IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – W/S York Road,
Across from Monkton Road
(16928 York Road)
7th Election District
3rd Council District

Kary Holdings, LLC Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 03-369-SPHA

*

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Kary Holdings, LLC, by Kathy L. Wheatley, President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special hearing to confirm the inside storage of equipment and materials as part of a carpentry, plumbing, and heating shop. In addition, variance relief is requested from Sections 259.3.C.2.a and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum front yard setback of 9.3 feet in lieu of the required 15 feet for an existing structure and 2.3 feet in lieu of the required 11.25 feet to an existing open projection; from Section 259.3.C.2.b to permit a minimum side yard setback of 5.9 feet in lieu of the required 15 feet for an existing structure and building addition; from Section 259.3.C.3.a to permit a variable width landscape buffer of 0 to 10 feet in lieu of the required 15 feet; from Section 259.3.C.3.b to permit a pervious surface area of 0% with no interior landscaping in lieu of the minimum required 7% pervious surface with one tree per 8 parking spaces; from Section 259.3.C.4 to permit parking not accessible to the parking lots of adjacent non-residential uses; from Section 404.9.A to permit a 16-foot wide driveway in lieu of the required 20 feet; and from Section 409.8.A.1 to permit a handicapped parking space walkway aisle to be directly adjacent to the building. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

ORDER FEGENATO FOR FILING Date

By

By Appearing at the requisite public hearing in support of the requests were Kathy Wheatley, and her husband, Gary Wheatley, of Kary Holdings, LLC, property owners, and their attorney, David Karceski, Esquire. Also appearing were Steven A. McCurdy, Landscape Architect with Site Resources, Inc., who prepared the site plan; Mark C. Mobley, Architect, and Meta Joy Slade, adjacent property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the west side of York Road, across from its intersection with Monkton Road in Hereford. The property contains a gross area of 0.49 acres, more or less, zoned B.M.-C.R., and is improved with a two-story frame dwelling, which has existed thereon since 1876. The property was the subject of a prior zoning case (Case No. 94-84-A) in which variance relief was granted for the existing structure and a proposed storage shed on October 22, 1993. The then property owner, Randolph H. Shelley, proposed converting the existing building and leasing same for office/retail use. In addition to renovations to the existing structure, Mr. Shelley proposed constructing a pole barn to the rear of the site to provide storage space for tenants of his building. Apparently, his plans for the property never materialized and the property has remained vacant since that time.

The Petitioners recently acquired the property and are desirous of relocating their business offices to the subject site. Testimony indicated that Mr. & Mrs. Wheatley are licensed architects/builders and have been in the residential remodeling business for 23 years. In addition to substantial renovations to the existing structure, the Petitioners propose constructing a two-story addition to the rear of the existing building, which will feature a garage on the lower level. Access to the property will be by way of a driveway from York Road that will extend along the south side of the existing building to the rear of the proposed addition and a parking area. The particulars of this construction and proposed improvements are shown in the building elevation drawings submitted into evidence as Petitioner's Exhibits 2A and 2B. The Petitioners' offices will be located on the front portion of the site in the existing building and the addition will be used to store

supplies and materials used in their business, including ladders, plumbing, fittings, nails, etc., as well as files and papers related to the business.

As noted above, the Petitioners request special hearing relief to confirm the use of the proposed addition for storage is similar in character to the approval granted in the prior case. In addition, variance relief is necessitated due to the location of the existing building on the property. As shown on the site plan and in photographs submitted at the hearing, the existing building is located close to York Road and the north side property line. Thus, relief is requested to legitimize the existing building and proposed improvements. Moreover, due to the narrow width of the property, a portion of the proposed driveway on the south side will be as narrow as 16 feet.

Based upon the testimony and evidence presented, I am persuaded to grant the relief. It is clear that the use proposed is appropriate for this site and consistent with the area. The requested relief will allow restoration of a building that has been in a state of disrepair for some time and the proposed improvements will return the property to a viable permitted use. The variances are warranted in view of the unique configuration of this lot, as well as the desire to retain the historic structure thereon. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. Moreover, the proposal enjoys widespread community support and no one appeared in opposition to the request. Thus, it is clear that the requested relief can be granted without detrimental impact to the health, safety or general welfare to the surrounding locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of April, 2003 that the Petition for Special Hearing to confirm the inside storage of equipment and materials as part of a carpentry, plumbing, and heating shop, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 259.3.C.2.a and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a

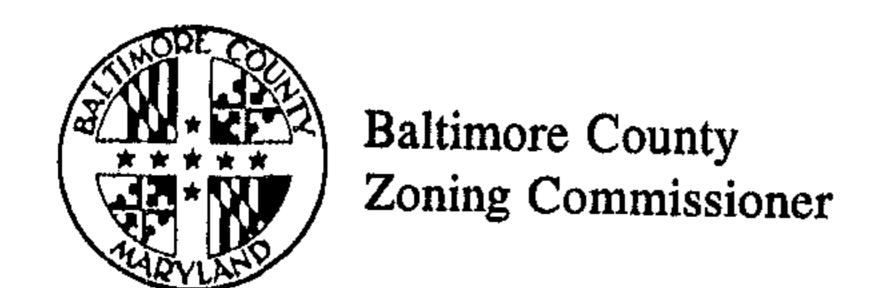
minimum front yard setback of 9.3 feet in lieu of the required 15 feet for an existing structure and 2.3 feet in lieu of the required 11.25 feet to an existing open projection; from Section 259.3.C.2.b to permit a minimum side yard setback of 5.9 feet in lieu of the required 15 feet for an existing structure and building addition; from Section 259.3.C.3.a to permit a variable width landscape buffer of 0 to 10 feet in lieu of the required 15 feet; from Section 259.3.C.3.b to permit a pervious surface area of 0% with no interior landscaping in lieu of the minimum required 7% pervious surface with one tree per 8 parking spaces; from Section 259.3.C.4 to permit parking not accessible to the parking lots of adjacent non-residential uses; from Section 404.9.A to permit a 16-foot wide driveway in lieu of the required 20 feet; and from Section 409.8.A.1 to permit a handicapped parking space walkway aisle to be directly adjacent to the building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



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

Fax: 410-887-3468

April 29, 2003

David Karceski, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE W/S York Road, across from Monkton Road (16928 York Road)

7th Election District – 3rd Council District Kary Holdings, LLC - Petitioners
Case No. 03-369-SPHA

Dear Mr. Karceski:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. & Mrs. Gary Wheatley

17415 Wesley Chapel Road, Monkton, Md. 21111

Mr. Steven A. McCurdy, 14307 Jarrettsville Pike, Phoenix, Md. 21131

Mr. Mark C. Mobley, 640 Deepdene Road, Baltimore, Md. 21210

Ms. Meta Joy Slade, 16924 York Road, Monkton, Md. 21111

People's Counsel; Case/File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at which is	16928	York	Road	
	presently	y zoned	BM-CR	· · · · · · · · · · · · · · · · · · ·

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

Special hearing to confirm the INSIDE storage of equipment and materials as part of a carpentry, plumbing and heating shop.

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.

<u>Legal Owner(s):</u>

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.

ESTIMATED LENGTH OF HEARING

Date 2-11-03

UNAVAILABLE FOR HEARING

Contract Purchaser/Lessee:

Case No. 03-369-517/1-9

Kary Holdings, LLC Name - Type or Print Name - Type or Print why I alleaster. Signature Signature President Wheatley, Kathy L. Name - Type or Print Telephone No. Address Signature Zip Code State City (410) 329 - 824217415 Wesley Chapel Road Attorney For Petitioner: Telephone No. Address 21111 Maryland Monkton, Robert A. Hoffman Zip Code State City Name - Type or Print Representative to be Contacted: Signature Robert A. Hoffman Venable, Baetjer and Howard, LLP Name Company (410)494-6200210 Allegheny Avenue (410) 494-6200 210 Allegheny Avenue Telephone No. Address Telephone No. Address 21204 Maryland 21204 Towson, Maryland Towson, Zip Code State City Zip Code State City OFFICE USE ONLY 1200

ORIDER REGENVED FOR FILING Date

REV 9/15/98



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>16928 York Road</u>
which is presently zoned <u>BM-CR</u>

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 determined at 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.

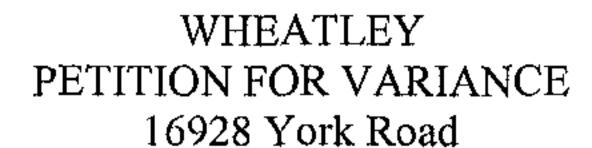
Legal Owner(s):

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:

ORDER

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Name - Type or Print		[™] Nam	ne - Type or	Print	felliate	UN A	m_
Signature		_	Signa By	ture //	. Wheatley,	7	
Address	Telephone No.	-	Name	- Type or Print			
City	e Zip Code	_	Signa			···	
Attorney For Petitioner:	•		174	415 Wesley	Chapel Roa	id ((410) 329 - 824:
THE THOU I OUT TO THE TOTAL TOT			Addre	ess			Telephone No.
Robert A. Hoffman	,		Mo	nkton,	Marylar		21111
Name - Type of Print	71114	City	<u></u>		State	Z	Zip Code
When If Hilfonn	JUHE		Rep	resentative	to be Contac	ted:	
Signature Venable, Baetjer and How	vard, LLP		Ro	bert A. Ho	ffman		
Company 210 Allegheny Avenue	(410) 494-6200		Name 21	0 Alleghen	y Avenue	(410)	494-6200
Company 210 Allegheny Avenue Address Towson, Maryland	Telephone No. 21204		Addre To	ess WSON,	Maryland	2	Telephone No. 21204
	te Zip Code	-	City		S	tate	Zip Code
City				<u>o</u> f	FICE USE ONLY	00	
Clase No. 03. 369. 5PH19			ESTI	MATED LENGTH	OF HEARING	1	2.5°



- 1. Variance from Sections 259.3.C.2.a and 301.1 of the Baltimore County Zoning Regulations ("BCZR") to permit a minimum front yard setback of 9.3 feet to the existing structure in lieu of the required 15 feet and 2.3 feet to the existing open projection in lieu of the required 11.25 feet.
- 2. Variance from BCZR Section 259.3.C.2.b to permit a minimum side yard setback of 5.9 feet for the existing structure and building addition.
- 3. Variance from BCZR Section 259.3.C.3.a to permit a variable width landscape buffer (0 to 10 feet) in lieu of the 15 required feet.
- 4. Variance from BCZR Section 259.3.C.3.b to permit 0% pervious surface with no interior landscaping in lieu of the required 7% pervious surface with one tree per eight parking spaces.
- 5. Variance from BCZR Section 259.3.C.4 to permit parking not accessible to the parking lots of adjacent non-residential uses.
- 6. Variance from BCZR Section 404.9.A to permit a 16-foot wide driveway in lieu of the required 20 feet.
- 7. Variance from BCZR Section 409.8.A.1 to permit a handicapped parking space walkway aisle to be directly adjacent to the building.

TO1DOCS1/DHK01/#154060 v1

ORDER RECEIVED F

Date

369



16928 YORK ROAD WHEATLEY PROPERTY Hereford, Maryland

ZONING DESCRIPTION

All that piece or parcel of land situate, lying, and being in the Seventh Election District of Baltimore County, State of Maryland, and described more particularly as follows to wit:

Beginning for the same at the northeastern corner of the subject property, on the west side of the intersection of York Road (MD 45) and Monkton Road (MD 138), running thence and binding on the west side of York Road, and binding on the outline of the property of the petitioners herein, the following four courses:

- 01) South 03 degrees 24 minutes 31 seconds East, 59.89 feet;
- 02) Thence leaving York Road and continuing to bind on the outlines of the property of the petitioners, South 86 degrees 59 minutes 54 seconds East, 354.83 feet and;
- 03) North 03 degrees 45 minutes 36 seconds West; 59.90 feet;
- 04) North 87 degrees 00 minutes 01 seconds East, 355.20 feet, to the point of beginning.

CONTAINING 0.49 acre of land more or less

02151\ZoningDescription04feb03

14307 Jarrettsville Pike · Phoenix, MD 21131

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	No.	RECEIVED MANAGE FROM: STATE TO MANAGE TO THE PROMITE OF THE PROPERTY OF THE PR	Ecchooker 120	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE No. 19317 MISCELLANEOUS RECEIPT
CASHIER'S VALIDATION			EP 1 20 M MILE ME MILES	

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MISCELLANEOUS BALTIMORE COUNTY, MARY OFFICE OF BUDGET & FINANCE RECEIPT

FROM: RECEIVED ₹* **AMOUNT** \$ CK

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PINK - AGENCY

YELLOW - CUSTOMER

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FROM: MISCELLANEOUS RECEIVED BALTIMORE OFFICE OF BUDGET & FINANCE DISTRIBUTION WHITE - CASHIER COUNTY, PINK - AGENCY RECEIPT W MAR) AMOUNT ACCOUNT - MOTTEA 47 CUSTOMER 6 (#) 7.00 2.700 CASHIER'S A STATE OF THE STA VALIDATION **新州** 明朝 1000 THE RESERVE

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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, Manyland</u> on the property identified herein as follows:

Case: #03-369-SPHA

16928 York Road
S/side York Road, opposite Monkton Road
11th Election District - 6th Councilmanic District
Legal Owner(s): Kary Holdings, LLC, Kathy Wheatley,
President

Revised Petition Variance and Plans. Variance: to permit a minimum front yard setback of 9.3 feet in lieu of the required 15 feet and 2.3 feet to the existing open projection in lieu of the required 11.25 feet; to permit a minimum side yard setback of 5.9 feet for the existing structure and building addition; to permit a variable width landscape buffer (0 to 10 feet) in lieu of the 15 required feet; to permit 0% pervious surface with no interior landscaping in lieu of the required 7% pervious surface with one tree per eight parking spaces; to permit parking not accessible to the parking lots of adjacent on-residential uses; to permit a 16-foot wide driveway in lieu of the required 20 feet; and, to permit a handicapped parking space walkway aisie to be directly adjacent to the building. Special Hearing: to confirm the inside storage of equipment and materials as part of a carpentry, plumbing, and heating shop.

Hearing: Tuesday, April 8, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

3/259 March 20 0593018

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. LAWRENCE E. SCHMIDT

in the following weekly newspaper published in Baltimore County, Md., once in each of THIS IS TO CERTIFY, that the annexed advertisement was pu _successive weeks, the first publication appearing ıblished

→ Arbutus Times North County News NE Booster/Reporter Owings Mills Times Towson Times The Jeffersonian Catonsville Times

LEGAL ADVERTISING

CERTIFICATOP POSTING

RE: Case No.: 03-369-SPHA

Petitioner/Developer: KARY HOLDINGS

LLC, KATHY WHEATLEY, PRESIDENT

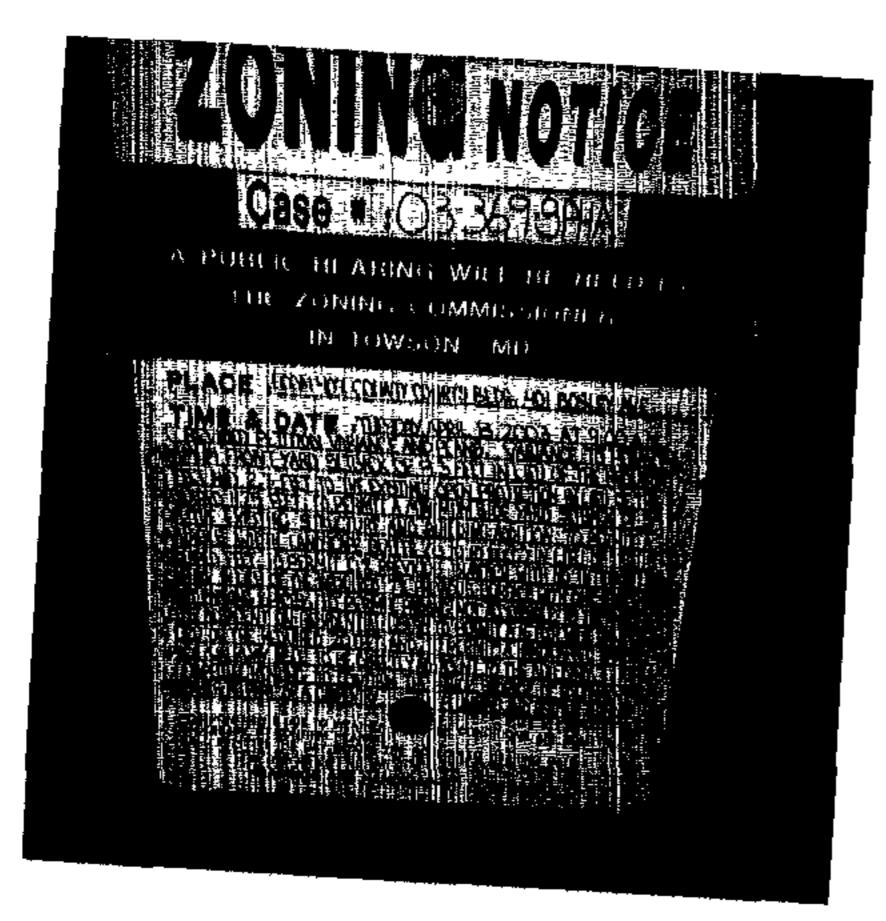
Date of Hearing/Closing: 4/8/03

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 16928 YORK RD				
The sign(s) were posted on	3/22/03 (Month, Day, Year)			
	(Month, Day, Year)			



Sincerely,

(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dumdalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

16928 York Rd; Sside York Rd, opposite

Monkton Road

7th Election & 3rd Councilmanic Districts Legal Owner(s): Kary Holdings, LLC,

Kathy Wheatley, President Petitioner(s)

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 03-369-SPHA

* * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 day of March, 2003, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

MAR 0 3 2003

Per.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO:

PATUXENT PUBLISHING COMPANY

Thursday, March 20, 2003 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable, Baetjer & Howard 210 Allegheny Avenue Towson, MD 21204

410-494-6244

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: 03-369-SPHA

16928 York Road
S/side York Road, opposite Monkton Road
11th Election District – 6th Councilmanic District

Legal Owner: Kary Holdings, LLC, Kathy Wheatley, President

Revised Petition Variance and Plans. <u>Variance</u> to permit a minimum front yard setback of 9.3 feet in lieu of the required 15 feet and 2.3 feet to the existing open projection in lieu of the required 11.25 feet; to permit a minimum side yard setback of 5.9 feet for the existing structure and building addition; to permit a variable width landscape buffer (0 to 10 feet) in lieu of the 15 required feet; to permit 0% pervious surface with no interior landscaping in lieu of the required 7% pervious surface with one tree per eight parking spaces; to permit parking not accessible to the parking lots of adjacent on-residential uses; to permit a 16-foot wide driveway in lieu of the required 20 feet; and, to permit a handicapped parking space walkway aisle to be directly adjacent to the building. <u>Special Hearing</u> to confirm the inside storage of equipment and materials as part of a carpentry, plumbing, and heating shop.

Hearings:

Tuesday, April 8, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401

Bosley Avenue

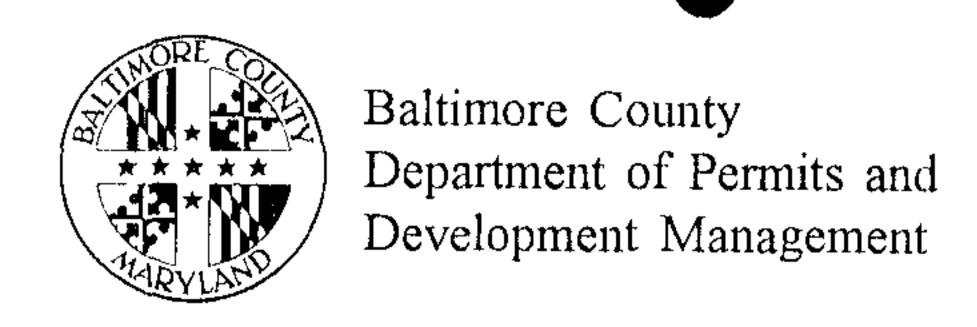
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LAWRENCE E. SCHMIDT

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

March 3, 2003

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: 03-369-SPHA

16928 York Road

S/side York Road, opposite Monkton Road 11th Election District – 6th Councilmanic District

Legal Owner: Kary Holdings, LLC, Kathy Wheatley, President

Revised Petition Variance and Plans. <u>Variance</u> to permit a minimum front yard setback of 9.3 feet in lieu of the required 15 feet and 2.3 feet to the existing open projection in lieu of the required 11.25 feet; to permit a minimum side yard setback of 5.9 feet for the existing structure and building addition; to permit a variable width landscape buffer (0 to 10 feet) in lieu of the 15 required feet; to permit 0% pervious surface with no interior landscaping in lieu of the required 7% pervious surface with one tree per eight parking spaces; to permit parking not accessible to the parking lots of adjacent on-residential uses; to permit a 16-foot wide driveway in lieu of the required 20 feet; and, to permit a handicapped parking space walkway aisle to be directly adjacent to the building. <u>Special Hearing</u> to confirm the inside storage of equipment and materials as part of a carpentry, plumbing, and heating shop.

Hearings:

Tuesday, April 8, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401

Bosley Avenue

Arnold Jablon

Director

AJ⁻rlh

C: Robert Hoffman, Venable, Baetjer & Howard, 210 Allegheny Ave Towson 21204 Kary Holdings, LLC, Kathy Wheatley, President, 17415 Wesley Chapel Road, Monkton 21111

James Thompson, Code Enforcement, File No. 02-7975

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 24, 2003.

- (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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

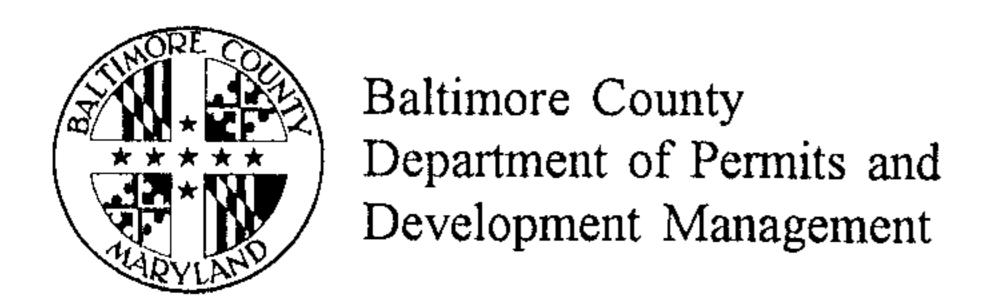
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: 03.369-5PHA Petitioner: Kary Holdings, U.C. Address or Location: 16928 York Rd.
PLEASE FORWARD ADVERTISING BILL TO: Name: Amy Ontell
Address: 210 Allegheny Avenue Towson, MD 21204
Telephone Number: 410-494-6244



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

April 4, 2003

Robert A. Hoffman Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 03-369-SPHA, 16928 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 14, 2003.

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.

Supervisor, Zoning Review

U. Callibal)

WCR:klm

Enclosures

People's Counsel C: Kary Holdings, LLC, Kathy L. Wheatley, President, 17415 Wesley Chapel Rd., Monkton 21111

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



on Recycled Paper



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

March 11, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 3, 2003

Item No.:

359, (369) 370, 374-380, 382, 383, 386

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: February 27, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 24, 2003

Item Nos. 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, and 371

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 14, 2003

Department of Permits & Development Management

FROM

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 10, 2003

Item Nos. 359 369 REVISED, 370 REVISED, 372, 373, 374, 375, 376, 377, 378, 379, 380,

381, 382, 383, and 386

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

RWB:CEN:jrb

cc: File

J478

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 24, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-369

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:

RECEIVED

FEB 2 4 2003

Section Chief:

AFK/LL:MAC

70NINO 000

A18

DATE: March 18, 2003

RECEIVED

MAR 1 9 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

16928 York Road

INFORMATION:

Item Number:

03-369

Petitioner:

Kary Holding, LLC

Zoning:

BM-CR

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request and applauds the effort towards historic preservation within the village of Hereford.

Prepared by:

Mary-

Section Chief:

AFK/LL:MAC:



Maryland Department of Transportation Robert L. Ehrlich, Jr., Governor • Michael S. Steele, Lt. Governor • Trent M. Kittleman, Acting Secretary

Date: February 19, 2003

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

RE: Baltimore County
Item No. 369 (JJS)
16928 York RD

Mile Post 16.10

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval of the Special Hearing. However, we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

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



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: March 6, 2003

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

RE: Baltimore County

Item No. 369Revised (JJS)

16928 York RD Mile Post 16.10

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval of the Special Hearing. However, we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

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 Robert L. Ehrlich, Jr.



Audrey E. Scott Secretary

Florenco E. Burtan
Deputy Secretary

Michael S. Steele Lt. Governor

February 21, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop # 1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 02/24/03 re: case numbers 03-361-A, 03-362-SPHA, 03-363-A, 03-364-SPHA, 03-365-SPHXA, 03-366-SPH, 03-367-SPHA, 03-368-A, 03-369-A, 03-370-A, 03-371-SPH

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 02/21/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

Lega 4/2

Glenn O, McCalley 19612 Old York Road White Hall, Maryland 21161

RECEIVED

MAR I & 2003

Lawrence E. Schmidt
Zoning Commissioner, Baltimore County
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, MD 21204

RE: Case #03-369-SPHA, 16928 York Road, Hereford

ZONING COMMISSIONER

Dear Sir:

I am writing in support of the zoning variances requested in the above case.

The property in question is an old wooden structure, unoccupied for quite a while and definitely an eyesore of long standing in Hereford. The proposed construction will result in a building that will enhance the community. As an area resident I'm pleased someone is taking an interest in the property.

I recently attended a community meeting regarding this project at the Hereford library branch and had a chance to review drawings of the proposed project and discuss the variances requested. It seems to me that all the requests are necessary due primarily to the odd size of the existing lot which is deep, but very narrow. I didn't see anything objectionable.

I look forward to hearing of your approval of this case.

Sincerely,

Ellenn O. Alle Calley
Glenn O. McCalley

1/8

Paulette Campanella 17612 Backbone Road Parkton, MD 21120 410-329-6341 RECEIVED

APR 4 2003

ZONING COMMISSIONER

Lawrence E. Schmidt Zoning Commissioner, Baltimore County 401 Bosley Avenue, 4th Floor Baltimore, MD 21204

RE:Case #03-369-SPHA 16928 York Road Hereford, MD 21111

4-3-03

Dear Mir Schmidt,

We are writing to you concerning the above referenced property located in the Hereford Community. We have been residents in the area since 1990 and have had to look at the deplorable conditions of this building ever since. It has always been referred to as the ugly brown building in Hereford. Its condition also renders the building to be a hazard to the area. There have been numerous improvements along this stretch of York Road in Hereford, while this building remains the town "eyesore".

Having recently attended a presentation by Gary and Kathy Wheatley, the current owners of the structure, we were very encouraged to learn about their plans to renovate it. As builders with a long standing highly regarded reputation in the community they are the perfect candidates to bring back the town charm to this structure. They explained the few variances that need to be granted in order to execute their plan. The building will remain in conformance with the original style of the town of Hereford and will once again be able to be viewed with delight. The proposed addition of office space and indoor storage will enhance the existing structure and allow for Wheatley Associates to conduct their business properly.

In conclusion, we are very much in favor of the proposed renovations, additions and requested variances needed to complete this project. We support the Wheatleys efforts and look forward to the beauty they will soon bestow upon this site. We request that you grant them the relief they seek to accomplish this much needed task. We are grateful for your attention to this matter.

Sincerely,

Paulette Campanella

Leffrey Squire



CERTIFIED PUBLIC ACCOUNTANTS

16951 York Road P.O. Box 290 Monkton, Maryland 21111 Phone (410) 329-6002 Fax (410) 329-6007 herefordcpas@erols.com March 22, 2003

RECEIVED

905 South Main Street Hampstead, Maryland 21074 Phone (410) 239-8948 Fax (410) 374-2080 hampsteadcpas@erols.com

MAR 2 6 2003

Mr. Lawrence E. Schmidt Zoning Commissioner of Baltimore County ZONNG COMMSSIONER 401 Bosley Avenue Towson, Maryland 21204

Re: Zoning Case No. 03-369-SPHA 16928 York Road Hereford, Maryland

Dear Commissioner Schmidt,

I am a 30 year resident of the Hereford business community and intend to continue to operate in the immediate confines of Hereford. In that entire span, the town of Hereford has moved from a residential to a business community.

The increased population, and the needs of that population for locally provided goods and services has caused a need based community of businesses to locate in Hereford.

I have reviewed the proposed renovations of the abandoned property listed above and wholeheartedly support the effort being made by the Wheatleys.

There are some, mostly from outside the community, whom tempt to obstruct all attempts to improve the area. Certainly, the renovation of an abandoned and dilapidating building into a useful structure can add vitality, commerce and indeed beauty and charm to the town.

I represent about 2000 people in the area in various financial matters and have occasion to talk to many. I am also an active member of the Hereford Zone Business Association. While I certainly cannot speak for others, I can tell you that all of my conversations with people in the community support restoration and improvement to the neglected structures of the town.

Please call me if you have any questions.

Sincerely yours

William H. Norriss

FUNERAL DIRECTORS SINCE 1799



March 21, 2003

PHONE: (410) 343-3000 (800) 864-9240

FAX: (410) 343-3100

HENRY W. JENKINS

& SONS COMPANY 16924 YORK ROAD

Monkton, Md. 21111

RECEIVED

MAR 2 6 2003

ZONNG COMMISSIONER

Lawrence E. Schmidt, Zoning Commissioner for Baltimore County County Courts Building 401 Bosley Avenue Towson, Maryland 21204

RE Petitions for Variance and Special Hearing Zoning Case No. 03-369-SPHA 16928 York Road

Dear Mr Schmidt

We are the owners of the Jenkins Funeral Home located at 16924 York Road, adjacent to and directly to the south of the above-captioned property. As local business owners/landowners in Hereford, we have an interest in Case No. 03-369-SPHA.

It is our understanding that Kathy and Gary Wheatley, owners of 16928 York Road, have requested zoning relief, which, if granted, would allow them to renovate an existing, dilapidated structure on the property and construct a two-story, 2,384 square foot addition to it. These improvements would be made in order to relocate the offices that support their residential remodeling and plumbing and heating business from the present location on Wesley Chapel Road to Hereford Village. We have talked with Kathy and Gary Wheatley and attended a Hereford Zone Business Association meeting at which the Wheatleys presented their plans for the property. We are familiar with and support all of the relief necessary to improve the property and renovate the existing structure for the Wheatley's use and believe that the proposed use, if approved, would not have any adverse impact on any of the neighboring properties or the community as a whole.

We also understand that as part of this case, the Wheatleys are requesting that a portion of the building addition be used for the indoor storage of equipment and materials necessary for their business operations. As an immediate neighbor, I foresee no problem with this request, provided these items are stored inside.

The existing structure is wasting away and the tasteful restoration of it proposed by the Wheatleys would result in an excellent addition to our community. For these reasons, we encourage you to approve the Wheatleys request.

March 21, 2003

Lawrence E. Schmidt. Zoning Commissioner for Baltimore County

Page -2-

Thank you in advance for your consideration of our position.

Sincerely,

Meta Joy Slade I

William R. Davis, III

HEREFORD COMMUNITY ASSOCIATION "The Voice of the Community"

April 4, 2003

Baltimore County County Courts Building Fourth Floor 401 Bosley Avenue Towson, MD 21204

Attention: Lawrence E. Schmidt

Zoning Commissioner

RE: Case #03-369-SPHA 16928 York Road

Dear Commissioner Schmidt:

For many years, the residents of Hereford witnessed destruction by neglect of the historic residential structure located on a small parcel of land on the west side of York Road opposite Monkton Road. Paint was peeling, wood was rotting and weeds were waist high. The property was an eyesore and public nuisance. Our community association routinely contacted County officials to see what could be done – hopefully to have the owner repair the structure but, if that wasn't possible, to have it demolished.

It was with great pleasure that our members learned that the property had been sold and that the new owner, Wheatley Associates, was going to restore, renovate and improve the existing structure as offices for their residential remodeling business. This adaptive reuse of the structure is ideal. It retains the look and feel of the original building, has little effect on area traffic and further reinforces Hereford as the rural town center of northern Baltimore County.

The proposal by Wheatley Associates requests a variety of variances that generally relate to constraints of the parcel. The lot is long and narrow and it is not possible for the site to conform to current development regulations concerning setbacks, landscape buffers, pavement areas and ADA accessibility. The applicant also requests a 2500 square foot expansion at the rear of the existing structure for a combined carpentry, plumbing and heating shop. Even with this expansion, the total area under roof will be significantly below the maximum allowed under the recommendations of the Hereford Plan.

In conclusion, we support their proposal and welcome Wheatley Associates to Hereford.

Very Truly Yours,

Pat Sheridan, President

CASE NAME 03-369-5911.

DATE 4/8/08

PETTIONER'S SIGN-IN SHEET

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Zoning Case No. 23-369-SPHA

Date Completed/Initials	
	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp or front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
··	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date, type letter confirming new date; make appropriate copies; mail original and copies, file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
* T	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet) 3-20 ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
——————————————————————————————————————	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative

on Tuesday morning)



Project – Wheatley Associates 16928 York Rd. Monkton, MD 21111

Photographer – Curtis Martin Photography Inc. 410 661 4037 410 665 7160 fax

Date 1-29-03





Project – Wheatley Associates 16928 York Rd. Monkton, MD 21111

Photographer – Curtis Martin Photography Inc. 410 661 4037 410 665 7160 fax


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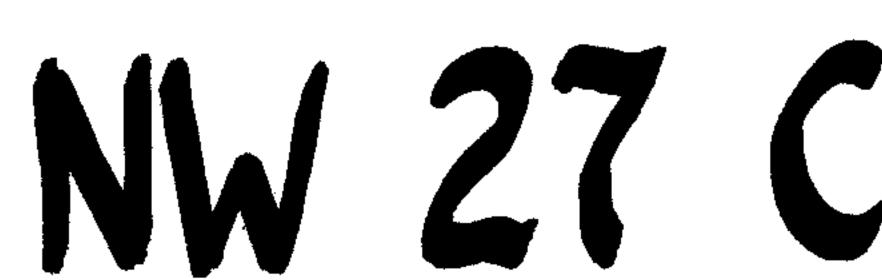








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SHEET N.W. 27-D





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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

February 14, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: February 18, 2003

Item No.:

369

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code, the NFPA 1 & 101, 2000 editions, prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

