IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
N/S of Pulaski Highway, 517 ft. +/- NE
of Middle River Road
15th Election District
6th Councilmanic District
(9627 Pulaski Highway)

Nicholas Cavalieros

Petitioner

- * BEFORE THE
- DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 04-480-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

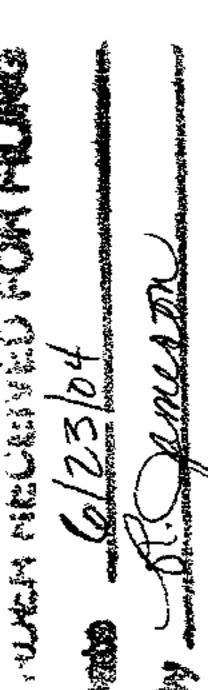
This matter comes before this Deputy Zoning Commissioner on a Petition for Variance and Petition for Special Hearing for the property located at 9627 Pulaski Highway in the eastern area of Baltimore County. The Petition was filed by Nicholas Cavalieros, the Petitioner and legal owner of the property. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the previously approved Special Exception Hearing and side yard setback in Case No. 94-78-SPH and Case No. 84-135-XA. In addition, variance relief is requested from Sections 255.1 and 238.2 of the B.C.Z.R., to permit an 11 ft. side yard setback for a proposed addition in lieu of the required 30 ft. setback, and to permit a variance from Sections 255.1 & 238.1 for a 37 ft. front yard setback in lieu of the required 50 ft. setback.

The property was posted with Notice of Hearing on June 7, 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 June 8, 2004, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming



use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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, offstreet 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. 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 Comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were Brian Dietz, land surveyor, Nicholas Cavalieros, the Petitioner and his attorney, Edward C. Covahey, Jr., Esquire. No protestants or citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

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Mr. Covahey proffered testimony that the subject property contains 0.728 acres and is zoned ML-IM. It is currently improved by the Petitioner's auto body repair shop which is housed in an L-shaped building set at a 45 degree angle from Pulaski Highway. The Petitioner wishes to add a new painting machine to his body repair business to keep competitive with demands of his trade. This will require a one-story addition to house the new machine and employees. However, the addition

will require a front yard setback of 37 ft. and side yard setback of 11 ft. as shown on Petitioner's Exhibit No. 1. Because of the odd configuration of the lot and placement of the building, there was no other place on the property to locate the addition without a variance. An addition toward the rear of the property was approved by this Commission in 1993.

The zoning and uses in the area are all industrial or commercial. See Petitioner's Exhibit No. 1. To the east is the Stoval Electric Lift Truck Service, while to the west is the Chesapeake Crab house which Mr. Covahey indicates is physically 150 ft. away from the subject property. He also notes that the Crab House is set back from the roadway approximately 25 ft. which he notes compares favorably with the request for a front yard setback of 37 ft. by the Petitioner. See Petitioner's Exhibit No. 2. The Petitioner's building is separated from the Crab House by the drainage easement obtained by the State in 1977 which is shown as crosshatched area on Exhibit No. 1. Mr. Covahey points out that the easement restricts any expansion of the building in a westerly direction.

Mr. Covahey proffered that the property was unique in its odd shape and orientation of the building with respect to the highway and property boundaries. The building was this way when the petitioner purchased the property. He also notes that the State's easement to the west severely restricts any expansion of the building in that direction. He indicated the Petitioner would suffer hardship and practical difficulty to expand the business in any direction. Due to the commercial and industrial nature of the area there would be no detriment to the surrounding community if the requests were granted, taking into account all the criteria given in Section 502.1 of the B.C.Z.R.

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. Specifically, I find that the odd shape of the lot, the State's drainage easement to the west and the very peculiar orientation of the building on the lot, easily qualify the property as unique. I also find there is no other place to place this addition. The

addition to the rear previously required a variance and so the Petitioner can not go there for this addition. I further find the these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The entire area is commercially and/or industrially zoned and used so that there will not be any detriment to the surrounding community by the Petitioner's addition. Therefore I will grant the variances requested.

In regard to the special hearing, testimony indicated that the addition of the paint machine addition will not adversely affect the community considering each of the criteria of Section 502.1 and for the reasons set forth above. Therefore, I will grant the Special Hearing request to amend the prior special exception orders in Case Nos. 94-78- SPH and 84-135- XA.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this <u>33</u> day of June, 2004, that the Petitioner's request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R), to amend the previously approved Special Exception Hearing and side yard setback in Case No. 94-78-SPH and Case No. 84-135-XA, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the variance relief requested from Sections 255.1 and 238.2 of the B.C.Z.R., to permit an 11 ft. side yard setback for a proposed addition in lieu of the required 30 ft. setback, and to permit a variance from Sections 255.1 & 238.1 of the B.C.Z.R., for a 37 ft. front yard setback in lieu of the required 50 ft. setback, be and is hereby GRANTED.

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

CHARCHE CHARCE

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 23, 2004

Edward C. Covahey, Esquire Covahey & Boozer, P.A. 614 Bosley Avenue Towson, Maryland 21204

Re: Petition for Special Hearing & Variance Case No. 04-480-SPHA
Property: 9624 Pulaski Highway

Dear Mr. Covahey:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have 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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Nicholas Cavalieros 9624 Pulaski Highway Baltimore, MD 21220

> Brian Dietz 7867 Oakdale Avenue Baltimore, MD 21237



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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

Reviewed By ITM Date 4/21/04

for the property located at _	9624 Pulaski	Highway	
which is	ML-IM		

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

an amendment to the previously approved Special Exception Hearing and side yard setback in Case No. 94-78-SPH and Case No. 84-135-XA.

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

I, or we, agree to pay expenses of above Special Hearing, 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.

zoning regulations and restri	ctions of Baltimore	County adopted pu	rsuant to the zoning law for Baltimore County	<i>f.</i>		
			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/Le	essee:		Legal Owner(s):			
			Nicholas Cavalieros			
Name - Type or Print			Name - Type or Print			
Signature			Signature			
Address		Telephone No.	Name - Type or Print			
City	State	Zip Code	Signature			
Attorney For Petitione	ic:		9624 Pulaski Highway Address	410-687-8298 Telephone No.		
Edward C. Covahey,	Jr.		Baltimore, Maryland	21220		
Name - Type or Print			City	•		
Signature			Representative to be Contacte	<u>ed:</u>		
Comahey & Boozer, P	.A.		Nicholas Cavalieros			
Conpany			Name	<u> </u>		
61 Besley Ave.	410	-828-9441	9624 Pulaski Highway	410-687-8298		
Address		Telephone No.	Address	Telephone No.		
Towson, Maryland	State	21204 Zip Code	Baltimore, Maryland City Sta	21220 te Zip Code		
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2002		OFFICE USE ON	FFICE USE ONLY			
ESTIMATED LENGTH C				eing		
Case No. 04-480-SPMA			UNAVAILABLE FOR HEARING			



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9624 Pulaski Highway
which is presently zoned ML-IM

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)

255.1 and Section 238.2 of the Baltimore County Zoning Regulations for an 11 foot side yard setback for a proposed addition in lieu of the required 30 foot setback, and a variance from Sections 255.1 and 238.1 for a 37 foot front yard setback in lieu of the required 50 foot setback.

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

SEE EXHIBIT A ATTACHED HERETO

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:	Legal Owner(s):			
Name - Type or Print Signature	Nicholas Cavalieros Name Type or Frint Signature			
Address Telephone No.	Name - Type or Print			
City State Zip Code	Signature			
Attorney For Petitioner:	9624 Pulaski Highway 410-687-8298 Address Telephone No.			
Edward C. Covahey, Jr. Name - Type or Print	Baltimore, Maryland 21220 City State Zip Code			
Signature	Representative to be Contacted:			
Covehey & Boozer, P.A. Company	Nicholas Cavalieros			
614 Bosley Avenue 410-828-9441 Addless Telephone No.	9624 Pulaski Highway 410-687-8298 Address Telephone No.			
Towson, Maryland 21204 Civ State Zip Code	Baltimore, Maryland State Zip Code			
City State Zip Code	OFFICE USE ONLY			
Case No. 04-480-5P11A	ESTIMATED LENGTH OF HEARING			
Case No. 04-480-3100	UNAVAILABLE FOR HEARING Date 4/21/04			

EXHIBIT A

Practical difficulty and undue hardship in that existing improvements may not be expanded: (1) without the required variance; (2) that irregular configuration of the property to the southwest is occasioned by Maryland State Highway Administration drainage easement, and but for the State's acquisition, the requested variance would not be required; and (4) the granting of the variance will permit the existing auto body shop to be expanded and provide for the storage of motor vehicles inside as opposed to being stored outside the premises awaiting service and provide for the spray painting of vehicles in accordance with modern, environmental friendly technology.

idr040406

J1480

Brian Dietz

Professional Land Surveyor #21080

7867 Oakdale Avenue, Baltimore, MD 21237 Phone 410-686-1198 Fax 410-682-6021

Zoning Description Calalieros Property

9622 Pulaski Highway
15th Election District, Ath Councilmanic District
6

Beginning for the same at a point on the North side of Pulaski Highway at a distance of five hundred and seventeen and fifty-five one-hundredths feet more or less from the intersection of the centerline of Middle River Road and the North side of Pulaski Highway, and running thence 1) North 40 degrees 57 minutes 13 seconds East, 150.00 feet; thence leaving said North side of Pulaski Highway and running the five following lines viz; 2) North 49 degrees 02 minutes 47 seconds West, 189.04 feet; 3) South 57 degrees 31 minutes 58 seconds West, 122.10 feet; 4) South 50 degrees 17 minutes 56 seconds East, 111.64 feet; 5) South 15 degrees 53 minutes 11 seconds West, 39.09 feet; 6) South 49 degrees 02 minutes 47 seconds East, 95.70 feet, to the point of beginning.

Containing 0.728 Ac. or 31,711 sq. ft. of land more or less

This description is for zoning purposes only.



#480

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	ACCOUNT IN CO.	AMOUNT TO THE PARTY OF THE PART		VELLOW - CUSTOMER
BALTIMORE COUNTY, MOFFICE OF BUDGET & FINAN		NECEIVED FROM:	FOR	DISTRIBUTION WHITE CASHIER PINK AGENCY

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

Lase 104-480-SPH

SC 4 Bulaski Highway

Maryland of Pulaski Highway

Maryland of Pulaski Highway

Maryland of Pulaski Highway

Special Dwner(s): Nicholas Cavalieros

Special Hearing: to amend the previously approved Sepcial Exception Hearing and side yard setback in case numbers 94-78-SPH and 84-135-XA. Variance: to permit an 11 foot side yard setback for a proposed addition in lieu of the required 30 foot setback, and to permit a 37 foot from yard setback in lieu of the required 50 foot setback.

Hearing: Tuesday, June 22, 2004 at 9:00 a maryland in Report

Hearing: Tuesday, June 22, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County
INCIPES: (1) Hearings are Handicapped Accessible; for special accommodations Please Confact the Zoning Com-

missioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. IT 6/658 June 8

CERTIFICATE OF PUBLICATION

<u>6</u> 9,20 <u>0</u> +
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
n 68 ,200+.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
<i>€</i>

- LEGAL ADVERTISING

CERTIFICATE OF POSTING

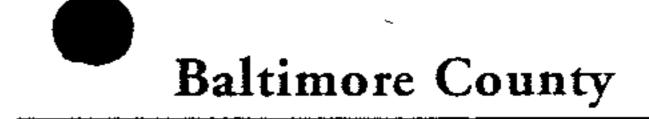
RE: Case No.: 04-480-5PH Petitioner/Developer: 1/10/VAS

CAVALIFROS Date of Hearing/Closing: JUNE 22, 2004 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394} Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 9624 PULASKI HW JUNE 7, 20 The sign(s) were posted on (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

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





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

May 5, 2004

CORRECTED 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: 04-480-SPH

9624 Pulaski Highway

N/side of Pulaski Highway, 517 feet +/- n/east of Middle River Road

15th Election District – 6th Councilmanic District

Legal Owner: Nicholas Cavalieros

<u>Special Hearing</u> to amend the previously approved Special Exception Hearing and side yard setback in case numbers 94-78-SPH and 84-135-XA. <u>Variance</u> to permit an 11 foot side yard setback for a proposed addition in lieu of the required 30 foot setback, and to permit a 37 foot front yard setback in lieu of the required 50 foot setback.

Hearing: Tuesday, June 22, 2004, at 9:00 a.m. in Room 407, County Courts Building

401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Edward Covahey, Covahey & Boozer, 614 Bosley Avenue, Towson 21204 Nicholas Cavalieros, 9624 Pulaski Highway, Baltimore 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 7, 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.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 8, 2004 Issue - Jeffersonian

Please forward billing to:

Nick Cavalieros 9624 Pulaski Highway Baltimore, MD 21220 410-687-8298

CORRECTED 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: 04-480-SPH

9624 Pulaski Highway

N/side of Pulaski Highway, 517 feet +/- n/east of Middle River Road

15th Election District – 6th Councilmanic District

Legal Owner: Nicholas Cavalieros

<u>Special Hearing</u> to amend the previously approved Special Exception Hearing and side yard setback in case numbers 94-78-SPH and 84-135-XA. <u>Variance</u> to permit an 11 foot side yard setback for a proposed addition in lieu of the required 30 foot setback, and to permit a 37 foot front yard setback in lieu of the required 50 foot setback.

Hearing: Tuesday, June 22, 2004, at 9:00 a.m. in Room 407, County Courts Building

401 Bosley Avenue

Lawrence 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 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

May 6, 2004

Edward Covahey, Jr. Covahey & Boozer, P.A. 614 Bosley Avenue Towson, MD 21204

Dear Mr. Covahey:

RE: Case Number: 04-480-SPHA, 9624 Pulaski Highway

The above matter, previously scheduled for June 4, 2004, has been postponed. The hearing has been rescheduled and the Corrected Zoning Notice of Hearing is attached.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours

Timothy Kotroco

Director

TK:klm

C: Nicholas Cavalieros, 9624 Pulaski Highway, Baltimore 21220

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 23, 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: 04-480-SPHA

9624 Pulaski Highway

N/side of Pulaski Highway, 517 feet +/- n/east of Middle River Road

15th Election District – 6th Councilmanic District

Legal Owner: Nicholas Cavalieros

Special Hearing to amend the previously approved Special Exception Hearing and side yard setback in case numbers 94-78-SPH and 84-135-XA. <u>Variance</u> to permit an 11 foot side yard setback for a proposed addition in lieu of the required 30 foot setback, and to permit a 37 foot front yard setback in lieu of the required 50 foot setback.

Hearing: Friday, June 4, 2004, at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Timothy Kotroco Director

TK:klm

C: Edward Covahey, 614 Bosley Avenue, Towson 21204 Nicholas Cavalieros, 9624 Pulaski Highway, Baltimore 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 20, 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

Thursday, May 20, 2004 Issue - Jeffersonian

Please forward billing to:

Nick Cavalieros 9622 Pulaski Highway Baltimore, MD 21220

410-687-8298

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: 04-480-SPHA

9624 Pulaski Highway

N/side of Pulaski Highway, 517 feet +/- n/east of Middle River Road

15th Election District – 6th Councilmanic District

Legal Owner: Nicholas Cavalieros

Special Hearing to amend the previously approved Special Exception Hearing and side yard setback in case numbers 94-78-SPH and 84-135-XA. <u>Variance</u> to permit an 11 foot side yard setback for a proposed addition in lieu of the required 30 foot setback, and to permit a 37 foot front yard setback in lieu of the required 50 foot setback.

Hearing: Friday, June 4, 2004, at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising: Item Number or Case Number:
Petitioner: NICK CAYALIEROS
Address or Location: 96ZZ PULASKI HIGHWAY
PLEASE FORWARD ADVERTISING BILL TO: Name: NICK CAVALIEROS Address: 9622 PULASKI HIGHWAY
BALTO. MD. 21220
Telephone Number: <u>4/0 - 687 - 82-98</u>

Department of Perm 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

June 17, 2004

Edward C. Covahey, Jr. Covahey & Boozer, P.A. 614 Bosley Avenue Towson, Maryland 21204

Dear Mr. Covahey:

RE: Case Number:04-480-SPHA, 9624 Pulaski Highway

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 21, 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,

W. Carl Richards, Jr.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Nicholas Cavalieros 9624 Pulaski Highway Baltimore 21220



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



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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.24.84

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

RE: Baltimore County

Item No. 4827

LTM

Dear Ms.Matthews:

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 4t7. 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 Gredlem 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 In 185

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

my 1/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** May 10, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAY 1 1 2004

LUNING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 4-439, 4-464, and 4-480

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

Prepared By:

Division Chief:

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 18, 2004

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 Nes, 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



RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

9624 Pulaski Highway; N/side Pulaski Highway, 517' NE of Middle River Road 15th Election & 6th Councilmanic Districts

Legal Owner(s): Nicholas Cavalieros

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

* 04-480-SPHA

*

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.

PÉTER MAX ZÍMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of April, 2004, a copy of the foregoing Entry of Appearance was mailed to Nicholas Cavalieros, 9624 Pulaski Highway, Baltimore, MD 21220, and to Edward C Covahey, Jr., Esquire, Covahey & Boozer, P.A>, 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

APR 2 5 2004

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per...

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

ANNEX OFFICE SUITE 302 606 BALTIMORE AVE. TOWSON, MD 21204

20 porement Granted Jim K.

EDWARD C. COVAHEY, JR.

F. VERNON BOOZER *

MARK S. DEVAN

THOMAS P. DORE

MICHAEL T. PATE

STACIE D. TRAGESER

BRUCE EDWARD COVAHEY

JENNIFER MATTHEWS HERRING

*ALSO ADMITTED TO D.C. BAR

May 3, 2004

HAND-DELIVERED

Timothy Kotroco, Director Baltimore County DPDM 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Case No. 04-480-SPHA 9624 Pulaski Highway

Legal Owner: Nicholas Cavalieros Hearing Date: June 4, 2004, 9:00 a.m.

Dear Mr. Kotroco:

Please treat this as a request that the above-captioned matter be rescheduled in that the undersigned counsel has the case of Owens v. Knox (Case No. 03-C-03-000527) set for the Circuit Court for Baltimore County that date.

Very truly yours,

Edward C. Covahey, Jr.


ECC,Jr./ldr 0503ldr02

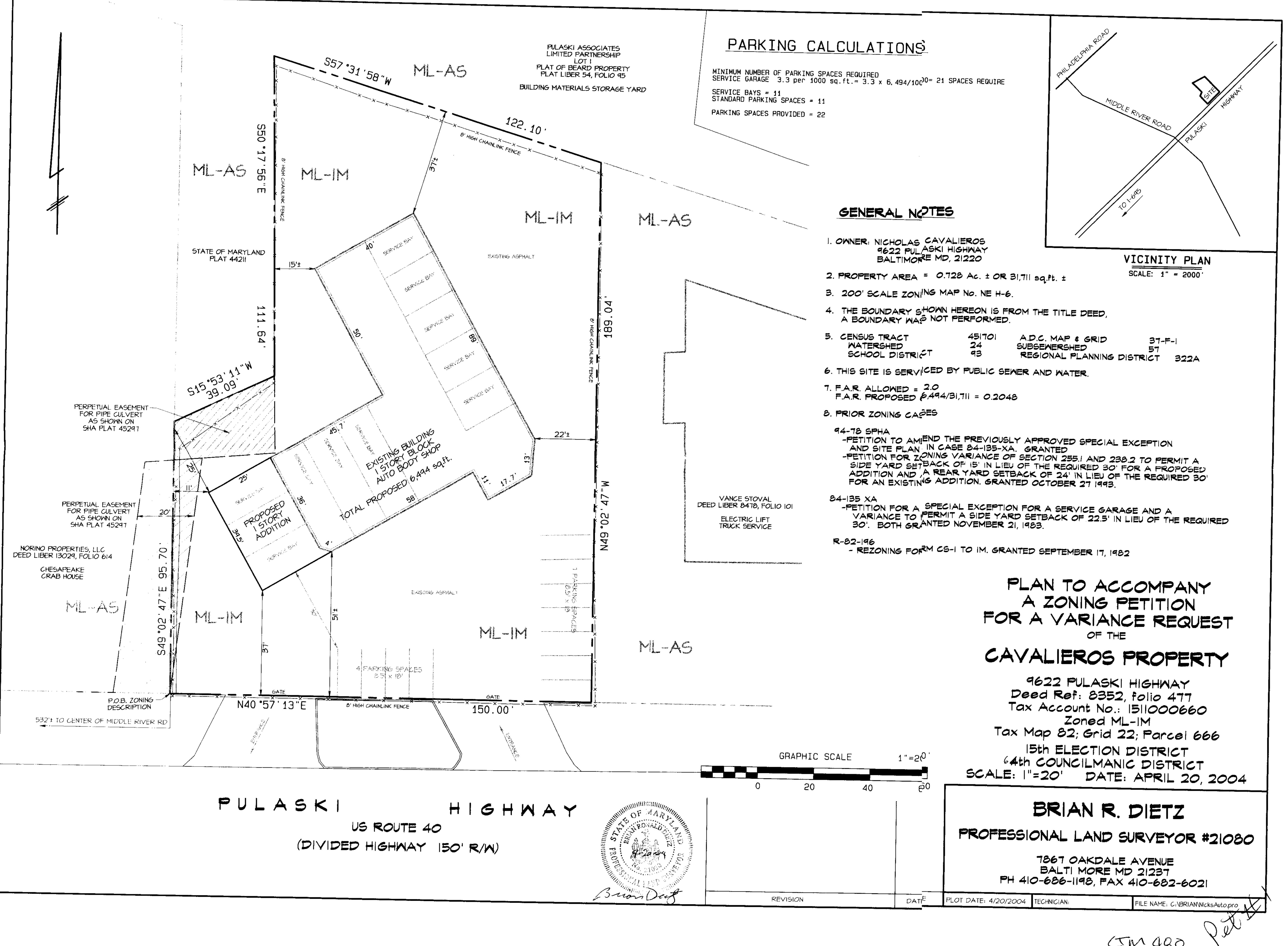
PLEASE PRINT CLEARLY

CASE NAME (200/1005)
CASE NUMBER 04-480 5PH A
DATE 6/22/04

PETITIONER'S SIGN-IN SHEET

E- MAIL					
ITY, STATE, ZIP 40. Wid 21220 June 3130/ THORE MD 21237					
ADDRESS 24 Polaski Hwy 12c, 19 AM TOWN 10c, 10	Server (
NAME Vicholas Gavalvers 962 Naudan Conmy GH BOSS	Lewy San				





CTM 480