PETITION FOR VARIANCE NE/S Old North Point Road, 138' NW of Oakwood Road (2702-A old North Point Road) 15th Election District 7th Councilmanic District

Robert G. Germill - Petitioner

. OF BALTIMORE COUNTY . Case No. 94-279-A

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. DESIGNATING COMMISSIONS

FINDINGS OF FACT AND CONCLUSIONS OF LAM

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance for the subject property, known as 2702-A Old North Point Road, located in the North Point/Cray Manor area of southeastern Baltimore County. The Petition was filed by Robert G. Commili, owner of the property, through his attorney, F. Vernon Boozer, Esquire. The Petitioner seeks relief from Section 232.2.b of the Beltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet, 4 inches in lieu of the required 10 feet, and from Section 232.3.b of the B.C.Z.R. to permit a rear yard setback of 2 feet in lieu of the required 20 feet. for an existing addition in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Robert G. Gemmill, (Sr.) owner of the property, Steven Broyles, Professional Engineer, and Roger Sullivan, Esquire, attorney for the Petitioner. Also appearing on behalf of the Petition were Manuel Louis and his son, Manuel Lewis, Jr., nearby residents of the area. There were no Protestants.

Testimony indicated that the subject property consists of a gross area of 0.702 acres, more or less, zoned B.M. and is improved with an automotive service garage containing eight (8) service bays. The Petitioner recently completed construction of a 1,236 sq.ft. addition to the existing building to provide one (1) additional service bay in accordance with Petitioner's Exhibit 1. Testimony revealed that the additional service

and to accomplate the Batilionaria appairs business and the And he has also of the lot and the location of existing improvements there. on, the relief requested is necessary in order to proceed. It should be that this office received a letter of support from John Bearfoss. t the edicinion business amountless on both sides of and sames. the about form the unblast site. It should also be noted that within their Zonine Plane Advisory Committee comments dated Pebruary 9, 1994, the Office of Planning and Zoning observed that the subject property is very wellmaintained and that the subtest addition will not adversaly affect the edicinias residential uses to the rear of the site.

to area variance may be greated where strict application of the series resulations would come practical difficulty to the Patitioner and his property. McLess v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an ones vertices, the Batitioner must meet the following

- 1) whether strict compliance with requires unreasonably prevent the use of the property

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It is clear from the testimony that if the variance is granted med, will not be contrary to the spirit of the B.C.S.R. and a good moult to may to have to the milder mond.

> After due consideration of the testimony and evidence presented, - 2

if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular percel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

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

THEREFORE, IT IS CONDERED by the Deputy Moning Commissioner for Beltimore County this 15+ day of March, 1994 that the Petition for Variance seeking relief from Section 232.2.b of the Baltimore County Moning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet, 4 inches in lieu of the required 10 feet, and from Section 232...b of the B.C.E.R. to permit a rear yard setback of 2 feet in lies of the required 20 feet, for an existing addition, in accordance with Petitioner's Exhibit 1, be

1) The Putitioners may apply for their building permit and he granted same upon receipt of this Greker; however, Putitioners are hereby made same that proceeding at this time is at their own risk until such time as the Joseph spelled process from this Order has capired. If, for whatever reason, this Greker is reversed, the relief granted herein shall be received.

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it is clear that practical difficulty or unreasonable hardship will result

and is hereby CRAFTED, subject to the following restrictions:

SUPPLIED FOR F



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de lang harden detter Cont. the lang tand follows Cont. the lang tand for such other reason when he because forth at the hearing.

y is to be posted and advertised as prescribed by Zuring Regulations.

Robert G. Germill
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2702-A Old Horth Point Road
Balto., Md. 21222

Md. 21204



219 BROYLER, HAVER AND ARROCUTER, INC.

JAMUARY 5, 1994

94-279-A

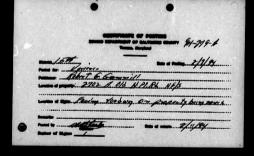
SONING DESCRIPTION FOR 2702-A & 2702-B OLD NORTH POINT ROAD

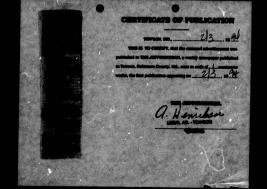
BRGINNING at a point on the northeast side of Old North

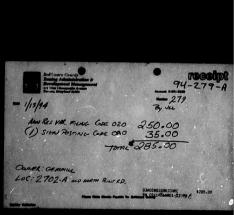
Point Road right-of-way which is 50 feet wide, at a distance of 138 feet northwesterly of the centerline of Cakwood Road rightof-way which is 40 feet wide.

BEING Lot numbers 1 and 2 in the "RESURDIVISION OF PROPERTY OF MARS STORES, INC.", recorded in Baltimore County Plat Books 53, folios 144, containing 0.635 acres more or less, of land. Also known as 2702-A and 2702-B Old North Point Road located in the 15th Election District.









March 1, 1994

Roger Sullivan, Esquire Cowahey & Boozer 614 Boaley Avenue Towson, Maryland 21204 RE: PETITION FOR VARIANCE ME/S Old Morth Point Road, 138' NW of Oakwood Road (270%-8 Old Morth Point Road) The Company of the Company of the Company Robert G. (Seemille Petitioner Petitioner Oakwood Road Case No. 94-279-A

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Co.'ty Board of Appeals within thirty (30) days of the date of this order For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 807-1391

CONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

<u>Ratinore County Toming Regulations</u> require that notice be given to the general public/maishboring property owners relative to property that the property of the property of the property of the which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

111 West Chesapeake Avenue Towson, MD 21204

Posting fees will be accessed and paid to this office at the time of filing.

Silling for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE_OF ZONING ORDER.

BUSAN ARNOLD JARLON, DIRECTOR

For newspaper advertising

Item No.: 279

Petitioner: Robert L. Gemmill

BALTIMORE COUNTY, MARYLAND
INTEROFFICE COPRESPONDENCE

Zoning Advisory Committee Meeting for January 31, 1994 Item No. 279

FROM Robert W. Bowling, P.E., Chief Sevelopers Engineering Section

RWB: 6

TO: Arnold Jablon, Director DATE: February 1, 1994 Zoning Administration and Development Management

The Developers Engineering Section has reviewed the subject zoning item. This addition is subject to the Landscape Manual to the extent possible.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Section

Location: 2702-A OLD NORTH POINT ROAD PLEASE FORWARD ADVERTISING BILL TO: NAME: Robert L. Gammill

ADDRESS: 2702-A OLD NEATH PRINT ROAD DUNDALK, Md. 21222 PHONE NUMBER: 282 - P603

(Revised 04/09/93)

Personal Publishing Content February 3, 1994 Lane - Jeffersonia Name Count Million to:

NOTICE OF HEARING

The faming Commissioner of Smittnere County, by authority of the Sming Sci and Supplied and Simple County, will shall a public hearing on the property identified herein in hours 100 of the Smith of 101-101. Ill. Champains shown in Norman, Smith 2014 of continued 2004 or commission to the County of the Smith of the County of the Smith of Smith (Smith Norman), Norman, Smyland 2004 on follows:

CART MERRIN 99-279-4 (Tiem 279) 2202-0 018 Brits Point Bould (Bab's bato Barwins) MEZ COM Brits Point Boul, 237 W of Columnol Boul 1946 Election Matrict - 750 Commchamatic Putitions(s); Schott 4. Gammilli MEMIRIS: FREMENT 23, 1996 ot 10:00 o.m. in Bm. 118, Old Courths

Variance to allow a 2 foot, 4 lack mide yerd in lieu of the required 10 foot; and to allow a 2 foot rear yerd in lieu of the required 20 foot.

111 West Chesapeake Avenue Towson, MD 21204

CASE MEMBER: 94-279-2 (Item 279) 2702-2 Old Borth Folat Sond (Sch's Sato Service) ML/S Old Borth Point Sond, 138* Mi of Calescol Son

This Election District - 7th Councilments Putitionsr(s); Robert G. Gunnill HEADERS PERSONNEY 23, 1994 at 10:00 s.m in Sm. 118, Cld Countil

MODICE OF MEADING

The feming Commissioner of Solitance County, by outbority of the Soning Set and Sepaintisms of Solit County, will hold a public hearing on the property identified Service in Som 105 of the County Office Seliding, 111 W. Champunda Service in Tomans, Skryland 2024 or

from 118, 014 Courthouse, 400 Machineton Joseph, Torono, Spreigned 21294 on follow

Verience to allow a 2 foot, 4 inch side pard in lies of the required 10 foot; and to allow a 2 foot; year pard in lies of the required 20 foot.

Baltimore County Gor Office of Zoning Admi

(410) 887-3353

111 West Chesapeake Avenue Towson, MD 21204

Baltimore County G Office of Zoning Ad

February 16, 1994

F. Vernon Booser, Esquire 614 Bosley Avenue Towern, Maryland 21204

RE: Case No. 94-279-A, Item No. 279
Petitioner: Robert G. Gesmill
Petition for Variances

The Soning Plans Advisory Committee (SAC) has reviewed the plans and the plans and the plans are planted with the above referenced perlition. The attached comments from each time of the planted planted by the committee of the soning accions requested, but to assure that all parties, i.e., moning commissioner, attorney and/or the petitioner, are made source of plans or precisions with reperf to the proposed improvement that may have a bearing procedure with regard to the proposed improvement that may have a bearing the proposed provement that may be a bearing the provement that may be a bearing the proposed provement that may be a b

Enclosed are all community submitted thus far from the members of EAC that Offer or request information on your ...dition. If additional you. Otherwise, any community that is not informative still be placed in the hearing file. This patition was accepted for filing on January 13, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future soning petitions and are aimed at expediting the petition filing process with this office.

The director of Soning Administration and Development Hanagement has instituted on synthe administry seasoned soning attorneys who has been been administrative to the season of the season of each that these soning requisitions and petitions filling requirements can file their petitions with this office without the necessity of a preliminary review by coming personnel.

(410) 887-4500

DATE: 01/27/94

Baltimore County Item No.: +379 (JLL)

1-21-94

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Please contact Bob Small at 410-333-1350 if you have any questions

Thank you for the opportunity to review this item.

Bob Smill DAVID N. KAMBEY, ACTING CHIEF

and Party Spring by Supplied Party or Spring

BALTIMORE COURTY, MARYLAND DESCRIPTION

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PROM: Pet Heller, Deputy Director
Office of Planning and Soning

med upon a review of the information provided, staff offers the following con-

It is always refracking to review a requested Variance Detition prior to the construction phase of a project. In its subject case we were more again discover that buildings of the "prospect addition" has already non-

estimately, the proposed addition will not impact the adjacent residential committy, and the site is very well maintained. Therefore, staff does not appear the

LOCATION: NE/S OLD NORTH POINT RD., 138' NH OF DAKHOOD RD. (2702-A OLD NORTH POINT RD.-BOB'S AUTO SERVICE)

Pursuant to your request, the referenced property has been surveyed this Bureau and the comemits below are applicable and required to be corrected or interprotected 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", 1991 edition prior to occupancy.

Zoning Agendas VARIANCE

700 East Joppa Road Suite 901

Development Management Baltimore County Office Building Towson, MD E1804 MAIL STOP-1105

RE: Property Owner: ROBERT G. GEMMILL

Arnold Jablon Director
Zoning Administration and

Item No.: 279 (JLL)

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD Fire Prevention, PHONE 887-4881, MS-1102F

State Address P.A. San 717 - Supragan, 300 State ASTE

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FEB 9 1994

Places Schodula harming os soon es possible February 17, 1994 John Searfoss 2707 Old North Point Rd. Baltimore, Md. 21222 Stiller To Whom it May Concern: I John Searfoss owner of 2700-2702-C-2704-2707-9-11 North Point Road, which is across and on both sides of Bob's Auto Service have no objections to allowing the zoning variance two feet off of the property line. Mr. Gemaill's construction on site has improved the character of the neighborhood and community were a derelict building once stood. Yours Truly, OD LARRY B. TRIBOL & NF. 6564/460 DR 5.5 SCALE SHEET LOCATION 1" = 200'± NORTH POINT ALBERT L. POIST E WF. 5457/456 . 353 60 DATE OF HOTOGRAPHY JANUARY 1986 GRAY MANOR BL-GSA EY. E STY -2702-6

