OTOPEN PRICEIVED FOR FILING

IN RE: PETITION FOR SPECIAL EXCEPTION

SE/S Cockeysville Road, 600' NE

c/l Beaver Dam Road

8th Election District

3rd Councilmanic District

(233-237 Cockeysville Road)

Charles E. & Pearl K. Beares Petitioners

**BEFORE THE** 

**DEPUTY ZONING COMMISSIONER** 

OF BALTIMORE COUNTY

CASE NO. 00-223-X

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Charles E. & Pearl K. Beares and the contract purchasers, Bob Cat Properties, LLC. The special exception request is for an automotive service garage in accordance with Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Appearing at the hearing on behalf of the special exception request were Dick Matz, professional engineer who prepared the site plan of the property, Mr. Babcock, contract purchaser of the site and Frank Borgerding, attorney at law, representing the Petitioner. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists of 0.92 acres, more or less, and is zoned ML-IM. The subject property is currently improved with two single-family residential dwellings. The Petitioner operates an automotive service garage a short distance from this site, where he has operated his business for the past three years. Prior to that, his business was located elsewhere in Timonium. For the past twenty years that he has been in business, the Petitioner has always leased his property. He is now in a position to purchase the subject site, tear down the two old dwellings that are situated thereon and construct a new service garage facility in their place. The site plan of the property depicted the improvements to be constructed on site. Furthermore, the Petitioner is willing to submit to the

Chief alterno for fuing

Office of Planning all building elevations, landscape plans and signage details to them for their review and approval prior to the issuance of building permits. The construction of this new automotive service garage facility will be a benefit to the community, given that the two old houses will be torn down. Testimony also revealed that approximately 70% to 80% of the Petitioner's business is derived from the surrounding industrial park.

It is clear the Baltimore County Zoning Regulations (B.C.Z.R.) permits the use proposed in an ML-IM 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 Baltimore County Zoning Regulations. 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 circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit No. 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 advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief request in the special exception shall be granted.

THEREFORE, IT IS ORDERED this Aday of January, 2000, by this Deputy Zoning Commissioner, that the Petitioner's Special Exception Request, pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), for an automotive service garage, be and is hereby APPROVED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for his permit upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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. Prior to the issuance of any building permits, the Petitioner shall submit building elevations, landscape plan, signage and final site design details to the Office of Planning for their review and approval.
- 3. When applying for any permits, the site plan/landscape plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY 🕅. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

CHURTHECETURED FOR FILING Date LASTREED

BY YE AMERIN



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

Fax: 410-887-3468

January 11, 2000

Frank Borgerding, Esquire Mercantile Building 409 Washington Avenue, Suite 600 Towson, Maryland 21204-4974

RE: Petition for Special Exception

Case No. 00-223-X

Property: 233-237 Cockeysville Road

Dear Mr. Borgerding:

Enclosed please find the decision rendered in the above-captioned case. The petition 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 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,

Timothy M. Kotroco

Deputy Zoning Commissioner

withy lotroso

TMK:raj Enclosure











### Copies to:

Mr. & Mrs. Charles E. Beares 233-237 Cockeysville Road Cockeysville, Maryland 21030

Mr. Robert Babcock c/o Bob Cat Properties, LLC 831 Chester Road Baltimore, Maryland 21220

Mr. Dick Matz Colbert, Matz & Rosenfelt, Inc. 2835 Smith Avenue, Suite G Baltimore, Maryland 21209



ONDER PROFINED FOR FILING

# **Petition for Special Exception**

to the Zoning Commissioner of Baltimore County

for the property located at 23	3-237	Cockeysville	Road
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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

an automotive service garage in accordance with 253.2 B.3 of the BCZR.

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:	Legal Owner(s):
BOB CAT PROPERTIES, LLC	CHARLES E. BEARES
Name - Type of Point Signature 831 CHESTER ROAD 410-335-8291	Name - Type or Print  Charles & Bearles  Signature PEARL K. BEARES
Address Telephone No. BALTIMORE, MD 21220	Name - Type or Print
City State Zip Code  Attorney For Petitioner:	Signature 233-237 COCKEYSVILLE ROAD
MICHAEL E. MARINO	Address Telephone No COCKEYSVILLE, MD 21030
Name Type or Print  Let Success Signature	City State Zip Code  Representative to be Contacted:
LETY & MARINO, P.A.	MICHAEL E. MARINO
609 BOSLEY AVENUE 410-821-6633	609 BOSLEY AVENUE 410-821-6633
Address Telephone No 10 VSON, MD 21204	Address Telephone No TOWSON, MD 21204
State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No	ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING
	Reviewed By 401 Date 11-29-99

DROP OFF

No REVIEW

# Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



#### ZONING DESCRIPTION 233-237 COCKEYSVILLE ROAD

Beginning at a point on the south side of Cockeysville Road, which is 60 feet wide, at the distance of 600 feet east of the centerline of the nearest improved intersecting street, Beaver Dam Road, which is of varying width, thence the following courses and distances:

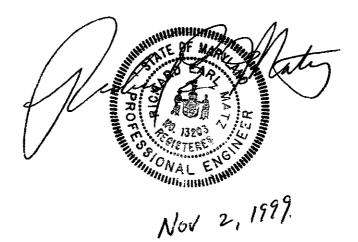
N 57 degrees, 34 minutes, 39 seconds E 229.26 ft.;

S 32 degrees, 45 minutes E 173.69 ft.;

S 57 degrees, 15 minutes W 229.26 ft.; and thence

N 32 degrees 45 minutes W 175.00 ft. to the point of beginning.

As recorded in Deed Liber 3518, Folio 084, containing 0.91 acres. Also known as 233-237 Cockeysville Road and located in the 8<sup>th</sup> Election District.



BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No.	074352
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PATTO RECEIPT

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REG MEGOS CASHIER PRES MEW HYWER TO FEWER 15:57:49

PROSED TO 107660 (A)/10 (CR MO. 074562

RECORT TOT 300.00 (A)/10 (A)/10

CASHER'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: #00-223-X 233-237 Cockeysville Road, SE/S Cockeysville Road, 600' NE of centerline Beaver Dam Road 8th Election District
3rd Councilmanic District
Legal Owner(s): Pearl K.
Beares & Charles E. Beares Contract Purchaser: Bob Cat Properties, LLC Special Exception: for an

Special Exception: for an automotive service garage Hearing: Monday, January 19, 2000 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIDT Zoning Commissioner for Battimore County MOTES. (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) 887-3391.

12/229 Dec. 23 C360462

# **CERTIFICATE OF PUBLICATION**

TOWSON, MD, 12-28, 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 ofsuccessive
weeks, the first publication appearing on $\frac{12-23}{2}$ , $\frac{129}{2}$
•
THE JEFFERSONIAN,
J. DOCESTISING

#### CERTIFICATE OF POSTING

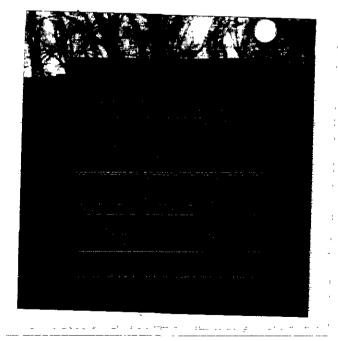
RE: CASE #00-223-X
PETITIONER/DEVELOPER
(Bob Cat Properties, LLC)
DATE OF Hearing
(Jan 10, 2000)

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 233-237 Cockeysville Road Cockeysville, Maryland 21030—



Sincerely,
Them Deltops
(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 233-237 Cockeysville Road, SE/S Cockeysville Rd, 600' NE of c/l Beaver Dam Rd 8th Election District, 3rd Councilmanic

Legal Owner: Charles E. & Pearl K. Beares Contract Purchaser: Bob Cat Properties, LLC Petitioner(s)

- BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- Case No. 00-223-X

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

#### 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

le S. Demila

las Timpleman

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 28th day of December, 1999 a copy of the foregoing Entry of Appearance was mailed to Michael E. Marino, Esq., 609 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

PETER MAX ZIMMERMAN



Thursday, December 23, 1999 Issue - Jeffersonian

Please forward billing to:

Michael E. Marino, Esquire Levy & Marino, P.A. 609 Bosley Avenue Towson, MD 21204

410-821-6633

# **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: 00-223-X
233-237 Cockeysville Road
SE/S Cockeysville Road, 600' NE of centerline Beaver Dam Road
8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District
Legal Owner: Pearl K. Beares & Charles E. Beares
Contract Purchaser: Bob Cat Properties, LLC

Special Exception for an automotive service garage.

HEARING: Monday, January 10, 2000 at 2:00 p.m. in Room 407, County Courts

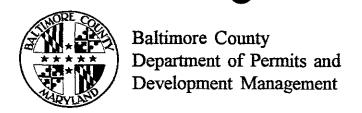
Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

**ZONING COMMISSIONER FOR BALTIMORE COUNTY** 

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



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

Fax: 410-887-5708

December 14, 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: 00-223-X
233-237 Cockeysville Road
SE/S Cockeysville Road, 600' NE of centerline Beaver Dam Road
8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District
Legal Owner: Pearl K. Beares & Charles E. Beares
Contract Purchaser: Bob Cat Properties, LLC

Special Exception for an automotive service garage.

HEARING: Monday, January 10, 2000 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

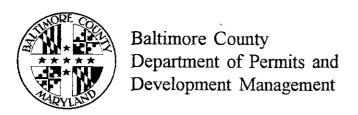
Arnold Jablon Director

c: Michael Marino, Esquire, 609 Bosley Avenue, Towson 21204
Pearl & Charles Beares, 233-237 Cockeysville Road, Cockeysville 21030
Bob Cat Properties, 831 Chester Road, Baltimore 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY DECEMBER 26, 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.



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

January 7, 2000

Esq. Michael E. Marino 609 Bosley Avenue Towson MD 21204

Dear Esq. Marino:

RE: Case Number 00-223-X , 233-237 Cockeysville Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 29, 1999.

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,

W. Carl Richards, Jr. Zoning Supervisor

Zoning Review

WCR:rsi

**Enclosures** 

c: Bob Cat Properties LLC



Census 2000

For You, For Baltimore County Census 2000





#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: December 21, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for December 20, 1999

Item Nos. 181, 222, 223, 224, 225, 226, 227, 228, 229, 231, 232, 233,

and 235

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

RWB:HJO:jrb

cc: File



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

December 30, 1999

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

ATTENTION: Gwen Stephens

RE: Property Owner: CHARLES E. BEARES AND PEARL K. BEARES

Location: DISTRIBUTION MEETING OF December 13, 1999

Item No.: 223

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

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 14, 1999

Department of Permits and **Development Management** 

FROM:

Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: 233 Cockeysville Road

**INFORMATION:** 

**Item Number:** 

223

**Petitioner:** 

Bob Cat Properties, LLC (Contract Purchaser)

Zoning:

ML-IM

**Requested Action:** 

Special Exception

#### SUMMARY OF RECOMMENDATIONS:

The site is in the Hunt Valley/Timonium Study area. Prior to the issuance of any building permits, building elevations, landscape plan, signage and final site design details should be submitted to the Baltimore County Office of Planning for review and approval.

Section Chief:

AFK/IL



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

Date: 12-17-99

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

RE: Baltimore County

Item No. 7.7.3

WCZ

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

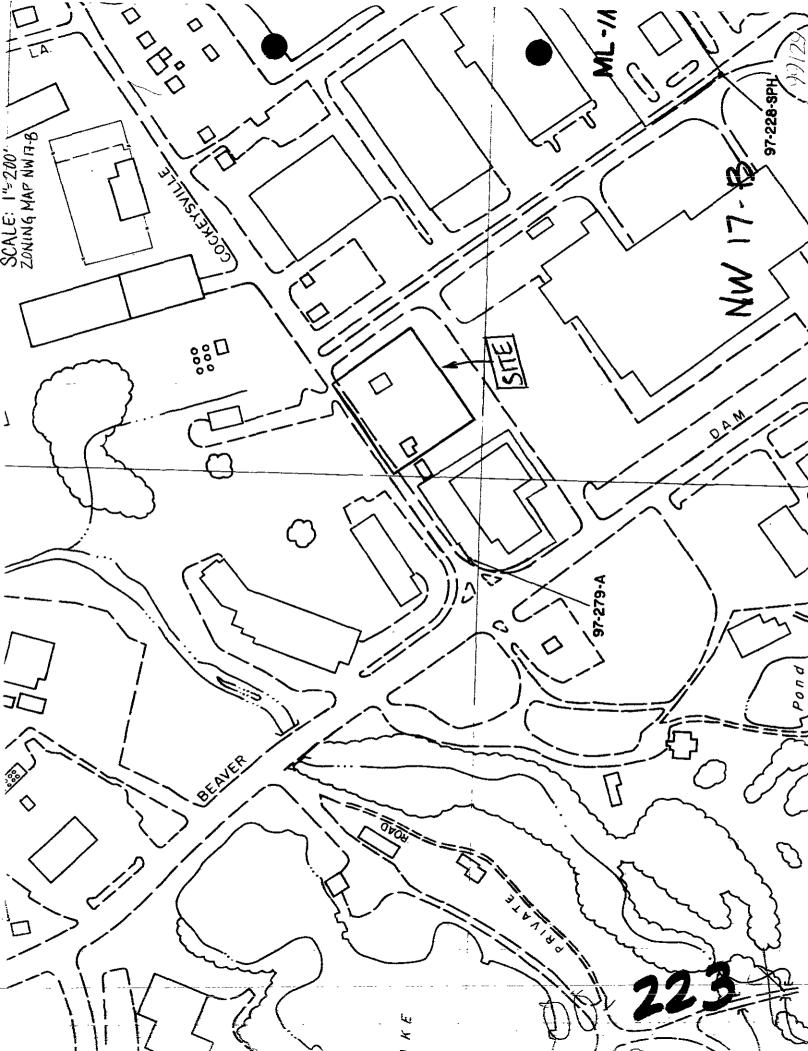
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

1. J. Grelle

My telephone number is \_\_\_\_\_\_





Baltimore County Zoning Commissioner Office of Planning Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204

Mr. Robert Babcock c/o Bob Cat Properties, LLC 831 Chester Road Baltimore, Maryland 21220

Partograph X

Printed with Soybean Ink

233-237 Cockeysville Road, SE/S Cockeysville Road, 600' NE Of centerline Beaver Dam Road N.L. - I. M.

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