IN RE: PETITION FOR SPECIAL HEARING NE/S of Reisterstown Road, 17 ft. S centerline of East Chatsworth Avenue 4th Election District 3rd Councilmanic District **(101 Main Street)** S & R, LLC *Petitioner*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 04-510-SPHA

* * * * * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by the legal owner of the subject property, S & R, LLC. The Petitioner originally requested a special hearing and variance relief for property located at 101 Main Street in the Reisterstown area of Baltimore County. The special hearing was requested for an amendment to the site plan approved in Zoning Case No. 03-204-X pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.). The variance was requested from Section 409.8.A.4 of the B.C.Z.R., to permit parking spaces as close as 0 ft. and 2.5 ft. to the street line in lieu of the required 10 ft.

WHEREAS, on September 9, 2004, the Petitioner filed a timely Motion for Reconsideration of this Deputy Commissioner's Order dated August 10, 2004. The motion was officially accepted by this office for filing on September 9, 2004.

WHEREAS, Subsequent to the passing of the Order, the Development Review Committee for Baltimore County informed the Petitioner that an additional variance is now required with respect to the proposed addition to the existing structure as it relates to the five (5) ft. strip that will be reserved for future highway widening, as set forth in Section 232.2.B of the Baltimore County Zoning Regulations.

WHEREAS, in its motion for reconsideration, the Petitioner requested the following:

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Date 9/30/04
By

1. That the Petitioner be permitted to amend its Petition for Variance and Special Hearing in order to request the required side yard variance; and

2. That the Deputy Zoning Commissioner amend the Order dated August 10, 2004 in order to grant, in addition to the previously granted relief, the side yard variance of five (5) ft. in lieu of the required ten (10) ft.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 30 day of September, 2004, that the Petitioner's request to amend its Petition for Variance and Special Hearing in order to request the required side yard variance, be and is hereby GRANTED;

IT IS FURTHER ORDERED, that the Petitioner's request that the Deputy Zoning Commissioner's Order dated August 10, 2004 shall be amended in order to grant, in addition to the previously granted relief, the side yard variance of five (5) ft. in lieu of the required ten (10) ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that all other terms and conditions of my previous decision shall remain in full force and effect.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

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By

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

September 30, 2004

Lawrence M. Hammond, Esquire
465 Main Street
Reisterstown, Maryland 21136

Re: Order on Motion for Reconsideration
Case No. 04-510-SPHA
Property: 101 Main Street, Reisterstown

Dear Mr. Hammond:

Enclosed please find my Order on your Motion for Reconsideration regarding the above-captioned case.

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 Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Robert Duvall, 765 Thorobred Knoll Dr., Westminster, MD 21136
Sean White, 1225 Circle Drive, Baltimore, MD 21227
Barbara V. Reynolds, 306 Lauren Hill Ct., Reisterstown, MD 21136
Andrew Battista, Esq., 409 Washington Ave., Ste. 600, Towson, MD 21204
Rev. Timothy P. Feaser, 117 Main St., Reisterstown, MD 21136
Virginia B. Ensor, 143 Main Street, Reisterstown, MD 21136

9/9/04

IN RE: PETITION FOR SPECIAL HEARING **NE/S of Reisterstown Road, 17 ft. S** **centerline of East Chatsworth Avenue** **4th Election District** **3rd Councilmanic District** **(101 Main Street)**	*	**BEFORE THE** **DEPUTY ZONING COMMISSIONER** **FOR BALTIMORE COUNTY**
	*	**CASE NO. 04-510-SPHA**
	*	
S & R, LLC *Petitioner*	*	

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ZONING COMMISSIONER

* * * * *

MOTION FOR RECONSIDERATION

Now come the Petitioner, S & R, LLC, by and through its undersigned attorneys, Lawrence M. Hammond & Hammond & Hammond, LLC and hereby moves for reconsideration of the Deputy Zoning Commissioners Order and states as follows:

1. That on August 10, 2004 the Deputy Zoning Commissioner for Baltimore County passed an order granting the relief requested in the Petitioner's Petition for Variance and Special Hearing.

2. That subsequent to the passing of said Order, the Development Review Committee for Baltimore County has informed the Petitioner that an additional variance is now required with respect to the proposed addition to the existing structure as it relates to the five (5') strip that will reserved for future highway widening, as set forth in Section 232.2 B of the Baltimore County Zoning Regulations.

3. That the required future widening strip was set forth on the Plan to Accompany Petition for Variance and Special Hearing that was filed in the instant case.

WHEREFORE, the Petitioner, S & R, LLC respectfully requests that following:

A. The Petitioner be permitted to amend it Petition for Variance and Special Hearing in order to request the required side yard variance.

B. That the Deputy Zoning Commissioner for Baltimore County amend the Order dated August 10, 2004 in order to grant, in addition to the previously granted relief, the side yard variance of five (5) feet in lieu of the required ten (10) feet.

Lawrence M. Hammond, Esquire
Hammond & Hammond, LLC
465 Main Street, P.O. Box 569
Reisterstown, Maryland 21136
(410) 833-7576

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of September ,2004, the aforegoing Motion for Reconsideration was mailed and faxed to Andrew M. Battista, Esquire at 409 Washington Avenue, Suite 600, Towson, Maryland 21204-4907. (410) 296-6684

Lawrence M. Hammond

IN RE: PETITION FOR SPECIAL HEARING NE/S of Reisterstown Road, 17 ft. S centerline of East Chatsworth Avenue 4th Election District 3rd Councilmanic District **(101 Main Street)**	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 04-510-SPHA
S & R, LLC *Petitioner*	*	

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, S & R, LLC. The Petitioner is requesting special hearing and variance relief for property located at 101 Main Street in the Reisterstown area of Baltimore County. The special hearing request is for an amendment to the site plan approved in Zoning Case No. 03-204-X pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.). The variance request is from Section 409.8.A.4 of the B.C.Z.R., to permit parking spaces as close as 0 ft. and 2.5 ft. to the street line in lieu of the required 10 ft.

The property was posted with Notice of Hearing on June 23, 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 22, 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

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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, 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. 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: A ZAC comment was received from the Bureau of Development Plans review dated June 2, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief were Robert Duvall, Member of S&R LLC, the Petitioner, Sean White, C. Peatt and Barbara Reynolds. Lawrence M. Hammond, Esquire, represented the Petitioner. The protestants were Rev Timothy Feaser and Virginia Ensor, members of Trinity Lutheran Church. Andrew Battista, Esquire represented the protestants. Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

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Mr. Hammond proffered that the site is zoned BL-AS and is presently improved by S&R LLC, trading as Reisterstown Car Care, who has operated a two-bay service garage that has repaired vehicles since 1997. A special exception for a service garage was approved in 1995 by the Zoning Commissioner in Case No. 96-74-X for the building that was built in 1954 as a fuel service station. The Petitioner would like to modify the approved site plan by adding two more service bays and renovating the building and parking arrangement. See Petitioner's Exhibit No. 2 for a comparison of the existing and proposed buildings.

The site is located on the corner of Chatsworth Avenue and Reisterstown Road, in the heart of old Reisterstown, which area has seen the benefit of a County streetscape program to improve the appearance of existing businesses along Reisterstown Road. If the proposed variance is approved, Mr. Hammond indicated that the site would be landscaped along Chatsworth and Reisterstown Road as shown on Petitioner's Exhibit No. 4, which he indicated would be a substantial improvement to the business corridor. In addition the flat roofed 1950's gas station design for the building (see Petitioner's exhibits 3 and 6) would be replaced by the pitched roof design which Mr. Hammond opined is more in keeping with the Reisterstown buildings along the commercial corridor. See elevation on Petitioner's exhibit 4.

The plan to accompany shows that 9 parking spaces are required for the enlarged facility and that 13 are proposed. As shown by the comments from Development Plans Review, the County wants the Petitioner to give an additional 5 ft. of right-of-way along Chatsworth Avenue. Petitioner's Exhibit No. 4 reflects this request. This puts into question parking spaces 12 and 13, which would be within the new right-of-way. In addition, Mr. Hammond indicated that cars from the existing service garage routinely park on the State's right-of-way along Reisterstown Road where the proposed plantings are now planned. See Petitioner's Exhibit No. 4. Thus, the parking in the proposed plan would move back from Reisterstown Road approximately 8 ft. and

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would be behind the new plantings. See Petitioner's photographs (Petitioner's Exhibit No. 5A) which show the present parking arrangement.

In regard to the zero foot setback for parking along Reisterstown Road, much discussion took place at the hearing as to whether parking could be pushed back an additional 10 ft. so as to avoid the variance altogether. The problem is that the space between the parking along Reisterstown Road and the service building is quite limited. The Petitioner was concerned that vehicles would not be able to make necessary turns if the whole line of parking was moved back toward the front of the building. Similarly the entrance on Chatsworth can not be moved away from Reisterstown Road and toward the building to avoid the variance. The Petitioner pointed out that vehicles are longer than ever and that tow trucks, which are also quite long, have difficulty now making turns on the property when vehicles park in the right-of-way along Reisterstown Road. The Petitioner indicated that without the requested relief there could be no parking along Reisterstown Road and in turn no improvement to the site as proposed.

In regard to the 2.5 ft. setback for parking along Chatsworth Avenue, the Petitioner indicated that this dimension is driven by the width of the new bays which in turn is dictated by the size of new vehicles. In fact, many new vehicles cannot fit into the two existing 1950's bays. The new bays extend toward Chatsworth Avenue from the existing building. Parking spaces 12 and 13 then are established in width by the zoning regulations. The County is requiring that a 2.5 ft. area along Chatsworth Avenue be planted, in order to improve the appearance of the site. See the present design in Petitioner's Exhibit No. 5B. As the result of this stack-up of spaces there is not sufficient room on the Chatsworth side to allow 10 ft. to the property line, but rather there would only be 2.5 ft.

Mr. Hammond argued that the property was unique in that there is an exiting building on a small lot which greatly restricts how the site can be utilized. He indicated there would be a

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hardship on the owner if he could not service larger vehicles and the owner suffered practical difficulty in providing parking without the variance as described above.

The protestants opted not to offer testimony or evidence in opposition to the petition.

As agreed, both counsel submitted memorandum summarizing their positions, which memoranda are incorporated into the record of the case.

The Petitioner's memorandum noted the above. There is a presently approved site for 8 parking spaces with a 90 foot curb cut along Chatsworth Avenue. See Petitioner's exhibit 1. At the County's request this curb cut will be reduced to 30 feet by the new landscaping along that street which will give the lot definition to the passing public. The new layout will provide 11 parking spaces for customers and 2 for employees (no's 12 and 13). In addition it will provide a handicapped space in front of the building.

The Petitioner's memorandum also argues that the site meets the uniqueness test of *Cromwell v Ward* due to the small size of the lot compared to other lots in the immediate area. In addition the Petitioner more recent appellate cases which indicate that complying with the statute does not imply a self created hardship. He argues that the County's requirements for site improvements are the driving force behind the variance requests.

The protestants memorandum indicates that the site is presently overcrowded with customer vehicles and that the two new bays would attract even more customers. They note the size of the building would more than double if the variances are approved. In addition the protestants point out that nothing has changed on the site or on adjacent roads since the property was first approved for a service garage in 1995.

The protestants also cite Cromwell v Ward as the controlling case and say that the Petition fails the uniqueness test required in this case. They note that the property has been used as a service garage since 1996. In addition they note that the site contains no unusual features such as

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topography to trigger a finding of uniqueness as required by Cromwell. Finally the protestants note that the only reason the County is placing requirements on the Petitioner is because the Petitioner is asking for variance relief thus this is a self created hardship. The protestants argue that neither of the more recent cases apply to this situation.

Findings of Fact and Conclusions of Law

There is no question in my mind that the proposed renovated building and associated landscaping and site changes would be a substantial improvement and compliment to the revitalization efforts the County is attempting along the business corridor of Reisterstown Road. The photos presented by the Petitioner show a 1950's type service garage which is out of character with the old Reisterstown Road business corridor. One only need see Petitioner's photograph 5 B which shows the existing service garage and the protestant's church in the same picture to see how out of place the present service garage is with the architecture of the church as one example. The church has an attractive pitched roof line and exterior which shows the existing structure of the service garage to be garish in comparison. The landscaping would be a significant improvement not only along Reisterstown Road but also along Chatsworth Avenue. The whole corner would be improved.

The protestants reasonably worry that the addition bays will attract additional customers which the Petitioners admit they need to fund the extensive renovations and improvements. Although the two new bays count in the zoning regulations for two parking spaces and 13 spaces will be provided in the new arrangement instead of 8 spaces presently approved, the protestants note in their memorandum that this small lot will become overcrowded should the variances be approved. However while the protestants attended the hearing and were represented by counsel, they declined to testify or present evidence as to their concerns. Consequently I am left with a record which is devoid of contrary evidence and so am at a disadvantage to understand the history

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of the site in regard to their concerns. As such I am left with what obviously is a very good idea to improve the business corridor of Reisterstown Road.

However even without presenting evidence, the protestants have raised a powerful legal argument that the site does not meet the *Cromwell v Ward* test for uniqueness. In truth it is a rectangular lot which from all I can tell is as flat as a pancake. A literal reading of Cromwell seems to require in all variance cases that there be some physical anomaly to pass the uniqueness test. I agree with the protestants that there is nothing physically peculiar about this site other than it is small in size compared to other lots in the area. I note however that the site contains an existing building designed in 1954 as a fuel service station which I find is a "peculiar structure" which qualifies the site as unique.

The issue of small lots on which the County later imposes regulations arises literally hundreds of times particularly in the eastern part of the County where 50 foot wide lots in subdivisions laid out in the 1920's and 1930's can not meet the size or setback requirements imposed upon them by zoning regulations enacted the 1970's. What to do? Shall we deny all variances which allow new homes to be built in the area? While these lots often are waterfront lots, the waterfront is not the cause of the problem. Typically they are 50 x 150 foot, flat lots which have none of the limiting physical features described in Cromwell.

In response to this dilemma this Commission has consistently held that the imposition of zoning requirements to lots in old subdivisions impacts these lots more harshly then lots laid out in conformance with the zoning requirements and therefore these small lots meet the uniqueness test of Cromwell. To arrive logically at this conclusion one must expand the idea of "neighborhood" described in Cromwell to include lots laid out in later years in accord with the zoning regulations. This means the "neighborhood" is often a great deal larger than the subject site and adjoining lots.

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Said another way we have held that Cromwell Court did not have this situation in mind when it pronounced its sweeping decision. The issue in Cromwell was whether a variance should be granted to Mr. Ward who constructed his garage in violation of the height limits of the zoning regulations. There was no question how the regulations should be applied to this situation. There was no evidence the lot was laid out before the zoning regulations were imposed. It was simply that Mr. Ward built his garage too high for the regulations.

In the subject case however this small lot was laid out and fuel service station erected in 1954. The BL regulations were enacted in 1955. The AS (Automotive Services) district designation was enacted in 1993. Consequently I find that this case falls within that category of cases in which there is an existing lot on which later zoning is imposed. The site is located in the old business district of Reisterstown, and is a small corner lot. The BL setback regulations were imposed after the lots was laid out. The later imposed zoning regulations require setbacks from the property lines of this small lot. Therefore, I find that the property, from a zoning standpoint, is unique and that the impact of the zoning regulations on this property are more severely felt than other properties in the neighborhood which were laid out in conformance with the regulations.

In addition the lot is improved by a two-bay service garage built in 1954. This structure greatly limits the uses the owner can make of it under the present zoning regulations. I find that the site has a peculiar structure on it that qualifies it as unique.

In addition, I find strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. For example, the size of new larger vehicles sets the size of the new bays. To require full setback would eliminate the parking and the project.

Furthermore, these variance can be granted in strict harmony with the spirit and intent of said regulations, and in a manner as to grant relief without injury to the public health, safety and

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By

general welfare. In fact, the renovations will substantially improve the site and add substantially to the County revitalization efforts.

In regard to the request for special hearing to modify the 1995 special exception, I find that the proposed modifications are most reasonable under the circumstances and will not adversely affect the health, safety and welfare of the community. Therefore, I will approve the revised site plan under the special exception.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing request shall be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 10 day of August, 2004 that the special hearing requested for an amendment to the site plan approved in Zoning Case No. 03-204-X pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the variance requested from Section 409.8.A.4 of the B.C.Z.R., to permit parking spaces as close as 0 ft. and 2.5 ft. to the street line in lieu of the required 10 ft., be and is hereby GRANTED., subject, however to the following restriction which is a condition precedent to the relief granted herein:

1. Compliance with the ZAC comments submitted by the Bureau of Development Plans Review dated June 2, 2004, a copy of which is attached hereto and made a part hereof.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

ORDER RECEIVED FOR FILING
Date 8/10/04
By

JVM:raj

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Zoning Commissioner

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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

August 10, 2004

Lawrence M. Hammond, Esquire
465 Main Street
Reisterstown, Maryland 21136

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
NE/S Reisterstown Road, 17' S of the c/l East Chatsworth
(101 Main Street)
4th Election District – 3rd Council District
S & R, LLC - Petitioners
Case No. 04-510-SPHA

Dear Mr. Hammond:

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

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

Very truly yours,

John V. Murphy

JOHN V. MURPHY
Zoning Commissioner
for Baltimore County

JVM:bjs

cc: Mr. Robert Duvall, 765 Thorobred Knoll Drive, Westminster, Md. 21136
Mr. Sean White, 1225 Circle Drive, Baltimore, Md. 21227
Ms. Barbara V. Reynolds, 306 Lauren Hill Court, Reisterstown, Md. 21136
Andrew Battista, Esquire, 409 Washington Avenue, Suite 600, Towson, Md. 21204
Rev. Timothy P. Feaser, 117 Main Street, Reisterstown, Md. 21136
Ms. Virginia B. Ensor, 143 Main Street, Reisterstown, Md. 21136
People's Counsel; Case File

Printed on Recycled Paper

8/3/04

101 Main Street N/east side of Reisterstown Road 17 feet south of the center line of East Chatsworth 4th Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY Case No.: 04-510-SPHA
Legal Owners: S & R, LLC	*	

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ZONING COMMISSIONER

* * * * * * * * * * * * *

RESPONSE TO PETITIONERS'
POST-HEARING MEMORANDUM

Trinity Lutheran Church, by its attorney, Andrew M. Battista, submits this response to the Petitioners' Post-Hearing Memorandum in the above matter and says:

INTRODUCTION

The Petitioners note in their Memorandum that the site at issue was operated as a fuel service station from 1954 up to the mid-1990's before that use was abandoned due to environmental issues. The predecessor in title to the Petitioners sought and received a Special Exception to operate a service garage in this area, which is zoned B.L.-A.S. The site plan for this property was approved on November 22, 1995 and provided for eight (8) parking spaces on the site. The Petitioners began their operation of a service garage in 1996 known as Reisterstown Car Care and ultimately purchased the property on January 2, 2003.

The Petitioners now plan to renovate the existing building of an office and two service bays by adding two larger bays and raising the roof line, as well as modernizing the exterior and adding landscaping. The current building is 41.26 feet by 28.7 feet or approximately 1,184.16 square feet. The renovated building will have a footprint of 42.17

feet X 68.25 feet or approximately 2,878.1 square feet. The garage itself will be more than twice as large as the current structure.

The Petitioners seek to obtain a variance to allow them to reduce the required setback for parking spaces from 10 feet on Main Street to 0 feet and from 10 feet on Chatsworth Avenue to 2.5 feet. See Section 409.8.A.4 of the Baltimore County Zoning Regulations.

No testimony was taken at the hearing of this matter and the evidence presented was via a proffer. The Petitioners admitted that parking on the site now currently violates the above-noted setbacks and that it was expected that once the renovations were made and the additional service bays erected, that additional customers would be attracted to help pay for the costs of the construction. Additionally, it was shown that since the site plan approved on November 12, 1995 there has been no change in the property ad no change in the adjacent roads. The property has been used since 1996 for the same purpose by the Petitioners, i.e. a service garage.

At the hearing, various exhibits were entered. A photocopy of one of those exhibits is attached hereto. In that photograph, which was taken and submitted by the Petitioners, there are ten (10) cars parked in the lot, not including the service bays and there are areas of the lot not seen on the photograph. Reverend Timothy Feaser of Trinity Lutheran Church, who was present at the hearing, notes he has seen as many as 20 cars on the lot since the hearing.

APPLICABLE LAW AND ARGUMENT

The Petitioners are seeking a variance on parking space setback requirements and are alleging that the variance is required to comply with Baltimore County requirements and

because the subject property is unusual and unique. None of these reasons apply.

The Petitioners correctly site the seminal case on this subject which is Cromwell v. Ward, 102 Md. App. 691 (1995). In Cromwell the Court of Special Appeals identified and described in detail the variance process. Cromwell provides that there is at least a two step process. Id. at 694.

That process is detailed below:

> The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is - in and of itself - unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship. If that first step results in a supportable finding of uniqueness or unusualness, then a second step is taken in the process, *i.e.*, a determination of whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance *caused by* the property's uniqueness, exists. Further consideration must then be given to the general purposes of the zoning ordinance.

There has been no showing that the property at issue is unique, unusual or different in any way. The property has been used by the Petitioners for eight years for the exact same use that they state they plan to use it for in the future. The property has no unusual topography. No showing has been made that the property is in some way unique or unusual either generally or with regard to the neighborhood in which it is located.

There is no unusual or unique aspect of the property at issue. Certainly, the fact that the Petitioners have operated their business at this exact location shows that it suits their needs. The Petitioners desire to more than double the size of their building and presumably increase their clientele is a normal commercial desire to make the most out

of their investment. It is not, however, an unusual or unique characteristic of the property.

As stated in Cromwell the process should stop here as the first step cannot be satisfied. It is submitted that the second step of the process is also not met.

In its Brief, Petitioners suggest that a hardship exists that is not self imposed due to meeting the demands of Baltimore County with regards to the proposed project. The only reason why Baltimore County (Development Review Committee) has any demands for the Petitioners to meet is because the Petitioners are seeking a change. The zoning has not changed from the property at issue during the eight years it has been occupied by the Petitioners. The only change is the Petitioners desire to increase the size of their business.

The Petitioners cite two case Roeser v. Anne Arundel County, 368 Md. 294 (2002) and Stansbury v. Jones, 372 Md. 172 (2002). In Roeser, the Court of Appeals was concerned with an "area" variance not a "use" variance as at issue in this case. 368 Md. at 299. Roeser involved a developer who wished to build a house and needed a variance from a zoning law requiring a buffer zone for nearby wetlands to build the house to the size he desired. Roeser also dealt with the self inflicted nature of the hardship. Roeser does not discuss the first prong of the Cromwell test.

Stansbury states compliance with a statute is not ordinarily a self-created hardship. 372 Md. at 187. However, Stansbury involves a situation where the owner of a parcel of land subdivided the land reserving herself a parcel of land. The owner sought a variance from a percolation requirement to build a house on the reserved parcel. The type of relief requested would have been available if the landowner had not re-subdivided the property in the first place.

Neither Stansbury nor Roeser apply to the case before the Court.

Additionally, as the photo exhibits of the Petitioner show the Petitioner is already violating the setback restrictions for parking and has far more than the eight spaces originally provided for in the site plan. Trinity Lutheran is concerned that the current overcrowding on the lot at issue will only worsen when the facility doubles its ability to work on vehicles. Trinity Lutheran is located one door away from the Petitioners and is concerned the overcrowding will create even worse parking conditions that could cause overflow into its lots, create traffic problems and impact the neighborhood adversely. Trinity Lutheran does not object to the landscaping and renovation of the Petitioners lot and building. However, by doubling the size of the building, it anticipates a significant increase in vehicles to be repaired and employees adding to the overcrowded lot for Reisterstown Car Care.

Trinity Lutheran submits that no unusual or unique condition exists herein nor is there an unusual hardship. The problem with the lot at issue is that it is too small for the use that would be anticipated for a four bay service garage. This problem is particularly acute when the current two bay structure seems to create an overcrowded situation.

The Petitioners have an existing site plan providing for eight parking spaces. The Petitioners seek to raise that number to 13 spaces and more than double the size of their building without any increase in lot size.

The Petitioners already violate the parking setback requirements. As stated in Cromwell, "it is not the purpose of variance procedures to effect a legislation of a property owner's intentional or unintentional violations of zoning requirements." 102 Md. App. at 726.

CONCLUSION

This property has functioned as a gas station or service garage since 1954. The current owners have had the same use for eight years and appear to be overcrowded. The variance requested would sanction a doubling of the size of the business and, presumably, traffic and vehicles on the premises.

Furthermore, to allow the variance at issue would be violative of Cromwell v. Ward. There is nothing unique or unusual about the property at issue. The County has not caused any hardships for the Petitioners.

In its conclusion, the Petitioners state, "but for the actions and requirements of Baltimore County the requested variance would not be necessary." The only "action" that has occurred is the Petitioners' desire to increase the size of their business.

The site plan approved in 1995 has been used since that date for the current use of the property at issue. It is not a hardship to allow the Petitioners to continue their business within the regulations it has been conducted under for the last eight years.

Accordingly, it is requested that the Petition herein be **DENIED**.

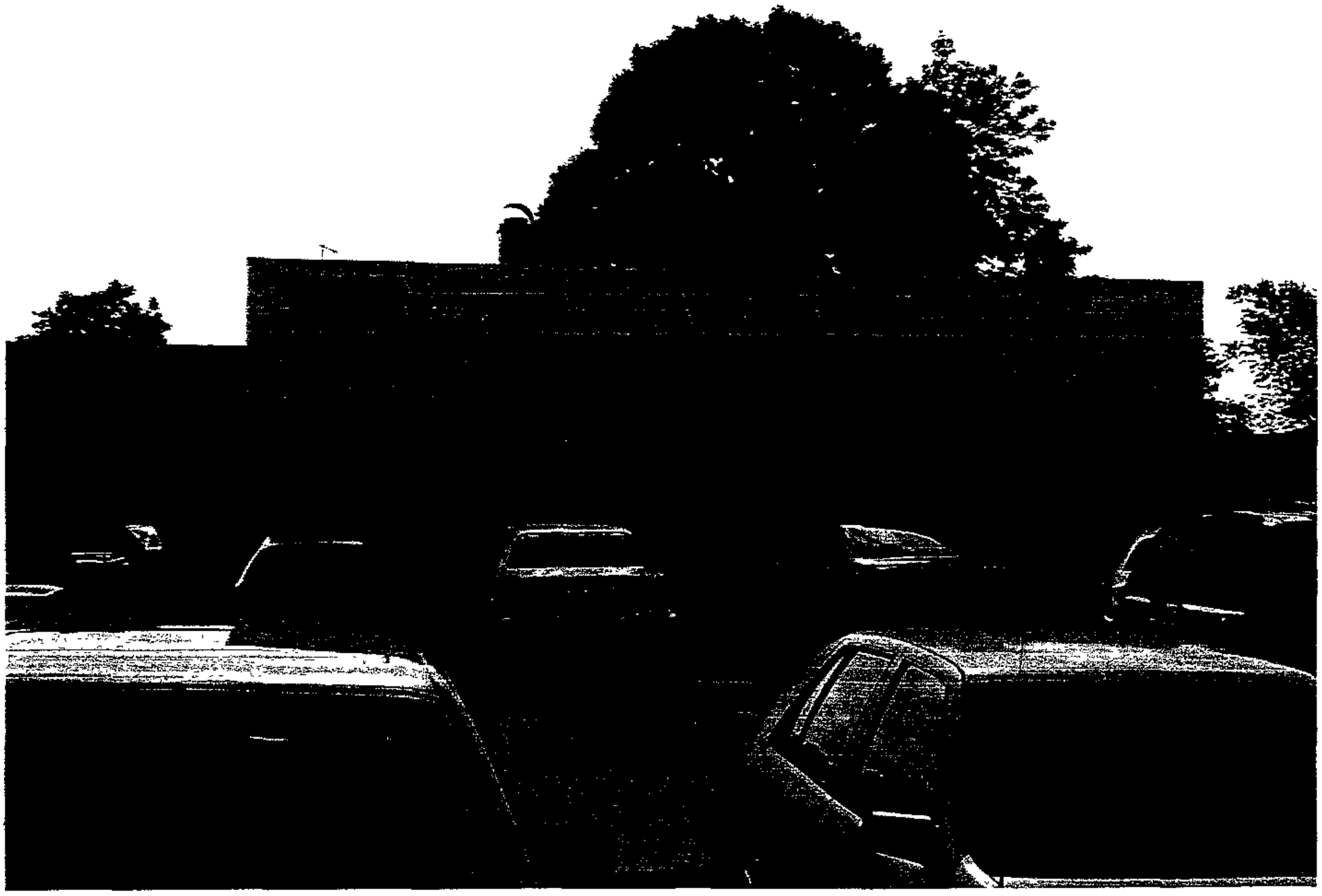
ANDREW M. BATTISTA
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6824
ATTORNEY FOR TRINITY LUTHERAN CHURCH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 3 day of August, 2004, a copy of the foregoing was mailed, postage prepaid, to:

Lawrence M. Hammond, Esquire
Hammond & Hammond, LLC
465 Main Street
P. O. Box 569
Reisterstown, Maryland 21136

ANDREW M. BATTISTA



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 101 MAIN St., REISTERSTOWN
which is presently zoned BL-AS

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 SITE PLAN APPROVED IN ZONING CASE 96-74-X

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.

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

Legal Owner(s):

S & R LLC
Name - Type or Print

Pres
Signature

Name - Type or Print

Signature

101 MAIN St — 410-833-5450
Address — Telephone No.

REISTERSTOWN MD 21136
City — State — Zip Code

Attorney For Petitioner:

Lawrence M. Hammond, Esquire
Name - Type or Print

Signature

Hammond & Hammond, LLC
Company

465 Main STREET — (410) 833-7576
Address — Telephone No.

REISTERSTOWN MD 21136
City — State — Zip Code

Representative to be Contacted:

BARBARA V. REYNOLDS
Name

306 LAUREN HILL COURT — 410-833-2379
Address — Telephone No.

REISTERSTOWN MD 21136
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By GM Date 5/5/04

Case No. 04-510 SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING
Date _____
By _____

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 101 MAIN ST., REISTERSTOWN, 1

which is presently zoned BL-AS

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 pa hereof, hereby petition for a Variance from Section(s) 409.8.A.4 (BCZR)

TO PERMIT PARKING SPACES AS CLOSE AS 0' AND 2.5' TO THE STREET LINE IN LIEU OF THE REQUIRED 10'

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardsh 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 zonir 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

Legal Owner(s):

S + R LLC.

Name - Type or Print

Signature

Name - Type or Print

Signature

101 MAIN St. 410-833-5450

Address Telephone No.

REISTERSTOWN MD 21136

City State Zip Code

Attorney For Petitioner:

Lawrence M. Hammond, Esquire

Name - Type or Print

Signature

Hammond & Hammond, LLC

Company

405 Main Street (410) 833-7576

Address Telephone No.

Reisterstown MD 21136

City State Zip Code

Representative to be Contacted:

BARBARA V. REYNOLDS

Name

306 LAUREN Hill Ct 410-833-2379

Address Telephone No.

REISTERSTOWN MD 21136

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By CTM **Date** 5/5/04

Case No. 04-510-SPHA

ORDER RECEIVED FOR FILING
Date
By

DESCRIPTION OF PROPERTY

101 Main Street, Reisterstown, MD 21136

Beginning at a point on the NE side of Reisterstown Road, Main Street, MD Rt. 140 at a point beginning 17' +/- south of the nearest intersecting street which is East Chatsworth Avenue. Thence the following courses and distances.

N 85 degrees 24',48" E 107.00' to a point S 04 degrees, 21', 12" E 90.00' to a point S 85 degrees, 24' 48" W 107.00' to a point N 04 degrees 21' 12" W 90.00' to the beginning as recorded in deed Liber17307/Folio 586 containing 9,630 s.f. zoned BL – AS.

The property is located on Map 48, Grid 11, Parcel 187 on the Baltimore County Tax Records. It lies in Election District 4 and Councilmanic District 3.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 34534

DATE 5/5/04 ACCOUNT R001 006 6150

AMOUNT $ 650.00

RECEIVED FROM: S & R LLC

FOR: 04-510-SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL	TIME	DRW
5/06/2004 5/05/2004	14:19:40	1

REG USR1 WALKIN JRIC JHR
>>RECEIPT # 105713 5/05/2004 DFLN
Dept: 8 528 ZONING VERIFICATION
CR NO. 034534
Recpt Tot $650.00
$650.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #04-510-SPHA
101 Main Street
N/east side of Reisterstown Road, 17 feet s/of centerline of East Chatsworth
4th Election District
3rd Councilmanic District
Legal Owner(s): S & R, LLC
Variance: to permit parking spaces as close as 0 feet and 2.5 feet to the street line in lieu of the required 10 feet. **Special Hearing:** to amend the site plan in zoning case No. 96-74-X.
Hearing: Thursday, July 8, 2004 at 11:00 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 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.

JT/6/765 June 22 9952

CERTIFICATE OF PUBLICATION

6/25/, 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 6/22/ 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

RE: Case No.: 04-510-SPHA

Petitioner/Developer:

S+R LLC

Date of Hearing/Closing: 7/8/04

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: KRISTEN MATTHEWS

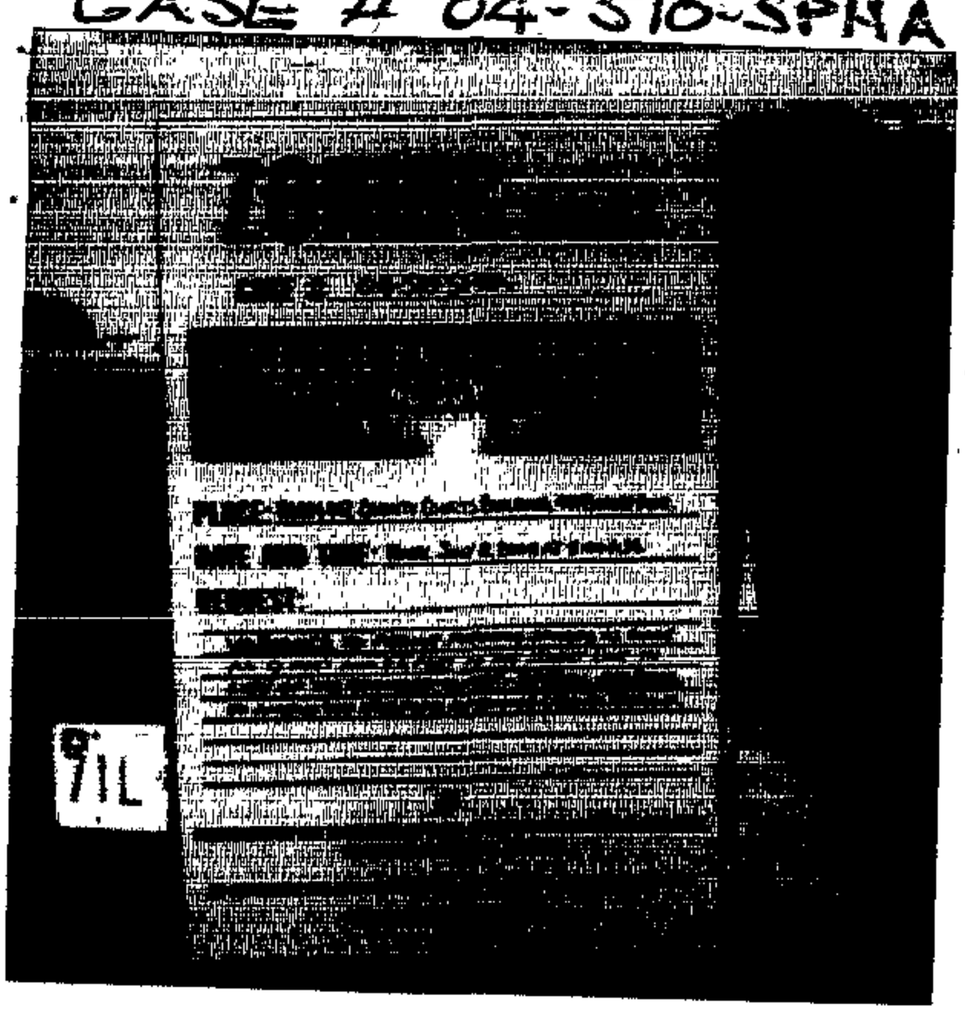
Ladies and Gentlemen:

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

101 MAIN ST.

The sign(s) were posted on 6/23/04
(Month, Day, Year)

CASE # 04-510-SPHA



101 MAIN ST
POSTED 6/23/04
6/23/04

Sincerely,

6/23/04
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(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

Baltimore County

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

May 17, 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: 04-510-SPHA
101 Main Street
N/east side of Reisterstown Road, 17 feet s/of centerline of East Chatsworth
4th Election District – 3rd Councilmanic District
Legal Owner: S & R, LLC

Variance to permit parking spaces as close as 0 feet and 2.5 feet to the street line in lieu of the required 10 feet. Special Hearing to amend the site plan in zoning case No. 96-74-X.

Hearing: Thursday, July 8, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Lawrence Hammond, 465 Main Street, Reisterstown 21136
S & R, LLC, 101 Main St., Reisterstown 21136
Barbara Reynolds, 306 Lauren Hill Court, Reisterstown 21136

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 23, 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.

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 22, 2004 Issue - Jeffersonian

Please forward billing to:
S & R, LLC
101 Main Street
Reisterstown, MD 21136

410-833-5450

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: 04-510-SPHA
101 Main Street
N/east side of Reisterstown Road, 17 feet s/of centerline of East Chatsworth
4th Election District – 3rd Councilmanic District
Legal Owner: S & R, LLC

Variance to permit parking spaces as close as 0 feet and 2.5 feet to the street line in lieu of the required 10 feet. Special Hearing to amend the site plan in zoning case No. 96-74-X.

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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The 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: 04-510-SPHA

Petitioner: S + R, LLC

Address or Location: 101 MAIN STREET, REISTERSTOWN, MD

PLEASE FORWARD ADVERTISING BILL TO:

Name: S + R, LLC

Address: 101 MAIN STREET
REISTERSTOWN, MD 21136

Telephone Number: 410-833-5450

Revised 2/20/98 - SCJ

BYR

PROPERTIES
INC.

Barbara V. Reynolds

development, sales & consulting
MD licensed broker

306 Lauren Hill Court
Reisterstown, Maryland
21136

cell 410-440-3314
Fax 410-833-1814
Phone 410-833-2379

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

June 28, 2004

Lawrence M. Hammond, Esquire
Hammond & Hammond, LLC
465 Main Street
Reisterstown, Maryland 21136

Dear Mr. Hammond:

RE: Case Number:04-510-SPHA, 101 Main Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 5, 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.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
S&R LLC 101 Main Street Reisterstown 21136
Barbara V. Reynolds 306 Lauren Hill Court Reisterstown 21136

Printed on Recycled Paper

Fire Department

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

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

May 18, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: May 18, 2004 (510)

Item No.: 495, 502-511, 513-515, 517

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.

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

Printed on Recycled Paper

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

State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.17.04

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

RE: Baltimore County
Item No. 510 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~~ 140.
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,

K. A. McDonald

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

RECEIVED

DATE: May 20, 2004

JUN - 1 2004

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case 4-493, 4-507, and 4-510**

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: Mark A. Cunningham

Division Chief: Lynn Lochner

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 2, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For May 24, 2004
Item No. 510

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

The developer must dedicate an additional 5 feet of right-of-way along the frontage of Chatsworth Avenue at no cost to Baltimore County.

RWB:CEN:jrb

cc: File

ORDER RECEIVED FOR FILING
Date 6/10/04
By

ZAC-05-24-2004-ITEM NO 510-06022004

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE 101 Main Street; NE/side Reisterstown Road 17' S c/line of E Chatesworth 4th Election & 3rd Councilmanic Districts Legal Owner(s): S&R, LLC Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-510-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.

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 19th day of May, 2004, a copy of the foregoing Entry of Appearance was mailed to Barbara V. Reynolds, 306 Lauren Hill Court, Reisterstown, MD 21136 and Lawrence M. Hammond, Esquire, Hammond & Hammond, LLC, 465 Main Street, Reisterstown, MD 21136, Attorney for Petitioner(s).

RECEIVED
MAY 19 2004
Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME 101 MAIN ST., REISTERSTOWN
CASE NUMBER 04-510-SPHA
DATE 7/8/04

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Rev. Timothy P. Feaser	117 Main St	Reisterstown, MD 21136	pastorfeaser@trinityreisterstown.org
VIRGINIA B. ENSOR	143 MAIN ST.	REISTERSTOWN MD. 21136	
Andrew Bartlett Esq.			
409	Washington Ave., Ste 600	410-296-6827	
	Towson, MD 21204		

PLEASE PRINT CLEARLY

CASE NAME 101 MAIN ST. REISTERSTOWN
CASE NUMBER 04-516-SPHA
DATE 7/8/04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Robert Duvall	765 Thoroughbred Knoll Dr	Westminster Md 21136	
Sean White	1725 Circle Drive	Balto. MD 21227	
Carson Pratt	214 Clarendon Ave	Pikesville Md	
Barbara V. Reynolds	306 Lauren Hill Ct.	Reisterstown	

BCMD.23

BL-AS

N 63,000

BL-CCC

REISTERSTOWN

BL

REISTERSTOWN

N.R.H.D.

BL

PART SHEET

NW 16K

N

W E

S

D.R.3.5

140

BL CCC

M.L.K.

N 62,000

REISTERSTOWN ROAD

(SHEET N.W.-16-J)

BL AS

127

AVE.

CHATSWORTH AVE.

D.R. 3.5

PRIVATE RD.

TRINITY LUTHERAN CHURCH

RO BL

D.R. 3.5

CHATSWORTH

CHATSWORTH

F.M. SCHOOL.

FRANKLIN MIDDLE SCHOOL

ROAD

BL

RO

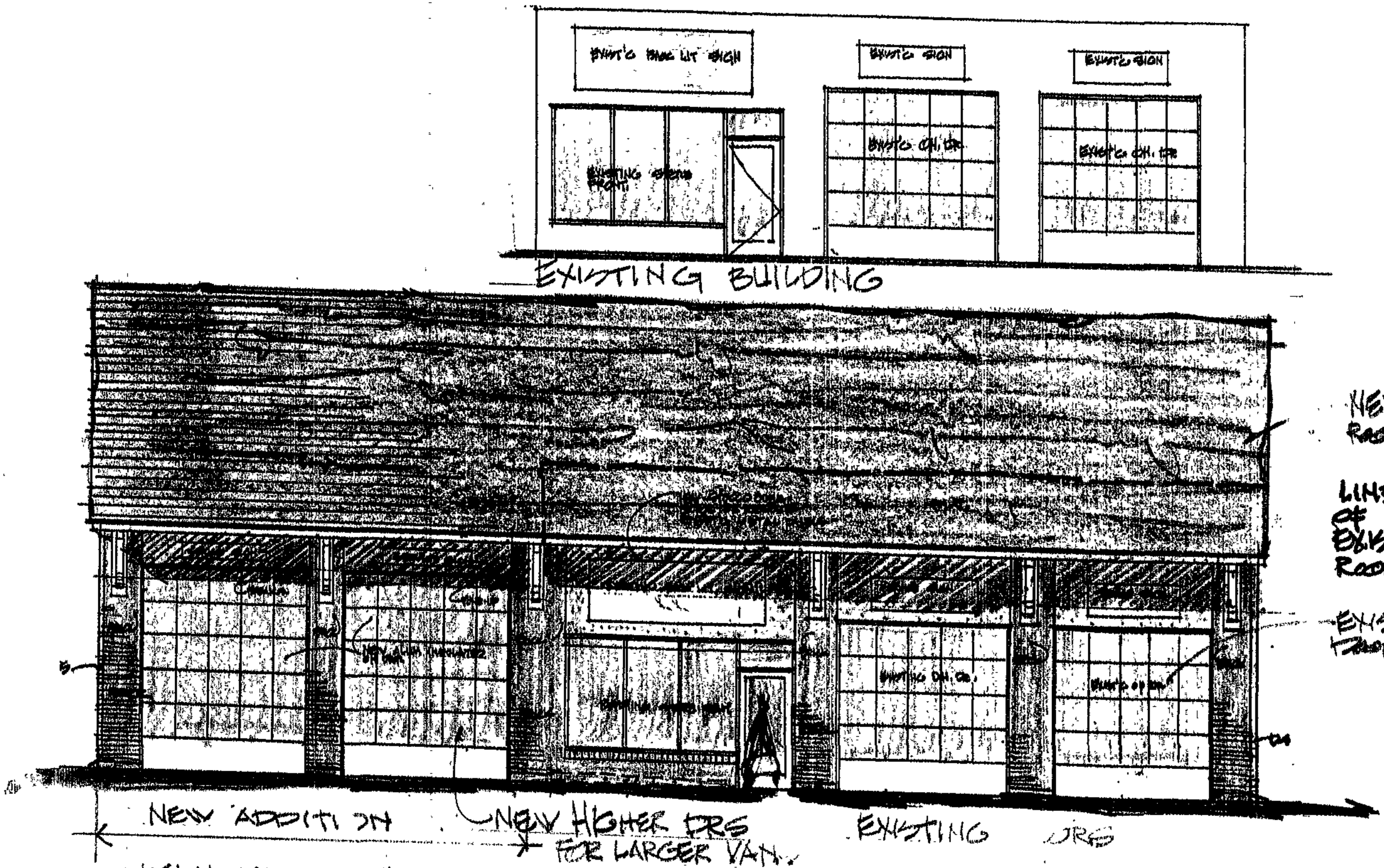
ATHLETIC FIELDS

REISTERSTOWN

PART SHEET NW 16K

N

W E



NEW FRONT ELEVATION

• KEENEY ARCHITECTS •

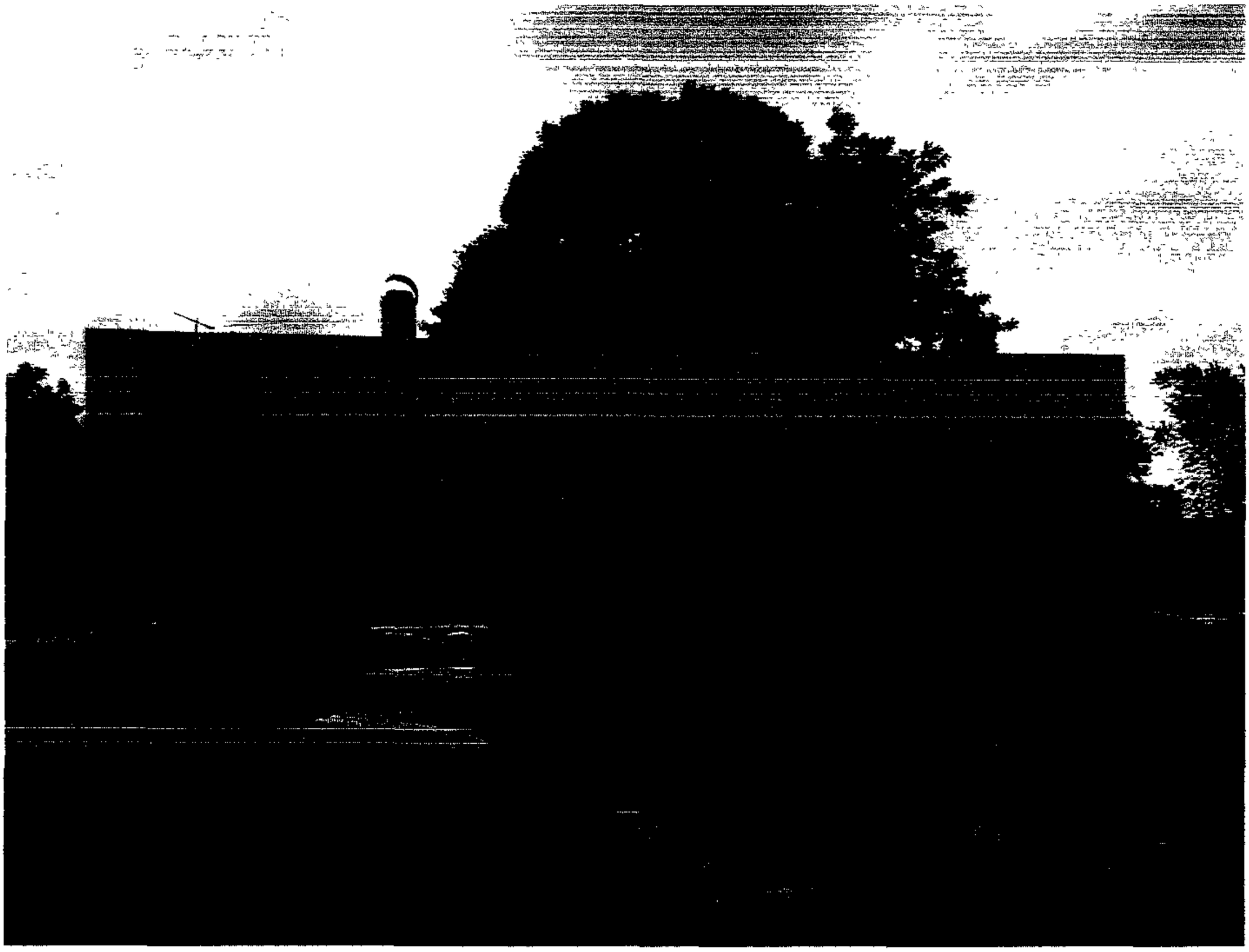
Pet #2

PLAN SHOWING EXISTING & PROPOSED ADDITION

* FRONT ROOF OVER HANGS BRICK FRONT to CAST LARGE SHADOWS
* ASPHALT SHINGLE ROOF IS ABOVE OLD FLAT ROOF

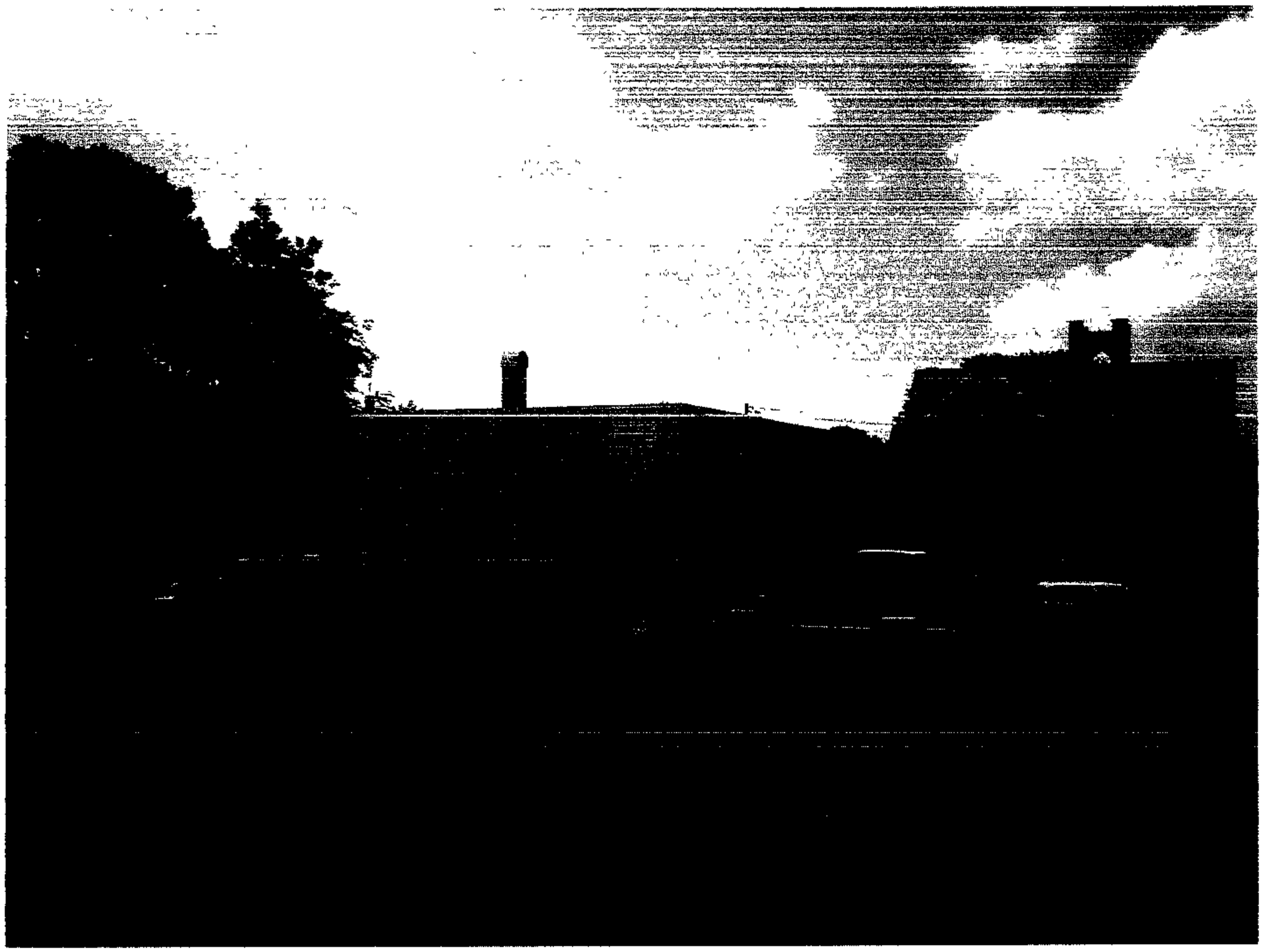
SHEET 1 of 1

7-7-04



Ret #3

Pat 5A



Pit 5B

Pet 6

PRIOR ZONING HEARING
96-74-X

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

... day of November, 1995, that, pursuant to the petition ...

... the Petitioner would be ... property to the original condition.

... improvements to the access points from property to Main Street (Md. Route 140) as ... in the "A" comments offered by the State Highway Administration dated September 15, ... completed prior to the utilization of ... this special exception ... shall be valid for a period of 5 years ... cannot be sold as a ...

... submitted by DEPRM, dated September 25, ... development plans. Approval of all ... permits shall be subject to the ... and approval by DEPRM and the ...

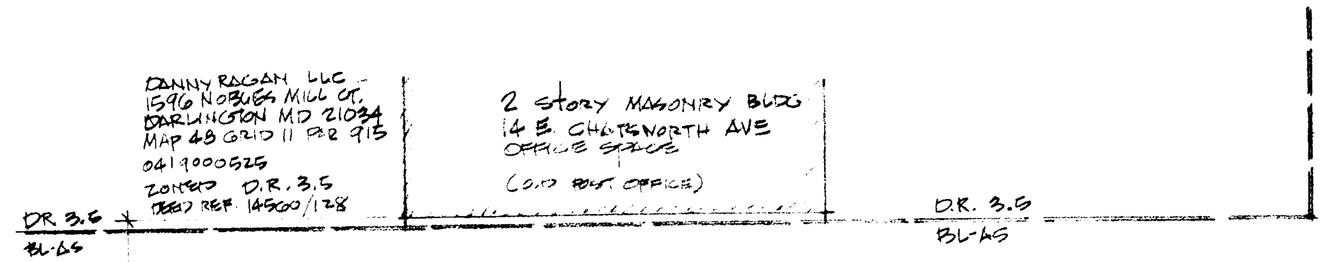
... property shall be landscaped in accordance with the Landscape manual to the extent possible, and consistent with landscape on neighboring properties. If the Petitioner and the County's Landscape Architect cannot agree on an acceptable Landscape Plan, this Zoning Commissioner shall resolve this issue.

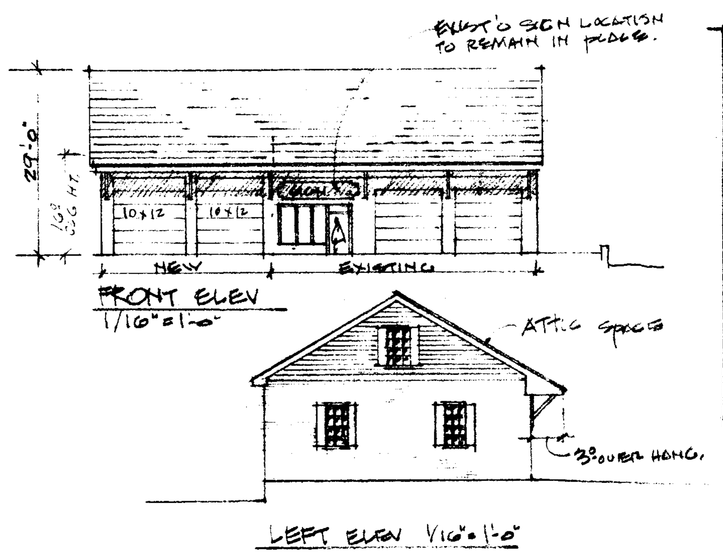
There shall be no painting or body/fender work performed on the property.

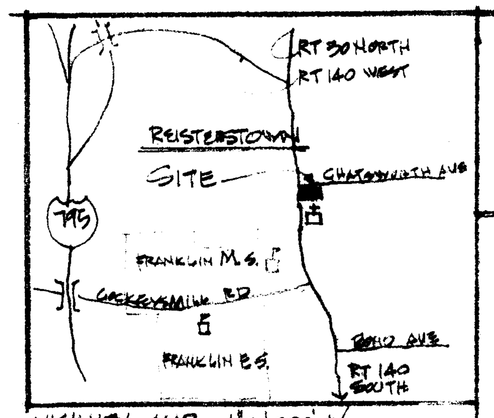
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

10HC BUILDING CO. INC.
85 MAIN STREET
REISTERSTOWN MD 21136
MAP 48 GRID 11 PARC 665
04010 60025
ZONED BL-AS.
DEED REF 664/211

2 STORY FRAME & STONE BLDG.







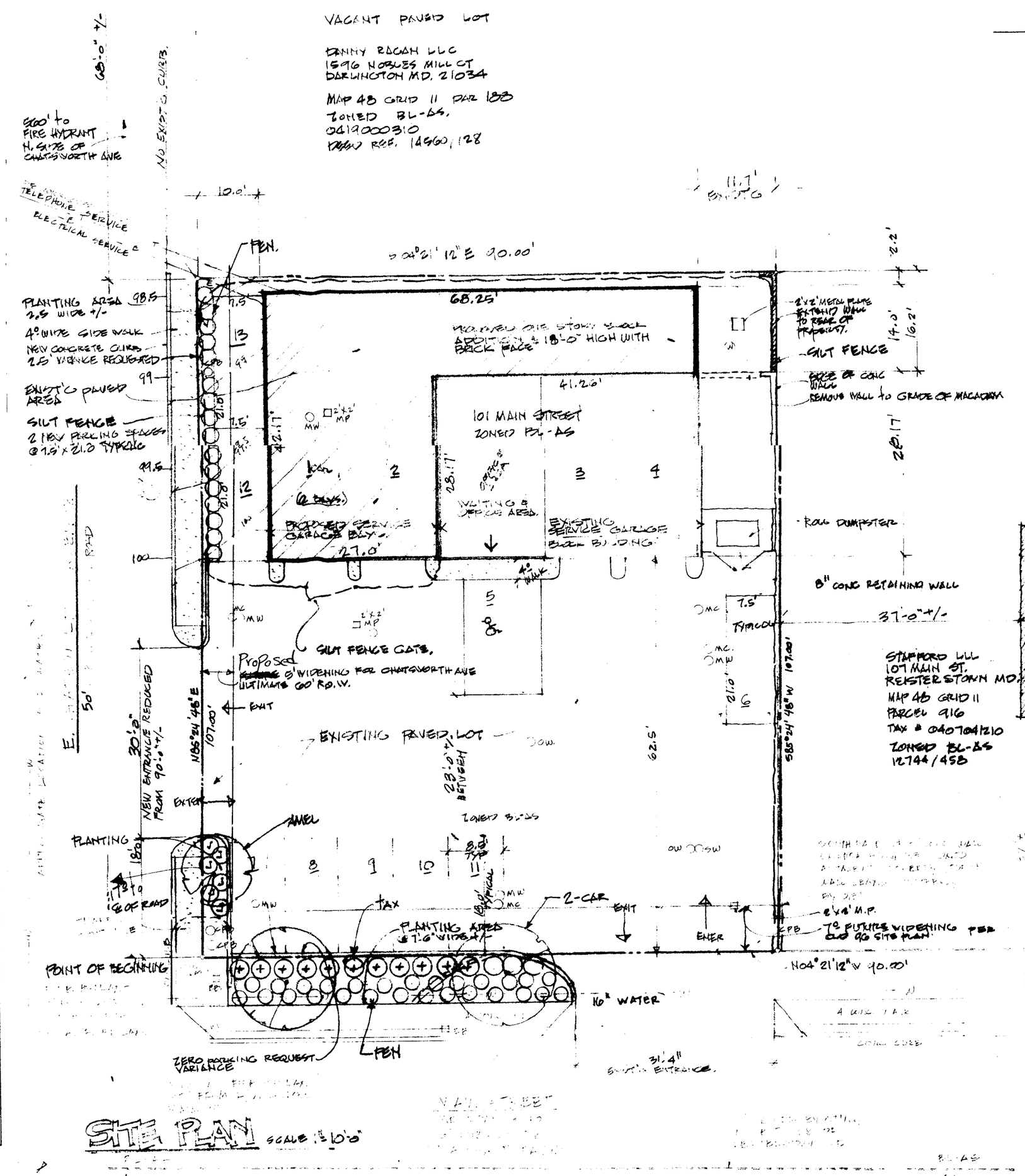
VICINITY MAP 1"=1000' +/-

GENERAL NOTES.

1. ZONING:
   EXISTING BL-AS
   PROPOSED BL-AS
2. LOT AREA: EXISTING GROSS 9,630 SF OR 0.221 ACRE
   EXISTING NET 6,774 SF OR 0.155 ACRE
3. EXISTING USE: SERVICE GARAGE
4. PROPOSED USE: SERVICE GARAGE
5. BUILDING SETBACKS:

	REQUIRED	EXISTING	PROPOSED
FRONT	23.5*	62.5'	62.5'
LEFT	10.0'	37.0'	10.0'
RIGHT - INTERIOR	0	11.7'	11.7'
REAR	0	16.2'	2.2'

   * BASED ON FRONT YARD AVERAGING BCZR 303.2
6. BUILDING AREA EXISTING 1148 SF. PROPOSED 1708 TOTAL 2856 SF.
7. SPECIAL EXCEPTION: FOR SERVICE GARAGE 96-74-X-71 (11-22-95)
8. OWNER 101 MAIN ST.
   S&R LLC
   101 MAIN ST
   REISTERSTOWN 21136
   TAX # 0405077025 LIBER 17307/586
   ZONED B.L.A-S (AUTO SERVICE)
   MAP 48 GRID 11 PARCEL 187
   BUILT IN 1954 +/-
   LOCATED SE. CORNER CHATSWORTH RD.
9. SIGNS: EXISTING BUILDING SIGN SHALL REMAIN IN PLACE. +/-. SIGN IS LOCATED ON FRONT ELEV AS SHOWN ABOVE. THERE IS NO EXISTING OR PROPOSED FREE-STANDING SIGNS. SIGNS SHALL CONFORM TO BCZR SEC 450
10. ZONING MAP NO. NW16K
11. FLOOR AREA RATIO:
    PERMITTED 3.0
    PROPOSED 0.296
12. BUILDING HEIGHT @ 29'-0"
13. ELECTION DISTRICT 4
14. COUNCILMANIC DISTRICT 3
15. UTILITIES: PUBLIC WATER & SEWER
16. PARKING: TYPICAL SPACE 8.5X18
    REQUIRED 3.9 SPACES/1000 SF = 8.6 OR 9 SPACES
    PROPOSED 4 @ SERVICE BAYS + 8 SPACES = TOTAL OF 13 SPACES
17. NO EXTERIOR PARKING LIGHT STANDARDS ON SITE. EXIST'G STREET LIGHTS USED. LIGHTS SHALL REFLECT AWAY FROM STREET.
18. NO NEW GRADING REQUIRED. SITE IS PAVED & ON GRADE
19. DISTURBED AREA FOR PROPOSED BLDG. 2570 SQ.FT.
20. NOT IN A 100-YEAR FLOODPLAIN.
21. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
22. ALL PARKING SHALL BE OF A DURABLE DUSTLESS SURFACE AND PERMANATELY STRIPPED.
23. AMENITY OPEN SPACE NOT REQUIRED
24. SITE IS IN HISTORIC DISTRICT OF REISTERSTOWN BUILDING IS NOT ON M.H.T. INVENTORY.
25. PLANTING AREA TO HAVE 4 FOUNTAIN GRASSES IN MULCHED BED.
26. DEC # 022304C HEARING 2-23-04
27. CASE # FOR VARIANCE & SPECIAL EXCEPTION 04510SPHA



SITE PLAN SCALE: 1"=10'-0"

PLANT LIST	PLANT SIZE
2 - CAR - CARPINUS BETULUS 'FASTIGIATA'	2'-2" CAL.
1 - AMEL - AMELANCHIER CANADENSIS - 8'C - UMP	
SHRUBS.	
11 - TAX - TAXUS MEDIA 'BROWNII'	24" SIZE.
6 - J - JUNIPERUS "GARGENTII"	#3
47 - PEN - PENNISETUM 'ALOPECUROIDES'	#2

Final Landscape Plan
Owner Certification Form

I certify that I have reviewed this Final Landscape Plan; that I am aware of the regulations presented in the Baltimore County Landscape Manual; and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of this approved Final Landscape Plan upon completion of the landscape installation prior to PWA closeout if applicable or not later than one (1) year from the date of approval of this plan to the Department of Permits and Development Management, Development Plans Review, Room 207, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204.

Applicant Signature	4/13/04 Date	Robert Russell Print Name
101 Main St Address (Print)	Street	
Reisterstown City	Md State	21136 Zip
PDM # _____	Permit # _____	

OK RJF 7/8/04

PLAN to ACCOMPANY PETITION for VAIANCE and SPECIAL HEARING.

NORTH

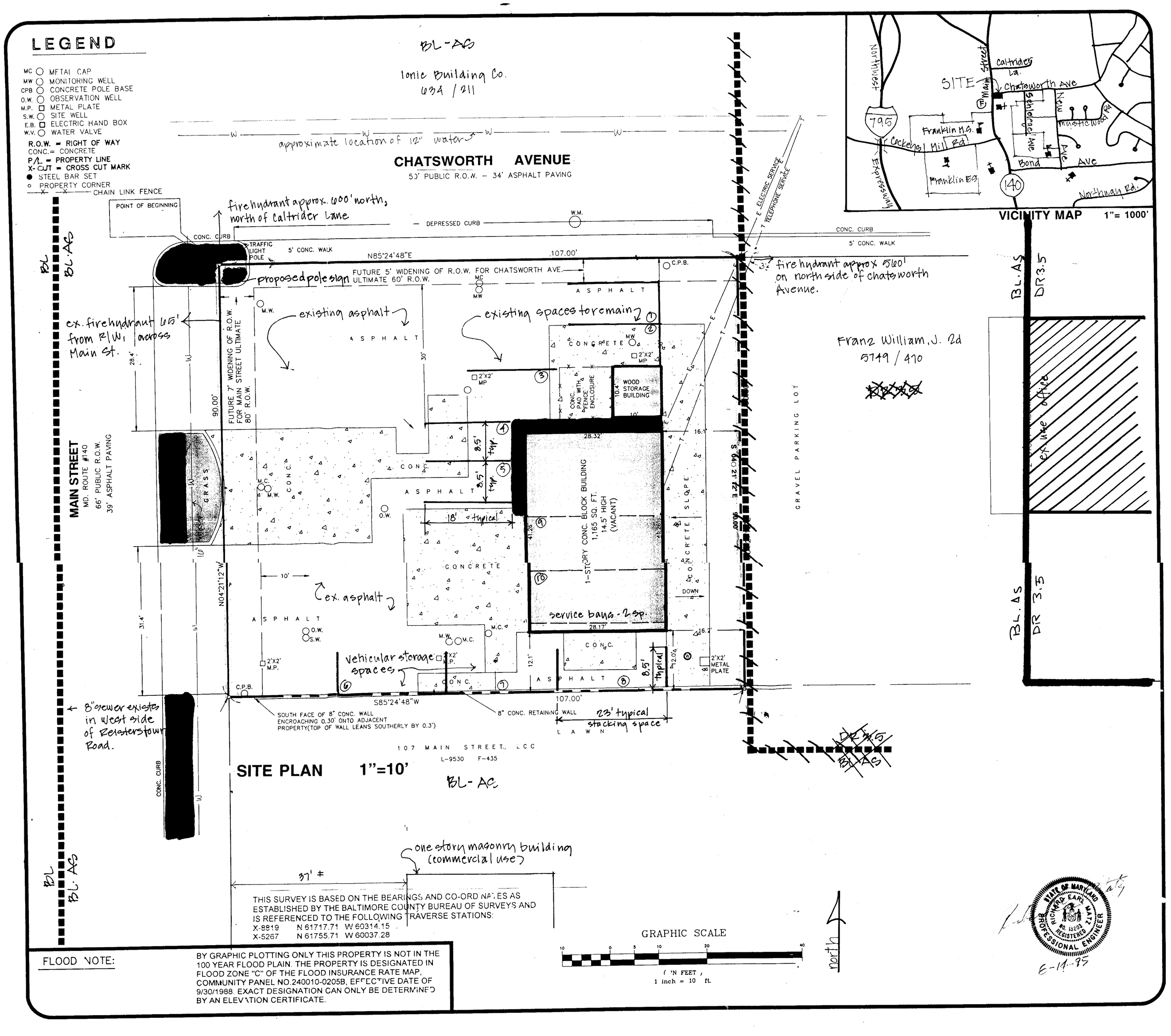
101 MAIN STREET
REISTERSTOWN
BALTIMORE COUNTY, MARYLAND

REVISED 3-31-04
REVISED 4-4-04
REVISED 9-10-04
REVISED 7-7-04

MARYLAND ARCHITECTURAL REGISTRATION BOARD
5003-A
STATE OF MARYLAND

NEWTY ARCHITECTS
WILLIAM W. NEWTY, ARCHITECT, INC.
1906 Emory Road
Reisterstown, Maryland 21136
410-239-2021

1 SITE PLAN	DATE 3-21-04
	1 - 1
JOB NUMBER 1024	4
FILE NAME S&R LLC 101 MAIN ST	



NOTES:

1. ZONING:
   EXISTING - BL-AS
   PROPOSED - BL-AS
2. LOT AREA:
   NET - 9,630 S. F. OR 0.2211 ACRES
   GROSS - 16,100 S.F. OR 0.37 ACRES
3. EXISTING USE: VACANT GAS STATION
4. PROPOSED USE: SERVICE GARAGE
5. BUILDING SETBACKS:

	REQUIRED	PROVIDED
FRONT -	23.5' *	62.5'
INTERIOR SIDE -	0'	12'
REAR -	0'	16.2'

   * BASED UPON FRONT YARD AVERAGING PROVISION (BCZR SECTION 303.2)

   NO NEW DEVELOPMENT, ADDITIONS, ALTERATIONS OR EXPANSION TO EXISTING BUILDING IS PROPOSED
6. BUILDING AREA: 1,165 S. F..
7. PARKING:
   REQUIRED - 3.3 SP/1,000 S.F. = 3.84 = 4 SPACES
   PROPOSED - 5 SPACES + 2 SERVICE BAYS = 7 (PLUS 3 VEHICULAR STORAGE SPACES)
8. UTILITIES:
   SEWER - PUBLIC
   WATER - PUBLIC
9. SPECIAL EXCEPTION: FOR A SERVICE GARAGE PER SECTION 230.13 BCZR
10. ELECTION DISTRICT: 4
11. COUNCILMANIC DISTRICT: 3
12. CENSUS TRACT: 4044.01
13. WATERSHED: 32
14. SUBSEWERSHED: 67
15. DEED REFERENCE: L827, F403
16. PROPERTY ACCOUNT NO.: 04 05 077025
17. TAX MAP 48, GRID 11, PARCEL 187
18. FLOOR AREA RATIO:
    MAXIMUM PERMITTED - 3.0
    PROPOSED - .07
19. HEIGHT OF BUILDING: 14.50 FEET
20. TO THE BEST OF OUR KNOWLEDGE, NO HAZARDOUS MATERIALS OR CRITICAL AREAS EXIST ON THE SITE.
21. AMENITY OPEN SPACE: NOT REQUIRED
22. OUTDOOR LIGHTING WILL BE CUT-OFF FIXTURES WHICH WILL NOT ILLUMINATE ADJACENT PROPERTIES
23. SIGNS: ALL SIGNS TO BE IN CONFORMANCE WITH SECTION 413, BCZR
24. PREVIOUS COMMERCIAL PERMIT: NONE
25. ZONING HEARINGS: NONE
26. ZONING MAP NO.: NW16K
27. ALL OUTDOOR STORAGE OF DAMAGED OR DISABLED MOTOR VEHICLES WILL BE IN ACCORDANCE WITH BCZR 405 A (1) AND A (2)
28. OWNER'S NAME AND ADDRESS: ESSO STANDARD OIL CO.
    P.O. BOX 53
    HOUSTON, TEXAS 77001

DEVELOPER'S EXHIBIT NO. 2

WILLIAM MONK, INC
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS
222 BOSLEY AVENUE, SUITE B-7
TOWSON, MARYLAND 21204
(410) 494-8931

MICROFILMED

PLAT TO ACCOMPANY SPECIAL EXCEPTION APPLICATION

101 MAIN STREET, BALTIMORE COUNTY, MD.

APPLICANT: Stuart Pollack
526 Main Street
Reisterstown, MD. 21136

DATE 8/4/95