

IN RE: PETITION FOR ZONING VARIANCE
S/S Cockeysville Road, 700' E
of Beaver Dam Road
(227 Cockeysville Road)
8th Election District
3rd Councilmanic District
Paul H. Glover
Petitioner
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-492-A

ORDER

WHEREAS, Edward F., Jr. and Belinda E. Royston, owners of the subject property, filed a Petition for Zoning Variance from Sections 255.1 and 238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for existing and proposed improvements to the property in accordance with the site plan submitted and identified as Petitioner's Exhibit 1;

WHEREAS, a public hearing was held on August 21, 1991 during which testimony and evidence in support of the relief requested was taken and there being no Protestants at the hearing or registered in the case file, the relief requested was granted, subject to restrictions, by Order issued August 27, 1991;

WHEREAS, subsequent to the issuance of said Order and beyond the thirty-day appeal period, the adjoining property owner, Paul H. Glover, President of Glover Equipment, Inc., notified the Director of the Office of Zoning Administration and Development Management by letter dated October 4, 1991 that he was unaware of any hearing taking place on the subject property and requested that another hearing be held for a determination as to whether the zoning notice was properly posted for the required number of days on the subject property;

WHEREAS, the Director of the Office of Zoning Administration and Development Management requested that this Deputy Zoning Commissioner hold

another hearing on the matter to determine if proper procedures were followed;

A hearing was held on November 21, 1991. At the hearing, the Petitioner, by Stephen Lafferty, Esquire, appeared and testified. Also appearing on behalf of the Petitioner was G. Stephen Glover, Robert H. Hyneckeal, Jr., and Richard E. Dickensheets. Edward and Belinda Royston, legal property owners, appeared and testified as Protestants in this matter and were represented by Newton A. Williams, Esquire. Also appearing on behalf of the Protestants were Wayne and Dorothy Wright, and Bruce P. Clark, nearby property owners.

The issue to be determined is whether the property owner, Edward Royston, complied with Section 26-127 of the Baltimore County Code (formerly known as Section 22-26 of the 1988/89 Cumulative Supplement to the Baltimore County Code) regarding the posting of properties for public hearing. That Section provides that for a period of at least fifteen (15) days prior to the date of such hearing, notice of the time and place for the hearing relating to the property under Petition shall be conspicuously posted thereon and shall be advertised in at least two newspapers of general circulation in the County. There was no dispute as to the notice being properly advertised as the case file contains two such certificates of publication. The testimony presented by all parties concerned the issue of the sign being posted on the property.

It was determined at the onset of this hearing that the burden rests upon the Petitioner in the instant matter who asserts that the sign was not properly posted on the subject property. Mr. Glover was supported by Richard Dickensheets who testified that during the time that the property should have been posted, he was working at a business located nearby

the Royston property. Mr. Dickensheets testified that he never saw any sign posted on Mr. Royston's property although he did notice the renovations taking place to the dwelling thereon. Mr. Glover testified that he travelled to work on the salient dates of approximately August 6 through August 21, 1991 and that he did not notice any sign posted on the property. Mr. Hyneckeal testified that he is an employee of Glover Equipment, Inc. and that during this time period in August, 1991 he was travelling daily to and from work and did not recall seeing any sign on the property. Finally, Steve Glover testified that he, too, was working for Glover Equipment, Inc. during that time period and that he did not see the sign on the property either.

Edward Royston, Jr., owner of the subject property, appeared and testified. Mr. Royston testified that the sign was posted on the property in the beginning of August, 1991 and remained there until August 21, 1991, the day of his hearing when he personally removed the sign to bring it to the Zoning Office as required. Mr. Royston testified that the sign was posted at one location for and during the entire time to which he testified. Mr. Royston further stated that he never removed the sign or hampered its visibility at any time.

Also appearing on behalf of Mr. Royston was Bruce Clark. Mr. Clark operates the business located directly across from Mr. Royston's property. He testified that he saw the sign posted on the property each and every day during the time period in August, 1991. He testified that he works seven days a week and that he saw the sign in the same location each and every day.

Mr. Royston introduced numerous affidavits, marked Protestant's Exhibits 9A through 9N, from various individuals and business owners in

the area who asserted that the sign was, in fact, posted on the property during the time previously stated. Mr. Royston also introduced various photographs which depict the zoning sign next to the subject dwelling on the property. It is noted that the file in this matter also contains numerous photographs that were submitted at the original hearing held on August 21, 1991 which also depict the dwelling with the subject sign in plain view.

After due consideration of the testimony and evidence presented, in the opinion of this Deputy Zoning Commissioner, it is clear that the sign was properly posted on the property and that said sign was posted for the requisite fifteen (15) days prior to the hearing date. The evidence presented is overwhelming in that regard.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of November, 1991 that the property located at 227 Cockeysville Road was properly posted and advertised in accordance with Section 26-127 of the Baltimore County Code.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

- 4 -

IN RE: PETITION FOR ZONING VARIANCE
S/S Cockeysville Road, 700' E
of Beaver Dam Road
(227 Cockeysville Road)
8th Election District
3rd Councilmanic District
Edward F. Royston, Jr., et ux
Petitioners
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-492-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 255.1 and 238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 1.5 feet in lieu of the required 25 feet and a street centerline setback of 31.5 feet in lieu of the required 50 feet for an existing dwelling; a variance from Sections 255.1 and 238.2 to permit a side yard setback of 6 feet in lieu of the required 30 feet for an existing dwelling, and side and rear yard setbacks of 5 feet each in lieu of the required 30 feet for a proposed building in an M.L. zone; and a variance from Section 301.1 to permit an existing front porch to project more than 25 % of the minimum required front yard depth, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Edward F. Royston, Jr., appeared, testified and were represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petition was Joseph A. Warfield. There were no Protestants.

Testimony indicated that the subject property, known as 227 Cockeysville Road, consists of a gross acreage of 0.46 acres zoned M.L.-I.M. and is improved with a two story frame dwelling and accessory frame building. Petitioners currently operate the Hunt Valley Motor Coach Tour bus company on property approximately 1/4 mile from the subject location and are desirous of relocating their business to the subject site. Peti-

tioners propose converting the subject dwelling to office space and constructing a one story metal storage building in accordance with Petitioner's Exhibit 1. Testimony indicated Petitioners presently have six buses and intend to park a minimum of three buses inside the proposed storage building. Due to the location of the existing dwelling and the need to provide ample space for maneuvering buses, the requested variances are necessary in order to use the property as proposed. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of surrounding uses.

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). 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 are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of August, 1991 that the Petition for Zoning Variance from Sections 255.1 and 238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 1.5 feet in lieu of the required 25 feet and a street centerline setback of 31.5 feet in lieu of the required 50 feet for an existing dwelling; from Sections 255.1 and 238.2 to permit a side yard setback of 6 feet in lieu of the required 30 feet for an existing dwelling, and side and rear yard setbacks of 5 feet each in lieu of the required 30 feet for a proposed building in an M.L. zone; and from Section 301.1 to permit an existing front porch to project more than 25 % of the minimum required front yard depth, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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 relief granted herein is limited to six tour buses. At no time shall Petitioners store buses outside the proposed storage building when there are vacant spaces inside. No more than three buses shall be stored outside the storage building at any given time.
- 3) There shall be no service work performed on the buses on the subject property with the exception of cleaning (includes washing, waxing), tire changing, oil changing, brake and clutch adjustments, and fluid changes.

4) No damaged, disabled or inoperable buses shall be stored on the subject property at any time.

5) Prior to the issuance of any permits, Petitioners shall submit a landscape plan for approval by the Deputy Director of Planning and the Baltimore County Landscape Planner. Said landscape plan shall include screening of the dumpster from Cockeysville Road.

6) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

- 4 -

November 29, 1991

Stephen W. Lafferty, Esquire
6502 Beverly Road
Baltimore, Maryland 21239

RE: PETITION FOR ZONING VARIANCE
S/S Cockeysville Road, 700' E of Beaver Dam Road
(227 Cockeysville Road)
8th Election District - 3rd Councilmanic District
Paul H. Glover - Petitioner
Case No. 91-492-A

Dear Mr. Lafferty:

Enclosed please find a copy of the decision rendered in the above-captioned matter. It has been determined that the subject property was properly posted for the variance petitioned in Case 91-492-A.

In the event any party finds the decision rendered is 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 Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Newton A. Williams, Esquire
210 W. Pennsylvania Avenue, Suite 700, Towson, Md. 21204

Mr. & Mrs. Edward Royston
14307 Mount Avenue, Phoenix, Md. 21131

People's Counsel

File

August 27, 1991

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
S/S Cockeysville Road, 700' E of Beaver Dam Road
(227 Cockeysville Road)
8th Election District - 3rd Councilmanic District
Edward F. Royston, Jr., et ux - Petitioners
Case No. 91-492-A

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is 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 Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-492-A

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 Sections 255.1 and 238.1 to permit an existing front yard of 1.5 feet for the required 25 feet and existing 31.5 feet from the centerline of street for the required 50 feet, and Sections 255.1 and 238.2 to permit an existing side yard of 6 feet for the required 30 feet and a proposed side and rear yard of 5 feet for the required 30 feet in a M1 Zone, and from Section 301.1 to permit an existing front porch to project more than 25% of the minimum required front yard depth as shown.

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

1. This M1 site involves a narrow, tight site with an existing building to be converted to offices and it is impractical to relocate this building.
2. The proposed storage building must be located in the rear of the site, close to both boundaries to allow adequate maneuvering and parking room on site.
3. That without the requested variances, the Petitioners will sustain practical difficulty and unreasonable hardship, and the requested variances are in harmony with the spirit and intent of the Regulations, and without harm to the health, safety and welfare of the area involved.

Properly 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

Attorney for Petitioner:

Newton A. Williams, Esquire

Nolan, Plumbhoff & Williams, Chds.

(Type or Print Name)

Signature

Address

City and State

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 823-7800

City and State

Towson, Maryland 21204

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City and State

Towson, Maryland 21204

City and State

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

COPY

JUNE 27, 1991

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 21204 as follows:

Case Number: 91-492-A
S/S Cockeysville Road, 700' E of Beaver Dam Road
227 Cockeysville Road (Hunt Valley Motor Coach)
S/S Election District - 3rd Councilmanic
Petitioner(s): Edward F. Royston, Jr., et ux
HEARING: WEDNESDAY, AUGUST 21, 1991 at 2:00 p.m.

Variance to permit an existing front yard of 1.5 ft. for the required 25 ft. and existing 31.5 ft. from the centerline of street for the required 50 ft.; to permit an existing side yard of 6 ft. for the required 30 ft. and a proposed side and rear yard of 5 ft. for the required 30 ft.; and to permit an existing front porch to project more than 25% of the minimum required front yard depth.

Zoning Commissioner of
Baltimore County

cc: Edward and Belina Royston
Newton A. Williams, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 23, 1991

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams, Chtd
700 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 481, Case No. 91-492-A
Petitioner: Edward F. Royston, et ux
Petition for Zoning Variance

Dear Mr. Williams:

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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Edward F. Royston
14307 Mount Avenue
Phoenix, MD 21131

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 26th day of June, 1991.

Received By:
Arnold Jablon
DIRECTOR

Petitioner: Edward F. Royston, et ux
Petitioner's Attorney: Newton A. Williams

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: July 17, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 25, 1991

This office has no comments for items number 463, 464, 465, 471, 478, 480, 481, 483, 484, 485, 486, 487, 488 and 489.

Rahee J. Famili
Traffic Engineer II

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

JUNE 21, 1991

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

RE: Property Owner: EDWARD F. ROYSTON, JR.
Location: #227 COCKEYSVILLE ROAD
Item No.: 481 Zoning Agenda: JUNE 25, 1991

Comment:

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.

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", 1988 edition prior to occupancy.

Noted and Approved: [Signature]
Special Inspection Division

PK/JL/cmm
ITEM 481/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 9, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for June 25, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 463, 464, 465, 471, 478, 480, 484, 485, 487, 488, 489.

For Items 476 and 490, the previous County Review Group Meeting Comments still apply.

For Items 481, 482 and 486, County Review Group Meetings may be required.

For Item 481, Cockeysville Road is an existing road, and no further improvements are required at this time.

In addition, entrances shall be a minimum of 24 feet and a maximum of 35 feet wide. Depressed curb is to be used with no curb returns to the property line.

Also, prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services (887-3321).

For Item 482, Hammonds Ferry Road and Second Avenue are existing roads, and no further improvements are requested at this time.

However, prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services (887-3321).

For Item 486, Pulaski Highway (U.S. Route 40) is a State Road and any improvements, including entrances, are subject to requirements and approval of the State Highway Administration.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

OCTOBER 22, 1991

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 91-492-A
LEGAL OWNER: EDWARD F. ROYSTON, JR., et ux
LOCATION: 227 COCKEYSVILLE ROAD

HEARING OF THE ABOVE MATTER AS TO THE PROPER POSTING OF THE PROPERTY ONLY WILL TAKE PLACE AS FOLLOWS:

THURSDAY, NOVEMBER 21, 1991 at 2:00 p.m.

IN THE BALTIMORE COUNTY OFFICE BUILDING, ROOM 106, 111 W. CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204.

Laurence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Newton A. Williams - 4-
Glover Equipment, Inc.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 6, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Edward F. Royston, Item No. 481

In reference to the petitioner's request, staff offers the following comments:

This project received a waiver of a CRG meeting on May 16, 1991.

The Office of Planning and Zoning supports the requested use for bus storage as permitted in the M.L.-I.M. Staff is concerned with the size of the site and any further intensification should be discouraged.

There are two issues for which our support is conditioned upon:

(A) The dumpster pad as located on the plan is not acceptable. The dumpster should not be in plain view from Cockeysville Road.

(B) The office encourages the petitioner to minimize signage and, if necessary, replace the existing sign in a manner similar to the materials and quality of the existing sign.

The applicant shall file a landscape plan with the Baltimore County landscape plan for approval by the deputy director of the Office of Planning and Zoning. Subsequent to approval of the plan, a copy shall be forwarded to the Zoning Office to be maintained in the official file.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

91-492-A

887-3553

October 7, 1991

Newton A. Williams, Esquire
Nolan, Plumhoff and Williams
Court Towers, Suite 700
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Hunt Valley Motor Coach
227 Cockeysville Road

Dear Mr. Williams:

I have just received the enclosed letter.

I would appreciate your comments regarding same.

Sincerely,

ARNOLD JABLON
Director

AJ:ecb

Enclosure

glover
EQUIPMENT, INC.

P.O. Box 405 • 221 Cockeysville Road • Cockeysville, MD 21030
(301) 771-8000 FAX (301) 771-8000

October 4, 1991

J.A.D.A.M.
County Office Building
111 W. Chesapeake Avenue
Room 109
Towson, MD 21204

Attention: Mr. Arnold Jablon
Director of Zoning

Dear Mr. Jablon:

We are writing this letter to express our deep concern over new construction next to our property at 221 Cockeysville Road, Cockeysville, 21030. The address of the property is 227 Cockeysville Road, owned by Hunt Valley Motor Coach.

After observing the construction work in progress, one of the contractors was questioned, and we were advised that the new building will be constructed approximately five feet from our property line, instead of the thirty feet required by County code.

After further questioning, we were notified that a variance had been issued by Baltimore County. Since our property is in such close proximity to 227 Cockeysville, and has two entrances on both sides of the property in question, someone would surely have noticed a posted zoning exception sign. Neither of the principals (all were questioned) noticed a posted sign. This fact made it impossible for Glover to protest this variance change, something which we believe could devalue our property.

The Glover building was constructed approximately twelve years ago, and we could not obtain a variance which would have given us an additional space of 30' x 225'. However, years later the County grants a variance next door to our property which we were unable to obtain.

It should also be noted that the location of this building so close to our property line, despite the unsightliness, is also dangerous, with many tractor trailers backing in and out on our driveway (which will be within five feet of this metal structure).

COMPLETE OFFICE, SCHOOL AND INDUSTRIAL FURNISHINGS

LAW OFFICES
MARGOLIS, PRITZKER & EPSTEIN, P.A.

SUITE 100
405 EAST JOFFA ROAD
TOWSON, MARYLAND 21204

STEPHEN W. LAFFERTY

December 2, 1991

VIA FACSIMILE: 296-2765
VIA FIRST-CLASS MAIL

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Hunt Valley Motor Coach

Dear Mr. Williams:

Subsequent to our hearing, my client had a survey done by KCI. This survey shows that your client's construction has intruded over the variance line previously approved by the Deputy Zoning Commissioner.

Mr. Royston testified that he had complied with the Zoning Commissioner's Order and that the new construction was not within five feet of the property line. He is not correct, and the building exceeds the authorized set-back by eight inches. Mr. Royston has violated both the intent and letter of the variance which was granted. He has placed himself in direct violation of the Baltimore County Zoning Regulations.

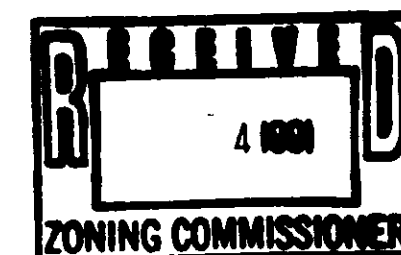
My client is very serious about this breach. I bring this to your attention so that you may have your client rectify the problem. If steps are not taken to come into compliance, my client will take the requisite steps to enforce this breach of the Zoning Regulations.

Very truly yours,

Stephen W. Lafferty

SWL/tls

cc: Mr. Timothy Kotroco
Deputy Zoning Commissioner



ZONING OFFICE

LAW OFFICES
MARGOLIS, PRITZKER & EPSTEIN, P.A.

SUITE 100
405 EAST JOFFA ROAD
TOWSON, MARYLAND 21204

TELEPHONE
(301) 823-2222
TELECOPIER
(301) 823-0088

October 24, 1991

Lawrence Schmidt, Esquire
Zoning Commissioner
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Hunt Valley Motor Coach
227 Cockeysville Road

Dear Mr. Schmidt:

Please enter my appearance on behalf of Glover Equipment, Inc., who has requested that a hearing be held regarding the proper posting of the above property prior to the Zoning Commissioner's hearing on August 21, 1991.

I understand that a hearing has been scheduled. Please direct all future correspondence regarding this matter in care of my attention.

Very truly yours,

Stephen W. Lafferty

SWL/tls

cc: Newton A. Williams, Esquire



NEWTON A. WILLIAMS
THOMAS J. BENNETT
WILLIAM P. ENDREHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
ROBERT S. SCHEMROW
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
LOUIS G. GLOBE, JR.
BRUCE JONES, JR.
GREGORY J. JONES

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX (301) 296-2765

JAMES D. NOLAN
RETIRED 1980
J. EARLE PLUMHOFF
1940-1990
RALPH E. DEITZ
1928-1990
OF COUNSEL
T. BAYARD WILLIAMS, JR.
RICHARD L. SCHAEFFER
WRITER & DIRECT DIAL
823

October 11, 1991

Arnold Jablon, Esquire
Director, Zoning Administration
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Hunt Valley Motor Coach
227 Cockeysville Road

Dear Mr. Jablon:

We were very surprised to receive a copy of Mr. Glover's letter of October 4, 1991, with regard to this matter.

I personally visited the site and took photographs prior to the hearing, and my photographs show that the proper sign was posted and clearly visible in front of 227 Cockeysville Road for the required time prior to the hearing.

It is also my understanding that the zoning file in this matter reflects that the time that the sign was timely posted, and was present and there for all to see during the required posting period.

As we all well know, in addition to posting, zoning cases are advertised in two papers of general circulation for two weeks preceding the hearing, and this is an additional safeguard.

My client and our case persuaded Deputy Zoning Commissioner Kotroco that there was practical difficulty and unreasonable hardship present in this situation, and accordingly, the variance was duly granted. Needless to say, the thirty (30) day appeal period on Deputy Commissioner

Arnold Jablon, Esquire
Director, Zoning Administration
and Development Management
October 11, 1991
Page Two

Kotroco's Order has long since run, and we feel that it would be a gross injustice to in any way reopen or reexamine this matter.

Mr. Royston has done a very nice job with the Hunt Valley Motor Coach site, has greatly upgraded it and improved it, and we are unable to understand why the Glover Equipment organization is objecting to the variance.

Mr. Glover does not say in his letter whether or not he actually applied for a variance twelve (12) years ago. However, anyone that has been to the scene can tell you that the Glover Building is extremely large, extremely high, and takes up a great deal of the site, and indeed over shadows everything around it. Also, the Glover driveways extend right up to the boundary line on both sides of this tract, and the Glover site while neat and orderly certainly is making maximum usage of the site.

As for tractors/trailers backing up along the driveways, there is a retaining wall present, and the Glover site is above the building in question, and there is no way that a tractor/trailer could back into this building without getting a wheel over the edge of the existing driveways, which are on the order of 20 to 30 feet in width. Once again, there are pictures of these driveways in the zoning file, and we are sure that you can examine them.

In summary, the case was properly advertised and posted, a hearing was duly held, no appeal was taken, and we do not think that it is fair or in any way legal to question this variance now that it has been granted and in the process of being utilized. Accordingly, we trust that everyone will consider the matter closed.

Very truly yours,

Newton A. Williams

Newton A. Williams
Attorney for Hunt Valley Motor Coach

NAW:med

Arnold Jablon, Esquire
Director, Zoning Administration
and Development Management
October 11, 1991
Page Three

CCS: The Honorable Timothy N. Kotroco
Deputy Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Mr. Edward Royston
Hunt Valley Motor Coach
(w/encl.)
Mr. James Patton
Mr. Joseph Warfield
Patton & Associates
(w/encl.)
Glover Equipment, Inc.
0802A/45

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Newton Williams	700 Court Towers, 21204
Bruce Jones	226 Cockeysville Rd. 21030
Wayne D. Wright	1421 Mount Ave 21037
Arnold Jablon	1421 Mount Ave 21037
Ed Royston	14307 Mount Ave 21037
Beth Ann Royston	14307 Mount Ave 21037

PLEASE PRINT CLEARLY

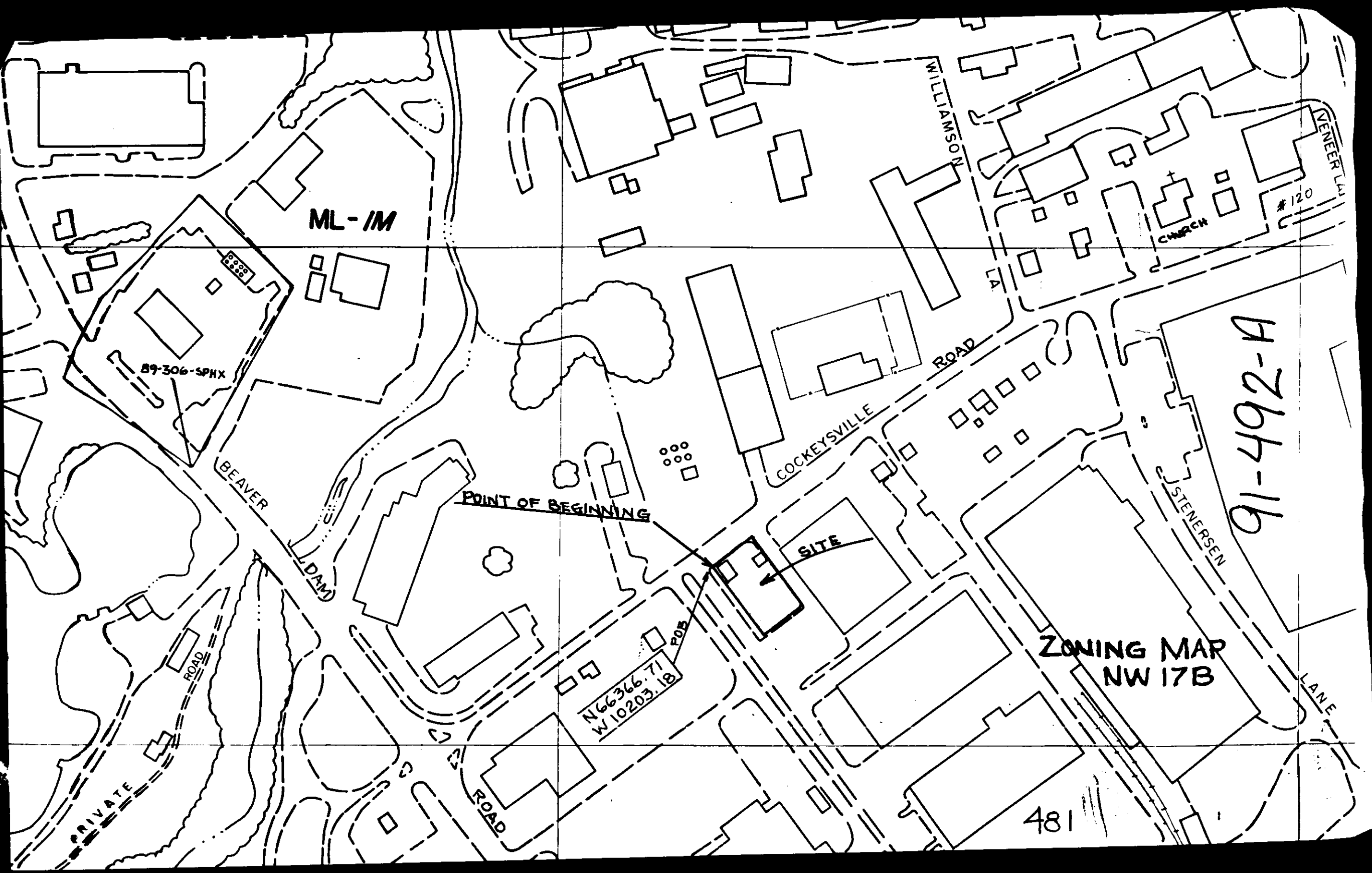
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Robert H. Hynes, Jr.	3215 Brandywine
Robert E. Dickensheets	Wheaton, MD 21107
G. Stephen Gifford	701 William Ave
	Westminster, MD 21157
	316 Westwood Dr
	Lutherville, MD 21073

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Newton Williams	700 Court Towers, 21204
Joseph A. Warfield	305 W. Chesapeake Ave 21204
Edward F. Royston	14307 Mount Ave 21037



A. Rear side and front of 227 Cockeysville Rd. looking north



B. West side of Property and access drive

91-492-A
Pictures - August 20, 1991
227 Cockeysville Rd.
Rayston Property
Proposed Hunt Valley
Motor Coach.

**PETITIONER'S
EXHIBIT 2A-70**



C. Looking north at rear of proposed office



D. Looking at school supply warehouse and front of 227 Cockeysville Rd.



CHARLES J. FRANK, INC.
ENGINEERS AND CONTRACTORS

SUITE 205 120 COCKEYSVILLE ROAD HUNT VALLEY MARYLAND 21030-2108
TELEPHONE (301) 771-8400 FAX (301) 771-5541

November 19, 1991

To Whom It May Concern:

My office is located at 120 Cockeysville Road, about 1 1/2 blocks from 227 Cockeysville Road. I approach my office from Beaver Dam Road 3-4 times a week and observe any signs that may be on the road since I am interested as a developer to acquire property along Cockeysville Road. I have never seen a sign in front of 227 Cockeysville Road within the last 4 months.

Very truly yours,
CHARLES J. FRANK, INC.

Charles J. Frank
President

CJF:lm

**PETITIONER'S
EXHIBIT 1**

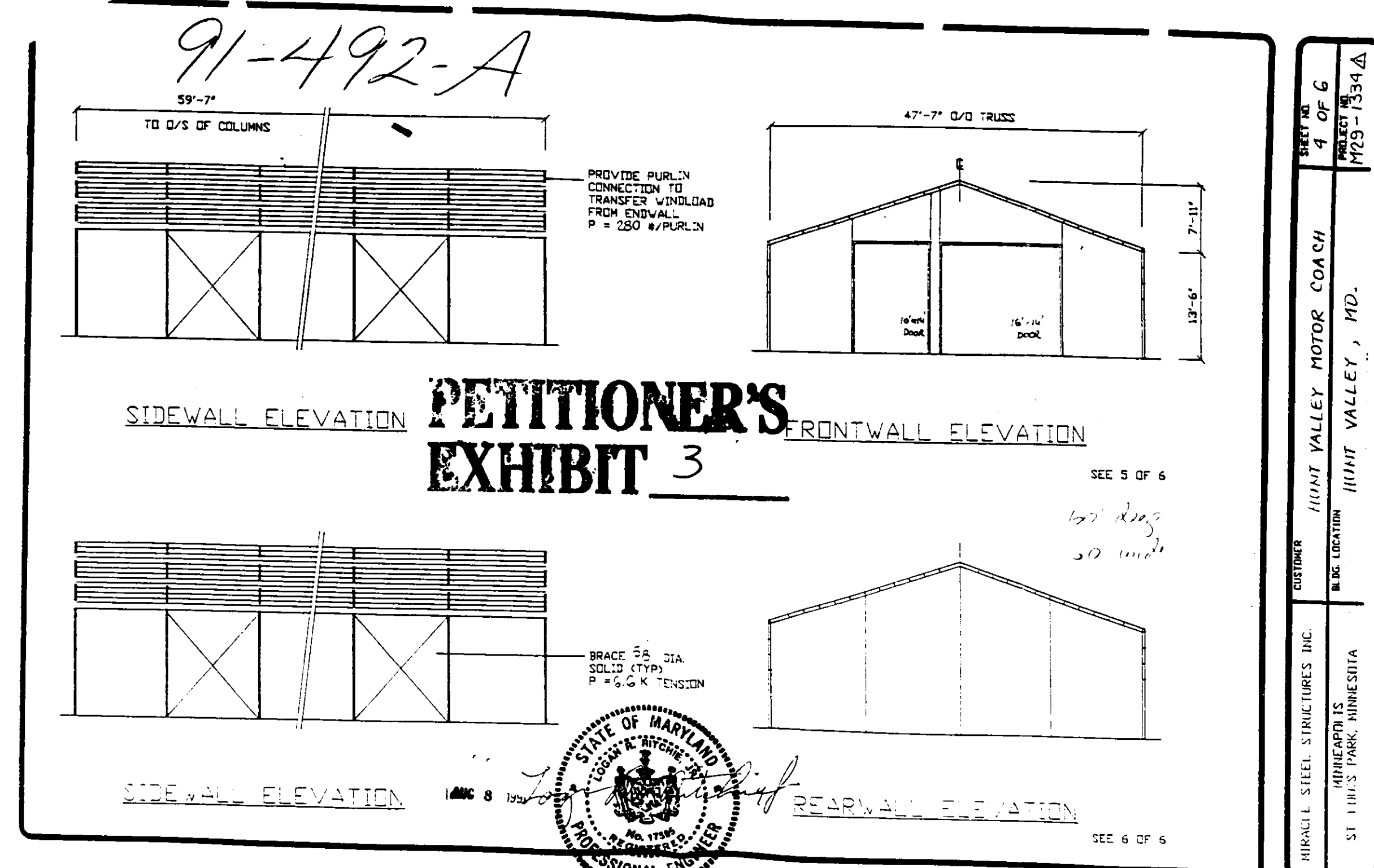
I SAW A PERMIT OR
SOME KIND OF SIGN ON A STAKE SERVICE, INC.
IN FRONT OF 227 COCKEYSVILLE RD.
ON THE ROAD JUST WEST OF
JULY 4, 1991. THE SIGN SAID
I WAS HERE GOING TO
BUILD AT 10114 BEAVER DAM RD.
ST.

D. 21030

Edward M. Shank during July and
August of 1991
for the above

E.H.

**PETITIONER'S
EXHIBIT 9A**



E. Rear of 227, looking N across Cockeysville Rd. at Oil Depot.



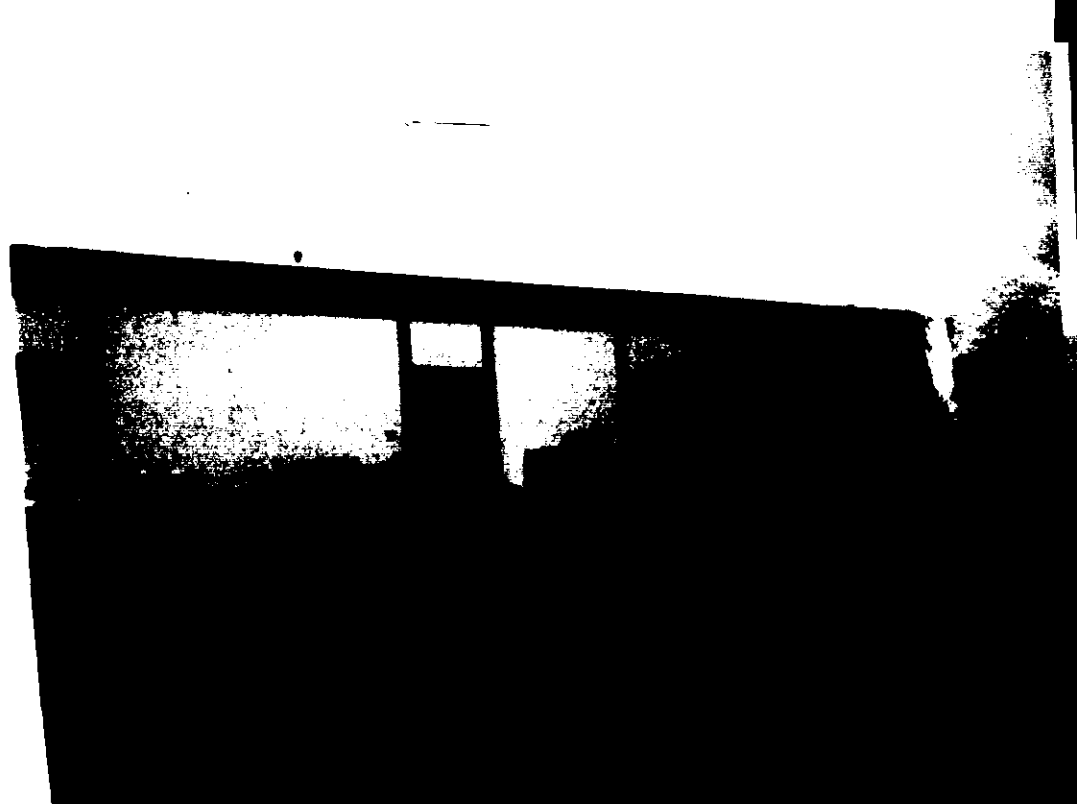
F. E/S of Proposed Office -



G. W/S of school supply & retail mail on E/S of subject property



H. Rear of 227 Cockeysville Rd.



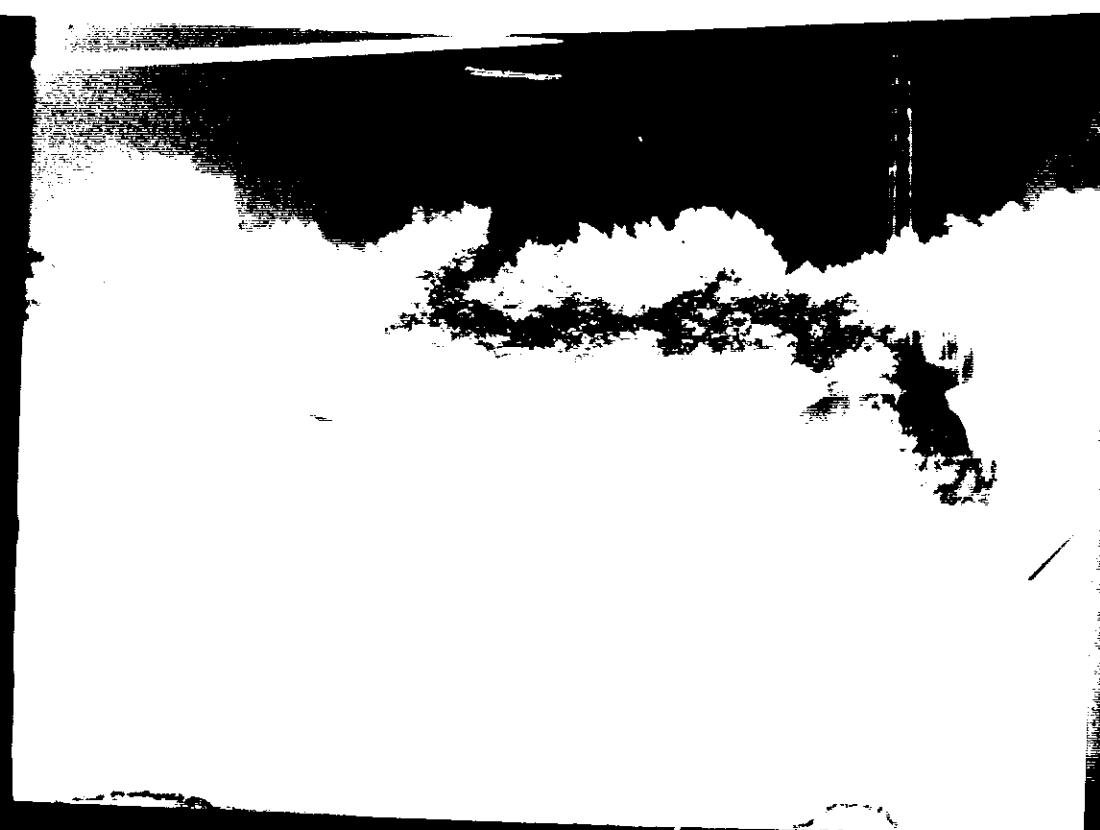
I. Rear of 227 Cockeysville Rd.



J. Looking E from site on Cockeysville Rd.



2. Looking NE across Cockeysville Rd. at N.E. Ave.



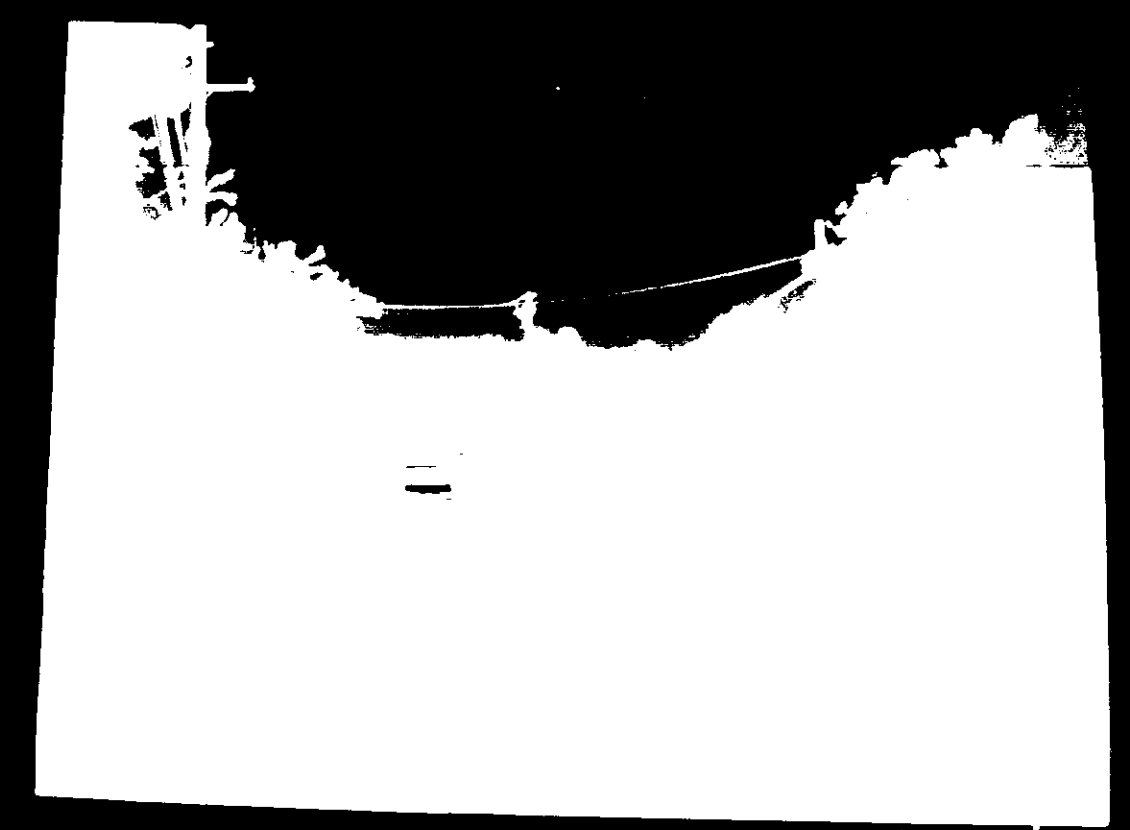
11. Oil Report opposite site on N/S of Cockeysville Rd.



A. Hunt Valley Office - S/S of Cockeysville Rd.



B. Klover Equipment Company in background.



10. Looking W on Cockeysville Rd.



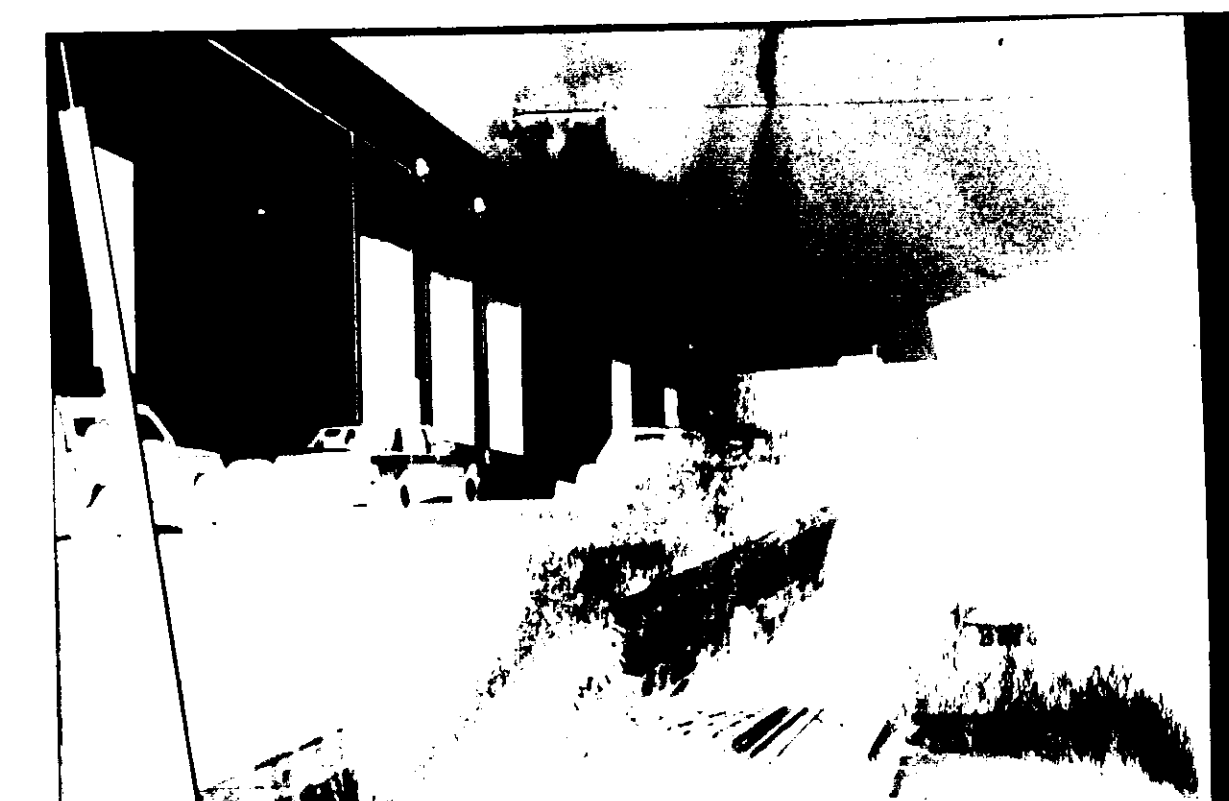
C. Entrance to Wind Machinery just W of site



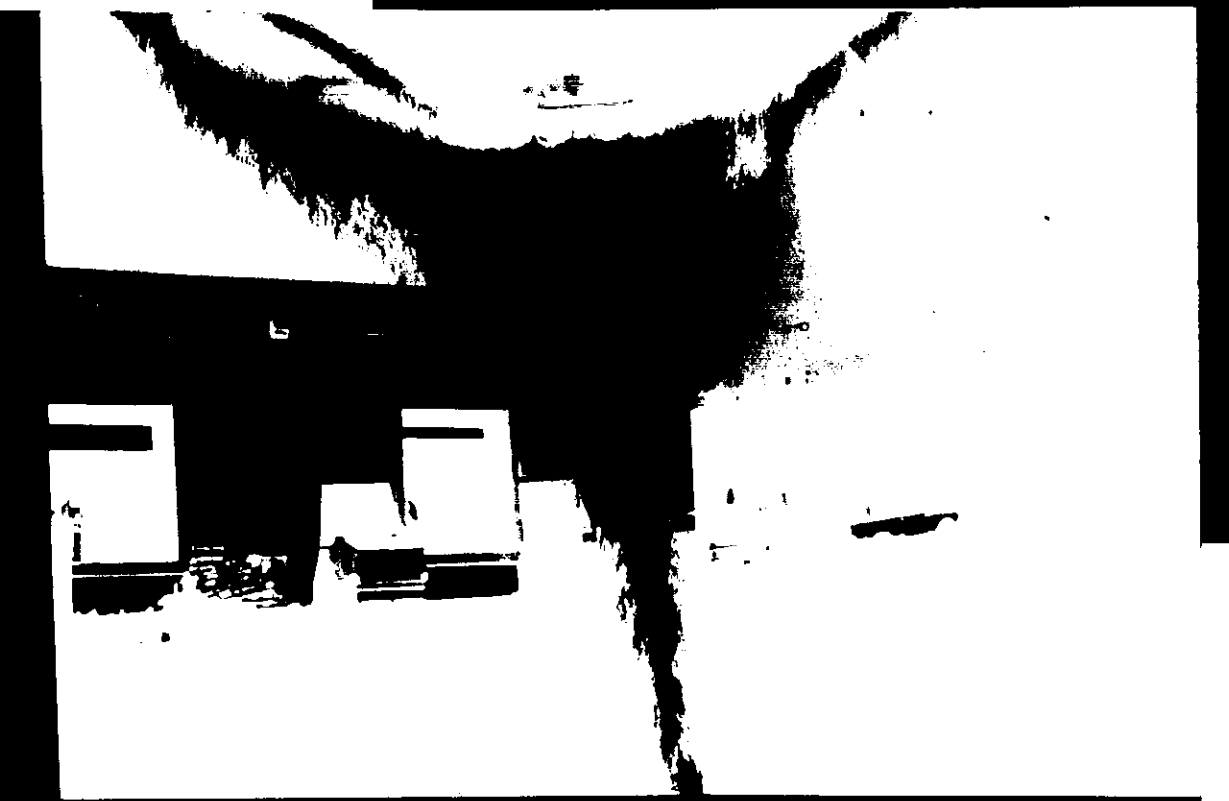
C. Klover driveway, Hunt Valley building on right



D. Hunt Valley Building and driveway



E. Klover wall and Hunt Valley Property



F. Rear of Klover Building and loading dock



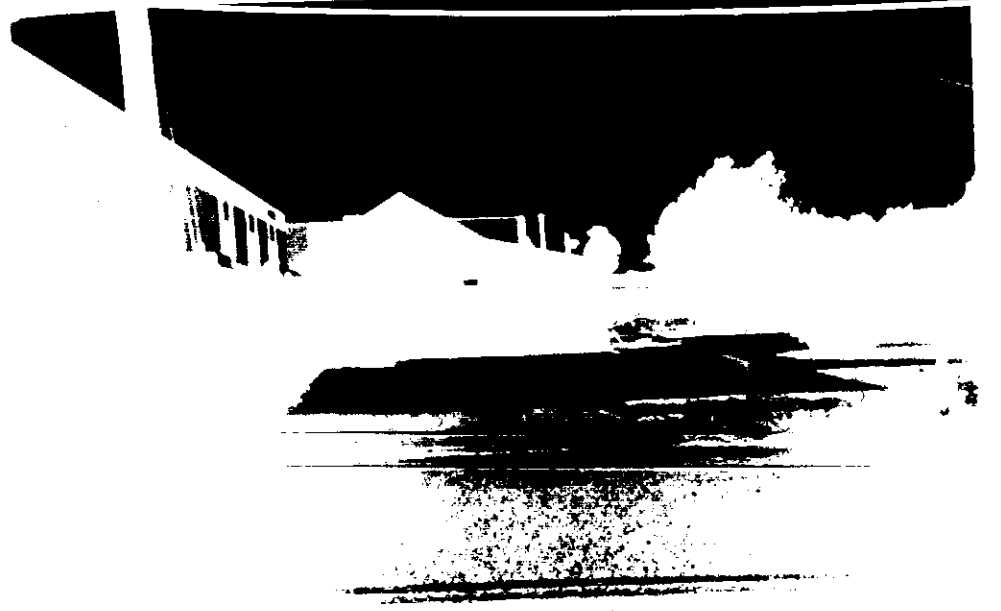
Protestant's Exhibits 1-4



G. Rear retaining wall - Hunt Valley on right, Klover in background.



H. Rear of Hunt Valley Building from Klover.



PROTESTANT'S EXHIBIT 8

ORVILLE E. MYERS, JR.
3515/B4

EDNA L. MCCAUGHEY
6881/244

ZONED ML-1M

-- EX INDUSTRIAL USES --

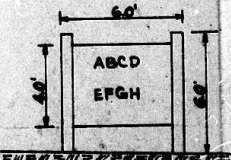
COCKEYSVILLE ROAD

700' TO BEAVER DAM ROAD

WARD REALTY Co. Inc.
1988 / 97

GLOVER SCHOOL
OFFICE EQUIPMENT
INC.
5/86/87 Ac. # 18-4-003670
(CONCRETE BLOCK BUILDING)

ZONED ML-1M



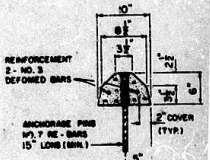
PROPOSED SIGN - DOUBLE FACED
25 S.F. PER SIDE MAX.

ZONING VARIANCE REQUEST

Variance from Sections 250.1 and 238.1 to permit an existing front yard of 11.5 feet for the required 25 feet, and an existing 31.5 feet from the centerline of street for the required 30 feet, and from Sections 255.1 and 238.2 to permit an existing side yard of 6 feet for the required 30 feet and a proposed side and rear yard of 8 feet for the required 30 feet in a ML Zone, and from Section 201.1 to permit an existing front porch to project more than 25% of the minimum required front yard depth.

OWNER
EDWARD F. ROYSTON, JR.
BALTIMORE, MD 21201
14307 Mount Airy
Phone: MD 329

- OWNER: Edward F. Royston, Jr.
14307 Mount Airy
Baltimore, MD 21201
Phone: MD 329
- USED REFERENCE: Map 4764, Folio 453
- ELECTION DIST: 8
- COUNCILMANIC DIST: 3
- ZONING: ML-1M
- SITE AREA:
Gross Site Area = 20,072 S.F. = 0.46 Ac.
Net Site Area = 17,072 S.F. = 0.39 Ac.
- EXISTING USE: Vacant. Prior to acquisition by the applicant, the site was used as a single family residence.
- PROPOSED USE: Storage of heavy and support equipment for motor coach tour business, together with support office facilities. No overnight storage, boarding, or overnighting of the site.
- PAV: Existing structure 1,688 S.F.
Proposed structure 1,000 S.F.
Land area including 30 ft. of adjacent road = 17,072 S.F.
200' = 2.0 Acres
Allowed PAV = 2.0
- AMENITY OPEN SPAC: Not required.
- PARKING: OFF-STREET: 4.5 spaces
50% LOT-COVER: 1.00
Bus Storage Building = Max 1 employee = 1 space
Total Required Spaces = 4 spaces
Total Provided Spaces = 4 spaces
- SIGNAGE: One live standing business sign to be placed along Cockeysville Road frontage in accordance with Section 413.4 of the Zoning Regulations.
- UTILITIES: All required public utilities exist at the site.
- LANDSCAPING: Landscaping to be provided in accordance with Landscape Manual.
- PAVING & STRIPS: All parking and driveway areas to be paved with concrete and concrete surface. All parking areas to be striped.
- SITE LIGHTING: Lighting shall be designed to provide street light rays within the site.
- CRUI: Waiver of C&G meeting and process has been requested.
- ENVIRONMENT: There are no streams or wetlands on or adjacent to the property.
- LIGHTING: Light standards to be protected from vehicular traffic.
- ZONING-PERMIT: LOT-COVER: County records reveal no previous zoning or permit history.
- DRIVER PARKING: Drivers are only at site when arriving or departing on tour. Driver's personal vehicle will occupy vacated bus space.



PRE-CUT CURB STOP-TYP.

FOR INFORMATION CONCERNING EXISTING UTILITIES SEE: SANITARY 75-0786
WATER 68-1119
STORM DRAIN 80-102

APPROVALS
91-492-A
ABP PETITION
EXHIBIT 1

Patton Consultants, Inc.
305 W. CHESAPEAKE AVE. SUITE 305
TOWSON, MARYLAND 21204
(501) 294-2100 Fax: (501) 294-0419

SITE PLANNERS + ENGINEERS
LAND-DEVELOPMENT CONSULTANTS

**PLAN TO ACCOMPANY
VARIANCE HEARING
HUNT VALLEY
MOTOR COACH**

227 COCKEYSVILLE ROAD

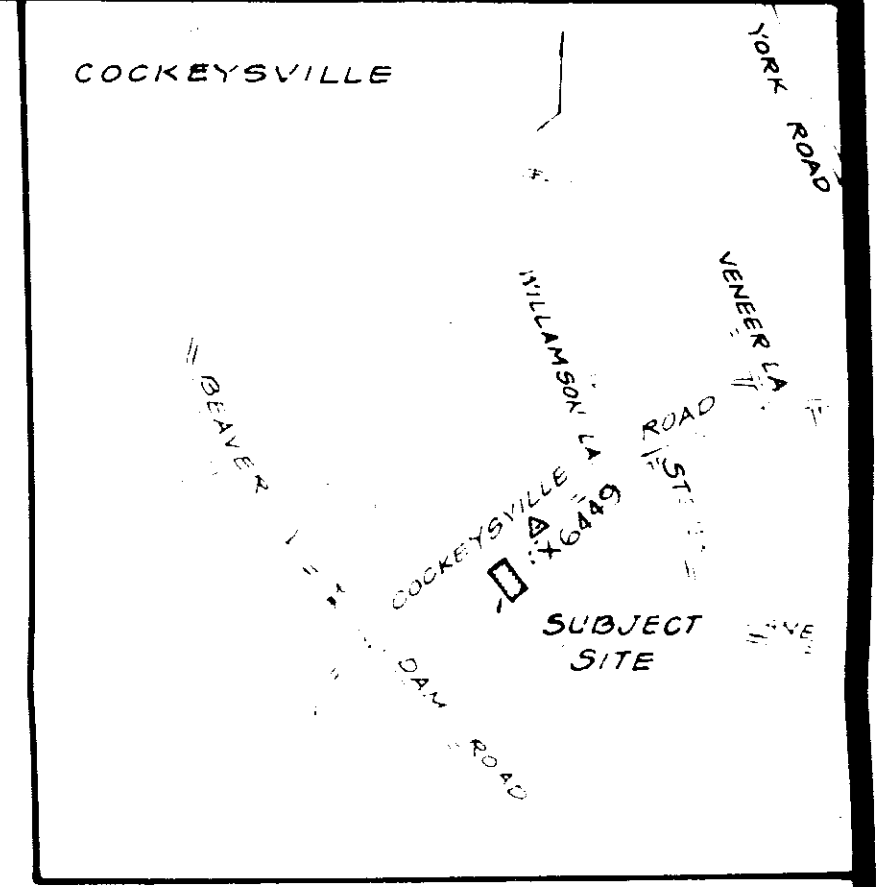
COCKEYSVILLE BALTIMORE COUNTY

ELECTION DIST. 8 COUNCILMANIC 5 CENSUS TRACT
DRAWN J.C.C. CHECKED J.A.W. DATE 6-4-91

SCALE
1" = 20'
0" = 0'

SHEET NO.

1 1



LOCATION PLAN

SCALE: 1"=100'
 BM X-6449 ELEV 281.808
 N66654.30 W9883.16

11. STORAGE: One free standing business sign to be placed along Cockeysville Road frontage in accordance with Section 413.6 of the Zoning Regulations.
14. UTILITIES: All required public utilities exist at the site.
15. LANDSCAPING: Landscaping to be provided in accordance with Landscape Manual.
16. PAVING & STRIPING: All parking and driveway areas to be paved with durable and dustless surface. All parking areas to be striped.
17. SITE LIGHTING: Lighting shall be designed to confine direct light rays within the site.
18. CRG: A Waiver of CRG meeting was granted on 5/17/91. (M-91-87).
19. ENVIRONMENT: There are no streams or wetlands on or adjacent to the property, and there are no known critical areas, archaeological sites, endangered species habitats, or hazardous materials on the site.
20. HISTORIC AREAS: There are no historic buildings on the site.
21. STORM WATER MANAGEMENT: A Waiver of Storm Water Management has been requested.
22. EXISTING VEGETATION: Existing vegetation consists of grass, gravel and concrete areas. No wooded areas on site.
23. TRAFFIC: ADT = 24 Trips
24. UNDERGROUND FACILITIES: The site is connected to public utilities. There are no known wells, septic systems, or underground fuel storage tanks on the site.
25. FIRE PREVENTION: Proposed building shall be designed and constructed to meet the Fire Prevention Code & the NFPA Life Safety Code, 1988 Edition.

CRG WAIVER NO. W-91-87
 BUR. OF PUBLIC SERVICES PROJ. NO. 91139

APPROVALS	
PETITIONER'S EXHIBIT 4 91-492-A	
REVISIONS	
1	7-19-91
CRG COMMENTS: PROP. NO. 91-87, 2-19-91, 3-19-91, 4-19-91, 5-19-91, 6-19-91, 7-19-91, 8-19-91, 9-19-91, 10-19-91, 11-19-91, 12-19-91, 1-20-92, 2-20-92, 3-20-92, 4-20-92, 5-20-92, 6-20-92, 7-20-92, 8-20-92, 9-20-92, 10-20-92, 11-20-92, 12-20-92, 1-21-93, 2-21-93, 3-21-93, 4-21-93, 5-21-93, 6-21-93, 7-21-93, 8-21-93, 9-21-93, 10-21-93, 11-21-93, 12-21-93, 1-22-94, 2-22-94, 3-22-94, 4-22-94, 5-22-94, 6-22-94, 7-22-94, 8-22-94, 9-22-94, 10-22-94, 11-22-94, 12-22-94, 1-23-95, 2-23-95, 3-23-95, 4-23-95, 5-23-95, 6-23-95, 7-23-95, 8-23-95, 9-23-95, 10-23-95, 11-23-95, 12-23-95, 1-24-96, 2-24-96, 3-24-96, 4-24-96, 5-24-96, 6-24-96, 7-24-96, 8-24-96, 9-24-96, 10-24-96, 11-24-96, 12-24-96, 1-25-97, 2-25-97, 3-25-97, 4-25-97, 5-25-97, 6-25-97, 7-25-97, 8-25-97, 9-25-97, 10-25-97, 11-25-97, 12-25-97, 1-26-98, 2-26-98, 3-26-98, 4-26-98, 5-26-98, 6-26-98, 7-26-98, 8-26-98, 9-26-98, 10-26-98, 11-26-98, 12-26-98, 1-27-99, 2-27-99, 3-27-99, 4-27-99, 5-27-99, 6-27-99, 7-27-99, 8-27-99, 9-27-99, 10-27-99, 11-27-99, 12-27-99, 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