

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

February 23, 2005

Peter Max Zimmerman People's Counsel for **Baltimore County** Room 47, Old Courthouse 400 Washington Avenue Towson, MD 21204

> RE: In the Matter of: Gabriel & Melissa Croy - Legal Owners/ Petitioners / Case No. 04-470-SPH

Dear Mr. Zimmerman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

KAthlen C. Bionco/trs

Administrator

Enclosure

Gabriel and Melissa Croy c: William J. Wiseman III /Zoning Commissioner

Pat Keller, Planning Director

Timothy M. Kotroco, Director /PDM

IN THE MATTER OF
THE APPLICATION OF
GABRIEL & MELISSA CROY - PETITIONERS
FOR SPECIAL HEARING ON PROPERTY LOCATED
ON THE E/S SPARROWS POINT ROAD, 30' S OF C/L
McCOMAS AVE (2931 SPARROWS POINT ROAD)

15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

- * BEFORE THE
- * COUNTY BOARD OF APPEALS
- * OF
- * BALTIMORE COUNTY
- * CASE NO. 04-470-SPH

OPINION

This case comes to the County Board of Appeals as an appeal filed by the Office of People's Counsel from a decision of the Deputy Zoning Commissioner issued on June 18 2004, granting the special hearing request in Case No. 04-470-SPHA to permit the parking of a vehicle in excess of 10,000 pounds of gross weight (tractor /trailer) on a residential lot.

The Petitioners, Gabriel and Melissa Croy, appeared *pro se*, and Peter M. Zimmerman, People's Counsel for Baltimore County, appeared on behalf of that office. The Board conducted a public hearing on February 8, 2005, and a public deliberation on February 8, 2005.

Testimony

The Petitioner, Gabriel Croy, was the only witness for the Petitioners. Mr. Croy introduced Petitioner's Exhibit #1, Site Plan, and Petitioner's Exhibit #2, 18 photos of the area. Mr. Croy testified that he worked for Atlas Van Lines. He stated that he owned a tractor and trailer and needed to park his equipment at his home because the Atlas parking lot was constantly being vandalized. He also stated that none of his neighbors had protested the use of the area for parking. Mr. Croy also indicated that much of the area is mixed use and many other individuals in the area park commercial vehicles in their yards. Mr. Croy testified that the combined weight of his vehicle and trailer is in excess of 80,000 lbs. Mr. Croy further indicated the time he was

Case No. 04-470-SPH / Gabriel & Melissa Croy - Petitioners

parking the vehicle was over night.

Mr. Zimmerman introduced People's Counsel Exhibit #1, § 431 of the *Baltimore County Zoning Regulations* (BCZR); People's Counsel Exhibit #2, A.D.C. Map; People's Counsel Exhibit #3, an aerial photo of the site and surrounding neighborhood; People's Counsel Exhibit #4, a zoning map of the area; People's Counsel Exhibit #5, Planning Board Comment dated May 25, 2004; and People's Counsel Exhibit #6, Department Of Assessments and Taxation owner information report.

The only witness called by People's Counsel was Mark Cunningham of the Baltimore
County Office Of Planning. Mr. Cunningham indicated he had visited the site on two occasions
and was concerned that granting the request would change the nature of the residential
neighborhood and would lead to others doing the same. He also believed it would affect the
property located next door.

Decision

Section 431 A of the BCZR provides:

A commercial vehicle exceeding 10,000 pounds gross weight or combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle.

The Board finds that the Petitioners' request would violate § 431 A. The vehicle weight of 80,000 lbs would exceed the 10,000-lb. weight limit. The regulations do not allow any exception to this requirement.

Therefore, the Board will deny the special hearing request and will so order.

ORDER

THEREFORE, IT IS THIS A 3rd day of Mercualy, 2005 by the

Case No. 04-470-SPH / Gabriel & Melissa Croy - Petitioners

County Board of Appeals of Baltimore County

ORDERED that the Petitioner's special hearing request to approve the parking of a vehicle in excess of 10,000 pounds of gross weight (tractor /trailer) on a residential lot be and the same is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chair

Michael O. Ramsey

Margaret Brassil, Ph. D.

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF:

Gabriel and Melissa Croy

Case No.: 04-470-SPH

DATE:

February 8, 2005

BOARD/PANEL:

Lawrence C. Wescott

LCW

Margaret Brassil

MB

Michael O. Ramsey

MOR

RECORDED BY:

Theresa R. Shelton / Legal Secretary

PURPOSE:

To deliberate the Petition for Special Hearing filed by Gabriel and Melissa Croy requesting approval of a vehicle in excess of 10 thousand pounds

gross vehicle weight (tractor/trailer) on a residential lot.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- The law if very clear that weight is not to exceed 10,000 pounds
- Parking should not exceed the time limit Immediate Use term discussed
- Truck is thee overnight; weekends and between hauling jobs
- Truck is based at home
- Section 431 is very clear

Section 431, Parking of Commercial Vehicles on Residential Property [Bill No. 70-1988]

- A. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle.
- B. One commercial vehicle per dwelling unit may be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle subject to the following conditions:
 - 1. The gross vehicle weight or gross combination weight shall not exceed 10,000 pounds.
 - 2. The owner or operator of the vehicle shall reside on the lot.
 - 3. The vehicle shall be parked within a fully enclosed structure or, alternatively, if not within a fully enclosed structure:
 - a. No materials, products, freight or equipment shall be visible

- b. The vehicle shall display no advertising other than lettering, figures or designs located on the driver's door or front seat passenger's door.
- c. The vehicle shall be parked in a side or rear yard.
- If other truck are parked in the area they are either illegally parked or had a variance granted
- Petitioner is trying to comply with regulations by requesting the variance but the Petitioner does not comply with the law property is not unique
- Nothing allows for a variance in the residential area vehicle is well over 10,000 pounds

DECISIONS BY BOARD MEMBERS: Unanimous decision by the panel to DENY the Petitioners request.

FINAL DECISION:

That the Petition for Special Hearing filed by Gabriel and Melissa Croy requesting approval of a vehicle in excess of 10 thousand pounds gross vehicle weight (tractor/trailer) on a residential lot is DENIED.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,

Theresa R. Shelton

County Board of Appeals



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

October 27, 2004

NOTICE OF ASSIGNMENT

CASE #: 04-470-SPH

IN THE MATTER OF: GABRIEL & MELISSA CROY -

Petitioners 2031 Sparrows Point Road 15th Election District; 7th Councilmanic District

6/18/04 – Z.C.'s Order in which requested special hearing relief was GRANTED.

ASSIGNED FOR:

TUESDAY, FEBRUARY 8, 2005 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellants

: Office of People's Counsel

Petitioners /Legal Owners

: Gabriel and Melissa Croy

William J. Wiseman III /Zoning Commissioner Pat Keller, Planning Director Timothy M. Kotroco, Director /PDM

APPEAL SIGN POSTING REQUEST

CASE NO.:: 04-470-SPH

GABRIEL AND MELISSA CROY - LEGAL OWNER

2931 SPARROWS POINT ROAD

15TH ELECTION DISTRICT

APPEALED: JULY 12, 2004

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*******COMPLETE AND RETURN BELOW INFORMATION****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco

Administrator

CASE NO.: 04-470-SPH

Petitioner/Developer:

GABRIEL AND MELISSA CROY - LEGAL OWNER

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

2931 SPARROWS POINT ROAD

The sign was posted on	10/12		, 2004
By: July	Freend :		
(Signature of Sig	n Poster)		
· · · · · · · · · · · · · · · · · · ·	FREUND	The state of the s	
(Printed Name)		Jan 1940	1. E. S. W. W. L.

APPEAL

Petition for Special Hearing
2931 Sparrows Point Road
E/s Sparrows Pt. Rd., 30' s/of c/l McComas Ave.
15th Election District — 7th Councilmanic District
Gabriel & Melissa Croy - Petitioners

Case No.: 04-470-SPH

Petition for Special Hearing (April 14, 2004)

Zoning Description of Property

Notice of Zoning Hearing, (April 22, 2004)

Certification of Publication (May 25, 2004 - The Jeffersonian)

Certificate of Posting (May 23, 2004) by SSG Robert Black

Entry of Appearance by People's Counsel (April 29, 2004)

✓ Petitioner(s) Sign-In Sheet
None

Protestant(s) Sign-In Sheet None

Citizen(s) Sign-In Sheet
None

Zoning Advisory Committee Comments (6-/-04)

JUL 2 8 2004

BALTIMORE COUNTY BOARD OF APPEALS

Petitioners' Exhibit

✓ 1. Plat to accompany Petition

Protestants' Exhibits:

None .

Miscellaneous (Not Marked as Exhibit)

1. 18 Photos

Zoning Commissioner's Order (June 18, 2004 - GRANTED)

Notice of Appeal received on July 12, 2004 from Peter Zimmerman of People's Counsel of Baltimore County

People's Counsel of Baltimore County, MS #2010
 Zoning Commissioner/Deputy Zoning Commissioner
 Timothy Kotroco, Director of PDM
 Mr. & Mrs. Gabriel Croy, 2931 Sparrows Point Road, Baltimore 21219

date sent July 28, 2004, klm

GABRIEL CROY MELISSA CROY 2931 SPARROWS POINT ROAD BALTIMORE, MD 21219 Case No. 04-470-SPH

In the Matter of: Gabriel & Melissa Croy – Petitioners 2931 Sparrows Point Road 15th E; 7th C

SPH – To approve storage /parking of vehicle (tractor/trailer) weighing in excess of 10,000 lbs on a residential lot.

6/18/04 - Z.C.'s Order in which requested special hearing relief was GRANTED with restrictions.

10/27/04 -Notice of Assignment sent to following; assigned for hearing on Tuesday, February 8, 2005 at 10 a.m.:

Office of People's Counsel
Gabriel and Melissa Croy
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

2/08/05 – Board convened for hearing (Wescott, Ramsey, Brassil); hearing completed this date. Deliberation took place at conclusion of hearing; special hearing request DENIED unanimously by Board; written Opinion/Order to be issued; appellate period to run from date of written Order. (4 R)

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO Deputy People's Counsel

July 12, 2004

Timothy Kotroco, Director Department of Permits and Development Management 111 W. Chesapeake Avenue Towson, MD 21204 RECEIVED
JUL 1 2 2004
Per....

Hand-delivered

Re:

PETITION FOR SPECIAL HEARING

E/S Sparrows Point Road, 30'S of the c/l McComas Avenue

(2931 Sparrows Point Road)

15th Election District; 7th Council District Gabriel and Melissa Croy- Petitioners

Case No.: 04-470-SPH

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated June 18, 2004 by the Baltimore County Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours.

Peter Max Zimmerman

People's Counsel for Baltimore County

arole S. Demilia

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/mw

cc: Gabriel & Melissa Croy, Petitioners

Peoples Councel Exhibits Al Regulation 22 ADC. MAP vis Dren photo 4. ZONING MAP. 2000. J.S. PINNING Board Comment 6. DAT. report owner inf. Pelilioners Exhibit I DSITE Plan 2) 18 Photos of Area.

Section 431 Parking of Commercial Vehicles on Residential Property [Bill No. 70-1988]

- A. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle.
- B. One commercial vehicle per dwelling unit may be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle subject to the following conditions:
 - 1. The gross vehicle weight or gross combination weight shall not exceed 10,000 pounds.
 - 2. The owner or operator of the vehicle shall reside on the lot.
 - 3. The vehicle shall be parked within a fully enclosed structure or, alternatively, if not within a fully enclosed structure:
 - a. No materials, products, freight or equipment shall be visible
 - b. The vehicle shall display no advertising other than lettering, figures or designs located on the driver's door or front seat passenger's door.
 - c. The vehicle shall be parked in a side or rear yard.

Section 432 (Reserved)¹⁸

Section 432A Assisted-Living Facility; Housing for the Elderly [Bill No. 19-2004¹⁹]

- A. An assisted-living facility is permitted in the D.R., R.O., R.O.A., R.A.E., B.R. and B.M., Zones as follows:
 - 1. An assisted-living facility I is permitted by use permit.
 - 2. An assisted-living facility II is permitted by use permit if it has frontage on a principal arterial street.
 - 3. An assisted-living facility III is permitted in a D.R.16, R.A.E., R.O., R.O.A. or B.M. Zone by use permit. A facility located in a R.O. Zone is also subject

¹⁸ Editor's Note: Former Section 432, Elderly Housing Facilities in D.R. Zones, as amended, was repealed by Bill No. 199-2004.

¹⁹ Editor's Note: This bill also stated that it would not apply to any concept plan accepted for filing prior to the effective date of this bill. Said effective date is 45 days after its 3-1-2004 enactment.

Kolo

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 25, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

2931 Sparrows Point Road

RECEIVED

INFORMATION:

4-470

JUN - 1 2004

Petitioner:

Item Number:

Gabriel Croy

ZONING COMMISSIONER

Zoning:

DR 5.5

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's request to permit a tractor and trailer in excess of 10,000 pounds to be parked on a residential lot be **DENIED**.

This office is of the opinion that parking the subject vehicle will negatively affect the adjoining property to the north and the immediate residential neighborhood in general, as said vehicle cannot be adequately screened.

Prepared by:

Section Chief:

AFK/LL:MAC:

P. C. #5

W:\DEVREV\ZAC\4-470.doc



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back View Map New Search Ground Rent

Account Identifier:

District - 15 Account Number - 1514650590

Owner Information

Owner Name:

Mailing Address:

CROY GABRIEL P

CROY MELISSA L

Use;

RESIDENTIAL

2931 SPARROWS POINT RD

BALTIMORE MD 21219-1341

Deed Reference:

Principal Residence:

1) /16322/ 167

2)

YES

Location & Structure Information

Premises Address

2931 SPARROWS POINT RD

Legal Description

.65 AC

2931 SPARROWS POINT RD 700 FT SW NORTH POINT RD

MapGridParcelSub DistrictSubdivisionSectionBlockLotGroupPlat No:1111112182Plat Ref:

Special Tax Areas

Ad Valorem

Tax Class

Town

Primary Structu	re Built	Enclosed Area	Property Land Area	County Use
2002		1,172 SF	28,314.00 SF	04
Stories SPFOY	Basement		Type SPLIT FOYER	Exterior SIDING

Value Information

	Base	Value	Phase-in Assessmer	nts .
	Value	As Of	As Of	As Of
		01/01/2003	07/01/2003	07/01/2004
Land:	34,070	34,070	•	
Improvements:	145,400	135,930		
Total:	179,470	1.70,000	170,000	170,000
Preferential Land:	0	0	0	. 0

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	RUTH GERALD W		04/16/2002		\$180,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/16322/ 1 <u>67</u>	Deed2:	
Seller:	NOVAK HELEN JULIA	Date:	06/24/1999	Price:	\$125,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/13850/ 293	Deed2:	
Seller:	NOVAK MARY	Date:	04/25/1983	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/ 6518/ 177	Deed2:	

Exemption Information

P. C.

Partial Exempt Assessments	Class		07/01/2003	07/01/2004
County	000	×	· O	0
State	000		0	0
Municipal	000		0	. 0

Tax Exempt: Exempt Class: NO

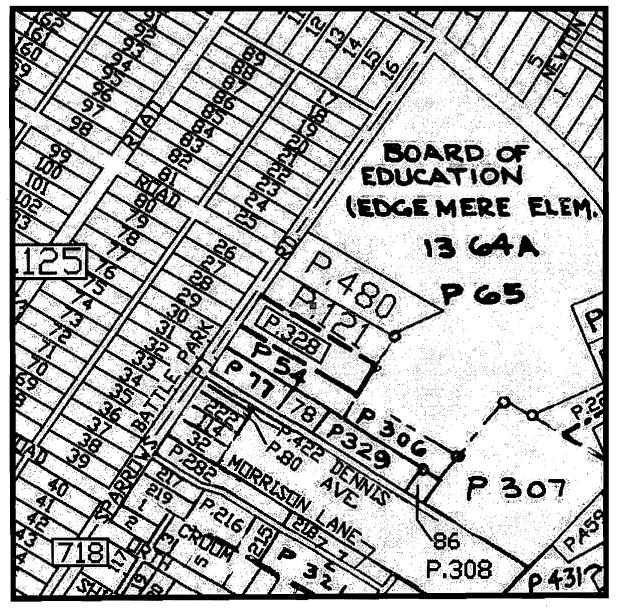
Special Tax Recapture:

* NONE *



Go Back View Map New Search

District - 15 Account Number - 1514650590



Property maps provided courtesy of the Maryland Department of Planning ©2001 - 2002. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

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

June 18, 2004

Mr. & Mrs. Gabriel Croy 2931 Sparrows Point Road Baltimore, Maryland 21219

RE: PETITION FOR SPECIAL HEARING
E/S Sparrows Point Road, 30' S of the c/l McComas Avenue
(2931 Sparrows Point Road)
15th Election District – 7th Council District
Gabriel Croy, et ux - Petitioners
Case No. 04-470-SPH

Dear Mr. & Mrs. Croy:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc:

Office of Planning

People's Counsel; Case File

ORDER RECEIVED FOR FILING

IN RE: PETITION FOR SPECIAL HEARING

E/S Sparrows Point Road, 30', S of the co

E/S Sparrows Point Road, 30' S of the c/l

McComas Avenue

(2931 Sparrows Point Road)

15th Election District 7th Council District

Gabriel Croy, et ux Petitioners

- BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 04-470-SPH

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for special Hearing filed by the owners of the subject property, Gabriel Croy, and his wife, Melissa Croy. The Petitioners request a special hearing to approve the parking/storage of a vehicle (tractor/trailer) weighing in excess of 10,000 pounds on a residential lot. 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 Gabriel and Melissa Croy, property owners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped lot, approximately 85 feet wide and 315 feet deep, located on the southeast side of Sparrows Point Road, across from it's intersection with McComas Road in Edgemere. The property contains a gross area of .65 acres, more or less, zoned D.R.5.5 and is improved with a single-family dwelling. The property has a large unimproved rear yard area, which abuts wooded land owned by Baltimore County's Board of Education. The Petitioners have owned and resided on the property for the past 2 years. Testimony indicated that Mr. Croy is employed by Atlas Van Lines and drives a large moving van. He indicated that he owns the tractor; however, has a contract to pull a 53-foot trailer used to haul furniture and other items for Atlas. Relief is requested to allow the storage of this vehicle in the Petitioner's rear yard. Photographs of the site and vehicle

OFIDER RECEIVED FOR FILING.

By

were submitted at the hearing. Mr. Croy indicated that occasionally he will park the tractor and trailer in his rear yard. As noted above, the property has a large rear yard area and photographs of the site confirm that the truck can be parked along a lengthy driveway that leads from Sparrows Point Road and runs along the easternmost property line to the rear of the subject property. When the vehicle is parked where shown, it is setback a significant distance from the street and is not easily visible from adjoining properties. The Petitioner indicated that he parks the tractor on his property largely for security reasons and expressed concern that the tractor might be vandalized or broken into if stored on an unattended lot. He also indicated that he does not frequently park the trailer on the property for long periods; that it is generally parked at the Atlas storage yard. However, after a long trip he will park the trailer there overnight or on a temporary basis.

As noted above, no one appeared in opposition to the request nor were any letters received from adjacent neighbors. However, an adverse comment was received from the Office of Planning recommending denial of the request. It is that agency's position that the subject vehicle could adversely impact adjacent properties as it cannot be adequately screened from view. In this regard, it is to be noted that although the property is zoned D.R.5.5, there are commercial uses and commercial activity in the area. Specifically, across from the subject property is B.L. zoned land and some commercial/institutional uses are in the locale. Additionally, as noted above, the subject property is rectangular in shape with a large rear yard. If the vehicle is parked to the rear of the house, its visibility is decreased. Thus, I am persuaded to grant the request and find that the proposal will not adversely impact the surrounding locale. However, I will impose certain restrictions to assure that the integrity of adjacent residential uses is not compromised.

Pursuant to the advertising, posting of the property and public hearing held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of June 2004 that the Petition for Special Hearing to approve the parking/storage of a vehicle (tractor/trailer) weighing in excess of 10,000 pounds on a residential lot, 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, the 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) At all times the vehicle is parked on the subject property, it must be stored in the rear yard and adjacent to the easternmost side property line to reduce its visibility and impact to the adjacent property owners.
- 3) The Petitioner shall be permitted to park his truck on the subject property; however, the storage of the trailer thereon shall be limited to no more than 48 consecutive hours. Thus, the trailer must be stored at the Atlas storage yard when not in use for periods greater than 48 hours.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

TOER RECEIVED FOR FILLING



REV 9/15/98

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2931 SPARROWS FOINT RO

	which is presently zoned 10300	494) - The State of the State
This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Special Hearing un County, to determine whether or not the Zoning Commissioner	is described in the description and plat attached ader Section 500.7 of the Zoning Regulations of	hereto an
VEHICLE IN EXCESS OF TEN		
VEHICLE WEIGHT (TRACTOR/TRAILE	R) ON A RESIDENTIAL LOT	
Property is to be posted and advertised as prescribed by the zo	oning regulations.	
I, or we, agree to pay expenses of above Special Hearing, advertising zoning regulations and restrictions of Baltimore County adopted pursions.	g, posting, etc. and further agree to and are to be bounded to the zoning law for Baltimore County. I/We do solemnly declare and affirm, under the perpury, that I/we are the legal owner(s) of the propies the subject of this Petition.	nalties of
Contract Purchaser/Lessee:	Legal Owner(s):	
Name Type or Print	Name - Type or Print	
Signature	Signature Malissa Cavy	
Address Telephone No.	Name - Type or Print	
City State Zip Code		3-171-369
Attorney For Petitioner:	Address FUNT RO	elephone No
Name - Type or Print	BALTO Mo	21217 Zip Code
Signature	Representative to be Contacted:	Alp Code
Company	CABRIEL CRUY Name	
Address Telephone No.	•	pipphone No.
City State Zip Code	City Mo State	Zip Code
	OFFICE USE ONLY	
N(1 /100 < 01)	ESTIMATED LENGTH OF HEARING	Cafe trupted at the control of the c
Case No. 04-70377	UNAVAILABLE FOR HEARING	†
Davies	wed Bu CLM Date 4-14	ハロヤー

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 2931 SPARROWS POINT ROAD

Beginning at a point on the east side of Sparrows Point Road which is forty feet wide at the distance of thirty feet south of the centerline of the nearest improved intersecting street McComas Road which is forty feet wide. As recorded in Deed Liber 13850, Folio 293, further described by the metes and bounds of N.34 46'43"E. 84.37 feet, S.57 43'17"E. 311.06 feet, S.32 16'43"W. 84.93 feet, N.57 36'18"W. 314.74 feet., containing .65 acres. Also known as 2931 Sparrows Point Road and located in the 15th Election District, 7th Councilmatic District.

NOTICE OF ZORING 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: #04-470-SPH
2931 Sparrows Point Road
E/side of Sparrows Point
Road: 30 feet +/- south of
McComas Road
15th Election District
7th Councilmanic District
Legal Owner(s): Gabriel &
Melissa Croy
Special Hearing: to permit
the parking of a vehicle in
excess of 10,000 pounds of
gross weight (tractor/trailer)
on a residential lot.
Hearing: Thursday June
10, 2004 at 10:00 a.m. in
Room 407. County Courts
Building, 401 Bosley Avanue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible;

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.

JT5/753 May 25 6295

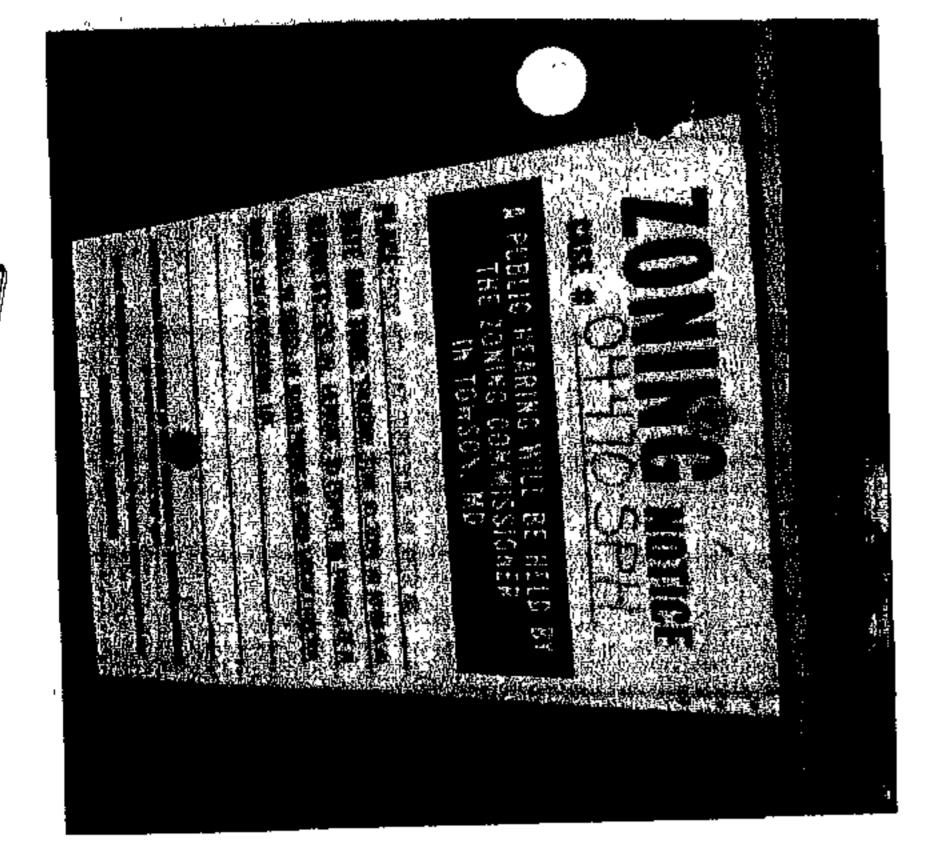
CERTIFICATE OF PUBLICATION

	i + -
527,2004	t E
THIS IS TO CERTIFY, that the annexed advertisement was pu	blished
in the following weekly newspaper published in Baltimore County	, Md.,
once in each ofsuccessive weeks, the first publication app	earing
on 5 25 ,2004.	i
Yi The Leffermanian	[
The Jeffersonian Arbutus Times	
Catonsville Times	1
☐ Towson Times	•
Owings Mills Times	•
□ NE Booster/Reporter	I ī
☐ North County News	i
1.1.04	
J. Willings	·

LEGAL ADVERTISING

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2				
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BYLAND	ACCOUNT	AMOUNT		YELOW-CUSTOMER
UNTY MARYLAND T & FINANCE IS RECEIPT				PINK - AGENCY
BALTIMORE COUN OFFICE OF BUDGET & MISCELLANEOUS				H
BALTI OFFICE MISCI	DATE	RECEIVED		DISTRIBUTION WHITE-CASHIER

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ATTN: Kristen Matthews {(410) 887-3394}

posted conspicuously on the property located at:

Towson, Maryland 21204

Ladies and Gentlemen:

The sign(s) were posted on

OF POSTING

RE: Case No.: 04-470-SPH.

Petitioner/Developer: GABRIEL &

MELLISSA CROY Date of Hearing/Closing: JUNE (0, 2004 This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were 2931 SPARROWS POINT (Month, Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940

(Telephone Number)

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 Newspape	Advertising.				,	
Item Number or	Case Number	4	70			
Petitioner	GABRIE	Con				
Address or Loca	ation. <u>2931</u>	Sparrow PT	7- Rd.	BA-LID.	Md.	21219
PLEASE FORM	/ARD ADVERT	"SING BILL TO				
Name	· · · · · · · · · · · · · · · · · · ·					
Address			·	······································		
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Telephone Num	ber	. 410 - 4	77-3	3690	<u> </u>	<u> </u>

Department of Permits and Development Management

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



Baltimore County

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

April 22, 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: 04-470-SPH

2931 Sparrows Point Road
E/side of Sparrows Point Road, 30 feet +/- south of McComas Road
15th Election District – 7th Councilmanic District
Legal Owners: Gabriel & Melissa Croy

Special Hearing to permit the parking of a vehicle in excess of 10, 000 pounds of gross weight (tractor/trailer) on a residential lot.

Hearing: Thursday, June 10, 2004, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco Director

ANT Works

TK:klm

C: Gabriel & Melisa Croy, 2931 Sparrows Point Road, Baltimore 21219

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 26, 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, June 25, 2004 Issue - Jeffersonian

Please forward billing to:

Gabriel Croy 2931 Sparrows Point Road Baltimore, MD 21219

410-477-3690

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: 04-470-SPH

2931 Sparrows Point Road

E/side of Sparrows Point Road, 30 feet +/- south of McComas Road

15th Election District – 7th Councilmanic District

Legal Owners: Gabriel & Melissa Croy

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Caurence B. 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.

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

Department of Permits a. 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

June 1, 2004

Mr. Gabriel Croy Ms. Melissa Croy 2931 Sparrows Point Road Balitmore, Maryland 21219

Dear Mr. and Mrs. Croy:

RE: Case Number:04-470-SPH, 2931 Sparrows Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 14, 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 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,

La Callala Land

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 18, 2004

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 May 3, 2004

Item Nos. 470) 474, 475, 476, 477, 478,

and 480

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

RWB:CEN:jrb

cc: File

fr)10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 25, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

2931 Sparrows Point Road

RECEIVED

INFORMATION:

Item Number:

4-470

JUN - 1 2004

Petitioner:

Gabriel Croy

ZUNING COMMISSIONER

Zoning:

DR 5.5

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's request to permit a tractor and trailer in excess of 10,000 pounds to be parked on a residential lot be **DENIED**.

This office is of the opinion that parking the subject vehicle will negatively affect the adjoining property to the north and the immediate residential neighborhood in general, as said vehicle cannot be adequately screened.

Prepared by:

Section Chief:

AFK/LL:MAC:



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

April 28, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: April 26, 2004

Item No.:

470-481

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

State Highway

Administration 8

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

MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date:

4.26.09

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

RE:

Baltimore County

Item No. 4707

Jem

Dear. Ms.Matthews:

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,

h

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley JOO/RBS

DATE:

April 30,2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of April 26, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-470

04-473

04-474

04-477

04-478

04-479

04-480

04-481

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03 doc

RE: PETITION FOR SPECIAL HEARING
2931 Sparrows Pt Road; E/side of Sparrows
Point Rd, 30' S of McComas Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): Gabriel & Melissa Croy

BEFORE THE

ZONING COMMISSIONER

* FOR

*

BALTIMORE COUNTY

04-470-SPH

ENTRY OF APPEARANCE

Petitioners

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 and documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

dimmerman

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 29th day of April, 2004, a copy of the foregoing Entry of Appearance was mailed to Gabriel Croy, 2931 Sparrows Point Road, Baltimore, MD 21219, Petitioner(s).

RECEIVED

APR 2 9 2004

Per.....

Department of Permits and Development Management

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



Baltimore County

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

July 27, 2004

Mr. & Mrs. Gabriel Croy 2931 Sparrows Point Road Baltimore, MD 21219

Dear Mr. & Mrs. Croy:

RE: Case: 04-470-SPH, 2931 Sparrows Point Road

Please be advised that an appeal of the above-referenced case was filed in this office on July 12, 2004 by People's Counsel of Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Director

TK:klm

 c: Lawrence E. Schmidt, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel



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

APPEAL

Petition for Special Hearing
2931 Sparrows Point Road
E/s Sparrows Pt. Rd., 30' s/of c/l McComas Ave.
15th Election District — 7th Councilmanic District
Gabriel & Melissa Croy - Petitioners

Case No.: 04-470-SPH

Petition for Special Hearing (April 14, 2004)

Zoning Description of Property

Notice of Zoning Hearing (April 22, 2004)

Certification of Publication (May 25, 2004 - The Jeffersonian)

Certificate of Posting (May 23, 2004) by SSG Robert Black

Entry of Appearance by People's Counsel (April 29, 2004)

Petitioner(s) Sign-In Sheet None

Protestant(s) Sign-In Sheet None

Citizen(s) Sign-In Sheet None

Zoning Advisory Committee Comments

Petitioners' Exhibit

Plat to accompany Petition

Protestants' Exhibits: None

Miscellaneous (Not Marked as Exhibit)

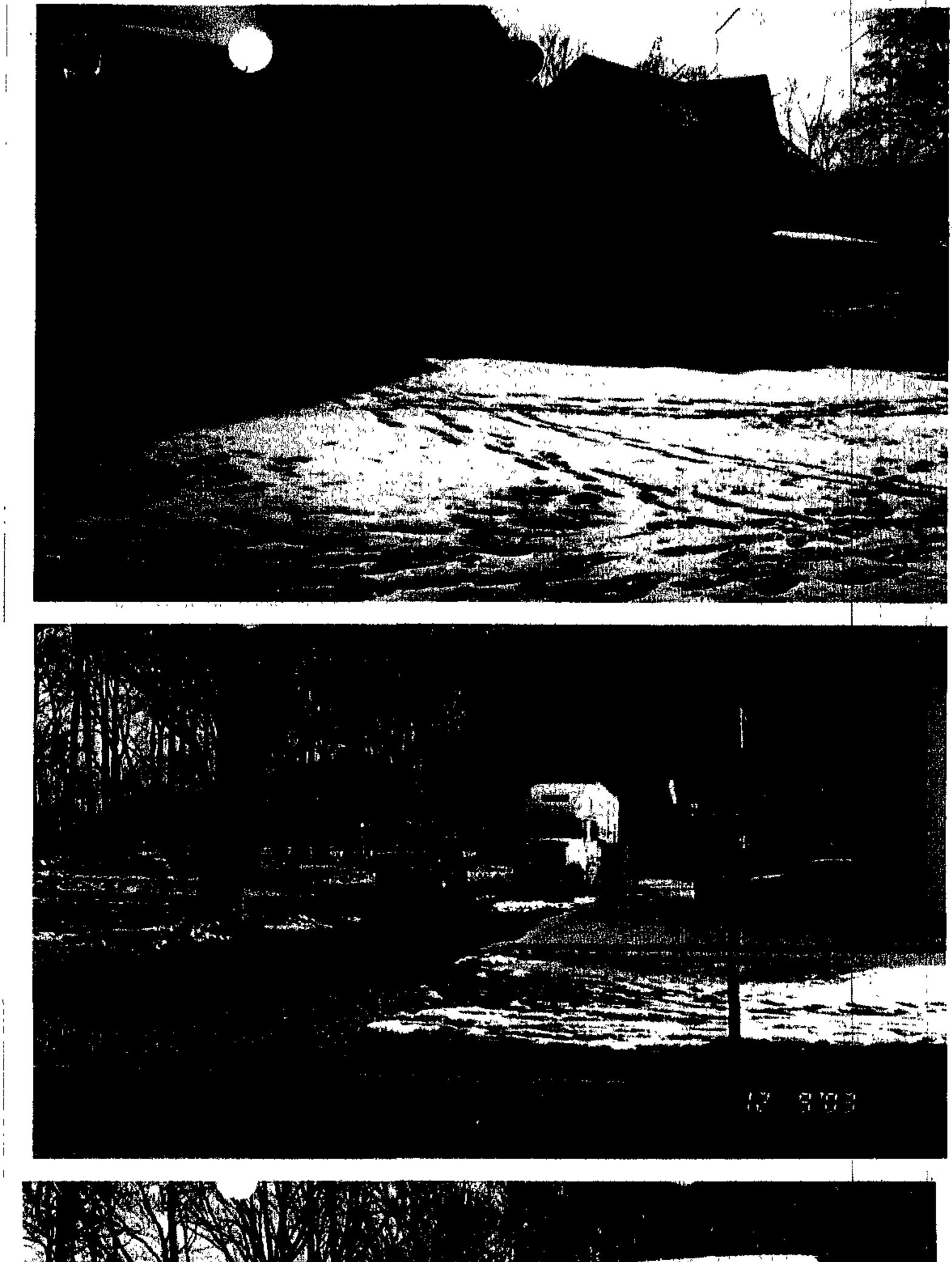
1. 18 Photos

Zoning Commissioner's Order (June 18, 2004 - GRANTED)

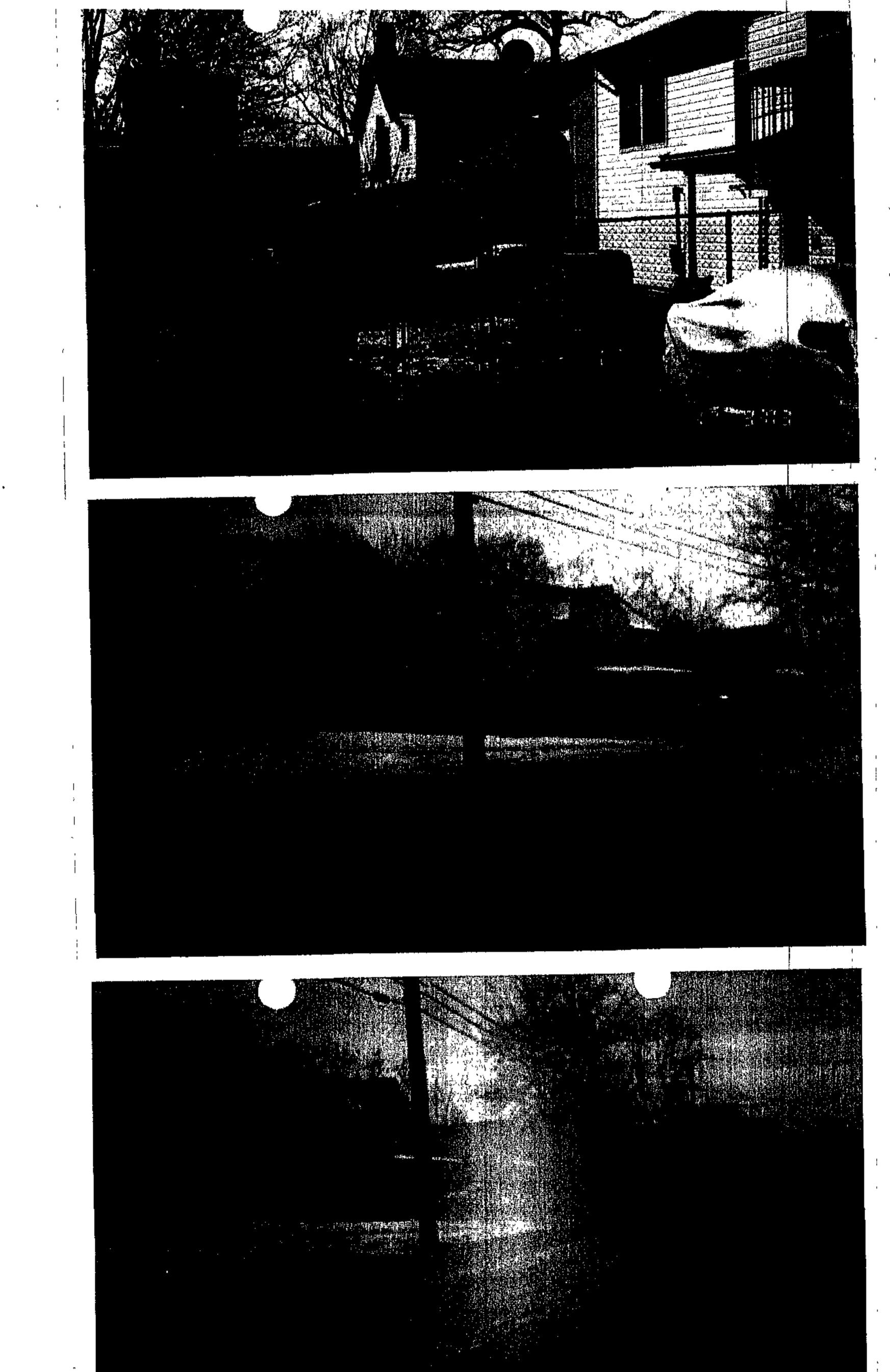
Notice of Appeal received on July 12, 2004 from Peter Zimmerman of People's Counsel of Baltimore County

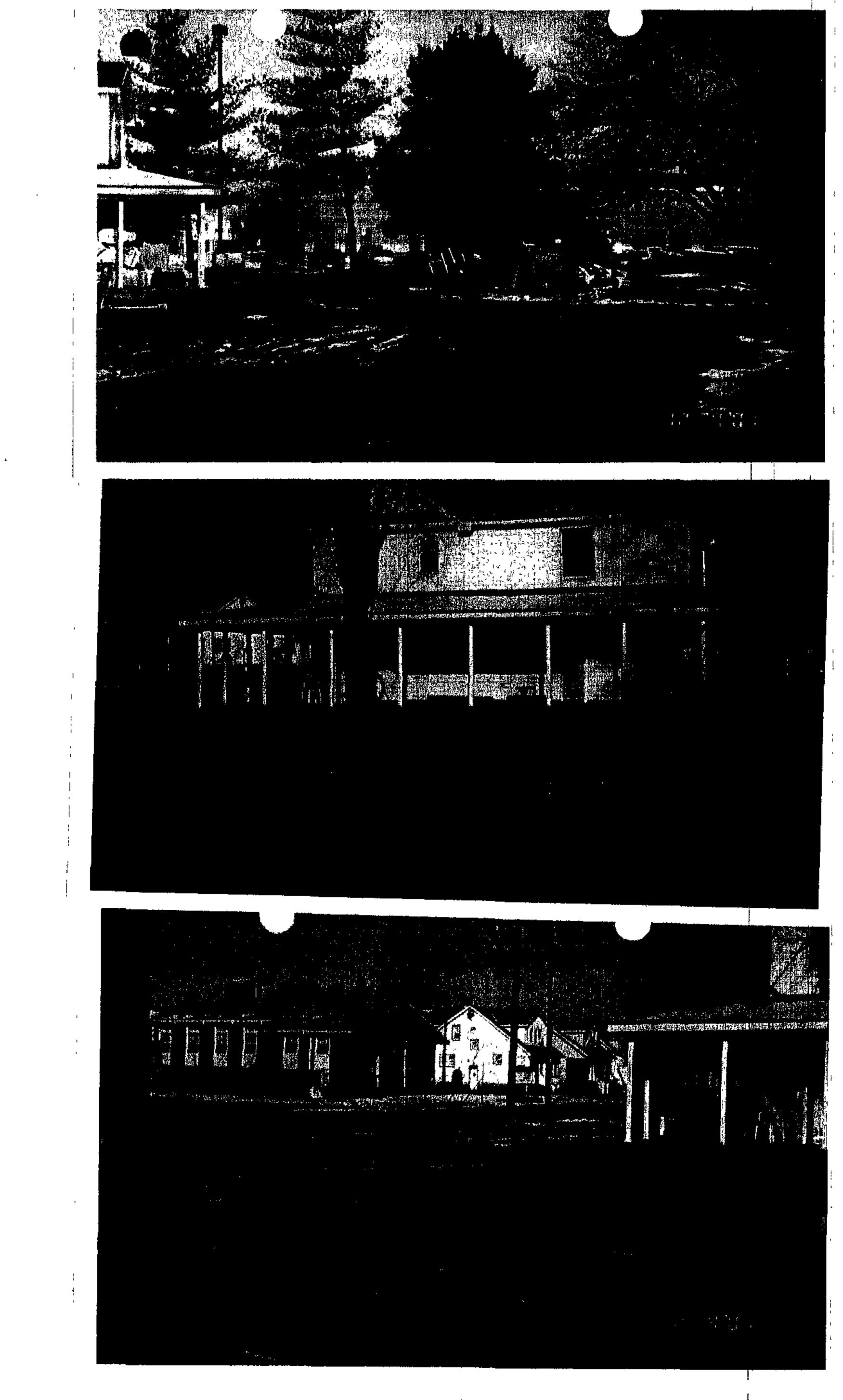
c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Mr. & Mrs. Gabriel Croy, 2931 Sparrows Point Road, Baltimore 21219

date sent July 28, 2004, klm

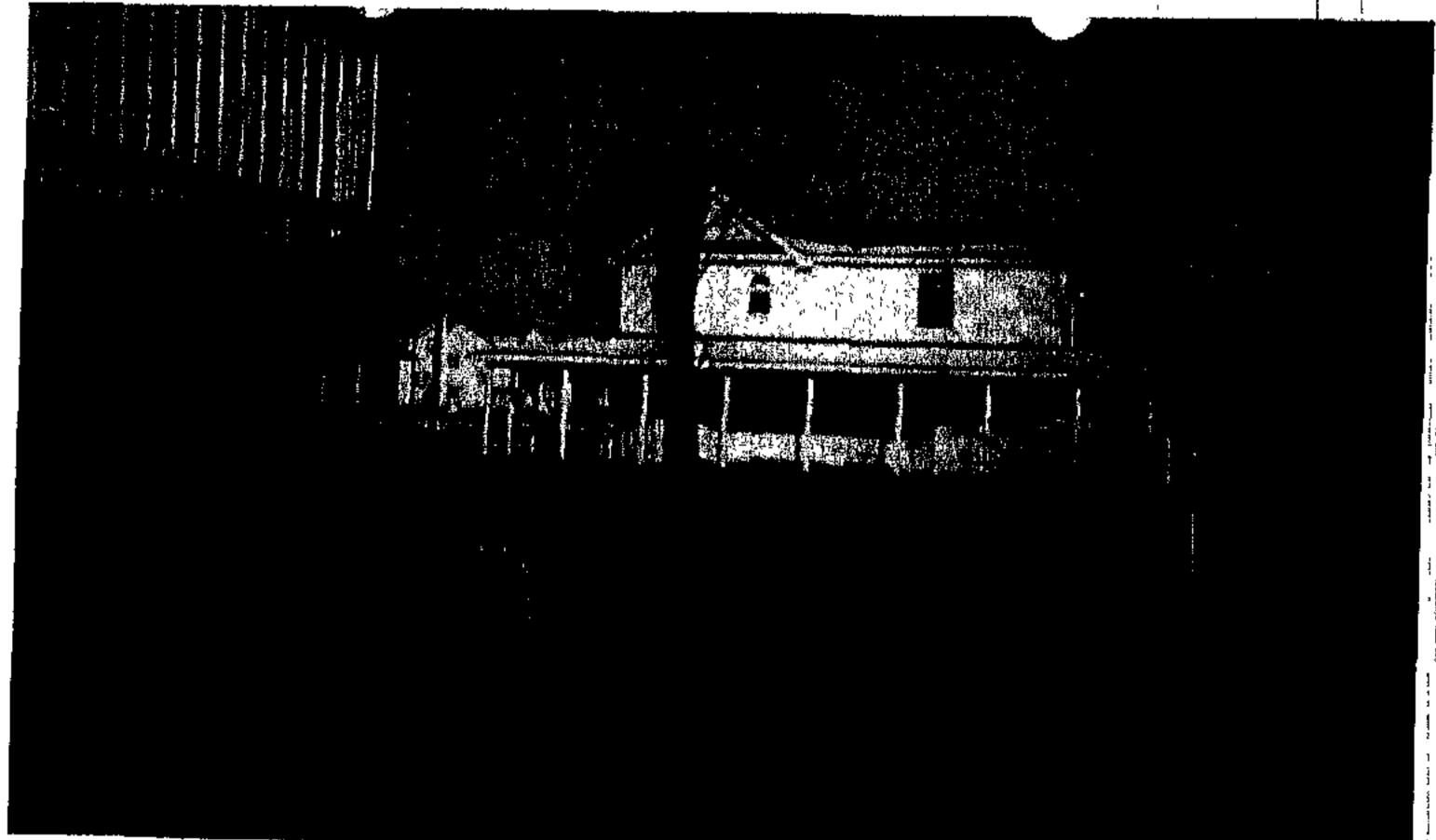




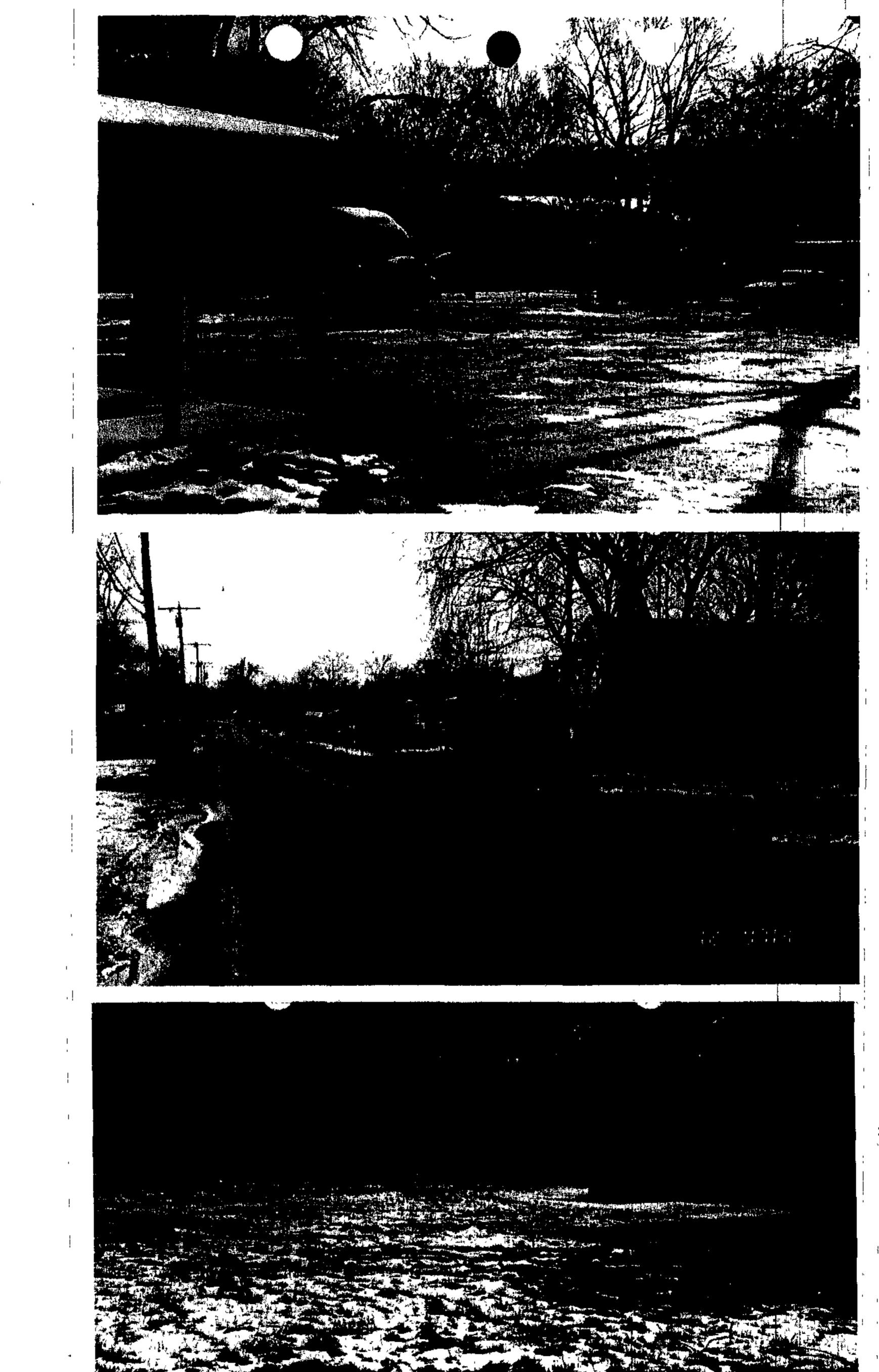


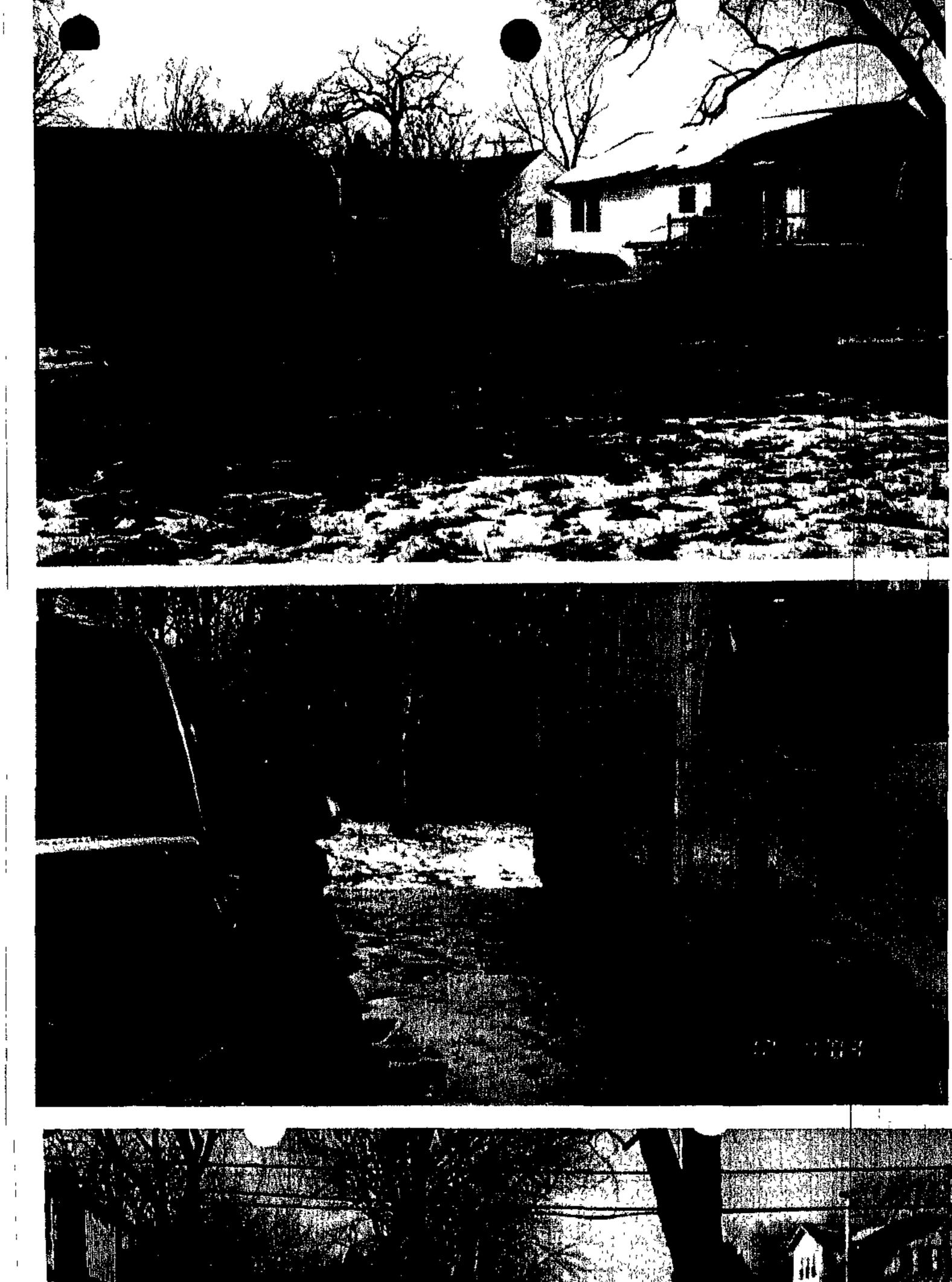






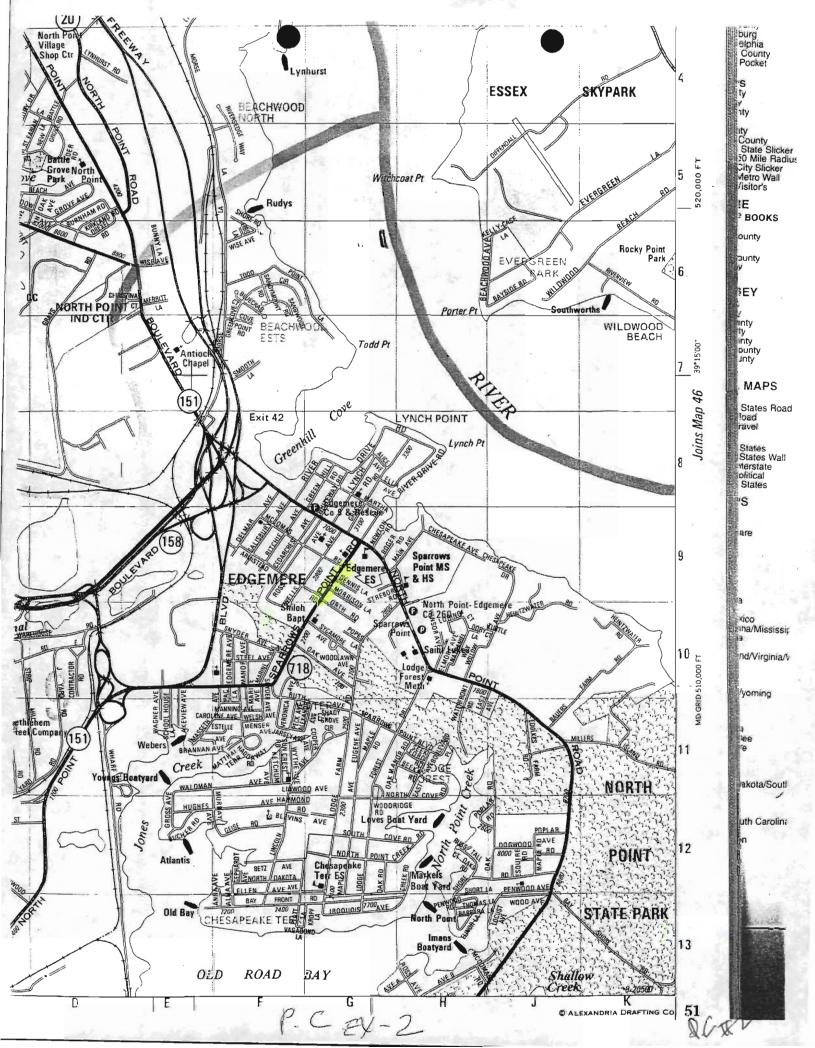








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2931 SPARROWS POINT ROAD BALTIMORE COUNTY MARY_AND

BRIEL & MELISSA CROY

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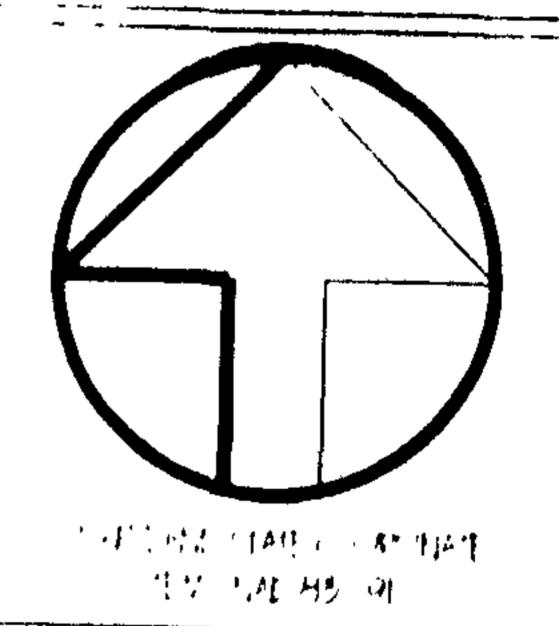
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STRICT: 15th

GE: 65 ACRES/28314^t EQ TTT

OR ZONING HEARINGS

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DATE 12-8-03

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