

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE
N/S Dogwood Road, 4,692' S
centerline of Old Court & Dogwood Road
2nd Election District
1st Councilmanic District
(9008 Dogwood Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-548-SPHXA

Paul N. Ervin
Petitioner

*

* * * * *

AMENDED ORDER

This matter came before this Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance filed by the legal owner of the subject property, Paul N. Ervin. The Petitioner requested zoning relief for property located at 9008 Dogwood Road in the western area of Baltimore County.

WHEREAS, on Monday, August 26, 2002, this office received a phone call from Michael P. Tanczyn, the Petitioner's attorney, advising that the controlling year in this case was misstated on page 2 (para. 2, lines 7 & 9), page 3 (para. 1, line 4), and page 4 (para. 3, line 4) of my Order dated August 21, 2002.

WHEREAS, the year 1957, as stated in my previous Order, should be changed to read "1952" as set forth in the attached deed.

THEREFORE, IT IS ORDERED this 26th day of August, 2002, by this Deputy Zoning Commissioner, that my previous decision dated the 21st day of August, 2002 shall be amended to delete the year 1957 (as typed on pages 2, 3 and 4) and in lieu thereof be replaced with the year "1952".

ORDER RECEIVED FOR FILING

Date

By

8/26/02
K. Jensen

IT IS FURTHER ORDERED that all other terms and conditions of my previous decision shall remain in full force and effect.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 8/26/02
By D. Johnson



Baltimore County
Zoning Commissioner

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

August 26, 2002

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

Re: Amended Order
Case No. 02-548-SPHXA
Property: 9008 Dogwood Road

Dear Mr. Tanczyn:

Enclosed please find the Amended Order with reference to the above-captioned case. The correction concerning the controlling year has been made 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:

Paul N. Ervin
2696 Walston Road
Mt. Airy, MD 21771

John C. Mellema, Jr.
5409 East Drive
Baltimore, MD 21227

Paul S. Dorsey
9511 Old Court Road
Baltimore, MD 21244

Matthew Skolnik
27 Woodholme Village Court
Baltimore, MD 21228



Baltimore County
Zoning Commissioner

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

August 26, 2002

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

Re: Amended Order
Case No. 02-548-SPHXA
Property: 9008 Dogwood Road

Dear Mr. Tanczyn:

Enclosed please find the Amended Order with reference to the above-captioned case. The correction concerning the controlling year has been made in accordance with the enclosed Order.

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

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper

Copies to:

Paul N. Ervin
2696 Walston Road
Mt. Airy, MD 21771

John C. Mellema, Jr.
5409 East Drive
Baltimore, MD 21227

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27 Woodholme Village Court
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IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE
N/S Dogwood Road, 4,692' S
centerline of Old Court & Dogwood Road
2nd Election District
1st Councilmanic District
(9008 Dogwood Road)

Paul N. Ervin
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-548-SPHXA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing, Special Exception and Variance filed by the legal owner of the subject property, Paul Ervin. The Petitioner is requesting zoning relief for property he owns at 9008 Dogwood Road. The subject property is zoned R.C.2. The special hearing request is to approve a nonconforming horticultural nursery and combined landscaping service operation on the subject property. In addition to that relief, or in the alternative, the Petitioner is requesting a special exception to approve a horticultural nursery and a combined landscape service operation on the subject property. Finally, variance relief is requested as follows:

1. From §404.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a variance of 4.22 ft. and 4.82 ft. in lieu of the required 25 ft. setback from any property line for internal roadway;
2. From §404.1.C of the B.C.Z.R., to permit a variance of 4.22 ft. in lieu of the required 100 ft. from any property line adjacent to a residentially zoned or used property deemed appropriate for the loading and unloading of materials;
3. From §404.3.C.2 of the B.C.Z.R., to permit vehicle parking and equipment storage area in the front and side yards as compatible with surrounding uses as screened;
4. From §409.4.C of the B.C.Z.R., to permit a 2-way aisle of 20 ft. in lieu of the required 22 ft.;
5. From §409.6.A.2 of the B.C.Z.R., to permit 9 parking spaces in lieu of the required 28 spaces; and
6. For any other variance at the time of the hearing which the Zoning Commissioner deems appropriate.

ORDER RECEIVED FOR FILING

Date

8/28/02

By

R. J. J. J.

Appearing at the hearing on behalf of the zoning requests were Paul Ervin, owner of the property, John Mellema, Jr., property line surveyor, and Michael Tanczyn, attorney at law, appearing on behalf of the Petitioner. Appearing in opposition to the Petitioner's request was Paul Dorsey, a representative of the Greater Patapsco Community Association.

Testimony and evidence indicated that the property, which is the subject of this request, consists of 2.03 acres of land, more or less, zoned R.C.2. The subject property is located on the north side of Dogwood Road, near its intersection with Wrights Mill Road. The property is improved with an existing two-story, single-family dwelling, a one-story warehouse/garage, and various display areas for landscaping and plant materials. In addition, a parking area which provides parking for 8 vehicles is also situated on site. Mr. Paul Ervin, the owner of the property, testified that in 1957 his father purchased the subject property. At that time, his family was engaged in the landscaping and horticultural nursery business on the subject site. That business has continued from 1957 up until the present date. At this time, Mr. Ervin continues to operate Ervin's Nursery and Landscaping business as his father has done many decades ago. The house that is situated on the property is occupied by the foreman of Mr. Ervin's Nursery and Landscaping business. Mr. Ervin no longer resides on the property, but did live there for the first 24 years of his life.

The requested relief herein came about as a result of Mr. Ervin's intentions of subdividing the subject property and creating a residential building lot to the rear of the site. Mr. Ervin has received minor subdivision approval to create Lot #2, which comprises 5.62 acres, located to the rear of the landscaping business. At some point in the future, a single-family residential dwelling may be constructed on Lot #2. A driveway is depicted on the property, which services the dwelling to be constructed in the future.

ORDER RECEIVED FOR FILING

Date

By

8/22/02

P. J. Johnson

The purpose of the hearing before me is to legitimize the landscaping business, which has existed on this property for the past 45 years. The property owner does not intend to expand the business or alter it in any fashion. He merely requests approval to legitimize the family business, which was started by his father in 1957. Accordingly, he has filed the petition for special hearing to approve the business as a nonconforming use.

In the alternative, in the event it was determined that the Petitioner's business was not nonconforming, the Petitioner has filed a special exception to approve the use as it exists today. However, based on the testimony and evidence offered at the hearing and the lack of opposition to the historical use of the property, I believe it is more appropriate to approve the use as nonconforming, than to grant the Special Exception and Variances. It is clear that the use of the property as a nursery and horticultural business has occurred since prior to the time that the Baltimore County Zoning Regulations required Special Exception approval. Accordingly, I find that the special hearing should be granted to approve the nonconforming use, given the uncontradicted testimony offered at the hearing.

The fact that the Petitioner has subdivided the subject property to create a residential lot to the rear of the site does not affect the nonconforming status of this nursery and landscape business. The area that has been subdivided to create this additional residential lot is not the area that has been traditionally used by the Petitioner's family for this business. Therefore, the minor subdivision of the property has not affected its nonconforming status.

Inasmuch as the use of the property has been determined to be nonconforming, the variances that were being requested by the Petitioner are not necessary. Those variances would only be applicable in the event the special exception were entertained and granted. Given the longstanding nature of this business, and the fact that it has existed on this property since prior to

the regulations applicable to horticultural nurseries and landscaping service operations, the special exception and variances requested by the Petitioner are not necessary and shall be dismissed. It is only sufficient to grant the special hearing request, to approve the business as a nonconforming use.

As stated previously, Mr. Paul Dorsey, a representative of the Greater Patapsco Community Association (GPCA), appeared in opposition to this request. Mr. Dorsey testified that his association became involved in this matter due to the complaints of some surrounding citizens. Therefore, the GPCA has taken an official position of opposition. However, Mr. Dorsey indicated that he recalls purchasing landscape material from the Ervin's business back in 1969. He did not oppose allowing the business to continue to operate on the property as it has for the past many years. He did object to any expansion of the business beyond what exists today.

After considering the testimony and evidence offered at the hearing, I find that the special hearing shall be granted, to approve the use of the property as a horticultural nursery and combined landscaping service operation. This use has existed on the property continuously and uninterruptedly since 1957 until the present date. It is not necessary to entertain the special exception and variances, given that the special hearing has been approved. Therefore, the special exception and variances shall be dismissed as moot.

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 51st day of August, 2002, that the Special Hearing, to approve the use of the

ORDER RECEIVED FOR FILING

Date

By

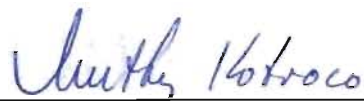
subject property as a horticultural nursery and combined landscaping service operation, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Special Exception and Variance requests, shall be DISMISSED as moot;

IT IS FURTHER ORDERED, that the granting of the special hearing herein shall be conditioned upon the Petitioner submitting a landscape plan to Mr. Avery Harden, Landscape Architect for Baltimore County, which shall provide appropriate landscaping of the Petitioner's property from Dogwood Road, particularly that area of the site where any equipment or vehicles may be parked or stored.

IT IS FURTHER ORDERED, that the relief granted herein shall in no way affect or intrude upon the forest buffer easements that are shown on the property and shall not give permission to this Petitioner to utilize those areas depicted as forest buffer easements in any fashion which would be deemed unacceptable to the Department of Environmental Protection and Resource Management.

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

ORDER RECEIVED FOR FILING
Date 8/28/02
By [Signature]



Baltimore County
Zoning Commissioner

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

August 21, 2002

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

Re: Petitions for Special Hearing, Special
Exception & Variance
Case No. 02-548-SPHXA
Property: 9008 Dogwood Road

Dear Mr. Tanczyn:

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,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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

Copies to:

✓ Paul N. Ervin
2696 Walston Road
Mt. Airy, MD 21771

John C. Mellema, Jr.
5409 East Drive
Baltimore, MD 21227

Paul S. Dorsey
9511 Old Court Road
Baltimore, MD 21244



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9008 Dogwood Road
which is presently zoned RC-2 Agricultural

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

a nonconforming use per BCZR 1955, Sec. 104.1 of a horticultural nursery and combined landscaping service operation.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Michael P. Tanczyn

Name - Type or Print

Signature

Company

606 Baltimore Ave. #106 (410) 296-8823

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Paul N. Ervin

Name - Type or Print

Signature

Name - Type or Print

Signature

2696 Walston RD (410) 922-4020

Address

Telephone No.

Mt. Airy MD State 21771 Zip Code

City

MD

State

21771

Zip Code

Representative to be Contacted:

John B. Mellema, Sr. Inc.

Name

5409 East Drive (410) 347-7488

Address

Telephone No.

Baltimore

MD

21227

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By CTR Date 6/4/02

Case No. 02-548-SPLXA

220 9/15/98

ORDER RECEIVED FOR FILING
Date 5/21/02
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9008 Dogwood Road

which is presently zoned RC-2

Agricultural

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)

See attached.

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 presented at the time of hearing.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print Michael P. Tanczyn

Signature

Company

Address 606 Baltimore Ave Ste 106 (410) 296-8823

Baltimore, Maryland 21204

City

State

Zip Code

Legal Owner(s):

Name - Type or Print Paul N. Ervin

Signature

Address 2696 Walston Rd (410) 922-4020

Name - Type or Print

Signature

Address 2696 Walston Rd (410) 922-4020

Telephone No.

City Mt Airy, MD 21771

State

Zip Code

Representative to be Contacted:

Name John Mellema, Sr., Inc

Address 5409 East Dr. (410) 247-7488

Telephone No.

Baltimore, Maryland 21207

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By CTM

Date 6/4/02

Case No. 02-548-SPLXA

220 9/15/98

ORDER RECEIVED FOR FILING

ATTACHMENT TO PETITION FOR VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY
FOR THE PROPERTY LOCATED AT 9008 DOGWOOD ROAD
WHICH IS PRESENTLY ZONED RC-2 AGRICULTURAL

1. BCZR 404.1A- to ^{MPT} permit a variance of 4.22 feet and 4.82 feet in lieu of the required 25 feet ^{MPT} setback ^{MPT} from any property line for internal roadway.
2. BCZR 404.1C- to ^{MPT} permit a variance of 4.22 feet in lieu of the required 100 feet from any property line adjacent to a residentially zoned or used property deems appropriate for the loading and unloading of materials.
3. BCZR 404.3C2- to ^{MPT} permit vehicle parking and equipment storage area in the front and side yards ^{MPT} as compatible with surrounding uses as screened, ^{MPT}
4. BCZR 409.4C- to ^{MPT} permit a 2 way aisle of 20 feet in lieu of the required 22 feet.
5. BCZR 409.6A2- to ^{MPT} permit 9 parking spaces in lieu of the required ^{MPT} 18 spaces.
6. For any other variance at the time of hearing which the Zoning Commissioner deems appropriate.



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 9008 Dogwood Road

which is presently zoned RC-2
Agricultural

This Petition shall be filed with the Office of Zoning Administration & 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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a horticultural nursery per BCZR 1A01.2C12 and a combined landscape service operation per BCZR 1A01.2C14.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Michael P. Tanczyn, Esquire
(Type or Print Name)

Signature

606 Baltimore Ave., #106 (410) 296-8823
Address Phone No.

Towson MD 21204
City State Zipcode

Legal Owner(s):

Paul N. Ervin

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2696 Walston Road (410) 922-4020

Address

Phone No.

Mt. Airy MD 21771
City State Zipcode

Name, Address and phone number of representative to be contacted.

John B. Mellema, Sr., Inc. Land Surveyor

Name

5409 East Drive., Balto., MD 21227

Address

Phone No.

(410) 247-7488

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: CTM DATE 6/4/08

548

ORDER RECEIVED FOR FILING

Date

By



**JOHN C. MELLEMA SR., INC.
LAND SURVEYORS**

5409 EAST DR. BALTO. MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507

ZONING DESCRIPTION
MINOR SUBDIVISION ERVIN PROPERTY LOT 1 & 2
TAX MAP 86 GRID 11 PARCEL 240

BEGINNING FOR THE SAME ON THE NORTH SIDE OF DOGWOOD ROAD AT THE CORNER OF PARCEL 26 AND PARCEL 240, SAID POINT BEING SOUTHERLY 4,692 FEET FROM THE INTERSECTION OF OLD COURT ROAD AND DOGWOOD ROAD, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 2 AS SHOWN ON A MINOR SUBDIVISION PLAT OF ERVIN PROPERTY INTENDED TO BE RECORDED IN BALTIMORE COUNTY MARYLAND, THENCE WITH THE SOUTHERN LINE OF LOT 2 AND THE SOUTHERN LINES OF LOT 1 THE FOLLOWING COURSES SOUTH 68 DEGREES 49 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 60.08 FEET TO LOT 1 THENCE BINDING ON THE SOUTHERN LINES OF LOT 1 SOUTH 68 DEGREES 49 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 84.04 FEET THENCE SOUTH 59 DEGREES 03 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 123.75 FEET THENCE LEAVING DOGWOOD ROAD AND RUNNING WITH THE EASTERN OUTLINE OF LOT 1 NORTH 32 DEGREES 11 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 432.76 FEET THENCE WITH THE DIVISION LINES BETWEEN LOT 1 AND LOT 2 NORTH 71 DEGREES 17 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 142.46 FEET THENCE SOUTH 37 DEGREES 40 MINUTES 07 SECONDS WEST FOR A DISTANCE OF 167.55 FEET THENCE SOUTH 87 DEGREES 48' 42 SECONDS WEST FOR A DISTANCE OF 117.02 FEET THENCE CROSSING LOT 2 NORTH 52 DEGREES 02 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 20 FEET THENCE WITH PART OF THE WESTERN OUTLINE OF LOT 2 SOUTH 36 DEGREES 58 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 83.17 FEET THENCE SOUTH 25 DEGREES 53 MINUTES 15 SECONDS WEST FOR A DISTANCE OF 116.41 FEET TO THE PLACE OF BEGINNING CONTAINING 2.03 ACRES OF LAND MORE OR LESS

BEING ALL OF LOT 1 AND PART OF LOT 2 AS SHOWN ON A MINOR SUBDIVISION PLAT OF ERVIN PROPERTY INTENDED TO BE RECORDED IN BALTO. CO. MARYLAND.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 600

DATE 6/4/02 ACCOUNT 2001 036 0150

AMOUNT \$ 650.00

RECEIVED FROM: MICHAEL TANCZYK

FOR: TRAILING HEARING

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 Towson, Maryland on the property identified herein as follows:

Case: #02-548-SPHXA

9008 Dogwood Road

N/side Dogwood Road 4,692 feet south of centerline Old Court and Dogwood Road

2nd Election District - 1st Councilmanic District

Legal Owner(s): Paul N. Ervin

Special Hearing: to approve a nonconforming use of a horticultural nursery and combined landscaping service operation. **Special Exception:** to use the property for a horticultural nursery and combined landscaping service operation. **Variance:** to permit a variance of 4.22 feet in lieu of the required 100 feet from any property line adjacent to a residentially zoned property; to permit vehicle parking and equipment storage area in the front and side yards as compatible with surrounding uses as screened; to permit a 2-way drive aisle of 20 feet in lieu of the required 22 feet and, to permit 9 parking spaces in lieu of the required 28 spaces.

Hearing: Wednesday, August 7, 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.

LT/7/807 July 23

C551876

CERTIFICATE OF PUBLICATION

7/25/, 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 7/23/, 2002.

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

S. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

CASE #02-548-SPHXA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 407, COUNTY COURTS BLDG.

PLACE: 401 BOSLEY AVENUE

WEDNESDAY, AUGUST 7, 2002

DATE AND TIME: AT 9:00 A.M.

REQUEST: SPECIAL HEARING - TO APPROVE A
NONCONFORMING USE OF A HORTICULTURAL

NURSERY AND COMBINED LANDSCAPING SERVICE OPERATION

SPECIAL EXCEPTION - TO USE THE PROPERTY FOR A

HORTICULTURAL NURSERY AND COMBINED LANDSCAPING

SERVICE OPERATION. VARIANCE - TO PERMIT A VARIANCE

OF 4.25 FT. IN LIEU OF THE REQUIRED 10 FT. FROM ANY

PROPERTY LINE ADJACENT TO A RESIDENTIALLY ZONED PROPERTY

TO PERMIT VEHICLE PARKING AND EQUIPMENT STORAGE AREA IN

THE FRONT AND SIDE YARDS AS COMPATIBLE WITH SURROUNDING

USE AS DARKENED, TO PERMIT A 2-WAY DRIVE ASIDE OF 20 FT. IN

LIEU OF THE REQUIRED 25 FT. AND TO PERMIT 5 HANDICAPPED SPACES

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY

TO CONFORM HEARING CALL 847-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

IN LIEU OF THE REQUIRED 25 SPACES



CERTIFICATE OF POSTING

RE: Case No.: 02-548-SPHXA

Petitioner/Developer: _____

PAUL M. ERVIN

Date of Hearing/Closing: 8-7-02

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

Attention: Ms. Gwendolyn Stephens

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 _____

9008 DOGWOOD ROAD

The sign(s) were posted on JULY 22, 2002
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 02-548-SPHXA
Petitioner: PAUL W. ERVIN
Address or Location: 9008 DOGWOOD RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN B. MELLEMA, SR
Address: 5409 EAST DRIVE BALT MD 21227
Telephone Number: (410) 247-7488

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 16, 2002 Issue – Jeffersonian

Please forward billing to:

John B. Mellema, Sr.
5409 East Drive
Baltimore, MD 21227

410-247-7488

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: 02-548-SPHXA

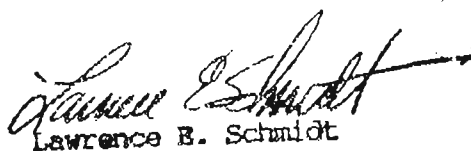
9008 Dogwood Road

N/side Dogwood Road 4,692 feet south of centerline Old Court and Dogwood Road
2nd Election District – 1st Councilmanic District

Legal Owner: Paul N. Ervin

Special Hearing to approve a nonconforming use of a horticultural nursery and combined landscaping service operation. Special Exception to use the property for a horticultural nursery and combined landscaping service operation. Variance to permit a variance of 4.22 feet in lieu of the required 100 feet from any property line adjacent to a residentially zoned property; to permit vehicle parking and equipment storage area in the front and side yards as compatible with surrounding uses as screened; to permit a 2-way drive aisle of 20 feet in lieu of the required 22 feet and, to permit 9 parking spaces in lieu of the required 28 spaces.

HEARING: Tuesday, July 30, 2002 in Room 407 at 9:00 a.m., County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

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.



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

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: 02-548-SPHXA

9008 Dogwood Road

N/side Dogwood Road 4,692 feet south of centerline Old Court and Dogwood Road

2nd Election District – 1st Councilmanic District

Legal Owner: Paul N. Ervin

Special Hearing to approve a nonconforming use of a horticultural nursery and combined landscaping service operation. Special Exception to use the property for a horticultural nursery and combined landscaping service operation. Variance to permit a variance of 4.22 feet in lieu of the required 100 feet from any property line adjacent to a residentially zoned property; to permit vehicle parking and equipment storage area in the front and side yards as compatible with surrounding uses as screened; to permit a 2-way drive aisle of 20 feet in lieu of the required 22 feet and, to permit 9 parking spaces in lieu of the required 28 spaces.

HEARING: Tuesday, July 30, 2002 in Room 407 at 9:00 a.m., County Courts Building, 401 Bosley Avenue

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

Arnold Jablon
Director

C: Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, #106, Towson 21204
Paul N. Ervin, 2696 Walston Road, Mt. Airy 21774
John Mellema, Sr., Inc., 5409 East Drive, Baltimore 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 15, 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.

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



TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 23, 2002 Issue – Jeffersonian

Please forward billing to:
John B. Mellema, Sr.
5409 East Drive
Baltimore, MD 21227

410-247-7488

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: 02-548-SPHXA

9008 Dogwood Road

N/side Dogwood Road 4,692 feet south of centerline Old Court and Dogwood Road

2nd Election District – 1st Councilmanic District

Legal Owner: Paul N. Ervin

Special Hearing to approve a nonconforming use of a horticultural nursery and combined landscaping service operation. Special Exception to use the property for a horticultural nursery and combined landscaping service operation. Variance to permit a variance of 4.22 feet in lieu of the required 100 feet from any property line adjacent to a residentially zoned property; to permit vehicle parking and equipment storage area in the front and side yards as compatible with surrounding uses as screened; to permit a 2-way drive aisle of 20 feet in lieu of the required 22 feet and, to permit 9 parking spaces in lieu of the required 28 spaces.

HEARING: Wednesday, August 07, 2002 in Room 407 at 9:00 a.m., County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G.D.Z.
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



Baltimore County
Department of Permits and
Development Management

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

July 10, 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: 02-548-SPHXA

9008 Dogwood Road

N/side Dogwood Road 4,692 feet south of centerline Old Court and Dogwood Road

2nd Election District – 1st Councilmanic District

Legal Owner: Paul N. Ervin

Special Hearing to approve a nonconforming use of a horticultural nursery and combined landscaping service operation. Special Exception to use the property for a horticultural nursery and combined landscaping service operation. Variance to permit a variance of 4.22 feet in lieu of the required 100 feet from any property line adjacent to a residentially zoned property; to permit vehicle parking and equipment storage area in the front and side yards as compatible with surrounding uses as screened; to permit a 2-way drive aisle of 20 feet in lieu of the required 22 feet and, to permit 9 parking spaces in lieu of the required 28 spaces.

HEARING: Wednesday, August 07, 2002 in Room 407 at 9:00 a.m., County Courts Building, 401 Bosley Avenue

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

Arnold Jablon GDD
Director

C: Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, #106, Towson 21204
Paul N. Ervin, 2696 Walston Road, Mt. Airy 21774
John Mellema, Sr., Inc., 5409 East Drive, Baltimore 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 23, 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.



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

August 2, 2002

Michael P Tanczyn
606 Baltimore Avenue
Suite 106
Towson MD 21204

Dear Mr. Tanczyn:

RE: Case Number: 02-548-SPHXA, 9008 Dogwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 04, 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. 602
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Paul N Ervin, 2696 Walston Road, Mt Airy 21771
John Mellema Sr, 5409 East Drive, Baltimore 21227
People's Counsel

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



Printed with Soybean Ink
on Recycled Paper

jm
8/7

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 2, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For July 1, 2002
Item No. 548

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

This office recommends against the parking variance request and the mixing of residential and commercial traffic. The parking lot shall be paved.

RWB:CEN:jrb

cc: File

AUG 27 2002

Sign
8/7

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS / RBT*

DATE: July 26, 2002

SUBJECT: Zoning Item 548
Address 808 Upper Glencoe Road

Zoning Advisory Committee Meeting of June 24, 2002

AGRICULTURAL PRESERVATION

Variance for 4.22 foot setback rather than 100 feet setback to adjacent residential use is not supported. Purpose of the 100 foot setback was to prevent/reduce impact of intensive landscape use on adjacent residential uses.

Reviewer: Wally Lippincott

Date: July 26, 2002

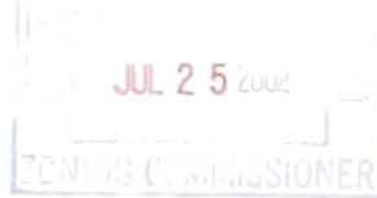
Tic 9/30

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley ^{RB 1765}

DATE: July 25, 2002



SUBJECT: Zoning Item 548
Address 9008 Dogwood Road

Zoning Advisory Committee Meeting of June 24, 2002

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Additional Comments:

1. The Forest Buffer Easement is incorrectly shown and labeled on the plan. The correct Forest Buffer Easement is highlighted on the attached plan.
2. A Right-of-Way Plat and Associated Protective Covenants must be recorded in Baltimore County Land Records.
3. The approved Forest Buffer Variance for this property does not include the continued existing use of a landscape business. The requested variance for a landscape business in the Forest Buffer Easement does not fall under the Hearing Officers purview. These decisions are to be made by the director of DEPPRM as per section 14-415 of the Baltimore County code. Therefore it is recommended that this Special Hearing be postponed until the applicant has submitted a variance request in accordance with Article IX, the regulations for the protection of water quality, streams, wetlands, and floodplains, and received a decision from the Department of Environmental Protection and Resource Management.

Reviewer: John Russo

Date: July 23, 2002

Jim
4/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 11, 2002

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 02-548**

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: Mark A. Cunningham

Section Chief: Lynne Johnson

AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 6.25.02

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

RE: Baltimore County
Item No. 548 LTM

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,

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

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
9008 Dogwood, N/side Dogwood Road /south of Old
Court and Dogwood Road
2nd Election District, 1st Councilmanic

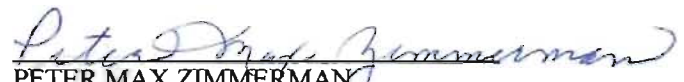
Legal Owner: Paul Ervin
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-548-SPHXA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of July, 2002 a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn, Esq., 606 Baltimore Avenue, Suite 106, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: 6/4/02

TO: Zoning Commissioner, File

FROM: Lloyd T. Moxley

SUBJECT: Case No. 02-548-SPHXA

After careful review of the zoning records for this property and the materials submitted with the Petition for Special Hearing and Special Exception and Variance in the above referenced case, the Office of Zoning Review has determined the following.

- That if the existing non-conforming (N-C) use of a landscape/horticultural operation is established by Special Hearing, then;
 - It must be determined that the N-C status was not changed by the minor subdivision which was approved 6/15/01.
 - That the approval status of the minor subdivision is not negated by the fact that the N-C use was not disclosed at the time the minor subdivision was reviewed and approved.
- That if the Landscape/ Horticultural operation is established through the Special Exception, then ;
 - It must be determined that the residential use can continue as an accessory to the principal use of a landscape/horticultural operation.
 - It must be determined that all provisions of Sections 404.1, 404.2, 404.3, 409 BCZR are met.

DROP-OFF PETITIONS PROCESSING CHECK-OFF

☐

Two Questions Answered on Cover Sheet:

Any previous reviews in the zoning office?
Any current building or zoning violations on site?

☐

Petition Form Matches Plat in these areas:

Address
Zoning
Legal Owner(s)
Contract Purchaser(s)
Request (if listed on plat)

☐

Petition Form (must be current PDM form) is Complete:

Request:
Section Numbers
Correct Wording (must relate to the code, especially floodplain and historical standard wording. Variances must include the request in lieu of the required code quantities.
Hardship/Practical Difficulty Reasons
Legal Owner/Contract Purchaser:
Signatures (originals)
Printed/Typed Name and Title (if company)
Attorney (if incorporated)
Signature/Address/Telephone Number of Attorney

☐

Correct Number of Petition Forms, Descriptions and Plats

☐

200 Scale Zoning Map

☐

Check: Amount Correct? Signed?

☐

ZAC Plat Information:

Location (by Carl) NE/S Dagwood Rd, 370' NW & Brice
Run (9008 Dagwood Rd.)
Zoning: _____ Acreage: _____ Previous Hearing Listed With Decision
Election District _____ Councilmanic District _____ Case # _____
Check to See if the Subject Site or Request is:

CBCA
Floodplain
Elderly
Historical
Pawn Shop
Helicopter

*If Yes, Print Special Handling Category Here
*If No, Print No

MICHAEL P. TANCZYN, P.A.

Suite 106 • 606 Baltimore Avenue

Towson, Maryland 21204

Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

May 16, 2002

Office of Zoning
County Office Building
Attn. Mr. Carl Richards
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re.: 9008 Dogwood Road
Citation No.: 02-1079
Property of Paul N. Ervin

Dear Carl:

Enclosed herewith, please find Drop-Off Petitions for the following:

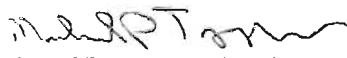
1. Special Hearing to Establish a Nonconforming Use
2. Petition for Special Exception
3. Petition for Variance

I also have enclosed ten ¹²~~(10)~~ copies of the plat, three (3) copies of the sealed engineer's description for zoning purposes, a copy of the 200 scale zoning map Northwest 4J with the Petitioner's property outlined thereon and colored in yellow, and our check for costs. This property is the subject of a pending Baltimore County Code Enforcement Action known as Case 02-1079, and has been cited for operation of an illegal land scaping business without a special exception and storage of commercial vehicles and equipment from a residence, and operation of a contractor's equipment storage yard. This matter is scheduled for a hearing on May 23, 2002 before the Hearing Officer.

The information I have received from my client leads me to believe that the landscaping operation and nursery, including the storage of related equipment, dated back to a time when my client's father purchased the property in 1952. Presuming that can be proven in the Special Hearing Petition, that it has been continuously used in such a manner since 1952, it may be properly designated a Nonconforming Use after the Zoning Commissioner hearing.

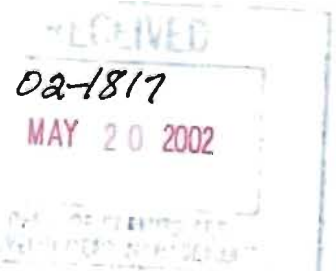
Please advise my office of any and all hearing dates.

Very truly yours,


Michael P. Tanczyn, Esquire

MPT/jlf

cc: Paul N. Ervin
John Mellema, Jr.
Jeremy Rosendale, Code Enforcement Inspector



7/3/02
as
George
OK

LAW OFFICES
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

July 2, 2002

Office of Zoning
County Office Building
Attn. Mr. Arnold Jablon
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

HAND DELIVERED

Re: 9008 Dogwood Road
Case No. 02-548-SPHXA
Legal Owner- Paul N. Ervin

Dear Arnold:

I just received the Notice of Zoning Hearing indicating that the above referenced matter has been scheduled for hearing on July 30, 2002 at 9:00 a.m. I am writing an once, to ask that this matter be postponed to the next available date, that George Zahner has kindly told me would be August 7, 13, or 15, 2002.

The reason for the postponement request is that I have been previously scheduled to appear in the District Court for Harford County, on July 30, 2002 in the matter of MP, Inc. v. Magnaye as well as in the District Court for Howard County in the matter of State v. Michael Schmitz, later that same day. I would therefore, respectfully request that this postponement be granted and a new date be set.

Please further note, that I will take care of the posting as usual and George has informed me that the advertising has not gone out on this matter to this time.

Very truly yours,

Michael P. Tanczyn

Michael P. Tanczyn, Esquire

MPT/jlf

Enclosure(s)

cc: Paul Ervin
John Mellema, Sr.
George Zahner



TO "GEORGE ZAHNER"

Testimony for 9am hearing on 8/7/2002**CASE NUMBER: 02-548-SPHXA**

My name is Donald L Allen, I own and reside at 9003 Dogwood Road on an 8.99 ac parcel. MY parcel sits directly across Dogwood Road from the 9008 Dogwood parcel that is **CASE NUMBER: 02-548-SPHXA** being heard this 9 am 8/7/2002.

My concern is with permitting commercial activity in a purely residential area. The variance from 100 foot to under 5 foot is a disgrace and should not have even been considered. This property always has equipment sitting around and when the county has tried to serve notices they can never find the owner who lives in Carroll County in a nice subdivision where they would throw him out if he tried this kind of trick.

The difference from 9 parking spaces to 28 is just too big a jump to grant a variance this isn't even close.

I've called the county zoning enforcement Mr Hoehater (sp?) who has tried to serve a notice to no avail.

In summary this property recently knocked off a lot in back of the frontage and now the owner is using zoning variances to make up for the property in back he cut off for the lot. He should use the back part of the property (the lot he cut off) for his commercial activity if he wants to re-propose.

I recommend against this variance because of the disparity in variance it is not even close. From 100 foot to 4 foot isn't close. The 9 parking spaces, in lieu of 28, are filled with his equipment all of the time so it is zero vs 28.

Respectfully Submitted BY Donald L Allen 9003 Dogwood Road
home 410-922-5135 work 410-786-3271..

August 2, 2002

Baltimore County Office Building
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

RE: Case Number: 02-548 - SPHXA (9008 Dogwood Road)

Dear Sir or Madam:

Due to the fact that I will be on vacation the week of the scheduled hearing for 9008 Dogwood Road, I would like to have my comments and concerns regarding the requested zoning variance entered into the hearing file for consideration. Here are my concerns (in no particular order):

The county minimum setback requirements should be met. As shown by the enclosed photographs, Mr. Ervin's parcel is not very large and sits very close to Dogwood Road.

Screening the property would not provide any visual relief unless the screening was at least 12-15 feet high. The property as it stands now is an eyesore and takes away from beautiful area for which it is located.

Mr. Ervin does not live on the parcel and uses the property solely as the basis for his commercial operation.

Dogwood Road is a scenic residential road. Properties in either direction (for miles) from 9008 Dogwood Road are strictly residential.

The photographs should give you a good sense of how poorly sited this property is for the use as a landscaping business yard & equipment storage.

Thank you for your consideration.

Sincerely,

Eric A. Hite

Eric A. Hite
9312 Dogwood Road
Baltimore, MD 21244



AUG - 8 2002

PLAN

OK - VICINITY MAP UNLEGIBLE

OK - NO POB

- AREA ON PLAN NOT IN AGREEMENT WITH DESCRIBED AREA

OK - TITLE INCORRECT

- ARE LOTS 1 & 2 RECORDED

- SETBACKS OF STRUCTURES?
ORIENTATIONS?

OK - TYPE OF PARKING SURFACE?

OK - NEED VIOLATION CASE # on PLAN
LOADING AREA -

PETITION

- INCORRECT FORM FOR SPH

- SIGNS?

- SALES AREA % OF PROPERTY

MEMO ITEM AS OF 5/30

- PARKING CALC @ 3.3 PER 1000

THIS OFFICE WOULD CALC @ 5 PER 1000

- LOADING NOT SHOWN - 5409.1.C

ADD S $36^{\circ}58'00''$ W 83.17 TO
ALL PLANS

S $25^{\circ}35'15''$ W

537 (minor)

PLAN / DESC STILL DOES
NOT MATCH

CALL MT 5/31/02

INFORMED
THEM I CANT
PUT CASE # WITH THE
DISCREPANCY

ISSUES

IF THE EXISTING "NON-CONFORMING"
("N-C") USE OF A LANDSCAPE / HORTICULTURAL
OPERATION
IS ESTABLISHED BY SPH

THEN;

- IT MUST BE DETERMINED BY THE Z.C. THAT THE "N-C" STATUS WAS NOT CHANGED BY THE MINOR SUBDIVISION APPROVED 6-15-01 (EX. PROP DRIVE)
- THAT THE APPROVAL STATUS OF THE MINOR ÷ IS NOT NEGATED BY THE FACT THAT THE "N-C" USE WAS NOT DISCLOSED AT THAT TIME THE MINOR ÷ WAS REVIEWED AND APPROVED
- IF THE "N-C" STATUS IS ESTABLISHED THE VARIANCE IS NOT NEEDED

ISSUES

IF THE LANDSCAPE / HORTOCULTURAL
OP IS ESTABLISHED BY SE

THEN,

- IT MUST BE DETERMINED THAT THE RESIDENTIAL USE CAN CONTINUE AS ACCESSORY TO THE PRINCIPAL LANDSCAPE / HORTO USE
- IT MUST BE DETERMINED THAT ALL PROVISIONS OF SECTION 404.1, 404.2, 404.3
- THAT THE REQ. OF SEC 409 ARE MET.

8/2/02

PETITIONER'S SIGN-IN SHEET

[illegible]

8/23/02

PROTESTANT'S SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

02-548-SPHX
8/23/02

NAME

ADDRESS

Matthew Skolnik

(copy of decision + minutes, if
available)

27 Woodholme Village Court

Baltimore, MD 21208



(2)

LIBER 2125 PAGE 371

This Deed made this ~~11th~~ day of June, in the year nineteen hundred and fifty-two, by Louis I. Cauffman and Maude C. Cauffman, his wife of Baltimore County, in the State of Maryland.

Now this deed witnesseth that in consideration of the sum of ten dollars, and other good and valuable considerations, the said Louis I. Cauffman and Maude C. Cauffman, his wife, do hereby grant, and convey unto Earl C. Ervin and Betty J. Ervin, his wife of Baltimore City, in said State, as tenants by the entireties, their heirs and assigns, in fee simple, all that lot or parcel of land situate on Dogwood Road in the Second Election District of Baltimore County, Maryland, the improvements on which are known as 160 Dogwood Road, and more particularly described as follows:

Beginning for the same at a stone now planted marked XII and in an outline of the whole tract of which this is a part, said stone being at the distance of 2½ perches from the centre of the County Road and running thence North 40 3/4 degrees East 29.7 perches to a stone marked XI, thence North 19 3/4 degrees East 72 perches to a stone marked X, thence North 66½ degrees West 8.4 perches, thence South 23 degrees West 70 perches, thence South 43 3/4 degrees West 33 perches to the centre of the County Road above mentioned and thence running along the centre of the said County Road South 76 degrees East 6½ perches, and thence South 50½ degrees East 7½ perches, thence leaving the centre of said County Road and running North 23½ degrees East 2½ perches to the place of beginning and containing 9 3/4 acres of land, more or less, being all and the same property which by deed dated August 13, 1948 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1682, folio 562 etc., was conveyed by William J. Hopkins and wife to the said Louis I. Cauffman and Maude C. Cauffman, his wife.

Together with the buildings and improvements thereon, and all and singular, the rights, roads, ways, waters, as now located and used, privileges and appurtenances thereto belonging, or in anywise appertaining.

To have and to hold the above described parcel of land unto the said Harlo. Marvin and Betty J. Marvin, his wife as tenants by the entireties, their heirs and assigns, forever in fee simple, subject however to a right of way easement for underground gas mains as granted to the Consolidated Gas, Electric, Light and Power Company by deed of Louis I. Cauffman, et als., by their deed dated October 7, 1919 and recorded among the Land Records of Baltimore County in Liber T.D.S. No. 1786, folio 5th, etc.

And the said grantors hereby covenant that they will warrant specially the land and promises hereby intended to be conveyed, and further covenant and agree that they will execute such other and further assurances of the same as may be requisite.

Witness the hands and seals of said grantors.

Test:

Phet [Signature]
J. Charles Gutberlet

Louis I. Cauffman (SEAL)
Louis I. Cauffman

Maudie C. Cauffman (SEAL)
Maudie C. Cauffman

State of Maryland,
County of Carroll.

LIVER 2125 PAGE 373

On this 11th day of June, 1952, before me, a Notary Public of the State of Maryland, in and for Carroll County, appeared, the undersigned William, personally appeared
the H. Hoffman and wife L. Hoffman, his wife, known
to me to be the persons whose name was subscribed to the
within instrument and personally acknowledged that they vol-
untarily executed the same for the purposes therein contained.
Witness my hand and official seal this 11th day of June, 1952.

S. LaRue Crowl



RECORDED FOR RECORD June 14, 1952 - 4.36A M & RECORDED IN THE LAND RECORDS OF
BALTIMORE COUNTY, LIBER G. L. B. 2125 FOLIO 371 GEORGE L. BYERLY, CLERK.

Ref Ex 3

Pat Ex 3

NO TITLE EXAMINATION, NO JUDGMENTS

DEED

THIS DEED, Made This 11th day of January in the year one thousand nine hundred and ninety-six by and between EARL C. ERVIN and BETTY J. ERVIN, his wife, parties of the first part, and PAUL N. ERVIN, solely, party of the second part.

WITNESSETH, That in consideration of the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), the receipt of which is hereby acknowledged, the said parties of the first part do hereby grant and convey to the said party of the second part, solely, his heirs, personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a stone now planted marked XII and in an outline of the whole tract of which this is a part, said stone being at the distance of 2 1/2 perches from the centre of the County Road and running thence North 40 3/4 degrees East 29.7 perches to a stone marked XI, thence North 19 3/4 degrees East 72 perches to a stone marked X, thence North 66 1/2 degrees West 8.4 perches, thence South 23 degrees West 70 perches, thence South 43 3/4 degrees West 33 perches to the centre of the County Road above mentioned and thence running along the centre of the said County Road South 76 degrees East 8 1/2 perches, and thence South 50 1/2 degrees East 7 1/2 perches, thence leaving the centre of said County Road and running North 23 1/4 degrees East 2 1/2 perches to the place of beginning and containing 9 3/4 acres of land more or less.

BEING the same lot of ground which by Deed dated June 11, 1952 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2125, folio 371 was granted and conveyed by Louis I. Cauffman and Maude C. Cauffman, his wife, unto Earl C. Ervin and Betty J. Ervin, his wife.

SAVING AND EXCEPTING THEREFROM all that lot of ground which by Deed dated August 7, 1975 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5560, folio 186 was granted and conveyed by Earl C. Ervin and Betty J. Ervin, his wife, unto Elizabeth A. Meekins, solely.

ALSO SAVING AND EXCEPTING THEREFROM all that lot of ground which by Deed dated November 28, 1973 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5411, folio 747 was granted and conveyed by Earl C. Ervin and Betty J. Ervin, his wife, unto Bankers Trust Company, et al.

RECEIVED FOR TRANSFER

State Department of
Assessments & Taxation
for Baltimore County

2/14/96
By _____ Date _____

M R

2/14/96

OWNER OCCUPIED AFFIDAVIT

The undersigned certifies under penalties of perjury that the above described property will be occupied as his primary residence

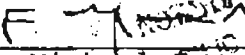


PAUL N. ERVIN

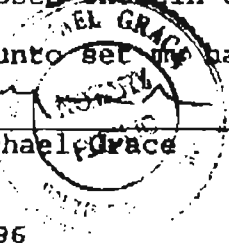
State of Maryland, County of Baltimore, to wit:

On this the 11th day of January, 1996, before me, the undersigned officer, personally appeared PAUL N. ERVIN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



F. Michael Grace



My Commission Expires: 12-1-1996

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.



Attorney

TOGETHER with the improvements thereon and the rights and appurtenances thereto belonging or appertaining.

TO HAVE AND TO HOLD the above described property unto the said party of the second part, solely, his heirs, personal representatives and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they will warrant specially the property hereby conveyed and that they will execute such further assurances as may be requisite.

WITNESS the hands and seals of the Grantors.

WITNESS

EARL C. ERVIN

WITNESS

BETTY J. ERVIN

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY that on this 11th day of January, nineteen hundred and ninety-six, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared EARL C. ERVIN and BETTY J. ERVIN, his wife, and they acknowledged the foregoing Deed to be theirs.

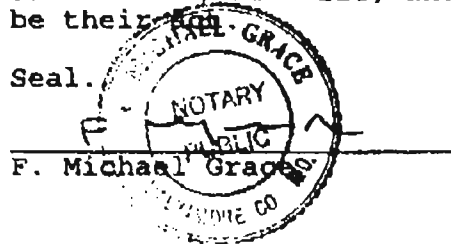
AS WITNESS my hand and my Notarial Seal.

My Commission Expires:

12 - 1 - 96

AFTER RECORDING RETURN TO:

F. MICHAEL GRACE, ESQUIRE
GISRIEL & BRUSH
300 FREDERICK ROAD, SUITE 100
CATONSVILLE, MARYLAND 21228
File No. 3091G&B



041836 FEB 13 1995

State of Maryland Land Instrument Intake Sheet
Baltimore City County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

(Check Box if Addendum Intake Form is Attached.)

1 Type(s) of Instruments: ☒ Deed ☒ Mortgage ☐ Other ☐ Other

2 Conveyance Type: ☒ Improved Sale ☐ Unimproved Sale ☐ Multiple Accounts ☐ Not an Arms-Length Sale

3 Tax Exemptions (if Applicable): ☐ Recordation ☐ State Transfer ☐ County Transfer

4 Consideration Amount: ☐ Purchase Price/Consideration \$ 100,000.00 ☐ Any New Mortgage \$ ☐ Balance of Existing Mortgage \$ ☐ Other: \$

RECORDATION FEE \$ 20.00
RECORDATION TAX \$ 500.00
STATE TAX \$ 500.00
TOTAL \$ 1,020.00
RECORDATION FEE \$ 20.00
RECORDATION TAX \$ 500.00
STATE TAX \$ 500.00
TOTAL \$ 1,020.00
RECORDATION FEE \$ 20.00
RECORDATION TAX \$ 500.00
STATE TAX \$ 500.00
TOTAL \$ 1,020.00

5 Consideration and Tax Calculations: ☐ Purchase Price/Consideration \$ 100,000.00 ☐ Any New Mortgage \$ ☐ Balance of Existing Mortgage \$ ☐ Other: \$

6 Amount of Fees: ☐ Recording Charge \$ 20.00 ☐ Surcharge \$ 5.00 ☐ State Recordation Tax \$ 500.00 ☐ State Transfer Tax \$ 500.00 ☐ County Transfer Tax \$ 1170.00 ☐ Other: \$

Finance Office Use Only

Transfer and Recordation Tax Consideration

Transfer Tax Consideration \$ 100,000.00
X (1.5) % = \$ 1500.00
Less Exemption Amount \$ 330.00
Total Transfer Tax = \$ 1170.00

Recordation Tax Consideration \$
X (1) per \$500 = \$
TOTAL DUE \$

Agent: BR
Tax Bill: Paid
C.B. Credit:
Ag. Tax/Other: TH

7 Description of Property: 1050.00 sq ft Balto County

District: 02 Property Tax ID No. (1): 02-05-740020 Grantor Liber/Folio: 2125/31 Map: Parcel No.: Var. LOG: (5)

8 SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

Location/Address of Property Being Conveyed (2): 5008 Dogwood Road, Balto., Md. 21244
Other Property Identifiers (if applicable): Water Meter Account No.:

9 Transferred From: Earl C. Egan

Doc. 1 - Grantor(s) Name(s): Earl C. Egan Doc. 2 - Grantor(s) Name(s):
Doc. 1 - Owner(s) of Record, if Different from Grantor(s): Beth J. Egan Doc. 2 - Owner(s) of Record, if Different from Grantor(s):

10 Transferred To: Paul A. Egan

Doc. 1 - Grantee(s) Name(s): Paul A. Egan Doc. 2 - Grantee(s) Name(s):

11 Other Names to Be Indexed:

New Owner's (Grantee) Mailing Address: 5008 Dogwood Road, Balto., Md. 21244
Doc. 1 - Additional Names to be Indexed (Optional): Doc. 2 - Additional Names to be Indexed (Optional):

12 Contact/Mail Information:

Instrument Submitted By or Contact Person: F. Michael Green, Esq. Return to Contact Person:
Firm: Cassell & Pryor, P.A. Hold for Pickup:
Address: 300 Frederick Road, Suite 101, Catonsville, Md. 21228 Phone: (410) 244-5121 Return Address Provided:

13 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information: ☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence? ☐ Yes ☒ No Does transfer include personal property? If yes, identify:

14 Assessment Information: ☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

Terminal Verification: Agricultural Verification: Whole: Part: Tran. Process Verification:

Transfer Number: 10 Date Received: 10 Dead Reference: Assigned Property No.:

Land: Zoning: Map: Sub: Block:

Building: Use: Grid: Plat: Lot:

Total: Town Co.: Parcel: Section: Occ. Co.:

REMARKS:

15 Distribution:

Distribution: White - Clerk's Office
Pink - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (5/95)

02AP1R005211 TRTX
RA CORP:45M02-13-95
\$1,170.00

Plot 34 4/10/2002





PAT EX 5 - 4/10/02

Pct EX 6 - 4/10/02



PET EX 7 4/10/02



8-23-89





Pet Ex 9 4/10/02

Pet EX 10 4/10/02



PET EX 11 - 4/10/02



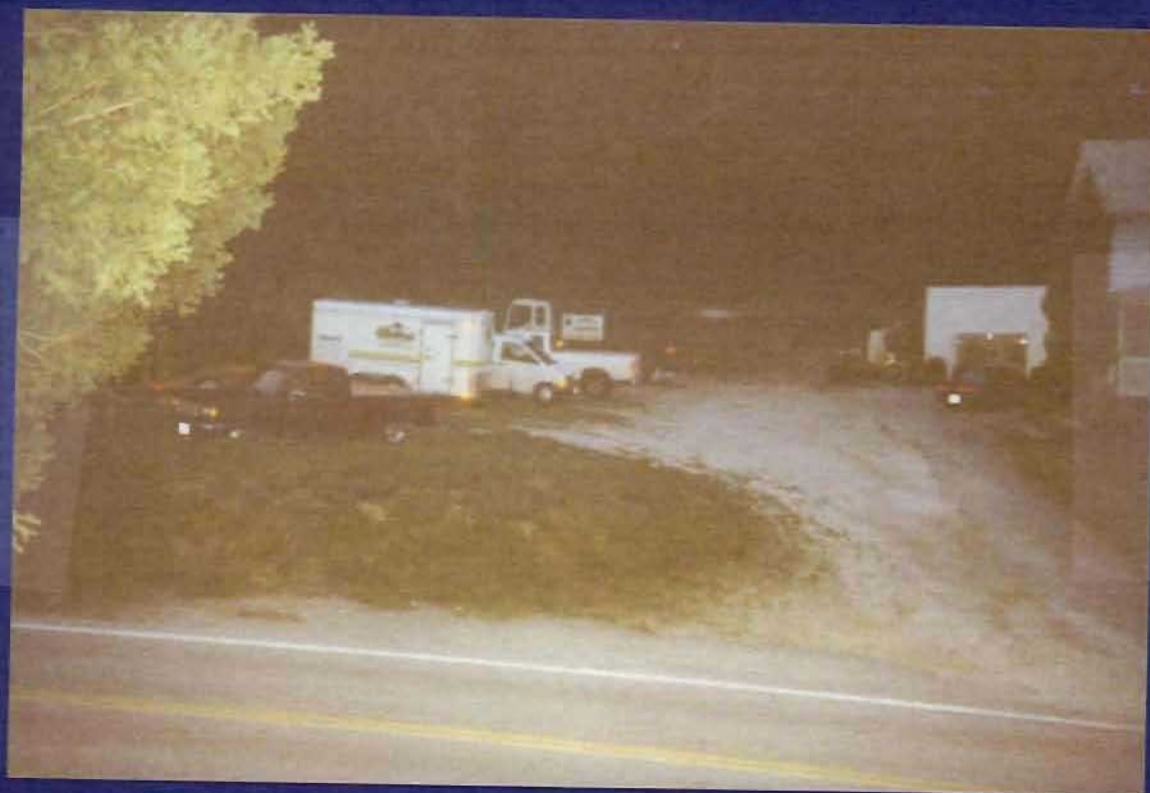
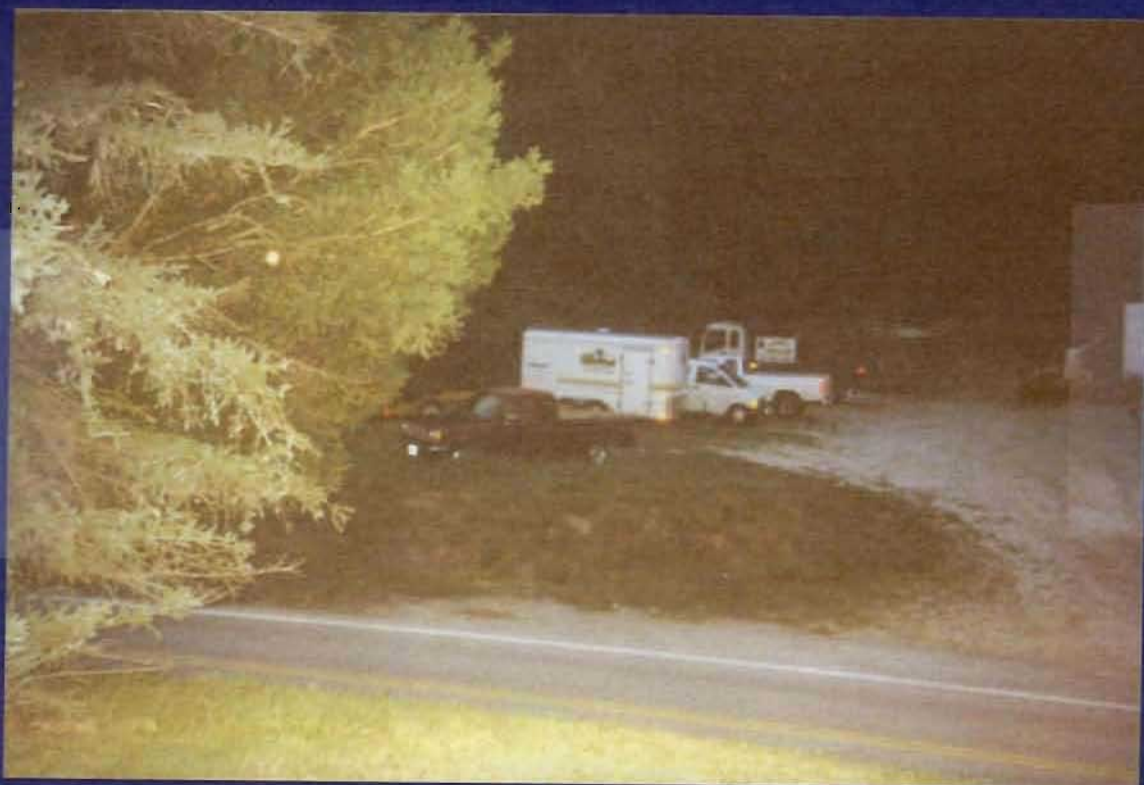


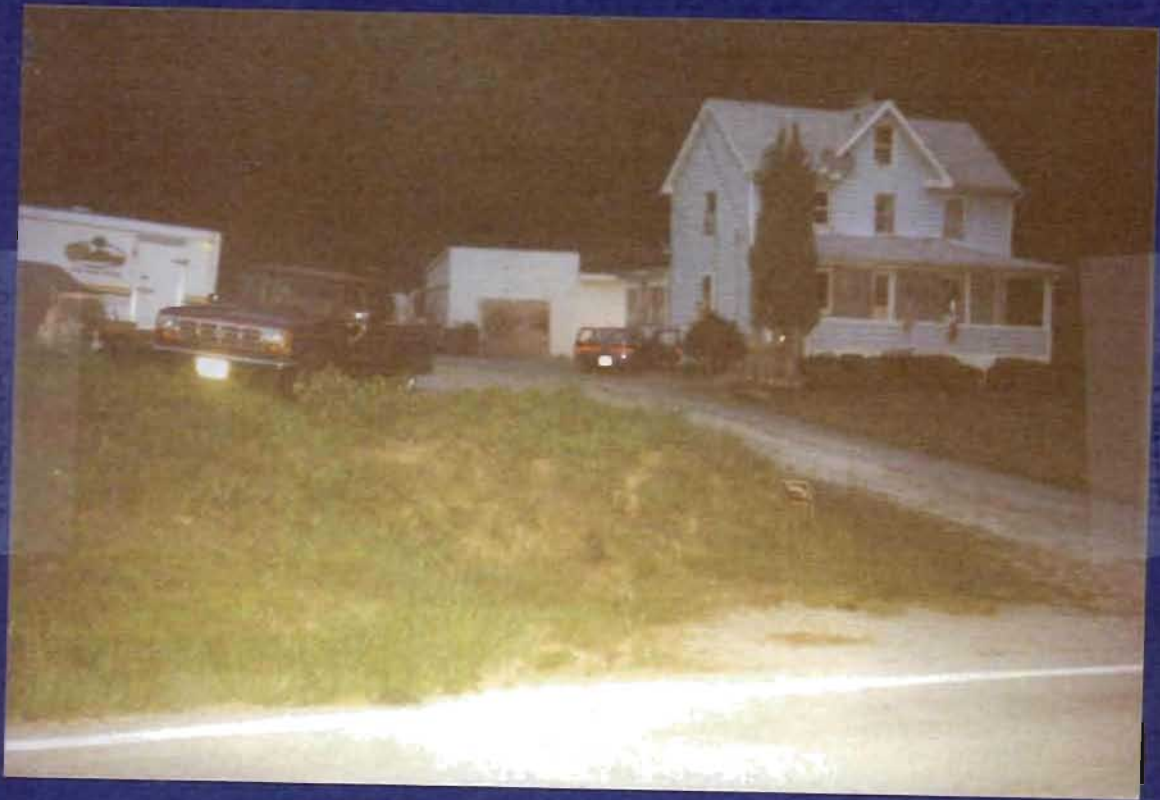
PET EX 12 — 4/10/02

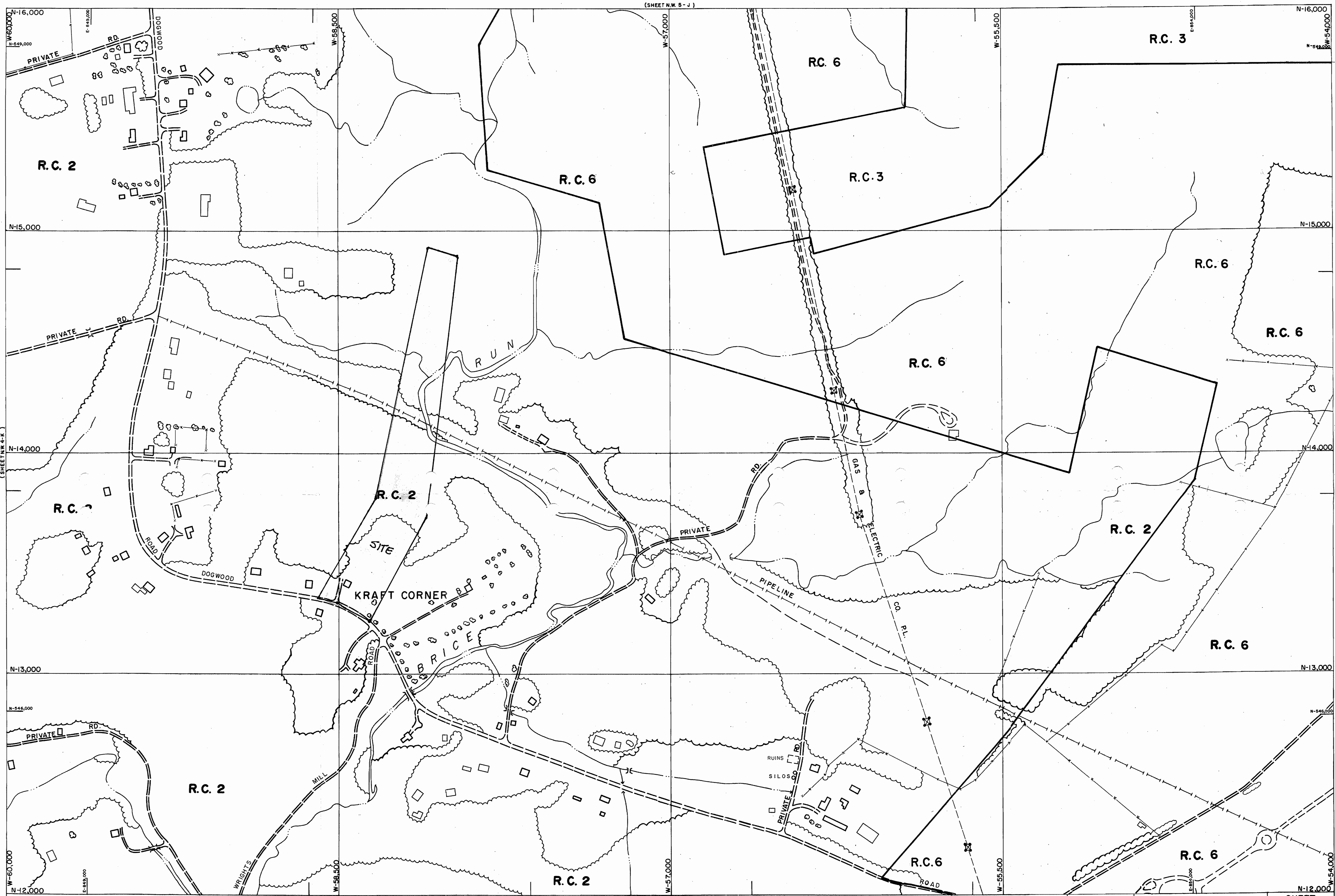


Pat 13





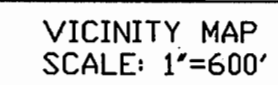




L - NW LL - NE 2000 COMPREHENSIVE ZONING MAP ADOPTED by THE BALTIMORE COUNTY COUNCIL OCTOBER 10, 2000 Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00, THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210	BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP	SCALE 1" = 200' ± DATE OF PHOTOGRAPHY JANUARY 1986	LOCATION KRAFT CORNER	SHEET N. W. 4-J
---	---	--	---------------------------------------	--

NW 4 J

BALTO. CO. GRID SYS.



COUNCILMANIC DIST.: 1
ELECTION DIST.: 2
ZONING: RC-2
1"=200' SCALE MAP =
LOT SIZE: 1.87 ACRES

	YES	NO
PUBLIC SEWER	☐	☒

PUBLIC WATER	YES ☐	NO ☒
--------------	---------------------------------	---

CHESAPEAKE BAY CRITICAL AREA: YES ☐ NO ☒

SUBDIVISION NAME:
"ERVIN PROPERTY"

DEED REFERENCE:
9008 =
9010 =

OWNER: PAUL N. ERVIN
2696 WALSTON ROAD
MT. AIRY, MARYLAND 21771
(410) 922-4020

TAX NO.

DATE: APRIL 15, 2001
SCALE: 1"=50'

ZONING OFFICE USE ONLY

REVIEWED BY: , ITEM # , CASE#

NOTE: AN AGREEMENT FOR ACCESS AND PARKING
BETWEEN LOT 1 AND LOT 15 IS TO BE EXECUTED

NON-CONFORMING USE FOR EXISTING LANDSCAPING COMPANY
SPECIAL EXCEPTION FOR LANDSCAPE AND HORTICULTURAL USE
VARIANCE FOR INTERNAL ROAD SETBACK



#9008 DOGWOOD ROAD
LOT 1 ERVIN PROPERTY
TAX MAP 86 GRID 11 PARCEL 240
BALTIMORE COUNTY MARYLAND
SCALE: 1" = 50' DATE MAY, 2002