

IN RE: PETITION FOR VARIANCE
Corner of W/S York Road and
S/S Fox Tail Road
8th Election District
4th Councilmanic District
(1924 York Road)
Kilmarnock Associates, LLC
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-024-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Variance for the property located at 1924 York Road in the Timonium area of Baltimore County. The Petition was filed by Kilmarnock Associates, LLC., the property owner. Variance relief is requested to approve 5 wall mounted signs on a reconstructed building on the subject property in lieu of the 1 permitted wall mounted and one canopy sign permitted by Section 450.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property is more particularly shown on Petitioner's Exhibit No. 2, the amended site plan to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case was Ronald Riddick, on behalf of Office Depot, operator of the proposed retail operation on site. Also present was Bruce E. Doak, the surveyor who prepared the site plan. The Petitioner was represented by Francis X. Borgerding, Jr., Esquire. Also present was Eric Rockel on behalf of the Greater Timonium Community Council and Doug Myers, a nearby resident.

Testimony and evidence was presented that the subject property is an irregularly shaped parcel, approximately 5.01 acres in area, zoned ML-IM. The property has frontage on York Road in Timonium. The side of the property abuts Fox Tail Road. The site is improved with a large brick/block building which for many years was used as the headquarters of Von Paris

ORDER RECEIVED FOR FILING

Date

9/17/99

By

R. J. J. J.

Moving & Storage Company operation. However, Von Paris has vacated the site and the property is now being redeveloped for retail purposes. Although the old building has been retained, significant renovation has occurred and a new building approximately 55,000 sq. ft. is located on the site. In addition to this building, the site contains a large macadam parking area which surrounds the building on all 4 sides.

As more particularly shown on the site plan, an Office Depot store will occupy a substantial part of the building. That operation will occupy 30,102 sq. ft. An unnamed tenant will occupy the other portion of the building at 25,993 sq. ft.

Variance relief is requested for proposed signage. The Petitioner proposes a single, free standing sign which will advertise the Office Depot Store, as well as the name of the other tenant. This free standing sign shall be in accordance with B.C.Z.R. and is permitted by right. Additionally, as originally proposed, the Petitioner sought variance relief to allow 5 wall mounted signs on the building. As originally proposed, one of the signs advertises the Office Depot name and 3 of the signs advertise the products sold; to wit "office furniture", "office supplies" and "office technology". The fifth sign was a logo sign indicating that the store guarantees low prices everyday.

After the proposal was originally submitted, the Petitioner met with representatives of the Greater Timonium Community Council. They raised certain objections to the proposed signage. Thus, the plan has been amended and alternate relief is now sought. Specifically, the 3 signs across the front canopy of the building advertising the company's products have been deleted by the removal of the word "office" for each product. Thus, the signs will now read "Furniture", "Supplies" and "Technology". Additionally, the Petitioner has deleted the logo sign advertising

ORDER RECEIVED FOR FILING

Date

9/17/99

By

R. J. Jernigan

the company's guarantee of everyday low prices which was to be located on the front of the store. In lieu thereof, a small sign with 3 ft. lettering will be located on the side (north of the building) displaying the Office Depot name.

Mr. Rockel testified that these changes were acceptable to the community. He indicated that the changes would result in a reduction in the net area of signage and will be more aesthetically pleasing.

An adverse Zoning Committee Comment was also received regarding the initial plan from the Office of Planning. That comment originally recommended denial. However, subsequent to the hearing, the County Office of Planning reviewed the Petitioner's amended plan and advised the Zoning Commissioner that the proposal was now acceptable.

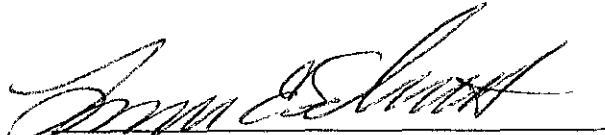
Testimony was received in opposition to the request from Mr. Doug Myers who resides across the street on the other side of York Road. However, many of his complaints, (i.e. the height of the building, traffic, etc.) do not relate specifically to the variance. Although I am appreciative of his concerns, it is of note that York Road is a major retail/commercial corridor in the north/central section of the County. The building and use thereof are permitted under the Zoning Regulations. The issue before me relates only to the signage and I believe that the plan as amended is appropriate. Specifically, I find that the Petitioner satisfied the requirements of Section 307 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

ORDER RECEIVED FOR FILING
Date 9/17/99
By R. G. [Signature]

THEREFORE, IT IS ORDERED this 17th day of September, 1999, by this Zoning Commissioner, that the Petitioner's request for variance relief from Section 450.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve 5 wall mounted signs on a reconstructed building on the subject property in lieu of the 1 permitted wall mounted and one canopy sign permitted, be and is hereby GRANTED as more particularly shown on Petitioner's Exhibit No. 2, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioner may apply for the building permit and be granted same upon receipt of this Order; however, Petitioner is 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

ORDER RECEIVED FOR FILING

Date

9/17/99

By

R. Jameson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 16, 1999

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

Re: Petition for Variance
Case No. 00-024-A
Property: 1924 York Road (Office Depot)

Dear Mr. Borgerding:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Copies to:

Mr. Jim McDonagh
c/o Kilmarnock Associates LLC
305 W. Chesapeake Avenue, Suite 110
Towson, Maryland 21204

Mr. Bruce A. Doak
Gerhold, Cross & Etzel, Ltd.
320 E. Towsontown Boulevard
Towson, Maryland 21286

Mr. Eric Rockel
c/o Greater Timonium Community Council
1610 Riderwood Drive
Lutherville, Maryland 21093

Mr. Doug Myers
2 Gorsuch Avenue
Timonium, Maryland 21093



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1924 York Rd., Timonium, MD 21093

which is presently zoned M.L. - I.M.

This Petition shall be filed with the Department of Permits and 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) 450.4.F of the BCZR to permit five wall mounted signs in lieu of permitted one wall mounted and one canopy sign.

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

1. Shape and configuration of the property;
2. Uniqueness of the property; and
3. Such other and further reasons as will be presented at the time of the hearing of this matter.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Francis X. Borgerding, Jr.

Name - Type or Print

Signature

Francis X. Borgerding, Jr.

Company

409 Washington Ave., Ste. 600

410-296-6820

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Kilmarnock Associates, LLC

Name - Type or Print

By:

Signature

Jim McDonagh

Name - Type or Print

Signature

305 West Chesapeake Ave., Ste. 110

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

Representative to be Contacted:

Francis X. Borgerding, Jr.

Name

409 Washington Ave., Ste. 600

410-296-6820

Address

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1-2 hr.

UNAVAILABLE FOR HEARING

Reviewed By mtk Date 7/20/99

Case No. 99-24-A

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 9/17/99

By

GORDON T. LANGDON
EDWARD F. DELAGO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

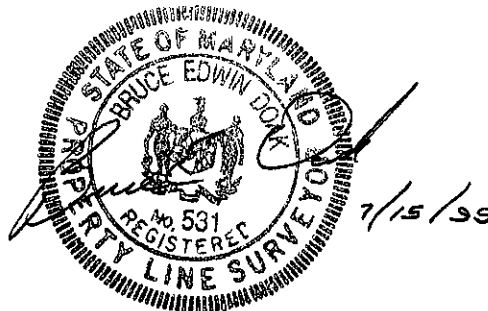
July 13, 1999

Zoning Description Office Depot 1920 York Road

Beginning for the same at the intersection of the West side of York Road (80 foot right-of-way) and the South side of Fox Tail Road (70 foot right-of-way) thence, 1) South 19 degrees 47 minutes 09 seconds East 96.57 feet, 2) South 20 degrees 08 minutes 43 seconds East 317.29 feet, 3) South 70 degrees 12 minutes 51 seconds West 407.57 feet, 4) North 78 degrees 52 minutes 02 seconds West 172.01 feet, 5) North 0 degrees 01 minutes 26 seconds West 405.64 feet, 6) curve to the left with a radius of 780.00 feet, arc length of 203.02, 7) North 70 degrees 12 minutes 51 seconds East 185.26 feet, 7) South 64 degrees 47 minutes 09 seconds East 42.43 feet to the place of beginning.

Containing 5.01 acres of land, more or less.

This description only satisfies the requirements of the office of zoning and is not intended to be used for conveyance purposes.



#24
00-024-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 070455

DATE 7/20/99 ACCOUNT 01- 6150
Item: 24
By: mJK
AMOUNT \$ 250.00

RECEIVED FROM: Francis X. Bergerding, Jr - 1924 York Rd.
FOR: 020 - Comm. Variance — \$ 250.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
7/20/1999	7/20/1999	14:47:36
REG 4804	CASHIER JKAP JLK	DRAPER
Dept	5	528 ZONING VERIFICATION
Receipt #	081039	DPN
CR NO.	070455	

Receipt Tot 250.00
250.00 OK .00 OK
Baltimore County, Maryland

00-024-A

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 Towson, Maryland on the property identified herein as follows:

Case: #00-024-A
1924 York Road
corner of W/S York Road and
S/S Fox Tail Road
8th Election District
4th Councilmanic District
Legal Owner(s): Kilmarnock
Associates, LLC.

Variance: to permit 5 wall-mounted signs in lieu of permitted 1 wall-mounted and 1 canopy sign.

Hearing: Monday, September 13, 1999 at 10:00 a.m.
Room 407, County Courts
Bldg., 401 Basley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County.

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4388.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

8/238/August 28 C334304

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/26, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/26, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE #00-024-A
PETITIONER/DEVELOPER:
[Kilmarnock Assoc. Inc.]
DATE OF Hearing
[Sept. 13, 1999]

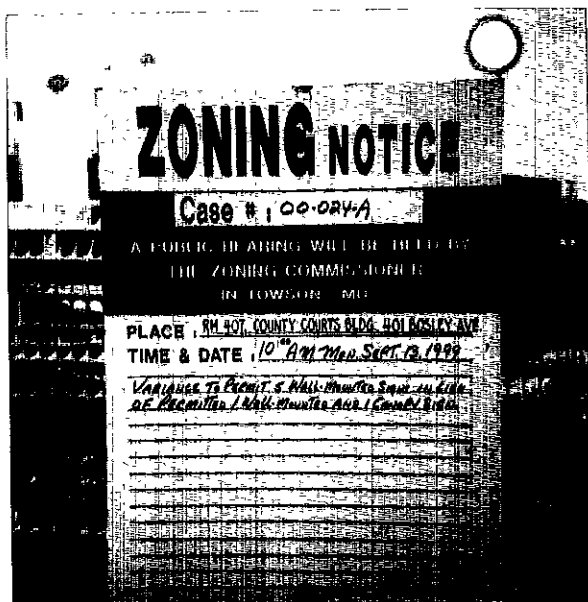
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
1924 York Road Baltimore, Maryland 21093_____

The sign(s) were posted on_____ 8-27-99 _____
[Month, Day, Year]



Sincerely,


(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)

RE: PETITION FOR VARIANCE
1924 York Road, Corner of W/S York Rd
and S/S Foxtail Rd
8th Election District, 4th Councilmanic

Legal Owner: Kilmarnock Associates, LLC
Petitioner(s)

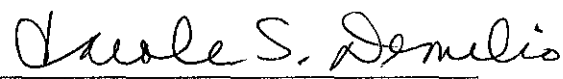
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-24-A

* * * * *

ENTRY OF APPEARANCE

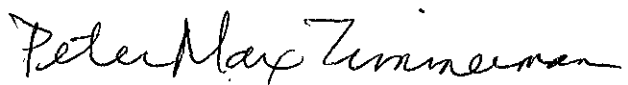
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
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 19th day of August, 1999 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 Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 12, 1999

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: 00-024-A
1924 York Road
corner of W/S York Road and S/S Fox Tail Road
8th Election District – 4th Councilmanic District
Legal Owner: Kilmarnock Associates, LLC

Variance to permit 5 wall-mounted signs in lieu of permitted 1 wall-mounted and 1 canopy sign.

HEARING: Monday, September 13, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Francis X. Borgerding, Jr., Esquire, 409 Washington Ave., Suite 600, Towson 21204
Kilmarnock Associates, LLC, 305 W. Chesapeake Ave., Suite 110, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 29, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, August 26, 1999 Issue – Jeffersonian

Please forward billing to:

Francis X. Borgerding, Jr. 410-296-6820
409 Washington Avenue
Suite 600
Towson, MD 21204

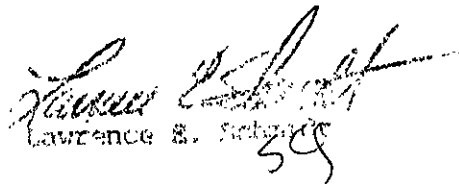
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corner of W/S York Road and S/S Fox Tail Road
8th Election District – 4th Councilmanic District
Legal Owner: Kilmarnock Associates, LLC

Variance to permit 5 wall-mounted signs in lieu of permitted 1 wall-mounted and 1 canopy sign.

HEARING: Monday, September 13, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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.

For Newspaper Advertising:

Item Number or Case Number: 99-24-A
Petitioner: Kilmarnock Associates, LLC
Address or Location: 1924 York Road.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Francis X. Borgerding, Jr
Address: 409 Washington Ave, Ste. 600
Towson, MD 21204
Telephone Number: (410) 296-6820

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 17, 1999

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

SUBJECT: 1924 York Road

INFORMATION:

Item Number: 00-24-A
Petitioner: Kilmarnock Associates, LLC
Property Size: 5.01 acres
Zoning: ML-IM
Requested Action: Variance
Hearing Date:

REQUEST:

The variance being requested in this case is from Section(s) 450.4.F of the BCZR to permit five wall mounted signs in lieu of the permitted one wall mounted sign and one canopy sign.

The subject property is a 5.01 acre site, formerly improved with the Von Paris Moving and Storage Company and recently renovated and readapted for retail space. The 56,000 square foot building will be partially leased by Office Depot (30,102 square feet) with an additional 26,000 square feet of available leaseable space. There are 329 parking spaces provided on site. This site is included in the West Aylesbury Road/Mixed Use Area of the Hunt Valley Timonium Master Plan. That section of the plan details guidelines for pedestrian connections, landscaping, and building and streetscape design.

The applicants are requesting five wall mounted signs—one which identifies the corporate name of the business and four additional signs which advertise their available products and pricing policy. They are also requesting a ground mounted sign at the entrance of the facility along the street edge that includes space for any additional tenants that may occupy the building.

SUMMARY OF RECOMMENDATIONS:

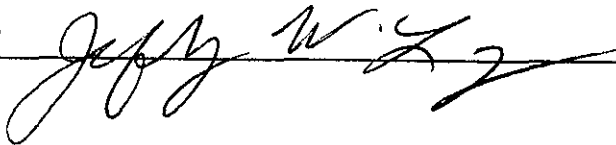
The Office of Planning strongly recommends disapproval of the requested variances for the following reasons:

The advertising signs placed along the structural overhang directly above the entrance are extraneous and add to the problem of sign clutter along this particular section of the York Road commercial corridor. These signs could easily be placed inside the structure informing and directing customers about products and where they are located within the store.

Although the ground mounted sign does not require a variance, this office recommends that the colors and lettering of any prospective tenants be required to coordinate with and complement those of Office Depot in order to create a unified image, and that landscaping be included around the base of the sign.

Section Chief

AFK:LH:lsn

A handwritten signature in black ink, appearing to read "Jeff W. Z. Z.", is written over a horizontal line. The signature is stylized and cursive.

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

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: August 16, 1999

FROM: *fw* Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for August 16, 1999
 Item Nos. 016, 017, 018, 019, 020,
 021, 022, 023, 024, 026, 028, 030,
 031, 032, 033, 034, 035, 042, 043,
 044

and

Case Number 99-200-SPHXA
1010 Eastern Avenue and
1017 Eastern Boulevard

Item #37 (commercial)
Radcliffe Shopping Center
1017 York Road

Item #38 (residential)
OXEYE ROAD - Greengate
2208 OXEYE ROAD

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZAC08169.NOC





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 8.10.99

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

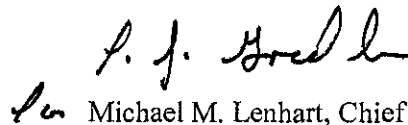
RE: Baltimore County
Item No. 024 MSK

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


Michael M. Lenhart, Chief
Engineering Access Permits Division

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

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Eric Roedel

1610 Ridgewood Dr.

Lutheville 21093

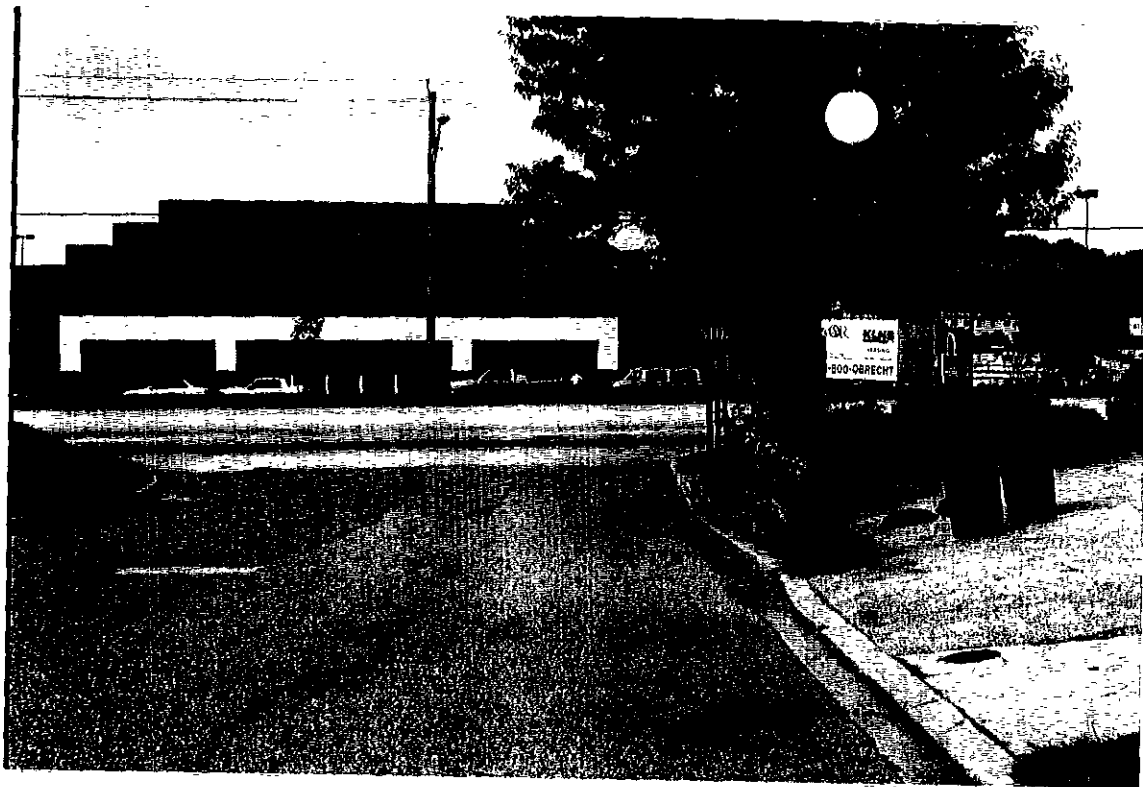
Doug Myers

2 Gorsuch Ave

Turkey, MD

21093





DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: August 23, 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 024
Legal Owner/Petitioner: Ray Lee, Inc.
Contract Purchaser: NA
Property Address: 7103 Milford Industrial Rd.
Location Description: E/S/ Milford Industrial Rd., 600 ft S of center of Old Mill Rd.

VIOLATION INFORMATION: Case No.: 00-5776
Defendants: Ray Lee, Inc.

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | | |
|---|-----|---|
| x | 1. | Complaint letter/memo/email/fax (if applicable) |
| x | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| x | 3. | State Tax Assessment printout |
| | 4. | State Tax Parcel Map (if applicable) |
| | 5. | MVA Registration printout (if applicable) |
| | 6. | Deed (if applicable) |
| | 7. | Lease-Residential or Commercial (if applicable) |
| x | 8. | Photographs including dates taken |
| | 9. | Correction Notice/Code Violation Notice |
| | 10. | Citation and Proof of Service (if applicable) |
| | 11. | Certified Mail Receipt (if applicable) |
| | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |
| | 15. | Other: _____ |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/co
C: Christina Frink

Subject: zoning violation

Date: Wed, 26 Jul 2000 12:32:38 -0700 (PDT)

From: MICHAEL ROYTENBERG <dzanuga@yahoo.com>

To: pdmenforce@co.ba.md.us

Dear Madam or Sir:

This is to bring to your attention that Millbrook Autosalon, a business engaged in automotive painting and repair is possibly operating in violation of zoning and other regulations at ~~11111 Millbrook Industrial Rd., Baltimore, MD 21208~~. To our knowledge, hazardous material handling as well as spray painting of automotive paints at this business is performed without proper equipment, licensing or fire and other permits. This causes bad air smells in adjacent residential areas and constitutes environmental threat and potential hazards to public health. Please look into this matter.

13

Do You Yahoo!?

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<http://mail.yahoo.com/>

NCF
00-5776

Subject: Re: Case No. 00-5776, 7101 B Milford Mill Rd.

Date: Thu, 24 Aug 2000 10:36:04 -0400

From: PDM Code Enforcement <pdmenforce@co.ba.md.us>

To: MICHAEL ROYTENBERG <dzanuga@yahoo.com>

PDM wrote:

In as much as this case is to be scheduled for a public hearing, please supply this office with your mailing address, and if possible a daytime telephone number. You will then be notified of the upcoming hearing date and subsequently mailed a copy of the zoning commissioner's order.

Sincerely,

Helene Kehring
Office Coordinator
410-887-8092

MICHAEL ROYTENBERG wrote:

> Dear Madam or Sir:
> This is to bring to your attention that Millbrook
> Autosalon, a business engaged in automotive painting
> and repair is possibly operating in violation of
> zoning and other regulations at 7101 "B" Milford
> Industrial Rd., Baltimore, MD 21208. To our knowledge,
> hazardous material handling as well as spray painting
> of automotive paints at this business is performed
> without proper equipment, licensing or fire and other
> permits. This causes bad air smells in adjacent
> residential areas and constitutes environmental threat
> and potential hazards to public health.
> Please look into this matter.
>
>
>

> Do You Yahoo!?
> Get Yahoo! Mail - Free email you can access from anywhere!
> <http://mail.yahoo.com/>

*As of 9/6/00, no response from
Michael Roytenberg.
luk*

CODE ENFORCEMENT REPORT

NCF

DATE: 7, 27, 00 INTAKE BY: JT CASE #: 00-5776 INSPEC: 13

COMPLAINT LOCATION: 7101 B MILFORD INDUSTRIAL RD

ZIP CODE: 21208 DIST: _____

COMPLAINANT NAME: letter PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: SERVICE GARAGE IS IT legal

IS THIS A RENTAL UNIT? YES _____ NO _____
IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: IS AT 7103 ? ✓ FIRST ZONING: _____

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

CIVIL ENFORCEMENT REPORT

NCF

DATE: 7/27/00 INTAKE BY: ST CASE #: 00-5776 INSPEC: 13

COMPLAINT LOCATION: 7101 S MILFORD INDUSTRIAL RD

ZIP CODE: 21208 DIST: _____

COMPLAINANT NAME: H.H. PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: SERVICE GARAGE IS IN LEASE

IS THIS A RENTAL UNIT? YES _____ NO _____
IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT INFORMATION: RAY LEE INC. 7103 MILFORD INDUSTRIAL RD

GENNADY SHAPIRSHTEYN
SHOP ALEXANDER DUDKIN 410-580-2079 FIRST

TAX ACCOUNT #: 15 AT 7103 ZONING: ML

INSPECTION: 7-28-00 ITEM # 24 HEARING TYPE CSPX; CV; CSPH
CASE # 01-024-SPI+XA ACCEPTED ON 7-17-00 NO HEARING
DATE SET NOT WORKING ON ANY VEHICLES ONE CAR IN SHOP
AREA, GENNADY STATES SHOP USED FOR STORAGE UNTIL HEARINGS
ARE COMPLETED
REINSPECTION:

REINSPECTION: ALEXANDER DUDKIN GENNADY SHAPIRSHTEYN

REINSPECTION: 410-580-2079 S/ADP

P4 9-13-00

Code Enforcement - Daily Worksheet

Inspector - Christina Brink

Case # Location

Apt Zip

Date Rec

Reinsp Dt

3 00-4785 01222 GLENBACK AVE

21208 6/23/2000 7/27/2000

Problem: 1 CAR W/CAR COVER, 3 UNTAG VEHS, JUNK YARD, POSSIBLE SERVICE GARAGE, CAR PARTS, TRASH & DEBRIS

Notes:

POSTED PROP C FRINK, CALL OWNER 443 858-0385 PRIOR TO INSPECTION

VEHICLES REMOVED TRASH AND CAR PARTS ALSO REMOVED PROPERTY IS IN COMPLIANCE

CLOSE 7-28-00 CB

3 00-5776 07101 MILFORD INDUSTRIAL RD

B

21208 7/27/2000

Problem:

SERVICE GARAGE, IS IT LEGAL

OWNER RAY LEE, 7103 MILFORD INDUSTRIAL RD.

SHOP OWNER STATES NO SERVICE IS ^{CONDUCTED} BUT THE PROPERTY/SHOP IS BEING USED FOR STORAGE THERE ARE SOME TOOLS IN THE SHOP. NO WORK BEING DONE WHILE I WAS THERE AND NO ODORS DETECTED. ONE CAR IN SHOP W/ FRONT FENDER DETACHED. TENANTS/SHOP OWNERS ALEXANDER BUKIN AND GENNADY SHAPIRSHTEYN 410-580-2079 OWNER HAS APPLIED FOR SPX; V; AND SPH FOR THE SHOP HOLD FOR HEARING PROCESS. NO VIOLATION SEEN (PROPERTY ZONED ML)

AK - 9-23-00

Case Entry/Update

Format : CASREC

Mode : CHANGE

File : PDLV0001

Ot Rec: 7272000 Intake: TSIGOUNIS, J Act: Case #: 00-5776

Inspector: FRANK, C Inspection Group: ENF Inspection Area: 13

Address: 7101 MILFORD INDUSTRIAL RD Apt #: B Zip: 21208

Problem Descript.: SERVICE GARAGE, IS IT LEGAL

OWNER: RAY LEE

PROP ZONED ML

Date of Reinspection: 9132000 Date Closed: Delete Code (X):

Insp./Hear. Notes: 7/27 SHOP OWNER STATES NO SERVICE IS CONDUCTED, BUT PROP/SHOP IS BEING USED FOR STORAGE. THERE ARE SOME TOOLS IN SHOP. NO WORK BEING DONE WHILE I WAS THERE, NO ODORS DETECTED. OWNER HAS APPLIED FOR SPHXA; AND SPH FOR THE SHOP, HOLD FOR HEARING PROCESS, NO VIOLATION SEEN. P/U 9/13(C.F)

V 01:	V 02:
V 03:	V 04:
V 05:	V 06:
V 07:	V 08:
V 09:	V 10:

F3=Exit

F9=Insert

F5=Refresh

F10=Entry

F6=Select format

F11=Change

Item: 024

RA1001B

DATE: 07/27/2000

STANDARD ASSESSMENT INQUIRY (1)

TIME: 11:21:46

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
03 18 001800 03 1-3 07-00 N NO 04/25/00

RAY LEE INC

DESC-1.. IMPS1.0009 AC ES

DESC-2.. 500 S MILFORD MILL RD

8110 LEE HAVEN RD

PREMISE. 07103 MILFORD IND

RD

00000-0000

EASTON

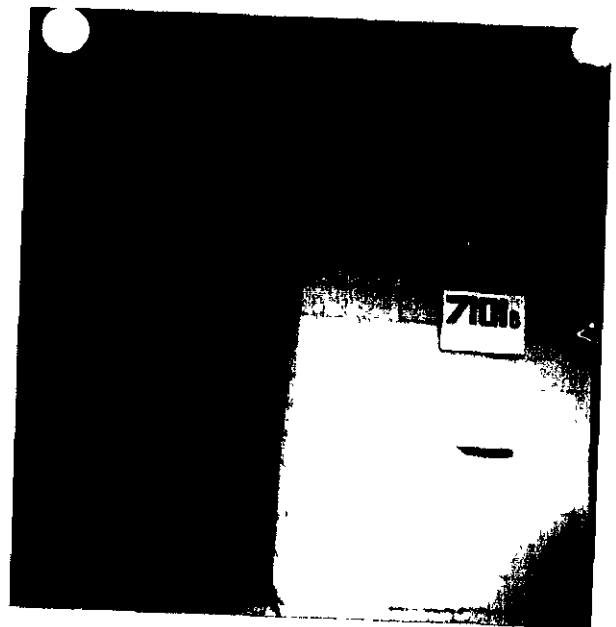
MD 21601-7454 FORMER OWNER: RAY LEE MACHINE CO INC

FCV		PHASED IN			
PRIOR	PROPOSED	CURR	CURR	PRIOR	
		FCV	ASSESS	ASSESS	
LAND: 153,590	153,590				
IMPV: 345,550	346,270	TOTAL.. 499,860	199,940	199,840	
TOTL: 499,140	499,860	PREF... 0	0	0	
PREF: 0	0	CURT... 0	0	0	
CURT: 0	0	EXEMPT.	0	0	
DATE: 09/94	05/97				

TAXABLE BASIS		FM DATE
00/C1 ASSESS:	199,940	12/06/99
99/C0 ASSESS:	199,840	06/04/99
98/99 ASSESS:	199,750	06/05/98

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

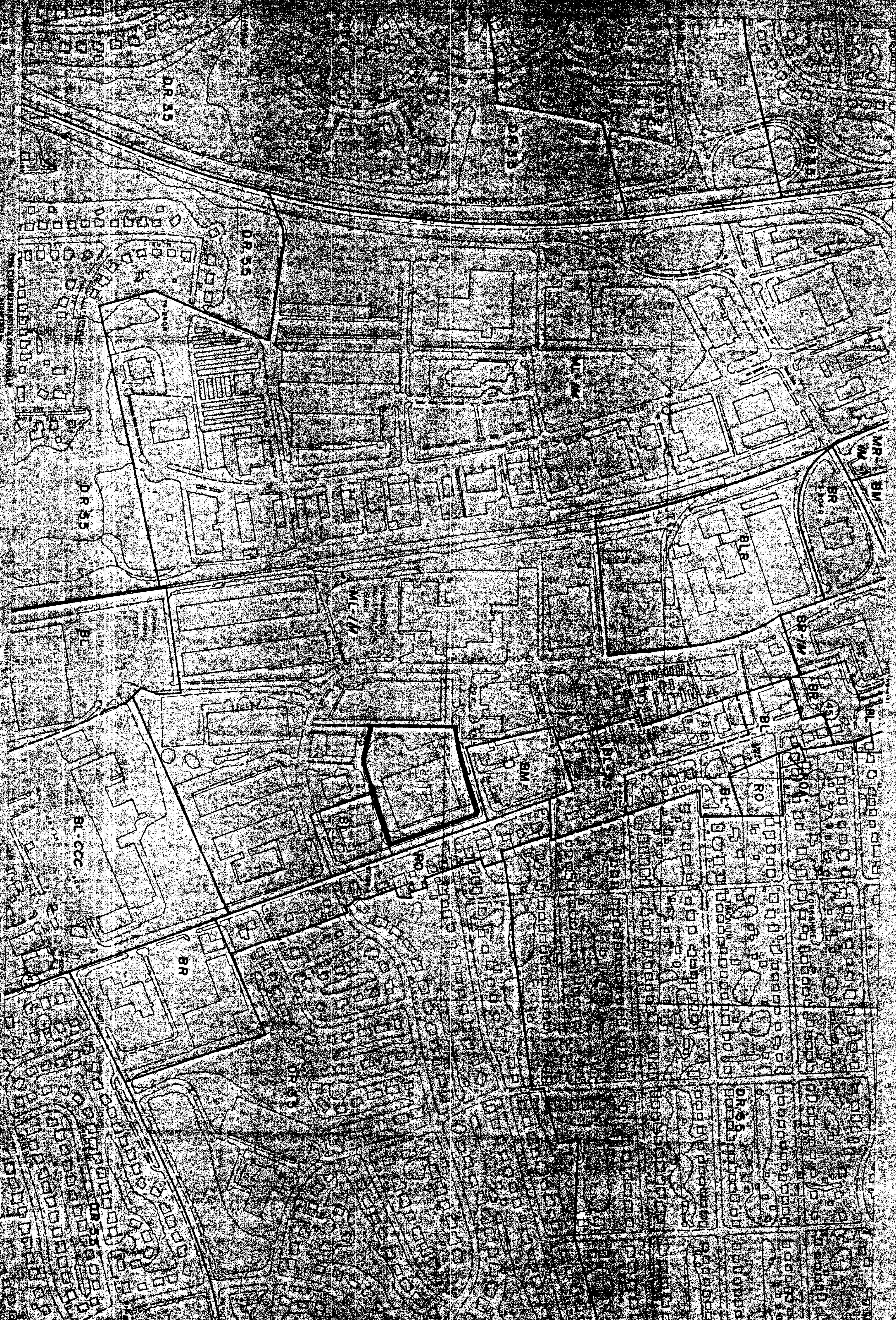
SECRET



71013 MILITARY AIRCRAFT

20-5700

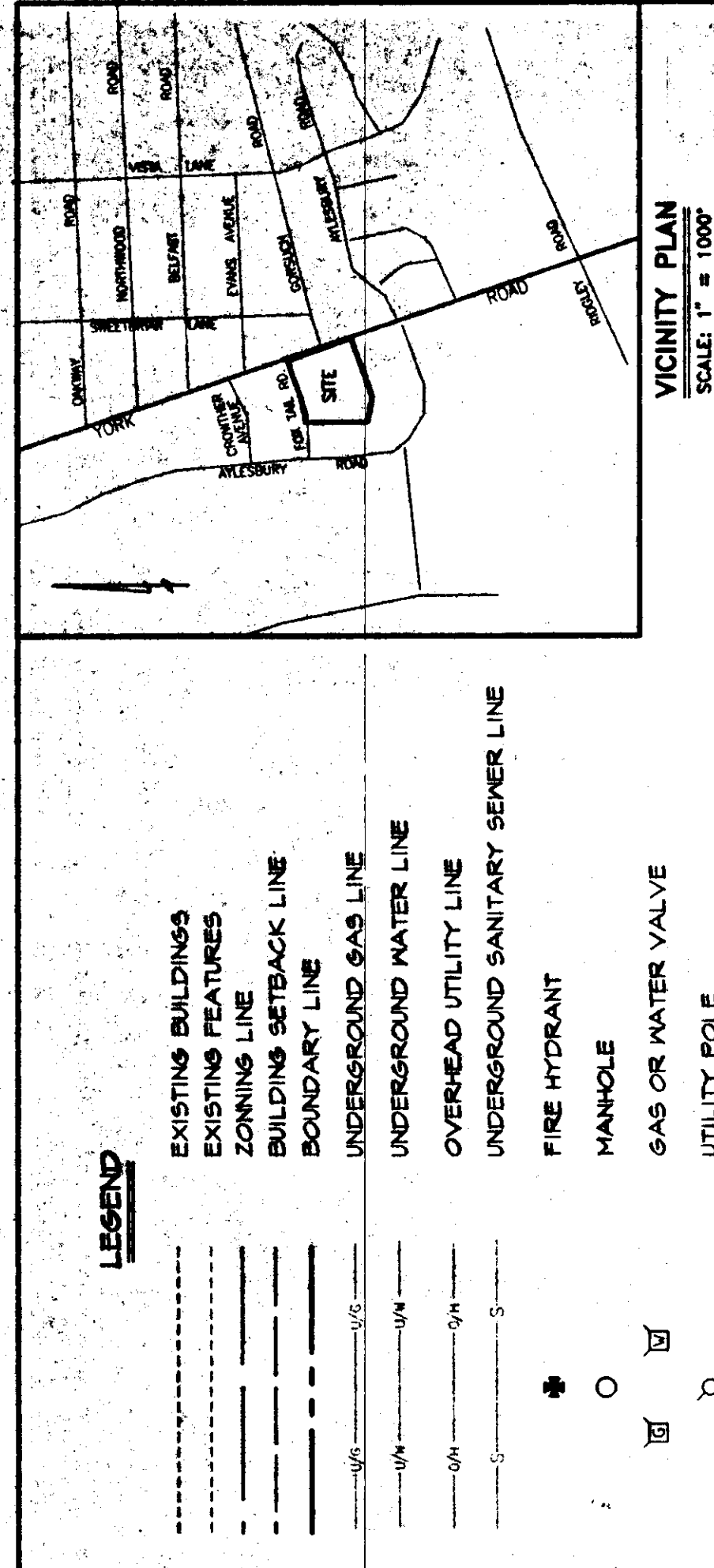
7-28-60



NOT TO SCALE
FOR INFORMATION
OF THE PUBLIC
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
1100 N. EIGHTH STREET, BALTIMORE, MD 21202
TELEPHONE: 336-3100
FAX: 336-3101
WWW.BALTIMORECOUNTY.MD

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

DATE OF PHOTOGRAPH JANUARY 1985	TITLE BALTIMORE COUNTY OFFICIAL ZONING MAP	SHEET 1 OF 1
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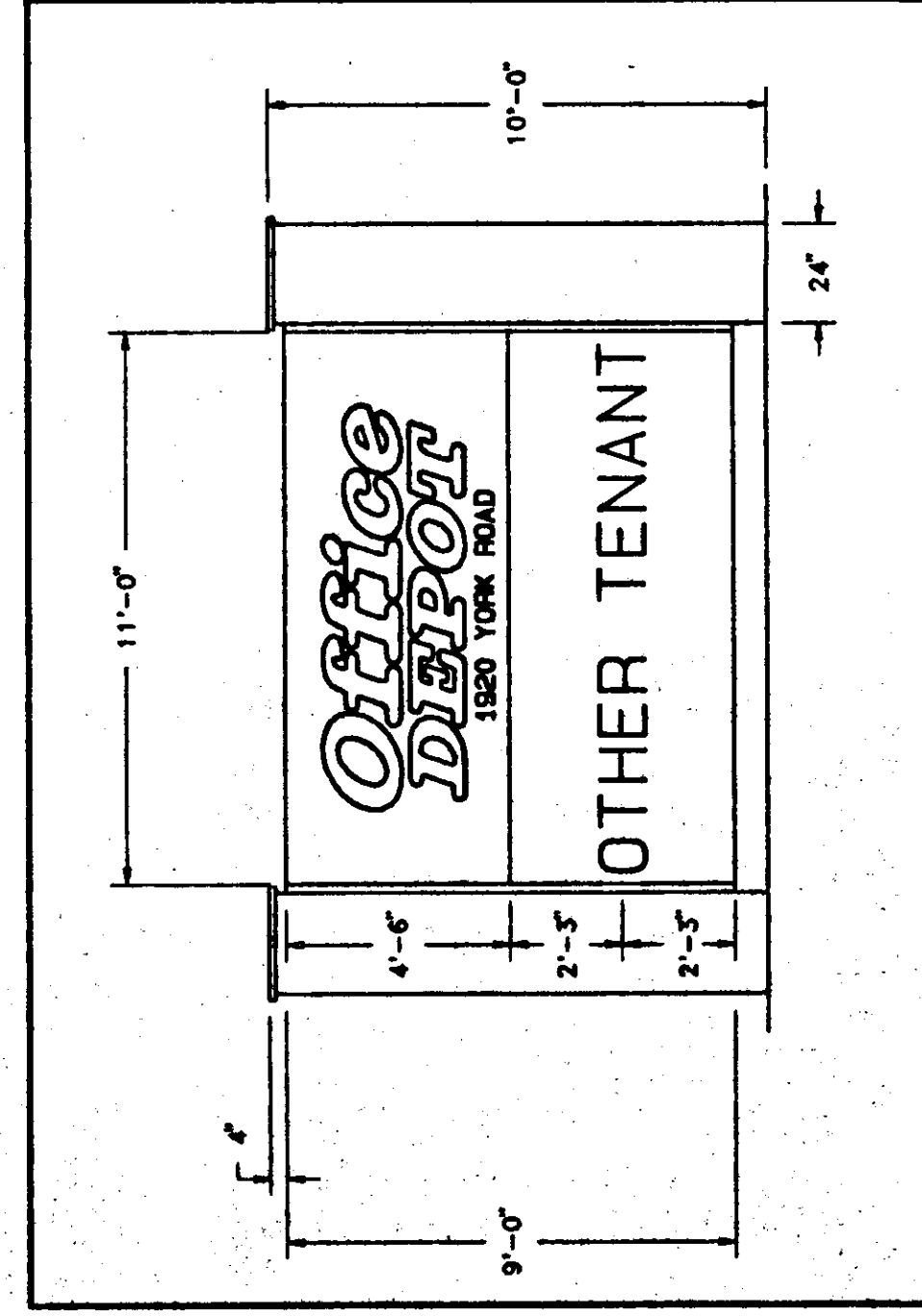
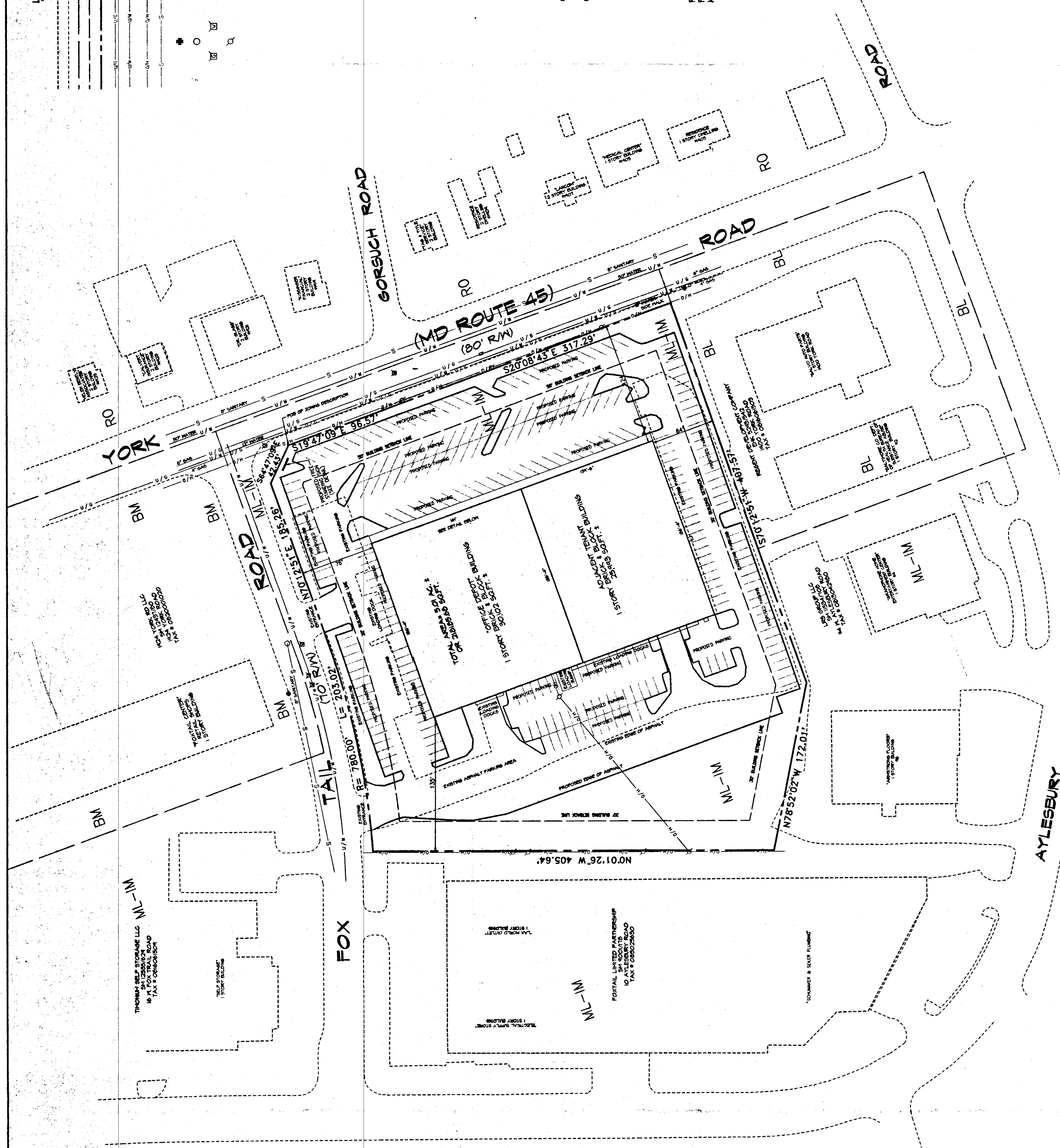


GENERAL NOTES

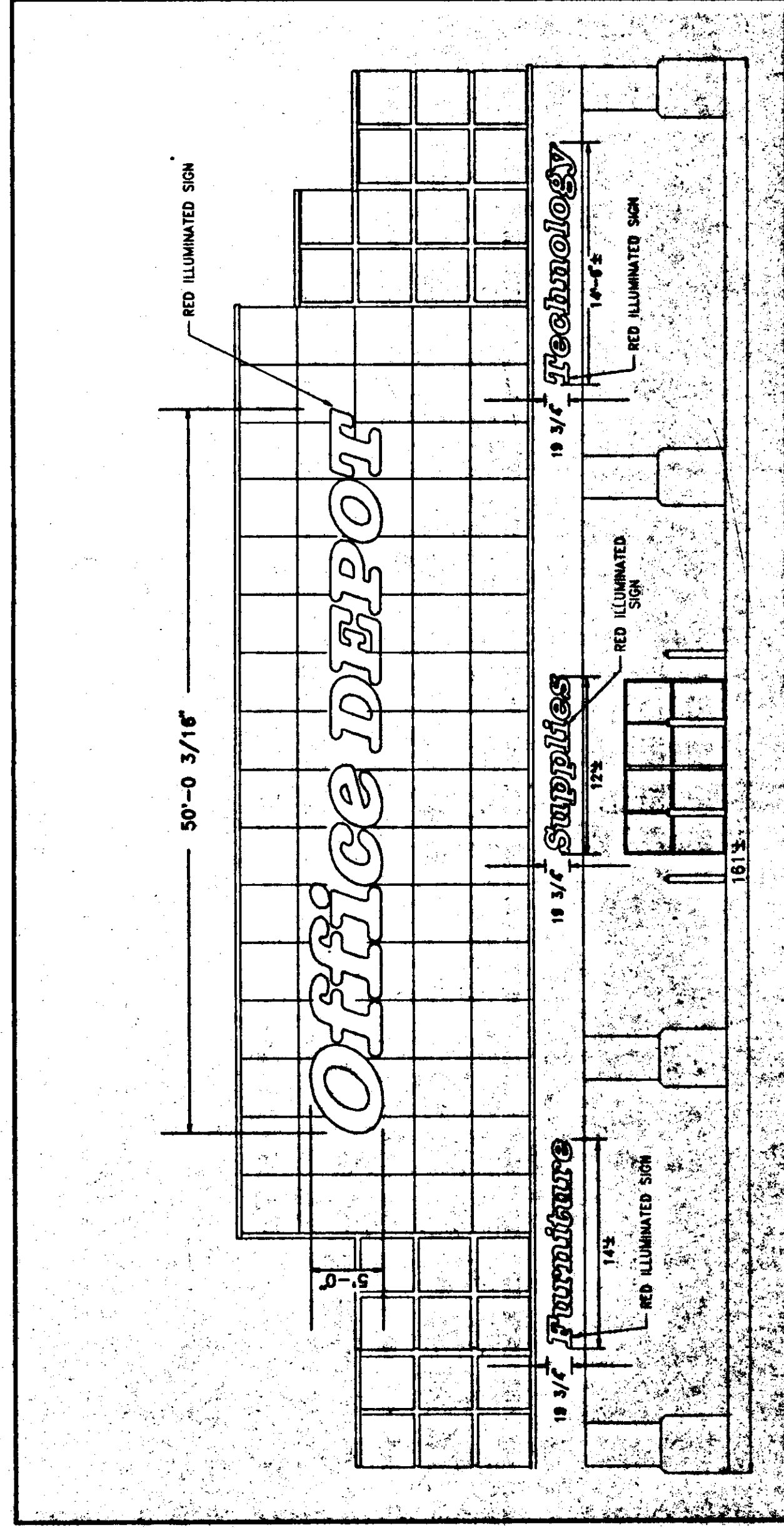
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VARIANCE PETITION

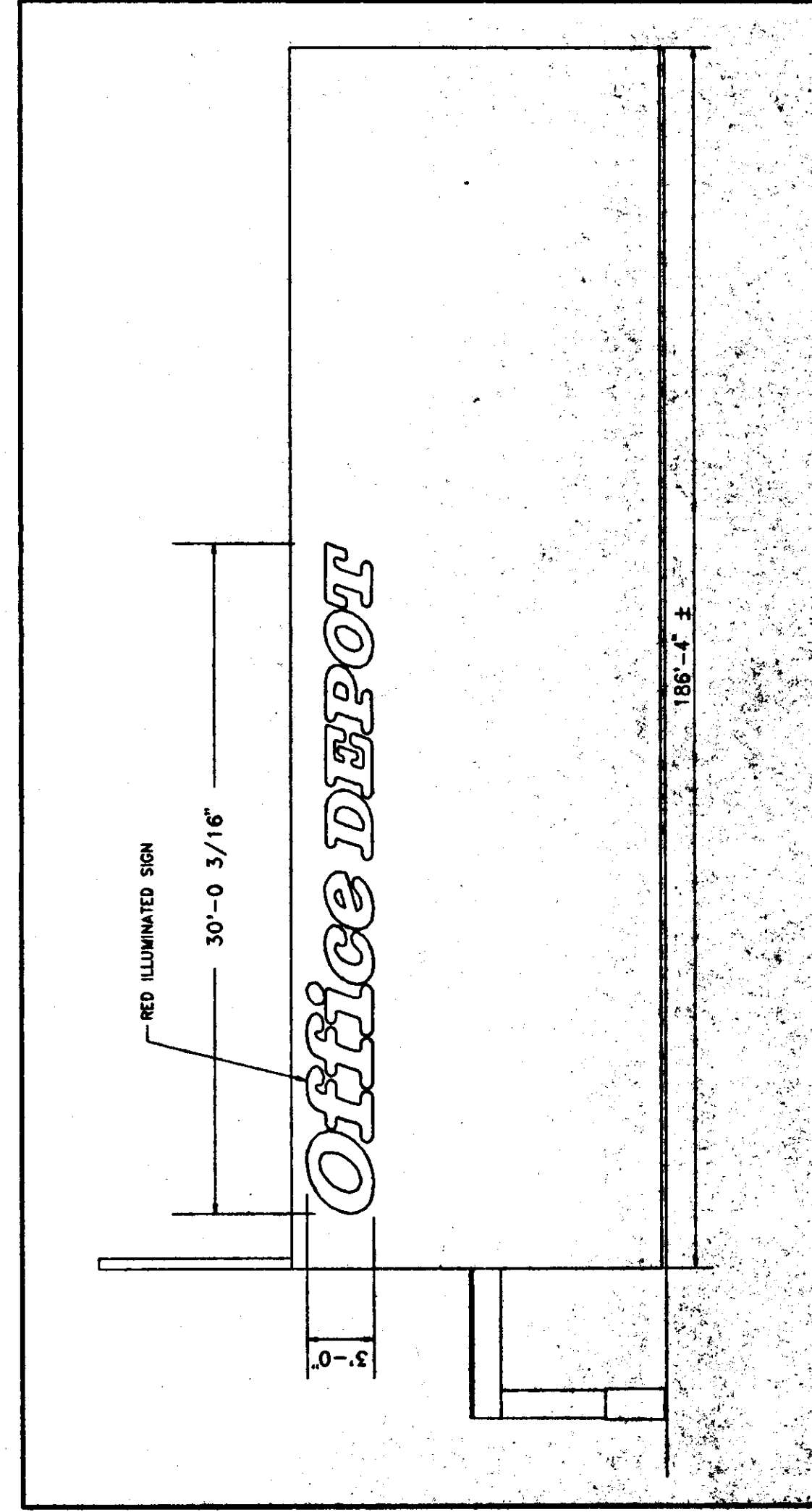
REQUESTING A VARIANCE FROM SECTION 450.4.F OF THE B.C.Z.R. TO PERMIT FIVE WALL MOUNTED SIGNS IN LIEU OF PERMITTED ONE WALL MOUNTED AND ONE CANOPY SIGN



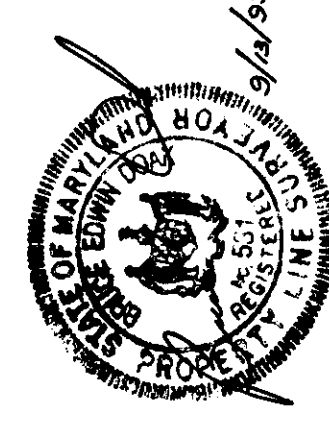
**FREE STANDING SIGN DETAIL
NOT TO SCALE**



EAST WALL MOUNTED SIGN DETAIL NOT TO SCALE



NORTH WALL MOUNTED SIGN DETAIL NOT TO SCALE



Ad No 2

PLAN TO ACCOMPANY A ZONING VARIANCE PETITION

FOR THE PROPERTY LEASED BY

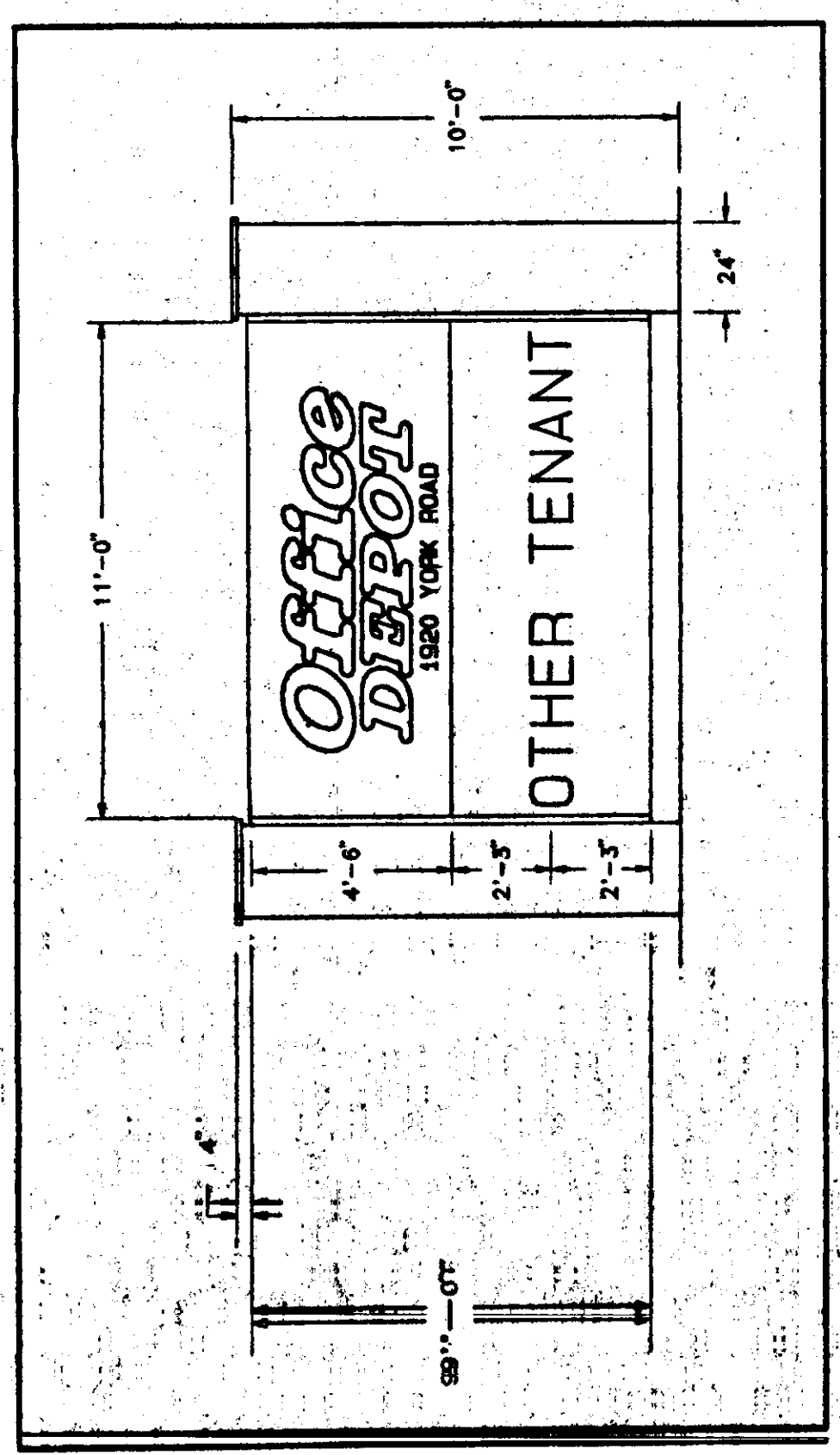
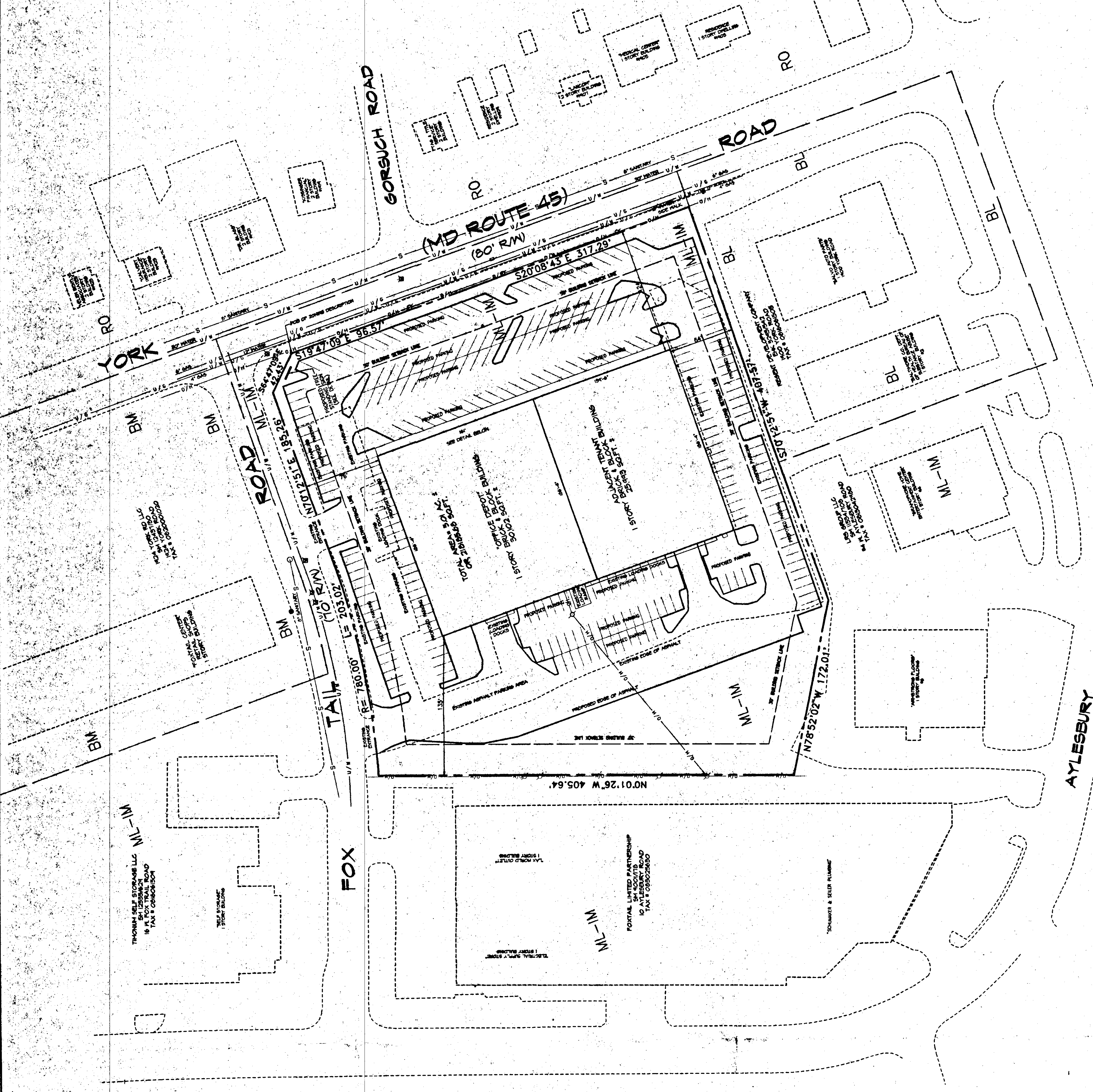
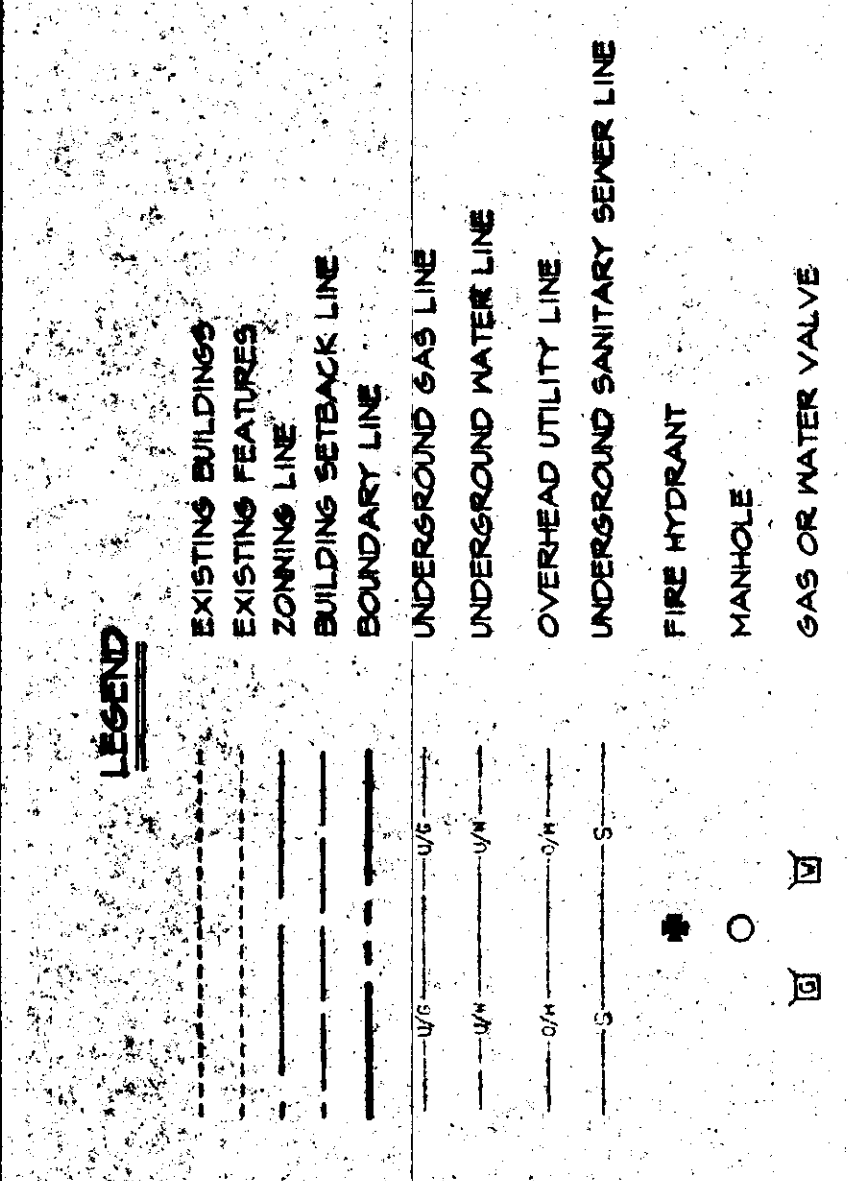
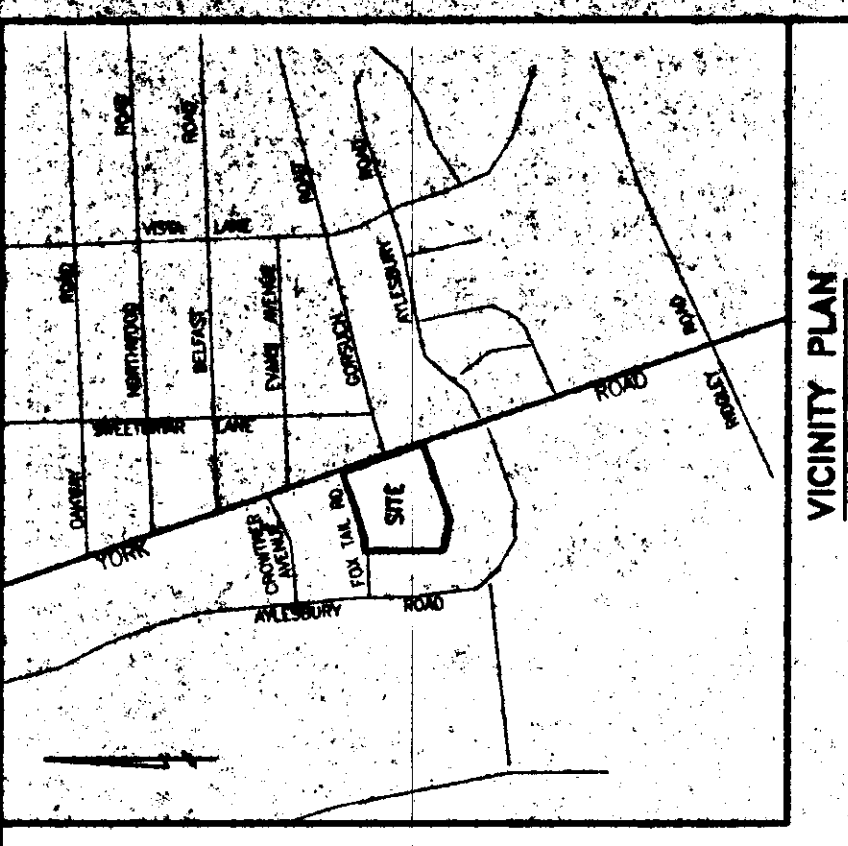
OFFICE DEPOT

1920 York Road
Baltimore County, Maryland
Deed Ref: EHK J. 6468 Folio 529
Tax Account No.: 0816061511
Zoned ML-1M
Tax Map 60; Grid 12; Parcel 866
8th Election District
4th Councilmanic District

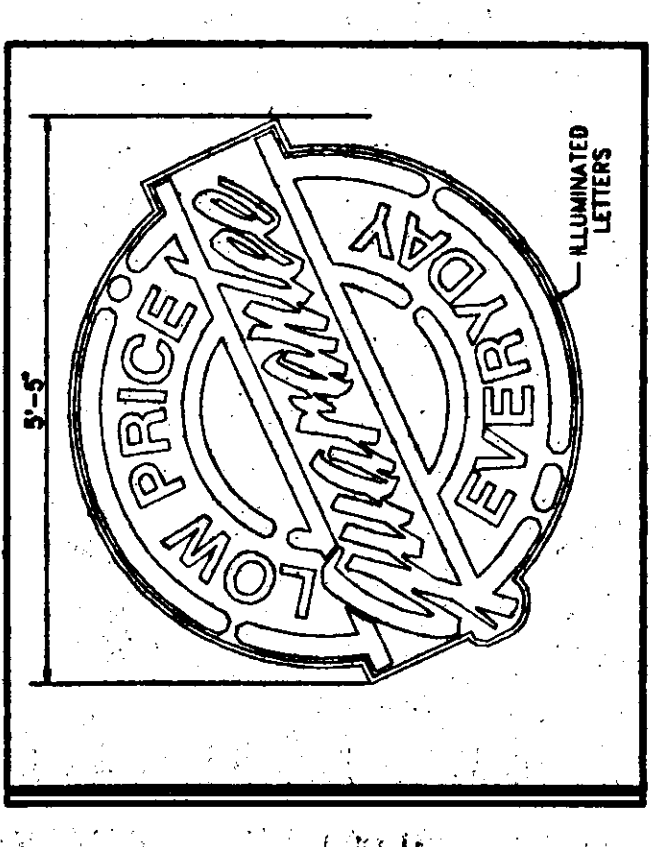
Scale: 1"=50' Date: JULY 12, 1999

GERHOLD, CROSS & ETZEL, LTD.

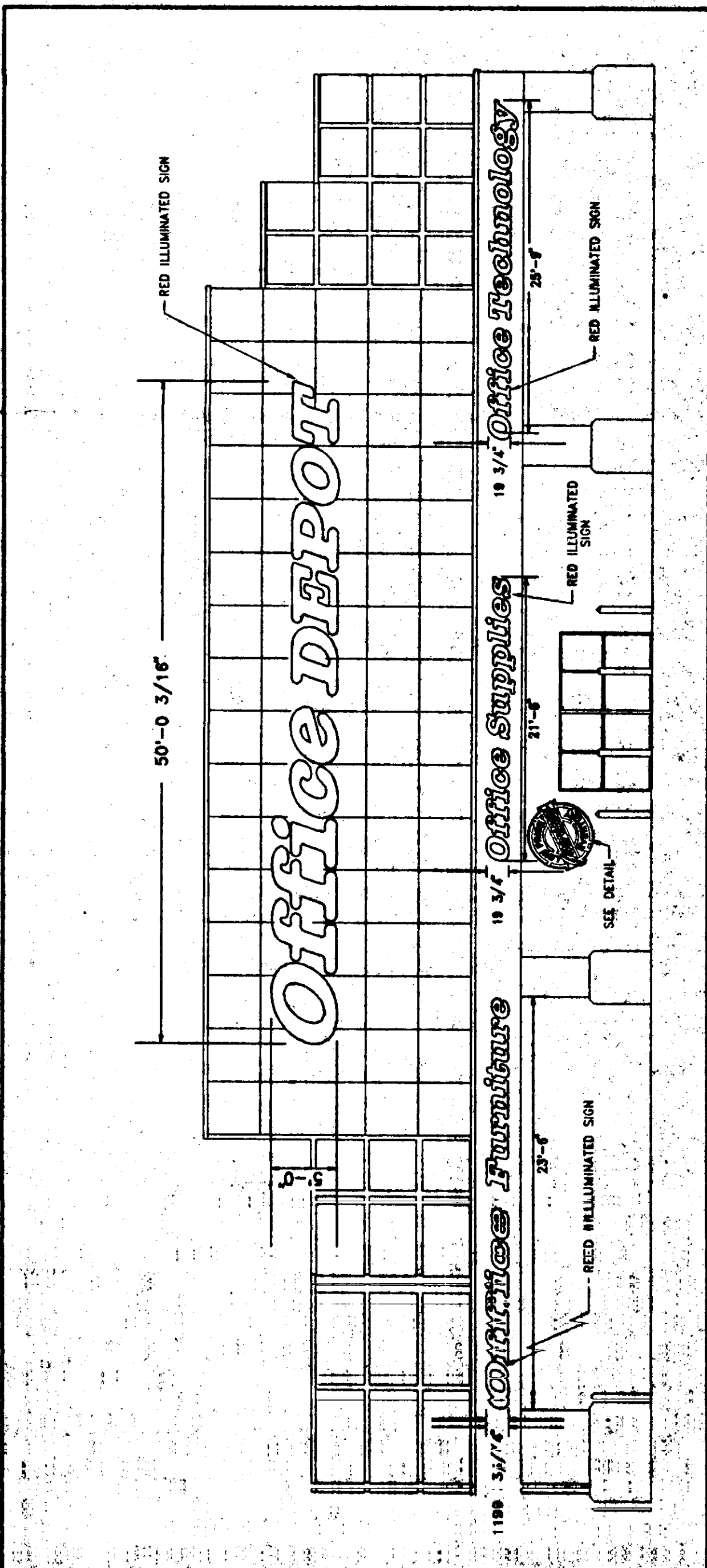
Suite 100
320 East Townsend Boulevard
Towson, Maryland 21286
(410) 823-4470



FREE STANDING SIGN DETAIL
NOT TO SCALE

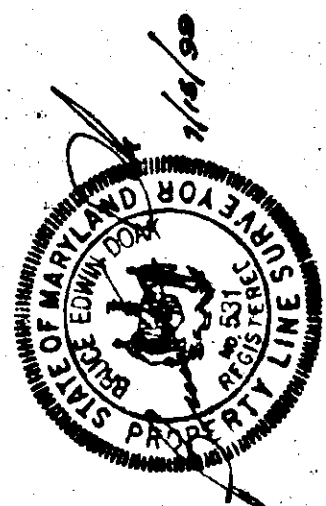


WALL MOUNTED SIGN DETAIL
NOT TO SCALE



WALL MOUNTED SIGN DETAIL NOT TO SCALE

PLAN TO ACCOMPANY A
ZONING VARIANCE PETITION
FOR THE PROPERTY LEASED BY
OFFICE DEPOT
1920 York Road
Baltimore County, Maryland
Deed Ref: EHK J. 8465 Folio 525
Tax Account No: 0816061511
Zoned ML-1M
Tax Map 60, Grid 12, Parcel 866
4th Councilmanic District
Scale: 1"=50' Date: JULY 12, 1999



00-024-A

#24

GERHOLD CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100, Solerswood
320 East Towson Road
Towson, MD 21206
(410) 835-4470
FUT DATE: 7/13/1999 FUTURE EDITION