IN RE: PETITION FOR SPECIAL HEARING SE/S Lodge Farm Road, 220 ft. W of North Point Road 2855 Lodge Farm Road 15th Election District 7th Councilmanic District Lillie F. Pugh and Gray Transport, Inc., Petitioners	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE No. 95-91-SPH

****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 2855 Lodge Farm Road in the Sparrows Point section of Baltimore County. The Petition is filed by Lillie F. Pugh, Thomas E. Gray, Jr., and Gray Transport, Inc.; all legal owners of the property. Relief is requested to approve an existing construction equipment storage yard as a nonconforming use.

Appearing at the requisite public hearing held for this case was Lillian F. Pugh and her grandson, Thomas E. Gray, Jr., property owners. Also present in support of the Petition was Carl Hobson and Janice Ramsey. The Petitioners were represented by Norman R. Stone, Jr., Esquire. Virginia Tolbert and Pearl Gintling appeared as Protestants.

The site plan, Petitioner's Exhibit No. 1, shows that the subject property is located on Lodge Farm Road, nor far from Back River in Sparrows Point. The property is zoned D.R.5.5 and is approximately 1.34 acres in area. The site is improved with two large structures. The first is a one story stucco single family dwelling which is 1,248 sq. ft. in area. That structure is located in the front of the property immediately adjacent to Lodge Farm Road. The rear of the subject lot is improved with a one story block building. That building is 1,732 sq. ft. in area and serves as an office and shop for the business which operates on the property. The property also contains a trailer, which is used for storage, and a small wooden shed.

The subject construction equipment storage yard occupies 13,034 sq. ft. of the property. That portion of the site is shown on the site plan and is surrounded by a wooden stockade fence. Much of the yard is covered by gravel. However, other portions are in grass and dirt. Mrs. Pugh testified that she has lived on the site for 54 years, having moved there in 1939. She testified that her husband originally operated a construction business on this site. Her husband passed away approximately 17 years ago. Mrs. Pugh indicated that the business included a coal hauling operation, a towing business and a welding operation. Mrs. Pugh also produced a number of pictures showing the previous activities. Several of these pictures were introduced into evidence and show the trucks used on the site and the business activities thereon in the early 1940s.

Thomas E. Gray, Jr. also testified. He is Mrs. Pugh's grandson and now operates the business, which he describes as a contracting business and a welding shop. He described in detail the vehicles which are located and used in the business. They include 4 tandem axel dump trucks, a small bobcat, 1 single axel truck, as well as welding equipment and snow plows which are used in inclement weather. Mr. Gray apparently purchased the property from his family about 2-1/2 years ago and has been using the site for approximately 8 years. He indicated that about 1/3rd of the area of the property is used as the construction equipment storage yard and he also described the surrounding area and history of the site. He confirmed that his grandfather (Mrs. Pugh's husband) worked on the site until the late 1960s or early 1970s. At that point in time, his father took over the business until Mr. Gray began operating the business in the late 1980s. Mr. Gray testified that the same type of activities are now conducted by the business as were before; namely, welding, hauling, towing and similar activities. He also

testified that the operation of the business had never been abandoned or discontinued on the subject site.

Carl Hobson, an uncle of Thomas Gray also testified in support of the Petition. He has been familiar with the site since the 1950s and described the activities of this business since that time. His testimony was echoed by Janice Ramsey, President of the North Point Peninsula Community Coordinating Council. She has no complaints with the subject business.

Certain testimony was also received from Pearl Gintling and Virginia Tolbert, nearby residents. They acknowledged that other commercial activities are nearby and voiced concerns that the residential communities within this area need be protected.

As noted above, this matter comes before the Zoning Commissioner as a Petition for Special Hearing seeking approval of a nonconforming use. A nonconforming use is defined in Section 101 of the Baltimore County Zoning Regulations (BCZR) as "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."

The nonconforming use designation is often used to grandfather an otherwise illegal use. Zoning initially came to Baltimore County by act of the County Commissioners in 1945. In 1955, the regulations were comprehensively amended and readopted. The 1955 regulations are the predecessor regulations to the current version of the BCZR.

All of these regulations have recognized the validity of nonconforming uses. A nonconforming use can be conferred on a given use of property which existed prior to the prohibiting regulation. For so long as the use is not changed, been abandoned or discontinued, the use may continue irrespective that the present zoning classification would prohibit such a use. Noncon-

forming uses are governed by Section 104 of the BCZR; the provisions of which are self explanatory.

In this case, the uncontradicted testimony and evidence offered is that the Gray Transport Company business has operated from this site continuously and uninterruptedly since the early 1940s. In that same predates the effective date of the first set of zoning regulations in Baltimore County, it is clear that the use is nonconforming.

The testimony was also compelling that the use has not significantly changed over the years. That is, similar activities are now conducted on the site, as compared with the prior business. These include the welding service and certain hauling, towing and plowing activities. Moreover, it is clear that the nature of the business should be defined as a construction equipment storage yard and not a trucking facility or other use. A construction equipment storage yard, as defined by Section 101 of the BCZR is "The use of any space, whether inside or outside of building for the storage of construction equipment or machinery, including landscaping equipment and associated materials." This description fits the use conducted on this site.

Other evidence offered in this case is contained within a letter from the aforementioned Janice Ramsey, President of the North Point Peninsula Community Coordinating Council. She asked that this Zoning Commissioner impose three conditions on the use of this property. Mr. Gray expressed a willingness to be bound by these conditions. However, unlike Petitions for Special Exception or Variance, this Zoning Commissioner's decision in granting the Petition for Special Hearing cannot be conditioned, per se. That is, the Baltimore County Code and Baltimore County Zoning Regulations allow the Zoning Commissioner to condition variance or special exception relief so as to prevent adverse impact on the surrounding locale. The issue presented

in this case is different. If the use is nonconforming, it is permitted irrespective of any impact which might result.

Nonetheless, some of the concerns expressed by Mrs. Ramsey and agreed to by Mr. Gray are applicable by operation of law. Specifically, Section 104 of the BCZR imposes limits on the expansion of nonconforming uses. A nonconforming use cannot be expanded or enlarged except as provided in that Section (i.e., no more than 25% of the ground floor area of the building so used). Moreover, the nonconforming use cannot be discontinued or abandoned. If said use is discontinued or abandoned for more than one year, the right to continue such a use is forfeited. Moreover, the character of the nonconforming use must remain consistent.

Based upon these provisions of the BCZR, it is clear that a conferring of nonconforming use status on the property will not be a basis nor shall same set precedent for future zoning changes in the area. This was one concern of Mrs. Ramsey. Moreover, as noted above, the expansion or change in character of the nonconforming use is regulated and prohibited by Section 304. Moreover, I find that the number of construction equipment vehicles to be stored on the site should not exceed 7 and the size of those vehicles should be no larger than a tandem axel dump truck with a load capacity of 65,000 pounds. This finding is not made as a condition to the relief granted, but represents my findings of fact that the equipment stored on this site since the 1940s has not exceeded this number or size of vehicles. Thus, the Petitioner is limited to the vehicles which he identified at the hearing, namely, 4 tandem axel dump trucks, a small bobcat, a single axel dump truck and the various snow plows and welding equipment. Obviously, these vehicles may be replaced due to age or disrepair, however, the number or size of replacement vehicles is limited as provided herein.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17TH day of February 1995, that, pursuant to Petition for Special Hearing, approval to allow an existing construction equipment storage yard as a nonconforming use, be and is hereby GRANTED subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
>
> 2. The Petitioners shall comply with all recommendations and requirements of DEPRM relating to the development of this site, including, but not limited to, those comments contained within the ZAC comment from DEPRM dated September 27, 1994.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 2/17/95
By M. Moretti

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 16, 1995

Norman R. Stone, Esquire
6905 Dunmanway
Dundalk, Maryland 21222

RE: Case No. 95-91-SPH
Petition for Special Hearing
Lillie F. Pugh and Gray Transport, Inc., Petitioners

Dear Mr. Stone:

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

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.
cc: Mrs. Lillie F. Pugh and Mr. Thomas E. Gray Jr.
Mrs. Janice Ramsey, President of NPPCCC
Mrs. Virginia Tolbert
Mrs. Pearl Gintling

91

Petition for Special Hearing

95-91-SPH

to the Zoning Commissioner of Baltimore County

for the property located at x 2855 LODGE FARM RD.

which is presently zoned x DR5.5

This Petition shall be filed with the Office of Zoning Administration & 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 x THIS REQUEST FOR EXSISTING CONSTR. EQUIP. STORAGE. EXSISTING NON-CONFORMING USE AND EXPANSION.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Hearing 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.

(ALSO SEE 3RD OWNER SIGNATURE ATTACHMENT.)

I/We do 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 Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

NORMAN R STONE
(Type or Print Name)

Signature

6905 DUNMANWAY 288-5270
Address Phone No.

DUNDALK MD
City State Zipcode

Legal Owner(s):

LILLIE F PUGH
(Type or Print Name)

x Lillie F Pugh
Signature GRAY TRANSPORT INC. LEGAL OWNER

THOMAS E GRAY JR
(Type or Print Name)

x Thomas E Gray Jr
Signature

2855 LODGE FARM RD 477-5115
Address Phone No.

BALTO MD 21219
City State Zipcode

Name, Address and phone number of representative to be contacted.

THOMAS E GRAY JR
Name

2855 LODGE FARM RD (410) 477-5115
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

91

Hopkins Engineering

18 Brightstar Court • Baltimore, MD 21206 95-91-SPH

ZONING DESCRIPTION

Beginning at a point on the southeast side of Lodge Farm Road which is 40 feet wide at the distance of 220 feet more or less southwest of the intersection of the west side of North Point Road and the southeast side of Lodge Farm Road: thence binding on the south side of Lodge Farm Road S 44 degrees 02minutes 39 seconds W 125 feet to the point where Lodge Farm Road was widened by 15 feet thence at right angles to Lodge Farm Road S 45 degrees 57 minutes 21 seconds E 15.00 feet to the south side of Lodge Farm Road as now widened thence binding on Lodge Farm Road S 44 degrees 02 minutes 39 seconds W 150.00 feet thence leaving Lodge Farm Road at right angles there to S 45 degrees 57 minutes 21 seconds E 262.50 feet to a steel bar heretofore set thence N 48 degrees 57 minutes 57 seconds" E 150.10 feet to a pipe heretofore set thence N 22 degrees 36 minutes 36 seconds W 316.31 feet to the place of beginning.

Being Lot 4 of Plat Final of St. Lukes Church Property said plat Being Recorded Among the Land Records of Baltimore County Maryland in Liber S.M. 64 Folio 94 and part of that partial described in Liber EHK Jr. 6973 Folio 700 and Recorded among the Land Records of Baltimore Maryland.

STATE OF MARYLAND
LESLIE CURTIS HOPKINS
REGISTERED NO. 10
PROPERTY LINE SURVEYOR

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 95-91-SPH

Towson, Maryland

District: 15th

Date of Posting: 9/23/94

Posted for: Special Hearing

Petitioner: Lillie F. Pugh & Gray Transport, Inc.

Location of property: 2855 Lodge Farm Rd.

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by: [signature] Signature

Date of return: 9/30/94

Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 106 County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-91-SPH
(Item 91)
2855 Lodge Farm Road
SE/S Lodge Farm Road, 220' W of North Point Road
15th Election District
7th Councilmanic
Petitioner(s):
Lillie F. Pugh and Gray Transport, Inc.
Hearing: Wednesday, October 12, 1994 at 9:00 a.m. in Rm. 106, County Office Building

Special Hearing to approve existing construction equipment storage, existing non-conforming use and expansion.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1)Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2)For information concerning the File and/or Hearing, Please Call 887-3391.
9/290 Sept. 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/22, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/22, 1994

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

Publisher

MICROFILMED

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-91-SPH

Account: R-001-6150

Number 91

By VLL

Date 9/7/94

1 NON RES SPH.	CODE 040	$ 250.00
1 SIGN POSTING	CODE 080	35.00
	TOT=	$ 285.00

OWNERS PUGH AND GRAY TRANSPORT INC.

LOC 2855 LODGE FARM RD.

MICROFILMED

01A01#0301MICHRC
BA CO10:56AM09-07-94

$285.00 4666

Please Make Checks Payable To: Baltimore County

Cashier Validation

Item Number: 91
Planner: JLL
Date Filed: ?

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

____ Need an attorney

✓ The following information is missing:

- ____ Descriptions, including accurate beginning point
- ____ Actual address of property
- ____ Zoning
- ____ Acreage
- ____ Plats (need 12, only ____ submitted)
- ____ 200 scale zoning map with property outlined
- ____ Election district
- ____ Councilmanic district
- ____ BCZR section information and/or wording
- ____ Hardship/practical difficulty information
- ____ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- ____ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- ____ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- ____ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- ✓ Attorney's signature (need minimum 1 original signature) ~~and/or printed name and/or address and/or telephone number~~
- ____ Notary Public's section is incomplete and/or incorrect and/or commission has expired
- ✓ NO REVIEW INFO — BY WHO, WHEN, HEARING TIME, ETC.

PET-FLAG (TXTSOPH)
11/17/93

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 91

Petitioner: PUGH AND GRAY TRANSPORT INC.

Location: 2855 LODGE FARM RD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: TOM GRAY JR

ADDRESS: 2855 LODGE FARM RD BALTO MD 21219

PHONE NUMBER: 410-477-5115

AJ:ggs

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEPTEMBER 16, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-91-SPH (Item 91)
2855 Lodge Farm Road
SE/S Lodge Farm Road, 220' W of North Point Road
15th Election District - 7th Councilmanic
Petitioner(s): Lillie F. Pugh and Gray Trnasport, Inc.
HEARING: WEDNESDAY, OCTOBER 12, 1994 at 9:00 a.m. in Room 106 County Office Building.

Special Hearing to approve existing construction equipment storage, existing non-conforming use and expansion.

Arnold Jablon
Director

cc: Gray Transport, Inc.
Norman R. Stone, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 7, 1994

NOTICE OF POSTPONEMENT

CASE NUMBER: 95-91-SPH
PETITIONER(S): Lillie F. Pugh and Gray Transport, Inc.
LOCATION: 2885 Lodge Farm Road

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO BE HEARD ON OCTOBER 12, 1994, HAS BEEN POSTPONED AT THE REQUEST OF NORMAN R. STONE, JR., ATTORNEY FOR THE PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Arnold Jablon
Director

cc: Norman R. Stone, Jr., Esq.
Virginia Tolbert
Gray Transport

AJ:ggs

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 14, 1994

NOTICE OF REASSIGNMENT

CASE NUMBER: 95-91-SPH (Item 91)
2855 Lodge Farm Road
SE/S Lodge Farm Road, 220' W of North Point Road
15th Election District - 7th Councilmanic
Petitioner(s): Lillie F. Pugh and Gray Trnasport, Inc.

Special Hearing to approve existing construction equipment storage, existing non-conforming use and expansion.

HEARING: MONDAY, NOVEMBER 21, 1994 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

ARNOLD JABLON
DIRECTOR

cc: Norman R. Stone, Jr., Esq.
Virginia Tolbert
Gray Transport

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCT. 05 1994

Norman R. Stone, Esq.
6905 Dunmanway
Dundalk, Md 21222

RE: Item No. 91Case No. 95-91A
Petitioner: Gray Transport Inc.

Dear Petitioner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 07 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:jaw

MICROFILMED

Gwen

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/22/94

RECEIVED
SEP 26 1994
ZADM

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: LILLIE F. PUGH & GRAY TRANSPORT INC.

LOCATION: S/S LODGE FARM RD., 220' W OF NORTH POINT RD.
(2855 LODGE FARM RD.)

Item No.: 91 Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property 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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

9-14-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +91 (JLL)

Dear Ms. Winiarski:

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 effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: September 26, 1994

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for September 26, 1994
Item No. 91

The Developers Engineering Section has reviewed the subject zoning item. Please ensure that this site is properly screened from adjacent uses.

RWB:sw

SEP. 28 1994

MICROFILMED

B A L T I M O R E C O U N T Y, M A R Y L A N D
Interoffice Correspondence

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: September 26, 1994

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting
for September 26, 1994
Items 90, 91, 93, 94, 95, 97, 98 and 99

The Developers Engineering Section has reviewed the zoning items for the subject meeting and we have no comments.

RWB:sw

SEP. 28 1994

MICROFILMED

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

September 27, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #91
2855 Lodge Farm Road
Zoning Advisory Committee Meeting of September 19, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The site is in proximity to a residential area and a nursing home. We have no objections to the expansion provided that airborne particulate does not become a problem and Maryland State noise standards are met at all times.

JLP:SAR:sp

LODGE/DEPRM/TXTSBP

SEP. 28 1994

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: September 23, 1994

SUBJECT: 2855 Lodge Farm Road

INFORMATION:

Item Number: 91

Petitioner: Grey Transport, Inc.

Property Size:

Zoning: D.R. 5.5

Requested Action:

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and a site inspection of the subject property, staff offers the following comment:

It appears that a service garage and welding business are operating at the applicant's site. Since the use listed on the Petition indicates a construction and equipment storage utilization, the actual use of the site should be clarified at the hearing.

If the subject request is granted, the applicant should meet with the County's landscape architect to ensure that provisions are made to substantially buffer the use from existing properties.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Ems

PK/JL:lw

SEP. 28 1994

ZAC.91/PZONE/ZAC1

Zoning
Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

95-91

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards
Zoning Coordinator

September 20, 1994

FROM: James H. Thompson -LJW
Zoning Enforcement Coordinator

RE: Item No. 91
Petitioner: PUGH AND GRAY TRANSPORT

VIOLATION CASE # C-94-1565

LOCATION OF VIOLATION 2855 LODGE FARM ROAD

DEFENDANT LILLIE PUGH

ADDRESS 2855 LODGE FARM ROAD

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

VIRGINIA TOLBERT
7741 NORTH POINT CREEK ROAD
21219

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

RE: PETITION FOR SPECIAL HEARING 2855 Lodge Farm Road, SE/S Lodge Farm Rd, 220' W of North Point Rd, 15th Election Dist., 7th Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
Lillie F. Pugh and Gray Transport, Inc. Petitioners	*	CASE NO. 95-91-SPH

* * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to Norman R. Stone, Esquire, 6905 Dunmanway, Baltimore, MD 21222, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

H.O.

Applicant advised setting signature required prior to Hearing.

Also advised of the 25% expansion limitation of sect 104 BCZR. Approx 70% increase shown on plan area.

2/7/94

FAX TRANSMITTAL SHEET

DATE: [illegible]

TO: [illegible]

FAX #: [illegible]

RE: CASE NO. 95-91-SPH (Item 91)

FROM: SHARON: NORMAN R. STONE, JR.'S OFFICE

FAX #: (410) 284-2864 Telephone: 288-5[illegible]0

TOTAL PAGES IN THIS COVER: 3

MESSAGE: Here is a copy of the letter sent 10/3/94 and the hearing notice from Judge Furnbull.

Thanks. Sharon

The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

CHAMBERS OF
JOHN GRASON TURNBULL, II
JUDGE

COURTS COURT BUILDING
TOWSON, MARYLAND 21204
(410) 887-2601

August 11, 1994

Norman R. [illegible], Esquire
6905 [illegible]
Baltimore, Maryland 21207

Re: State vs. Victor Wayne Simmons
Case No. 91 CR 1945

Dear Mr. [illegible]:

A hearing has been noted in the above matter before Judge John Grason Turnbull, II in Courtroom #9 as follows:

Motion for Modification of Sentence

Date: Wednesday, October 12, 1994

Time: 9:30 a.m.

Please notify your client to be present on the date.

When the pre-sentence investigation has been completed by the Probation Department, I will forward a copy to you.

Very truly yours,

John Grason Turnbull, II
Judge

jk

cc: James G. Zyad, Assistant State's Attorney
Mr. Dottie Novel, Criminal Assignment
Ms. Nicholia Fisher, Criminal Desk

MICROFILMED

TOTAL P.03

10/11/94 4872-94
8
TO 68

LAW OFFICES
PETER G. ANGELOS
A PROFESSIONAL CORPORATION

PETER G. ANGELOS (MD,D.C.,TN)
H. RUSSELL SMOUSE (MD)
THOMAS MINKIN (MD,D.C.,TN)
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FAX 410-426-1269

300 EAST LOMBARD STREET
18TH FLOOR
BALTIMORE, MARYLAND 21202
410-659-0100
FAX 410-659-1780, 81, 82

COURT TOWERS, SUITE 515
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TOWSON, MARYLAND 21204
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FAX 301-937-5738

63 HENDERSON AVENUE
CUMBERLAND, MD 21502-2452
301-759-2700
FAX 301-759-2703

201 S. CLEVELAND AVENUE
HAGERSTOWN, MD 21740-5745
301-739-4000
FAX 301-739-3848

PHILADELPHIA, PENNSYLVANIA
HARRISBURG, PENNSYLVANIA
WILMINGTON, DELAWARE
KNOXVILLE, TENNESSEE

REPLY TO: 6905 Dunmanway 21222
288-5270 or 284-2860

October 3, 1994

Mr. Arnold Jablon, Director
Baltimore County Office of Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 95-91-SPH (Item 91)
2855 Lodge Farm Road
SE/S Lodge Farm Road, 220' W of North Point Road
15th Election District-7th Councilmanic
Petitioners: Lillie F. Pugh and Gray Transport, Inc.

Dear Mr. Jablon:

I have received notice that the above captioned matter has been set in for hearing on October 12, 1994 at 9:00 a.m., in Room 106, of the County Office Building.

I respectfully request the above hearing be postponed inasmuch as I have a previously scheduled case, State v. Safchuck, in the Circuit Court for Baltimore County, scheduled for disposition.

Thanking you for your assistance in this matter, I am

Very truly yours,

Norman R. Stone, Jr.

NRS,JR:slh
cc: Peter Max Zimmerman, Esquire
Carole S. DeMilio, Esquire
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
OCT 4 1994
ZADM

5628-94

1/8/94 TO OB - to file

NPPCCC

North Point Peninsula Community Coordinating Council

Janice N. Ramsay, President 477-5051
Cabrina Dembow, Vice President 477-0896
Kimberly Nizer, Corresponding Secretary 477-4575

Rose Boycott, Treasurer 477-4244
Betsy Hodges, Recording Secretary 477-9010

95-91

November 16, 1994

Arnold Jablon, Director
Zoning Administration & Development Management Office
County Office Building (M.S. 1105)
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
Thomas Gray, Petitioner

Dear Mr. Jablon:

The purpose of this letter is to convey the support of the North Point Peninsula Community Coordinating Council (the "Council") for Thomas Gray's petition for special exception scheduled for hearing on Monday, November 21, 1994. Support for said special exception is conditioned upon the following requirements set forth at the November 3 meeting and agreed upon by the Council and Petitioner:

1. That said special exception be based solely on the existing historic use and shall not set precedent for future zoning changes in the area;

2. That in the event of sale or transfer of property to anyone other than the immediate family of Petitioner, excepting the existing non-conforming use, any expansion or other exception granted will cease and the adjoining property will revert to is D.R. 5.5 use; and

3. That the total number of construction equipment vehicles permitted to be stored on the lot is seven (7) and the size of those vehicles is limited to no larger than a tandem-axle dump truck with a load capacity of 65,000 pounds.

Again, the Council's primary concern is not establishing a basis for future zoning changes. Should these conditions be met, the Council supports Mr. Gray's Petition For Special Exception before the Zoning Commissioner.

Sincerely,

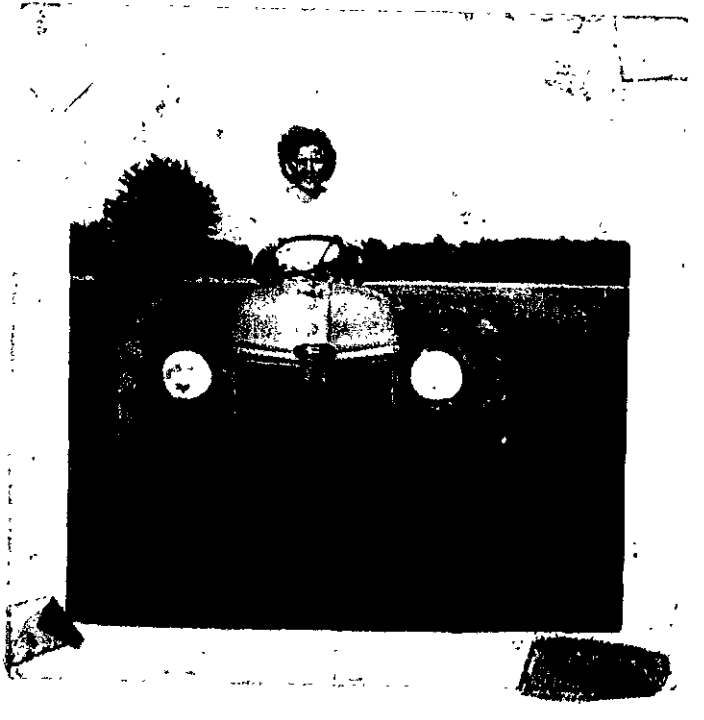
Janice Ramsay, President
JNR:kmn

RECEIVED
NOV 17 1994
ZADM

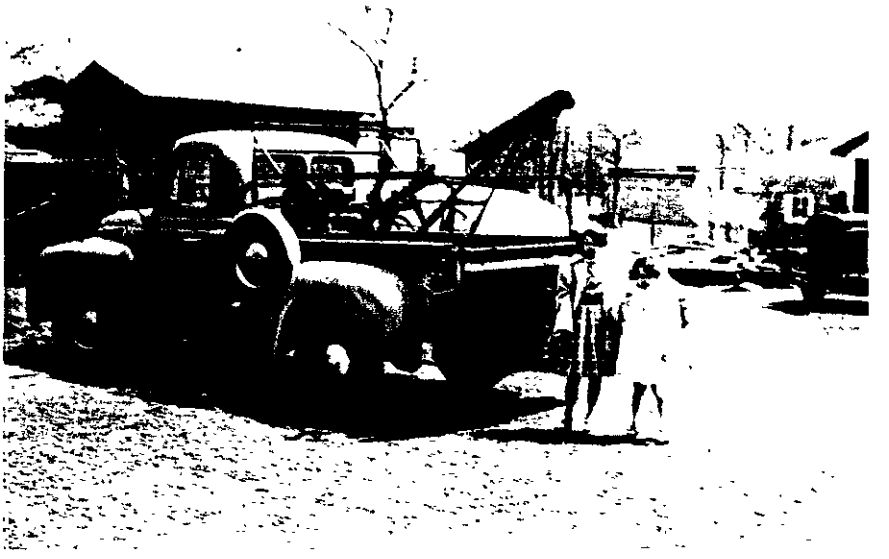
PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Virginia Tolbert TOLBERT	7741 North Point Creek Rd 21219
Pearl Gintling	7718 N. Pt. Creek Rd Balto 21219

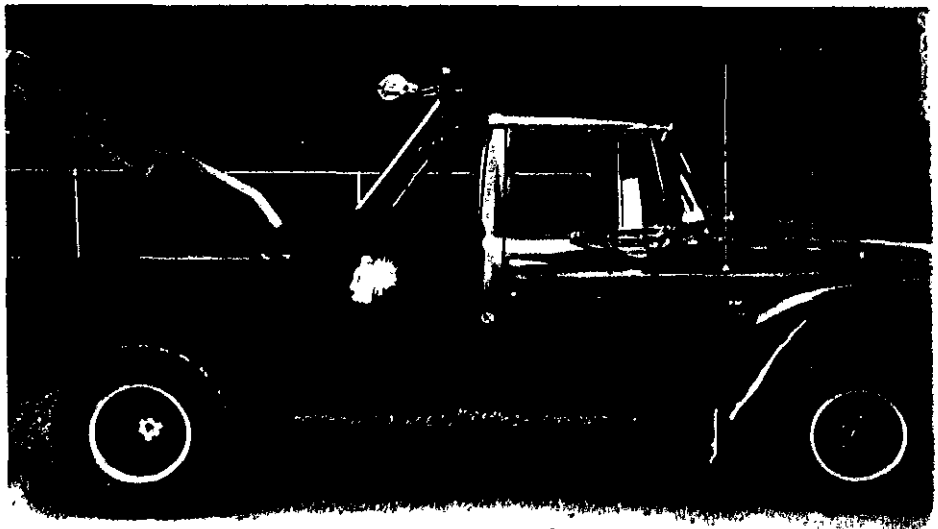


Pet
2A

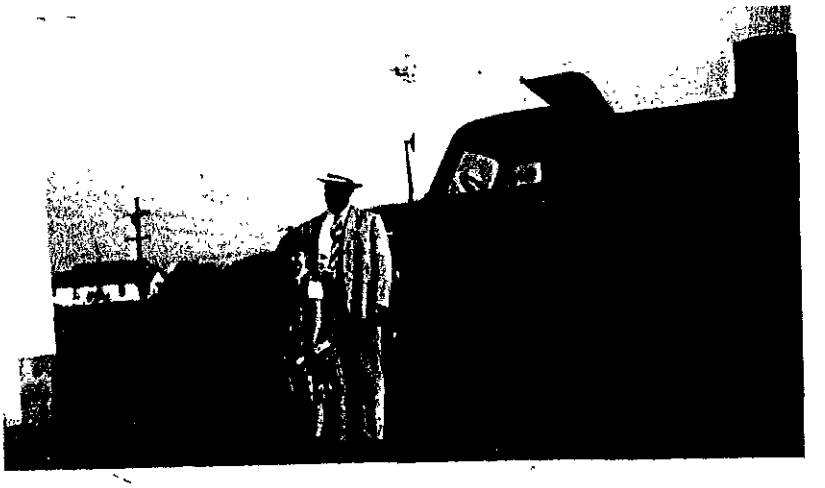


Portable welder.

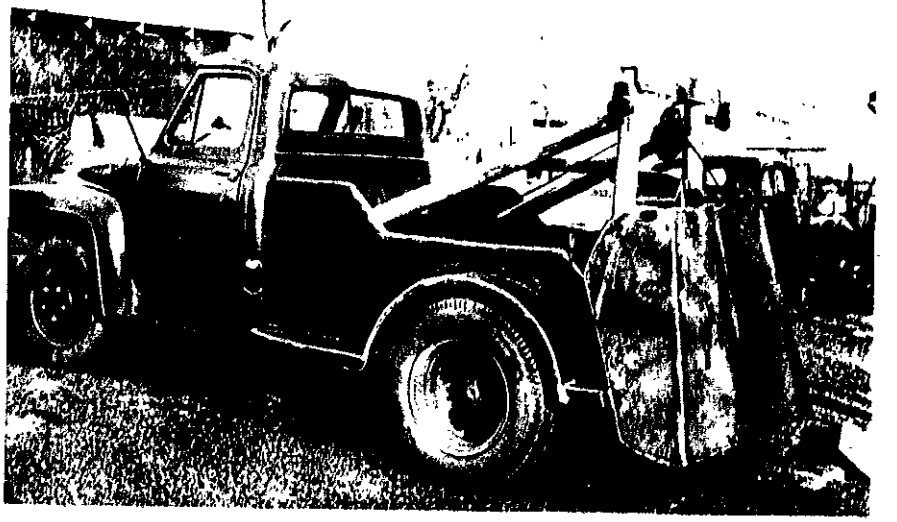
Ref 2B



Pd2c



Dump truck



Pet 20

BUILDING PERMIT

6388

OFFICE OF INSPECTOR OF BUILDINGS

15th District of Baltimore County, Maryland

Baltimore County, Feb 26th 1940

Permission is hereby granted to Geo L. Lenschow & Wm L. Gray

To erect a frame dwelling 24x42-16 ft

At No. S. E. S. Outing Club Rd. 217 ft. N. Northpt Rd.

Cost $800.00 By order William E. Richardson

Inspector of Buildings for the 15 District of Baltimore County.

Issued by authority of Chapter 481, Acts of 1918. By A B Richardson

MICROFILMED

Pat No 3

2855 Lodge Farm Rd.
Baltimore, MD 21219
July 11, 1994

To Whom It May Concern:

The business of Mr. Thomas E. Gray has been in operation for over 50 years. I have lived in this area for over 50 years and feel that his presence at this location is a benefit to our community and I support them.

Joyce E. Devin
Paul Devin
Dorothy Healey
Paul Marzocchi
Mary Marzocchi

Pet No 4

GRAYS
2855 LODGE FARM RD.
BALTIMORE, MD 21219

TO WHOM IT MAY CONCERN:

I,m a resident across the street from Mr. Gray's business. His operation has been there for over 50 years and I feel that his services are of no nuisance to our area and I support their co.

James D Morgenthaler
2852 Lodgefarm Rd.

Francis J Miller
2854 Lodge Farm Rd

Pet No 5

MICROFILMED

Pet No6

CONTRACT HAULING
& EXCAVATING

W.B.E. MINORITY CONTRACTOR

GRAY TRANSPORT, INC.

2855 LODGE FARM ROAD
EDGEMERE, MARYLAND 21219
477-5115

October 18, 1994
Edgemere, Md.

To Whom It May Concern

I am Merriman Donald Diven, known in this area as Don Diven. I now reside at 150 Bertel Drive, Covington, Louisiana, 70433. I am 71 years old and have a law degree from the University of Baltimore, Class of 1953. I entered on duty as a Special Agent of the Federal Bureau of Investigation (FBI) during September 1954 and retired from that agency in June, 1978. I have returned to this area for my agent's class reunion and visit relatives.

Enroute to my relatives' residences near Fort Howard, I stopped by to visit and old "trucking" buddy, Bill Gray who was older than me and helped me when I was engaged in the trucking business while attending college. Gray helped me to haul coal from Sparrows Point to Fort Howard under a contract I had with the Veteran's Administration. Bill had a new Chevrolet dump truck and his stepfather Romes Switcher or Swizzer had a similar truck. Bill lived in the first house on the left of Lodge Farm Road

MICROFILMED

from North Point Road. Bill kept his truck at his residence and also conducted a welding service to the general public at that residence.

As to the time frame, I was discharged from the service (World War II) on Sept 15, 1945. I borrowed my father's small 1934 Chevrolet dump truck and did various hauling jobs. In 1946, I bid ~~of~~ mid on hauling the government's coal from a siding in Sparrows Point to the Veterans Hospital I took the contract from Mike Birmingham's Twin City Supply Company. During the first year my little truck hauling 3.3 tons of coal could not empty the coal cars fast enough. I stopped Bill Gray, who I did not know and asked him to haul the coal at sixty cents a ton after my coal conveyor loaded his truck. He also volunteered his stepfather's truck. I had that contract three alternate years being under bid by Twin City. I also helped Gray on his big jobs.

I learned that the Bill Gray I knew had died some years ago when I stopped in to visit him today. His grandson told me that he is facing a zoning problem. I volunteered to furnish the above information. I knew that my friend Bill Gray was a devout Christian and raised his children to abide by God's law and well as man's law. For additional information my telephone is 504/892-0434

The above is true and correct to the best of my knowledge, this 18th day of October, 1994.

Merrill Donald Dirien

LAW OFFICES
PETER G. ANGELOS
A PROFESSIONAL CORPORATION

PETER G. ANGELOS (MD,D.C.,TN)
H. RUSSELL SMOUSE (MD)
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HAGERSTOWN, MD 21740-5745
301-739-4000
FAX 301-739-3848

PHILADELPHIA, PENNSYLVANIA
HARRISBURG, PENNSYLVANIA
WILMINGTON, DELAWARE
KNOXVILLE, TENNESSEE

REPLY TO: 6905 Dunmanway 21222
288-5270 or 284-2860

November 15, 1994

Mrs. Janet Ramsey, President
North Point Peninsula Community Coordinating Council

Dear Mrs. Ramsey:

This letter is intended to confirm Mr. Thomas Gray's agreement with the Council with reference to the Petition for Special Hearing, which is scheduled for hearing on Monday, November 21, 1994.

Pursuant to the memo to Mr. Gray, dated November 9, 1994, from Ms. Betsy Hodgson, Recording Secretary, Mr. Gray hereby agrees that the following restrictions be made a part of the record before the Zoning Commissioner and it is his intention that the same be included in any order passed by the said Zoning Commissioner granting him the relief prayed in the petition:

1. That the relief, if granted, is based solely on an existing historic use and shall not be used as the basis of future zoning changes in the area.

2. That in the event that the property is sold or transferred to someone other than the immediate family of the present owner, except for the existing non-conforming use, any expansion or other relief granted will cease and the adjoining property will revert to its D.R. 5.5 use.

3. That the total number of construction equipment vehicles allowed to be stored on the property is seven (7) and the size of those vehicles are limited to no larger than a tandem-axle dump truck with a capacity of 65,000 pounds.

Pet No 7

TO: Mrs. Janet Ramsey

November 15, 1994
Page Two

It is my further understanding that, based upon the above restrictions, the Council will support Mr. Gray's Petition.

With kindest regards, I am

Very truly yours,

Norman R. Stone, Jr.

NRS,JR:slh

I HEREBY AGREE WITH THE CONTENTS OF THIS LETTER.

Date: 11/17/94

Thomas Gray, Jr.

NPPCCC

North Point Peninsula Community Coordinating Council

Janice N. Ramsay, President 477-3051
Cabrina Dembow, Vice President 477-0896
Kimberly Nizer, Corresponding Secretary 477-4575
Rose Boyoot, Treasurer 477-4244
Betsy Hodges, Recording Secretary 477-9010

November 16, 1994

Arnold Jablon, Director
Zoning Administration & Development Management Office
County Office Building (M.S. 1105)
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
Thomas Gray, Petitioner

Dear Mr. Jablon:

The purpose of this letter is to convey the support of the North Point Peninsula Community Coordinating Council (the "Council") for Thomas Gray's petition for special exception scheduled for hearing on Monday, November 21, 1994. Support for said special exception is conditioned upon the following requirements set forth at the November 3 meeting and agreed upon by the Council and Petitioner:

1. That said special exception be based solely on the existing historic use and shall not set precedent for future zoning changes in the area;

2. That in the event of sale or transfer of property to anyone other than the immediate family of Petitioner, excepting the existing non-conforming use, any expansion or other exception granted will cease and the adjoining property will revert to is D.R. 5.5 use; and

3. That the total number of construction equipment vehicles permitted to be stored on the lot is seven (7) and the size of those vehicles is limited to no larger than a tandem-axle dump truck with a load capacity of 65,000 pounds.

Again, the Council's primary concern is not establishing a basis for future zoning changes. Should these conditions be met, the Council supports Mr. Gray's Petition For Special Exception before the Zoning Commissioner.

Sincerely,

Janice Ramsay, President
JNR:kmn

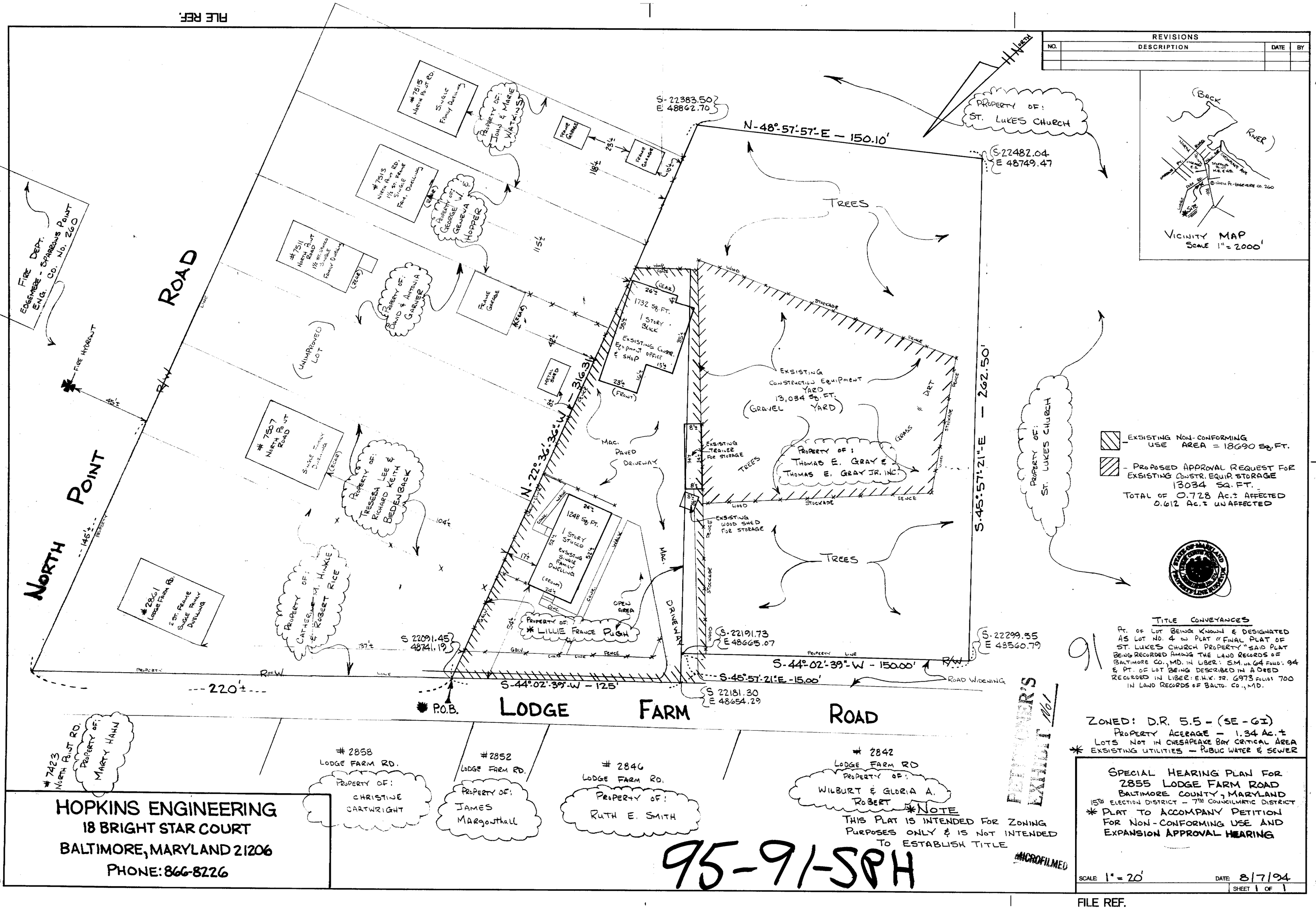
Pet No 8

MICROFILMED

S 21,000
ROGER
BL
MAIN
#91
SPARROWS PO
JUNIOR & SEN
HIGH SCHOO
NORTH
STRABOR RD
POINT
ROAD
S 22,000
(SHEET S.E. 6-H)
ROAD
D. R. 5.5
FARM
SITE
20
LODGE
SE 6 I
S 23,000
1" = 200'
LODGE FORES
MICROFILMED
N 810,000

FILE REF.

REVISIONS			
NO.	DESCRIPTION	DATE	BY



HOPKINS ENGINEERING
18 BRIGHT STAR COURT
BALTIMORE, MARYLAND 21206
PHONE: 866-8226

SPECIAL HEARING PLAN FOR
2855 LODGE FARM ROAD
BALTIMORE COUNTY, MARYLAND
15TH ELECTION DISTRICT - 7TH COUNCILMATIC DISTRICT
* PLAT TO ACCOMPANY PETITION FOR NON-CONFORMING USE AND EXPANSION APPROVAL HEARING

SCALE: 1" = 20'
DATE: 8/7/94
SHEET 1 OF 1

FILE REF.

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SE/S Lodge Farm Road, 220 ft.
W of North Point Road *
2855 Lodge Farm Road
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District
Lillie F. Pugh and Gray * CASE No. 95-91-SPH
Transport, Inc., Petitioners

****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 2855 Lodge Farm Road in the Sparrows Point section of Baltimore County. The Petition is filed by Lillie F. Pugh, Thomas E. Gray, Jr., and Gray Transport, Inc.; all legal owners of the property. Relief is requested to approve an existing construction equipment storage yard as a nonconforming use.

Appearing at the requisite public hearing held for this case was Lillian F. Pugh and her grandson, Thomas E. Gray, Jr., property owners. Also present in support of the Petition was Carl Hobson and Janice Ramsey. The Petitioners were represented by Norman R. Stone, Jr., Esquire. Virginia Tolbert and Pearl Gintling appeared as Protestants.

The site plan, Petitioner's Exhibit No. 1, shows that the subject property is located on Lodge Farm Road, not far from Back River in Sparrows Point. The property is zoned D.R.5.5 and is approximately 1.34 acres in area. The site is improved with two large structures. The first is a one story stucco single family dwelling which is 1,248 sq. ft. in area. That structure is located in the front of the property immediately adjacent to Lodge Farm Road. The rear of the subject lot is improved with a one story block building. That building is 1,732 sq. ft. in area and serves as an office and shop for the business which operates on the property. The property also contains a trailer, which is used for storage, and a small wooden shed.

ORDER RECEIVED FOR FILING
Date
By

The subject construction equipment storage yard occupies 13,034 sq. ft. of the property. That portion of the site is shown on the site plan and is surrounded by a wooden stockade fence. Much of the yard is covered by gravel. However, other portions are in grass and dirt. Mrs. Pugh testified that she has lived on the site for 54 years, having moved there in 1939. She testified that her husband originally operated a construction business on this site. Her husband passed away approximately 17 years ago. Mrs. Pugh indicated that the business included a coal hauling operation, a towing business and a welding operation. Mrs. Pugh also produced a number of pictures showing the previous activities. Several of these pictures were introduced into evidence and show the trucks used on the site and the business activities thereon in the early 1940s.

Thomas E. Gray, Jr. also testified. He is Mrs. Pugh's grandson and now operates the business, which he describes as a contracting business and a welding shop. He described in detail the vehicles which are located and used in the business. They include 4 tandem axel dump trucks, a small bobcat, 1 single axel truck, as well as welding equipment and snow plows which are used in inclement weather. Mr. Gray apparently purchased the property from his family about 2-1/2 years ago and has been using the site for approximately 8 years. He indicated that about 1/3rd of the area of the property is used as the construction equipment storage yard and he also described the surrounding area and history of the site. He confirmed that his grandfather (Mrs. Pugh's husband) worked on the site until the late 1960s or early 1970s. At that point in time, his father took over the business until Mr. Gray began operating the business in the late 1980s. Mr. Gray testified that the same type of activities are now conducted by the business as were before; namely, welding, hauling, towing and similar activities. He also

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By

testified that the operation of the business had never been abandoned or discontinued on the subject site.

Carl Hobson, an uncle of Thomas Gray also testified in support of the Petition. He has been familiar with the site since the 1950s and described the activities of this business since that time. His testimony was echoed by Janice Ramsey, President of the North Point Peninsula Community Coordinating Council. She has no complaints with the subject business.

Certain testimony was also received from Pearl Gintling and Virginia Tolbert, nearby residents. They acknowledged that other commercial activities are nearby and voiced concerns that the residential communities within this area need be protected.

As noted above, this matter comes before the Zoning Commissioner as a Petition for Special Hearing seeking approval of a nonconforming use. A nonconforming use is defined in Section 101 of the Baltimore County Zoning Regulations (BCZR) as "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."

The nonconforming use designation is often used to grandfather an otherwise illegal use. Zoning initially came to Baltimore County by act of the County Commissioners in 1945. In 1955, the regulations were comprehensively amended and readopted. The 1955 regulations are the predecessor regulations to the current version of the BCZR.

All of these regulations have recognized the validity of nonconforming uses. A nonconforming use can be conferred on a given use of property which existed prior to the prohibiting regulation. For so long as the use is not changed, been abandoned or discontinued, the use may continue irrespective that the present zoning classification would prohibit such a use. Noncon-

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Date
By

forming uses are governed by Section 104 of the BCZR; the provisions of which are self explanatory.

In this case, the uncontradicted testimony and evidence offered is that the Gray Transport Company business has operated from this site continuously and uninterruptedly since the early 1940s. In that same predates the effective date of the first set of zoning regulations in Baltimore County, it is clear that the use is nonconforming.

The testimony was also compelling that the use has not significantly changed over the years. That is, similar activities are now conducted on the site, as compared with the prior business. These include the welding service and certain hauling, towing and plowing activities. Moreover, it is clear that the nature of the business should be defined as a construction equipment storage yard and not a trucking facility or other use. A construction equipment storage yard, as defined by Section 101 of the BCZR is "The use of any space, whether inside or outside of building for the storage of construction equipment or machinery, including landscaping equipment and associated materials." This description fits the use conducted on this site.

Other evidence offered in this case is contained within a letter from the aforementioned Janice Ramsey, President of the North Point Peninsula Community Coordinating Council. She asked that this Zoning Commissioner impose three conditions on the use of this property. Mr. Gray expressed a willingness to be bound by these conditions. However, unlike Petitions for Special Exception or Variance, this Zoning Commissioner's decision in granting the Petition for Special Hearing cannot be conditioned, per se. That is, the Baltimore County Code and Baltimore County Zoning Regulations allow the Zoning Commissioner to condition variance or special exception relief so as to prevent adverse impact on the surrounding locale. The issue presented

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Date
By

in this case is different. If the use is nonconforming, it is permitted irrespective of any impact which might result.

Nonetheless, some of the concerns expressed by Mrs. Ramsey and agreed to by Mr. Gray are applicable by operation of law. Specifically, Section 104 of the BCZR imposes limits on the expansion of nonconforming uses. A nonconforming use cannot be expanded or enlarged except as provided in that Section (i.e., no more than 25% of the ground floor area of the building so used). Moreover, the nonconforming use cannot be discontinued or abandoned. If said use is discontinued or abandoned for more than one year, the right to continue such a use is forfeited. Moreover, the character of the nonconforming use must remain consistent.

Based upon these provisions of the BCZR, it is clear that a conferring of nonconforming use status on the property will not be a basis nor shall same set precedent for future zoning changes in the area. This was one concern of Mrs. Ramsey. Moreover, as noted above, the expansion or change in character of the nonconforming use is regulated and prohibited by Section 304. Moreover, I find that the number of construction equipment vehicles to be stored on the site should not exceed 7 and the size of those vehicles should be no larger than a tandem axel dump truck with a load capacity of 65,000 pounds. This finding is not made as a condition to the relief granted, but represents my findings of fact that the equipment stored on this site since the 1940s has not exceeded this number or size of vehicles. Thus, the Petitioner is limited to the vehicles which he identified at the hearing, namely, 4 tandem axel dump trucks, a small bobcat, a single axel dump truck and the various snow plows and welding equipment. Obviously, these vehicles may be replaced due to age or disrepair, however, the number or size of replacement vehicles is limited as provided herein.

ORDER RECEIVED FOR FILING
Date
By

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17th day of February 1995, that, pursuant to Petition for Special Hearing, approval to allow an existing construction equipment storage yard as a nonconforming use, be and is hereby GRANTED subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all recommendations and requirements of DEPRM relating to the development of this site, including, but not limited to, those comments contained within the ZAC comment from DEPRM dated September 27, 1994.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 16, 1995

Norman R. Stone, Esquire
6905 Dunmanway
Dundalk, Maryland 21222

RE: Case No. 95-91-SPH
Petition for Special Hearing
Lillie F. Pugh and Gray Transport, Inc., Petitioners

Dear Mr. Stone:

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

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.
cc: Mrs. Lillie F. Pugh and Mr. Thomas E. Gray Jr.
Mrs. Janice Ramsey, President of NPPCCC
Mrs. Virginia Tolbert
Mrs. Pearl Gintling

91

Petition for Special Hearing

95-91-SPH

to the Zoning Commissioner of Baltimore County

for the property located at 2855 LODGE FARM RD. which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & 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 THIS REQUEST FOR EXSISTING CONSTR. EQUIP. STORAGE. EXSISTING NON-CONFORMING USE AND EXPANSION.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Hearing 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.

(ALSO SEE 3RD OWNER SIGNATURE ATTACHMENT)

I/We do 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 Petition.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner:
NORMAN R STONE
(Type or Print Name)
Signature
6905 DUNMANWAY 288-5270
Address Phone No.
DUNDALK MD
City State Zipcode

Legal Owner(s):
LILLIE F PUGH
(Type or Print Name)
Signature GRAY TRANS PORT INC. LEGAL OWNER
THOMAS E GRAY JR
(Type or Print Name)
Signature
2855 LODGE FARM RD 477-5115
Address Phone No.
BALTO MD 21219
City State Zipcode
Name, Address and phone number of representative to be contacted.
THOMAS E GRAY JR (410)
Name
2855 LODGE FARM RD 477-5115
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____

Petition for Special Hearing

95-91-SPH

to the Zoning Commissioner of Baltimore County

for the property located at 2855 LODGE FARM RD

which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & 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

3 RD OWNER

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Hearing 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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

11 11

Address Phone No.

City State Zipcode

We do 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 Petition.

Legal Owner(s): GRAY TRANSPORT INC. LEGAL OWNER

THOMAS E GRAY SR
(Type or Print Name)

Thomas E Gray SR
Signature

(Type or Print Name)

Signature

2855 LODGE FARM RD 477-5115
Address Phone No.

BALTO MD 21219
City State Zipcode
Name, Address and phone number of representative to be contacted.

11 11
Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administrator

91

Hopkins Engineering
18 Brightstar Court • Baltimore, MD 21206

95-91-SPH

ZONING DESCRIPTION

Beginning at a point on the southeast side of Lodge Farm Road which is 40 feet wide at the distance of 220 feet more or less southwest of the intersection of the west side of North Point Road and the southeast side of Lodge Farm Road: thence binding on the south side of Lodge Farm Road S 44 degrees 02minutes 39 seconds W 125 feet to the point where Lodge Farm Road was widened by 15 feet thence at right angles to Lodge Farm Road S 45 degrees 57 minutes 21 seconds E 15.00 feet to the south side of Lodge Farm Road as now widened thence binding on Lodge Farm Road S 44 degrees 02 minutes 39 seconds W 150.00 feet thence leaving Lodge Farm Road at right angles there to S 45 degrees 57 minutes 21 seconds E 262.50 feet to a steel bar heretofore set thence N 48 degrees 57 minutes 57 seconds" E 150.10 feet to a pipe heretofore set thence N 22 degrees 36 minutes 36 seconds W 316.31 feet to the place of beginning.

Being Lot 4 of Plat Final of St. Lukes Church Property said plat Being Recorded Among the Land Records of Baltimore County Maryland in Liber S.M. 64 Folio 94 and part of that partial described in Liber EHK Jr. 6973 Folio 700 and Recorded among the Land Records of Baltimore Maryland.

STATE OF MARYLAND — MARYLAND LICENSED PROFESSIONAL ENGINEER — JOHN L. HOPKINS — No. 10818

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 95-91-SPH
Towson, Maryland

District 12th Date of Posting 9/23/94

Posted for: Special Hearing

Petitioner: Lillie F. Pugh & Gray Trans port Inc

Location of property: 2855 Lodge Farm Rd

Location of Signs: Facing roadway on property being posted

Remarks:

Posted by _____ Signature Date of return: 9/25/94

Number of Signs: 1

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-91-SPH

Account: R-001-6150

Date 9/7/94

Number 91
Zy VLL

1 NON RES SPH.	CODE 040	$ 250.00
1 SIGN POSTING	CODE 080	35.00
	TOT=	$ 285.00

OWNERS PUGH AND GRAY TRANSPORT INC.
LOC 2855 LODGE FARM RD

01001R001M1CHRG
B4 01:16:50AM09-07-94

$285.00 ✓ 4666

Please Make Checks Payable To: Baltimore County

Cashier Validation

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-91-SPH (Item 91)
2855 Lodge Farm Road
SE/S Lodge Farm Road, 220' W of North Point Road
15th Election District
7th Councilmanic
Petitioner(s):
Lillie F. Pugh and Gray Transport, Inc.

Hearing: Wednesday, Oct. 12, 1994 at 9:00 a.m. in Rm. 106, County Office Building.

Special Hearing to approve existing construction equipment storage, existing non-conforming use and expansion.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1)Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2)For information concerning the file and/or Hearing, Please Call 887-3391.
9/250 Sept. 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/22, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/22, 1994

THE JEFFERSONIAN,
A. Henrikson
LEGAL AD. - TOWSON

Item Number: 91
Planner: JLL
Date Filed: ?

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

_____ Need an attorney

✓ The following information is missing:
- _____ Descriptions, including accurate beginning point
- _____ Actual address of property
- _____ Zoning
- _____ Acreage
- _____ Plats (need 12, only ____ submitted)
- _____ 200 scale zoning map with property outlined
- _____ Election district
- _____ Councilmanic district
- _____ BCZR section information and/or wording
- _____ Hardship/practical difficulty information
- _____ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- _____ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- _____ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- _____ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- ✓ Attorney's signature (need minimum 1 original signature) ~~and/or printed name and/or address and/or telephone number~~
- _____ Notary Public's section is incomplete and/or incorrect and/or commission has expired
- ✓ No REVIEW INFO — BY WHO, WHEN, HEARING TIME, ETC.

PET-FLAG (TXTSOPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 91

Petitioner: PUGH AND GRAY TRANSPORT INC.

Location: 2855 LODGE FARM RD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: TOM GRAY JR

ADDRESS: 2855 LODGE FARM RD BALTO MD 21219

PHONE NUMBER: 410 477-5115

AJ:ggs

(Revised 04/09/93)

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEPTEMBER 16, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-91-SPH (Item 91)
2855 Lodge Farm Road
SE/S Lodge Farm Road, 220' W of North Point Road
15th Election District - 7th Councilmanic
Petitioner(s): Lillie F. Pugh and Gray Transport, Inc.
HEARING: WEDNESDAY, OCTOBER 12, 1994 at 9:00 a.m. in Room 106 County Office Building.

Special Hearing to approve existing construction equipment storage, existing non-conforming use and expansion.

Arnold Jablon
Director

cc: Gray Transport, Inc.
Norman R. Stone, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 7, 1994

NOTICE OF POSTPONEMENT

CASE NUMBER: 95-91-SPH
PETITIONER(S): Lillie F. Pugh and Gray Transport, Inc.
LOCATION: 2885 Lodge Farm Road

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO BE HEARD ON OCTOBER 12, 1994, HAS BEEN POSTPONED AT THE REQUEST OF NORMAN R. STONE, JR., ATTORNEY FOR THE PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Arnold Jablon
Director

cc: Norman R. Stone, Jr., Esq.
Virginia Tolbert
Gray Transport

AJ:ggs

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 14, 1994

NOTICE OF REASSIGNMENT

CASE NUMBER: 95-91-SPH (Item 91)
2855 Lodge Farm Road
SE/S Lodge Farm Road, 220' W of North Point Road
15th Election District - 7th Councilmanic
Petitioner(s): Lillie F. Pugh and Gray Transport, Inc.

Special Hearing to approve existing construction equipment storage, existing non-conforming use and expansion.

HEARING: MONDAY, NOVEMBER 21, 1994 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

ARNOLD JABLON
DIRECTOR

cc: Norman R. Stone, Jr., Esq.
Virginia Tolbert
Gray Transport

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCT. 05 1994

Norman R. Stone, Esq.
6905 Dunmanway
Dundalk, Md 21222

RE: Item No. 91Case No. 95-91A
Petitioner: Gray Transport Inc.

Dear Petitioner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 07 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petion has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor

WCR:jaw

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/22/94

RECEIVED
SEP 26 1994
ZADM

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: LILLIE F. PUGH & GRAY TRANSPORT INC.
LOCATION: S/S LODGE FARM RD., 220' W OF NORTH POINT RD.
(2855 LODGE FARM RD.)
Item No.: 91 Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property 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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LT. ROBERT F. SALERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

9-14-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: #91 (JLL)

Dear Ms. Winiarski:

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 effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 26, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for September 26, 1994
Item No. 91

The Developers Engineering Section has reviewed the subject zoning item. Please ensure that this site is properly screened from adjacent uses.

RWB:sw

BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

TO: Arnold Jablon, Director DATE: September 26, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting
for September 26, 1994
Items 90, 91, 93, 94, 95, 97, 98 and 99

The Developers Engineering Section has reviewed the zoning items for the subject meeting and we have no comments.

RWB:sw

SEP 28 1994

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

September 27, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #91
2855 Lodge Farm Road
Zoning Advisory Committee Meeting of September 19, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The site is in proximity to a residential area and a nursing home. We have no objections to the expansion provided that airborne particulate does not become a problem and Maryland State noise standards are met at all times.

JLP:SAR:sp

LODGE/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: September 23, 1994

SUBJECT: 2855 Lodge Farm Road

INFORMATION:

Item Number: 91

Petitioner: Grey Transport, Inc.

Property Size:

Zoning: D.R. 5.5

Requested Action:

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and a site inspection of the subject property, staff offers the following comment:

It appears that a service garage and welding business are operating at the applicant's site. Since the use listed on the Petition indicates a construction and equipment storage utilization, the actual use of the site should be clarified at the hearing.

If the subject request is granted, the applicant should meet with the County's landscape architect to ensure that provisions are made to substantially buffer the use from existing properties.

Prepared by: Jeffrey W. Long

Division Chief: Carl Kess

PK/JL:lw

SEP. 28 1994

ZAC.91/PZONE/ZAC1

Zoning Administration & Development Management

Zoning Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

95-91

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards
Zoning Coordinator

September 20, 1994

FROM: James H. Thompson -LJW
Zoning Enforcement Coordinator

RE: Item No. 91
Petitioner: PUGH AND GRAY TRANSPORT

VIOLATION CASE # C-94-1565

LOCATION OF VIOLATION 2855 LODGE FARM ROAD

DEFENDANT LILLIE PUGH

ADDRESS 2855 LODGE FARM ROAD

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

VIRGINIA TOLBERT
7741 NORTH POINT CREEK ROAD
21219

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

RE: PETITION FOR SPECIAL HEARING *
2855 Lodge Farm Road, SE/S Lodge Farm
Rd, 220' W of North Point Rd, 15th *
Election Dist., 7th Councilmanic
*
Lillie F. Pugh and Gray Transport, Inc.
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-91-SPH

* * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to Norman R. Stone, Esquire, 6905 Dunmanway, Baltimore, MD 21222, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

91

H.O.

Applicant advised setting signature required prior to Hearing.

Also advised of the 25% expansion limitation of sect 104 BCZR. Appears 70% increase shown on plan area.

JJS 9/7/94

FAX TRANSMITTAL SHEET

DATE: OCTOBER 7, 1994
TO: OWEN
FAX #: 887-5708
RE: CASE NO. 95-91-SPH (Item 91)
FROM: SHARON: NORMAN R. STONE, JR.'S OFFICE
FAX #: (410) 284-2864 Telephone: 288-5270
TOTAL PAGES IN[illegible]NG COVER: 3
MESSAGE: Here is a copy of a letter sent 10/3/94 and the hearing notice from Judge Turnbull.
Thanks. Sharon

The Circuit Court for Baltimore County
THIRD JUDICIAL CIRCUIT OF MARYLAND

JAMES T. SMITH, JR.
JUDGE

[illegible]
TOWSON, MARYLAND 21204
(410) 887-2601

August 24, 1994

Norman R. Stone, Jr., Esquire
400 [illegible]
Baltimore, Maryland 21202

RE: State v. Virginia Tolbert Gaithuck
Case No. 94-[illegible]

Dear Mr. Stone:

A review hearing was held in the above matter before Judge John Grason Turnbull II on this courtroom #5 on this date.

Reason for hearing: Disposition of case

Date: Wednesday, October 12, 1994

Time: 9:30 a.m.

Please notify your client to be present on this date.

When the Pre-Sentence Investigation has been completed by the Probation Department, I will forward a copy to you.

Very truly yours,

John Grason Turnbull II
John Grason Turnbull II
Judge

jk

CC: James H. Rowe, Assistant State's Attorney
Ms. Barbara Dovey, Criminal Assignment
Ms. Patricia Fisher, Criminal Desk

TOTAL P.03

LAW OFFICES
PETER G. ANGELOS
A PROFESSIONAL CORPORATION

10/4/94 8 TO 68 4692-94

PETER G. ANGELOS (MD,D.C.,TN)
M. RUSSELL SMOUSE (MD)
THOMAS MINKIN (MD,D.C.,TN)
THOMAS V. FRIEDMAN (MD)
EDWARD P. MONAGHAN (MD,PA)
GARY J. IONATOWSKI (MD,D.C.,TN)
R. BRUCE MCELHONE (MD,PA,D.C.)
ARMANDO J. VOLTA, JR. (MD,D.C.)
GEORGE A. WEBER, III (MD,D.C.,TN)
DAVID L. PALMER (MD,D.C.)
J. THOMAS CASKEY (MD)
EDWARD J. LILLY (MD)
MICHAEL T. WARD (MD,VA,MD)
PATRICIA J. KASPUTYS (MD,D.C.)
BRUCE C. HILL (MD)
ANDREW M. CANTOR (MD,D.C.)
COUNSEL
FANNIE ANGELOS (MD,D.C.)
THOMAS L. SAMUEL (MD,VA)
JOHN A. PICA, JR. (MD)
NORMAN R. STONE, JR. (MD)
CHARLTON I. HOWARD (MD)

FREDRICK N. DURST (MD,D.C.)
THOMAS C. SUMNERS (MD,D.C.)
THEODORE M. FLEMGASS, JR. (MD)
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KENNETH D. PACK (MD,D.C.)
JEFFREY D. MOYER (PA)
TIMOTHY J. HOGAN (MD)
FREDERIC M. BRANDES (MD)
RICHARD E. BALIT (MD)
SCOTT SHELLENBERGER (MD)
E. DAVID HOSKINS (MD,WV)
KEVIN E. O'NEILL (MD)
STEPHEN J. HOLMES (MD)
PAUL M. MATHENY (MD)
MARK P. RYSCAVAGE (MD,DE)
ROBERT S. PATTERSON (TN)
GREGORY N. BUNITSKY (PA)
JERE F. DWNBY (TN)
CYNTHIA G. BOYLE (DE)

MARK KOWIT (PA)
THOMAS C. SIMONES (PA)
MICHAEL P. KUTZER (PA)
EDWARD V. REEVES (PA,NJ)
BRIAN J. TAYLOR (PA,NJ)
MARLA A. MACEY (PA,NJ)
GARY MINTZ (PA,NJ)
JARED QUINN WINDHAM (TN,FL)
DAVID OVERSTREET (TN)
JOHN A. ANNEN (TN)
KEITH E. HAYNES (VA)
VASILIKI P. SIZOSKY (MD)
MICHAEL B. GILLAND (MD)
ELIZABETH H. MOYSE (D.C.,MD)
JOAN L. ROMETT (MD)

UNION PARK CENTER
5800 HARFORD ROAD
BALTIMORE, MD 21214-3846
410-426-3300
1-800-492-3340 (TOLL FREE)
FAX 410-426-1320

300 EAST LOMBARD STREET
18TH FLOOR
BALTIMORE, MARYLAND 21202
410-332-8556
FAX 410-685-1760, 81, 82

COURT TOWERS, SUITE 510
210 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-825-7300
FAX 410-296-2241

STELLAMONICA HALL
840 DUNDALK AVENUE
BALTIMORE, MD 21224-2997
410-633-5100
FAX 410-633-0460

CENTERPARK II
SUITE 315
4914 FONDER HILL ROAD
BELTSVILLE, MARYLAND 20705-3149
301-937-5285
FAX 301-937-5738

53 HENDERSON AVENUE
CUMBERLAND, MD 21502-0452
301-759-3700
FAX 301-759-3703

100 S. CLEVELAND AVENUE
HAGERSTOWN, MD 21740-5745
301-739-0000
FAX 301-739-3548

PHILADELPHIA, PENNSYLVANIA
HARRISBURG, PENNSYLVANIA
WILMINGTON, DELAWARE
KNOXVILLE, TENNESSEE

REPLY TO: 6905 Dunmanway 21222
288-5270 or 284-2860

October 3, 1994

Mr. Arnold Jablon, Director
Baltimore County Office of Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 95-91-SPH (Item 91)
2855 Lodge Farm Road
SE/S Lodge Farm Road, 220' W of North Point Road
15th Election District-7th Councilmanic
Petitioners: Lillie F. Pugh and Gray Transport, Inc.

Dear Mr. Jablon:

I have received notice that the above captioned matter has been set in for hearing on October 12, 1994 at 9:00 a.m., in Room 106, of the County Office Building.

I respectfully request the above hearing be postponed inasmuch as I have a previously scheduled case, State v. Safchuck, in the Circuit Court for Baltimore County, scheduled for disposition.

Thanking you for your assistance in this matter, I am

Very truly yours,

Norman R. Stone, Jr.

NRS,JR:slh
cc: Peter Max Zimmerman, Esquire
Carole S. DeMilio, Esquire
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
OCT 4 1994
ZADM

2

11/8/94 5628-94 TO 68 - to file

NPPCCC
North Point Peninsula Community Coordinating Council

Janice N. Ramsay, President 477-5051
Christa Donhowe, Vice President 477-0896
Kimberly Niarc, Corresponding Secretary 477-4575

Rose Boyroth, Treasurer 477-4244
Betsy Hodges, Recording Secretary 477-9010

95-91

November 16, 1994

Arnold Jablon, Director
Zoning Administration & Development Management Office
County Office Building (M.S. 1105)
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
Thomas Gray, Petitioner

Dear Mr. Jablon:

The purpose of this letter is to convey the support of the North Point Peninsula Community Coordinating Council (the "Council") for Thomas Gray's petition for special exception scheduled for hearing on Monday, November 21, 1994. Support for said special exception is conditioned upon the following requirements set forth at the November 3 meeting and agreed upon by the Council and Petitioner:

1. That said special exception be based solely on the existing historic use and shall not set precedent for future zoning changes in the area;

2. That in the event of sale or transfer of property to anyone other than the immediate family of Petitioner, excepting the existing non-conforming use, any expansion or other exception granted will cease and the adjoining property will revert to is D.R. 5.5 use; and

3. That the total number of construction equipment vehicles permitted to be stored on the lot is seven (7) and the size of those vehicles is limited to no larger than a tandem-axle dump truck with a load capacity of 65,000 pounds.

Again, the Council's primary concern is not establishing a basis for future zoning changes. Should these conditions be met, the Council supports Mr. Gray's Petition For Special Exception before the Zoning Commissioner.

Sincerely,

Janice Ramsay, President
JNR:kmn

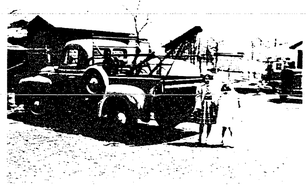
RECEIVED
NOV 17 1994
ZADM

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

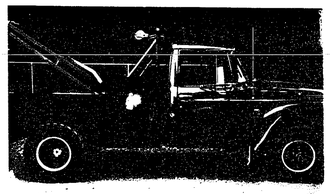
NAME	ADDRESS
Virginia Tolbert	7741 North Point Creek Rd 21219
Pearl Gintling	7718 N. Pt. Creek Rd Balto 21219

Pet 24



Bottle wells

Pet 28



Pet 22

Dry Tank

Pet 20

BUILDING PERMIT

6388

OFFICE OF INSPECTOR OF BUILDINGS

5th District of Baltimore County, Maryland

Baltimore County, July 26th 1940

Permission is hereby granted to Geo. E. Lenerolex + Wm. E. Gray

To erect a frame dwelling 24 x 42 - 16 ft

At No. S. E. Corner Golf Club Rd. 217 ft. N. North Pt Rd

Cost $800.00 By order William E. Carlson

Inspector of Buildings for the 5th District of Baltimore County.

Issued by authority of Chapter 481, Acts of 1918. By [illegible]

Pet No 3

2855 Lodge Farm Rd.
Baltimore, MD 21219
July 11, 1994

To Whom It May Concern:

The business of Mr. Thomas E. Gray has been in operation for over 50 years. I have lived in this area for over 50 years and feel that his presence at this location is a benefit to our community and I support them.

Joyce E. Davis
Paul Davis
Dorothy Healey
Paul Magnoli
Mary Marzocchi

Pet No 4

GRAYS
2855 LODGE FARM RD.
BALTIMORE, MD 21219

TO WHOM IT MAY CONCERN:

I,m a resident across the street from Mr. Gray's business. His operation has been there for over 50 years and I feel that his services are of no nuisance to our area and I support their co.

James D Morgenthaler
2852 Lodgefarm Rd.

Francis J Muller
2854 Lodge Farm Rd

Pet No 5

Pet No 6

CONTRACT HAULING & EXCAVATING

W.B.E. MINORITY CONTRACTOR

GRAY TRANSPORT, INC.
2855 LODGE FARM ROAD
EDGEMERE, MARYLAND 21219
477-5115

Date: 18 Oct 94
Telephone 477-

To Whom It May Concern

I am Merriman Donald Dixon, known in the area as Don Dixon. I now reside at 150 Bartel Drive, Covington, Louisiana, 70433. I am 71 years old and have a law degree from the University of Baltimore, Class of 1953. I entered on duty as a Special Agent of the Federal Bureau of Investigation (FBI) during September 1954 and retired from that agency in June, 1978. I have returned to this area for my agents class reunion and visit relatives.

Enroute to my relatives' residences near Fort Howard, I stopped by to visit and old "trucking" buddy, Bill Gray who was older than me and helped me when I was engaged in the trucking business while attending college. Gray helped me to haul coal from Sparrows Point to Fort Howard under a contract I had with the Veterans Administration. Bill had a new Chevrolet dump truck and his stepfather Romes Switcher or Swizzer had a similar truck. Bill lived in the first house on the left of Lodge Farm Road

---

Page 2 Statement of M. D. Dixon

from North Point Road. Bill kept his truck at his residence and also conducted a welding service to the general public at that residence.

As to the time frame, I was discharged from the service (World War II) on Sept 15, 1945. I borrowed my father's small 1934 Chevrolet dump truck and did various hauling jobs. In 1946, I bid on hauling the government's coal from a siding in Sparrows Point to the Veterans Hospital. I took the contract from Mike Birmingham's Twin City Supply Company. During the first year my little truck hauling 3.3 tons of coal could not empty the coal cars fast enough. I stopped Bill Gray, who I did not know and asked him to haul the coal at sixty cents a ton. After my coal conveyor loaded his truck. He also volunteered his stepfather's truck. I had that contract three alternate years being under bid by Twin City. I also helped Gray on his big jobs.

I learned that the Bill Gray I knew had died some years ago when I stopped in to visit him today. His grandson told me that he is facing a zoning problem. I volunteered to furnish the above information. I knew that my friend Bill Gray was a devout Christian and raised his children to abide by God's law and well as man's law. For additional information my telephone is 504/892-0434

The above is true and correct to the best of my knowledge, this 18th day of October, 1994.

Merriman Donald Dixon

LAW OFFICES
PETER G. ANGELOS
A PROFESSIONAL CORPORATION

PETER G. ANGELOS (MD, D.C., TN)
H. RUSSELL SMOUSE (MD)
THOMAS MINKIN (MD, D.C., TN)
THOMAS V. FRIEDMAN (MD)
EDWARD P. MONAGHAN (MD, PA)
GARY J. IGNATOWSKI (MD, D.C., TN)
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E. DAVID HOSKINS (MD, VA)
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MARK P. RYSCAVAGE (MD, CA)
ROBERT S. PATTERSON (TN)
GREGORY N. BUNITSKY (PA)
JERE F. OWNBY (TN)
CYNTHIA G. BOYLE (DE)

MARK KOWIT (PA)
THOMAS C. SIMONES (PA)
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JOHN A. ANNEN (TN)
KEITH E. HAYNES (MD)
VASILIKI P. SPCZESNY (MD)
MICHAEL B. GILLAND (MD)
ELIZABETH H. MOYSE (D.C., MD)
JOAN L. ROMETT (MD)

COUNSEL
FANNIE ANGELOS (MD, D.C.)
THOMAS L. SAMUEL (MD, VA)
JOHN A. PICA, JR. (MD)
NORMAN R. STONE, JR. (MD)
CHARLTON I. HOWARD (MD)

UNION PARK CENTER
5905 HARFORD ROAD
BALTIMORE, MD 21214-1846
410-426-3200
1-800-492-3240 (TOLL FREE)
FAX 410-426-1269

300 EAST LOMBARD STREET
18TH FLOOR
BALTIMORE, MARYLAND 21202
410-659-0100
FAX 410-659-1780, 81, 82

COURT TOWERS, SUITE 515
210 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-825-7300
FAX 410-296-2541

STEELWORKERS' HALL
540 DUNDALK AVENUE
BALTIMORE, MD 21224-2997
410-633-8100
FAX 410-633-0480

CENTERPARK II
SUITE 315
4061 POWDER MILL ROAD
BELTSVILLE, MD 20705-3149
1-800-637-8261
FAX 301-937-5738

63 HENDERSON AVENUE
CUMBERLAND, MD 21502-2452
301-759-2700
FAX 301-759-2703

201 S. CLEVELAND AVENUE
HAGERSTOWN, MD 21740-5745
301-739-4000
FAX 301-739-3846

PHILADELPHIA, PENNSYLVANIA
HARRISBURG, PENNSYLVANIA
WILMINGTON, DELAWARE
KNOXVILLE, TENNESSEE

REPLY TO: 6905 Dunmanway 21222
288-5270 or 284-2860

November 15, 1994

Mrs. Janet Ramsey, President
North Point Peninsula Community Coordinating Council

Dear Mrs. Ramsey:

This letter is intended to confirm Mr. Thomas Gray's agreement with the Council with reference to the Petition for Special Hearing, which is scheduled for hearing on Monday, November 21, 1994.

Pursuant to the memo to Mr. Gray, dated November 9, 1994, from Ms. Betsy Hodgson, Recording Secretary, Mr. Gray hereby agrees that the following restrictions be made a part of the record before the Zoning Commissioner and it is his intention that the same be included in any order passed by the said Zoning Commissioner granting him the relief prayed in the petition:

1. That the relief, if granted, is based solely on an existing historic use and shall not be used as the basis of future zoning changes in the area.

2. That in the event that the property is sold or transferred to someone other than the immediate family of the present owner, except for the existing non-conforming use, any expansion or other relief granted will cease and the adjoining property will revert to its D.R. 5.5 use.

3. That the total number of construction equipment vehicles allowed to be stored on the property is seven (7) and the size of those vehicles are limited to no larger than a tandem-axle dump truck with a capacity of 65,000 pounds.

Pet No 7

2

TO: Mrs. Janet Ramsey

November 15, 1994
Page Two

It is my further understanding that, based upon the above restrictions, the Council will support Mr. Gray's Petition.

With kindest regards, I am

Very truly yours,

Norman R. Stone, Jr.

NRS,JR:slh

I HEREBY AGREE WITH THE CONTENTS OF THIS LETTER.

Date: 11/17/94

Thomas Gray, Jr.

NOV-16-1994 14:46 FROM RAMSAY WILLIAMS & ASSOC. TO 2842864 P.02

NPPCCC
North Point Peninsula Community Coordinating Council

Janice N. Ramsay, President 477-5201
Cabrina Dembow, Vice President 477-0896
Kimberly Nizer, Corresponding Secretary 477-4575
Rose Boyson, Treasurer 477-4244
Betty Hodgson, Recording Secretary 477-9010

November 16, 1994

Arnold Jablon, Director
Zoning Administration & Development Management Office
County Office Building (M.S. 1105)
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
Thomas Gray, Petitioner

Dear Mr. Jablon:

The purpose of this letter is to convey the support of the North Point Peninsula Community Coordinating Council (the "Council") for Thomas Gray's petition for special exception scheduled for hearing on Monday, November 21, 1994. Support for said special exception is conditioned upon the following requirements set forth at the November 3 meeting and agreed upon by the Council and Petitioner:

1. That said special exception be based solely on the existing historic use and shall not set precedent for future zoning changes in the area;

2. That in the event of sale or transfer of property to anyone other than the immediate family of Petitioner, excepting the existing non-conforming use, any expansion or other exception granted will cease and the adjoining property will revert to is D.R. 5.5 use; and

3. That the total number of construction equipment vehicles permitted to be stored on the lot is seven (7) and the size of those vehicles is limited to no larger than a tandem-axle dump truck with a load capacity of 65,000 pounds.

Again, the Council's primary concern is not establishing a basis for future zoning changes. Should these conditions be met, the council supports Mr. Gray's Petition For Special Exception before the Zoning Commissioner.

Sincerely,

Janice Ramsay, President
JNR:kmn

Pet No 8

TOTAL P.02

FILE REF.

REVISIONS			
NO.	DESCRIPTION	DATE	BY

NORTH

VICINITY MAP
SCALE 1" = 2000'

(BACK RIVER)

NORTH POINT ROAD

FIRE DEPT. EDGEMERE - ENGINE CO. NO. 260

#7515 NORTH POINT RD. SINGLE FAMILY DWELLING — PROPERTY OF: JOHN E. MARIE WATKINS

#7513 NORTH POINT RD. 1½ STORY FRAME SINGLE FAM. DWELLING — PROPERTY OF: GEORGE W. & GENEVA HOPPER

#7511 NORTH POINT ROAD 1½ STORY FRAME SINGLE FAMILY DWELLING — PROPERTY OF: DAVID & ANTONIA GARNER

#7507 NORTH POINT ROAD SINGLE FAMILY DWELLING — PROPERTY OF: TERESA LEE & RICHARD KEITH BIEDENBACK

#2961 LODGE FARM RD. 2 ST. FRAME SINGLE FAMILY DWELLING — PROPERTY OF: CATHERINE M. HINKLE & ROBERT RICE

#7423 NORTH POINT RD. — PROPERTY OF: MARTY HAHN

(UNIMPROVED LOT)

FRAME GARAGE

METAL SHED

S-22383.50
E 48862.70

N-48°-57'-57"-E — 150.10'

S-22482.04
E 48749.47

PROPERTY OF: ST. LUKES CHURCH

TREES

1732 SQ. FT. 1 STORY BRICK EXISTING CONSTR. EQUIPMENT OFFICE & SHOP

EXISTING CONSTRUCTION EQUIPMENT YARD 13,034 SQ. FT. (GRAVEL YARD)

EXISTING TRAILER FOR STORAGE

EXISTING WOOD SHED FOR STORAGE

PROPERTY OF: THOMAS E. GRAY & THOMAS E. GRAY JR. INC.

N-22°-36'-36"-W — 316.31'

MAC. PAVED DRIVEWAY

1248 SQ. FT. 1 STORY STUCCO EXISTING FRAME FAMILY DWELLING (FRONT)

OPEN AREA

PROPERTY OF: LILLIE FRANCE PUGH

S 22091.45
48741.19

S-22191.73
E 48665.07

S-22299.55
E 48560.79

S-45°-57'-21"-E — 262.50'

PROPERTY OF: ST. LUKES CHURCH

S-44°-02'-39"-W — 150.00'

S-45°-57'-21"-E - 15.00'

ROAD WIDENING

S 22181.30
E 48654.29

S-44°-02'-39"-W — 125'

P.O.B.

220'±

LODGE FARM ROAD

#2858 LODGE FARM RD. — PROPERTY OF: CHRISTINE CARTWRIGHT

#2852 LODGE FARM RD. — PROPERTY OF: JAMES MARGONTHALL

#2846 LODGE FARM RD. — PROPERTY OF: RUTH E. SMITH

#2842 LODGE FARM RD — PROPERTY OF: WILBURT & GLORIA A. ROBERT

- EXISTING NON-CONFORMING USE AREA = 18690 SQ. FT.
- PROPOSED APPROVAL REQUEST FOR EXISTING CONSTR. EQUIP. STORAGE 13034 SQ. FT.

TOTAL OF 0.728 AC.± AFFECTED
0.612 AC.± UNAFFECTED

STATE OF MARYLAND — REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR

TITLE CONVEYANCES

PT. OF LOT BEING KNOWN & DESIGNATED AS LOT NO. 4 ON PLAT "FINAL PLAT OF ST. LUKES CHURCH PROPERTY" SAID PLAT BEING RECORDED AMONG THE LAND RECORDS OF BALTIMORE CO., MD. IN LIBER: S.M. NO. 64 FOLIO: 94 & PT. OF LOT BEING DESCRIBED IN A DEED RECORDED IN LIBER: E.H.K. JR. 6973 FOLIO: 700 IN LAND RECORDS OF BALTO. CO., MD.

91

ZONED: D.R. 5.5 - (SE - GI)
PROPERTY ACREAGE — 1.34 AC.±
LOTS NOT IN CHESAPEAKE BAY CRITICAL AREA
* EXISTING UTILITIES — PUBLIC WATER & SEWER

EXHIBIT #01

HOPKINS ENGINEERING
18 BRIGHT STAR COURT
BALTIMORE, MARYLAND 21206
PHONE: 866-8226

* NOTE
THIS PLAT IS INTENDED FOR ZONING PURPOSES ONLY & IS NOT INTENDED TO ESTABLISH TITLE

95-91-SPH

SPECIAL HEARING PLAN FOR
2855 LODGE FARM ROAD
BALTIMORE COUNTY, MARYLAND
15TH ELECTION DISTRICT — 7TH COUNCILMATIC DISTRICT
* PLAT TO ACCOMPANY PETITION FOR NON-CONFORMING USE AND EXPANSION APPROVAL HEARING

SCALE: 1" = 20'
DATE: 8/7/94
SHEET 1 OF 1

FILE REF.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 9, 2000

Mr. David W. Billingsley
601 Charwood Court
Edgewood, Maryland 21040

Dear Mr. Billingsley:

RE: Zoning Verification, 2855 Lodge Farm Road, Spirit and Intent Letter, 15th Election District

Your letter to Arnold Jablon, Director of Permits and Development Management has been referred to me for reply. The zoning of this site per the 1"=200' scale zoning map #SE, 6-I is Density Residential (D.R.5.5) as show on your submitted red-line plan. Your client's request is for verification from this office that a proposed 50'x 70' (3,500 square feet) building (for storage of several of the commercial vehicles which are currently stored in the open yard) be approved as being within the Spirit and Intent of zoning Case #95-91-SPH. The proposed building would be entirely within the area approved as a construction equipment storage yard. This matter has been reviewed by staff and it has been determined that a Special Hearing to amend the above referenced zoning case is required. Also, please note that pursuant to Section 1B01.2.C the side yard setback for the proposed building is 20 feet.

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

Sincerely,

John J. Sullivan
Planner II
Zoning Review

JJS:kew

Census 2000 For You, For Baltimore County Census 2000

Printed with Soybean Ink on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 079096

DATE 3/9/00 ACCOUNT 001-6150

AMOUNT $40.00 (JJS)

RECEIVED FROM: Gray Properties

FOR: #00-472 S+I
2855 Lodge Farm Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

CENTRAL DRAFTING AND DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
(410) 679-8719 FAX (410) 538-6160

2/28/00
WCR
S+I
3/3/00
u.e.

February 28, 2000

Mr. Arnold Jablon, Director
Department of Permits and Development Management
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: 2855 Lodge Farm Road
Election District 15, C7

Dear Mr. Jablon:

The referenced property was the subject of a special hearing (Case no. 95-91-SPH) to allow an existing construction equipment storage yard as a non-conforming use. On February 17, 1995, the zoning commissioner for Baltimore County granted the request.

As shown on the plat to accompany the petition for the special hearing, a gravel yard containing 13,034 square feet was approved to be used as a construction equipment storage yard. As part of the commissioner's finding, the petitioner was limited to a 4 tandem axle dump trucks, a small bobcat, a single axle dump truck and various snowplows and welding equipment within the storage yard.

The petitioner, Mr. Thomas E. Gray, Jr., continues to own the property and operate his business at the location.

Mr. Gray now wishes to construct a building 50 feet by 70 feet (3500 S.F.) for storage of several of the vehicles which are now stored in the open yard. The proposed building would be located entirely within the area approved as a construction equipment storage yard. Additionally, Mr. Gray fully understands the conditions under which the non-conforming use was approved and does not intend to increase the total number or type of vehicles to be stored within the limits of the storage area as approved by the special hearing.

Based on the above, it would appear that the construction of the proposed storage building is within the spirit and intent of the original order and should not require an additional hearing. It is understood that your concurrence would in no way exempt this proposal from the Development Regulations of Baltimore County.

I have enclosed a copy of the plat to accompany the petition of special hearing showing the location of the proposed building and a check in the amount of $40.00 made payable to Baltimore County, MD.

Thank you for your consideration in this matter and should you have any question or need additional information, please do not hesitate to contact this office.

Very truly yours,

David W. Billingsley

David W. Billingsley

Enclosure

CC: Thomas E. Gray, Jr.

REVISIONS			
NO.	DESCRIPTION	DATE	BY