IN RE: PETITION FOR VARIANCE S/S Cockeysville Road, 550' E centerline of Beaver Dam Road 3rd Election District 8th Councilmanic District (239 Cockeysville Road) Bob Cat Properties, LLC Petitioners	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 02-322-A

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Bob Cat Properties, LLC, by Robert Babcock, its member. The variance request involves property located at 239 Cockeysville Road. The property is currently zoned ML-IM The variance request is from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 0 ft. in lieu of the required 30 ft. and to permit a construction storage yard.

Appearing at the hearing on behalf of the variance requests 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 and Deborah Dopkin, attorney at law, representing the Petitioners. There were no Protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.20 acres of land, more or less, zoned ML-IM. The subject property is unimproved at this time and is located on the south side of Cockeysville Road, east of its intersection with Beaver Dam Road. The property owners propose to construct a 4,150 sq. ft. building on the subject site as is depicted on Petitioners' Exhibit No. 1, the site plan submitted into evidence. The subject property is proposed to be utilized by KCI Technologies, a civil

ORDER RECEIVED FOR FILING
Date 4/19/02
By R. Jenkins

engineering firm, for the purpose of storing the trucks and equipment utilized in their business within the subject building. In order to proceed with the building in question, the variance relief is necessary.

After considering the testimony and evidence offered in support of the variance, I find that the variance relief requested should be granted to allow a side yard setback of 0 ft. in lieu of the 30 ft. permitted and to permit a construction storage yard.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING
Date 4/16/02
By R. Jackson

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 16th day of April 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 0 ft. in lieu of the required 30 ft. and to permit a construction storage yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building 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 Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 4/16/02
By R. Jamison

IN THE MATTER OF THE APPLICATION OF BOB CAT PROPERTIES, LLC - PETITIONER FOR VARIANCE ON PROPERTY LOCATED ON THE S/S COCKEYSVILLE ROAD 239 COCKEYSVILLE ROAD 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY 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 No. 02-321-SPH for Special Hearing relief, which was also appealed by People's Counsel.

A hearing was held before the County Board of Appeals ("Board") on July 16, 2002. Carole S. Demilio, Deputy People's Counsel, and Deborah C. 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 No. 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 No. 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*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Chairman

Margaret Worrall

Richard K. Irish

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 239 Cockeysville Road
which is presently zoned ML-IM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part of thereof, hereby petition for a Variance from Section(s)

255.1, BCZR, to permit a side yard setback of 0 feet in lieu of 30 feet permitted, and to permit a construction storage yard.

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

Reasons to be presented at hearing.

Property 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:

Name – Type or Print

Signature

Address. Telephone No.

City State Zip Code

Attorney For Petitioner:

Deborah C. Dopkin, Esq.
Name – Type or Print

Signature

Deborah C. Dopkin, P.A.
Company

409 Washington Ave., Suite 920 410-296-5120
Address Telephone No.

Towson Md. 21204
City State Zip Code

Legal Owner(s):

Bob Cat Properties, LLC Robert Babcock, Member
Name – Type or Print

Signature

Name – Type or Print

Signature

237 Cockeysville Road 410-785-2770
Address. Telephone No.

Cockeysville Md. 21030
City State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E. (eve.) 410-484-8757
COLBERT MATZ ROSENFELT, INC
2835 Smith Avenue, Suite G 410-653-3838
Address Telephone No.

Baltimore MD 21209
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By **Date**

Case No. 02-322-A

Revised

4/16/02

RECEIVED FOR FILING
Date
By

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

ZONING DESCRIPTION
239 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.;
S 53 degrees, 51 minutes, 48 seconds W 50.00 ft.;
N 36 degrees, 08 minutes, 12 seconds W 175.00 ft.; and thence
N 53 degrees 51 minutes, 48 seconds E 50.00 ft. to the point of beginning.

As recorded in Deed Liber 15963, Folio 314, containing 0.20 acres. Also known as 239 Cockeysville Road and located in the 8th Election District.

STATE OF MARYLAND
RICHARD MARK MATZ
No. 13203
PROFESSIONAL ENGINEER

1/31/02.

02-322-A

2835 Smith Avenue, Suite G Baltimore, Maryland 21209
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

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: #02-322-A
239 Cockeysville Road
S/S Cockeysville Road, 550' E centerline of Beaver Dam Road
3rd Election District
8th Councilmanic District
Legal Owner(s):
Robert Babcock
Variance: to permit a side yard setback of 0 feet in lieu of 30 feet permitted, and to permit a construction storage yard.
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) 887-3391.
3/295 Mar. 28 C528771

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 of 1 successive weeks, the first publication appearing on 3/28/, 2002.

- ☒ 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.: 02-322-A

Petitioner/Developer: BABCOCK MATZ

Date of Hearing/Closing: 4/15/02

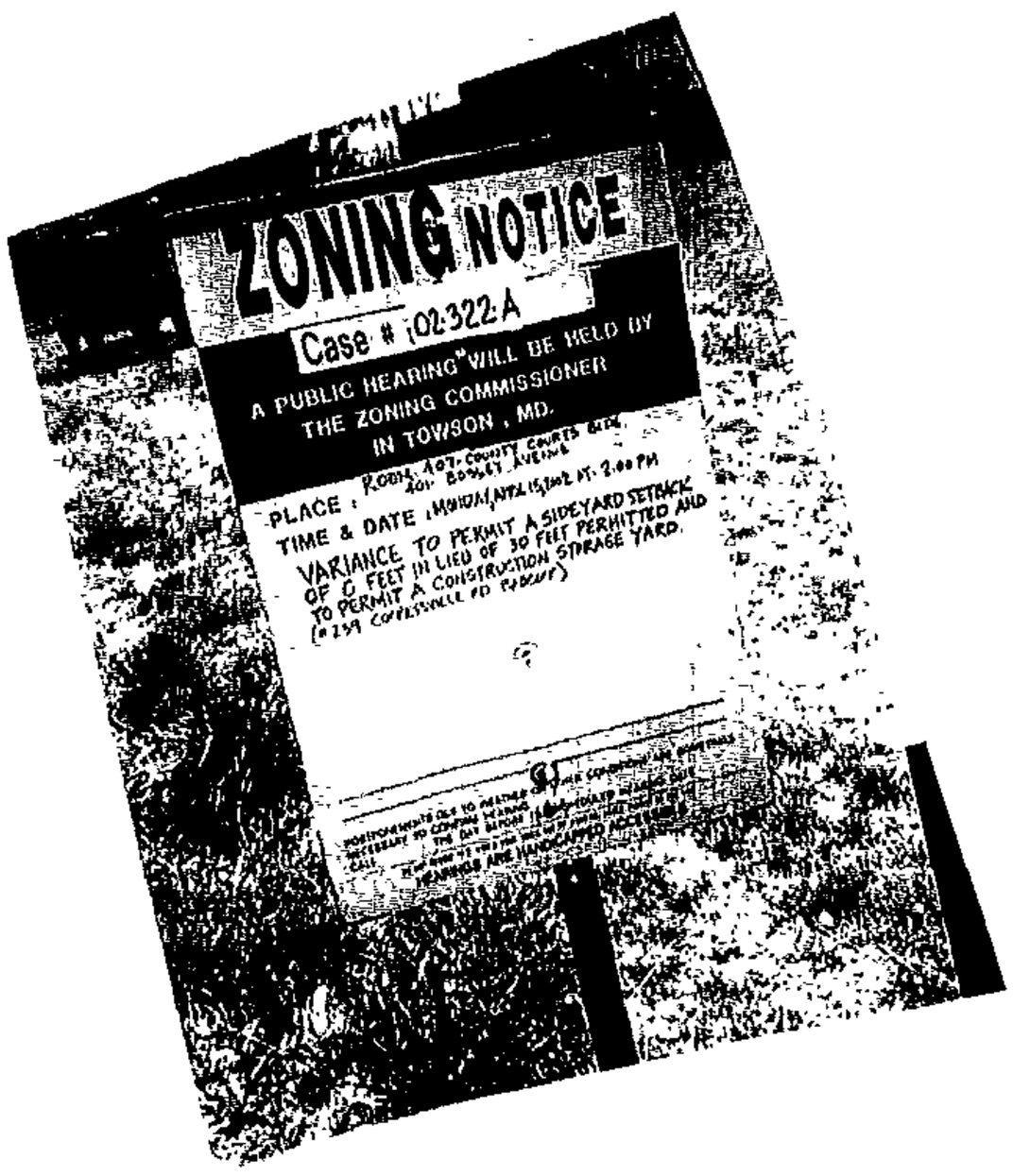
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111,
111 West Chesapeake Avenue
Towson, MD 21204

Attention: 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 # 239 COCKEYSVILLE RD

The sign(s) were posted on 3/29/02
(Month, Day, Year)



Sincerely,

3/30/02
(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)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

02-322-A

No. 07838

DATE 02-01-02 ACCOUNT R-001-006150

AMOUNT $ 250.00

RECEIVED FROM: Bob Caffney.

FOR: Com. Var. 250.00
Total 250.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	ACTUAL	TIME
2/01/2002	2/01/2002	11:42:39

REC WS05 CASHIER RB05 LRB DRAWER 5
>>RECEIPT # 248063 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 007838
Recpt Tot 250.00
250.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

APPEAL SIGN POSTING REQUEST

CASE NO.: 02-322-A

ROBERT BABCOCK, BOB CAT PROPERTIES, LLC - LEGAL OWNER

233 COCKESVILLE ROAD

3RD ELECTION DISTRICT APPEALED: 5/3/2002

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No.: 02-322-A

Petitioner/Developer:

ROBERT BABCOCK, BOB CAT PROP.

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

_____

The sign was posted on 6/7, 2002

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

A' EAL SIGN POSTING REQUI T

CASE NO.: 02-322-A

ROBERT BABCOCK, BOB CAT PROPERTIES, LLC - LEGAL OWNER

233 COCKESVILLE ROAD

3RD ELECTION DISTRICT APPEALED: 5/3/2002

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

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: 02-322-A
239 Cockeysville Road
S/S Cockeysville Road, 550' E centerline of Beaver Dam Road
3rd Election District – 8th Councilmanic District
Legal Owner: Robert Babcock

Variance to permit a side yard setback of 0 feet in lieu of 30 feet permitted, and to permit a construction storage yard.

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

Arnold Jablon GDZ
Director

C: Deborah C Dopkin, 409 Washington Avenue, Suite 920, Towson 21204
Robert Babcock, Bob Cat Properties LLC, 237, Cockeysville Road, 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.

Printed with Soybean Ink
on Recycled Paper

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

April 12, 2002

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

Dear Ms. Dopkin:

RE: Case Number: 02-322-A, 239 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 Richards, Jr.

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. Richard E Matz PE, Colbert Matz Rosenfelt Inc, 2835 Smith Avenue, Suite G, Baltimore 21209
People's Counsel

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on Recycled Paper

Baltimore County
Fire Department

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.: 02-322-A

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

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 2.22.02

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

RE: Baltimore County
Item No. 322 JRA

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,

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/TOT

DATE: March 25, 2002

Zoning Advisory Committee Meeting of February 25, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

322

285, 314-325, 327-329

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 21, 2002

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

cc: File

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 25, 2002

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 02-304,02-321, 02-322, 02-324**

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: _____

FEB 25

Section Chief: _____

AFK/LL:MAC

RE: PETITION FOR VARIANCE 239 Cockeysville Road, S/S Cockeysville Rd, 550' E of c/l Beaver Dam Rd 8th Election District, 3rd Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
Legal Owner: Bob Cat Properties LLC Petitioner(s)	*	BALTIMORE COUNTY
	*	Case No. 02-322-A

* * * * * * * * * * * * * *

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

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

PETER MAX ZIMMERMAN

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 3, 2002

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

Hand-delivered

Re: PETITION FOR VARIANCE
239 Cockeysville Road, S/S Cockeysville Rd,
550' E of c/l Beaver Dam Rd,
8th Election Dist., 3rd Councilmanic
Bob Cat Properties LLC, Petitioner
Case No.: 02-322-A

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 16, 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,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

MAY 3 2002

PMZ/CSD/caf

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

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, P.A.
409 Washington Avenue
Suite 920
Towson, MD 21204

Dear Ms. Dopkin:

RE: Case No.02-322-A, 239 Cockeysville Road

Please be advised that an appeal of the above-referenced case was filed in this office on 5/3/02 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 Jablon
Director

AJ:rjc

c: Robert Babcock, Member Bob Cat Properties, LLC 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

Printed with Soybean Ink
on Recycled Paper

APPEAL

Petition for Variance
239 Cockeysville
S/S Cockeysville Road, 550' E centerline of Beaver Dam Road
3rd Election District – 8thCouncilmanic District
Robert Babcock, Bob Cat Properties, LLC - Legal Owner
Case No.: 02-322-A

✓ Petition for Variance (02/01/02)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (3/7/02)

✓ Certification of Publication (The Jeffersonian issue 3/29/02)

✓ Certificate of Posting (3/29/02 posted Patrick O'Keefe)

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

✓ Petitioner(s) Sign-In Sheet (None)

✓ 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 Variance dated 2/1/02

✓ Deputy Zoning Commissioner (dated 4/16/02 – Granted with Restrictions)

✓ Notice of Appeal received on 5/3/02 from Peter Max Zimmerman, People's Counsel for Baltimore County

c: [redacted]
People's Counsel of Baltimore County, MS #2010
Timothy M. Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

date sent: 5/16/02 rjc

ROBERT BABCOCK, MEMBER
BOB CAT PROPERTIES, LLC
237 COCKEYSVILLE ROAD
COCKEYSVILLE, MD 21030

DEBORAH C. DOPKIN, ESQUIRE
409 WASHIGTON AVENUE
SUITE 920
TOWSON MD 21204

TIMOTHY STEVENS PRESIDENT
PERFORMANCE CYCLES
233 COCKEYSVILLE ROAD
COCKEYSVILLE MD 21030

RICHARD E MATZ PE
COLBERT MATZ ROSENFELT INC
2835 SMITH AVENUE
SUITE G
BALTIMORE MD 21209

02 MAY 17 AM 8:20

√E

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 Richard K. Irish Margaret Worrall	(CLM) (RKI) (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

Kathleen C. Bianco

Kathleen C. Bianco, Administrator
County Board of Appeals

COLBERT MATZ ROSENFELD, INC.
2835 Smith Avenue Suite G
BALTIMORE, MARYLAND 21209

(410) 653-3838
FAX (410) 653-7953

LETTER OF TRANSMITTAL

DATE	JOB NO.
3/5/02	99129.7

ATTENTION John Alexander

RE: Babcock Garage
CASE NO. 02-321-SPHA
& 02-322-A

TO Balt. County Zoning Office
111 W. Chesapeake Ave.
Towson, Md. 21204

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
12			Revised plan } Case No. 02-322-A
3			Revised petition }
12			Revised plan - Case No. 02-321-SPH
			Fee ($200.00)

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☐ For review and comment ☒ for hearing

☐ FOR BIDS DUE _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO file

SIGNED: Judy Floam

If enclosures are not as noted, kindly notify us at once.

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: October 8, 2002
TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

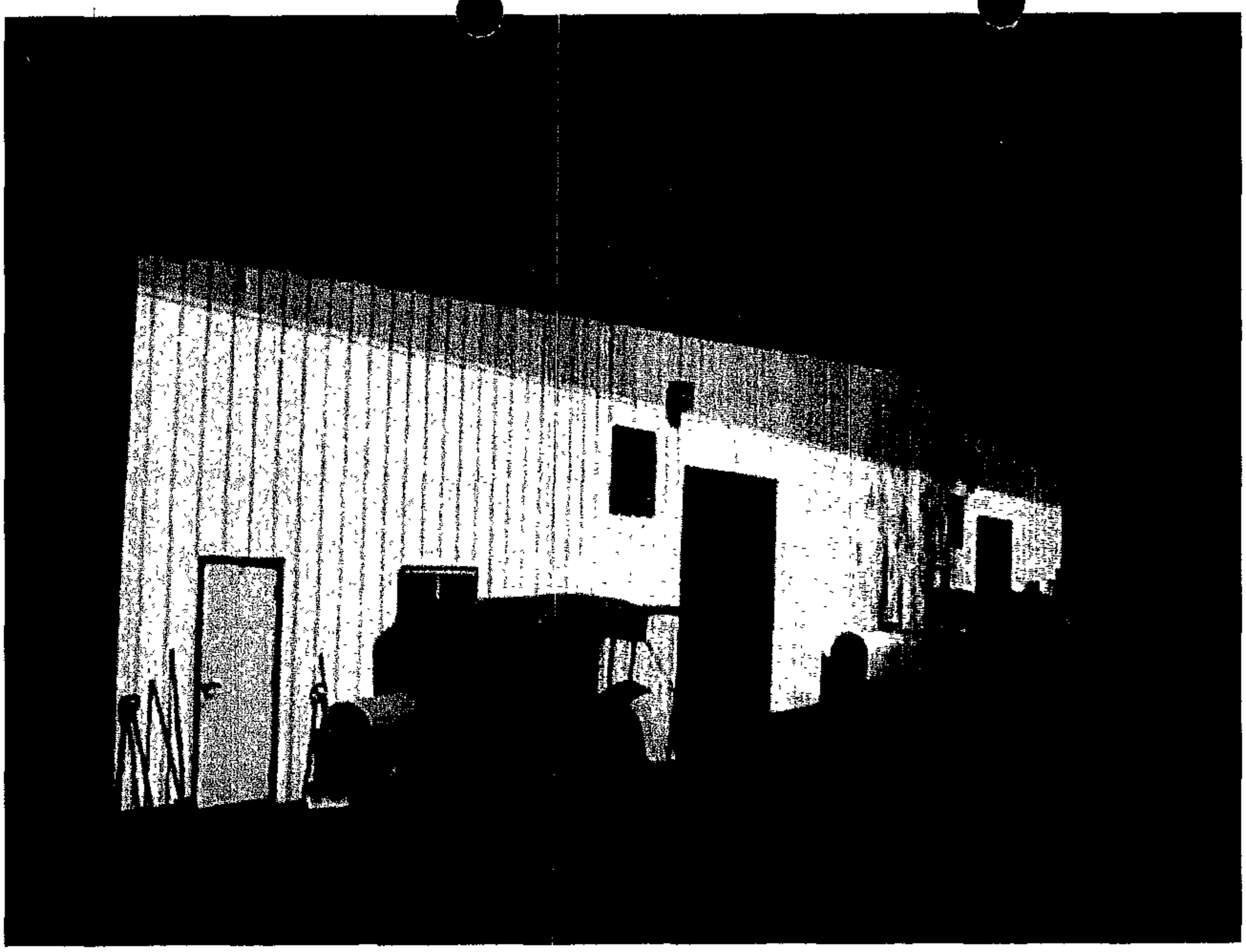
FROM: Theresa R. Shelton trs
Board of Appeals

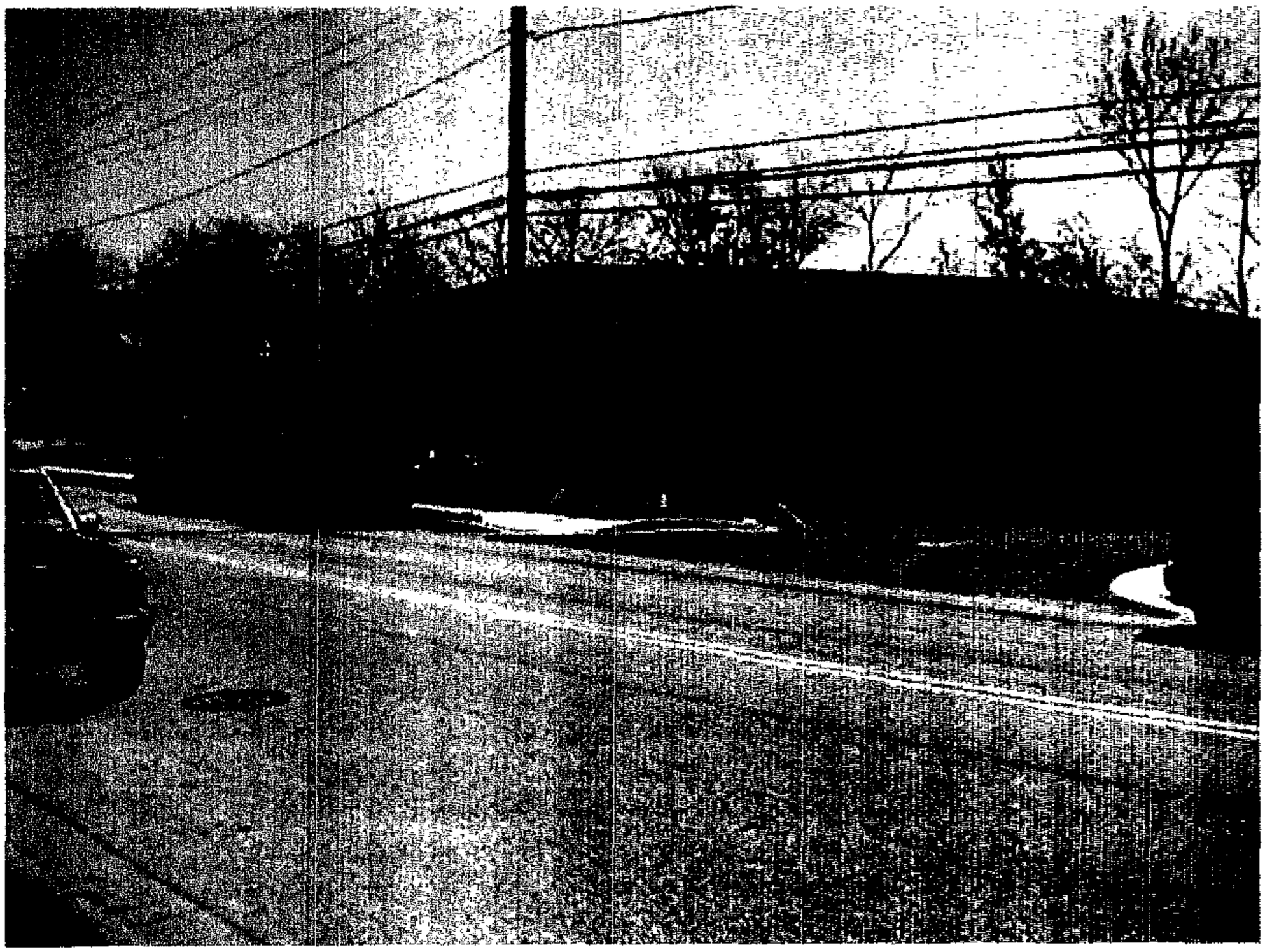
SUBJECT: **CLOSED APPEAL CASE FILES**

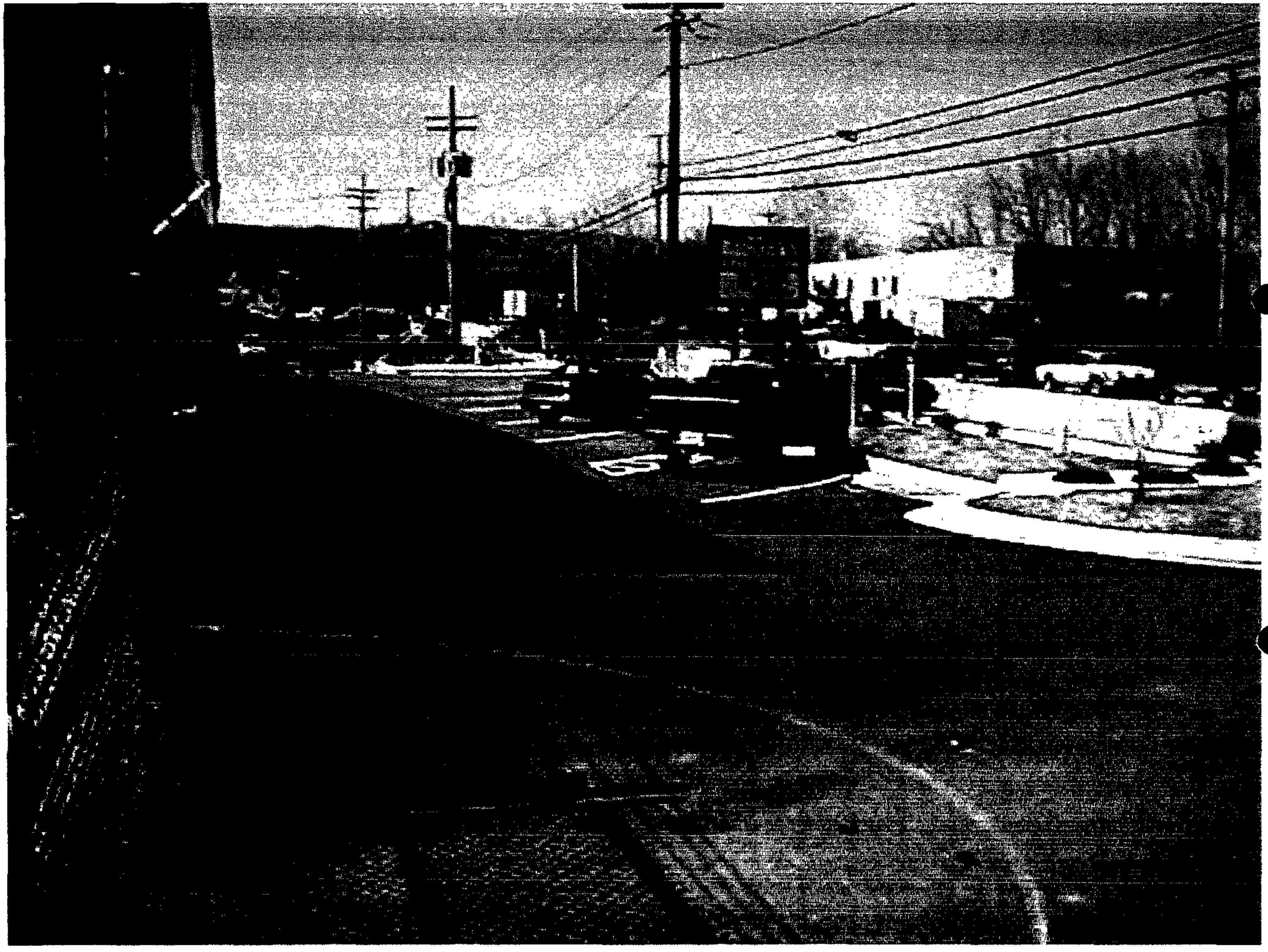
The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

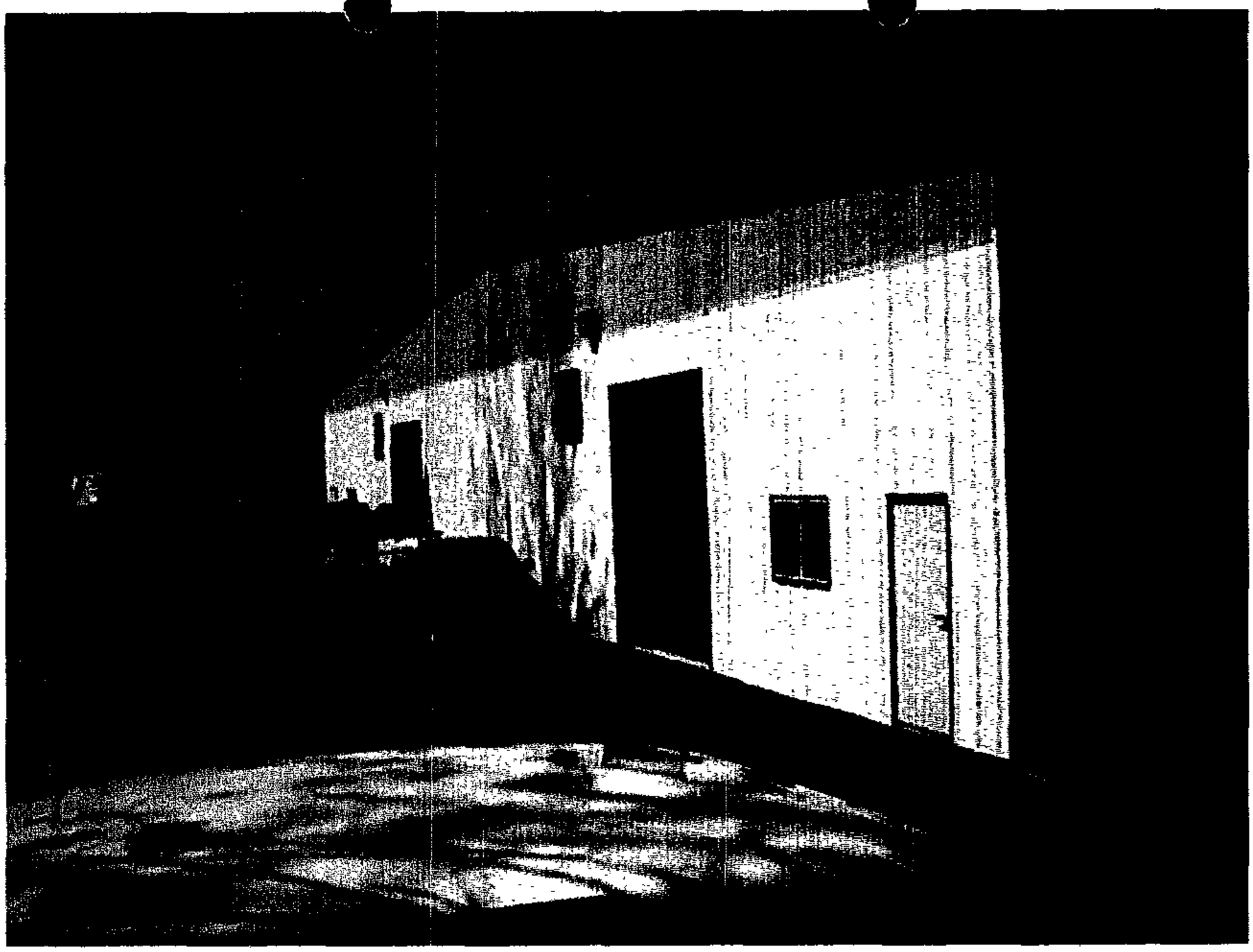
BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
02-346-A 02-247-A	*02-346-A* *02-347-A*	Gary and Kathleen Galloway	2204 Park Drive
02-321-SPH 02-322-A	*02-321-SPH* *02-322-A*	Robert Babcock, Bob Cat Properties, LLC	233 Cockeysville Road
02-109-SPHXA	*02-109-SPHXA*	Virginia E Smith, Trust Linda Smith Mulhern, Augustus W Smith, Owners	2444 York Road

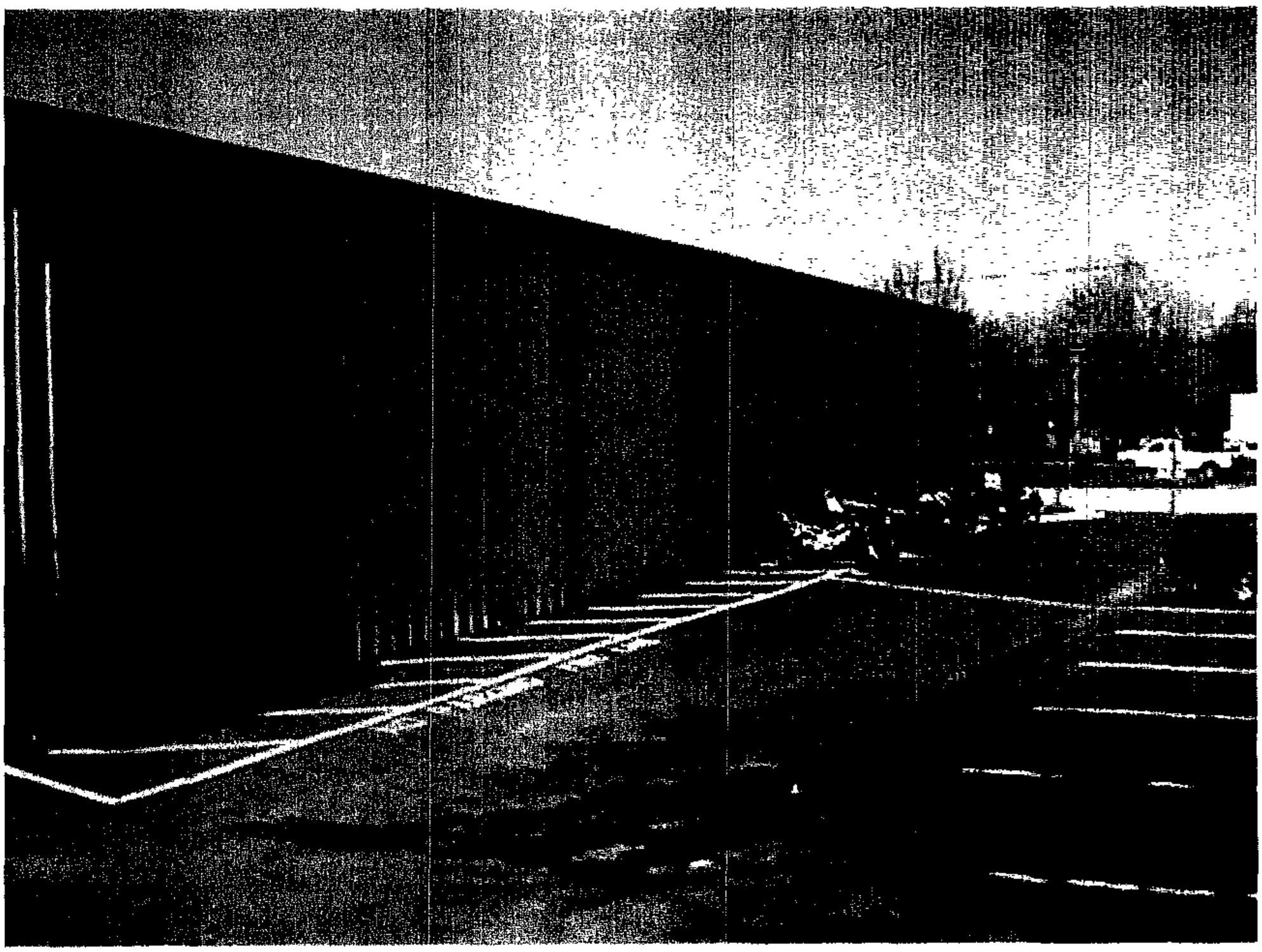
Attachment: SUBJECT FILE(S) ATTACHED







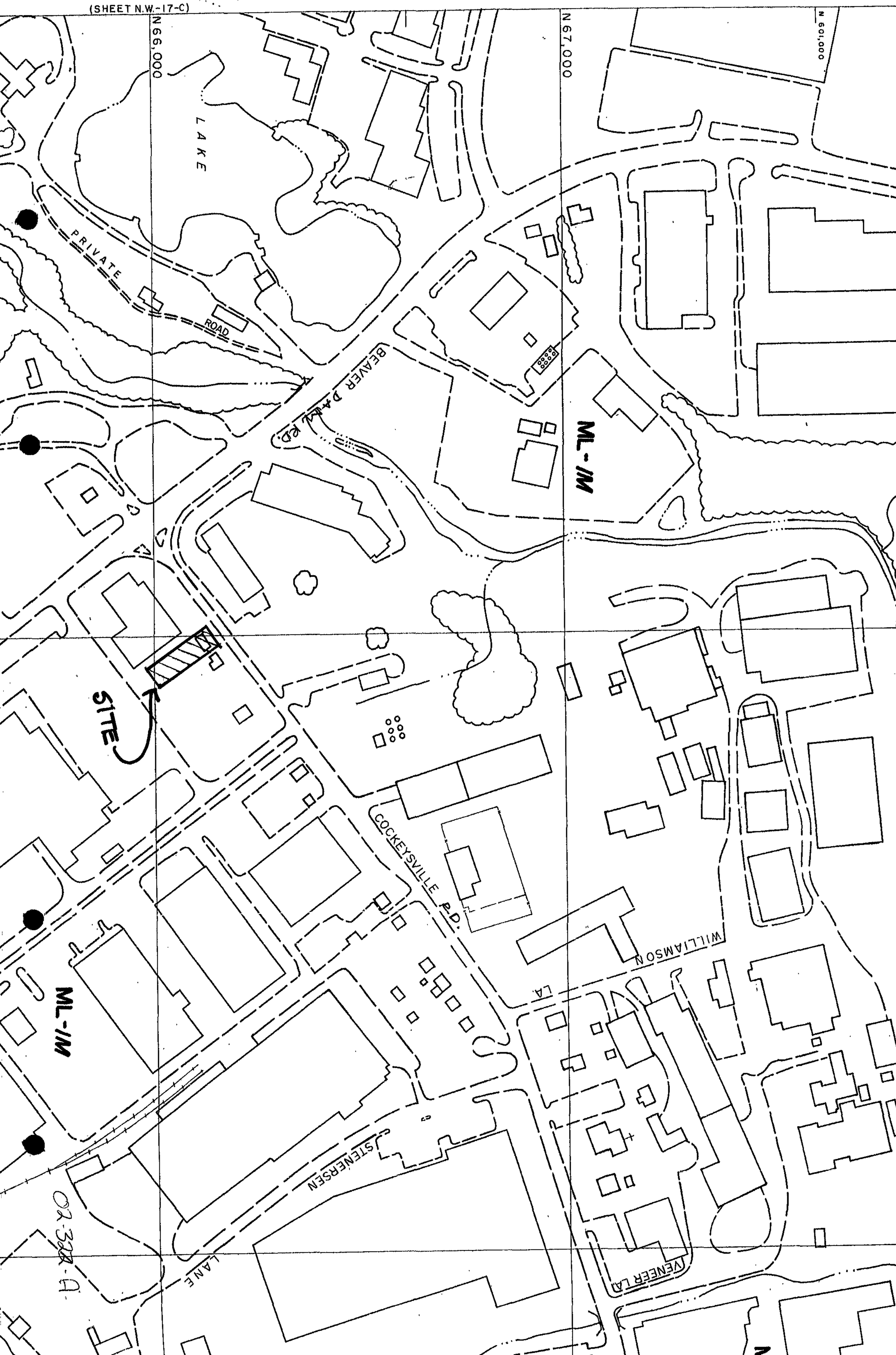


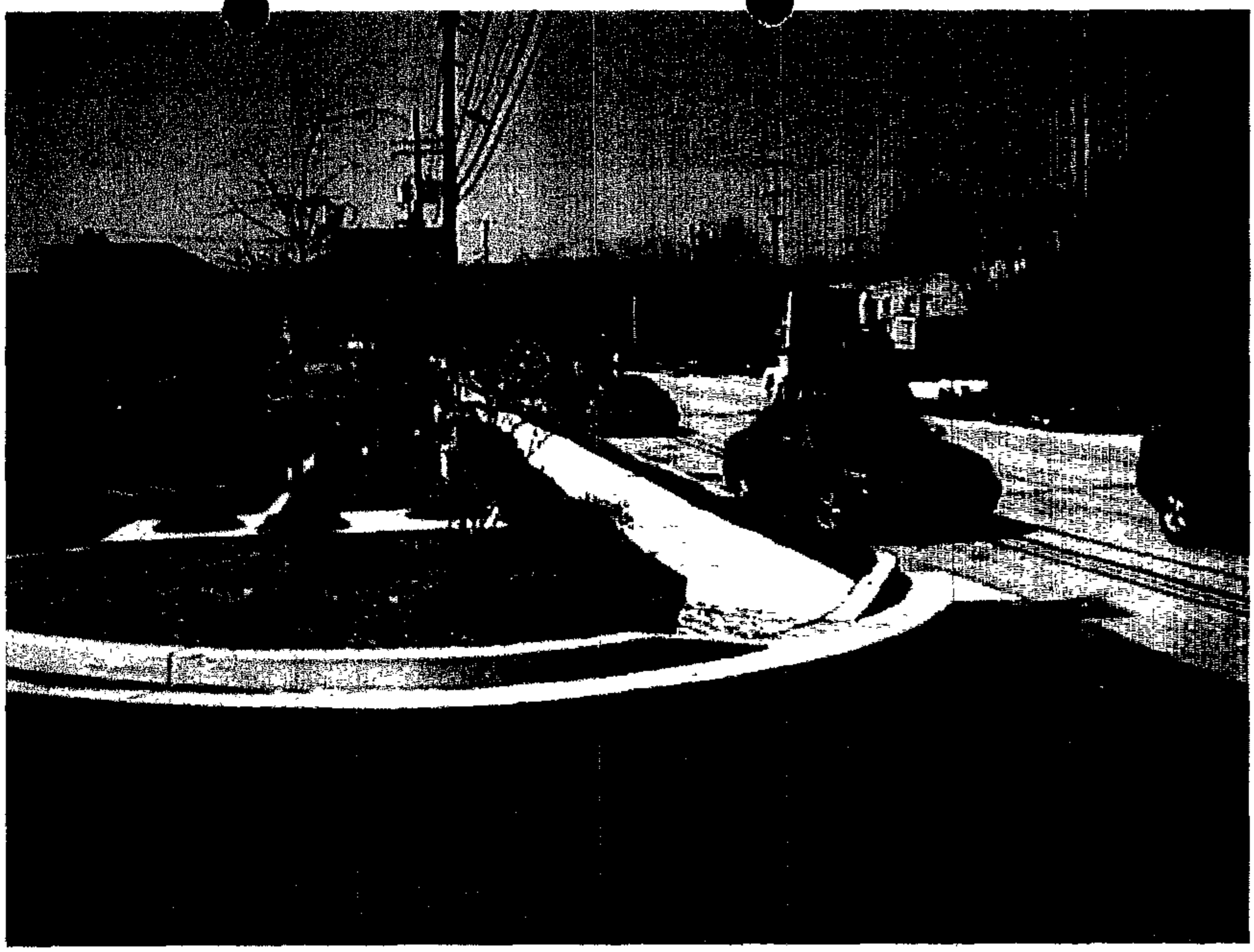


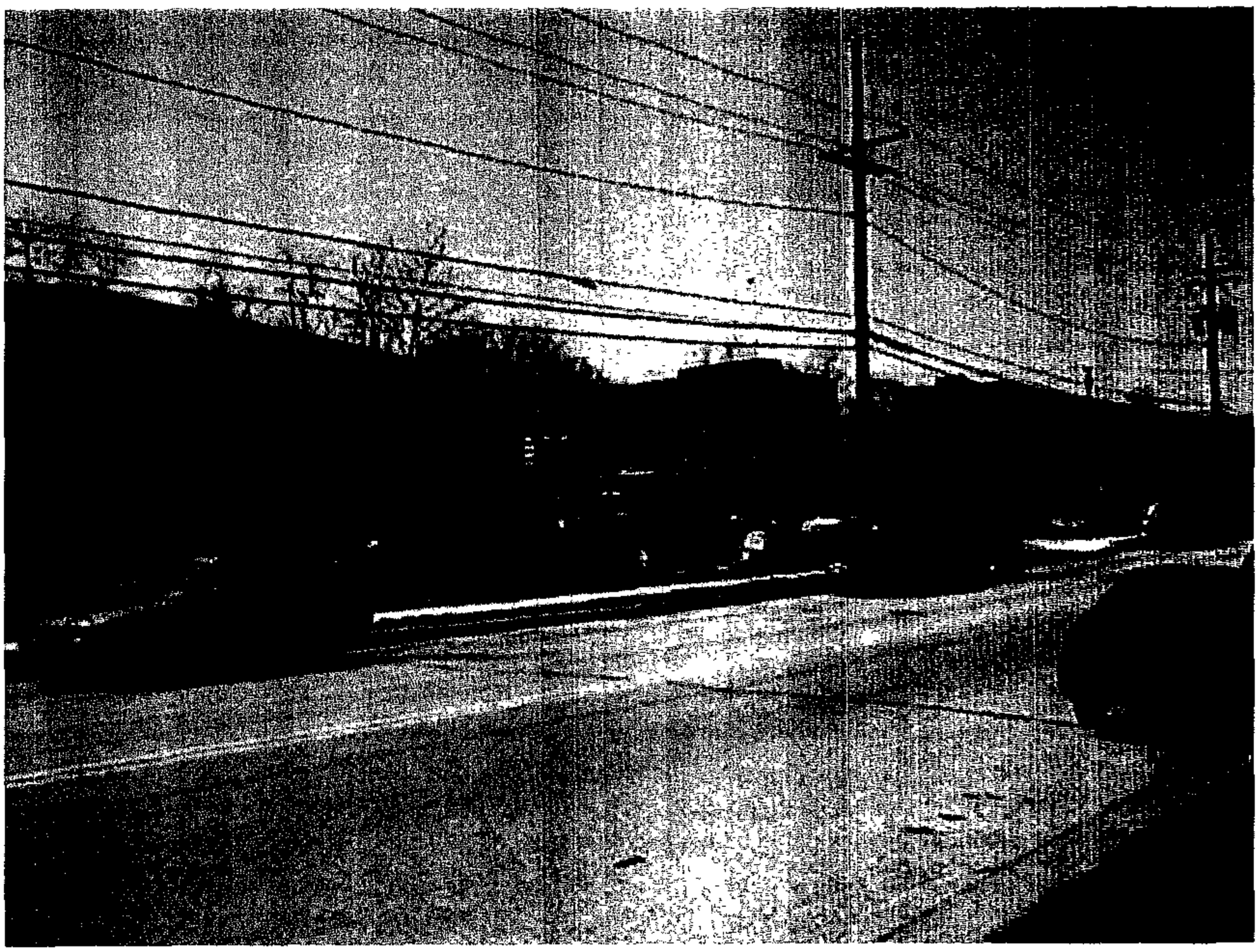
239 Cockeysville Rd.

ZONING MAP N.W. 17-B

(SHEET N.W.-17-C)

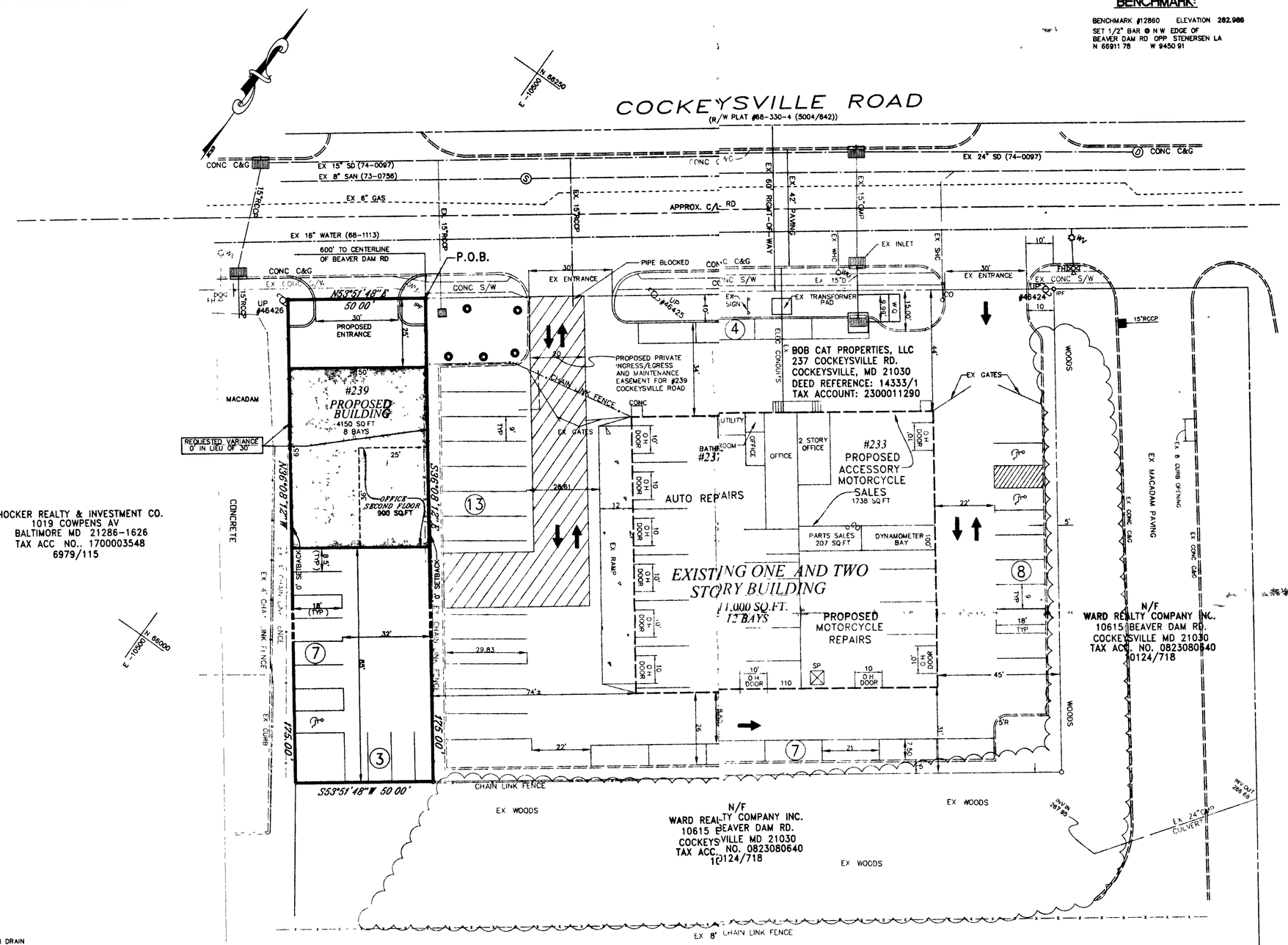


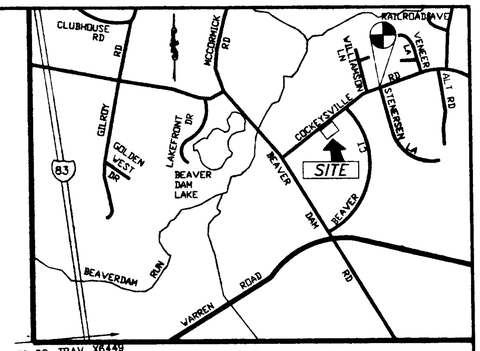




BENCHMARK:

BENCHMARK #12860 ELEVATION 282.986
SET 1/2" BAR @ N W EDGE OF
BEAVER DAM RD OPP STENERSEN LA
N 66911 78 W 9450 91





VICINITY MAP
SCALE. 1"=1000'

NOTES:

1 OWNER/APPLICANT
BOB CAT PROPERTIES, LLC
C/O ROBERT BABCOCK
237 COCKEYSVILLE RD
COCKEYSVILLE, MD 21030
410-785-2770

2 DEED REFERENCE 15963/314
TAX ACCOUNT 0812001070
TAX MAP 51, GRID 3, PARCEL 87

3 COUNCILMANIC DISTRICT 3
CENSUS TRACT 4084
WATERSHED 11, SUBSEWERSHED 34

4 SITE AREA. 8 750 SQ FT (0 200 Ac.)
ZONED ML-IM, ZONING MAP NW 17-B
EXISTING USE VACANT
PROPOSED USE CONSTRUCTION EQUIPMENT STORAGE YARD
PROPOSED FLOOR AREA 4,150 SQ.FT
PROPOSED F A R 0 48
MAXIMUM F A R PERMITTED 2.0

5. REQUIRED PARKING GARAGE-3250 SQ FT @ 3 3 SPACES/1000 SQ FT = 11 SPACES
OFFICE - 900 SQ FT @ ONE SPACE/300 SQ FT =3 SPACES
PROPOSED PARKING 10 SPACES INCLUDING 1 HC
PLUS 8 BAYS
TOTAL PROPOSED PARKING 18 SPACES

6 THERE ARE NO HISTORIC BUILDINGS, HISTORIC SITES, ARCHEOLOGICAL SITES OR AREAS OF CRITICAL STATE CONCERN ON THIS PROPERTY

7 THERE ARE NO WOODED AREAS, STREAMS, WETLANDS OR FLOODPLAINS ON THIS PROPERTY

8. THERE ARE NO HAZARDOUS MATERIALS OR UNDERGROUND STORAGE TANKS ON THIS SITE, TO THE BEST OF OUR KNOWLEDGE

9 BOUNDARY & TOPOGRAPHY INFORMATION SHOWN HEREON IS BASED ON SURVEY BY COLBERT, MATZ, ROSENFELT, INC DATED 2/1/00

10. THERE ARE NO EXISTING WELLS OR SEPTIC TANKS ON THIS SITE.

SETBACKS: ML-IM ZONE

	REQUIRED	PROPOSED
FRONT	25'	25'
SIDE	30'	0'
REAR	30'	85'

REQUESTED VARIANCE

0' BUILDING SETBACK IN LIEU OF 30 REQUIRED

Revised Pet Ex #1

CASE No. 02-322-A

LEGEND:

- EXIST STORM DRAIN
- EXIST WATER MAIN
- EXIST GAS MAIN
- EXIST SANITARY SEWER
- EXISTING FIRE HYDRANT
- EXISTING LAWN INLET
- EXISTING CONTOUR
- EXISTING CURB INLET
- SD — PROPOSED STORM DRAIN
- PROPOSED CONTOUR
- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION
- (SIP) STANDARD INLET PROTECTION
- (CIP) CURB INLET PROTECTION
- SUMP PIT

PLAN TO ACCOMPANY VARIANCE PETITION

239 COCKEYSVILLE ROAD

ELECTION DISTRICT 8, C3 — BALTIMORE COUNTY, MD

Colbert Matz Rosenfelt, Inc.
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone (410) 653-3838
Facsimile. (410) 653-7953

STATE OF MARYLAND — PAUL E. MATZ — No. 13203 — PROFESSIONAL ENGINEER
3/1/2002

NO	DATE	REVISIONS	BY

SCALE	1" = 20'
DATE	FEBRUARY 28, 2002
JOB NO	99129 1
DESIGNED	EVT
DRAWN	EVT
CHECKED	REM
FILE	99129ZON2.DWG
DRAWING NUMBER	
SHEET	1 OF 1