IN RE: PETITIONS FOR SPECIAL EXCEPTION, *

SPECIAL HEARING & VARIANCE

West side of York Road, 420 feet

South of Beaver Run Lane

8th Election District

3rd Councilmanic District

(10926 York Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-451-SPHXA

George W. Casper, Jr., Legal Owner

and

Biejan Arvon and Ali Mehr,

Contract Purchasers

Petitioners

* * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception, Special Hearing and Variance filed by the legal owner of the subject property, George W. Casper, Jr. and Biejan Arvon and Ali Mehr, contract purchasers. The Petitioners are requesting special exception, special hearing and variance relief for property located at 10926 York Road in the Cockeysville area of Baltimore County. The special exception request is for a service garage, pursuant to Section 253.2B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, special hearing relief is requested to approve a parking plan as shown on the plan to accompany the petition, pursuant to Section 409.12(B) of the B.C.Z.R. Finally, variance relief is requested to permit a front yard setback of 14 feet in lieu of the required 50 feet for a non-residential building pursuant to Sections 255.1 and 238.1 of the B.C.ZR.; to permit a side yard setback as little as 6 inches in lieu of the required 30 feet for a non-residential building pursuant to Sections 238.1 and 255.1 of the B.C.Z.R.; to permit a rear yard setback of 1.2 feet in lieu of the required 30 feet for a non-residential building pursuant to Section 255.1 and 231.1 of the B.C.Z.R.; to permit a side yard Setback of 7.5 feet in lieu of the required 30 feet for a non-residential building pursuant to Sections \$255.1 and 238.1 of the B.C.Z.R.; and to allow a 12 foot wide travel way in lieu of the required 20 feet pursuant to Section 409.4 of the B.C.Z.R.

The property was posted with Notice of Hearing on April 11, 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 April 11, 2006 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;
- 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]

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

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

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

SATTLY:

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in

residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Bureau of Development Plans Review dated April 5, 2006, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance and special exception requests were Azita Arvon, Biejan Arvon, Katia Sadr, Ali Mehr and George Casper Jr. as well as Kenneth J. Wells, who prepared the site plan, was also in attendance. Lawrence E. Schmidt, Esquire represented the Petitioners. No Protestants or interested citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 0.337 acres of land in three lots zoned ML-IM as shown in Petitioners' Exhibit 1, the Plat to Accompany. The property is located in the commercial corridor along York Road with Beaver Dam Run to the west. It is presently improved by a four-bay garage building on the northern lots and office/warehouse on the southern lot, which were built in the 1960's. Mr. Schmidt proffered that Mr. Casper's family has owned these lots since the 1960's from which his father operated a sewerage disposal business and later a service garage. He noted that the buildings

service garage. The problem is that the parking spaces are located around the site separated by the above-mentioned gate. Again the site plan reflects existing conditions.

Finally, Mr. Schmidt indicated that the Petitioners are proposing no new buildings and the site plan reflects current conditions. As such, he argued that a full delineation of the 100-year flood plain of Beaver Dam Run as requested by Development Plans Review is simply unnecessary and would be prohibitively expensive for these Petitioners as they attempt to start their own business. He argued further that the proposed use does not constitute "development" as defined in Section 32-8-101 (g) of the BCC. Consequently, Section 32 title 8 Floodplain Management does not apply. However, he had no objection to the delineation if, as and when the Petitioners propose construction on the property.

At this point in the hearing a general discussion of the merits of modified parking plans occurred. Mr. Wells was requested to review the proposed parking plan to bring it up-to-date to the extent reasonable under the circumstances. In response, the Petitioner submitted a redline parking plan accepted as Exhibit 2.

Findings of Fact and Conclusions of Law

Variances

In regard to the setback variances, I find the property unique in a zoning sense. The lots together are oddly shaped or, said another way, the existing buildings are skewed with respect to the lot boundaries. These are existing buildings on old lots. This causes the setback variances requested.

I also find that the Petitioner would suffer practical difficulty if the regulations were strictly enforced. These are existing buildings and cannot be practically moved or reduced in size.

Finally, I find that these setback variances can be granted within the spirit and intent of the regulations and will not adversely affect the community. This renovation is welcome use of this vacant site in a commercial strip along York Road. I believe the community will welcome this use.

Special Hearing

As mentioned at the hearing, in older communities I find a modified parking plan under Section 409.12 of the BCZR is much preferred over variances. Variances simply reflect what is there, no matter how unsafe or outdated. Modified parking plans give the County a chance to make good faith improvements to parking for safety and updated regulations. In response to my request, the Petitioner submitted a modified parking plan, Exhibit 2, which I accept as a good faith effort to update the plan to the extent reasonable. I find that the existing conditions on-site greatly constrain the parking that can be accommodated and that providing the regulatory parking would be an undue hardship on the Petitioner. Therefore I will grant the special hearing request.

Special Exception

Having granted the variances and special hearing requests, I will approve the special exception for a service garage with conditions. I find that the proposed use meets the criteria of the IM overlay district, as the use will primarily serve the commercial industrial uses in the surrounding area. I further find that the proposed use at this location will not have a disproportionate impact on the community as compared to other locations in the district, that the use meets the criteria of Section 502.1 of the BCZR, and will not adversely affect the community. Compared to the present vacant building this is a welcome use.

In regard to the request by Development Plans Review to delineate the 100-year flood plain of Beaver Dam Road, I agree with Mr. Schmidt that simply using the existing buildings for a service garage is not "Development" as defined in the regulations. There is no physical change to the site, which clearly the regulations envisions in order to trigger this Title. I will require that if as and when the Petitioner or their successors create physical changes on the property, the ZAC comment of DPR must be followed.

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

THEREFORE, IT IS ORDERED, this $\frac{2}{3}$ day of May, 2006, by the Deputy Zoning Commissioner, that variance relief requested by the Petitioner to permit a front yard setback of 14 feet in lieu of the required 50 feet for a non-residential building pursuant to Sections 255.1 and 238.1 of the B.C.ZR.; to permit a side yard setback as little as 6 inches in lieu of the required 30 feet for a non-residential building pursuant to Sections 238.1 and 255.1 of the B.C.Z.R.; to permit a rear yard setback of 1.2 feet in lieu of the required 30 feet for a non-residential building pursuant to Section 255.1 and 231.1 of the B.C.Z.R.; to permit a side yard setback of 7.5 feet in lieu of the required 30 feet for a non-residential building pursuant to Sections 255.1 and 238.1 of the B.C.Z.R.; and to allow a 12 foot wide travel way in lieu of the required 20 feet pursuant to Section 409.4 of the B.C.Z.R., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their 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; and
- 2. Vehicles using the driveway between buildings shall be operated by employees familiar with the constraints of the site; and
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order; and

IT IS FURTHER ORDERED, that the special hearing relief requested to approve a parking plan as shown on the revised plan to accompany the petition, Exhibit 2, pursuant to Section 409.12(B) of the B.C.Z.R., be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that that the Special Exception request for a service garage, pursuant to Section 253.2B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED subject to the following condition:

1. If, as and when the Petitioners or their successors create physical changes on the property, the Petitioner or their successors shall comply with the ZAC comment of the Department of Plans Review regarding delineation of the 100-year flood plain of Beaver Dam Run, apply for and be granted such variances as may be necessary, as the result of the delineation and setback provisions therefrom.

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

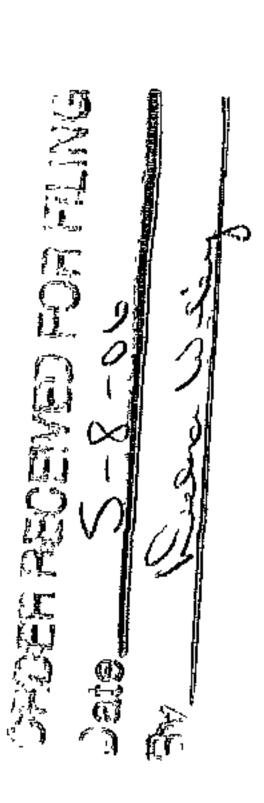
JOHN . MURPHY

DEPUTY ZONING COMMISSIONER

John V. Mushlu

FOR BALTIMORE COUNTY

JVM:raj





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III Zoning Commissioner

May 8, 2006

Lawrence E. Schmidt, Esquire Gildea & Schmidt, LLC 300 E. Lombard Street, Suite 1440 Baltimore, MD 21202

Re: Petitions for Special Hearing, Special Exception & Variance

Case No. 06-451-SPHXA
Property: 10926 York Road

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case. The petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:raj Enclosure

C: George W. Casper, Jr., 10909 York Road, Cockeysville, MD 21030 Azita Arvon, Biejan Arvon, 13621 Bardon Road, Phoenix, MD 21131 Katia Sadr, & Ali Mehr, 8-C Windmill Chase, Sparks, MD 21152 Kenneth Wells, 7403 New Cut Road, Kingsville, MD 21087



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 10926 York Road

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

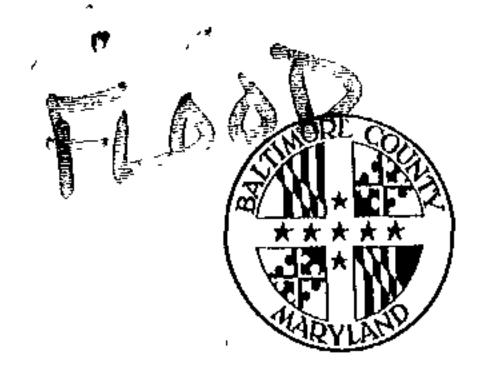
A service garage, pursuant to Section 253.2B.3 of the Baltimore County Zoning Regulations ("BCZR").

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.

			is the subject of this P	etition.	a the property willer
Contract Purchaser/Les:	<u>see:</u>		Legal Owner(s):		
Biejan Arvon and Ali Mame - Type or Print Signature	1ehr	2. 122	George W. Casper, JR e - Type or Print	Slever 1)	Can A
Signature			Signature George W. Casper, JR	<u> </u>	
13621 Bardon Road		(410) 666-1985	origination of the property of		
Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.	Name - Type or Print		
Phoenix	MD	21131	••		
City	State	Zip Code	Signature	·	
Attorney For Petitioner:			10909 York Road		(410) 833-7705
			Address		Telephone No.
Lawrence E. Schmidt			Cockeysville	MD	21030
Name - Type or Print		City		State	Zip Code
Signature			Representative to	be Contacted	<u>l:</u>
Gildea & Schmidt, LLC			Warra 41, Y 337-11		
Company			Kenneth J. Wells Name	<u></u>	
300 E. Lombard Street, Suite 14	40	(410) 234-0070	7403 New Cut Road		(410) 500 5005
Address		Telephone No.	Address		(410) 592-8800 Telephone No.
Baltimore	MD	21202	Kingsville,	MD	ſ
dity	State	Zip Code	City	State	21087 Zip Code
- 9			<u>OFFI</u>	CE USE ONLY	
Case No06-45/-	SPHXA		ESTIMATED LENGTH OF	HEARING	
7000	7 1114		UNAVAILABLE FOR HEAD	RING	
REV 19/15/98 (DROP-DF	F)		Reviewed By JNP for	r WCR Date	3/16/06



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 10926 York Road

which is presently zoned: ML-IM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s):

See attachment

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

To be presented at hearing,

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

Contract Purchaser/Le	essee:		Legal Owner(s):		
Biejan Arvon and Ali Name - Type or Print	Mehr		George W. Casper, JR.	Um W	Can a
1300 Am	- /	Nan	ne - Type or Print		
Signature 13621 Bardon Road		(410) 666-1985	Signature George W Casper, JR.		
Address		Telephone No.	Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	
Phoenix	MD	21131	• • • • • • • • • • • • • • • • • • •		
City	State	Zip Code	Signature		
Attorney For Petitione	<u>r:</u>		10909 York Road		(410) 833-7705
7 70 4 14			Address		Telephone No.
Lawrence E. Schmidt			Cockeysville	MD	21030
Name - Type or Print		City		State	Zip Code
Cionatura			Representative to	be Contacted:	
Signature Gildea & Schmidt, LLC			Kenneth J. Wells		
Company			Name		
300 East Lombard Street, Su	ite 1440	410-234-0070	7403 New Cut Road		(410) 592-8800
Address		Telephone No.	Address		Telephone No.
Baltimore	MD	21202	Kingsville,	MD	21087
City	State	Zip Code	City	State	Zip Code
			OFFIC	E USE ONLY	
Ease No. $06-451$	-SPHKA		ESTIMATED LENGTH OF	HEARING	,
(DROP-1	IFF)	Reviewed Ru .	JAP TON LAICR DOTE	ING 16.106	<u> </u>

Attachment to Variance Petition

- 1.) To permit a frontyard setback of 14 feet in lieu of the required 50 feet for a non residential building pursuant to Sections 255.1 and 238.1 of the BCZR.
- 2.) To permit a sideyard setback as little as 6 inches in lieu of the required 30 feet for a non residential building pursuant to Sections 238.1 and 255.1 of the BCZR.
- 3.) To permit a rearyard setback of 1.2 feet in lieu of the required 30 feet for a non residential building pursuant to Section 255.1 and 238.1 of the BCZR.
- 4.) To permit a sideyard setback of 7.5 feet in lieu of the required 30 feet for a non residential building pursuant to Sections 255.1 and 238.1 of the BCZR.
- 5.) To allow a 12 foot wide travel way in lieu of the required 20 feet pursuant to Section 409.4 of the BCZR.

06-451-SPHXA (DROP-OFF)

kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800 Fax: (410) 817-4055

Email: kwells@kjwellsinc.com

7403 New Cut Road Kingsville, Md. 21087-1132

February 17, 2006

Zoning Description 10922 & 10926 York Road

Baltimore County

Maryland

3rd Councilmanic District

8th Election District

Beginning at a point on the west side of York Road which varies in width at a distance of 420 feet south of the centerline of the nearest improved intersecting street which is known as Beaver Run Lane which is 30 feet wide. Thence the following courses and distances:

- 1) South 19 degrees 25 minutes 19 seconds East 12.68 feet;
- 2) South 19 degrees 25 minutes 19 seconds East 55.68 feet;
- 3) South 19 degrees 25 minutes 19 seconds East 37.80 feet;
- 4) South 85 degrees 41 minutes 22 seconds West 194.21 feet;
- 5) North 18 degrees 16 minutes 23 seconds East 61.68 feet;
- 6) North 24 degrees 58 minutes 48 seconds East 19.24 feet;
- 7) North 28 degrees 35 minutes 33 seconds East 4.79 feet;
- 8) North 74 degrees 54 minutes 23 seconds East 133.14 feet

to the place of beginning. Containing 14,708 square feet or 0.3377 acres of land more or less.



06-451-SPHXA (DROP-OPF)

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

(C) (C) (C)

(V

DATE

AMOUNT \$

RECEIVED FROM:

FOR:

DISTRIBUTION WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF ZONING HEAPING

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: # 06-451-SPHXA

10926 York Road

. West side of York Road, 420 feet south of Beaver Run Lane

Lane

Stin Election District — 3rd Councilmanic District
Legal Owner(e): George W. Casper, Jr.
Contract Purchasers: Biejan Arvon & All Mehr
Special Hearing: to approve a parking plan as shown on the plan to accompany this Petition for Special Hearing.
Special Exception: to allow a service garage.
Variance: to permit a front yard setback of 14 feet in lieu of the required 50 feet for a non residential building and to permit a side yard setback as little as 6 inches in lieu of the required 30 feet for a non residential building and to permit a rear yard setback of 1.2 feet in lieu of the required 30 feet for a non residential building and to permit a side yard setback of 7.5 feet in lieu of the required 30 feet for a non residential building and to allow a 12 foot wide travel way in lieu of the required 20 feet.
Hearing: Thursday, April 27, 2006 at 10:00 a.m. in 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) 887-4386.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 4/848 Apr. 11

CERTIFICATE OF PUBLICATION

4/13/,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 4/11/,2006.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S Milling Can

LUCAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: OG-45/- SPHKA

Petitioner/Developer: BIETAN ARVON LALI MEHR Date of Hearing/Closing: APRIL 27 20% **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: 10926 YORK ROAD 4-11-06 The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) CASE # OS-45TSPHXA **SSG Robert Black** A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD (Print Name) 1508 Leslie Road PLACE: ROOM 40'1 COUNTY TOURS BCDD. 1101 BOSEY/148 DATE AND TIME THINKS W. APRIL 27. 2006 or 10:00 %. (Address) REQUEST: SPECIAL HEARING TO APPROVE A PROXING Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

10926 YORK RD

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 ubject 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: 06-451-SPHXA (PROP-OFF) Petitioner: 6eorge W. Casper, Jr. Address or Location: 10926 York Road.
Address or Location: 10926 York Road
PLEASE FORWARD ADVERTISING BILL TO: Name: Lawrence E. Schmidt
Address: Gildea & Schmidt, LLC
300 E. Lombard Street, Suite 1440 Baltimore, MD 21202
Telephone Number: <u>410-234-0070</u>

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 29, 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: 06-451-SPHXA

10926 York Road

West side of York Road, 420 feet south of Beaver Run Lane

8th Election District – 3rd Councilmanic District

Legal Owners: George W. Casper, Jr.

Contract Purchasers: Biejan Arvon & Ali Mehr

Special Hearing to approve a parking plan as shown on the plan to accompany this Petition for Special Hearing. Special Exception to allow a service garage. Variance to permit a front yard setback of 14 feet in lieu of the required 50 feet for a non residential building and to permit a side yard setback as little as 6 inches in lieu of the required 30 feet for a non residential building and to permit a rear yard setback of 1.2 feet in lieu of the required 30 feet for a non residential building and to permit a side yard setback of 7.5 feet in lieu of the required 30 feet for a non residential building and to allow a 12 foot wide travel way in lieu of the required 20 feet.

Hearing: Thursday, April 27, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Lawrence Schmidt, 300 E. Lombard St., Ste. 1440, Baltimore 21202 George Casper, Jr., 10909 York Road, Cockeysville 21030 Biejan Arvon & Ali Mehr, 13621 Bardon Road, Phoenix 21131 Kenneth J. Wells, 7403 New Cut Road, Kingsville 21087

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 12, 2006.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, April 11, 2006 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt Gildea & Schmidt 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202

410-234-0070

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: 06-451-SPHXA

10926 York Road

West side of York Road, 420 feet south of Beaver Run Lane

8th Election District – 3rd Councilmanic District

Legal Owners: George W. Casper, Jr.

Contract Purchasers: Biejan Arvon & Ali Mehr

Special Hearing to approve a parking plan as shown on the plan to accompany this Petition for Special Hearing. Special Exception to allow a service garage. Variance to permit a front yard setback of 14 feet in lieu of the required 50 feet for a non residential building and to permit a side yard setback as little as 6 inches in lieu of the required 30 feet for a non residential building and to permit a rear yard setback of 1.2 feet in lieu of the required 30 feet for a non residential building and to permit a side yard setback of 7.5 feet in lieu of the required 30 feet for a non residential building and to allow a 12 foot wide travel way in lieu of the required 20 feet.

Hearing; Thursday, April 27, 2006 at 10:00 a.m. in 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 410-887-4386.

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

Department of Permiti 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 20, 2006

Lawrence E. Schmidt Gildea & Schmidt, LLC 300 E. Lombard Street, Suite 1440 Baltimore, MD 21202

Dear Mr. Schmidt:

RE: Case Number: 06-451-SPHXA, 10926 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 16, 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. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
George W. Casper, Jr. 10909 York Road Cockeysville 21030
Kenneth J. Wells 7403 New Cut Road Kingsville 21087
Biejan Arvon Ali Mehr 13621 Bardon Road Phoenix 21131



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 5, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 3, 2006 Item No. 451

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The 1 story, 12-foot-wide brick and block building is shown to be within the 20-foot setback required from a flood plain. We recommended that no action be taken until the flood plain is delineated by a licensed professional engineer.

DAK:CEN:clw

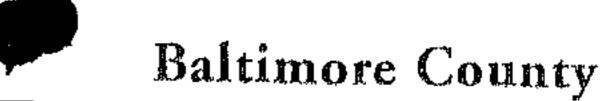
cc: File

ZAC-ITEM NO 451-04032006.doc

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

March 29,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: March 27, 2006

Item Numbers: 442,443,444,445,447,448,449,450,451,452,453,454,455,456

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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

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

Maryland Department of Transportation

3.24.01 Date:

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

RE:

Baltimore County

Item No. 451

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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. J. Gredt

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 29, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-451- Variance, Special Hearing and Special Exception

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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

PETITION FOR SPECIAL HEARING RE:

SPECIAL EXCEPTION & VARIANCE

10926 York Road; W/S York Road,

420' S Beaver Run Lane

8th Election & 3rd Councilmanic Districts

Legal Owner(s): George W. Casper, Jr

Contract Purchaser(s): Beijan Anvon & Ali Mehr* BALTIMORE COUNTY

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

06-451-SPHXA

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 27th day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to Kenneth Wells, 7403 New Cut Road, Kingsville, MD 21087 and Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

Paramage Bearing

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Case #: 06-451-SPHXA Drop-Off Petition

March 16, 2006 Note to Hearing File:

This Drop-Off Petition was submitted without complying with the Zoning Office policy procedures for accuracy and completeness as required and shown below:

FREQUENT FLYER ATTORNEYS DROP OFF ZONING PETITIONS POLICY PROCEDURES

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

- 1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with all technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
- 2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.
- 3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

Therefore, the attorney submitting this Drop-Off Petition is solely responsible for the accuracy and completeness of all information filed.

For Carl Richards

by:

Jeffrey Perlow, Planner II

Zoning Review

" JN		
Intake I	Planner	

3/16/06
Date Assigned

DROP-OFF PETITIONS PROCESSING CHECK-OFF
Two Questions Answered on Cover Sheet: Any previous reviews in the zoning office? Any current building or zoning violations on site?
Petition Form Matches Plat in these areas: Address Zoning Legal Owner(s) NO Contract Purchaser(s) (DOES NOT IMPTER) Request (if listed on plat)
Petition Form (must be current PDM form) is Complete: \[\int \text{Request:} \text{Section Numbers} \text{Correct Wording (must relate to the code, especially floodplain and historical standard \text{wording.} \text{Variances must include the request in lieu of the required code quantities.} \text{Hardship/Practical Difficulty Reasons} \text{Legal Owner/Contract Purchaser:} \text{Signatures (originals)} \text{Printed/Typed Name and Title (if company)} \text{NO Attorney (if incorporated) NO 3 IGNA (UKE)} \text{NO Signature/Address/Telephone Number of Attorney} \]
Correct Number of Petition Forms, Descriptions and Plats
□ №200 Scale Zoning Map (NOT SUBMITTED)
Check: Amount Correct? Signed?
ZAC Plat Information: Location (by Carl) West Side of York Road, 420 feet South of Bequer Run Lane
Zoning: ML-1M Acreage: 0.3377 Acres Previous Hearing Listed With Decision District 8 Councilmanic District 3 Case # 97-550 Check to See if the Subject Site or Request is: CBCA Floodplain YES Elderly Historical Pawn Shop Helicopter *If Yes, Print Special Handling Category Here *If No, Print No
$\frac{06 - 451 - SPHXA}{3 16 06}$
Item Number Assigned Date Accepted for Filing

GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET

SUITE 1440

BAITTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070

FACSIMILE 410-234-0072

www.gildeallc.com

DAVID K. GUDEA DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E. SCHMIDT LSCHMIDT@GILDEALLC.COM

SEBASTIAN A. CROSS SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN DHOLMAN@GILDEALLC.COM

JASON T. VETTORI JVETTORI@GILDEALLC.COM

Via Hand Delivery

Honorable Jack V. Murphy Deputy Zoning Commissioner Baltimore County 401 Bosley Avenue 4th Floor Towson MD 21204

> Re: Arvon/10926 York Road Case No.: 06-451-SPHXA

Dear Mr. Murphy:

Pursuant to comments made at the conclusion of the public hearing held for the above matter, kindly find enclosed a revised plan to accompany the Petitions for Special Exception and Variance. This plan has been revised by Ken Wells (property line surveyor) to modify the proposed parking layout. Specifically, kindly note that a handicapped space has been added within the customer parking area provided along the property's frontage adjacent to York Road.

I have spoken with Mr. Wells about this change and he has advised that this is the only change practical or appropriate, given the layout of the site and applicable requirements under the BCZR. Specifically, there are more spaces provided (13) than are required (9). Given the requirement for separation between customer parking and vehicle storage/employee parking, the layout as shown is the most appropriate. Please note that there are three customer parking spaces available along the frontage of the property. These should be easily accessible by customers entering the site from York Road. Additionally, behind the existing buildings and proposed gate, there is a storage area for up to three vehicles waiting to be serviced, as well as three employee parking spaces. Additionally, there are four bays within the service garage building that are used for parking and are designated as such under the BCZR.

TOWSON, MD OFFICE 220 BOSLEY AVENUE TOWSON, MARYLAND 21204 TELEPHONE 410-337-7057

May 3, 2006 Each 2006

the state of the s

Honorable Jack V. Murphy May 3, 2006 Page 2

Kindly accept this amended plan as a part of the record of this case. I request your favorable consideration of the Petitions based upon the uncontradicted testimony and evidence offered at the hearing. Please do not hesitate to contact me should you have questions regarding this matter.

Very truly yours,

Lawrence E. Schmidt

LES: sf Enclosure

CC: Azita Arvon (w/o enclosure)

Ken Wells, kjWells, Inc. (w/o enclosure)

GILDEA & SCHMID', LLC

DAVID K. GILDEA DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E. SCHMIDT LSCHMIDT@GJLDEALLC.COM

SIBASTIAN A. CROSS SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN DITOLMAN@GILDEALLC.COM

JASON T. VETTORI JVETTORI@GILDMALLC.COM

Via Hand Delivery

W. Carl Richards, Jr. Zoning Review Supervisor 111 W. Chesapeake Ave. Towson, MD 21204

Arvon/10926 York Road

300 EAST LOMBARD STREET

SUITE 1440

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070 FACSIMILE 410-234-0072 www.gildeallc.com

March 6, 2006

Re:

Dear Mr. Richards:

Enclosed please find three (3) copies of the Petition for Variance, three (3) copies of the Petition for Special Hearing, three (3) copies of the Petition for Special Exception, twelve (12) copies of the Plat, three (3) copies of the Property Description and one (1) copy of the official zoning map to be filed as a drop-off. We are requesting a Special Hearing to approve a parking plan as shown on the plan, a Special Exception to use the described property as a service garage and Variances as more particularly described in the Petition for Variance.

The property at issue is not the subject of any violation. No planner has reviewed the materials being filed herein. I am filing the aforementioned materials along with a check for Eight Hundred Dollars (\$800.00) on behalf of Lawrence E. Schmidt. Please feel free to contact me with any comments, questions or concerns.

lason T. Vettori

JTV: sf Enclosure

CC: Azita Arvon

> Kenneth J. Wells, kjWells, Inc. Lawrence E. Schmidt, Esquire

> > 06-451-SPHXA (DROP-OFF)

TOWSON, MD OFFICE

220 BOSLBY AVENUE


TOWSON, MARYLAND 21204


TELEPHONE 410-337-7057

CASE NAME 06-451-5PM CASE NUMBER DATE 4/27/2006

CHES SIGN-IN SHEET

					•	•	Geras al Casper De 16	Di Mehr	Katia Sider	Fejan Arvon 1	Azita Arvon 1:	Mullence 12 Schmitt 3	KENUERY MELLY	NAME
							25 Main St. Restruction		c windmill chase	3601 Bardon Rd.	362/ Bardon Rd.	Sm	1403 NEWLANT RD.	ADDRESS
							Was A	5parks mD 21152	Sparks MD 21152	Phoenix M1) 3/13)	Phoenix med 21131	allow	たばなシールが、かり、21087	CITY, STATE, ZIP
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bridge lot boundaries as shown on the exhibit and that the three lots have been used as a single entity while in the Casper family. All buildings are and have been vacant for the past three years since the elder Mr. Casper died.

The contract purchasers now operate a service garage nearby and would like to own their own property and garage. They propose to do normal maintenance and repair of vehicles but no bodywork, painting or vehicles for hire. This service garage would serve the employees and customers of businesses and industries along the York Road commercial corridor, which has the IM district, overlay. There would be two employees operating from 7:30 AM to 6:00 PM six days each week. While there would be a site cleanup and fix up, no new buildings are proposed. Mr. Schmidt opined that the use as a service garage would meet the criteria of the IM overlay district as well as Section 502.1 of the BCZR.

In regard to the variances requested, Mr. Schmidt indicated that the property was unique from a zoning standpoint because of its odd shape, it lies along Beaver Dam Run and there are existing buildings on site, which cause the request for variance. For example, the existing building is within 0.5 feet of the skewed north property line. This also triggers a 1.2-foot setback from the rear property line although, in fact, there is 24 feet to what normally would be called the rear property line. Similarly, the south building now is 7.5 feet from the south boundary. The distance between buildings is only 12 feet and so needs a variance for the width of driveway with two-way travel. Mr. Schmidt noted that very little actual traffic will go through this driveway, vehicles will only be operated by employees who will be familiar with the constraints of the site and there will be a gate to prevent customers from inadvertently going to the back of the property. Customer parking is provided in the space off York Road.

Mr. Schmidt noted that the Petitioners are requesting approval of a modified parking plan under Section 409.12 of the BCZR via special hearing. He noted that Exhibit 1 shows 13 parking spaces are provided while 9 spaces are required. Of the 13 spaces 4 would be within the 4-bay