IN RE: PETITION FOR SPECIAL HEARING \*

SE/S Cromwell Bridge Road, 80' SW c/line Glen Eagles Court (1101 Cromwell Bridge Road)

9<sup>th</sup> Election District 5th Council District

W. Worth McKeithan, et ux, Owners Frank A. Beever, Jr., Lessee Petitioners

BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* BALTIMORE COUNTY

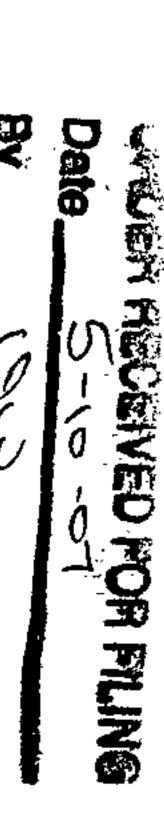
\* Case No. 07-336-SPH

#### 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/trustees of the subject property, W. Worth McKeithan and Evelyn B. McKeithan and contract lessee, Frank A. Beever, Jr. The Petitioners request a special hearing to approve an amendment to a previously approved Special Exception (Case No. 96-281-X) and a previously approved site plan to allow a pit beef stand as an additional use on site and the approval of a modified parking plan. The subject property and requested zoning relief are more particularly described on the revised site plan submitted and dated April 19, 2007, which was accepted into evidence and marked as Petitioners' Exhibit 2.<sup>1</sup>

Appearing at the public hearing in support of the request were Frank Beever, contract lessee, Larry Minton, chef and co-operator of the carryout business and Joseph L. Larson, who prepared the site plan for this property. Also present was George Hocker, a nearby resident of the area, residing at 1101 Cowpens Avenue. There were no Protestants or other interested persons present.

On March 21, 2007, the Petitioners initially appeared before Deputy Zoning Commissioner John V. Murphy and were provided at that time with an adverse Zoning Advisory Committee (ZAC) comment from the Office of Planning. The Petitioners' engineering consultant, Joseph L. Larson, President of Spellman, Larson and Associates, Inc. requested and was granted a brief continuance to allow time to review and consult with the Office of Planning in order to re-evaluate on-site parking concerns. As a result the Petitioners modified their petition to include a modified parking plan pursuant to Section 409.12.B, reposted and re-advertised the property as required.



It should be noted that the property in question is the subject of a Baltimore County Code violation. A hearing on the code violation (Case No. 06-7054) was held in abeyance once it was determined that the operator of the pit beef stand possessed the necessary Huckster's License (0000106) and Environmental Permit (4206). The pending violation concerns the pit beef stand which is the subject of the instant special hearing and modified parking plan petition before the Zoning Commissioner.

Testimony and evidence offered revealed that the subject property is an irregular rectangular shaped lot consisting of 0.788 acres, more or less, zoned M.L.-I.M., and is improved with a one-story 61'x 31' service garage. The property is located with frontage on Cromwell Bridge Road, opposite Glen Eagles Court. The general character of the surrounding area is a mix of business and commercial uses. The existing Holiday Inn is located across the street and there is an industrial park nearby. The owners of the property have for many years operated McKeithan's Auto Sales, located near the intersection of Loch Raven Boulevard and Joppa Road and utilize the service garage principally to repair, clean and detail the automobiles they sell. This dealership and other dealers who use the operation are located in close proximity to the Cromwell Bridge Road site. The subject pit beef carryout business began operating in 2005 and initially consisted of a trailer positioned on the eastern end of the site, some 100' away from the service garage. Pursuant to Section 409 of the Baltimore County Zoning Regulations (B.C.Z.R.), the garage (1,757 square feet) requires seven (7) parking spaces. The pit beef stand (7', 8" wide x 16' deep) requires one (1) space. As shown on the amended site plan, 25 spaces are provided. The Petitioners' now come before me seeking certain zoning relief to allow the operation of a pit beef stand with the existing service garage.

In this regard, testimony and evidence disclosed that Frank Beever is the only tenant the owners' of the property contemplate operating a food business on the subject property. He has

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obtained a valid food permit and has operated on this site for over a year, apparently without incident. This testimony was corroborated by George Hocker who, in addition to having his cars regularly maintained at the subject service garage, is also a frequent customer at the pit beef stand. He characterized the carryout business as an enhancement to the area, well maintained and does not result in any detriment to the health, safety or general welfare of the surrounding locale. Additionally, there were no opponents present at the hearing. Apparently, the existing use has not caused detrimental impacts to the surrounding locale. The hours of operation are staggered, with the pit beef stand opening during the lunch hour and into mid-afternoon, while the service garage receives its volume of business in the early morning hours or late evening. In its Zoning Advisory Committee (ZAC) comments, dated February 20, 2007, the Office of Planning does not oppose the Petitioners' use but commented that the point of ingress/egress located at the eastern portion of the property be opened by removing a barrier and discontinue further parking in this area. This has been addressed on the amended plan. B.C.Z.R. Section 253 specifies the use regulations in the M.L-I.M. zone and lists auxiliary retail or service uses including food stores, carryout, fast-food, etc. as a permitted use as of right. See Section 253.1.C.12 and 21.

With respect to the Petitioners' request to approve a modified parking plan, I have jurisdiction to approve same pursuant to Section 409.12 of the B.C.Z.R. In this case, I find that without a modified parking plan the Petitioners would clearly suffer undue hardship and practical difficulty. A modified parking plan approval is generally requested to address pre-existing site conditions that do not conform to the requisite parking and driveway geometry as dictated by the regulations. I find that this situation exists in the case before me, with the specific issue being the parking spaces fronting along the Cromwell Bridge Road right-of-way line. The non-conforming parking spaces have existed at this location for many years as indicated by the testimony presented

Date CEVED FOR FILIN

and have endured without causing any impact or congestion to the interior traffic circulation on the property nor caused detrimental impacts to the surrounding locale. Thus, I find that the approval of the modified parking plan is appropriate and not inconsistent with the B.C.Z.R.

After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing request. In my judgment, the Petitioners' have complied with the recommendations of the B.C.Z.R. and case law. Relief should be approved, pursuant to Sections 500.7 and 502.1 of the B.C.Z.R. to allow an amendment to the previously approved special exception and site plan, in accordance with the relief granted herein. I find that the proposed use is consistent with the character of the neighborhood and will not result in any detriment to the health, safety, or general welfare of the surrounding locale. Thus, the relief requested is appropriate in this instance and should be permitted.

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 day of May, 2007, that the Petition for Special Hearing to allow an amendment to a previously approved Special Exception (Case No. 96-281-X) and to approve an amendment to a previously approved site plan to allow a pit beef stand as an additional use on site, and approval of a modified parking plan, in accordance with Petitioners' Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

- 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.
- The terms, conditions and restrictions contained in the Order, dated March 17, 1996 in Case No. 96-281-X, be and are hereby incorporated herein.

- 3) The special hearing relief granted is for the use by Frank Beever and Larry Minton, personally, and shall not run with the land as to inure to the benefit of any subsequent property lessor or owner.
- 4) The fast-food, carryout business will be seasonal and operate from the beginning of April until the end of November. During this period of time the hours of operation shall be limited to Monday through Friday from 10:00 AM to 3:00 PM.
- 5) Should the Petitioners' determine that the growth of their operation (service garage or pit beef stand) warrant a modification of these restrictions, including any increase over and above the hours of operation permitted, a public hearing must be held to determine the merits of their request.
- 6) When applying for any permits, 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 entered within thirty (30) days of the date

hereof.

WJW:dlw

WILLIAM J. WASEMAN, III

Zoning Commissioner for

**Baltimore County** 



JAMES T. SMITH, JR. County Executive

May 10, 2007

WILLIAM J. WISEMAN III

Zoning Commissioner

Frank Beever 1119 High Country Road Towson, Md. 21286

RE: PETITION FOR SPECIAL HEARING

SE/S Cromwell Bridge Road, 80' SW c/line Glen Eagles Court

(1101 Cromwell Bridge Road)

9<sup>th</sup> Election District - 5th Council District

W. Worth McKeithan, et ux, Owner; Frank A. Beever, Jr., Lessee- Petitioners

Case No. 07-336-SPH

Dear Mr. Larson:

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

WIŁLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

C: Mr. Joseph L. Larson, 222 Bosley Avenue, Suite B-3, Towson, MD 21204
 W. Worth McKeithan & Evelyn B. McKeithan, 4111 Halifax Court,
 Glen Arm, Md. 21057

Larry Minton, 600 Straffan Drive, #305, Timonium, Md. 21093 George Hocker, 1101 Cowpens Avenue, Towson, Md. 21286

People's Counsel; Case File; Code Victoria Div.



## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	1101 Cromwell	Bridge 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 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 sheet

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

I, or we, agree to pay ex zoning regulations and	XDenses of above Sr	pecial Hearing, advertis ore County adopted pu	ing, posting, etc. and furth revant to the zoning law fo	er agree to and are to r Baitimore County.	be bounded by the
			I/We do solemnly dec	lare and affirm, under the legal owner(s) of t	the penalties of he property which
Contract Purchase	er/Lessee:	•	Legal Owner(s):		
Frank Beever			W. Worth McKei	ithan	
Name - Type or Brint	Geever /		Name - Type or Print		
Signature 1119 High Count	ry Road	410-321-1866	Signature 1000	16 11 A	ut
Address Towson	MD	Telephone No. 21286	Name - Type or Print Evelyn B. McKe	eithan	
City	State	Zip Code	Signature	$C_1$	
Attorney For Petiti	oner:		Address 4111 Halifax (	Bourt Glen Arm	Telephone No.
Name - Type or Print	.e.*	•	City 410-825-044		Zip Code
Signature	· · · · · · · · · · · · · · · · · · ·		Representative t	o be Contacted:	
			Joseph L. Larso	on	
Company		· · · · · · · · · · · · · · · · · · ·	Name 222 Bosley Aver		410-823-3535
Address		Telephone No.	Address Towson	MD	Telephone No. 21204
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#### 1101 Cromwell Bridge Road

#### Case No. 07-336 SPH

..... an amendment to a previously approved Special Exception and a previously approved Site Plan to allow a pit beef stand as an additional use on the subject site to also include the approval of a modified parking plan.



## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at _	1101 Cromwell	Bridge	Road
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SEE ATTACHED SHEET

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

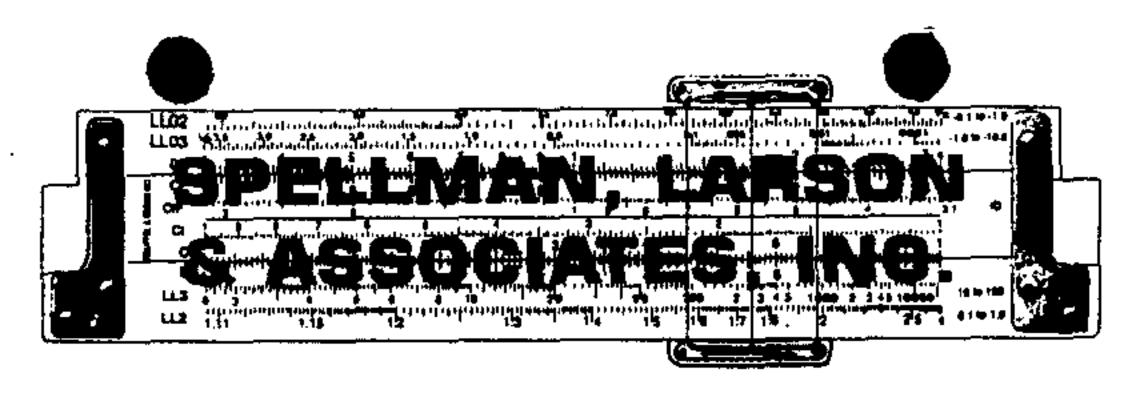
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

•		•	I/We do solemnly declar perjury, that I/we are the is the subject of this Po	ne legal owner(s) of the	the penalties of he property which
Contract Purchas	er/Lessee:		Legal Owner(s):		•
Frank Beever	·		W. Worth McKeit	han	
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Towson	MD State	21286	Evelya B. McKei	than	
Attorney For Petit	ioner:	Zip Code	Signature	13. Meter	Than
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-CV 1111178	•				

#### 1101 Cromwell Bridge Road

....an amendment to a previously approved Special Exception and also to approve an amendment to a previously approved Site Plan.





ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

## CIVIL ENGINEERS AND LAND SURVEYORS 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

#### DESCRIPTION FOR A SPECIAL HEARING, 1101 CROMWELL BRIDGE ROAD, 9<sup>TH</sup> DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the southeast side of Cromwell Bridge Road, 70 feet wide, at the distance of 80 feet, more or less, measured southwesterly along the southeast side of Cromwell Bridge Road from the centerline of Glen Eagles Court, if extended southeasterly to meet the southeast side of Cromwell Bridge Road and running thence and binding on the southeast side of Cromwell Bridge Road north 69 Degrees 33 Minutes 28 Seconds east 200.00 feet thence leaving the southeast side of Cromwell Bridge Road and running south 23 Degrees 39 Minutes 04 Seconds east 11.66 feet south 78 Degrees 01 Minutes 05 Seconds east 126.39 feet south 24 Degrees 05 Minutes 34 Seconds east 2.79 feet north 65 Degrees 54 Minutes 26 Seconds east 73.53 feet south 48 Degrees 25 Minutes 59 Seconds west 109.90 feet south 65 Degrees 54 Minutes 26 Seconds west 278.95 feet and north 20 Degrees 26 Minutes 32 Seconds west 134.89 feet to the place of beginning.

Containing 0.788 acres of land, more or less.

1/10/07



## TCE OF ZONING HEARING 달

The Zoning Commissioner of Battimore County, by straining of the Zoning Act and Regulations of Battimore County will hold a public hearing in Towson, Maryland on the property Identified herein as follows:

Case: #07-336-SPH

1101 Cromwell Bridge Road

S/east side of Cromwell Bridge Road, 80 feet s/west from centerline of Glen Eagles Court

9th Election District - 5th Councilmanic District

Legal Owner(s): W. Worth & Evelyn B. McKeithan

Special Hearing: for an amendment to a previously approved Special Exception and also to approve an amendment to a previously amended Site Plan.

Hearing: Wednesdey, March 21, 2007 at 2:00 p.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 3/653 Mar. 6

# OF PUBLICATION

\_,20<u>07</u>

that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY 20 once in each of 5

The Jeffersonian

Arbutus Times

Catonsville Times

Towson Times

Owings Mills Times

NE Booster/Reporter

News North County J. Mulman

LEGAL ADVERTISING

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The Jeffersonian

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Catonsville T

Towson Times

'Reporter Owings Mills Times NE Booster/

North County News

ADVERTISING J. W. C.

The Zoning Commissional of Battimore County, by authority of the Zoning Act and Regulations of Battimore County, will have a public hearing in Townson, Maryland our the property identified herean as follows: Case: 197-338-5PH 110° Cramine Bridge Road Sterest side of Cramwell Bridge Road Sterest side of Cramwell Bridge Road, 80 feet from the mineral and the cramwell Bridge Road, 80 feet from the mineral and the cramwell Bridge Road, 80 feet from the mineral and the mineral control of the cramwell Bridge Road, 80 feet from the mineral control of t Site Pian.
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BALTIMORE COUNTY, MARYLAND No. 23024  OFFICE OF BUDGET & FINANCE  MISCELLANEOUS RECEIPT  DATE 1.27.07 ACCOUNT PEO 1-006-6 IS  AMOUNT \$ 32.5. TO  FROM: SCHOOL SECTION CUSTOMER  FOR: STATEMENTION  WHITE-CASHIER PINK. AGENCY YELLOW-CUSTOMER	RALTIMORE COUNTY, MARYLAND  FICE OF BUDGET & FINANCE  MISCELLANEOUS RECEIPT  DATE #33.07 ACCOUNT DO! OD 6.650  RECEIVED FAALL XI BROUNT \$ 100.00  FOR: ACCIOUNT DO! OD 6.650  AMOUNT \$ 100.00  A DIATE DE OT 336.50  WHITE CASHIER PINK AGENCY YELOW CUSTOMER

### CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

Case Number: 07-336-SPH

Petitioner/Developer: JOSEPH LARSON—FRANK BEEVER—W WORTH & EVEYLYN MCKEITHAN

Date of Hearing (Closing): 03/21/07

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 1101 CROMWELL BRIDGE ROAD

MING NOTICE CASE # 07-336-5PH A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD ROOM 407 COUNTY COURTS BLDG: PLACE: 401 BOSLEY AVENUE, TOWSON-21204 POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391 DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE

The sign(s) were posted on: 03/05/07

Signature of Sign Poster)

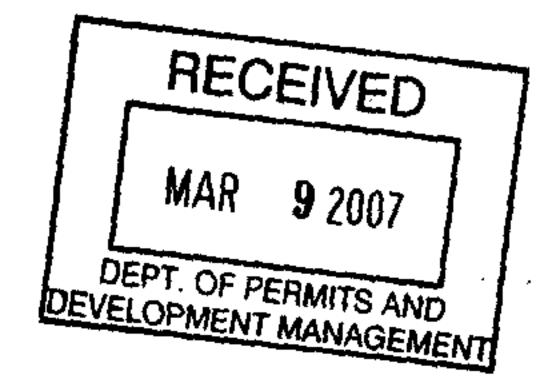
(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt-Valley-Maryland 21030-(City, State, Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)



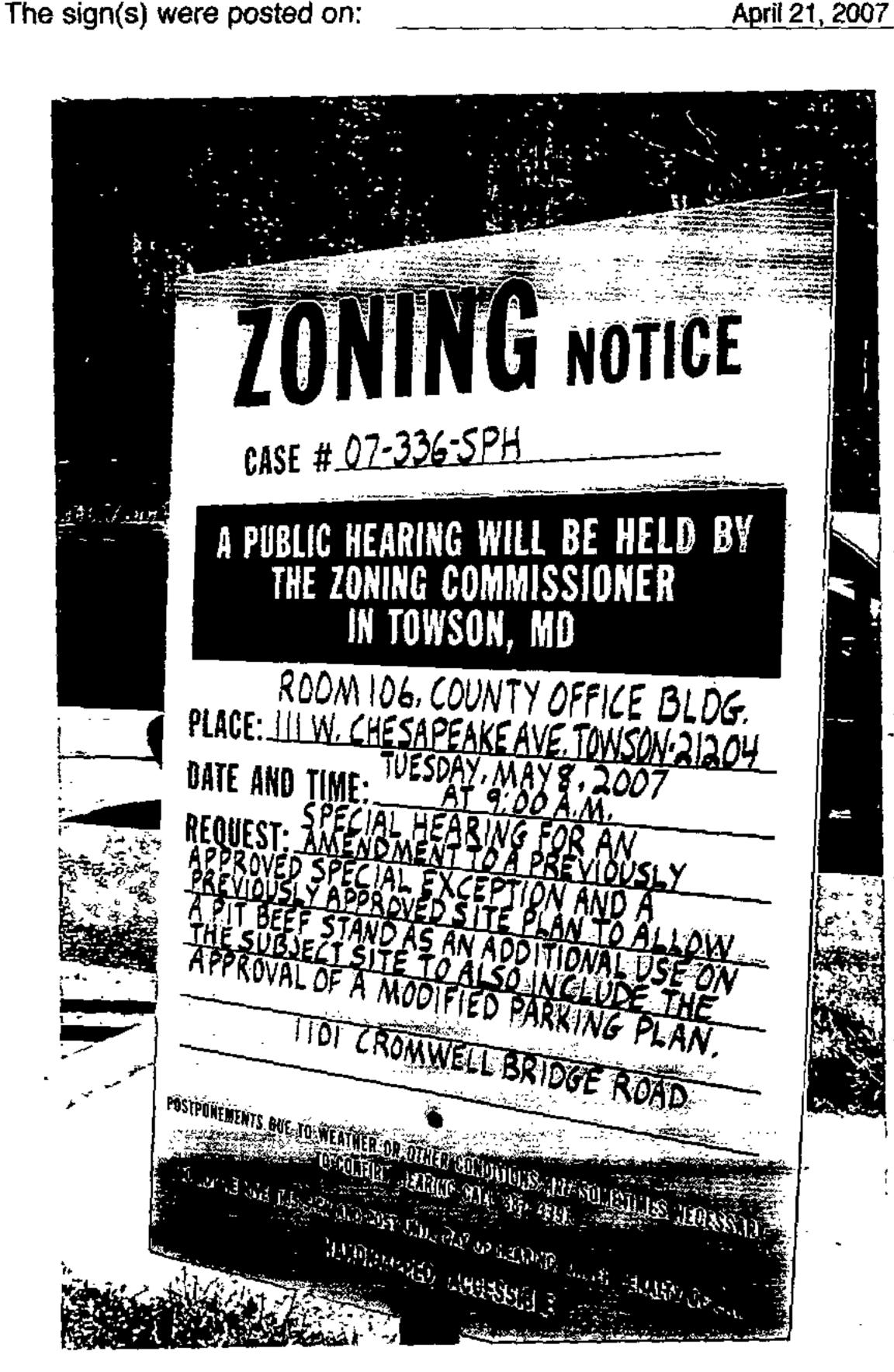
#### CERTIFICATE OF POSTING

Case Number: 07-336-SPH

Petitioner/Developer: W. Worth & Evelyn McKeithan-Frank Beever-Joseph Larson

Date of Hearing (Closing): May 8, 2007

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 1101 CROMWELL BRIDGE ROAD



Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley Maryland 21030

(City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

S

RE: PETITION FOR SPECIAL HEARING

1101 Cromwell Bridge Road; SE/S Cromwell

Bridge Road, 80' SW c/line Glen Eagles Ct \*

9<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts

Legal Owner(s):Worth & Evelyn McKeithan\*

Contract Purchaser(s): Frank Beever

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

**BALTIMORE COUNTY** 

07-336-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 and all 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 9<sup>th</sup> day of February, 2007, a copy of the foregoing Entry of Appearance was mailed to, Joseph Larson, 105 W. Chesapeake Avenue, Towson, MD 21204, Representative for Petitioner(s).

RECEIVED

FEB U S 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....



JAMES T. SMITH, JR. County Executive

TIMOTHY Application Of Permits and Development Management

#### **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: 07-336-SPH

1101 Cromwell Bridge Road

S/east side of Cromwell Bridge Road, 80 feet s/west from centerline of Glen Eagles Court 9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: W. Worth & Evelyn B. McKeithan

Special Hearing to for an amendment to a previously approved Special Exception and a previously approved Site Plan to allow a pit beef stand as an additional use on the subject site to also include the approval of a modified parking plan.

Hearing: Tuesday, May 8, 2007 at 9:00 a.m. in Room 106, County Office Building,

111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: W. Worth & Evelyn McKeithan, 4111 Halifax Court, Glen Arm 21057 Frank Beever, 1119 High Country Road, Towson 21286 Joseph Larson, 105 W. Chesapeake Avenue, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 23, 2007.

- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 24, 2007 Issue - Jeffersonian

Please forward billing to:
Joseph Larson
105 W. Chesapeake Avenue
Towson, MD 21204

410-823-3535

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WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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JAMES T. SMITH, JR. County Executive

TIMOTHY NE extorture or 22 35 in 2007

Department of Permits and Development Management

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Legal Owners: W. Worth & Evelyn B. McKeithan

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Timothy Kotroco

Director

TK:klm

C: W. Worth & Evelyn McKeithan, 4111 Halifax Court, Glen Arm 21057 Frank Beever, 1119 High Country Road, Towson 21286 Joseph Larson, 105 W. Chesapeake Avenue, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 6, 2007.

- (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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 6, 2007 Issue - Jeffersonian

Please forward billing to:

Joseph Larson 105 W. Chesapeake Avenue Towson, MD 21204

410-823-3535

#### 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: 07-336-SPH

1101 Cromwell Bridge Road

S/east side of Cromwell Bridge Road, 80 feet s/west from centerline of Glen Eagles Court 9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: W. Worth & Evelyn B. McKeithan

Special Hearing to for an amendment to a previously approved Special Exception and also to approve an amendment to a previously Site Plan.

Hearing: Wednesday, March 21, 2007 at 2:00 p.m. in Room 407, County Courts Building,

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 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: 336
Petitioner: FRANK Beever
Address or Location: 1101 CRomwell BRIDGE Rd.
PLEASE FORWARD ADVERTISING BILL TO:
Name:OSEDA ZARSON
Address: 105 W. Chesadeake Aue.
Address: 105 W. Chesapeake Aue. Towson, Md. 21204
Telephone Number: 4/0-823-3535



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

March 15, 2007

Frank Beever 1119 High Country Road Towson, MD 21286

Dear Mr. Beever:

RE: Case Number: 07-336-SPH, 1101 Cromwell Bridge Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 26, 2007.

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 W. Worth McKeithan Evelyn B. McKeithan 4111 Halifax Court Glen Arm 21057 Joseph L. Larson 105 W. Chesapeake Avenue Towson 21204 State Highway

Administration State Transport

Martin O'Malley, Governor
Anthony Brown, Lt. Governor

Maryland Department of Transportation

John D. Porcari, Secretary Designate Neil J. Pedersen, Administrator

Date: FEBRUARY 2, ZOO 7

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

RE: Baltimore County

Item No. 7-336-5PH

1101 CROMWELL BRIDGE ROAD

BEEVER PROPERTY

SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-336-6PH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

人 Steven D. Foster, Chief U R Engineering Access Permits

Division

SDF/MB

#### 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

February 6, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: February 5, 2007

Item No.: 334, 335, 336) 337, 338, 339, 340, 341, 342; 343, 344 and 345

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.

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office (0)410-887-4880 MS-1102F

cc: File



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

The Office of Planning is of the opinion that the proposed use is inconsistent with the previously approved special exception uses. Therefore, this Office respectfully requests the petitioner's request be <u>denied</u>.

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

Reviewed by:

Division Chief: AFK/LL: CM



Martin O'Malley, Governor Anthony Brown, Lt. Governor

John D. Porcari, Secretary Designate Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: FEBRUARY 2, ZOO 7

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

RE: Baltimore County
Item No. 7-336-SPH

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Very truly yours,

人 Steven D. Foster, Chief U

R Engineering Access Permits

Division

SDF/MB

Ju-3/51

#### 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:** 

1101 Cromwell Bridge Road

**INFORMATION:** 

Item Number:

7-336

Petitioner:

W. Worth McKeithan

Zoning:

ML-IM

Requested Action:

Special Hearing

RECEIVED

DATE: February 20, 2007

MAR - 6 2007

ZOWIG COMMISSIONER

#### **SUMMARY OF RECOMMENDATIONS:**

The petitioner is seeking to amend a previously approved special exception and site plan associated with case # 96-281. Case # 96-281 granted a special exception to allow an automobile detailing shop (service garage) use on the subject property. The petitioner is now proposing a pit-beef stand and separate storage shed in conjunction with the service garage.

Vehicles awaiting repair via the associated service garage are currently parked along the northern portion of the subject property between the two ingress/egress access locations. This parking is in addition to those areas shown on the site plan submitted, which are presently being utilized. Further, those vehicles awaiting repair along the northern potion of the site, block the eastern ingress/egress point shown on the site plan, preventing access to/from this site at this location.

The zoning history for this site indicates an increase in the overall intensity of use allowed under the existing regulations (e.g. service garage). While the latest zoning case (# 98-331) extended the special exception use for the previously approved service garage, the Office of Planning is concerned that this site will not be able to accommodate parking for the service garage use in addition to the parking generated from the proposed pit beef stand. This concern is compounded by the fact that the property is located along a heavily traveled, local arterial roadway within close proximity to the exit ramps for I-695 (Baltimore Beltway – Outer Loop). Pedestrian and vehicular generation to this site could present a public safety issue in the future without adequate on site parking provisions.

4/5/8

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: February 20, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

1101 Cromwell Bridge Road

**INFORMATION:** 

Item Number:

7-336 (revised comments)

Petitioner:

W. Worth McKeithan

Zoning:

ML-IM

Requested Action:

Special Hearing

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Vehicles awaiting repair via the associated service garage are currently parked along the northern portion of the subject property between the two ingress/egress access locations. This parking is shown on the revised site plan. Further, those vehicles awaiting repair along the northern portion of the site, block the eastern ingress/egress point shown on the site plan, preventing access to/from this site at this location.

The Office of Planning has reviewed the petitioner's revised site plan and offers the following comments:

- 1. The petitioner shall open the ingress/egress point located at the eastern point of the subject property (remove chain barrier and parked vehicles).
- 2. Provide landscaping along the frontage of the property where cars are stored that await service repair or pick-up.

Provided the aforementioned comments are addressed the Office of Planning does not oppose the petitioner's request.

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

Reviewed by:

Division Chief:

AFK/LL: CM

Co. Jozanil

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** February 20, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

1101 Cromwell Bridge Road

**INFORMATION:** 

**Item Number:** 

7-336 (revised comments)

Petitioner:

W. Worth McKeithan

Zoning:

ML-IM

Requested Action:

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Provided the aforementioned comments are addressed the Office of Planning does not oppose the petitioner's request.

usail

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

Reviewed by:

**Division Chief:** 

AFK/LL: CM

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** May 7, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For May 7, 2007 Item No. 07-336

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-05072007.doc

#### BALTIMORE COUNTY, MARYLAND

#### Inter-Office Memorandum

DATE: March 8, 2007

TO: Kristen Matthews

Department of Permits & Development Management

FROM: Patti Zook, Legal Secretary to

John V. Murphy, Deputy Zoning Commissioner

SUBJECT: Petition for Special Hearing

Case No. 07-336-SPH – hearing was scheduled for Wednesday, March 21

The above-referenced case needs to be rescheduled. The Petitioners received comments from the Planning Department just prior to the hearing and requested that today's hearing be postponed to allow them to respond to the comments. Mr. Murphy approved their request for a postponement.

The Petitioner's attorney, Joe Larson, will contact you to reschedule the hearing. Per Mr. Murphy, the case does not need to be reposted or readvertised. There were no protestants or interested citizens in attendance at today's hearing.

The file is being returned to you for rescheduling and safe keeping. Thank you for your attention and cooperation in this matter.





ROBERT E. SPELLMAN, P.L.S. JOSEPH L. LARSON

#### CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

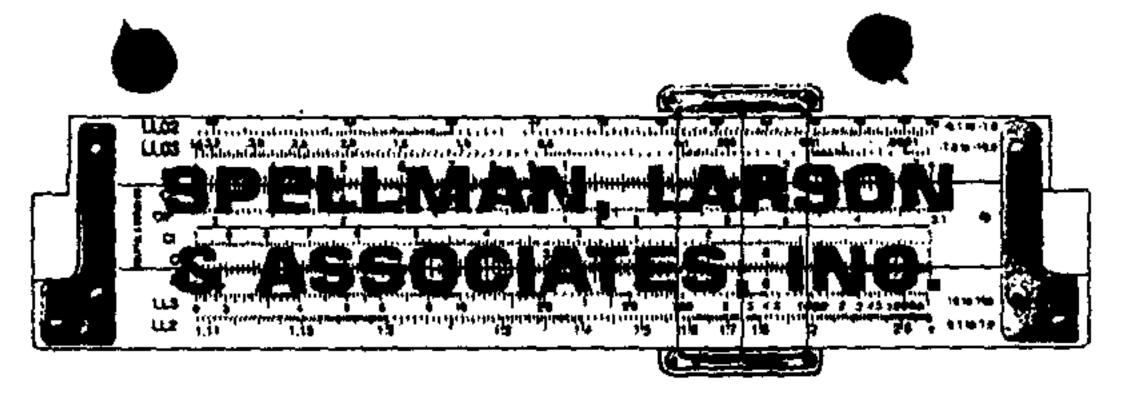
#### LETTER OF TRANSMITTAL

Mr. Carl Richards, Supervisor Office of Zoning Baltimore County

January 23, 2007 Job No. 206074 1101 Cromwell Bridge Road

ITEMS LISTI	ED BELOW ARE:	Attached Sent Under Separate Cover		
Correspondence Prints Documents Other				
No. of Copies	Date	Item Description		
1 Set	<b></b>	Complete Portfolio of Plans and Documents for Special Hearing Petition		
Purpose of St	Purpose of Submittals:			
For approval For your use As requested For review & comment  Other For scheduling of Zoning Hearing				
REMARKS: Carl: Attached are the requisite Plans and Documents for our Special Hearing Petition, revised per comments from Joe Merrey.  JOSEPH L. LARSON, PRESIDENT				
cc: Frank Beeve	er			
File#T01230701				





415 Am 3/21 PIP

ROBERT E. SPELLMAN, P.L.S. JOSEPH L. LARSON

#### CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

March 26, 2007

Mr. Kevin Gambrill
Department of Planning
Baltimore County

Re: 1101 Cromwell Bridge Road McKeithan Property Zoning Case #07-336SPH Job #206074 RECEIVED

MAR 28 2007

ZONING COMMISSIONER

Dear Kevin:

Pursuant to our meeting on Friday last, I have taken the time to re-review the subject project and specifically your Zoning Petition comments along with also the information generated at our meeting.

I have further re-inspected the site and have re-evaluated the situation with specific attention to the cars stored along the right-of-way line of Cromwell Bridge Road in the front of the property.

As I mentioned to you in our meeting, these cars which are storage vehicles awaiting service by the service garage are actually in violation since they do not enjoy the standard ten foot landscape buffer required between the parking bay and the right-of-way line.

In reviewing this situation, I think we have a solution with regard to the entire matter. I am attaching hereto a rubricated print of our Zoning Plat showing a proposed revision to the Plat. In concert with this Plat revision, we will amend our Zoning Petition to also request for the approval of a Modified Parking Plan. The Modified Parking Plan if granted by the Commissioner will allow these storage vehicles to remain as shown on the Plat, and I believe will solve our problems.

I would appreciate your reviewing the attached Plat and this letter and responding to me at your earliest convenience, which hopefully will be a recision of your request for a denial of the Petition.

I would appreciate your earliest attention to this matter in that we are hoping to get the Case set back in for a Hearing timely.

Very truly yours,

•

Joseph L. Larson, President SPELLMAN, LARSON & ASSOC., INC.

cc: Deputy Commissioner John Murphy Frank Beever

# DIVISION OF CODE INSPECTIONS AND ENFORCEMENT VIOLATION CASE DOCUMENTS

**VIOLATION CASE: 06-7054** 

1101 Cromwell Bridge Road

ZONING CASE: 07-336-SPH 1101 CROMWELL BRIDGE ROAD

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE:

February 27, 2007

TO:

W. Carl Richards, Jr.

Zoning Review Supervisor

FROM:

Rick Wisnom, Hearing Officer

Division of Code Inspections & Enforcement

SUBJECT:

Item No.: 336

Legal Owner/Petitioner: W. Worth and Evelyn B. McKeithan

Contract Purchaser: Frank Beever

Property Address: 1101 Cromwell Bridge Road

Location Description: Southeast side of Cromwell Bridge Road, 80 feet southwest from

centerline of Glen Eagles Court

**VIOLATION INFORMATION:** 

Case No.: 06-7054

Defendants: W. Worth and Evelyn B. McKeithan

Please be advised that the aforementioned petition is the subject of an active violation case.

When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

Uriah Burow 9511 Orbitan Court Baltimore, MD 21234

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Other: data entry sheet

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/

c: Sophia Jennings

PDLV0102F

# Permits Development - Livabílity 9 View Cases

Case No: 06-7054

Address: <u>01</u>	101 CROMW	ELL BRID	GE RD		21286	<u></u>		•	
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CL Home Pho	one: <u>443-829-5</u>	434 CL W	ork Phor	ne:	. <del></del>	Tax Acct	. <u>09</u> 0	)758128	<u> 36</u>

Owner: W WORTH & EVELYN B MCKEITHAN, TRUSTEES, 4111 HALIFAX CT, GLEN ARM MD

Enter=Continue F12=Cancel

21057-9117

Case No: 06-7054

Notes: \*\*8/11/06--INSPECTED PROPERTY & TOOK 3 PHOTOS. TALKED TO OWNER OF PIT B (0000106, EXP 4/30/07) & ENV EEF STAND, FRANK BEAVER, WHO HAS HUCKSTER'S LICENSE IRONMENTAL PERMIT (4206). I INFORMED HIM THAT HE HAD TO EITHER MOVE AFTER EVERY SALE & BE IN THE RIGHT-OF-WAY PER THE HUCKSTER'S LAW OR HAD TO OBTAIN A ZONING U SE PERMIT. HE SAID HE WOULD TAKE CARE OF IT. (SCJ) \*\*8/22/06--SPOKE TO WCR IN ZONING REVIEW, WHO SAID OWNER HAS BEEN INTO ZONING & IS APPLYING FOR A USE PERMIT. WCR SAID THEY HAVE A PLAN, BUT HAVEN'T HAD A CHAN CE TO LOOK AT IT. (SCJ) \*\*8/31/06--SPOKE TO WCR IN ZONING. THEY ARE STILL REVIEWING THE PLAN. (SCJ) 090706 2ND COMPLAINT FILED FOR CONTAINER UNIT AND PORTABLE SIGNS BLOCKING SIGHT LINES. LW FOR SG\*\*\*\* COUNTY FOR REVIEW. \*\*\*\*9/8/06 MET WITH JM & WRC SITE PLAN HAS BEEN DELIVERED IN A PERMINENT STRUCTURE. CONTAINER MUST BE REMOVED. PIT BEEF STAND MUST BE ISSUED 30DAY CORRECTION FOR MOBLE PITBEEF STAND ON PERMITS. AND TO REMOVE CONTAINER UNIT INSTALLED W/O A PERMIT. ALSO ISSUED 3 DAY WARNING NOTICE FOR PORTABLE SIGNS. LW FOR SG \*\*\*\*

Enter=Continue F12≈Cancel

Case No: <u>06-7054</u>

Notes: \*\*09/11/06 NO SIGNS SEEN. P/U 09/18/06 TO MONITOR. THEN P/U 10/08/06 FOR TOTAL COMPLIANCE. LW/KW\*\*\* \*9/19/06--NO SIGNS OUT TODAY. SPOKE TO JOE LARSON YESTERDAY, WHO SAID HE HAS BEE N HIRED TO DO A SITE PLAN FOR ZONING. P/U FOR COMPLIANCE WITH LW'S NOTICE DATED 9/8/06. (SCJ) \*10/18/06--TELEPHONE CALL TO JOE LARSON; LEFT MESSAGE. \*INSPECTED PROPERTY. EVE RYTHING REMAINS THE SAME. (SCJ) \*10/19/06--TELEPHONE CALL TO JOE LARSON. HE SAID PLAN IS DONE & WILL BE GIVEN TO WCR EITHER THIS AFTERNOON OR TOMORROW MORNING. (SCJ) \*10/30/06--TELEPHONE CALL TO WCR; NO PLAN YET. \*TELEPHONE CALL TO JOE LARSON; PL AN WILL BE IN WCR'S HANDS TOMORROW & HE WILL BRING ME A COPY. HE'S PLANNING ON A PPLYING FOR THE PERMIT TOMORROW. (SCJ) \*11/1/06--WCR HAS PLAN; JCM WILL BE REVIEWING IT. \*11/3/06--SPOKE TO WCR & JCM. THEY NEED SPH TO AMEND SPX & A FOR PARKING SETBACK BE ADDED TO PLAN. \*TELEPHONE THE SPX & 405A BOTH NEED TOWILL TALK TO JCM & THEN CALL FRANK BEAVER & FIND OUT IF THEY ZONING HEARINGS. HE

Enter=Continue F12=Cancel

# Permits Development - Livability Setem View Cases

Case No: 06-7054

Notes: WILL LET ME KNOW ONCE HE GETS A DECISION FROM FRANK BEAVER. (SCJ) \*
\*11/20/06--PIT BEEF STAND IS CLOSED FOR THE SEASON. SIGN ON TRAILER STATES THAT
THE LAST DAY WAS 11/10; THEY WILL REOPEN 3/07; PIE PICK-UP IS 11/22 FROM 10-NOON
. TAG ON TRAILER IS EXPIRED (647782G, 10/06). ISSUED NOTICE TO REMOVE OR PROPERL
Y TAG TRAILER WITH A COMPLIANCE DATE OF 12/5/06. LEFT MESSAGE FOR JOE LARSON TO
CALL ME. (SCJ) \*
\*11/21/06--TELEPHONE CALL FROM JOE LARSON. THEY ARE GOING FORWARD WITH THE ZONIN
G HEARINGS, BUT HE NEEDS TO VERIFY WITH THE PROPERTY OWNER. (SCJ) \*
\*12/5/06--SPOKE TO JOE LARSON; THEY ARE GOING FORWARD WITH THE HEARINGS. (SCJ) \*
\*12/26/06--TAG HAS CURRENT STICKERS (EXPIRES 10/08). P/U TO CHECK WITH JOE LARSON
N TO SEE WHERE THEY ARE IN THE HEARING APPLICATION PROCESS. (SCJ) \*
\*1/24/07--TELEPHONE CALL FROM JOE LARSON, WHO SAID THEY FILED THE PETITION. \*E-M
AIL TO KRISTEN IN ZONING ASKING TO BE NOTIFIED WHEN PETITION HAS CASE NUMBER AND
HEARING DATE. (SCJ) \*
\*2/1/07--PER KRISTEN IN ZONING REVIEW, HEARING HAS NOT BEEN SCHEDULED YET. (SCJ)

\*2/13/07--SENT E-MAIL TO

Enter=Continue F12=Cancel

PDLV0106F

Permits Development - Livability Stem
View Cases

Case No: <u>06-7054</u>

	Note	es:	KRIS	<u>STEN</u>	<u>IN</u>	Z <u>O</u> N	ING	<u>REVI</u>	<u>EW A</u>	SKIN	<u> IF</u>	HE	ARING	3 H	<u> </u>	<u>BEEN</u>	<u>I SCI</u>	<u>HEDU</u>	<u>LED</u>	YET.	<u>(SCJ</u>
<u>)                                    </u>															. <u> </u>						. *
*2	2/22/	07	<u>TEI</u>	LEPH	ONE	CAL	L TO	KRI	STEN	IN	ZONIN	[G ]	REVIE	EW.	SH	E'S	NOT	IN,	DT	WILL	LEAV
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# REVISED

# PETITION FOR SPECIAL HEARING

# AND PLAT

07-336-SPH

AGENDA - 4/30/07





ROBERT E. SPELLMAN, P.L.S. JOSEPH L. LARSON

## CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

# LETTER OF TRANSMITTAL

Mr. Carl Richards, Supervisor Office of Zoning Dept. of Permits & Dev. Mgmt. Baltimore County

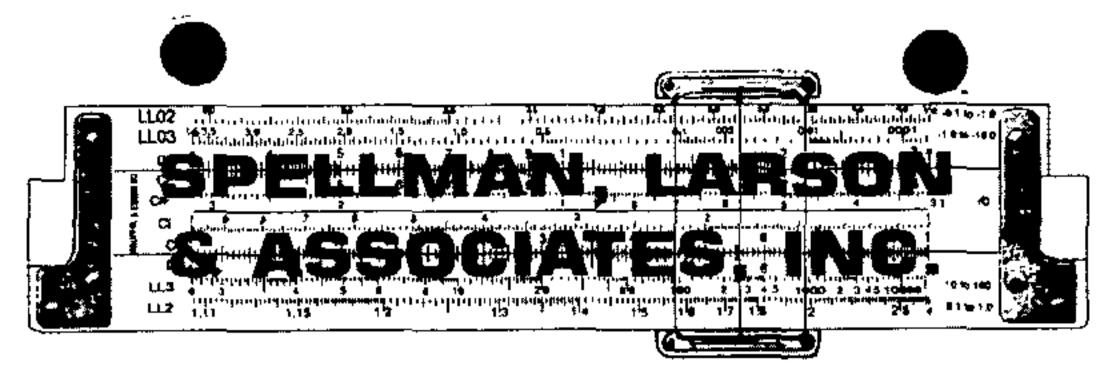
File #T04200701

April 20, 2007

Job No. 206074 1101 Cromwell Bridge Road Case No. 07-336 SPH

ITEMS LIST	ED BELOW ARE:	Attached Sent Under Separate Cover								
Corresp	ondence Pr	rints Documents Other								
No. of Copies	Date	Item Description								
12	Rev. 4-19-07	Plat to Accompany Zoning Petition								
Purpose of Submittals:										
For appr	oval For	your use As requested For review & comment								
Other										
REMARKS:	Carl: Please have K Thanx.	Cristen fax me the Hearing Notice so we can post the property.								
		IOSEPH L. LARGON, PREGIDENTE								
cc: Frank Beev	er	JOSEPH L. LARSON, PRESIDENT								





ROBERT E. SPELLMAN, P.L.S. JOSEPH L. LARSON

# CIVIL ENGINEERS AND LAND SURVEYORS 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

# LETTER OF TRAINSMITTAL

Mr. Carl Richards, Supervisor Office of Zoning Dept. of Permits & Dev. Mgmt. Baltimore County

April 9, 2007

Job No. 206074 1101 Cromwell Bridge Road Case No. 07-336 SPH

JOSEPH L. LARSON, PRESIDENT

"Hand Delivered"

No. of Copies	Date	Item Description								
12 1-5-07 Plat to Accompany Zoning Petition (Rev. 4-9-07)										
3	_	Zoning Petitions (Amended)								
Orig	4-9-07	Revision Filing Fee \$100								

9 A.M. Please distribute for comments.

cc: Frank Beever File #T04090701 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 - 09 Account Number - 0907581286

**Owner Information** 

**Owner Name:** 

MCKEITHAN W WORTH, TRUSTEES

MCKEITHAN EVELYN B

Use:

COMMERCIAL

Principal Residence:

NO

Mailing Address:

4111 HALIFAX CT

GLEN ARM MD 21057-9117

**Deed Reference:** 

1) /16487/ 601

#### Location & Structure Information

Section

**Premises Address** 

1101 CROMWELL BRIDGE RD

Parcel

851

Legal Description

0.788 AC SS

1101 CROMWELL BRIDGE RD

Assessment Area

OPP GLENEAGLE CT

Plat No: Plat Ref:

**Special Tax Areas** 

Map Grid

Town **Ad Valorem** 

**Tax Class** 

Subdivision

**Primary Structure Built** 1966

**Sub District** 

**Property Land Area Enclosed Area** 34,325.00 SF

Block Lot

**County Use** 20

**Stories** 

Basement

Type

**Exterior** 

#### **Value Information**

1,768 SF

	Base	Value	Phase-in Assessments				
	Value	As Of	As Of	As Of			
		01/01/2005	07/01/2006	07/01/2007			
Land:	173,600	343,200					
Improvements:	21,100	44,100					
Total:	194,700	387,300	323,100	387,300			
Preferential Land:	0	0	0	0			

#### **Transfer Information**

Seller:	MERCANTILE SAFE DEPOSIT AND TRUST IMPROVED ARMS-LENGTH	Date: 10/12/1995	Price: \$175,000
Type:		Deed1: /16487/ 601	Deed2:
Seller:	GRAHAM 3 COOPER JR	Date: 07/20/1995	Price: \$0
Type:	NOT ARMS-LENGTH	Deed1: /11133/ 691	Deed2:
Seller:		Date:	Price:
Type:		Deed1:	Deed2:

#### **Exemption Information**

Partial Exempt Assessments	Class	07/01/2006	07/01/2007	
County	000	0	0	
State	000	0	0	
Municipal	000	0	0	

Tax Exempt: **Exempt Class:**  NO

Special Tax Recapture:

\* NONE \*

frog of

IN RE: PETITION FOR SPECIAL EXCEPTION SE/S Cromwell Bridge Road, opposite Glen Eagles Court (1101 Cromwell Bridge Road)

9th Election District 6th Councilmanic District

W. Worth McKeithan, et ux Petitioners \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 96-281-X

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 1101 Cromwell Bridge Road, located in the vicinity of Loch Raven Boulevard in Towson. The Petition was filed by the owners of the property, W. Worth and Evelyn B. McKeithan, through their attorney, Anthony J. DiPaula, Esquire. The Petitioners seek a special exception for an automotive detailing shop (service garage) as an auxiliary service use in an I.M. District, pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were William S. Fitzell, the Petitioners' son-in-law, Joseph Larson with Spellman, Larson & Associates, Inc., who prepared the site plan for this project, and Anthony J. DiPaula, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.788 acres, more or less, zoned M.L.-I.M., and is improved with a one-story metal building, which has been abandoned for some time. The Petitioners are desirous of renovating the property and to relocate

Roscoe's Auto Detailing business from its present location on Joppa Road to the subject site. Testimony revealed that the Petitioners presently operate McKeithan's Auto Sales on Joppa Road and that they utilize Roscoe's to clean and detail the automobiles they sell. Further testimony revealed that Roscoe's also cleans and details the automobiles sold by Bob Davidson Ford. Both of these dealerships are located in close proximity to the subject site. Testimony indicated that Roscoe's current operation on Joppa Road has caused some traffic congestion when vehicles are being taken to and from the site. Thus, the Petitioners believe the proposed relocation will not only be of benefit to Roscoe's Automobile Detailing business, but will also bring a viable tenant to the subject site.

On behalf of the Petitioners, Mr. DiPaula testified that he approached the Cromwell Valley Community Association regarding his clients' intended use of the property. He testified that the Community Association was very happy to hear that a tenant intended to locate to the subject site and that the Association had realized that the abandoned gasoline service station had become an eyesore. The Association supports the proposed automotive detailing shop provided there is compliance with certain conditions as contained in a letter offered into evidence by Mr. DiPaula and marked as Petitioner's Exhibit 2. Therefore, approval of the relief granted shall be conditioned upon the Petitioners' compliance with the terms and conditions set forth therein.

It is clear that the B.C.Z.R. permits the use proposed in a M.L.-I.M. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this // day of March, 1996 that the Petition for Special Exception seeking approval of an automotive detailing shop (service garage) as an auxiliary service use in an I.M. District, pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.),

and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions: 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 relief granted herein shall be rescinded. 2) The Petitioners shall not allow any body and fender work, or painting to take place on the subject site. Any minor mechanical repairs beyond detailing, cleaning and waxing, must be performed within the service bays of the subject building. 3) No damaged or disabled, or partially or fully dismantled vehicles, or parts, shall be stored on the subject site. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order. Deputy Zoning Commissioner for Baltimore County TMK:bjs

IN RE: PETITION FOR SPECIAL HEARING SE/S Cromwell Bridge Road, 88 ft. +/- from c/l Glen Eagles Court 1101 Cromwell Bridge Road

9th Election District 6th Councilmanic District W. Worth McKeithan, et ux BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 98-331-SPH

Petitioners

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 1101 Cromwell Bridge Road, located near the interchange of Cromwell Bridge Road and the Baltimore Beltway (I-695) in Towson. The Petition was filed by W. Worth McKeithan and Evelyn B. McKeithan, his wife, property owners. Special Hearing relief is requested to approve an extension of time to use the special exception for an automotive detailing shop (service garage) as an auxiliary service use, granted in case No. 96-281-X, for a period of three years The subject from March 17, 1998, the expiration date of said approval. property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case were W. Worth McKeithan and Evelyn B. McKeithan, Petitioners/property owners. The Petitioners were represented by Anthony J. DiPaula, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence offered was that the subject property is an irregularly shaped lot, approximately .788 acres in area, zoned M.L.-I.M. The property is located with frontage on Cromwell Bridge Road, opposite Gleneagles Court. The general character of the surrounding area is a mix of business and commercial uses. The existing Holiday Inn is located across the street and there is an industrial park nearby.

Apparently, Mr. and Mrs. McKeithan own an automobile business which is located near the intersection of Joppa Road and Loch Raven Boulevard. That location is but a short distance away from the subject site. The McKeithans have operated their automobile dealership at that location for many years.

In 1996, the Petitioners sought special exception relief for the subject property. Testimony and evidence presented at that time was that the Petitioners proposed transferring a portion of their operation from the Joppa Road location to the subject property. Specifically, an automobile detailing shop was proposed for the subject site. By opinion and Order issued on March 17, 1996, Deputy Zoning Commissioner, Timothy M. Kotroco, granted the requested special exception. His opinion fully describes the proposed use and the testimony and evidence offered at that time.

Pursuant to Section 502.3 of the BCZR, a special exception is valid for a period of two years if an expiration date is not specifically set out in the Order approving the Petition. In this case, no expiration date was established, thus, the Petition for Special Exception relief was to lapse on March 17, 1998.

After the grant of the relief, Mr. and Mrs. McKeithan experienced some turmoil in the operation of their business. Their former son in-law left the business. It had been anticipated that he would eventually assume management of the automobile business and his departure necessitated a significant change in the Petitioners' plans. Thus, the detailing shop portion of the business has not been transferred to the subject site. Nonetheless, the Petitioners anticipate that eventually they will complete the transfer and request that the special exception approval be continued.

An examination of the file indicates that the Petition for Special Hearing was accepted for filing in this case on March 12, 1998. Thus, the Petition was pending and at issue prior to the date of the expiration of the prior special exception. Although the hearing of the case was not conducted until after the expiration date, I believe that that the intent of the statute requires a Petitioner to make application for an extension of the special exception prior to its lapse date. I do not believe that it is the intent of the statute to require that the hearing be conducted and/or the Zoning Commissioner's Order be issued prior to the expiration of the special exception. To hold a contrary position would artificially impose a deadline on the rendering of the decision by the Zoning Commissioner and otherwise be inconsistent with other provisions of the BCZR. For these reasons, I believe that for so long as the Petition for Special Hearing is timely filed and accepted, an extension can be granted.

There has been no material change in circumstances which warrant a conclusion different then Deputy Commissioner Kotroco's decision in 1996. That is, it is obvious that the proposed use at the subject site is appropriate and will not be detrimental to the health, safety or general welfare of the locale. Moreover, all the terms, conditions, restrictions and limitations contained in Deputy Commissioner Kotroco's opinion and Order will be incorporated in the relief herein and become part of this decision.

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

ty this 30 day of April 1998 that, pursuant to the Petition for Special Hearing, approval for an extension of time to use the special exception for an automotive detailing shop (service garage) as an auxiliary service use, granted in case No. 96-281-X, for a period of three years from March

17, 1998 the expiration date of said approval, be and is hereby GRANTED, subject, however, to the following restrictions: The 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. The terms, conditions and restrictions contained in the Order dated March 17, 1996 in case No. 96-281-X be and are hereby incorporated herein. LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County LES:mmn

IN RE: PETITION FOR SPECIAL HEARING \*

SE/S Cromwell Bridge Road, 80' SW c/line Glen Eagles Court (1101 Cromwell Bridge Road)

9<sup>th</sup> Election District 5th Council District

W. Worth McKeithan, et ux, Owners Frank A. Beever, Jr., Lessee Petitioners

BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* BALTIMORE COUNTY

Case No. 07-336-SPH

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\*

# 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/trustees of the subject property, W. Worth McKeithan and Evelyn B. McKeithan and contract lessee, Frank A. Beever, Jr. The Petitioners request a special hearing to approve an amendment to a previously approved Special Exception (Case No. 96-281-X) and also to approve an amendment to a previously approved site plan to allow a pit beef stand as an additional use on site. The subject property and requested zoning relief are more particularly described on the revised site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.<sup>1</sup>

Appearing at the public hearing in support of the request were Frank Beever, contract lessee, Larry Minton, chef and co-operator of the carryout business and Joseph L. Larson, who prepared the site plan for this property. Also present was George Hocker, a nearby resident of the area, residing at 1101 Cowpens Avenue. There were no Protestants or other interested persons present.

<sup>&</sup>lt;sup>1</sup> On March 21, 2007, the Petitioners initially appeared before Deputy Zoning Commissioner John V. Murphy and were provided at that time with an adverse Zoning Advisory Committee (ZAC) comment from the Office of Planning. The Petitioners' engineering consultant, Joseph L. Larson, President of Spellman, Larson and Associates, Inc. requested and was granted a brief continuance to allow time to review and consult with the Office of Planning in order to re-evaluate on-site parking concerns. As a result the Petitioners modified their petition to include a modified parking plan pursuant to Section 409.12.B, reposted and re-advertised the property as required.

It should be noted that the property in question is the subject of a Baltimore County Code violation. A hearing on the code violation (Case No. 06-7054) was held in abeyance once it was determined that the operator of the pit beef stand possessed the necessary Huckster's License (0000106) and Environmental Permit (4206). The pending violation concerns the pit beef stand which is the subject of the instant special hearing and modified parking plan petition before the Zoning Commissioner.

Testimony and evidence offered revealed that the subject property is an irregular rectangular shaped lot consisting of 0.788 acres, more or less, zoned M.L.-I.M., and is improved with a one-story 61' x 31' service garage. The property is located with frontage on Cromwell Bridge Road, opposite Glen Eagles Court. The general character of the surrounding area is a mix of business and commercial uses. The existing Holiday Inn is located across the street and there is an industrial park nearby. The owners of the property have for many years operated McKeithan's Auto Sales, located near the intersection of Loch Raven Boulevard and Joppa Road and utilize the service garage principally to repair, clean and detail the automobiles they sell. This dealership and other dealers who use the operation are located in close proximity to the Cromwell Bridge Road site. The subject pit beef carryout business began operating in 2005 and initially consisted of a trailer positioned on the eastern end of the site, some 100' away from the service garage. Pursuant to Section 409 of the Baltimore County Zoning Regulations (B.C.Z.R.), the garage (1,757 square feet) requires six (6) parking spaces. The pit beef stand (7', 8" wide x 16' deep) requires one (1) space. As shown on the site plan, 14 spaces are provided. The Petitioners' now come before me seeking certain zoning relief to allow the operation of a pit beef stand with the existing service garage.

In this regard, testimony and evidence disclosed that Frank Beever is the only tenant the owners' of the property contemplate operating a food business on the subject property. He has

obtained a valid food permit and has operated on this site for over a year, apparently without incident. This testimony was corroborated by George Hocker who, in addition to having his cars regularly maintained at the subject service garage, is also a frequent customer at the pit beef stand. He characterized the carryout business as an enhancement to the area, well maintained and does not result in any detriment to the health, safety or general welfare of the surrounding locale. Additionally, there were no opponents present at the hearing. Apparently, the existing use has not caused detrimental impacts to the surrounding locale. The hours of operation are staggered, with the pit beef stand opening during the lunch hour and into mid-afternoon, while the service garage receives its volume of business in the early morning hours or late evening. In its Zoning Advisory Committee (ZAC) comments, dated February 20, 2007, the Office of Planning opposed the Petitioners' use as inconsistent with the approved special exception uses. B.C.Z.R. Section 253 specifies the use regulations in the M.L.-I.M. zone and lists auxiliary retail or service uses including food stores, carryout, fast-food, etc. as a permitted use as of right. See Section 253.1.C.12 and 21.

After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing request. In my judgment, the Petitioners' have complied with the requirements of the B.C.Z.R. and case law. Relief should be approved, pursuant to Sections 500.7 and 502.1 of the B.C.Z.R. to allow an amendment to the previously approved special exception and site plan, in accordance with the relief granted herein. I find that the proposed use is consistent with the character of the neighborhood and will not result in any detriment to the health, safety, or general welfare of the surrounding locale. Thus, the relief requested is appropriate in this instance and should be permitted.

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 \_\_\_\_\_\_ day of May, 2007, that the Petition for Special Hearing to allow an amendment to a previously approved Special Exception (Case No. 96-281-X) and also to approve an amendment to a previously approved site plan to allow a pit beef stand as an additional use on site, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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.
- 2) The terms, conditions and restrictions contained in the Order, dated March 17, 1996 in Case No. 96-281-X, be and are hereby incorporated herein.
- 3) The special hearing relief granted is for the use by Frank Beever and Larry Minton, personally, and shall not run with the land as to inure to the benefit of any subsequent property lessor or owner.
- 4) The fast-food, carryout business will be seasonal and operate from the beginning of April until the end of November. During this period of time the hours of operation shall be limited to Monday through Friday from 10:00 AM to 3 PM.
- 5) Should the Petitioners' determine that the growth of their operation (service garage or pit beef stand) warrant a modification of these restrictions, including any increase over and above the hours of operation permitted, a public hearing must be held to determine the merits of their request.
- 6) When applying for any permits, 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 entered within thirty (30) days of the date hereof.

WJW:dlw

WILLIAM J. WISEMAN, III Zoning Commissioner for Baltimore County

# FAX COVER SHEET

Date:	4/25
To:	Sue / Ellen -
<del>Fax number:</del>	4/0-825-4278
From:	Linsten - Zoning
Fax number:	410-887-3048
Number of pages (including this cover sheet):	2
Message: Showing Regular Showing Showi	If possible please publish  Hacefor. Sorry for such sheet  Notice.  Tranko  ission ved
please call: Name:	
Phone number:	416-887-3391

TO: PATUXENT PUBLISHING COMPANY

Thursday, April 26, 2007 Issue - Jeffersonian

Please forward billing to:

Joseph Larson 105 W. Chesapeake Avenue Towson, MD 21204 410-823-3535

## **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: 07-336-SPH

1101 Cromwell Bridge Road

S/east side of Cromwell Bridge Road, 80 feet s/west from centerline of Glen Eagles Court 9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: W. Worth & Evelyn B. McKeithan

Special Hearing to for an amendment to a previously approved Special Exception and also to approve an amendment to a previously Site Plan.

Hearing: Tuesday, May 8, 2007 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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.

IN RE: PETITION FOR SPECIAL HEARING SE side of Cromwell Bridge Road, 80 feet SW c/l of Glen Eagles Court 9<sup>th</sup> Election District 5<sup>th</sup> Councilmanic District (1101 Cromwell Bridge Road)

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

W. Worth and Evelyn B. McKeithan Legal Owners

Frank Beever Contract Purchaser

CASE NO. 07-336-SPH

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 1101 Cromwell Bridge Road. The Petition was filed by W. Worth and Evelyn B. McKeithan, Petitioners and legal property owners, and Frank Beever, Contract purchaser. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for an amendment to a previously approved special exception and also to approve an amendment to a previously approved site plan.

The property was posted with Notice of Hearing on March 5, 2007 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 March 6, 2007 to notify any interested persons of the scheduled hearing date.

#### Applicable Law

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

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non-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.

## Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated February 20, 2007. While the latest zoning case (#98-331) extended the special exception use for the previously approved service garage, the Planning Office is concerned that this site will not be able to accommodate parking for the service garage use in addition to the parking generated from the proposed pit beef stand. This concern is compounded by the fact that the property is located along a heavily traveled, local arterial roadway within close proximity to exit ramps for I-695 (Baltimore Beltway-Outer Loop). Pedestrian and vehicular generation to this site could present a public safety issue in the future without adequate on site parking provisions. That Office believes the proposed use is inconsistent with the previously approved special exception uses and recommends that the Petitioner's request be denied. A copy of these comments are incorporated herein and made a part hereof the file.

#### **Interested Persons**

Appearing at the hearing on behalf of the requested special hearing were W. Worth and Evelyn B. McKeithan, Petitioners and legal property owners, and Frank Beever, contract purchaser. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

# Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 06-7054) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter for selling pit beef out of a trailer and non-compliance with site plan, and for portable signs blocking sight lines.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

## **Testimony and Evidence**

The subject property contains 0.788 acres zoned ML-IM and improved by the existing service garage measuring 1,757 square feet in size.

### Findings of Fact and Conclusions of Law

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 Petitioner, I find that the Petitioners' request for special hearing should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this \_\_\_\_\_ day of March, 2007 that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for an

amendmen	t to a previously approved special exception and also to approve an amendment to a
previously	approved site plan is hereby, subject to the following.
	The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is a 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.
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:pz	

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Planning
no need to report or readvertise

# PLEASE PRINT CLEARLY

CASE NAME/10/ C CASE NUMBER 07. DATE 4-5-07

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LOSEPH LORSON LARRY MINTON GEOEGE HOCKER FRANK A. BEEVER			

# PLEASE PRINT CLEARLY

NAME	NUMBER	
CASE	CASE	

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NAME	200 JURSON	FRANK BEEVER										

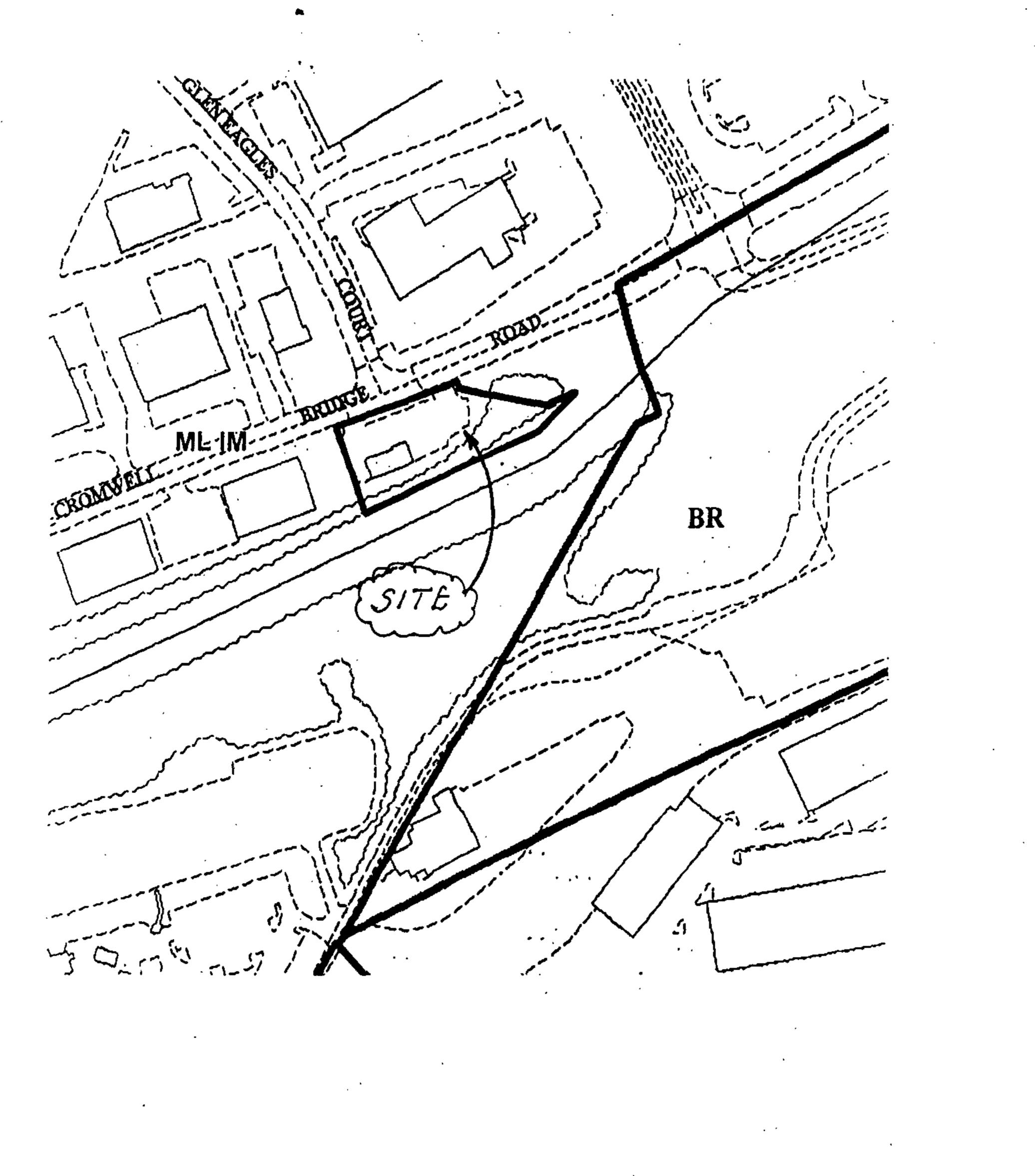
# PLEASE PRINT CLEARLY

CASE NUMBER 07-226 501/

PETITIONER'S SIGN-IN SHEET

Spelarson Blerizan. net Maria 13 C COMMENSINA GHOCKER & VERIZUM, NET			
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ADDRESS  222 Assley Live Ste 8.3  604 Staffar Lil #346 1101 COWPENS AVE 1119 Kigh County Ra			
LOSEPH Larson LARRY MINNON GEOEGE HOCKER FRANK A. BEEVER			

2011N16 MAP
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Scale: 1":200"



IMPORTA	NT MESSAGE
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CAMP TO SEE YOU	WILL CALL AGAIN
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
Case No.:	07-336-	SPH
Jaso 1 10	<u> </u>	

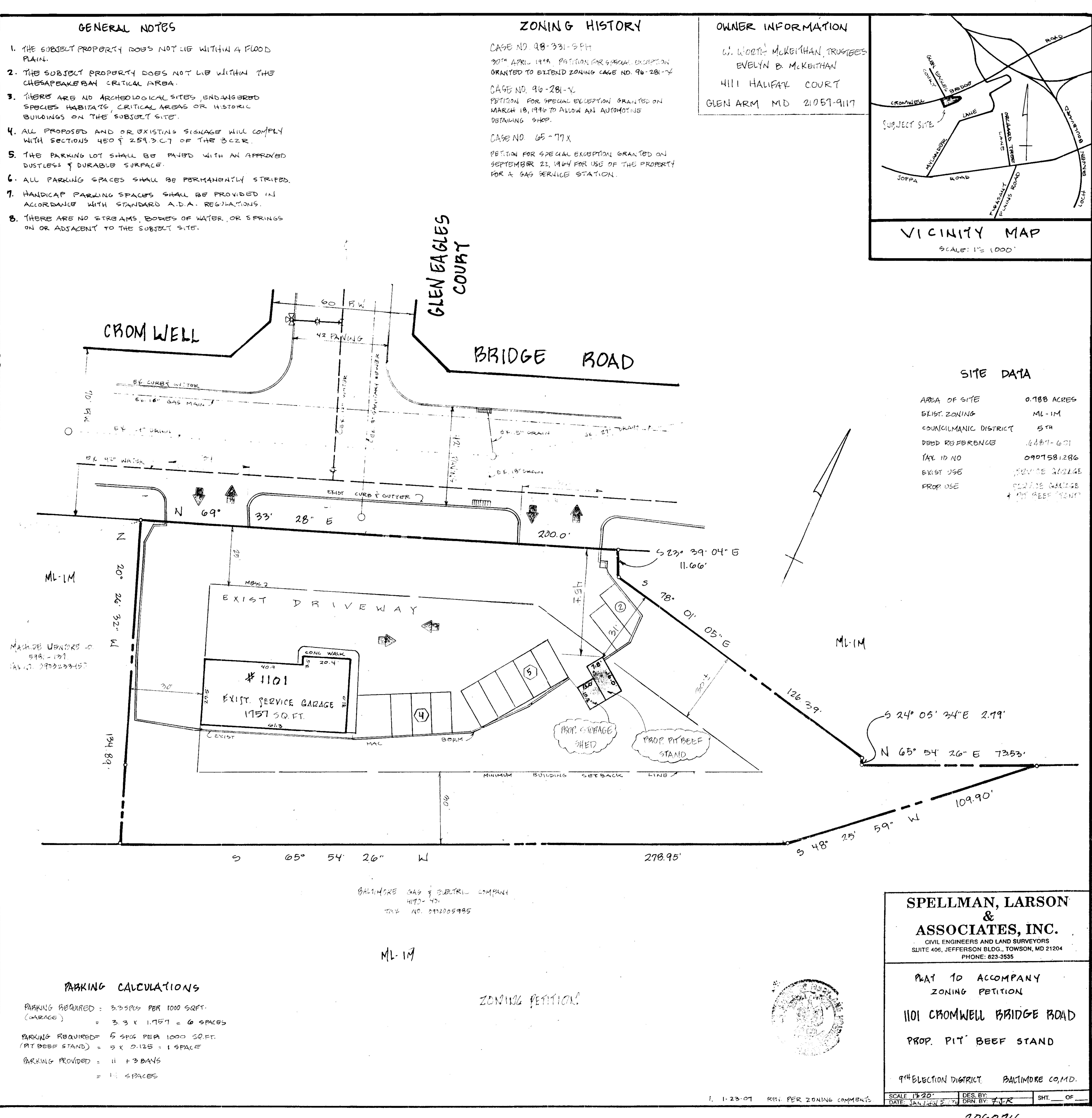
# Exhibit Sheet

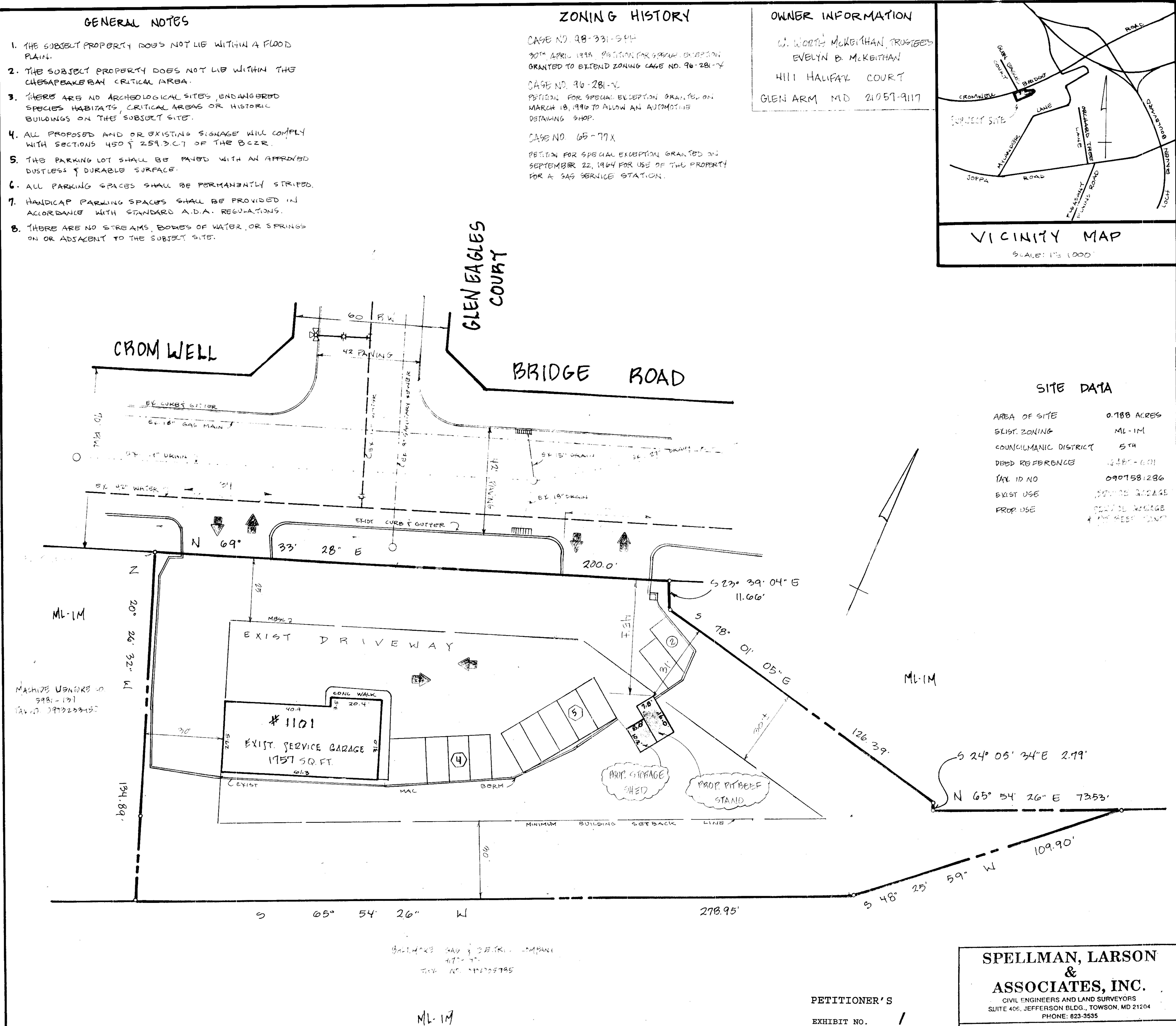
# Petitioner/Developer

# Protestant

No. 1  Site PAN -1/23/07  Patrion to Churchy Lettor  No. 2  REJISED SITE PARKING 4-19-07  No. 3  Photo of Existing Chaliforn No Innformation No. 4  No. 5  No. 6  No. 7  No. 8  No. 9  No. 10  PETITIONER'S  EXHIBIT NO. 3		·
No. 2  REJISED SITE (LAN) WITH MODIFIED PARKING  1-19-07  No. 3  PHOTO OF Existing Condition No. 4  No. 5  No. 6  No. 7  No. 8  No. 9  PETITIONER'S  EXHIBIT NO. 3	No. 1	Site PLAN -1/23/07 (Petition to Coccompany Petito
No. 5  No. 6  No. 7  No. 8  No. 9  PETITIONER'S  EXHIBIT NO. 3		REVISED SITE PLAN WITH MODIFIED PARKING 4-19-07
No. 5  No. 6  No. 7  No. 8  No. 9  PETITIONER'S  EXHIBIT NO. 3	No. 3	PHOTO OF ExistinG Condition NO landscape usland available
No. 6  No. 7  No. 8  No. 9  PETITIONER'S EXHIBIT NO. 3	· •	
No. 7  No. 8  No. 9  PETITIONER'S  EXHIBIT NO. 3	No. 5	
No. 8  No. 9  PETITIONER'S EXHIBIT NO. 3  No. 11	No. 6	
No. 9  PETITIONER'S  EXHIBIT NO. 3  No. 11	No. 7	The state of the s
No. 10  PETITIONER'S EXHIBIT NO. 3  No. 11	No. 8	
No. 10  No. 11  EXHIBIT NO. 3  No. 11	No. 9	PETITIONER'S
No. 11	No. 10	EXHIBIT NO. 3
No. 12	No. 11	
	No. 12	







PARKING CALCULATIONS

PARKING BEQUIRED = 3.35PCS PER 1000 SQFT. (GARAGE) = 3.3 x 1.757 = 6 SPACES PARKING REQUIRED = 5 SPCS PER 1000 SQ.FT. (ATBEEF STAND) = 5 x 0.125 = 1 SPACE

PARKING PROVIDED = 11 + 3 BAYS = 14 SPACES

ZONING PETITION

EXHIBIT NO.



10 ACCOMPANY ZONING PETITION

1101 CROMWELL BRIDGE BOAD

PROP. PIT BEEF STAND

BALTIMORE CO, MD. SCALE 1220' DES. BY: SHT. OF DATE: JANJUAN 5 TO DRN. BY: 7.J.R SHT. OF

