



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits,
Approvals & Inspections

January 17, 2023

Whitney Bailey Cox & Magnani, LLC
300 East Joppa Road, Suite 200
Baltimore, Maryland 21286

RE: Spirit and Intent
Case No. 1985-0251-XA
4065 North Point Road
15th Election District

Dear Mr. Linkous,

Based on the information you provided, a review of all available zoning records and consultation with Jeff Perlow, Zoning Review Supervisor, the following has been determined:

The site plan accompanying your request shows a proposed covered storage addition, that connects the existing structure to a proposed building. The proposed addition's side setback is 18.42', far beyond the 7' setback previously approved by the Administrative Law Judge. Zoning Review believes the proposed, 77x12 addition, is within the spirit and intent of the above reference case. All additions must be functionally and structurally attached to the existing structure. A copy of this letter should accompany your DRC request and included on all site plans associated with this addition.

I hope you find the information provided above satisfactory. If you need further information, you can reach Zoning at 410-887-3391.

THIS LETTER IS STRICTLY LIMITED TO THE APPLICATION OF THE BCZR AS APPLIED TO THE S&I REQUEST PRESENTED IN YOUR LETTER, AND DOES NOT REPRESENT VERIFICATION OR APPROVAL FOR ANY OTHER LOCAL, STATE, OR OTHER REGULATIONS THAT MAY APPLY TO THIS PROPERTY

Sincerely,

A handwritten signature in black ink, appearing to read "Shaun Crawford", is written over a horizontal line.

Shaun Crawford
Planner, Zoning Review

SC/23-0035

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

December 20, 1984

No. 4065 North Point Road
15th District Baltimore County, Maryland

Beginning for the same at the corner formed by the intersection of the northwest side of New Battle Grove Road with the west side of North Point Road, thence running and binding on the northwest side of New Battle Grove Road South 48 degrees 47 minutes 23 seconds West 214.40 feet, thence leaving New Battle Grove Road for five lines of division as follows: North 41 degrees 12 minutes 26 seconds West 122.35 feet, North 56 degrees 46 minutes 24 seconds East 59.72 feet, North 41 degrees 12 minutes 26 seconds West 55 feet, North 48 degrees 00 minutes East 105 feet and North 88 degrees 52 minutes 30 seconds East 132.63 feet to the west side of North Point Road, a d thence running and binding on the west side of North Point Road by a line curving to the left with a radius of 721.25 feet for a distance of 100 feet to the place of beginning.

Containing 0.81 acres of land more or less.
Save and except the ML C51 and ER C51 areas.



PETITION FOR SPECIAL EXCEPTION AND VARIANCES

15th Election District

LOCATION: Northwest corner North Point Road and New Battle Grove Road (4065 North Point Road)

DATE AND TIME: Monday, March 18, 1985 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

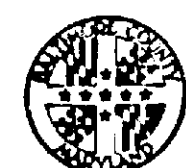
The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a service garage and Variances to allow a front yard setback of 9 feet in lieu of the required 25 feet and a side yard setback of 7 feet in lieu of the required 30 feet

Being the property of Andy Hill, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



Baltimore County, Maryland

PEOPLE'S COUNSEL

RM 223, COUNTY HOUSE

TOWSON, MARYLAND 21204

484-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

April 15, 1985

Robert E. Joy, Esquire
1301 Morris Boulevard
Baltimore, MD 21222

RE: Andy Hill, Petitioner
Zoning Case No. 85-251-XA

Dear Mr. Joy:

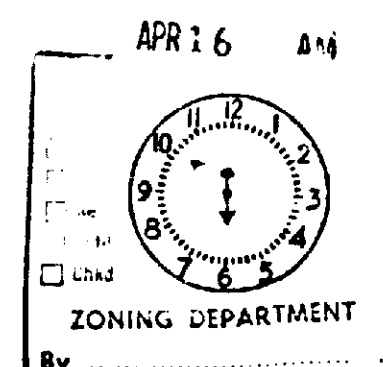
Please be advised that this office has determined not to file an appeal from the Zoning Commissioner's Order dated March 22, 1985, in the above-entitled case. The absence of an appeal does not, however, mean automatic approval of application for building permits. The approval or disapproval of any building permit application rests on separate legal authority, and we direct your attention to the comments contained in the Zoning Advisory Committee Report. We would also remind you that other County agencies are involved in the review of other permit applications separate and apart from the zoning determination.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: Nicholas Commodari, Zoning Office
Gene L. Neff, Dept. of Public Works
Ian J. Forrest, Director, Environmental Services, Health Dept.
Colin K. Thacker, R.S., Director, Waste & Water Quality Mgt.

PMZ:sh



IN RE: PETITIONS SPECIAL EXCEPTION AND ZONING VARIANCES
NW corner of North Point Road and New Battle Grove Road (4065 North Point Road) - 15th Election District

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-251-XA

Andy Hill,
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a service garage and variances to permit a front yard setback of 9 feet instead of the required 25 feet and a side yard setback of 7 feet instead of the required 30 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and was represented by Counsel. Frank Lee, a registered land surveyor, appeared and testified on behalf of the Petitioner. Also appearing in support of the Petitioner was Joseph Zairenka, an adjoining property owner. There were no Protestants.

Testimony indicated that the subject property is presently divided into three zoning classifications. The portion of the property improved with the Petitioner's residence and on which the 30' x 50' 5-bay service garage is proposed is zoned M.L.-I.M. The remainder of the property is zoned M.L.-C.S-1 and B.R.-

C.S-1 The property is located on the corner of Old North Point and New Battle Grove Roads and is surrounded by both commercial and industrial uses. The service garage is proposed for the northwestern portion of the property with access from New Battle Grove Road. A concrete driveway traverses the property from Old North Point Road, but it will be closed and literally removed with the land reclaimed as part of the lawn area surrounding the house.

The sole purpose of the service garage is to allow the Petitioner to change the tires, oil, and/or batteries of the trucks used in his sanitation business.

ORDER RECEIVED FOR FILING
DATE March 29 1985
BY [Signature]

He will stock the necessary batteries, filters, and other accessory parts and there will be no major automotive repairs. The trucks will not be stored on the site and the garage will not be open to the public. Since the front of the building will face Old North Point Road, the requested variances are required.

The Petitioner seeks relief from Section 253.2.B.3, pursuant to Section 502.1, Baltimore County Zoning Regulations (BCZR), and from Section 255.1 (238.1 and 2), pursuant to Section 307, BCZR.

It is clear that the BCZR permit the use requested by the Petitioner in a M.L. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioner do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use in the respective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning

classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the

land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and variances should be granted.

ORDER RECEIVED FOR FILING
DATE March 29 1985
BY [Signature]

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 29th day of March, 1985, that the Petition for Special Exception for a service garage and, additionally, the Petition for Zoning Variances to permit a front yard setback of 9 feet instead of the required 25 feet and a side yard setback of 7 feet instead of the required 30 feet be and the same are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief herein granted:

1. The Petitioner shall obtain a letter from the State Highway Administration, Maryland Department of Transportation, for the Zoning Commissioner indicating that the proposed project satisfies the concerns expressed in its January 18, 1985 comments to the Zoning Commissioner.
2. Use of the garage shall be solely for the Petitioner's business as described above.
3. Approval by the County Review Group (CRG) for compliance with the Critical Area legislation; if the CRG grants a waiver, a letter indicating compliance shall be submitted to the Zoning Commissioner for approval.
4. If the Department of Health and the Office of Planning determine that a crusher run surface would be better suited for the subject site than an impermeable surface, no further hearing will be required; however, a revised site plan indicating same must be submitted to the Zoning Commissioner for approval. The crusher run surface must comply with the requirements set forth in Section 10.03.30F6, COMAR.

Robert E. Joy
Robert E. Joy, Esquire
People's Counsel

ORDER RECEIVED FOR FILING
DATE March 29 1985
BY [Signature]

ORDER RECEIVED FOR FILING
DATE March 29 1985
BY [Signature]

PETITION FOR ZONING VARIANCE 85-251-XA
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
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 Variance from Section 255.1 (238.1) to allow a front yard setback of 9 feet in lieu of the required 20 feet and (238.2) to allow a side yard setback of 7 feet in lieu of the required 30 feet.

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

The position of the existing residence.

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

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

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: (Type or Print Name) Signature Address City and State
Legal Owner(s): (Type or Print Name) Signature Address City and State
Attorney for Petitioner: (Type or Print Name) Signature Address City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Attorney's Telephone No.: Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of February, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 18th day of March, 1985, at 10:30 o'clock.

Bel Jahn
Zoning Commissioner of Baltimore County.

(over)

PETITION FOR SPECIAL EXCEPTION 85-251-XA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Service Garage.

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

I, or we, agree to pay expenses of above Special Exception 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.

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: (Type or Print Name) Signature Address City and State
Legal Owner(s): (Type or Print Name) Signature Address City and State
Attorney for Petitioner: (Type or Print Name) Signature Address City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Attorney's Telephone No.: Address Phone No.

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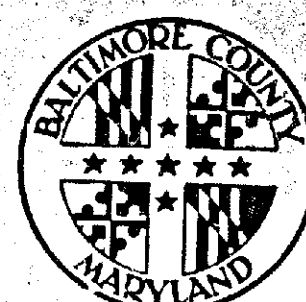
Bel Jahn
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner Date: March 11, 1985
FROM: Norman E. Gerber, Director, Office of Planning and Zoning
SUBJECT: No. 85-251-XA, Andy Hill

Please consider the comments of the Division of Current Planning and Development's representative on the Zoning Plans Advisory Committee and the Chesapeake Bay Critical Area Comments (2/12/85) to be this office's comments on this petition.

Norman E. Gerber, Director
Office of Planning and Zoning

REG/JGH/st

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 25, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Land Preservation
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Andy Hill
4065 North Point Road
Baltimore, Maryland 21222

RE: Item No. 185 - Case No. 85-251-XA
Petitioner - Andy Hill
Special Exception & Variance

Dear Mr. Hill:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, 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 the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Frank S. Lee
1277 Neighbors Avenue
Baltimore, Maryland 21237

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL P.E.
DIRECTOR

February 12, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #185 (1984-1985)
Property Owner: Andy Hill
N/W cor. North Point Rd. and New Battle Grove Rd.
Acres: .61
District: 15th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

North Point Road (Md. 20) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

East Battle Grove Road is proposed to be further improved in the future as a 36-foot closed section roadway on a 50-foot right-of-way, with fillet areas for sight distance at the North Point Road intersection.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Item #185 (1984-1985)
Property Owner: Andy Hill
Page 2
February 12, 1985

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewers:

Public water supply and sanitary sewerage exist in East Battle Grove Road and North Point Road.

Very truly yours,

James K. Markle, P.E., Chief
Bureau of Public Services

JAM:EM:FWR:iss

E-SW Key Sheet
11 & 12 SE 29 Pos. Sheets
SE 3 H Topo
104 Tax Map

85-251-XA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 6th day of February, 1985.

Arnold Jablon
Zoning Commissioner

Petitioner: Andy Hill
Petitioner's Attorney

Received by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

SIGNATURE OF CASHIER

