

STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014

RECEIVED

MAR 15 2018

Harford County Planning & Zoning

Case No. 5086
 Date Filed _____
 Hearing Date _____
 Receipt _____
 Fee _____
 Type _____

Information to be Submitted with Application

1. A plot plan drawn to scale indicating all pertinent data.
2. A list of all adjoining property owners with mailing addresses.
3. Names and addresses of all persons having legal or equitable interest in the property.
4. All required supporting documentation or additional studies as may be required; including traffic and environmental studies, etc.

NOTE:

All applicants **MUST** schedule a pre-application meeting with the Department of Planning and Zoning **prior** to filing any application to the Board of Appeals.

To schedule please call 410-638-3119.

Shaded areas for Office Use Only

Nature of Request and Section(s) of Code

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HARFORD COUNTY COUNCIL

MAR 15 2018

ZONING BOARD OF APPEALS
HARFORD COUNTY, MD

Owner (please print or type) AMENDED APPLICATION ALL OTHER PREVIOUSLY SUBMITTED DOCUMENT APPLY.

Name CHARLES LEMBERT Phone Number 443-409-1699
 Address 101 STONE HOLLOW CT JAGGA MD 21085
Street Number Street City State Zip Code

Co-Applicant SEYED MANSOOR MIRJAFARY Phone Number 410-960-8010
 Address 1903 ROCK SPRING RD FOREST HILL MD 21050
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
 Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
 Address _____
Street Number Street City State Zip Code

Land Description

1202 PAUL'S ROAD
540A MARYLAND 21195

Address and Location of Property

Subdivision

N/A

Lot Number

NA

Acreage/Lot Size

6.01 AC

Election District

01

Zoning

CI

Tax ID #

217989

Tax Map No.

0065

Grid No.

002B

Parcel

0992

Water/Sewer: Private

Public

List ALL structures on property and current use:

10K SQ FT GUNNERY OFFICE AND DRUG BUSINESS 20K

SOFT BRICK 5000 SQ FT DETACHED GARAGE, 3RD BUILDING ALONG GREEN TRAIL SEE MAP

Estimated time required to present case:

2 Hours

If this Appeal is in reference to a Building Permit, state number

N/A

Would approval of this petition violate the covenants and restrictions for your property?

Yes No

Is this property located within the County's Chesapeake Bay Critical Area?

Yes No

If so, what is the Critical Area Land Use designations:

N/A

Is this request the result of a zoning enforcement investigation?

Yes No

Is this request within one (1) mile of any incorporated town limits?

Yes No

Request

SEE ATTACHED DOCUMENT

Justification

SEE ATTACHED DOCUMENT

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Zoning Code Requirements

Appeal from Administrative Decision/Interpretation Requirements (Article 267-7A)

- (6) Render a final written determination, within 45 calendar days of the written request, of whether a proposed use is permitted in a particular zoning district, or whether a proposed use is a legal nonconforming use upon written request of any person. The Director of Planning may determine a materially similar use exists, based on the North American Industrial Classification System (NAICS). The final written determination of the Director of Planning shall be subject to appeal to the Board by the applicant within 20 calendar days of the date of the decision.

Variance Requirements (Article 267-11)

- (A) Variances from the provisions or requirements of this Code may be granted if the Board finds that:
- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of the Code would result in practical difficulty or unreasonable hardship; and
 - (2) The variance will not be substantially detrimental to adjacent properties, or will not materially impair the purpose of this Code or the public interest.

(The Board may impose such conditions as it deems necessary in each particular case. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Code.)

Special Overlay District Requirements (Article 267-62)

(E) Natural Resources District

Variances. The Board may grant a variance to Subsection C or D upon a finding by the Board that the proposed development has been designed to minimize adverse impacts to the Natural Resources District to the greatest extent possible. Prior to rendering approval, the Board shall request advisory comments from the Director of Planning, the Soil Conservation District and the Maryland Department of the Environment.

Chesapeake Bay Critical Area Overlay District (Article 267-63)

- (1) Variances from the provisions of this section may only be granted if, due to special features of a site or other circumstances, implementation of this section or a literal enforcement of its provisions would result in unwarranted hardship to an applicant.
- (2) All applications for variances shall be reviewed by the Director of Planning for conformance with applicable provisions of this section, and a written report shall be provided to the Board of Appeals.
- (3) In granting a variance, the Board shall issue written findings demonstrating that the requested approval complies with each of the following conditions:

- (a) That special conditions or circumstances exist that are peculiar to the land or structure within the County's Critical Area, and a literal enforcement of the Critical Area Program would result in an unwarranted hardship.
 - (b) That a literal interpretation of the provisions of this section will deprive the applicant of rights commonly enjoyed by other properties in similar geographic and land use management areas within the Critical Area.
 - (c) That the granting of a variance will not confer upon the applicant any special privilege that would be denied by this section to other lands or structures within the Critical Area.
 - (d) That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property.
 - (e) That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and the granting of the variance will be in harmony with the purpose and intent of this section.
 - (f) That all identified habitat protection areas on or adjacent to the site have been protected by the proposed development and implementation of either on-site or off-site programs.
 - (g) That the growth allocation for the County will not be exceeded by the granting of the variance.
 - (h) That the variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.
- i. Special exceptions. All projects requiring approval as special exceptions within the Critical Area must meet the standards of this section. The Director of Planning may require such additional information, studies or documentation deemed necessary to ensure that applicable requirements of this district are met. Applications will not be considered complete for processing until all information as required by the Director of Planning has been received.

Change/Extension of Non-Conforming Use Requirements

267-20(3) - When authorized by the Board, one nonconforming use may be substituted for another nonconforming use.

267-21(d) - The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:

- (A) The proposed extension or enlargement does not change to a less restricted and more intense use.
- (B) The enlargement or extension does not exceed 50% of the gross square footage in use at the time of the creation of the nonconformity.

Special Exceptions Requirements (Article 267-87)

(a) Special exceptions require the approval of the Board of Appeals in accordance with 267-9 (Board of Appeals). The Board may impose such conditions limitations and restrictions as necessary to preserve harmony with adjacent uses, the purposes of this Code and the public health, safety and welfare.

- (b) A special exception grant or approval shall be limited to the Site Plan approved by the Board. Any substantial modification to the approved Site Plan shall require further Board approval.
- (c) Extension of any use or activity permitted as a special exception shall require further Board approval.
- (d) The Board may require a bond, irrevocable letter of credit or other appropriate guarantee as may be deemed necessary to assure satisfactory performance with regard to all or some of the conditions.
- (e) In the event the development or use is not commenced within 3 years from date of final decision, after all appeals have been exhausted, the approval for the special exception shall be void. In the event of delays, unforeseen at the time of application and approval, the Director of Planning shall have the authority to extend the approval for an additional 12 months or any portion thereof. (See Article 267-88 for specific requirements of Special Exception uses.)

I/We agree to provide additional information as requested by the Department of Planning and Zoning or the Hearing Examiner.

I/We do hereby declare that no officer or employee of Harford County, whether elected or appointed, has received prior hereto or will receive subsequent hereto any monetary or material consideration, any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally in connection with the submission, processing, issuance, grant or aware of the within application or petition.

I/We do solemnly declare and affirm under the penalties of perjury that this petition contains names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.

I/We do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my/our knowledge, information and belief.

I/We agree, upon final action, to comply with all requirements or conditions imposed by the Board.

[Signature] 3-15-16
 Signature of Owner Date

 Witness Date

SEE ATTACHED SIGNATURE 3-15-16
ON CO-APPLICANT FORM
 Signature of Co-Applicant Date

 Witness Date

 Signature of Attorney/Representative Date

 Witness Date

[Signature] 3-15-18
 Director of Planning and Zoning Date

 Zoning Staff Date

All previously attached documents apply *[Signature]*

RECEIVED

MAR 15 2018

Harford County Planning & Zoning

Case Number 5886

Notice of Co-Applicants

- 4 This is a formal notice to the Harford County Government that the below undersigned individuals are now Co applicants of appeal case #5886, and that the application needs to be amended to add the undersigned as Co-applicants.

Print Name

SEYED MANSOUR MIRJANI

Address:

1923 ROCK SPRING RD
FOREST HILL MD 2105

Phone #

410-960-4010

Signature

Seyed Mansour Mirjani

ATTACHMENT TO BOARD OF APPEAL APPLICATION

Applicants: Auston Transfer & Processing and Green Envirotech Holding Inc

Address 1202 Pauls lane Joppa MD 21085

Request and Justification

REQUEST:

An appeal to the Board of Appeals pursuant to Section 267-7a(6) of the Harford County Zoning Code of the final written determination by the Director of Planning & Zoning as set forth in his letter dated November 27, 2017 where in he concludes the proposed Tire Pyrolysis operation is permitted in the zoning district per SIC 29. He also sites section 267-50 as justification for his decision. (Attached 2 letters dated November 27th, 2017

JUSTIFICATION:

The applicants assert that there are public safety issues that have not been addressed, and we further assert that there are errors of both law and fact by the Department of Planning and Zoning.



Deb Lembach <lembach101@gmail.com>

***Confidential: Fw: RE: Request for information**

1 message

Chuck.Lembach@daycon.com <Chuck.Lembach@daycon.com>
To: Deb <lembach101@gmail.com>

Mon, Dec 18, 2017 at 2:57 PM

— Forwarded by Chuck Lembach/Daycon on 12/18/2017 02:56 PM —

From: Chuck Lembach/Daycon
To: "Killian, Bradley" <bkillian@harfordcountymd.gov>, "davenport, moe" <mddavenport@harfordcountymd.gov>
Cc: millambert@harfordcountymd.gov
Date: 10/24/2017 02:41 PM
Subject: *Confidential: RE: Request for information

Mr. Killian,

I met with Mr. Boniface and Mrs Lambert this afternoon, and based on that meeting, I am amending my initial request below.

In addition to the data requested below, please include Austin's Transfer & Processing located on 1202 Paul's lane current zoning parameters, as to weather they are permitted or nonconforming. Also please include the current use classifications located on 1202 Paul's lane . Moreover, I am requesting an expedited response, as this data should only take hours to research, and send to me, as these decisions have all ready been made.

Finally, I am requesting the data be sent over the next 5 business days for the aforementioned reasons.

Very Respectfully,

Chuck Lembach

From: Chuck Lembach/Daycon
To: "Killian, Bradley" <bkillian@harfordcountymd.gov>
Cc: "davenport, moe" <mddavenport@harfordcountymd.gov>
Date: 10/23/2017 04:45 PM
Subject: RE: Request for information

Mr Killian,

Thank you for your response; however, I still have a few additional requests as indicted below.

I am Requesting that the Director of Planning and Zoning render a final written determination, within 45 calendar days upon my written request, as required by Harford County Code 267-9 A.(6). , of whether the proposed use Tire Pyrolysis plant, and a scrap tire recycling plant is permitted in a particular zoning district, or whether the proposed use is a legal nonconforming use at the

processing and transfer station at 1202 Paul's lane.

In addition to being notified if the land use is permitted or nonconforming, I am also requesting the director of planning and zoning to provide what the specific land use classification(s) are granted at the proposed site located on 1202 Paul's lane. For example is the land use classification for recycling, refining excreta.

You can respond via email as you did previously, or send the final written determination and other requested data to my home address which is 101 Stone Harbor Court Joppa, MD 21085

Very Respectfully,

Chuck Lembach

From: "Killian, Bradley" <bkillian@harfordcountymd.gov>
To: "Chuck.Lembach@daycon.com" <Chuck.Lembach@daycon.com>
Cc: "davenport, moe" <mddavenport@harfordcountymd.gov>
Date: 10/05/2017 05:14 AM
Subject: RE: Request for information

The property is designated Industrial/Employment (IE) per land use plan adopted in 2016; the zoning classification is Commercial/Industrial (CI).

You can view land use and zoning for any property via our interactive map:

<http://harfordgis.maps.arcgis.com/apps/Viewer/index.html?appid=bf98d6414847405a80fb6838eacbf739>

Brad Killian

Director, Harford County Department of Planning & Zoning
220 S. Main Street, Bel Air, MD 21014
410.638.3228

From: Chuck.Lembach@daycon.com [mailto:Chuck.Lembach@daycon.com]
Sent: Thursday, October 5, 2017 8:24 AM
To: Killian, Bradley <bkillian@harfordcountymd.gov>
Cc: davenport, moe <mddavenport@harfordcountymd.gov>
Subject: Request for information

Mr Killian,

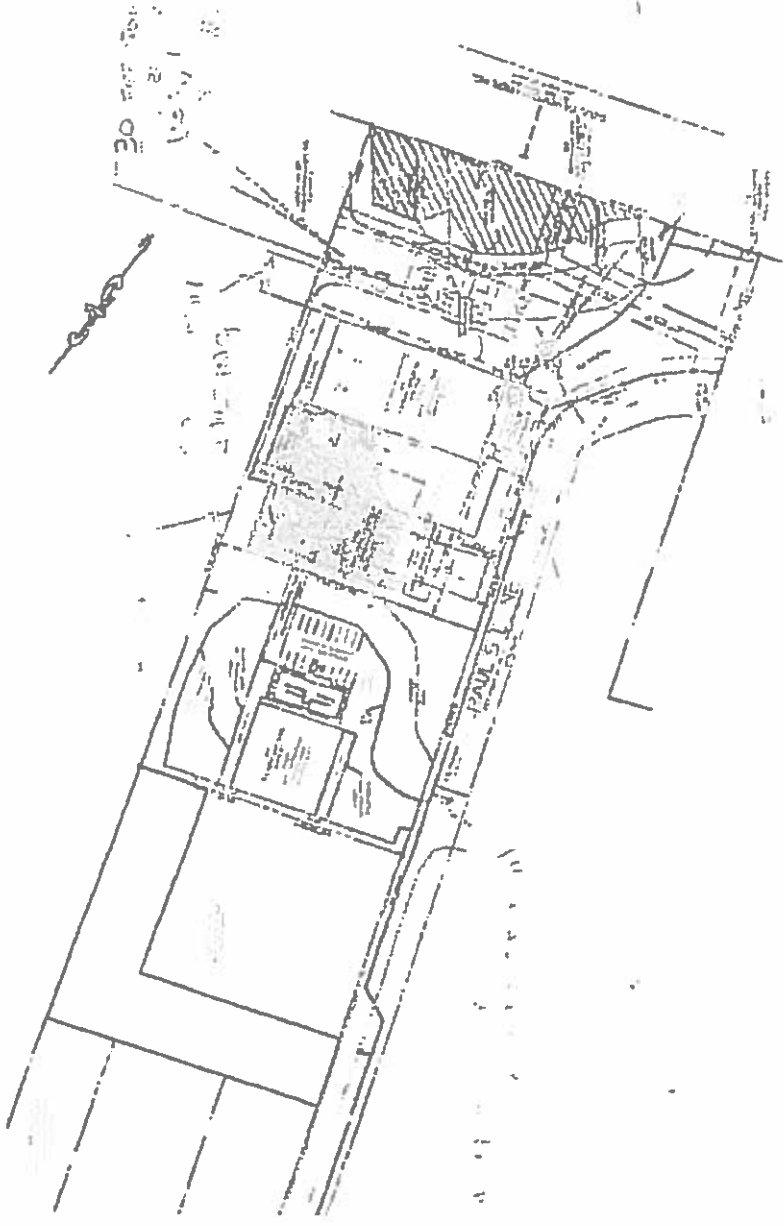
I am requesting the zoning status at 1202 Paul Lane for the proposed tire pyrolysis plant.

Very Respectfully,

Charles Lembach



VICINITY MAP



- GENERAL TESTS
- 1. General Test
 - 2. General Test
 - 3. General Test
 - 4. General Test
 - 5. General Test
 - 6. General Test
 - 7. General Test
 - 8. General Test
 - 9. General Test
 - 10. General Test

Handwritten notes and signatures in the upper right corner, including a date and initials.

STYLISTS & ENGINEERS

Professional seal and registration information for the engineering firm.

AUSTON TRANSFER AND PROCESS, LLC

Project name and other identifying information.

BARRY GLASSMAN
HARFORD COUNTY EXECUTIVE

BILLY BONIFACE
DIRECTOR OF ADMINISTRATION



BRADLEY F. KILLIAN
DIRECTOR OF PLANNING & ZONING

November 27, 2017

Charles Lembach
101 Stone Harbor Court
Joppa, MD 21085

RE: Austin LLC - Tire Pyrolysis, 1202 Paul's Lane, Joppa, MD
Use Classification - Final Written Determination

Dear Mr. Lembach:

Pursuant to Section 267-7A (6), this letter serves as final written determination by the Director of Planning and Zoning regarding whether the proposed addition of the Tire Pyrolysis operation at 1202 Paul's Lane, Joppa, Maryland is permitted in the zoning district. The operation of the system to convert scrap tires to a petroleum product is considered "Petroleum and coal products (SIC 29)" in the Harford County Zoning Code. Per Section 267-50, Principal Permitted Uses by Districts, Industrial Use Classification Charts, the use is permitted by right in the CI/Commercial Industrial district.

Sincerely,

Bradley F. Killian
Director, Harford County Planning and Zoning

BFK/HH/sc

MARYLAND'S NEW CENTER OF OPPORTUNITY

410.638.3103 | 410.879.2000 | TTY Maryland Relay 711 | www.harfordcountymd.gov

220 South Main Street, Bel Air, Maryland 21014

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST

BARRY GLASSMAN
HARFORD COUNTY EXECUTIVE

BILLY BONIFACE
DIRECTOR OF ADMINISTRATION



BRADLEY F. KILLIAN
DIRECTOR OF PLANNING & ZONING

November 27, 2017

Charles Lembach
101 Stone Harbor Court
Joppa, MD 21085

RE: Austin LLC - Transfer and Processing, 1202 Paul's Lane, Joppa, MD
Use Classification - Final Written Determination

Dear Mr. Lembach:

The Department is in receipt of your email dated October 24, 2017 wherein you request a written determination as to whether the Austin's Transfer and Processing location is permitted. However, please be advised that this use has received all its approvals and has been in operation for a number of years and is, therefore, vested. Accordingly, it is not subject to a request for a written determination and this letter shall not act as such and is not subject to appeal pursuant to Section 267-7A (6).

For informational purposes only, the transfer and processing operation is considered a Solid Waste Transfer Station in the Harford County Zoning Code. Per Section 267-50, Principal Permitted Uses by Districts, Transportation, Communication and Utilities Use Classification Chart, the use is permitted by right in the CI/Commercial Industrial district. The use of the property for a Trucking Facility is permitted by right per, Principal Permitted Uses by Districts, Motor Vehicle and Related Services Use Classification Chart. The caretaker's residence is allowed as an accessory use, for a permitted principal business or industrial use in the CI district per Section 267-27E (2) of the Harford County Code.

Sincerely,

Bradley F. Killian
Director, Harford County Planning and Zoning

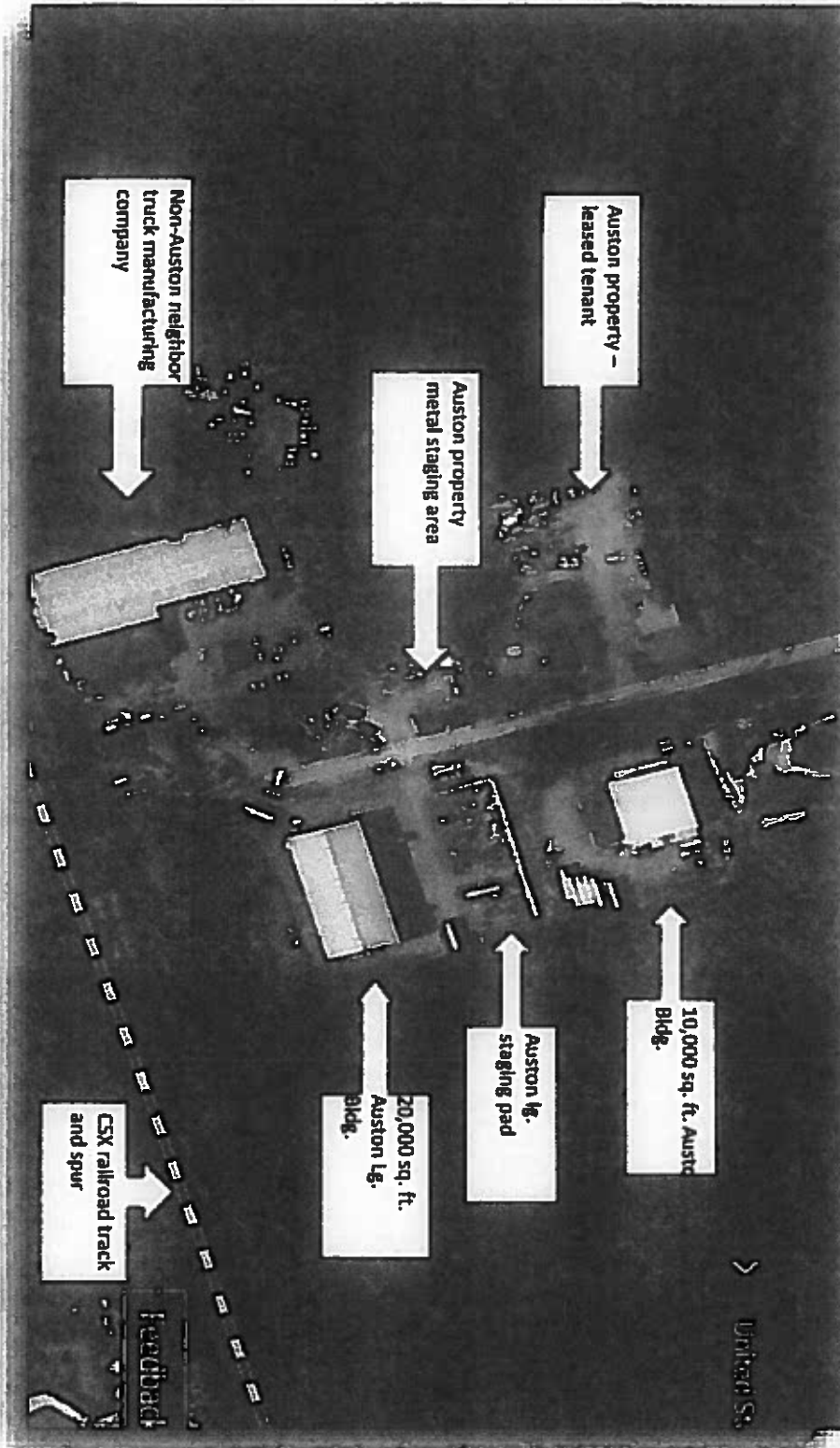
BFK/HH/sc

MARYLAND'S NEW CENTER OF OPPORTUNITY

410.638.3103 | 410.879.2000 | TTY Maryland Relay 711 | www.harfordcountymd.gov

220 South Main Street, Bel Air, Maryland 21014

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST



Non-Auston neighbor
truck manufacturing
company

Auston property -
leased tenant

Auston property
metal staging area

10,000 sq. ft. Auston
Bldg.

Auston lg.
staging pad

20,000 sq. ft.
Auston Lg.
Bldg.

CSX railroad track
and spur

> Unit 100 S9

Feedback

	712 PAUL DRH		0202 2840
<u>CALIFANO ANNE P</u>	02 080990	713 PAUL DR	H 0202 2840
<u>ROYSTER ROBERT D</u>	02 080982	717 PAUL DR	H 0202 2840
<u>SUH ANDREW D</u>	02 082403	721 PAUL DR	H 0201 2818
<u>HARFORD VILLAGE MH</u>	01 102834	PAUL MARTIN DR	N 0065 0499
<u>HARFORD VILLAGE MH</u>	01 102842	1115 PAUL MARTIN DRN	0065 0499
<u>GAB REALTY LLC</u>	01 098829	1200 PAUL'S LN	N 0065 0582
<u>AUSTON LLC</u>	01 149725	1201 PAUL'S LN	N 0065 0546
<u>AUSTON LLC</u>	01 207989	1202 PAUL'S LN	N 0065 0992
Joyce Bechtold		813 Philadelphia Rd	
Marc Spiledt		805 Philadelphia Rd	
Adrian Cox		811 Philadelphia Rd	
Charles Morkowsky		809 Philadelphia Rd	
Walter Stundick	Joppa Commons Center Partnership	land owner	

All Above address are located in Joppa Maryland 21085, and are part of the required list of adjoining property owners.

Charles Jacob Hembach III

101 Stone Harbor Court

Joppa, Maryland 21086

443-409-1699

Has legal interest on the
property listed on the appeal.

Call to at 8am 12/14/17

To Mrs Jennifer Perry Bui

she was in late to set

up pre-application meeting