE TRUCKING ACTIVITIES, IN RECOGNITION OF THEIR IMPORTANCE TO THE ECONOMY OF THE COUNTY AND THE NATION, WHILE MINIMIZING THE IMPACT OF EXISTING AND FUTURE CLASS I TRUCKING FACILITIES ON THE ENVIRONMENT AND ACHIEVING AN OPTIMUM LEVEL OF COMPATIBILITY BETWEEN SUCH FACILITIES AND NEARBY USES, ESPECIALLY DWELLINGS AND INSTITUTIONAL USES.

SECTION 20. *Be it further enacted*, that new Section 410A be and it is hereby added to said regulations, to read as follows:

Section 410A CLASS II TRUCKING FACILITIES (TRUCK YARDS ETC.)

Section 410A.1 Nonconforming and other existing Class II trucking facilities. The provisions of this subsection apply to Class II trucking facilities existing on the effective date of this section.

A. Plans.

1. In the case of any Class II trucking facility for which approved plans are not on file with the Office of Planning and Zoning or the Department of Permits and Licenses on the effective date of this section, the owner or authorized agent for the trucking facility must file plans of the facility with the Zoning Commissioner within 1 year after that date. (See Subparagraph 410A.3.C.1 for requirements. See also Subparagraph 2, below.) Where the plans for a Class II trucking facility are on file with the Office of Planning and Zoning or the Department of Permits and Licenses but, in the judgment of the Zoning Commissioner, are in insufficient detail to afford the proper administration of these Regulations with respect to that facility the Zoning Commissioner may require that the owner or authorized agent file sufficiently detailed plans within the 1 year period. (The mere submission of plans under this subparagraph will not establish the legality of any Class II trucking facility.)

2. Within 30 days after the effective date of this section, the Zoning Commissioner shall publish a checklist of requirements for plans submitted pursuant to Subparagraph 1, above. The checklist must

indicate, among other things, 1 or more acceptable scales to which plans must be drawn.

B. Rulings etc. as to nonconformance with respect to certain provisions.

1. Within 1 year after the date the Zoning Commissioner accepts plans for a trucking facility as required under Subparagraph 410A.1.A.1, he shall review them and issue a ruling whether or not the facility conforms with the provisions listed in Subparagraph 2 and, if not conforming with any such provision, whether the nonconformance may be allowed to stand under the provisions of Subparagraph 2. If the provision requires the recommendation or approval of authorities other than the Zoning Commissioner, the ruling with respect to conformance with that provision may be made only upon such recommendation or approval.

1. IF THE OWNER OR AUTHORIZED AGENT FOR A CLASS II TRUCKING FACILITY BELIEVES THAT APPROVED PLANS OF THAT FACILITY ARE ON FILE WITH THE OFFICE OF PLANNING AND ZONING OR DEPARTMENT OF PERMITS AND LICENSES ON THE EFFECTIVE DATE OF THIS SECTION, HE MUST SO NOTIFY THE ZONING COMMISSIONER, IN WRITING, WITHIN 6 MONTHS AFTER THAT DATE, UNLESS HE HAS FILED OR WILL FILE PLANS AS PROVIDED IN SUBPARAGRAPH 2, BELOW, WITHIN 30 DAYS AFTER HE RECEIVES THE WRITTEN NOTICE, THE ZONING COMMISSIONER SHALL INFORM THE OWNER OR AGENT WHETHER THE PLANS ARE, IN FACT, ON FILE AND, IF THEY ARE ON FILE, WHETHER THEY MEET THE REQUIREMENTS OF SUBPARAGRAPH 410A.3.C.1. IF THE PLANS DO NOT MEET THOSE REQUIREMENTS, THE OWNER OR AGENT SHALL FILE PLANS THAT DO MEET THE REQUIREMENTS WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

2. IF APPROVED PLANS OF A CLASS II TRUCKING FACILITY ARE NOT ON FILE WITH THE OFFICE OF PLANNING AND ZONING OR THE DEPARTMENT OF PERMITS AND LICENSES ON THE EFFECTIVE DATE OF THIS SECTION OR IF THE ZONING COMMISSIONER IS NOT NOTIFIED IN ACCORDANCE WITH SUBPARAGRAPH 1, THE OWNER OR AUTHORIZED AGENT FOR THE TRUCKING FACILITY MUST FILE PLANS OF THE FACILITY, MEETING THE REQUIREMENTS OF SUBPARAGRAPH 410A.3.C.1, WITHIN 1 YEAR AFTER THAT DATE.

3. WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE ZONING COMMISSIONER SHALL PUBLISH A CHECKLIST OF REQUIREMENTS FOR PLANS SUBMITTED

PURSUANT TO SUBPARAGRAPH 2. THE CHECKLIST MUST INDICATE, AMONG OTHER THINGS, 1 OR MORE ACCEPTABLE SCALES TO WHICH PLANS MUST BE DRAWN.

4. THE MERE SUBMISSION OF PLANS UNDER THIS PARAGRAPH WILL NOT ESTABLISH THE LEGALITY OF ANY CLASS II TRUCKING FACILITY.

B. RULINGS ETC. AS TO NONCONFORMANCE WITH RESPECT TO CERTAIN PROVISIONS.

1. WITHIN 1 YEAR AFTER THE DATE THE ZONING COMMISSIONER ACKNOWLEDGES THE ADEQUACY OF PREVIOUSLY FILED PLANS OF A TRUCKING FACILITY OR ACCEPTS NEW PLANS FOR THE FACILITY, AS PROVIDED UNDER PARAGRAPH A, HE SHALL REVIEW THE PLANS AND ISSUE A RULING WHETHER OR NOT THE FACILITY CONFORMS WITH THE PROVISIONS LISTED IN SUBPARAGRAPH 2 (BELOW) AND, IF NOT CONFORMING WITH ANY SUCH PROVISION, WHETHER THE NONCONFORMANCE MAY BE ALLOWED TO STAND UNDER THE PROVISIONS OF SUBPARAGRAPH 3. IF THE PROVISION REQUIRES THE RECOMMENDATION OR APPROVAL OF AUTHORITIES OTHER THAN THE ZONING COMMISSIONER, THE RULING WITH RESPECT TO CONFORMANCE WITH THAT PROVISION MAY BE MADE ONLY UPON SUCH RECOMMENDATION OR APPROVAL.

2. The provisions with respect to which the Zoning Commissioner shall issue rulings under Subparagraph 1 are the following:

- Subparagraph 409.2.b(9) (automobile parking)
- ~~Subparagraph 410.3.A.1~~ 410A.3.A.1 (access to streets)
- Subparagraph 410A.3.B.2 (layout such as not to cause congestion)
- Subparagraph 410A.3.B.4 (fencing etc.)
- Subparagraph 410A.3.B.5 (wheel stops etc.)
- Subparagraph 410A.3.B.6 (paving and curbing)
- Subparagraph 410A.3.B.7 (drainage)
- Subparagraph 410A.3.B.8 (rest rooms and other conveniences)
- Subparagraph 410A.3.C.2 (concealment of automotive parts; JUNK VEHICLES)

3. A trucking facility's nonconformance with Subparagraph 409.2.b(9) shall be allowed to stand if a variance to that subparagraph is granted pursuant to Section 307 of these Regulations and Section 22-23 of the Baltimore County Code 1968, as amended by Bill No. 72,

1968. Nonconformance with Subparagraph 410A.3.A.1 shall be allowed to stand if the site of the trucking facility does not abut a street on which access is permitted under that subparagraph or, if it does abut such a street, the County trucking-facilities-development officials determine that the length of the coextensive street line and site boundary is insufficient to permit proper access from that street. However, in any case where access that is not in accordance with Subparagraph 410A.3.A.1 is allowed to remain, the Zoning Commissioner shall have the power to prescribe the route that trucks must use in reaching or on leaving the site, in accordance with a recommendation of the County trucking-facilities-development officials.

C. Procedure etc. in case of nonconformance with respect to certain provisions. If the Zoning Commissioner, under Subparagraph 410A.1.B.1, rules that a trucking facility does not conform with a provision listed in Subparagraph 410A.1.B.2 and if the nonconformance with that provision is not allowed to stand under Subparagraph 410A.1.B.3, 1 or both of the courses of action set forth in Subparagraphs 1 and 2, below, must be followed.

1. Within 90 days of the date of the Zoning Commissioner's ruling, the owner or agent must file with the Zoning Commissioner an acceptable program of compliance, showing that conformance with each provision in question will be achieved within 27 months after the date of the ruling. The program must include, among other things that the Zoning Commissioner may reasonably require, a) a plan of the trucking facility as it will be upon conformance as required and b) the schedule under which conformance will be achieved. The Zoning Commissioner may refuse to accept any such program that, in his judgment, does not show that approximately half of all the work to be completed under the program will be done by the end of the 15th month after the date of the ruling or does not meet other requirements of these Zoning Regulations. The trucking facility covered by a program of compliance submitted pursuant to this subparagraph must be in partial compliance with the provisions in question by the end of the 15th month after the date of the ruling, as shown in the program, and must be in full compliance with all such provisions at the end of the 27th month after the date of the ruling. Or,

2. Within 90 days after the date of the Zoning Commissioner's ruling, the owner or agent must file with the Zoning Commissioner a petition requesting that the facility not be required to conform with a provision in question, the petition to be advertised and heard in accordance with the provisions of Subsection 500.7. No relief may be granted under this subparagraph, however, unless the petitioner shows that conformance with the provision would cause undue hardship and would not be in the interest of the general welfare of the community, with particular consideration given to any dwellings within 300 feet of the facility. Such relief may be granted to the extent necessary to eliminate

undue hardship, and only to that extent, and only in keeping with the intent of these Zoning Regulations in general and this section in particular; relief may not be granted to an extent detrimental to the general welfare of the community. Where relief is sought but not granted under this subparagraph, the Zoning Commissioner shall require a program of compliance such as that provided for under Subparagraph 1, above, and shall provide for enforcement of that program. In any case, the trucking facility must conform with any provision from which relief is not granted under this subparagraph within 27 months of the date of the Zoning Commissioner's ruling pursuant to Subparagraph 410A.1.B.1.

D. Effects of failure to comply.

1. The failure of an owner of or authorized agent for a Class ~~11~~ II trucking facility to comply with an applicable requirement of Paragraph A or C, above, or failure to comply with an order by the Zoning Commissioner prescribing a truck route as provided in Subparagraph 3 of Paragraph B, shall constitute a violation of these Zoning Regulations.

2. The right to continue any Class ~~11~~ II trucking facility that was established before the effective date of this section and whose owner or agent has failed to comply with an applicable requirement of Paragraph A shall cease 3 years after that date, unless the facility conforms or has been changed to conform with all provisions of these Zoning Regulations, as if it were a new use.

3. The right to continue any Class ~~11~~ II trucking facility that was established before the effective date of this section and whose owner or agent has complied with the applicable requirements of Paragraph A but has failed to comply with an applicable requirement of Paragraph C shall cease 3 years after the date of the Zoning Commissioner's ruling issued pursuant to Subparagraph 1 of Paragraph B, unless the facility conforms or has been changed to conform with all provisions of these Zoning Regulations, as if it were a new use.

~~E. Expansion of nonconforming Class II trucking facilities. Any contrary provision of Section 104 notwithstanding, the site, structures, and paved areas of a nonconforming Class II trucking facility may not be expanded unless the use is made to conform in all respects with these Zoning Regulations, except that expansion to the minimum extent necessary to comply with the standards of Subsection 410A.3 may be allowed by the Zoning Commissioner, under an order issued pursuant to Paragraph B, C, or D of this subsection, provided that the expansion is not in excess of that allowed under Section 104 and that, in the judgment of the Zoning Commissioner, the expansion would be in the interest of the general welfare of the community.~~

E. EXPANSION OF NONCONFORMING CLASS II TRUCKING FACILITIES. THE SITE, STRUCTURES, AND PAVED AREAS OF A NONCONFORMING CLASS II TRUCKING FACILITY MAY NOT BE EXPANDED UNLESS THE USE IS MADE TO CONFORM IN ALL RESPECTS WITH THESE ZONING REGULATIONS OR EXCEPT AS FOLLOWS:

1. EXPANSION TO THE MINIMUM EXTENT NECESSARY TO COMPLY WITH THE STANDARDS OF SUBSECTION 410A.3 MAY BE ALLOWED BY THE ZONING COMMISSIONER, AFTER PUBLIC HEARING, PROVIDED THAT THE EXPANSION IS NOT IN EXCESS OF THAT ALLOWED UNDER SECTION 104 AND THAT, IN THE JUDGMENT OF THE ZONING COMMISSIONER, THE EXPANSION WOULD BE IN THE INTEREST OF THE GENERAL WELFARE OF THE COMMUNITY, WITH PARTICULAR CONSIDERATION GIVEN TO ANY DWELLINGS WITHIN 300 FEET OF THE TRUCKING FACILITY.

2. OPERATIONS OF THE TRUCKING FACILITY MAY BE ENCLOSED WITHIN BUILDINGS, EVEN THOUGH THE CONSTRUCTION OF BUILDINGS OR ENLARGEMENT OF EXISTING BUILDINGS NECESSARY TO DO SO WOULD RESULT IN AN EXPANSION BEYOND THE LIMIT PROPOSED UNDER SECTION 104, PROVIDED THAT THE TRUCKING FACILITY IS IN AN M.L. OR M.H. ZONE AND THAT THE ZONING COMMISSIONER FINDS, AFTER PUBLIC HEARING, THAT THE ENCLOSURE WOULD LESSEN THE NET OVERALL ENVIRONMENTAL IMPACT OF THE FACILITY AND WOULD OTHERWISE BE IN THE INTEREST OF THE GENERAL WELFARE OF THE COMMUNITY.

F. With the exception of plans for conforming Class II trucking facilities in M.H. zones, plans approved under this subsection may be amended only by special exception.

410A.2 Location. Proximity to residential zone or wetland. No Class II trucking facility or part thereof (including any access point or driveway) established on or after the effective date of this section may be located within 200 feet of a wetland or, with the exception of accessory passenger-automobile parking areas, within 300 feet of a dwelling or a residential zone. No passenger-automobile parking area or part thereof accessory to a Class ~~11~~ II trucking facility may be located within 25 feet of a dwelling or a residential zone.

410A.3 Site and development standards; plans; operation. The standards of this subsection apply to Class ~~11~~ II trucking facilities established on or after the effective date hereof, to conforming Class II trucking facilities established before that date and hereafter expanded or otherwise changed, and, to the extent specified in Subsection 410A.1, to nonconforming Class ~~11~~ II trucking facilities.

A. Access points.

1. Any point of access to a public street must be on a public industrial service road, on an arterial street, or on a major collector street, except that —

a. No access point on a public industrial service road is permitted unless the service road has direct access to an arterial street, an expressway, or a freeway, and unless the place of that access is closer to the use in question than any point of access the service road may have to a motorway other than an arterial street, an expressway, or a freeway; and

b. No access point on a major collector street is permitted unless the access point is within a travel distance of ¼ mile from the major collector street's access to an arterial street, an expressway, or a freeway.

2. The curb tangent length between access points must be at least 100 feet, except that a shorter length may be allowed or greater length required by the Zoning Commissioner on recommendation of the County trucking-facilities-development officials. The number, widths, and channelization (if any) of access points shall be as required by the Zoning Commissioner, after recommendation of the County trucking-facilities-development officials and, in the case of access points on a State-maintained highway, recommendation of the State Highway Administration.

B. Other site and development standards.

1. Unless the lot on which the facility is situated lies within a planned industrial park, the net area of the lot must be at least 5 acres and its diametral dimension must be at least 150 feet. (This subparagraph does not limit the number of trucking facilities that may be situated on a lot of the minimum size.)

2. The layout of improvements must be such as to provide for convenient forward movement of vehicles leaving or entering the site and such as to preclude any likelihood that trucks will be unable to gain immediate access onto the site at any time, as determined by the Zoning Commissioner after recommendation by the County trucking-facilities-development officials.

3. At least 75 per cent of that part of the site devoted to trucking operations must be devoted to parking of truck tractors and trailers, not including maneuvering area. (See Section 409 for automobile-parking requirements.)

4. That part of the site devoted to trucking operations (not including the automobile parking area) must be surrounded by security fencing at least 6 feet high. Further, except for approved access points, the site

4. EXCEPT IN AN M.H. ZONE, THAT PART OF THE SITE DEVOTED TO TRUCKING OPERATIONS (NOT INCLUDING THE AUTOMOBILE-PARKING AREA) MUST BE SURROUNDED BY SECURITY FENCING AT LEAST 6 FEET HIGH. IN ANY ZONE, EXCEPT FOR APPROVED ACCESS POINTS, THE SITE as a whole must be enclosed or partially enclosed by opaque fencing, walls, or living screen planting to visually screen the use and its accessory uses from residential zones, from residential premises or from churches, schools, hospitals, or other, similar institutional uses, and to prevent extension of uses beyond the site boundaries. The height of the visual screening must be at least 6 feet, except that screen planting may be as low as 3 feet from the ground at the time of planting if it is of such a variety that it can reasonably be expected to be at least 6 feet high no more than 2 years after it is planted. In any case, planting must be such as to provide full screening effect within 2 years after it is planted and must be maintained in good condition. Further, all fencing and screening must be in accordance with adopted design provisions (as defined in Section 101).

5. Wheel stops or other means must be provided to protect walls, fencing, or screen planting.

6. All parking, loading, and maneuvering areas must be paved in accordance with adopted design provisions (as defined in Section 101), FORMULATED AFTER CONSULTATION WITH AND RECOMMENDATION BY THE COUNTY TRUCKING-FACILITIES-DEVELOPMENT OFFICIALS. Curbing at the edges of paved areas must be provided if required by the Zoning Commissioner, on recommendation of the County trucking-facilities-development officials.

7. Proper drainage of the entire site must be provided for. On-site storm-water-detention or controlled-release facilities may be required by the Department of Public Works.

8. Adequate rest-room facilities (for both sexes), a drivers' room, and telephones service for the truck drivers and other personnel must be provided on the site.

C. Plans and operation.

1. The plans for a Class II trucking facility submitted in or with an application to Baltimore County for any permit to establish or alter such a facility, or submitted in pursuance of any provision of these Zoning Regulations, must show the layout and operation of the use in detail that is sufficient for the Zoning Commissioner to determine whether and in what manner the facility will meet the requirements of

these Zoning Regulations and must be certified by a professional engineer or other competent professional (as described in Subparagraph 410.3.C.1). The operation, as well as the development, of the use must be in accord with the approved plans. In particular, the number of vehicles (including trailers) on the site must not at any time exceed the number provided for by the plans.

2. Automotive parts must be concealed from off-site view. Junk vehicles may not be stored or otherwise situated on the site.

3. In the granting of a special exception authorizing the establishment of a Class II trucking facility, the Zoning Commissioner may impose (in addition to any other reasonable restriction) reasonable limitations on hours of operation.

401A.4 - ACTIONS OF COUNTY OFFICIALS TO BE CONSISTENT WITH CERTAIN PROVISIONS.

A. CONSISTENCY OF ACTIONS WITH PURPOSES. WHENEVER THE ZONING COMMISSIONER, THE COUNTY TRUCKING-FACILITIES-DEVELOPMENT OFFICIALS, OR ANY OTHER COUNTY OFFICIAL OR OFFICIALS TAKE AN ACTION PURSUANT TO THE PROVISIONS OF THIS SECTION, THAT ACTION MUST, WHERE APPLICABLE, BE AS CONSISTENT AS IS FEASIBLE WITH THE PURPOSES OF THIS SECTION, AS SET FORTH IN PARAGRAPH B, BELOW, AND ELSEWHERE IN THIS SECTION, AND WITH THE OTHER PURPOSES OF THESE REGULATIONS, IN GENERAL (INCLUDING THE PURPOSES SET FORTH IN TITLE 22 OF THE BALTIMORE COUNTY CODE 1968).

B. PURPOSES. IN ADDITION TO OTHER PURPOSES IMPLIED OR EXPRESSED IN OTHER PROVISIONS, THE PURPOSES OF THIS SECTION ARE —

1. TO PROMOTE THE SPATIAL CONSOLIDATION OF TRUCKING FACILITIES, SUCH AS JOINT USE OF LARGER SITES, SO THAT THE NUMBER OF LOCATIONS OF TRUCKING FACILITIES WILL NOT BE EXCESSIVE WITH RESPECT TO THE PUBLIC INTEREST AND SO AS TO PROVIDE FOR GREATER FLEXIBILITY IN THE LAYOUT OF INDIVIDUAL SITES.

2. TO ASSURE THAT THE IMPROVEMENTS ON THE SITES OF EXISTING AND FUTURE CLASS II TRUCKING FACILITIES ARE OF SUCH DESIGN, QUALITY, OR CHARACTER THAT THEY WILL NOT BE LIKELY TO DETERIORATE IN SUCH A WAY THAT A PUBLIC NUISANCE WOULD BE CREATED OR THAT THE PUBLIC INTEREST WOULD OTHERWISE BE ADVERSELY AFFECTED.

3. TO MINIMIZE HEAVY-TRUCK TRAFFIC ON MOTORWAYS OTHER THAN FREEWAYS, EXPRESSWAYS, OR ARTERIAL STREETS.

4. TO MINIMIZE THE OFF-PREMISES PARKING OR STORAGE OF VEHICLES ASSOCIATED WITH EXISTING AND FUTURE CLASS II TRUCKING FACILITIES.

5. TO PROMOTE THE ON-SITE PROVISION OF IMPORTANT CONVENIENCES SO THAT EMPLOYEES OR OTHER ASSOCIATED WITH EXISTING AND FUTURE CLASS II TRUCKING-FACILITIES NEED NOT SEEK SUCH CONVENIENCES IN OR ABOUT THE HOMES OR BUSINESS ESTABLISHMENTS OF OTHERS OR IN OTHER INAPPROPRIATE PLACES.

6. TO PROVIDE THE COUNTY GOVERNMENT WITH PLANS AND OTHER RECORDS THAT ARE SUFFICIENTLY DETAILED TO AFFORD PROPER ADMINISTRATION OF THIS SECTION AND RELATED PROVISIONS.

7. IN GENERAL, TO ACCOMMODATE TRUCKING ACTIVITIES, IN RECOGNITION OF THEIR IMPORTANCE TO THE ECONOMY OF THE COUNTY AND THE NATION, WHILE MINIMIZING THE IMPACT OF EXISTING AND FUTURE CLASS II TRUCKING FACILITIES ON THE ENVIRONMENT AND ACHIEVING AN OPTIMUM LEVEL OF COMPATIBILITY BETWEEN SUCH FACILITIES AND NEARBY USES, ESPECIALLY DWELLINGS AND INSTITUTIONAL USES.

SECTION 21. *Be it further enacted*, that Subsection 500.7 of said regulations, be and it is hereby repealed and re-enacted with amendments, to read as follows:

500.7 The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the COUNTY Board of Zoning Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these Regulations.

With respect to any zoning petition other than a petition for a special exception, variance, or reclassification, the Zoning Commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific

property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the County. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the Zoning Commissioner shall promptly forward a copy thereof to the Director of Planning (or his deputy) for his consideration and for a written report containing his findings thereon with regard to planning factors.

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

SECTION 22. AND BE IT FURTHER ENACTED, THAT THIS ACT IS HEREBY DECLARED TO BE AN EMERGENCY MEASURE AFFECTING THE PUBLIC HEALTH, SAFETY OR WELFARE, AND, HAVING BEEN PASSED BY THE AFFIRMATIVE VOTE OF FIVE MEMBERS OF THE COUNTY COUNCIL, THE SAME SHALL TAKE EFFECT FROM THE DATE OF ITS ENACTMENT.

READ AND PASSED this 13th day of April, 1976.

By Order:

Thomas Toporovich, Secretary

PRESENTED to the County Executive, for his approval this 14th day of April, 1976.

Thomas Toporovich, Secretary

APPROVED AND ENACTED: April 19, 1976.

Theodore G. Venetoulis,
County Executive

I HEREBY CERTIFY THAT BILL NO. 18 IS TRUE AND CORRECT AND TOOK EFFECT ON APRIL 19, 1976.

John W. O'Rourke,
Chairman, County Council

EXPLANATION: *Italics indicate new matter added to existing law.*
[Brackets] indicate matter stricken from existing law.
CAPITALS indicate amendments to bill.
~~Strike-out~~ indicates matter stricken out of bill.

Final Report of the
Baltimore County Planning Board
Adopted February 19, 1976

**PROPOSED ZONING AMENDMENTS:
TRUCKING FACILITIES**

Baltimore County Office of Planning and Zoning
Towson, Maryland 21204

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PROPOSED ZONING AMENDMENTS:
TRUCKING FACILITIES

A Final Report of the Baltimore County Planning Board*

DISCUSSION

At this point in history, the trucking industry might be described as the life-blood system of American commerce. Trucks move goods with flexibility unmatched by any other present mode of transportation.

Unfortunately, the facilities that serve and are served by the trucking industry are frequently incompatible with other business and industrial establishments. And, needless to say, they are totally inappropriate in or near residential areas: while most citizens have probably come to accept the noise and fumes of large tractor-trailers driving along major highways, they cannot find it so easy to accept the concentration of these factors at a truck terminal or truck yard operating day and night close to their homes.

The fact is, however, that a number of trucking facilities have been established too close to the homes of Baltimore County citizens over the years, especially in communities near major industrial areas. And it is not only the on-premise truck operations that have caused problems, for the facilities are frequently so situated that trucks must gain access to them by way of small, residential streets.

By and large, the trucking facilities causing these problems have been established in accordance with present zoning regulations. It has become apparent that those regulations are inadequate in many respects—not just in their lack of safeguards for the welfare of residential areas adjacent to trucking-facility sites, but also in their failure to prescribe modern development standards.

It is the purpose of the regulations proposed here to remedy those deficiencies, both in terms of control over the development of new facilities and in terms of remedial measures applicable to existing ones.

The proposed regulations are based to a large extent on recommendations of the special Citizens Task Force on Truck Terminals, appointed by County Executive Theodore G. Venetoulis and chaired by Councilman John W. O'Rourke. The Planning Board has reviewed the Task Force proposal over a period of several months, has revised it, and has held a public hearing on the revised proposal. Now the Board has again revised the recommendations and offers them, in this final report, for consideration by the County Council.

* * *

NOTE: The appendix to this report indicates the zoning classifications under which various truck-oriented uses would be permitted as of right, allowable by special exception, or prohibited under the proposed legislation.

*Adopted February 19, 1976.

RECOMMENDATIONS

It is recommended that the Baltimore County Zoning Regulations* be amended as set forth below:

1. In Section 101, insert the following definitional entries, in alphabetical order:

Collector street, major: A street, or part of one, that: is intended for travel between neighborhoods or between neighborhoods and other places, but not for travel within neighborhoods; is not an arterial street; and has been designated as a major collector street by the Planning Board by the same method used to designate freeways, expressways, and arterial streets.

County trucking-facilities-development officials: The Directors of Planning, Public Works, and Traffic Engineering and of the Industrial Development Commission.

Trucking facility: A structure or land used or intended to be used primarily for trucking operations or truck or truck-trailer parking or storage, other than a warehouse, moving and storage establishment, or truck stop. A trucking facility may include, as incidental uses only, sleeping quarters and other facilities for trucking personnel, facilities for the service or repair of vehicles, or necessary space for the transitory storage of goods or chattels. As used in this definition, neither the term "trucks" nor the term "truck trailers" includes any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration.

Trucking facility, Class I (truck terminal): A trucking facility whose primary purpose is to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types, in order to facilitate the transportation of such goods or chattels.

Trucking facility, Class II: A trucking facility other than a Class I trucking facility, including a truck yard (the primary purpose of which is to accommodate the parking or storage of trucks or truck trailers).

Truck stop: A structure or land used or intended to be used primarily for the sale of fuel for trucks and, usually, incidental service or repair of trucks; or a group of facilities consisting of such a use and attendant eating, sleeping, or truck-parking facilities. As used in this definition, the term "trucks" does not include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration.

Warehouse: A building or part of a building used or intended to be used primarily for the storage of goods or chattels that are to be sold retail or wholesale from other premises or sold wholesale from the same premises; for the storage of goods or chattels to be shipped on mail order; for the storage of equipment or materials to be used or installed at other premises by the owner or operator of the warehouse; or for similar storage purposes. (The term "warehouse" does not include a retail establishment whose primary purpose is for the sale of goods or chattels stored on the premises; however, nothing in this definition is meant to exclude purely incidental retail sales in warehouses. Further, the term does not include a truck terminal, at which any storage is minor, transitory, and merely incidental to the purpose of facilitating transportation of goods or chattels.)

*Latest edition: 1975.

Wetland: A private wetland or a state wetland as defined in Section 9-101 of the Natural Resources article of the Annotated Code of Maryland, 1974, and, if a private wetland, as delineated under Section 9-301 of that article.

2. In Section 101, revise the definitional entry beginning "Automotive service station" to read as follows:

Automotive service station: A structure or land used or intended to be used primarily for the retail sale of automotive fuel, but not a truck stop.

3. In Section 101, revise the definitional entry beginning "Nonconforming Use" to read as follows:

Nonconforming use: A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use.

4. Delete the definitional entry beginning "Truck Terminal" from Section 101.
5. Revise that part of Section 104 that precedes the semicolon to read as follows:

Section 104—NONCONFORMING USES

A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations

6. Revise the final entry of Subsection 233.2 to read as follows:

Warehouses

7. In Subsection 236.4, delete the entry "Truck terminal;" and insert the following entries in alphabetical order:

Moving and storage establishments
Truck stops

8. Delete the final entry in Subsection 241.1 and substitute the following entries therefor:

Warehouses
Accessory uses

9. In Paragraph 253.2.A, delete Item 6 and insert the following in numerical order:

3A. Moving and storage establishments
6. Trucking facilities (see Sections 410 and 410A)
6A. Truck stops

10. In Subsection 256.2, delete the entry "Truck terminal." and insert the following entries in alphabetical order:

Moving and storage establishments
Trucking facilities (see Sections 410 and 410A)

11. In Subsection 256.4, immediately after the entry "Trailer Park (see Section 414);", insert the following entry:

Truck stops

12. In Article 4,¹ immediately after the title of the article, substitute the following section designation and title for the present subtitle, "Statement of Purpose":

Section A400—PURPOSE

13. In Article 4, immediately preceding Section 400, add the following new section:

Section B400—APPLICATION OF THIS ARTICLE'S PROVISIONS

The provisions of this article apply only to principal uses except as otherwise specified (as in Item 405.4.C.12) or unless the provision implicitly relates to accessory usage (as in Section 405A).

14. In Paragraph 409.2.b, immediately after the third word, substitute "uses" for "buildings".
15. In Subparagraph 409.2.b(7), immediately after the words "commercial use", add a comma and the words "except trucking facilities".
16. In Paragraph 409.2.b, immediately after Subparagraph (7), insert the following new subparagraphs:

(8) Trucking facilities, Class I.....5 plus 1 for each 2 employees in the largest shift

(9) Trucking facilities, Class II 1 for each 2 employees in the largest shift, or 1 for each 3000 square feet of total area devoted to parking of truck tractors, truck trailers, or tractor-trailers (not including truck maneuvering area or loading area), but in no case less than 10

17. In Article 4, immediately after Section 409, add the following new sections:

Section 410—CLASS I TRUCKING FACILITIES (TRUCK TERMINALS)

410.1—Nonconforming and other existing Class I trucking facilities. The provisions of this subsection apply to Class I trucking facilities existing on the effective date of this section.

A. Plans.

1. In the case of any Class I trucking facility for which approved plans are not on file with the Office of Planning and Zoning or the

¹ No amendment of Section 270 is recommended in this report. That section appears to be superfluous and, in view of that and of the fact that numerous entries in Section 270 conflict with other, more-specific provisions of the Zoning Regulations, the Planning Board has recommended its repeal.

Department of Permits and Licenses section, the owner of or authorized agent for the trucking facility must file plans of the facility with the Zoning Commissioner within one year after that date. (See Subparagraph 410.3.C.1 for requirements. See also Subparagraph 2, below.) Where the plans for a Class I trucking facility are on file with the Office of Planning and Zoning or the Department of Permits and Licenses but, in the judgment of the Zoning Commissioner, are in insufficient detail to afford the proper administration of these Regulations with respect to that facility, the Zoning Commissioner may require that the owner or authorized agent file sufficiently detailed plans within the 1-year period. (The mere submission of plans under this subparagraph will not establish the legality of any Class I trucking facility.)

2. Within 30 days after the effective date of this section, the Zoning Commissioner shall publish a checklist of requirements for plans submitted pursuant to Subparagraph 1, above. The checklist must indicate, among other things, 1 or more acceptable scales to which plans must be drawn.

B. Rulings etc. as to nonconformance with respect to certain provisions.

1. Within 1 year after the date the Zoning Commissioner accepts plans for a trucking facility as required under Subparagraph 410.1.A.1, he shall review them and issue a ruling whether or not the facility conforms with the provisions listed in Subparagraph 2 and, if not conforming with any such provision, whether the nonconformance may be allowed to stand under the provisions of Subparagraph 3. If the provision requires the recommendation or approval of authorities other than the Zoning Commissioner, the ruling with respect to conformance with that provision may be made only upon such recommendation or approval.

2. The provisions with respect to which the Zoning Commissioner shall issue rulings under Subparagraph 1 are the following:

- Subparagraph 409.2.b(8) (automobile parking)
- Subparagraph 410.3.A.1 (access to streets)
- Subparagraph 410.3.B.3 (layout such as not to cause congestion)
- Subparagraph 410.3.B.5 (fencing etc.)
- Subparagraph 410.3.B.6 (wheel stops etc.)
- Subparagraph 410.3.B.7 (paving and curbing)
- Subparagraph 410.3.B.8 (drainage)
- Subparagraph 410.3.B.9 (rest rooms and other conveniences)
- Subparagraph 410.3.C.2 (concealment of automotive parts)

3. A trucking facility's nonconformance with Subparagraph 409.2.b(8) shall be allowed to stand if a variance to that subparagraph is granted pursuant to Section 307 of these Regulations and Section 22-23 of the Baltimore County Code 1968, as amended by Bill No. 72, 1969. Nonconformance with Subparagraph 410.3.A.1 shall be allowed to stand if the site of the trucking facility does not abut a street on which access is

permitted under that subparagraph or, if it does abut such a street, the County trucking-facilities-development officials determine that the length of the coextensive street line and site boundary is insufficient to permit proper access from that street. However, in any case where access that is not in accordance with Subparagraph 410.3.A.1 is allowed to remain, the Zoning Commissioner shall have the power to prescribe the route that trucks must use in reaching or on leaving the site, in accordance with a recommendation of the County trucking-facilities-development officials.

- C. Procedure etc. in case of nonconformance with respect to certain provisions. If the Zoning Commissioner, under Subparagraph 410.1.B.1, rules that a trucking facility does not conform with a provision listed in Subparagraph 410.1.B.2 and if the nonconformance with that provision is not allowed to stand under Subparagraph 410.1.B.3, one or both of the courses of action set forth in Subparagraphs 1 and 2, below, must be followed.
1. Within 90 days of the date of the Zoning Commissioner's ruling, the owner or agent must file with the Zoning Commissioner an acceptable program of compliance, showing that conformance with each provision in question will be achieved within 27 months after the date of the ruling. The program must include, among other things that the Zoning Commissioner may reasonably require, a) a plan of the trucking facility as it will be upon conformance as required and b) the schedule under which conformance will be achieved. The Zoning Commissioner may refuse to accept any such program that, in his judgment, does not show that approximately half of all the work to be completed under the program will be done by the end of the 15th month after the date of the ruling or does not meet other requirements of these Zoning Regulations. The trucking facility covered by a program of compliance submitted pursuant to this subparagraph must be in partial compliance with the provisions in question by the end of the 15th month after the date of the ruling, as shown in the program, and must be in full compliance with all such provisions at the end of the 27th month after the date of the ruling. Or,
 2. Within 90 days after the date of the Zoning Commissioner's ruling, the owner or agent must file with the Zoning Commissioner a petition requesting that the facility not be required to conform with a provision in question, the petition to be advertised and heard in accordance with the provisions of Subsection 500.7. No relief may be granted under this subparagraph, however, unless the petitioner shows that conformance with the provision would cause undue hardship and would not be in the interest of the general welfare of the community, with particular consideration given to any dwellings within 300 feet of the facility. Such relief may be granted to the extent necessary to eliminate undue hardship, and only to that extent, and only in keeping with the intent of these Zoning Regulations in general and this section in particular; relief may not be granted to an extent detrimental to the general welfare of the community. Where relief is sought but not

granted under this subparagraph, the Zoning Commissioner shall require a program of compliance such as that provided under Subparagraph 1, above, and shall provide for enforcement of that program. In any case, the trucking facility must conform with any provision from which relief is not granted under this subparagraph within 27 months of the date of the Zoning Commissioner's ruling pursuant to Subparagraph 410.1.B.1.

D. Effects of failure to comply.

1. The failure of an owner of or authorized agent for a Class I trucking facility to comply with an applicable requirement of Paragraph A or C, above, or failure to comply with an order by the Zoning Commissioner prescribing a truck route as provided in Subparagraph 3 of Paragraph B, shall constitute a violation of these Zoning Regulations.
2. The right to continue any Class I trucking facility that was established before the effective date of this section and whose owner or agent has failed to comply with an applicable requirement of Paragraph A shall cease 3 years after that date, unless the facility conforms or has been changed to conform with all provisions of these Zoning Regulations, as if it were a new use.
3. The right to continue any Class I trucking facility that was established before the effective date of this section and whose owner or agent has complied with the applicable requirements of Paragraph A but has failed to comply with an applicable requirement of Paragraph C shall cease 3 years after the date of the Zoning Commissioner's ruling issued pursuant to Subparagraph 1 of Paragraph B, unless the facility conforms or has been changed to conform with all provisions of these Zoning Regulations, as if it were a new use.

E. Expansion of nonconforming Class I trucking facilities. Any contrary provision of Section 104 notwithstanding, the site, structures, and paved areas of a nonconforming Class I trucking facility may not be expanded unless the use is made to conform in all respects with these Zoning Regulations, except that expansion to the minimum extent necessary to comply with the standards of Subsection 410.3 may be allowed by the Zoning Commissioner provided that the expansion is not in excess of that allowed under Section 104 and that, in the judgment of the Zoning Commissioner, the expansion would be in the interest of the general welfare of the community, with particular consideration given to any dwellings within 300 feet of the trucking facility.

F. With the exception of plans for conforming Class I trucking facilities in M.H. zones, plans approved under this subsection may be amended only by special exception.

G. Public information program on provisions of this section and Section 410A. For the period from the beginning of the 2nd month to the end of the 12th month after the date of enactment of this section, the Zoning Commissioner shall implement a program of public information regarding

the provisions of this section and Section 410A, with emphasis on the provisions of this subsection and Subsection 410A.1. In particular, he shall endeavor to ensure that any party responsible for complying with these sections is informed of the provisions therein. (However, the failure of the Zoning Commissioner to inform any party of the provisions of these sections will not constitute a legal justification for that party's failure to comply with them.)

410.2—Location. No Class I trucking facility or part thereof (including any access point or driveway) established on or after the effective date of this section may be located within 200 feet of a wetland or, with the exception of accessory passenger-automobile parking areas, within 300 feet of a dwelling or a residential zone. No passenger-automobile parking area or part thereof accessory to a Class I trucking facility may be located within 25 feet of a dwelling or a residential zone.

410.3—Site and development standards; plans; operation. The standards of this subsection apply to Class I trucking facilities established on or after the effective date hereof, to conforming Class I trucking facilities established before that date and hereafter expanded or otherwise changed, and, to the extent specified in Subsection 410.1, to nonconforming Class I trucking facilities.

A. Access points.

1. Any point of access to a public street must be on a public industrial service road, on an arterial street, or on a major collector street, except that—
 - a. No access point on a public industrial service road is permitted unless the service road has direct access to an arterial street, an expressway, or a freeway, and unless the place of that access is closer to the use in question than any point of access the service road may have to a motorway other than an arterial street, an expressway, or a freeway; and
 - b. No access point on a major collector street is permitted unless the access point is within a travel distance of $\frac{1}{4}$ mile from the major collector street's access to an arterial street, an expressway, or a freeway.
2. The curb tangent length between access points must be at least 100 feet, except that a shorter length may be allowed or greater length required by the Zoning Commissioner on recommendation of the County trucking-facilities-development officials. The number, widths, and channelization (if any) of access points shall be as required by the Zoning Commissioner, after recommendation of the County trucking-facilities-development officials and, in the case of access points on a State-maintained highway, recommendation of the State Highway Administration.

B. Other site and development standards.

1. Unless the lot on which the facility is situated lies within a planned industrial park, the net area of the lot must be at least 3 acres and its diametral dimension must be at least 150 feet. (This subparagraph does not limit the number of trucking facilities that may be situated on a lot of the minimum size.)
2. Contrary provisions of these regulations notwithstanding, the trucking facility's floor area ratio may not exceed 0.1.
3. The layout of improvements must be such as to provide for convenient forward movement of vehicles leaving or entering the site and such as to preclude any likelihood that trucks will be unable to gain immediate access onto the site at any time, as determined by the Zoning Commissioner after recommendation by the County trucking-facilities-development officials.
4. The minimum area of the surface that must be provided for parking of truck tractors and trailers on the site, not including maneuvering area, is 1,320 square feet per loading berth. However, a lesser area may be allowed or greater area required by the Zoning Commissioner after recommendation by the County trucking-facilities-development officials. (See Section 409 for automobile-parking requirements.)
5. That part of the site devoted to trucking operations (not including the automobile-parking area) must be surrounded by security fencing at least 6 feet high. Further, except for approved access points, the site as a whole must be enclosed or partially enclosed by opaque fencing, walls, or living screen planting to visually screen the use and its accessory uses from residential zones, from residential premises, or from churches, schools, hospitals, or other, similar institutional uses, and to prevent possible extension of uses beyond the site boundaries. The height of the visual screening must be at least 6 feet, except that screen planting may be as low as 3 feet from the ground at the time of planting if it is of such a variety that it can reasonably be expected to be at least 6 feet high no more than 2 years after it is planted. In any case, planting must be such as to provide full screening effect within 2 years after it is planted and must be maintained in good condition. Further, all fencing and screening must be in accordance with adopted design provisions (as defined in Section 101).
6. Wheel stops or other means must be provided to protect walls, fencing, or screen planting.
7. All parking, loading, and maneuvering areas must be paved in accordance with adopted design provisions (as defined in Section 101). Curbing at the edges of paved areas must be provided if required by the Zoning Commissioner, on recommendation of the County trucking-facilities-development officials.

8. Proper drainage of the entire site must be provided for. On-site storm-water-detention or controlled-release facilities may be required by the Department of Public Works.
9. Adequate rest-room facilities (for both sexes), a drivers' room, and telephone service for the truck drivers and other personnel must be provided on the site.

C. Plans and operation.

1. The plans for a Class I trucking facility submitted in or with an application to Baltimore County for any permit to establish or alter such a facility, or submitted in pursuance of any provision of these Zoning Regulations, must show the layout and operation of the use in detail that is sufficient for the Zoning Commissioner to determine whether and in what manner the facility will meet the requirements of these Zoning Regulations and must be certified by a professional engineer (registered as such under the provisions of Article 75½ of the Annotated Code of Maryland, 1957, 1975 Replacement Volume 7A) or by a professional who is not an engineer but who is registered under law as competent to certify the accuracy of the plans. The operation, as well as the development, of the use must be in accord with the approved plans. In particular, the number of vehicles (including trailers) on the site must not at any time exceed the number provided for by the plans.
2. Automotive parts must be concealed from off-site view. Junk vehicles may not be stored or otherwise situated on the site.
3. In the granting of a special exception authorizing the establishment of a Class I trucking facility, the Zoning Commissioner may impose (in addition to any other reasonable restriction) reasonable limitations on hours of operation.

Section 410A—CLASS II TRUCKING FACILITIES (TRUCK YARDS ETC.)

Section 410A.1—Nonconforming and other existing Class II trucking facilities. The provisions of this subsection apply to Class II trucking facilities existing on the effective date of this section.

A. Plans.

1. In the case of any Class II trucking facility for which approved plans are not on file with the Office of Planning and Zoning or the Department of Permits and Licenses on the effective date of this section, the owner or authorized agent for the trucking facility must file plans of the facility with the Zoning Commissioner within 1 year after that date. (See Subparagraph 410A.3.C.1 for requirements. See also Subparagraph 2, below.) Where the plans for a Class II trucking facility are on file with the Office of Planning and Zoning or the Department of Permits and Licenses but, in the judgment of the Zoning Commissioner, are in insufficient detail to afford the proper administration of these Regulations with respect to that facility, the Zoning Commissioner may require that the owner or authorized agent file

sufficiently detailed plans within the 1-year period. (The mere submission of plans under this subparagraph will not establish the legality of any Class II trucking facility.)

2. Within 30 days after the effective date of this section, the Zoning Commissioner shall publish a checklist of requirements for plans submitted pursuant to Subparagraph 1, above. The checklist must indicate, among other things, 1 or more acceptable scales to which plans must be drawn.

B. Rulings etc. as to nonconformance with respect to certain provisions.

1. Within 1 year after the date the Zoning Commissioner accepts plans for a trucking facility as required under Subparagraph 410A.1.A.1, he shall review them and issue a ruling whether or not the facility conforms with the provisions listed in Subparagraph 2 and, if not conforming with any such provision, whether the nonconformance may be allowed to stand under the provisions of Subparagraph 3. If the provision requires the recommendation or approval of authorities other than the Zoning Commissioner, the ruling with respect to conformance with that provision may be made only upon such recommendation or approval.

2. The provisions with respect to which the Zoning Commissioner shall issue rulings under Subparagraph 1 are the following:

- Subparagraph 409.2.b(9) (automobile parking)
- Subparagraph 410A.3.A.1 (access to streets)
- Subparagraph 410A.3.B.2 (layout such as not to cause congestion)
- Subparagraph 410A.3.B.4 (fencing etc.)
- Subparagraph 410A.3.B.5 (wheel stops etc.)
- Subparagraph 410A.3.B.6 (paving and curbing)
- Subparagraph 410A.3.B.7 (drainage)
- Subparagraph 410A.3.B.8 (rest rooms and other conveniences)
- Subparagraph 410A.3.C.2 (concealment of automotive parts)

3. A trucking facility's nonconformance with Subparagraph 409.2.b(9) shall be allowed to stand if a variance to that subparagraph is granted pursuant to Section 307 of these Regulations and Section 22-23 of the Baltimore County Code 1968, as amended by Bill No. 72, 1969. Nonconformance with Subparagraph 410A.3.A.1 shall be allowed to stand if the site of the trucking facility does not abut a street on which access is permitted under that subparagraph or, if it does abut such a street, the County trucking-facilities-development officials determine that the length of the coextensive street line and site boundary is insufficient to permit proper access from that street. However, in any case where access that is not in accordance with Subparagraph 410A.3.A.1 is allowed to remain, the Zoning Commissioner shall have the power to prescribe the route that trucks must use in reaching or on leaving the site, in accordance with a recommendation of the County trucking-facilities-development officials.

C. Procedure etc. in case of nonconformance with respect to certain provisions. If the Zoning Commissioner, under Subparagraph 410A.1.B.1, rules that a trucking facility does not conform with a provision listed in Subparagraph 410A.1.B.2 and if the nonconformance with that provision is not allowed to stand under Subparagraph 410A.1.B.3, 1 or both of the courses of action set forth in Subparagraphs 1 and 2, below, must be followed.

1. Within 90 days of the date of the Zoning Commissioner's ruling, the owner or agent must file with the Zoning Commissioner an acceptable program of compliance, showing that conformance with each provision in question will be achieved within 27 months after the date of the ruling. The program must include, among other things that the Zoning Commissioner may reasonably require, a) a plan of the trucking facility as it will be upon conformance as required and b) the schedule under which conformance will be achieved. The Zoning Commissioner may refuse to accept any such program that, in his judgment, does not show that approximately half of all the work to be completed under the program will be done by the end of the 15th month after the date of the ruling or does not meet other requirements of these Zoning Regulations. The trucking facility covered by a program of compliance submitted pursuant to this subparagraph must be in partial compliance with the provisions in question by the end of the 15th month after the date of the ruling, as shown in the program, and must be in full compliance with all such provisions at the end of the 27th month after the date of the ruling. Or,
2. Within 90 days after the date of the Zoning Commissioner's ruling, the owner or agent must file with the Zoning Commissioner a petition requesting that the facility not be required to conform with a provision in question, the petition to be advertised and heard in accordance with the provisions of Subsection 500.7. No relief may be granted under this subparagraph, however, unless the petitioner shows that conformance with the provision would cause undue hardship and would not be in the interest of the general welfare of the community, with particular consideration given to any dwellings within 300 feet of the facility. Such relief may be granted to the extent necessary to eliminate undue hardship, and only to that extent, and only in keeping with the intent of these Zoning Regulations in general and this section in particular; relief may not be granted to an extent detrimental to the general welfare of the community. Where relief is sought but not granted under this subparagraph, the Zoning Commissioner shall require a program of compliance such as that provided for under Subparagraph 1, above, and shall provide for enforcement of that program. In any case, the trucking facility must conform with any provision from which relief is not granted under this subparagraph within 27 months of the date of the Zoning Commissioner's ruling pursuant to Subparagraph 410A.1.B.1.

D. Effects of failure to comply.

1. The failure of an owner of or authorized agent for a Class II trucking facility to comply with an applicable requirement of Paragraph A or C, above, or failure to comply with an order by the Zoning Commissioner prescribing a truck route as provided in Subparagraph 3 of Paragraph B, shall constitute a violation of these Zoning Regulations.
 2. The right to continue any Class II trucking facility that was established before the effective date of this section and whose owner or agent has failed to comply with an applicable requirement of Paragraph A shall cease 3 years after that date, unless the facility conforms or has been changed to conform with all provisions of these Zoning Regulations, as if it were a new use.
 3. The right to continue any Class II trucking facility that was established before the effective date of this section and whose owner or agent has complied with the applicable requirements of Paragraph A but has failed to comply with an applicable requirement of Paragraph C shall cease 3 years after the date of the Zoning Commissioner's ruling issued pursuant to Subparagraph 1 of Paragraph B, unless the facility conforms or has been changed to conform with all provisions of these Zoning Regulations, as if it were a new use.
- E. Expansion of nonconforming Class II trucking facilities. Any contrary provision of Section 104 notwithstanding, the site, structures, and paved areas of a nonconforming Class II trucking facility may not be expanded unless the use is made to conform in all respects with these Zoning Regulations, except that expansion to the minimum extent necessary to comply with the standards of Subsection 410A.3 may be allowed by the Zoning Commissioner, under an order issued pursuant to Paragraph B, C, or D of this subsection, provided that the expansion is not in excess of that allowed under Section 104 and that, in the judgment of the Zoning Commissioner, the expansion would be in the interest of the general welfare of the community.
- F. With the exception of plans for conforming Class II trucking facilities in M. H. zones, plans approved under this subsection may be amended only by special exception.

410A.2—Location. Proximity to residential zone or wetland. No Class II trucking facility or part thereof (including any access point or driveway) established on or after the effective date of this section may be located within 200 feet of a wetland or, with the exception of accessory passenger-automobile parking areas, within 300 feet of a dwelling or a residential zone. No passenger-automobile parking area or part thereof accessory to a Class II trucking facility may be located within 25 feet of a dwelling or a residential zone.

410A.3—Site and development standards; plans; operation. The standards of this subsection apply to Class II trucking facilities established on or after the effective date hereof, to conforming Class II trucking facilities established before that date and hereafter expanded or otherwise changed, and, to the extent specified in Subsection 410A.1, to nonconforming Class II trucking facilities.

A. Access points.

1. Any point of access to a public street must be on a public industrial service road, on an arterial street, or on a major collector street, except that—
 - a. No access point on a public industrial service road is permitted unless the service road has direct access to an arterial street, an expressway, or a freeway, and unless the place of that access is closer to the use in question than any point of access the service road may have to a motorway other than an arterial street, an expressway, or a freeway; and
 - b. No access point on a major collector street is permitted unless the access point is within a travel distance of $\frac{1}{4}$ mile from the major collector street's access to an arterial street, an expressway, or a freeway.
2. The curb tangent length between access points must be at least 100 feet, except that a shorter length may be allowed or greater length required by the Zoning Commissioner on recommendation of the County trucking-facilities-development officials. The number, widths, and channelization (if any) of access points shall be as required by the Zoning Commissioner, after recommendation of the County trucking-facilities-development officials and, in the case of access points on a State-maintained highway, recommendation of the State Highway Administration.

B. Other site and development standards.

1. Unless the lot on which the facility is situated lies within a planned industrial park, the net area of the lot must be at least 5 acres and its diametral dimension must be at least 150 feet. (This subparagraph does not limit the number of trucking facilities that may be situated on a lot of the minimum size.)
2. The layout of improvements must be such as to provide for convenient forward movement of vehicles leaving or entering the site and such as to preclude any likelihood that trucks will be unable to gain immediate access onto the site at any time, as determined by the Zoning Commissioner after recommendation by the County trucking-facilities-development officials.
3. At least 75 per cent of that part of the site devoted to trucking operations must be devoted to parking of truck tractors and trailers, not including maneuvering area. (See Section 409 for automobile-parking requirements.)

4. That part of the site devoted to trucking operations (not including the automobile-parking area) must be surrounded by security fencing at least 6 feet high. Further, except for approved access points, the site as a whole must be enclosed or partially enclosed by opaque fencing, walls, or living screen planting to visually screen the use and its accessory uses from residential zones, from residential premises, or from churches, schools, hospitals, or other, similar institutional uses, and to prevent possible extension of uses beyond the site boundaries. The height of the visual screening must be at least 6 feet, except that screen planting may be as low as 3 feet from the ground at the time of planting if it is of such a variety that it can reasonably be expected to be at least 6 feet high no more than 2 years after it is planted. In any case, planting must be such as to provide full screening effect within 2 years after it is planted and must be maintained in good condition. Further, all fencing and screening must be in accordance with adopted design provisions (as defined in Section 101).
5. Wheel stops or other means must be provided to protect walls, fencing, or screen planting.
6. All parking, loading, and maneuvering areas must be paved in accordance with adopted design provisions (as defined in Section 101). Curbing at the edges of paved areas must be provided if required by the Zoning Commissioner, on recommendation of the County trucking-facilities-development officials.
7. Proper drainage of the entire site must be provided for. On-site storm-water-detention or controlled-release facilities may be required by the Department of Public Works.
8. Adequate rest-room facilities (for both sexes), a drivers' room, and telephone service for the truck drivers and other personnel must be provided on the site.

C. Plans and operation.

1. The plans for a Class II trucking facility submitted in or with an application to Baltimore County for any permit to establish or alter such a facility, or submitted in pursuance of any provision of these Zoning Regulations, must show the layout and operation of the use in detail that is sufficient for the Zoning Commissioner to determine whether and in what manner the facility will meet the requirements of these Zoning Regulations and must be certified by a professional engineer or other competent professional (as described in Subparagraph 410.3.C.1). The operation, as well as the development, of the use must be in accord with the approved plans. In particular, the number of vehicles (including trailers) on the site must not at any time exceed the number provided for by the plans.

2. Automotive parts must be concealed from off-site view. Junk vehicles may not be stored or otherwise situated on the site.
3. In the granting of a special exception authorizing the establishment of a Class II trucking facility, the Zoning Commissioner may impose (in addition to any other reasonable restriction) reasonable limitations on hours of operation.

18. In Subsection 500.7, add the following paragraph immediately after the second sentence:

With respect to any zoning petition other than a petition for a special exception, variance, or reclassification, the Zoning Commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the County. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the Zoning Commissioner shall promptly forward a copy thereof to the Director of Planning (or his deputy) for his consideration and for a written report containing his findings thereon with regard to planning factors.

* * *

NOTE: The Planning Board agrees with the Citizens Task Force on Truck Terminals that a zoning code is not an appropriate context for provisions such as the following, which, nevertheless, have been suggested by the Task Force.² The Board neither recommends nor opposes the enactment of these provisions. The Board does recommend, however, that the County Council consult with the Department of Traffic Engineering, the Industrial Development Commission, the Office of Law, and the Office of Planning and Zoning to determine how the objectives of the provisions can best be met—whether through law, administrative regulation, or a combination of the two.

Use of Streets and Property by Large Trucks

- A. Truck parking. No truck tractor, truck trailer, or tractor-trailer may be parked off-site within 1,000 feet of a trucking facility, as defined in the Baltimore County Zoning Regulations, 1955, as amended, except that a tractor-trailer may be parked off-site within that distance for the sole principal purpose of loading or unloading goods at other premises and only for the time necessary for that purpose.
- B. Truck operation limited to certain streets. Except as provided below or for the purposes described in Paragraph A, no truck tractor or tractor-trailer may be driven on any street other than an arterial street or a major collector street, as those terms are defined in the Baltimore County Zoning Regulations, 1955, as amended, or a public industrial service road. However, such a vehicle may be driven on a street other than one of those if it must do so, and only to the extent that it must do so, to gain access to a trucking facility or other establishment at which such vehicles are normally and legally stationed and which does not abut one of those streets.

² They have been somewhat modified by the Board.

A P P E N D I X

ALLOWANCE OF TRUCK-ORIENTED USES
UNDER PRESENT ZONING REGULATIONS
AND REGULATIONS PROPOSED BY BALTIMORE COUNTY PLANNING BOARD

Symbols: + Allowed as of right
 +C Allowed subject to conditions of development-plan approval
 S. E. Allowable by special exception
 (X) Prohibited

	B. L.	B. M.	B. R.	M. R.	M. L. R.	M. L.	M. H.
Present regulations:							
Moving and storage establishments	(X)	+	+	+C	+	+	+
Truck stops	Treated as automotive service stations (allowance depends on district classification and other factors)						
Truck terminals (Class I trucking facilities)	(X)	(X)	S. E.	(X)	(X)	S. E.	+ ¹
Truck yards etc. (Class II trucking facilities)	(X)	(X)	S. E.	(X)	(X)	S. E.	+ ¹
Warehouses	(X)	+	+	+C	+	+	+
Proposed regulations:							
Moving and storage establishments	(X)	(X)	S. E.	(X)	(X)	S. E.	+ ¹
Truck stops	(X)	(X)	S. E.	(X)	(X)	S. E.	S. E.
Truck terminals (Class I trucking facilities)	(X)	(X)	(X)	(X)	(X)	S. E. ²	+ ²
Truck yards etc. (Class II trucking facilities)	(X)	(X)	(X)	(X)	(X)	S. E. ²	+ ²
Warehouses	(X)	+	+	+C	+	+	+

1. Distances of 300 feet from a residential zone and 200 feet from a business zone required.
2. Distances of 300 feet from a dwelling or a residential zone and 200 feet from a wetland required.

UNREPORTED

IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

September Term, 1979

No. 18

JOHN J. LASKEY, et al.,

v.

BETHLEHEM STEEL
CORPORATION, et al.

Gilbert, C.J.
Wilner
Couch,
JJ.

PER CURIAM

Filed: September 26, 1979

This appeal generally involves the matter of statutory construction and the recognized rules to be followed in such an exercise by a zoning board of appeals, a trial court, and this Court.

The factual background of the case is simple and straightforward. Appellee Bethlehem Steel Corporation (Ernest J. Kern, contract purchaser) filed a petition for special exception for a truck terminal on property east of North Point Boulevard near its intersection with Wise Avenue. The subject property is located in a mixed residential, commercial, and industrial neighborhood in the southeastern section of Baltimore County, and is zoned M.L. - I.M. (manufacturing, light industrial - major district). There are residences in the vicinity of this property which constitute non-conforming uses since these properties are not zoned residential but have various classifications of business, commercial, or manufacturing-light. Several of the occupants of these residences opposed the petition for special exception.

Following a hearing before the Zoning Commissioner of Baltimore County the petition was denied. Appellees noted an appeal to the County Board of Appeals which, after hearing, granted the petition with restrictions. From this action appellants appealed to the circuit court, which affirmed the action of the Board of Appeals. From the circuit court's order appellants bring the matter to us, presenting two questions:

1. Whether the proximity of residences to the proposed trucking facility clearly was a bar to approval pursuant to Section 410A.2 of the Baltimore County Zoning Regulations, by plain language and legislative history?

2. Whether the failure of the Petitioner to contradict probative evidence of adverse environmental impact from noise, fumes, and congested access associated with the proposed trucking facility clearly was a bar to approval pursuant to Section 502.1 of the Baltimore County Zoning Regulations?

The Baltimore County Zoning Regulations (hereinafter BCZR) existing at the time of the filing of the instant petition, BCZR 253.2A.6 (1975), provided that "truck terminals" would be permitted by special exception only. The former regulation made no mention of restrictions relative to a truck terminal's proximity to a dwelling or residential zone. By the time the hearing was held before the Board of Appeals, the County Council enacted a bill (Bill No. 18, 1976) amending the Zoning Regulations which by definition in present BCZR § 101 divided the former "truck terminals" into two classifications, "Class I trucking facility" and "Class II trucking facility". The parties agree that the petition for special exception here concerns a Class II trucking facility which is defined as, "A trucking facility other than a Class I trucking facility, including a truck yard (the primary purpose of which is to accommodate the parking or storage of trucks, truck trailers, or truck tractors)". Far more relevant to the present inquiry was the amendment's placement of restrictions on the establishment of trucking facilities, the most notable of which was a requirement that a Class II trucking facility be located 300 feet from a dwelling or a residential zone. It appears uncontradicted that under the Board of Appeals' order

1. "Trucking facility, Class I (truck terminal): A trucking facility whose primary purpose is to accommodate the transfer of goods or chattels from trucks or truck trailers or to vehicles of other types, in order to facilitate the transportation of such goods or chattels. BCZR § 101 (1976). [Bill No. 18, 1976]

at least one of the protestants' dwellings is within this distance. Whether the other protestants' homes are within this distance is not clear from the record.

Both the Board of Appeals and the circuit court, in making their respective determinations, interpreted the pertinent section of the new Zoning Ordinance as meaning that a dwelling must be in a residential zone for the restriction to apply; we believe both erred in this construction.

The relevant section of the Zoning Ordinance (BCZR 410A.2) provides:

"Location. Proximity to residential zone or wetland. No Class II trucking facility or part thereof (including any access point or driveway) established on or after the effective date of this section may be located within 200 feet of a wetland or, with the exception of accessory passenger-automobile parking areas, within 300 feet of a dwelling or a residential zone. No passenger-automobile parking area or part thereof accessory to a Class II trucking facility may be located within 25 feet of a dwelling or a residential zone."

Section 101 of the Zoning Regulations defines dwelling as "a building or portion thereof which provides living facilities for one or more families."

The resolution of this appeal will depend upon an examination of BCZR 410A.2 to determine the legislative intent. Appellants contend that it was the intent of the County Council to allow a Class II trucking facility, under circumstances such as exist in this case, only if such facility is located more than 300 feet from a dwelling. They contend the evidence demonstrated that this restriction was not met, and that both the Board of Appeals and the circuit court erred in concluding otherwise. On the other hand, appellees urge that the Board of Appeals and the circuit court were correct in interpreting the pertinent section to mean, in effect, that the dwellings must be within a residential zone for the restriction to apply. We disagree with appellees' position and shall reverse.

A cardinal rule of statutory construction is to ascertain and carry out the real legislative intention. See Wheeler v. State, 281 Md. 593, 596, 380 A.2d 1052 (1977), cert. den., 435 U.S. 997, 98 S. Ct. 1650, 56 L.Ed.2d 86. It is also well settled that a statute should not be construed to lead to an unreasonable or illogical result. See Curtis v. State, 284 Md. 132, 149, 395 A.2d 464 (1978), and cases cited therein. Furthermore, a statute is to be read so no word is rendered surplusage or meaningless. Mazor v. St. Dept. of Corrections, 279 Md. 355, 360, 369 A.2d 82 (1977). We also recognize that the legislature is presumed to have full knowledge and information as to prior and existing law on the subject of a statute it has enacted. Bowers v. State, 283 Md. 115, 127, 389 A.2d 341 (1978). Additionally, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural meaning of words with a view toward making the statute express an intention which is different from its plain meaning. Wheeler, supra.

Keeping these principles in mind, we conclude that BCZR 410A.2 is unambiguous and the intent of the legislature is clear - the County Council intended to provide that no trucking facility, or part thereof, could be located any closer than 300 feet from a dwelling. The appellees, in contending otherwise, state that since BCZR § 101 defines the word "OR; [as] The word 'or' shall mean 'and/or' unless the context otherwise clearly indicates another meaning." (emphasis supplied), the language should be read to mean that a residential zone must be involved. Such an interpretation, even if one were to read BCZR 410A.2 as "a dwelling and/or a residential zone", would render the use of the term "dwelling" surplusage. Mazor

v. St. Dept. of Corrections, supra. Clearly, there would be no necessity for the use of the term "dwelling" if a dwelling had to be in a residential zone for the restriction to apply. Further support for this conclusion can be found in the fact that "dwelling" was specifically added in the new regulation, it having been absent in the repealed regulation. Additional evidence of this intention can be found in the Baltimore County Planning Board's final report which accompanied the proposed trucking facilities zoning amendment² and was before the Council during its deliberations. The report concluded that trucking facilities are "totally inappropriate in or near residential areas The fact is . . . that a number of trucking facilities have been established too close to the homes of Baltimore County citizens over the years, especially in communities near major industrial areas." It is evident from a consideration of all these factors, the lack of ambiguity, the mere presence of the term "dwelling", the specific addition of the term to the new regulation, and the Planning Board's final report, that the real legislative intent behind BCZR 410A.2 is to protect those dwellings which are not located in a residential zone.

The appellees, of course, look for support for their position in the opinion of the circuit court, where it is stated: "It is noted that while not controlling, the title to the particular section is 'proximity' to residential zone or wetland." According to appellees, if the drafters of the legislation or the County Council intended that the existence of a "dwelling" was the crucial element in the phrase "within 300 feet of a dwelling or a residential zone", the ^{caption} should have used the word "dwelling" by itself, or at the very least included the word "dwelling" concomitantly with "residential zone". We reject this argument. As the lower court

2. The new regulations were based to a large extent on recommendations of the special Citizens Task Force on Truck Terminals, appointed by the County Executive. The Planning Board held a hearing on the recommendations and revised them.

properly observed, though we disagree with the conclusion it reached on the merits, the caption to BCZR 410A.2 is not controlling. The caption to this section plays no part in ascertaining its intent, purpose, or effect, since we find no ambiguity in the body of the regulation.

We believe the Board of Appeals and the circuit court both erred in construing the Ordinance as they did. In view of this conclusion we find it unnecessary to reach appellants' second question.

ORDER REVERSED. CASE REMANDED
FOR THE ENTRY OF AN ORDER NOT
INCONSISTENT WITH THIS OPINION.

COSTS TO BE PAID BY APPELLEES.

108 Md.App. 497
Court of Special Appeals of Maryland.

Leo J. UMERLEY, et ux.

v.

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.

No. 802, Sept. Term, 1995. | March 1, 1996.

Residents, neighborhood improvement association, and others appealed decision of county board of appeals that granted special exception and variances to landowners. The Circuit Court, Baltimore County, J. Norris Byrnes, J., reversed, and landowners appealed. The Court of Special Appeals, Bishop, J., held that landowners' trucking facility was not unique and thus was not entitled to variances.

Affirmed.

West Headnotes (9)

- [1] **Zoning and Planning**
↔ Decisions of boards or officers in general
Order of county zoning authority must be upheld on review if it is not premised on error of law and if its conclusions reasonably may be based upon facts proven.

1 Cases that cite this headnote

- [2] **Administrative Law and Procedure**
↔ Particular Questions, Review of
Administrative Law and Procedure
↔ Substantial evidence
Administrative Law and Procedure
↔ Law questions in general

When reviewing agency order, court first determines whether agency recognized and applied correct principles of law governing case, next examines agency's factual findings to determine if they are supported by substantial evidence, and finally examines how agency applied law to facts.

1 Cases that cite this headnote

- [3] **Administrative Law and Procedure**
↔ Particular Questions, Review of
Administrative Law and Procedure
↔ Rational basis for conclusions

In reviewing how agency has applied law to facts, court accords great deference to agency; test is whether reasoning mind could reasonably have reached conclusion reached by agency, consistent with proper application of controlling legal principles.

3 Cases that cite this headnote.

- [4] **Appeal and Error**
↔ Grounds for Sustaining Decision Not Considered

Reviewing court may search record for evidence to support trial court's judgment and may sustain that judgment for a reason plainly appearing on record, even if that reason was not relied on by trial court.

2 Cases that cite this headnote

- [5] **Administrative Law and Procedure**
↔ Theory and grounds of administrative decision
Administrative Law and Procedure
↔ Fact Questions

Court of Special Appeals may not uphold agency's decision unless it is sustainable on agency's findings and for reasons stated by agency.

2 Cases that cite this headnote

- [6] **Zoning and Planning**
↔ Unique or peculiar hardship in general
Variance may only be granted after two-step inquiry: first, zoning authority must determine whether subject property is unique and unusual in a manner different from nature of surrounding properties such that uniqueness or peculiarity of property causes zoning provision to have

disproportionate impact upon property; if such finding is made, zoning authority must then determine whether unreasonable hardship results from disproportionate impact of ordinance.

3 Cases that cite this headnote

- [7] **Zoning and Planning**
↔ Business, commercial, and industrial uses in general

Trucking facility was not unique, and thus owners of facility were not entitled to variances to legalize their use of land, which had been in violation of zoning regulations for 17 years; only evidence presented by landowners was that their operations predated regulations that they had violated, that their facility had always been in violation of those regulations, that their operations could not comply with those regulations, and that their operation was important to economy of county and state, but landowners failed to take advantage of window of opportunity opened by exemptions to regulations. Baltimore County, Md., Zoning Regulations, § 307.1.

2 Cases that cite this headnote

- [8] **Zoning and Planning**
↔ Nature and necessity in general
"Special use exception" grants permission to engage in use that appropriate legislative authority has sanctioned under certain conditions; special exception is an acknowledgement by appropriate zoning authority that those conditions have been met.

1 Cases that cite this headnote

- [9] **Zoning and Planning**
↔ Nature and necessity in general
A "variance" grants permission to engage in use that appropriate legislative authority has otherwise proscribed; it represents a determination by appropriate zoning authority that adherence to letter of applicable zoning regulations would result in extreme hardship to property owner.

Cases that cite this headnote

Attorneys and Law Firms

**174 *499 Robert L. Hanley, Jr. (Stephen J. Nolan and Nolan, Plumhoff & Williams, Chtd. on the brief), Towson, for appellants.

Peter Max Zimmerman (Carole S. Demilio, on the brief), Towson, for appellees.

Argued before MOYLAN, BISHOP and EYLER, JJ.

Opinion

BISHOP, Judge.

Appellants, Leo and Wanda Umerley, filed a petition requesting that the zoning commissioner of Baltimore County grant a special exception for a Class II Trucking Facility and certain variances. The Commissioner denied the petition for a special exception and dismissed the variances.

The Umerleys filed a timely appeal to the Board of Appeals of Baltimore County. After a *de novo* hearing, the Board of Appeals granted the requested special exception and variances.

Appellees, the People's Counsel for Baltimore County, the Nottingham Improvement Association, residents of the Nottingham neighborhood, and Gary Hoffman, owner of a business property adjacent to that of the Umerleys, filed an appeal of the Board of Appeals's decision to the Circuit Court for Baltimore County. Following oral argument, the circuit court reversed the Board of Appeals's decision, and the Umerleys noted an appeal to this Court.

ISSUE

The Umerleys raise a single issue on appeal, which we subdivide and rephrase:

*500 I. Did the Board of Appeals properly grant the variances?

II. Did the Board of Appeals properly grant the special exception?

FACTS

The subject of this appeal consists of 8.5 acres that were acquired by the Umerleys over a period of thirty-one years. The property lies northeast of Baltimore City, and is bordered by Philadelphia Road to the north, by a line of the Baltimore & Ohio Railroad to the south, and by unimproved, wooded property to the east and west. The property is primarily zoned Manufacturing Light, Industrial Major ("M.L.-I.M."), and lies directly across Philadelphia Road from the residential neighborhood of Nottingham. Philadelphia Road itself is a two-lane artery that lies between U.S. Interstate 95 and U.S. Route 40 (Pulaski Highway); the land to its north is generally zoned for residential use, while the land to its south is zoned for industrial use.

The Umerleys acquired the first part of the 8.5 acre parcel in the mid-1950s. That lot, which consists of 2.5 acres, was improved by a two-bay garage in 1958. In 1961, the garage was expanded to four bays, and in 1982, an office complex was constructed next to the garage. The lot is mostly paved and is used for "employee automobile parking, truck parking, and frontage landscaping."

In 1982, the Umerleys acquired the second part of the 8.5 acre parcel. That lot, which consists of 2.8 acres, is almost entirely paved and is used for truck and trailer parking.

In 1989, the Umerleys acquired the third part of the 8.5 acre parcel. That lot consists of 3.2 acres and is vacant and wooded.

In 1976, the Baltimore County Council passed regulations designed to minimize the impact of trucking facilities on environmentally sensitive and residential areas. Recognizing the adverse effect of the regulations on existing trucking facilities, the council included provisions that allowed such *501 trucking facilities to exempt themselves from the new **175 laws. We paraphrase these exemptions as follows:

- 1) All existing Class II trucking facilities had to file plans demonstrating their "layout and operation of use" with the county within one year of the passage of the law. (BCZR 410A.1.A.1, 410A.1.A.2, 410A.3.C.1).
- 2) Within one year of the date those plans were filed, the Zoning Commissioner was required to determine if they complied with selected provisions of the new

regulations, or whether they were permissibly exempt from those regulations. (BCZR 410A.1.B.1, 410A.1.B.2, 410A.1.B.3).

3) If the Zoning Commissioner determined that the filed plans did not comply with the appropriate regulations, and were not permissibly exempt from those regulations, the trucking facility was required to file:

- a) a program of compliance showing that the appropriate regulations would be met within twenty-seven months (BCZR 410A.1.C.1), or
- b) a petition requesting that the facility not be required to meet the appropriate regulations because "conformance with the provision would cause undue hardship and would not be in the general interest of the community...." (BCZR 410A.1.C.2).

4) Failure of a trucking facility to file plans with the county at all (in conformance with BCZR 410A.1.B.1 or 410A.1.B.2) meant that the facility lost the right to exist as a trucking facility three years from the date the new law was passed. (BCZR 410A.1.D.1 and 410A.1.D.2) Failure of a nonconforming trucking facility to file either a program of compliance or a petition for noncompliance (in conformance with BCZR 410A.1.C.1 or 410A.1.C.2) meant that the facility lost its right to exist as a trucking facility three years after the determination of noncompliance by the Zoning Commissioner. (BCZR 410A.1.D.3) If a trucking facility failed to comply with the applicable exemption provisions and thus lost the right to exist as a trucking facility, it could only continue operations by qualifying as a new use.

*502 The Umerleys operated a trucking facility on the original 2.5 acre parcel at the time the 1976 regulations were passed; and their facility violated those regulations. The Umerleys never complied with the exemption provisions of the new law, and lost the right to maintain a trucking facility on the property. In spite of this fact, the Umerleys never shut down their facility; they actually expanded it in 1982 and 1988. For the 1982 expansion, the Umerleys obtained a permit from the county's Department of Permits and Licenses. On the application for that permit, the Umerleys represented that the land was to be used for the operation of a contracting business, rather than a trucking facility.

In the late 1980s, as a result of complaints from nearby businesses and residents, the county authorities finally noted

the Umerleys' zoning violations. In response, the Umerleys moved to legalize the use of their land by filing a petition for the following:

- 1) A special exception to allow a Class II trucking facility in the M.L.-I.M. zone. (BCZR 253.2.A.6, 410, 410A).
- 2) A variance to allow a trucking facility within 300 feet of residential zones or residences. (BCZR 410A.2).
- 3) A variance to allow a trucking facility within 200 feet of wetlands. (BCZR 410A.2).
- 4) A variance to allow a trucking facility within 200 feet of Philadelphia Road. (BCZR 253.4).
- 5) A variance to allow automobile parking within 25 feet of a residential zone. (BCZR 410A.2).
- 6) A variance to allow the percentage of the facility devoted to truck and trailer parking to be 35.5 percent of the site used for trucking operations as opposed to the required 75 percent. (BCZR 410A.3.B.3).
- 7) A variance requesting a reduction of the sideyard building setback from fifty feet to seven feet within the increased setback area. (BCZR 243.2).

As stated *supra*, the zoning commissioner denied the Umerleys' petition, but the Board of Appeals of Baltimore County reversed that decision after a *de novo* hearing, and the Circuit *503 Court for Baltimore County reversed the Board of Appeals's decision.

**176 DISCUSSION

Standard of Review

[1] The order of a county zoning authority "must be upheld on review if it is not premised upon an error of law and if [its] conclusions 'reasonably may be based upon the facts proven.'" *Ad + Soil, Inc. v. County Commissioners of Queen Anne's County*, 307 Md. 307, 338, 513 A.2d 893 (1986) (citing *Annapolis v. Annapolis Waterfront Co.*, 284 Md. 383, 399, 396 A.2d 1080 (1979)). See also *Montgomery County v. Merlands Club, Inc.*, 202 Md. 279, 287, 96 A.2d 261 (1953) (zoning authority must properly construe controlling law); *Northampton Corp. v. Prince George's County*, 273 Md. 93, 101, 327 A.2d 774 (1974) (action of zoning authority is "fairly debatable" if based on substantial evidence); *Board of County*

Commissioners v. Holbrook, 314 Md. 210, 218, 550 A.2d 664 (1988) (fairly debatable test "accords with the general standard for judicial review of the ruling of an administrative agency, which [is] defined as 'whether a reasoning mind reasonably could have reached the factual conclusion the agency reached; this need not and must not be either judicial fact-finding or a substitution of judicial judgment for agency judgment.'"); *Ocean Hideaway Condominium Ass'n. v. Boardwalk Plaza Venture*, 68 Md. App. 650, 665, 515 A.2d 485 (1986) (no substantial evidence to support factual findings of zoning authority; because of the lack of substantial evidence, zoning authority's decision was not fairly debatable, and thus was "arbitrary, capricious and a denial of due process of law.").

[2] [3] An application of the above standard requires that we undertake the three-step analysis set forth by this Court in *Comptroller v. World Book Childcraft*, 67 Md. App. 424, 508 A.2d 148 (1986):

1. First, the reviewing court must determine whether the agency recognized and applied the correct principles of law *504 governing the case. The reviewing court is not constrained to affirm the agency where its order "is premised solely upon an erroneous conclusion of law."

2. Once it is determined that the agency did not err in its determination or interpretation of the applicable law, the reviewing court next examines the agency's factual findings to determine if they are supported by substantial evidence, *i.e.*, by such relevant evidence as a reasonable mind might accept as adequate to support a conclusion....

3. Finally, the reviewing court must examine how the agency applied the law to the facts. This, of course, is a judgmental process involving a mixed question of law and fact, and great deference must be accorded to the agency. The test of appellate review of this function is "whether ... a reasoning mind could reasonably have reached the conclusion reached by the [agency], consistent with a proper application of the [controlling legal principles]."

Id. at 438-39, 508 A.2d 148 (citations omitted).

[4] [5] Also, unlike our review of a trial court's judgment, we will only uphold the decision of an agency on the basis of the agency's reasons and findings. *United Steelworkers of America AFL-CIO v. Bethlehem Steel Corp.*, 298 Md. 665, 679, 472 A.2d 62 (1984). We may search the record for evidence to support a trial court's judgment; and we may

sustain that judgment for a reason plainly appearing on the record, even if the reason was not relied on by the trial court. *Id.* But we may not uphold an agency's decision "unless it is sustainable on the agency's findings and for the reasons stated by the agency." *Id.*

I. Variances

The zoning commissioner of Baltimore County and the Board of Appeals of Baltimore County are given the power to grant variances by BCZR 307.1, which provides as follows:

The zoning commissioner of Baltimore County and County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and *505 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 **177 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 as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking, or sign regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare. They shall have no power to grant any other variances. Before granting any variance, the zoning commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for

reclassification. Any order by the zoning commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.

In the appeal before the circuit court, the parties clashed over the following question: whether the regulations from which the Umerleys seek variances are "height and area" regulations or "use" regulations. Under BCZR 307.1, a variance may only be granted from "height and area" regulations. "Height and area" regulations establish "area, height, density, setback, or sideline restrictions," while "use" regulations restrict the use to which a piece of property may be put. *Anderson v. Board of Appeals*, 22 Md.App. 28, 37-38, 322 A.2d 220 (1974). The circuit court ruled that there was substantial evidence to support a finding by the Board of Appeals that the regulations from which the Umerleys seek variances are "height and area" regulations. An examination of the requested variances reveals that there is substantial evidence to support the Board of Appeals's conclusion that the subject *506 regulations are "height and area" regulations. Thus, we turn to the question of whether the Board of Appeals properly granted the requested variances.

[6] A variance may only be granted after a two-step inquiry. First, the zoning authority must determine whether the subject property is unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness or peculiarity of the property causes the zoning provision to have a disproportionate impact on the property. *Cromwell v. Ward*, 102 Md.App. 691, 721, 651 A.2d 424 (1995). If such a finding is made, the zoning authority must then determine whether an unreasonable hardship results from the disproportionate impact of the ordinance. *Id.* These general rules are recognized by BCZR 307.1, which provides that a variance may only be granted if there are "special circumstances or conditions ... peculiar to the land ... and [if] strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship."

The "uniqueness" requirement has a rather specialized meaning. As this Court established in *North v. St. Mary's County*, 99 Md.App. 502, 638 A.2d 1175 (1994),

the "unique" aspect of a variance requirement does not refer to

the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, *i.e.* its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls.

Id. at 514, 638 A.2d 1175.

A reading of the Board of Appeals's opinion shows that it failed to apply properly the law governing variances. On *507 pages sixteen and seventeen, the Board sets forth, verbatim, the requirements of BCZR 307.1—the regulation governing the granting of variances in Baltimore County. But then the Board goes on to ignore the first prong of the variance test—whether the subject property **178 is unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness or peculiarity of the property causes the zoning provision to have a disproportionate effect on the property. For each of the requested variances, the Board only addresses whether the Umerleys' compliance with the applicable regulation would cause them practical difficulty or undue hardship—the second prong of the variance test.

Ordinarily, the Board of Appeals's failure to consider the first prong of the regulation would mandate that we vacate and remand for further proceedings. We shall assume, however, that the Board of Appeals did find, implicitly, that there was sufficient evidence to support uniqueness, and, for that reason, moved on to consider the second prong of the variance test. Our review of the evidence that was produced before the Board and the considerable amount of argument presented by the parties in this appeal on the issue of uniqueness convinces us, as a matter of law, that there is no substantial evidence to support a finding of uniqueness, and, therefore, it cannot be said that such a finding would be "fairly debatable." As this Court said in *Ocean Hideaway Condominium Ass'n. v. Boardwalk Plaza Venture*, 68 Md.App. 650, 515 A.2d 485

(1986), "[W]hen a Board's finding cannot be said to be 'fairly debatable,' it is arbitrary, capricious and a denial of due process of law." *Id.* at 665, 515 A.2d 485. As in *Ocean Hideaway*, in which the record clearly indicated that the special exception should not have been granted, we hold that the requirements of Maryland law on variances were not met, and the circuit court was correct in reversing the Board's decision.

[7] As the Umerleys correctly assert, our inquiry on this issue focuses on whether there is substantial evidence in the record to support a finding that the subject property is *508 "unique." See *Cromwell*, 102 Md.App. at 726, 651 A.2d 424 (zoning authority held to have erred in granting variance when no evidence submitted to indicate that subject property was "unique"). In their briefs, the Umerleys fail to point to any evidence that would support a finding that their property is "unique" within the meaning of Maryland case law and BCZR 307.1. The Umerleys only point to evidence that shows that their operations predate the 1976 trucking facility regulations, that their facility has always been in violation of those regulations, that their operations cannot comply with those regulations, and that their operation is important to the economy of both Baltimore County and the State of Maryland. Because the uniqueness requirement mandates that the subject property "have an inherent characteristic not shared by other properties in the area," such evidence cannot support a finding that the Umerleys' property is unique within the meaning of Maryland law. A review of the record fails to reveal any other evidence that would support such a finding.

The Umerleys make much of the fact that their operation contributes substantially to the area economy, and that they will be forced to close their business if the requested variances and special exception are not granted. They also make much of the fact that the Baltimore County Council explicitly stated that part of the purpose of the 1976 trucking facility regulations is to "accommodate trucking activities, in recognition of their importance to the economy of the County and the nation." BCZR 410A.4.B.7. The Umerleys argue that this provision shows that the Baltimore County Council did not intend to force trucking operations out of business with the 1976 regulations, and that we should effectuate that intent by upholding the Board of Appeals's ruling.

We agree that the Baltimore County Council did not intend to drive legitimate trucking operations out of business with the 1976 trucking regulations. That is why it included the exemption provisions in those regulations. The Umerleys

failed to take advantage of the window of opportunity opened by those exemption provisions; as a result, their operation has been in violation of the law for the past seventeen years. The *509 only way for them to comply with the law is to petition for variances and a special exception. Because the Umerleys failed to produce substantial evidence showing that their property is "unique" within the meaning of applicable Maryland law, their variance requests must be denied.

**179 As a final matter, we note that the Umerleys might have been able to undertake their 1980s expansion activities legally had they properly complied with the exemption provisions of the 1976 regulations. Under BCZR 410A.1.E.1, a nonconforming trucking facility that existed at the time the 1976 regulations were passed and that properly complied with the applicable exemption provisions is allowed to expand its activities "to the minimum extent necessary to comply with the standards of Subsection 410A.3" as long as the zoning commissioner determines that "the expansion would be in the interest of the general welfare of the community...." Regulation 410A.3 provides, in relevant part, that all trucking facilities must be located on lots that are at least five acres (BCZR 410A.3.B.1), and that all trucking facilities must contain "adequate rest-room facilities, a drivers' room, and telephone service for the truck drivers and other personnel...." BCZR 410A.3.B.8. In the 1980s, the Umerleys: 1) expanded their lot on which they conducted their trucking operations from 2.5 acres to 5.3 acres; and 2) constructed a two-story office building on the original 2.5 acre site. Given the provisions of BCZR §§ 410A.1.E.1, 410A.3.B.1, and 410A.1.B, such activities might have been proper had the Umerleys properly complied with the exemption provisions of the 1976 regulations.

II. Special Exception

When a use district is established, applicable regulations allow two types of uses: 1) those permitted as of right; and 2) those permitted only on a showing that certain conditions have been met. *Schultz v. Pritts*, 291 Md. 1, 20-21, 432 A.2d 1319 (1981). A person wishing to engage in the latter type of use must petition the appropriate zoning authority in order to do so, and the petition must show that all of the applicable conditions are met. *Id.* If all of the required conditions are *510 satisfied, the petitioner is given permission, otherwise known as a special exception, to engage in the conditional use. *Id.*

[8] [9] The difference between a special exception and a variance lies in the legislative approval of the underlying use. A special exception grants permission to engage in a use that the appropriate legislative authority has sanctioned under certain conditions. The special exception is an acknowledgement by the appropriate zoning authority that those conditions have been met. A variance, by contrast, grants permission to engage in a use that the appropriate legislative authority has otherwise proscribed. It represents a determination by the appropriate zoning authority that adherence to the letter of the applicable zoning regulations would result in extreme hardship to the property owner. *See Cromwell, supra*, 102 Md.App. at 699-703, 651 A.2d 424.

In the case *sub judice*, the Umerleys petitioned for a special exception to operate a Class II trucking facility on the subject property. For such a special exception to be granted, the Umerleys must show that all of the conditions established by the Baltimore County Council for operation of a Class II trucking facility are met.

The Umerleys cannot meet several of the applicable conditions. Accordingly, they have applied for variances from those conditions. As noted in the preceding section, however, the petition for those variances will not be successful. As stated *supra*, because the Umerleys failed to produce substantial evidence showing that the subject property is "unique," their variance requests must fail.

Whether the Umerleys could have obtained the special exception had they succeeded in obtaining the variances is an interesting question, and one that we recently noted. *See Chester Haven Beach Partnership v. Board of Appeals for Queen Anne's County*, 103 Md.App. 324, 336, 653 A.2d 532 (1995) (asking, "Does the legislative intent that the [conditional] use be permitted remain if the conditions are not met but are eliminated by an administrative body granting a variance?"; also noting that, under such circumstances, "the presumption *511 that a conditional use is permitted may well fall by the wayside."). In *Chester Haven*, however, we did not reach that question because the petitioner was unable to acquire the requested variances. We said that, once "the variance process fails, the entire application fails." *Id.*

**180 In the case *sub judice*, the Umerleys have failed in their attempt to acquire variances from the restrictions that must be met in order to operate a Class II trucking facility. Accordingly, their petition for a special exception to operate such a facility must also fail.

JUDGMENT AFFIRMED. APPELLANTS TO PAY THE COSTS. Parallel Citations
672 A.2d 173

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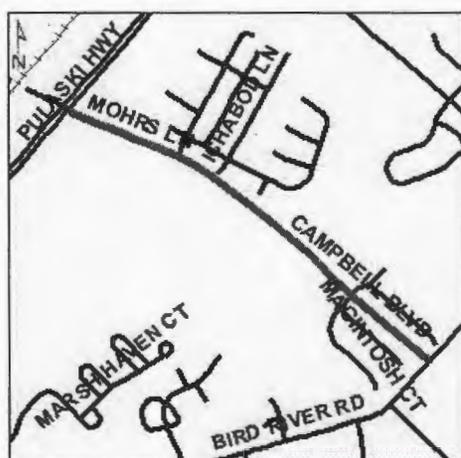
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Campbell Boulevard Phase Two

Campbell Boulevard, which will connect the existing road off Bird River Road to the existing Mohrs Lane off Pulaski Highway, is under construction and should be completed in 2015. This three lane road, with sidewalks, will be almost one mile long and cost \$6 million.



For more information contact the Bureau of Engineering and Construction at enginrng@baltimorecountymd.gov.

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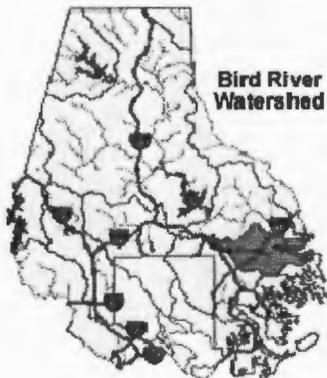
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Environmental Protection and Sustainability



[Home](#) > [Agency Directory](#) > [Environmental Protection and Sustainability](#) > [Watershed Management Program](#) > [Bird River Watershed](#)

Bird River Watershed



The Bird River watershed is located in Eastern Baltimore County and encompasses the communities of White Marsh, Perry Hall and Chase. The watershed's major tributary, White Marsh Run, begins at Harford Road and 695 and continues east, parallel to Rt. 43; it enters Bird River just east of Rt. 40 at Ebenezer Road. Other tributaries include Honeygo Run and Windlass Run. The tidal portion of Bird River is about 20,000 linear feet that includes Bird River and Railroad Creek and the waterfront communities of Harewood Park, Loreley Beach, Bird River Beach and Bird River Grove.

This watershed includes one of the original designated growth areas of Baltimore County – White Marsh. Under a managed growth plan established in 1983 to protect areas outside the urban/rural demarcation line (URDL) and the reservoir watersheds in Northern Baltimore County, the area was targeted for intensive residential, commercial and industrial development. Today, clusters of financial, insurance and health care operations, light manufacturing, technology and distribution surround a vibrant town center that includes the White Marsh Mall and The Avenue, a "Main Street" retail and entertainment center.

The area also boasts the recently refurbished Honeygo Run Regional Park. This 149-acre stream valley park features ball diamonds, athletic fields, an indoor recreation center, playgrounds, picnic pavilions and a wooded trail system for hiking and biking. In addition, the watershed is home to the Days Cove area of Gunpowder Falls State Park which features hiking, biking, fishing, boating and wildlife viewing, as well as an environmental education center.

The Bird River watershed was also targeted for the County's first comprehensive watershed plan, which was completed in 1995. To date, over five miles of stream restoration have been completed on the main stem and tributaries of White Marsh Run and Honeygo Run. In addition, numerous water quality retrofit projects have been implemented in this

watershed as well as the dredging of Bird River and Railroad Creek.

Small Watershed Action Plan (SWAP)

A small watershed action plan (SWAP) for the Bird River watershed is being developed. This planning area includes the communities of White Marsh, Perry Hall and Chase. For more information, contact Nathan Forand at nforand@baltimorecountymd.gov.

On June 24, 2013, Baltimore County EPS hosted the first of two community meetings for the Bird River SWAP. The purpose of the meeting was to introduce the SWAP to the public, describe the next steps in the process, and gather input from the Bird River community.

- [What is a SWAP presentation \(PDF\)](#): Describes the basics of the SWAP and what is involved with its preparation.
- [Bird River SWAP presentation \(PDF\)](#): Presents the progress made on the SWAP so far, as of the date of the meeting.

On March 25, 2014 EPS hosted the second community meeting for the Bird River SWAP. The purpose of this second meeting was to detail the completed SWAP, introduce the local watershed association, the Gunpowder Valley Conservancy and to describe the restoration actions that will be used to implement the SWAP.

- [Follow-ups from first meeting presentation \(PDF\)](#): Details the Baltimore County follow up on citizen concerns raised at the first meeting.
- [Draft Bird River SWAP plan presentation \(PDF\)](#): Presents the draft Bird River SWAP Plan.
- [Gunpowder Valley Conservancy Outreach presentation \(PDF\)](#): Presents an overview of the work of the Gunpowder Valley Conservancy
- [SWAP K Actions presentation \(PDF\)](#): Describes some of the different municipal and citizen actions recommended by the SWAP.

Watershed Management Plan

The Bird River Watershed Management Plan was completed in February of 1995. The executive summary includes an evaluation and discussion of the water quality problems and an identification of stream based and source based water quality control measures. The [executive summary \(PDF\)](#) is available for download from this web site.

Volunteer Activities

To participate in volunteer activities contact the [Gunpowder Valley Conservancy](#).

Contact Information

[Watershed Management Program](#)
 Phone: 410-887-5683
 Fax: 410-887-4804
 Email: watersheds@baltimorecountymd.gov

Revised April 11, 2014

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THE DAILY RECORD

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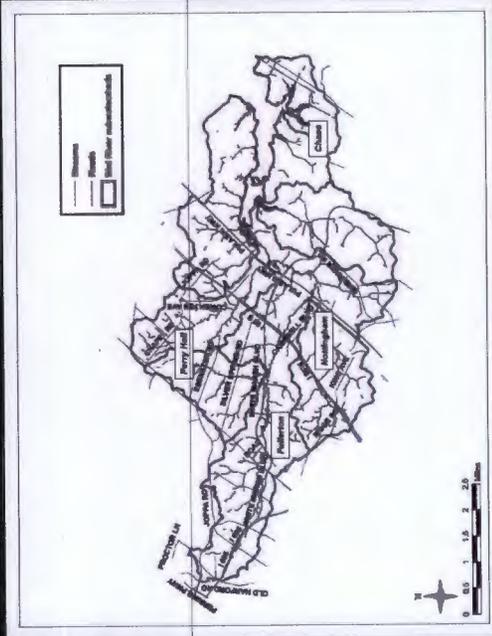
Baltimore County starts work on White Marsh Run

By: Ray Frager September 29, 2014

(AP) Baltimore County has launched a \$13 million effort to clean a polluted stream that flows into the Ches Bay. Years of flooding have caused the banks of White Marsh Run to erode. That storm water has chipped nearby sewage pipes, causing them to burst repeatedly and send waste into White Marsh Run, which flows bay. WJZ-TV reported that crews recently began bulldozing dirt and rocks near the run to relocate the sew and rebuild the stream. County officials say smaller tributaries, like the Bird River, also will see improved w quality and reduced pollutants. The project is part of 10 this year aimed at restoring streams and reducing Most will be funded by Maryland's storm water remediation fee, also called the rain tax.



Bird River: Communities and Major Roads



Slides for BIRD RIVER SMALL WATERSHED ACTION PLAN (SWAP) COMMUNITY MEETING #1 June 24, 2013



Bird River: Subwatersheds



Overview: Conditions in the Bird River Watershed

- 26 square miles
- Est. population: 60,895
- Includes White Marsh and portions of Perry Hall, Fullerton, Nottingham, Chase
- Major transportation corridors: I-95, Rts. 40, 43



LOWER PATAPSCO SMALL WATERSHED ACTION PLAN (SWAP)
STAKEHOLDER MEETING #1 • MAY 24, 2011



A Tour of Bird River: A Typical Day



LOWER PATAPSCO SMALL WATERSHED ACTION PLAN (SWAP)
STAKEHOLDER MEETING #1 • MAY 24, 2011



A Tour of Bird River



LOWER PATAPSCO SMALL WATERSHED ACTION PLAN (SWAP)
STAKEHOLDER MEETING #1 • MAY 24, 2011



A Tour of Bird River



LOWER PATAPSCO SMALL WATERSHED ACTION PLAN (SWAP)
STAKEHOLDER MEETING #1 • MAY 24, 2011



A Tour of Bird River: A Typical Day in the Watershed





Bird River: Land Uses

Land Use	Acres	% of Watershed Area
Low-density Residential	1182.6	7.2
Medium-density Residential	3210.7	19.6
High-density Residential	1474.4	9.0
Commercial	1116.7	6.8
Industrial	766.0	4.7
Institutional	436.9	2.7
Extractive	158.6	1.0
Transportation	331.6	2.0
Open Urban Land	297.6	1.8
Agricultural	1801.0	11.0
Forest	5061.6	30.8
Water	29.7	0.2
Wetlands	270.7	1.6
Barren	270.2	1.6

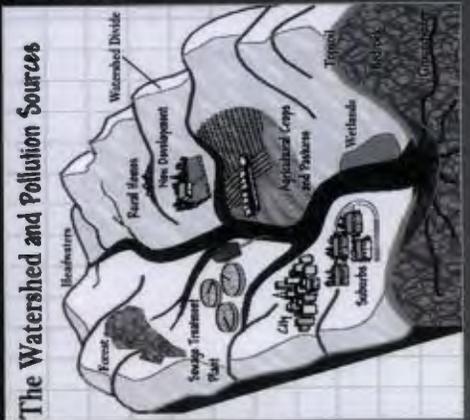


A Tour of Bird River

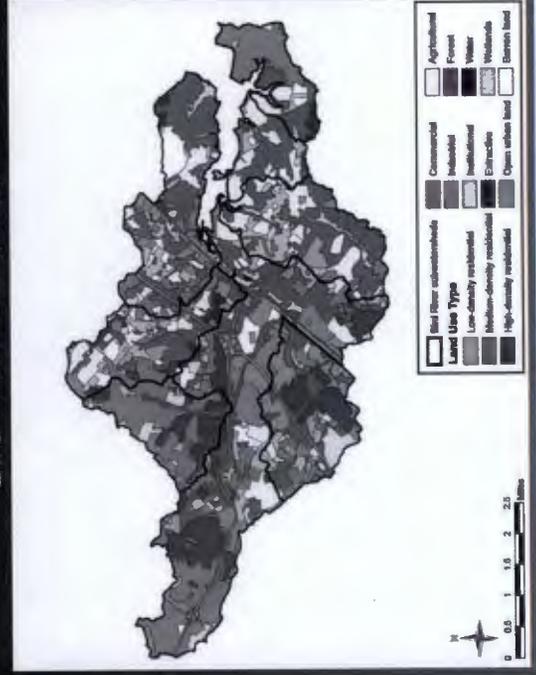


Background: How Does the Watershed Affect Bird River and Its Tributary Streams?

- Land uses in a watershed impact streams
 - point source pollution** - industrial facilities, landfills, wastewater treatment plants - sometimes from a pipe
 - nonpoint source pollution** - runoff carried off the land ("stormwater"), includes a variety of urban pollutants
 - Increased force and volume of stormwater** - Urban areas contain more hard ("impervious") surfaces that prevent rain from soaking into the ground



Bird River: Land Use





Problems: Loss of Streamside Vegetation

- Natural forest vegetation along streams ("**Riparian Buffer**") provides many key functions
 - Acts as buffer to filter pollutants and sediment
 - Provides shade and cover
 - Roots stabilize stream banks
 - Leaves feed aquatic organisms
 - Wood provides habitat
- Loss of riparian buffer common in developed urban/suburban areas

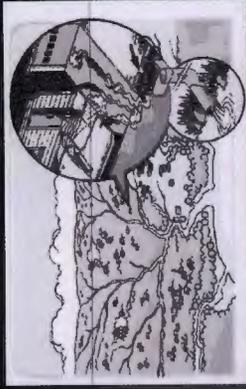


15



Problems: Stormwater Runoff

- Adding more hard ("**impervious**") surface to watershed keeps rain from soaking in, causing greater and more rapid runoff
- "**Flashy**" stormflows – water runs off land with more force, higher volume
 - can cause flooding
- Causes streambank erosion and threatens channel stability
 - loss of trees
 - harms fish and other animals
 - degrades water quality and habitat
 - changes the stream hydrology, channel shape
 - can threaten infrastructure
- Older development does not include modern stormwater controls



13



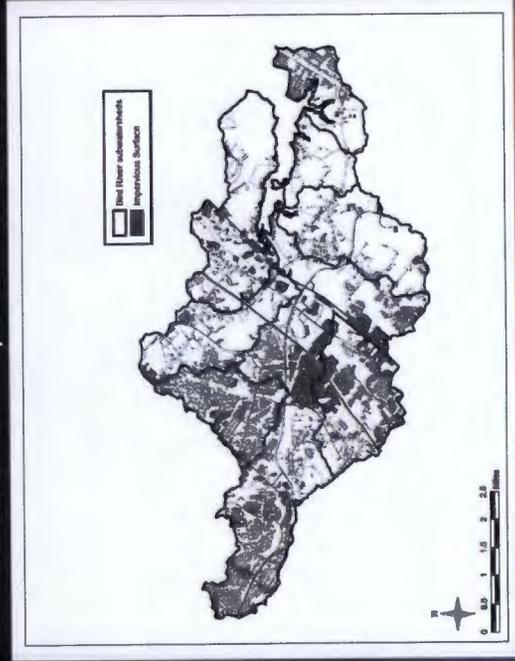
Problems: Water Quality Degradation

- Excess sediment - particularly during storms
- Nutrients
- Toxic pollutants – such as metals, oil and grease, pesticides – runoff from urban areas
- Bacteria

16



Bird River: Impervious Surface



14



Example Solutions: Watershed Restoration

- Prevent problems at the source:
 - Improve control of stormwater runoff, with new or upgraded stormwater management facilities
- Restore degraded areas:
 - Improve poor stream conditions



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Problems: Excess Nutrients

- Excess nutrient loads to Chesapeake Bay - a major region-wide concern
- Sources of nitrogen and phosphorus include
 - sewage
 - fertilizers
 - animal waste
 - soil erosion
- Too many nutrients, not enough oxygen for fish and other critters



➤ The Bay is on a "Pollution Diet" with limits set by EPA

17



Examples: Types of Stormwater Controls

Traditional Controls



Wet Pond

Innovative Controls



Rain Garden



Rain Barrel or Cistern



Dry Detention Pond

20



Problems: Trash in Streams

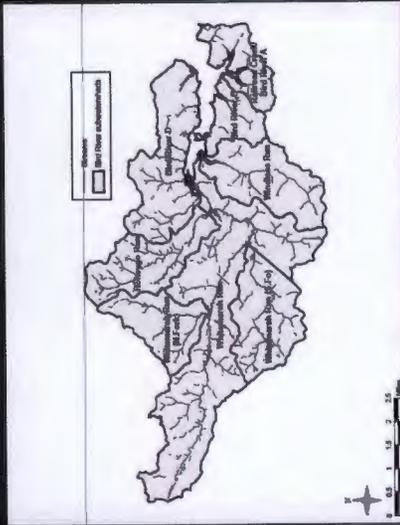
- Streams sometimes used as dumpsites
- Trash from streets and parking lots is washed into storm drains and flows directly to streams

18



Status of the Bird River SWAP Development

- Field Work
- Analysis
- Reports



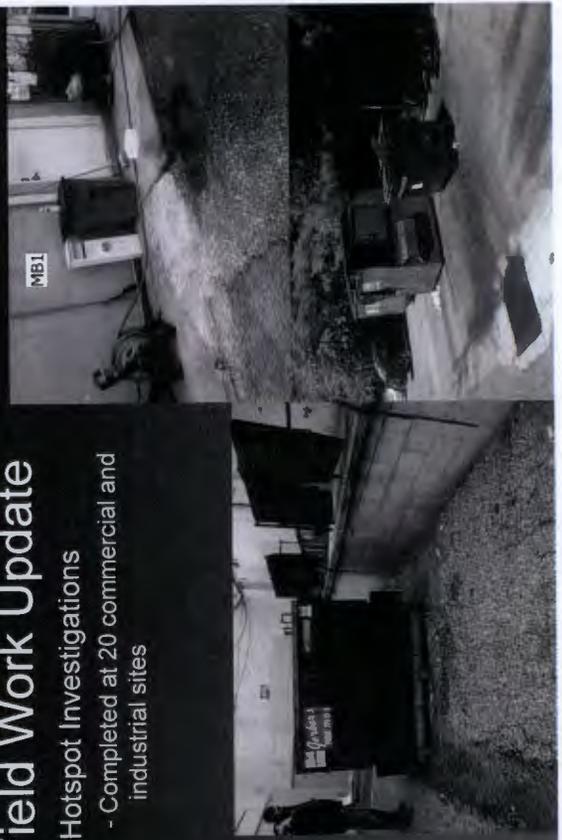
Solutions: Stream Restoration

- Can restore streams that have been impacted by erosion
- Stream restoration and riparian planting can
 - Stabilize banks
 - Reduce sediment and erosion
 - Improve habitat and aesthetics
 - Improve water quality



Field Work Update

- Hotspot Investigations
 - Completed at 20 commercial and industrial sites



Individual and Community Actions to Improve Water Quality

Individual Actions

- Bay wise landscaping
- Planting native trees, shrubs, & perennials
- Picking up after pets
- Slowing down the rain: rain barrels & rain gardens
- Practicing greener lifestyles, e.g. composting, natural lawn care (minimizing fertilizer), natural household cleaners, "Low salt" diet for waterways, etc.
- Reducing auto trips



Community Restoration Actions

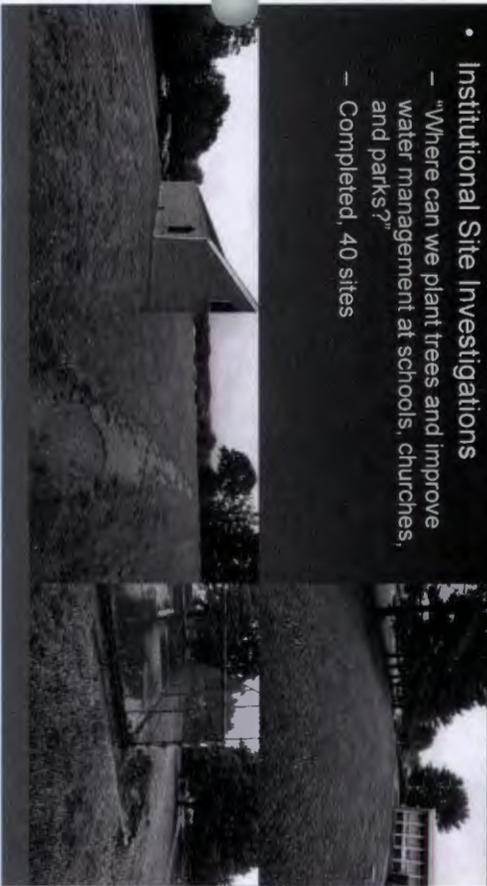
- Stream cleanups
- Creating demonstration rain gardens
- Planting native shrubs, trees or grasses along streams and drainages
- Reducing hard surfaces
- Developing areas to catch and filter water coming from parking lots
- Retrofitting old storm water management structures





Field Work Update

- Institutional Site Investigations
 - “Where can we plant trees and improve water management at schools, churches, and parks?”
 - Completed, 40 sites



Field Work Update

- Previous Area Assessments
 - “Where are the best places to plant trees?”
 - Completed, 25 sites
- Evaluations of Stormwater Management Facilities
 - “Where can we upgrade older facilities?”
 - Completed, 20 sites



27



Field Work Update

- Neighborhood Source Assessments
 - “Where are the best opportunities to plant trees or improve stormwater management?”
 - 100 neighborhoods assessed
- Stream Assessments
 - “Where are the best locations for stream restoration?”
 - 15 miles of stream assessed



25



Schedule and Next Steps

- Review and analyze field data
- Characterization Report
- Ongoing coordination with Steering Committee
- Community meeting in fall 2013 to review findings and recommended actions for SWAP
- Final SWAP Report

30



Analysis

- Compilation of field results
- GIS mapping
- Water quality data collected by Baltimore County EPS and others

28



Thank you...for your participation!

For further information, contact:
Nathan Forand
Baltimore County Department of
Environmental Protection and
Sustainability
410-887-7695
nforand@baltimorecountyMD.gov
www.baltimorecounty.md.gov/birdriver

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Reports

- Watershed Characterization report
 - will include results of all field, GIS and data analysis to characterize conditions
- SWAP
 - plan will be focused on meeting goals and objectives specific to Bird River
 - will recommend actions for each subwatershed

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Bird River SWAP Community Meeting #2
March 25, 2014



Bird River

Small Watershed Action Plan (SWAP)

Community Meeting #2

March 25, 2014



Bird River SWAP Community Meeting #2
March 25, 2014



Welcome/Meeting Purpose

- Hear details about the completed SWAP and what comes next
- Learn about your local watershed group the Gunpowder Valley Conservancy
- Hear about different restoration actions that we use to implement the SWAP



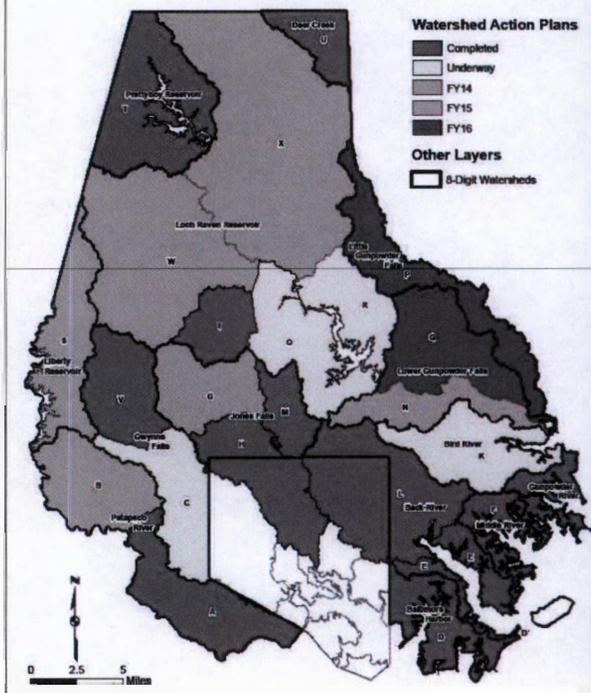
What is a SWAP?

Small Watershed Action Plan

A SWAP is a strategy that outlines how we will improve our streams and rivers within a specific watershed planning area and contribute healthier water to the Chesapeake Bay.



Watershed Action Plans Baltimore County, MD



Small Watershed Action Planning Areas

Bird River SWAP Community Meeting #2
March 25, 2014



Bird River Small Watershed Action Plan (SWAP)

Follow Ups to Issues Raised
at Meeting #1 (June 24, 2013)



Bird River SWAP Community Meeting #2
March 25, 2014



Follow Ups to Issues From Meeting #1

Riparian Erosion White Marsh Run



Repairs scheduled for area between RR bridge and 40 for existing SHA stream restoration project. New SHA project planned for area east of 40.

© 2013 Google

Imagery Date: 2013-03-11 76°26'26.50"W 39° 28' 0" eye 1000 ft

Bird River SWAP Community Meeting #2

March 25, 2014



Follow Ups to Issues From Meeting #1

Rust Colored Algae



This was investigated and it is actually a naturally occurring bacteria that is reacting to the presence of minerals in the water. In this case the mineral is iron and this particular bacteria is referred to as "iron floc".

7

Bird River SWAP Community Meeting #2

March 25, 2014



Follow Ups to Issues From Meeting #1

Sewage Issue



This pumping station has no recorded overflows. Stream sense signage due to overflows upstream at Reames Rd but no overflows from here since 2008 upgrade. To report problems contact Baltimore County Emergency Sewer Service Group: 410-887-7415.

8

Bird River SWAP Community Meeting #2

March 25, 2014



Follow Ups to Issues From Meeting #1

Irrigation Pump



Irrigating farm fields with river water is legal with a permit from MDE. For info contact MDE Water Supply Program: 410-537-3073.

For noise complaints contact Baltimore County Police Dept.: 410-887-2214.

9

Bird River SWAP Community Meeting #2

March 25, 2014



Follow Ups to Issues From Meeting #1

Limited Buffer, Erosion & Nutrients



Ag land in critical area is only required to have a 25' buffer. Ag issues should be referred to the Baltimore County Soil Conservation District: 410-527-5920 ext. 107

See COMAR sections 27.01.06 and 27.01.09.01-6

27.01.09.01-6
27.01.09.01-6
27.01.09.01-6
27.01.09.01-6

10

Bird River SWAP Community Meeting #2

March 25, 2014



Follow Ups to Issues From Meeting #1

Illicit Littering Large Dump



Posted "No Trespassing" signs. Trash viewed from the road was likely not enough for enforcement.

Baltimore County Code Enforcement: 410-887-3351

11

Bird River SWAP Community Meeting #2

March 25, 2014



Follow Ups to Issues From Meeting #1

Illicit Littering Large Dump



Inspector visited the site on 11/8/13 and saw nothing in the water. Site had been visited earlier in the year and trash clean up order was issued for junk in the woods.

Contact Baltimore County Code Enforcement: 410-887-3351.

12

Bird River SWAP Community Meeting #2
March 25, 2014



Follow Ups to Issues From Meeting #1

Public Works Issues



High tide
flooding:
start with
storm drain
design :410-
887-3711.

13

Bird River SWAP Community Meeting #2
March 25, 2014



Follow Ups to Issues From Meeting #1

Public Works Issues



Questionable
Public Sewer
Connections:
contact Kevin
Koepenick at
EPS:
410-887-5856

14

M E M O R A N D U M

DATE: June 30, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0096-XA- Appeal Period Expired

The appeal period for the above-referenced case expired on June 29, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

John,

10/13/16

Per our conversation yesterday, these are the items that have been pending. Please advise if you think I should still hold or email for status updates. All files have been returned to their respective agencies with the exception of Case Nos. 2015-0096/97, which are located in your office.

Thanks in advance.

Deb

This will stay here.
Still receiving e-mail
updates from atty. Clark
+ PMZ.

4-7-17
Perk, set
in for
possibly
Sometime
in May

Debra Wiley

John has his files in his office 10-13-16

JB

6/6

open + cont'd

From: John E. Beverungen
Sent: Monday, June 06, 2016 2:00 PM
To: Sherry Nuffer; Debra Wiley
Subject: 2015-0096/97

The above cases are going to be heard together. The hearing was opened this afternoon, and then a continuance was granted to allow the community and petitioner to attempt to resolve some outstanding issues. Petitioner's attorney Bud Clark and Peter Zimmerman said they would attempt to meet in the near future and then would contact our office about rescheduling the cases. The hope is that if most of the outstanding issues can be resolved, the hearing could be scheduled for 1-2 hours only. No additional posting or advertisement is necessary, and I told counsel that I would keep the files in my office until we hear back from them.

6/6

Debra Wiley

From: John E. Beverungen
Sent: Friday, June 03, 2016 11:35 AM
To: Peter Max Zimmerman
Cc: cwclark@cwilliamclarklaw.com; Robert H. Bendler; Pitz808@comcast.net; Sherry Nuffer; Debra Wiley
Subject: RE: Harvey Salt Company cases: 2015-096-XA and 2015-097-X

This proposal is acceptable to me. We will open the hearing Monday, at which time the parties will indicate they are jointly requesting a continuance, which will be granted. We can at that time discuss future handling of the case.

John Beverungen
ALJ

From: Peter Max Zimmerman
Sent: Friday, June 03, 2016 9:58 AM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: cwclark@cwilliamclarklaw.com; Robert H. Bendler <shoreperfect@comcast.net>; Pitz808@comcast.net
Subject: Harvey Salt Company cases: 2015-096-XA and 2015-097-X

Dear Judge Beverungen,

As you know, these cases are set in for this Monday, June 6, 2016 at 1:30 PM.

After conversations between and among Petitioners' counsel and representatives, the Essex-Middle River Civic Council leadership and members, and our office leading up to today, it is agreed among the parties and looks appropriate to appear and make a joint motion for continuance.

Despite the length of gestation of these cases, there has been some dialogue, but there needs to be more dialogue with the goal to reach a constructive result, without prejudice however to any of the parties at this point.

This e-mail follows my conversations this morning with Petitioners' attorney, Mr. Clark, and Essex-Middle River president Bob Bendler.

We would still like to come in and open the case on the record and have the opportunity make a brief statement, and consider how to handle future scheduling.

We anticipate further meetings and communications between the parties to try to make progress with all deliberate speed before a further hearing.

Thank you in advance for your consideration.

Sincerely,

Peter Max Zimmerman, People's Counsel, 410 887-2188

12-2-14 + 12-8-14

Debra Wiley

From: Bud Clark <cwclark@cwilliamclarklaw.com>
Sent: Monday, March 28, 2016 12:14 PM
To: John E. Beverungen; Peter Max Zimmerman
Cc: Debra Wiley; Kristen L Lewis
Subject: RE: 2015-96-X and 2015-97-X

*P.C. Correspondence
rel'd to
Kristen.
& picked
up*

Judge Beverungen- Late last year or earlier this year, the Petitioner ,through its representatives at Morris & Ritchie ,have submitted a revised site plan to the Planning Department and was working with the Department to obtain their comments. During that process, even though a Landscape Plan had not been previously requested, the Landscape Architect asked for a Landscape Plan, which has been prepared, and I believe recently submitted for review. I believe that in the near future, Planning will have comments on the revised plan and perhaps the Landscape Plan as well. We should be in a position to request a hearing on the revised plan soon. I delayed responding to Mr. Zimmerman's letters during the pendency of these matters, and when the final revised plan is finished and Landscape Plan as well, we will circulate them to the interested parties, and meet with them in advance of a hearing. Much of the delay has been outside the Petitioner's control, so I ask that you bear with us. Thank you. Bud Clark

*3/28
2016*

C. William Clark, Esq.
Law Office of C. William Clark, LLC
502 Washington Ave. Suite 700
Towson, MD 21204
(410)823-7850
CELL: 443-838-8434

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From: John E. Beverungen [mailto:jbeverungen@baltimorecountymd.gov]
Sent: Monday, March 28, 2016 11:59 AM
To: Bud Clark (cwclark@nolanplumhoff.com) <cwclark@nolanplumhoff.com>; Bud Clark <cwclark@cwilliamclarklaw.com>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: 2015-96-X and 2015-97-X

Gentlemen,

This is in response to Mr. Zimmerman's correspondence dated February 18, 2016 regarding the above cases. Therein, he urges that these cases have languished and should be scheduled for hearing. Having reviewed the Zoning Commissioner's Rules, I do not believe there is any particular rule that addresses this scenario; i.e., the cases have both been "opened" and were continued upon grant of Petitioner's request for postponement. There does not appear to be an administrative rule akin to Md. R. 2-507, allowing for dismissal for lack of prosecution.

In any event, the files were long ago returned to PAI, and I will forward Mr. Zimmerman's letters to Kristen's attention for inclusion in the case files. I would suggest that counsel contact the Director of PAI concerning whether or not this case can/should be scheduled for hearing.

3-17 per Kristen, she has not been contacted to reset.
 7-5 No new hearing date in database
 10-2 " " "

Pending since Dec. 2015

DECEMBER 18 FRIDAY

From: Debra Wiley
 Sent: Friday, December 18, 2015 10:29 AM
 To: Sherry Nuffer (snuffer@baltimorecountymd.gov); Kristen L Lewis
 Subject: FW: 2016-0094-A - 12/18 @ 10 AM

FYI

From: John E. Beverungen
 Sent: Friday, December 18, 2015 10:23 AM
 To: Debra Wiley <dwiley@baltimorecountymd.gov>
 Subject: 2016-094-A

Deb,

The hearing in this case was opened this morning, and continued at the joint request of counsel, Howard Alderman and Bud Clark, both of whom appeared. They indicated their clients will meet and try to reach an amicable resolution of the case, and will thereafter contact Kristen/PAI to arrange for a new hearing date.

No additional posting or advertisement is necessary.

John.

File put in 1218 Box. If to PLU please note steps to forward to be rescheduled.

DECEMBER 18 FRIDAY

ASE NUMBER: 2016-0094-A
 17 ROCKAWAY BEACH DR.
 Location: E/S of Rockaway Beach Drive, 775 ft. NE/S of c/line of Turkey Point Road
 15th Election District, 6th Council District
 Legal owners: David W. & Darlene J. Baugher

VARIANCE (1) To permit a side yard setback of 8.7 ft. in lieu of the required 15 ft. and a side yard setback of 10 ft. approved in Case No. 2014-0290 A, (2) The utilization of the 20 ft. side yard sum relief granted in Case No. 2014-0290 A, (3) A modification of the relief granted in the prior case, and (4) For such additional relief as the nature of this case may require for approval of the proposed improvements shown on the plan which accompanied this Petition.

Hearing: Friday, 12/18/2015, 10:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD 21204

CASE NUMBER: 2016-0095-A
 3 JAMESON LN.
 Location: E/S of Jameson Lane, 100 ft. N of Streamwood Drive
 2nd Election District, 2nd Council District
 Legal owner: Karlene Jacobs

VARIANCE To permit parking spaces to be located in the front yard in lieu of the required rear yard and in the side yard 3 ft. from the property line in lieu of the required 10 ft.

Hearing: Friday, 12/18/2015, 11:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD 21204

Denied 12-18-15

CASE NUMBER: 2016-0096-A
 57 CARAWAY RD.
 Location: SE/S of Caraway Road, 124.03 ft. NE of the E/S of Tarragon Road
 4th Election District, 4th Council District
 Legal owner: Julius Cue Nyambi

VARIANCE To permit a 6 ft. high stockade fence with a 0 ft. setback from the property line in lieu of the required 20 ft. for a Class B Day Care.

Hearing: Friday, 12/18/2015, 1:30 PM, Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD 21204

12-22-15

Granted w/ Cond.

Howard Alderman <halderman@levingann.com>
Thursday, March 17, 2016 4:47 PM
Debra Wiley; cwclark@nolanplumhoff.com
Bud Clark (cwclark@cwiliamclarklaw.com); Clint Huhra (clint@huhrahomes.com)
RE: Case No. 2016-0094-A - 12/18/15 (Baugher)

Debra Wiley

From:
Sent:
To:
Cc:
Subject:

mail address added as a cc above. He and I are waiting on the engineers to develop an
neighbors can live with. They are working on it diligently.

quire

Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com
Provide Feedback: <http://tinyurl.com/HLA-AVVO>



From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Thursday, March 17, 2016 11:49 AM
To: cwclark@nolanplumhoff.com; Howard Alderman <halderman@levingann.com>
Subject: Case No. 2016-0094-A - 12/18/15 (Baugher)

Good Morning,

As you may be aware, the above-referenced case was scheduled, opened on 12/18/15, and continued at the joint
request of counsel. It was indicated that the clients would meet and try to reach an amicable resolution of the
and thereafter contact Kristen Lewis, the scheduler, to arrange for a new hearing date.

Kindly provide a status update, and thanking you in advance.

Deb

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

From: Kristen L Lewis
Sent: Thursday, March 17, 2016 11:30 AM
To: Debra Wiley
Subject: RE: Case No. 2016-0094-A

Hi Debbie,

No one has contacted me about this case yet.

Kristen Lewis
PAI – Zoning Review
410-887-3391

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

From: Debra Wiley
Sent: Thursday, March 17, 2016 10:59 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: Case No. 2016-0094-A

Hi Kristen,

Please see attached -- have you been contacted by anyone to reschedule.

Thanks in advance.

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

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Thursday, March 17, 2016 11:04 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 03.17.2016 11:03:47 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

Debra Wiley

From: Debra Wiley
Sent: Thursday, March 17, 2016 10:59 AM
To: Kristen L Lewis
Subject: Case No. 2016-0094-A
Attachments: 20160317110348016.pdf

Hi Kristen,

Please see attached -- have you been contacted by anyone to reschedule.

Thanks in advance.

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

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Thursday, March 17, 2016 11:04 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 03.17.2016 11:03:47 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

Debra Wiley

From: Debra Wiley
Sent: Friday, December 18, 2015 10:29 AM
To: Sherry Nuffer (snuffer@baltimorecountymd.gov); Kristen L Lewis
Subject: FW: 2016-0094-A - 12/21 @ 10 AM

67 Rockaway Beach held 12/18

FYI

From: John E. Beverungen
Sent: Friday, December 18, 2015 10:23 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: 2016-094-A

file placed in pickup box 12-18

Deb,

The hearing in this case was opened this morning, and continued at the joint request of counsel, Howard Alderman and Bud Clark, both of whom appeared. They indicated their clients will meet and try to reach an amicable resolution of the case, and will thereafter contact Kristen/PAI to arrange for a new hearing date.

No additional posting or advertisement is necessary.

John.

David W. + Darlene Baugher

TO FILES:

RE: 2015-0096-XA & 2015-0097-X

3/24/16

Bud Clark has reached out to Kristen for scheduling of the above. Kristen, in turn, contacted OAH for location of files and any pertinent information. Deb advised Kristen, after consulting with ALJ Beverungen, that his memo dated 12/8/14 still applies – no need for additional posting or advertising and to please inform Mr. Clark to share the new hearing date with Pete Zimmerman. Per Kristen, it appears this may be reset for May.

Deb Wiley

Debra Wiley

From: John E. Beverungen
Sent: Friday, June 03, 2016 11:35 AM
To: Peter Max Zimmerman
Cc: cwclark@cwilliamclarklaw.com; Robert H. Bendler; Pitz808@comcast.net; Sherry Nuffer; Debra Wiley
Subject: RE: Harvey Salt Company cases: 2015-096-XA and 2015-097-X

This proposal is acceptable to me. We will open the hearing Monday, at which time the parties will indicate they are jointly requesting a continuance, which will be granted. We can at that time discuss future handling of the case.

John Beverungen
ALJ

From: Peter Max Zimmerman
Sent: Friday, June 03, 2016 9:58 AM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: cwclark@cwilliamclarklaw.com; Robert H. Bendler <shoreperfect@comcast.net>; Pitz808@comcast.net
Subject: Harvey Salt Company cases: 2015-096-XA and 2015-097-X

Dear Judge Beverungen,

As you know, these cases are set in for this Monday, June 6, 2016 at 1:30 PM.

After conversations between and among Petitioners' counsel and representatives, the Essex-Middle River Civic Council leadership and members, and our office leading up to today, it is agreed among the parties and looks appropriate to appear and make a joint motion for continuance.

Despite the length of gestation of these cases, there has been some dialogue, but there needs to be more dialogue with the goal to reach a constructive result, without prejudice however to any of the parties at this point.

This e-mail follows my conversations this morning with Petitioners' attorney, Mr. Clark, and Essex-Middle River president Bob Bendler.

We would still like to come in and open the case on the record and have the opportunity make a brief statement, and consider how to handle future scheduling.

We anticipate further meetings and communications between the parties to try to make progress with all deliberate speed before a further hearing.

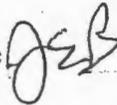
Thank you in advance for your consideration.

Sincerely,

Peter Max Zimmerman, People's Counsel, 410 887-2188

MEMORANDUM

TO: Kristen Lewis
Office of Zoning Review

FROM: John E. Beverungen, Administrative Law Judge 
Office of Administrative Hearings

DATE: December 8, 2014

SUBJECT: Case Nos. 2015-0096-XA & 0097-X

As you are aware, the above-referenced cases were scheduled before the undersigned on December 2, 2014 and December 8, 2014. Counsel presented at both hearings a motion to postpone, which was granted. No additional posting or advertising is necessary, and the attorney, Bud Clark, will contact you with agreed upon date for rescheduling of both cases on the same date in consecutive time slots. For your convenience, I have attached a e-mail dated December 3, 2014 from Judge Beverungen.

These matters are now being returned to you for rescheduling and processing. Thanks.

JEB:sln

c: File

Sherry Nuffer

From: John E. Beverungen
Sent: Wednesday, December 03, 2014 12:00 PM
To: Peter Max Zimmerman; C William Clark; shoreperfect@comcast.net
Cc: Debra Wiley; Sherry Nuffer; Kristen L Lewis
Subject: Case Nos. 2015-0096-XA and 2015-0097-X (Harvey Salt Co.)

The above are companion zoning cases involving properties situated near the intersection of Mohrs Lane and Pulaski Highway.

Case No. 96 was scheduled for December 2, 2014 at 1:30 p.m. The hearing was convened and Petitioner's attorney (Mr. Clark) sought a postponement, which was granted.

Case No. 97 is scheduled for December 8, 2014 at 10 a.m., and Mr. Clark by letter dated December 2, 2014 has sought a postponement of that hearing. Mr. Clark has agreed that he will appear at the December 8 hearing, and will again request a postponement, after the hearing has convened. That postponement request will be granted, and having convened both hearings the Petitioner(s) will not be required to again advertise the hearing(s) and/or post the properties.

Mr. Clark has requested that when the cases are rescheduled, they be assigned for hearing on the same date in consecutive time slots. This makes sense, since these are adjoining properties with common ownership. Mr. Clark will need to contact Kristen Lewis in the Department of Permits, Approvals and Inspections to reschedule these matters.

John Beverungen
ALJ



KEVIN KAMENETZ
County Executive

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

April 20, 2016

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2015-0096-XA

1325-1335 Mohrs Lane

NE side of Mohrs Lane, 128 ft. s/w of intersection with Pulaski Highway

15th Election District – 6th Councilmanic District

Legal Owners: Timberline Properties, LLC

Lessee: The Harvey Salt Company

Special Exception to use property for a trucking facility. **Variance** to permit a Class II trucking facility (existing) within a distance of 50 ft. in lieu of the required 200 ft. of wetland; to permit a Class II trucking facility (existing) within a distance of 75 ft. of a dwelling in lieu of the required 300 ft.; to permit a Class II trucking facility (existing) with a net area of 3.02 acres in lieu of the required area of 5 acres. To permit a Class II trucking facility (existing) with a curb tangent length between access permits of 83 ft. in lieu of the required 100 ft.; to permit a Class II trucking facility (existing) with a front yard of 22 ft. in lieu of the required 50 ft.; and to permit a Class II trucking facility (existing) with a rear yard of 1 ft. in lieu of the required 30 ft.

Hearing: Monday, June 6, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: C. William Clark, 502 Washington Ave., Ste. 700, Towson 21204
Bonnie Hammer, 1325 Mohrs Lane, Baltimore 21220

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

CHECKLIST

**Support/Oppose/
Conditions/
Comments/
No Comment**

**Comment
Received**

Department

<u>11/3</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>no comment</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>12/1</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>10/27</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 11/6

SIGN POSTING Date: 11/12 by SSG Black

PEOPLE'S COUNSEL APPEARANCE Yes No

PEOPLE'S COUNSEL COMMENT LETTER Yes No

Comments, if any: _____

Real Property Data Search (w3)

Guide to searching the database

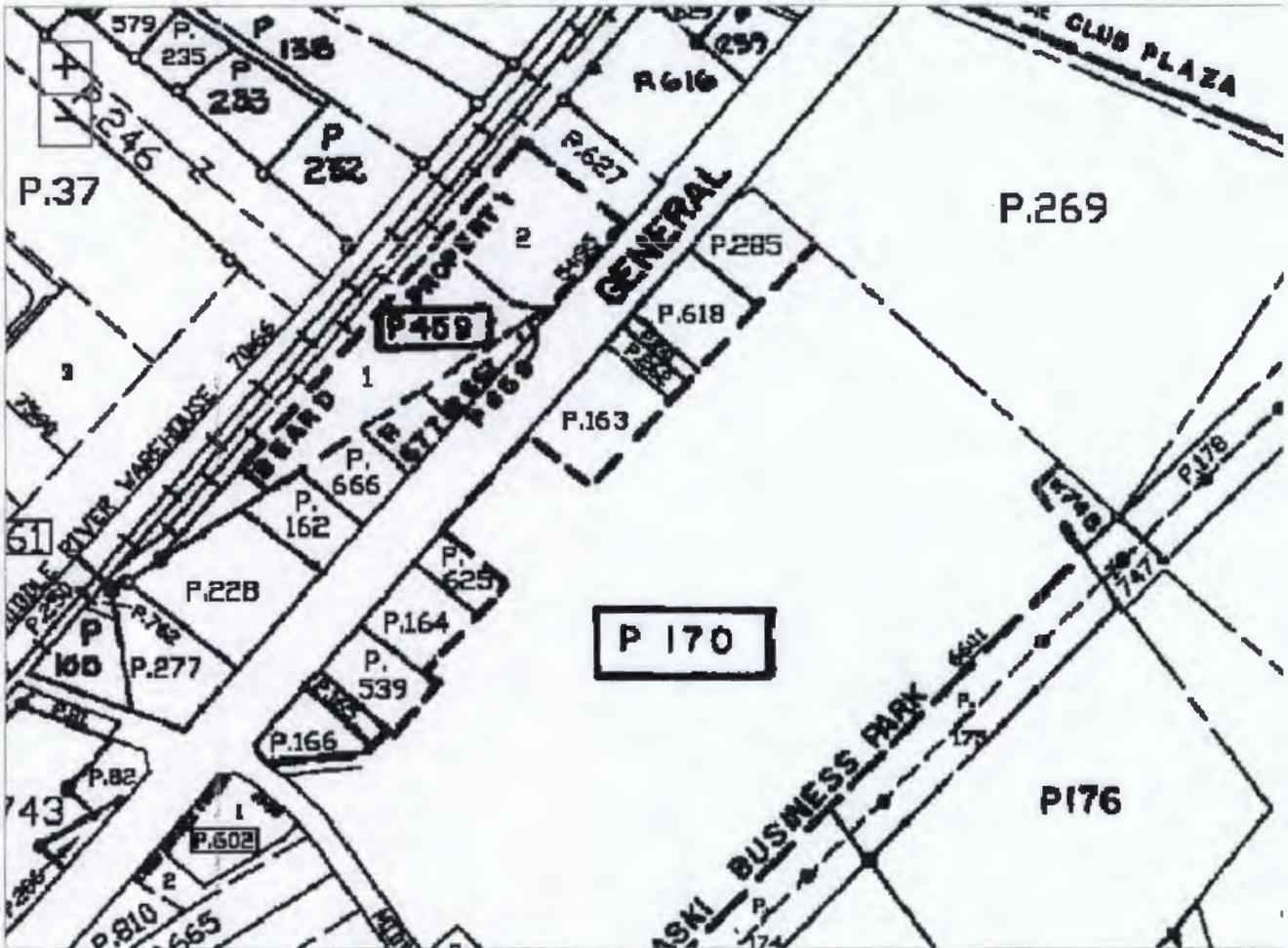
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1506100440		
Owner Information		
Owner Name:	TIMBERLINE PROPERTIES LLC	Use: INDUSTRIAL NO
Mailing Address:	STE 700 502 WASHINGTON AVE TOWSON MD 21204-	Principal Residence: NO Deed Reference: /33785/ 00469
Location & Structure Information		
Premises Address:	MOHRS LN 0-0000	Legal Description: .666 AC NES MOHRS LA 129 SE OF PULASKI HWY
Map:	Grid:	Parcel:
0082	0017	0659
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
		2015
Special Tax Areas:	Town:	Plat No:
	NONE	
	Ad Valorem:	Plat Ref:
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1998	2448	
Property Land Area	County Use	
0.6700 AC	07	
Stories	Basement	Type
		STORAGE WAREHOUSE
Exterior	Full/Half Bath	Garage
Last Major Renovation		
Value Information		
	Base Value	Value As of 01/01/2012
Land:	216,400	216,400
Improvements	132,700	132,700
Total:	349,100	349,100
Phase-in Assessments		As of 07/01/2014
Preferential Land:	0	349,100
		As of 07/01/2015
Transfer Information		
Seller:	Date:	Price:
HAMMEN LOUIS WILLIAM	03/14/2013	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/33785/ 00469	
Seller:	Date:	Price:
WESTMEATH LLC	04/13/2007	\$400,000
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/25493/ 00048	
Seller:	Date:	Price:
PETRUCCI FRANK, JR PETRUCCI STELLA	05/15/1996	\$100,000
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/11586/ 00441	
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2014
		07/01/2015
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)

District: **15** Account Number: **1506100440**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



[\(http://imsweb05.mdp.state.md.us/website/mosp/\)](http://imsweb05.mdp.state.md.us/website/mosp/)

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Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1516350490		
Owner Information		
Owner Name:	TIMBERLINE PROPERTIES LLC	Use: COMMERCIAL/RESIDENTIAL NO
Mailing Address:	STE 700 502 WASHINGTON AVE TOWSON MD 21204-	Principal Residence: Deed Reference: /33785/ 00469
Location & Structure Information		
Premises Address:	1323 MOHRS LN 0-0000	Legal Description: .38 AC NES MOHRS LA 550 SE PULASKI HWY
Map:	Grid:	Parcel:
0082	0017	0488
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
		2015
Special Tax Areas:	Town:	Plat No:
Ad Valorem:	Tax Class:	Plat Ref:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1959	1014	
Property Land Area	County Use	
0.3800 AC	07	
Stories	Basement	Type
1	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
ASBESTOS SHINGLE	1 full	
Last Major Renovation		
Value Information		
	Base Value	Value As of 01/01/2012
Land:	76,000	76,000
Improvements	41,900	41,900
Total:	117,900	117,900
Phase-in Assessments		As of 07/01/2014
		117,900
As of 07/01/2015		
Preferential Land:	0	
Transfer Information		
Seller: HAMMEN LOUIS W	Date: 06/14/2013	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /33785/ 00469	Deed2:
Seller: PHELPS GEORGE W	Date: 12/31/1986	Price: \$90,000
Type: ARMS LENGTH IMPROVED	Deed1: /07370/ 00243	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption information		
Partial Exempt Assessments:	Class	07/01/2014
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)

District: **15** Account Number: **1516350490**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



<http://imsweb05.mdp.state.md.us/website/mosp/>

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Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1600010659		
Owner Information		
Owner Name:	TIMBERLINE PROPERTIES LLC	Use: INDUSTRIAL NO
Mailing Address:	STE 700 802 WASHINGTON AVE TOWSON MD 21204-	Principal Residence: NO Deed Reference: /33785/ 00469
Location & Structure Information		
Premises Address:	1325 MOHRS LN 0-0000	Legal Description: 1.60 AC NES MOHRS LA 300 SE PULASKI HWY
Map:	Grid:	Parcel:
0082	0017	0551
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
		2015
Plat No:	Plat Ref:	
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1973	22679	
Property Land Area	County Use	
1.6000 AC	07	
Stories	Basement	Type
		STORAGE WAREHOUSE
Exterior	Full/Half Bath	Garage
Last Major Renovation		
2000		
Value Information		
	Base Value	Value As of 01/01/2012
Land:	445,000	445,000
Improvements	363,300	363,300
Total:	808,300	808,300
Phase-in Assessments		As of 07/01/2014
Preferential Land:	0	808,300
		As of 07/01/2015
Transfer Information		
Seller:	Date:	Price:
HAMMEN LOUIS W	06/14/2013	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/33785/ 00469	
Seller:	Date:	Price:
BEEVER ALBERT,3RD	02/03/1977	\$242,880
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/05748/ 00452	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2014
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Tax Exempt:		
Exempt Class:		
	Special Tax Recapture:	
	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)

District: **15** Account Number: **1600010659**



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<http://imsweb05.mdp.state.md.us/website/mosp/>

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Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption			View GroundRent Registration				
Account Identifier:		District - 15 Account Number - 1900007813							
Owner Information									
Owner Name:		TIMBERLINE PROPERTIES LLC			Use:		INDUSTRIAL NO		
Mailing Address:		STE 700 802 WASHINGTON AVE TOWSON MD 21204-			Principal Residence:		NO		
					Deed Reference:		/33785/ 00469		
Location & Structure Information									
Premises Address:		MOHRS LN 0-0000			Legal Description:		.37 AC NE MOHRS LA RER 138 FT 850 SE PULASKI HWY		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0082	0017	0766		0000				2015	
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
						0.3700 AC		07	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
Value Information									
		Base Value		Value As of 01/01/2012		Phase-in Assessments As of 07/01/2014		As of 07/01/2015	
Land:		74,000		74,000					
Improvements		0		0					
Total:		74,000		74,000		74,000			
Preferential Land:		0							
Transfer Information									
Seller: HAMMEN LOUIS W				Date: 06/14/2013		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /33785/ 00469		Deed2:			
Seller: PHELPS GEORGE W				Date: 12/16/1982		Price: \$10,980			
Type: ARMS LENGTH IMPROVED				Deed1: /06466/ 00348		Deed2:			
Seller:				Date:		Price:			
Type:				Deed1:		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2014		07/01/2015			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00		0.00			
Tax Exempt:				Special Tax Recapture:					
Exempt Class:				NONE					
Homestead Application Information									
Homestead Application Status: No Application									

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)

District: **15** Account Number: **1900007813**



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<http://imsweb05.mdp.state.md.us/website/mosp/>

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KEVIN KAMENETZ
County Executive

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

November 26, 2014

Timberline Properties LLC
Bonnie C Hammen
C/O The Harvey Salt Company
1325 Mohrs Lane
Baltimore MD 21220

RE: Case Number: 2015-0096 XA, Address: 1325-1335 Mohrs Lane

Dear Ms. Hammen:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 23, 2014. 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 written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
C William Clark, Esquire, 502 Washington Avenue, Suite 700, Towson MD 21204
Bernadette Moskunus, Site Rite Surveying Inc, 200 E Joppa Road, Room 101, Towson MD 21286



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

James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10/27/14

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

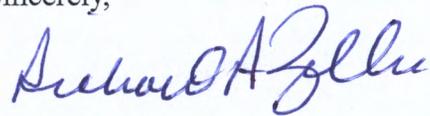
RE: Baltimore County
Item No. 2015-0096-X
Special Exception Variance
Timberline Properties LLC.
Bonnie Hammer, c/o The Home
Sant Company
1325-1335 Mohr's Lane

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2015-0096-X

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,


for Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 14, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1325-1335 Mohrs Lane

RECEIVED

INFORMATION:

Item Number: 15-096 Amended (see also 15-097)

APR 15 2016

Petitioner: Timberline Properties, LLC

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: ML-AS, BR-AS

Requested Action: Special Exception, Variance

SUMMARY OF RECOMMENDATIONS:

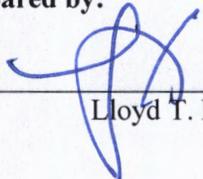
The Department has reviewed the petition for special exception for an existing Class II Trucking Facility. The Department has also reviewed the petition for variances as requested on the attachment accompanying the petition.

The Petitioner has addressed all Department concerns. The Department acknowledges that the Petitioner agrees that if the requested zoning relief is granted by the ALJ, the Petitioner will be required to install landscaping pursuant to the Final Landscape Plan prepared by Morris & Ritchie Associates, Inc. dated 03/14/2016.

The Department now amends the prior recommendations made in its Zoning Advisory Comments dated November 24, 2014 and has no objection to granting the petitioned zoning relief conditioned on adherence to the above referenced Final Landscape Plan.

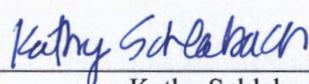
For further information concerning the matters stated here in, please contact Lloyd Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

- c: Ngone Seye Diop
- Jeanette M. S. Tansey, R.L.A., Permits, Approvals and Inspections
- Bernadette Moskunas
- Office of the Administrative Hearings
- People's Counsel for Baltimore County

12/3
wcl



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: November 24, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1325-1335 Mohrs Lane

INFORMATION:

Item Number: 15-096 (see also 15-097)
Petitioner: Timberline Properties, LLC
Zoning: ML-AS, BR-AS
Requested Action: Special Exception, Variance

Handwritten note on yellow sticky paper:
Hearing
was 12/2

SUMMARY OF RECOMMENDATIONS:

The subject request is for a special exception for a trucking facility in an ML-IM and ML-AS zone per Section 253.2.A.12 of the Baltimore County Zoning Regulations. Variances are requested to permit a Class II trucking facility within 50 feet of a wetland and within 75 feet of a dwelling in lieu of the required 200 feet and 300 feet respectively per Section 410A.2; to permit a Class II trucking facility (existing) with a net area of 3.02 in lieu of the required area of 5 acres per Section 410A.3.B.1; to permit a Class II trucking facility (existing) with a curb tangent length between access points of 83 feet in lieu of the required 100 feet per Section 410A.3.A.2; to permit a Class II trucking facility (existing) with a front yard of 22 feet in lieu of the required 50 feet per Section 238.1; and to permit a Class II trucking facility (existing) with a rear yard of 1 foot in lieu of the required 30 feet per Section 238.2.

The Department of Planning has reviewed the petitioner's request and accompanying site plan and subsequent to a site visit, the following comments and recommendation are offered.

- The site is located near the intersection of Pulaski Highway and Mohrs Lane (aka Campbell Boulevard). It is well maintained and operates as an existing trucking facility per the applicant's request. It is across the street from a big box shopping center and is adjacent to a proposed contractor's equipment storage yard by the same lessee, The Harvey Salt Company (Case # 15-097), and to a residential mobile home park (Sleepy Hollow) and other business uses.
- The area of the special exception is unclear. The notes indicate the site area to be 3.02 acres which includes a BR-AS portion of the property. Confirm with the Bureau of Zoning Review that a trucking facility is a permitted use in this zone. If not, revise the plan, special exception area description and petition.
- Show the layout and operation of the trucking facility to include the maximum number of vehicles (including trailers).
- There are portions of the trucking facility that extend off-site into the CSS Crest LLC property. Is it the intention of the applicant to include the adjacent property in the request?

- There are approximately 18 mobile home dwellings within the required 300 foot setback to a dwelling. These dwellings are separated by existing vegetation on the Sleepy Hollow property which consists of primarily deciduous material that offers little screening. Screening should be provided in accordance with Condition G of the Baltimore County Landscape Manual (a 20 foot buffer with Class C screening and board-on-board fence) and in accordance with BCZR Section 410A.3.B.4 and 9 along the S 59' 35'E and S 35'34' 20" property boundaries to adequately screen the trucking facility from the residential. Include on the plan areas for vehicle and trailer storage and show truck maneuvering patterns in order to justify setback relief requested or failure to provide landscape buffers.
- Landscape buffers should be provided along the street frontage property boundaries between the right-of-way and storage/tractor trailer parking in accordance with Condition G of the Baltimore County Landscape Manual (a 20 foot buffer with Class C screening between the fence and the right of way). Fencing along the road frontages should be high-quality black ornamental metal security fence or black vinyl chain link security fence. Provide appropriate screening and setbacks for any parking adjacent to the right-of-way.
- Submit a landscape plan and a lighting plan to the Baltimore County landscape architect for review and approval. Show existing landscaping to be retained.
- Mohrs Lane, also known as Campbell Boulevard, is designated in *Master Plan 2020* (page 56) as Project # 9 (Campbell Boulevard, Philadelphia Road to White Marsh Boulevard) with a status "C" (Construct). The petitioner should consult the Maryland State Highway Administration and the Baltimore County Department of Public Works about the need for road and sidewalk improvements at this location.
- Provide sidewalks along the Mohrs Lane frontage to connect to the existing sidewalk along the Sleepy Hollow Development.
- There are 5 curb cuts along the Mohrs Lane frontage. Justify the number of entrances and locations as integral to the trucking movements. Investigate the closure of any entrance not involved in the truck maneuvers and replace with landscaping.
- Confirm the use will be in compliance with the paving standards for trucking facility sites contained in Section 409.8.D of the BCZR which requires certification by a registered engineer.
- The hours of operation should be limited from 7:00 am to 6:00 pm.

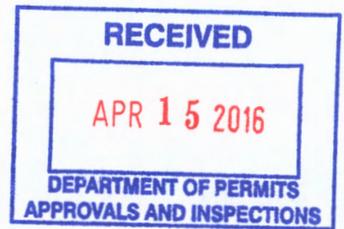
The Department cannot recommend approval at this time. To mitigate any possible detrimental impacts to health, safety and welfare of the surrounding community, it is the recommendation of this Department that this petition be withdrawn and resubmitted to address the comments above. Further comment from this Department may result from the review of any revised site plan.

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

Division Chief:
AVA/LL



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 14, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1325-1335 Mohrs Lane

INFORMATION:

Item Number: 15-096 Amended (see also 15-097)

Petitioner: Timberline Properties, LLC

Zoning: ML-AS, BR-AS

Requested Action: Special Exception, Variance

SUMMARY OF RECOMMENDATIONS:

The Department has reviewed the petition for special exception for an existing Class II Trucking Facility. The Department has also reviewed the petition for variances as requested on the attachment accompanying the petition.

The Petitioner has addressed all Department concerns. The Department acknowledges that the Petitioner agrees that if the requested zoning relief is granted by the ALJ, the Petitioner will be required to install landscaping pursuant to the Final Landscape Plan prepared by Morris & Ritchie Associates, Inc. dated 03/14/2016.

The Department now amends the prior recommendations made in its Zoning Advisory Comments dated November 24, 2014 and has no objection to granting the petitioned zoning relief conditioned on adherence to the above referenced Final Landscape Plan.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
Jeanette M. S. Tansey, R.L.A., Permits, Approvals and Inspections
Bernadette Moskunas
Office of the Administrative Hearings
People's Counsel for Baltimore County

JB 12-2
1:30 PM

Debra Wiley

From: shoreperfect@comcast.net
Sent: Monday, December 01, 2014 6:14 PM
To: Administrative Hearings
Subject: Social Exceptions for Harvey Salt Co.

Dear Administrative Law Judge: In my capacity as President of the Essex Middle River Civic Council, I am writing to request that no decision be made on **Case #2015-0096-XA** until the EMRCC has concluded its review of this request and finalized its position on this matter. Our umbrella group, representing 20 Community Associations in the Essex and Middle River Areas, will be meeting on December 3rd, 2014 at 7pm and we will communicate our comments, concerns, and position on the requested variances to the Zoning Regulations immediately thereafter. Additionally, we will be providing input regarding the companion case involving the adjacent property at the intersection of Mohrs Lane and Pulaski Highway, which I believe is scheduled for hearing the following week.

Thank you, Robert Bendler, President EMRCC

RECEIVED

DEC 02 2014

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: November 3, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For November 03, 2014
Item No. 2015-0089, 0091, 0092, 0093, 0094, 0095, 0096 and 0099

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC11032014 -.doc



**THE BALTIMORE SUN
MEDIA GROUP**

Baltimore, Maryland 21278-0001

November 6, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on November 6, 2014

The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2015-0096-XA

1325-1335 Mohrs Lane

NE side of Mohrs Lane, 128 ft. s/w of intersection with Pulaski Highway

15th Election District - 6th Councilmanic District

Legal Owner(s) Timberline Properties, LLC

Lessee: The Harvey Salt Company

Special Exception to use property for a trucking facility.

Variance to permit a Class II trucking facility (existing) within a distance of 50 ft. in lieu of the required 200 ft. of wetland; to permit a Class II trucking facility (existing) within a distance of 75 ft. of a dwelling in lieu of the required 300 ft.; to permit a Class II trucking facility (existing) with a net area of 3.02 acres in lieu of the required area of 5 acres.

To permit a Class II trucking facility (existing) with a curb tangent length between access permits of 83 ft. in lieu of the required 100 ft.; to permit a Class II trucking facility (existing) with a front yard of 22 ft. in lieu of the required 50 ft.; and to permit a Class II trucking facility (existing) with a rear yard of 1 ft. in lieu of the required 30 ft.

Hearing: Tuesday, December 2, 2014 at 1:30 p.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 Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

11/087 November 6

2815463

CERTIFICATE OF POSTING

2015-0096-XA

RE: Case No.: _____

Petitioner/Developer: _____

**The Harvey Salt Company
Timberline Properties, LLC**

December 2, 2014

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Kristen Lewis:

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: _____

1325-1335 Mohrs Lane

November 12, 2014

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

Sincerely,

November 12, 2014

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

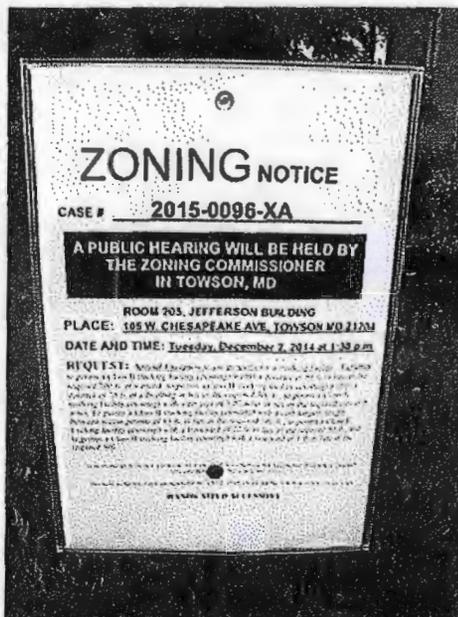
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





KEVIN KAMENETZ
County Executive

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

October 28, 2014

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2015-0096-XA

1325-1335 Mohrs Lane

NE side of Mohrs Lane, 128 ft. s/w of intersection with Pulaski Highway

15th Election District – 6th Councilmanic District

Legal Owners: Timberline Properties, LLC

Lessee: The Harvey Salt Company

Special Exception to use property for a trucking facility. **Variance** to permit a Class II trucking facility (existing) within a distance of 50 ft. in lieu of the required 200 ft. of wetland; to permit a Class II trucking facility (existing) within a distance of 75 ft. of a dwelling in lieu of the required 300 ft.; to permit a Class II trucking facility (existing) with a net area of 3.02 acres in lieu of the required area of 5 acres. To permit a Class II trucking facility (existing) with a curb tangent length between access permits of 83 ft. in lieu of the required 100 ft.; to permit a Class II trucking facility (existing) with a front yard of 22 ft. in lieu of the required 50 ft.; and to permit a Class II trucking facility (existing) with a rear yard of 1 ft. in lieu of the required 30 ft.

Hearing: Tuesday, December 2, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: C: William Clark, 502 Washington Ave., Ste. 700, Towson 21204
Bonnie Hammer, 1325 Mohrs Lane, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 12, 2014**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 6, 2014 Issue - Jeffersonian

Please forward billing to:

C. William Clark
Nolan, Plumhoff & Williams
502 Washington Ave., Ste. 700
Towson, MD 21204

410-823-7800

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2015-0096-XA

1325-1335 Mohrs Lane

NE side of Mohrs Lane, 128 ft. s/w of intersection with Pulaski Highway

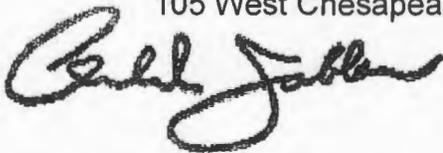
15th Election District – 6th Councilmanic District

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Lessee: The Harvey Salt Company

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Hearing: Tuesday, December 2, 2014 at 1:30 p.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 ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
 AND VARIANCE *
 1325-1335 Mohrs Lane; NE/S of Mohrs Lane, * OF ADMINISTRATIVE
 128' SW intersection of Pulaski Highway * HEARINGS FOR
 15th Election & 6th Councilmanic Districts * BALTIMORE COUNTY
 Legal Owner(s): Timberline Properties, LLC *
 Contract Purchaser(s): The Harvey Salt Co. *
 Petitioner(s) * 2015-096-XA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

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

OCT 31 2014

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of October, 2014, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunas, Site Rite Surveying, Inc, 200 E. Joppa Road, Towson, Maryland 21286 and C. William Clark, Esquire, 502 Washington Avenue, Suite 700, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/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 legal owner/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:

Case Number: 2015-0096- XA
Property Address: 1323-1325 Mohrs Lane
Property Description: _____

Legal Owners (Petitioners): Timberline Properties, LLC
Contract Purchaser/Lessee: The Harvey Salt Company

PLEASE FORWARD ADVERTISING BILL TO:

Name: C. William Clark
Company/Firm (if applicable): Nolan, Plumhoff & Williams, Chtd.
Address: 502 Washington Ave., Ste. 700 Towson, MD 21204

Telephone Number: 410-823-7800

Pt. Bk. 000007 Folio 0033
Pt. Bk./Folio 70033

R-1966-0281-X
R-1978-0176-XA
GF-1994-0001GF

1954-3028-X

1502371390

10039

2200013927

ML IM

MH

ML AS

PULASKI HWY
PULASKI HWY

1951-1910-XT

1952-2254-X

1520660991

10025

10025

10025

10025

BR IM

BR AS

10015
1999-0125-SP
1991-0077-SP
2013-0047-SPHA

2200007364
10015

10015

Pt. Bk./Folio # 064134

ML IM

1984-0178-SPH
1985-0359-SPH
1987-0126-XA
1990-0434-SPHA
1982-0050-XA
R-1980-0072
R-1971-0121

PDM # 150415

15 ED

NE 6-I

1523503600

10001

1337

1996-0159-X

39999

1325
R-1954-3284

Martin State Airport Restriction

Middle River Community Plan (2007)

1309

2200013928

082C2

ML IM

6 CD

1600010659
1325

1900007813

1316

1314

Pt. Bk. 0000064, Folio 0134

1311

1315

1959-4605-X

P.O.B. 204

SE 2 PULASKI HWY

Pt. Bk./Folio # 062129

9977

MOHRS LN
MOHRS LN

MOHRS LN

Lot # 2
PDM # 150435

2200005183
2011-0189-A
1954-2847-X

BR IM

Lot # 3

1994-0058-A
2012-0152-A

Pt. Bk./Folio # 068024

2200005184

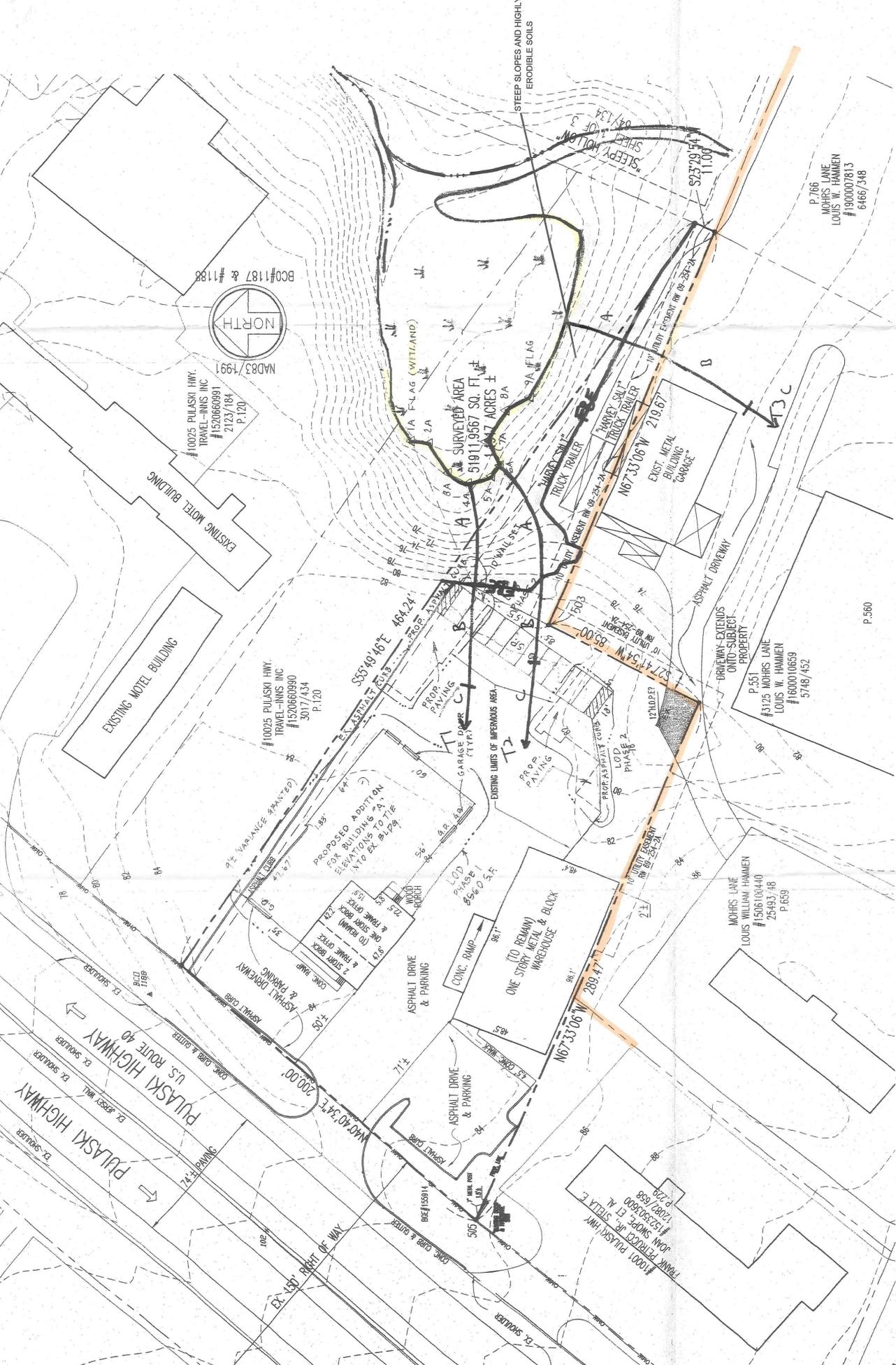
Pt. Bk. 0000068, Folio 0024

2005-0096 XA

ZONING MAP HARVEY SALT
#1323-1325 Mohrs Lane

9955

Slope	Transect T1		Transect T2		Transect T3	
	Value	Score	Value	Score	Value	Score
Slope	40%	10	1%	0	1%	0
Slope Length	>200'	10	200'	10	200'	10
SEI	H/L	10	Low	0	Low	0
Cover	None	10	Spad	0	None	10
Std. Delivery	0.5	10	SD	10	100'	5
TOTAL	50	50	20	20	100'	35



FOREST CONSERVATION WORKSHEET
Project: Crest Lock Date: April 29, 2013

I. BASIC SITE DATA		Area
1. Gross Site Area		1.2
2. Area Within 100 Year Floodplain		
3. Area in Overhead Transmission Line Easement/Other Property		
4. Net Tract Area		1.2
5. Land Use Category		ML-IM
II. INFORMATION FOR CALCULATIONS		
A. Net Tract Area		1.2
B. Forest Conservation Threshold (Percentage)	0.15	0.2
C. Afforestation Threshold (Percentage)	0.15	0.2
D. Existing Forest on NTA		0.0
E. Existing Forest above Forest Conservation Threshold		0.0
F. Break-Even Point		-
G. Forest to be Cleared or Retained Outside FCE		0.0
H. Forest to be Retained in FCE		0.0
AFFORESTATION CALCULATIONS		
A. Net Tract Area		1.2
B. Afforestation Threshold		0.2
C. Existing Forest on Net Tract Area		0.0
D. Afforestation Required		0.2
E. Forest Areas to be Cleared		0.0
F. Forest to be Retained		0.0
G. Retention for Clearing Below Threshold		0.0
H. Retention for Clearing Below Threshold		0.2

- NOTES:**
- No rare, threatened, or endangered species were observed on the property.
 - Surrounding land use is residential and rural.
 - No wetlands, streams or forest are present on the subject property but buffers from wetlands on the adjacent do extend onto the subject property.
 - No forest clearing is required for the proposed development, as such Forest Conservation Act requirements of the project. No forest is present on the site.
 - The Forest Conservation Act requirements have been calculated to be 0.2 acres of afforestation. This obligation can be met by payment of the fee-in-lieu fund of Baltimore County or through the purchase of forest retention credit in a County approved Forest Conservation (Retention) Bank.
 - Future development of the site will not require additional compliance with the Forest Conservation Act requirements as these will have been addressed by meeting the afforestation obligation for the entire project site.

STEEP SLOPE AND ERODIBLE SOILS ANALYSIS,
SIMPLIFIED FOREST STAND DELINEATION, &
FOREST CONSERVATION PLAN

#10015 PULASKI HIGHWAY
MAP-82 GRID-17 PARCEL-122
TAX ACCOUNT #2200007364
DEED REFERENCE: 28137/12
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

OWNER: CSS, CREST, LLC
CHRIS SEPAREK
10015 PULASKI HIGHWAY
BALTIMORE MD 21220
(410) 256-7803

DRAWN: [Signature]
CHECK'D: [Signature]
SURVEY'D: DTW, J.K.
JOB NUMBER: 10043
DATE: 4/29/2013
SCALE: 1"=30'

NSI DWR Qualified Professional
LSCOE Wetland Delimitation
Certification # 10020000018412
[Signature]
Mark P. Cramer

Eco-Science
Professionals, Inc.
Consulting Engineers
10015 Pulaski Hwy, Suite 101
Towson, MD 21286
Tel: 410-256-7803 Fax: 410-256-7804

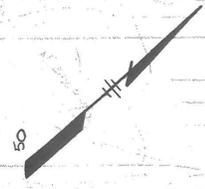
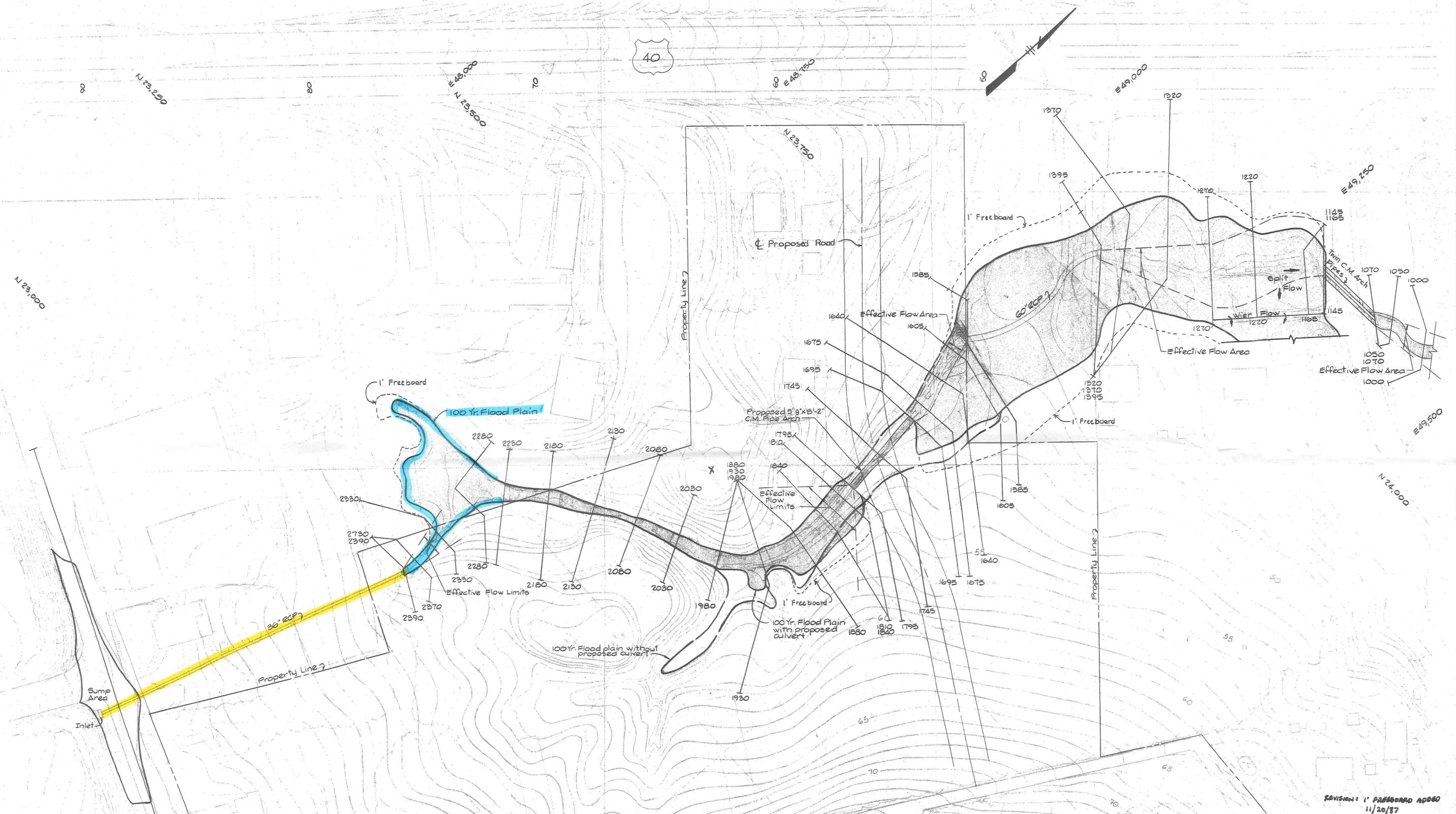
SITERITE
SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-628-9060





WHITMAN, REQUARDT AND ASSOCIATES
 ENGINEERS
 2315 SAINT PAUL STREET
 BALTIMORE, MARYLAND 21218
 Kenneth A. McCord P.E. No. 1974

REVISION: 1' FREEBOARD ADDED
 11/20/87
**SLEEPY HOLLOW
 FLOOD PLAIN STUDY**
East Side Stream
 Cross Sections Plan
 Scale: 1"=50'
 Date: Sept. 23, 1987 Sheet 26 of 97



WHITMAN, REQUARDT AND ASSOCIATES
 ENGINEERS
 2313 SAINT PAUL STREET
 BALTIMORE, MARYLAND 21218

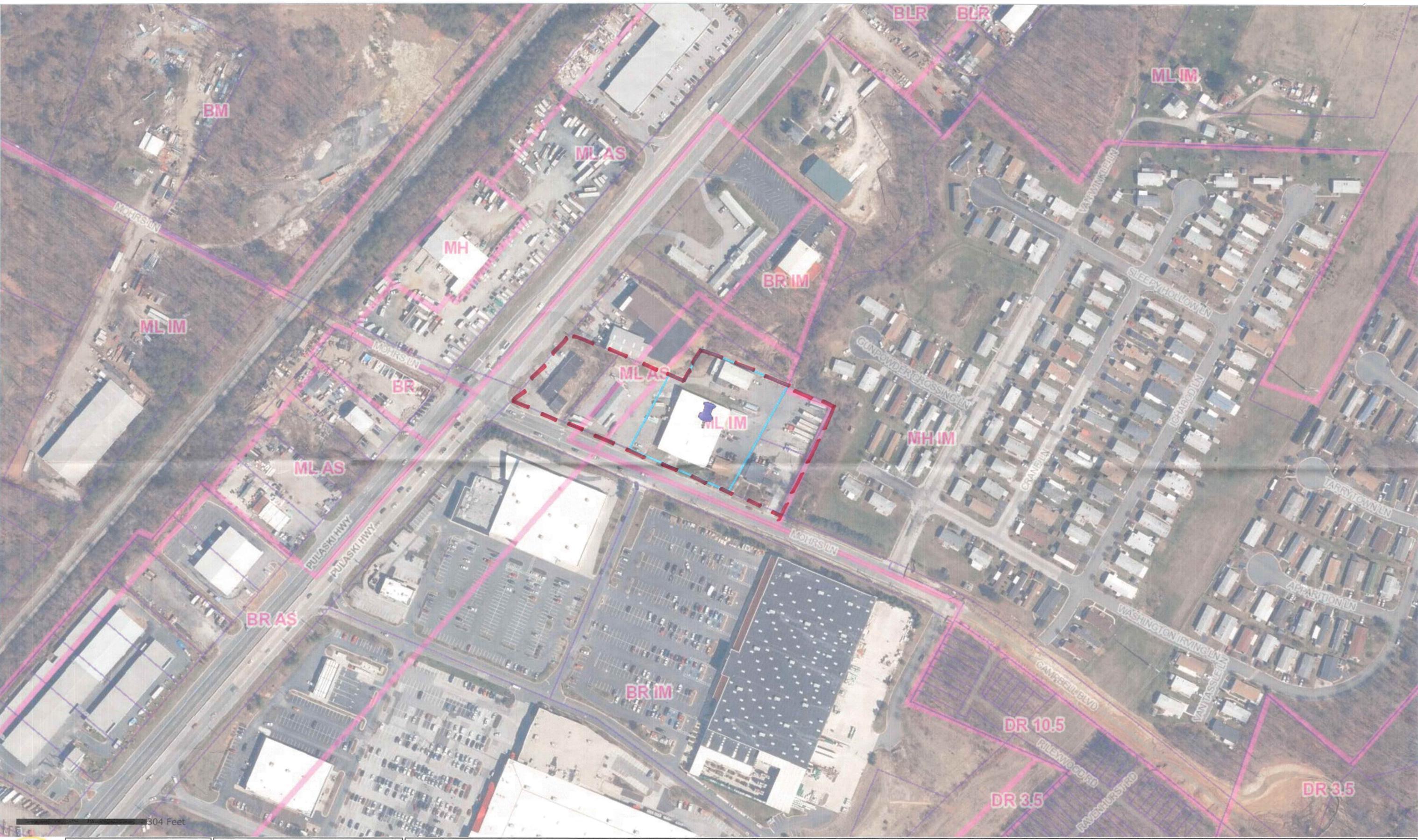
Kenneth A. McCord P.E. No. 1974

SLEEPY HOLLOW
FLOOD PLAIN STUDY
 West Side Stream
 Cross Section Plan

Date: Sept. 23, 1987
 Scale: 1"=50'
 Sheet 97 of 97

REVISION: 1' FREEBOARD ADDED
 11/20/87

Pct. #13



304 Feet



My Neighborhood Map

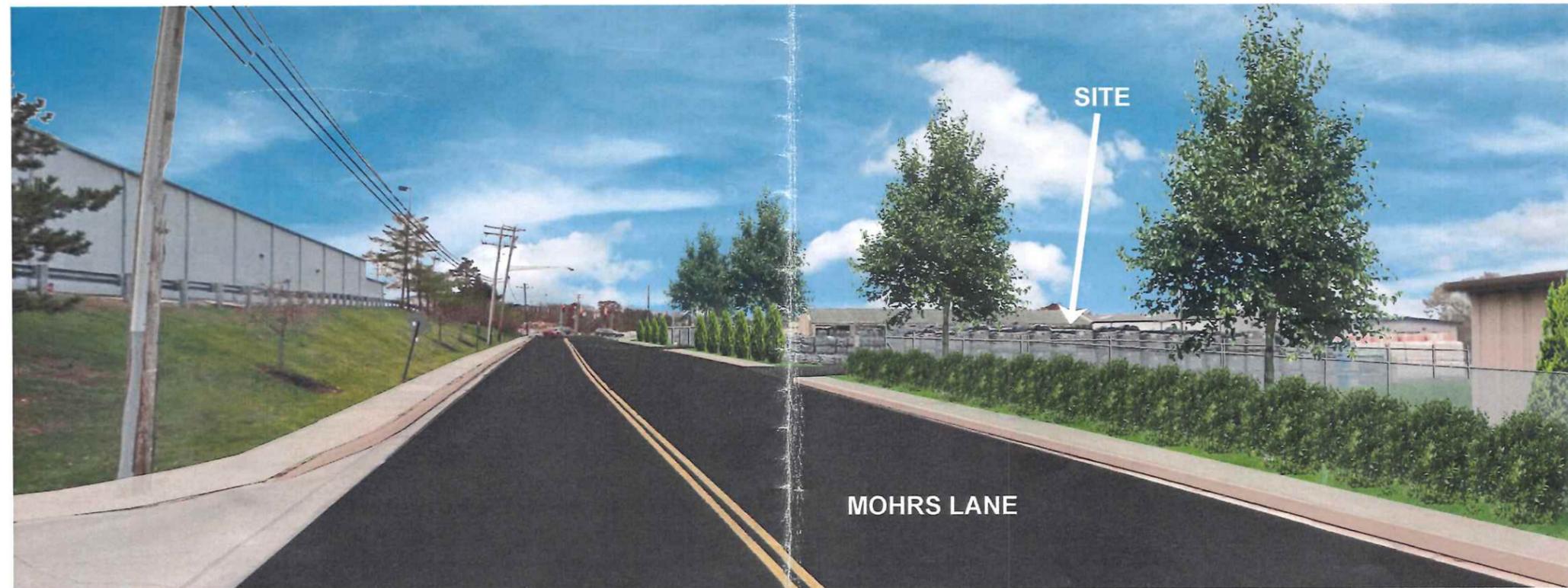
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Baltimore County
My Neighborhood



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Printed 5/22/2017

Pt. #12



FUTURE CHANNELIZED ENTRANCE @ PULASKI HIGHWAY

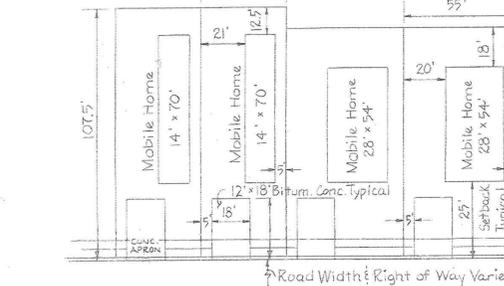
- Owner to widen the entrance and install SHA Type "A" Concrete Curb and Gutter offset 15' from the traveled edge with 10:1 taper @ ends.
- Owner to construct a right-turn, right-turn-out concrete median according to State Specifications.
- This proposed entrance will not be constructed until such time as the nearby opening in the Pulaski Highway jersey barrier is closed and a new opening is constructed at Reames Road.
- The number of dwellings being served by Mohr's Lane will be restricted to 200 (including the existing residences on Mohr's Lane) until this entrance is constructed.
- The seven lots closest to this proposed entrance likewise shall not be constructed until the aforementioned median break is relocated. A jersey barrier barricade shall be installed as shown to prevent any access between the trailer park and Pulaski Highway until this entrance is constructed.

Developer to be responsible for any traffic signal changes necessary.

Developer to widen and rehabilitate Mohr's Lane to 24' from his property to Pulaski Highway.

Developer to relocate Fire Hydrant in the shaded area north of existing 50' R.O.W. beginning here.

Fire Flow Test Location: Mohr's Lane 127 Hyd. E/O Pulaski Hwy. Date: 11/26/84 Pressure: Static 101 Residual 54 Flow: 2220 GPM



CIVIL ENGINEER
301-235-3450
WHITMAN, REQUARDT AND ASSOCIATES
2315 SAINT PAUL STREET
BALTIMORE, MARYLAND 21218
KENNETH A. McCORD P.E.



REVISIONS

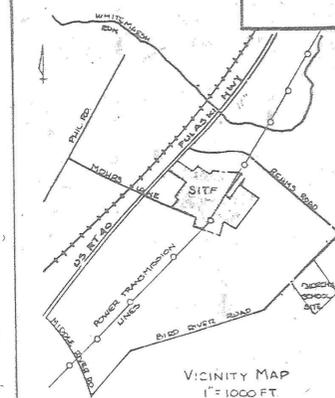
Development Name & Owners Name Changed to Bonnie Brook, Updated Zoning History	8-7-86
Drawing Revised Incorporating Comments of CRG of 7-10-86	7-15-86
Drawing Revised Incorporating Comments of Pre-CRG of 6-30-86	7-1-86
Drawing Revised Incorporating Comments of CRG of 4-24-86	6-9-86
Drawing Revised Incorporating Comments of Pre-CRG	4-8-86

(15) SOIL TYPES: LIMITATIONS FOR DEVELOPMENT

SOIL	SUITABILITY AS A SOURCE OF:		SOIL FEATURES AFFECTING:					
	TOPSOIL	SAND AND GRAVEL	ROAD CONSTRUCTION	RESERVOIR	POND	EMBANKMENT	DRAINAGE	GRASSED WATERWAYS
CHRISTIANA: CMB, CMC2	FAIR TO 7" DEEP	UNSUITABLE	CUTS AND FILLS NEEDED; SLOPES UNSTABLE & HARD TO VEGETATE; PLASTIC MATERIALS	PLASTIC; SLOWLY PERMEABLE MATERIALS	POOR STABILITY; POOR CAPACITY; HIGH COMPRESSIBILITY; GOOD RESISTANCE TO PIPING	NOT NEEDED; WELL DRAINED	PLASTIC MATERIALS; DIFFICULT TO VEGETATE	PLASTIC MATERIALS; TRENCHES SUBJECT TO GIVING WHEN WET.
LOAMY AND CLAYEY SAND, LYB, LTD.	FAIR ABOVE CLAY LAYER	UNSUITABLE	CUT SLOPES UNSTABLE & HARD TO VEGETATE; PLASTIC MATERIALS	N/A	N/A	NOT NEEDED; WELL DRAINED	PLASTIC MATERIALS; DIFFICULT TO VEGETATE	PLASTIC MATERIALS; TRENCHES WILL GIVE WHEN WET.
FALLSINGTON FA, FS.	FAIR	SAND - FAIR BELOW 30"; GRAVEL UNSUITABLE	SEASONAL HIGH WATER TABLE; FROST ACTION	N/A	N/A	SEASONAL HIGH WATER TABLE; MODERATE PERMEABILITY; RUNNING SAND IN SUBSTRUCTURE.	SEASONAL HIGH WATER TABLE; MODERATE TO HIGH MOISTURE HOLDING CAPACITY.	SEASONAL HIGH WATER TABLE; TRENCHES SUBJECT TO GIVING.

ZONING NOTE 9
414.2 - An area of not less than 3,000 square feet shall be allocated to each trailer, which must be connected to sewer, water, and electricity. (B.C.Z.R., 1955.)
414.5 - There shall be a space of not less than 25 feet between each trailer and also a space of not less than 25 feet between any trailer and any service building or structure used in connection with such park. (B.C.Z.R., 1955.)

ZONING HISTORY
(as appeared on CRG PLAN)
82-50-XA
8/27/81 Hearing for Special Exception for trailer park
11/12/81 Order for Special Exception GRANTED with restrictions; Order for Variance GRANTED by Deputy Zoning Commissioner
1/16/84 Special Hearing for utilization of Special Exception to be extended for three (3) years from 1/12/83
1/19/84 Ordered by Zoning Commissioner that Special Hearing be GRANTED
2/17/84 Appealed by People's Counsel \$89.00 paid
4/3/84 Pursuant to People's Counsel filing a Motion for Dismissal, Board of Appeals hereby DISMISSED this case's appeal
85-359-SPH
2/27/85 Accepted for filing Special Hearing for an amendment to the site plan in Special Exception Case No. 82-50-XA and 84-126-SPH to change the layout of the trailer park and amend the restrictions.
6/12/85 Hearing held
9/13/85 Continuation requested by David M. Lyon, Attorney for Owner
11/12/86 Expiration date of the extension granted to special exception 82-50-XA.
8/6/86 Amended Petition for Special Hearing (85-359-SPH) withdrawn by Petitioner without prejudice.



ZONING NOTES
SPECIAL EXCEPTION 82-50-XA
LIST OF RESTRICTIONS:

- COMPLIANCE WITH THE COMMENTS SUBMITTED BY THE MARYLAND DEPARTMENT OF TRANSPORTATION, DATED JULY 16, 1981. THE PETITIONERS SHALL INSTALL THE "FULLY CHANNELIZED ENTRANCE AS AN ALTERNATE TO EMERGENCY ACCESS" AND PERMANENTLY CLOSE THE "EMERGENCY ACCESS FOR MOBILE HOMES" IF REQUESTED AT A LATER DATE.
- THE KEY TO THE EMERGENCY ACCESS GATES SHALL BE THE RESPONSIBILITY OF THE OWNERS AND/OR MANAGERS OF THE TRAILER PARK. N/A
- THE ZONING LINES SHALL BE INDICATED ON THE SITE PLAN.
- N/A (PUTTING GREEN AND GARDENS).
- N/A (TEE-TURN AROUNDS).
- NOTE NO. 11 ON THE SITE PLAN SHALL BE REVISED TO READ: "THE ACCURACY OF THIS PLAN IS THE SAME AS THAT ACCURACY REQUIRED FOR A PRELIMINARY PLAN OF SUBDIVISION. ANY CHANGES MADE IN THIS MOBILE PARK DESIGN DURING THE SUBDIVISION/DEVELOPMENT APPROVAL PROCESS SHALL BE REVIEWED BY THE ZONING OFFICE TO INSURE THAT SUCH CHANGES ARE MINOR AND IN THE SPIRIT OF THE SPECIAL EXCEPTION GRANTED."
- THE "EXISTING HOUSE" SHOWN ON PETITIONERS' EXHIBIT 2 AND LOCATED APPROXIMATELY 50 FEET FROM MOHR'S LANE SHALL NOT BE USED AS A SERVICE BUILDING.
- THE STORAGE AREA FOR RECREATIONAL VEHICLES SHALL BE SET BACK A MINIMUM OF 80 FEET FROM THE PROPERTY LINE AND SHALL BE SCREENED BY SHRUBBERY (PRIVET HEDGE).
- COMPLIANCE WITH SECTION 414 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
- A REVISED SITE PLAN, INCORPORATING THE ABOVE RESTRICTIONS, SHALL BE SUBMITTED FOR APPROVAL BY THE MARYLAND DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF PUBLIC WORKS, AND THE OFFICE OF PLANNING AND ZONING, INCLUDING LANDSCAPING AND SCREENING REQUIRED FOR APPROVAL BY THE CURRENT PLANNING AND DEVELOPMENT DIVISION.

CRG CHECKLIST NOTES

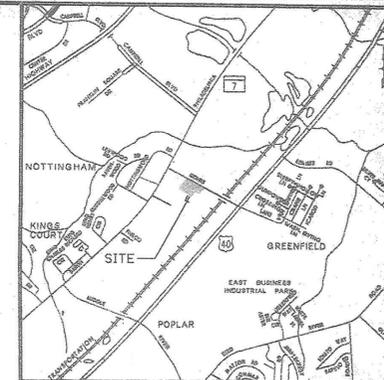
- ELECTION DISTRICT 15 (5) COUNCILMANIC DISTRICT 6
- CENSUS TRACT 4517-01
- WATERSHED 6; SUBSEWERHED 16
- SITE ACREAGE: GROSS = 47.943 NET = 47.872
COMMON OPEN SPACE: REQUIRED - NONE; PROPOSED - 8.81 ACRES
△ = 18.4% OF GROSS AREA; (30) TO BE MAINTAINED BY OWNER
PARKING: REQUIRED - 2 PER UNIT; NO DWELLING UNITS - 129; UNITS ALLOWED: 336 (23.2 Ac. = .069 AC./D.U.); AVERAGE LOT SIZE = 4828 SQ. FT. △
4.3 UNITS/GROSS ACRE; TYPICAL LOT LAYOUT: SEE DIAGRAM
LANDSCAPE PLANTING REQUIRED AND PROPOSED: 198 TREES TO BE PLANTED AS PER BALTIMORE COUNTY LANDSCAPE MANUAL FOR RESIDENTIAL AREAS - ONE TREE PER DWELLING UNIT.
FLOOR AREA RATIO IN MH ZONE: MAX. = 3.0; PROPOSED = 0.13
- REFERENCE DRAWINGS: WATER - 66-046-3 SEWER 61-1021-1
- ALL EXISTING WOODED AREA TO BE REMOVED EXCEPT IN OPEN SPACE AS NOTED.
- PROPOSED ADDITIONAL ADT'S ON MOHR'S LANE: 1500
PROPOSED ADT'S ON PULASKI HIGHWAY ENTRANCE: 133
- STORMWATER MANAGEMENT PROPOSAL:
STORMWATER MANAGEMENT DETENTION PONDS TO INFILTRATE RUNOFF FROM FIRST INCH OF STORM AND RELEASE 2 AND 10 YEAR STORM RUNOFF AT PREDEVELOPMENT RATES OF 60 AND 135 CFS, RESPECTIVELY.
EXISTING SOILS INCAPABLE OF GREATER INFILTRATION CAPACITIES.
- PROJECT AREA OUTSIDE OF WETLANDS AND CRITICAL AREAS
- PROJECT AREA ENCOMPASSES NO KNOWN ARCHEOLOGICAL SITES OR ENDANGERED SPECIES HABITATS.
- HAZARDOUS MATERIALS ARE NOT KNOWN TO HAVE BEEN DEPOSITED ON OR WITHIN A QUARTER MILE OF THE PROJECT AREA.

GENERAL NOTES

- ALL PROPOSED ON-SITE ROADS, SEWERS, STORM DRAINS AND WATER LINES SHALL BE PRIVATELY OWNED AND MAINTAINED.
- ALL 198 LOTS ARE FOR RENTAL.
- ALL GRADING OF EXISTING SOILS SHALL BE DONE UNDER OPTIMUM MOISTURE CONDITIONS
- DEVELOPER SHALL BACKFILL ALL EXISTING WELLS AND SEPTIC SYSTEMS ON THIS PROPERTY.
- THE ZONING OF THIS PROPERTY IS M.H.

PLAN TO ACCOMPANY THE PETITION FOR A ZONING HEARING AND CRG PLAN FOR THE BONNIE BROOK MOBILE HOME PARK FORMERLY KNOWN AS PULASKI MOBILE HOME PARK

SCALE 1" = 100'
DATE 3/4/86
DRAWN BY J.W.
PLANNING NO. 1
PUBLIC SERVICES C.R.G. NO. 86071



VICINITY MAP
1"=2000'

MOHRS LANE

60' R/W

BR-IM ZONING
ML-IM ZONING

EX. 12" N 66-046



1. APPLICANT: HARVEY SALT COMPANY
1325 MOHRS LANE
BALTIMORE, MD 21220
2. SITE AREA: GROSS - 2.41 AC.-/-
NET - 2.26 AC.-/-
3. EXISTING ZONING: ML-IM
4. PROPOSED ZONING: NO CHANGE
5. ADDRESS OF SITE: 1325 MOHRS LANE
6. TAX MAP 82, GRID 17, PARCEL 488,551,560,766
7. DEED REFERENCE: 5746/452, 7870/249, 6466/348
8. ELECTION DISTRICT: 15TH
9. COUNCILMANIC DISTRICT: 5TH
10. CENSUS TRACT: 4111.02
11. WATERSHED: 2
12. SUBWATERSHED: 24
13. PROPERTY ACCOUNT No.: 1900007815, 1600010654, 1516850490
14. EXISTING USE: OFFICE & WAREHOUSE
15. PROPOSED USE: OFFICE & WAREHOUSE
16. BUILDING AREAS: 19,545 SF (EX. BUILDINGS)
3000 SF (PROP. WAREHOUSE)
17. HEIGHT OF BUILDING: 25'-/-
18. FLOOR AREA RATIO: 0.21
19. NO HAZARDOUS MATERIALS ARE KNOWN TO EXIST ON-SITE
20. NO CRITICAL AREAS ARE ON SITE
21. OUTDOOR LIGHTING SHALL BE DIRECTED AWAY FROM ADJACENT PROPERTIES.
22. ADTS: 4676 SF OFFICE @ 17.1 = 83
17,664 SF WAREHOUSE @ 5.46 = 41
TOTAL 124
23. PARKING COMPUTATION:
REQUIRED:
OFFICE: 4676 SF @ 9.5/1000 SF=16 SPACES
WAREHOUSE: 1/EMPLOYEE = 4 SPACES
RESIDENCE: 2 SPACES
TOTAL REQUIRED = 22 SPACES
PROVIDED - 25
24. BUILDING SETBACK REQUIREMENTS: REQUIRED PROVIDED
FRONT: 25 NA
SIDE: 50 50
REAR: 50 50
25. UTILITIES: SEWER: PUBLIC SEWER SYSTEM.
WATER: PUBLIC WATER SYSTEM
26. PREVIOUS BUILDING PERMITS: NONE ON FILE
27. DRC APPROVAL: DRC NO. 102841 AN AT LIMITED EXEMPTION ON NOVEMBER 1, 1999.
28. PREVIOUS ZONING CASE: NONE

Richardson Engineering, LLC

730 W. Padonia Road
Cockeysville, Maryland 21030
Phone: 410-560-1502 Fax: 410-560-0827

SITE PLAN TO
ACCOMPANY BUILDING PERMIT
HARVEY SALT CO.

1325 MOHRS LANE
BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY	DESIGNED BY	SCALE
	JRG	PCR	1"=20'
	DATE	JOB NO.	SHEET NO.
	11/5/99	99018	1 OF 1

PLANTING SPECIFICATIONS AND NOTES

- LANDSCAPE DRAWINGS ARE FOR LANDSCAPING INFORMATION ONLY. REFER TO SITE PLAN, UTILITY PLAN, SEDIMENT AND EROSION CONTROL PLANS FOR ALL OTHER INFORMATION. THE CONTRACTOR SHALL REVIEW ARCHITECTURAL/ENGINEERING PLANS TO BECOME THOROUGHLY FAMILIAR WITH GRADING AND SURFACE UTILITIES.
- COORDINATE PLANT MATERIAL LOCATION WITH SITE UTILITIES. UTILITY LOCATIONS ARE APPROXIMATE. EXERCISE CARE WHEN DIGGING IN THESE AREAS. THE CONTRACTOR IS ADVISED OF THE EXISTENCE OF UNDERGROUND UTILITIES ON THE SITE. THEIR EXACT LOCATION SHALL BE VERIFIED IN THE FIELD WITH THE OWNER OR GENERAL CONTRACTOR PRIOR TO THE COMMENCEMENT OF ANY DIGGING OPERATIONS. IN THE EVENT THEY ARE UNCOVERED, THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ALL DAMAGE TO UTILITIES AND SUCH DAMAGE SHALL NOT RESULT IN ANY ADDITIONAL EXPENSES TO THE OWNER. IF UTILITY LINES ARE ENCOUNTERED IN EXCAVATION OF TREE PITS, OTHER LOCATIONS FOR TREES SHALL BE MADE BY THE CONTRACTOR WITHOUT ADDITIONAL COMPENSATION. NO CHANGES OF LOCATION SHALL BE MADE WITHOUT APPROVAL OF THE OWNER OR LANDSCAPE ARCHITECT.
- ALL EQUIPMENT AND TOOLS SHALL BE PLACED SO AS NOT TO INTERFERE OR HINDER THE PEDESTRIAN AND VEHICULAR TRAFFIC FLOW.
- THE CONTRACTOR SHALL COORDINATE WITH LIGHTING AND IRRIGATION CONTRACTORS REGARDING TIMING OF INSTALLATION OF PLANT MATERIAL. LANDSCAPE IRRIGATION TO BE DESIGNED AND INSTALLED BY CONTRACTOR IF REQUESTED BY THE OWNER.
- THE CONTRACTOR SHALL INSURE THAT HIS WORK DOES NOT INTERRUPT ESTABLISHED OR PROJECTED DRAINAGE PATTERNS.
- THE CONTRACTOR SHALL INSURE ADEQUATE DRAINAGE IN ALL PLANT BEDS AND PLANTERS. MAINTAIN POSITIVE DRAINAGE OUT OF PLANTING BEDS AT A MINIMUM 2% SLOPE. ALL GRADES, DIMENSIONS, AND EXISTING CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR ON SITE BEFORE CONSTRUCTION BEGINS. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT OR OWNER.
- EVERY POSSIBLE SAFEGUARD SHALL BE TAKEN TO PROTECT BUILDING SURFACES, EQUIPMENT, AND FURNISHING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE OR INJURY TO PERSON OR PROPERTY WHICH MAY OCCUR AS A RESULT OF HIS NEGLIGENCE IN THE EXECUTION OF THE WORK.
- THE GENERAL CONTRACTOR IS REQUIRED TO MAKE SURE THAT ANY SOIL STABILIZATION MATERIALS/CONSTRUCTION DEBRIS ETC. IS REMOVED FROM THE LANDSCAPE AREAS PRIOR TO PLANTING.
- THE CONTRACTOR SHALL STAKE ALL MATERIAL LOCATED ON THE SITE FOR REVIEW AND/OR ADJUSTMENT BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING. ALL LOCATIONS ARE TO BE APPROVED BY THE LANDSCAPE ARCHITECT BEFORE EXCAVATION.
- PLANTS SHALL CONFORM TO CURRENT AMERICAN STANDARDS FOR NURSERY STOCK BY LATEST EDITION OF ANSI Z60.1, PARTICULARLY WITH REGARD TO SIZE, GROWTH, SIZE OF BALL, AND DENSITY OF BRANCH STRUCTURE. ALL PLANTS (B&B OR CONTAINER) SHALL BE PROPERLY IDENTIFIED BY WEATHER-PROOF LABELS SECURELY ATTACHED THERETO BEFORE DELIVERY TO PROJECT SITE. LABELS SHALL IDENTIFY PLANTS BY NAME, SPECIES, AND SIZE. LABELS SHALL NOT BE REMOVED UNTIL THE FINAL INSPECTION BY THE LANDSCAPE ARCHITECT OR AGENT IN CHARGE. PLANT MATERIAL SHALL BE TAGGED AT THE SOURCE BY THE LANDSCAPE ARCHITECT UNLESS THIS REQUIREMENT IS SPECIFICALLY WAIVED. NO SUBSTITUTIONS SHALL BE MADE WITHOUT WRITTEN CONSENT OF THE OWNER OR LANDSCAPE ARCHITECT. ALL PLANT MATERIAL SHALL BE BALLED AND BURLAPPED (B&B) OR CONTAINER GROWN UNLESS OTHERWISE NOTED. ALL PLANT MATERIALS SHALL BE FULL HEAVY SPECIMENS. PLANTS SHALL BE HIGH QUALITY NURSERY GROWN AND SHALL BE HEALTHY AND VIGOROUS, TYPICAL OF THEIR SPECIES AND VARIETY, AND HAVE WELL-DEVELOPED BRANCHES, DENSELY FOLIATED, AND VIGOROUS ROOT SYSTEMS.
- TREES SHALL BE FRESHLY DUG AND NURSERY GROWN. THEY SHALL HAVE BEEN GROWN UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE IN THE LOCALITY OF THE PROJECT OR PROPERLY ACCLIMATED TO CONDITIONS OF THE LOCALITY OF THE PROJECT.
- TREES SHALL BE FREE FROM DEFECTS AND INJURIES AND CERTIFIED BY APPROPRIATE FEDERAL AND STATE AUTHORITIES TO BE FREE OF DISEASES AND INSECT INFESTATIONS.
- PLANT MATERIAL AVAILABILITY MAY VARY AT THE TIME OF CONSTRUCTION. ANY SUBSTITUTIONS ARE TO BE OF EQUIVALENT SPECIES, QUANTITY, SIZE AND LOCATION. SIZE SUBSTITUTIONS MUST BE THE SAME SIZE (OR LARGER), AND MUST BE APPROVED BY LANDSCAPE ARCHITECT BEFORE INSTALLATION.
- QUANTITIES OF TREES, EVERGREENS, SHRUBS AND GROUNDCOVER NOTED ON THE PLANT LIST ARE BASED UPON THE GRAPHIC SYMBOLS SHOWN ON THE DRAWINGS. IF THERE IS A DISCREPANCY BETWEEN GRAPHIC SYMBOLS AND QUANTITIES SHOWN IN THE PLANT LIST, THE GREATER QUANTITY SHALL APPLY. CONTACT OWNER'S REPRESENTATIVE IF A DISCREPANCY IS FOUND BETWEEN THE QUANTITIES NOTED IN THE PLANT LIST AND THE SYMBOL COUNT OF PLANT MATERIALS SHOWN ON THE DRAWINGS.
- THE LANDSCAPE ARCHITECT OR OWNER SHALL HAVE THE RIGHT, AT ANY STAGE OF THE OPERATIONS, TO REJECT ANY AND ALL WORK AND MATERIAL WHICH, IN HIS OPINION, DOES NOT MEET THE REQUIREMENTS OF THESE PLANS AND SPECIFICATIONS. ALL REJECTED MATERIALS SHALL BE REMOVED FROM THE SITE BY THE CONTRACTOR.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR STABILITY AND CONDITIONS OF ALL TREES AND SHRUBS AND SHALL BE LEGALLY LIABLE FOR ANY DAMAGE CAUSED BY INSTABILITY OF ANY PLANT MATERIALS. TREE STAKES SHALL BE SET AT LEAST TWO FEET (2') INTO THE GROUND. TREE STAKING AND GUYING SHALL BE DONE PER DETAILS. CONTRACTOR SHALL ENSURE THAT TREES REMAIN PLUMB AND UPRIGHT FOR THE DURATION OF THE GUARANTEE PERIOD.
- ALL PLANT MATERIAL SHALL BE GUARANTEED BY THE PROPERTY OWNER OR INSTALLER FOR 12 MONTHS AFTER FINAL INSPECTION AND ACCEPTANCE OF THE WORK. PLANTS SHALL BE ALIVE AND IN SATISFACTORY GROWING CONDITION AT THE END OF THE GUARANTEE PERIOD. THE PLANT MATERIAL SHALL BE GUARANTEED AGAINST DEFECTS, UNSATISFACTORY GROWTH, DISEASE OR DEATH, UNSATISFACTORY, UNHEALTHY, DYING OR DEAD PLANT MATERIAL (ON THE OPINION OF THE LANDSCAPE ARCHITECT) SHALL BE REPLACED WITH THE SAME SIZE AND SPECIES. IT SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO ADEQUATELY AND PROPERLY MAINTAIN THE LANDSCAPED AREAS, WHICH SHALL INCLUDE MOWING OF TURF, WATERING, MULCHING, FERTILIZING, CLEANING OF WEEDS AND DEBRIS, PRUNING AND TRIMMING, REPLACEMENT OF DEAD OR DISEASED PLANTINGS, AND ANY OTHER CARE NECESSARY TO MAINTAIN HEALTHY GROWTH FOR THE WARRANTY PERIOD. THEREAFTER, THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTAINING ALL PLANT MATERIAL IN A HEALTHY CONDITION AT ALL TIMES. DEAD OR DISEASED PLANTS MAY BE REMOVED BUT SHALL BE REPLACED WITH NEW MATERIAL BY THE OWNER WITHIN ONE GROWING SEASON. THE CONTRACTOR MUST BE ABLE TO PROVIDE CONTINUED MAINTENANCE IF REQUESTED BY THE OWNER.
- UPON COMPLETION OF ALL LANDSCAPING, AN ACCEPTANCE OF THE WORK SHALL BE HELD. THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OR OWNER FOR SCHEDULING THE INSPECTION AT LEAST SEVEN (7) DAYS PRIOR TO THE ANTICIPATED INSPECTION DATE.
- UPON FINAL ACCEPTANCE IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REMOVE ALL GUYS AND STAKING.
- THE CONTRACTOR IS RESPONSIBLE FOR TESTING PROJECT SOILS. THE CONTRACTOR IS TO PROVIDE A CERTIFIED SOILS REPORT TO THE OWNER. THE CONTRACTOR SHALL VERIFY THAT THE SOILS ON SITE ARE ACCEPTABLE FOR THE PROPER GROWTH OF THE PROPOSED PLANT MATERIAL. SHOULD THE CONTRACTOR FIND POOR SOIL CONDITIONS, THE CONTRACTOR SHALL BE REQUIRED TO PROVIDE SOIL AMENDMENTS AS NECESSARY. THESE AMENDMENTS SHALL INCLUDE, BUT NOT BE LIMITED TO, FERTILIZERS, LIME, AND TOPSOIL. PROPER PLANTING SOILS MUST BE VERIFIED PRIOR TO PLANTING OF MATERIALS. SOIL PH AND FERTILITY SHALL BE BETWEEN 6.0 AND 7.0.
 - ORGANIC MATTER CONTENT: COMPOST SHALL BE ADDED TO TOPSOIL IN A 70:30 RATIO OF TOPSOIL TO COMPOST.
 - SOIL COMPACTION: OPTIMAL IS <1.65g/CUBIC CM.
- THE CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL RUBBISH, TRASH, DEBRIS, AND ORGANIC MATERIAL IN A LAWFUL MANNER. THE CONTRACTOR SHALL DISPOSE OF STUMPS AND MAJOR ROOTS OF ALL PLANTS TO BE REMOVED. ANY DEPRESSIONS CAUSED BY REMOVAL OPERATIONS SHALL BE FILLED WITH FERTILE, FRIABLE SOIL PLACED AND COMPACTED SO AS TO REESTABLISH PROPER GRADE FOR NEW PLANTING AND/OR LAWN AREAS.
- ALL PROPOSED TREES TO BE INSTALLED EITHER ENTIRELY IN OR ENTIRELY OUT OF PLANTING BEDS. PLANTING BED LINES ARE NOT TO BE OBSTRUCTED. ALL SHRUBS AND GROUNDCOVER AREAS SHALL BE PLANTED IN CONTINUOUS PREPARED BED AND TOP DRESSED WITH SHREDDED HARDWOOD MULCH.
- ALL TREE PITS, SHRUB BEDS, AND PREPARED PLANTING BEDS ARE TO BE COMPLETELY EXCAVATED IN ACCORDANCE WITH THE PLANTING DETAILS. CONTRACTOR SHALL DIG PLANTING PITS AND BEDS, AMEND SOIL (AS SPECIFIED), BACKFILL PLANTING AREAS, AND INSTALL PLANTS ONLY WHEN SOIL CONDITIONS ARE NOT WET, AND WHEN MIXING AND BACKFILLING WILL NOT ADVERSELY AFFECT SOIL STRUCTURE.
- CONTRACTOR SHALL SLIGHTLY ADJUST PLANT LOCATIONS IN THE FIELD AS NECESSARY TO BE CLEAR OF DRAINAGE SWALES AND UTILITIES. TREES SHALL BE LOCATED A MINIMUM OF FIVE FEET (5') FROM SEWER/WATER CONNECTIONS. CONTRACTOR SHALL BE LIABLE FOR DAMAGE TO ANY AND ALL PUBLIC AND PRIVATE UTILITIES, WATER AND SEWER LINES.
- TREES AND SHRUBS SHALL BE PLANTED DURING ACCEPTABLE PLANTING SEASONS:

SEASON	DECIDUOUS	CONTAINER	EVERGREEN	CONTAINER
SPRING	3/1-5/15	3/1-6/15	3/1-5/15	3/15-6/15
FALL	10/1-11/15	9/1-12/1	9/1-11/15	9/1-11/15
- ALL PLANT BEDS SHALL HAVE A WEED BARRIER AND BE TOP DRESSED WITH A MINIMUM 2" AND A MAXIMUM OF 3" LAYER OF MULCH WITHIN TWO DAYS AFTER PLANTING. THIS SHALL BE SHREDDED HARDWOOD BARK, AND SHALL COVER ENTIRELY THE PLANTING BED. MULCH SHALL HAVE BEEN SHREDDED WITHIN THE LAST SIX MONTHS. ALL TREES PLANTED IN TURF SHALL BE INSTALLED WITH A 3" DIAMETER HARDWOOD MULCH RING. KEEP MULCH 6" FROM TREE TRUNK. PLANTS SHALL BE WATERED TO THE POINT OF OVERFLOW OR SATURATION TWICE WITHIN 48 HOURS OF PLANTING.
- ALL PLANTING BEDS ADJACENT TO LAWN, SOD, OR SEEDED AREAS SHALL BE SPADE EGGED.
- WHERE THE CONDITION EXISTS THAT BALLED AND BURLAPPED TREES ARE DELIVERED IN WIRE BASKETS, THE WIRE BASKETS SHALL BE CUT DOWN THE SIDE OF EACH MESH AND PEELLED AWAY FROM THE ROOTBALL OR REMOVED IN ENTIRETY. NO PORTION OF THE WIRE BASKET SHALL REMAIN INTACT AROUND THE SIDES OF THE ROOTBALL OR EXTEND ABOVE FINISHED GRADE. THE CROWN OF ROOT BALL SHALL BE SET SO THAT THE TOP 1/8 OF THE ROOT BALL SITS ABOVE FINISH GRADE.
- ALL AREAS NOT COVERED BY PAVING, PLANTING BEDS, OR SPECIFIED OTHERWISE ON THE LANDSCAPE PLAN SHALL BE PLANTED WITH SOD OR AS NOTED ON THE EROSION AND SEDIMENT CONTROL PLANS. DISTURBED AREAS SHALL BE SEEDED AND STABILIZED AS PER EROSION AND SEDIMENT CONTROL PLANS. ALL AREAS TO BE SEEDED/SODDED SHALL HAVE A FOUR (4) INCH LAYER OF TOPSOIL. FOR ALL PLANTING AREAS INDICATED ON THE LANDSCAPE PLAN PLACE A TWELVE (12) INCH LAYER OF TOPSOIL. PLANTING AREAS NOT IMPACTED BY SITE GRADING SHALL HAVE NO ADDITIONAL TOPSOIL INSTALLED.
- PLANTING SOIL MIX: PLANTING MIX SHALL BE PREPARED AT APPROVED ON-SITE STAGING AREA USING APPROVED ON-SITE EXISTING SOIL. EXISTING SOIL IN BED AREAS SHALL BE AMENDED TO A DEPTH OF 12". MIX MINIMUM THE LANDSCAPE CONTRACTOR SHALL MIX TOPSOIL WITH EXISTING SURFACE SOILS TO PREVENT LAYERING. BLEND BACKFILL MIX THOROUGHLY AND UNIFORMLY. SMOOTH SURFACE WITH NO HIGH OR LOW SPOTS. NO DIRT CLODS GREATER THAN 2" IN DIAMETER. SOIL TO BE FREE OF ROCKS AND DEBRIS.
 - EXISTING SOIL IN BED AREAS SHALL BE AMENDED. MIX MINIMUM QUANTITIES OF 20 CUBIC YARDS OR SUFFICIENT MIX FOR ENTIRE JOB IF LESS THAN 20 CUBIC YARDS IS REQUIRED.
 - THOROUGHLY MIXED IN THE FOLLOWING PROPORTIONS FOR TREE AND SHRUB PLANTING MIX: 0.5 CY EXISTING SOIL; 0.2 CY SHARP SAND; 0.3 CY WOOD RESIDUALS; 4.5 LBS TREBLE SUPERPHOSPHATE; 5.0 LBS DOLOMITE LIMESTONE (ELIMINATE FOR ACID LOVING PLANTS)
 - FOR BED PLANTING, SHRUBS AND GROUNDCOVER SPACES 24 INCHES OR CLOSER, INCORPORATE THE FOLLOWING INGREDIENTS PER 20 SF AND INCORPORATE INTO TOP 8 INCHES OF EXISTING SOILS BY ROTOTILLING OR SIMILAR METHOD OF INCORPORATION: 0.2 CY SHARP SAND; 0.3 CY ORGANIC MATERIAL; 4.5 LBS TREBLE SUPERPHOSPHATE; 5.0 LBS DOLOMITE LIMESTONE (ELIMINATE FOR ACID LOVING PLANTS)
- SOD: HARVEST AND HANDLE SOD ACCORDING TO THE REQUIREMENTS OF THE TURF GRASS PRODUCERS INTERNATIONAL. GUIDELINES AND SPECIFICATIONS TO TURF GRASS SODDING AND THE ADDITIONAL REQUIREMENTS NOTED HEREIN. THE LANDSCAPE CONTRACTOR SHALL ENGAGE AN EXPERIENCED SODDING COMPANY WHICH HAS COMPLETED SODDING WORK SIMILAR IN SIZE AND INTENT TO THAT INDICATED FOR THIS PROJECT AND WITH A RECORD OF SUCCESSFUL SOD ESTABLISHMENT. THE CONTRACTOR SHALL MAINTAIN AN EXPERIENCED FULL-TIME SUPERVISOR AT THE PROJECT SITE DURING TIMES WHEN SODDING WORK IS IN PROGRESS. SODDED LAWNS WILL BE PROTECTED PROVIDED THE SOD GROWERS REQUIREMENTS INCLUDING MAINTENANCE, HAVE BEEN MET AND A HEALTHY, WELL ROOTED, EVEN COLORED, UNIFORM STAND OF GRASS IS ESTABLISHED. THE GRASS WILL BE FREE OF WEEDS, OPEN JOINTS, BARE AREAS, AND SURFACE IRREGULARITIES.
- FOR ALL PLANTING AREAS LOCATED IN STORM WATER MANAGEMENT FACILITIES CONTRACTOR SHALL INSTALL PLANTS IN PERMEABLE SOIL AND MULCHED AS SPECIFIED PER THE STORMWATER MANAGEMENT DRAWINGS. SEE STORMWATER MANAGEMENT LANDSCAPE PLANS FOR PLANT SPECIES, SIZES AND LOCATIONS.

FINAL LANDSCAPE PLAN LANDSCAPE ARCHITECT CERTIFICATION FORM

IT IS CERTIFIED THAT THIS LANDSCAPE PLAN IS IN COMPLIANCE WITH ALL PLANS PREVIOUSLY APPROVED BY BALTIMORE COUNTY AND THE BALTIMORE COUNTY COMMENTS ATTENDANT THERETO.

Matthew Bishop 02/22/2017 MATTHEW BISHOP
SIGNATURE DATE PRINT NAME

FINAL LANDSCAPE PLAN OWNER'S SIGNATURE AND CERTIFICATION FORM

OWNER'S SIGNATURE AND CERTIFICATION FORM

I CERTIFY THAT I HAVE REVIEWED THIS FINAL LANDSCAPE PLAN; THAT I AM AWARE OF THE REGULATIONS PRESENTED IN THE BALTIMORE COUNTY LANDSCAPE MANUAL; AND I AGREE TO CERTIFY THE IMPLEMENTATION OF THIS APPROVED FINAL LANDSCAPE PLAN UPON COMPLETION OF THE LANDSCAPE INSTALLATION PRIOR TO PWA CLOSEOUT IF APPLICABLE OR NOT LATER THAN ONE (1) YEAR FROM THE DATE OF APPROVAL OF THIS PLAN TO THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS, DEVELOPMENT PLANS REVIEW, ROOM 119, COUNTY OFFICE BUILDING, 1117 W. CHESAPEAKE AVENUE, TOWSON, MD 21284.

Michael B. Williams 3/23/2017 *Michael B. Williams*
APPLICANT SIGNATURE DATE PRINT NAME
TIMBERLINE PROPERTIES, LLC 1325 MOHRS LANE (410)391-9100
CORNER PROPERTIES, LLC STREET PHONE #
BALTIMORE, MARYLAND 21220
CITY STATE ZIP

PAI # PERMIT #

MAINTENANCE REQUIREMENTS

- LAWN AREAS SHALL BE MOVED TO A HEIGHT OF 2 TO 3 INCHES AND NOT ALLOWED TO REACH A HEIGHT OF 4 INCHES BEFORE MOWING.
- ALL CURBS AND WALKS SHALL BE EDGED AS NEEDED.
- ALL LAWN AREA ADJACENT TO BUILDING FACES OR STRUCTURES SHALL BE TRIMMED.
- A SLOW RELEASE NITROGEN BALANCED FERTILIZER WITH A 2-1-1 RATIO SHALL BE APPLIED AT A RATE OF 2 POUNDS OF NITROGEN PER 1000 SQUARE FEET IN SEPTEMBER, OCTOBER, AND FEBRUARY.
- LIME SHALL BE APPLIED AT THE RATE DETERMINED BY SOILS REPORT.
- IT IS RECOMMENDED THAT LAWN AREAS BE TREATED IN MID-MARCH TO EARLY APRIL WITH PRE-EMERGENT HERBICIDE (GETAX) OR EQUAL APPLIED AT MANUFACTURER'S RECOMMENDED RATE.
- A POST EMERGENT HERBICIDE (TRIMEC) OR EQUAL IS RECOMMENDED TO BE SPRAYED ON LAWN AREAS IN THE LATE SPRING OR EARLY FALL. FOLLOW MANUFACTURER'S RATES AND RECOMMENDATIONS.
- INSECTICIDES AND FUNGICIDES ARE RECOMMENDED FOR INSECT AND DISEASE CONTROL.
- RESSEED BARE AREAS OF LAWN AS NECESSARY. YEARLY AERATION IS RECOMMENDED.
- ALL TRASH, LITTER, AND DEBRIS SHALL BE REMOVED FROM LAWN AREAS, PARKING LOTS, AND SHRUB BEDS AS NEEDED.
- MULCH ALL SHRUB AND GROUND COVER BEDS YEARLY WITH 3 INCHES OF SHREDDED HARDWOOD BARK.
- PERMIT SHRUBS AND TREES TO GROW AND ENLARGE TO THEIR DESIGN SIZE. CONSULT PROJECT LANDSCAPE ARCHITECT FOR DETAILS.
- PRUNE TREES IN ACCORDANCE WITH LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE-WASHINGTON METROPOLITAN AREAS.

MAINTENANCE AGREEMENT

ONE YEAR MAINTENANCE AGREEMENT

ALL PLANTS SHALL BE GUARANTEED TO REMAIN ALIVE AND HEALTHY FOR A PERIOD OF ONE FULL YEAR AFTER INITIAL ACCEPTANCE. ANY REPLACEMENT PLANTS, REQUIREMENTS, ETC. AND METHOD OF PLACING SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED HEREIN AND ON THE DRAWINGS.

THE COMPANY RESPONSIBLE FOR TREE CARE: THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE AND TREE CARE FOR A PERIOD OF ONE YEAR. SERVICES SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING:

- WATERING
 - WATERING SHALL BE PROVIDED DURING THE GROWING SEASON AS REQUIRED.
 - FIRST GROWING SEASON: ONCE PER WEEK
 - SECOND GROWING SEASON: AS NEEDED, BUT NOT LESS THAN ONCE PER MONTH DURING JULY AND AUGUST.
- REINFORCEMENT PLANTING PROVISIONS
 - A MINIMUM OF 100% OF THE TOTAL NUMBER OF TREES PLANTED PER ACRE IS REQUIRED TO SURVIVE AT THE END OF THE YEAR MAINTENANCE PERIOD.
- PROTECTION FROM DISEASE AND INJURY
 - PERIODIC INSPECTION SHALL BE MADE FOR ANY EVIDENCE OF DISEASE OR DAMAGE.

TREE PROTECTION NOTES

- TREE PROTECTION AREAS AS SHOWN ON THIS PLAN SHALL BE IDENTIFIED AS SHOWN WITH ORANGE MESH FENCE AS SPECIFIED IN DETAILS INCLUDED ON THIS PLAN (SEE DETAIL). TREE PROTECTION AREAS ARE INDICATED ON THE PLAN TO INSURE THAT TREES ARE NOT ADVERSELY IMPACTED BY THE PROPOSED DEVELOPMENT. PRIOR TO GRADING OR OTHER SOIL DISTURBANCE ACTIVITIES, THE PROJECT ENGINEER OR THE CONSTRUCTION MANAGER SHALL ORGANIZE A PRE-CONSTRUCTION MEETING. TREE PROTECTION MEASURES MAY INCLUDE ANY OF THE FOLLOWING:
 - TEMPORARY ORANGE CONSTRUCTION FENCE
 - TREE BRANCH PRUNING
 - TREE ROOT PRUNING
 - TREE FERTILIZING
 - OTHER TREE PROTECTION MEASURES LIKE TRUNK PROTECTION AND ROOT BRIDGING

- STANDARD NON-DISTURBANCE NOTES: NO EQUIPMENT, VEHICLES, MACHINERY, DUMPING, STORAGE, STOCKPILES, PARKING AREAS, EQUIPMENT CLEANING AREAS, ETC. OR OTHER CONSTRUCTION ACTIVITIES, BURIAL, BURNING, OR OTHER DISPOSAL OF CONSTRUCTION MATERIALS, MUST NOT BE LOCATED INSIDE TREE PROTECTION AREAS OR ADJACENT TO TREES TO REMAIN. ALL PRECAUTIONARY MEASURES SHALL BE TAKEN TO PROTECT THE EXISTING TREE AND ITS CRITICAL ROOT ZONE.

- SEQUENCE OF CONSTRUCTION:
 - TREE PROTECTIVE AND SEDIMENT CONTROL DEVICES SHALL BE INSTALLED.
 - ALL DISTURBED AREAS SHALL BE STABILIZED.
 - SEDIMENT CONTROL SHALL BE REMOVED ONCE SITE IS STABILIZED.

- TEMPORARY PROTECTION DURING CONSTRUCTION
 - AVOID INJURING ROOTS WHEN INSTALLING ANCHOR POSTS.
 - WHEN USING FENCING, IT SHOULD BE AT LEAST 4' HIGH.
 - ATTACH HIGHLY VISIBLE FLAGGING.
 - FENCES OR DEVICES SHOULD BE SECURELY ANCHORED, AT LEAST 1/5 OF THE ANCHOR POST SHOULD BE BELOW GROUND LEVEL.
 - SIGNS SHOULD BE POSTED AT ALL RETENTION AREAS CLEARLY IDENTIFYING THE AREA.
 - HIGHLY VISIBLE SIGNS (SEE FIGURE 0-4).
 - BLAZE ORANGE PLASTIC MESH FENCING (SEE DETAIL)
- CONSTRUCTION PHASE MONITORING
 - SOIL COMPACTION
 - ROOT INJURY
 - TRUNK WOUNDS
 - LMB INJURY
 - FLOODED CONDITIONS
 - DROUGHT CONDITIONS
- POST-CONSTRUCTION PHASE
 - FERTILIZING
 - WATERING
 - MULCHING
 - REPAIR OF TREE DAMAGE
 - REPAIR OF DEAD LIMBS
 - REMOVAL OF TEMPORARY TREE PROTECTION STRUCTURES

ZONING CONDITIONS:

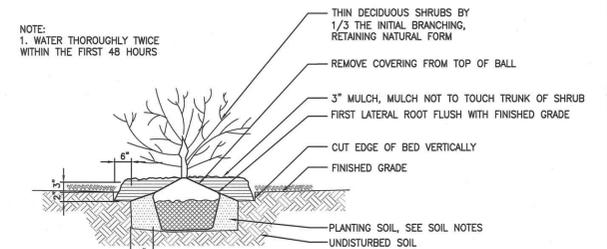
THERE ARE NO KNOWN ZONING CASES WITH LANDSCAPE RELATED CONDITIONS.

REQUIRED LANDSCAPING:

NO.	DESCRIPTION	RATE	QUANTITY	PLANTING UNITS (PU)
1.	ADJACENT TO PUBLIC ROAD	1 PU/40 LF	875 LF	22 PU
3.	STORAGE	1 PU/15 LF	160 LF	11 PU
TOTAL REQUIRED LANDSCAPING				33 PU

PROPOSED LANDSCAPING:

NO.	DESCRIPTION	RATE	QUANTITY	PLANTING UNITS (PU)
1.	MAJOR TREES (PROPOSED)	1 PU/TREE	6	6 PU
2.	SHRUBS	1 PU/5 SHRUBS	96	19 PU
3.	SHRUBS (EXISTING)	1 PU/5 SHRUBS	30	6 PU
4.	MAJOR TREE (EXISTING)	2 PU/TREE	6	6 PU
TOTAL PROPOSED LANDSCAPING				37 PU

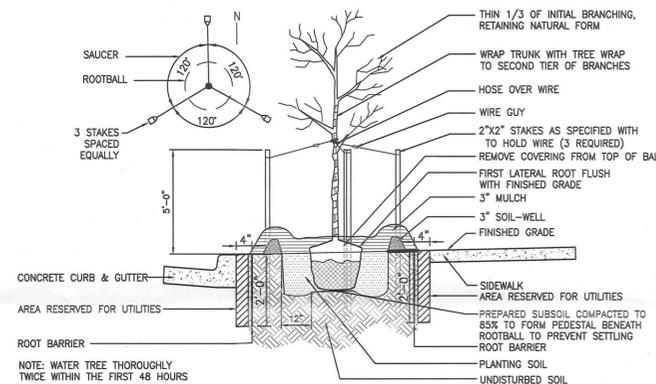


SHRUB DETAIL

NOT TO SCALE

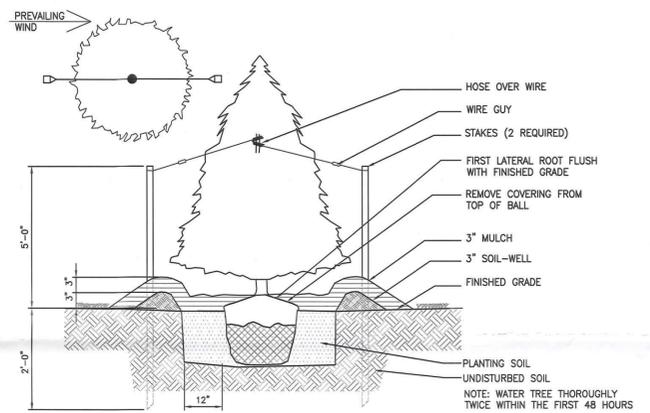
ROOT BARRIER NOTES

- ALL STREET TREES SHALL INCORPORATE ROOT BARRIERS PER DPW DETAIL 6-5A.
- PROVIDE ROOT BARRIER ALONG NEAR EDGE OF SIDEWALK / UTILITY INSTALLATION. PROVIDE ROOT BARRIER ALONG NEAR EDGE OF SIDEWALK TO POINT 5' ON EITHER SIDE OF TREE. USE 10 MIL PLASTIC SHEETING TO 12" DEPTH OR AN EQUIVALENT APPROVED BARRIER.



DECIDUOUS TREE DETAIL WITHIN PUBLIC RIGHT OF WAY

NOT TO SCALE



EVERGREEN TREE DETAIL

NOT TO SCALE

APPROVED Final Landscape Plans
Baltimore County
Dept. of Permits, Approvals & Inspections

James 5/19/17
Name Date



Know what's below.
Call before you dig.

PROTECT YOURSELF, ONE TREE WORKING DATE NOTICE
THIS DRAWING DOES NOT INCLUDE NECESSARY COMMENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPROPRIATE.

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM (MCS):
HORIZONTAL: NAD '83 (1991)
VERTICAL: NAVD '88

LAP 2 OF 2



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM
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HARVEY SALT
FINAL LANDSCAPE PLAN
NOTES AND DETAILS
1323-1325, 1335 MOHRS LANE &
10001 PULASKI HIGHWAY
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

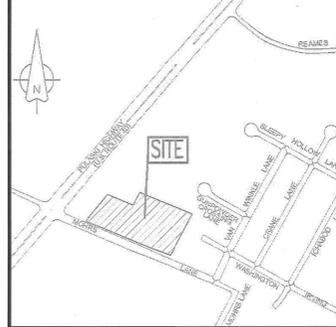
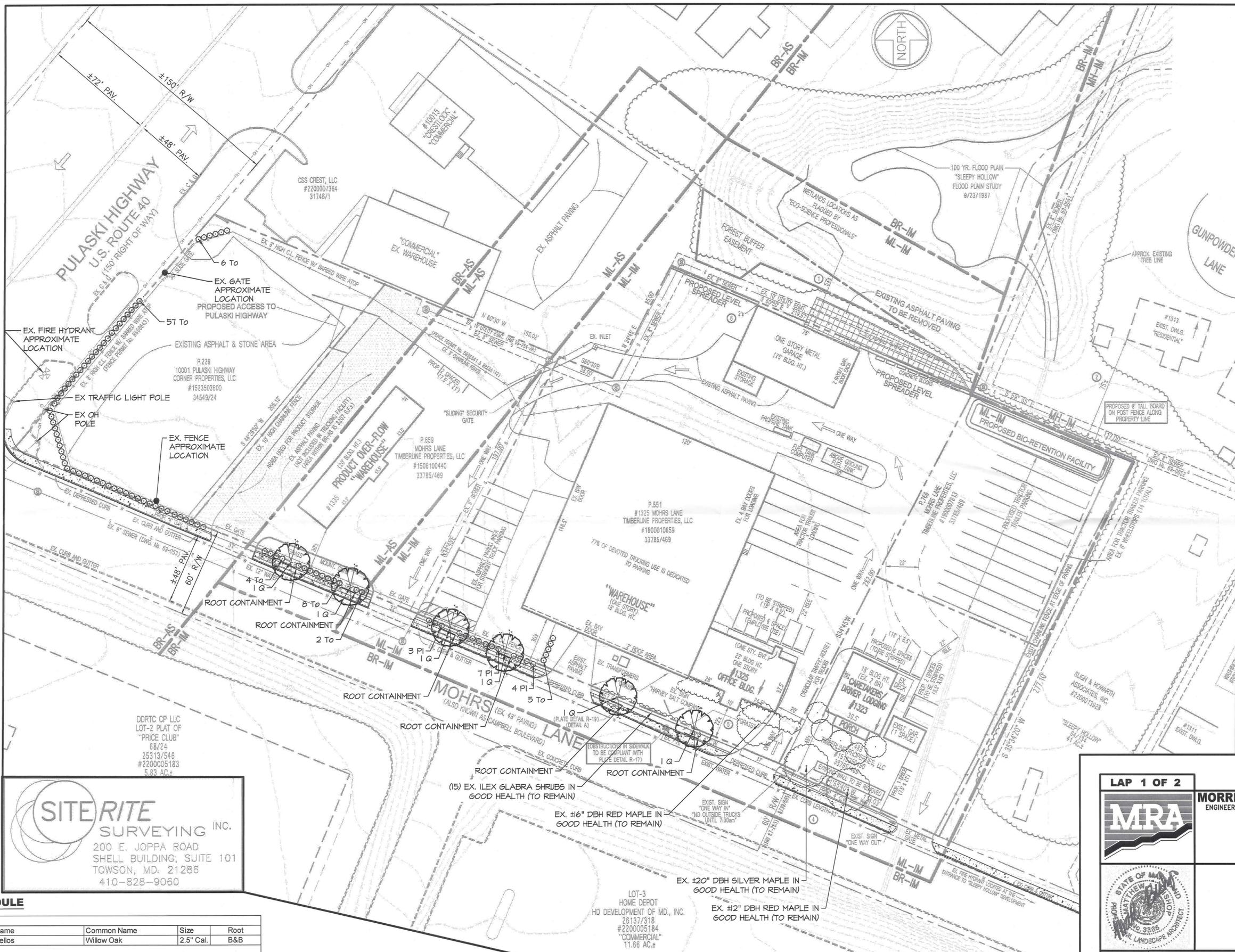
DATE	REVISIONS	JOB NO.:	18750
		SCALE:	AS SHOWN
		DATE:	05/11/2017
		DRAWN BY:	MAB
		DESIGN BY:	MAB
		REVIEW BY:	MAB
		SHEET:	02 OF 02

OWNER

CORNER PROPERTIES, LLC &
TIMBERLINE PROPERTIES, LLC
1325 MOHRS LANE
BALTIMORE, MD 21220
(410)391-1900
TAX MAP: 82 PARCELS: 488, 551, 659 & 766
TAX ACCT. NO.S: 1516350490, 1600010659,
1506100440 & 1900007813 RESPECTIVELY

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 3365, EXPIRATION DATE: 08/20/2018.



VICINITY MAP
SCALE: 1" = 500'

LEGEND

- EX. TREE
- EX. TREELINE
- PROP. MAJOR DECIDUOUS TREE
- PROP. MINOR DECIDUOUS TREE
- PROP. SHRUB
- PROP. PLANTING BED
- PROP. SEEDED AREA
- PROP. ARBORVITAE

Ret Exh 32

RECEIVED
MAY 1 2017
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS



Know what's below.
Call before you dig.

PROTECT YOURSELF, ONE THREE
WORKING DATE NOTICE
THIS DRAWING DOES NOT INCLUDE NECESSARY
COMPONENTS FOR CONSTRUCTION SAFETY. ALL
CONSTRUCTION MUST BE DONE IN COMPLIANCE
WITH THE OCCUPATIONAL SAFETY AND HEALTH
ACT OF 1970 AND ALL RULES AND REGULATIONS
HEREIN TO APPLICABLE.

SITERITE SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-828-9060

PLANTING SCHEDULE

Major Deciduous Trees					
Symbol	Quantity	Botanical Name	Common Name	Size	Root
Q	6	Quercus phellos	Willow Oak	2.5" Cal.	B&B
Minor Deciduous Trees					
Shrubs					
To	85	Thuja occidentalis 'Smaragd'	Emerald Green Arborvitae	5' Ht.	B&B
PI	12	Prunus laurocerasus 'Otto Luyken'	Otto Luyken Cherry laurel	36" Ht.	#7 CG

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DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM (MCS):
HORIZONTAL: NAD '83 (1991)
VERTICAL: NAVD '88

OWNER

CORNER PROPERTIES, LLC &
TIMBERLINE PROPERTIES, LLC
1325 MOHRS LANE
BALTIMORE, MD 21220
(410) 391-1900
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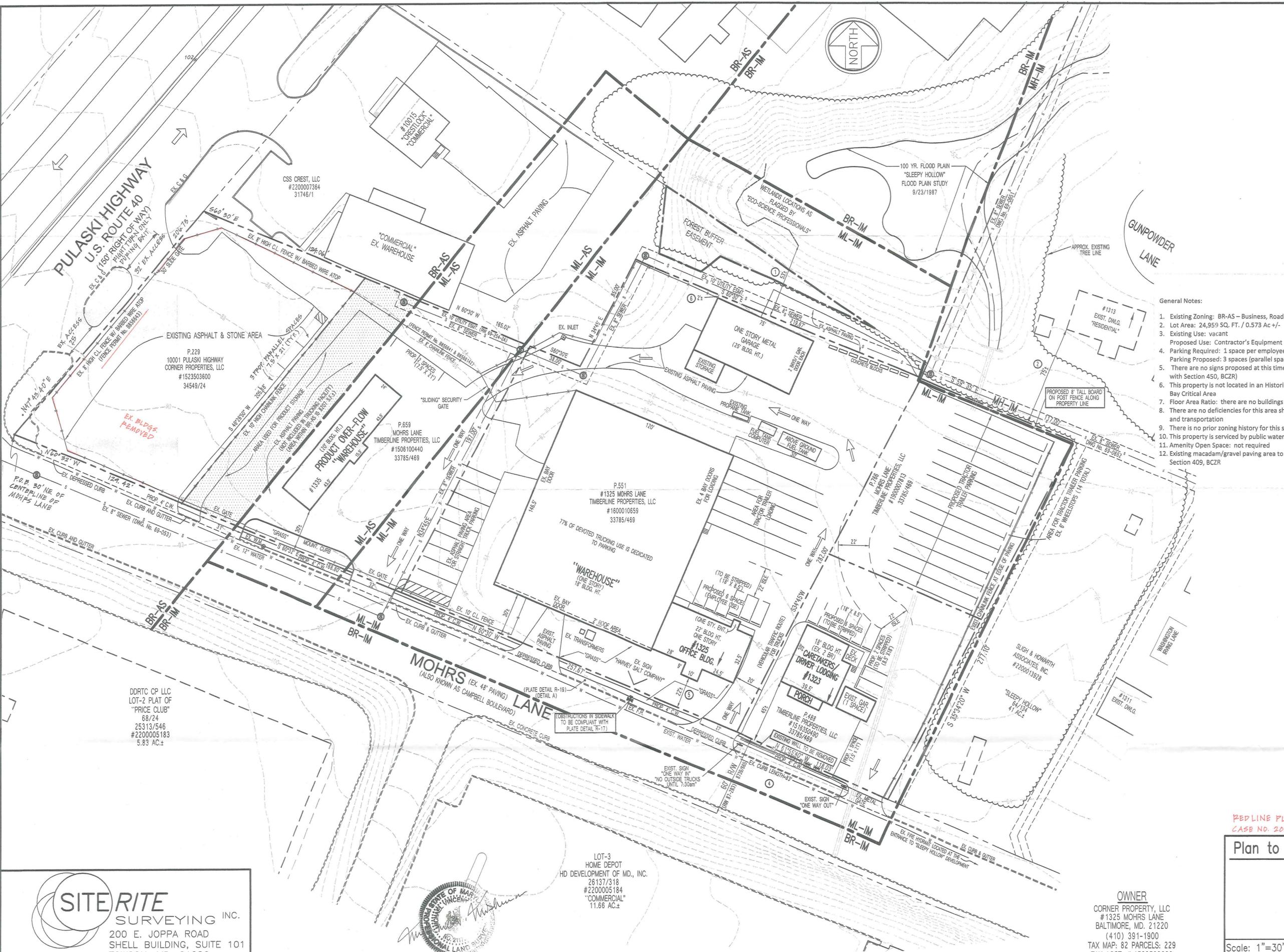
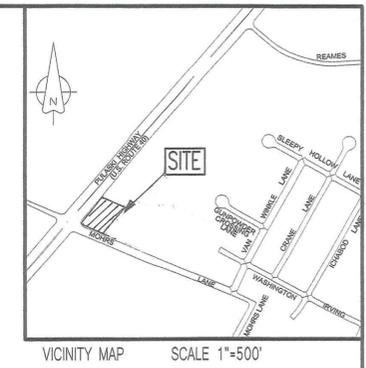
LAP 1 OF 2
MRA



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM
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HARVEY SALT
FINAL LANDSCAPE PLAN
1323-1325, 1335 MOHRS LANE &
1001 PULASKI HIGHWAY
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO.:	18750
		SCALE:	AS SHOWN
		DATE:	05/11/2017
		DRAWN BY:	MAB
		DESIGN BY:	MAB
		REVIEW BY:	MAB
		SHEET:	01 OF 02



- General Notes:
- Existing Zoning: BR-AS – Business, Roadside-Automotive Service Station (082C2)
 - Lot Area: 24,959 SQ. FT. / 0.573 Ac +/-
 - Existing Use: vacant
 - Proposed Use: Contractor's Equipment Storage Yard (Sect. 236.2)
 - Parking Required: 1 space per employee on largest shift
Parking Proposed: 3 spaces (parallel spaces 7.5'x21' typical)
 - There are no signs proposed at this time (At the time any sign is proposed, need to comply with Section 450, BCZR)
 - This property is not located in an Historic District, 100 Year Flood Plain Area or Chesapeake Bay Critical Area
 - Floor Area Ratio: there are no buildings on site at this time
 - There are no deficiencies for this area shown on the 2015 Basic Service Maps: water, sewer and transportation
 - There is no prior zoning history for this site
 - This property is serviced by public water and sewer
 - Amenity Open Space: not required
 - Existing macadam/gravel paving area to be resurfaced and striped in accordance with Section 409, BCZR

SITE RITE SURVEYING INC.
 200 E. JOPPA ROAD
 SHELL BUILDING, SUITE 101
 TOWSON, MD. 21286
 410-828-9060



LOT-3
 HOME DEPOT
 HD DEVELOPMENT OF MD., INC.
 26137/318
 #2200005184
 "COMMERCIAL"
 11.66 AC.±

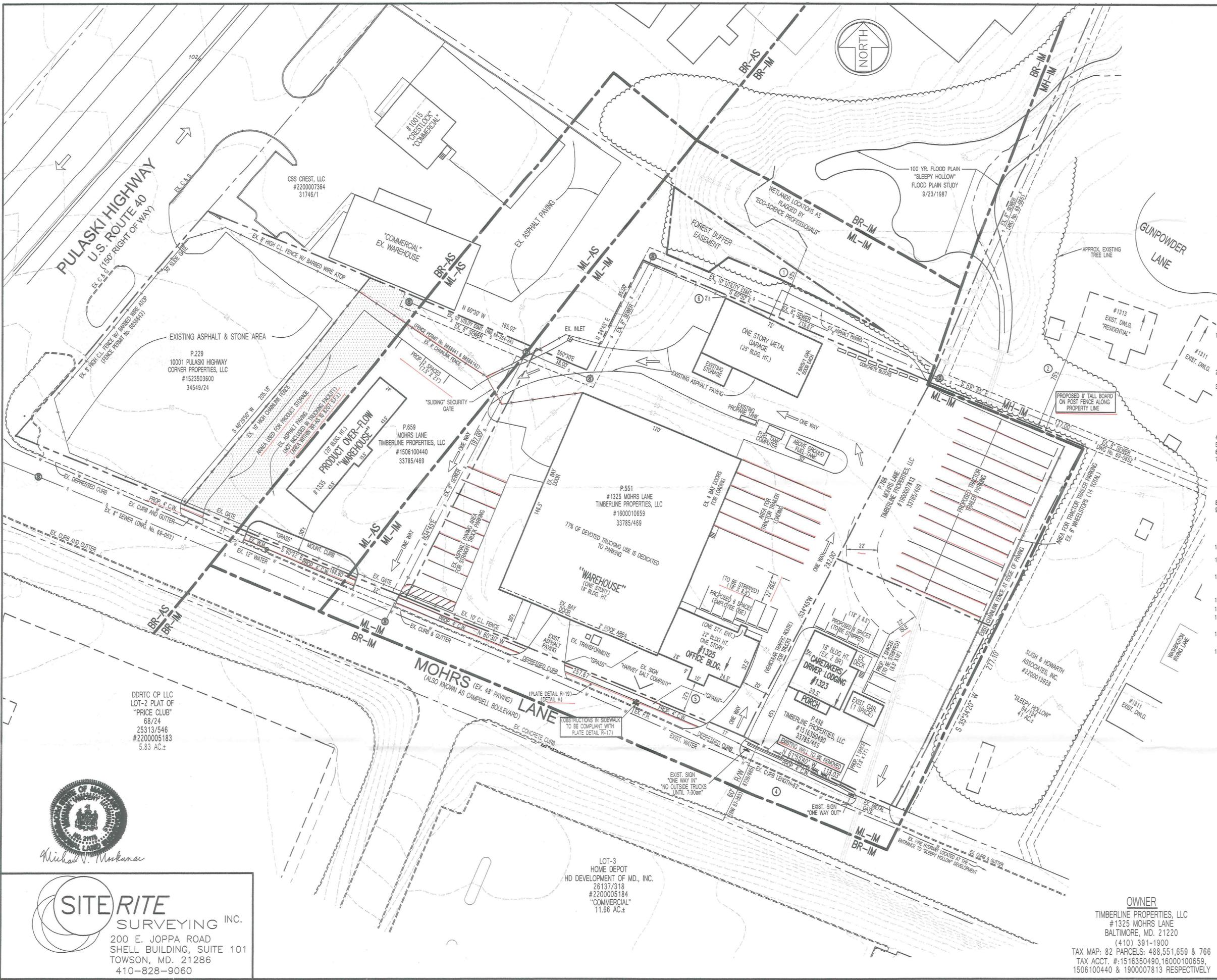
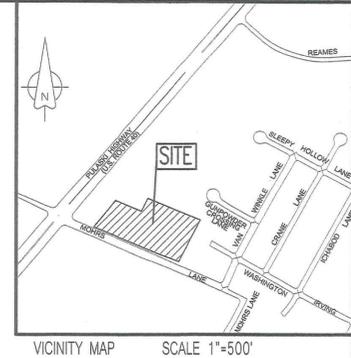
OWNER
 CORNER PROPERTY, LLC
 #1325 MOHRS LANE
 BALTIMORE, MD. 21220
 (410) 391-1900
 TAX MAP: 82 PARCELS: 229
 TAX ACCT. #: 1523503600
 DEED REF.: 34539/24

REDLINE PLAN 3/31/2016
 CASE NO. 2015-0097-X

Plan to accompany Special Exception

"HARVEY SALT"
 #10001 Pulaski Highway
 CASE NO. 2015-0097-X
 ELECTION DISTRICT NO. 15
 COUNCILMANIC DISTRICT NO. 6
 BALTIMORE COUNTY, MARYLAND

Scale: 1"=30'	Date: 11/18/15	JOB #10043-B
Drawn: MVM	Checked: BLM	SURVEY'D: N/A



- General Notes:**
- Existing Zoning:
BR-AS: 0.207 Sq. Ft. or 0.188 Acres +/- (not included in the Trucking Facility Lot area)
ML-AS: 14,350 Sq. Ft. or 0.329 Acres +/-
ML-IM: 107,361 Sq. Ft. or 2.46 Acres +/-
Lot Area for Class II Trucking Facility: 2,832 Acres +/- (overall lot area 3.02 Acres less BR-AS Area 0.188 Acres)
 - Existing Use: Warehouses (2), Garage, Office Building and Caretaker's Lodging
Proposed Use: Class II Trucking Facility (Section 253.2A.12, BC2R) Use will be for the storage and servicing of trucks
 - Parking required:
Warehouses (#1325 and #1335 Mohrs Lane): 3 employees for the largest shift = 3 spaces
Garage: two (2) existing bays = 2 spaces
Office Building (top floor plus 1/2 of the basement) 3046x3.3/1000-10 spaces
Caretaker's Lodging (Boarding/Rooming): 4 beds = 4 spaces
Total required = 19 spaces Parking spaces provided = 42 spaces (mixture of regular and parallel spaces, tractor trailer spaces)
 - There are no signs proposed at this time. At the time any sign is proposed, the sign will be in compliance with Section 450, BC2R
 - This property is not located in an Historic District, 100 Year Flood Plain or Chesapeake Bay Critical Area.
 - There are to be no junked vehicles stored on site.
 - Adequate restroom facilities for both sexes, a driver's room and telephone service for truck drivers and other personnel provided as follows:
Driver's Restroom located in the Warehouse
Female Restroom located in the basement of the Office Building
Driver's Room located in the Warehouse (Lunch Room/Kitchen)
Telephone Service located in the Warehouse (Lunch Room & Mail Call Window)
Other Personnel Restrooms exist in the Office Building Upstairs and downstairs
 - Hours of Operation: Monday through Friday 6:00 am - 5:00 pm
 - Maximum number of vehicles to be on site is as follows:
Employee Vehicles: 14
Tractor & Trailer Combinations: 11 (MIN. width 8.5' x length maximum 69')
Straight Trucks: 4
Extra Trailers: 10
 - No passenger-automobile parking area or part thereof accessory to the facility may be located within 25 feet of a dwelling or residential zone.
 - Any future used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjacent residential or industrial sites and public roads.
 - There is no posted speed limit for Mohrs Lane (per Traffic Engineering, it is assumed 30 mph if not posted). The County is presently constituting an extension for Campbell Boulevard from U.S. Route No. 40 to Bird River Road. Mohrs Lane will become Campbell Boulevard (Contract No. 13012RX1, WX2). There are no road improvements or sidewalks proposed for the section of Mohrs Lane.
 - There are existing gates at all the entrances along Mohrs Lane.
 - Mohrs Lane, also known as Campbell Boulevard, as designated in Master Plan 2020 as Project #9.
 - No new lighting is proposed at this time. Any future proposed lighting shall be reviewed and approved by the County Landscape Architect prior to permit issuance.
 - A Landscape Plan has been prepared by Morris Ritchie & Associates and submitted to Jean Tansey, County Landscape Architect for review and approval.
 - All Truck and Tractor Trailer spaces are to be striped.

- VARIANCE RELIEF REQUESTED: REVISIONS MAY 5, 2015
- 53' in lieu of the required 200' for wetlands
 - 75' of a dwelling in lieu of the required 300'
 - Net area of 2,832 acres in lieu of the required 5 acres
 - Curb tangent length between access points of 83' in lieu of the required 100'
 - Front yard setback of 22' in lieu of the required 50'
 - Rear yard setback of 2' in lieu of the required 30'

FED LINE PLAN 3/31/2016
CASE NO. 2015-0096-XA

Special Exception and Variance Plan

"HARVEY SALT"

#1323-#1325 MOHRS LANE
CASE NO. 2015-0096-XA
ELECTION DISTRICT NO. 15
COUNCILMANIC DISTRICT NO. 6
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30'	Date: 11/18/15	JOB #10043-B
Drawn: MVM	Checked: BLM	SURVEY'D: N/A

OWNER
TIMBERLINE PROPERTIES, LLC
#1325 MOHRS LANE
BALTIMORE, MD. 21220
(410) 391-1900
TAX MAP: 82 PARCELS: 488,551,659 & 766
TAX ACCT. #: 1516350490, 16000100659,
1506100440 & 1900007813 RESPECTIVELY

SITE RITE SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
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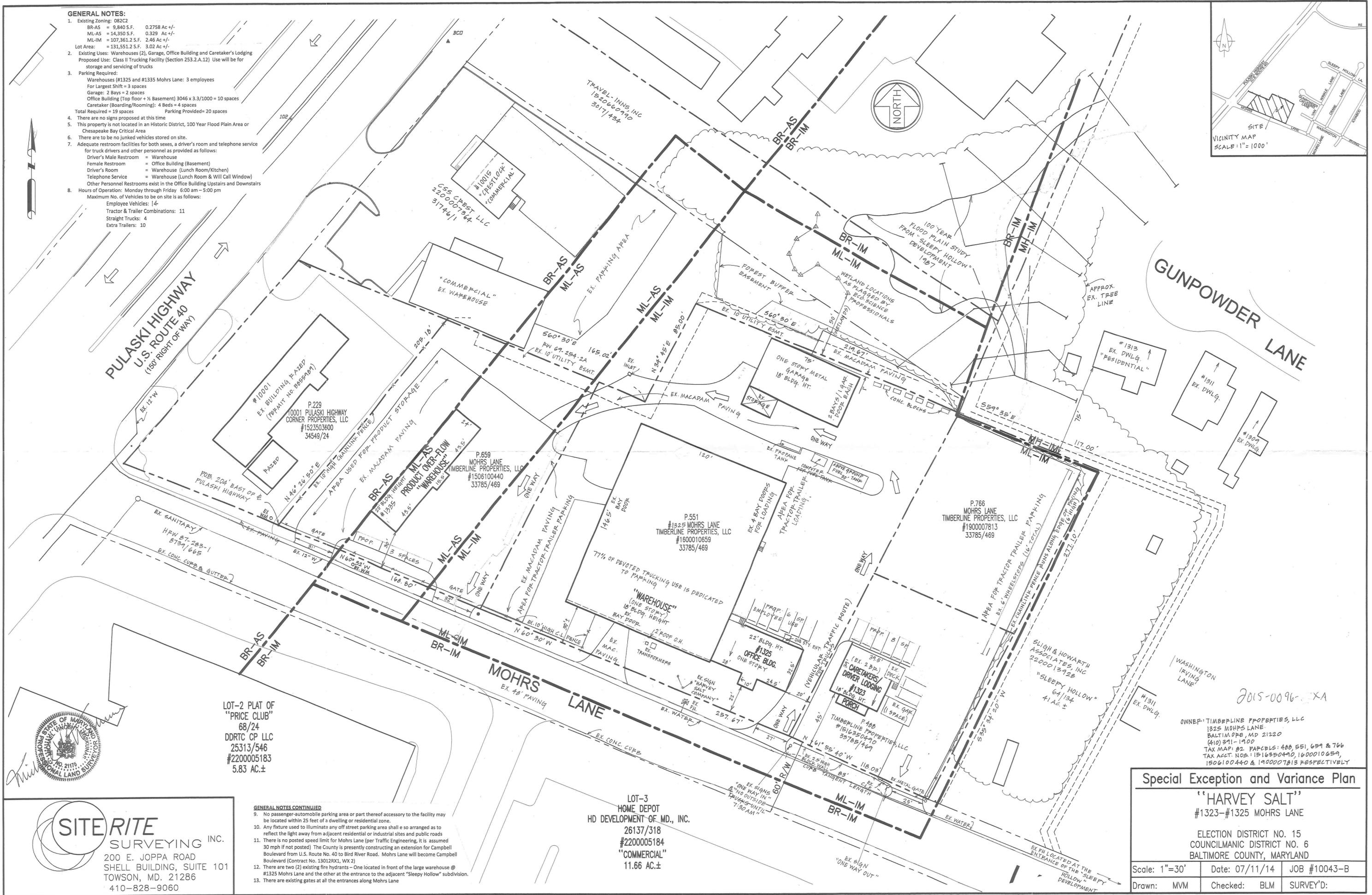
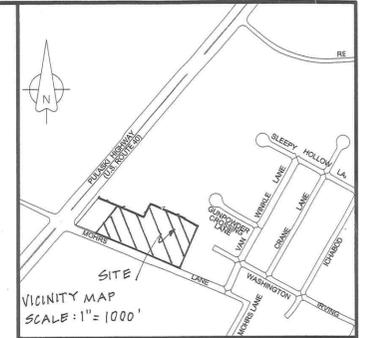
LOT-3 HOME DEPOT
HD DEVELOPMENT OF MD., INC.
#2200005184
"COMMERCIAL"
11.66 AC.±

DDRTC CP LLC
LOT-2 PLAT OF
"PRICE CLUB"
68/24
25313/546
#2200005183
5.83 AC.±

Michael V. Miskunas

GENERAL NOTES:

- Existing Zoning: 082C2
 BR-AS = 9,840 S.F. 0.2758 Ac +/-
 ML-AS = 14,350 S.F. 0.329 Ac +/-
 ML-IM = 107,361.2 S.F. 2.46 Ac +/-
 Lot Area: = 131,551.2 S.F. 3.02 Ac +/-
- Existing Uses: Warehouses (2), Garage, Office Building and Caretaker's Lodging
 Proposed Use: Class II Trucking Facility (Section 253.2.A.12) Use will be for storage and servicing of trucks
- Parking Required:
 Warehouses (#1325 and #1335 Mohrs Lane: 3 employees
 For Largest Shift = 3 spaces
 Garage: 2 Bays = 2 spaces
 Office Building (Top floor + 1/2 Basement) 3046 x 3.3/1000 = 10 spaces
 Caretaker (Boarding/Rooming): 4 Beds = 4 spaces
 Total Required = 19 spaces Parking Provided = 20 spaces
- There are no signs proposed at this time
- This property is not located in an Historic District, 100 Year Flood Plain Area or Chesapeake Bay Critical Area
- There are to be no junked vehicles stored on site.
- Adequate restroom facilities for both sexes, a driver's room and telephone service for truck drivers and other personnel as provided as follows:
 Driver's Male Restroom = Warehouse
 Female Restroom = Office Building (Basement)
 Driver's Room = Warehouse (Lunch Room/Kitchen)
 Telephone Service = Warehouse (Lunch Room & Will Call Window)
 Other Personnel Restrooms exist in the Office Building Upstairs and Downstairs
- Hours of Operation: Monday through Friday 6:00 am - 5:00 pm
 Maximum No. of Vehicles to be on site is as follows:
 Employee Vehicles: 14
 Tractor & Trailer Combinations: 11
 Straight Trucks: 4
 Extra Trailers: 10



LOT-2 PLAT OF
 "PRICE CLUB"
 68/24
 DORTC CP LLC
 25313/546
 #2200005183
 5.83 AC.±

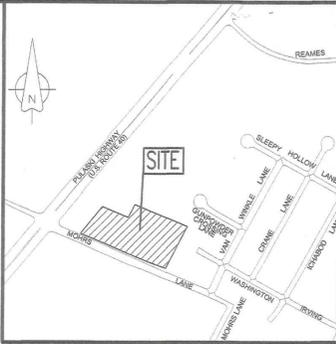
- GENERAL NOTES CONTINUED**
- No passenger-automobile parking area or part thereof accessory to the facility may be located within 25 feet of a dwelling or residential zone.
 - Any fixture used to illuminate any off street parking area shall be so arranged as to reflect the light away from adjacent residential or industrial sites and public roads
 - There is no posted speed limit for Mohrs Lane (per Traffic Engineering, it is assumed 30 mph if not posted) The County is presently constructing an extension for Campbell Boulevard from U.S. Route No. 40 to Bird River Road. Mohrs Lane will become Campbell Boulevard (Contract No. 13012RX1, WX 2)
 - There are two (2) existing fire hydrants - One located in front of the large warehouse @ #1325 Mohrs Lane and the other at the entrance to the adjacent "Sleepy Hollow" subdivision.
 - There are existing gates at all the entrances along Mohrs Lane

LOT-3
 HOME DEPOT
 HD DEVELOPMENT OF MD., INC.
 26137/318
 #2200005184
 "COMMERCIAL"
 11.66 AC.±

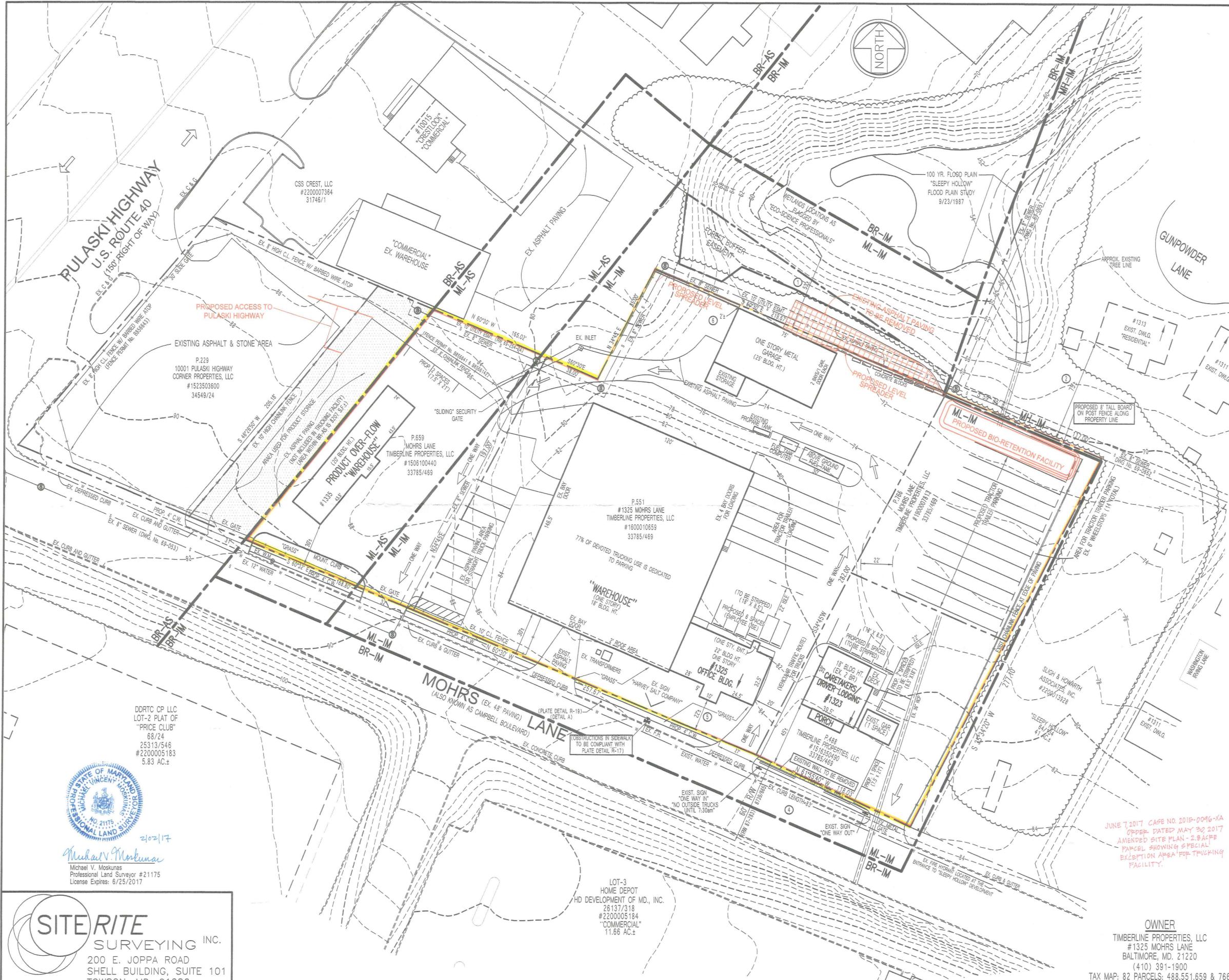
OWNER: TIMBERLINE PROPERTIES, LLC
 1325 MOHRS LANE
 BALTIMORE, MD 21220
 (410) 391-1900
 TAX MAP: 82 PARCELS: 408, 551, 659 & 766
 TAX ACCT. NOS.: 1516350440, 1600010659,
 1506100440 & 1900007813 RESPECTIVELY

Special Exception and Variance Plan		
"HARVEY SALT"		
#1323-#1325 MOHRS LANE		
ELECTION DISTRICT NO. 15 COUNCILMANIC DISTRICT NO. 6 BALTIMORE COUNTY, MARYLAND		
Scale: 1"=30'	Date: 07/11/14	JOB #10043-B
Drawn: MVM	Checked: BLM	SURVEY'D:

SITE RITE
 SURVEYING INC.
 200 E. JOPPA ROAD
 SHELL BUILDING, SUITE 101
 TOWSON, MD. 21286
 410-828-9060



VICINITY MAP SCALE 1"=500'



General Notes:

- Existing Zoning:
BR-AS: 2,207 Sq. Ft. or 0.188 Acres +/- (not included in the Trucking Facility Lot area)
ML-AS: 14,350 Sq. Ft. or 0.329 Acres +/-
ML-IM: 107,361 Sq. Ft. or 2.46 Acres +/-
Lot Area for Class II Trucking Facility: 2,832 Acres +/- (overall lot area 3.02 Acres less BR-AS Area 0.188 Acres)
- Existing Use: Warehouses (2), Garage, Office Building and Caretaker's Lodging
Proposed Use: Class II Trucking Facility (Section 253.2.A.12, BCZR) Use will be for the storage and servicing of trucks
- Parking required:
Warehouses (#1325 and #1335 Mohrs Lane): 3 employees for the largest shift = 3 spaces
Garage: two (2) existing bays = 2 spaces
Office Building (top floor plus 1/2 of the basement) 3046x3.3/1000-10 spaces
Caretaker's Lodging (Boarding/Rooming): 4 beds = 4 spaces
Total required = 19 spaces Parking spaces provided = 42 spaces (mixture of regular and parallel spaces, tractor trailer spaces)
- There are no signs proposed at this time. At the time any sign is proposed, the sign will be in compliance with Section 450, BCZR
- This property is not located in an Historic District, 100 Year Flood Plain or Chesapeake Bay Critical Area.
- There are to be no junked vehicles stored on site.
- Adequate restroom facilities for both sexes, a driver's room and telephone service for truck drivers and other personnel provided as follows:
Driver's Male Restroom located in the Warehouse
Female Restroom located in the Office Building
Driver's Room located in the Warehouse (Lunch Room/Kitchen)
Telephone Service located in the Warehouse (Lunch Room & Will Call Window)
Other Personnel Restrooms exist in the Office Building Upstairs and downstairs
- Hours of Operation: Monday through Friday 8:00 am - 5:00 pm
- Maximum number of vehicles to be on site is as follows:
Employee Vehicles:
Tractor & Trailer Combinations: 11 (MIN. width 8.5' x length maximum 69')
Straight Trucks: 4
Extra Trailers: 10
- No passenger-automobile parking area or part thereof accessory to the facility may be located within 25 feet of a dwelling or residential zone.
- Any future used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjacent residential or industrial sites and public roads.
- There is no posted speed limit for Mohrs Lane (per Traffic Engineering, it is assumed 30 mph if not posted). The County is presently considering an extension for Campbell Boulevard from U.S. Route No. 40 to Bird River Road. Mohrs Lane will become Campbell Boulevard (Contract No. 13012RX1, WX2). There are no road improvements or sidewalks proposed for the section of Mohrs Lane.
- There are existing gates at all the entrances along Mohrs Lane.
- Mohrs Lane, also known as Campbell Boulevard, as designated in Master Plan 2020 as Project #9.
- No new lighting is proposed at this time. Any future proposed lighting shall be reviewed and approved by the County Landscape Architect prior to permit issuance.
- A Landscape Plan has been prepared by Morris Ritchie & Associates and submitted to Jean Tansey, County Landscape Architect for review and approval.
- All Truck and Tractor Trailer spaces are to be striped.

- VARIANCE RELIEF REQUESTED; REVISIONS MAY 5, 2015
- 53' in lieu of the required 200' for wetlands
 - 75' of a dwelling in lieu of the required 300'
 - Net area of 2.832 acres in lieu of the required 5 acres
 - Curb tangent length between access points of 83' in lieu of the required 100'
 - Front yard setback of 22' in lieu of the required 50'
 - Rear yard setback of 2' in lieu of the required 30'

STORMWATER MANAGEMENT NOTE

THE APPLICANT SHALL INSTALL STORMWATER MANAGEMENT MEASURES AS SHOWN ON THIS PLAN INCLUDING A BIORETENTION FACILITY AND TWO LEVEL SPREADERS. THE APPLICANT SHALL ALSO REMOVE THE EXISTING ASPHALT PAVING ALONG THE NORTHERN PROPERTY LINE AS SHOWN ON THIS PLAN. THE STORMWATER MANAGEMENT DESIGN SHALL BE REVIEWED AND APPROVED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY PRIOR TO INSTALLATION.

Special Exception and Variance Plan

"HARVEY SALT"

#1323-#1325 MOHRS LANE
CASE NO. 2015-0096-XA
ELECTION DISTRICT NO. 15
COUNCILMANIC DISTRICT NO. 6
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30' Date: 11/18/15 JOB #10043-B
Drawn: MVM Checked: BLM SURVEY'D: N/A

JUNE 7, 2017 CASE NO. 2015-0096-XA
ORDER DATED MAY 20, 2017
AMENDED SITE PLAN - 2.8 ACRES
PARCEL SHOWING SPECIAL
EXCEPTION AREA FOR TRUCKING
FACILITY.

OWNER
TIMBERLINE PROPERTIES, LLC
#1325 MOHRS LANE
BALTIMORE, MD. 21220
(410) 391-1900
TAX MAP: 82 PARCELS: 488,551,659 & 766
TAX ACCT. #: 1516350490, 16000100659,
1506100440 & 1900007813 RESPECTIVELY

LATEST PLAN REVISION PER S.W.M. COMMENTS: Date: 02/02/2017

DDRTC CP LLC
LOT-2 PLAT OF
"PRICE CLUB"
68/24
25313/546
#2200005183
5.83 AC.±

2/02/17
Michael V. Moskunus
Professional Land Surveyor #21175
License Expires: 6/25/2017

SITE RITE
SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-828-9060

LOT-3
HOME DEPOT
HD DEVELOPMENT OF MD., INC.
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