IN RE: PETITION FOR SPECIAL EXCEPTION *

N/S Stocksdale Avenue, 3100' W of the c/l

Woodley Avenue

(206 Stocksdale Avenue)

4th Election District

3rd Council District

Stefan J. Hoffnagle Petitioner BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

^k Case No. 03-439-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 owner of the subject property, Stefan J. Hoffnagle. The Petitioner requests a special exception to allow the construction of a storage building for a Landscaping Business in a R.C.4 zone, previously approved under Case No. 00-521-XA, but expired before construction started. 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 was Stefan J. Hoffnagle, property owner. There were no Protestants or other interested persons present.

The subject property is a roughly square-shaped parcel located on the north side of Stocksdale Avenue, just west of its intersection with Woodley Avenue in Reisterstown. The property contains a gross are of 3.3 acres, more or less, zoned R.C.4 and is improved with a single-family dwelling. Although generally located in a rural/residential area, a Baltimore Gas and Electric Company right-of-way abuts the site and there are large overhead transmission lines/towers immediately adjacent to the subject property.

As noted above, the property was the subject of prior Case No. 00-521-XA in which the undersigned Zoning Commissioner granted the Petitioner special exception and variance relief to operate a landscaping business on the property. As noted in my prior Opinion and Order dated August 4, 2000, Mr. Hoffnagle owns and operates a small landscaping business, known as

 Hoffnagle Lawn and Landscape Service. Mr. Hoffnagle was in the process of acquiring the property from his wife's family with the intention of residing in the dwelling thereon and operating his landscaping business from the premises. In conjunction therewith, he proposed to construct a storage building for the purpose of storing landscaping vehicles, tools and equipment used in the business in the rear northeast corner of the property, 15 feet from both the rear and side property lines in lieu of the required 50 feet. Thus, special exception and variance relief was requested to allow the business to operate on the property and permit construction of the building as proposed.

The Petitioner has since moved to the site and has resided on the property with his wife and family for the past three years. Mr. Hoffnagle indicated, however, that due to financial and other considerations, the storage building has not been constructed and he is currently operating out of his mother's home. Section 502.3 of the B.C.Z.R. states that a special exception that has not been utilized within a period of two years from the date of the final Order granting same shall thereafter be void. It is also to be noted that the variance relief previously granted contains no such time constraint and remains in full force and effect. Relief is requested as set forth above to reactivate the special exception relief granted in the prior case.

Based upon the testimony and evidence presented, I find that the relief requested should be granted and that there will be no detriment to the health, safety or general welfare of the surrounding locale. There has been no change in the circumstances surrounding this case and it is clear that the grant of the special exception is appropriate here. Moreover, to avoid a similar problem in the future, pursuant to Section 502.3 of the B.C.Z.R., the special exception granted herein will be valid for a period of five years from the date of this Order.

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 Aday of May 2003 that the Petition for Special Exception to allow the construction of a storage building for a Landscaping Business in a R.C.4 zone, previously approved under Case No. 00-521-XA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the special exception relief granted herein shall remain in full force and effect for a period of five years from the date hereof; and,

IT IS FURTHER ORDERED that the terms and conditions of the relief granted in prior Case No. 00-521-XA shall remain in full force and effect.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



Baltimore County Zoning Commissioner

May 21, 2003

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

Fax: 410-887-3468

Mr. Stefan J. Hoffnagle 53 Fox Run Court Reisterstown, Maryland 21136

RE: PETITION FOR SPECIAL EXCEPTION

N/S Stocksdale Avenue, 3100' W of the c/l Woodley Avenue

(206 Stocksdale Avenue)

4th Election District – 3rd Council District

Stefan J. Hoffnagle - Petitioner

Case No. 03-439-X

Dear Mr. Hoffnagle:

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. James C. Sadler, 152 Westminster Pike, Reisterstown, Md. 21136 People's Counsel; Case File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

	for the pr	operty located at 206 Stucksdele
OWNERS) OF the property situate in Haitimo	NA COUNTY AND WE	which is presently zoned C 4 mits and Development Management . The undersignich is described in the description and plat attached has under the Zoning Regulations of Baltimore County, to the description of Baltimore County"> County (County (Co
	1 for con	struction of a storage building
Production Production	12 11 21 LA 2	1201 Zone
Granted August 4,	2000 but e	expired before construction start
Property is to be posted and advertised as L or we, agree to pay expenses of above Spec	prescribed by the	zoning regulations. rtising, posting, etc. and further agree to and are to be boun
zoning regulations and restrictions of Baltimore	County adopted pur	rsuant to the zoning law for Baitimore County.
		I/We do solemnly declare and affirm, under the penaltie perjury, that I/we are the legal owner(s) of the property vis the subject of this Petition.
Contract Purchaser/Lessee:		Legal Owner(s):
		Stefan J. Holfneale
Name - Type or Print		Name - Type or Print
Signature		Signature J. Holfmance
Address	Telephone No.	Name - Type or Print
City	Zip Code	Signature
Attorney For Petitioner:		53 Fox Run Court
		Address
Name - Type or Print		City State Z
		City State Z Representative to be Contacted:
Signature		City State ZI Representative to be Contacted: Lames C. Sadler
		Representative to be Contacted: Name Name
Signature	Telephone No.	Representative to be Contacted: Lames C. Szalar Name 152 Westminster Pile 410.526. Address Telepho
Signature	Telephone No. Zip Code	Representative to be Contacted: Lames C. Szalar Name 152 Westminster Pile 410.526. Address Telepho
Signature		Representative to be Contacted: James C. Szdlar Name 152 Westminster Pille 410.526. Address Telepho Reistastown MD. Zill City State Zir
Signature		Representative to be Contacted: Lames C. Sadlar Name 152 Westminster Pille 410.526. Address Telepho Reistastown MD. Zij City State Zij
Signature		Representative to be Contacted: James C. Szdlar Name 152 Westminster Pille 410.526. Address Telepho Reistastown MD. Zill City State Zir
Signature Company Address State		Representative to be Contacted: Lames C. Szdlar Name 152 Westminster Pile 410.526- Address Telephon Reistastown MD. Zill City State Zip OFFICE USE ONLY ESTIMATED LENGTH OF HEARING

Phone [410] 526-5618 Fax [410] 526-7199

152 Westminster Road Reisterstown, Maryland 21136

James C. Sadler

ZONING DESCRIPTION

206 Stocksdale Avenue 4th Election District Baltimore County, MD.

Beginning for the same in the centerline of Stocksdale Avenue, 20 feet wide at a distance of 3100 feet, more or less westerly from the intersection of Stocksdale Avenue and Woodley Avenue, thence running and binding along the centerline of said Stocksdale Avenue

- 1) South 87 degrees 30 minutes west 391 feet, thence leaving Stocksdale Avenue and running
- 2) North 14 degrees 45 minutes east 451 feet
- 3) South 75 degrees 00 minutes east 363.9 feet and
- 4) South 13 degrees 15 minutes west 327.8 feet to the place of beginning, containing 3.3 acres of land, more or less. The improvements thereon being known as 206 Stocksdale Avenue.

This description has been prepared for <u>ZONING</u> purposes only and is not intended for recordation.

James C. Sadler Reg. 449

#57 03-439-x 00.521-XA

NOTICE OF ZOMING HEARING

The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Regulations of Battimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case, #03-439-X
206 Stocksdale Avenue
N/side of Stocksdale Avenue, 310 feet west of Woodley Avenue
4th Election District-3rd Councilmanic District
Legal Owner(s): Stefan J. Hoffnagle
Special Exception: to permit construction of a storage building for a landscaping business, granted August 4, 2000 but expired before construction.

Hearing: Tuesday, May 5, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT/4/751 April 22

C599569

, 2003

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

The Jeffersonian

Arbutus Times

Towson Times

Times

Catonsville

ls Times Owings Mil NE Booster/Reporter

North County News

Rame of the Same

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYL

MISCELLANEOUS RECEIPT OFFICE OF BUDGET & FINANCE

ACCOUNT ₩

AMOUNT

RECEIVED FROM:

FOR:

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DISTRIBUTION

WHITE - CASHIER

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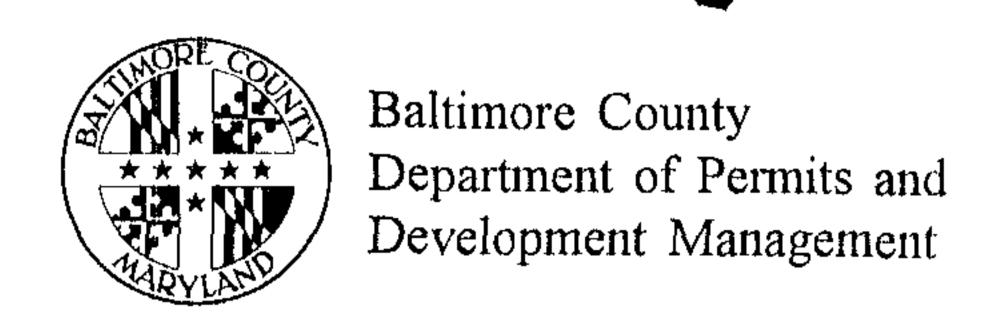
- MOTTEA CUSTOMER

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44

CASHIER VALIDATION CERTIFICATE OF POSTING

	•	RE: Case No.:	03·439·X
		Petitioner/D	eveloper:
		W.T. <	Eadler
	•	Date of Hea	ring/Closing: <u>5/9/03</u>
	Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204		
	Attention: Ms. Gwendolyn Stephens		
	Ladies and Gentlemen:		
	This letter is to certify under the penalti were posted conspicuously on the property	es of perjury that the nece erty located at 2045	ssary sign(s) required by law. LECKSdale Avenue
	1	4/24/03.	
· 1 s · · · · · · · · · · · · · · · · ·		(Month, Day, Yea	r)
	ZONING NOTICE	Sincerely,	
The state of the s	CF: County Creece Distanted Contant Are Rulls	Landro	
Lon Lon	TE AND TIME: Ecology of a second at a co. pm. OUEST: Special Exercise To Fremos Verteuction of a absorpe building for a Ouestaping business. Greatest August Happy Associate busines construction	(Signan	re of Sign Poster and Date)
Philippe N 1 Las America	Hamilier de Hallier de Hall Commissus part source de Relation de Course de Lation de Lation de Course de Lation de Lation de Course de Lation de L	105 C	NON-RAUMINIGNS INC. OMPETITIVE GOALS DR.
4/2	4/03.	ELDE	RSBURG MD. 21784-
1	<i>t</i>	(C	ity, State, Zip Code)



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

April 22, 2003

CORRECTED 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: 03-439-X

206 Stocksdale Avenue

N/side of Stocksdale Avenue, 310 feet west of Woodley Avenue

4th Election District – 3rd Councilmanic District

Legal Owner: Stefan J. Hoffnagle

Special Exception to permit construction of a storage building for a landscaping business, granted August 4, 2000 but expired before construction.

Hearings:

Friday, May 9, 2003 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon

Director

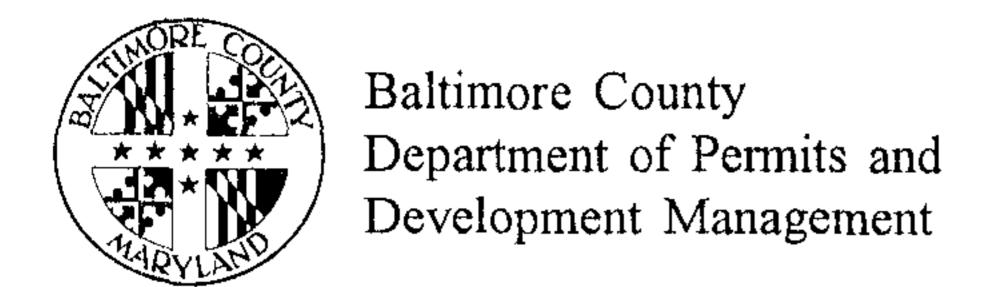
AJ:rlh

C: Stefan J. Hoffnagle, 53 Fox Run Court, Reisterstown MD 21136 James C. Sadler, 152 Westminster Pike, Reisterstown MD 21136

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

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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



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

April 3, 2003

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-439-X

206 Stocksdale Avenue

N/side of Stocksdale Avenue, 310 feet west of Woodley Avenue

4th Election District – 3rd Councilmanic District

Legal Owner: Stefan J. Hoffnagle

Special Exception to permit construction of a storage building for a landscaping business, granted August 4, 2000 but expired before construction.

Hearings:

Tuesday, May 6, 2003 at 11:00 a.m. in Room 407, County Courts Bldg.,

401 Bosley Avenue

Arnold Jablon

Director

AJ:klm

C: Stefan J. Hoffnagle, 53 Fox Run Court, Reisterstown MD 21136 James C. Sadler, 152 Westminster Pike, Reisterstown MD 21136

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 21, 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, April 22, 2003 Issue - Jeffersonian

Please forward billing to:

Stefan J. Hoffnagle 53 Fox Run Court

Reisterstown MD 21136

410-526-5618

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: 03-439-X

206 Stocksdale Avenue

N/side of Stocksdale Avenue, 310 feet west of Woodley Avenue

4th Election District – 3rd Councilmanic District

Legal Owner: Stefan J. Hoffnagle

<u>Special Exception</u> to permit construction of a storage building for a landscaping business, granted August 4, 2000 but expired before construction.

Hearings:

Tuesday, May 6, 2003 at 11:00 a.m. in Room 407, County Courts Bldg.,

401 Bosley Avenue

LAWETROCKS B. Schoolists

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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

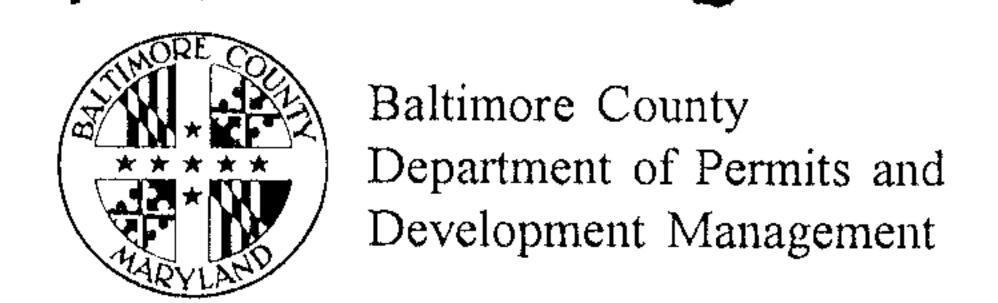
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: <u>03 - 439 - K</u>
Petitioner: STEFAN 5. HOFENAGLE
Address or Location: 206 Stocksone Auc
PLEASE FORWARD ADVERTISING BILL TO:
Name: 5-67-AN 5- HOFFNAGG
Address: 53 Fox Ruw Court.
RUS CORS TOWN NO. 7(156.
Telephone Number: SAMES SANDIGAL 410-526-5618.



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

May 2, 2003

Stefan J. Hoffnagle 53 Fox Run Court Reisterstown, MD 21136

Dear Mr. Hoffnagle:

RE: Case Number: 03-439-X, 206 Stocksdale Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 21, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

u. Callibal Do

WCR:klm

Enclosures

c: People's Counsel James C. Sadler, 152 Westminster Pike, Reisterstown MD 21136



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedorsen, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.1.03

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 439

JRA

Dear. Ms. Hart:

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 III
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 1, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 31, 2003

Item No.:

439

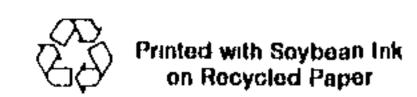
Dear Ms. Hart:

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, (2000 edition of NFPA 1 & 101), prior to occupancy or beginning of operation.

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAY - 2 2003
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-439

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 21, 2003

Department of Permits & Development Management

FROM

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 7, 2003

Item Nos. 431, 432, 433, 435, 436, 437, 438, 439, 440, 441, 442, 443,

and 444

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL EXCEPTION
206 Stocksdale Avenue; N/side Stocksdale
Avenue, 310' W Woodley Avenue
4th Election & 3rd Councilmanic Districts
Legal Owner(s): Stefan J. Hoffnagle
Petitioner(s)

* BEFORE THE

ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 03-439-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 day of April, 2003, a copy of the foregoing Entry of Appearance was mailed to James C Sadler, 152 Westminster Pike, Reisterstown, MD 21136, Representative for Petitioner(s).

RECEIVE BETER MAX ZIMMERMAN

People's Counsel for Baltimore County

APR 0 2 2003

per M

