IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE SE/S Pulaski Highway, 165' NE centerline of Ebenezer Road 11th Election District 5th Councilmanic District (10811 Pulaski Highway)

Eben Limited Partnership, Legal Owner and "D & L Window Tinting"

Petitioners

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 02-505-SPHA

\* \* \* \* \* \* \* \* \*

#### ORDER ON MOTION FOR RECONSIDERATION

WHEREAS, this matter came before this Deputy Zoning Commissioner as a Special Hearing and Variance request filed by Eben Limited Partnership and "D & L Window Tinting". The Petitioner's request was considered at a public hearing and the matter granted by Order dated the 7<sup>th</sup> day of August, 2002. Thereafter, the Petitioner, by and through Paul Lee, his professional engineer, requested a reconsideration of my approval in that a variance request was omitted from the petition. The specific variance involves a 5-ft. rear yard setback for the addition which was shown on the site plan. The distance of the setback and the addition were both represented on the site plan. However, the Petitioner omitted this particular request from his Petition for Variance. Accordingly, it is now requested that my previous Order be modified to include this additional variance request.

At the public hearing held on this matter, no one appeared in opposition to the Petitioner's request. Had the particular variance been requested, it would have been granted along with the other variances to allow the Petitioner to move forward with the modifications and improvements to his property. Therefore, it is appropriate to issue this Amended Order to incorporate this variance request.

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Date Stayloa
By St. Junuary

ORDER RECEIVED FOR FILING
Date
Sy States

THEREFORE, IT IS ORDERED, this <u>37</u> day of August, 2002, by the Deputy Zoning Commissioner for Baltimore County, that my decision dated the 7<sup>th</sup> day of August, 2002, which granted the relief requested by the Petitioner, be amended to include a variance to allow a rear yard setback of 5 ft. for the proposed addition as shown on the site plan.

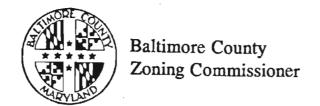
IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Amended Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

August 27, 2002

Paul Lee, P.E., Vice President Century Engineering 32 West Road Towson, Maryland 21204

Re: Amended Order

Case No. 02-505-SPHA

Property: 10811 Pulaski Highway

Dear Mr. Lee:

Enclosed please find the Amended Order issued with reference to your motion for reconsideration regarding the above-captioned case.

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

Chuthy Kotroco

TMK:raj Enclosure

c: Wes Gray
D & L Window Tinting
10811 Pulaski Highway
Baltimore, MD 21162

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

DADER RECEIVED FOR FILING
Date 5/2/62

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE SE/S Pulaski Highway, 165' NE centerline of Ebenezer Road 11th Election District 5th Councilmanic District (10811 Pulaski Highway)

Eben Limited Partnership, Legal Owner and "D & L Window Tinting"

Petitioners

#### **BEFORE THE**

- DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 02-505-SPHA

#### 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 owner of the subject property, the Eben limited Partnership and the lessee of the property, "D & L Window Tinting". The special hearing and variance requests involve property located at 10811 Pulaski Highway in the Middle River area of Baltimore County. The Petitioner is requesting permission to amend a previously approved site plan to show the relocation of the existing used car office and existing shed and the proposed extension to the existing service garage. The variance request is to permit a front yard setback of 44 ft. for a used car office and 44 ft. for a proposed addition to the existing service garage on a dual highway in lieu of the required 50 ft. and a 4 ft. setback between existing buildings in lieu of the required 60 ft., and to amend the site plan in Case No. 95-043.

Appearing at the hearing on behalf of the requests were Wes Gray, representing D & L Window Tinting, Paul Lee, the professional engineer who prepared the site plan of the property, and Frank Borgerding, attorney at law, representing the Petitioner. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this request, consists of 1.327 acres of land, more or less, zoned BR-AS. The subject property has been used by D & L Window Tinting for many years. They operate a used car sales facility and a window

tinting business at this location. They propose to construct a one-story addition on the existing window tinting building and other modifications as shown on the site plan submitted into evidence as Petitioners' Exhibit No. 1. In order to proceed with these modifications, the special hearing and variance are necessary.

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 and special hearing are 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.

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

2

ORDER RECEIVED FOR FILING
Date \$1762
By 0.9 presson

IT IS FURTHER ORDERED, that the variance request, to permit a front yard setback of 44 ft. for a used car office and 44 ft. for a proposed addition to the existing service garage on a dual highway in lieu of the required 50 ft. and a 4 ft. setback between existing buildings in lieu of the required 60 ft., and to amend the site plan in Case No. 95-043-X, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

August 7, 2002

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

> Re: Petitions for Special Hearing & Variance Case No. 02-505-SPHA Property: 10811 Pulaski Highway

Dear Mr. Borgerding:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

Muthy Kotroco

TMK:raj Enclosure

c: Wes Gray
D & L Window Tinting
19811 Pulaski Highway
Baltimore, MD 21162

Paul Lee, P.E. Century Engineering, Inc. 32 West Road Towson, MD 21204



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	#10811	PULASKI	HIGHWAY	
which is	presentl	y zoned _	BR-AS	

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

TO AMEND PREVIOUSLY APPROVED SITE PLAN TO SHOW RELOCATION OF EXISTING USED CAR OFFICE AND EXISTING SHED AND THE PROPOSED EXTENSION TO THE EXISTING SERVICE GARAGE.

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. Legal Owner(s): Contract Purchaser/Lessee: WES GRAY TODD C. SALVO "D & L" WINDOW TINTING EBEN LIMITED PARTNERSHIP Name - Type or Print Tame - Type or Print Signature 10811 PULASKI HIGHWAY 410-335-1025 Address Telephone No. Name - Type or Print MD 21162 BALTIMORE Zip Code Signature 14 BACK RIVER NECK ROAD 410-682-2300 Attorney For Petitioner: Telephone No. Address FRANK BORGERDING 21221 BALTIMORE State Zip Code Name - Type or Print City Representative to be Contacted: Signature CENTURY ENGINEERING, INC. Соппрану SUITE 600, 410-823-8070 32 WEST ROAD 409 WASHINGTON AVE. 410-296-6820 Address Telephone No. Address Telephone No. TOWSON 21204 TOWSON MD 21204 MD Zip Code Zip Code City City S≀ate OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_ Case No. 02-505-SPH UNAVAILABLE FOR HEARING Date 5/10/02 Reviewed By \_ JEF



# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 10811 PULASKI HIGHWAY

which is presently zoned BR-AS

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.

UNAVAILABLE FOR HEARING

Reviewed By JRF

This Petition shall be filed with the Department of Permits and Development Management. The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 238.1 AND 238.2 OF THE BCZR TO PERMIT A FRONT YARD SETBACK OF 44' (USED CAR OFFICE) AND 44' (PROP. ADDITION TO EXISTING SERVICE GARAGE) ON DUAL HIGHWAY IN LIEU OF THE REQUIRED 50', A 4' SETBACK BETWEEN EXISTING BLDGS. IN LIEU OF THE REQUIRED 60' AND TO AMEND THE APPROVED SITE PLAN IN CASE #95-043X.

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

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

I, or we, agree to pay expenses of above Vanance, 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.

Contract Purchase	er/Lessee:		Legal Owner(s):		
WES GRAY			TODD C. SALVO		
"D & L" WINDOW T	TINTING		EBEN LIMITED PA	RTNERSHIP	
Name - Type or Print Signature	_		Name - Type or Print Signature	10	
10811 PULASKI HI	LGHWAY 4	10-335-1025	AND THE PARTY OF T		
Address		Telephone No.	Name - Type or Print		
BALTIMORE	MD	21162	1011		
City	State	Zip Code	Signature		
Attorney For Petiti	oner:		14 BACK RIVER N	ECK ROAD	410-682-2300
Attorney For Fetti	oner.		Address		Telephone No.
FRANK BORGERDING			BALTIMORE	MD	21221
Name - Type or Print	) 1	-3-3	City	State	Zip Cace
	1 1 1	31	Representative to	be Contacted	<u>!:</u>
Signature	11		PAUL LEE CENTURY ENGINEE	The same of the sa	1
Company		-	Name		9 5
SUITE 600, 409 WA	SHINGTON AVE.	410-296-6820	32 WEST ROAD		410-823-8070
Address		Telephone No.	Adaress	1	Telephone No.
TOWSON	MD	21204	TOWSON	MD	21204
City	State	Zip Code	City	State	Zip Code
			OFF	CE USE ONLY	
and the same of the same			ESTIMATED LENG	TH OF HEARIN	NG
Case No. 02-5	05-SPH4			LIE NOTNIC	

#### 10811 PULASKI HIGHWAY 22082.00

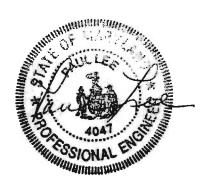
**ELECTION DIST. 11C5** 

BALTIMORE CO., MD

BEGINNING FOR THE SAME at a point on the Southeast side of Pulaski Highway, said point also located Northeasterly - 165'± from the center of Ebenezer Road; and continuing along said Southeast side for the two following courses and distances: 1) By a curve to the right with a radius of 5,654.58' for a distance of 56.58', and 2) N45° 24' 40" E - 158.42', thence leaving said Southeast side of Pulaski Highway and running 3) S44° 35' 20" E - 228.55', and 4) S41° 17' 40" W - 306.04', to the Northeast side of Ebenezer Road thence running and binding on said Northeast side of Ebenezer Road 5) N58° 11' 20" W - 78.95', thence leaving Northeast side of Ebenezer Road and running for the four following courses and distances 6) N44° 06' 40" E - 25.00', 7) N58° 11' 20" W - 25.00', and 8) N44° 06' 40" E - 125.00' and 9) N58° 11' 20" W - 150.00' to intersect the Southeast side of Pulaski Highway and said point of beginning.

Containing 1.327 acres of land more or less.

Wfile\Login2\Land-Dev\LD02\desc\PulaskiHwy-pl-5-2-02



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

No. 12782

DATE 5-10-02 ACCOUNT 001-006-6150

\* \$ 500.00

FROM: First Choice Enterprise

10811 Pulaski Highway

FOR: UZU- VARIANCE ON. SPAI

ITEM # 505

TAKEN BY: JRF

MSTHESS ACTUAL TIME 5/10/2002 5/10/2002 09:10:31

WALKIN JRIC JAR DRAWER

>>RICEIFT # 090976 5/10/2002 OFLN

5 528 ZONING VERIFICATION

CR NO. 012782

Recet Tot \$500.00

550.00 CK

50.00 RF

Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**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 <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

Case: #02-505-SPHA 10811 Pulaski Highway

S/east side of Pulaski Highway at the distance of 165 feet northeasterly from the center line of Ebenezer Road 11th Election District - 5th Councilmanic District

Legal Owner(s): Todd C. Salvo, Eben Limited Partnership Contract Purchaser: Wes Gray, "D & L" Window Tinting

Special Hearing: to amend previously approved site plan to show relocation of existing used car office and existing shed and the proposed extension to the existing service garage. Variance: to permit a front yard setback of 44 feet (used car office) and 44 feet (property addition to existing service garage) on dual highway in lieu of the required 50 feet, a 4 feet setback between existing buildings in lieu of the required 60, and to amend the approved site plan in Case # 95-043X.

Hearing: Monday, August 5, 2002 at 9:00 a.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. 7/145 July 18 C550669

### **CERTIFICATE OF PUBLICATION**

7/18/,2002	
THIS IS TO CERTIFY, that the annexed advertisement	t was published
in the following weekly newspaper published in Baltimor	e County, Md.,
once in each ofsuccessive weeks, the first publication7   8   ,2002	ation appearing
The Jeffersonian	
☐ Arbutus Times	
☐ Catonsville Times	
☐ Towson Times	
Owings Mills Times	
☐ NE Booster/Reporter	
☐ North County News	

LEGAL ADVERTISING

Wilking

### CERTIFICATE OF POSTING

TIPICATE OF POSTING

RE: Case No.: 02-505 SPHA 8/6

Petitioner/Developer: GRAM

Paul Lee F. BORGERDING

Date of Hearing/Closing: 8/5/02

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

New Date

Gentlemen:

The sign(s) were posted on

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  $\frac{10811 \text{ PVLASKI}}{\text{Notes of the property located}}$ 

6/15/02

(Month, Day, Year)

(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)



# of pages

t" brand fax transmittal memo 7671

2/5/02

# DEPARTMENT 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 - 505 - SP4
Petitioner: EBEN LIMITED PARTNERTHIP
Address or Location: 10811 PULASIKI HIGHWAY
PLEASE FORWARD ADVERTISING BILL TO:
Name: D&L WINDOW TINTING
Address: 10811 PULASKI HIGHWAY
WHITE MARSH, MD. 21162
Telephone Number: 410 - 335 - 1045

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 25, 2002 Issue - Jeffersonian

Please forward billing to:

D & L Window Tinting Wes Gray 10811 Pulaski Highway White Marsh, MD 21162 410-335-1025

#### 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: 02-505-SPHA

10811 Pulaski Highway

S/east side of Pulaski Highway at the distance of 165 feet northeasterly from the center line of Ebenezer Road

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Todd C. Salvo, Eben Limited Partnership Contract Purchaser: Wes Gray, "D & L" Window Tinting

<u>Special Hearing</u> to amend previously approved site plan to show relocation of existing used car office and existing shed and the proposed extension to the existing service garage. <u>Variance</u> to permit a front yard setback of 44 feet (used car office) and 44 feet (property addition to existing service garage) on dual highway in lieu of the required 50 feet, a 4 feet setback between existing buildings in lieu of the required 60, and to amend the approved site plan in Case # 95-043X.

HEARING: Wednesday, July 10, 2002 at 2:00 p.m. in Room 407, County Courts

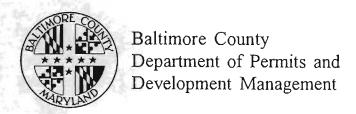
Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



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

Fax: 410-887-5708

June 4, 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: 02-505-SPHA

10811 Pulaski Highway

S/east side of Pulaski Highway at the distance of 165 feet northeasterly from the center line of Ebenezer

Road

11th Election District - 5th Councilmanic District

Legal Owner: Todd C. Salvo, Eben Limited Partnership Contract Purchaser: Wes Gray, "D & L" Window Tinting

Special Hearing to amend previously approved site plan to show relocation of existing used car office and existing shed and the proposed extension to the existing service garage. <u>Variance</u> to permit a front yard setback of 44 feet (used car office) and 44 feet (property addition to existing service garage) on dual highway in lieu of the required 50 feet, a 4 feet setback between existing buildings in lieu of the required 60, and to amend the approved site plan in Case # 95-043X.

HEARING:

Wednesday, July 10, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon Director

C: Frank Borgerding, Esquire, 409 Washington Ave., Suite 600, Towson 21204
Todd C. Salvo, Eben Limited Partnership, 14 Back River Neck Road, Baltimore 21221
Wes Gray, "D & L" Window Tinting, 10811 Pulaski Highway, Baltimore 21162
Paul Lee, Century Engineering, Inc., 32 West Road, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 25, 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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, July 18, 2002 Issue – Jeffersonian

Please forward billing to:

D & L Window Tinting Wes Gray 10811 Pulaski Highway White Marsh, MD 21162

410-335-1025

#### **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: 02-505-SPHA

10811 Pulaski Highway

S/east side of Pulaski Highway at the distance of 165 feet northeasterly from the center

line of Ebenezer Road

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Todd C. Salvo, Eben Limited Partnership Contract Purchaser: Wes Gray, "D & L" Window Tinting

Special Hearing to amend previously approved site plan to show relocation of existing used car office and existing shed and the proposed extension to the existing service garage. Variance to permit a front yard setback of 44 feet (used car office) and 44 feet (property addition to existing service garage) on dual highway in lieu of the required 50 feet, a 4 feet setback between existing buildings in lieu of the required 60, and to amend the approved site plan in Case # 95-043X.

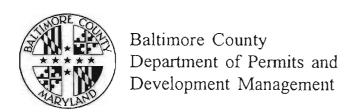
HEARING: Monday, August 5, 2002 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



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

Fax: 410-887-5708

June 18, 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: 02-505-SPHA

10811 Pulaski Highway

S/east side of Pulaski Highway at the distance of 165 feet northeasterly from the center line of Ebenezer

Road

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Todd C. Salvo, Eben Limited Partnership Contract Purchaser: Wes Gray, "D & L" Window Tinting

Special Hearing to amend previously approved site plan to show relocation of existing used car office and existing shed and the proposed extension to the existing service garage. Variance to permit a front yard setback of 44 feet (used car office) and 44 feet (property addition to existing service garage) on dual highway in lieu of the required 50 feet, a 4 feet setback between existing buildings in lieu of the required 60, and to amend the approved site plan in Case # 95-043X.

**HEARING:** 

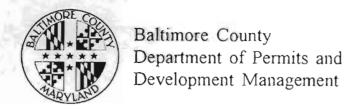
Monday, August 5, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon Director

C: Frank Borgerding, Esquire, 409 Washington Ave., Suite 600, Towson 21204
Todd C. Salvo, Eben Limited Partnership, 14 Back River Neck Road, Baltimore 21221
Wes Gray, "D & L" Window Tinting, 10811 Pulaski Highway, Baltimore 21162
Paul Lee, Century Engineering, Inc., 32 West Road, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 20, 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

August 2, 2002

Frank Borgerding Esquire 409 Washington Avenue, Suite 600 Towson MD 21204

Dear Mr. Borgerding:

RE: Case Number: 02-505-SPHA, 10811 Pulaski Highway

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 10, 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. いっこ

W Carl Richards, Jr.

Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Eben Limited Partnership, Todd C Salvo, 14 Back River Neck Road, Baltimore 21221 D & L Window Tinting, Wes Gray, 10811 Pulaski Highway, Baltimore 21162 Paul Lee, Century Engineering Inc, 32 West Road, Towson 21204 People's Counsel



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

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

May 22,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 28, 2002

Item No.: 505

Dear Mr. Zahner:

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 site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

**DATE:** July 8, 2002

Department of Permits & Development Mgmt.

FROM: Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For June 3, 2002

Item Nos. 491, 502, 503, 504, 505,

506, 507, 508, 509, and 510

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

RWB:HJO:jrb

cc: File

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley (785) 1767

DATE:

July 9, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of May 28, 2002

**SUBJECT**: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

491,502, 505, 506, 507, 508, 509, 510





#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JUN - 3 2002

**DATE:** May 31, 2002

SUBJECT:

10811 Pulaski Highway

**INFORMATION:** 

Item Number:

02-505

Petitioner:

Todd C. Salvo

Zoning:

**BR-AS** 

Requested Action:

Special Hearing

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning supports the request to amend a previously approved site plan to show the relocation of an existing used car office, an existing shed, and the proposed extension to the existing garage.

Prepared by:

Section Chief:

AFK/LL:MAC:



# Maryland Department of Transportation State Highway Administration

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

Date: 5.23.02

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

RE: Baltimore County Item No.

124

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MO/US 40. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

I. f. Gredle

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



Director's Office
County Office Building
111 West Chesapeake Avenue 8
Towson, Maryland 21204
410-887-3353

Alix Fy

Fax: 410-887-5708

JUN 1-3 2012

June 13, 2002

Frank Borgerding 409 Washington Avenue Suite600 Towson MD 21204

Dear Mr. Borgerding:

RE: Case Number: 02-505-SPHA, 10811 Pulaski Highway

The above matter, previously scheduled for Wednesday, July 10, 2002 at 2:00 p.m. in Room 407, has been postponed at your request. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of the new hearing date should be affixed to the sign(s).

Very truly yours,

Arnold Jablen GDZ

Director

AJ: gdz

C: Eben Limited Partnership, Todd C Salvo, 14 Back River Neck Road, Baltimore 21204 D & L Window Tinting, Wes Gray, 10811 Pulaski Highway, Baltimore 21162 Century Engineering Inc, Paul Lee, 32 West Road, Towson 21204

FAX: 410-823-2184





August 13, 2002

AUG 1 3 2002

Mr. Timothey Kotroco Deputy Zoning Commissioner Baltimore County County Courts Building Towson, MD 21204

RE:

Case #02-505 SPHA 10811 Pulaski Highway

Dear Mr. Kotroko:

Upon receipt of your decision relative to the Special Hearing and Variances for the above referenced property, I discovered that I inadvertently did not include in Note 10 the request for the 5' rear yard setback for the proposed addition. I had included the need for the rear yard variance on the Site Plan, which was submitted as Petitioner's Exhibit #1. I have to apologize for failing to pick this up at the time the petition was filed. This variance should have been part of our request at the hearing.

Since your decision has not exceeded the 30 day period, would it be possible to request a reconsideration to your order to correct this situation?

Again, I wish to apologize for creating this problem and would appreciate anything your office can do to correct this my error.

Very truly yours,

CENTURY ENGINEEERING, INC.

Paul Lee, P.E. Vice President

PL/cn

32 WEST ROAD

cc: Mr. Wes Gray

Mr. Frank Borgerding, Jr.

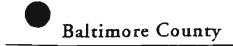
Wfile\Login2\Land-Dev\LD02\corr\PulaskiHwy-Kotrocoltr-pl-8-13-02

TOWSON, MARYLAND 21204 410-823-8070

# Department of Permits as Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

September 14, 2004

Paul Lee Century Engineering 32 West Road Towson, Maryland 21204

RE:

10811 Pulaski Highway

11th Election District

Dear Mr. Lee,

Staff has reviewed your request and redlined plan for a determination of spirit and intent compliance for changes to the above referenced site as approved in zoning cases 95-403-X and 02-505-SPHA.

You propose to construct a 14'x 29' (406 sq.ft.) addition on the existing garage. The existing trailer will be removed and be replaced with a storage shed. The special exception for the used automobile sales will be abandoned while the service garage use will remain on site.

Based on your provided information, the service garage is permitted in the BR zone. The bay addition is permitted and the storage shed replacing the trailer is also permitted subject to compliance with the setback requirements. Document this, spirit and intent approval confirmation verbatim on all future plans and clearly note on same that:

"The special exception zoning hearing under case Nos. 95-403-X and 02-505-SPHA is hereby abandoned and should it be desired to re establish the used car sales a zoning public hearing will be required.

Provide 3 copies of the revised plans to this office with a copy of this response letter for inclusion in the zoning case files.

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

Very truly yours,

John L. Lewis

Planner II

Zoning Review

JLL/ clb



Attorney at Law

Mercantile Building - Suite 600 409 Washington Avenue Towson, Maryland 21204 (410) 296-6820 Fax (410) 296-6884



June 10, 2002

Arnold Jablon, Director
Baltimore County
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE:

Case No.: 02-505-SPHA

Property: 10811 Pulaski Highway

Legal Owner: Todd C. Salvo, Eben Limited Partnership Contract Purchaser: Wes Gray/D&L Window Tinting

Petition for Special Hearing

Dear Mr. Jablon:

I am writing on behalf of my client, D & L Window Tinting, Petitioner, in relation to the above-referenced case to request a postponement of the above-referenced hearing which is presently scheduled for Wednesday, July 10, 2002, at 2:00 p.m. in Room 407, County Courts Building. The reason for my request for postponement is that I will be out of state on vacation that week and would, therefore, request that this matter be rescheduled.

Thank you very much for your cooperation with regard to this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXB:bjk

cc: Mr. Wes Gray

RECEIVED

02-1690

JUN 1 2 2002

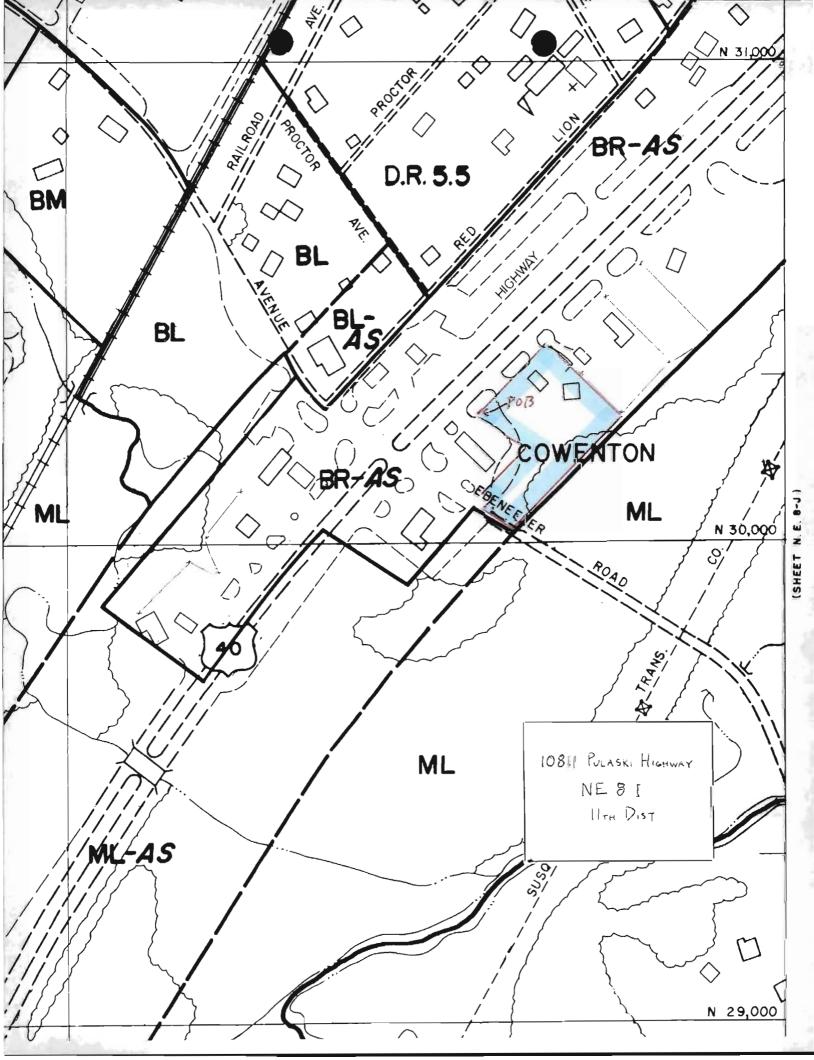
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

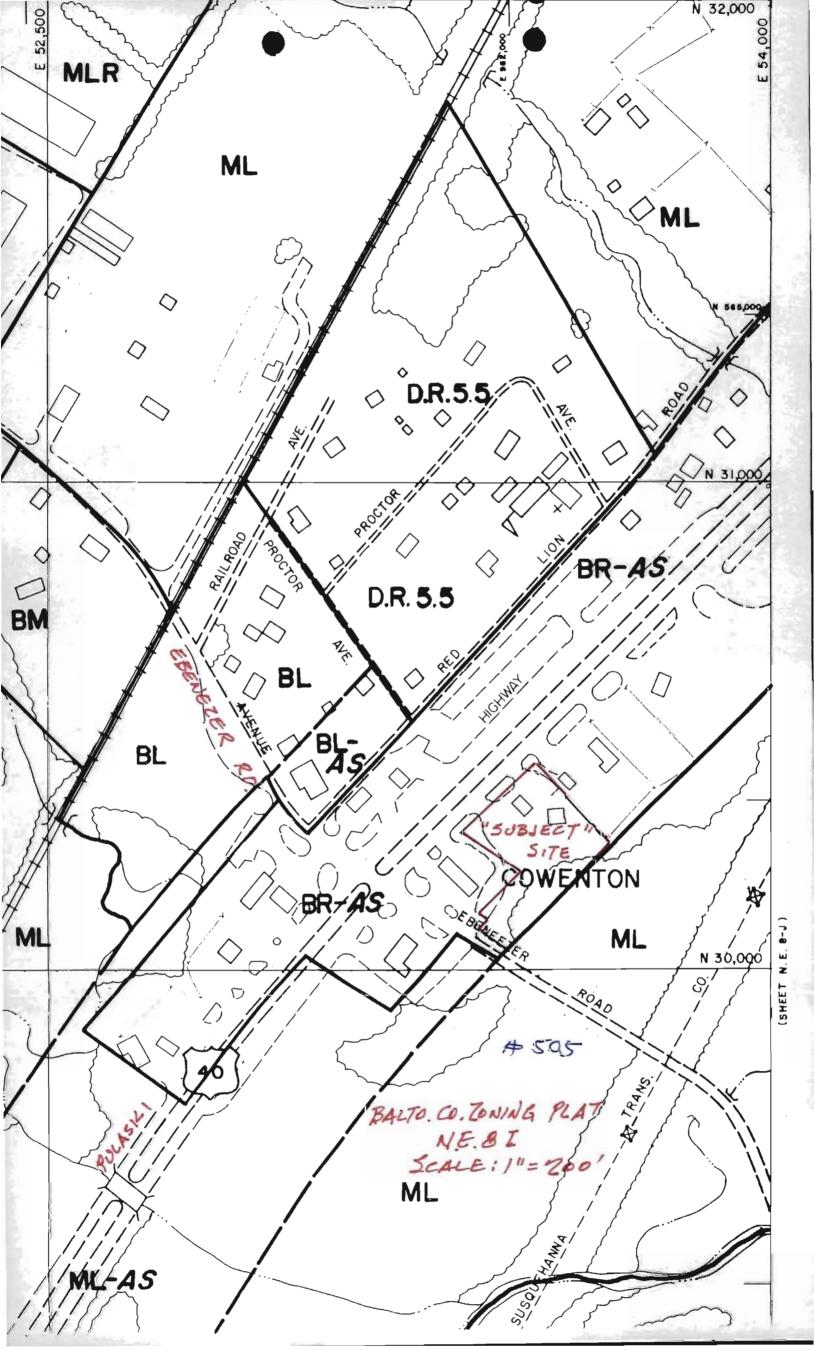
Case Number 02-505-59449 8/5/62.

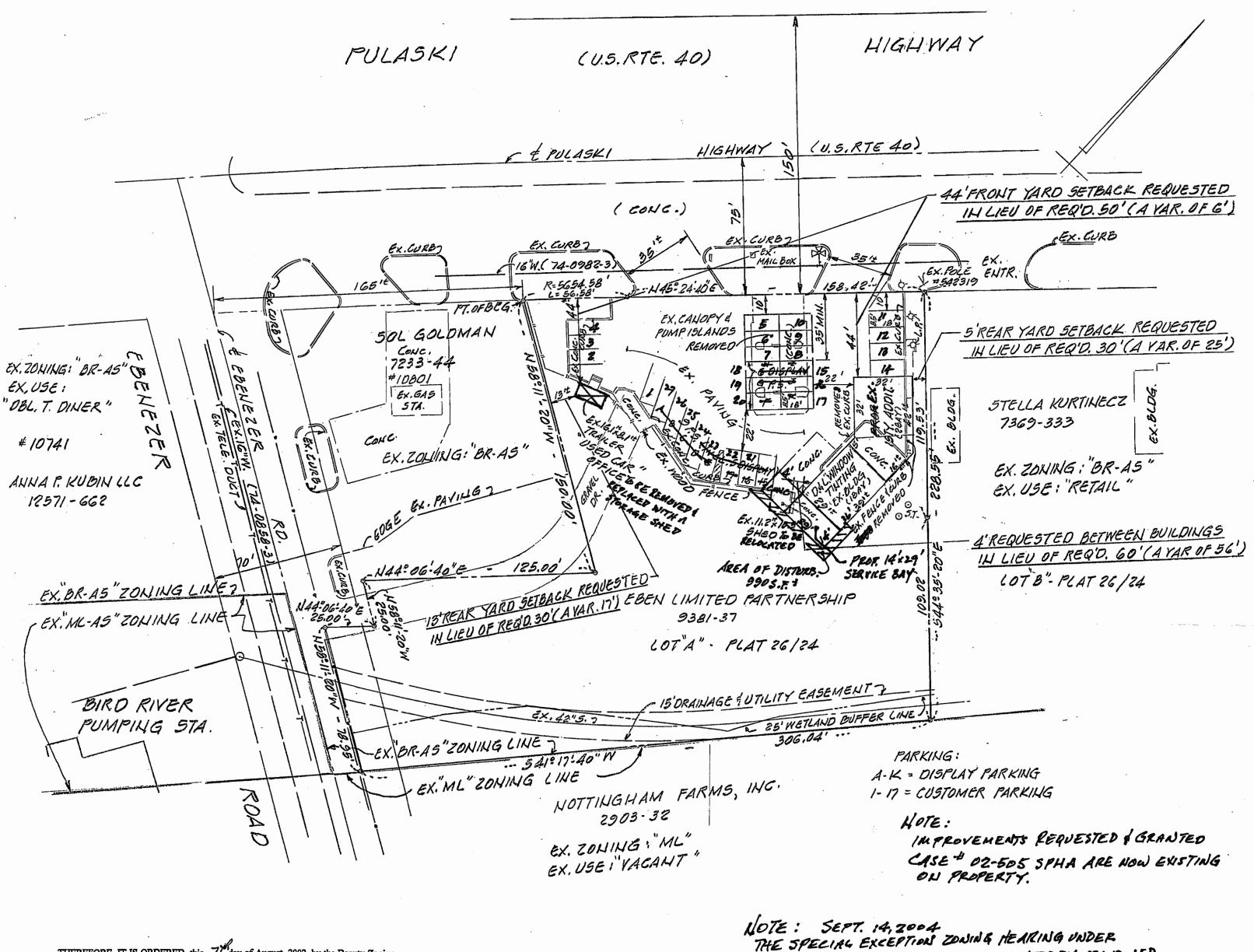
### PLEASE <u>PRINT</u> LEGIBLY

# **PETITIONER'S SIGN-IN SHEET**

Name	Address	City, State	Zip Code
NES Jan Jan Sen	32 West Ed	Sch. Co	2116Z 4204
·			
	·		
		Revised	4/17/00







Commissioner for Baltimore County, that the Special Hearing Request to amend a previously approved site plan to show the relocation of the existing used car office and existing shed and the proposed extension to the existing service garage, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the variance request, to permit a front yard setback of 44 ft. for a used car office and 44 ft. for a proposed addition to the existing service garage on a dual highway in lieu of the required 50 ft. and a 4 ft. setback between existing buildings in lieu of the required 60 ft., and to amend the site plan in Case No. 95-043-X, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

FOR BALTIMORE COUNTY

CASE # 95-403X & 02-505 SPHA IS HEREBY ABANDONED AND SHOULD IT BE DESIRED TO REESTABLISH THE USED CAR SALES A ZONING PUBLIC HEARING WILL BE REQUIRED

THEREFORE, IT IS ORDERED, this 27 day of August, 2002, by the Deputy Zoning Commissioner for Baltimore County, that my decision dated the 7th day of August, 2002, which granted the relief requested by the Petitioner, be amended to include a variance to allow a rear yard setback of 5-ft. for the proposed addition as shown on the site plan. IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty

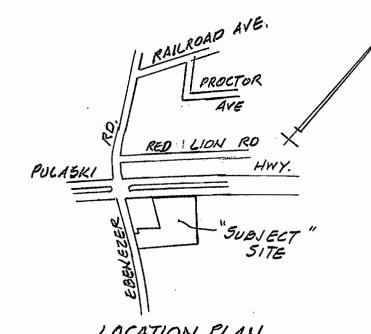
(30) days of the date of this Amended Order.

**DEPUTY ZONING COMMISSIONER** FOR BALTIMORE COUNTY

OWHER:

EBEN LIMITED PARTNERSHIP

14 BACK RIVER NECK ROAD BALTIMORE, MARYLAHD-21221



LOCATION PLAN 5CALE: 1"=500"

#### GENERAL NOTES.

- 1. AREA OF EXISTING PROPERTY = 1.327 AC.±  $(GROSS = 1.4 AC.\pm)$
- 2. EXISTING ZONING OF PROPERTY = BR-AS W/SPECIAL
- EXCEPTION

  2A. PLIP. ZONING OF PROPERTY = "BR-AS"

  3. EXISTING USE OF PROPERTY = USED CAR SALES & AUTO WINDOW TINTING
- PROPOSED USE OF PROPERTY = USED CAR SALEO & AUTO WINDOW TINTING SERVICE GARAGE
- REQUIRED OFF STREET PARKING:

A EX USED CAR SALES: OFFICE AND SHOWROOM DI

B. EXISTING AUTO WINDOW TINTING SERVICE GARAGE (\* BAY) 8. EXISTING AUTO WINDOW TINTING SERVICE GARAGE (4 BAY)

& STORAGE SHED 1044 S.F.@ 3.3/1000 + 447.8 SIF. @ 3.3/1000 = 4.83 P.S. 3.66 P.

C. PROPOSED SERVICE GARAGE ADDITION (2 BAY) = 4580 S.F.

@ 3.3/1000 14×27 = 406 SF @ 3.3/1000 = 4580 S.F.

D. TOTAL NO. OF PARKING SPACES REQUIRED = 47.0 + 10 P.S. = 25 P.S. 10

NO. OF PARKING SPACES SHOWN (INCLUDING & BAYS) = 31 P.S. 31

PUBLIC UTILITIES AVAILABLE TO EXISTING PROPERTY

- PERMITTED F.A.R. = 2.0 PROPOSED F.A.R. = 4492/57804 = 0.075
- PETITIONER REQUESTING A SPECIAL HEARING TO AMEND PREVIOUSLY APPROVED SITE PLAN TO SHOW RELOCATION OF EXISTING USED CAR OFFICE AND EXISTING SHED AND THE PROPOSED EXTENSION TO THE EXISTING SERVICE GARAGE.
- 10. PETITIONER REQUESTING A VARIANCE TO SECTIONS 238.1 AND 238.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A FRONT YARD SETBACK OF 44' (USED CAR OFFICE) AND 44' (PROP. ADDITION TO EXISTING SERVICE GARAGE) ON A DUAL HIGHWAY IN LIEU OF THE 50' REQUIRED 90'; A 4' SETBACK BETWEEN EXISTING BUILDINGS IN LIEU OF THE REQUIRED 60' AND TO AMEND THE APPROVED SITE PLAN IN CASE #95-
- 11. ZONING HISTORY: CASE #95-049X, 6-19-95 AND COUNTY BOARD OF APPEALS 2-2-96 - USED CAR SALES DISPLAY SHOWROOM : 1782 S.F., SALES OFFICE = 200 S.F. AND SERVICE AREA = 844 S.F., TOTAL BUILDING AREA = 2826 S.F.
- 12. PROPERTY LOCATED ON BALTIMORE COUNTY ZONING MAP "NE81", SCALE 1" = 200'.

PLAT TO ACCOMPANY PETITION

SPIRIT & INTENT REQUEST - AUG 31, 2694 SPECIAL HEARING AND VARIANCES 10811 PULASKI HIGHWAY

ELECT. DIST. 1165

BALTIMORE CO. MD.

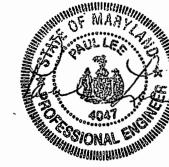
5CALE: 1"=40! MAY 7, 2002 SEPT 4: 2002

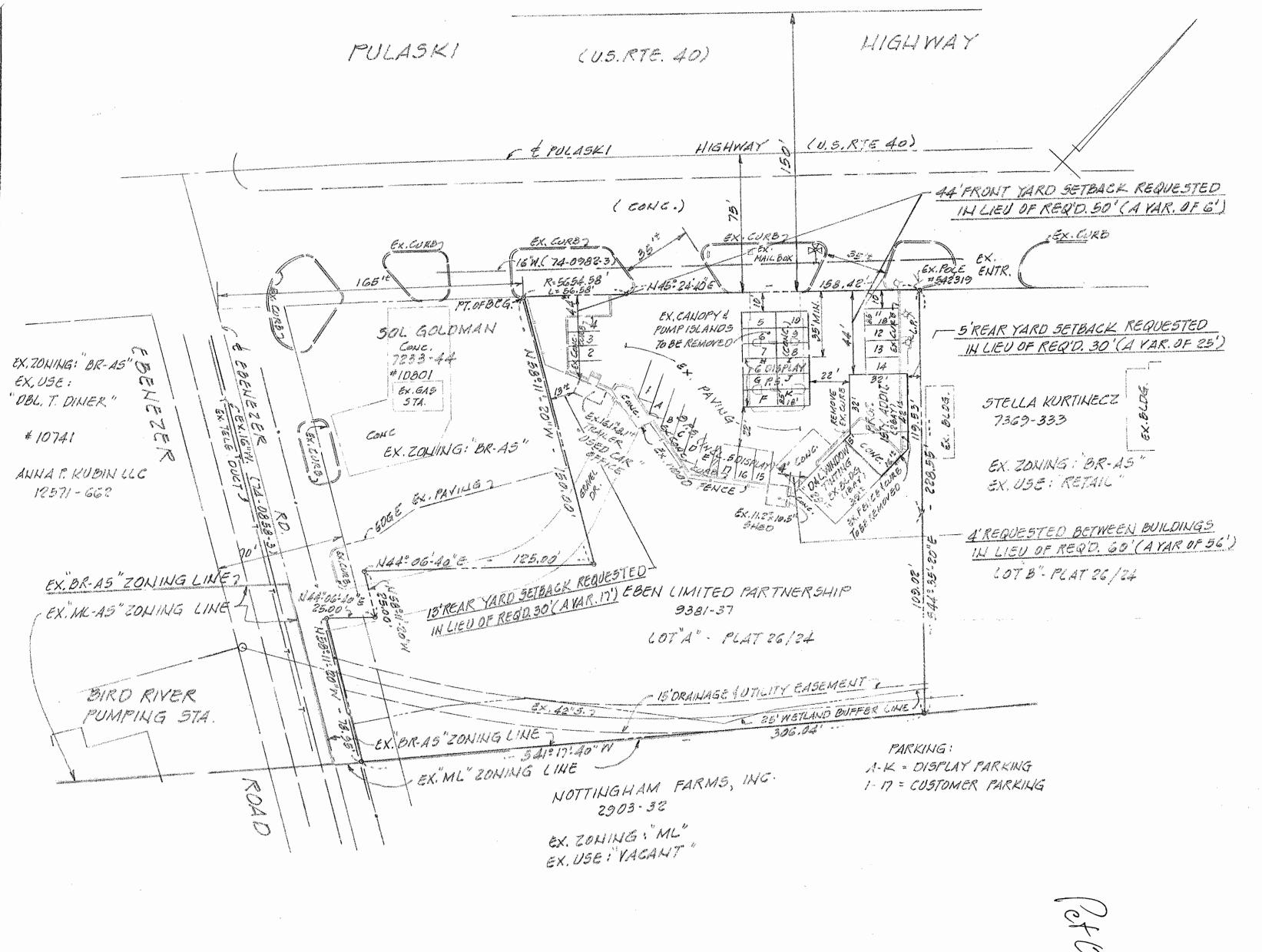
ENGINEER:

CENTURY ENGINEERING,INC 32 WEST ROAD

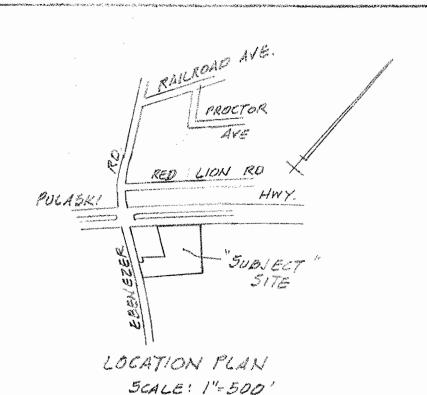
TOWSON, MARYLAND 21204

(410) 823-8070





OWHER: EBEN LIMITED PARTNER SHIP 14 BACK RIVER NECK ROAD BALTIMORE, MARYLAND-21221



#### **GENERAL NOTES:**

- 1. AREA OF EXISTING PROPERTY = 1.327 AC.±  $(GROSS = 1.4 AC.\pm)$
- 2. EXISTING ZONING OF PROPERTY = BR-AS W/SPECIAL
- 3. EXISTING USE OF PROPERTY = USED CAR SALES & AUTO WINDOW TINTING
- 4. PROPOSED USE OF PROPERTY= USED CAR SALES & AUTO WINDOW TINTING SERVICE GARAGE
- 5. REQUIRED OFF STREET PARKING:
  - A. EX. USED CAR SALES: OFFICE AND SHOWROOM DISPLAY OFFICE: 130.4 S.F. @ 5/1000 S.F., DISPLAY (10 P.S.) 1620 S.F. @ 5/1000 = 8.75 P.S.

- B. EXISTING AUTO WINDOW TINTING SERVICE GARAGE (1 BAY)
  & STORAGE SHED 1044 S.F.@ 3.3/1000 + 1.17.6 S.F. @ 3.3/1000 = 3.83 P.S.
  C. PROPOSED SERVICE GARAGE ADDITION (2 BAY) = 1580 S.F.
- D. TOTAL NO. OF PARKING SPACES REQUIRED = 17.9 + 10 P.S. = 28 P.S. 6. NO. OF PARKING SPACES SHOWN (INCLUDING 3 BAYS)
- 7. PUBLIC UTILITIES AVAILABLE TO EXISTING PROPERTY.
- 8. PERMITTED F.A.R. = 2.0 PROPOSED F.A.R. = 4492/57804 = 0.078
- PETITIONER REQUESTING A SPECIAL HEARING TO AMEND PREVIOUSLY APPROVED SITE PLAN TO SHOW RELOCATION OF EXISTING USED CAR OFFICE AND EXISTING SHED AND THE PROPOSED EXTENSION TO THE EXISTING SERVICE GARAGE.
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- 11. ZONING HISTORY: CASE #95-043X, 6-19-95 AND COUNTY
  BOARD OF APPEALS 2-2-96 USED CAR SALES DISPLAY SHOWROOM = 1782
  S.F., SALES OFFICE = 200 S.F. AND SERVICE AREA = 844 S.F., TOTAL BUILDING AREA = 2826 S.F.
- 12. PROPERTY LOCATED ON BALTIMORE COUNTY ZONING MAP "NE8!", SCALE 1" = 200'.

PLAT TO ACCOMPANY PETITION

FOR

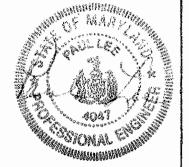
SPECIAL HEARING AND VARIANCES 10811 FULASKI HIGHWAY

ELECT. DIST. 1105

BALTIMORE CO., MD. MAY 7, 2002

5CALE: 1"=40'

#505



ENGINEER:

CENTURY ENGINEERING, INC. 32 WEST ROAD TOWSON, MARYLAND 21204 (410) 823-8070

00 ABA