

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
W/S Avondale Road, 134' S of "C" Street
11th Election District
6th Councilmanic District
(3015 E. Joppa Road)

Antoni Horodowicz, *Legal Owner* and
Bonner Joppa LLC/Tim's Automotive,
Contract Purchaser
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-066-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, Antoni Horodowicz and the contract purchaser, Bonner Joppa LLC. The special hearing request is from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the previously approved special exception granted in Case No. 95-423-SPH, to allow the construction of a new building on the subject property. In addition, the Petitioners are requesting a variance from Section 409.8.A.4 of the B.C.Z.R., to allow existing parking spaces to continue with a 0 ft. setback from the street right-of-way line in lieu of the required 10 ft.

Appearing at the hearing on behalf of the special hearing and variance requests were Antoni Horodowicz, owner of the property, Michael Walkley, the professional engineer who prepared the site plan of the property and Tim Bonner, owner and operator of Tim's Automotive, the contract purchaser of the property. The Petitioner was represented by Lawrence Haislip, attorney at law. Appearing as an interested citizen was Ruth Baisden, representing the Greater Parkville Community Council.

Testimony and evidence indicated that the property, which is the subject of this request, consists of 0.34 acres, more or less, zoned BL-AS. The subject property is located on the

UNCLER RECEIVED FOR FILING

Date

9/28/01

By

R. Jameson

southwest corner of the intersection of Avondale Road and "C" Street in the Parkville area of Baltimore County. The subject property is currently improved with an existing 1-story masonry and stucco building, wherein the current owner operates a service garage.

Mr. Bonner, who operates a business in Baltimore City at the intersection of Frankford Avenue and Belair Road, is desirous of purchasing the subject property from Mr. Horodowicz. Mr. Bonner intends to tear down the old dilapidated masonry building out of which Mr. Horodowicz has operated his service garage for the past 30 years. The building is beyond renovation and needs to be torn down. Furthermore, the remainder of the property is in desperate need of a clean-up. Mr. Bonner proposes to tear down the old building and clean the entire property. He further proposes to repave the entire site with macadam. The macadam in its current state is busted up and in many places reduced to gravel. The addition of Mr. Bonner and his business to this area of Parkville and the renovation and rehabilitation of this particular piece of property will be a tremendous windfall to this community.

Mr. Bonner proposes to construct a new 6-bay service garage facility in accordance with the representations made on the site plan submitted into evidence. In order to proceed with the redevelopment of this property, the special hearing request, as well as the variance request, are necessary.

As stated previously, Ms. Ruth Baisden appeared on behalf of the Greater Parkville Community Council. In addition, a letter of support was submitted by the Carney Improvement Association. The letter from the Carney Improvement Association requests that certain conditions and restrictions be imposed upon Mr. Bonner, in the event the special hearing and variance are granted. Ms. Baisden agreed with the position of the Carney Improvement

Association. The conditions and limitations, as stated in the letter from the Carney Improvement Association were discussed in detail with the Petitioner.

After considering the testimony and evidence offered at the hearing, I find that the Petitioner's special hearing request to amend the previously approved special exception in Case No. 95-423-SPH should be granted. However, I believe it is necessary to place appropriate conditions and restrictions upon this Petitioner, in order to protect the interests of the surrounding residential community. Those conditions and restrictions shall be listed at the end of this Order.

As to the variance request, the Petitioner is requesting permission to continue to utilize parking spaces that are situated 0 ft. from the street right-of-way in lieu of the required 10 ft. These parking spaces relate to the public road known as "C" Street. Many of the businesses located along "C" Street have parking immediately adjacent to that right-of-way. Mr. Bonner wishes to continue to utilize parking in that fashion which has existed on this property for the past 30 years. He does propose to repave the entire parking lot and install new curb and gutter.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. The relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R. In addition, the variance request to permit parking spaces with a 0 ft. setback from the right-of-way line of a public street in lieu of the required 10 ft. shall also be granted.

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, I believe that the special hearing and variance requests should be granted.

ORDER RECEIVED FOR FILING
Date 9/28/01
By R. Jensen

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of September, 2001, that the Petitioner's Request for Special Hearing to amend the previously approved special exception granted in Case No. 95-423-SPH, to allow the construction of a new building on the subject property, be and is hereby GRANTED.

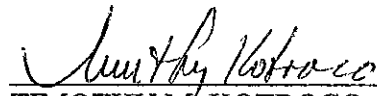
IT IS FURTHER ORDERED, that the Petitioner's Request for Variance to allow existing parking spaces to continue with a 0 ft. setback from the street right-of-way line in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall be required to submit to Mr. Avery Harden, Landscape Architect for Baltimore County, a landscape and lighting plan for his full review and approval.
3. The Petitioner shall be permitted to install an illuminated identification sign in the area depicted on the site plan. However, the illumination of the sign in question shall be placed on a timer so as not to be illuminated between the hours of 2:00 a.m. and 6:00 a.m. on any given day.
4. The operation of a service garage from this property shall not include the painting of automobiles or major body and fender work. The Petitioner shall be permitted to do minor paint touch-up work, shall be permitted to replace mirrors, tail lights, windshields, bumper guards and other light body work, along with all major and minor mechanical repair.
5. At no time shall any damaged vehicles be stored outside on the Petitioner's property. All automobiles awaiting repair by the Petitioner shall be parked in the designated parking spaces as shown on the site plan submitted into evidence. Automobiles awaiting repair shall not be permitted to be parked in a haphazard fashion on the property or stacked behind one another.
6. Parking associated with the Petitioner's business shall be permitted on the public road known as "C" Street, as well as along Avondale Road, adjacent to the Petitioner's property and adjacent to the BGE substation. However, no parking shall be permitted by the Petitioner's employees or customers along any public street in front of any residential dwelling.

ORDER RECEIVED FOR FILING

Date 9/28/01
by R. Johnson

7. The hours of operation of the Petitioner's business shall be from 7:00 a.m. to 6:00 p.m., Monday through Friday, and Saturday, 8:00 a.m. to 3:00 p.m. The Petitioner shall be permitted to operate his business outside of these hours on certain occasions where he has to finish a customer's vehicle for delivery. However, these shall be the main hours of operation for the Petitioner's business.
8. The Petitioner shall be prohibited from test driving customer's automobiles along Avondale Road, south of the BGE substation, which would involve the adjacent residential community. These residential streets shall not be utilized by the Petitioner for the purpose of test driving vehicles. The Petitioner shall utilize Joppa Road, "C" Street, Harford Road and/or other major commercial arteries for the purpose of test driving vehicles.
9. There shall be no tow truck operation permitted to occur from this property and no tow trucks shall be stored on the subject property. However, it shall be permitted for tow trucks to bring automobiles in need of repair to and from the subject site.
10. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date

9/28/01

By





Baltimore County
Zoning Commissioner

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

September 28, 2001

Lawrence Haislip
Miles & Stockbridge, PC
600 Washington Avenue, Suite 300
Towson, Maryland 21204

Re: Petition for Special Hearing & Variance
Case No.: 02-066-SPHA
Property: 3015 E. Joppa Road

Dear Mr. Haislip:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have 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 Department 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 Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper

Copies to:

Michael Walkley, P.E.
2000 Clipper Park Road, Suite 200
Baltimore, MD 21211

Tim Bonner
Tim's Automotive
50500 Belair Road
Baltimore, MD 21206

Antonio Horodowicz
3015 E. Joppa Road
Baltimore, MD 21234

Ruth Baisden
c/o Greater Parkville Community Council
7706 Oak Avenue
Baltimore, MD 21234



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3015 E. Joppa Rd Balto MD 21234
which is presently zoned BL - AS

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 an Amendment to the Special Exception granted August 2, 1995. The Petitioner requests that the Special Exception be amended to include the construction of a new building or adding to the existing building for use as an automotive repair facility.

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:

Bonner Joppa LLC/Tim's Automotive

Name - Type or Print

Signature

50500 Belair Rd. 410-488-9098

Address

Telephone No.

Baltimore

MD

21206

City

State

Zip Code

Legal Owner(s):

Antoni Horodowicz

Name - Type or Print

Signature

Name - Type or Print

Signature

3015 E. Joppa Rd.

Address

Telephone No.

Baltimore

MD

21234

City

State

Zip Code

Representative to be Contacted:

Michael J. Walkley, P.A.

Name 2000 Clipper Park

Rd. Suite 200

410-889-7700

Address

Telephone No.

Baltimore

MD

21211

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 8/9/01

Attorney For Petitioner:

Lawrence Haslip

Name - Type or Print

Signature

Miles Stockbridge PC

Company

600 Washington Ave.

Address

410-821-6825

Telephone No.

Baltimore

MD

Zip Code

City

State

Zip Code

ORDER RECEIVED
Case No. 02-066-SPHA
Date 9/15/98



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3015 E. Joppa Rd Balto MD 21234

which is presently zoned BL-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.8.A.4 (BCZR) to permit parking spaces with a 0 feet setback from the right-of-way line of a public street in lieu of the required 10 feet setback.

JB

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

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

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

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

Contract Purchaser/Lessee:

Bonner Joppa LLC/Tim's Automotive
Name - Type or Print
[Signature]
Signature
6500 Belair Rd. 410-488-9098
Address Telephone No.
Baltimore MD 21206
City State Zip Code

Attorney For Petitioner:

Lawrence Haislip
Name - Type or Print
[Signature]
Signature
Miles Stockbridge PC
Company
600 Washington Ave. 410-821-6825
Address Telephone No.
Baltimore MD
City State Zip Code

Legal Owner(s):

Antoni Horodowicz
Name - Type or Print
[Signature]
Signature

Name - Type or Print

Signature
3015 E. Joppa Rd. 665-7287
Address Telephone No.
Baltimore MD 21234
City State Zip Code

Representative to be Contacted:

Michael J. Walkley, P.A.
Name
2000 Clipper Park
Rd. Suite 200 410-889-7700
Address Telephone No.
Baltimore MD 21211
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING
Reviewed By JNP Date 8/9/01

Case No. 02-066-SPHA

MICHAEL J. WALKLEY, P.A.

Consulting Engineers

2000 Clipper Park Road
Suite 200
Baltimore, Maryland 21211
Telephone (410) 889-7700
Fax (410) 889-7756

Structural Engineering
Foundation Engineering
Construction Engineering
Forensic Engineering
Building Renovation

Bridge Renovation
Systems Engineering
Harbor Engineering
Civil Engineering
Industrial Buildings

ZONING DESCRIPTION

3015 E. Joppa Road

August 9, 2001

Beginning for the same on the west side of Avondale Road (60' wide), distant 134'± south from the center line of "C" street (varying width), thence leaving said right-of-way line of Avondale Road,

1. S 84° 12' 30" W 118.00 feet, thence
2. N 14° 00' 30" W 57.63' feet, thence
3. N 33° 51' 30" W 61.28 feet, thence
4. N 00° 13' 30" W 5.43 feet to the southerly right-of-way line of "C" Street, thence binding thereon,
5. N 86° 25' 50" E 36.36 feet, thence
6. N 88° 12' 47" E 48.00 feet, thence
7. S 86° 28' 20" E 43.19 feet, thence
8. N 88° 12' 47" E 15.00 feet, thence
9. By a line curving to the right, having a radius of 28.00 feet for the distance measured along the arc of 22.08', to the western right-of-way line of Avondale Road, thence with said line,
10. S 1° 58' 30" E 90.87 feet to the place of beginning.

Containing 0.334 Acres of land, more or less.

Being a part of that lot or parcel of land conveyed by Webster H. Mitcherling and Elizabeth

MICHAEL J. WALKLEY, P.A.

Mitcherling to Antoni Horodowicz and Bozenna Horodowicz, his wife, by deed dated October 12, 1973 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 5404 folio 236 etc. Also known as 3015 East Joppa Road and located in the Eleventh Election District of Baltimore County, Maryland.



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

No.

4020

DATE

8/9/01

ACCOUNT

R-001-006-6150

AMOUNT

\$ 500.00

RECEIVED
FROM:

HORODOWICZ - TMS Automotive Bldg. Fund

FOR:

3015 E. Joppa Road

02-066-SPM41

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTIVITY TIME

8/9/2001 8/09/2001 14:33:02

REQ. REQ.3 CASHIER RING LRB DROWER 3

RECEIPT # 200126

REQ. 5 520 ZUNING VERIFICATION

CR. NO. 004020

Recpt tot	500.00
500.00 CR	.00 CR
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: #02-066-SPHA

3015 East Joppa Road

W/S Avondale Road, 134' S of "C" Street

11th Election District - 6th Councilmanic District

Legal Owner(s): Antoni Horodowicz

Contract Purchaser: Bonner Joppa LLC

Tim's Automotive, Tim Bonnier

Special Hearing: to approve an amendment to the Special Exception granted August 2, 1995, that the amendment to include the construction of a new building or adding to the existing building for use as an automotive repair facility.

Hearing: Wednesday, September 26, 2001 at 2:00 p.m.

In Room 407, County Courts Building, 401 Bosley Ave.

and, 101 21st St.

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.

J.T. 9/687 September 11 C492891

CERTIFICATE OF PUBLICATION

9/13, 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 9/11, 2001.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 02-066-SPHA

Petitioner/Developer: ANTONI

HORODUNICZ

Date of Hearing/Closing: 9/26/01

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 3016 E. JOPPA RD

The sign(s) were posted on 9/11/01
(Month, Day, Year)

Sincerely,

[Signature]
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

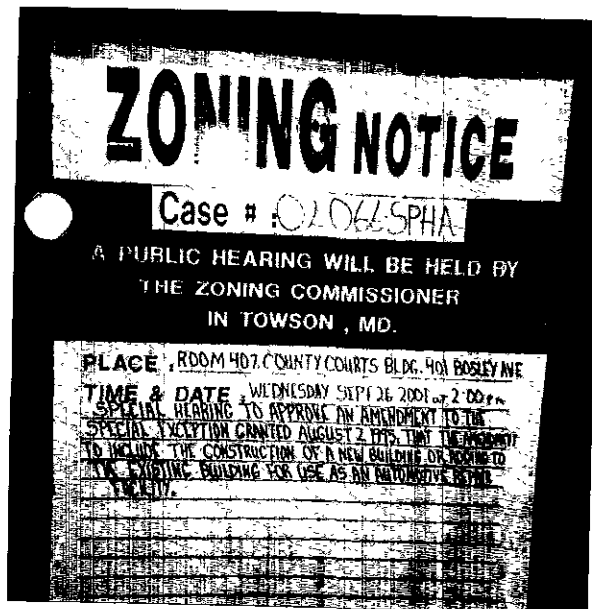
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



SEND
ELEMENT

**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: 02-066-SPHA
Petitioner: ANTONI HORODOWICZ
~~Bonner Joppa LLC/Tim's Automotive~~
Address or Location: 3015 E. Joppa Rd. Baltimore MD 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: Bonner Joppa LLC/Tim's Automotive
Address: 3015 E. Joppa Rd. Baltimore, MD 21234

Telephone Number: 410-488-9098

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 11, 2001 Issue – Jeffersonian

Please forward billing to:

Bonner Joppa LLC/Tim's Automotive
3015 E Joppa Road
Baltimore MD 21234

410 488-9098

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: 02-066-SPHA

3015 E Joppa Road

W/S Avondale Road, 134' S of "C" Street

11th Election District – 6th Councilmanic District

Legal Owner: Antoni Horodowicz

Contract Purchaser: Bonner Joppa LLC, Tim's Automotive, Tim Bonner

Special Hearing to approve an amendment to the Special Exception granted August 2, 1995, that the amendment to include the construction of a new building or adding to the existing building for use as an automotive repair facility.

HEARING: Wednesday, September 26, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT *ESD*
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

August 29, 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: 02-066-SPHA
3015 E Joppa Road
W/S Avondale Road, 134' S of "C" Street
11th Election District – 6th Councilmanic District
Legal Owner: Antoni Horodowicz
Contract Purchaser: Bonner Joppa LLC, Tim's Automotive, Tim Bonner

Special Hearing to approve an amendment to the Special Exception granted August 2, 1995, that the amendment to include the construction of a new building or adding to the existing building for use as an automotive repair facility.

HEARING: Wednesday, September 26, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon GJZ
Director

C: Lawrence Haslip, Miles Stockbridge PC, 600 Washington Ave, Baltimore 21204
Antoni Horodowicz, 3015 E Joppa Road, Baltimore 21234
Bonner Joppa LLC/Tim's Automotive, Tim Bonner, 6500 Belair Road,
Baltimore 21206
Michael J Walkley, 2000 Clipper Park Road, Suite 200, Baltimore 21211

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 11, 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
pdmlandacq@co.ba.md.us

September 21, 2001

Lawrence Haslip
Miles Stockbridge PC
600 Washington Avenue
Baltimore MD 21204

Dear Mr. Haslip:

RE: Case Number: 02-066-SPHA, 3015 E Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 9, 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

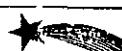
c: Antoni Horodowicz, 3015 E Joppa Road, Baltimore 21234
Tim Bonner, Bonner Joppa LLC/Tim's Automotive, 5500 Belair Road,
Baltimore 21206
Michael J Walkley PA, 2000 Clipper Park Road, Suite 200, Baltimore 21211
People's Counsel



Census 2000



For You, For Baltimore County



Census 2000



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 15, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For September 4, 2001
Item No. 066

The Bureau of Development Plans Review has reviewed the subject zoning item.

The proposed accesses off Avondale Road are not acceptable.

The existing 60-foot county right-of-way for Street "C" and the proposed parking, as shown on plan, encroaches on county right-of-way. Please resubmit revised proposed drawings for parking.

Work shall meet county Standard for Commercial Entrance.

Construct concrete curb and gutter and 5-foot-wide sidewalk on Street "C".

All work shall meet and comply with county Standard for Construction and Details.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

RECEIVED SEP 05 2001

September 4, 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 August 27, 2001

Item No.: 059, 063, 064, 066, 067,

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

cc: File

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

Jim
9/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 21, 2001

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

SUBJECT: 3015 E. Joppa Road

SEP 24

INFORMATION:

Item Number: 02-066

Petitioner: Bonner Joppa LLC

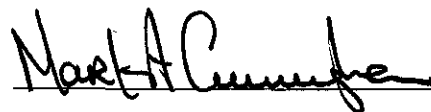
Zoning: BL-AS

Requested Action: Variance/Special Hearing

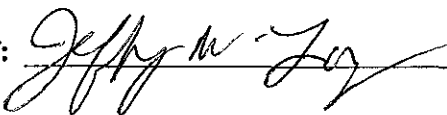
SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the subject variance request(s) and special hearing provided a landscape and lighting plan is submitted to the County Landscape Architect, Avery Harden for review and approval prior to the issuance of any building permits.

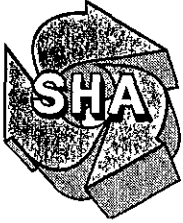
Prepared by:



Section Chief:



AFK:MAC:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 9.5.01

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

RE: Baltimore County
Item No. 066-1 JNP

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,

/s/ 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

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
3015 E. Joppa Road, W/S Avondale Rd,
134' S of C Street
11th Election District, 6th Councilmanic

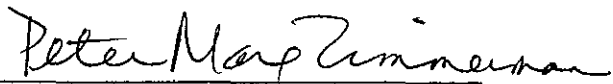
Legal Owner: Antoni Horodowicz
Contract Purchaser: Bonner Joppa LLC /
Tim's Automotive
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
*
* Case No. 02-66-SPHA

* * * * *

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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of September, 2001 a copy of the foregoing Entry of Appearance was mailed to Lawrence F. Haislip, Esq., Miles & Stockbridge, 600 Washington Avenue, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



5500 Belair Road
Baltimore, Maryland 21206

E-Mail mbonner@belatlaric.net
<http://www.timsautomotive.com>

Telephone 410-488-9098
Fax 410-488-9219

8/13/2001

Mr. George Zahner
Permits and Development Management
111 W Chesapeake Ave
County Office Building
Towson, Maryland 21204

Dear Mr. Zahner:

As our contract on the property at 3015 East Joppa Road expires 9/30/2001,
we respectfully request a zoning hearing as soon as possible.

Your prompt attention to this matter will be very much appreciated.

I look forward to your early reply.

Yours truly,

Tim Bonner

MICHAEL J. WALKLEY, P.A.

Consulting Engineers

2000 Clipper Park Road
Suite 200
Baltimore, Maryland 21211
Telephone (410) 889-7700
Fax (410) 889-7756

Structural Engineering
Foundation Engineering
Construction Engineering
Forensic Engineering
Building Renovation

Bridge Renovation
Systems Engineering
Harbor Engineering
Civil Engineering
Industrial Buildings

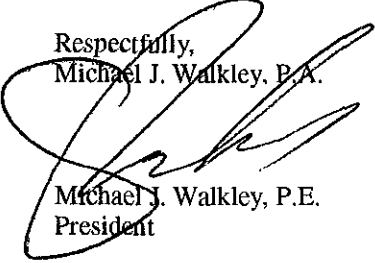
August 9, 2001

Mr. George Zahner
Zoning Review
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

Dear Sir:

The applicant, Mr. Tim Bonner, has initiated a contract to purchase the subject property, 3015 East Joppa Road. The contract stipulates "time is of the essence" requiring execution of the contract not later than September 30, 2001. On behalf of the applicant, we request that the hearing date be scheduled at the earliest possible date to so that the applicant will know, before purchase, that the property may be used as intended. Thank-you for your consideration.

Respectfully,
Michael J. Walkley, P.A.



Michael J. Walkley, P.E.
President

02-066-SPMA

File

Greater Parkville Community Council

September 28, 2001

Timothy Kotroco, Deputy Zoning Commissioner
Baltimore County
4th Floor, County Courts Building
401 Bosley Avenue
Towson, MD 21214

RE: **Case # 02-066 SPHA, Special Exception**
 Tim's Automotive, 3015 East Joppa Road, owner Tim Burton

Dear Mr. Kotroco:

In regard to the referenced case above the Greater Parkville Community Council Board of Directors submits the following comments:

- We endorse the letter submitted by Carney Improvement Association.
- Our most critical concern is the parking of vehicles on surrounding streets. If this is to occur it will cause a detrimental effect to our residential community. A restriction should be placed on the special exception requiring vehicles (employee, storage, and tow trucks) to park on the business property and not on surrounding streets. Mr. Burton should provide adequate parking as part of his approved development plan and conduct his business in accordance to this plan.
- Landscaping should be provided along C Street.

Thank you for your consideration.

Sincerely,



Ruth Baisden, President
Greater Parkville Community Council
7706 Oak Avenue
Baltimore, MD 21234

h



The Carney Improvement Association, Inc. P.O. Box 28282 Carney, Maryland 21234-8282

FAX TRANSMITTAL

DATE: September 24, 2001
TO: Mr. Timothy Kotroco, Deputy Zoning Commissioner
FROM: Michael Rupp
SUBJECT: Case# 02-066-SPHA Hearing Date: 09-25-01
PAGES: 3 (Including cover page)

Mr. Kotroco:

Please include this letter in the case material and consider as testimony from our association. Thanks.

9/26

**The Carney Improvement Association, Inc.**

P.O. Box 28282 Carney, Maryland 21234-8282

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner For Baltimore County
401 Bosley Avenue, Room 405
Towson, Maryland 21204
Re: Case Number: 02-066-SPHA

September 21, 2001

Dear Mr. Kotroco:

On September 20, 2001 during the general membership meeting of the Carney Improvement Association, it was decided by the membership to endorse Mr. Tim Bonner's plan to demolish, enlarge and reconstruct the existing building located at 3015 E. Joppa Road in Carney (aka: Tim's Automotive).

The endorsement of Mr. Bonner's plan is contingent pending the inclusion of several community concerns and requests to this amendment to the Special Exception which was granted on August 2, 1995. Pursuant to the following requests by the community being fulfilled, then and only then should this amendment the Special Exception be granted:

Extensive landscape screening be provided on the Avondale side of the building, as well as the S.W. corner and side of the building facing Sixth Avenue.

Suitable and attractive landscaping be provided for the C Street and Avondale Road Corner.

All exterior security lighting be of a non-invasive type and downward facing.

All advertising signage be of a permanent, fixed type and if lighted, be non-illuminated between the hours of 2200 until 0600.

All automotive repair work to be performed between the hours of 2000 and 0700 (if any) shall be done with bay doors closed.

All storage of automobiles must be accomplished within the interior of the building (no lot storage).

— Any vehicle test driving must be done on either Joppa Road or Harford Road (without travel through the surrounding neighborhoods).

No employee or customer vehicles shall be allowed parking on Avondale Road or surrounding community streets.

No automotive body work or painting shall be permitted.

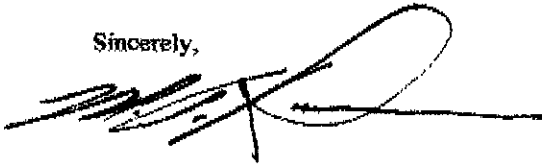
These are the conditions requested by the communities surrounding this facility and the Carney Improvement

The Carney Improvement Association, Inc.

Association. With these conditions met and the building constructed per the drawings provided, this should be a welcomed addition to our area.

Thank you for your consideration with this matter. Should you require additional information or have comments regarding this issue, feel free to contact me.

Sincerely,



Michael A. Rupp, President
The Carney Improvement Association, Inc.

mar

Pages:2

cc: The Honorable James Ports, Jr., State Delegate

Ms. Dianna Itter, Planner, Baltimore County Office of Community Conservation

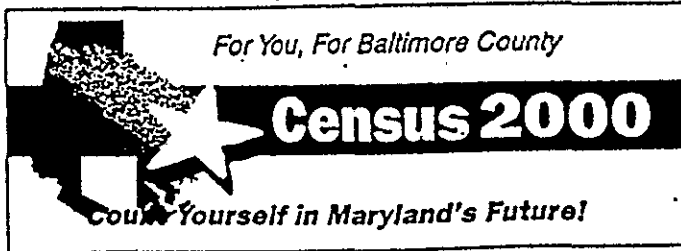
Mr. Timothy Bonner, Tim's Automotive

The Carney Improvement Association Board of Directors

file



FAX COVER SHEET



Date: 9/28/01

Number of Pages including cover sheet: 6

To:

Larry Haislip

Phone:

Fax #

410-823-8123

c:

From:

Jim Kotroco
Young Comm. Office

Phone:

Fax #

REMARKS:

☐ Urgent

☐ For your review

☐ Reply ASAP

☐ Please comment

Re: 02-066-SPHA
3015 E. Joppa Rd.

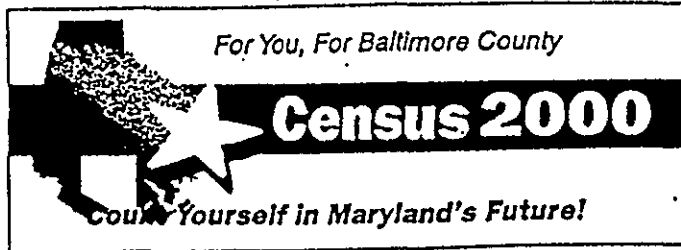
***** ACTIVITY REPORT *****

TRANSMISSION OK

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USAGE TIME	02'32
PAGES	6
RESULT	OK



FAX COVER SHEET



Date:

9/28/01

Number of Pages including cover sheet:

6

To:

Jim Parts

Phone:

Fax #

410-882-1518

C:

From:

Jim Katraco
Spring Comm. Office

Phone:

Fax #

REMARKS:

☐ Urgent

☐ For your review

☐ Reply ASAP

☐ Please comment

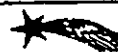
Re: #02-066-SPHA
3015 E. Jappa Rd.



Census 2000



For You, For Baltimore County



Census 2000



***** ACTIVITY REPORT *****

TRANSMISSION OK

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CONNECTION ID	
START TIME	09/28 15:18
USAGE TIME	02'14
PAGES	6
RESULT	OK

Att. No. 410-628-6017

JM RE: PETITION FOR SPECIAL HEARING
SW/S Joppa Road and Avondale Road,
134' S of C Street
(3015 E. Joppa Road)
11th Election District
6th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE No. 95-423-SPH

Antoni Horodowicz, et ux
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 3015 East Joppa Road, located in the vicinity of Harford Road in Parkville. The Petition was filed by the owners of the property, Antoni and Bozena Horodowicz. The Petitioners seek approval of an amendment to the previously approved special exception in Case No. 75-262-X to permit the removal of Condition No. 2 thereof which excluded the performance of body and/or fender work and the storage of damaged or disabled vehicles on the subject property. The property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Antoni Horodowicz, property owner, Albert L. Snyder, Registered Property Line Surveyor, who prepared the site plan for this property, and Martha E. Bruna, Esquire and Michael Smith, Esquire, attorneys for the Petitioners. Appearing as a Protester in the matter was Lawrence W. Eiring, a nearby resident of the area.

Testimony and evidence offered revealed that the subject property consists of 0.334 acres, more or less, zoned B.L.-C.N.S. and is improved with a one-story masonry and stucco building. The property was the subject of prior Case No. 75-262-X in which the Petitioners were granted a

*Arnold Vablop
Director P.D.M.
11 West Chesapeake
Se
JAN 21 2004*

Carl Richards

206

special exception to operate a service garage thereon on June 4, 1974, subject to certain terms and conditions. Mr. Horodowicz testified that when he first purchased the property, it was mainly operated as a gasoline service station. However, the business is now strictly automobile repairs. Mr. Horodowicz testified that he currently concentrates his repair work on German manufactured vehicles and, due to market demands, does a considerable amount of restoration work which includes minor body and fender repair.

Mr. Jeffrey Long, a representative of the Office of Planning and Zoning, appeared to offer testimony on behalf of that agency. Mr. Long testified that the subject property suffers from deferred maintenance and is in need of aesthetic improvements. Many of those needed improvements were outlined within his comments dated June 16, 1995 which are contained within the case file. I agree with Mr. Long that the property needs to be cleaned up and shall so Order as a condition of approval.

Mr. Lawrence Eiring, a nearby resident of the area, also appeared and testified. Mr. Eiring testified that while he is not opposed to body and fender work taking place on the property, he would like to see the property cleaned up and regularly maintained in a neat and orderly fashion. He testified that on several occasions, junked vehicles have been parked outside the fenced area and the property has been allowed to deteriorate. Mr. Eiring would like to see the property cleaned up and kept that way.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested, subject to the restrictions set forth below. In the opinion of this Deputy Zoning Commissioner, the proposed amendment will not result in any detriment to the health, safety and general welfare of the surrounding locale, provided the Petitioner

complies with the restrictions set forth below. Furthermore, the relief requested meets the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

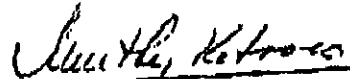
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of August, 1995 that the Petition for Special Hearing seeking approval of an amendment to the previously approved special exception in Case No. 75-262-X to permit removal of Condition No. 2 thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

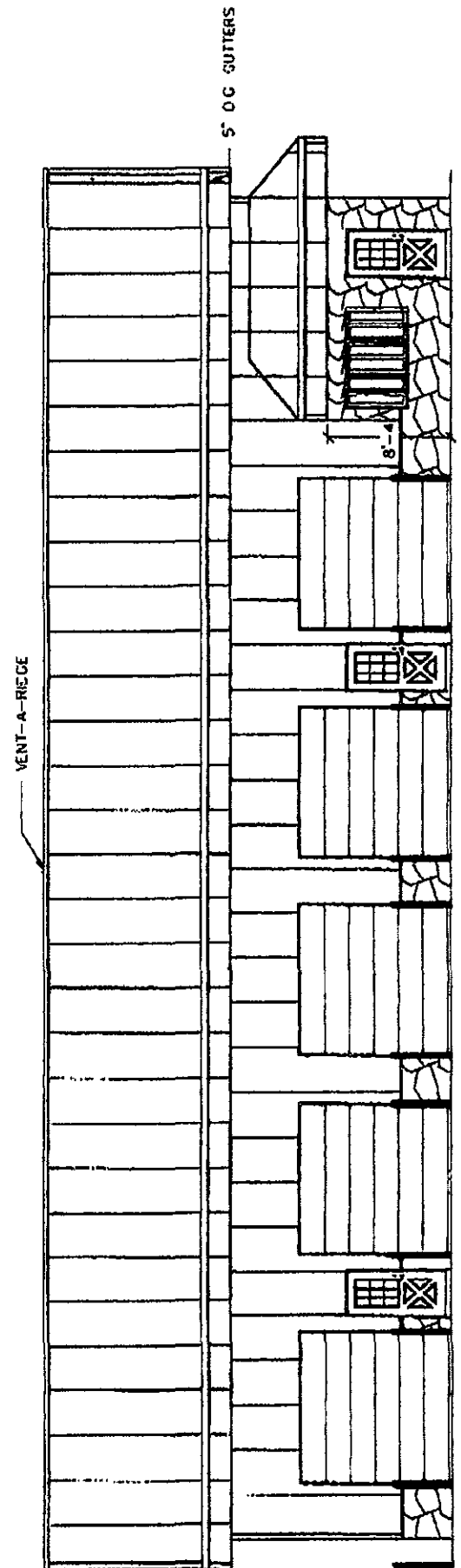
2) The Petitioners shall be permitted to perform body and/or fender work on the premises and store damaged or disabled vehicles on site. However, all wrecked or damaged vehicles must be stored within the fenced/screened area on site.

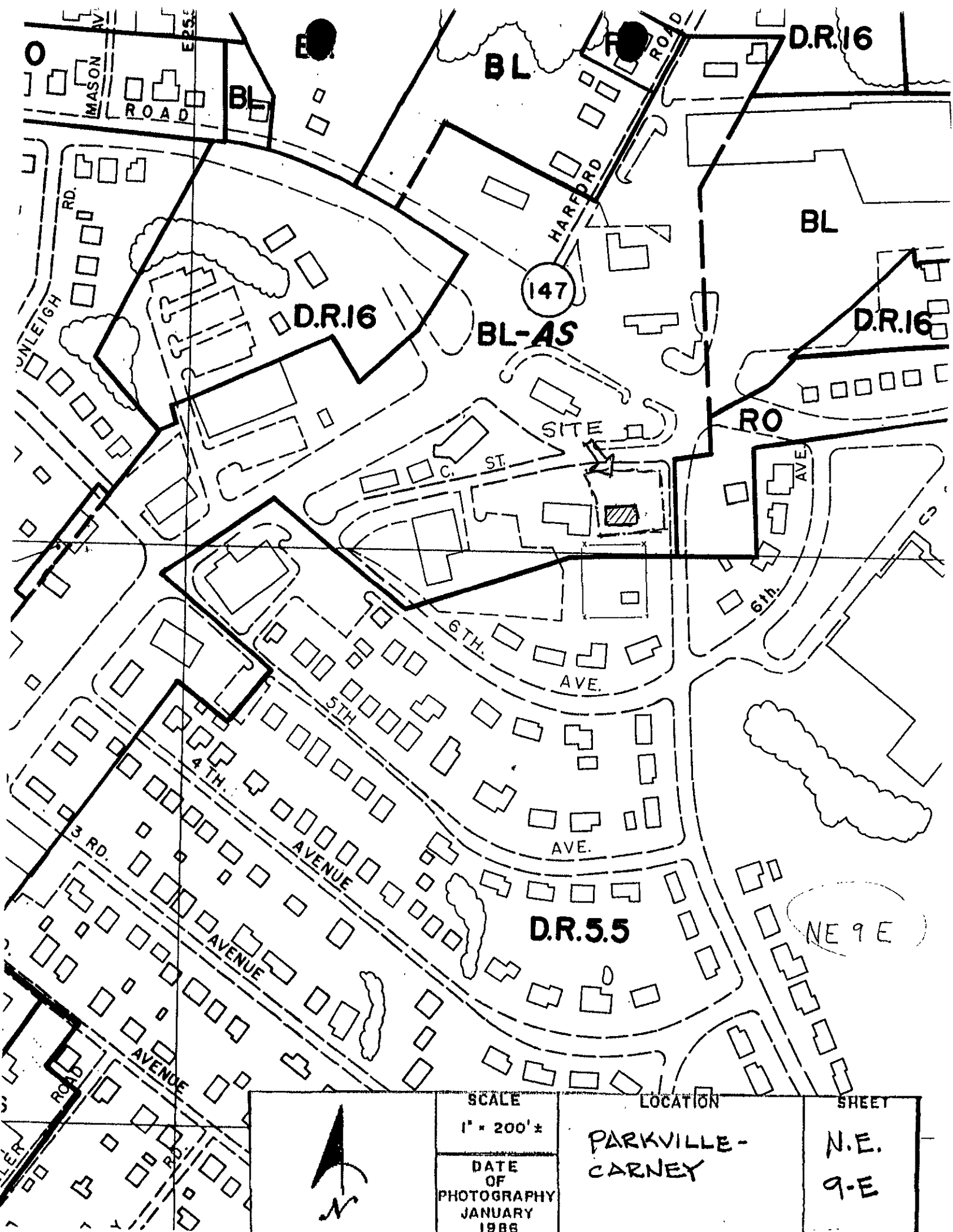
3) The Petitioners shall improve and maintain the property in accordance with the dictates of the Office of Planning and Zoning (OPZ). OPZ shall have complete discretion as to what type of improvements should be made and the time frame for making such improvements. Failure to comply with these requirements shall be deemed a violation of this Order.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs





	SCALE 1" = 200' ±	LOCATION PARKVILLE- CARNEY	SHEET N.E. 9-E
	DATE OF PHOTOGRAPHY JANUARY 1986		

