

20100175

2010-0175-XA

CERTIFICATE OF POSTING

ENC ☐

ADVERTISEMENT

ENC ☐

CBCA ☐

FLOOD ZONE ☐

COMMENTS

Planning ☐

DEPRM ☐

SHA ☐

Fire ☐

Plans Rev. ☐

ZONING VIOLATION _____

PRIOR ZONING 88-84-XA;

74-190-RA;

~~69-190-RA~~

Withdrawal

Pt. & Polygon Plotted 8/5/73
JHP 6/22/2010



TAX. ACCO #

0213400801
0206000060

Petition for Variance

to the **Zoning Commissioner of Baltimore County**

for the property located at 0024 Liberty RD

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 Variance from Section(s) 409.6.4 - to permit 52 parking spaces

for a community building in lieu of the required 115 8/24/10

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

Gerald Jones
Name - Type or Print
[Signature]
Signature
0024 Liberty RD. 443.392.5216
Address Telephone No.
Randallstown, MD
City State Zip Code

Attorney For Petitioner:

James L. Rouse
Name - Type or Print
[Signature]
Signature
Law offices of James L. Rouse
Company
2516 N. Charles St. 410-366-6664
Address Telephone No.
Balto, Md. 21218
City State Zip Code

Legal Owner(s):

SNKI LLC
Name - Type or Print
[Signature]
Signature
Name - Type or Print
Signature
5011 Cobble Stone Ct.
Address Telephone No.
Randallstown, MD. 21043
City State Zip Code

Representative to be Contacted:

Lee Giroux - Agent
Name
733 CAMBERLEY Ct. A-3
Address Telephone No.
TOWSON, Md. 21204
City State Zip Code

OFFICE USE ONLY

Case No. 2010-0175-XA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 12/11/09



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8024 Liberty Rd.
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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a community building (Sec. 230.3 BCZR)

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

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

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

Contract Purchaser/Lessee:

GERALD JAMES
Name - Type or Print
[Signature]
Signature
8024 Liberty Rd.
Address
Randallstown, MD.
City State Zip Code
Telephone No.

Legal Owner(s):

SNK LLC
Name - Type or Print
[Signature]
Signature
Name - Type or Print
Signature
5011 Cobble Stone Ct.
Address
Ellicott City, MD 21043
City State Zip Code
Telephone No.

Attorney For Petitioner:

JAMES L. ROUSE
Name - Type or Print
[Signature]
Signature
Law offices of James L. Rouse
Company
2516 N. Charles St. 410-366-6664
Address Telephone No.
Balto, Md. 21218
City State Zip Code

Representative to be Contacted:

Lee Giroux
Name
733 Camberly Cr. A-3
Address
Towson Md. 21204
City State Zip Code
Telephone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 12/11/09

Case No. 2010-0175-XA

ZONING DESCRIPTION FOR
SNJK LLC
Nos. 8024- 8030 LIBERTY ROAD
AT FLORIDA AVENUE
ELECTION DISTRICT NO.2
COUNCILMATIC DISTRICT NO. 4
TAX NO. 02-06-000060
TAX NO. 02-13-400801

January 27, 2010

BEGINNING FOR THE SAME at a point along the northeasterly right-of way line of liberty road, maryland route no. 26, 980 feet wide), said point being located South 65 deg. 43' 20" East 192.73 feet from the existing centerline of Florida Avenue, thence running with and binding on said northeasterly right-of -way line of liberty road, as follows:

1. North 65 deg. 43' 20" west 146.47 feet to a point, thence leaving liberty road and running, with a site fillet,
2. North 18 deg. 26' 10" west 28.20 feet to a point along the southeasterly right-of way line of Florida Avenue as widen to 40 feet, thence along same,
3. North 41 deg. 03' 13" east 226.89 feet to a point, thence leaving Florida Avenue and running for the two following courses and distances,
4. South 54 deg. 11' 47" east 167.60 feet to a point along, thence,
5. South 41 deg. 41' 13" west 214.28 feet to the point of beginning. . . Containing 38,044.56 square feet or 0.8734 acre of land more or less.

The improvements as thereon constructed being known and designed as nos. 8024 -8030 Liberty Road.

*Currently addressed as 8024 Liberty RD PCR
Formally addressed as 8024-8030 Liberty RD. PCR*

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 2010-0175-XA

Petitioner: Mr. James Rouse

Address or Location: 2576 No. Charles St. Suite 400, Balt. Md. 21218

PLEASE FORWARD ADVERTISING BILL TO:

Name: Instructional Fitness & TRAINING

Address: 6922 Liberty Rd.
Baltimore Md. 21207

Telephone Number: _____

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

No. 1777

Date: 1/11/00

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/ Obj	Rev/ Sub Obj				
2223	12	2223							700

Total: 700

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAR 09 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: March 9, 2010
SUBJECT: Zoning Item # 10-175-XA
Address 8024 Liberty Road
(Jones Property)

Zoning Advisory Committee Meeting of February 8, 2010

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

Reviewer: JWL

Date: 3/9/10

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



MARYLAND DEPARTMENT OF TRANSPORTATION

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Date: Feb. 22, 2010

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

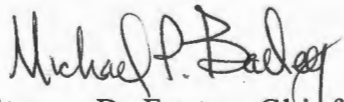
RE: Baltimore County
Item No. 2010-0175-XA
MD 26
8024 LIBERTY RD
SNVR, LLC PROPERTY
SPECIAL EXCEPTION

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 02/12/10. A field inspection and internal review reveals that an entrance onto MD 26 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 8024 LIBERTY RD, Case Number 2010-0175-XA.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may email him at (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

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.sha.maryland.gov



BALTIMORE COUNTY
MARYLAND

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

February 10, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 08, 2010

Item Numbers: 0175, 0184, 0205, 0206, 0207, 0208

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 22, 2010
Item No.: 2010-175

DATE: February 12, 2010

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

The following parking spaces do not meet zoning code unless they have been approved by a zoning commissioner in the past.

10 – 15	minimum aisle width is 22 feet
20 – 29	minimum aisle width is 22 feet
35	blocked by space #39
42 – 50	minimum aisle width is 22 feet

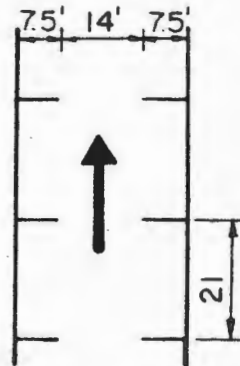
The parking plan should be completely revised to be in compliance with Section 409 of the Zoning Regulations. We suggest that traffic flow should be one-way counter-clockwise through the site, using angled parking spaces. See attached sample parking layout.

DAK:CEN:cab
cc: File
Attachment

Sample Parking Layouts

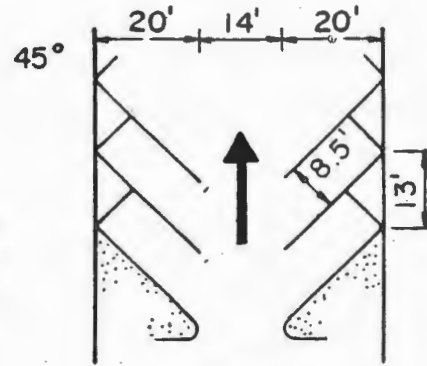
SEE SECTION 409.4.C
B.C.Z.R.

NOT TO SCALE

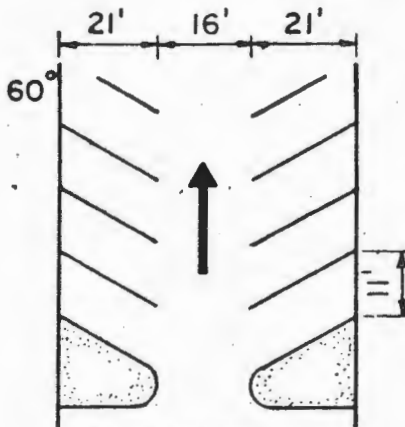


AISLE WIDTH
1 WAY - 14'
2 WAY - 20'

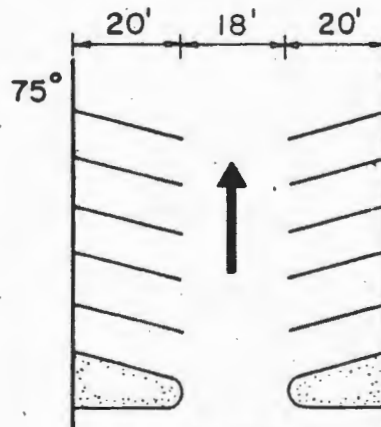
30°
NOT SHOWN
AISLE WIDTH
1 WAY - 14'
2 WAY - 20'



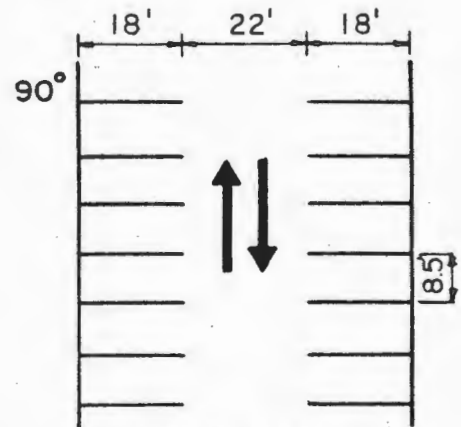
AISLE WIDTH
1 WAY - 14'
2 WAY - 20'



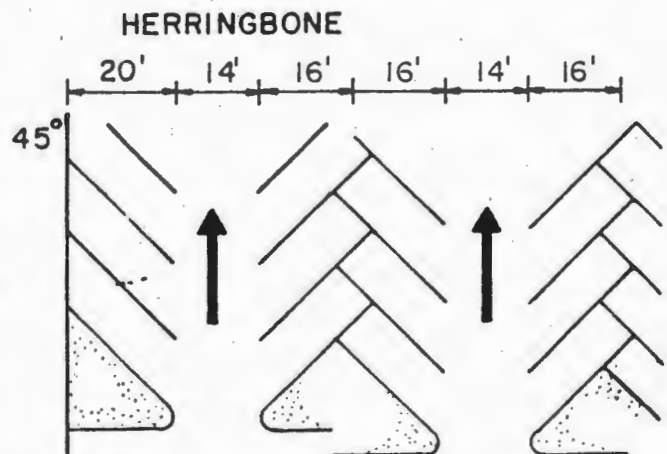
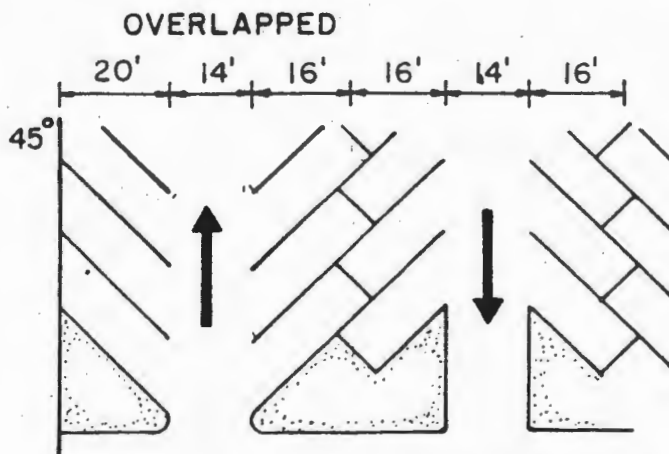
AISLE WIDTH
1 WAY - 16'
2 WAY - 20'



AISLE WIDTH
1 WAY - 18'
2 WAY - 20'



AISLE WIDTH
1 WAY - 22'
2 WAY - 22'



* ALL PARKING, MANEUVERING, ACCESS, AISLES ARE REQUIRED TO BE
PAVED AND STRIPED PER SECTION 409.8 (B.C.Z.R.)

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE *
8024 Liberty Road; NE/side of Liberty Road, * ZONING COMMISSIONER
192.73' East of c/lien Florida Avenue *
2nd Election & 4th Councilmanic Districts * FOR
Legal Owner(s): SNVR, LLC *
Contract Purchaser(s): Gerald Jones * BALTIMORE COUNTY
Petitioner(s) *
10-175-XA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

FEB 16 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of February, 2010, a copy of the foregoing Entry of Appearance was mailed to Lee Giroux, Agent, 733 Camberley Circle, Unite A-3, Towson, MD 21204 and James L. Rouse, 2516 North Charles Street, Baltimore, MD 21218, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR RECLASSIFICATION :
 from an R-6 zone to a B.L. zone, and
 VARIANCE from Section 232.2 of :
 the Baltimore County Zoning :
 Regulations :
 NE corner Liberty Road and :
 Florida Road, :
 2nd District :
 C. E. Utermohle, Jr., :
 Petitioner :
 Menlo Enterprises, Inc., :
 Contract Purchaser :

BEFORE
 COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 69-190-RA

PETITIONER'S
 EXHIBIT #1

OPINION

This case comes before the Board on an appeal by the protestant from an Order of the then Deputy Zoning Commissioner. Said Order granted the requested reclassification from R-6 to B.L., and also granted a variance so as to allow an east side yard setback of 0 feet instead of the required 12 foot side yard setback. The subject property is located on the north side of Liberty Road, approximately two blocks east of Milford Mill Road, in the Second Election District of Baltimore County. The property contains approximately 0.45 of an acre, having a frontage on Liberty Road of 82 feet, with a depth of approximately 236 feet on Florida Road, being located at the northeast corner of Liberty and Florida Roads, just east of the shopping complex located on Liberty Road at Milford Mill Road. It is improved by an old two-story residence. If this petition is granted, the owner proposes to develop a small neighborhood shopping area with several small specialty stores. The proposed improvements would total approximately 5400 square feet, according to the testimony of the petitioner.

The uses surrounding the subject are as follows: Immediately across Florida Road to the west is a parcel of .75 of an acre which was recently zoned B.L., said Order is now final. Easterly, on the north side of Liberty Road, remains one single lot now in residential use, which lot is adjoined on the east by a B.L. parcel, now improved by a Burger King restaurant. Northerly, behind the subject lot, are a few older residential homes, which are then joined on their northern boundary by a large garden type apartment complex. South of the subject, immediately across Liberty Road, is a newly developed Esso Car Care Center, which operates 24 hours a day.

Item #0175

Other commercial uses totally cover the area across from the subject property on the south side of Liberty Road.

Testimony disclosed that all utilities necessary to serve the proposed use are available at the location, and in such capacity so as to adequately serve said use.

Testimony regarding change in this area was brought to the attention of this Board by Frederick P. Klaus, a well recognized zoning consultant. These included the actual physical widening of Liberty Road which has taken place since the adoption of the zoning map in 1962; a series of zoning reclassifications which created many acres of R-A land in close proximity to the subject tract, and in fact the actual development of some of the R-A land, which creates additional demand for B.L. uses. In addition to these changes, this Board was particularly impressed with five specific changes that Mr. Klaus cited.

Each was a change from R-6 to B.L. classification, and each is in close proximity to the subject property. Without going into detail here, these changes may be examined in zoning case files #64-173, #63-165, #66-174, #65-381 and #69-111-R. Case #69-111-R is immediately adjacent to the west side of the subject property; Case #64-173 is now improved by a Burger King restaurant and is just one lot removed from the east side of the subject, and Case #65-381 is now the site of a four bay, twenty-four hour Esso Car Care Center, and is located directly across Liberty Road from the subject property.

The sole protestant in this case was a resident of Florida Road, who lives directly across said street from the subject property. Her home is the first house off of Liberty Road. The objections raised by this protestant were to the increase in the commercial usages on Liberty Road, and to the possible detrimental effect same might have on her residential property. While understanding the feelings of this protestant, it is the opinion of this Board that this section of Liberty Road has been commercial in nature for many years.

Considering the above and the other testimony, and evidence set out in this case, it is the judgment of this Board that the changes are of a substantial nature, and have so altered the character of this neighborhood as to warrant the granting of this reclassification. With regard to the request for a side yard setback variance, the evidence

presented to this Board would seem to indicate that the only hardship that might be suffered by the petitioner if this variance be denied, would be a hardship of mere economics. Such is not sufficient in the eyes of this Board to warrant the granting of a variance. It is the judgment of this Board that the petitioner will suffer no unreasonable hardship nor practical difficulty if the variance be denied.

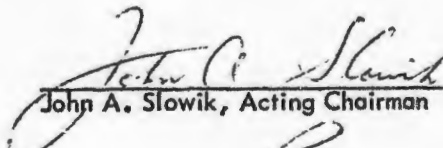
For the above reasons, the reclassification requested will be granted and the variance will be denied.

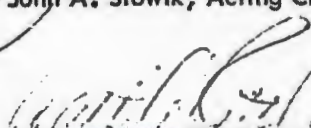
ORDER

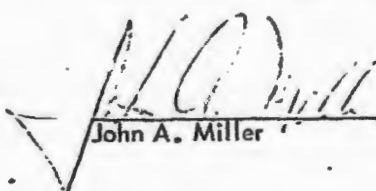
For the reasons set forth in the foregoing Opinion, it is this 11th day of June, 1970 by the County Board of Appeals, ORDERED that the reclassification from an R-6 zone to a B.L. zone petitioned for, be and the same is hereby GRANTED, and it is FURTHER ORDERED that the variance petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


John A. Slowik, Acting Chairman


Walter A. Raiter, Jr.


John A. Miller

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCES * ZONING COMMISSIONER
N/E Corner of Liberty Road * OF BALTIMORE COUNTY
and Florida Road *
(8024-8030 Liberty Road) *
2nd Election District *
2nd Councilmanic District *
Donald H. Ready Real Estate * CASE NO. 88-84-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a service garage and, additionally, a variance to permit 35 parking spaces instead of the required 52 and, furthermore, a 50 foot setback in the front in lieu of the required 79 foot, as more particularly described in Petitioner's Exhibit 2.

The Contract Purchaser, Donald H. Ready Real Estate, has purchased the subject property from Morton J. Weiner, contingent upon the granting of the Special Exception and the Variances. Appearing on behalf of the Petitioner was Donald H. Ready who was represented by counsel. Testifying on behalf of the Petitioner was Wes Guckert, an expert traffic engineer, Mr. Cortaal of STV/Lyon Associates and Mr. Griffith. The Liberty Communities Development Corporation, Inc., (LCDC) represented by Mr. Jim Janas appeared in opposition to the Special Exception and the Variances.

Testimony indicated that the subject property located on Liberty Road at the corner of Florida Avenue is zoned B.L. and D.R. 5.5 and is presently used as a retail store and a dwelling house. The site is actually two lots which the Petitioner plans to use as one retail building. The dwelling house is to be razed. The retail building will remain and receive an addition of 4224 sq. ft. The addition and approximately one-half of the old retail space will be used as

ORDER RECEIVED FOR FILING

Date

By

ORDER RECEIVED FOR FILING

Date

By

Item #0175

2. That the section of Lot B, Petitioner's Exhibit 2 which is zoned D.R. 5.5 will be used to increase the number of parking spaces if the Petitioner is successful in obtaining a change of zoning for that area, otherwise it shall not be used for any other business purpose, except as shown on P.E. 2.
3. That the entrance to Liberty Road, Route 26, shall be 28 ft. as shown on Petitioner's Exhibit 2 and as approved by the Maryland Department of Transportation, State Highway Administration.
4. The proposed landscape plan shall be submitted to the Current Planning and Development Commission, Office of the Planning and Zoning, and said plan shall satisfy the Baltimore County Landscape Manual at the very least, and furthermore, additional landscaping and residential screening on the northernmost side of the site to buffer the adjacent residential area must be dense and at least 5 ft. tall. Likewise, the remaining unpaved section of Lot B in the D.R. 5.5 zone must be planted and landscaped in such a manner as to prevent any parking on that area.
5. Both the northern and eastern property lines must be fenced to a height of 5 ft.
6. The fire hydrant at the corner of Florida Avenue and Liberty Road must be installed.
7. The Comments of the Baltimore County Department of Environmental Protection and Resource Management must be fulfilled.
8. There will be no overnight storage of vehicles on the site, including damaged or disabled vehicles.
9. The site may not be used as an automobile body shop.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Robert W. Cannon, Esq.
cc: People's Counsel
cc: Jim Janas

ORDER RECEIVED FOR FILING

Date

By

IN THE MATTER OF
MORTON J. WEINER, ET AL
FOR A SPECIAL EXCEPTION FOR
A SERVICE GARAGE AND VARIANCES
FOR PARKING SPACES AND SETBACK;
NORTHEAST CORNER OF LIBERTY ROAD
AND FLORIDA AVENUE
(8024-8030 LIBERTY ROAD)
2nd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-84-XA

OPINION AND ORDER

The Stipulation and Joint Motion for Modification of Zoning Commissioner's Order having been read and considered, and the parties having had the opportunity to present argument at a hearing held at 9:00 a.m. on January 21, 1988, it is this 28th day of January, 1988, by the County Board of Appeals of Baltimore County,

ORDERED, that the September 21, 1987 Order of the Zoning Commissioner of Baltimore County, be, and the same is, hereby modified by adding the following condition:

- 10.(a) If Petitioner is successful in obtaining a change of zoning for the section of Lot B (Petitioner's Exhibit 2) which is zoned D.R. 5.5, Petitioner shall provide landscaping for the subject property substantially in conformance with Exhibit B to the Stipulation and Joint Motion dated January 21, 1988 and introduced before the County Board of Appeals of Baltimore County on January 21, 1988 (hereafter referred to as the "Stipulation and Joint Motion").
- (b) If Petitioner is not successful in obtaining a change of zoning for the section of Lot B (Petitioner's Exhibit 2) which is zoned D.R. 5.5, Petitioner shall provide landscaping for the subject property substantially in conformance with Exhibit C to the Stipulation and Joint Motion.

FURTHER ORDERED, that the Order of the Zoning Commissioner, as so modified, be and the same is, hereby AFFIRMED.

a Western Auto Store.

There is no planned parking or retail space to be located in the D.R. 5.5 zoned section of Lot B of this site. The D.R. 5.5 section is to be used in part as a driveway only. The Western Auto Store will contain retail space, office space and service bays. There is to be no overnight storage of automobiles. The remaining retail space, 2400 sq. ft. has not been leased and its use is unknown at this time. The Western Auto will be limited to general retail and service garage activities of tire, battery and accessory work. There will be no major automobile reconstruction or repair work done on this site.

The Petitioner expects an average of 60 vehicles per day. Mr. Guckert and Mr. Griffith believe all of the relevant conditions precedent in Sections 502.1 and 307 are satisfied. Furthermore, the subject property is located in an area where all bordering property is zoned BL. The area is all used in a business manner along Liberty Road.

The Petitioner requests a front foot setback less than required 79 ft. The Petitioner's witness testified that this setback is greater than some for other businesses in the area and not out of character for the area.

Mr. Janas testified that the Special Exception will result in the loss of the furniture store and add another automobile related business. The LCDC is attempting to bring in more non-automobile retail business and this Special Exception is not in keeping with the goals of LCDC. The parking variance is seen as a real problem in light of the Petitioner's problems at the auto park at Liberty and Courtleigh Roads. There are many parking and access problems at that location. There is no need for additional retail space to be used as an auto-park on Liberty Road. There is need for more different kinds of retail space.

ORDER RECEIVED FOR FILING

Date

By

The Petitioner seeks relief from Section 230.13, pursuant to Section 502.1, and from Section 409.2b(5) and (6) and Section 232.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

It is clear that the BCZR permits the use requested by the Petitioner in a B.L. 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 Petitioner.

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 Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 2 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.

What must be considered in light of the above is how the subject property could be used, either by right or by special exception.

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It is clear that the proposed use would be preferable to many other uses and would create a minimum negative impact to the community. Also, it is equally obvious that the proposed use would create no more of a problem in this location than in any B.L. zoned site in the County. An analysis of the effect of the proposed use on the nearby residential area leads to the conclusion that with the restrictions added hereinafter, this use would not create the adverse impact that most other uses would.

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:

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 variance were granted, such use as proposed would not be contrary to the spirit of the Baltimore County Zoning Regulations 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

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9/24/87

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M. D. D. D.

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By M. B.

building. The dwelling house is to be retained and remain and receive an addition of 400 sq. ft. The addition and approximately one-half of the old retail space will be used as

would result if the instant variance were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

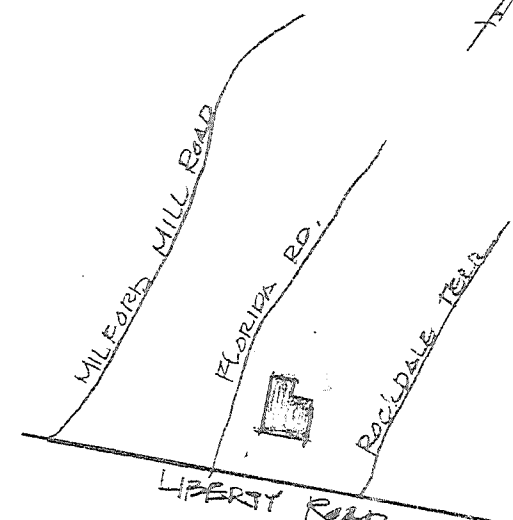
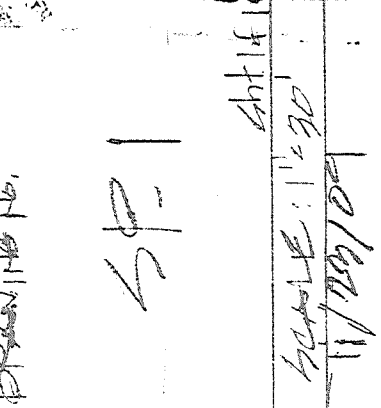
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

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 should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of September, 1987, that a Special Exception for a service garage be and is hereby GRANTED, AND FURTHERMORE, that the Petition for Zoning Variance to permit 35 parking spaces in lieu of the required 52 and to permit a 50 foot setback in lieu of the required 79 foot front yard setback be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief herein granted:

1. The Petitioner may apply for its building permit 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 such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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ZONING MAP: 07163
PROPERTY ZONE: BL
ELECTION DISTRICT: 02
COUNCILMANIC DIST: 26
PROPERTY: LAND AREA 2.5444 ACRES
OWNER: ENJO LLC 21-1746
ELLICOTT CITY, MD 21043
LEASE: CERRA LOMES
3024 HEBERT RD
RANDALLSPAIN, MD.
PROPERTY ADDRESS
3024 HEBERT RD
RANDALLSPAIN, MD
SCALE: 1"=50'-0"

RETAIL USE
BLOG, 11,468 SF
5 SPACES PER 1,000 SF
55 SPACES REQUIRED
39 SHOWN

PROPOSED USE: FITNESS C
BLOG, 11,468 SF
10 SPACES PER 1,000 SF
52 SHOWN
110.4 REQUIRED

1. CHANGE OF USAGE
2. VARIANCE IN PARKING SPACES.

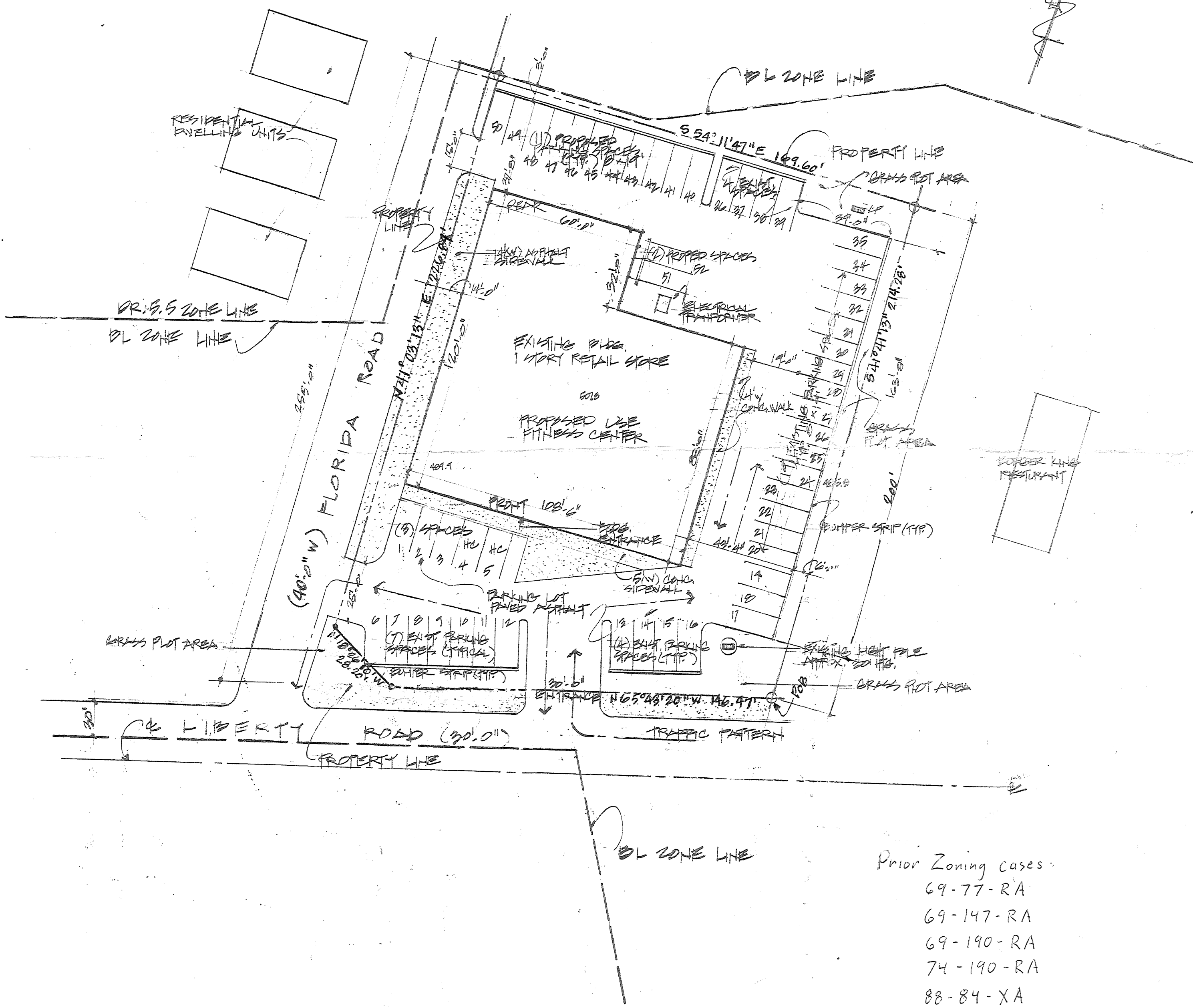
2010-0175-XA

WIT PAT
= 1 piece
PROPOSED USE FITNESS CENTER

PROPERTY ADDRESS
6024 LIBERTY ROAD
RANDALLSTOWN MARYLAND

OWNER: ENKI LLC
5011 CORPUS STREET OF.
BELLICOT CITY, MD 21043

LEASEE: GERALD VANCE
6024 LIBERTY RD. RANDALLSTOWN MD



Prior Zoning cases -
69-77-RA
69-147-RA
69-190-RA
74-190-RA
88-84-XA