

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
W/S Trappe Road, 207.33' SW		
Centerline of Old North Point Road	*	DEPUTY ZONING COMMISSIONER
12th Election District		
7th Councilmanic District	*	OF BALTIMORE COUNTY
(Lots 16-20 Trappe Road)		
	*	CASE NO. 01-371-SPHX
Patrick J. Rooney		
Petitioner	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Special Exception filed by the legal owner of the subject property, Patrick J. Rooney. Mr. Rooney is requesting a special exception from Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a used vehicle outdoor sales area and a special hearing to amend the previously approved site plan for the subject property. The property which is the subject of this hearing is known as "Lots 16-20, Trappe Road. The subject property is zoned BR.

Appearing at the hearing on behalf of the special exception request were Patrick J. Rooney, owner of the property, Charles Main, II, professional engineer with Frederick Ward Associates, Inc. and J. Neil Lanzi, attorney at law, representing the Petitioner. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this request, consists of 0.58 acres, more or less, zoned BR. The subject property was formerly the site of Frank's Nursery & Crafts. The Petitioner is interested in modifying the subject site to accommodate his used car business known as "Clayton's Auto Sales". Mr. Rooney currently operates his car business within approximately ½ mile from the subject site. He is interested in

ORDER RECEIVED FOR FILING

Date

5/9/01

By

R. J. J. J. J.

relocating his car business to the subject property which he purchased a few years ago. In order to proceed with the relocation of his car business, the special exception for a used motor vehicle outdoor sales area is necessary, as well as the special hearing to amend the previously approved plan.

It is clear the Baltimore County Zoning Regulations (B.C.Z.R.) permits the use proposed in a BR zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit No. 1 would have 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 proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

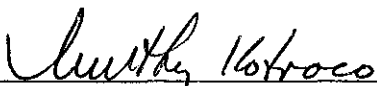
ORDER FOR FILING
Dkt 5/19/01
By R. Jenson

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 9th day of May, 2001, by this Deputy Zoning Commissioner, that the Petitioner's Special Exception Request pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a used vehicle outdoor sales area, be and is hereby APPROVED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his permit 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.
2. The Petitioner shall submit a landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County.
3. The existing billboard located on the property shall be removed at the end of the lease term, that date being December 31, 2003.

IT IS FURTHER ORDERED, that the Special Hearing request to amend the previously approved site plan for the subject property, be and is hereby APPROVED.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

OFFICE OF THE ZONING COMMISSIONER
DATE 5/9/01
BY R. P. Jensen



Baltimore County
Zoning Commissioner

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

May 9, 2001

J. Neil Lanzi, Esquire
409 Washington Avenue, Suite 617
Towson, Maryland 21204

RE: Petitions for Special Exception and Special Hearing
Case No. 01-371-SPHX
Property: Lots 16-20, Trappe Road

Dear Mr. Lanzi:

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

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

c: Mr. Patrick J. Rooney
12 Wilderfield Court
Lutherville, MD 21093

Charles Main, II, P.E.
Frederick Ward Associates, Inc.
7125 Riverwood Drive
Columbia, MD 21046-2354

Census 2000

For You, For Baltimore County

Census 2000



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on Recycled Paper

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Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at Lots 16-20, Trappe Road

which is presently zoned BR

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

used motor Vehicle outdoor sales area pursuant to Section 236.4 of the BCZR

See attached

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Patrick Rooney
Name - Type or Print
Signature *[Signature]*
12 Wilderfield Court 410-288-4850
Address Telephone No.
Lutherville, MD 21093
City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi
Name - Type or Print
Signature *[Signature]*
J. Neil Lanzi, P.A.
Company
409 Washington Ave, Ste 617 410-296-0686
Address Telephone No.
Towson, MD 21204
City State Zip Code

Legal Owner(s):

Patrick J. Rooney
Name - Type or Print
Signature *[Signature]*
Name - Type or Print
Signature
12 Wilderfield Court 410-288-4850
Address Telephone No.
Lutherville, MD 21093
City State Zip Code

Representative to be Contacted:

J. Neil Lanzi
Name
409 Washington Ave, Ste 617 410-296-0686
Address Telephone No.
Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

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

Reviewed By *[Signature]* Date 3-20-01

ORDER RECEIVED FOR FILING
Date 3/20/01
By *[Signature]*
REV 09/15/98

Case No. 01-371-X

ATTACHMENT

Petition for Special Exception

Petitioner, Patrick Rooney, requests a special exception under the Baltimore County Zoning Regulations to use the property known as Lots 16-20, Trappe Road for a used motor vehicle outdoor sales area pursuant to Section 236.4 and states the following reasons in support:

1. Petitioner's property is zoned BR and is presently vacant.
2. Section 236.4 of the Baltimore County Zoning Regulations allows a used motor vehicle outdoor sales area by special exception.
3. The used motor vehicles sales proposal and associated modernization plans for this commercial business property will improve the property's appearance while providing an excellent business opportunity for the Petitioner.
4. The proposed used motor vehicle sales area will not be detrimental to the health, safety, general welfare of the community.
5. For these reasons and additional reasons to be provided at the hearing.

371



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Lots 16-20, Trappe Road
which is presently zoned BR

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendment of site plan previously approved in Case No. 67-99X

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Patrick Rooney

Name - Type or Print

Signature

12 Wilderfield Court

410-288-4850

Address

Telephone No.

Lutherville, MD 21093

City

State

Zip Code

Attorney For Petitioner:

J. Neil Lanzi

Name - Type or Print

Signature

J. Neil Lanzi, P.A.

Company

409 Washington Avenue, Ste 617 410-296-0686

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

Legal Owner(s):

Patrick Rooney

Name - Type or Print

Signature

12 Wilderfield Court

410-288-4850

Address

Telephone No.

Lutherville, MD 21093

City

State

Zip Code

Representative to be Contacted:

J. Neil Lanzi

Name

409 Washington Ave, Ste 617 410-296-0686

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING See SP. Ex

UNAVAILABLE FOR HEARING _____

Reviewed By JA Date 3-20-01

Case No. 01-371-SPHX



FREDERICK WARD ASSOCIATES, INC.

ENGINEERS

ARCHITECTS

SURVEYORS

DESCRIPTION FOR A SPECIAL EXCEPTION TO ZONING AND A SPECIAL HEARING 12TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the northmost right of way line of Trappe Road, 70 feet wide, 207.33 feet from the centerline of Old North Point Road, 50 feet wide, running thence and binding on the aforementioned right of way line of Trappe Road South 47 degrees 58 minutes 18 seconds West, 136.65 feet, thence leaving said right of way line and running North 66 degrees 25 minutes 37 seconds West, 179.83 feet, thence North 28 degrees 54 minutes 07 seconds East, 125.00 feet, thence South 66 degrees 25 minutes 37 seconds East, 224.67 feet to the point of beginning as recorded in Deed Liber 11857, folio 738.

Containing 25170 square feet or 0.58 acres of land more or less.

Being Lots 16 through 20, Block L shown on the plat of Gray Manor recorded in Plat Book W.P.C. 8 folio 61 among the plat records of Baltimore County, Maryland.

MARYLAND

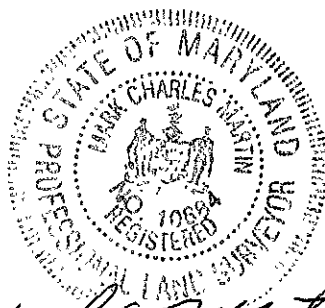
BEL AIR

COLUMBIA

VIRGINIA

MANASSAS

WARRENTON



Mark C. Martin
3/12/2001

371

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

93041

No.

01-371-2

DATE 2-20-01 ACCOUNT R-001-06-6150

AMOUNT \$ 550.⁰⁰

RECEIVED FROM: T. Neil Luzzi, PA. ch. # 3261

FOR: 1st Annual Special Hearing - Education Tax
1st Annual Special Hearing - Education Tax

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE 2/20/01 TIME 11:06:33

RECEIVED BY RECEIPT # 2000

FOR 550.00 LUNING VERIFICATION

RECEIPT FOR 550.00
550.00 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: #01-371-SPHX
Trappe Road, Lots 16-20
WS Trappe Road, 207.33'
SW of centerline Old North Point Road
12th Election District
7th Councilmanic District
Legal Owner(s): Patrick Rooney

Special Exception: to approve used motor vehicle outdoor sales area pursuant to Section 236.4 of the BCZR; **Special Hearing:** to approve amendment of site plan previously approved in Case # 67-99-X.

Hearing: Tuesday, May 8, 2001 at 2:00 p.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/4/778 Apr 24 C464609

CERTIFICATE OF PUBLICATION

4/26/2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/24/2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 91347

DATE 5-9-01 ACCOUNT R-006-6150
AMOUNT \$40.00

RECEIVED FROM: J. Neil Samji

FOR: Trappe Road

DRG #052901J DK

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	ACTUAL	TIME
5/10/2001	5/10/2001	08:54:04
REL MS03	CASHIER LMIL LDW	DRAWER 3
>>RECEIPT # 103386		OFLA
Dent 5 528 ZUNING VERIFICATION		
CR NO. 091347		

Recpt Tot 40.00
40.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

ZONING NOTION

A FOLK READING WILL BE HELD AT THE
ZONING COMMISSION ON MONDAY, NOVEMBER 10, 1968, 7:00 PM

RECEIVED

APR 27 2001

DEPT. OF PERMITS AND
DEVELOPMENT ADMINISTRATION

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/neighbor 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: 01-371-^{-SPH}~~X~~

Petitioner: Patrick Rooney

Address or Location: Lots 16-20 Trappe Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: J. NEIL LANZI

Address: 409 Washington Avenue #617
Towson MD 21204

Telephone Number: 410 296-0686

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 24, 2001 Issue – Jeffersonian

Please forward billing to:

J Neil Lanzi
409 Washington Avenue Suite 617
Towson MD 21204

410 296-0686

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: 01-371-SPHX

Trappe Road, Lots 16-20

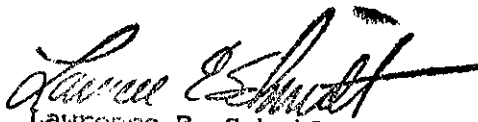
WS Trappe Road, 207.33' SW of centerline Old North Point Road

12th Election District – 7th Councilmanic District

Legal Owner: Patrick Rooney

Special Exception to approve used motor vehicle outdoor sales area pursuant to Section 236.4 of the BCZR; Special Hearing to approve amendment of site plan previously approved in Case # 67-99-X.

HEARING: Tuesday, May 8, 2001 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

GDL

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

April 3, 2001

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: 01-371-SPHX

Trappe Road, Lots 16-20

WS Trappe Road, 207.33' SW of centerline Old North Point Road

12th Election District – 7th Councilmanic District

Legal Owner: Patrick Rooney

Special Exception to approve used motor vehicle outdoor sales area pursuant to Section 236.4 of the BCZR; Special Hearing to approve amendment of site plan previously approved in Case # 67-99-X.

HEARING: Tuesday, May 8, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon". Below the signature, the number "402" is handwritten.

Arnold Jablon
Director

C: J Neil Lanzi, 409 Washington Avenue Suite 617, Towson 21204
Patrick J Rooney, 12 Wilderfield Court, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 23, 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.



Baltimore County
Department of Permits and
Development Management

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

May 4, 2001

J Neil Lanzi
409 Washington Avenue
Suite 617
Towson MD 21204

Dear Mr. Lanzi:

RE: Case Number: 01-371-SPHX, Trappe Road, Lots 16-20

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 20, 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.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Patrick J Rooney, 12 Wilderfield Court, Lutherville 21093
People's Counsel



Jim
5/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 12, 2001

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

APR 12

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-371

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For 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:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/JL:MAC



Baltimore County
Fire Department

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

March 29, 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: David Thompson - 364, Jacob Antwerpen - 367,
H-K Real Estate Holdings, Inc. - 368, Paul A. Coberly - 369,
Paul A. Corberly - 370, Patrick Rooney - 371, and McMahon
Investments - Baltimore, LLC - 378.

Location: DISTRIBUTION MEETING OF April 2, 2001

Item No.: 364, 367, 368, 369, 370, 371, and 378

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.

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

cc: File

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Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.2.01

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

RE: Baltimore County
Item No. 371 JSS

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,



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

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *Ac/RBS*

DATE: April 9, 2001

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of April 2, 2001

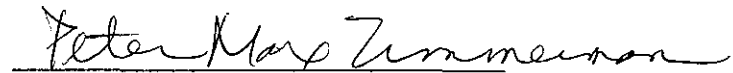
DEPRM has no comments for the following zoning petitions:

Item #	Address
364	426 Sherwood Road
367	9400 Liberty Road
368	6631-6635 Baltimore National Pike
369	116 Kinship Road
370	1914 Midland Road
371	Trappe Road Lots 16-20
373	9720 Greenside Drive
377	11 Olivia Court

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR SPECIAL EXCEPTION *
Lots 16-20 Trappe Road, W/S Trappe Rd, 207.33' SW of * ZONING COMMISSIONER
c/I Old North Point Rd *
12th Election District, 7th Councilmanic * FOR
Legal Owner: Patrick Rooney * BALTIMORE COUNTY
Petitioner(s)
* Case No. 01-371-SPHX
* * * * *

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 4th day of April, 2001 a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esq., 409 Washington Avenue, Suite 617, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Ave.
Towson, Md. 21204

410-887-3335

June 5, 2001

Nick Lanzi
Suite 617
409 Washington Avenue
Towson, MD 21204

RE: Trappe Road
W/S Trappe Rd.; N/S Grey Manor Rd.
DRC Number 052901J; Dist. 12C7

Dear Sir or Madam:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code, and to make recommendations to the Director, Department of Permits and Development Management (PDM).

The DRC has, in fact, met in an open meeting on May 29, 2001, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 26-171 (A) (7).

Now that you have received an A-7 limited exemption, please proceed with building permit application.

Nick Lanzi
Trappe Road
June 5, 2001
Page 2

A copy of this letter must be presented when submitting engineering/construction plans to this office, and/or when applying for a building permit.

Please note that compliance with divisions 3, 4, and 5 of the Development Regulations are required, as is compliance with all applicable zoning regulations. Phase 2 review fees may apply, depending on the amount of site disturbance, and/or the requirement of a Public Works Agreement. Also, sidewalks are required whenever the site is within the Metropolitan District.

Herein, find a commercial site plan checklist that will serve as a guide when preparing plans for building permit applications. Please be advised, plans not meeting minimum checklist requirements will not be accepted for filing. This will consequently delay building permit approval. Please note, the "conceptual" plan required for DRC review, does not necessarily meet the checklist guidelines. Therefore, it should not be assumed that the DRC plan is acceptable for building permit applications.

Should you have any questions regarding the above, please contact the Zoning Review Section at 410-887-3391.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 5th day of June 2001, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permit that may be required for this project, your application will be processed subject to the conditions set forth above, and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,



Arnold Jablon
Director

AJ:DTR:dak
c: File



Baltimore County
Department of Permits and
Development Management

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

February 13, 2002

J. Neil Lanzi, P.A.
Mercantile Building, Suite 617
409 Washington Avenue
Towson, Maryland 21204

RE Spirit & Intent, Case No. 01-371-SPHX, Lots 16-20 Trappe Rd., 12th Election District

Dear Mr. Lanzi:

Your recent letter to this office has been forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the followings has been determined.

1. After consulting with Timothy Kotroco, Deputy Zoning Commissioner as well as Avery Harden, Landscape Planner for Baltimore County, this office considers the adjustments outlined your letter and red-lined on the approved hearing plan to be within the "spirit and intent" of the Baltimore County Zoning Regulations (BCZR) relative to the orders and plans contained in the above referenced zoning case.
2. This "spirit and intent" approval is subject to any required change of occupancy permits, interior alteration permits, or other building permits. Contact the Permit Processing Office at 410-887-3900 in that regard
3. If a permit is required, you must incorporate a copy of this response letter on all plans submitted for review.
4. This "spirit and intent" approval applies to the zoning regulations (BCZR) and policies only and does not apply to regulations enforced by other government agencies.

A copy of your letter, this response and the red-lined plan will be recorded and made a permanent part of the zoning case file.

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

Sincerely,

Donna Thompson
Planner II
Zoning Review

DT
Enclosure

Cc: Avery Harden

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



J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL

Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA

Suite 420, Parkside Bldg

10500 Little Patuxent Parkway

Columbia, Maryland 21044-3563

Reply to Towson

January 15, 2002

Hand Delivered

Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Attn: Jim Thompson

Re: Rooney Property, Lots 16-26
Case No. 01-371-SPHX

Dear Mr. Thompson:

As you know, I represent Pat Rooney regarding the above referenced property and his used car operation at this location. The purpose of this letter is to request the administrative approval of a proposed red-line change to the site plan previously approved by the Deputy Zoning Commissioner on May 9, 2001. I have enclosed a copy of that Decision for your review. At that time, the Deputy Zoning Commissioner approved a Petition for Special Exception for the operation of a used vehicle outdoor sales area and further approved a special hearing amending the previously approved site plan for the subject property.

Since establishing his business, Mr. Rooney has found it necessary to reconfigure his parking area and vehicle display area. Accordingly, the enclosed red-line Plan establishes the new proposed vehicle display area as well as proposed customer and employee parking. You will note the new parking area actually adds one additional parking space to the project. For your information, this project also received an A(7) limited exemption from the Baltimore County Development Review Committee on June 5, 2001. I have enclosed a copy of the approval letter for your file as well.

In conclusion, it is our position the requested change constitutes a minor amendment which may be approved administratively as being within the spirit and intent of Zoning Case Case No. 01-371-SPHX. If you require any additional information, please do not hesitate to contact me. I have enclosed my firm check in the amount of \$40.00 for the review fee.

JAN 18 2002
02-193

Jim Thompson
January 15, 2002
Page Two

Thank you very much for your assistance in this matter.

Very truly yours,

J. Neil Lanzi

JNL\mal

cc: Patrick Rooney
Charles Main, P.E.
enclosure

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Charles Main, II

7125 Riverwood Dr 21046

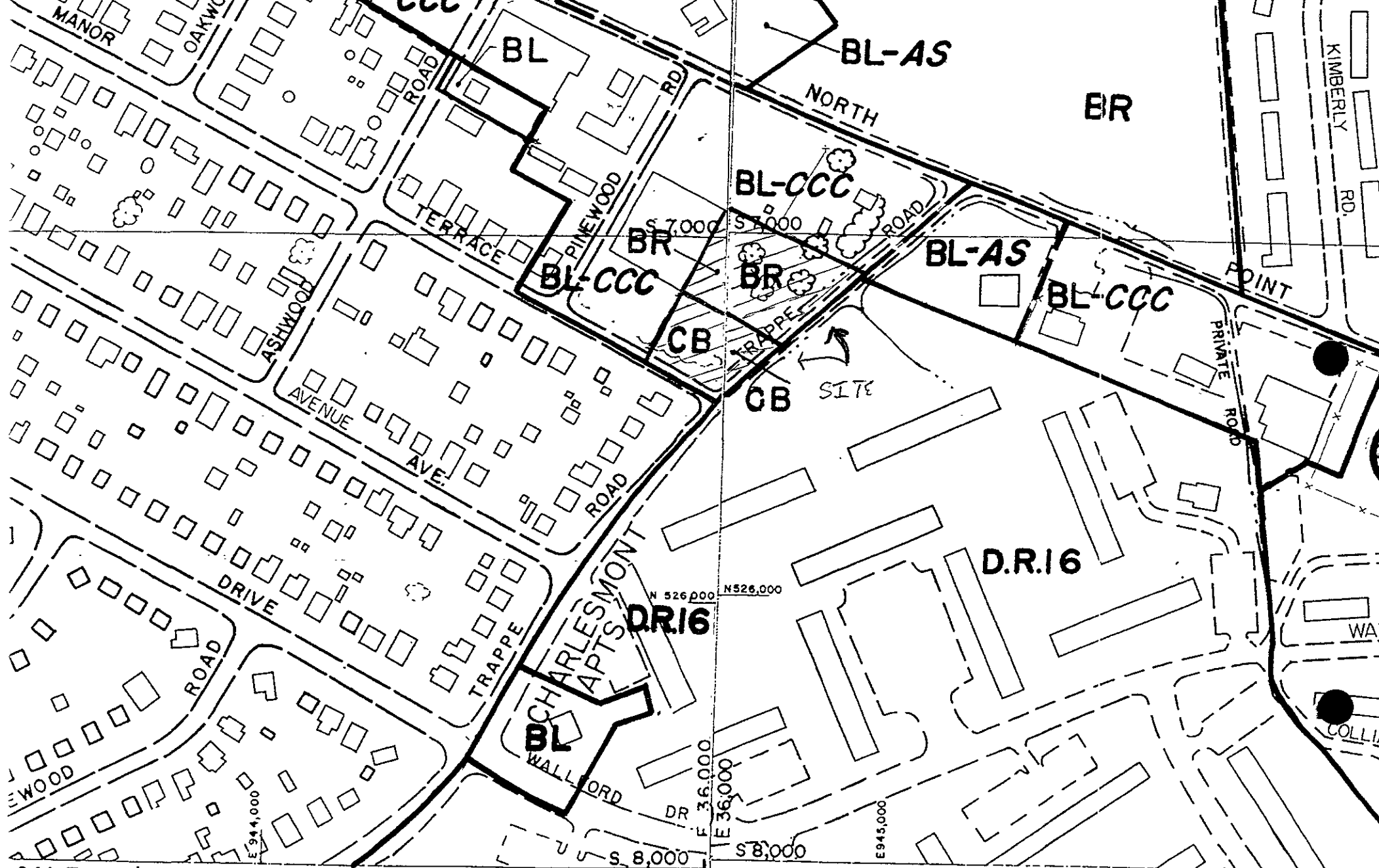
PATRICK J. ROONEY

12 WILDERFIELD COURT 21023

NELL LANZI

409 Washington Ave #617 Towson 21204





SCALE = 200' ±	LOCATION NORTH POINT GRAY MANOR	SHEET (S. E. 2-F)	E-NW (SE, 2-G)
DATE OF TOPOGRAPHY SURVEY	THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPANY		

371

Bill



SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

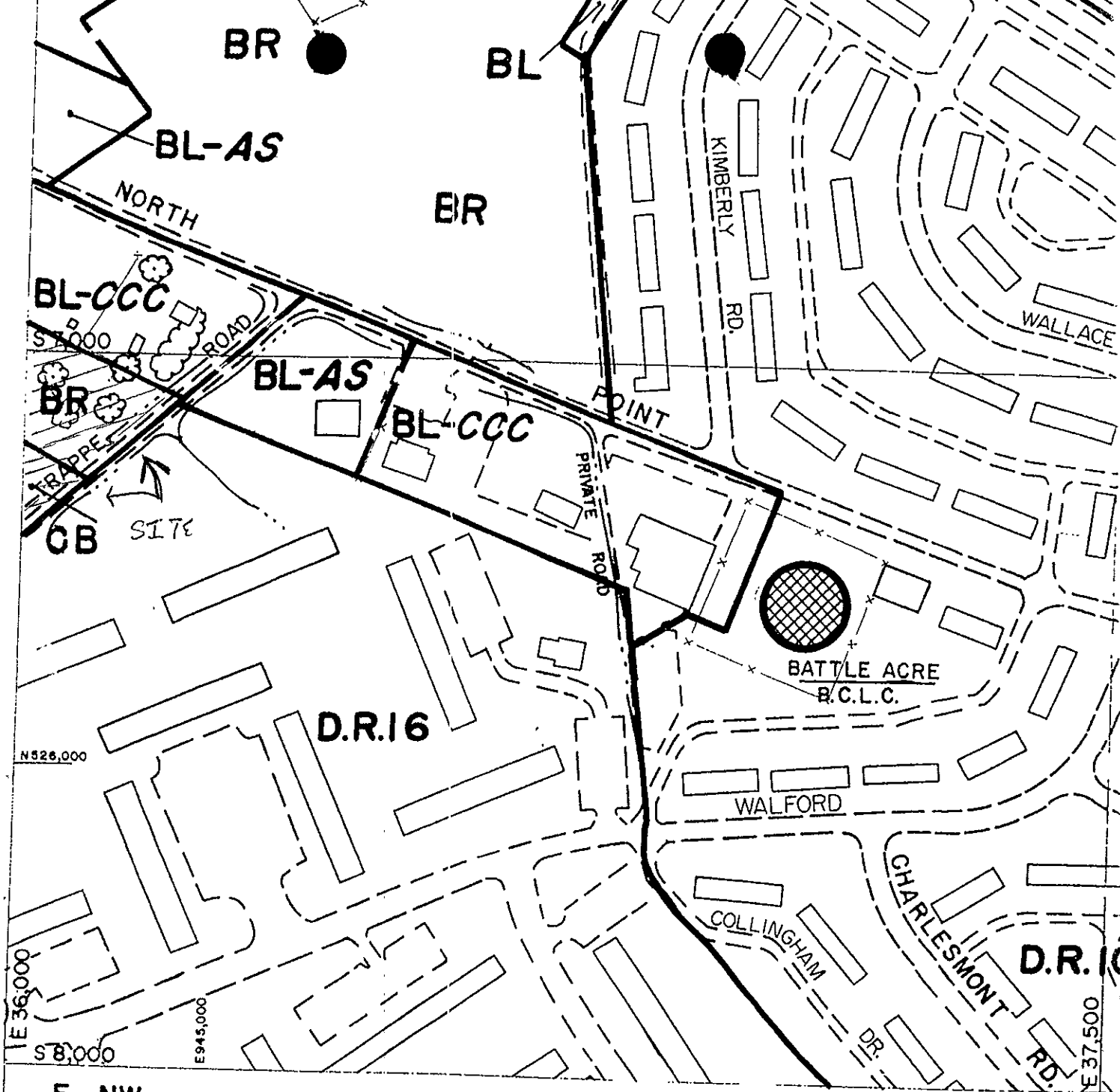
LOCATION

NORTH POINT
GRAY MANOR

SHEET

S. E.
2-F

371



E-NW

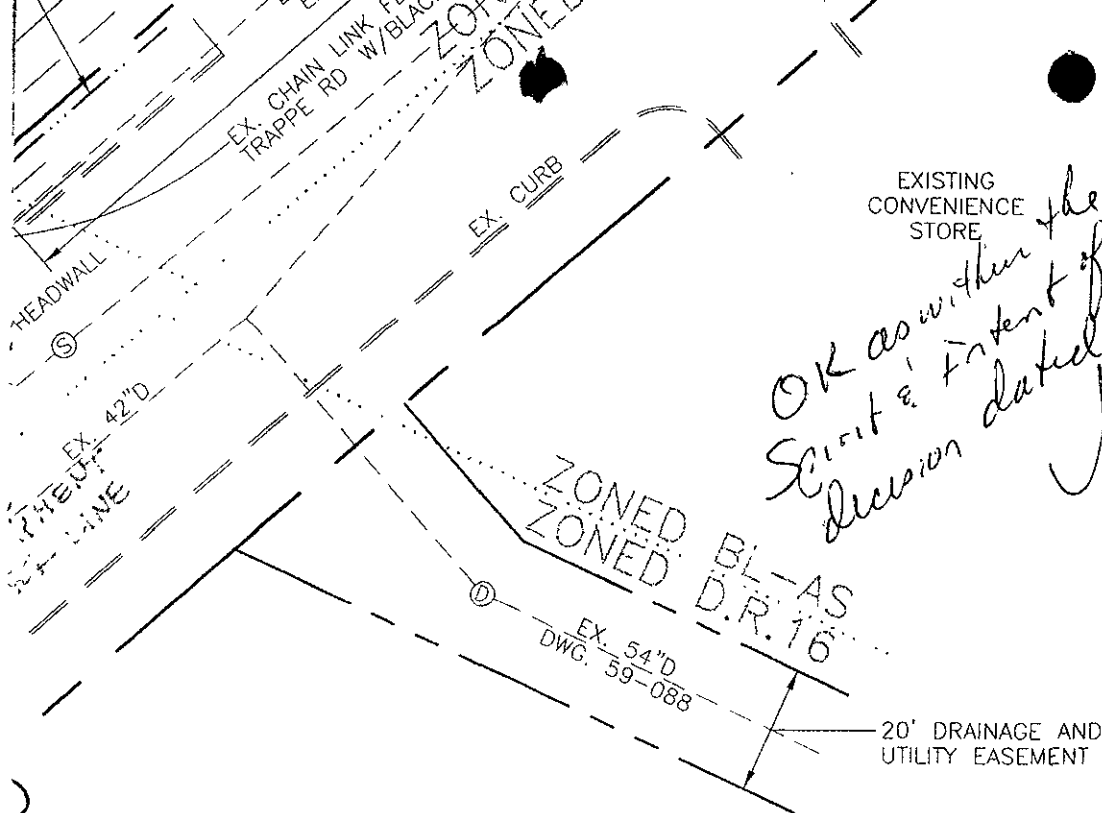
2000 COMPREHENSIVE
ADOPTED
THE BALTIMORE COUNTY
OCTOBER 10
Bills Nos. 87-00, 88-00, 89-00, 90-00

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

Joseph B. Baer
Chairman, County Board

mhp
SE 2-6

371



EXISTING
CONVENIENCE
STORE

*OK as within the
Spirit & Intent of my
decision dated 5/9/01.
Murphy 5/12/02*

NO	REVISION	DATE

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING ROONEY PROPERTY

LOTS 16-26 BLOCK L
 PLAT BOOK W.P.C. 8 FOLIO 61 TAX MAP 104, PARCEL 438
 12TH ELECTION DISTRICT 7TH COUNCILMATIC DISTRICT
 BALTIMORE COUNTY, MARYLAND



FREDERICK WARD ASSOCIATES, INC.

ENGINEERS	7125 Riverwood Drive	Columbia, Maryland	21046-2354
ARCHITECTS	Phone: 410-290-9550	Fax: 410-720-6226	
SURVEYORS	Bel Air, Maryland	Columbia, Maryland	Warrenton, Virginia



3-19-01

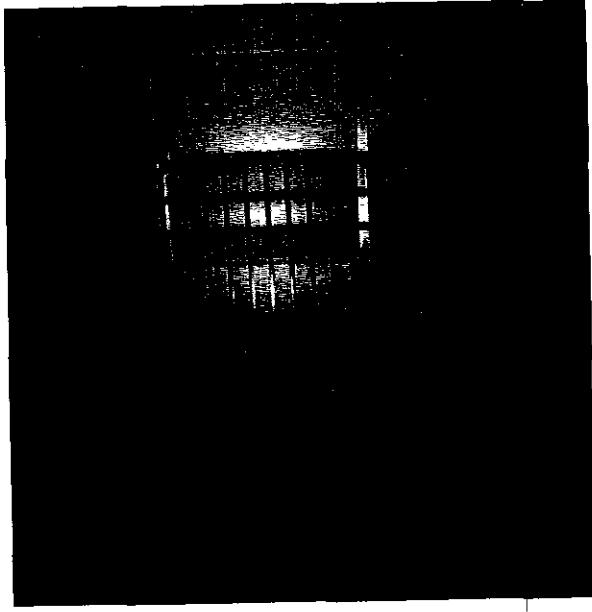
DESIGN BY: C.V.M.
 DRAWN BY: J.C.O./K.O.
 CHECKED BY: C.V.M.
 DATE: MARCH 19, 2001
 SCALE: 1"=30'
 W.O. NO.: 2017003

1 SHEET 1
OF

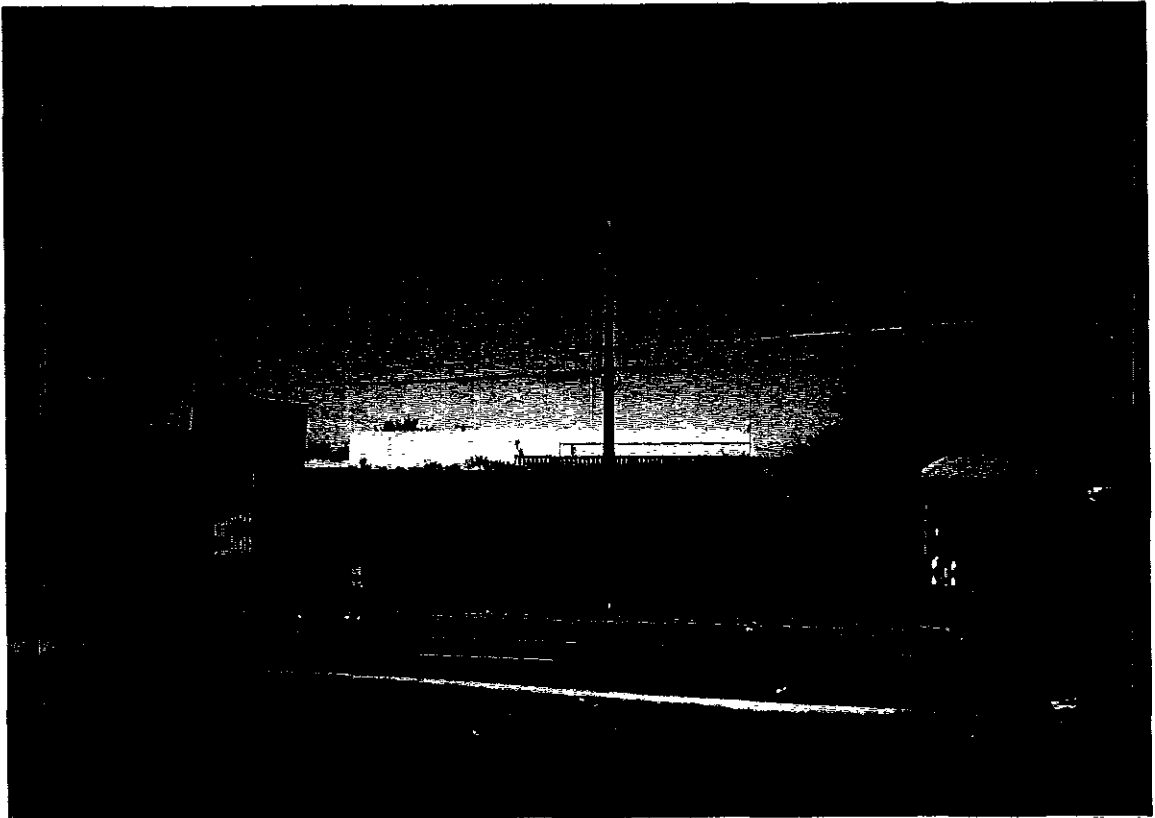


Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
40011 Bosley Avenue
Towson, Maryland 21204

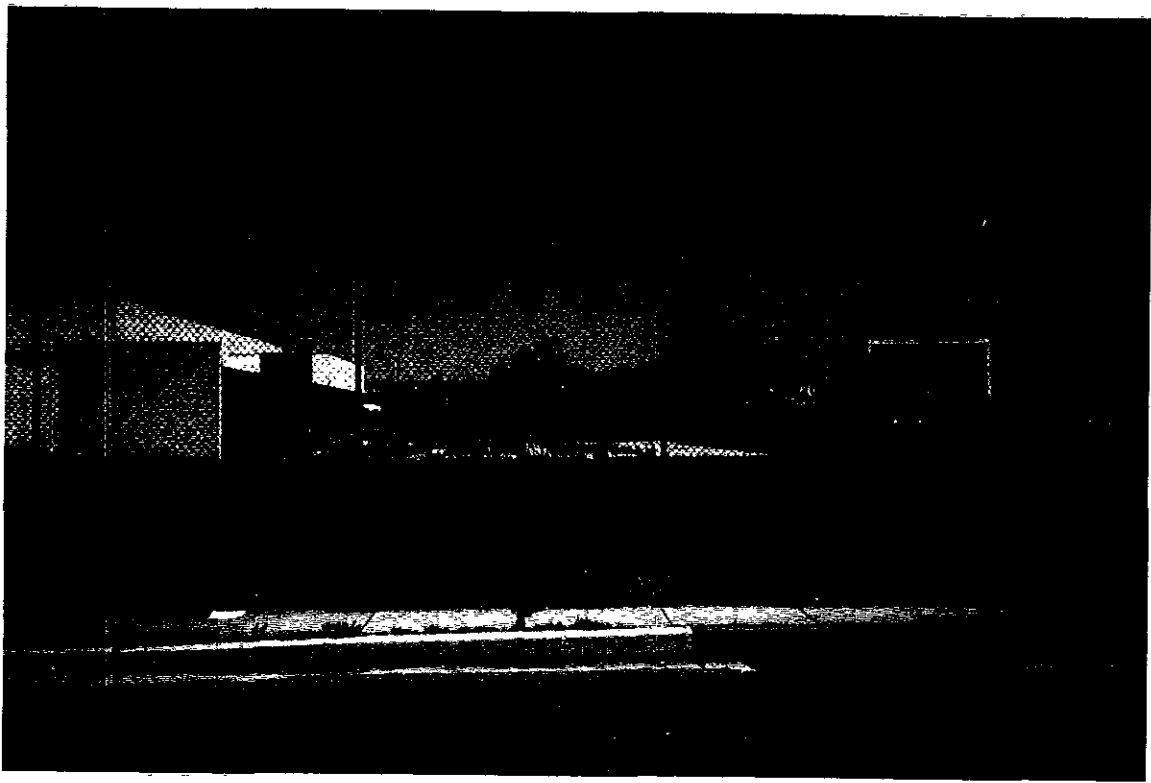
Photographs
01-371-SPHX

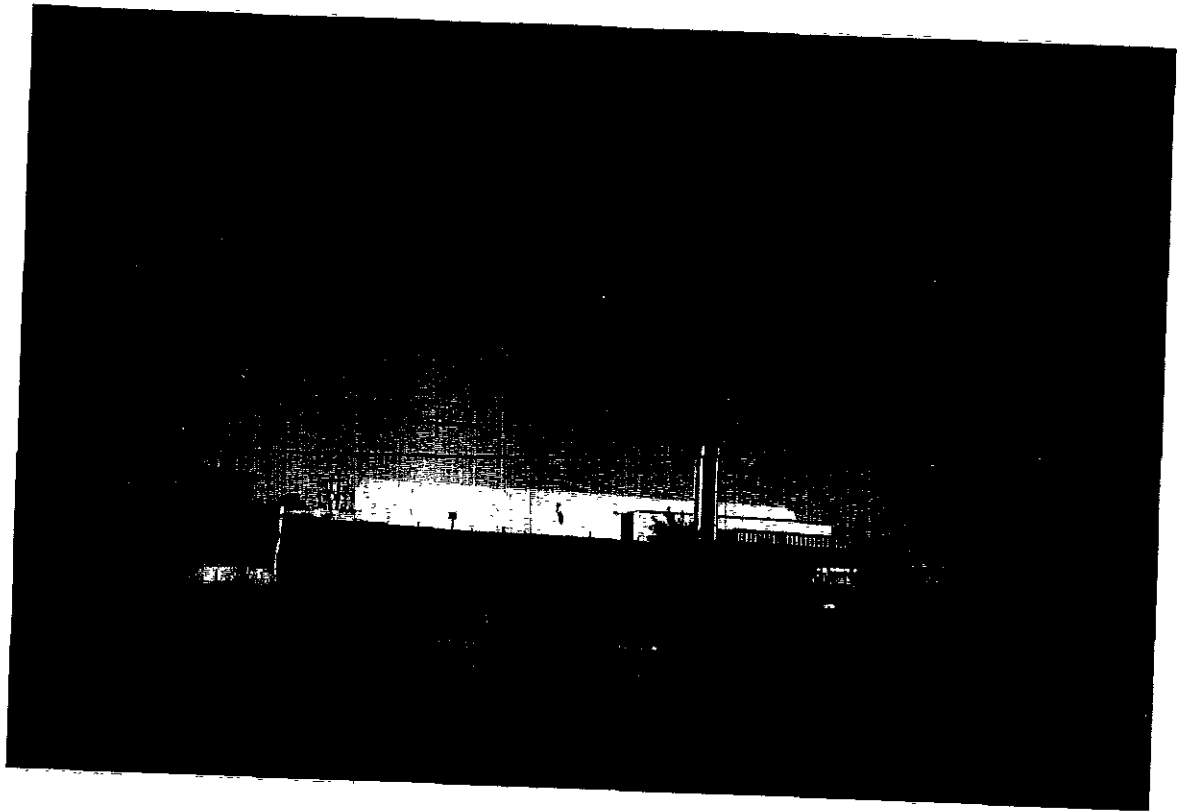


Ref Ex 3









GENERAL NOTES:

Property Owner:
Patrick Rooney
1400 West Court
Lutherville, MD 21093

Attorney:
Lanz, P.A.
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

Area of Property:
Net 25,170 s.f. or 0.58 ac.
Gross 30,186 s.f. or 0.69 ac.

Plot Reference:
Plot of Gray Manor W.P.C. No. 8 at Folios 60 and 61

Deed Reference:
Liber No. 11857, Folio No. 738 and 739

Property Information:
Tax Map No. 104
Parcel 15
Tax Identification No. 02 0200220238

Zoning Maps: SE2F & SE2G

Zoning Classification: BR, Business, Roadside

Basic Information:
Setbacks, easements, utilities and property information have been based upon surveys and other sources believed to be reliable. The correctness or the completeness of the information is not guaranteed.

Existing Use:
Vacant

Proposed Use:
Used motor vehicle sales

Floor Area Ratio:
 $1200 \div 30,186 \text{ s.f.} = 0.02$

Parking:
Required - 5 spaces / 1,000 s.f. sales office = 6 spaces
Proposed - 6 spaces including 1 handicapped

Lighting:
Fixtures used to illuminate any parking facility shall be so arranged as to reflect light away from residential lots and public streets. Lighting standards shall be met by curbing or landscaping. Existing light standards to remain and fixtures replaced.

Parking Lot:
Paving shall be durable, dustless and properly drained so as to not create any undesirable conditions. Parking spaces must be striped and maintained so as to keep striping visible.

Landscaping:
Design shall conform to the 2000 Baltimore County Landscape Manual. Class B landscape strip shall be placed between the employee and customer parking lot and the adjacent commercial properties.

Stormwater Management:
A waiver to the quantity regulations will be requested based on the development is a parcel of land less than 2 acres in size surrounded by existing developed land. The waiver is requested for the purpose of allowing the development to provide adequate capacity to accommodate the runoff from the additional development. Water quality management will be provided.

Zoning Relief Sought:
Petition for Special Exception for a used motor vehicle outdoor sales area pursuant to Section 236.4 of the Baltimore County Zoning Regulations.

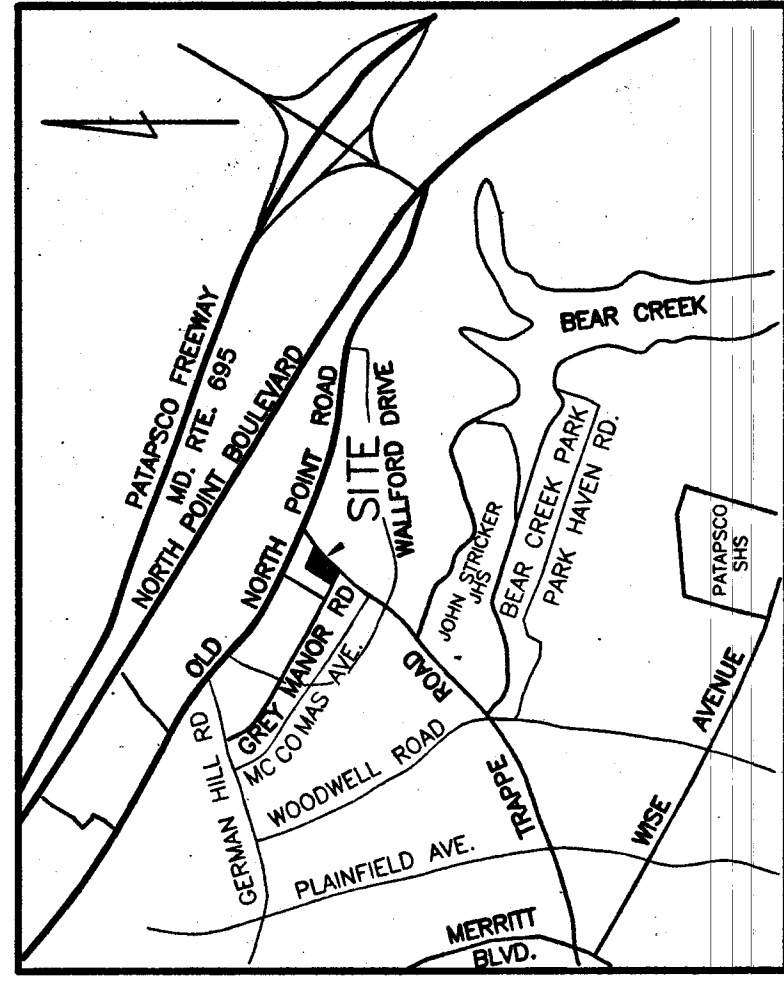
Petition for Special Hearing to amend the previously approved Special Exception Plan, Case No. 67-99x

Zoning History:
Case No. 2344- Reclassification petition of Marty Bortkowsky to reclassify lots 16-20 Trappe Road, from A residential to B Commercial. Reclassification petition approved February 10, 1999 granting reclassification and also granting special permit for automobile parking in lots 21-26.

Case No. 67-99x - Petition for Special Exception of Frank Bortkowsky to allow advertising structures on the subject property, approved November 7, 1998.

Case No. 07-029 - Lots 16-20 were zoned BR as part of the 2000 Comprehensive Zoning Map Process.

Signage:
An Enterprise sign is proposed. The sign will be freestanding, illuminated, 15 feet high and 100 s.f. each side, in accordance with section 430.4 of the BCZR.



VICINITY MAP

SCALE 1" = 2000'



PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION
AND SPECIAL HEARING
ROONEY PROPERTY

LOTS 16-26 BLOCK L
TAX MAP 104, PARCEL 439
12TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Dan McCune Walker, Inc.
Revised January 8, 2002
Red-lined changes made at
the direction of Patrick Rooney
after review of the Building
Restriction Lines (BRL)
with Jim Thompson of the
County Zoning Office.



FREDERICK WARD ASSOCIATES, INC.
7125 Riverwood Drive Columbia, Maryland 21046-2354
Phone: 410-200-9550 Fax: 410-720-8228
Sanctuary | Baltimore, Maryland | Warrenton, Virginia

DESIGN BY: C.V.M.
DRAWN BY: J.C.O./A.O.
CHECKED BY: C.V.M.
DATE: MARCH 19, 2001
SCALE: 1" = 30'
W.D. NO.: 2017003

SHEET
OF

GENERAL NOTES:

Property Owner:
12000 Rock Road
Lutherville, MD 21093

Attorney:
Neil Lenz, P.A.
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

Area of Property:
Net 25,170 s.f. or 0.58 ac.
Gross 30,186 s.f. or 0.69 ac.

Plot Reference:
Plot of Gray Manor W.P.C. No. 8 at Folios 60 and 61

Deed Reference:
Liber No. 11857, Folio No. 738 and 739

Property Information Lots 16 through 20:
For Map No. 104

For Map No. 104
For Verification No. 02 0200220238

Zoning Maps: SEZF & SEZG

Zoning Classification: BR, Business, Roadside

Base Information:
This plan shows the location, features, utilities and property information have been based upon surveys and other sources believed to be reliable. The correctness of the completeness of the information is not guaranteed.

Existing Use:
Vacant

Proposed Use:
Used motor vehicle sales

Flag Area Ratio:
60%
30,186 s.f. = 0.02
< 2.0 allowed

Parking:
Proposed - 5 spaces / 1,000 s.f. sales office = 3 spaces
Proposed - 10 spaces including 1 handicapped

Lighting:
Lighting used to illuminate any parking facility shall be so arranged as to reflect light away from residential lots and public streets. Lighting standards shall be protected from vehicular traffic by cutting or landscaping. Existing light standards to remain and fixtures replaced.

Parking Lot:
Paving shall be durable, dustless and properly drained so as to not create any pooling conditions. Parking spaces must be striped and maintained so as to keep striping visible.

Landscaping:
Landscaping shall conform to the 2000 Baltimore County Landscape Manual. Class B landscape strip shall be provided adjacent to the public right of way and of 6 foot and the adjacent commercial properties.

Stormwater Management:
A waiver to the quantity regulations will be requested based on the development of a portion of the lot less than 2 acres in size surrounded by existing developed areas. The waiver shall be based on the fact that the proposed development is of adequate capacity to accommodate the runoff from the additional development. Water quality management will be provided.

Zoning Relief Sought:

Petition for Special Exception for a used motor vehicle outdoor sales area pursuant to Section 236.4 of the Baltimore County Zoning Regulations.

Petition for Special Hearing to amend the previously approved Special Exception Plan, Case No. 67-93x.

Zoning History:

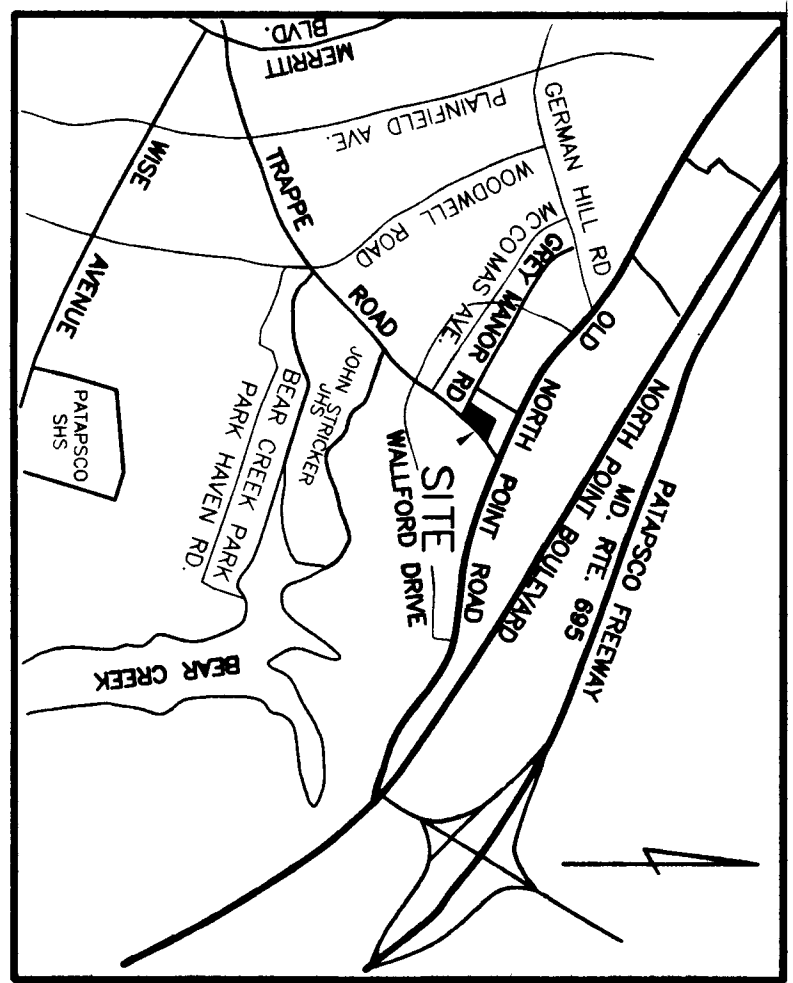
Case No. 2344 - Reclassification petition of Mary Borkowsky to reclassify lots 16-20 Trape Road, from A residential to B Commercial. Reclassification petition was approved by the Board of Zoning Appeals on 10/21/93. A special exception permit for automobile parking in lots 21-26.

Case No. 67-93x - Petition for Special Exception of Frank Borkowsky to allow advertising structures on the subject property, approved November 7, 1986.

Case No. 07-029 - Lots 16-20 were zoned BR as part of the 2000 Comprehensive Zoning Map Process.

Signage:
An Enterprise sign is proposed. The sign will be freestanding, illuminated, 15 feet high and 100 s.f. each side, in accordance with section 450.4 of the BCZR.

ASSUMED



VICINITY MAP

SCALE 1" = 2000'



Re. G. 1

PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION
AND SPECIAL HEARING
ROONEY PROPERTY

LOTS 16-26 BLOCK 1
PLAY BOOK W.P.C. & FOLIO 61
12TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

FREDERICK WARD ASSOCIATES, INC.
7123 Riverdale Road
Columbia, Maryland 21046-2534
Phone: 410-320-5550
Fax: 410-320-5550
Baltimore, Maryland
Worren, Virginia

DESIGN BY: C.V.M.
DRAWN BY: J.C.O./A.O.
CHECKED BY: C.V.M.
DATE: MARCH 19, 2001
SCALE: 1"=30'
W.O. NO.: 2017003

