

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - N/S Golden Ring Road, 55' W of the c/l of Orens Road (7330 Golden Ring Road) 15th Election District 6th Councilmanic District

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to permit a service garage in a M.L.-I.M. zone, pursuant to Section 253.2B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variances to permit a side yard setback of 9 feet and a rear yard setback of 11 feet, both in lieu of the required 30 feet for each, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Lewis L. Fleury, Esquire. Also appearing on behalf of the Petitioner were: E. F. Raphael, Registered Professional Land Surveyor, and Herbert Tart, Jr. There were no Protestants.

Testimony indicated that the subject property, known as 7330 Golden Ring Road, is zoned M.L.-I.M., and is currently improved with an existing service garage building. Testimony indicated that the subject building was constructed back in the 1940s and had been used for many years as a gasoline service station. The Petitioner testified that he proposes using the subject property as a service garage wherein Mr. Tart will repair his business vehicles and others in the surrounding area.

Testimony indicated that the proposed use of the premises will not in any way adversely affect the health, safety and general welfare of the locality, nor tend to create congestion in streets, roads, or alleys

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therein, or conflict with any other criteria set forth in Section 502.1 of the B.C.Z.R.

With respect to the variance request, the Petitioner testified that the existing building had been built some time in the 1940s and to require strict compliance with the B.C.Z.R. would not permit the use of the building in its present state.

The Petitioner seeks relief from Section 253.2B(3), pursuant to Section 502.1 and relief from Sections 255.1 and 238.2, pursuant to Section 307 of the B.C.Z.R.

It is clear that the B.C.Z.R. permits the use proposed in a M.L.-I.M. zone by special exception provided the service garage serves primarily the industrial use and related activities in the surrounding industrial area. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

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 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances 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, irrespective of its location within the zone.

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in

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roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973).

It is clear from the testimony that if the variance was granted, such use would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

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

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of June, 1988 that a special exception for a service garage in a M.L.-I.M. zone and a variance to permit a side yard setback of 9 feet and a rear yard setback of 11 feet in lieu of the required 30 feet for each, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petitions for Special Exception and Zoning Variance are hereby GRANTED, subject, however, to the following restrictions:

- 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 his 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 would be required to return,

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and be responsible for returning, said property to its original condition.

- 2) The service garage use of the subject property shall be permitted so long as such use primarily serves the industrial uses and related activities in the surrounding area. 3) Records shall be kept at all times by the Operator of the service garage to evidence that the garage is primarily serving the industrial uses and related activities in the surrounding industrial area and shall be submitted upon request to the Office of Zoning. If said use at any time does not primarily serve the industrial uses and related activities in the surrounding industrial area, the special exception granted herein shall be terminated.

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING Date 6/13/88 By [Signature]

PETITION FOR ZONING VARIANCE

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 253.2B.2 for side yard setback of 09 feet and rear yard setback of 11 feet rather than 30 feet for each as set forth in said Sections.

The existing building on the described lot was constructed with setbacks as requested prior to the enactment of the setback regulations.

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: NONE (Type or Print Name)

Legal Owner(s): Joe K. Holman (Type or Print Name)

Signature: [Signature]

Address: 7304 Golden Ring Rd., 682-2260

City and State: Baltimore, Maryland 21221

Address: 35 W. Chesapeake Ave., Suite 201

City and State: Baltimore, Maryland 21204

Address: [Address]

City and State: [City and State]

Address: [Address]

City and State: [City and State]

Address: [Address]

City and State: [City and State]

Address: [Address]

City and State: [City and State]

Address: [Address]

City and State: [City and State]

Address: [Address]

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 a service garage in a M.L.-I.M. zone pursuant to Section 253.2B.3.

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.

Legal Owner(s): Joe K. Holman (Type or Print Name)

Signature: [Signature]

Address: 7304 Golden Ring Road 682-2260

City and State: Baltimore, Maryland 21221

Address: [Address]

City and State: [City and State]

Address: [Address]

City and State: [City and State]

Address: [Address]

City and State: [City and State]

Address: [Address]

City and State: [City and State]

Address: [Address]

City and State: [City and State]

Address: [Address]

City and State: [City and State]

Address: [Address]

City and State: [City and State]

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION No. 50215

BALTIMORE COUNTY, MARYLAND MISCELLANEOUS CASH RECEIPT No. 45978

RECEIVED FROM [Name] AMOUNT \$ [Amount]

DATE [Date]

FOR [Purpose]

BY [Signature]

VALIDATION OR SIGNATURE OF CLERK

DATE [Date]

AMOUNT \$ [Amount]

DATE [Date]

FOR [Purpose]

BY [Signature]

VALIDATION OR SIGNATURE OF CLERK

DATE [Date]

AMOUNT \$ [Amount]

DATE [Date]

314

E. F. RAPHEL & ASSOCIATES Registered Professional Land Surveyors 205 COURTLAND AVENUE TOWSON, MARYLAND 21284

OFFICE: 870-3000

DESCRIPTION TO ACCOMPANY ZONING PETITION

RESIDENCE: 771-6882

#7330 GOLDEN RING ROAD

February 11, 1988

Beginning for the same at a point in the centerline of Golden Ring Road, said point being located northwesterly, 55' ± along the centerline of Golden Ring Road from the intersection formed by the centerline of Golden Ring Road and the centerline of Orens Road, thence leaving Golden Ring Road and running N 21° 58' 00" E 132.94', S 70° 19' 00" E 107.67', and S 19° 41' 00" W 139.94', to the center of Orens Road, running thence on the center of Orens Road N 89° 11' W 25.36', thence by a curve to the right, with a radius of 111.70' for a distance of 92.09' to the place of beginning.

Containing 0.369 Ac. ±.

Being known as #7330 Golden Ring Road.

[Signature]

E. F. Raphael Reg. Prof. Land Surveyor



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 12th Date of Posting: 2/11/88
Posted for: Special Exceptions
Location: Joe K. Holman
Location of property: 7330 Golden Ring Rd.
Location of Sign: [Address]

RE: PETITION FOR SPECIAL EXCEPTION BEFORE THE ZONING COMMISSIONER PETITION FOR VARIANCES N/S Golden Ring Rd., 55' W C/L OF BALTIMORE COUNTY Orens Rd. (7330 Golden Ring Rd.) 15th Election District 6th Councilmanic District

JOE K. HOLMAN, Petitioner Case No. 88-464-XA

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 proceedings in this matter and of the passage of any preliminary or final Order.

[Signature] Phyllis Cole Friedman People's Counsel for Baltimore County

[Signature] Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 12th day of April, 1988, a copy of the foregoing Entry of Appearance was mailed to Lewis L. Fleury, Esquire, 305 W. Chesapeake Ave., Suite 201, Towson, MD 21204, Attorney for Petitioner.

[Signature] Peter Max Zimmerman Peter Max Zimmerman

ESTIMATED LENGTH OF HEARING - 1/2 HR. 11:00 AM. BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., April 22, 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 April 22, 1988

THE JEFFERSONIAN,
Susan Lueder Osbert
Publisher

\$ 37.50

J. ROBERT HAINES
Zoning Commissioner
Baltimore County

88-464-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 9th day of March, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Joe K. Holman
Petitioner's Attorney: Lewis L. Fleury

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

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 5/3/88

Mr. Joe K. Holman
7330 Golden Ring Road
Baltimore, Maryland 21221

Re: Petitions for Special Exception and Zoning Variance
Case Numbers: 88-464-XA
N/S Golden Ring Road, 55' W c/l Orens Road
(7330 Golden Ring Road)
15th Election District-6th Councilmanic District
Petitioner(s): Joe K. Holman
HEARING SCHEDULED: FRIDAY, MAY 20, 1988 at 9:00 a.m.

Dear Mr. Holman:

Please be advised that \$ 92.25 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 52751

DATE: 5/27/88 ACCOUNT: P.O.#-615-000

AMOUNT \$ 117.25

RECEIVED FROM: *Joe K. Holman*

FOR: *Posting Sign 5/20/88 Hearing*

B D E I S *****117250
88-464-XA

NOTICE OF HEARING

March 27, 1988

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:

Petitions for Special Exception and Zoning Variance
Case Numbers: 88-464-XA
N/S Golden Ring Road, 55' W c/l Orens Road
(7330 Golden Ring Road)
15th Election District-6th Councilmanic District
Petitioner(s): Joe K. Holman
HEARING SCHEDULED: FRIDAY, MAY 20, 1988 at 9:00 a.m.

Special Exceptions: A service garage in a PL IM zone pursuant to Section 253.2 B.1. Variance for side yard setback of 33 feet and rear yard setback of 11 feet rather than 30 feet for each as required.

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 HAINES
Zoning Commissioner of Baltimore County
cc: Joe K. Holman
Lewis L. Fleury, Esq.
File

April 11, 1988

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

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

Item No. 314 - ZAC - Meeting of March 8, 1988
Property Owner: Joe K. Holman - Critical Area
Location: N/S Golden Ring Rd., 55' W c/l Orens Road
Existing Zoning: ML-1M
Proposed Zoning: Variance to permit side yard setback of 9' and rear yard setback of 11' rather than 30' for each. Special Exception for a service garage.
Area: 0.369 acre
District: 15th Election District

Dear Mr. Haines:

The site plan should be revised to close one entrance, redesign the other entrance and change the parking.

Attached are two possible designs that would be acceptable to this office. Sketch A, using July Avenue for access is preferred, but Sketch B is acceptable.

The purpose of these changes is to remove some points of congestion for the intersection, and to increase safety.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

WJF/pml-b
Attachment

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

June 13, 1988

Lewis L. Fleury, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
N/S Golden Ring Road, 55' W of the C/L of Orens Road
(7330 Golden Ring Road)
15th Election District; 6th Councilmanic District
Joe K. Holman - Petitioner
Case No. 88-464-XA

Dear Mr. Fleury:

Enclosed please find the decision rendered on the above-referenced cases. The Petitions for Special Exception and Zoning Variance have been granted subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,
Ann M. Nastrowicz
ANN M. NASTROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjls
Enclosure
cc: Mr. Herbert Tart, Jr.
7330 Golden Ring Road, Baltimore, Md. 21220

Mr. Eugene F. Raphael
205 Courtland Avenue, Towson, Md. 21204

People's Counsel
File

Baltimore County
Fire Department
Towson, Maryland 21204-2386
494-4300

Paul H. Reincke
Chief

March 10, 1988

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

Re: Property Owner: Joe K. Holman
Location: N/S Golden Ring Rd., 55' W c/l Orens Rd.
Item No.: 314 Zoning Agenda: Meeting of 3/8/88
Gentlemen:

PURSUANT to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to 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 of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle 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.
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.

REVIEWER: *John F. Kelly* 3-10-88 Noted and Approved: *John F. Kelly*
Special Inspection Division
Fire Prevention Bureau

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 2, 1988

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

Lewis L. Fleury, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

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

RE: Item No. 314 - Case No. 88-464-XA
Petitioner: Joe K. Holman
Petition For Zoning Variance and Special Exception

Dear Mr. Fleury:

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. 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,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt
Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED APR 26 1988

TO: J. Robert Haines
Zoning Commissioner

FROM: F. David Fields, Director
OFFICE OF PLANNING AND ZONING
Petition 88-464-XA

SUBJECT: _____

Date: April 25, 1988

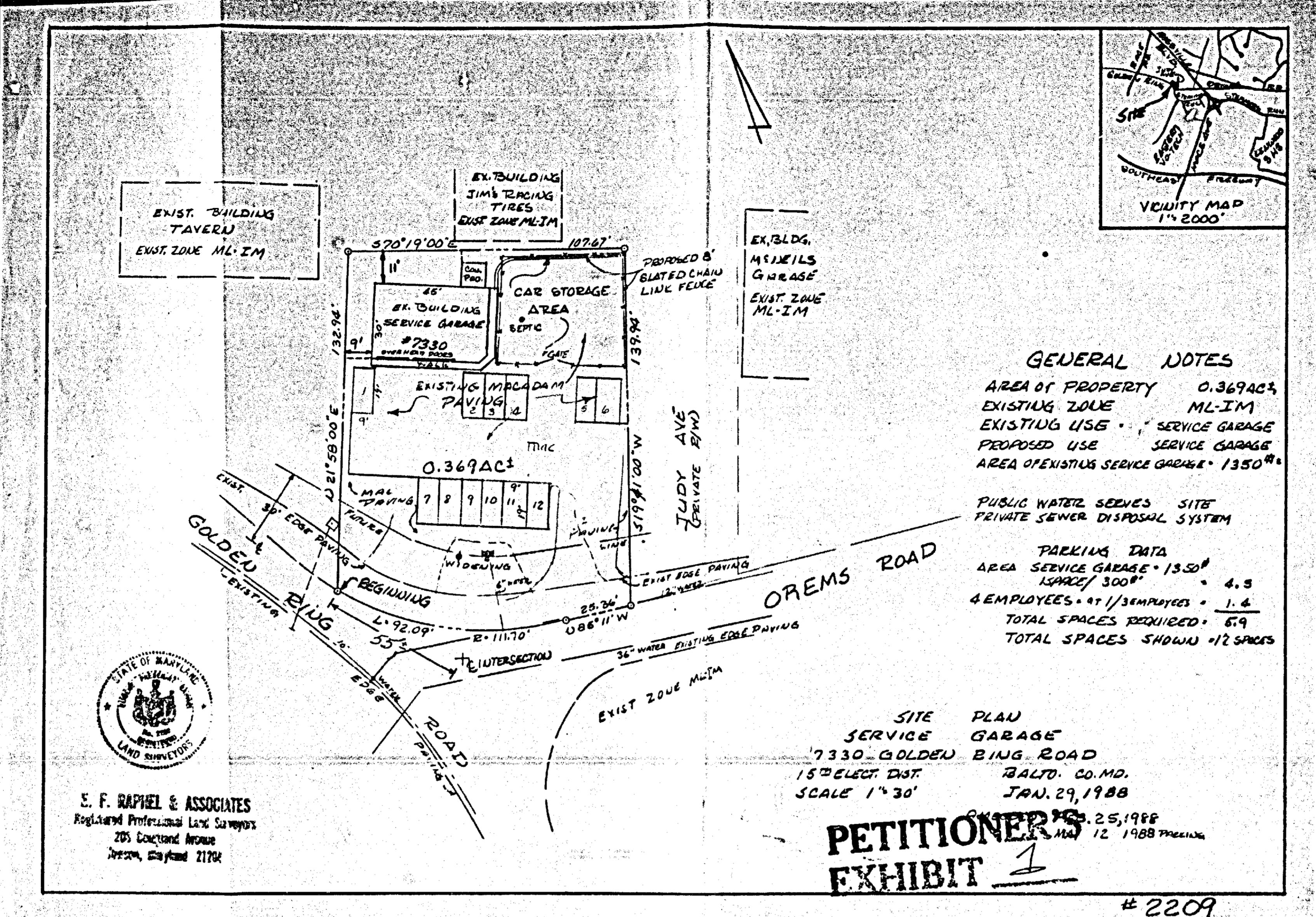
Although this office is not opposed to the granting of the subject request, we are concerned that proposals such as this may not be in conformance with Section 253.10 (p. 2-68) of the Baltimore County Zoning Regulations.

Paul H. Reincke
Paul H. Reincke
Chief
Fire Department

FFP/WH/lat
cc: Shirley Hess, Peoples Counsel
J. Howell
Zoning File

* Note:
How called 5/17/88; this should read:
Section 252.B.3 (p. 2-70).
He has informed attorney Fleury.

cc: Lewis L. Fleury, Esq.
3-3-88 JF



GENERAL NOTES

AREA OF PROPERTY 0.369 AC±
 EXISTING ZONE ML-IM
 EXISTING USE SERVICE GARAGE
 PROPOSED USE SERVICE GARAGE
 AREA OF EXISTING SERVICE GARAGE 1350'±

PUBLIC WATER SERVES SITE
 PRIVATE SEWER DISPOSAL SYSTEM

PARKING DATA

AREA SERVICE GARAGE 1350'±
 1 SPACE/300'± = 4.5
 4 EMPLOYEES = 47/13 EMPLOYEES = 1.4
 TOTAL SPACES REQUIRED = 5.9
 TOTAL SPACES SHOWN = 12 SPACES



E. F. RAPHAEL & ASSOCIATES
 Registered Professional Land Surveyors
 205 Concord Avenue
 Towson, Maryland 21284

**SITE PLAN
 SERVICE GARAGE**
 7330 GOLDEN BING ROAD
 15TH ELECT. DIST. BALTO. CO. MD.
 SCALE 1" = 30'
 JAN. 29, 1988

PETITIONER'S EXHIBIT 1
 FEB. 25, 1988
 MAY 12, 1988 TRACING

2209

