IN RE: PETITION FOR VARIANCE
S/S Cockeysville Road, 600' E
centerline of Beaver Dam Road
3rd Election District
8th Councilmanic District
(233 Cockeysville Road)

Bob Cat Properties, LLC Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 02-321-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Bob Cat Properties, LLC, by Robert Babcock, its member. The petition was also filed by Timothy Stevens, President of Performance Cycles, the Lessee of the property. The special hearing request is to approve an amendment to the previously approved special exception in Case No. 00-223-X, to permit an incidental retail sales area for motorcycle sales in an ML-IM zone, all in accordance with Section 253.1 F.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Appearing at the hearing on behalf of the special hearing request were Robert Babcock and Catherine Babcock, appearing on behalf of the owners of the property, Richard Matz, professional engineer who prepared the site plan of the property, Timothy and John Stevens, representing the Lessee of the site, Performance Cycles, and Deborah Dopkin, attorney at law, representing the Petitioners. There were no Protestants or others at the hearing.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 0.92 acres, more or less, zoned ML-IM. The subject property is improved with an existing one and two-story building, as is depicted on the site plan submitted into evidence. The western half of the subject building is utilized by Mr. Babcock, the owner of the property, for his business known as Babcock's Service Center. The eastern half of the

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building is utilized by the Stevens as Performance Cycle, a motorcycle repair and sales facility. Testimony and evidence demonstrated that Mr. Stevens plans to relocate his motorcycle repair business to the rear of the subject building and provide a small accessory motorcycle sales area in the front half of the building. In order to proceed with these changes to the site plan, the special hearing request is necessary.

After due consideration of the testimony and evidence presented at the hearing and the lack of opposition to this special hearing request, I find that the request should be granted. It is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, 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. Therefore, permission to approve an amendment to the previously approved special exception in Case No. 00-223-X, to permit an incidental retail sales area for motorcycle sales in an ML-IM zone, is hereby granted.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this Aday of April, 2002, that the Petitioners' Request for Special Hearing from Section 253.1.F.1 of the B.C.Z.R., to approve an amendment to the previously approved special exception in Case No. 00-223-X, to permit an incidental retail sales area for motorcycle sales in an ML-IM zone, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

IN THE MATTER OF
THE APPLICATION OF
BOB CAT PROPERTIES, LLC PETITIONER FOR SPECIAL HEARING
ON PROPERTY LOCATED ON THE
S/S COCKEYSVILLE ROAD
233 COCKEYSVILLE ROAD
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

- * BEFORE THE
- * COUNTY BOARD OF APPEALS
- * OF
- * BALTIMORE COUNTY
- * CASE NO. 02-321-SPH

* * * * * * * * * *

ORDER

Bob Cat Properties, LLC ("Petitioner") is the owner of 233 Cockeysville Road;

Performance Cycles, Inc. (hereinafter "Performance") is Lessee thereof. The site is zoned

Manufacturing Light (ML-IM). Performance operates a motorcycle repair facility (service garage).

Petitioner seeks Special Hearing relief to permit Performance to sell used motorcycles.

The Special Hearing Petition was approved by the Deputy Zoning Commissioner on April 18, 2002. People's Counsel filed a timely appeal. A hearing was held before the Board of Appeals ("CBA") on July 16, 2002. Public deliberation was held the same day.

Deborah Dopkin, attorney for the property owner and tenant, and Carole S. Demilio, Deputy People's Counsel, were present.

In a prior case, the site received Special Exception approval for a service garage. Ms.

Demilio agrees that a service garage is a permitted use in this zone. She is not challenging the special exception use previously granted. In the instant case, Petitioners filed a Special Hearing Petition to sell motorcycles. People's Counsel filed an appeal because used automobile and motorcycle sales are not permitted in the ML zone. Used motor vehicle sales are permitted by right in the Business Roadside zone, and by special exception in the Business Major zone with a PUD-C. Ms. Demilio stated that under very limited conditions, and with appropriate restrictive language in an Order, occasional sales of used vehicles incidental to the service garage use has been permitted.

Ms. Demilio stated that in her opinion the appropriate and necessary restrictive language was not

Case No. 02-321-SPH /Bob Cat Properties LLC

lincluded in the Deputy Zoning Commissioner's Order granting the special hearing.

Ms. Demilio further stated she discussed her office's position with Mr. Tim Stevens, owner of Performance, the tenant on the site, and with Ms. Dopkin.

Ms. Dopkin proffered her clients' position in this matter. She recognizes that the ML-IM zone does not list the sale of used motor vehicles as a permitted or special exception use. She described briefly the site and the present and proposed uses and referred to Petitioners' site plan in the Board's file. She proffered her clients would agree to limit vehicle sales to the occasional sale, incidental to the service garage use. She further proffered that Performance would limit these occasional sales to vehicles brought to the shop for service and repair, and would prohibit vehicles to be brought to the site for sales only. She further proffered that her clients would prohibit a dealership to operate on the premises. Ms. Dopkin stated her clients are willing to abide by the appropriate restrictions in an Order and would limit the special hearing relief to these restrictions.

Ms. Demilio stated her office would be satisfied with an Order granting the special hearing relief provided the Order prohibit the sale of new motor vehicles, limit any sales to the occasional sale of used motorcycles, incidental to the service garage use, and further limit the occasional and incidental sale to those vehicles brought to the site for service work.

WHEREFORE, after reviewing the Baltimore County Zoning Regulations, and in consideration of the evidence proffered, and the legal arguments made by Counsel, it is this day of August, 2002 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing is GRANTED subject to the following restrictions:

1. That there shall be no sale of <u>new</u> motor vehicles of any type at the site.

Case No. 02-321-SPH /Bob Cat Properties LLC

- 2. That the sale of <u>used</u> motorcycles shall be occasional only and incidental to the service garage use.
- 3. That the sale of any used motorcycles shall be further restricted to those motorcycles brought to the site for service work and that no used vehicles shall be brought to the site to be sold.
- 4. That there shall be no motor vehicle or motorcycle dealership at the site.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Charles L. Marks, Chairman

Margaret Worrall

Richard K. Irish



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

FAX: 410-887-3182

August 20, 2002

Carole S. Demilio Deputy People's Counsel for Baltimore County Room 47, Old Courthouse 400 Washington Avenue Towson, MD 21204

> RE: In the Matter of: Bob Cat Properties, LLC Case No. 02-321-SPH and Case No. 02-322-A

Dear Ms. Demilio:

Enclosed please find a copy of the final Orders issued this date by the County Board of Appeals of Baltimore County in the subject matter. These files will be scheduled for closure upon the expiration of 30 days from today's date.

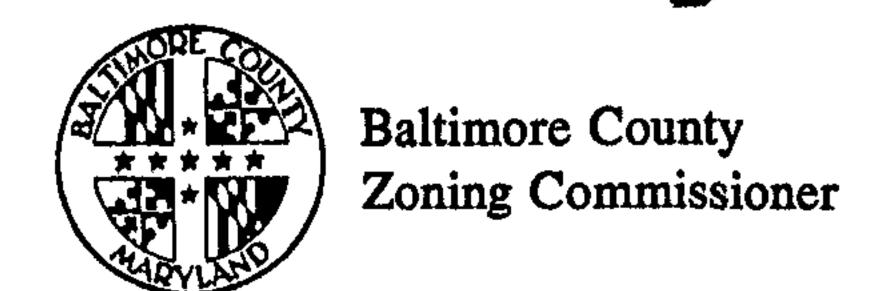
Very truly yours,

Hatleen C. Birnes/

Administrator

Enclosure

Deborah C. Dopkin, Esquire c: Robert Babcock /Bob Cat Properties LLC Timothy Stevens / Performance Cycles Richard E. Matz, PE/Colbert Matz Rosenfelt Inc. Pat Keller, Director /Planning Lawrence Schmidt /Z,C. Arnold Jablon, Director /PDM



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

Fax: 410-887-3468

April 18, 2002

Deborah C. Dopkin, Esquire 409 Washington Avenue, Suite 920 Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 02-321-SPH

Property: 233 Cockeysville Road

Dear Ms. Dopkin:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the 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,

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

Copies to:

Bob Cat Properties, LLC c/o Robert Babcock
237 Cockeysville Road
Cockeysville, MD 21030

Richard E. Matz, P.E. Colbert, Matz, Rosenfelt, Inc. 2835 Smith Avenue, Suite G Baltimore, MD 21209

Timothy & John Stevens 233 Cockeysville Road Cockeysville, MD 21030



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 233 Cockeysvi	lle Road	
which is presently zoned		

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

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

An amendment to the Special Exception approved in Case No. 00-223-X, to permit an incidental retail sales area, for motorcycle sales in an ML-IM zone, in accordance with Section 253.1.F.1, BCZR.

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.

perjury, that I/we are the legal owner(s) of the property which Is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Timothy Stevens, President, Performance Cycles Bob Cat Properties, LLC Robert Babcock, Member Name - Type or Print Name - Type or Print MEMBER Signaturé Signature 233 Cockeysville Road 410-785-3100 Address. Telephone No. Name - Type or Print Cockeysville 21030 Md. City State Zip Code Signature Attorney For Petitioner: 237 Cockeysville Road 410-785-2770 Address. Telephone No. Deborah C. Dopkin, Esq. Cockeysville 21030 Md. Name Type or Print City Zip Code State Representative to be Contacted: \$ignature Richard E. Matz, P.E. Deborah C. Dopkin, P.A. (eve.) 410-484-8757 Company COLBERT MATZ ROSENFELT, INC 409 Washington Avenue, Suite 920 410-494-8080 2835 Smith Avenue, Suite G 410-653-3838 Addres Address Telephone No. Telephone No. Tpw**so**n 21204 Md. Baltimore 21209 MD City Zip Code State Zip Code State 8 as No. 02-321-SPA OFFICE USE ONLY

5046 DWAL W/02-322-A.

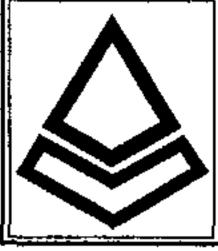
Date Ox

ESTIMATED LENGTH OF HEARING

Reviewed By __STA



Civil Engineers • Surveyors • Planners

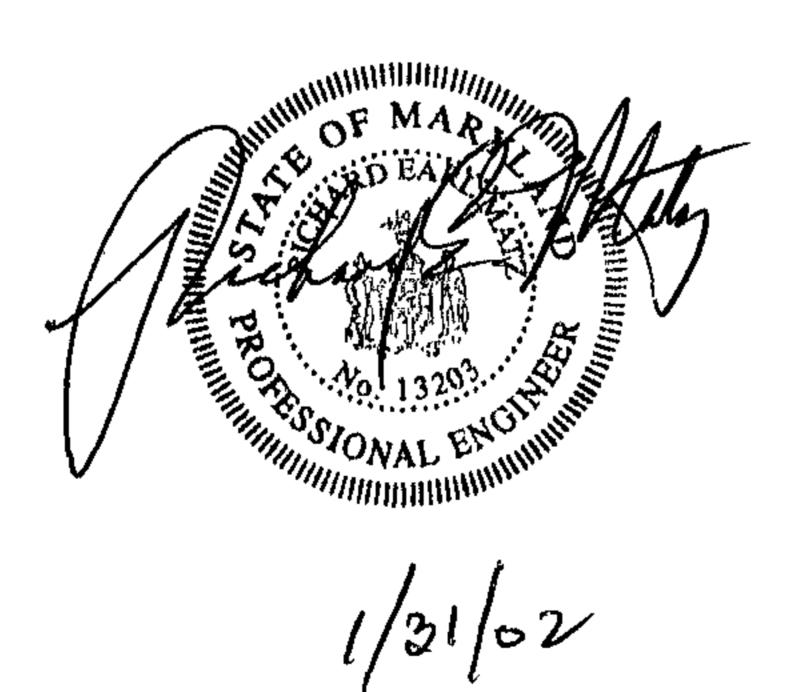


ZONING DESCRIPTION 233-237 COCKEYSVILLE ROAD

Beginning at a point on the south side of Cockeysville Road, which is 60 feet wide, at the distance of 600 feet east of the centerline of the nearest improved intersecting street, Beaver Dam Road, which is of varying width, thence the following courses and distances:

S 36 degrees, 08 minutes, 12 seconds E 175.00 ft.; N 53 degrees, 51 minutes, 48 seconds E 229.26 ft.; N 36 degrees, 08 minutes, 12 seconds W 175.00 ft.; and thence S 53 degrees, 51 minutes, 48 seconds W 229.26 ft. to the point of beginning.

As recorded in Deed Liber 14333, Folio 001, containing 0.92 acres. Also known as 233-237 Cockeysville Road and located in the 8th Election District.



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: #02-321-SPH
233 Cockeysville Road
S/S Cockeysville Road, 600' E
centerline of Beaver Dam Road
3rd Election District
8th Councilmanic District
Legal Owner(s): Robert Babcock
Contract Purchaser(s):
Timothy Stevens
Special Hearing: to permit
an incidental retail sales
area, for unlimited motorcycles sales in a specific garage in an ML-IM zone,
Hearing: Monday, April 15,
2002 at 2:00 p.m. in Room
407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.
(2) For Information concerning the File and/or
Hearing Contact the Zoning
Review Office at (410) 8873391.
3/296 Mar28

3/296 Mar28 C528778

CERTIFICATE OF PUBLICATION

3/28 , 2002
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 328,2002
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News
D/1/11/10/10/50

LEGAL ADVERTISING

	The state of the s	The state of the s
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	570-) No. 07837	PAID RECEIPT FAYMENT ACTUAL TIME
DATE ACCOUNT_	K.Ch. CCC. GISC.	2/01/2002 2/01/2002 11:42:19 REG MSO5 CASHIER RBOS LRB DRAME! >>TECEIPT # 248082
AMOUNT	\$ 250	Dent 5 528 ZONING VERIFICATION CR NO. 007837 Recet Tot 250.00 CK .00
RECEIVED TO COLLING COLLING	1 Cycles Lac	Baltimore County, Maryland
FOR:	16A7CICCE - 250	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW -	CUSTOMER 02-321-5	CASHIER'S VALIDATION

PINK - AGENCY

WHITE - CASHIER

APPEAL SIGN POSTING REQUEST

CASE NO.: 02-321-SPH

ROBERT BABCOCK, BOB CAT PROPERTIES, LLC - LEGAL OWNER

233 COCKESVILLE ROAD

3RD	ELECTION DISTRICT	APPEALED: 5/3/2002
ATT	4CHMENT – (Plan to accompany Petition –	Petitioner's Exhibit No. 1)
***	*****COMPLETE AND RETURN E	ELOW INFORMATION****
	CERTIFICATE O	F POSTING
TO:	Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204	
Atten	tion: Kathleen Bianco Administrator	
RE:	Case No.: 02-32/-5PH	•
	Petitioner/Developer:	**
	ROBERT BABCOCK, B	OB CAT PROP.
This i	is to certify that the necessary appeal sign was	posted conspicuously on the property
The s	ign was posted on 6/7/02	, 2002
By:	(Signature of Sign Poster)	
	GARY FREUNIO	



Œ:	Case No.:
	Petitioner/Developer: BABCOCK MATZ
	Date of Hearing/Closing. 4/15/02

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

Attention. FRIM. / ZONING - GEORGE ZAHNER

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 # 233 COCKEYSVILLE RD.

The sign(s) were posted on _

(Month, Day, Year)

Sincerely.

Signature of Sign Poster and Date)

Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666:5366 ; CELL.410.905-8571

(Telephone Number)



DÉPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 02-32 SPH.
Petitioner:
Address or Location: 233-237 Cockasville Roap
PLEASE FORWARD ADVERTISING BILL TO: Name: TIMOTHY STEVENS PERFORMANCE OFCLES
Address: 233-25/CockEXSVILLE, COAD
COCKEYSVILLE MD 21030
· · · · · · · · · · · · · · · · · · ·
Telephone Number: 410-785-3100

Revised 2/20/98 - SCJ

02.321.SPH





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

March 7, 2002

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: 02-321-SPH

233 Cockeysville Road

S/S Cockeysville Road, 600' E centerline of Beaver Dam Road 3rd Election District – 8th Councilmanic District

Legal Owner: Robert Babcock

Contract Purchaser Timothy Stevens

Special Hearing to permit an incidental retail sales area, for unlimited motorcycles sales in a specific garage in an ML-IM zone.

HEARING;

Monday, April 15, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

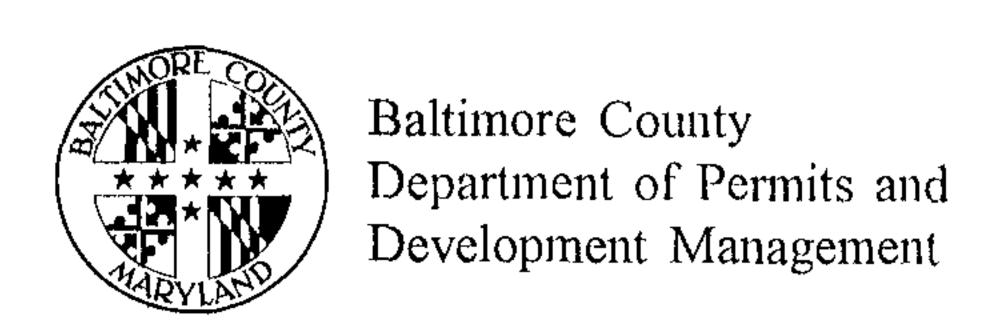
Arnold Jablon 672 Director

C: Deborah C Dopkin, 409 Washington Ave, Ste 920, Towson 21204 Robert Babcock, Bob Cat Properties LLC, 237 Cockeysville Rd, Cockeysville 21030 Timothy Stevens, Performance Cycles, 233 Cockeysville Rd, Cockeysville 21030 Richard E Matz, Colbert Matz Rosenfelt Inc, 2835 Smith Avenue Suite G, Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 30, 2002.

(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.



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

April 12, 2002

Ms. Deborah C Dopkin Esquire 409 Washington Avenue Suite 920 Towson MD 21204

Dear Ms. Dopkin:

RE: Case Number: 02-321-SPH, 233 Cockeysville Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 01, 2002.

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 Richard, In.

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

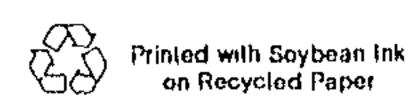
WCR: gdz

Enclosures

c: Mr. Robert Babcock, Bob Cat Properties LLC, 237 Cockeysville Rd, Cockeysville 21030 Mr. Timothy Stevens, President, Performance Cycles, 233 Cockeysville Rd, Cockeysville 21030 Mr. Richard E Matz PE, Colbert Matz Rosenfelt Inc, 2835 Smith Avenue, Suite G, Baltimore 21209

People's Counsel

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





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

March 12, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner:

Location: DISTRIBUTION MEETING OF February 25, 2002

Item No.: 02-321-SPH

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 Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File



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

February 28, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 25, 2002

Item No.:

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.

The Fire Marshal's Office has no comments at this time regarding the following items.

314, 315, 316, 319, (321) 323, 325, 326, 328

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: March 21, 2002

TO:

Arnold Jablon, Director

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for March 4, 2002

Item Nos. 314, 315, 316, 319, 320, (321) 322, 323, 324, 327, 328 and 329

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

RWB:HJO:cab

ce: File

ZAC-3-4-2002-NO COMMENT ITEMS-03212002.doc

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley (785) 161

DATE:

March 25, 2002

Zoning Advisory Committee Meeting of February 25, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

321

285, 314-325, 327-329



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams

Date: 2.22.62

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

RE: Baltimore County

Item No. 321

JRA

Administrator

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,

مسا

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 11, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-321, 02-401, 02-408, 02-413, 02-414,

02-416, 02-419, & 02-423

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

AFK/LL:MAC



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

July 30, 2002

Deborah C. Dopkin, Esquire 1000 Mercantile-Towson Building 409 Washington Avenue Towson, MD 21204

Carole S. Demilio Deputy People's Counsel Room 47, Old Courthouse Towson, MD 21204

RE: In the Matter of: Bob Cat Properties LLC
Case No. 02-321-SPH and Case No. 02-322-A

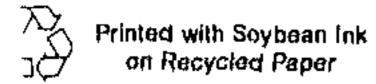
Dear Counsel:

This office is in receipt of your proposed Orders in the subject matter. Upon review by the Board, the final Orders will be prepared and issued upon signature.

Sincerely,

Kathleen C. Bianco
Administrator





APPEAL

Petition for Special Hearing
233 Cockeysville Road
S/S Cockeysville Road 600' E centerline of Beaver Dam Road
3rd Election District — 8th Councilmanic District
Robert Babcock, Bob Cat Properties, LLC — Legal Owner
Timothy Stevens, President, Performance Cycles- Contract Purchaser
Case No.:02-321-SPH

Petition for Special Hearing (dated 2/1/02)

Zoning Description of Property

Notice of Zoning Hearing (dated March 7, 2002)

Certification of Publication (The Jeffersonian issue dated 3/28/02)

Certificate of Posting (dated 3/29/01 posted Patrick M. O'Keefe)

Entry of Appearance by People's Counsel (dated 2/25/02)

Petitioner(s) Sign-In Sheet (1 sheet)

Protestant(s) Sign-In Sheet (None)

Citizen(s) Sign-In Sheet (None)

Zoning Advisory Committee Comments

Petitioners' Exhibits: (None)

Protestants' Exhibits: (None)

Miscellaneous (Not Marked as Exhibits):

Plat to accompany Special Hearing dated 2/28/02

Deputy Zoning Commissioner (dated 4/18/02 - GRANTED with Restrictions)

Notice of Appeal received on 5/3/2002 from Peter Max Zimmerman, People's Counsel for Baltimore County

c: Deborah C. Dopkin, Esquire People's Counsel of Baltimore County, MS #2010 Timothy Kotroco, Deputy Zoning Commissioner Arnold Jablon, Director of PDM

date sent: 5/15/02 rjc

Case No. 02-321-SPH Case No. 02-322-A Robert Babcock / Timothy Stevens – 233 Cockeysville Road Robert Babcock – 239 Cockeysville Road

02-321-SPH – To approve amendment to previously approved special exception in 00-233-X; to permit incidental retail sales area for motorcycle sales in ML-IM zone.
02-322-A – To permit side yard setback of 0' ilo required 30' and to permit a construction storage yard.

4/16/02 – D.Z.C.' Order in which requested relief was GRANTED with restrictions.

6/24/02 – Telephone conference with D, Dopkin and C. Demilio: scheduled matter to 7/16/02 at 9:00 for proffer; proposed Order to be submitted upon completion and deliberation per proffer.

Notice of Assignment sent to parties; assigned for Tuesday, July 16, 2002 at 9:00 a.m.:

People's Counsel for Baltimore County
Deborah C. Dopkin, Esquire
Robert Babcock /Bob Cat Properties LLC
Timothy Stevens /Performance Cycles
Richard E. Matz, PE /Colbert Matz Rosenfelt Inc.
Pat Keller, Director /Planning
Lawrence Schmidt /Z.C.
Arnold Jablon, Director /PDM

7/16/02 - Board convened for hearing as specially assigned (Marks, Worrall, Irish); per proffer of counsel (Demilio and Dopkin) and deliberation at conclusion of hearing, granted per agreement -motor cycle sales as incidental use; proposed Order to be submitted by Carole Demilio upon approval by both parties.

7/30/02 - Proposed draft Order submitted by C. Demilio (she had sent copy to D. Dopkin via FAX; agrees as drafted); confirmed same by t/c w/ D. Dopkin. Letter to C. Demilio and D. Dopkin this date confirmed receipt of Order for review by Board and issuance upon preparation and signature of final Order.

BOARD OF APPEALS OF BALTIMORE COUNTY MINUTES OF DELIBERATION

IN THE MATTER OF:

Robert Babcock /Bob Cat Properties, LLC

Case No. 02-321-SPH and Case No. 02-322-A

DATE

Tuesday, July 16, 2002

BOARD /PANEL

Charles L. Marks

(CLM)

Richard K. Irish

(RKI)

Margaret Worrall

(MW)

RECORDED BY

Kathleen C Bianco / Administrator

PURPOSE: To deliberate Case No. 02-321-SPH and 02-322-A / modify order in previous special exception case 00-223-X /to permit incidental sales area for motorcycle sales

Statements of Carole Demilio on behalf of People's Counsel and proffers by Ms. Dopkin, on behalf of Petitioner, heard this date at specially assigned hearing before Board.

- Unanimous decision of Board that all requirements are met
- As proposed, meets the zoning classification M.L.-I.M. as incidental and accessory use
- Agreement will be executed by the parties; to be submitted to the Board along with proposed Order as prepared by Ms. Demilio and reviewed by Ms. Dopkin.

FINAL DECISION: Unanimous decision

- CLM - Granted pursuant to hearing and agreement

-- MW - Agrees - meets requirements as incidental /accessory use

-- RKI - Satisfied and in agreement

NOTE: These minutes, which will become part of the case file, are intended only to indicate for the record that a public deliberation took place this date regarding this zoning case. The Board's final decision will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted

Kalhleen C. Bianco, Administrator

County Board of Appeals







Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

People's Counsel

May 3, 2002

CAROLE S. DEMILIO
Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING

233 Cockeysville Road, S/S Cockeysville Rd,

Peter Max Timmennen

600' E of c/l Beaver Dam Rd,

8th Election Dist., 3rd Councilmanic Bob Cat Properties, LLC, Petitioner

Case No.: 02-321-SPH

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated April 18, 2002 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

į

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/caf

cc: Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 920, Towson, MD 21204, Attorney for Petitioner

RE: PETITION FOR SPECIAL HEARING
233 Cockeysville Road, S/S Cockeysville Rd, 600' E of
c/l Beaver Dam Rd

8th Election District, 3rd Councilmanic

Legal Owner: Bob Cat Properties LLC Contract Purchaser: Performance Cycles Petitioner(s)

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* Case No. 02-321-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 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 25th day of February, 2002 a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 920, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN

BEFORE THE Re: IN THE MATTER OF BOB CAT PROPERTIES, LLC, COUNTY BOARD OF Petitioner 233 Cockeysville Road S/S Cockeysville Road OF 8th Election District 3rd Councilmanic District **BALTIMORE COUNTY** Petitioner/Appellee Case No. 02-321-SPH

ORDER

Bob Cat Properties, LLC ("Petitioner") is the owner of 233 Cockeysville Road; Performance Cycles, Inc, (hereafter "Performance") is a Lessee thereof. The site is zoned Manufacturing Light Performance operates a motorcycle repair facility (service garage). Petitioner seeks (ML-IM). Special Hearing relief to permit Performance to sell used motorcycles.

Deputy The Special Hearing Petition was approved by the Zoning Commissioner on April 18, 2002.

People's Counsel filed a timely appeal. Delib. on 7 | 16 | 02

A hearing was held before the Board of Appeals ("CBA") on July 16, 2002.

Deborah Dopkin, attorney for the property owner and tenant, and Carole S. Demilio, Deputy People's Counsel, were present.

In a prior case, the site received Special Exception approval for a service garage. Ms. Demilio agrees that a service garage is a permitted use in this zone. She is not challenging the special exception use previously granted. In the instant case, Petitioners filed a Special Hearing Petition to sell motorcycles. People's Counsel filed an appeal because used automobile and motorcycle sales are not permitted in the ML zone. Used motor vehicle sales are permitted by right

in the Business Roadside zone, and by special exception in the Business Major zone with a PUD C. Ms. Demilio stated that under very limited conditions, and with appropriate restrictive language in an Order, occasional sales of used vehicles incidental to the service garage use has been permitted. Ms. Demilio stated that in her opinion the appropriate and necessary restrictive language was not included in the Zoning Commissioner's Order granting the special hearing.

Ms. Demilio further stated she discussed her office's position with Mr. Tim Stevens, owner of Performance, the tenant on the site, and with Ms. Dopkin.

Ms. Dopkin proffered her clients' position in this matter. She recognizes that the ML-IM zone does not list the sale of used motor vehicles as a permitted or special exception use. She described briefly the site and the present and proposed uses and referred to Petitioner's site plan in the Board's file. She proffered her clients would agree to limit vehicle sales to the occasional sale, incidental to the service garage use. She further proffered that Performance would limit these occasional sales to vehicles brought to the shop for service and repair, and would prohibit vehicles to be brought to the site for sales only. She further proffered that her clients would prohibit a dealership to operate on the premises. Ms. Dopkin stated her clients are willing to abide by the appropriate restrictions in an Order and would limit the special hearing relief to these restrictions.

Ms. Demilio stated her office would be satisfied with an Order granting the special hearing relief provided the Order prohibit the sale of <u>new</u> motor vehicles, limit any sales to the occasional sale of used motorcycles, incidental to the service garage use, and further limit the occasional and incidental sale to those vehicles brought to the site for service work.

Wh	IEREFORE, after reviewing the Baltimore County Zoning Regulations, and in	
considerati	on of the evidence proffered, and the legal arguments made by Counsel, it is this	
day of	, 2002,	
OR	DERED that the Petition for Special Hearing is GRANTED subject to the following	
restrictions		
.1.	That there shall be no sale of new motor vehicles of any type at the site.	
2.	That the sale of <u>used</u> motorcycles shall be occasional only and incidental to the service	
	garage use.	
3.	That the sale of any used motorcycle shall be further restricted to those motorcycles	
	brought to the site for service work and that no used vehicles shall be brought to the	
	site to be sold.	
4.	That there shall be no motor vehicle or motorcycle dealership at the site.	
Any petition for judicial review from this decision must be made in accordance with Rule		
7-201 through Rule 7-210 of the Maryland Rules o f procedu re.		
	COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY	

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IN THE MATTER OF
BOB CAT PROPERTIES, LLC,
Petitioner

239 Cockeysville Road
S/S Cockeysville Road
8th Election District
3rd Councilmanic District

* BALTIMORE COUNTY

Petitioner/Appellee

* Case No. 02-322 A

ORDER

The Office of People's Counsel filed an appeal in this case from a setback variance for a construction storage yard granted by the Deputy Zoning Commissioner. This case was filed as a companion case to Case 02-321 for Special Hearing relief, which was also appealed by People's Counsel.

A hearing was held before the CBA on July 16, 2002. Carole S. Demilio, Deputy People's Counsel and Deborah Dopkin, attorney for Petitioners, were present.

At the hearing, Ms Demilio stated that if the Board limits the Special Hearing relief by the restrictions agreed to by the parties and their counsel in Case 02-321 SPH, her office will dismiss the appeal in this case. She stated under those circumstances it would not be in the public interest to appeal the variance relief.

In light of the Order signed by this Board in Case 02-321 SPH, the appeal of People's Counsel in the instant case is hereby dismissed.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of procedure.

COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY



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

May 15, 2002

Deborah C. Dopkin, Esquire 409 Washington Avenue, Suite 920 Towson, MD 21204

Dear Ms. Dopkin:

RE: Case No. 02-321 SPH, Address 233 Cockeysville Road

Please be advised that an appeal of the above-referenced case was filed in this office on May 3, 2002 by Peter Max Zimmerman, People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold dabton

Director

AJ:rjc

c: Timothy Stevens, President, Performance Cycles 233 Cockeysville Road Cockeysville MD 21030

Bob Cat Properties, LLC Robert Babcock, Member 237 Cockeysville Road Cockeysville MD 21030

Richard E. Matz, P.E. COLBERT MATZ ROSENFELT, INC. 2835 Smith Avenue

Suite G Baltimore MD 21209

People's Counsel



COLBERT MATZ ROSENFE INC.

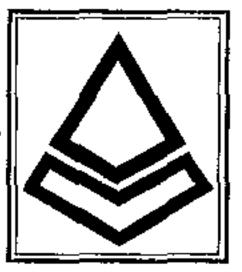
2835 Smith Avenue Suite G BALTIMORE, MARYLAND 21209



(410) 653-3838 FAX (410) 653-7953 02-322-14 WE ARE SENDING YOU ☐ Attached Under separate cover via __ the following items: ☐ Shop drawings Prints Plans □ Samples □ Specifications □ Copy of letter □ Change order COPIES DATE NO. DESCRIPTION lar-Case No. 02-321-SPH THESE ARE TRANSMITTED as checked below: ☐ For approval [] Approved as submitted [] Resubmit _____copies for approval ☐ For your use 1 Submit ____ copies for distribution ☐ Approved as noted ☐ As requested □ Returned for corrections | Return ____ corrected prints ☐ For review and comment ☐ FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US REMARKS _____ If enclosures are not as noted, kindly notify(x)s at onde

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



February 26, 2002

Baltimore County Zoning Office 111 W. Chesapeake Avenue Towson, Md. 21204

Attn.: George

Re: Zoni

Zoning Case Nos. 02-321 and 02-322

333 and 339 Cockeysville Road

Dear George,

Please do not schedule these cases yet. We expect to be submitting revised petitions and plans for one of them (339 Cockeysville Road) within the next few days and they should be scheduled for back-to-back hearing times.

Thank you,

Judith M. Floam

COLBERT MATZ ROSENFELT, INC.

PLEASE PRINT CLEARLY

NAME

PETITIONER(S) SIGN-IN SHEET 02-321-501.

	ADDRES

Deborah Dupkin	409 Washington Ave 2120¢
Catherine R Amoss-Babcock	2021 Oaknest Rd. Fallston, 21047
Robert W Babcock	2021 ORKMONT RD FOUND 21047
RICHARD E. MATZ	2835 SMITH AVE, SUITE G, 21209
TIMOTHY C. STEVENS	233 Cockeysville Kd. 21030
SOMME. STEVENS	233 Cocleey sville Rd. 2103
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89-391-SP41 4/15/02



02-391-SP4 4/15/02









