IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE - S/S Hazelwood Ave.,

200' NW of the c/l Kenwood Ave.

(6421 Hazelwood Avenue)
14th Election District

7th Councilmanic District

John R. Lord, et ux Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 98-431-SPHA

\* \* \* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, John R. and Gail Lord, through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners seek approval of an amendment to the previously approved site plan in prior Case No. 86-385-SPH and to confirm that the permitted 25% expansion of a legal, nonconforming use, is not subject to Residential Transition Area (RTA) requirements, in order to allow nine (9) parking spaces to be located on property zoned D.R.5.5. In addition, the Petitioners seek relief from Sections 1B01.1.B.1.C and 1B01.1.B.1.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a buffer and setback of 0 feet in lieu of the required 50 feet and 75 feet, respectively, for a proposed parking lot and shown on the site plan, and from Section 409.8.A.4 of the B.C.Z.R. to permit a setback for parking from an existing road right-of-way of 7 feet in lieu of the required 10 feet. The subject property and relief sought are more particularly described on the site plan submitted with the Petitions filed and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were John and Gail Lord, legal owners of the property, Paul Lee, Professional Engineer, who prepared the site plan for this property, and their attorney, Francis

X. Borgerding, Jr., Esquire. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 17,000 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling which is used as a rental property. The property is located adjacent to an existing service garage for which the Petitioners obtained approval as a legal, nonconforming use, in prior Case No. 86-385-SPH on May 9, 1986. The Petitioners now come before me seeking approval of an amendment to that site plan to permit the location of nine (9) additional parking spaces on the subject property as an expansion of the existing parking lot on the adjacent property.

On behalf of their request, Mr. Lord testified that the subject property and adjacent service garage has been in the family for the past 52 years. He testified that he purchased the business from his father in 1980 and has been operating same since that time. Testimony indicated that due to overflow of business, he has, on occasion, found it necessary to park vehicles on the front portion of the subject residentially used lot. This practice has occurred for many years; however, the Petitioner now wishes to pave that area of the residential lot which has been used for overflow parking. Although a nonconforming use was granted for the service garage on the adjacent property, it did not apply to the subject residential lot. Therefore, the requested special hearing and variances are necessary in order to proceed as proposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and McLean v. Soley, 270 Md. 208 (1973). To prove practical his property. difficulty for an area variance, the Petitioner must meet the following:

â

- 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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets 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 special hearing and variance requests should be granted.

Baltimore County this day of July, 1998 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in prior Case No. 86-385-SPH and to confirm that the permitted 25% expansion of a legal, nonconforming use, is not subject to Residential

Transition Area (RTA) requirements, in order to allow nine (9) parking spaces to be located on property zoned D.R.5.5., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

lief from Sections 1B01.1.B.1.C and 1B01.1.B.1.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a buffer and setback of 0 feet in lieu of the required 50 feet and 75 feet, respectively, for a proposed parking lot as shown on the site plan, and from Section 409.8.A.4 of the B.C.Z.R. to permit a setback for parking from an existing road right-of-way of 7 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their permits 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TMOTHY M KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

IN THE MATTER OF
THE APPLICATION OF
JOHN R. LORD, ET UX
S/s Hazelwood Avenue, 200' NW
of c/l Kenwood Avenue
(6421 Hazelwood Avenue)
14the Election District
7th Councilmanic District

BEFORE

COUNTY BOARD OF APPEALS

• OF

BALTIMORE COUNTY

\* CASE NO. 98-431-SPHA

ORDER OF DISMISSAL

This matter comes before the Board on appeal from a decision of the Deputy Zoning Commissioner dated July 20, 1998 in which the Petitions for Special Hearing and Variance were GRANTED.

WHEREAS, the Board is in receipt of a letter of withdrawal of the Petitions filed October 20, 1998, by Francis X. Borgerding, Jr., Esquire, on behalf of the Petitioners, John R. and Gail Lord (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioners request that the Petitions for Special Hearing and Variance be withdrawn without prejudice as of the above date,

IT IS HEREBY ORDERED this 13th day of November, 1998 by the County Board of Appeals of Baltimore County that said petitions be and the same are hereby WITHDRAWN AND DISMISSED without prejudice, and the Order of the Deputy Zoning Commissioner dated July 20, 1998 is declared null and void.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

ristine K. Howanski, Chairman

Charles L. Marks

Donna M. Felling



## County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

November 13, 1998

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 98-431-SPHA John R. Lord, et ux

Dear Mr. Zimmerman:

Pursuant to Petitioner's request to withdraw the Special Hearing and Variance in the subject matter, enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County.

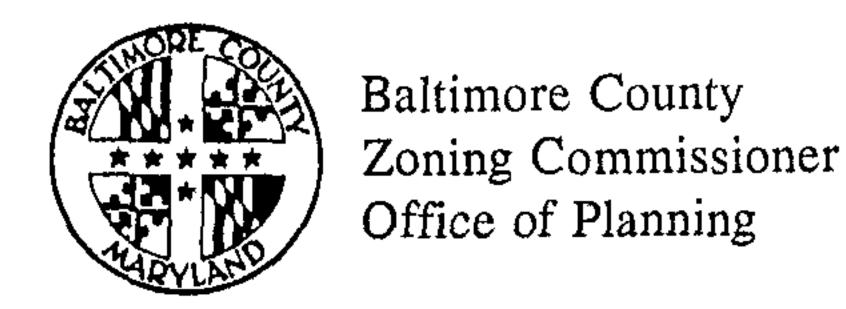
Very truly yours,

Marlotte E. Radcliffe

Legal Secretary

encl.

cc: Francis X. Borgerding, Jr., Esquire
Mr. and Mrs. John R. Lord
Pat Keller, Director /Planning
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

July 20, 1998

Francis X. Borgerding, Jr., Esquire 409 Washington Avenue, Suite 600 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

S/S Hazelwood Ave., 200' NW of the c/l Kenwood Ave.

(6421 Hazelwood Avenue)

14th Election District - 7th Councilmanic District

John R. Lord, et ux - Petitioners

Case No. 98-431-SPHA

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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

Muether Motroco

for Baltimore County

TMK:bjs

cc: Mr. & Mrs. John R. Lord 2610 Mountain Road, Joppa, Md. 21085

Mr. Paul Lee, Century Engineering 32 West Road, Towson, Md. 21204

People's Counsel; Case Files



ORDER RECEI)

Date\_

# Petition for Special Hearing

# to the Zoning Commissioner of Baltimore County

for the property located at

6421 Hazelwood Avenue Baltimore, MD 21237

which is presently zoned

# 431

D.R. 5.5

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 to amend the previously approved zoning plan and to confirm that the permitted 25% expansion is not subject to residential transition area standards as a legal non-conforming use.

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:	Legal Owner(s):
(Type or Print Name)	John R. Lord (Type or PrintName)
Signature	Gail Lord
Address	(Type or Print Name)
City State Zipcode	2610 Mountain Road (4/0)866-1138
Attorney for Petitioner:	2610 Mountain Road (4/0)866-1138 Address Phone No.
Francis X. Borgerding, Jr.  (Type or Print Name)	Joppa MD 21085  City State Zipcode  Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
Signature	Francis X. Borgerding, Jr.  Name  Towson, MI
409 Washington Avenue, Suite 600  Address Phone No.	409 Washington Ave., Ste. 600 21204  Address 410-296-6820
Towson, MD 21204 410-296-6820  City State Zipcode	OFFICE USE ONLY  ESTIMATED LENGTH OF HEARING  unavailable for Hearing
April 1 Administration	the following dates Next Two Months  ALLOTHER
	REVIEWED BY: JRF DATE 5/12/98



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at

6421 Hazelwood Avenue Baltimore, MD 21237

which is presently zoned D.R. 5.5

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) 1BO1.1.B.1.6 & 1BO1.1.B1.6.2 of the BCZR to permit 0' buffer and setback for proposed parking lot in lieu of the required 50' and 75' respectively as shown on the site plan to provide additional parking in the residential transition area and Section 409.8.A.4 of the BCZR to permit a 7' setback for parking from an existing road r/w in lieu of the required 101 of the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Uniqueness of property;

2. Shape and configuration of property;

3. Such other and further reasons that will be presented at the time of the hearing of this matter.

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.

	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:	Legal Owner(s):
(Type or Print Name)	John R. Lord (Type or Print Name)
Signature	Gail-Lord
Address	(Type or Print Name)
City State Zipcode	Signature
Attorney for Petitioner:	
Francis X. Borgerding, Jr. (Type or Print Name)	2610 Mountain Road (410) 866 - 1/38 Address
	Joppa MD 21085 State Zipcode
Signature	City Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
409 Washington Ave., Ste. 600 Phone No.	Francis X. Borgerding, Jr. Name Towson, ME
Towson, MD 21204 410-296-6820	409 Washington Ave., Ste. 600 21204
City State Zipcode	Address 410-296-6820 OFFICE USE ONLY
Administration of the state of	ESTIMATED LENGTH OF HEARING unavailable for Hearing
A <b>T</b>	the following dates Next Two Months
	ALLOTHER
	REVIEWED BY: JPF DATE 5/12/97

98.431.SPAA

PARTIE PROFILE

# 431



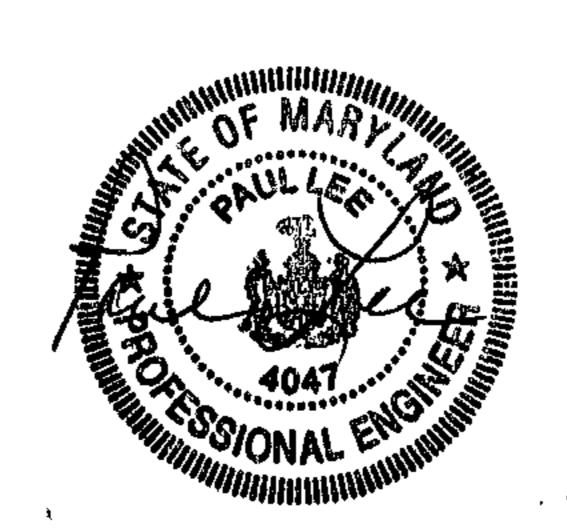
32 West Road Towson, Maryland 21204 (410) 823-8070

### #6421 HAZELWOOD AVENUE ELECTION DISTRICT 1407 BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point located in or near the center of Hazelwood Avenue, said point also being located Northwesterly – 200' ± from the center of Ellenwood Road; thence running in or near the center of Hazelwood Avenue,

- (1) North 82 degrees 29 minutes 00 seconds, 100 feet thence leaving said center of Hazelwood Avenue
- (2) South 07 degrees 31 minutes 00 seconds West, 170 feet,
- (3) South 82 degrees 29 minutes 00 seconds East 100 feet and
- (4) North 07 degrees 31 minutes 00 seconds East to the center of Hazelwood Avenue and said point of beginning.

CONTAINING 17,000 square feet of land, more or less.



# 431 98-431-5PHA

BALTIMORE COUNTY, MARY ID  OFFICE OF BUDGET & FINANCE  MISCELLANEOUS RECEIPT	3733 MILLIANT TIME
DATE 5-12-95 ACCOUNT 8-001-615-000	MENTERS STATEMENT OF THE STATEMENT OF TH
RECEIVED Hazelwood Body & Finder, Inc. FROM: 020 Variance TTEM# 431	Saltimore County, Waryland
	2431.5PAA
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Tow-son. Maryland on the property identified herein as follows:

Case: #98-431-SPHA 8421 Hazelwood Avenue S/S Hazelwood Avenue, 200 +/- from centerline Ellenwood Road 14th Election District 7th Councilmanic District Legal Owner(s): John R. Lord & Gail Lord

Special Hearing: to amend the previously approved zoning plan and to confirm that the permitted 25% expansion is not subject to Residential Transition Area standards as a legal non-conforming use. **Variance**: to permit a zero foot variance: to permit a zero toos buffer and setback for proposed parking lot in lieu of the required 50 feet and 75 feet, respectively to provide additional parking in the Residential Transition Area; and to permit a 7-foot setback for parking from an existing road right-of-way in lieu of the required 10 feet quired 10 feet.
Hearing: Monday, June 29,
1998 at 9:00 a.m., in Room
407, County Courts Bidg.,
401 Bostey Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.

(2) For Information concerning the File and/or Hearing, Please Call (410) 887-3391.

6/158 June 11

0235313

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/11, 19 98
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 successive
weeks, the first publication appearing on $6/11$ , 19 98
THE JEFFERSONIAN,
A. Henrileson LEGAL AD TOWSON
LEGAL AD TOWSON

# CERTIFICATE OF POSTING

•	RE: Case No.: 98-43/ SPHA
	Petitioner/Developer:
	JOHN R. LORD
•	Date of Hearing/Closing:
Baltimore County Department of Permits and Development Managen County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Ladies and Gentlemen:	
<del>-</del>	roperty located at 6421 HAZELWOOD AVE.
The sign(s) were posted on	8/25/98
	(Month, Day, Year)
	Sincerely,
	Huy Feund 8/25/98
	(Signature of Sign Poster and Date)
	(Printed Name)
	(Address)
	(City, State, Zip Code)
•	(Telephone Number)

### CERTIFICATE OF POSTING

RE: Case # 98-431-SPHA
Petitioner/Developer:
(John R. Lord)
Date of Hearing/Gioving:
(June 29, 1998)

(410)-687-8405

(Telephone Number)

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

Attention: Ms. Gwendolyn Stephens

Ladles and Gentleman:						
This letter is to certify under the penalties of perjury that the necessary sign(s) required by						
law were posted conspicuously on the prope	erty located at					
6421 Hazelwood Ave. Baltimore, Maryland 2	21237					
The sign(s) were posted onJune	12, 1998					
(M	onth, Day, Year)					
	Sincerety					
	Ohm Detal 18					
	(Signature of Sign Poster & Date)					
	Thomas P. Ogle, Sr					
(A) The Property of the Computation of the Compu	325 Nicholson Road					
	J23 MCHOISON MORU					
	Baltimore, Maryland 21221					

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

or Newspaper Advertising:
em Number or Case Number: <u>431</u>
etitioner: John R. Lord
ddress or Location: 6421 Hazolwood Ave.
LEASE FORWARD ADVERTISING BILL TO: lame:John R . Lord
ddress: 2610 Mountain Road, Joppa Md 21085
elephone Number: 410-866-1138

Revised 2/20/98 - SCJ

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.: 98-431-SPHA

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

PLACE:	
DATE AND TIME:	
REQUEST: let in heu of the required 50' 4 75' respectively to provadchional parking in the effect of And I	1
additional parking in the RTA And to permit a 7' setback fer from an existing read R/W in her of the required 10'	parki,
SPECIAL HEADING -T.	n .
plan and to confirm that the permitted 25% expansion is nested to RTA standards as a legal non-conforming.	13cm
- Ser new 2 courte ming.	C3C.

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

TO:

PATUXENT PUBLISHING COMPANY

June 11, 1998 Issue - Jeffersonian

Please forward billing to:

John R. Lord

410-866-1138

2610 Mountain Road Joppa, MD 21085

### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-431-SPHA
6421 Hazelwood Avenue
S/S Hazelwood Avenue, 200' +/- from centerline Ellenwood Road
14th Election District - 7th Councilmanic District
Legal Owner: John R. Lord & Gail Lord

Special Hearing to amend the previously approved zoning plan and to confirm that the permitted 25% expansion is not subject to Residential Transition Area standards as a legal non-conforming use. Variance to permit a zero foot buffer and setback for proposed parking lot in lieu of the required 50 feet and 75 feet, respectively to provide additional parking in the Residential Transition Area; and to permit a 7-foot setback for parking from an existing road right-of-way in lieu of the required 10 feet.

**HEARING:** 

Monday, June 29, 1998 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT

Allen 3. Bridge 305

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

May 22, 1998

### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-431-SPHA

6421 Hazelwood Avenue

S/S Hazelwood Avenue, 200' +/- from centerline Ellenwood Road

14th Election District - 7th Councilmanic District

Legal Owner: John R. Lord & Gail Lord

Special Hearing to amend the previously approved zoning plan and to confirm that the permitted 25% expansion is not subject to Residential Transition Area standards as a legal non-conforming use. Variance to permit a zero foot buffer and setback for proposed parking lot in lieu of the required 50 feet and 75 feet, respectively to provide additional parking in the Residential Transition Area; and to permit a 7-foot setback for parking from an existing road right-of-way in lieu of the required 10 feet.

**HEARING:** 

Monday, June 29, 1998 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon

Director

c: Francis X. Borgerding, Jr., Esquire

Gail & John Lord

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 14, 1998.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

June 23, 1998

Francis X. Borgerding, Jr., Esq. 409 Washington Avenue, Suite 600 Towson, MD 21204

RE: Item No.: 431

Case No.: 98-431-SPHA Petitioner: John R. Lord

and Gail Lord

Location: 6421 Hazelwood

Avenue

Dear Mr. Borgerding:

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 May 12, 1998.

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.

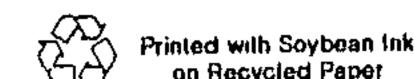
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

WCR:ggs
Attachment(s)



### BALTIMORE COUNTY, MARYLAND

MAY 2 7 190.

### INTER-OFFICE CORRESPONDENCE

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

**DATE:** May 26, 1998

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

**SUBJECT:** Zoning Advisory Petitions

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

Item No. 417, 427, 428, 431, 433, 435, and 440

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:

Division Chief: Jeffry Wing of

AFK/JL



# Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 Baltimore County 5

5.72.94

Item No.

RE:

431

JRF

Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

1. J. Hell 1 H Ronald Burns, Chief

**Engineering Access Permits** 

Division

LG

# LTIMORE COUNTY, MARYLAND

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

# INTER-OFFICE CORRESPONDENCE

TO:

POM

FROM:

R. Bruce Seeley . 1991/97

Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee
Mesting Date: 5/26/

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

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

May 27, 1998

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

RE: Property Owner: John R. Lord and Gail Lord

Location: DISTRIBUTION MEETING OF May 26, 1998

Item No.: 431

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Sintag

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: June 8, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for June 1, 1998 Item No. 431

The Development Plans Review Division has reviewed the subject zoning item. Hazelwood Avenue is an existing road which shall ultimately be improved as a 40-foot street cross section on a 60-foot right-of-way.

RWB:HJO:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING PETITION FOR VARIANCE									BEFORE	ETHE				
6421 Hazelwood Avenue, S/S Hazelwood Ave, 200'							*		ZONING COMMISSIONER					
	+/- from c/l Ellenwood Rd, 14th Election District, 7th Councilmanic						*		FOR					
Legal Owners: John R. and Gail Lord							*	* .	BALTIMORE COUNTY					
Petitioner(s)						*		Case Number: 98-431-SPHA						
*	*	*	*	*	*	*	*	₩	*	*	*	*	*	

### **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 of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this  $10^{\circ}$  day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Esq., DiNenna & Breschi, 409 Washington Avenue, Suite 600, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN

# Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO
Deputy People's Counsel

August 6, 1998

Arnold Jablon, Director Department of Permits and Development Management 111 W. Chesapeake Avenue Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING AND VARIANCE 6421 Hazelwood Avenue, S/S Hazelwood Ave., 200' NW of the c/l Kenwood Avenue 14<sup>th</sup> Election Dist., 7<sup>th</sup> Councilmanic JOHN R. LORD, ET UX., Petitioners Case No. 98-431-SPHA

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Finding of Fact and Conclusions of Law dated July 20, 1998 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

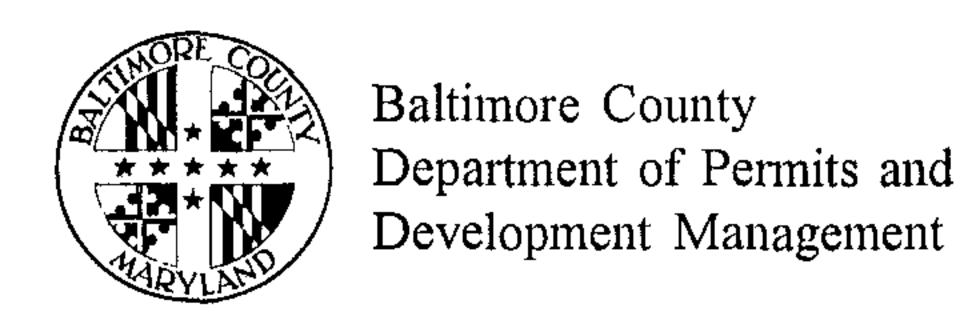
Carole S. Demilio

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/caf

cc: Francis X. Borgerding, Jr. Attorney for Petitioners



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391

August 13, 1998

Francis X. Borgerding, Jr., Esquire 409 Washington Avenue, Suite 600 Towson, MD 21204

Dear Mr. Borgerding:

RE: Petitions for Special Hearing and Variance, Case No.: 98-431-SPHA, 6421 Hazelwood Avenue, District: 14c7, John R. Lord and Gail Lord - Petitioners

Please be advised that an appeal of the above referenced case was filed in this office on August 6, 1998 by Peter Max Zimmerman and Carole S. Demilio on behalf of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon

Director

AJ:rye

c: People's Counsel

### **APPEAL**

Petitions for Special Hearing and Variance S/S Hazelwood Avenue, 200' NW of the c/l Kenwood Avenue

(6421 Hazelwood Avenue)

14<sup>th</sup> Election District - 7<sup>th</sup> Gouncilmanic District John R. Lord, et ux - Petitioners

Case No.: 98-431-SPHA

Bd. of Elections

Petitions for Special Hearing and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners Sign-In Sheet

Petitioners' Exhibit: 1 - Plat to Accompany Petitions for Special Hearing and Variance

Zening Commissioner's Order for Case #86-385-SPH dated May 9, 1986 (Granted)

Deputy Zoning Commissioner's Order for Case #98-431-SPHA dated July 20, 1998 (Granted)

Notice of Appeal received on August 6, 1998 from Peter Max Zimmerman and Carole S. Demilio on behalf of People's Counsel

c: Francis X. Borgerding, Jr., Esquire, 409 Washington Ave., Suite 600, Towson, MD 21204 Mr. and Mrs. John R. Lord, 2610 Mountain Road, Joppa, MD 21085 Mr. Paul Lee, Century Engineering 32 West Road, Towson, MD 21204 \*People's Counsel

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 29, 1999

Permits & Development Management

FROM:

رس Charlotte E. Radcliffe

County Board of Appeals

SUBJECT: Closed File:

98-431-SPHA / John R. Lord, et ux

Since no further appeal was taken in the above captioned matter, which was dismissed by Order dated November 13, 1998, we are hereby closing the file and returning same herewith.

Attachment (File No. 98-431-SPHA)

## FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600 409 Washington Avenue Towson, Maryland 21204 (410) 296-6820 Fax (410) 296-6884

Member of Maryland and District of Columbia Bar

October 16, 1998

County Board of Appeals of Baltimore County Old Court House, Room 49 400 Washington Avenue Towson, Maryland 21204

> Petitions for Special Hearing and Variance RE:

Property: 6421 Hazelwood Avenue Petitioner: John R. Lord, et ux.

Case No.: 98-431-SPHA

Gentlemen/Ladies:

This correspondence is being written on behalf of John R. and Gail Lord, Petitioners, in the above-referenced case to request that their Petitions for Special Hearing and Variance in relation to the above-referenced case be withdrawn without prejudice. If you have any questions in relation to this matter, please do not hesitate to contact me.

Thank you very much for your cooperation with regard to this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk

cc: Mr. John R. Lord People's Counsel for Baltimore County

## PLEASE PRINT CLEARLY

### PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Par LEE Gail Loso Sohn Lord	32-WEST READ  2610 Mountain RO Joppa  2610 Mountain RO Joppa

IN RE: PETITION SPECIAL HEARING
S/S of Hazelwood Avenue,
opposite Kelbourne Road
(6423 Hazelwood Avenue) 14th Election District

ZONING COMMISSIONER

BEFORE THE

Tomos ET Family

OF BALTIMORE COUNTY

James W. Lord, et ux,

Case No. 86-385-SPH

Petitioners

\* \* \* \* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request confirmation of a nonconforming use as a service garage, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. George Heffner and James Hallameier, lifetime residents of the area, testified on their behalf. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.5.5 and located on Hazelwood Avenue, has been used as a service garage by the Petitioners since 1944. Counsel for the Petitioners, also a lifelong resident of the area, remembers the property's use as far back as 1944. All of the witnesses remember the use and all confirmed that the site has been continuously used as a service garage and that there has never been a cessation.

The Petitioners seek relief pursuant to Sections 104.1 and 500.7, Baltimore County Zoning Regulations (BCZR).

The uncontroverted testimony, which was amply supported, conclusively indicates that the property has been used continuously and without interruption as a service garage since 1944. After due consideration of the testimony and evidence presented, it is clear that a nonconforming use exists.

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

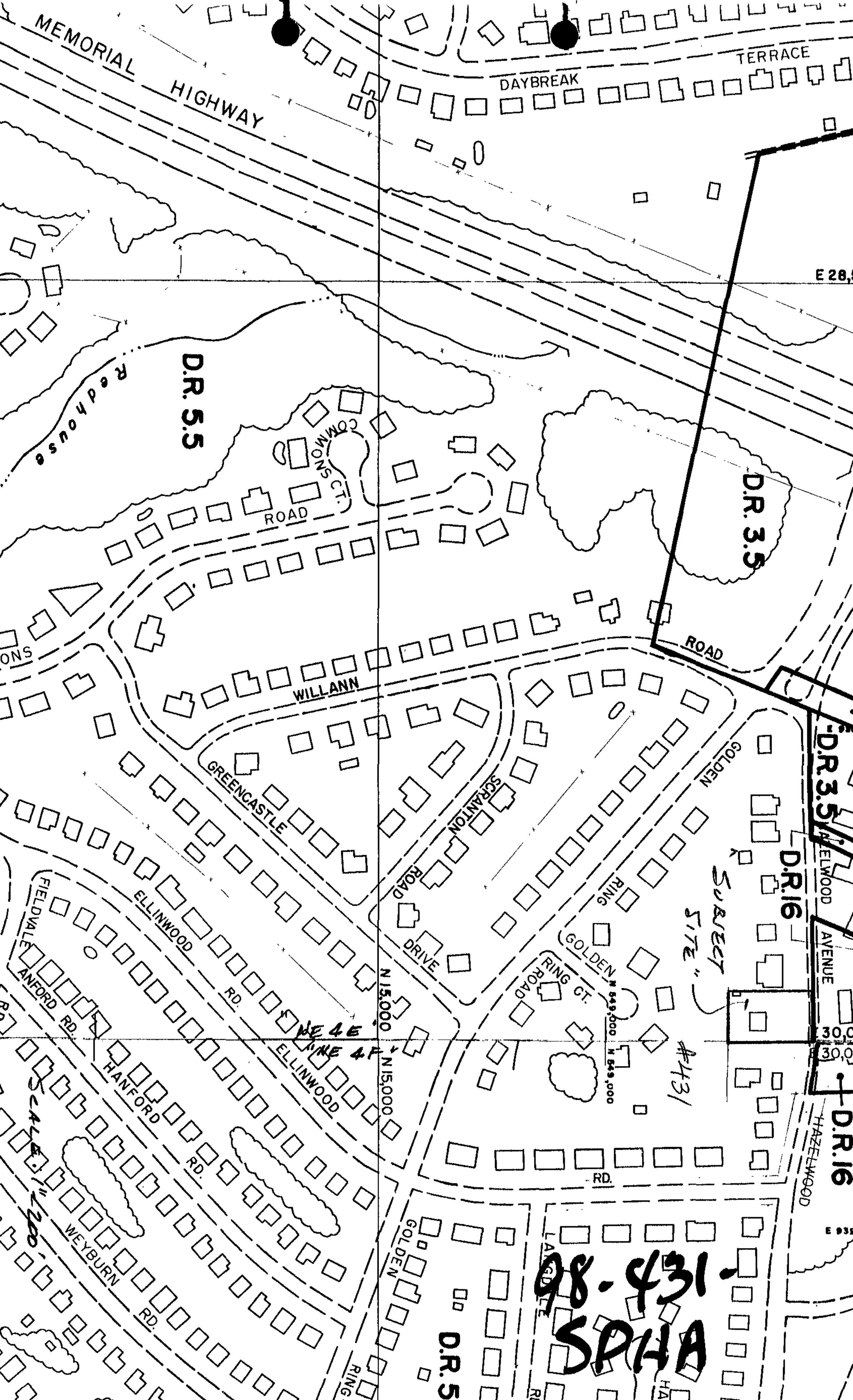
Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_\_ day of May, 1986, that a nonconforming use as a service garage be approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject to the following:

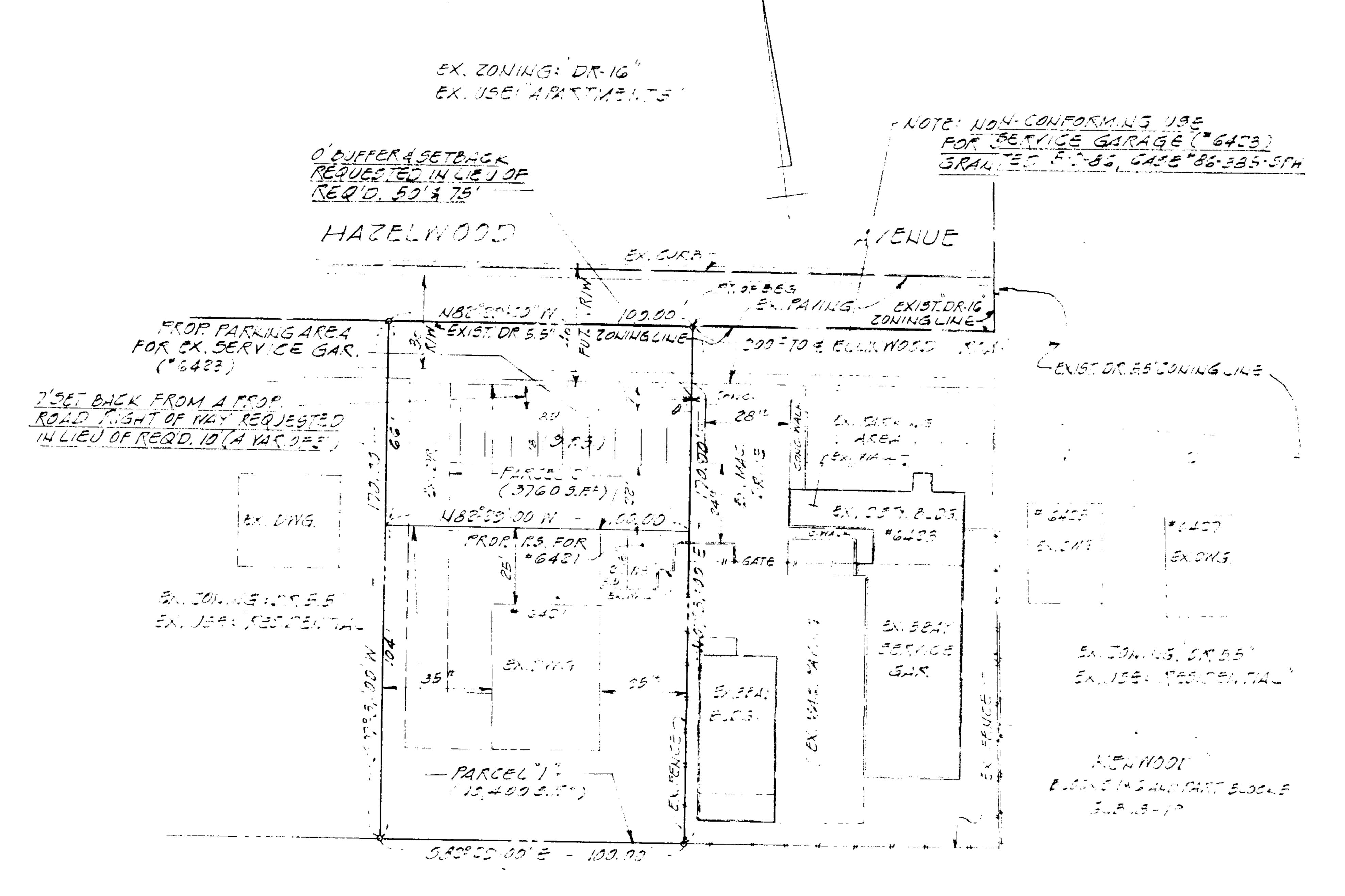
 Any existing building which is structurally unstable may be razed and reconstructed to its identical dimensions.

Zoning Commissioner of Baltimore County

AJ/srl

cc: John E. Bohlen, Jr., Esquire



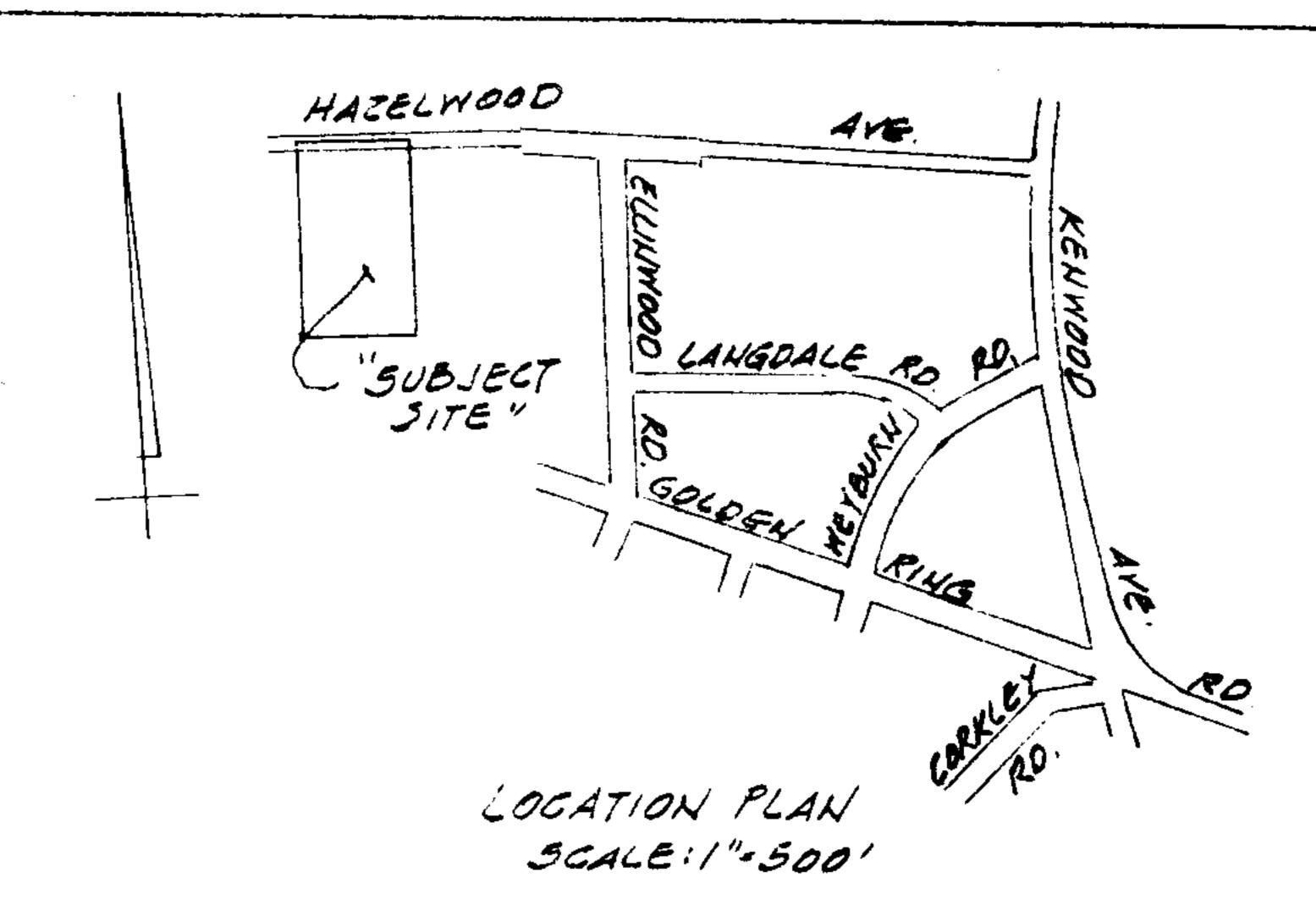


EX. ZONING: DR. 5.5"

EX. JSE: KESTISEVITAL

# NOTE:

- 1. CASE#86-385-9PH NON-CONFORMING 15E FOR SERVICE GARAGE GRANTED 5-5-36.(\*6423)
- 2. AREA OF LON- SONFORMIN. & USE 17,35,5,5,5 ("6483)
- 3 PERMITTED AREN EXPANSION FOR NOW CONFORM.
- A AREA OF PROPOSED PARKING LOT ADDITIONS. =



# GENERAL NOTES:

- .. AREA OF FROPERTY = 17,000 5.F. \* (GROSS)
- 2. EXISTING EDWING OF PROPERTY . "DR 5.5"
- 3. EXISTING USE OF PROPERTY " "RESIDENTIAL"
  4. PROPOSED CONINGS OF PROPERTY: "OR S.S"
- S. PROPOSES USE OF PROPERTY " RESIDENTIAL & PARKING AREA"
- G. MEQUINED OFF-STREET PARKING RESIDENTIAL (2) +
- 7. NUMBER PARKING SPACES SHOWN = 2 + 9 (SERVICE GAR.)= 11
- E. PETITIONER REQUESTING A SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED ZOW. NG PLAN AND TO CONFIRM THAT THE PERMITTED 25% EXPANSION IS NOT SUBJECT TO RESIDENTIAL TRANSITION AREA STANDARDS AS A LEGAL NOW. CONFORMING USE.
- 9. PETITIONER REQUESTING A VARIANCE TO SECT, 1801.1.8.1.c & 1801.1.8.1.e. OF THE BCZR TO PERMIT O'BUFFER AND SETBACK FOR PROFOSED PARKING LOT IN LIEU OF THE REQ'D. SO'AND 75' RESPECTIVELY AS SHOWN ON THE SITE PLAN TO PROVIDE ADDITIONAL PARKING IN THE RESIDENTIAL TRANSITION AREA AND SECT. 409.8.A.4 OF THE BCZR TO PERMIT A TISETBACK FOR PARKING FROM AN EXISTING ROAD RIW IN LIEU OF THE REQD. 10'(A VAR. OF3')
- 10. "ARCEL" I" MEETS THE AREA REQUIREMENTS FOR "OR 5.5."
- 11. PARNING AREA TO BE DURABLE AND DUSTLESS SURFACE.
  PARKING SPACES TO BE STRIPPED.
- 12. PROPERTY SERVED BY PUBLIC UTILITIES.
- 13. THERE IS NO ZONING HISTORY FOR 6421 HAZELWOOD AVE.

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Albert 19 January 22 August 19 January 19 Ja

PLAT TO ACCOMPANY PETITION

FOR

SFECIAL HEARING AND VARIANCES

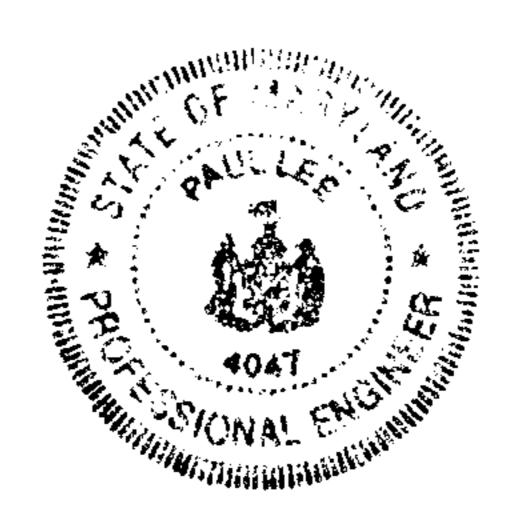
"6421 HAZELWOOD AVENUE

ELECT DIST. 14CT

BALTIMORE COUNTY, MO.

50ALE: 1"=30"

APRIL 20,1998



ENGINEER:

CENTURY ENGINEERING,INC.

32 WEST ROAD TOWSON, MARYLAND 21204 (410) 823-8070

98-431-SPHA

98-013.00