

IN RE: PETITIONS FOR VARIANCE AND
SPECIAL EXCEPTION

N/S Dogwood Road, 450' +/-
centerline of Ambassador Road
2nd Election District
2nd Councilmanic District
(6824 & 6826 Dogwood Road)

Anthony S. Braglio, Sr. &
Anthony S. Braglio, Legal Owners
and
Veril Blake, Contract Purchaser
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-208-SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed by the legal owners of the subject property, Anthony S. Braglio, Sr. and Anthony S. Braglio and the contract purchaser, Veril Blake. The Petitioners are requesting a special exception for a service garage and variance relief to permit a 10 ft. front building setback from a road right-of-way and a 6 ft. side yard setback in lieu of the required 25 ft. and 30 ft. respectively.

Appearing at the hearing on behalf of the petition requests were Veril Blake, contract purchaser of the property, Paul Lee, professional engineer with Century Engineering and Francis X. Borgerding, Jr., attorney at law, representing the Petitioner. Appearing in opposition to the Petitioner's request were Wayne Resnick, representing Martin's West, Jerry Wit, Vice-President with MIE Properties and Dino C. LaFiandra, attorney at law. Mr. LaFiandra represented Mr. Resnick at the hearing.

Testimony and evidence indicated that the property, which is the subject of this hearing, consists of 0.46 acres, more or less, zoned ML-IM. The subject property is improved with an existing single-family dwelling which is scheduled to be razed. In lieu thereof, the Petitioner is requesting approval to construct a 60 ft. by 80 ft. metal building which is proposed to be used as an

ORIGINAL FILED FOR FILING

Date 2/20/01
By P. J. Johnson

10/20/01
R. Jamison

Appearing in opposition to the Petitioner's request were Jerry Wit, Vice-President of MIE Properties. Mr. Wit testified that his company is currently developing the property surrounding this site which is known as the "Windsor Corporate Park". Mr. Wit testified that his company has constructed a 36,000 sq. ft. building immediately adjacent to this proposed service garage use. The newly constructed building sits at a higher elevation than the proposed service garage and, therefore, will look down upon this use and the storage of the vehicles waiting for repair. He believes this will have an adverse impact upon the marketing of their corporate park and, therefore, requests that the special exception be denied.

2

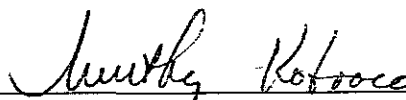
important to their customers to have a visually pleasing venue at which to hold their affairs. He believes that the operation of a service garage across the street from their existing facility will have a detrimental impact upon his business and will detract from the overall character of the neighborhood. He, therefore, requests that the special exception for the service garage be denied.

The B.C.Z.R. permits a service garage use within this ML-IM district, so long as the business proposed will serve primarily the industrial uses and related activities in the surrounding industrial area. I cannot find, based on the testimony and evidence offered at the hearing before me, that the Petitioner will in fact satisfy this requirement. The testimony demonstrated that the great majority of the Petitioner's customers originate from the Social Security Administration and HCFA. Accordingly, I find that the Petitioner has failed to satisfy this particular provision of the Baltimore County Zoning Regulations and, therefore, the special exception request must be denied. Inasmuch as the special exception was denied, so too must the variances be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of February, 2001, that the special exception request for a service garage, be and is hereby DENIED.

IT IS FURTHER ORDERED, that the variance relief requested to permit a 10 ft. front building setback from a road right-of-way and a 6 ft. side yard setback in lieu of the required 25 ft. and 30 ft. respectively, be and is hereby DENIED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Baltimore County
Zoning Commissioner

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

February 20, 2001

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

RE: Petitions for Special Exception & Variance
Case No. 01-208-XA
Property: 6824 & 6826 Dogwood Road

Dear Mr. Borgerding:

Enclosed please find the decision rendered in the above-captioned case. The Petitions for Special Exception and Variance have been denied in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Office of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Copies to:

Mr. Veril Blake
19370 Hebel Road
Stewartstown, PA 17363

Mr. Anthony S. Braglio, Sr.
Mr. Anthony S. Braglio
3014 Hernwood Road
Woodstock, MD 21163

Paul Lee, P.E.
Century Engineering
32 West Road
Towson, MD 21204

Dino C. LaFiandra, Esquire
Law Offices of Peter Angelos
210 W. Pennsylvania Avenue, #300
Towson, MD 21204

Mr. Wayne Resnick
6821 Dogwood road
Baltimore, MD 21244

Mr. Jerry Wit
MIE Properties
5720 Executive Drive
Baltimore, MD 21228



for the property located at 6824 & 6826 DOGWOOD ROAD

Case No. 01-208-XA

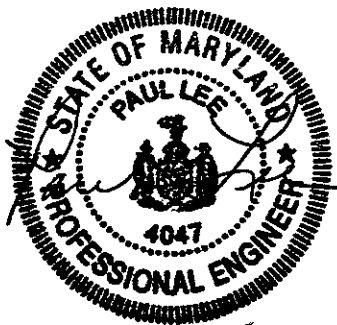
DESCRIPTION
6824 & 6826 DOGWOOD ROAD
2ND ELECTION DISTRICT BALTIMORE COUNTY, MD

BEGINNING FOR THE SAME at a point on the north side of Dogwood Road, said point also being located 450'± westerly from the center of Ambassador Road; thence running with and binding on said north side of Dogwood Road the 2 following courses and distances:

North 84 degrees 51 minutes 30 seconds West 13.03 feet and (2) by a curve to the left with a radius of 3120.00' for a length of 119.80'; thence leaving said north side of Dogwood Road and running for the 3 following courses and distances, (3) North 05 degrees 10 minutes 02 seconds West 168.78 feet, (4) North 67 degrees 29 minutes 58 seconds East 82.00 feet and South 18 degrees 30 minutes 20 seconds East 225.31 feet to the north side of Dogwood Road and said point of beginning.

Containing 0.46 ac. of land, more or less.

Project 20175.00
LD00-des-DogwoodRd6824&6826



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **66768**

DATE **11-17-00** ACCOUNT **R-001-6150**

AMOUNT **\$ 5500.00**

RECEIVED FROM: **VERIL J. BLAKE**

6824 16826 Dogwood Ave. ITEM # 208
FOR: Variance & Spec. Ex. Taken by: JRF

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

11/17/2000 11/17/2000 10:13:16
REF: 6301 CASHIER JRF: JRF
Receipt # 021594
OK 006760

Receipt Tot 550.00
150.00 OK
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #01-208-XA
6824 & 6826 Dogwood Rd.
N/S Dogwood Road, 450' +/- centerline Ambassador Rd.
2nd Election District - 2nd Councilmanic District.
Legal Owner(s): Anthony S., Jr. & Anthony S. Braglio, Sr.
Contract Purchaser: Veril Blake

Special Exception: for a service garage. **Variance:** to permit a 10-foot front building setback from a road right-of-way and a 6-foot side yard setback in lieu of the required 25 feet and 30 feet, respectively.

Hearing: Tuesday, January 16, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
12/207 Dec. 28 C441580

CERTIFICATE OF PUBLICATION

TOWSON, MD, 12/28/, 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 12/28/, 2000.


THE JEFFERSONIAN,
LEGAL ADVERTISING

CERTIFICATE OF POSTING

C REPOSTING
CONTIN. MTG

RE Case No 01-208-XA

Petitioner/Developer BLAKE, ETAL
F. BORGERDINE, ESQ

Date of Hearing/Closing 2/7/01

Baltimore 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 perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #6824 & 6826 DOGWOOD RD.

The sign(s) were posted on 1/18/01
(Month, Day, Year)

Sincerely,

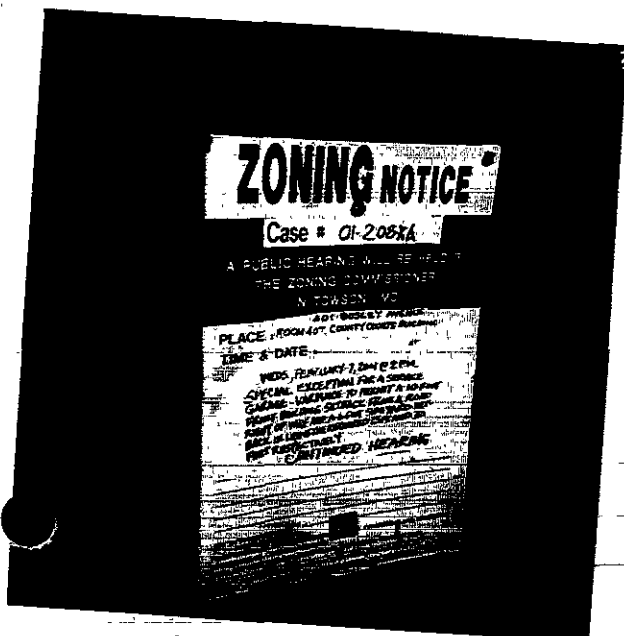
Patrick M. O'Keefe 1/22/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



01-208-XA C-2/7/01
6824 & 6826 DOGWOOD RD. - C-2/7/01
BLAKE, ETAL MTG.

ZONING NOTICE

Case # 01-208-XA

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

PLACE *30147 Country Courts Road 401 County Ave*
TIME & DATE: *10:00 AM TUES. JANUARY 16, 2001*

*SPECIAL EXCEPTION FOR A SERVICE GARAGE VARIANCE
TO PERMIT A 10-FOOT FRONT BUILDING SETBACK FROM A
PAVED RIGHT-OF-WAY AND A 6-FOOT SIDEYARD SETBACK
IN LIEU OF THE REQUIRED 25 FOOT AND 30 FOOT
RESPECTIVELY.
6824 & 6826 Dogwood Road*

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.

CALL 527-3331 ONE DAY BEFORE THE SCHEDULED HEARING DATE.

HEARINGS ARE HANDICAPPED ACCESSIBLE

6824 & 6826 Dogwood Rd.

CERTIFICATE OF POSTING

RE: CASE # 01-208-XA
PETITIONER/DEVELOPER
(Anthony S. Braglio, Sr. &
Anthony S. Braglio, Jr.)
DATE OF Closing HEARING
(1-16-01)

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

6824 & 6826 Dogwood Road Baltimore, Maryland 21244_____

THE SIGN(S) WERE POSTED ON_____ 12-29-00_____
(MONTH, DAY, YEAR)

SINCERELY,

Thomas P. Ogle Sr. *EGP*
(SIGNATURE OF SIGN POSTER & DATE) *12/29/00*

_____THOMAS P. OGLE SR._____

_____325 NICHOLSON ROAD_____

_____BALTIMORE, MARYLAND 21221_____

_____410-687-8405_____
(TELEPHONE NUMBER)

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
6824 & 6826 Dogwood Road, N/S Dogwood Rd,
450' +/- c/I Ambassador Rd
2nd Election District, 2nd Councilmanic

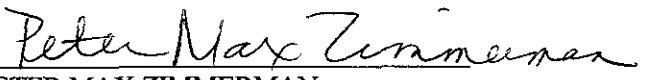
Legal Owners: Anthony S. Braglio, Sr. and
Anthony S. Braglio
Contract Purchaser: Veril Blake
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-208-XA

* * * * *

ENTRY OF APPEARANCE

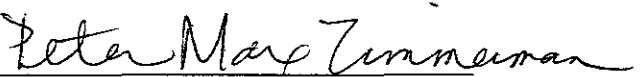
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of November, 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 MAX ZIMMERMAN

CORRECTION

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 21, 2000 Issue - Jeffersonian

28

Please forward billing to:

Veril Blake

19370 Hebel Road

Stewartstown, PA 17363

410 944-7788

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: 01-208-XA

6824 & 6826 Dogwood Road

N/S Dogwood Road, 450' +/- centerline Ambassador Road

2nd Election District - 2nd Councilmanic District

Legal Owners: Anthony S., Jr. & Anthony S. Braglio, Sr.

Contract Purchaser: Veril Blake

Special Exception for a service garage. Variance to permit a 10-foot front building setback from a road right-of-way and a 6-foot side yard setback in lieu of the required 25 feet and 30 feet, respectively.

HEARING: Tuesday, January 9, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

602

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.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 1, 2000

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: 01-208-XA
6824 & 6826 Dogwood Road
N/S Dogwood Road, 450' +/- centerline Ambassador Road
2nd Election District – 2nd Councilmanic District
Legal Owners: Anthony S., Jr. & Anthony S. Braglio, Sr.
Contract Purchaser: Veril Blake

Special Exception for a service garage. Variance to permit a 10-foot front building setback from a road right-of-way and a 6-foot side yard setback in lieu of the required 25 feet and 30 feet, respectively.

HEARING: Tuesday, January 9, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon". Below the signature is the handwritten number "612".

Arnold Jablon
Director

C: Frank Borgerding, Jr., 409 Washington Avenue, Towson 21204
Anthony S., Jr., & Anthony S. Braglio, Sr. 3014 Hernwood Road, Woodstock 21163
Veril Blake, 19370 Hebel Road, Stewartstown, PA 17363

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 22, 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.

**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: 208

Petitioner: VIRIL BLAKE

Address or Location: 6824 / 6826 DOGWOOD RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: VIRIL BLAKE

Address: 19370 HEBEL RD

STEWARTSTOWN, MD PA. 17363

Telephone Number: (710) 944-7788



Baltimore County
Department of Permits and
Development Management

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

January 12, 2001

Frank Borgerding Jr
409 Washington Avenue
Towson MD 21204

Dear Mr. Borgerding:

RE: Case Number: 01-208-XA, 6824 & 6826 Dogwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 17, 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. ^{GDZ}
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Anthony S. & Anthony S. Braglio Sr., 3014 Hernwood Road Woodstock 21163
Veril Blake, 19370 Hebel Road Stewartstown PA 17363
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: December 4, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For December 4, 2000
Item Nos. 204, 206, 207, 208, & 210

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

November 30, 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:

ANTHONY S. BRAGLIO & ANTHONY S. BRAGLIO, SR. - 208
CATONSVILLE ELDERCARE, INC. - 209

Location: DISTRIBUTION MEETING OF November 27, 2000

Item No.: 208 AND 209

Dear Ms. Stephens:

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

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

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

cc: File

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



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *MB/RS*

DATE: December 5, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of November 27, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
204	11809 Meylston Drive
205	9534 Cross Road
206	8816 Howard Forest Lane
207	8818 Howard Forest Lane
208	6824 & 6826 Dogwood Road
210	1500 Maywood Avenue

file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 18, 2000

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

20

SUBJECT: 6824 & 6826 Dogwood Road

INFORMATION:

Item Number: 208
Petitioner: Anthony S.Braglio Sr. & Anthony S.Braglio
Property Size: .54 acres
Zoning: ML-IM
Requested Action: Special Exception and Variances
Hearing Date:

The subject property is located within the Security Employment Center as designated in the Southwest Baltimore County Revitalization Strategy, adopted on December 15, 1997 as an amendment to the Baltimore County Master Plan. Master Plan 2010 recognizes this plan, and its recommendations continue to be in effect.

The employment center designation has been applied to areas zoned ML-IM in the area known as the Rutherford Business Center and the Windsor Corporate Park. This designation was put in place to promote business development in an attractive business setting. At such locations, the emphasis is on business growth in order to provide jobs paying family supporting wages. In keeping with maintaining a positive image conducive to economic development, the buildings in this area are of high quality construction, i.e., brick office buildings and flex warehouse buildings that are well designed and attractively landscaped. The applicant's property is adjacent to several new brick buildings currently under construction in the Windsor Corporate Park.

Dogwood Road is an urban collector road that is designated in Master Plan 2010 as being programmed for widening from Rolling Run Drive to Belmont Ave.

ZONING HISTORY:

In 1996, this property was rezoned from DR 3.5 to ML-IM (consistent with the surrounding zoning) to encourage continuation of the type of industrial development occurring in the neighboring Windsor Corporate Park and Rutherford Business Park. As clearly depicted on the plat accompanying this request, the subject property is situated between these two vibrant and growing industrial parks.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning opposes the requested Petitions for Special Exception and Variance for a service garage—and associated 8-bay, metal building housing the garage operation—at this particular site. The staff recognizes that a service garage use, irrespective of its location, will have an adverse impact on surrounding properties; however, the Office of Planning finds the language contained in Schultz v. Pritts, 291 Md. (1981) instructive with respect to special exception cases in general. As outlined in Schultz, “the administrative body must determine whether a particular special exception use proposed at the particular location proposed would have adverse effects above and beyond those inherently associated with such a use, irrespective of its location within the zone.” In terms of the subject case, it seems clear to this office that a service garage at this particular location would, in fact, have a greater impact at this location as opposed to other properties located elsewhere in the zone.

As described in detail above, the applicant’s property is immediately contiguous to two vibrant, high profile office/industrial developments, namely the Rutherford Business Park and the Windsor Corporate Park. These projects constitute a significant investment in southwestern Baltimore County, and the high quality business development at this particular location benefits both the business and residential character of the area. The adverse impact normally associated with a service garage is particularly problematic at this particular location because of the character of the surrounding business parks. What is more, in addition to the funding of the future road widening project noted above, the county will continue to encourage development within this Master Plan designated employment center. In sum, the Office of Planning has determined that this particular site would be an entirely unacceptable location for a service garage, and would be inconsistent with the ongoing positive development trends in the immediate vicinity.

Section Chief: _____

Jeffrey W. Long

AFK:di



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 11.27.00

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

RE: Baltimore County
Item No. 208 (JRF)

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,

K.A. 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

FRANCIS X. BORGERDING, JR.

Attorney at Law

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

FEB 15

*Member of Maryland and
District of Columbia Bar*

February 14, 2001

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RE: Case No.: 01-208-XA
Property located at 6824 and 6826 Dogwood Road
Petition for Special Exception and Variances

Dear Mr. Kotroco:

I am writing on behalf of my client, Veril Blike, contract purchaser/petitioner in relation to the above-referenced matter. In response to concerns raised during the hearing which took place in relation to the above-referenced matter, my client, Veril Blike, investigated the feasibility and cost of constructing the building proposed in relation to the above-referenced hearing out of a "drivet" type finish, the same type of finish used for the exterior of Martins West. This correspondence is being written to indicate that my client is willing to accept a restriction if the proposed relief is granted in regard to the above-referenced case to construct the exterior finish of his proposed building out of "drivet" rather than metal to attempt to address concerns raised at the hearing in the above-referenced case relating to compatibility of his proposed building to the surrounding area.

Thank you for your consideration in this matter.

Very truly yours,



FRANCIS X. BORGERDING, JR.

FXB:bjk

cc: Dino C. La Fiandra, Esquire



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 11, 2000

Frank Borgerding, Jr.
409 Washington Avenue
Towson, MD 21204

Dear Mr. Borgerding, Jr.:

RE: Case Number 01-208-XA, 6824 & 6826 Dogwood Road

The above matter, previously scheduled for Tuesday, January 9, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, has been postponed at your request. The hearing has been **rescheduled for Tuesday, January 16, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.**

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), the Sign should be posted by an approved poster on the property by Friday, December 29, 2000.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Arnold Jablon". Below the signature, the initials "GDZ" are handwritten.

Arnold Jablon
Director

AJ: gdz

C: Anthony S., Jr., & Anthony S. Braglio, Sr., 3014 Hernwood Road, Woodstock
21163
Veril Blake, 19370 Hebel Road, Stewartstown, PA 17363





Baltimore County
Zoning Commissioner

January 17, 2001

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

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

Dino C. La Fiandra, Esquire
Law Offices of Peter G. Angelos
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
N/S Dogwood Road, 450' W of the c/l Ambassador Road
6824 & 6826 Dogwood Road
2nd Election District – 2nd Council District
Anthony S. Braglio, Sr. and Anthony S. Braglio, Owners; Veril Blake, Contract Purchaser
Case No. 01-208-XA

Dear Messrs. Borgerding & La Fiandra:

This letter is to confirm that the above-captioned matter, which was postponed in open hearing on January 16, 2001 due to improper posting, has been rescheduled, at the convenience of all parties present, for Wednesday, February 7, 2001 at 2:00 PM in Room 407 of the Circuit Courts Building. Should anyone have any questions concerning the rescheduling of this matter, please do not hesitate to call me. Thank you for your consideration in this matter.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Messrs. Anthony S. Braglio, Sr. and Anthony S. Braglio
3014 Hemwood Road, Woodstock, Md. 21163
Mr. Veril Blake, 19370 Hebel Road, Stewartstown, Pa. 17363
Mr. George Zahner, DPDM; Case File

503 01 226



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Census 2000



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410-825-7300

Fax: 410-296-2541

DINO C. LA FIANDRA
ATTORNEY AT LAW

LAW OFFICES OF
PETER G. ANGELOS
A Professional Corporation •
Court Towers Building
210 W. Pennsylvania Avenue
Towson, MD 21204

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Paul J. Blake

19370 Hubel Rd.

Paul Lee

32 West Rd 21204

Francis X. Bergerding, Jr.

409 Washington Ave Suite 600 Towson, Md 21204



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Dwoc. LaFiandra

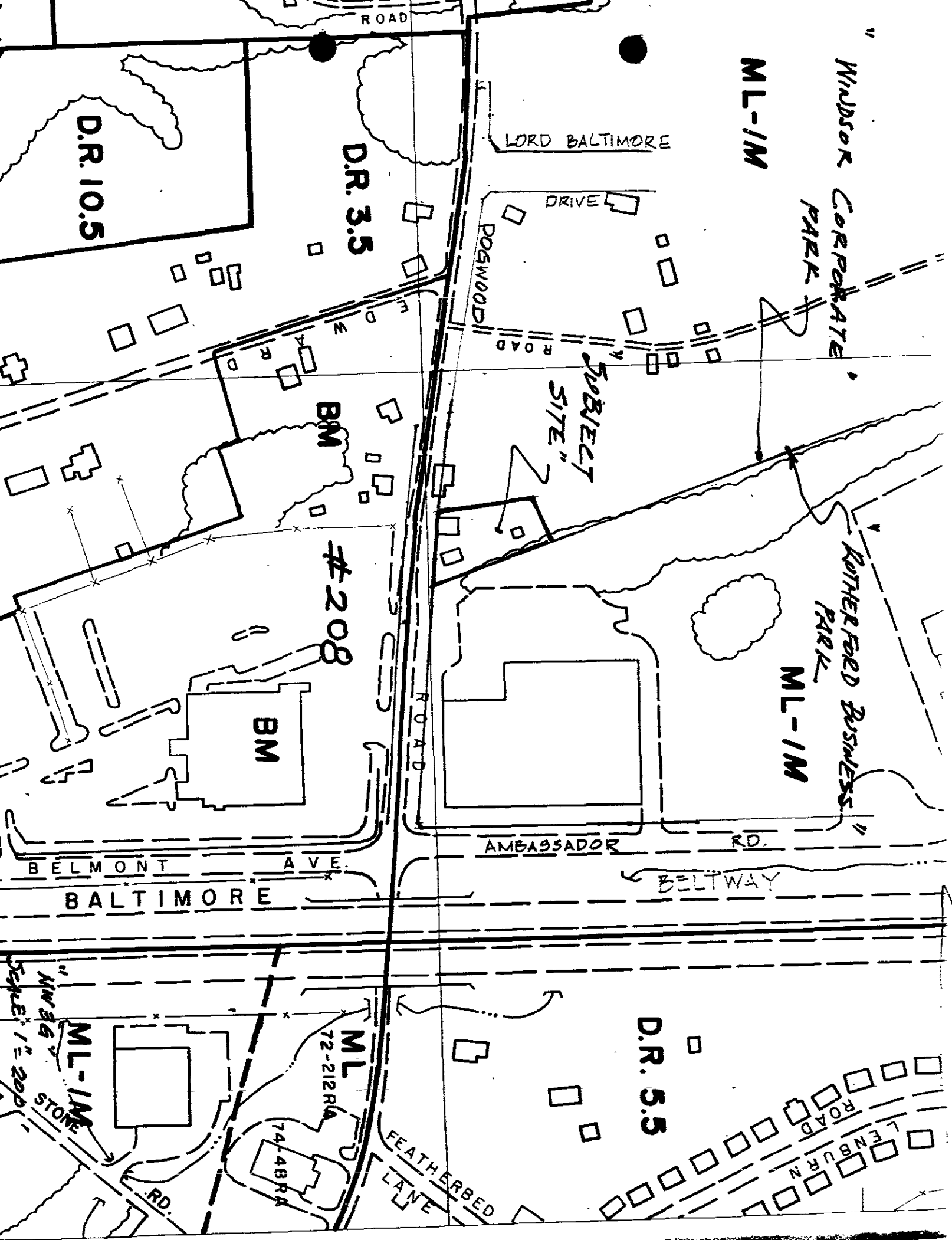
210 W. Pennsylvania Ave[#] 30021200

WAYNE Resnick

6821 Dogwood Road 21244

Jerry Wit MIE Properties

5720 EXECUTIVE DR 21228⁴¹⁰ 788-0106



ML-1M

WINDSOR CORPORATE PARK

LORD BALTIMORE ROAD

DRIVE

DOGWOOD ROAD

"SUBJECT SITE"

"ROTHERFORD BUSINESS PARK"

ML-1M

AMBASSADOR RD.

BELTWAY

BELMONT AVE.

BALTIMORE

D.R. 5.5

ML

72-212 RA

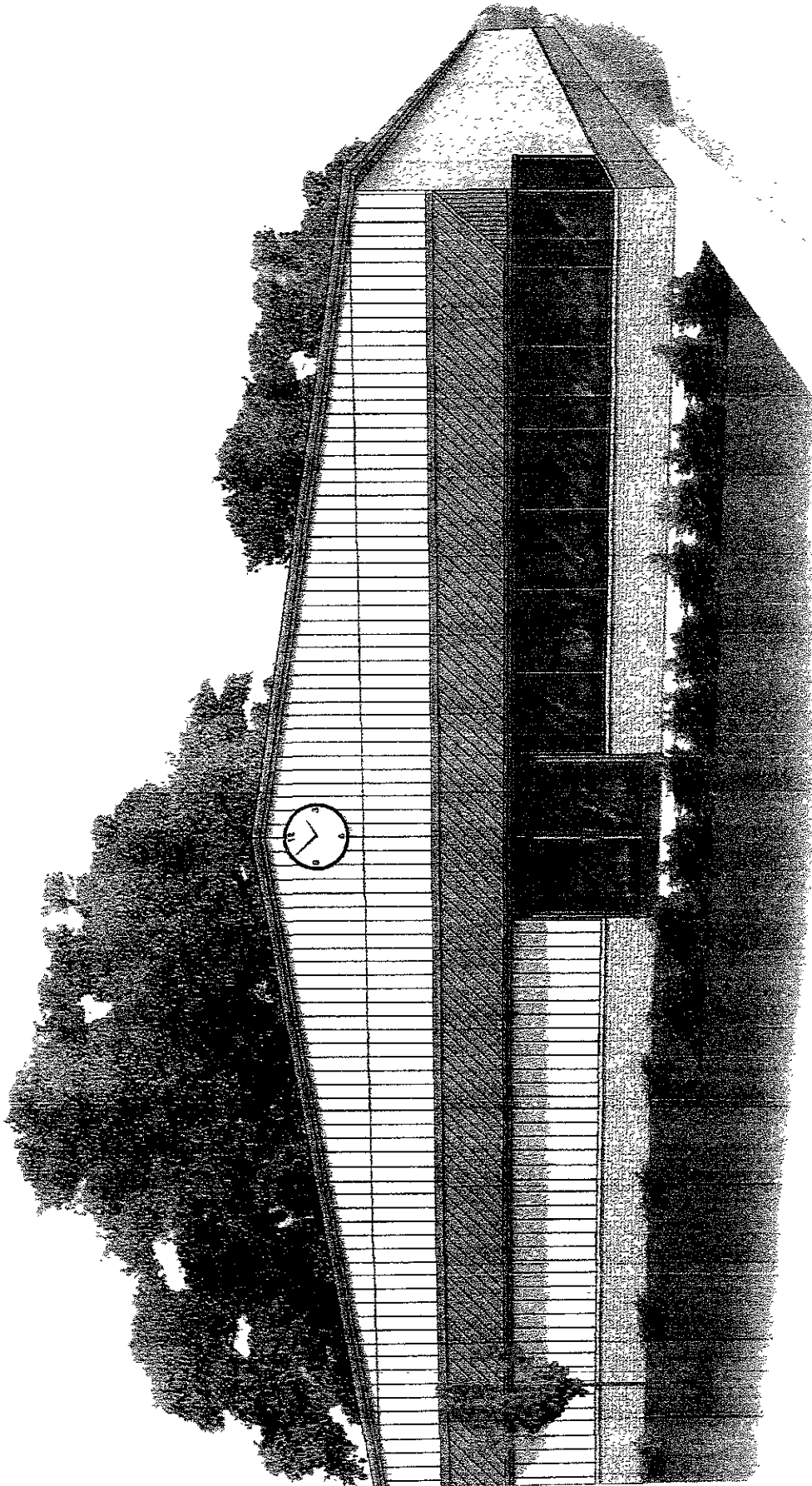
74-48 RA

FEATHERBED LANE

ML-1M

STONE RD.

SCALE 1" = 200'



Part Ex #4

100-40385-1





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

Printed with Soybean Ink

Photographs
01-208-XA

Ex. SA-5S





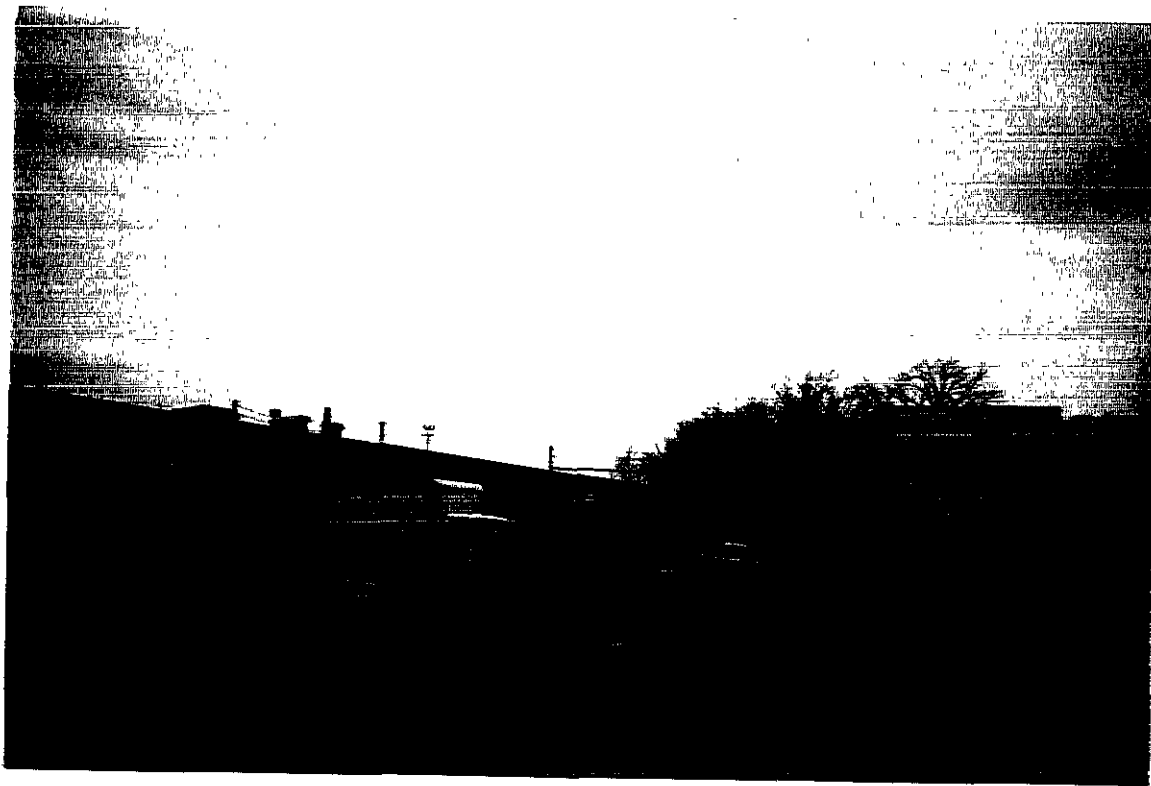
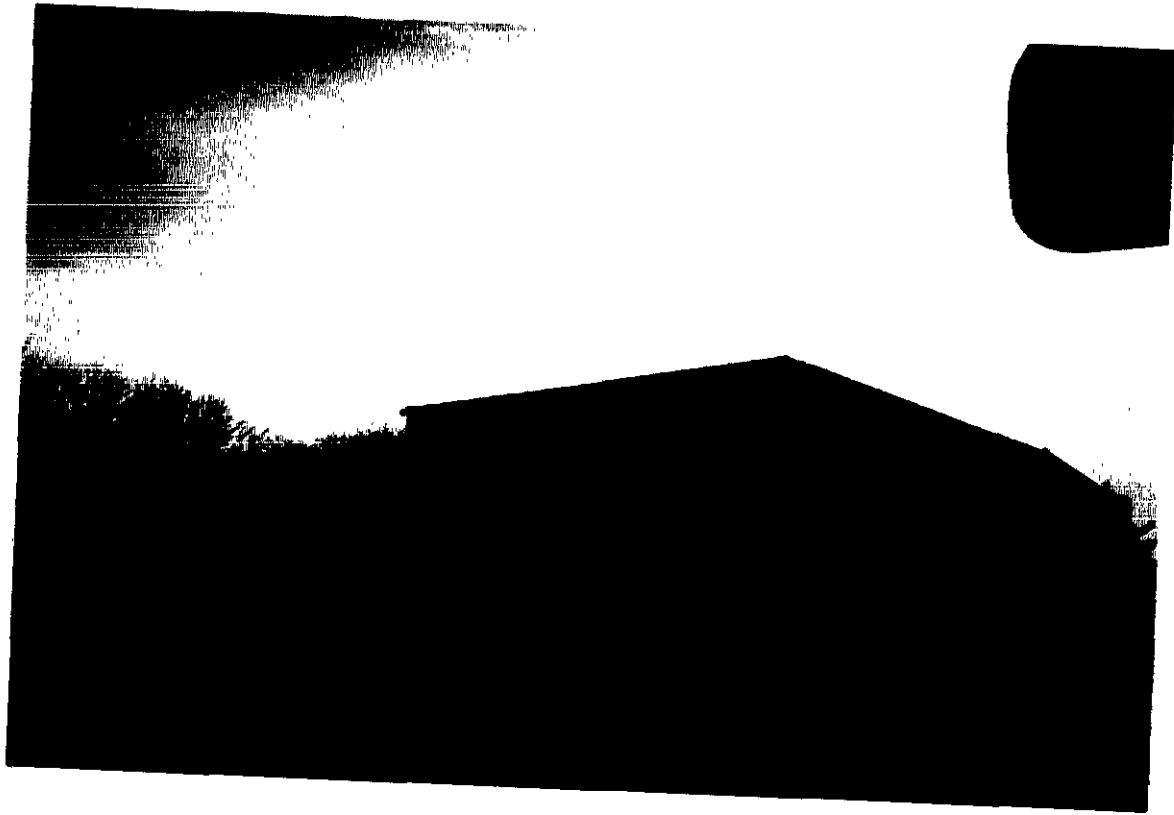




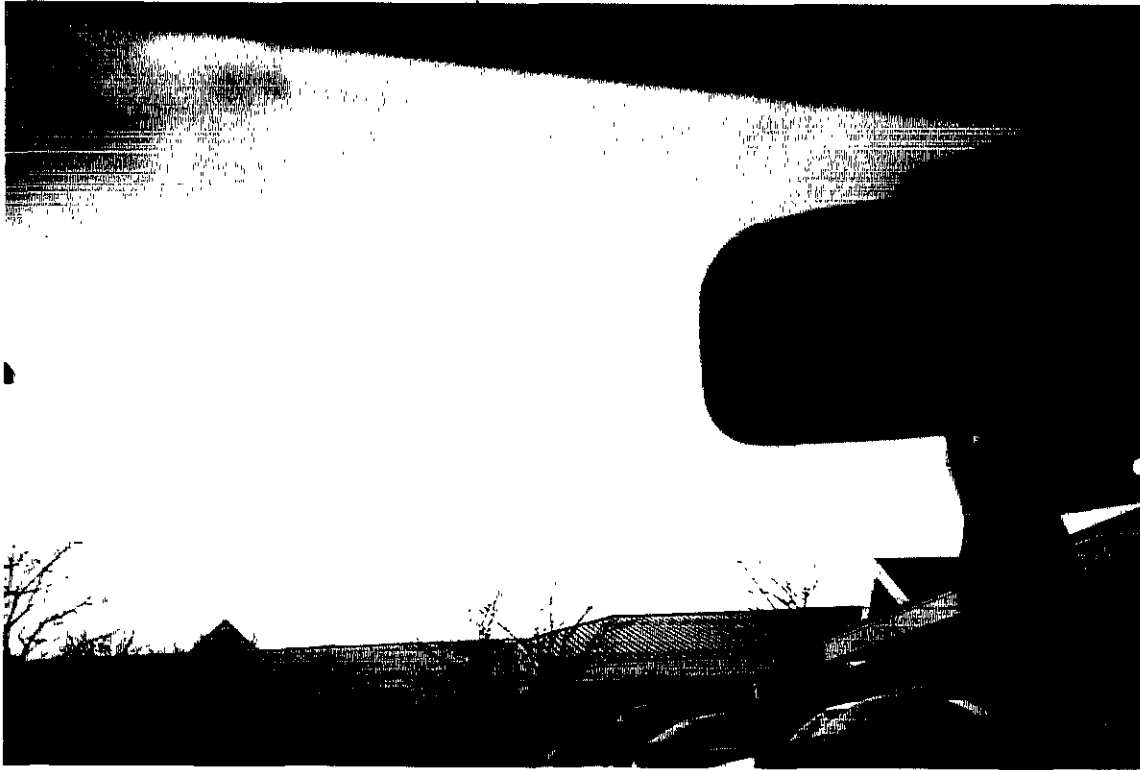


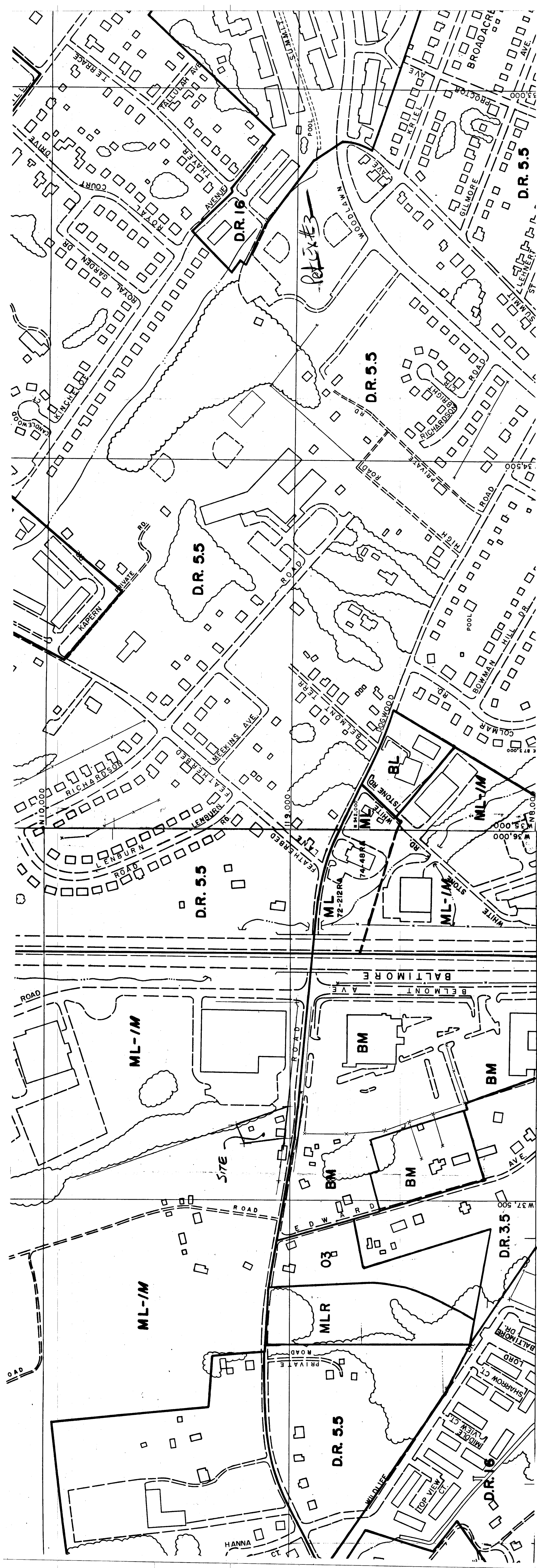














BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

LOCATION

SCALE

SHEET

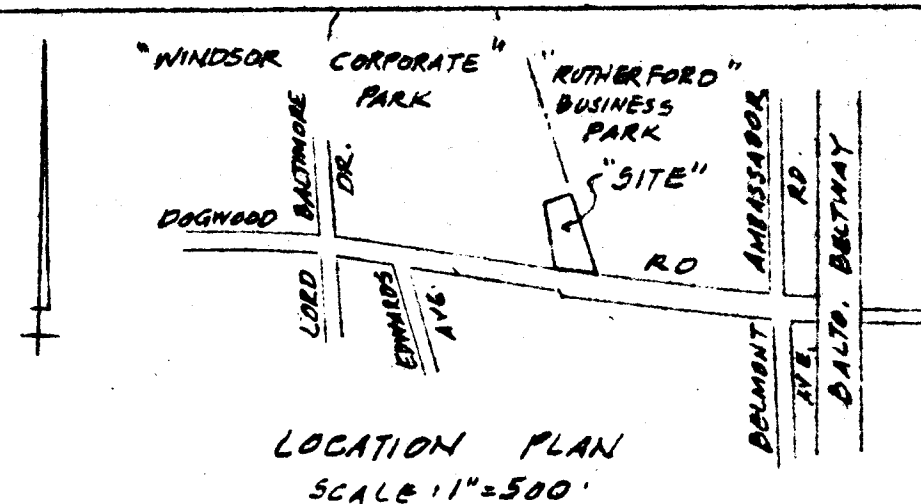
1" = 200' ±

BELMONT
AREA

N.W.
3-6

DATE
OF
PHOTOGRAPHY

JANUARY
1986



1. AREA OF SITE = 0.46 Aa^2 (GROSS $= 0.54 \text{ Aa}^2$)
2. EXISTING ZONING OF SITE = "ML-1M"
3. EXISTING USE OF SITE = "RESIDENTIAL"
4. PROPOSED ZONING OF SITE = "ML-1M"
5. PROPOSED USE OF SITE = "SERVICE GARAGE"
6. REQUIRED OFF STREET PARKING:
PROP. 1STY. METAL BLDG. $80 \times 60' = 4800 \text{ S.F.}$ (8 BAY)
 $4800 @ 3.3 \text{ P.S.} / 1000 \text{ S.F.} = 15.8 = 16 \text{ P.S.}$
7. NUMBER OF PARKING SPACES SHOWN $= 14 + 8 \text{ BAYS} = 22 \text{ P.S.}$
8. PETITIONER REQUESTING A SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A "ML-1M" ZONE
9. PETITIONER REQUESTING A VARIANCE TO SECTION 255.1 AND SECTION 238.1 & 238.2 OF THE BCZR TO PERMIT A 10' FRONT YARD SETBACK AND A 6' SIDE YARD SETBACK IN LIEU OF THE REQUIRED 25' & 30' (A VAR. OF 15' & 24').
10. PETITIONER WILL MEET THE REQUIREMENTS OF SECTION 405A. DAMAGED VEHICLES WILL BE STORED IN A ENCLOSED AREA WITH A DURABLE & DUSTLESS SURFACE.
11. PETITIONER IS PROPOSING TO INSTALL A 12" HIGH SLATED CH LINK FENCE AS SHOWN ON THE PLAN.
12. LANDSCAPING OF SITE WILL BE IN ACCORDANCE WITH THE APPROVAL OF THE LANDSCAPE ENGINEER.
13. PROPERTY IS SERVED BY PUBLIC SEWER & WATER.
14. ANY PROPOSED SIGNS SHALL CONFORM WITH SECTION 450 OF THE BCZR AND ANY ZONING POLICIES.
15. F.A.R. PERMITTED $= 2 \times 0.46 = 0.96$, PROPOSED $= 4800 / 20037 = 0.24$
16. THERE ARE NO COMMERCIAL FIRE RESISTANCE BUILDINGS EXISTING WITHIN 200' OF THE PROPERTY.
17. THERE IS NO ZONING HISTORY FOR THE PROPERTY. (NW 36)

Ref Ex #1

PLAT TO ACCOMPANY PETITION
FOR

SPECIAL EXCEPTION & VARIANCES

(PROPOSED SERVICE GARAGE) -

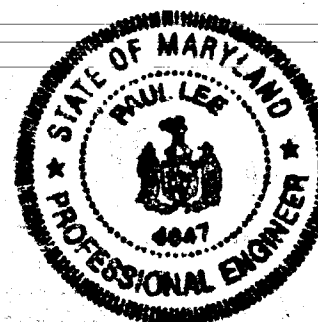
*68244*6826 DOGWOOD ROAD

ELECT. DIST. 202

BALTIMORE COUNTY, MD.

SCALE: 1"=30'

NOV. 7. 2000



ENGINEER:

CENTURY ENGINEERING, INC.

32 WEST ROAD
TOWSON, MARYLAND 21204
(410) 823-8070