



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

December 26, 2023

Christopher DeCarlo, Esquire – cdecarlo@whitefordlaw.com
Whiteford, Taylor Preston, LLP
1 W. Pennsylvania Avenue, Suite 300
Towson, MD 21204

RE: Petitions for Special Hearing & Variance
Case No. 2023-0214-SPHA
Property: 8230 Bletzer Road

Dear Mr. DeCarlo:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order 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 "Andrew M. Belt", is written over a horizontal line.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure

c: Abraham Philips – aphilips@fraleyandschilling.com
Joe – joe917145@gmail.com
John Motsco – jmotsco@dsthaler.com
Robert Schilling – rschilling@fraleyandschilling.com
Robert Zacherl – rzacherl@streettrafficstudies.com

IN RE: PETITIONS FOR SPECIAL HEARING
& VARIANCE
(8230 Bletzer Road)
15th Election District
7th Council District
K.L.R Factoring, LLC
Legal Owner

Petitioner

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BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS OF

BALTIMORE COUNTY

Case No: 2023-0214-SPHA

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Special Hearing filed by K.L.R. Factoring, LLC, legal owner (“Petitioner”) for the property located at 8230 Bletzer Road, Dundalk. The Special Hearing from the Baltimore County Zoning Regulations (“BCZR”) Section 104 to determine whether the existence of a lawful conforming use permit for a Class II Trucking Facility and General office. Variance relief from BCZR Section 410A.3.B.6 to permit existing unpaved areas of the “Property” to remain unpaved; and BCZR Section 410A.3.B.5, to allow the “Property” to continue to be used as it has been historically without the need of wheel stops.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Robert Schilling of K.L.R. Factoring, LLC attended on behalf of the Petitioner. John A. Motsco, P.E. of DS Thaler, Associates, LLC testified in conjunction with the site plan. (Pet. Ex. 3) Christopher DeCarlo, Esquire of Whiteford, Preston & Taylor, LLP represented the Petitioner. Robert Zacheral testified on behalf of the Wells McComas Citizens Improvement Association.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and Development Plans Review (“DPR”) which agencies did not oppose the

requested relief.

Petitioner's expert, John Motsco testified that the subject site consists of two parcels in the Dundalk area of Baltimore County with area totaling approximately 5.16 acres. It is improved with a one-story office building, and the majority of the lot is paved with millings for tractor-trailer parking. The entrance area to the site on Bletzer Road is paved macadam. Mr. Motsco explained that the paved millings surface has been in use since the early 1970's and is well-compacted and dustless. Per the site plan, in total there are 111 tractor trailer parking spaces, with 112 spaces being approved in a 1981 Special Exception case involving the subject property (Case No. 1981-0092-X). The site is within the Chesapeake Bay Critical Area and is designated an Intensely Developed Area. The Petitioner is not proposing any new development including signage, grading, or new parking spaces. (Pet. Ex. 1)

Uses surrounding the subject site include industrial and residential uses. North and east of the subject site are single family detached residential dwellings on smaller lots. Northeast of the subject site is an industrial use occupied by a roofing contractor and a sheet metal company. South and west of the subject site are multiple additional industrial uses, used as trucking facilities. Another trucking facility borders the site to the south. The north of the property that faces a residential development across Edgewater Place is surrounding by a 6 ft. fence, with natural vegetative growth on the exterior side. (Pet Ex. 9d.-9e.) The entrance to the site is off Bletzer Road which also is the location of a single building. (Pet. Ex 9a.-9c.)

The original site area for the use was approved in July of 1978. The requested Special Exception was conditionally approved on February 3, 1981. Additionally, the subject site has been the subject of two prior Comprehensive Zoning Map Process Issues: Issue 7-005 in 2000 and Issue 7-041 in 2008. In 2000, the property was rezoned from MH-IM to MH. In 2008, the property was

rezoned from MH to DR 3.5.

In a June 26, 2023 Zoning Confirmation Letter between counsel for the Petitioner and Baltimore County Zoning Review, the County indicated that “the acreage as shown in the hearing site plan does not conform to the property acreage as listed per the Maryland State Department of Assessments and Taxation (SDAT).” Mr. Mitchell Kellman of Baltimore County Zoning Review suggested that the Petitioner apply for a Special Hearing to confirm the property’s continued use in light of the discrepancy. (Pet. Ex 2.)

Mr. Motsco completed an Area Comparison illustrating the evolution of area of the subject site since 1977. (Pet. Ex. 7). An area designated in blue shows a small portion on the property now is use that was not included in the area involved in the prior Special Exception. This area is located in the south of the property, and borders the neighboring trucking facility. Mr. Motsco opined that this area was purchasers subsequent to the granting of the Special Exception.

Mr. Motsco offered into evidence aerial photographs from 1957 through 2020, illustrating that since 1982, a trucking facility has been utilizing the entire area of the subject property, including the area in blue, noted in the “Area Comparison.” (Pet. Exs. 8a-8u).

In keeping with the requirements of BCZR Section 410A.3.B through 410.A.3.C, Mr. Motsco confirmed that the subject site was at least five acres in area and its diametrical dimension exceeds 150 ft.; that its layout provides for convenient forward movement of vehicles leaving and entering the site; that at least 75 percent of the property is devoted to the parking of truck trailers and tractors; that the site is surrounded by 6 ft. fencing, restroom facilities are available in the office structure on site; that the 111 parking spots are in keeping with 112 granted in the previous Special Exception; and that no automotive parts or junk vehicles are stored on the property.

K.L.R. Factoring, LLC representative, Robert Schilling testified that the company has operated at the subject site since 2005. Mr. Schilling confirmed that the entire site has been in use as a trucking facility since the 1970's without interruption and that are no plans for any additional development or signage on the property, nor will there be an increase in tractor-trailer spaces, or change in manner of ingress and egress. Mr. Schilling confirmed that junk cars and automotive parts are not stored on the property.

Robert Zacheral, president of the Wells McComas Citizens Improvement Association, testified that the Petitioner has been a responsible neighbor to the surrounding residential community and has been responsive in the past to community concerns involving light intruding into the near-by residential neighborhood. Mr. Zacheral testified that he is not opposed to the Petitioner's requested relief but hoped that a dilapidated trailer near the fence line bordering Edgewater Place could be removed. Mr. Zacheral also stated that the planting of some trees near the Edgewater Place fence line would be ideal for additional shielding from the residential community across the street.

Petitioner has requested confirmation of the Class II Trucking Facility operation, and to have the Amended Site Plan approved pursuant to BCZR, Section 410A *et seq.* as a non-conforming use which has been in existence since 1978.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, Section 500.7 as follows:

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 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.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

A Class II trucking Facility is defined in BCZR, Section 101.1 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.

Based on the uncontroverted testimony and exhibits of the Petitioners as set forth above, I find that the Petition for Special Hearing should be granted that a Class II Trucking Facility is in existence and is operating at the Property as confirmed by the Site Plan. (Pet. Ex. 3)

NONCONFORMING USE

A valid and lawful nonconforming use is established if the owner can demonstrate that *before and at the time* of the adoption of a new zoning classification/ordinance, the property was being used in a lawful manner that, by later legislation, became non-permitted. *Trip Assoc., Inc. v. Mayor and City Council of Baltimore*, 392 Md. 563, 569 (2006). In Baltimore County, the law regarding nonconforming uses is set forth in BCZR, Section 104.1, provides:

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, the right to continue or resume such nonconforming use shall terminate.

The definition of non-conforming use in BCZR, Section 101.1 is:

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.

As the subject property is now zoned DR 3.5, its current use as a Class II Trucking Facility is non-conforming with such a Zoning Classification. However, at its inception and subsequent to the granting of the Special Exception in 1981, such a facility was a permitted use on the subject property. Through the testimony of Petitioner's witnesses and the through aerial photos submitted into evidence it is clear that the use of the of property had neither changed or been discontinued. As noted above, testimony has been provided regarding the requirements of BCZR Section 410A.3.B through 410.A.3.C. Additionally, I find that the requested relief is within the spirit and intent of the BCZR and will not harm the public health, safety, or welfare as this use has continued for decades.

As it pertains to landscaping and screening as required under the Baltimore County Landscape Manual and in BCZR, Section 410A.3.B.9, the Bureau of Development Plans Review ("DPR") has provided a ZAC comment requiring a landscape and lighting plan. I find that the existing vegetative buffer around the fenced perimeter is sufficient screening of the facility from the neighboring residences. While the planting of trees along the fence line would be ideal, the fact that the area on the exterior of the fence is not owned by the Petitioner and the area behind the fence contains the compressed millings, planting in such areas may prove impractical. However, as a condition of the Order, Petitioners/legal owners shall be required to ensure that all lighting on

the site is positioned in a fashion not to intrude onto surrounding residential communities. Consequently, Special Hearing relief regarding whether the existence of a lawful conforming use permit for a Class II Trucking Facility and General office is granted.

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).

Petitioner has requested Variance relief from BCZR Section 410A.3.B.6 to permit existing unpaved areas of the “Property” to remain unpaved; BCZR Section 410A.3.B.5, to allow the “Property” to continue to be used as it has been historically without the need of wheel stops.

As stated by Mr. Motsco, the site’s crushed millings parking surface has been in use since the trucking facilities inception in the late 1970’s and is well-compacted and dustless. The site is within the Chesapeake Bay Critical Area, making the paving of the site a practical difficulty, and less environmentally attractive than the present pervious surface. Mr. Motsco also explained that the repeated parking of trailers tends to cause significant damage to macadam surfaces.

Regarding wheel stops, Mr. Motsco explained that the requirement for wheel stops was meant “to protect walls, fencing or screen planting.” (BCZR Section 410A.3.B.5) He further noted that the subject site has operated without wheel stops since its inception and keeps their trailer parking several feet from the surrounding fence line to prevent such damage. Adding wheel stops at this time may cause a reconfiguration of the parking layout and would cause a practical difficulty.

Applying the *Cromwell* analysis to the facts stated above, I find that that the Variance relief from BCZR Section 410A.3.B.6 to permit existing unpaved areas of the subject site to remain unpaved; BCZR Section 410A.3.B.5, to allow the “Property” to continue to be used as it has been historically without the need of wheel stops is granted.

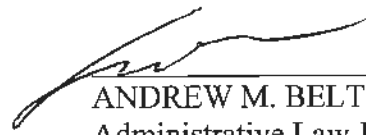
IT IS THEREFORE, ORDERED this 26th day of **December, 2023** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to BCZR, Section 104 to determine whether the existence of a lawful conforming use permit for a Class II Trucking Facility and General office, be and is hereby **GRANTED**, and,

IT IS FURTHER ORDERED, that the Variance relief from BCZR Section 410A.3.B.6 to permit existing unpaved areas of the “Property” to remain unpaved; BCZR Section 410A.3.B.5, to allow the “Property” to continue to be used as it has been historically without the need of wheel stop, be and it is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is 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. Petitioner shall ensure that all lighting on the site is positioned in a fashion not to intrude onto surrounding residential communities.
3. Petitioner shall remove any dilapidated or damaged trailers from the fence line facing Edgewater Place.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB/dlm



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 8230 Bletzer Road Currently Zoned DR-3.5
Deed Reference 21642 / 458 10 Digit Tax Account # 1600005727; 1600014053
Owner(s) Printed Name(s) K.L.R. Factoring, LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether

The existence of a lawful nonconforming use permit for a Class II Trucking Facility and General Office pursuant to Section 104 of the Baltimore County Zoning Regulations (the "Regulations").

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a **Variance** from Section(s)

Section 410A.3.B.6 of the Regulations to permit existing unpaved areas of the Property to remain unpaved; and
Section 410A.3.B.5 of the Regulations to allow the Property to continued to be used as it has been historically without the need of wheel stops.
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 HEARING

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Christopher DeCarlo, Whiteford, Taylor & Preston, LLP
Name - Type or Print _____
Signature _____
1 W Pennsylvania Ave, STE 300, Towson, MD
Mailing Address _____ City _____ State _____
21204 / (410) 347-9459 / cdecarlo@whitefordlaw.com
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

K.L.R. Factoring, LLC /
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 Alan Phillips Signature #2 _____
1920 South State Road 3 Rushville IN
Mailing Address _____ City _____ State _____
46173 / 765-932-8064 / aphillips@fraleyandschilling.com
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

Christopher DeCarlo, Whiteford, Taylor & Preston, LLP
Name - Type or Print _____
Signature Christopher DeCarlo
1 W Pennsylvania Ave, STE 300 Towson MD
Mailing Address _____ City _____ State _____
21204 / (410) 375-9459 / cdecarlo@whitefordlaw.com
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2023-0741-SHA Filing Date 10/16/23 Do Not Schedule Dates _____ Reviewer TC

August 31, 2023

ZONING DESCRIPTION

BLETZER ROAD, 8230

(for zoning purposes only)

Beginning at a point approximately 91 feet southeast from the centerline intersection of Cove Road, a varying right-of-way, and Edgewater Place, a varying right-of-way, said point having MCS coordinate values of North 588,676 East 1,462,499 thence running the following courses and distances:

1. South 58°45'22" East 63.47 feet to a point; thence,
2. Southeasterly 33.84 feet by a curve to the right, having a radius of 475.00 feet and a chord bearing South 56°42'55" East 33.83 feet to a point; thence,
3. South 55°15'54" East 332.55 feet to a point; thence,
4. South 23°45'42" West 9.07 feet to a point; thence,
5. South 55°15'54" East 279.56 feet to a point; thence,
6. Southeasterly 12.47 feet by a curve to the right, having a radius of 86.87 feet and a chord bearing South 21°38'16" East 12.46 feet to a point; thence,
7. South 20°02'21" East 90.68 feet to a point; thence,
8. South 26°57'44" West 187.11 feet to a concrete monument; thence,
9. North 60°06'53" West 788.41 feet to a point; thence,
10. North 23°54'20" East 255.33 feet to a point; thence,
11. North 19°23'35" East 38.58 feet to a point; thence,

2023-0214-SP1A

12. North 74°41'49" East 35.81 feet to the point of beginning.

Containing 5.16 acres of land, more or less.

Located in the Seventh Councilmanic District and the Fifteenth Election
District of Baltimore County, Maryland.



EXPIRES 8/10/25

2023-0214-SP14A

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 twenty (20) 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: 2023-0214-SPHA

Property Address: 8230 Blitzer Rd.

Legal Owners (Petitioners): KLR factoring LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): _____

Address: _____

Telephone Number: _____

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

COUNTY DEPARTMENTS OF PERMITS APPROVALS & INSPECTIONS

John Altmeyer
Cell: 410-382-6580
jaltmeyer@aol.com

APPROVED SIGN POSTERS

J. Lawrence Pilson, R.S.
Cell: 443-834-8162
lpilson@hotmail.com

Richard Hoffman
Cell: 443-243-7360
dick_e@comcast.net

Linda O'Keefe
Work: 410-666-5366
Cell: 443-604-6431
lucky linda1954@yahoo.com

Mitch Kellman
Work: 410-296-3333
mkellman@dmw.com

Bruce E. Doak
Work: 443-900-5535
Cell: 410-419-4906
bdoak@bruceedoakconsulting.com

David Billingsley
Work: 410-679-8719
dwb0209@yahoo.com

Martin Ogle
Cell: 443-629-3411
mert1114@aol.com

Sgt. Robert A. Black
Cell: 410-499-7940
1opie@comcast.net

The petitioner must use one of the sign posters on this approval list. Any reposting must also be done by one of these approved posters. If you wish to select a poster not listed on the list above, prior approval by the Department of Permits, Approvals and Inspections/Zoning is required.

This department is not associated with any of the above posters, nor do we recommend any specific one. We do suggest that you contact a number of them to compare prices, since their charges may vary.

2023-0214-SPHA

⑈00172903⑈ ⑆055003201⑆ 2000026604475⑈

TO THE
ORDER
OF
BALTIMORE COUNTY, MD

WHITEFORD, TAYLOR & PRESTON
BALTIMORE OPERATING
SEVEN SAINT PAUL STREET
BALTIMORE, MD 21202-1636

PAY FIVE HUNDRED AND 00/100 DOLLAR(S)

Wells Fargo
65320
550

M. F. Ford

CHECK NO. 172903	DATE 09/22/2023
CHECK AMOUNT \$500.00	

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT. VOID AFTER 90 DAYS.

FORM NO. 9703B SUPER SAFETY - ANTI-FRAUD PROTECTION

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

No. 226669
Date: 10/11/23

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 500
001	806	0000		6150				\$ 500
Total:								

Rec From: Whiteford Taylor and Preston

For: SPECIAL HEARING
8230 BLETCH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

SC

WHITEFORD, TAYLOR & PRESTON
BALTIMORE OPERATING
SEVEN SAINT PAUL STREET
BALTIMORE, MD 21202-1636

Wells Fargo
65320
550

PAY FIVE HUNDRED AND 00/100 DOLLAR(S)
TO THE
ORDER
OF
BALTIMORE COUNTY, MD

HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT. VOID AFTER 90 DAYS.

CHECK NO. 173207	DATE 10/11/2023
CHECK AMOUNT \$500.00	

M. F. Ford

⑈00173207⑈ ⑆055003201⑆ 2000026604475⑈

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: November 6, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0214-SPHA
Address: 8230 Bletzer Rd.
Legal Owner: K.L.R. Factoring, LLC.

Zoning Advisory Committee Meeting of November 6, 2023.

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

The Department of Environmental Protection and Sustainability has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA) and is subject to Critical Area requirements. Any proposed development of the property must meet IDA requirements for 10% pollution reduction. If the applicant complies with any mitigation required to meet 10% pollution reduction and MBA requirements, the requested amendment will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. Any new development of the property must meet IDA requirements for 10% pollution reduction. If the applicant complies with any

mitigation requirement for 10% pollution reduction, this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

This is a grandfathered lot. Provided that the applicants meet the IDA requirements for 10% pollution reduction for any new development, then the relief requested will be consistent with the established land-use policies.

Additional Comments:

Reviewer: Libby Errickson 11/6/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 11/2/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0214-SPHA

INFORMATION:

Property Address: 8230 Bletzer Road
Petitioner: K.L.R. Factoring, LLC
Zoning: DR 3.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for the following:

Special Hearing -

1. Under Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to determine whether or not the Zoning Commissioner should approve the existence of a lawful nonconforming use permit for a Class II Trucking Facility and General Office pursuant to Section 104 of the BCZR;

Variance(s) -

2. From Section 410A.3.B.6 of the BCZR to permit existing unpaved areas of the property to remain unpaved; and
3. From Section 410A.3.B.5 of the BCZR to allow the property to continue to be used as it has been historically without the need of wheel stops.

The subject site is two parcels in the Dundalk area totaling approximately 5.13 acres. It is improved with a one-story office building, and the majority of the lot is paved with macadam and millings for tractor trailer parking. Per the site plan, in total, there are 111 tractor trailer parking spaces. The subject site is within the Chesapeake Bay Critical Area and is designated as an Intensely Developed Area. Per the site plan, the Petitioner is not proposing any new development, including signage, grading, or new parking spaces.

Uses surrounding the subject site include industrial and residential uses. North and east of the subject site are single family detached residential dwellings on smaller lots. Northeast of the subject site is an industrial use occupied by a roofing contractor and a sheet metal company. South and west of the subject site are multiple additional industrial uses, used as trucking facilities.

The site was the subject of Zoning Case 1981-0092-X. The case requested a Special Exception to expand the site area for the existing use as a Class II Trucking Facility by amending the plan approved for the

use. The original site area for the use was approved in July of 1978. The Special Exception was conditionally approved on February 3rd, 1981.

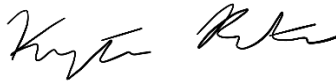
The property has been the subject of two past Comprehensive Zoning Map Process Issues: Issue 7-005 in 2000 and Issue 7-041 in 2008. In 2000, the property was rezoned from MH-IM to MH. In 2008, the property was rezoned from MH to DR 3.5.

The subject site is within the boundaries of the Eastern Baltimore County Revitalization Strategy Plan, the Wells-McComas Community Conservation Plan, and the Greater Dundalk-Edgemere Community Conservation Plan. The Greater Dundalk-Edgemere Community Conservation Plan, adopted February 22, 2000, recognizes the significant amount of industrial development in the Dundalk/Edgemere area (Land Use and Zoning Table, page 43), and states that the area should continue to support industrial development to strengthen businesses and build a competitive workforce (page 57).

Because the use has existed since 1978 and pre-dates the DR 3.5 zoning classification, the Department of Planning has no objections to the Special Hearing request. Because the unpaved areas have been as such since the 1970's and 1980's, the Department of Planning has no objections to the Variance request to allow the unpaved areas to remain unpaved. Because the property is fenced in, has a gate at the ingress/egress point of the site, and has existed historically without wheel stops, the Department of Planning has no objections regarding the Variance request to continue use without wheel stops.

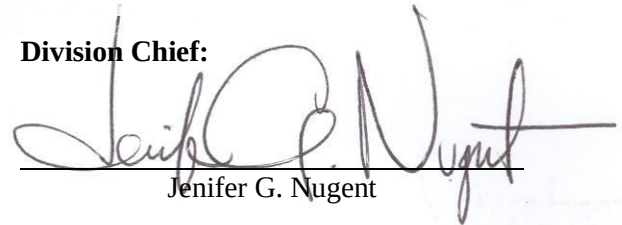
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Christopher DeCarlo, Whiteford, Taylor, and Preston, LLP
Maria Mougridis, Community Planner
David Birkenthal, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

CASE NO. 2023-0214-SPHA

PETITIONER/DEVELOPER

Whiteford Law

Chris DeCarlo

DATE OF HEARING/CLOSING

December 11, 2023

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

8230 Bletzer Road

Sign 1

THE SIGN(S) POSTED ON November 18, 2023

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411



Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 1600014053

Owner Information

Owner Name: KLR FACTORING LLC **Use:** INDUSTRIAL
Principal Residence: NO

Mailing Address: 333 WEST HUNT RD **Deed Reference:** /21642/ 00458
RUSHVILLE IN 46173-7324

Location & Structure Information

Premises Address: BLETZER RD **Legal Description:** PT LT 27 NWS BLETZER
0-0000 86 SW OF GLENHURST RD
GLENHURST

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0104 0003 0257 31503.04 0000 27 2024 **Plat Ref:** 0012/ 0022

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1.8100 AC 07

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
/

Value Information

	Base Value	Value As of 01/01/2021	Phase-in Assessments As of 07/01/2023	As of 07/01/2024
Land:	144,800	144,800		
Improvements	0	0		
Total:	144,800	144,800	144,800	
Preferential Land:	0			

Transfer Information

Seller: PYLE CORPORATION	Date: 03/31/2005	Price: \$900,000
Type: ARMS LENGTH MULTIPLE	Deed1: /21642/ 00458	Deed2:
Seller: LONG SOPHIE M	Date: 04/05/1979	Price: \$55,000
Type: ARMS LENGTH IMPROVED	Deed1: /06006/ 00595	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class		07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

2023-0214-SPHA

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 1600005727

Owner Information

Owner Name:	KLR FACTORING LLC	Use:	INDUSTRIAL
Mailing Address:	333 WEST HUNT RD RUSHVILLE IN 46173-7324	Principal Residence:	NO
		Deed Reference:	/21642/ 00458

Location & Structure Information

Premises Address:	8230 BLETZER RD 0-0000	Legal Description:	PT LT 27 3.318 AC WS SW COR GLENHURST RD GLENHURST
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Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0104 0003 0257 31503.04 0000 27 2024 Plat Ref: 0012/ 0022

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
2000 1,673 SF 3.3200 AC 07

StoriesBasementType	ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
OFFICE BUILDING/	C3

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2023	07/01/2024
Land:	830,000	830,000		
Improvements	203,200	203,200		
Total:	1,033,200	1,033,200	1,033,200	
Preferential Land:	0			

Transfer Information

Seller: PYLE CORPORATION	Date: 03/31/2005	Price: \$900,000
Type: ARMS LENGTH MULTIPLE	Deed1: /21642/ 00458	Deed2:
Seller: PYLE CORPORATION	Date: 09/02/1982	Price: \$115,000
Type: ARMS LENGTH IMPROVED	Deed1: /06429/ 00794	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

2823-0214-SYHA



County, this 3rd day of February 1981, that the heretofore Petitioner for Special
Exception for the expansion of an existing Class II trucking facility should be and
the same is GRANTED, from and after the date of this Order, subject, however,
to the following restrictions:

1. All truck parking on the west side of the subject property shall be located at least 150 feet from the adjacent residence.
2. All truck ingress and egress shall be from Edgewater Place. The truck entrance shall have a minimum width of 10 feet from the curb or a shoulder pull-off shall be provided. The entrance gates shall swing into the site or side parallel with the public roadway.
3. Automobiles may continue to use the Edgewater Place, Glenhurst Road, and Bletzer Road intersection entrance.
4. The site plan, under General Notes, shall designate Edgewater Place as a proposed 40 foot closed roadway within a 0 foot right-of-way.
5. Wheel stops shall be located to prevent damage to fences, screening, light poles, etc.
6. Compliance with the applicable portions of the comments submitted by the Department of Permits and Licenses, dated September 16, 1980, and the Health Department, dated November 17, 1980.
7. Compliance with the applicable portions of Section 410 of the Baltimore County Zoning Regulations.
8. A slatted, chain-link fence shall enclose the entire portion of the property to be utilized as a trucking facility, including the existing 11-story frame building and 12-story office building. The slatted fence may be eliminated on that portion of the fence parallel to Bletzer Road from the southeast corner of the 11-story frame building to the automobile entrance near the Edgewater Place, Glenhurst Road, and Bletzer Road intersection if approved by the Current Planning and Development Division.
9. A revised site plan, incorporating the above applicable restrictions and including a schedule of compliance, shall be submitted for approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning, including landscaping and screening approval by the Current Planning and Development Division. Full compliance with this plan shall be obtained before utilization of the additional area.

John M. N. Jones
County Zoning Commissioner of Baltimore County

