

IN RE: PETITION FOR SPECIAL HEARING \*

E/S York Road, (Md. Rte. 45), 650' N of \*

Mt. Carmel Road \*

(17034 York Road) \*

7<sup>th</sup> Election District \*

3<sup>rd</sup> Council District \*

David Lock, Sr., et al \*

*Petitioners* \*

\* \* \* \* \*

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2011-0090-SPH

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, David Lock, Sr., Donna Lock (his wife), and Patrick Meadowcroft, by and through their attorney, Lawrence E. Schmidt, Esquire. The Petitioners request a special hearing in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the parking and storage areas for vehicles and equipment *accessory* to the principal use (service garage) as a continuing nonconforming use, in accordance with B.C.Z.R. Section 104.1. In the alternative, relief is requested as follows: (1) From B.C.Z.R. Section 409.12.B to approve a modified parking plan, and/or, in the alternative, (2) off-site parking spaces, for uses other than residential and lodging, within 500 feet walking distance of a building entrance to use that such spaces serve, in accordance with B.C.Z.R. Section 409.7.B.1, and (3) to approve a use permit for the use of land in a residential zone for parking facilities to meet the requirements of B.C.Z.R. Section 409.6, pursuant to Section 409.8. The subject property and the requested relief are more particularly described on the amended red-lined site plan submitted, which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were David Lock, Sr., on behalf of the property owners; Kenneth J. Wells, of kj Wells, Inc., the property line surveyor

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By

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who prepared the amended site plan, and several longtime residents of the area including, Harold "Doc" Burton, Emory E. Leight, and Herman Kupisch. Appearing as interested persons were adjacent neighbors and property owners, Jayne and Dennis Wasmer. The Petitioners were represented by Lawrence E. Schmidt, Esquire with Gildea & Schmidt, LLC.

Notwithstanding the complexity of the wording of the relief sought as described in the Petition and as outlined above, the relief which is requested and circumstances involved is readily understandable through an examination of the site plan. David Lock, Sr., co-Petitioner, operates a commercial service garage/towing business at 17027 York Road in the Parkton community of northern Baltimore County. Mr. Lock has operated this business at the site for nearly 20 years and the same property was used for a similar purpose even before that for another 19 years. The subject property under consideration is immediately across the street (east side) from the service garage operation (west side). The address of the subject property is 17034 York Road. The property is approximately 2.58 acres in area and split-zoned R.C.5 and B.L.-C.R. The largest portion of the property is zoned R.C.5 (2.21 acres). The southern portion of the site is zoned B.L.-C.R. (.37 acres).

Mr. Lock desires zoning approval in order to validate the long standing use of the property as a component of his towing/garage business. The petition requests such approval through a designation of the use of the site as non-conforming, pursuant to B.C.Z.R. Section 104. In the alternative, the Petitioner seeks other relief through the special hearing process, including approval of a modified parking plan and/or use permit. For reasons set forth below, I find that relief should be granted under the non-conforming use designation and that the alternate relief requested is therefore not necessary.

As noted above, the subject property fronts on the east side of York Road just north of the

Monkton and Mt. Carmel Road intersections in Parkton. Insofar as any building, the property is unimproved. However, much of the lot is paved either by way of macadam, stone and/or compacted crushed asphalt millings. Additionally, there is an enclosed 8' high chain link fence area which is designated and shown on the plan as a vehicle storage area.

Mr. Lock stated that he is a licensed towler with the Maryland State Police and Baltimore County Police Department. As such, he is on call to remove vehicles involved in accidents either on County roadways or the nearby I-83, the major north/south interstate corridor in this area of the County. Additionally, his towing operation is utilized in conjunction with the service garage business across the street, where vehicles are repaired and maintained. During his years of operation, Mr. Lock has used the subject property for vehicle and equipment storage. This is notwithstanding the fact that much of the area used is zoned R.C.5, which would not allow by right this type of storage operation.

The Petitioner solicited the testimony of "Doc" Burton, Emory Leight and Herman Kupisch regarding the historic use of the property. Doc Burton is a longtime resident of the area and owns property nearby. He is now 86 years old and has familiarity with the use of the site and the neighborhood as he was born and raised in this area of northern Baltimore County. Similarly, Mr. Leight (a childhood friend of Doc Burton) is also 86 and familiar with the site and lives on York Road in the immediate neighborhood. Collectively and based upon their personal recollection, both of these gentlemen testified that the subject property was originally developed as a Pontiac automobile dealership in the late 1930's. In this regard, they testified that the property and the adjacent site to the south were improved with a showroom building and it was one of the few automobile dealerships located in the then very rural northern portion of the County. In addition to the showroom and sales facility, the subject property also contained a

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garage building where automobile maintenance was undertaken and also a storage area for new and used cars and related equipment. Thus, Doc Burton and Mr. Leight testified that the subject site began its usage as a vehicle/equipment storage facility in conjunction with the Pontiac dealership and associated service garage over 70 years ago. Apparently, the Pontiac facility continued in existence for many years and was eventually replaced in the 1950's by an oil company business.<sup>1</sup> In those years, the oil company kept a fleet of trucks on the site, as well as, other equipment and vehicles associated with the oil delivery operation. Mr. Kupisch testified that he worked for the oil companies and was familiar with the use of the property during that time. There apparently was a series of oil companies that occupied the site, however, the use of the property for storage of vehicles and equipment was continuous. Ultimately, the oil business vacated the property and the site was immediately acquired by Mr. Lock. The storage use of the property associated with his garage commenced without delay and has continued uninterrupted since his acquisition. In addition to the testimony of these witnesses, numerous written affidavits and letters were submitted at the hearing to confirm the nonconforming designation. See Petitioners' Exhibit 2 - 71 letters from area residents.

B.C.Z.R. Section 101.1 defines nonconforming use as "a legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use." B.C.Z.R. Section 104 regulates nonconforming uses. Essentially, the nonconforming use designation is conferred, when appropriate to grandfather an otherwise non-permitted use. That is, if a property was used in a particular manner which was subsequently rendered illegal due to the adoption of a zoning regulation, then the use may continue as nonconforming. There are restrictions on the expansion and intensification of nonconforming uses. Moreover, the

<sup>1</sup> Both The Blue Ridge Oil Company and Arrow Oil Company operated at this site following the car dealership. Herman Kupisch, a Monkton resident, now 67, worked at this site since 1960 until his retirement in 1987.

nonconforming use must be shown to be continuous and not abandoned. (See B.C.Z.R. Section 104.1 et seq.).

Zoning first came to Baltimore County in 1945. At that time, the County's first comprehensive zoning regulations were adopted. These regulations were amended in 1955 and have continued (albeit with amendments over the years) through the current day. Both the original regulations and the current regulations recognize the nonconforming doctrine.

In this case, the uncontradicted testimony and evidence presented was that the subject property has been used for vehicular and equipment storage on a continuous and uninterrupted basis since the early 1940's. As noted above, the original use was associated with a Pontiac automobile dealership and service garage operation. Later, vehicular and equipment storage existed through a series of oil companies which occupied the property; Mr. Lock's service garage business across the street has continued the operational use.

Based on the uncontradicted testimony and evidence, I find that the nonconforming designation is appropriate and thus will grant the first request outlined in the petition for special hearing. The alternate relief requests are therefore rendered moot by this determination.

During the hearing for this case, it was observed that the issue presented was limited in context as to whether the nonconforming designation was appropriate. That is, unlike a petition for special exception, the impacts of the proposed use are irrelevant to that determination. If the use is nonconforming, it may continue, notwithstanding, impacts on adjacent properties for so long as it complies with B.C.Z.R. Section 104.1. Nonetheless, Mr. Lock and his counsel indicated that he wanted to cooperate with the most affected neighbors (Mr. and Mrs. Wasmer who reside and own a rental property adjacent to the site's eastern boundary) so as to reduce and/or eliminate the impacts of the use on the residential neighbors nearby. In this regard, Mr.

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Wells amended the plan, by redline, in open hearing to clearly designate the limits of the nonconforming use. This is consistent with the historic use of the property, as is evidenced by the grades and areas of existing paving on the site. The limitation of area shown on the amended plan will retain and actually expand a wooded evergreen area which serves as a buffer from the rear of the site and the adjacent residential community. Additionally, in order to address certain of the Wasmer's concerns, Mr. Lock agreed to further evergreen plantings and a prohibition on any long term storage of vehicles other than equipment and vehicles owned by him. That is, he agreed to a restriction by which no vehicle not owned by him can be stored at the subject property for a period of over six (6) months. Obviously, his equipment will remain on the site for so long as his business remains in operation. However, to ensure that the property does not deteriorate into a junk yard or place for storage of abandoned vehicles, this limitation on the period of storage shall be added as a restriction to the relief granted. Additionally, the areas of landscaping (both existing and proposed) and fencing would be retained as more particularly shown on the plan. These efforts appear to be a reasonable concession by the property owners to address the neighbors concerns.

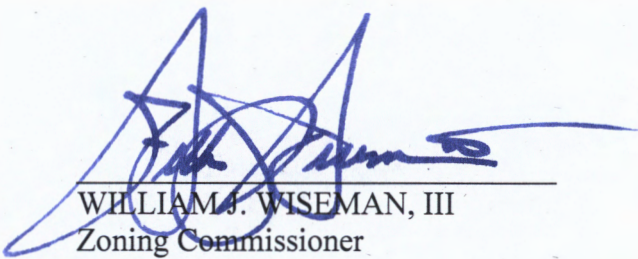
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted as follows.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26<sup>th</sup> day of November 2010, that the Petition for Special Hearing to approve the parking and storage areas for vehicles and equipment *accessory* (See definition in B.C.Z.R. Section 101.1) to the principal use (service garage) as a continuing nonconforming use, in accordance with B.C.Z.R. Section 104.1 and Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. The nonconforming use is limited only to area delineated on the amended red-lined plan.
2. No vehicles/equipment not owned by the Petitioner may be stored or allowed to remain on the property for more than six (6) months.
3. To assure the current and future use of the subject property will not impact adversely upon nearby residential areas, additional year-round evergreen screenings will be planted between the existing landscape buffer to the east and the nonconforming use area as specified on the approve site plan.

IT IS FURTHER ORDERED, that the remaining alternative relief requested, namely, a modified parking plan in accordance with B.C.Z.R. Section 409.12.B; and/or, in the alternative, off-site parking spaces, for uses other than residential and lodging, within 500 feet walking distance of a building entrance to use that such spaces serve in accordance with B.C.Z.R. Section 409.7.B.1; and, a use permit for the use of land in a residential zone for parking facilities to meet the requirements of B.C.Z.R. Section 409.6, pursuant to B.C.Z.R. Section 409.8; be and are hereby DISMISSED AS MOOT.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).

  
\_\_\_\_\_  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:dlw



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

November 26, 2010

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

Lawrence E. Schmidt, Esquire  
Gildea & Schmidt, LLC  
600 Washington Avenue, Ste. 200  
Towson, MD 21204

**RE: PETITION FOR SPECIAL HEARING**  
E/S York Road, (Md. Rte. 45), 650' N of Mt. Carmel Road  
**(17034 York Road)**  
7<sup>th</sup> Election District - 3<sup>rd</sup> Council District  
David Lock, Sr., et al - *Petitioners*  
**Case No. 2011-0090-SPH**

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 "W. J. Wiseman III", written over a circular stamp.

WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:dlw  
Enclosure

c: David Lock, Sr. & Donna Lock, 17034 York Road, Parkton, MD 21120  
Patrick Meadowcroft, 17034 York Road, Parkton, MD 21120  
Kenneth J. Wells, kj Wells, Inc., 7403 New Cut Road, Kingsville, MD 21087  
Harold "Doc" Burton, 3731 Abingdon Beach Road, Abingdon, MD 21009  
Emory E. Leight, 17018 York Road, Parkton, MD 21120  
Herman Kupisch, 1139 Monkton Road, Parkton, MD 21120  
Jayne and Dennis Wasmer, 518 Gifford Lane, Monkton, MD 21111  
People's Counsel; DEPRM; File



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 17034 York Road

which is presently zoned RC-5 and BL-CR

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

PLEASE SEE ATTACHED

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:

Lawrence E. Schmidt

Name - Type or Print

City

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

### Legal Owner(s):

Please see attached signature page.

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

State

Zip Code

### Representative to be Contacted:

Lawrence E. Schmidt, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By D.T. Date 9/3/10

Case No. 2011-0090-SPH  
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REV 9/15/98

Date 11-24-10

By [Signature]

*Bureau Local District  
Commonwealth District*

**ATTACHMENT TO PETITION FOR SPECIAL HEARING**

17034 York Road

Petition to determine whether or not the Zoning Commissioner should approve:

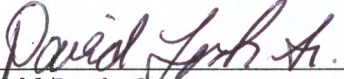
1. The parking and storage areas for vehicles and equipment *accessory* (see definition in BCZR § 101.1) to the principal use (service garage) as a continuing nonconforming use in accordance with BCZR § 104.1; and/or, in the alternative,
2. A modified parking plan in accordance with BCZR § 409.12.B; and/or, in the alternative,
3. Off-site parking spaces, for uses other than residential and lodging, within 500 feet walking distance of a building entrance to use that such spaces serve in accordance with BCZR § 409.7.B.1; and
4. A use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the BCZR, pursuant to Section 409.8 of the BCZR; and
5. Such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

2011-0090-SPH

**PETITION FOR SPECIAL HEARING**  
**SIGNATURE PAGE**  
**(Legal Owners)**

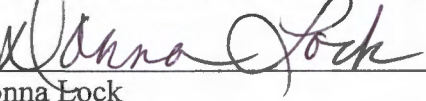
**Legal Owner(s):**

**17034 York Road, Parkton, MD 21120**

  
\_\_\_\_\_  
David Lock, Sr.

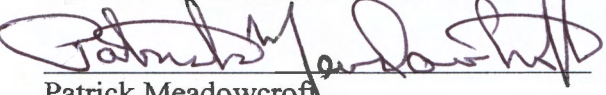
**Legal Owner(s):**

**17034 York Road, Parkton, MD 21120**

  
\_\_\_\_\_  
Donna Lock

**Legal Owner(s):**

**17034 York Road, Parkton, MD 21120**

  
\_\_\_\_\_  
Patrick Meadowcroft

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

No. **60041**

Date: **9/3/10**

**PAID RECEIPT**

BUSINESS ACTUAL TIME DFM  
 9/03/2010 9/03/2010 14:27:04 2

REG #302 WALKIN JEVA JEE  
 >>RECEIPT # 700914 8/31/2010 OFLN

| Fund | Dept | Unit | Sub Unit | Rev Source/Obj | Sub Rev/Obj | Dept | Obj | BS Acct | Amount |
|------|------|------|----------|----------------|-------------|------|-----|---------|--------|
| 001  | 806  | 0000 |          | 6150           |             |      |     |         | 325.00 |
|      |      |      |          |                |             |      |     |         |        |
|      |      |      |          |                |             |      |     |         |        |
|      |      |      |          |                |             |      |     |         |        |
|      |      |      |          |                |             |      |     |         |        |
|      |      |      |          |                |             |      |     |         |        |

Dept 5 528 ZONING VERIFICATION  
 REC #1. 060041

Receipt Tot \$325.00  
 \$325.00 CK \$1.00 CA  
 Baltimore County, Maryland

Total: **325.00**

Rec From: **GILDEA + SCHMIDT**

For: **2011-0090-SPH**  
**17034 YORK RD.**

**D. THOMPSON**

**DISTRIBUTION**

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

**CASHIER'S  
 VALIDATION**

# **kjWellsInc**

*Land Surveying and Site Planning*

Telephone: (410) 592-8800  
Fax: (410) 817-4055  
Email: [kwells@kjwellsinc.com](mailto:kwells@kjwellsinc.com)

7403 New Cut Road  
Kingsville, Md. 21087-1132

June 29, 2009

**Zoning Description  
Lock and Meadowcroft Property  
York Road  
Tax Map 22 Parcel 21  
Baltimore County  
Maryland  
7<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District**

***Beginning at a point*** in the centerline of York Road which varies in width at a distance of 650 feet northwest of the centerline intersection of York Road and Mount Carmel Road, thence on or near the centerline of said York Road the two following courses and distances: North 2 degrees 23 minutes 11 seconds West 177.42; North 13 degrees 00 minutes 49 seconds East 168.40 feet; thence leaving said York Road North 85 degrees 51 minutes 49 seconds East 31.80 feet; North 89 degrees 51 minutes 49 seconds East 178.80 feet; North 61 degrees 51 minutes 49 seconds East 58.84 feet; South 9 degrees 00 minutes 41 seconds East 371.52 feet; South 85 degrees 06 minutes 49 seconds West 256.27 feet; North 4 degrees 53 minutes 11 seconds West 24.50 feet; South 85 degrees 06 minutes 49 seconds West 94.00 feet to the place of beginning as recorded in Liber 10680 folio 720 and containing 2.58 acres of land more or less.



To: Zoning Commissioner for Baltimore County

From: William C. Donley

Re: 17027 York Road

I am a neighbor of Lock's Garage and reside at 16911 Gorsuch Mill Rd.

I have lived at this location since 1989.

I have reviewed his request for special hearing relief to confirm that the off-site parking and storage areas (located across the street from the principal use) can continue to be used as an accessory use to the principal use (service garage). This accessory use has been at its present location as a legal use that may or may not conform to a use regulation for the zone in which it is located, has not gone through any changes from such use to any other use whatsoever, nor has there been any abandonment or discontinuance of said use for a period of one year or more. In addition, Mr. Lock has been kind enough to allow the community to utilize the accessory parking and storage areas, as well as the adjoining field, for community gatherings over the years.

In my opinion, this use does not adversely impact any adjacent property and I support the grant of the special hearing relief confirming the historic use of the parking and storage areas that Lock's Garage is requesting. I believe that the discontinuance of this accessory use is not appropriate and would impose a hardship on Mr. Lock. This is a rural locale and the parking and storage areas accessory use is compatible with the property and neighborhood.

Thank you for your favorable consideration of this request.

Very truly yours,

(signed) William C. Donley

Neighbor (print name) William C. Donley

Address 16911 Gorsuch Mill Rd.  
Upperco, MD 21155

PETITIONER'S

EXHIBIT NO. 2

DATE 11/6 11-5-10

[illegible]

CASE NAME Lock + meadow-croft  
CASE NUMBER 2011-0090-SP1  
DATE 11-5-10

[illegible]

Maryland Department of Assessments and Taxation  
Real Property Data Search (vw4.3)  
BALTIMORE COUNTY

2.21  
- .37  
2.58 vs 2.331

Account Identifier: District - 07 Account Number - 0718010075

#### Owner Information

**Owner Name:** LOCK DAVID, SR/DONNA  
MEADOWCROFT PATRICK  
**Use:** R  
**Principal Residence:** N  
**Mailing Address:** 17034 YORK RD  
PARKTON MD 21120  
**Deed Reference:** 1)  
2)

#### Location & Structure Information

**Premises Address** YORK RD  
**Legal Description** 2.331 AC ES YORK RD  
17034 YORK RD ES  
650 N MT CARMEL RD

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|
| 22  | 14   | 21     |              |             |         |       |     | 2               |

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

| Primary Structure Built | Enclosed Area | Property Land Area |   |
|-------------------------|---------------|--------------------|---|
| 0000                    |               | 2.33 AC            | 0 |

| Stories | Basement | Type | Exterior |
|---------|----------|------|----------|
|         |          |      |          |

#### Value Information

|                    | Base Value | Value<br>As Of<br>01/01/2008 | Phase-in Assessments<br>As Of<br>07/01/2010 | As Of<br>07/01/2011 |
|--------------------|------------|------------------------------|---------------------------------------------|---------------------|
| Land               | 181,280    | 181,280                      |                                             |                     |
| Improvements:      | 4,950      | 4,950                        |                                             |                     |
| Total:             | 186,230    | 186,230                      | 186,230                                     | NOT AVAIL           |
| Preferential Land: | 0          | 0                            | 0                                           | NOT AVAIL           |

#### Transfer Information

|                                        |                           |               |
|----------------------------------------|---------------------------|---------------|
| <b>Seller:</b> REMMEYERS PETROLEUM INC | <b>Date:</b> 08/02/1994   | <b>Price:</b> |
| <b>Type:</b> IMPROVED ARMS-LENGTH      | <b>Deed1:</b> /10680/ 720 | <b>Deed2:</b> |
| <b>Seller:</b> FOSTER CARROLL L        | <b>Date:</b> 06/08/1955   | <b>Price:</b> |
| <b>Type:</b> IMPROVED ARMS-LENGTH      | <b>Deed1:</b> / 2711/ 67  | <b>Deed2:</b> |
| <b>Seller:</b>                         | <b>Date:</b>              | <b>Price:</b> |
| <b>Type:</b>                           | <b>Deed1:</b>             | <b>Deed2:</b> |

#### Exemption Information

| Partial Exempt Assessments | Class | 07/01/2010 | 07/01/2011 |
|----------------------------|-------|------------|------------|
| County                     | 000   | 0          | 0          |
| State                      | 000   | 0          | 0          |
| Municipal                  | 000   | 0          | 0          |

**Tax Exempt:** NO  
**Exempt Class:**

**Special Tax Reca**  
\* NONE \*

Maryland Department of Assessments and Taxation  
Real Property Data Search (vw5.1)  
BALTIMORE COUNTY

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[View Map](#)  
[New Search](#)

Account Identifier:

District - 07 Account Number - 0701024000

## Owner Information

**Owner Name:** LOCK DAVID,SR  
LOCK DONNA  
**Use:** COMMERCIAL  
**Principal Residence:** NO  
**Mailing Address:** 16901 GORSUCH MILL RD  
UPPERCO MD 21155  
**Deed Reference:** 1) /10417/ 505  
2)

## Location &amp; Structure Information

**Premises Address**

17034 YORK RD

**Legal Description**

\*

WS YORK RD  
850FT N MT CARMEL RD

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:         |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|------------------|
| 22  | 14   | 56     |              |             |         |       |     | 1               |                  |
|     |      |        |              |             |         |       |     |                 | <b>Plat Ref:</b> |

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

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 0000                    | 4,682 SF      | 16,552.00 SF       | 20         |

**Stories**   **Basement**   **Type**   **Exterior**

## Value Information

|                    | Base Value | Value<br>As Of<br>01/01/2010 | Phase-in Assessments<br>As Of      As Of<br>07/01/2010    07/01/2011 |         |
|--------------------|------------|------------------------------|----------------------------------------------------------------------|---------|
| Land               | 138,600    | 182,700                      |                                                                      |         |
| Improvements:      | 74,500     | 231,000                      |                                                                      |         |
| <b>Total:</b>      | 213,100    | 413,700                      | 279,966                                                              | 346,832 |
| Preferential Land: | 0          | 0                            | 0                                                                    | 0       |

## Transfer Information

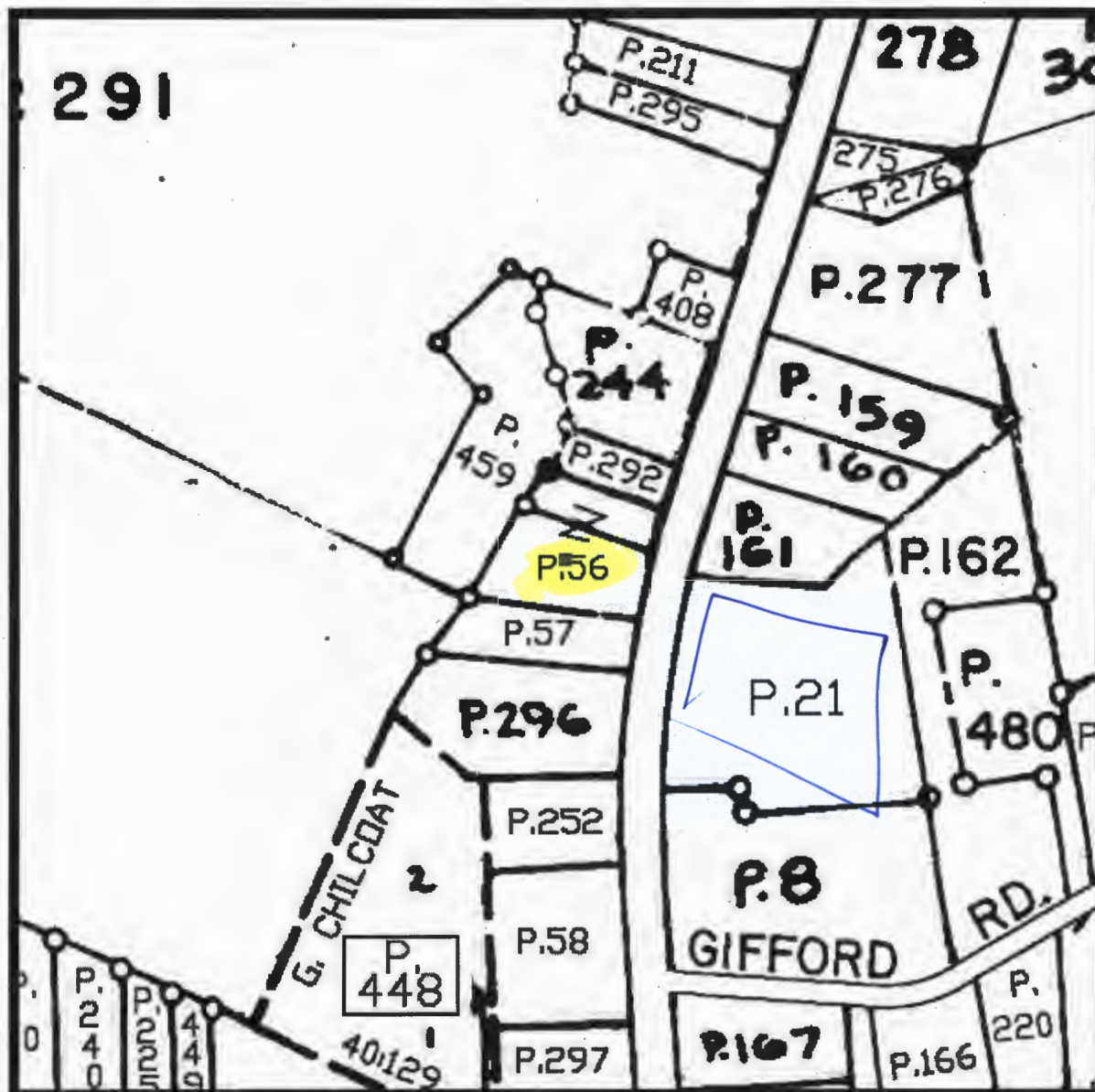
|                                |                           |                   |
|--------------------------------|---------------------------|-------------------|
| <b>Seller:</b> AERO REALTY INC | <b>Date:</b> 03/21/1994   | <b>Price:</b> \$1 |
| <b>Type:</b> NOT ARMS-LENGTH   | <b>Deed1:</b> /10417/ 505 | <b>Deed2:</b>     |
| <b>Seller:</b>                 | <b>Date:</b>              | <b>Price:</b>     |
| <b>Type:</b>                   | <b>Deed1:</b>             | <b>Deed2:</b>     |
| <b>Seller:</b>                 | <b>Date:</b>              | <b>Price:</b>     |



**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
**Real Property Data Search**

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[New Search](#)

**District - 07 Account Number - 0701024000**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning ©2009.  
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/OurProducts/OurProducts.shtml](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml)

BW 11-5 11am

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** October 12, 2010

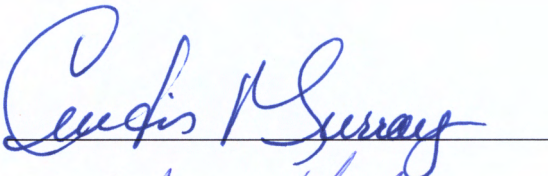
**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 11-090- Special Hearing**

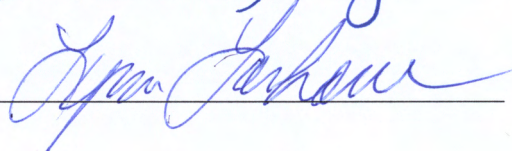
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

**Prepared By:**



**Division Chief:**  
CM/LL



**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



**RECEIVED**

**OCT 26 2010**

**ZONING COMMISSIONER**

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: October 25, 2010

SUBJECT: Zoning Item # 11-090-SPH  
Address 17034 York Road  
(Lock/Meadowcroft Property)

Zoning Advisory Committee Meeting of September 27, 2010

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Plans for parking &/or storage should be reviewed by DEPRM and Groundwater Mgmt., especially. Also, there is a GW contamination case with the State (M.D.E.).

Reviewer: Dan Esser

Date: 10/1/10



**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*

October 26, 2010

Lawrence Schmidt  
Gildea & Schmidt  
600 Washington Ave.  
Towson, MD 21204

Dear: Lawrence Schmidt

RE: Case Number 2011-0090-SPH, 17034 York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 03, 2010. 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:lnw

Enclosures

c: People's Counsel  
Patrick Meadowcroft; David & Donna Lock; 17034 York Rd.; Parkton, MD 21120

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

October 4, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 27, 2010

Item Number: 2011-0090-SPH

The Baltimore County Fire Department has no comments.

Lt. Jimmie D. Mezick  
Fire Marshal's Office  
410-887-4880  
MS-1102F

cc: File

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** October 5, 2010

**FROM:** Dennis A. Kennedy<sup>DAK</sup>, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For October 12, 2010  
Item Nos. 2011- 085, 089, 090, 092,  
093, 094, 096, 097, 098, 100, 101  
And 104

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10122010 -NO COMMENTS.doc

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** October 12, 2010

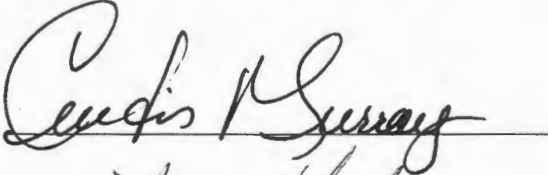
**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 11-090- Special Hearing**

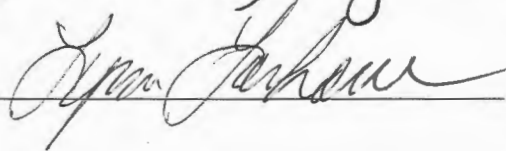
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:  
CM/LL





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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCT 1, 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. 2011-0090A  
MD 45 (York Rd)  
10139 York Rd  
BKL York II, LLC  
VARIANCE -

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 09/29/2010. A field inspection and internal review reveals that an entrance onto MD 45 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 17034 York Rd, Case Number 2011-0090-SPH.

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](mailto:m Bailey@sha.state.md.us)). Thank you for your attention.

Very truly yours,

A handwritten signature in black ink that reads "Michael P. Bailey".

For Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/MB

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

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
17034 York Road; E/S York Road, \* ZONING COMMISSIONER  
650' N of Mt. Carmel Road \*  
7<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts \* FOR  
Legal Owner(s): David & Donna Lock, \*  
Patrick Meadowcroft \*  
Petitioner(s) \* BALTIMORE COUNTY  
\* 2011-090-SPH

\* \* \* \* \*

**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

OCT 06 2010

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6<sup>th</sup> day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

# 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: # 2011-0090-SPH

17034 York Road

E/side of York Road, 650 feet north of Mt. Carmel Road

7th Election District — 3rd Councilmanic District

Legal Owner(s): David Lock, Sr., Donna Lock, Patrick Meadowcroft

**Special Hearing:** to permit the parking and storage areas for vehicles and equipment accessory to the principal use as a continuing nonconforming use; a modified parking plan; off site parking spaces, for uses other than residential and lodging within 500 feet walking distance of a building entrance to use that such spaces serve; a use permit for the use of land in residential zone for parking facilities to meet the requirements of section 409.6 of the BCZR; such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

**Hearing:** Friday, November 5, 2010 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake 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.

10/26/2010 October 21

258361

## CERTIFICATE OF PUBLICATION

10/21, 2010

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 10/21, 2010.

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

*J. Wilkinson*

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

2011-0090-SPH

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_  
David Lock, Sr., Donna Lock, Patrick  
Meadowcroft

Nov.5 2010

Date of Hearing/Closing: \_\_\_\_\_

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Attn: KtistinMatthews;

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were  
posted conspicuously

17034 York Road

October 21, 2010

The sign(s) were posted on \_\_\_\_\_  
(Month, Day, Year)

Sincerely,

*Robert Black*

(Signature of Sign Poster )

October 22 2010

(Date)

SSG Robert Black

\_\_\_\_\_  
(Print Name)

1508 Leslie Road

\_\_\_\_\_  
(Address)

Dundalk, Maryland 21222

\_\_\_\_\_  
(City, State, Zip Code)

(410) 282-7940

\_\_\_\_\_  
(Telephone Number)



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
County Executive

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*  
October 8, 2010

**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: 2011-0090-SPH**

17034 York Road

E/side of York Road, 650 feet north of Mt. Carmel Road

7<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: David Lock, Sr., Donna Lock, Patrick Meadowcroft

Special Hearing to permit the parking and storage areas for vehicles and equipment accessory to the principal use as a continuing nonconforming use; a modified parking plan; off site parking spaces, for uses other than residential and lodging within 500 feet walking distance of a building entrance to use that such spaces serve; a use permit for the use of land in residential zone for parking facilities to meet the requirements of section 409.6 of the BCZR; such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

Hearing: Friday, November 5, 2010 at 11:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco  
Director

TK:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204  
Mr. & Mrs. Lock, Mr. Meadowcroft, 17034 York Road, Parkton 21120

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 21, 2010.**
- (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, October 21, 2010 Issue - Jeffersonian

Please forward billing to:

Jason Vettori  
Gildea & Schmidt  
600 Washington Avenue, Ste. 200  
Towson, MD 21204

410-821-0070

---

## 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:

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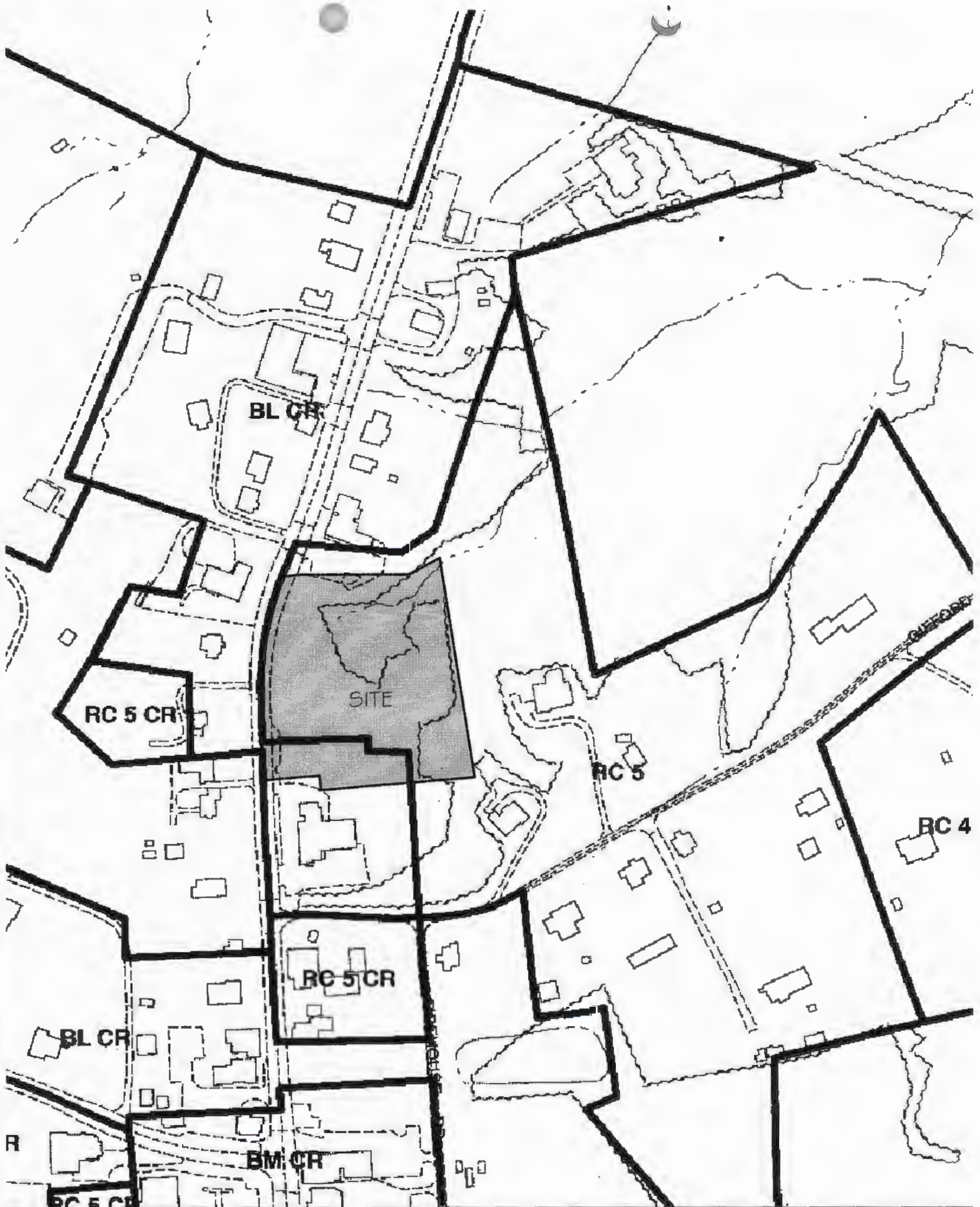
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Hearing: Friday, November 5, 2010 at 11:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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PETITIONER'S

EXHIBIT NO. 3B

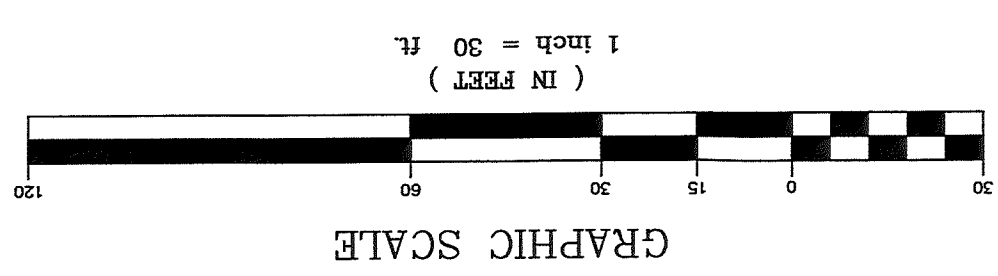
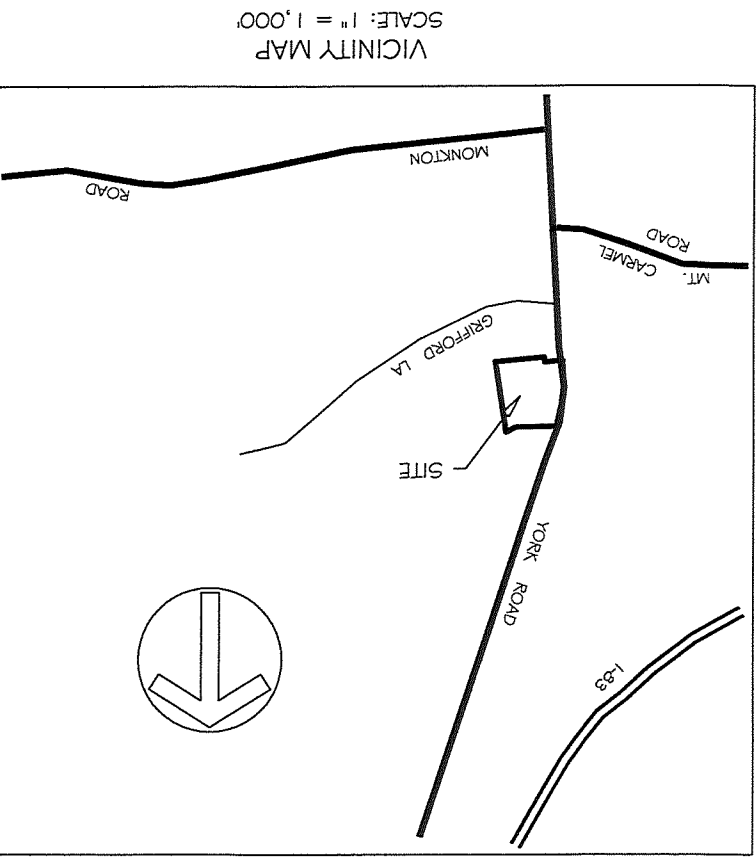


EXHIBIT NO. 1  
PETITIONER'S

- SPECIAL HEARING REQUESTS:
1. THE PARKING AND STORAGE AREAS FOR VEHICLES AND EQUIPMENT ACCESSORY (SEE DEFINITION IN BCZR § 10.1.1) TO THE PRINCIPAL USE (SERVICE GARAGE) AS A CONTINUING NONCONFORMING USE IN ACCORDANCE WITH BCZR § 104.1.1; AND/OR, IN THE ALTERNATIVE,
  2. A MODIFIED PARKING PLAN IN ACCORDANCE WITH BCZR § 409.1.2; B; AND/OR, IN THE ALTERNATIVE,
  3. OFF-SITE PARKING SPACES, FOR USES OTHER THAN RESIDENTIAL AND LOADING, WITHIN 500 FEET MAKING DISTANCE OF A BUILDING ENTRANCE TO USE THAT SUCH SPACES SERVE IN ACCORDANCE WITH BCZR § 409.7.B.1.1; AND
  4. A USE PRESENT FOR THE USE OF LAND IN A RESIDENTIAL ZONE FOR PARKING FACILITIES TO MEET THE REQUIREMENTS OF SECTION 409.6 OF THE BCZR, PURSUANT TO SECTION 409.6.5, SUCH OTHERS AND FURTHER RULES AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

- SITE DATA:
- 1) OWNERS: DAVID & DONNA LOCK AND PATRICK MEADOWCROFT
  - 2) OWNERS' ADDRESSES: 17034 YORK ROAD  
PARKTON, MARYLAND 21120
  - 3) OWNERS' TELEPHONE NO.: 410-357-5000
  - 4) TAX ACCOUNT NUMBERS: 0711800075  
TAX MAP: 22 GRID: 14 PARCEL: 21
  - 5) DEED REFERENCE: 10680720
  - 6) ZONING MAP: 2.58 ACRES
  - 7) ZONING: RC-5 = 2.21 ACRES  
BL-CR = 0.37 ACRES
  - 8) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCA
  - 9) THE SUBJECT PROPERTY IS NOT WITHIN A 100-YEAR FLOODPLAIN PER FEMA
  - 10) NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE SUBJECT PROPERTY
  - 11) SUBJECT PROPERTY OPEN SPACE: NONE REQUIRED
  - 12) PARKING: NONE REQUIRED
  - 13) NO PRIVATE WELL OR SEPTIC
  - 14) NO SWAGE PROPOSED



SPECIAL HEARING REQUESTS:

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  - 11) SUBJECT PROPERTY OPEN SPACE: NONE REQUIRED
  - 12) PARKING: NONE REQUIRED
  - 13) NO PRIVATE WELL OR SEPTIC
  - 14) NO SWAGE PROPOSED

PROJECT NO.: 2009-011  
DATE: 5/31/2010  
CHECKED BY: KJM  
DRAWN BY: KJM

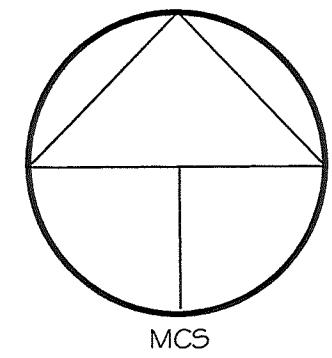
PLAN TO ACCOMPANY A PETITION  
for a  
SPECIAL HEARING  
LOCK AND MEADOWCROFT PROPERTY  
7403 NEW CUT ROAD  
PARKTON, MARYLAND  
7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

REVISIONS:  
NO. DATE  
1 1/10/2010

MCS

kjwellslnc  
7403 NEW CUT ROAD  
KINGSVILLE, MARYLAND 21087  
(410) 592-8800

Land Surveying & Site Planning



## PHOTOGRAPH ORIENTATIONS

PROJECT NO.:  
2009-011  
SHEET 1 OF 1

