

IN RE: PETITION FOR VARIANCE  
W/S Middle River Road, 60.7' S  
of Clover or Cloverdale Avenue  
(518 Middle River Road)  
15th Election District  
6th Councilmanic District

Joseph F. Palmisamo, Jr., Owner;  
Brian Hickton, Contract Lessee

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 99-08-A

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property Joseph F. Palmisamo, Jr., and the Contract Lessee, Brian Hickton. The Petitioners seek relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side/rear yard setback of 0 feet in lieu of the required 30 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Joseph Palmisamo, Jr., property owner, Brian Hickton, Contract Lessee, and Herbert Malmud, Registered Land Surveyor who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.25 acres, more or less, zoned B.R., and is the site of a used car dealership, consisting of a small sales office and automobile display area. This property was the subject of prior Case No. 92-108-XA in which the Petitioner came before this Deputy Zoning Commissioner seeking approval of a special exception and variance relief to operate a used car dealership on the subject property. I granted the relief requested on October 13, 1992, subject to certain terms and conditions.

ORDER RECEIVED FOR FILING  
Date 9/2/98  
By [Signature]

Approximately 18 months ago, the Petitioner erected a 13' x 28' shed in the rear corner of the property, without benefit of a building permit. As a result of a complaint filed with the Department of Permits and Development Management (DPDM), the Petitioner was cited with a zoning violation notice as to his noncompliance with the Order issued in the prior case, and advised to file the instant Petition for Variance to legitimize the subject shed. The Petitioner testified that the purpose of the shed was to store automobile parts and records in conjunction with his business, and on occasion, a repossessed automobile. Further testimony and evidence presented indicated that this shed is shielded from the view of adjacent properties by virtue of an existing brick garage on his immediate neighbor's property, which apparently abuts the same side and rear property lines as the subject shed, and by existing trees and bushes to the rear of the property. In addition, the Petitioner submitted letters of support from all adjacent property owners indicating that they have no objections to the shed remaining in its present location.

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 meet 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 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.

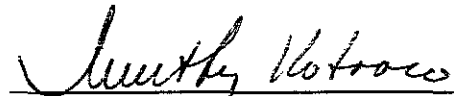
Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested variance. 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 variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8<sup>th</sup> day of September, 1998 that the Petition for Variance seeking relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side/rear yard setback of 0 feet in lieu of the required 30 feet, for an existing 13' x 28' shed in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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.



TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County  
Zoning Commissioner  
Office of Planning

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

September 8, 1998

Mr. Joseph F. Palmisamo, Jr.  
416-B Benninghaus Road  
Baltimore, Maryland 21212

RE: PETITION FOR VARIANCE  
W/S Middle River Road, 60.7' S of Clover or Cloverdale Avenue  
(518 Middle River Road)  
15th Election District - 6th Councilmanic District  
Joseph F. Palmisamo, Jr., Owner; Brian Hickton, Contract Lessee  
Case No. 99-08-A

Dear Mr. Palmisamo:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Brian Hickton  
518 Middle River Road, Baltimore, Md. 21220

Mr. Herbert Malmud  
100 Church Lane, Baltimore, Md. 21208

Code Enforcement Division, DPDM  
People's Counsel; Case Files





# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 518 MIDDLE RIVER ROAD

which is presently zoned BR

This Petition shall be filed with the Department of Permits & 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) Section 238.2 to allow a

~~PRE FAB GARAGE~~: ZERO FOOT SETBACK FOR SIDE & REAR YARD IN LIEU OF 30 FEET.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SITE IS SMALL, LOCATION IS SHIELDED FROM VIEW OF ADJACENT PROPERTIES BY NEIGHBOR'S EXISTING BRICK GARAGE AND TREES & BUSHES IN THE REAR.

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.

Contract Purchaser/Lessee:

BRIAN NICKTON  
(Type or Print Name)

[Signature]  
Signature

518 MIDDLE RIVER RD  
Address

BALTO MD 21220  
City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

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.

Legal Owner(s):

JOSEPH F. PALMISANO, JR.  
(Type or Print Name)

[Signature]  
Signature

(Type or Print Name)

Signature

416 B BENNINGHAUS RD. 410-532-5639  
Address Phone No

BALTIMORE, MD. 21212  
City State Zipcode

Name, Address and phone number of representative to be contacted.

HERBERT MALMUD - H. MALMUD & ASSO, INC  
Name

100 CHURCH LANE 21218 410 653-9511  
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING  
unavailable for hearing

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

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

REVIEWED BY: BR DATE 7/2/98

Printed with Soybean Ink on Recycled Paper

Revised 9/5/95

ORDER RECEIVED FOR FILING  
Date \_\_\_\_\_  
By \_\_\_\_\_

H. MALMUD & ASSOCIATES, INC.  
100 CHURCH LANE  
BALTIMORE, MARYLAND 21208

TELEPHONE (410) 653-9511

DESCRIPTION FOR ZONING  
518 MIDDLE RIVER ROAD  
BALTIMORE COUNTY, MARYLAND

Beginning for the same on the west side of Middle River Road, 60 feet wide at a point distant 60.7 feet southerly from the north side of Clover or Cloverdale Road, 20 wide, thence binding on Middle River Road:

(1) South  $12^{\circ} 20'$  East 88.5 feet; thence leaving said road and running the three (3) following courses and distances.

(2) South  $83^{\circ} 07'$  West 118.9 feet;

(3) North  $01^{\circ} 58'$  West 85.5 feet;

(4) North  $88^{\circ} 55'$  East 135.0 feet to the place of beginning.

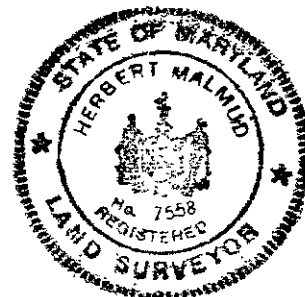
containing 0.25 of an acre, more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE

Herbert Malmud  
Registered Land Surveyor  
Maryland No 7558

June 30, 1998

FILE: Mid Rv Rd Zon DESC 22



#8

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 056094

DATE 7/2/98 ACCOUNT R001-6150

AMOUNT \$ 250.00

RECEIVED FROM: Jody Palmsano

FOR: Zoning Variance

DISTRIBUTION  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER      ITM #8

PAID RECEIPT

PROFESS      ACTUAL      TIME  
7/02/1998      7/02/1998      11:46:18  
REF NO. 056094      CASHIER PAID PER DRAWER      7  
5 MISCELLANEOUS CASH RECEIPT  
Receipt #      099666      056094

250.00 CHECK  
Baltimore County, Maryland

CASHIER'S VALIDATION

**CERTIFICATE OF POSTING**

**RE: Case # 99-08-A**  
**Petitioner/Developer:**  
**(Brian Hickton)**  
**Date of Hearing/Closing:**  
**(August 11, 1998)**

**Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21284**

**Attention : Ms. Gwendolyn Stephens**

**Ladies 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 property located at \_\_\_\_\_**

**518 Middle River Road Baltimore, Maryland 21220 \_\_\_\_\_**

**The sign(s) were posted on \_\_\_\_\_ July 27, 1998 \_\_\_\_\_  
(Month, Day, Year)**

**Sincerely,**

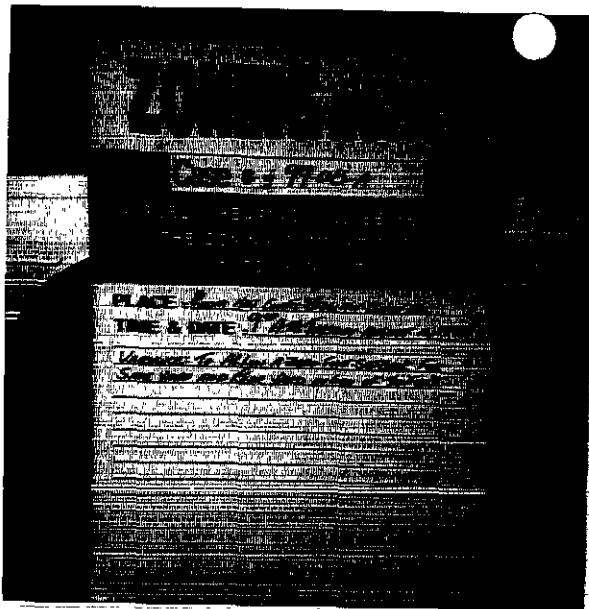
  
**(Signature of Sign Poster & Date)**

\_\_\_\_\_**Thomas P. Ogle, Sr.**\_\_\_\_\_

\_\_\_\_\_**325 Nicholson Road**\_\_\_\_\_

\_\_\_\_\_**Baltimore, Maryland 21221**\_\_\_\_\_

\_\_\_\_\_**(410)-687-8405**\_\_\_\_\_  
**(Telephone Number)**





# CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/23/, 1998

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 7/23/, 1998.

THE JEFFERSONIAN,

*A. Henickson*

LEGAL AD. - TOWSON

## NOTICE OF HEARING

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

Case: 495-006-A  
518 Middle River Road  
W/S Middle River Road, 60' S  
of Clover Road  
15th Election District  
6th Councilmanic District  
Legal Owner(s): Joseph F. Palmisano, Jr.  
Contract Purchaser: Brian Hickby

Variance) to allow a zero foot setback for side yard and rear yard in lieu of 60 feet.  
Hearing: Tuesday, August 11, 1998 at 9:00 a.m. in Room 407 County Courthouse, 401 Bosley 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) 887-3353.  
7/17/97 July 23 5246737



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Ave  
 Towson, Maryland 21284

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 (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.: 8

Petitioner: JODY PALMISANO, JR.

Location: 518 MIDDLE RIVER RD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JODY PALMISANO, JR.

ADDRESS: 416 B. BENNINGHAUS RD  
BALTIMORE, MD. 21212

PHONE NUMBER: 410-532-5639

AJ:ggs

(Revised 09/24/96)

88

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.: 99-8-A

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

PLACE: \*

DATE AND TIME: \*

REQUEST: Variance for a zero foot setback for side and rear yards in lieu of the required 30 feet.

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  
July 23, 1998 - Jeffersonian

Please forward billing to:  
Jody Palmisano, Jr.  
416 B Benninghaus Road  
Baltimore, MD 21212

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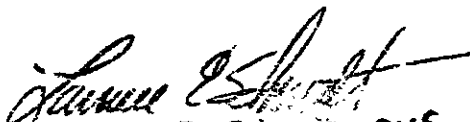
**NOTICE OF ZONING HEARING**

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: 99-008-A  
518 Middle River Road  
W/S Middle River Road, 60' S of Clover Road  
15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owner: Joseph F. Palmisano, Jr.  
Contract Purchaser: Brian Hickton

Variance to allow a zero foot setback for side yard and rear yard in lieu of 30 feet.

HEARING: Monday, August 11, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

  
Lawrence E. Schmidt *rye*

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.



Baltimore County  
Department of Permits and  
Development Management

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

July 17, 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: 99-008-A  
518 Middle River Road  
W/S Middle River Road, 60' S of Clover Road  
15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owner: Joseph F. Palmisano, Jr.  
Contract Purchaser: Brian Hickton

Variance to allow a zero foot setback for side yard and rear yard in lieu of 30 feet.

HEARING: ~~Monday~~ <sup>TUESDAY</sup> August 11, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

c: Brian Hickton  
Herbert Malmud

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 27, 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

August 5, 1998

Mr. Herbert Malmud  
H. Malmud & Associates, Inc.  
100 Church Lane  
Baltimore, MD 21218

RE: Item No.: 8  
Case No.: 99-8-A  
Location: 518 Middle River  
Road

Dear Mr. Malmud:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 2, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:ggs

Enclosures



**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

RE: Baltimore County 7-14-94  
Item No. 008 BR

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,

*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  
Fire Department

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

July 23, 1998

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 JULY 13, 1998

Item No.: 492 and 008 Zoning Agenda:

Gentlemen:

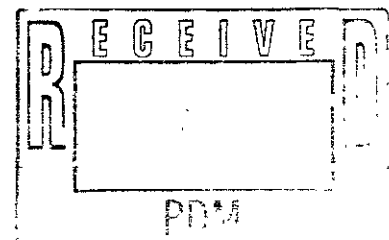
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
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", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

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

cc: File





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

TO: PDM

DATE: 7/22/92

FROM: R. Bruce Seeley . RBS/sp  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: July 13, 92

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

Item #'s: 492  
601  
2  
3  
4  
5  
6  
7  
8

RBS:sp

BRUCE2/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: July 16, 1998

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

SUBJECT: Zoning Advisory Committee Meeting  
for July 20, 1998  
Item Nos. 492, 001, 002, 003, 004,  
005, 006, 007, 008, 009, and 010

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED  
JUL 17  
1998

**TO:** Arnold Jablon, Director  
and Development Management

**DATE:** July 16, 1998

*Jim  
8/11*

**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** 518 Middle River Road

INFORMATION

Item Number: 8

Petitioner: Joseph F. Palmisano, Jr.

Zoning: BR

Requested Action: Variance

Summary of Recommendations:

The Planning Office does not oppose the granting of the subject Petition for Variance providing that the applicant address the following areas of concern:

- 1) The Petitioner should demonstrate to the satisfaction of the Zoning Commissioner that the newly constructed garage has not caused stormwater runoff problems on adjacent properties;
- 2) A landscape plan for the area of the property along Middle River Road should be submitted to this office for review and approval prior to the issuance of permits; and
- 3) A board-on-board fence in combination with landscaping should be provided along the portions of the site that are adjacent to residentially zoned property. Proposed plans should be submitted to the Planning Office for review and approval prior to the issuance of any permits.

If there should be any questions or if this office can provide additional information, please contact Karin Brown, Community Planner, at 410-887-3480.

Section Chief:

*Jeffrey W. Long*

c: Karin Brown  
AFK/JL

RE: PETITION FOR VARIANCE  
518 Middle River Road, W/S Middle River Rd, 60' S  
of Clover Road, 15th Election District, 6th  
Councilmanic

Legal Owners: Joseph F. Palmisano, Jr.  
Contract Purchaser: Brian Hickton

Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case Number: 99-8-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 of 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  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

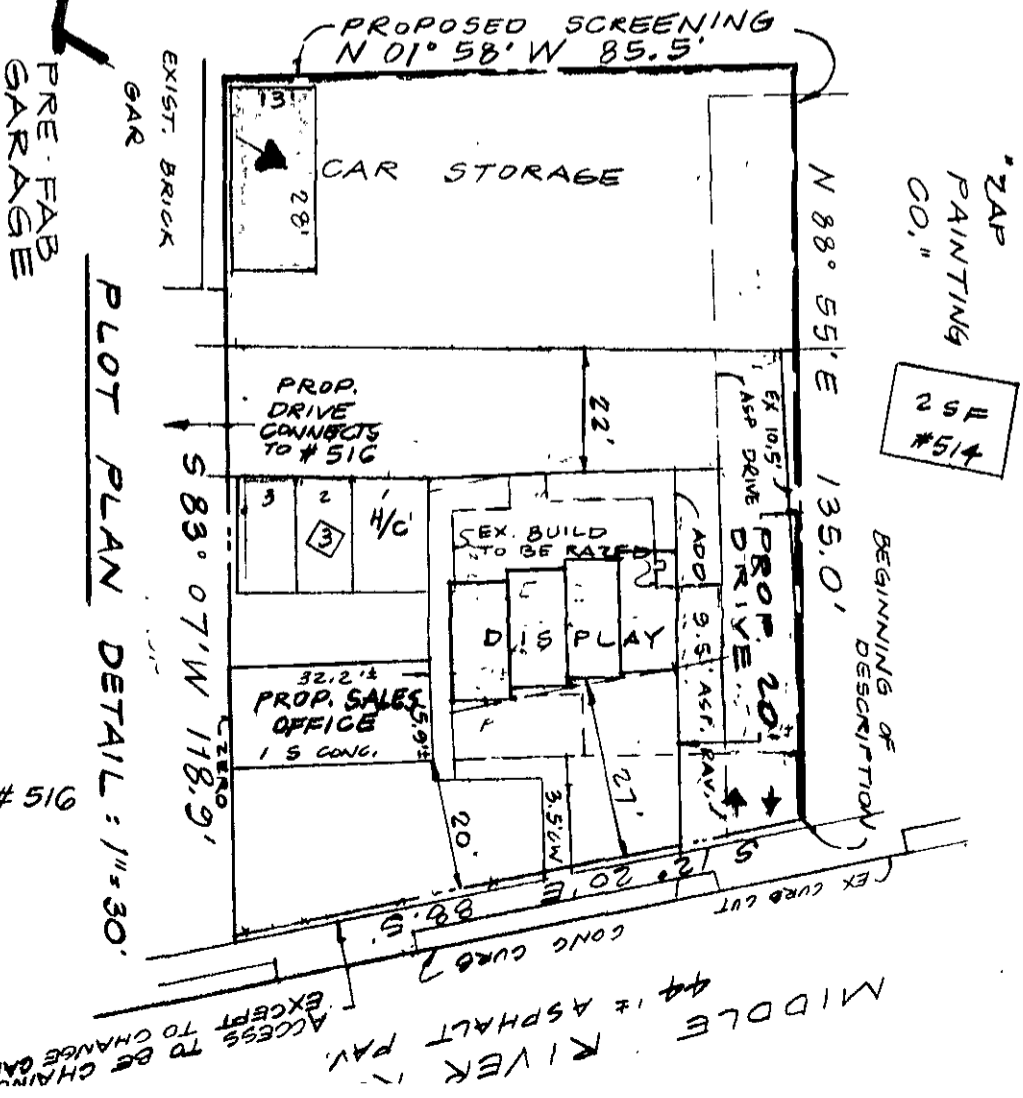
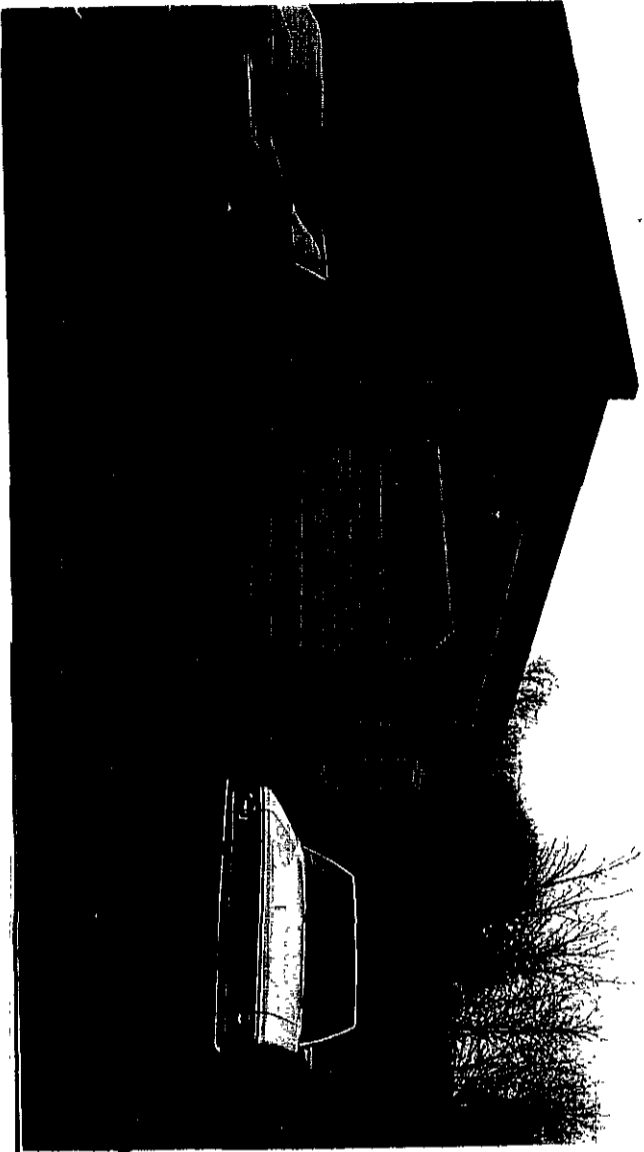
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30<sup>th</sup> day of July, 1998, a copy of the foregoing Entry of Appearance was mailed to Herbert Malmud, H. Malmud & Associates, Inc., 100 Church Lane, Baltimore, MD 21218, representative for Petitioner(s).

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

**SITE PHOTO**  
**TO ACCOMPANY VARIANCE**  
**REQUEST FOR**  
**518 MIDDLE RIVER ROAD**  
**ELECTION DISTRICT NO. 15**  
**COUNCILMANIC DISTRICT NO. 6**  
**BALTIMORE COUNTY, MARYLAND**

Date of Photo: Feb 2, 1998



*[Handwritten signature]*

H. Mahmud & Associates, Inc.  
 100 Church Lane  
 Baltimore, Maryland 21208  
 Telephone 410 653-9511

Prepared by:

August 4, 1997

To: Middle River Auto Sales / Zoning Office

Subject: Zoning Issues

I have no objections to the current location of the temporary shed on the property know as 518 Middle River Road which is currently being utilized as a used automobile sales lot. The proximity of this storage shed to my building at 516½ Middle River Road does not cause any problems what so ever. Brian the owner of Middle River Auto Sales has created a clean business environment and I believe the shed was purchased to store those unsightly spare parts that are always a part of any automotive operation.



Preston R. Snedegar  
4928 Ridge Road  
Baltimore, Maryland 21237  
Phone: (410) 686-7567  
Work: (410) 584-6866

RECEIVED  
AUG 11 1997  
3A

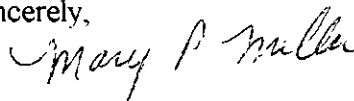
13213 East Greenbank Road  
Baltimore, MD 21220  
February 10, 1998

To whom it may concern:

In the matter regarding a shed situated on the property at 518 Middle River Road adjacent to my property (520 Middle River Road), I hereby reaffirm that I have no objection to this shed.

If you need to contact me, I can be reached on 410-335-2005.

Sincerely,

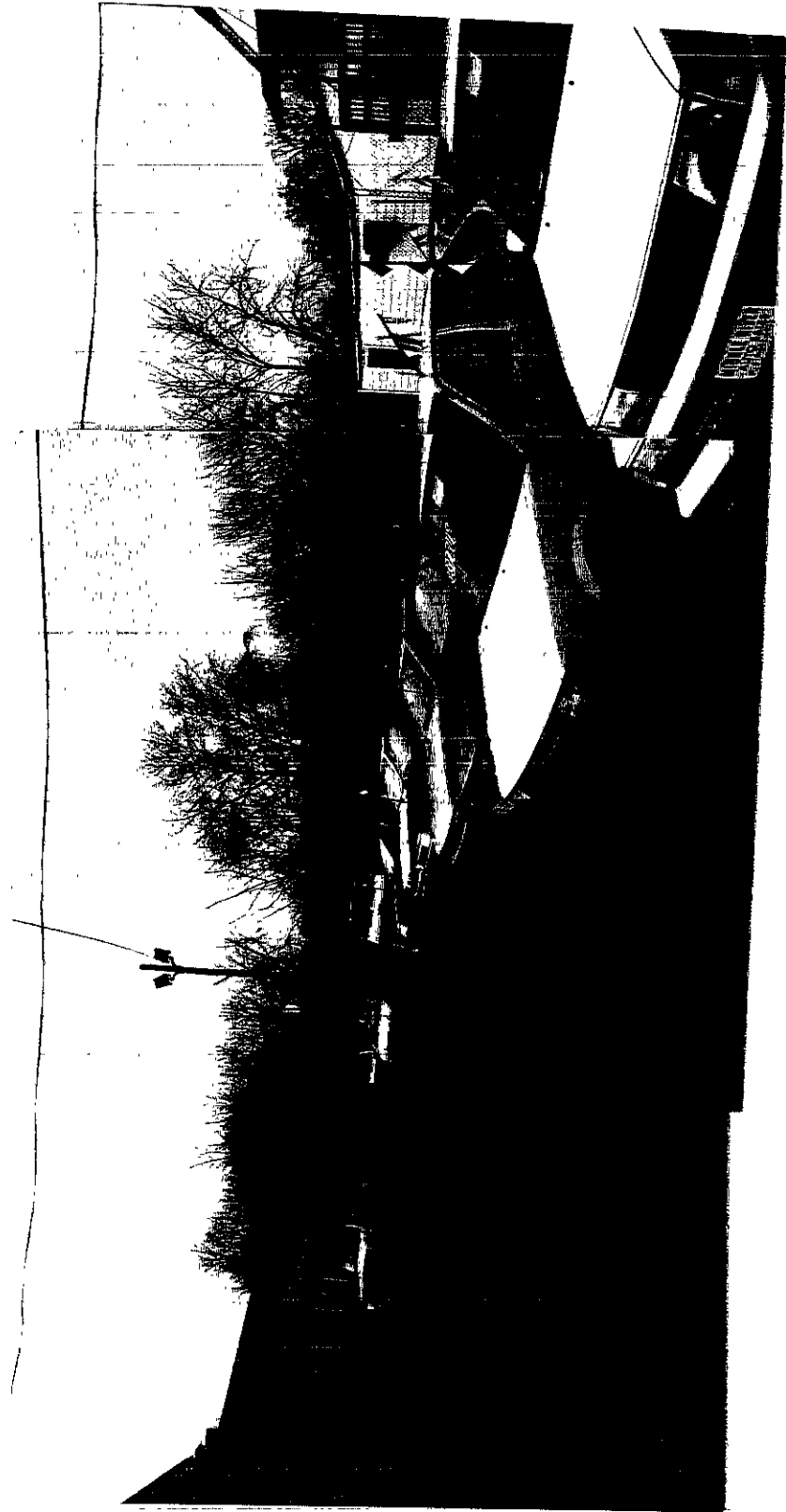


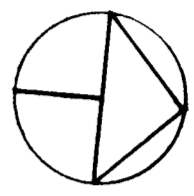
Mary P. Miller  
(Skip's Tavern)

33

99-08-A  
photo







15750N  
4700E

NOTES

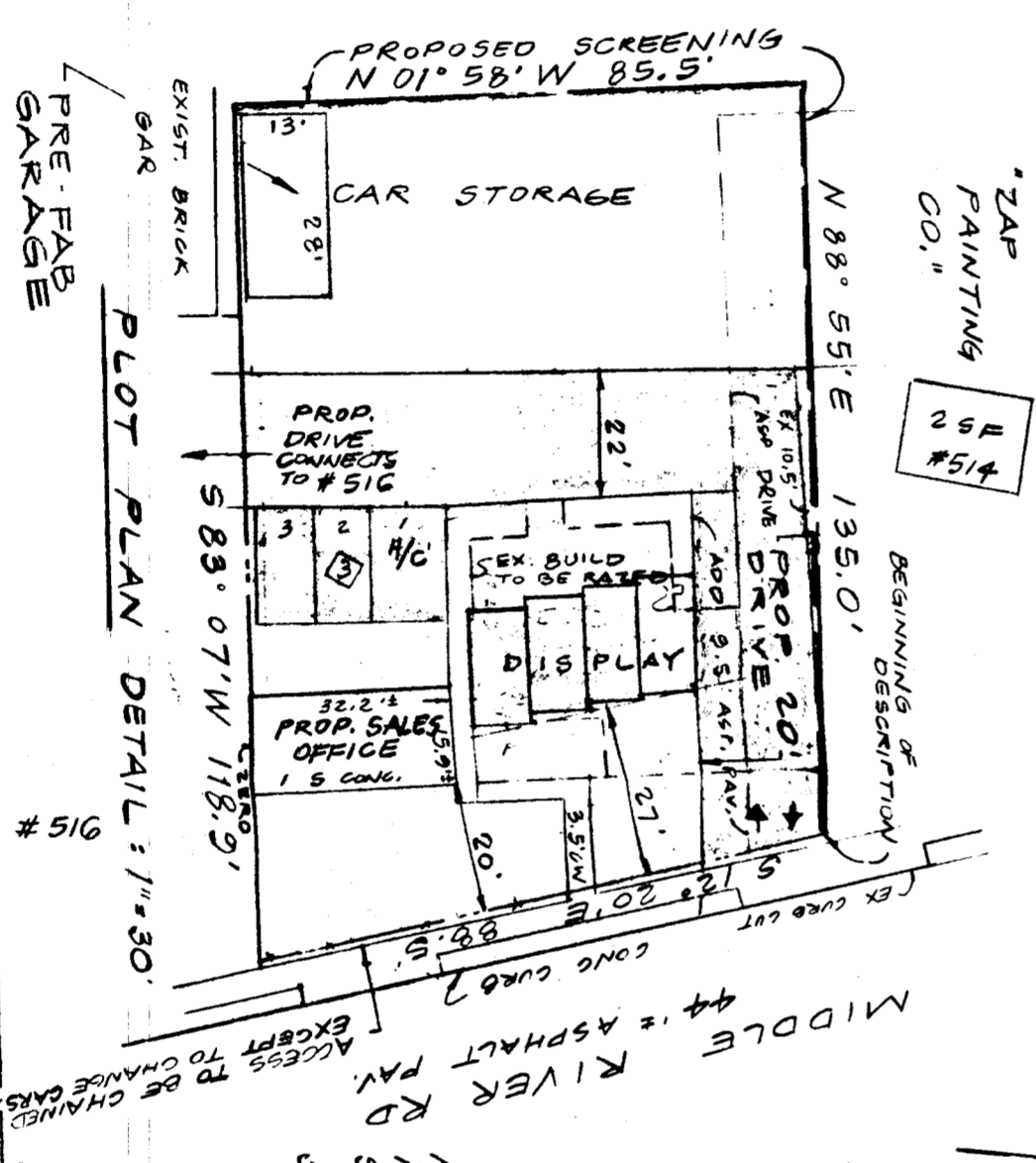
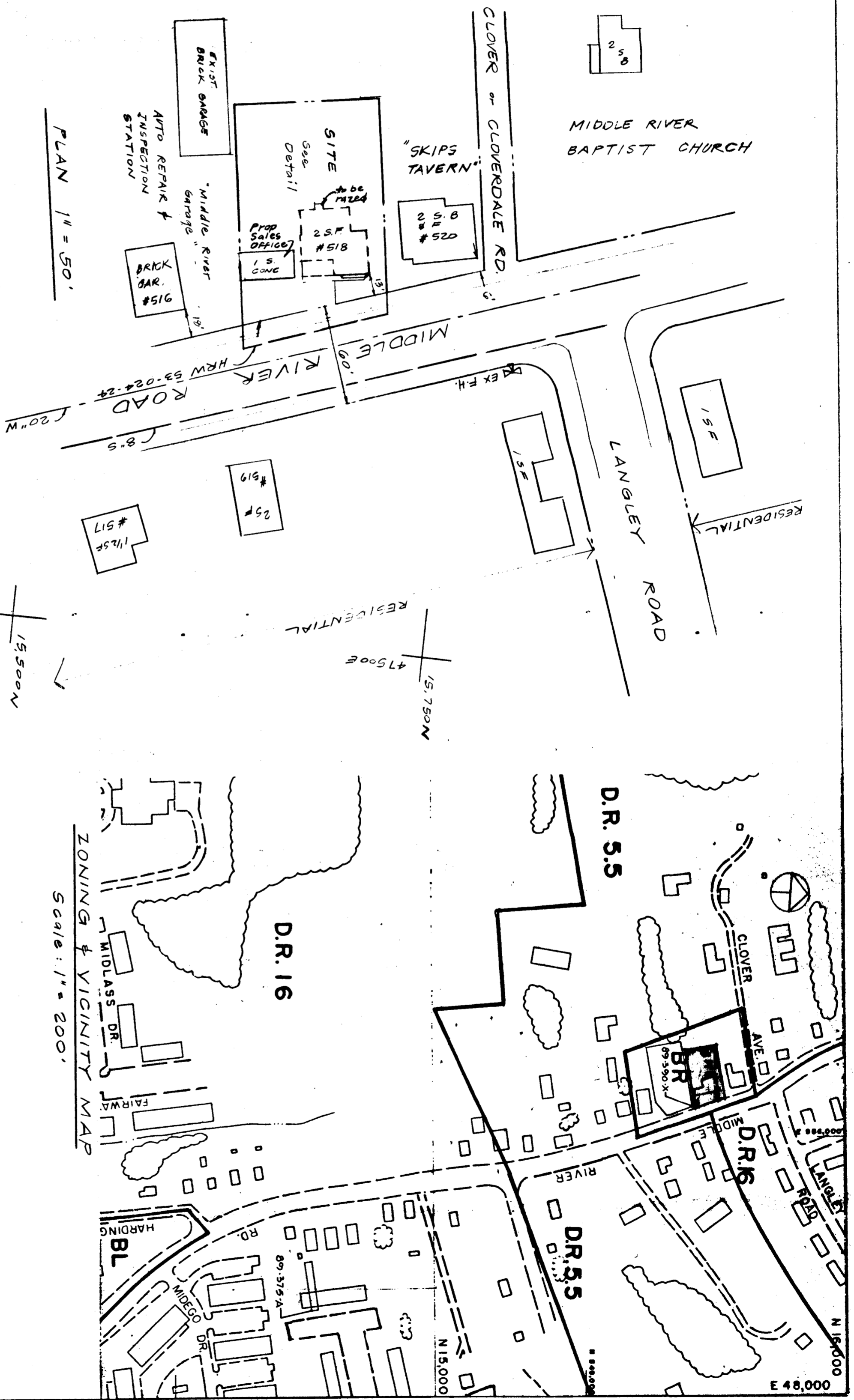
1. PETITIONER, JOEY PALMISANO NEED REFERENCE: LIBER 7905, FOLIO 481 TAX ACCT. 8-15-12-000450
2. EXISTING ZONING: BR
3. EXISTING USE: VACANT STORE
4. PROPOSED USE: USED CAR SALES
5. EXISTING BUILDING: 15,000 S.F. AS SALES OFFICE FLOOR AREA: 212 S.F. + 200 S.F. = 212 SPACES REQUIRED; TOTAL SPACES REQUIRED: 31 TOTAL SPACES PROVIDED; 3. TYPICAL SPACE SIZE: 6.8' X 18 FEET.
6. NO DAMAGED OR DISABLED VEHICLES WILL BE STORED ON THE PROPERTY.
7. HOURS OF OPERATION: MONDAY-FRIDAY 9AM-5PM, SATURDAY 9AM-12:00PM.
8. PROPOSED PARKING AND DRIVE TO BE DUST FREE PAVING SURFACE.
9. TOTAL AREA OF PROPERTY: 0.25 OF AN ACRE, +/-
10. PUBLIC WATER AND SEWER SERVES THIS SITE.

PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA AND NOT FROM A PROPERTY LINE SURVEY.  
THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAM.

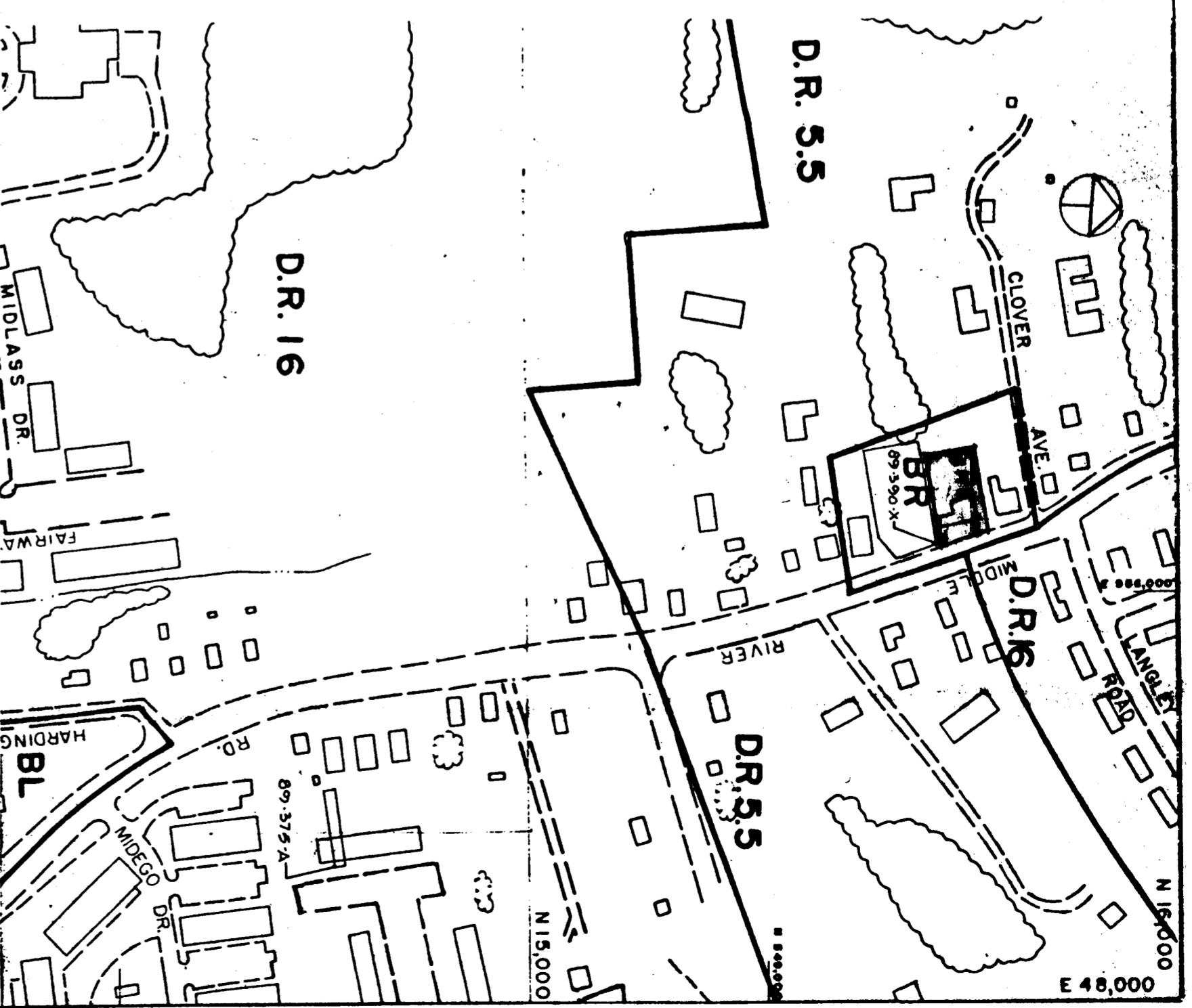
ZONING NOTES

1. EXISTING USE: VACANT BUSINESS PROPOSED USE: USED CAR SALES.
  2. SPECIAL EXCEPTION REQUESTED FOR USED CAR SALES.
  3. VARIANCE REQUESTED FOR:
    - A. FRONT SETBACK OF 50 FEET IN LIEU REQUIRED 45 FEET AND SIDE SETBACK OF 0 FEET IN LIEU OF 30 FEET
    - B. ZERO FOOT SETBACK FOR STORAGE/YARD AREA IN LIEU OF REQUIRED 50 FEET.
- REVISIONS REQUESTED**
1. VARIANCE FOR **PRE-FAB GARAGE**, ZERO FOOT, SIDE AND REAR YARD IN LIEU OF 30 FEET.

ZONING HISTORY:  
SPECIAL EXCEPTION & ZONING VARIANCE GRANTED, CASE NO. 92-108-XA



ZONING & VICINITY MAP  
Scale: 1" = 200'



NOTE CUSTOMER PARKING SHOWN SHADED: (SIZE: 8.5' X 18')

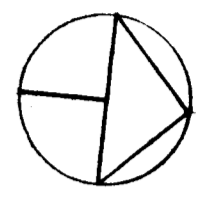
REVISED  
PLAT TO ACCOMPANY ZONING  
PETITION FOR SPECIAL EXCEPTION  
& VARIANCE.  
518 MIDDLE RIVER ROAD  
Election District No. 15  
Councilmanic District No. 6  
Baltimore County, Maryland  
Scale: As Shown.

December 1, 1991  
Revised: Sept 2, 1992,  
by 25% for the proposed 15' front to be  
sales office, 15' side, revisions  
to NOV 92 AS PER  
MEETING WITH  
CO. ZONING OFF.  
Prepared by:  
H. HALMUD & ASSOCIATES, INC.  
100 Church Lane  
Baltimore, Maryland 21208  
Telephone (410) 653-9511

JUNE 24, 1998. See Revisions Requested.

9139

#78



15750'N  
47500'W

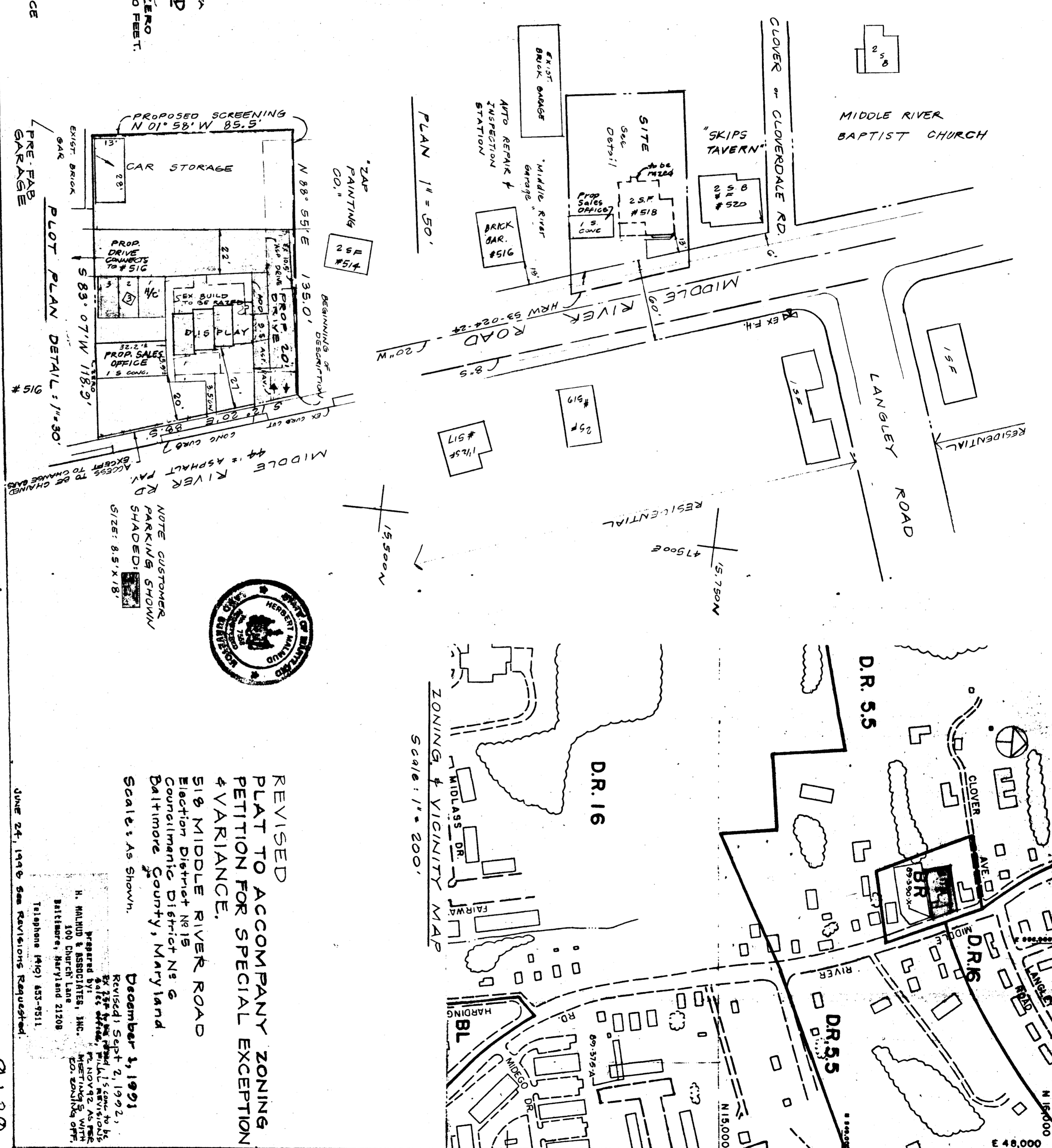
- NOTE
- PETITIONER, JOEY PALMISANO NEED REFERENCE: LIBER 7905, FOLIO 481 T.M. ACCT. 15-12-00050
  - EXISTING ZONING: BR
  - EXISTING USE: VACANT STORE
  - PROPOSED USE: USED CAR SALES.
  - EXISTING BUILDING: 2518 (SEE DETAIL) OFFICE FLOOR AREA: 512 S.F. + 200 S.F. = 712 SPACES REQUIRED; TYPICAL SPACE SIZE: 8.5 X 18 FEET.
  - NO DAMAGED OR DISABLED VEHICLES WILL BE STORED ON THE PROPERTY.
  - HOURS OF OPERATION: MONDAY-FRIDAY 9AM-5PM, SATURDAY 9AM-12:00PM.
  - PROPOSED PARKING AND DRIVE TO BE DUST FREE PAVING SURFACE.
  - TOTAL AREA OF PROPERTY: 0.25 OF AN ACRE, +/-
  - PUBLIC WATER AND SEWER BENEATH THIS SITE.

PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA AND NOT FROM A PROPERTY LINE SURVEY. THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.

ZONING NOTES

- EXISTING USE: VACANT BUSINESS. PROPOSED USE: USED CAR SALES.
- SPECIAL EXCEPTION REQUESTED FOR USED CAR SALES.
- VARIANCE REQUESTED FOR:
  - FRONT SETBACK OF 80 FEET IN LIEU REQUESTED 42 FEET AND SIDE SETBACK OF 0 FEET IN LIEU OF 30 FEET
  - ZERO FOOT SETBACK FOR STORAGE/YARD AREA IN LIEU OF REQUESTED 50 FEET.

ZONING HISTORY:  
SPECIAL EXCEPTION & ZONING VARIANCE GRANTED, CASE NO 92-108-XA

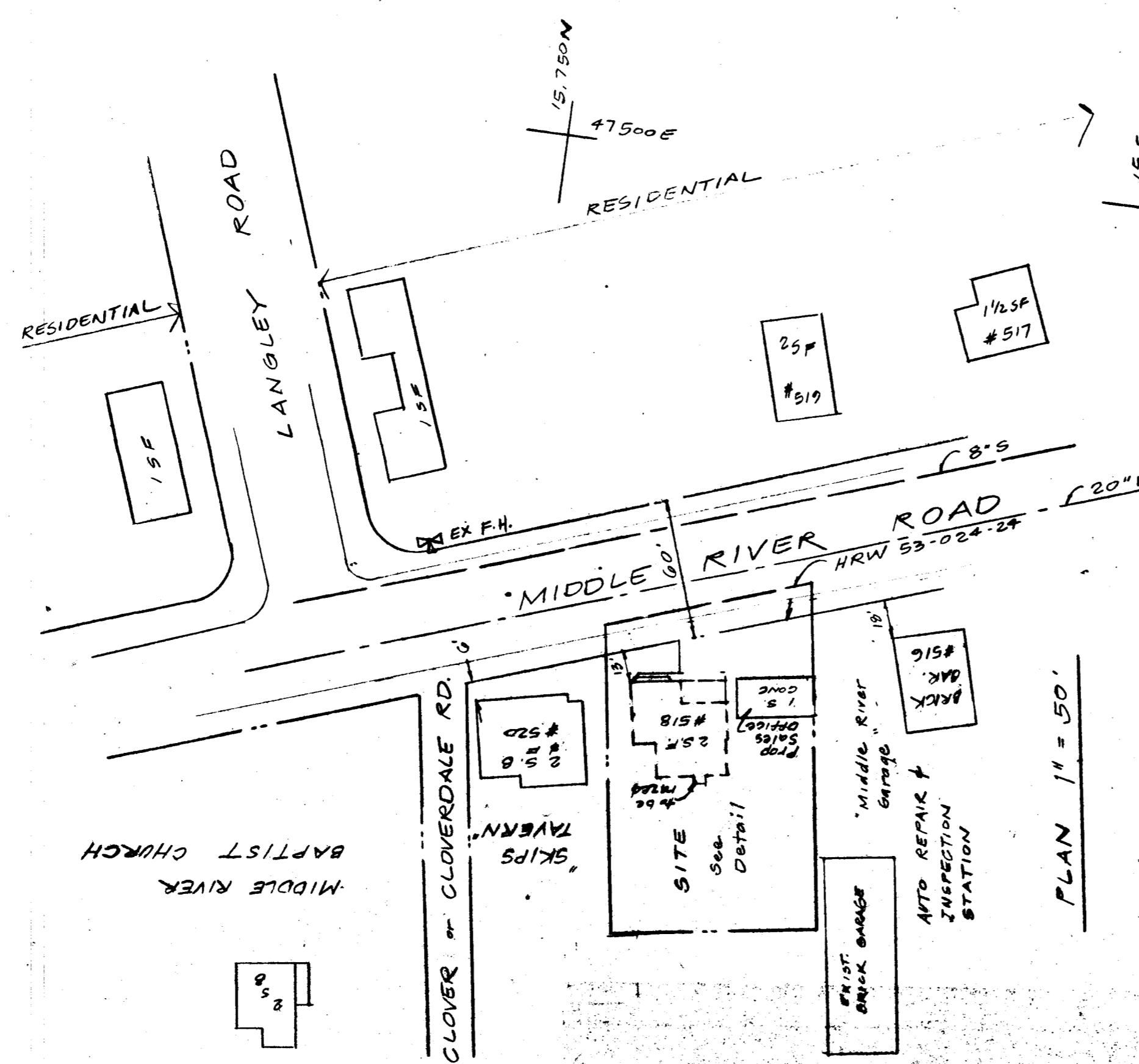
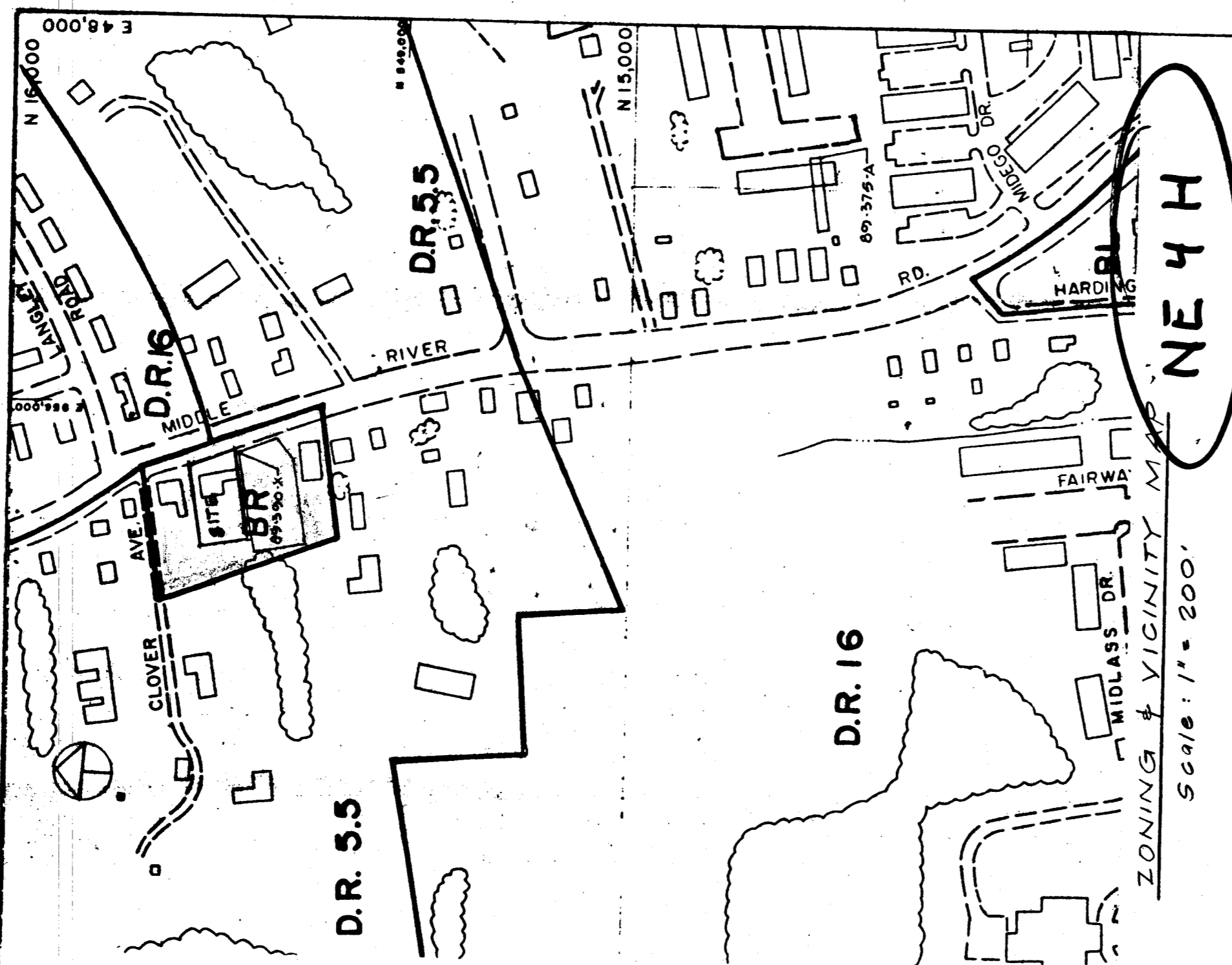


REVISED  
PLAN TO ACCOMPANY ZONING  
PETITION FOR SPECIAL EXCEPTION  
& VARIANCE.  
518 MIDDLE RIVER ROAD  
Election District No 15  
Councilmanic District No 6  
Baltimore County, Maryland.  
Scale: As Shown.

December 1, 1991  
Revised: Sept 2, 1992,  
by 25% by the plan, 15% to the  
city office, public revisions  
to the plan.  
H. MALLINO & ASSOCIATES, INC.  
100 Church Lane  
Baltimore, Maryland 21208  
Telephone (410) 653-9311

9189

#8



**REVISED  
PLAT TO ACCOMPANY ZONING  
PETITION FOR SPECIAL EXCEPTION  
& VARIANCE.**

518 MIDDLE RIVER ROAD  
Election District No 15  
Councilmanic District No 6  
Baltimore County, Maryland

Scale: As Shown. December 3, 1991

Revised: Sept 2, 1992,  
by the Planning Board of Baltimore County, MD.  
Prepared by: N. MALNIB & ASSOCIATES, INC.  
100 Church Lane  
Baltimore, Maryland 21208  
Telephone (410) 453-9311

NOTE CUSTOMER  
PARKING SHOWN  
SHADED  
SIZE: 8.5" X 18"

ACCESS TO BE CHANGED  
EXCEPT TO CHANGE GARS.

PLANTING  
CO.

REPROPOSED SCREENING  
N 01° 58' W 85.5'

EXIST. BRICK GARAGE

PRE. FAB GARAGE

PLOT PLAN DETAIL: 1/4" = 30'

364 8'



- NOTES**
1. PETITIONER: JUDY PALRISANG  
REFERENCE: LITER 7909, PLOID 481  
DATE: OCT. 17/89-12-00/89
  2. EXISTING ZONING: DR
  3. EXISTING USE: VACANT STORE
  4. PROPOSED USE: USED CAR SALES.
  5. EXISTING: 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.
  6. TWO DANGER OR EXTENDED VEHICLES WILL BE STORED ON THE PROPERTY.
  7. HOURS OF OPERATION: MONDAY-FRIDAY 9AM-5PM, SATURDAY 9AM-12:00PM.
  8. PROPOSED PARKING AND DRIVE TO BE BUILT FREE PAVING SURFACE.
  9. TYPICAL AREA OF PROPERTY: 0.25 OF AN ACRE. +/-
  10. PUBLIC WATER AND SEWER SERVICE THIS SITE.
- PROPERTY OUTLINE SHOWN HEREIN IS FROM AVAILABLE DATA AND NOT FROM A PROPERTY LINE SURVEY.
- THE PROPERTY SHOWN HEREIN IS SUBJECT TO ANY AND ALL EASEMENTS, ENCUMBRANCES, RIGHTS OF WAY AND/OR AGREEMENTS OF RECORD AND LIES.
- ZONING NOTES**
1. EXISTING USE: VACANT STORES. PROPOSED USE: USED CAR SALES.
  2. SPECIAL EXCEPTION REQUESTED FOR USED CAR SALES.
  3. VARIANCE REQUESTED FOR:
    - a. FRONT SETBACK OF 20 FEET IS LIES REQUIRES 45 FEET AND SIDE SETBACK OF 6 FEET IN LIES OF 30 FEET.
    - b. ZERO FOOT SETBACK FOR STORAGE/YARD AREA IN LIES OF REQUIRES 30 FEET.
- REVISIONS REQUESTED**
1. VARIANCE FOR FREE FAB GARAGE, ZERO FOOT, SIDE AND REAR YARD IN LIES OF 30 FEET.

**ZONING HISTORY:**  
SPECIAL EXCEPTION & ZONING VARIANCE  
GRANTED, CASE NO 92-108-XA