

IN RE: PETITION FOR VARIANCE
S/S of Eastern Avenue, 150 ft. W
centerline of Riverside Drive
15th Election District
7th Councilmanic District
(311 Eastern Boulevard)

Mike Levy
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-338-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Notchcliff Holding Group LLC, by Mike Levy, member. The variance request is for property located at 311 Eastern Boulevard in the eastern area of Baltimore County. The variance request is from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 0 ft. in lieu of the minimum required 30 ft. for an addition.

The property was posted with Notice of Hearing on March 6, 2004, 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 March 9, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances.

CHD
Date 3/24/04
By [Signature]

Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

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 February 18, 2004, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated February 10, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was Mike Levy, member of Petitioner LLC, Charles Merritt, of Merritt Development Consultants, who prepared the site plan and Petitioner's attorney, Howard L. Alderman, Jr., Esquire. There were no protestants or citizens attending the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, is improved by an existing two-bay repair shop and is zoned BR-CCC. The Petitioners wish to add a third repair bay to the building due to expanding business. Mr. Alderman proffered that there was no where else on the lot to locate the new bay due to its small size. As important, the adjoining businesses had already built to the property line with their buildings. Consequently, there was no available property, which the Petitioner could purchase to avoid a variance request. In

FILED
Date 3/24/04
By J. L. Johnson

addition, the Petitioner presented letters of support for the variance request from both adjoining property owners.

The Planning Office notes that this property is within the Eastern Boulevard Revitalization District and as such is subject to design review at building permit stage. However, the Petitioner indicated that they would make substantial improvements to the whole building, including a new pitched roof, which should add to the revitalization effort.

Findings of fact and conclusions of law

I find that special circumstances or conditions exist that are peculiar to the land or structure, which is the subject of the variance request, in that the Petitioner's business is sandwiched in between existing businesses which themselves have built to the property line. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The only place to locate the new bay is where the Petitioner wants to build it. I further find that the requested variance can be granted in strict harmony with the spirit and intent of the regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The further improvements made to the whole building should be a substantial addition to the revitalization effort on Eastern Avenue.

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 Petitioner, I find that the Petitioner's variance request should be GRANTED.

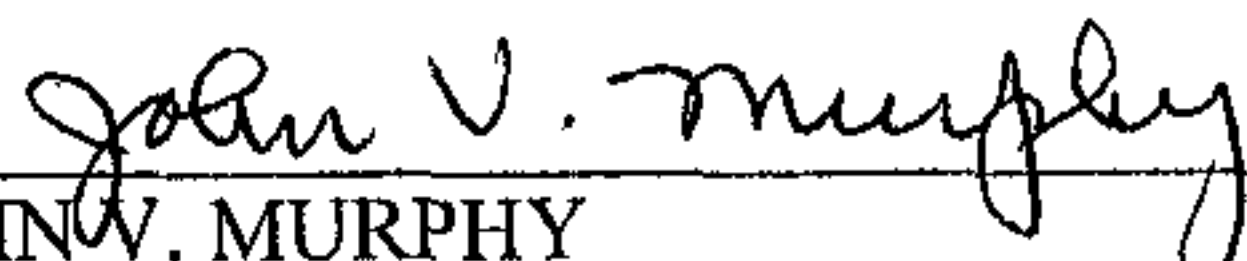
THEREFORE, IT IS ORDERED, this 24 day of March, 2004, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 0 ft. in lieu of the minimum required 30 ft. for an addition, be and it is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

ORDER RECORDED & INDEXED
Date 3/24/04
By R. J. Gannon

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;
2. Compliance with the ZAC comments made by DEPRM dated February 10, 2004, a copy of which is attached hereto and made a part hereof.
3. Compliance with the ZAC comments made by the Office of Planning dated February 18, 2004, a copy of which is attached hereto and made a part hereof.
4. 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.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 3/24/04
By J.R. Johnson

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

March 24, 2004

Howard Alderman, Esquire
Levin & Gann
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

Re: Petition for Variance
Case No. 04-338-A
Property: 311 Eastern Boulevard

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance 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 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,

A handwritten signature in black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Michael & Jodie Levy
P. O. Box 251
Glen Arm, MD 21057

Charles Merritt
Merritt Development Consultants, Inc.
9831 Magledt Road
Baltimore, MD 21234

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





C B C A

Petition for Variance

to the Zoning Commissioner of Baltimore County BLVD
for the property located at 311 EASTERN AVE
which is presently zoned BR-CCC

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 238.2 TO ALLOW A SIDEYARD SETBACK OF 0 FT. IN LIEU OF THE MINIMUM REQUIRED 30 FT.

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

TO BE DISCUSSED 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.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

HOWARD L. ALDERMAN JR. ESQUIRE
Name - Type or Print _____ City _____
Signature _____
LEVIN & GANN, PA
Company _____
502 WASHINGTON AVE SUITE 800 410-321-0600
Address _____ Telephone No. _____
TOWSON MARYLAND 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print _____
Signature Mike Levy
Name - Type or Print _____
Signature _____
NOTCHCLIFF HOLDING GROUP LLC
Address _____ Telephone No. _____
11605 NOTCHCLIFF ROAD
GLEN ARM MD 21057
State _____ Zip Code _____

Representative to be Contacted:

CHUCK MERRITT
Name _____
MERRITT DEVELOPMENT CONSULTANTS INC
Address _____ Telephone No. _____
9831 MAGUEDT ROAD
BALTO. MD 21234
City _____ State _____ Zip Code _____

OFFICE USE ONLY

Case No. 04-338 A

ESTIMATED LENGTH OF HEARING 1 hr

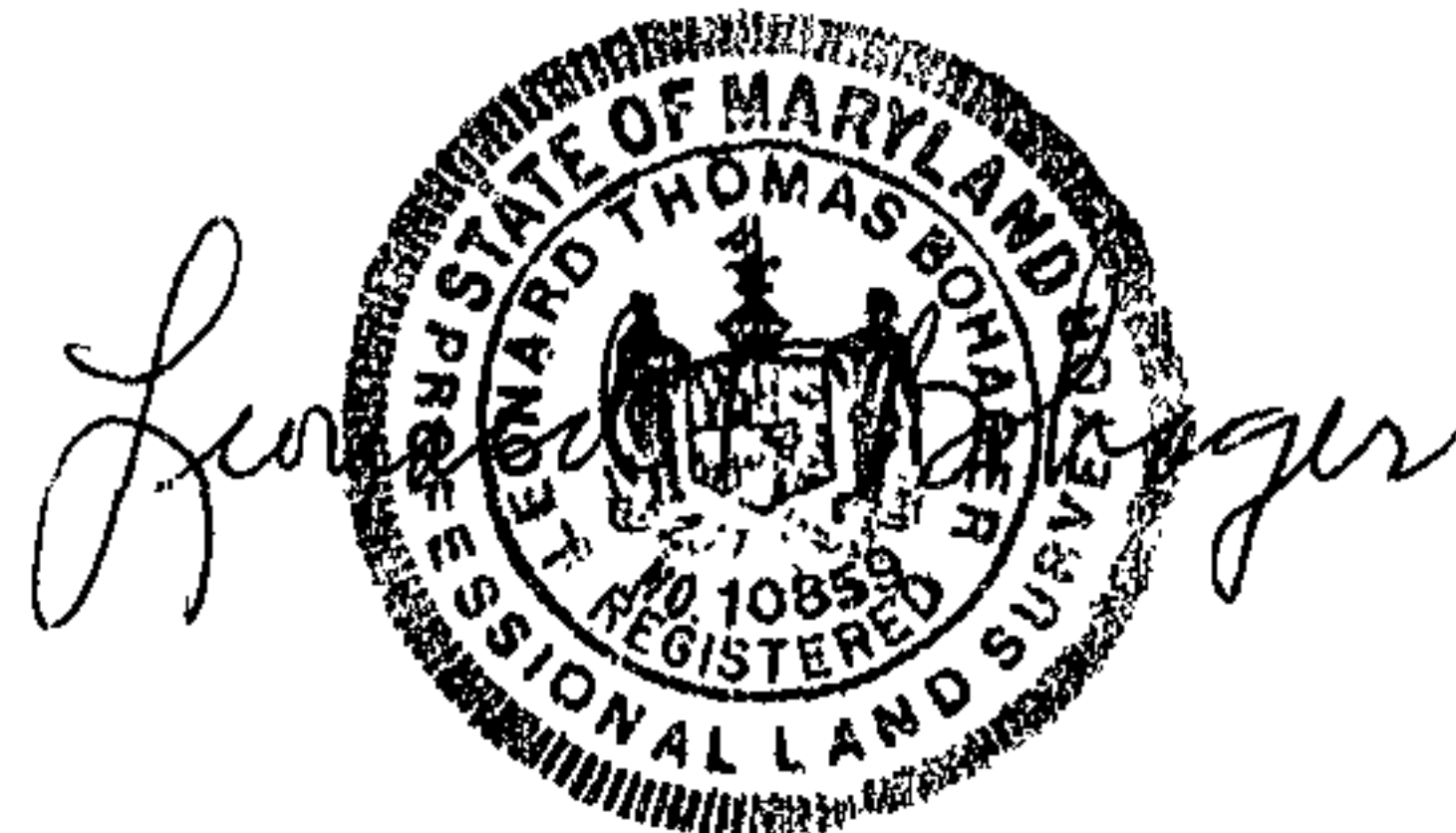
Reviewed By [Signature] Date 1-29-07

RECEIVED FOR FILING

REV 8/15/98

ZONING DESCRIPTION FOR 311 Eastern Avenue

Beginning at a point on the South side of Eastern Avenue which is 70 feet wide at the distance of 150 feet West of the centerline of the nearest improved intersection street Riverside Drive which is 50 feet wide. Begin Lots 18 & 19 in the subdivision of Mount Holly Terrace as recorded in Baltimore County Plat Book 7, Folio 52, containing 6481 SF or 0.149 ac. Also known as 311 Eastern Avenue and located in the 15th Election District, 2 Councilmanic District.



1-21-04

238

File No. 28115
BY 3383

ACCOUNT R 201-2006-615

AMOUNT \$ 325.00

Mr. H. Pearl & Co. Inc. No. 15

Appl. in Civil Engrg. 1/10/1961
311 East 10th Ave.

YELLOW - CUSTOMER

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**NOTICE OF ZONING
HEARINGS**

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: #04-338-A
311 Eastern Boulevard
S/Side of Eastern Avenue,
150 feet west of centerline
of Riverside Drive
15th Election District
7th Councilmanic District
Legal Owner(s): Mike Levy
Variances: to allow a
sidewalk setback of 0 feet in
lieu of the minimum re-
quired 30 feet
Hearing: Tuesday, March
23, 2004 at 10:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue.

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 con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT/3/660 Ma9 0653513

CERTIFICATE OF PUBLICATION

3/10/2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/9/2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 3/8/04

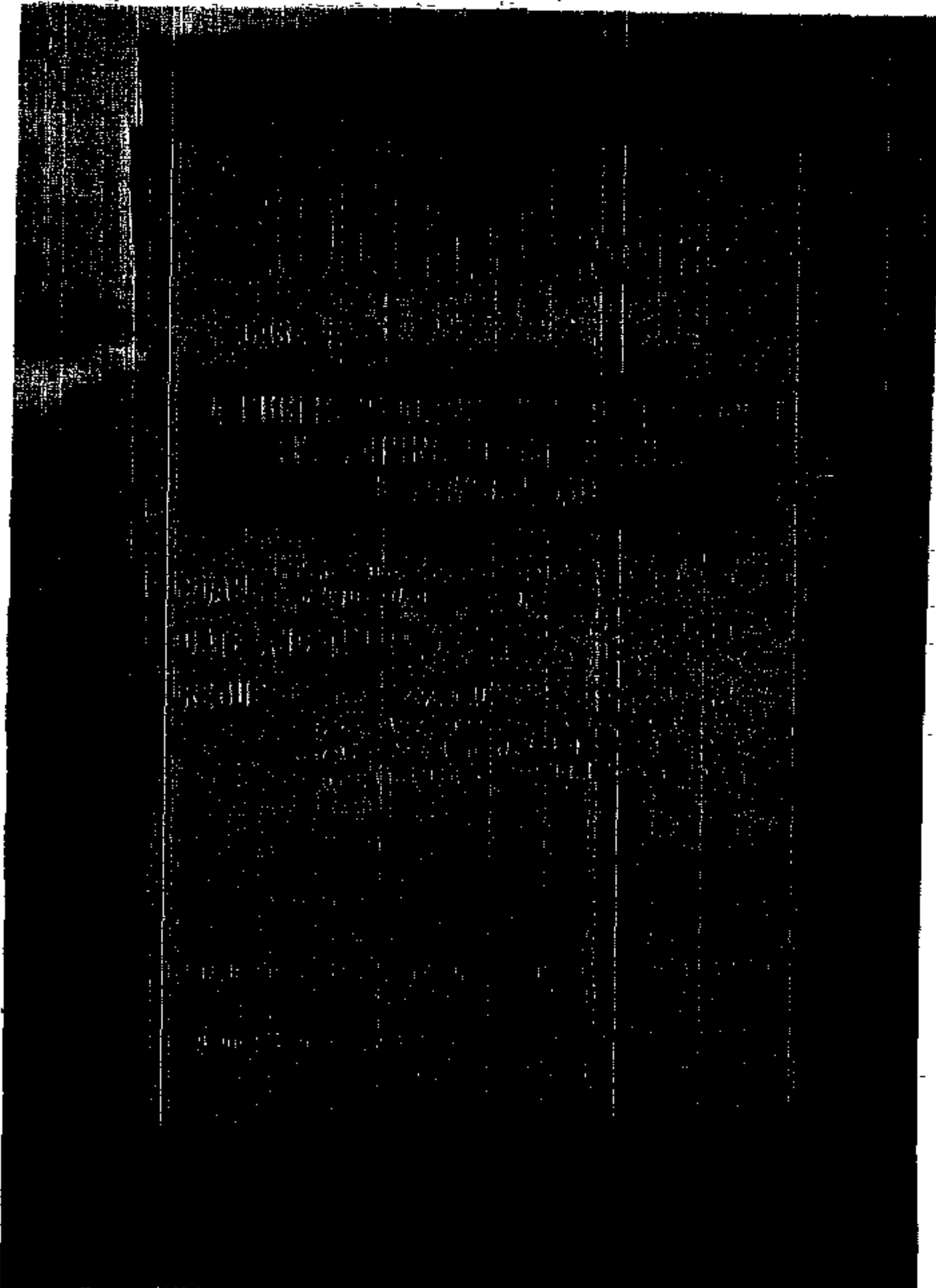
RE: Case Number: 04-338-A

Petitioner/~~Developer~~ MIKE LEVY

Date of Hearing/ Closing: 3/23/04

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 311 EASTERN AVE

The sign(s) were posted on 3/6/04
(Month, Day, Year)



Charles E. Merritt
(Signature of Sign Poster)

Charles E. Merritt
9831 Magledt Road
Baltimore, MD 21234
410-665-5562

RE: PETITION FOR VARIANCE
311 Eastern Blvd; S/side of Eastern Blvd,
150' W c/line & Riverside Drive
15th Election & 7th Councilmanic Districts
Legal Owner(s): Mike Levy
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 04-338-A

* * * * *

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 9th day of February, 2004, a copy of the foregoing Entry of Appearance was mailed to, Chuck Merritt, Merritt Development Consultants, Inc, 9831 Magledt Road, Howard L. Alderman, Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

FEB 08 2004

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



February 9, 2004

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: 04-338-A

311 Eastern Boulevard
S/side of Eastern Avenue, 150 feet west of centerline of Riverside Drive
15th Election District – 7th Councilmanic District
Legal Owner: Mike Levy

Variance to allow a sideyard setback of 0 feet in lieu of the minimum required 30 feet.

Hearing: Tuesday, March 23, 2004 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Levin & Gann, 502 Washington Ave., Ste. 800, Towson 21204
Mike Levy, 11605 Notchcliff Rd., Glen Arm 21057
Chuck Merritt, 9831 Magledt Rd., Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 8, 2004.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 9, 2004 Issue - Jeffersonian

Please forward billing to:
Mike Levy
11605 Notchcliff Road
Glen Arm, MD 21057

410-663-5525

NOTICE OF ZONING HEARING

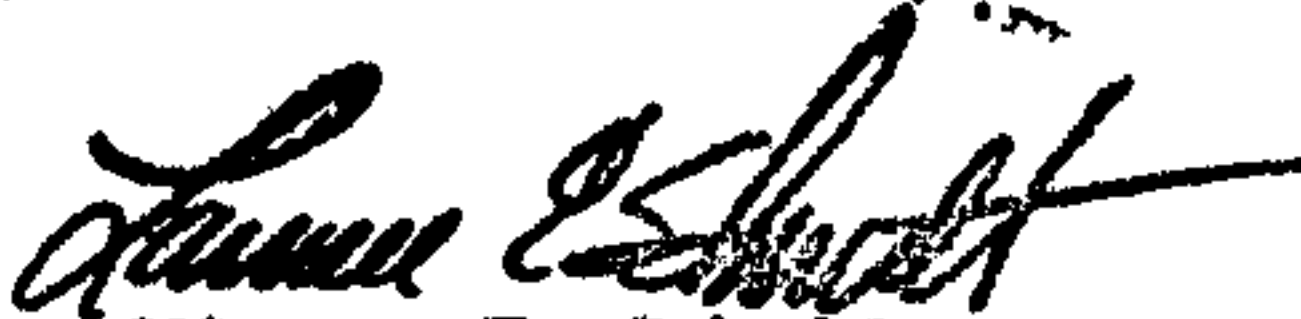
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Lawrence E. Schmidt

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.
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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 04-338-A

Petitioner: Michael Levy

Address or Location: 311 Eastern AVE BLVD

PLEASE FORWARD ADVERTISING BILL TO

Name: MIKE LEVY

Address: 11605 NOTCHCLIFF ROAD

GLEN ARM MD 21057

Telephone Number: 410 663-5525

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

For Newspaper Advertising:

Item Number or Case Number: 04-338-A
Petitioner: NORTHCLIFF HOLDING GROUP LLC
Address or Location: 311 EASTERN AVE. BLVD

PLEASE FORWARD ADVERTISING BILL TO:

Name: NORTHCLIFF HOLDING GROUP LLC
Address: 11605 NORTHCLIFF ROAD
GLEN ARM MD 21057

Telephone Number: _____

**Department of Permits and
Development Management**

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



Baltimore County

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

March 15, 2004

Howard L. Alderman
Levin & Gann
502 Washington Avenue, Ste. 800
Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number: 04-338-A, 311 Eastern Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 29, 2004.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Mike Levy 11605 Notchcliff Road Notchcliff Holding Group, LLC. Glen Arm 21057
Chuck Merritt Merritt Development Consultants, Inc. 9831 Magledt Road Baltimore
21234

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



**Baltimore County
Fire Department**

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

February 4, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: February 2, 2004

Item No.: 329-336, 338, 339

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.

6. 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: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: February 10, 2004

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For February 9, 2004
Item Nos. 329, 330, 331, 335, 336,
337, 338, 339, and 340

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *AMS*

DATE: 2-10-04

SUBJECT: Zoning Item # 04-338
Address 311 Eastern Blvd.
(Levy Property)

Zoning Advisory Committee Meeting of 2-2-04

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: K. Kelley

Date: 2-5-04

hs
3/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: February 18, 2004

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

RECEIVED

FEB 19 2004

SUBJECT: 311 Eastern Boulevard

INFORMATION:

Item Number: 4-338

Petitioner: Mike Levey

Zoning: BR-CCC

Requested Action: Variance

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The subject site is within the Eastern Boulevard Revitalization District. As such, the proposed addition is subject to design review. Consult Lynn Lanham at 410-887-3480 to schedule a meeting with the Design Review Panel.

Prepared by: Martha Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Timothy M Kotroco, Director
Department of Permits and
Development Management

DATE: April 8, 2004

FROM: Lynn Lanham
Development Review Section
Office of Planning

SUBJECT: 311 Eastern Boulevard
ZAC 4-338

The Office of Planning has reviewed the conditions of the zoning commissioner's order and the elevations submitted by the applicant and recommends approval for permits.

The applicant should review any proposed signs with the zoning and/or permit office for conformance with the Baltimore County Zoning Regulations.



Lynn Lanham

C: Jodie Levy (311 Eastern Boulevard, Essex, MD 21221)

LL:

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



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Date: 2.3.04

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

RE: Baltimore County
Item No. 338 JJS

Dear Ms. Hart:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 150 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

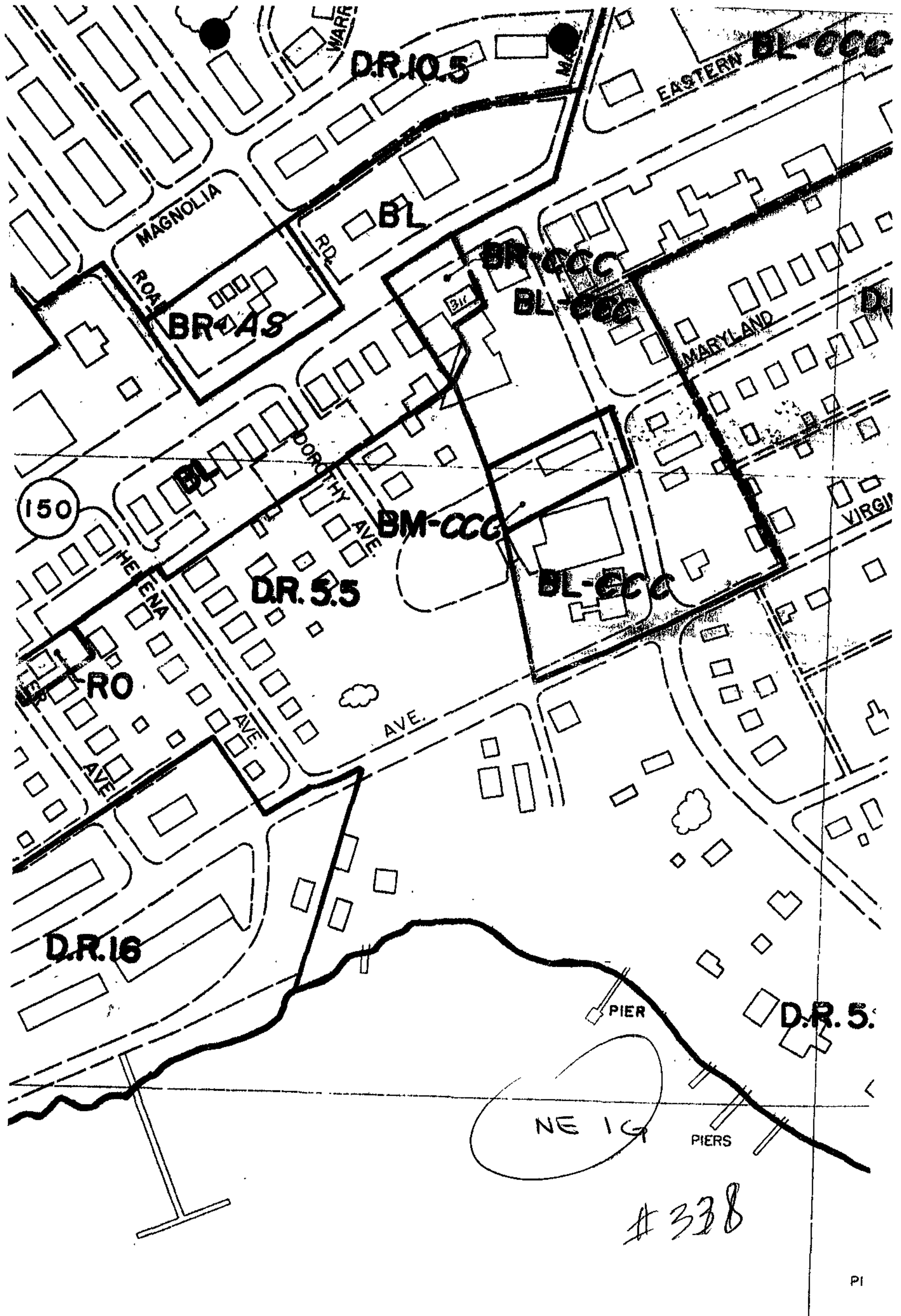
Very truly yours,

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

PLEASE PRINT CLEARLY

PETITIONER'S SIGN-IN SHEET

[illegible]



42



SCALE 1"=2000'

TOTAL	00	25
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MERRITT DEVELOPMENT
CONSULTANTS INC.
9831 MAGLETT ROAD
BALTIMORE MD 21234
410-663-5525

2ND CONCDUMASIC
DISTRICT

22

1. THIS SITE HAS NO PRIOR ZONING HISTORY
2. THIS SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN
3. THERE ARE NO FREESTANDING SIGNS ON SITE



1-21-04

Bayside Auto Body

310, Eastern Blvd, Essex, MD 21221
410-391-9414 • fax 410-391-9498



March 10, 2004

Russ McClelland
Owner

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
401 Bosley Avenue, Suite 405
Towson, Maryland 21204



RE: 311 Eastern Avenue
Case No. 4-338-A

Dear Mr. Schmidt:

I own property at 309 Eastern Avenue, next door to the 311 Garage. I wanted to submit my comments on the variance that is being requested by the owner in the event that I am not able to get to the hearing on March 23, 2004.

I have reviewed the plans proposed by Mike Levy to add an additional service bay to the existing garage. The plans shown that the new part of the building would be built between the existing garage and the building located on my property.

I am familiar with the operation of 311 Garage, the type of service that they perform and the type of neighbor that they are. They took a run down property and have made a fine business location. The property is small and they need additional room. The place where they want to put the new service bay can't be used for much else. The remaining portion of the Garage property is needed for parking.

I am glad that an existing, quality business intends to not only continue a successful operation in Essex but that they need to expand. This property is unlike any other improved properties in the area and they are proposing to add the bay in the most logical spot.

I support the variance to let the side of the new building be up to the property line, adjacent to my building. I support the 311 Garage as a good neighbor and needed business in the area.

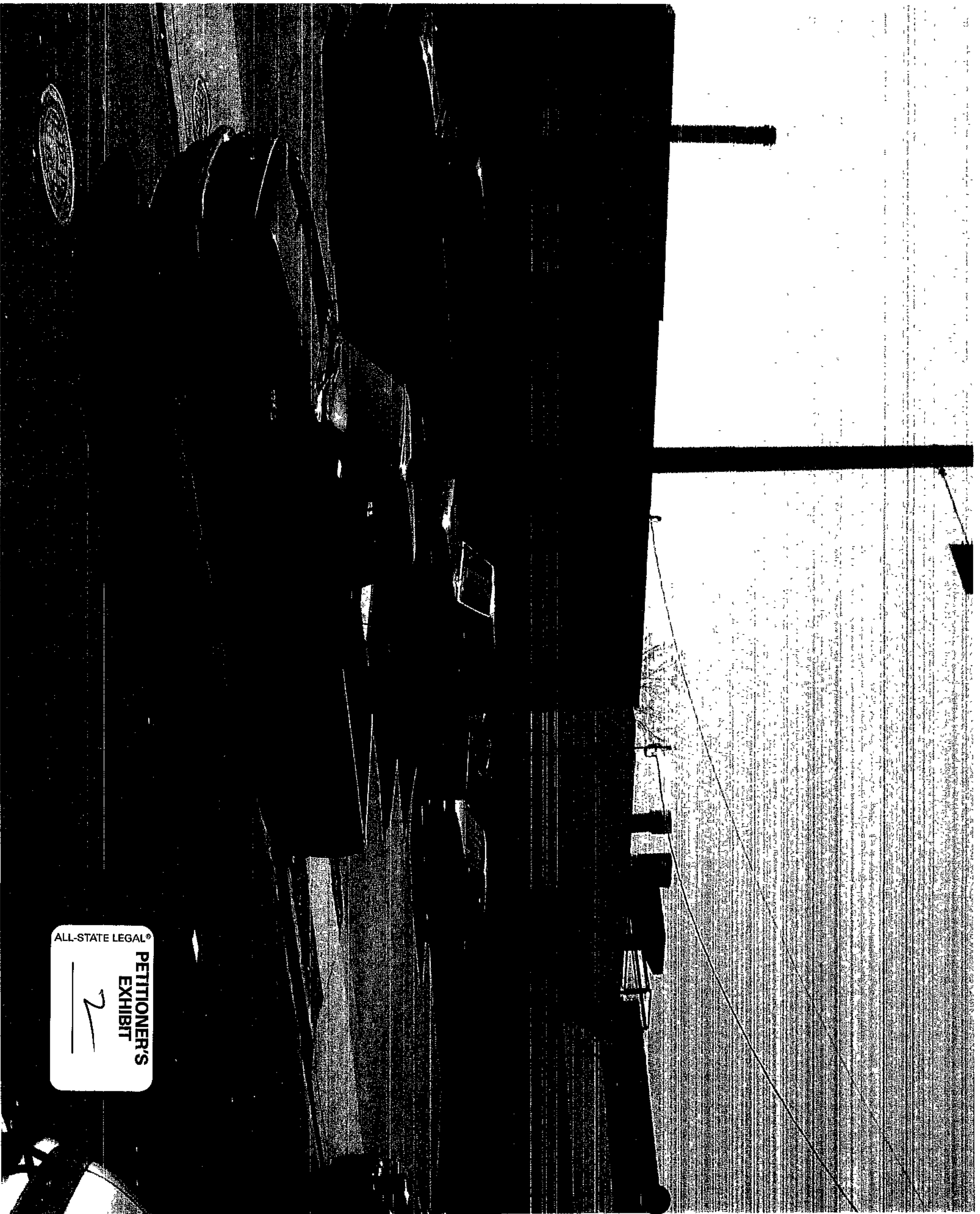
Thank you for taking my comments into consideration if I am not able to attend the hearing personally. I look forward to your ordering that the variance is permissible.

Sincerely,

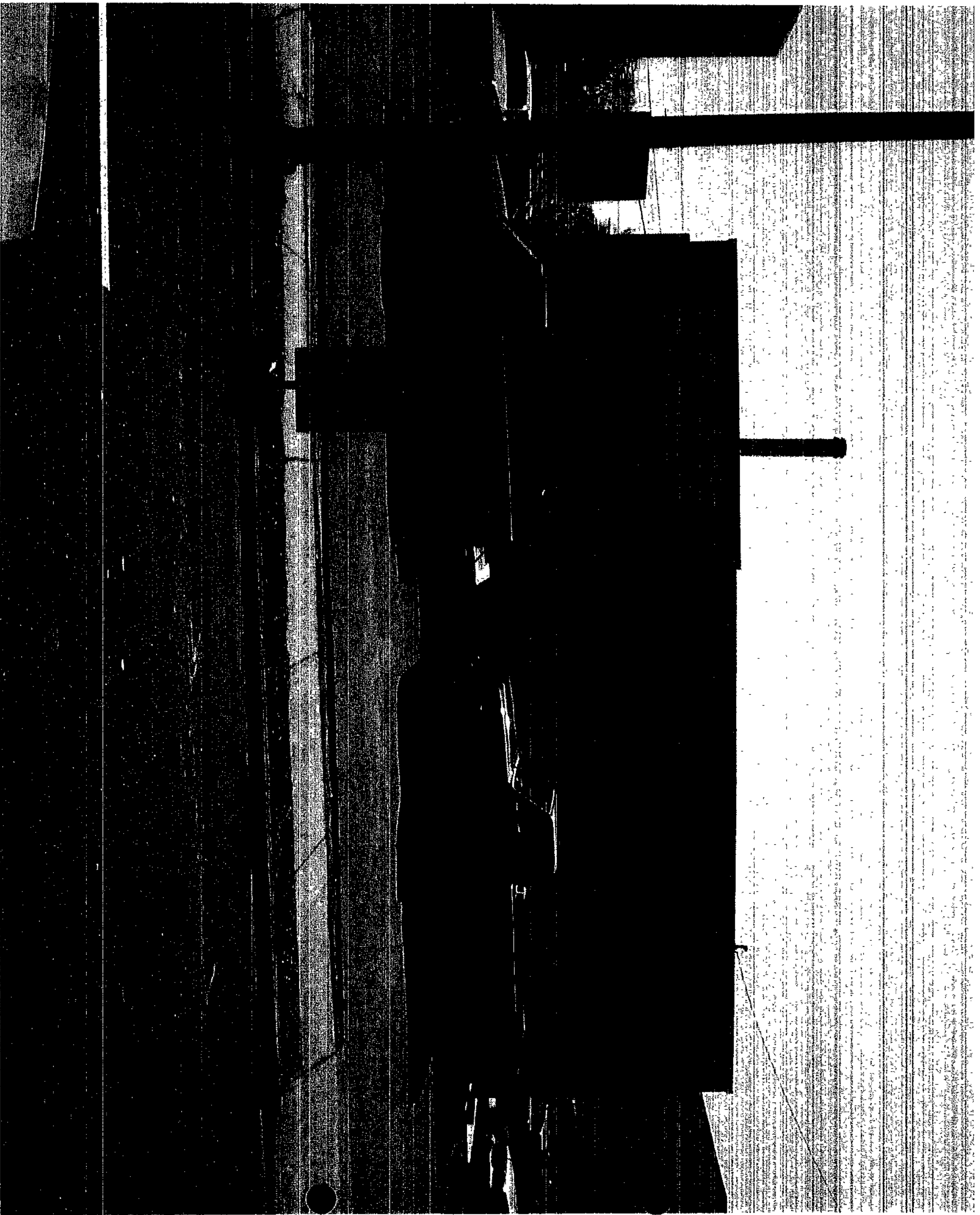
A handwritten signature in black ink, appearing to read 'Russell McClelland'.

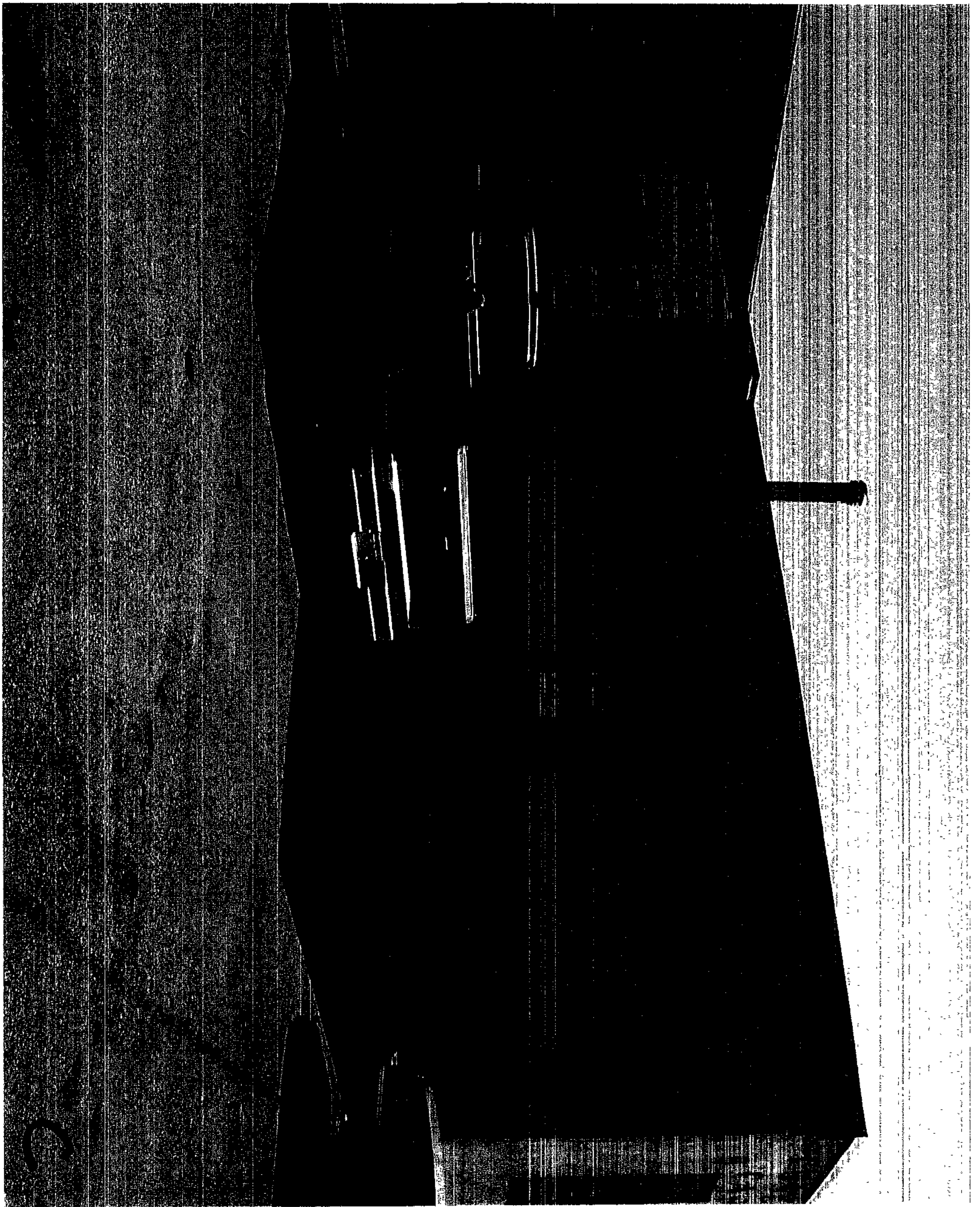
Russell McClelland
309 Eastern Avenue
Baltimore, Maryland 21221

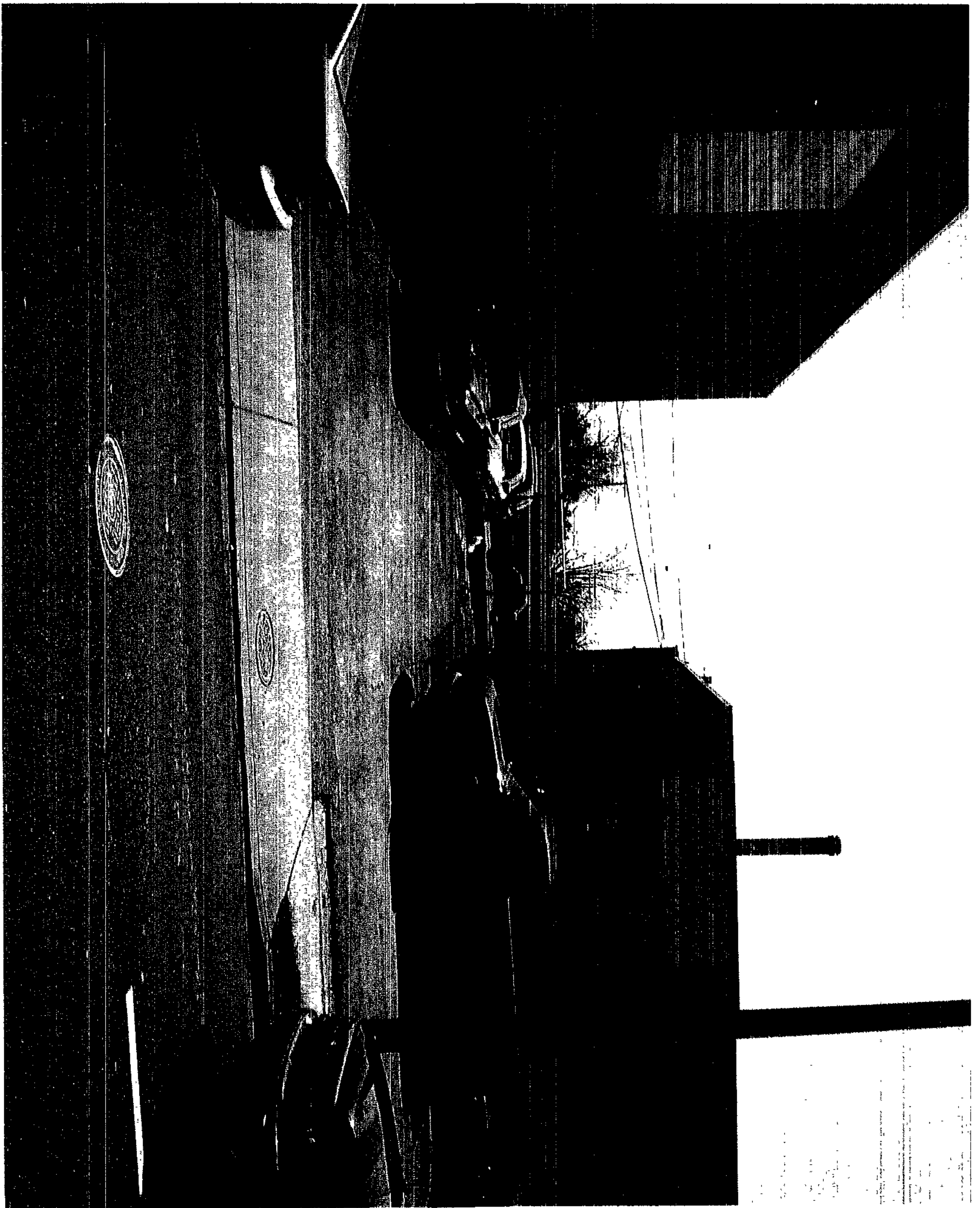
cc: Mike Levy



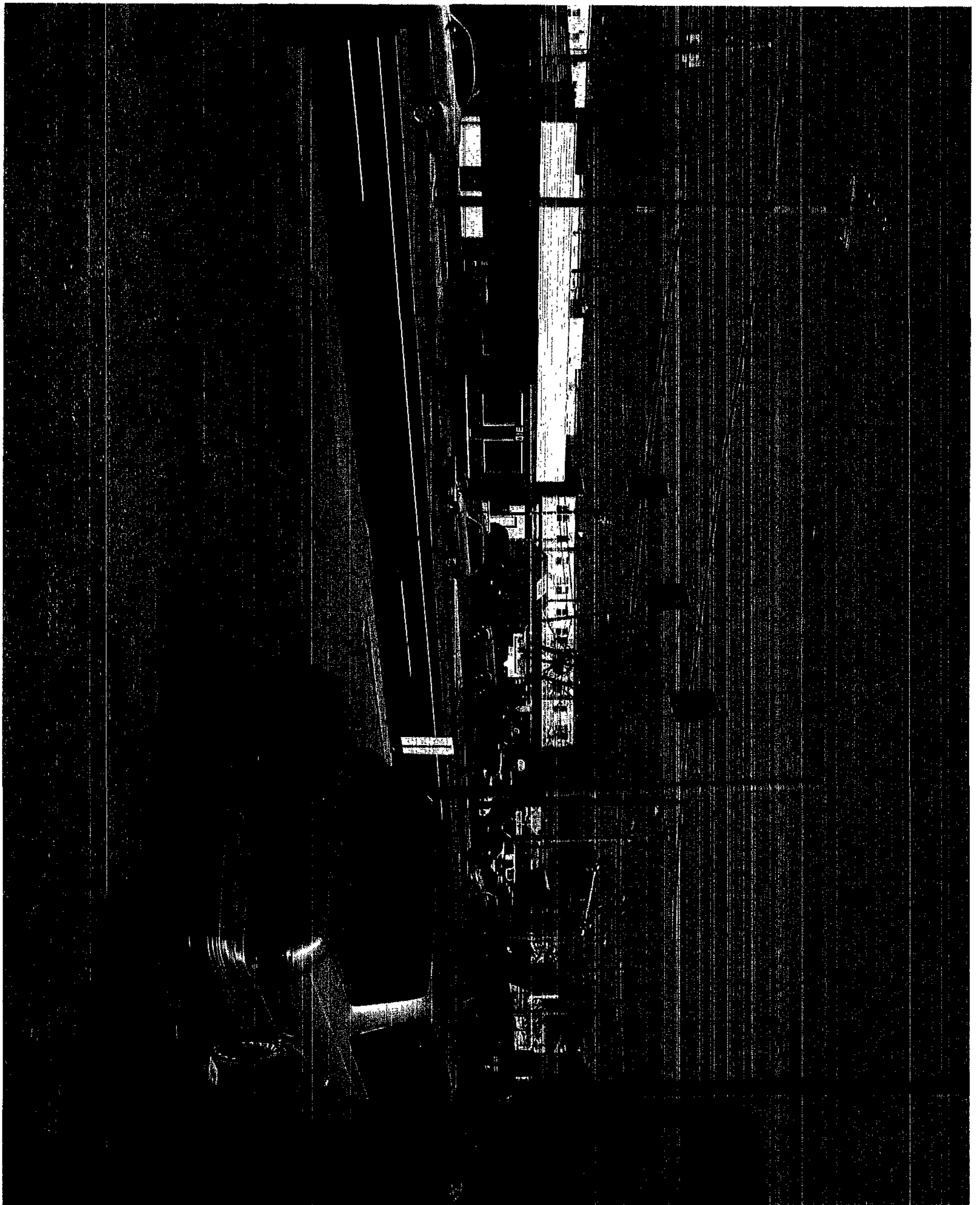
ALL-STATE LEGAL®
PETITIONER'S
EXHIBIT
2



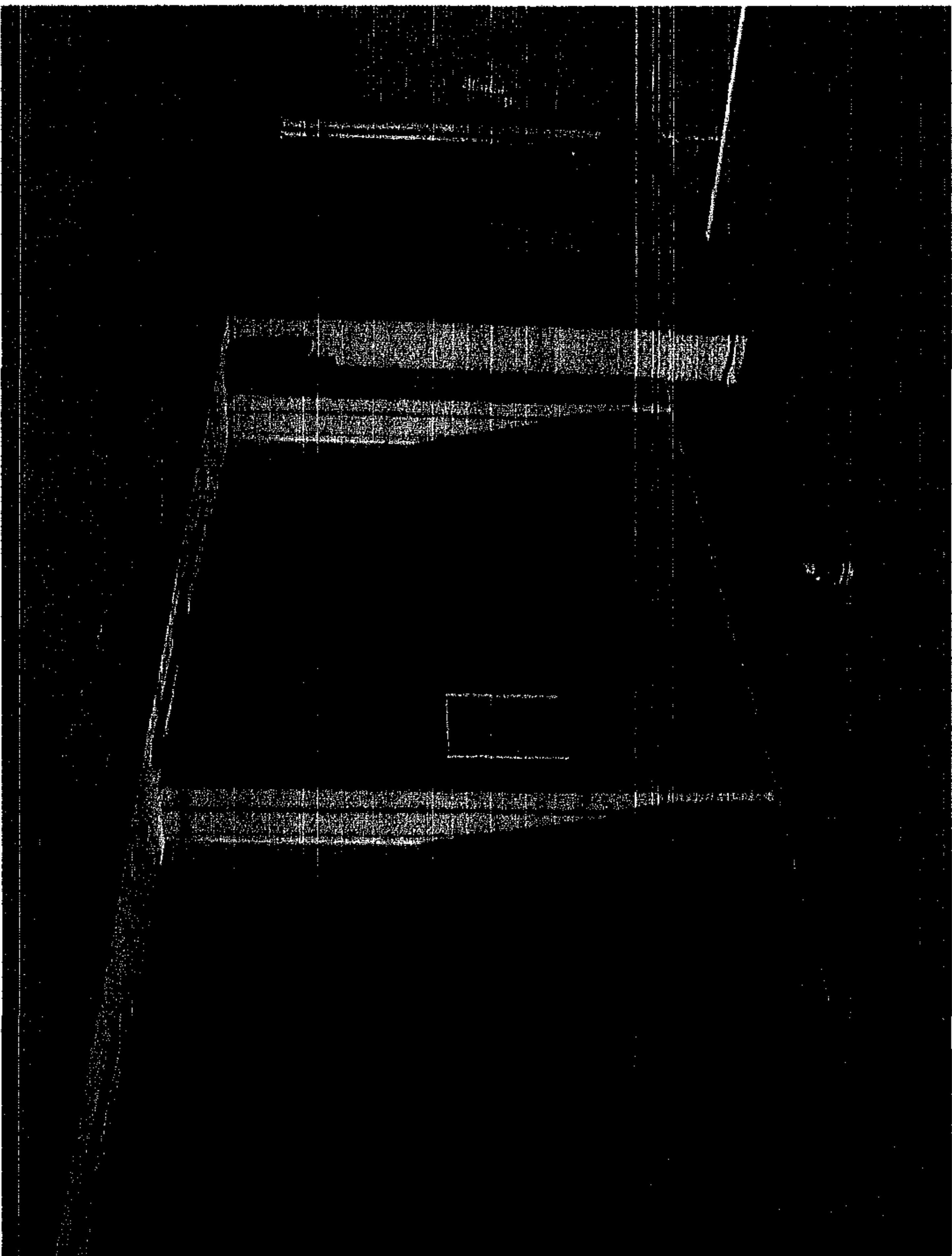








311 Garage Building Front

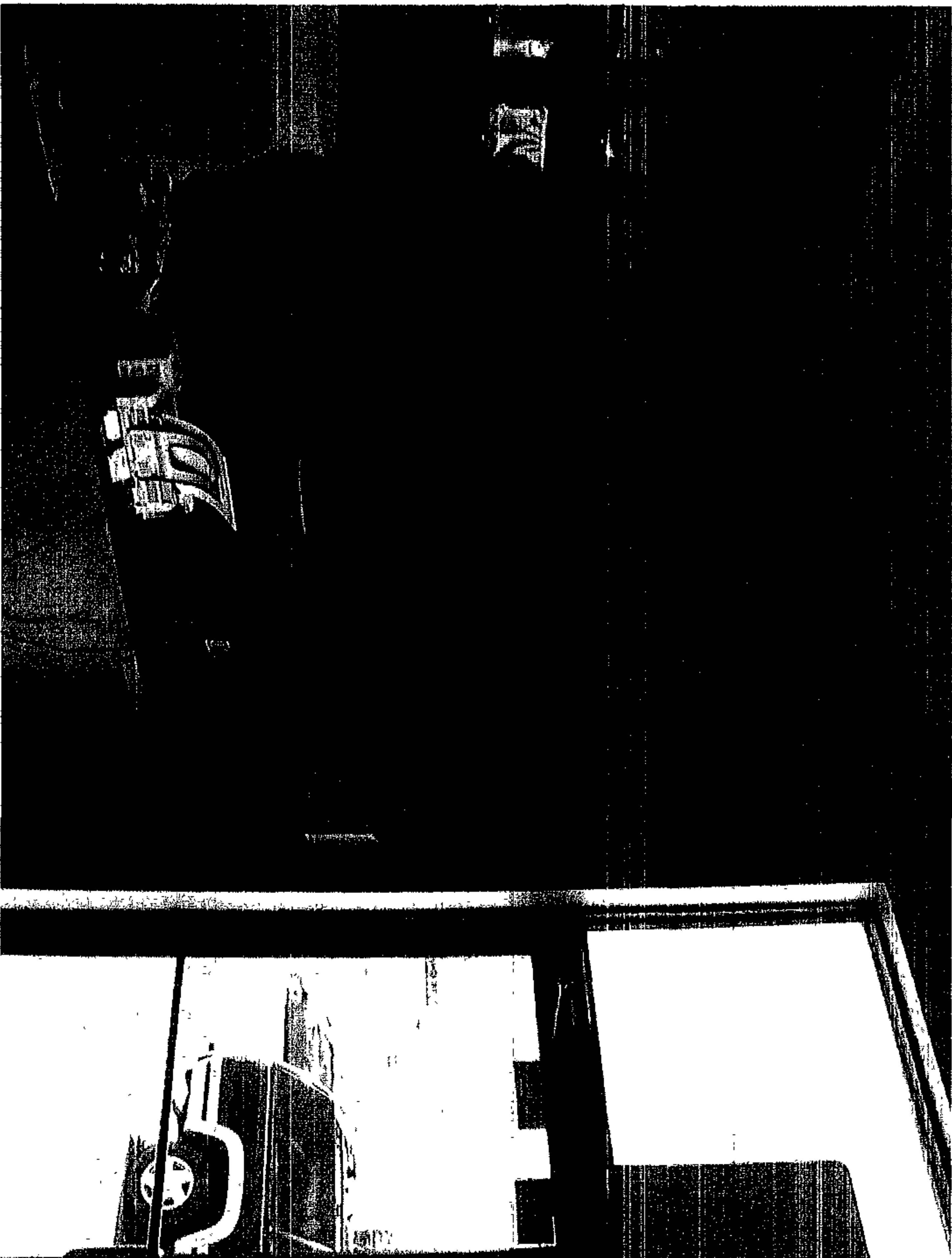


THAMES

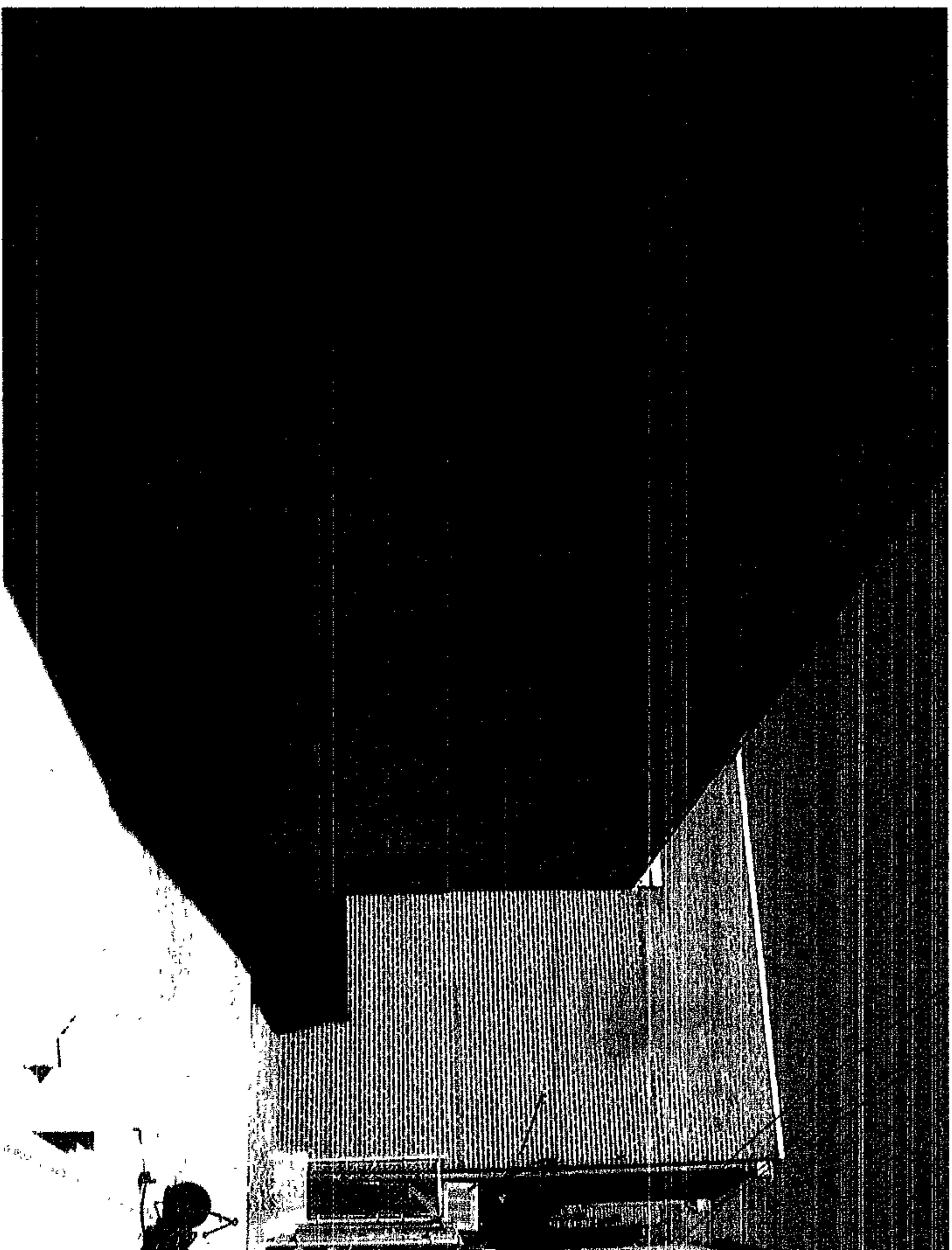
EXHIBIT

3

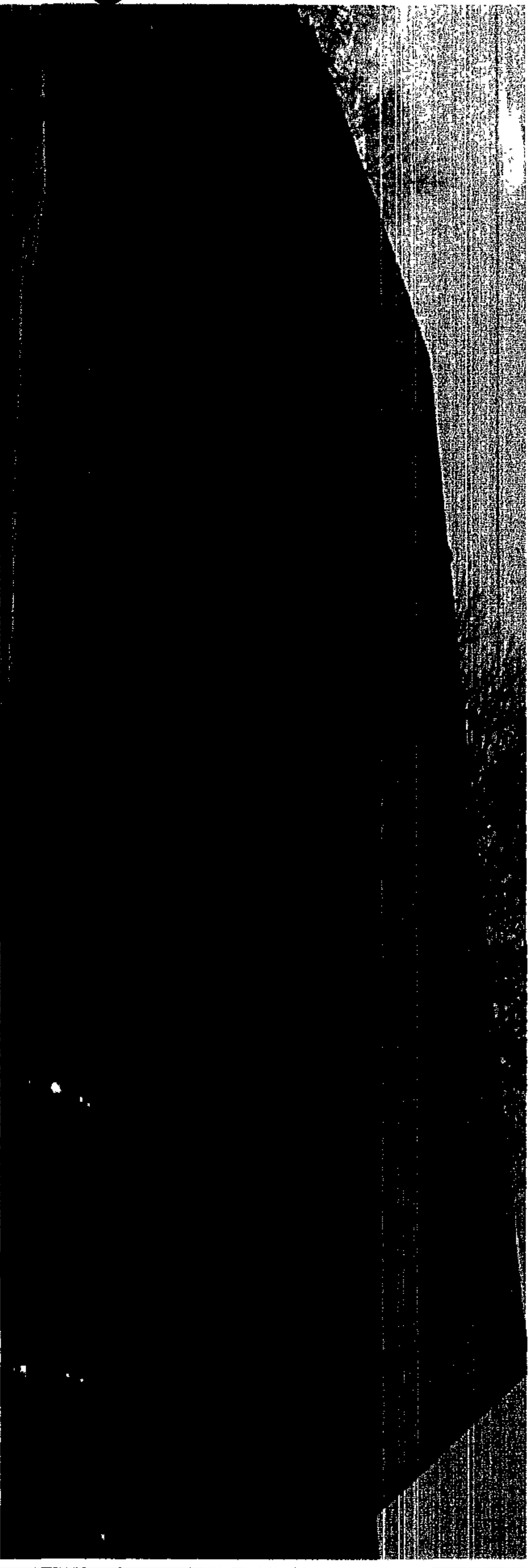
311 Garage Reception Area



311 Garage Back of Building

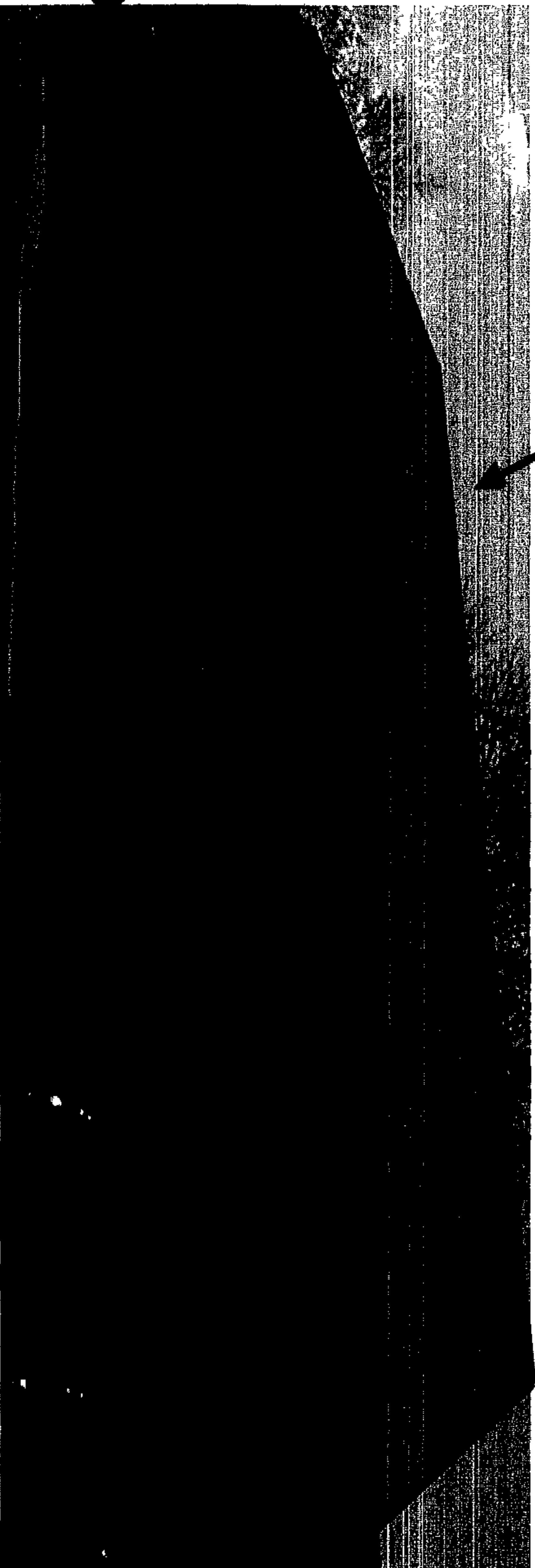


Structure we are proposing for 311 Garage



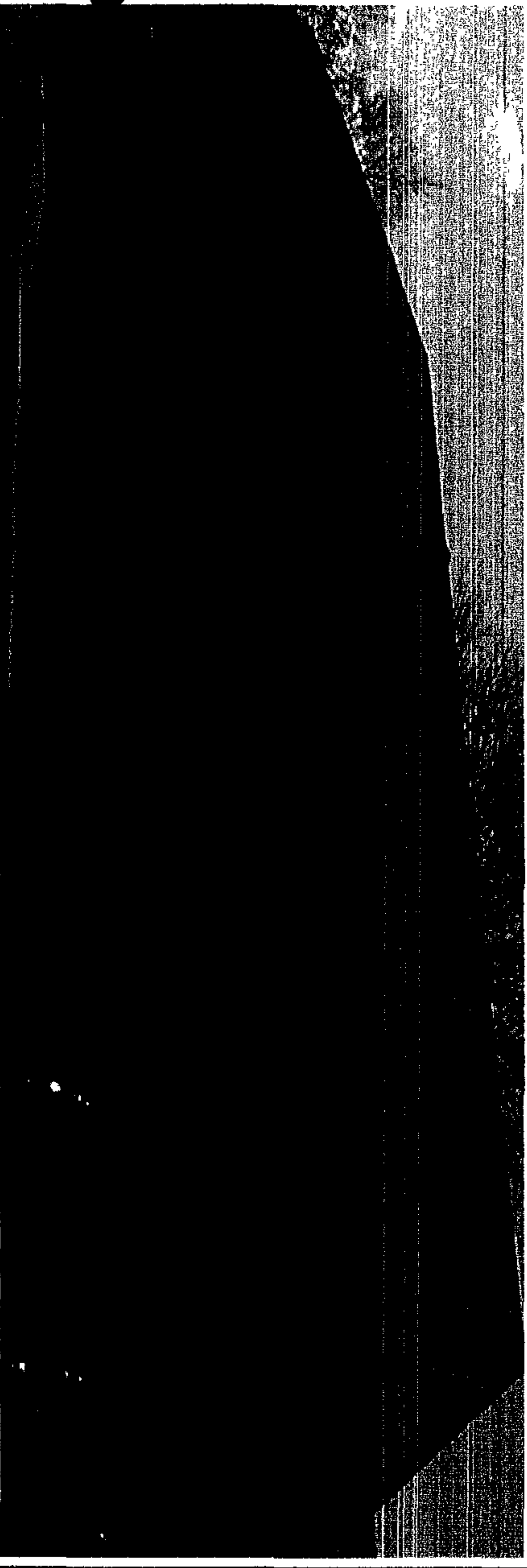
Building Across Street

**Same roof line - extended in front for
overhead cover**



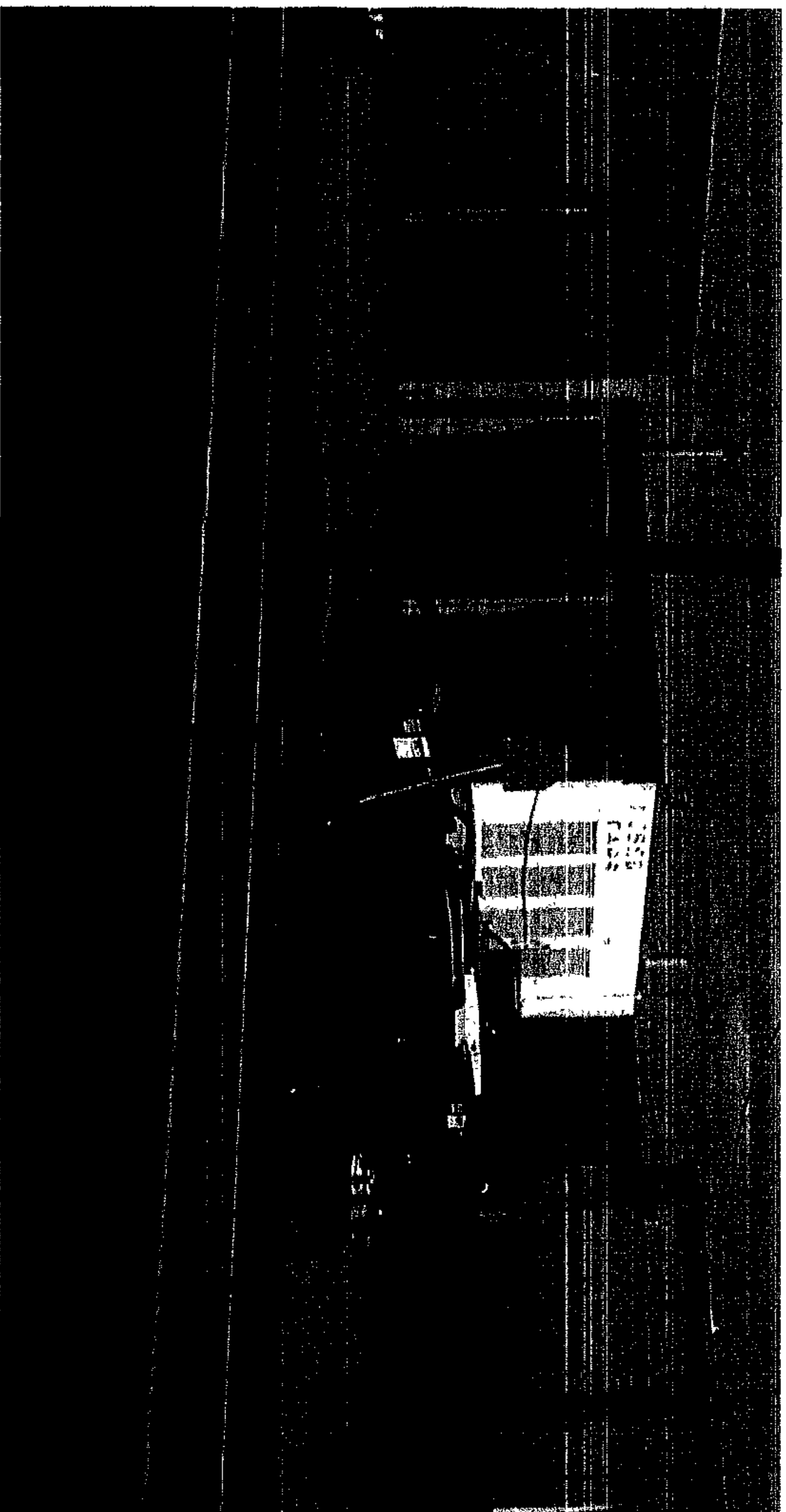
Building Across Street

❖ **Similar building height and length.**



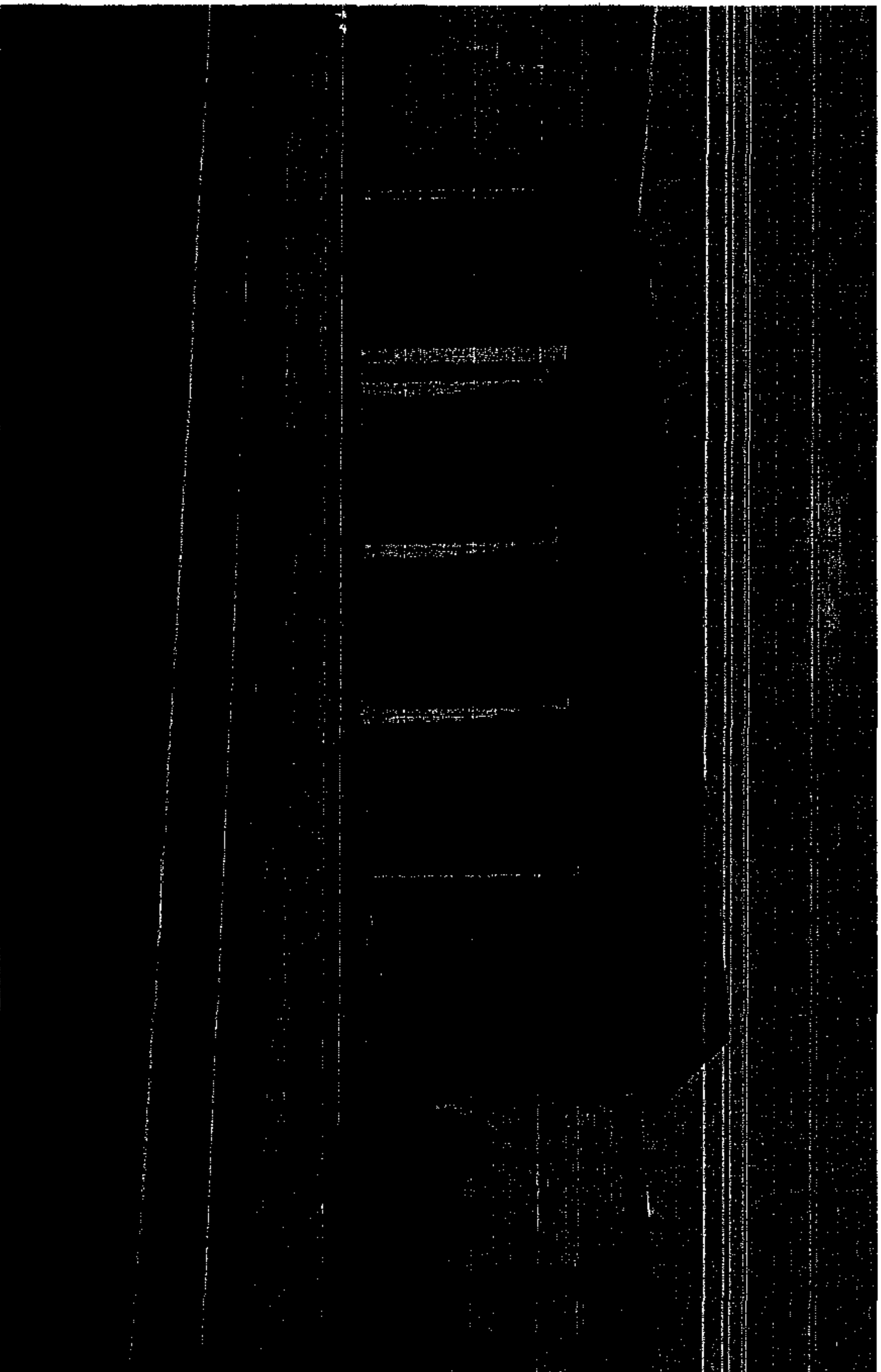
Building Across Street

Current Building



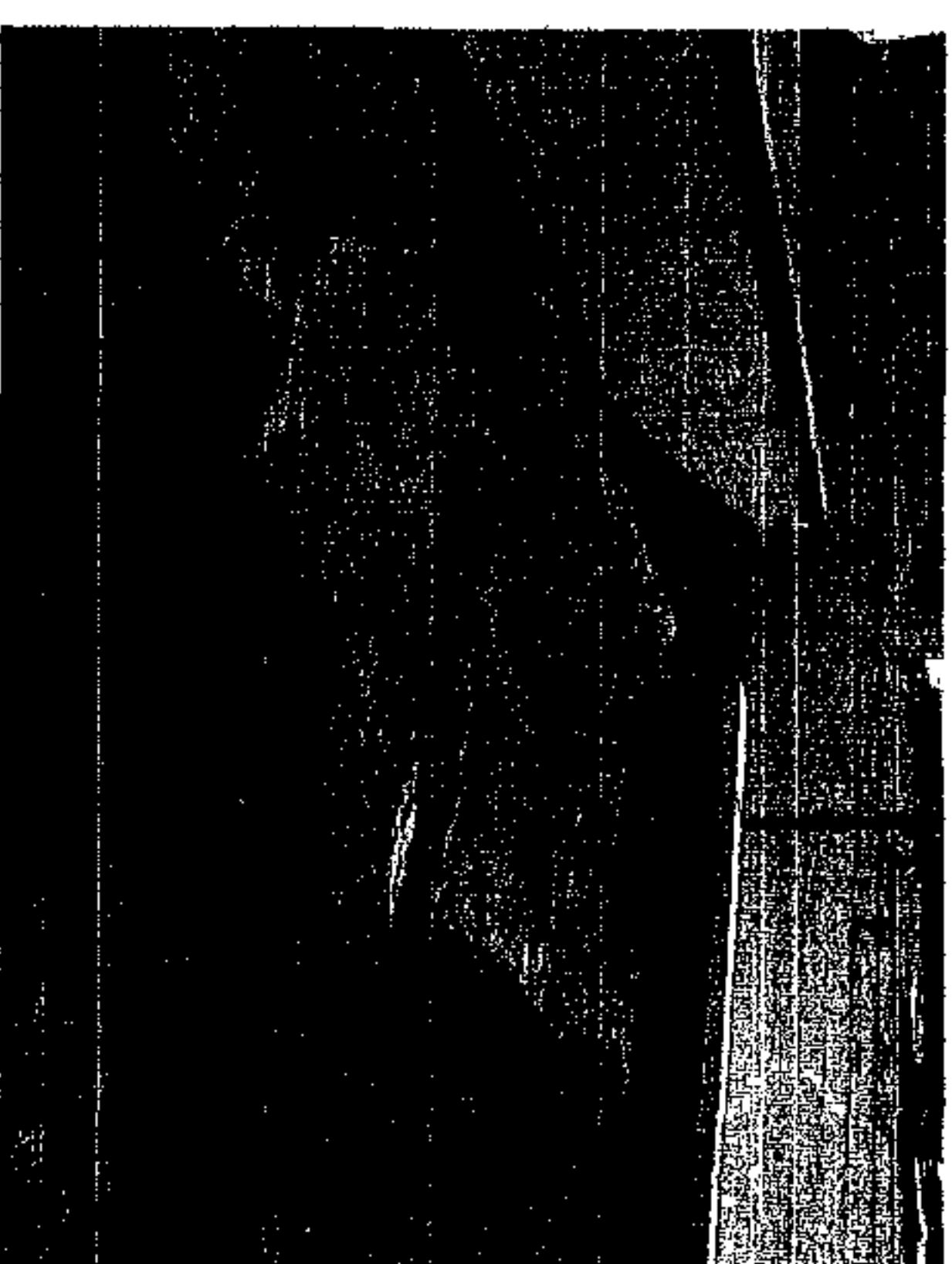
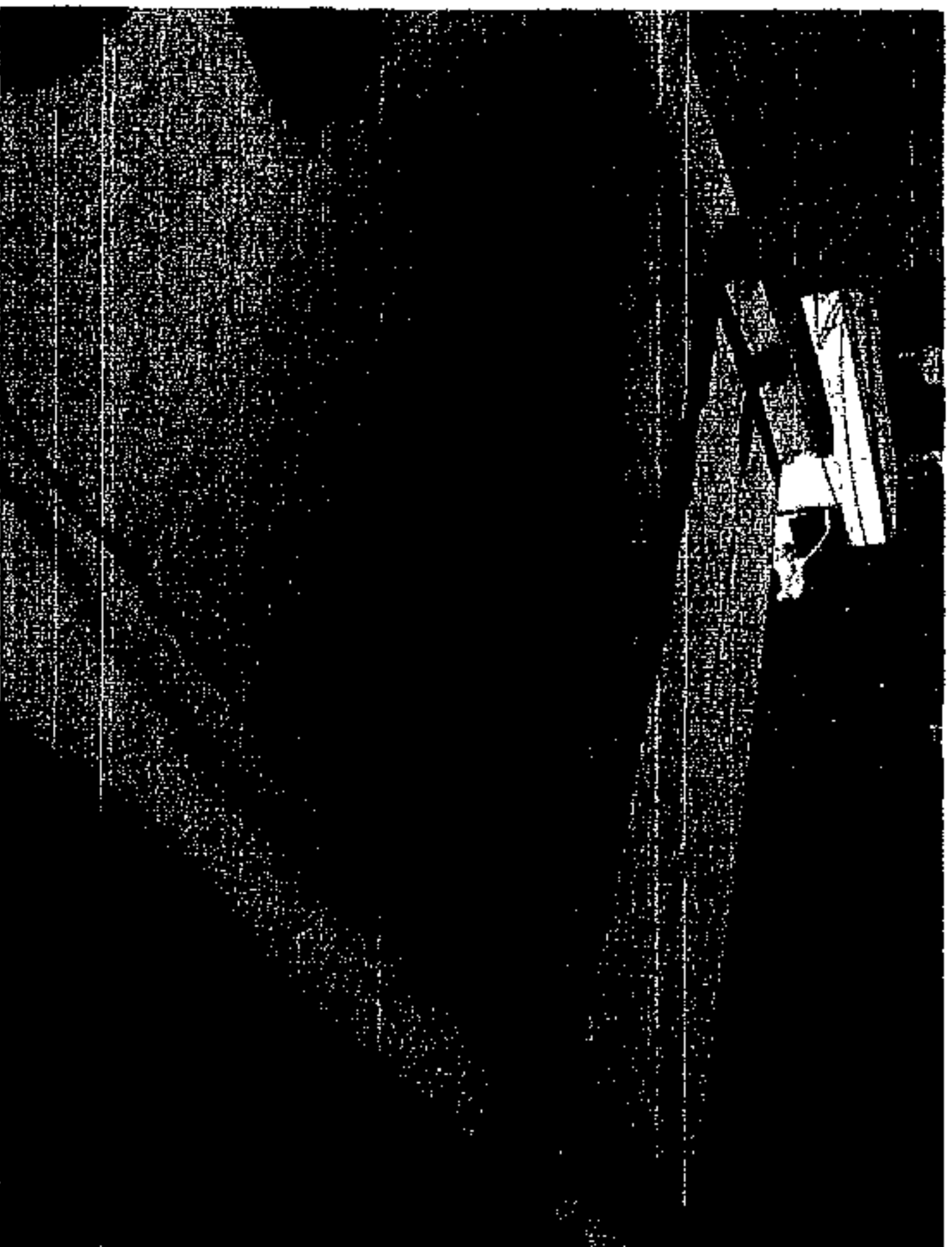
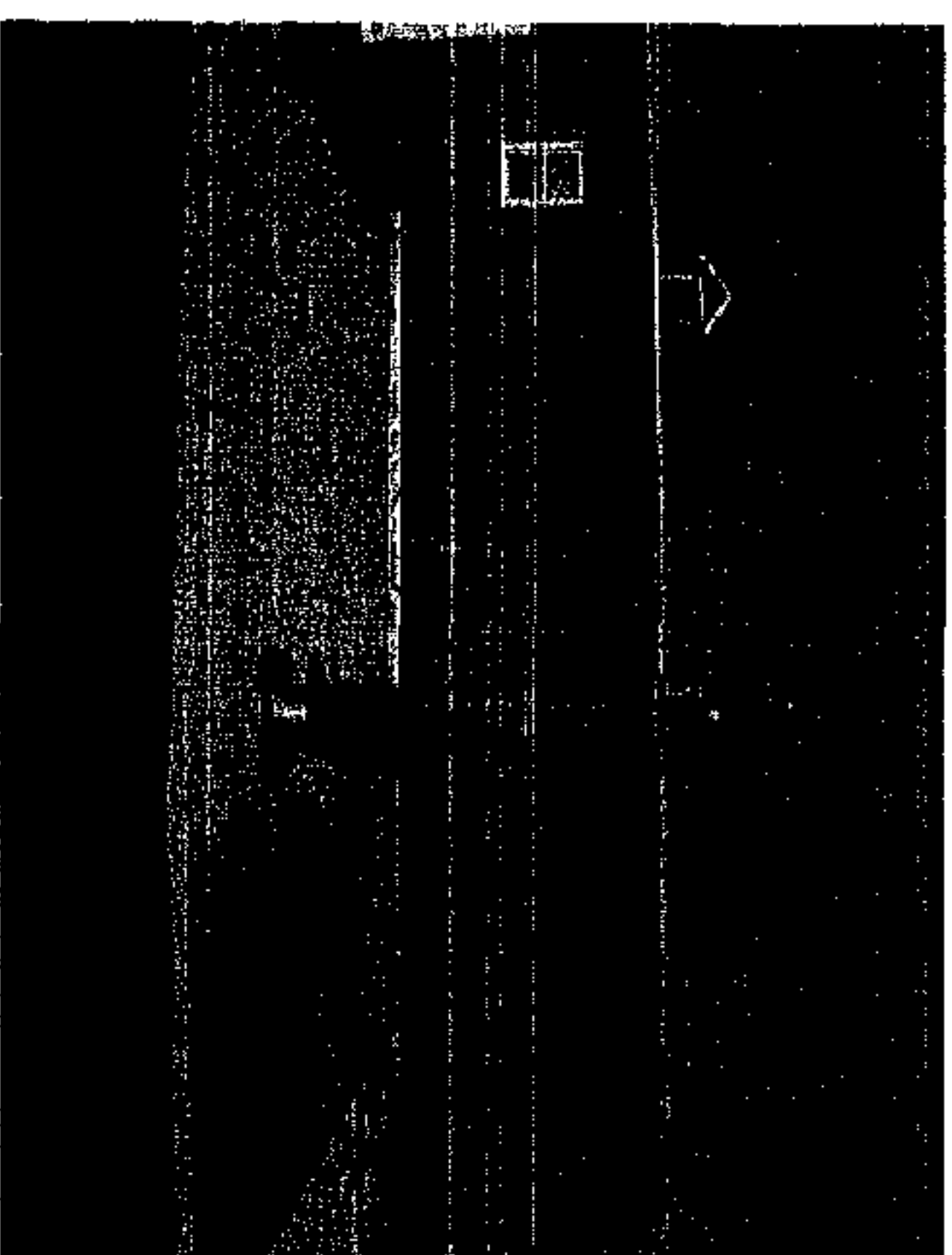
Proposed Building

With New Roof and 3rd Service Bay



311 Garage Views of Roof

Current Flat Roof leaves standing water.
New Pitched Roof will enhance streetfront.



311 Garage Adjacent Buildings



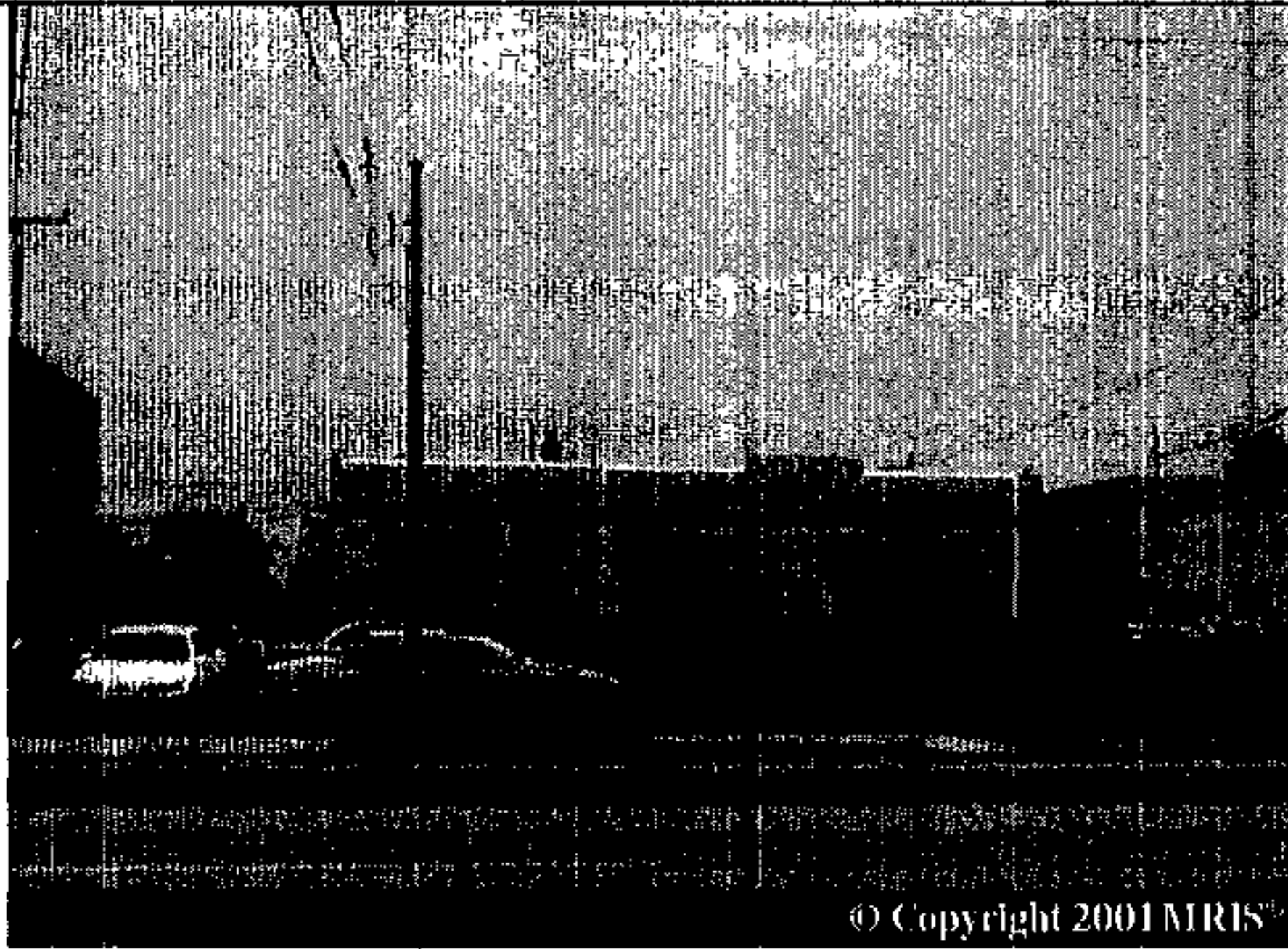
Ms. Beudel's Building behind 311 Garage.

We have blocked in windows for the neighboring buildings with the owner's permission.



Mr. McClelland's Building (309 E. Blvd) Next to 311.

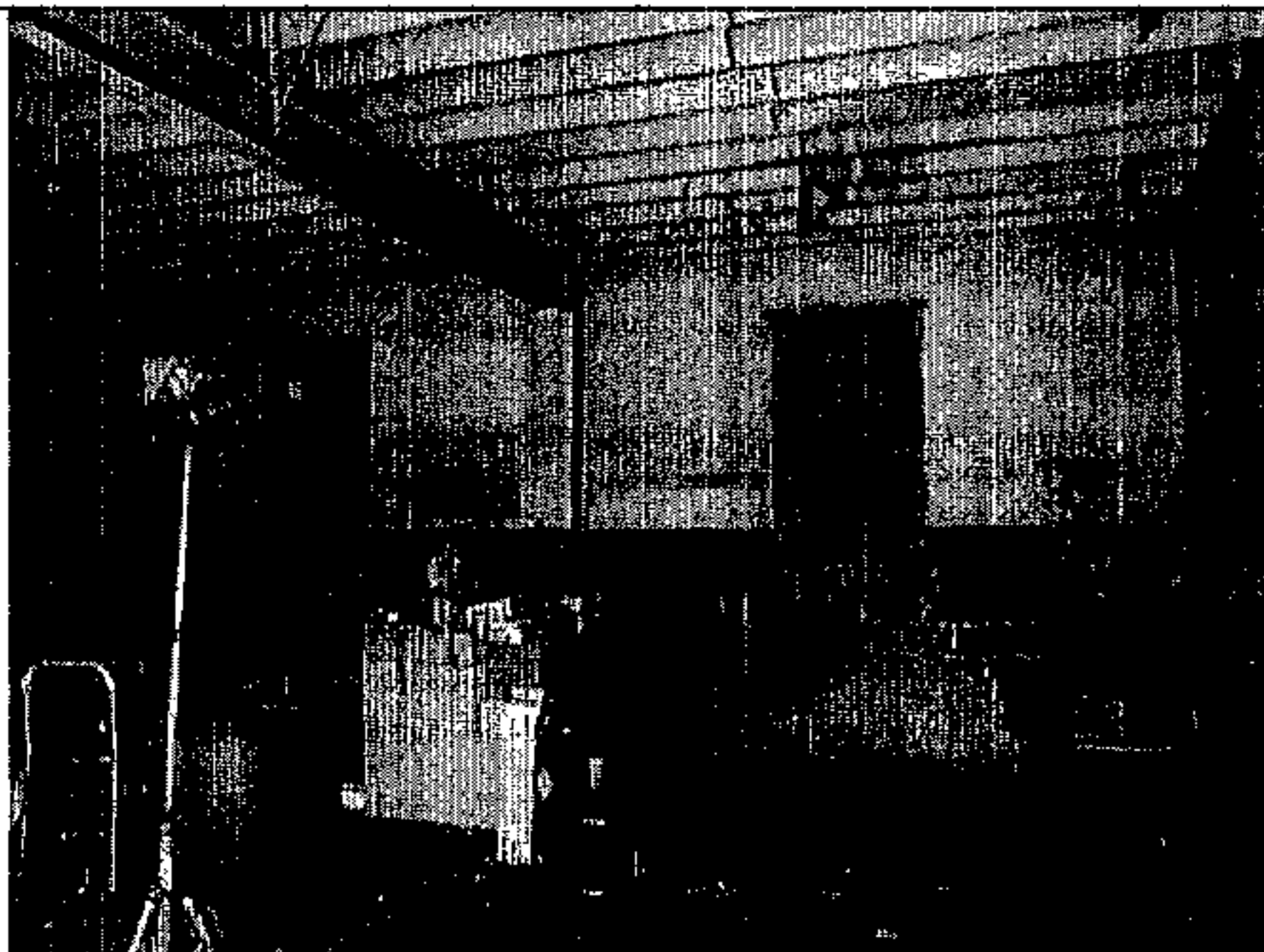
311 Eastern Blvd
when Purchased 7/02



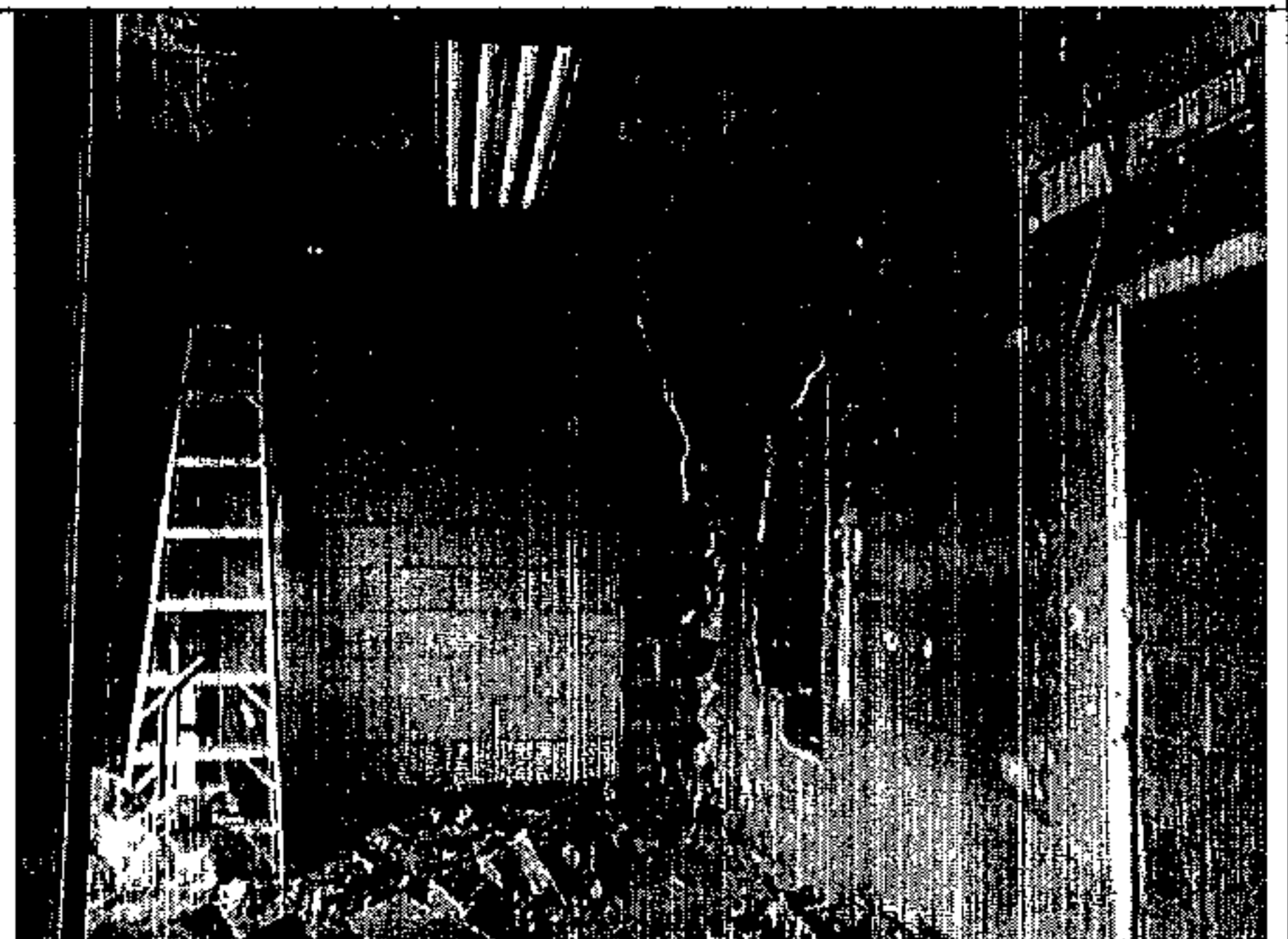
MRIS photo, prior to work by buyer



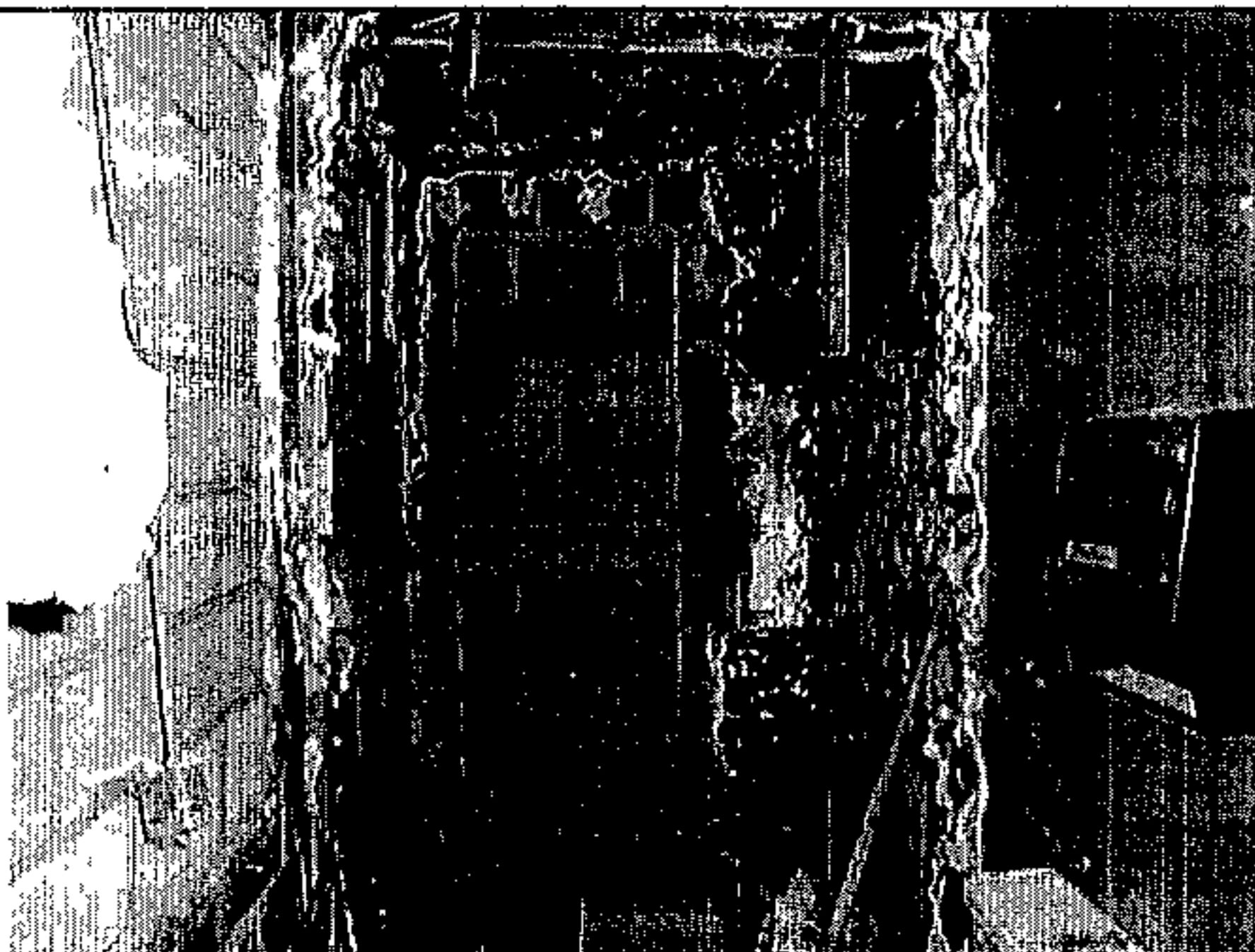
Current condition – front view



Service area



Office area



Restroom area



Eastern Avenue street scene

EXHIBIT

5

March 22, 2004

Lawrence E. Schmidt, Baltimore County
Zoning Commissioner
New Courts Building, Room 405
401 Bosley Avenue
Towson, MD 21204

Property: 311 Eastern Boulevard
Variance Case Number 04-338-A

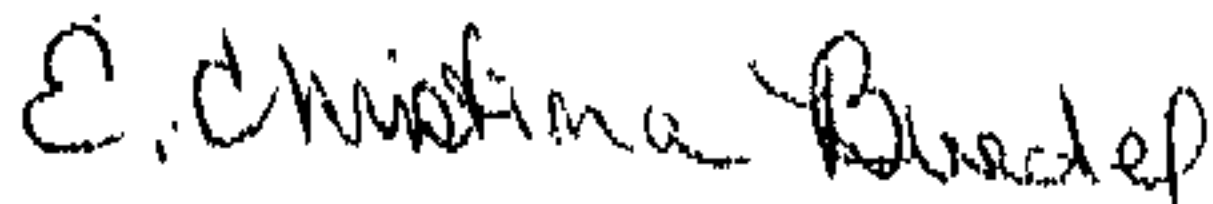
Dear Commissioner Schmidt:

My property at 313 Eastern Boulevard is next door to the 311 Garage. It is my understanding that Mike Levy plans to add an additional service bay to the existing building. He showed me that the addition would be built next to Mr. McClelland's building at 309 Eastern Boulevard and would connect with the existing garage. I understand this would bring his building right up to the property line of 309.

I am satisfied with the improvements made to date on their building and property by 311 Garage over the past year and a half since their occupancy.

I support the zoning request to allow the new building to be up to the property line. In the event I am not at the hearing on March 23rd, please take this letter into consideration and approve the variance.

Sincerely,



Ms. Christina Buedel

Signing for Ms. Elmira Buedel

Address: 313 Eastern Boulevard
Essex, MD 21221