

**MATISWARFIELD**  
Consulting Engineers

August 5, 2019

Mr. W. Carl Richards, Jr., Zoning Review Supervisor  
Baltimore County Department of Permits, Approvals and Inspections  
Baltimore County Office Building  
111 West Chesapeake Avenue, Suite 111  
Towson, Maryland 21204

Subject: A&J, LLC  
Aviant Chesapeake Trucks LLC  
8540 Pulaski Highway



Dear Mr. Richards,

Our office represents the owner of the above referenced property which is presently zoned ML-IM and BR-IM and on which they operate a facility for the sales, service and repair of commercial trucks within the ML-IM zoned portion of the property. This operation has existed continuously since April 1967.

The Baltimore County Zoning Commissioner's Policy Manual (the "Policy Manual") recognizes that a use may be grandfathered in an ML zone, and that such grandfathering shall be determined on a case by case review. Section 103.1.B of the Policy Manual provides in relevant part:

*GRANDFATHERING in ML zone shall be determined in a case by case review.*

- I. Background: When Bill 100 was adopted in 1970, it established a separate category of 'grandfathering' under Section 103.1. It is somewhat akin to the nonconforming use concept in Section 104, but clearly different in both scope and implementation. The two concepts (nonconforming uses and grandfathering) are very different and this policy statement establishes the proper form of review for this unusual concept.*
- 2. Eligibility: The specific intent of Section 103.1 was to grandfather the B.L., B.R., & B.M. uses allowed under the then Section 253.1 (1963 edition BCZR). The right to use property in the M.L. zone prior to its amendment by Bill 100 is contingent on the applicant providing documentation of either of the following:*
  - a. that said use existed prior to September 19, 1970; or*
  - b. a preliminary development plan was approved by the Office of Planning and Zoning or commercial use before September 19, 1970; and that construction either was completed or was substantially commenced and diligently being pursued to completion prior to September 19, 1975.*
  - c. The determination of eligibility for a grandfathered use may be subject to a special hearing at the discretion of the Zoning Commissioner.*

Furthermore, Subsection 3 of Section 103.I.B of the Policy Manual provides in relevant part:

3. *Conditions: If the eligibility criteria above is met the applicant may as either of the following:*
- a. *Expansion of Existing Use - if the same exact use is to remain and is to be intensified, no floor area restrictions as long as the parking requirements in effect at the time of expansion can be met; or*
  - b. *Conversion to a New Use - if the use is to be changed and/or converted the property is subject to the following:*
  - c. *Uses Allowed - all the uses allowed as of right in the B.L., B.M., & B.R. zones ...*
  - d. *Floor Area Expansion - all new construction of either separate buildings or additions must be incidental to the gross floor area of the building(s) which had County approval as of September 19, 1970. The determination of what is considered incidental may be subject to a special hearing at the discretion of the Zoning Commissioner.*
  - e. *Parking Requirements – when a change or use is proposed the entire site must meet the parking requirements of Section 409 as they exist at the time of conversion.*

Prior to the enactment of Bill 100, the use of a property for sales, service and repair of trucks was permitted in an M.L. zone. The purpose of this letter is to furnish you with sufficient information so that your office may be in the position to issue a determination that the property has been grandfathered for both the sales, service and repair of trucks.

As indicated below, the available evidence establishes the fact that the use of the property for the sales, service and repair of trucks existed prior to September 19, 1970.

- Attached hereto is Exhibit A, a copy of a Building Permit 80509, dated August 26, 1966 issued to Ford Leasing Dev. Co., for the construction of a new building, the use of said building identified as "Truck Sales & Service Bldg."
- Attached hereto is Exhibit B, a copy of an engineer certified As Built Survey for Chesapeake Ford Truck Sales, dated March 1969 prepared by James Spamer & Associates which depicts a building and a paved parking area.
- Attached hereto is Exhibit C, a copy of the State Department of Assessments and Taxation Tax Records indicating a 1967 date as to when the primary structure on the property was built.
- Attached hereto is Exhibit D, a copy of a Building Permit B 045312, dated May 5, 1990 issued to Ford Leasing Development, for the construction of an addition to an existing truck sales and repair center building. It can be presumed that at the

time of issuance of this permit, your office acknowledged that these uses were grandfathered in accordance with the aforementioned policy.

- Attached hereto is Exhibit E, a reduced size copy of Zoning Case 68-280 a for a sign variance. Said petition indicates the sign is for a "Ford Heavy Duty Truck Facility."

We recognize that Section 103.1.B.2.c of the Policy Manual provides that determination of eligibility for a grandfathered use may be subject to a Special Hearing at the discretion of the Zoning Commissioner. We believe, however, that the documentation provided with this letter makes it sufficiently clear that the uses of the property outlined above meet the conditions for grandfathering under Section 103.1 of the BCZR and of Section 103.1.B of the Policy Manual, so that your office can make that determination without the need for a Special Hearing.

Based on the above documentation and policy provisions, we respectfully request that your office issue a written determination recognizing that the use of the property for the purposes of the sales, service and repair of commercial trucks is "grandfathered" and said uses are legal uses, which may continue, and may be expanded in accordance with the terms of Section 103.1.B of the Policy Manual. Alternatively, if you are in concurrence with the statements made in this letter, you may countersign below.

I thank you and your staff for your kind attention in this matter. Any correspondence can be emailed to my attention at [jem@matiswarfield.com](mailto:jem@matiswarfield.com)

Sincerely,  
MATIS WARFIELD, INC.

James E. Matis, P.E.

JEM:jm

enclosures: Exhibits

Check in the amount of \$200.00 for verification request

Based on the information provided in this letter it has been determined that the use of the property for the purposes of the sales, service and repair of commercial trucks is considered "grandfathered" and as such are legal uses in the ML Zone which may continue and be expanded in accordance with the terms of Section 103.1.B of the Zoning Commissioner's Policy Manual

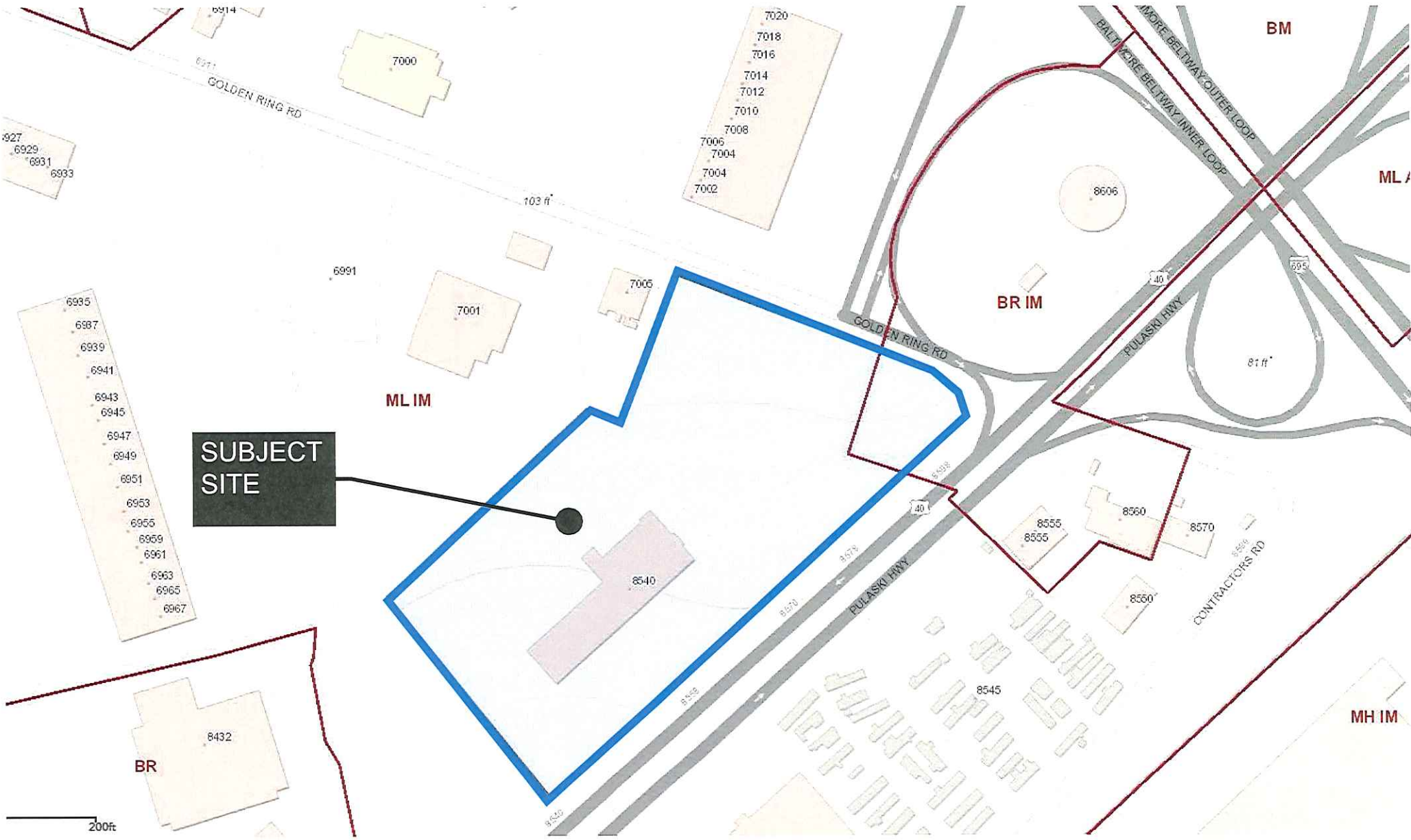
Signed



Date

8/21/19

Mr. W. Carl Richards, Jr., Zoning Review Supervisor  
Baltimore County Department of Permits, Approvals and Inspections



# EXHIBIT A

Baltimore Truck

Varied April 4, 1944 DEL of

NEW BUILDING  
PERMIT

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF PERMITS AND LICENSES  
OFFICE OF THE BUILDINGS ENGINEER  
County Office Building, Towson, Md. 21204

No. 80579  
District 18  
Date August 26, 1966

This New Building Permit is Heraby Granted To

Ford Leasing Dev. Co.  
c/o Ford Motor Co.  
Office of Tax Affairs  
The American Road  
Dearborn, Mich. 48121

SUBDIVISION  
LOT No.  
BLOCK  
SECTION  
PLAT No.

To erect the following building:

Location 229.1 from N/W Cor. Golden Ring Road  
Use of Building Truck Sales & Service Bldg.  
Size of Building: Front 232' ft. Depth 94' ft. Height 19' 11" ft.  
Setback of Building: Front 115' ft.; Side Setbacks 150' ft. Corner lot 275' ft. from side street.  
Character of Construction: conc. blk. blk. built-up. metro water sewage

This Permit does not authorize the performance of any work beyond the property lines of the lot for which issued. Special permit must be obtained from the Highways Dept. to install sidewalks or remove rock. Planting of trees, hedging, shrubbery, erecting walls, fences, etc., is prohibited in the Right-of-Way adjacent to the lot.

Fee Paid \$ 333.00

Issued By The Building Engineer  
WALTER L. BARMUSEN, Director  
Department of Permits and Licenses

This Permit shall be kept on the premises open to public inspection during the prosecution of the work and until completion of same. LIMITATION. After a new building permit is issued, if the operation or work authorized and approved thereunder is not commenced within one year, after the issue, or if, after commencement of the operation or work, it is suspended or discontinued for a period of one year, then, in either case, the permit shall be null and void, and no operations or work shall be again commenced unless and until another proper permit shall have been issued for such work.

FORD TRK.  
BALTIMORE, MD.

GOLDEN RING ROAD

15TH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND  
MARCH 1969 SCALE 1"=50'

EXHIBIT B

(This is a carbon copy of the original document)  
 This document contains information from the files of  
 the Federal Bureau of Investigation  
 and is intended for your information only.  
 It is not to be used as evidence in court.

*[Handwritten signature]*

JAMES S. SPAMER & ASSOCIATES  
 ENGINEERS & SURVEYORS  
 801 YORK ROAD  
 TOWSON, MD. 21204

AS-BUILT SUBMITTAL

CHESEAPEAKE FOOD TRUCK SALES, INC. BALTO CO. MD.

PULASKI HIGHWAY AT GOLDEN RING ROAD

SCALE: 1"=50'      DWS-11007      MARCH 1964

Search Result for BALTIMORE COUNTY

| View Map                                        |                                             | View GroundRent Redemption                       |                             | View GroundRent Registration |                                                                     |
|-------------------------------------------------|---------------------------------------------|--------------------------------------------------|-----------------------------|------------------------------|---------------------------------------------------------------------|
| <b>Tax Exempt:</b>                              |                                             | <b>Special Tax Recapture:</b>                    |                             |                              |                                                                     |
| <b>Exempt Class:</b>                            |                                             | <b>NONE</b>                                      |                             |                              |                                                                     |
| <b>Account Identifier:</b>                      |                                             | <b>District - 15 Account Number - 1800011164</b> |                             |                              |                                                                     |
| Owner Information                               |                                             |                                                  |                             |                              |                                                                     |
| <b>Owner Name:</b>                              | A & J LLC                                   |                                                  | <b>Use:</b>                 | COMMERCIAL                   |                                                                     |
| <b>Mailing Address:</b>                         | 8540 PULASKI HWY<br>BALTIMORE MD 21237-3006 |                                                  | <b>Principal Residence:</b> | NO                           |                                                                     |
|                                                 |                                             |                                                  | <b>Deed Reference:</b>      | /14072/ 00275                |                                                                     |
| Location & Structure Information                |                                             |                                                  |                             |                              |                                                                     |
| <b>Premises Address:</b>                        |                                             | 8540 PULASKI HWY<br>0-0000                       |                             | <b>Legal Description:</b>    | PT PARCELA 7.181 AC<br>SW COR GOLDEN RING RD<br>FORD LEASING DEV CO |
| <b>Map:</b>                                     | <b>Grid:</b>                                | <b>Parcel:</b>                                   | <b>Sub District:</b>        | <b>Subdivision:</b>          | <b>Section:</b>                                                     |
| 0089                                            | 0018                                        | 0311                                             |                             | 0000                         |                                                                     |
| <b>Block:</b>                                   | <b>Lot:</b>                                 | <b>Assessment Year:</b>                          | <b>Plat No:</b>             | <b>Plat Ref:</b>             |                                                                     |
|                                                 | A                                           | 2018                                             |                             | 0045/0119                    |                                                                     |
| <b>Special Tax Areas:</b>                       |                                             |                                                  | <b>Town:</b>                | NONE                         |                                                                     |
|                                                 |                                             |                                                  | <b>Ad Valorem:</b>          |                              |                                                                     |
|                                                 |                                             |                                                  | <b>Tax Class:</b>           |                              |                                                                     |
| <b>Primary Structure Built</b>                  | <b>Above Grade Living Area</b>              | <b>Finished Basement Area</b>                    | <b>Property Land Area</b>   | <b>County Use</b>            |                                                                     |
| 1967                                            | 26177                                       |                                                  | 7.1800 AC                   | 06                           |                                                                     |
| <b>Stories</b>                                  | <b>Basement</b>                             | <b>Type</b>                                      | <b>Exterior</b>             | <b>Full/Half Bath</b>        | <b>Garage</b>                                                       |
|                                                 |                                             | SERVICE GARAGE                                   |                             |                              |                                                                     |
| Value Information                               |                                             |                                                  |                             |                              |                                                                     |
|                                                 | <b>Base Value</b>                           | <b>Value</b>                                     | <b>Phase-in Assessments</b> |                              |                                                                     |
|                                                 |                                             | As of                                            | As of                       | As of                        |                                                                     |
|                                                 |                                             | 01/01/2018                                       | 07/01/2018                  | 07/01/2019                   |                                                                     |
| <b>Land:</b>                                    | 1,468,000                                   | 1,468,000                                        |                             |                              |                                                                     |
| <b>Improvements</b>                             | 1,121,500                                   | 1,169,200                                        |                             |                              |                                                                     |
| <b>Total:</b>                                   | 2,589,500                                   | 2,637,200                                        | 2,605,400                   | 2,621,300                    |                                                                     |
| <b>Preferential Land:</b>                       | 0                                           |                                                  |                             | 0                            |                                                                     |
| Transfer Information                            |                                             |                                                  |                             |                              |                                                                     |
| <b>Seller:</b> FORD LEASING DEVELOPMENT COMPANY |                                             | <b>Date:</b> 10/06/1999                          | <b>Price:</b> \$1,375,000   |                              |                                                                     |
| <b>Type:</b> NON-ARMS LENGTH OTHER              |                                             | <b>Deed1:</b> /14072/ 00275                      | <b>Deed2:</b>               |                              |                                                                     |
| <b>Seller:</b> FORD LEASING DEVELOPMENT COMPAN  |                                             | <b>Date:</b>                                     | <b>Price:</b> \$0           |                              |                                                                     |
| <b>Type:</b> NON-ARMS LENGTH OTHER              |                                             | <b>Deed1:</b> /00000/ 00000                      | <b>Deed2:</b>               |                              |                                                                     |
| <b>Seller:</b>                                  |                                             | <b>Date:</b>                                     | <b>Price:</b>               |                              |                                                                     |
| <b>Type:</b>                                    |                                             | <b>Deed1:</b>                                    | <b>Deed2:</b>               |                              |                                                                     |
| Exemption Information                           |                                             |                                                  |                             |                              |                                                                     |
| <b>Partial Exempt Assessments:</b>              | <b>Class</b>                                | 07/01/2018                                       | 07/01/2019                  |                              |                                                                     |
| <b>County:</b>                                  | 000                                         | 0.00                                             |                             |                              |                                                                     |
| <b>State:</b>                                   | 000                                         | 0.00                                             |                             |                              |                                                                     |
| <b>Municipal:</b>                               | 000                                         | 0.00 0.00                                        | 0.00 0.00                   |                              |                                                                     |
| <b>Tax Exempt:</b>                              |                                             | <b>Special Tax Recapture:</b>                    |                             |                              |                                                                     |
| <b>Exempt Class:</b>                            |                                             | <b>NONE</b>                                      |                             |                              |                                                                     |
| Homestead Application Information               |                                             |                                                  |                             |                              |                                                                     |



## BALTIMORE COUNTY MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204

*John P. Reing*  
BUILDINGS ENGINEER

## BUILDING PERMIT

PERMIT #: B045312 CONTROL #: C-0285-90 DIST: 15 FREQ: 02  
DATE ISSUED: 05/07/90 TAX ACCOUNT #: 1800011164 CLASS: 06

PLANS: CONST 2 PLGT 9 R FLAT DATA ELEC YES PLUM YES  
LOCATION: B540 PULASKI HWY, BALTO, MD 21237-3091  
SUBDIVISION: FORD LEASING DEV CO

## OWNERS INFORMATION

NAME: FORD LEASING DEVELOPMENT  
ADDR: DEARBORN, MICHIGAN 48243

TENANT: CHESAPEAKE FORD TRUCK AND SALES

CONTR: PORTER BROS., INC.

ENGR: RADCLIFFE/CARROLL A/S

SELLER:

WORK: ADDN. TO EXISTING TRUCK SALES&REPAIR CTR. BY RE-  
MOVING MACADAM PAVING & CON ADDITION. MASONRY  
BEARING WALLS/STEELJOIST. ADDITION WILL BE  
USED FOR OFFICE AREA - 41 X 96 X 24 = 8150 SF.  
ADDITION ON SIDE OF EXISTING BLDG.

BLDG. CODE: BOCA CODE

RESIDENTIAL CATEGORY:

OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: TRUCK SALES AND ADDITION  
\$375,000 EXISTING USE: TRUCK SALES

TYPE OF IMPRV:

USE:

FOUNDATION: BLOCK

BASEMENT: NONE

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

## LOT SIZE AND SETBACKS

SIZE: 7.101 AC.

FRONT STREET: 4852

SIDE STREET:

FRONT SETB: 120'

SIDE SETB: 0/350

SIDE STR SETB:

REAR SETB: 0

THIS PERMIT  
EXPIRES ONE  
YEAR FROM DATE  
OF ISSUE

# EXHIBIT E

## PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I or we, Ford Leasing Development Co., legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof,

hereby petition for a Variance from Section 413.2-f. to permit a sign of 281

square feet instead of the required 200 square feet.

413.5-d to permit a sign of 32'3" in height instead of the

required 25 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons (indicate hardship or practical difficulty):

The particular sign in question is the smallest manufactured for a Ford heavy duty truck facility. While the overall area of the sign is 281 square feet, the illuminated portion is only 154 square feet. The perimeter of the sign is surrounded by an aluminum clad that we have computed as sign area. We feel however that a height of 25' would be inadequate at this particular location due to the proximity of the Golden Ring Road overpass.

See attached description

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

R.B. Anderson, Agent

THE JACK STONE COMPANY, INC.  
Contract purchaser

Address 1000 South East Street  
Arlington, Virginia

FORD LEASING DEVELOPMENT COMPANY

Legal Owner

Address The American Road  
Dearborn, Michigan

Petitioner's Attorney

Protestant's Attorney

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day

of April 1968, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore

County, on the 27th day of May 1968, at 11:00 o'clock

Zoning Commissioner of Baltimore County

(over)

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner and the variance requested would grant relief without substantial injury to the public health, safety and general welfare of the locality involved.

the above Variance should be had; such hardship, assuming that it is removed.

a Variance to permit a sign of 281 sq. ft. instead of the required 200 sq. ft. and to permit a sign of 32 feet 3 inches in height instead of the required 25'.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27

day of May 1968, that the herein Petition for a Variance should be and the

same is granted, from and after the date of this order, to permit a sign of 281 sq. ft. instead of the required 200 sq. ft. and to permit a sign 32'3" in height instead of the required 25', subject to

approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

DEPUTY Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day

of 1968 that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE BY

FORD LEASING DEV. CO.,  
N/A/S PULASKI Highway 212+ 5 of the  
Prop. Golden Ring Exit at Route  
40 Westbound  
15th

68-280-A

EXHIBIT E