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IN RE: PETITION FOR SPECIAL HEARING

**NWC Harford and Cub Hill Roads** 

9<sup>th</sup> Election District

6th Councilmanic District

(10100 Harford Road)

Ronald E. Spaugh, Jr.

Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 00-041-SPH

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Ronald E. Spaugh, Jr. The Petitioner is requesting a special hearing for property he owns at 10100 Harford Road, which property is zoned BL. The special hearing request is to allow Mr. Spaugh to add an addition to his existing service garage which is larger than the allowable 25% expansion, given that the service garage is a nonconforming use.

Appearing at the hearing on behalf of the special hearing request was Ronald Spaugh, Jr., property owner and Vince Moskunas, professional engineer with M & H Development Engineers, Inc. There were no protestants in attendance.

Testimony and evidence indicated that Mr. Spaugh purchased the subject property in 1997 and currently operates an automobile service repair facility thereon. In addition, gasoline is dispensed from the property. Mr. Spaugh is desirous of adding a small 18 ft. x 29 ft. addition on the south side of his existing building. The property which is the subject of this request consists of 0.52 acres, more or less, and is situated on the northeast corner of the intersection of Cub Hill Road and Harford Road in the Carney area of Baltimore County. Mr. Spaugh intends to use the addition to provide conveniences to his customers, such as a waiting room and bathroom facilities. Furthermore, Mr. Spaugh is desirous at this time to upgrade the remainder of the existing building.

As stated previously, Mr. Spaugh has requested this special hearing to allow an expansion to his existing service garage building greater than that which is permitted by the Baltimore County Zoning Regulations (B.C.Z.R.). The B.C.Z.R. is very clear that expansions over and above 25% of the existing building are not permitted. Therefore, Mr. Spaugh should not have requested a special hearing to allow an expansion greater than 25% of his non-conforming use, but rather should have filed a simple special exception request to approve the existing service garage and the addition proposed to be added thereto. Considering the absence of protestants at the hearing and the favorable recommendations of the County agencies, I find that Mr. Spaugh's request should in fact be amended from a petition for special hearing to a petition for special exception to allow an addition to be constructed on the existing building. It should be noted that Mr. Spaugh is maintaining existing setbacks on the property in that the addition will be a simple extension of the building footprint. The only setback which will be decreased is the setback at Cub Hill Road. However, Mr. Spaugh is providing a 21 ft. setback to Cub Hill Road which is more than adequate given his BL zoning. Therefore, no variances are necessary.

Accordingly, Mr. Spaugh's request shall be amended to reflect a request for special exception to allow an addition (18 ft. x 29 ft.) to an existing service garage building and to approve an additional 12 parking spaces situated on the rear of the property.

It is clear that the B.C.Z.R. permits the use proposed in a BL zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and

DAMO 10/20/99

By YE. Camadou.

circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, the request for special hearing shall be amended to reflect a request for special exception and should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of October, 1999 that the Petitioner's Special Hearing Request to allow him to expand an existing non-conforming use by greater than 25% shall be DENIED.

IT IS FURTHERE ORDERED, that the Amended Special Exception Request to approve an existing service garage and an 18 ft. x 29 ft. addition to the side of the existing building with 12 new parking spaces be and is hereby APPROVED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired.
   If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2. The Petitioner shall be required to conduct all service garage activity within the existing building.

CADEN PROTIVED FOR FILING DATE 10/20/99

3. When applying for any building permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ГІМОТНУ М. КОТROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

October 19, 1999

Mr. Ronald E. Spaugh, Jr. 11629 Camp Cone Road Glen Arm, Maryland 21057

Re: Petition for Special Exception

Case No. 00-041-SPH

Property: 10100 Harford Road

Dear Mr. Spaugh:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Exception 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,

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

Copies to:

Mr. Vincent J. Moskunas M & H Development Engineers, Inc. 200 E. Joppa Road, Room 101 Towson, Maryland 21286



REU 915198

# Petition for Special Hearing to the Zoning Commissioner of Baltimore County

	for the property	located at	#10100 Harf		
	propos		resently zoned	BL	
s Petition shall be filed with the Depa ner(s) of the property situate in Baltimore de a part hereof, hereby petition for a unty, to determine whether or not the Zor	County and which Special Hearing uniting Commissioner was confined to the conf	nder Section 50 should approve	the description at 0.7 of the Zoning	g Regulations	of Baltimore
An addition (18'x29') to an approve proposed parking area SCHOACKS AS Shawn.	existing^build a to conform t	ing which is o Baltimore	larger than County Regula	the allowa ations <b>ANA</b>	ble 25% an to approv
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ress	Telephone No.	Name - Type or	Print		
State	Zip Code	Signature	CAMP CON	e 20 (41	.0) 665–912:
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M&H Development Engineers, Inc.
200 E. Joppa Road
Room 101
Towson, MD 21286
Phone (410)828-9060
Fax (410)828-9066



### ZONING DECRIPTION FOR #10100 HARFORD ROAD

BEGINNING at a point formed by the intersection of the north side of Harford Road, which is a 50' right-of-way, and the east side of Cub Hill Road, which is a variable right-of-way; thence the following courses and distances: \$85\$ degrees 25 minutes 02 seconds, 22.82 feet; thence N 39 degrees 20 minutes 45 seconds W, 102.39 feet; thence N 50 degrees 39 minutes 15 seconds E, 110.12 feet; thence N 39 degrees 20 minutes 45 seconds W, 100.00 feet; thence N 50 degrees 39 minutes 15 seconds E, 70.26 feet; thence S 39 degrees 20 minutes 45 seconds E, 155.07 feet and thence S 30 degrees 11 minutes 15 seconds W, 172.53 feet to the Point of Beginning as recorded in Deed Liber 11971, folio 359.

Containing 22,843 square feet. Also being known as #10100 Harford Road and located in the 9th. Election District, 6th. Councilmanic District.

J. Tilghman Downey, Jr.

No. 0704; Z. FAID REDETET		250.00 UK 250.00 CM 000 CM Baltimore County, Waryland		145. 140.00 00.00	
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Case, #00-041-SPH
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8th Election District
9th Election District
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Spatial Fornald Election

Special Hearing to approve an additional policy of the additional polic

Shown Shows Security Suptem Hearing: Tuesday, Suptem Hearing: Tuesday, Suptem Hearing: 11:00 a.m. Back 10:00 A

Commissioners Office at 1410 887-4386 (2) For Information concerns the File and/or Hearl in the File and or Hearl in the

# CERTIFICATE OF PUBLICATION

TOWSON, MD.,  $\Theta/AG$  . 19

### CERTIFICATE OF POSTING

RE: CASE #00-041-SPH
PETITIONER/DEVELOPER:
[Ronald E. Spaugh, Jr.]
DATE OF Hearing
[Sept. 14, 1999]

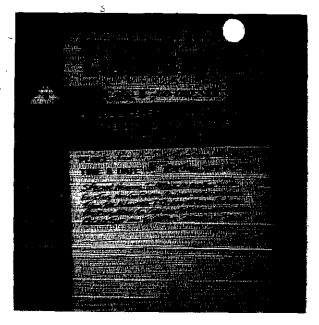
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

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 10100 Harford Road Baltimore, Maryland 21234\_\_\_\_\_

The sign(s) were posted on 8-29-99 [Month, Day, Year]



Sincerely,  Mann John Ashalag
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410}-687-8405
(Telephone Number)

RE: PETITION FOR SPECIAL HEARING
10100 Harford Road,
NWC Harford and Cub Hill Rds
9th Election District, 6th Councilmanic
Legal Owner: Ronald E. Spaugh, Jr.
Petitioner(s)

- BEFORE THE
- ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* Case No. 00-41-SPH

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

### **ENTRY OF APPEARANCE**

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

Peter May Zimneinen PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

esle S. Demelio

**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 \_\_\_\_\_\_ day of August, 1999 a copy of the foregoing Entry of

Appearance was mailed to Vincent J. Moskunas, M & H Development Eng., Inc., 200 E. Joppa Road, Room

101, Towson, MD 21286, representative for Petitioners.

FTER MAX ZIMMERMAN

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

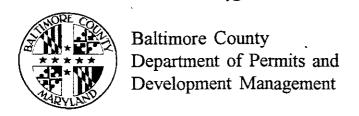
### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

For Newspaper Advertising:	
Item Number or Case Number: 00 - 41-SPH	
Petitioner: RONALD SPAUGH JR.	
Address or Location: 10100 HARFORD RD	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: RONALD SPAUGH JR.	
Address: 11629 CAMP CONE RD	
GLENARM MD 21057	
Telephone Number: 410 665 9122	



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: 00-041-SPH 10100 Harford Road NWC Harford and Cub Hill Roads 9<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District Legal Owner: Ronald E. Spaugh, Jr.

<u>Special Hearing</u> to approve an addition to an existing nonconforming building which is larger than the allowable 25% and approved proposed parking area to conform to Baltimore County Regulations and to approve setbacks as shown.

HEARING: Tuesday, September 14, 1999 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

c: Ronald E. Spaugh, Jr., 11629 Camp Cone Road, Glen Arm 21057
M&H Development Engineers, Inc., 200 E. Joppa Road, Room 101, Towson 21286
Jim White, 8910 Harford Road, Baltimore 21234

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY august 30, 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:

Ronald E. Spaugh, Jr. 11629 Camp Cone Road Glen Arm. MD 21057 410-665-9122

### **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: 00-041-SPH

10100 Harford Road

NWC Harford and Cub Hill Roads

9<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owner: Ronald E. Spaugh, Jr.

<u>Special Hearing</u> to approve an addition to an existing nonconforming building which is larger than the allowable 25% and approved proposed parking area to conform to Baltimore County Regulations and to approve setbacks as shown.

HEARING: Tuesday, September 14, 1999 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

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.

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

DATE: August 4, 1999

TO: Larry E. Schmidt

**Zoning Commissioner** 

FROM: James H. Thompson - DR

Code Enforcement Supervisor

SUBJECT: ITEM NO.: 041

PETITIONER: Ronald E. Spaugh, Jr.

VIOLATION CASE NO.: 98-4165

LOCATION OF VIOLATION: NWC Harford and Cub Hill Roads

(10100 Harford Road)

DEFENDANT(S): Ronald E. Spaugh, Jr.

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):

<u>NAME</u> <u>ADDRESS</u>

Jim White 8910 Harford Road Baltimore, MD 21234

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/dr/lmh

BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Date: August 16, 1999

Department of Permits & Development

Management

FROM: Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for August 16, 1999

Item No. 041

The Bureau of Development Plans Review has reviewed the subject zoning item. The main access width is 35 feet; therefore, the existing access off Cub Hill Road should be narrowed down from 75 feet to 35 feet away from the intersection with Harford Road.

RWB:HJO:jrb

cc: File

Sir 9/14

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** August 13, 1999

Department of Permits and

**Development Management** 

FROM:

Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT:

10100 Harford Road

**INFORMATION:** 

**Item Number:** 

041

Petitioner:

Ronald E. Spaugh, Jr.

Zoning:

BL

Requested Action:

Special Hearing

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that a condition be placed in the Order stating that all service garage activity is to be conducted within the building should the applicant's request be granted.

Section Chief: Jeffy M Zaz

AFK/JL



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

Date:

8.12.99

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

RE:

**Baltimore** County

Item No. 041

**ひして** 

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/JS 147 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** 

### PLEASE PRINT CLEARLY

### PETITIONER(S) SIGN-IN SHEET

MEH. Dev. ENG. ITC	ADDRESS				
VINCENT J. MOSKUWAS	200 E. Joppa. Rd. 21286				
RONALD E. STAUGH	10100 HARFORD ROAD 21234				
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