IN RE: PETITION FOR SPECIAL EXCEPTION NW/S of Leeds Avenue, 87 ft. NE from centerline of Maiden Choice Lane 13th Election District 1st Election District (4616 Leeds Avenue)

BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 04-212-X

Arbutus Auto Painting & Bodyworks, Inc. 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, Arbutus Auto Painting & Bodyworks, Inc. The Petitioners are requesting special exception relief for property located at 4616 Leeds Avenue in the western area of Baltimore County. The special exception request is for a service garage in the B.L. Zone portion of the property pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.).

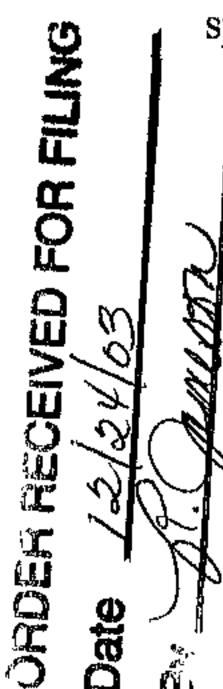
The property was posted with Notice of Hearing on December 3, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on December 4, 2003 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 502.1 of the B.C.Z.R. - Special Exceptions

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]



- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention; provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated November 24, 2003, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Department of Environmental Protection & Resource Management (DEPRM) dated November 20, 2003.

Interested Persons

Appearing at the hearing on behalf of the variance and special exception requests were Herbert Malmud, registered surveyor, Richard Greene, President of the Petitioner corporation. Michael P. Tanczyn, Esquire represented the Petitioners. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Findings of fact and conclusions of law

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.5 acres of land split zoned BL and DR 5.5. The DR portion of the property lies across the stream shown on Petitioner's Exhibit No. 1 and is not involved in this case. The proposed service garage is located only on the BL portion of the property.

The subject property is bordered on the north by property owned by the Petitioner personally and rented as a residence. However this property is zoned BL. To the south, the property is bordered by BL zoned land owned by Baltimore County as a staging area for storage

of construction materials and on the other side of Maiden Choice Lane, a small park. On the east side to the property across Leeds Avenue is an extensive area of property zoned BL or BL—AS. Uses on this side of Leeds Avenue include again a service garage owned by the Petitioner corporation. The only residentially zoned area near the site is west of the property across the stream along Maiden Choice Lane. This residential area is buffered by the DR portion of this property that is essentially wooded and not to be disturbed. Consequently, the Petitioner testified that granting the special exception would not adversely affect the heath safety and welfare of the community pursuant to the criteria given in Section 502.1 of the B.C.Z.R.

The Petitioner proposes to redesign the existing strip commercial building with an addition towards Leeds Avenue, which will ultimately result in a seven-bay service garage. See Petitioner's Exhibit No. 1. No variances or special hearing requests are made with this request for special exception. In fact, the site was granted a special exception for a service garage in Case No 01-481-X, but the special exception was not utilized within the time limit.

The primary issues in this case are the Planning Office Comments dated November 24, 2003. It is interesting to note that in approving the site for a service garage in Case No. 01-481-X on July 2001, the Deputy Zoning Commissioner approved the special exception without conditions. In any case, the Office of Planning's comments in this case involve protecting the Petitioner's property at 4608 Leeds Avenue that is presently rented as a residence from the proposed use by means of a 10 ft. buffer along the property line. The impact of this request can be seen on Petitioner's Exhibit No. 1. The buffer would be located where the proposed parking for the garage is located. While this could be pushed south toward the building, the two-way aisle of 22 ft. width would then be reduced to a one-way aisle. Note the garage uses may not cross the stream to utilize the DR portion of the property. Also, the Petitioner proposes to erect an fenced area for holding disabled vehicles in the rear of the existing building. So if the buffer were required, there would be no means to have two-way traffic to the rear of the building or the

storage area. The Petitioner contends this would make the usefulness of the holding area very difficult.

The Planning Office also requests a 6 ft. buffer along the southern border with the Baltimore County property. The Petitioner contends that this is unnecessary since the site is being used by Baltimore County as a staging area for construction projects in the area. More importantly, the Petitioner has located the handicapped parking along the existing structure on the south side to give best access to the office. Undoubtedly, the Petitioner could move the handicapped space and provide the buffer but at the sacrifice to the convenience of handicapped customers.

The primary problem is that although the site is 0.5 acres, only approximately one half of the area is useful for any purpose because the stream bed and residentially zoned woods are not available for BL uses. The Planning Office's comments would also trigger a number of zoning variances if implemented which are not now needed.

Finding of Fact and Conclusions of Law

I find that granting the special exception would not adversely affect the heath safety and welfare of the community pursuant to the criteria given in Section 502.1 of the B.C.Z.R. Specifically, I find that the buffer area proposed by the Office of Planning on the north is not needed as the adjoining property is zoned BL and owned by the Petitioner. Similarly, I find that the buffer area proposed by the Office of Planning on the southern border with Baltimore County is also unnecessary because the County is not likely to give it up. The County uses the property as a construction site and the handicapped parking would have to be compromised. Otherwise, I find the Planning Office comments reasonable conditions that I will impose on the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the

Petitioners' variance request and request for special exception should be granted subject to the conditions below.

THEREFORE, IT IS ORDERED, this Au day of December, 2003, by the Deputy Zoning Commissioner, that the Petitioners' special exception request for a service garage in a B.L. Zone pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. Compliance with the ZAC comments submitted by the Office of Planning dated November 24, 2003, specifically Nos. 1, 3 and 4 listed below:

No. 1. Sidewalks and curbing adjacent to subject site are repaired in accordance with the Department of Public Works standards.

No. 3. Clarify the limits of clearing along the southern property line. (But not to provide a 6-ft. landscaped butter between the edge of pavement and the property line).

No. 4. Submit a landscape plan in accordance with the Baltimore County Landscape Manual to the Planning Office for review and approval prior to the issuance of any building permits.

- 2. Compliance with the ZAC comments submitted by DEPRM dated November 20, 2003, a copy of which is attached hereto and made a part hereof;
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

JVM:raj

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

December 22, 2003

Michael B. Tanczyn, Esquire 606 Baltimore Avenue, Suite 106 Towson, Maryland 21204

Re: Petition for Special Exception

Case No. 04-212-X

Property: 4616 Leeds Avenue

Dear Mr. Tanczyn:

Enclosed please find the decision rendered in the above-captioned case. The 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 Department of Permits & 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,

John V. Murphy

Deputy Zoning Commissioner

John Musphry

JVM:raj Enclosure

Copies to:

Richard Greene Arbutus Auto Painting & Bodyworks 4621 Leeds Avenue Baltimore, MD 21229

Herbert Malmud & Assoc., Inc. 100 Church Lane Baltimore, MD 21208



Visit the County's Website at www.baltimorecountyonline.info



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at ____

4615 Leeds Avenue Bal'imore, MD 21229

which is presently zoned BL

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

perjury, that I/we are the legal owner(s) of the property which

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legarowner(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 service garage pursuant to Baltimore County Zoning Regulation 230.13 in a BL Zone.

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.

				is the subject of this Petition.		о русрому загиси
	Contract Purchase	r/Lessee:	•	Legal Owner(s):		
				Arbutus Auto	Painting	& Bodyworks
	Name - Type or Print		· · · · · · · · · · · · · · · · · · ·	Name - Type or Print		Inc.
	Signature	<u> </u>	<u> </u>	Signature		
	Address	<u> </u>	Telephone No.	Name - Type or Print	Green I	Tres
	City Attornal For Detitio	State	Zip Code	Signature 4621 Leeds Avenu	ue 410	-242-0036
	Attorney For Petitic			Address		Telephone No.
	Michael P.	Tanczyn, Es	quire	Baltimore, MD		21229
	Name - Type or Print			City	State	Zip Code
	I Philip	<u>~</u>		Representative to be (Contacted:	
aw	Signature Offices of Mic	hael P. Tanc	zyn, P.A.	Herbert Malmud 8	Assoc.,	Inc.
	Contany 6 6 Baltim	ore Ave. Ste	. 106	Name 100 Church Lane	410-	653-9511
	Aderess			Address	710-	Telephone No.
	// // // // // // // // // // // // //	21204 410	Telephone No. -296-8823	Baltimore, MD		21208
	CO TOWSON, MD	State	Zip Code	City	State	Zip Code
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H. MALMUD & ASSOCIATES, INC. 100 CHURCH LANE BALTIMORE, MARYLAND 21208

TELEPHONE 410 653-9511

ZONING DESCRIPTION 1A
4616 LEEDS AVENUE
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING ON THE NORTHWEST SIDE OF LEEDS AVENUE, 40 FEET WIDE AT A DISTANCE OF 87 FEET NORTHEASTERLY FROM THE FROM THE CENTER OF MAIDEN CHOICE LANE, THENCE BINDING ON LEEDS AVENUE:

- (1) NORTH 23 DEGREES 08' 30" EAST 145.34 FEET, THENCE LEAVING LEEDS AVENUE AND RUNNING THE THREE (3) FOLLOWING COURES AND DISTANCES;
- (2) NORTH 64 DEGREES 56' 59" WEST 180.46 FEET,
- (3) SOUTH 01 DEGREES 43' 40" WEST 162.62 FEET AND,
- (4) SOUTH 66 DEGREES 52' 44" EAST 120.99 FEET TO THE PLACE OF BEGINNING.
- ' CONTAINING 0.51 OF AN ACRE OF LAND, MORE OR LESS.

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

HERBERT MALMUD REGISTERED LAND SURVEYOR MARYLAND # 7558

APRIL 19, 20001

FILE: Arbutus Auto Leeds Ave



NOTICE OF ZONING

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

Case: #04-212-X 4616 Leeds Avenue N/west side of Leeds Avenue, 250 feet +/- southwest of Ridge Avenue Ridge Avenue

13th Election District

1st Councilmanic District
Legal Owner(s): Arbutus Auto
Painting & Bodyworks, Inc.

Special Exception: to permit
a service garage in a BL zone.

Yearing: Friday, December
19, 2003 at 9:00 a.m. in
Rhom 106, County Office
Building, 111 W. Chesaperke Avenue.

LAVRENCE E. SCHMIDT Zonlin Commissioner for Baltimore County Handlenged Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 8871386.

(2) For iformation concerning the File and/or Hearing, Coract the Zoning Review Officest (410) 887-2391

3391 12/008 Dec. 4 C639747

CERTIFICATE OF PUBLICATION

12/4/,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $\frac{12}{4}$, $\frac{2003}{}$
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkingr

BALTIMORE COUNTY, MARYLAND	Com
OFFICE OF BUDGET & FINANC.	
MISCELLANEOUS RECEIPT	

No. 29993

DATE_10 · 28-03

RECEIVED

DISTRIBUTION WHITE . CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

田雕 WW 10/29/2003 14:42:22

REG 1806 # 206034 10/29/2003 (FL)

LEGAL ADVERTISING

528 ZONING VERIFICATION CR NO. 029993

Recet Tot \$380.00

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING.

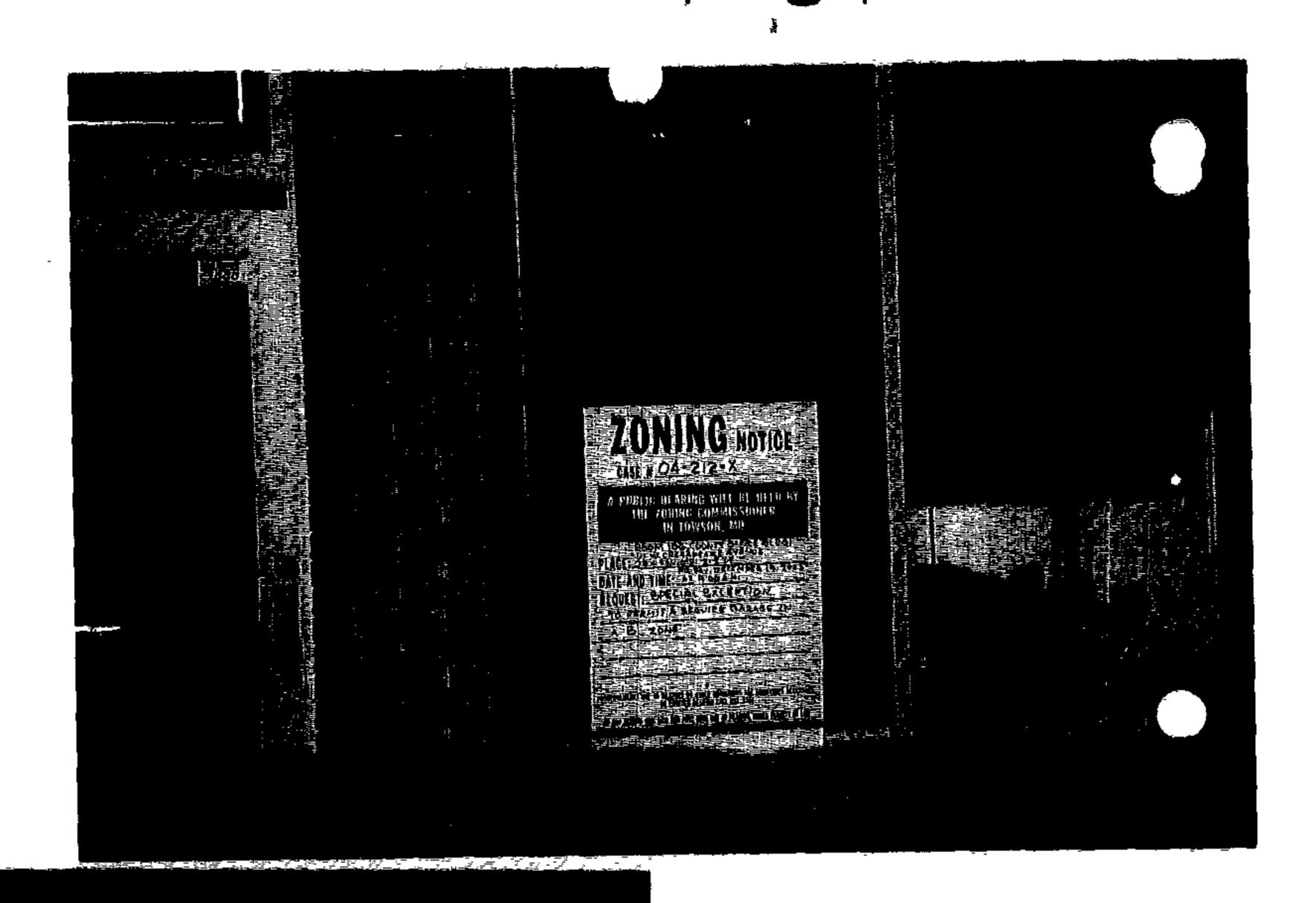
altimore County Department of crmits and Development Management county Office Building, Room 111 11 West Chesapeake Avenue course, MD 21204	
ttention: BECKY HART	
adies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by	У
iw were posted conspicuously on the property located at #4616 LEGDS AVOCUUE	
	•,
}	
the sign(s) were posted on DEC , 3, 7003	•
(Month, Day, Year)	
Sincerely, Darland L. Moore GARLAND E. Moore (Printed Name) 3225 RYERSON CIRCLE (Address) DAUTIMORE, MD. 2122 (City, State, Zip Code) C410) 242-4263 (Telephone Number)	, ,

RE: Case No.: 04-212-X

ARBUTUSAUTE PRINTING &

Petitioner/Developer: BODY WORKS, INC.

Date of Hearing/Closing: DEC. 19, 2003



USE # 04-212-X

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DATE AND TIME! AT 9 DO A M.

RECORST: SPECIAL EXCEPTION

TO PERMIT A SERVICE CLARAGE /N

A BL ZONE

PRESENTALISTS OFF TO PICATHER OR STREET CONDITIONS ARE SOMETIMES RECESSARY.
TO SOMETIME RELIGIOUS COLUMN LIST.

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RE: PETITION FOR SPECIAL EXCEPTION *
4616 Leeds Avenue; NW/side Leeds Avenue,
250' +/- SW of Ridge Avenue

13th Election & 1st Councilmanic Districts
Legal Owner(s): Richard Green, President
of Arbutus Auto Painting & Bodyworks, Inc

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-212-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

RECEIVED

NOV 1 0 2003

per &m

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 10th day of November, 2003, a copy of the foregoing Entry of Appearance was mailed to Herbert Malmud & Associates, 100 Church Lane, Baltimore, MD 21208 and to Michael P Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Thursday, December 4, 2003 Issue - Jeffersonian

Please forward billing to:

Richard Green 4621 Leeds Avenue Baltimore, MD 21229

410-242-0036

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: 04-212-X

4616 Leeds Avenue

N/west side of Leeds Avenue, 250 feet +/- southwest of Ridge Avenue

13th Election District – 1st Councilmanic District

Legal Owners: Arbutus Auto Painting & Bodyworks, Inc.

Special Exception to permit a service garage in a BL zone.

Hearings:

Friday, December 19, 2003, at 9:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

Selection and selection of the selection

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

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 13, 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: 04-212-X

4616 Leeds Avenue

N/west side of Leeds Avenue, 250 feet +/- southwest of Ridge Avenue

13th Election District – 1st Councilmanic District

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Special Exception to permit a service garage in a BL zone.

Hearings:

Friday, December 19, 2003, at 9:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

Timothy Kotroco

Director

TK:klm

C: Michael Tanczyn, 606 Baltimore Ave., Ste. 106, Towson 21204 Arbutus Auto Painting & Bodyworks, 4621 Leeds Avenue, Baltimore 21229 Herbert Malmud, 100 Church Lane, Baltimore 21208

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 4, 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.



Visit the County's Website at www.baltimorecountyonline.info



ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County</u>. <u>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
Petitioner Pichard Green
Address or Location 4676 Leeps Ave
PLEASE FORWARD ADVERTISING BILL TO Name. <u>Pichard</u> Green
Address 4621 Leeos Ave. BALTO., Md. 21229
Telephone Number: <u>4(0 - 242 - 6036</u>



Baltimore County
Department of Permits and
Development Management

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

December 16, 2003

Michael Tanczyn 606 Baltimore Avenue, Ste. 106 Towson, MD 21204

Dear Mr. Tanczyn:

RE: Case Number: 04-212-X, 4616 Leeds Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 28, 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

WCR:klm

Enclosures

c: People's Counsel Arbutus Auto Painting, 4621 Leeds Avenue, Baltimore 21229 Herbert Malmud, 100 Church Lane, Baltimore 21208



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

November 12, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 10, 2003

Item No.:

212

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

INTEROFFICE CORRESPONDENCE

DATE: November 21, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 17, 2003 Item Nos. 207, 208, 209, 210, 212, 213, 214, 216, 217, 218, and 219

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

RWB:CEN:jrb

cc: File

Malla

DATE: November 24, 2003

MG COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III Director, Office of Planning

4616 Leeds Avenue

INFORMATION:

Item Number:

SUBJECT:

04-212

Petitioner:

Arbutus Auto Painting and Bodyworks

Zoning:

BL

Requested Action:

Special Exception

SUMMARY OF RECOMMENDATIONS:

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

- 1. Sidewalks and curbing adjacent to subject site are repaired in accordance with the Department of Public Works' standards.
- 2. Provide a 10-foot landscaped buffer along the northern property line.
- 3. Clarify the limits of clearing along the southern property line. Provide a 6-foot landscaped buffer between the edge of pavement and the property line.
- 4. Submit a landscape plan in accordance the Baltimore County Landscape Manual to this office for review and approval prior to the issuance of any building permits.

Prepared by:

Section Chief: AFK/LL:MAC:



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

Robert L. Flanagan, Secretary Nell J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

11.10.03

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

Baltimore County

Item No. 212

JUM

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

1. J. Hoell

LAW OFFICES

MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue Towson, Maryland 21204

(410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

October 21, 2003

VIA HAND-DELIVERY

Baltimore County Department of Permits and Development Management Attn: Mr. Timothy Kotroco County Office Building Room 109
111 West Chesapeake Avenue Towson, MD 21204

Re: Drop-off Petition 4616 Leeds Avenue

Baltimore, Maryland 21209

Dear Mr. Kotroco:

Enclosed herewith for filing, please find Petition For Special Exception for my client, Arbutus Auto Painting. Please note that this special exception was granted previously. Because of the passage of time, we are refiling for the special exception. There are no pending violations from Code Enforcement for this property, which lies across the street from the original work center for Arbutus Auto Painting.

Enclosed you will find the following:

- 1. Three signed Petitions For Special Exception;
- 2. Three sealed surveyor descriptions for the property;
- 3. Twelve plats to accompany Petition for Special Exception;
- 4. Four zoning excerpt maps.

We anticipate that this hearing, when scheduled, will take less than one hour for presentation of the Petitioner's case. Please notify us of the acceptance of this, as well as receipt of our enclosed check for filing fees and advise us of a hearing date, when assigned.

Very truly yours,

Michael P. Tanczyn, Esquire

MPT/cbl

Enclosures

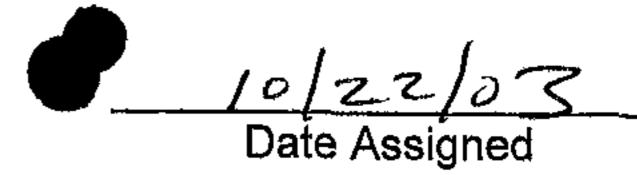
cc:

Arbutus Auto Painting & Bodyworks, Inc.

Herbert Malmud

 $\overline{\mathcal{T}}$	C	m	
	_		

Intake Planner



10/2/3

DROP-OFF PETITIONS PROCESSING CHECK-OFF

	Two Questions Answered on Cover Sheet:	,
	Any previous reviews in the zoning office? Any current building or zoning violations on site?	- !
<u> </u>	Petition Form Matches Plat in these areas:	
l	Address	· ;
	Zoning	
	Legal Owner(s) Contract Purchaser(s)	
	Request (if listed on plat)	
	Petition Form (must be current PDM form) is Complete:	i i
	Request:	:
	Section Numbers Correct Wording (must relate to the code, especially floodplain and historical star	, adard
	wording. Variances must include the <u>request</u> in lieu of the <u>required code quantition</u>	es.
	Hardship/Practical Difficulty Reasons	; ;
	Legal Owner/Contract Purchaser: Signatures (originals)	
	Printed/Typed Name and Title (if company)	
	Attorney (if incorporated) Signature/Address/Telephone Number of Attorney	
 1		
L	Correct Number of Petition Forms, Descriptions and Plats	-
	200 Scale Zoning Map	-
	Check: Amount Correct? Signed?	•
\Box	ZAC Plat Information:	
	Location (by Carl) Nuls Leeds Ave 87 NE of Cande	an live
	of Markey (hoice Cane (46)6 Leeds Ave)	· :
	Zoning: Acreage: Previous Hearing Listed With De Election District Councilmanic District Case #	CISION
	Check to See if the Subject Site or Request is:	,
	CBCA Floodplain	i
	Elderly	
	Historical	
	Pawn Shop Helicopter	i
	*If Yes, Print Special Handling Category Here	,
	*If No, Print No	;
		-

ZONING MEARING FILE INTERNAL CHECKLIST Zoning Case No. D4-212-X

Date Completed/Initials	
11-13-63	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp of front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC is computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original if "red" folder; mail copy to zoning commissioner's office)
<u> </u>	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
bh	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet) ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; pucertificates in file)
<u></u>	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following

week every Friday and administrative files on Tuesday; verify that checklist on front of

hearing file has been completed; secure all papers under clips in file; send files for

hearings to zoning commissioner's office by noon on Friday and files for administrative

on Tuesday morning)

2 + 24

PETITION FOR SPECIAL HEARING

76-133-SPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Robert Appel and Vernomegal owners 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 and/or Deputy Zoning Commissioner should approve the Continuation of the use of said property

for the sale of used automobiles and to determine legal non-conforming

use for sale of used automobiles for the premises known as Appell Bros., Auto. Services, Inc. 4619-21 Leeds Avenue, Baltimore, Maryland.

See attached description

Property is to be posted and advertised as prescribed by Coming Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County a indeed dursmant to the Zoning Law for Baltimore County.

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جنت	ੜੇਵਫਰੋਂ ਜ਼ੋ∮ਾ	ursuant to the Zoning Law for	Baltimore County.
77.07		<u>.</u>	Vernon Capill
`	7 19		Beliet Broll
`~~	X V	Contract Purchaser	Vermon Appel-9300 Avondale Avenue
أملان	7	F	AddressBaltimore, Md2123.
144	3	1)	Robert Appel-10325 E Malcolm Circle
	3 3		Cockersaille, Md. 210 %
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	1 - F	Petitioner's Attorney	Protestant's Attorney
سميا د د		oseph L. Friedman	
	ires ș .[220 Fidelity Buildiau	
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URDERED By the Zoning Commissioner of Baltimore County, this_lst____

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IN RE: PETITION FOR SPECIAL EXCEPTION

SE/S Leeds Avenue, opposite

Maiden Choice Lane

13th Election District

1st Councilmanic District

(4619-4621 Leeds Avenue)

Arbutus Auto Painting & Bodyworks, Inc.

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

EASE NO. 01-480-X

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, the Arbutus Auto Painting & Bodyworks, Inc. The special exception request is to approve a service garage pursuant to Section 230.13 of the Baltimore County Zoning Regulations on BL and BL-AS zoned property. The special exception request involves property located at 4619-4621 Leeds Avenue in the Arbutus area of Baltimore County.

Appearing at the hearing on behalf of the special exception request were Richard Greene, owner of the property, Herbert Malmud, professional engineer who prepared the site plan of the property and Michael Tanczyn, attorney at law, representing the Petitioners. There were no protestants or others in attendance.

Testimony and evidence indicated that the property which is the subject of this special exception request is a long and narrow parcel of property located on the south side of Leeds Avenue, opposite its intersection with Maiden Choice Lane. The subject property is zoned BL and BL-AS. It is improved with an existing one-story, concrete block buildings which have been utilized by the Petitioners for many years as an automobile body and fender and service garage. In addition to the property identified on Petitioner's Exhibit No. 1 filed in this case, the

Petitioners also own property on the north side of Leeds Avenue, across from this site. That particular property is the subject of a separate special exception request.

As to the property at hand, the Petitioners wish to continue to utilize the subject property as a service garage. The use of the property in this fashion has existed for many decades. However, Mr. Greene, the current owner, wishes to legitimize the use on the property to allow him to continue to perform auto painting, body and fender work and mechanical repairs to automobiles. In order to continue with this use a special exception request is necessary.

It is clear the Baltimore County Zoning Regulations permits the Petitioners' use in a BL and BL-AS 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.

PLEASE PRINT CLEARLY

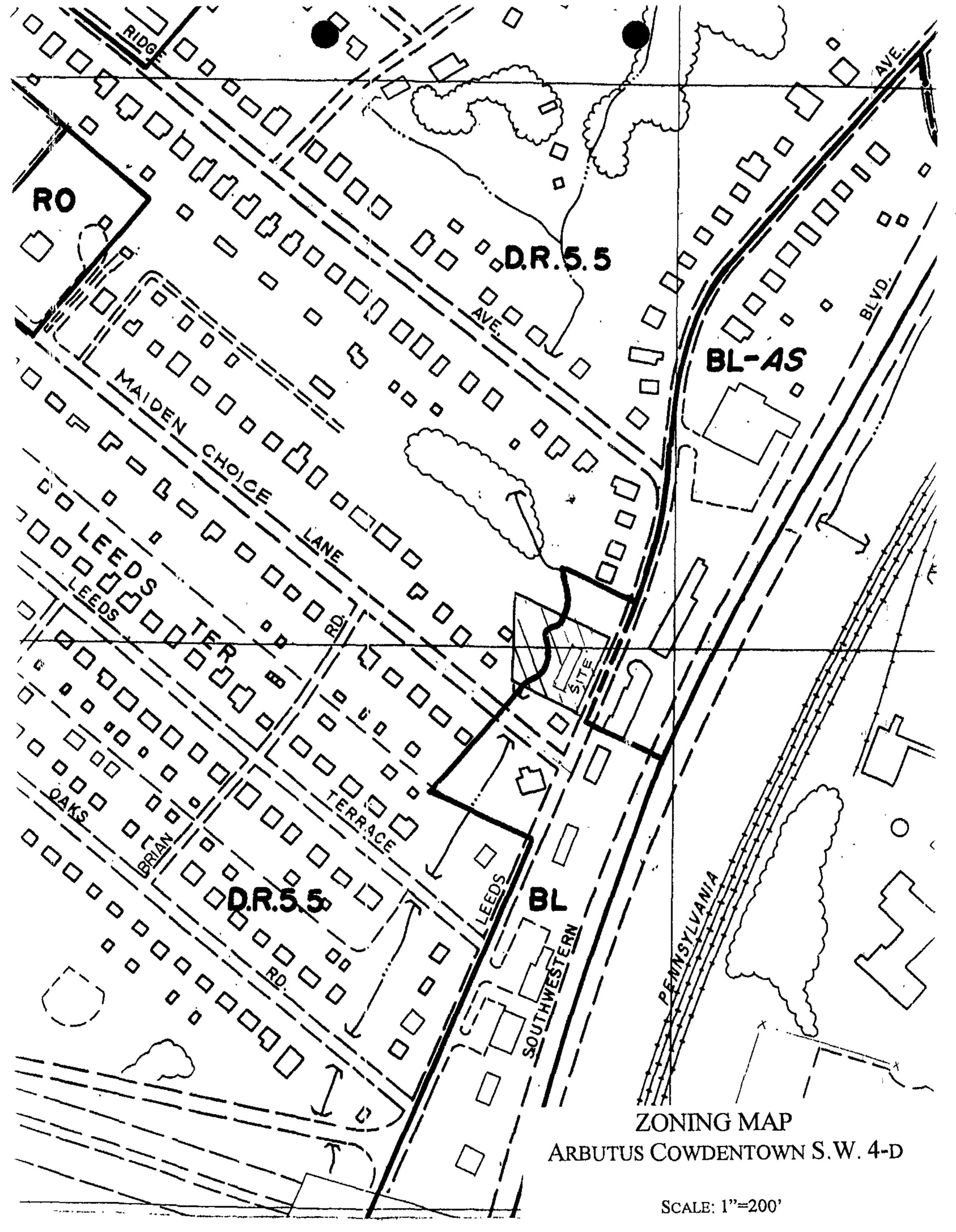
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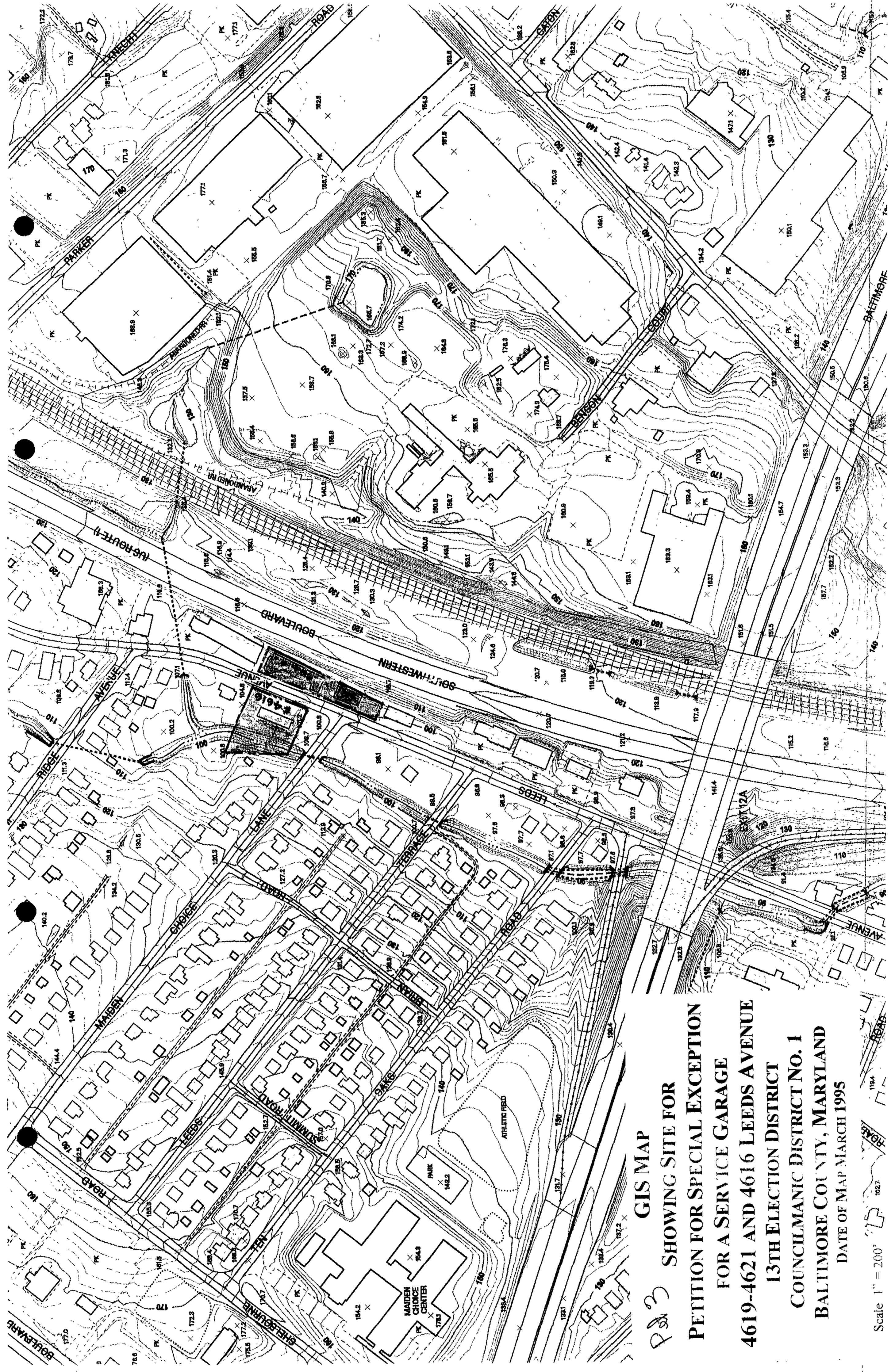
CASE NUMBER (14-2) 3-X

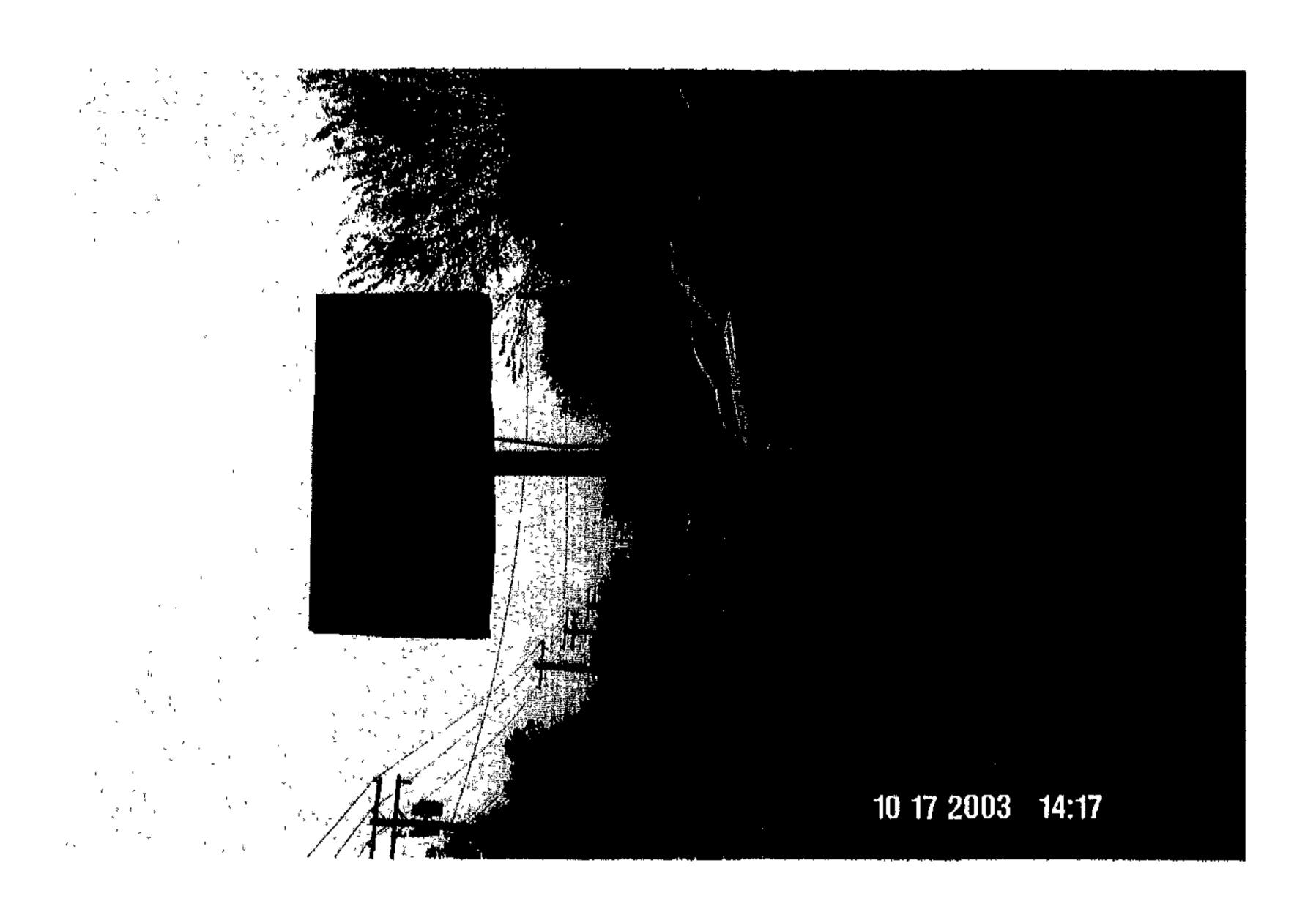
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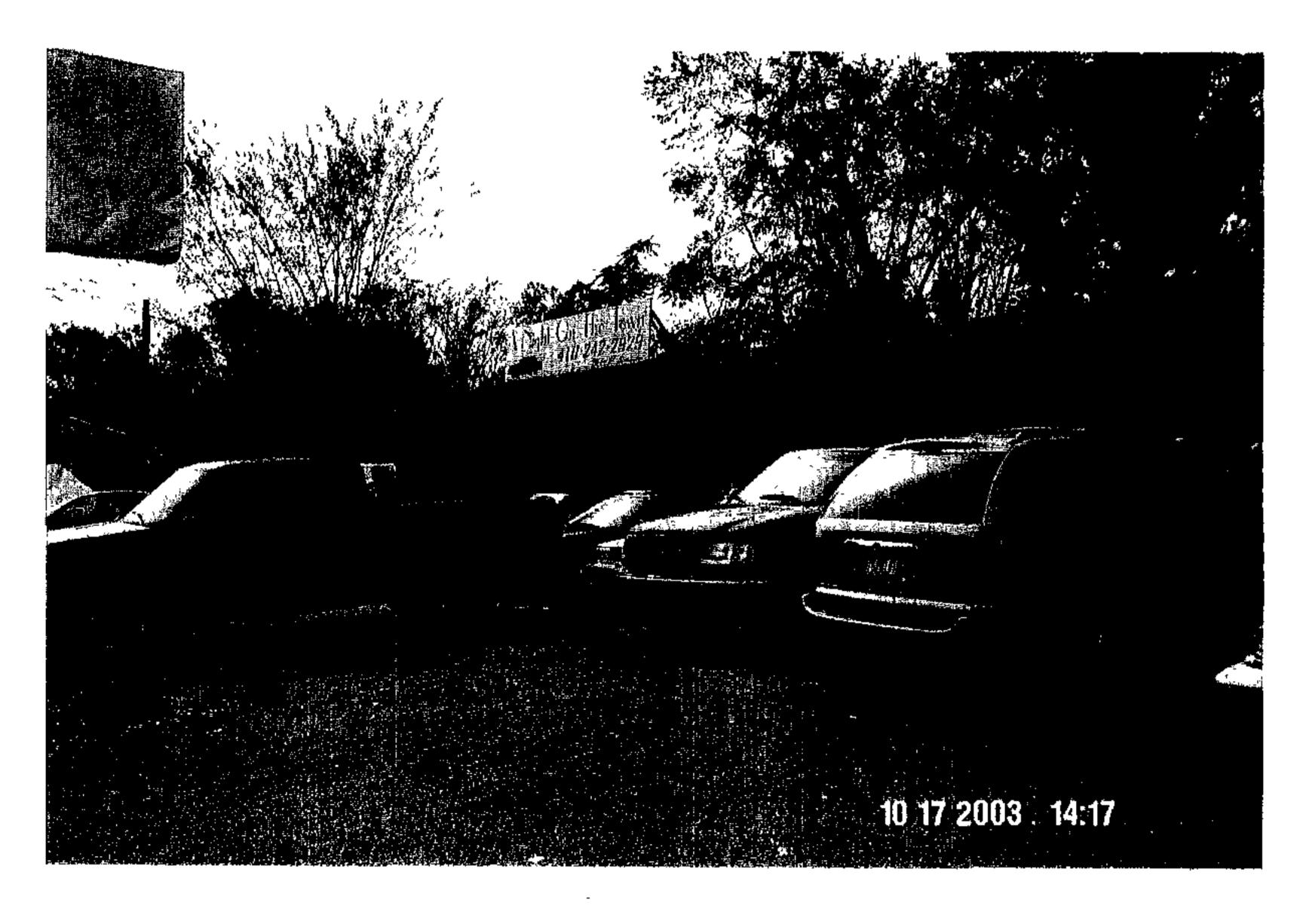
PETITIONER'S SIGN-IN SHEET

E- MAIL	Michael TANCZUJNEPHOTABIL, CON	IAR	ARBUTUS Auto 1300/10 Asl										
CITY, STATE, ZIP	MJ. 2181	MILES MD	A Balto. mo 2/229										
ADDRESS	2196 GOG BALTIMORE	a	4621 Leeds ave		_								
NAME	Mehred Anz 723,N	TERBERT MAJRUD	Richard Grant										

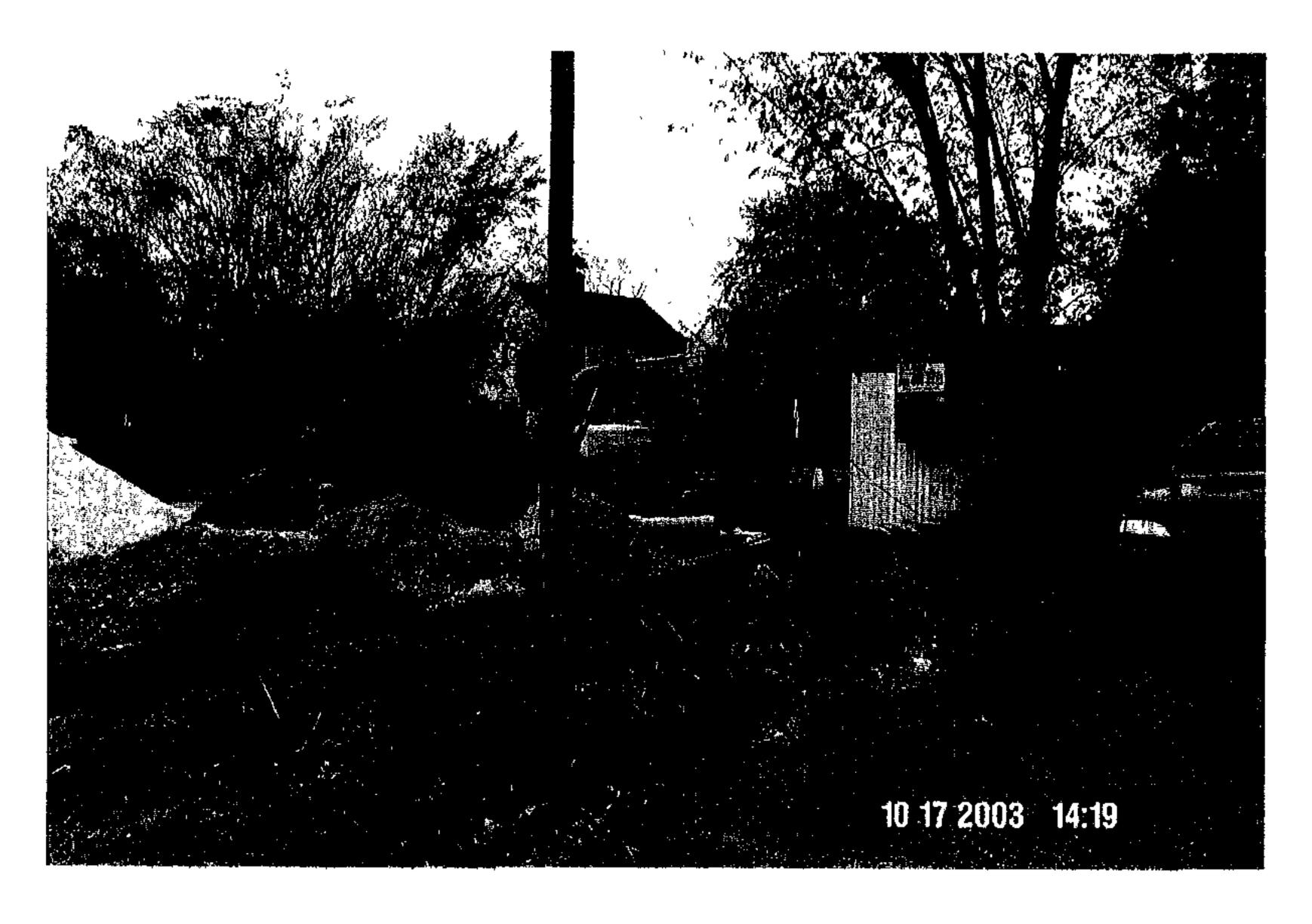


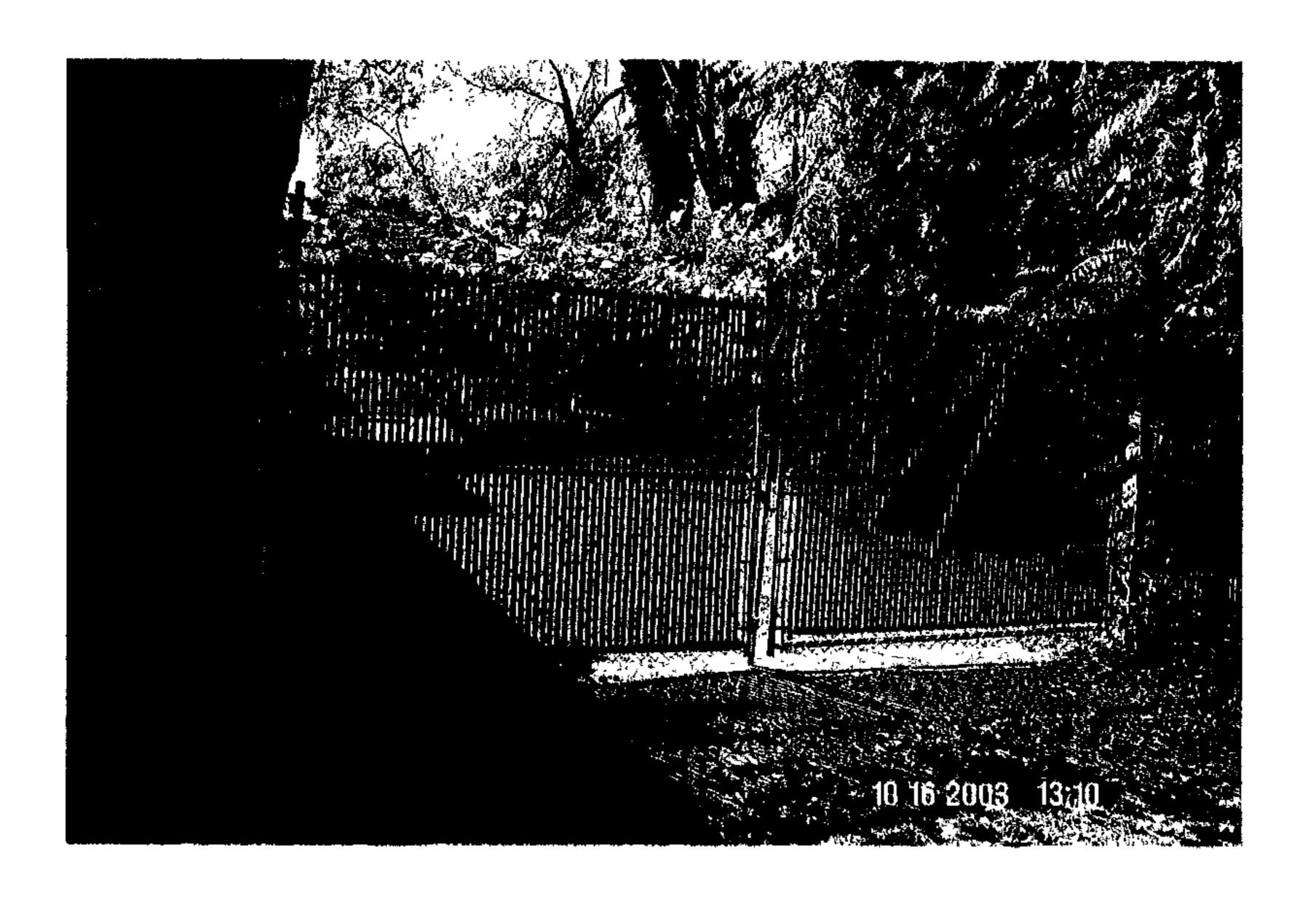


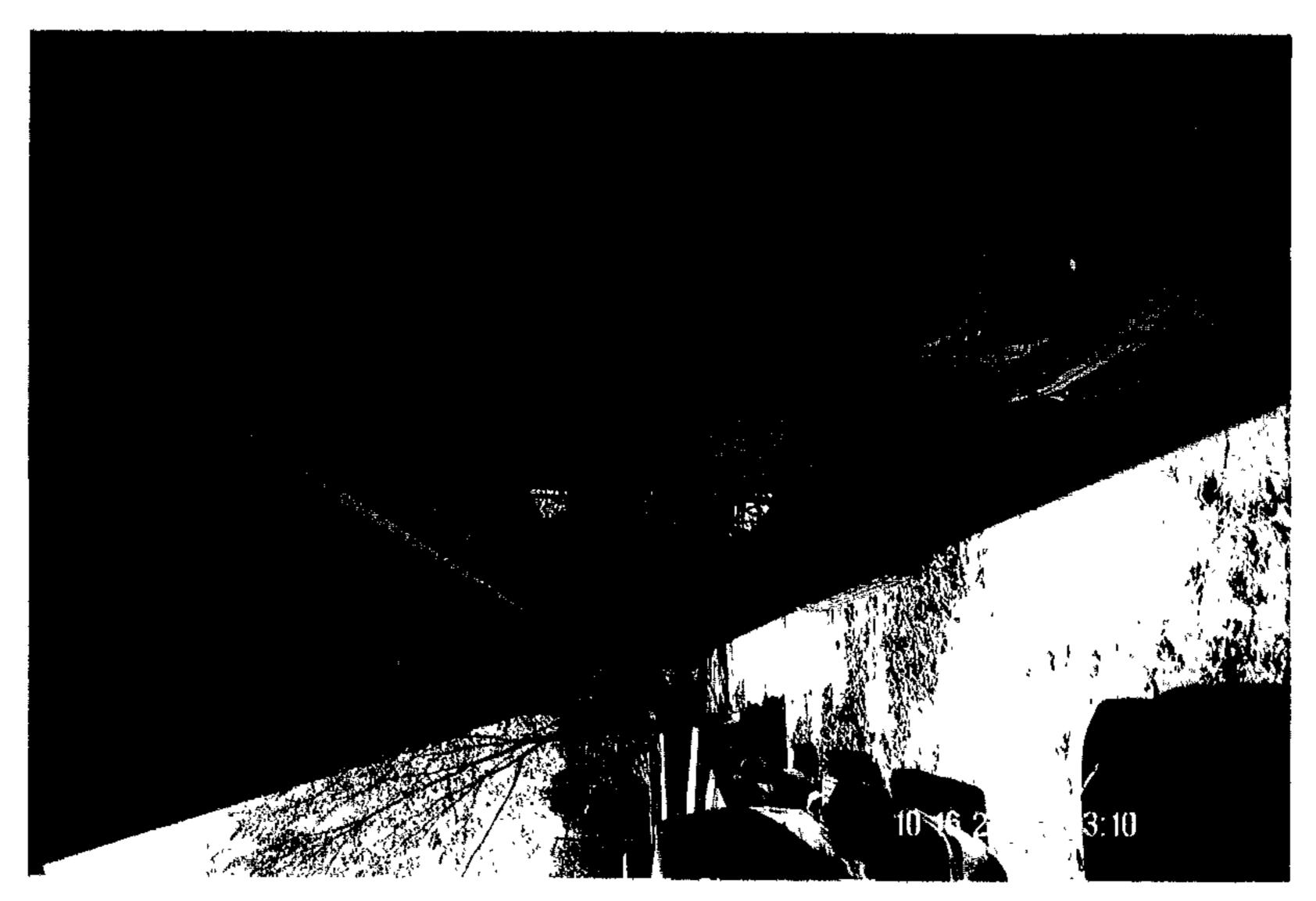




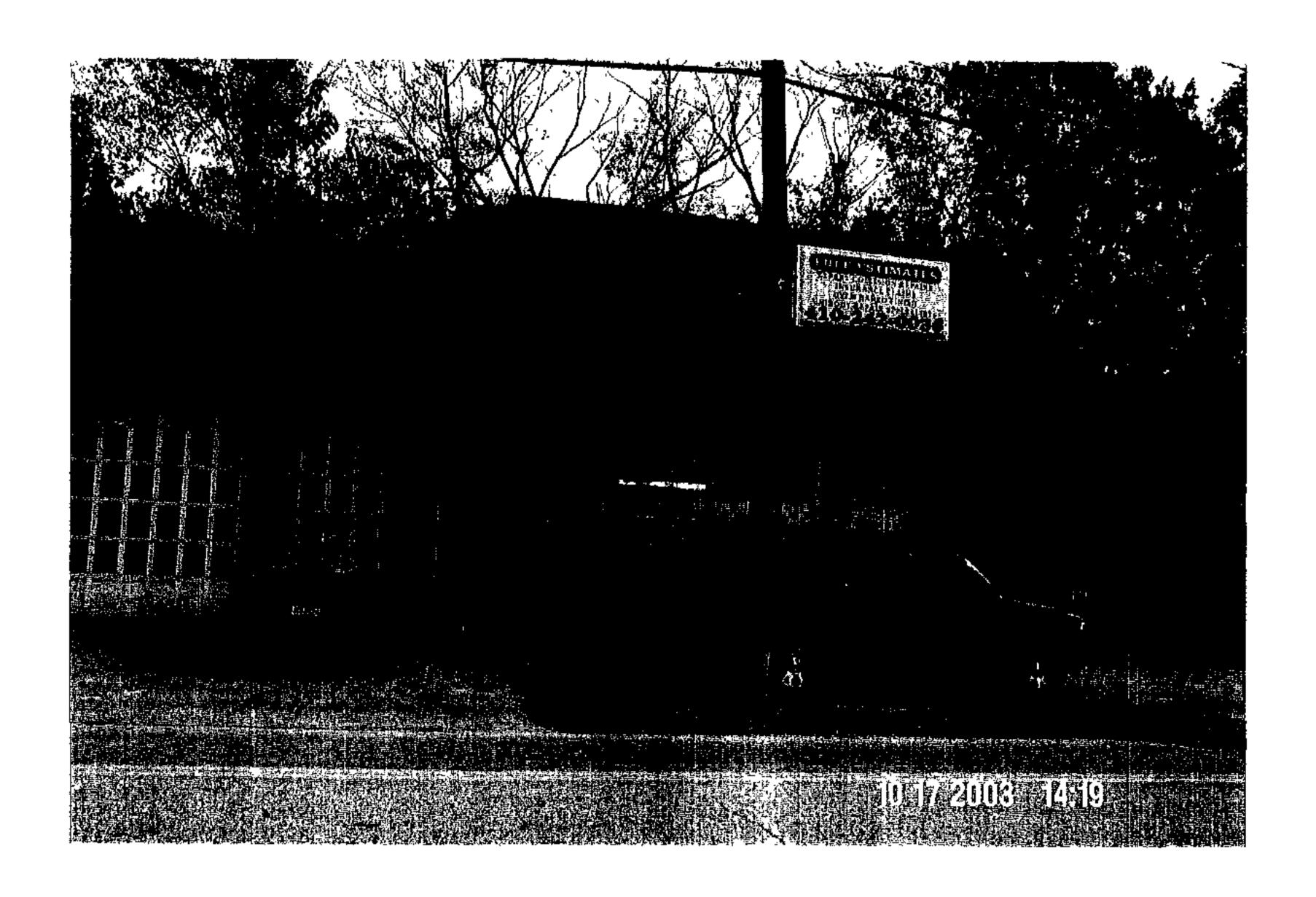


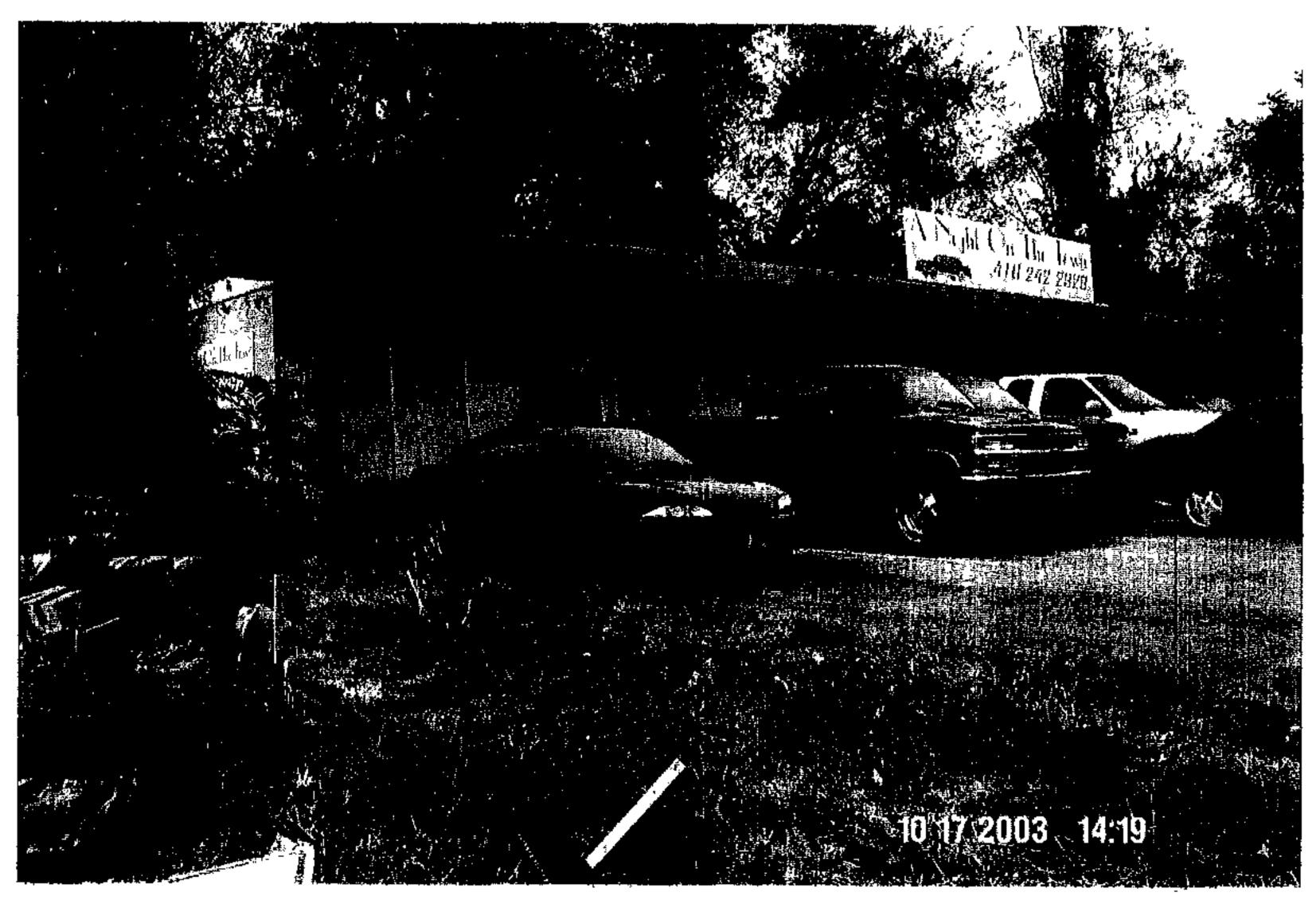




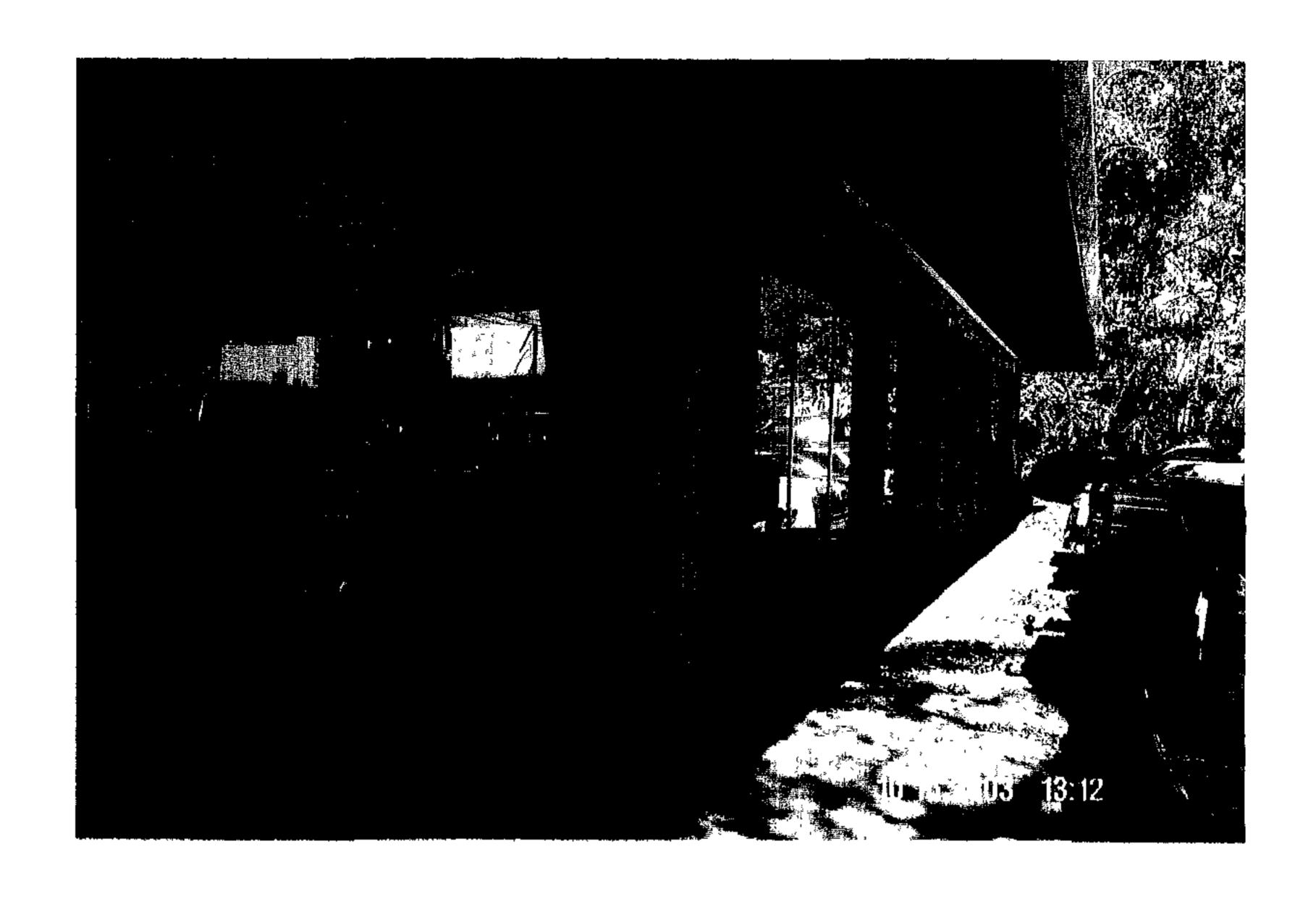


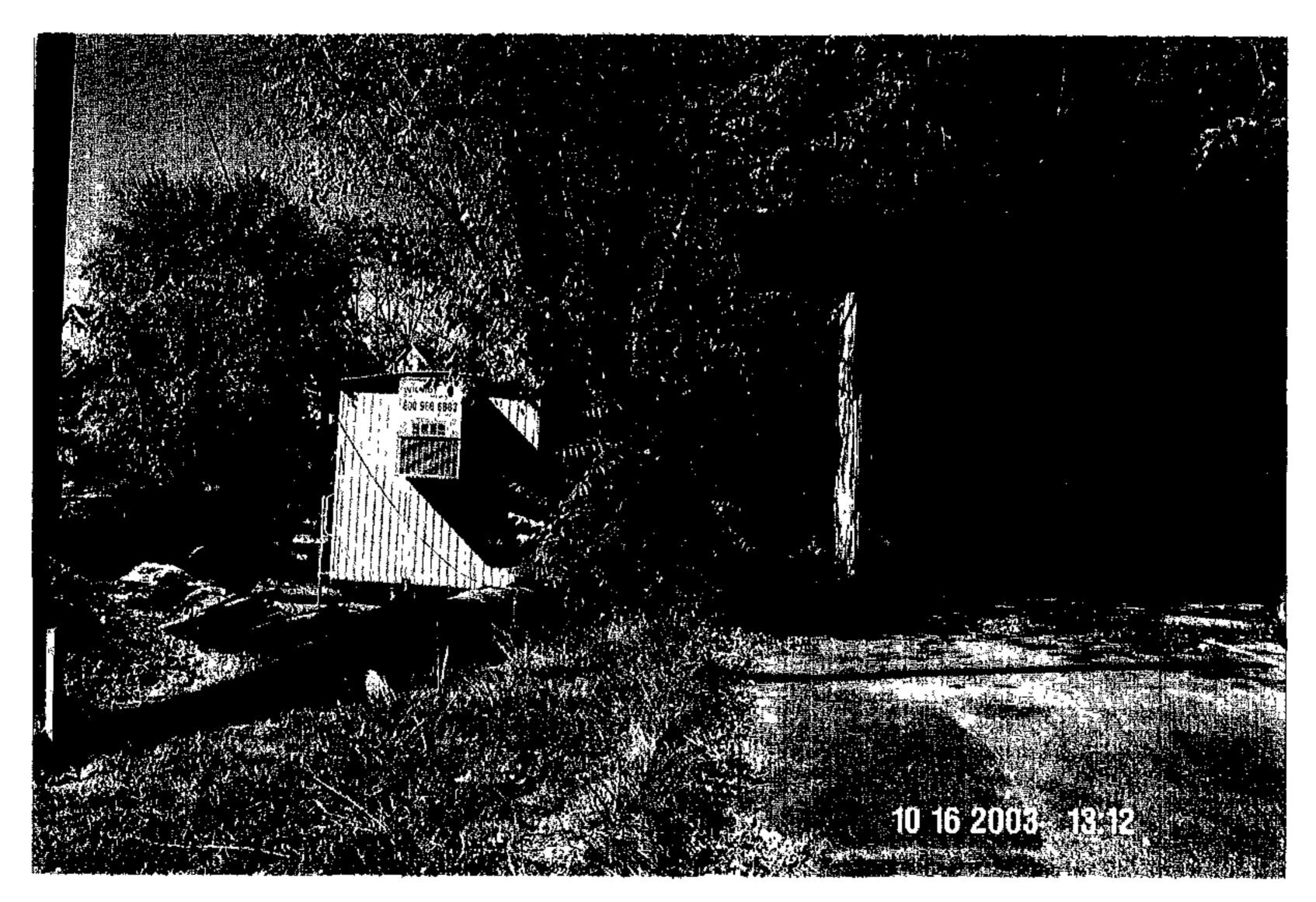
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Pt 2K

