

IN RE: PETITION FOR SPECIAL HEARING *

SE corner of Oakland Road and
Ruby Avenue
13th Election District
1st Councilmanic District
(4701 Ruby Avenue)

BEFORE THE

* DEPUTY ZONING

* COMMISSIONER

* FOR BALTIMORE COUNTY

Joseph M. Smor
Petitioner

* CASE NO. 2009-0226-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Joseph M. Smor, the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a commercial vehicle weighing 12,000 pounds gross vehicle weight on residential property exceeding the permitted 10,000 pounds gross vehicle weight. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing was Petitioner Joseph M. Smor. Also appearing in support of the requested relief was Petitioner's father, Francis M. Smor and Petitioner's mother, Susan Rettaliata. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is irregular in shape with approximately 15,000 square feet in area or 0.35 acre, more or less, zoned D.R.5.5. The property actually consists of Lot 1 of the Wynnewood subdivision (containing 0.19 acre) and adjacent Parcel "A" of that subdivision (containing 0.16 acre). The property is located at the southeast corner of Ruby Avenue and Oakland Road, approximately one mile south of Interstate

5-13-09
m

95 and east of Interstate 195, in the Halethorpe area of southwestern Baltimore County. The property is also bordered by the merger of Southwestern Boulevard and Washington Boulevard, located about 200 yards east. As depicted on the site plan, the property is improved with Petitioner's 1½-story single-family dwelling, situated at an angle and located on Lot 1 of the property. There is a concrete walkway leading from the front door to the handicapped access sidewalk corner at Ruby Avenue and Oakland Road. The property is also improved with a one-story garage located on Parcel "A" of the subject property. There is a separate driveway leading from the garage to Ruby Avenue. Photographs of the property and improvements were marked and accepted into evidence as Petitioner's Exhibits 2A through 2D.

Petitioner purchased the property that includes Lot 1 and Parcel "A" about 3½ years ago. The subdivision goes back over 50 years and indeed, Petitioner's home was built in 1959. When Petitioner purchased the property, the home was in a state of disrepair and needed work. Fortunately, Petitioner is in the home improvement business. Petitioner previously attended Towson University and thereafter, worked for his mother and stepfather's construction business, Cossentina, Inc. located in Howard County, for approximately five years. Petitioner then started his own home improvement business about one year ago. When Petitioner moved into his home, he and his then-girlfriend, who also lived at the home and shared expenses, gutted the interior and exterior and made significant upgrades to the home. The photographs (Petitioner's Exhibits 2A through 2D) show the improvements to the exterior, with a new roof, new siding, and attractive landscaping, just to name a few.

During the time Petitioner has lived at the subject location, he has had a truck parked at the location, on the driveway in front of his garage, next to his pickup truck (See, Petitioner's Exhibits 2A through 2D). This common "box" type truck has a front cab with a storage box

attached to the back. Petitioner explained that he uses the truck to store his equipment and materials for his home improvement business for aesthetic as well as security purposes. The truck is white and has no advertising, lettering, or other markings. Petitioner is requesting special hearing relief in order to store the vehicle on his property due to the fact that his truck has a gross vehicle weight of approximately 12,000 pounds, in excess of the 10,000 pounds permitted for the storage of one commercial vehicle on a residential lot, pursuant to Section 431.1.A of the B.C.Z.R.

In support of the special hearing request, Petitioner indicated that the truck and its contents are vital to his home improvement business. As a young man (29 years of age) just starting out on his own, with the obligations of home ownership and the significant responsibility of running his own business, Petitioner candidly indicated that his profit margins are relatively small at this stage in his career. He also no longer has the benefit of his former girlfriend contributing to the expenses and helping him keep the books for his business. Petitioner is essentially "on his own" and is trying to make a go of his small business. In his words, not allowing the truck to be parked in front of his garage would "literally put me out of business and into foreclosure." He also emphasized the need for having his tools and equipment close to his home to reduce the potential for theft.

Petitioner also pointed out that his property presents a very unusual situation, in that it consists of Lot 1 with his primary residence and the adjacent Parcel "A" which, unlike other properties in the area, almost doubles the size of his property and reduces the potential visual impact of the truck parked in his driveway. Moreover, as shown on the site plan, the closest property on the side where the truck is parked is the unimproved remainder of Parcel "A." Further, Petitioner indicated that in this "working class" neighborhood as he described it, there

are a number of similar and even larger box trucks stored on peoples' property. This was verified by the photographs that were marked and accepted into evidence as Petitioner's Exhibits 3A through 3G. They show various truck types parked in area of the Wynnewood subdivision, most of a similar size or larger than Petitioner's, and some with lettering and advertising.

Finally, Petitioner presented a Petition stating that "[t]he undersigned neighbors of Joseph M. Smor, 4701 Ruby Avenue, do not object to the parking of his company box-truck on his property." This Petition was signed by the adjacent neighbors Linda Vaeth of 4700 Ruby Avenue (directly across the street), Kelley Brown of 5840 Oakland Road (across the street near the corner), Ken Hoffman of 5837 Oakland Road (next door), Betty Pitman of 5838 Oakland Road (also across the street), and Kevin McLaughlin of 2 Dove Court (directly behind Petitioner's garage next to where the truck is parked). A copy of the Petition was marked and accepted into evidence as Petitioner's Exhibit 4. Petitioner also presented a letter dated April 26, 2009 from Lois J. Brocato, P.E., PhD, who resides at 4715 Ruby Road (also near Petitioner's property) and is Membership Director for the Community Association of Wynnewood. In his letter, a copy of which was marked and accepted into evidence as Petitioner's Exhibit 5, Mr. Brocato indicates that he "heartily recommends" that Petitioner's zoning relief be approved. He also points out that Petitioner's property is always clean and orderly, and that the truck is always parked at the extreme rear of the driveway, making it neither an eyesore nor a distraction.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

Based on the testimony and evidence as the hearing, I am persuaded to grant the special hearing relief in this particular case. While the truck at issue does exceed the allowable weight

for storage of a commercial vehicle by approximately 2,000 pounds, in my view the unusual circumstances associated with Petitioner's property and the outpouring of support for the requested relief from the most affected neighbors leads me to the conclusion here that Petitioner's request is within the spirit and intent of the Zoning Regulations and would have no negative or detrimental impacts on the locale. The obvious intent of Section 431.1 of the B.C.Z.R. is to limit the parking of excessively large commercial vehicles in residential areas, and to control the number of smaller commercial vehicles that may be parked on a residential lot in a residentially zoned community. From the evidence produced at the public hearing, it does not appear that Petitioner's unmarked, unobtrusive white vehicle would be a blight on the surrounding neighborhood, nor would it be contrary to the intent and purposes of Section 431.1. Hence, I shall grant the relief, but the granting of the relief shall be limited explicitly to the circumstances presented in this case.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 13th day of May, 2009 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a commercial vehicle weighing 12,000 pounds gross vehicle weight on residential property exceeding the permitted 10,000 pounds gross vehicle weight be and is hereby GRANTED, subject to the following:

~~RECEIVED FOR FILE~~
5-13-09
[Signature]

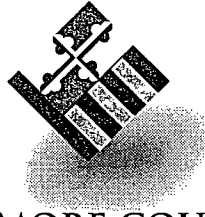
1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The relief granted herein is limited to the particular facts and circumstances presented in this case and shall in no way serve as future precedent to the possible granting of relief under Section 431.1 of the B.C.Z.R. Each case is to be decided on its own merits based on evidence presented to this Commission.
3. The relief granted herein shall be limited to Petitioner himself, and shall not extend to any other persons or successors to the subject property. In the event Petitioner vacates the property or discontinues his home improvement business while residing at the property, the relief granted in this case shall cease and no longer be in effect.
4. Petitioner shall ensure that the subject truck be parked on the driveway as close as possible to the existing garage (shown in Petitioner's Exhibits 2A through 2D), and shall contain no markings, advertising, or lettering. Moreover, there shall be no storage of tools, equipment, or materials outside of the truck on the property. All such tools, equipment, or materials shall be contained completely within the subject truck.
5. Any future site plans filed in connection with the subject property must reference this case and set forth and the address the conditions and/or restrictions of this Order

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILE
5-13-09

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 13, 2009

JOSEPH M. SMOR
4701 RUBY AVENUE
BALTIMORE MD 21227

Re: Petition for Special Hearing
Case No. 2009-0226-SPH
Property: 4701 Ruby Avenue

Dear Mr. Smor:

Enclosed please find the decision rendered in the above-captioned case.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "J.H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Francis M. Smor, 18F Deer Run Court, Baltimore MD 21227
Susan Rettaliata, 9013 Dunloggin Road, Ellicott City MD 21042



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4701 RUBY AVENUE
which is presently zoned DR 5.5

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 (431. A BCZR)

A COMMERCIAL VEHICLE ON RESIDENTIAL PROPERTY EXCEEDING
10,000 POUNDS GROSS VEHICLE WEIGHT... THE BOX TRUCK WEIGHS 12,000 POUNDS.

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):

JOSEPH M. SMOR
Name - Type or Print

Signature

Name - Type or Print

Signature

4701 RUBY AVENUE (410) 804-2229
Address Telephone No.

BALTIMORE
City

MD
State

21227
Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2009-0226-SP41

Reviewed By JF Date 2/27/09

REV 9/15/98

51309

pm

STATEMENT

I am applying for a Special Hearing which would allow for continued parking of my company box truck on my property. I hope to demonstrate that there is a practical difficulty for me to comply exactly with the current zoning restrictions.

I feel that compliance would be unnecessarily burdensome and would be a substantial injustice to me. Further, I believe that I have behaved within the spirit of the zoning ordinance and I will continue to do so. The only relief I am seeking is the difference between the 10,000-pound zoning restriction and my 12,000-pound box truck.

I bought the property at 4701 Ruby Avenue in July 2005 with the idea that I would eventually establish a home improvement business. In January 2008 the company, Quality Construction Company, became a reality. A month later it became a practicality when I purchased my box truck. The double lot and wide parking pad of the property made it possible. I built shelving inside the box for my tools and equipment and have been able to transport these as well as materials to my work sites. While I have just about broken-even financially in my first year, I feel that I have laid the foundation for a successful career. See attached photographs of my property and the box truck.

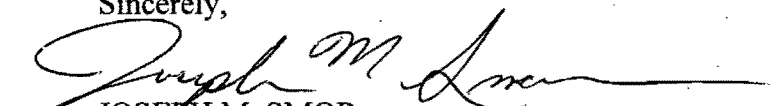
As far as I know, my neighbors do not object to my vehicle. I have attached a petition saying so by my five most immediate neighbors.

Wynnewood is a working-class neighborhood. Many of the homes are owned by men in the trades who park their work-related vehicles at their residences; several even have stationary trailers and storage containers on their properties. Most of these vehicles and trailers display commercial lettering; my box truck has no lettering on its sides. See attached photographs.

I am open to making any practical changes or improvements to my property or to parking the box truck deeper into the driveway or in the side or rear of the yard. I want to emphasize that I am community-minded and want to be a good citizen. Since I purchased my house, I have installed a new roof and added new siding as can be seen in the attached photographs. I've also added a back porch and made numerous interior improvements, including a new kitchen and bathroom.

If I am not able to park my truck on my property, I believe my business will fail. Parking in a commercial storage facility is prohibitively expensive. The closest such facility is eight miles away. My ability to load and unload tools, equipment and materials would be severely restricted. Equally important, nowhere else is there better security for this type of vehicle, which is frequently targeted for break-ins, than my own property.

Sincerely,



JOSEPH M. SMOR

ZONING DESCRIPTION

4701 Ruby Avenue

Beginning at a point on the east side of Ruby Avenue which is 29 feet wide at a distance of 50 feet south of the centerline of the nearest improved intersecting street, Oakland Road, which is 37 feet wide. This property is Lot #1, Block 4, Section C and includes Parcel A, in the subdivision of Wynnewood as recorded in Baltimore County Plat Book #26, Folio #86, containing .35 acres. This property also is known as 4701 Ruby Avenue and is located in the 13th Election District, 1st Councilmanic District.

0226

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **35076**

Date **2/27/09**

PAID RECEIPT

ADDRESS ACTUAL TIME
 1/27/2009 2/27/2009 11:09:51
 DEPT WALKIN DEPT 040
 LEAD # 400443 2/27/2009
 5-500 JUDICIAL VERIFICATION
 ID. 035076
 Recpt Tot \$65.00
 \$65.00 CK 1.00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						65.00

Total: **65.00**

Rec From: **Joseph Smar**

For: **Petition for Special Hearing**
4701 Ruby Ave

ITEM # 0226

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**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: # 2009-0226-SPH

4701 Ruby Avenue
S/east corner of Oakland
Road and Ruby Avenue
13th Election District
1st Councilmanic District
Legal Owners: Joseph Smor
Special Hearing: to permit
a commercial vehicle on
residential property ex-
ceeding 10,000 pounds
gross vehicle weight. The
box truck weighs 12,000
pounds.

**Hearing: Monday, April
27, 2009 at 10:00 a.m. in
Room 104, Jefferson
Building, 105 West Ches-
apeake 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 Zoning
Review Office at (410) 887-
3391.

4/222 April 9

198396

CERTIFICATE OF PUBLICATION

4/9/, 2009

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 4/9/, 2009.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 04/11/09

Case Number: 2009-0226-SPH

Petitioner / Developer: JOSEPH SMOR

Date of Hearing (Closing): APRIL 27, 2009

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:
4701 RUBY AVENUE

The sign(s) were posted on: APRIL 11, 2009



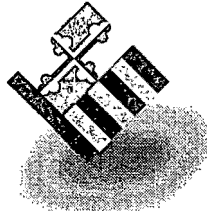
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 18, 2009
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: 2009-0226-SPH

4701 Ruby Avenue
S/east corner of Oakland Road and Ruby Avenue
13th Election District – 1st Councilmanic District
Legal Owners: Joseph Smor

Special Hearing to permit a commercial vehicle on residential property exceeding 10,000 pounds gross vehicle weight. The box truck weighs 12,000 pounds.

Hearing: Monday, April 27, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Joseph Smor, 4701 Ruby Avenue, Baltimore 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 11, 2009.**
- (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 9, 2009 Issue - Jeffersonian

Please forward billing to:
Joseph Smor
4701 Ruby Avenue
Baltimore, MD 21227

410-804-2229

NOTICE OF ZONING HEARING

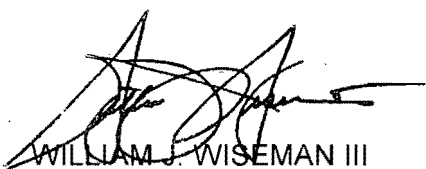
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S/east corner of Oakland Road and Ruby Avenue
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105 West Chesapeake Avenue, Towson 21204



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.

**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/neighbor 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: 2009 - 0226- SPH

Petitioner: JOSEPH SMOR

Address or Location: 4701 RUBY AVE.

PLEASE FORWARD ADVERTISING BILL TO:

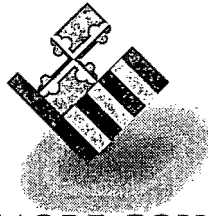
Name: Joseph Smor

Address: 4701 Ruby Ave.

Baltimore, Md 21227

Telephone Number: 410-804-2229

Revised 7/11/05 - SCJ



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 22, 2009

Joseph M. Smor
4701 Ruby Ave.
Baltimore, MD 21227

Dear: Joseph M. Smor

RE: Case Number 2009-0226-SPH, 4701 Ruby Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 27, 2009. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 10, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For March 16, 2009
Item Nos. 2009-0222, 0225, 0226 and
0227

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk
cc: File
ZAC- NO COMMENTS-03162009

TB 4/27
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 30, 2009

RECEIVED

MAR 31 2009

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

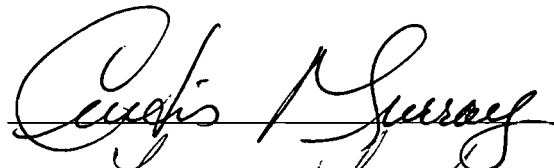
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): ^{226 CM} Case(s) 09-~~235~~-Special Hearing

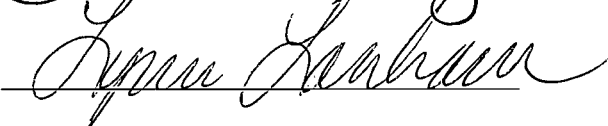
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL





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 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 9, 2009

Item Numbers 0225, 0226, 0227, 0228 and 0229

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File



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, 2009

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

RE: Baltimore County
Item No 2005-0226-SPH
4701 RUBY AVENUE
SMOR 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. 2005-0226-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,

FSD Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



TB
4-27-09**BALTIMORE COUNTY, MARYLAND****Inter-Office Correspondence**

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: April 22, 2009

SUBJECT: Zoning Item # 09-226-SPH
Address 4701 Ruby Avenue
(Smor Property)

Zoning Advisory Committee Meeting of March 9, 2009

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWJ

Date: 4/22/09

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
4701 Ruby Avenue; SE corner Oakland *
Road & Ruby Avenue * ZONING COMMISSIONER
13th Election & 1st Councilmanic Districts *
Legal Owner(s): Joseph Smor * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-226-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.

RECEIVED

MAR 12 2009

LW

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of March, 2009, a copy of the foregoing Entry of Appearance was mailed to Joseph Smor, 4701 Ruby Avenue, Baltimore, MD 21227, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

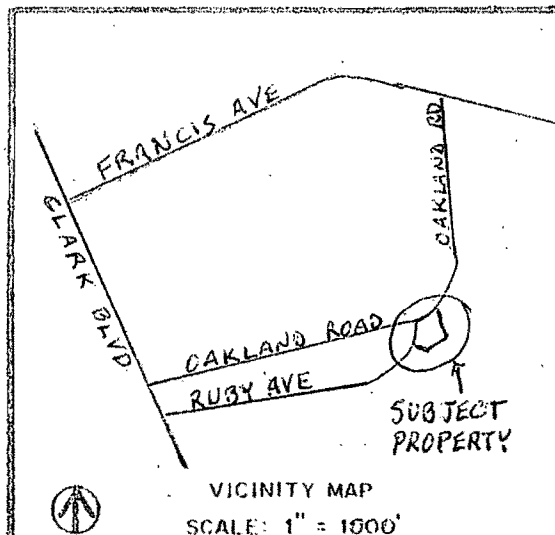
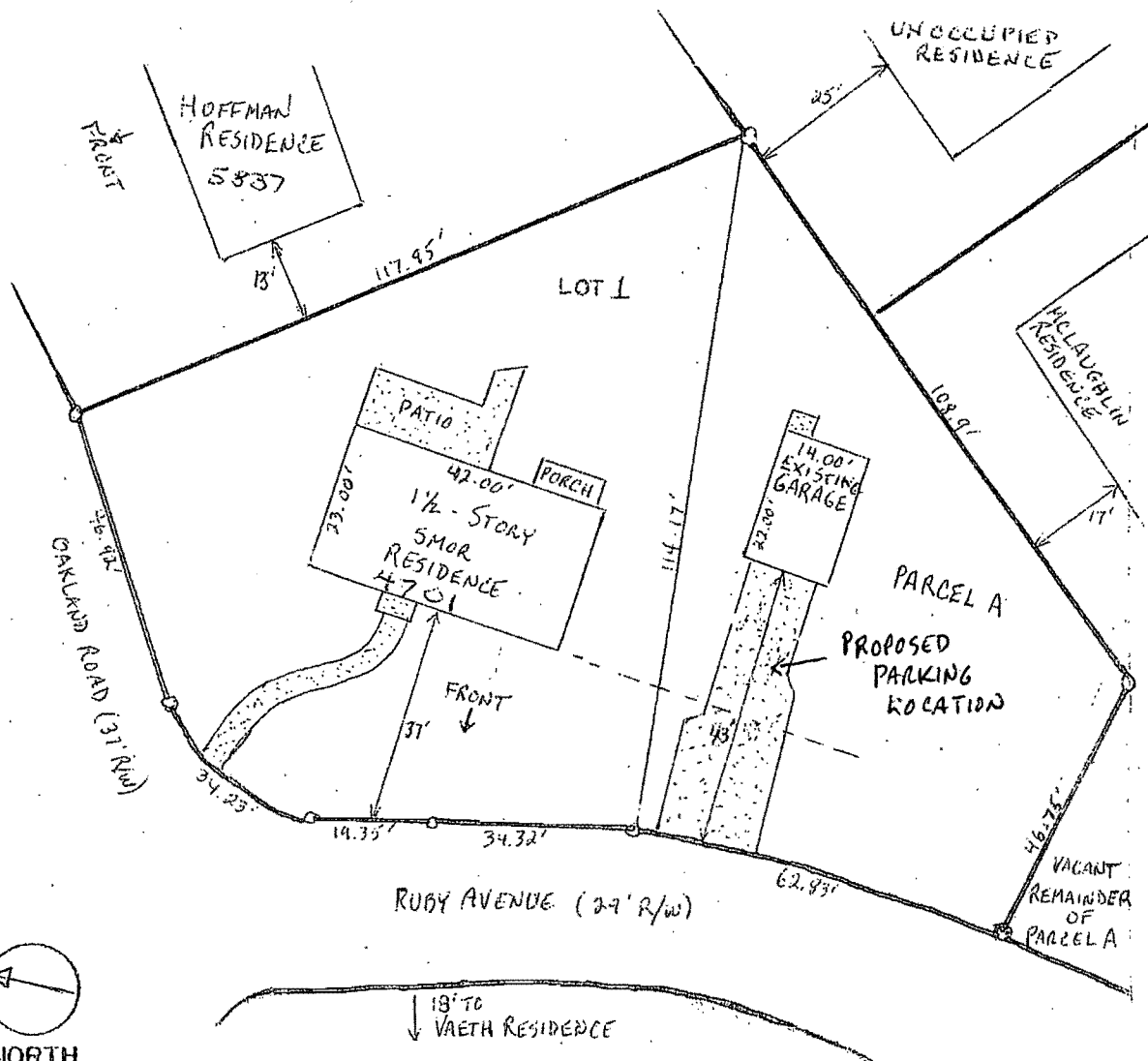
PROPERTY ADDRESS 4701 RUBY AVENUE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME WYNNEWOOD

PLAT BOOK # 26 FOLIO # 86 LOT # 1 SECTION # C (AND PARCEL A)

OWNER JOSEPH M. SMOR



LOCATION INFORMATION

ELECTION DISTRICT 13

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # 108C2

ZONING DR 5.5

LOT SIZE $0.19 + 0.16 = 0.35$ $15,246$
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING		

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

JF 1 0226

PREPARED BY 53

SCALE OF DRAWING: 1" = 30'

1302001500

1370160

SW 6-D

1306820130

5836

1302201960

5833

1314100300

1319000410

5842

1313550900

5840

5838

1308800240

5835

1316600350

Pt. Bk. 25 Folio 18

OAKLAND RD

OAKLAND RD

RUBY AVE

Flood Zone X

108C2 DR 5.5

1 CD 13 ED

SW 7-D

SITE

4701

1312001180

Pt. Bk. 26 Folio 86

1318470791

5837

2100008486

2100008487 6'

Pt. Bk. 59 Folio 27

0226

2100008488

4

2100008480

2

Pt. Bk. 59 Folio 26

RUBY AVE

WYNNEWOOD CT

DOVE CT

2100008482

2100008468

2

2100008479

1'

1323153740

1316450410
Pt. Bk. 26 Folio 90

1313065540

DATE 4-27-09

DATE 4-27-09

[illegible]

Case No.:

2009-0226-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Photos of Home	
No. 3	Photos of properties w/ similar trucks	
No. 4	Petition of Support	
No. 5	Letter of Support	
No. 6	Pet's Statement	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 4701 RUBY AVENUE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

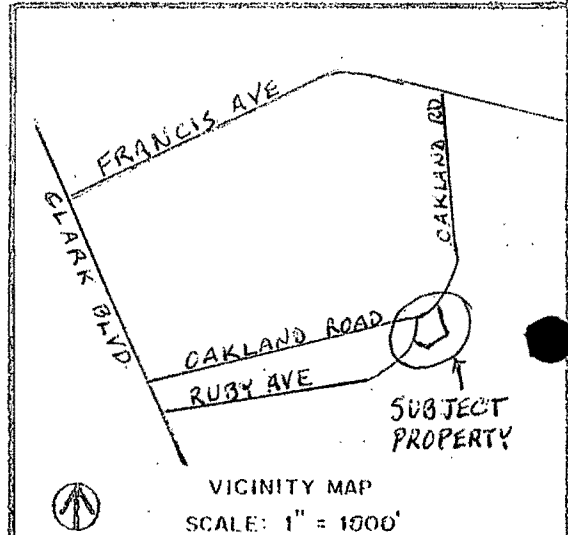
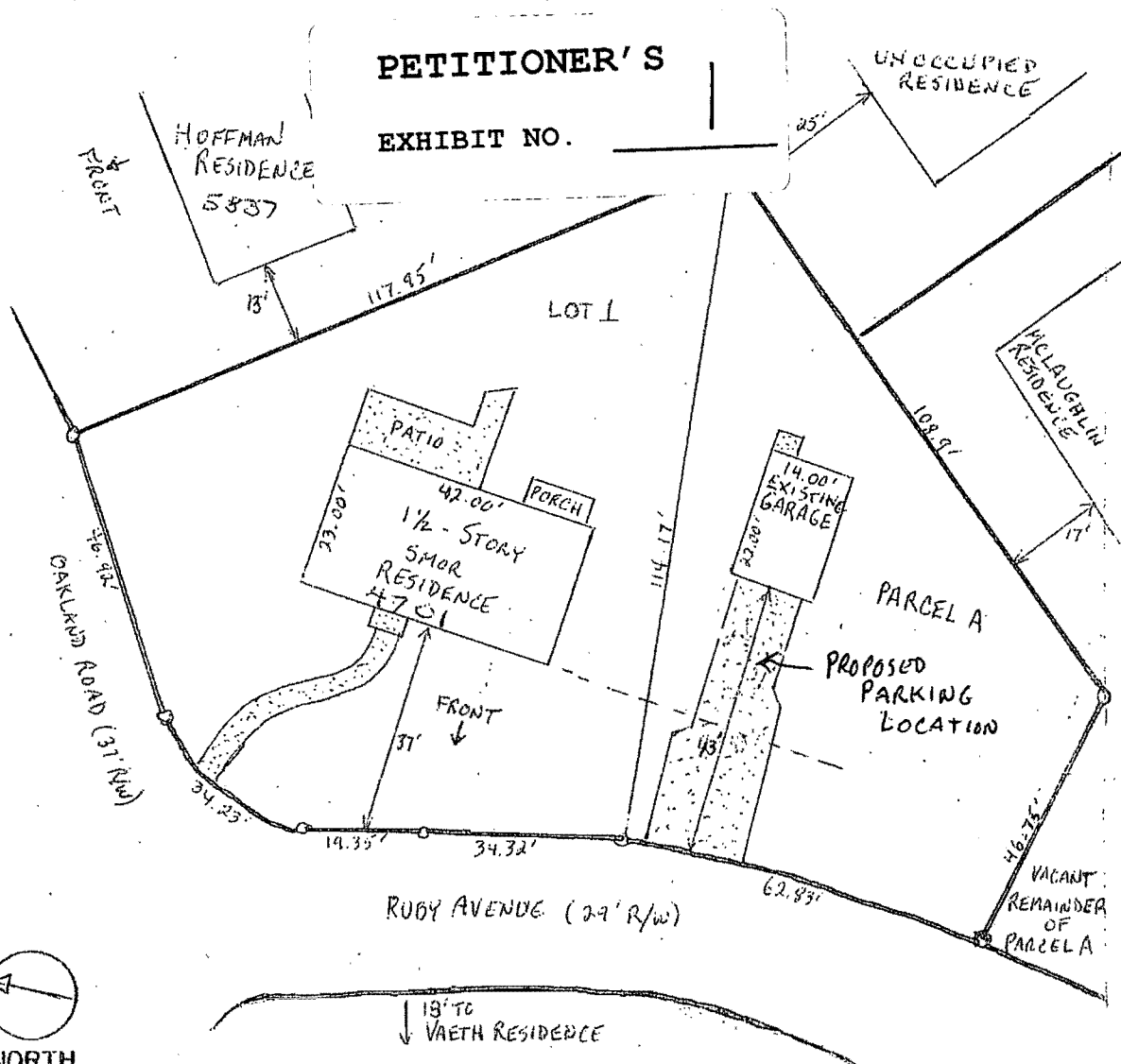
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PLAT BOOK # 26 FOLIO # 86 LOT # 1 SECTION # C (AND PARCELA)

OWNER JOSEPH M. SMOR

PETITIONER'S

EXHIBIT NO. _____



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100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	☐	☐

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

JF | 0226

PREPARED BY JS

SCALE OF DRAWING: 1" = 30'



1202 SPARROW COURT



4701 RUBY AVENUE

PETITIONER'S

EXHIBIT NO. 2A-D



4701 RUBY AVENUE

2009-0226-SPH



4714 RUBY AVENUE

PETITIONER'S

EXHIBIT NO. 3A-G



5844 OAKLAND ROAD



5815 OAKLAND ROAD



5809 OAKLAND ROAD



1105 Plover Drive



5803 HERON DRIVE

PETITION

The undersigned neighbors of Joseph M. Smor, 4701 Ruby Avenue, do not object to the parking of his company box-truck on his property:

No objections - Linda Vaeth 4700 Ruby Ave

No objections - Kelley Brown 5840 Oakland Rd.

No objections - Kim Hoffman - 5837 Oakland Rd.

No objections Betty Peterson 5838 Oakland Rd.

NO OBJECTIONS - KEVIN McLAUGHLIN - #2 Dove Court

PETITIONER'S

EXHIBIT NO.

4

4715 Ruby Avenue
Arbutus, MD 21227
April 26, 2009
410-242-5939

Zoning Commissioner of Baltimore County

Dear Sir or Madam:

Please refer to the request for zoning variance by Joseph Smor for the property at 4701 Ruby Avenue, 21227.

I am the Membership Director for the Community Association of Wynnewood and a neighbor of Mr. Smor on Ruby Avenue. By way of this letter, I am speaking in both capacities and heartily recommend that this variance be approved .

Mr. Smor's property is always clean, neat and orderly. The driveway, that is the subject of this variance request, is actually a double width driveway, which runs to the rear of the residence. Because the truck is always parked at the extreme rear of this driveway, it is neither an eyesore nor a distraction.



Louis J. Brocato, PE, PhD

PETITIONER' S

EXHIBIT NO.

5

STATEMENT

I am applying for a Special Hearing which would allow for continued parking of my company box truck on my property. I hope to demonstrate that there is a practical difficulty for me to comply exactly with the current zoning restrictions.

I feel that compliance would be unnecessarily burdensome and would be a substantial injustice to me. Further, I believe that I have behaved within the spirit of the zoning ordinance and I will continue to do so. The only relief I am seeking is the difference between the 10,000-pound zoning restriction and my 12,000-pound box truck.

I bought the property at 4701 Ruby Avenue in July 2005 with the idea that I would eventually establish a home improvement business. In January 2008 the company, Quality Construction Company, became a reality. A month later it became a practicality when I purchased my box truck. The double lot and wide parking pad of the property made it possible. I built shelving inside the box for my tools and equipment and have been able to transport these as well as materials to my work sites. While I have just about broken-even financially in my first year, I feel that I have laid the foundation for a successful career. See attached photographs of my property and the box truck.

As far as I know, my neighbors do not object to my vehicle. I have attached a petition saying so by my five most immediate neighbors.

Wynnewood is a working-class neighborhood. Many of the homes are owned by men in the trades who park their work-related vehicles at their residences; several even have stationary trailers and storage containers on their properties. Most of these vehicles and trailers display commercial lettering; my box truck has no lettering on its sides. See attached photographs.

I am open to making any practical changes or improvements to my property or to parking the box truck deeper into the driveway or in the side or rear of the yard. I want to emphasize that I am community-minded and want to be a good citizen. Since I purchased my house, I have installed a new roof and added new siding as can be seen in the attached photographs. I've also added a back porch and made numerous interior improvements, including a new kitchen and bathroom.

If I am not able to park my truck on my property, I believe my business will fail. Parking in a commercial storage facility is prohibitively expensive. The closest such facility is eight miles away. My ability to load and unload tools, equipment and materials would be severely restricted. Equally important, nowhere else is there better security for this type of vehicle, which is frequently targeted for break-ins, than my own property.

Sincerely,



JOSEPH M. SMOR

PETITIONER'S

EXHIBIT NO. 6