

M E M O R A N D U M

DATE: October 17, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0322-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 13, 2016. 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

IN RE: PETITION FOR VARIANCE
(10901 McCormick Road)
8th Election District
3rd Council District
Dan Mar Enterprises, LLC
Legal Owner

Petitioner

*
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BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0322-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Dan Mar Enterprises, LLC, owner of the subject property ("Petitioner"). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit the northern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; (2) to permit the southern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; and (3) to permit 13 parking spaces in lieu of the required 16 parking spaces. A site plan was marked as Petitioner's Exhibit 1.

Bruce Doak, a property line surveyor, appeared in support of the petition. The Petition was advertised and posted as required by the B.C.Z.R. No protestants or interested citizens attended the hearing. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

The subject property is approximately 16,391 sq. ft. and zoned ML-IM. The property is triangular in shape and is improved with two buildings which house commercial uses. At the front of the site is a dry cleaner (which occupies a former single-family dwelling) and in the rear is an automotive body shop, which is the subject of this case. The owner of that business proposes to construct a paint booth and small addition to the body shop building. To do so variance relief is

ORDER RECEIVED FOR FILING

Date

9-13-16

By

Den

required.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The property is triangular and the unique shape generates the need for the setback variances. In fact, variances for this property were granted in Case No. 1988-0496 on the same basis. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to construct the paint booth and garage addition which will help to streamline its business. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of community opposition.

While the DOP did not oppose the variances for the building setbacks, it did object to the parking variance. That agency indicated the site is congested and the proposed improvements would intensify the operations and demand for parking. Based on the photographs submitted at the hearing (Petitioner's Exhibit 3), it is clear the site is small and supports two commercial enterprises. But I do not believe either business generates much demand for parking. The dry cleaner is a small operation, and Petitioner explained its customers come and go within minutes. And the body shop is essentially an industrial operation which does not generate customer traffic and vehicle trips in the way most commercial and retail operations do. Petitioner testified that for the most part damaged and/or disabled vehicles are brought to the site by tow truck and owners retrieve their car at a later date when the repairs are completed.

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Date

9-13-16

By

DLN

Mr. Vekker, who operates the body shop, testified he wants the paint booth to streamline his business rather than increase the number of repairs he performs. He explained he now has to "jockey" vehicles in and out of the garage when a vehicle needs to be painted, while the paint booth will allow cars to be repaired and then painted in assembly-line fashion. As such, I do not believe permitting 13 spaces in lieu of the required 16 (which is greater than 80% of the number of spaces required by B.C.Z.R. §409) would be injurious to the community.

THEREFORE, IT IS ORDERED, this 13th day of September, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to permit the northern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; (2) to permit the southern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; and (3) to permit 13 parking spaces in lieu of the required 16 parking spaces, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of building permits Petitioner must submit for approval by DPR lighting and landscape plans for the site to include an enclosure for the existing dumpster.
3. No damaged or disabled motor vehicles shall for a period longer than 24 hours be stored or kept in the parking areas at the front of the site nearest Beaver Dam and McCormick Roads. All such vehicles must be kept in the storage area shown on the plan (which is enclosed by an 8' high slatted fence) and in compliance with the requirements of B.C.Z.R. §405A.

ORDER RECEIVED FOR FILING

Date 9-13-16

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 9-13-16

By Sen



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 10901 MCCORMICK ROAD

which is presently zoned ML-1M

Deed References: SM 33675/421

10 Digit Tax Account # 0810045226

Property Owner(s) Printed Name(s) DAN MAR ENTERPRISES, LLC

(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

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED PAGE

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 THE 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

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

☒ DANIEL HANLEY (OWNER)

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0322-A

Filing Date 6/14/16

Do Not Schedule Dates:

Reviewer M

Legal Owners (Petitioners):

DAN MAR ENTERPRISES, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

DANIEL J. M. HANLEY

TITLE

117 LAKE FRONT DRIVE HUNT VALLEY MD

STATE

Mailing Address

City

State

Zip Code 21030

Telephone # 410-823-1174

Engineer

Telephone #

Email Address

DAN@HANLEYLAWLLC.COM

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone # 410-919-9906

Email Address

BDOAK@BRUCEEDOAKCONSULTING.COM

ORDER RECEIVED FOR FILING

Date

9-13-16

AUG 15 - AUG 20

By

Den

Petition for:

Variances:

- 1) to permit the northern addition to the garage to have a side yard setback of 4 feet in lieu of the required 30 feet per Section 238.2 (BCZR)
- 2) to permit the southern addition to the garage to have a side yard setback of 4 feet in lieu of the required 30 feet per Section 238.2 (BCZR)
- 3) to permit 13 parking spaces in lieu of the required 16 per Sections 405A and 409.6 (BCZR)

Bruce E. Doak Consulting, Inc.

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

Zoning Description

10901 McCormick Road- 0.377 Acre
Eighth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point in McCormick Road, 135 feet from the centerline of Beaver Dam Road, thence running in and on McCormick Road 1) Southeasterly by a line curving to the left with a radius of 765 feet with an arc distance of 162.49 feet, thence leaving said road and running on the outlines of the subject property, the three following courses and distances, viz., 2) North 32 degrees 07 minutes East 59.77 feet, 3) North 52 degrees 40 minutes East 178.31 feet and 4) South 88 degrees 03 minutes West 283.42 feet to the point of beginning.

Containing 0.377 of an acre of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

Case # 2016-0322-Δ



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4384225

Sold To:

McCormick Auto Body LLC - CU00555368
10901 McCormick Rd
Hunt Valley, MD 21031-8659

Bill To:

McCormick Auto Body LLC - CU00555368
10901 McCormick Rd
Hunt Valley, MD 21031-8659

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

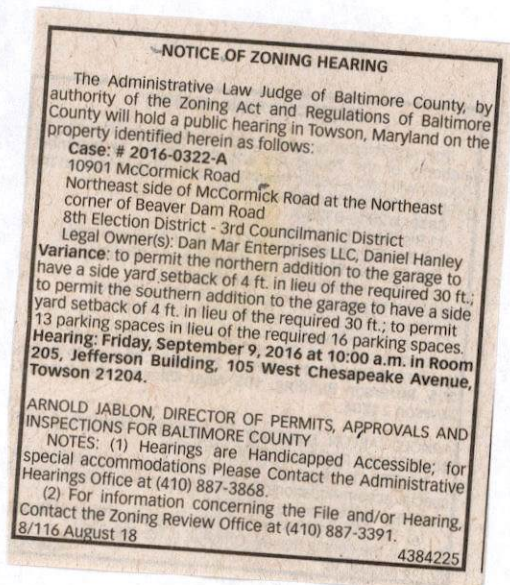
Aug 18, 2016

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising



Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

August 9, 2016

Re:
Zoning Case No. 2016-0322-A
Petitioner: Dan Mar Enterprises, LLC
Hearing date: September 9, 2016

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

Attention: Kristen Lewis

Ladies and Gentlemen,

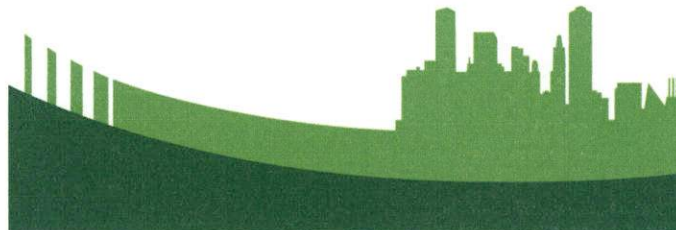
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 10901 McCormick Road.

The sign was posted on August 8, 2016.

Sincerely,


Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2016-0322-A

10901 McCormick Road

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Friday September 9, 2016 10:00 AM

REQUEST:

Variance to permit the northern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; to permit the southern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; to permit 13 parking spaces in lieu of the required 16 parking spaces.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

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

THE HEARING IS ♿ DISCAPPED ACCESSIBLE



TO: PATUXENT PUBLISHING COMPANY
Thursday, August 18, 2016 Issue - Jeffersonian

Please forward billing to:
McCormick Auto Body, LLC
Attn: Gennadiy Vekker
10901 McCormick Road
Hunt Valley, MD 21031

443-527-7431

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: 2016-0322-A

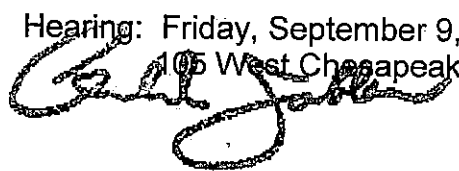
10901 McCormick Road

8th Election District – 3rd Councilmanic District

Legal Owners: Dan Mar Enterprises, LLC, Daniel Hanley

Variance to permit the northern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; to permit the southern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; to permit 13 parking spaces in lieu of the required 16 parking spaces.

Hearing: Friday, September 9, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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



KEVIN KAMENETZ
County Executive

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

August 3, 2016

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: 2016-0322-A

10901 McCormick Road
8th Election District – 3rd Councilmanic District
Legal Owners: Dan Mar Enterprises, LLC, Daniel Hanley

Variance to permit the northern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; to permit the southern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; to permit 13 parking spaces in lieu of the required 16 parking spaces.

Hearing: Friday, September 9, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Daniel Hanley, 117 Lake Front Drive, Hunt Valley 21030
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 20, 2016.**
- (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.



KEVIN KAMENETZ
County Executive

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

August 3, 2016

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: 2016-0322-A

10901 McCormick Road
8th Election District – 3rd Councilmanic District
Legal Owners: Dan Mar Enterprises, LLC, Daniel Hanley

Variance to permit the northern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; to permit the southern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; to permit 13 parking spaces in lieu of the required 16 parking spaces.

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AJ:kl

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- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
10901 McCormick Road; NE/S McCormick *
Road, NE corner of Beaver Dam Road * OF ADMINISTRATIVE
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Dan Mar Enterprises, LLC * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2016-322-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUN 22 2016

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 22nd day of June, 2016, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Bruce E. Doak Consulting, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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/neighborhood 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: 2016-0322-A
Petitioner: DANMAR ENTERPRISES LLC
Address or Location: 10901 M^CCORMICK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: M^CCORMICK AUTO BODY LLC - GENNADY VEKKER
Address: 10901 M^CCORMICK ROAD
HUNT VALLEY MO 21031

Telephone Number: 443-527-7431

Revised 2/20/98 - SCJ

CASE # 2016-0322-A

No.

141401

Date:

6/14/16

01000000

BUSINESS ADMIN. THE CHAIRMAN
9/15/2016 2/14/2016 10:01:07

06 MAY 1964 1400Z LIP
2 RECEIPT 6 57473 5/12/2014 OFIN

Dept	5	328	204/99	VERIFICATION
CR NO.	141901			

Receipt Tot. 1500.00
1500.00 - Ch 1.00
Bal. Board County, Maryland

Rev	Sub
Source/	Rev/

[illegible]

Total:

500.00

Rec
From:

For:

McCormick Ave
10901 McCormick Rd

7016-0377-A

CELL 1964

DISTRIBUTION

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

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

September 1, 2016

Dan Mar Enterprises LLC
Daniel J M Hanley
117 Lake Front Drive
Hunt Valley MD 21030

RE: Case Number: 2016-0322 A, Address: 10901 McCormick Road

Dear Mr. Hanley:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 14, 2016. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Bruce E Doak, Bruce E Doak Consulting, 3801 Baker Schoolhouse Road, Freeland MD 21053

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 6/20/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2016-0322-A

Varianca
Dan Mar Enterprises LLC, Daniel F. M. Hanley
10901 McCormick Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Zeller'.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer - District 4
Baltimore & Harford Counties

WW/RAZ

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 June 27, 2016
Item No. 2016-0322

DATE: July 5, 2016

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

Lighting and Landscape Plans are required per the requirements of the Landscape Manual.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0322-06272016.doc

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE MEMORANDUM

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

DATE: July 13, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: ZAC 16-322

INFORMATION:

Property Address: 10901 McCormick Road
Petitioner: Dan Mar Enterprises
Zoning: ML-IM
Requested Action: Variances

The Department of Planning has reviewed the petition for a variance to permit an existing service garage with addition to have side yard setbacks of 4' and 13 parking spaces in lieu of the required 30 feet and 16 parking spaces respectively.

A site visit was conducted on June 30, 2016.

The Department has no objections to granting the petitioned zoning relief as it pertains to the building setbacks conditioned upon the following:

- All parking shall meet the requirements of BCZR §409 and the storage of any damaged or disabled vehicles must meet the requirements of BCZR § 405A.
- The dumpster must be screened pursuant to Condition H of the Baltimore County Landscape Manual.
- Provide elevations to the Department Sector Planner listed below for review prior to building permit approval.

The Department objects to granting the petitioned zoning relief to permit 13 spaces in lieu of the required 16 spaces. In its existing condition, the use of the site is intensive and congested. With the proposed additions, the uses are further intensified and access to all the paved areas available for parking become difficult. In addition, the nature of a service garage generates a high level of vehicular trips to the site. In many situations involving service garages, two vehicles (to include tow trucks) visit the site in order to leave the damaged car for repair. The process is repeated upon the completion of repairs and said vehicle is picked up.

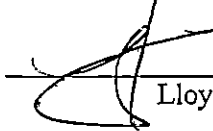
Subject: ZAC #16-322

Date: July 13, 2016

Page 2

For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ltn

c: Wally Lippincott
Bruce E. Doak, Bruce E. Doak Consulting
James Hermann, Permits, Approvals, and Inspections
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 22, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0322-A
Address 10901 McCormick Road
(Hanley Property)

Zoning Advisory Committee Meeting of **June 27, 2016.**

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

Reviewer: Steve Ford

Date: 06-22-2016



KEVIN KAMENETZ
County Executive

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

September 1, 2016

Dan Mar Enterprises LLC
Daniel J M Hanley
117 Lake Front Drive
Hunt Valley MD 21030

RE: Case Number: 2016-0322 A, Address: 10901 McCormick Road

Dear Mr. Hanley:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 14, 2016. 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: jaw

Enclosures

c: People's Counsel
Bruce E Doak, Bruce E Doak Consulting, 3801 Baker Schoolhouse Road, Freeland MD 21053

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 6/20/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2016-0322-A

Variance
Dan Mar Enterprises LLC, Daniel J. M. Hanley
10901 McCormick Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Wendy Wolcott', is written over a horizontal line.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

9-9

BALTIMORE COUNTY, MARYLAND INTRA-OFFICE MEMORANDUM

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

DATE: July 13, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: ZAC 16-322

RECEIVED

JUL 20 2016

INFORMATION:

Property Address: 10901 McCormick Road
Petitioner: Dan Mar Enterprises
Zoning: ML-IM
Requested Action: Variances

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for a variance to permit an existing service garage with addition to have side yard setbacks of 4' and 13 parking spaces in lieu of the required 30 feet and 16 parking spaces respectively.

A site visit was conducted on June 30, 2016.

The Department has no objections to granting the petitioned zoning relief as it pertains to the building setbacks conditioned upon the following:

- All parking shall meet the requirements of BCZR §409 and the storage of any damaged or disabled vehicles must meet the requirements of BCZR§ 405A.
- The dumpster must be screened pursuant to Condition H of the Baltimore County Landscape Manual.
- Provide elevations to the Department Sector Planner listed below for review prior to building permit approval.

The Department objects to granting the petitioned zoning relief to permit 13 spaces in lieu of the required 16 spaces. In its existing condition, the use of the site is intensive and congested. With the proposed additions, the uses are further intensified and access to all the paved areas available for parking become difficult. In addition, the nature of a service garage generates a high level of vehicular trips to the site. In many situations involving service garages, two vehicles (to include tow trucks) visit the site in order to leave the damaged car for repair. The process is repeated upon the completion of repairs and said vehicle is picked up.

Subject: ZAC #16-322

Date: July 13, 2016

Page 2

For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ltn

c: Wally Lippincott
Bruce E. Doak, Bruce E. Doak Consulting
James Hermann, Permits, Approvals, and Inspections
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

JUN 22 2016



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 22, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0322-A
Address 10901 McCormick Road
(Hanley Property)

Zoning Advisory Committee Meeting of **June 27, 2016.**

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

Reviewer: Steve Ford

Date: 06-22-2016

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 June 27, 2016
Item No. 2016-0322

DATE: July 5, 2016

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

Lighting and Landscape Plans are required per the requirements of the Landscape Manual.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0322-06272016.doc

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE MEMORANDUM

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

DATE: July 13, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: ZAC 16-322

INFORMATION:

Property Address: 10901 McCormick Road
Petitioner: Dan Mar Enterprises
Zoning: ML-IM
Requested Action: Variances

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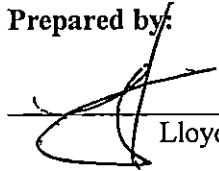
Subject: ZAC #16-322

Date: July 13, 2016

Page 2

For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ltn

c: Wally Lippincott
Bruce E. Doak, Bruce E. Doak Consulting
James Hermann, Permits, Approvals, and Inspections
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
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DATE: June 22, 2016

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(Hanley Property)

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comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 06-22-2016

CASE NAME _____
CASE NUMBER 2016-0322-
DATE 9/09/16

[illegible]

1580-0103

2020

10/10/10

1955-1956

[Faint handwritten notes at the bottom of the page]

Mr. D. C. Davis

Kenilworth, N.J.

[Handwritten signature]

18.81 November 2017

26266

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
7/5	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
6/22	DEPS (if not received, date e-mail sent _____)	N/C
	FIRE DEPARTMENT	
7/13	PLANNING (if not received, date e-mail sent _____)	no obj w/conds
6/20	STATE HIGHWAY ADMINISTRATION	no obj
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 8/18/16	
SIGN POSTING	Date: 8/18/16 by DOAK	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

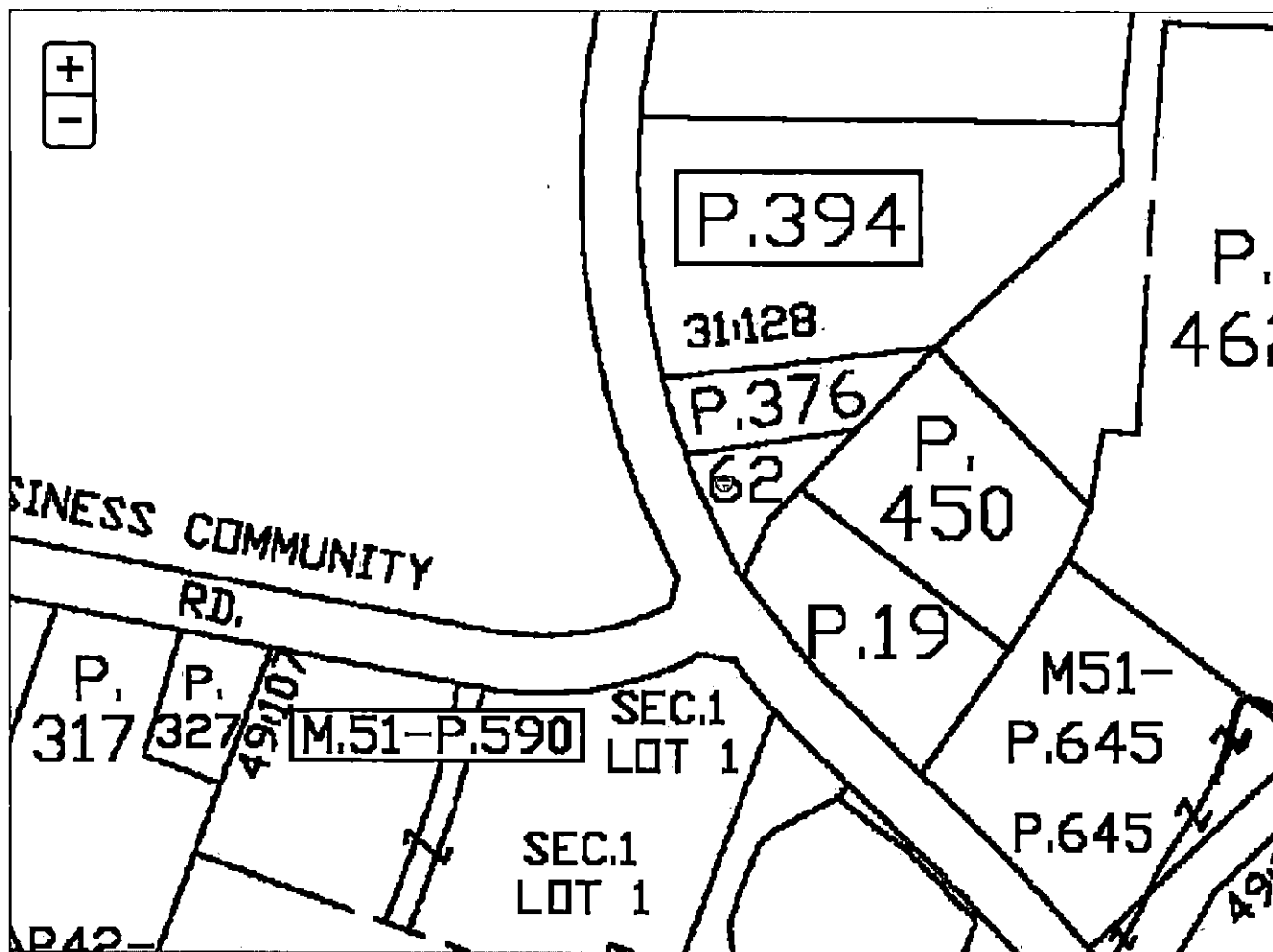
Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 08 Account Number - 0810045226							
Owner Information									
Owner Name:		DAN MAR ENTERPRISES LLC				Use: Principal Residence:		COMMERCIAL NO	
Mailing Address:		117 LAKE FRONT DR HUNT VALLEY MD 21030-				Deed Reference:		/33675/ 00421	
Location & Structure Information									
Premises Address:		10901 MCCORMICK RD HUNT VALLEY MD 21031-0000				Legal Description:		ES MCCORMICK RD .377 AC 50 N BEAVER DAM RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0042	0021	0062		0000				2017	
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
		2746				16,391 SF		06	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		OFFICE BUILDING							
Value Information									
		Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2016 As of 07/01/2017			
Land:		310,000		310,000					
Improvements		163,600		163,600					
Total:		473,600		473,600		473,600			
Preferential Land:		0							
Transfer Information									
Seller: DAN MAR ENTERPRISES Type: NON-ARMS LENGTH OTHER				Date: 05/28/2013 Deed1: /33675/ 00421			Price: \$0 Deed2:		
Seller: JONES MELVIN L Type: ARMS LENGTH IMPROVED				Date: 01/18/1988 Deed1: /07770/ 00181			Price: \$180,000 Deed2:		
Seller: Type:				Date: Deed1:			Price: Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00		0.00			
Tax Exempt: Exempt Class:				Special Tax Recapture: NONE					
Homestead Application Information									
Homestead Application Status: No Application									

Baltimore County

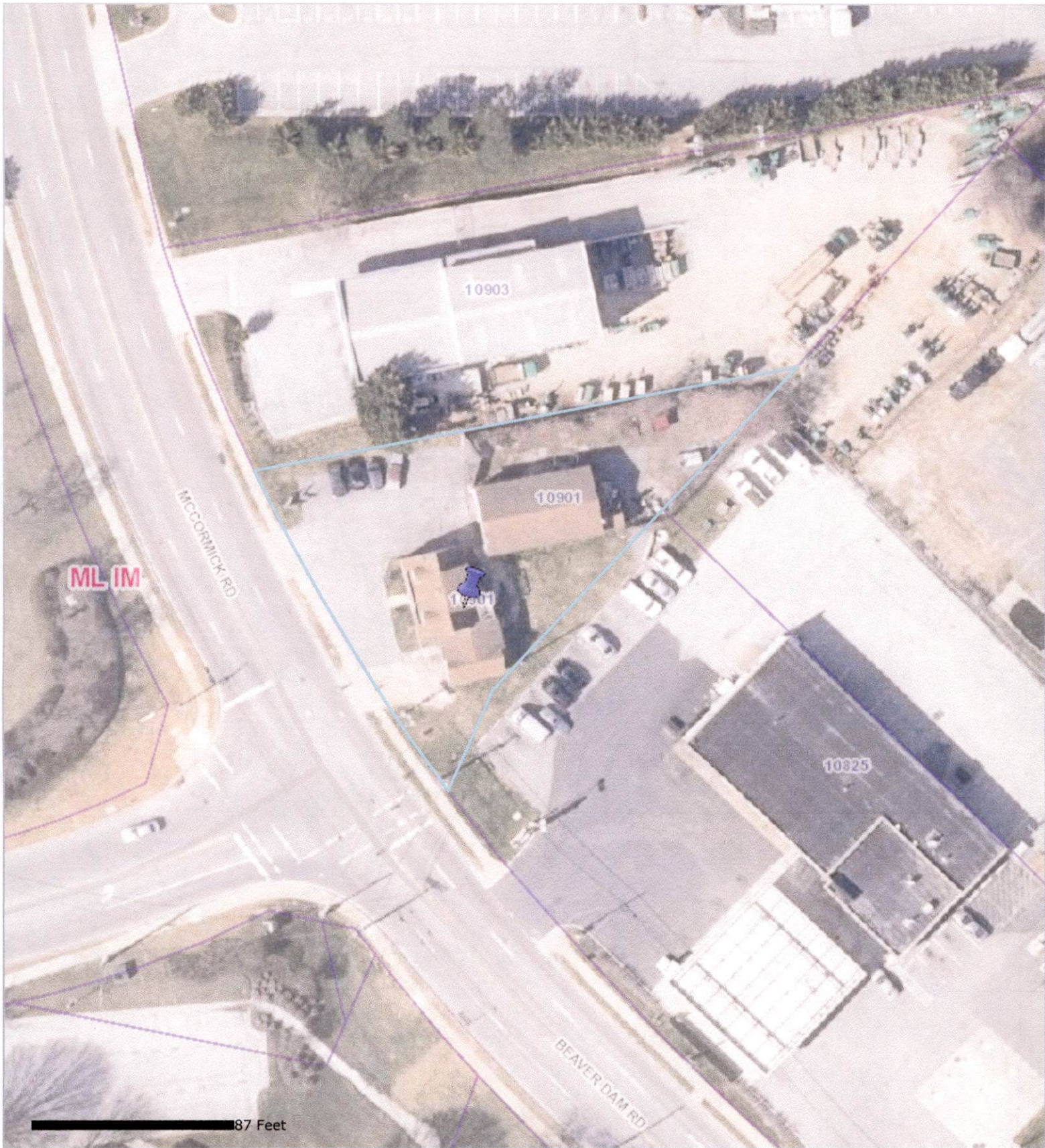
New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **08** Account Number: **0810045226**

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.

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>).



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



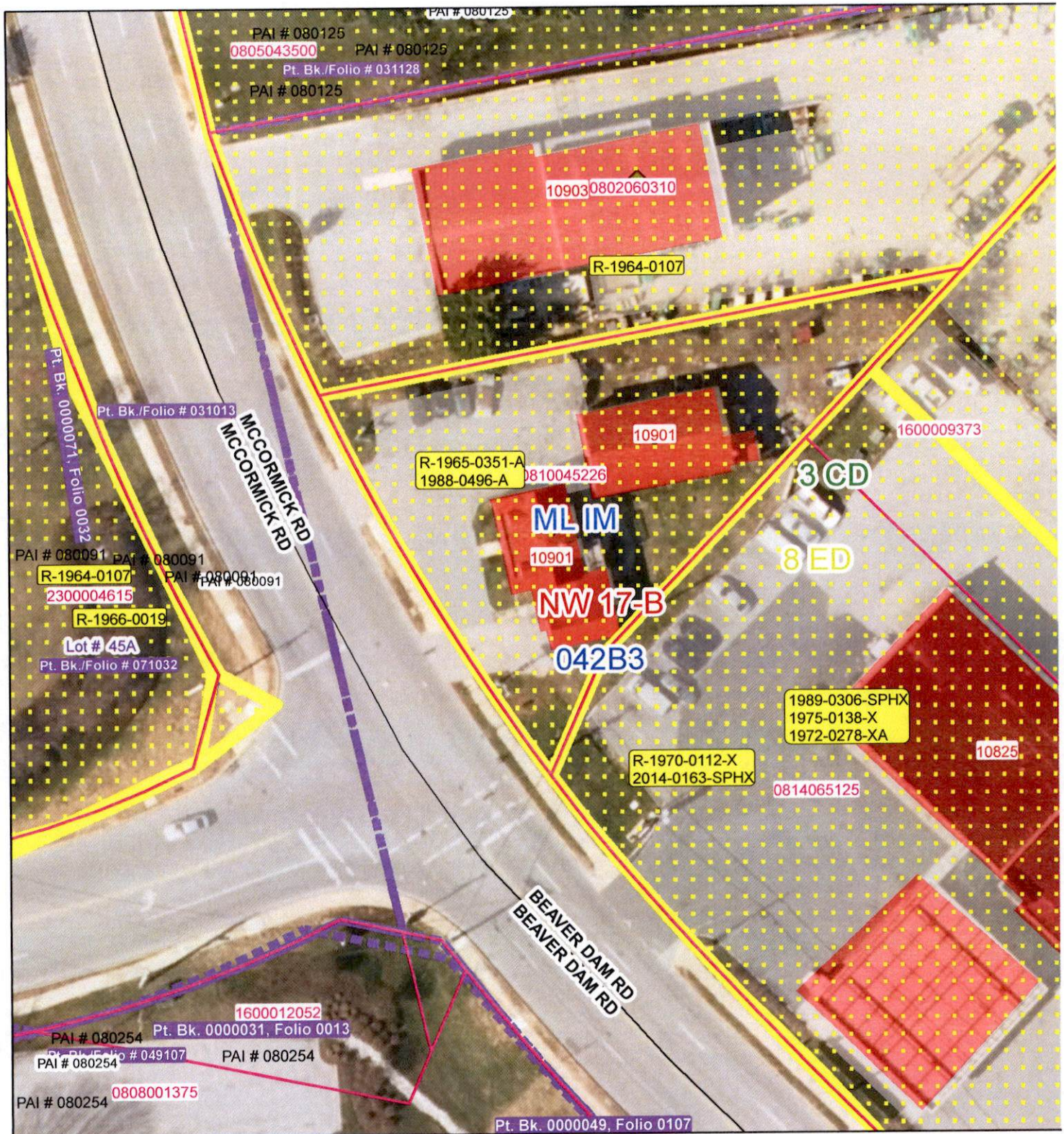
This data is only for general information purposes only. This data may be
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PETITIONER' S

EXHIBIT NO. 2 AERIAL PHOTO

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10901 McCormick Road 2016-0322-A



Publication Date: 6/14/2016



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



0 12.525 50 75 100 Feet

1 inch = 50 feet

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of July, 1988 that the Petition for Zoning Variance to permit a side yard setback of 4 feet in lieu of the required 30 feet for the office building; side yard setbacks of 17 feet in lieu of the required 30 feet each for the garage; and a distance between buildings of 9 feet in lieu of the required 60 feet, in accordance with the amended site plan, identified herein as Petitioner's Exhibit A and dated July 21, 1988, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The amended site plan, identified herein as Petitioner's Exhibit A and dated July 21, 1988, must be approved by the Department of Traffic Engineering.

ORDER RECORDED
 7/22/88
 BY [Signature]
 [Signature]

#354

3) The Petitioner shall comply with the requirements of the Baltimore County Landscaping Manual as deemed applicable by the Office of Current Planning.

4) The north side of the property shall be screened in conformance with the B.C.Z.R. and the Baltimore County Landscaping Manual.

(L M Naskarowicz)

ANN H. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

COPIES TO: PLANNING
1. Mr. [unclear]
2. Mr. [unclear]
3. Mr. [unclear]
4. Mr. [unclear]
5. Mr. [unclear]
6. Mr. [unclear]
7. Mr. [unclear]
8. Mr. [unclear]
9. Mr. [unclear]
10. Mr. [unclear]
11. Mr. [unclear]
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97. Mr. [unclear]
98. Mr. [unclear]
99. Mr. [unclear]
100. Mr. [unclear]

2016-0322-A

SITE INFORMATION

1. Ownership: Dan Mar Enterprises LLC
117 Lake Front Drive
Hunt Valley, MD 21030
2. Address: 10901 McCormick Road Hunt Valley, MD 21031
3. Deed references: SM 33675/421
4. Area: 16,391 sq. ft. / 0.377 acre (per SDAT)
5. Tax Map / Parcel / Tax account #: 42 / 62 / 08-10-045226
6. Election District: 8 Councilmanic District: 3
ADC Map: 446064 GIS tile: 042B3 Position sheets: 67NW8 & 68NW8
Census tract: 408400 Census block: 240054084001013
Schools: Mays Chapel ES Cockeysville MS Dulaney HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 042B3 and the information provided by Baltimore County on the Internet.
8. Improvements: 2 story stucco building (front)- dry cleaning business
1 story block building (rear)- body shop business

OFFICE OF ZONING

Zoning: ML-IM

Parking Calculations

Body Shop:
Existing: 1500 SF
Proposed: 1304 SF
Total: 2804 SF

3.3 parking spaces per 1000 SF per sect. 405A (BCZR)
Required parking spaces: 10
Parking spaces provided: 10

Dry Cleaning

Existing: 1100 SF
5 parking spaces per 1000 SF per sect/ 409.6 (BCZR)
Required parking spaces: 6
Parking spaces provided: 3

ML IM Setbacks for Commercial Buildings

Front: 50 feet from the property line or street right of way
Side: 30 feet from the property line
Rear: 30 feet from the property line

Previous zoning case #1988-0496-A granted:

1. 4' side yard setback for office building in lieu of 30'
2. 17' side yard setback for garage in lieu of 30'
3. 9' between buildings in lieu of 60'

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 0

1. The existing buildings are currently serviced by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

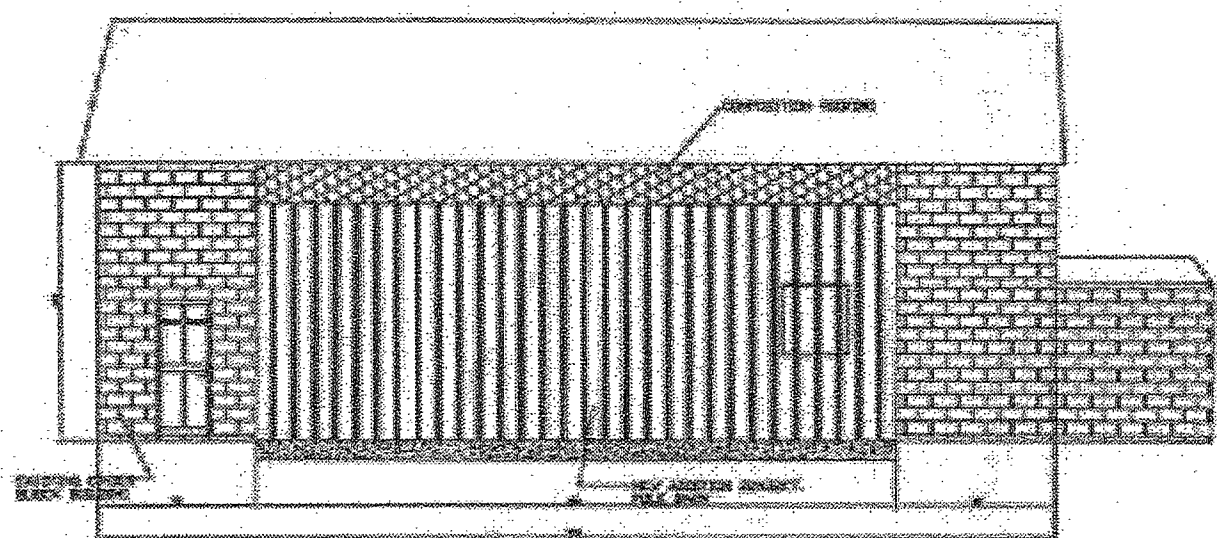
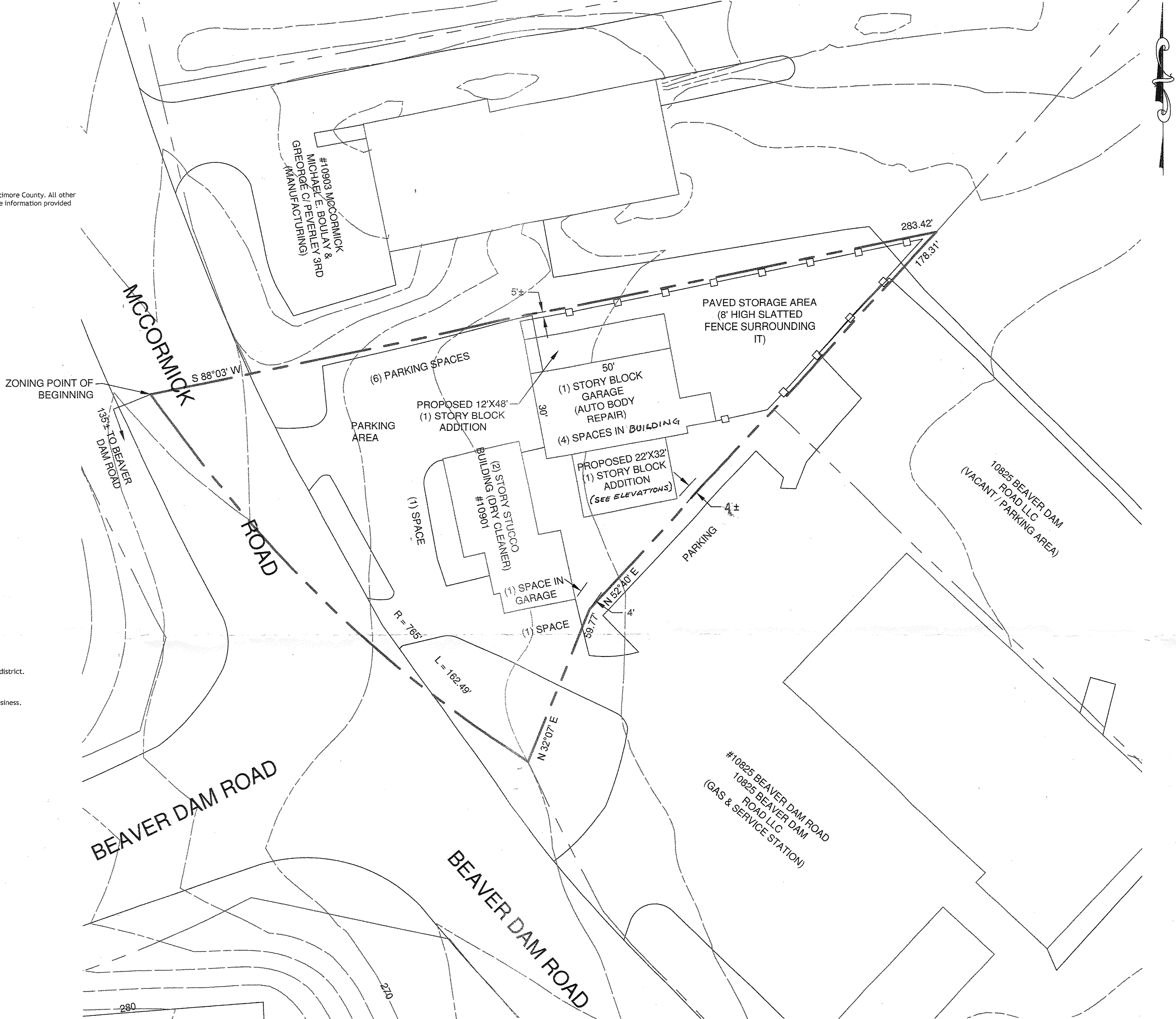
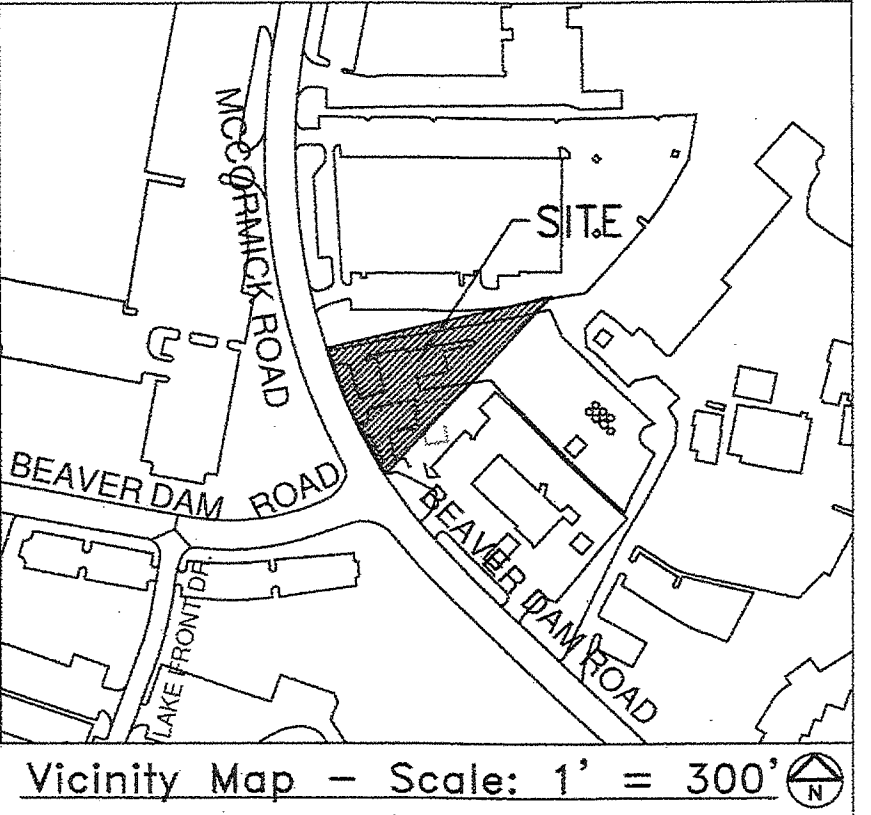
OFFICE OF PLANNING

Regional Planning District: Cockeysville/ Timonium District Code: 309
Growth Tier: 1 served by public sewer and inside URDL

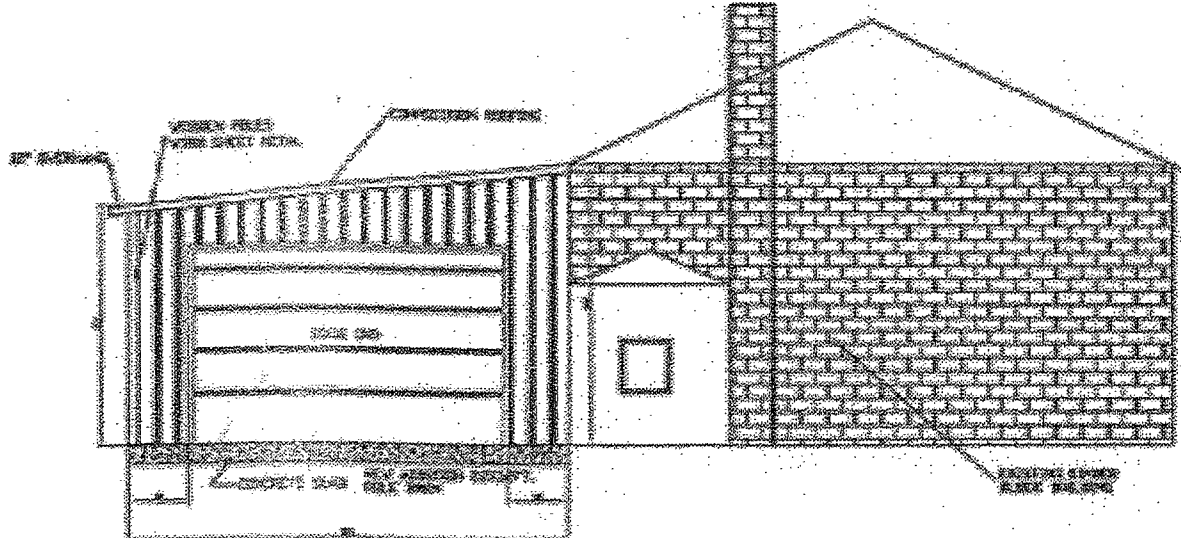
1. The subject buildings are not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

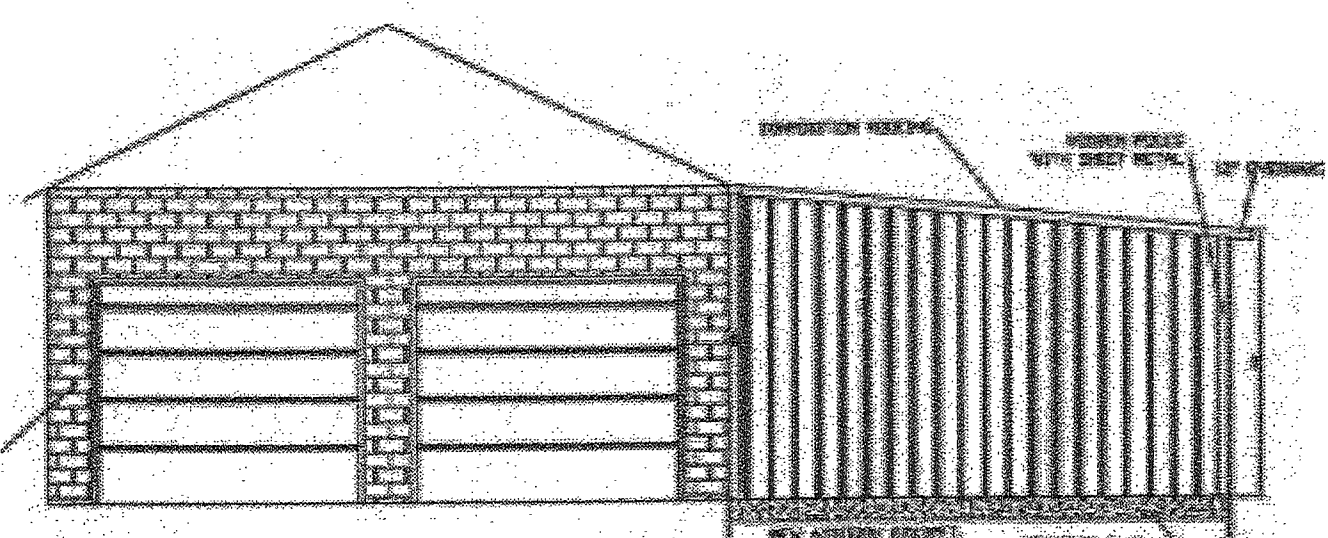
To construct two block additions to the rear building to be used for the body shop business.



FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

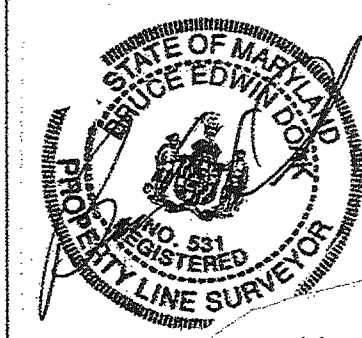


REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freetland, MD 21053
o 443-800-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

A PLANT TO ACCOMPANY
A ZONING PETITION FOR
10901 MCCORMICK ROAD

BALTIMORE COUNTY, MARYLAND
8th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT



Date: 5/1/2016

Scale: 1"=20'

PETITIONER'S

EXHIBIT NO. 1

Case #2016-0322-A

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Hunt Valley, MD 21030
2. Address: 10901 McCormick Road Hunt Valley, MD 21031
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Census tract: 408400 Census block: 24054084001013
Schools: Mays Chapel ES Cockeysville MS Dunlany HS
7. The boundary shown herein is from the deed recorded in the Land Records of Baltimore County. All other information shown herein was taken from Baltimore County GIS file 042B3 and the information provided by Baltimore County on the internet.
8. Improvements: 2 story stucco building (front)- dry cleaning business
1 story block building (rear)- body shop business

Zoning: ML-1M

Parking Calculations

<u>Body Shop:</u>	
Existing:	1500 SF
Proposed:	<u>1304 SF</u>
Total:	2804 SF

3.3 parking spaces per 1000 SF per sect. 405A (BCZR)
Required parking spaces: 10
Parking spaces provided: 10

Dry Cleaning

Dry Cleaning
Existing: 1100 SF
5 parking spaces per 1000 SF per sect/ 409.6 (BCZR)
Required parking spaces: 6
Parking spaces provided: 3

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Side: 30 feet from the property line
Rear: 30 feet from the property line

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2. 17' side yard setback for garage in lieu of 30'
3. 9' between buildings in lieu of 60'

Watershed: Loch Raven Reservoir URDL land type: 0

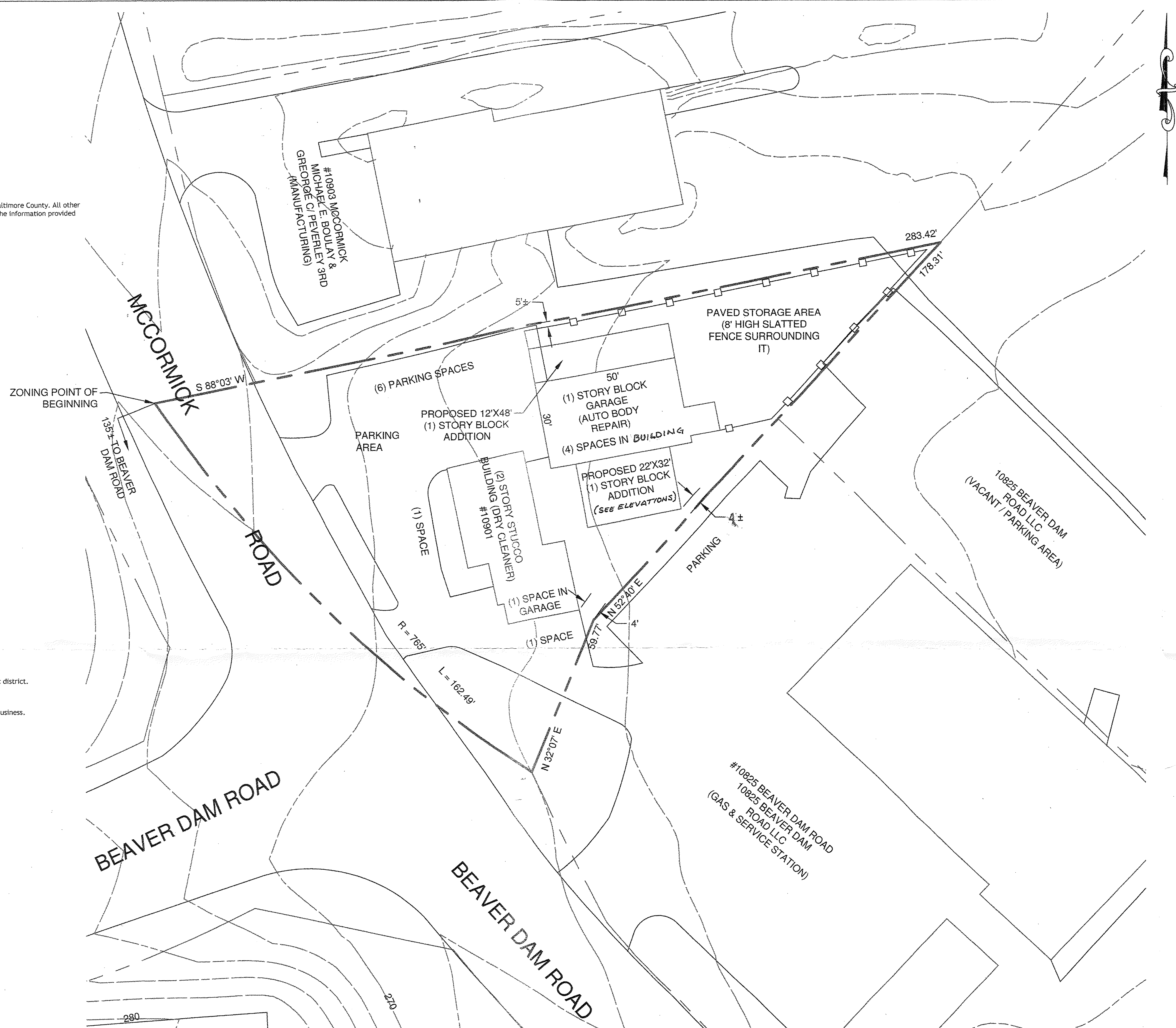
1. The existing buildings are currently serviced by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

Regional Planning District: Cockeysville/ Timonium District Code: 309
Growth Tier: 1 served by public sewer and inside URDL

1. The subject buildings are not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

To construct two block additions to the rear building to be used for the body shop business.

REVISION

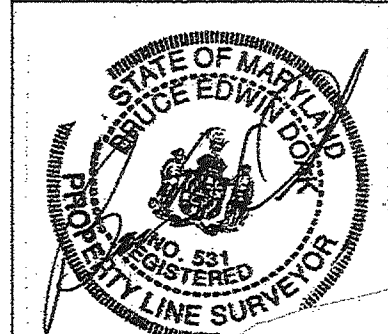
Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

A PLANT TO ACCOMPANY
A ZONING PETITION FOR
10901 McCORMICK ROAD

BALTIMORE COUNTY, MARYLAND
8th ELECTION DISTRICT. 3rd COUNCILMANIC DISTRICT

Date: 5/1/2016

Scale: 1"=20'



6/14/16

CASE # 2016-0322-A