IN RE: PETITION FOR SPECIAL EXCEPTION SW/S of Middletown Road, 1,290' +/- NW centerline of Beckleysville Road 6th Election District 3rd Councilmanic District (20234 Middletown Road)

DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY

CASE NO. 03-440-X

BEFORE THE

Laura D. & Jon C. Meadowcroft, Sr. Petitioners

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

\*

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Laura and Jon Meadowcroft. The special exception request involves property located at 20234 Middletown Road, which property is zoned BL-CR. The special exception request is to approve an automotive service station.

Appearing at the hearing on behalf of the special exception request were Jon Meadowcroft, Sr., owner of the property, and A. L. Snyder, the surveyor who prepared the site plan. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists 0.20252 acres, more or less, zoned BL-CR. The property is located on the South side of Middletown Road in the Freeland area of Baltimore County. The property is improved with an existing automotive service station, along with gasoline fuel pumps. The service station has been owned and operated by the Meadowcroft family since 1961. Mr. Jon Meadowcroft, who appeared at the hearing, took over the business from his father approximately 10 years ago. He has been operating the business since that time.

Mr. Snyder testified that while the service station has existed at this location for over 40 years, a certain section of the service station property never received a formal special exception approval. That portion of the property is highlighted on the site plan submitted into evidence and

S/6/03

contains 0.20251 acres of land. It comprises a portion of the South end of the service station building, along with the parking lot. In order to bring the service station use into total compliance with Baltimore County Zoning Regulations, the Petitioners filed this special exception request.

It is clear the Baltimore County Zoning Regulations permits the Petitioners' use in a BL-CR zone by special exception. It is equally clear that the proposed use is not detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioners had the burden of adducing testimony and evidence which shows that the use meets the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioners have shown that the use is conducted without real detriment to the neighborhood and does not adversely affect the public interest. The facts and circumstances do not show that the use at this particular location described by Petitioners' Exhibit No. 1 has any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The use is not detrimental to the health, safety, or general welfare of the locality, nor tends to create congestion in roads, streets, or alleys therein, nor is it inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the B.C.Z.R.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief request in the special exception shall be granted.

THEREFORE, IT IS ORDERED this day of May, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for Special Exception, to permit an automotive service station, be and is hereby APPROVED.

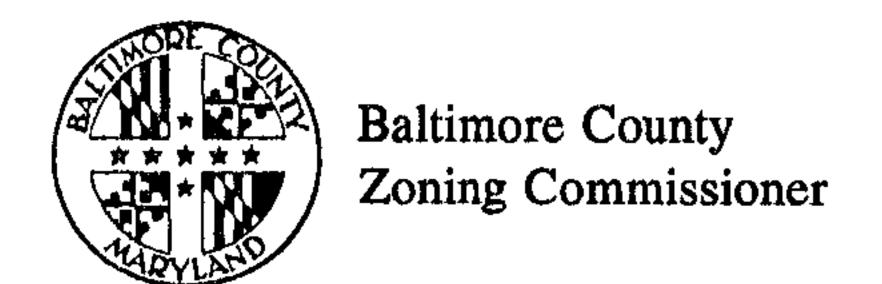
IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

May 6, 2003

Mr. & Mrs. Jon C. Meadowcroft, Sr. 20228 Middletown Road Freeland, Maryland 21053

RE: Petition for Special Exception Case No. 03-440-X

Property: 20234 Middletown Road

Dear Mr. & Mrs. Meadowcroft:

Enclosed please find the decision rendered in the above-captioned case. The petition for special exception has been granted in accordance with the enclosed Order.

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

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

luthy lotroco

TMK:raj Enclosure



# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 20234 Middletown Road which is presently zoned BL-CR

UNAVAILABLE FOR HEARING

Date \_\_\_

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  $A \subseteq CVICE \subseteq STATON(AUTOMOTIVE)$ .

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. I/We do solemnly declare and affirm, under the penalties of perjury, the I/we are the legal owner (s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: Jon Charles Meadowcroft, SR. Name - Type or Print Name - Type or Print Signature Laura Diane <u>Meadowcroft</u> Name / Type or Print Telephone No. Address Zip Code State City 410-357-4148 20228 Middletown Road Attorney For Petitioner: Telephone No. Address MD21053 Freeland Zip Code State City Name - l'ype or Print Representative to be Contacted: Signature Name Company Telephone No. Telephone No. Address Address Zip Code Zip Code City State State City OFFICE USE ONLY ESTIMATED LENGTH OF HEARING

Reviewed By

A. L. Snyder Surveyor, Inc. 1911 Hanover Pike Hampstead, Maryland 21074

(410) 239-7744

(410) 374-9695 phone/fax

Zoning Description for No. 20234 Middletown Road

March 11, 2003

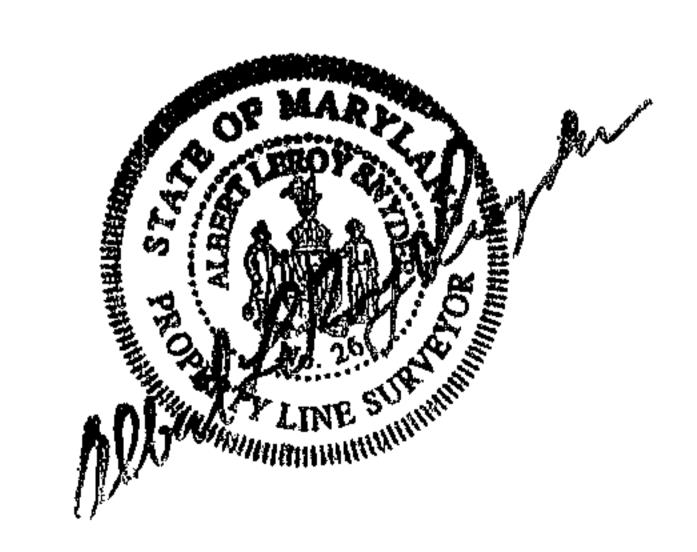
Beginning on the southwest side of Middletown Road, 1290 feet northwesterly from the centerline of Beckleysville Road, thence

- 1.) North 36 degrees 58 minutes 48 seconds West 77.99 feet
- 2.) South 48 degrees 53 minutes 52 seconds West 147.865 feet
- 3.) South 78 degrees 02 minutes 11 seconds East 91.69 feet
- 4.) North 51 degrees 51 minutes 21 seconds East 87.28 feet to the place of beginning.

Containing 0.20251 acres of land, more or less.

Being a part of that land which was conveyed to Jon Charles Meadowcroft, Sr. and Laura Diane Meadowcroft from Jon Charles Meadowcroft, Sr., by deed dated January 6, 1997 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 11987 folio 299 etc., known as No. 20234 Middletown Road and located in the Sixth Election District and the Third Councilmanic District of Baltimore County.





# 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 frearing in Towson Maryland on the propertidentified herein as follows:

Case: #03-440-X
20234 Middletown Road
S/w side of Middletown
Road, 1,290 feet +/- northwest of the centerline of
Beckleysville Road
6th Election District
3rd Councilmanic District
Legal Owner(s): Jon C.
Meadowcroft, Jr. and Laura
D. Meadowcroft.
Special Exception: to approve an automotive service
station.
Hearing: Tuesday, May 6,
2003 at 9:00 a.m. in Room
407, County Courts Building, 401 Bosiey 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/4/752Aprıl 22 | C599583

# JERTIFICATE OF PUBLICATION

H24 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of  $\begin{bmatrix} 1 \\ \text{successive weeks, the first publication appearing} \\ \text{on } 4|22|,2003.$ 

LEGAL ADVERTISING

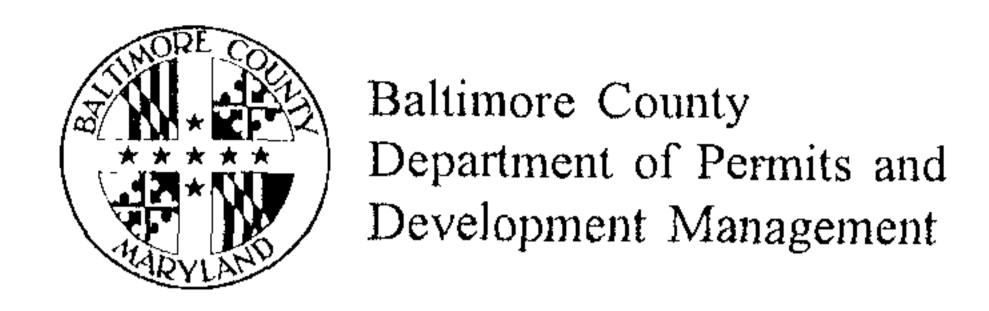
BALTIMORE COUNTY, MARYLAND ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) (	
DATE 3-21-03 ACCOUNT CC1-666-1150	
AMOUNT \$	13. 15. 23. 3mm (EE. 30. 16. 16. 16. 16. 16. 16. 16. 16. 16. 16
RECEIVED AND AND AND AND AND AND AND AND AND AN	
FOR:	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

Standard Comments of Standard

The state of the s

# CERTIFICATE OF POSTING

		Date:	4 23 03
RE:	Case Number 03-440-X  Petitioner/Developer: MEADOWCEOFT  Date of Hearing/Closing: MAY 6,		
were	This is to certify under the penalties of perjury posted conspicuously on the property located a		
	The sign(s) were posted on		<u> </u>
		(he	(Signature of Sign Poster)
		<u></u>	rinted Name of Sign Poster)
! !	ZONINGNOTICE	<u>98</u> ;	Treet Address of Sign Poster)
The state of the s	Case 1 03-4-40-X  A PUBLIC HI ARING WILL HE HELD BY  THE CONNEC COMMISSIONER  IN TOWSON MO  OUT Y COURS RULLING RUM 407	<u>13A</u> (C	TO. MD Z1Z34 ity, State, Zip Code of Sign Poster)
	SPECIAL EXCEPTION TO APPROVE AN AUTOMOTIVE SERVICE STATION.	<u> 4 (</u> (T	elephone Number of Sign Poster)



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

Fax: 410-887-5708

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: 03-440-X

20234 Middletown Road

S/w side of Middletown Road, 1,290 feet +/- northwest of the centerline of Beckleysville Road

6<sup>th</sup> Election District – 3<sup>rd</sup> Councimanic District

Legal Owners: Jon C. Meadowcroft, Sr. and Laura D. Meadowcroft

Special Exception to approve an automotive service station.

Hearings: Tuesday, May 6, 2003 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon

Director

AJ:rlh

C: Jon and Laura Meadowcroft, 20228 Middletown Road, Freeland 21053

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 Issue - Jeffersonian

Please forward billing to: Jon C. Meadowcroft, Sr. 20228 Middletown Road Freeland, MD 21053

# 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: 03-440-X

20234 Middletown Road

S/w side of Middletown Road, 1,290 feet +/- northwest of the centerline of Beckleysville Road

6<sup>th</sup> Election District - 3<sup>rd</sup> Councimanic District

Legal Owners: Jon C. Meadowcroft, Jr. and Laura D. Meadowcraft

Special Exception to approve an automotive service station.

Hearings:

Tuesday, May 6, 2003 at 9:00 a.m. in Room 407, County Courts Building,

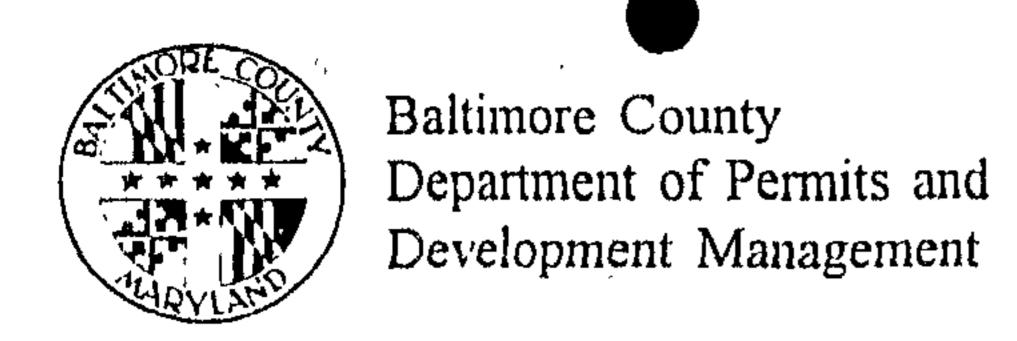
401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



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

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

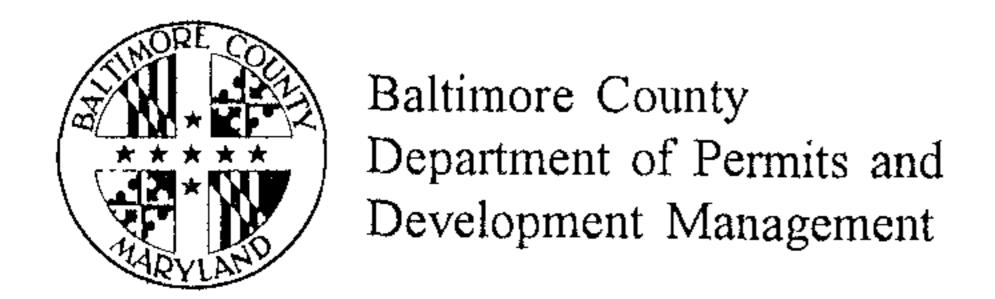
Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: $440$
Petitioner: VON CHARLES MEADOWCROFT, SIZ. & LAURA DIANE MEADOWCROFT
Location: 20234 MIDDLETOWN ROAD FREELAND, MD. 21053
PLEASE FORWARD ADVERTISING BILL TO:
NAME: JOH MEADOWCROFT, SR.
ADDRESS: 20228 MIDOLETOWN ROAD
FREELAUD, MARYLAUD 21053
PHONE NUMBER: 410.357.8222
AJ:ggs (Revised 09/24/96)



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

May 2, 2003

Jon Charles Meadowcroft Laura Diane Meadowcroft 20228 Middletown Road Freeland, MD 21053

Dear Mr. and Mrs. Meadowcroft;

RE: Case Number: 03-440-X, 20234 Middletown Road

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. Callahal)

WCR:klm

Enclosures

People's Counsel C:



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.:

440

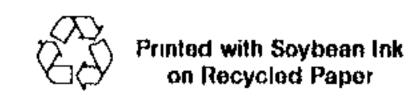
Dear Ms. Hart:

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





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

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

### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4 · 1 · 27 3

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

RE: Baltimore County

Item No. 4407

SCM

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,

1-

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

Siglo

# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-440

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

Prepared by:

Section Chief:

AFK/LL:MAC

MECEIVED

**DATE:** April 11, 2003

APR 1 1 2003

WING COMMISSIONER

### 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 \*

20234 Middletown Rd; SW/side Middletown

Rd, 1,290' NW c/line Beckleysville Rd

6<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): Jon Charles Sr & Laura

Diane Meadowcroft

Petitioner(s) \*

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

03-440-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 2 day of April, 2003, a copy of the foregoing Entry of Appearance was mailed to Jon & Laura Meadowcroft, Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

APR 0 2 2003

Per bh

