IN RE: PETITION FOR SPECIAL HEARING
NW/Corner of Rosedale Avenue
and Pulaski Highway
15th Election District
7th Councilmanic District
(1207 Rosedale Avenue)

Schuman Holdings, II, LLC
By: Rena Vanicek, Managing Member

Petitioner

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- CASE NO. 04-049-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Schuman Holdings, II, LLC, by Rena Vanicek, Managing Member. The special hearing request is pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for a non-conforming use for the parking of trucks/vehicles, and in the alternative, parking of trucks/vehicles as a matter of right in the ML-AS zone. The property comprises 0.7292 acres, more or less and is zoned ML-AS and BR-AS.

The property was posted with a Notice of Hearing on September 6, 2003 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 4, 2003 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The 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. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Joseph 3

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: NONE

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief William Schuman, Deborah Allen and William Karp. Leslie M. Pittler, Esquire represented the Petitioner. No Protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence.

Testimony and evidence was proffered by Mr. Pittler which indicated that the subject property is located at the intersection of Rosedale Avenue and Pulaski Highway, is surrounded by commercial and industrial uses, and is primarily zoned ML-AS with a small portion of the property zoned BR-AS. The AS designation is indicative of the intention of the County Council to have uses on the property which are "dominated by parking and servicing of automobiles or characterized by frequent parking turnover such as fuel service stations and car wash operations". The petitioner proposes to park six trucks on the premises in addition to refurbishing the home on the property to use as an office for his trash hauling business, which he provides to Baltimore County. Each day drivers would come to the site, pick up empty trucks, drive a route prescribed by the County, unload the material collected at a landfill or otherwise and return the empty truck to the site in the evening. The trucks are to be kept in a fenced area separating the parking operation from the wooded area on the property.

Deborah Allen and William Karp testified that they were very familiar with the property from personal and business experience and that at least six trucks had been parked on the property continuously and without one year interruption for the past forty years.

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Findings of Fact and Conclusions of Law

The Petitioner first contends that he may, as of right, park trucks on property in these zones as part of his trash hauling business. The problem arises, if this is so, as to whether or not the operation could then be a trucking facility, which would impose additional restrictions and regulations. The Petitioner does not want to fall under this legislation. The definition of "Trucking Facility" indicates that these facilities are: (1) used to accommodate the transfer of goods, or (2) for truck or trailer parking or storage. While clearly the Petitioner's operation does not follow section (a), section (b) may apply. However, if the parking of trucks is accessory to a lawful business or industrial use of the land, the operation is not a trucking facility.

Considering the above and the possibility that someone, some day may declare the operation to be a trucking facility, the Petitioner determined to proceed with his second plank of a nonconforming use. I find that there is insufficient evidence or testimony in the record upon which I could find that the use of the property was or was not a trucking facility, even if I could find that the Petitioner may park his trucks on the property by right in this ML zone.

However, the evidence and testimony was uncontroverted that the prior owners of the property had parked trucks (at least six trucks) on the premises for over forty years. Mr. Pittler proffered that based upon his research, the property was zoned ML prior to 1967 and that parking of trucks such as the Petitioner's were allowed under the "contractor's storage yard" designation which was allowed at that time. Consequently, he contends that parking of such trucks was a legal use at the time and since the practice of parking trucks on the property has continued uninterruptedly for the past 40 years, such parking is a nonconforming use.

I find based on the proffered and actual testimony that parking of six trucks on the premises is a lawful nonconforming use, which existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1967. I also find that the use of parking trucks on the

1. 3/45/03

property has been continuous and has not been interrupted for the past 40 years. See McKemy v. Baltimore County, Maryland, 39 Md. App. 257, 385 A.2d 96 (1978). It is clear that the Petitioner enjoys a legal nonconforming use.

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, I believe that the special hearing request should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 25 day of September, 2003, that the Petitioner's request for a special hearing to determine that parking of trucks/vehicles may be made as a matter of right in the ML-AS zone is hereby DENIED; and that the Petitioner's request for special hearing pursuant to Section 500.7 of the B.C.Z.R., for a nonconforming use for the parking of trucks/vehicles, be and is hereby GRANTED, subject, however, to the following conditions and restrictions:

- 1. The Petitioner shall provide an 8 ft. privacy fence in order to screen the parked vehicles pursuant to Petitioner's Exhibit No. 1; and
- 2. The Petitioner shall limit the number of trucks parked upon the property at any time to six (6) vehicles.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

September 25, 2003

Leslie M. Pittler, Esquire 29 W. Susquehanna Avenue, Suite 610 Towson, Maryland 21204

> Re: Petition for Special Hearing Case No. 04-049-SPH Property: 1207 Rosedale Avenue

Dear Mr. Pittler:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Hearing has been granted in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

John V. Murphy

JVM:raj Enclosure

c: Deborah Allen William Karp 11026 Red Lion Road White Marsh, MD 21162 William F. Schuman 7046 Greenbank Road Baltimore, MD 21220



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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1207 Rosedale Ave.

which is presently zoned ML-AS JOR-AS

Reviewed By 12/2, Date 7-28-03

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the subject site for las a non-conforming use for the parking of trucks | vehicles, and in the alternative, parking of trucks | vehicles as a mother of right in the ML-AS zone

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

		-	I/We do solemnly dec perjury, that I/we are is the subject of this I	the legal owner(s	inder the p i) of the pro	enalties of operty which
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City	State	Zip Code	Signature	<u>-</u>		
Attorney For Petition	<u> 1er:</u>		1207 Rond	ale AVII	me.	40.331=34
Leslie M. Pith	les Esz.		Address	m) 2	1027	Telephone No.
Name - Type or Print) H44		City	Sta		Zip Code
Signature	Me		Representative t	to be Contact	<u>ed:</u>	
Leslie M. Pitt	ler PA		Leshe M. 7	styler Es	ن	
29 W. Sughan	<u></u>	410 - 823-4455	Name 27 W. Susqueb		Ste. 618	410 - 823 - 445 5
Address		Telephone No.	Address	THE FICE	_	elephone No.
Towson	<u>Md.</u>	21204	Towson	Md.	217	204
City 3	State	Zip Code	City	Sta	ite	Zip Code
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Of Children of the Contract of		•	ESTIMATED LEN	IGTH OF HEAR	LING _e	L. hus
Case No. 04-	049-SP1	4	UNAVAILABLE FO	OR HEARING		

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

13523 LONG GREEN PIKE P.O. BOX 26 BALDWIN, MD 21013 (410) 817-4600 FAX (410) 817-4602

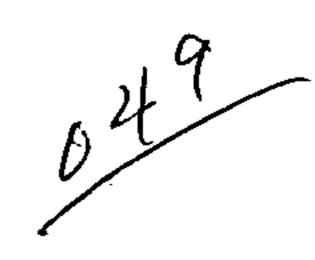
ZONING DESCRIPTION OF #1207 Rosedale Avenue

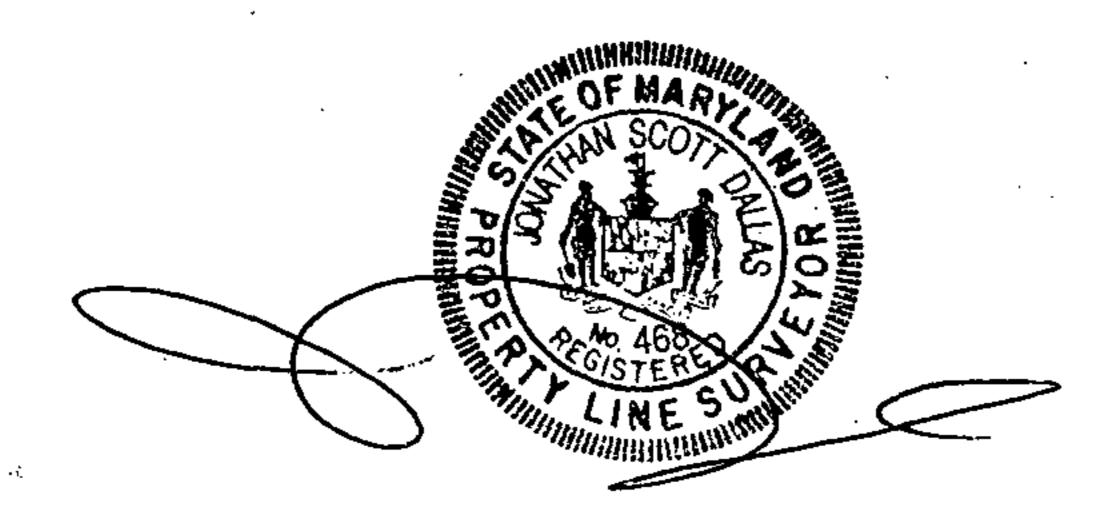
BEGINNING at the intersection of the north side of Pulaski Highway, 150 feet wide and the west side of Rosedale Avenue, 30 feet wide thence running with and binding on said west side of Rosedale Avenue (1) northwesterly by a curve to the west with a radius of 284.83 feet for an are length of 62.83 feet and (2) North 46 degrees 54 minutes 47 seconds West 120.07 feet thence leaving said Rosedale Avenue and running (3) South 47 degrees 28 minutes 53 seconds West 173.00 feet and (4) South 29 degrees 22 minutes 12 seconds East 142.97 feet to intersect said north side of Pulaski Highway thence running with and binding on said north side of Pulaski Highway (5) North 58 degrees 57 minutes 13 seconds East 216.96 feet to the place of beginning.

CONTAINING 31,765 square feet (or 0.7292 acres) of land, more or less.

ALSO known as # 1207 Rosedale Avenue and located in the 15th Election District, 7th Councilmanic District.

Note: above description is for zoning purposes only.





OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE 7-30-03 ACCOUNT R-001-006-6150 AMOUNT \$ 325. AMOUNT \$ 225. FIGH: Less M. Pittler F.A. FOR: Less M. Pittler F.A. FOR: Less M. Speciet Hearing fling fee	775172003 973172003 11:56:35 KUS BOST BOST 170703 775172003 Dept	□ > √
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION	1

OF ZONING HEARING NOTICE

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

Case: #04-049-SPH

1207 Rosedale Avenue
N/west corner of Rosedale Avenue, and Pulaski Highway
15th Election District - 7th Councilmanic District
Legal Owner(s): Schurman Holdings, LLC, Rena Vanicek, Managing Member

Special Hearing: to permit a non-conforming use for the parking of trucks/vehicles, and in the alternative, parking of trucks/vehicles as a matter of right in the ML-AS zone.

Hearing(s): Monday, September 22, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

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F PUBLIC

he annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., that t THIS IS TO CERTIFY, C_{00} each of once in

The Jeffersonian

Arbutus Times

Catonsville Times

Towson Times

NE Booster/Reporter

Owings Mills Times

North County Nev

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BOAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 04-049-SPH
Petitioner/Developer:
Schuman Holdings, LLC,
Rena Vanicek, Managing
Member
Hearing Date: 9/22/03

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Becky Hart:

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 1207 Rosedale Ave.

The sign(s) were posted on 9/06/03.

A 104

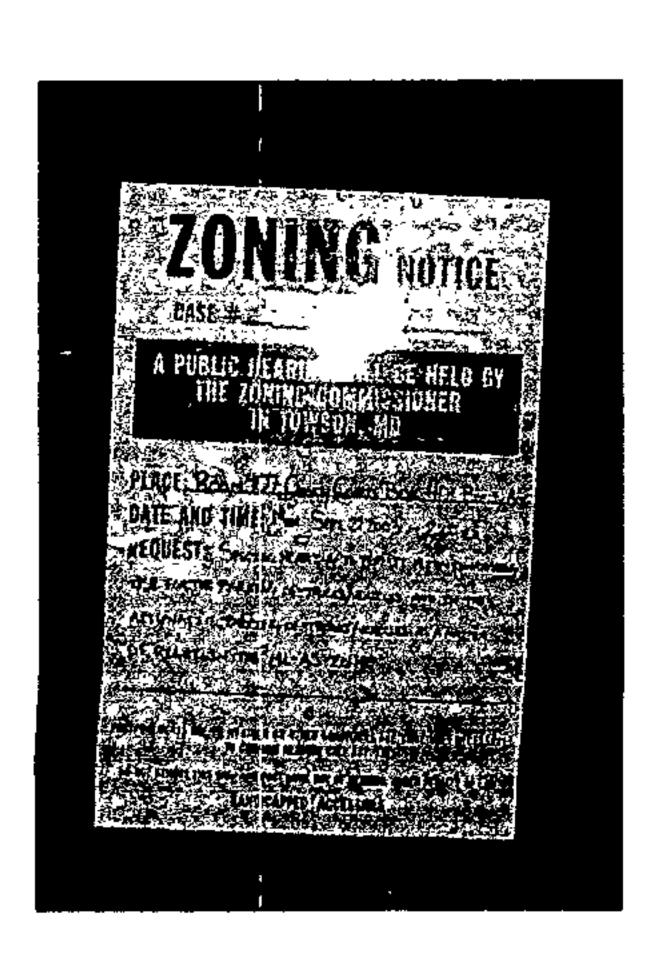
Sincerely

Diana Sugiuchi
Thomas J. Hoff, Inc.

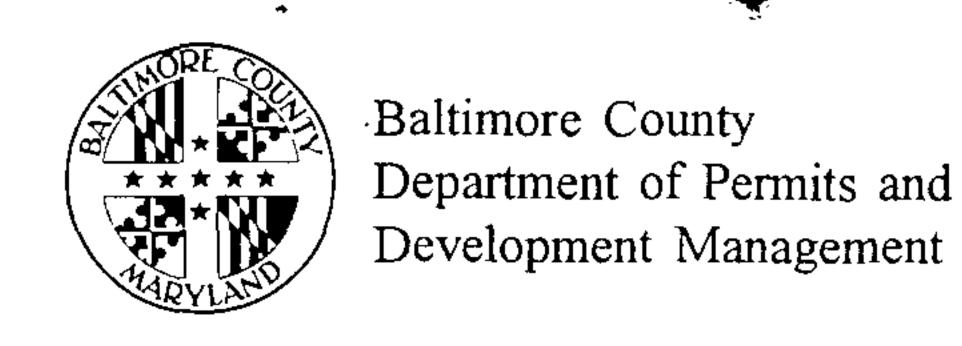
406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



Nand-Allwered Aland-Allwered



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

August 13, 2003

NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-049-SPH

1207 Rosedale Avenue

N/west corner of Rosedale Avenue, and Pulaski Highway

15th Election District – 7th Councilmanic District

Legal Owner: Schuman Holdings, LLC, Rena Vanicek, Managing Member

Special Hearing to permit a non-conforming use for the parking of trucks/vehicles, and in the alternative, parking of trucks/vehicles as a matter of right in the ML-AS zone.

Hearings:

Monday, September 22, 2003, at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Leslie Pittler, 29 W. Susquehanna Avenue, Ste. 610, Towson 21204 Schuman Holdings, LLC, Rena Vanicek, 1207 Rosedale Avenue, Baltimore 21027

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 6, 2003.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 4, 2003 Issue - Jeffersonian

Please forward billing to:

Leslie Pittler 29 W. Susquehanna Ave., Ste. 610 Towson, MD 21204 410-823-4455

NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-049-SPH

1207 Rosedale Avenue

N/west corner of Rosedale Avenue, and Pulaski Highway

15th Election District – 7th Councilmanic District

Legal Owner: Schuman Holdings, LLC, Rena Vanicek, Managing Member

Special Hearing to permit a non-conforming use for the parking of trucks/vehicles, and in the alternative, parking of trucks/vehicles as a matter of right in the ML-AS zone.

Hearings:

Monday, September 22, 2003, at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

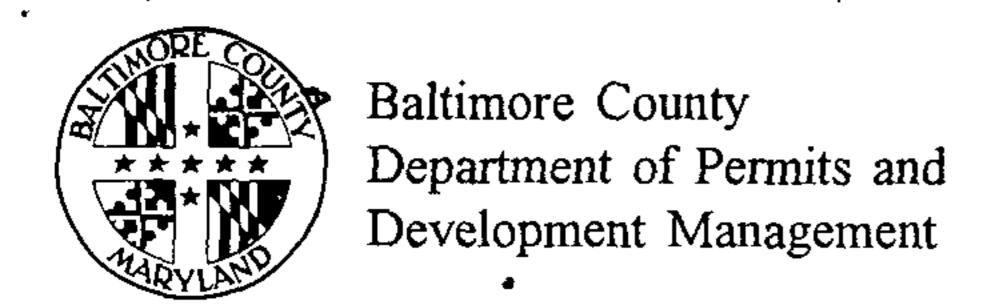
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper /	Advertising:					
Item Number or C	ase Number: _	04 -	049 -	7		
Petitioner:	Schuman	Holding	SIL LLC	<u></u>		
Address or Locati	on: <u> 207</u>	Rosedo	CA.C.	B 5/	to Ady 2	2/027
PLEASE FORWA			. 1			
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Telephone Numbe	er: 410 - a	823-44	155			<u></u>



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

September 18, 2003

Leslie Pittler 29 W. Susquehanna Ave., Ste. 610 Towson, MD 21204

Dear Mr. Pittler:

RE: Case Number: 04-049-SPH, 1207 Rosedale Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 28, 2003.

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Schuman Holdings, LLC, Rena Vanicek, 1207 Rosedale Ave., Baltimore 21027

County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 August 13, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of August 11, 2003

Item No.: 4-48-SPHA 4-49-SPH 4-50-A 4-51-A 4-52-SPHA 4-53-SPHA 4-54-A 4-55-A 4-56-A 4-57-A 4-58-A 4-59-A 4-60-A 4-61-A 4-62-a 04-43-SPH 03-0545-X

Dear Ms. Hart:

Pursuant to your request, the referenced properties has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

清aayuano Depaatment of Fransportation

8.13.03 Date:

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

RE:

Baltimore County

Item No. 749

772

Dear. Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

July

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case 04-049

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief: Jun Janham

AFK/LL:MAC

DEGENTED 103 20NING COMMISSIONER

DATE: September 2, 2003

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 25, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 18, 2003 Item Nos. 048, 049, 050, 051, 053, 054, 055, 056, 057, 058, 059, 060,

061, and 062

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING

1207 Rosedale Avenue; NW corner Rosedale

Avenue & Pulaski Highway

15th Election & 7th Councilmanic Districts

Legal Owner(s): Schman Holdings, II, LLC, *

Rena Vanicek, Managing Member

Petitioner(s) *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-049-SPH

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel 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/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

AUG 1 9 2003

Per.....

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19 day of August, 2003, a copy of the foregoing Entry of Appearance was mailed to Leslie M Pittler, Esquire, 29 W Susquehanna Avenue, Suite 610, Towson, MD 21204, Attorney for Petitioner(s).

ETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Endnotes

1 (Popup)

Editor's Note: Previous Subsection 253.4 (derived from BCZR 1955; Bill Nos. 56-1961; 64-1963; 85-1967), to which this refers, was repealed by Bill No. 100-1970. It read as follows: "253.4--The following (see also Section 255.1): Assembly of automobiles and airplanes; Boatyard; Bus terminal; Carpet, rug cleaning; Cleaning and dyeing; Concrete products, including concrete and/or cinder block manufacture; Contractor's equipment storage yard; Creamery; Enameling, japanning, lacquering, galvanizing and plating, when merely accessory to other permitted uses; Excavations, controlled, exclusive of those embodying use of explosives (see Section 403); Grain, processing of, provided equipment is installed for effective precipitation and recovery of dust; Heliport, Type I; Heliport, Type II; Ice, manufacture of; Milk pasteurization and distributing stations; Non-liquid fuel storage and sale (for requirements see Baltimore County Building Code); Poultry, commercial killing of; Storage of inflammable liquids and gases above ground (for requirements see Baltimore County Building Code); Vegetable canning or packinghouse (see also Section 255.1)."

2 (Popup)

Editor's Note: The title of Bill No. 56-1961 indicates amendment of this subsection; however, no amendment to this subsection appears in the body of that bill.

Baltimore County Zoning Regulations PC/Codebook for Windows

Uses permitted in M.R. Zone, Section 241.1 and in Section 253.4^{EN(1)} of the M.L. Zone:[Bill No. 85-1967]^{EN(2)}

Section 256, Manufacturing, Heavy (M.H.) Zone Use Regulations [BCZR 1955]

The following uses only are permitted, subject to the provisions of Subsection 256.5: [Bill No. 85-1967]

Section 259 Districts [Bill No. 40-1967]

259.1 General. [Bill Nos. 111-1968; 127-1994]

In any district, the use, height, area and other regulations applicable in the underlying zone(s) or district(s) upon which the district is superimposed shall govern except as may specifically be enlarged, modified or limited by the district regulations in this section. In the case of conflict between the provisions of an underlying zone and overlaying district(s), the most recently enacted provision shall prevail.

259.2 Statements of legislative intent for districts.

(Compliance with a statement of legislative intent shall not, in itself, be sufficient cause to classify property within the district to which such statement applies.)

A. C.R. (Commercial, Rural) District. [Bill No. 103-1988]

- 1. The C.R. District is established to provide opportunities for convenience shopping and personal services that are customarily and frequently needed by the rural residential and agricultural population and tourists. It is intended that the C.R. District be applied only to areas where such facilities are not available within a reasonable distance, where sewerage treatment and a potable water supply can be provided without an adverse effect on the environment and neighboring uses, and where public roads are capable of handling the anticipated increase in traffic without adverse impacts on surrounding areas. The commercial centers within C.R. Districts are not intended to be regional facilities providing specialty goods to a population outside of the rural area.
- 2. C.R. Districts may be assigned to areas of commercial development beyond the urban-rural demarcation line for which C.R. District designation is recommended in the Master Plan. The underlying zone may be B.L., B.M., B.R. or R-O. The C.R. District may also be applied to land zoned R.C.5 which is adjacent to a C.R. District, provided that the location, configuration and physical characteristics of the site and the potential for access to an adequate public road make the land suitable for commercial development.
- B. A.S. (Automotive Services) District. The A.S. District may be applied within the urban-rural demarcation line (URDL) to certain parcels of land zoned B.L., B.M. or B.R., which are appropriate for uses dominated by the parking and servicing of automobiles or characterized by frequent parking turnover, such as fuel service stations and car wash operations. Any land heretofore classified as C.N.S., C.S.A., C.S.-1 or C.S.-2 on the effective date of Bill No. 172-1993 shall hereby be classified an A.S. District. [Bill No. 172-1993⁸]

Editor's Note: This bill repealed former Subsections E, F and G of this Section 259.2, which subsections contained the legislative intent for the C.S.A. (Commercial, Supporting Area) District; C.S-1 (Commercial, Strip) District; and the C.S-2 (Commercial, Strip) District.

TOWN CENTER — A locality designated and delimited as a town center by the Planning Board to serve as the primary center of commercial (including supporting commercial) and higher-density residential development for an area having a population of approximately 100,000 or more persons, and meeting criteria or guidelines adopted and published by the Planning Board. Industrial, lower-density residential, and institutional uses are not excluded from town centers (when allowed under the regulations for the zone in which they are located). [Bill No. 40-1967]

TOWN-CENTER DISTRIBUTOR-BYPASS ROAD — An arterial street which is designed to distribute traffic to a town center as well as to carry traffic around and away from such a center, and which is designated by the Planning Board as a town-center distributor-bypass road. [Bill No. 40-1967]

TRAILER (or MOBILE HOME) — Any of the various types of vehicles or mobile homes, with or without motive power, including small structures transportable by a pickup truck or similar vehicle, which are used for human habitation or for business purposes, but excluding vehicles used only for transportation of materials, products or animals. A trailer (or mobile home) shall still be regarded as such even though its mobility may have been eliminated by removing its wheels, or otherwise, and placing it on a stable foundation or rigid supports. Recreational vehicles, as defined herein, are excepted from this definition. [Bill Nos. 145-1959, Section 415.5; 109-1964; 29-1974]

TRAILER PARK — A tract of land specifically planned and equipped to accommodate residential trailers for temporary or continuing occupancy, including all buildings, structures, tents, vehicles, utilities and accessories used or intended as equipment for such trailer park.

TRANSIT CENTER — A structure or portion of a structure and bus staging area designed and located to facilitate transfers among bus routes operated by the State Mass Transit Administration. A transit center may also be designed with parking to facilitate transfers between other modes of transportation including taxicabs, automobiles, commuter vanpools, airport limousines and privately owned buses. [Bill No. 91-1990]

TRANSIT FACILITY — A structure or any combination of structures, including atgrade, elevated or below-grade fixed guideways, tunnels, electrical substations or fixtures necessary to support public mass transportation operations owned or operated by or on behalf of the Mass Transit Administration. This term shall not include a transit center, a transit storage and repair yard, bus terminal or rail passenger station. [Bill No. 91-1990]

TRANSIT STORAGE AND REPAIR YARD — A site used primarily for the storage and maintenance of common carrier vehicles and for the repair of equipment associated with such vehicles. [Bill No. 91-1990]

TRUCKING FACILITY — A structure or land used or intended to be used 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" includes facilities for

the storage of freight-shipping containers designed to be mounted on chassis for part or all of their transport, but 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, the terms "trucks," "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. [Bill Nos. 18-1976;²⁷ 218-1980]

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. [Bill No. 18-1976]

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, truck trailers or truck tractors. [Bill No. 18-1976]

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. [Bill No. 18-1976]

UNLICENSED MOTOR VEHICLE — Any motor vehicle which does not have a current and valid registration plate or plates and validation tab or tabs attached to and displayed on the vehicle for the then current registration period. [Bill No. 135-1986]

URBAN-RURAL DEMARCATION LINE — A boundary line established by the Planning Board, dividing that portion of Baltimore County considered as "urban" from that portion of the county considered as "rural." In establishing or relocating such line, the Planning Board shall consider population density, existing public water supply and sewerage facilities, other existing public facilities and public facilities scheduled for planning or construction in the capital budget and five-year capital program. [Bill No. 40-1967]

VETERINARIAN — A person licensed to engage in the practice of veterinary medicine. [Bill No. 85-1967]

VETERINARIAN'S OFFICE — An office which is maintained by a veterinarian for the treatment of animals and in which no animal is kept overnight. [Bill No. 85-1967]

VETERINARIUM — Any building or portion thereof which is used, intended to be used or arranged primarily for treatment of animals by a veterinarian, where overnight care is allowed, and where all areas used for treatment or housing of animals are odorproofed and soundproofed. [Bill No. 85-1967]

²⁷ Editor's Note: This bill also repealed the former definition of "truck terminal."

BALTIMORE COUNTY FENCE USE PERMIT DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

1 1/2 1/1/2

111 WEST CHESAPEAKE AVENUE, TOWSON, MD 21204
Permit No. 75/0033

Fees: \$10.00 Residential; \$20.00 Commercial Receipt No. H Make checks payable to Baltimore County, Maryland --- PERMIT FEES ARE NON-REFUNDABLE Tax Account # 15-19-480/10 Type or print in ink: 1237-26-25 Election District ML-195

Phone No. 410-331-34-76 Work Site Address Mou au n Owner's Name Mailing Address Phone No. 410-331-3476 Owner's Agent_ COMPLETE BELOW OR ATTACH A PLAN THAT CLEARLY SHOWS: Corner Lot: Yes No 🖂 Historic District: Yes Property line dimensions, easements, existing buildings, road names, and location of alleys. MLY, and type Mrs. Proposed fence, total length height Property line setbacks: front Property use 7 Guaphin No/A Rear/Side yard abuts adjoining front yard: Yes STUME SITE PLAN FENCE REGULATIONS Permit is required for fences over 42 inches high(measured vertical to ground, even if fence is placed on top of wall). Macho Fences erected within easement must be removed at owner's expense, if required. **Building Code, Section 509:** 509.1 - Residential Fences -- Maximum height of 42 inches in front yard as determined by BCZR and 6 feet in side and rear yards at the property line. Maximum height of 10 feet in side and rear yards, provided set back 2 feet for vertical foot over 6 feet. 509.2 - Commercial Fences -- Maximum height of 12 feet. rear Building's Engineer may approve higher fence for existing dangerous, hazardous, or athletic field. Electric and dwelling barbed wire fences are only permitted for the retention or of and when not a safety hazard to the public. No building projections less than 4 feet high. Barbed wire and other physical front retarding material may be on top of fence that is at least 6 feet, 9 inches high. Zoning Code (BCZR) (access easements cannot be fenced) 102.5 - Corner Lot -- No fence or other obstruction to vision is permitted higher than 3 feet within 25 feet of a corner of two streets, 15 feet of a street and alley, and 10 feet of two alleys. 427 - Residential Fences in side or rear yard which adjoins residential front yard (setback and maximum height): Road Name zero to 10 feet - 42 inches, 10 to 20 feet - 48 inches, 20 to 30 feet - 60 inches, and over 30 feet - no limit. Required pool fence and houses more than 200 feet apart are exceptions. County Code. Section 21-3, Obstruction of Drivers' View: Corner Lots: The County Code (Section 21-3) does not allow a fence on a corner lot to obstruct the vision of drivers as they reach he intersection. If a sight problem is noted later, the property owner will be required to move the fence. So, to be safe, contact Traffic Engineering at 410-887-3554 for a free site inspection before you build the fence. An issued permit does NOT certify that he fence will be in compliance._____ CERTIFICATION (OWNER/AGENT) have carefully read the above regulations and hereby certify that the proposed fence will be located on private property, will not iolate the codes and that the information supplied is true, complete, and correct.

ev. 11/01

ignature

opies: White - Office; Yellow - Applicant

Signature

Print or Type Name

Authority under Section 500.4, BCZR | PDM APPROVAL (FOR FENCE ONLY)

-Print-Initials___

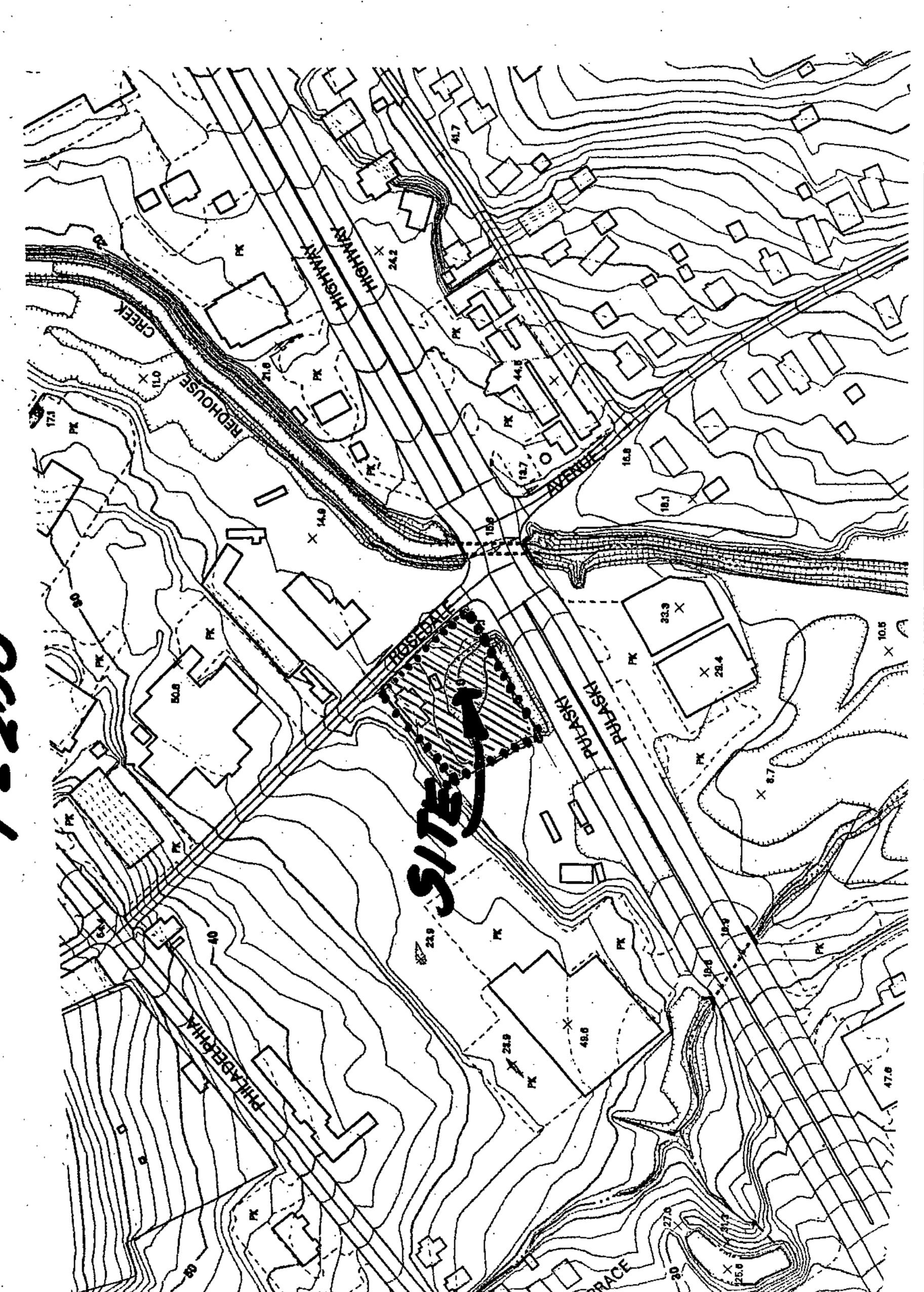
J. S. DALLAS, BEARINGS REFERRED TO SRC PLATINO. 1354.
EXISTING TITLE DEED 13206/658 ETC. CONTAINS MATHEMATICAL.
CLOSURE ERROR OF 10: IRON BAR SET 76.241 279.27.12°E ROADLLC MD. RT. 40 / SRC PLAT NO. N58°57'13"E 216.96 HIGHWAY 0 R IRON PIPE FOUND MARYLAND BOUN! HONDISTRICT ROSEDAL TRON BAR SET COSMUTIC FAM SMall GIASH Arca BOSEDALE. MG = MARKING Foncedin ANEA For ANEA Where The whicks Will Be PARked.

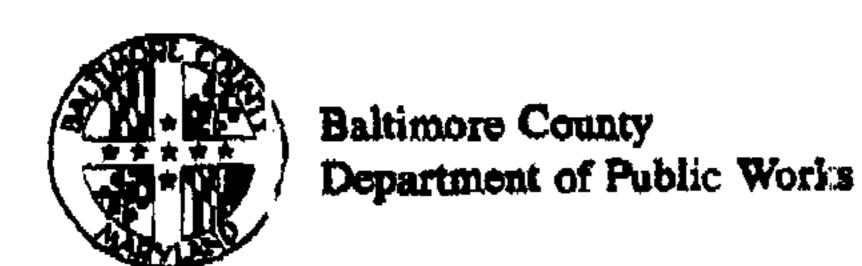
PLEASE PRINT CLEARLY

CASE NAME 1207 ROSAGLE CA CASE NUMBER, 04-049-5P4 DATE 9/22/03

PETITIONER'S SIGN-IN SHEET

E- MAIL									
CITY, STATE, ZIP	White March MD 21162 18 A1To May 21/20)								
ADDRESS	11026 Kallon Kol 11026 Kallon Rd								
NAME	William FSchunge								





Bureau of Solid Waste Management 111 W. Chesapeake Avenue Towson, Maryland 21204 (410) 887-3188

Fax: (410) 887-2931

September 17, 2003

RE: William F. Schuman & Son Truch Removal Services, Inc.

To Whom It May Concern:

This is to confirm that William F. Schuman and Son Trash Removal Services, Inc., performs contractual residential solid waste removal services for Baltimore County. He has been assigned an area known as Route #40. Mr. William F. Schuman, Jr., and his company have performed the contractual residential solid waste removal services for Baltimore County since 1972.

If you much any additional later market, proace conservation are set (-110) 007-2100.

Sincerely,

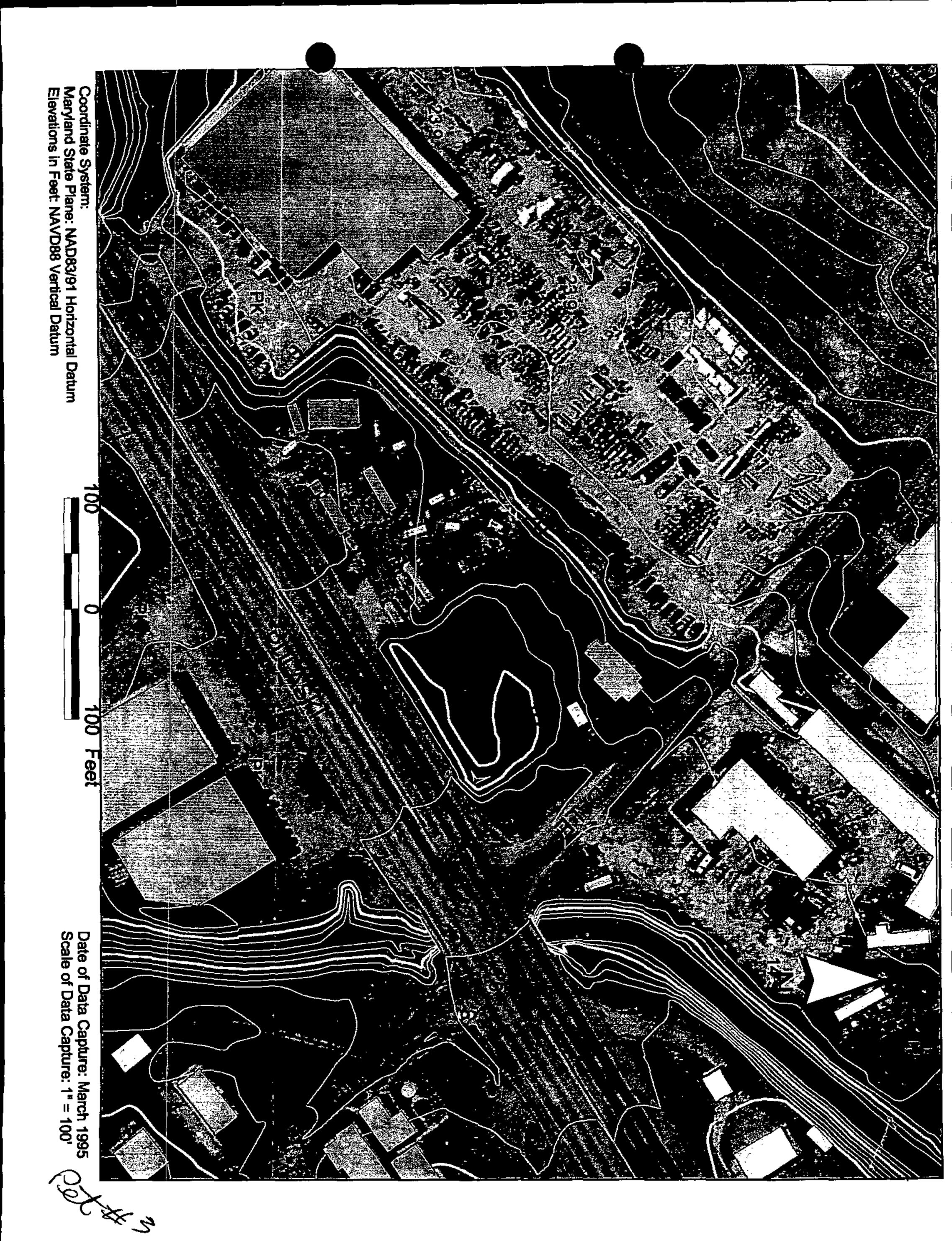
Atomic Transport

Mary B. Roper, Chief

MIR:cae



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



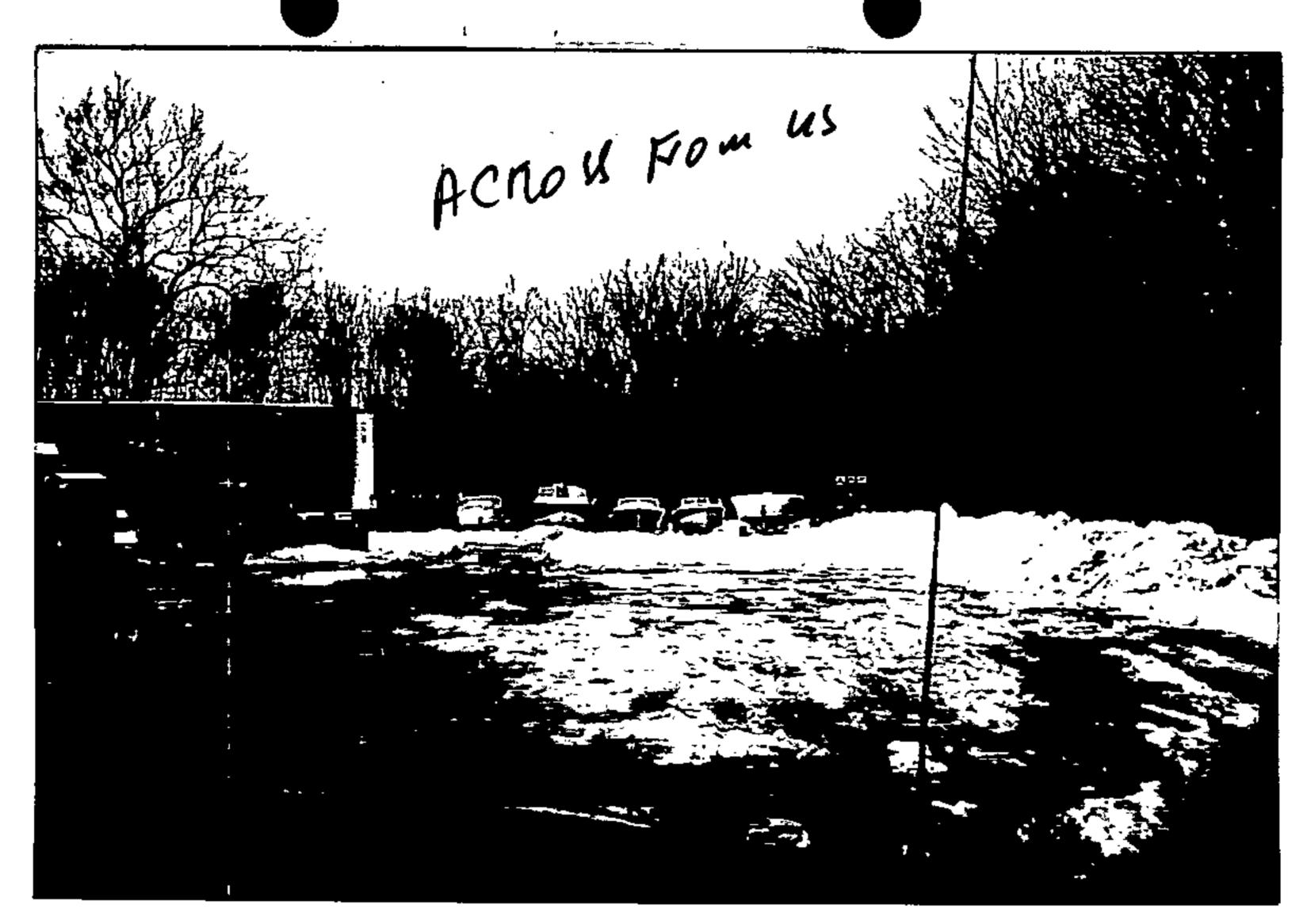


Baltimore County Zoning Commissioner Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Photograph SPH



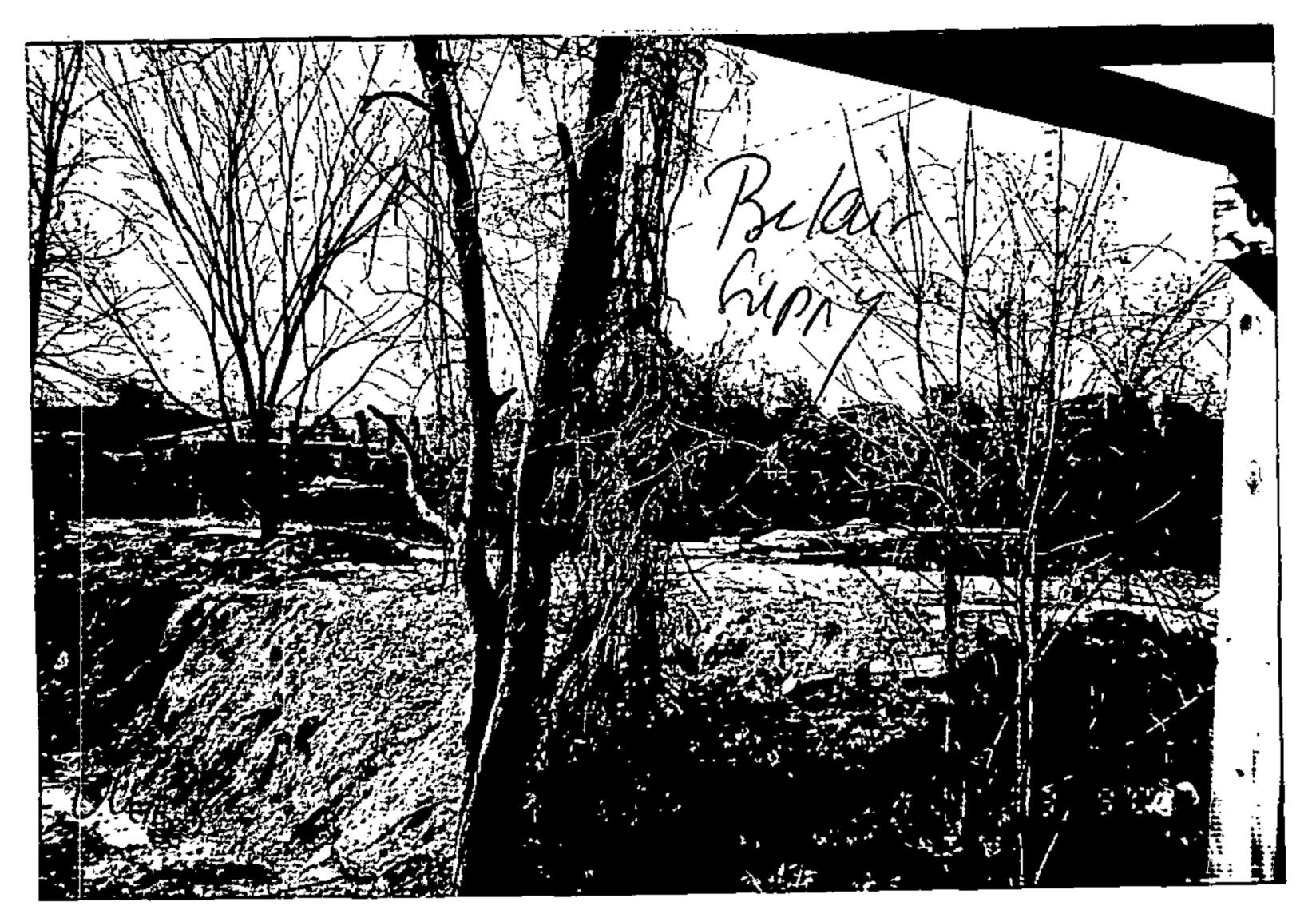






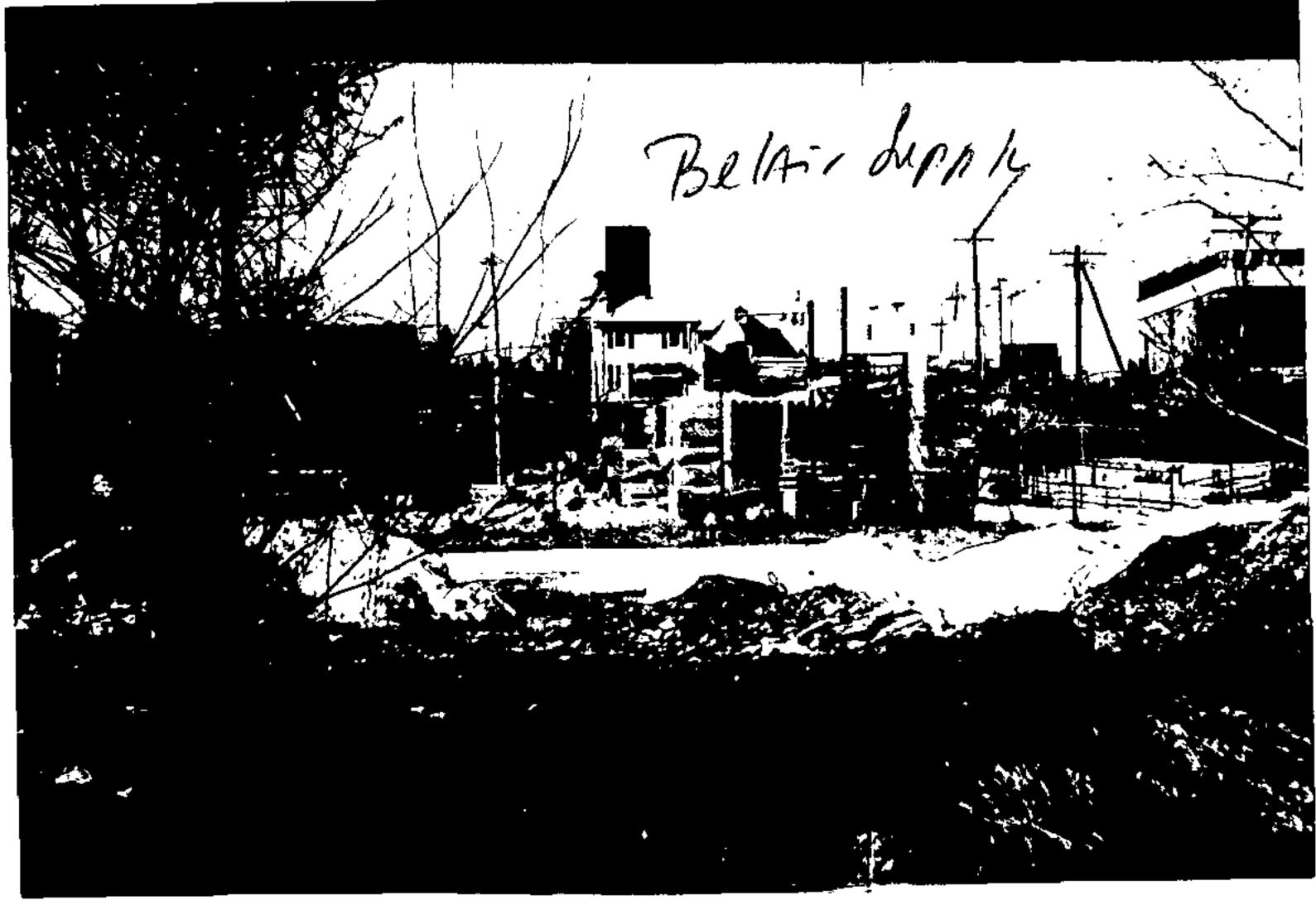


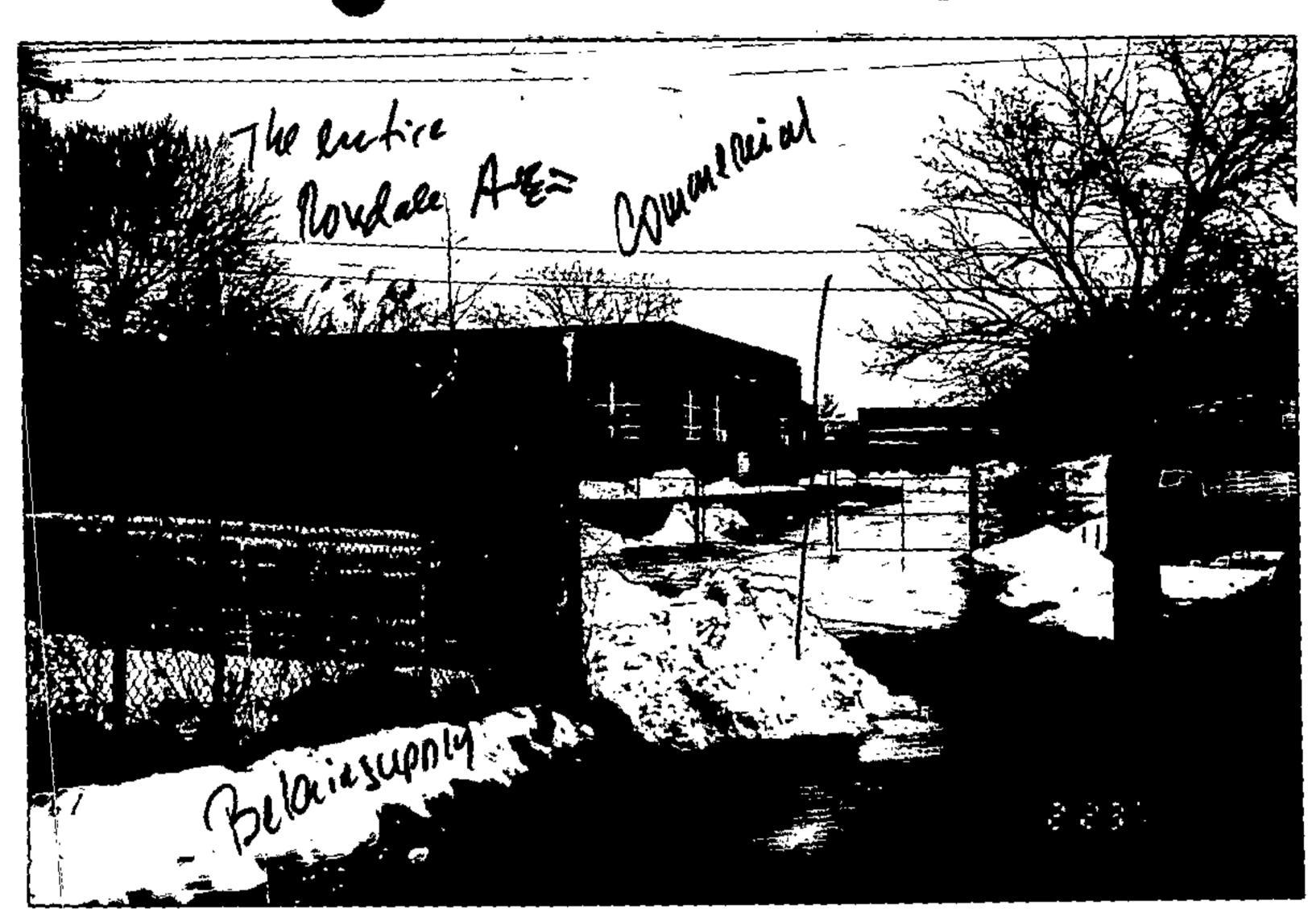


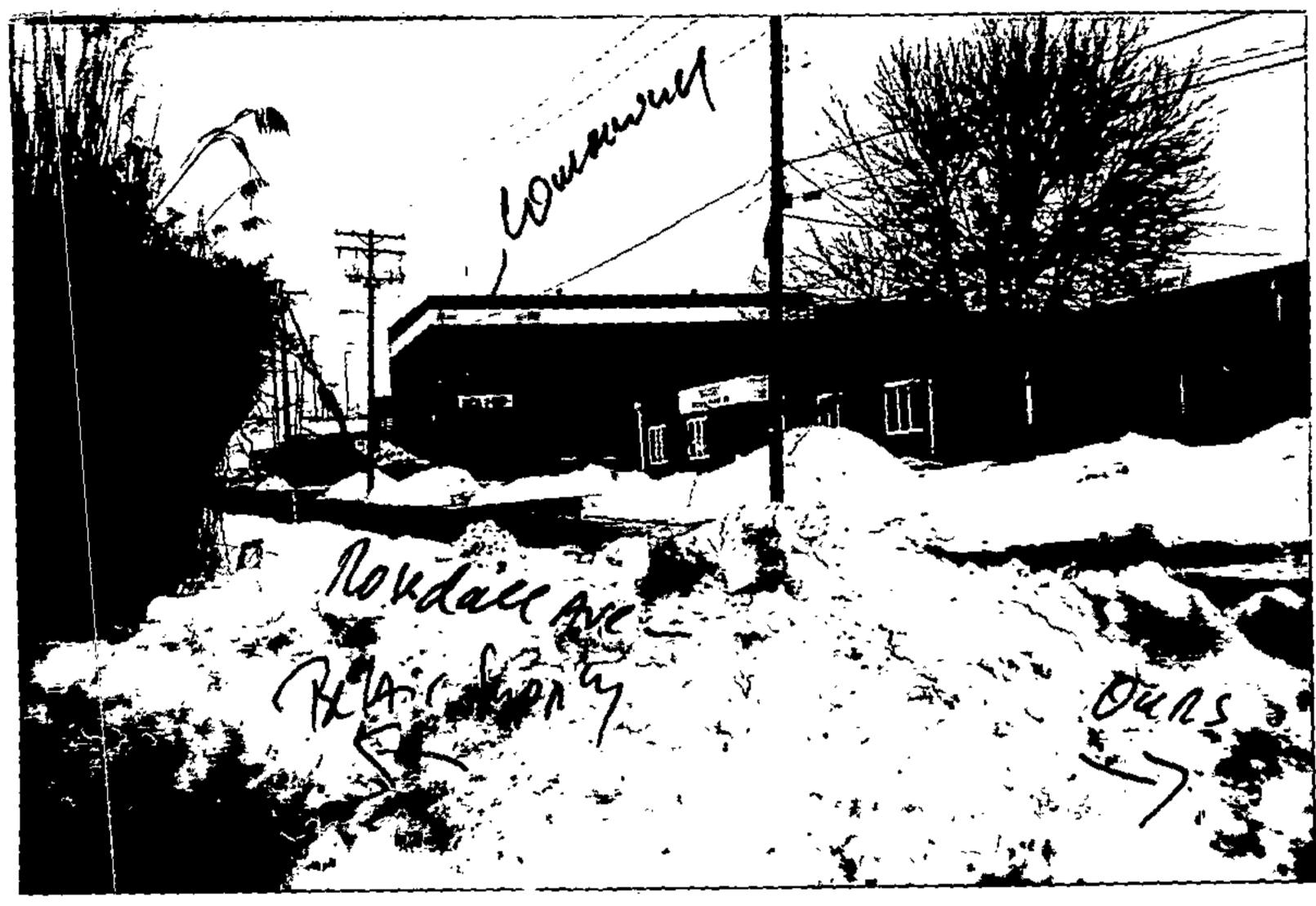


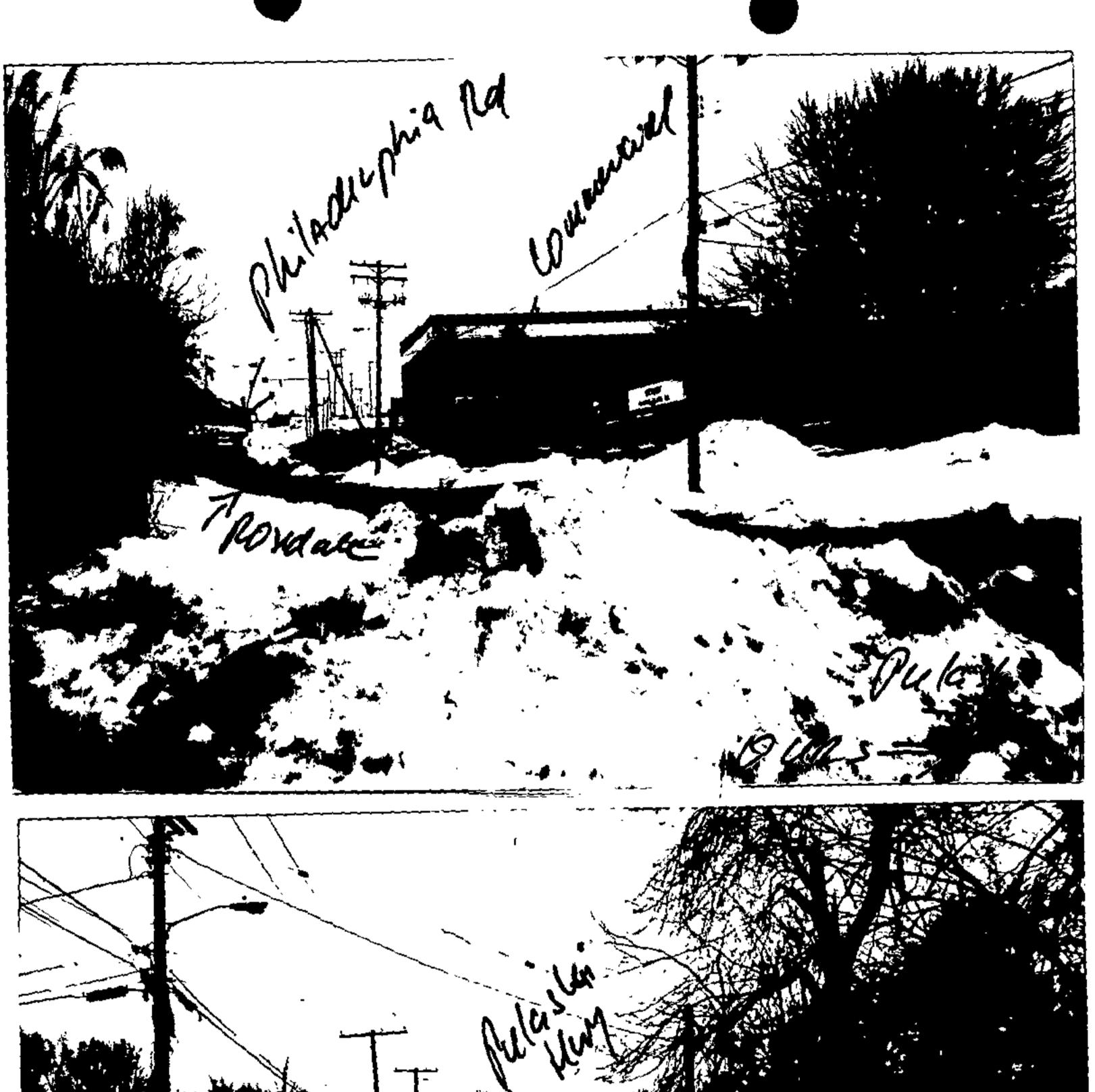














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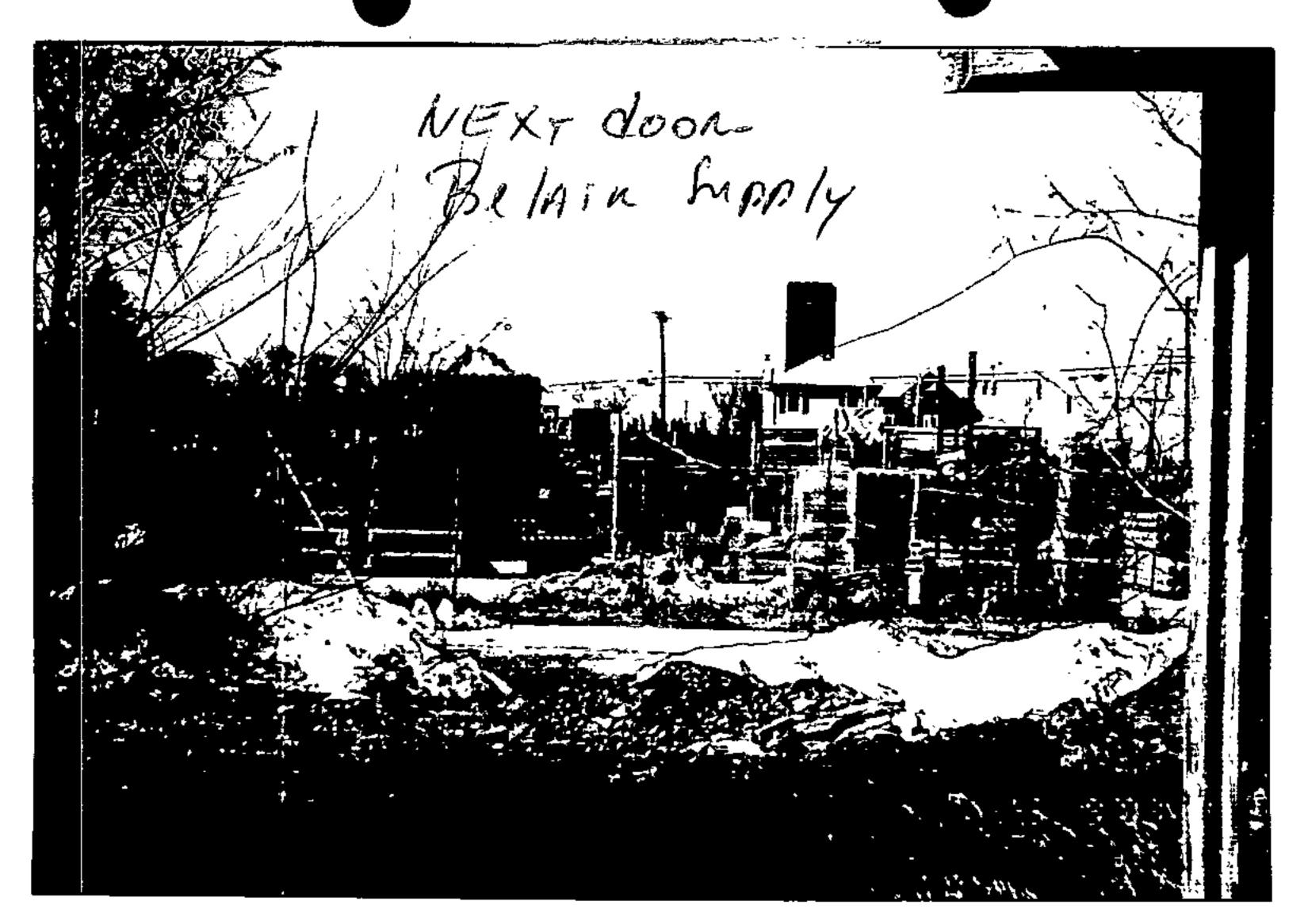


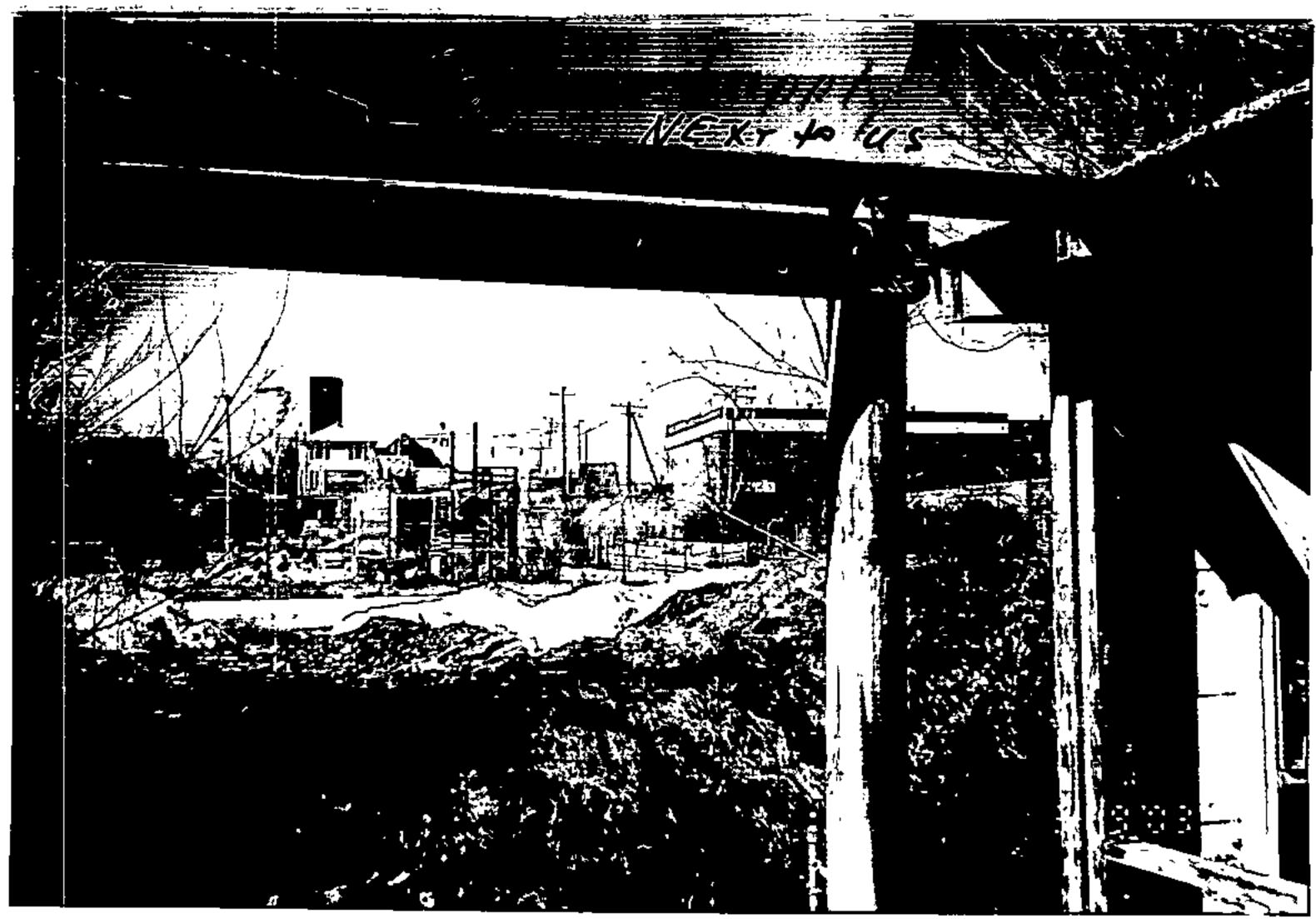






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




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1.0. # 10-4240