

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
NW/Cor. Riverton Road & Magnolia Avenue	*	
(203 Riverton Road)	*	ZONING COMMISSIONER
15 th Election District	*	
6 th Council District	*	OF BALTIMORE COUNTY
	*	
Roger Magsamen, et ux	*	Case No. 02-167-SPH
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Roger and Linda Magsamen, and Magsamen Auto Center, Inc., Lessee, through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners request a special hearing to approve an amendment to the previously approved site plan in Case No. 69-109-X to reflect the proposed modifications. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Roger and Linda Magsamen, property owners, their son, Matthew Magsamen, the proprietor of the business on the site, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioners. Also appearing was Michael J. Ertel, the Professional Engineer who prepared the site plan for this property. There were no Protestants or other interested persons present.

The subject property is a rectangular shaped parcel, located on the northeast corner of the intersection of Riverton Road and Magnolia Avenue in Middle River. The property contains a gross area of 26,250 sq.ft., more or less, zoned B.L. and is improved with several structures, including a residence. Although the property does have a business zoning classification and is one lot of record, it is effectively divided into two separately used parcels. The front portion of the site, immediately adjacent to the intersection of Riverton Road and Magnolia Avenue, is improved with

ORDER RECEIVED FOR FILING

Date 11/10/12

By [Signature]

a one and one-half story brick dwelling in which Roger and Linda Magsamen reside, a one-story frame shed, and an inground swimming pool. Additionally, the property is landscaped and features an open, lawn area. By all appearances, that portion of the site is residential in character. The rear of the property, however, has an entirely different appearance and use. That portion of the site features two, connecting one and one-half story frame garages containing five service bays, which are utilized in connection with the business known as Magsamen Auto Center. Additionally, much of the rear portion of the site is paved. Access to this area of the property is by way of Magnolia Avenue. The details of the property and improvements thereon are more particularly shown on the site plan marked as Petitioner's Exhibit 1.

Apparently, Mr. & Mrs. Magsamen have owned and resided on the property for many years. In 1968 under Case No. 69-109-X, Mr. Magsamen applied for and was granted special exception relief to operate the existing service garage use in the rear portion of the property. Although he is still involved in the business, his son, Matthew Magsamen, generally runs the Auto Center. In this regard, Mr. Magsamen indicated that the garage provides a full line of automotive repairs and services, from general maintenance to heavy-duty mechanical work. However, there is no body and fender work or painting performed on site. The business is open to the general public Monday through Friday, from 8:00 AM to 5:30 PM, and an occasional Saturday job or personal work may occur on weekends. In addition to Matthew Magsamen, the business employs two mechanics and a secretary.

Special hearing relief is requested to update and amend the site plan to reflect existing improvements on the property. It is to be particularly noted that the area of the special exception has not changed and remains the same as that approved in 1968. A copy of the previously approved plan was submitted into evidence and marked as Petitioner's Exhibit 2. That plan shows the same division of the property into a residential component and service garage area. Although the area of the special exception has not changed, it does appear that the original building has been enlarged over the years, and there have been other minor changes insofar as landscaping.

Photographs were offered at the hearing which show that the property is attractively maintained and well-kept. In this regard, the Petitioners recently installed a board-on-board fence to screen the business use. Obviously, landscaping is not necessary around the residential portion of the site. In this regard, the character of the neighborhood is of note. The immediate property to the west is owned by William Mason, a family member, and is used residentially. The property across Riverton Road from the subject site is owned by the Board of Education of Baltimore County and is the site of the Martin Boulevard Elementary School. The neighborhood is generally a mix of residential and business uses.

Based upon the testimony and evidence offered, I am persuaded to grant the Petition for Special Hearing. The fact that there were no Protestants present and the service garage use has existed on the site for over 33 years is persuasive to a finding that the use is appropriate here and not detrimental to the health, safety and general welfare of the locale. Moreover, as noted above, the area of the special exception will not be enlarged. The special hearing is appropriate and necessary to update the site plan to reflect existing improvements.

A Zoning Plans Advisory Committee (ZAC) comment was received from the Office of Planning which generally supports the Petitioners' request, provided an existing dumpster on the premises is screened by way of a board-on-board fence in combination with landscaping. Apparently, there is a small dumpster which is used to dispose of office waste from the business. In addition, a larger dumpster was recently placed on the property to assist in the Petitioners' clean-up efforts. In this regard, Mr. Magsamen indicated that the larger dumpster will be removed shortly and it was agreed at the hearing that it would be removed on or before March 31, 2002. As for the smaller dumpster, it may remain in its present location. I am not persuaded that additional landscaping is necessary in that the recently installed board-on-board fence with landscaping appears to adequately buffer the site. Moreover, the photographs submitted show that the site is well-maintained and the Petitioners agreed to keep the property neat and orderly.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of January, 2002 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 69-109-X to reflect existing conditions on the property, 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 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 small dumpster shall be permitted to remain in its present location; however, the large dumpster shall be removed on or before March 31, 2002.
- 3) The property shall be maintained in good condition and kept free and clear of all trash and debris.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 1/11/12

By [Signature]



Baltimore County
Zoning Commissioner

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

January 10, 2002

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

RE: PETITION FOR SPECIAL HEARING
NW/Corner Riverton Road and Magnolia Drive
(203 Riverton Road)
15th Election District – 6th Council District
Roger Magsamen, et ux - Petitioners
Case No. 02-167-SPH

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Roger Magsamen
203 Riverton Road, Baltimore, Md. 21220
Mr. Michael J. Ertel, MJ Consulting, Inc.
5317 East Glen Road, Ellicott City, Md. 21043
Office of Planning; People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 203 Riverton Road, Baltimore, MD 21220
which is presently zoned B.L.

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 amended site plan from site plan approved pursuant to case number 69-109-X.

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:

Magsamen Auto Center, Inc.
Roger Magsamen, President

Name - Type or Print
Roger Magsamen
Signature
203 Riverton Road
Address Telephone No.
Baltimore MD 21220
City State Zip Code

Attorney For Petitioner:

Francis X. Borgerding, Jr.

Name - Type or Print
Francis X. Borgerding, Jr.
Signature
Company
409 Washington Ave., #600 410-296-6820
Address Telephone No.
Towson MD 21204
City State Zip Code

Legal Owner(s):

Roger Magsamen
Name - Type or Print
Roger Magsamen
Signature
Linda M. Magsamen
Name - Type or Print
Linda Magsamen
Signature
203 Riverton Road
Address Telephone No.
Baltimore MD 21220
City State Zip Code

Representative to be Contacted:

Francis X. Borgerding, Jr.
Name
409 Washington Ave., #600 410-296-6820
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 10/23/01

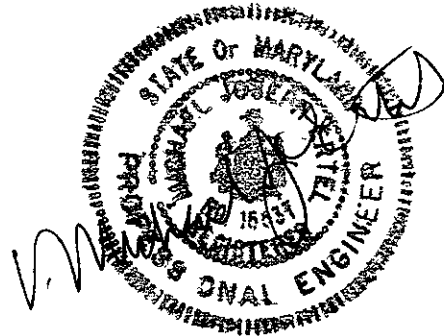
Case No. 02-167-SPH

Date 11/15/98
By [Signature]

ORDER RECEIVED FOR FILING
11/10/98
[Signature]

DESCRIPTION OF PROPERTY @
203 RIVERTON ROAD

Beginning for the same at the north west corner of Riverton Road and Magnolia Avenue and running along the north right of way line of Riverton Road N 45 degrees W 150.00', thence running along the east boundary of lot 4 as shown on plat of Middle River as recorded in the land records at 1/ 120, N 43 degrees E 175.00', and thence running along the south side of a 10' alley to the right of way of Magnolia Avenue S 45 degrees E 150.00, thence binding on said right of way S 45 degrees W 150.00' to the place of beginning. Being the same property as recorded in 4750/556 and also being lots 1, 2 & 3 as shown on plat 1/120, " Middle River " containing 0.6026 acres more or less.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0673A

DATE 10/23/01 ACCOUNT R0010066150
AMOUNT \$ 250.00

RECEIVED FROM FRANK BORGERDING
FOR PETITION FOR SPECIAL HEARING
02-167-SPH BY DT

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT DATE 10/24/2001
REF 4503 CASHIER 1001
>> RECEIPT # 210025
Dept 5 528 ZIMMERMAN
CR NO. 00673A

250.00
Baltimore County

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: #02-167-SPH
203 Riveron Road
NW Corner Riveron Road &
Magnolia Avenue
15th Election District
6th Councilmanic District

Legal Owner(s): Roger &
Linda Magasamen
Contract Purchaser: Roger
Magasamen, President

Special Hearing: to amend
previous zoning order and
plan approved pursuant to
Case Number 66-108-X.

Hearing: Monday, January
7, 2002, at 9:00 a.m. in
Room 407, County Courts
Building, 401 Rosley Ave-
nue.

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 con-
cerning the file and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3381.
12/11/01 Dec. 20 0511721

CERTIFICATE OF PUBLICATION

_____ 12/20/2001

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of _____ successive weeks, the first publication appearing
on 12/20/2001.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE Case No. 02-167-SPH

Petitioner/Developer MAGSAMEN, ETAL
F.X. BORRERDING, ESQ

Date of Hearing/Closing 1/7/02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens
MR. GEORGE ZAHNER
Ladies and Gentlemen

it* Fax Note 7671		Date	# of pages
To	ROBIN/BETTY		
Co./Dept.	ZONING COMM.		
Phone #	4386	Phone #	666-5366
Fax #	837-3468	Fax #	666-0929

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 #203 RIVERTON RD.

The sign(s) were posted on 12/19/01
(Month, Day, Year)

Sincerely,

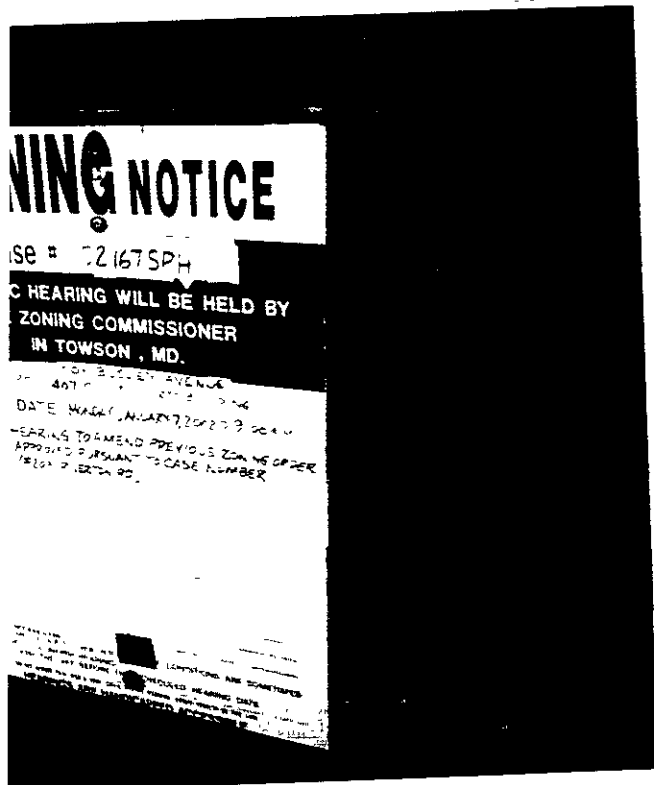
Patrick M. O'Keefe 12/20/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

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

410-666-5366 ; CELL 410 905-9571
(Telephone Number)



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: 02-167-SPH

Petitioner: MAGSAMEN AUTO CENTER, INC.

Address or Location: 203 RIVERTON RD., BALTO. MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: MAGSAMEN AUTO CENTER, INC

Address: 203 RIVERTON RD, BALTO. MD 21220

Telephone Number: 410-686-0607

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 13, 2001 Issue – Jeffersonian

Please forward billing to:

Magsamen Auto Center Inc
203 Riverton Road
Baltimore MD 21220

410 686-0607

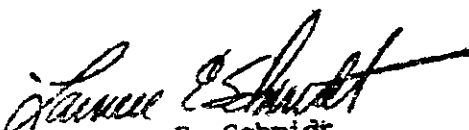
NOTICE OF ZONING HEARING

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: 02-167-SPH
203 Riverton Road
NW Corner Riverton Road & Magnolia Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Roger & Linda Magsamen
Contract Purchaser: Roger Magsamen, President

Special Hearing to amend previous zoning order and plan approved pursuant to Case Number 69-109-X.

HEARING: Friday, December 28, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G D Z
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

November 30, 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: 02-167-SPH
203 Riverton Road
N/W Corner Riverton Road & Magnolia Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Roger & Linda Magsamen
Contract Purchaser: Roger Magsamen, President

Special Hearing to amend previous zoning order and plan approved pursuant to Case Number 69-109-X.

HEARING: Friday, December 28, 2001 at 9:00 a.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: Francis X Borgerding Jr, 409 Washington Avenue, #600, Towson 21204
Linda M & Roger Magsamen, 203 Riverton Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 13, 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
Thursday, December 20, 2001 Issue – Jeffersonian

Please forward billing to:

Magsamen Auto Center Inc
203 Riverton Road
Baltimore MD 21220

410 686-0607

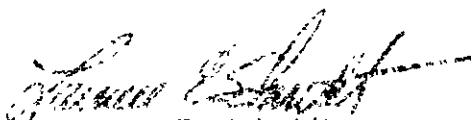
NOTICE OF ZONING HEARING

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: 02-167-SPH
203 Riverton Road
N/W Corner Riverton Road & Magnolia Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Roger & Linda Magsamen
Contract Purchaser: Roger Magsamen, President

Special Hearing to amend previous zoning order and plan approved pursuant to Case Number 69-109-X.

HEARING: Monday, January 7, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT 672
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

December 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: 02-167-SPH
203 Riverton Road
N/W Corner Riverton Road & Magnolia Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Roger & Linda Magsamen
Contract Purchaser: Roger Magsamen, President

Special Hearing to amend previous zoning order and plan approved pursuant to Case Number 69-109-X.

HEARING: Monday, January 7, 2002 at 9:00 a.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: Francis X Borgerding Jr, 409 Washington Avenue, #600, Towson 21204
Linda M & Roger Magsamen, 203 Riverton Road, Baltimore 21220

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

January 4, 2002

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

Dear Mr. Borgerding:

RE: Case Number: 02-167-SPH; 203 Riverton Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 23, 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. G.D.Z.
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Linda M & Roger Magsamen, 203 Riverton Road, Baltimore 21220
People's Counsel

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** December 20, 2001
Department of Permits & Development Mgmt.

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

SUBJECT: Zoning Advisory Committee Meeting
For December 3, 2001
Item Nos.* 151, 152, 155, 157, 161, 164,
165, ~~167~~ 168, 170, 171, 172, 173, 174,
and 175

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

*Items number 153 and 154 were not designated.

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

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

December 10, 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 November 26, 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.

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

151, 152, 155, 156, 157, 159, 161, 164, 165, 166, ~~167~~, 168, 169,
170, 171, 172, 173, 174, and 175

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



hs
1/17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 4, 2001

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

10-4

SUBJECT: 203 Riverton Road

INFORMATION:

Item Number: 02-167

Petitioner: Roger Magsamen

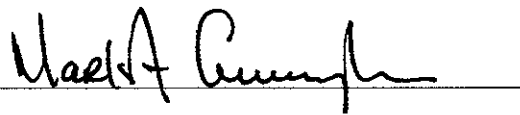
Zoning: B L

Requested Action: Special Hearing

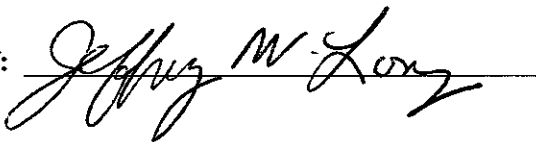
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the existing dumpster is screened from public view via a board-on-board fence in combination with landscaping.

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: 12-3-01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. [REDACTED]

DT

Dear Mr. Zahner:

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,

[Handwritten signature of Kenneth A. McDonald Jr.]

for 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
203 Riverton Road, NW Cor Riverton Rd
& Magnolia Ave
15th Election District, 6th Councilmanic

Legal Owner: Roger & Linda Magsamen
Contract Purchaser: Magsamen Auto Center, Inc.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-167-SPH

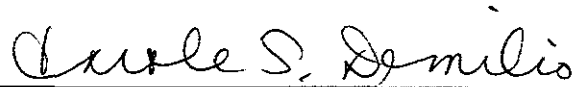
* * * * *

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 10th day of December, 2001 a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Esq., DiNenna & Breschi, 409 Washington Avenue, Suite 600, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: November 29, 2001

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 167 (02-167-A)
Legal Owner/Petitioner: Roger & Linda Magsamen
Property Address: 203 Riverton Road
Location Description: NW Corner Riverton Rd. & Magnolia Ave.

VIOLATION INFORMATION: **Case No.: 01-5173**
Defendants: Roger & Linda Magsamen

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

NAME	ADDRESS
None	

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

Complaint Intake Form/Code Enforcement Officer's report and notes
State Tax Assessment printout
Photographs including dates taken
Correction Notice

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

RSW/lrs

c: Code Enforcement Officer Jacobson

Case Entry/Update

Format . . . : CASREC

Mode : CHANGE

File : PDLV0001

Dt Rec: 7302001 Intake: THOMPSON, J Act: Case #: 01-5173

Insp: Insp Grp: ENF Insp Area: 6 Tax Acct: 1513205810

Address: 203 RIVERTON RD Apt #: Zip: 21220

Problem Descript.: EXPANSION OF SERVICE GARAGE ACTIVITIES INTO THE PUBLIC ROAD.

NOTE: POLICE HAVE BEEN NOTIFIED.(SEE LETTER). SEE NOTES.

Complainant Name (Last): JABLON (First): ARNOLD

Complainant Addr:

Complainant City: State: Zip:

Complainant Phone (H): (W):

Date of Reinspection: 11302001 Date Closed: Delete Code (P):

F3=Exit

F9=Insert

F5=Refresh

F10=Entry

F6=Select format

F11=Change

Case Entry/Update
Format : CASREC

Mode : CHANGE
File : PDLV0001

Notes: **07/30/01 OWNER/TENANT INFO.: ROGER N. AND LINDA M. MAGSAMEN 203 RIVERT
ON RD. 21220-4102. ZONING BL. CHECK PROPERTY FOR COMPLIANCE WITH SITE PLAN IN
SPECIAL EXCEPTION. CASE # 69-109-X SCREENING? PRIVACY? PARKING? JHT/JF**.
**08/08/01 FAX NOTICE AND MAILED NOTICE TO APPLY FOR SPECIAL EXCEPTION, OR COMPLY
WITH PRESENT SITE PLANS. SEVERAL UNTAG, DISABLED VEHICLES ON PROPERTY. SEVERAL
PHOTOS TAKEN. CURRENT HAPPENINGS DO NOT ADHERE TO ORIGINAL SITE PLAN. HJ/JF**.
***15 DAY EXTENSION GRANTED BY ARNOLD TO 9/24/01 - RSW ***
**10/02/01 PER CONVERSATION WITH DIR. ARNOLD JABLON, CITATION ISSUANCE CAN BE
WITHHELD PENDING PUBLIC HEARING. EXT. CASE TO 10/31/01 TO VERIFY HEARING DATE.
JHT/JF**. **10/24/01 P/U CASE FOR 10/31/01 TO DETERMINE HEARING DATE FOR CASE #
02-167-SPH JHT/JF**.
**11/01/01 CHECKED FOR A SCHEDULED HEARING DATE. NO DATE YET. RECHECK. P/U 11/8/01
HJ/JF**.
****11/9/01, DATE NOT SET YET, RECHECK 11/13/01, HJ/CO****
****11/14/01, NO HEARING SCHEDULED YET, P /U 11/21/01, HJ/CO****
****11/23/01, HEARING NOT SCHEDULED YET, RECHECK 11/30/01, UPDATE NOT NECESSARY,
HJ/CO****

F3=Exit
F9=Insert

F5=Refresh
F10=Entry

F6=Select format
F11=Change

CODE ENFORCEMENT REPORT

DATE: 7/30/11 INTAKE BY: CHI CASE #: 01-5173 INSPEC: 6

COMPLAINT LOCATION: 203 Riverton Road

ZIP CODE: 21220 DIST: _____

COMPLAINANT NAME: Arnold Tablan PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: EXPANSION OF SERVICE GARAGE ACTIVITIES INTO THE PUBLIC ROAD - NOTE POLICE HAVE BEEN NOTIFIED (SEE LETTER)

IS THIS A RENTAL UNIT? YES ☐ NO ☒
IF YES, IS THIS SECTION 8? YES ☐ NO ☒

OWNER/TENANT INFORMATION: Roger N. & Linda M. Magsamen
203 Riverton Rd 21220-4102

TAX ACCOUNT #: 15-13-205810 ZONING: BL

INSPECTION: CHECK PROPERTY FOR COMPLIANCE WITH SITE PLAN IN SPECIAL EXCEPTION CASE NO. 69-109-X

SCREENING? - PRIVACY FENCE? - PARKING?

REINSPECTION: 8/7/01 - 5 days on property plus 1 separate garage for a single garage.

REINSPECTION: 9/27/01 - Spoke w/ LINDA MAGSAMEN HAVE gotten an attorney & hired an engineer.

REINSPECTION: _____



203 Riverton Road • Middle River, MD

ROGER MAGSAMEN
MATTHEW MAGSAMEN Phone: (410) 686-0607

DATE: 07/26/2001

STANDARD ASSESSMENT INQUIRY (1)

RA1001B

TIME: 14:42:58

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 13 205810	15	3-2	04-00	H	NO		01/08/01
MAGSAMEN ROGER N				DESC-1.. IMPSLT 1,2,3			
MAGSAMEN LINDA M				DESC-2.. MIDDLE RIVER			
203 RIVERTON RD				PREMISE. 00203 RIVERTON			

BALTIMORE

MD 21220-4102 FORMER OWNER:

RD
00000-0000

FCV		PHASED IN			
PRIOR	PROPOSED	CUPP	CUPP	FCV	PRIOR
36,560	36,560				
IMPV: 99,390	100,830				
TOTL: 135,950	137,390	TOTAL..	136,910	136,910	54,570
PREF: 0	0	PREF...	0	0	0
CURT: 135,950	137,390	CURT...	136,910	136,910	54,570
DATE: 10/96	07/99	EXEMPT.		0	0

TAXABLE BASIS		FM DATE
01/02 ASSESS:	136,910	09/30/00
02/01 ASSESS:	54,570	06/01/00
99/00 ASSESS:	54,380	08/03/99

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

DATE: 07/26/2001

TIME: 14:43:13

STANDARD ASSESSMENT INQUIRY (2)

RA1001C

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 13 205810	15	3-2	04-00	H	NO		01/08/01
LOT....	1	BOOK....	0001	MAP.....	0090	LOT WIDTH.....	150.00
BLOCK..		FOLIO...	0120	GRID....	0011	LOT DEPTH.....	175.00
SECTION..	3			PAPCEL..	0709	LAND AREA...	26250.000 S
PLAT..						YEAR BUILT.....	42

-----TRANSFER DATA-----

NUMBER..... 000000
DATE.....
PURCHASE PRICE..... 0
GROUND RENT..... 0
DEED REF LIBER..... 04750
DEED REF FOLIO..... 0556
CONVEYED IND..... 0
TOT-PART TRAN IND.....
GRANTOR ACCT NO.. 00-00-000000

CRITICAL NEW CONST CARD
AREAS CODE YEAR NO
05072

-----EXEMPT DATA-----

STATUS.....
CLASS CODE..... 000
STATE EXEMPT CODE..... 000
COUNTY EXEMPT CODE..... 000
CURR STATE EX ASMT.... 0
PRIOR STATE EX ASMT... 0
CURR COUNTY EX ASMT... 0
PRIOR COUNTY EX ASMT.. 0

-----STRUCTURE-----

CODE SQ FEET
1838

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF



Baltimore County
Department of Permits and
Development Management

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

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 01-5173 Property No. 1513 205810 Zoning: BL

Name(s): Roger N. MAGSAMEN
LINDA M. MAGSAMEN

Address: 203 Riverton Rd Baltimore MD 21220

Violation Location: Same 4102

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:
BCZR 101, 102, 1, 230.13, 500.6, BCC 26-121(a)

- ① Cease all junk yard conditions on site.
screen
- ② All replanting/fencing along w/ vehicle parking
must conform with site plan filed in
special exception case # 169-109X
- ③ Special hearing/exception hearing petition
must be filed w/our department because
of existence of a building which occupies
an area shown for "4" cars in case # 169-109X
- ④ Submit new site showing existing
conditions on property

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 9/7/01

Date Issued: 8/7/01

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name Hope Jacobson

INSPECTOR: Hope Jacobson

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:

Date Issued:

INSPECTOR:

MJ Consulting, Inc.

5317 East Glen Road
Ellicott City, Maryland 21043
Phone 410-465-9579
Fax 410-465-9585
Email mjconsultinginc@home.com

Date: 10-18-01

To: BALTIMORE COUNTY DEPT. OF
PERMITS & DEVELOPMENT MGMT.
111 W. CHEESAPEAKE AVE
TOWSON MD. 21204
Attention:

Re: #203 RIVERTON RD.
MAGSAMEN PROPERTY
SPECIAL HEARING
PETITION

- ☒ We are submitting
☐ We are forwarding
☐ We are returning

☒ Herewith

☐ Under separate cover

No.	Description
12	SITE PLANS
3	1" = 200' SCALE ZONING MAP
1	PETITION FOR SPECIAL HEARING
1	FILE FEE

3 SEALED DESCRIPTIONS

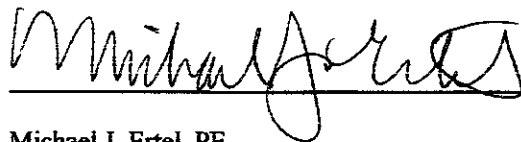
Remarks:

- ☐ In accordance with your request
☐ For your review
☒ For processing

- ☐ For your use
☐ Approval requested

For further information, please contact the writer at the number above.

Very truly yours,



Michael J. Ertel, PE

Enclosure

cc: ROGER & LINDA MAGSAMEN
FRANCIS X. BORGERDING JR. ESQ.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the petitioner has met all requirements of Section 502.1 of the Baltimore County Zoning Regulations, the special exception should be granted.

A Special Exception for ~~the above reclassification~~ should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of November, 1968, that the above described property ~~should be and~~ ~~the same is hereby reclassified from~~ ~~to~~ ~~that~~ ~~and/or a Special Exception for a Garage Service~~ ~~should be and the same is~~ granted from and after the date of this order, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of November, 1968, that the above reclassification be and the same is hereby DENIED, and that the above described property or area be and the same is hereby continued in its present zoning and/or the Special Exception is

Zoning Commissioner of Baltimore County

ORDER REQUIRED FOR FILING

Date signed for Filing



Matt Magsamen likes to fancy Magsamen's Auto Center as the perfect mix of "advanced technology" and "old-fashioned service." He and his father, president and owner Roger Magsamen make quite a team. "Dad's got an amazing head of knowledge on him," Matt says. That's not surprising given that Magsamen's has been in business since 1967. Matt has learned a lot from his father. "You can't really stay in the business being a small guy and not having a good name," Matt says. Magsamen's has loyal third generation customers due to the auto shop's long-standing reputation and sense of integrity. Matt tries to stay on top of the "advanced technology" side of things. "Some cars now have 13-14 computers in them—climate control, break control, engine computers," Matt says. He stays updated by constantly attending classes on advanced level emissions repair, advanced electronics, advanced fuel injections etc. Magsamen's Auto Center is open Mon. thru Fri. 8 a.m.- 5:30 p.m. It is located at 203 Riverton Road. Call 410-686-0607 for more information.

PLEASE PRINT CLEARLY

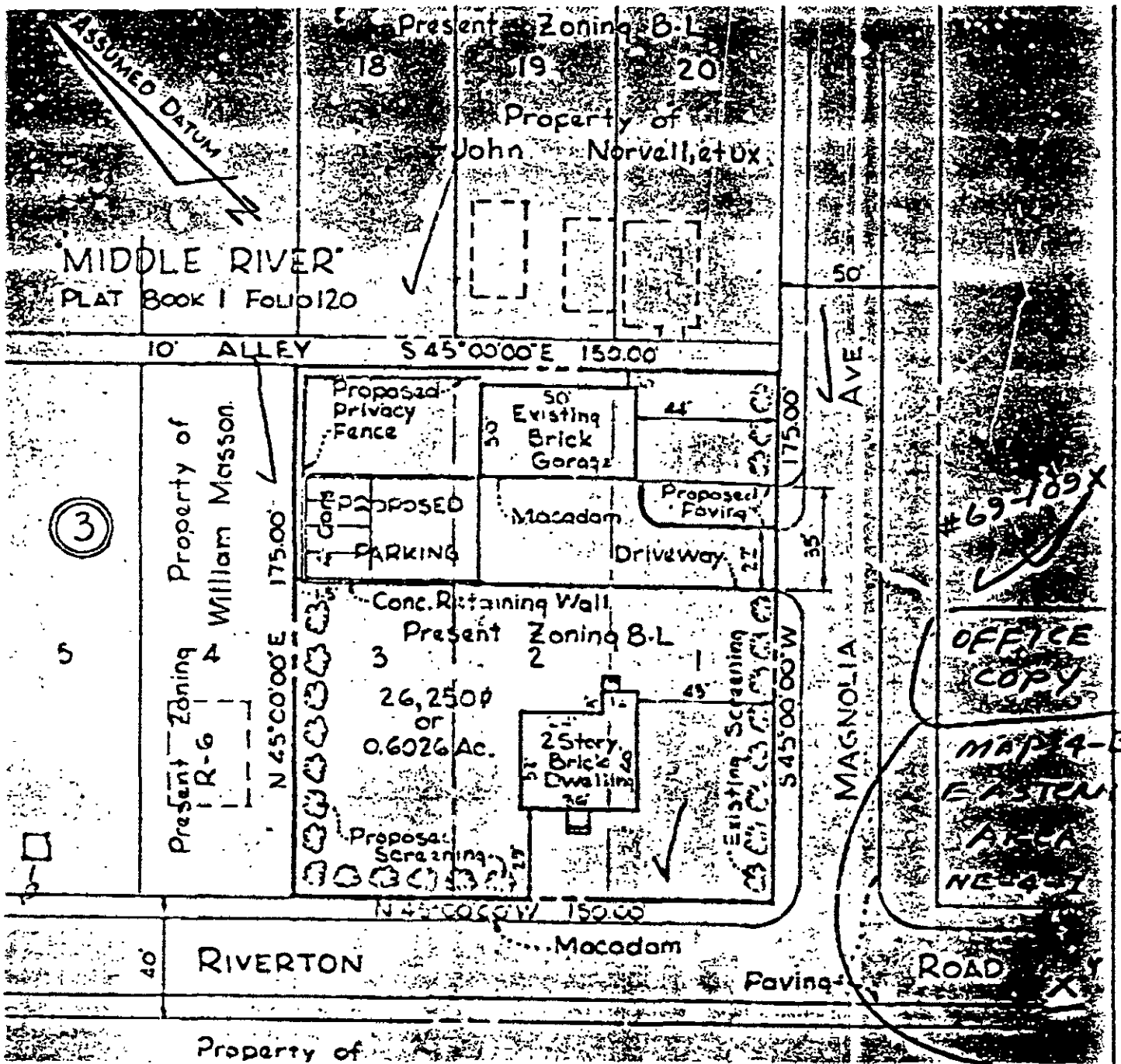
PETITIONER(S) SIGN-IN SHEET

NAME

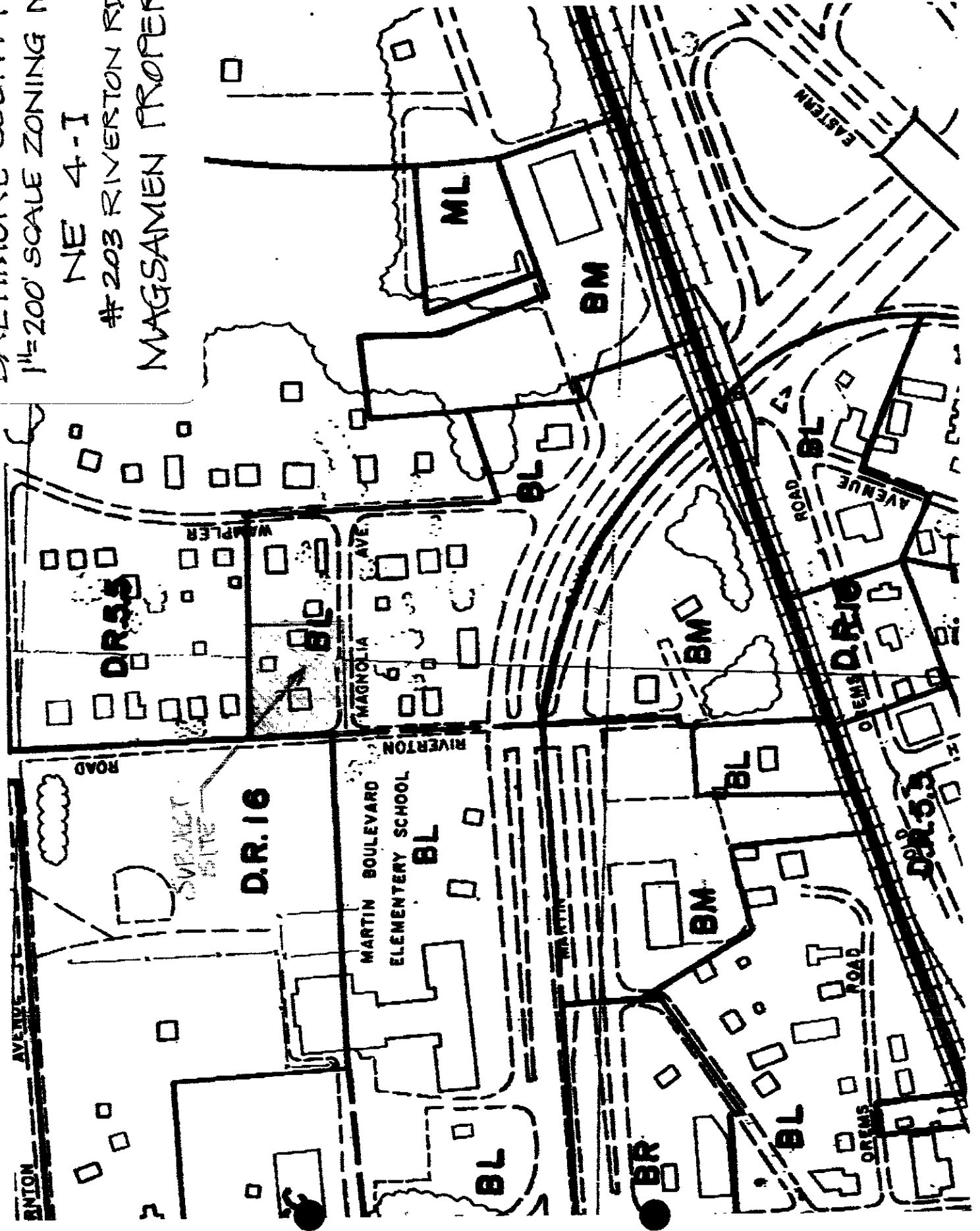
ADDRESS

MICHAEL J LERTEL	MJ CONSULTING, INC	5317 EAST GLEN RD ELLCOTT CITY MD 21043
Roger Magsamen & LINDA		203 Riverton Rd Balto Md 21220
Matthew Magsamen		
FRANK BERGENDING		





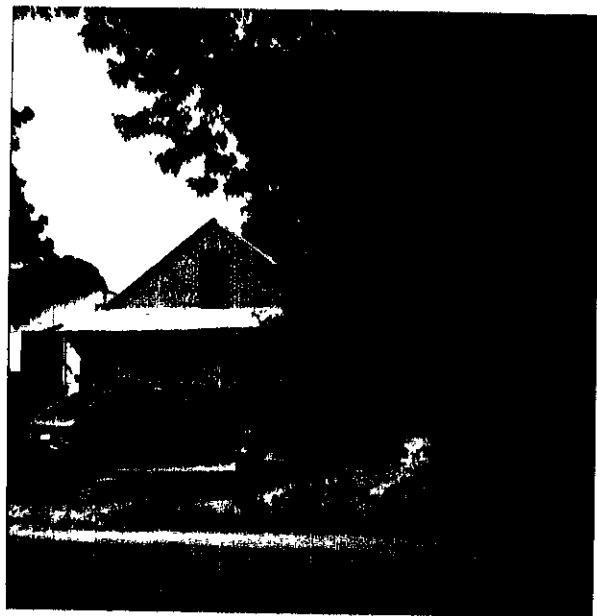
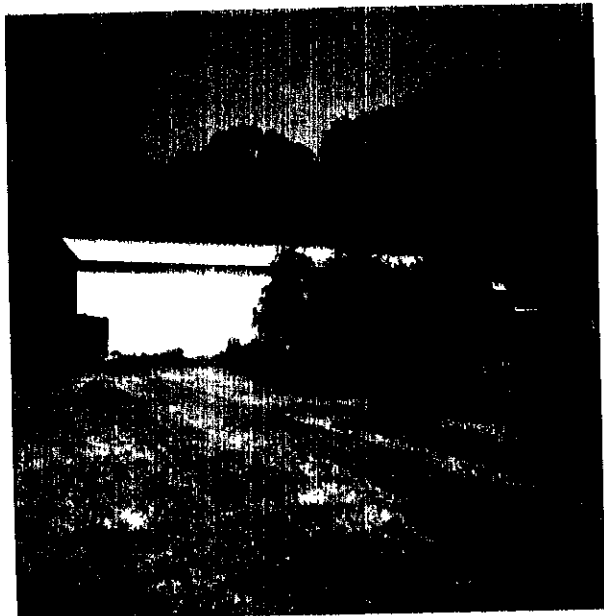
BALTIMORE COUNTY
1"=200' SCALE ZONING MAP
NE 4-I
#203 RIVERTON RD.
MAGSAMEN PROPERTY



PHOTOGRAPHIC RECORD

Citation/Case Number: 01-5173

Date of Photographs: 8-7-01



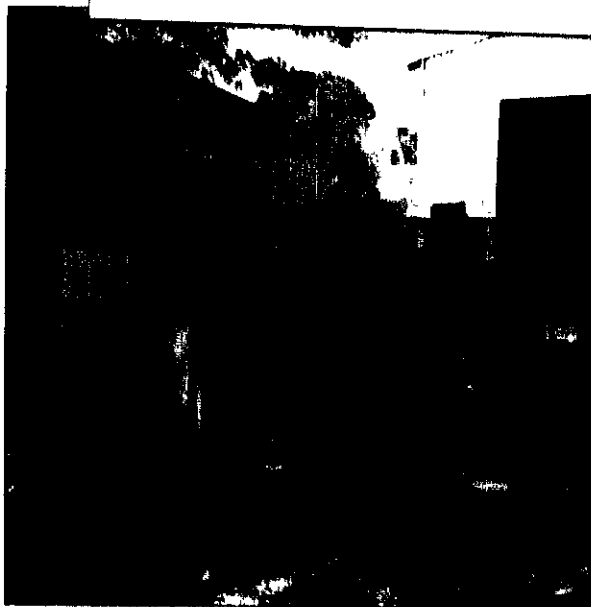
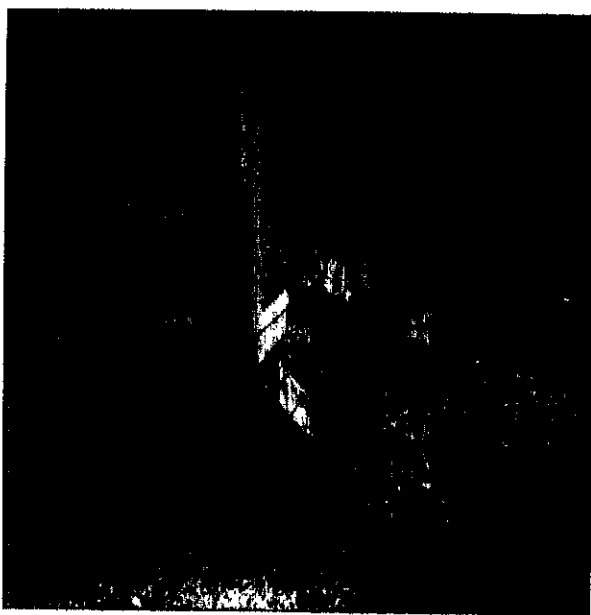
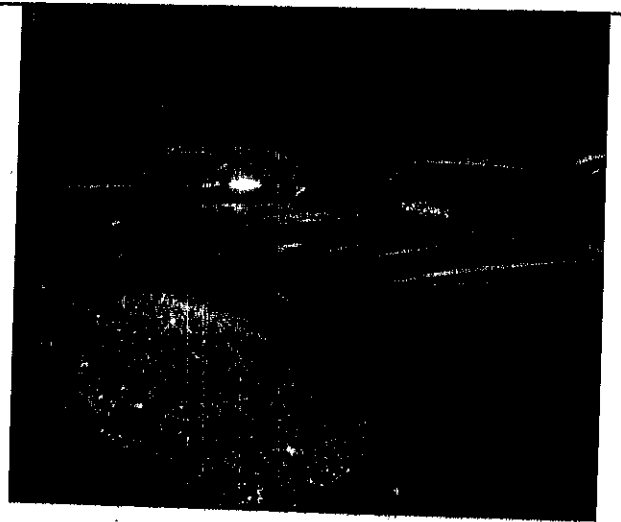
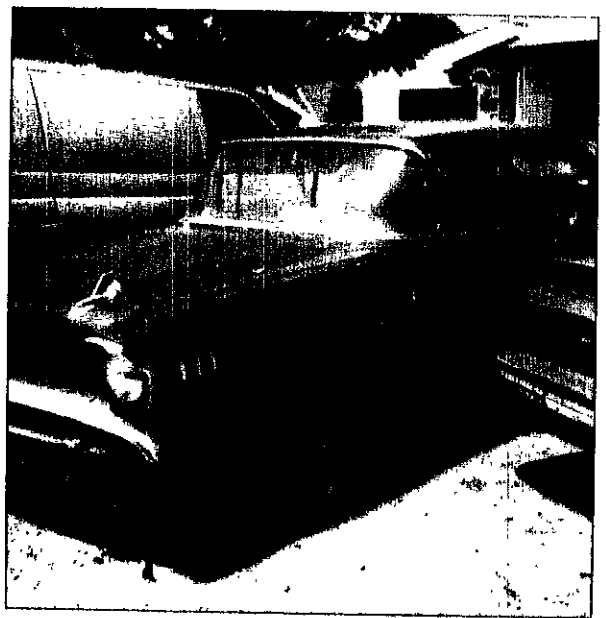
I HEREBY CERTIFY that I took the 4 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

Handwritten signature: Harry D. [illegible]

PHOTOGRAPHIC RECORD

Citation/Case Number: 01-5183

Date of Photographs: 7-31-01



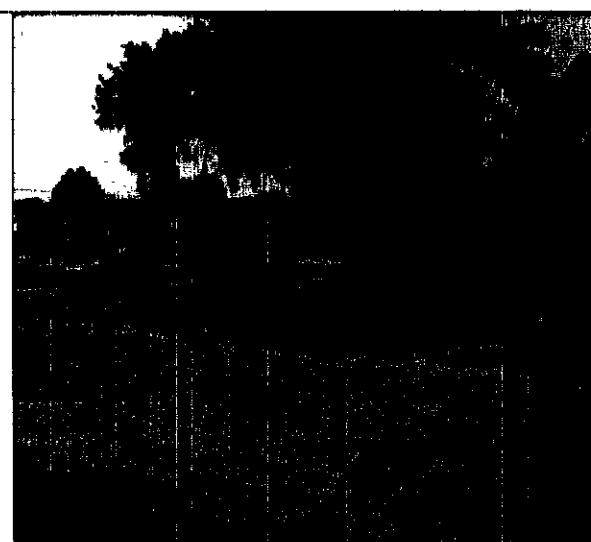
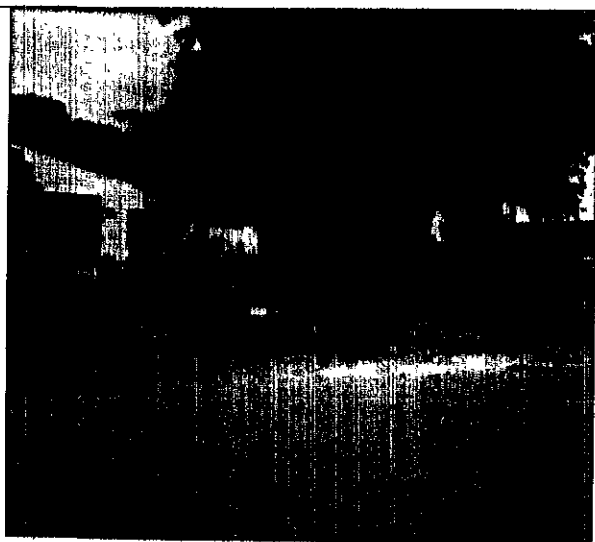
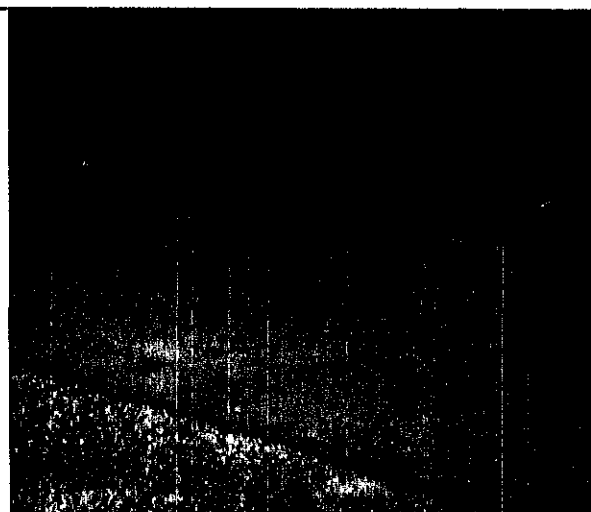
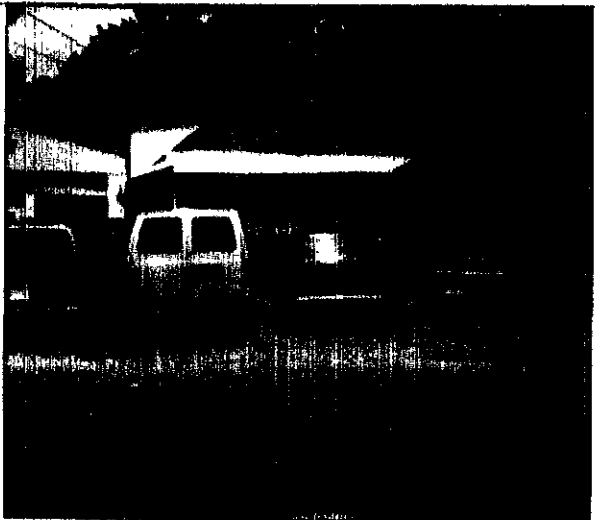
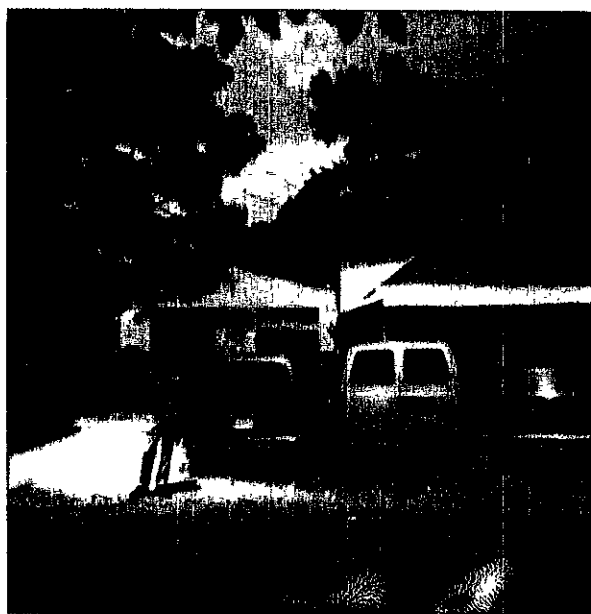
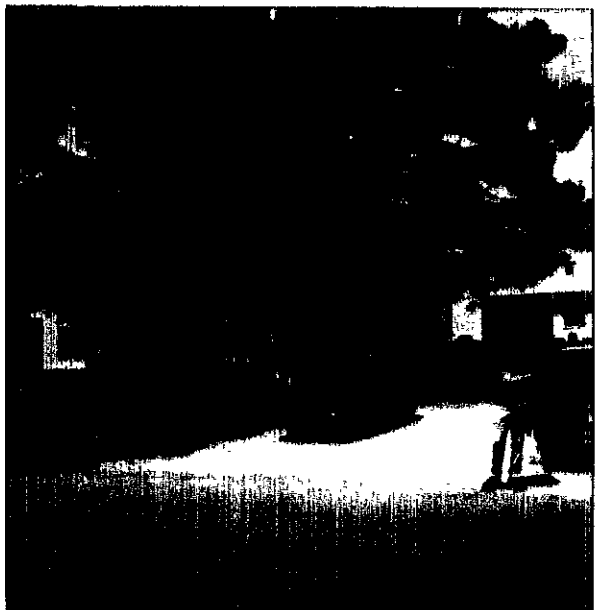
I HEREBY CERTIFY that I took the 5 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

Police Department Officer Howe

PHOTOGRAPHIC RECORD

Citation/Case Number: 01-5173

Date of Photographs: 7-31-01

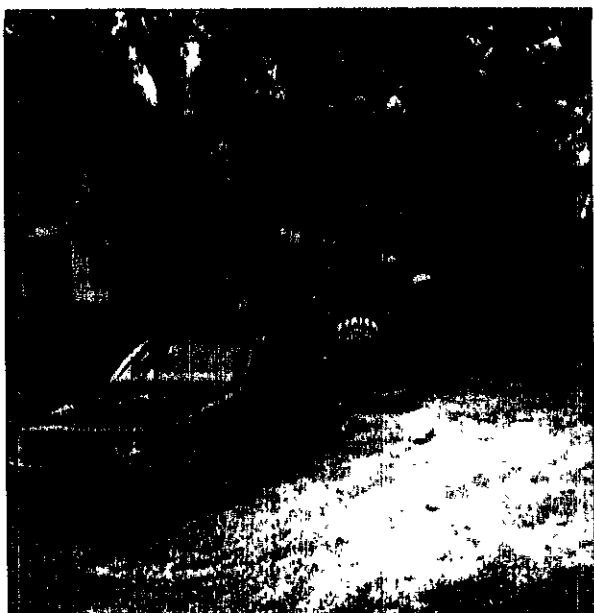
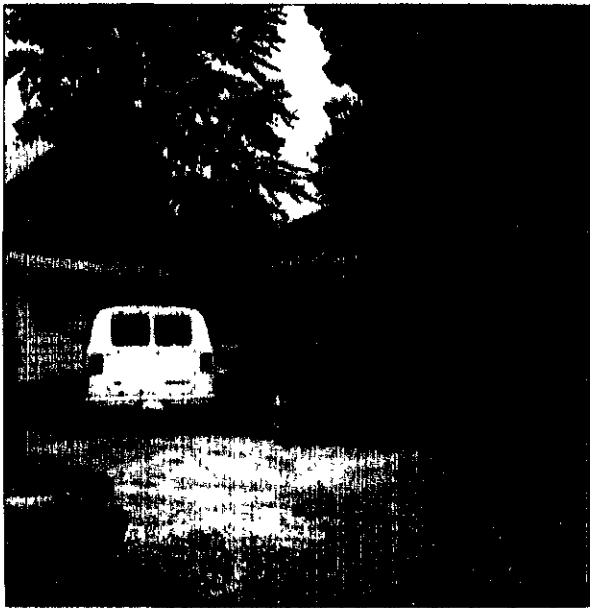


I HEREBY CERTIFY that I took the 6 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

environmental officer John M. [illegible]

PHOTOGRAPHIC RECORD

Citation/Case Number: 01-5173 (203 Riverton Rd)
Date of Photographs: 9-25-01



I HEREBY CERTIFY that I took the 4 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

Joseph [Signature]

MIDDLE RIVER
PLAT 1/120

GEORGE J. NORVELL
C104 / 643
ACCT. # 15-1514650404

#204
#202
#200
JOHN A SR & JOAN F
BOLING
10361 / 565
ACCT. # 15-1501740080

WILLIAM L. MASON
15230 / 278
ACCT. # 15-1513204251

EX.
DWELLING
#209

175.00' 43°00'00" E

RIVERTON ROAD
(R/W)

MAGNOLIA AVENUE
(50' R/W)

CHRISTOPHER M. BOSWORTH
11304 / 686
ACCT. # 15-1504751430

BOARD OF EDUCATION
BALTIMORE COUNTY, MD.
ACCT. # 15-1502574060

OWNER/APPLICANT

ROGER M. & LINDA M. MAGSAMEN
209 RIVERTON ROAD
Baltimore, Maryland 21220-4102

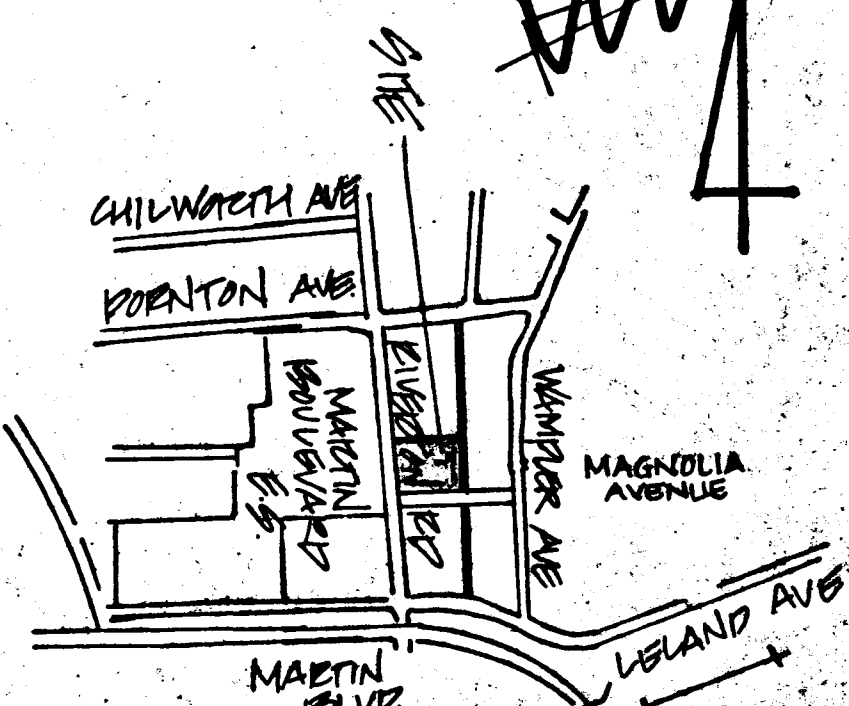
GENERAL NOTES

1. PROPERTY - TAX MAP 99, BEID 11, PARCEL 709
2. TRACT AREA - 26,250 SF - 0.6026 ACRES
3. EXISTING USE - RESIDENCE & AUTO SERVICE GARAGE
4. DEED REFERENCE - 4790/666 PLAT REF: 1/120
5. TAX ACCOUNT NO. 1919208610
6. EXISTING RESIDENCE CONSTRUCTED - 1942
7. EXISTING GARAGE CONSTRUCTED - 1952 (APX.)

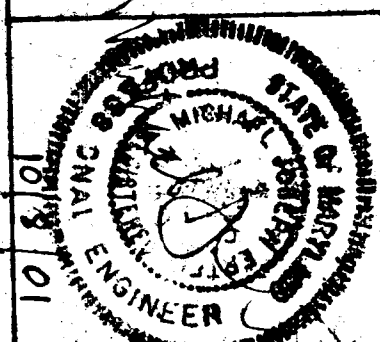
ZONING HISTORY
CASE # 68-103X A SPECIAL EXCEPTION WAS GRANTED FOR A
SERVICE GARAGE.

PLAN PREPARED IN SUPPORT OF PETITION FOR SPECIAL HEARING
AMENDMENTS TO BE ESTABLISHED AT HEARING-G

VICINITY MAP
SCALE: 1"=500'



PLAN PREPARED BY:
M.J. CONSULTING, INC.
5917 EAST GLEN ROAD
Baltimore City, MD 21243
(410) 465-9979



PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING

"MAGSAMEN PROPERTY"

209 RIVERTON ROAD

BALTIMORE COUNTY, MD
ELECTION DISTRICT 15 COUNCILMANIC DISTRICT C

SCALE: 1"=20'
NOVEMBER 3, 2001