



Testimony and evidence indicated that the subject site is zoned BM-CR and is currently improved by a vacant dwelling. The property, which is adjacent to the Petitioner's existing automotive repair facility known as Smoot's Auto Body Shop, consists of .27 acres. The Petitioner is proposing to use the vacant building as an office to serve his existing body shop. The proposed office use is to be located within the existing building and no new buildings or additions are proposed. Proffered testimony indicated that the site was rezoned during the Comprehensive Map Zoning Process in 1988 at the request of Mr. Canby and that the request as approved by the County Council contemplated an integrated site for Mr. Canby's business.

Regarding the setback variance, the Petitioner's testimony was that the amount of the setback for which the variance is being sought is de minimis, being essentially a variance of only one foot (13.85 ft. in lieu of the required 15 ft.). Moreover, the Petitioner demonstrated practical difficulty in complying with the required setback due to the fact that the dwelling on site is existing and, in fact, was undoubtedly constructed prior to the existence of the Zoning Regulations in Baltimore County.

Regarding the requirement that the entire front yard be landscaped, the Petitioner demonstrated that without the requested variance there would be sight distance limitations which would compromise the safety of the ingress and egress to the proposed office.

ORDER RECEIVED FOR FILING  
Date 12/7/95  
By Ch. Gandy

RECEIVED (mirrored stamp)

Finally, regarding the requested parking variance, the Petitioner demonstrated that there simply is not sufficient room on the subject site to meet the required four parking spaces. Fortunately, however, the Petitioner owns the adjoining properties to the rear and to the east of the subject site, such that sufficient parking for the office use is available, albeit not on the parcel which is the subject of this variance request. In addition, because the Petitioner will also be the user of the proposed office, strict compliance with the parking requirements of the Zoning Regulations would serve no beneficial purpose.

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 demonstrate 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 surrounding locale, or whether a lesser relaxation than that applied for would give substantial relief; and,
- 3) Whether relief could be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that special circumstances or constraints exist that are peculiar to the property such that, if

OFFICIAL RECORDS  
1/27/95  
J. B. B. B.

RECORDED

the requested variances are not granted, the Petitioner would be unduly restricted from an appropriate use of the property due to these special conditions and constraints. Due to the configuration and location of the existing dwelling and the uses proposed thereon, I find that the Petitioner has met the above-referenced burden of proof regarding practical difficulty. Moreover, I find that the requested variance will not result in any injury to the public health, safety and general welfare. Further, I find that the granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27<sup>th</sup> day of January, 1995 that a variance from Section 259.3.C.2.b of the Baltimore County Zoning Regulations to allow a side yard setback of 13 ft. in lieu of the required 15 ft., be and is hereby GRANTED;

IT IS FURTHER ORDERED that a variance from Section 259.3.C.3.a to allow as little as 0 ft. side, front and rear yard landscaping in lieu of the requirement that "the entire required front, side and rear setbacks be landscaped," be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance of Section 259.3.C.4 to permit two parking spaces in lieu of the required four parking spaces and to permit the existing non-paved surface of the parking

ORDER RECEIVED FOR FILING

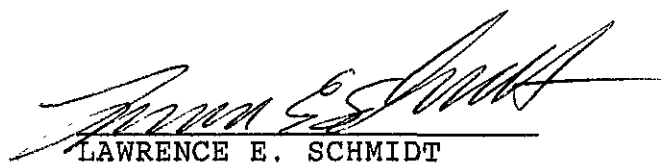
Date

By

*Handwritten signature or initials*

to remain, be and is hereby GRANTED, subject however, to the following restriction:

- 1) The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

ORDER RECEIVED FOR FILING  
 Date 12/2/95  
 By M. G. Gorch

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

January 27, 1995

G. Paige Wingert, Esquire  
Venable, Baetjer and Howard, LLP  
210 Allegheny Avenue  
P.O. Box 5517  
Towson, Maryland 21285-5517

RE: Case No. 95-187-AA  
Petition for Variance  
Joseph Canby, Petitioner

Dear Mr. Wingert:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att.  
cc: Mr. Joseph Canby





# Petition for Variance

## to the Zoning Commissioner of Baltimore County

95-187-A

for the property located at 1121 Berrymans Lane, Reisterstown 21136

which is presently zoned BM-CR

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 Variance from Section(s) 259.3.C.2.b of the Baltimore County Zoning Regulations to permit a side yard setback of 13' in lieu of the required 15' setback; Section 259.3.C.3.a to permit as little as 0' side, front and rear yard landscaping in lieu of the requirement that "the entire required front, side and rear setbacks be landscaped"; and, \*\* of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

to be determined at hearing

\*\* Section 259.3.C.4 to permit two parking spaces in lieu of the required four spaces.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(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

Attorney for Petitioner:

Robert A. Hoffman

(Type or Print Name)

Signature Venable, Baetjer & Howard

210 Allegheny Avenue 494-6200

Address

Phone No

Towson, Maryland 21204

City

State

Zipcode

Legal Owner(s):

Joseph Canby

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1121 Berrymans Lane 655-2129/833-1723

Address

Phone No.

Reisterstown, MD 21136

City

State

Zipcode

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

Robert A. Hoffman, Esquire

Name 210 Allegheny Avenue

Towson, Maryland 21204 494-6200

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_



95-187-A

October 26, 1994



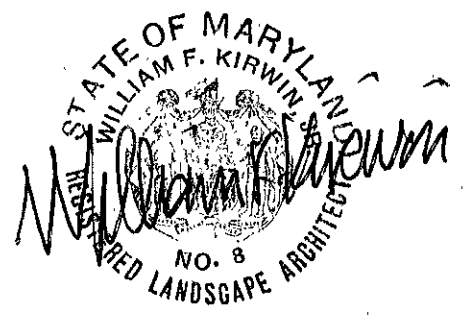
**Zoning Description**

All that piece or parcel of land situate, lying and being in the Second Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the south side of Berrymans Lane, 20 feet wide, at a distance of 1050 feet northeasterly measured along said lane from the centerline of Deer Park Road and running thence, North 71 degrees 50 minutes East, binding on said south side of said Berrymans Lane, 90 feet, South 7 degrees 50 minutes East 116 feet, South 71 degrees 50 minutes West 90 feet and North 7 degrees 50 minutes West 116 feet to the place of beginning.

Containing .27 Acre of land, more or less.

Being the property of the Petitioner herein.





**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-187-A

District 2nd

Date of Posting 12/2/94

Posted for: Variences

Petitioner: Joseph Canby

Location of property: 1121 Berryman Lane S/S

Location of Signs: Facing road way on property being zoned

Remarks: ~~\_\_\_\_\_~~

Posted by [Signature]  
Signature

Date of return: 12/9/94

Number of Signs: 1



MICROFILMED

## NOTICE OF HEARING

The Zoning Commission 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: #95-167-A  
(Item 182)

1121 Berrymans Lane  
Smoot's Auto Body Shop  
S/S Berrymans Lane,  
1060' NE of Deer Park  
Road

2nd Election District  
3rd Councilmanic

Legal Owner(s):

Joseph Canby

Hearing: Monday,

December 19, 1994 at  
11:00 a.m. in Rm. 118, Old  
Courthouse.

Variance to permit a side yard setback of 19 feet in lieu of the required 15-foot setback; to permit as little as zero feet side, front, and rear yard landscaping in lieu of the requirement that the entire required front, side and rear setbacks be landscaped; and to permit two parking spaces in lieu of the required four spaces.

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.

12/09/94 December 1.

# CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Dec. 2, 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 Dec. 1, 1994

THE JEFFERSONIAN,

*A. Henickson*

LEGAL AD. - TOWSON

~~XXXXXXXXXX~~

MICROFILMED



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

receipt

95-187-A

Account: R-001-6150

Number 182

By JLL

Date

11/16/94

1 COMM VAR CODE 020	\$250.00
1 SIGN POSTING CODE 080	\$ 35.00
<hr/>	
TOTAL	285.00

CUNNER CANBY  
 LOC: 1121 Berrymans Dr.

Paid By Jewel Buchart Howard

MICROFILMED

03A03#0056MICHR

\$285.00

BA C003#17PM11-16-94

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.: 182

Petitioner: Joseph Canby

Location: 1121 Berryman's Lane, Reisterstown 21136

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Armord

ADDRESS: 210 Allegheny Ave.  
Towson, Md 21204

PHONE NUMBER: 494-6201

AJ:ggg

(Revised 04/09/93)

TO: PUTUMENT PUBLISHING COMPANY  
December 1, 1994 Issue - Jeffersonian

Please forward billing to:

Barbara Ormord  
Venable, Baetjer & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204  
410-494-6200

---

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: 95-187-A (Item 182)  
1121 Berrymans Lane - Smoot's Auto Body Shop  
S/S Berrymans Lane, 1050' NE of Deer Park Road  
2nd Election District - 3rd Councilmanic  
Legal Owner(s): Joseph Canby  
HEARING: MONDAY, DECEMBER 19, 1994 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit a side yard setback of 13 feet in lieu of the required 15-foot setback; to permit as little as zero feet side, front, and rear yard landscaping in lieu of the requirement that "the entire required front, side and rear setbacks be landscaped"; and to permit two parking spaces in lieu of the required four spaces.

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.

MICROFILMED

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

NOVEMBER 28, 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: 95-187-A (Item 182)

1121 Berrymans Lane - Smoot's Auto Body Shop  
S/S Berrymans Lane, 1050' NE of Deer Park Road  
2nd Election District - 3rd Councilmanic

Legal Owner(s): Joseph Canby

HEARING: MONDAY, DECEMBER 19, 1994 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit a side yard setback of 13 feet in lieu of the required 15-foot setback; to permit as little as zero feet side, front, and rear yard landscaping in lieu of the requirement that "the entire required front, side and rear setbacks be landscaped"; and to permit two parking spaces in lieu of the required four spaces.

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

Arnold Jablon  
Director

cc: Joseph Canby  
Robert A. Hoffman, 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.

MICROFILMED



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

December 1, 1994

NOTICE OF REASSIGNMENT

CASE NUMBER: 95-187-A (Item 182)  
1121 Berrymans Lane - Smoot's Auto Body Shop  
S/S Berrymans Lane, 1050' NE of Deer Park Road  
2nd Election District - 3rd Councilmanic  
Legal Owner(s): Joseph Canby

Variance to permit a side yard setback of 13 feet in lieu of the required 15-foot setback; to permit as little as zero feet side, front, and rear yard landscaping in lieu of the requirement that "the entire required front, side and rear setbacks be landscaped"; and to permit two parking spaces in lieu of the required four spaces.

HEARING: TUESDAY, DECEMBER 20, 1994 at 2:00 p.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

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

ARNOLD JABLON  
DIRECTOR

cc: Joseph Canby  
Robert A. Hoffman, Esq.

07176:ASQ:5 06/00/94



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

December 12, 1994

Venable, Baetjer and Howard, Esquire  
10 Allegheny Avenue  
Towson, Maryland 21204

RE: Item Number: 182  
Case Number: 95-187-A  
Petitioner: Joseph Canby

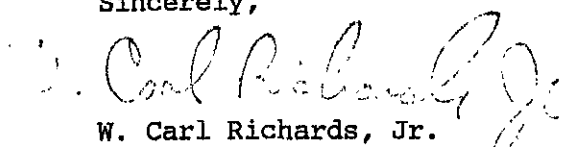
Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Zoning Administration and Development Management (ZADM), Development Control, on November 16, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce N. Watson in the zoning office (887-3391).

Sincerely,

  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jnw  
Enclosure(s)

*Handwritten note:* Enclosure(s)



Baltimore County Government  
Fire Department



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

(410) 887-4500

DATE: 12/05/94

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

RE: Property Owner: JOSEPH CANBY

LOCATION: S/S BERRYMANS LA., 1050' NE OF DEER PARK RD. (1121 BERRYMANS  
SMOOTS AUTO BODY SHOP)

Item No.: 182

Zoning Agenda: VARIANCE

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.

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.

**RECEIVED**  
DEC 7 1994

**ZADM**

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

cc: File

**MICROFILMED**



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: November 30, 1994

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 178, 179, 180, 181, 182, 183, 185, 187, 188 and 189

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 887-3480.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Cam L. Kern*

PK/JL



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

11-25-94

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

Re: Baltimore County  
Item No.: +182 (JLL)

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*

Ronald Burns, 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

11/25/94

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: Dec. 5, 1994  
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting  
for December 5, 1994  
Item No. 182 ✓

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted, the submitted landscape plan should be converted to a final landscape plan.

RWB:sw

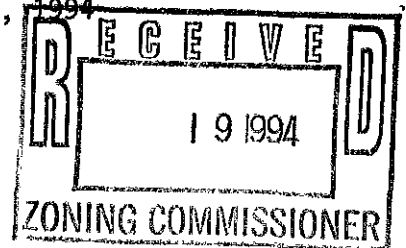
BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

December 19, 1994

FROM: J. Lawrence Pilsor *JLP*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #182 - Smoot's Auto Body Shop  
1121 Berrymans Lane  
Zoning Advisory Committee Meeting of November 28, 1994



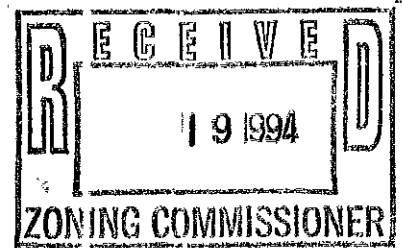
The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

See the attached comments from Bill Ensor of the Ground Water Management Section of this Department.

JLP:BE:sp

Attachment

SMOOT'S/DEPRM/TXTSBP



TO: LETTY SONN  
FROM: BILL ENSOR  
SUBJECT: 1121 BERRYMANS LANE  
PETITION FOR VARIANCE #182

GROUND WATER MANAGEMENT MAINTAINS A GROUND WATER CONTAMINATION CASE FOR THIS PROPERTY. LOW LEVEL VOLATILE ORGANIC CHEMICAL CONTAMINATION HAS BEEN DETECTED IN THE GROUND WATER BENEATH THE SITE. THE LEVELS, HOWEVER ARE BELOW THE ACCEPTABLE STANDARDS FOR THESE COMPOUNDS. THE PETITIONER REQUESTING THIS VARIANCE SHOULD BE ADVISED THAT PRIOR TO APPROVAL FOR ANY OCCUPANCY/CHANGE OF OCCUPANCY PERMITS THE WATER SUPPLY MUST BE RETESTED FOR VOC'S WITH A COPY OF THE ANALYSIS RESULTS FORWARDED TO THIS OFFICE FOR REVIEW. THE PETITIONER MAY WISH TO CONTACT ME PERSONALLY AT 887 \*2762 IF THERE ARE ANY QUESTIONS OR REQUIRE ADDITIONAL INFORMATION REGARDING THIS MATTER.

cc: STEVE MOGILNICKI  
TOM ERNST

MICROFILMED

*Hearing 12/20*

RE: PETITION FOR VARIANCE	*	BEFORE THE
1121 Berrymans Lane, S/S Berrymans		
Lane, 1050' NE of Deer Park Road	*	ZONING COMMISSIONER
2nd Election Dist., 3rd Councilmanic	*	
	*	OF BALTIMORE COUNTY
Joseph Canby		
Petitioners	*	CASE NO. 95-187-A
* * * * *		

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

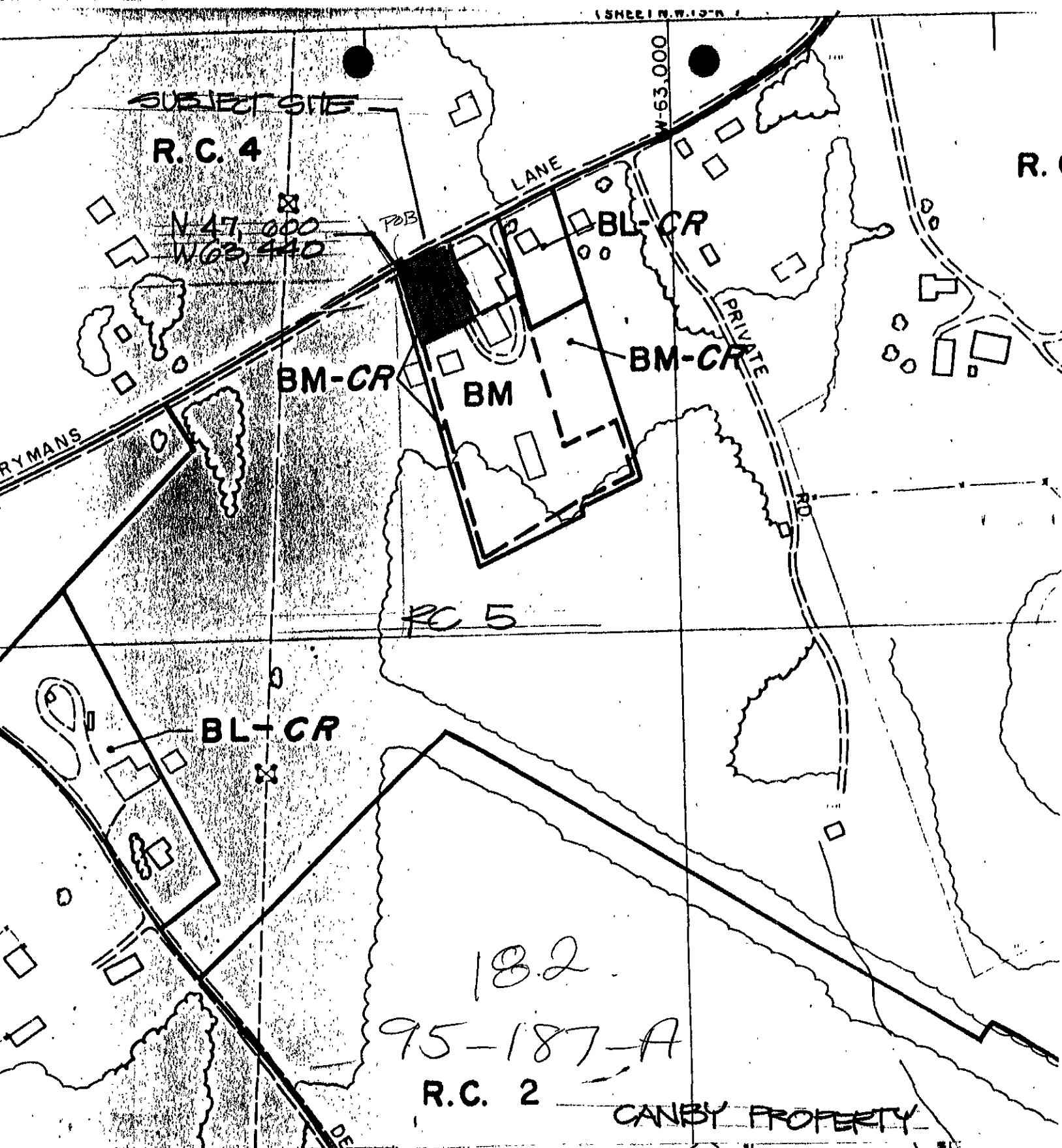
*Carole S. Demilio*  
 \_\_\_\_\_  
 CAROLE S. DEMILIO  
 Deputy People's Counsel  
 Room 47, Courthouse  
 400 Washington Avenue  
 Towson, MD 21204  
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12<sup>th</sup> day of December, 1994, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*  
 \_\_\_\_\_  
 PETER MAX ZIMMERMAN

*12/20/94*



1992 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 15, 1992

SCALE  
 1" = 200' ±

LOCATION  
 NORTH OF

SHEET  
 N.W.

IG Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

DATE  
 OF  
 PHOTOGRAPHY  
 JANUARY  
 1986

SOLDIERS DELIGHT

12-K

*William A. Howard IV*  
 Chairman, County Council

MICROFILMED





April 20, 1995

Mr. Arnold Jablon, Director  
Baltimore County  
Zoning Administration & Development Management  
111 W. Chesapeake Avenue  
Towson, MD 21204

Re: Smoots Auto Body Shop  
Variance Hearing No. 95-187-A  
Permit No. B 229152

Dear Mr. Jablon:

Enclosed please find a redline revision occasioned by my client's interest in enclosing the front porch of their building, which requires an additional parking space to be placed in the CR district. We have shown the correction on the accompanying plan for the zoning files. We would respectively submit that this change to the granted variance does not alter the "spirit and intent" of the variance order or the zoning regulations.

We trust you will authorize this revision in order to obtain a timely approval of the building permit.

Sincerely,

WILLIAM F. KIRWIN, INC.

William F. Kirwin

WFK/ps

Enclosure

4/22/95  
1708-95  
WCR  
To: JJS  
STI-?  
WFK 4/24/95

RECEIVED  
APR 21 1995  
ZADM

WILLIAM F. KIRWIN, INC.

Landscape Architecture  
Land Planning  
Environmental Design

28 E. Susquehanna Avenue  
Towson, MD 21286-5218  
Phone: 410.337.0075  
Fax: 410.823.3827

Per JLL Send this LTR to  
see if ready work

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

No. 58697

44ED

DATE April 25, 1995 ACCOUNT R-001-6150

AMOUNT \$ 40.00

RECEIVED FROM: William F. Kirwin, Inc. 1

FOR: Zoning Verification

Smoots Auto Body Shop

03A03#0028MICHRC

\$40.00

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER  
VALIDATION OF SIGNATURE OF CASHIER

JAW

April 20, 1995

Zoning  
File  
95-187A

4/22/95  
WCR  
To: JJS  
STI-?  
WCR 4/24/95

Mr. Arnold Jablon, Director  
Baltimore County  
Zoning Administration & Development Management  
111 W. Chesapeake Avenue  
Towson, MD 21204

Re: Smoots Auto Body Shop  
Variance Hearing No. 95-187-A  
Permit No. B 229152

Dear Mr. Jablon:

Enclosed please find a redline revision occasioned by my client's interest in enclosing the front porch of their building, which requires an additional parking space to be placed in the CR district. We have shown the correction on the accompanying plan for the zoning files. We would respectively submit that this change to the granted variance does not alter the "spirit and intent" of the variance order or the zoning regulations.

We trust you will authorize this revision in order to obtain a timely approval of the building permit.

Sincerely,

WILLIAM F. KIRWIN, INC.

*William F. Kirwin*  
William F. Kirwin

Speed  
Letter

In the interest of speed and economy, we are replying to your letter with marginal notes. If you need more information, do not hesitate to call or write. Thank you for your interest.



April 26, 1995  
4th Election District

Dear Mr. Kirwin:

The enclosure of the porch and the addition of the parking space in the C.R. (Commercial, Rural) district is within the spirit and intent of the order and approval plan in zoning case 95-187-A.

The April 20, 1995 red-lined plan is being included in the zoning case file.

Sincerely,

*John J. Sullivan, Jr.*  
John J. Sullivan, Jr.  
Planner II



**SITE DATA**

**SITE ZONING** - B.M.C.R. Business Major - Commercial Rural Overlay District  
**BUILDING UNDER PETITION FOR VARIANCE**  
 Existing Use: vacant  
 Proposed Use: Office on first floor (Second floor is a non-usable crawl space. There is no access stairway.) One level @ 1,148 S.F. gross floor area.  
 Existing building has first floor above grade and includes a front porch.  
 Proposed use to be located within current building. No new buildings or additions are proposed.

**PARKING REQUIREMENTS** - (Based on current regulations)  
 Office Use BM Zone - 3.3 spaces per 1000 S.F. required.  
 Site requires 3.8 (4) spaces.

**PARKING**  
 Minimum parking space size for 90 degree parking = 8.3 ft. x 18 ft.  
 One parking space for handicap use will be provided in accordance with ADA standards.  
 Parking required is 3.3 spaces per 1000 S.F. gross floor area.  
 Parking shown is 4 spaces.  
 Parking shown is 2 spaces.

**SIGNAGE**  
 Signs shall be in accordance with Baltimore County Zoning Regulations.  
**AMENITY OPEN SPACE REQUIREMENTS**  
 None required

**SITE ZONING DATA**  
 Zoning Map NW 12-K  
 Total Gross Site Area 27 AC. (11,700 S.F.)  
 Total Net Site Area 23 AC.  
 Area Zoned BMCR 27 AC. (11,700 S.F.)

**FLOOR AREA RATIO (FAR) CALCULATIONS:**  
 Permitted FAR for CR District = 20  
 Building = 1,148 S.F. Floor Area  
 First floor used for office use only.  
 Gross site area equals 11,700 S.F. or 27 AC.  
 1,148 S.F. divided by 11,700 S.F. equals .10 FAR.

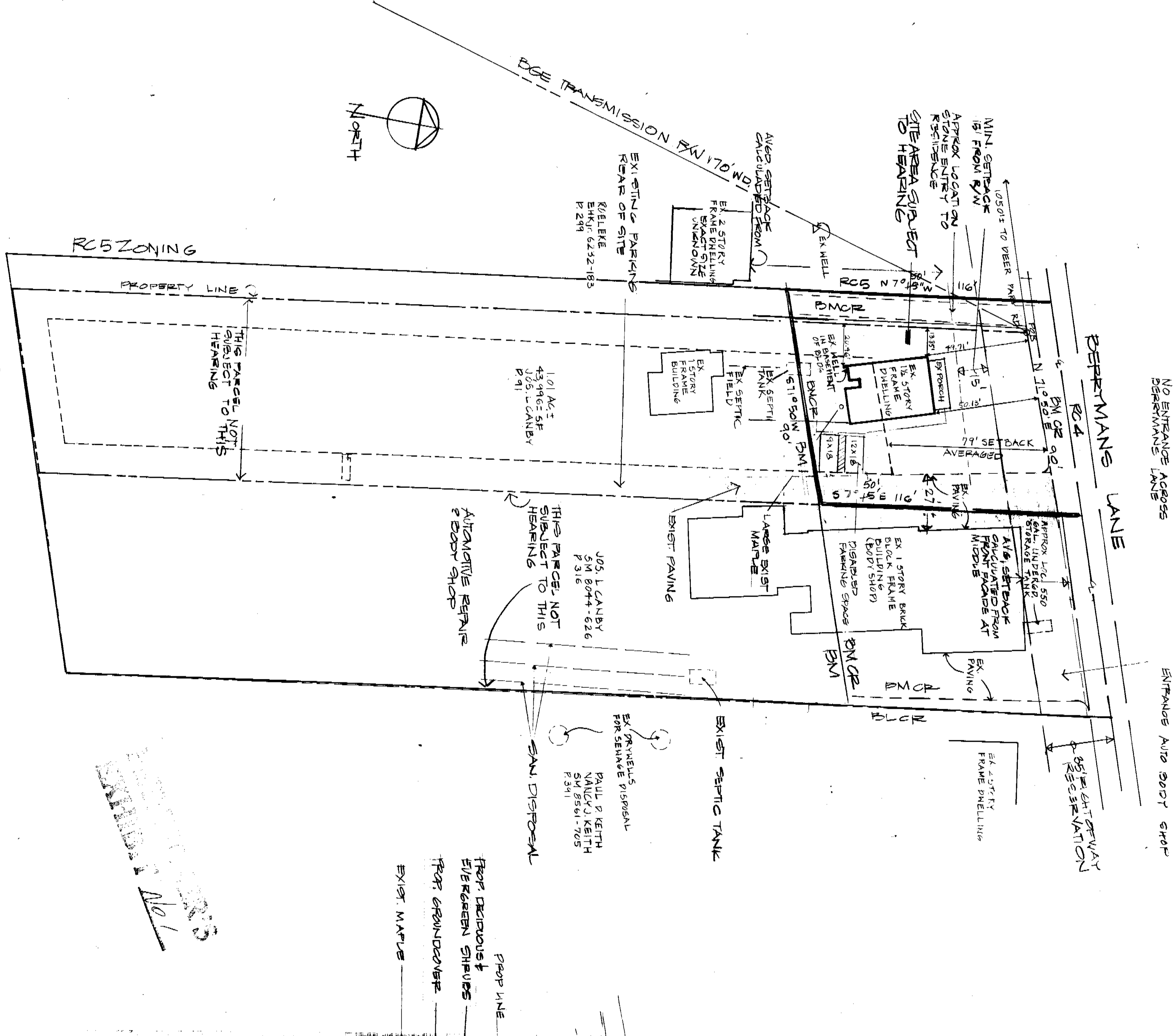
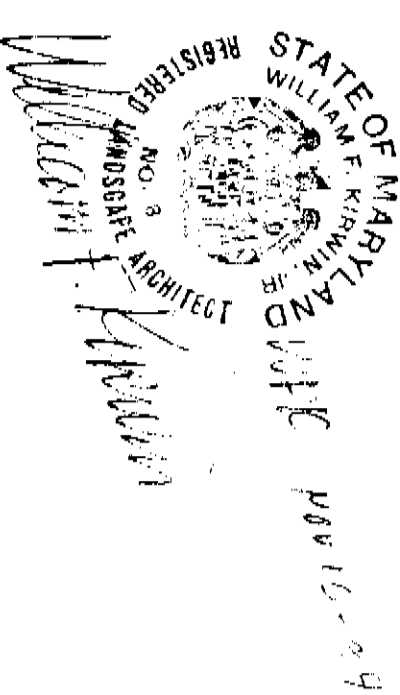
**GENERAL SITE DATA**  
 Parcel No. 91  
 Water Service Area W7 - No Planned Service  
 Sanitary Sewer Service Area W7 - No Planned Service  
 Ejection District 2 Third Concomitant District  
 Watershed 32  
 Sub-watershed 81  
 Soils CMB2 Chrome Sil. Loam

**BERRYMAN'S LANE ROAD IMPROVEMENTS**  
 None planned at present  
**ENVIRONMENTAL**  
 Environmental holding capacity to be to satisfaction of DEPDM.

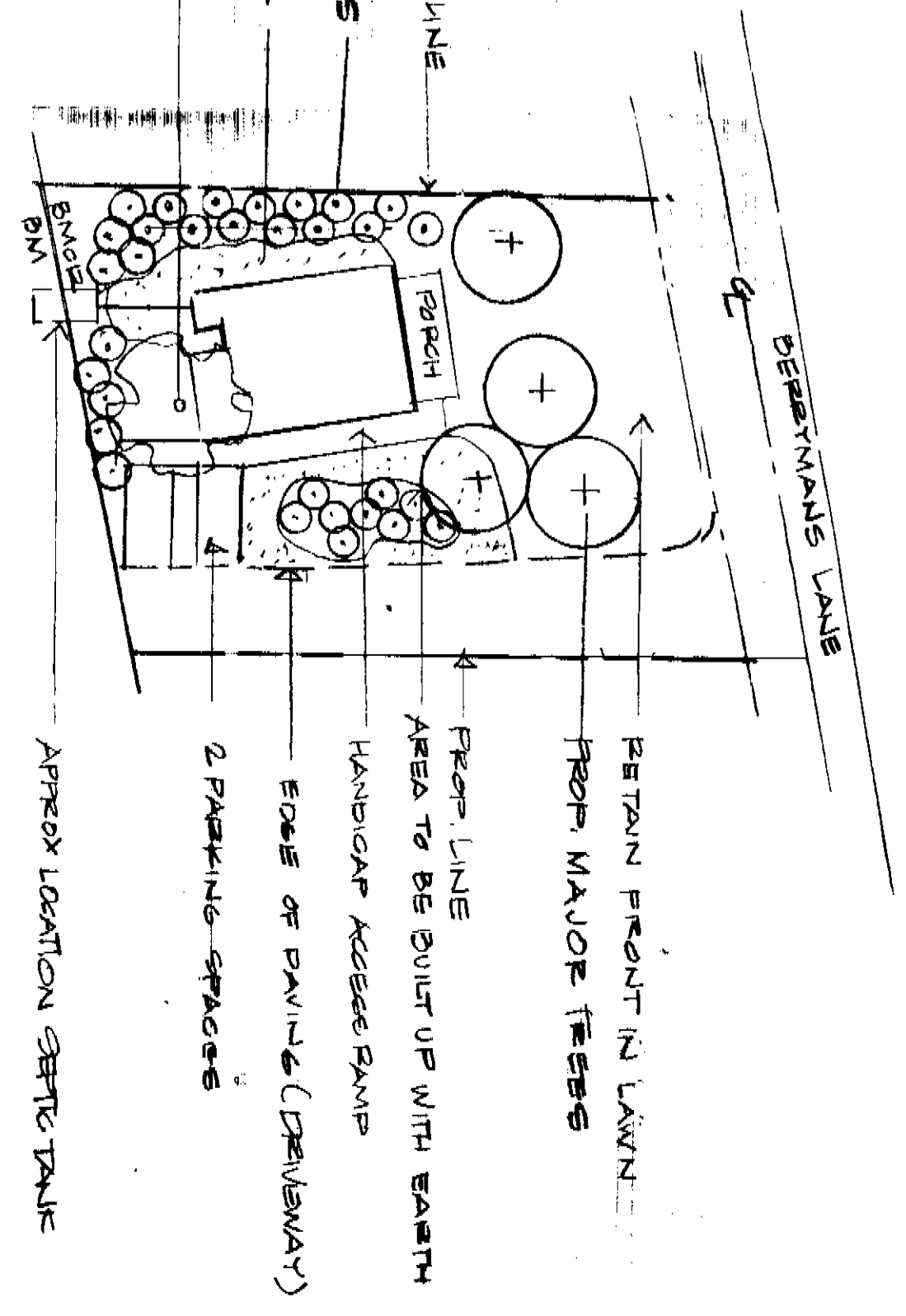
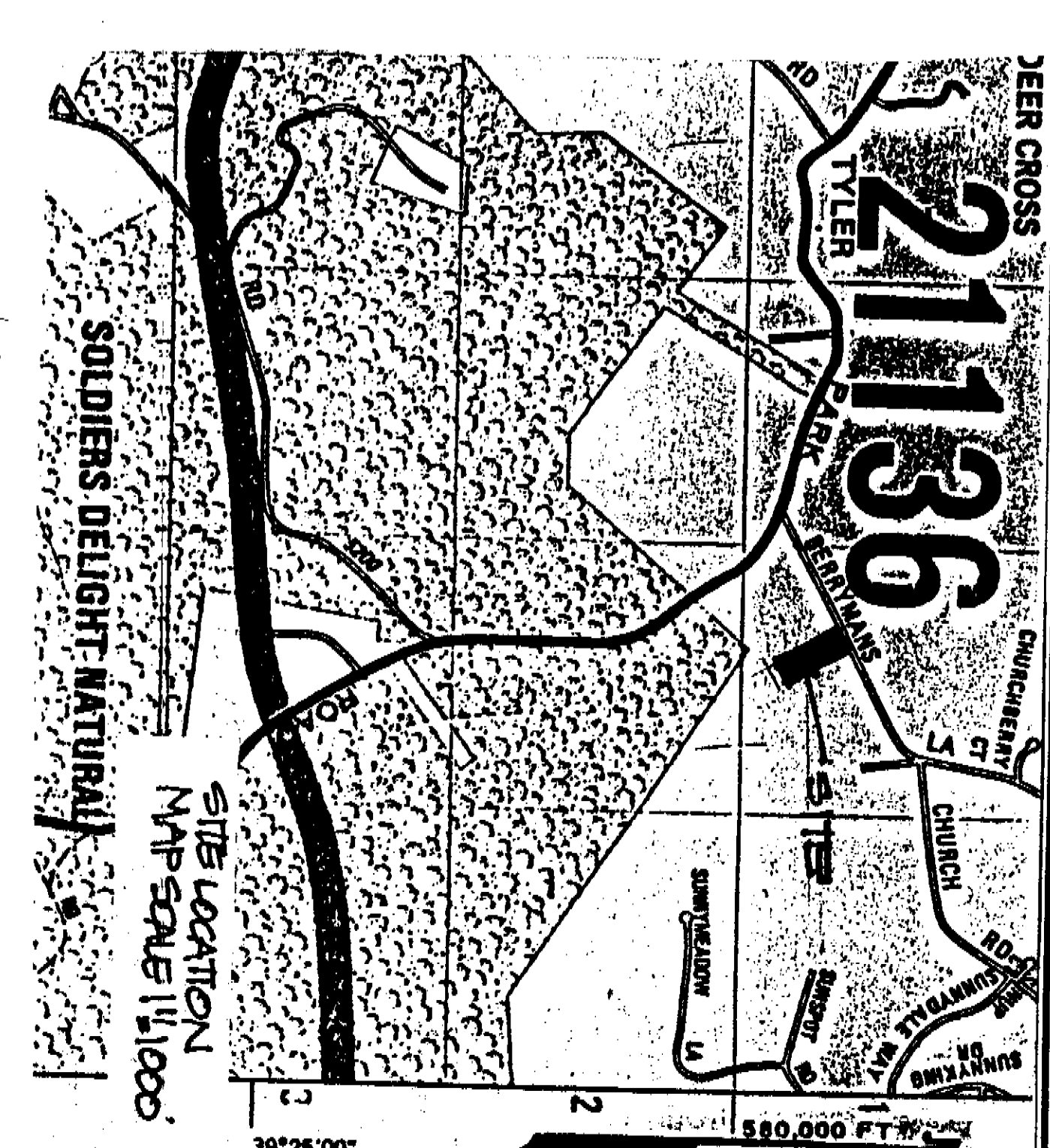
**ZONING HEARINGS**  
 There have been no previous zoning hearings on the subject property.  
**NOTES:**  
 - Smoot's Auto Body Shop has been in operation for several years under BM Zoning, predating the CR District overlay which does not apply to its use.  
 - Proposed landscaping is shown hereon.  
 A field survey to establish the existing side yard distance (13.85') was prepared by Oetlioff, Cross & Ertz, Land Surveyors.

- REQUIRED ZONING VARIANCES**
- Variance from Section 259.3, special regulations for CR District, paragraph C.2b. To permit a side yard setback of 13' in lieu of the required 15' setback.
  - Variance from Section 259.3 paragraph C.3.a which requires that "the entire required front, side and rear setbacks shall be landscaped." Request variance to permit as little as 0' side, front and rear yard landscaping, as existing and as shown on this petition plan.
  - Variance from Section 259.3 paragraph C.4, which requires that parking be "located within the CR district." Request variance to permit two spaces in lieu of the required 4 spaces.

**WFK WILLIAM F. KIRWIN, INC.**  
 Lord Perryman/Corbridge Architects  
 28 E. Souterdown Avenue  
 Towson, MD 21286  
 Phone 301.337.0075



RC5 ZONING -  
 PLAN SCALE 1" = 30'



**PROPOSED PLANTING PLAN**  
 SCALE 1" = 30'

**NOTE:**  
 THIS PLAN EXCLUDES FOUNDATION PLANTING, PERENNIALS & ANNUALS AND COULD BE SUBJECT TO MODIFICATION

**95-187-A**

**PLAT TO ACCOMPANY PETITION FOR VARIANCE**

APPLICANT/OWNER  
 JOE CANBY  
 SMOOT'S AUTO BODY SHOP  
 1121 BERRYMAN'S LANE  
 RESTERSTOWN, MD 21136  
 655-2129 833-1723

**SITE DATA**

SITE ZONING - B.M.C.R. Business Major - Commercial Rural Overlay District.

**BUILDING UNDER PETITION FOR VARIANCE**

Existing Use: vacant.  
 Proposed Use: Office on first floor (Second floor/attic is a non-usable crawl space. There is no access stairway). One level @ 1,148 S.F. gross floor area.  
 Existing building has first floor above grade and includes front porch.  
 Proposed use to be located within current building. No new buildings or additions are proposed.

**PARKING REQUIREMENTS (Based on current regulations)**

Office Use BM Zone - 3.3 spaces per 1000 S.F. required.  
 Site requires 3.8 (4) spaces.

**PARKING**

Minimum parking space size for 90 degree parking = 8.5 ft. x 18 ft.  
 One parking space for handicap use will be provided in accordance with ADA standards.  
 Parking required is 3.3 spaces per 1000 S.F. gross floor area.  
 Parking required is 4 spaces.  
 Parking shown is 2 spaces. **ADD 1.5 SPACES TO BE PROVIDED AT HEARING.**

**SIGNAGE**

Signs shall be in accordance with Baltimore County Zoning Regulations.

**AMENITY OPEN SPACE REQUIREMENTS**

None required

**SITE/ZONING DATA**

Zoning Map NW 12-K  
 Total Gross Site Area 27 AC. (11,700 S.F.)  
 Total Net Site Area 23 AC.  
 Area Zoned BMCR 27 AC. (11,700 S.F.)

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Permitted FAR for CR District = .20  
 Building = 1,148 S.F. Floor Area  
 First floor used for office use only.  
 Gross site area equals 11,700 S.F. or .27 FAR.  
 1,148 S.F. divided by 11,700 S.F. equals .10 FAR.  
 1,148 S.F. + 11,700 S.F. = 12,848 S.F.

**GENERAL SITE DATA**

Parcel No. 91  
 Water Service Area W7 - No Planned Service  
 Sanitary Sewer Service Area W7 - No Planned Service  
 Election District 2 Third Councilmatic District  
 Watershed 32  
 Sub-watershed 81  
 Soils CnB2 Chrome Silt Loam  
**BERRYMAN'S LANE ROAD IMPROVEMENTS**  
 None planned at present

**ENVIRONMENTAL**

Environmental holding capacity to be to satisfaction of DEPRM.

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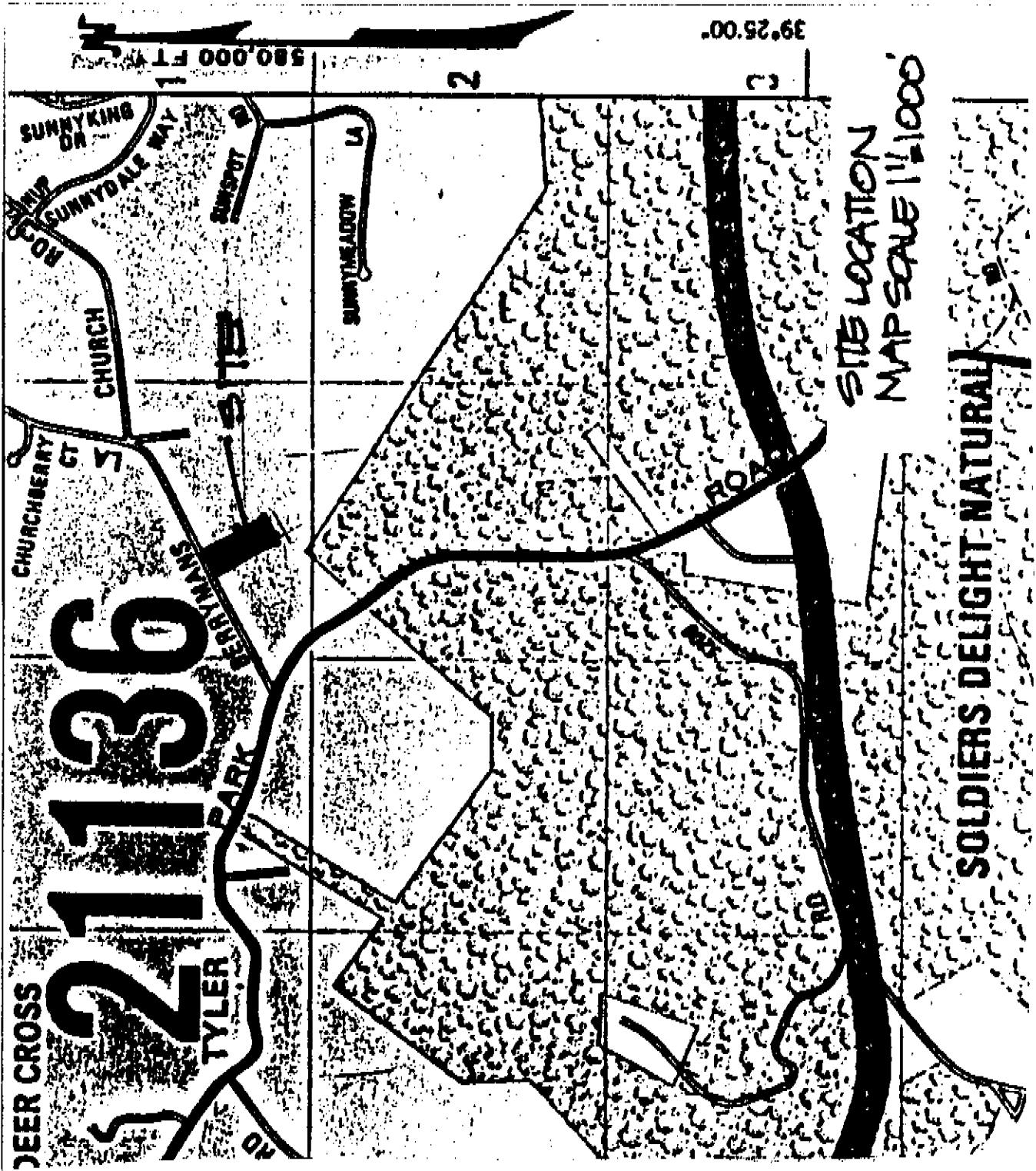
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**REQUIRED ZONING VARIANCES**

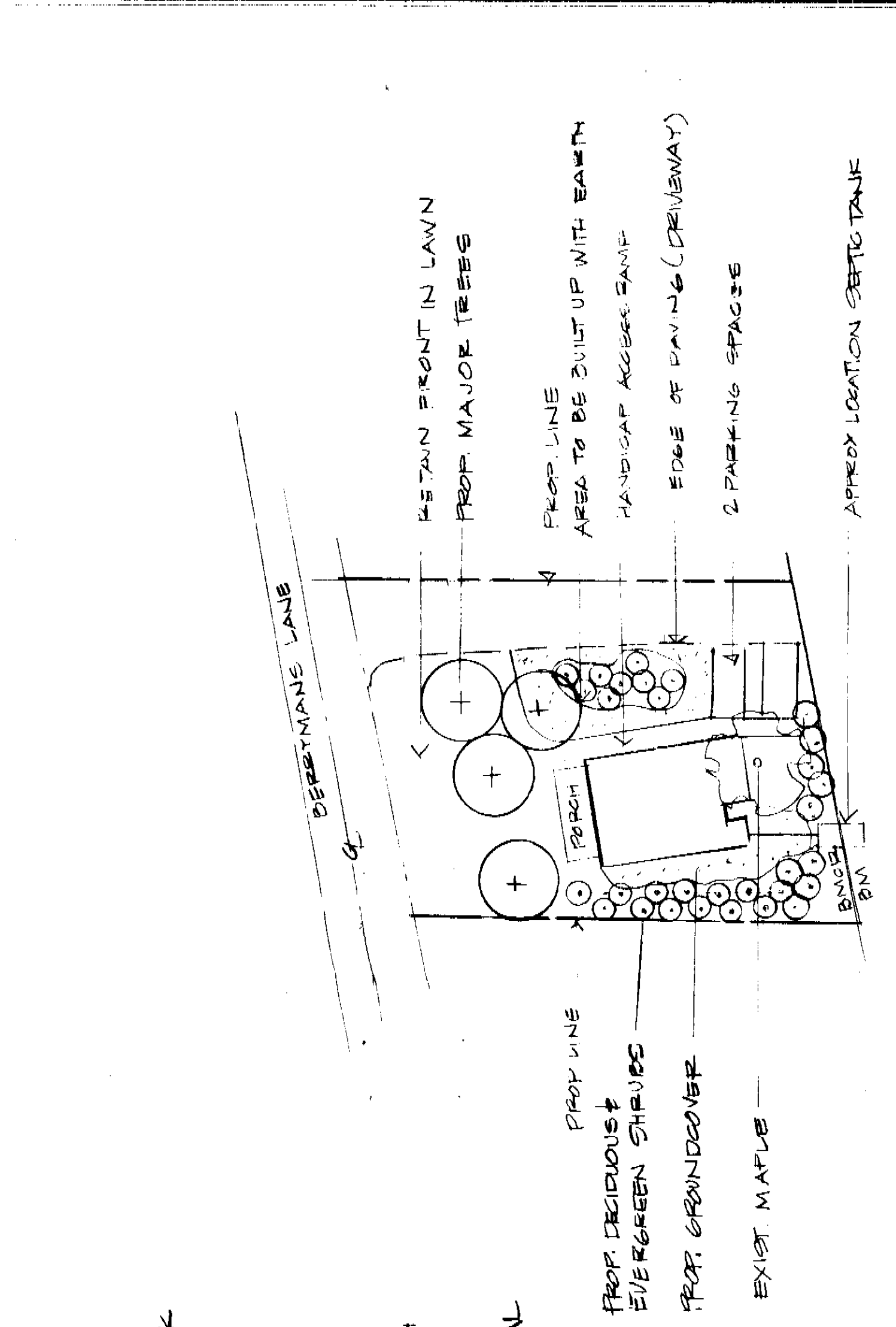
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**WFK WILLIAM F. KIRWIN, INC.**  
 28 E. Susquehanna Avenue  
 Towson, MD 21284  
 Phone 301-337-0075



LOCATION MAP



PROPOSED PLANTING PLAN  
 SCALE 1/4" = 30'

**NOTE:**  
 THIS PLAN EXCLUDES FOUNDATION PLANTING PERENNIALS & ANNUALS AND COULD BE SUBJECT TO MODIFICATION  
 NOTE FRONT PORCH TO BE ENLARGED (4-20-95)

**SITE PLAN (4/20/95)  
 PETITION TO ACCOMPANY  
 PETITION FOR VARIANCE**

APPLICANT/TOWNER  
 JOE CANBY  
 SMOOT'S AUTO BODY SHOP  
 1121 BERRYMAN'S LANE  
 REISTERSTOWN, MD 21136  
 655-2129 833-1723

PETITION GRANTED CASE NO 95-157-A  
 DATED JAN 27, 1995 (4/20/95)

REVISIONS - 11-16-94  
 - ADD PT OF BEGINNING CHANGE BEARING  
 APPROVED BY US. See LTR 4/27/95

PLAN SCALE 1" = 30'

RC B ZONING -  
 G.D. SMOOT  
 JOANNE SMOOT  
 0165167-104  
 P.461

Approved 4/27/95