

IN RE: PETITION FOR SPECIAL HEARING *
(8306 & 8310 Harford Road)
9th Election District *
6th Councilmanic District *
Mudgett Properties, LLC *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0029-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Lawrence E. Schmidt, Esquire of Smith, Gildea & Schmidt, LLC, on behalf of the legal owner, Mudgett Properties, LLC. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) to permit business parking in a residential zone; (2) to confirm that an existing service garage may include vehicles that are kept for remuneration, hire or sale; and (3) to provide design, screening and landscaping as shown on the site plan.

Appearing at the public hearing in support of the requests was Dwight Little, P.E., and Jim Mudgett. Lawrence E. Schmidt, Esquire appeared and represented the Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance at the hearing, although the Office of People's Counsel submitted a letter expressing certain concerns.

Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). DPR indicated that a landscape plan must be approved prior to the issuance of any building permits and DOP (which

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Date 10/2/13

By Sen

initially indicated they opposed the request) stated in a revised comment that they support the request with the following conditions:

- (1) Parking will be limited to employee parking only, no storage of vehicles;
- (2) The existing fence and overgrown shrubbery must be cleaned up and removed;
- (3) A residential type fence should be constructed to screen the area (8' privacy fence wood/pvc, not chainlink);
- (4) Landscaping must be provided along the newly constructed fence (residential side), class A screening is required; and
- (5) Any lighting proposed must not shine outside of the area.

The subject property is 24,306 +/- square feet in size and is zoned DR 5.5 and BL-AS. It is this split zoning that makes this case somewhat complex. In 1983, a special exception was granted for the operation of a service garage (body and fender repair and towing) on a portion of the property. See Exhibit 2 (Order in No. 83-219). A small portion of the site, shown with cross-hatching on the site plan and zoned DR 5.5., was in 1983 deemed a lawful non-conforming use for the storage of damaged/disabled vehicles. Id. Mr. Mudgett explained this is where cars are stored awaiting body and fender repair, and he stated that the storage of these vehicles has taken place in the same area since 1983, and will not increase or expand in any way. In 1990, (Case No. 90-564-SPH) the owner acquired additional property and expanded the service garage operation, such that the site was improved with two single story garage buildings with a capacity of 10 bays total. The Petitioner in this case seeks Special Hearing relief for business parking in a residential zone, and Mr. Mudgett explained this would be only for customer and employee parking.

Such an arrangement is permitted under B.C.Z.R. §409.8, subject to the standards set forth in the regulations. In this case, the majority of the property in this vicinity is zoned and used in a commercial fashion, although there is a dwelling abutting Petitioner's

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By Sen

property to the north. The body and fender operation has been in place for over 30 years, and no evidence was presented which would indicate that the business has endangered the health, safety, or welfare of the community. In fact, the Petitioner has recently acquired the business and has completed numerous improvements, such that the DOP (when shown updated photos of the new operation, marked as Exhibit 5A-5J) has now expressed support for the petition. In these circumstances, I believe the Petitioner has satisfied the requirements of B.C.Z.R. §409.8.B and this aspect of the petition for Special Hearing will be granted.

The next request concerns the sale of vehicles at the site. Petitioner's counsel stated (and I concur) that the definition of "service garage" in the regulations encompasses the sale of motor vehicles. I also understand that the zoning office has a longstanding policy requiring a public hearing to establish appropriate parameters for the sale of vehicles by a service garage. Mr. Mudgett explained (and in other cases service garage owners have testified in a similar fashion) that on occasion a vehicle towed to his shop by an insurance company or the police will not be reclaimed by its owner. In these circumstances, the vehicle must be sold (in the nature of a garageman's lien, per Md. Comm. Law Code Ann. §§16-201 et seq.) to satisfy the charges incurred, and this aspect of the petition for Special Hearing will also be granted.

The final request concerns screening and landscaping for the customer and employee parking area. The plan in the case does not contain sufficient detail to determine whether or not an appropriate buffer is provided for the adjoining dwelling. As such, rather than granting this aspect of the petition, I will include a condition requiring

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By Sen

the Petitioner to submit for approval to the County's landscape architect a plan detailing the screening, lighting and landscaping for the site.

Pursuant to the advertisement, posting of the property, and the public hearing, I find that Petitioner's Special Hearing request should be granted, subject to the conditions noted below.

THEREFORE, IT IS ORDERED this 2nd day of October 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) to permit business parking in a residential zone; and (2) to confirm that an existing service garage may include vehicles that are kept for remuneration, hire or sale, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

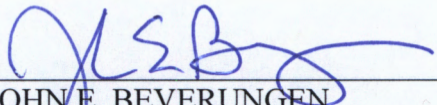
1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Only customer and employee parking of passenger vehicles shall be permitted in the DR 5.5 portion of the site outlined in yellow on the site plan marked and admitted as Exhibit 1.
3. Prior to the issuance of any permits, the Petitioner shall submit for approval to the County a landscape, screening and lighting plan for the site. The landscaping, screening and lighting shall be designed to minimize the potential impacts upon the adjoining dwelling at 2919 Onyx Road, and the design and sufficiency of the necessary improvements shall be determined in the sole discretion of the County's landscape architect.
4. The Petitioner shall be permitted to sell a maximum of 50 vehicles per year.

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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 10/2/13

By sln



KEVIN KAMENETZ
County Executive

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

October 2, 2013

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204

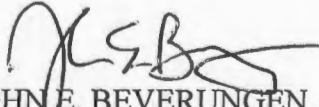
RE: Petition for Special Hearing
Case No.: 2014-0029-SPH
Property: 8306 & 8310 Harford Road

Dear Mr. Schmidt:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Dwight Little, 1055 Taylor Avenue, #307, Towson, Maryland 21204
Jim Mudgett, 5007 Bushey Road, Sykesville, Maryland 21784



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 8306 and 8310 Harford Road which is presently zoned DR 5.5 & BL AS
Deed Reference 33700/00460 and 33700/00428 10 Digit Tax Account # 0916002680 and 0918001590
Property Owner(s) Printed Name(s) Mudgett Properties, LLC

CASE NUMBER 2014-0029-SPH Filing Date 8/5/13 Estimated Posting Date 1/1 Reviewer PR

(SELECT THE HEARING(S) BY MARKING ☒ 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 attachment 1.

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)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Date

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners: Mudgett Properties, LLC

By: James R Mudgett Jr, Managing Member

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2960 Dede Road

Finksburg

MD

Mailing Address

City

State

21048

410-833-5030

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

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

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

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

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Attachment 1 to Petition for Special Hearing

Councilmanic District: 6

**8306 Harford Road
Tax Id #0916002680
Deed Reference: 033700/00460**

**8310 Harford Road
Tax ID #0918001590
Deed Reference: 33700/00428**

Special Hearing Relief:

1. To permit business parking in a residential zone pursuant to BCZR §409.8.B.1;
2. To confirm that an existing service garage may include vehicles that are kept for remuneration, hire or sale pursuant to BCZR §101.1;
3. To provide design, screening and landscaping as shown on the site plan pursuant to BCZR §409.8.A.1; and
4. For any such other and further relief as the Administrative Law Judge may deem necessary.

ZONING DESCRIPTION FOR 8306 & 8310 HARFORD ROAD

Beginning at a point on the northwest side of Harford Road, 60 feet wide, at the distance of 66 feet westerly from the centerline of Onyx Road, 40' wide, thence (1) North 45 degrees 25 minutes 20 seconds West 187.49 feet; thence (2) South 44 degrees 34 minutes 40 seconds West 90.00 feet; thence (3) South 45 degrees 25 minutes 20 seconds East 60.00 feet; thence (4) South 44 degrees 34 minutes 40 seconds West 45.00 feet; thence (5) South 45 degrees 25 minutes 20 seconds East 152.60 feet; and thence (6) North 34 degrees 02 minutes 23 seconds East 137.32 feet to the place of beginning. Containing 0.55 acres of land, more or less, and being all of that land recorded in Deeds J.L.E. 33700 folio 428 and J.L.E. 33700 folio 460. Also known as 8306 and 8310 Harford Road and located in the Ninth Election District, Sixth Councilmanic District of Baltimore County, Maryland.



James G. Wiest
License No. 21390
Expiration Date: 2/5/14

**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: 2014- 0029- SPH
Petitioner: Mudgett
Address or Location: 8306 + 8310 Harford Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt
Address: Smith, Gildea + Schmidt
600 Washington Avenue, Suite 200
Towson, MD 21204
Telephone Number: 410-821-0070

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

No. **101529**

Date: **8/5/13**

PAID RECEIPT

BUSINESS ACTUAL TIME INH
 8/06/2013 8/05/2013 10:52:00 2
 REC 0502 WALKIN NEW JEE
 RECEIPT # 038399 7/31/2013 OPEN

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount	Dept
001	806	0000		6150				\$ 500.00	05

5 520 JUDICIAL VERIFICATION
 NO. 101529
 Recpt Tot 4500.00
 4500.00 OK 4.00 CH
 Baltimore County, Maryland

Total: **\$ 500.00**

Rec From: **Smith, G. Idea & Schmidt, LLC**

For: **Special Hearing**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 09/06/2013

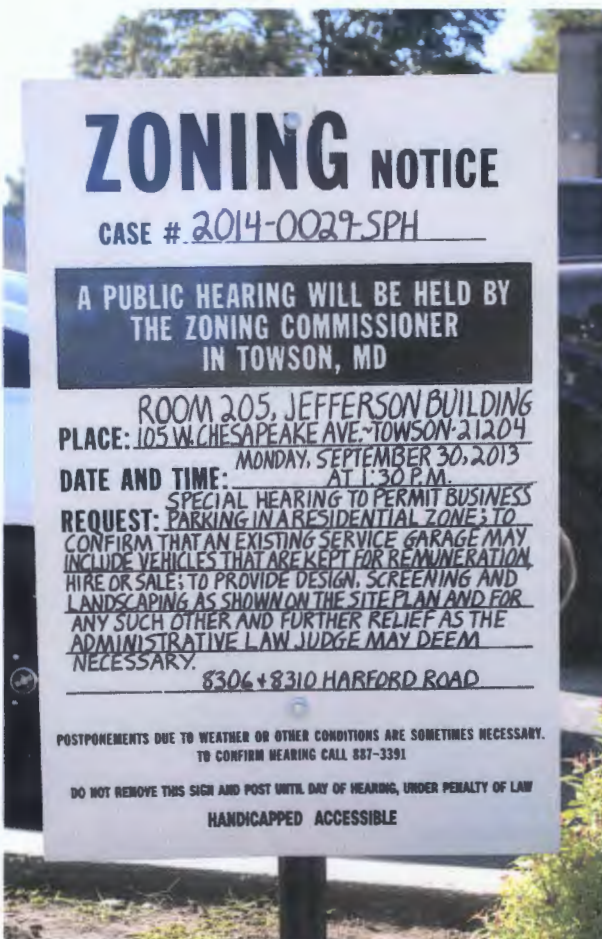
Case Number: 2014-0029-SPH

Petitioner / Developer: LAWRENCE SCHMIDT of SMITH, GILDEA & SCHMIDT, LLC ~ JAMES MUDGETT, JR.

Date of Hearing (Closing): SEPTEMBER 30, 2013

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
8306 & 8310 HARFORD ROAD

The sign(s) were posted on: SEPTEMBER 6, 2013



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

September 12, 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 September 10, 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: #2014-0029-SPH

8306 & 8310 Harford Road

SW corner of Onyx and Harford Roads

9th Election District - 6th Councilmanic District

Legal Owner(s): Mudgett Properties, James Mudgett, Jr.

Special Hearing: to permit business parking in a residential zone; to confirm that an existing service garage may include vehicles that are kept for remuneration, hire or sale; to provide design, screening and landscaping as shown on the site plan and for any such other and further relief as the Administrative Law Judge may deem necessary.

Hearing: Monday, September 30, 2013 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 9/668 Sept. 10 945760



KEVIN KAMENETZ
County Executive

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

August 19, 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: 2014-0029-SPH

8306 & 8310 Harford Road
SW corner of Onyx and Harford Roads
9th Election District – 6th Councilmanic District
Legal Owners: Mudgett Properties, James Mudgett, Jr.

Special Hearing to permit business parking in a residential zone; to confirm that an existing service garage may include vehicles that are kept for remuneration, hire or sale; to provide design, screening and landscaping as shown on the site plan and for any such other and further relief as the Administrative Law Judge may deem necessary.

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105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
James Mudgett, Jr., 2960 Dede Road, Finksburg 21048

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUES., SEPTEMBER 10, 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, September 10, 2013 Issue - Jeffersonian

Please forward billing to:

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

410-821-0070

NOTICE OF ZONING HEARING

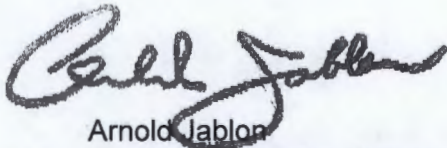
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CASE NUMBER: 2014-0029-SPH

8306 & 8310 Harford Road
SW corner of Onyx and Harford Roads
9th Election District – 6th Councilmanic District
Legal Owners: Mudgett Properties, James Mudgett, Jr.

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

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

M E M O R A N D U M

DATE: November 4, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0029-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on November 1, 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
8306 and 8310 Harford Road; SW corner
Onyx & Harford Roads
9th Election & 6th Councilmanic Districts
Legal Owner(s): Mudgett Properties LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-029-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

AUG 16 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 16th day of August, 2013, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>8/20/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>8/21/13</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
	FIRE DEPARTMENT	
<u>9/26/13</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>8/14/13</u>	STATE HIGHWAY ADMINISTRATION	<u>No Obj</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

9/10/13

SIGN POSTING

Date:

9/6/13

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any:

See Note to hearing officer

Note to the Hearing Officer

As defined in Section 101.1, BCZR, a Service Garage is a garage other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale. It has been the Hearing Officer's policy in the past that limited sales of vehicles were granted as an accessory use and were limited to a specific number of vehicles sold per month and/or year.

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Reverend Lucy Ware 13-147-SPHA

DATE: July 30, 2013

BOARD/PANEL: Andrew M. Belt, Chairman
Wendell H. Grier
Maureen E. Murphy

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Special Hearing to allow:
 - A. a new church for religious worship on the subject property;
 - B. a RTA buffer of 0 feet in lieu of the required 50 feet;
 - C. a RTA setback of 0 feet in lieu of the required 75 feet from a track boundary to a parking lot or structure;
2. Petition for Variance to allow:
 - A. 4 parking spaces that do not have direct access to an aisle;
 - B. parking area with gravel surface in lieu of durable and dustless surface;
 - C. parking area with no striping

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board reviewed the history of this matter. The Board discussed the requests and statutory requirements which would allow them to grant the requests. The Board discussed that in order to grant the RTA setbacks as the Code requires that the Petitioner comply as much as possible with the law.
- The Board discussed that the Petitioner purchased the property and has been using the property as a church, it seems the use became an issue and this matter is now before the Board.
- The Board reviewed the testimony provided at the hearing. Members of the congregation appeared at the hearing and testified in favor of the church and the location. Members of the community appeared at the hearing and testified in opposition to the church. The Board reviewed that the neighborhood in which the subject property is located, has 5 established churches located in the residential area on corners or at ends of blocks. The Board discussed that the subject property is a residential property, in the middle of a block in the middle of a residential neighborhood and the subject property is too small for the requested use. Testimony was provided detailing all the wonderful things the Petitioner does for her congregation and others.
- The Board determined that the proposed use for the subject property is not compatible with the surrounding neighborhood.
- The Board reviewed the requirements of *Cromwell v. Ward*. The subject property is not unique within the standards of *Cromwell*. Without uniqueness, this matter does not get into the other prongs of the *Cromwell* standards.

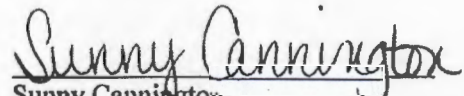
DECISION BY BOARD MEMBERS:

The Board determined that the proposed use at the subject property is not compatible with the surrounding neighborhood and the property does not meet the standards of *Cromwell v. Ward*.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the requested relief.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington



KEVIN KAMENETZ
County Executive

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

September 25, 2013

James R Mudgett Jr.
2960 Dede Road
Finksburg MD 21048

RE: Case Number: 2014-0029 SPH, Address: 8306 and 8310 Harford Road

Dear Mr. Mudgett Jr.:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 5, 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:jaf

Enclosures

c: People's Counsel
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



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

Date: 8-14-13

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

RE: Baltimore County
Item No. 2014-0029-SPH
Special Hearing
Mudgett Properties, LLC
James R. Mudgett
8306 & 8310 Hartford Road

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 8-12-13. 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 Special Hearing. Case Number 2014-0029-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/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

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



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

PETER MAX ZIMMERMAN
People's Counsel

September 20, 2013

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

SEP 20 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Mudgett Properties, LLC
8306 & 8310 Harford Road
Case No.: 2014-029-SPH
Hearing Date: September 30, 2013

Dear Judge Beverungen,

Upon review of this petition, the site plan, and history, this office has identified several matters of concern. We respectfully bring them to your attention.

This case presents as an apparent expansion of an existing service garage use for a use permit for business parking in the rear residential zone (BCZR 409.8.B) and for determination that the garage special exception may include vehicles kept for remuneration, hire, or sale. (BCZR 101, 230.3).

The split-zoning is B.L.-A.S. (Business-Local, Automotive-Service) on the Harford Road frontage and D.R. (Density-Residential) 5.5 in the rear. There is a residential property to the rear, owned by William Howard IV at 2919 Onyx Road. Although the site plan shows the Howard property, it does not show any dwelling on it. However, the enclosed SDAT data and Google Earth photos show a residential use for single-family home built in 1942. In addition, there is already a non-conforming use for disabled vehicle storage in part of the D.R. 5.5 Zone, approved in a 1983 Zoning Commissioner decision.

The following legal questions arise:

1. What is the character of the proposed business parking expansion area in the residential zone? Is the expanded parking for the service garage/sale/hire operation or for employee parking? If for the former, it is not permitted in the residential zone as an "accessory use." Rather, it is part of the principal use. The site plan is unclear, as it shows employee parking

in the B.L. Zone to the front of the expansion area, but disabled vehicles stored to the side in the D.R. 5.5 Zone.

Even if the proposed parking is exclusively for customer or employee parking, the proposal must still satisfy the use permit/special exception and other standards of BCZR 409 generally and BCZR 409.8.B specifically.

2. May an existing nonconforming disabled vehicle storage still be permitted in the D.R. 5.5 Zone even if the proposed expansion of business parking is both accessory and otherwise meets the legal standards? A 1983 Zoning Commissioner decision allowed this storage as a nonconforming use, and survived a 1990 expansion and addition to the commercial buildings. However, an expanded use of the residential zone for business parking would be a change or extension in use, and if so, would terminate the nonconforming use under BCZR 104.1.

It is fundamental that the law disfavors the continuation of nonconforming uses, and that expansion, whether in isolation permitted by right, special exception, use permit, or otherwise, is a change which terminates the use. The policy of the law is that nonconforming uses should disappear over time. Prince George's County v. E.L. Gardner 292 Md. 351 (1982).

Under these circumstances, the petitioner must first prove as a threshold matter that the nonconforming use for disabled vehicle storage has still been there continuously and without change since 1990, when last reviewed. Even if it still qualifies as such, the proposed expansion would anyway terminate entitlement to this use.

3. Is there a residential transition area (RTA) issue in conjunction with the proposed use permit for business parking in a residential zone? In view of the adjacent single-family detached home at 2919 Onyx Road, there appears to be a residential transition area law conflict and therefore a requirement for petitioner to request residential transition area variances. The expanded business parking area appears to be directly across from the dwelling.

We are cognizant of your opinion in the recent "Sonic" case on York Road that the RTA law (BCZR 1B01.1.B) does not apply to business/residential split zone properties. Your emphasis understandably is on the initial statement of purpose to address "dissimilar housing types." BCZR 1B01.1.B.1.a.(2).

On the other hand, we have reviewed the history, especially Bill 2, 1992, and have observed that other sections of the law are broader in scope, especially BCZR 1B01.1.B.1.d covering broadly "any residential transition use." Along with uses permitted by right and by special exception, the coverage refers specifically to BCZR Section 409.8.B, governing business parking in residential zones. BCZR 1B01.1.B.1.d(3).

The law was also later amended to cover various other uses with particular, albeit exceptional, standards, such as for churches. BCZR 1B01.1.B.1.g. We enclose a copy of the July 30, 2013 Minutes of the County Board of Appeals deliberation In the Matter of Lucy Ware, Case No. 13-147-SPHA. The opinion is expected shortly.

So, we hope you may reconsider your view as to the scope of the RTA law. We also note that the Zoning Office and previous Zoning Commissioners have consistently applied the law to business/residential split-zoned properties so long as we can remember, and this is a further reason which overcomes any ambiguity involving the initial statement of purpose.

It should be underlined that there does not appear to be any legal justification for a use permit which conflicts so radically with RTA requirements.

4. Does the request to have vehicles for hire or sale satisfy the law?

The Zoning Commissioner's Policy Manual Section 230.13, page 2-37, states:

"SERVICE GARAGE; includes truck and car rental and taxicab businesses but must be in enclosed building."

This policy restriction appears to harmonize with the use restriction for used motor vehicle outdoor sales area, which may be approved as special exceptions in the B.R. Zone. BCZR 236.2. But they are not permitted in the B.L. Zone.

It is my understanding that the Zoning Office has also an unwritten policy or interpretation that sales or rental of vehicles in the service garage setting must be very limited. There may also be Department of Motor Vehicles limits. Carl Richards, Zoning Supervisor, is most familiar with his office's interpretation.

The site plan does not delineate or show the nature and extent of the proposed hire/sales use. Nor does it appear that the intent is to contain the hire or sales in an enclosed building.

* * *

To summarize, as to the legal issues, the petition looks to expand a service garage business use via parking further into a residential zone: (1) where there is a question about the nature of that parking, whether principal or accessory; (2) where there anyway already is a nonconforming use for disabled vehicle storage in part of the residential zone and a question about whether it may terminate by virtue of a change and expansion in the business use of the residential zone; (3) where there appears to be a conflict with current residential transition area standards (enacted, as we read it, in Bill 2, 1992 after the 1983 decision allowing the nonconforming use) and therefore an omission of a required petition for RTA variances; and (4) where there is a question about the location and extent of hire or sales use, especially outdoor used car sales.

* * *

Equally important, the enclosed Department of Planning (DOP) September 10, 2013 inter-office correspondence identifies the problem that the existing use, much less proposed expansion, already encroaches into the residential zone area and is incompatible with the established residential neighborhood. The DOP also observes that in 2008, reviewing Issue 6-

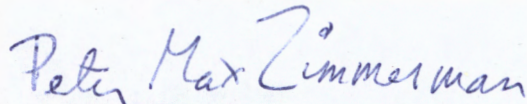
005, the County Council rejected the property owner's request to extend the business zone back into the D.R. 5.5. zone area. The DOP also regards commercial encroachment as a problem endemic to the Harford Road corridor. For these reasons, the DOP recommends denial.

* * *

Under these circumstances, it turns out that the DOP's planning concerns independently are consistent with our legal concerns. Otherwise stated, the incompatibility problem and 2008 history weigh against the grant of any extension of an already non-conforming use and for any use permit or variance for any sort of business parking in any part of the residential zone.

In sum, from many points of view, there does not appear to be any legal justification for this petition. The most that petitioner may receive if a ruling that the existing nonconforming use for disabled vehicle storage is still valid. But even this will require strict proof.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Lawrence Schmidt, Esquire, attorney for petitioner
Carl Richards, Zoning Supervisor
Lynn Lanham, Department of Planning
Curtis Murray, Department of Planning

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For August 19, 2013
Item No. 2014-0029

DATE: August 20, 2013.

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

A landscape plan shall be received and approved prior to the approval of any building permits.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0029-08192013.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: August 21, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0029-SPH
Address 8306 & 8310 Harford Road
(Mudgett Properties, LLC Property)

Zoning Advisory Committee Meeting of August 12, 2013.

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

Reviewer: *Jeff Livingston – Development Coordination*

RECEIVED

AUG 21 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 26, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 8306 & 8310 Harford Road

SEP 27 2013

Item Number: 14-029 Amended Comments

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: James R. Mudgett, Jr.

Zoning: DR 5.5 and BL AS

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The property referenced above was in part the subject of the 2008 Comprehensive Zoning Map Process (Issue 6-005), wherein BL zoning was petitioned on the DR 5.5 portion of the property. The aforementioned petition was not granted, due to the fact that further commercial encroachment into the residential community was not wanted.

At this time, new information has been presented to the Department of Planning which depicts the recent upgrades to the property. This includes new signage as well as overall façade upgrades. The portion of the property at hand is in need of cleanup and upkeep. The Department of Planning supports the request if the following stipulations are upheld:

1. Parking will be limited to employee parking only, no storage of vehicles;
2. The existing fence and overgrown shrubbery must be cleaned up and removed;
3. A residential type fence should be constructed to screen the area (8' privacy fence wood/pvc, not chainlink);
4. Landscaping must be provided along the newly constructed fence (residential side), Class A screening is required; and,
5. Any lighting proposed must be sharp cut off and must not shine outside of the area.

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

Prepared By:

Division Chief:
AVA/LL:cjm

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Register
Account Identifier: District - 09 Account Number - 0919850900		
Owner Information		
Owner Name:	HOWARD WILLIAM A 4TH	Use: RESIDENTIAL
Mailing Address:	2919 ONYX RD BALTIMORE MD 21234-5640	Principal Residence: YES Deed Reference: 1) /16349/ 00262 2)
Location & Structure Information		
Premises Address:	2919 ONYX RD 0-0000	Legal Description: 2919 ONYX RD CANTON COMP.
Map: 0081	Grid: 0002	Parcel: 0675
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2014
Special Tax Areas:		Town: NONE
		Ad Valorem:
		Tax Class:
Primary Structure Built 1942	Above Grade Enclosed Area 1,279 SF	Finished Basement Area
		Property Land Area 5,600 SF
Stories 1.500000	Basement YES	Type STANDARD UNIT
	Exterior ASBESTOS SHINGLE	Full/Half Bath 1 full
	Garage	Last Major
Value Information		
	Base Value	Value
		Phase-in Assessments
		As of
		As of
Land:	71,500	71,500
Improvements	83,800	83,800
Total:	155,300	155,300
Preferential Land:	0	155,300
Transfer Information		
Seller: MACCUBBIN MARJORIE V	Date: 04/24/2002	Price: \$95,900
Type: NON-ARMS LENGTH OTHER	Deed1: /16349/ 00262	Deed2:
Seller: SULLIVAN MARJORIE V	Date: 06/05/1973	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05363/ 00495	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **09** Account Number: **0919850900**

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

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

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

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Real Property Data Search (w1)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 09 Account Number - 0918001590	
Owner Information		
Owner Name:	MUDGETT PROPERTIES LLC	Use: COMMERCIAL
Mailing Address:	2960 DEDE ROAD FINKSBURG MD 21048-	Principal Residence: NO
		Deed Reference: 1) /33700/ 00428 2)
Location & Structure Information		
Premises Address:	8310 HARFORD RD 0-0000	Legal Description: LT 60 PT 59 8310 HARFORD RD CANTON COMPANY PLAT
Map: 0081	Grid: 0002	Parcel: 0675
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 60	Assessment Year: 2014
Plat No:	Plat Ref:	
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1992	1600	11,484 SF
Property Land Area	County Use	
06		
Stories	Basement	Type
		SERVICE GARAGE
Exterior	Full/Half Bath	Garage
Last Major Renovation		
Value Information		
	Base Value	Value
		As of
		01/01/2011
Land:	287,100	287,100
Improvements	95,600	95,600
Total:	382,700	382,700
Preferential Land:	0	
		Phase-in Assessments
		As of
		07/01/2013
		As of
		07/01/2014
Transfer Information		
Seller: RAU THERESA C	Date: 05/31/2013	Price: \$383,000
Type: ARMS LENGTH IMPROVED	Deed1: /33700/ 00428	Deed2:
Seller: RAU THERESA C	Date: 03/13/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12722/ 00636	Deed2:
Seller: RAU HELMUT G	Date: 10/26/1992	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /09427/ 00112	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	07/01/2013
State:	000	07/01/2014
Municipal:	000	0.00
Tax Exempt:		0.00
Exempt Class:		0.00
	Special Tax Recapture:	
	NONE	
Homestead Application Information		
Homestead Application Status:	No Application	

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **09** Account Number: **0918001590**

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(<http://lmsweb05.mdp.state.md.us/website/mosp/>)

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Real Property Data Search (w1)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 09 Account Number - 0916002680	
Owner Information		
Owner Name:	MUDGETT PROPERTIES LLC	Use: COMMERCIAL
Mailing Address:	2960 DEDE RD FINKSBURG MD 21048-	Principal Residence: NO
		Deed Reference: 1) /33700/ 00460 2)
Location & Structure Information		
Premises Address:	8306 HARFORD RD 0-0000	Legal Description: LT 58 PT 59 101 N EMERALD ROAD CANTON COMPANY PLAT
Map: 0081	Grid: 0002	Parcel: 0675
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 58	Assessment Year: 2014
Plat No:	Plat Ref:	
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1950	5604	11,286 SF
County Use		06
Stories	Basement	Type
		OFFICE BUILDING
Exterior	Full/Half Bath	Garage
		Last Major Renovation
Value Information		
	Base Value	Value
		As of
		01/01/2011
Land:	282,100	282,100
Improvements	217,000	217,000
Total:	499,100	499,100
Preferential Land:	0	
		Phase-in Assessments
		As of
		07/01/2013
		07/01/2014
Transfer Information		
Seller: MUDGETT PROPERTIES LLC	Date: 05/31/2013	Price: \$360,000
Type: ARMS LENGTH IMPROVED	Deed1: /33700/ 00460	Deed2:
Seller: PARKVILLE BODY AND FENDER CO INC	Date: 05/30/2013	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: //	Deed2:
Seller:	Date:	Price: \$0
Type:	Deed1: /03465/ 00497	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	07/01/2013
State:	000	0.00
Municipal:	000	0.00
Tax Exempt:		0.00
Exempt Class:	Special Tax Recapture:	
	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **09** Account Number: **0916002680**

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(<http://lmsweb05.mdp.state.md.us/website/mosp/>)

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CASE NAME McLott
CASE NUMBER 14 ~~2~~ 029
DATE 9/30/15
ET

CASE NAME McLellan
CASE NUMBER 14 ~~14~~ 029
DATE 9/30/15
ET

[illegible]

Case No.:

2014-0029-SPH

Exhibit Sheet

Petitioner/Developer

DW
11-4-13

Protestants

sln

10-2-13

No. 1	Site plan	
No. 2	Order + filings in # 83-219 SPHX	
No. 3	Aerial My Neighborhood Map	
No. 4	Docket Notice in No. 90-564 SPH	
No. 5	5A-5J Color photos	
No. 6	6A+6B Photos of fence/adjoining home	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

[illegible]

Proposed Strategy Special training to approve a non-conflicting use of residential lot at the "net" for the parking of damaged cars needing repairs. Approximate fire service groups and use of the adjacent lot for parking in conjunction with the operation of the service garage.

Very truly
Yours,
Wm. F. Hall
Mr. W. F. Hall, Secretary,
Department of Planning

天

In view of the fact that revised site plans were submitted that satisfy the comments of the State Highway Administration, I scheduled this petition for a hearing.

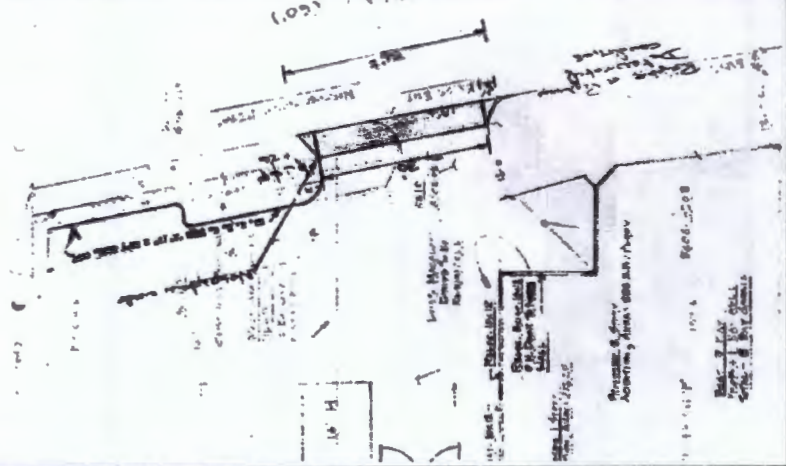
**PETITIONER'S
EXHIBIT 2**

Form No. 73 - Rev. 12-13-55
Special Recitation of Specific Matters

Noted are all contents submitted from the members of the Committee on this day that they are requested information and are requested to be submitted to the Committee on this day. The Committee on this day is requested to be submitted to the Committee on this day. The Committee on this day is requested to be submitted to the Committee on this day.

Very truly yours,
Richard S. Condon
Richard S. Condon
20100 First Advisory Committee

Enclosure
cc: 1000 First Advisory Committee
Baltimore, Md. 11100



Form No. 73 - Rev. 12-13-55
Special Recitation of Specific Matters

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Richard S. Condon
20100 First Advisory Committee

Enclosure
cc: 1000 First Advisory Committee
Baltimore, Md. 11100

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Very truly yours,
Richard S. Condon
Richard S. Condon
20100 First Advisory Committee

Enclosure
cc: 1000 First Advisory Committee
Baltimore, Md. 11100



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



Holderness No 3

This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' fees, and costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.



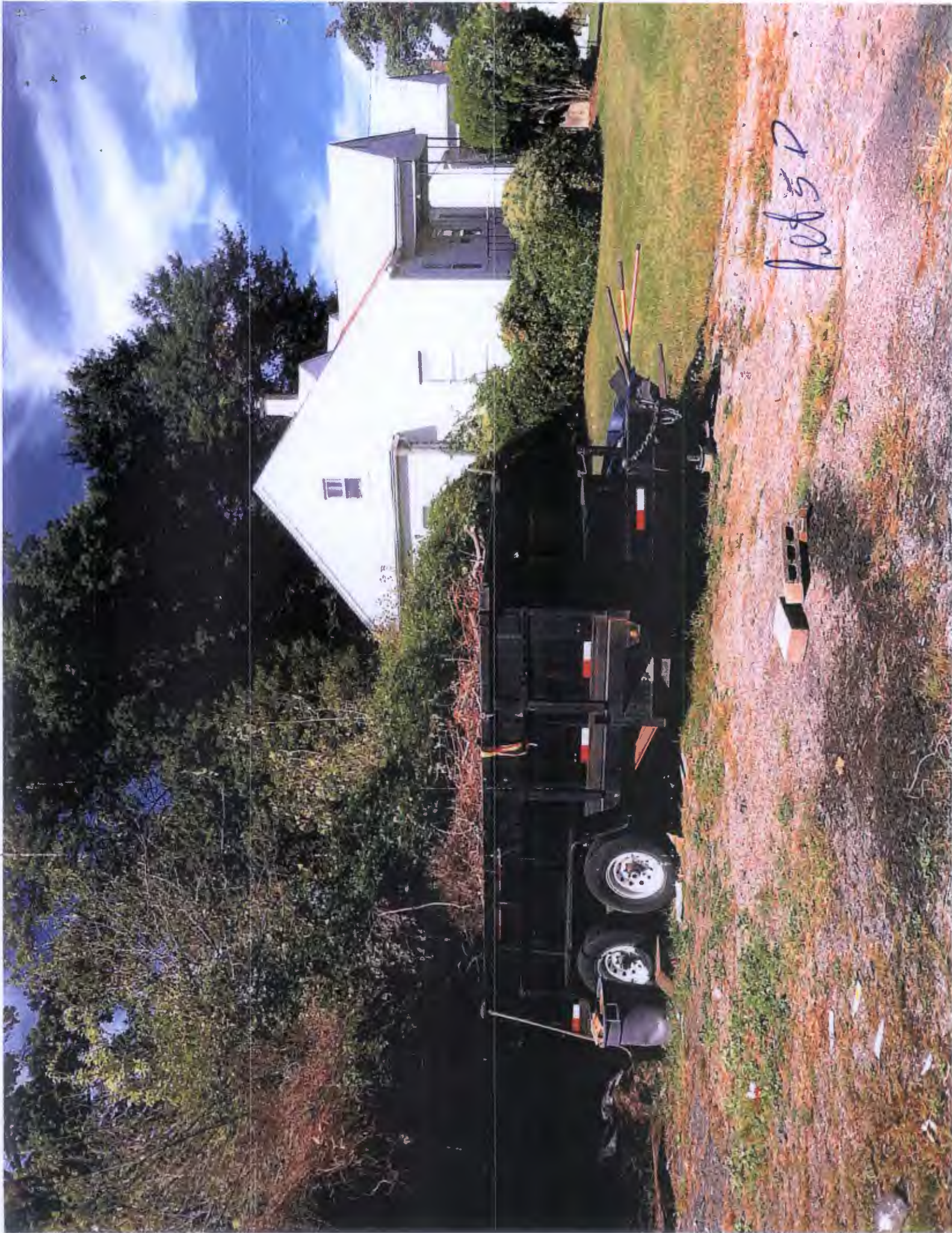
Red 5A

Plot 5B

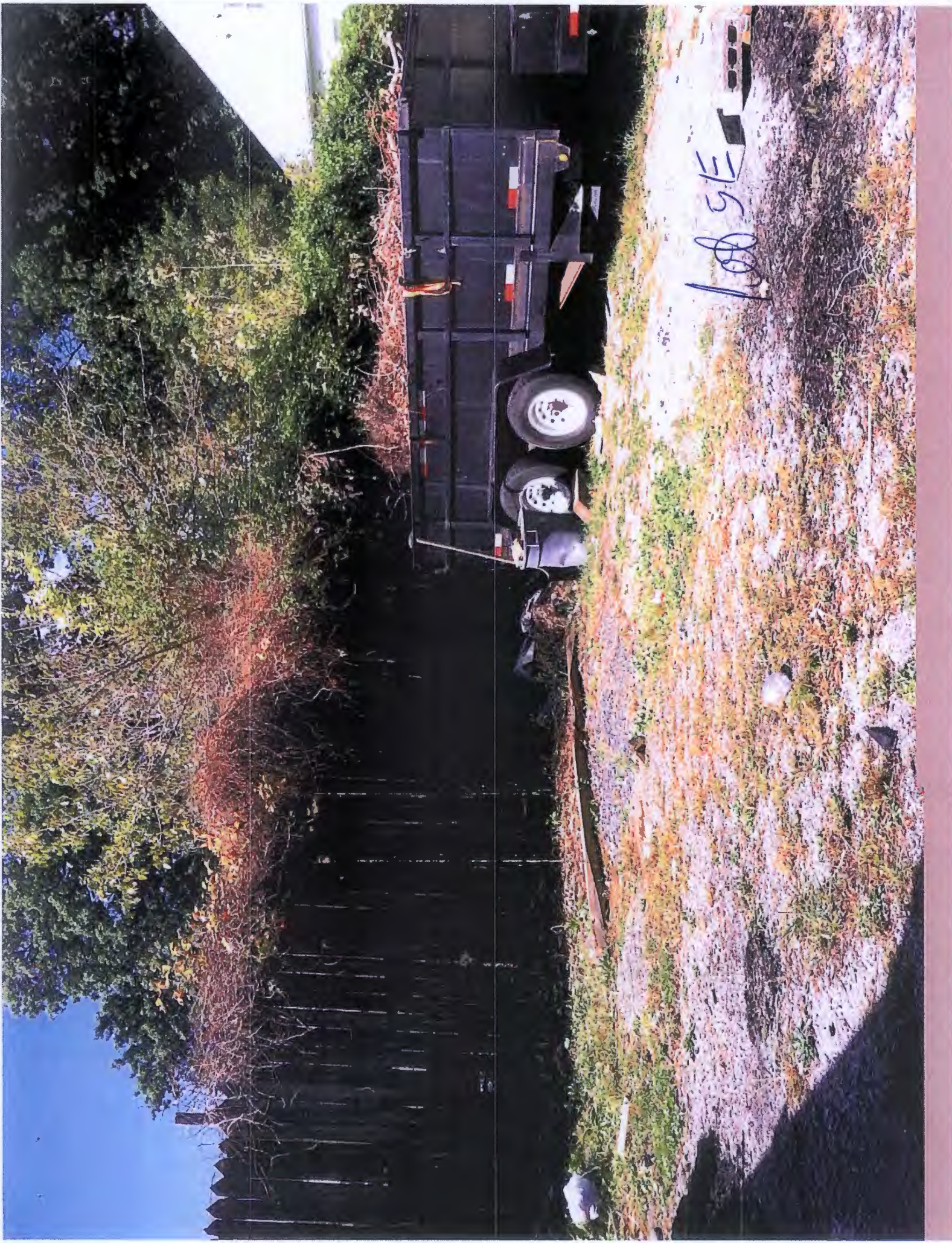




Pd 5C



10650



**OAKLEIGH
TOWING**

MUDGETT'S

**OAKLEIGH
TOWING**

410-668-6262

MONDAY-FRIDAY
8:00AM-4:30PM

SATURDAY
9:00AM-12:00PM

**MUDGETT'S
AUTO BODY
PARKVILLE**

410-668-DENT

MONDAY-THURSDAY
8:00AM-5:00PM

FRIDAY
8:00AM-4:00PM

OFFICE

8306

OFFICE

**NOW
OPEN**

5f

410-344



**NOW
OPEN**

**MUDGETT'S AUTO BODY
OAKLEIGH TOWING**



15H



57



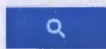




Pet 613



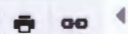
8310 Harford Road, Parkville, MD



SIGN IN

Get directions

My places



8310 Harford Rd
Parkville, MD 21234



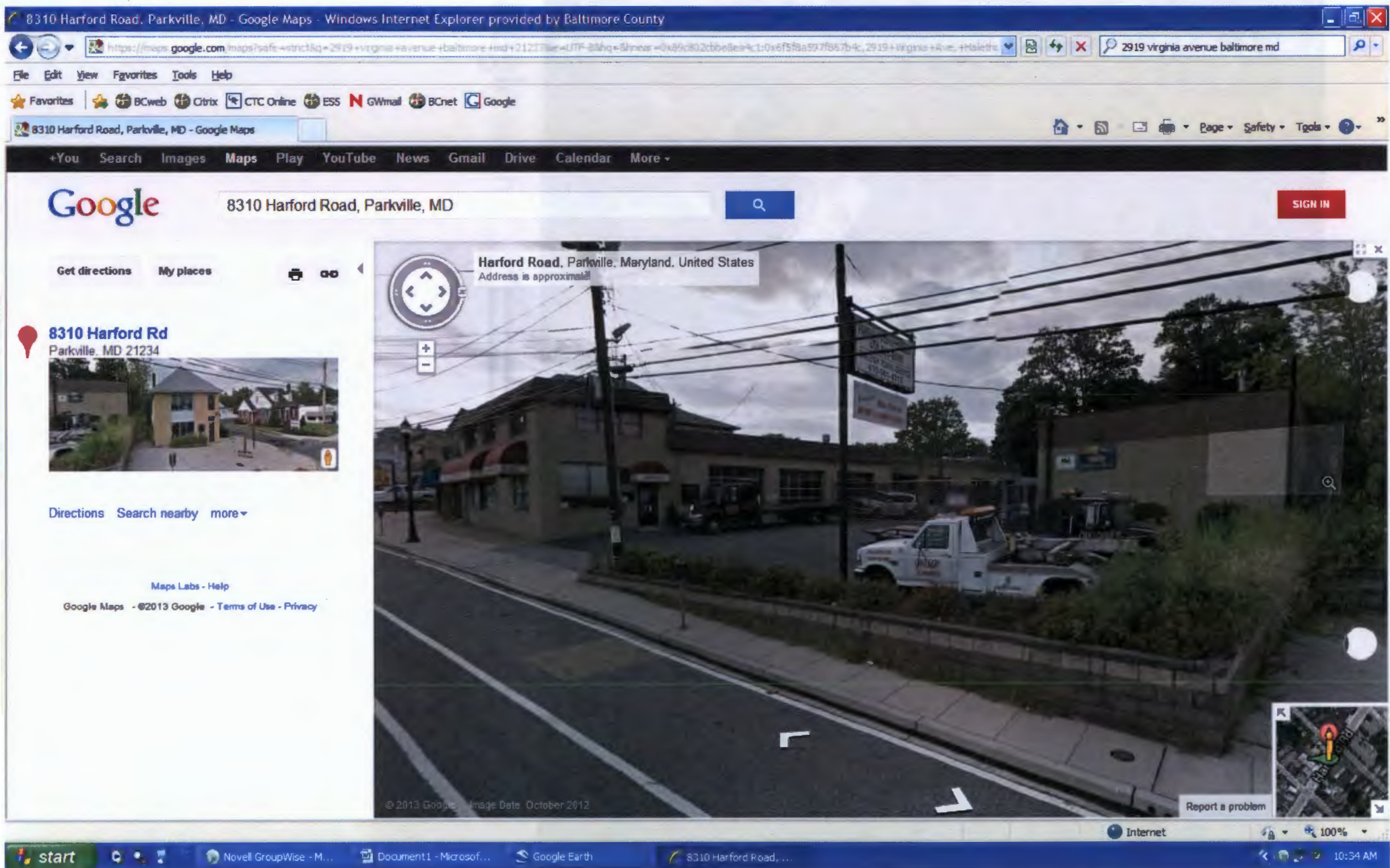
Directions Search nearby more

Maps Labs - Help

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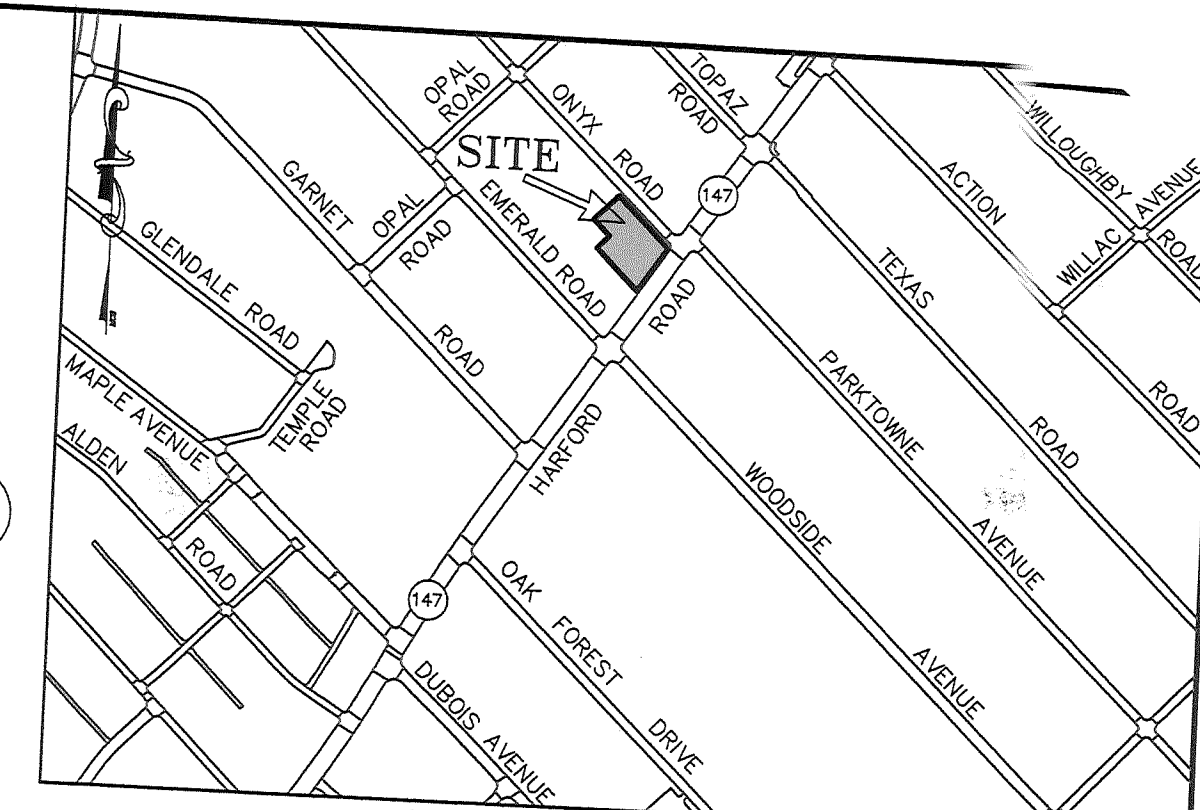
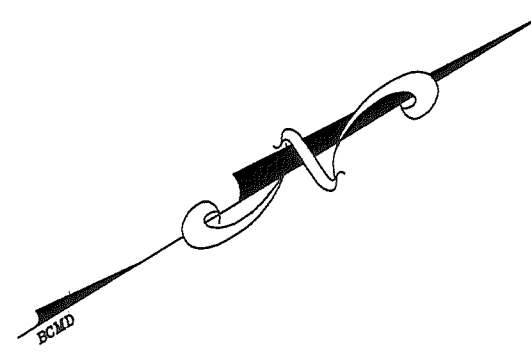


Report a problem









VICINITY MAP
SCALE: 1" = 500'

SITE DATA
GROSS AREA: 0.56 AC (24,306 SF±)
EXISTING ZONING: BL AS, (200 SCALE MAP 81A1)
EXISTING USE: SERVICE GARAGE
OWNER: MUDGETT PROPERTIES, LLC
2960 DEDE ROAD
FINKSBURG, MD 21048
410-833-5030
(LOTS 58, 59, & 60)
TAX ACCOUNT NUMBERS: 0916002680, 0918001590
TAX MAP NO. 81 GRID 2 PARCEL 675
DEEDS: 33700/00428 & 33700/00460
SITE ADDRESS: #8306 & #8310 HARFORD ROAD

REQUIRED PARKING CALCULATIONS:
SERVICE GARAGE (#8306): 7,750 S.F.; 7 BAYS
SERVICE GARAGE (#8310): 1,625 S.F.; 3 BAYS
3.3 P.S. PER 1,000 S.F. REQ'D
TOTAL SPACES REQUIRED (7,750 S.F. + 1,625 S.F.)/1000 x 3.3 = 31 P.S.

PARKING PROVIDED CALCULATIONS:
SERVICE GARAGE (#8306): 14 INDOOR STACKED PARKING SPACES (APPROVED UNDER 90-564-SPH)
SERVICE GARAGE (#8310): 3 INDOOR PARKING SPACES (APPROVED UNDER 90-564-SPH)
SITE: 15 PARKING SPACES
TOTAL SPACES PROVIDED (14+3+15): 32 P.S.

FLOOR AREA RATIO (F.A.R.):
F.A.R. ALLOWED: 3.0
EX. F.A.R.: (1,055 S.F. * 2 FLOORS) + 5,640 S.F. + 1,625 S.F. / 24,306 S.F. = 0.39

ZONING HISTORY
I. A PETITION FOR SPECIAL EXCEPTION AND A PETITION FOR SPECIAL HEARING (CASE NO. 83-219-XSPH) WERE APPROVED ON MAY 17, 1983 FOR A SERVICE GARAGE AND ASSOCIATED PARKING LOT IN A BL ZONE; AND A NON-CONFORMING USE OF A PORTION OF A DR 5.5 ZONE FOR THE STORAGE OF DAMAGED CARS.
II. A PETITION FOR SPECIAL HEARING (CASE NO. 90-564-SPH) WAS PASSED ON SEPTEMBER 10, 1990 TO ALLOW FOR THE ADDITION OF 560 S.F. TO THE MAIN BUILDING; AND APPROVAL TO ADD A SECOND BUILDING TO THE PROPERTY WITH 3 ADDITIONAL BAYS.

GENERAL NOTES
1. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THIS SITE IS NOT LOCATED IN A 100-YEAR FLOOD PLAIN.
3. THIS SITE DOES NOT CONTAIN ANY KNOWN HISTORICAL BUILDINGS.
4. ANY FUTURE SIGNAGE SHALL BE IN COMPLIANCE WITH BCZR SECTION 450.
5. THERE ARE NO KNOWN WELLS, SEPTIC SYSTEMS, OR UNDER GROUND STORAGE TANKS LOCATED ON SITE.
6. THIS SITE IS NOT IN ANY FAILED BASIC SERVICES MAP AREAS.
7. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.

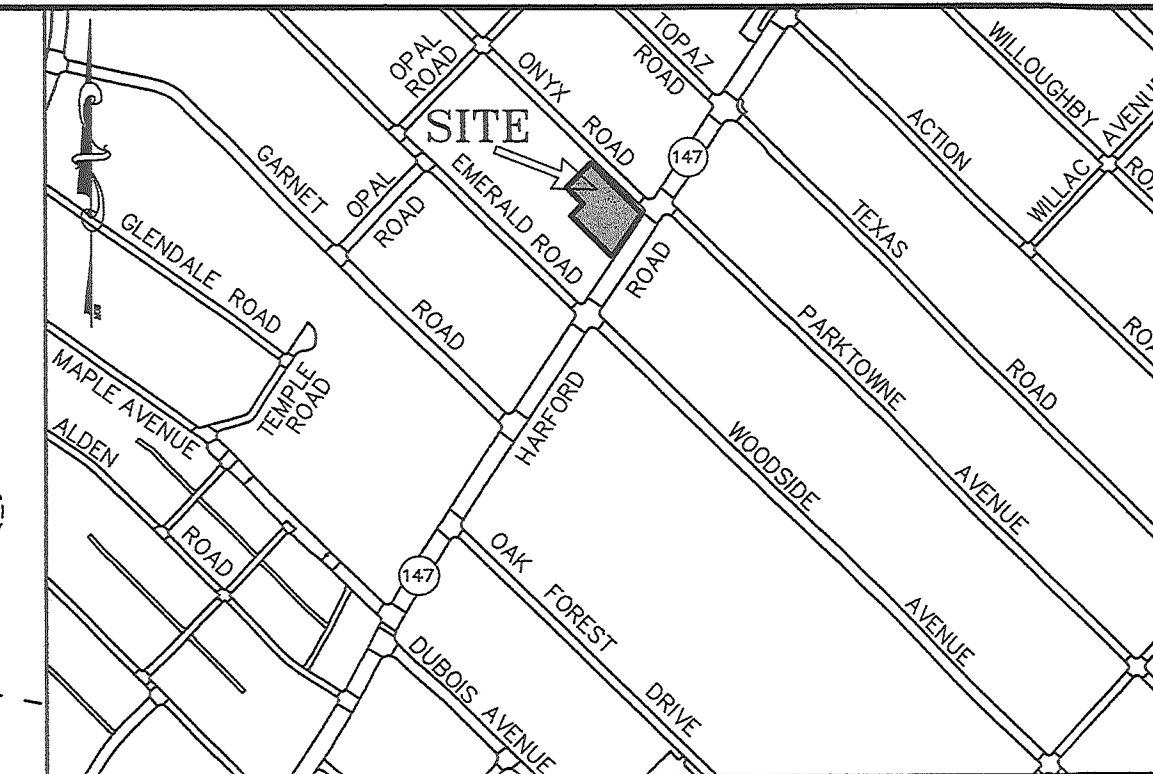
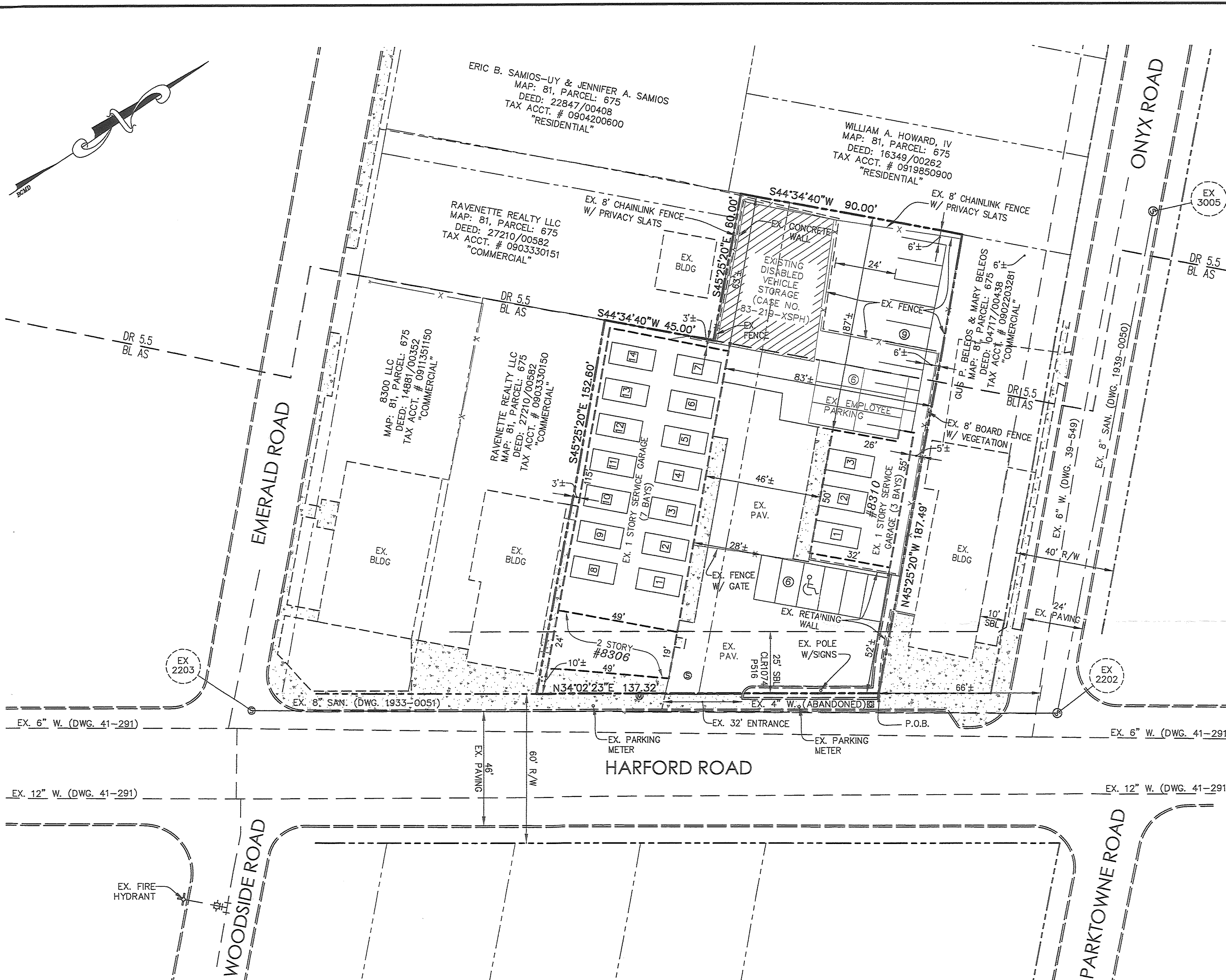
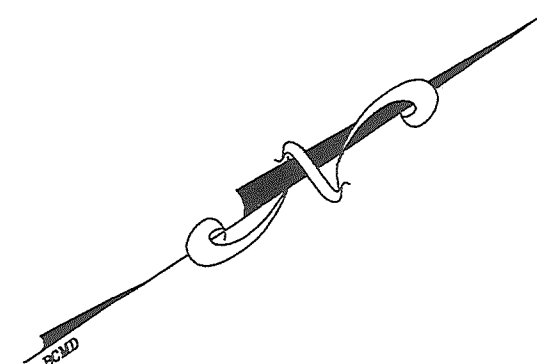
SPECIAL HEARING RELIEF REQUESTED:
1. TO PERMIT BUSINESS PARKING IN A RESIDENTIAL ZONE PURSUANT TO BCZR 409.8.B.1.
2. TO CONFIRM THAT AN EXISTING SERVICE GARAGE MAY INCLUDE VEHICLES THAT ARE KEPT FOR REMUNERATION, HIRE, OR SALE PURSUANT TO BCZR 101.1.
3. TO PROVIDE DESIGN, SCREENING AND LANDSCAPING AS SHOWN ON THE SITE PLAN PURSUANT TO BCZR 409.8.A.1.
4. FOR ANY SUCH OTHER AND FURTHER RELIEF AS THE ADMINISTRATIVE LAW JUDGE MAY DEEM NECESSARY.



LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

PLAN TO ACCOMPANY SPECIAL HEARING
MUDGETT'S AUTO BODY - PARKVILLE
#8306 & #8310 HARFORD ROAD
DISTRICT 9c6
SCALE: 1"=30'
BALTIMORE COUNTY, MD
JULY 30, 2013

Petitioner No 1
13735



VICINITY MAP

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DISTRICT 9c6
SCALE: 1"=30'

BALTIMORE COUNTY, MD
JULY 30, 2013

GENERAL NOTES

1. ANY OUTSIDE LIGHTING TO BE
SHIELDED AGAINST RESIDENTIAL
AREA & TO BE DEDICATED TO PARKING AND
STORAGE AREAS

2. USE - ALL BUILDINGS WILL BE
USED AS SERVICE GARAGE

3. LAST IMPROVEMENT PERMIT #63656/047-51

4. FLOOR AREA RATIO = $6272/254575 = .31$

5. LOT AREA GROSS = $24,187 + 10(1373) = 284575$

6. SETBACKS - SIDE YARD - 0' - R.O. - 20'

PROP. BLDGS WILL BE IN CONFORMANCE WITH ZONING

ELECTION DISTRICT - 9 GARDENMAN DIST

8306-8308 - EXIST. BODY REPAIR SHOP

& STORAGE LOT FOR 44 YEARS

8310 - VACANT LOT - USED FOR PARKING

PARKING CALCULATIONS

EXISTING BUILDING = 6839 SF

PROP. ADD'N A = 16135 = 560

PROP. BLDG B = 30x50 = 1500

TOTAL AREA = 8892 SF

SPACES REQ'D $8892/32 = 29.46$ SPACES
1000

SPACES PROVIDED

IN SERVICE BAYS - 19 SPACES

CUSTOMER PARKING - 6 "

EMPLOYEE PARKING - 6 "

TOTAL SPACES - 31 SPACES

PREVIOUS ZONING HEARING

EXISTING SPECIAL EXCEPTION SERVICE GARAGE

CASE #83-219-X-SPH

90-564-SPH

SPECIAL HEARING TO AMEND

SITE PLAN CASE #83-219-X-SPH

PARKVILLE BODY & FENDER SHOP

Retirement No 4