

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
 SW/S Jarrettsville Pike, 200' NW * DEPUTY ZONING COMMISSIONER
 of the c/l of Sunset Lane * OF BALTIMORE COUNTY
 (13936 Jarrettsville Pike) * Case No. 95-44-X
 10th Election District *
 3rd Councilmanic District *
 Floyd W. Huffman, et ux *
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception seeking approval of a landscape service operation on the subject property, pursuant to Section 1A03.3.B.7.c of the Baltimore County Zoning Regulations (B.C.Z.R.), and subject to the provisions of Section 404.3 of the B.C.Z.R. The Petition was filed by the legal owners of the property, Floyd W. and Alice J. Huffman, in response to a complaint registered with the Zoning Administration and Development Management (ZADM) office as to an existing 26' x 48' building. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Floyd Huffman, property owner, Lorne Hastings, Registered Property Line Surveyor, and Edward C. Covahey, Jr., Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Margaret Dundas, adjoining property owner, and Richard J. Hanley, a nearby resident of the area.

Testimony and evidence offered revealed that the subject property, known as 13936 Jarrettsville Pike, consists of a gross area of 1.281 acres more or less, split zoned B.L., R.C.C., and R.C. 4. The building which is the subject of this special exception request is located on the R.C. 4 zoned portion of the site. Testimony indicated that the Petitioners have

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 Date 9/27/94
 By [Signature]

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owned the property since 1978. Mr. Huffman testified that at the time of their purchase, an abandoned Arco gasoline service station existed on the site. He testified that they immediately converted the use of the property to a lawn mower repair business. Further testimony indicated that about 18 months ago, an addition was added to the south side of the original two story building to accommodate the Petitioner's growing business. At the same time, the accessory building was erected to provide storage for fertilizer, mulch, and other lawn and garden tools.

Mr. Huffman testified that he wishes to expand his current operation to provide more landscaping services to his clients. He testified that since 1978, he has run a family business from this site, consisting of himself, his wife, and his son, and that his son would manage the landscaping branch of his business. Mr. Huffman testified that there is currently no electric or water within the building and that there are no plans to add these utilities. Further testimony indicated that the proposed building would be used only to store landscaping tools and equipment and that no service work on any equipment would take place within this building.

Appearing and testifying in opposition to the Petitioners' request were Richard Hanley and Margaret Dundas, who has resided immediately to the rear of the subject property for the past 30 years. Ms. Dundas testified that she is concerned and objects to the proposed landscaping operation due to the noise that she anticipates would be generated as a result of this additional service. She also objects to the fact that the building itself was constructed without benefit of a permit. Mr. Huffman acknowledged that no permit had been obtained for this building but that he did not believe one was required. He has since applied for a building

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Date 9/27/94
By [Signature]

MICROFILM

permit and is awaiting zoning approval. Both Ms. Dundas and Mr. Hanley objected to the noise that is currently generated by the lawn mower repair service on this site and are fearful that this noise will only be exacerbated by the proposed use.

It is clear that the B.C.Z.R. permits the use proposed in the R.C. 4 zone by special exception. However, 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 testimony offered revealed that the building which is the subject of this special hearing request will only be used for storage purposes and that no service work of any kind will be performed therein. Furthermore, the Petitioner has operated the lawn mower repair business from the subject site for over 25 years without any complaint from his neighbors. In the opinion of this Deputy Zoning Commissioner, 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. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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Date 9/27/84
By [Signature]

10/1/84

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

In addition to the standards of proof required for a special exception, the Petitioners also satisfied the additional requirements of Section 404.3 of the B.C.Z.R. which relate to landscape service operations.

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 should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of September, 1994 that the Petition for Special Exception seeking approval of a landscape service operation on the subject property, pursuant to Section 1A03.3.B.7.c of the Baltimore County Zoning Regulations (B.C.Z.R.), and subject to the provisions of Section 404.3 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject 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 relief granted herein shall be rescinded.
- 2) Within thirty (30) days of the date of this Order, the Petitioners shall submit a landscape plan for review and approval by Avery Harden, the Landscape Architect for Baltimore County. Said plan shall take into consideration landscaping for the entire site. A copy of the approved plan shall be submitted to the Zoning Administration and Development Management (ZADM) office for inclusion in the case file prior to the issuance of any permits.
- 3) There shall be no electricity or water service provided within the 26' x 48' storage building. This building shall be used exclusively for the storage of

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Date 9/29/94
By [Signature]

landscaping supplies and equipment. There shall be no service work of any kind performed within the building.


4) The dumpster depicted in the photographs marked into evidence as Petitioner's Exhibits 2A through 2D shall be screened from the view of Jarrettsville Pike. Such screening shall be installed within sixty (60) days of the date of this Order.

5) There shall be no further structures erected on the subject property. This restriction may only be modified by way of a public hearing before the Zoning Commissioner.

6) All current and future signage on the subject site shall be in strict compliance with the sign regulations of the B.C.Z.R.

7) The Petitioners shall take appropriate steps to insure that any and all noise generated by the uses on the subject site is deflected away from the surrounding residential uses.

8) When applying for any permits, 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

ORDER RECEIVED FOR FILING
Date 9/27/04
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 27, 1994

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204


RE: PETITION FOR SPECIAL EXCEPTION
SW/S Jarrettsville Pike, 200' NW of the c/l of Sunset Lane
(13936 Jarrettsville Pike)
10th Election District -3rd Councilmanic District
Floyd W. Huffman, et ux- Petitioners
Case No. 95-44-X

Dear Mr. Covahey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Margaret Dundas
13538 Jarrettsville Pike, Phoenix, Md. 21131

Mr. Richard J. Hanley
13542 Jarrettsville Pike, Phoenix, Md. 21131

People's Counsel

File





Petition for Special Exception

95-44-X

to the Zoning Commissioner of Baltimore County

for the property located at 13936 Jarrettsville Pike, Phoenix, MD
which is presently zoned RC 4, BL & RCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Regulations of Baltimore County, to use the herein described property for a landscape service operation pursuant to Section 1A03.3, paragraph B, subparagraph 7.c. of the Baltimore County Zoning Regulations which permit as a special exception a landscape service operation subject to the provisions of Section 404.3 of the Baltimore County Zoning Regulations.

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/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

Floyd W. Huffman

(Type or Print Name)

Floyd W. Huffman
Signature

Alice J. Huffman

(Type or Print Name)

Alice J. Huffman
Signature

13936 Jarrettsville Pike 666-3018

Address Phone No.

Phoenix, MD 21131

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: R.T. DATE 8/2/94

ITEM # 35

ORDER RECEIVED FOR FILING
Date _____
By _____

APPROVED PER ORDER OF
Date _____
By _____
Hearing Officer

Attorney for Petitioner:

Edward G. Covahey, Jr.

(Type or Print Name)

Signature

614 Bosley Ave. 828-9441

Address Phone No.

Towson, MD 21204

City State Zipcode



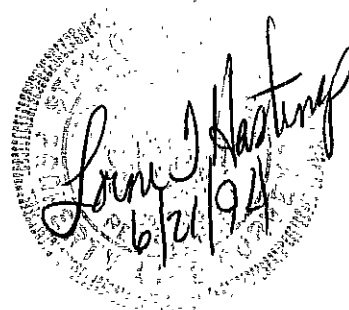
95-44-X

ZONING DESCRIPTION OF
113536 JARRETTSVILLE PIKE

Beginning at a point in the Center of Jarrettsville Pike. Said point being 200'+/- North West from the intersection of the center-line of Sunset Lane with the center-line of Jarrettsville Pike. Thence the following courses and distances:

N 28 45' W 100.0', N 33 30'00" E 100.0',
N 38 18' W 100.0', S 80 09'00" W 180.0',
S 29 15'03" E 302.43', N 76 57'30" E 200.00'
to the place of beginning as recorded in
Deed Liber 7746, Folio 622.

Containing 1.281 ac +/- . The Bl portion contains 0.613 ac. +/-, the R.C.4. portion contains 0.330 ac. +/-, and the R.C.C. portion contains 0.338 ac. +/- . Also known as 11356 Jarrettsville Pike and located in the 10th Election District.



ITEM # 35

113536 JARRETTSVILLE PIKE

93-44-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Township, Maryland

District 10th

Date of Posting 8/20/94

Posted for: Special Exception

Petitioner: Floyd & Alice Huffman

Location of property: 13536 Ferrisville Pk, SWP

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by [Signature]
Signature

Date of return: 8/26/94

Number of Signs: 1

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CERTIFICATE OF PUBLICATION

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 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
95-44-X (Item 35)
13536 Jarrettsville Pike
SW/S Jarrettsville Pike,
200' +/- NW of c/l Sunset
Lane
10th Election District
3rd Councilmanic

Petitioner(s):
Floyd W. and
Alice J. Huffman
HEARING: THURSDAY,
SEPTEMBER 8, 1994 at
10:00 a.m. in Rm. 118, Old
Courthouse.

Special Exception: for a
landscape service operation.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
looped accessible; for special
accommodations Please Call
887-3353.

(2) For informa-
tion concerning the File and/or
Hearing, Please Call 887-3391.

8/193 August 18.

TOWSON, MD., 8/19, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/18, 1994.

THE JEFFERSONIAN,

A. Henrich
LEGAL AD - TOWSON

Resident

WWW.JEFFERSONIAN.COM



Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt
 95-44-X

Account: R-001-6150

Number 35
 R.T.

Date 8-2-94

FLOYD HUFFMAN

13936 JARRETTSVILLE PIKE
 PHOENIX, MD.

050 - SPECIAL EXCEPTION - \$ 300.00
 080 - SIGN (1) ME - \$ 35.00
 TOTAL - \$ 335.00

MICROFILM

02A02#0835N1CHRC
 BA 001#57A08-02-94

\$335.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions 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:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing 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.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 35

Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Edward C. Covahey, Jr.

Covahey & Boozer, P.A.

ADDRESS: 614 Bosley Avenue

Towson, MD 21204

PHONE NUMBER: (410) 828-9441

AJ:ggs

(Revised 04/09/93)

TO: PUTUMENT PUBLISHING COMPANY
August 18, 1994 Issue - Jeffersonian

Please forward billing to:

Edward C. Covahey, Jr., Esq.
614 Bosley Avenue
Towson, Maryland 21204
828-9441

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
OR
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-44-X (Item 35)
13536 Jarrettsville Pike
SW/S Jarrettsville Pike, 200'+/- NW of c/1 Sunset Lane
10th Election District - 3rd Councilmanic
Petitioner(s): Floyd W. and Alice J. Huffman
HEARING: THURSDAY, SEPTEMBER 8, 1994 at 10:00 a.m. in Room 118 Old Courthouse.

Special Exception for a landscape service operation.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

AUG. 12 1994

(410) 887-3353

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-44-X (Item 35)
13536 Jarrettsville Pike
SW/S Jarrettsville Pike, 200'+/- NW of c/l Sunset Lane
10th Election District - 3rd Councilmanic
Petitioner(s): Floyd W. and Alice J. Huffman
HEARING: THURSDAY, SEPTEMBER 8, 1994 at 10:00 a.m. in Room 118 Old Courthouse.

Special Exception for a landscape service operation.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Floyd and Alice Huffman
Edward C. Covahey, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Edward C. Covahey, Jr., Esq.
614 Bosley Avenue
Towson, Maryland 21204

RE: Item No. 35, Case No. 95-44-X
Petitioner: Floyd and Alice Huffman

Dear Mr. Covahey:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 August 2, 1994, and a hearing scheduled accordingly.

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

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggs



Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

95 44

DATE: 08/11/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP -1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Comments:

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.

3. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 35, 36, 39, 40, 41, 42,
43, 44, 45, 46 AND 47.

RECEIVED

AUG 11 1994

ZADM

REVIEWER: LT. ROBERT F. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: file

5/11/94



95-44

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 22, 1994
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for August 22, 1994
Item No. 35

The Developers Engineering Section has reviewed the subject zoning item. The parking area should be buffered from the street to the extent possible.

RWB:sw

11/16/94



Maryland Department of Transportation
State Highway Administration

O James Lighthizer
Secretary
Hal Kassoff
Administrator

8-15-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +35 (RT)

95-44

Dear Ms. Winiarski:

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 Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

4392-94

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: August 29, 1994

SUBJECT: 13536 Jarrettsville Pike

INFORMATION:

Item Number: 35'
Petitioner: Huffman Property
Property Size: _____
Zoning: R.C. 4, B.L. and R.C.C.
Requested Action: _____
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

In 1992, the Office of Planning and Zoning reviewed a proposed Development Plan at the subject site for the New Enterprise Lawn and Garden Center. Landscaping, design and other site related matters were addressed at that time. For the most part, the plat accompanying the Special Exception appears to be in substantial compliance with the recommendations formerly offered by this office (see Project No. 92114Z and ZADM No. X-300). Should the applicant's request be granted, staff recommends that the following conditions be attached:

- The location of a screened dumpster not visible from Jarrettsville Pike should be shown on the plat accompanying this request.
- The use of temporary signs should be restricted.

Prepared by: *Jeffrey M. Z...*
Division Chief: *Carol L. Keller*
PK/JL:lw

RECEIVED
SEP 2 1994
ZADM

RE: PETITION FOR SPECIAL EXCEPTION *	BEFORE THE
13936 Jarrettsville Pike, SW/S	
Jarrettsville Pike, 200'+/- NW of *	ZONING COMMISSIONER
c/1 Sunset Lane, 10th Election Dist.,	
3rd Councilmanic *	OF BALTIMORE COUNTY
Floyd W. and Alice J. Huffman *	CASE NO. 95-44-X
Petitioners	
* * * * *	* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covehey, Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

RECEIVED

AUG 19 1994

ZADM

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Zoning Commission,

Attached is a table, permit
B181953 dated 11/12/93-

Zoning req'd. a special Exception.
Req. T.

OPEN

PANEL BP10030

TIME: 12:39:30 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 06/07/94
DATE: 08/03/94 GENERAL PERMIT APPLICATION DATA PLJ 08:48:28

PERMIT #: B181953 PROPERTY ADDRESS
RECEIPT #: A204712 13536 JARRETTSVILLE PIKE
CONTROL #: C-1736-93 SUBDIV 100 N BLENHEIM RD
XREF #: B181953 TAX ACCOUNT #: 1019039320 DISTRICT/PRECINCT 10 03

OWNERS INFORMATION (LAST, FIRST)
FEE: 157.00 NAME: HUFFMAN, FLOYD W.
PAID: 157.00 ADDR: 13536 JARRETTSVILLE PIKE 21131

PAID BY: APPL. DATES APPLICANT INFORMATION

APPLIED: 11/12/93 NAME: FLOYD W. HUFFMAN
ISSUED: COMPANY:
OCCPNY: ADDR1: 13536 JARRETTSVILLE PIKE
ADDR2: PHOENIX RD 21131

INSPECTOR: 10B PHONE #: 666-2367 LICENSE #:

NOTES: DR/CES
FILED FOR VARIANCE PER R. WISNOM.

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

PANEL BP1004M

TIME: 12:39:37 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 11/15/93
DATE: 08/03/94 BUILDING DETAIL 1 FLO 08:51:52

PERMIT # B181953 PLANS: CONST PLOT 4 FLAT DATA BLOCK:
TENANT EL 2 FL 2

BUILDING CODE: 2 CONTR: OWNER
IMPRV 1 ENGR:
USE 11 SELLR:

FOUNDATION BASF WORK: CONSTRUCT 48X26X15=1248 SF POLE BARN TO BE USED
AS STORAGE ONLY, ON REAR PROPERTY OF EX LAWN
CONSTRUC FUEL SEWAGE WATER + GARDEN CENTER---NOT OCCUPIED---2C CONSTR. PLANS
2 2E 2E + DATA SHEETS WAIVED R. SEIM.

CENTRAL AIR
ESTIMATED COST
10,000.00 PROPOSED USE: LAWN CENTER + POLE BARN
OWNERSHIP: 1 EXISTING USE: LAWN CENTER

RESIDENTIAL CAT:
#FBI #1BED: #2BED: #3BED: TOT BED: TOT APTS.
1 FAMILY BEDROOMS. PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Richard J. Hawley

13542 Jarrettsville Pike

Phoenix Md 21131

Margaret Dundas

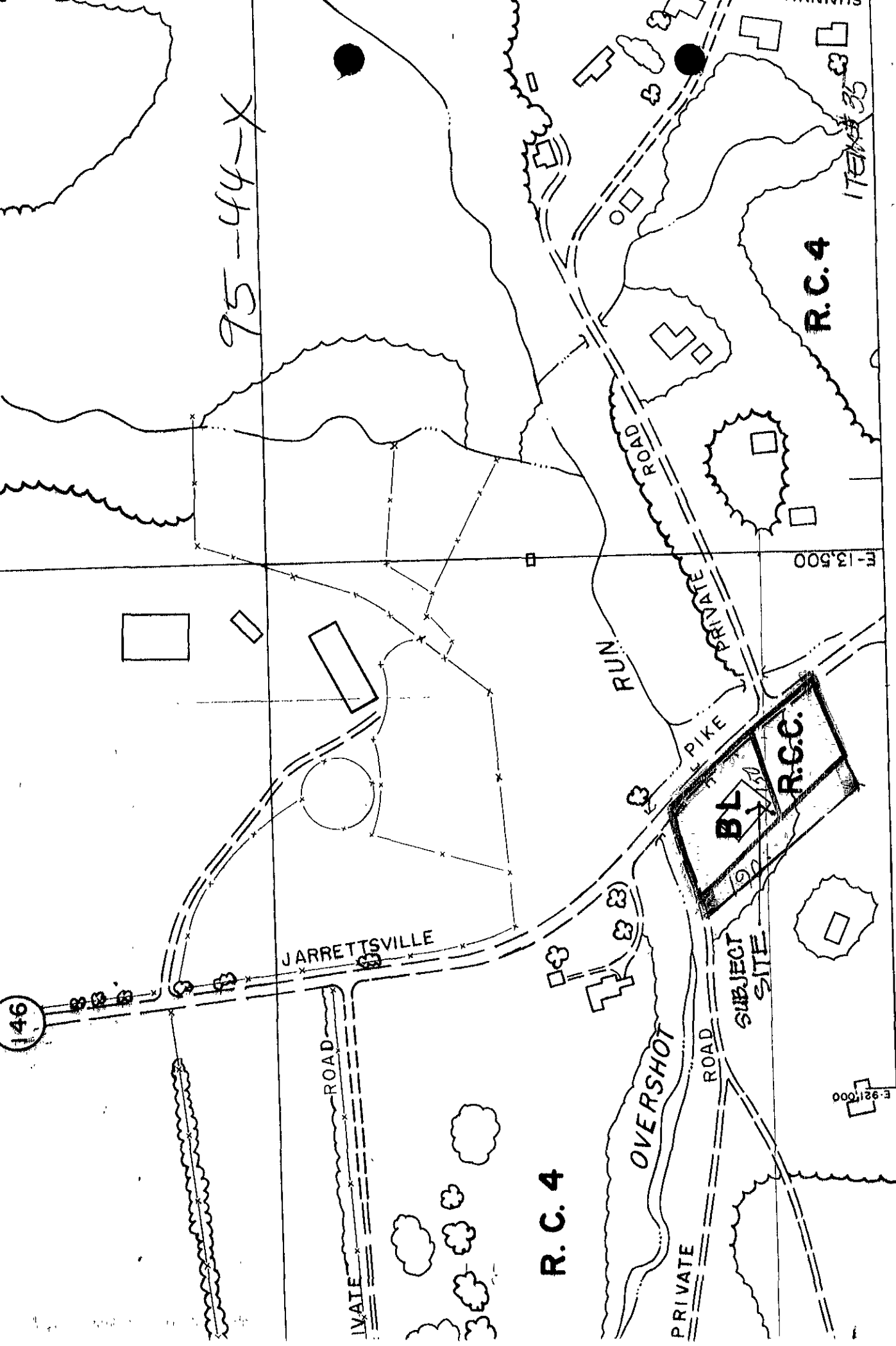
13538 Jarrettsville Pike 21131

Floyd Huffman
LORNE HASTINGS

13936 JARRETTSVILLE PIKE

41 EASTSHIP RD Balto 21222





NE 19C

~~1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council~~

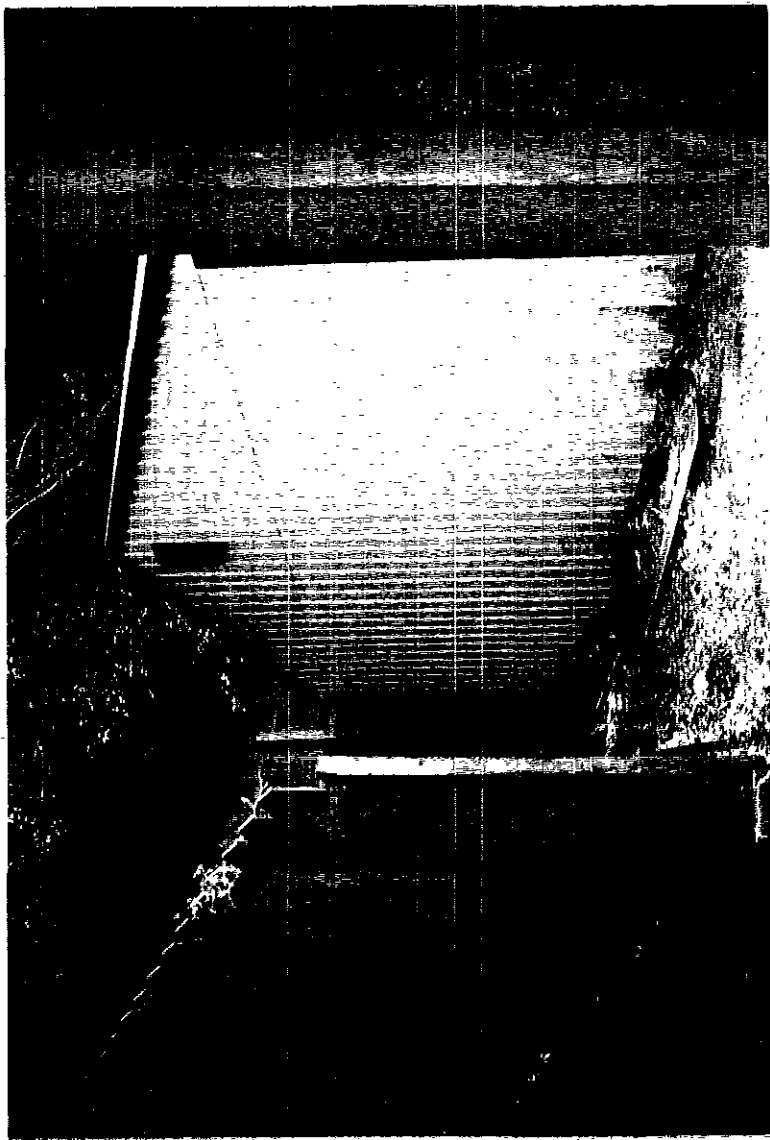
~~Oct. 13, 1988~~

~~Map Nos. 144-88, 145-88, 149-88, 147-88, 148-88, 149-88, 150-88~~

ENCLOSURE

U-NE

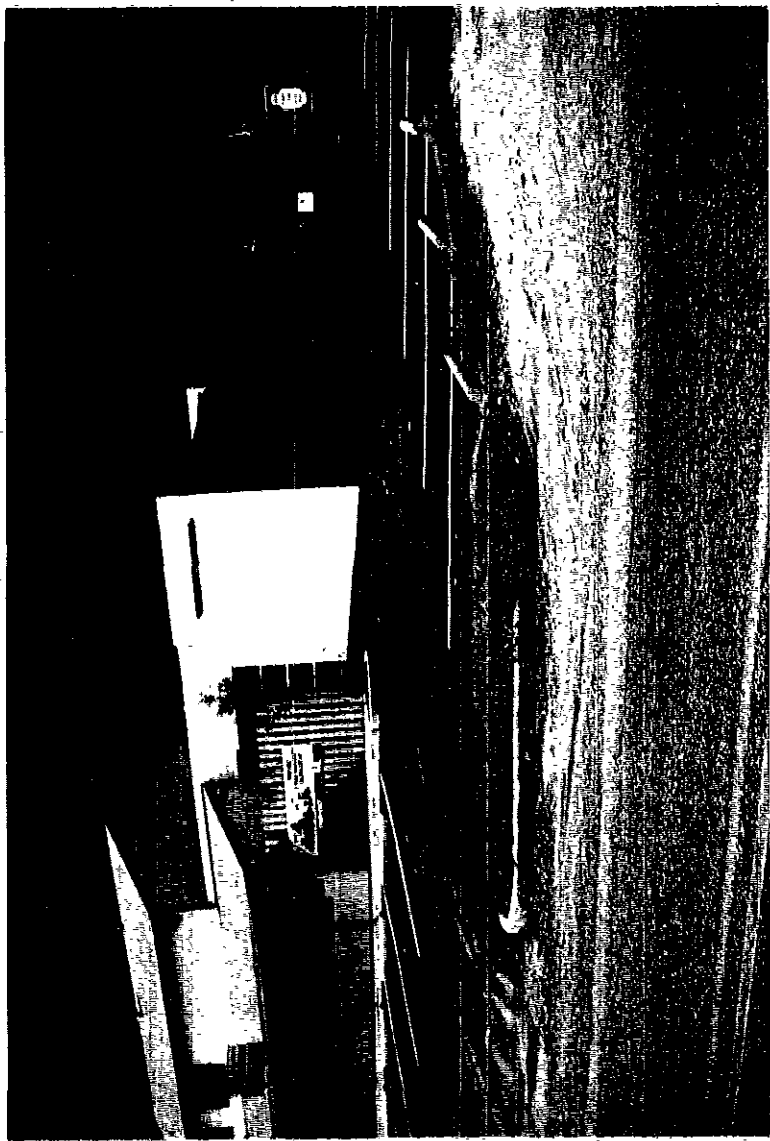
OFFICIAL



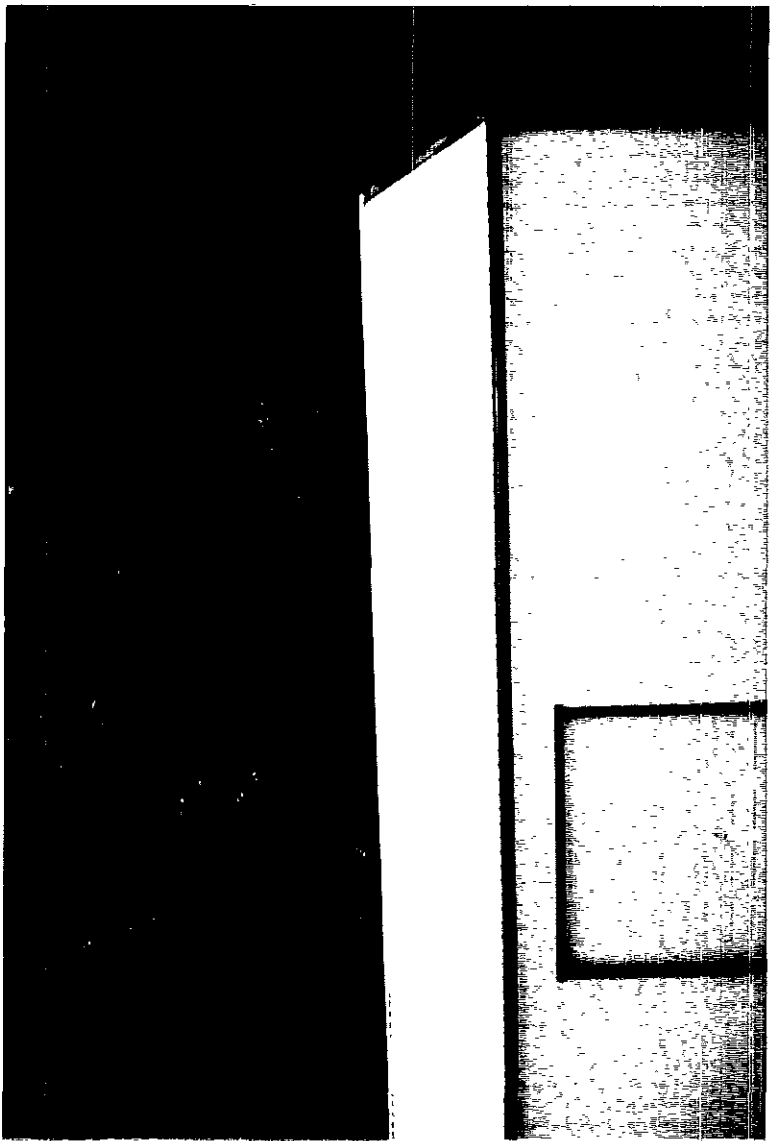
2C



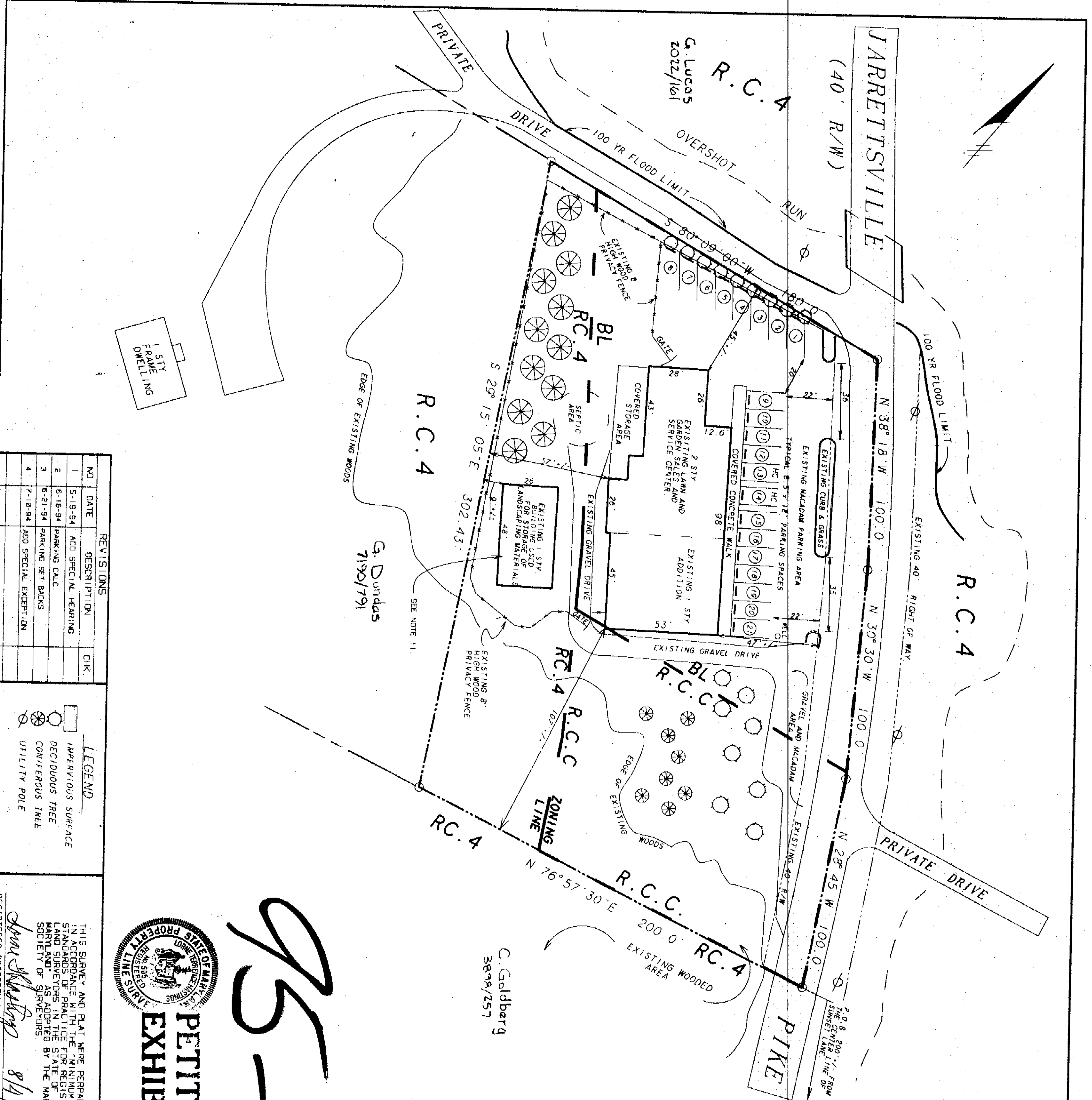
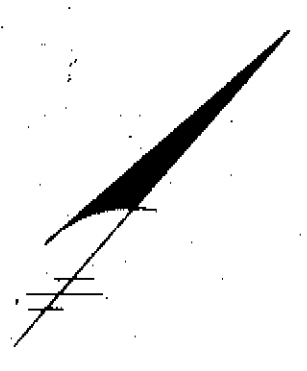
2D



2A



2B

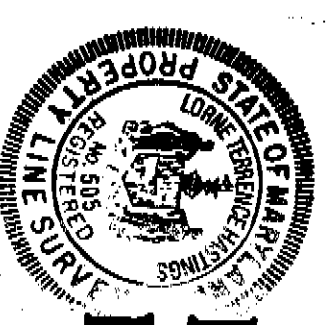


NO.	DATE	REVISIONS	DESCRIPTION	CHK
1	5-19-94		ADD SPECIAL HEARING	
2	6-16-94		PARKING CALC	
3	6-21-94		PARKING SET BACKS	
4	7-18-94		ADD SPECIAL EXCEPTION	

LEGEND	
	IMPERIOUS SURFACE
	DECIDUOUS TREE
	CONIFEROUS TREE
	UTILITY POLE

THIS SURVEY AND PLAT WERE PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS OF PRACTICE FOR REGISTERED LAND SURVEYORS IN THE STATE OF MARYLAND AS ADOPTED BY THE MARYLAND SOCIETY OF SURVEYORS.

John W. Hufman 8/4/94
REGISTERED PROPERTY LINE SURVEYOR - NO. 505



PETITIONER'S EXHIBIT

WILCOPIANET ITEM # 35

95-444-X

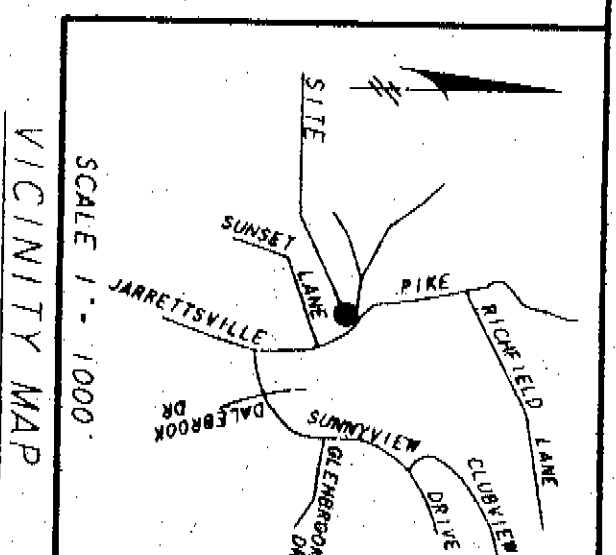
ZONING PLAT FOR SPECIAL EXCEPTION OF 13536 JARRETTSVILLE PIKE

HASTINGS SURVEYING
41 EASTSHIP ROAD
BALTIMORE, MD. 21222
(410) 288-5663

COUNCILMANIC DISTRICT 3-D ELECTION DISTRICT 101A
SCALE: 1"=30' DATE: 6/16/94 JOB # 720

NOTES

- OWNER: FLOYD W. HUFFMAN AND ALICE J. HUFFMAN
13936 JARRETTSVILLE PIKE, PHOENIX, MD. 21131
14101 666-3018
- DEED REFERENCE: 7746/622
- PROPERTY ZONED BL, R.C.C., AND R.C.4
- NO PRIOR ZONING HEARINGS.
- GROSS AREA OF TRACT: 55818.863 sq. ft. or 1.281 ac. +/-
AREA OF BL ZONE: 26689.914 sq. ft. or 0.613 ac. +/-
AREA OF R.C.4 ZONE: 14373.942 sq. ft. or 0.330 ac. +/-
AREA OF R.C.C. ZONE: 14755.007 sq. ft. or 0.338 ac. +/-
- PROPERTY HAS SERVICE TO WELL AND SEPTIC AREA AS SHOWN.
- F.A.R. OF BL ZONED AREA: 0.165. MAXIMUM 3.0.
F.A.R. OF R.C.4 ZONED AREA: 0.0868.
- PARKING CALCULATIONS:
SHOP AREA 2624 sq. ft. TWO EMPLOYEES : 2 SPACES
SALES AND DISPLAY 3189 sq. ft. X 5 : 16 SPACES
OFFICE AND COUNTER 394 sq. ft. X 3 : 2 SPACES
SPACES REQUIRED 20 SPACES
SPACES PROVIDED 21
- NO NEW OR EXISTING SIGNS.
- WALVER REQUEST TO DEVELOPMENT REVIEW PROCESS FOR EXISTING 1 STY ADDITION. APPROVED 7/16/92. WAIVER NUMBER W 92-63. PROJECT NUMBER 921142.
- SEEKING SPECIAL EXCEPTION OF SECTION 1A03.3 PARAGRAPH B SUBPARAGRAPH 7C OF THE B.C.Z.R. TO PERMIT THE USE OF AN EXISTING LANDSCAPE SERVICE OPERATION IN A R.C.4 ZONE. SUBJECT TO THE PROVISIONS OF SECTION 404.3, WHICH ALLOW AN OUTDOOR STORAGE AREA OF MATERIALS USED FOR LANDSCAPING PURPOSES. IN A R.C.4 ZONE.



IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
 SW/S Jarrettsville Pike, 200' NW * DEPUTY ZONING COMMISSIONER
 of the c/1 of Sunset Lane * OF BALTIMORE COUNTY
 (1936 Jarrettsville Pike) * Case No. 95-44-X
 10th Election District
 3rd Councilmanic District
 Floyd W. Huffman, et ux
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception seeking approval of a landscape service operation on the subject property, pursuant to Section 1A03.3.B.7.c of the Baltimore County Zoning Regulations (B.C.Z.R.), and subject to the provisions of Section 404.3 of the B.C.Z.R. The Petition was filed by the legal owners of the property, Floyd W. and Alice J. Huffman, in response to a complaint registered with the Zoning Administration and Development Management (ZADM) office as to an existing 26' x 48' building. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Floyd Huffman, property owner, Lorne Hastings, Registered Property Line Surveyor, and Edward C. Covahey, Jr., Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Margaret Dundas, adjoining property owner, and Richard J. Hanley, a nearby resident of the area.

Testimony and evidence offered revealed that the subject property, known as 1936 Jarrettsville Pike, consists of a gross area of 1.281 acres more or less, split zoned B.L., R.C.C., and R.C. 4. The building which is the subject of this special exception request is located on the R.C. 4 zoned portion of the site. Testimony indicated that the Petitioners have

owned the property since 1978. Mr. Huffman testified that at the time of their purchase, an abandoned Arco gasoline service station existed on the site. He testified that they immediately converted the use of the property to a lawn mower repair business. Further testimony indicated that about 18 months ago, an addition was added to the south side of the original two story building to accommodate the Petitioner's growing business. At the same time, the accessory building was erected to provide storage for fertilizer, mulch, and other lawn and garden tools.

Mr. Huffman testified that he wishes to expand his current operation to provide more landscaping services to his clients. He testified that since 1978, he has run a family business from this site, consisting of himself, his wife, and his son, and that his son would manage the landscaping branch of his business. Mr. Huffman testified that there is currently no electric or water within the building and that there are no plans to add these utilities. Further testimony indicated that the proposed building would be used only to store landscaping tools and equipment and that no service work on any equipment would take place within this building.

Appearing and testifying in opposition to the Petitioners' request were Richard Hanley and Margaret Dundas, who has resided immediately to the rear of the subject property for the past 30 years. Ms. Dundas testified that she is concerned and objects to the proposed landscaping operation due to the noise that she anticipates would be generated as a result of this additional service. She also objects to the fact that the building itself was constructed without benefit of a permit. Mr. Huffman acknowledged that no permit had been obtained for this building but that he did not believe one was required. He has since applied for a building

permit and is awaiting zoning approval. Both Ms. Dundas and Mr. Hanley objected to the noise that is currently generated by the lawn mower repair service on this site and are fearful that this noise will only be exacerbated by the proposed use.

It is clear that the B.C.Z.R. permits the use proposed in the R.C. 4 zone by special exception. However, 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 testimony offered revealed that the building which is the subject of this special hearing request will only be used for storage purposes and that no service work of any kind will be performed therein. Furthermore, the Petitioner has operated the lawn mower repair business from the subject site for over 25 years without any complaint from his neighbors. In the opinion of this Deputy Zoning Commissioner, 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. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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

In addition to the standards of proof required for a special exception, the Petitioners also satisfied the additional requirements of Section 404.3 of the B.C.Z.R. which relate to landscape service operations.

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 should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of September, 1994 that the Petition for Special Exception seeking approval of a landscape service operation on the subject property, pursuant to Section 1A03.3.B.7.c of the Baltimore County Zoning Regulations (B.C.Z.R.), and subject to the provisions of Section 404.3 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject 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 relief granted herein shall be rescinded.
- 2) Within thirty (30) days of the date of this Order, the Petitioners shall submit a landscape plan for review and approval by Avery Harden, the Landscape Architect for Baltimore County. Said plan shall take into consideration landscaping for the entire site. A copy of the approved plan shall be submitted to the Zoning Administration and Development Management (ZADM) office for inclusion in the case file prior to the issuance of any permits.
- 3) There shall be no electricity or water service provided within the 26' x 48' storage building. This building shall be used exclusively for the storage of

ORDER RECEIVED FOR FILING
 Date 9/27/94
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 9/27/94
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 9/27/94
 By [Signature]

landscaping supplies and equipment. There shall be no service work of any kind performed within the building.

4) The dumpster depicted in the photographs marked into evidence as Petitioner's Exhibits 2A through 2D shall be screened from the view of Jarrettsville Pike. Such screening shall be installed within sixty (60) days of the date of this Order.

5) There shall be no further structures erected on the subject property. This restriction may only be modified by way of a public hearing before the Zoning Commissioner.

6) All current and future signage on the subject site shall be in strict compliance with the sign regulations of the B.C.Z.R.

7) The Petitioners shall take appropriate steps to insure that any and all noise generated by the uses on the subject site is deflected away from the surrounding residential uses.

8) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

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

TMK:bjs

ORDER RECEIVED FOR FILING
 Date 9/27/94
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning



Suite 112 Courthouse
 400 Washington Avenue
 Towson, MD 21204

September 27, 1994

(410) 887-4386

Edward C. Covahey, Jr., Esquire
 614 Bosley Avenue
 Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
 SW/S Jarrettsville Pike, 200' NW of the c/1 of Sunset Lane
 (1936 Jarrettsville Pike)
 10th Election District -3rd Councilmanic District
 Floyd W. Huffman, et ux- Petitioners
 Case No. 95-44-X

Dear Mr. Covahey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
Timothy M. Kotroco
 TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs

cc: Ms. Margaret Dundas
 13538 Jarrettsville Pike, Phoenix, Md. 21131
 Mr. Richard J. Hanley
 13542 Jarrettsville Pike, Phoenix, Md. 21131

People's Counsel
 [Signature]

Petition for Special Exception
 to the Zoning Commissioner of Baltimore County

for the property located at 13936 Jarrettsville Pike, Phoenix, MD
 which is presently zoned RC 4, BL, R.C.C.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 Regulations of Baltimore County, to use the herein described property for a landscape service operation pursuant to Section 1A03.3, paragraph B, subparagraph 7.c. of the Baltimore County Zoning Regulations which permit as a special exception a landscape service operation subject to the provisions of Section 404.3 of the Baltimore County Zoning Regulations.

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.

Legal Owner(s):
 (Type or Print Name) Floyd W. Huffman
 Signature [Signature]
 Address Alice J. Huffman
 (Type or Print Name)
 Signature [Signature]
 13936 Jarrettsville Pike 666-3018
 Address Phone No.
 Phoenix, MD 21131
 City State Zip
 Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
 614 Bosley Ave. 828-9461
 Address Phone No.
 Towson, MD 21204
 City State Zip
 OFFICE USE ONLY
 ESTIMATED LENGTH OF HEARING: _____
 (Type or Print Name)
 Date
 The following date: _____
 ALL OTHER _____
 REVIEWED BY: R.T. DATE: 8/2/94
 ITEM # 35

ORDER RECEIVED FOR FILING
 Date 9/27/94
 By [Signature]

ZONING DESCRIPTION OF
 113536 JARRETTSVILLE PIKE

95-44-X

Beginning at a point in the Center of Jarrettsville Pike. Said point being 200' +/- North West from the intersection of the center-line of Sunset Lane with the center-line of Jarrettsville Pike. Thence the following courses and distances:

N 28 45' W 100.0', N 33 30'00" E 100.0',
 N 38 18' W 100.0', S 80 09'00" W 180.0',
 S 29 15'03" E 302.43', N 76 57'30" E 200.00'
 to the place of beginning as recorded in
 Deed Liber 7746, Folio 622.

Containing 1.281 ac +/- . The BL portion contains 0.613 ac +/-, the R.C.4. portion contains 0.330 ac +/- and the R.C.C. portion contains 0.338 ac +/- . Also known as 11356 Jarrettsville Pike and located in the 10th Election District.

Lorne Hastings
 6/2/94

ITEM # 35

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 7/24/94

Posted for: Special Exception

Petitioner: Floyd & Alice Huffman

Location of property: 13336 Jarrettsville Pike, 344

Location of Sign: Along Jarrettsville Pike Property, 13336 Jarrettsville Pike

Remarks: None

Posted by: M. J. Jablon Date of return: 7/24/94

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/19, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/18, 1994.

THE JEFFERSONIAN,
A. Henrich
LEGAL AD - TOWSON

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, Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 95-44-X (Item 35)
13336 Jarrettsville Pike, 200 1/2 W of c/1 Sunset Lane, 10th Election District - 3rd Councilmanic
Petitioner(s): Floyd M. and Alice J. Huffman
HEARING: THURSDAY, SEPTEMBER 8, 1994 at 10:00 A.M. in Rm. 118, Old Courthouse.
Special Exception for a landscape service operation.
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.
8/19 August 18.

receipt
95-44-X

Date: 8-2-94
FLOYD HUFFMAN
13936 JARRETTVILLE PIKE
PHOENIX, MD.

050 - SPECIAL EXCEPTION - \$ 3000
050 - SIGN 11' X 6' - \$ 350
TOTAL - \$ 3350

Account R# 14150
Number 35
R.T.

887-3353
8/2/94
\$335.00
Please Make Checks Payable To: Baltimore County
Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions 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:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing 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.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 35
Petitioner: _____
Location: _____

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Edward C. Covashey, Jr.
Covashey & Booser, P.A.
ADDRESS: 614 Bosley Avenue
Towson, MD 21204
PHONE NUMBER: (410) 828-9441

AJ:ggg (Revised 04/09/93)

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-44-X (Item 35)
13336 Jarrettsville Pike
SW/S Jarrettsville Pike, 200 1/2 W of c/1 Sunset Lane
10th Election District - 3rd Councilmanic
Petitioner(s): Floyd M. and Alice J. Huffman
HEARING: THURSDAY, SEPTEMBER 8, 1994 at 10:00 a.m. in Room 118 Old Courthouse.

Special Exception for a landscape service operation.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

AUG. 12 1994

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-44-X (Item 35)
13336 Jarrettsville Pike
SW/S Jarrettsville Pike, 200 1/2 W of c/1 Sunset Lane
10th Election District - 3rd Councilmanic
Petitioner(s): Floyd M. and Alice J. Huffman
HEARING: THURSDAY, SEPTEMBER 8, 1994 at 10:00 a.m. in Room 118 Old Courthouse.

Special Exception for a landscape service operation.

Arnold Jablon
Arnold Jablon
Director

cc: Floyd and Alice Huffman
Edward C. Covashey, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Edward C. Covashey, Jr., Esq.
614 Bosley Avenue
Towson, Maryland 21204

RE: Item No. 35, Case No. 95-44-X
Petitioner: Floyd and Alice Huffman

Dear Mr. Covashey:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 August 2, 1994, and a hearing scheduled accordingly.

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

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

95-44

DATE: 08/11/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 35, 36, 39, 40, 41, 42, 43, 44, 45, 46 AND 47.

RECEIVED
AUG 11 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4981, MS-1105F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 22, 1994
Zoning Administration and Development Management

FROM: *Robert W. Bowling*, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for August 22, 1994
Item No. 35

The Developers Engineering Section has reviewed the subject zoning item. The parking area should be buffered from the street to the extent possible.

RWB:sw

8-15-94

Ms. Julie Winiarski
 Zoning Administration and
 Development Management
 County Office Building
 Room 109
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Re: Baltimore County
 Item No: 435 (KT)

Dear Ms. Winiarski:

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 Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.
 Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
 David Ramsey, Acting Chief
 Engineering Access Permits
 Division

BS/

My telephone number is _____
 Maryland Relay Service for Impaired Hearing or Speech
 1-800-735-2258 Statewide Toll Free
 Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

4392-94

TO: Arnold Jablon, Director
 Zoning Administration &
 Development Management

FROM: Pat Keller, Director
 Office of Planning and Zoning

DATE: August 29, 1994

SUBJECT: 13536 Jarrettsville Pike

INFORMATION:

Item Number: 35'

Petitioner: Huffman Property

Property Size: _____

Zoning: R.C. 4, B.L. and R.C.C.

Requested Action: _____

Hearing Date: 1 / 1

SUMMARY OF RECOMMENDATIONS:

In 1992, the Office of Planning and Zoning reviewed a proposed Development Plan at the subject site for the New Enterprise Lawn and Garden Center. Landscaping, design and other site related matters were addressed at that time. For the most part, the plat accompanying the Special Exception appears to be in substantial compliance with the recommendations formerly offered by this office (see Project No. 92142 and ZADM No. X-300). Should the applicant's request be granted, staff recommends that the following conditions be attached:

- The location of a screened dumpster not visible from Jarrettsville Pike should be shown on the plat accompanying this request.
- The use of temporary signs should be restricted.

Prepared by: *John W. Jr*
 Division Chief: *Carol L. News*

PK/JL:lw

RECEIVED
 SEP 2 1994
 ZADM

ZAC.35/PZONE/ZAC1

RE: PETITION FOR SPECIAL EXCEPTION •
 13936 Jarrettsville Pike, SW/S
 Jarrettsville Pike, 200' +/- NW of
 c/1 Sunset Lane, 10th Election Dist.,
 3rd Councilmanic

Floyd W. and Alice J. Huffman
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY

CASE NO. 95-44-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covehey, Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

RECEIVED
 AUG 19 1994
 ZADM

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

Zoning Commission,
Approved in a bldg. permit
B181953 dated 11/2/93.
Zoning req'd a special exception
Permit.

TIME: 12:39:30 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE: 08/03/94
 DATE: 08/03/94 GENERAL PERMIT APPLICATION DATA PLO 08/03/94

PERMIT #: B181953 PROPERTY ADDRESS: 13536 JARRETTSVILLE PIKE
 RECEIPT #: B204712 SUBDIV: 160 W BENSHEA RD
 CONTROL #: C-1736-93 TAX ACCOUNT #: 141905920 DISTRICT/PRECINCT 10 93
 SHEET #: B181953 UMERS INFORMATION (LAST, FIRST)
 FEE: 157.00 NAME: HUFFMAN, FLOYD W.
 PAID: 157.00 ADDR: 13536 JARRETTSVILLE PIKE 21131

APPLIED: 11/12/93 APPLICANT INFORMATION: NAME: FLOYD W. HUFFMAN
 ISSUED: COMPANY: ADDRESS: 13536 JARRETTSVILLE PIKE
 OCCPNY: ADDR2: PHOENIX RD 21131

INSPECTOR: 10B PHONE: 666-2367 LICENSE: 2
 NOTES: DR/CES
 FILED FOR VARIANCE PER R. MISION.

FOUNDATION BASE: 2 WORK: CONSTRUCT 48X26X15-124R SE POLE BARN TO BE USED AS STORAGE ONLY, ON REAR PROPERTY OF EX LAWN + GARDEN CENTER--NOT OCCUPIED--2C CONSTR. PLANS + DATA SHEETS WAIVED R. SEIN.

ESTIMATED COST: 10,000.00 PROPOSED USE: LAWN CENTER + POLE BARN
 OWNERSHIP: 1 EXISTING USE: LAWN CENTER
 RESIDENTIAL CAT: 2
 SEIT: 1BMD: 2BBD: 3BBD: TOT RED: TOT ARTS:
 1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
 PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU
 PANEL B181953

TIME: 12:39:47 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE: 11/15/93
 DATE: 08/03/94 BUILDING DETAIL 1 PLO 08/03/94

PERMIT #: B181953 BUILDING SIZE: 124R LOT SIZE AND SETBACKS: .547 AC
 FLOOR: 124R SIZE: .547 AC
 WIDTH: 48 FRONT STREET: _____
 DEPTH: 26 SIDE STREET: _____
 GARAGE DISP: HEIGHT: 15 FRONT SEIT: NC
 POWDER ROOMS: STORIES: 1 SIDE SEIT: 92/HC
 BATHROOMS: LOT NOS: CORNER LOT: N ASSESSMENTS: 0057820.00
 KITCHENS: REAR SEIT: 7 IMPROVEMENTS: 0151680.00
 TOTAL ASS.: _____

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
 PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU
 PANEL B181953

TIME: 12:40:05 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE: 01/10/94
 DATE: 08/03/94 APPROVALS DETAIL SCREEN ERP 15:17:43

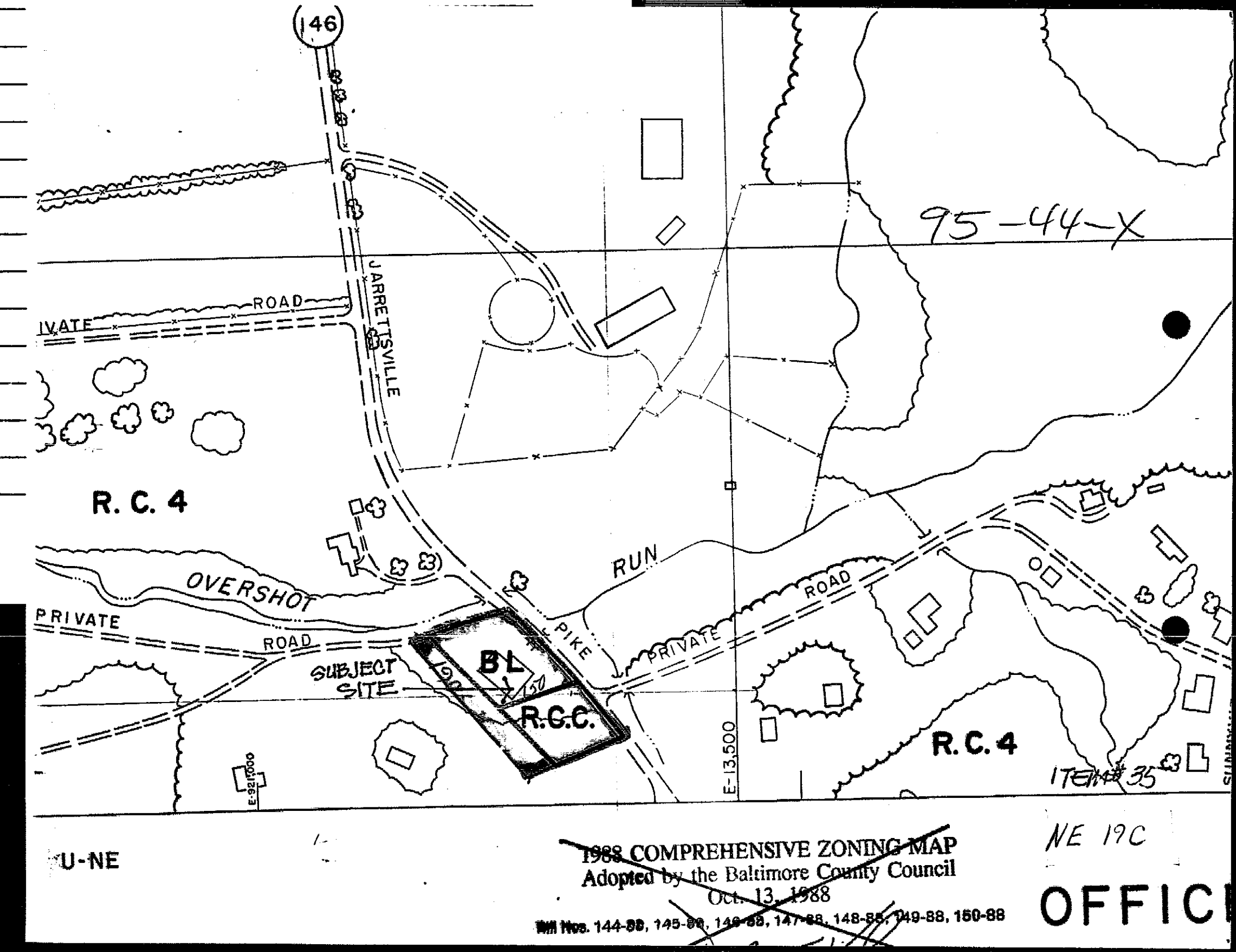
PERMIT #: B181953
 AGENCY DATE CODE COMMENTS
 BLD PLAN 11/12/93 01 RS/CES
 FIRE 11/12/93 01 RS/CES
 SEDI CTL 11/16/93 01 KRS/ALS
 ZONING 12/17/93 11 NEEDS DRC/EXEMPTN.FOR BARN +SE HEARING +REV.PLANS.
 PUB SERV 12/09/93 01 JUS
 ENVRNMT 01/10/94 01 WW/EIR-FCA-1/10 PD
 PERMITS

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

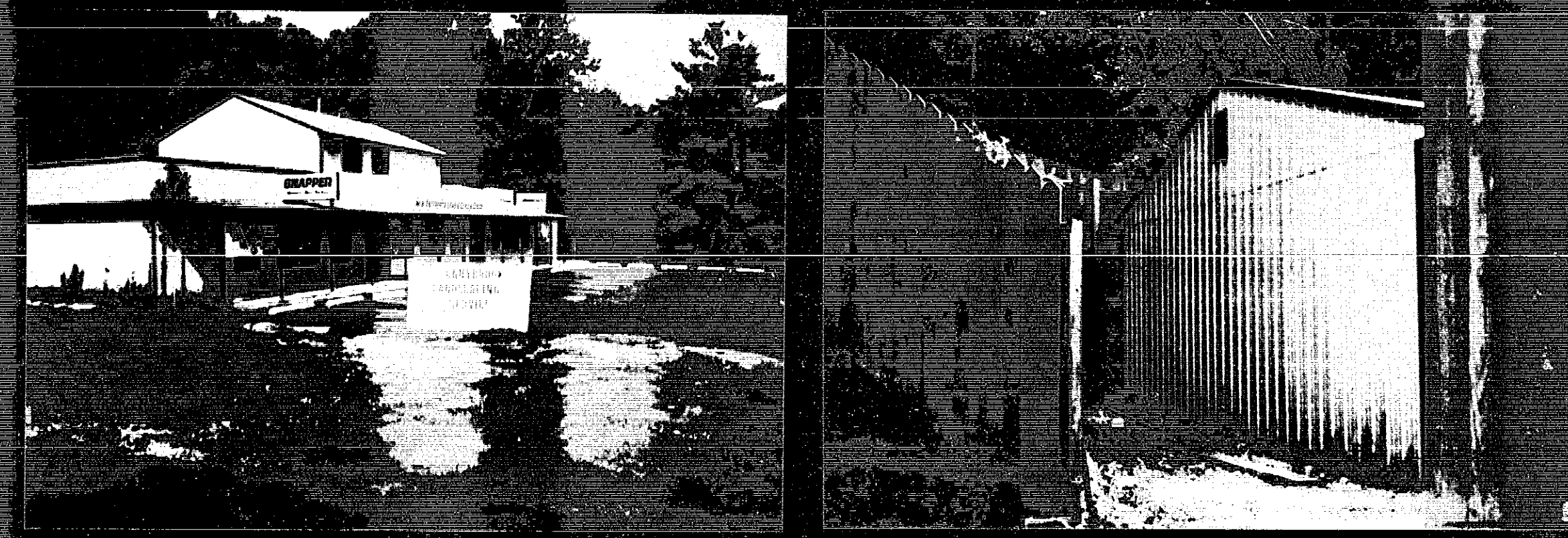
ENTER - NEXT APPROVAL PF4 - ISSUE PERMIT PF9 - SAVE
 CLEAR - MENU

PLEASE PRINT CLEARLY

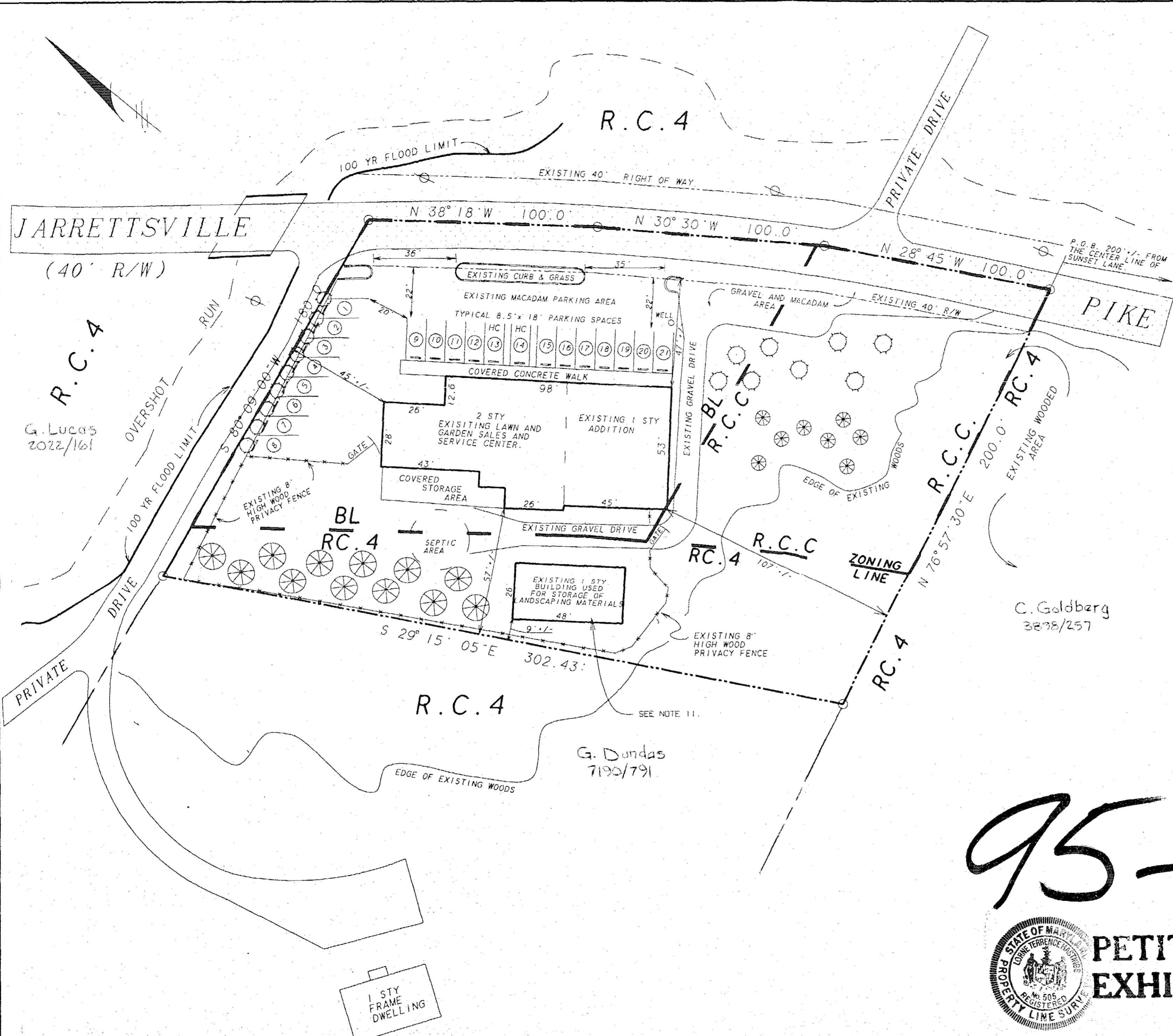
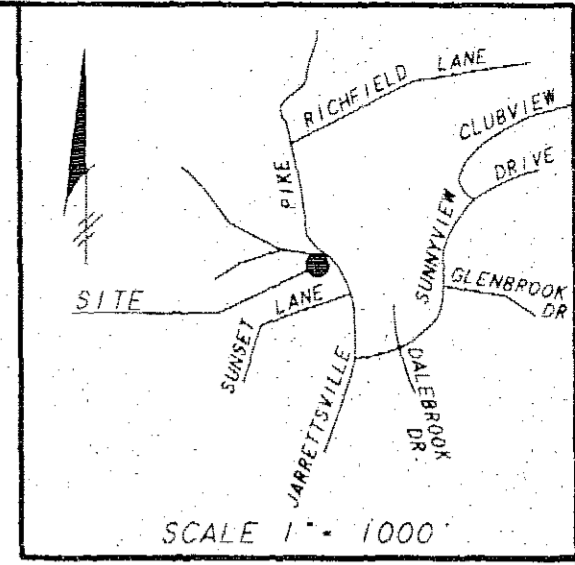
NAME	ADDRESS
<i>Richard J. Hawley</i>	<i>13542 Jarrettsville Pk</i>
	<i>Phoenix Md 21131</i>
<i>Margaret Dundas</i>	<i>13536 Jarrettsville Pk 21131</i>
<i>Carol Huffman</i>	<i>13936 Jarrettsville Pk</i>
<i>Loorne Hastings</i>	<i>41 Eastship Rd Balto 21222</i>



Petitioner's
Exhibits 2A-D
photographs
Case 95-44-X



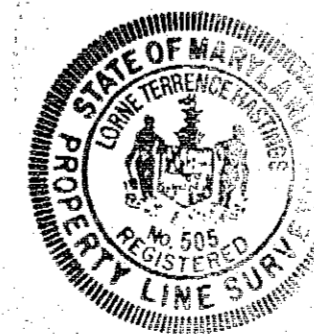
OFFICE



NOTES

1. OWNER: FLOYD W. HUFFMAN AND ALICE J. HUFFMAN
13936 JARRETTSVILLE PIKE, PHOENIX, MD. 21131
(410) 666-3018
2. DEED REFERENCE: 7746/622
3. PROPERTY ZONED BL, R.C.C., AND R.C.4
4. NO PRIOR ZONING HEARINGS.
5. GROSS AREA OF TRACT: 55818.863 sq. ft. or 1.281 ac. +/-
AREA OF BL ZONE: 26689.914 sq. ft. or 0.613 ac. +/-
AREA OF R.C.4. ZONE: 14373.942 sq. ft. or 0.330 ac. +/-
AREA OF R.C.C. ZONE: 14755.007 sq. ft. or 0.338 ac. +/-
6. PROPERTY HAS SERVICE TO WELL AND SEPTIC AREA AS SHOWN.
7. F.A.R. OF BL ZONED AREA: 0.165. MAXIMUM 3.0.
F.A.R. OF R.C.4 ZONED AREA: 0.0858.
8. PARKING CALCULATIONS:
SHOP AREA 2624 sq. ft. TWO EMPLOYEES - 2 SPACES
SALES AND DISPLAY 3189 sq. ft. X 5 - 16 SPACES
OFFICE AND COUNTER 394 sq. ft. X 3 - 2 SPACES
SPACES REQUIRED 20 SPACES
SPACES PROVIDED 21
9. NO NEW OR EXISTING SIGNS.
10. WAIVER REQUEST TO DEVELOPMENT REVIEW PROCESS FOR EXISTING 1 STY ADDITION. APPROVED 7/16/92. WAIVER NUMBER W 92-63. PROJECT NUMBER 921142.
11. SEEKING SPECIAL EXCEPTION OF SECTION 1A03.3 PARAGRAPH B SUBPARAGRAPH 7C OF THE B.C.Z.R. TO PERMIT THE USE OF AN EXISTING LANDSCAPE SERVICE OPERATION IN A RC-4 ZONE. SUBJECT TO THE PROVISIONS OF SECTION 404.3. WHICH ALLOW AN OUTDOOR STORAGE AREA OF MATERIALS USED FOR LANDSCAPING PURPOSES. IN A RC-4 ZONE.

95-44-X



PETITIONER'S EXHIBIT

ZONING PLAT FOR SPECIAL EXCEPTION OF 13536 JARRETTSVILLE PIKE

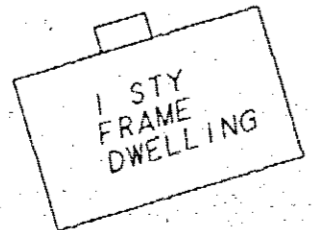
HASTINGS SURVEYING
41 EASTSHIP ROAD
BALTIMORE, MD. 21222
(410) 288-5663

COUNCILMANIC DISTRICT 3rd ELECTION DISTRICT 10th
SCALE: 1"=30' DATE: 6/16/94 JOB # 720

REVISIONS			
NO.	DATE	DESCRIPTION	CHK.
1	5-18-94	ADD SPECIAL HEARING	
2	6-16-94	PARKING CALC.	
3	6-21-94	PARKING SET BACKS	
4	7-18-94	ADD SPECIAL EXCEPTION	

LEGEND	
	IMPERVIOUS SURFACE
	DECIDUOUS TREE
	CONIFEROUS TREE
	UTILITY POLE

THIS SURVEY AND PLAT WERE PERPARED IN ACCORDANCE WITH THE "MINIMUM STANDARDS OF PRACTICE FOR REGISTERED LAND SURVEYORS IN THE STATE OF MARYLAND" AS ADOPTED BY THE MARYLAND SOCIETY OF SURVEYORS.
James Hastings 8/4/94
REGISTERED PROPERTY LINE SURVEYOR: NO. 505



G. Lucas
2022/161

G. Dundas
7190/791

C. Goldberg
3278/257