IN RE: PETITION FOR SPECIAL HEARING
South Side of Joppa Road, 515' northEast of centerline of Old Harford Road
9th Election District
6th Councilmanic District
(2207 & 2209 Joppa Road)

Adams/Joppa No. 1, LLC., c/o George G. Seward Legal Owner/Petitioner

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 06-326-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

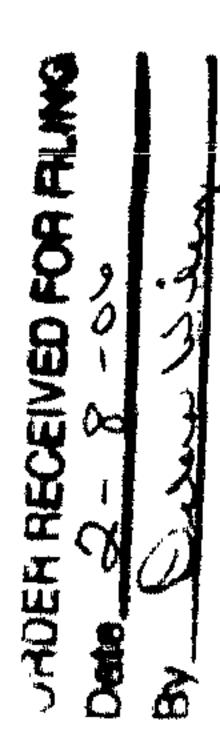
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This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing and Variance for the property located at 2207 and 2209 Joppa Road in the eastern area of Baltimore County. The Petition was filed by George G. Seward, Legal Owner. Special Hearing relief is requested pursuant under Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Zoning Commissioner should approve an amendment of a site plan from Case No. 02-286-X. Variance relief is requested pursuant under Sections 232.2.B and 232.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 0 ft. side yard and a 0 ft. rear yard for proposed service garage in lieu of the required 10 ft. and 20 ft., respectively.

The property was posted with Notice of Hearing on January 19, 2006, 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 January 24, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

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



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The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

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

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the Office of Planning, dated January 24, 2006, 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 and variance relief were Greg G. Seward, as well as Bruce Doak, from Gerhold, Cross & Etzel, Ltd., who prepared the site plan. Francis X. Borgerding, Jr., Esquire represented the Petitioner. 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. Borgerding proffered that the Petitioner operates an auto and truck detailing business at the subject location. The property is L shaped. The portion of the property fronting on Joppa Road is zoned BL and used commercially. The southern portion of the property is zoned ROA and DR 5.5 as shown on Exhibit 1 and the revised Plat to Accompany, Exhibit 2, which reflects the comments from the Planning Office. In between the ROA portion and BL portion is a zoning division line which is the cause of the variance requests. The Petitioner would like to erect another service garage building on the BL portion of the property. The corner of this 24 x 40-foot structure will touch the zoning division line. Mr. Borgerding indicated that the Zoning Office believes that this triggers a variance request of 0 feet in lieu of the required 10 feet side yard setback even though the corner does not touch a lot line or right of way. He pointed out however that this request for variance, if needed, is wholly internal to the petitioner's site and does not affect any use of the southern portion of the property. In fact, the nearest property, which could be affected, is the Pacocha property on which that owner is erecting a very large garage as shown in Exhibit 3. This new garage is located approximately on the red "x" on Exhibit 2.

The second variance is the identical problem but from a different perspective. The sides of the new building are skewed with respect to the zoning division line. This line is the side yard of the new building as above and triggers the request for side yard setback variance. However, this same zoning division line then becomes the trigger for the request for variance for the rear line setback of 0 feet (the same corner of the building). Mr. Borgerding noted that the Petitioner

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agreed to build a shadow box fence as requested by the Planning Office to separate the new building and Petitioner's existing service garage from the adjacent Kentucky Fried Chicken (KFC) restaurant parking lot again to minimize the impact the new building may have on the KFC restaurant.

In regard to the special hearing, the Petitioner requests to modify the special exception granted for a service garage in Case No. 02-286-X to reflect the new building. Mr. Borgerding noted that the subject property is situated in the commercial corridor along both sides of Joppa Road such that the property has a KFC on one side and Nail Salon and Taco Bell on the other. There is an animal hospital directly across Joppa Road as well as an insurance office. As such, he opined that the addition of a new service garage building would not adversely affect the community. In regard to the conditions imposed in Case No. 02-286 X, he indicated that all applied to the subject case except that the Petitioner operates an auto and truck detailing business not just a truck detailing business. He requested the broader phase of "auto and truck" replace "truck" in the prior order.

Findings of Fact and Conclusions of Law

In regard to the variance requests, the new building must be aligned with the existing building to be practical. This means the new addition's side wall will also be skewed badly with the zoning division line between portions of the property. The rear corner will touch the zoning division line, which will create both the side and rear yard variance requests. Consequently, I find the property unique in a zoning sense in that the building is positioned peculiarly vis a vis the zoning division line.

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I also find the strict enforcement of the regulations will subject the Petitioner to hardship and practical difficulty. A 10-foot side yard setback would mean the new addition could only be 14 feet wide, which is wholly impractical design.

Finally, I find the variances can be granted within the spirit and intent of the BL and ROA regulations and will not adversely affect the neighborhood. This is a commercial corridor and so the additional business the Petitioner would generate would not negatively impact the neighborhood. In addition, the Planning Office requests and Petitioner agrees to certain landscaping and fencing which will further isolate the business from residential uses.

In regard to the special hearing, I find the request can be granted without adversely impacting the community for the reasons above.

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' request for special hearing and variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ______ day of February 2006, that the Petitioner's request for variance relief from Sections 232.2.B and 232.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 0 ft. side yard and a 0 ft. rear yard for proposed service garage in lieu of the required 10 ft. and 20 ft., respectively, is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petitioner's request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an amendment of a site plan from Case No. 02-286-X, is hereby APPROVED subject to the following conditions:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners must comply with the ZAC comment submitted by the Office of Planning, dated January 24, 2006, a copy of which is attached and made a part hereof.
- 3. The service garage use on the subject property shall be limited to the installation of auto and truck accessories, only. There will be no mechanical/engine, or body and fender work performed on the premises, and no damaged, disabled, or junk vehicles shall be maintained or stored on the premises.
- 4. All auto and truck installation activities shall be confined to the service garage building, or the outdoor area of storage. The storage of vehicles awaiting installation of accessories will be limited to the parking spaces on the redline plan, Exhibit 2.
- 5. All new signage shall be in compliance with the B.C.Z.R. or nonconforming, pursuant to Section 450 thereof.
- 6. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

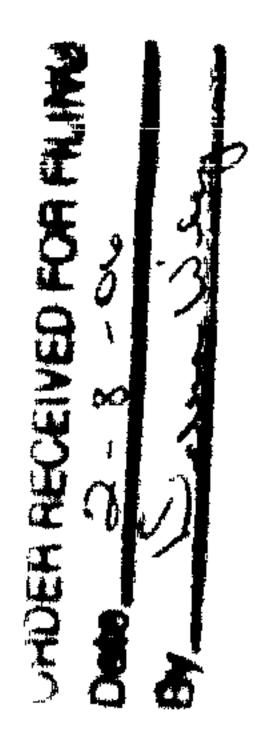
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:dlw





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 8, 2006

Francis X. Borgerding, Jr., Esquire 409 Washington Avenue, Suite 600 Towson, Maryland 21204

Re: Petition for Special Hearing and Variance Case No. 06-326-SPHA Property: 2207 & 2209 Joppa Road

Dear Mr. Borgerding:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing and Variance has been granted with restrictions in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw Enclosure

c: George Seward, Adams/Joppa No. 1, LLC, 9720 Pulaski Highway, Baltimore, MD 21220 Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd.,

Towson, MD 21286

People's Counsel; Case File



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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	2207	F	2203	JOPPA ROAD	
	BM A5				

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

THE AMENDMENT OF A SITE PLAN FROM CASE # 02-286- 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. <u>Legal Owner(s):</u> Contract Purchaser/Lessee: Adams/Joppa No. 1, L.L.C. Name - Type or Print Name - Type or Print Signature Signature Name - Type or Print Telephone No. **Address** Signature Zip Code State City PULATILI HWY 410-918-9600 9720 Attorney For Petitioner: Telephone No. Address BORGEROING JR. 2/220 Zip Code State Name - Type or Print Representative to be Contacted: BRUCE E. DOAK Signature GERMOID CROSS & ETZEL LO Name 410-236-6620 Company TOWTOSTEWS BOND Telephone No. Telephone No. Address 21286 Toward 21204 State Zip Code Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING

Reviewed By



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2207 2209 Joppa Road which is presently zoned BM AS

This Petition shall be filed with the Department of Pe	rmits and De	velopment Mar	nagement.	The undersigned	d legal owner(s)
of the property situate in Baltimore County and which is	s described in	n the description	and plat a	attached bereto a	ind made a part
hereof, hereby petition for a Variance from Section(s)	232. Z.B	232.3.B.	(BCZR)		F

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232,3 B O'REARYARD SETBACK IN LIEU OF REQUIRED 20'

TO PERMIT A O'SLOEYARD AND A O'REARYARD FOR PROPOSED SERVICE GARAGE IN

LIEU OF THE REQUIRED 10' ALLO 20', RESPECTIVELY.

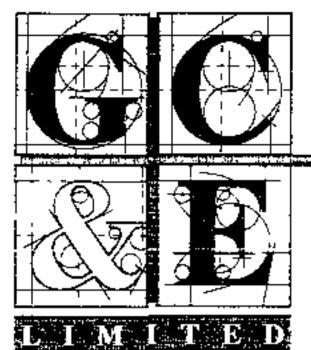
of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
Name - Type or Print	Adams/Joppa No.1, L.C.: Name - Type or Print
Signature	Signature G. SEWAR
Address Telephone No.	Name - Type or Brint
City State Zip Code	Signature
Attorney For Petitioner:	9720 PULASKI HWY 410-218-9600 Address Telephone No.
FRANCIE X. BORGEROING, L. Name - Type or Print	BALT. MO 21220
Name - Type or Print	City State Zip Code
Stature	Representative to be Contacted:
Compan due - 20 c c 20 c	GERHOLD CROSS: ETZEL LTD
TOS WASHINGTON AVE. SUITE COO Telephone No.	320 E. Towsontown Buro. 410-623-4470 Address Telephone No.
Telephone No.	•
Mo 21204	Towson Mo 2/256 City State Zip Code
State Zip Code	City State Zip Code
	OFFICE USE ONLY
250 Na 16-326-50HA	ESTIMATED LENGTH OF HEARING
T C O	UNAVAILABLE FOR HEARING
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Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson Maryland 21286 Phone: (410) 823-4470 • Fax (410) 823-4473 • www.gcelimited.com

December 30, 2005

ZONING DESCRIPTION Adams/Joppa No. 1 and No. 2 LLC property 2207-2209 Joppa Road Baltimore County, Maryland

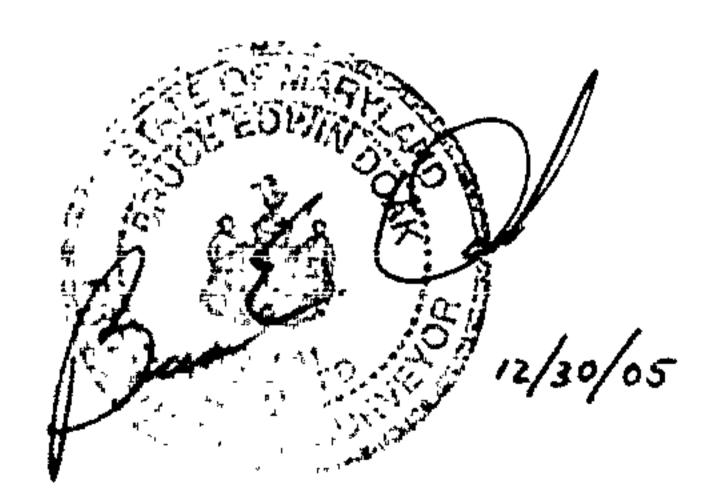
All that piece or parcel of land situate, lying and being in the Ninth Election District, Sixth Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same on the South side of E. Joppa Road (70' R/W) at a point distant 515 feet more or less Northeasterly from the centerline of Old Harford Road thence running and binding on said South side of Joppa Road,

- 1) North 89 degrees 20 minutes 23 seconds West 140.47 feet, thence leaving said Joppa Road and running
- 2) South 23 degrees 24 minutes West 99.48 feet,
- 3) South 58 degrees 40 minutes East 129.50 feet,
- 4) North 23 degrees 24 minutes East 174.62 feet to the place of beginning,

Containing 21,780 sq. ft. or 0.50 Acres of land, more or less

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



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: #06-326-SPHA

2207 & 2209 Joppa Road South side of Joppa Road, 515 feet northeast centerline Old Harford Road

9th Election District — 6th Councilmanic District.

Legal Owner(s): Adams/Joppa No. 1, LLC, c/o George G. Seward

Special Hearing for the amendment of a site plan from Case No. 02-286-X.

Variance to permit a 0 foot side yard and a 0 foot rear yard for proposed service garage in lieu of the required 10 feet and 20 feet respectively.

Hearing: Monday, February 5, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County.

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning

Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT 1/775 Jan. 24

CERTIFICATE OF PUBLICATION

127,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
$_{\rm on}$ $124_{\rm ,2006}$
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkings

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson Maryland 21286 Phone. (410) 823-4470 • Fax (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 06-326-SPHA
PETITIONER/DEVELOPER:

Adams/Joppa No. 1, LLC, c/o George

G. Seward

DATE OF HEARING: February 6, 2006

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 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

LOCATION:

2207 & 2209 Joppa Road

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

John J. Dili

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: January

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RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
2207 & 2209 Joppa Road; S/S Joppa Rd,
515' NE c/line Old Harford Road
9th Election & 6th Councilmanic Districts
Legal Owner(s): Adams/Joppa No. 1, LLC
by George Seward
Petitioner(s)

* BEFORE THE

ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 06-326-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

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of January, 2006, a copy of the foregoing Entry of Appearance was mailed Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286 and Francis X. Borgerding, Jr. Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204, Attorney for Petitioner(s).

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JAN 1 1 2006

Per.

HETER MAX ZIMMIERMAN

People's Counsel for Baltimore County

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

January 13, 2006

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: 06-326-SPHA

2207 & 2209 Joppa Road

South side of Joppa Road, 515 feet northeast centerline Old Harford Road.

9th Election District, 6th Councilmanic District

Legal Owner: Adams/Joppa No. 1, LLC, c/o George G. Seward

Special Hearing for the amendment of a site plan from Case No. 02-286-X.

Variance to permit a 0 foot side yard and a 0 foot rear yard for proposed service garage in lieu of the required 10 feet and 20 feet respectively.

Hearing: Monday, February 6, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco Director

buth Kotroco

TK:raj

C: Francis X. Borgerding, Jr., Esq., 409 Washington Avenue, Suite 600, Towson, MD 21204 George G. Seward, c/o Adams/Joppa No. 1, LLC, 9720 Pulaski Hwy., Baltimore, MD 21220 Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Towson, MD 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 21, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, January 19, 2006 Issue - Jeffersonian

Please forward billing to:

George G. Seward (4'

(410-918-9600)

9720 Pulaski Highway Baltimore, MD 21220

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: 06-326-SPHA

2207 & 2209 Joppa Road

South side of Joppa Road, 515 feet northeast centerline Old Harford Road.

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Hearing: Monday, February 6, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401

Bosley Averue, Towson, MD 21204

WILLIAM J. WISEMAN, III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 06-326-5PHA
Petitioner: George G. Seward
Address or Location: ZZ07 4 ZZ09 Joppa Rd.
PLEASE FORWARD ADVERTISING BILL TO:
Name: <u>George G. Seward</u>
Address: 9720 Pulaski Hwy
Baltimore, MD 21220
Telephone Number: <u>410-918-96</u> 00
receptions transper. Tre Tre Tree

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

February 6, 2006

Francis X. Borgerding, Jr. 409 Washington Avenue, Ste. 600 Towson, Maryland 21204

Dear Mr. Borgerding:

RE: Case Number: 06-326-SPH, 2207 & 2209 Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 6, 2006.

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,
U. Callachall

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Adams/ Joppa No. 1, LLC. George Seward 9720 Pulaski Highway Baltimore 21220
Bruce Doak Gerhold, Cross & Etzel 320 E. Towsontown Bld. Towson 21286





Fire Department



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





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

January 10,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: January 9,2006

Item Nd.: 326

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.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 17, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 16, 2005

Item Nos. 321, 322, 323, 324, 325 and 326

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

DAK:CEN:clw cc: File

ZAC-NO COMMENTS-01172006 doc



DATE: January 24, 2006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

2207-2209 East Joppa Road

INFORMATION:

Item Number:

6-326

Petitioner:

George Seward

Zoning:

BL

Requested Action:

Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioners request provided the following conditions are met:

- 1. All assembly and/or installation activities shall remain totally within the enclosed structures.
- 2. A landscape plan providing screening and lighting details shall be submitted to Avery Harden, County Landscape Architect for review and approval prior to the issuance of any building permits. Said plan should show the replacement of the existing chain linked fence along the east side of the property with a shadow box fence. The shadow box fence should make connection with the existing wooden fence on the Kentucky Fried Chicken site. Evergreen screening should also be provided along the south side of the subject property.
- 3. Subject site should be cleared of all scrub vegetation, trash, and debris.
- 4. Site plan must be revised to indicate each garage (exiting, 2-story and proposed) as a "service garage".
- 5. Site plan must show the zoning designation for the property as BL. The property was rezoned from BL-AS to BL during the 2004 Comprehensive Zoning Map Process (Issue # 05-008).

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by:

Division Chief: AFK/LL: CM

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

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

LTM

Maryland Department of Transportation

Date: 1.9.06

Baltimore County

Item No. 324

RE:

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

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,

Steven D. Foster, Chief

1. 1. the

Engineering Access Permits Division

IN RE: PETITION FOR SPECIAL EXCEPTION

S/S Joppa Road, 515' W of the c/I

Old Harford Road

(2209 Joppa Road)

9th Election District

6th Council District

Adams/Joppa No. 1, LLD

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 02-286-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition of Special Exception filed by the owners of the subject property, Adams/Joppa No. 1, LLD, a Maryland Limited Liability Corporation, through Ruth A. Adams and First Union National Bank, Co-Trustees, and the Contract Purchaser/Lessee, Acres Truck Accessories, Inc., by Greg Seward, President. The Petitioners request a special exception to approve the use of the subject property as a service garage; more specifically, to permit truck accessory assembly. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were George G. (Greg) Seward, Principal of Acres Truck Accessories, Inc., Contract Lessee of the subject property, Bruce E. Doak, the Registered Property Line Surveyor who prepared the site plan for this property, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioners. Appearing on behalf of the Greater Parkville Community Council was Ruth E. Baisden. There were no Protestants or other interested persons present.

The subject property is an irregularly shaped parcel located on the south side of Joppa Road, not far from Audrey Avenue and Old Harford Road in Parkville. The property contains a gross area of .50 acres, more or less, zoned B.L.-A.S. and is improved with three structures. The first is a one and one-half story frame building which is used as a nail salon and bears the address 2209 Joppa Road. That building and use is not part of the subject request. The second structure is

a one and one-half story block building, containing 1463 sq.ft., which bears the address 2207 Joppa Road. The third building is a two-story garage located to the rear of 2207 Joppa Road which serves as an accessory structure to that building. Mr. Seward testified and described his business known as Acres Truck Accessories, Inc. Presently, his business operates in Timonium; however, he proposes relocating the business to the building known as 2207 Joppa Road. Mr. Seward is in the business of installing accessory equipment into pick-up and light trucks. Specifically, he installs bed-liners, toolboxes, bug shields, hitches, mud flaps, caps, fog lights, and other similar equipment. There is no engine or mechanical work performed, and there is no painting or body and fender work done. Mr. Seward indicated that he has 4 employees and typically serves 7 to 10 customers per day, which includes a mix of walk-in and appointment business. The business operates from 9:00 AM to 6:00 PM Monday through Friday, and from 9:00 AM to 4:00 PM on Saturday. The business is closed on Sunday.

Special exception relief is requested to approve the relocation of the subject business to the subject property. It is anticipated that installations will be primarily accomplished in the building known as 2207 Joppa Road. There will also be an office, showroom, and storage area within that building and areas of the accessory garage will also be used for storage. Moreover, during the hearing, Mr. Doak inserted a red-lined amendment to the plan indicating the limits of outdoor storage on the premises.

The zoning history of this property is of note. Special Exception relief was granted on July 2, 1991 in prior Case No. 91-425-XA for an automobile service garage and lock and key business on the subject property. A copy of that Order was offered at the hearing and has been included in the case file. After operating at the site for several years; however, the lock and key service operation closed and the building known as 2207 Joppa Road is presently vacant.

Ms. Baisden appeared at the hearing on behalf of the Greater Parkville Community Council. Ms. Baisden does not object to the request, per se; however, she did express concern about the present state of the property. She also endorsed certain recommendations that were made within the Zoning Advisory Committee (ZAC) comment offered by the Office of Planning, dated

February 6, 2002. I have reviewed that comment and will impose certain of the recommended restrictions. It is to be noted that Mr. Seward's business will occupy only the one and one-half story building on the property and that some of Planning's comments relate to the nail salon. Although the Petition was jointly filed by the owner of the property and the lessee, Counsel indicated that this is a corporate/absent landlord so that the implementation of certain conditions is practically difficult. This factor influences the restrictions that will be imposed. First, the outdoor storage of vehicles on the site will be limited solely to the area red-lined on the amended plan by Mr. Doak. Secondly, all truck accessory installation activities should be confined to the service garage building only, or the outdoor area of storage. Third, no damaged, disabled, or junk vehicles shall be maintained or stored on the premises. Fourth, there will be no mechanical/engine work permitted or body and fender work performed on the premises. Fifth, the site will be restricted from the storage of any trailers. Sixth, all new signage shall be in compliance with the B.C.Z.R.; nonconforming signs shall be limited in accordance with Section 450 of the B.C.Z.R. Finally, although I will not require a new landscape plan and/or lighting plan, the property shall be maintained and kept free of all trash and debris.

Based upon the testimony and evidence presented, I am easily persuaded that the special exception should be granted. The nature of the business is such that it will not be detrimental to the health safety or general welfare of the surrounding locale. Sufficient proof was offered to meet the standards set forth in 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 for the reasons set forth herein, the relief requested shall be granted.

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal

period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) The service garage use on the subject property shall be limited to the installation of truck accessories, only. There will be no mechanical/engine, or body and fender work performed on the premises, and no damaged, disabled, or junk vehicles shall be maintained or stored on the premises.
- 3) All truck accessory installation activities shall be confined to the service garage building, or the outdoor area of storage. The storage of vehicles awaiting installation of accessories will be limited to the area red-lined on the amended plan by Mr. Doak.
- 4) All new signage shall be in compliance with the B.C.Z.R. or nonconforming, pursuant to Section 450 thereof.

5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER
DATE 2/06/66

PETITIONER'S SIGN-IN SHEET

E-MAIL											
CITY, STATE, ZIP	Towson 140 21286	Town on D	To wisen mis								
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