RE: PETITION FOR VARIANCE 5025 Black Rock Rd, S/S Black Rock Rd, 4600' W of Grace Rd 5th Election District, 5th Councilmanic

William A. McDaniel, Jr. Petitioner

- \* BEFORE THE
- \* COUNTY BOARD OF APPEALS
- \* FOR
- \* BALTIMORE COUNTY
- \* Case No. 01-129-A

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

### <u>ORDER</u>

Petitioner William A. McDaniel, Jr. filed for variance relief from Sections 450.4.E.9 and 450.4.F.9 of the Baltimore County Zoning Regulations ("BCZR"), to allow two existing signs, of 69 and 12 square feet, posted on his Black Rock Road property in lieu of the allowed one sign measuring 1 square foot.

The variance petition was approved by Zoning Commissioner Lawrence E. Schmidt on December 5, 2000. With the support of several nearby property owners, and noting the adverse Zoning Advisory Committee comment on the petition from the Department of Environmental Protection and Resource Management, People's Counsel filed an appeal. After a continuance, a hearing was held before the County Board of Appeals ("CBA") on March 20, 2002. Francis X. Borgerding, Jr., Esq., attorney for the petitioner, and Carole S. Demilio, Esq., Deputy People's Counsel, were present. Mr. Borgerding and Ms. Demilio proffered that the parties had reached an understanding regarding the signs at issue.

As a result of discussions between the parties, Petitioner agrees to withdraw his variance request for the sign measuring 69 square feet, and remove the same from his property on or before April 20, 2002. People's Counsel notes that, in light of Petitioner's withdrawal of a Petition for Variance for a 69 square foot sign, a continued appeal would no longer be in the

public interest. People's Counsel therefore agrees to withdraw its appeal to Petitioner's variance request for the sign measuring 12 square feet. Additionally, both parties agree to waive public deliberation by the CBA.

WHEREFORE, in consideration of the evidence proffered by the parties, it is, by the County Board of Appeals of Baltimore County, this \_\_\_\_\_ day of April, 2002;

ORDERED that the Variance Petition, as amended to reflect the above agreement, withdrawing the Petition for a 69 square foot sign and maintaining a request for a 12 foot sign on the subject property is hereby GRANTED; and it is further

ORDERED that Petitioner must remove the 69 square foot sign on or before April 20, 2002.

Any petition for judicial review must be filed within thirty (30) days of the date of this Order.

CHARLES L. MARKS, Panel Chairman

MARGARET WORRALL, Board Member

RICHARD K. IRISH, Board Member

JEAN COLVIN

\* IN THE

Plaintiff

\* CIRCUIT COURT

v.

\* FOR

CLOVERLAND FARMS DAIRY

\* BALTIMORE COUNTY

Defendant

\* Case No. 3-C-03-7910

\* \* \* \* \*

\* \* \* + + +

### OPINION

This matter comes before the Court on appeal from a June 26, 2003 decision of the Baltimore County Board of Appeals ("the Board") granting a Special Exception to Cloverland Farms Dairy, Inc. ("Cloverland") to expand the fuel service component and to add a "rollover car wash" to its "Royal Farm" convenience store/fuel service station located at 1601 Middleborough Road in Baltimore County. A timely Petition for Judicial Review of that decision was filed by the Appellant, Jean Colvin. Although Cloverland initially filed a Cross-Petition for Judicial Review, they have withdrawn their appeal.

### I. Standard of Review

The Court's role in reviewing the decision of an administrative agency is fairly narrow. Under the applicable law, the agency's decision is presumed to be correct. Thus the agency's interpretation of the statutes which it administers should ordinarily be given considerable weight by the reviewing court. The court's function is to determine if there is substantial evidence in the record as a whole to support the agency's findings and conclusions and to determine if the

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administrative decision is premised upon an erroneous conclusion of law. In applying the substantial evidence test, a reviewing court must decide whether a reasoning mind reasonably could have reached the factual conclusions that the agency reached. Further, the reviewing court should defer to the fact finding and inferences of the agency, as long as they are supported by the record. See, e.g. Marzullo v. Kahl, 366 Md. 158, 171-173 (2001).

### II. Factual Background

Cloverland has operated a Royal Farms convenience store and gasoline station on the property at issue for many years. At present, Cloverland seeks to demolish a closed dairy store structure in order to expand the fuel pump service and add a car wash facility.

The property is zoned BL (Business Light) in an AS (Automotive Service) district. In an AS district, expanded fuel services and a car wash require approval by special exception. See, B.C.Z.R. Section 405.2.B.1 and 405.4.E.2. Accordingly, Cloverland sought a Special Exception pursuant to B.C.Z.R. Section 502.1, which was approved by the Baltimore County Zoning Commissioner on May 31, 2001. Ms. Colvin, who owns an adjacent parcel of land, along with several other individuals, filed an appeal to the County Board of Appeals.

On March 6, 2003, the Board conducted a public hearing on the Petition for Special Exception. On June 26, 2003, the Board

approved the Special Exception, subject to certain restrictions. In reaching its decision, the Board noted that a special exception use is allowed in a given zone unless there is a showing that the use would have unique adverse effects on the neighboring properties within the zone. Under this standard, the Board found that Ms. Colvin's situation was no different than that of any other individual in a residence adjacent to a property zoned BL-AS. The Board also found that the plan met all the applicable setback requirements, and that it was within the spirit and the intent of the zoning classification. The Board further found that the plan complied with the restrictions set forth in B.C.Z.R. Section 419.4.B.1 regarding the alignment of the tunnel entrance to the car wash. However the Board did find that B.C.Z.R. 419.3A did not allow for double stacking of vehicles waiting to enter the car wash, so it required amendment of the site plan to provide compliance. The Board therefore approved the special exception with contingencies that the site plan be revised to address the double stacking, and that it include the 30-foot landscape buffer and board-on-board fence for screening alluded to in the hearing.

### III. Legal Analysis

Appellant raises five issues in support of her argument that the Board's decision to grant the special exception was in error. These shall be addressed individually.

### (A) Did the Board Err in Granting a Special Exception?

Appellant argues that testimony at the hearing before the Board established that the adverse impact of the proposed special exception was greater to the Appellant than that of typical adjacent property owners, and therefore the special exception should have been denied. While Appellant points to discrete factors alluded to in the testimony, such as the relatively small distances involved, and the associated potential for adverse impact from lighting, fumes and noise, those issues were clearly considered by the Board in reaching its decision. As stated in its Opinion, "The concerns raised by Mrs. Colvin are definitely worthy of attention, but they are typical of a residential neighbor adjacent to a convenience store with added uses of gas pumps and a car wash." Moreover, the Board specifically alluded to the expert testimony of Nick Brader, a Professional Engineer and land planner. Mr. Brader testified regarding the specific requirements of B.C.Z.R. Section 502.1 and his opinion that the proposed use would not have any more impact at this location than it would at any similar property zone BL-AS adjoined by a residential property. Clearly there was substantial evidence in the record before the Board to support its conclusion to grant the special exception. Accordingly, the appeal on this ground must be denied.

## (B) Did the Board Improperly Shift the Burden of Proof to the Appellant?

Appellant argues that the Board improperly shifted the burden of proof to it, based upon the phrasing of a portion of its Opinion, which stated: "The Board finds unanimously that the Protestant/Appellants have failed to prove that the situation in which Mrs. Colvin finds herself as a residentially zoned property adjacent to a property zoned BL-AS is any different than that of any other property similarly situated." However the Board went on to note that the Petitioner had proven the elements required to demonstrate the need for the special exception. As it stated:

The Board found Mr. Brader's recitation and explanation of the standards for a special exception as set forth under Section 502.1 clear and concise. In essence the special exception, if granted, would not create any adverse effects at the subject site different than other sites with the same zoning. Moreover the special exception requested is within the spirit and intent of the zoning classification.

As stated in Anderson v. Sawyer, 23 Md. App. 612, 617 (1974), an applicant for a special exception has the burden of adducing testimony to demonstrate that the proposed use meets the prescribed standards and requirements for a special exception. The applicant meets that burden with testimony to demonstrate that the proposed use will be conducted without detriment to the neighborhood, and without causing an actual adverse affect on the public interest. The Board clearly comprehended that burden and found that it had been met, based in part on the testimony of Mr.

Brader. Noting, in effect, that the Appellant had failed to persuade the Board to the contrary does not constitute an impermissible shift of this burden of proof. Accordingly, the appeal on this ground must also be denied.

- (C) Did the Board err in not addressing B.C.Z.R. Section 419.2?
- B.C.Z.R. Section 419.2, which regulates Car Wash facilities, requires that:

A site plan must be submitted showing the location of the car wash and zone classification of adjacent properties, the location of ingress and egress, the manufacturer's rated hourly production capacity of the equipment to be installed, if available, or other evidence of capacity of the equipment, ....

Appellant argues that the record is devoid of evidence of the manufacturer's rated hourly production capacity, so the special exception was granted in error.

As Cloverland's application was for a car wash in combination with fuel service stations, the applicable requirements are stated under B.C.Z.R. Section 405.4.E.2, which incorporates only the stacking, parking and buffer requirements of Section 419. Thus this specific provision regarding the manufacturer's rated hourly production capacity is not even applicable. Even if it were, the regulation allows for production capacity to be demonstrated through other means, which was done in this case. The site plan submitted clearly reflects that the production capacity is 20 cars per hour maximum. Thus

this regulation fails to provide a basis for reversal on appeal.

## (D) Did the Board err in requiring the 9<sup>th</sup> parking space to be moved, without requiring an amendment to the plan?

Appellant challenges the ability of the Board to provide conditional approval of the special exception, contingent upon amendment of the site plan to require the parking spaces for the car wash in a single file, rather than to require re-submission of an amended Site Plan. However it is clearly within the purview of the Board to impose restrictions as a condition of its approval of a special exception under B.C.Z.R. Section 502.2. Further review of the applicants' compliance with those restrictions is properly before the Baltimore County Department of Permits and Development Management. There was no error in the method employed by the Board in this regard.

## (E) Did the Board err in determining that B.C.Z.R. Section 419.4.B.1 did not apply?

B.C.Z.R. Section 419.4.B.1 provides: "No tunnel entrance or exit of a car wash operation shall face an adjacent residentially zoned property not including those across a street." In addressing this Section, the Board held, "Upon examining the site plan, we find that the entrance to the tunnel comes close to facing Mrs. Colvin's property, but in fact faces the property adjacent to her which is zoned BL." This Court has independently viewed the site plan, which supports that conclusion.

Accordingly, the appeal on this ground must also be denied.

#### IV. Conclusion

For the reasons stated, this Court finds that the decision below by the Board of Appeals was based upon a proper analysis of the applicable statutes and regulations, it was well reasoned, and it was substantially supported by the factual record presented before the Board. For the reasons stated herein, the decision of the Board of Appeals granting the special exception to Cloverland for the property located at 1601 Middleborough Road, under the conditions outlined in its opinion dated June 26, 2003, is AFFIRMED.

JUDGE KATHLEEN GALLOGLY COX

Date: 2/11/04

Clerk: Please send copies to all parties.

JEAN COLVIN

\* IN THE

Plaintiff

CIRCUIT COURT

ν.

\* FOR

CLOVERLAND FARMS DAIRY

BALTIMORE COUNTY

Defendant

Case No. 3-C-03-7910

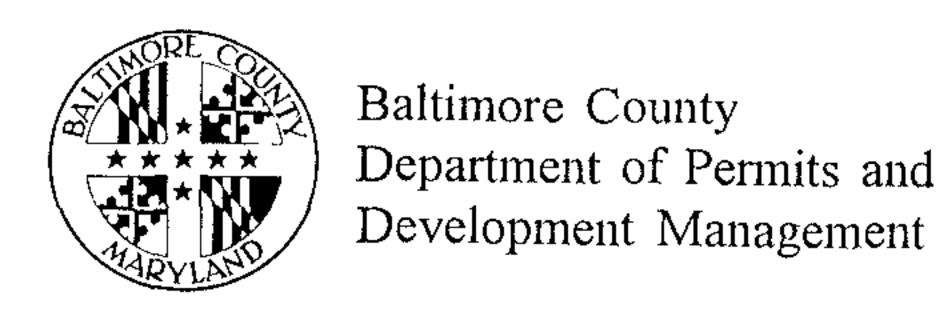
JUDGMENT ORDER

For the reasons stated in the Memorandum Opinion dated February 11, 2004, the June 26, 2003 decision of Baltimore County Board of Appeals granting a Special Exception to Cloverland Farms Dairy for property located at 1601 Middleborough Road is AFFIRMED.

KATHLEEN G. COX

Dated: 2/4/04

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

Fax: 410-887-5708

January 23, 2001

Francis X. Borgerding, Jr., Esquire 409 Washington Avenue Suite 600 Towson, MD 21204

Dear Mr. Borgerding:

RE: Case No. 01-129-A, 5025 Black Rock Road

Please be advised that an appeal of the above-referenced case was filed in this office on January 3, 2001 by People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon

Director

AJ: gdz

c: William A. McDaniel, Jr., 5025 Black Rock Road, Hampstead 21074
Brian Dietz, Gerhold, Cross & Etzel, Ltd, 320 E. Towsontown Blvd, Towson 21286
Mike Kinkel, 1314 Spring Avenue, Baltimore 21237
People's Counsel

RE: PETITION FOR VARIANCE 5025 Black Rock Rd, S/S Black Rock Rd, 4600' W of Grace Rd 5th Election District, 5th Councilmanic

Legal Owner: William Alden McDaniel, Jr. Petitioner(s)

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* Case No. 01-129-A

#### **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.

All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Varde S. Demi

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 16th day of October, 2000 a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Esq., DiNenna & Breschi, 409 Washington Avenue, Suite 600, Towson, MD 21204, attorney for Petitioner(s).

Peter May Zinneiman PETER MAX ZIMMERMAN





OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel

January 3, 2001

Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR VARIANCE

5025 Black Rock Rd, S/S Black Rock Rd,

4600' W of Grace Rd,

5th Election Dist., 5th Councilmanic

William Alden McDaniel, Jr., Petitioner

Case No.: 01-129-A

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated December 5, 2000 of the Baltimore County Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

· Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

HIN & HAR

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/caf

cc: Francis X. Borgerding, Esq., DiNenna & Breschi, 409 Washington Avenue, Suite 600, Towson, MD 21204, Attorney for Petitioners

Mr. Mike Kinkel, 1314 Spring Avenue, Baltimore, MD 21237, Protestant

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IN RE: PETITION FOR VARIANCE
S/S Black Rock Road, 4600' W of
Grace Road
(5025 Black Rock Road)
5<sup>th</sup> Election District
5<sup>th</sup> Council District

William A. McDaniel, Jr. Petitioner

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 01-129-A

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

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, William A. McDaniel, Jr., through his attorney, Francis X. Borgerding, Jr., Esquire. As originally requested, the Petitioner sought relief from Sections 450.4.E.9 and 450.4.F.9 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two existing business identification signs, 63 sq.ft. and 7 sq.ft., respectively, in lieu of the permitted one sign of 1 sq.ft. total. However, at the hearing, the Petition was amended to reflect the exact measurements of these signs, which were taken after the Petition was filed. As amended, the Petitioner seeks relief for two signs, one 69 sq.ft. in area, and the other 12 sq.ft. in area, in accordance with the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing were William McDaniel, Jr., property owner, Brian Dietz, a Surveyor with Gerhold, Cross & Etzel who prepared the site plan for this property, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioner. Appearing as a Protestant in the matter was Mike Kinkel, owner of the adjacent property.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel, containing a gross area of 29.85 acres, more or less, zoned R.C.2. The property is located on the south side of Black Rock Road near Hampstead in northwestern Baltimore County, a short distance from the Carroll County line. The property is improved with a barn/residence in

THING INC

the center of the property and a horse-riding area. This Zoning Commissioner is familiar with the property by virtue of prior Case No. 00-285-X, in which I granted the Petitioner special exception relief for horse-boarding and riding stables on the subject property on February 20, 2000. To the extent applicable, the findings and conclusions set forth in that case are incorporated herein. There was no appeal taken of that Order.

Photographs of the property in the instant case show that the site is attractive and well-maintained. As noted above, the property is improved with a large building in the center of the site which serves as both a barn and a residence. Additionally, there is a large, fenced riding area. The property is known as Loblolly Farm and is in active use as a riding stable and horse-boarding establishment. Mr. McDaniel indicated that he does not reside on the property, but has a tenant who resides in the barn/residence.

The subject Petition relates to two existing signs, which are located on the front of the property, immediately adjacent to Black Rock Road. These signs are shown in a series of photographs that were submitted at the hearing. The larger sign is located on the east side of the entrance to the site, and marks the location of the property to motorists travelling westbound into Carroll County. That sign identifies the property as Loblolly Farms, and further indicates that horse boarding, riding, training, etc., are available on the site. The second sign at issue is small and is located on the west side of the access driveway. That sign advertises the property to motorists travelling eastbound from Carroll County into Baltimore County.

An examination of the site plan and photographs submitted show that the entrance to the property is unique. Vehicular access is by way of a driveway that intersects Black Rock Road. Interestingly, however, the driveway is located at a sharp curve in Black Rock Road. Additionally, this side (south) of Black Rock Road features a berm and several mature trees. The Petitioner argued that these conditions make it very difficult for individuals unfamiliar with the property to locate this driveway. It was indicated that two signs are necessary to alert traffic proceeding along Black Rock Road in each direction. Moreover, it was indicated that the signs are tastefully designed and that the use is consistent with the agricultural/rural nature of the locale.

As noted above, Mr. Kinkel appeared as a Protestant in the matter. It is to be noted that Mr. Kinkel owns the adjacent property and shares a common driveway that leads to this site from Black Rock Road; however, he does not live on his property. Mr. Kinkel objects to the signs and believes that they are both unnecessary and inappropriate.

The grant of the variance relief from the B.C.Z.R. is regulated by Section 307 of the B.C.Z.R. That Section has been construed by the Courts of this State, most notably in Cromwell v. Ward, 102 Md. App. 691 (1995). In Cromwell, the Court of Special Appeals set out a three-part test which must be applied in order for variance relief to be granted. First, the property owner must show that the subject property is unique and it is this uniqueness which drives the need for variance relief. Secondly, the Petitioner must show that a practical difficulty would be suffered if relief were denied. Finally, it must be proven that relief can be granted without detrimental impact to the surrounding locale.

This is a classic variance case. The property is surely unique by way of its configuration and more particularly, the nature of the entrance to the site. The curve of Black Rock Road, the existing berm, and vegetation are all factors, which are unique only to this particular site. Moreover, these factors clearly drive the need for the variance. That is, I am easily persuaded that the unusual topography and site conditions make access to this site somewhat difficult. The construction of a sign that will alert the public as to the property's location is not only appropriate, but insures public safety. In my judgment, the Petitioner has met the practical difficulty test. Finally, I find that the signs will not cause any detrimental impact to the subject or adjacent properties, or that they are inconsistent with the surrounding locale. In this regard, it is to be noted that the Department of Environmental Protection and Resource Management (DEPRM) submitted an adverse Zoning Advisory Committee (ZAC) comment in which they indicate their opposition to the relief requested. That office opines that the granting of the variance would be inconsistent with the efforts to preserve the land and its rural character, including scenic quality. With all due respect to DEPRM, the subject signs are of high-quality, and identify a rural/agricultural use (i.e., horse boarding and riding stables). Although this is a commercial

operation in that members of the public can use the facilities, the signs are not what one would consider to be commercial in nature. These wooden, hand-painted signs are appropriate and in my judgment, do not detract from this rural area.

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 day of December, 2000 that the Petition for Variance seeking relief from Sections 450.4.E.9 and 450.4.F.9 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two existing business identification signs, one 69 sq.ft. in area, and the other 12 sq.ft. in area, respectively, in lieu of the permitted one sign of 1 sq.ft. total, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioner may apply for his sign permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until 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.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



Date\_

# Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at Hampstead, MD 21074 which is presently zoned R.C.-2

	At It to be an
This Petition shall be filled with the Department of Permitowner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	on(8) 450.4. E.9 and 450,4, F.9 in to permit a
63 sq. ft. sign and a 7 sq. ft sign in lieu of 46	
Signs in lien of the sequired I sign respection	.1 `
of the Zoning Regulations of Baltimore County, to the zoning hardship or practical difficulty)  1. Shape and configuration of the property;  2. Uniqueness of the property; and  3. Such other and further reasons as will be putting this matter.	
Property is to be posted and advertised as prescribed by the i, or we, agree to pay expenses of above Varience, advertising, por regulations and restrictions of Baltimore County adopted pursuent	to the zoning law for Baltimore County.
•	i/We do solomnly declars and affirm, under the paneltes of perjury, that i/we are the legal owner(s) of the property which is the subject of this Patition.
Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print	William Alden McDaniel, Jr.
Signatura	Signature
	Nama - Type or Print
, , , , , , , , , , , , , , , , , , ,	-
City  Attorney For Petitioner:	Signature  5025 Bluck Rock Roud  Telephone No
Francis X. Borgerding, Jr.	Address md
Name - Type or Print	City
01-000	Representative to be Contacted:
Francis X. Borgerding, Jr.	Francis X. Borgerding, Jr.  Name  Day & Eve
Company	409 Washington Ave., Ste. 600 410 296 6
409 Washington Ave., Ste. 600 410-296-6820 Address	ACC(PSS
Towson MD 21204 Zip Code State	Towson MD 2 204 City State Zo Cod
Towson MD 21204 Zip Code	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
© Case No. 01-129-A	UNAVAILABLE FOR HEARING Date 9/19/00 Reviewed By BR
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### Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

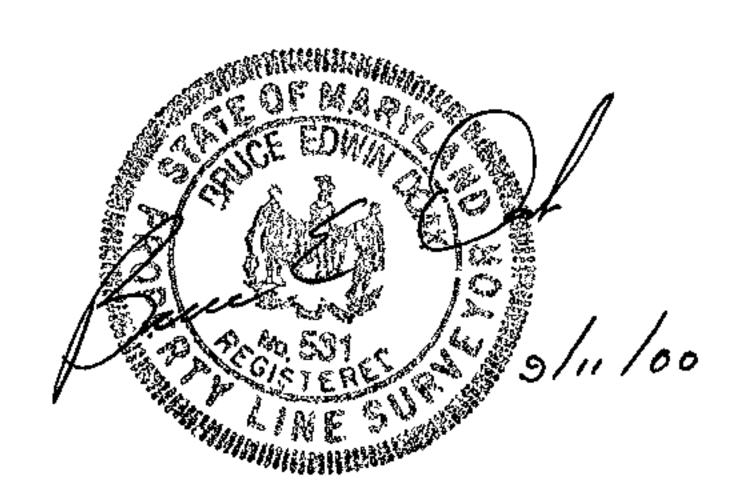
### **ZONING DESCRIPTION**

### 5025 Black Rock Road

All that piece or parcel of land situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland and described as follows to wit:

Being Lot 4, as shown on the plat of, Section One, Thenton Mills, recorded among the Land Records of Baltimore County in Plat Book 70, folio 31. Containing 29.85 more or less acres.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



	RE: Case No.: 01-129-14	<del> </del>
	Petitioner/Developer:	, <u>:</u>
	Wm. A. Mc Daniel	!
	Date of Hearing/Closing:	, , , , , , , , , , , , , , , , , , , ,
Baitimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204		,
Attention: Ms. Gwendolyn Stephens		
Ladies and Gentlemen:		
This letter is to certify under the penalties of p were posted conspicuously on the property loc	erjury that the necessary sign(s) required by cated at 5025 Black Rock	r law Relo
The sign(s) were posted on $1/29/61$	•	•
The sign(s) were bested on	(Month, Day, Year)	•
	Sincerely,	, ,
	Hand Freund 1/2	9/01
•	(Signature of Sign Poster and D	ite)
·	GARY C. FREUND	
	(Printed Name)	
•	(Address)	r
	(City, State, Zip Code)	· · · · · · · · · · · · · · · · · · ·
	(Telephone Number) :	,

### **CERTIFICATE OF POSTING**

RE: CASE # 01-129-A
PETITIONER/DEVELOPER
(William A. McDaniel, Jr.)
DATE OF Hearing
( 11-21-00 )

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

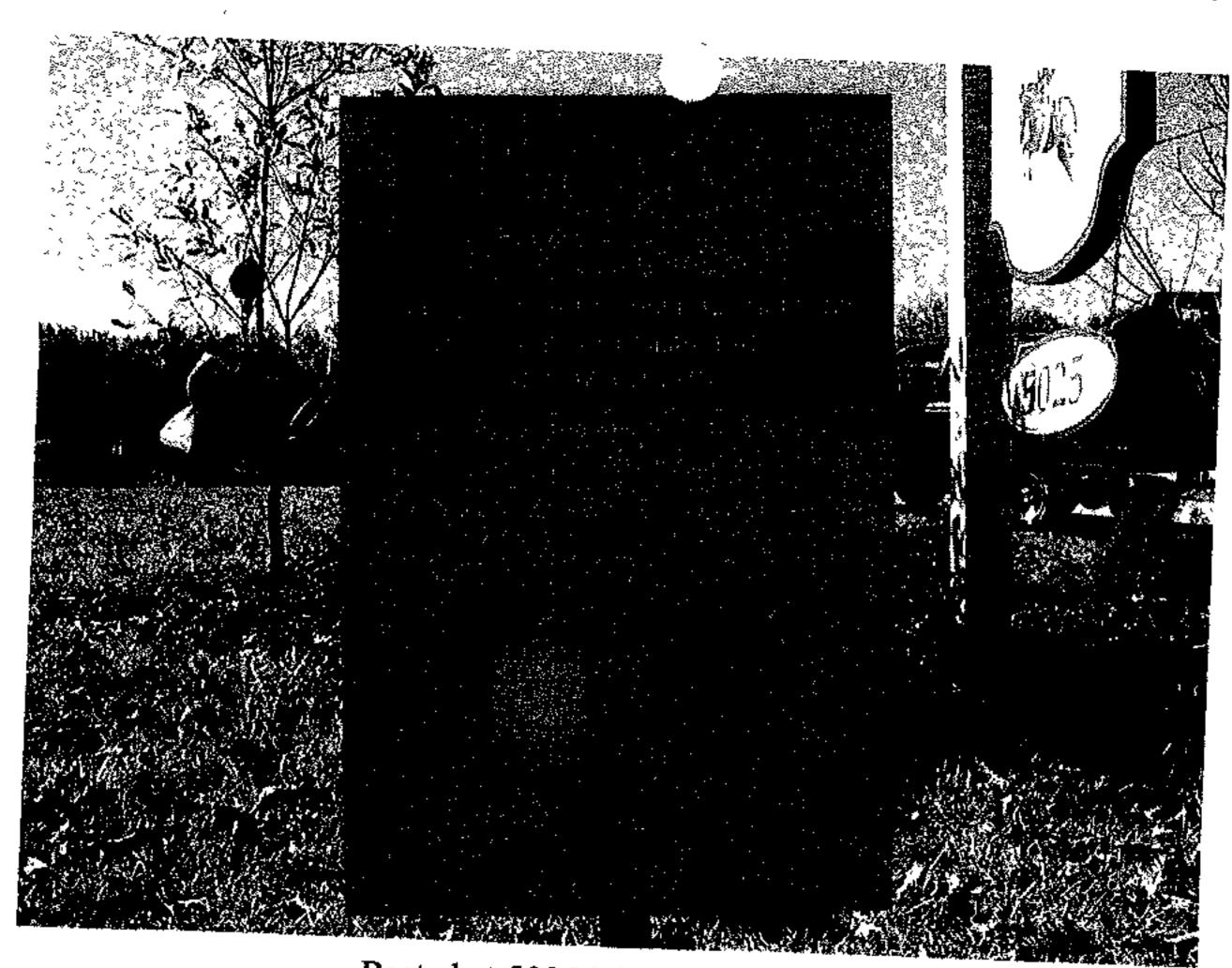
ATTENTION: MS. GWENDOLYN STEPHENS

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

5025 Black Rock Road Hampstead,	, Maryland 21074
THE SIGN(S) WERE POSTED ON	11-2-00
	(MONTH, DAY,YEAR)
	SINCERELY,
	(SIGNATURE OF SIGN POSTER & DATE)
	THOMAS P. OGLE SR
	325 NICHOLSON ROAD
	BALTIMORE, MARYLAND 21221
	410-687-8405

(TELEPHONE NUMBER)



Posted at 5025 Black Rock Road

## NOTICE OF ZONING HEARING

The Zoning Commissioner or pattimore 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. #01-129-A Case. #01-129-A
6025 Black Rock Road
S/S Black Rock Road, 4600
feet W of Grace Road
5th Election District
5th Councilmanic District
Legal Owner(s) A William Acs
McDaniel To permit a 163-16
Square foot sign in fleu of
the permitted 1 square foot
and to approve 2 signs in
fleu of the permitted 1 sign,
respectively.
Hearing: Thursday, October 26, 2000 at 9:00 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

(410) 887-4386.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/10/660 Oct. 10 C425765

### CERTIFICATE OF PUBLICATION

. 1	
TOWSON, MD, 1013,	20 <u>00</u>
THIS IS TO CERTIFY, that the annexed advertiseme	nt was
published in THE JEFFERSONIAN, a weekly newspaper public	shed in
Towson, Baltimore County, Md., once in each ofsuch	ccessive
weeks, the first publication appearing on, 20	<u>oo</u> .
THE JEFFERSONIAN,	
J. WUKIN 82	
LEGAL ADVERTISING	

### F 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 <u>Towson</u>. <u>Maryland</u> on the property identified herein as follows:

Case #01-129-A
5025 Black Rock Road
S/S Black Rock Road, 4600 feet W of Grace Road
5th Election District -- 5th Councilmanic District
Legal Owner(s): William A. McDaniel, Jr.
Variance: to permit a 63-foot sign and a 7-square foot sign in lieu of the permitted 1 square foot and to approve 2 signs in lieu of the permitted 1 sign, respectively.
Hearing: Tuesday, November 21, 2000 at 9:00 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.

11/023 Nov. 2

C431135

### CERTIFICATE OF PUBLICATION

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TOWSON, N	/ID,	11	2		, 20	0 <u>00</u> 0
THIS IS TO CERT	TIFY, that the	annex	ced a	dverti	isemen	ıt was
published in THE JEFF1	ERSONIÁN, a w	eekly	new	spaper	publis	hed in
Towson, Baltimore Count	y, Md., once in e	ach of			succ	essive
weeks, the first publication	on appearing on	<del></del>	11),	2	, 204	0 <u>C</u>
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TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 10, 2000 Issue – Jeffersonian

Please forward billing to:

William A. McDaniel 118 W. Mulberry Street Baltimore, MD 21201

410 685-3810

### **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: 01-129-A
5025 Black Rock Road
S/S Black Rock Road, 4600 feet W of Grace Road
5th Election District – 5th Councilmanic District
Legal Owner: William A. McDaniel, Jr.

Variance to permit a 63-square foot sign and a 7-square foot sign in lieu of the permitted 1 square foot and to approve 2 signs in lieu of the permitted 1 sign, respectively.

HEARING: Thursday, October 26, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

awrence E. Schmidt

G)Z

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.

OFFICE OF BU	COUNTY, M DGET & FINAN LEOUS RECEI	CE	No.	685	វ
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01-129-1

CASHIER'S VALIDATION

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

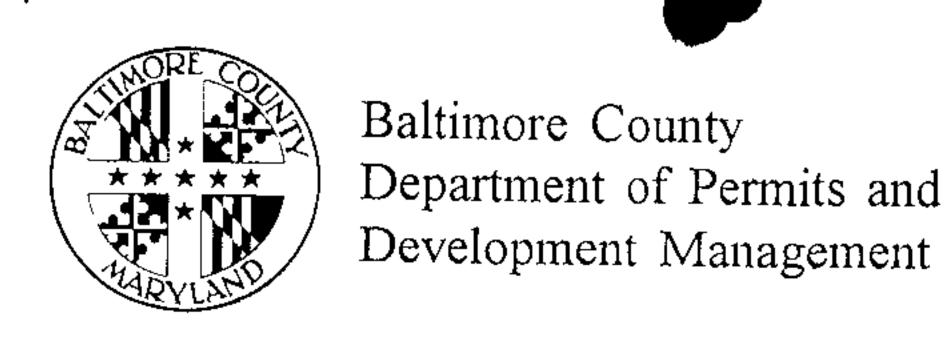
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number:  Petitioner:
Petitioner:
Address or Location: 5025 Blut Rock Road Hompster and 210
PLEASE FORWARD ADVERTISING BILL TO:  Name: William A. McNaniel
Address: 118 W. Mulberry street
Telephone Number: 410 685 - 3810

Revised 2/20/98 - SCJ

01-129-A



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

November 17, 2000

Francis X. Borgerding, Jr. 409 Washington Avenue Suite 600 Towson, MD 21204

Dear Mr. Borgerding:

RE: Case Number: 01-129-A, 5025 Black Rock Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 19, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.

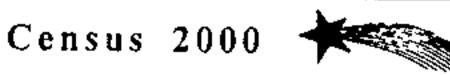
Supervisor, Zoning Review

WCR:

Enclosures

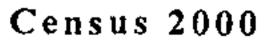
C: William A. McDaniel, Jr. 5025 Black Rock Road, Hampstead 21074 People's Counsel













## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** October 17, 2000

Department of Permits and' Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-114, 01-124, 01-126, 01-129, 01-131,

01-150, 01-151 and 01-152.

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/JL:MAC



## Maryland Department of Transportation State Highway Administration

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

Date:

10-2.00

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

RE:

**Baltimore County** 

Item No. 129

Dear Ms. Jackson:

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/VS 88 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,

10

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



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

October 3, 2000

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: SEE BELOW

Location: DISTRIBUTION MEETING OF OCTOBER 2, 2000

Item No.: See Below

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.

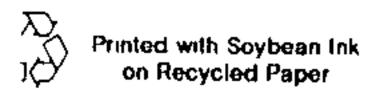
8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

114, 127, 128, 129, 130, 131, 133, AND 135

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:	R. Bruce Seeley 195
DATE:	October 4, 2000
SUBJECT:	Zoning Item #129 5025 Black Rock Road
Zoning	g Advisory Committee Meeting of October 2, 2000
	epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:
	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 may need to comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
	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).
<u> </u>	Agricultural Preservation: This zoning petition should be opposed. The size of this sign is inconsistent with the rural character of the area. The area has been designated a Rural Legacy Area by the State and millions of County and State dollars have been spent to preserve the land and the rural character, which includes scenic quality. This scenic quality is a principal public benefit of this program. Therefore, the granting of this variance would be inconsistent with this effort. Furthermore, does this site have a special exception for boarding and stabling horses?

Reviewer: Wally Lippincott Date: October 4, 2000

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE.

TO:

Arnold Jablon, Director

DATE: October 10, 2000

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for October 10, 2000

Item No. 129

The Bureau of Development Plans Review has reviewed the subject zoning item. Black Rock Road, Maryland Route 88, is a state road. All improvements, intersections, entrances, drainage requirements and construction affecting a state road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

RWB:HJO:jrb

cc: File

### APPEAL

Petition for Variance
5025 Black Rock Road
S/S Black Rock Road, 4600' W of Grace Road
5<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District
William A. McDaniel, Jr. – Legal Owner
Case Number: 01-129-A

Petition for Variance (filed 9/19/00)

Description of Property

Notice of Zoning Hearing (dated 9/28/00) Notice of Zoning Hearing (dated 10/23/00)

Certificate of Publication (10/10/00 – The Jeffersonian) Certificate of Publication (11/2/00 – The Jeffersonian)

Certificate of Posting for hearing on 11/21/00 (11/2/00 – posted by Thomas Ogle)

Entry of Appearance by People's Counsel (dated 10/16/00)

Petitioner(s) Sign-In Sheet

Zoning Advisory Committee Comments

### Petitioners' Exhibits:

- 1A Plat to Accompany a Petition for a Variance (Revised 11/20/00)
- Order of Zoning Commissioner for Case No. 00-285-X (dated 2/14/00)
- Plan to Accompany Photographs (including 13 unmarked photographs)

### Misc. (Not Marked as Exhibits):

- Plat to Accompany a Petition for a Variance Request (dated 9/1/00)
- Letter to Arnold Jablon from Francis X. Borgerding, Jr., Esquire, dated 10/10/00
- Letter to Francis X. Borgerding, Jr., from Arnold Jablon, Director, dated 10/17/00
- Division of Code Inspections and Enforcement Violation Case Documents for 5025 Black Rock Road

Zoning Commissioner's Order dated 12/5/00 (Granted)

Notice of Appeal received on 1/3/01 from People's Counsel for Baltimore County

C: Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson 21204
William Alden McDaniel, Jr., 5025 Black Rock Road, Hampstead 21074. People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 01-129-A

VAR – To permit two existing business ID signs, 69 sf and 12 sf, ilo permitted one sign of 1 sf total (sf of signs amended at ZC hearing; not as depicted on Petition)

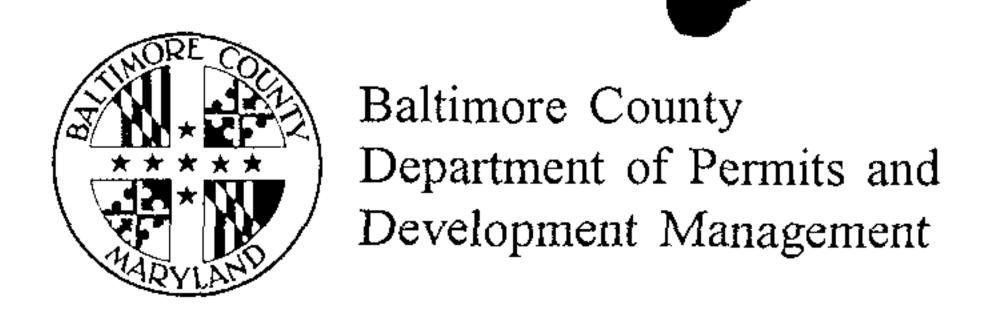
12/05/2000 –Z.C.'s decision in which variance request was GRANTED

9/07/01 - Notice of Assignment sent to following; hearing assigned for Thursday, December 20, 2001 at 10 a.m.:

Office of People's Counsel
Francis X. Borgerding, Jr., Esquire
William A. McDaniel, Jr.
Brian Dietz /Gerhold, Cross & Etzel
Mike Kinkel
Pt Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Hunter Rowe, CIE /PDM #00-3818
Arnold Jablon, Director /PDM

- 11/13/01 -- Request for postponement filed by Frank Borgerding, Jr., Esquire, Counsel for Petitioner counsel will be out of town during the time of this scheduled hearing; no objection to the granting of this request by PC.
- 11/15/02 Letter from Michael J. Kinkel, Protestant at proceedings before Zoning Commissioner withdrawing any and all objections to the grant of the variance. File noted.

  -- Notice of PP and Reassignment sent to parties; reassigned to Wednesday, March 20, 2002 at 10:00 a.m. Note with Mr. Kinkel's copy acknowledging receipt of his letter received 11/15/01.
- 3/20/02 Board convened for hearing (Marks, Worrall, Irish); C. Demilio, Deputy People's Counsel and Appellant in this matter, and F. Borgerding, Counsel for Petitioner, had reached agreement in this matter; same put on record; Petitioner withdrew Petition for 69 sf sign; People's Counsel withdrew appeal as to 12 sf sign. Proposed Order to be submitted reflecting agreement; variance granted for 12 sf sign will remain; Petition for 69 sf sign will be withdrawn and dismissed with any relief granted as to that sign variance rendered null and void.
- 4/16/02 Copy of letter from PC to F. Borgerding w/copy of proposed Order; upon confirmation that this is okay, will submit to the Board for review and signature.
- 11/24/03 T/C w/ Frank Borgerding copy of Order sent to him this date via FAX; he will review and get back with comments /okay, after which Order can be issued. (Two members remain Chuck and Margaret)
- 3/08/04 Follow up with Frank Borgerding; copy of Proposed Order via FAX to him; Rick is already gone from the Baord; Chuck and Margaret due to leave this spring /early summer. Important to close out this file prior to their departure.
- 3/09/04 T/C from Frank Borgerding has conferred with client; agrees with proposed order as prepared and submitted. To be prepared for final signature and upon signature, will be issued and file closed.



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

Fax: 410-887-5708

October 17, 2000

Francis X. Borgerding, Jr. Attorney At Law Mercantile Building – Suite 600 409 Washington Avenue Towson, MD 21204

Dear Mr. Borgerding, Jr.:

RE: Case Number 01-129-A, 5025 Black Rock Road

The above matter, previously scheduled for Thursday, October 26, 2000 at 9:00 a.m., has been postponed at your request because the client, who is an attorney, will be unavailable on October 26, 2000. 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,

らりて

Arnold Jablon Director

AJ:

C: William Alden McDaniel, Jr., 5025 Black Rock Road, Hampstead 21074

#### BALTIMORE COUNTY, MARYLAND **Board of Appeals of Baltimore County FAX COVER SHEET**

**DATE:** March 8, 2004

*TO*:

Frank Borgerding

FAX

**:** 410-296-6884

TELEPHONE: 410-296-6820

FROM:

Kathi Bianco

**TELEPHONE:** 410-887-3180

*FAX* 

**:** 410-887-3182

RE:

Copy of Proposed Order – William A. McDaniel, Jr.

Case No. 01-129-A FOLLOW UP from 11/24/03

On November 24, 2003, after our telephone conversation, I faxed to you the attached proposed order in the subject matter submitted by Carole Demilio for review and signature by the Board.

I'd like to remove this case from the Board's Pending Docket – if the attached is okay with you, please let me know and I'll have the two remaining Board members (Margaret and Chuck) sign the Order and get it out as soon as possible.

Please note that Rick Irish resigned at the end of his last term, and both Margaret and Chuck have elected not to seek reappointment to the Board. Therefore, it's important to close out this case prior to their departure.

Thanks.

kathi

Number of pages including this page: Four (4)

Original copy to follow: Yes \_\_\_\_ No X\_\_\_

# PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS A
William McDaniel Ir.	4331 Church 12 21074
BRIAN DIFTZ GERHULD (ROSS + ETZEL	320 F. TOCUSONTOWN BLUD DUSON M
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# FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 296-6820 FAX (410) 296-6884 10/14/10 Claye

Member of Maryland and District of Columbia Bar

October 10, 2000

Arnold Jablon
Director's Office
Baltimore County Department of
Permits & Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 01-129-A

5025 Black Rock Road

Legal Owner: William A. McDaniel, Jr.

Hearing Date: Thursday, October 26, 2000 @ 9:00 a.m.

in Room 407 of the County Courts Building

Dear Mr. Jablon:

I am writing on behalf of my client, William A. McDaniel, Jr., to request a postponement of the above-referenced case now scheduled for a hearing on October 26, 2000, at 9:00 a.m. The reason for this request for postponement is that my client, who is an attorney, is unavailable on October 26, 2000.

I apologize for any inconvenience this request causes your office. Thank you very much for your cooperation with regard to this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXB:bjk

cc:

William A. McDaniel, Jr., Esquire

, s RE: CASE NO. 01-129-A

Case postponed from October 26<sup>th</sup> and Reset for November 21, 2000 @ 9:00 a.m., Room #407

Mr. Mike Kinkel (1315 Spring Ave., Balto., MD 21237, ph: (410)-391-1213, came in for the hearing on October 26<sup>th</sup>, because he didn't receive notice of postponement of hearing. He was upset because he had to take unpaid leave from work. Mr. Kinkel would like to be notified of any changes in hearing date.

He is protesting the request for variance in this case. He and his neighbors are opposed to Petitioner's request being granted. Apparently, the Petitioner is intimidating at times and tries to bully an elderly gentleman who lives adjacent to his property.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

September 7, 2001

PR'd William 1900.

NOTICE OF ASSIGNMENT

CASE #: 01-129-A

IN THE MATTER OF: William A. McDaniel Jr. -Legal Owner 5025 Black Rock Road

5th Election District; 5td Councilmanic District

12/04/2000 - ZC's Order in which Petition for Variance was GRANTED.

**ASSIGNED FOR:** 

THURSDAY, DECEMBER 20, 2001 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellant

: Office of People's Counsel

Counsel for Petitioner
Petitioner

: Francis X. Borgerding, Jr., Esquire

: William A. McDaniel, Jr.

Brian Dietz / Gerhold, Cross & Etzel Mike Kinkel

Pt Keller, Planning Director Lawrence E. Schmidt, Zoning Commissioner Hunter Rowe, CIE /PDM #00-3818 Arnold Jablon, Director /PDM Attorney at Law

MERCANTILE BUILDING - SUITE 600 409 Washington Avenue Towson, Maryland 21204 (410) 296-6820 FAX (410) 296-6884

November 12, 2001

County Board of Appeals of Baltimore County Old Courthouse, Room 49 400 Washington Avenue Towson, Maryland 21204

> RE: In the Matter of William A. McDaniel, Jr.-Legal Owner

> > 5025 Black Rock Road

5th Election District,5th Councilmanic District

Case No.: 01-129A

#### Gentlemen/Ladies:

I am writing this correspondence on behalf of my client, William A. McDaniel, Jr., Petitioner in the above-referenced case, now set for hearing on Thursday, December 20, 2001, at 10:00 A.M. to request a postponement of this matter. The reason for this request for postponement is that I will be out of state on December 20, 2001 for the holidays.

I apologize for any inconvenience this request may cause the Board, however, under the circumstances, this request is necessary. I have spoken to Carole Demilio, Esquire of the Office of People's Counsel, who does not object to a postponement of this matter in light of the above circumstances.

Thank you very much for your cooperation with regard to this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXB:bjk

Mr. William A. McDaniel, Jr.

And the second of the second of the second of the



# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

November 15, 2001

Michael J. Kinkel 1314 Spring Avenue Baltimore, MD 21237

RE: In the Matter of: William A. McDaniel, Jr. Case No. 01-129-A

Dear Mr. Kinkel:

I am in receipt of your letter regarding the subject matter. As you have requested, your letter has been included as part of the subject file and your comments noted.

Attached for your information only is a copy of the Notice of Postponement and Reassignment issued this date, reassigning this case for hearing in March 2002.

Please call me if you have any questions.

Very truly yours,

Kathleen C. Bianco Administrator

Enclosure

c: Francis X. Borgerding, Jr., Esquire People's Counsel for Baltimore County



01 NOV 15 AM 8: 51

#### **EXHIBIT 5**

Ms. Kathleen Bianco
Administrator
County Board of Appeals of Baltimore County
Room 49
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case # 01-129-A

In the Matter of: William Alden McDaniel, Jr., Legal Owner

5025 Black Rock Road

5<sup>th</sup> Election District, 5<sup>th</sup> Councilmanic District

12/04/2000-ZC's Order in which Petition For Variance was

GRANTED

ASSIGNED FOR: Thursday, December 20, 2001 at

Dear Ms. Bianco:

I received notice of the above hearing. This is to inform you that I hereby withdraw any and all objections to the grant of this variance.

I ask that this letter be made part of the record of the appeal of the above matter.

Thank you.

Michael J. Kinkel

MK/

Ct: Jo C. Bennett, Esquire

Corn



# County Board of Appeals of Baltimore County

#### OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

November 15, 2001

#### NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-129-A

IN THE MATTER OF: William A. McDaniel Jr. -Legal Owner 5025 Black Rock Road
5th Election District; 5th Councilmanic District

12/04/2000 - ZC's Order in which Petition for Variance was GRANTED.

which was assigned to be heard on 12/20/01 has been **POSTPONED** at the request of Counsel for Petitioner due to schedule conflict, without objection by Appellant, People's Counsel; and has been

**REASSIGNED FOR:** 

WEDNESDAY, MARCH 20, 2002 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellant

: Office of People's Counsel

Counsel for Petitioner

Petitioner

: Francis X. Borgerding, Jr., Esquire

: William A. McDaniel, Jr.

Brian Dietz/Gerhold, Cross & Etzel Mike Kinkel

Pat Keller, Planning Director Lawrence E. Schmidt, Zoning Commissioner Hunter Rowe, CIE /PDM #00-3818 Arnold Jablon, Director /PDM

# The Circuit Court for Baltimore County Third Judicial Circuit of Maryland **County Courts Building** 401 Bosley Avenue Towson, Maryland 21204

Thomas J. Bollinger Judge

410-887-2693 **Room 433** 

PETITION OF EMANUEL DIPAOLA, et al FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY IN THE MATTER OF DIA-AYLESBURY LTD, et al.

BOARD OF APPEALS

BALTIMORE COUNTY

CASE NO.: 03-C-03-001885

RULING DATE: January 28, 2004

MADAM CLERK:

Please file this RULING, MEMORANDUM, AND ORDER and send copies to counsel of record.

# <u>RULING</u>

This administrative agency appeal was heard in open court on December 17, 2003 in consideration of Petitioners Petition for Judicial Review (Paper # 1000), Respondent Padonia, LLC's Response (Paper # 1001), and Respondent Padonia, LLC's Memorandum in Opposition to Petition for Judicial Review (Paper # 1002). Based on all of the above, and for the reasons set forth in the accompanying memorandum, the decision of the Baltimore County Board of Appeals ("County Board") is hereby AFFIRMED.

# **MEMORANDUM**

# Procedural History

The procedural history of this case began when Respondents DIA-Aylesbury L.P., and Padonia LLC, legal owner and contract purchaser, respectively, of certain restaurant property located at 15 W. Aylesbury Road, applied to the Baltimore County Zoning Commissioner ("Zoning Comissioner") for a variance on the property. The relief sought by

FILED APR 72004 o: zonnernan, Clark, Nowicke

Respondents was to permit a side yard setback of 5 feet for an open air deck/patio in lieu of the 22.5' required by Baltimore County Zoning Regulations (B.C.Z.R.) § 301.1.b; and to permit 404 parking spaces in lieu of the 419 spaces required by B.C.Z.R. § 409.6.A.2. The Zoning Commissioner heard the application on May 30, 2002 and June 18, 2002 and granted the variance over Petitioners objection.

Thereafter, Petitioners filed an appeal of that decision to the County Board on July 15, 2002. In response to the appeal, Respondents filed a Motion to Deny or Dismiss the Appeal with the County Board which was heard on January 9, 2003. The County Board found, inter alia, that Petitioners lacked standing to challenge the Zoning Commissioner's decision because they were not "persons aggrieved" not did they suffer "special damages" as required by Maryland law and granted Respondents Motion to Deny or Dismiss Appeal. Petitioners now appeal that decision to this Court.

## Standard of Review

This Court's review is limited to the facts in the record below and we cannot substitute our own judgment if the agency's conclusions are based on good law and substantial evidence. Fallston Meadows Community Ass'n, Inc. v. Board of Child Care, 122 Md.App. 683 (1998).

# <u>Analysis</u>

The County Board concluded that Petitioner lacks standing to challenge the grant of a variance to Respondents because they are not an aggrieved party. In doing so, the County Board made three important findings in the case below. First, they found that Petitioner did not suffer any "special damage" as required by Jordan Towing v. Hebbville Auto Repairs, Inc., 369 Md. 439 (2002). Second, they found that Petitioner was not "personally and specially affected in a way different from that suffered by the public generally" merely because Petitioner wanted to prevent competition. Bryniarski v. Montgomery Co., 247 Md. 137 (1967). Third, that Petitioner's property was not within "sight or sound range" of Respondents property as required by Committee for Responsible Dev. on 25th Street v. Mayor & City Council of Baltimore, 137 Md.App. 60 (2001).

After reviewing the Maryland case law upon which the County Board relied in its ruling, the Court agrees with the agency below that the above cases are indeed the law of Maryland to determine aggrieved party status and standing to challenge a zoning variance. The standard for appealing the decision of a zoning board to the circuit court is a two-part test where the

challenger must show a personal or property interest that will be adversely affected by the zoning decision and that the harm caused to that interest is "distinct from the harm to the general public from the zoning decision." Superior v. Eller Media, 150 Md.App. 479 (2003). The Superior court also agreed that no standing exists when the challenger's sole reason for the challenge is to prevent competition. Id. at 500.

The County Board found that Petitioner operates a restaurant competitor known as the Turf Inn, and that it is in excess of one mile from Respondents restaurant. The County Board additionally noted that many changes in topography, and the existence of many buildings including the Maryland State Fairgrounds, Timonium Crossings Shopping Center, and the Timonium Business Park, come between the sight and sound range of each restaurant. The County Board had substantial evidence in the form of the Affidavit of Daniel J. McCarthy, and their own personal knowledge of the area in question, when they made those conclusions. Therefore, this Court finds that the County Board correctly applied Maryland law in making its conclusion that Petitioner lacks standing to challenge the zoning decision in this case and based that conclusion on substantial evidence in the record.

AFFIRMED.

Thomas J. Bollinger, Judge

# <u>ORDER</u>

Pursuant to the above Ruling and Memoranda, it is hereby ORDERED that the decision in this case of the County Board of Appeals of Baltimore County is AFFIRMED.

Thomas J. Bollinger, Judge

# CIRCUIT COURT FOR BALTIMORE COUNTY Suzanne Mensh

Clerk of the Circuit Court County Courts Building

401 Bosley Avenue P.O. Box 6754

Towson, MD 21285-6754

(410)-887-2601, TTY for Deaf: (800)-735-2258

Maryland Toll Free Number (800) 938-5802

04/12/04

Case Number: 03-C-03-001885 AE

Date Filed: 02/21/2003 Status: Closed/Active

Judge Assigned: To Be Assigned,

Location:

In The Matter Of: D I A Aylesbury Ltd, Et Al

CASE HISTORY

#### OTHER REFERENCE NUMBERS

Description

Number

Administrative Agency 02434A

Case Folder ID

C03001885V01

#### INVOLVED PARTIES

Type Num Name(Last.First,Mid.Title)	Addr Str/End	Disposition Addr Update	Entered
PET 001 DiPaola Emanuel	Party ID. 0562919	BT D0 04/07/04	02/24/03
Mail 308 Ringold Valley Circle Cockeysville Hunt Valley. MD 21030	02/24/03		
Attorney 0801496 Nowicki. John W Nowicki & Tirabassi P A 6916 North Point Road Baltimore, MD 21219 (410)477-0026	Appear 02/24/2003		02/24/03
PET 002 J R Brothers Inc	Party ID 0562924	BT DO 04/07/04	02/24/03

03-C-03-001885 04/12/04 Date: Time: 08:36 Page: Mail 308 Ringold Valley Circle 02/24/03 Cockeysville Hunt Valley, MD 21030 Attorney 0801496 Nowicki, John W Appear. 02/24/2003 02/24/03 Nowicki & Tirabassi, P.A. 6916 North Point Road Baltimore, MD 21219 (410)477-0026 Disposition Type Num Name(Last.First.Mid.Title) Addr Update Entered Addr Str/End 001 D I A Aylesbury Ltd Partnership RES BT DO 04/07/04 02/24/03 Party ID: 0562928 Capacity Legal Owner 002 Padonia L L C RES BT DO 04/07/04 02/24/03 Party ID: 0562930 Capacity Contract Purchaser Attorney: 0020817 Clark, C William 03/10/2003 Appear: 03/10/03 Nolan Plumhoff & Williams. Chartered 502 Washington Avenue Nottingham Center Ste 700 Towson MD 21204-4528 (410)823-7800 001 Board Of Appeals Of Baltimore County ITP BT DO 04/07/04 02/24/03 Party ID: 0562926 Mail. Old Courthouse Room 49 02/24/03 400 Washington Avenue Towson MD 21204 Attorney 0029075 Zimmerman, Peter M Appear. 03/05/2003 03/05/03 People's Counsel For Baltimore County Room 47 Courthouse 400 Washington Ave Towson, MD 21204 (410)887-2188

#### CALENDAR EVENTS

Date	Time	Dur Event Description	Text SA	Jdg Dag	y Of	Notice	User ID
Res	ult	ResultDt By Result Judge	Rec	,			
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07/09/0	3 09·30A	020 Motion Hearing (Civil)	Υ	SS 0:	/01	06/16/03	₽C.
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63-C-03-001885	Date: 04/12/	04	Time: 08:36	
Date Time Dur Event Result	t Description ResultDt By Result Judge	Text SA Rec	Jdg Day Of Notice	User ID
08/04/03 09 30A 01H Civil Postpone	Non-Jury Trial 08/07/03 A J.Turnbull, I	Y I	TBA 01 /01	KLS LLH
08/05/03 09 30A 04Q Civil Vacate	Non-Jury Trial 08/07/03 C	Υ	TBA 02 /01	LLH LLH
08/06/03 09 30A 04G Civil Vacate	Non-Jury Trial 08/07/03 C	Υ	TBA 03 /01	LLH LLH
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12/17/03 E | T Bollinger Stenographer(s) Court Smart

12/17/03 09 30A 01H Civil Non-Jury Trial

08/07/03 C

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Conclude

## DISPOSITION HISTORY

Disp	Disp		Stage		
				Description	User
04/07/04	00	Decree or Order	BT	BEFORE TRIAL/HEARING	PH

Y TJB 01 /01

KGR

#### JUDGE HISTORY

JUDG	E ASSIGNED	Туре	Assign Date Removal RSN
TBA	To Be Assigned	J	02/24/03

#### DOCUMENT TRACKING

Num/Seq Description	~~~~~~~~~	Filed	Entered	Party	Jdg Ruling	Closed	User	^ ID
0001000 Petition for Judic	ıal Review	02/21/03	02/24/03	PET001	TBA	04/07/04	CMS	РН
0001001 *Answer		03/07/03	03/10/03	RES002	TBA	04/07/04	CS	РН
0001002 Memorandum in Oppo	sition to Motion	07/24/03	07/25/03	RES002	TBA	04/07/04	РН	РН
0002000 *Certificate of no	tice	02/28/03	03/05/03	000	TBA	04/07/04	РH	PH
0003000 *Transcript of Rec	ord from Adm Agency	04/23/03	04/28/03	000	TBA	04/07/04	AR	PH
0004000 Notice of Transcrip	pt of Record Sent	04/28/03	04/28/03	ITP001	TBA .	04/28/03	AR	AR
0005000 Notice of Transcrip	pt of Record Sent	04/28/03	04/28/03	PET001	TBA	04/28/03	AR	AR

Page:

03-C-03-001885

Date: 04/12/04

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Num/Seq Desci	ription	Filed	Entered	Party	Jdg	Ruling	Closed	Use	r ID
0006000 Notic	ce of Transcript of Record Sent	04/28/03	04/28/03	PET002	TBA		04/28/03	AR	AR
0007000 Notic	ce of Transcript of Record Sent	04/28/03	04/28/03	RES001	ТВА		04/28/03	AR	AR
0008000 Notic	ce of Transcript of Record Sent	04/28/03	04/28/03	RES002	TBA		04/28/03	AR	AR
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0012000 Heart	ing Notice	06/16/03	06/16/03	000	ТВА		06/16/03	RC	RC
0013000 Reque	est for Hearing/dismiss	05/23/03	06/17/03	RES002	ТВА		04/07/04	PH	РН
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0016000 Memor decis		04/07/04	04/07/04	000	TJB	Granted	04/07/04	РН	PH
0017000 Invoi	ce #13867 sent to John W Nowicki	04/09/04	04/09/04	000	ТВА			PKE	PKE
	et entries sent to Board of Appeals Baltimore County	04/12/04	04/12/04	000	TBA			CVM	CVM

#### TICKLE

Code T	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Туре	Num	Seq
1ANS 1	st Answer Tickle	CLOSED	03/07/03	0	no	no -	DANS	D	001	001
1YRT C	ne Year Tickle (Jud	CLOSED	02/21/04	365	no	no	DAAA	D	001	000
EXPU E	Exhibit Pickup Notic	CLOSED	06/06/04	30	no	no			000	000
SLMH S	Set List For Motions	CANCEL	07/07/03	0	no	no	SLMM	T	010	001
SLMM S	Set List Motions Mar	Done	02/15/06	999	yes	yes	MOPP	D	013	

04/12/04 03-C-03-001885 Date: Time: 08:36 Code Tickle Name Status Expires #Days AutoExpire GoAhead From Type Num Seq SLMR Set List For Motions CANCEL 06/14/03 22 no MDIS D 010 000 no SLMR Set List For Motions CANCEL 07/29/03 22 no SLMM T no 010 001 SLMR Set List For Motions CANCEL 08/15/03 22 no MOPP D 001 002 no SLTR Set List For Trial Done 03/07/03 0 yes 1ANS T 001 001 yes

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#### EXHIBITS

Une # Marked Code Description SpH Sloc NoticeDt Disp Dt Dis By
Offered By. ITP 001 Board Of Appeals Of Baltimore

8 BOX 363/CBA 00363 B

# DIFFERENTIATED CASE MANAGEMENT

0 yes

TRACKS AND MILESTONES

Track R1 Description, EXPEDITED APPEAL TRACK - Custom Yes

Assign Date 05/09/03 Order Date : 05/09/03

SLTR Set List For Trial CANCEL 08/07/03

Start Date 05/09/03 Remove Date

Motions to Dismiss under MD Rule 2-322( 05/24/03 04/07/04 CLOSED All Motions (excluding Motions in Limine 11/07/03 04/07/04 CLOSED TRIAL DATE is 12/17/03 08/07/03 12/17/03 REACHED

# DIVISION OF CODE INSERTIONS AND ENFORCEMENT VIOLATION CASE DOCUMENTS

ZONING CASE 01-129:A 5028 BLACKROCK ROAD DATE:

October 3, 2000

TO:

W. Carl Richards, Jr.

**Zoning Review Supervisor** 

FROM:

Rick Wisnom, Chief

Division of Code Inspections & Enforcement

SUBJECT:

Item No.:129 (00-129-A)

Legal Owner/Petitioner: William Alden McDaniel, Jr.

Contract Purchaser: N/A

Property Address: 5025 Black Rock Road

Location Description: S/S Black Rock Road, 4600' W of Grace Road

VIOLATION INFORMATION:

Case No.: 00-3818

Defendants: William McDaniel

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME

**ADDRESS** 

Mike Kinkel

1314 Spring Avenue, Baltimore, MD 21237-1837

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form/Code Enforcement Officer's report and notes State Tax Assessment printout

Code Violation Notice

Other: A.

- Building Permits (B-361626, B-379517, B-361228)
- B. Letters (from Francis X. Borgerding, Jr., Esquire dated 7/12/00; to Francis X. Borgerding, Jr., Esquire dated 7/17/00; to Francis X. Borgerding, Jr., Esquire dated 8/2/00; to Michael Kinkel dated 8/25/00)
- C. Real Property Information for 5015 Black Rock Road (Michael Kinkel)
- D. Two photographs of Loblolly Farm sign (taken 6/12/00)

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/sci

C: Code Enforcement Officer – H. Rowe

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DATE: 05/3/100 INTAKE BY: 45 CASE #: 38/8 INSPEC: 1/	
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MCDANIEL WILLIAM ALDEN, JR

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98/99 ASSESS:	36,690	06/05/98			

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Cod Aspections and Enforcement
Cod Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351 Extension 7292

Building Inspection: 410-887-3953

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

#### BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

2, 12, 1110			OPE AIC	ZEATION N		
VIOLATION(S) OF TITE BALTIMORE COUNTY CODES, REGULATION	CODE, ZONING, OR	OTHER		Violation Notice No. 119796		
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					AGENCY	

LLME. 09:36:36 AU' MATED PERMIT TRACKING SYST" ' LAST UPDATE 12/08/1998 D台11点: 96/95/2000 GRAL PERMIT APPLICATION DO HDM. 09.124:28 PERMIT #: B361626 PROPERTY ADDRESS RECEIPT #: A374754 5025 BLACK RUCK RD CONTROL #: NR SUBDIV: TRENTON MILLS B361626 XREF #: TAX ACCOUNT #: 2300002055 DISTRICT/PRECINCY 01 OWNERS INFORMATION (LAST, FIRST) F E E : 154.00 NAME: MCDANIEL, WILLIAM PAID: 154,00 ADDR: 4331 CHURCH ROAD, HAMPSTEAD PAID BY: APPL DATES APPLICANT INFORMATION APPLIED: 12/07/1998 NAME: MICHAEL O'NEIL-AGENT ISSUED: 12/18/1998 COMPANY: OCCENCY: 07/19/1999 ADDR1: 4331 CHURCH RD ADDR2. HAMPSTEAD, MD INSPECTOR: 058 PHONE #: 410-356-8918 LICENSE #: NOTES: JIZIEM PASSWORD : ENTER - PERMIT DETAIL PHS - INSPECTIONS PFY - DELETE PF9 - SAVE . . PF2 - APPROVALS FF4 - ISSUE PERMIT FF8 - NEXT PERMIT PF10 - INGRY PANEL BP4004M 09:36:45 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE TIME: 12/07/1998 06/05/2000 DATE BUILDING DETAIL 4 FDM 10:26:54 DRC# PERMIT # B361626 PLANS: CONST 2 PLOT 9 PLAT 0 EL 1 DATA 0 PL 1 TENANT BUILDING CODE: 4 CONTR: OWNER IMPRV 1 ENGNR: USL 01 SFD SELLR: WORK: CONST SED WITH BARN, 2 BEDRMS, CARPORT. FOUNDATION BASE 52'X124'X26'1"=58728F, THIS PERMIT CANCELS CONSTRUCT FUEL SEWAGE WATER & REFLACES B381228.CHANGE IN CONST & SITE 24h FLANS. CENTRAL AIR ESTIMATED COST 200,000,00 FROPOSED USE: SDF WZBARN OWNERSHIF: 1 EXISTING USE: VACANT LOT RESIDENTIAL CAT: 1 #EFF: #1BED: #2BED: #3BED: TOI BED: TOT AFTS 1 FAMILY BEDROOMS: 2 PASSWORD: ENTER - NEXT DETAIL FF2 - APPROVALS - PF7 - PREV. SCREEN PF9 - SAVE PHI - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR -MEMU PANEL BP1005M 99:37:08 TIME: AUTOMATED PERMIT TRACKING SYSTEM 12/07/1998 LAST UPDATE 06/05/2000 DATE: BUILDING DETAIL 2 FDM 10:26:51 产品民物工工 带: 多3664626 BUILDING SIZE LUT SIZE AND SETBACKS FLOOR: 5872 SIZE: 29.852AC WIDTH: 56' FRONT STREET: GARBAGE DISF: DEFTH: 128 SIDE STREET: FOWDER ROOMS: HEIGHT: 26 6 % FRONT SETB: 80 BATHROOMS: STORIES: 2 SETB: SIDE 600∦75' KITCHENS: SIDE STR SETB: LOT NUS: REAR SETE: 800 CURNER LOT: ZONING INFORMATION ASSESSMENTS DISTRICT BLOCK: LAND: 0006110.00 PETITION. SECTION: IMPROVEMENTS: 00000000.00 DAIL LIBER: 007 TUTAL ASS.: \* ( 4 ) (

WY:35:28 1.1791:..: AU' MATED PERMIT TRACKING SYST' LAST UPDATE -06/02/1999 DATE: 06/05/2000 GE. WAL PERMIT APPLICATION DA. ₩1...(J -45:24:40 PERMIT #: B379547 PROPERTY ADDRESS BECEIFT # . 6385400 5025 BLACK ROCK RD CONTROL #: TA SUBDIV: TRENTON MILLS XREF #: B379517 TAX ACCOUNT #: 2300002055 DISTRICT/PRECINCT 0\$ 01 OWNERS INFORMATION (LAST, FIRST) FEE: 20.00 NAME: MCDANTEL, WILLIAM A. FAID: 20.00 ADDR: 4331 CHURCH RD., 21074 FAID BY: APPL DATES APPLICANT INFORMATION APPLIED: 06/02/1999 NAME: RAY WILDER ISSUED: 06/02/1999 COMPANY: SUBURBAN PROPANE OCCPNCY: ADDR1: 13944 OLD HANOVER RD. ADDR2: REISTERSTOWN, MD 21136 INSPECTUR: 058 PHONE #: 806-0242 LICENSE #: NOTES: TEMZVEC...ADDRESS CORRECTED FASSWORD : ENIER - PERMIT DETAIL PES - INSPECTIONS PET - DELETE PEG - SAVE FF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - IMORY PANEL BP1004M TIME - 09:35:39 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE - 06/02/1999 0台1日: -06/05/2000 BUILDING DETAIL 4 PLC45:49:27 DRC# PERMIT # 8379517 PLANS: CONST Ø PLOT Ø PLAT Ø DATA Ø EL 2 PL 1 TENANT BUILDING CODE: 2 CONTR: SUBURBAN PROPANE IMPRV 1 ENGNR: USE 07 SELLR: FOUNDATION BASE WORK: BURY (1) 1000 GAL W.C. PROPANE TANK IN ACCORDANCE WIBALTIMORE COUNTY CODES AND CONSTRUC FUEL SEWAGE WATER N.F.P.A. #58 REGS. 24: 24: CENTRAL AIR ESTIMATED COST 2000.00 FROPUSED USE: BARNZHSE AND TANK OWNERSHIP: 1 EXISTING USE: BARNZHSE UNDER CONSTRUCTION B361626 RESIDENTIAL CAT: **# k h h** : #1BED #2BED: #3BED: TOT BED: TOT AP18 1 FAMILY BEDROOMS: PASSMURD: ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE FF4 - GENERAL PERMIT - FF3 - INSPECTIONS - FF8 - NEXT SCREEN CLEAR - MENU PANEL MP1005M 7 IME: 09:35:46 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 06/\$2/1999 DATE: 06/05/2000 BUILDING DETAIL 2 PLC 15:19:27 平丘尺径丢手 事: [B379517] BUILDING SIZE LOT SIZE AND SETBACKS FLOOR: 0 SIZE: 0000.00 X 0000.00 WIDIH: FRONT STREET: CARBAGE DISP. DEPTH: SIDE STREET: FOWDER ROOMS: HEIGHT. FRUNT SETB: 800 BATHROOMS: STORIES: SIDE SETB: NC/\$00 KITCHENS: SIDE STR SETB: LO1 NOS: 43 REAR SETE: 800 CORNER LOT: ZONING INFORMATION ASSESSMENTS DISTRICT: BLOCK: LAND: 0006110.00 PETITION: SECTION: IMPROVEMENTS. 00000000,00 DATE: LIBER: 007 TOTAL ASS.:  $\kappa C \leq 1/C$ 1 70 - 60 x 449 - 2

PANEL BP1004M

TIME: 15:27:50 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 12/07/1998

DATE: 06/02/2000 BUILDING DETAIL 1

PDM 10:26:51

DRC#

PERMIT # B361626 PLANS: CONST 2 PLOT 9 PLAT 0 DATA 0 EL 1 PL 1

TENANT

BUILDING CODE: 1 CONTR: OWNER

IMPRV 1 ENGNR: USE 01 SFD SELLR:

FOUNDATION BASE WORK: CONST SFD WITH BARN, 2 BEDRMS, CARPORT.

52'X124'X26'1"=5872SF.THIS PERMIT CANCELS

CONSTRUC FUEL SEWAGE WATER & REPLACES B361228.CHANGE IN CONST & SITE

1 1 2P 2E PLANS.

CENTRAL AIR

ESTIMATED COST

200,000.00 PROPOSED USE: SDF W/BARN OWNERSHIP: 1 EXISTING USE: VACANT LOT

RESIDENTIAL CAT: 1

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: 2 PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

PANEL BP1004M

TIME: 15:26:23 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 12/01/1998 06/02/2000 DATE: BUILDING DETAIL 1 PDM 16:20:16

DRC#

PERMIT # B361228 PLANS: CONST 2 PLOT 4 PLAT 0 DATA 0 EL 1 PL 1

TENANT BUILDING CODE: 2

CONTR: OWNER IMPRV 1 ENGNR:

USE 07 POLE BARN SELLR:

FOUNDATION BASE WORK: CONST 1 STORY POLE BARN FOR HORSES. BARN FOR HORSE FARM PER APPLICANT.

CONSTRUC FUEL SEWAGE WATER 2E 2E

CENTRAL AIR ESTIMATED COST

200,000.00 PROPOSED USE: BARN ONLY EXISTING USE: VACANT LOT OWNERSHIP: 1

RESIDENTIAL CAT:

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU Attorney at Law

Mercantile Building - Suite 600 409 Washington Avenue Towson, Maryland 21204 (410) 296-6820 Fax (410) 296-6884

Member of Maryland and District of Columbia Bar

July 12, 2000

Mr. Jim Thompson
Code Enforcement
Baltimore County Department
of Permits and Development
Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Violation Notice Number: 119796

Case Number: 003818

Dear Mr. Thompson:

Pursuant to our conversation of July 11, 2000, I am writing to request a 30 day extension of the July 13, 2000 deadline established by the Notice of Zoning Violation issued in relation to the above-referenced matter. The reason for my request for a 30 day extension is that I was just retained to represent William A. McDaniel, Jr. with regard to the above-referenced matter. An extension of time will also allow for myself, yourself, as well as the zoning inspector who issued the citation, to meet and determine what, if any, violations you contend exist in light of the Special Exception previously granted in relation to the property. In addition, an extension of time will allow my client to prepare and file for a Special Hearing or other necessary relief, if required.

Upon receipt of this correspondence could you please contact me in order that we may set up a time to discuss this matter further.

Mr. Jim Thompson Page 2 July 12, 2000

Thank you very much for your cooperation with regard to this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk

cc: William Alden McDaniel, Jr., Esquire



Baltimore County
Department of Permits and
Development Management

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

July 17, 2000

Francis X. Borgerding, Jr., Esquire 409 Washington Avenue Towson, MD 21204

Re: Case No. 00-3818 5025 Black Rock Road

Dear Mr. Borgerding:

In reply to your correspondence of July 12, 2000, the code enforcement division will grant an extension until August 13, 2000, to work towards resolving all outstanding violations. Since the property owner, William Alden McDaniel, Jr., in case no. 00-285-X, had been granted a special exception for a horse-boarding and riding stable, the only question remaining relates to the placement and size of the existing "Loblolly Farm" sign.

If possible, I would like an opportunity to meet with you and Inspector Hunter Rowe the week of July 24, 2000, to further discuss this case. By this time, Mr. Rowe will have returned from his vacation. Please give our office a call on July 24, 2000, so we can establish a meeting date.

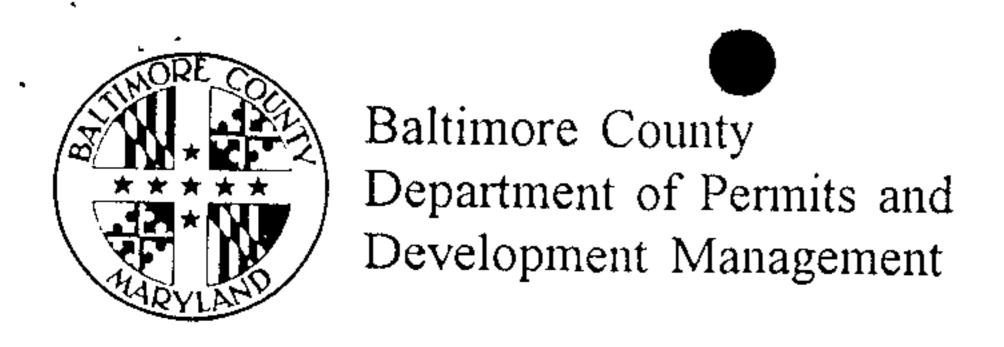
Sincerely,

James H. Thompson, Supervisor Bureau of Code Enforcement

JHT/jm

c: Inspector Hunter Rowe





Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

August 2, 2000

Francis X. Borgerding, Jr., Esq. 409 Washington Avenue Towson, Maryland 21204

Dear Mr. Borgerding:

Re: Case No. 00-3818, 5025 Black Rock Road

On July 28, 2000, a meeting was held within my office to discuss the one remaining issue, the "Loblolly Farm" sign. Inspector Hunter Rowe was in agreement regarding the exact placement of the sign on your client's property. As stated at that time, I have since consulted with Craig McGraw of this department, who currently oversees the review/processing of all sign permit applications submitted to Baltimore County.

The sign in question would be considered a "name plate" sign as defined under Section 450.4 of the <u>Baltimore County Zoning Regulations</u>. For your benefit, you will find a copy of the restrictions that apply to this class of sign.

In summary, by August 25, 2000, an appointment review date must be established to file a variance petition with Zoning Review (410-887-3391). The variance would entail the fact that the sign is not wall mounted nor is it one square foot in area.

As always, if additional questions remain please contact this office at 410-887-3352.

Sincerely,

James H. Thompson

Code Inspections and Enforcement Supervisor

JHT/hek

C: Inspector Hunter Rowe

Mr. Michael J. Kinkel, 1314 Spring Avenue, Baltimore, MD 21237



Census 2000

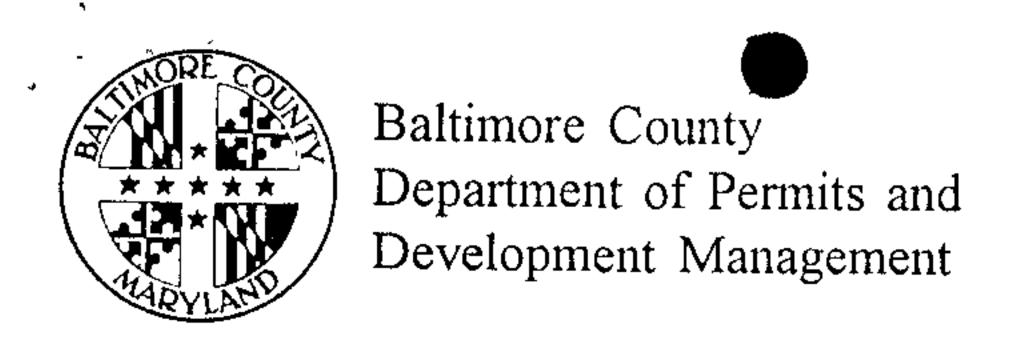


For You, For Baltimore County



Census 2000





Code Inspections and Enforcement County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmenforce@co.ba.md.us pdminspect@co.ba.md.us

August 25, 2000

Mr. Michael J. Kinkel 1314 Spring Avenue Baltimore, Maryland 21237

Dear Mr. Kinkel:

Case No. 00-3818, 5025 Black Rock Road Re:

Please be advised that an appointment review date for the above-referenced property has been established for September 19, 2000 at 10 a.m. Once the petition has been filed that day, your name will become part of the official variance file.

If additional questions remain, please contact this office at 410-887-3352.

Sincerely,

James H. Thompson Code Inspections and **Enforcement Supervisor** 

JHT/hek

C: Inspector Hunter Rowe













# Maryland Department of Assessments and Taxation **Real Property System**

[Go Back]

**BALTIMORE COUNTY** 

[Start Over]

**DISTRICT: 05 ACCT NO: 2300002054** 

Owner Information

Owner Name:

KINKEL MICHAEL J

Use: AGRICULTURAL

Mailing Address:

<del>1314 SPRING AVE</del>

Principal Residence:NO

**Transferred** 

From: TRIPLE J JOINT VENTURE

**Date:** 02/09/1999

**Price:** \$175,000

Deed Reference:

1) /13515/ 122

**BALTIMORE MD 21237-1837** 

Special Tax Recapture:

2)

AGRICULTURAL TRANSFER TAX

Tax Exempt: NO

# Location Information [View Map]

**Premises Address:** 

Zoning:

Legal Description:

5015 BLACK ROCK RD

12

30.477 AC

5015 BLACK ROCK RD SWS

TRENTON MILLS

Grid Parcel

Sect Block Lot Group Plat No: Subdiv

**Plat Ref:** 70/31

Special Tax Areas

17

19

Town:

Ad Valorem:

3 81

Tax Class:

**Primary Structure Data** 

Year Built:

Enclosed Area:

Property Land Area:

County Use:

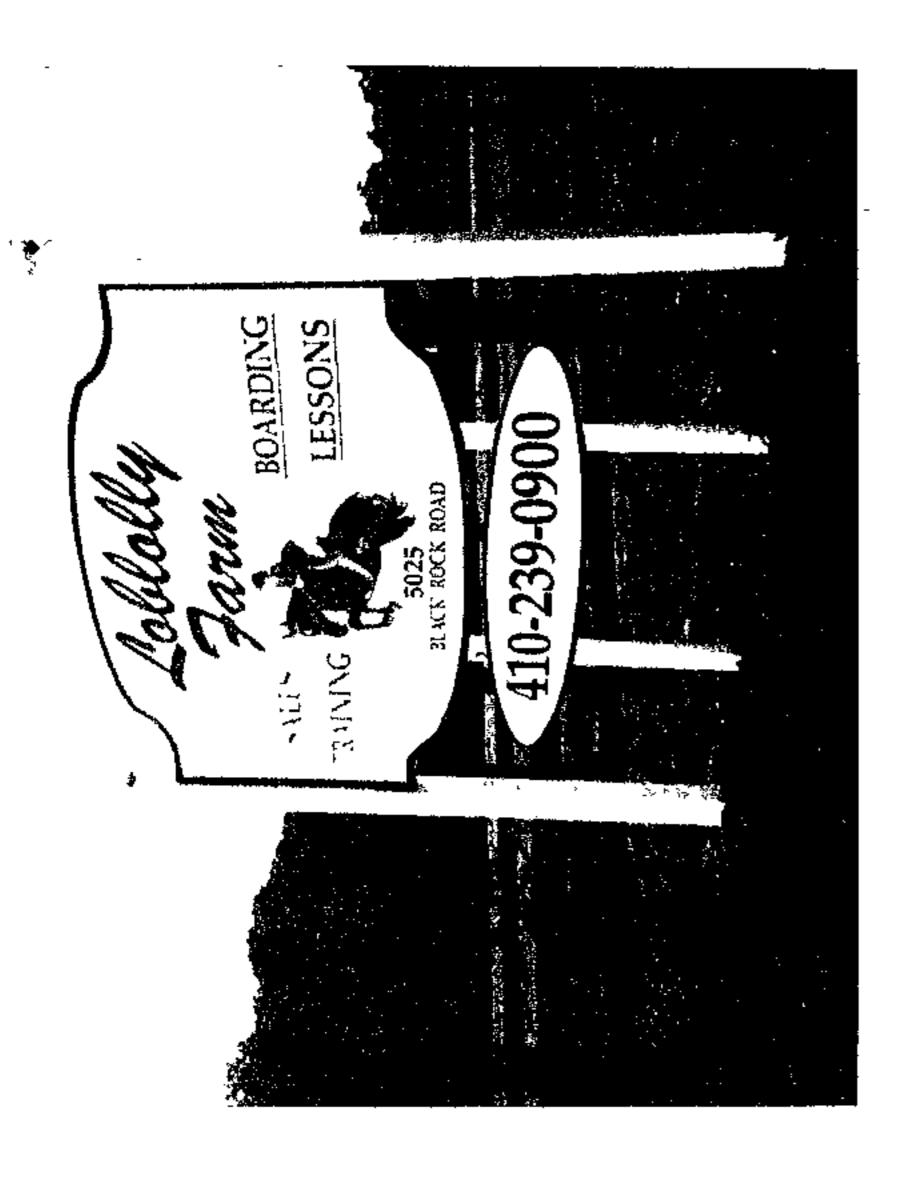
1891

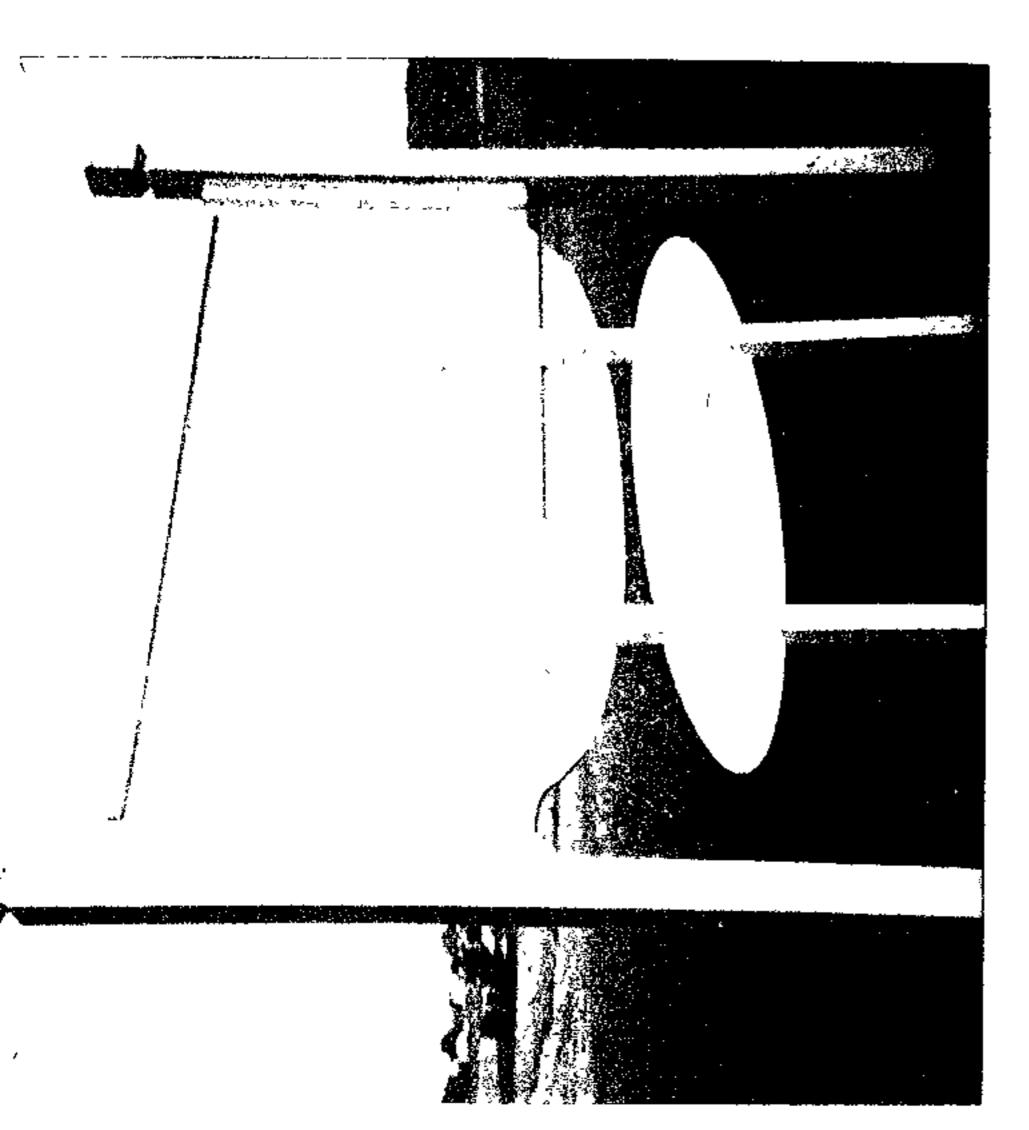
30.48 AC

05

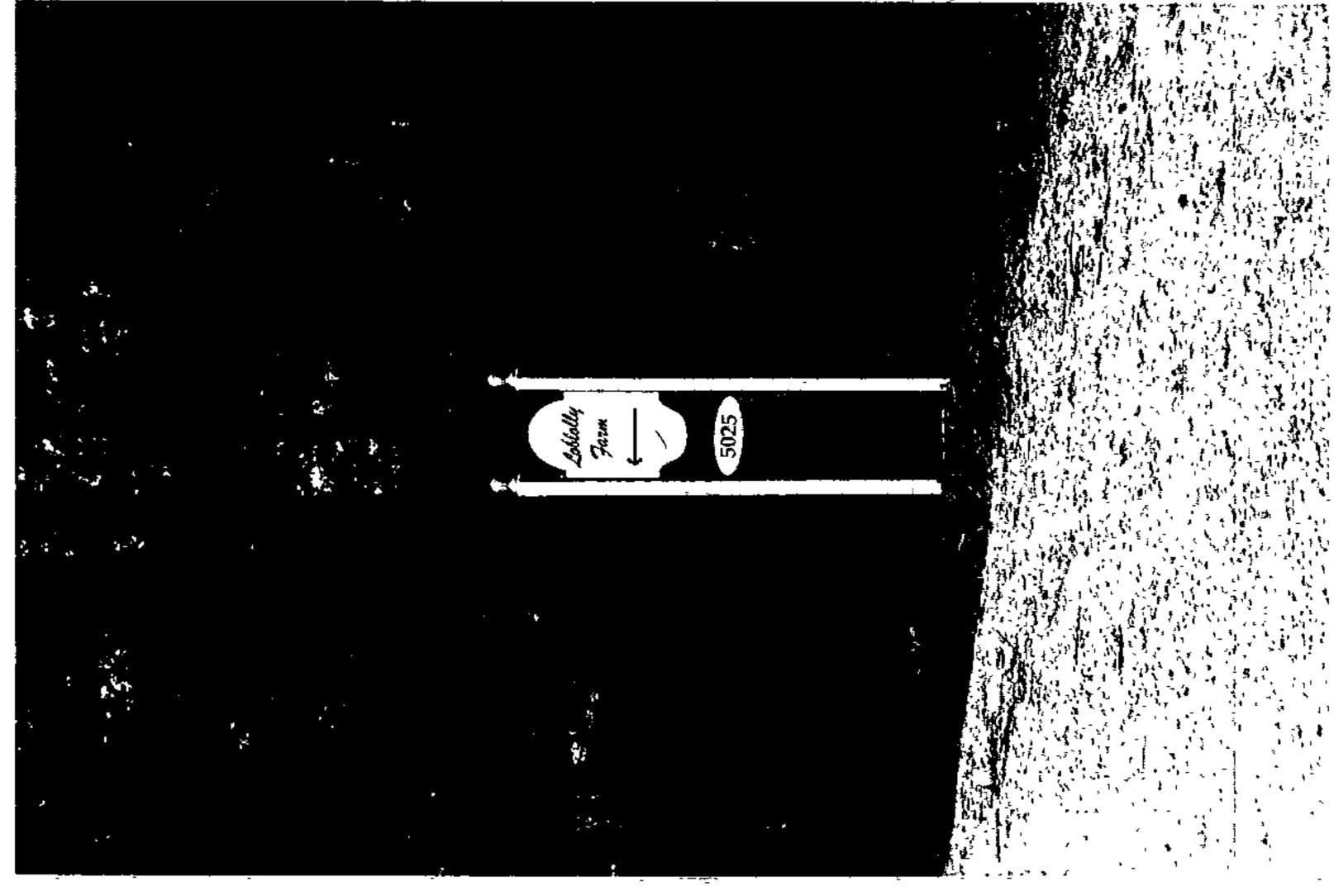
### **Value Information**

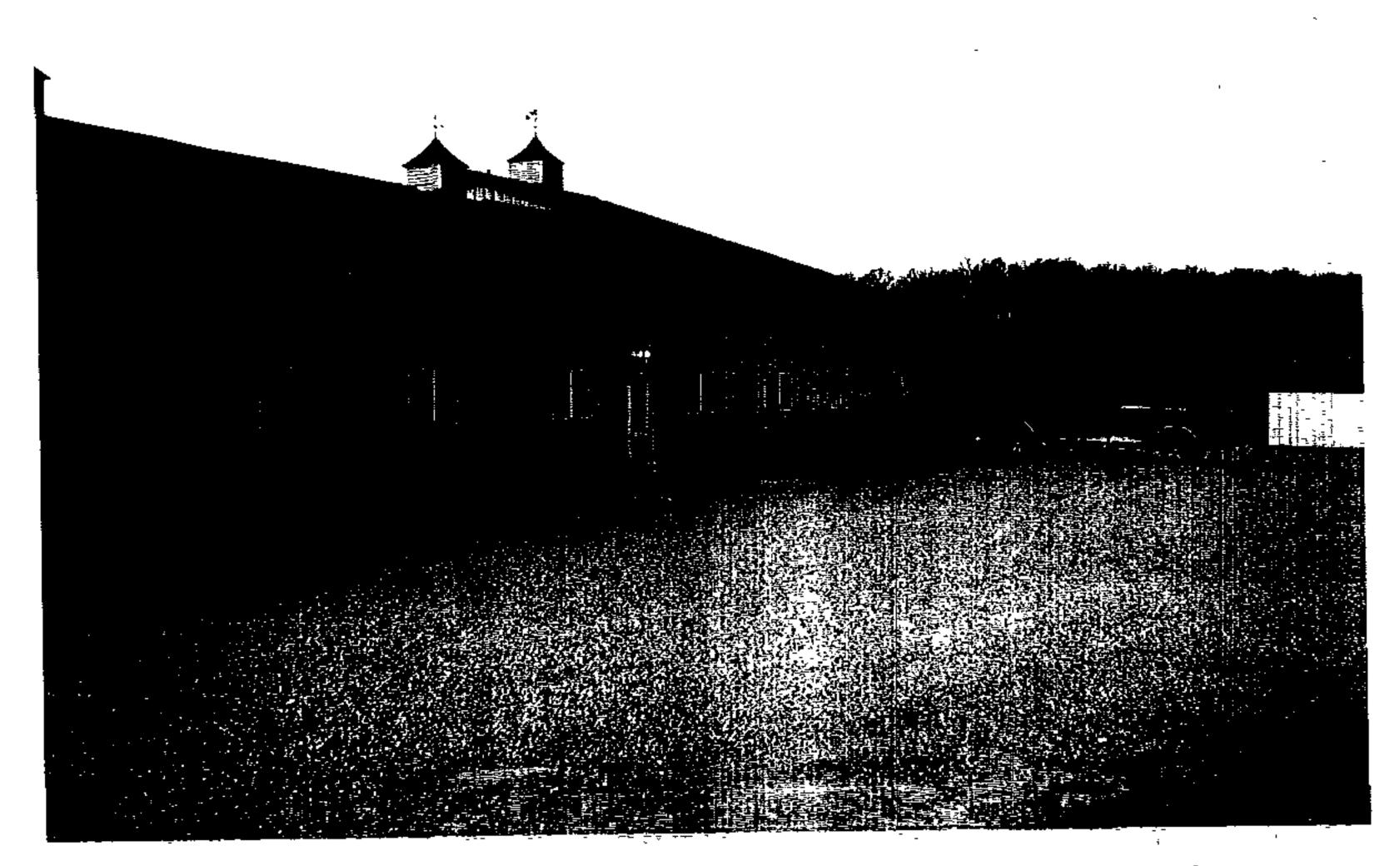
Base Value		Current Value	Phase-In Value	Phase-in Assessments	
		As Of 01/01/1999	As Of 07/01/2000	As Of 07/01/1999	As Of 07/01/2000
Land: Impts:		31,040 2,230			
Total: Pref Land:	ć A.A	33,270 6,040	31,642 6,040	12,610 3,020	13,260 3,020





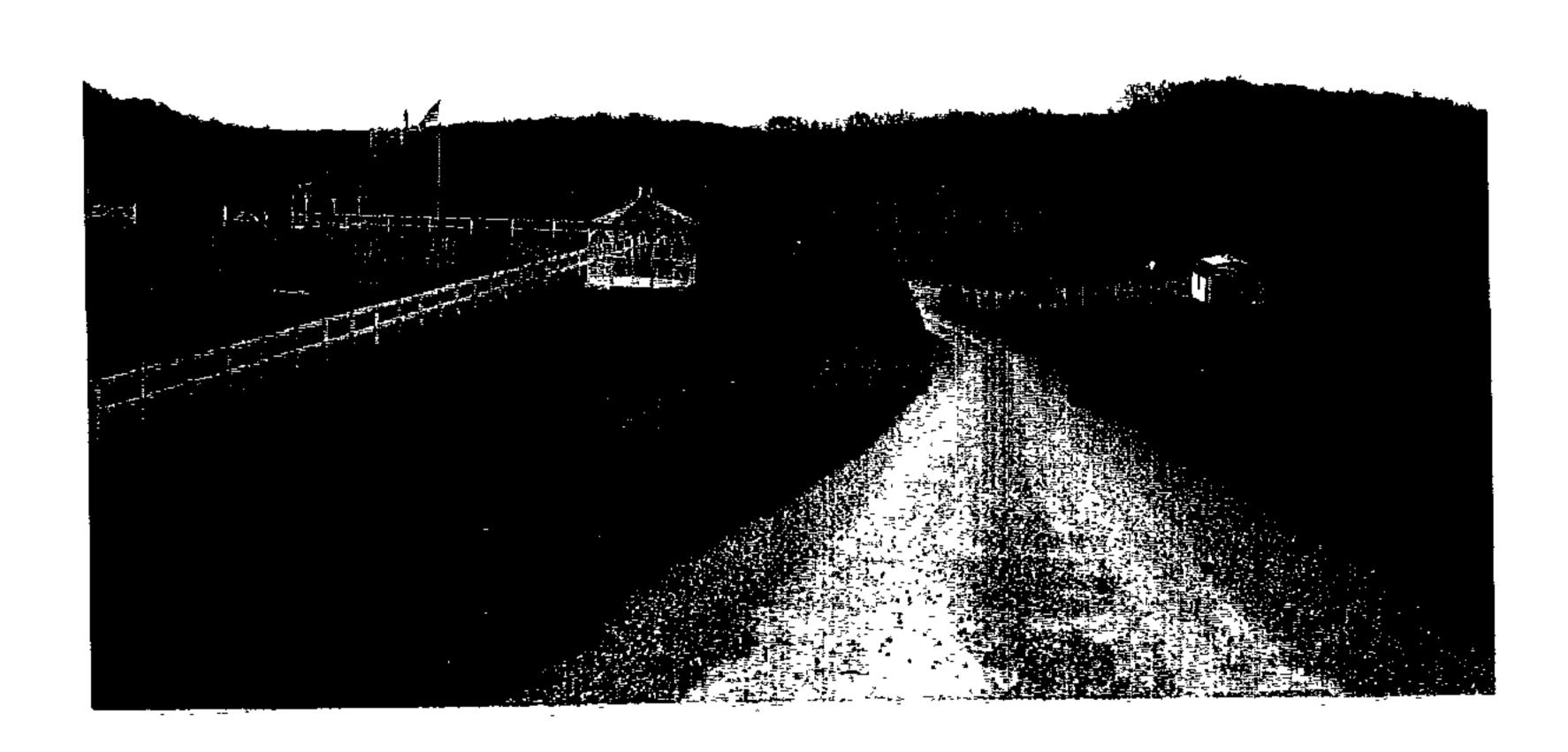






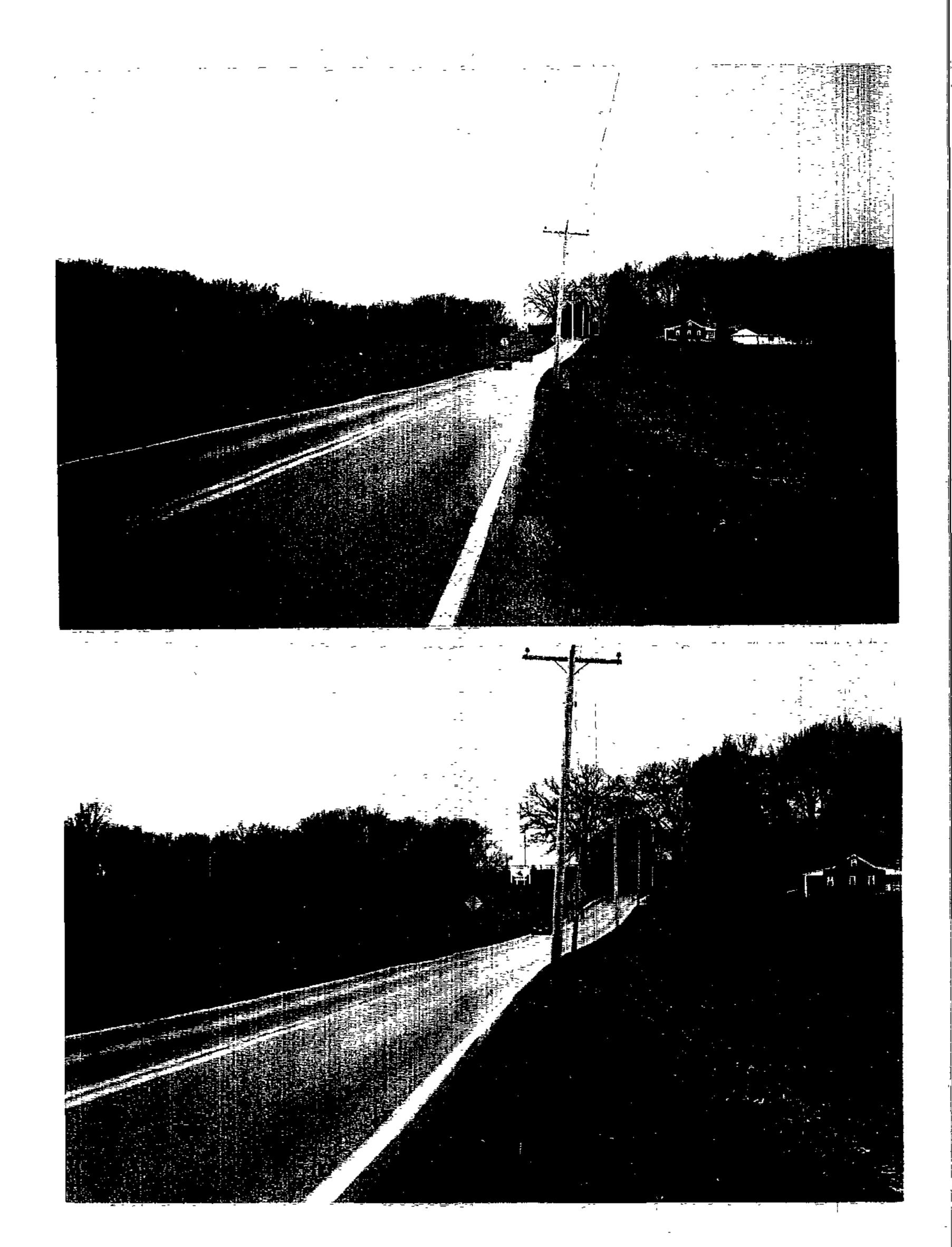












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