IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE -

N/S Joppa Road, 500' W of the c/l

Loch Raven Boulevard (1614 Joppa Road) 9th Election District 6th Council District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 03-397-SPHXA

Thomas L. Nuckolls, et ux Petitioners

* * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, Thomas L. and Janice F. Nuckolls. The Petitioners request a special exception for a "used Motor Vehicle Outdoor Sales Area, separated from the Sales Agency Building" pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioners request a special hearing to approve the office associated with the "Used Motor Vehicle Outdoor Sales" Area", to be located in an existing building with other uses, separated from the area of the requested special exception. In addition, special hearing relief is requested to allow the office associated with the "Used Motor Vehicle Outdoor Sales Area" to be delineated as an area not to exceed 200 sq.ft. within the existing building, rather than by a specific metes and bounds description. Variance relief is requested from Sections 238.1 and 238.2 of the B.C.Z.R. to permit an existing and to be renovated commercial building with a front average building setback of 10 feet in lieu of the required 50 feet, pursuant to Section 303.2 of the B.C.Z.R.; a street centerline setback of 45 feet in lieu of the required 50 feet, pursuant to Section 238.1 of the B.C.Z.R.; and, side building setbacks of 4 feet and 18 feet in lieu of the required 30 feet on both sides. In the alternative, special hearing relief is requested to approve that the existing building is a nonconforming structure and can be reconstructed/renovated in its existing location, pursuant to Section 104 of the B.C.Z.R. The subject property and requested relief are more particularly

ORIDER RECEIVED FOR FILING.

By.

By.

DER PER FOR FILING

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 Thomas L. Nuckolls, property owner, and James S. Patton, the Professional Engineer who prepared the site plan for this property. Appearing as an interested citizen was Donna Spicer, a community activist who resides in the area. There were no other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the north side of Joppa Road, just west of its intersection with Loch Raven Boulevard in Parkville. The property is approximately 50 feet wide and 261 feet deep and contains a gross area of 0.335 acres, more or less, zoned B.R.-A.S. Presently, the property is improved with a one and one-half story building and a large, paved parking area. The building was at one time used as a lumber supply business; however, has been vacant for some time and has become an eyesore. The Petitioner recently acquired the property and proposes a redevelopment of the site for combined uses. Specifically, the Petitioner proposes to open a used motor vehicle sales business on the subject property. In addition, a portion of the existing building will be leased for retail/general office purposes. As shown on the site plan, the existing building will be renovated and enlarged to provide retail sales space of approximately 1,060 sq.ft. on the first floor and 822 sq.ft. of office space on the second floor. Parking for up to 11 vehicles will be provided to the rear of the structure, and the proposed used motor vehicle display area will be located on the rear portion of the site.

Mr. Nuckolls described the nature of the business. He indicated that used automobiles will be purchased at auction and then brought to the subject property. The cars will then be cleaned and detailed for resale. There will be no automotive repairs or service garage-type work done on the premises, and no damaged or disabled vehicles will be stored on the lot. The office for the proposed used motor vehicle business will be located within the existing building and occupy approximately 200 sq.ft. of the first floor area. The remaining portion of the building will be

THUER RECEIVED FOR FILING

leased for a combination of retail and general office purposes; however, the specific identification of the tenants is unknown at this particular time.

Mr. Patton and Mr. Nuckolls offered detailed testimony during the hearing describing the proposed use. A site plan showing existing and proposed improvements was submitted as Petitioner's Exhibit 1. Additionally, a schematic drawing of the renovated building was submitted as well as photographs of existing conditions on the property. The above is but a summary of the testimony and evidence offered, all of which is contained within the record of this case. It is also to be noted that a dry cleaning business and bowling alley were located on the adjacent property; however, those businesses are also now closed.

Ms. Spicer expressed a number of concerns regarding the proposed use. She acknowledged that the property is presently vacant and has become an eyesore. She welcomes the potential redevelopment of the site with some viable commercial/office operation. Nonetheless, she is concerned about the proposed operation. She indicated that the narrowness of the lot raises particular concerns regarding the maneuvering and display of automobiles. Although sufficient parking is shown on the plan (11 spaces), pursuant to the parking regulations codified in Section 409 of the B.C.Z.R., the layout of the site is challenging for the proposed use.

Based upon the testimony and evidence presented, I am not persuaded that the Petitioner has satisfied the requirements at law for special exception relief to be granted. Moreover, I am not persuaded that the Petitioners' plans are well thought out and that the operation of the proposed used automobile sales business is possible at this site. The narrowness of the lot is of particular concern. The site has limited storage and maneuvering area for the display of automobiles. Additionally, with other tenants of the building unknown, the potential volume of parking and vehicular traffic on the site cannot be determined. Particularly given the high traffic character of Joppa Road and the immediate vicinity, I am not persuaded that the proposed use will not "tend to create congestion in roads, streets or alleys", as required under the special exception criteria. See Section 502.1 (b) of the B.C.Z.R. Moreover, the Zoning Advisory Committee (ZAC)

ORDER FROENCH FILING

comments submitted by the Office of Planning recommended a denial of the request and expressed similar concerns. For all of these reasons, the Petition for Special Exception must be denied.

Likewise, the Petition for Special Hearing and Variance requests to accommodate the used motor vehicle outdoor sales area shall be dismissed as moot. However, the special hearing to approve that the existing building is a nonconforming structure, pursuant to Section 104 of the B.C.Z.R., shall be granted. The existing and deficient setbacks may remain and the building may be converted for a permitted purpose; however, the proposed business operation is inappropriate and special exception relief should be considered only when more definitive plans for the site are developed.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be denied in part as set forth above.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of May, 2003 that the Petition for Special Exception to permit a "used Motor Vehicle Outdoor Sales Area, separated from the Sales Agency Building" pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the office associated with the "Used Motor Vehicle Outdoor Sales Area", to be located in an existing building with other uses, separated from the area of the requested special exception, and to delineate that office as an area not to exceed 200 sq.ft. within the existing building, rather than by a specific metes and bounds description, be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 238.1 and 238.2 of the B.C.Z.R. to permit an existing and to be renovated commercial building with a front average building setback of 10 feet in lieu of the required 50 feet, pursuant to Section 303.2 of the B.C.Z.R.; a street centerline setback of 45 feet in lieu of the required 50 feet, pursuant to Section 238.1 of the B.C.Z.R.; and, side building setbacks of 4 feet and 18 feet in lieu of the required 30 feet on both sides, be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the alternative relief sought within the Petition for Special Hearing to approve that the existing building is a nonconforming structure, pursuant to Section 104 of the B.C.Z.R., and can be reconstructed/renovated in its existing location, be and is hereby GRANTED

Any appeal of this decision must be entered within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

IN THE MATTER OF

THE APPLICATION OF

THOMAS AND JANICE NUCKOLLS

-PETITIONERS FOR SPECIAL HEARING, SPECIAL EXCEPTION, AND VARIANCE

ON PROPERTY LOCATED ON THE N/S OF

JOPPA ROAD, 500' +/- W C/L LOCH RAVEN *

BOULEVARD (1614 JOPPA ROAD)

9TH ELECTION DISTRICT

5TH COUNCILMANIC DISTRICT

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO. 03-397-SPHXA

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Thomas and Janice Nuckolls, Legal Owners /Petitioners, from a decision of the Deputy Zoning Commissioner dated May 7, 2003 in which the requested Petition for Special Exception was denied; Petition for Variance relief dismissed as moot; and Petition for Special Hearing was granted.

WHEREAS, the Board is in receipt of a notice of dismissal of appeal filed via facsimile on April 19, 2004 by Thomas L. Nuckolls, Appellant /Petitioner via facsimile, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant /Petitioner requests that the appeal taken in this matter be withdrawn and dismissed as of April 19, 2004;

IT IS THEREFORE ORDERED this A 9th day of While, 2004 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 03-397-SPHXA be and the same is hereby DISMISSED, thereby rendering the May 7, 2003 Order of the Deputy Zoning Commissioner the final decision in this matter.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Charles L. Marks

Edward W. Crizer, Jr.

RE: PETITION FOR SPECIAL EXCEPTION,* SPECIAL HEARING & VARIANCE

N/S Joppa Road, 500' W of c/l Loch Raven Blvd (1614 Joppa Road)

6th Election & 9th Councilmanic Districts

Thomas L. Nuckolls, et ux.

Petitioners

BEFORE THE

COUNTY BOARD OF APPEALS

FOR

BALTIMORE COUNTY

Case No. 03-397-SPHXA

MOTION TO DISMISS

*

*

People's Counsel for Paltimore County moves to dismiss the appeal with prejudice, and states:

- 1. The Notice of Appeal was prepared and signed by James S Patton, P.E., as a representative of Appellants Thomas L Nuckolls and Janice F. Nuckolls, his wife.
- 2. The Notice was not signed by Petitioners or by an attorney.
- 3. Under these circumstances, the Notice of Appeal does not comply with Code Section 26-132(a) and Maryland law because it is not directly filed by Petitioners and because an engineer is not qualified to file an appeal in a representative capacity.
- 4. In any event, People's Counsel believes there is a high probability that the appeal is without merit.

Wherefore, People's Counsel moves for dismissal of the appeal, with prejudice.

RECEIVED AND A 2004

BALTIMORE COUNTY BOARD OF APPEALS PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel for Baltimore County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this Hand day of January, 2004, a copy of the Motion to Dismiss was mailed, postage prepaid, First Class United States Mail, Thomas & Janice Nuckolls, 8919 Satyr Hill Road, Baltimore, MD 21234-1402 and to James S. Patton, P.E., Patton Consultants, Ltd, 305 W Chesapeake Avenue, Suite 100, Towson, Maryland 21204, Engineer for Appellants.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

IN RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE

N/S Joppa Road, 500' W of c/l
Loch Raven Boulevard (1614 Joppa Road)
6th Councilmanic District
9th Election District

- * BEFORE THE
- * ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- Case No. 03-397- SPHXA

Thomas L. Nuckolls, et ux Petitioners

NOTICE OF APPEAL

Appellants Thomas L. Nuckolls and Janice F. Nuckolls, his wife, (8919 Satyr Hill Road, Baltimore, MD, 21234) through their engineer James S. Patton, P.E. of Patton Consultants, Ltd and with the right to retain an attorney hereby note an appeal to the County Board of Appeals from the decision of the Zoning Commissioner of Baltimore County rendered on May 7, 2003 pertaining to the Petition for Special Exception and the Petition for Variances.

Apellants were parties below and Thomas L. Nuckolls, representing himself and his wife, fully participated in the proceedings.

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore Countytocover the costs of the appeal of the Special Exception and the Variances.

Respectfully submitted,

James S. Patton, P.E.

Patton Consultants, Ltd.

305 W. Chesapeake Avenue

Suite 100

Towson, MD 21204

410-296-2140

Engineer for Appellants

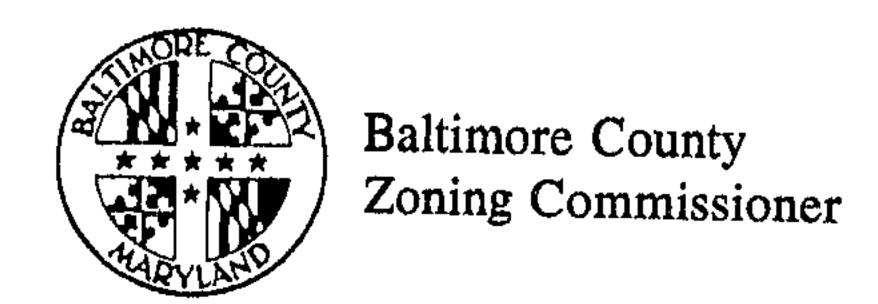
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of June 2003 a copy of the foregoing

Notice of Appeal was hand delivered to Peter Max Zimmerman, Esq. People's Counsel for

Baltimore County, 400 Washington Ave., Old Courthouse, Towson, MD 21204.

James S. Patton, P.E.



401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Suite 405, County Courts Bldg.

Fax: 410-887-3468

May 7, 2003

Mr. & Mrs. Thomas L. Nuckolls 8919 Satyr Hill Road Baltimore, Maryland 21234-1402

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE N/S Joppa Road, 500' W of the c/l Loch Raven Boulevard (1614 Joppa Road)

9th Election District – 6th Council District Thomas L. Nuckolls, et ux - Petitioners Case No. 03-397-SPHXA

Dear Mr. Nuckolls:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been denied and the Petitions for Special Hearing and Variance as they relate to the special exception request, dismissed; however, the alternative special hearing request to approve the existing building as nonconforming 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. James S. Patton

305 W. Chesapeake Avenue, Suite 100, Towson, Md. 21204 Ms. Donna Spicer, 8719 Eddington Road, Baltimore, Md. 21234

People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	1614 J	OPPA	ROAD	
	presently			

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

SEE ATTACHED

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:

Legal Owner(s):

	Thomas L. Nuckolls
N.A Name - Type or Print	Name - Type or Print
Signature	Signature Signature
Address Telephone No.	Janice F. Nuckolls Name - Type or Print
City State Zip Code	Signetiure Signetiure
Attorney For Petitioner:	8919 Saytr Hill Road 410 - 804 - 1946
	Address Telephone No.
Not Required (reserve thew right to have one at heari	ng) Baltimore MD 21234 - 1402
Name - Type or Print	City State Zip Code
-	Representative to be Contacted:
Signature	-
7 1 1	James S. Patton, P.E.
Company	Name
***	305 West Chesapeake Ave. Suite 100 410-296-2140 Address Telephone No.
LAddress Telephone No.	
State Zip Code	Baltimore, MD 21204 City State Zip Code
State Zip Code	City State Zip Code
	OFFICE LICE ONLY
HO CON	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
5 () × 1 0 = 200 0 = 1.4 A	
Hase No. 03-397-SPHXA	UNAVAILABLE FOR HEARING
***	2/25/03
!	Reviewed By Date Date
DRE V 15/98	AND DESCRIPTION OF THE PROPERTY OF THE PROPERT

ATTACHMENT TO PETITION FOR SPECIAL HEARING FOR 1614 JOPPA ROAD

- 1. TO APPROVE THE SEPARATION OF THE OFFICE FOR "USED MOTOR VEHICLE OUTDOOR SALES AREA, SEPARATED FROM SALES AGENCY BUILDING" (BCZR SEC. 236.4) TO BE LOCATED WITHIN AN EXISTING BUILDING WITH "USES IN COMBINATION" SEPARATED FROM THE AREA FOR SPECIAL EXCEPTION FOR THE OUTDOOR SALES AREA, AND AS SHOWN ON THE "PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION, VARIANCE, AND SPECIAL HEARING." TO DELINEATE THE SPECIAL EXCEPTION AREA OF THE OFFICE AS TO AMOUNT OF SQUARE FOOTAGE (200 SQUARE FEET) WITHIN THE BUILDING AND NOT BY EXACT METES AND BOUNDS.
- 2. IN THE ALTERNATIVE TO GRANTING VARIANCES FOR THE EXISTING BUILDING, TO APPROVE THAT IT CAN BE RECONSTRUCTED/RENOVATED IN ITS EXISTING LOCATION, BY ESTABLISHING THE CONTINUATION OF THE BUILDING AS A NONCONFORMING STRUCTURE IN ITS EXISTING LOCATION IN ACCORDANCE WITH BCZR SECTION 104.

397



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1614 JOPPA ROAD

which is presently zoned BR-AS

I/We do solemnly declare and affirm, under the penalties of

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

USED MOTOR VEHICLE OUTDOOR SALES AREA, SEPARATED FROM SALES AGENCY BUILDING (BCZR SEC. 236.4)

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.

			perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contrac	t Purchaser/Lessee:		Legal Owner(s):
N. A. Name - Typ	e or Print		THOMAS L. NUCKOLLS TO Print Thomas L. Nuckolls Thomas L. Nuckolls
Signature	· · · · · · · · · · · · · · · · · · ·		JANICE F. NUCKOLLS
Address		Telephone No.	Name-Type or Print
City	State	Zip Code	8ignature/
Attorne	y For Petitioner:	•	8919 Satyr Hill Road 410 - 804 - 1946
N-4 P	uland for a second hard to be seen	one of bearing)	Address Telephone No.
Not Keq	uired (reserve the right to have	one at hearing)	Baltimore, MD 21234 - 1402 State Zip Code
			Representative to be Contacted:
Signature		······································	Nepresentative to be contacted.
			James S. Patton, P.E.
Company	1		Name
dores	<u> </u>	Telephone No.	305 West Chesapeake Ave. Suite 100 410-296-2140 Address Telephone No.
Address		releptions (to)	Baltimore MD 21204
ED FORBIT	State	Zip Code	City State Zip Code
6W		,	
	<u> </u>		OFFICE USE ONLY
			ESTIMATED LENGTH OF HEARING
Tase N	103-397-5PM	$\times \Delta$	UNAVATLABLE FOR HEARING
$\ddot{\Omega}$		· • •	Reviewed By LTM Date 2/25/03
REV 09/15/9	8		KEVIEWED BY
EE			I IAN 1-7 0000
TOER AND EC	_1		JAN 1-7 2003



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>1614 JOPPA ROAD</u>

which is presently zoned <u>BR-AS</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)

238.1 and 238.2

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

SEE ATTACHED

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:

Legal Owner(s):

		N.A.			Thomas L. Nuck	colls /	111
Name	- Type or Pr		······································	Name	- Type or Print		det la
Signa	iture	······································			Signature		
	·				Janice F. Nucko	lls	· · · · · · · · · · · · · · · · · · ·
Addre	BSS			Telephone No.	Name Type or Print	FILL	della
City			State	Zip Code	Signature	•	
Atto	orney Fo	r Petitioner:			8919 Saytr Hill	Road	410-804-1946
					Address		Telephone No.
NO.	T REQUIP	RED (reserve t	he right to ha	ave one at hearing)	Baltimore	MD_	21234-1402
Name	e - Type or Pr	int		City		State	Zip Code
					Representative	to be Contact	ed:
Signa	ature				1 O D-H	mr Dallan	Camarillanda i td
* 72	<u> </u>		······································	<u> </u>	James S. Patton	i, P.E. Patton	Consultants, Ltd.
Comp	ally !					neake Ave. Suite	e 100 410-296-2140
	555			Telephone No.	Address	Apound 1110 Oute	Telephone No.
Addre					Towson	MD	21204
			State	Zip Code	City	Sta	te Zip Code
City					<u>c</u>	FFICE USE ONLY	
	e No.	03-5	397-5	SPHXA	ESTIMATED LENGTH	OF HEARING	
547/	1/15/9			Reviewed By	UNAVAILABLE FOR I	Date 2/25/	03
Jate (BA					_ - .	

ATTACHMENT TO 1614 JOPPA ROAD VARIANCE PETITION

TO PERMIT AN EXISTING, AND TO BE RENOVATED, COMMERCIAL BUILDING TO HAVE A FRONT AVERAGED BUILDING SETBACK OF TEN (10') FEET IN LIEU OF THE REQUIRED FIFTY (50') FEET (B.C.Z.R. SECTION 303.2), TO THAVE A SETBACK FROM THE STREET CENTERLINE OF FORTY FIVE (45') IN LIEU OF THE REQUIRED FIFTY (50') FEET (B.C.Z.R. SECTION 238.1); TO HAVE A SIDE BUILDING SETBACK OF FOUR (4') FEET ON ONE SIDE AND EIGHTEEN (18') FEET ON THE OTHER IN LIEU OF THE REQUIRED THIRTY (30') FEET ON BOTH SIDES.

THE HARDSHIP AND PRACTICAL DIFFICULTY IS THAT THE BUILDING PRESENTLY EXISTS AND THE ABILITY TO MODERNIZE AND STRUCTURALLY RENOVATE IT IN THE EXISTING LOCATION IS MORE EFFICIENT AND AESTHETIC THAN LOCATING IT ELSEWHERE ON THE SITE, AND FURTHER WITHOUT SIDEYARD VARIANCES NO BUILDING COULD BE CONSTRUCTED ON THE SITE AS THE LOT IS ONLY FIFTY ONE (51' +/-) FEET +/- IN WIDTH [SUM OF REQUIRED SIDEYARDS IS SIXTY (60') FEET]. AND SUCH OTHER REASONS AS MAY BE PRESENTED AT THE HEARING.

ORDER RECEIVED FOR FILING
Date
By

397

ZONING DESCRIPTION AS TO SPECIAL HEARING AND VARIANCE PETITIONS

Beginning at a point on the north side of Joppa Road which is seventy (70) feet wide at the distance of 500 feet more or less west of the centerline of the nearest improved intersecting street, Loch Raven Boulevard, which is 70 feet wide. Thence the following courses and distances:

1.	South	80° 09' 32" West	51.26'
2.	North	06° 37' 49" West	262.68'
3.	North	81° 16' 18" East	47.41'
4.	South	07° 27' 42" East	261.63'

To the place of beginning as recorded in deed liber 14703, folio 87. Also known as 1614 East Joppa Road, Baltimore, MD, 21286 and located in the 9th Election District.

ZONING DESCRIPTION AS TO AREA OF SPECIAL EXCEPTION PETITION

Beginning from the Point of Beginning (P.O.B.) which is at a point on the north side of Joppa Road which is seventy (70) feet wide at the distance of 500 feet more or less west of the centerline of the nearest improved intersecting street, Loch Raven Boulevard, which is 70 feet wide. Thence reversely along the South 07° 27' 42" East line (Easterly property line) 171.63' to the Special Exception Area Point of Beginning (S.E. P.O.B.). Thence the following courses and distances:

1.	South	81° 16' 18" West	48.00'
2.	North	06° 37' 49" West	74.00'
3.	North	81° 16' 18" East	24.00'
4.	South	06° 37' 49" East	5.00'
5.	North	81° 16' 18" East	23.05'
6	South	07° 27' 42" East	68.00

To the place of beginning as now established and being a portion of the lot as recorded in deed with the liber 14703, folio 87. Also known as a portion of 1614 East Joppa Road, Baltimore, MD, 21286 and located in the 9th Election District.

7 397

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25.

16/03

ACCOUNT (CC)

2010-000-100

AMOUNT \$

RECEIVED RETURNS

FOR: LEDRAL

03-347-5PHXA

DISTRIBUTION

WHITE - CASHIER

4

YELLOW - CUSTOMER

PINK - AGENCY

ASHIER'S VALIDATION

BALTIMORE COU	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 22322	
DATE_2	25/03 ACCOUNT 12/11	05/2000	「「「「」」「「」」「「」」「「」「「」」「「」「「」「」「「」「」「」「」
	AMOUNT \$	() () () () () () () () () ()	
RECEIVED FROM:	としつとりつして		() () () () () () () () () () () () () (
FOR	75-C62-50	Z-LX A	
DISTRIBUTION TOWNITE - CASHIER PIN	PINK - AGENCY YELLOW - CUSTOMER		CASHIER'S VALIDATION

and the same of th

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: #03-897-8PHXA

1814 Joppa Road

N/side Joppa Road 500 feet +/- west centerline Loch Baven Blvd.
N/side Joppa Road 500 feet +/- west centerline Loch Baven Blvd.

9th Election District — 6th Councilmanic District.

Legal Owner(s): Thomas and Janice Nuckolis

Special Hearing: to approve the separation of the office for "used motor vehicle outdoor sales" to be located for "used motor vehicle outdoor sales" to be located for "used motor vehicle outdoor sales" to be located within an existing building separated from the area for Special Exception. To delineate the Special Exception area of the office as to amount of square footage (200 square feet) within the building and not by exact metes and bounds. In the alternative to granting variances, to approve that it can be reconstructed/renovated in its existing prove that it can be reconstructed/renovated in its existing location, by establishing the continuation of the building location, by establishing the continuation of the building as a nonconforming structure. Special Exception: to permit used motor vehicle outdoor sales, separated from mit used motor vehicle outdoor sales, separated from sales agency building. Variance: to permit a front averaged building setback of the feet in ilieu of the required 50 aged building setback of 4 feet on one feet. To permit a side building setback of 4 feet on one feet. To permit a side building setback of 4 feet on one side and 18 feet on the other in lieu of the required 30 feet

Hearing: Thursday, April 10, 2008 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 Handlcapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4886.

(2) For information concerning the File and/or Hearing; Contact the Zoning Review Office at (410) 887-3391.

JT/3/805 Mar. 25

CERTIFICATE OF PUBLICATION

3/27,2003	; ;
THIS IS TO CERTIFY, that the annexed advertisement was pre-	ublished
n the following weekly newspaper published in Baltimore Count	y, Md.,
once in each ofsuccessive weeks, the first publication ap	
$m_{3 25 ,2003}$	
The Jeffersonian	
Arbutus Times	
☐ Catonsville Times	,
☐ Towson Times	
Owings Mills Times	•
☐ NE Booster/Reporter	
☐ North County News	
	†
D/1/01/10	



RE: Case No. 03-397-SPHXA

Petitioner/Developer:

Thomas and Janice Nuckolls

Hearing Date: 4/10/03

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

MECEIVED

APR 7 2003

Attention: Mr. George Zahner

70MMG COMMISSIONER

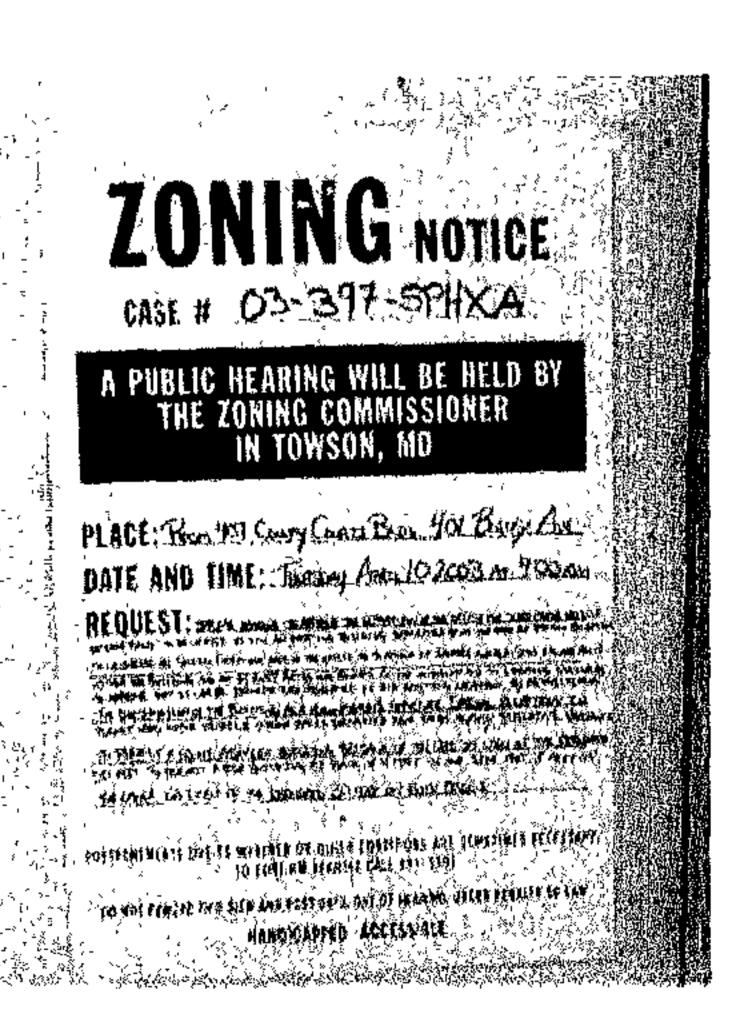
Ladies and Gentlemen:

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 1614 Joppa Rd.

The sign(s) were posted on 3/26/03.

Sincerely,

Diana Sugiuchi Thomas J. Hoff, Inc. 406 West Pennsylvania Avenue Towson, MD. 21204 410-296-3668



APPEAL SIGN POSTING REQUEST

CASE NO.: 03-397-SPHXA

THOMAS AND JANICE NUCKOLLS - LEGAL OWNERS

1614 JOPPA ROAD

9TH ELECTION DISTRICT

APPEALED: JUNE 6, 2003

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

CIRILOR POSITION

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-397-SPHXA

THOMAS AND JANICE NUCKOLLS - LEGAL OWNERS

1614 JOPPA ROAD

9 TH	ELECTION DISTRICT	APPEALED: JUNE 6, 2003
ATT	TACHMENT – (Plan to accompany Petitio	n – Petitioner's Exhibit No. 1)
***	******COMPLETE AND RETUR	N BELOW INFORMATION*****
	CERTIFICATE	OF POSTING
TO:	Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204	
Atte	ention: Kathleen Bianco Administrator	
RE:	Case No.: 03-397-5PH	XA
	Petitioner/Developer:	
_	s is to certify that the necessary appeal sign ited at: 1614 E. 4001	
The	sign was posted on	, 2003
Ву:	(Signature of Sign Poster)	-
	GARY FREUND	- - -
	(Printed Name)	

DEPARTMENT OF ERMITS 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.

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

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

Fax: 410-887-5708

March 17, 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: 03-397-SPHXA

1614 Joppa Road

N/side Joppa Road 500 feet +/- west centerline Loch Raven Blvd.

9th Election District – 5th Councilmanic District

Legal Owners: Thomas and Janice Nuckolls

Special Hearing to approve the separation of the office for "used motor vehicle outdoor sales" to be located within an existing building separated from the area for Special Exception. To delineate the Special Exception area of the office as to amount of square footage (200 square feet) within the building and not by exact metes and bounds. In the alternative to granting Variances, to approve that it can be reconstructed/renovated in its existing location, by establishing the continuation of the building as a nonconforming structure. Special Exception to permit used motor vehicle outdoor sales, separated from sales agency building. Variance to permit a front averaged building setback of ten feet in lieu of the required 50 feet. To permit a side building setback of 4 feet on one side and 18 feet on the other in lieu of the required 30 feet on both sides

Hearings:

Thursday, April 10, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Building, 401 Bosley Avenue

Arnold Jablon Director

AJ:rlh

C[.] Thomas and Janice Nuckolls, 8919 Saytr Hill Road, Baltimore 21234 James S. Patton, 305 W. Chesapeake Ave., Suite 100, Baltimore 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 26, 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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 25, 2003 Issue - Jeffersonian

Please forward billing to: Thomas L. Nuckolls

410-804-1946

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: 03-397-SPHXA

1614 Joppa Road

N/side Joppa Road 500 feet +/- west centerline Loch Raven Blvd.

9th Election District - 5th Councilmanic District

Legal Owners: Thomas and Janice Nuckolls

Special Hearing to approve the separation of the office for "used motor vehicle outdoor sales" to be located within an existing building separated from the area for Special Exception. To delineate the Special Exception area of the office as to amount of square footage (200 square feet) within the building and not by exact metes and bounds. In the alternative to granting Variances, to approve that it can be reconstructed/renovated in its existing location, by establishing the continuation of the building as a nonconforming structure. Special Exception to permit used motor vehicle outdoor sales, separated from sales agency building. Variance to permit a front averaged building setback of ten feet in lieu of the required 50 feet. To permit a side building setback of 4 feet on one side and 18 feet on the other in lieu of the required 30 feet on both sides

Hearings:

Thursday, April 10, 2003 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

The Constitution of the Co

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.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

FAX: 410-887-3182

Hearing Room - Room 48 Old Courthouse, 400 Washington Avenue

PP'd 5/05/04 Marketh

September 2, 2003

NOTICE OF ASSIGNMENT

CASE #: 03-397-SPHXA

IN THE MATTER OF: Thomas and Janice Nuckolls -

Legal Owners 1614 Joppa Road

9th Election District; 5th Councilmanic District

5/07/2003 -DZC's Order - Petition for Special Exception DENIED and related special hearing relief dismissed as moot; Petition for Variance relief dismissed as moot; Petition for Special Hearing to approve existing building as nonconforming use GRANTED.

ASSIGNED FOR:

WEDNESDAY, JANUARY 7, 2004 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianço Administrator

c: Appellants /Petitioners

: Thomas and Janice Nuckolls

James S. Patton, P.E. /Patton Consultants

Donna Spicer

Office of People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt, Zoning Commissioner Timothy M. Kotroco, Director /PDM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

December 15, 2003

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 03-397-SPHXA

IN THE MATTER OF: Thomas and Janice Nuckolls - Legal Owners 1614 Joppa Road

9th Election District; 5th Councilmanic District

5/07/2003—DZC's Order – Petition for Special Exception DENIED and related special hearing relief dismissed as moot; Petition for Variance relief dismissed as moot; Petition for Special Hearing to approve existing building as nonconforming use GRANTED.

which was assigned to be heard on 1/07/04 has been ROSTPONED at the request of Petitioner /Appellant due to unavailability of key expert witness /engineer on that date; and has been

REASSIGNED FOR:

WEDNESDAY, MAY \$, 2004 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c: Appellants / Petitioners

: Thomas and Janice Nuckolls

James S. Patton, P.E. /Patton Consultants

Donna Spicer

Office of People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt, Zoning Commissioner Timothy M. Kotroco, Director /PDM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room -- Room 48
Old Courthouse, 400 Washington Avenue

September 2, 2003

NOTICE OF ASSIGNMENT

CASE #: 03-397-SPHXA

IN THE MATTER OF: Thomas and Janice Nuckolls -Legal Owners' 1614 Joppa Road

—9th Biection District; 3th Councilmanic District

Jan 7

5/07/2003 -DZC's Order -- Petition for Special Exception DENIED and related special hearing relief dismissed as moot; Petition for Variance relief dismissed as moot; Betition for Special Hearing to approve existing building as nonconforming use CRANTED.

ASSIGNED FOR:

WEDNESDAY, JANUARY 7, 2004 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties theuld consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to

Kathleen C. Bjanco Administrator

Appellants /Petitioners

: Thomas and Janice Nuckolls

James S. Patton, P.B. /Patton Consultants

Donna Spicer

Office of People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt, Zoning Commissioner Timothy M. Kotroco, Director /PDM

C:

NOTICE SO WAS NORTH MY ASSESSED

County Board of Appeals of Waltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

Hearing Room - Room 48 Old Courthouse, 400 Washington Avenue

December 15, 2003

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 03-397-SPHXA

IN THE MATTER OF: Thomas and Janice Nuckalls.

Legal Owners: 1614 Joppa Road

9th Election District; 5th Councilmanic District

5/07/2003 -DZC's Order - Petition for Special Exception DENIED and related special hearing relief dismissed as moot; Petition for Variance relief dismissed as moot; Petition for Special Hearing to approve existing building as nonconforming use GRANTED.

which was assigned to be heard on 1/07/04 has been POSTPONED at the request of Petitioner /Appellant due to unavailability of key expert witness /engineer on that date; and has been

REASSIGNED FOR:

WEDNESDAY, MAY 5, 2004 8t 10:00 a.m.

NOTICE:

C;

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

Appellants /Petitioners

: Thomas and Janice Nuckolls

James S. Patton, P.E. /Patton Consultants

Donna Spicer

Office of People's Counsel for Baltimore County
Pat Keiler, Director /Planning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

APR 19 2004

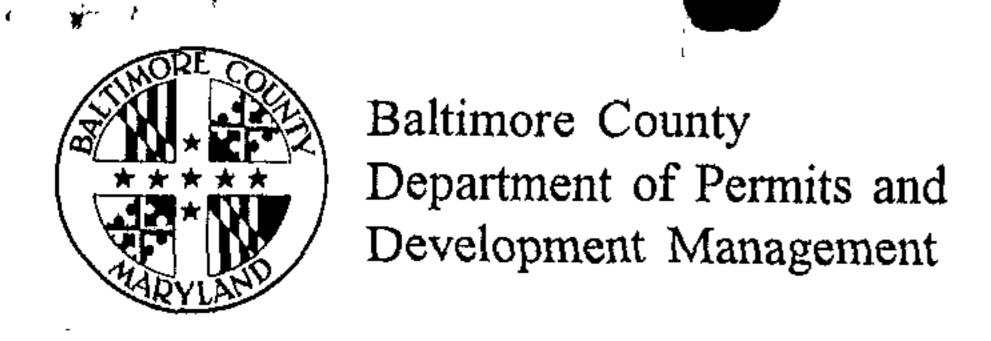
APR 19 2004

BALTINIOHE ECUNTY

BOARD OF APPEALS

stiokoun T se

884:70 AD 81 79A



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

April 4, 2003

Thomas L. and Janice Nuckolls 8919 Satyr Hill Road Baltimore, MD 21234-1402

Dear Mr. and Mrs. Nuckolls:

RE: Case Number: 03-397-SPHXA, 1614 Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning, Review, Department of Permits and Development Management (PDM) on February 25, 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. Cal Rohal D

WCR:klm

Enclosures

c: People's Counsel James S. Patton P.E., 305 West Chesapeake Avenue, Suite 100, Baltimore MD 21204

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: March 24, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 24, 2003

Item Nos. 396, 397, 398, 400, 401, 403, 404, 405, and 406

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

RWB:CEN:jrb

cc: File



MARYLAND DEPARTMENT OF TRANSPORTATION

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

RE:

Date: 3.18.03

Baltimore County

Item No. 397

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

Towson, Maryland 21204

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



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

County Office Building, Room 111 Mail Stop #1105

March 20, 2002

111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: March 17, 2003

Item No.:

396 - 406 39

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.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File

Robert L. Ehrlich, Jr.

Maryland Department of Planning

Audrey E. Scott Secretary

Florence E. Burdan Deputy Secretary

Michael S. Steele

March 18, 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, 03/24/03 re; case numbers 03-396-SPHXA, 03-397-SPHXA, 03-398-A, 03-400-A, 03-401-A, 03-402-SPHA, 03-403-A, 03-404-A, 03-405-A, 03-406-SPHA

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 03/17/03. 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

AP/10

DATE: March 26, 2003

RECEIVED

MAR 2 7 2003
WYG COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Water Street Street Street Street

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1614 E. Joppa Road

INFORMATION:

Item Number:

03-397

Petitioner:

Thomas L. Nuckolls

Zoning:

BR-AS

Requested Action:

Special Hearing/Variance/Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning reviewed the petitioner's request and determined that while the subject property is in great need of upgrading, a used car dealership is not an appropriate use for this particular site. The parcel is too narrow and accesses a section of Joppa Road that is already burdened by excessive traffic. Furthermore, upgrading the site should create a visual appeal through the use of landscaping, interesting architecture and attractive signage. The site plan accompanying the variance requests shows little room for creative landscaping and the proposed building is of an undesirable poor design quality.

The Loch Raven Village Community Conservation Plan, which covers the site, states the following:

"The Joppa Road corridor from Towson Marketplace to Oakleigh Avenue needs more landscaping and some physical improvements to improve the commercial image."

"The Association will approach Baltimore County about studying the zoning of this corridor, specifically, the area from Mylander Lane to Oakleigh Road in an effort to explore the possibility of rezoning for better residential compatibility and commercial usage. This study could be done in conjunction with a revitalization plan for the Joppa

Road corridor. This plan could address the multiple curb cuts and turning movements, visual clutter, minimal landscaping and increased vehicular traffic."

Considering the above, this office recommends that the petitioner's request be **DENIED**. For further comments concerning the matters stated herein, please contact Karin Brown at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC:



DATE:

3/14/03

TO:

File, Mr. Carl Richards

FROM:

Lloyd T. Moxley

SUBJECT:

Case No. 03-397-SPHXA

It is the position of the Office of Zoning Review that the office for the used motor vehicle outdoor sales area must be located wholly within the special exception area as described. There are no instances in the zoning case files wherein a use permitted by special exception is located outside of the area described in support of said special exception use.

RE: PETITION FOR SPECIAL HEARING SPECIAL EXCEPTION & VARIANCE

1614 Joppa Road; N/side Joppa Rd; 500'

W c/line Loch Raven Blvd.

9th Election & 5th Councilmanic Districts Legal Owner(s): Thomas & Janice Nuckolls

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

*

BALTIMORE COUNTY

* 03-397-SPHXA

* * * * * * * *

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 James S Patton, P.E. 305 W Chesapeake Avenue, St. 100, Baltimore, MD 21204, Representative for Petitioner(s).

METER MAX ZIMMERMAN

People's Counsel for Baltimore County



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

June 6, 2003

James S. Patton, P.E. Patton consultants, Ltd. 305 W. Chesapeake Avenue, Suite 100 Towson, MD 21204

Dear Mr. Patton:

RE: Case No. 03-397-SPHXA, 1614 Joppa Road

DECEIVED
JUN 0 9 2003

BALTIMORE COUNTY BOARD OF APPEALS

Please be advised that an appeal of the above-referenced case was filed in this office on February 25, 2003. All materials relative to the case have been forwarded to the Baltimere County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

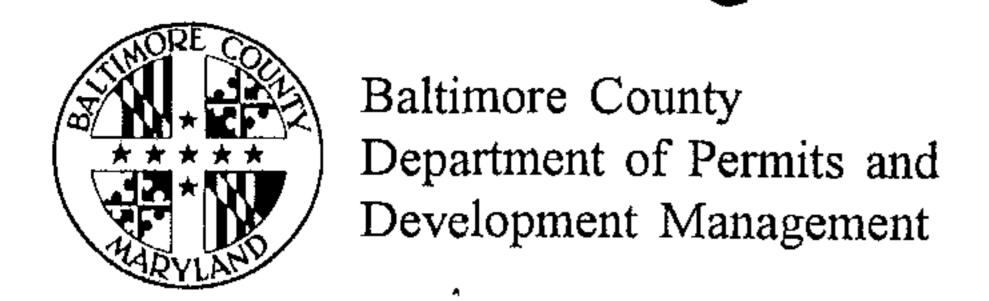
If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely, Korroco
Timothy Kotroco

Director

KT:rlh

c: Lawrence E. Schmidt, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Thomas and Janice Nuckolls, 8919 Satyr Hill Road, Baltimore 21234-1402



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

Fax: 410-887-5708

June 6, 2003

James S. Patton, P.E. Patton consultants, Ltd. 305 W. Chesapeake Avenue, Suite 100 Towson, MD 21204

Dear Mr. Patton:

RE: Case No. 03-397-SPHXA, 1614 Joppa Road

Please be advised that an appeal of the above-referenced case was filed in this office on June 6, 2003 (correction). All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely

Timothy Kotroco

Director

KT:rlh

c: Lawrence E. Schmidt, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Thomas and Janice Nuckolls, 8919 Satyr Hill Road, Baltimore 21234-1402

APPEAL

Petition for Special Exception and Petition for Variance
1614 Joppa Road
N/side Joppa Road 500 feet +/- west centerline Loch Raven Blvd.
9 ED – 5th CD

Thomas and Janice Nuckolls - Legal Owner

Case No.: 03-397-SPHXA

Petition for Special Exception and Petition for Variance (February 25, 2003)
Petition for Special Exception and Petition for Variance (February 25, 2003)
V Zoning Description of Property
V Notice of Zoning Hearing (March 17, 2003)
Certification of Publication (The Jeffersonian issue March 25, 2003)
Certificate of Posting (by Thomas J. Hoff) on March 26, 2003
Entry of Appearance by People's Counsel (March 25, 2003)
V Petitioner(s) Sign-In Sheet One Sheet
Protestant(s) Sign-In Sheet None
VCitizen(s) Sign-In Sheet One Sheet
V Zoning Advisory Committee Comments
Petitioners' Exhibit 1. Not found 1. Letter from John Lewis to Mr. Nuckolls V3a-3b Two Photographs 4. Photographs of property V5. Drawing Elevations V6. Drawing of West Elevation
Protestants' Exhibits: None
Miscellaneous (Not Marked as Exhibit NONE) Plat to accompany Petition for Special Exception, Special Hearing, and Variance
✓ Zoning Commissioner's Order (May 7, 2003 - DENIED)
Notice of Appeal received on June 6, 2003 from Thomas and Janice Nuckolls
c: People's Counsel of Baltimore County, MS #2010 Zoning Commissioner/Deputy Zoning Commissioner Timothy Kotroco, Director of PDM Thomas and Janice Nuckolls, 8919 Satyr Hill Road, Baltimore 21234-1402 James S. Patton, P. E., Patton Consultants, 305 W. Chesapeake Avenue, Suite 100, Towson 21204

date sent June 6, 2003 rlh

TAX YIU DO 1 -10 M porte 1 - 11 - 43 County Conda / Republic of Baltimore latering Bear Falfiller Burnedy, June anformed Friday Dec 12 2003 That my lawy my heavy or January of Jody pt 10.00 AM But reacon they are finisher a latel commitment on the sastern show. spring of 2004. The is my first sequent THOMAS L NUCKOLES 1614 E. JORGA ED. TBUSON MA CASE # 03397 SPHX.A ms. KATH/66MBIANCO 9 Election DisTRICTS COUNCIDED

Jenneral, Il Yolushalk / S TI NUCKOIST AT COMCAST. NET NUCKOIST AT COMCAST. NET PHONE 410 804 1946 CBSE # 033975PHXA

공 ' d

410-888-0110

T Muckolls

8+1:80 E0 21 59U

County Board of appealing Baltemore County Dear ma tathleen C Beanco I would like to withdraw my appeal set for Woodnesday May (5) 3004-10:11.
The case number CASE A: 03-397-SPHXA.
The property located at 1814 & Jappa Road.
To Toward manyland 21286.

410 8873182

Sincerely Thurs Nyellost

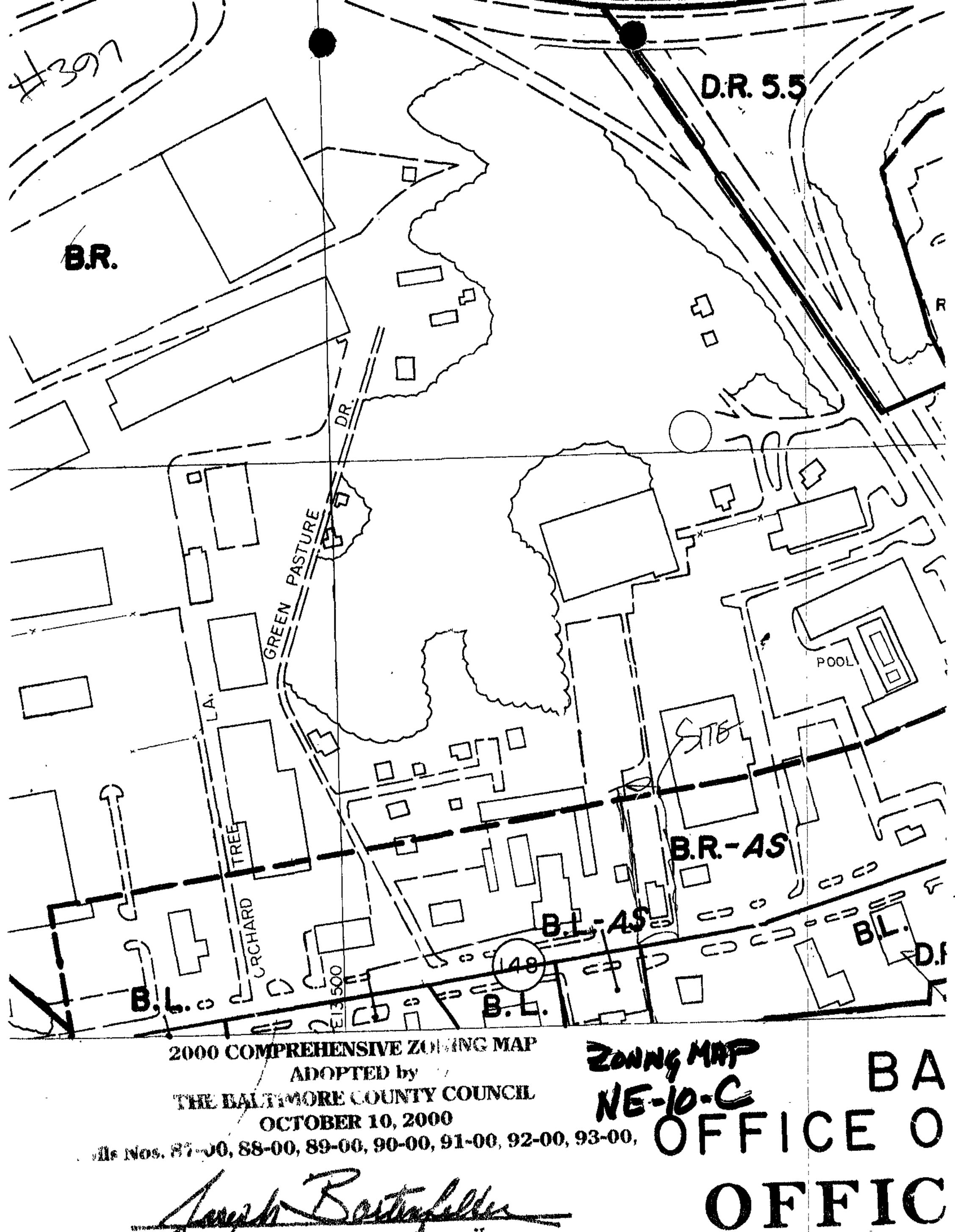
CASE NAME NUCKONS
CASE NUMBER 03-397
DATE 4-10-2003

PETITIONER'S SIGN-IN SHEET

									S TARTION	1/cx	NAME
									305 W. CHEMPEAKE ME'M	* 3919 Salla MILLE 6168	ADDRESS
									1 MM2 MD 21 109	1/2	CITY, STATE, ZIP
			\$						Fish. PANION (C) WEST ESSURE	1	E-MAIL

CITIZEN'S SIGN-IN SHEET

									DONNA Spicer	NAI
				•					8719 Edding ton Rd	ADDRESS
									Balto. MD. 21234	CITY, STATE, ZIP
									FAX 410-668-0569	E-MAIL





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

October 23, 2000

Tom Nuckolls 8919 Satyr Hill Road Baltimore MD 21234

RE; 1614 E. Joppa Road 9th Election District

Dear Mr. Nuckolls:

Per our telephone conversation of 10/23/00 I am sending you this clarification on my prior correspondence with your engineer; Mr. Ertel.

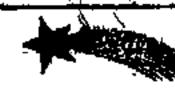
You may enlarge the building with a 2nd story to a maximum height of 40 ft., so long as you keep the existing first floor walls. No expansion of the building along or into the existing deficient setbacks can be approved without a zoning variance. Based on your statement that you are only building a 2nd story without setback changes as stated above, no zoning variance is required. Please resolve any Development Management issues concerning D.R.C. action and apply for your building permit in accordance with our commercial permit checklist. Please be aware that this letter addresses the building setback and 2nd floor addition issues only. Please document this response on all future plans.

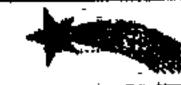
Sincerely,

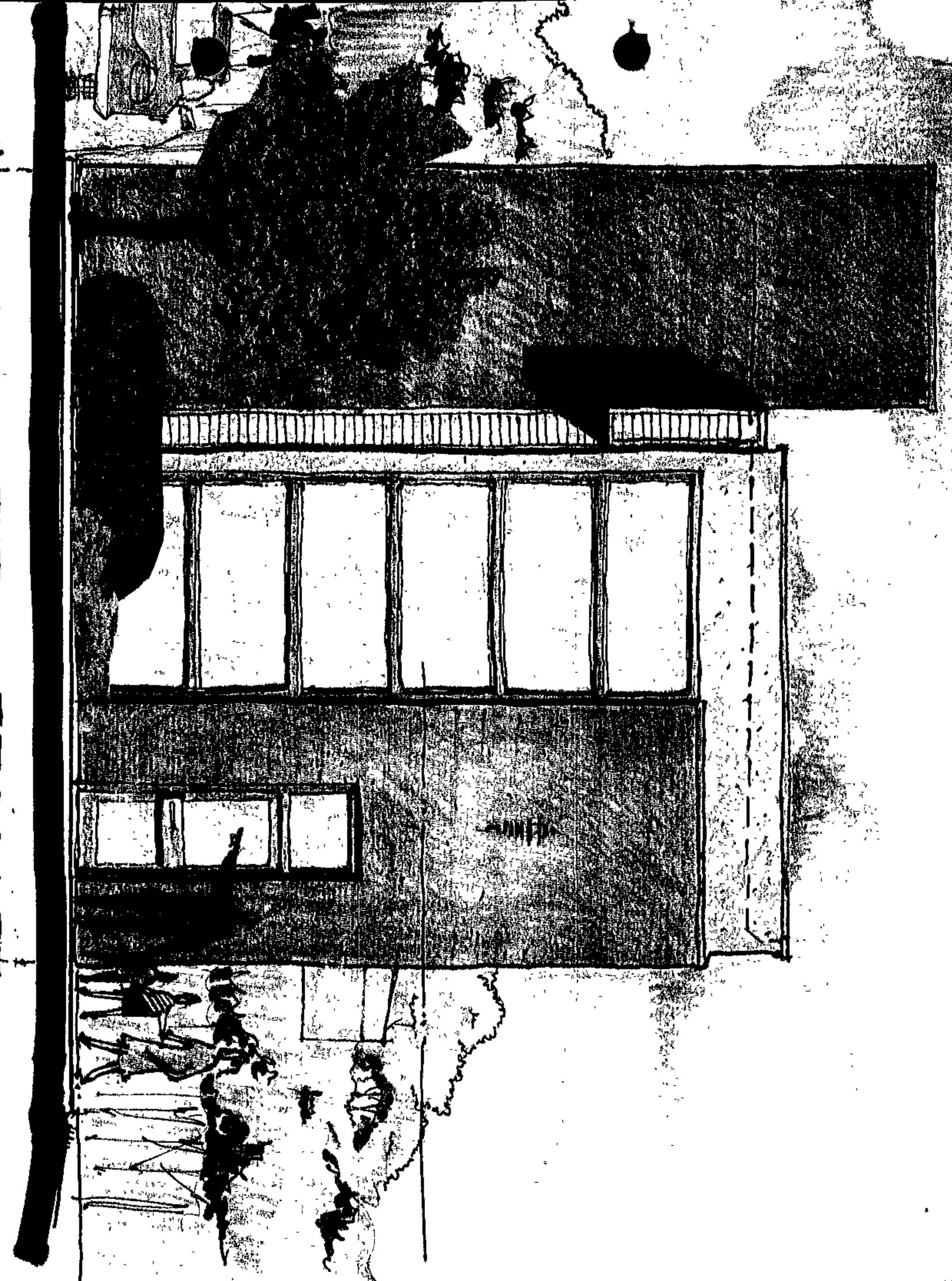
John L. Lewis Planner II

Zoning Review

JLL:kli



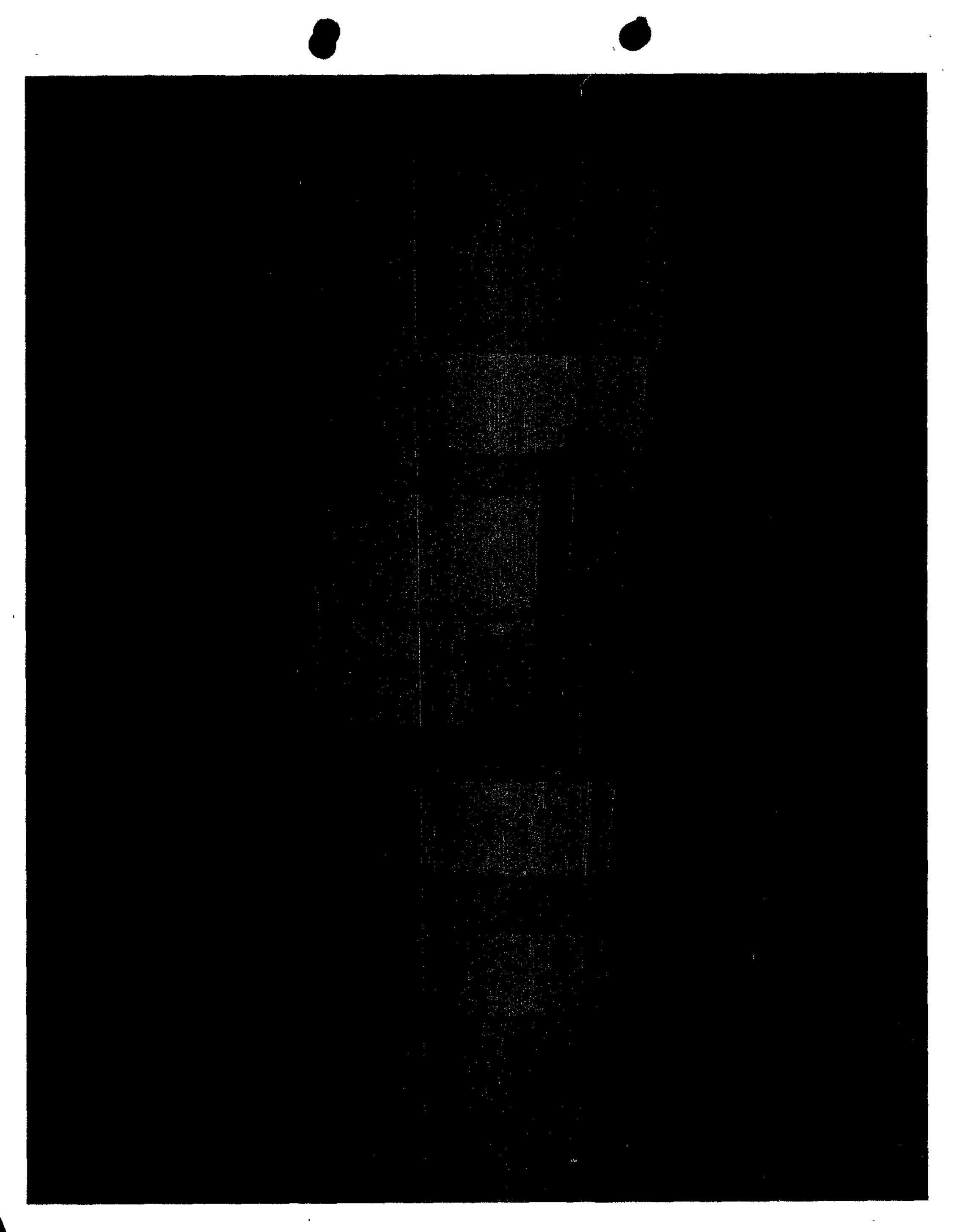


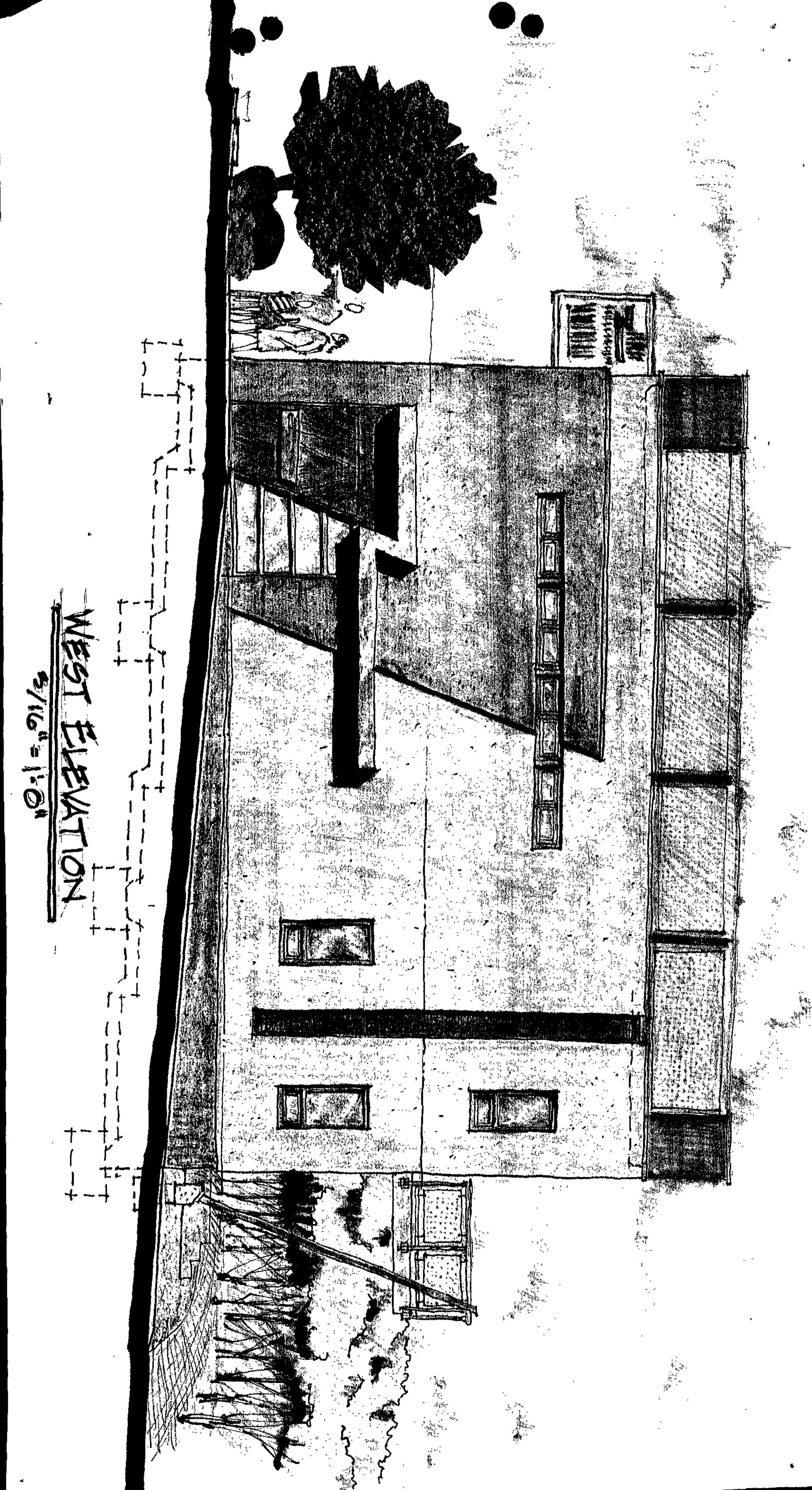


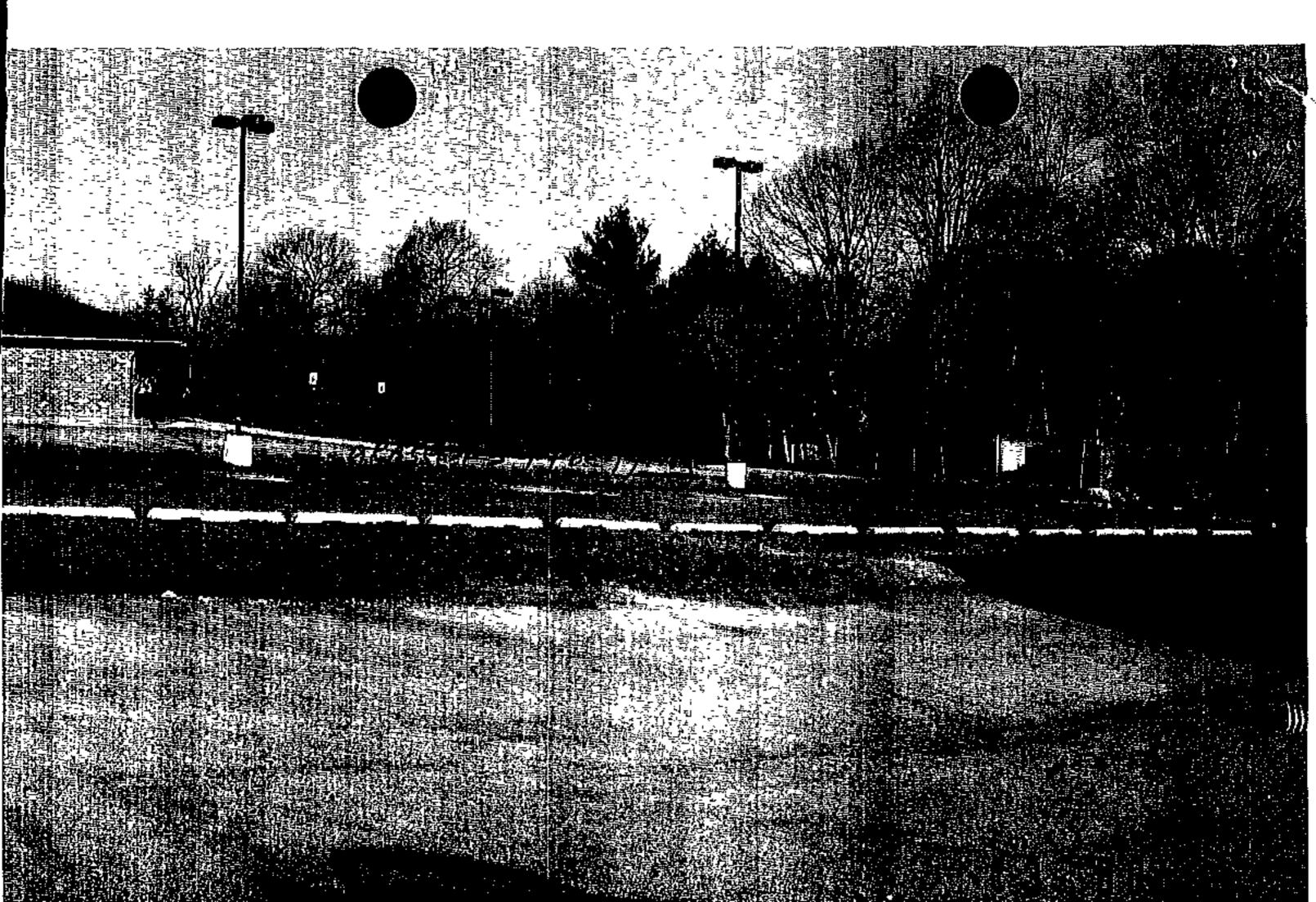
7K1

Des Establish

Ħ



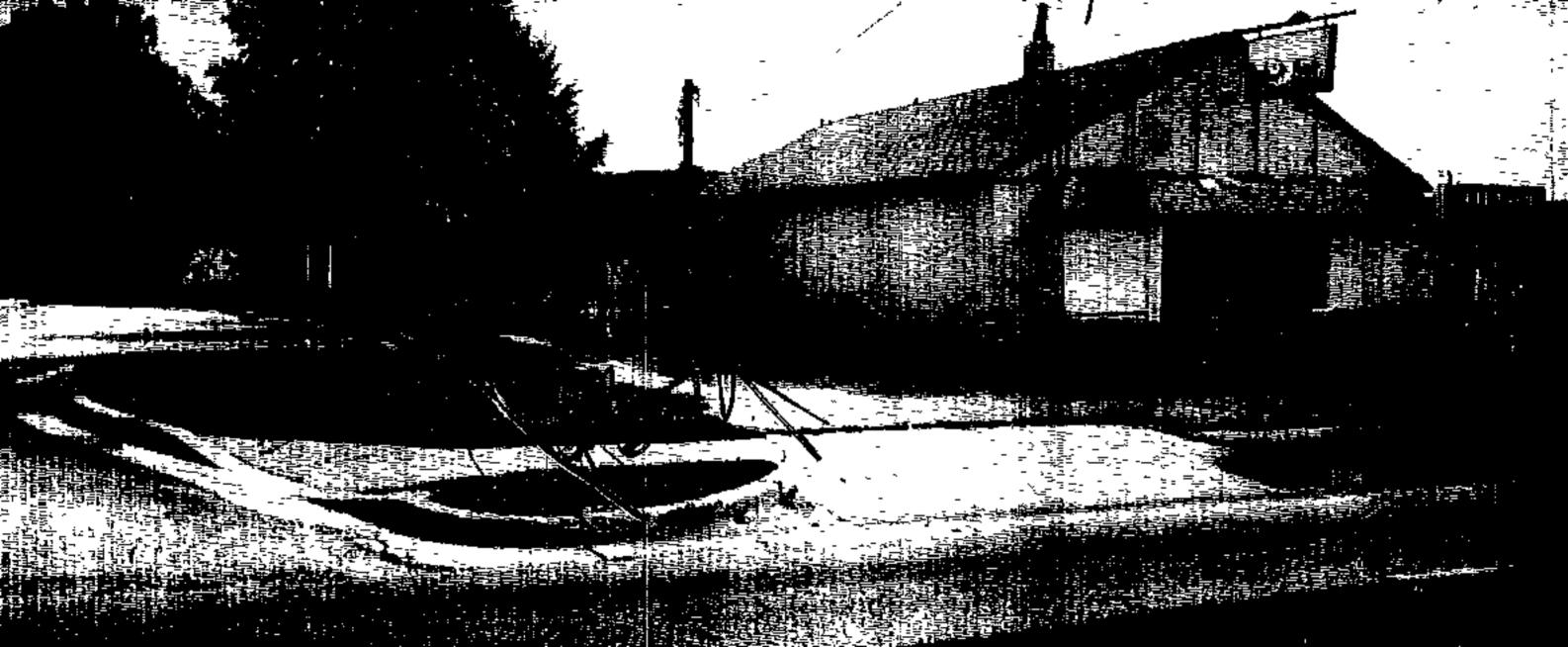


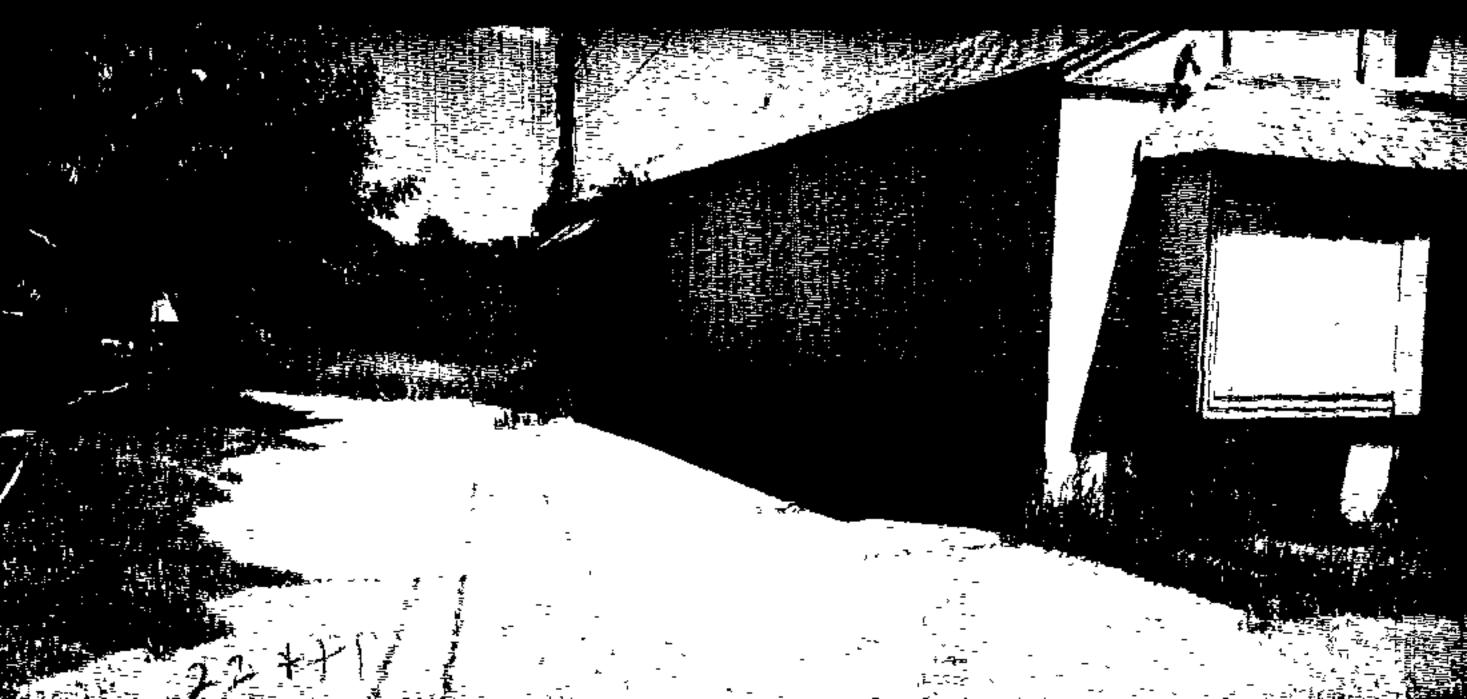




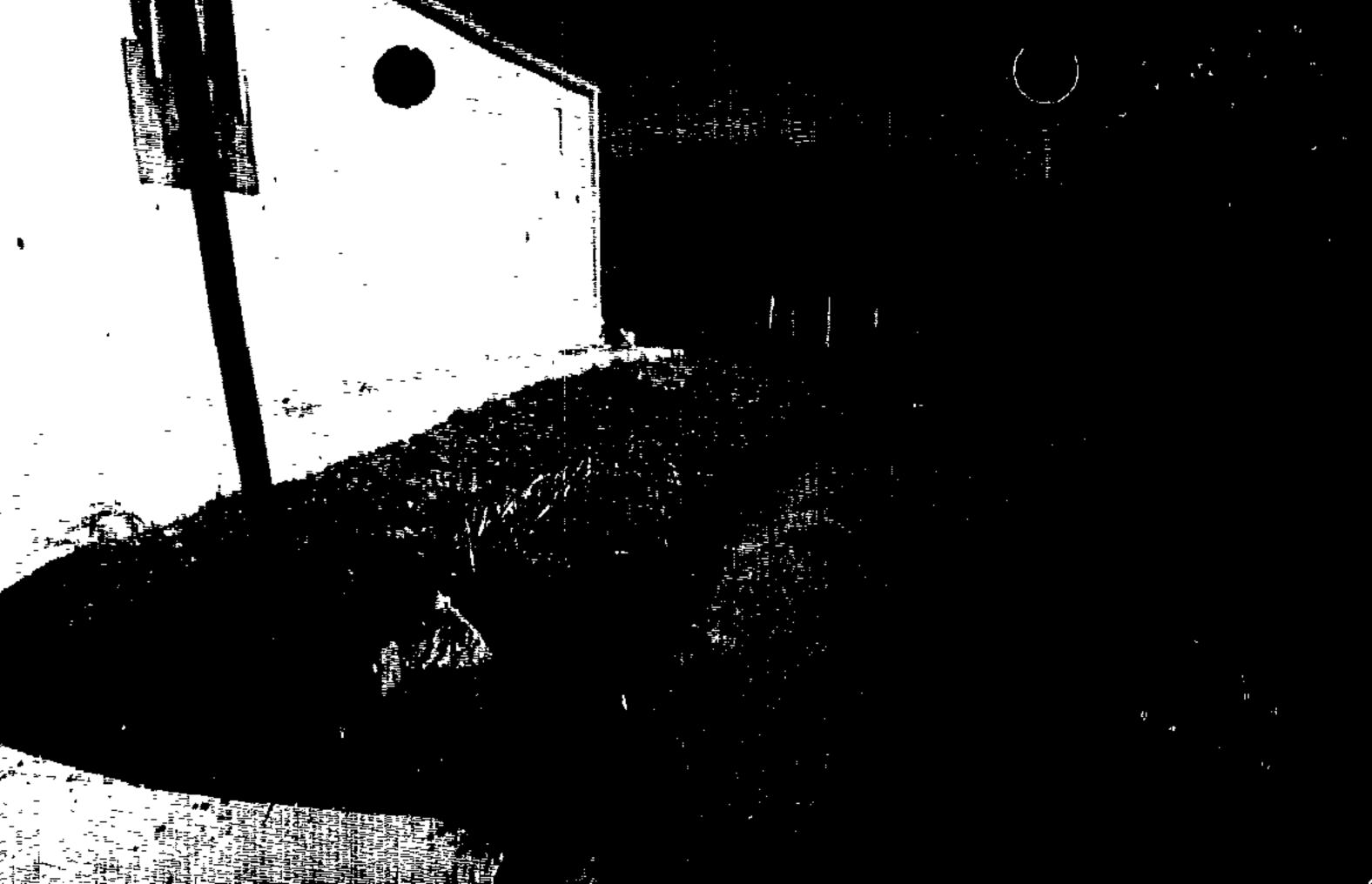












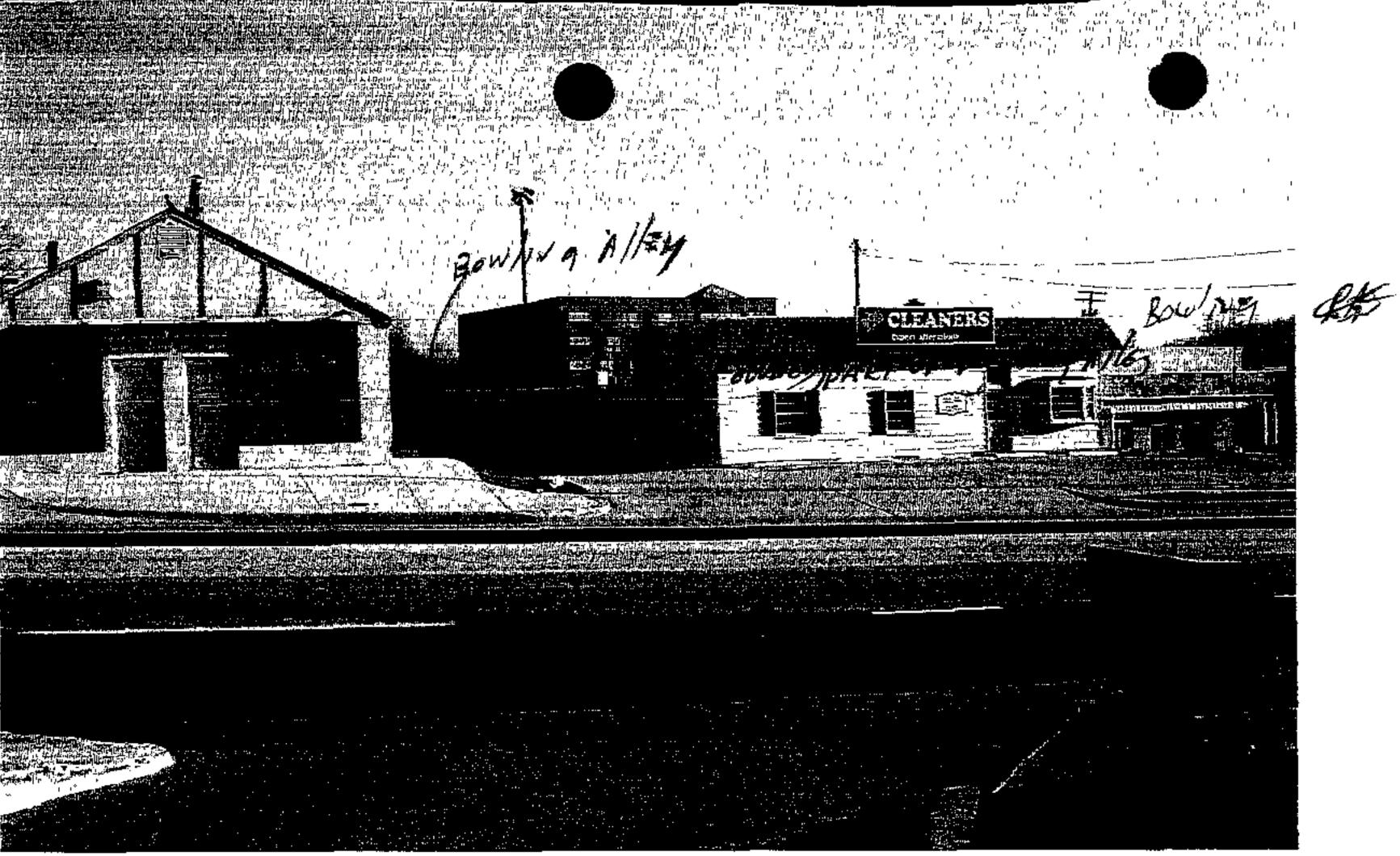


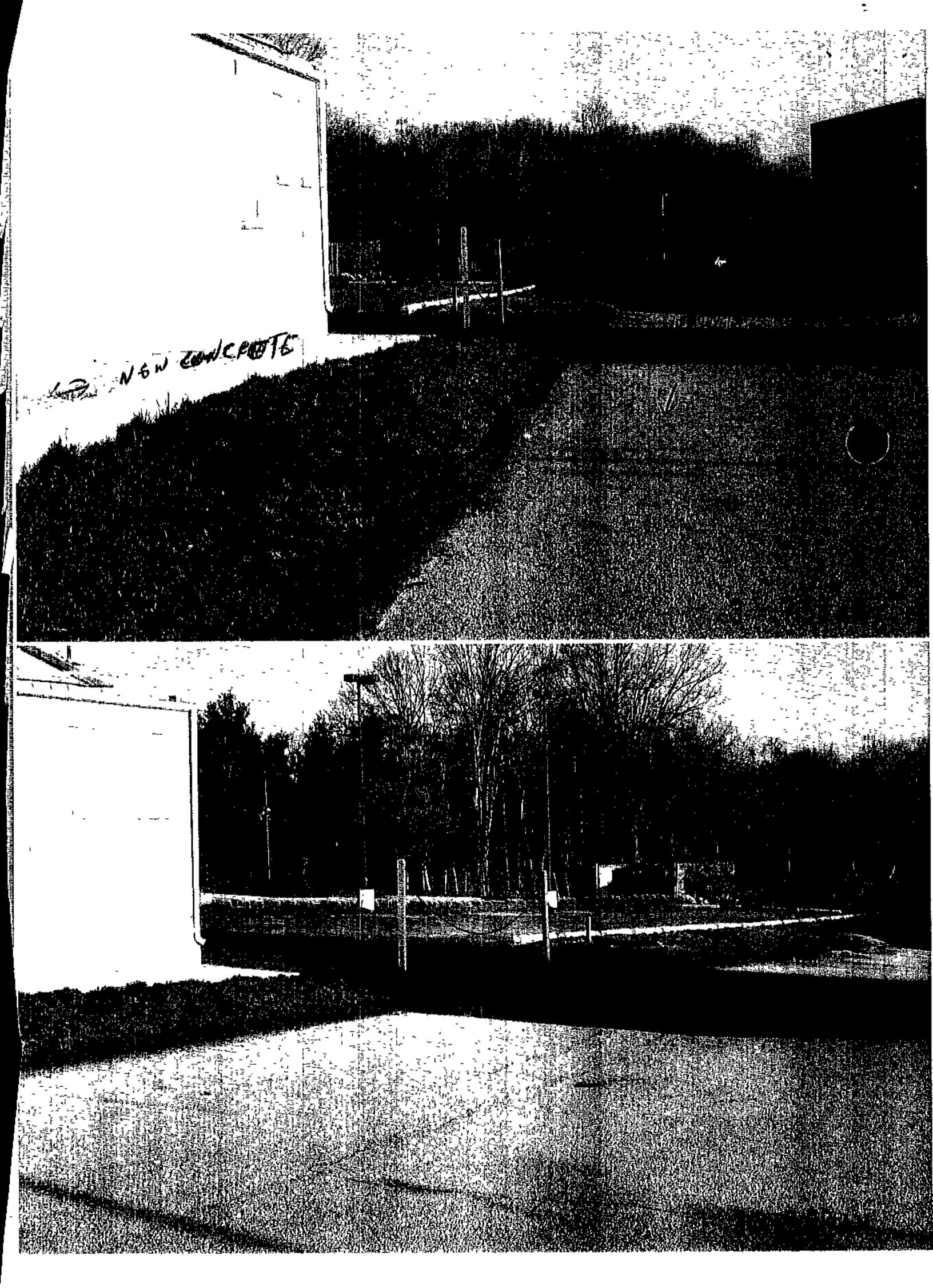






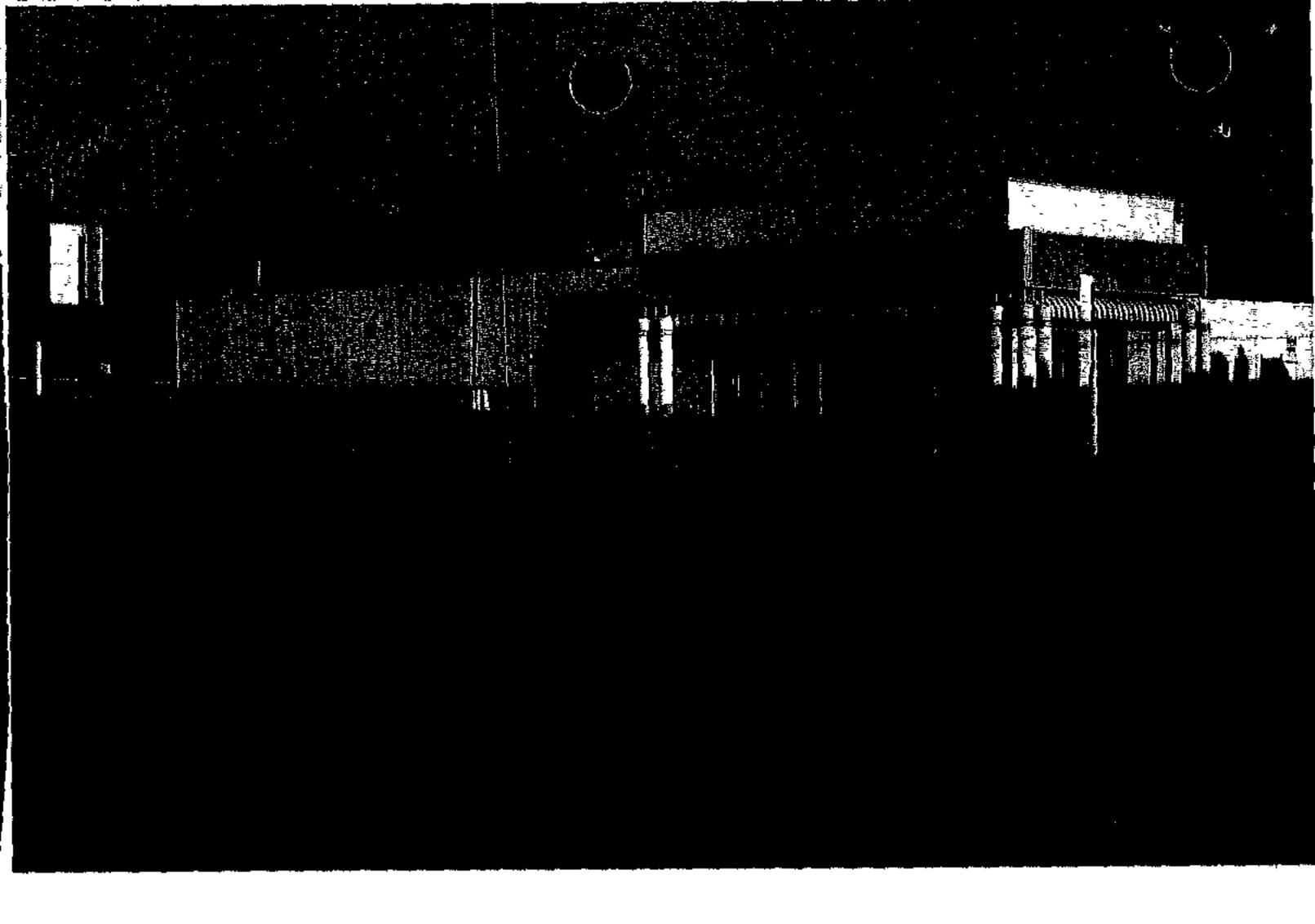
A





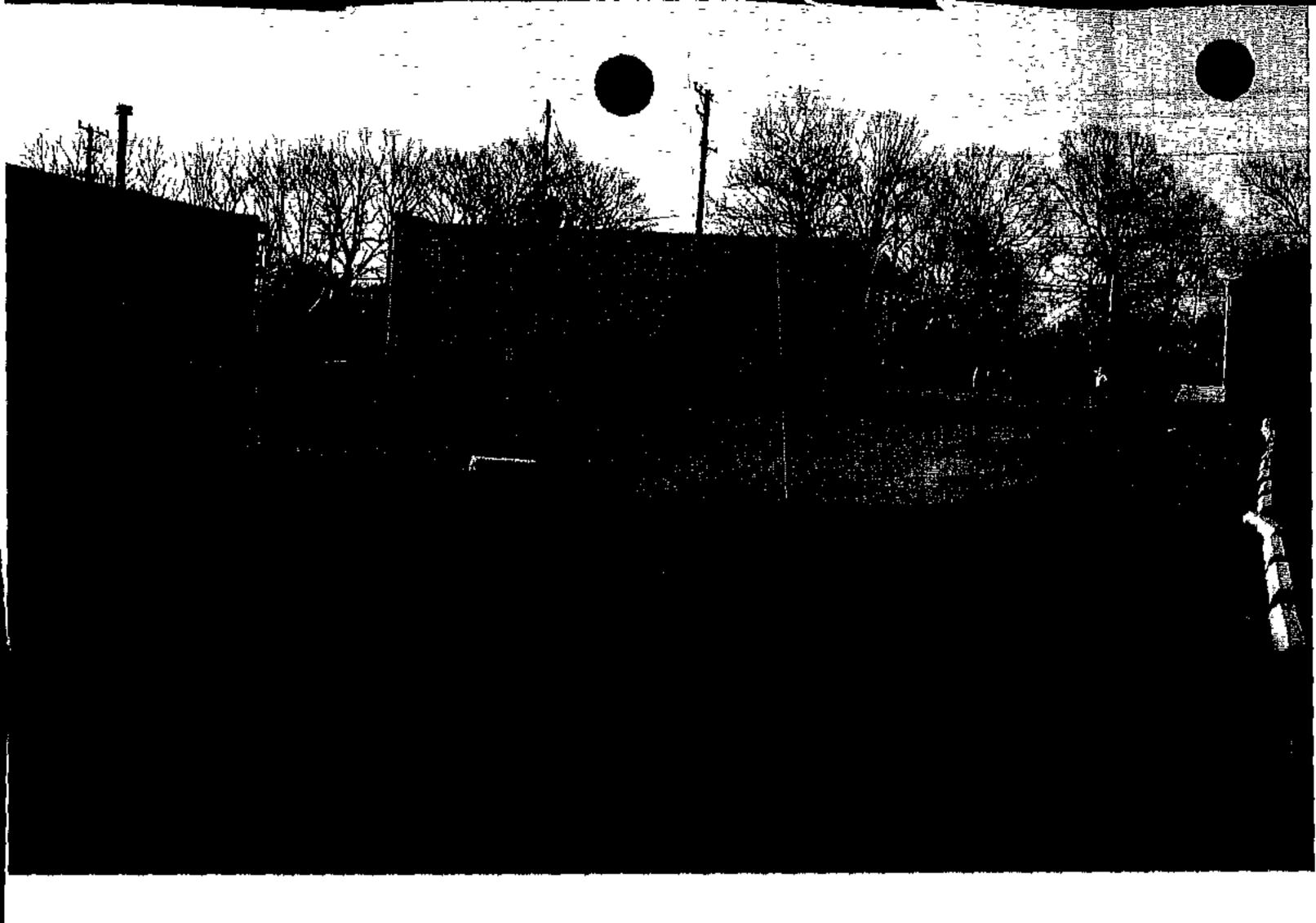






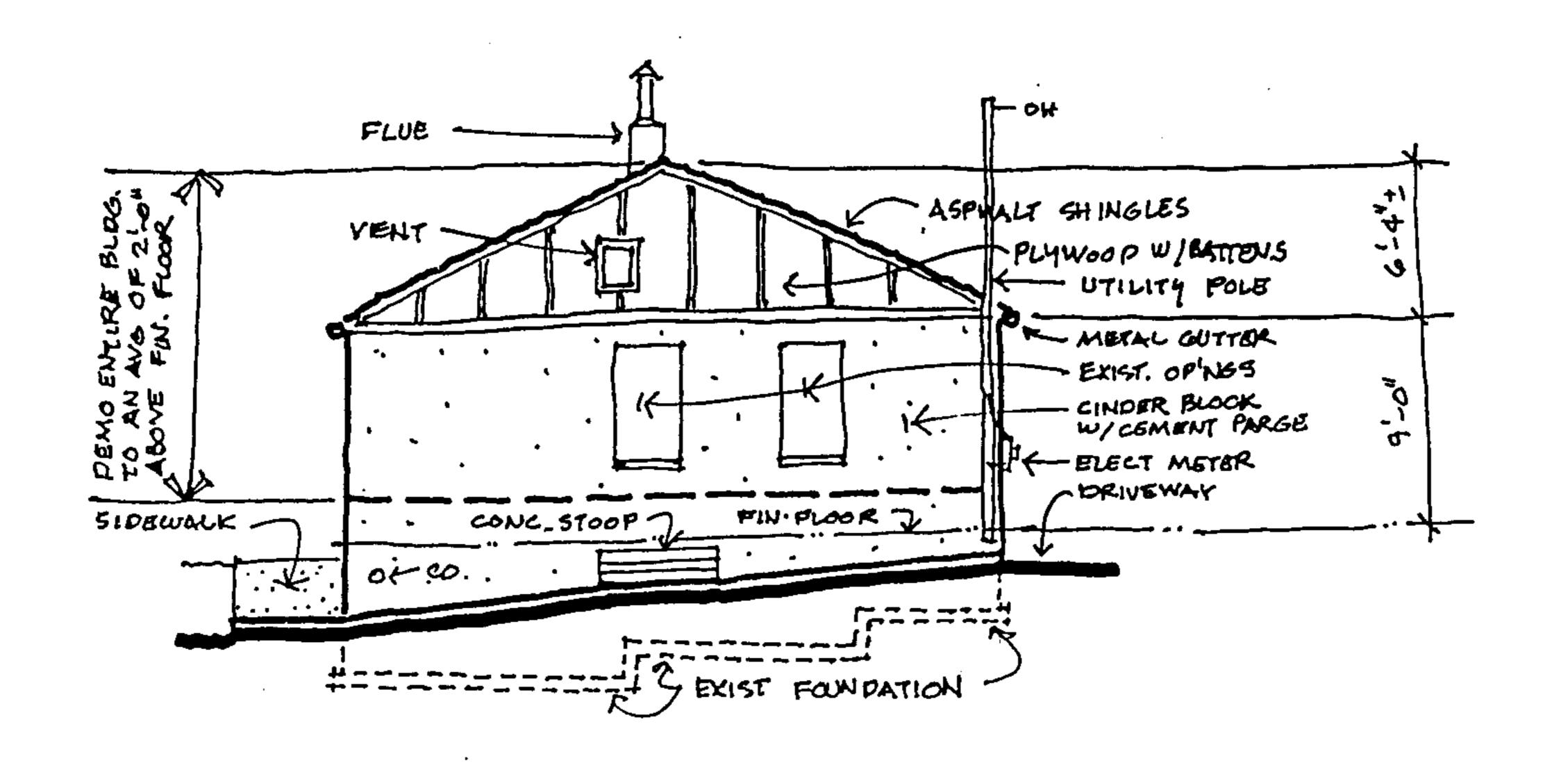












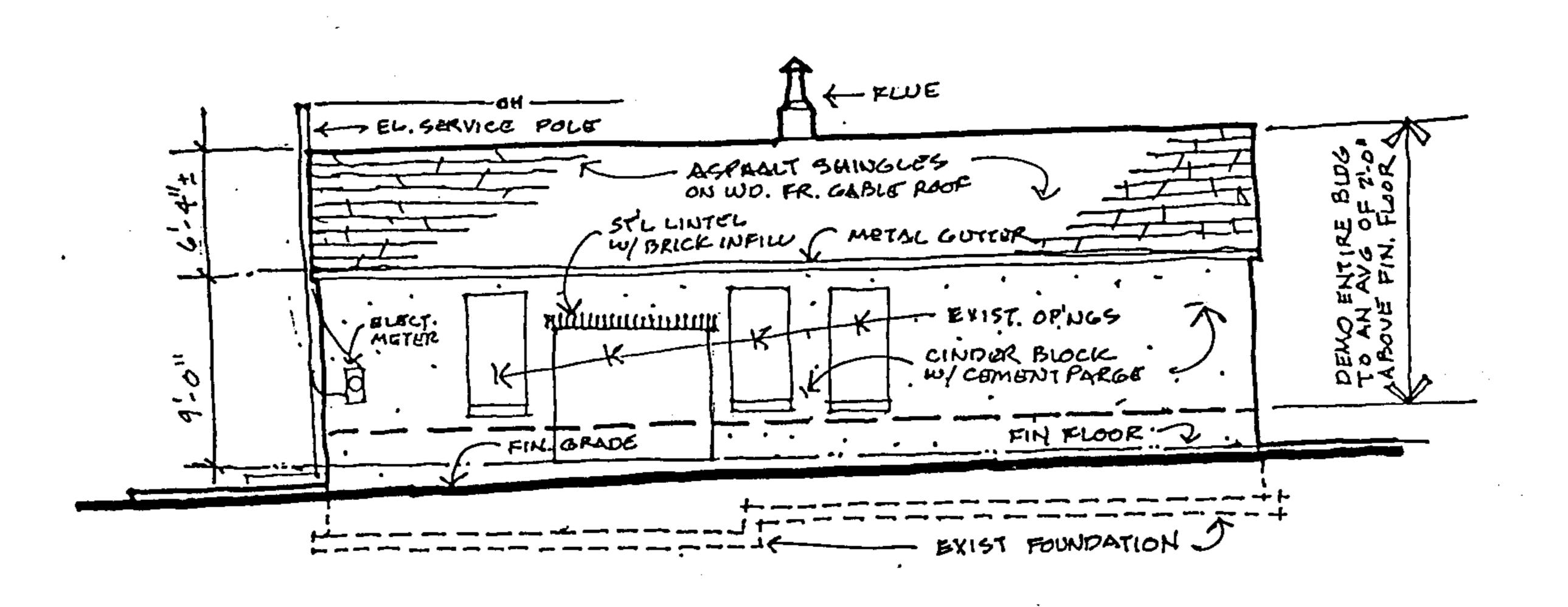
DEMOLITION DRAWING:
SOUTH SIDE ELEVATION

1/8" = 1'-0"

1614 EAST JOPPA ROAD

5)%

Nov. 15, 2002



DEMOLITION DRAWING:
WEST SIDE ELEVATION

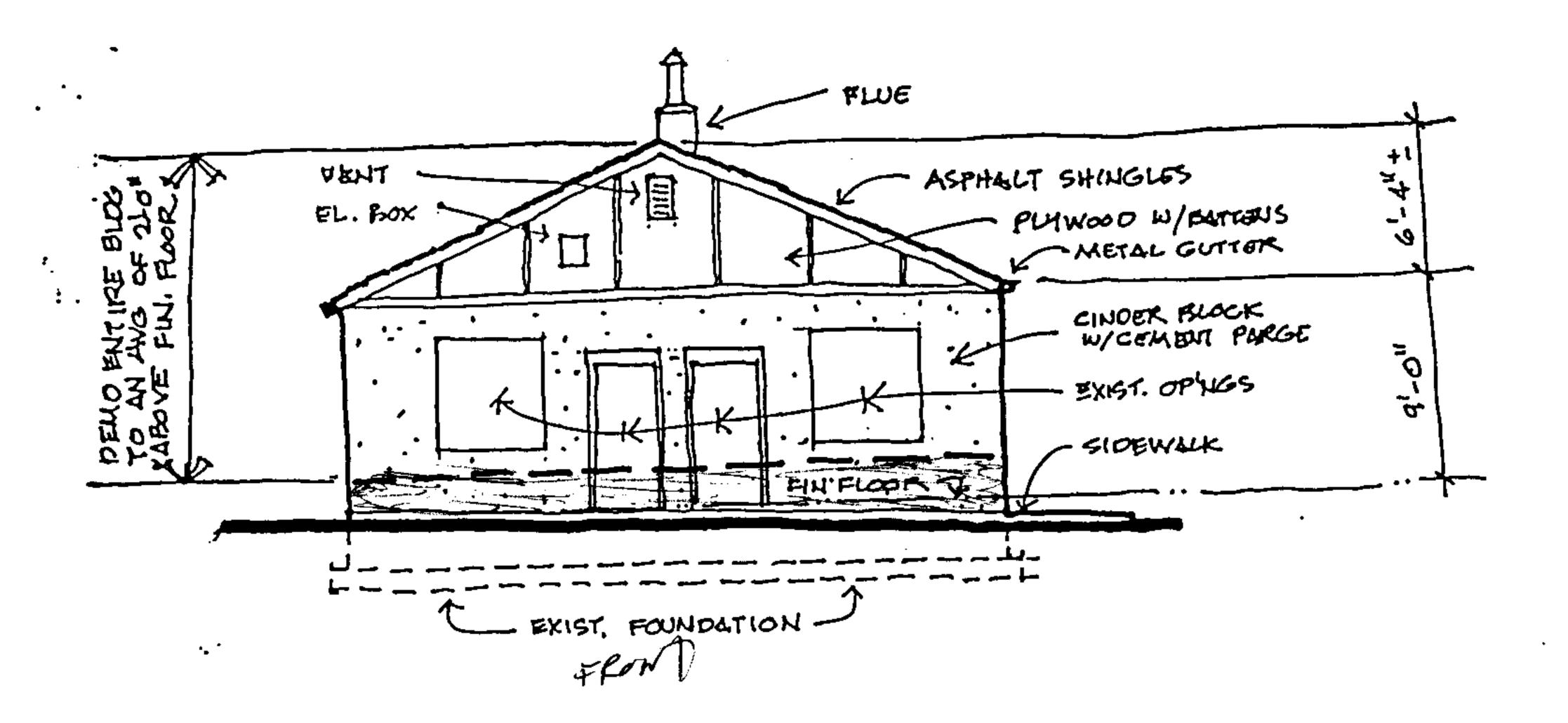
1/8" = 1-0"

1614 EAST JOPPA ROAD

))。 分别)。 Nov. 15, 2002

51-21 10'-4" 14'-9" 14.9" 1/4. 50 PIPE COL 5 6 PIPE COL 50 中产 Ca. - F16 A" FRO "B" FT6"5" -514 PIFE COL. EXIST & BLOCK !! } FOUNTALL ON !! B 4/A. (SIM) FTG 11C11 CHEEK WALLS REMOVE EX. FON ENTIREDY EXIST 4" CONC SHAPS PREMOVE SLASTO 4x4x4"5UPL -12 . . . O . 71 EXCAVATE . REFOUR 4" SUAB (T4P,) EXIST 8" BLOCK FON, ! WALL ON 8 1/2 16" FTG !! "NEW 10" CMU ON 112"x 18" RC, FTG NOTE: P. C. A. .. D. UNDER PIN EXIST WALL "NEW 8" CMU ON FTG. TO CONSTRUCT NEW 3/4. COU, FICE. BEAR EXIST. FIG. 12 X 164 R.C. FTG 5 MIN. ON NEW FTG. (14P) -4/A.
(51M.)
5 4 PIPE COL FTG"A" - FTG "B" 2/4. 5' OPIFE COLD 5 to PIPE COLT FT6 "B" NOTE: REDUCE MACADAM and CONC SIDEWALKS AS REQUIRED FOR EXCHATION, REPLACE MATERIALS INKIND.

FOUNDATION FLAN SCRE: 3/4=1-0"



DEMOLITION DRAWING:

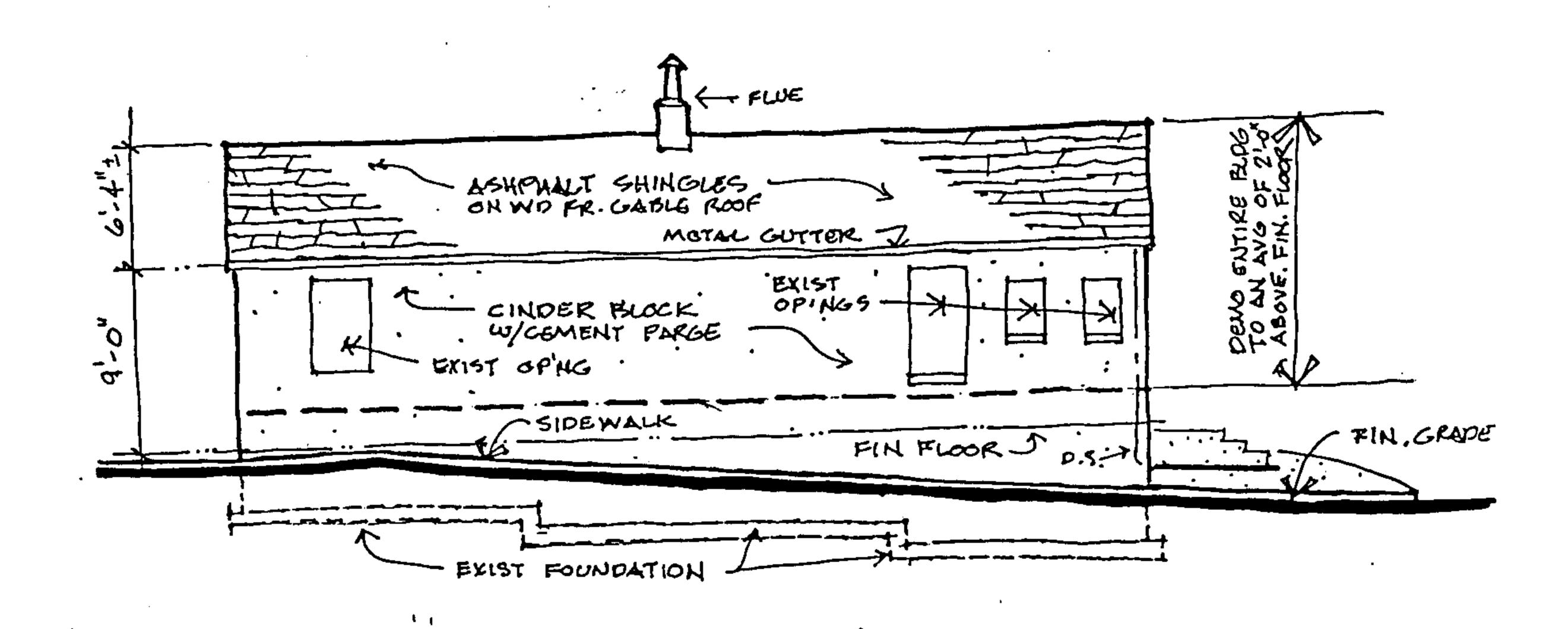
JOPPA ROAD ELEVATION

1/8" = 1'-0"

1614 EAST JOPPA ROAD

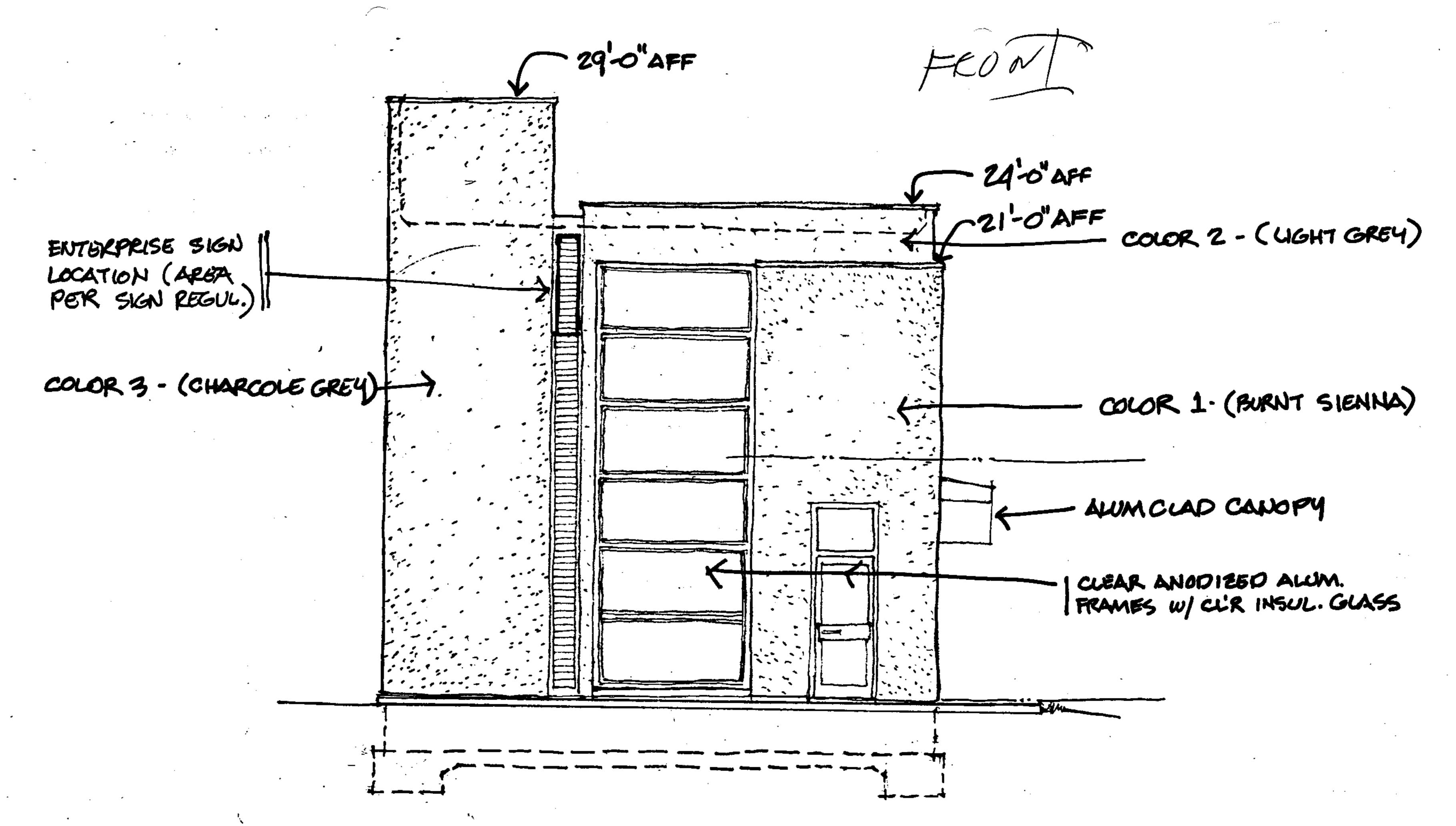
D) 0 / 1 / 2002

(42) FT CONCRESS AROUND FOOTPEINT WEST



DEMOLITION PRAWING: EAST SIDE ELEVATION 1/8" =1'-0"

1614 EAST JOPPA ROAD



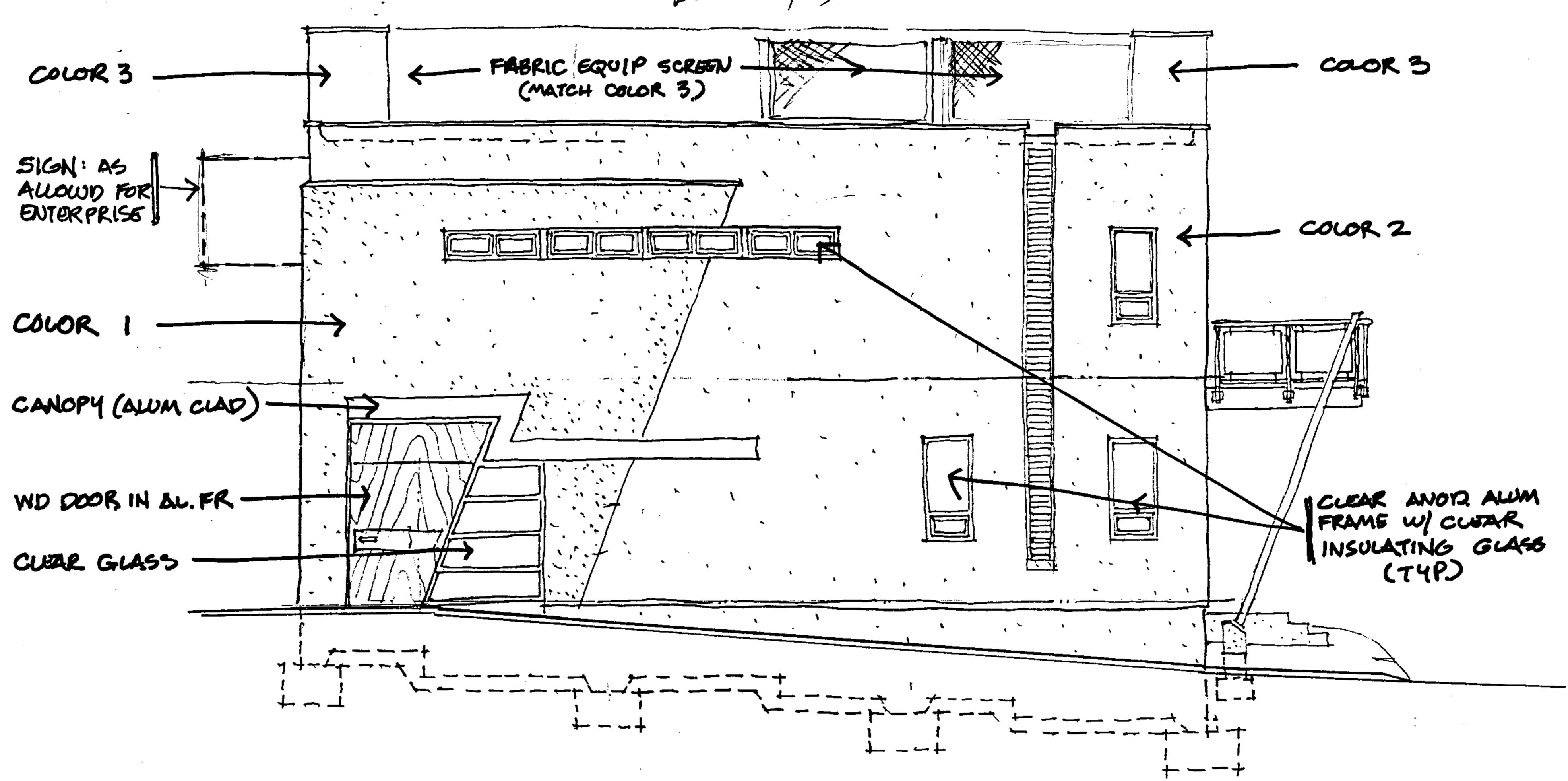
NORTH ELEVATION seals 3/6"=1-0"

PEAR Jand CL. WSUL. GLASS ALLM FRAM RAILS and PERFORATION ALLM PAWELS ALUM OLAD CANDPY

COLOR 2 cover 3 FRAMBS W/CLR
INSUL GLASS
(TUPICAL)

EAST ELEVATION

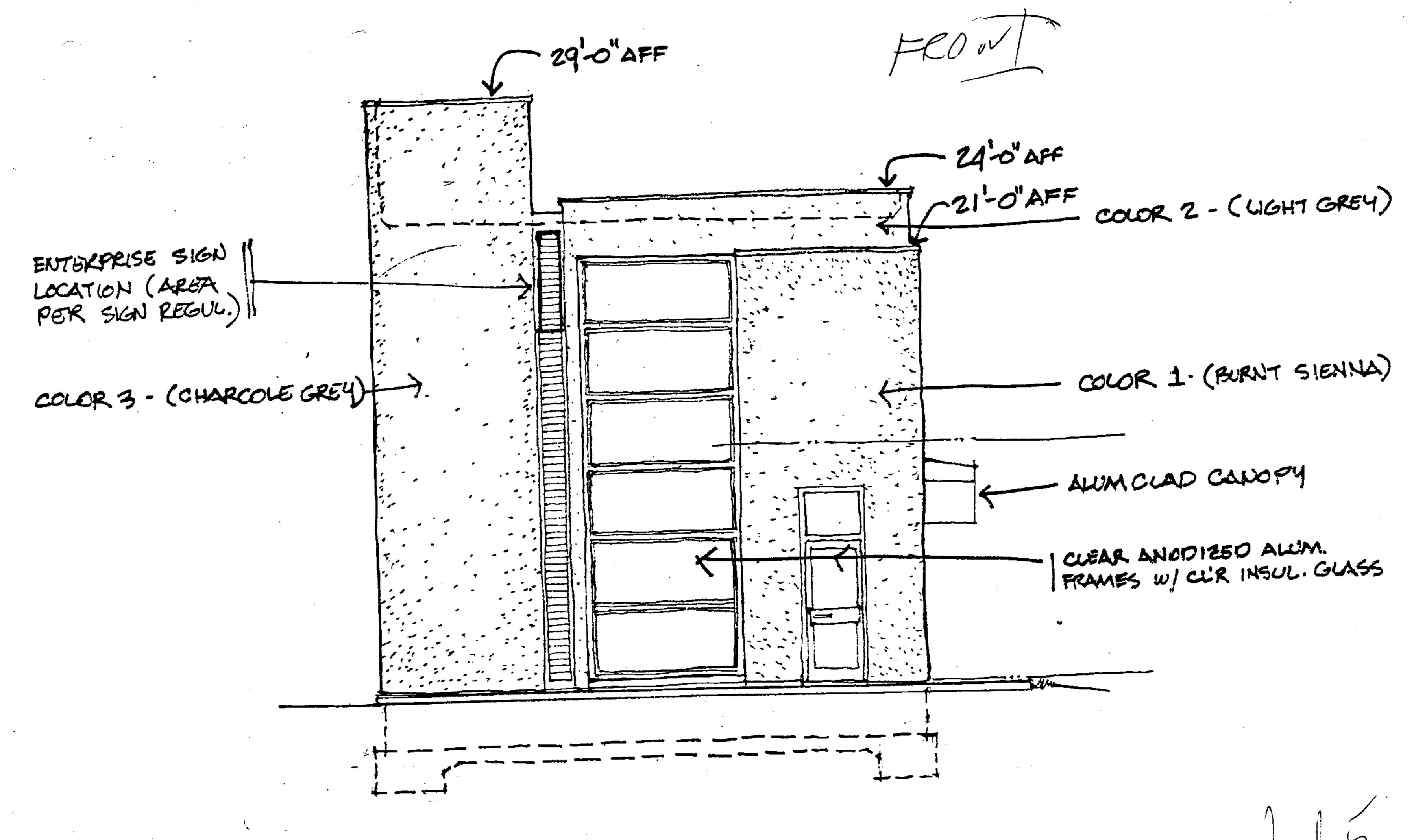
BowLing 5,06



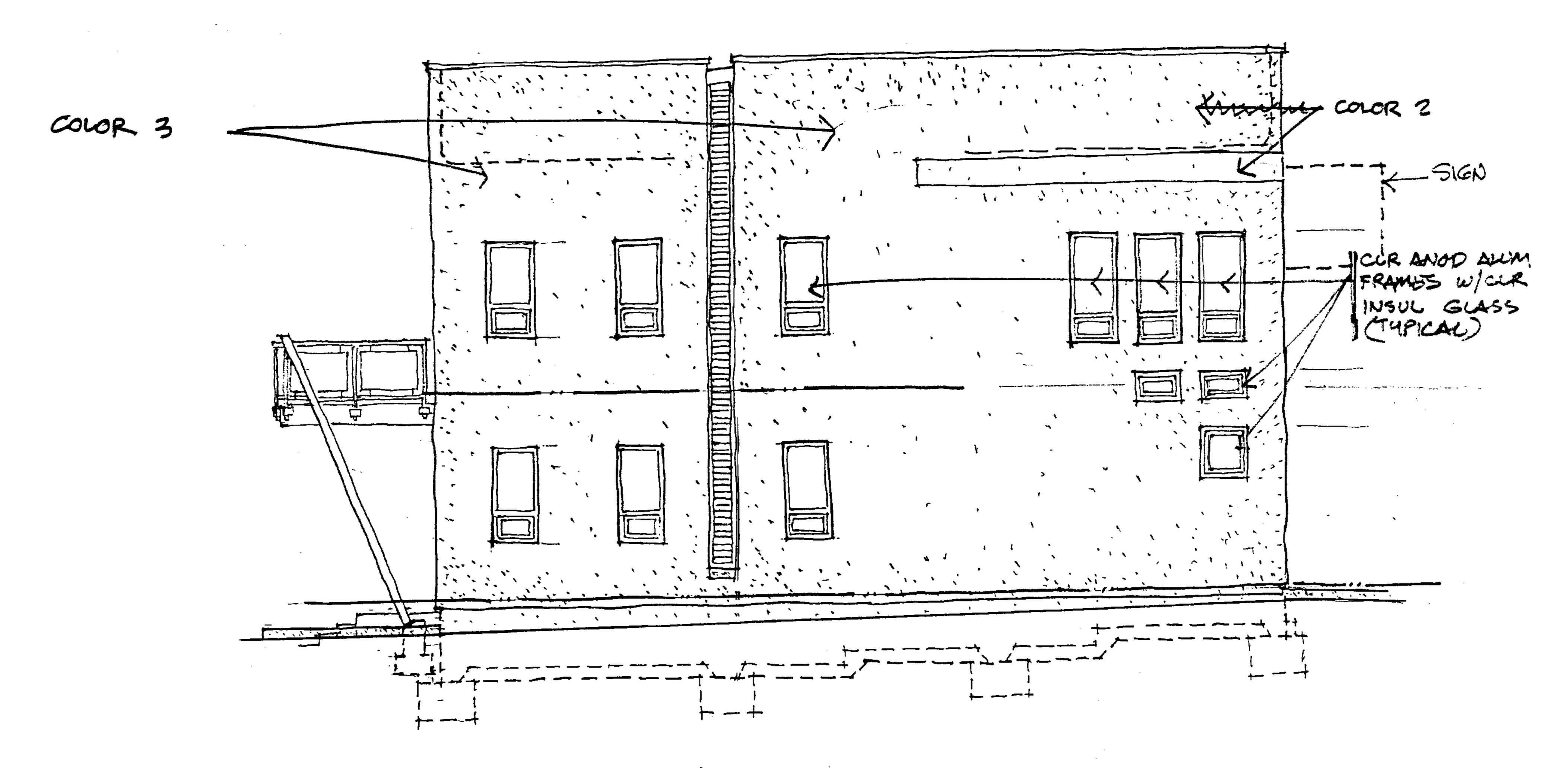
WEST ELEVATION SOLE: 3/16"=1'-0"

Bow LING 5,06 FABRIC EQUIP SCREEN -(MATCH COLOR 3) cook 3 COLOR 3 SIGN: AS ALLOWD FOR -couor 2 COLOR CANOPY (ALUM CLAD) FRAME WI CLUTAR INSULATING GLASS (TYP) WD DOOR IN AL. FR. -CUEAR GLASS

WEST ELEVATION SCALE: 3/16"=1'-0"

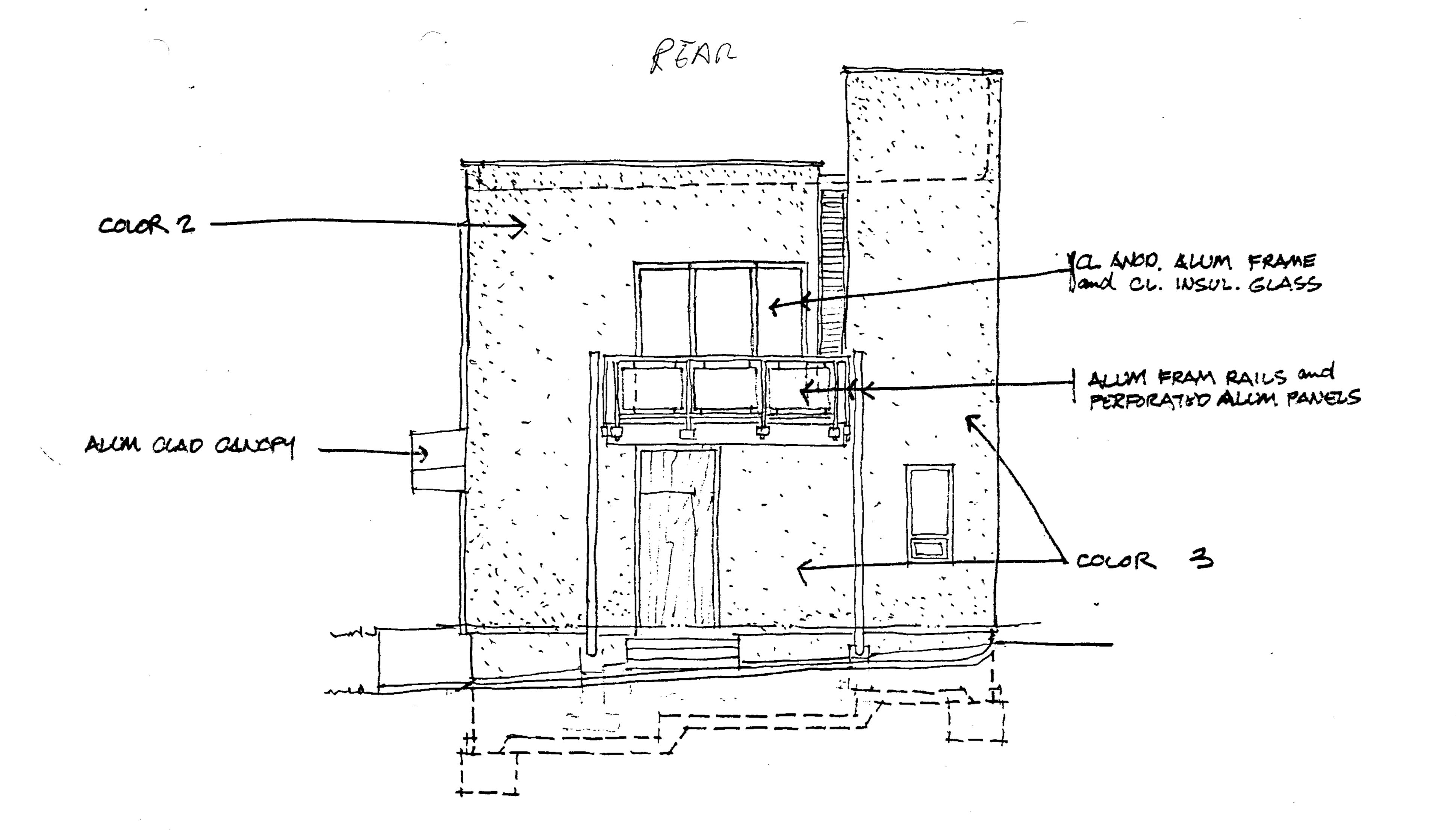



NORTH ELEVATION SEALE 3/16"=1"-0"



EAST ELEVATION

3/16=1-0"





To the place of beginning as now established and being a portion of the lot as recorded in deed

and located in the 9th Election District.

DESIGN BY:

CHECKED BY

liber 14703, folio 87. Also known as a portion of 1614 East Joppa Road, Baltimore, MD, 21286

TO APPROVE THE SEPARATION OF THE OFFICE FOR "USED MOTOR E OUTDOOR SALES AREA, SEPARATED FROM SALES AGENCY BUILDING" (BCZR SEC. 236.4) TO BE LOCATED WITHIN AN EXISTING BUILDING WITH "USES IN COMBINATION" SEPARATED FROM THE AREA

SUBJECT SITE-

VICINITY MAP SCALE: 1"= 2000'

BENCH MARK + 14553 N 36008.61 13572.38

GENERAL NOTES:

- Thomas L. & Janice F. Nuckolls 8919 Satyr Hill Rd. Balt., MD 21234 (443-570-8813)
- CENSUS TRACT: 4912.01

- DEED: liber 14703 folio 87.
- TAX ACCOUNT NO.: #09-0902370580
- EXISTING ZONING: BR AS
- EXISTING USE: Vacant with one and one half story building and paved parking lot.
- PROPOSED USE: Mixed retail/offices ("Use in Combination") as permitted with a portion being "used automobile sales" by Special Exception, the subject of this Petition.
- SITE ANALYSIS:
 - 14,598.00 Sq. Ft. +/- = 0.335 Ac. +/-
 - 13,068.00 Sq. Ft. \pm /- = 0.300 Ac. \pm / -
 - REAR YARD: Subject to Height Tent Section 231 A of B.C.Z.R.
 - FLOOR AREA RATIO:
- NONE OF RECORD
- SITE IS SERVED BY PUBLIC WATER AND SANITARY SEWER.
- THE SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.

- AS REQUIRED FOR RETAIL: 5.0 SPACES / 1,000 SQ., FT.
- HOURS OF OPERATION: 7 AM -10 PM; MAXIMUM # OF EMPLOYEES: 6; MAXIMUM LEVEL OF EMANATIONS: NORMAL OFFICE & USED AUTOMOBILE SALES LEVELS.
- BALTIMORE COUNTY LANDSCAPE MANUAL AS NEEDED TO SUPPLEMENT THE CURRENT LANDSCAPING OF THE SITE. AND IN ACCORDANCE WITH SECTION 405A OF THE BCZR. THERE ARE NO MAJOR CHANGES IN GRADE PROPOSED.
- EXISTING AND PROPOSED BUILDINGS SHALL MEET APPLICABLE BUILDING CODES AND
- THE USE AND DEVELOPMENT OF THE PROPERTY SHALL BE IN COMPLIANCE WITH APPLICABLE SECTIONS OF B.C.Z.R., AND SUCH OTHER PROVISIONS IN ACCORDANCE WITH THE BCZR AS MAY BE DETERMINED BY THIS SPECIAL EXCEPTION HEARING. 224 ZONING MAP -NE-10C





305 West Chesapeake Avenue, Suite 118, Towson, Maryland 21204

410-296-2140 Fax 410-296-0419

PLAT TO ACCOMPANY PETITION FOR SPECIAL

NUCKOLLS PROPERTY - 1614 EAST JOPPA ROAD

EXCEPTION, SPECIAL HEARING, AND VARIANCE SHEET HEARING