

IN RE: **PETITIONS FOR SPECIAL EXCEPTION *
AND VARIANCE**

N/S of Stemmers Run Road, 370' N/W c/line *
Old Eastern Avenue
(21 Stemmers Run Road) *
15th Election District
7th Council District *

Blair's Auto Care, Inc. *
Petitioner

BEFORE THE

ONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 08-414-XA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, Blair's Auto Care, Inc., by its President, Martin Blair, through their attorney, John B. Gontrum, Esquire. The Petitioner requests a special exception to permit the use of a service garage in a B.L.-A.S. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, Petitioner seeks a variance from Section 232.1 of the B.C.Z.R. to permit a front yard setback of 2.9 feet from the right-of-way of Stemmers Run Road in lieu of the required 10 feet and a setback of 32.9 feet from the centerline of Stemmers Run Road in lieu of the required 40 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Martin Blair, President of Blair's Auto Care, Inc., and Patrick C. Richardson, P.E, of Richardson Engineering, LLC, the consultants who prepared the site plan. John B. Gontrum, Esquire appeared as attorney for the Petitioner. There were no Protestants or other interested persons present.

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Date 5-9-08
By [Signature]

Testimony and evidence disclosed that the subject property is in the shape of a quadrilateral with frontage on the northeast side of Stemmers Run Road. The service garage improvements have existed on the site for at least 60 years. The building for which variance setback relief is sought has existed in this location for at least that long. The 1945 Zoning Regulations, Section VII.C., stated: "The front building line of commercial buildings shall be the front lot line ..." The site up until the last few weeks had parking in front of the building up to the right-of-way line of Stemmers Run Road as well as parking along the eastern property line. The property to the east of the subject site is zoned commercially, but is used as a residence. A substantial wooden privacy fence separates the properties. The property to the rear is commercially zoned and used as a food market. To the northwest of the property is a residence also zoned B.L.-A.S. owned by the Petitioner. Petitioner submitted photographs 2A through 2D depicting the existing building and its relationship to the surrounding properties.

It is important to note at this time that Stemmers Run Road is undergoing widening and other public works improvements. As a result, the right-of-way has been widened to 60 feet, and parking has been eliminated from the front of the existing building. Curb, gutter and sidewalk are to be provided in the front of the building.

The Petitioner is proposing to build an addition to the rear of the existing service garage building for three additional service bays. No variances are needed to build this addition. The site meets all parking requirements. No damaged or disabled vehicles are proposed to be stored outside the building.

Petitioner enjoys a good relationship with the neighbor of the residence to the east, and a letter of support was submitted by that property owner (Petitioner's Exhibit 3). Apparently, Petitioner has made efforts to keep the property clean and orderly.

In a commercial zone in 1948, according to the zoning regulations in effect, no special exception was necessary for a service garage use. In any event, no special exception has previously been sought for a use that has been on the property for 60 years.

Prior to the filing of this case Baltimore County had proposed a taking of the frontage of Petitioner's property to widen Stemmers Run Road. The taking coupled with the widening of Stemmers Run Road over the years and the initial lack of setback requirements has led to the request for zoning variance for the front yard setback. Failure to grant the variance would result in the destruction of a substantial portion of the existing building. The failure of the Petitioner to comply with the strict requirements of the B.C.Z.R. is certainly not due to its fault but rather to the passage of time and the widening of the right-of-way. The building may well be non-conforming, but it appears to be legally non-conforming, and to require the Petitioner to comply with the setback requirements results in practical difficulty. I am persuaded that the unique shape and condition of this site and the improvements on it in relation to the street property line have created a unique condition resulting in a practical difficulty or undue hardship. I am further persuaded that granting the requested variance would not be detrimental to the surrounding locale and will meet the spirit and intent of the zoning regulations, and I will, therefore, grant the requested variances.

The requirements of B.C.Z.R. Section 502.1 must also be met in order to approve the special exception use. Essentially, the applicant must show that the use can be carried out at the location proposed without detrimental impact to the health, safety and general welfare of the locale. As construed, however, by the appellate courts of this State in *Schultz v. Pritts*, 291 Md. 1 (1981), and *Mossberg v. Montgomery County*, 107 Md. App. 1 (1995), it is not merely the existence of adverse potential impacts of the use that warrant the denial of a requested special

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By [Signature]

exception. The courts have noted that adverse impacts from a proposed special exception are inherent. The test to be applied is whether the anticipated impacts are exacerbated at the proposed location relative to their impact elsewhere in the zone.

Based on the information presented, it is amply clear that granting the special exception requested will not be detrimental to the health, safety or general welfare of the locale. A service garage has operated on this site for at least 60 years apparently without any detriment to the surrounding community. The road improvements now underway will actually make the property safer by defining an access point to the site and by virtually eliminating the current parking configuration which permits vehicles to back out into traffic. The property is served by public utilities, and as noted no variances are sought for the proposed improvements. The site will not be overcrowded by the proposed building. The fact that the adjacent residential neighbor has no issues with the proposed addition and use speaks volumes of the operation of the facility and of its location within this zone.

There were no adverse comments received from any of the reviewing agencies. The Office of Planning raised two issues, however, which should be addressed. The first comment went to the upgrading of the site's appearance and the finishing of the building with "Drivit [sic] material or something similar". "Dryvit" is a specific brand of an exterior insulating and finish system (EIFS), and is essentially a stucco finish requiring painting, much like Petitioner's current building. Petitioner's site should already be upgraded as indicated above by the road improvements. The elimination of the front parking and definition of an access point should amply address the visual improvement of the site. The existing building requires painting from time to time and has been freshly painted. It makes no sense to require the property owner to finish his existing, freshly painted building with Dryvit or any EIFS. The building addition is

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By [signature]

proposed to be a steel building, and I have reviewed and approved similar buildings with Planning's approval in the recent past. The proposed addition, moreover, sits back in the site with visibility obscured by buildings and structures on either side of it. A good quality steel building, examples of which were shown to me, should comply with Planning's desire that the property be upgraded. The front of the property is being improved by Baltimore County's Department of Public Works.

Planning's comment as to replacing existing signs is also of concern. Petitioner's engineer, Mr. Richardson, testified that the existing building mounted signage is in compliance with the sign regulations. Petitioner testified that he obtained permits for the signs. There are two signs placed on the building. One sign faces toward Stemmers Run Road and because of the angle of the building to the roadway is only visible to westbound traffic on Stemmers Run Road. The other sign faces to the west of Stemmers Run Road and is visible only to vehicles traveling east on Stemmers Run Road. Unless Petitioner built a freestanding sign adjacent to the street, there is little way that a single sign could accommodate both directions. Another alternative would be to put a roof-mounted sign on the building with two sides, but I fail to see how either of these alternatives is an improvement over the existing, legal signage. Consequently, I will not impose a condition requiring a single sign. In all events, Petitioner is required to comply with the zoning regulations of Baltimore County.

Based on the testimony and evidence presented in this case, I find that the property is unique in a zoning sense. I further find that strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship. Finally, I find that Petitioner's special exception and variance requests can be granted in strict harmony with the spirit and intent

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Date 5-19-88
By [signature]

of the regulations, and in such manner as to grant relief without injury to the public health, safety or general welfare of the locale.

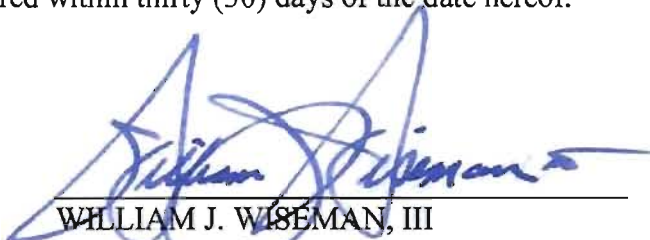
Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of May 2008, that the Petition for a Special Exception, to permit the use of a service garage in a B.L.-A.S. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 232.1 of the B.C.Z.R., to permit a front setback of 2.9 feet from the right-of-way in lieu of the required 10 feet and a setback of 32.9 feet from the centerline of a street in lieu of the required 40 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following condition:

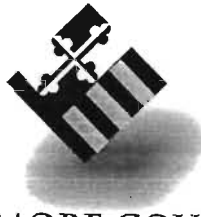
1. Petitioner may apply for its building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed,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

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

COPIES RECEIVED FOR FILING
Date 5-19-08
By [signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 6, 2008

John B. Gontrum, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
N/S of Stemmers Run Road, 370' N/W c/line Old Eastern Avenue
(21 Stemmers Run Road)
15th Election District - 7th Council District
Blair's Auto Care, Inc. - Petitioner
Case No. 08-414-XA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'William J. Wiseman III', written over a circular stamp or seal.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Martin Blair, 21 Stemmers Run Road, Essex, MD 21221
Patrick C. Richardson, P.E., Richardson Engineering, LLC, 30 East Padonia Road,
Suite 500, Timonium, MD 21093
People's Counsel; Office of Planning; File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at 21 Stemmers Run Road

which is presently zoned BL-AS

Deed Reference: 25652_448 Tax Account # 1513201510
1513201511

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A service garage.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

John B. Gontrum

Name - Type or Print

Signature

Whiteford, Taylor & Preston

Company

210 W. Pennsylvania Ave. 410-832-2000

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

Blairs Auto Care, Inc.

Name - Type or Print

By: Martin Blair

Signature

Martin Blair

Name - Type or Print

Martin Blair

Signature

3706 Misty Valley Ct. 410-687-4393

Address

Telephone No.

Abingdon, Maryland 21009

City

State

Zip Code

Representative to be Contacted:

John B. Gontrum

Name

210 W. Pennsylvania Ave. 410-832-2000

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Case No.

08-414-XA

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By

Date

3-5-08

ORDER RECEIVED FOR FILING

Date

5-6-08

74

100



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 21 Stemmer Run Road

which is presently zoned BL-AS

Deed Reference: 25652 / 448 Tax Account # 1513201510

1513201511

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

232.1 to permit a front yard set back of 2.9' from the right of way and 32.9' from the centerline of street in lieu of the required 10' and 40' respectively.

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

Existing building has been on site for many decades and does not comply with current set back requirements. Strict compliance would require demolition of building. Further reasons in support of variance will be provided at hearing.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

John B. Gontrum

Name - Type or Print

Signature

Whiteford, Taylor & Preston

Company

210 W. Pennsylvania Ave. 410-832-2000

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

Blairs Auto Care, Inc.

Name - Type or Print

Signature

Martin Blair

Name - Type or Print

Signature

3706 Misty Valley Ct. 410-687-4393

Address

Telephone No.

Abingdon, Maryland 21009

City

State

Zip Code

Representative to be Contacted:

John B. Gontrum

Name

210 W. Pennsylvania Ave. 410-832-2000

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Case No.

08-418-XA

Office Use Only

Estimated Length of Hearing

Unavailable For Hearing

Reviewed by

Jim

Date

3.5.08

REV 8/20/07

ORDER RECEIVED FOR FILING

Date

5-6-08

By

SW

**SPECIAL EXCEPTION ZONING DESCRIPTION
21 STEMMERS RUN ROAD
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the north side of Stemmers Run Road, 50 foot wide; at a distance of 370 feet more or less, from the centerline intersection of Stemmers Run Road and Old Eastern Avenue 70 feet wide; thence leaving said right of way the following courses and distances, (1) North 23 degrees 06 minutes 26 seconds East 147.28 feet, (2) North 66 degrees 48 minutes 51 seconds West 50.00 feet, (3) North 23 degrees 06 minutes 26 seconds East 27.52 feet, (4) South 46 degrees 08 minutes 22 seconds West 122.85 feet to a point on a curve on the north side of Stemmers Run Road, (5) thence binding on said right of way Southeasterly by a tangential curve to the right having a radius of 1,030.00 feet, an arc length of 14.62 feet, the chord of said arc bearing South 34 degrees 43 minutes 54 seconds East 14.62 feet, to the point of beginning.

Containing a net area of 10,162 square feet or 0.233 acres.



A circular professional seal for the State of Maryland, Department of Transportation, with the text "PROFESSIONAL ENGINEER" and "NO. 18881" visible. Overlaid on the seal is a handwritten signature. Below the seal, the date "2/19/08" is handwritten.

2/19/08

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 11124

Date: 3.5.02

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				705.00

Total: 705.00

Rec

From: BLAIRS AUTO

For: 08-414-XA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

BUTHERS ACTUAL TIME
 03/05/2002 3/05/2002 11:13:34
 REC 001 WALKIN REC JHR
 >> RECEIPT # 366037 3/15/2002 OFM
 5- 020 ZONING VERIFICATION
 011124
 Recpt Tot 8705.00
 8705.00 CF 1.00 CA
 Baltimore County, Md, Taxt

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: # 08-414-XA

21 Stemmers Run Road

N/side of Stemmers Run Road, 370 ft. n/west from centerline of Old Eastern Avenue

15th Election District — 7th Councilmanic District

Legal Owner(s): Blairs Auto Care, Inc., Martin Blair

Special Exception: for a service garage. **Variance:** to permit a front yard setback of 2.9 feet from the right-of-way and 32.9 feet from the centerline of street in lieu of the required 10 feet and 40 feet respectively.

Hearing: Thursday, May 1, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 4/743 Apr. 15

170222

CERTIFICATE OF PUBLICATION

4/18/2008

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 4/15/2008.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 08-414-XA

Petitioner/Developer: BLAIRS

AUTO CARE, INC.

Date of Hearing/Closing: 5-1-08

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:

21 STEMMERS RUN ROAD

The sign(s) were posted on

4-16-08

(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

4-21-08
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

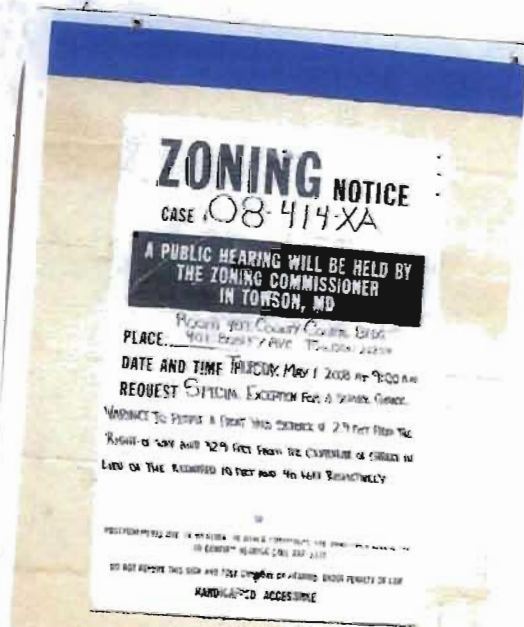
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**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: 414

Petitioner: BLAIRS AUTO CARE, INC.

Address or Location: 3706 STEMMERS RUN Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Blairs Auto Care Inc.

Address: 3706 ~~Hampton~~ Misty Valley Ct.

Abingdon, Md. 21009 - 3005

Telephone Number: 410-687-4393

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 15, 2008 Issue - Jeffersonian

Please forward billing to:
Blairs Auto Care, Inc.
3706 Misty Valley Court
Abingdon, MD 21009

410-687-4393

NOTICE OF ZONING HEARING

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CASE NUMBER: 08-414-XA

21 Stemmers Run Road

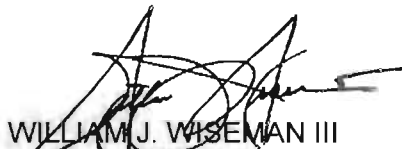
N/side of Stemmers Run Road, 370 ft. n/west from centerline of Old Eastern Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Blairs Auto Care, Inc., Martin Blair

Special Exception for a service garage. Variance to permit a front yard setback of 2.9 feet from the right-of-way and 32.9 feet from the centerline of street in lieu of the required 10 feet and 40 feet respectively.

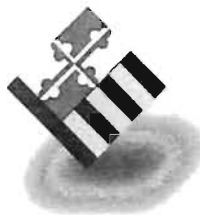
Hearing: Thursday, May 1, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 19, 2008
TIMOTHY M. KOTROCO, Director
Department 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: 08-414-XA

21 Stemmers Run Road

N/side of Stemmers Run Road, 370 ft. n/west from centerline of Old Eastern Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Blairs Auto Care, Inc., Martin Blair

Special Exception for a service garage. Variance to permit a front yard setback of 2.9 feet from the right-of-way and 32.9 feet from the centerline of street in lieu of the required 10 feet and 40 feet respectively.

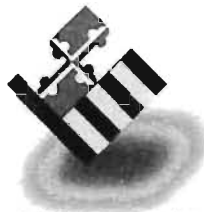
Hearing: Thursday, May 1, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: John Gontrum, 210 W. Pennsylvania Avenue, Towson 21204
Martin Blair, Blairs Auto Care, Inc., 3706 Misty Valley Ct., Abingdon 21009

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 16, 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.



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

April 23, 2008

John B. Gontrum
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Mr. Gontrum:

RE: Case Number: 08-414-XA, 21 Stemmers Run Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 5, 2008. 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
Blaire's Auto Care, Inc. Martin Blair 3706 Misty Valley Court Abingdon 21009



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: MARCH 12, 2008

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

RE: Baltimore County
Item No. 8-414-XA
21 STEMMERS RUN ROAD
BLAIR PROPERTY
SPECIAL EXCEPTION
VARIANCE

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. 8-414-XA.

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 Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 1, 2008

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

SUBJECT: 21 Stemmers Run Road

INFORMATION:

Item Number: 8-414

Petitioner: Blairs Auto Care, Inc.

Zoning: BL-AS

Requested Action: Special Exception and Variance

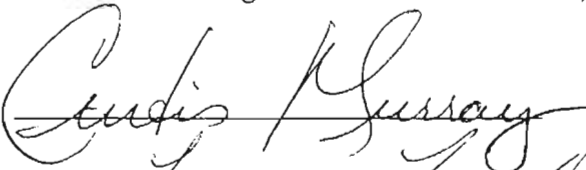
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This office does not oppose the petitioner's request; however after visiting the site the property should be upgraded and visually improved. The business signage should be replaced with one permanent sign in lieu of the various signs currently in place and the building should be finished with Drivit material or something similar. If signage is replaced, elevations of such should be sent to this office for review and approval.

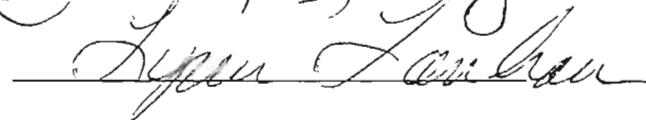
In addition, remove paving on the street side of the building to establish an area for landscaping and entrance in to the building.

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

Reviewed by:



Division Chief:
AFK/LL: CM





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

March 12, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 10, 2008

Item Number: 400,403,404,405,406,407,409,410,411,412,413,414,415,416 and 417

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 13, 2008

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

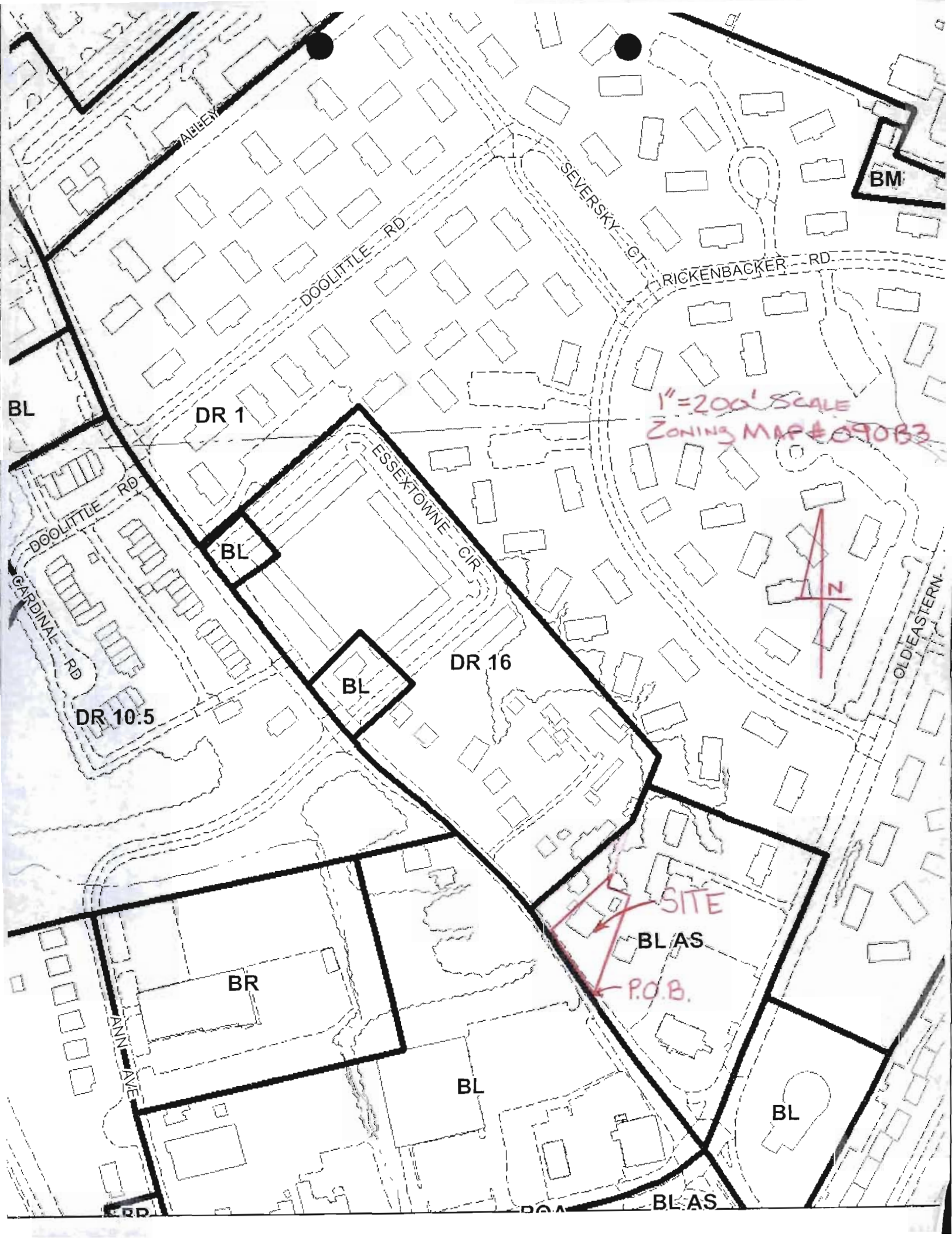
SUBJECT: Zoning Advisory Committee Meeting
For March 17 2008
Item Nos. 08-371, 400, 401, 402, 403, 404,
405, 406, 408, 409, 410, 411, 412, 413, 414,
416, and 417

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-03132008.doc

CASE NAME _____
CASE NUMBER 08-414-XA
DATE 5/1/08

[illegible]



BM

1"=200' SCALE
ZONING MAP #09083



OLDE EASTERN

SITE

BL AS

P.O.B.

BL

BL AS

BL

BR

DR 16

BL

BL

DR 1

DR 10.5

BL



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3)

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Account Identifier: District - 15 Account Number - 1513201510

Owner Information

Owner Name: BLAIRS AUTO CARE INC **Use:** COMMERCIAL
Principal Residence: NO
Mailing Address: 3706 MISTY VALLEY CT **Deed Reference:** 1) /25652/ 448
 ABINGDON MD 21009-3005 2)

Location & Structure Information

Premises Address **Legal Description**
 21 STEMMERS RUN RD PT LT 10
 21 STEMMERS RUN RD
 BETZ PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
90	22	561					10	3	Plat Ref: 7/ 120

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	3,164 SF	13,330.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2006	07/01/2007	07/01/2008	
Land	83,300	133,300			
Improvements:	72,900	128,500			
Total:	156,200	261,800	226,600	261,800	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: BLAIRS AUTO CARE	Date: 05/17/2007	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /25652/ 448	Deed2:
Seller: MATTHEU ANTHONY P	Date: 04/25/2003	Price: \$300,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /17898/ 661	Deed2:
Seller: MATTHEU ANNA C	Date: 09/02/1994	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /10734/ 24	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

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MAP** [click here...](#)

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 2,****Section 232, B.L. Zone Area Regulations [BCZR 1955]****Section 232 , B.L. Zone Area Regulations [BCZR 1955]**

Minimum requirements, except as provided in Article 3, shall be as follows:

232.1 Front yard. For residences, as in Sections 302 and 303.1; for commercial buildings the front building line shall be not less than 10 feet from the front property line and not less than 40 feet from the center line of the street, except as specified in Section 303.2.

232.2 Side yards. ^{EN}

A. For residences, as in Section 302.

B. For commercial buildings, none required on interior lots, except that where the lot abuts a lot in a residence zone there must be a side yard not less than the greater minimum width required for a dwelling on the abutting lot and on corner lots the side yard on the street side shall be not less than 10 feet in width.

232.3 Rear yard. [Bill No. 26-1963]

A. For residences, as in Section 302.

B. For commercial buildings, none required, except that where the rear lot line abuts a lot in a residence zone there shall be a rear yard not less than 20 feet deep.

232.4. Parking area and loading space. In accordance with the provisions of Section 409.

232.5. Floor area ratio. The maximum permitted floor area ratio for any site in a B.L. Zone, excepting C.C.C. and C.T. Districts, shall be 3.0. [Bill Nos. 7-1962; 111-1968; 100-1970]

Section 232A, Special Regulations for C.C.C. Districts [Bill Nos. 111-1968; 100-1970;^{EN} 26-1988]

Contrary provisions of these zoning regulations notwithstanding, the regulations of this section shall apply in C.C.C. Districts superimposed upon B.L. Zones. (All aspects of matters not governed by the following provisions of this section shall be governed by all other applicable provisions of these zoning regulations.)

232A.1 Apartments shall be permitted, but only above the first story of a building. Elderly housing facilities shall be permitted in any story of a building. [Bill No. 36-1988]

232A.2 No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

From: Debra Wiley
To: Livingston, Jeffrey
Date: 04/25/08 2:12:27 PM
Subject: DEPRM Comment Needed - Thursday, May 1st

Hi Jeff,

Bill will be hearing the case listed below and it appears that this site lies entirely within the CBCA (IDA).
Could you provide us with a comment for this case before the hearing date.

Missing DEPRM according to Site plan

CASE NUMBER: 8-414-XA

21 Stemmers Run Road

Location: N side of Stemmers Run Road, 370 feet +/- NW from c/l of Old Eastern Avenue.

15th Election District, 7th Councilmanic District

Legal Owner: Blairs Auto Care, Inc., By: Martin Blair

SPECIAL EXCEPTION A service garage.

VARIANCE To permit a front yard setback of 2.9 feet from the right of way and 32.9 feet from the c/l of street in lieu of the required 10 feet and 40 feet respectively.

Hearing: Thursday, 5/1/2008 at 9:00:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

Thanks and have a great weekend !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

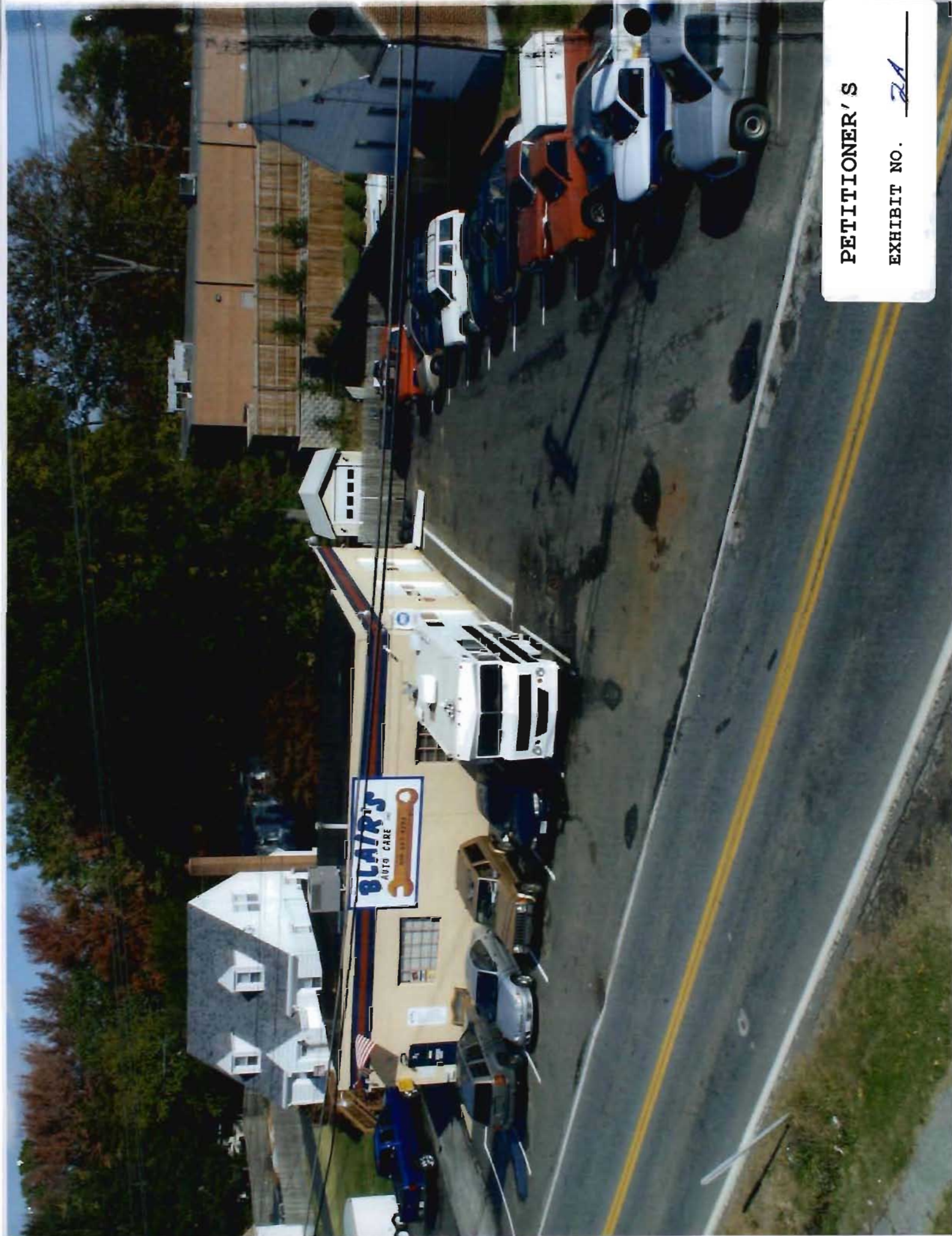
Case No.: 08-414-XA 21 STEMMERS RUN RD.

Exhibit Sheet

Petitioner/Developer

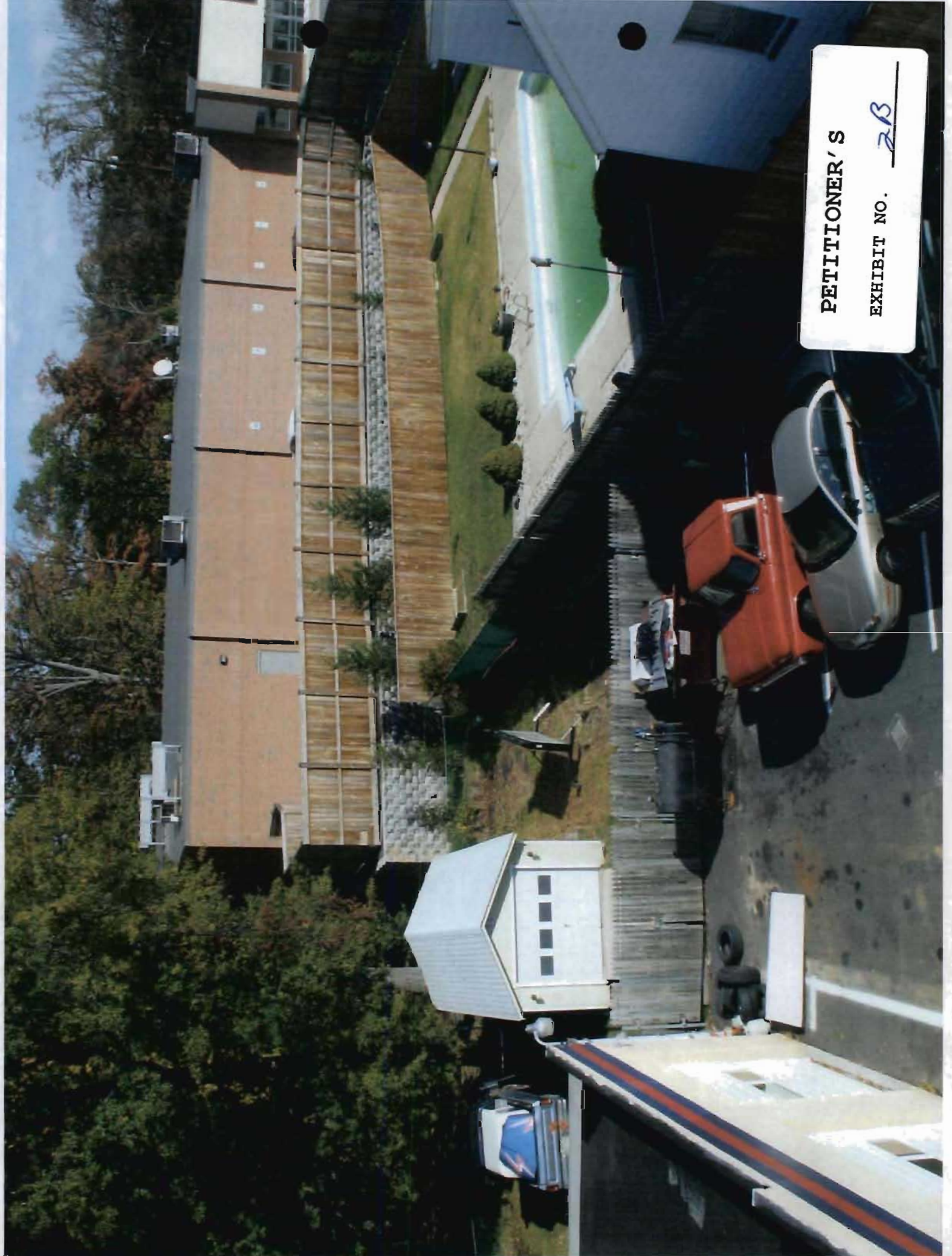
Protestant

No. 1	SITE PLAN	
No. 2 3 PHOTOS A-C	PHOTO'S OF EXISTING CONDITIONS	
No. 3	LETTER OF SUPPORT FROM ADJACENT NEIGHBOR.	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



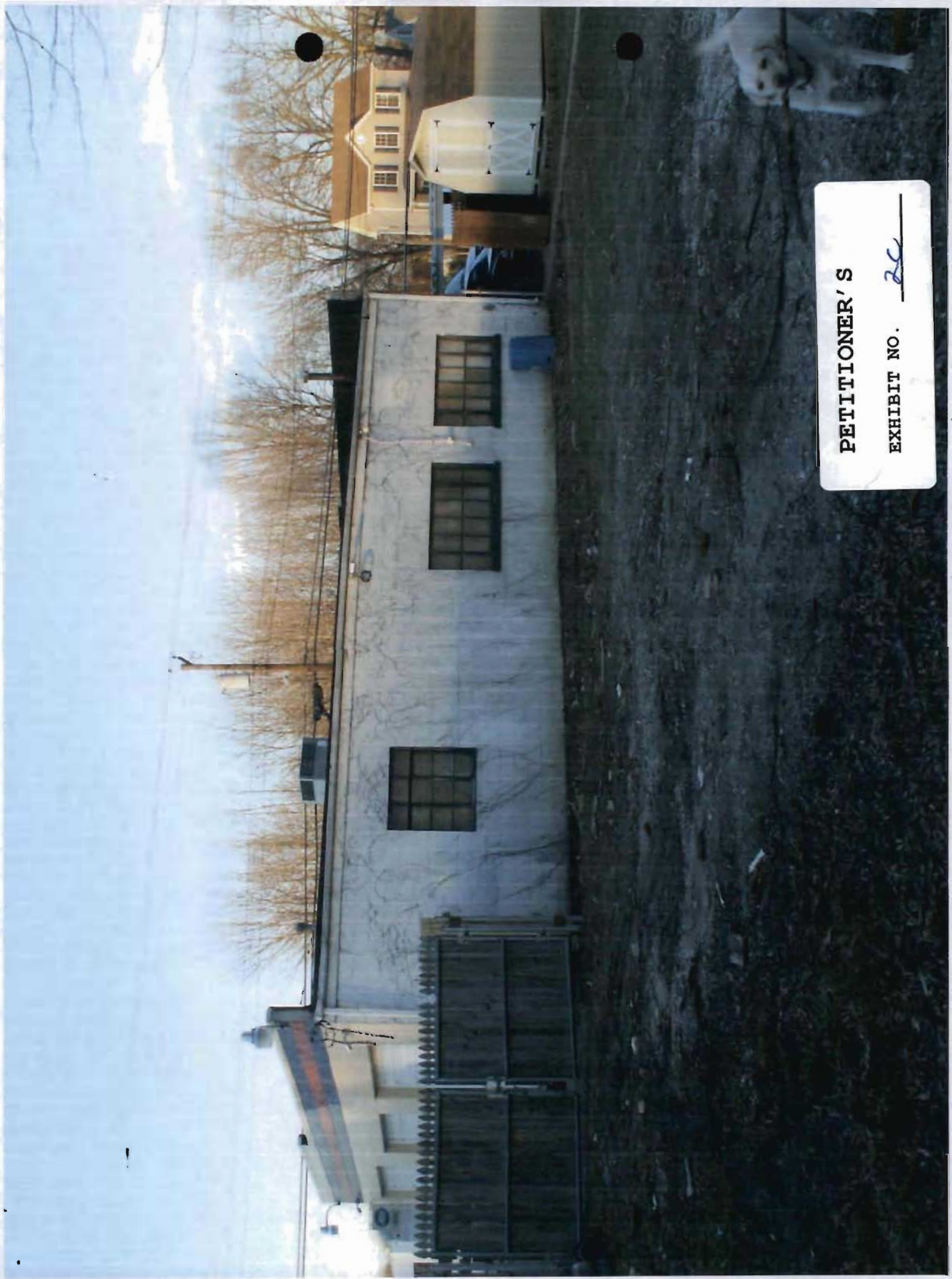
PETITIONER'S

EXHIBIT NO. 2A



PETITIONER'S

EXHIBIT NO. 213



PETITIONER'S

EXHIBIT NO. 2C

To whom it may concern,

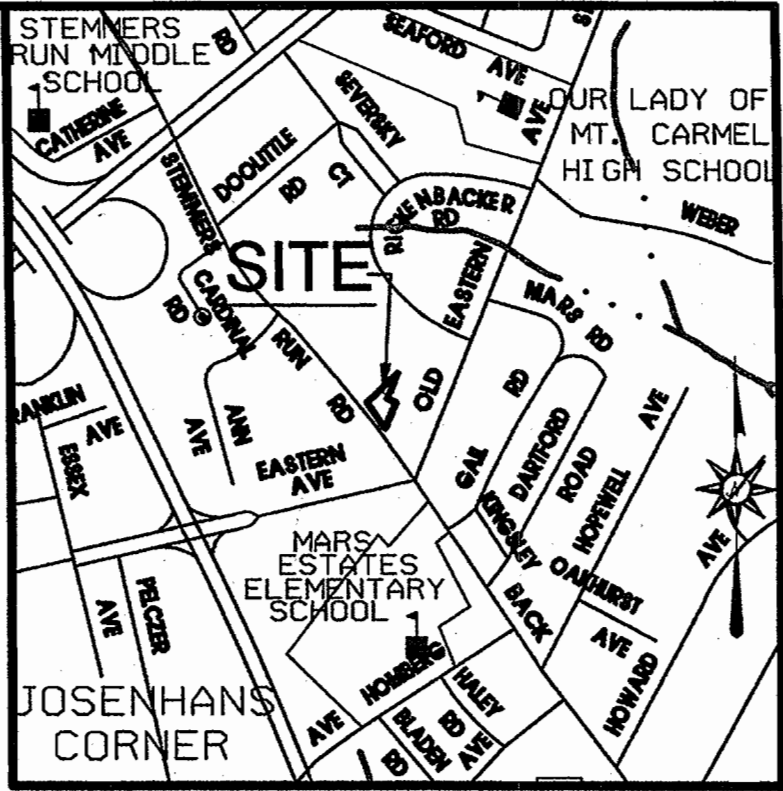
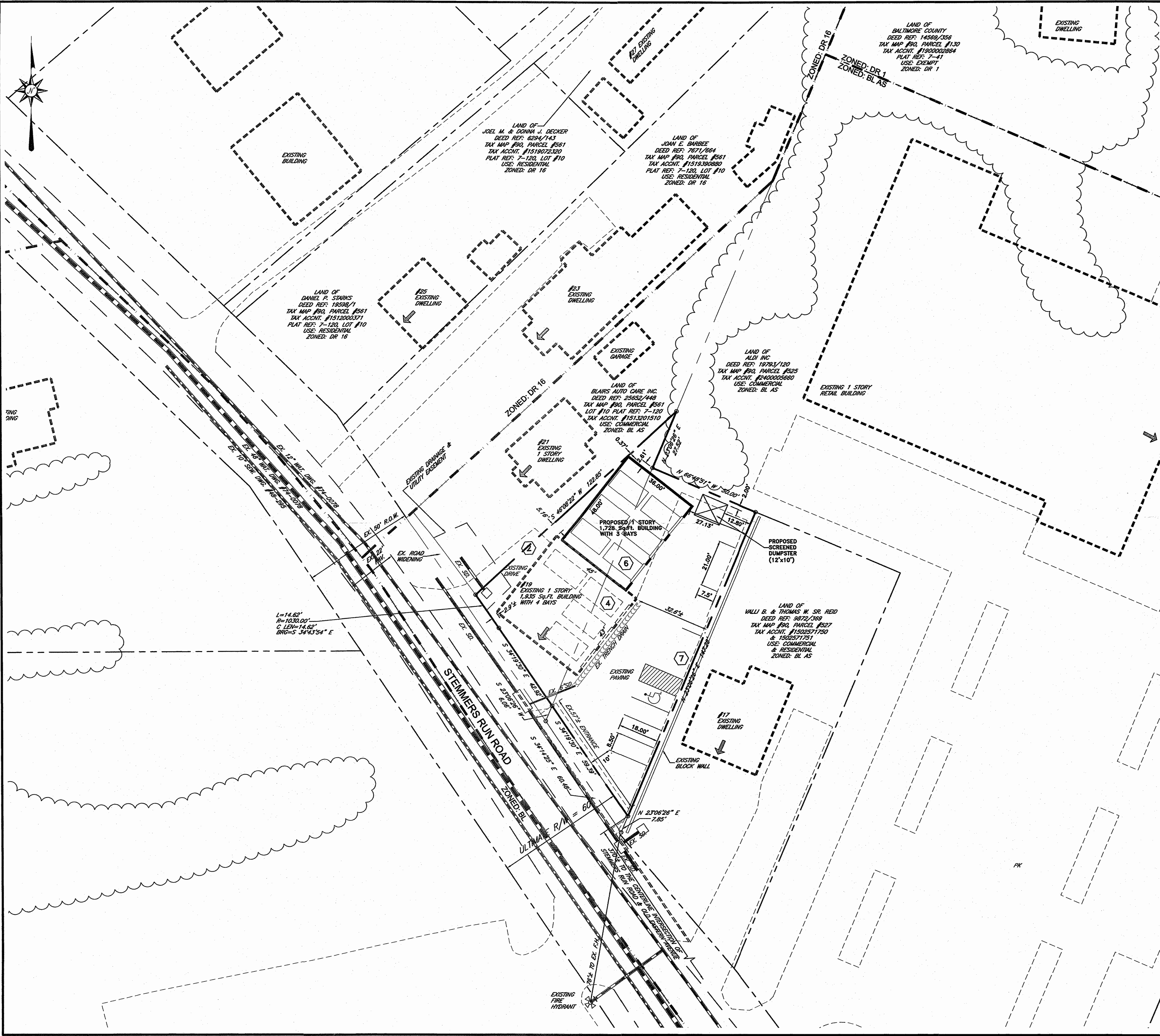
I am the adjoining neighbor at 17 Stemmers Run Road, Valerie and Thomas Reid. We are in favor of the addition that Blair's Auto Care is planning to build. Since Mr. Blair has purchased the property in 2002, he has made many improvements to his property and keeps his business neat & clean. It is a pleasure to have him as a neighbor. If you have any questions please feel free to contact us at 410-687-5644.

Sincerely,

Valerie Reid

PETITIONER'S

EXHIBIT NO. 3

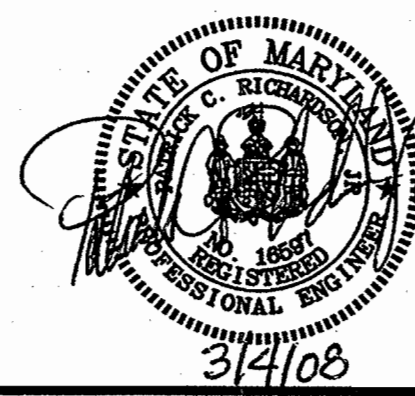


LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: BLAIRS AUTO CARE INC.
#3706 MISTY VALLEY COURT
ABINGDON, MARYLAND 21009-3005
- SITE AREA:
GROSS: 13,960 Sq.Ft. or 0.320 Ac.±
NET: 10,162 Sq.Ft. or 0.233 Ac.±
- BUILDING AREAS:
EXISTING: 1,935 Sq.Ft.
PROPOSED: 1,728 Sq.Ft.
TOTAL: 3,663 Sq.Ft.
- UTILITIES:
WATER: PUBLIC SEWER: PUBLIC
- USES:
EXISTING: AUTO CARE GARAGE
- PARKING REQUIRED:
AUTO GARAGE: 3,591 Sq.Ft. @ 3.3/1000 = 12 SPACES
- SETBACKS: PROVIDED
FRONT 10' SIDE NONE REAR NONE
- *NO COMMERCIAL BUILDINGS ARE PRESENT WITHIN 100' OF THE SITE IN EITHER DIRECTION.
- DEED REF: 25652/448
- TAX ACCOUNT #1513201510 & #1513201511.
- COUNCILMANIC DISTRICT: 7TH
- WATERSHED: BACK RIVER
- FLOOR AREA RATIO:
MAXIMUM PERMITTED: 3.0
PROVIDED: 3,663 ÷ 13,960 = 0.26
- ZONING: BL-AS
(PER 11"-200' ZONING MAP 090B3)
- TAX MAP #90 PARCEL #561.
- SIGNS ARE TO CONFORM TO BCZR. NO NEW SIGNS ARE PROPOSED.
- THE SITE DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN.
- THE SITE LIES ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA (IDA).
- PREVIOUS BUILDING PERMITS: NONE ON FILE.
- PREVIOUS ZONING CASES: #488 TO CHANGE D RESIDENTIAL ZONE TO E COMMERCIAL ZONE. GRANTED 10-22-45.
- NO PREVIOUS DRC OR CRG INFORMATION AVAILABLE.
- NO STORAGE OF DAMAGED AND DISABLED VEHICLES ARE PERMITTED OUTSIDE OF THE BUILDING EXCEPT IN ACCORDANCE WITH SECTION 405A OF BCZR. NO OUTSIDE STORAGE OF DAMAGED OR DISABLED VEHICLES ARE PROPOSED ON THIS SITE.
- EXISTING IMPERVIOUS PARKING AREA PREDATES THE LANDSCAPE MANUAL.

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-01-2009



Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY A
ZONING PETITION
FOR
BLAIRS AUTO CARE INC.
21 STEMMERS RUN ROAD

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
	CND	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	02-28-08	08006	1 OF 1

PETITIONER'S

EXHIBIT NO. /