ORDER RECKIVED FOR FILING
Date
By

IN RE: PETITION FOR SPECIAL EXCEPTION

NE/S Windsor Mill Road, W of

Pine Avenue

(7402-04-06 Windsor Mill Road)

2nd Election District

2nd Council District

T. T. Tillie, LLC Petitioners * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 03-373-X

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, T. T. Tillie, LLC, by Mervin L. Wheat, Jr., Authorized Member, through Michael B. Sauer, Esquire. The Petitioners request a special exception to permit car storage in a B.L. zone. 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.

Appearing at the requisite public hearing in support of the request were Mervin L. "Buddy" Wheat, Jr. and his wife, representatives of T. T. Tillie, LLC, property owners, Herbert Malmud, the consultant who prepared the site plan, and Michael B. Sauer, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the northwest corner of the intersection of Windsor Mill Road and Pine Avenue in Hebbville. The property is comprised of two parcels which collectively contain a gross area of .835 acres in area split zoned B.M. and B.L. A macadam driveway separates the two parcels and is used in common. One parcel bears the address 7404 – 7406 Windsor Mill Road and is improved with a one-story metal building and outdoor storage area used by D & S Body and Fender Shop, Inc., of which Mr. Wheat is a principal. The other parcel is improved with a building known as 7402 Windsor Mill Road, which is leased to an accounting firm. To the rear of the

building is an open area, which is surrounded by an 8-foot high chain link fence with slats. This area is apparently used in conjunction with the body and fender shop on the adjacent parcel for the storage of vehicles. This portion of the property is zoned B.L. and is located immediately adjacent to the intersection of Windsor Mill Road and Pine Avenue. In that the storage area to the rear of the dwelling is located within a B.L. zone, special exception relief is requested to legitimize this use. Pursuant to Section 233.2 of the B.C.Z.R., the use of the B.M. zoned portion of the site for a service garage is permitted as of right. However, the B.L. zone permits service garage uses, only by special exception, pursuant to Section 230.13 of the B.C.Z.R.

Mr. Wheat and Mr. Malmud offered testimony and evidence regarding the use of the subject property. Testimony indicated that D & S Body & Fender, Inc. has operated on the subject site for 12 years. As the name suggests, that business does body and fender repair work on vehicles that have been damaged as a result of accidents, etc. Photographs submitted show that the 8-foot tall slatted chain link fence shields the view of the stored vehicles from adjacent properties. Additionally, that area is improved with a durable, crusher run surface. It was indicated at the hearing that this surface was preferable to a macadam impervious surface. Specifically, some vehicles being stored may leak fluids. Thus, the crusher run surface promotes better a drainage pattern and prevents liquids from flowing onto adjacent properties.

Based upon the testimony and evidence presented, I am persuaded that the Petition for Special Exception should be granted. As noted above, the body and fender shop has operated at the subject location for 12 years, apparently without complaint. No expansion of services nor additional lighting is proposed; merely, relief is requested to legitimize the storage of vehicles within that portion of the site zoned B.L. The testimony and evidence offered was persuasive to a finding that the use is appropriate and will not cause detrimental impacts to the health, safety and general welfare of the locale. The fact that the business has operated at this location for 12 years without complaint is persuasive.

Although there were no Protestants present, a Zoning Advisory Committee (ZAC) comment received from the Office of Planning made several recommendations. One such

ORDER RECEIVED FOR FILING Date

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MONTH RECEIVED FOR FILING recommendation was to install a macadam surface in the vehicle storage area. For reasons set out above, the existing crusher run surface appears more practical and minimizes run-off onto adjacent properties from fluids which may leak from stored vehicles. Photographs of the surface indicate that same is durable in nature and is appropriate for this location.

Secondly, the Office of Planning requested that landscaping and buffering be provided between the proposed storage area and adjacent residential use. Only one residence lies adjacent to the subject site. That residence is located to the rear of the proposed storage area and fronts on Pine Avenue. As shown on the site plan and in photographs submitted, the Petitioners have recessed its fence towards the interior of its property, leaving a grassy strip of land and some plantings between the fence and the property line. This area provides some buffer to the residential use on the adjacent lot. In addition, there will be no additional lighting installed in this area. Moreover, the fence appears to provide appropriate security and buffering from adjacent properties. The fact that the business has operated on the subject site without complaint for 12 years is persuasive that the existing fence and vegetation sufficiently screen the use from the adjacent property and that no additional buffering is necessary.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of May 2003 that the Petition for Special Exception to permit car storage in a B.L. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use 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.
- 2) There shall be no expansion of the vehicle storage area or additional lighting installed within the B.L. zoned portion of the site.

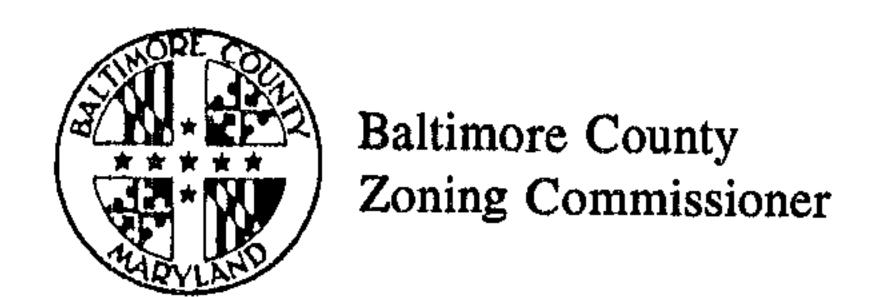
3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

4



April 30, 2003

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

Fax: 410-887-3468

Michael B. Sauer, Esquire 401 Washington Avenue, Suite 802 Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
NE/S Windsor Mill Road, at W/S Pine Avenue
(7402-04-06 Windsor Mill Road)
2nd Election District — 2nd Council District
T. T. Tillie, LLC - Petitioners
Case No. 03-373-X

Dear Mr. Sauer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has 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. Mervin L. Wheat, Jr.

401 Leigh Masters Lane, Westminster, Md. 21158

Mr. Herbert Malmud, 100 Church Lane, Pikesville, Md. 21208

Office of Planning; People's Counsel; Case File



REV 49/15/98

GEO CEO

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Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for	the	property	located	at	7402-04-06	Windsor	Mill	Road
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which is presently zoned BL owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and herein described property for

Car storage in a BL zone

FAX NOTICE
OFFER POST WAG TO
HERB PLACETURE
HIO-308-0789

Date 02.12.03

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

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

Contract Purchaser/Lessee;	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s):
Name - Type or Print	Name - Type or Print
Signature	Signature Milest, Jr. adkoryd munder
Address Telephone No.	By: Mervin L. Wheat, Jr. Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	401 Leigh Masters Lane (410) 655-4118
Michael B. Sauer, Esquire Name - Type or Print Signature Signature	Westminister, Maryland 21158 City State Zip Code Representative to be Contacted:
Company 401 Washington, Avenue, Suite 802 (410) 296-215 Address Telephone No Towson, Maryland 21204 Gity State Zip Code	Mervin L. "Buddy" Wheat, Jr. Name 1 401 Leigh Masters Lane (410) 655-4118 Address Telephone No. Westminister, Maryland 21158 City State Zip Code
	OFFICE USE ONLY
ese No. <u>03.373.</u>	ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING

Reviewed By

H. MALMUD & ASSOCIATES, INC. 100 CHURCH LANE BALTIMORE, MARYLAND 21208

TELEPHONE 410 653-9511

ZONING DESCRIPTION
7402-04-06 WINDSOR MILL ROAD
2ND ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME AT THE INTERSECTION OF THE NORTHEAST SIDE OF WINDSOR MILL ROAD AND THE NORTHWEST SIDE OF PINE AVENUE, THENCE BINDING ON WINDSOR MILL ROAD, 70 FEET WIDE:

- (1) North 59 degrees 47' 36" West 260.35, thence leaving said road and running the five (5) following courses and distances:
 - (2) NORTH 32 DEGREES 40' 35" EAST 176.00 FEET,
 - (3) SOUTH 55 DEGREES 18' 37" EAST 129.87 FEET,
 - (4) SOUTH 56 DEGREES 50' 38" EAST 19.05 FEET;
 - (5) SOUTH 32 DEGREES 39' 24" WEST 53.50 FEET AND
- (6) SOUTH 56 DEGREES 28' 30" EAST 130.78 FEET TO INTERSECT PINE AVENUE, THENCE BINDING THEREON:
 - (7) SOUTH 43 DEGREES 20' 24" WEST 105.61 FEET TO THE PLACE OF BEGINNING.

CONTAINING 0.865 OF AN ACRE OF LAND, MORE OR LESS.

THIS DESCRIPTION IS FOR ZONING PURSPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE.

THIS PROPERTY IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY, AND/OR COVENANTS OF RECORD AND LAW.

HERBERT MALMUD REGISTERED LAND SURVEYOR MARYLAND # 7558 MAY 17, 2002

FILE: DES 7402 WINDSOR MILL ZONING HEARING



MARYL & FINANCE RECEIPT RE COUNTY, **ANEOUS** BUDGET P BALTIMO MISCELL OFFICE

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DATE

FOR:

CASHIER'S VALIDATION

CASHIER DISTRIBUTION WHITE

PINK - AGENCY

YELLOW - CUSTOMER

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: #03-373-X
7402-04-06 Windsor Mill
Road

Nieast side of Windsor Mill
Road and northwest side of
Pine Avenue
2nd Election District
2nd Councilmanic District
Legal Owner(s): T.T. Millie,
LLC, Mervin L. Wheat, Jr.
Authorized Member

Special: Exception: for car
storage in a BL zone.

Hearing: Wednesday, April
2, 2003 at 11:00 a.m. in
Room 106 County Office
Building, 111 W. Chesapeake Avenue

LAWRENCE E. SCHMID'T
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special. accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.
(2) For information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391.
JT 3/700 Mar 18 C592909

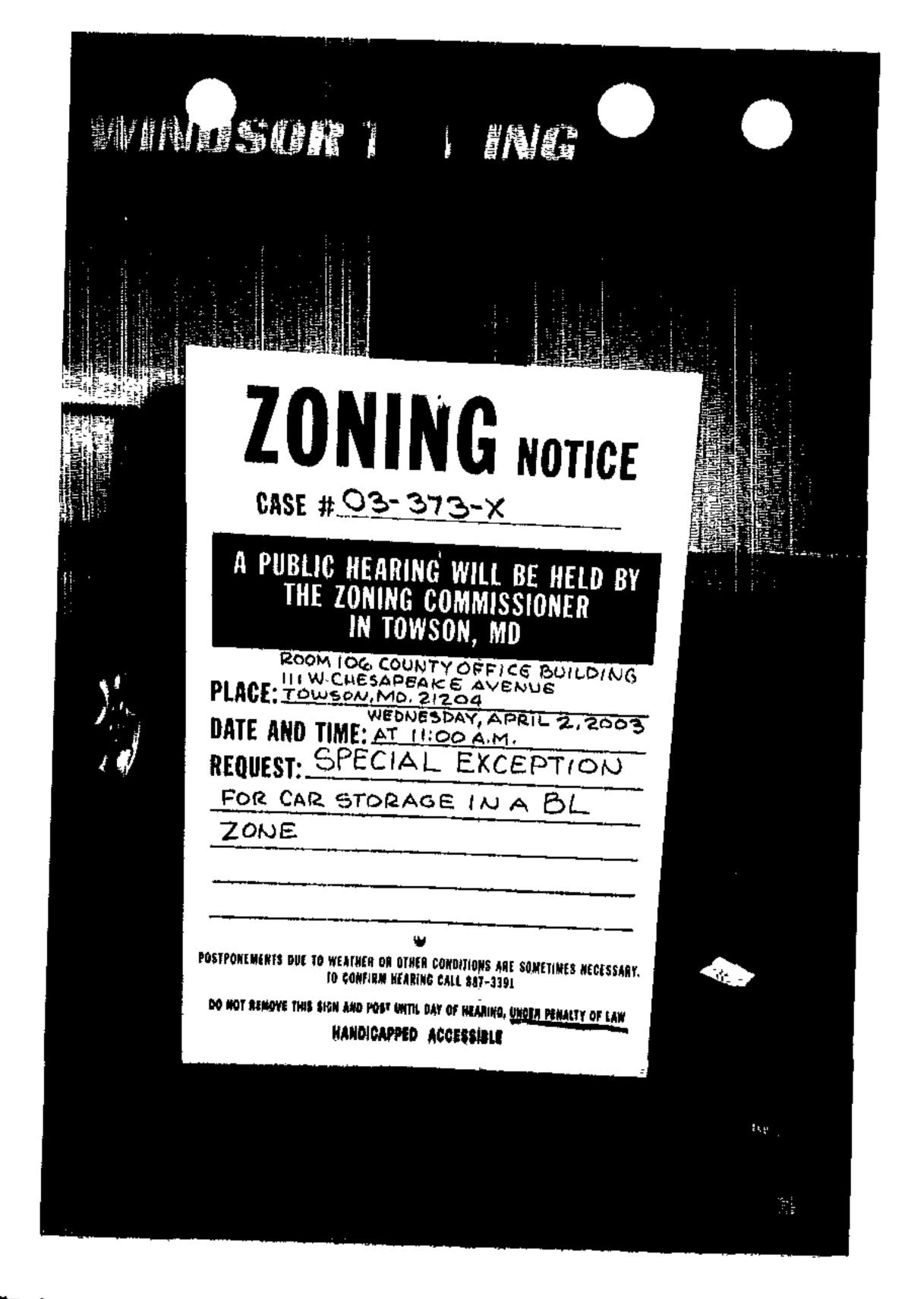
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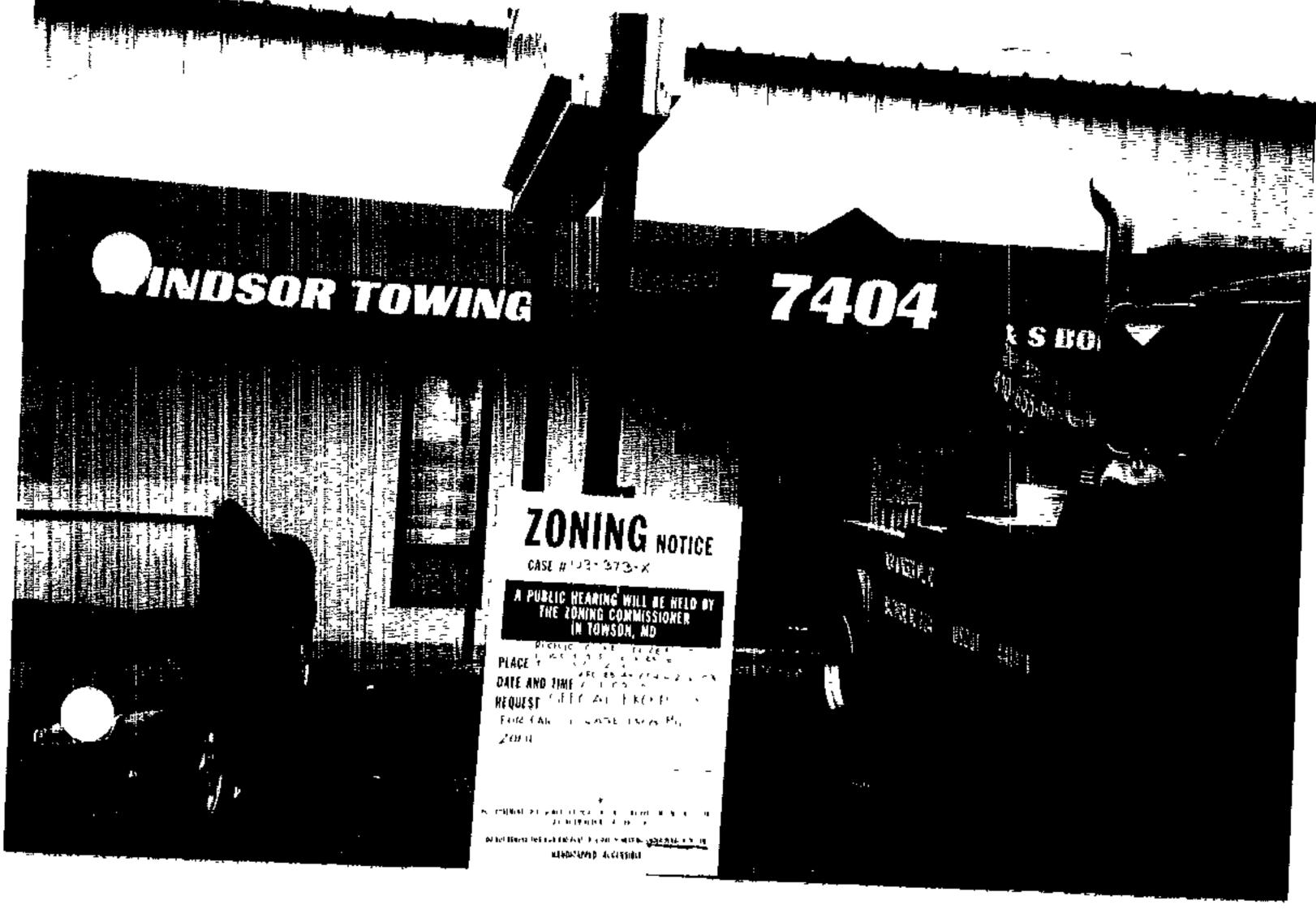
in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY, that the annexed advertisement was published _successive weeks, the first publication appearing

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

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LEGAL ADVERTISING





	RE: CasciNo.: 03-323-X
c c	Petitioner/Developer: Monviu L, woton, Jp.,
•	Date of Hearing/Closing: APRIL 2, 2003
Saltimore County Department crinits and Development Man county Office Building, Room 11 West Chesapeake Avenue lowson, MD 21204	agement -
Attention: Mr. Composite	KRT Et
adies and Gentlemen: This le	er is to certify under the penalties of perjury that the necessary sign(s) required by
w were posted conspicuously	on the property located at # 7407-06 WINDSOR 1 ROAD
he sign(s) were posted on	Mancy 17, Zeeo3 (Month, Day, Year)
	Sincerely,
	Signature of Sign Poster and Date)
	GARLAND E. MODIZE (Printed Name)
	3225 RYERSON CIRCLE (Address)
	BAUTIMORE, MD. 21227 (City, State, Zip Code)
	(4(0) 242-4263 (Telephone Number)

RE: PETITION FOR SPECIAL EXCEPTION *
7402-04-06 Windsor Mill Road; NE/side
of Windsor Mill Road & NW/side Pine Ave *
2nd Election & 2nd Councilmanic Districts
Legal Owner(s): T.T. Tillie, LLC; Melvin L. *
Wheat, Jr. Authorized Member
Petitioner(s) *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

* 03-373-X

* * * * * * * * * *

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 Uday of March, 2003, a copy of the foregoing Entry of Appearance was mailed to Melvin L "Buddy" Wheat, Jr., 401 Leigh Masters Lane, Westminster, MD 21158 and to Michael B. Sauer, Esquire, 401 Washington Avenue, Suite 802, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 18, 2003 Issue - Jeffersonian

Please forward billing to:

Mervin L. Wheat, Jr. T.T. Tillie, LLC 401 Leigh Masters Lane Westminster, MD 21158

410-655-4118

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: 03-373-X

7402-04-06 Windsor Mill Road

N/east side of Windsor Mill Road and northwest side of Pine Avenue

2nd Election District – 2nd Councilmanic District

Legal Owner: T.T. Millie, LLC, Mervin L. Wheat, Jr. Authorized Member

Special Exception for car storage in a BL zone.

Hearings: Wednesday, April 2, 2003 at 11:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

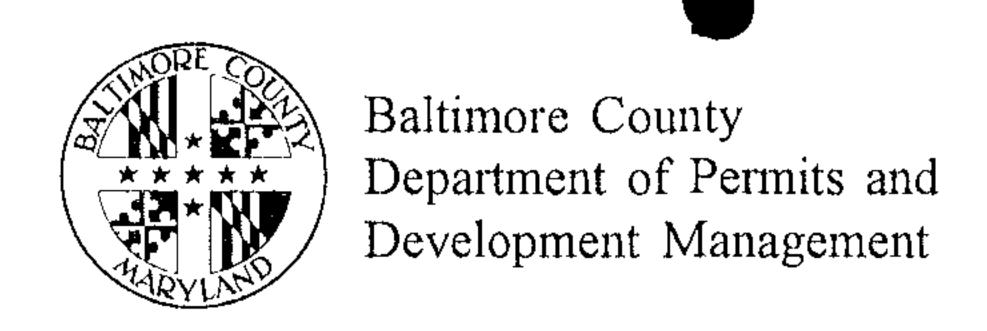
LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

March 6, 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: 03-373-X

7402-04-06 Windsor Mill Road

N/east side of Windsor Mill Road and northwest side of Pine Avenue 2nd Election District – 2nd Councilmanic District

Legal Owner: T.T. Millie, LLC, Mervin L. Wheat, Jr. Authorized Member

Special Exception for car storage in a BL zone.

Hearings: Wednesday, April 2, 2003 at 11:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

Director

AJ:klm

C: Michael B. Sauer, Esquire, 401 Washington Avenue, Suite 802, Towson 21204 T.T. Tillie, LLC, Mervin L. Wheat, Jr., 401 Leigh Masters Lane, Westminster 21158

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 18, 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

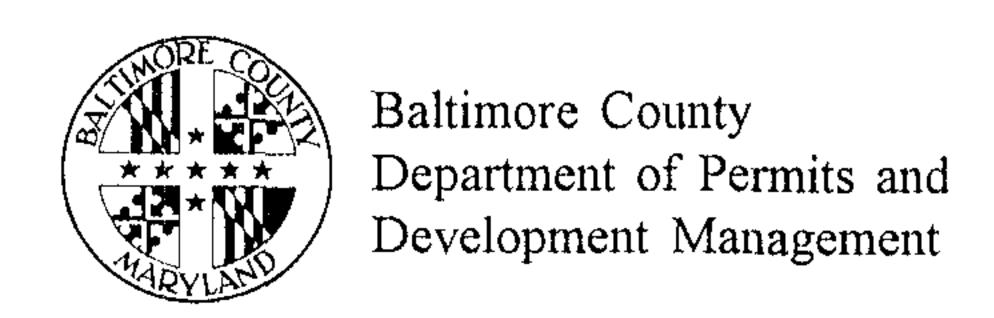
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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 Newspap	<u>er Advertising:</u>
Item Number	or Case Number: <u>03-373-</u>
	TT. TICLIC LLC.
Address or Lo	cation: 7402-04-06 Wimpsor Musika
PLEASE FOR Name:	WARD ADVERTISING BILL TO:
Address:	4016600 MASTORS CANE
"	Westwister, MD. 21158.
Telephone Nu	mber: 40-655 - 4118.



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

March 28, 2003

Michael B. Sauer, Esquire 401 Washington Avenue Suite 802 Towson, MD 21204

Dear Mr. Sauer:

RE: Case Number: 03-373-X 7402-04-06 Windsor Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 12, 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.

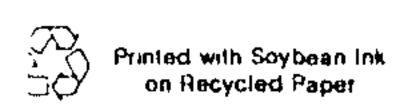
Very truly yours,

Supervisor, Zoning Review

WCR:rjc

Enclosures

c: T. T. Tillie, LLC Melvin L. Wheat, Jr. 401 Leigh Masters Lane Westminister, MD 21158 Mervin L. "Buddy" Wheat Jr. 401 Leigh Masters Lane Westminister, MD People's Counsel





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 14, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 3, 2003

Item No.:

373

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

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

4/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: February 12, 2003

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

MAR 1 2 2003

ZONING COMMISSIONER

SUBJECT: 7402-06 Windsor Mill Road

INFORMATION:

Item Number: 03-373

Petitioner: T.T Tillie, LLC.

Zoning: BL

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

- 1. Install a dustless and durable surface for the proposed vehicle storage areas in accordance with the Parking Design Standards of Section 409.8A of the Baltimore County Zoning Regulations.
- 2. Redesign the site layout to accommodate minimum required landscaping and buffering between the proposed storage areas and the adjacent residential uses. Remove existing macadam as necessary to meet this requirement.
- 3. Submit a lighting plan and a landscaping plan to Avery Hardin, County Landscape Architect for review and approval prior to the issuance of any building permits.

Prepared by:

Section Chief:

AFK/LL:MAC:



MARKEAND DEPARTMENT OF TRANSPORTATION

Robert L. Ehrlich, Jr., Governor . Michael S. Steele, Lt. Governor . Trent M. Kittleman, Acting Secretary

Date: 3.4.873

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

RE:

Baltimore County

ltem No. 373

JRA

Dear, Mr. Zahner

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (Igredlein@sha.state.md.us).

Very truly yours,

L

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division MICHAEL B. SAUER
ATTORNEY AT LAW

SUITE 802, 401 WASHINGTON AVENUE, TOWSON, MARYLAND 21204 TELEPHONE (410) 296-2151 FAX (410) 321-1820

February 2, 2003

(Hand Delivered)

Mr. John Lewis Office of Zoning County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

RE: 7402-04-06 Windsor Mill Road

Zoning: BL

Requesting: Special Exception for Car Storage.

Owner: T.T.Tillie, L.L.C.

Dear Mr. Lewis:

On behalf of my client, T.T.Tillie, LLC, enclosed are the following for filing:

- 1. Three (3) copies of Petition for Special Exception.
- 2. Twelve (12) copies of Plat to support Petition for Special Exception.
- 3. Three (3) copies of description of property.
- 4. Check in the amount of \$300.00 to cover costs of filing.

Please proceed with the filing of the above Petition. If you have any questions please do not hesitate to contact me or Herb Malmud.

Very truly yours,

MICHAEL BASAUER

MBS/ms

CC: Herbert Malmud

Buddy Wheat, D & S Body and Fender Shop Inc.

Len Wasilewski, Code Enforcement (FAX:410-887-2824)

03-375-K

Memo 6 HEARTING OFFICED:

THE INTENT OF THIS HEADING REQUEST

15 TO JB TAIN PROTUSSION TO PRAGE

PLOTOR VEHICLES BEING REPAIRED BY THE

EXISTING SETWICE GARAGE WHICH IS LOCATED ON CONTICUOUS PROPERTY BY CHARROW.

DEFINITION OF SETWICE GARAGE!, THE

PROPOSED STORAGE AREA WOULD BE AN

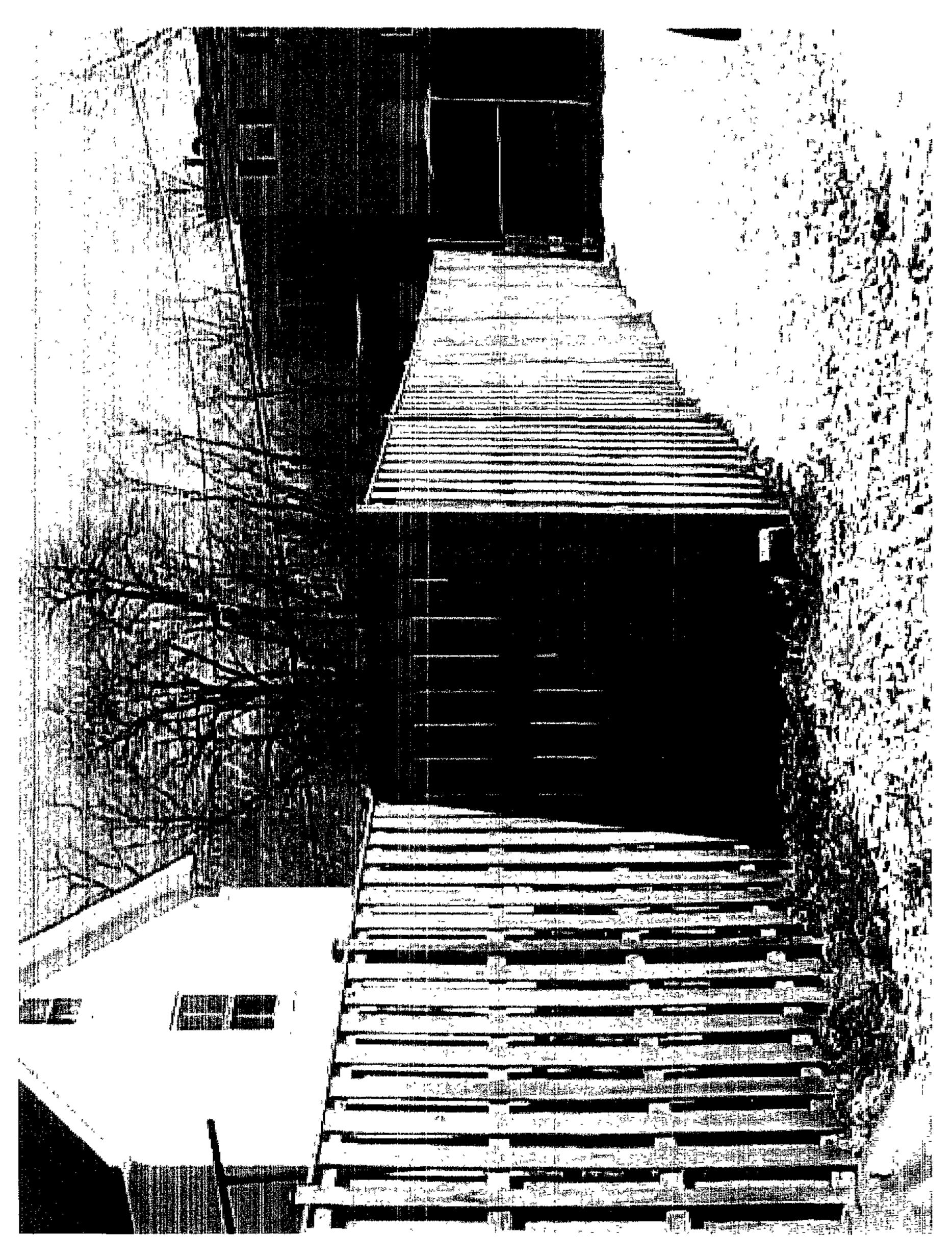
EXPANSION OF THE EXISTING SETVICE GARAGE

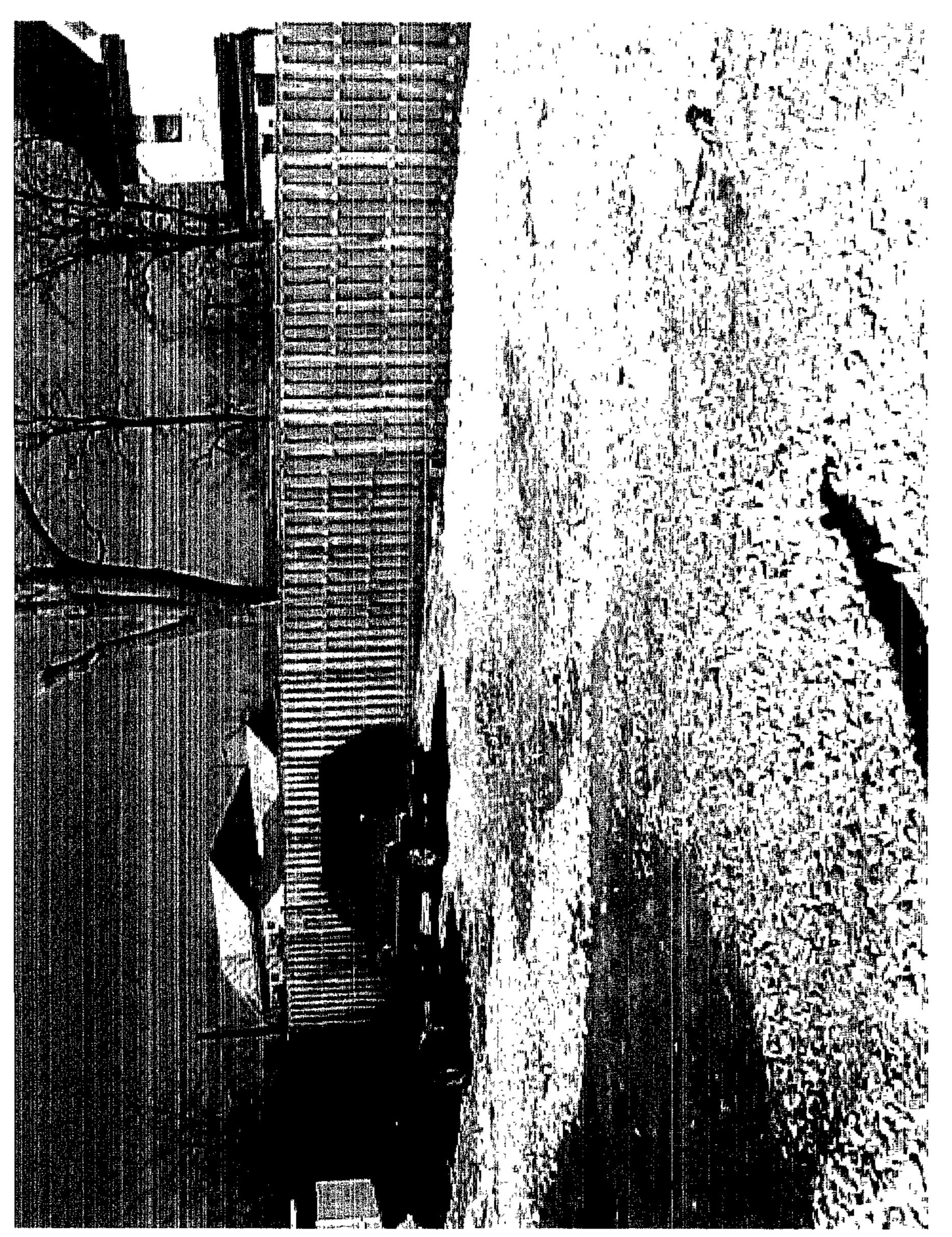
LN TO THE B.L. ZONED PROPERTY.

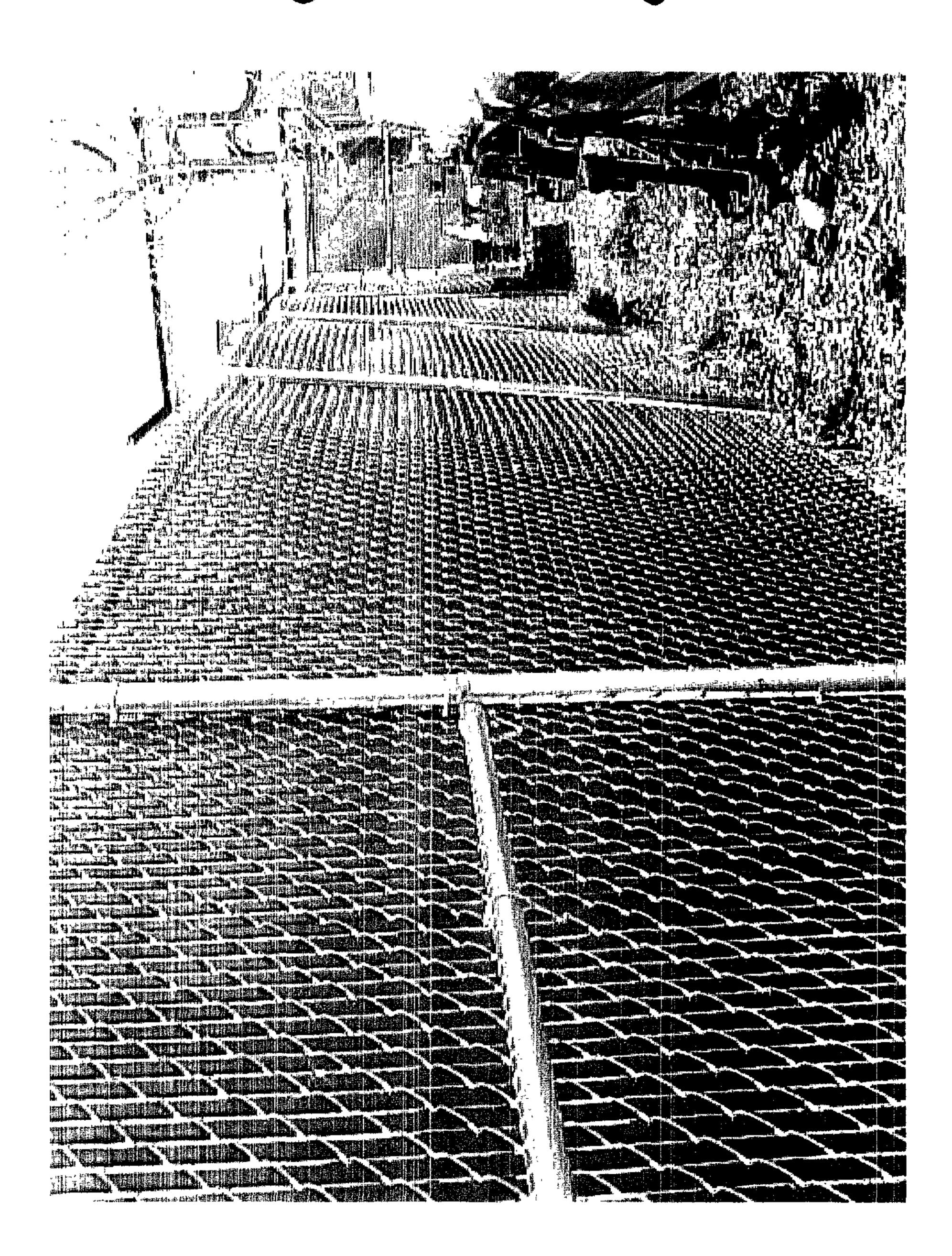


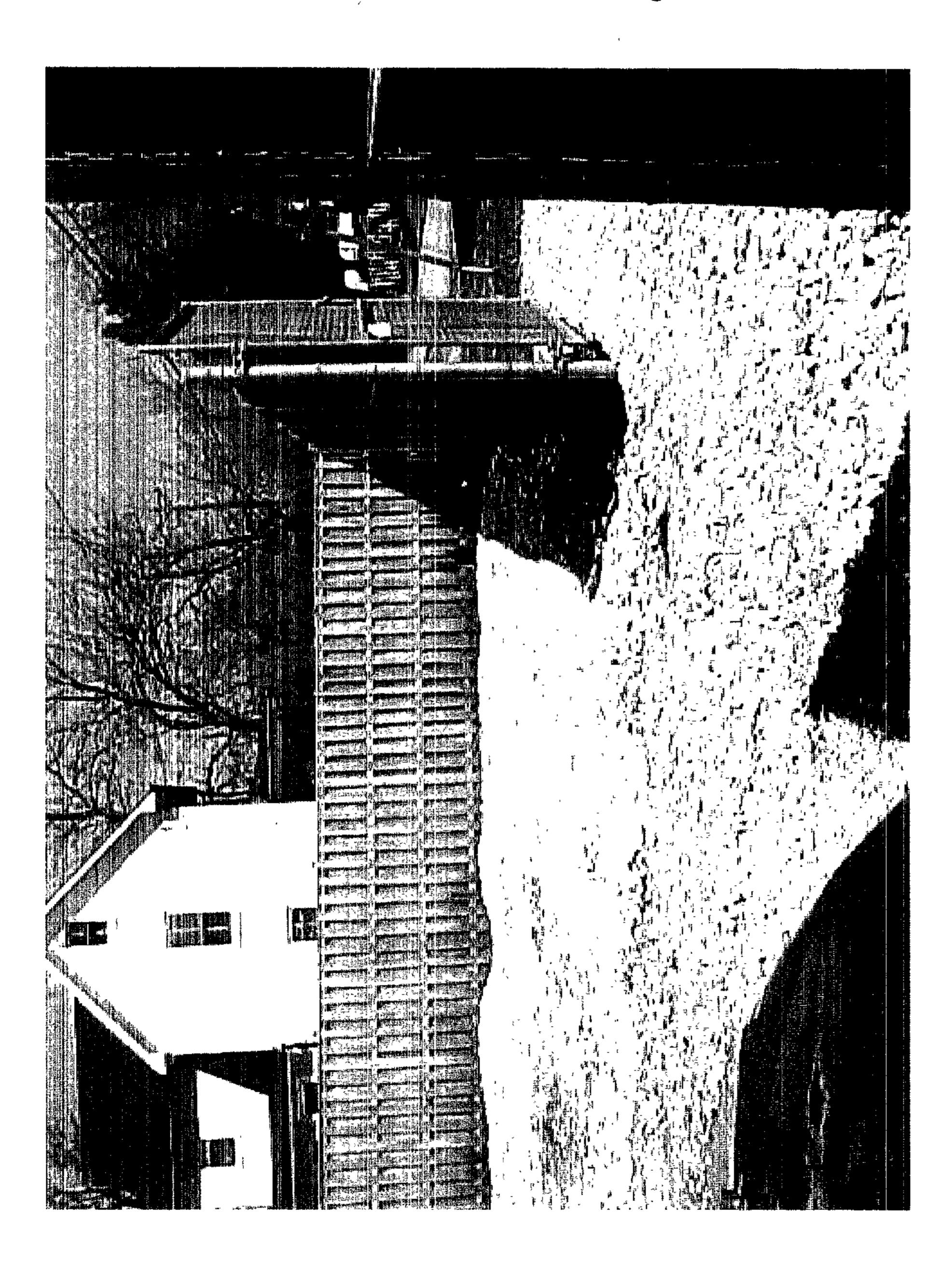


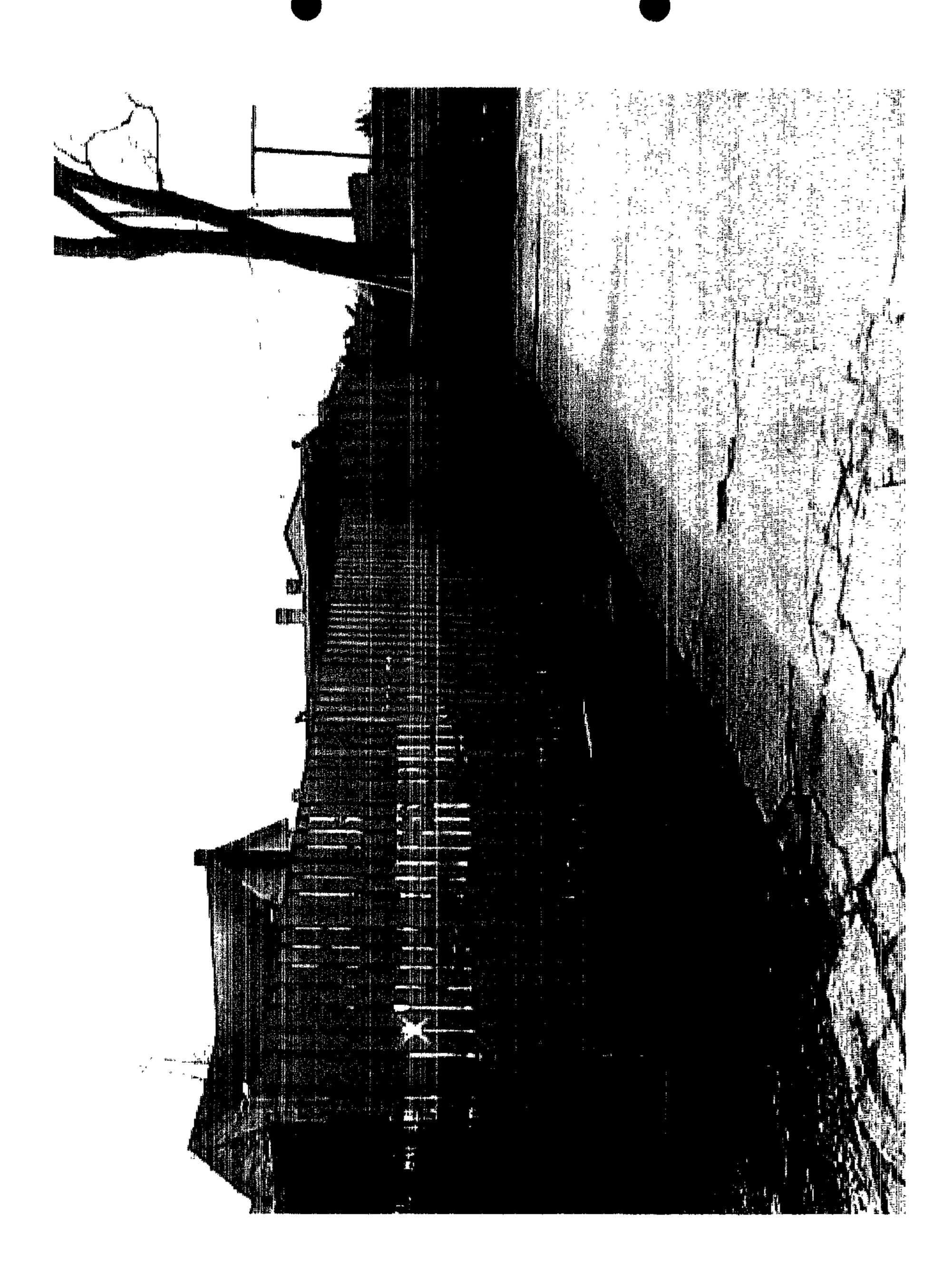












To the Zoning Commissioner for Baltimore County Office of Planning Towson, Maryland 21204

Dear Sir:

We, the undersigned, wish to express our concurrence and support for the D & S Body & Fender Shop's Petition for a Special Exception to allow the continued use of the existing car storage lot on Pine Avenue in a BL Zone.

Name	Ad	dress	Date	
Inoma	B Biefly ?	1403 windoo	-Mill Rd 11	4/02
Kanden!	A. La Monde	13 43 Wind	sor Milled.	11/0/2
11. Valuat	1 SM			10/02/100
1. Capraci				1
12/2/02 Kara Brown	- 2 CSSA Deput	y Director -=	+350 Windsor Ki	el Rol.
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PLEASE PRINT CLEARLY

DATE	CASE NUMBER	CASE NAME

PETTIONER'S SIGN-IN SHEET

							Dense & OHlea	MICHAEL B. SAUZA	H. MALMUO &ASSO TWO	HERBERT MALMUDI	Morrow & Wheat 12	NAME
							359 Muy Miers Kd.	HOI MASHIMETEN AVE	100 CHURCH LANG		359 Brug Fran Road	ADDRESS
							Mulmerile mo 31158	Towson wo May	PIKESVILLE ND 21708		Mestmenter, MD 21158	CITY, STATE, ZIP
											•	E- MAIL

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

August 20, 1997

Mr. Charles Strumsky
Partner, S & W Associates
7404-06 Windsor Mill Road
Baltimore, Maryland 21207

RE: Case No. 97-394-SPHX

Property: 7404-06 Windsor Mill Road

Dear Mr. Strumsky:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception and the Petition for Special Hearing have been granted in part and denied in part.

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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

c: Robert S. Rosenfelt, P.E., Colbert, Matz & Rosenfelt, Inc. 3723 Old Court Road, Room 206, Baltimore, Md. 21208

Mind with Soybean Ink

IN RE: PETITIONS FOR SPECIAL HEARING &

SPECIAL EXCEPTION

Contraction of the second

N/S Windsor Mill Road 134 ft. W

of c/l Pine Avenue

7404-06 Windsor Mill Road 2nd Election District

2nd Councilmanic District

S & W Associates Petitioner * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 97-168-SPHX

97-394 SPHXA

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Special Exception for the property located at 7404-7406 Windsor Mill Road in northwestern Baltimore County. The Petitions are filed by Charles Strumsky, Partner of S & W Associates, property owner. Special Exception relief is requested for approval of the construction of an automobile service garage in a B.L. zone. Within the Petition for Special Hearing, the Petitioner seeks affirmation that the entire property was rezoned to B.M. in accordance with the reclassification Petition in case No. 4606-RX and the resultant zoning Orders; and that the B.M. zoning is in fact for the entire property. The subject property, existing zone lines, and the existing and proposed improvements are all more particularly shown on the plan to accompany the Petition for Special Hearing and Petition for Special Exception received as Petitioner's Exhibit No. 1.

Testimony and evidence presented at the public hearing held for this case was that the subject property is approximately .5 acres in area, split zoned B.L. and B.M. The property is roughly rectangular in shape, with frontage on Windsor Mill Road. The property is presently improved with a one story steel building used as a service garage. That building contains four service bays. The Petitioner proposes constructing a two story office building which will be attached to the existing garage and face Windsor Mill Road. The proposed two story office building will replace a smaller existing two story building which will be razed. Additionally, towards the

rear and side of the property, a proposed one story garage building containing five service bays will be added. In addition to these existing and proposed improvement the site also features a large asphalt parking area.

The history of this property is significant. On July 16, 1959, in case No. 4606-RX, the County Board of Appeals granted a zoning reclassification for the property from the B.L. to a B.M., with a special exception to allow for the operation of a bus terminal. A supplemental Order was issued by the Board of Appeals on September 4, 1959, adding a condition which required approval of the site plan by the Office of Planning and Zoning. Testimony offered at the hearing was that the site has been used as a service garage in accordance with the Board's Order since 1959.

The relief which is requested in the instant case is sought alternatively. Specifically, by way of the Petition for Special Hearing, the property owner seeks an Order affirming that the entire site is zoned B.M. If that were the case, the service garage use would be permitted by right, pursuant to Section 233.2 of the Baltimore County Zoning Regulations (BCZR). In support of the Petition for Special Hearing, the Petitioner argued that the Board's Order intended for the property to be entirely zoned B.M., however, the zoning maps that were adopted thereto incorrectly replaced the zone line across the interior of the property, as opposed to on the property line. This alleged improper location of the zone line results in a split zoning of the property, with both the B.L. and B.M. zone.

In the alternative, the Petitioner seeks special exception relief for a service garage in the B.L. zone. A service garage is permitted in the B.L. zone only by special exception, pursuant to Section 230.13.

A lengthy Zoning Plans Advisory Committee (ZAC) comment was received from the Office of Planning regarding this case. That comment traced the history of the property and the Board's zoning decision in 1959. The com-

ment also indicates that 7 maps have been adopted by the County Council since the Board's initial decision and all of the maps have consistently located the zone line across the interior of the property and not on the property line. Moreover, the Office of Planning's comment observes that Section 2-356 of the Baltimore County Code permits the Board of Appeals to change the zoning classification in the event of a finding of a mistake/error or change in condition. Moreover the zoning map correction process (see Section 26-134 of the Baltimore County Code) does not permit the "correction" of the placement of a zone line in this case. For all of these reasons, the Office of Planning states that the Petition must be denied.

I concur with the comments offered by the Office of Planning. In my judgment, the relocation of the zone line to place same along the property line can only be done by the Board of Appeals or by the County Council. The Zoning Commissioner lacks the authority to grant the relief requested in the Petition for Special Hearing in this case. Thus, the Petition for Special Hearing should and must be denied.

Notwithstanding the denial of the Petition for Special Hearing, a service garage should be permitted to operate on this property. The proposed expansion is appropriate and the historic use of the property supports the Petitioner's plan. In my judgment, the Petition for Special Exception should, therefore, be granted, permitting the Petitioner's proposed expansion onto that part of the site zoned B.L. I find that the Petitioner has satisfied the requirements of Section 502.1 of the BCZR and that there will be no detrimental impact associated with a service garage use on that site of the parcel zoned B.L. Thus, the Petition for Special Exception shall be granted, subject to the ZAC comment offered by the Development Plans Review

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted in part and denied in part.

ty, this day of August 1997 that, pursuant to the Petition for Special Hearing, affirmation that the entire property was rezoned to B.M., in accordance with the reclassification Petition No. 4606-RX and the resultant zoning Orders, and that the zoning is in fact for the entire property, be and is hereby DENIED; and,

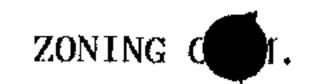
IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, approval to allow the construction of an automobile service garage in a B.L. zone, be and is hereby GRANTED, subject, however to the following restrictions:

- 1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, Development Plans Review Division, dated March 31, 1997, are adopted in their entirety and made a part of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:mmn



****** ACTIVITY REPORT *****

TRANSMISSION OK

TX/RX NO. 2686
CONNECTION TEL. 94103211820
CONNECTION ID SAUER-POWELL
START TIME 04/01 13:44
USAGE TIME 01'23
PAGES 4
RESULT OK

Post-it® Fax Note 7671 Date 4/103 # of pages 4

To Nike Anuse From John Comm
Co./Dept. Co

Phone # Phone #

Fax # 4/0-321-1820 Fax #

Ne: #03-373-X

(4) ZAC Comments Jayled # 03-373-XV I. J. Jeilie, LLC

