IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
S/S Delight Road, 695 ft. from
c/l Church Road * ZONING COMMISSIONER
107 Delight Road
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Dennis Trott, et ux, Petitioners * Case No. 97-289-SPH
* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 107 Delight Road in Reisterstown. The Petition is filed by Dennis Trott and Caroline Trott, property owners. Relief is requested to permit parking of a commercial vehicle on a residential property (D.R.2), pursuant to Section 431.B of the Baltimore County Zoning Regulations (BCZR). The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plan to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case were the property owners/Petitioners, B. Dennis Trott and Caroline Trott. Also present was Richard Truelove, the professional engineer who prepared the site plan. The Petitioners were represented by David K. Gildea, Esquire. Appearing in opposition to the request were a number of neighboring property owners. These included Frank Park, Debra Hunt, Peg and Joseph Benedict, Jr. and Mary Jane Tuma.

Mr. Truelove testified and presented the plan. The subject site is 2.014 acres in area, split zoned D.R.2 and D.R.3.5. The property is predominantly zoned D.R.2, with a small sliver of the lot zoned D.R.3.5 in the rear. The property is roughly rectangular in shape and is improved with an existing one story stone and frame dwelling, in which the Petitioners reside. Vehicular access to the site is by way of a gravel driveway which provides access from Delight Road. This gravel driveway circles

around the rear of the dwelling and leads to an attached garage. There is also a gravel parking pad in the rear yard.

Mr. Trott testified and indicated that he owns a small dump truck, approximately 7,000 pounds in gross vehicle weight, which he wishes to store on the property. Presently, the truck is parked on the gravel parking pad which is located in the rear of the site. However, in the future, Mr. Trott proposes constructing a one story frame garage to house the truck and other equipment. The proposed garage will be 32 ft. in width and 24 ft. in depth. It will be properly set back from the side and rear yard property lines so that no variance relief is required from the setback regulations.

Mr. Trott candidly testified that he is a landscaper by occupation and owns his own business. The business is operated from his house. The truck is used in connection with the business. The garage is intended to be used to store his truck and equipment. The equipment includes lawn mowers, trailers and related machinery and supplies utilized in connection with the business. Mr. Trott also testified that he does not keep oil or other petroleum products on the site nor does he service his equipment on the premises. He indicated that his equipment is limited to smaller machines and that he does not maintain any backhoes, bobcats or similar heavy duty equipment on the property.

Testifying in opposition to the Petition was Frank Parker, a neighbor who resides at 118 Cedarmere Road. Mr. Parker's property adjoins the subject premises in that each lot shares a common rear property line. Mr. Parker testified that he, his wife and children have resided on this property for approximately 7 years. He objected to the impact of the landscape business being operated on the Petitioner's property. He indicated that the business detrimentally impacts the neighborhood in terms of the noise, dust, etc. The testimony was corroborated by other neighbors

who testified. Debra Hunt and Joseph Benedict, Jr. also reside on Cedarmere Road and their lots back up to the subject property. They both complained of the impacts of the business, including foul language from Mr. Trott's workers and noise from Mr. Trott's equipment and lawn mowers.

Ms. Mary Jane Tuma, who lives at 102 Delight Road, across from the premises, also testified in opposition to the request. She fears a precedent of allowing business operations within the community and an increase in traffic occasioned by the operation of this business.

This is an unusual case in terms of the relief which the Petitioner is requesting, and in view of collateral issues which are not before me. The Petitioner requests relief pursuant to Section 431.B of the BCZR. That section allows for the parking of one commercial vehicle on a residential property, by right, in certain instances. Specifically one commercial vehicle per dwelling unit may be parked on a residential lot if the following three conditions are satisfied: (1) that the vehicle's gross weight be less than 10,000 pounds; (2) that the owner or operator of the vehicle resides on the property; and, (3) that the vehicle be parked within a fully enclosed structure (other limitations apply if the vehicle is not parked within a fully enclosed structure).

Once the garage is constructed, it is clear that the Petitioner will meet these requirements. His uncontradicted testimony is that the vehicle weighs 7,000 pounds, less than the weight limit prescribed. Moreover, Mr. Trott resides on the property and the garage is large enough to enclose the truck. Thus, Mr. Trott will be permitted, under the zoning regulations, to store this truck in the garage.

It is not clear why the Petition for Special Hearing was filed. As noted above, no variance relief is necessary for the garage. It is sufficiently set back from the rear and side property lines, meets the height limitations and, apparently, otherwise complies with all of the require-

ments within the BCZR. Moreover, since Section 431.B permits the storage of a single commercial vehicle by right, one could conclude that the Petition hs been filed only to confirm the obvious.

However, I suspect that the Petitioner has another agenda and has filed the Petition in an effort to legitimize his business. As noted above, the primary complaint of the neighbors is not the storage of the truck, per se, but the operation of the landscaping business on the site. Moreover, the file discloses that the property is the subject of an active zoning violation case, which is scheduled for disposition in the District Court of Maryland for Baltimore County on June 18, 1997.

In this regard, Mr. Trott's candid testimony was that the truck and related equipment which he intends on storing in the garage are utilized in connection with his landscape business. Clearly, these activities constitute a contractor's equipment storage yard, which is defined in the BCZR as "the use of any space whether inside or outside of a building for the storage or keeping of . . . landscaping equipment and associated materials" (emphasis added). That the property is being used in such a fashion appears beyond serious dispute. Although any property owner may keep a lawn mower and other items necessary for personal use and maintenance of an individual property, Mr. Trott's admission that his business is operated from the property surely warrants a conclusion that the use is illegal.

The Petition for Special Hearing is brought pursuant to Section 500.7 of the BCZR. That section allows the Zoning Commissioner to conduct such hearings and pass such Orders as, in my discretion are necessary for the proper enforcement of all zoning regulations. The authority rendered within this section is broad and sweeping.

For the reasons set forth hereinabove, I shall grant the Petition for Special Hearing. However, in so granting, I shall impose a condition upon

the relief prohibiting the use of the property as a contractor's storage yard. The property is obviously being used in such a manner at present and that use is clearly illegal. Such a use is not permitted in the D.R. zone either by right or by special exception. If Mr. Trott wishes to park his vehicle on the site, either in or outside of the garage, and drive daily to his place of business, he may do so. However, he may not store such items on the property that are necessary for the conduct of his business.

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 Zoning Commissioner of Baltimore County this 6th day of ~~February~~ March 1997 that approval to permit parking of a commercial vehicle on residential property (D.R.2 zone), pursuant to Section 431.B of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not store any equipment, supplies, machinery, etc., on the premises which are utilized in connection with his landscaping business or utilize the property as a contractor's equipment storage yard.

ORDER RECEIVED FOR FILING
Date 3/6/97
By M. Tomek

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

March 4, 1997

David K. Gildea, Esquire
Whiteford, Taylor and Preston
210 E. Pennsylvania Avenue, Suite 400
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 97-289-SPH
Property: 107 Delight Road

Dear Mr. and Mrs. Trott:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered 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 Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.
c: Mr. and Mrs. B. Dennis Trott, 107 Delight Road, Reisterstown, 21136
c: Mr. Frank Parker, 118 Cedarmere Road,
Mrs. Debra Hunt, 120 Cedarmere Road
Mr. and Mrs. Joseph Benedict, 122 Cedarmere Road
Mrs. Mary Jane Tuma, 102 Delight Road, Reisterstown, Md. 21136

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 107 Delight Road
Reisterstown, MD 21136

97-289-SPH

which is presently zoned DR2

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Pursuant to BCZR §431B to permit parking of commercial vehicles on residential property.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Hearing 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

Attorney for Petitioner:
David K. Gildea, Esquire
Whiteford, Taylor & Preston
(Type or Print Name)

David K. Gildea
Signature

210 W. Pennsylvania Avenue, Suite 400
Address Phone No.

Towson, MD 21204 410-832-2000
City State Zipcode

Legal Owner(s):

Caroline Trott
(Type or Print Name)

Caroline Trott
Signature

B. Dennis Trott
(Type or Print Name)

B. Dennis Trott
Signature

107 Delight Road
Address Phone No

Reisterstown, MD 21136
City State Zipcode

Name, Address and phone number of representative to be contacted.
David K. Gildea, Esquire
Whiteford, Taylor & Preston
Name 210 W. Pennsylvania Avenue, Suite 400
Towson, MD 21204 410-832-2000
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JRF DATE 1-13-97

#289

Zoning Administration & Development Management

DATE RECEIVED

RICHARD J. TRUELOVE P.E., INC.
CIVIL ENGINEER
28 EAST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21286
(410) 494-4914
FAX (410) 823-3827

97-289-SPH

ZONING DESCRIPTION 107 DELIGHT ROAD

Beginning for the same at a point on the southeast side of Delight Road, a county road which is 40 feet wide, at a distance of 695 feet, more or less, measured in a northeasterly direction from the center of Church Road. Thence at along said southeast side of Delight Road N 37 degrees 42 minutes 25 seconds E 201.95 feet; thence leaving the side of Delight Road S 76 degrees 11 minutes 34 seconds E 16.33; thence continuing along said line S 76 degrees 11 minutes 34 seconds E 310.47 feet; and thence S 30 degrees 34 minutes 26 seconds W 121.33 feet; S 53 degrees 19 minutes 35 seconds E 2.54 feet; S 30 degrees 16 minutes 25 seconds W 217.70 feet; and N 52 degrees 00 minutes 05 seconds W 344.50 feet to the point of beginning.

Containing 87,730 square feet, or 2.014 acres of land, more or less.

Being that land contained in a deed recorded in the land records of Baltimore County in Liber S.M. 11561 at Folio 525. Located in the Fourth Election District, and Third Councilmanic District, of Baltimore County, Maryland. Also known as 107 Delight Road.

December 19, 1966
letters\960026DES

STATE OF MARYLAND
RICHARD JOHN TRUELOVE
NO. 10600
REGISTERED
PROFESSIONAL ENGINEER

Richard John Truelove P.E.

#280

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: #97-289-SPH
(Item 289)
107 Delight Road
S/S Delight Road, 695' from c/l Church Road
4th Election District
3rd Councilmanic
Legal Owner(s):
Caroline Trott and
B. Dennis Trott

Special Hearing: to permit parking of commercial vehicle on residential property.
Hearing: Wednesday, February 19, 1997 at 2:00 p.m. in Rm. 106, County Office Building.

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.

1/382 Jan. 30 C115979

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan 30, 1997

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 Jan 30, 1997.

THE JEFFERSONIAN,

A. Hemilton

LEGAL AD. - TOWSON

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

No. 026080

17-289-SPH

DATE 1-13-97 ACCOUNT R-001-615-000

AMOUNT $ 250.00

RECEIVED FROM: Whiteford, Taylor & Preston

040 -- SPH -- $250.00

FOR: ITEM # 289 Taken by: JRF

MICROFILMED

03A91#0008MICHRC $250.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County
Department of Permits and
Development Management

97-289-SPH

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 289

Petitioner: Trott Landscaping

Location: 107 Delight Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David K. Gildea

ADDRESS: 201 W. Penn Ave

Towson, MD 21204

PHONE NUMBER: (410) 832-2000

AJ:ggs

(Revised 09/24/96)

MICROFILMED

Printed with Soybean Ink

CERTIFICATE OF POSTING

RE: Case No.: 97-289-SPH

Petitioner/Developer: Pratt

Date of Hearing/Closing: 2/19/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

FEB 5 1997

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at

107 Delight Rd.

The sign(s) were posted on Feb. 3, 1997
(Month, Day, Year)

Sincerely,

Sue W. McKenzie 2-3-97
(Signature of Sign Poster and Date)

Sue W. McKenzie
(Printed Name)

6 Topwood Ct
(Address)

Baltimore, MD
(City, State, Zip Code) 21234

(410) 668-8576
(Telephone Number)

Case No. 97-289-SPH

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-289-SPH

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD.

PLACE: _____

DATE AND TIME: _____

REQUEST: To permit parking of commercial vehicle on residential property

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96
post.4.doc

Item # 289

TO: PUTUXENT PUBLISHING COMPANY
January 30, 1997 Issue - Jeffersonian

Please foward billing to:

David K. Gildea, Esq.
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue #400
Towson, MD 21204
832-2000

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: 97-289-SPH (Item 289)
107 Delight Road
S/S Delight Road, 695' from c/l Church Road
4th Election District - 3rd Councilmanic
Legal Owner(s): Caroline Trott and B. Dennis Trott

Special Hearing to permit parking of commerical vehicle on residential property.

HEARING: WEDNESDAY, FEBRUARY 19, 1997 at 2:00 p.m. in Room 106, County Office Building.

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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 24, 1997

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: 97-289-SPH (Item 289)
107 Delight Road
S/S Delight Road, 695' from c/l Church Road
4th Election District - 3rd Councilmanic
Legal Owner(s): Caroline Trott and B. Dennis Trott

Special Hearing to permit parking of commerical vehicle on residential property.

HEARING: WEDNESDAY, FEBRUARY 19, 1997 at 2:00 p.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Caroline Trott and B. Dennis Trott
David K. Gildea, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEB. 4, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 18, 1997

David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Suite 400
Towson, MD 21204

RE: Item No.: 289
Case No.: 97-289-SPH
Petitioner: B. Dennis Trott, et ux

Dear Mr. Gildea:

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 Permits and Development Management (PDM), Zoning Review, on January 13, 1997.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 1.24.97
Item No. 285 (JRF)

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

L. J. Gredlein

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

January 27, 1997

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JAN. 27, 1997.

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 271, 287, 288, 289, 290, 292, 293, 294, 295 AND 297.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: January 29, 1997

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item Nos. 271, 287, 289, 290, 293, and 294

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 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kelm

PK/JL

ITEM271/PZONE/ZAC1

John Alexander

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: February 10, 1997

FROM: RWB Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for February 3, 1997
Item Nos. 271, 289, 290, & 293

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE47

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM DATE: 1/29/97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: January 27, 1997

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 289
292
293
294
295

RBS:sp

BRUCE2/DEPRM/TXTSBP

PETITION PROBLEMS

97-28a-SPH

#287 --- CAM

1. Who filled out sign information?? Must be filled out by the planner taking in the petition.

2. No undersized lot information in the folder.

#289 --- JRF

1. No telephone number for legal owner on petition form.

#291 --- CAM

1. Need title and authorization for person signing for legal owner.

#295 --- MJK

1. Wording on variance form makes no sense - What are they asking for???

1/22/97

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

97-289-SPH

DATE: January 13, 1997

TO: Hearing Officer

FROM: Jun R. Fernando
Planner I
Zoning Review, PDM

SUBJECT: Item #289
107 Delight Road

I advised the applicants about adding the landscaping requirements on the petition forms, but they insisted on filing the way it is. They also said that they will mention it at the time of the hearing.

JRF:scj

RE: PETITION FOR SPECIAL HEARING 107 Delight Road, S/S Delight Road, 695' from c/l Church Road 4th Election District, 3rd Councilmanic Dennis and Caroline Trott Petitioner	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 97-289-SPH

* * * * * * * * * * * * *

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 20th day of February, 1997, a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Note:

Property subject to zoning violation!!!

CASE No. 97-293

TRIAL DATE 6.18.97

JT

DISTRICT COURT OF MARYLAND FOR BALTIMORE COUNTY 0804
120 E. CHESAPEAKE AVENUE (V)
TOWSON MD 21286-5307

CIVIL CASE NO.: 0804 - SP04648 - 96
COMPLAINT NO.: 002

TO: BANNERMAN, LAVETTE
CODE ENFORCEMENT OFFICER
111 W CHESAPEAKE AVENUE
TOWSON , MD 21204

RECEIVED
12 6 96
PDM

97-293

BALTIMORE COUNTY, MARYLAND
VS.
TROTT, CAROLINE W

DATE: 12/20/96

HEARING/TRIAL NOTICE

THE COMPLAINT AFFIDAVIT/MERIT TRIAL
IN THE CASE REFERENCED ABOVE IS SET FOR JUNE 18, 1997 AT 01:30 PM
IN ROOM 04 , AT 120 E. CHESAPEAKE AVENUE (V) , TOWSON ,
MD 21286-5307. ANY POSTPONEMENT MUST COME TO THIS COURT
IN WRITING (REFERENCING ABOVE CASE NUMBER IMMEDIATELY. PLEASE PROVIDE
COURT WITH ESTIMATED TIME FOR TRIAL.

ANY REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES
SHOULD BE REQUESTED BY CONTACTING THE COURT IMMEDIATELY.

C2
004925A

MICROFILMED

DISTRICT COURT OF MARYLAND FOR BALTIMORE COUNTY 0804
120 E. CHESAPEAKE AVENUE (V)
TOWSON MD 21286-5307

CIVIL CASE NO.: 0804 - SP04648 - 96
COMPLAINT NO.: 001

TO: BANNERMAN, LAVETTE
CODE ENFORCEMENT OFFICER
111 W CHESAPEAKE AVENUE
TOWSON , MD 21204

PDM

97-293

BALTIMORE COUNTY, MARYLAND
VS.
TROTT, BENEDICT D

DATE: 12/20/96

HEARING/TRIAL NOTICE

THE COMPLAINT AFFIDAVIT/MERIT TRIAL
IN THE CASE REFERENCED ABOVE IS SET FOR JUNE 18, 1997 AT 01:30 PM
IN ROOM 04 , AT 120 E. CHESAPEAKE AVENUE (V) , TOWSON ,
MD 21286-5307. ANY POSTPONEMENT MUST COME TO THIS COURT
IN WRITING (REFERENCING ABOVE CASE NUMBER IMMEDIATELY. PLEASE PROVIDE
COURT WITH ESTIMATED TIME FOR TRIAL.

ANY REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES
SHOULD BE REQUESTED BY CONTACTING THE COURT IMMEDIATELY.

C2
004924A

BALTIMORE COUNTY, MARYLAND
CITATION FOR CIVIL ZONING VIOLATION
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

ATION NO. 97-293

NAME OF PERSON(S) CHARGED: BENEDICT DENNIS TROTT AND CAROLINE W. TROTT, TENANTS BY ENTIRETIES

CURRENT ADDRESS IN FULL: 107 DELIGHT ROAD REISTERSTOWN, MARYLAND 21136

OWNER (X) OR OCCUPANT ( ) RELATED CITATIONS :

IT IS FORMALLY CHARGED BY BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID VIOLATE THE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS AND/OR THE BALTIMORE COUNTY CODE AS FOLLOWS:

SECTION NUMBER(S) VIOLATED: 101- "COMMERCIAL VEHICLE", "CONSTRUCTION EQUIPMENT STORAGE YARD" 102.1; 1B01.1A; 431

NATURE OF VIOLATION: USE OF PROPERTY ZONED D.R.2 TO COMMIT THE FOLLOWING:

1. OUTSIDE STORAGE OF COMMERCIAL VEHICLES 2. OPERATION OF A CONSTRUCTION EQUIPMENT STORAGE YARD

LOCATION AND DATE(S) OF VIOLATION: 107 DELIGHT ROAD REISTERSTOWN, MARYLAND 21136
NOVEMBER 5, 1996 ($200) AND NOVEMBER 10, 1996 ($400)

TO RESPOND TO THE ABOVE CHARGE(S) LODGED AGAINST YOU, YOU MUST CHOOSE ONE OF THE OPTIONS BELOW:

1) YOU MAY PAY A FINE OF $600 ($400 FOR EACH ADDITIONAL DAY) BY CHECK OR MONEY ORDER PAYABLE TO THE DIRECTOR OF FINANCE, BALTIMORE COUNTY, MARYLAND, BY RETURNING A COPY OF THIS FORM ALONG WITH PAYMENT TO: DIRECTOR OF FINANCE, 1ST FLOOR, COURT HOUSE, TOWSON, MD 21204. THE PENALTY MUST BE PAID ON OR BEFORE THE 12TH DAY OF DECEMBER 1996.

2). YOU MAY ELECT TO STAND TRIAL IN THE DISTRICT COURT OF MARYLAND. TO DO THIS, YOU MUST NOTIFY THE BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT BY FILLING IN THE ATTACHED PORTION OF THIS CITATION AND RETURNING IT TO THE ZONING ADMINISTRATION OFFICE AT LEAST FIVE (5) DAYS BEFORE THE PAYMENT DUE DATE AS SET FORTH IN THE FINE PAYMENT SECTION ABOVE. THE DISTRICT COURT WILL NOTIFY YOU OF THE DATE AND TIME OF TRIAL.

IF THE FINE REMAINS UNPAID AT THE EXPIRATION OF THE THIRTY-FIVE (35) DAYS FROM THE DATE OF THE CITATION, THE ZONING ADMINISTRATOR MAY REQUEST ADJUDICATION OF THE CASE IN DISTRICT COURT, AT WHICH TIME THE PERSON IS LIABLE FOR AN ADDITIONAL FINE NOT TO EXCEED TWICE THE ORIGINAL FINE. IF YOU FAIL TO APPEAR AT THE TRIAL, A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST.

I DO SOLEMNLY AFFIRM THAT THE CONTENTS STATED ABOVE ARE CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

November 22, 1996 — Lavette Bannerman
DATE — OFFICE OF CODE ENFORCEMENT REPRESENTATIVE

BASED ON THE STATEMENT OF LAVETTE BANNERMAN, THIS CITATION IS HEREBY ISSUED THIS 22ND DAY OF NOVEMBER, 1996.

DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT

ACKNOWLEDGEMENT

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS CITATION AND HEREBY PROMISE TO PAY THE FINE OR REQUEST A TRIAL DATE AS REQUIRED BY LAW. I UNDERSTAND THAT THE ACCEPTANCE OF THIS CITATION IS NOT AN ADMISSION OF GUILT.

DATE — SIGNATURE

96-6265

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

DAVID K. GILDEA
DIRECT NUMBER
410 832-2066
2029539@mcimail.com

12/6/96
cs

December 4, 1996

Arnold Jablon, Director
Department of Permits &
Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Zoning Violation Citation No. 97-293
107 Delight Road
Benedict Dennis Trott and Caroline W. Trott,
Tenants By Entireties
Our File: 05301/00001

Dear Mr. Jablon:

Please enter the appearance of David K. Gildea and Whiteford, Taylor & Preston, L.L.P. on behalf of Defendants, Benedict Dennis Trott and Caroline W. Trott, in Citation No. 97-293. Enclosed herewith is an executed Notice of Intention to Stand Trial. The Defendants deny any and all allegations contained in the Citation No. 97-293 and demand strict proof of each and every allegation and reserve the right to raise any defense available in law or in fact.

Very truly yours,

David K. Gildea

David K. Gildea, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue, 4th Fl.
Towson, Maryland 21204
(410) 832-2000

PLEASE PRINT CLEARLY

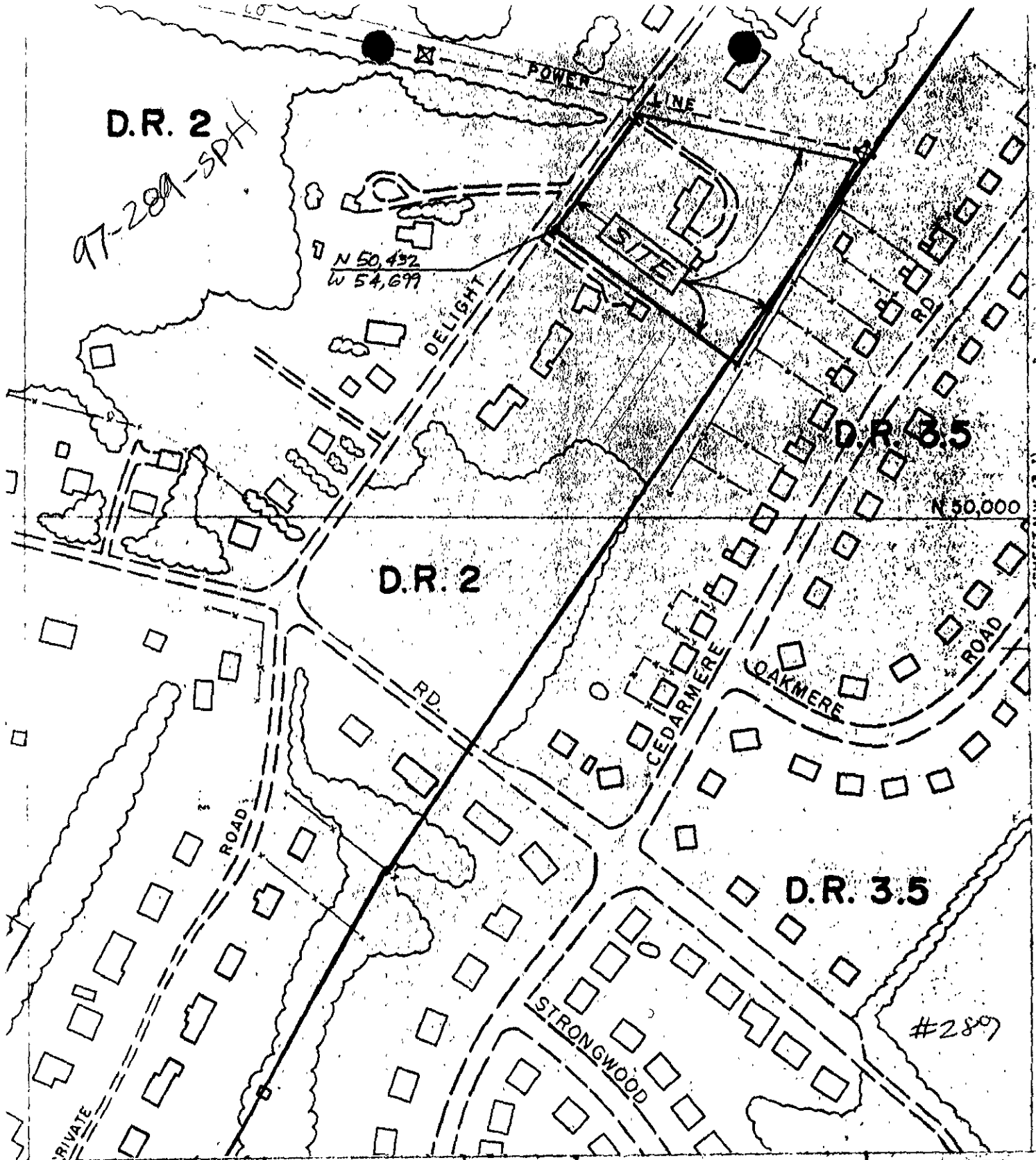
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Benedict Dennis Too II	107 Delight Road, Reisterstown MD 21136
CAROLINE WRIGHT TROUT	107 Delight Road, Reisterstown MD 21136
David K. Gildea	Whiteford, Taylor + Preston 210 W. Penn. Towson, MD. 21204
RICHARD TRUELOVE	RICHARD TRUELOVE P.E INC 28 E. SUSQUEHANNA AVE. 21286

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
FRANK PARKER	11 & CEDARMERE RD
Debra Hunt	120 Cedarmere Rd.
Peg Benedect	122 Cedarmere Rd.
Joseph Benedect Jr.	122 Cedarmere rd
Marjane Turner	102 Delight Rd



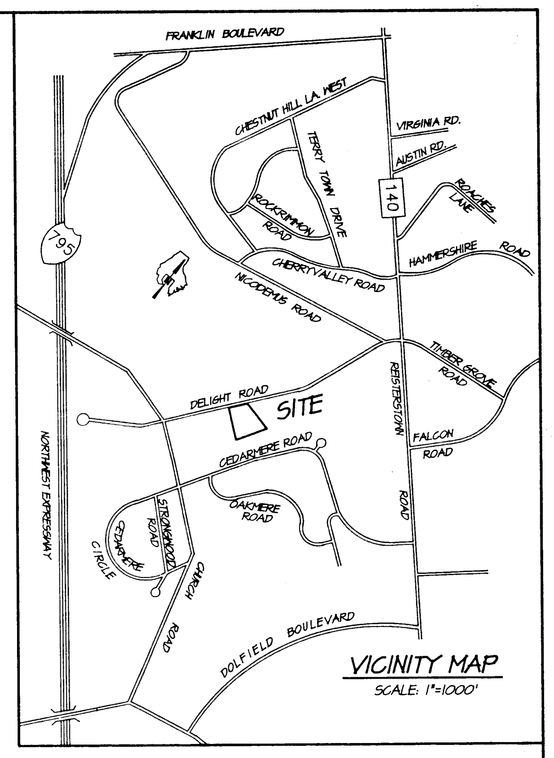
	SCALE	LOCATION	SHEET
VE ZONING MAP ore County Council 92 16-92,187-92,188-92,189-92 Howard IV ty Council	1" = 200'±	DELIGHT VICINITY	N.W. 13-J
	DATE OF PHOTOGRAPHY JANUARY 1986		

PLAN
SCALE: 1"=30'

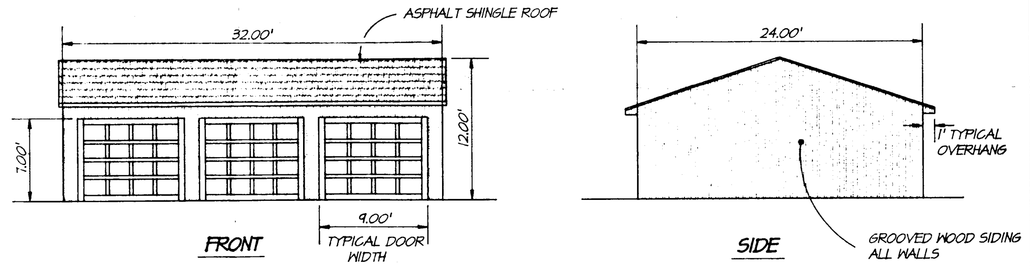
ZONING NOTES:

1. EXISTING ZONING — DR 2, DR 3.5
2. PROPOSED ZONING — DR 2, DR 3.5
3. EXISTING USE — SINGLE FAMILY DETACHED
4. PROPOSED USE — SINGLE FAMILY DETACHED WITH A DETACHED 1 STORY GARAGE FOR COMMERCIAL VEHICLES
5. AREA OF PROPERTY — 2.014 ACRES ±
6. THERE ARE NO PRIOR ZONING CASES ON RECORD FOR THIS PROPERTY.
7. THIS PROPERTY IS NOT IN A 100 YEAR FLOODPLAIN.
8. THERE ARE NO CRG,DRG,OR WAIVERS ON RECORD FOR THIS PROPERTY.
9. ALL BUILDING WILL BE IN ACCORDANCE WITH B.O.C.A.
10. APPLICANT: MR. & MRS. BENEDICT D. TROTT
    107 DELIGHT ROAD
    REISTERSTOWN, MD. 21136
11. ATTORNEY FOR APPLICANT: DAVID GILDEA ESQ.
    WHITEFORD, TAYLOR, & PRESTON
    210 W. PENNSYLVANIA AVE.
    TOWSON, MD. 21204
    (410) 832-2066
12. DEED REFERENCE: SM 11561/525
    TAX ACCOUNT NUMBER #04-0206-6450
13. PREVIOUS PERMIT # B288398 TO ERECT 430 L.F. OF 6' HIGH FENCE.
14. THIS PLAN IS PREPARED FROM SURVEY DATA FURNISHED BY THE APPLICANT, PLATS, TOPOGRAPHY, AND OTHER DATA FROM COUNTY RECORDS. IT DOES NOT REPRESENT A FIELD SURVEY, AND HAS BEEN PREPARED WITHOUT A TITLE REPORT.
15. RELIEF REQUESTED:

    SPECIAL HEARING- PURSUANT TO B.C.Z.R. SECTION 431.B TO PERMIT PARKING OF COMMERCIAL VEHICLES ON RESIDENTIALLY ZONED PROPERTY.



VICINITY MAP
SCALE: 1"=1000'



PROPOSED GARAGE ELEVATIONS
SCALE: 1/8"=1'-0"

97-289-SPH

Pet No #1

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING
107 DELIGHT ROAD
ELECTION DISTRICT 4 — COUNCILMANIC DISTRICT 3
BALTIMORE COUNTY, MARYLAND

SCALE: AS SHOWN — DECEMBER 19, 1996

289

MICROFILMED.

STATE OF MARYLAND — REGISTERED PROFESSIONAL ENGINEER — RICHARD TRUELOVE — #46026

PLAN PREPARED BY:
RICHARD TRUELOVE P.E.,Inc.
registered civil engineer
28 East Susquehanna Avenue
Towson, Maryland 21286
(410)494-4914 FAX (410)823-3827