

IN RE: **PETITION FOR SPECIAL HEARING** *

SW Corner of Eastern &
Eugene Avenues

(41 Eastern Avenue)

15th Election District

7th Council District

Richard Soo Kim, *Legal Owner*

Robert Snyder, *Lessee*

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-238-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 owner of the subject property, Richard Soo Kim, and the contract lessee, Robert Snyder. The Petitioners request a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the construction of a 24' x 41' carport on the property and to approve an amendment to the previously granted Special Exception in Case No. 87-16-XA. The subject property and requested relief are more particularly described on the amended redlined site plan which was submitted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Robert Snyder t/a Snyders Used Cars, the contract lessee, and Alan Kinney, with A K Services, the consultant who prepared the site plan and is assisting the Petitioner(s) in the zoning process. There were no Protestants or other interested persons present.

An appreciation of the property's past history and use is relevant and is briefly outlined. Located at the corner of Eastern and Eugene Avenues in Essex is the subject small parcel which has served as a used car lot since the early 1950's. In 1985, Richard Soo Kim purchased the 125' x 125' lot consisting of 15,652 square feet (shown on the Plat of Mt. Holly Terrace as Lots 16-20) as the property was located adjacent to his service garage. In order to legitimize the car lots

ORDER RECEIVED FOR FILING
Date 2-4-08
By [signature]

use and display vehicles for sale within 8 feet from the front property line, Petitions for Special Exception and Variance were filed by Richard Soo Kim. In his opinion, an Order in Case No. 87-16-XA Zoning Commissioner Arnold Jablon granted approval to permit a used car lot in the B.R. zone on July 17, 1986. *See* Petitioner's Exhibit 4A (Order) and 4B (site plan). Thereafter, the Petitioners, believing the above-described carport to be within the spirit and intent of Mr. Jablon's Order, sought approval through the Development Review Committee (DRC). The DRC, however, tabled the request and directed the Petitioners to file the instant petition.

Testimony and evidence offered revealed that the subject property under consideration is now zoned B.L. and improved with an existing one-story, 42' x 26' metal building and a 40' x 12' sales office (office trailer) as illustrated on the site plan. Post and chain barriers border along the front of the property on Eastern Avenue and at the rear of the lot. In response to the Office of Planning's Zoning Advisory Committee (ZAC) comment, dated December 19, 2007, the site plan was amended to include a post and chain barrier enclosure along the eastern property line setback 10 feet from Eugene Avenue. This fence will prevent vehicles from "spilling over onto the adjacent side street". Additionally, Mr. Snyder stated that the debris and car parts allowed to accumulate by others along the rear of the lot have been removed and the property is in good order and repair. As a means to obtain approval for the proposed carport to be located next to the existing sales office, Petitioners seek an amendment to the previous zoning case through the special hearing criteria as set forth in Section 502.1. Specifically, the Zoning Commissioner is required to conduct a public hearing to determine whether the proposed amendment is appropriate and will not be detrimental to the health, safety and general welfare of the locale.

Based upon the uncontradicted testimony and evidence offered, I am persuaded that special hearing relief should be granted. The proposed amendment is entirely consistent and compatible with the existing use. The carport (*See* building elevations marked as Petitioners'

By _____
Date 2-4-08
003
ORIGINAL FILED FOR FILING

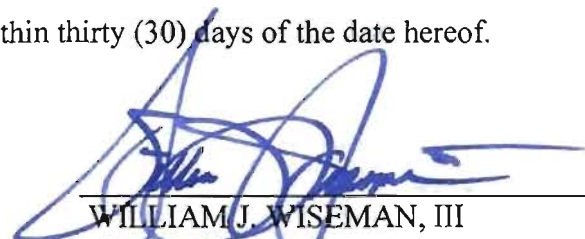
Exhibit 2) will be open on all four sides and used primarily to wash, wax and prep cars for sale. Clearly, there will be no detrimental impact on the health, safety and general welfare of the existing community and locale. I find that the Petition for Special Hearing should be granted but in so doing, I will condition approval to those specific uses stated by the Petitioner at the hearing.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 4th day of February 2008, that the Petition for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) seeking approval to permit the construction of a 24' x 41' carport on the property and to amend the previously granted Special Exception in Case No. 87-16-XA, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. No vehicles shall be permitted to be placed outside the fenced areas along Eastern and Eugene Avenues. This restriction applies to "all vehicles" whether intended for sale or operated by the customers or employees visiting the site.
2. The carport area will be limited to the washing, waxing and preparation of used motor vehicles for sale. There will be no auto body repair work, mechanical repairs or painting allowed inside of the canopy area.
3. There shall be no storage of damaged and/or disabled vehicles on the property.
4. 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 made within thirty (30) days of the date hereof.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 2-4-08
By [Signature]



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 41 EASTERN Avenue
which is presently zoned BL

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve AN AMENDMENT TO

~~SPECIAL EXEMPTION FOR CARPORT~~ ZONING CASE 87-16-XA TO PERMIT
THE CONSTRUCTION OF A 24'X41' CARPORT ON
THE PROPERTY.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Name

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

Case No. 08-238-SPH

REV 9/15/98

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JMM Date 11-21-07

ORDER RECEIVED FOR FILING

Date 2-4-08

By DW



SEVERN SURVEYS
8009-J JUMPERS HOLE ROAD
PASADENA, MARYLAND 21122
PHONE: 410-760-9817, FAX: 410-760-9821
E-mail: severnsurveys@aol.com
443-865-0275 CELL



November 19, 2007

Deed Description

Area 15,625 square feet or
0.3587 acre of land,
more or less

Beginning for the same at a point formed by the intersection of south east side of EASTERN AVENUE and the south west of EUGENE AVENUE, said point also marks the north east corner of Lots 16-20 Section 3 as shown on a plat entitled "Section 3, MT. HOLLY TERRACE" as recorded among the Plat Records of Baltimore County in Plat Book W.H.M. 9 Page 34, thence from the point of beginning so fixed an leaving the south east side of EASTERN AVENUE and binding on the south west side of EUGENE AVENUE,

1) South 36 degrees 07 minutes 25 seconds East 125.00 feet

to a point thence leaving the south west side of EUGENE AVENUE and binding on the south east division lines of Lots 16 – 20 and Lot 21, Section 3,

2) South 53 degrees 52 minutes 35 seconds West 125.00 feet

thence leaving Lot 21 and binding on the south west side of Lot 20 as shown on the above mentioned plat,

3) North 36 degrees 07 minutes 25 seconds West 125.00 feet

to a point on the south east side of EASTERN AVENUE, thence binding on the south east side of EASTERN AVENUE,

4) North 53 degrees 52 minutes 35 seconds East 125.00 feet

to the point of beginning.

Containing within the bounds of this description 15,625 square feet or 0.3587 acre of land, more or less.

Being and intended to be Lots 16-20 Section 3 as shown on a plat entitled "Section 3, MT HOLLY TERRACE" as recorded among the Plat Records of Baltimore OCounty in Plat Book W.H.M. 9 Page 34.

Being and intended to be the First Parcel in that deed from GUSSIE F. COHN to RICHARD SOO KIM and BRENDA SOO KIM by deed dated June 25, 1985 and recorded among the Land Records of Baltimore County in Liber 941 folio 198.

**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: # 08-238-SPH

41 Eastern Avenue
S/west corner of Eastern
and Eugene Avenues
15th Election District
7th Councilmanic District
Legal Owner(s): Richard
Sookim & Robert Snyder
Special Hearing: for an
amendment to zoning case
87-16-XA to permit the
construction of a 24-foot
by 41 foot carport on the
property.

Hearing: Tuesday, Janu-
ary 22, 2008 at 11:00
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 accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

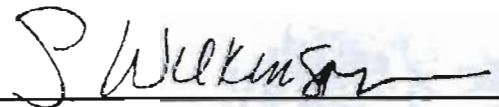
JT 1/641 Jan. 8 159714

CERTIFICATE OF PUBLICATION

1/10/ 2008

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 1/8/ 2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-238-SPH

Petitioner/Developer: RICHARD

SOOKIM & ROBERT SNYDER

Date of Hearing/Closing: 1-22-08

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:

41 EASTERN AVE

The sign(s) were posted on 1-7-08
(Month, Day, Year)

Sincerely,

Robert Black 1-9-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

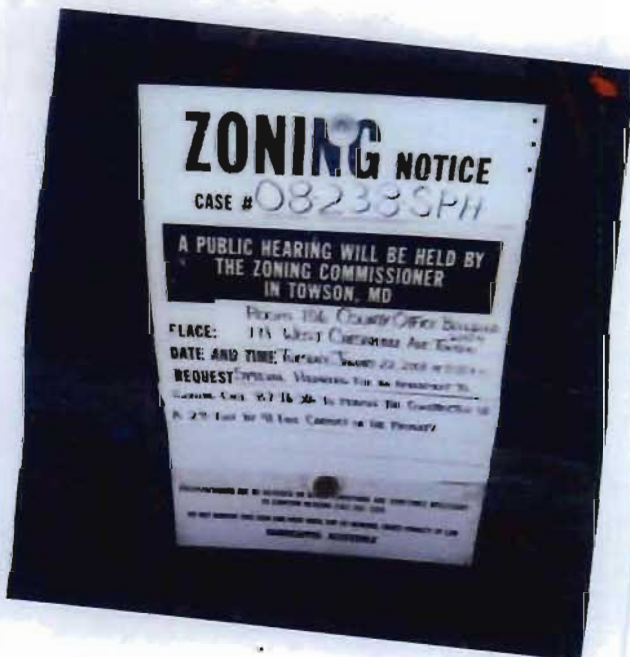
(Address)

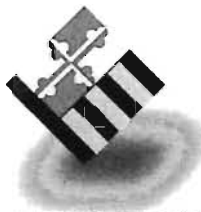
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 12, 2007
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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CASE NUMBER: 08-238-SPH

41 Eastern Avenue

S/west corner of Eastern and Eugene Avenues

15th Election Districts – 7th Councilmanic District

Legal Owners: Richard Sookim & Robert Snyder

Special Hearing for an amendment to zoning case 87-16-XA to permit the construction of a 24-foot by 41 foot carport on the property.

Hearing: Tuesday, January 22, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Richard Sookim/Robert Snyder, 41 Eastern Avenue, Essex 21221
Alan Kinney, 20 East Diamond Avenue, Ste. 300, Gaithersburg 20877

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 7, 2008.**
- (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, January 8, 2008 Issue - Jeffersonian

Please forward billing to:
Richard Sookim
Robert Snyder
41 Eastern Avenue
Essex, MD 21221

410-391-2277

NOTICE OF ZONING HEARING

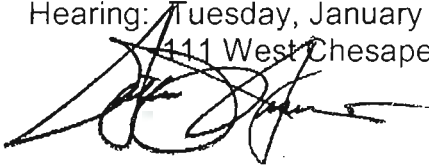
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WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 08-238 SPH
Petitioner: RICHARD SOOKIM / ROBERT SNYDER
Address or Location: 41 EASTERN AVE, BALTO. MD. 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Address: _____

Telephone Number: 410-391-2277



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

January 16, 2008

Richard Sookim
Robert Snyder
41 Eastern Avenue
Essex, Maryland 21221

Dear Mr. Sookim and Mr. Snyder:

RE: Case Number: 08-238-SPH, 41 Eastern Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 21, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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
Alan Kinney 20 East Diamond Avenue, Suite 300 Gaithersburg 20877

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 12, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2007
Item Nos. 08-235, 236, 237, 238, 239,
241, 243, 244, 245, 246, 247 and 07-541

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-121207.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 12/5/2007

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

RE: Baltimore County
Item No. 8-238-SPH
41 EASTERN AVENUE
SNYDER/SOOKIN 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. 8-238-SPH.

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,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 3, 2007

Item Number: 223,236,237, 238, 239,240,241,242,244,246,247

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C)443-829-2946
MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

BW
1-22-08
11AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 19, 2007

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

SUBJECT: 41 Eastern Avenue

INFORMATION:

Item Number: 8-238

Petitioner: Richard Sookim

Zoning: BL

Requested Action: Special Hearing

RECEIVED
DEC 26 2007

BY:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following comments:

The existing lot appears to be over utilized. After visiting the site, it was observed that cars and trucks are spilling over onto at adjacent side street(s). The rear of the lot, which abuts a residential property, has accumulated debris and car parts.

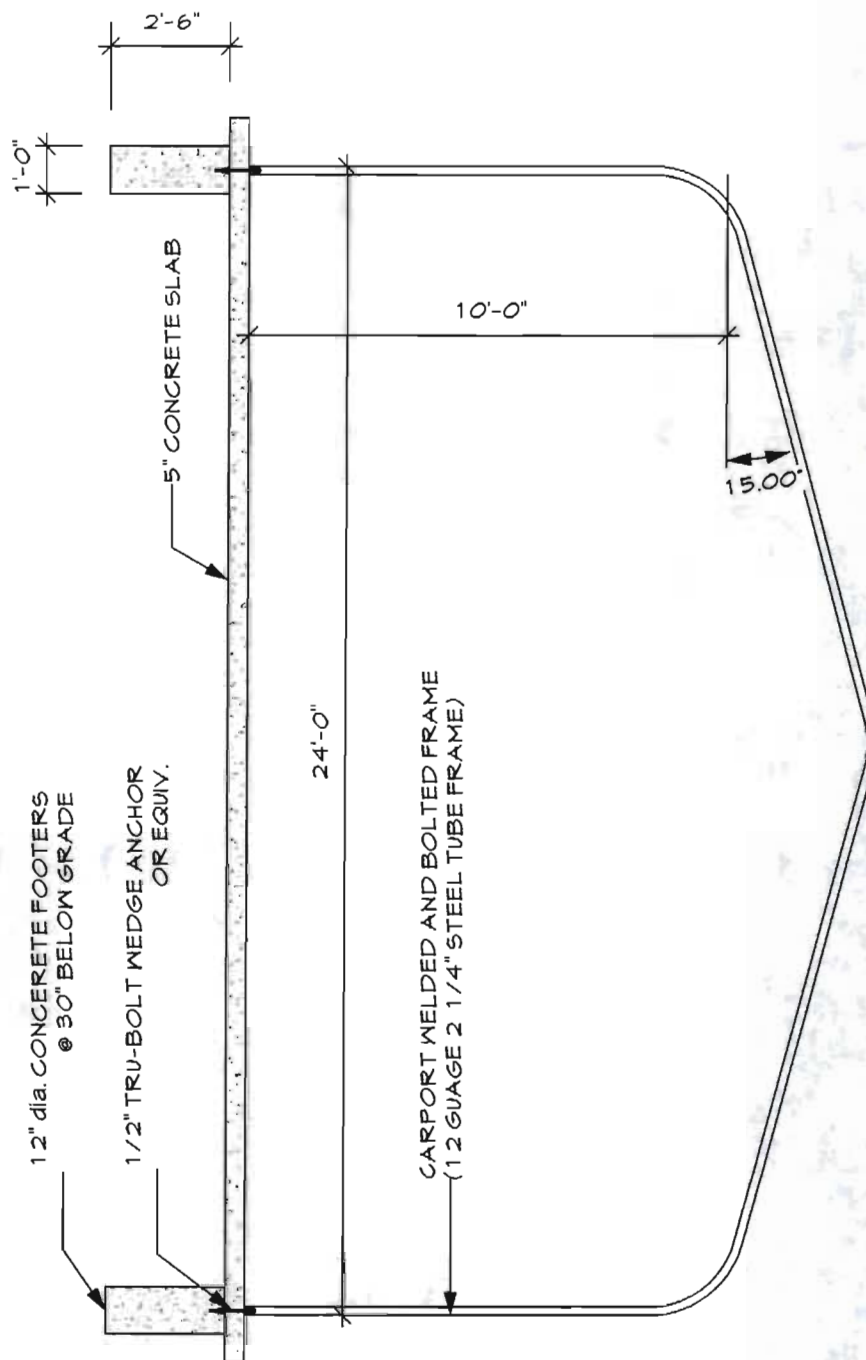
This Office recommends as a condition of approval that the back area of the lot be cleaned up, the cars be organized and limited to what is shown on the plan and a minimal barrier such as a post and chain be permanently constructed along the Eugene Avenue Property line to prevent the display area from overlapping into the public right of way.

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

Reviewed by:

Division Chief:

AFK/LL: CM



Project:

REAR CARPORT

Snyders Used Cars

41 Eastern Blvd.
Essex, Md. 21221

Date:

06.26.07

Scale:

1/4"=1'-0"

Sheet:

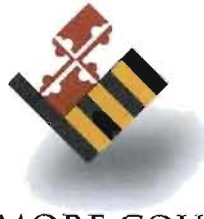
1

Of:

1

Drawn By:

Akinney



BALTIMORE COUNTY
M A R Y L A N D

Kristen:
Please file this
in case no.
08-238 SPH
T-1C.

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 15, 2008

Mr. Timothy M. Kotroco
Director
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING

SW Corner of Eastern & Eugene Avenues

(41 Eastern Avenue)

15th Election District - 7th Council District

Richard Soo Kim, *Legal Owner*; Robert Snyder, *Lessee - Petitioners*

Case No. 08-238-SPH

Dear Mr. Kotroco:

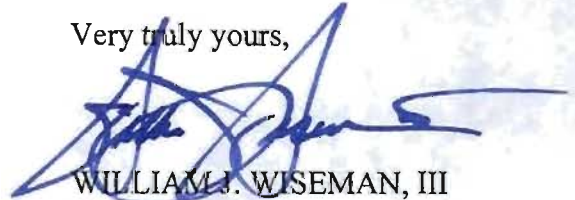
The purpose of this correspondence is to clarify the Order I issued in the above-captioned case and in particular *Restriction No. 3* thereof. Let me state briefly the reason for that portion of the Order's restriction, which prohibits the "storage of damaged and/or disabled vehicles" on the property, was to protect the overall appearance and condition of the site. Apparently, it had been, in the past, something resembling a junkyard. The Office of Planning observed cars and trucks "spilling over onto adjacent side streets . . . the rear lot abuts a residential property, has accumulated debris and car parts". Mr. Snyder gave assurances during the hearing that he would operate his used car business and attendant auto repair shop in good order. For those reasons, the Order prohibited the property from looking like a junkyard of disabled cars.

Conceivably, unlicensed and inoperable damaged motor vehicles would be brought to this facility for repairs. Perhaps some of these vehicles might need to stay there for a few days, if needed, while parts have to be ordered or found before repairs can be completed. For these reasons, I believe Mr. Alan Kinney's comments (copy attached) are appropriate. The intent of my Order was to restrict a reoccurrence of damaged, unlicensed vehicles and car parts accumulating on this lot. Therefore, I want it understood that *Restriction No. 3* should be interpreted, "*There shall be no storage of a damaged or disabled vehicle on the property for more than thirty (30) days*".

Mr. Timothy M. Kotroco
February 15, 2008
Page 2

I trust that the above comments give you my reasoning and purpose for incorporating Condition No. 3 into the Order. Please include this letter in your case file to avoid any future confusion. Please do not hesitate to call should you have any questions or desire a further response.

Very truly yours,

A handwritten signature in blue ink, appearing to read "William J. Wiseman, III", written over the typed name.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Attachment

c: Richard Soo Kim and Robert Snyder, 41 Eastern Avenue, Essex, MD 21221
Alan Kinney, A K Services, 20 East Diamond Avenue, Suite 300
Gaithersburg, MD 20877
People's Counsel; Office of Planning; File

Mr. William J. Wiseman, III
Zoning Commissioner for Baltimore County
401 Bosely Avenue, Suite 405
Towson, Maryland 21204

Mr. Alan Kinney
AK Services
20 East Diamond Avenue
Gaithersburg, Md. 20877

Re: Case no. 08-238-SPH

Dear Mr. Wiseman,

As per our conversation, I am writing to you on behalf of Robert Snyder, Lessee of 41 Eastern Avenue.

Your Order dated FEBRUARY 4TH, 2008 states-

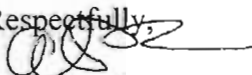
3. "There shall be no storage of damaged and/or disabled vehicles on the property."

It is a concern of Mr. Snyder's that the wording of item #3 is detrimental to his business. He is a registered and licensed auto repair shop as well as used car dealer. The wording of item 3 would in effect, prevent Mr. Snyder from doing his business as he purchases cars that need repair and/or has disabled cars in the process of repair.

Mr. Snyder understands the concern of neighbors and the community that no business should look like a junkyard of disabled cars. Mr. Snyder is sensitive to the appearance of many cars and believes that limiting damaged and/or disabled cars to 30-days will remedy the problem.

Therefore, Mr. Snyder is requesting an amendment to Order #3 to state that a vehicle that is damaged or disabled has thirty (30) days to be moved.

Respectfully,


Alan Kinney
20 East Diamond ave. #300
Gaithersburg, Md. 20877

Cc: Robert Snyder
Richard Soo Kim

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
41 Eastern Avenue, SW corner Eastern *
& Eugene Avenues * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Richard Sookim * FOR
& Robert Snyder *
Petitioner(s) * BALTIMORE COUNTY
* 08-238-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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of December, 2007, a copy of the foregoing Entry of Appearance was mailed to, Alan Kinney, 20 East Diamond Avenue, Suite 300, Geithersburg, MD 20877, Representative for Petitioner(s).

RECEIVED

DEC 03 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

June 29, 2007

Timothy Kotcoco
Director PDM
111 W. Chesapeake Ave.
Towson, MD 21204

On behalf of: Richard Kim/ Robert Snyder
41 Eastern Blvd.
Essex, MD 21221

Dear Timothy Kotcoco:

We propose to build a carport behind our existing office. Would this carport be within the spirit and intent of our special exemption?

If so, can we proceed with our DRC hearing? We would appreciate your response as well as provide us with any further documents we may need.

We are enclosing copies of our Plat and DRC documents.

Respectfully,

A handwritten signature in black ink, appearing to be 'Alan Kinney', with a long horizontal line extending to the right.

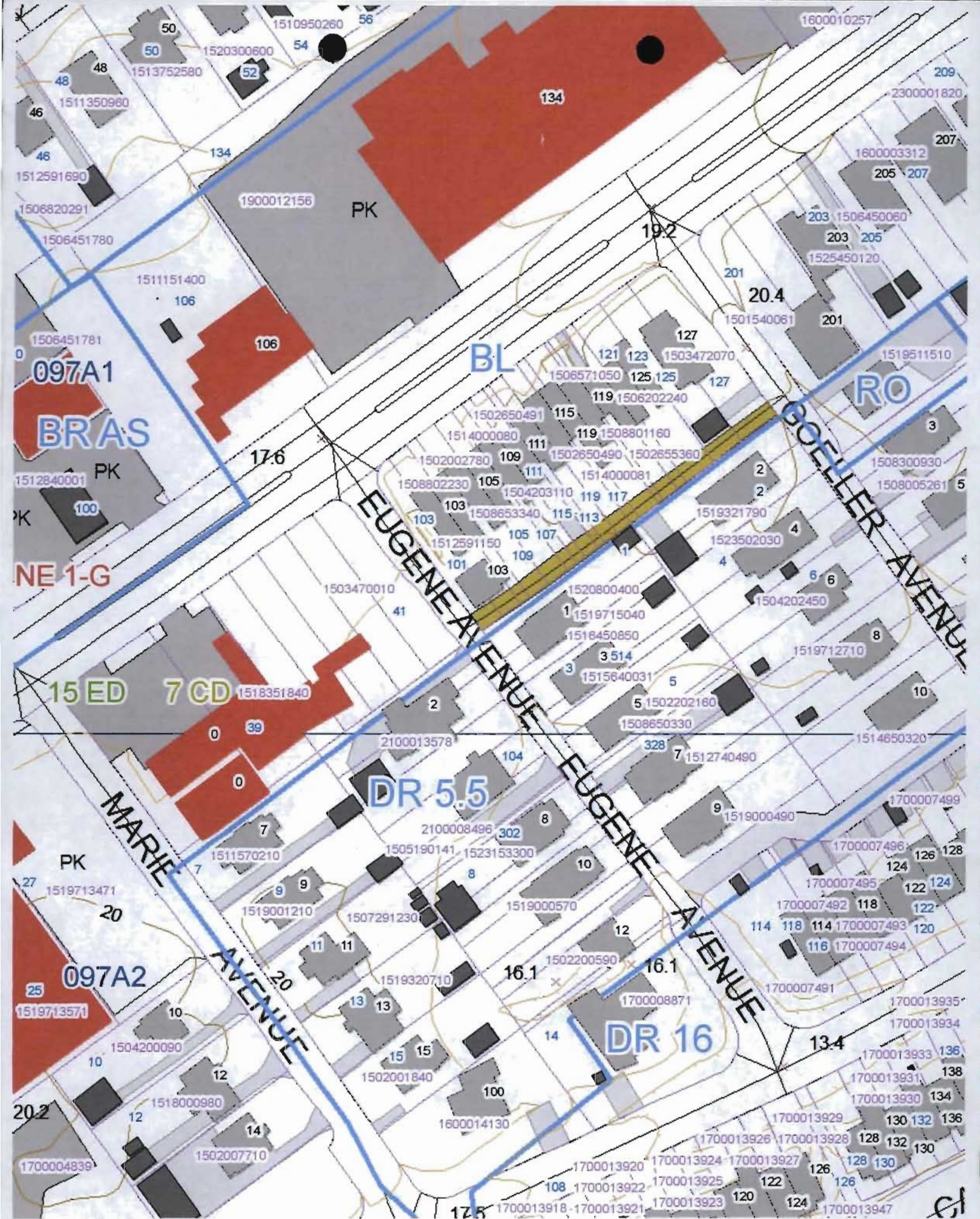
Alan Kinney
20 E Diamond Ave.
Gaithersburg, MD 20877

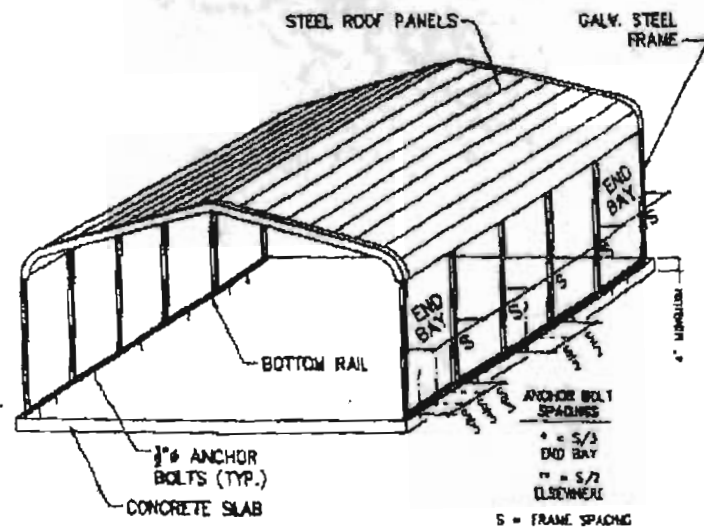
07-2307 I

CASE NAME _____
CASE NUMBER 08-238-SPH
DATE 1-22-08

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DATE 1-22-08

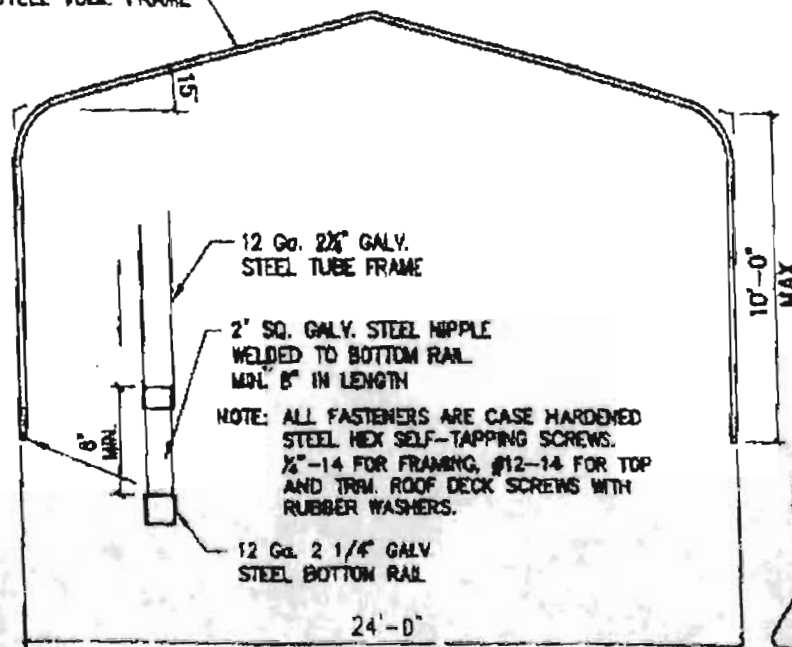
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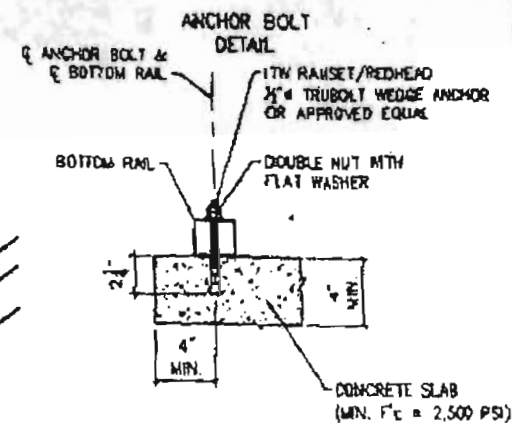
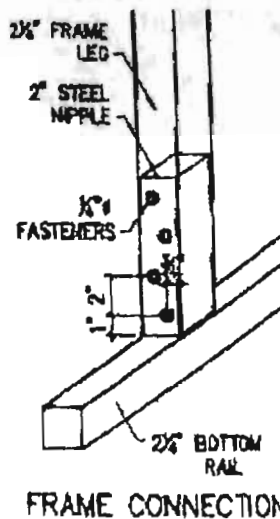


CARPORT FRAME DETAIL

12 Ga. 2 1/2\" GALV. STEEL TUBE FRAME



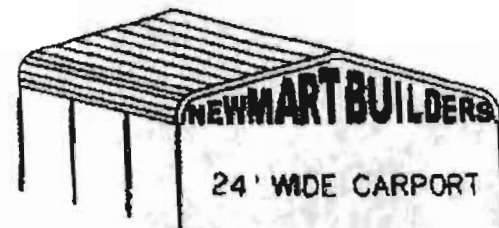
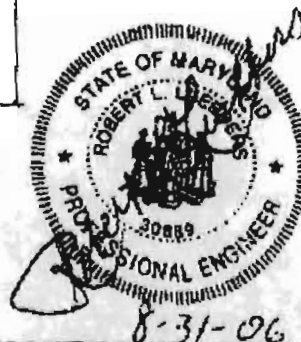
NOTE: ALL FASTENERS ARE CASE HARDENED STEEL HEX SELF-TAPPING SCREWS. 1/2\"-14 FOR FRAMING, #12-14 FOR TOP AND TRIM. ROOF DECK SCREWS WITH RUBBER WASHERS.



MAXIMUM ANCHOR SPACING IS 5'-0\" O.C.

NOTES:

1. FRAME DESIGNED FOR DEAD LOAD PLUS ROOF LIVE LOAD OR SNOW LOAD OF 25 PSF.
2. FRAME AND GROUND ANCHORS ARE DESIGNED TO WITHSTAND 110 MPH WIND LOADS IN ACCORDANCE WITH ASCE 7-02.
3. MAXIMUM SPACING OF FRAMES IS 5'-0\" O.C.
4. ALL TUBING IS 2 1/2\" SQUARE GALVANIZED STEEL, 12 Ga.
5. STEEL RIB ROOF MATERIAL 29 Ga. MIN.



1003 PLANK ROAD
SOUTH HILL, VA 23970
PHONE (434) 447-2893
TOLL FREE 1-800-547-8480
FAX (434) 447-2894

PETITIONER'S

EXHIBIT NO.

2



PETITIONER'S

EXHIBIT NO. _____

3

Case No.: 08-238-SPH 41 EASTERN AVE.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED SITE PLAN	
No. 2	Bldg. Elevations for 24' Wide Carport	
No. 3	PHOTO OF CARPORT	
No. 4	SITE PLAN - CASE # 87-16-XA	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

IN RE: PETITIONS SPECIAL EXCEPTION * BEFORE THE
 ND VARIANCES * ZONING COMMISSIONER
 SW/Corner of Eastern and *
 Eugene Avenues - * OF BALTIMORE COUNTY
 15th Election District *
 Richard Soo Kim, et ux, * Case No. 87-16-XA
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a used car lot and, additionally, variances to permit a setback of 8 feet from the front property line in lieu of the required 16 feet for the display of vehicles and a compacted stone surface in lieu of the required impermeable surface, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and were represented by Counsel. There were no Protestants.

Testimony indicated that the subject property, located at the corner of Eastern and Eugene Avenues and zoned B.R., has been a used car lot since the early 1950's. See Petitioners' Exhibit 2. The Petitioners purchased the property in 1985, which is adjacent to their service garage, and are requesting that they be permitted to continue the operation which has been in existence continuously for many years. To do so, however, a special exception and variances are needed. There was no opposition from the Essex business community.

The Petitioners seek relief from Section 236.4, pursuant to Section 502, and from Sections 238.4 and 409.2.C.2 (Section IX.A.2, Comprehensive Manual of Development Policies), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

Petitioner
 DEVELOPER'S

EXHIBIT NO.

4A

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BY

ADMINISTRATIVE ASSISTANT

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DATE

87-16-XA

It is clear that the BCZR permits the use requested by the Petitioners in a B.R. 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 whether the conditions as delineated in Section 502.1 are satisfied by the Petitioners.

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.

The Petitioners 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. In fact, the Petitioners have 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 Petitioners' 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 BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

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AGENCY ASSISTANT

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DATE

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of July, 1986, that the Petition for Special Exception for a used car lot and, additionally, the Petition for Zoning Variances to permit a setback of 8 feet from the front property line in lieu of the required

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DATE

BY

ADMINISTRATIVE RECORDS

16 feet for the display of vehicles and a compacted stone surface in lieu of the required impermeable surface be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners shall install barrier curbs, bumper blocks, or railroad ties along Eastern and Eugene Avenues to prevent vehicle parking in the rights of way of either street.


Zoning Commissioner of
Baltimore County

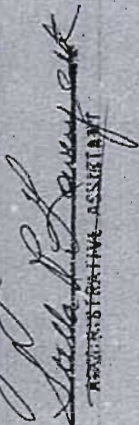
AJ/srl

cc: Alfred L. Brennan, Jr., Esquire

People's Counsel

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DATE July 17, 1976

BY 
ADMINISTRATIVE ASSISTANT

TERRACE AVE

MARIE AVE

EASTERN AVE



39 EASTERN AVE

S 53-52'-35" W 125'-0"

41 EASTERN AVE

EXISTING POST AND CHAIN BARRIER

ZONE: BL

S 36-01'-25" E 125'-0"

EXISTING GARAGE

EXISTING OFFICE

PROPOSED CARPORT

LOT ENTRANCE

BUILDING RESTRICTION LINE

30'-0"

40'-0"

10'-0"

11'-0"

31'-0"

125'-0"

N 36-01'-25" W

125'-0"

EUGENE AVE

PROPOSED POST AND CHAIN BARRIER

3 1/2" METAL CHAIN OR EQUIV.

40" TALL

EXISTING FENCE

12'-0"

15'-0"

20'-0"

N 53-52'-35" E 125'-0"

OWNER: RICHARD SOO KIM

ZONE LINE: DR 5.5

ZONE LINE: DR 5.5

Property Owners:
Richard Kim/Robert Snyder
41 eastern ave
Essex, Md. 21221

Election District: 15
Councilmatic District: 7
Property Tax Number: 1503470010

Property Area: 15,652 sq.ft.
ZONE: BL

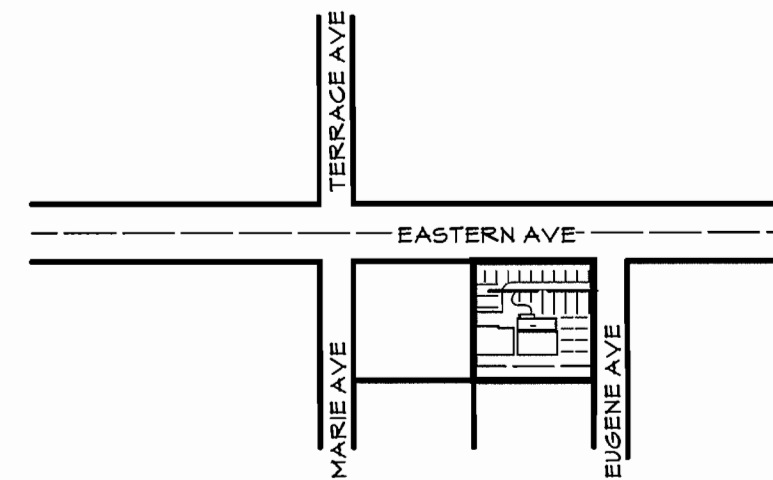
Gross Area: 15,625 Sf
Building Area: 2,556 Sf
Net Area: 13,069 Sf

Previous Hearing:
Special Exception 5/19/86 #418

Property Legal Description
LT 16-20
SW Corner Eugene Ave.
Mount Holly Terrace

FAR Calculations
2556 / 15,625 = .16 FAR

Parking Data:
Typical Space Size: 8.5 X 18
Paving Type Macadam
Spaces Permanently Striped



VICINITY MAP
SCALE: 1"=200'

PLAN TO ACCOMPANY ZONING REQUEST

PETITIONER'S

EXHIBIT NO. 1

Snyders Used Cars

41 Eastern Blvd.

Essex, Md. 21221

Drawing Log	Date
Phase I	date

Designed By:

Drawn By: AKinney

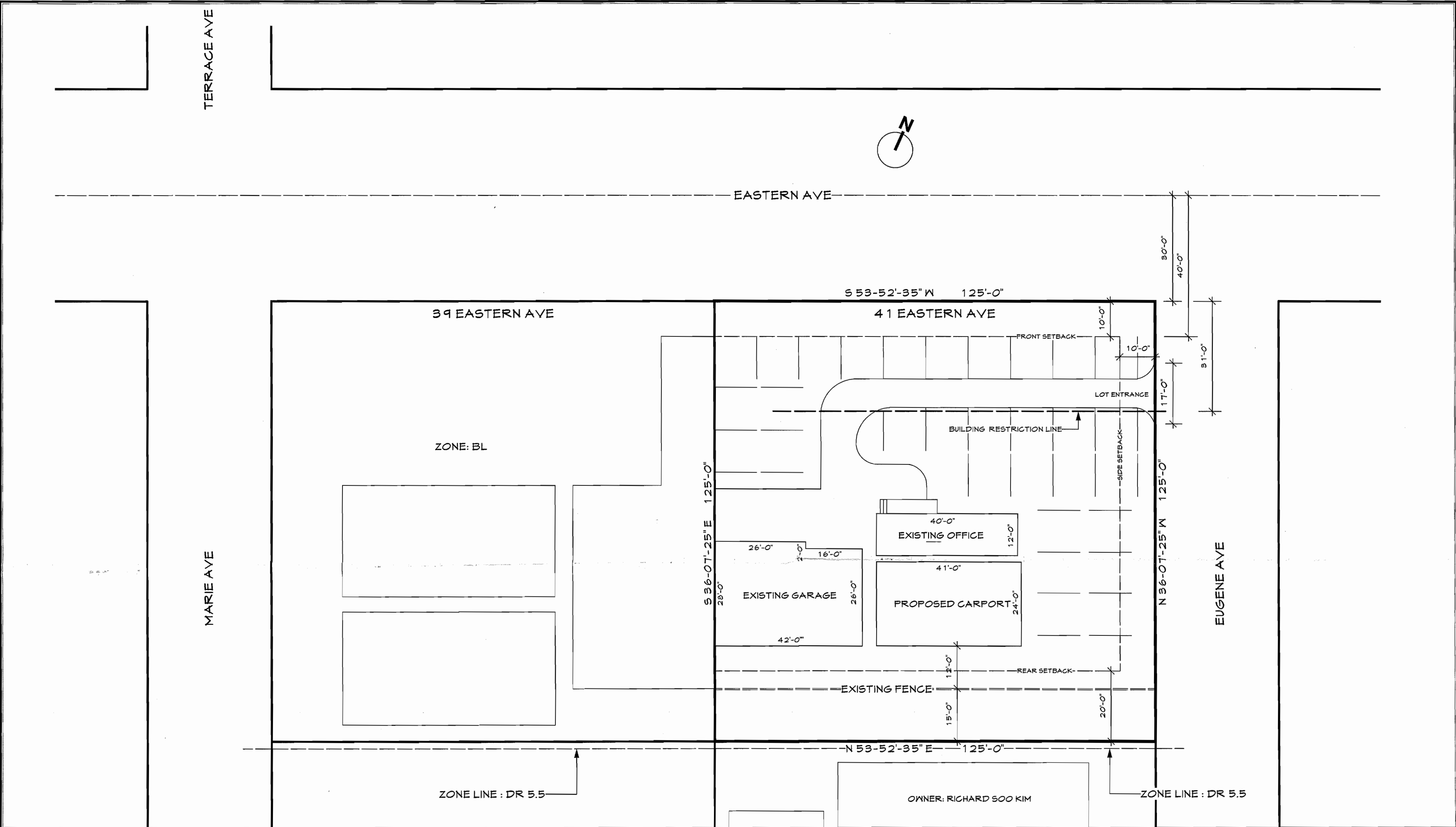
Proj. Manager:

Scale: Date:
1" = 20'-0" 10/24/07

Sheet: Of:
1 1

Plan To Accompany
Zoning Request

Snyders Used Cars



PLAN TO ACCOMPANY ZONING REQUEST

Snyders Used Cars

41 Eastern Blvd.
Essex, Md. 21221

Drawing Log	Date
Phase I	date

Designed By:
Drawn By: AKinney
Proj. Manager:

Scale: Date:
1" = 20'-0" 10/24/07

Sheet: Of:
1 **1**
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Zoning Request
Snyders Used Cars

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Richard Kim/Robert Snyder
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LT 16-20
SW Corner Eugene Ave.
Mount Holly Terrace

Election District: 15
Councilmatic District: 7
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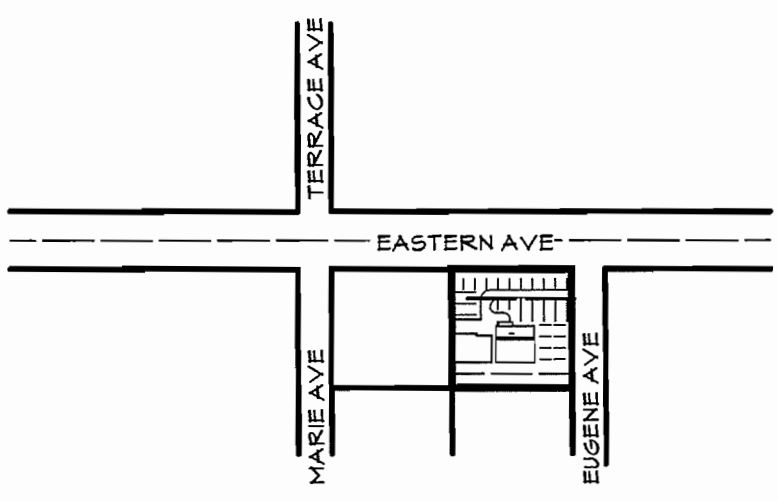
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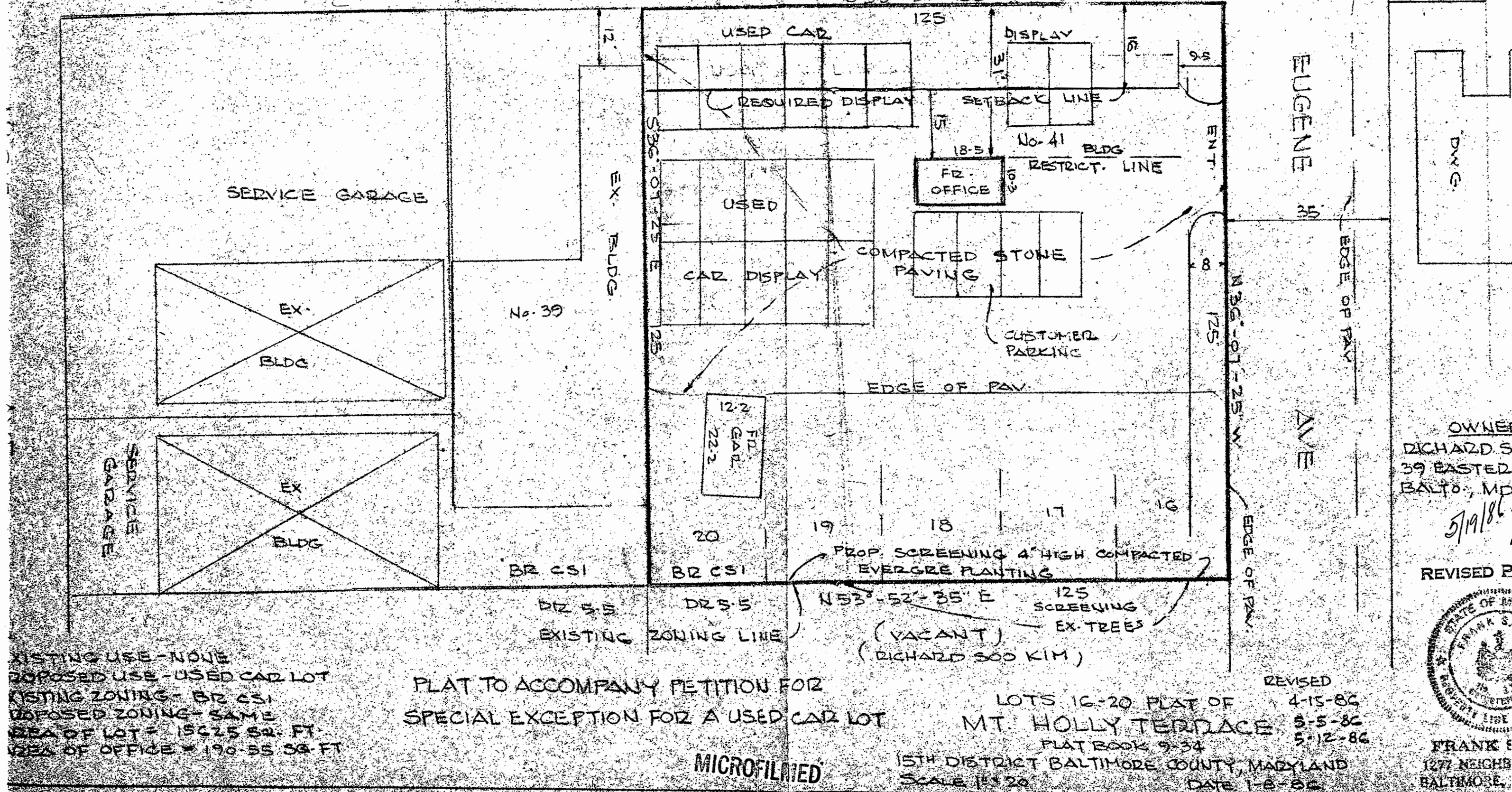
Parking Data:
Typical Space Size: 8.5 X 18
Paving Type Macadam
Spaces Permanently Striped



VICINITY MAP
SCALE: 1"=200'

Long. 1.5 m.

S 53° - 52' - 35" W



PETITIONER' S

EXHIBIT NO.

4E