IN RE: PETITION FOR SPECIAL EXCEPTION N/S Martin Blvd., 162'+ W of c/l Riverton Road (1506 Martin *

ZONING COMMISSIONER OF BALTIMORE COUNTY

Slavoy Vanicky Petitioner

* * * * * * * * * * *

Case No. 88-287-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a service garage in a BL-CSA zone as more particularly described on Petitioner's Exhibit A.

The Petitioner was present, testified and was represented by attorney, Joseph H. Pokorny, Esquire. There were no Protestants.

Testimony indicates that the Petitioner wishes to establish a service garage to repair cars in a BL-CSA zoned property on Martin Boulevard. The property was a gas service station that was allowed by zoning case #714RS.

The Petitioner's evidence tends to establish that he is the owner/operator of the business. He is remodeling the building to do work on selected automobiles. There will be no body work or painting taking place. This will only be a repair shop. There will be no gasoline sales.

In accordance with the instructions of the Zoning Commissioner from the bench, the Petitioner has submitted a revised site plan. This plan is marked Petitioner's Exhibit A. The new site plan will control the development of

The Petitioner must only show to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the community to meet his burden. See, Turner v. Hammond, 270 Md. 41, 310 A2d 543(1973). When the Petitioner produces credible and probative evidence on

ZONING DESCRIPTION

Located at the northside of Martin Blvd. Said point of beginning 162.5 feet - west from the centerline of Riverton Road, thence N04 58' W 100', thence S85 02 W 129.13', thence S04 55' E 100', thence N85 02 E 129.52 to the point of beginning. Containing an area of 0.297 acres - in the 15th Election District. Also known as 1506 Martin Blvd., 21220

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT INTENDED FOR DEED DESCRIPTION.

all of the specific issues established by Section 502.1, then a special exception should be granted.

In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the community and would not adversely affect the public good. The evidence tends to show that the presently existing special exception use (i.e. repair shop) has not adversely impacted the community any more than an automotive repair shop would in any other community.

The new service garage will, in many ways, be less adverse than the old filling station and, in some ways, more adverse. However, it will be conducted without real detriment to the neighborhood and there is no legal requirement to prove that it is going to be a benefit to the community.

The facts, circumstances and evidence of the use proposed by the Petitioner do not show that the proposed use, at the particular location, described in Petitioner's Exhibit 1, would have any adverse impact above and beyond that inherently associated with such a special exception used irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981).

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 should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ______day of April 1988, that the Petitioner for Special Exception for a service garage be and is hereby GRANTED, subject to the following restric-

> 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner

> > - 2 -

Case No. 88-287-X

Phyllis Cole Friedman

People's Counsel for Baltimore County

эл Ингини

of December, 1987, a copy

____ > Joseph K. Pokorny, Esquire,

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House

" land 21204

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER

::::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-

captioned matter. Notices should be sent of any hearing dates or other

No. 41676

proceedings in this matter and of the passage of any preliminary or

C/L of Riverton Rd. (1506 : OF BALTIMORE COUNTY

N/S Martin Blvd., 162' W of

Martin Blvd.), 15th District

SLAVOY VANICKY, Petitioner

VALIDATION OR SIGNATURE OF CASHIER

final Order.

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

would be required to return, and be responsible for returning, said property to its original Petition.

2. The Petitioner must comply with the Baltimore County Zoning Advisory Committee comments contained in the file.

- 3 -

ZONING COMMISSIONER FOR BALTIMORE COUNTY

cc: Peoples Counsel

J Robert Haines

Baltimore County Zoning Commissioner

Office of Planning & Zoning

Towson, Maryland 21204

1/25/88

Mr. Slavoy J. Vanicky 1506 Martin Blvd. Baltimore, Maryland 21220

Re: Case number: 88-297-X NS Martin blvd., 162' W of c/l Riverton Road Road (1505 hartin Plvd) Petitioner: Slavoy Vanicky

Dear Mr. Vanicky:

Please be advised that 34.80 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE FAID AND THE COMING SIGN AND POST RESMENDED ON THE DAY OF THE HEARING OR THE CROER SHALL NOT BE ISSUED. Flease make your check payable to baltimore County, Maryland and forward to the I ming Office. County Office Poster in 113, Towson, Maryland 212 4.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

ling Commissioner of

No. 45931

Barrens and the total for

VALIDATION OR SIGNATURE OF CASHIER

Dennis F. Rasmussen

PETITION FOR SPECIAL EXCEPTION

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 __ the operation of a 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: | Legal Owner(s): | MAP NE | |
| | SLAVOY J. VAI | NICKY 46 | |
| (Type or Print Name) | (Type or Print Name) | e. o. 15 | |
| Signature | Signature / / / / | Mel 1/2 | |
| | <i>V</i> | 200 - 1 | |
| Address | (Type or Print Name) | 1000 PF | |
| City and State | Signature | N-13,19 | |
| Attorney for Petitioner: | | £ 49,2 | |
| JOSEPH K. POKORNY | 1504 MARTIN BLUT | D. (301) 574-84-51 | |
| (Type or Print Name) | Address | Phone No. | |
| Signature | BALTIMORE, HD City and State | 21220 | |
| Address Towson, Md. 21204 | Name, address and phone nu- tract purchaser or represent | Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted | |
| City and State | Name | ******* | |
| ttorney's Telephone No.:823-2000 | **** | | |
| | Address | Dhone kie | |

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 County, on the _____ day of ______ 19_8, at _____ o'clock J. Robert Statement Zoning Commissioner of Baltimore County.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 85-787-X

| a. 1574 | Date of Posting 1/13/25 |
|------------------------------------|---|
| d for Special Promotion | *************************************** |
| Statey Landy | |
| ion of property: NIS Markin Clark | 162' W/ Blor ton Cd. |
| 1506 Mortes Olve | / |
| on of Signs. Many Mar Line Minds a | 22.21es. 25° /25 288 % win do |
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| es Signe a des le en 15 cherre | Let Fores No. 3/2 Wist |
| by Little Le | Date of ceture 1/18/57 |
| r of Signer / | the second second |

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, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-207-X
NS Martin Blvd., 162'+/- W of e/1
Riverton Road
(1506 Martin Blvd.) Petitioner: Slavoy Vanicky
DATE/TIME: TUESDAY, FEB.
RUARY 8, 1988 at 11.00 a m.
Special Exception — the operation of a service station. In the event that this Petition is greated, 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 leavest. for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the

This is to Certify, That the annexed isit

was inserted in (ite Times, a newspaper printed and published in Baltimore County, once in each successive 3 weeks before the

date of the hearing set above or pre-

NOTICE OF HEARING The Zoning Commissioner of Bal-timore County, by authority of the Zoning Act and Regulations of Balti-more County, will hold a public hearing on the property identified below in Room 106 of the Count below in Room 106 of the County
Office Building, located at 111 W.
Chesapeake Avenue in Towson,
Maryland as follows:
Case number: 88-287-X
NS Martin Blvd., 162' ± W of c/
Riverton Road (1506 Martin
Blvd.)
Petitioner: Slavoy Vanicky
DATE/TIME: Tuesday, February 7
1988 at 11:00 a.m.
Special Exception — the operatio
of a service station. In the event that this Petition In the event that this Petition is 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 in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINE

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan. 14 : 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan. 14, 1988

THE JEFFERSONIAN,

Gusan Sender Obrest

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 3rd day of November , 1987.

Petitioner Slavoy J. Vanicky Petitioner's

Attorney

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

October 27, 1987

J. Robert daines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen

Re: Property Owner: Slavoy J. Vanicky

Location: N/S Martin Blvd./162' +- W. c/l Riverton Rd.

Item No.: 131 Zoning Agenda: Meeting of 10/20/87

Centlemen:

reau and the comments below marked with an "X" are applicable and required be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accor-dance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of which access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

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

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau

Special Inspection Division

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, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-287-X NS Martin Blvd., 162' W of c/l Riverton Road Road (1506 Hartin Blvd) Petitioner: Slavoy Vanicky DATE/TIME: Tuesday, February 2, 1988 at 11:00 a.m.

Speical Exception - the operation of a service station.

In the event that this Petition is 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Joseph K. Pokorny, Esquire

Towson, Maryland 21204

408 Jefferson Bldg.

Dear Mr. Pokorny:

JED:kkb

Enclosures

January 27, 1988

The Zoning Plans Advisory Committee has reviewed the plans submit-

ted 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

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

Zoning Plans Advisory Committee

filing certificate and a hearing scheduled accordingly.

Chairman

as to the suitability of the requested zoning.

RE: Item No. 131 - Case No. 88-287-X

Petitioner: Slavey J. Vanicky

Petition for Special Exception

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Slavoy J. Vanicky Joseph K. Pokorny, Esq.

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

MEMBERS

Bureau of

Engineering

Department of

Bureau of Fire Prevention

Realth Department

Project Planning

Board of Education

Industrial Development

Building Department

Zoning Administration

Traffic Engineering

State Roads Commission

Maryland Department of Transportation State Highway Administration

Richard H. Trainor Secretary Hal Kassoff

October 23, 1987

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Attn: Mr. James Dyer

Re: ZAC Meeting of 10-20-87 1TEM: #131. Property Owner: Slavoy J. Vanicky
Location: N/S Martin Blvd., 162
feet + W centerline Riverton Rd.
Existing Zoning: B.L.-CSA
Proposed Zoning: Special Exception for a service garage
Area: 0.297 acres
District: 15th Election District

Dear Mr. Haines:

On review of the submittal for service garage, the State Highway Administration finds the concept plan generally acceptable.

Reconstruction of the existing entrances on the N/S of Martin Blvd. -Route 700 service road for the proposed service garage shall be under Baltimore County permit and approval since the service road is county maintained.

of you have any questions, please contact George Wittman at 333-1350.

> Very truly yours, Creston J. Mills, Jr. Acting Chief Bureau of Engineering Access Permits

CW:maw cc: Mr. J. Ogle

My telephone number is (301) 333-1350. Teletypewriter for Impaired Hearing or Speech
383-7555 Baitimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewica Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Department of Public Works Bareau of Trains Engineering Courts Building, Saite 445 Towson, Maryland 21204 494 3554

Dennis F. Rasmussen

Zoning Commissioner County Office Building

Towson, Maryland 21204

Dear Zoning Commissionert

The Burgau of Traffic Engineering has no comments for Items number 130, 131, 132, 133, 134, 135, 136, 137, and 139.

D.R.16

MARTI BOULEVARD

Very truly yours.

Itaffic Engineer Associate II

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BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAPION AND RESOURCE MANAGEMENT Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204 Zoning Item # 13/, Zoning Advisory Committee Meeting of 10-20-87

Property Owner: Slavey J. Vanishi

Location: N/5 Hartin Blid. at Atheryon Rd. District 15

Water Supply milio Sewage Disposal metro COMMENTS ARE AS FOLLOWS: () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review () Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins. () A permit to construct from the Bure of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere. () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more. () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs water and severage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.) Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 49%-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775. () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768. () Soil percolation tests, have been _____, must be _____, conducted.
() The results are valid until ______.
() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled, () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.) Prior to occupancy approval, the potability of the water supply must be verified by collection If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

> BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines



April 5, 1988

Oseph K. Pokorny, Esquire 108 Jefferson Building 105 W. Chesapeake Avenue Towson, Maryland 21204

> Re: Petition for Special Exception Slavoy Vanicky Case No. 88-287-X

Dear Mr. Pokorny:

to contact this office.

Pursuant to the recent hearing held on the subject case, please be advised that the Petition for Special Exception has been GRANTED. If you have any questions, concerning this matter, please do not hesitate

enclosure

THE LAW OFFICE OF JOSEPH K. POKORNY 406 JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE TOWEON, MARYLAND BIRG4

February 2, 1988

Mr. Slavoy Vanicky D&S Auto Service 1506 Martin Boulevard Baltimore, Maryland 21220

> re: !506 Martin Boulevard 150' W. Riverton Road Zoning Hearing No. 714

Dear Slavoy,

At the hearing before J. Robert Haines, Zoning Commissioner, on February 2, 1988, we submitted, as Exhibit 1, a plat drawn by Gelacio P. Dela Oruz, a professional engineer.

The Zoning Commissioner has indicated that he would issue a special exception as a service garage in a BM zone as we requested subject to the following drawing adjustments:

the dumpster must be listed or the location thereof
Waste oil storage location must be listed
It shows a three bay garage when it is actually a two
bay garage
It must show the rear fence line will be slatted for screening purposes. This can be either vinyl slats
or redwood slats and the screening must be brought up

Parking must be shown on the drawing where the parking presently exists presently exists

The drawing must show where major auto parts (engine blocks, cam shafts and/or transmissions) are stored

You have been advised that there will be a restrictions that Mr. Haines will require no stored vehicles/parked vehicles on Martin Boulevard.

You have indicated that it is in your future plans to get a tow truck to benefit your customers.

JOSEPH K. POKORNY 406 JEFFERSON BUILDING 108 W. CHESAPEAKE AVENUE TOWBON, MARYLAND 81804

February 29, 1988 4

re: Case No. 88-237-X Petitioner: Slavoy Vanicky

Dear Mr. Haines,

Mr. J. Robert Haines,

Office of Planning and Zoning Towson, Maryland 21204

Zoning Commissioner

In accordance with your instructions from the bench, enclosed are marked up drawings.

The side and rear fence, which you wanted slatted, belongs to the Department of Education.

Mr. Vanicky does not mind slatting the fence if he can get approval.

I await your orders.

Very truly yours, Joseph K. Pokorny

JKP/lds cc: S. Vanicky BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines To. Zoning Commissioner

P. David Fields FROM Director of Planning and Zoning

Date January 14, 1988

Zoning Petitica Nos. 88-287-X, SUBJECT 88-297-X, 88-341-A

Assuming compliance with the comments of the Zoning Plans Advisory Committee, this office is not opposed to the granting of the subject

P. David Fields per Joffswell
P. David Fields
Director

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

CPS-OOA















