

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

(1 Nicodemus Road)

2nd Election District

4th Council District

Nicodemus Ventures, LLC

Legal Owner

Pikesville Auto & Body Repair, Inc.

Lessee

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0120-SPHX

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed by Lawrence E. Schmidt, Esquire, on behalf of the legal owner, Nicodemus Ventures, LLC. The Petition for Special Hearing was filed pursuant to § 409.12 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve a modified parking plan; and (2) for any such other and further relief as the Administrative Law Judge may deem necessary. In addition, a Petition for Special Exception was filed pursuant to B.C.Z.R. §230.3, to permit a service garage for a tow truck operation in a BL zone, and (2) For any such other and further relief as the Administrative Law Judge may deem necessary

Appearing at the public hearing in support of the requests were Louis, Mary Jane and Louis Fritz, Jr., and Kenneth James Wells, with Kj Wells, Inc., the consulting firm that prepared the site plan. Lawrence E. Schmidt, Esquire, with Smith, Gildea & Schmidt, LLC, appeared as counsel and represented the Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. The file does not contain any letters of opposition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Bureau of Development Plans

ORDER RECEIVED FOR FILING

Date 12/31/12

By SEN

Review (DPR) on December 3, 2012, indicating that a landscape plan must be received and approved prior to the issuance of any permits. That bureau also objected to the four parking spaces shown on the plan as abutting Delight Road.

Testimony and evidence offered at the hearing revealed that the subject property is 2.08 acres and is zoned B.L and C.B. The proposed business would be operated entirely within the BL zoned portion, which permits by Special Exception a service garage use. The Petitioner is licensed by Baltimore County and the Maryland State Police to provide accident towing, and it owns and operates 4 flat bed tow trucks for that purpose. The Petitioner's towing operation began over 50 years ago, and it is losing its lease at its present location on Pleasant Hill Road. The regulations require that accident towers provide an impound lot in the same geographical area in which they perform towing services. The Petitioner tows in the I-795 corridor area, and the proposed Nicodemus Road location would satisfy the aforementioned regulation.

Special Hearing

The Petition for Special Hearing seeks approval of a modified parking plan under (B.C.Z.R.) Baltimore County Zoning Regulations § 409.12. Mr. Wells testified that, as shown on the site plan (Exhibit 1, note 21) a sufficient number of parking spaces will be provided, and the surface is also durable and dustless. The relief is sought to permit the "stacking" of vehicles in the spaces without the provision of drive aisles as required by the B.C.Z.R.

Mr. Wells indicated this is not typical "customer" parking; indeed, the parking area will be fenced and owners will be prohibited from accessing the vehicles towed to the site without express permission. Many of the vehicles do not have license tags (which are often confiscated by police at the scene of an accident) and are in other ways inoperable, and it certainly seems reasonable and prudent to park the vehicles without drive aisles, as shown on the plan.

ORDER RECEIVED FOR FILING

Date 12/31/12

By den

One other aspect of relief concerns a 5' setback from the building on site to the nearest parking space, in lieu of the 6' required by the regulations. Again, as with the above issue, this is not the usual scenario where customers or clients of a business are coming and going from parking lot reserved for that purpose. Here, the parking area will be for towed vehicles and "customer" access is extremely limited. The setback relief will have absolutely no offsite impact and will be granted.

As noted earlier, the Bureau of Development Plans Review (DPR) expressed concern with the 4 parking spaces shown on the plan next to Delight Road. Mr. Wells testified those spaces were situated entirely on the Petitioner's property, and would feature parallel parking so as to avoid vehicles backing out onto Delight Road. The Petitioner has provided more than the requisite number of parking spaces, and Mr. Wells indicated these four (4) spaces were included on the plan for the convenience of individuals coming to retrieve their vehicles or the contents thereof.

Special Exception Standards

Special exception uses are presumptively valid and consistent with the comprehensive zoning plan, People's Counsel v. Loyola College, 406 Md. 54, 77 n. 23 (2008), and no evidence was offered here to rebut the presumption. Petitioner's expert, Kenneth Wells, testified via proffer that the project would satisfy Section 502.1 of the B.C.Z.R., and I concur. The subject property is surrounded by commercial uses, including an auto body shop and restaurant. The nearest residential properties are some distance and are also buffered by a large stand of trees as shown in the photos submitted as Petitioner's Exhibit 2. Thus, I believe the towing operation would in fact have less impact upon surrounding properties than would be the case in other BL-zoned sites where conditions are not as favorable.

ORDER RECEIVED FOR FILING

Date 12/31/12

By Sen

One additional issue was discussed at the hearing, concerning the sale by Petitioner of certain vehicles towed to the site. The Petitioner explained that some vehicles are never claimed by their owners, a scenario that happens with greater frequency in tough economic times.

The Petitioner stressed he is not operating a used car or lot akin to a Carmax facility; rather, unclaimed or otherwise abandoned vehicles are sold to defray the towing and storage costs incurred. Such sales are obviously an ancillary or accessory use of the premises, the principal use of which is to receive and store towed vehicles. As such, the Petitioner shall be permitted as an accessory use of the premises to sell motor vehicles in its possession which are unclaimed or otherwise abandoned by the owner (s).

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing and Special Exception requests should be granted.

THEREFORE, IT IS ORDERED this 31st day of December, 2012, by this Administrative Law Judge, that Petitioner's request for Special Hearing to approve a modified parking plan, be and is hereby APPROVED, and

IT IS FURTHER ORDERED that Petitioner's Special Exception request from B.C.Z.R. §230.3, to permit a service garage for a tow truck operation in a BL zone, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

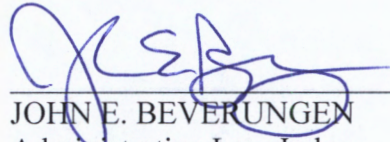
Date 12/31/12

By Sen

The relief granted herein shall be subject to the following:

1. Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Unless extended by subsequent Order, the special exception approval granted herein must be utilized within two (2) years from the date hereof.
3. Petitioner must submit for approval to the Bureau of Development Plans Review (DPR) a landscape plan prior to the issuance of any permits.
4. Petitioner must revise the site plan marked and admitted as Exhibit 1 to show the removal of the four (4) proposed parking spaces along Delight Road, prior to making application for any permits.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 12/31/12
By sln



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

December 31, 2012

Lawrence E. Schmidt, Esquire
600 Washington Avenue
Suite 200
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
Case No.: 2013-0120-SPHX
Property: 1 Nicodemus Road

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Louis and Mary Jane Fritz, 503 Sunfield Ct., Reisterstown, Maryland 21136
Louis Fritz, Jr., 601 Church Road, Reisterstown, Maryland 21136



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:
address 1 Nicodemus Road which is presently zoned B.L. and C.B.
Deed Reference 19492/00435 10 Digit Tax Account # 0407058228
Property Owner(s) Printed Name(s) Nicodemus Ventures, LLC

CASE NUMBER 2013-0200-SPEX Filing Date 11/19/12 Estimated Posting Date 12/21/12 Reviewer JS

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ 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.

2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
Please see attached.

3. ☐ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Pikesville Auto & Body Repair, Inc.

Name- Type or Print

Signature

503 Sunfield Court, Reisterstown, MD

Mailing Address

City

State

21136

410-833-4113

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt; Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson, MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners:

Nicodemus Ventures, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

316 Main St., 2nd Fl., Reisterstown, MD

Mailing Address

City

State

21136

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt; Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

ORDER RECEIVED FOR FILING

Date 12/31/12

By SLR



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 1 Nicodemus Road which is presently zoned B.L. and C.B.

Deed Reference 19492/00435 10 Digit Tax Account # 0407058228

Property Owner(s) Printed Name(s) Nicodemus Ventures, LLC

CASE NUMBER 2013-0120-SPHX Filing Date 11/19/12 Estimated Posting Date 12/2/12 Reviewer JS

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ 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.

2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
Please see attached.

3. ☐ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Pikesville Auto & Body Repair, Inc.

Name- Type or Print

Signature

503 Sunfield Court, Reisterstown, MD

Mailing Address City State

21136 / 410-833-4113 /

Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt; Smith, Gildea & Schmidt, LLC

Name- Type or Print

Lawrence E. Schmidt / amf

Signature

600 Washington Avenue, Suite 200 Towson, MD

Mailing Address City State

21204 / (410) 821-0070 / Ischmidt@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners:

Nicodemus Ventures, LLC /

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

316 Main St., 2nd Fl., Reisterstown, MD

Mailing Address City State

21136 / /

Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt; Smith, Gildea & Schmidt, LLC

Name- Type or Print

Lawrence E. Schmidt / amf

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address City State

21204 / (410) 821-0070 / Ischmidt@sgs-law.com

Zip Code Telephone # Email Address

Date 12/31/12

By ASD

ORDER RECEIVED FOR FILING

Attachment to Petition for Special Exception
1 Nicodemus Road

A Special Exception under the BCZR, to use the herein described property:

1. If necessary, to permit a service garage for a tow truck operation in a BL zone pursuant to BCZR §230.3; and
2. For any such other and further relief as the Administrative Law Judge may deem necessary.

A Special Hearing under the BCZR, to use the herein described property:

1. To approve a modified parking plan pursuant to BCZR § 409.12; and
2. For any such other and further relief as the Administrative Law Judge may deem necessary.

2013-0120-SPHX

kjWellsInc

Land Surveying, Geomatics and Site Planning

Telephone: (410) 592-8800

Email: kwells@kiwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

November 13, 2012

Zoning Description of

1 Nicodemus Road

Baltimore County
Maryland
4th Election District
4th Councilmanic District

Beginning at a point formed by the intersection of the centerline of Nicodemus Road (width varies) and the centerline of Delight Road (width varies) near the southwest side of Reisterstown Road (Md. Route 140), thence the following bearing and distances:

- 1) South 28 degrees 28 minutes West 482.85 feet
- 2) North 45 degrees 27 minutes West 309.65 feet
- 3) North 8 degrees 47 minutes West 89.54 feet
- 4) North 86 degrees 35 minutes 36 seconds East 25.00 feet
- 5) North 2 degrees 24 minutes 35 seconds West 27.00 feet
- 6) North 86 degrees 20 minutes East 244.88 feet
- 7) North 69 degrees 11 minutes East 210.00 feet

to the place of beginning as recorded in Liber 19492 folio 435.



2013-0120-SPHX

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

No. **90136**

Date: **11/19/12**

PAID RECEIPT

BUSINESS ALTMAL TIME ORN
 11/20/2012 11:19/2012 11:09:36 2

REG MOD2 MAIL JOHN JEE
 >>RECEIPT # 002011 11/19/2012 DEFUN

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						835.00

Dept 5 539 ZONING VERIFICATION
 CR NO. 090136
 Recpt tot 1025.00
 835.00 CR \$0.00 CR
 Baltimore County, Maryland

Total: **\$ 835.00**

Rec From: **PIKEVILLE AUTO**

For: **2013-0120-SPHX**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2013-0120-SPHX

7 Nicodemus Road

Southwest corner of intersection of Nicodemus Road,

and Delight Road

2nd Election District - 4th Councilmanic District

Legal Owner(s): Nicodemus Ventures, LLC

Contract Purchaser: Pikesville Auto & Body Repair, Inc.

Special Exception: to permit a service garage for a tow truck operation in a BL zone and for any such other and further relief as the Administrative Law Judge may deem necessary. **Special Hearing:** to approve a modified parking plan and for any such other and further relief as the Administrative Law Judge may deem necessary.

Hearing: Friday, December 28, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

159400

892456



501 N. Calvert Street, Baltimore, MD 21278

December 6, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on December 6, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

CERTIFICATE OF POSTING

2013-0120-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

Pikesville Auto & Body Repair, Inc.

December 28, 2012

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

1 Nicodemus Rd

December 8, 2012

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,

December 8, 2012

(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)



TO: PATUXENT PUBLISHING COMPANY
Thursday, December 6, 2012 Issue - Jeffersonian

Please forward billing to:

Debbie Gaskins
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0120-SPHX

1 Nicodemus Road

S/w corner of intersection of Nicodemus Road, and Delight Road

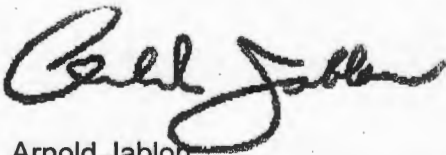
2nd Election District – 4th Councilmanic District

Legal Owners: Nicodemus Ventures, LLC

Contract Purchaser: Pikesville Auto & Body Repair, Inc.

Special Exception to permit a service garage for a tow truck operation in a BL zone and for any such other and further relief as the Administrative Law Judge may deem necessary. Special Hearing to approve a modified parking plan and for any such other and further relief as the Administrative Law Judge may deem necessary.

Hearing: Friday, December 28, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-837-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

November 29, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0120-SPHX

1 Nicodemus Road

S/w corner of intersection of Nicodemus Road, and Delight Road

2nd Election District – 4th Councilmanic District

Legal Owners: Nicodemus Ventures, LLC

Contract Purchaser: Pikesville Auto & Body Repair, Inc.

Special Exception to permit a service garage for a tow truck operation in a BL zone and for any such other and further relief as the Administrative Law Judge may deem necessary. Special Hearing to approve a modified parking plan and for any such other and further relief as the Administrative Law Judge may deem necessary.

Hearing: Friday, December 28, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Pikesville Auto & Body Repair, 503 Sunfield Court, Reisterstown 21136
Nicodemus Ventures, LLC, 316 Main Street, 2nd Fl., Reisterstown 21136

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 8, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2013-0120-SPHX
Petitioner: Pikesville Auto & Body Repair Inc.
Address or Location: 1 Nicodemus Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Debbie Gaskins
Address: 600 Washington Ave
Ste 200
Towson, MD 21204
Telephone Number: 410-821-0070



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

December 19, 2012

Nicodemus Ventures LLC
316 Main Street
2nd Floor
Reisterstown MD 21136

RE: Case Number: 2013-0120 SPHX, Address: 1 Nicodemus Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 19, 2012. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204
Pikesville Auto & Body Repair Inc., 503 Sunfield Court, Reisterstown MD 21136

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-26-12

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

RE: Baltimore County

Item No 2013-0120-SPHX

Nicodemus Ventures LLC

Special Exception Special Hearing

1 Nicodemus Road.

Dear Ms. Lewis:

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. 2013-0120 SPHX.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Zeller", is written over a horizontal line. Below the signature, the text "Steven D. Foster, Chief" and "Access Management Division" is printed.

Steven D. Foster, Chief
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2012
Item No. 2013-0120

DATE: December 3, 2012

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

A landscape plan must be received and approved prior to the issuance of any permits.

The petitioner may not create four parking spaces on Delight Road as shown. The plan must be revised to remove them. All required parking must be provided onsite without affecting the public road.

DAK:CEN
Cc:file

ZAC-ITEM NO 2013-0120-12102012.doc

1/9/12
JD WCO

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: December 24, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1 Nicodemus Road

INFORMATION:

Item Number: 13-120

Petitioner: Pikesville Auto & Body Repair, Inc.

Zoning: BL, BL-AS, CB and DR 3.5

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner seeks a special exception for a service garage and towing operation. The Department of Planning offers the following conditions should the Administrative Law Judge grant the petitioner's request:

1. Submit architectural building elevations of the proposed building to the Department of Planning prior to the issuance of any building permits.
2. Remove the four on-street, parallel parking spaces on Delight Road. On-street parking is not consistent with the character of the surrounding parking conditions and would cause potential thru-traffic congestion on Delight Road.

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

Prepared by:

Division Chief:
AVA/LL: CM

M E M O R A N D U M

DATE: January 31, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0120-SPHX - Appeal Period Expired

The appeal period for the above-referenced case expired on January 30, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND SPECIAL EXCEPTION		
1 Nicodemus Road; SW corner of intersection	*	OF ADMINSTRATIVE
of Nicodemus Road and Delight Road		
2 nd Election & 4 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Nicodemus Ventures LLC		
Contract Purchaser(s): Pikesville Auto &	*	BALTIMORE COUNTY
Body Repair, Inc		
Petitioner(s)	*	2013-120-SPHX

* * * * *

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.

RECEIVED

NOV 28 2012

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of November, 2012, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

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[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 04 Account Number - 0407058228

Owner Information

Owner Name: NICODEMUS VENTURES LLC **Use:** COMMERCIAL
Mailing Address: 316 MAIN STREET 2ND FLR **Principal Residence:** NO
REISTERSTOWN MD 21136-1911 **Deed Reference:** 1)/19492/ 00435
2)

Location & Structure Information

Premises Address **Legal Description**
1 NICODEMUS RD 2.0736 AC
REISTERSTOWN MD 21136-0000 1 NICODEMUS RD SS
SW COR DELIGHT RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0058	0001	0007		0000				2	Plat Ref:

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1989	936	2.0700 AC	06

Stories **Basement** **Type** **Exterior**
OFFICE BUILDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
Land	377,000	377,000		
Improvements:	86,500	84,700		
Total:	463,500	461,700	461,700	461,700
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
GRIFFIN DAVID R	01/23/2004	\$400,000
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/19492/ 00435	
Seller:	Date:	Price:
GRIFFIN JAMES J	03/06/1978	\$92,000
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/05861/ 00239	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

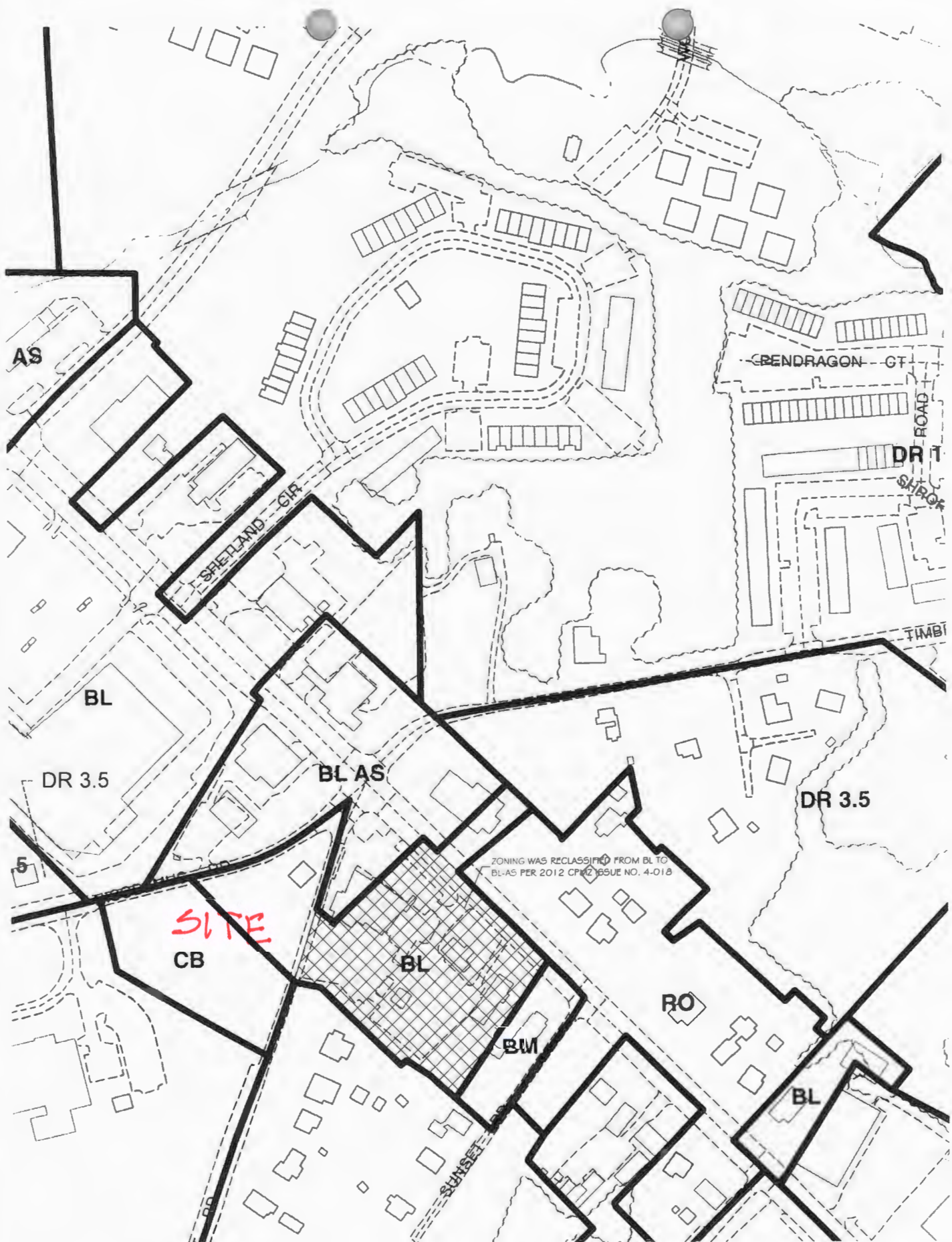
Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application



2013-0120-SPMX

200 SCALE ZONING MAP
PORTION OF 058A1

CASE NAME Rakes v. Hefburg
CASE NUMBER 2013-120-SP HX
DATE 12/28/12

[illegible]

Case No.: 2013-(20)-SPHX

Exhibit Sheet

SV
12/31/12

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Color Photos of Site (2A - 2F)	
No. 3	Color Photos - Vicinity (3A - 3J)	
No. 4	"My Neighborhood" Aerial	
No. 5	"My Neighborhood" Aerial	
No. 6	Towing Log	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Ref 2 A



Pet 2 B



lot 2

6219





Oct 2 E



10/2 P



10/2/25

H-2 lot



I 218





10/2/20

pet 2 28k



Feb 26





Let 2 1/4 m

Plt 204 N





Feb 20



pet 2-11-0



Part 3 A



tbl 3 B



Feb 3 2



pet 30



pel 3 E



PA34





at 3H



16131



Pl 35



PETITIONER'S

EXHIBIT NO.

4

Created By
Baltimore County
My Neighborhood



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353



PETITIONER' S

EXHIBIT NO.

5

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Baltimore County
My Neighborhood



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Date	Time IN	Time Out	Arrivals / Departures	Cars	Trucks
1/1/2012	8:55	12:00	MARGARET	1 IN 1 OUT	
1/2/2012	8:55	12:11	STEVEN	1 IN 1 OUT	
	10:04	10:24	CUSTOMER	1 IN 1 OUT	
	10:46	11:03	APEX-TOYOTA	1 OUT	1 IN 1 OUT
	11:12	11:29	CUSTOMER	1 IN 1 OUT	
	11:59	12:09	CUSTOMER	1 IN 1 OUT	
1/3/2012	7:57	4:00	STEVEN	1 IN 1 OUT	
	9:25	10:34	INSURANCE	1 IN 1 OUT	
	10:12	10:15	CUSTOMER	1 IN 1 OUT	
	11:23	11:43	CUSTOMER	1 IN 1 OUT	
	2:24	3:12	CUSTOMER	1 IN 1 OUT	
	3:04	3:12	SMITTY'S FOR TOW OUT	1 OUT	1 IN 1 OUT
JAN.4/12	7:57	1:30	STEVEN	1 IN 1 OUT	
	9:16	9:34	CUSTOMER TO P/U	1 IN 2 OUT	
	9:35	9:50	CUSTOMER TO P/U	1 IN 2 OUT	
	10:40	10:50	RUSS		1 IN 1 OUT
	11:21	11:40	HUBBS TO P/U	1 OUT	1 IN 1 OUT
	12:21	12:37	RUSS W/CAR	1 IN	1 IN 1 OUT
	12:30	12:45	TOW CO. TO P/U	1 OUT	1 IN 1 OUT
	12:30	4:00	ROBIN	1 IN 1 OUT	
	12:59	1:11	MS.JACKSON-BUICK	1 IN 1 OUT	
1/4/2012	1:50	2:15	JOHN-IAA TOY.&DODGE P/U	2 OUT	1 IN 1 OUT
	3:07	3:47	MR.PROCTOR-HYUN.	1 IN 1 OUT	
1/5/2012	7:55	4:00	ROBIN	1 IN 1 OUT	
	8:20	9:00	LE	1 IN	1 OUT
	8:25	9:07	SUPREME-COPART HYUN.	1 OUT	1 IN 1 OUT
	9:10	9:20	.RUSS	1 IN	1 IN 1 OUT
	10:10	10:15	MR.SEABOURN	1 IN 1 OUT	
	10:28	1:10	LE	1 IN	1 IN
	12:45	12:57	MR.MILLER	2 IN 2 OUT	
	2:00	2:33	LE	1 OUT	1 IN 1 OUT
1/6/2012	7:30	10:02	LE	1 IN 1 OUT	
	8:03	4:00	ROBIN	1 IN 1 OUT	
	10:00	10:37	RUSS W/CAR	1 IN	1 IN 1 OUT
	11:56	11:57	PACE	1 IN 1 OUT	
	12:40	1:00	MR. WALKER-CAD.	1 IN 2 OUT	
1/7/2012	9:00	12:00	MARGARET	1 IN 1 OUT	
1/8/2012	7:55	12:05	MARGARET	1 IN 1 OUT	
	10:15	10:34	CUSTOMER	1 IN 1 OUT	
1/9/2012	7:57	4:00	STEVEN	1 IN 1 OUT	
	8:30	8:50	CUSTOMER	1 IN 1 OUT	
	10:45	11:01	JIM ELLIOTTS P/U TOY.	1 OUT	1 IN 1 OUT
	3:10	3:14	J T	1 IN 1 OUT	
1/4/2012	1:50	2:15	JOHN-IAA TOY.&DODGE P/U	2 OUT	1 IN 1 OUT
	3:07	3:47	MR.PROCTOR-HYUN.	1 IN 1 OUT	
1/5/2012	7:55	4:00	ROBIN	1 IN 1 OUT	
	8:20	9:00	LE	1 IN	1 OUT
	8:25	9:07	SUPREME-COPART HYUN.	1 OUT	1 IN 1 OUT

PETITIONER'S

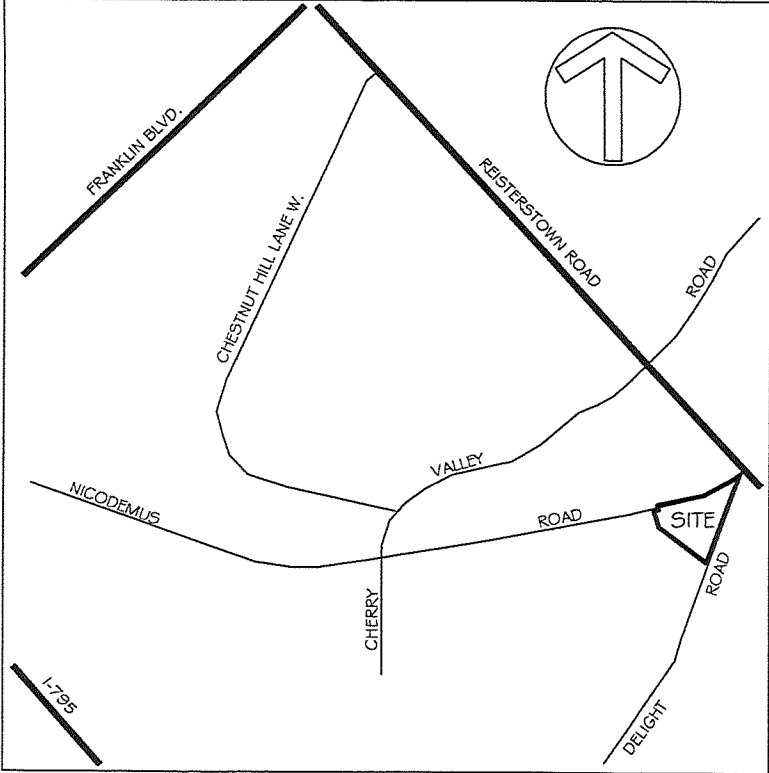
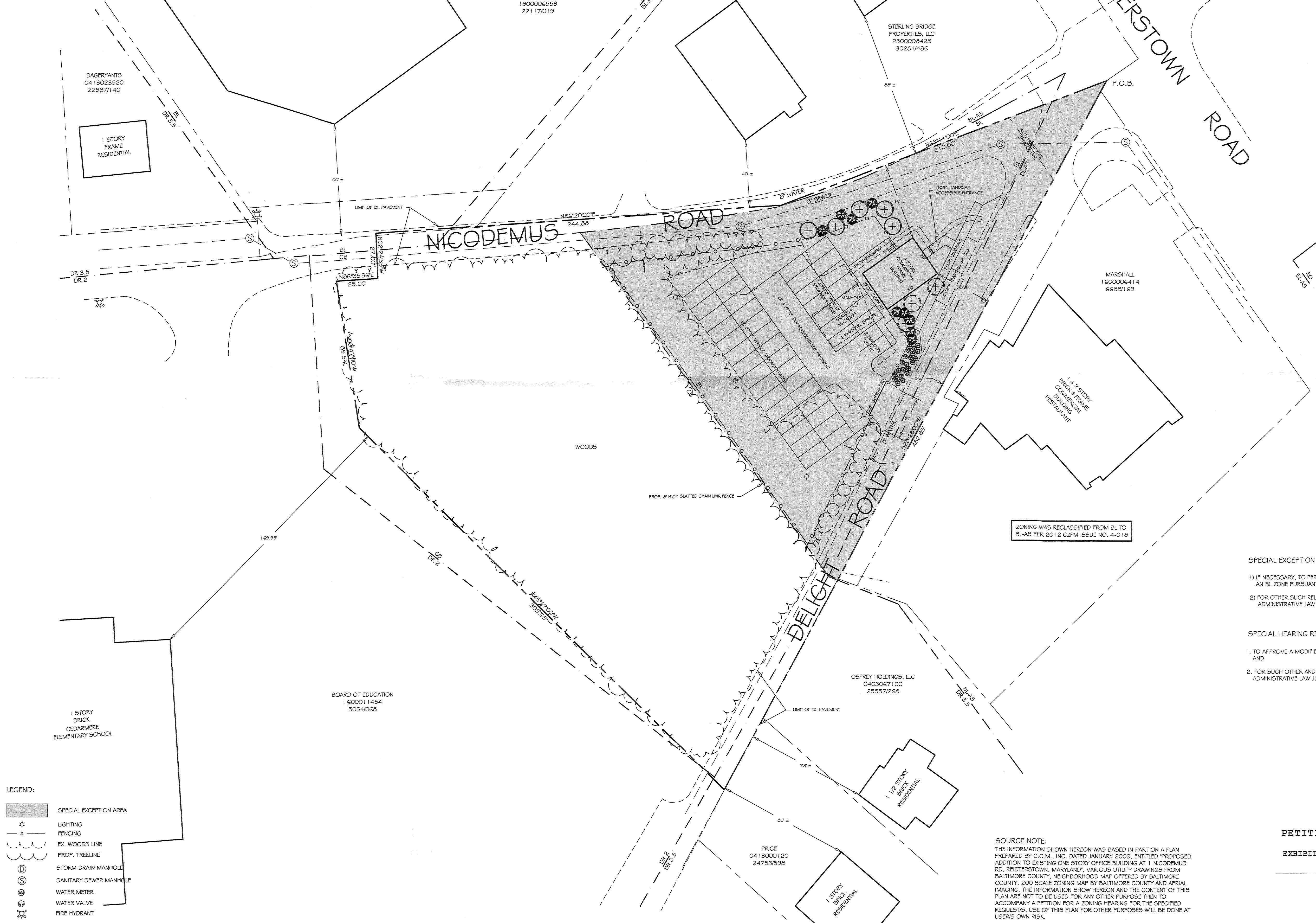
EXHIBIT NO.

[Handwritten signature]

STORM WATER MANAGEMENT NOTE:
NO USE AND OCCUPANCY PERMIT MAY BE ISSUED UNTIL STORM WATER
MANAGEMENT REQUIREMENTS HAVE BEEN ADDRESSED.

LANDSCAPING NOTE:
NO USE AND OCCUPANCY PERMIT MAY BE ISSUED UNTIL A FINAL LANDSCAPE PLAN
HAS BEEN APPROVED AND PLANTS INSTALLED.

LIGHTING NOTE:
ALL PROPOSED LIGHTING SHOWN HEREON SHALL BE DESIGNED IN
ACCORDANCE WITH RECOMMENDATIONS PROVIDED IN DIVISION VI
SECTION 117.7.2 OF THE BALTIMORE COUNTY COMPREHENSIVE
MANUAL OF DEVELOPMENT POLICIES AND SHALL ALSO BE DESIGNED
IN ACCORDANCE WITH THE DESIGN STANDARDS SPECIFIED IN
SECTION 409.8.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS
AND IN ACCORDANCE WITH ARTICLE 21-16-119.2 OF THE
BALTIMORE COUNTY CODE.



- SITE DATA:
- 1) OWNER: NICODEMUS VENTURES, LLC
 - 2) OWNERS ADDRESS: 316 MAIN STREET 2ND FLOOR
REISTERSTOWN, MARYLAND 21136
 - 3) PETITIONERS NAME: PIKEVILLE AUTO & BODY REPAIR, INC.
 - 4) PETITIONERS ADDRESS: 503 SUNFIELD COURT
REISTERSTOWN, MARYLAND 21136
 - 5) PETITIONERS TELEPHONE NO.: 410-833-4113
 - 6) TAX ACCOUNT NUMBERS: 0407058228
 - 7) TAX MAP: 58 PARCEL: 007
 - 8) DEED REFERENCE: 19492/435
 - 9) PLAT REFERENCE: NONE
 - 10) ZONING MAPS: 058A1
 - 11) ZONING: BL (0.76 AC), BL-AS (0.14 AC), CB (1.16 AC) AND DR 3.5 (0.02 AC)
 - 12) GROSS AREA: 2.08 ACRES
 - 13) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCA.
 - 14) THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A 100-YEAR
FLOOD PLAIN PER FEMA.
 - 15) PREVIOUS HEARINGS OR PERMITS: NONE
 - 16) NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE
SUBJECT PROPERTY.
 - 17) THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
 - 18) THE SUBJECT SITE DOES NOT LIE WITHIN A DEFICIENT BASIC
SERVICE AREA.
 - 19) AMENITY OPEN SPACE: NONE REQUIRED
 - 20) F.A.R.:
MAXIMUM PERMITTED = 3.0
EXISTING AND PROPOSED = 936/90,605 = 0.01
 - 21) PARKING:
REQUIRED:
OFFICE AREA: (936 SF/1,000x3.3) = 3 SPACES
TOW TRUCK OPERATION: 4 EMPLOYEES 1/EMPLOYEE = 4 SPACES
TRESPASS VEHICLE STORAGE = 10 SPACES
POLICE-INITIATED TOWING = 30 SPACES
TOTAL REQUIRED: 43 SPACES
PROVIDED:
OFFICE AREA = 4 SPACES
TOW TRUCK OPERATION = 4 SPACES
TRESPASS VEHICLE STORAGE = 11
POLICE-INITIATED TOWING = 31 SPACES
TOTAL PROVIDED = 50 SPACES
 - 22) PROPOSED USES: OFFICE AND SERVICE GARAGE (TOW TRUCK OPERATION)
 - 23) SIGNS ARE TO COMPLY WITH SECTION 450 OF THE BCZR.

SPECIAL EXCEPTION HEARING REQUEST:

- 1) IF NECESSARY, TO PERMIT A SERVICE GARAGE FOR A TOW TRUCK OPERATION IN
AN BL ZONE PURSUANT TO BCZR SECTION 230.3; AND
- 2) FOR OTHER SUCH RELIEF AS MAY BE DEEMED NECESSARY BY THE
ADMINISTRATIVE LAW JUDGE.

SPECIAL HEARING REQUEST:

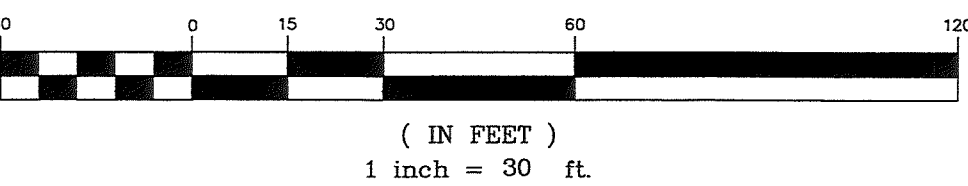
1. TO APPROVE A MODIFIED PARKING PLAN PURSUANT TO BCZR SECTION 409.12;
AND
2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE
ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

PETITIONER'S

EXHIBIT NO. 1

ZONING OFFICE USE ONLY
REVIEWED BY:
ITEM #:

GRAPHIC SCALE



PLAN TO ACCOMPANY A ZONING PETITION
FOR A SPECIAL EXCEPTION
AND SPECIAL HEARING
1 NICODEMUS ROAD
BALTIMORE COUNTY
4th ELECTION DISTRICT

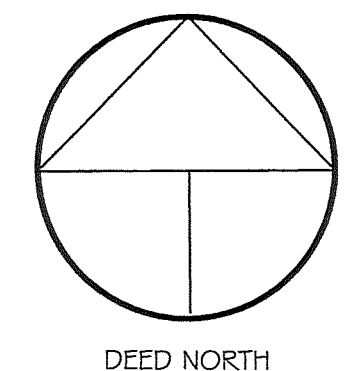
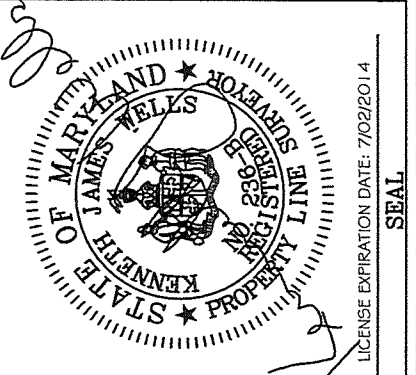
DRAWN BY: CAV/KJW

CHECKED BY: KJW

DATE: 11/10/2012

PROJECT NO.: 2012-043

SHEET 1 OF 1



REVISIONS:
NO. DATE

NO.	DATE

kjwellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-6800
Land Surveying & Site Planning