

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
 AND VARIANCE *
 NW/S Harford Road , 200' NE * DEPUTY ZONING COMMISSIONER
 of Cub Hill Road *
 9th Election District * OF BALTIMORE COUNTY
 6th Councilmanic District *
 (10106 & 10108 Harford Road) * CASE NO. 00-207-SPHXA

 George M. Brewer, Jr. *
 Petitioner *

* * * * *

AMENDED ORDER

WHEREAS, this matter came before this Deputy Zoning Commissioner as a special hearing, special exception and variance request, whereupon a hearing was held January 4, 2000. Thereafter, an Order was issued the 1st day of February, 2000 granting the Petitioner's relief and imposing several conditions and restrictions upon the property owner.

Within the requisite thirty (30) day time period, the Petitioner requested a Motion for Reconsideration asking that I reconsider Restriction No. 2 dealing with the signage on the subject property. Specifically, the Petitioner has requested permission to keep the current signs on the property which have existed for many years. After considering the Petitioner's request, I shall amend my previous Order to allow the Petitioner to keep and maintain the pylon sign containing the permanent identification sign, as well as the interchangeable sign. In addition, the sign on the façade of the sales building which spells the word "Trucks" shall be permitted to remain. However, as stated in my previous decision, the yellow 4' x 8' "World of Wheels" sign must be removed from the property within thirty (30) days from the date of this Amended Order.

THEREFORE, IT IS ORDERED this 13th day of March, 2000, by this Deputy Zoning Commissioner, that Restriction No. 2 of my previous decision dated the 1st day of February, 2000 shall be amended as follows:

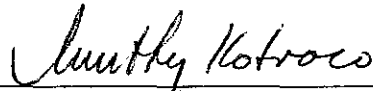
ORDER RECEIVED FOR FILING

Date 3/13/00

By R. J. Janssen

2. The Petitioner shall be required to remove the 4' x 8' "World of Wheels" sign from the façade of the sales building within thirty (30) days from the date of this Order. The Petitioner shall be permitted to keep and maintain the word "Trucks" on the façade of the sales building. In addition, the Petitioner shall be permitted to keep and maintain the two (2) signs affixed to the pylon in the front parking lot of the site.

IT IS FURTHER ORDERED that all other terms and conditions of my previous decision shall remain in full force and effect.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 3/13/00
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

March 13, 2000

Gerald Caldwell, Jr., Esquire
Caldwell & Caldwell
7701 Belair Road
Baltimore, Maryland 21236

RE: Motion for Reconsideration
Case No. 00-207-SPHXA
Property: 10106 & 10108 Harford Road

Dear Mr. Caldwell:

Enclosed please find the decision rendered in the above-captioned case. The Motion for Reconsideration has been granted amending Restriction No. 2 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 Office of Permits and Development Management. 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 cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE
NW/S Harford Road , 200' NE * DEPUTY ZONING COMMISSIONER
of Cub Hill Road *
9th Election District * OF BALTIMORE COUNTY
6th Councilmanic District *
(10106 & 10108 Harford Road) * CASE NO. 00-207-SPHXA

George M. Brewer, Jr. *
Petitioner

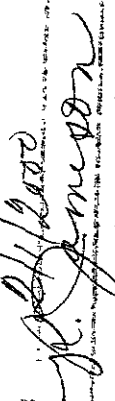
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed for property located at 10106 & 10108 Harford Road. The special exception request is to approve existing used vehicle sales in a BR zone and to approve all other existing uses on the subject property with their current setbacks and parking, maneuvering and display, as shown on the site plan submitted into evidence. The variance request is to approve a recent building addition with a 5 ft. side yard setback in lieu of the required 30 ft.

Appearing at the hearing on behalf of the requests were George and Joyce Brewer, owners of the property, Paul Lee, professional engineer who prepared the site plan of the property, Gerald Caldwell, Jr., attorney at law, representing the Petitioner. There were no protestants or other persons in attendance.

Testimony and evidence indicated that the property, which is the subject of this special exception and variance request, consists of 0.49 acres, more or less, split-zoned BR-D.R.2. The subject property is the site of a used automobile sales facility which has existed on the subject property for the past 40 years. The property is improved with several buildings, one of which serves as the automobile sales office, with a small area set aside for automobile service and repair. Another building situated on the subject property serves as a caretaker's residence,

By  J. R. Johnson
Deputy Zoning Commissioner

wherein the Petitioner's attorney, Mr. Gerald Caldwell, resides. A small shed is located to the rear of the caretaker's residence and the Petitioner recently enclosed an outdoor lift within a small building. On the front of the property along Harford Road, the Petitioner displays many used vehicles for sale. Photographs showing the display of these vehicles, as well as the many buildings on site were submitted into evidence at the hearing before me.

The Petitioner is requesting the special exception and variance to approve that which has been existing on the property for many decades. The Petitioner is seeking to legitimize the uses on site. After considering the testimony and evidence offered at the hearing and the lack of opposition thereto, I find that the special exception request to approve the longstanding used vehicle sales on the property, as well as the request to approve living quarters in the commercial building on the property shall be approved. Certain conditions and restrictions shall be imposed upon the Petitioner in an effort to clean up the operation. There presently exists an overabundance of signage on the property and some of the vehicles displayed for sale are being parked within the State Highway right-of-way. Therefore, it is appropriate to impose conditions and restrictions to make the site more compatible with the surrounding community.

It is clear that the B.C.Z.R. permits the use proposed in a BR 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

COPIES OF THIS DOCUMENT
DATE 2/1/2000
BY J. P. JAMESON

circumstances do not show that the proposed use at the particular location 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.

In addition to the special exception request, the Petitioner is also requesting a variance to allow a recently constructed addition to be situated 5 ft. from the side yard property line. The addition was added to enclose an outdoor hydraulic lift where cars are serviced. Testimony indicated that the Petitioner constructed this addition without the benefit of a Baltimore County building permit. Assuming the building permit will be issued for the structure, the variance shall be granted to allow it to remain 5 ft. from the side property line. The existing sales building is situated on the property line and, therefore, the addition should not have a detrimental impact on the adjacent property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and their 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;

FILED
2/1/2008
BY SP. JUDGE

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

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the requested relief should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of February, 2000, that the Petitioner's request to approve existing used vehicle sales in a BR zone and to approve all other existing uses on the subject property with their current setbacks and parking, maneuvering and display, as shown on the site plan submitted into evidence, be and is hereby GRANTED.

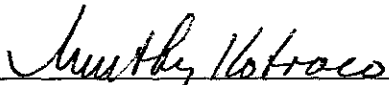
IT IS FURTHER ORDERED, that the variance request to approve a recent building addition with a 5 ft. side yard setback in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the restrictions listed below which are conditions precedent to the relief granted herein:

1. 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, 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.
2. As stated previously, the Petitioner has an overabundance of signage on the subject property. In addition to a pylon sign situated on the property, the Petitioner also has two signs on the façade of his sales building. There exists a yellow sign bearing the name "World of Wheels", as well as a large sign for "Trucks". The pylon sign

RECEIVED
2/11/2000
BY [Signature]
ZONING

which has a permanent identification sign, as well as an interchangeable sign, is more than sufficient to identify the property. Therefore, the Petitioner, as a condition of the approval of this special exception and variance request, shall remove the yellow sign affixed to the façade of the sales building, as well as the large lettering spelling the word "Trucks". These signs and letters shall be removed within thirty (30) days from the date of this Order. As stated previously, the Petitioner shall be permitted to keep and maintain the two signs affixed to the pylon in the front parking lot of the site.

3. There exists on the roof of the sales office a large metal screen which appears to have been used as a sign in the past. The Petitioner shall be required to remove this structure from the roof of the sales building within thirty (30) days from the date of this Order.
4. My site inspection and the photographs reveal that the Petitioner is currently displaying vehicles for sale within the State Highway right-of-way. These vehicles are parked too close to the shoulder of Harford Road and can be a safety hazard. Therefore, the Petitioner shall be required to keep all vehicles that are displayed for sale on the inside of the line created by the telephone poles that exist on their property. There shall be no vehicles displayed for sale on the street side of said telephone poles.
5. There is a small traffic island in front of the sales building wherein a telephone pole and no parking sign is located. This small area does afford a limited opportunity for some landscaping to be planted. Therefore, the Petitioner shall be required to install some landscaping within this small traffic island similar to that which exists on the neighbor's property, the USA Auto Sales. Said landscaping must be planted within 120 days from the date of this Order.
6. The Petitioner shall be prohibited from displaying banners, streamers, balloons and other inflatable devices on the subject property.
7. The Petitioner shall be prohibited from displaying vehicles on any type of rack storage, jacks or lifts.
8. When applying for a building permit, the site plan/landscape plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

COPIES OF THIS ORDER
DATE 2/1/2000
BY J. J. GAMESON



Baltimore County
Zoning Commissioner

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

February 1, 2000

Gerald Caldwell, Jr., Esquire
Caldwell & Caldwell
7701 Belair Road
Baltimore, Maryland 21236

RE: Petitions for Special Exception & Variance
Case No. 00-207-SPHXA
Property: 10106 & 10108 Harford Road

Dear Mr. Caldwell:

Enclosed please find the decision rendered in the above-captioned case. The Petitions for Special Exception and Variance have been granted with restrictions 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 Office of Permits and Development Management. 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 cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10106 & 10108 Harford Road

which is presently zoned "BR"

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) 238.2

To Approve a recent building addition with a 5' side yard in lieu of the required 30' (a Variance of 25')

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

To be presented at hearing

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:

ANDREW J. AKELAITIS
Name - Type or Print
[Signature]
Signature
1000 TIMBER TRAIL RD
Address
BALTO. MD 21286
City State Zip Code

Attorney For Petitioner:

Gerald Caldwell, Jr.
Name - Type or Print
[Signature]
Signature
Caldwell & Caldwell
Company
7701 Belair Road 410-668-7742
Address Telephone No.
Baltimore, MD 21236
City State Zip Code

Legal Owner(s):

George M. Brewer Jr.
Name - Type or Print
[Signature]
Signature
Name - Type or Print
Signature
2211 Choate Road 410-557-7595
Address Telephone No.
Fallston, MD 21047
City State Zip Code

Representative to be Contacted:

Gerald Caldwell, Jr.
Name
7701 Belair Road 410-668-7742
Address Telephone No.
Baltimore, MD 21236
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr.
UNAVAILABLE FOR HEARING
Reviewed By JL Date 11/15/99

Case No. 00-207-SPH
XA



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 10106 & 10108 Harford Road

which is presently zoned "BR"

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

(To approve the existing used vehicle sales in a "BR" zone) and to approve the existing uses on the lot and setbacks and parking, maneuvering and display as shown on the enclosed plan for Parcel "A" (0.413 Ac[±])

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, 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:

ANDREW J. AKELAITIS
Name - Type or Print
[Signature]
Signature
1000 TIMBER TRAIL RD.
Address
BALTO. MO. 21286
City State Zip Code

Attorney For Petitioner:

Gerald Caldwell, Jr.
Name - Type or Print
[Signature]
Signature
Caldwell & Caldwell
Company
7701 Belair Rd. 410-668-7742
Address Telephone No.
Baltimore, MD 21236
City State Zip Code

Case No. 00-207-SPH-XA

REV 09/15/98

Legal Owner(s):

George M. Brewer, Jr.
Name - Type or Print
[Signature]
Signature
Name - Type or Print
Signature
2211 Choate Road 410-557-7595
Address Telephone No.
Fallston, MD 21047
City State Zip Code

Representative to be Contacted:

Gerald Caldwell, Jr.
Name
7701 Belair Rd. 410-668-7742
Address Telephone No.
Baltimore, MD 21236
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR
UNAVAILABLE FOR HEARING

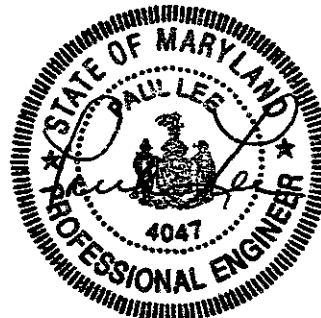
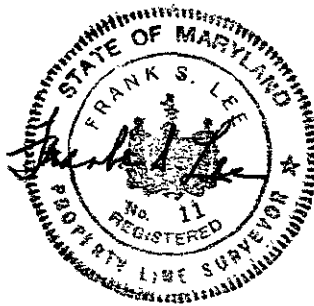
Reviewed By JL Date 11/15/99

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

DESCRIPTION
PARCEL 'A' = 0.413 Ac.±
NOS. 10106 – 08 HARFORD ROAD

BEGINNING for the same on the northwest side of Harford Road at the distance of 200 feet measured northeasterly along the northwest side thereof from the east side of Cub Hill Road, thence running and binding on the northwest side of Harford Road as follows: North 38 degrees 32 minutes East 75.00 feet and North 44 degrees 56 minutes East 54.44 feet, thence running for lines of division as follows: North 31 degrees 00 minutes West 155 feet ± to intersect the existing "BR" Zoning line shown on the 200-ft. scale Baltimore County Zoning Map "NE11E", thence running with said "BR" Zoning line South 44 degrees 56 minutes West 55 feet ± to the south boundary of subject site, thence running for lines of division South 31 degrees 00 minutes East 30 feet ±, South 59 degrees 00 minutes West 70.30 feet and south 31 degrees 00 minutes East 155.14 feet to the place of beginning.

CONTAINING 0.413 acres of land more or less



CERTIFICATE OF PUBLICATION

TOWSON, MD, 12-16, 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 12-16, 1999

THE JEFFERSONIAN,

S. L. ...

LEADERSHIP

HEARINGS

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: #00-207-SPHXA

10106 & 10108 Harford Rd.

NW/S Harford Road, 200' NE of Cub Hill Road

9th Election District - 6th Councilmanic District

Legal Owner(s): George M. Brewer, Jr.

Contract Purchaser: Andrew J. Akelaitis

Special Exception: to approve used vehicle sales. **Special Hearing:** to approve the existing uses on the lot and setbacks and parking, maneuvering and display as shown on the enclosed plan for Parcel "A". **Variance:** to approve a recent building addition with a 5-foot side yard in lieu of the required 30 feet.

Hearing: Tuesday, January 4, 2000, at 2:00 p.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 accommodations 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) 867-3391.

12/165 Dec. 16

C359518

CERTIFICATE OF POSTING

RE: CASE # 00-207-SPHXA
PETITIONER/DEVELOPER
[Andrew J. Akelaitis]
DATE OF Hearing
[Jan 4, 2000]

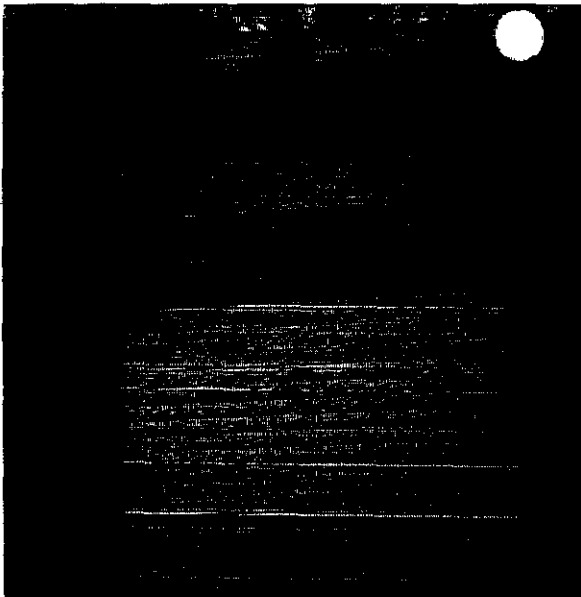
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
10106 & 10108 Harford Road Baltimore, Maryland 21234—

The sign(s) were posted on _____ 12-19-99 _____
[Month, Day, Year]



Sincerely,

Thomas P. Ogle 12/19/99
[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

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

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
10106-10108 Cub Hill Road, NW/S Harford Rd,
200' NE of Cub Hill Rd
9th Election District, 6th Councilmanic

Legal Owner: George M. Brewer, Jr.
Contract Purchaser: Andrew J. Akelaitis
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-207-XA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

29th

I HEREBY CERTIFY that on this 29th day of December, 1999 a copy of the foregoing Entry of Appearance was mailed to Gerard V. Caldwell, Jr., Esq., Caldwell & Caldwell, 7701 Belair Road, Baltimore, MD 21236, attorney for Petitioners.

Peter Max Zimmerman

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

December 8, 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: 00-207-SPHXA
10106 & 10108 Harford Road
NW/S Harford Road, 200' NE of Cub Hill Road
9th Election District – 6th Councilmanic District
Legal Owner: George M. Brewer, Jr.
Contract Purchaser: Andrew J. Akelaitis

Special Exception to approve used vehicle sales. Special Hearing to approve the existing uses on the lot and setbacks and parking, maneuvering and display as shown on the enclosed plan for Parcel "A". Variance to approve a recent building addition with a 5-foot side yard in lieu of the required 30 feet.

HEARING: Tuesday, January 4, 2000 at 2:00 p.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: Gerald Caldwell, Jr., Esquire, 7701 Belair Road, Baltimore 21236
George M. Brewer, Jr., 2211 Choate Road, Fallston 21047
Andrew J. Akelaitis, 1020 Timbertrail Road, Baltimore 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY DECEMBER 20, 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, December 20, 1999 Issue — Jeffersonian

Please forward billing to:

Gerald Caldwell, Jr.
7701 Belair Road
Baltimore, MD 21236

410-668-7742

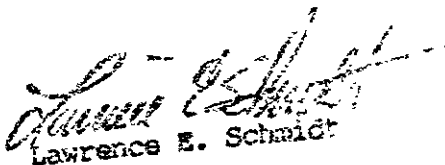
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The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-207-SPHXA
10106 & 10108 Harford Road
NW/S Harford Road, 200' NE of Cub Hill Road
9th Election District — 6th Councilmanic District
Legal Owner: George M. Brewer, Jr.
Contract Purchaser: Andrew J. Akelaitis

Special Exception to approve used vehicle sales. Special Hearing to approve the existing uses on the lot and setbacks and parking, maneuvering and display as shown on the enclosed plan for Parcel "A". Variance to approve a recent building addition with a 5-foot side yard in lieu of the required 30 feet.

HEARING: Tuesday, January 4, 2000 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

561

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: 00-207 ^{SPH} X A

Petitioner: GEDGE M. BREWER, JR

Address or Location: 2211 CHOATE RD - 21047

PLEASE FORWARD ADVERTISING BILL TO:

Name: GERALD CALDWELL, JR.

Address: 7701 BELAIR RD.
BALTIMORE, MD 21236

Telephone Number: 410-668-7742



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 30, 1999

Mr. Gerald Caldwell
Caldwell & Caldwell
7701 Belair Road
Baltimore, Maryland 21236

Dear Mr. Caldwell:

RE: Case Number 00-207-XA , 10106 & 10108 Harford Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 11/15/99.

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, please do not hesitate to contact the commenting agency.

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures

c: Andrew Akelaitis
George Brewer, Jr.



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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: December 10, 1999

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

RECEIVED JAN 06 2000

SUBJECT: Zoning Advisory Committee Meeting
for December 6, 1999
Item Nos. 206, 207, 209, 210, 211,
212, 213, 217, and 218

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

December 17, 1999

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED JAN 06 2000

ATTENTION: Gwen Stephens

RE: Property Owner: See Below

Item No.: 205, (207), 211, 216, and 217

Dear Ms. Stephens:

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: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F



Jim
1/4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 14, 1999

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

SUBJECT: 10106 & 10108 Harford Road

INFORMATION:

Item Number: 207

Petitioner: Andrew J. Akelaitis

Zoning: BR

Requested Action: Special Exception and Variance

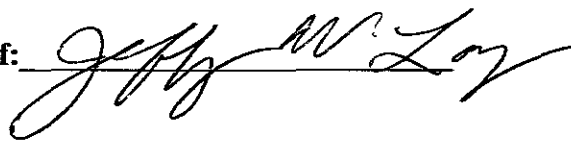
SUMMARY OF RECOMMENDATIONS:

Based upon a site visit and consultation with the Department of Permit and Development Management, it would appear that the subject Petitions for Special Exception and Variance were hastily filed. The application does not demonstrate compliance with Sections 102.2 and 102.4 of the Baltimore County Zoning regulations. Specifically, the petitioner needs to demonstrate that the single-family, detached dwelling can be supported on the subject lot given the mixed use of the property since the BCZR requires a minimum of 20,000 square feet to support the house as well as additional setbacks for residential uses. Also, the plan must be amended to show buildings and pump islands on the adjacent lots in order to establish setbacks for the existing building and associated display area for motor vehicles.

The plat accompanying the petitions shows two service lifts; therefore, provisions for a storage area must be made if the applicant intends to store damaged or disabled motor vehicles on the subject property.

The Office of Planning recommends the petitioner's request be denied until such time as it can be demonstrated that the site is in full compliance with the BCZR. After this is accomplished, this office would like the opportunity to discuss site detail regarding

landscaping and signage. Finally, the Office of Planning recommends that the Zoning Commissioner visit the subject property prior to rendering a final decision in this matter.

Section Chief: 
AFK/JL

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Paul Caldwell

7201 Balcon Rd. 71255

Paul Lee

32 West Road

Nancy Brewer

2211 Choate Rd

Force Brewer

2211 Choate Rd

M. H. Burton

744 Town Center Dr



IN RE: PETITION FOR SPECIAL HEARING
N/S Baltimore National Pike, 478' E of
the c/l Johnnycake Road
(5538 Baltimore National Pike)
1st Election District
1st Councilmanic District

G.D. & R.L., Ltd.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-324-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, G.D. & R.L., Ltd., by Gary Dickson, President, through their attorney, Anthony J. DiPaula, Esquire. The Petitioners request a special hearing to approve the use of the subject property as a used automobile sales room and adjoining outdoor sales area for used cars, provided that dismantled or junked cars unfit for operation on the highways shall not be stored outdoors, pursuant to Section 233.2 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief requested are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the public hearing held in this case were Ray Lewis and Gary S. Dickson, President of G.D. & R.L., Ltd., owners of the subject property, David M. Green, the Registered Property Line Surveyor who prepared the site plan of this property, and Anthony J. DiPaula, Esquire, attorney for the Petitioners. Appearing in support of the request was Mary Sites, President of the Catonsville Manor Community Association. Diana Itter, a representative of the Office of Planning was also present. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a triangularly shaped lot, containing a gross area of .4043 acres, zoned B.M.-C.C.C., and is improved with a one-story block building that is presently vacant. The property is located on Baltimore National Pike (Maryland Route 40), not far from that road's intersection with Johnnycake Road in Catonsville.

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Date

By

Mr. Dickson testified that he and Mr. Ray Lewis are the principals of G.D. & R.L., Ltd., owners of the subject property. He testified that he also owns a nearby gasoline service station, known as Dickson's Mobil, which has existed at the corner of Ingleside Avenue and Johnnycake Road for many years. Mr. Dickson testified that he and Mr. Lewis purchased the subject property and have made efforts to rehabilitate same. Formerly, the property was used as a gasoline service station; however, that operation was shut down a number of years ago. The gasoline storage tanks on the site were subsequently removed and the Petitioners have had environmental tests performed to insure that the property is not contaminated. In addition to the gasoline station, the property was also previously used for different automotive uses, including the sale of used vehicles.

Mr. Lewis testified that they wish to utilize the site for the sale of used cars and trucks. The existing building will be used as an office and vehicles will be stored on-site and sold from the premises. It is anticipated that approximately 30 to 50 cars will be sold from the property each month.

Testimony was also offered by George Psoras, Jr., an attorney who is familiar with the area. Mr. Psoras has an office across the street from Dickson Mobil and grew up in the area. He indicated that automobile dealerships and garages are located near the subject site, all along Baltimore National Pike. Mr. Psoras supports the proposed use and believes that Mr. Dickson and Mr. Lewis will be an asset to the business community.

These comments were echoed by Ms. Sites who appeared on behalf of the Catonsville Manor Community Association. She indicated that this portion of Route 40 (Baltimore National Pike) has been an eyesore for many years, and that this particular property was run down. She noted that the current owners have cleaned up the site and believes that the proposed use is consistent with surrounding uses in the area.

Lastly, testimony was offered from Mr. Green, the Surveyor who prepared the site plan for this property. He described the zoning of the property, its shape and size. He also indicated that the proposed use is appropriate for the area. Ms. Itter testified in opposition to the request (see the Zoning Plans Advisory Committee (ZAC) comment from the Office of Planning).

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Date 6/30/99
By [Signature]

From a practical standpoint, I am persuaded that the proposed use is appropriate for this property and neighborhood. Photographs of the site were submitted which show this particular property and the surrounding locale. In my judgment, the proposed use is consistent with the other uses in the area, and clearly will not be detrimental to the health, safety and general welfare of the surrounding locale. It appears that the property owners have made efforts to clean up the site and rehabilitate same. The property is small and has limited development potential; however, the proposed use appears appropriate.

The issue in this case is not so much the impact of the proposed use, but its permissibility, pursuant to the B.C.Z.R. Several sections thereof need be evaluated to consider this Petition. As noted above, the property is zoned B.M. Section 233.2 of the B.C.Z.R. itemizes those uses permitted by right in the B.M. zone. Among the uses designated as permitted by right are "automobile sales room and adjoining outdoor sales area, provided that dismantled or junked cars unfit for operation on the highways shall not be stored outdoors." It is of note that this use contains no language describing the nature of the automobiles. That is, the use does not specify whether a sales room and outdoor sales area must be for new vehicles, only, or whether used vehicles can be sold.

Apparently, the Zoning Office (the Department of Permits and Development Management {DPDM}), has always construed that Section to be limited to new vehicles. That construction is based on a use designated in Section 236.4 of the B.C.Z.R., which defines the special exceptions permitted in the B.R. zones. Therein, a designated use is "a used motor vehicle outdoor sales area, separated from a sales agency building." Since this use is identified in the B.C.Z.R., the Zoning Office has opined that, when these two uses are considered in conjunction with one another, that the use designated in Section 233.2 (i.e. automobile sales room and adjoining outdoor sales area...) is for new cars, only. The reasoning is that because the use defined in Section 236.4 designates used vehicles, the absence of such language in Section 233.2 must mean that the vehicles to be sold are new.

6/20/68
J. J. [Signature]

To say the least, this interpretation endorsed by DPDM is strained. Not only does the use designated in Section 233.2 not utilize either the words "new" or "used", but the uses described in Sections 233.2 and 236.4 above are clearly different. That is, certain restrictions on the use described in Section 236.4 relate only to an outdoor lot, without a building, whereas the use defined in Section 233.2 clearly requires some structure.

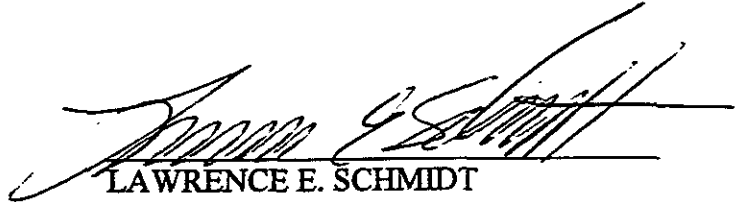
Complicating the issue is the definition of "service garage", as set out in Section 101 of the B.C.Z.R. The language therein defines that use as "a garage, other than a residential garage, where motor driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale." (emphasis added) Thus, the sales of motor driven vehicles is a primary component of the service garage use. Service garages are permitted by right in the B.M. zone

In my judgment, the proper approach is to consider each Petition on a case by case basis. In reviewing the record of this case, it is my judgment that the proposed use should be permitted. This determination is reached based on a number of factors as set out above. First, the locale, and particularly the properties fronting Baltimore National Pike, feature a mix of commercial, business, and retail uses. Moreover, there are a number of automobile related uses in the vicinity, including gasoline service stations, service garages, new car dealerships, and the like. Clearly, the proposed use is consistent with those uses. Moreover, I am persuaded that the property's limited development possibilities restrict the potential uses which could thrive on this site. In this regard, testimony was offered from Ms. Itter indicating that revitalization efforts are occurring in this region. It is questionable, due to the size and shape of the property, that many preferred uses could be accommodated here. Last, the testimony of the residents of the community, particularly Mrs. Sites, is persuasive. The property owners are local businessmen with a vested interest in this site and the neighborhood. I believe that an active business use on the property, as opposed to its vacant condition, would generally benefit the community.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held and for the reasons set forth herein, the relief requested shall be granted.

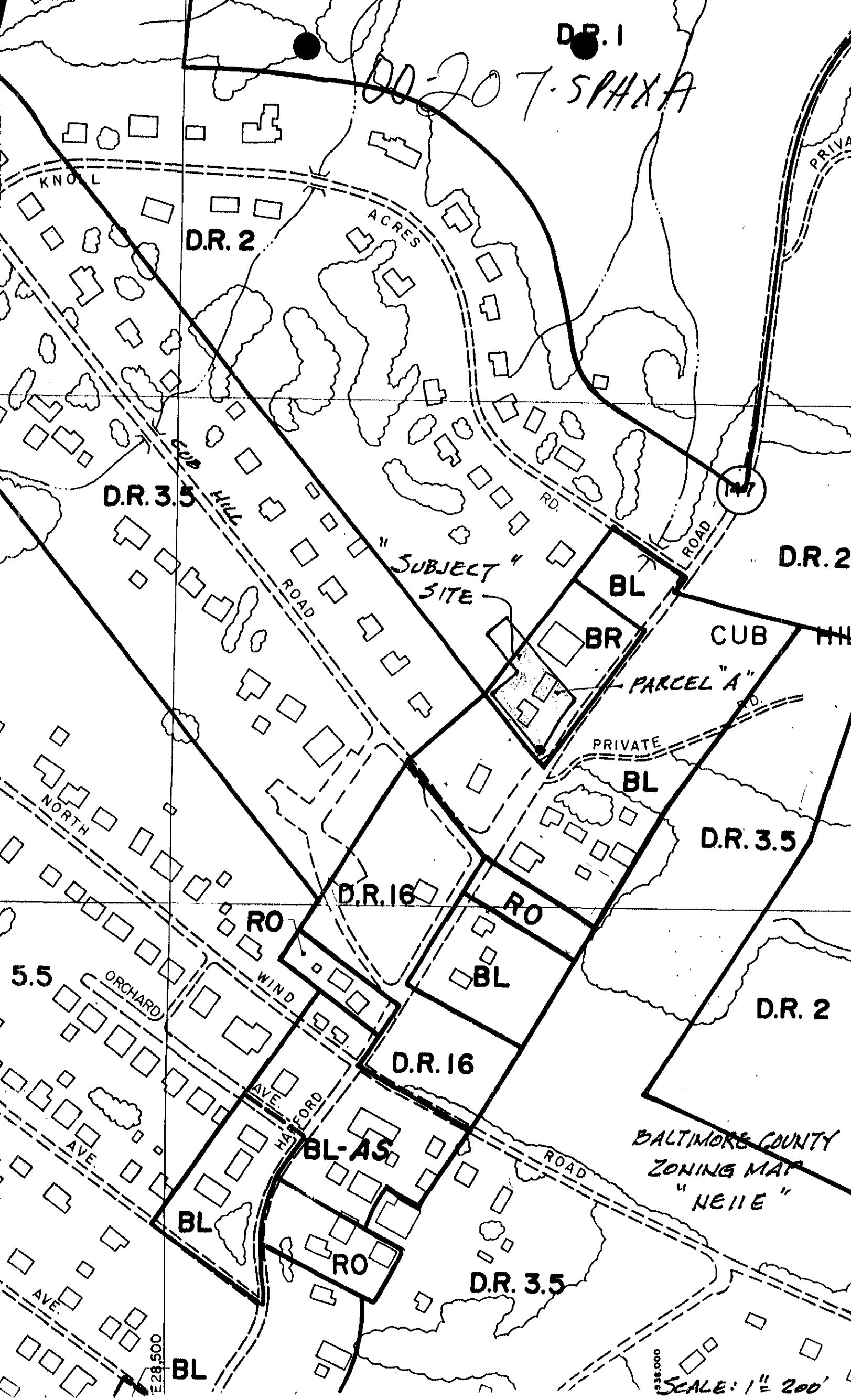
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of June, 1999 that the Petition for Special Hearing seeking approval to use the subject property for a used automobile sales room and adjoining outdoor sales area for used cars, pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.), 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.
- 2) Any dismantled or junked cars unfit for operation on the highways shall not be stored outdoors.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

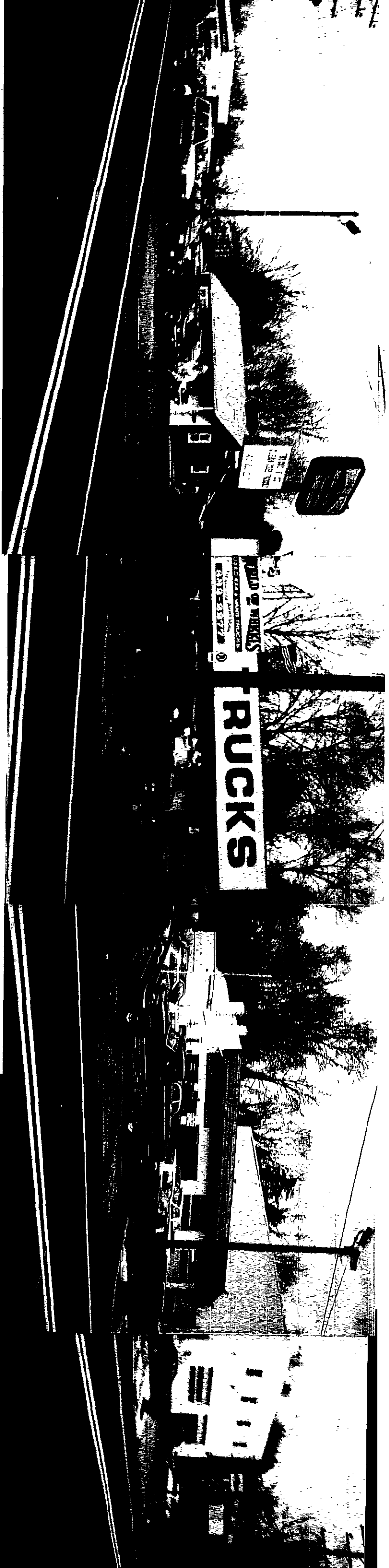

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

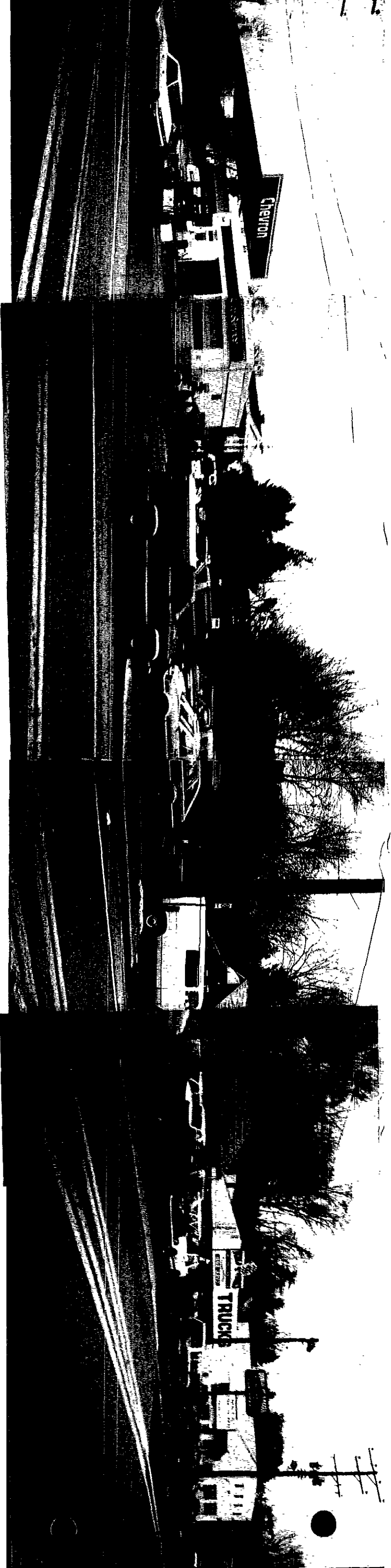
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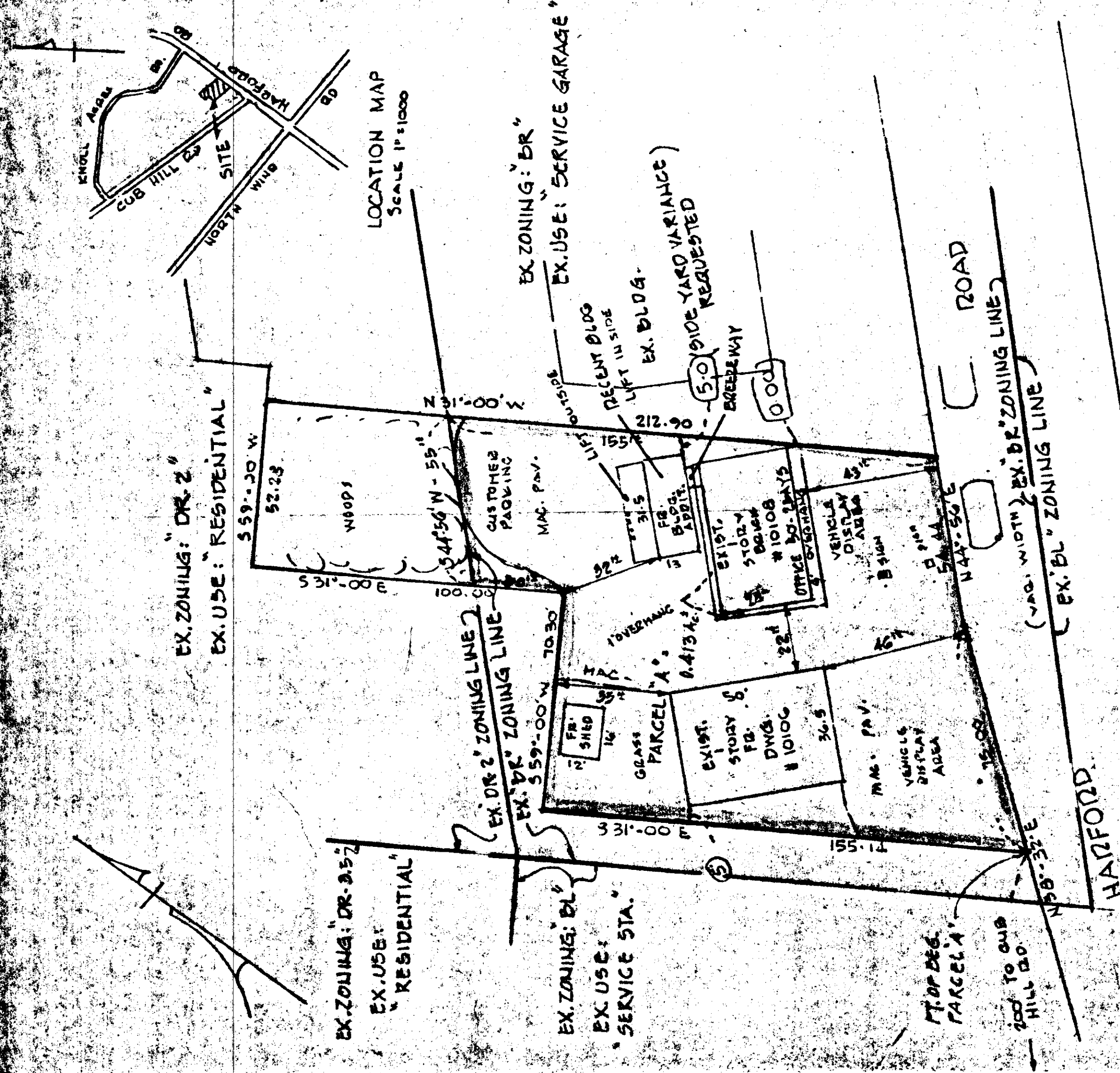
ORDER RECEIVED FOR FILING
Date 6/30/99
By [Signature]











GENERAL NOTES:

1. AREA OF EXISTING LOT = 0.49 AC.
2. EXISTING ZONING OF LOT = "DR" & "DR-2"
3. EXISTING USE OF LOT = SERVICE GARAGE & TRUCK SALES
4. PROPOSED ZONING OF LOT = "DR" w/ SPECIAL EXCEPTION (PARCEL A - 0.413 AC.)
5. PROPOSED USE OF LOT = SERVICE GARAGE & USED CAR & TRUCK SALES
6. PETITIONER REQUESTING A SPECIAL EXCEPTION TO APPROVE THE EXISTING USED VEHICLE SALES IN A "DR" ZONE AND TO APPROVE THE EXISTING USES ON THE LOT AND SETBACKS AND PARKING, MANUEVERING AND DISPLAY AS SHOWN ON THE ENCLOSED PLAN FOR PARCEL A* (0.413 AC.) (REFER. CASE 99-384 SPH) ^{& A SPECIAL HEARING}
7. PETITIONER REQUESTING A VARIANCE TO APPROVE A RECENT BUILDING ADDITION WITH A 5' SIDE SETBACK IN LIEU OF THE REQUIRED 30' SECTION 230.2 OF DCZ.
8. LOT SERVED BY PUBLIC UTILITIES.
9. PERMITTED F.A.R. = 2.0, EXIST. F.A.R. 3820/21344 = 0.13
10. PROPERTY LOCATED ON BALTIMORE COUNTY ZONING MAP NE 11 E, SCALE 1" = 200'
11. ADDED SPECIAL HEARING TO COVER REQUEST FOR APPROVAL TO EXISTING USES, SETBACKS, PARKING, MANUEVERING & DISPLAY PER B.L.T.D. Co. REQUEST.

PLAT TO ACCOMPANY PETITION

FOR

SPECIAL HEARING,
SPECIAL EXCEPTION, VARIANCE

WORLD OF TRUCKS

10106 & 10108 HARFORD ROAD
ELECT. DIST. 2CG BALTIMORE COUNTY, MD.

OCT. 28, 1995

Dec. 8, 1999

OWNERS:

GEORGE M. JR. & IDA MAE BREWER
2211 CHOATE ROAD
FALLSTON, MD. 21047
TELE. 410-557-7595



FRANK & LEE
REG. SURVEYOR
719 CHEBAGO AVE.
BALTIMORE, MD 21201



**GENTURY ENGINEERING, INC.
32 WEST ROAD
TOWSON, MD. 21204**

22-165.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **075713**

DATE 11/16/99 ACCOUNT Rem 600

AMOUNT \$ 554.00

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PINK - AGENCY

YELLOW - CUSTOMER

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- (Sign)
- Steel fence Structure on Roof - taken down.
 - All vehicles parked inside of telephone poles ~ Neighbor keeps his back
 - Yellow Sign - on building facade
 - Word "TRUCKS" - taken down
 - Banner - red letters "Trucks" - down
 - All the other restrictions
 - Landscaping inside small island

