

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
 AND VARIANCE – W/S Earls Road,
 309' N of Eastern Avenue * ZONING COMMISSIONER
 (50 Earls Road) *
 15th Election District * OF BALTIMORE COUNTY
 5th Council District *
 * Case No. 00-386-XA
 Norman I. Sines, Jr., et ux, Owners;
 Robert L. Temple, Contract Purchaser *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owners of the subject property, Norman I. Sines, Jr., and his wife, Victoria D. Sines, and the Contract Lessee, Robert L. Temple, through their attorney, Alfred L. Brennan, Jr., Esquire. The Petitioners request a special exception to allow a service garage in a M.L.-I.M. zone, pursuant to Section 253.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and variance relief from the B.C.Z.R. as follows: From Sections 238.2 and 255.2 to permit a building separation of 58 feet in lieu of the required 60 feet, pursuant to Section 102.2 of the B.C.Z.R.; from Sections 409.8.A.2 & 6 to permit a surface of compacted stone without painted striping, in lieu of the required durable and dustless paved surface with painted striping; from Section 405.A.2 to permit the storage of damaged or disabled motor vehicles on a compacted stone paving surface in lieu of the required storage on a permanent, all-weather paved surface; and from Section 405.A.1 to permit the screening of stored or disabled motor vehicles by existing features in lieu of the required screening. 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 1.

Appearing at the requisite public hearing in support of the request were Norman and Victoria Sines, property owners, Robert Temple, Lessee, Clyde F. Hinkle, a representative of Bafitis and Associates, Inc., the land use firm which prepared the site plan for this property, and,

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Date

By

Alfred L. Brennan, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is located adjacent to the intersection of Earls Road and Eastern Avenue (Maryland Route 150) in the Chase community of eastern Baltimore County. The property consists of approximately 9.3 acres in area, zoned M.L.-I.M., and is improved with a one-story commercial building, a partially completed service garage, and a trailer, which was formerly used as office space. As shown on the site plan, a significant portion of the site is environmentally sensitive. The rear of the property contains wetlands, woods and a floodplain, and development of the site has been clustered along the front of the site, immediately adjacent to Earls Road.

Presently, the existing commercial building houses a marine service company, office space, and a service garage business operated by Mr. Temple. In an effort to accommodate his growing business, the Petitioners commenced construction of a second building on the site. That building is located to the rear of the existing building and is a one-story structure containing six (6) bays. It is envisioned that Mr. Temple's service garage business will be moved from the existing building to the new structure upon its completion. Testimony indicated that the new structure will provide Mr. Temple with a bigger facility and allow expansion of his operation.

Mr. Temple testified and described his business. Apparently, he has several contracts with businesses in the area under which he services and repairs fleets of vehicles. Additionally, his business is open to the public. It was indicated that his business is in operation from 6:00 AM to Midnight and that he operates two shifts on the site. Mr. Temple also indicated that his business does no painting or body work, only engine and mechanical repairs. Additionally, there are no sales of vehicles from the premises.

Insofar as the special exception request, I am persuaded to grant same. The fact that a service garage has operated on this property for many years without complaint or incident is persuasive. Mr. Temple's operation as described at the hearing appears appropriate for this

property and the surrounding community. There is no evidence that the use would be detrimental to the health, safety or general welfare of the locale.

In addition, Mr. Temple agreed to the imposition of certain reasonable restrictions as to the service garage use. As noted above, he does not plan to sell cars from this site and there will be no automotive bodywork or painting done on the premises. Additionally, it was indicated that abandoned vehicles and parts will not be stored or displayed such that they are visible from any public right-of-way. In this regard, the proposed building is large enough to accommodate the storage of these materials inside. Mr. Temple indicated that the site would be kept clean and maintained free of debris.

In addition to the special exception request, a series of variances are being requested. The first requests a minimal deviation from the required 60-foot building separation distance. As shown on the site plan, the existing and proposed buildings will be 58 feet apart. It was indicated at the hearing that this variance was requested due to the environmental constraints associated with this property as outlined above. Development need be clustered in the front corner of the site to avoid those features.

The second variance requests a paving surface of compacted stone without painted striping in lieu of the required, painted and striped, durable and dustless surface. In this regard, Mr. Sines testified that due to the environmental constraints associated with this property a non-durable and impervious surface was preferable. In response to a comment submitted by the Fire Department, Mr. Sines indicated that heavy equipment frequently visit the site in connection with the businesses thereon. He testified that the site easily accommodates those vehicles and similar emergency equipment in excess of 50,000 pounds over two axles in all weather conditions. In my judgment, this variance should also be granted. The third variance is a similar request. Again, the Petitioners seek approval to store disabled motor vehicles on the compacted stone paving surface in lieu of the required permanent, all-weather surface. Based upon the environmental constraints associated with this property, and the testimony of the witnesses, this variance should also be granted.

The fourth variance requests screening of the stored vehicles, utilizing existing features in lieu of the required screening set out in Section 405.A.1 of the B.C.Z.R. In this regard, photographs of the site were submitted which show that the property contains a large area of forest and is landscaped. In my view, the existing vegetation is sufficient to provide the required screening.

Based upon the testimony and evidence presented, I am persuaded to grant the relief requested. In my judgment, the Petitioners have satisfied the requirements of Sections 502.1 and 307 of the B.C.Z.R. for special exception and variance relief to be granted. Given the nature of the neighborhood and the environmental constraints associated with this property, I believe that the relief requested is appropriate and should be granted. However, in granting the Petitions, I will impose certain conditions and restrictions as to the service garage use.

As noted above, Mr. Temple indicated that his business does not sell used cars and that there is no automotive bodywork or painting done on the premises. Thus, as a condition to the granting of the relief, I will incorporate these activities as restrictions. Second, the site shall be maintained and kept free and clear of debris. Moreover, damaged/disabled vehicles and automobile parts shall be stored in an area where they are not visible from any public right-of-way. Third, the Petitioners shall comply with the requirements of the Department of Environmental Protection and Resource Management (DEPRM) in view of the property's close proximity to Chesapeake Bay Critical Areas and the environmental constraints associated with this property. Finally, a comment from the Office of Planning requested that landscaping be provided along the property's frontage on Earls Road. In this regard, it was noted that the County is apparently undertaking significant improvements to Earls Road and a bridge along that roadway which crosses over the adjacent railroad line. Indeed, photographs of the site show this activity, which is ongoing immediately next to the subject site. In fact, the subject property's frontage along Earls Road has been significantly altered to accommodate these improvements. Under these circumstances, it seems shortsighted to require landscaping until such time as the County's road improvements are completed. Mr. Hinkle did indicate that a landscape plan had been submitted and approved by the

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By

County as part of the bridge project. Thus, although I will require that the Petitioners landscape the property along its frontage, such buffering/screening shall be designed and implemented consistent with and in accordance with the County's improvements to Earls Road.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions 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 2nd day of June, 2000 that the Petition for Special Exception to allow a service garage in a M.L.-I.M. zone, pursuant to Section 253.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Sections 238.2 and 255.2 to permit a building separation of 58 feet in lieu of the required 60 feet, pursuant to Section 102.2 of the B.C.Z.R.; from Sections 409.8.A.2 & 6 to permit a surface of compacted stone without painted striping, in lieu of the required durable and dustless paved surface with painted striping; from Section 405.A.2 to permit the storage of damaged or disabled motor vehicles on a compacted stone paving surface in lieu of the required storage on a permanent, all-weather paved surface; and from Section 405.A.1 to permit the screening of stored or disabled motor vehicles by existing features in lieu of the required screening, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following terms and conditions:

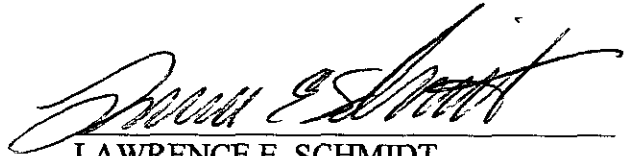
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) No vehicles shall be sold from the subject property and no automotive bodywork or painting performed on the premises.
- 3) The site shall be kept free and clear of debris, and damaged/disabled vehicles and automobile parts shall be stored in an area where they are not visible from any public right-of-way.

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By

- 4) The Petitioners shall comply with the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated April 6, 2000, a copy of which is attached hereto and made a part hereof.
- 5) Landscaping along the property's frontage on Earls Road shall be in accordance with the landscape plan submitted to and approved by the County; however, the installation of such landscaping shall be designed and implemented in a manner consistent with the County's road improvements along Earls Road.
- 6) When applying for a building permit, the site plan and 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

By



Baltimore County
Zoning Commissioner

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

June 2, 2000

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

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
W/S Earls Road, 309' N of Eastern Avenue
(50 Earls Road)
15th Election District - 5th Councilmanic District
Norman I. Sines, Jr., et ux, Owners; Robert L. Temple, Lessee - Petitioners
Case No. 00-386-XA

Dear Mr. Brennan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Norman I. Sines, Jr.
7237 Gunpowder Road, Baltimore, Md. 21220
Mr. Clyde F. Hinkle, Bafitis & Associates, Inc.
1249 Engleberth Road, Baltimore, Md. 21221
Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401
DEPRM; OP; People's Counsel; Case File





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 50 Earls Road

which is presently zoned ML-IM

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 permit a service garage in a ML-IM Zone per Section 253.2B1

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:

ROBERT L. TEMPLE
Name - Type or Print
Robert L. Temple
Signature
64-68 Earls Road (410) 344-9020
Address Telephone No.
Baltimore, Maryland 21220
City State Zip Code

Attorney For Petitioner:

ALFRED L. BRENNAN, JR.
Name - Type or Print
Alfred L. Brennan
Signature
BRENNAN AND BRENNAN, ATTORNEYS AT LAW, P.A.
Company
825 Eastern Boulevard (410) 687-3434
Address Telephone No.
Baltimore, MD 21221
City State Zip Code

Legal Owner(s):

NORMAN I. SINES, JR.
Name - Type or Print
Norman I. Sines
Signature
Victoria D. Sines
Name - Type or Print
VICTORIA D. SINES
Signature
7237 Gunpowder Road (410) 335-2539
Address Telephone No.
Baltimore, Maryland 21220
City State Zip Code

Representative to be Contacted:

NORMAN I. SINES, JR.
Name
7237 Gunpowder Road (410) 335-2539
Address Telephone No.
Baltimore MD 21220
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 1/2 hrs.
UNAVAILABLE FOR HEARING

Reviewed By *[Signature]* Date 3-21-00

ORDER RECEIVED FOR FILING
Date 09/15/98
By *[Signature]*

Case No. 00-386-XA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 50 Earls Road

which is presently zoned ML-IM

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)

See Attached Addendum to Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 50 Earls Road which is presently zoned ML-IM

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

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:

ROBERT L. TEMPLE

Name - Type or Print

Signature *Robert L. Temple*

64-68 Earls Road (410) 344-9020
Address Telephone No.

Baltimore, Maryland 21220
City State Zip Code

Attorney For Petitioner:

ALFRED L. BRENNAN, JR.

Name - Type or Print

Signature *Alfred L. Brennan, Jr.*

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

Legal Owner(s):

NORMAN I. SINES, JR.

Name - Type or Print

Signature *Norman I. Sines, Jr.*

Victoria D. Sines
Name - Type or Print

VICTORIA D. SINES

Signature

7237 Gunpowder Road (410) 335-2539
Address Telephone No.

Baltimore, Maryland 21220
City State Zip Code

Representative to be Contacted:

NORMAN I. SINES, JR.

Name

7237 Gunpowder Road (410) 335-2539
Address Telephone No.

Baltimore MD 21220
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING see Sp. Ex.

UNAVAILABLE FOR HEARING

Reviewed By *[Signature]* Date 3-21-00

ORDER RECEIVED FOR FILING

Case No. 00-386-XA

Date 3/21/98

By *[Signature]*

ADDENDUM TO PETITION FOR VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY
FOR THE PROPERTY LOCATED AT 50 EARLS ROAD
WHICH IS PRESENTLY ZONED ML-IM

1. To permit a building separation in a ML Zone of 58' in lieu of the required 60' (Sect. 238.2 BCZR) pursuant to Section 102.2 BCZR.
2. To permit a paving surface of compacted stone without paint striping, in lieu of the required paint striped durable and dustless paving surface Sect. 409.8A.2. and 6 BCZR.
3. To permit the storage of damaged or disabled motor vehicles, on a Service Garage Premises, on a compacted stone paving surface in lieu of permanent all weather materials per Section 405A.2. BCZR.
4. To permit the screening of stored or disabled motor vehicles on a Service Garage Premises utilizing existing features in lieu of required screening per section 405A.1, BCZR.

386



Bafitis & Associates, Inc.

**ZONING DESCRIPTION OF SPECIAL EXCEPTION AREA
FOR
50 EARLS ROAD
15TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND**

Beginning for same at a point on the West side of Earls Road proposed right-of-way of 60 feet wide and 309 feet more or less North from the intersection of Eastern Avenue proposed right-of-way of 150 feet. Thence leaving said point of beginning; the six following courses: 1) North $89^{\circ}-17'-45''$ West 17.89 feet to a point; 2) Thence North $49^{\circ}-53'-38''$ West 227.08 feet to a point; 3) Thence North $26^{\circ}-19'-18''$ East 75.29 feet to a point; 4) Thence North $69^{\circ}-03'-44''$ East 139.60 feet to a point; 5) Thence North $88^{\circ}-31'-21''$ East 32.81 feet to a point; 6) Thence South $01^{\circ}-04'-56''$ West 264.77 feet to the point of beginning.

Containing 32,434.16 Square Feet or 0.744 Acres more or less.




William N. Bafitis, P.E. Md. Reg. #11641

386
00-386-XA

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

Check No. **079031**

DATE **3-21-00**

ACCOUNT **R-001-6152**

AMOUNT \$ **550.00**

RECEIVED FROM: **Fireman's Ex-Insurance, Alfred Ray Pop**

FOR: **Ch. Insurance Sec. Exp. Ins. & Var. Inc.**

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

00-386-XA

CASHIER'S VALIDATION

PAID RECEIPT

DATE: 03/21/2000
AMOUNT: \$550.00
CASHIER: JOT JOT
RECEIVED: 03/21/2000
RECEIVED BY: JOT JOT
RECEIVED AT: 1607200
RECEIVED FOR: 079031

RECEIVED BY: JOT JOT
RECEIVED AT: 1607200
RECEIVED FOR: 079031

NOTICE OF ZONING HEARINGS

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: #00-386-XA

50 Earls Road

W/S Earls Road, 309' +/- N of Eastern Avenue

15th Election District - 5th Councilmanic District

Legal Owner(s): Victoria D. & Norman L. Sines, Jr.

Contract Purchaser: Robert L. Temple

Special Exception: for a service garage. **Variance:** to permit a building separation of 58 feet in lieu of the required 60 feet; to permit a paving surface of compacted stone without paint striping in lieu of the required paint striped durable and dustless paving surface; to permit the storage of damaged or disabled motor vehicles on a compacted stone paving surface in lieu of permanent all weather materials; and to permit the screening of stored or disabled motor vehicles utilizing existing features in lieu of required screening.

Hearing: Wednesday, May 3, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bayley 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.

JT/4/733 April 18

C385135

CERTIFICATE OF PUBLICATION

TOWSON, MD, 4/20/, 2000

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 4/18/, 2000.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

Case # : 00-386-XA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE *Port 471 County Route 401 Carlsbad Ave*
TIME & DATE *11th FRI DAY MAY 19, 2000*

*SPECIAL EXCEPTION FOR A SERVICE GARAGE, VEHICLE TO
BEHIND BUILDING SEPARATION OF 50 FEET IN LAY OF
THE BUILDING 60 FEET TO PERMIT A RAMP SURFACE OF
CONCRETE STONE WITHOUT PAINT STOPPING IN LAY OF THE
PERMITTED PAINT STOPPED SURFACE AND DIRTLESS DRIVE
SURFACE TO PERMIT THE STORAGE OF TRUCKS OR DISCARDS
ENTER VEHICLES ON A CONCRETE STONE PAVES SURFACE
IN LAY OF PERMIT ALL VEHICLE INTERSECTIONS TO
PERMIT THE SCREENING OF STORAGE OF DISCARDS
ENTER VEHICLE OTHERS EXISTING FEATURES IN LAY OF
RESERVED SCREENING.*

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOVEREIGN
NECESSARY TO CONFIRM HEARING
CALL 410-338-7000 THE DAY BEFORE THE SCHEDULED HEARING DATE
IF YOU HAVE ANY QUESTIONS OR NEED TO BE REMOVED FROM THE LIST
HEARINGS ARE HANDICAPPED ACCESSIBLE

Posted at 50 Earls Road

CERTIFICATE OF POSTING

RE: CASE # 00-386-XA
PETITIONER/DEVELOPER
(Robert L. Temple)
DATE OF Hearing
(5-19-00)

**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
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

50 Earls Road Baltimore, Maryland 21220_____

THE SIGN(S) WERE POSTED ON _____ 5-2-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

_____ 410-687-8405 _____
(TELEPHONE NUMBER)

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
50 Earls Road, W/S Earls Rd, 309' +/- N of Eastern Ave
15th Election District, 5th Councilmanic

Legal Owner: Norman I. & Victoria D. Sines
Contract Purchaser: Robert L. Temple
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-386-XA

* * * * *

ENTRY OF APPEARANCE

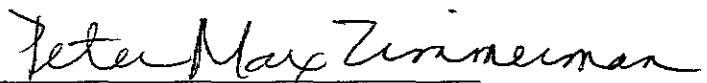
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
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 17th day of April, 2000 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 Petitioner(s).


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

April 10, 2000

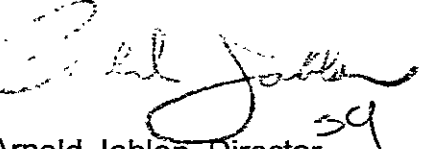
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50 Earls Road
W/S Earls Road, 309' +/- N of Eastern Avenue
15th Election District – 5th Councilmanic District
Legal Owner: Victoria D. & Norman I. Sines, Jr.
Contract Purchaser: Robert L. Temple

Special Exception for a service garage. Variance to permit a building separation of 58 feet in lieu of the required 60 feet; to permit a paving surface of compacted stone without paint striping in lieu of the required paint striped durable and dustless paving surface; to permit the storage of damaged or disabled motor vehicles on a compacted stone paving surface in lieu of permanent all weather materials; and to permit the screening of stored or disabled motor vehicles utilizing existing features in lieu of required screening.

HEARING: Wednesday, May 3, 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
Victoria & Norman Sines, Jr., 7237 Gunpowder Road, Baltimore 21220
Robert Temple, 64-68 Earls Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY APRIL 18, 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
Tuesday, April 18, 2000 Issue – Jeffersonian

Please forward billing to:
Alfred L. Brennan, Jr.
825 Eastern Boulevard
Baltimore, MD 21221

410-687-3434

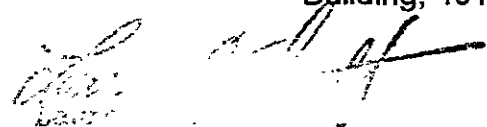
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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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- (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: PD-386- XA
Petitioner: NORMAN I SIRS, Jr + Victoria D. SIRS
Address or Location: 50 EARLS ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Alfred L. Brennan, Jr.
Address: 825 Eastern Blvd
BALTIMORE, MD. 21221
Telephone Number: 410-687-3434



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

April 28, 2000

Attorney Alfred L. Brennan
Brennan and Brennan, PA
825 Eastern Boulevard
Baltimore MD 21221

Dear Attorney Brennan:

RE: Case Number 00-386-XA , 50 Earls Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 21, 2000.

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, appearing to read "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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



Baltimore County

Fire Department and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105

111 West Chesapeake Avenue
Towson, Maryland 21204

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

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 3, 2000

Item No.: 383, 386 390,

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.

*** ADDITIONAL COMMENT FOR COMMENT #386 ONLY ***
DRIVING SURFACES MUST SUPPORT 50,000 LBS OVER 2 AXLES
IN ALL WEATHER CONDITIONS.

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

cc: File

April 6, 2000



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RB*
DATE: April 6, 2000
SUBJECT: Zoning Item #386
50 Earles Road

Zoning Advisory Committee Meeting of April 3, 2000

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Reviewer: Glenn Shaffer

Date: April 3, 2000

Jim
5/3

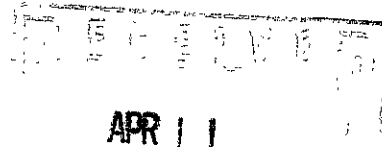
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 13, 2000

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



SUBJECT: 50 Earls Road

INFORMATION:

Item Number: 386

Petitioner: Robert L. Temple

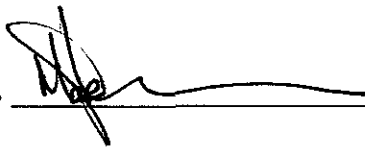
Zoning: ML-IM

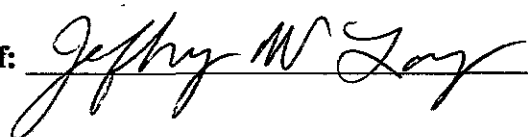
Requested Action: Special Exception/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a service garage in a ML-IM Zone provided the following conditions are met:

1. Landscaping is provided along the entire frontage of Earls Road. A landscape plan should be submitted to the Office of Planning for review and approval. If a fence is to be installed, it should be included in the landscape plan.
2. The site shall not be used for the sale of used cars.
3. No vehicles or parts thereof, should be stored, kept or displayed so that they are visible from any public right-of-way.

Prepared by: 

Section Chief: 

AFK: MAC:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4 . 3 . 00

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

RE: Baltimore County
Item No. 386

JJS

Dear Ms. Jackson:

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,

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
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

James Michael Perry
Line-X of Baltimore
52 Earls Road
Baltimore, MD 21220

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

February 15, 2007

Dear Mr. Perry

Re: 52 Earls Road, 15th Election District
Spirit and Intent Case No. 00-386-XA, & 06-270-SPHX

Your recent letter to Mr. Timothy Kotroco, Director of PDM has been referred to me for reply. Based on the information provided therein and my review of the available zoning records for the property and consultation with Carl Richards, Zoning Review Supervisor, the following has been determined:

1. Zoning case no. 00-386-XA included a restriction requiring that "no vehicles shall be sold from the subject property and no automotive bodywork or **painting** performed on the premises". This office considers that the process of applying the new product Line-X Xtra, as a topcoat to the finished bedliners as described in your letter constitutes **painting** in a technical sense and is restricted under item (2) of the zoning case no. 00-386-XA.
2. Special exception case no. 06-270-SPHX granted that the variances approved in Case no. 00-386-XA apply to the entire site. However your consideration to add **washing of vehicle** at 62 Earl Road site is **not** included in special exception granted under Case no. 06-270-SPHX, and, **the application of Line-X Xtra top coat** is considered a **painting** job and is restricted under item (2) of the zoning case no. 00-386-XA and item (3) of the special exception case no. 06-270-SPHX.

I trust that the information set forth in this letter is sufficiently detailed and responsive to your request. Please be aware that this is a zoning response only and it is not intended for any other agency or to give legal advice. You may request a special hearing to amend the special conditions as set forth by the two above mentioned zoning cases. Should you have any questions, please feel free to contact me at 410-887-3391.

AKT/07-01

Yours truly,

A handwritten signature in black ink, appearing to read "Aaron Tsui", written over a horizontal line.

Aaron Tsui, Planner II
Zoning Review

To Timothy Kotroco
Director P.D. M.
County Office Building
111 W Chesapeake Ave.
Towson, MD 21204

From James M. Perry
President
Line-X of Baltimore, Inc.
52 Earls Road
Baltimore, MD 21220

RE: Spirit and Intent

Mr. Kotroco,

I have two requests. Reference S&I Case No. 00-386-XA: The first has to do with the property that I am currently located at, 52 Earls Road. The company, Line-X of Baltimore, Inc. applies spray-on bedliners to pick-up trucks. Line-X has a new product **Line-X Xtra**, that is a topcoat that gets applied to the finished bedliner. The products MSDS is attached. If I were allowed to use this product, it would be in a very limited quantity. (< 2qts per week). The current restriction to the property states,

"...no automotive bodywork or painting performed on the premises".

Question: If changes were made to the building in accordance with county building requirements, would this process be allowed to be added with the current exception?

Secondly, I am considering adding 60 Earls Road to the business. In that location I would do Undercoating and washing of vehicles. It is similar to the line-X process and I have also added the MSDS for the product that would be used. This building also has a special exception: 06-270-SPHX

Question: Does this process fit in this location?

Thank you very much and I look forward to your reply,

James M. Perry
President
Line-X of Baltimore, Inc.
52 Earls Road
Baltimore, MD 21220
410-344-9411

Handwritten notes:
We know
#500
2-12
T=1
2/11/0
AT
REG-007 CAC
-SDI



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

April 25, 2000

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

APR 26

2C
FYI

Dear Mr. Brennan:

RE: Case Number 00-386-XA, 50 Earls Road

The above matter, previously scheduled for May 3, 2000, has been postponed, as the property was not posted. This was confirmed in a telephone conversation between you and Mrs. Jennings today. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of the new hearing date should be affixed to the sign(s).

Very truly yours,

A handwritten signature in cursive script, appearing to read "Arnold Jablon", followed by the initials "sg".

Arnold Jablon
Director

AJ:scj

C: Victoria & Norman Sines, Jr., 7237 Gunpowder Road, Baltimore 21220
Robert Temple, 64-68 Earls Road, Baltimore 21220





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

April 26, 2000

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

APR 27

2C
FYI

Dear Mr. Brennan:

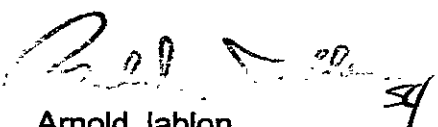
RE: Case Number 00-386-XA, 50 Earls Road

The above matter, previously assigned to be heard on May 3, 2000 has been **rescheduled for Friday, May 19, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.**

As the person requesting the postponement, you are now responsible for affixing the new hearing date and time to the hearing notice sign posted on the property as soon as possible.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,


Arnold Jablon
Director

AJ:scj

C: Victoria & Norman Sines, Jr., 7237 Gunpowder Road, Baltimore 21220
Robert Temple, 64-68 Earls Road, Baltimore 21220



**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

February 25, 2004

James Michael Perry
Line-X of Baltimore
1007 Hamilton Boulevard
Hagerstown, MD 21742

Dear Mr. Perry

RE: 52 Earls Road
Spirit and Intent Case No. 00-386-XA,
15th Election District

Your letter dated February 4, 2004 has been referred to me for reply. After careful review of the materials included with the letter, the zoning records for this property and discussions with the Zoning Commissioner for Baltimore County the following has been determined.

The "Findings of Fact and Conclusions of Law" included a restriction requiring that *"no vehicles shall be sold from the subject property and no automotive bodywork or painting performed on the premises"*. It is concluded by this office that the process as described in your letter and supporting documentation is not "painting" in a technical sense although the processes are similar.

Provided that all preparation and application processes are entirely contained within the service garage structure that was the subject of the aforementioned zoning case no. 00-386-XA, further, that no noxious smells or materials are permitted to impact adjacent properties and that all conditions of the Zoning Commissioner's order in said zoning case are complied with, the proposed use of the property for the application of spray-on bed liner is **considered to be within the "spirit and intent"** of the decision and order of zoning case no. 00-386-XA. A copy of this letter must accompany all plans submitted to Baltimore County for permit approval.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd T. Moxley".

Lloyd T. Moxley
Planner II, Zoning Review



From: Larry Schmidt
To: Lloyd Moxley
Date: 02/25/2004 12:26:46 PM
Subject: Re: Spirit and Intent 00-386-XA

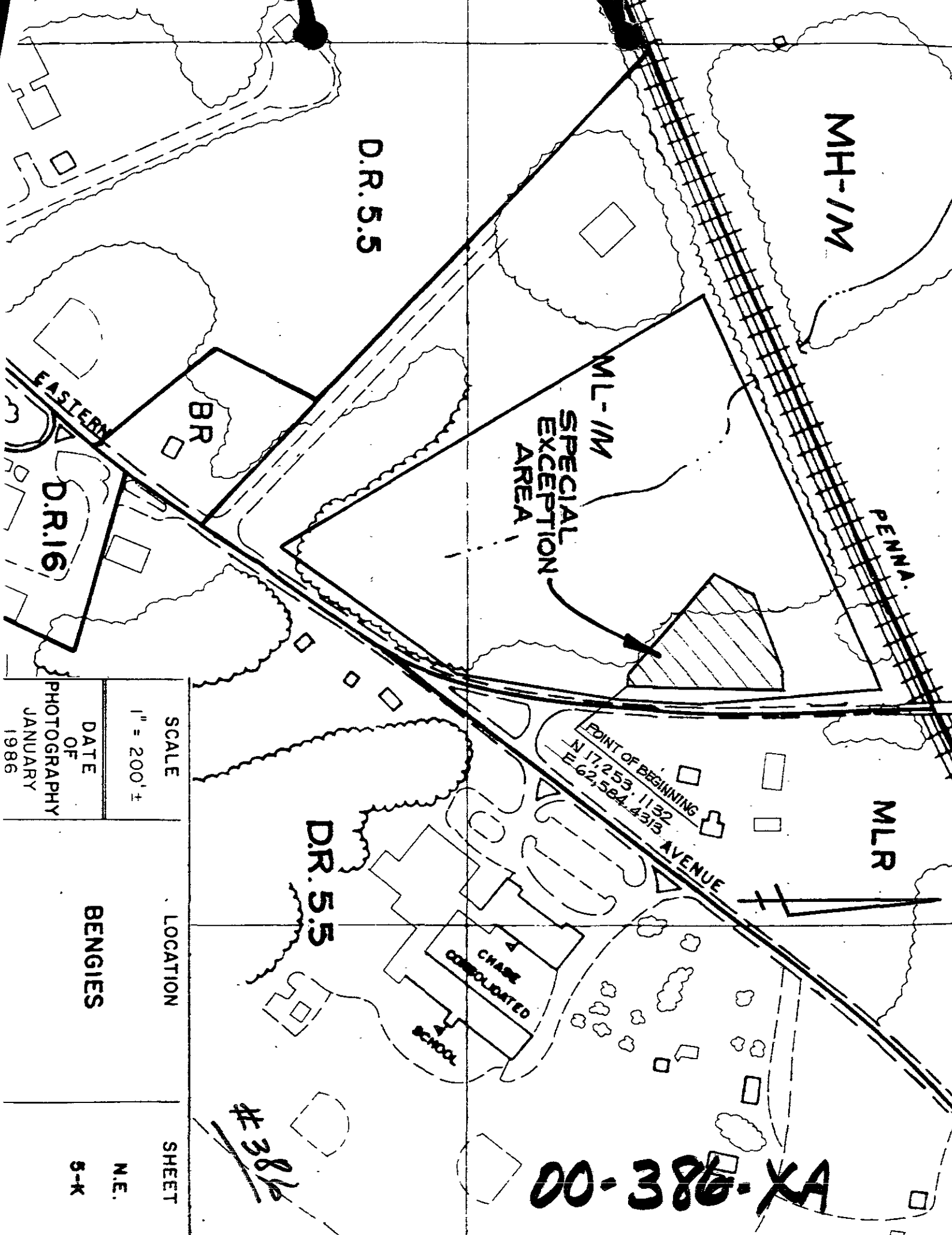
Lloyd: That looks fine!
Larry

>>> Lloyd Moxley 02/25/04 10:50AM >>>

Hello Larry,

Please review the attached letter. If you feel additional constraints are required or have any suggested changes please let me know. Thanks.

Lloyd


$$I = 200 \text{ T}$$

BENGIES

Σ
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00-386-XA

photograph
Case 00-386-XA

