IN RE: PETITION FOR SPECIAL EXCEPTION NE/S Old North Point Road, 250' SE of Cove Road 15th Election District 7th Councilmanic District (3916 Old North Point Road)

Ermanno and Dorothy L. Florio Petitioners

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 01-301-X

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

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Ermanno and Dorothy L. Florio. The Petitioners are requesting a special exception for property they own at 3916 Old North Point Road. The subject property is split-zoned BR-IM and ML-IM. The special exception request is to allow a service garage use on sections of the property that are zoned ML-IM.

Appearing at the hearing on behalf of the special exception request was Ermanno Florio, owner of the property. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject or this special exception request, is located along Old North Point Road in the Dundalk area of Baltimore County. The subject property is improved with a large rectangularly shaped building wherein several tenants operate their businesses. The subject property is for the most part divided down the middle with a zoning line designating the front portion of the property as BR-IM and the rear portion as ML-IM. Many of the tenants within the subject building operate automobile service garages. In order for the tenants to operate their business in the ML-IM zoned portion of the building, the special exception is necessary.

It is clear the Baltimore County Zoning Regulations permits the Petitioners' use in a ML-IM zone by special exception. It is equally clear that the proposed use is not detrimental to the

3/2/p/

primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioners had the burden of adducing testimony and evidence which shows that the use meets the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioners have shown that the use is conducted without real detriment to the neighborhood and does not adversely affect the public interest. The facts and circumstances do not show that the use at this particular location described by Petitioners' Exhibit No. 1 has any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The use is not detrimental to the health, safety, or general welfare of the locality, nor tends to create congestion in roads, streets, or alleys therein, nor is it inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the B.C.Z.R.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief request in the special exception shall be granted.

THEREFORE, IT IS ORDERED this <u>2/</u> day of March, 2001, by this Deputy Zoning Commissioner, that the Petitioners' Special Exception Request, to allow a service garage use on sections of the property that are zoned ML-IM, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner shall be required to validate the existence of a free-standing advertising sign located at the corner of the subject property.
- 2. The Petitioner shall within 30 days from the date of this Order submit to the Office of Planning evidence of the legality of the sign in question. In the event the Petitioner

fails to prove to the Office of Planning that the existing sign is legal, then said sign shall be removed within 60 days from the date of this Order.

- 3. The chain link fence along the north side of the property, which is currently overgrown with weeds, should be cleaned up and maintained in an acceptable manner in the future. The Office of Planning shall be responsible to police the subject fence and inspect said fence on a regular basis to ensure compliance with this restriction.
- 4. The Petitioner should ensure that the dumpsters located on the property will not conflict in any way with the traffic flow around the subject building. The Office of Planning shall be responsible to oversee and inspect the property on a regular basis to ensure compliance with this restriction.
- 5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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/KOTROCC

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





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

Fax: 410-887-3468

March 21, 2001

Mr. Ermanno Florio 4030 North Point Boulevard Baltimore, Maryland 21222

RE: Petition for Special Exception

Case No. 01-301-X

Property: 3916 Old North Point Road

Dear Mr. & Mrs. Florio:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Exception has been granted in accordance with the enclosed Order.

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

Very truly yours,

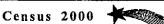
Timothy M. Kotroco

Deputy Zoning Commissioner

lunthy lotroes

TMK:raj Enclosure













# Petition for Special Exception

# to the Zoning Commissioner of Baltimore County

3916 Old North Point Rd. for the property located at

I/We do solemnly declare and affirm, under the penalties of

0-477-2050

-477 - 2050

which is presently zoned BR-IM & ML-IM This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

To allow service garage usage on sections AND PORTION OF zoned ML-IM of the Existing building. SECTION D.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

		perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:		Legal Owner(s):
Name - Type or Print	<u> </u>	ERMANNO FLORIO Name - Tybe or Print
		MILOUNOXXX LER
Signature		Signature
Address	Telephone No.	DOROTHY LOIS FLORIO Warney Type of Print
	reseptione No.	matter sein Asia
City State	Zip Code	Signature Signature
Attorney For Petitioner:		13218 DULANEY VALLEY RD 410-477-
		Address Telephone No.
N		GLEN ARM, MARYLAND 21057
Name - Type or Print		City State Zip Code
Signature		Representative to be Contacted:
		ERMANNO FLORIO
Company		Name
Address		4030 NORTH POINT BLVD. 410-477-20
Addless	Telephone No.	Address . Telephone No.
City State	7	BALTIMORE, MARYLAND 21222
State	Zip Code	City State Zip Code
20		OFFICE USE ONLY
")		ESTIMATED LENGTH OF HEARING
Case No. 01-301-X		UNAVAILABLE FOR HEARING
R8U 091 5198		Reviewed By 27m Date 1/75/01



Enginfers . Planners . Scientists . Construction Managers

10 NORTH PARK DRIVE . HUNT VALLEY, MD 21030-1846 . 410-316-7800 . (FAN) 410-316-7817

#### PROPERTY DESCRIPTION

3916 Old North Point Road 15th. Election District Baltimore County, Maryland

COMMENCING from the point formed bt the intersection of the centerline of Old North Point Road with the centerline of Cove Road thence running southeasterly running with the centerline of Old North Point Road, 1. South 66 deg. 29 min. East a distance of 250'; thence leaving the center of Old North Point Road and running, 2. North 24 deg. 36 min. East a distance of 260.6 feet to the true point of **BEGINNING**; thence

- 1. North 24 degrees 36 minutes East a distance of 175.0 feet; thence
- 2. South 66 degrees 29 minutes East a distance of 150.0 feet; thence
- 3. South 24 degrees 36 minutes West a distance of 110.0 feet; thence
- 4. North 66 degrees 29 minutes West a distance of 45.0 feet; thence
- 5. South 24 degrees 36 minutes West a distance of 130.0 feet; thence
- 6. North 34 degrees 14 minutes 24 seconds West a distance of 123.49 feet to the place of beginning.

**CONTAINING** 26,737 square feet or 0.614 acres of land, more or less.

The improvements thereon being known as 3916 Old North Point Road.



# 301

KCI Technologies, Inc.

01-301-X

www kci com

BALTIMORE COUNTY, MARYL* )  OFFICE OF BUDGET & FINANCE  MISCELLANEOUS RECEIPT  OG 66	PART PIRE IN
DATE 1/25/01 ACCOUNT POST 6150	of usin caseder who ar displayed for 5 528 20006 united the
* 300.00	THE PART OF THE PA
RECEIVED E. FLORIO	SAN.(A) (K Paltipore County, Haryland
FOR:	- M.301-X
	Urson

#### 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: #01-301-X 3916 Old North Point Road, NE/S Old North Point Road, 250' SE of Cove Road' 15th Election District 7th Councilmanic District Legal Owner(s): Dorothy L. & Ermanno Florio

Special Exception: to allow service garage usage on Section E. F. G. H. and a portion of Section D of the existing building.

Hearing: Wednesday, March 14, 2001 at 11:90 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

JT/2/755 Feb. 27 C453116

# **CERTIFICATE OF PUBLICATION**

TOWSON, MD,	311	, 20 <u>©1</u>
THIS IS TO CERTIFY, that th	e annexed adver	tisement was
published in THE JEFFERSONIAN, a	weekly newspape	r published in
Towson, Baltimore County, Md., once is	n each of	successive
weeks, the first publication appearing	on <u>227</u>	, 20 <u>O</u>
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THE	JEFFERSONL	AN,
J. N	umar	
LEC/	L ADVERTISIN	IG

# CERTIFICATE F POSTING

	RE: Case No	1-301-X
MAR 1 2	Petitioner/Develop	er FLORIO, ETAL
	Date of Hearing/Cl	osir.g 3/14/01
Baltimore County Department of Permits and Development Management County Office Building, Room 111		
111 West Chesapeake Avenue	Post-it® Fax Note 76	71 Date # of pages ▶
Towson, MD 21204	То	From
	Co./Dept.	Co.
Attention: Ms. Gwendolyn Stephens	Phone #	Phone #
Ladies and Gentlemen.	Fax #	Fax #
This letter is to certify under the penalties of	•	
were posted conspicuously on the property lo		
The sign(s) were posted on	2/25/0/ (Month, Day, Year)	
	Sincerely,	
ZONING NOTICE  Case # OI-301-X	Signature of S	Sign Poster and Date)
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD.		M. O'KEEFE
PLACE 18 COUNTY	•	INY LANE
PLACE OATE: WEDS MAR. 14, 2001.  TIME & DATE: WEDS MAR. 14, 2001.  SPECIAL LACE ON SECTION EFFOR MORNING OF THE ENSING BUILDING		Address)
GARNAGE USAGE ON SECTION EFFOR MODIFIED OF SECTION OF THE ENSIRE BUILDING OF THE BUILDING	•	(LLEY, MD. 21030
	(City, Sta	ate, Zip Code)

410-666-5366 ; CELL-410-905-857 (Telephone Number)

3916 OLD N.PT. R.P. FLOCKS 3/14/01

RE: PETITION FOR SPECIAL EXCEPTION	
3916 Old North Point Road, NE/S Old North Pt Rd,	
250' SE of Cove Rd	
15th Election District, 7th Councilmanic	

Legal Owner: Ermanno & Dorothy Florio Petitioner(s)

- BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- Case No. 01-301-X

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

#### **ENTRY OF APPEARANCE**

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

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

ter May Cimmeinan

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

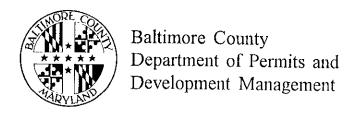
Towson, MD 21204

(410) 887-2188

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20th day of February, 2001 a copy of the foregoing Entry of Appearance was mailed to Ermanno & Dorothy Florio, 4030 North Point Blvd., Baltimore, MD 21222, Petitioners.

Peter May Cimneinan
PETER MAX ZIMMERMAN



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

Fax: 410-887-5708

February 7, 2001

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CASE NUMBER: 01-301-X 3916 Old North Point Road NE/S Old North Point Road, 250' SE of Cove Road 15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District Legal Owners: Dorothy L & Ermanno Florio

<u>Special Exception</u> to allow service garage usage on Section E. F. G. H. and a portion of Section D of the existing building.

HEARING: Wednesday, March 14, 2001 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon Director

C: Dorothy L & Ermanno Florio, 13218 Dulaney Valley Rd, Glen Arm 21057

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 27, 2001

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 27, 2001 Issue - Jeffersonian

Please forward billing to:

Ermanno Florio 4030 North Point Blvd Baltimore MD 21222

410 477-2050

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Building, 401 Bosley Avenue

GV.

awrence E. Schmidt

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

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# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

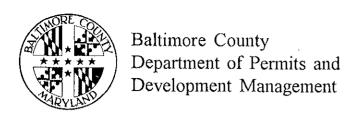
## **ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

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: 01-301-× Petitioner: EGMANNO FLORIO		
Address or Location: 39/6 BLC NORTH POINT RC BACTIMORE Md 21222		
PLEASE FORWARD ADVERTISING BILL TO:		
Name: ERMANNO FLORIO		
Address: 4030 NORTH POINT BUUL BAUTIMORE UND 21222		
Telephone Number: 410-477-2050 748-410-477-4225		



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

March 9, 2001

Dorothy L & Ermanno Florio 13218 Dulaney Valley Road Glen Arm MD 21057

Dear Mr. & Mrs. Florio:

RE: Case Number: 01-301-X, 3916 Old North Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 25, 2001.

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.

WCR: gdz

**Enclosures** 

c: People's Counsel

## BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

**DATE:** March 6, 2001

TO: Arnold Jablon, Director

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 12, 2001

Item Nos. 288, 289, 290, 291, 293, 295, 297, 298, 299, 300, 301, 302, 303, 304,

and 308

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

RWB:HJO:jrb

cc: File



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

February 8, 2001

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 February 5, 2001

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.

ITEMS #'S REFERENCED PERTAIN TO THE FOLLOWING COMMENT:

288, 289, AND 301,

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, 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 My

DATE:

March 19, 2001

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of February 5, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
288	10260 York Road
289	10240 York Road
290	2522 Venetian Road
291	5126 Edmondson Avenue
293	998 Rohe Farm Lane
295	Gwynnbrook Property
296	1909 Halethorpe Avenue
297	2707-2709 Rolling Road
298	326 Stone Castle Avenue
299	2127 York Road
300	2127 York Road
301	3916 Old North Point Road
302	7605 Curving Lane
303	703 Main Street
308	104 McCormick Avenue

## BALTIMORE COUNTY, MARYLAND

## Inter-Office Memorandum

TO:

Memo to File

DATE: March 27, 2001

FROM:

Timothy M. Kotroco

Deputy Zoning Commissioner

SUBJECT: Case No. 01-301-X

Petition for Special Exception

Property: 3916 Old North Point Road

Petitioner: Ermanno Florio

Upon further review of my Order dated March 21, 2001 regarding Restriction Nos. 1 and 2 in the above-captioned case, it has come to my attention that the sign that was the concern of the Office of Planning has been removed from the property. Therefore, these restrictions are no longer applicable to this case.

Juli File Louge Zahver 3/28/01

## TMK:raj

c: Mr. Ermanno Florio 4030 North Point Boulevard Baltimore, Maryland 21222



## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 20, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

3916 Old North Point Road

INFORMATION:

Item Number:

01-301

Petitioner:

Ermanno Florio

Zoning:

BR-IM & ML-IM

Requested Action:

Special Exception

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not object to the request provided the petitioner adhere to the following:

- 1. The petitioner should validate the permissibility of the existing free-standing advertising sign located at one corner of the property.
- 2. The chain link fence along the north side of the property that is currently overgrown with weeds should be cleaned-up and maintained in an acceptable manner.
- 3. The petitioner should ensure that the dumpsters will not be in conflict with any existing or proposed traffic flow around the subject site. Special attention regarding this issue should be given to the three doors labeled "D-4."
- 4. The parking lot should be resurfaced at the Old North Point Road entrance.

Prepared by:

Section Chief: AFK:MAC:

W:\DEVREV\ZAC\01-301.doc



## Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 2.7.01

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

RE: Baltimore County

Item No. 301 LTM

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 (Igredlein@sha.state.md.us).

Very truly yours,

7. J. Soll

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

