ORDER RECEIVED FOR FILING Date

By

IN RE: PETITIONS FOR SPECIAL EXCEPTION \*

AND VARIANCE - SE/S Johnnycake Road/

Dillon Heights Avenue, 550' N of the c/l

Woodbridge Road

(6601 Johnnycake Road)

1st Election District

1<sup>st</sup> Council District

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 03-457-XA

James R. Lerch Petitioner

\*

## AMENDED ORDER

WHEREAS, this matter came before this Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, James R. Lerch, through his Counsel, Leslie M. Pittler, Esquire, seeking special exception and variance relief for a service garage, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.). As noted within that Opinion, testimony at the hearing indicated that the service garage operation proposed on the subject site is limited to the detailing (cleaning) of vehicles that are being donated to charities. There are no engine/mechanical repairs done or body/fender work performed in conjunction with the detailing. Additionally, the detailing business is only for those vehicles that are being donated to charities. Moreover, the business is not conducted year-round, but only during the winter months. Testimony indicated that Mr. Lerch sells produce from his site during the late spring, summer and fall seasons and that the detailing operation does not occur during this time.

By Order dated July 24, 2003, the relief requested was granted subject to certain terms and conditions, one of which did not allow the storage of untagged, damaged or disabled vehicles on the site. Subsequent to the issuance of said Order, Counsel for the Petitioner filed a Motion for Reconsideration seeking a modification of this restriction to allow the storage of untagged, damaged or disabled vehicles "for a period not longer than seven (7) business days." This would

allow the Petitioner sufficient time to perform the detailing work on any given vehicle in the event more than one vehicle is brought to the site at the same time.

After due consideration of the requested relief, I am persuaded to grant the Motion and will amend the Order accordingly.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this day of July 2003 that the language found on Page 4, at the third line, of the Order issued July 24, 2003 shall be amended to allow the storage of untagged, damaged or disabled vehicles on the premises <u>for a period not longer than seven (7) business days</u>; and,

IT IS FURTHER ORDERED that Restriction No. 3 thereof be AMENDED to read as follows:

"3) There shall be no storage of untagged, damaged or disabled vehicles on the subject site for a period longer than seven (7) business days. Moreover, there shall be no mechanical repairs or body/fender work performed on the premises."

All other terms and conditions of the Order issued on July 24, 2003 shall remain in full force and effect.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Leslie M. Pittler, Esquire

29 West Susquehanna Avenue, Suite 610, Towson, Md. 21204

Mr. James Lerch

6601 Johnnycake Road, Baltimore, Md. 21244

Mr. Bruce Doak, Gerhold, Cross & Etzel

320 E. Towsontown Blvd., #100, Towson, Md. 21286

Office of Planning; Development Plans Review; People's Counsel; Case File



Attorney at Law Suite 610 29 West Susquehanna Ave Towson, Maryland 21204

July 29, 2003

Telephone: 410-823-4455

Fax:

410-583-7611

RECEIVED

Lawrence E. Schmidt, Esquire Zoning Commissioner For Baltimore County Suite 405 County Courts Building Towson, Maryland 21204

JUL 2 9 2003

# ZONING COMMISSIONER

Re: Case Number 03-457-XA 6601 Johnnycake Road

## Dear Commissioner Schmidt:

Pursuant to our discussion on Monday, July 28, 2003, in reference to the abovecaptioned case, it was agreed that the following changes would be made to your decision and Order dated July 24, 2003:

Page four(4) at the third line, end of the second sentence after the word site add: "for a period longer than seven (7) business days". The sentence would read as amended: Additionally, no untagged, damaged or disabled vehicles shall be stored on the site for a period longer than seven (7) business days.

On Page 6, in the Order itself at Number three, the Order is amended to read as follows: There shall be no storage of untagged, damaged or disabled vehicles on the site for a period longer than seven (7) business days. Morcover, there shall be no mechanical repairs or body/ fender work performed on the premises.

Many thanks for your assistance in this clarification

Very truly yours,

Leslie M. Pittler

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IN RE: PETITIONS FOR SPECIAL EXCEPTION \*

AND VARIANCE – SE/S Johnnycake Road/

ZONING COMMISSIONER Dillon Heights Avenue, 550' N of the c/l

BEFORE THE

Woodbridge Road

OF BALTIMORE COUNTY (6601 Johnnycake Road)

1<sup>st</sup> Election District

1<sup>st</sup> Council District Case No. 03-457-XA

James R. Lerch

Petitioner

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, James R. Lerch, through his attorney, Leslie M. Pittler, Esquire. The Petitioner requests a special exception for a service garage, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.) and a series of variances as follows: 1) from Section 230.12 of the B.C.Z.R. to permit the storage of materials, vehicles and equipment in the front yard more than 5 feet in front of the front building line; 2) from Section 232.2.B to permit a side yard setback of 8 feet in lieu of the required 10 feet for Building 1; 3) from Section 232.2.B to permit side and rear yard setbacks of 0 feet each in lieu of the required 10 feet and 30 feet, respectively for Building 4; 4) from Section 409.8.A.1 for the design screening and landscaping of the parking area; 5) from Section 409.8.A.2 to permit a gravel parking surface in lieu of the required durable and dustless surface; 6) from Section 409.8.A.4 to permit a right-of-way setback line of 0 feet in lieu of the required 10 feet; 7) from Section 409.8.A.6 from striping the parking area; 8) from Section 1B02.3.C.1 to permit a front yard and side yard setback total of 25 feet in lieu of the required 35 feet for Buildings 3 and 4; and lastly, 9) to approve any other variances deemed necessary by the Zoning Commissioner. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were James R. Lerch, property owner, Bruce Doak, the Surveyor who prepared the site plan for this property, and Leslie Pittler, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a triangular shaped parcel located on the west side of Johnnycake Road at Dillon Heights Road in Woodlawn. The property contains a gross area of .835 acres, more or less, zoned B.L. and is improved with four separate buildings which are used independently of one another. Additionally, much of the property contains macadam parking and driveway areas. As shown on the site plan, Building 1 is a two-story block and frame building which contains 200 sq.ft. of office area and 2500 sq.ft. of storage space, and is located towards the rear of the site. There is also an area for parking immediately in front of that structure. Building 2 is a one-story block and frame garage located immediately adjacent to Building 1. Building 3 is a one-story dwelling, known as 6603 Johnnycake Road, which is located towards the center of the site and is used for residential purposes. Building 4 is a one-story frame dwelling, known as 6601 Johnnycake Road, which is likewise used residentially and is located closer to the road.

The neighborhood also features a mix of uses. To the north is a single-family dwelling; and to the south across Dillon Heights Avenue is a residential community. However, immediately adjacent to the property on the east side is the right-of-way for an entrance ramp to the Baltimore Beltway (I-695). Immediately west of the subject site is a large two-story brick office building and green house.

As to the two residential structures on the subject property, the site plan indicates a 6,000 sq.ft. use space/yard area for each structure. This satisfies the minimum area requirements under the B.C.Z.R. Additionally, the site plan shows sufficient parking exists, pursuant to Section 409 of the B.C.Z.R. for the two dwellings.

The special exception request is driven by the unusual nature of the activity on the subject site. Testimony indicated that during the late spring, summer and fall seasons, Mr. Lerch

sells produce from the site. The nature of the business is that deliveries are routinely made during those times of the year from farms located on the Eastern Shore. The produce arrives on-site and is then sorted and placed on smaller pick-up trucks, which then leave the site and sell the produce at a variety of road-side locations throughout the Baltimore Metropolitan area. In fact, the families that occupy the two residential dwellings are employed in connection with Mr. Lerch's business.

A special exception for a service garage is required due to the activity that occurs when the produce business is not operating. It was indicated that Mr. Lerch is active in his church and routinely assists in its fundraising activities. Specifically, his church will solicit older motor vehicles as donations for charities. This fundraising activity is well-known to the undersigned Zoning Commissioner and is popular with a number of national and local organizations in the area. When an old vehicle is donated, it is brought to the site and detailed (cleaned). There are no engine/mechanical repairs done or body/fender work performed in conjunction with the detailing. Additionally, the detailing business is only for those vehicles that are being donated to charities.

The definition of a service garage as set out in Section 101 of the B.C.Z.R. is comprehensive. That Section defines the use as "A garage, other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale." Although there is no body or engine work performed in conjunction with the Petitioner's business, the detailing operation falls within the broad service garage definition.

The site plan shows that the service garage/detailing operation will occur in the rear portion of the subject site, adjacent to Buildings 1 and 2. The site plan further shows parking for the detailing shop within that area. Mr. Lerch indicated that employees of his produce distribution business are also employed in connection with the detailing operation. He indicated that this activity gives those individuals an opportunity for year-round employment.

A grant of special exception relief, as described above, appears appropriate. The operation is very limited and it does not appear that the use will be detrimental to the health, safety and general welfare of the locale. In this regard, I am persuaded that the Petitioner has met the requirements of Section 502.1 of the B.C.Z.R. However, in granting the special exception, I will

impose certain restrictions upon the proposed operation. Specifically, there will be no mechanical/engine work performed on the premises, nor any body/fender repairs. Additionally, no untagged, damaged or disabled vehicles shall be stored on the site. Only the cleaning and minor restoration to the appearance of vehicles specifically donated for charity will be allowed. These restrictions appear appropriate and consistent with the use as described. Moreover, it is to be noted that this property was the subject of a zoning violation case before Hearing Officer Stanley Shapiro in the Department of Permits and Development Management (DPDM). The conditions and restrictions enumerated herein do not supercede any restrictions imposed by Mr. Shapiro on the use of the subject property. The Petitioner shall continue to comply with any such restrictions entered in that case, as well as those entered herein. Apparently, Mr. Shapiro entered similar restrictions in addition to the requirement that the site be kept orderly and neat.

As noted above, a series of variances are also requested. Most of these variance requests are to legitimize the existing buildings and conditions on the site, which were described at the hearing by Mr. Doak. Based upon the undisputed testimony and evidence presented, I am persuaded to grant the variance relief in order to legitimize the existing location of these structures and uses on the property. I find that the Petitioner has met the requirements for variance relief under Section 307 of the B.C.Z.R.

Although no one appeared in opposition to the request, Zoning Advisory Committee comments were received from the Office of Planning and the Bureau of Development Plans Review relative to landscaping. In fact, the Bureau of Development Plans Review recommended a denial of any variances from landscape requirements. A series of photographs were submitted at the hearing depicting existing conditions at the site. Those photographs show that there are significant areas of vegetation around a portion of the perimeter of the site. It appears that this vegetation works well to screen the property and the activities thereon. Additionally, as noted above, the uses adjacent to the site are diverse. To the north and south are residential properties that should be appropriately screened from the commercial and business activities on the subject

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property. To the east and west is the entrance ramp to the Beltway and an existing office building for which less screening is warranted.

In order to resolve this issue, I will require that the Petitioner submit a landscape plan for review and approval by Mr. Avery Harden, the County's Landscape Architect. I encourage Mr. Harden to visit the site. In my judgment, the existing mature landscaping which appropriately screens the property should be retained to the extent possible. It may be supplemented by fencing and/or new plantings as appropriate. I will leave the details of the final landscape plan to the discretion of Mr. Harden within the parameters noted above.

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24 day of July 2003 that the Petition for Special Exception for a service garage, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief as follows:

1) from Section 230.12 of the B.C.Z.R. to permit the storage of materials, vehicles and equipment in the front yard more than 5 feet in front of the front building line; 2) from Section 232.2.B to permit a side yard setback of 8 feet in lieu of the required 10 feet for Building 1; 3) from Section 232.2.B to permit side and rear yard setbacks of 0 feet each in lieu of the required 10 feet and 30 feet, respectively for Building 4; 4) from Section 409.8.A.1 for the design screening and landscaping of the parking area; 5) from Section 409.8.A.2 to permit a gravel parking surface in lieu of the required durable and dustless surface; 6) from Section 409.8.A.4 to permit a right-of-way setback line of 0 feet in lieu of the required 10 feet; 7) from Section 409.8.A.6 from striping the parking area; 8) from Section 1B02.3.C.1 to permit a front yard and side yard setback total of 25 feet in lieu of the required 35 feet for Buildings 3 and 4; and lastly, 9) to approve any other variances deemed necessary by the Zoning Commissioner, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

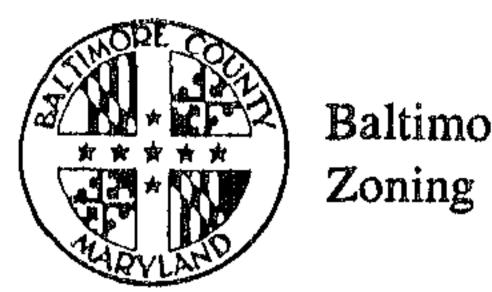
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and approval by Avery Harden, the County's Landscape Architect. Said plan shall be designed so as to recognize the adjacent residential uses and retain existing vegetation to the extent possible to provide screening and buffering in the most effective manner.
- 3) There shall be no storage of untagged, damaged or disabled vehicles on the subject site. Moreover, there shall be no mechanical repairs or body/fender work performed on the premises.
- 4) When applying for any permits, the site plan and landscape plan filed must reference this case and set forth and address the restrictions of this Order.

These Findings of Fact and Conclusions of Law and Order do not supercede the decision rendered by Stanley Shapiro regarding the violation case. Thus, the terms and conditions of the Order issued in that matter shall remain in full force and effect.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



# Baltimore County Zoning Commissioner

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

July 24, 2003

Fax: 410-887-3468

Leslie M. Pittler, Esquire 29 W. Susquehanna Avenue, Suite #610 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE

SE/S Johnnycake Road/Dillon Heights Avenue, 550' N of the c/l Woodbridge Road

(6601 Johnnycake Road)

1<sup>st</sup> Election District – 1<sup>st</sup> Council District

James R. Lerch - Petitioner

Case No. 03-457-XA

Dear Mr. Pittler:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. James Lerch

6601 Johnnycake Road, Baltimore, Md. 21244

Mr. Bruce Doak, Gerhold, Cross & Etzel

320 E. Towsontown Blvd., #100, Towson, Md. 21286

Office of Planning; Development Plans Review; People's Counsel; Cafe File



# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 6601 Johnny cake Road

SERVICE GARAGE
PURSUANT TO
SECTION 230.13
BCZR

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 dec perjury, that I/we are t is the subject of this P	lare and affirm, under the the legal owner(s) of the retition.	e penalties of property which
	Contract Purchaser/Lessee:		<u>Legal Owner(s):</u>		
			Tlamps A R	Lerch	<del> </del>
	Name - Type or Print		Name - Type of Print		
	Signature	<u> </u>	Signature		
	Address	Telephone No.	Name - Type or Print		<del></del>
	City	Zip Code	Signature		<u></u>
	Attorney For Petitioner:		6601 Johnny	cake Koad	Telephone No.
	Leslie M. Pittler		Baltimore	Md.	21244
	Name - Type or Print		City	State	Zip Code
			Representative t	o be Contacted:	
		7	Leslie M. 7	Pittler Est.	······································
200	Company	4-10-	Name	, ,	410- 823-4455
210	Tanta casi.	823 - 4455 Telephone No.	Address Daehan	na Ave. Steb10	Telephone No.
# C	Towson Md.	21204	Towson	Md.	21204
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			Reviewed By	All Date	4-02-03
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# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 6601 Johnnycake Road which is presently zoned Bh

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See a Hached Exhibit "A"

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

Topographic constraints of Site narrowness of the Site.

Additional reasons to be Set forth at the Hearing.

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

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

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.

Name - Type or Print  Signature  Address  Telephone No  Name - Type or Print  Signature  Signature  Address  Telephone No  Name - Type or Print  City  State  Zip Code  Signature  Address  Telephone No.  Baltimore  City  State  Zip Code  Representative to be Contacted:  Leslie M. Pittler  Representative to be Contacted:  Leslie M. Pittler  Representative to be Contacted:  Name  Name  Name  Name  Telephone No.  Telephone No.  Name  Name  Telephone No.	.egal Owner(s):
Address  Telephone No  Name - Type or Print  Signature  Attorney For Petitioner:  Attorney For Petitioner:  Name - Type or Print  Signature  Address  Telephone No.  Baltimore  City  Representative to be Contacted:  Name  Representative to be Contacted:  Name  Name  Name  Address  Telephone No.  Name  Name  Address  Telephone No.  Name  Name	ame - Type & Print
Signature  Attorney For Petitioner:  Leslie M. Pittler  Name - Type or Print  Battimore  City  Representative to be Contacted:  Corpgany  Name - Type or Print  Representative to be Contacted:  Name - Type or Print  Signature  Representative to be Contacted:  Name  Name - Type or Print  Address  Representative to be Contacted:  Name  Name  Name  Representative to be Contacted:  Address  Name  Name  Representative to be Contacted:  Name  Name  Name  Name  Representative to be Contacted:  Name  Name  Name  Name  Telephone No.  Name  Name  Name  Telephone No.  Name  Name  Name  Name  Telephone No.  Name  Name	ignature(
Attorney For Petitioner:    Lestie M. Pittler   Baltimore Md. 21244     Signature   Signature   Signature     Lestie M. Pittler   Baltimore   Md. 21244     Signature   Signature   Md. 21244     Signature   Signature   Md. 21244     Address   Md. 21244     Signature   Md. 21244     Address   Md. 21244     Signature   Md. 21244     Address   Md. 21244     Signature   Md. 21244     Signature   Md. 21244     Address   Md. 21244     Signature   Md. 21244     Si	arne - Type or Print
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Name - Type or Print  Name - Type or Print  Signature  Signature  Signature  Address  Representative to be Contacted:  Response M. Pittler PA  Leslie M. Pittler Esp.  Name  Name  Name  Name  Name  Address  Telephone No.  Representative to be Contacted:  Name  Name	
Representative to be Contacted:  Representative to be Contacted:  Leslie M. Pittler PA  Name  Name  Name  Name  Name  Name  No. Susquehanna Poe. Ste. 610  Hd. 21204  State  Towson  T	Battimore Md. 21244
Leslie M. Pittler PA  Leslie M. Pittler Esp.  Name  Na	· ·
1900. Suspanhanna Ave. 410-823-4455 29 W. Susquehanna Ave. 5te.610 823-4455  Telephone No. Address Towson Add. 21204  State Zin Code City	Leslie M. Pittler Esp.
State 21204 Towson Hd. 21204	W. Susquehenna Hue. Ste. 610 823-4455
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Reviewed By UNAVAILABLE FOR HEARING Date 4-03-03	VAYAILABLE FOR HEARING

# VARIANCES REQUESTED:

- 1) TO PERMIT THE STORAGE OF MATERIALS, VEHICLES AND EQUIPMENT IN THE FRONT YARD MORE THAN 5' IN FRONT OF THE FRONT BUILDING LINE PER SECTION 230.12 B.C.Z.R.
- 2) TO PERMIT A SIDEYARD SETBACK OF 8' IN LIEU OF THE REQUIRED 10' PER SECTION 232.2B B.C.Z.R. (BUILDING 1)
- 3) TO PERMIT A SIDEYARD AND REARYARD SETBACK OF O' IN LIEU OF THE REQUIRED 10' \$ 30', RESPECTIVELY, PER SECTION 232.2B B.C.Z.R. (BUILDING 4)
- 4) TO GRANT RELIEF FROM SECTION 409.8AI B.C.Z.R. FOR THE DESIGN, SCREENING, & LANDSCAPING OF THE PARKING AREA
- 5) TO PERMIT A GRAVEL PARKING SURFACE IN LIEU OF A DURABLE & DUSTLESS
  SURFACE PER SECTION 409.8A2 B.C.Z.R.
- 6) TO PERMIT A RIGHT-OF-WAY SETBACK LINE OF O' IN LIEU OF THE REQUIRED 10' PER SECTION 409.8A4 B.C.Z.R.
- 7) TO GRANT RELIEF FROM SECTION 409.8A6 B.C.Z.R. FOR STRIPING OF THE PARKING AREA.
- 8) TO PERMIT A FRONT YARD & SIDE YARD SETBACK TOTAL OF 25' IN LIEU OF THE REQUIRED 35' PER SECTION IBO2.3CI B.C.Z.R. (BUILDING 3 & 4)
- 9) TO PERMIT ANY OTHER VARIANCES DEEMED NECESSARY BY THE ZONING COMMISSIONER.

457



# Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax (410) 823-4473 • www.gcelimited.com

March 4, 2002

# LERCH PROPERTY 6601 JOHNNYCAKE ROAD BALTIMORE COUNTY, MARYLAND

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

Beginning for the same at a point in the centerline of Dillion Heights Road, 550 feet, more or less, northeasterly from the intersection formed by Dillion Heights Road and Woodbridge Road, thence twenty-seven feet, more or less, perpendicular to the northwest to the zoning point of beginning, thence running and binding, the seven courses and distances, viz: (1) North 47 degrees 58 minutes 00 seconds West 230.30 feet (2) North 47 degrees 07 minutes 18 minutes East 218.00 feet (3) South 28 degrees 54 minutes East 82.33 feet, (4) South 48 degrees 28 minutes 38 seconds East 34.94 feet, (5) South 47 degrees 31 minutes 22 seconds West 9.88 feet, (6) Running for a line curving to the left with a radius of 126.00 feet, for an arc distance of 106.63 feet, said curve being subtended (by chord of North 11 degrees 36 minutes 29 seconds East 103.48 feet) and (7) South 25 degrees 23 minutes 54 seconds West 107.29 feet to the zoning point of beginning.

Containing 0.835 of an Acre of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

OF MARIANIAN STATE OF MARIANIAN

DISTRIBUTION
WHITE - CASHIER FOR: RECEIVED FROM: \_\_\_ OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT BALTIMORE COUNTY, MARYLAND PINK - AGENCY ACCOUNT AMOUNT

# NOTICE OF ZONING HEARING

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

Case: #03-457-XA
6601 Johnnycake Road
Niside of Dilion Heights Avenue, 550 feet northeast of Woodbridge Road

I st Election District — 1st Councilmanic District

1st Election District — 1st Councilmanic District

LAWRENCE E. SCHMIDT

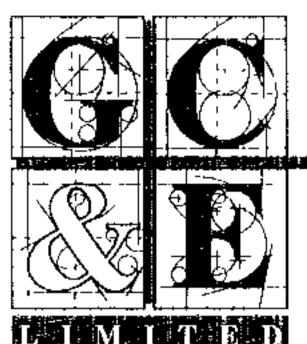
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

T 5/758 May 20

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

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

LEGAL ADVERTISING



# Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

#### **CERTIFICATE OF POSTING**

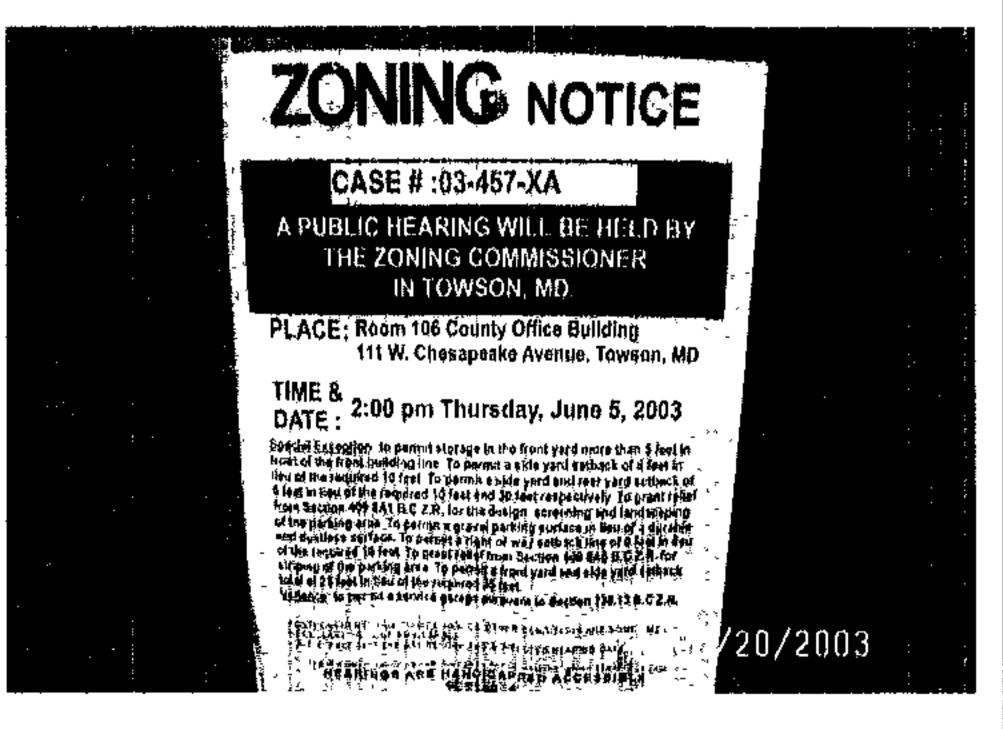
RE: CASE # 03-457-XA
PETITIONER/DEVELOPER:
James R. Lerch
DATE OF HEARING:
June 5, 2003

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: REBECCA HART

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



#### LOCATION:

North side of Dillon Heights Avenue, 550 feet northeast of Woodbridge Road

DATE:

May 21, 2003

SIGNATURE OF SIGN POSTER

**BRUCE DOAK** 

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

ED ON: May 20, 2003

RE: PETITION FOR SPECIAL EXCEPTION
AND VARIANCE
6601 Johnnycake Road; N/side Dillon
Heights Avenue, 550' NE Woodbridge Rd
1st Election & 1st Councilmanic Districts
Legal Owner(s): James R. Lerch
Petitioner(s)

\* BEFORE THE

ZONING COMMISSIONER

\* FOR

\*

\* BALTIMORE COUNTY

\* 03-457-XA

\* \* \* \* \* \* \* \*

## 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 <u>for day of April</u>, 2003, a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittler, Esquire, 29 W Susquehanna Avenue, Suite 610, Towson, MD 21204, Attorney for Petitioner(s).

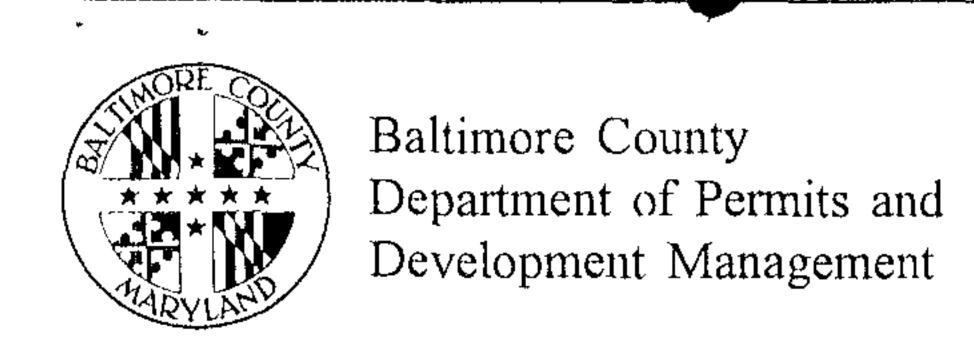
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APR 16 2003

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per......



Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708
April 14, 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: 03-457-XA

6601 Johnnycake Road

N/side of Dillon Heights Avenue, 550 feet northeast of Woodbridge Road

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: James R. Lerch

Special Exception to permit storage in the front yard more that 5 feet in front of the front building line. To permit a sideyard setback of 8 feet in lieu of the required 10 feet. To permit a sideyard and rear yard setback of 0 feet in lieu of the required 10 feet and 30 feet respectively. To grant relief from Section 409.8A1 B.C.Z.R. for the design, screening and landscaping of the parking area. To permit a gravel parking surface in lieu of a durable and dustless surface. To permit a right-of-way setback line of 0 feet in lieu of the required 10 feet. To grant relief from section 409.8A6 B.C.Z.R. for striping of the parking area. To permit a front yard and side yard setback total of 25 feet in lieu of the required 35 feet. Variance to permit a service garage pursuant to section 230.13 B.C.Z.R.

Hearings: Thursday, June 5, 2003 at 2:00 p.m. in Rm. 106, County Office Building

111 W. Chesapeake Avenue

Arnold Jablon. Director

AJ:klm

C. Leslie Pittler, 29 W. Susquehanna Avenue, Suite 610, Towson 21204 James R. Lerch, 6601 Johnnycake Road, Baltimore 21244

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 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, May 20, 2003 Issue - Jeffersonian

Please forward billing to:

Leslie M. Pittler, Esq. 29 W. Susquehanna Avenue, Suite 610 Towson, MD 21204

410-823-4455

## NOTICE OF ZONING HEARING

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CASE NUMBER: 03-457-XA

6601 Johnnycake Road

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Hearings:

Thursday, June 5, 2003 at 2:00 p.m. in Rm. 106, County Office Building

111 W. Chesapeake Avenue

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LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

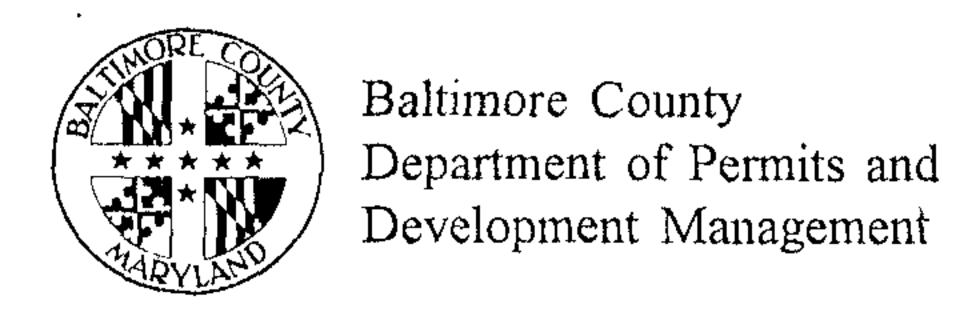
# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 03-457-XA
Petitioner: James 72 Level
Address or Location: 6601 Johnny cake Kd.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Loslie M. P. Hter, Esp.
Address: 29 W. Sus Quehanna que, Suite 610
- TOWSON Mdy 21204
Telephone Number: 410-823-4455



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

May 30, 2003

Leslie M. Pittler 29 W. Susquehanna Avenue, Ste. 610 Towson, MD 21204

Dear Mr. Pittler:

RE: Case Number: 03-457-XA, 6601 Johnnycake Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 2, 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

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WCR:klm

Enclosures

c: People's Counsel James R. Lerch, 6601 Johnnycake Road, Baltimore 21244



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

County Office Building, Room III Mail Stop #1105 111 West Chesapeake Avenue

April 17, 2002

ATTENTION: Rebecca Hart

Towson, Maryland 21204

Distribution Meeting of: April 14, 2003

Item No.:

456 - 464

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

### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

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 April 21, 2003 Item No. 457

The Bureau of Development Plans Review has reviewed the subject-zoning item.

**DATE:** April 29, 2003

This office recommends against granting any landscaping variances.

RWB:CEN:jrb

cc: File

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** April 2, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 03-457

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

· APR 2.8 XXX

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

**DATE:** April 28, 2003

RECEIVED

APR 3 0 2003

ZONING COMMISSIONER

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

6601 Johnnycake Road

**INFORMATION:** 

Item Number:

03-457

Petitioner:

James R. Lerch

Zoning:

BL

Requested Action:

Special Exception / Variance

#### SUMMARY OF RECOMMENDATIONS:

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

- The visual impact of the subject site on the adjoining properties and right-of-way should be mitigated by the installation of perimeter fencing and landscaping. Remove all existing fencing and install a new 6-foot high opaque fence around the entire perimeter of the site. Chain-linked or barbed wire fencing shall not be permitted. Provide vegetative screening along the northern property line between the fence and the existing residential dwelling.
- Enhance the visual appearance of the public road frontage by removal of undesirable vegetation.
- Submit a landscape plan that shows the details of the aforementioned.

Section Chief: AFK/LL:MAC:

State Highway

Administration 8

Administration 8

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

2 **L** C

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.11.03

Item No.

Baltimore County

RE:

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

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,

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

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#### TRANSMISSION OK

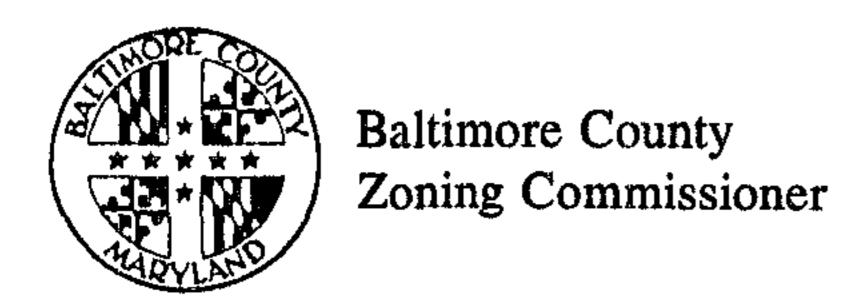
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RESULT OK



June 6, 2003

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

Fax: 410-887-3468

Leslie M. Pittler, Esquire 29 W. Susquehanna Avenue, Suite 610 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE

SE/S Johnnycake Road/Dillon Heights Avenue, 550' N of the c/l Woodbridge Road

(6601 Johnnycake Road)

1<sup>st</sup> Election District – 1<sup>st</sup> Council District

James R. Lerch - Petitioner

Case No. 03-457-XA

Dear Mr. Pittler:

This letter is to confirm that the above-captioned matter, which was originally scheduled for Thursday, June 5, 2003, was postponed at my request due a scheduling conflict. By agreement, the matter has been rescheduled for Wednesday, June 11, 2003 at 3:00 PM in Room 407 of the Circuit Courts Building in Towson. It will not be necessary to have the property reposted or re-advertised.

Should anyone have any questions concerning the rescheduling of this matter, please do not hesitate to call me. Thank you for your consideration in this matter.

Very truly yours,

LAWRENCE E. SCHMIDT

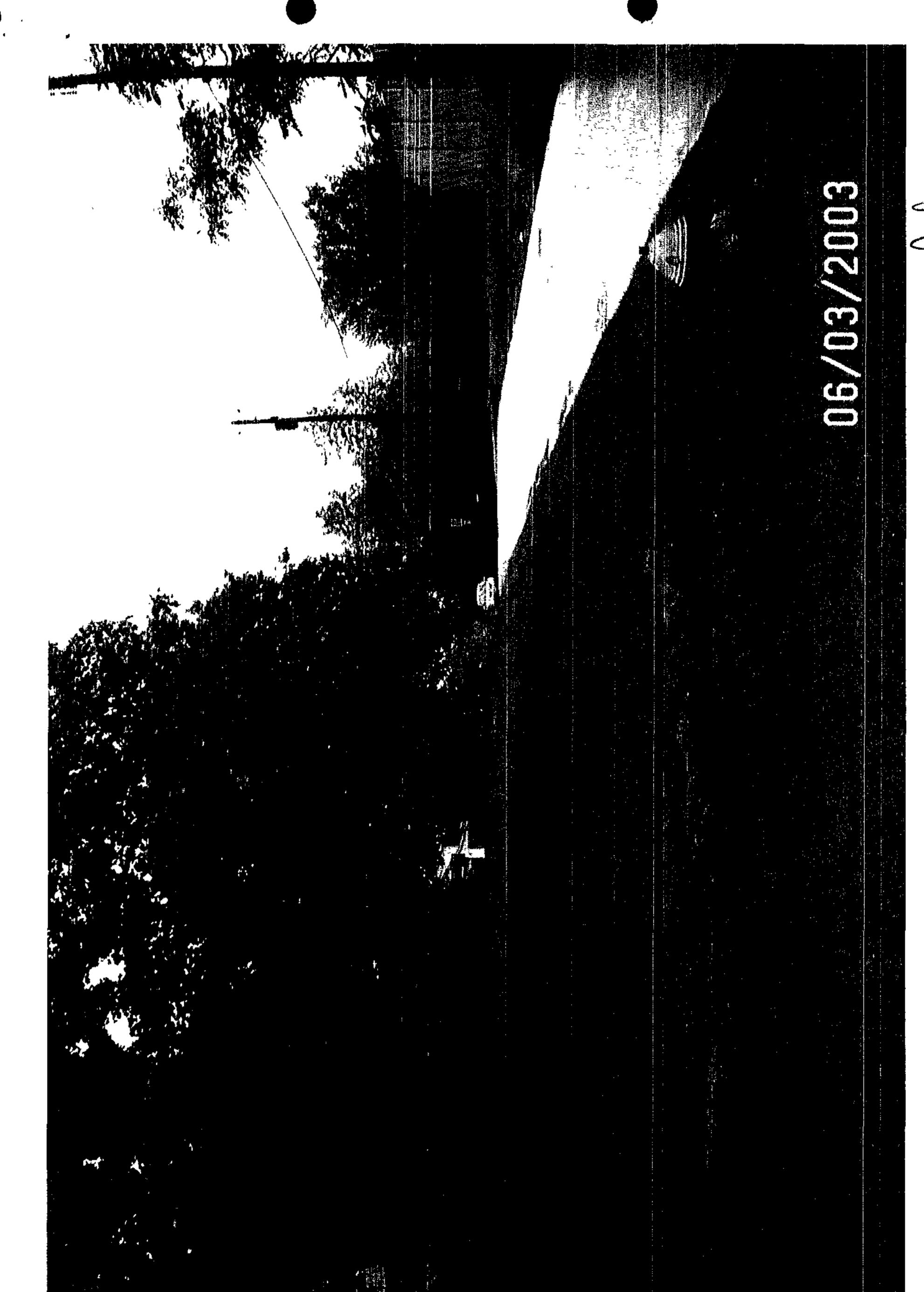
Zoning Commissioner for Baltimore County

LES:bjs

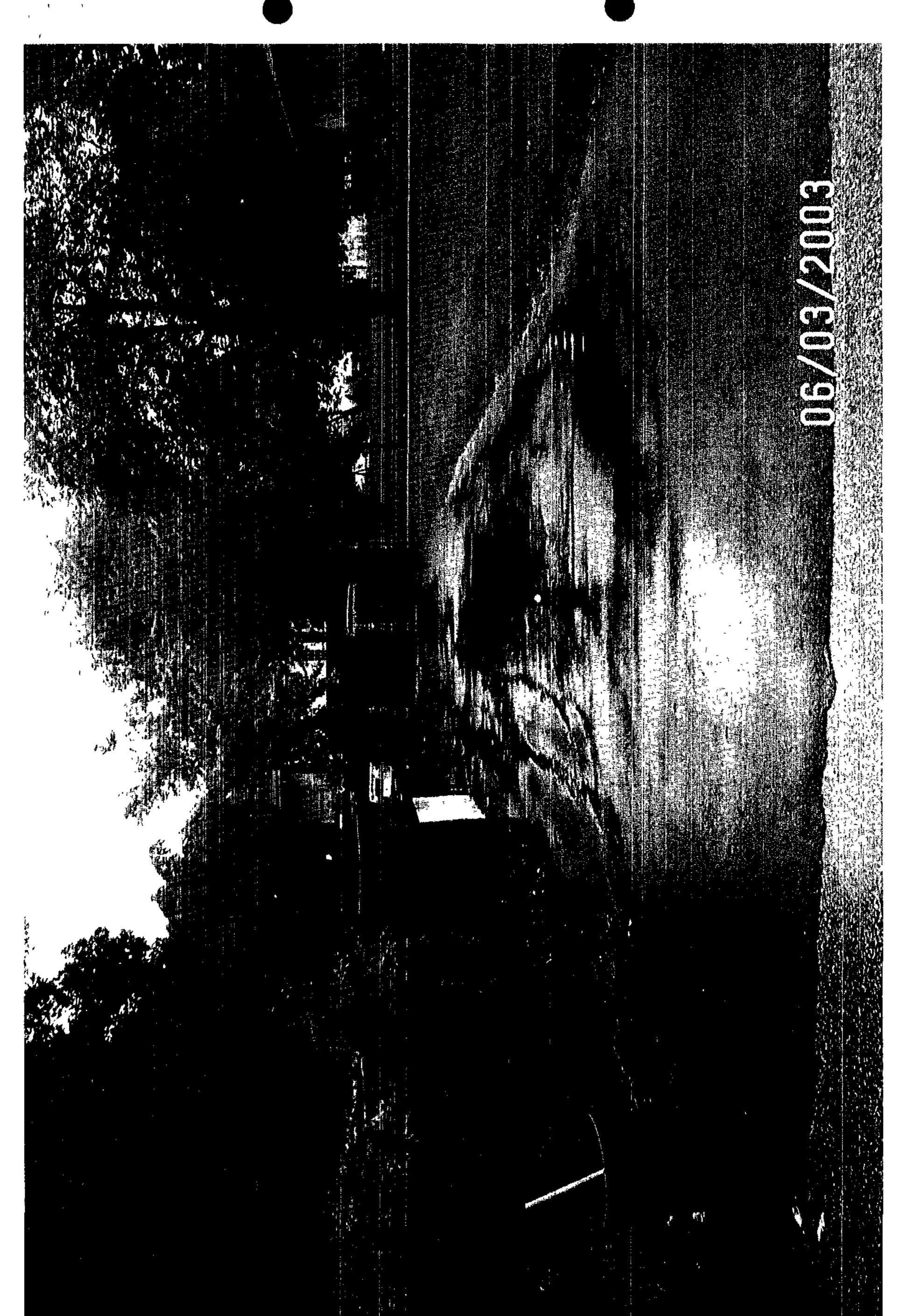
cc: Mr. James R. Lerch

6601 Johnnycake Road, Baltimore, Md. 21244

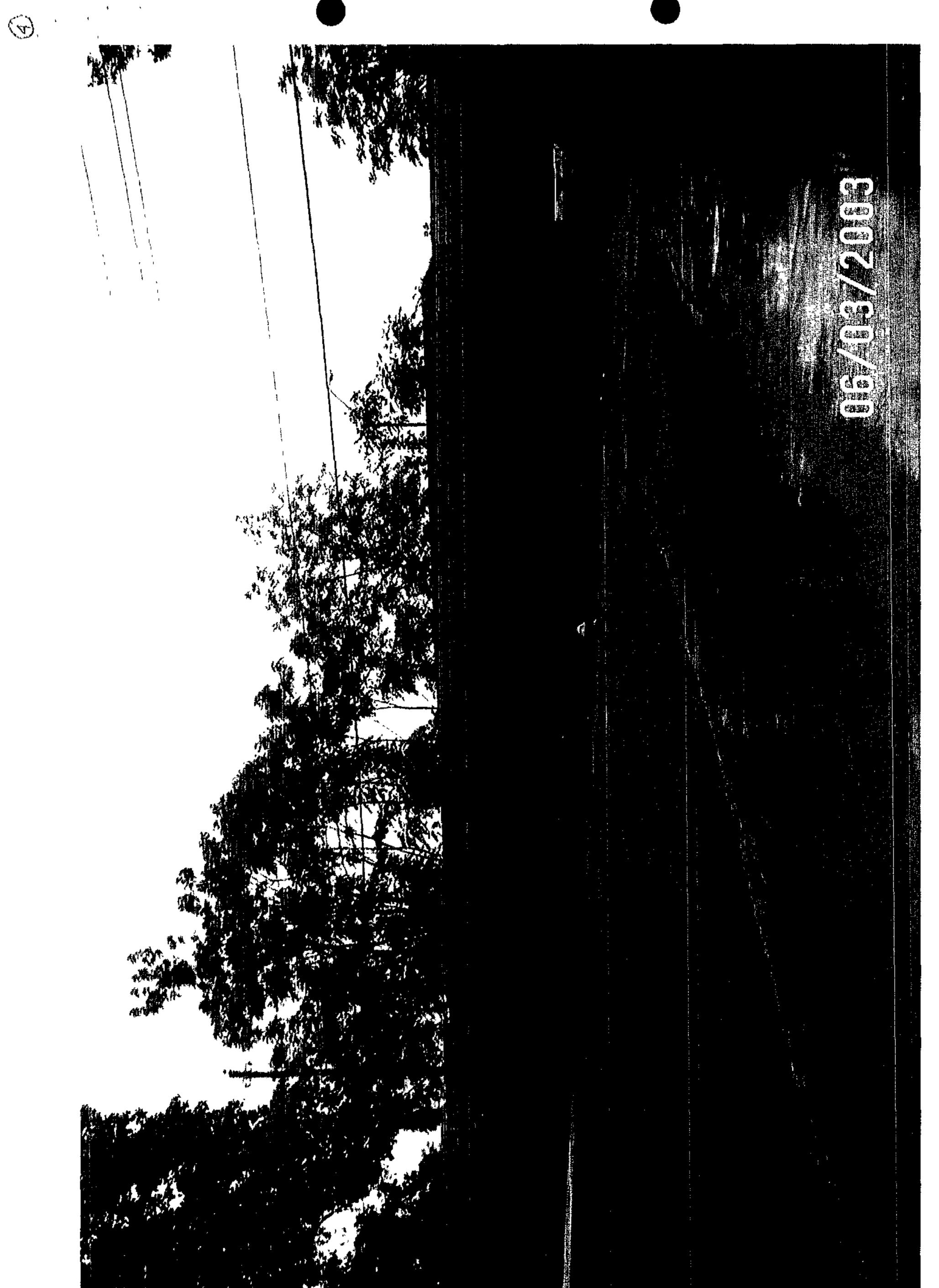
People's Counsel; Case/File





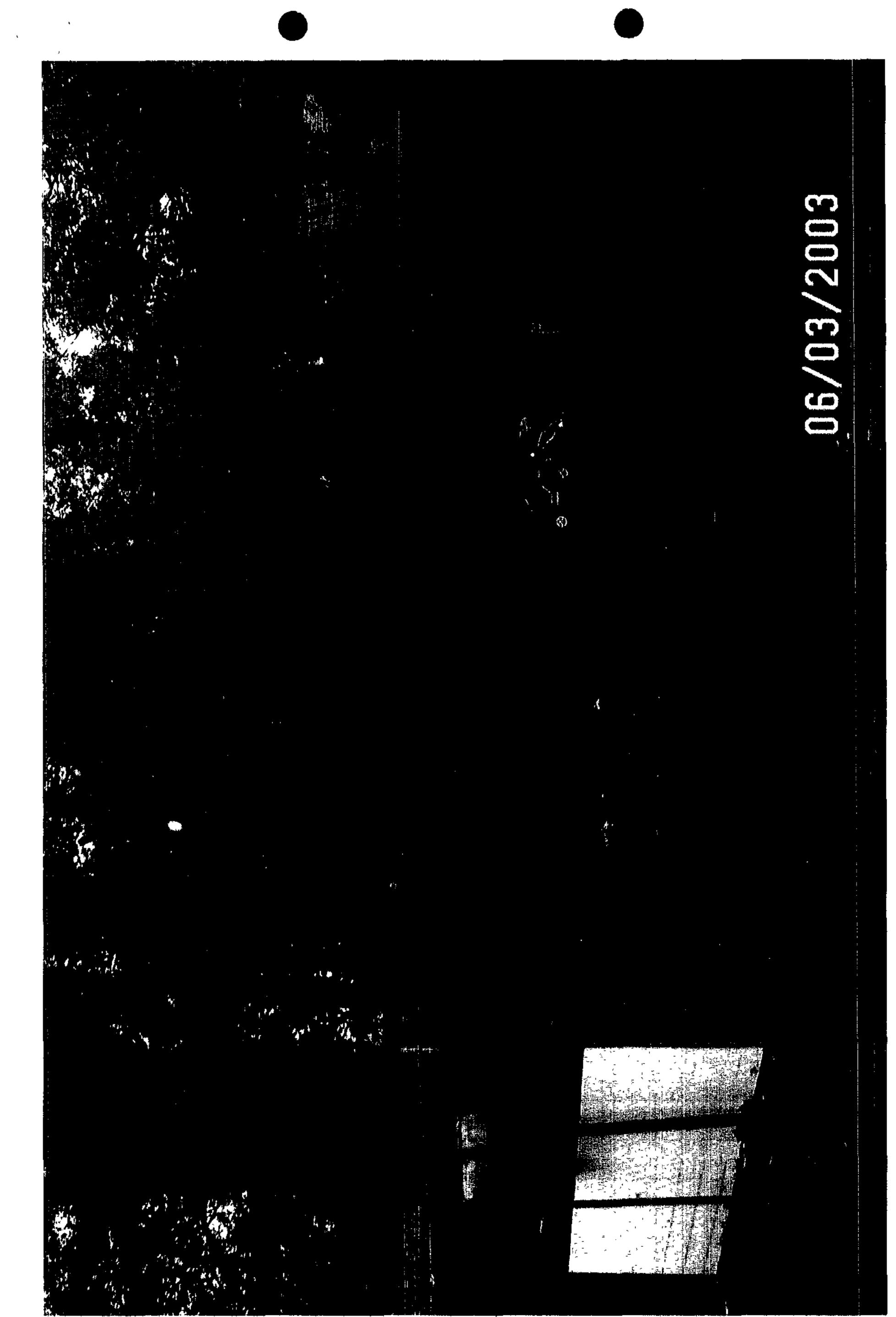


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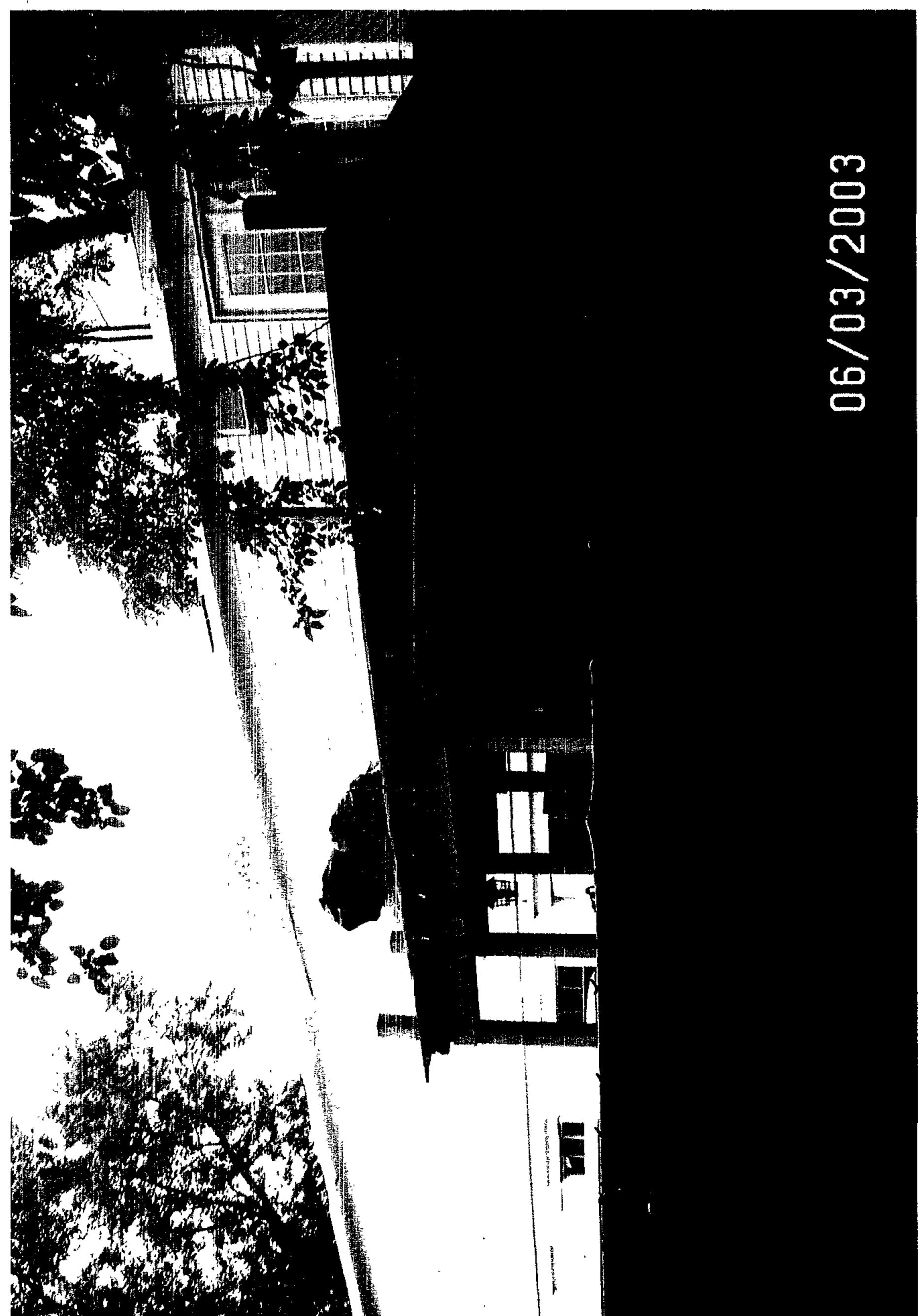


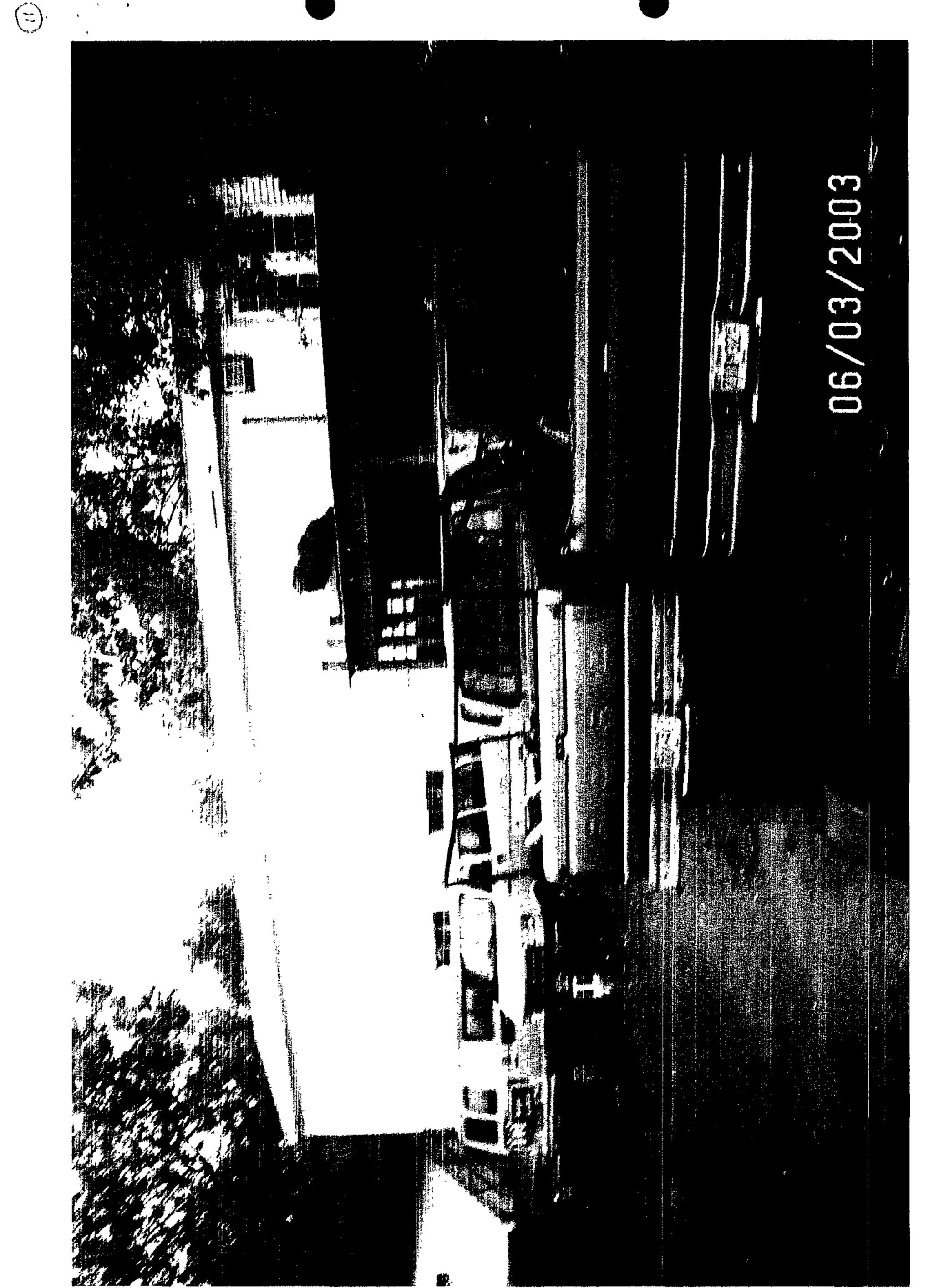
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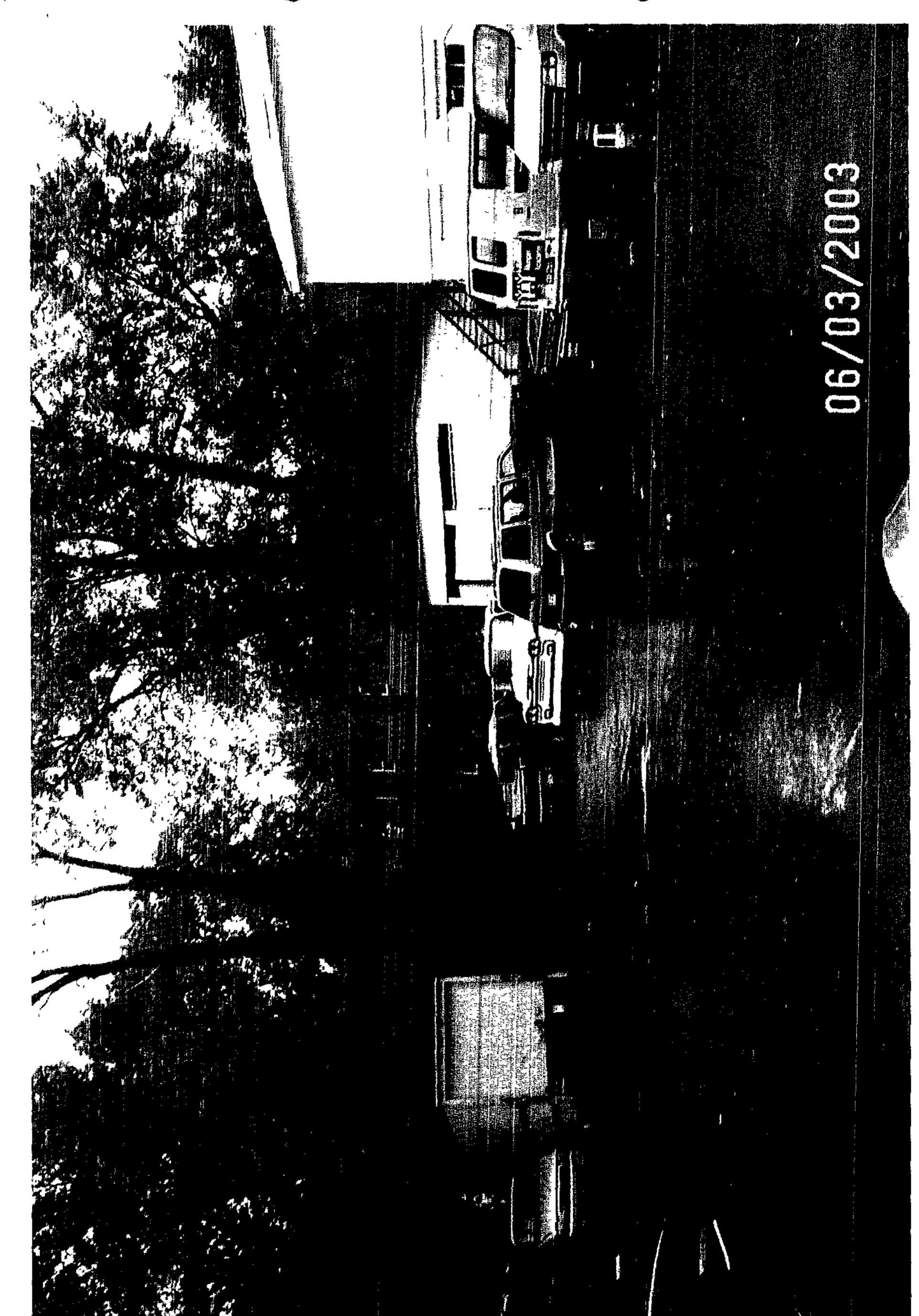


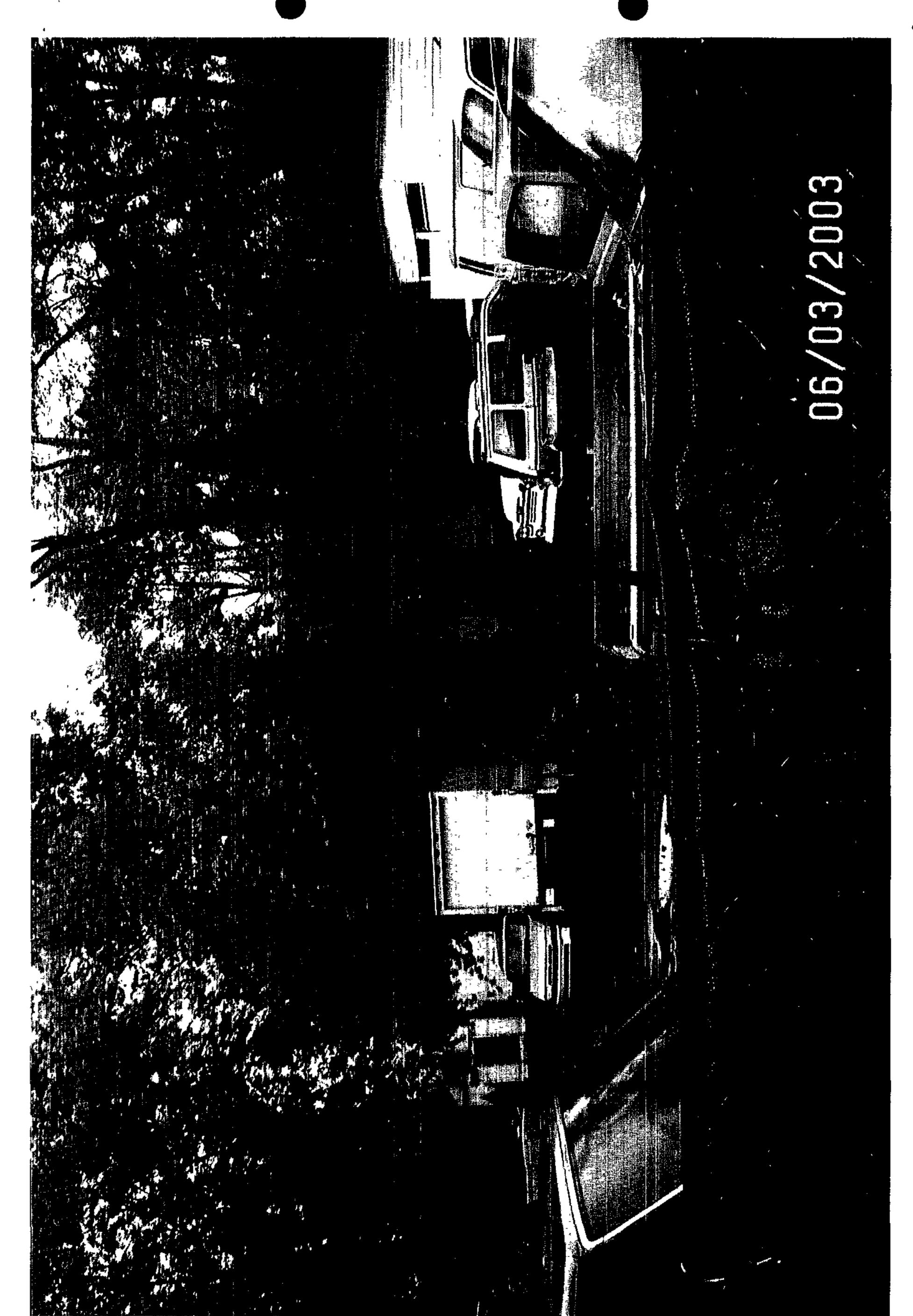
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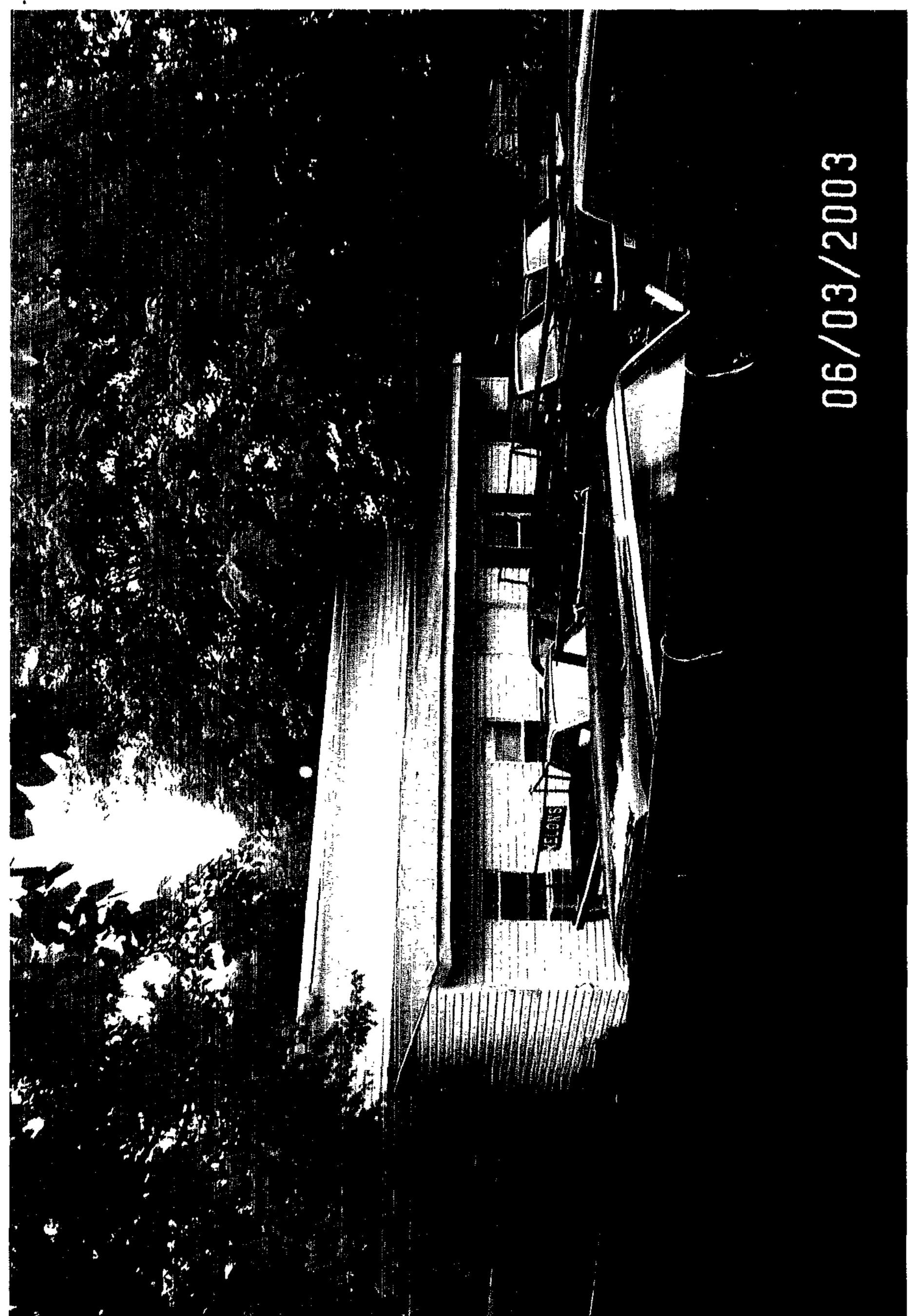




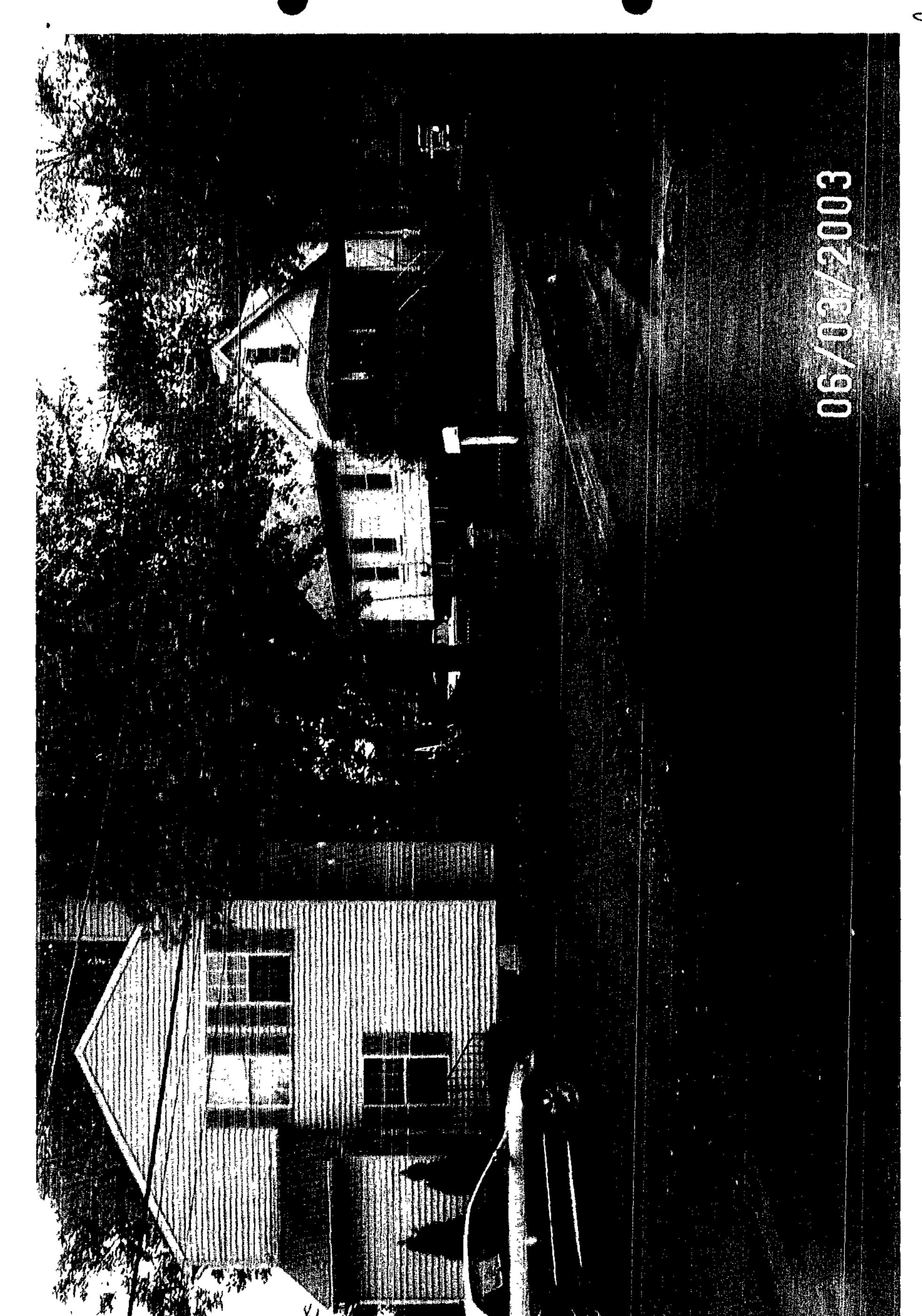












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