

IN RE: PETITION FOR SPECIAL HEARING *
(7920 Harford Road)
9th Election District *
6th Councilmanic District *
7920 Harford Road, LLC *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2013-0305-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Special Hearing filed by Howard L. Alderman, Jr., Esquire with Levin & Gann, PA, on behalf of 7920 Harford Road, LLC, legal owner. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Administrative Law Judge should approve modification of the relief/conditions in Case No. 99-479-SPHXA¹ to remove Condition Numbers 2, 6 and 9 to permit operation and approval of a service garage at this location. The subject property and requested relief is more fully depicted on the redlined site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing held for this case was Melissa, Christina & Steve Cascio, John Rohde and James Grammer. Howard L. Alderman, Jr., 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. Several interested citizens attended the hearing and their names are included in the case file. In addition, the Office of People's Counsel submitted correspondence dated August 1, 2013, which was reviewed and

¹ The correct case number is Case No. 99-479-SPHXA

ORDER RECEIVED FOR FILING

Date 8/22/13

By Sen

included within the file.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. The Department of Planning (DOP) supports the Petitioner's request provided the following conditions are met: (1) remove the temporary signage and replace with permanent structure (signage); (2) relocate the dumpster to the rear of the site and (3) submit a landscape and signage plan to the DOP prior to the application for any building permits. The Bureau of Development Plans Review (DPR) noted that a landscape plan should be reviewed and approved prior to the approval of any permits.

Testimony and evidence revealed that the subject property is approximately 0.2433+/- acres and is zoned BL-CCC. This property has been the subject of prior zoning hearings, most recently a 1999 Order granting Special Exception relief, and imposing ten restrictions which are the subject of this case. See Case No.: 99-470-SPHXA. The Petitioner proposes to operate an auto glass business at the site, and seeks to have removed from the 1999 Order certain of the restrictions referenced above.

At the outset of the hearing, I indicated that it was not clear why relief was required in the first instance. As counsel noted, the "use" is remaining the same; i.e., an auto "service garage," albeit a different genus of operation within that species. I also indicated that restriction 9 in the 1999 Order (restricting the variance and special exception to the named operator) was inappropriate, given that such relief runs with the land and is not personal to the parties applying for it. See, e.g., Anderson, American Law of Zoning (4th ed. 1996) §21.32 ("special permit may not be conditioned to terminate when the title to the land is conveyed to one other than the applicant").

ORDER RECEIVED FOR FILING

Date 8/22/13

By den

In any event, the community is supportive of the Petitioner, and the file contains several letters from community groups and elected officials expressing support for the project. Ruth Baisden testified that her association Greater Parkville Community Council (GPCC) supports the petition, and she indicated they were particularly concerned with the landscaping required along Harford Road. Landscape architect John Rohde testified, and indicated he prepared a landscape plan (Exhibit 7) that was recently approved by Baltimore County. The DOP, and Mr. Zimmerman, expressed concern regarding the signage for the site. The Petitioner presented an Exhibit (Exhibits 3A and 3B) showing the modest signs proposed, and indicated they would be installed in the near future. The only ZAC comment that cannot be fulfilled concerns the dumpster placement and James Grammer testified and explained there was simply no room to relocate the dumpster to the rear of the site.

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 request should be GRANTED

THEREFORE, IT IS ORDERED, this 22nd day of August, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to remove Condition Numbers 2, 6 and 9 from the Order in Case No.: 99-470-SPHXA to permit operation and approval of a service garage at this location, be and is hereby **GRANTED** subject to the following conditions:

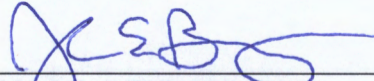
1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date 8/22/13

3 By sen

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

8/22/13

By

sln



KEVIN KAMENETZ
County Executive

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

August 22, 2013

Howard L. Alderman, Jr., Esquire
502 Washington Avenue
Suite 800
Towson, Maryland 21204

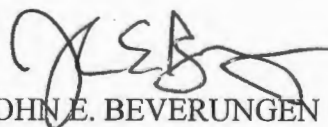
RE: Petition for Special Hearing
Case No. 2013-0305-SPH
Property: 7920 Harford Road

Dear Mr. Alderman:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Melissa, Christina & Steve Cascio, 12236 Roundwood Road, #609, Timonium, Maryland 21093
John Rohde, 512 Virginia Avenue, Towson, Maryland 21286
James Grammer, 10 Gerard Avenue, Suite 101, Timonium, Maryland 21093
Kevin Brown, 1614 Pickett Road, Lutherville, Maryland 21093
Michael Tull, 1900 E. Joppa Road, Parkville, Maryland 21234
Ruth Baisden, 7706 Oak Avenue, Parkville, Maryland 21234



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 7920 HARFORD ROAD

which is presently zoned BL-CCC

Deed References: 31546 / 0150

10 Digit Tax Account # 0907411630

Property Owner(s) Printed Name(s) 7920 HARFORD RD LLC

(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

SEE ATTACHED

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

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)

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:

N/A

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Howard L. Alderman, Jr., Esq. / Levin & Gann, PA

Name- Type or Print

Signature

502 Washington Avenue, STE 800

Towson

MD

Mailing Address

City

State

21204

4103210600

halderman@levingann.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

7920 Harford Rd LLC / N/A

Name #1 - Type or Print

Name #2 - Type or Print

By:

Signature #1

Signature #2

12236 Roundwood Road, STE 609

Timonium

MD

Mailing Address

City

State

21093

(410) 299-5615

s.cascio23@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

James Grammer / Polaris Land Consultants

Name - Type or Print

Signature

10 Gerard Avenue, Suite 101

Timonium

MD

Mailing Address

City

State

21093

4102524444

jgrammer@polarisl.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2013-0305-SP4

Filing Date

6/14/13

Do Not Schedule Dates:

Reviewer

JS

CASE NO: 14-- -SPH

Address: 7920 Harford Rd

Legal Owners: 7920 Harford Rd, LLC

Present Zoning: BL-CCC

PETITION FOR SPECIAL HEARING

REQUESTED RELIEF:

Modification of the relief/conditions in Case No. 99-479-SPHXA to remove condition Nos. 2, 6 & 9 to permit operation and approval of a service garage at this location; and for such additional relief as the nature of this case may require.

For Additional Information Contact:

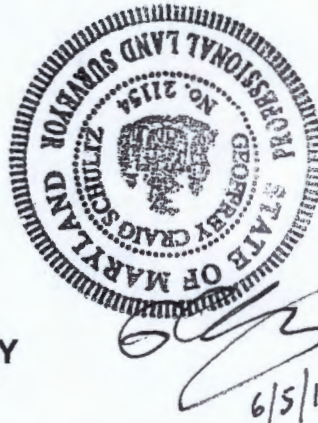
Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre
502 Washington Centre
8th Floor
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801

halderman@LevinGann.com



10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
(410) 252-4444 (o)
(410) 252-4493 (f)
www.polarisl.com



**ZONING DESCRIPTION TO ACCOMPANY
SPECIAL HEARING REQUEST
7920 HARFORD ROAD
9TH ELECTION DISTRICT, 6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD**

BEGINNING at a point situated at the intersection of the westernmost right of way line of Harford Road, being 60-feet wide, and the southernmost right-of-way line of Linwood Avenue, being 40-feet wide, then running with and binding on Harford Road S 36°07'35" W 100.14', then leaving said road and running N 44° 42' 10" W 62.00', then N 38° 23' 56" E 99.58' to the southernmost side of Linwood Avenue, then running with and binding of Linwood Avenue S 44° 42' 10" E 58.00' to the point of beginning. Containing 5,931 square feet or 0.1362 acres of land, more or less. Also being known as 7920 Harford Road and lying in the 9th Election District, 6th Councilmanic District.

2013-0305-SPH

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: _____

Petitioner: 7920 Harford Rd LLC

Address or Location: 7920 Harford Road.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Steven Cascio

Address: 7920 Harford Rd, LLC

12736 Roundwood Road, Ste 609

Timonium, MD 21093

Telephone Number: (410) 299-5615

Revised 2/20/98 - SCJ

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

No. **099693**

Date: _____

PAID RECEIPT

BUSINESS ACTUAL TIME DATE
 4/14/2013 4/14/2013 11:07:15 5

RED WSDS WALKIN RIDES LOG
 RECEIPT # 667881 6/14/2013 OFLH

5 520 ZERLING IDENTIFICATION
 RECEIPT NO. 099693

Recpt Tot 1385.00
 1385.00 CH 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6130				385.00

Total: **385.00**

Rec From: **7970 WATFORD ROAD LLC**

For: **2013-0305-SP4**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

**CERTIFICATE OF POSTING
CERTIFICATE OF POSTING**

RE: CASE NO: 2013-0305-SPH

PETITIONER/DEVELOPER _____

JAMES GLAMMER

DATE OF HEARING/CLOSING: _____

8/19/13

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT _____

7920 HARFORD ROAD

THIS SIGN(S) WERE POSTED ON _____

July 24, 2013
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 7/24/13
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

60 CHELMSFORD COURT

BALTIMORE, MD 21220

(ADDRESS)

PHONE NUMBER: 443-629-3411

ZONING NOTICE

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

CASE # 2013-0305-SPH

PLACE: ROOM 205, JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE TOWSON 21204

DATE - MONDAY AUGUST 19, 2013

TIME - AT 2:30 P.M.

REQUEST: SPECIAL HEARING FOR MODIFICATION OF THE
RELIEF/CONDITIONS IN CASE 99-479-SPHKA TO REMOVE
CONDITIONS NOS. 2,619 TO PERMIT OPERATION AND
APPROVAL OF A SERVICE GARAGE AT THIS LOCATION; AND
FOR SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE
MAY REQUIRE.

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE
TOWSON, MD. 21204 TEL: 410-887-3391

DO NOT REMOVE THIS SIGN AND POST AFTER HEARING DATE. RETURN PROPERTY TO L&L. RETURN DATE TO 2013. 08. 19

MEETING IS HANDICAP ACCESSIBLE

madmjd 7/26/13



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 1, 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 July 30, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2013-0305-SPH

7920 Harford Road

SW/corner of the intersection of Harford Road and Linwood Avenue

9th Election District - 6th Councilmanic District

Legal Owner(s): 7920 Harford Road, LLC

Special Hearing: for modification of the relief/conditions in Case 99-479-SPHXA to remove condition Nos. 2, 6 & 9 to permit operation and approval of a service garage at this location; and for such additional relief as the nature of the case may require.

Hearing: Monday, August 19, 2013 at 2:30 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 07/873 July 30

937175



KEVIN KAMENETZ
County Executive

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

July 8, 2013

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: 2013-0305-SPH

7920 Harford Road

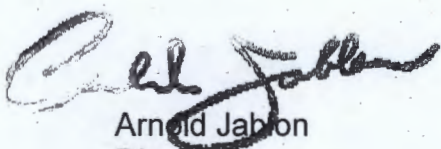
SW/corner of the intersection of Harford Road and Linwood Avenue

9th Election District – 6th Councilmanic District

Legal Owners: 7920 Harford Road, LLC

Special Hearing for modification of the relief/conditions in Case 99-479-SPHXA to remove condition Nos. 2, 6 & 9 to permit operation and approval of a service garage at this location; and for such additional relief as the nature of this case may require.

Hearing: Monday, August 19, 2013 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204
7920 Harford Road, LLC, 12236 Roundwood Road, Ste. 609, Timonium 21093
James Grammer, 10 Gerard Avenue, Ste. 101, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 30, 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, July 30, 2013 Issue - Jeffersonian

Please forward billing to:

Steven Cascio
7920 Harford Road, LLC
12236 Roundwood Road, Ste. 609
Timonium, MD 21093

410-299-5615

NOTICE OF ZONING HEARING

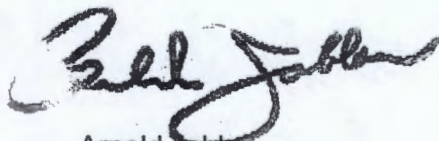
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0305-SPH

7920 Harford Road
SW/corner of the intersection of Harford Road and Linwood Avenue
9th Election District – 6th Councilmanic District
Legal Owners: 7920 Harford Road, LLC

Special Hearing for modification of the relief/conditions in Case 99-479-SPHXA to remove condition Nos. 2, 6 & 9 to permit operation and approval of a service garage at this location; and for such additional relief as the nature of this case may require.

Hearing: Monday, August 19, 2013 at 2:30 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 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.

MEMORANDUM

DATE: September 24, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0305-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on September 23, 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
7920 Harford Road; SW corner of the intersection *
of Harford Road & Linwood Avenue * OF ADMINISTRATIVE
9th Election & 6th Councilmanic Districts *
Legal Owner(s): 7920 Harford Road, LLC * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2013-305-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

JUN 27 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 27th day of June, 2013, a copy of the foregoing Entry of Appearance was mailed to James Grammer, 10 Gerard Avenue, Suite 101, Timonium, Maryland 21093 and Howard Alderman, Esquire, Levin & Gann, 502 Washington Avenue, 8th Floor, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

8/19
2013

CASE NO. 2013- 0305-SPH

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>7/3/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>7/3/13</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
	FIRE DEPARTMENT	
<u>7/2/13</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>6/25/13</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Obj</u>
<u>7/24/13</u>	TRAFFIC ENGINEERING <u>Support letter from Delegate John Clustersh</u>	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 7/30/13

SIGN POSTING Date: 7/26/13 by agf

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: Support letter from
Michael P. Tuel of Parkville - Carney
Business and professional Assoc.
dated 7/17/13

IN RE: PETITION FOR SPECIAL HEARING
NW/S Harford Road at
Intersection of SW/S Linden Avenue
9th Election District
6th Councilmanic District
(7920 Harford Road)

Soung O. & Fred O. Yoo
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 99-470-~~SPHA~~

SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for special hearing, special exception and variance filed for property located at 7920 Harford Road located in the Parkville area of Baltimore County. The request was filed by Fred & Soung Yoo, the legal owners of the subject property and the Lessee of the site, James P. Klink. The Petition was prepared and filed by Howard L. Alderman, attorney at law. The special hearing relief is being requested to modify my previous decision in Case No. 93-1360-XA wherein a special exception and variance were granted to the operator of a car wash known as "Shanahan's Car Care". My Order in that case specifically provided that in the event Mr. Shanahan were to discontinue operating from the subject site, then the special exception and variance granted therein would cease and terminate. Testimony at the hearing before me demonstrated that Mr. Shanahan has abandoned his business at this location and therefore my previous decision in Case No. 93-136-XA terminated by virtue of his abandonment. Accordingly, the special hearing relief to modify the previous approval given to Mr. Shanahan shall be dismissed as moot. In addition to the special hearing relief, the Petitioners are also requesting as special exception to approve the new use of the subject property as a service garage, specializing in vehicle detailing, cleaning, washing, drying, waxing and polishing of automobiles, all of which is to be performed indoors. In the alternative, the Petitioners have requested a special exception for a car wash facility.

ORDER RECEIVED FOR FILING

Date

8/9/99

By

R. Jameson

Given the specialized nature of the business to be operated by Mr. Klink, the alternative special exception request for a car wash facility shall be dismissed as moot. The more appropriate special exception relief is for that of a service garage, given the auto detailing nature of Mr. Klink's business. Finally, the Petitioners are requesting variance relief for requirements that are associated with a car wash. Inasmuch as the special exception request for a car wash has been dismissed so too shall the variance relief requested for car wash use be dismissed. The only applicable variance necessary for Mr. Klink's operation is to allow an amenity open space ratio of 0.17 in lieu of the required 0.20. No other variances are necessary. Therefore, the requested relief before me is a special exception for a service garage specializing in vehicle detailing, cleaning, washing, drying, waxing and polishing, all of which is to be performed indoors and a variance from amenity open space requirements to allow an amenity open space of 0.17 in lieu of the required 0.20. All other requested relief shall be dismissed as moot.

Appearing at the hearing on behalf of the request were: Geoffrey Shultz, on behalf of McKee & Associates, the engineers who prepared the site plan of the property; James Klink, the new tenant of the subject site and Howard Alderman, attorney at Law, representing the Petitioner. Appearing as interested citizens in the matter were: Alice & John Baker, Chuck Schab and Ruth Baisden.

Testimony and evidence indicated that the property which is the subject of this request is located at the northwest corner of the intersection of Harford Road and Linden Avenue in the Parkville area of Baltimore County. The subject property was the previous site of Shanahan's Car Care which received zoning approval pursuant to Case No. 93-136-XA. As stated previously, Mr. Shanahan has relocated his business elsewhere and has abandoned the use of this property. Accordingly, as was stated in my previous decision in that case, the special exception

RECEIVED
8/9/99
R. J. J. J. J.
101

and variance relief terminated upon Mr. Shanahan's departure. Mr. Klink, the Petitioner herein, now wishes to utilize the same building and parking area facility to locate his auto detailing business. Mr. Klink's proposed business is much less intensive than Mr. Shanahan's previous operation. Mr. Klink proposes to operate an auto detailing business on site. He intends to detail approximately 4-6 automobiles on any given day. He estimates that the maximum number of cars to ever be detailed on a given day would be 10. He intends to run a small family operated business with 6 or 7 employees. The auto detailing to take place on the property will be by appointment only. Mr. Klink testified that the building and parking area is sufficient to allow him to operate without any adverse effect upon the surrounding community. He has reviewed the restrictions that were placed on the previous operator at this location and has agreed to comply with the restrictions I imposed on Mr. Shanahan in Case No. 93-136-XA. It should be noted, however, that Restriction No. 4 previously imposed within my Order in Case No. 93-136-XA does not apply to Mr. Klink's operation and should be eliminated. In addition, it was pointed out that Restriction No. 10 would not be applicable to Mr. Klink in that it specifically refers to Mr. Shanahan. However, a new restriction basically containing the same terms shall be imposed upon Mr. Klink should he ever cease operating from the subject site.

Testimony and evidence was also presented by several citizens who attended the hearing.

Ms. Baker was specifically concerned over the traffic that would be generated by this new business. She testified that the traffic at this area of Harford Road concerns her very much. She testified that it is difficult to come in and out of the site given the heavy amount of traffic on Harford Road. In addition, she does not see the need for this type of business at this location. In addition to the testimony of Ms. Baker, Ms. Baisden testified that she would like to see some

CASEY RECEIVED FOR FILING

Date

8/9/99

By

[Signature]

additional landscaping provided along Harford Road consistent with the revitalization efforts made in this area of Parkville.

After considering the testimony and evidence of the Petitioners, as well as the citizens in attendance, I find that the special exception request to allow Mr. Klink to operate an auto detailing business at this location should be granted. In addition, the variance from the amenity open space requirements should also be granted.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-CCC zone by special exception. It is equally clear that the proposed use to allow a service garage, specifically an auto detailing business, would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING

Date

8/19/99

By

R. J. Johnson

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance to allow amenity open space of 0.17 in lieu of 0.20 is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this 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 this Petition held, and for the reasons given above, the variance requested, as modified by this decision, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of August, 1999 that the Petitioners Request for Special Exception from Section 502 and 230.13 to permit a service garage specializing in automobile detailing, cleaning, washing, drying, waxing and polishing, all of which is to be performed indoors, be and is hereby GRANTED.

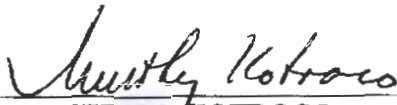
IT IS FURTHER ORDERED, that the variance from Section 232.A.4 of the B.C.Z.R. to permit an amenity open space ratio of 0.17 in lieu of the required 0.20, be and is hereby approved.

IT IS FURTHER ORDERED, that the relief granted herein is specifically conditioned upon the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall install the separator system in the wash bay to dispose of the wastewater generated by the car wash business.
- 3) No vehicles associated with the Petitioners' business, be they customers' or employees', shall be parked or stored along Harford Road or Linwood Avenue at any time.
- 4) The Petitioners shall be permitted to store one (1) vehicle in each service bays on the premises. In addition, the Petitioners may store no ore than three (3) additional vehicles on the macadam surface in front of the service bays.
- 5) The proposed addition to the existing structure shall be no taller than the existing building.
- 6) There shall be no exterior washing or cleaning of vehicles.
- 7) The Petitioners are required to improve the site consistent with the Revitalization Plan for the Parkville Business District. The Petitioners shall cooperate and perform such improvements as required pursuant to that revitalization program.

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8/19/99
R. J. [signature]

- 8) The Petitioners shall provide a landscape buffer between the subject property and the adjoining property at 2905 Linwood Avenue which is owned by Mrs. Minton. A landscape plan shall be submitted for review and approval by Avery Harden, Landscape Architect for Baltimore County, prior to the issuance of any building permits.
- 9) The special exception and variance granted pursuant to this request shall exist for so long as James P. Klink operates his business on the subject property. Should Mr. Klink relocate or discontinue the subject business, then the special exception and variance granted herein shall cease and terminate.
- 10) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date

8/9/99

By

JR. J. J. J.

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 July 01 2013
Item No. 2013-0305

DATE: July 3, 2013

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

A landscape plan shall be received and approved prior to the approval of this permit.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 13-0305-07012013.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



JUL 08 2013

OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: July 3, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0305-SPH
Address 7920 Harford Road
(7920 Harford Rd, LLC Property)

Zoning Advisory Committee Meeting of June 24, 2013.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston – Development Coordination*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 2, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 7920 Harford Road

JUL 09 2013

INFORMATION:

Item Number: 13-305

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: 7920 Harford Road, LLC

Zoning: BL -CCC

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner seeks to modify the relief and conditions set forth in Case No, 99-479. The petitioner requests the removal of condition Nos. 2, 6 and 9 to permit the approval and operation of a service garage.

The subject property appears to be recently upgraded and is in good condition. The Department of Planning supports the petitioner's request provided the following conditions are met:

1. Remove the temporary signage and replace with permanent structure (signage).
2. Relocate the dumpster to the rear of the site.
3. Submit a landscape and signage plan to the Department of Planning prior to the application for any building permits.

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

Prepared By:

Division Chief:
AVA/LL:cjm



**Parkville - Carney Business and Professional Association,
Inc.**

Founded 1955

P.O. Box 10925, Baltimore, Maryland 21234

Phone: 410 - 665 - 0100

www.parkvillecarney.com

RECEIVED

JUL 22 2013

OFFICE OF ADMINISTRATIVE HEARINGS

July 17, 2013

RE: Case # 2013-0305-SPH, 7920 Harford RD 21234

To Whom It May Concern:

Parkville Carney Business and Professional Association (PCBPA) have been approached by Steve Cascio with regards to the above mentioned property.

The PCBPA fully supports Mr. Cascio in his efforts to remove the specified conditions from the property located at 7920 Harford Road, Parkville MD 21234. Furthermore PCBPA looks forward and welcomes the new automotive service garage business to Parkville.

If you have any questions or if additional clarification of our position, do not hesitate contacting my Office.

Sincerely,

Michael P. Tull
President

JOHN W. E. CLUSTER, JR.
8th Legislative District
Baltimore County

Judiciary Committee



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

JB 8-19-13 2:30 PM
Annapolis Office
6 Bladen Street, Room 308
Annapolis, Maryland 21401
410-841-3526 · 301-858-3526
800-492-7122 Ext. 3526
Fax 410-841-3098 · 301-858-3098
John.Cluster@house.state.md.us

District Office
9607 Dixon Avenue
Baltimore, Maryland 21234
410-841-3526 · Fax 410-665-6990

RECEIVED

JUL 25 2013

Office of Administrative Hearings
Judge John Beverungen
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

OFFICE OF ADMINISTRATIVE HEARINGS

July 24, 2013

RE: Case Number 2013-0305-SPH, 7920 Harford Road and Linwood Avenue

The Honorable John Beverungen,

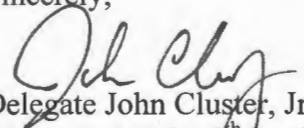
I am contacting you to express my full support of granting the requested modification of the condition numbers 2, 6 & 9 in Case 99-479-SPHXA at 7920 Harford Road that will permit the operation and approval of a service garage at this location.

We have received letters of support from members of the residential community of Lavender Hill and agree that the community needs good thriving businesses in this area to help revitalize the Parkville community for both business and residents of the community.

Please do not hesitate contacting me directly if you have any questions or concerns about my support.

Thank you for your time and consideration of my support.

Sincerely,


Delegate John Cluster, Jr.
Representing the 8th Legislative District
Baltimore County

Cc:

Low Pro Graphics & Be Safe-Be Seen

7909 Harford Road
Parkville, MD 21234
410-882-0737

July 20, 2013

RE: Case # 2013-0305-SPH, 7920 Harford RD 21234

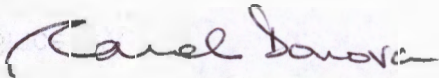
To Whom It May Concern:

I am a business owner and member of the Parkville Carney Business and Professional Association (PCBPA) and have been approached by Steve Cascio with regards to the above mentioned property.

I fully support Mr. Cascio in his efforts to remove the specified conditions from the property located at 7920 Harford Road, Parkville MD 21234. Furthermore, with my business located adjacent to the above mentioned property, I look forward to and welcome the new automotive service garage business to the Parkville community. Mr. Cascio made significant renovations to the face of the building which greatly improved the appearances of the property, a much needed and welcomed upgrade.

If you have any questions or if additional clarification is needed regarding our position, please do not hesitate to call.

Sincerely,



Carol Donovan
Owner

RECEIVED

JUL 26 2013

OFFICE OF ADMINISTRATIVE HEARINGS

July 23, 2013

To: John Beverungen, Administrative Law Judge

Re: Case number 2013-0305-SPH

7920 Harford Road

Dear Judge Beverungen,

I am a resident of the Parkville area and have resided at 7812 Chestnut Ave, Parkville Md 21234 for over 20 years. I writing in reference to the business property at 7920 Harford Road SW/corner of the intersection of Harford Road and Linwood Ave. This is in reference to case number: 2013-0305-SPH. Special hearing for modification of the relief/conditions in Case 99-479-SPHXA.

It is my understanding that there is a zoning hearing about the use of this property as a SERVICE GARAGE . As a long time resident of this community, I and many other neighbors do support that this property and existing building can be used as an Automotive Service Garage. We want to see good thriving business brought to the Parkville area and that is what is proposed.

Please feel free to contact me to discuss .

Sincerely,



Suzette Gordon

410-913-6336

Sgordon0210@yahoo.com

RECEIVED

JUL 26 2013

OFFICE OF ADMINISTRATIVE HEARINGS

KATHERINE KLAUSMEIER

8th Legislative District

Baltimore County

Chair

Rules Committee

Finance Committee

Executive Nominations Committee



□ Annapolis Office

James Senate Office Building

11 Bladen Street, Room 103

Annapolis, Maryland 21401

410-841-3620

1-800-492-7122 Ext. 3620

Katherine.Klausmeier@senate.state.md.us

□ District Office

4100 Walter Avenue

Baltimore, Maryland 21236

410-256-1353 • Fax 410-256-0319

The Senate of Maryland

ANNAPOLIS, MARYLAND 21401

July 24, 2013

John Beverungen, Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 193
Towson, MD 21204

Re: 7920 Harford Road
Case 2013-0305-SPH

Dear Judge Beverungen:

On August 19th there is a Zoning Hearing on the above referenced property to remove conditions so the property can operate as a automotive garage. The property was originally an automotive garage but in 1999 had an exception to become an automotive detail business/car wash.

After talking with the President of the Parkville Business Association and a few members of the community who support the owner of this property, I support the zoning change to allow the property to be used as an automotive service garage. I understand the owner has a tenant waiting to move in to fill this vacant space in Parkville.

Very truly yours,

A handwritten signature in cursive script that reads "Kathy Klausmeier".

Kathy Klausmeier

cc: Steve Cascio

RECEIVED

JUL 29 2013

OFFICE OF ADMINISTRATIVE HEARINGS



KEVIN KAMENETZ
County Executive

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

August 14, 2013

7920 Harford Road LLC
12236 Roundwood Road
Suite 609
Timonium MD 21093

RE: Case Number: 2013-0305 SPH, Address: 7920 Harford 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 June 4, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
James Grammer, Polaris Land Consultants, 10 Gerard Avenue, Suite 101, Timonium MD 21093
Howard L Alderman Jr., Esquire, 502 Washington Avenue, Suite 800, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 6/25/13

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2013-0305-SPH
Special Hearing
7920 Hartford Road, LLC
7920 Hartford Road
MD 147

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 6-24-13. A field inspection and internal review reveals that an entrance onto MD147 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for _____, Case Number 2013-0305-SPH.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

People's Counsel - Re: 7920 Harford Road

From: People's Counsel
To: Alderman, Howard
Subject: Re: 7920 Harford Road

Thank you, Howard. I have a recollection that Jean Tansey is now the Landscape Architect, and have a call in to verify that. Curtis Murray should be able to confirm.

There is some thick planting in the amenity open space area by the rear alley, but nothing along Harford Road or at the corner, as you may know. The 1999 DZC Kotroco opinion refers on pages 3-4 specifically to landscaping in reference to the Parkville Improvement Program improvement condition. I do not have a copy of this Program, and do not know if it has been updated. Anyway, the main thing is to have a reasonable landscape improvement.

Assuming that the community is supportive and nothing else unforeseeable, I think an expedited landscaping plan and commitment should put you in an excellent position to satisfy the ALJ to approve the amended special exception/variance, with the rest being matters of detail in adjusting and modifying the 1999 opinion.

Peter Max

>>> Howard Alderman <halderman@levingann.com> 7/25/2013 2:08 PM >>>

Peter,

Following your telephone call this morning, I called my client and advised him of the position of your Office regarding landscaping at 7920 Harford Road. My client is going to call Curtis Murray in Planning requesting an on-site meeting regarding landscaping. My client wants to continue his proactive approach to keep this issue moving so that he does not lose a quality tenant.

Howard

~~~~~  
 Howard L. Alderman, Jr., Esquire  
 Levin & Gann, PA  
 Nottingham Centre, 8<sup>th</sup> Floor  
 502 Washington Avenue  
 Towson, Maryland 21204  
 410-321-0600 (voice)  
 410-296-2801 (fax)  
 410-456-8501 (cell)  
 Email: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
 Website: [www.LevinGann.com](http://www.LevinGann.com)



Provide Feedback at <http://tinyurl.com/HLA-AVVO>

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Of Maryland's**



## *Baltimore County, Maryland*

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building  
105 West Chesapeake Avenue, Room 204  
Towson, Maryland 21204

410-887-2188  
Fax: 410-823-4236  
August 1, 2013

PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

### HAND DELIVERED

John Beverungen, Administrative Law Judge  
The Jefferson Building  
105 W. Chesapeake Avenue, Suite 103  
Towson, Maryland 21204

RECEIVED

AUG 01 2013

Re: 7920 Harford Road LLC  
7920 Harford Road  
Case No.: 2013-305-SPH  
Hearing Scheduled August 19, 2013, 2:30 PM

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Judge Beverungen,

The present petition for special hearing requests modification of then Deputy Zoning Commissioner Timothy Kotroco's final order entered August 9, 1999 in Case 99-479-SPHXA. DZC Kotroco there granted a special exception for a service garage and vehicle detailing/indoor cleaning business, with ten restrictions, attached. There was also a variance for .17 amenity open space ratio instead of the required .20. DZC Kotroco had issued an earlier order on December 3, 1993 in Case No. 93-136-XA, approving a somewhat similar petition, but for a carwash. Many of the current restrictions originated in the 1993 Order.

Ultimately, as explained below, of particular concern is compliance with a restriction 7 from the 1999 Order, which required improvements, based on the Revitalization Plan for Parkville Business District, involving landscaping along Harford Road. We have spoken with Petitioner's attorney, Howard Alderman, Esquire, and he has advised Petitioner to meet with County staff. We request at least a landscaping plan approved by the County Landscape Architect prior to any zoning approval, as well as consideration as to subsequent tracking or monitoring of implementation. The Department of Planning has also requested for a signage plan (assuming that any additional signs are contemplated).

The reason for the present petition is that, along with a new owner, 7920 Harford Road, LLC, there is a new tenant with a different type of business, namely a window installation business. This use differs from the use granted in 1999, and so must be modified, along with the pertinent restrictions.

The subject property, 7920 Harford Road, is zoned B.L.-C.C.C and located at the southwest corner of Harford Road and Linwood Avenue in the Parkville Business District, just two blocks north of the main intersection of Harford Road and Taylor Avenue. The site plan lists a net area of 5,164 square feet.

Upon review of the site plan, a site visit, and Google Earth photos (attached), it appears that this compact site is shaped like a parallelogram, with its length running along the west side of Harford Road frontage and an alley to the rear. Linwood Avenue is a residential street with single-family detached dwellings running one-way, in the direction of Harford Road. The intersection is signalized.

The rectangular garage building runs along most of the site's length, close to the alley, with amenity open space between the garage building and Linwood Avenue.

A single-family dwelling is located at 2905 Linwood Avenue, just across the alley from the rear of the site. Some dense plantings border the alley.

As indicated above, however, there is no landscaping along Harford Road, even though Restriction 7 required such landscaping, per the Revitalization Plan for Parkville Business District. There does appear to be some dense growth in the amenity open space area, providing a degree of buffer along the rear boundary across from 2905 Linwood Avenue. As noted, dense planting also exists on the residential property near the alley.

In 1993 and 1999, the property owners were Soung and Fred Yoo. SDAT data record the transfer of the property to 7920 Harford Road, LLC on December 29, 2011. The lessees in 1993 were Donald and JoAnne Shanahan, the operators of a carwash. When their business discontinued operation at the site, James Klink replaced them as lessee, so that the amended petition became necessary for his vehicle detailing business. Recently, Mr. Klink gave notice that he would terminate his lease at the site. So, once again, there is a new lessee in the picture, this time with a window installation business in conjunction with the service garage.

Perusal of the 1999 opinion and order shows the proposed use then to be for a service garage with vehicle detailing and indoor cleaning of vehicles --- washing, drying, waxing, etc. Several citizens attended. As a result, DZC Kotroco granted the special exception, but with ten enumerated restrictions. In addition to the routine (1, 10) restrictions relating to application for a building permit and reference therein to the restrictions in the order, DZC Kotroco restricted approval to Klink's operation, and provided that any relocation or termination by Klink would terminate the order. (9). The remaining restrictions (2-8) involved specified operational conditions, a height limitation, landscape improvement consistent with the Parkville Revitalization Plan, and a landscape buffer relating to the 2905 Linwood Avenue residential use.

The present petition asks permission for the new use and, in this context, for removal of conditions 2, 6, and 9. These conditions required installation of a separator system in the wash bay to dispose of wastewater (2), prohibited exterior washing of vehicles (6), and, as noted, limited the approval to Mr. Klink's operation.

Upon inquiry with Petitioner's counsel, Howard Alderman, Esquire, and review of his May 29, 2013 letter to PAI Director Arnold Jablon, we learned that Mr. Klink notified Petitioner of his intention to terminate the lease. The new proposed user is a national automotive window

glass company, which installs windows in the interior of the premises. There will no longer be a general vehicle detailing and cleaning business.

Ordinarily, final zoning decisions, including important conditions, are entitled to respect under the *res judicata* doctrine. Whittle v. Board of Zoning Appeals 211 Md. 36 (1956), Woodlawn Area Citizens Assoc. v. Board of County Comm'rs 241 Md 187 (1966); Seminary Galleria v. Dulaney Valley Improvement Association 192 Md. App. 719 (2010). In zoning cases, however, the doctrine does allow flexibility in the event of a legitimate change in circumstances which warrants a different conclusion and is in the public interest.

It is apparent that the change from vehicle detailing business to window installation use is a change which renders obsolete Restrictions 2 and 6 insofar as they deal with the vehicle detailing/cleaning business. As to Restriction 2, relating to generation and handling of wastewater, this appears to be obsolete unless the new business generates significant wastewater. As to Restriction 6, consistent with Petitioner's stated intent, a restriction against exterior work on window installation should replace the obsolete prohibition against any exterior car detailing/washing work. So that there is no confusion, there should also be a restriction which precludes a carwash or general vehicle cleaning use at the site.

As to restriction 9, it will effectively be satisfied by the current application. It may be reasonable to replace it with a new condition restricting the use to the proposed window installation business, along with the more routine service garage operations.

As to the remaining conditions --- 3, 4, 5, 7, and 8 ---there should be an inquiry and review both whether these are currently satisfied and/or continue to be applicable. As noted, these restrictions actually appear to have been essentially carried forward substantially from DZC Kotroco's previous December 3, 1993 Order approving a special exception for a carwash. Case No. 93-136-XA.

These restrictions should be included in any new order of approval unless found obsolete. The prohibition of parking or storage along Harford Road and Linwood Avenue (3) and permitted storage of one vehicle in each service bay and three in front of the bays (4) appear still to be applicable.

As to Restriction 5, that the proposed addition must be no taller than the existing building, the plan describes a one-story building, and no new additions. It may that the additions contemplated in 1993 and/or 1999 were done and satisfied. In any event, some attention should be paid to the satisfaction and/or current applicability of this condition.

Restriction 7 appears to be of most concern. As noted, this requires improvement consistent with the Revitalization Plan for the Parkville Business District, involving landscaping along Harford Road. DZC Kotroco's 1999 opinion indicates that there was contemplated some landscaping along the Harford Road frontage. As DZC Kotroco then wrote,

“Testimony and evidence was also presented by several citizens who attended the hearing. Ms. Baker was specifically concerned over the traffic that would be generated by this new business. She testified that the traffic at this area of Harford Road concerns her very much. She testified that it is difficult to come in and out of the site given the heavy amount of traffic on Harford Road. In addition, she does not see the need for this type of business at this location. In addition to the testimony of Ms. Baker, Ms. Baisden testified that she would like to see some additional landscaping provided along Harford Road consistent with the revitalization efforts made in this area of Parkville.” Pages 3-4.

The new site plan does not make any reference to improvements consistent with the Parkville Revitalization Plan. Neither the site plan nor our review of Google Earth photos reveals any landscaping along Harford Road. Attention, therefore, needs to be paid to continuation and satisfaction of this condition.

Restriction 8 requires a landscape buffer to protect 2905 Linwood Avenue to be approved by the County Landscape Architect. The site plan likewise does not make any reference to a landscape plan or show any landscaping along the border with 2905 Linwood Avenue. Review of Google Earth photos, however, does appear to indicate a fair amount of planting to the rear of the building, so perhaps some of this has been done. In any event, there should be inquiry into the existence of and implementation of the landscape plan contemplated in 1999.

There is a Department of Planning comment dated July 2, 2013. The DOP asks for an appropriate permanent sign, relocation of the dumpster, and submission of a signage and landscape plan. This reinforces our observation that consideration should be given to the previously required restrictions involving Parkville Revitalization Plan and the buffer for 2905 Linwood Avenue.

Furthermore, Site Plan Note 7 states in an open-ended way that all signs will be in accordance with BCZR 450. This sort of note is found in many zoning site plans, without any specific description of the contemplated signs. It is important that any new proposed signage be explicitly described and, insofar as appropriate, limited as such.

We add that the site plan lists an amenity open space ratio of .16, which would be a slight modification of the .17 granted in 1999.

If the Administrative Law Judge otherwise concludes that the modification satisfies the special exception standards, and that there is no reason to alter the amenity open space variance, then the removal and/or replacement of restrictions 2 and 6 would be appropriate. Because of traffic concerns expressed by area citizens at the 1999 hearing, especially as to access, Petitioner should present testimony to show that the changed use will not magnify access problems, will likely involve less customer turnover, and/or that experience in the past decade has not reflected the problems anticipated by the citizens. To be sure, access is always an issue on major commercial arterial roads, especially for left turns from the opposite side of the road. The inability to turn into one-way Linwood Avenue from Harford Road does add to the left-turn challenge.

John Beverungen, Administrative Law Judge  
August 1, 2013  
Page 5

It is constructive, per Mr. Alderman's correspondence, that the proposal has been presented to the Parkville community. He reports that they support the new use as a cleaner, less intensive use of the property. Based on this, it seems likely that the change of use would fit in as a less intensive change of the type which justifies modification of the 1999 DZC order. In order to effectuate a use perceived to be more compatible in the Parkville Business District, there should, to repeat, be appropriate landscaping, as well as a signage plan and appropriate condition.

To conclude, it appears likely, subject to your review at the hearing, that this petition may properly be granted, subject to reasonable restrictions appropriate to the new interior window installation use and carrying forward and implementing other restrictions as applicable and appropriate, with particular focus on landscaping and signage.

As a step toward implementation of previously contemplated landscaping restrictions, a landscape plan approved by the County Landscape Architect should be filed prior to any final approval of the petition. The landscaping will be a positive contribution to the visual character of a revitalizing Parkville Business District along Harford Road. A proper signage description or plan should also be filed. Indeed, a signage description or plan should be done in all zoning cases, rather than the boilerplate "will comply with BCZR 450" note, because the particulars of the signage are relevant to the overall picture.

Finally, this case highlights an issue as to whether there may be an improved tracking system to check implementation of affirmative restrictions such as landscaping and signage. The County's technological progress, data systems, Google Earth photos, and GIS resources should make it easier to spot-check and track implementation, with follow-up site visits as needed.

We trust the Administrative Law Judge will find these observations helpful, both for this case and generally. We also look forward to and appreciate any clarification or comments by Mr. Alderman.

Sincerely,

A handwritten signature in purple ink that reads "Peter Max Zimmerman". The signature is fluid and cursive, with the first name "Peter" and last name "Zimmerman" clearly legible, and "Max" in the middle.

Peter Max Zimmerman  
People's Counsel for Baltimore County

cc: Howard Alderman, Esquire, attorney for Petitioner  
Lynn Lanham/Curtis Murray, Department of Planning  
Jeannette Tansey, Landscape Architect  
Carl Richards, Zoning Supervisor  
Lionel Van Dommelen, Director of Enforcement  
Ms. Ruth Baisden  
Mr. & Mrs. John Baker  
Mr. Chuck Schab



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

August 9, 1999

Howard L. Alderman, Jr., Esquire  
Levin & Gann, P.A.  
113 W. Chesapeake Avenue, Suite 113  
Towson, Maryland 21286

Re: Petition for Special Exception  
Case No. 99-470-SPHXA  
Property: 7920 Harford Road

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Exception has been granted in accordance with the enclosed Order.

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 County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

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

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure

c: Mr. & Mrs. Fred C. Yoo  
3615 Stansbury Mill Road  
Phoenix, Maryland 21131

Ann A. Lim, Esquire  
200 Lexington Street, Lower Suite  
Baltimore, Maryland 21202-3530

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper

Mr. & Mrs. James P. Klink  
5420 Hillburn Avenue  
Baltimore, Maryland 21214

Mr. Geoffrey C. Shultz  
C/o McKey & Associates  
5 Shawan Road  
Hunt Valley, Maryland 21030

Mr. Chuck Schab  
7801 Oak Avenue  
Baltimore, Maryland 21234

Ms. Ruth Baisden  
7706 Oak Avenue  
Baltimore, Maryland 21234

Mr. & Mrs. John Baker  
2307 Ellen Avenue  
Baltimore, Maryland 21234

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

**Account Identifier:** District - 09 Account Number - 0907411630

**Owner Information**

|                         |                                                      |                             |                        |
|-------------------------|------------------------------------------------------|-----------------------------|------------------------|
| <b>Owner Name:</b>      | 7920 HARFORD RD LLC                                  | <b>Use:</b>                 | COMMERCIAL             |
| <b>Mailing Address:</b> | UNIT 609<br>12236 ROUNDWOOD RD<br>TIMONIUM MD 21093- | <b>Principal Residence:</b> | NO                     |
|                         |                                                      | <b>Deed Reference:</b>      | 1) /31546/ 00150<br>2) |

**Location & Structure Information**

|                           |                                                   |
|---------------------------|---------------------------------------------------|
| <b>Premises Address</b>   | <b>Legal Description</b>                          |
| 7920 HARFORD RD<br>0-0000 | PT LT 3-6<br>SW COR HARFORD RD &<br>LAVENDER HILL |

|            |             |               |                     |                    |                |              |            |                        |                  |            |
|------------|-------------|---------------|---------------------|--------------------|----------------|--------------|------------|------------------------|------------------|------------|
| <b>Map</b> | <b>Grid</b> | <b>Parcel</b> | <b>Sub District</b> | <b>Subdivision</b> | <b>Section</b> | <b>Block</b> | <b>Lot</b> | <b>Assessment Area</b> | <b>Plat No:</b>  | <b>SEL</b> |
| 0081       | 0002        | 0567          |                     | 0000               |                |              |            | 2                      | <b>Plat Ref:</b> |            |

|                          |                   |      |
|--------------------------|-------------------|------|
| <b>Special Tax Areas</b> | <b>Town</b>       | NONE |
|                          | <b>Ad Valorem</b> |      |
|                          | <b>Tax Class</b>  |      |

|                                |                      |                           |                   |
|--------------------------------|----------------------|---------------------------|-------------------|
| <b>Primary Structure Built</b> | <b>Enclosed Area</b> | <b>Property Land Area</b> | <b>County Use</b> |
| 1935                           | 2132                 | 5,983 SF                  | 20                |

|                |                 |                |                 |
|----------------|-----------------|----------------|-----------------|
| <b>Stories</b> | <b>Basement</b> | <b>Type</b>    | <b>Exterior</b> |
|                |                 | SERVICE GARAGE |                 |

**Value Information**

|                           | <b>Base Value</b> | <b>Value</b>        | <b>Phase-in Assessments</b> |                     |
|---------------------------|-------------------|---------------------|-----------------------------|---------------------|
|                           |                   | As Of<br>01/01/2011 | As Of<br>07/01/2012         | As Of<br>07/01/2013 |
| <b>Land</b>               | 149,500           | 149,500             |                             |                     |
| <b>Improvements:</b>      | 145,900           | 115,300             |                             |                     |
| <b>Total:</b>             | 295,400           | 264,800             | 264,800                     | 264,800             |
| <b>Preferential Land:</b> | 0                 |                     |                             | 0                   |

**Transfer Information**

|                |                      |               |               |               |           |
|----------------|----------------------|---------------|---------------|---------------|-----------|
| <b>Seller:</b> | YOO FRED CHAGHEE     | <b>Date:</b>  | 12/29/2011    | <b>Price:</b> | \$245,000 |
| <b>Type:</b>   | ARMS LENGTH IMPROVED | <b>Deed1:</b> | /31546/ 00150 | <b>Deed2:</b> |           |
| <b>Seller:</b> | FULCO FREDERICK L    | <b>Date:</b>  | 08/08/1990    | <b>Price:</b> | \$186,000 |
| <b>Type:</b>   | ARMS LENGTH IMPROVED | <b>Deed1:</b> | /08560/ 00651 | <b>Deed2:</b> |           |
| <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       |

|                      |                               |
|----------------------|-------------------------------|
| <b>Tax Exempt:</b>   | <b>Special Tax Recapture:</b> |
| <b>Exempt Class:</b> | NONE                          |

**Homestead Application Information**

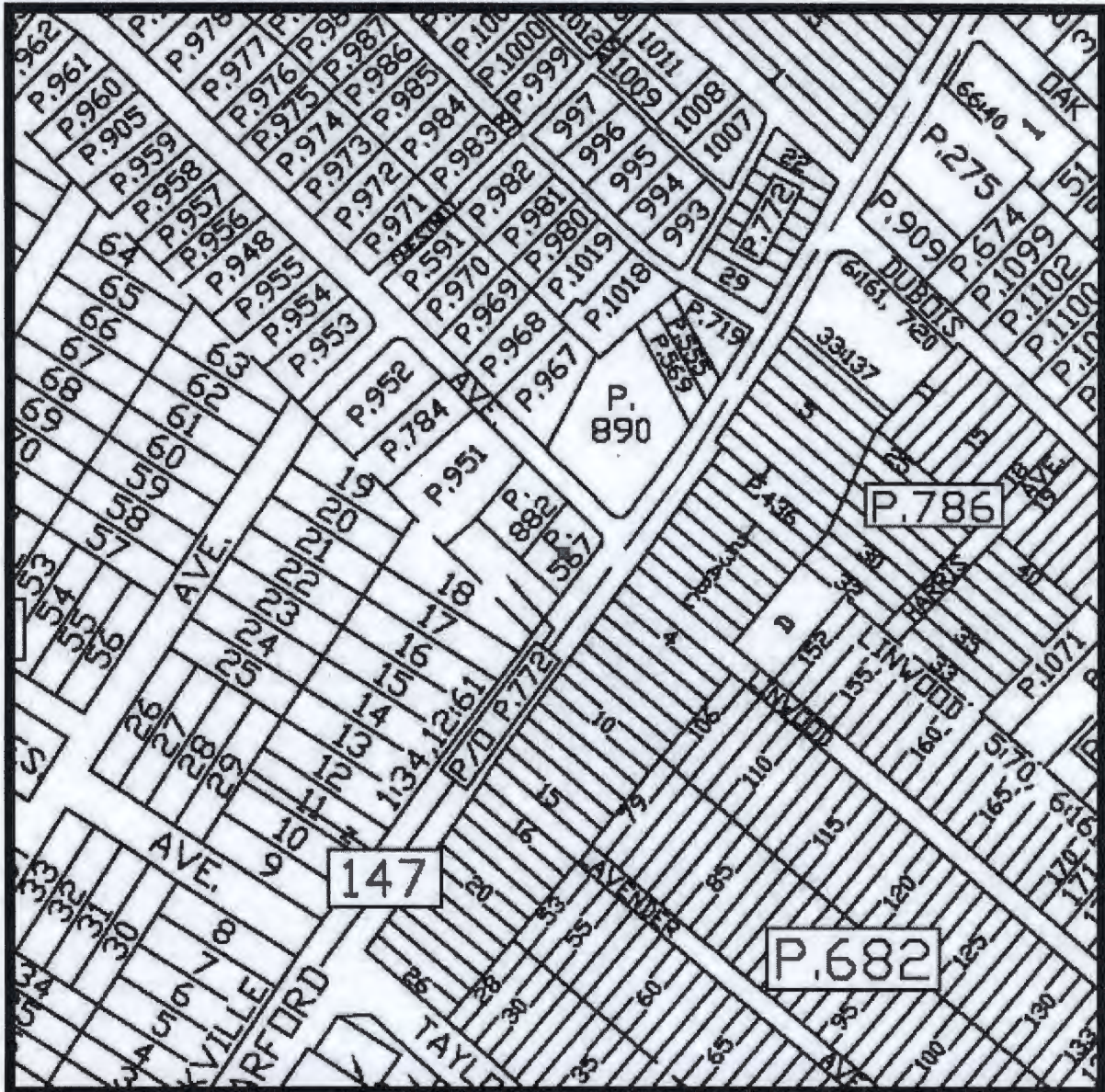
|                                      |                |
|--------------------------------------|----------------|
| <b>Homestead Application Status:</b> | No Application |
|--------------------------------------|----------------|



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**District - 09 Account Number - 0907411630**



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).

PLEASE PRINT CLEARLY

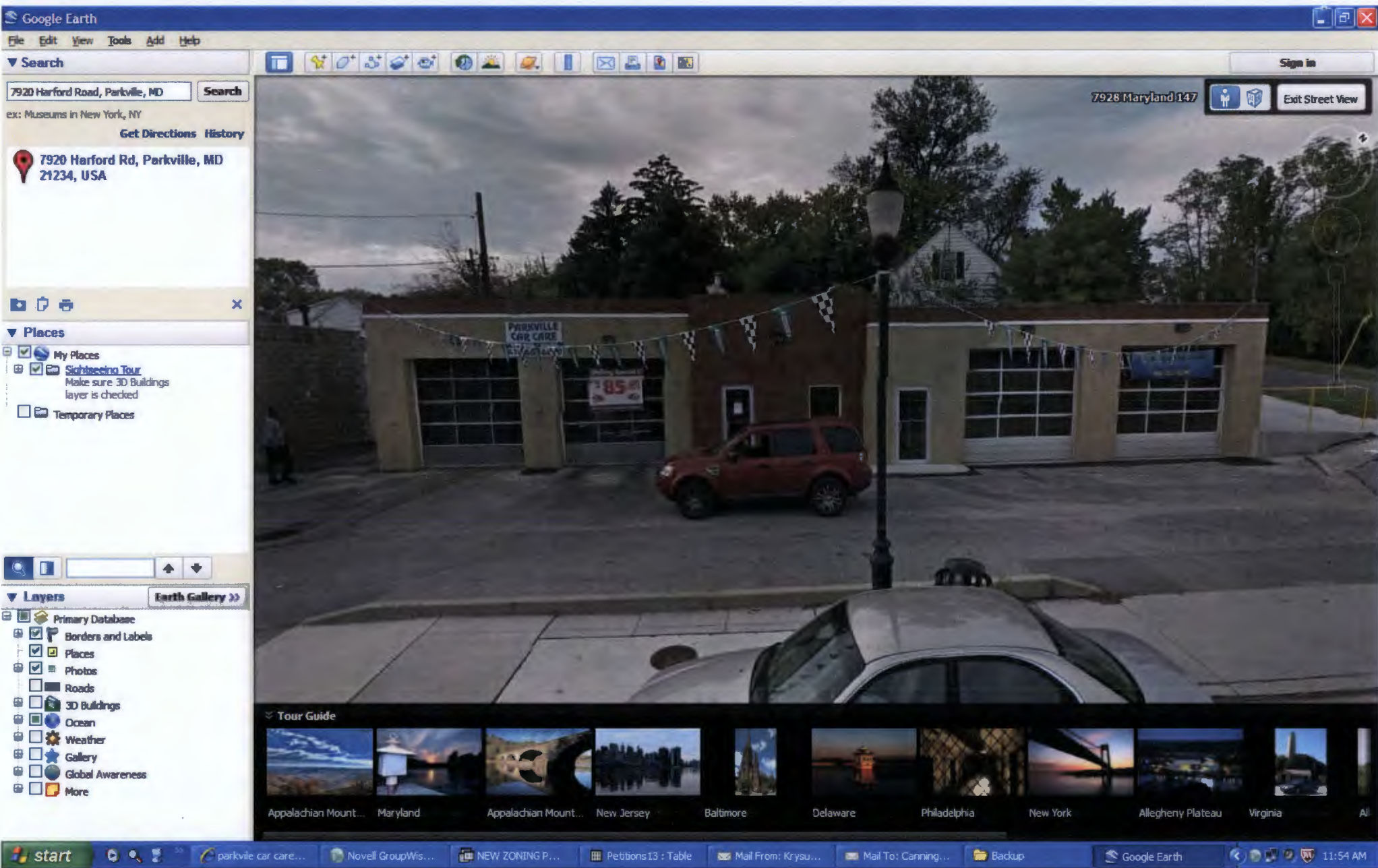
CASE NAME \_\_\_\_\_  
CASE NUMBER 2013-0305 SPH  
DATE 8/19/13

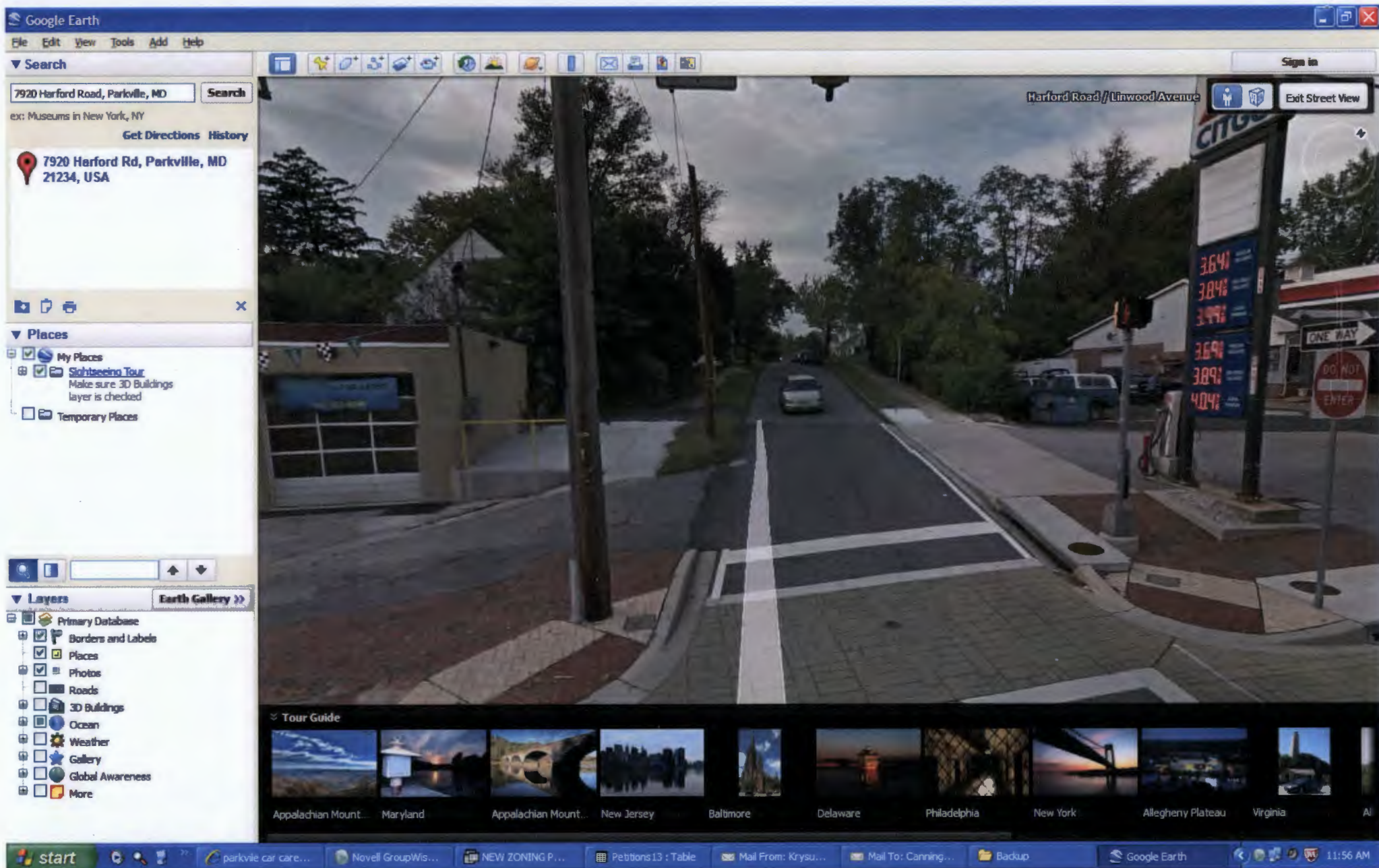
## CITIZEN'S SIGN-IN SHEET

[illegible]

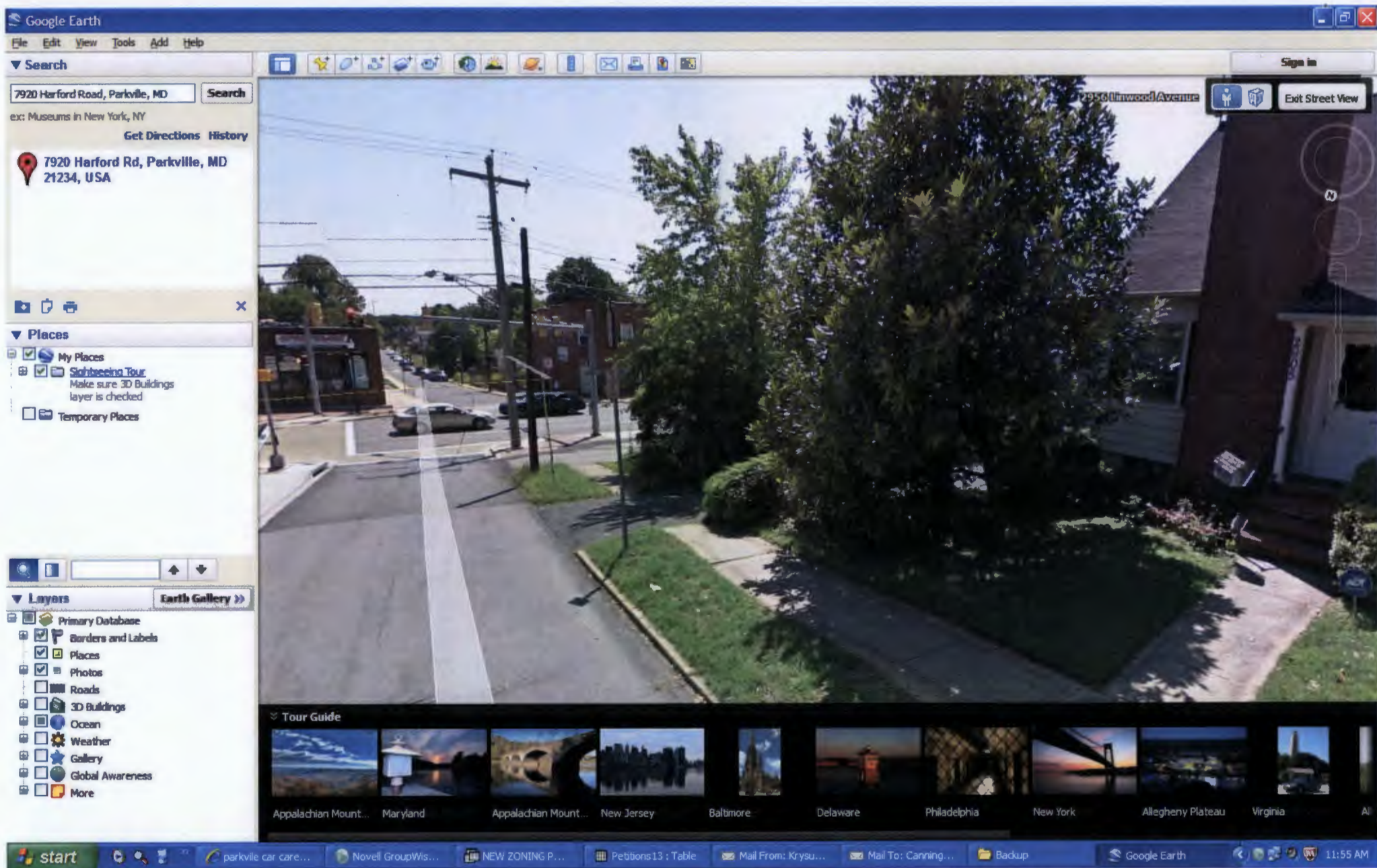
CASE NAME 7920 HARFORD RD LLC  
CASE NUMBER 2013-305-SPH  
DATE 19 AUGUST 13

[illegible]











Google earth





SA

Google

© 2013 Google  
© 2013 Google

Google earth

feet 8  
meters 2





Google earth



Case No.: 2013-0305-SPH

Exhibit Sheet

19W  
9-24-13

Aln  
8-22-13

Petitioner/Developer

Protestant

|        |                                        |  |
|--------|----------------------------------------|--|
| No. 1  | Redlined Site plan                     |  |
| No. 2  | 2A-M<br>Color photos                   |  |
| No. 3  | 3A+ 3B<br>Signage detail               |  |
| No. 4  | 4A-4E<br>photos re: dumpster placement |  |
| No. 5  | John Rohde- CV                         |  |
| No. 6  | Email from J. Tansey                   |  |
| No. 7  | Landscape Exhibit                      |  |
| No. 8  |                                        |  |
| No. 9  |                                        |  |
| No. 10 |                                        |  |
| No. 11 |                                        |  |
| No. 12 |                                        |  |

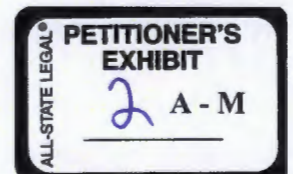


A – FRONT (SOUTHEAST) ELEVATION



B – SIDE (NORTHEAST) ELEVATION

**PICTURE EXHIBITS**  
7920 HARFORD ROAD  
ZONING CASE NO. 2013-0305-SPH





C – VIEW ALONG REAR OF BUILDING, LOOKING SOUTHWESTERLY



D – REAR OF BUILDING

**PICTURE EXHIBITS**  
7920 HARFORD ROAD  
ZONING CASE NO. 2013-0305-SPH



E – SOUTHWEST ELEVATION LOOKING TOWARDS HARFORD ROAD



E - FRONT ELEVATION OF EXISTING BUILDING

**PICTURE EXHIBITS**  
7920 HARFORD ROAD  
ZONING CASE NO. 2013-0305-SPH



G – WEST SIDE OF HARFORD ROAD, LOOKING NORTHEASTERLY



H – WEST SIDE OF HARFORD ROAD, LOOKING SOUTHWESTERLY

**PICTURE EXHIBITS**  
 7920 HARFORD ROAD  
 ZONING CASE NO. 2013-0305-SPH



I – LINWOOD AVENUE, LOOKING NORTHWESTERLY



J – 2905 LINWOOD AVENUE

**PICTURE EXHIBITS**  
7920 HARFORD ROAD  
ZONING CASE NO. 2013-0305-SPH



K – REAR YARD OF 2905 LINWOOD AVENUE



L – REAR OF BUILDING LOOKING TOWARDS LINWOOD AVENUE

**PICTURE EXHIBITS**  
7920 HARFORD ROAD  
ZONING CASE NO. 2013-0305-SPH

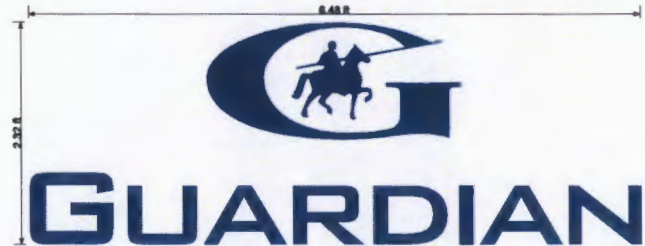


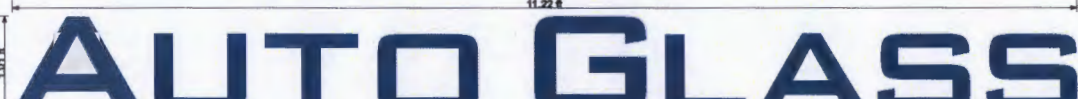
M – STOREFRONTS ALONG EAST SIDE OF HARFORD ROAD

**PICTURE EXHIBITS**  
7920 HARFORD ROAD  
ZONING CASE NO. 2013-0305-SPH



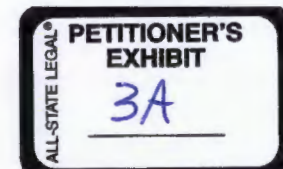
8106 A Harford Road  
Baltimore, Md 21234  
christhesignguy@yahoo.com  
Phone: 410-977-1815



 **AUTO GLASS**

Letters to be mounted to be stud mounted into wall  
and sealed with silicone adhesive.

FACE THICKNESS formed plastic stud mounted letters  
FACE COLOR Med. Blue  
RACEWAY COLOR N/A  
TRIM COLOR N/A  
RETURNS Med. Blue  
NEON N/A  
TRANSFORMER N/A  
IS SIGN U.L. LISTED N/A  
VINYL COLOR N/A



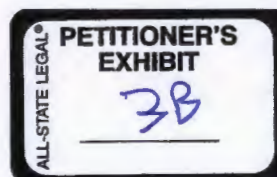
PLEASE REVIEW ALL DETAILS IN THE ABOVE NOTED JOB. PLEASE CHECK FOR SPELLING ERRORS AND SPECS. IN SIZE, COLOR, ETC...  
IF CHANGES ARE NEEDED PLEASE DO NOT SIGN. NOTIFY OF ANY CHANGES. IF SIGN IS APPROVED AS IS PLEASE SIGN OFF TO BEGIN PRODUCTION.  
THIS SPEC. SHEET AND THE ESTIMATE MUST BE SIGNED PRIOR TO PRODUCTION.

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_



8106 A Harford Road  
Baltimore, Md 21234  
christhesignguy@yahoo.com  
Phone: 410-977-1815



FACE THICKNESS formed plastic stud mounted letters  
FACE COLOR Med. Blue  
RACEWAY COLOR N/A  
TRIM COLOR N/A  
RETURNS Med. Blue  
NEON N/A  
TRANSFORMER N/A  
IS SIGN U.L. LISTED N/A  
VINYL COLOR N/A



PLEASE REVIEW ALL DETAILS IN THE ABOVE NOTED JOB. PLEASE CHECK FOR SPELLING ERRORS AND SPECS. IN SIZE, COLOR, ETC...  
IF CHANGES ARE NEEDED PLEASE DO NOT SIGN. NOTIFY OF ANY CHANGES. IF SIGN IS APPROVED AS IS PLEASE SIGN OFF TO BEGIN PRODUCTION.  
THIS SPEC. SHEET AND THE ESTIMATE MUST BE SIGNED PRIOR TO PRODUCTION.

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_



ALL-STATE LEGAL  
PETITIONER'S  
EXHIBIT  
4A-E









7. Brief resume of key persons specialists and individual consultants anticipated for this project.

a. Name & Title:

**John C. Rohde, RLA**  
Principal

b. Project Assignment:

Principal Landscape Architect

c. Name of Firm with which associated:

**Human & Rohde, Inc.**



d. Years experience: With This Firm 32 With Other Firms 7

e. Education: Degree(s)/Year/Specialization

University of Maryland, BS 1967 - Horticulture

University of Virginia, MLA 1973 - Landscape Architecture

f. Active Registration: Year first Registered/Discipline

1977 Maryland, Maryland Registered Landscape Architect #353

1995 Maryland, Certified Horticulturist

1998 Maryland Licensed Tree Expert #99

g. Other Experience and Qualifications relevant to the proposed project:

Mr. Rohde is a Registered Landscape Architect and has been practicing in Maryland since 1973. He has been President of Human & Rohde, Inc. since 1982. He is experienced in a wide range of projects and responsibilities involving all phases of design and construction from schematic design through construction documents and construction inspection, including permits. Mr. Rohde's considerable experience in coordinating design teams and understanding of the construction process is an asset to any project. A brief description of typical projects include:

**Red Run Stream Valley Trail, Owings Mills, MD:** Prepared feasibility study of initial trail alignment and amenities. Determined final trail and boardwalk layout and designed special trail signage. Recommended amenities, prepared donor packages for fund raising, construction documents and cost estimates.

**Gough Park, White Marsh, MD:** Prepared construction plans and specifications based on the preliminary master plan provided by the County. Provided grading design, finalized athletic field layout, detailed the layout of the plaza for the concession building, prepared the landscape plan for the site, and coordinated park signage with a graphic designer.

**Dolfield Road, Owings Mills, MD:** Delineated wetlands, prepared the Joint Permit Application, attended field review with DEPRM, MDE, and the Corps of Engineers, and prepared the wetland mitigation plan associated with the construction of the new bridge. Determined the location for the mitigation site and will be monitoring the mitigation plantings for 3 years to report on survival rates.

**Port Covington Revitalization, Baltimore City, MD:** As part of the Development Plan for Starwood Ceruzzi Development, prepared a Shore Stabilization Plan, extensive shoreline renovations, and planting and stormwater/water quality facility planting plans which were approved by the Critical Area Commission and Dept. of Natural Resources.

**Bear Creek Towne Sewage Pumping Station, Baltimore County, MD:**

Delineated environmental resources, prepared plans, coordinated with Baltimore County DEPRM, Chesapeake Bay Critical Area Commission, and MDE to obtain permits.

**Patapsco River Non-Structural Stabilization, Baltimore, MD:** Selected as a sole source contractor for this important pilot project. Prepared contract documents for non-structural (vegetative) stabilization of an eroding shoreline of the Patapsco River. This project was a joint State and City demonstration project to show the effectiveness and potential cost savings of vegetative vs. structural stabilization.

**Kinder Farm Park, Anne Arundel County, MD:** Prepared the Master Plan and Construction documents for this 288 acre site in Millersville, MD. The primary focus of this park is to serve as a demonstration farm of historic farming practices. A demonstration farm, craft village, and visitor center were planned along with extensive use of a portion of the site for athletic fields, picnic facilities, play areas and restrooms.

**Ballenger Creek Trail, Frederick County, MD:** Prepared the Master Plan for the entire 5 mile trail system through DNR and prepared construction documents and grant applications for Phase I of a trail. The work involved wetland impacts, construction in a floodplain, grant applications, cost estimates, bidding and construction services.

**Rose Hill Manor Park & Museum, Frederick County, MD:** Worked with the Master Plan Committee to develop alternative schemes and a final Master Plan for this historic farm park and museum. Prepared final Report and cost estimates.

**Fort Smallwood/Harry & Jeannette Weinberg Park:** Worked with the Master Plan Committee and Anne Arundel County Dept. of Recreation & Parks to develop a Master Plan for 325 acres of existing parkland and natural area. Prepared a site analysis, landbay plan, cost estimates, and final Report.

**Pocomoke River State Park, Worcester County, MD:** Delineated the wetlands, determined wetland and buffer impacts, prepared the Joint Permit, and obtained permits for water and sewer service to the park.

## Howard Alderman

---

**From:** Jeanette Tansey <jtansey@baltimorecountymd.gov>  
**Sent:** Tuesday, August 13, 2013 10:19 AM  
**To:** Peter Zimmerman; Howard Alderman  
**Cc:** Brenda Payne; s.cascio23@gmail.com; lynette@humanandrohde.com  
**Subject:** 7920 Harford Road

Good morning, Gentlemen -

Working with Human & Rohde, landscape architects working for Mr. Cascio, we have developed a plan that we feel is successful in fulfilling the requirements of the 1999 zoning order and beautifying the streetscape to the best extent possible along Harford Road, consistent with the Parkville Revitalization Plan. I approved that plan and attendant cost estimate today. Monitoring of the plan is accomplished through the close out process wherein Mr. Cascio will have to submit an R.A. to secure the cost of the improvements.

Screening along Linwood Avenue has been provided, however there is no opportunity for planting on the 7920 Harford Road property to provide screening for 2905 Linwood Avenue due to an encroachment of a driveway paving from the 2905 Linwood Avenue onto the property. Adequate screening does already exist on the 2905 Linwood Avenue property, however. Therefore, a request to vacate that portion of the previous order would be prudent.

Please do not hesitate to contact me should you have questions about the approved plan for this site.

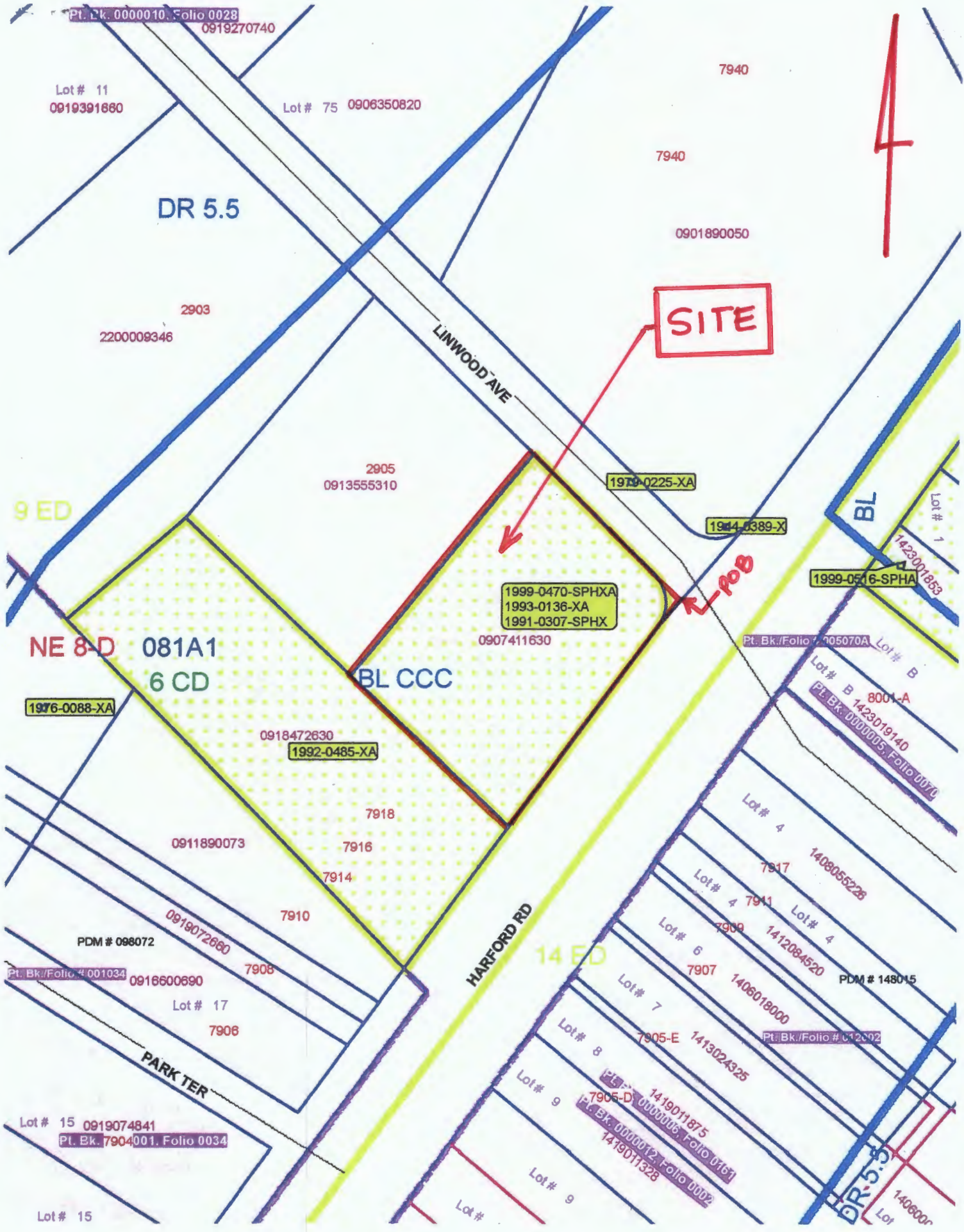
Jeanette M. S. Tansey, R.L.A.  
Development Plans Review  
Department of Permits, Approvals and Inspections  
111 W. Chesapeake Ave, Rm 119  
Towson, MD 21204  
410-887-3751  
410-887-2877 Fax  
[jtansey@baltimorecountymd.gov](mailto:jtansey@baltimorecountymd.gov)



### CONNECT WITH BALTIMORE COUNTY



When you think Baltimore County, think, [www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)



2013-0305-SPH

ORIGINAL NOTES:

- OWNER: 7920 HARFORD RD, LLC
- SITE AREAS:  
GROSS AREA (TO C/I RD, UP TO 30') 10,599 SF / 0.2433 AC±  
FUTURE HIGHWAY WIDENING: 767 SF / 0.02 AC±  
NET AREA: 5,164 SF / 0.11 AC±
- UTILITIES  
PUBLIC WATER  
PUBLIC SEWER
- THIS SITE DOES NOT LIE IN A 100-YEAR FLOODPLAIN.
- THIS SITE DOES NOT LIE IN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE AND BUILDING ARE NOT HISTORIC.
- DEED REFERENCE: J.L.E. 31546/150
- PROPERTY ACCT NO.: 09-07-411630.
- COUNCILMANIC DISTRICT: 6.
- ZONING MAP No. 081A1
- EXISTING ZONING OF SITE: BL-CCC
- PROPOSED USE OF BUILDING: AUTO GLASS REPAIR
- FLOOR AREA RATIO (F.A.R.)  
EXISTING BUILDING FLOOR AREA = 2,199 SF  
MAXIMUM F.A.R. PERMITTED = 4.0  
F.A.R. PROPOSED 2,199 SF/10,599 SF = 0.21
- AMENITY OPEN SPACE (A.O.S.)  
MINIMUM A.O.S. RATIO PERMITTED = 0.2  
A.O.S. RATIO PROPOSED 362 SF/ 2,199 SF = 0.16
- PARKING TABULATION:  
MINIMUM PARKING SPACES REQUIRED = 3.3/1000 SF  
MINIMUM PARKING SPACES = 2.20/3.3 = 7 SPACES  
NUMBER OF PARKING SPACES PROPOSED = 5 SPACES  
(NOTE: 4 SPACES ARE INCLUDED WITHIN THE SERVICE BAYS)
- SIGNS SHALL BE IN ACCORDANCE WITH SECTION 450 BCZR
- THE EXISTING UNDERGROUND FUEL TANKS HAVE BEEN BACKFILLED AND CERTIFIED.  
SEE REPORTS ON FILE WITH THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.
- ALL PARKING SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE, AND BE PERMANENTLY STRIPED.

MINIMUM BUILDING SETBACKS:

AS PER SECTION 232, B.C.Z.R.

FRONT - 10- FEET FROM PROPERTY LINE, 40- FEET FROM CENTERLINE OF ROAD

SIDE - NONE REQUIRED ON INTERIOR SIDE, 10- FEET FROM STREET SIDE

REAR - NONE REQUIRED

PREVIOUS ZONING HEARINGS:

ZONING CASE NO.: 93-136-XA

RELIEF GRANTED:

- SPECIAL EXCEPTION GRANTED TO PERMIT A CAR WASH.
- VARIANCE GRANTED TO PERMIT 4 STACKING/PARKING SPACES TO BE LOCATED WITHIN SERVICE BAYS IN LIEU OF THE REQUIRED 40 STORAGE/STACKING SPACES.
- VARIANCE GRANTED TO PERMIT AN AMENITY OPEN SPACE RATIO OF 0.17 IN LIEU OF THE MINIMUM REQUIRED 2.0.

ZONING CASE NO.: 99-470-SPHXA

RELIEF GRANTED:

- Special Exception from Section 502 and 230.13 to permit a service garage specializing in automobile detailing, cleaning, washing, drying, waxing and polishing, all of which is to be performed indoors.
- Variance from Section 232.A.4 of the B.C.Z.R. to permit an amenity open space ratio of 0.17 in lieu of the required 0.20.

CONDITIONS:

- The Petitioners may apply for the building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- The Petitioners shall install the separator system in the wash bay to dispose of the wastewater generated by the car wash business.
- No vehicles associated with the Petitioners' business, be they customers' or employees', shall be parked or stored along Harford Road or Linwood Avenue at any time.
- The Petitioners shall be permitted to store one (1) vehicle in each service bays on the premises. In addition, the Petitioners may store no more than three (3) additional vehicles on the macadam surface in front of the service bays.
- The proposed addition to the existing structure shall be no taller than the existing building.
- There shall be no exterior washing or cleaning of vehicles.
- The Petitioners are required to improve the site consistent with the Revitalization Plan for the Parkville Business District. The Petitioners shall cooperate and perform such improvements as required pursuant to that revitalization program.
- The Petitioners shall provide a landscape buffer between the subject property and the adjoining property at 2905 Linwood Avenue which is owned by Mrs. Minton. A landscape plan shall be submitted for review and approval by Avery Harden, Landscape Architect for Baltimore County, prior to the issuance of any building permits.
- The special exception and variance granted pursuant to this request shall exist for so long as James P. Klink operates his business on the subject property. Should Mr. Klink relocate or discontinue the subject business, then the special exception and variance granted herein shall cease and terminate.
- When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



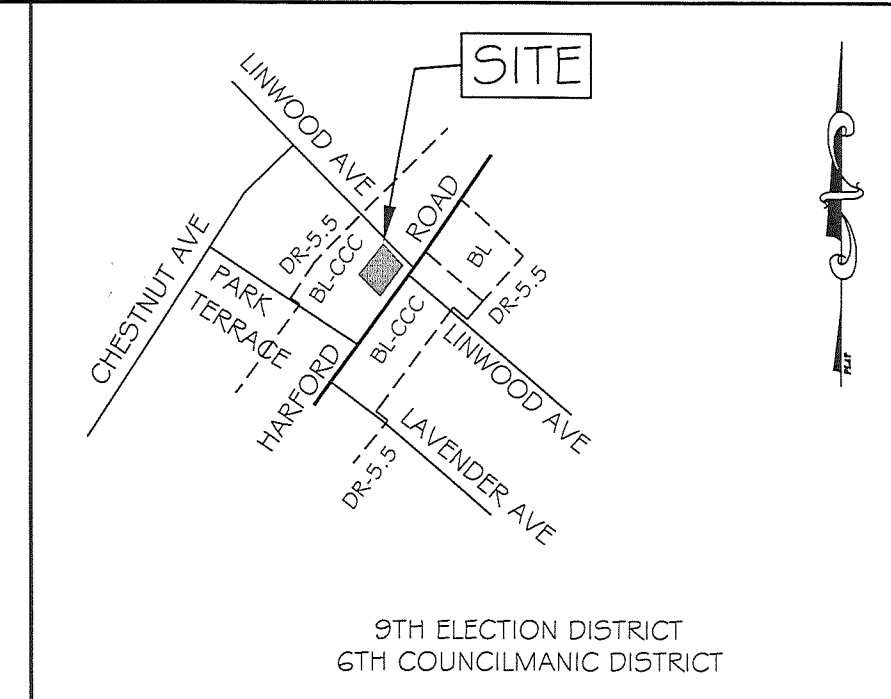
10 GERARD AVENUE  
SUITE 101  
TIMONIUM, MD 21093  
PHONE: (410) 252-4444  
FAX: (410) 252-4483  
WWW.POLARISLC.COM

CURRENT OWNER INFO

7920 Harford Rd, LLC  
12236 Roundwood Road, #609  
Timonium, MD 21093  
DEED REFERENCE: 31546/150  
TAX ACCT.# 09-07-411630  
TAX MAP 81, GRID 2, PARCEL 567

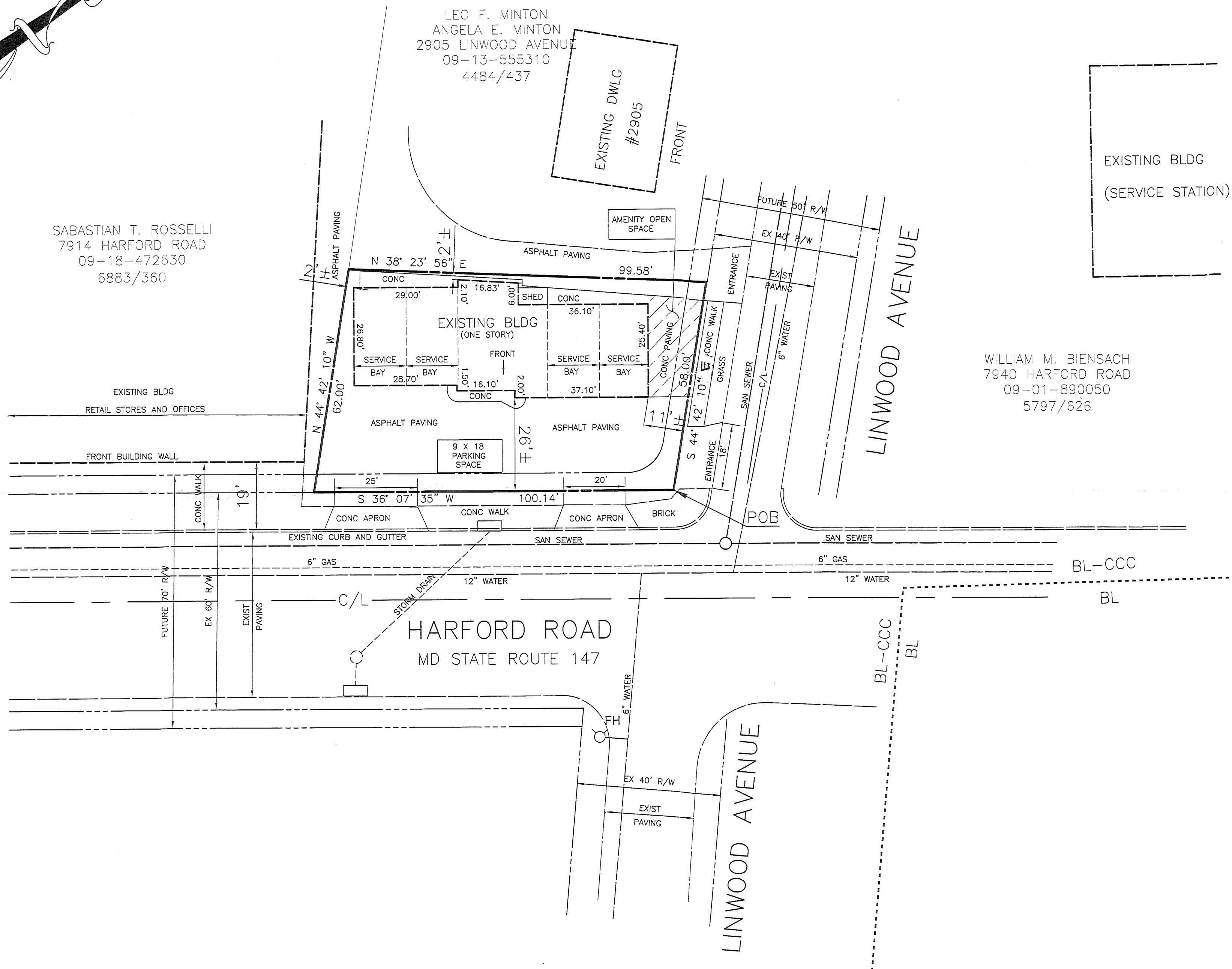


6/5/13



VICINITY MAP

SCALE: 1" = 500'



PLAN TO ACCOMPANY  
PETITION FOR SPECIAL HEARING

#7920 HARFORD ROAD

6TH COUNCILMANIC DISTRICT  
9TH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND  
SCALE: 1" = 20'  
DATE: MAY 29, 2013

2013-0305-SPH

PROJECT No.: 13-034

ORIGINAL NOTES:

- OWNER: 7920 HARFORD RD, LLC
- SITE AREAS:  
GROSS AREA (TO c/l RD, UP TO 30') 10,599 SF / 0.2433 AC±  
FUTURE HIGHWAY WIDENING: 767 SF / 0.02 AC±  
NET AREA: 5,164 SF / 0.11 AC±
- UTILITIES  
PUBLIC WATER  
PUBLIC SEWER
- THIS SITE DOES NOT LIE IN A 100-YEAR FLOODPLAIN.
- THIS SITE DOES NOT LIE IN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE AND BUILDING ARE NOT HISTORIC.
- DEED REFERENCE: J.L.E. 31546/150
- PROPERTY ACCT NO.: 09-07-411630.
- COUNCILMANIC DISTRICT: 6.
- ZONING MAP No. 081A1
- EXISTING ZONING OF SITE: BL-CCC
- PROPOSED USE OF BUILDING: AUTO GLASS REPAIR
- FLOOR AREA RATIO (F.A.R.)  
EXISTING BUILDING FLOOR AREA = 2,199 SF  
MAXIMUM F.A.R. PERMITTED = 4.0  
F.A.R. PROPOSED 2,199 SF/10,599 SF = 0.21
- AMENITY OPEN SPACE (A.O.S.)  
MINIMUM A.O.S. RATIO PERMITTED = 0.2  
A.O.S. RATIO PROPOSED ~~362~~ SF/ 2,199 SF = ~~0.16~~ **0.17**
- PARKING TABULATION:  
~~374~~  
MINIMUM PARKING SPACES REQUIRED = 3.3/1000 SF  
MINIMUM PARKING SPACES = 2.20/3.3 = 7 SPACES  
NUMBER OF PARKING SPACES PROPOSED = 5 SPACES  
(NOTE: 4 SPACES ARE INCLUDED WITHIN THE SERVICE BAYS)
- SIGNS SHALL BE IN ACCORDANCE WITH SECTION 450 BOZR
- THE EXISTING UNDERGROUND FUEL TANKS HAVE BEEN BACKFILLED AND CERTIFIED.
- SEE REPORTS ON FILE WITH THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.
- ALL PARKING SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE, AND BE PERMANENTLY STRIPED.

MINIMUM BUILDING SETBACKS:

AS PER SECTION 232, B.C.Z.R.

FRONT - 10- FEET FROM PROPERTY LINE, 40- FEET FROM CENTERLINE OF ROAD

SIDE - NONE REQUIRED ON INTERIOR SIDE, 10- FEET FROM STREET SIDE

REAR - NONE REQUIRED

PREVIOUS ZONING HEARINGS:

ZONING CASE NO.: 93-136-XA

RELIEF GRANTED:

- SPECIAL EXCEPTION GRANTED TO PERMIT A CAR WASH.
- VARIANCE GRANTED TO PERMIT 4 STACKING/PARKING SPACES TO BE LOCATED WITHIN SERVICE BAYS IN LIEU OF THE REQUIRED 40 STORAGE/STACKING SPACES.
- VARIANCE GRANTED TO PERMIT AN AMENITY OPEN SPACE RATIO OF 0.17 IN LIEU OF THE MINIMUM REQUIRED 2.0.

ZONING CASE NO.: 99-470-SPHXA

RELIEF GRANTED:

- Special Exception from Section 502 and 230.13 to permit a service garage specializing in automobile detailing, cleaning, washing, drying, waxing and polishing, all of which is to be performed indoors.
- Variance from Section 232.A.4 of the B.C.Z.R. to permit an amenity open space ratio of 0.17 in lieu of the required 0.20.

CONDITIONS:

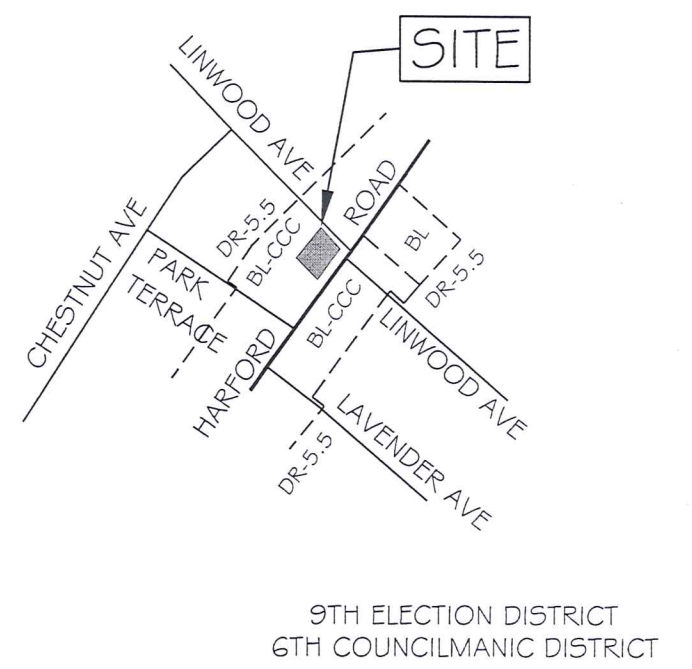
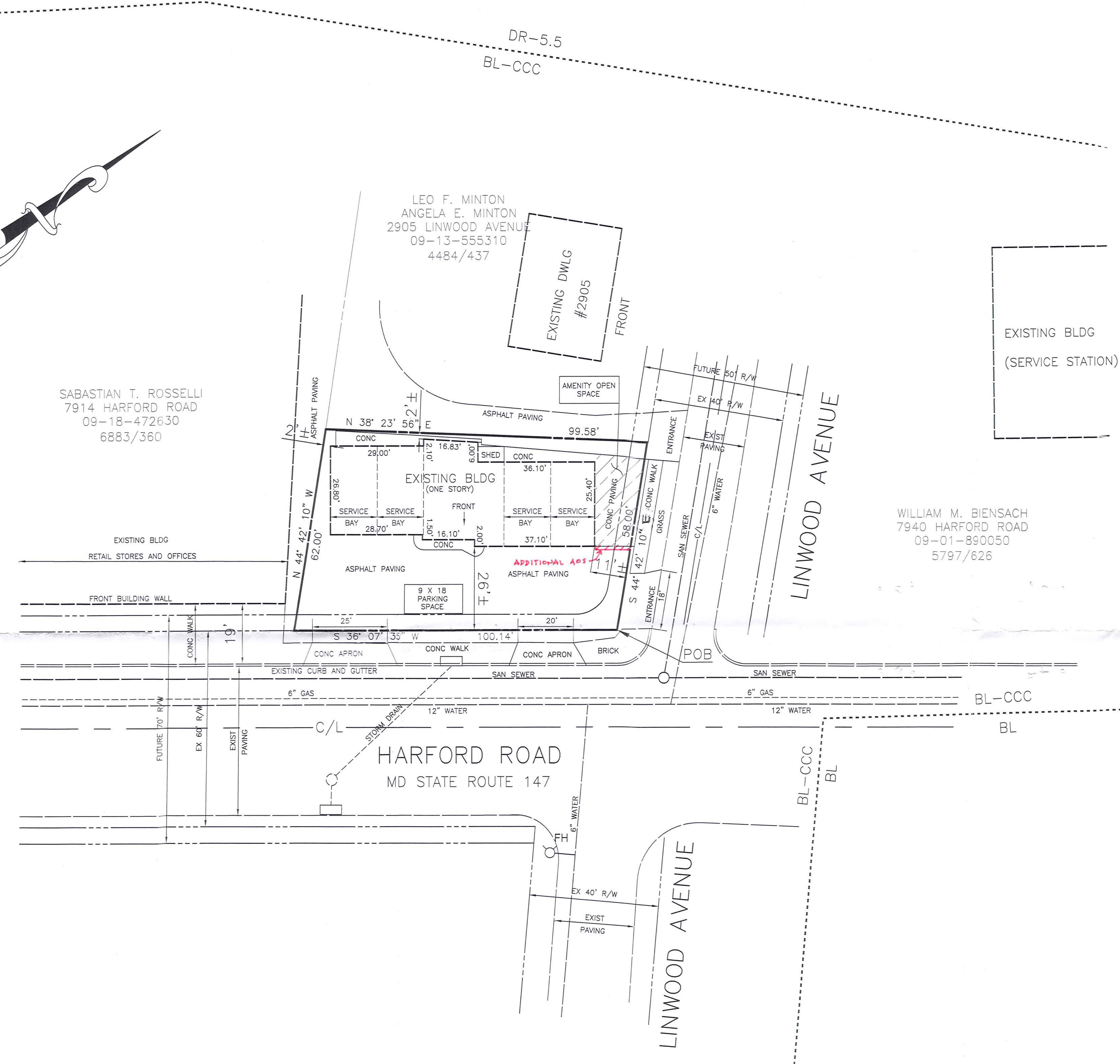
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CURRENT OWNER INFO

7920 Harford Rd, LLC  
12236 Roundwood Road, #09  
Timonium, MD 21093  
DEED REFERENCE: 31546/50  
TAX ACCT.# 09-07-41160  
TAX MAP 81, GRID 2, PARCE 567



VICINITY MAP

SCALE: 1" = 500'



REDLINED  
PLAN TO ACCOMPANY  
PETITION FOR SPECIAL HEARING

#7920 HARFORD ROAD

6TH COUNCILMANIC DISTRICT  
9TH ELECTION DISTRICT  
SCALE: 1" = 20'  
BALTIMORE COUNTY, MARYLAND  
DATE: MAY 29, 2013

PROJECT No.: 13-034

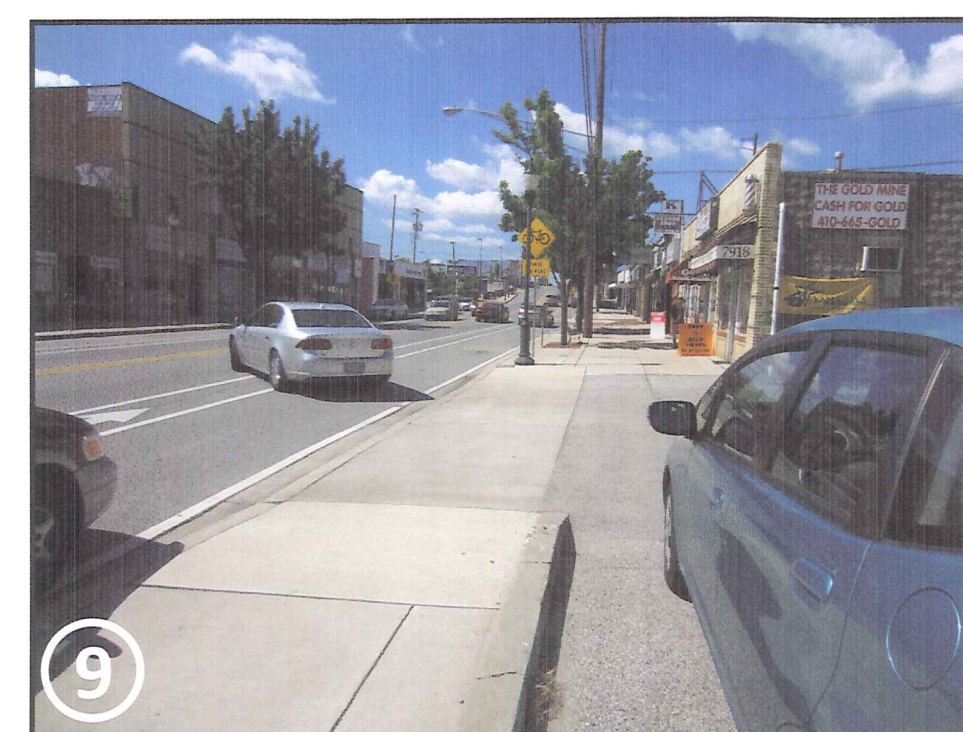
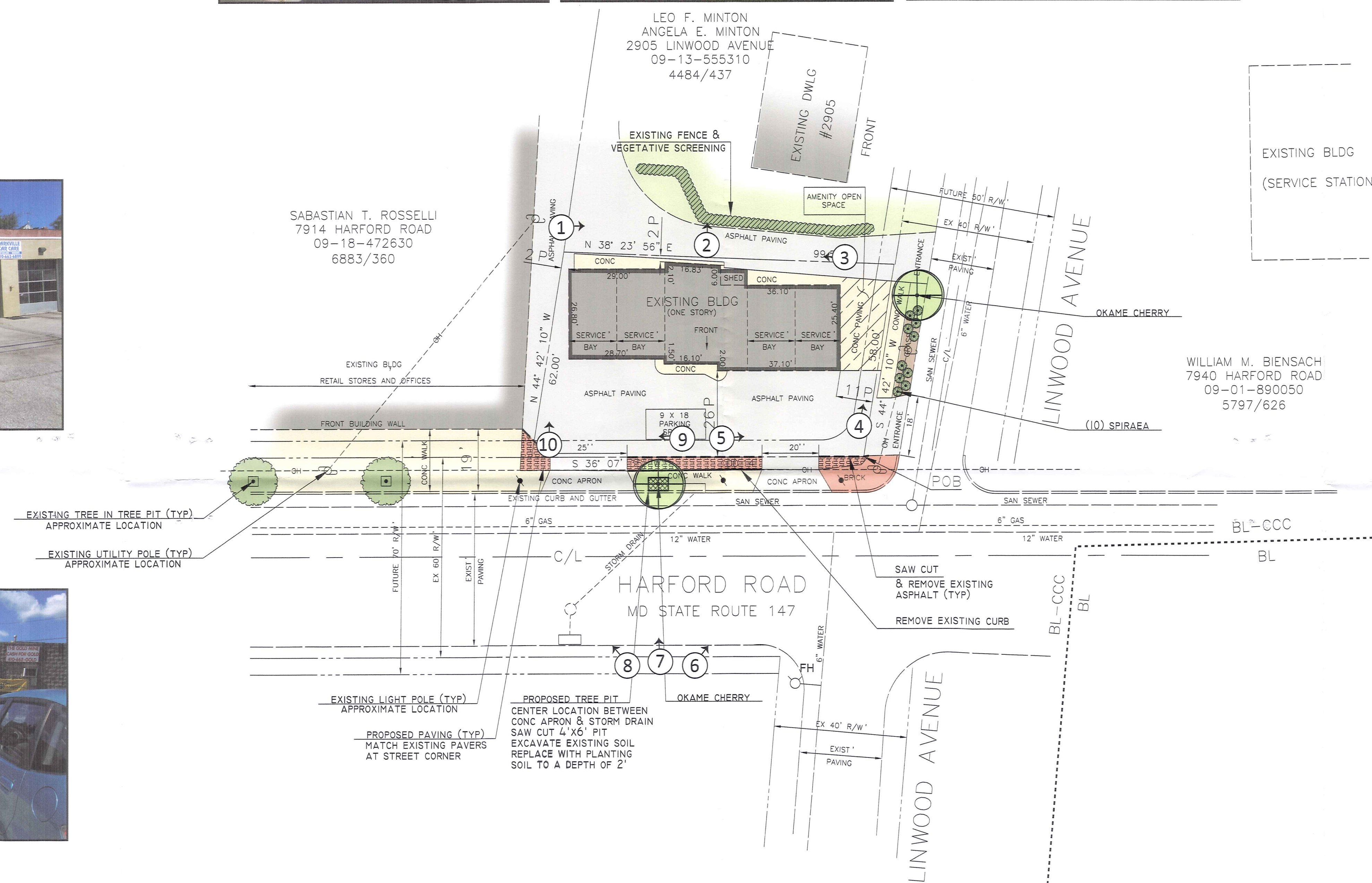
REDLINED 8-18-13



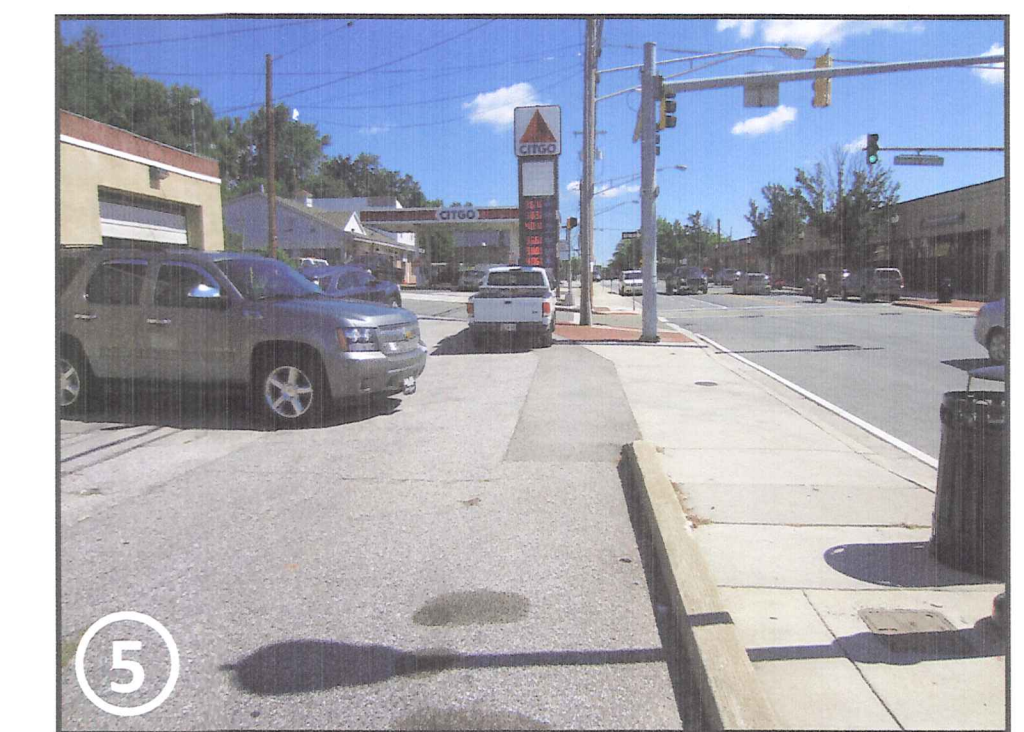
VIEW ALONG WESTERN  
PROPERTY BOUNDARY



VIEW ALONG EASTERN  
PROPERTY BOUNDARY



VIEW ALONG SIDEWALK  
FACING WEST



VIEW ALONG SIDEWALK  
FACING EAST



HARFORD ROAD FRONTAGE

PREPARED BY:  
**HUMAN & ROHDE, INC.**  
 Landscape Architects  
 512 Virginia Ave.  
 Towson, Maryland 21286  
 (410) 825-3885 Phone  
 (410) 825-3887 Fax

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Timonium, MD 21093  
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LANDSCAPE EXHIBIT  
TO ACCOMPANY  
PETITION FOR SPECIAL HEARING

#7920 HARFORD ROAD

9TH ELECTION DISTRICT  
SCALE: 1" = 20'

BALTIMORE COUNTY, MARYLAND  
DATE: AUGUST 2013

ALL-STATE LEGAL® PETITIONER'S EXHIBIT  
7

PROJECT No.: 13-034