IN RE: PETITION FOR SPECIAL EXCEPTION NE/Corner of Bird River Road and Middle River Road 15th Election District 6th Election District (915-D Middle River Road) Norvic, LLC By: Norman I. Sines, Jr. *Petitioners*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-081-X

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Norvic, LLC, by Norman I. Sines, Jr. The Petitioners are requesting a special exception for property located at 915-D Middle River Road in the eastern area of Baltimore County. The special exception request is for a service garage pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to confirm application of Zoning Case No. 97-418-A.

The property was posted with Notice of Hearing on September 27, 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 September 28, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

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

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

A. Be detrimental to the health, safety or general welfare of the locality involved;
B. Tend to create congestion in roads, streets or alleys therein;
C. Create a potential hazard from fire, panic or other danger;
D. Tend to overcrowd land and cause undue concentration of population;

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Date 10/13/04
By

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

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the variance and special exception requests were Angel Gonzales and Norman Sines, Jr. Petitioner. Alfred L. Brennan, Jr., Esquire represented the Petitioners. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Brennan proffered that the property, which is the subject of this request for special exception, is the ML-IM a portion of the property which was the subject of a prior side and rear yard setback variance Case No. 97-418-A. The subject property is outlined in yellow highlighter on Petitioner's Exhibit No. 2. It includes the existing Charm City Cycle Shop and 25 parking spaces. The existing shop sells motorcycle parts and clothing in the front of the shop and rebuilds and custom manufactures cycles in the rear of the shop. All this is done according to the ML-IM regulations.

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By

What the shop can not do is to change a customer's oil, replace transmission fluids, etc. It can not perform customary maintenance on customers' vehicles because it is not zoned for such service. Mr. Brennan proffered that the Petitioner's request for special exception was authorized by Section 253.B.3 as an auxiliary service use in an IM district. Ms. Gonzales, who represented the shop, indicated that many of her customers come from the several industrial parks and centers in the area. Waste fluids would be picked up by Waste Management and disposed of appropriately.

The subject property is located in a bay of a larger building which is leased to other tenants such as a day care center. Mr. Sines, who represented the landlord, indicated that he understood that the special exception if granted would bind the property even if the present tenant, Charm City Cycle moved out. He noted that overall the center had an abundance of parking in that they provided 218 spaces while only 183 parking spaces were required. Consequently, he indicated that dedicating 25 parking spaces to this clients' special exception was no problem. He also noted that the cycle shop had been operating in that space without experiencing problems either from the church or day care center.

Mr. Brennan indicated that granting the special exception would not adversely affect the community and met all of the criteria given in Section 502.1 of the B.C.Z.R.

Findings of Fact and Conclusions of Law

This is an existing cycle shop that can assemble motorcycles but can not change a customer's oil. This request is a minor extension of the existing uses in a heavily industrial area. I find that the proposed use would primarily serve the industrial uses in the area. I also find that the special exception for a service garage as shown on Petitioners' Exhibit No. 2 will

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Date 12/13/04
By

not endanger the health, safety and welfare of the community and that there will be no detriment to the area considering each of the criteria listed under Section 502.1 of the B.C.Z.R

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request and request for special exception should be granted.

THEREFORE, IT IS ORDERED, this 13th day of October, 2004, by the Deputy Zoning Commissioner, that the Petitioners' special exception request for a service garage pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to confirm application of Zoning Case No. 97-418-A, 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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

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Date 10/13/04
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

October 13, 2004

Alfred I. Brennan, Jr., Esquire
Brennan and Brennan
825 Eastern Boulevard
Baltimore, Maryland 21221

Re: Petition for Special Exception
Case No. 05-081-X
Property: 915-D Middle River Road

Dear Mr. Brennan:

Enclosed please find the decision rendered in the above-captioned case. The petition for special exception has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits 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

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Angel M. Gonzales, 9150 Middle River Road, Baltimore, MD 21220
Norman I. Sines, Jr., 7126 Greenbank Road, Baltimore, MD 21220

Printed on Recycled Paper

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 915 D Middle River Road

which is presently zoned ML - IM / BL

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A service garage per Section 253.2.B.3 And to confirm application of Zoning Case # 97-418A

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

ALFRED L. BRENNAN, JR.
Name - Type or Print

Signature

BRENNAN AND BRENNAN, ATTORNEYS AT LAW, P.A.
Company

825 Eastern Boulevard — (410) 687-3434
Address — Telephone No.

Baltimore, Maryland 21221
City — State — Zip Code

Legal Owner(s):

NORVIC, LLC
Name - Type or Print

Signature

NORMAN I. SINES, JR.
Name - Type or Print

Signature

7126 Greenbank Road — (410) 335-9530
Address — Telephone No.

Baltimore, Maryland 21220
City — State — Zip Code

Representative to be Contacted:

NORMAN I. SINES, JR.
Name

7126 Greenbank Road — (410) 335-9530
Address — Telephone No.

Baltimore, Maryland 21220
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JF **Date** 8/11/04

Case No. 05-081-X

REV 09/15/98

Richardson Engineering, LLC

730 W. Padonia Road, Suite 101
Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

ZONING DESCRIPTION
CHARM CITY CYCLE, LLC LEASE AREA
915 D MIDDLE RIVER ROAD
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the front face of the existing building at a distance of 427± feet east of Middle River Road along Bird River Road and approximately 232 feet north of the northern right of way of Bird River Road, thence running and binding on the front face of the existing building, (1) North 46 degrees 01 minutes 46 seconds West 21.94 feet, thence running through the building along a party wall to the back of the building, (2) North 43 degrees 58 minutes 14 seconds East 152.00 feet, (3) South 46 degrees 01 minutes 46 seconds East 17.44 feet, (4) North 43 degrees 58 minutes 14 seconds East 46.95 feet, (5) North 45 degrees 00 minutes 12 seconds West 50.19 feet, (6) South 43 degrees 58 minutes 14 seconds West 20.34 feet, (7) South 50 degrees 33 minutes 03 seconds West 13.09 feet, thence along a party wall through the building back to the front side, (8) South 43 degrees 58 minutes 14 seconds West 198.81 feet, (9) North 46 degrees 14 minutes 01 seconds West 26.10 feet, (10) South 73 degrees 32 minutes 03 seconds West 86.92 feet, (11) South 16 degrees 27 minutes 57 seconds East 60.00 feet, (12) North 73 degrees 32 minutes 03 seconds East 107.42 feet, (13) South 46 degrees 14 minutes 01 seconds East 19.99 feet, (14) North 43 degrees 58 minutes 14 seconds East 44.10 feet to the point of beginning;

Containing a net area of 15,870 square feet, or 0.364 acres of land, more or less.

STATE OF MARYLAND
RICHARDSON
REGISTERED
PROFESSIONAL ENGINEER

7/9/04

081

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39775

DATE 8-11-04 ACCOUNT 001-006-6150

AMOUNT $ 380.00

RECEIVED FROM: BRENNAN
015 O Middle River Rd. ITEM # 081

FOR: Special Exception

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
8/11/2004	8/11/2004	09:26:08	9

SED W604 WALKIN KPWR KEP
>RECEIPT # 276193 8/11/2004 OFLN
Dept 5 520 ZONING VERIFICATION
CR NO. 039775
Recpt Tot $380.00
$380.00 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: #05-081-X
915 D Middle River Road
NE/corner of Bird River Road and Middle River Road
11th Election District
5th Councilmanic District
Legal Owner(s): Norvic, LLC, Norman I. Sines, Jr.
Special Exception: to permit a service garage and to confirm application of Zoning Case #97-418-A.
Hearing: Tuesday, October 12, 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 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/9770 Sept. 28 23497

CERTIFICATE OF PUBLICATION

9/29/, 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 9/28/, 2004.

- [X] 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.: 05-081-X

Petitioner/Developer: NORVIC, LLC

NORMAN I SINES JR.

Date of Hearing/Closing: Oct 12, 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}

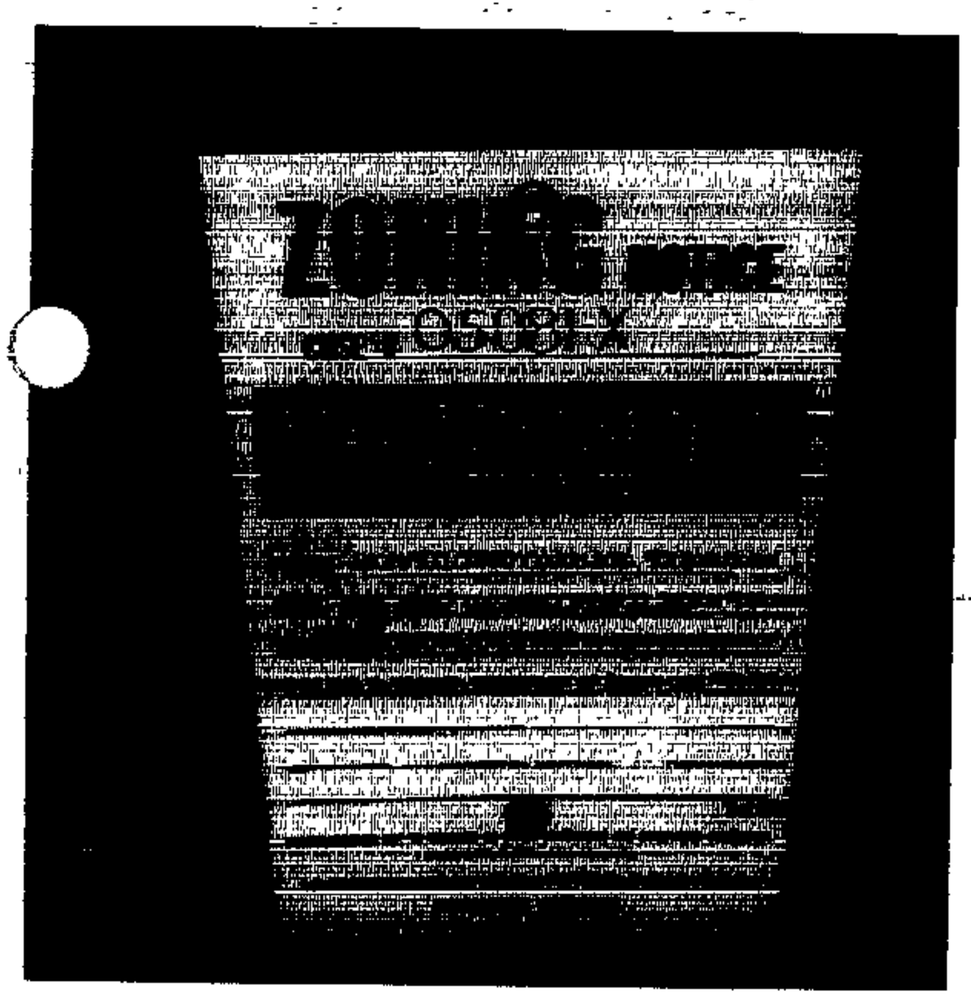
Ladies and Gentlemen:

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:

915 D MIDDLE RIVER RD

The sign(s) were posted on 9/27/04
(Month, Day, Year)

Sincerely,



Robert Black 9/29/04
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

RECEIVED
SEP 30 2004
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 28, 2004 Issue - Jeffersonian

Please forward billing to:
Alfred Brennan, Jr.
825 Eastern Blvd.
Baltimore, MD 21221

410-682-3434

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: 05-081-X
915 D Middle River Road
NE/corner of Bird River Road and Middle River Road
11th Election District – 5th Councilmanic District
Legal Owner: Norvic, LLC, Norman I. Sines, Jr.

Special Exception to permit a service garage and to confirm application of Zoning Case #97-418-A.

Hearing: Tuesday, October 12, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

August 13, 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: 05-081-X
915 D Middle River Road
NE/corner of Bird River Road and Middle River Road
11th Election District – 5th Councilmanic District
Legal Owner: Norvic, LLC, Norman I. Sines, Jr.

Special Exception to permit a service garage and to confirm application of Zoning Case #97-418-A.

Hearing: Tuesday, October 12, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Alfred Brennan, Jr., 825 Eastern Blvd., Baltimore 21221
Norman Sines, Jr., 7126 Greenbank Road, Baltimore 21220

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 27, 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.

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID

For Newspaper Advertising

Item Number or Case Number: 05-081-X

Petitioner: Norvic, LLC

Address or Location: 915 D Middle River Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Alfred L. Brennan, Jr.

Address: 825 Eastern Blvd
Baltimore, Md. 21221

Telephone Number: 410-687-3434

Department of Permits and Development Management

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

Baltimore County

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

October 4, 2004

Alfred Brennan, Jr.
Brennan & Brennan, Attorneys at Law
825 Eastern Blvd.
Baltimore, Maryland 21221

Dear Mr. Brennan:

RE: Case Number:05-081-X, 915 D Middle River Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 11, 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
Norvic, LLC. Norman I. Sines, Jr. 7126 Greenbank Road Baltimore 21220

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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

August 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 16, 2004

Item No.: 081

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 1, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For August 23, 2004
Item Nos. 061, 062, 063, 064, 065,
066, 067, 068, 069, 070, 072, 074, 075,
076, 077, 079, 080, and 081

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: September 3, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 16, 2004

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

05-061
04-062
04-063
04-065
04-067
04-068
04-069
04-071
04-072
04-077
04-079
04-080
04-081

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 2, 2004

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-081**

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: Lyn Lanham

MAC/LL

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

SHA
State Highway Administration
Maryland Department of Transportation

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

Date: 8.13.04

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

RE: Baltimore County
Item No. 081 JRF

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

S. F. Foster

Steven D. Foster, Acting Chief
Engineering Access Permits Division

RE:	PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
	915 D Middle River Road; NE corner of		
	Bird River Road and Middle River Road	*	ZONING COMMISSIONER
	11th Election & 5th Councilmanic Districts		
	Legal Owner(s): Norman I Sines, Jr.	*	FOR
	Norvic, LLC		
	Petitioner(s)	*	BALTIMORE COUNTY
		*	05-081-X

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and 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 August, 2004, a copy of the foregoing Entry of Appearance was mailed Norman I Sines, Jr, 7126 Greenback Road, Baltimore, MD 21220 and Alfred L Brennan, Jr, Brennan & Brennan, Attorneys at Law, P.A., 825 Eastern Boulevard, Baltimore, MD 21221, Attorney for Petitioner(s).

RECEIVED
AUG 19 2004
Per.....

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

418

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 915 Middle River Road, Baltimore, Md. 21220

which is presently zoned ML-IM, BL

91-418-A

This Petition shall be filed with the Office of Zoning Administration & 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)

Variance requested to Section 255.2 BCZR to permit Side/Rear Setbacks of 5 feet in lie of the required 50 feet.

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

Existing building's relationship to property line and recent changes in zoning to ajacent property creates a situation where needed improvement to the building cannot be made with out the variance. There is a desire to enclose existing refuse area.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County 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:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

(Type or Print Name)

Louis Hampton
Signature

(Type or Print Name)

Signature

Attorney for Petitioner:

John B. Gontrum
(Type or Print Name)

Signature

314 Eastern Boulvard, ~~1~~-410-686-8274
Address Phone No.

Essex, Md. 21221
City State Zipcode

915 Middle River Road, B 686-7034
Address Phone No.

Baltimore, Maryland 21220
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2HR

unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER

REVIEWED BY: DATE 3/27/97

UNTIL RECEIVED FOR FILING

Date 3/27/97

By

Printed with Soybean Ink on Recycled Paper

Zoning Administration & Development Management

IN RE: PETITION FOR VARIANCE NE/Corner Middle River Road and Bird River Road (915 Middle River Road) 15th Election District 5th Councilmanic District Louie Hampton Petitioner	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 97-418-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 915 Middle River Road, located in the vicinity of Bird River Road in Middle River. The Petition was filed by the owner of the property, Louie Hampton, through his attorney, John B. Gontrum, Esquire. The Petitioner seeks relief from Section 255.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side/rear setbacks of 5 feet each in lieu of the minimum required 50 feet for a proposed 6,300 sq.ft., one-story addition to an existing building. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was John B. Gontrum, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is part of a larger tract of land that has been split into three separate parcels, identified as Parcels 284, 134, and 542 on the site plan. When combined, the entire tract of land consists of a gross area of 5.79 acres, more or less, and is split zoned M.L.-I.M. and B.L. The subject of this Petition is Parcel 134, which is an irregular shaped parcel, containing a

ORDER RECEIVED FOR FILING
Date 3/29/97
By

PLEASE PRINT CLEARLY

CASE NAME 915-D Middle River Rd.
CASE NUMBER 05-081-X
DATE 10/12/04

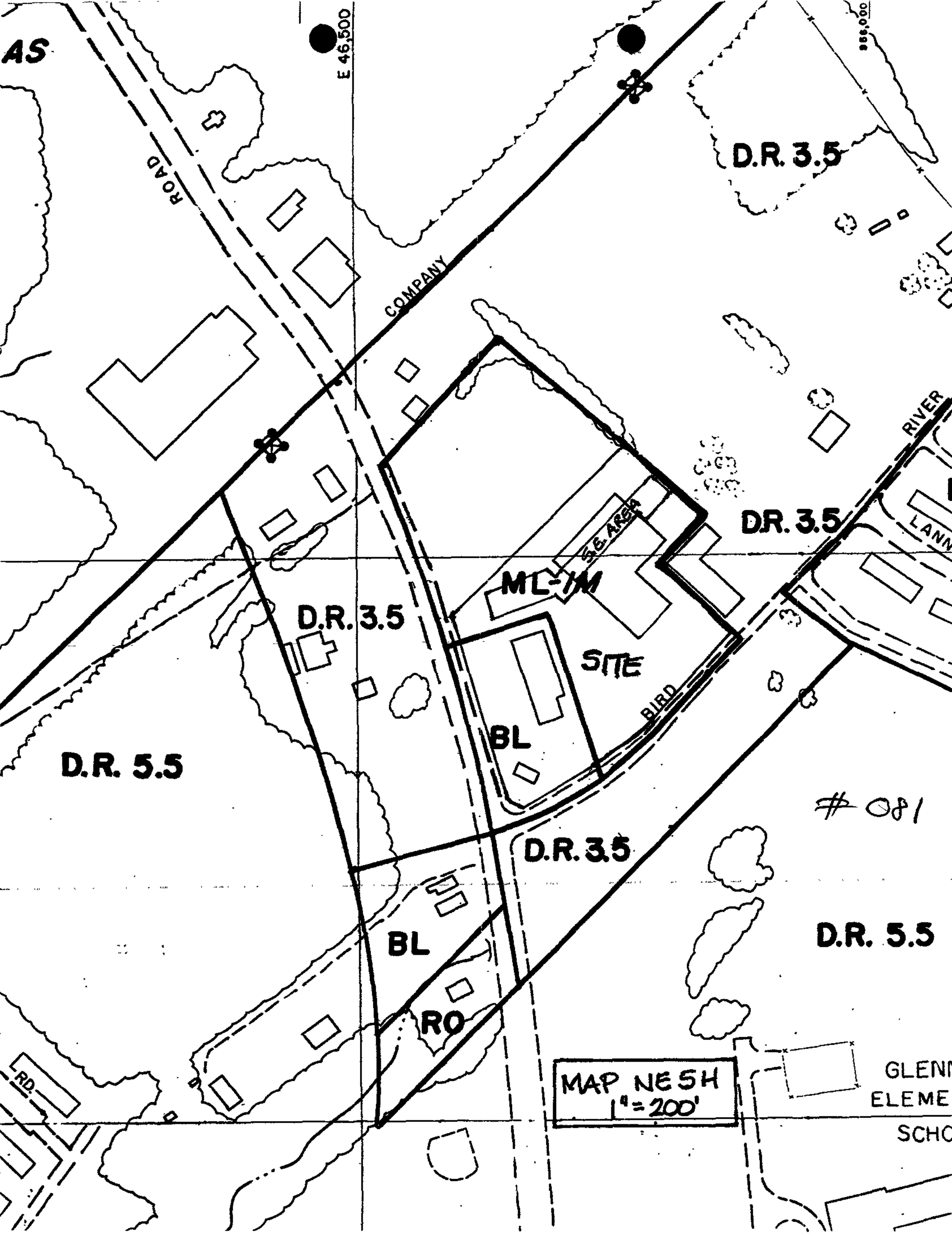
PETITIONER'S SIGN-IN SHEET

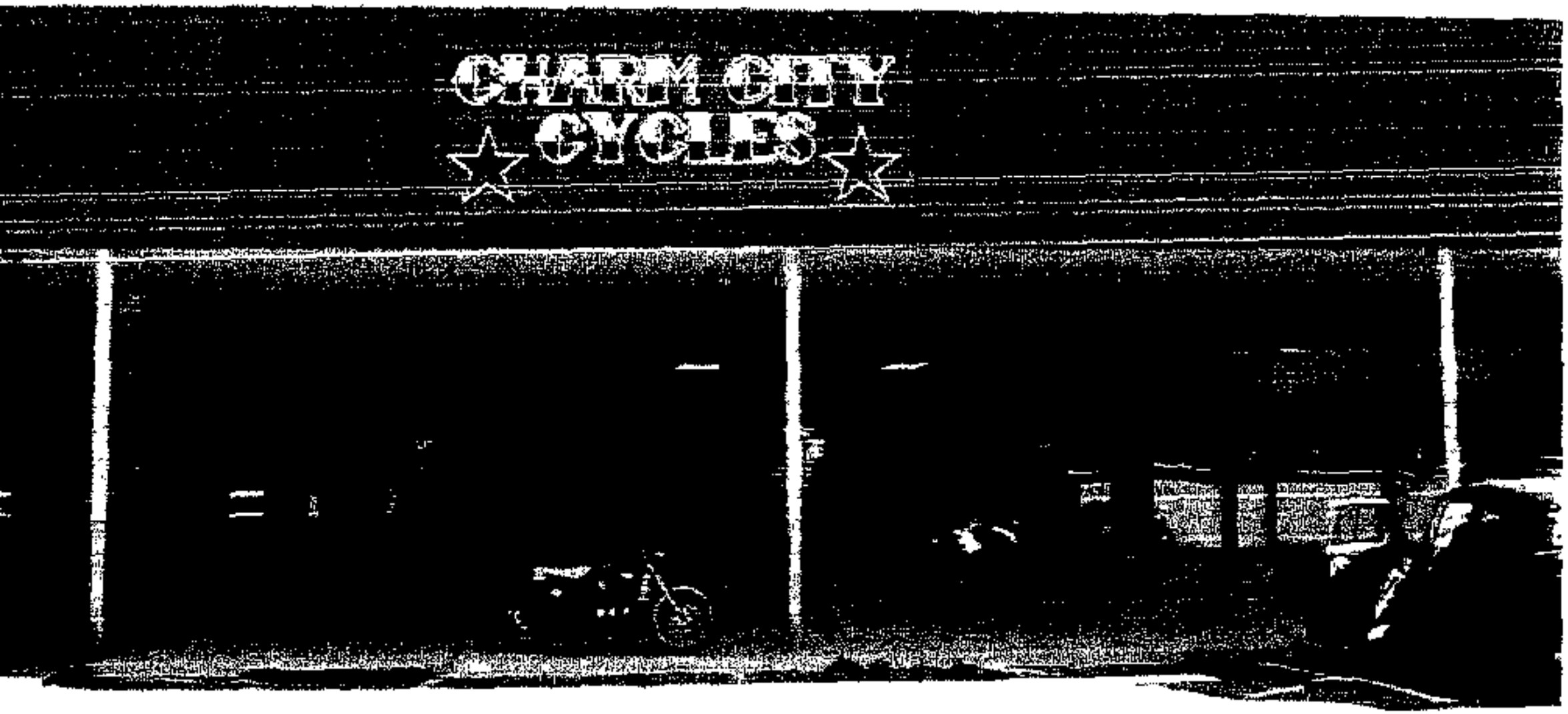
NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Alfred L. Brennan, Jr.	825 Eastern Blvd	Baltimore, Md. 21221	Alb@brennanlawyers.com
Angel M. Gonzales	915D Middle River Road	Baltimore MD 21220	charmcitycycles@comcast.net
Norman I. Sines, Jr.	7126 Greenbank Rd.	Baltimore, Md. 21220	vds43@AOL.com

Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

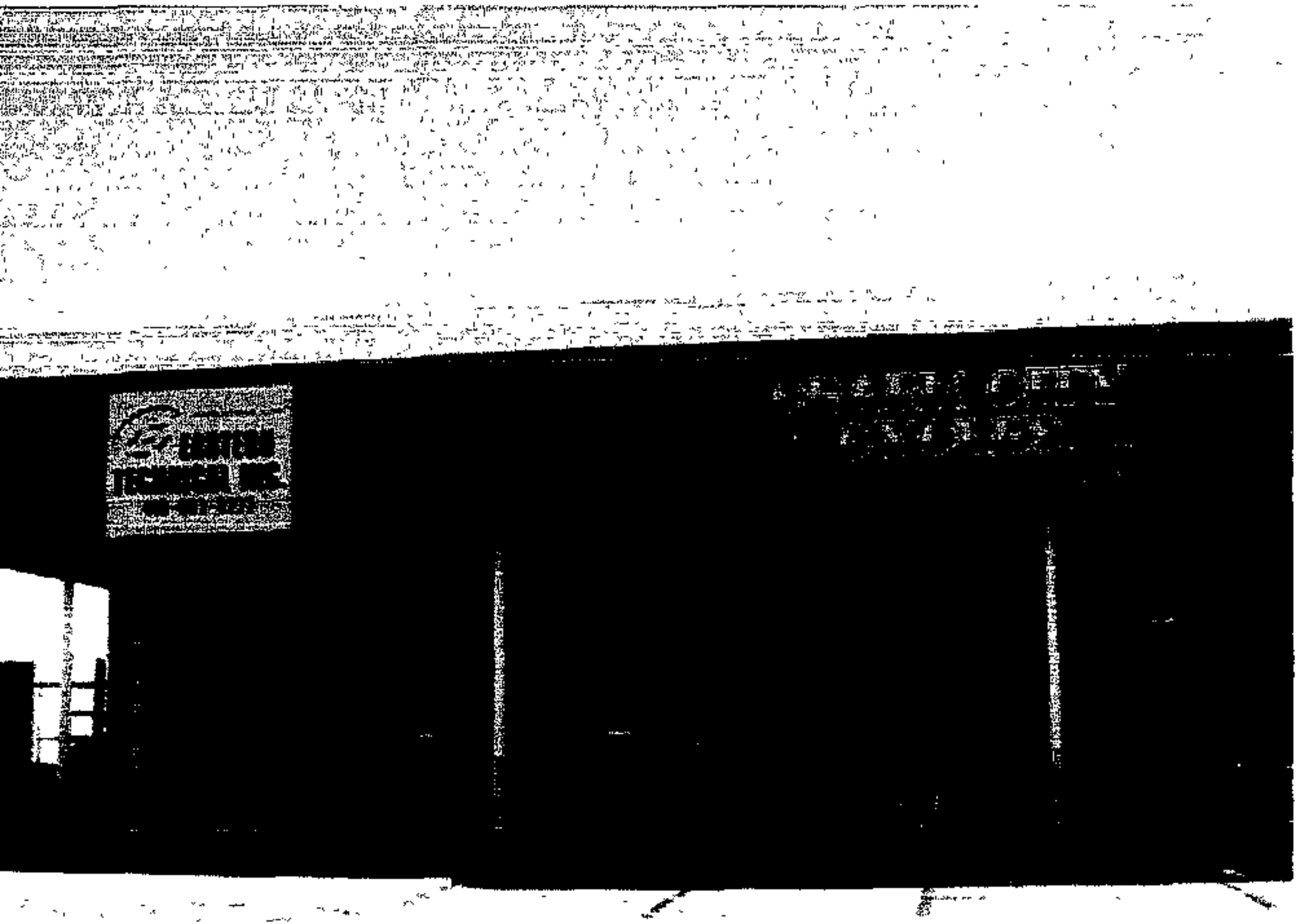
#

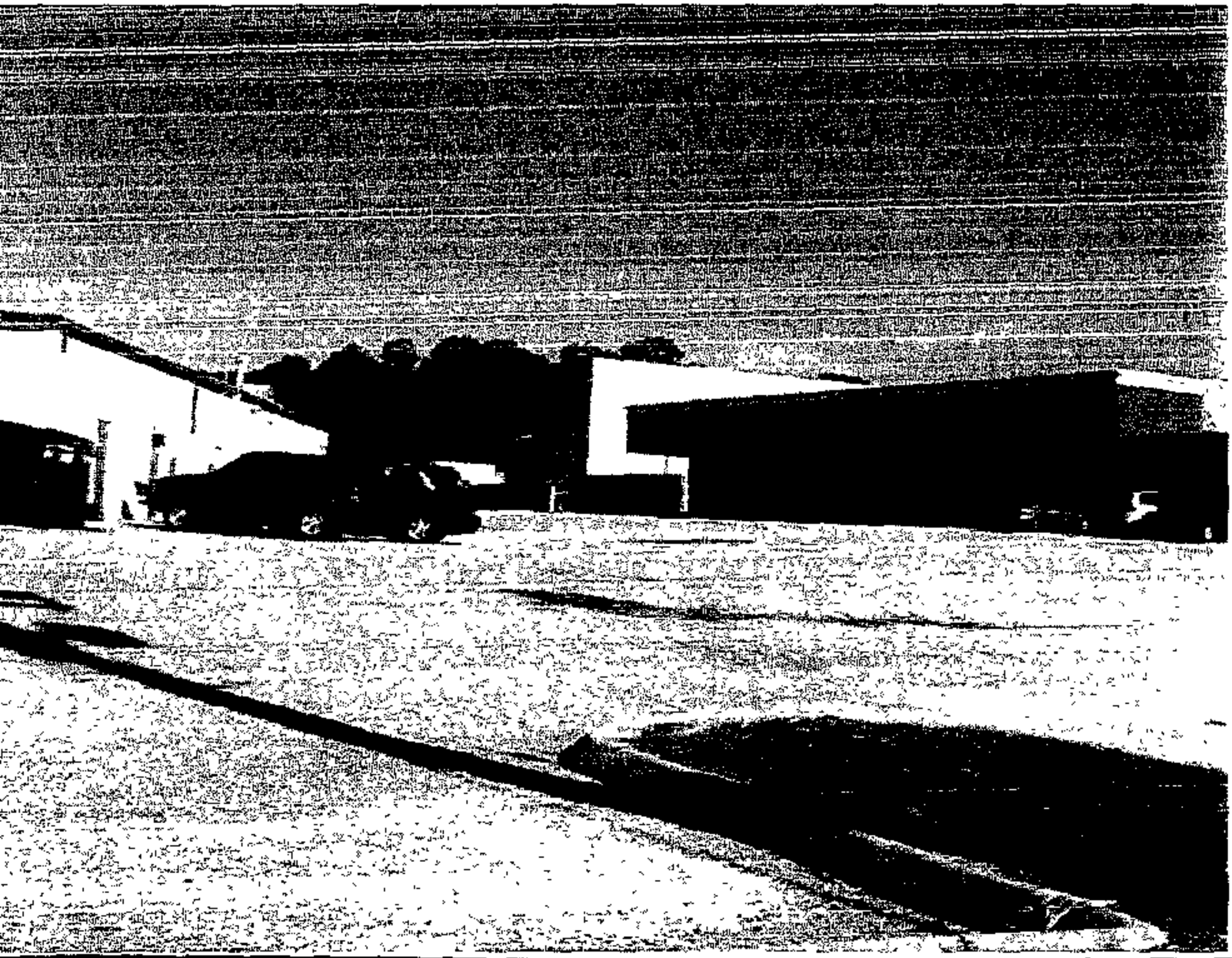
95-081-X
Petitioner


AS
E 46,500
ROAD
COMPANY
D.R. 3.5
D.R. 3.5
RIVER
LANN
S.E. AREA
ML-1M
D.R. 3.5
SITE
BIRD
BL
D.R. 5.5
#081
D.R. 3.5
BL
D.R. 5.5
RO
RD.
MAP NE 5H
1" = 200'
GLENN
ELEME
SCHO


CHARM CITY
CYCLES

3K





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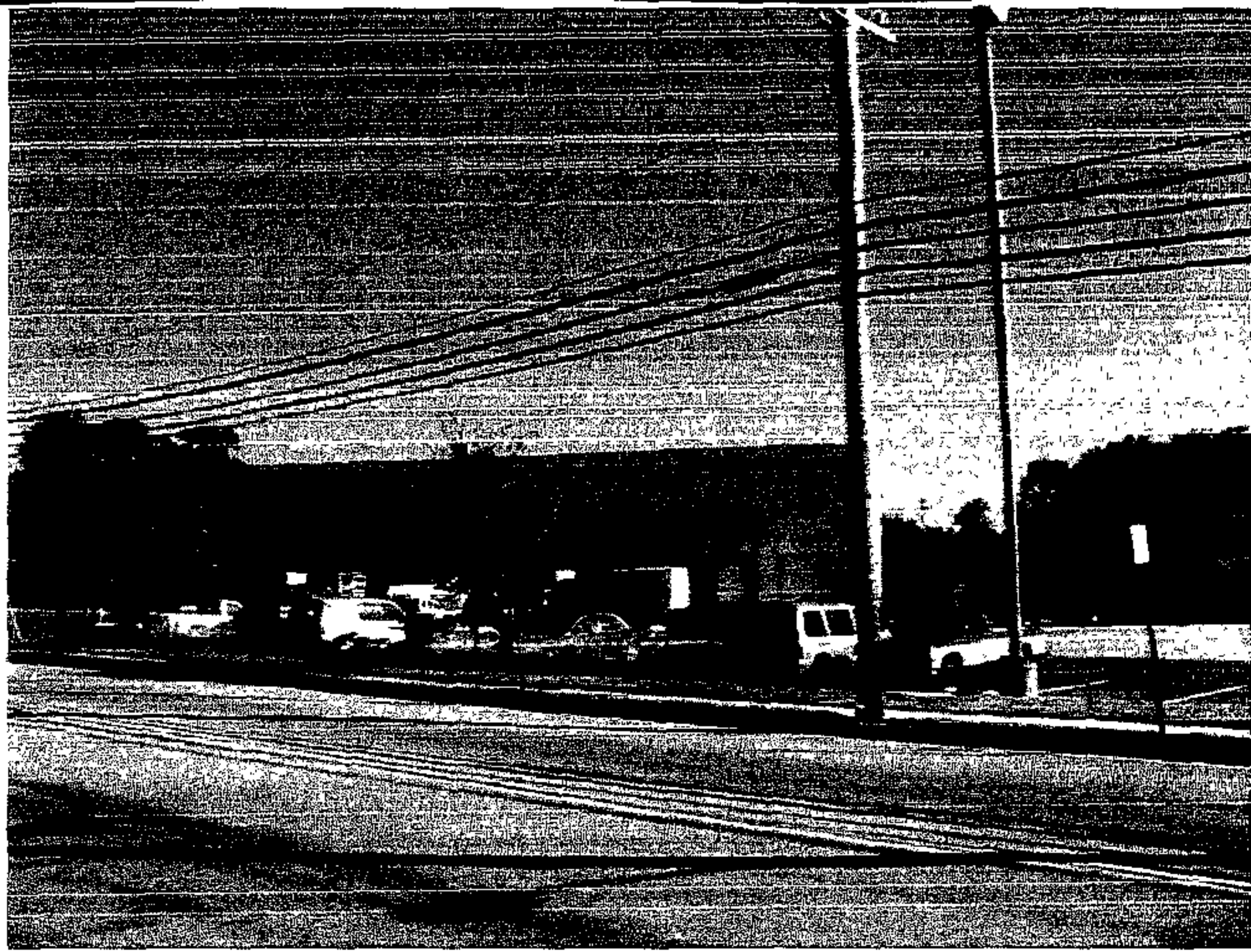

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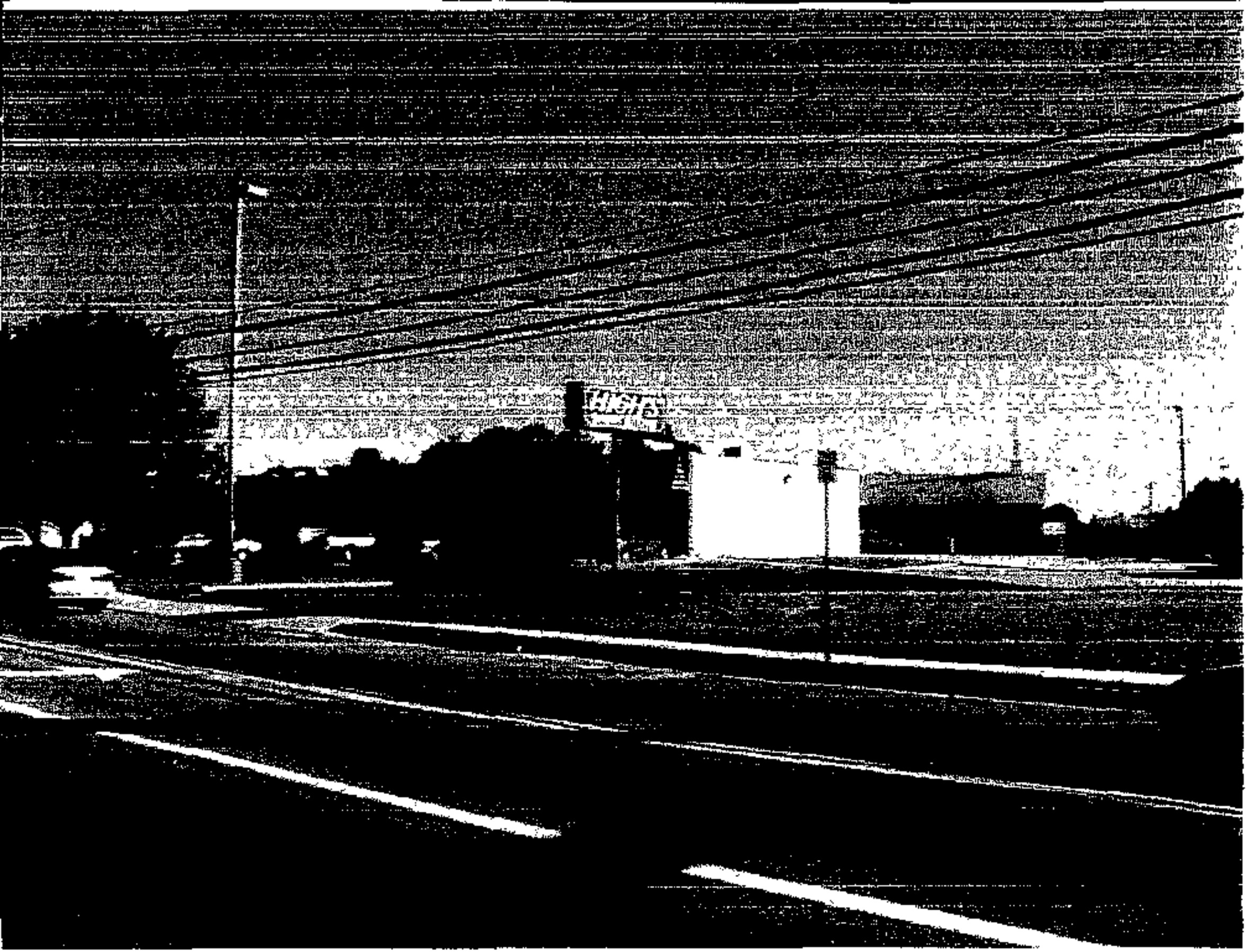

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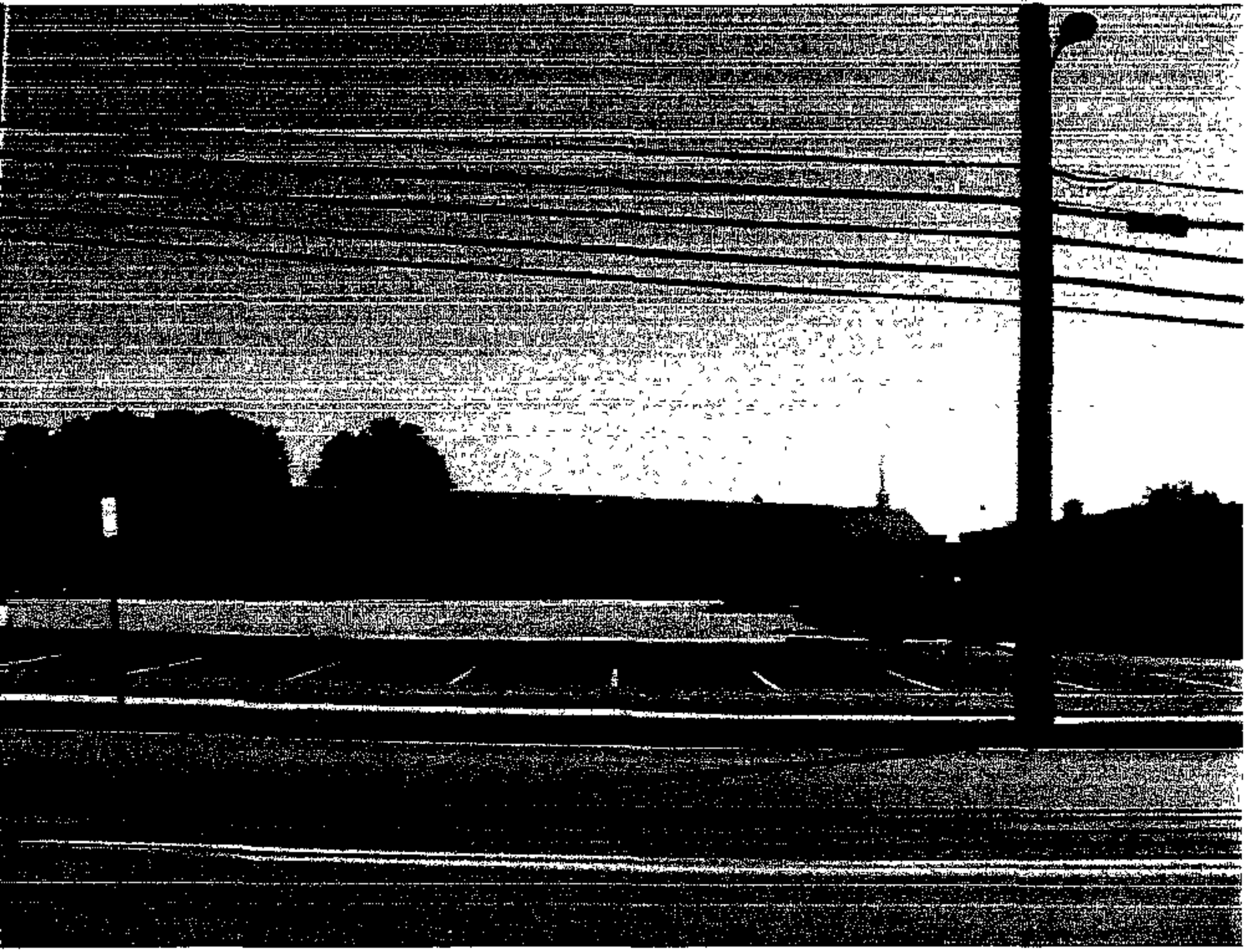

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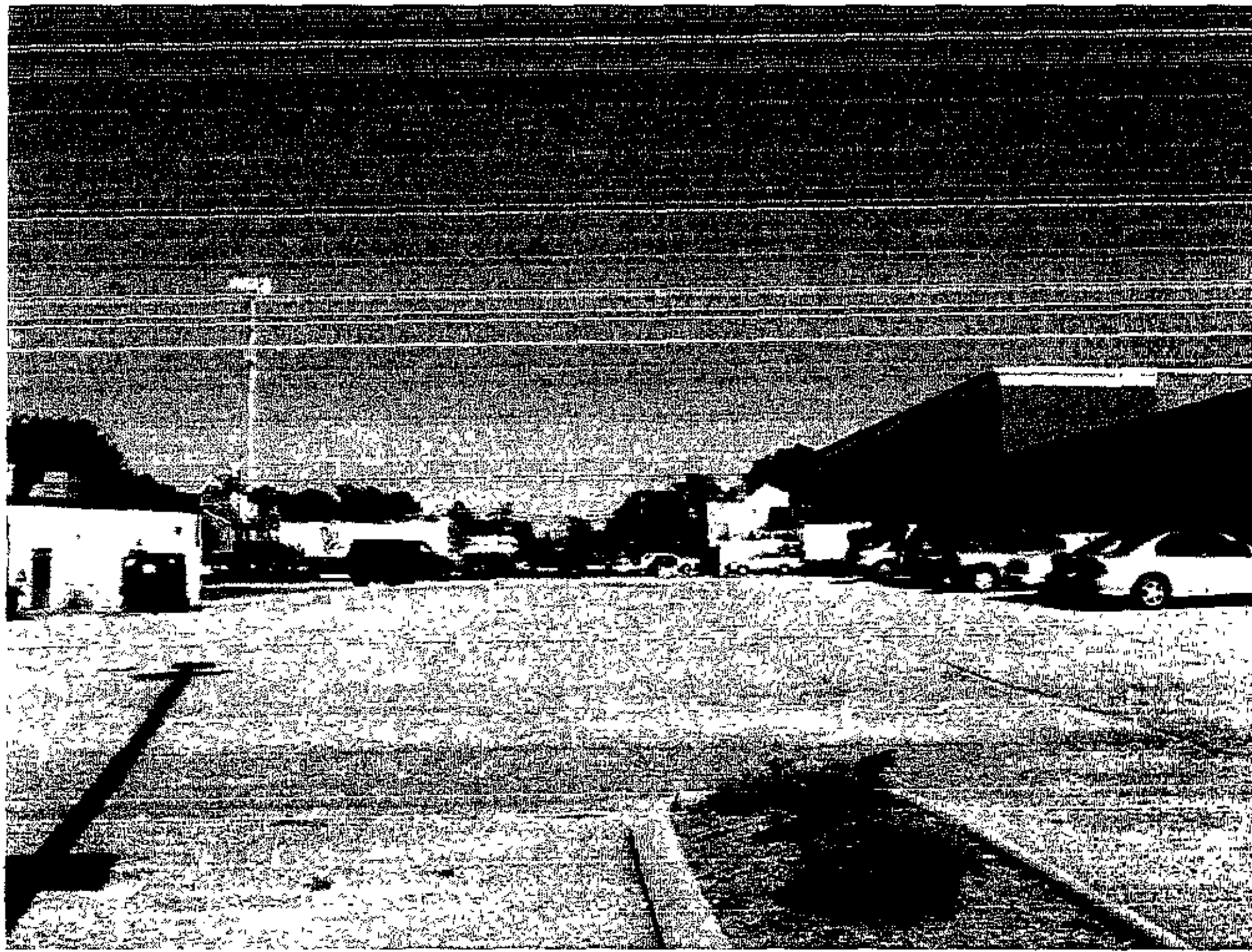

M

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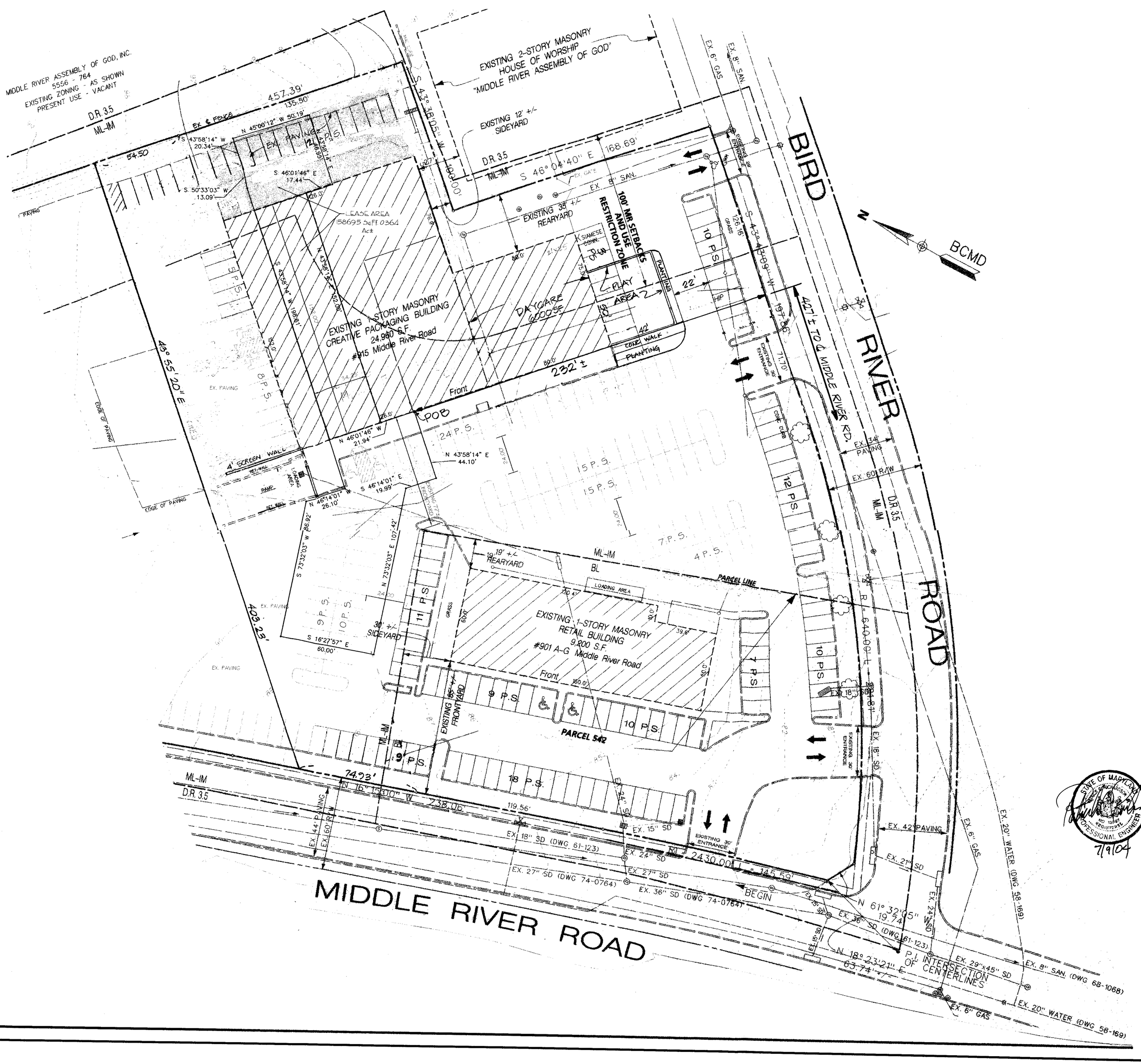

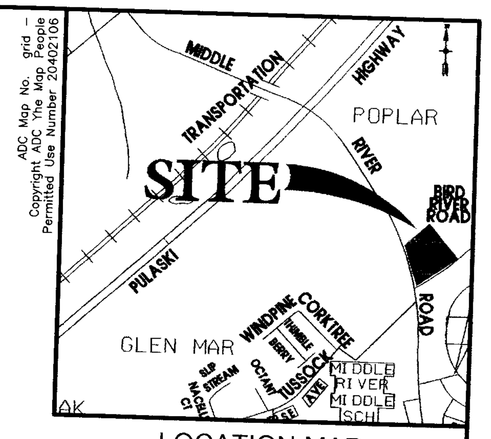

LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

1. OWNER: NORVIC LLC
   #7126 GREENBANK ROAD
   BALTIMORE, MD 21220-1112
2. DEVELOPER: CHARM CITY CYCLE, LLC
   #915 D MIDDLE RIVER ROAD
   BALTIMORE, MD 21220
3. SITE AREA : 155,701 SF. OR 3.80 AC.
4. AREA OF SPECIAL EXCEPTION: 15,870 SF OR 0.364 AC.
5. EXISTING BUILDING: 40,304 SF
6. PROPOSED BUILDING: NO CHANGE PROPOSED
7. UTILITIES
   WATER: PUBLIC SEWER: PUBLIC
8. NO 100 YR FLOODPLAINS ON SITE
9. PARKING REQUIRED:
   RETAIL: 9,200 SF @ 5/ 1000 = 46 SPACES
   RESTAURANT: 5,000 SF @ 15/ 1000 = 50 SPACES
   OFFICE: 14,950 SF @ 3.3/ 1000 = 50 SPACES
   WAREHOUSE \ MANUFACTURING:
   3000 SF @ 1/ EMPL. = 3 SPACES
   DAYCARE: 6,000 SF @ 1/ EMPL. = 8 SPACES
   AUTO REPAIR: 5,206 SF @ 5/ 1000 = 26 SPACES
   TOTAL REQUIRED = 183 SPACES
10. PARKING PROVIDED: 218 SPACES.
11. SETBACKS, PROVIDED
    FRONT 72'
    SIDE 12'
    REAR 35'
12. DEED REF: 17341/100
13. TAX ACCOUNT NO. 2300001849 & 2300001850
14. ELECTION DISTRICT 15
15. COUNCILMANIC DISTRICT 5TH
16. REGIONAL PLANNING DISTRICT
17. CENSUS TRACT
18. WATERSHED MIDDLE RIVER
19. ZONING: ML-IM
    (PER 1"=200' ZONING MAP NE 5-H)
20. DRC LIMITED EXCEPTION GRANTED MARCH 3rd 2003, DRC #02100 3K
21. TAX MAP #82 PARCEL #134 & 542
22. PREVIOUS ZONING CASE #'S: 97-418A, 4408 RX & 5260
23. PREVIOUS PERMITS: FOR DAYCARE B512-860 & FOR INTERIOR WALL CONSTRUCTION B510-449, 2002.
24. SPECIAL EXCEPTION PER SECTION 253.2.B.3 TO PERMIT A SERVICE GARAGE.

#081

STATE OF MARYLAND PAUL C. RICHARDSON No. 10848 REGISTERED PROFESSIONAL ENGINEER

7/9/04

Richardson Engineering, LLC

730 W. Padonia Road, Suite 101
Cockeysville, Maryland 21030
Phone: 410-560-1502 Fax: 410-560-0827

PLAN TO ACCOMPANY
SPECIAL EXCEPTION PETITION
FOR

CHARM CITY CYCLE, LLC

#915 D MIDDLE RIVER ROAD

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY: CND	DESIGNED BY: PCR	SCALE: 1" = 30'
	DATE: 06/05/04	JOB NO.: 04046	SHEET NO.: 1 OF 1

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