IN RE: **PETITION FOR SPECIAL HEARING**	*	BEFORE THE
SE/S Philadelphia Road, 380' NE of the c/l Ebenezer Road	*	ZONING COMMISSIONER
(10821 Philadelphia Road)		
11th Election District	*	OF BALTIMORE COUNTY
2nd Council District		
	*	Case No. 06-430-SPH
James T. Barbey, et ux		
Petitioners	*	

* * * * * * * * * * *

ORDER ON THE MOTION FOR RECONSIDERATION

This matter comes before the Zoning Commissioner for consideration of a Motion for Reconsideration filed by the Office of People's Counsel of the Order issued by me in this matter on April 21, 2006.

By way of background, the owners of the property, James T. Barbey, and his wife, Marlene A. Barbey, filed a Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in Case No. 75-53-RX to allow an expansion of the existing service garage on the subject property with one additional bay (980 sq.ft. to 1,606 sq.ft.) and to allow the continued use of an existing 12-foot wide access drive for ingress/egress. At the requisite public hearing held in this case on April 14, 2006, the Petitioners appeared along with David Billingsley, the consultant who prepared the site plan for this property. There were no Protestants or other interested persons present.

As noted within my opinion and Order, the Petitioners have owned and resided on the property since February 2004. The property is improved with a 1½-story single family dwelling in which the Petitioners reside, and a 1-story service garage building, which has existed on the property since 1974, by virtue of the relief granted in the prior case. As a result of growing business since Mr. Barbey's purchase of the property, he wishes to add another service bay to the existing building. No variances are necessary in that all setback requirements will be met; however, an amendment to the previously approved site plan is necessary in order to proceed. Moreover, approval is requested to continue to utilize the existing 12-foot wide driveway to provide access to the service garage.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the Maryland State Highway Administration had no objections to the proposal. Moreover, no one appeared in opposition to the request. Thus, by Order dated April 21, 2006, I granted the request, subject to Petitioners' compliance with the Office of Planning comments, dated April 7, 2006, and all other terms and conditions of the Order issued on October 22, 1974 in the prior case.

Although the Office of Planning's comments were incorporated within the Order by reference therein, they were not specifically enumerated as restrictions nor were they attached thereto. Within its Motion, the Office of People's Counsel requests that the Order of April 21, 2006 be amended to attach those comments and incorporate those conditions as restrictions to the relief granted. Moreover, People's Counsel has requested that the applicable conditions imposed in prior Case No. 75-53-RX be specifically enumerated as restrictions to the relief granted in the instant case.

After a review of the documentation contained within the case file and the prior Order(s) issued in this case, I am persuaded that an Amended Order is appropriate in this instance and will grant the Motion filed by the Office of People's Counsel.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of May 2006, that the Order issued on April 21, 2006 be and the same is hereby AMENDED to incorporate as additional restrictions the Zoning Advisory Committee (ZAC) comments made by the Office of Planning, dated April 7, 2006, a copy of which is attached hereto and made a part hereof,

IT IS FURTHER ORDERED that the terms and conditions of the Order issued in prior Case No. 75-53-RX on October 22, 1974 shall remain in full force and effect, and are more fully set forth below:

a) There shall be no outside storage of damaged or disabled vehicles on the premises.

b) The hours of operation shall be limited to between 8AM and 8PM, Monday through Saturday, with no hours on Sundays except for emergency repairs.

c) Strict compliance with the revised site plan submitted with the Petitioners' request, and marked as Petitioner's Exhibit 1, and as further conditioned in this Order. The revised site plan shall be redlined to reflect the conditions imposed herein.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. James T. Barbey
10821 Philadelphia Road, White Marsh, Md. 21162
Mr. David Billingsley, Central Drafting & Design, Inc.
601 Charwood Court, Edgewood, Md. 21040
Office of Planning; People's Counsel; Case File

ORDER RECEIVED FOR FILING
Date 5-24-00
By

IN RE: **PETITION FOR SPECIAL HEARING** SE/S Philadelphia Road, 380' NE of the c/l Ebenezer Road **(10821 Philadelphia Road)** 11th Election District 2nd Council District James T. Barbey, et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 06-430-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, James T. Barbey, and his wife, Marlene A. Barbey. The Petitioners request a special hearing to approve an amendment to the previously approved site plan in Case No. 75-53-RX to allow an expansion of the existing service garage on the subject property with one additional bay (980 sq.ft. to 1,606 sq.ft.) and to allow the continued use of an existing 12-foot wide access drive for ingress/egress. 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 James and Marlene Barbey, property owners, and David Billingsley, the consultant who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel, located on the southeast side of Philadelphia Road, just north of Cowenton Avenue and Ebenezer Road in White Marsh. The property contains a gross area of 15,142 sq.ft., more or less, predominantly zoned B.L. with a narrow 10-foot strip to the rear zoned B.M. The property is improved with a 1½-story single family dwelling in the front portion of the site, and a 1-story service garage building to the rear. A macadam paved parking area is located between the two buildings. As shown on the site plan, access to the service garage is provided by way of a 12-foot wide driveway that leads into the property from Philadelphia Road.

The Petitioners have owned and resided on the property since February 2004. Testimony indicted that Mr. Barbey is a licensed mechanic and was employed with Doug Griffith's Chrysler/Plymouth from 1989 until he purchased the subject property in 2004 to go into business for himself. The Petitioners purchased the property from Lillian Garafola, whose husband, Americo Garafola, obtained approval to operate the subject service garage under prior Case No. 75-53-RX in 1974. In this regard, Mr. Garafola obtained approval to reclassify the rear 115 feet of the subject property from D.R.5.5 to B.L. and special exception relief for a two-car service garage by Order dated October 22, 1974. The service garage use has been continuous and without interruption since that time.

Mr. Barbey testified that he has made a number of improvements to the property since his ownership and now wishes to add another service bay to the existing building in order to accommodate his growing business. As shown on the site plan, a 20' x 31.3' addition is proposed on the north side of the existing building. No variances are necessary in that all setback requirements will be met; however, in order to proceed as proposed, an amendment to the previously approved site plan is necessary. Moreover, approval is requested to continue to utilize the existing 12-foot wide driveway to provide access to the service garage. In this regard, a comment was received from the Maryland State Highway Administration indicating that they have no objections to this request.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, and none of the neighbors voiced any objections. In this regard, a letter of support was received from Richard Albright, who resides on the immediately adjacent property to the north. It is also to be noted that the property to the south and east is used for parking and vehicle storage by Schaefer & Strohminger, and the property across Philadelphia Road is used for offices. Thus, it appears that relief can be granted and that there will be no detrimental impact to adjacent or surrounding properties. However, as a condition to the relief granted, the terms and conditions of the prior Order are adopted herein and

shall remain in full force and effect. That is, the hours of operation for the service garage shall remain limited to 8:00 AM to 8:00 PM, Monday through Saturday, with no hours on Sundays, except for emergency repairs. Moreover, there shall be no outside storage of damaged or disabled vehicles. Finally, the Petitioners shall comply with the recommendations made by the Office of Planning in their comments dated April 7, 2006, a copy of which is attached hereto.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of April 2006 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in Case No. 75-53-RX to allow an expansion of the existing service garage on the subject property with one additional bay (980 sq.ft. to 1,606 sq.ft.) and to allow the continued use of an existing 12-foot wide access drive for ingress/egress, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued on October 22, 1974 are adopted herein and shall remain in full force and effect.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

April 24, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. James T. Barbey
10821 Philadelphia Road
White Marsh, Maryland 21162

RE: **PETITION FOR SPECIAL HEARING**
SE/S Philadelphia Road, 380' NE of the c/l Cowenton Avenue & Ebenezer Road
(10821 Philadelphia Road)
11th Election District – 2nd Council District
James T. Barbey, et ux - Petitioners
Case No. 06-430-SPH

Dear Mr. & Mrs. Barbey:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. David Billingsley, Central Drafting & Design, Inc.
601 Charwood Court, Edgewood, Md. 21040
Office of Planning; People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10821 PHILADELPHIA ROAD
which is presently zoned BL & BM

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

SEE ATTACHED

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

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

JAMES T. BARBEY
Name - Type or Print

James T Barbey
Signature

MARLENE A. BARBEY
Name - Type or Print

Marlene M. Barbey
Signature

10821 PHILADELPHIA RD. (410) 335-8848
Address — Telephone No.

WHITE MARSH, MD 21162
City — State — Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.
Name

601 CHARWOOD CT. (410) 679-8719
Address — Telephone No

EDGEWOOD MD. 21040
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ **Date** 3-7-06

Case No. 06-430-SPH

RECEIVED FOR FILING
Date 4-27-06
By

RB 9/15/98

A REVISION TO THE SITE PLAN APPROVED IN CASE NO. 75-53-RX TO ALLOW THE EXISTING SERVICE GARAGE TO BE EXPANDED FROM 980 SQUARE FEET TO 1606 SQUARE FEET (ONE ADDITIONAL BAY) AND TO ALLOW THE CONTINATION OF AN ACCESS DRIVE, TWELVE FEET IN WIDTH, FOR INGESS AND EGRESS

102
103
157
346

DESCRIPTION TO ACCOMPANY ZONING PETITION

10821 PHILADELPHIA ROAD

Beginning for the same at a point in the center of Philadelphia Road. Md. Rte. 7 (60 feet wide), distant 380 feet northeasterly from it's intersection with the center of Ebenezer Road (50 feet wide), thence (1) N 40°08'00"E 67 feet, thence (2) S 49°45'00"E 255.97 feet, thence (3) S 40°06'00"W 67 feet, thence (4) N 49°45'00"W 256.00 feet to the place of beginning. Containing 17,152 square feet or 0.394 acre, more or less.

Being known as 10821 Philadelphia Road. Located in the 11TH Election District, 2ND Councilmanic District

STATE OF MARYLAND
GEOFFREY A. TIZARD II
NO. 15453
REGISTERED
PROFESSIONAL ENGINEER

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: #06-430-SPH
10821 Philadelphia Road
Northeast side of Philadelphia Road, 380 feet +/- northeast of centerline of Ebenezer Road
6th Election District — 5th Councilmanic District
Legal Owner(s): James T. and Marlene A. Barbey

Special Hearing: to allow a revision to the site plan approved in Case. No. 75-53-RX and to allow the existing service garage to be expanded from 980 square feet to 1606 square feet (one additional bay) and to allow the continuation of an access drive, twelve feet in width, for ingress and egress.

Hearing: Friday, April 14, 2006 at 11:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 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.

3/407 Mar. 30 89413

CERTIFICATE OF PUBLICATION

3/30/, 2006

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 3/30/, 2006.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

430

No. 4920

DATE 3·7·06 ACCOUNT 1001 001-6150

AMOUNT $ 325.00

RECEIVED FROM: J. Barbey 10821 Philadelphia Rd

FOR: SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE	ACTUAL DATE	TIME	DRW
3/08/2006	3/07/2006	11:42:50	4

REF: 0006 WALKIN, PER JOE
>>RECEIPT # 451301 3/07/2006 OFLR
Dept 5 520 ZONING VERIFICATION
CR NO. 004920
Rcpt Tot $325.00
$325.00 CR $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-430-SPH

Petitioner/Developer:
JAMES T. & MARLENE A. BALBEY

Date Of Hearing/Closing: 4/14/06

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

Attention:

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 at 10821 PHILADELPHIA ROAD

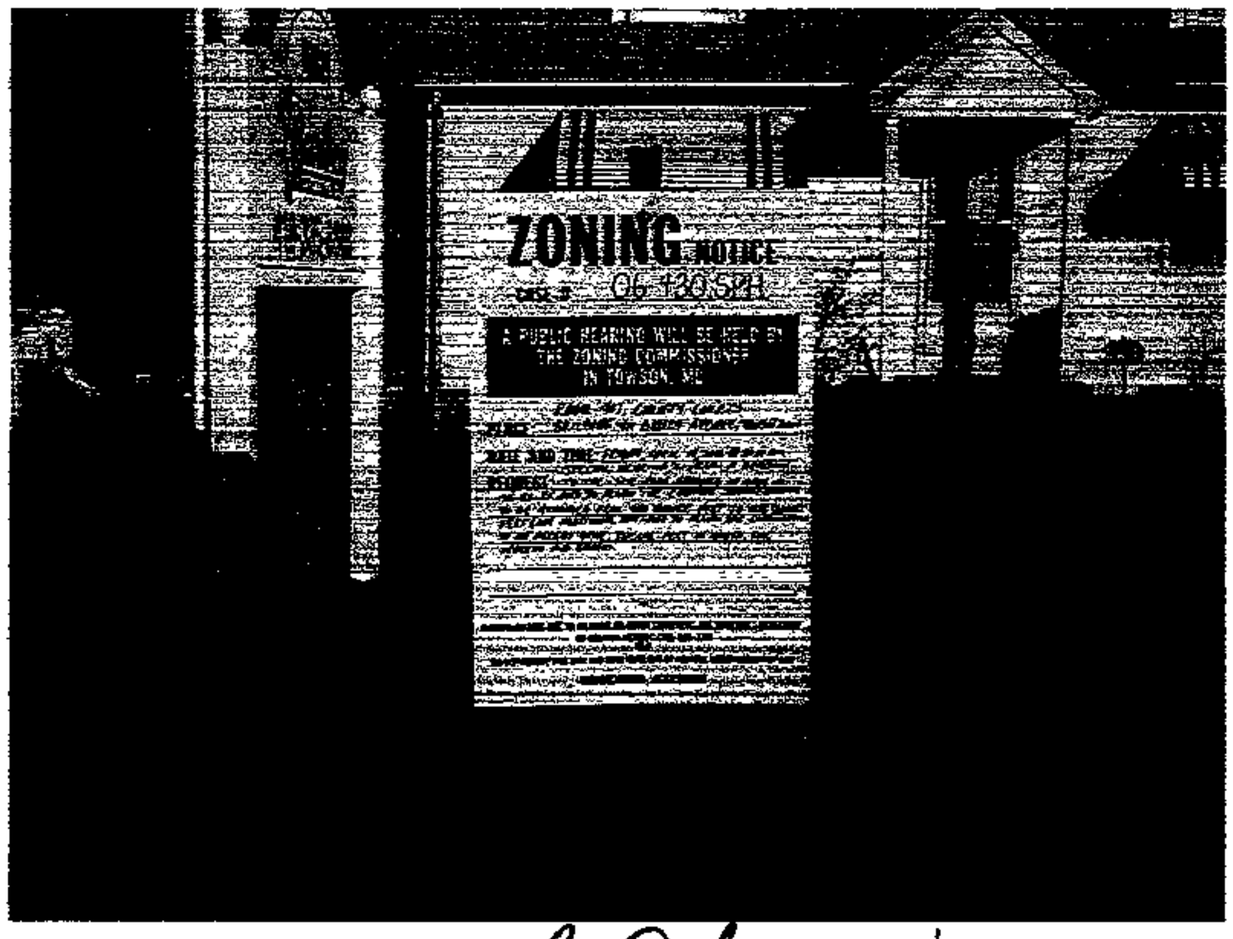
This sign(s) were posted on March 30, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 3/30/06
(Signature of sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629-3411)

im000622 (1152x864x24b jpeg)



3/30/06

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 30, 2006 Issue - Jeffersonian

Please forward billing to:
James Barbey (410-335-8848)
10821 Philadelphia Road
White Marsh, MD 21162

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: 06-430-SPH
10821 Philadelphia Road
Northeast side of Philadelphia Road, 380 feet +/- northeast of centerline of Ebenezer Road
6th Election District—5th Councilmanic District
Legal Owners: James T. and Marlene A. Barbey

Special Hearing to allow a revision to the site plan approved in Case No. 75-53-RX and to allow the existing service garage to be expanded from 980 square feet to 1606 square feet (one additional bay) and to allow the continuation of an access drive, twelve feet in width, for ingress and egress.

Hearing: Friday, April 14, 2006 @ 11:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 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

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

March 21, 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: 06-430-SPH
10821 Philadelphia Road
Northeast side of Philadelphia Road, 380 feet +/- northeast of centerline of Ebenezer Road
6th Election District—5th Councilmanic District
Legal Owners: James T. and Marlene A. Barbey

Special Hearing to allow a revision to the site plan approved in Case No. 75-53-RX and to allow the existing service garage to be expanded from 980 square feet to 1606 square feet (one additional bay) and to allow the continuation of an access drive, twelve feet in width, for ingress and egress.

Hearing: Friday, April 14, 2006 @ 11:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco
Director

TK:raj

C: James T. & Marlene A. Barbey, 10821 Philadelphia Road, White Marsh, MD 21162
David Billingsley, Central Drafting & Design, Inc., 601 Charwood Ct., Edgewood, MD 21040

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 30, 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 410-887-339

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: 430

Petitioner: JAMES & MARLENE BARBEY

Address or Location: 10821 PHILADELPHIA ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMES BARBEY

Address: 10821 PHILADELPHIA ROAD
BALTO. MD. 21162

Telephone Number: (410) 335-8848

Revised 2/20/98 - SCJ

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

April 6, 2006

James T. Barbey
Marlene A. Barbey
10821 Philadelphia Road
White Marsh, MD 21162

Dear Mr. and Mrs. Barbey:

RE: Case Number: 06-430-A, 10821 Philadelphia Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 7, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
David Billingsley Central Drafting & Design, Inc. 601 Charwood Ct Edgewood 21040

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

March 21, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: March 20, 2006

Item No.: Item Numbers 427 through 434 and 436 through 439 and 441
430

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.

6. The Fire Marshal's Office has no comments at this time.

LT. Roland P. Bosley Jr.
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 27, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 27, 2006
Item Nos. 429, 430, 431, 432, 433, 434, 435, 436, 437, 439, 440, and 441

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-03272006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 7, 2006

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

SUBJECT: 10821 Philadelphia Road

INFORMATION:

Item Number: 6-430

Petitioner: James Barbey

Zoning: BL and BM

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:
The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Proposed garage bay addition shall be constructed of materials consistent with the existing service garage.
2. Service garage shall be used for on-site repair and storage of automotive vehicles only.
3. Outdoor storage of vehicles awaiting repair shall be limited to normal, daytime hours of operation.
4. There appears to be a conflict between the site plan and what is physically on the subject site. Handicapped parking is shown on the plan, but is not visible on the site. The site shall conform to all ADA requirements and standards.

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

Prepared by: Curtis Summers

Division Chief: Lynn Lanham
AFK/LL: CM

W:\DEVREVIEW\6-430.doc

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 3.21.06

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

RE: Baltimore County
Item No. 430 JCM

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~~ 7.
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,

S. F. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING 10821 Philadelphia Road; NE/S Philadelphia Road, 380' NE c/line Ebenezer Road 11th Election & 2nd Councilmanic Districts Legal Owner(s): James & Marlene Barbey Petitioner(s)	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
	*	BALTIMORE COUNTY
	*	06-430-SPH

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

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 23rd day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc. 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

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

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 9, 2006

William J. Wiseman, III, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
SE/S Philadelphia Road, 380' NE of
c/line Ebenezer Road
10821 Ebenezer Road
James T Barbey, et ux.– Legal Owners
Case Nos: 06-430-SPH

Dear Mr. Wiseman:

Please accept this letter as a Motion for Reconsideration of the Findings of Fact and Conclusions of Law and Order dated April 21, 2006. The purpose is to clarify the Order. Our experience has been that confusion may arise when conditions mentioned in the Opinion are not clearly stated in the Order.

Because the Opinion states that the Petitioners shall comply with the Office of Planning recommendations, the April 7, 2006 Planning comments should be incorporated in and attached to the order. In addition, the specific applicable conditions of case 75-53-RX should be referenced in the Order:

1. No outside storage of damaged or disabled vehicles shall be permitted on the premises.

2. The hours of operation shall be between the hours of 8:00 a.m. and 8:00 p.m. and shall not be opened on Sundays except for emergency repairs.

3. Strict compliance with the site plan, as revised, submitted with the Petitioners' request and as further conditioned in this order. The site plan shall be red-lined to reflect the conditions in this order.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio/rmw

Carole S. Demilio
Deputy People's Counsel for Baltimore County

PMZ/CSD/rmw

cc: David Billingsley
James & Marlene Barbey

ZONING HEARING FILE INTERNAL CHECKLIST

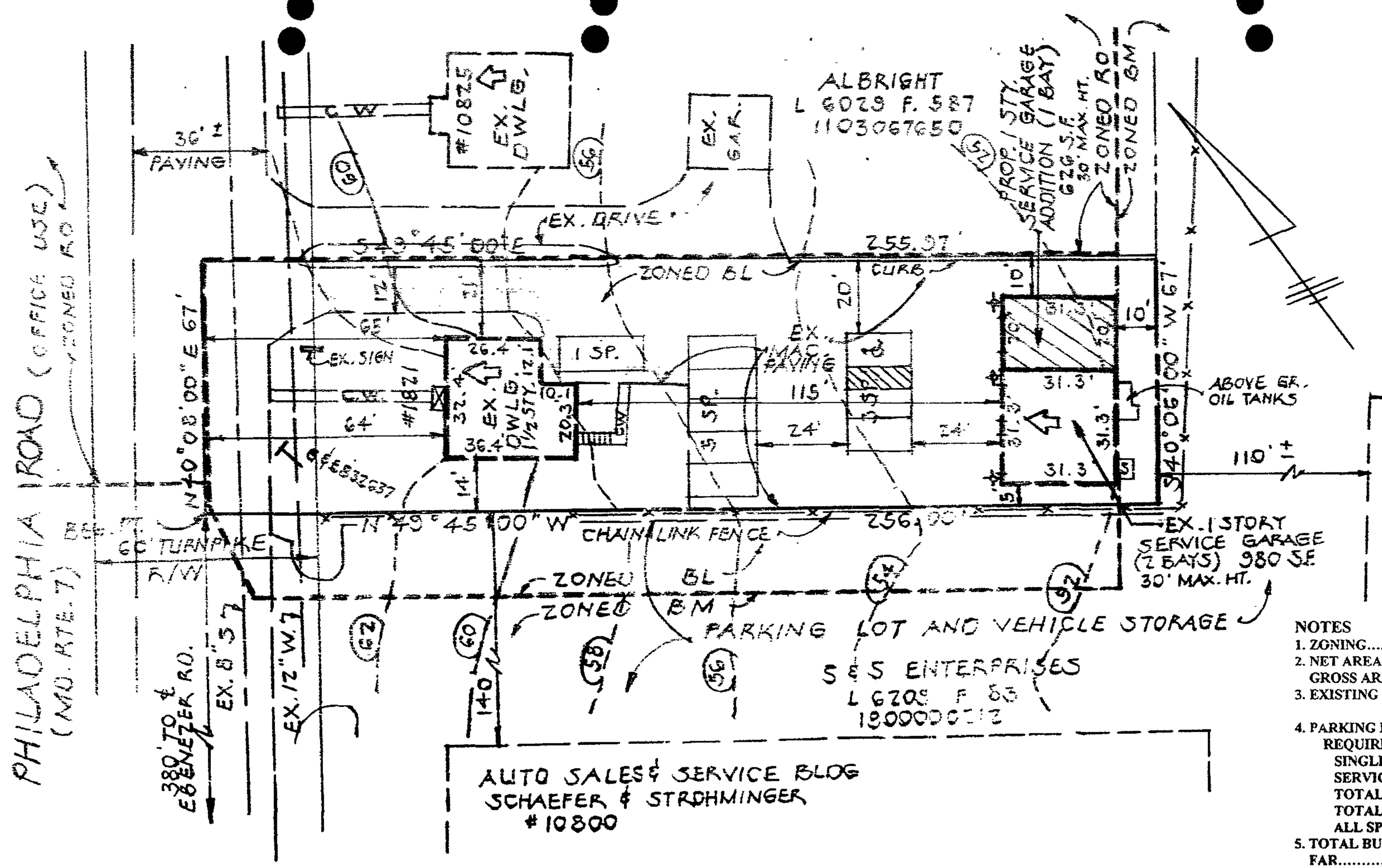
Zoning Case No. 06-430 SPH

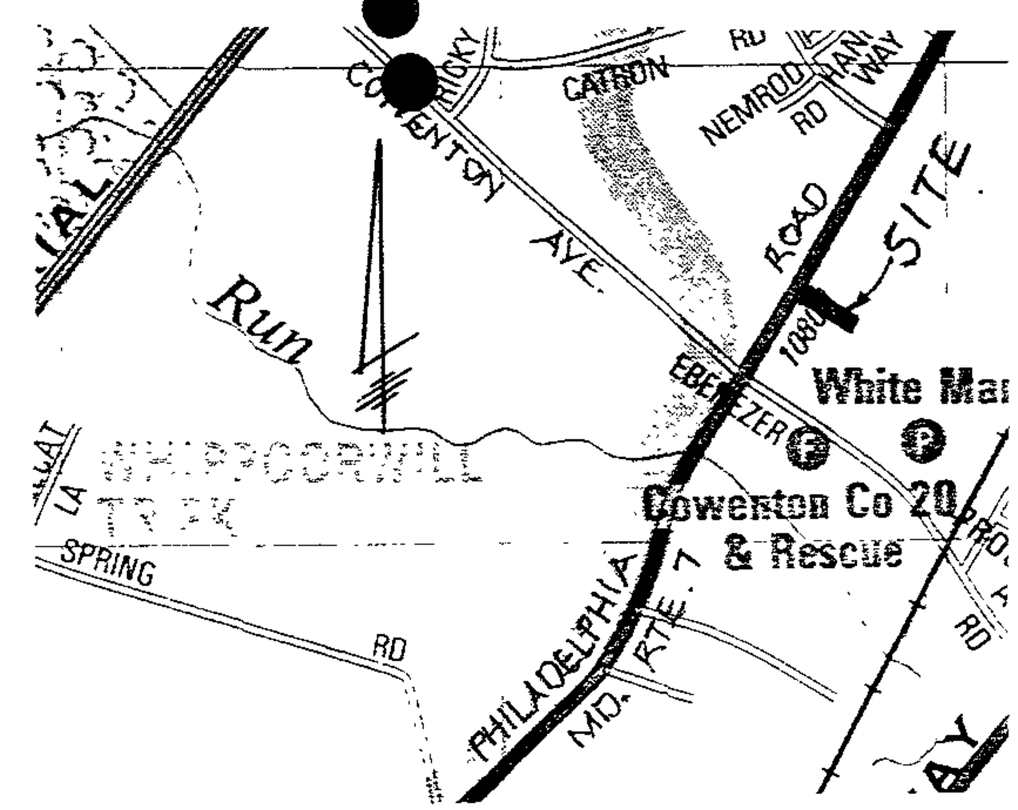
Date Completed/Initials	
3/9/06	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
_____	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
_____	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
_____	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
3/21/06	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
_____	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
_____	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
_____	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
_____	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
_____	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
_____	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

Case No.: 06-430-SPH

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site Plan	
No. 2	Prior Order with Attached Site Plan	
No. 3	MDAT - Property Data	
No. 4	Richard Allright Adjacent neighbor - Letter of Support	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





VICINITY MAP
SCALE: 1" = 1000'

PETITIONER'S

EXHIBIT NO. 1

NOTES
1. ZONING....BL & BM (MAP NO. 072C3)
2. NET AREA.....17,152 SF = 0.394 AC.
   GROSS AREA....15,142 SF = 0.348 AC
3. EXISTING AND PROPOSED USE.... SINGLE FAMILY DWELLING & SERVICE GARAGE
4. PARKING DATA
   REQUIRED
   SINGLE FAMILY DWELLING..... 2 SPACES
   SERVICE GARAGE.....1606 SF @ 3.3 SP. / 1000 SF = 6 SPACES
   TOTAL REQUIRED.....8 SPACES
   TOTAL PROVIDED.....9 SPACES
   ALL SPACES 8.5 X 18 MIN.AND PERMANENTLY MARKED
5. TOTAL BUILDING AREA.....3722 SF
   FAR.....3722 / 15142 = 0.25
6. PUBLIC WATER AND SEWER ARE AVAILABLE
7. SITE IS NOT LOCATED IN CBCA, 100 YR FLOOD PLAIN.
8. TO THE PREPARERS KNOWLEDGE, NO UNDERGROUND STORAGE TANKS, CRITICAL AREAS OR HISTORIC STRUCTURES EXIST.
9. PREVIOUS ZONING HISTORY
   CASE NO. 75-53 RX. ORDER DATED OCTOBER 22, 1974 RECLASSIFYING A PORTION OF THE SITE FROM DR 5.5 TO BL AND GRANTING A SPECIAL EXCEPTION FOR A TWO CAR SERVICE GARAGE

✦ DENOTES WALL MOUNTED LIGHTING DIRECTED DOWNWARD

EXISTING SIGNS
FREE STANDING..... 50 S.F. (15 FEET HIGH) NOT ILLUMINATED
WALL MOUNTED.....50 S.F. NOT ILLUMINATED

STATE OF MARYLAND
GEOFFREY A. TIZARD II
NO. 15650
REGISTERED PROFESSIONAL ENGINEER

CENTRAL DRAFTING & DESIGN, INC
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

OWNER
JAMES T. & MARLENE BARBEY
10821 PHILADELPHIA ROAD
BALTO. MD. 21162
DEED REF. L19544 F407
PROP. NO. 1107001520

PLAT TO ACCOMPANY ZONING PETITION
10821 PHILADELPHIA ROAD
ELECT. DIST. 11C2 BALTO. CO., MD
SCALE: 1 INCH = 30 FEET
FEBRUARY 27, 2006

RE: PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION
SE/S of Philadelphia Road, 381' E of Cowington Avenue - 11th District
Americo M. Garafola - Petitioner
NO. 75-53-RX (Item No. 8)

: BEFORE THE
: DEPUTY ZONING
: COMMISSIONER
: OF
: BALTIMORE COUNTY

::: ::: :::

This Petition represents a request for a Reclassification from D.R. 5.5 and B.M. Zones to a B.L. (Business, Local) Zone, and a Special Exception for a service garage. The property in question contains .39 of an acre, more or less, and is located on the southeast side of Philadelphia Road, 381 feet east of Cowington Avenue in the Eleventh Election District of Baltimore County.

Testimony and evidence was presented at the hearing by the Petitioner who owns and has resided on the subject property for the past eleven years. The property was described as having a frontage of sixty-seven feet on Philadelphia Road with a rectangular depth of 253.97 feet. The Petitioner indicated that he is losing his lease at his present place of business and plans to establish a small repair business consisting of a two car garage at the extreme rear of his property. It was his opinion that the zoning placed on the property by the adoption of the Comprehensive Zoning Map on March 24, 1971, is illogical and disregards established planning techniques, in that the property is surrounded on two sides by a car dealer and garage with a gravel parking lot which is zoned B.M.

One area resident, who lives on the opposite side of Philadelphia Road, appeared in protest to the Reclassification. He felt that the area should see no change in the zoning classification unless it was proven to be of a benefit to the community. It was his further opinion that there are sufficient service garages in the area to serve the needs of the residents.

There were no adverse comments from County and State agencies who reviewed the Petitioner's proposed development plans. A [illegible]

PETITIONER'S
EXHIBIT NO. 2

are as follows:

The Department of Traffic Engineering

"The subject Petition is of insufficient size to create any major traffic problems."

Health Department

"Metropolitan utilities are not available. Well water appears to be an approved type and no failures noted in the subject system."

State Highway Administration

"It is my understanding that the existing building on the subject site will remain as a dwelling and that the proposed service garage will be a home occupation with relatively light activity.

If this is the case, then the only requirement by the State Highway Administration would be for an entrance paving; however, if the operation expands, then the entire frontage of the site would have to be improved with curbing and paving."

Testimony and evidence presented in this case clearly indicates that the subject property, which is bounded on two sides by an expansive gravel parking area of the Smith Motor Company, is bearing the blunt of being a buffering property without benefit of a transitional zoning classification usually employed in cases such as this. During the Petitioner's eleven years of residency on the subject property, the gravel parking area, garage and new car agency has expanded and intensified along his south and easternmost property line, and the Allstate Sheet Metal Company has constructed a large concrete block building on M. L. R. zoned property one lot depth north of his other property line. In view of these facts, it is the opinion of the Deputy Zoning Commissioner that the Comprehensive Zoning Map is in error insofar as this particular property is concerned and that at least a portion at the rear should be reclassified. This action would correct an obvious error in the map and would grant some relief to a long time resident of the property by permitting him to earn a livelihood thereon during his remaining working years.

It is also evident that the proposed two car garage located at the extreme rear of the subject property would not be detrimental to the health, safety and general welfare of the area, would be compatible to the adjoining service garage and would meet all other requirements of Section 502.1 for the granting of the requested Special Exception.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 22nd day of October, 1974, that the rear 115 feet of the subject property be Reclassified from a D.R. 5.5 Zone to a B.L. Zone, and that a Special Exception for the operation of a two car service garage also be GRANTED for this portion of the Petitioner's property, from and after the date of this Order. The granting of said Special Exception shall be subject to the following restrictions:

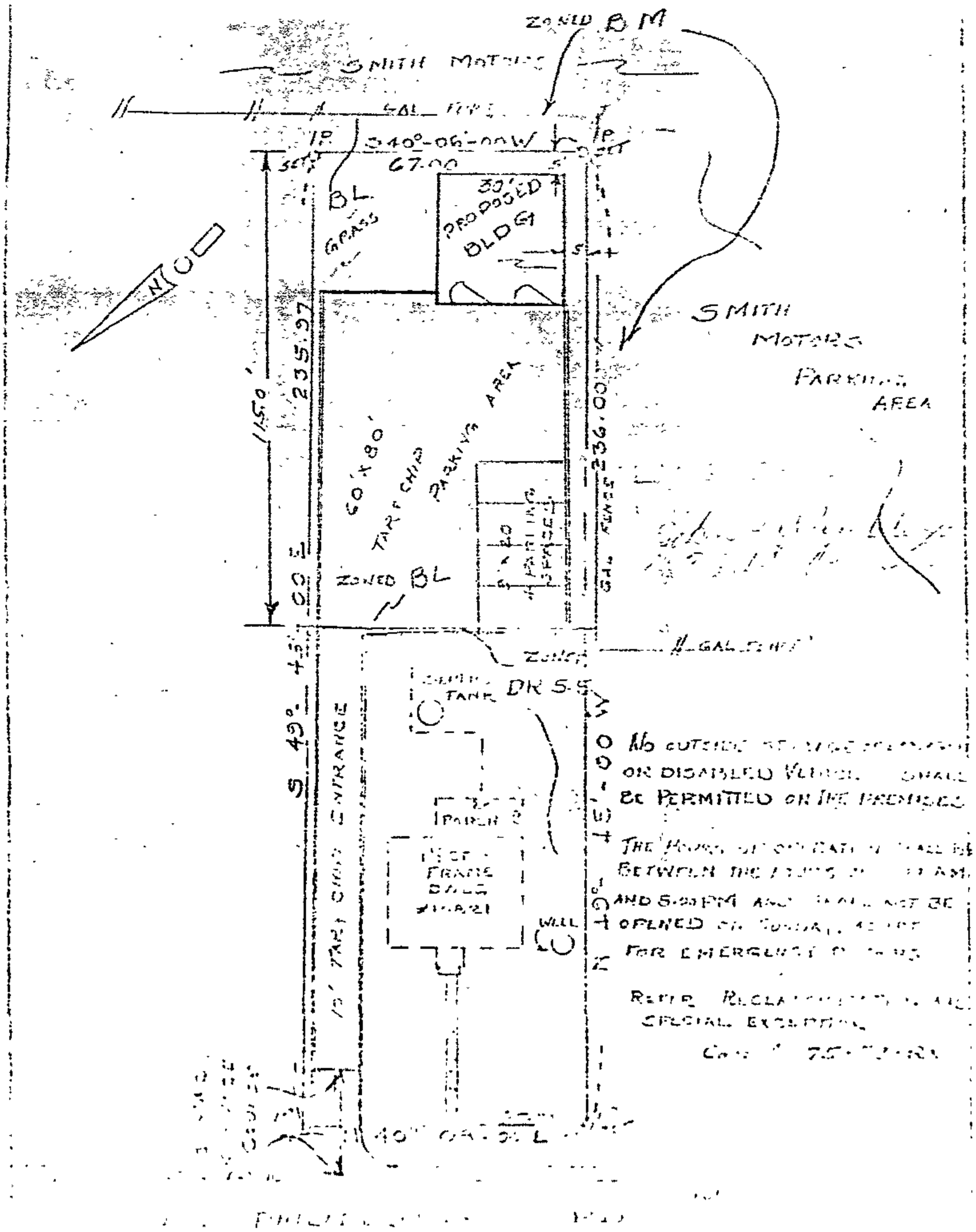
1. No outside storage of damaged or disabled vehicles shall be permitted on the premises.

2. The hours of operation shall be between the hours of 8:00 a.m. and 8:00 p.m. and shall not be opened on Sundays except for emergency repairs.

3. Strict compliance with the site plan submitted with the Petitioner's request.

4. Approval of said site plan by the State Highway Administration, Health Department, Department of Public Works and the Office of Planning and Zoning.

James E. Dyer
Deputy Zoning Commissioner of
Baltimore County


ZONED BM
SMITH MOTORS
S40°-06'-00"W
67.00
30' PROPOSED BLDG
BL
GRASS
N
235.97
SMITH MOTORS
PARKING AREA
60'x80' TARPCHIP PARKING
236.00
ZONED BL
ZONED
DR S-S
S 49°
PARKING
WELL
40' CAT-SAL

Click here for a plain text ADA compliant screen.

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 11 **Account Number** - 1107001520

Owner Information

Owner Name:	BARBEY JAMES T BARBEY MARLENE A	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	2900 ALVERTA VE BALTIMORE MD 21234-1905	**Deed Reference:**	1) /19544/ 407 2)

Location & Structure Information

Premises Address
10821 PHILADELPHIA RD

Legal Description
ES PHILADELPHIA RD
580 NE COWENTON RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
72	24	883						1	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1952	1,248 SF	17,150.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	76,400	94,600		
Improvements:	61,100	63,900		
Total:	137,500	158,500	151,500	158,500
Preferential Land:	0	0	0	0

Transfer Information

Seller:	*GARAFOLA LILLIAN*	**Date:**	*02/04/2004*	**Price:**	*$280,000*
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/19544/ 407	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

PETITIONER'S
EXHIBIT NO. 3

Richard Albright
10825 Philadelphia Road
White Marsh, Maryland 21162

April 14, 2006

Department Of permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Richards;

I own the property adjacent to Jim Barbey Automotive, Inc., located at 10821 Philadelphia Road, White Marsh, MD 21162. I have no objections to the proposed improvements to the above mentioned property.

Sincerely,

Richard T. Albright

Richard Albright

PETITIONER'S

EXHIBIT NO. 4


DR 3.5 H
DR 3.5
RO
PHILADELPHIA
SITE
Copyright (C) 2006 Baltimore County, Maryland

PLEASE PRINT CLEARLY

CASE NAME 10821 PHILA. RD
CASE NUMBER 06-430-A
DATE 4/14/06

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DAVE BILLINGSLEY	601 CHARWOOD CT	EDGEWOOD, MD 21040	
James Barbey	10821 Philadelphia Rd	White Marsh, MD 21162	
Marlene Barbey	10821 Philadelphia Rd	White Marsh, MD 21162	