

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

NE corner of North Point Road and
New Battle Grove Road
15th Election District
7th Councilmanic District
(4054 North Point Road)

North Point Rentals, LLC
Legal Owner

NAC Automotive and Truck Specialists, Inc.
Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
*
* **Case No. 2011-0171-XA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed for property located at 4054 North Point Road in the Dundalk area of Baltimore County. The subject property is zoned M.L.-I.M. The Petition was filed by the legal owners of the subject property, North Point Rentals, LLC and the Lessee, NAC Automotive and Truck Specialists, Inc. The Special Exception is for a service garage pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."). The Variance request is as follows:

- From Section 255.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 2 feet and rear yard setback of 1 foot (between buildings) in lieu of the required 30 feet; and
- From Section 255.1 of the B.C.Z.R. to permit a rear yard setback of 25 feet for the building to become the service garage in lieu of the required 30 feet from existing building to the property line; and

ORDER RECEIVED FOR FILING

Date 1-11-11

By PZ

- From Section 255.1 of the B.C.Z.R. to permit a rear yard setback of 29 feet for the warehouse building in lieu of the required 30 feet from the existing building to the property line; and
- From Section 409.8.A.4 of the B.C.Z.R. to permit a setback of 5 feet from the street right-of-way to the existing parking spaces in lieu of the required 10 feet.

The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the hearing on behalf of the request were Nicholas Lukanich and Craig Miskimon representing the owners and operators of the business as well as Rick Richardson of Richardson Engineering, LLC, the professional engineer who prepared the site plan for the property. The Petitioners were represented by Michael Moran, Esquire. There were no Protestants or interested persons in attendance.

Testimony and evidence offered at the hearing revealed that the subject property consists of 2.9 acres of which 0.549 acres has been set aside for this special exception request. NAC Automotive and Truck Specialists, Inc., proposes to operate their service garage activity within the existing one story 5,075 square feet industrial building located on the southern portion of the overall property. The remainder of the 2.9 acre parcel of property will continue to be rented by the landlord to Titan Industries, a commercial painting contractor. Titan Industries occupies the 16,138 square feet warehouse building that is also situated on this property. In order to proceed with the location of the service garage at this property the special exception request is necessary.

It is clear the Baltimore County Zoning Regulations permits the Petitioners' use in a ML-IM zone by special exception. It is equally clear that the proposed use is not detrimental to the

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Date 1-11-11

By [Signature]

primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which shows that the use meets the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioner has shown that the use is conducted without real detriment to the neighborhood and does not adversely affect the public interest. The facts and circumstances do not show that the use at this particular location described by Petitioners' Exhibit No. 1 has 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 use is not detrimental to the health, safety, or general welfare of the locality, nor tends to create congestion in roads, streets, or alleys therein, nor is it inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the B.C.Z.R.

In addition to the special exception relief requested, the Petitioner is also requesting variance relief for the existing one story building within which he proposes to located his service garage use. There is also a variance request for the existing warehouse building that is situated on the larger parcel of property.

In regard to the variance requests, based on the testimony and evidence, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. Therefore I find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this

ORDER RECEIVED FOR FILING

Date 1-11-11

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By [signature]

request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioners' Special Exception request and the Variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 11th day of January, 2011 that Petitioners' request for Special Exception for a service garage pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioners' Variance request:

- From Section 255.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 2 feet and rear yard setback of 1 foot (between buildings) in lieu of the required 30 feet; and
- From Section 255.1 of the B.C.Z.R. to permit a rear yard setback of 25 feet for the building to become the service garage in lieu of the required 30 feet from existing building to the property line; and
- From Section 255.1 of the B.C.Z.R. to permit a rear yard setback of 29 feet for the warehouse building in lieu of the required 30 feet from the existing building to the property line; and
- From Section 409.8.A.4 of the B.C.Z.R. to permit a setback of 5 feet from the street right-of-way to the existing parking spaces in lieu of the required 10 feet.

ORDER RECEIVED FOR FILING

Date 1-11-11

4

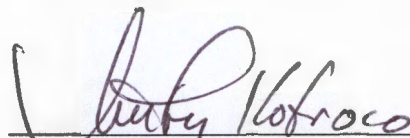
By [Signature]

be and are hereby **GRANTED**.

Based upon the testimony and evidence presented at the hearing and the lack of opposition thereto, I shall grant the special exception for a service garage use pursuant to Section 253.2.B.3 as well as the variance relief requested herein. The granting of the special exception and variance relief shall be conditioned upon the following restrictions:

1. The Petitioners and owner of the property shall be required to comply with the comment dated December 22, 2010 issued by the Department of Environmental Protection and Resource Management (DEPRM) indicating that the applicant shall be required to 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). Development of this property must also comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). A copy of this comment has been attached hereto and is made a part hereof.
2. Compliance with the Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning dated December 9, 2010. A copy of this comment has been attached hereto and is made a part hereof. The issues raised by the Office of Planning shall be resolved prior to the service garage use commencing on the property.

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


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Attachment

TMK/pz

ORDER RECEIVED FOR FILING

Date 1-11-11

By pz



KEVIN KAMENETZ
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 11, 2011

MICHAEL J. MORAN, ESQUIRE
305 WEST CHESAPEAKE AVENUE SUITE 105
TOWSON MD 21204

Re: Petition for Special Exception and Variance
Case No. 2011-0171-A
Property: 4054 North Point Road

Dear Mr. Moran:

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK/pz

Enclosure

c: Nicholas Lukanich and Craig Miskimon, NAC Automotive and Truck Specialists, Inc., 4054 North Point Road, Baltimore MD 21222
Rick Richardson, Richardson Engineering LLC, 30 East Padonia Road, Suite 500, Timonium MD 21093



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 4054 North Point Road

which is presently zoned ML-IM

Deed Reference: 17674 / 617 Tax Account # 1513207690

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

a service garage pursuant to Section 253.2.B.3

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:

NAC Automotive & Truck Specialists, Inc.

Name - Type or Print

Nicholas L. Smith

Signature

4054 North Point Road 410-477-2555

Address

Baltimore

MD

Telephone No.

21222

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

City

ORDER RECEIVED FOR FILING

Date

By

State

Zip Code

Case No. 2011-071-XA

Legal Owner(s):

North Point Rentals, LLC

Name - Type or Print

Michael Foran

Signature

Name - Type or Print

Pete Foran

Signature

4054 North Point Road

410-477-1857

Address

Baltimore

MD

Telephone No.

21222

City

State

Zip Code

Representative to be Contacted:

Richardson Engineering, LLC

Name

30 E. Padonia Road, Suite 500 410-560-1502

Address

Timonium,

MD

21093

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BH Date 11/9/10



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4054 North Point Road
which is presently zoned ML-IM

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)

See Attached

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

Existing buildings as shown on the site plan and other information that will be presented at the 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:

NAC Automotive & Truck Specialists, Inc.

Name - Type or Print

Signature

4054 North Point Road

410-477-2555

Address

Telephone No.

Baltimore,

MD

21222

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

North Point Rentals, LLC

Name - Type or Print

Signature

Michael Forakis

Name - Type or Print

Signature

Peter Forakis

Address

Telephone No.

Baltimore,

MD

21222

City

State

Zip Code

Representative to be Contacted:

Richardson Engineering, LLC

Name

30 E. Padonia Road, Suite 500

410-560-1502

Address

Telephone No.

Timonium,

Maryland

21093

City

State

Zip Code

OFFICE USE ONLY

Case No. 2011-0171A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

ORDER RECEIVED FOR FILING

Reviewed By 13A

Date 11/2/10

REV 9/15/98

Date 1-11-11

By pr

VARIANCES:

Section 255.1 for a side yard setback of 2' and rear yard setback of 1' (between buildings) in lieu of the required 30'.

Section 255.1 for a rear yard setback of 25' for the building to become the service garage in lieu of the required 30' from existing buildings to the property line.

Section 255.1 for a rear yard setback of 29' for the warehouse building in lieu of the required 30' from existing buildings to the property line.

Section 409.8.A.4 for a setback 5' from the street right of way to existing parking spaces in lieu of the required 10'.

**ZONING DESCRIPTION
(SPECIAL EXCEPTION AREA)
4054 OLD NORTH POINT ROAD
15 TH ELECTION DISTRICT
7th Councilmanic District
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point in the centerline of Old North Point Road (28 feet wide paving) where it intersects the centerline of New Battle Grove Road (22 feet wide paving), thence running and binding on the centerline of Old North Point Road the following courses and distances (1) North 10 degrees 57 minutes 30 seconds East 49.75 feet, (2) North 00 degrees 02 minutes 30 seconds West 142.00 feet, (3) North 10 degrees 44 minutes 30 seconds East 21.91 feet thence leaving Old North Point Road the following courses and distances, (4) South 79 degrees 41 minutes 58 seconds East 150.72 feet, (5) South 10 degrees 25 minutes 01 seconds West 132.67 feet, (6) South 65 degrees 11 minutes 30 seconds West 130.91 feet to the point of beginning;

Containing a gross area of 23,928 square feet or 0.549 acres of land, more or less.



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: # 2011-0171-XA

4054 North Point Road

N/E corner of North Point Road and New Battle Grove Road

15th Election District — 7th Councilmanic District

Legal Owner(s): North Point Rentals, LLC

Special Exception: for a Service Garage. **Variance:** to permit a side yard setback of 2' and rear yard setback of 1' (between buildings) in lieu of the required 30'. To permit a rear yard setback of 25' for the building to become the service garage in lieu of the required 30' from existing building to the property line. To permit a rear yard setback of 29' for the warehouse building line in lieu of the required 30' from existing building to the property line. To permit a setback 5' from the street right of way to existing parking spaces in lieu of the required 10'.

Hearing: Monday, January 10, 2011 at 9:00 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.

12/22/2010 December 23

263534

CERTIFICATE OF PUBLICATION

12/23/2010

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 12/23/2010.

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

J. Wilkinson

LEGAL ADVERTISING

BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 01042

Date: 11/9/10

PAID RECEIPT

BUSINESS ACTUAL TIME DRG
11/09/2010 11/09/2010 09:15:32 1

REG 0501 WALKIN JRIC JNR
RECEIPT # 470137 11/09/2010 OFLJ

Rev Sub
Source/ Rev/

Fund Dept Unit Sub Unit Obj Sub Obj Dept Obj BS Acct Amount

001 806 0000 6150 \$ 705.00

Dept 5 528 ZIMING VERIFICATION
NO. 061042

Receipt Tot \$705.00
\$705.00 CK \$3.00 CA
Baltimore County, Maryland

Total: \$ 705.00

Rec From: North Point Rentals, LLC

For: Special Exemption & Variance

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

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: 2011-0171-XA
Petitioner: NAC AUTOMOTIVE & TRUCK SPECIALISTS
Address or Location: 4054 NORTH POINT RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: NORTH POINT RENTALS, LLC
Address: 4054 NORTH POINT RD
BALTIMORE MD 21222
Telephone Number: 410-477-1857

Revised 2/20/98 -SCJ

CERTIFICATE OF POSTING

2011-0171-XA

RE: Case No.: _____

Petitioner/Developer: _____

North Point Rentals, LLC

Jan. 10, 2011

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: Kristin Matthews:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

4054 North Point Road

December 24, 2010

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

Sincerely,

Robert Black

December 27, 2010

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2011-0171-XA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: Room 104 JEFFERSON BUILDING
105 WEST CHESHAMPE AVE TOWSON 21204

DATE AND TIME: MONDAY, JANUARY 10, 2011 AT 9:00 AM

REQUEST SPECIAL EXCEPTION FOR A SERVICE GARAGE.

VARIANCE TO PERMIT A SIDE YARD SETBACK OF 2' AND REAR YARD OF 1' (BETWEEN BUILDINGS) IN LIEU OF THE REQUIRED 30' TO PERMIT A REAR YARD SETBACK OF 25' FOR THE BUILDING TO BECOME THE SERVICE GARAGE IN LIEU OF THE REQUIRED 30' FROM EXISTING BUILDING TO THE PROPERTY LINE. TO PERMIT A REAR YARD SETBACK OF 29' FOR THE WAREHOUSE BUILDING IN LIEU OF THE REQUIRED 30' FROM THE EXISTING BUILDING TO THE PROPERTY LINE. TO PERMIT A SETBACK 5' FROM THE STREET RIGHT OF WAY TO EXISTING PARKING SPACES IN LIEU OF THE REQUIRED 10'.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 687-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 23, 2010 Issue - Jeffersonian

Please forward billing to:
North Point Rentals
4054 North Point Road
Baltimore, MD 21222

410-477-1857

NOTICE OF ZONING HEARING

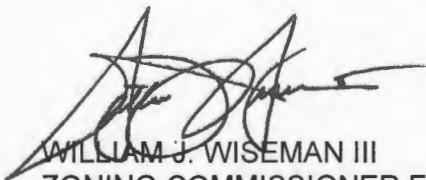
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0171-XA

4024 North Point Road
N/E corner of North Point Road and New Battle Grove Road
15th Election District – 7th Councilmanic District
Legal Owners: North Point Rentals, LLC

Special Exception for a Service Garage. Variance to permit a side yard setback of 2' and rear yard setback of 1' (between buildings) in lieu of the required 30'. To permit a rear yard setback of 25' for the building to become the service garage in lieu of the required 30' from existing building to the property line. To permit a rear yard setback of 29' for the warehouse building line in lieu of the required 30' from existing building to the property line. To permit a setback 5' from the street right of way to existing parking spaces in lieu of the required 10'.

Hearing: Monday, January 10, 2011 at 9:00 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
December 16, 2010

REVISED 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: 2011-0171-XA

4054 North Point Road address corrected on petition

N/E corner of North Point Road and New Battle Grove Road

15th Election District – 7th Councilmanic District

Legal Owners: North Point Rentals, LLC

Special Exception for a Service Garage. Variance to permit a side yard setback of 2' and rear yard setback of 1' (between buildings) in lieu of the required 30'. To permit a rear yard setback of 25' for the building to become the service garage in lieu of the required 30' from existing building to the property line. To permit a rear yard setback of 29' for the warehouse building line in lieu of the required 30' from existing building to the property line. To permit a setback 5' from the street right of way to existing parking spaces in lieu of the required 10'.

Hearing: Monday, January 10, 2011 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Michael Forakis, Peter Forakis, 4024 North Point Blvd., Baltimore 21222
NAC Automotive & Truck Specialists, 4054 North Point Blvd., Baltimore 21222
Richardson Engineering, 30 E. Padonia Road, Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 24, 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.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE * ZONING COMMISSIONER
4054 North Point Road; NE corner of North *
Point Rd & New Battle Grove Rd *
15th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): North Point Rentals, LLC *
Contract Purchaser(s): NAC Automotive * BALTIMORE COUNTY
& Truck Specialists *
2011-171-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

DEC 08 2010



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of December, 2010, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Timonium, Maryland 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

1/10 9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 23 2010

ZONING COMMISSIONER

TO: Zoning Commissioner's Office
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: December 22, 2010
SUBJECT: Zoning Item # 11-171-XA
Address 4054 North Point Road
(North Point Rentals, LLC Property)

Zoning Advisory Committee Meeting of November 15, 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).

Reviewer: Adriene Metzbower

Date: 12/16/2010

Y10 9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: George Klunk (Acting Director)
Department of Permits and
Development Management

DATE: December 9, 2010

RECEIVED

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

DEC 21 2010

ZONING COMMISSIONER

SUBJECT: 4054 North Point Road

INFORMATION:

Item Number: 11-171

Petitioner: North Point Rentals LLC and NAC Automotive and Truck Specialists Inc.

Zoning: ML-IM

Requested Action: Special Exception and Variances

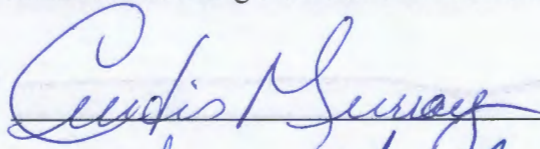
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The proposed use is directly across Lynhurst/New Battle Grove Road from an existing single-family dwelling. By improving site appearance and conditions, there should be no adverse impact to the health, safety and welfare. Therefore, the Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Remove barbed wire from the fence on the subject property. Clean/repair the damaged fence sections, remove overgrown vegetation and paint the chain link fencing black with rust resistant paint.
2. Preserve the large mature tree at the Lynhurst and Old North Point Road corner of the subject lot.
3. Remove the debris/trash and vegetative overgrowth from the south side of the lot.

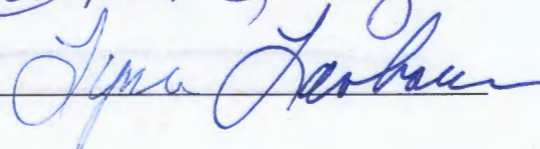
For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by:



Division Chief:

JM/LL: CM





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

January 6, 2011

North Point Rentals, LLC
Michael Forakis, Peter Forakis
4054 North Point Road
Baltimore, Maryland 21222

Dear Mr. Forakis:

RE: 2011-0171- XA Case Number, 4054 North Point Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 9, 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:rjc
Enclosures

c: People's Counsel
Richardson Engineering, LLC 30 E. Padonia Rd. Ste. 500 Timonium, Maryland 21093
Nicholas Lukanich NAC Automotive & Truck Specialists, INC 4054 North Point Road
Baltimore Maryland 21222

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

November 24, 2010

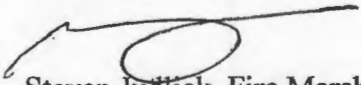
Dept of PDM
Room 111, County Office Building
111 West Chesapeake Ave.
Towson, MD 21204
MS #1105

Attention Kristen Matthews

The Fire Marshal's office has no comment on the following zoning cases:

2011-0159-A, 2011-0160-A, 2011-0161-A, 2011-0162-A, 2011-0163-A, 2011-0163-A,
2011-0165-A, 2011-0166-A, 2011-0167-A, 2011-0168-SPH, 2011-0169-A, 2011-0170-A
2011-0171-XA, 2011-0172-A, 2011-0173-SPH, 2011-0174-A, 2011-0175-A,
2011-0176-SPH, 2011-0177-A, 2011-0178-A, 2011-0179-A.

Thank you,



Steven Judlick, Fire Marshal
Baltimore County Fire Department
Office of the Fire Marshal
410-887-4880

Visit the County's Website at www.baltimorecountyonline.info



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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 29, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2010
Item Nos. 2011- 160, 161, 162, 163,
164, 165, 166, 167, 168, 169, 170,
171, 173, 174, 175, 177, 178 and 179

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-11292010 -NO COMMENTS.doc

Hearing
1/10/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: George Klunk (Acting Director)
Department of Permits and
Development Management

DATE: December 9, 2010

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 4054 North Point Road

INFORMATION:

Item Number: 11-171

Petitioner: North Point Rentals LLC and NAC Automotive and Truck Specialists Inc.

Zoning: ML-IM

Requested Action: Special Exception and Variances

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The proposed use is directly across Lynhurst/New Battle Grove Road from an existing single-family dwelling. By improving site appearance and conditions, there should be no adverse impact to the health, safety and welfare. Therefore, the Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Remove barbed wire from the fence on the subject property. Clean/repair the damaged fence sections, remove overgrown vegetation and paint the chain link fencing black with rust resistant paint.
2. Preserve the large mature tree at the Lynhurst and Old North Point Road corner of the subject lot.
3. Remove the debris/trash and vegetative overgrowth from the south side of the lot.

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

Prepared by:

Cecilia Murray

Division Chief:
JM/LL: CM

John Alexander



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

State Highway
Administration

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

Maryland Department of Transportation

Hearing
1/10/11

Date: Nov. 24, 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 2011-0171-XA
4054 NORTH POINT RD
NAC AUTO & TRUCK SPECIALISTS
SPECIAL EXCEPTION -

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. 2011-0171-XA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

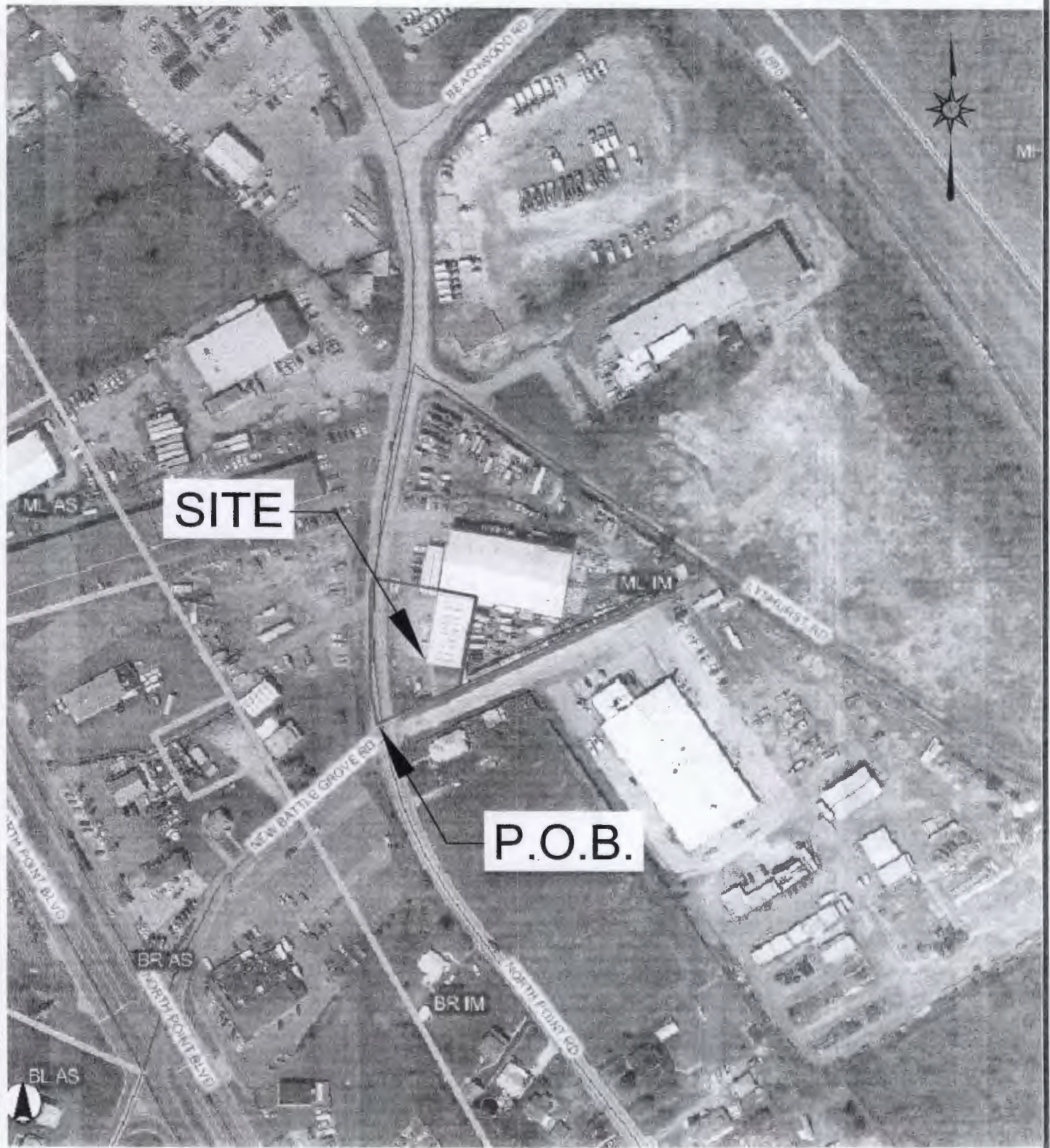
Very truly yours,

For Steven D. Foster, Chief
Access Management Division

SDF/mb

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]



PETITIONER'S

EXHIBIT NO. 2

ZONING MAP #104B2
SCALE: 1" = 200'



Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1)
BALTIMORE COUNTY

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[New Search](#)

Account Identifier: District - 15 Account Number - 1513207690

Owner Information

Owner Name:	NORTH POINT RENTALS LLC	Use:	INDUSTRIAL
		Principal Residence:	NO
Mailing Address:	4054 OLD NORTH POINT RD BALTIMORE MD 21222-3622	Deed Reference:	1) /17674/ 617 2)

Location & Structure Information

Premises Address	Legal Description
4054 OLD NORTH POINT RD	2.935 AC LYNHURST RD SE COR LYNHURST RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
104	9	300						3	Plat Ref:

Special Tax Areas	Town Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2002	21,560 SF	2.93 AC	07

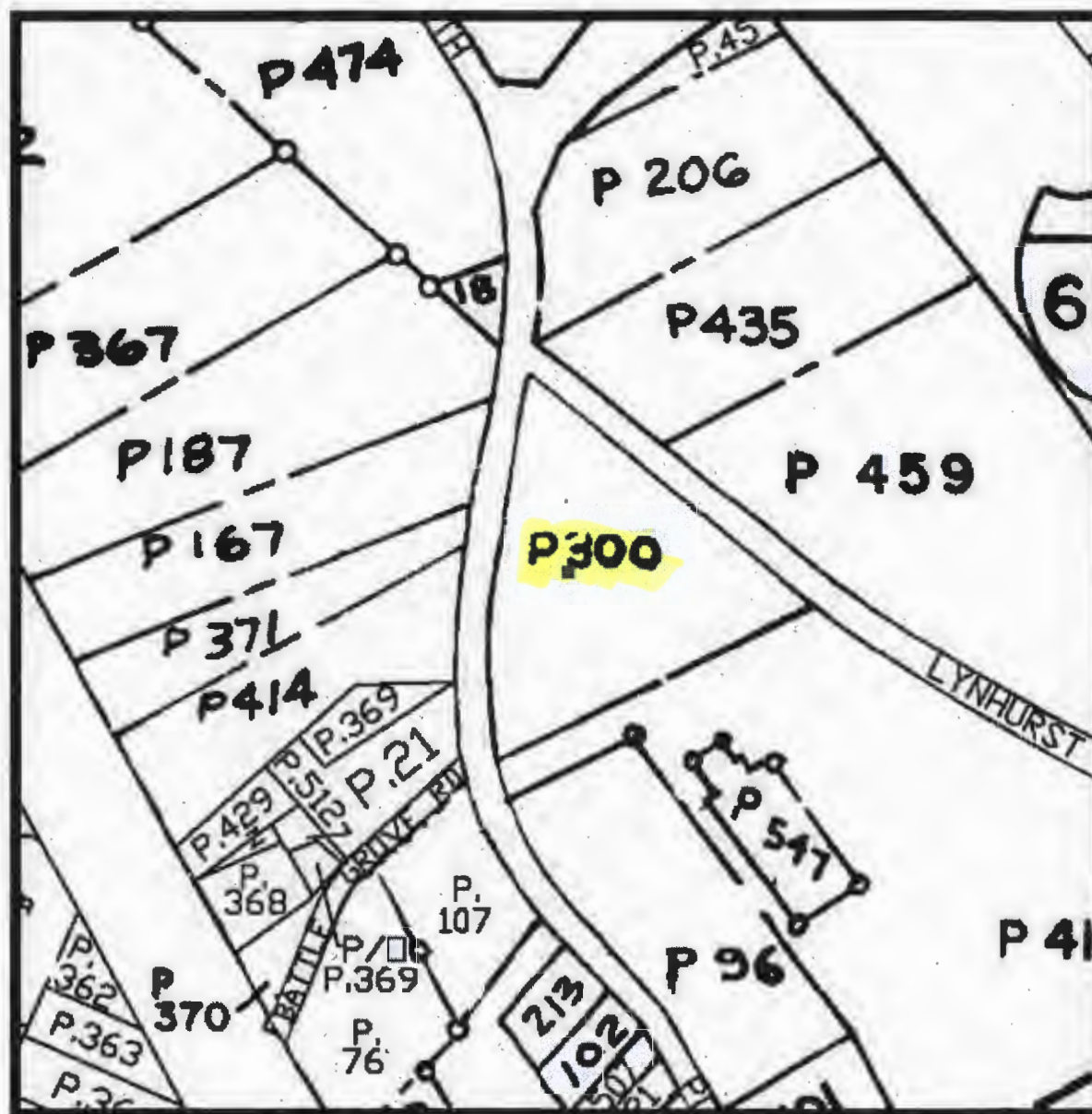
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	512,700	711,000		
Improvements:	651,700	496,100		
Total:	1,164,400	1,207,100	1,192,866	1,207,100
Preferential Land:	0	0	0	0

Transfer Information

Seller:	PAINT CITY CONTRACTORS INC	Date:	03/13/2003	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/17674/ 617	Deed2:	
Seller:	MAYNARD METAL OF MD INC	Date:	12/16/1999	Price:	\$320,000



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

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Search Companion	Name	In Folder	Size	Type	Date Modified
Search by any or all of the criteria below. All or part of the file name: A word or phrase in the file: 409.8.A.4 Look in: 'Jbnw\Vol1\Zoning' (S:) When was it modified? What size is it? More advanced options Back Search	ZC cases 1-7-10.doc	S:\Patti\ZC hearing c...	28 KB	Microsoft Word Doc...	1/28/2010 11:23 AM
	ZC hearing cases 1-3-08.doc	S:\Patti\ZC hearing c...	45 KB	Microsoft Word Doc...	5/27/2009 10:16 AM
	ZC hearings scheduled 6-13-0...	S:\Patti\ZC hearing c...	69 KB	Microsoft Word Doc...	7/21/2008 3:00 PM
	ZC cases 10-6-09.doc	S:\Patti\ZC hearing c...	35 KB	Microsoft Word Doc...	10/27/2009 1:57 PM
	00-220-spha.doc	S:\Shared\2000\Speci...	36 KB	Microsoft Word Doc...	1/18/2000 3:37 PM
	04-510-SPH-.doc	S:\Shared\2004\Speci...	43 KB	Microsoft Word Doc...	8/10/2004 12:33 PM
	04-510-spha-OrdMotRecon.doc	S:\Shared\2004\Speci...	30 KB	Microsoft Word Doc...	9/29/2004 2:30 PM
	05-086-A-12.20.doc	S:\Shared\2005\varia...	43 KB	Microsoft Word Doc...	1/10/2005 10:08 AM
	05-631-A-7.26.05.doc	S:\Shared\2005\varia...	38 KB	Microsoft Word Doc...	7/28/2005 3:32 PM
	06-681-A.doc	S:\Shared\2006\Varia...	35 KB	Microsoft Word Doc...	10/31/2006 3:35 PM
	07-462-A.doc	S:\Shared\2007\Varia...	36 KB	Microsoft Word Doc...	7/6/2007 3:45 PM
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	07-462-A.doc	S:\Tom's Stuff\2007\...	36 KB	Microsoft Word Doc...	8/23/2007 10:33 AM
	08-260-A.doc	S:\Tom's Stuff\2008\...	41 KB	Microsoft Word Doc...	4/22/2008 11:29 AM
	10-0327-XA.doc	S:\Tom's Stuff\2010\...	57 KB	Microsoft Word Doc...	8/11/2010 1:39 PM
	10-0046-A.doc	S:\Tom's Stuff\2010\...	62 KB	Microsoft Word Doc...	11/20/2009 9:49 AM
	10-0180-A.doc	S:\Tom's Stuff\2010\...	83 KB	Microsoft Word Doc...	2/23/2010 1:23 PM
	10-0254-A.doc	S:\Tom's Stuff\2010\...	59 KB	Microsoft Word Doc...	5/24/2010 2:51 PM
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46 files found

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Friday, Jan 07, 2011 02:29 PM

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Search by any or all of the criteria below.

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A word or phrase in the file:

255.1

Look in:

'Jbrw\Vol1\Zoning' (S:)

When was it modified?

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More advanced options

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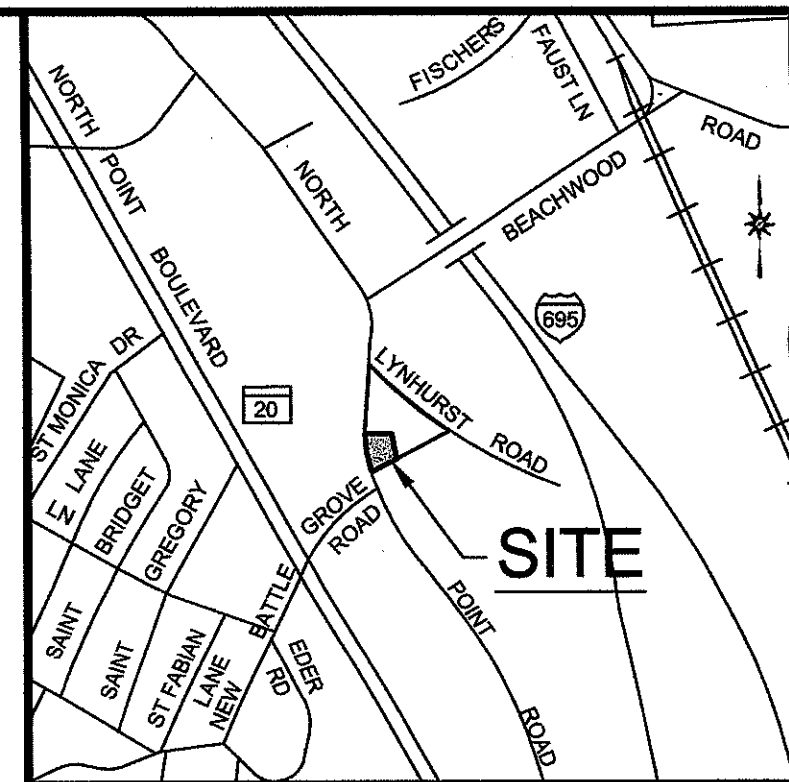
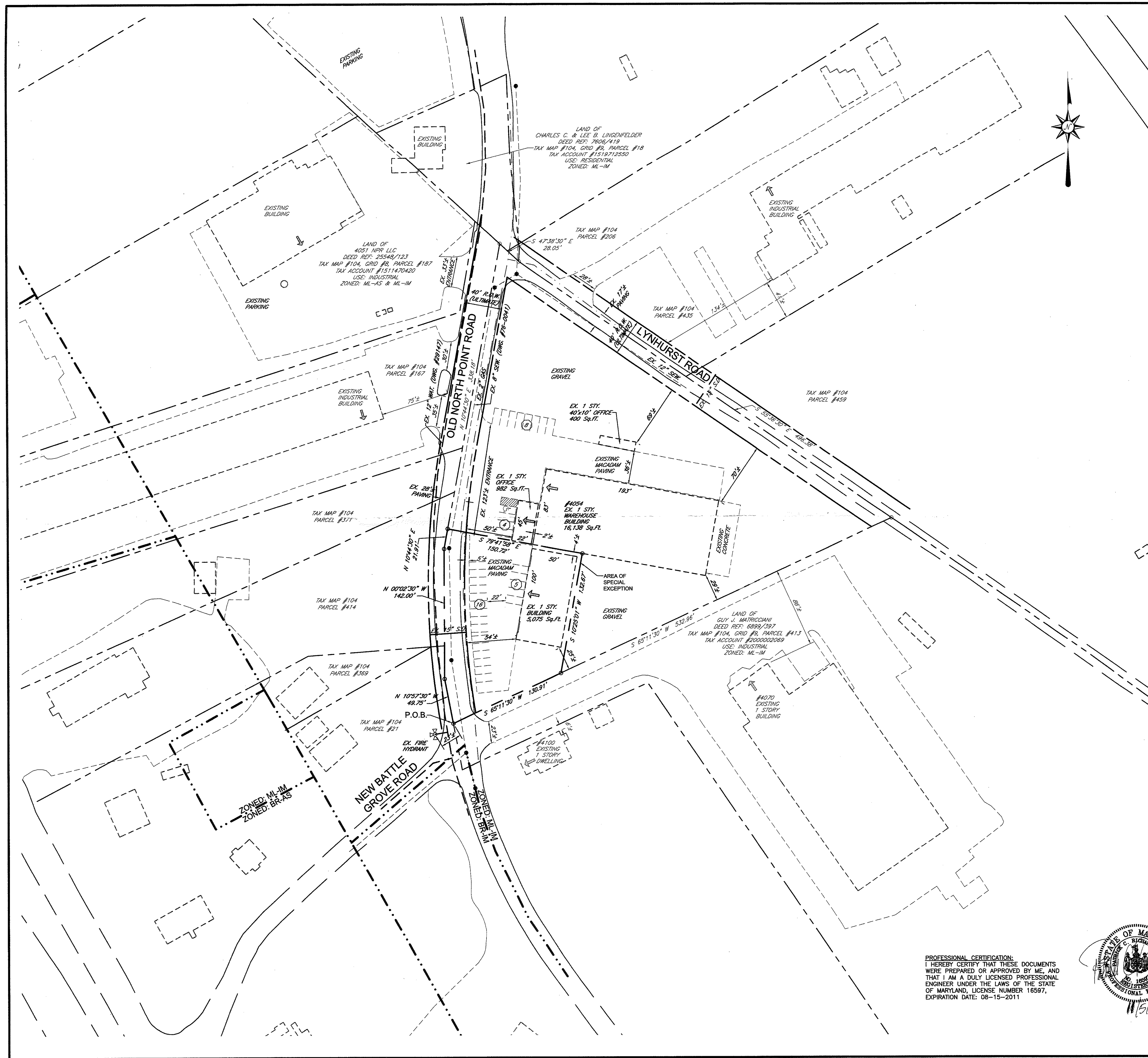
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03-499A.doc	S:\Bette's Stuff\BJS ...	27 KB	Microsoft Word Doc...	9/16/2003 12:44 PM
03-505A.doc	S:\Bette's Stuff\BJS ...	29 KB	Microsoft Word Doc...	7/23/2003 4:06 PM
05-562A.doc	S:\Bette's Stuff\BJS ...	25 KB	Microsoft Word Doc...	7/14/2005 12:05 PM
05-648SPHA.doc	S:\Bette's Stuff\BJS ...	29 KB	Microsoft Word Doc...	8/17/2005 1:30 PM
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06-071A.doc	S:\Bette's Stuff\BJS ...	27 KB	Microsoft Word Doc...	10/24/2005 3:24 PM
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2:28 PM

Friday, Jan 07, 2011 02:28 PM



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER:
NORTH POINT RENTALS, LLC
4054 OLD NORTH POINT ROAD
BALTIMORE, MARYLAND 21222-3622
- SITE AREA: (SPECIAL EXCEPTION ONLY)
GROSS: 23,928 Sq.Ft. or 0.549 Ac.±
NET: 18,890 Sq.Ft. or 0.434 Ac.±
- BUILDING AREA:
EXISTING: 22,595 Sq.Ft.
- UTILITIES:
PUBLIC WATER.
PUBLIC SEPTIC.
- THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN
ON F.I.R.M. #2400100430F, PANEL # 440 OF 580 DATED
SEPTEMBER 26, 2008.
- PARKING CALCULATIONS
REQUIRED:
OFFICE - 1,382 Sq.Ft. @ 3.3 PER 1,000 = 5 SPACES
SERVICE GARAGE - 5,075 Sq.Ft. @ 3.3 PER 1,000 = 17 SPACES
WAREHOUSE - 1 PER EMPLOYEE @ 10 EMPLOYEES = 10 SPACES
TOTAL - 32 SPACES
PROVIDED: 33 SPACES
SPACES (1 HANDICAPPED, 32 REGULAR)
- SETBACKS:

	REQUIRED	PROVIDED
FRONT	25'	50'±
SIDE	30'	25'±
REAR	30'	70'±
- HEIGHT OF STRUCTURES:
NOT MORE THAN 40'
- DEED REF: 17674/617
- TAX ACCOUNT: #1513207690
- COUNCILMANIC DISTRICT: 7th
- REGIONAL PLANNING DISTRICT: 330
- CENSUS TRACT: 4524
- WATERSHED: BALTIMORE HARBOR
- ZONING: ML-IM
(PER 1"=200' ZONING MAP 104B2)
- TAX MAP #104, PARCEL #300
- NO PREVIOUS ZONING CASE HISTORY.
- NO PREVIOUS PERMITS ON FILE.
- FLOOR AREA FOR ML-IM:
MAXIMUM PERMITTED: 2.0 (PER BR ZONE)
EXISTING: 22,595 ÷ 127.817 = 0.176
- ANY EXISTING SIGNS ARE TO REMAIN AND ANY
PROPOSED SIGN IS TO CONFORM TO THE BCZR.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY
CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR
IS THE SITE ITSELF HISTORIC.
- USES:
EXISTING: WAREHOUSE & OFFICES.
PROPOSED: WAREHOUSE, OFFICES & SERVICE GARAGE.
- ALL PARKING AND PAVING IS DURABLE AND DUSTLESS
SURFACE AND PERMANENTLY STRIPED.

Richardson Engineering, LLC

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

PLAN TO ACCOMPANY
ZONING PETITION
FOR

4054 OLD NORTH
POINT ROAD

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
	CND	PCR	1" = 50'
	DATE:	JOB NO.:	SHEET NO.:
	11-05-10	10086	1 OF 1

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2011

