

IN RE: PETITION FOR SPECIAL HEARING
NW/S Philadelphia Road, 135' NE of
Kahler Avenue
(8214 Philadelphia Road)
14th Election District
7th Councilmanic District

Richard A. Brewer, Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-245-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, Richard A. Brewer, Jr., and his wife, Denise L. Brewer, through their attorney, Alfred L. Brennan, Jr., Esquire. The Petitioners request a special hearing to approve an intensification of an existing nonconforming use for a service garage and used car sales operation, an expansion of the existing nonconforming use area of less than 25% of the original area, pursuant to Section 104.3 of the Baltimore County Zoning Regulation (B.C.Z.R.), and, an amendment to the previously approved site plan in prior Case No. 80-261-SPH to reflect the proposed expansion. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 3.

Appearing at the requisite public hearing held in support of the request were Richard A. Brewer, Jr., property owner, J. Scott Dallas, the Property Line Surveyor who prepared the site plan for this property, and Alfred L. Brennan, Jr., Esquire, attorney for the Petitioners. Also appearing was Ken Harn, a representative of the Maryland State Highway Administration (SHA). There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is part of a larger tract owned by the Petitioners encompassing a total area of 3.595 acres. That portion of the property which is the subject of the special hearing request consists of .82 acres in area, and is split

ORDER RECEIVED FOR FILING
Date 2/3/10
By [Signature]

zoned B.L. (.43 acres) and D.R.5.5 (.39 acres). That parcel is roughly rectangular in shape and is located on the northwest side of Philadelphia Road, just south of its intersection with Neighbors Avenue, in Rosedale. The property has been the site of a service garage and used car sales facility for many years. These uses were permitted, subject to certain restrictions, pursuant to the relief granted in prior Case No. 80-261-SPH. In that case, the then Zoning Commissioner William E. Hammond approved the nonconforming use of the subject property for a service garage and used car sales facility on October 27, 1980. A copy of his Opinion and Order was submitted at the hearing before me and marked into evidence as Petitioner's Exhibit 1. Apparently, the Petitioners were recently cited with a zoning violation as to the expansion of the used car sales area on the subject site. Thus, in order to cure this error, the Petitioners filed the instant Petition.

A copy of the site plan approved as a part of the original request was submitted at the hearing before me and marked as Petitioner's Exhibit 2. That site plan shows that the area of the nonconforming use was a rectangular shaped area within the overall tract, measuring 145 feet in width by 210 feet in depth. That plan also shows that the property was improved with a building used as a service garage, a dwelling structure, and a driveway/parking area.

Mr. Dallas testified that he believes the previously approved site plan is inaccurate. He indicated that based upon his measurements, the actual width of the nonconforming use area is 170 feet. Mr. Dallas' measurements were taken in the field, based upon the descriptions of the property contained in the deeds, as well as actual improvements on the site. Moreover, he stated that the dwelling has since been razed; however, the original driveway exists as before.

In using the measurements shown on the original plan, the previously approved area of the nonconforming use for the service garage/used car sales operation would be 30,450 sq.ft. If the area is expanded to the full width of 170 feet (assuming the first plan was accurate), the proposed area of expansion would be 5,250 sq.ft. This area of expansion represents 17% of the total area, which is less than the 25% maximum allowed under Section 104.3 of the B.C.Z.R.

Based upon the testimony and evidence offered, I am persuaded to grant the Petition. Although the Petitioners could argue that the relief requested seeks only to cure an error on the

original plan, I will approve an expansion of the nonconforming use area to reflect a width of that area to 170 feet. As to the actual uses on the property, approval was previously granted by Commissioner Hammond for a service garage and used car sales operation. Testimony offered at the hearing before me was that this operation has continued without interruption and does not differ from the original and historic use of this property. Thus, that portion of the special hearing request seeking an intensification/expansion of the existing nonconforming use shall be granted.

Finally, as noted above, Mr. Ken Harn appeared on behalf of the SHA. His interest related to the location of the sign advertising the business on the property. Mr. Harn indicated that the SHA recently adopted a policy to insure that signage is not placed within the rights-of-way of State roads. In this case, the SHA enjoys a right-of-way along Philadelphia Road.

In this regard, Mr. Dallas testified that the present sign is not located within the State's right-of-way for Philadelphia Road. Indeed, the site plan indicates that the sign is not so located. There are no changes anticipated for signage and as a restriction to the relief granted herein, I will require that all signage for this business be located outside the State's right-of-way.

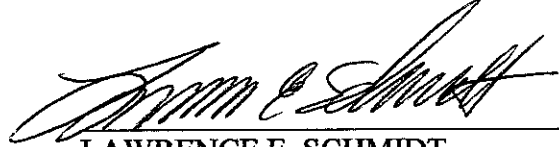
Pursuant to the advertisement, posting of the property and public hearing on this Petition held and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of February, 2000 that the Petition for Special Hearing to approve an intensification of an existing nonconforming use for a service garage and used car sales operation; an expansion of the nonconforming use of less than 25% of the original area, pursuant to Section 104.3 of the Baltimore County Zoning Regulation (B.C.Z.R.); and, to amend the previously approved site plan in prior Case No. 80-261-SPH, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

- 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.

ORDER RECEIVED/FOR FILING
Date 2/3/00
By [Signature]

- 2) Any and all signage for the service garage/used car sales operation on the subject site shall be located outside the State's right-of-way for Philadelphia Road.
- 3) When applying for any permits, 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

LES:bjs

ORDER RECEIVED FOR FILING
Date 2/3/01
By [Signature]



Baltimore County
Zoning Commissioner

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

February 3, 2000

Alfred L. Brennan, Jr., Esquire
Brennan and Brennan
825 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
NW/S Philadelphia Road, 135' NE of the c/l Kahler Avenue
(8214 Philadelphia Road)
14th Election District - 7th Councilmanic District
Richard A. Brewer, Jr., et ux - Petitioners
Case No. 00-245-SPH

Dear Mr. Brennan:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Richard A. Brewer, Jr.
4015 Perry Hall Road, Perry Hall, Md. 21128

Mr. Ken Harn, State Highway Administration
2323 W. Joppa Road, Brooklandville, Md. 21022

People's Counsel; Case File

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8214 Philadelphia Road
 DR 5.5 0.39 Ac +/- **which is presently zoned** BL 0.43 AC +/-

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1. To permit an intensification of existing nonconforming use as and for a service garage and used car sales.
2. To permit an expansion of nonforming use less than twenty-five percent (25%) of the original area pursuant to 104.3 of B.C.ZR.
3. To amend prior cite plan re: Case #80-261SPH.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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:

None.
 Name - Type or Print
 Signature
 Address Telephone No.
 City State Zip Code

Legal Owner(s):

Richard A. Brewer, Jr.
 Name - Type or Print
 Signature
 Denise L. Brewer
 Name - Type or Print
 Signature
 4015 Perry Hall Road (410) 866-8366
 Address Telephone No.
 Perry Hall, Maryland 21128
 City State Zip Code

Attorney For Petitioner:

Alfred L. Brennan, Jr.
 Name - Type or Print
 Signature
 Brennan And Brennan, Attorneys At Law, P.A.
 Company
 825 Eastern Boulevard (410) 687-3434
 Address Telephone No.
 Baltimore, Maryland 21221
 City State Zip Code

Representative to be Contacted:

Richard A. Brewer, Jr.
 Name
 4015 Perry Hall Road (410) 866-8366
 Address Telephone No.
 Perry Hall, Maryland 21128
 City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By CTM Date 12/10/99

ORDER RECEIVED FOR FILING

Date 12/15/98 Case No. 00245 SPH
 by _____

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

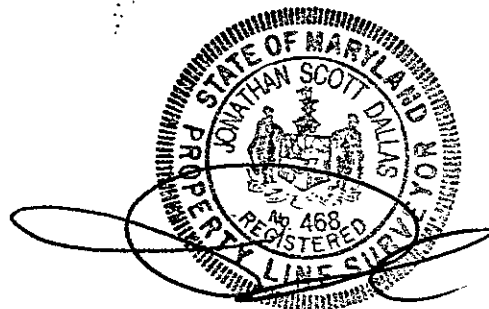
13523 LONG GREEN PIKE
P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

ZONING DESCRIPTION FOR SPECIAL HEARING- #8214 PHILADELPHIA ROAD

BEGINNING at a point on the northwesternmost side of Philadelphia Road, proposed 60 feet wide, at the distance of 135 feet, more or less, in a northeasterly direction, from the prolongation of the centerline of Kahler Avenue, 30 feet wide, thence running with and binding on said northwesternmost side of said Philadelphia Road (1) North 55 degrees 44 minutes East 170 feet thence leaving said Philadelphia Road and running the three following courses and distances: (2) North 34 degrees 15 minutes West 210 feet, (3) South 55 degrees 44 minutes West 170 feet and (4) South 34 degrees 15 minutes East 210 feet to the place of beginning.

CONTAINING 35,700 square feet or 0.82 acres of land, more or less.

ALSO known as # 8214 Philadelphia Road and located in the 14th Election District, 7th Councilmanic District.



245

CERTIFICATE OF PUBLICATION

TOWSON, MD, 12-30 1999, ~~20~~

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 12-30, 201999.

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: #00-245-SPH

NWS Philadelphia Road, 135' NE of centerline
Kahler Avenue

15th Election District - 7th Councilmanic District
Legal Owner(s): Denise L. & Richard A. Brewer, Jr.

Special Hearing: to approve an intensification of existing nonconforming use for a service garage and used car sales; to permit an expansion of nonconforming use; and to amend prior site plan in case number 80-261-SPH.

Hearing: Tuesday, January 18, 2000 at 10:00 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 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.

12/335 Dec. 30

C361507

THE JEFFERSONIAN,



LEGAL ADVERTISING
Publisher

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
ISCELLANEOUS RECEIPT

No. 076688

DATE 12/10/99 ACCOUNT R001 6150

AMOUNT \$ 250.00

RECEIVED FROM: ALFRED L. PENTIAN

FOR: ODO SPL

DISTRIBUTION
1 - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
12/13/1999	12/10/1999	14:00:00
REG USE	CASHIER	DEPT. AND
DEPT	5	225 ZONING VERIFICATION
Receipt #	11860	013
CR NO.	076688	

Receipt Tot 250.00
250.00 00 00 00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE #00-245-SPH
PETITIONER/DEVELOPER
(Richard Brewer Jr.)
DATE OF Hearing
(Jan 18, 2000)

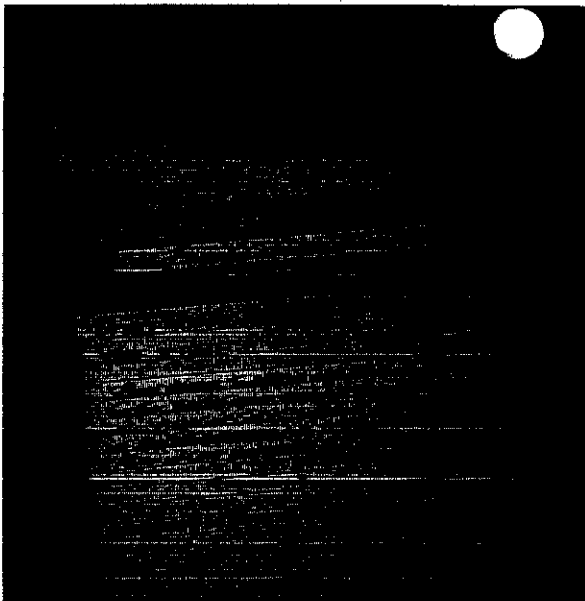
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
8214 Philadelphia Road Baltimore, Maryland 21237

The sign(s) were posted on 12-30-99
[Month, Day, Year]



Sincerely,

Thomas P. Ogle, Sr. 12/30/99
[Signature of Sign Poster & Date]

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
[Telephone Number]

RE: PETITION FOR SPECIAL HEARING
8214 Philadelphia Road, NW/S Philadelphia Rd,
135' NE of c/l Kahler Ave
15th Election District, 7th Councilmanic

Legal Owner: Richard A. & Denise L. Brewer, Jr.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-245-SPH

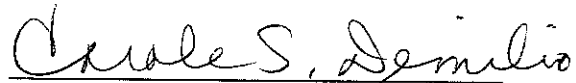
* * * * *

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 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 30th day of December, 1999 a copy of the foregoing Entry of Appearance was mailed to Alfred L. Brennan, Jr., Esq., Brennan and Brennan, 8225 Eastern Boulevard, Baltimore, MD 21221, 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

December 22, 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: 00-245-SPH
NW/S Philadelphia Road, 135' NE of centerline Kahler Avenue
15th Election District – 7th Councilmanic District
Legal Owner: Denise L. & Richard a. Brewer, Jr.

Special Hearing to approve an intensification of existing nonconforming use for a service garage and used car sales; to permit an expansion of nonconforming use; and to amend prior site plan in case number 80-261-SPH.

HEARING: Tuesday, January 18, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Alfred Brennan, Jr., Esquire, 825 Eastern Boulevard, Baltimore 21221
Denise & Richard Brewer, Jr., 4015 Perry Hall Road, Perry Hall 21128

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JANUARY 3, 2000.**
- (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 30, 1999 Issue – Jeffersonian

Please forward billing to:

Richard A. Brewer, Jr.
4015 Perry Hall Road
Perry Hall, MD 21128

410-866-8366

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: 00-245-SPH

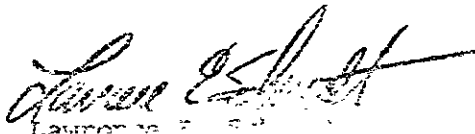
NW/S Philadelphia Road, 135' NE of centerline Kahler Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Denise L. & Richard a. Brewer, Jr.

Special Hearing to approve an intensification of existing nonconforming use for a service garage and used car sales; to permit an expansion of nonconforming use; and to amend prior site plan in case number 80-261-SPH.

HEARING: Tuesday, January 18, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt
Zoning Commissioner

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: #245
Petitioner: Richard A. Brewer, Jr.
Address or Location: ~~4~~ 8214 Philadelphia Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Richard A. Brewer, Jr.
Address: 4015 Perry Hall Road
Perry Hall, Maryland 21128
Telephone Number: 410-866-8366



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

January 13, 2000

Mr Richard A. Brewer
4015 Perry Hall Road
Perry Hall MD 21128

Dear Mr Brewer:

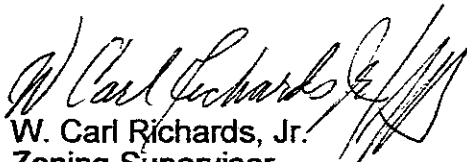
RE: Case Number 00-245-SPH , 8214 Philadelphia Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 10, 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:ggs

Enclosures

c: Alfred L. Brennan, Esq.



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: January 6, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
for January 3, 2000
Item Nos. 245, 246, 247, 248, 249,
250, 251, 252, 253, 254, 255, 256,
257, 259, and 261

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JAN 12

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

DATE: January 12, 2000

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

SUBJECT: 8214 Philadelphia Road

INFORMATION:

Item Number: 245

Petitioner: Brewer Property

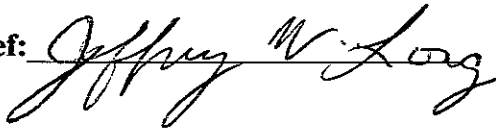
Zoning: BL & DR 5.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the applicant be required to install additional landscaping in the area adjacent to the High's store should the subject request be granted.

Section Chief:



AFK/JL



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: *1.5.00*

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

RE: Baltimore County
Item No. *245* *L T M*

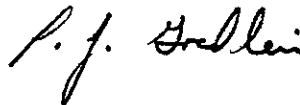
RECEIVED JAN 06 2000

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 *7* 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,

for 
Kenneth A. McDonald Jr., 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



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351 Extension 7300
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No.
116079
Case No.:
99-5960

Election District 14 Permit No. _____
Name(s) RICHARD + DENISE BREWER, JR.
Address 4015 PERRY HAVEN RD. Balt MD 2112
Location of Violation (if different than address) 8214 Philadelphia Rd
Vehicle License No.: _____ Vehicle ID: Balt MD 21137

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code:
§§ 2-6-121
§§ _____
§§ _____
Building Code (BOCA):
§§ _____
§§ _____
§§ _____
Investment Property Act (7-66):
§§ _____
§§ _____
Plumbing Code (NSPC):
§§ _____
§§ _____

Zoning Regulations:
§§ 102-1
§§ _____
Livability Code (18-66):
§§ _____
§§ _____
Electrical Code (NEC):
§§ _____
§§ _____
Dwelling (CABO):
§§ _____
§§ _____

Other §§ _____

COMMENTS OR OTHER VIOLATIONS:

Site Plan Violations:
Reduce the number of outdoor sales of cars
depicted/stated by site plan
File a spirit & intent letter to determine expansion
to 8216 is permitted or file a special
exception hearing to modify original zoning code. 80-261
SPH

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE
10/15/99 FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON
THE REVERSE SIDE OF THIS VIOLATION NOTICE.
DATE ISSUED: 9/22/99 INSPECTOR: Chen

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS,
YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER
PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE
INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: _____
DATE ISSUED: _____ INSPECTOR: _____
IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE.
PLEASE READ CAREFULLY.

VIOLATION SITE



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 27, 1980

Alfred L. Brennan, Esquire
825 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Special Hearing
NW/S of Philadelphia Road, 480'
NE of Pine Grove Road - 15th
Election District
Wilmer G. Gail - Petitioner
NO. 80-261-SPH (Item No. 182)

Dear Mr. Brennan:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,


WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: Mr. Jerome P. Buckner
8230 Philadelphia Road
Baltimore, Maryland 21237

John W. Hessian, III, Esquire
People's Counsel

Red No 1

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:


1. Petitioner Wilmer G. Gail testified that his father owned the subject property from 1920 to the time of his death in 1928 and repaired motor vehicles in the barn behind the dwelling located thereon.
2. The existing garage (80' x 25') was constructed in 1924 as per Petitioner's Exhibits 1, 2a, 2b, and 2c.
3. Following his father's demise, Mr. Gail continued to operate the garage for the repair of motor vehicles; in 1930, he began using the front portion of the property and garage for the sale of used cars (Petitioner's Exhibit 3).
4. In 1962, Mr. Gail leased the property to Petitioner Richard A. Brewer, who continued the used car sales from the front portion of the garage, but Mr. Gail continued the repair of motor vehicles from the rear portion of the garage.
5. Motor vehicle repairs have continued uninterrupted since 1920 and used car sales since 1930.
6. The above facts were substantiated by three long-time residents of the area.
7. The finding of a nonconforming use being conducted on the property will not adversely affect the health, safety, and general welfare of the community.

and, therefore,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of October, 1980, that a nonconforming use as and for a service garage and used car sales has existed and has been conducted on the subject property, as shown on the site plan revised May 16, 1980, and marked Petitioner's Exhibit 4, prior to the adoption of the Baltimore County Zoning Regulations and, as such, should be GRANTED the right to continue from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with Petitioner's Exhibit 4, including but not limited to the written information contained thereon.
2. No motor vehicles shall be located or parked within the street right of way.
3. Compliance with any and all applicable subdivision regulations at such time as the ownership of the property is sold in less than the total area shown on the aforementioned site plan.
4. Approval of said site plan by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning, including landscaping and screening approval by the Current Planning and Development Division.

DATE October 27, 1980
BY Richard A. Brewer, et al
ADMINISTRATIVE ASSISTANT


Zoning Commissioner of
Baltimore County



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

April 1, 1980

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #182 Zoning Advisory Committee Meeting. March 18, 1980
are as follows:

Property Owner: Wilmer G. Gail
Location: N/S Philadelphia Road 480' NE Pine Grove Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Special Hearing to approve the nonconforming use of a used car sales lot and a service garage.

Acres: 0.50
District: 15th

The items checked below are applicable:

- A. All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged; and other applicable Codes.
- B. A building/ _____ permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. In wood frame construction an exterior wall erected within 6' 0 of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0 of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.
- F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required set s of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 214.
- X I. Comments - Unless it can be proven both occupancies existed prior to the adoption of a Building Code, a fire wall separation shall be provided between tenants.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burnham

Charles E. Burnham, Chief
Plans Review



BALTIMORE COUNTY
 FIRE DEPARTMENT
 TOWSON, MARYLAND 21204
 825-7310

PAUL H. REINCKE
 CHIEF

Mr. William Hammond
 Zoning Commissioner
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, Maryland 21204

Attention: Nick Commodari, Chairman
 Zoning Plans Advisory Committee

Re: Property Owner: Wilmer G. Gail

Location: NW/S Philadelphia Rd. 480' NE Pine Grove Rd.

Item No: 122

Zoning Agenda: Committee Meeting
 March 18, 1980

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____
 EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 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", 1976 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER

Capt Joseph Kelly 4-16-80
 Planning Group
 Special Inspection Division

Noted and
 Approved:

Errol M. Markowitz
 Fire Prevention Bureau



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD I. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

May 5, 1980

Mr. William R. Hammond
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #182, Zoning Advisory Committee Meeting
of March 18, 1980, are as follows:

Property Owner:	Wilner G. Gail
Location:	NW/S Philadelphia Rd. 480' NE Pine Grove Rd.
Existing Zoning:	D.R. 5.5
Proposed Zoning:	Special Hearing to approve the nonconforming use of a used car sales lot and a service garage.
Acres:	0.50
District:	15th

Metropolitan water and sewer exist; therefore, no health
hazards are anticipated.

Very truly yours,

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/fth

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 12, 1980

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: March 18, 1980


RE: Item No: 177, 178, 179, 180, 181, ✓182
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no adverse effect on student population.

Very truly yours,


Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

