



KEVIN KAMENETZ  
*County Executive*

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

April 15, 2013

Erin R. Guiffre, Esquire  
Kramon & Graham, PA  
One South Street, Suite 2600  
Baltimore, Maryland 21202-3291

RE: Petition for Variance  
Case No.: 2010-0188-A  
Property: 4800 Benson Avenue

Dear Ms. Guiffre:

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.

JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:dlw  
Enclosure

**IN RE: PETITION FOR VARIANCE**

**(4800 Benson Avenue)**

13<sup>th</sup> Election District

1<sup>st</sup> Councilman District

Bagel Shop, Inc.

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

**CASE NO. 2013-0188-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Erin R. Guiffre, Esquire, on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 24 ft. x 30 ft. garage in the rear of a commercial lot with side setbacks of 10 ft. and 7 ft., 9 in. and a rear setback of 10 ft. in lieu of the required 30 ft., respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the public hearing in support of the requests was Steven R. Garey and David L. Taylor, Jr., RLA, the landscape architect who prepared the site plan. Erin R. Guiffre, Esquire, appeared 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.

There were no substantive Zoning Advisory Committee (ZAC) comments received from any County reviewing agencies.

Testimony and evidence revealed that the subject property is approximately 0.16 acres and is zoned ML-IM. The Petitioner has for over eight years operated a landscape business at the site.

The Petitioner would like to construct a garage on the premises to store seed, fertilizer and other

**ORDER RECEIVED FOR FILING**

Date 4-15-13

By kw

materials used in its business.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Trinity Assembly of God v. People's Counsel*, 407 Md. 53, 80 (2008).

Petitioner has met this test. The property is rather small and narrow, and is surrounded by much larger industrially-zoned parcels. As such, it is unique for zoning purposes.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty, given that it would be unable to construct the garage to accommodate its growing business. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County opposition, and by the support of Petitioner's immediate neighbor. See Exhibit 3.

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

THEREFORE, IT IS ORDERED, this 15<sup>th</sup> day of April, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 24 ft. x 30 ft. garage in the rear of a commercial lot with side setbacks of 10 ft. and 7 ft., 9 in. and a rear setback of 10 ft. in lieu of the required 30 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

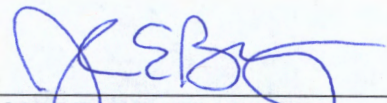
Date 4-15-13

By [Signature]

The relief granted herein shall be subject to the following:

- Petitioner may apply for 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.

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:dlw

ORDER RECEIVED FOR FILING

Date 4-15-13

By DLW





# 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 4800 Benson Avenue, Baltimore, MD 21229 21227 which is presently zoned ML IM

Deed References: 18996/139 10 Digit Tax Account # 1 3 0 2 8 5 1 2 6 0

Property Owner(s) Printed Name(s) Bagel Stop, Inc.

(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

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

3.   **X**   a **Variance from Section(s)**

Sections: 255.1 and 238.2

To permit a 24' x 30' garage in the rear of a commercial lot with side setbacks of 10' and 7'9" and a rear setback of 10' in lieu of the required 30' respectively.

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)

See attached

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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

## Attorney for Petitioner:

Erin R. Guiffre

Name- Type or Print

Signature

One South Street, Suite 2600 Baltimore MD

Mailing Address

City

State

21202

410-752-6030

eguiffre@kg-law.com

Zip Code

Telephone #

Email Address

## Legal Owners (Petitioners):

Bagel Stop, Inc.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

4800 Benson Avenue

Baltimore

MD

Mailing Address

City

State

21229

443-829-0542

sgarey@usturfcare.com

Zip Code

Telephone #

Email Address

## Representative to be contacted:

Steven R. Garey

Name - Type or Print

Signature

4800 Benson Avenue

Baltimore

MD

Mailing Address

City

State

21229

443-829-0542

sgarey@usturfcare.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2013-0188-A

Filing Date 2/14/2013

Do Not Schedule Dates:

Reviewer



**ATTACHMENT TO  
PETITION FOR VARIANCE**

**4800 Benson Avenue, Baltimore, MD 21227**

Petitioner seeks a variance from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations to allow a 24' x 30' garage to be constructed with a rear yard setback of 10' in lieu of the required 30' and two side yard setbacks of 10' and 7.9' in lieu of the required 30' as shown on the variance plan submitted herewith.

Petitioner seeks the above-referenced variance for the reasons hereinafter set forth. The subject property is an approximately 6,842 square foot rectangular parcel zoned ML IM and is currently improved by an approximately 975 square foot office building. The building is used as an office for a landscaping company.

One side of the property abuts Benson Court and the other side and rear property boundaries abut a parcel of land owned by Fisher Properties, LLC improved and operated as a bar/restaurant.

The property is unique in that it is significantly smaller than the adjacent parcels and is only 40' wide. Petitioner seeks to construct a 24' x 30' garage in the rear of the property to be located 10' from each of the side and rear property boundaries for storage of its landscaping equipment. Currently, there exists a 12' x 12' foot shed abutting the rear property line and situated less than 4' from the northwest side property boundary. The location of the side driveway entering the middle of the property and the clearance needed for turnaround and loading of vehicles necessitates the location of the garage at the rear of the property and within the permitted setbacks.

Petitioner is a growing, family owned and operated local business. The construction of the garage is necessary for the continued growth and success of Petitioner's business.

Strict compliance with Sections 255.1 and 238.2 would create practical difficulty to Petitioner due to the unique narrowness of the property, driveway location and Petitioner's business. The size of the garage is necessary due to the amount of equipment to be stored. Strict compliance with the setback requirements would unreasonably prevent Petitioner from using its property for the operation of its landscaping business and the ability to store the equipment necessary to service Petitioner's customers, a permitted use of the property.

The variance requested can be granted in harmony with the spirit and intent of the zoning regulations and without causing injury to the public health, safety and general welfare. The construction of the garage would serve to screen the landscaping equipment

from view from the neighboring properties and adjacent roadways. In fact, the adjacent property owner has no objection to the construction of the garage or to the location of the garage up to 10' from its property line as evidenced by a letter agreed to by Fisher Properties, LLC and submitted with this Petition.





Dewberry Consultants LLC  
3106 Lord Baltimore Drive, Suite 110  
Baltimore, MD 21244-5800  
410.265.9500  
410.265.8875 fax  
www.dewberry.com

## **ZONING PROPERTY DESCRIPTION FOR:**

### **BAGEL STOP INC**

**Address: 4800 Benson Avenue**

**Parcel 665, Tax Map 101 Grid 24**

Beginning at a point on the North side of Benson Avenue, which is 50' wide at the distance of 37 feet +/- West of the centerline of the nearest improved intersecting street Benson Court, which is 50' wide.

Thence with said BAGEL STOP INC property the following courses and distances:

- 1) South 40 Degrees 32 Minutes 31 Seconds West 50.00 feet to a point on the northwestern side of Benson Avenue.
- 2) Thence leaving said northwestern side of Benson Avenue North 49 Degrees 27 Minutes 29 Seconds West 138.00 feet.
- 3) Thence North 38 Degrees 15 Minutes 04 Seconds East 48.50 feet to the southwestern side of Benson Court.
- 4) Thence running along the southwestern side of Benson Court South 50 Degrees 05 Minutes 04 Seconds East 139.00 feet back to the **POINT OF BEGINNING** as recorded in Deed Liber S.M. 18996, Folio 139, containing 0.1570 acres. Located in the 13<sup>th</sup> Election District and 1<sup>st</sup> Councilmanic District.

The bearings publicized hereon, represent the same bearings shown within Deed Liber S.M. 18996, Folio 139, recorded amongst the Land Records of Baltimore County, Maryland, dated July 15<sup>th</sup>, 2003, rotated to the North American Datum of 1983/91 (NAD 83/91).

This description is based on deed information only, no survey was performed.



2013-0188-A



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: 2013-0188-A  
Petitioner: Bagel Stop, Inc.  
Address or Location: 4800 Benson Avenue, Baltimore, MD 21229

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Steven R. Garey  
Address: 4800 Benson Avenue  
Baltimore, Maryland 21227  
  
Telephone Number: 443-829-0542

Revised 2/20/98 - SCJ



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

No. **94116**

Date: **2/14/13**

**PAID RECEIPT**

BUSINESS  
 2/15/2013  
 REC #502  
 RECEIPT # 01422  
 G. 226-3416 REPLICATION  
 CH. NO. 094116  
 Recpt for \$385.00  
 \$1.00 CA \$385.00 CA  
 Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Obj  | Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|------|---------|----------|---------|--------|
| 001  | 806  | 0000 |          | 6150 |         |          |         | 385.00 |
|      |      |      |          |      |         |          |         |        |
|      |      |      |          |      |         |          |         |        |
|      |      |      |          |      |         |          |         |        |
|      |      |      |          |      |         |          |         |        |
|      |      |      |          |      |         |          |         |        |

Total: **385.00**

Rec From: **E. N. Gaultre**

For: **4800 Benson Ave**  
**21127**

**2013-0188-A**

**DISTRIBUTION**

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

PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

# CERTIFICATE OF POSTING

2013-0188-A

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

Petitioner/Developer: \_\_\_\_\_

**Bagel Stop, Inc**

**April 15, 2013**

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:

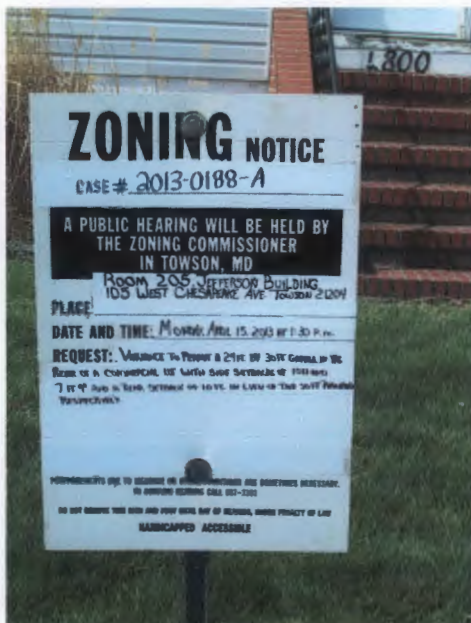
Ladies and Gentlemen:

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: \_\_\_\_\_

**4800 Benson Ave**

**March 26, 2013**

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



Sincerely,

  
(Signature of Sign Poster)

**March 26, 2013**

(Date)

**SSG Robert Black**

(Print Name)

**1508 Leslie Road**

(Address)

**Dundalk, Maryland 21222**

(City, State, Zip Code)

**(410) 282-7940**

(Telephone Number)



**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: #2013-0188-A**

4800 Benson Avenue  
N/s Benson Avenue, N/w corner of Benson Court  
13th Election District - 1st Councilmanic District  
Legal Owner(s): Bagel Stop, Inc.

**Variance:** to permit a 24 ft. by 30 ft. garage in the rear of a commercial lot with side setbacks of 10 ft. and 7 ft. 9" and a rear setback of 10 ft. in lieu of the required 30 ft. respectively.

**Hearing:** Monday, April 1, 2013 at 1:30 p.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.  
JT 03/680 March 12 909827



501 N. Calvert Street, Baltimore, MD 21278

March 14, 2013

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 March 12, 2013.

- ☒ 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*

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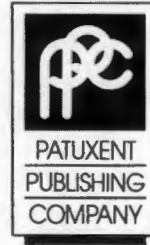
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53 March 26

911767



501 N. Calvert Street, Baltimore, MD 21278

March 28, 2013

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 March 26, 2013.

- ☒ 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*





KEVIN KAMENETZ  
County Executive

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

March 15, 2013

## NEW 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: 2013-0188-A**

4800 Benson Avenue

N/s Benson Avenue, N/w corner of Benson Court

13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Bagel Stop, Inc.

Variance to permit a 24 ft. by 30 ft. garage in the rear of a commercial lot with side setbacks of 10 ft. and 7 ft. 9" and a rear setback of 10 ft. in lieu of the required 30 ft. respectively.

Hearing: Monday, April 15, 2013 at 1:30 p.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: Erin Guiffre, One South Street, Ste. 2600, Baltimore 21202  
Steven Garey, Bagel Stop, Inc., 4800 Benson Avenue, Baltimore 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 26, 2013.**
- (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.

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, March 26, 2013 Issue - Jeffersonian

Please forward billing to:

Steven Garey  
4800 Benson Avenue  
Baltimore, MD 21227

443-829-0542

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### NOTICE OF ZONING HEARING

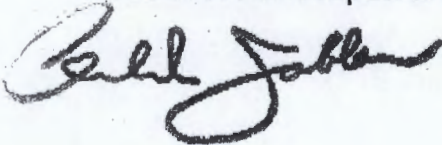
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Arnold Jablon  
Director of Permits, Approvals and Inspections for Baltimore County

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KEVIN KAMENETZ  
County Executive

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

March 5, 2013

## NOTICE OF ZONING HEARING

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Arnold Jablon  
Director

AJ:kl

C: Erin Guiffre, One South Street, Ste. 2600, Baltimore 21202  
Steven Garey, Bagel Stop, Inc., 4800 Benson Avenue, Baltimore 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 12, 2013.**
- (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.

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, March 12, 2013 Issue - Jeffersonian

Please forward billing to:  
Steven Garey  
4800 Benson Avenue  
Baltimore, MD 21227

443-829-0542

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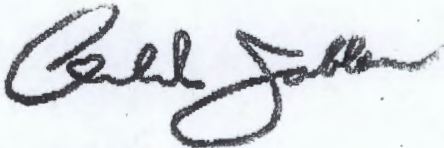
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Arnold Jablon  
Director of Permits, Approvals and Inspections for Baltimore County

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



## **M E M O R A N D U M**

DATE: May 16, 2013  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2013-0188-A - Appeal Period Expired

---

The appeal period for the above-referenced case expired on May 15, 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 VARIANCE  
4800 Benson Avenue; N/S Benson Avenue,  
NW corner of Benson Court  
13<sup>th</sup> Election & 1<sup>st</sup> Councilmanic Districts  
Legal Owner(s): Bagel Shop, Inc  
Petitioner(s)

\* BEFORE THE OFFICE  
\* OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* 2013-188-A

\* \* \* \* \*

### 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  
FEB 25 2013

*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 25<sup>th</sup> day of February, 2013, a copy of the foregoing Entry of Appearance was mailed to Steven R. Garey, 4800 Benson Avenue, Baltimore, MD 21227 and Erin Guiffre, Esquire, One South Street, Suite 2600, Baltimore, MD 21202, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



CASE NO. 2013-

0188-A

C H E C K L I S TComment  
ReceivedDepartmentSupport/Oppose/  
Conditions/  
Comments/  
No Comment

2/25/13

DEVELOPMENT PLANS REVIEW  
(if not received, date e-mail sent \_\_\_\_\_)

C

DEPS  
(if not received, date e-mail sent \_\_\_\_\_)

FIRE DEPARTMENT

3/19/13

PLANNING  
(if not received, date e-mail sent \_\_\_\_\_)

C

2/21/13

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. \_\_\_\_\_)

NEWSPAPER ADVERTISEMENT

Date:

3/28/13

SIGN POSTING

Date:

3/26/13

by Black

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: \_\_\_\_\_

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

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

**DATE:** March 19, 2013

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 4800 Benson Avenue

**INFORMATION:**

**Item Number:** 13-188

**Petitioner:** Bagel Stop, Inc.

**Zoning:** ML-IM

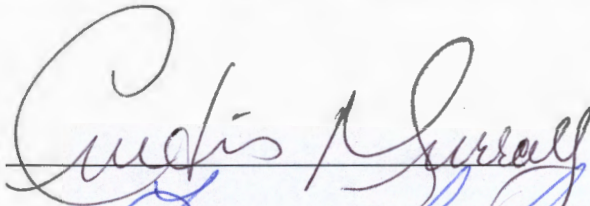
**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request. The proposed garage is replacing an existing shed, trailer and open storage containers. Even though this area is industrial in nature, the construction of a garage to replace the aforementioned will be an improvement to the subject site.

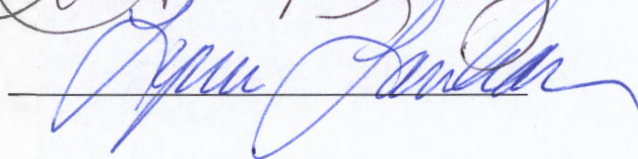
For further information concerning the matters stated here in, please contact Donnell Zeigler, at 410-887-3480.

**Prepared By:**



**Division Chief:**

AVA/LL:cjm



RECEIVED

MAR 21 2013

OFFICE OF ADMINISTRATIVE HEARINGS



**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 February 25, 2013  
Item No. 2013-0188

**DATE:** February 25, 2013

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 issuance of the building permit.

DAK:CEN  
cc: file  
ZAC-ITEM NO 13-0188-02252013.doc

LAW OFFICES  
**KRAMON & GRAHAM, P. A.**

ONE SOUTH STREET  
SUITE 2600

BALTIMORE, MARYLAND 21202-3201

TELEPHONE: (410) 752-6030

FACSIMILE: (410) 539-1269

www.kramonandgraham.com

ERIN R. GUIFFRE

DIRECT DIAL  
(410) 319-0514

E-MAIL  
eguiffre@kg-law.com  
DIRECT FACSIMILE  
(410) 361-8236

March 13, 2013

**VIA FAX: 410-887-3048**

Baltimore County Office of Zoning Review

ATTN: Kristen Lewis

111 West Chesapeake Avenue, Room 111

Towson, Maryland 21204

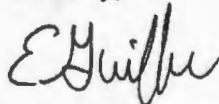
RE: Case Number: 2013-0188-A  
4800 Benson Avenue

Dear Ms. Lewis:

Due to a conflict on my calendar, please reschedule the hearing in the above-referenced case currently scheduled for April 1, 2013 at 1:30 p.m. The only days I am not available in April are April 5, 9 and 11.

Please call me with any questions. Thank you for your assistance.

Sincerely,



Erin R. Guiffre

ERG:adm



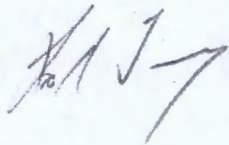
US TurfCare  
4800 Benson Avenue  
Halethorpe MD 21227  
410-536-5800

November 22, 2010

To Whom It May Concern:

We of US TurfCare would like to build a garage at the rear of our property at 4800 Benson Avenue, Halethorpe MD 21227. However, the property is zoned for 30' setbacks and building a garage is not possible according to the zoning person I talked with in your office. I have contacted the owners of the property adjacent to ours for permission to build this garage using 10' setbacks. At the bottom of this page I have included their names, addresses and phone numbers with their signatures. We are asking you to grant us this variance for a garage without having to go through a long process, since our neighbors have no objections. I hope to get guidance about how we may go about this process. Thank you for your time.

Steven Garey

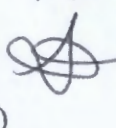
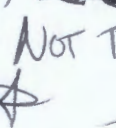


US TurfCare 443-829-0542

Robert Buslon

US TurfCare 443-506-0352

Neighbors name, address, phone number, & signature:

- (1) FISHER PROPERTIES, LLC - 4802 BENSON AVE.  
HALETHORPE, MD 21227  
(2)  (FOR A HEIGHT NOT TO EXCEED 14' - 

2013-0188-A



State Highway  
Administration

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2-21-13

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

RE: Baltimore County

Item No 2013-0188-A

Variance

Bagel Shop Inc. Steven P. Gane

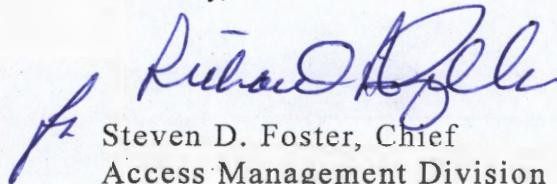
4800 Benson Avenue

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. 2013-0188-A.

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,

  
Steven D. Foster, Chief  
Access Management Division

SDF/raz

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov



KEVIN KAMENETZ  
County Executive

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

April 11, 2013

Bagel Stop, Inc.  
Steven R. Garey  
4800 Benson Avenue  
Baltimore MD 21227

RE: Case Number: 2013-0188 A, Address: 4800 Benson Avenue

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 February 14, 2013. 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 style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel  
Erin R. Guiffre, Esquire One South Street, Suite 2600, Baltimore MD 21202



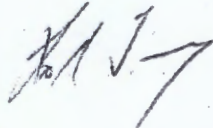
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4800 Benson Avenue  
Halethorpe MD 21227  
410-536-5800

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Steven Garey

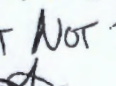


US TurfCare 443-829-0542

Robert Buslon

US TurfCare 443-506-0352

Neighbors name, address, phone number, & signature:

- (1) FISHER PROPERTIES, LLC - 4802 BENSON AVE.  
HALETHORPE, MD 21227  
(2)  (FOR A HEIGHT NOT TO EXCEED 14' 

1:30pm  
4-15-13 2013-0188-A

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

[Go Back](#)  
[View Map](#)  
[New Search](#)  
[GroundRent](#)  
[Redemption](#)  
[GroundRent](#)  
[Registration](#)

**Account Identifier:**

District - 13 Account Number - 1302851260

**Owner Information**

**Owner Name:** BAGEL STOP INC **Use:** COMMERCIAL  
**Principal Residence:** NO  
**Mailing Address:** 4800 BENSON AVE  
BALTIMORE MD 21229-1501 **Deed Reference:** 1) /18996/ 00139  
2)

**Location & Structure Information**

**Premises Address**  
4800 BENSON AVE  
0-0000

**Legal Description**

4800 BENSON AVE NWS  
COR PRESTOLIGHT R

| Map  | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:<br>Plat Ref: |
|------|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------------------|
| 0101 | 0024 | 0665   |              | 0000        |         |       |     | 2               |                       |

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

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 2001                    | 975           | 6,811 SF           | 07         |

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

**Value Information**

|                           | Base Value | Value<br>As Of<br>01/01/2011 | Phase-in Assessments<br>As Of<br>07/01/2012 | As Of<br>07/01/2013 |
|---------------------------|------------|------------------------------|---------------------------------------------|---------------------|
| <b>Land</b>               | 108,900    | 108,900                      |                                             |                     |
| <b>Improvements:</b>      | 78,100     | 72,400                       |                                             |                     |
| <b>Total:</b>             | 187,000    | 181,300                      | 181,300                                     | 181,300             |
| <b>Preferential Land:</b> | 0          |                              |                                             | 0                   |

**Transfer Information**

| <b>Seller:</b>       | <b>Date:</b>  | <b>Price:</b> |
|----------------------|---------------|---------------|
| POOLE JAMES PATRICK  | 10/22/2003    | \$130,000     |
| <b>Type:</b>         | <b>Deed1:</b> | <b>Deed2:</b> |
| ARMS LENGTH IMPROVED | /18996/ 00139 |               |
| <b>Seller:</b>       | <b>Date:</b>  | <b>Price:</b> |
| BUHLMANN WILLIAM H   | 06/29/2001    | \$37,000      |
| <b>Type:</b>         | <b>Deed1:</b> | <b>Deed2:</b> |
| ARMS LENGTH VACANT   | /15361/ 00747 |               |
| <b>Seller:</b>       | <b>Date:</b>  | <b>Price:</b> |
|                      |               |               |
| <b>Type:</b>         | <b>Deed1:</b> | <b>Deed2:</b> |
|                      |               |               |

**Exemption Information**

| <b>Partial Exempt Assessments</b> | <b>Class</b> | 07/01/2012 | 07/01/2013 |
|-----------------------------------|--------------|------------|------------|
| <b>County</b>                     | 000          | 0.00       |            |
| <b>State</b>                      | 000          | 0.00       |            |
| <b>Municipal</b>                  | 000          | 0.00       | 0.00       |

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

**Homestead Application Information**

**Homestead Application Status:** No Application

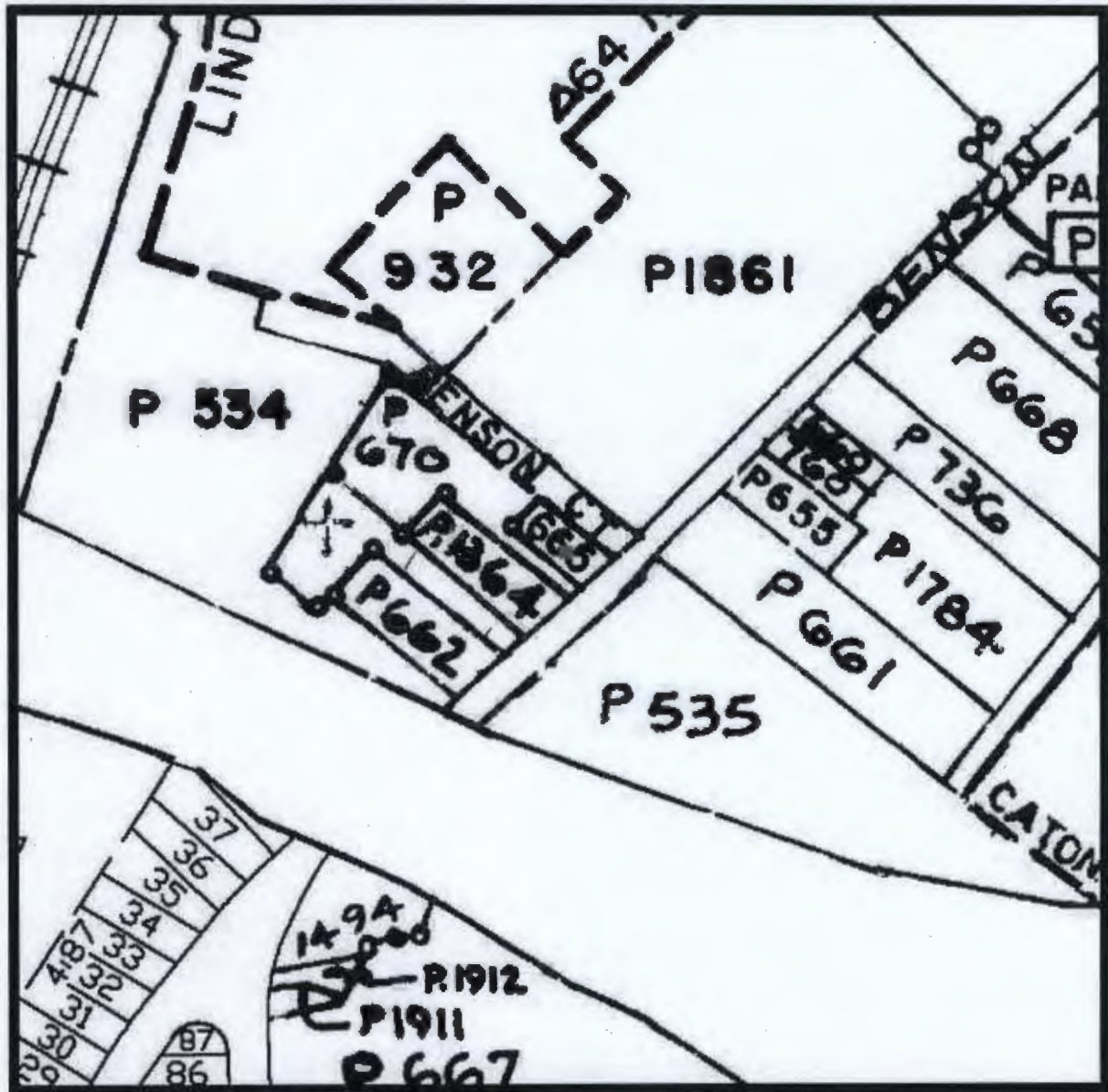




**Maryland Department of Assessments and  
Taxation  
BALTIMORE COUNTY  
Real Property Data Search**

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

**District - 13 Account Number - 1302851260**



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).



Case No.: 2013-188-A

Exhibit Sheet

DW  
5-16-13

DW  
A-15-13

Petitioner/Developer

Protestant

|        |                           |  |
|--------|---------------------------|--|
| No. 1  | D. Taylor CV              |  |
| No. 2  | Site Plan                 |  |
| No. 3  | Letter signed by neighbor |  |
| No. 4  | Color Photos              |  |
| No. 5  |                           |  |
| No. 6  |                           |  |
| No. 7  |                           |  |
| No. 8  |                           |  |
| No. 9  |                           |  |
| No. 10 |                           |  |
| No. 11 |                           |  |
| No. 12 |                           |  |



## David L. Taylor, Jr. RLA

Senior Associate / Project Manager

### EXPERIENCE HIGHLIGHTS:

Over 11 years of Baltimore County Experience

Testimony before Baltimore County Zoning Commissioner and Board of Appeals

### EDUCATION:

MS, Real Estate, Johns Hopkins University

BS, Landscape Architecture, West Virginia University

### REGISTRATIONS:

Landscape Architect: MD, PA, OH

### YEARS OF EXPERIENCE:

Dewberry: 5

Prior: 14

### AFFILIATIONS:

Leadership Baltimore County

Home Builders Association of MD

### PUBLICATIONS:

"Land Development Handbook 3<sup>rd</sup> ed.; Chapter 8 "Subdivision Ordinances, Site Plan Regulations, and Building Codes" Published by McGraw-Hill; 2008

Mr. Taylor has provided multi-discipline team management/leadership for over 19 years. He is responsible for business and operational development for land planning, landscape architecture and engineering services in the firm's Baltimore, MD office.

As a manager he has a hands-on approach and enjoys working directly with clients in all aspects of program development, feasibility, entitlements, zoning, planning, site design, engineering and permitting. His planning and design work has involved projects relating to healthcare, academic institutions, schools and public facilities, residential and mixed-use residential, energy infrastructure, commercial uses, bikeway planning and design, streetscapes, urban planning, playgrounds, recreation and park facilities, sports complexes and zoos in the Mid-West and Mid-Atlantic.

### RELEVANT EXPERIENCE

- Arthur Becker Property Subdivision, Cockeysville, Maryland
- Walker Station Subdivision, Parkton, Maryland
- Burns Property Subdivision, Lutherville, Maryland
- Ruppert Farms Subdivision, Kingsville, Maryland
- Arthur Tracey Property Subdivision, Freeland, Maryland
- Miller / Tipper Property Subdivision, Parkton, Maryland
- Bartholme Property Subdivision, Parkton, Maryland
- Lee Property Subdivision, Owings Mills, Maryland
- Honeygo Run Reclamation Center Southern Expansion, White Marsh, MD
- Honeygo Run Reclamation Center Vertical Expansion, White Marsh, MD
- Autozone, Cockeysville, MD
- Klein's Super Market, Jacksonville, Maryland
- Target, Pikesville, Maryland
- Sam's Club-Catonsville, Baltimore County, Maryland
- Kaiser Permanente Medical Office Building HUB, Baltimore County, Maryland
- Cross and Chapel Subdivision, Perry Hall, Maryland
- Cillian's Crossing, Perry Hall, Maryland
- Catonsville Plaza Sign Variance, Catonsville, Maryland

Pr #1





丁#































1316950020

4720

1600007353

302

R-4954-3019

1998-0171-SPHA

1305430000

BENSON CT

1996-0015-A

1313750660

101C3

ML IM

1 CD

1302851260 4800

13 ED

SW 4-D

4804

1985-0049-A  
1977-0222-A

1314650490

1987-0132-A

1323000404

4805

BENSON AVE  
BENSON AVE

1992-0344-A

1302000040

1318101530

4807

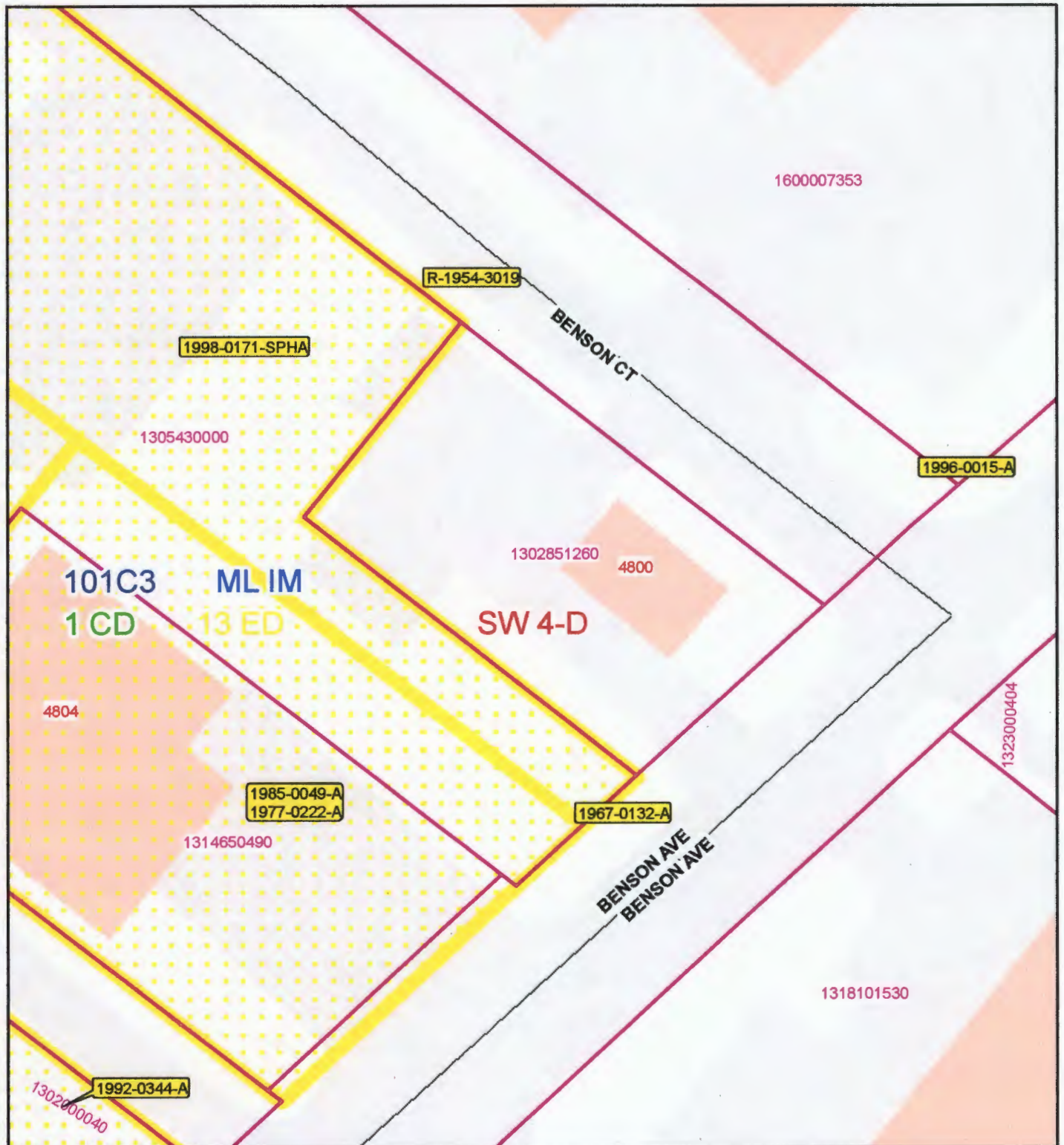
1997-0169-A

2013-0188-A



4800 BENSON AVENUE

2013-0188-A



Publication Date: 2/12/2013



Publication Agency: Permits, Approvals & Inspections  
Projection/Datum: Maryland State Plane,  
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet





**BENSON AVENUE  
(PUBLIC)**

1. THIS BOUNDARY IS NOT BASED ON A FIELD SURVEY. THE BOUNDARY IS BASED ON THE DEED FILED UNDER THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, IN LIBER 18996, FOLIO 139 AND DATED JULY 15, 2003. BEARINGS SHOWN HEREON, REPRESENT THE BEARINGS IN THE DEED. AS SHOWN ON THE MARYLAND COORDINATE SYSTEM NAD 83 / 91.

2013-0188-A