



DONALD I. MOHLER III
County Executive

June 20, 2018

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

Mr. Jim Barbey
Barbey Automotive
10821 Philadelphia Road
White Marsh, Maryland 21162

Dear Barbey:

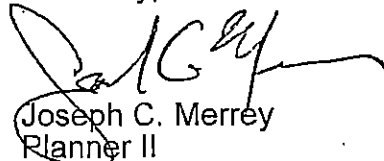
RE: Zoning Spirit and Intent Opinion, 10821 Philadelphia Road, Zoning Case No. 2018-0099-SPHX, Verification 11th Election District

Your letter to Mr. Arnold Jablon, Director, concerning an opinion from this Office regarding a Spirit and Intent determination pertaining to the above referenced property and the proposed minor adjustment to the approved expansion (2018-0099-SPH) to the existing building. Having carefully reviewed your request, it is the opinion of this Office that the proposed adjustment, made necessary to comply with relevant building codes, has been found to be within the Spirit and Intent of Zoning Case 2018-0099-SPHX.

This letter must be copied onto a revised building permit site plan. It appears from your submitted plan that Site-Rite was the surveyor company that you used for the most recent plan. I would suggest you contact them to make the minor addition of adding our response to your letter to the building permit site plan for resubmittal. When the revised plan is completed, submit three copies to my attention with the building permit number referenced on your cover sheet.

THE FOREGOING IS MERELY AN INFORMAL OPINION. IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Sincerely,


Joseph C. Merrey
Planner II
Zoning Review
410-887-3391

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

(10821-10825 Philadelphia Road)
11th Election District
2nd Council District
James & Marlene Barbey
Legal Owners

Petitioners

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BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0099-SPHX

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of James & Marlene Barbey, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve an amendment to the previously approved site plan in Case No. 2006-0430-SPH and to allow an expansion of the existing service garage on the subject property with an additional four (4) bays (1606 sq. ft. to 4406 sq. ft.). A Petition for Special Exception was filed to use the herein described property for a service garage.

James & Marlene Barbey attended the public hearing in support of the requests. Frank G. Lidinsky, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). Neither agency opposed the requests.

This case concerns two parcels known as 10821 and 10825 Philadelphia Road. In the aggregate the property is approximately 38,315 sq. ft. in size and is split-zoned BL, RO and DR 3.5. The property is improved with two single-family dwellings, both of which will remain. A service

ORDER RECEIVED FOR FILING

Date 11/17/17
By SLD

garage is located at the rear of the site, pursuant to a special exception granted in 1975. Case No. 1975-0053-X. Petitioners propose to add four additional service bays, for a total of seven service bays. The existing office used in connection with the service garage would also be relocated slightly and enlarged.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

As noted at the outset, a special exception for a service garage was granted in a 1975 zoning case. As such it is arguable Petitioners do not need another special exception for the expansion of the same use. In any event, motor vehicles have been serviced at this location for over 40 years, and I do not believe the proposed expansion would have a detrimental impact upon the community.

SPECIAL HEARING

The petition for special hearing seeks to amend the site plan approved in the 2006 zoning case. In that case the Zoning Commissioner approved an expansion of the service garage from 2 to 3 bays. Two restrictions were noted in the order for Case No. 2006-0430-SPH, and those will continue in full force and effect. For ease of reference they are restated below as Condition Nos. 4 & 5.

ORDER RECEIVED FOR FILING

Date

11/17/17

By

Sen

In its ZAC comment, the DOP suggested Petitioners demonstrate they have the legal right to access and use the driveway at 10825 Philadelphia Road. Petitioners explained they acquired 10821 Philadelphia Road in 2004, at which time that lot had a 12 ft. wide paved driveway which accessed the service garage. Petitioners acquired 10825 Philadelphia Road in 2015, and the paved driveway is now 33 ft. wide. Since Petitioners own both of the adjoining properties they have the right to access the driveway in its entirety.

THEREFORE, IT IS ORDERED this 17 day of **November 2017**, by this Administrative Law Judge, that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 2006-0430-SPH and to allow an expansion of the existing service garage on the subject property with an additional four (4) bays (1606 sq. ft. to 4406 sq. ft.), as shown on the site plan marked and admitted as Petitioners' Exhibit 1, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to use the herein described property for a service garage, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. The proposed addition must be constructed of materials which are similar to and complement the appearance of the existing service garage.
3. Prior to issuance of permits Petitioners must submit for approval by Baltimore County a landscape plan for the site.
4. There shall be no outside storage of damaged or disabled vehicles on the premises.
5. Hours of operation shall be limited to 8AM to 8PM, Monday through

ORDER RECEIVED FOR FILING

Date 11/17/17

By SLP

Saturday. Other than for emergency repairs the service garage shall not operate on Sunday.

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 11/17/17

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 10821-10825 Philadelphia Road which is presently zoned BL/RO/D.P.3.5
Deed References: 34880/306 & 34545/429 10 Digit Tax Account # 1 1 0 7 0 0 1 5 2 0
Property Owner(s) Printed Name(s) James & Marlene Barbey 1 1 0 3 0 6 7 6 5 0
Barbey Properties 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)

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

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

James Barbey

Name #1 - Type or Print

Signature #1

11713 Jerome Avenue White Marsh, MD

Mailing Address

21162

Zip Code

410 335-8848

Telephone #

Marlene Barbey

Name #2 - Type or Print

Signature #2

11713 Jerome Avenue White Marsh, MD

Mailing Address

21162

Zip Code

410 335-8848 jimbarbeyauto@aol.com

Telephone # Email Address

Representative to be contacted:

Bernadette Moskunas Site Rite Surveying Inc.

Name - Type or Print

Signature

200 E. Joppa Road Rm 101 Towson, MD

Mailing Address

21286

Zip Code

410 828-9060

Telephone #

siteriteinc@aol.com

Email Address

CASE NUMBER

2018-0099-SPHX 10 4 17

Filing Date

Do Not Schedule Dates:

Reviewer

REV. 10/4/11

*Attachment to Petition for Zoning Hearing for Case No. 2018-0099-SPHX
#10821-#10825 Philadelphia Road*

Special Hearing under Section 500.7 of the BCZR to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved site plan in Case No. 06-430-SPH to allow an expansion of the existing service garage on the subject property with an additional four (4) bays (1606 sq. ft. to 4406 sq. ft)

Special Exception under Section 230.3 of the BCZR to use the herein described property for a service garage

Zoning Property Description for #10821 -#10825 Philadelphia Road

Beginning at a point on the east side of Philadelphia Road (Md. Route No. 7) which is 60 feet wide at the distance of 380 feet north of the centerline of Ebenezer Road which is 30 feet wide.

Thence the following courses and distances: (1) North 40 degrees 08 minutes East, 148 feet along the centerline of Philadelphia Road, (2) South 50 degrees 56 minutes East, 255.93 feet, (3) South 40 degrees 06 minutes West, 152.53 feet and (4) North 49 degrees 45 minutes W, 256 feet to the point of beginning as recorded in Deeds Liber 34880 folio 306 and Liber 34545 folio 429, respectively, containing 38,315 sq. ft. and located in the 11th Election District and 6th Council District.

A circular professional seal for Michael V. Moskunas, a Professional Land Surveyor in the State of Maryland. The seal contains the text "STATE OF MARYLAND", "PROFESSIONAL LAND SURVEYOR", and "NO. 21175". A handwritten signature, "Michael V. Moskunas", is written across the seal.

**Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175
Site Rite Surveying, Inc
200 E. Joppa Road
Room 101, Shell Building
Towson, MD 21286
(410)828-9060**

2018-0099-SPHX

CERTIFICATE OF POSTING

CASE NO. 2018-0099-SPHX

PETITIONER DEVELOPER

SITE RITE SURVEYING INC

DATE OF HEARING CLOSING

11/15/17

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

LADIES AND GENTLEMAN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

10821 - 10825

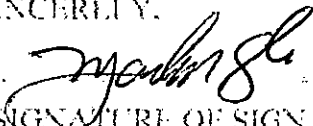
PHILADELPHIA RA

THIS SIGN(S) POSTED ON

October 26, 2017

(MONTH, DAY, YEAR)

SINCERELY,

 10/26/17

SIGNATURE OF SIGN POSTER

MARTIN OGIL

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

ZONING NOTICE

CASE # **2018-0099-SPHX**

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

PLACE: **Room 205, Jefferson Building
105 W. Chesapeake Ave, Towson MD 21204**

DATE AND TIME: **Wednesday, November 15, 2017 at 1:30 a.m.**

REQUEST: **Special Hearing to determine whether or not the
Administrative Law Judge should approve an amendment
to the previously approved site plan in Case No. 2006-0430-
SPH and to allow an expansion of the existing service garage
on the subject property with an additional four bays (1606
sq. ft. to 4406 sq. ft.) Special Exception to use the property
for a service garage.**

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

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

HANDICAPPED ACCESSIBLE

Y. J. [Signature] 10/26/17

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

NO 157269

Date:

10/4/17

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$1,000

Total:

\$1,000

Rec

From:

For:

10821 PHILADELPHIA RD

2018-0099-SPHX

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW

10/05/2017 10/04/2017 11:14:49 2

REG 0502 WALKIN JEE

>>RECEIPT N 030630 10/04/2017 CFLH

Dept 5 528 ZONING VERIFICATION

CR NO. 157269

Receipt Tot \$1,000.00

\$1,000.00 CK \$0.00 CA

Baltimore County, Maryland

CASHIER'S
VALIDATION



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 5259445

Sold To:

James Barbey - CU00624920
11716 Jerome Avenue
White Marsh, MD 21162

Bill To:

James Barbey - CU00624920
11716 Jerome Avenue
White Marsh, MD 21162

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

Oct 26, 2017

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: # 2018-0099-SPHX	
10821-10825 Philadelphia Road E/s Philadelphia Road, north to the centerline of Ebenezer Road 11th Election District - 2nd Councilmanic District Legal Owner(s) James & Marlene Barbey	
Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved site plan in Case No. 2006-0430-SPH and to allow an expansion of the existing service garage on the subject property with an additional four bays (1606 sq. ft. to 4406 sq. ft.)	
Special Exception to use the property for a service garage.	
Hearing: Wednesday, November 15, 2017 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.	
10-098 October 26	5259445

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

CERTIFICATE OF POSTING

CASE NO. 2018-0099-SPHX

PETITIONER/DEVELOPER

SITE RITE SURVEYING INC

DATE OF HEARING/CLOSING

11/15/17

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

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

10821 - 10825

PHILADELPHIA RA

THIS SIGN(S) POSTED ON October 26, 2017

(MONTH. DAY. YEAR)

SINCERELY,

 10/26/17

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

ZONING NOTICE

CASE # 2018-0099-SPHX

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

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave., Towson MD 21204

DATE AND TIME: Wednesday, November 15, 2017 at 1:30 p.m.
REQUEST: Special Hearing to determine whether or not the
Administrative Law Judge should approve an amendment
to the previously approved site plan in Case No. 2006-0430-
SPH and to allow an expansion of the existing service garage
on the subject property with an additional four bays (1600
sq. ft. to 4406 sq. ft.) Special Exception to use the property
for a service garage.

FOR INFORMATION ONLY TO BE ADDED FOR CIRCUMSTANCES AND INSTRUCTIONS TO BE
DO NOT REMOVE THIS FROM THE FILE
HANDICAPPED ACCESSIBLE

Myrdin 10/26/17



KEVIN KAMENETZ
County Executive

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

October 12, 2017

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: 2018-0099-SPHX

10821-10825 Philadelphia Road

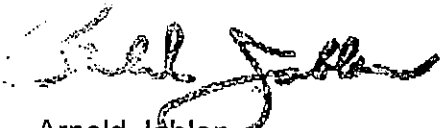
E/s Philadelphia Road, north to the centerline of Ebenezer Road

11th Election District – 2nd Councilmanic District

Legal Owners: James & Marlene Barbey

Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved site plan in Case No. 2006-0430-SPH and to allow an expansion of the existing service garage on the subject property with an additional four bays (1606 sq. ft. to 4406 sq. ft.) Special Exception to use the property for a service garage.

Hearing: Wednesday, November 15, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Frank Lidinsky, 8600 LaSalle Road, Ste. 320, Towson 21286
Bernadette Moskunus, 200 E. Joppa Road, Rm: 101, Towson 21286
Mr. & Mrs. Barbey, 11713 Jerome Avenue, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 26, 2017.**
- (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
Thursday, October 26, 2017 Issue - Jeffersonian

Please forward billing to:
James Barbey
11716 Jerome Avenue
White Marsh, MD 21162

410-335-8848

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: 2018-0099-SPHX

10821-10825 Philadelphia Road
E/s Philadelphia Road, north to the centerline of Ebenezer Road
11th Election District – 2nd Councilmanic District
Legal Owners: James & Marlene Barbey

Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved site plan in Case No. 2006-0430-SPH and to allow an expansion of the existing service garage on the subject property with an additional four bays (1606 sq. ft. to 4406 sq. ft.) Special Exception to use the property for a service garage.

Hearing: Wednesday, November 15, 2017 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 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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND SPECIAL EXCEPTION *
10821-10825 Philadelphia Rd; E/S Philadelphia* OF ADMINISTRATIVE
Road, N 380' to c/line of Ebenezer Road *
11th Election & 2nd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): James & Marlene Barbey *
Petitioner(s) * BALTIMORE COUNTY
*
* 2018-099-SPHX

* * * * *

ENTRY OF APPEARANCE

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

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

RECEIVED

OCT 12 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of October, 2017, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunus, Site Rite Surveying Inc, 200 E. Joppa Road, Room 101, Towson, Maryland 21286 and Frank Lidinsky, Esquire, 8600 La Salle Road, Suite 320, Towson, Maryland 21286, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0099-SPHX
Property Address: #10821- #10825 Philadelphia Road
Property Description: located on the east side of Philadelphia Road
north of Ebenezer Road
Legal Owners (Petitioners): James and Marlene Barbey
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: James Barbey
Company/Firm (if applicable): _____
Address: 11713 Jerome Avenue
White Marsh, MD 21162
Telephone Number: 410 335-8848



KEVIN KAMENETZ
County Executive

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

November 8, 2017

James & Marlene Barbey
11713 Jerome Avenue
White Marsh MD 21162

RE: Case Number: 2018-0099 SPHX, Address: 10821-10825 Philadelphia Road

Dear Mr. & Ms. Barbey:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 4, 2017. 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
Frank G Lidinsky, 8600 LsSalle Road, Suite 320, Towson MD 21286
Bernadette Moskunas, Site Rite Surveying Inc., 200 E Joppa Road, Rm 101, Towson MD 21286

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 10/10/17

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 10/10/17. A field inspection and internal review reveals that an entrance onto MD 7 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for

Special Exception
Special Hearing

Case Number 2018-0099-SPHX

James & Marlene Barker
10821 - 10825 Philadelphia Road
MD 7

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

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-099



INFORMATION:

Property Address: 10821 -10825 Philadelphia Road
Petitioner: James Barbey, Marlene Barbey
Zoning: BL, RO, DR 3.5
Requested Action: Special Hearing, Special Exception

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved site plan in Case No. 06-430-SPH to allow an expansion of the existing service garage. The Department also reviewed the petition for special exception to use the herein described property for a service garage.

This site was the subject of a 2016 CZMP issue # 6-019 and was rezoned from RO to BL.

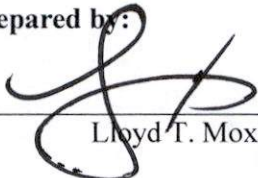
The Department has no objection granting the request conditioned upon the following:

- The proposed addition shall be complementary to the existing structure in terms of materials and colors.

The Department recommends the petitioners demonstrate to the satisfaction of the Administrative Law Judge they have the right to the use of the driveway at #10825 Philadelphia Road if through the hearing that use is confirmed.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlach

AVA/KS/LTM/ka

c: Ngone Seye Diop
Bernadette Moskunus, Site Rite Surveying, Inc.
Frank G. Lidinsky, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

11-15

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: October 12, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0099-SPHX
Address 10821-10825 Philadelphia Road
(Barbey Property)

Zoning Advisory Committee Meeting of **October 16, 2017**.

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

Reviewer: Steve Ford Date: 10-12-2017

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

OCT 12 2017

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: October 12, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0099-SPHX
Address 10821-10825 Philadelphia Road
(Barbey Property)

Zoning Advisory Committee Meeting of **October 16, 2017**.

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

Reviewer: Steve Ford

Date: 10-12-2017

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 13, 2017

FROM: ^{VKD} Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 16, 2017
Item No. 2018-0099-SPHX

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

If Special Exception and Special Hearing is granted, a landscape plan is required per the requirement of the Landscape Manual.

* * * * *

VKD: CEN
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 10/26/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-099

INFORMATION:

Property Address: 10821 -10825 Philadelphia Road
Petitioner: James Barbey, Marlene Barbey
Zoning: BL, RO, DR 3.5
Requested Action: Special Hearing, Special Exception

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved site plan in Case No. 06-430-SPH to allow an expansion of the existing service garage. The Department also reviewed the petition for special exception to use the herein described property for a service garage.

This site was the subject of a 2016 CZMP issue # 6-019 and was rezoned from RO to BL.

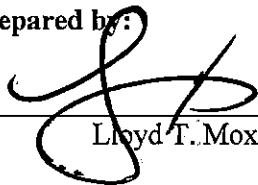
The Department has no objection granting the request conditioned upon the following:

- The proposed addition shall be complementary to the existing structure in terms of materials and colors.

The Department recommends the petitioners demonstrate to the satisfaction of the Administrative Law Judge they have the right to the use of the driveway at #10825 Philadelphia Road if through the hearing that use is confirmed.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop

Bernadette Moskunus, Site Rite Surveying, Inc.

Frank G. Lidinsky, Esquire

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: October 12, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0099-SPHX
Address 10821-10825 Philadelphia Road
(Barbey Property)

Zoning Advisory Committee Meeting of **October 16, 2017**.

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

Reviewer: Steve Ford Date: 10-12-2017

CASE NAME 10821-10825 Philadelphia Road
CASE NUMBER 2018-0099-SPHX
DATE 15 November 2017

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

CASE NAME 10821-10825 Philadelphia Rd.
CASE NUMBER 2018-0099-SPHX
DATE 15 November, 2017

[illegible]

IN RE: **PETITION FOR SPECIAL HEARING**
SE/S Philadelphia Road, 380' NE of the c/l
Ebenezer Road
(10821 Philadelphia Road)
11th Election District
2nd Council District

James T. Barbey, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-430-SPH
*

* * * * *

ORDER ON THE MOTION FOR RECONSIDERATION

This matter comes before the Zoning Commissioner for consideration of a Motion for Reconsideration filed by the Office of People's Counsel of the Order issued by me in this matter on April 21, 2006.

By way of background, the owners of the property, James T. Barbey, and his wife, Marlene A. Barbey, filed a Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in Case No. 75-53-RX to allow an expansion of the existing service garage on the subject property with one additional bay (980 sq.ft. to 1,606 sq.ft.) and to allow the continued use of an existing 12-foot wide access drive for ingress/egress. At the requisite public hearing held in this case on April 14, 2006, the Petitioners appeared along with David Billingsley, the consultant who prepared the site plan for this property. There were no Protestants or other interested persons present.

As noted within my opinion and Order, the Petitioners have owned and resided on the property since February 2004. The property is improved with a 1½-story single family dwelling in which the Petitioners reside, and a 1-story service garage building, which has existed on the property since 1974, by virtue of the relief granted in the prior case. As a result of growing business since Mr. Barbey's purchase of the property, he wishes to add another service bay to the existing building. No variances are necessary in that all setback requirements will be met; however, an amendment to the previously approved site plan is necessary in order to proceed. Moreover, approval is requested to continue to utilize the existing 12-foot wide driveway to provide access to the service garage.

1975 case.
Reclassification from
D.R. 5.5 to BL
and SpX. for
service garage.

BM §

ORDER RECEIVED FOR FILING
Date 5-24-06
By [Signature]

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the Maryland State Highway Administration had no objections to the proposal. Moreover, no one appeared in opposition to the request. Thus, by Order dated April 21, 2006, I granted the request, subject to Petitioners' compliance with the Office of Planning comments, dated April 7, 2006, and all other terms and conditions of the Order issued on October 22, 1974 in the prior case.

Although the Office of Planning's comments were incorporated within the Order by reference therein, they were not specifically enumerated as restrictions nor were they attached thereto. Within its Motion, the Office of People's Counsel requests that the Order of April 21, 2006 be amended to attach those comments and incorporate those conditions as restrictions to the relief granted. Moreover, People's Counsel has requested that the applicable conditions imposed in prior Case No. 75-53-RX be specifically enumerated as restrictions to the relief granted in the instant case.

After a review of the documentation contained within the case file and the prior Order(s) issued in this case, I am persuaded that an Amended Order is appropriate in this instance and will grant the Motion filed by the Office of People's Counsel.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of May 2006, that the Order issued on April 21, 2006 be and the same is hereby AMENDED to incorporate as additional restrictions the Zoning Advisory Committee (ZAC) comments made by the Office of Planning, dated April 7, 2006, a copy of which is attached hereto and made a part hereof,

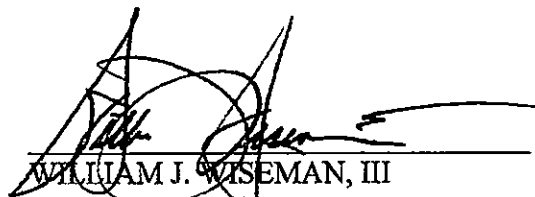
IT IS FURTHER ORDERED that the terms and conditions of the Order issued in prior Case No. 75-53-RX on October 22, 1974 shall remain in full force and effect, and are more fully set forth below:

- a) There shall be no outside storage of damaged or disabled vehicles on the premises.
- b) The hours of operation shall be limited to between 8AM and 8PM, Monday through Saturday, with no hours on Sundays except for emergency repairs.

ORDER RECEIVED FOR FILING
Date 5-24-06
By [Signature]

- c) Strict compliance with the revised site plan submitted with the Petitioners' request, and marked as Petitioner's Exhibit 1, and as further conditioned in this Order. The revised site plan shall be redlined to reflect the conditions imposed herein.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. James T. Barbey
10821 Philadelphia Road, White Marsh, Md. 21162
Mr. David Billingsley, Central Drafting & Design, Inc.
601 Charwood Court, Edgewood, Md. 21040
Office of Planning; People's Counsel; Case File

ORDER RECEIVED FOR FILING
Date 5-24-06
by [signature]

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 SE/S Philadelphia Road, 380' NE of the c/l *
 Ebenezer Road * ZONING COMMISSIONER
 (10821 Philadelphia Road) *
 11th Election District * OF BALTIMORE COUNTY
 2nd Council District *
 * Case No. 06-430-SPH
 *
 James T. Barbey, et ux
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, James T. Barbey, and his wife, Marlene A. Barbey. The Petitioners request a special hearing to approve an amendment to the previously approved site plan in Case No. 75-53-RX to allow an expansion of the existing service garage on the subject property with one additional bay (980 sq.ft. to 1,606 sq.ft.) and to allow the continued use of an existing 12-foot wide access drive for ingress/egress. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were James and Marlene Barbey, property owners, and David Billingsley, the consultant who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel, located on the southeast side of Philadelphia Road, just north of Cowenton Avenue and Ebenezer Road in White Marsh. The property contains a gross area of 15,142 sq.ft., more or less, predominantly zoned B.L. with a narrow 10-foot strip to the rear zoned B.M. The property is improved with a 1½-story single family dwelling in the front portion of the site, and a 1-story service garage building to the rear. A macadam paved parking area is located between the two buildings. As shown on the site plan, access to the service garage is provided by way of a 12-foot wide driveway that leads into the property from Philadelphia Road.

DATE 4-21-06
 BY [Signature]

The Petitioners have owned and resided on the property since February 2004. Testimony indicated that Mr. Barbey is a licensed mechanic and was employed with Doug Griffith's Chrysler/Plymouth from 1989 until he purchased the subject property in 2004 to go into business for himself. The Petitioners purchased the property from Lillian Garafola, whose husband, Americo Garafola, obtained approval to operate the subject service garage under prior Case No. 75-53-RX in 1974. In this regard, Mr. Garafola obtained approval to reclassify the rear 115 feet of the subject property from D.R.5.5 to B.L. and special exception relief for a two-car service garage by Order dated October 22, 1974. The service garage use has been continuous and without interruption since that time.

Mr. Barbey testified that he has made a number of improvements to the property since his ownership and now wishes to add another service bay to the existing building in order to accommodate his growing business. As shown on the site plan, a 20' x 31.3' addition is proposed on the north side of the existing building. No variances are necessary in that all setback requirements will be met; however, in order to proceed as proposed, an amendment to the previously approved site plan is necessary. Moreover, approval is requested to continue to utilize the existing 12-foot wide driveway to provide access to the service garage. In this regard, a comment was received from the Maryland State Highway Administration indicating that they have no objections to this request.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, and none of the neighbors voiced any objections. In this regard, a letter of support was received from Richard Albright, who resides on the immediately adjacent property to the north. It is also to be noted that the property to the south and east is used for parking and vehicle storage by Schaefer & Strohminger, and the property across Philadelphia Road is used for offices. Thus, it appears that relief can be granted and that there will be no detrimental impact to adjacent or surrounding properties. However, as a condition to the relief granted, the terms and conditions of the prior Order are adopted herein and

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Date 4-21-06
By [Signature]

shall remain in full force and effect. That is, the hours of operation for the service garage shall remain limited to 8:00 AM to 8:00 PM, Monday through Saturday, with no hours on Sundays, except for emergency repairs. Moreover, there shall be no outside storage of damaged or disabled vehicles. Finally, the Petitioners shall comply with the recommendations made by the Office of Planning in their comments dated April 7, 2006, a copy of which is attached hereto.

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

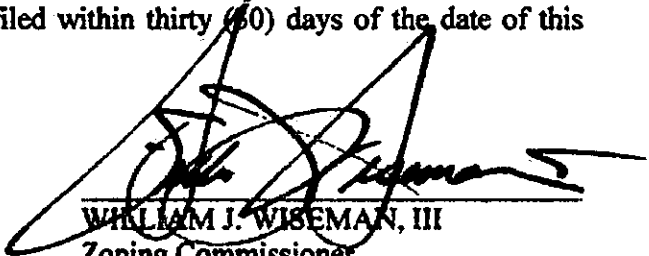
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of April 2006 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in Case No. 75-53-RX to allow an expansion of the existing service garage on the subject property with one additional bay (980 sq.ft. to 1,606 sq.ft.) and to allow the continued use of an existing 12-foot wide access drive for ingress/egress, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued on October 22, 1974 are adopted herein and shall remain in full force and effect.

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

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILING
Date 4-21-06
By [Signature]

**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

March 21, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: 06-430-SPH

10821 Philadelphia Road
Northeast side of Philadelphia Road, 380 feet +/- northeast of centerline of Ebenezer Road
6th Election District—5th Councilmanic District
Legal Owners: James T. and Marlene A. Barbey

Special Hearing to allow a revision to the site plan approved in Case No. 75-53-RX and to allow the existing service garage to be expanded from 980 square feet to 1606 square feet (one additional bay) and to allow the continuation of an access drive, twelve feet in width, for ingress and egress.

Hearing: Friday, April 14, 2006 @ 11:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:raj

C: James T. & Marlene A. Barbey, 10821 Philadelphia Road, White Marsh, MD 21162
David Billingsley, Central Drafting & Design, Inc., 601 Charwood Ct., Edgewood, MD 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 30, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-339

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: April 7, 2006

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 10821 Philadelphia Road

INFORMATION:

Item Number: 6-430

Petitioner: James Barbey

Zoning: BL and BM

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Proposed garage bay addition shall be constructed of materials consistent with the existing service garage.
2. Service garage shall be used for on-site repair and storage of automotive vehicles only.
3. Outdoor storage of vehicles awaiting repair shall be limited to normal, daytime hours of operation.
4. There appears to be a conflict between the site plan and what is physically on the subject site. Handicapped parking is shown on the plan, but is not visible on the site. The site shall conform to all ADA requirements and standards.

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

Prepared by:

Division Chief:
AFK/LL: CM



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 9, 2006

RECEIVED

William J. Wiseman, III, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

MAY - 9 2006

ZONING COMMISSIONER

Re: PETITION FOR SPECIAL HEARING
SE/S Philadelphia Road, 380' NE of
c/line Ebenezer Road
10821 Ebenezer Road
James T Barbey, et ux. - Legal Owners
Case Nos: 06-430-SPH

Dear Mr. Wiseman:

Please accept this letter as a Motion for Reconsideration of the Findings of Fact and Conclusions of Law and Order dated April 21, 2006. The purpose is to clarify the Order. Our experience has been that confusion may arise when conditions mentioned in the Opinion are not clearly stated in the Order.

Because the Opinion states that the Petitioners shall comply with the Office of Planning recommendations, the April 7, 2006 Planning comments should be incorporated in and attached to the order. In addition, the specific applicable conditions of case 75-53-RX should be referenced in the Order:

1. No outside storage of damaged or disabled vehicles shall be permitted on the premises.
2. The hours of operation shall be between the hours of 8:00 a.m. and 8:00 p.m. and shall not be opened on Sundays except for emergency repairs.
3. Strict compliance with the site plan, as revised, submitted with the Petitioners' request and as further conditioned in this order. The site plan shall be red-lined to reflect the conditions in this order.

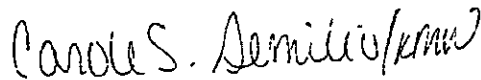
William J. Wiseman, III, Zoning Commissioner
May 9, 2006
Page 2

Thank you for your consideration.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel for Baltimore County

PMZ/CSD/rmw

cc: David Billingsley
James & Marlene Barbey

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment10/13DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment10/17DEPS
(if not received, date e-mail sent _____)no Comment10/30FIRE DEPARTMENT
PLANNING
(if not received, date e-mail sent _____)no obj
w/ condition10/10STATE HIGHWAY ADMINISTRATION
TRAFFIC ENGINEERINGno Obj_____

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

10/26/17

SIGN POSTING

Date:

10/26/17

by

Ogle

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 11 Account Number - 1107001520							
Owner Information										
Owner Name:		BARBEY PROPERTIES LLC			Use:		COMMERCIAL			
Mailing Address:		11713 JEROME AVE WHITE MARSH MD 21162-			Principal Residence:		NO			
					Deed Reference:		/34880/ 00306			
Location & Structure Information										
Premises Address:		10821 PHILADELPHIA RD 0-0000			Legal Description:		ES PHILADELPHIA RD 580 NE COWENTON RD			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0072	0024	0883		0000				2016		Plat Ref:
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1975		2148				17,150 SF		06		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
1 1/2	YES	STANDARD UNIT		FRAME	1 full					
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2016		07/01/2017		07/01/2018		
Land:		198,600		198,600						
Improvements		124,100		129,500						
Total:		322,700		328,100		326,300		328,100		
Preferential Land:		0						0		
Transfer Information										
Seller: BARBEY JAMES T				Date: 04/18/2014			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /34880/ 00306			Deed2:			
Seller: GARAFOLA LILLIAN				Date: 02/04/2004			Price: \$280,000			
Type: ARMS LENGTH IMPROVED				Deed1: /19544/ 00407			Deed2:			
Seller:				Date:			Price:			
Type:				Deed1:			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Homestead Application Information										
Homestead Application Status: No Application										

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 11 Account Number - 1103067650							
Owner Information									
Owner Name:		BARBEY JAMES THOMAS BARBEY MARLENE MICHELE			Use: Principal Residence:		RESIDENTIAL NO		
Mailing Address:		11713 JEROME AVE WHITE MARSH MD 21162			Deed Reference:		/34545/ 00429		
Location & Structure Information									
Premises Address:		10825 OLD PHILADELPHIA RD 0-0000			Legal Description:		LOT SES PHILA RD & I 300 E OF COWENTON CHURC		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0072	0024	0317		0000				2018	
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1936		1,152 SF				21,165 SF		04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
1 1/2	YES	STANDARD UNIT	FRAME	1 full	1 Detached				
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2015		07/01/2017		07/01/2018	
Land:		84,200		84,200					
Improvements		100,100		100,100					
Total:		184,300		184,300		184,300			
Preferential Land:		0							
Transfer Information									
Seller: ALBRIGHT RICHARD T				Date: 12/23/2013		Price: \$225,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /34545/ 00429		Deed2:			
Seller: CREAMER GUY H				Date: 06/05/1979		Price: \$50,000			
Type: ARMS LENGTH IMPROVED				Deed1: /06029/ 00587		Deed2:			
Seller:				Date:		Price:			
Type:				Deed1:		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00		0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:									

LETTER OF TRANSMITTAL

Site Rite Surveying, Inc.

Shell Building, Room 101
200 East Joppa Road
Towson Maryland 21286
410-828-9060
FAX: 410-828-9066

DIRECT CORRESPONDENCE TO:

TO: Zoning

DATE: 11 June 2018

SUBJECT: Barbey Auto

Spirit and Intent

ATTENTION: _____

OUR FILE: _____

WE ARE: ☐ HEREWITH
☐ UNDER SEPARATE COVER

TRANSMITTING VIA:
☐ MESSENGER
☐ U.S.MAIL (_____) THE FOLLOWING:
☐ _____

QUANTITY	DRAWING	DESCRIPTION AND/OR TITLE
1		Spirit and Intent package for the above with accompanying documents (building permit, zoning order, red-line plan with current changes, old architectural drawing and new architectural drawing, etc)

TRANSMITTED AS INDICATED BELOW:

- | | |
|---|---|
| ☐ PER AGREEMENT | ☐ PER YOUR REQUEST |
| ☐ FOR YOUR INFORMATION | ☐ FOR APPROVAL |
| ☐ FOR COMMENT | ☐ _____ |

____ COPY(S) OF _____	SENT TO _____
____ COPY(S) OF _____	SENT TO _____
____ COPY(S) OF _____	SENT TO _____

REMARKS: _____

PLEASE SIGN AND RETURN ONE (1) COPY OF THIS TRANSMITTAL AS A RECEIPT

VERY TRULY YOURS:

Site Rite Surveying, Inc.

SENT BY: Bernadette

RECEIVED BY: _____

DATE: _____

June 7, 2018

Barbey Auto
Mr. James Barbey
10821 Philadelphia Road
White Marsh, MD 21162

Mr. Arnold Jablon, Director
Baltimore County Zoning Office, COB
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

RE: Spirit and Intent Letter Zoning Case No. 2018-0099-SPHX

Dear Mr. Jablon,

This letter is a request for your approval and concurrence that the enclosed "red-lined" plan meets the spirit and intent of the approved site plan presented and approved in the above referenced zoning case.

Per the zoning order, Judge Beverungen granted the following: "Special Hearing to approve an amendment to the previously approved site plan in Case No. 2006-0430-SPH and to allow an expansion of the existing service garage with an additional four (4) bays". Furthermore, he granted "the Petition for Special Exception to use the herein described property as a service garage". There were a few restrictions ordered ranging from building materials to hours of operation; none of which are to change.

As a result of said order, a Development Review Committee (DRC No. 010218F) was filed, held and received a Limited Exemption approval under Section 32-4-106 (a)(1)(vi) for a minor commercial structure. Continuing the proper development process, a building permit application (B943537) was applied for on January 17, 2018. This brings the project to a need for this letter. The original building plans filed with said permit, were prepared by Mr. James Boyce of Baltimore Design and Drafting Services. Although Mr. Boyce prepared the building plans for the 2006 addition, which was constructed under an issued permit, he is "not recognized as a design professional in this jurisdiction". This was addressed in a letter (see attached) dated March 2, 2018 written by Mr. Stanley Walpert of Building Plans Review. The letter also stated (note #6) the following: "to obtain an occupancy certificate the project requires a Maryland registered architect to review plans, make revisions and take design responsibility". In order to meet compliance with said letter, Mr. Robert Manns, AIA, principal architect at Manns Woodward Studios was hired. Upon his review, several errors were found pertaining to building codes, forcing the building size to be altered. The building size shown on the previously mention 2018 zoning case was 80 feet x 35 feet or 2800 sq. ft. The present need to meet building codes is 86 feet x 42.67 feet or 3669.62 sq. ft. (difference of 869.62 sq. ft.). Although there has been a small increase in size, it remains compliant with zoning setbacks.

I hope that you agree with my interpretation that the proposed modification meets the spirit and intent of Zoning Case No. 2018-0099-SPHX and provide a letter of written confirmation of your agreement.

I have enclosed, with this letter, a "red-lined" variance plan, the filing receipt, the approved zoning order, Mr. Walpert's letter and a new architectural drawing.

Thank you in advance for your time and attention to this matter.

Best regards,

Jim Barbey

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

(10821-10825 Philadelphia Road) *

11th Election District

2nd Council District *

James & Marlene Barbey

Legal Owners *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0099-SPHX

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of James & Marlene Barbey, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve an amendment to the previously approved site plan in Case No. 2006-0430-SPH and to allow an expansion of the existing service garage on the subject property with an additional four (4) bays (1606 sq. ft. to 4406 sq. ft.). A Petition for Special Exception was filed to use the herein described property for a service garage.

James & Marlene Barbey attended the public hearing in support of the requests. Frank G. Lidinsky, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). Neither agency opposed the requests.

This case concerns two parcels known as 10821 and 10825 Philadelphia Road. In the aggregate the property is approximately 38,315 sq. ft. in size and is split-zoned BL, RO and DR 3.5. The property is improved with two single-family dwellings, both of which will remain. A service

garage is located at the rear of the site, pursuant to a special exception granted in 1975. Case No. 1975-0053-X. Petitioners propose to add four additional service bays, for a total of seven service bays. The existing office used in connection with the service garage would also be relocated slightly and enlarged.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

As noted at the outset, a special exception for a service garage was granted in a 1975 zoning case. As such it is arguable Petitioners do not need another special exception for the expansion of the same use. In any event, motor vehicles have been serviced at this location for over 40 years, and I do not believe the proposed expansion would have a detrimental impact upon the community.

SPECIAL HEARING

The petition for special hearing seeks to amend the site plan approved in the 2006 zoning case. In that case the Zoning Commissioner approved an expansion of the service garage from 2 to 3 bays. Two restrictions were noted in the order for Case No. 2006-0430-SPH, and those will continue in full force and effect. For ease of reference they are restated below as Condition Nos. 4 & 5.

In its ZAC comment, the DOP suggested Petitioners demonstrate they have the legal right to access and use the driveway at 10825 Philadelphia Road. Petitioners explained they acquired 10821 Philadelphia Road in 2004, at which time that lot had a 12 ft. wide paved driveway which accessed the service garage. Petitioners acquired 10825 Philadelphia Road in 2015, and the paved driveway is now 33 ft. wide. Since Petitioners own both of the adjoining properties they have the right to access the driveway in its entirety.

THEREFORE, IT IS ORDERED this 17 day of **November 2017**, by this Administrative Law Judge, that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 2006-0430-SPH and to allow an expansion of the existing service garage on the subject property with an additional four (4) bays (1606 sq. ft. to 4406 sq. ft.), as shown on the site plan marked and admitted as Petitioners' Exhibit 1, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to use the herein described property for a service garage, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. The proposed addition must be constructed of materials which are similar to and complement the appearance of the existing service garage.
3. Prior to issuance of permits Petitioners must submit for approval by Baltimore County a landscape plan for the site.
4. There shall be no outside storage of damaged or disabled vehicles on the premises.
5. Hours of operation shall be limited to 8AM to 8PM, Monday through

Saturday. Other than for emergency repairs the service garage shall not operate on Sunday.

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

Baltimore County Government
Department of Permits Approvals and Inspections
Development Management



111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

January 12, 2018

Site Rite Surveying, Inc.
200 East Joppa Road Suite 101
Towson, MD 21286

RE: Barbey Auto
10821 Philadelphia Road
Tracking Number: DRC-2017-00181
DRC Number: 010218F; Dist. 11C6

Dear Sir/Madam:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the Baltimore County Code, and to make recommendations to the Director, Department of Permits Approvals and Inspections (PAI).

The DRC has, in fact, met in an open meeting on January 2, 2018, 2017, and made the following recommendations:

The DRC has determined, your project provisionally meets the requirements of a **limited exemption** under Section 32-4-106(a)(1)(vi) with architectural and elevations to the Office of Planning.

Now that you have received this limited exemption, please proceed with building permit application.

Site Rite Surveying, Inc.
Barbey Auto
January 12, 2018
Page 2

A copy of this letter must be presented when submitting engineering/construction plans to this office, and/or when applying for a building permit.

Please note that compliance with subtitles 3, 4 and 5 of Title 4, Article 32, Baltimore County Code, is required, as is compliance with all applicable zoning regulations. Phase 2 review fees may apply, depending on the amount of site disturbance, and/or the requirement of a Public Works Agreement. Also, sidewalks are required whenever the site is within the Metropolitan District.

Herein find a Zoning Review Hearing Checklist that will serve as a guide when preparing plans for building permit applications. Please be advised, plans not meeting minimum checklist requirements will not be accepted for filing. This will consequently delay building permit approval. Please note, the "conceptual" plan required for DRC review, does not necessarily meet the checklist guidelines. Therefore, it should not be assumed that the DRC plan is acceptable for building permit applications. Should you have any questions regarding the above, please contact the Zoning Review Section at 410-887-3391.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 12th day of January 2018, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permit that may be required for this project, your application will be processed subject to the conditions set forth above, and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,



Arnold Jablon
Director



AJ: JMC:dak

C: File

James & Marlene Barbey; 11713 Jerome Avenue; White Marsh, MD 21162



KEVIN KAMENETZ
County Executive

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

February 8, 2018

Bernadette Moskunas
Site Rite Surveying Inc.
200 E. Joppa Road, Room 101
Towson, MD 21286

RE: PERMIT #: B943537/C-18
DISTRICT: 11
PRECINCT: 1

"05" COMMENTS/PERMIT HELD

LOCATION: 10821 Philadelphia Road

REVIEWER: Stanley L. Walpert - Building Plans Review – 410-887-3987

The following comments require revised plans, or when permissible, a letter from the designer of record indicating how the problems will be corrected. The current building code for Baltimore County is IBC, 2015 Edition. If not noted otherwise, all sections referring to "LS" in the comments correspond to the NFPA 101 "Life Safety" Code, 2015 Edition or NFPA 13, 2016 Edition. All response letters and/or revised plans shall be sent to the Bureau of Building Plans Review; Department of Permits, Approvals and Inspections, Room 120; 111 West Chesapeake Avenue; Towson, MD 21204. Comments from other departments or agencies shall be resolved directly with those departments or agencies. **Note:** Fire alarm system installation and annunciation, when required, shall be in full accordance with the Baltimore County Fire Prevention and Building Codes. Energy Conservation shall be in compliance with the IECC Code, 2015 Edition as applicable.

COMMENTS:

1. The occupancy is not mercantile (M) but storage (S-1) (IBC 2015, Section 311.2).
2. The IECC references should be for commercial not residential. An understanding of conditional space is beneficial (Refer to IBC 2015, Section 1204.1 and 2015 International Energy Code, Section C202, conditioned space).

3. The area and height limits are the same for both Type 2B and 3B construction (IBC 2015, Table 504.4 and 506.2). Type 2B restricts combustibles (IBC 2015, Section 602.2 and 603), while 3B only require non-combustible exterior walls. Type 2B requires fire retardant treated wood trusses. While Type 3B requires 2-hour fire rated exterior bearing walls (IBC 2015, Section 602.3 and Table 601). Inform this office of your decision and plan revisions.
4. Refer to IBC 2015, Table 705.8 for percentage of wall openings as defined by separation distance.
5. No interior fire rated walls required (IBC 2015, Table 508.4).

This review covers only major code requirements. The law requires compliance with all code provisions, whether pointed out by the review or not.

c: Plans Review, Building and Fire Inspection

From: JAMES BOYCE <jboyce007@cist.net>

To: WALPERT, STANLEY <swalpert@baltimorecountymd.gov>; MOSKUNAS, BERNADETTE <siteriteinc@aol.com>; TIZARD, JEFF <gatii@comcast.net>; BARBEY, JIM <jimbarbeyauto@aol.com>

Subject: PERMIT B943537/C-18

Date: Mon, Feb 26, 2018 12:29 pm

Attachments: 2017-22 A2-Model.pdf (268K), 2017-22 C1A-Model.pdf (461K), 2017-22 G2-Model.pdf (82K)

Dear Stanley,

i am here with reply to review comments sent to Bernadette Moskunas.

of Permit no. B943537/C-18

The New Addition to the Barbey Automotive Garage on

10821 Philadelphia road.

Reply to Comments:

1. The Occupancy will be identified as storage, S-1.
2. The IECC Compliance references has been noted to reflect on drawing sheet G2,

As 2015 commercial Code Requirements.

3. Comment noted. The Construction Type will be defined as TYPE 3B.

The exterior walls are of CMU construction.

The exterior walls are designed for a 2-hour fire rating.

4. Comment noted: Table 705. 8 will be

used to confirm the adequacy of the walls openings with respect to the separation distance.

5. Comment noted. Interior fire rated walls are not required.

Stanley, I believe this satisfy of the comments and that this will be all that is required for approval for permits.

I am sending herewith Pdf's of the drawings that are circled in red of the changes to comments.

if you need these to be resubmitted please let me know by email or phone to do so.

let me know asap.

thank you,

Jim Boyce

Baltimore Design and Drafting Service



email to Jim Boyce
3/7 & 3/15

KEVIN KAMENETZ
County Executive

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

March 2, 2018

Bernadette Moskunas
Site Rite Surveying Inc.
200 E. Joppa Road, Room 101
Towson, MD 21286

RE: PERMIT #: B943537/C-18
DISTRICT: 11
PRECINCT: 1

"05" COMMENTS/PERMIT HELD

LOCATION: 10821 Philadelphia Road

REVIEWER: Stanley L. Walpert - Building Plans Review -- 410-887-3987

The following comments require revised plans, or when permissible, a letter from the designer of record indicating how the problems will be corrected. The current building code for Baltimore County is IBC, 2015 Edition. If not noted otherwise, all sections referring to "LS" in the comments correspond to the NFPA 101 "Life Safety" Code, 2015 Edition or NFPA 13, 2016 Edition. All response letters and/or revised plans shall be sent to the Bureau of Building Plans Review; Department of Permits, Approvals and Inspections; Room 120; 111 West Chesapeake Avenue; Towson, MD 21204. Comments from other departments or agencies shall be resolved directly with those departments or agencies. **Note:** Fire alarm system installation and annunciation, when required, shall be in full accordance with the Baltimore County Fire Prevention and Building Codes. Energy Conservation shall be in compliance with the IECC Code, 2015 Edition as applicable.

COMMENTS:

1. Email from James Boyce, February 26, 2018.
 - The construction type and occupancy must be corrected on full size submitted plans.

- The wall area to wall openings on north east exterior wall must be documented on plans. IBC 2015, Table 705.8 is relevant to distance between exterior wall and property line.
 - The 2-hour exterior wall must be located on plans and accompanied by a test reference or IBC 2015, Chapter 7 source.
 - The common wall between service and sales areas require no fire rating (IBC 2015, Table 508.4). If the common wall on plans remain 1-hour fire, then the construction must agree.
 - Type 3B construction require no ceiling fire rating. If the ceiling fire rating remain on plans then reference a test relevant to the fire rating noted.
2. Mr. Boyce is not recognized as a design professional in this jurisdiction. The existing plans, revisions and comment responses must be by a Maryland registered architect.
 3. Mr. Tizard is recognized as a design professional regarding the structure and engineering practices. The Maryland Design Board separates responsibilities of engineers and architects.
 4. At this time, no mechanical considerations are shown. Applicable source are the IBC 2015, Chapter, NFPA 1, 2015, Chapter 30 and NFPA 30A.
 5. If the building is going to be heated or cooled, then the area and room is considered conditioned space. The complete definition can be found in the 2015 International Energy Code, Section C202. The building envelope by the prescriptive method defined in IECC, 2015, Section C402 can be used in place of the comcheck computer program. The mechanical, interior and exterior lighting compliance certification must be submitted by applying the comcheck computer program. Each certification must be sealed and signed by the appropriate professional discipline.
 6. To obtain an occupancy certificate the project requires a Maryland registered architect to review plans, make revisions and take design responsibility; Maryland registered mechanical engineer for shop equipment and energy conservation; Maryland registered electrical engineer for interior and exterior lighting conservation.

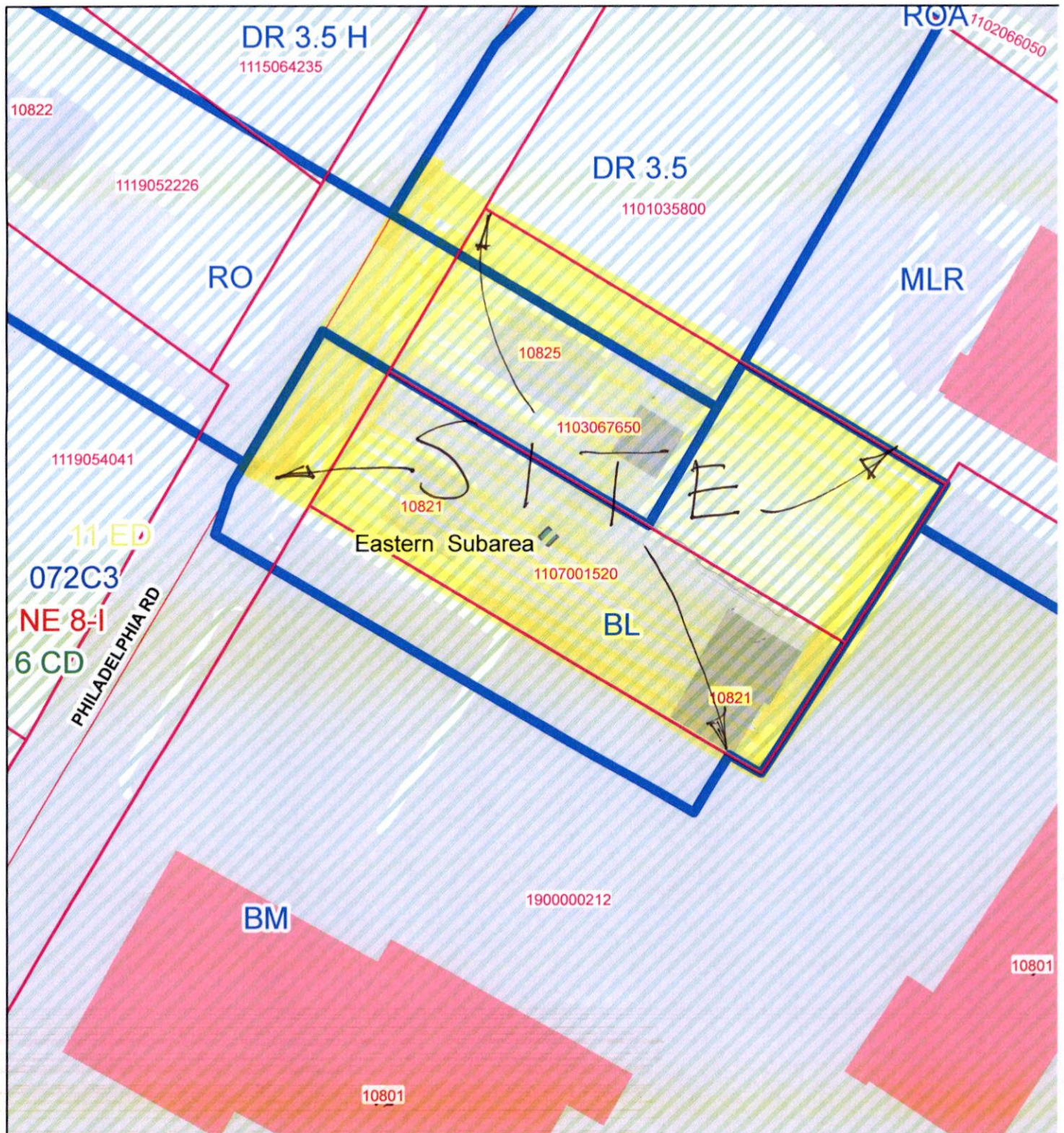
This review covers only major code requirements. The law requires compliance with all code provisions, whether pointed out by the review or not.

c: Plans Review, Building and Fire Inspection

Baltimore Design and Drafting Services; 6 Beech Dr, Suite F; Middle River, MD 21220

Geoffrey A. Tizard II, P.E.; 5 Leadburn Court; Towson, MD 21204

10821 Philadelphia Road



Publication Date: 9/7/2017



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



0 15 30 60 90 120 Feet

1 inch = 60 feet

2018-0099-SPHX

APPLICATION FOR PERMIT
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS
TOWSON, MARYLAND 21204

Date 1-17-18

OEA E.D. WILK

Historic District/Building

☐ Yes ☒ No

District / Precinct

11 171

Permit # B 943537
Control # C-
XRef #
Receipt # A 769607
Fee 1701.00 + 17
Total Paid 505
Paid By
Inspector

Property Address #10821 Philadelphia Road
Suite/Space/Floor
Subdivision 580 NE CONVENTON RD
Tax Account # 1107001520 & 1103067650
Will this building have sprinklers? ☐ Yes ☒ No
Is this property located in a floodplain? ☐ Yes ☒ No

OWNER'S INFORMATION

First & Last Name (Individual) James and Marlene Parkson
Corporation Name BARBES PROPERTY EST LLC
Address 11713 JARVIS AVENUE
City, State, Zip White Marsh MD 21162
Seller

APPLICANT INFORMATION

Name Kenneth H. Muskunas Phone Number 410828-9060
Company (if applicable) SITE RITE SHAWMUT INC
Address 200 E JODDA ROAD KENNESAW GA
City, State, Zip TOWSON MD 21286
Applicant Signature Kenneth H. Muskunas E-Mail site.rite@comcast.net
Business/Tenant Name BARBES'S AUTOMOTIVE INC.
Contractor Owner MHIC # MHBR #
Engineer
PLANS: CONST 2 PLOT 1 PLAT 2 DATA 3 EL 1 PL 1 DRC #

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT, AND WILL REQUEST ALL REQUIRED INSPECTIONS.

TYPE OF IMPROVEMENT

1. ☐ New Bldg Construction
2. ☒ Addition
3. ☐ Alteration
4. ☐ Repair
5. ☐ Wrecking
6. ☐ Moving
7. ☐ Other

DESCRIBE PROPOSED WORK:

Construct one-story addition attached to side of an existing automobile repair facility, to be used as: four (4) service bays, customer waiting area, ADA compliant restroom, office & automotive supply storage per plans. 80'x35'x22'=2800sf.

ALSO, USING TAX NUMBER 11 03 067650

TYPE OF USE

RESIDENTIAL

01. ☐ One Family
02. ☐ Two Family
03. ☐ Three and Four Family
04. ☐ Five or More Family
(enter no. units)
05. ☐ Swimming Pool
06. ☒ Garage
07. ☐ Other

NON-RESIDENTIAL

08. ☐ Amusement, Recreation, Place of Assembly
09. ☐ Church, Other Religious Building
10. ☐ Deleted
11. ☐ Industrial, Storage Building
12. ☐ Parking Garage
13. ☐ Service Station, Repair Garage
14. ☐ Hospital, Institutional, Nursing Home
15. ☐ Office, Bank, Professional
16. ☐ Public Utility
17. ☐ School, College, Other Educational
18. ☐ Deleted
19. ☐ Store ☐ Mercantile ☐ Restaurant (specify type)
20. ☐ Swimming Pool (specify type)
21. ☐ Tank, Tower
22. ☐ Transient Hotel, Motel (no. units)
23. ☐ Other

Foundation Type Basement
1. ☒ Slab 1. ☐ Full
2. ☐ Block 2. ☐ Partial
3. ☐ Concrete 3. ☐ None

Type of Construction
1. ☐ Masonry
2. ☒ Wood Frame
3. ☐ Structure Steel
4. ☐ Reinforced Concrete

Type of Heating Fuel
1. ☐ Gas 3. ☐ Electricity
2. ☐ Oil 4. ☐ Coal
Central Air: 1. ☐ 2. ☐

Type of Sewage Disposal
1. ☒ Public Sewer ☒ Exists ☐ Proposed
2. ☐ Private System ☐ Exists ☐ Proposed
☐ Septic ☐ Exists ☐ Proposed
☐ Privy ☐ Exists ☐ Proposed

Type of Water Supply
1. ☒ Public System ☒ Exists ☐ Proposed
2. ☐ Private System ☐ Exists ☐ Proposed

Estimated Cost of Materials and Labor \$ 35,000.

Proposed Use Service Garage
Existing Use Service Garage

Ownership: 1. ☒ Privately Owned 2. ☐ Publicly Owned 3. ☐ Sale 4. ☐ Rental

Residential Category: 1. ☐ Detached 2. ☐ Semi-Detached 3. ☐ Group 4. ☐ Townhouse 5. ☐ Mid-Rise 6. ☐ High-Rise
Efficiency # 1-Bedroom # 2-Bedroom # 3-Bedroom # Total Bedrooms Total Apts/Condos
One Family Bedroom # Bathroom # Kitchen # Powder Room # Garbage Disposal: 1. ☐ Yes 2. ☐ No

Class 6 Liber Folio Map Parcel

Building Size
Floor 2800
Width 35
Depth 22
Height 12
Stories
Lot #'s

Lot Size and Setbacks
Size 171522 SF
Front Street
Side Street
Front Setback NC
Side Setback 17' - NC
Side Street Setback
Rear Setback 5'

Corner Lot: 1. ☐ Yes 2. ☒ No

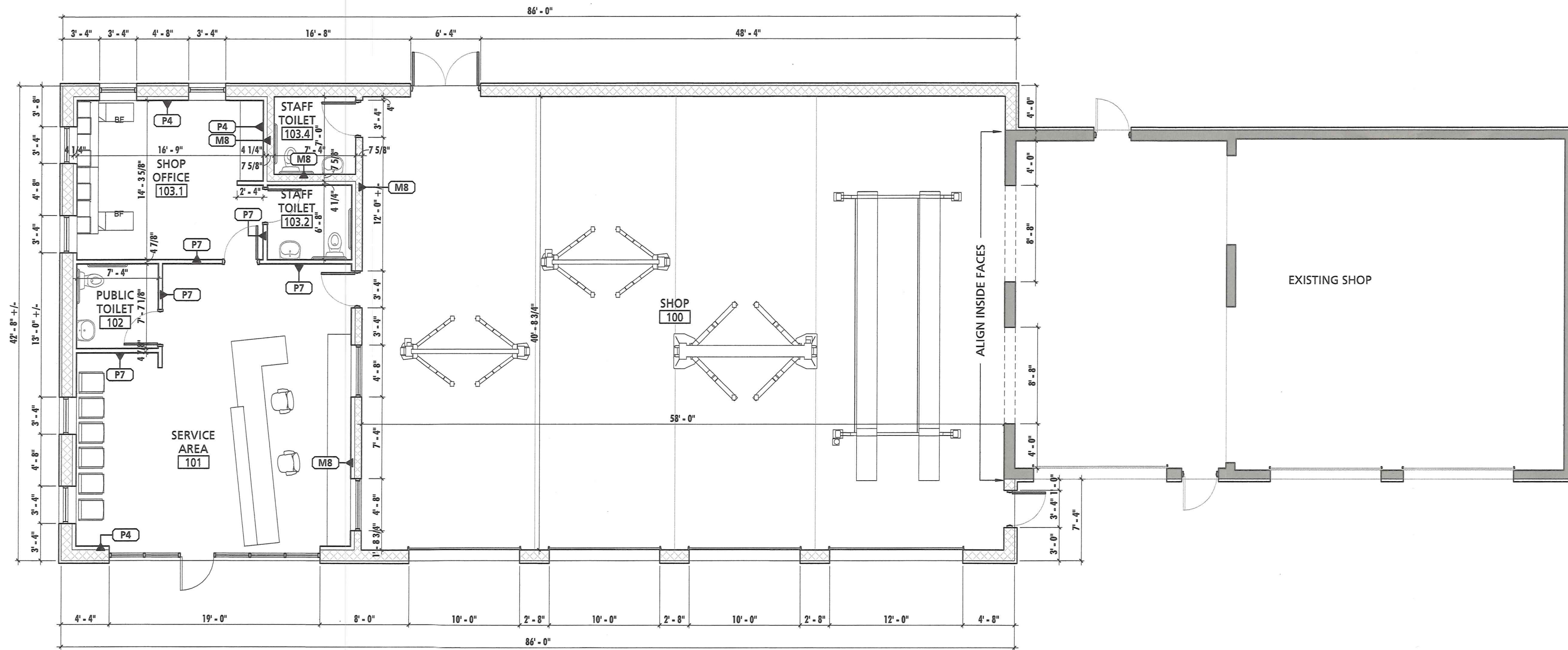
Zoning RD/B1 / D.R. 3.5

APPROVAL SIGNATURES

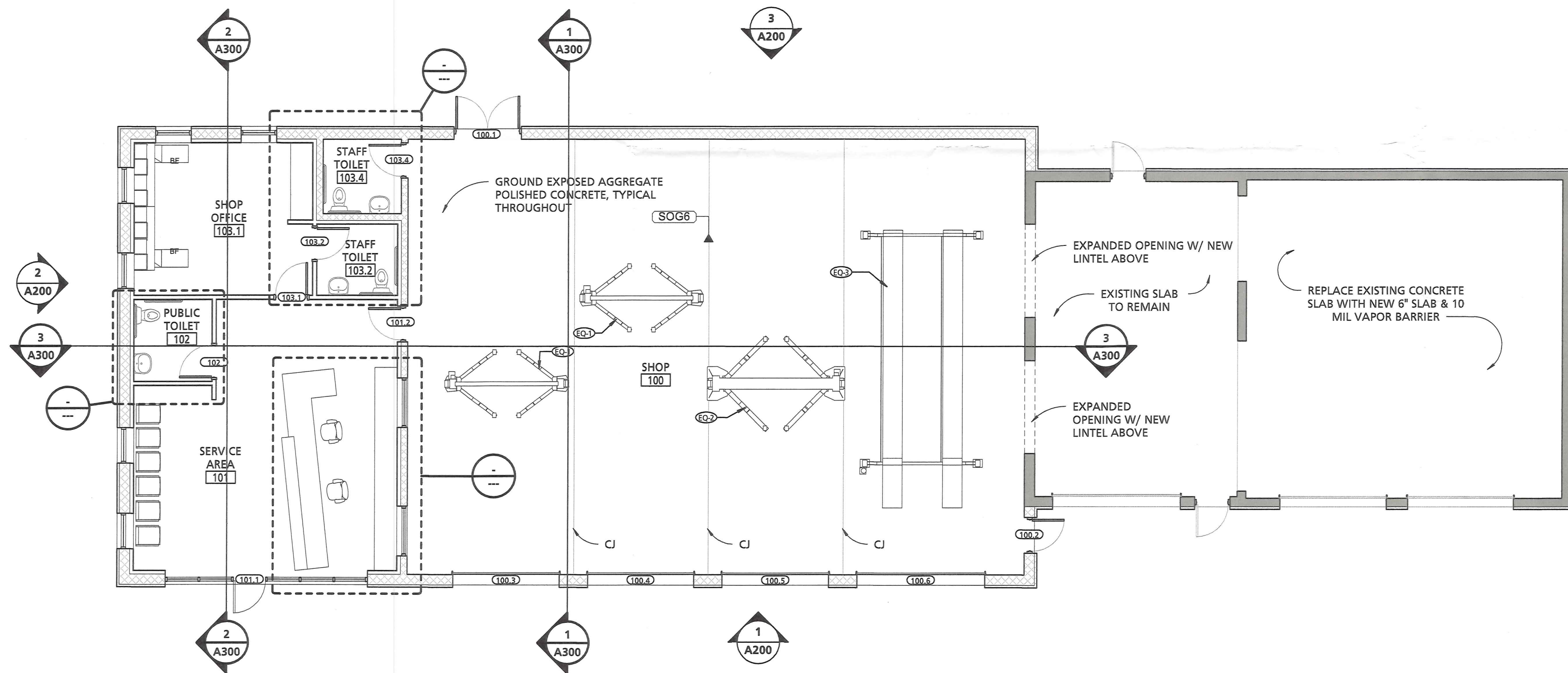
DATE

BLD INSP	
BLD PLAN	
FIRE	
SEDI CTL	
ZONING	<u>OK to file 1/17/18</u>
PUB SERV	
ENVRMNT	
PLANNING	
PERMITS	<u>11/17/18</u>

(PLANS MUST REFLECT PROPOSED)



1 FIRST FLOOR DIMENSION PLAN
1/8" = 1'-0"



2 FIRST FLOOR REFERENCE PLAN
1/8" = 1'-0"

PLAN LEGEND	
	EXISTING WALL TO REMAIN
	EXISTING CONSTRUCTION TO BE DEMOLISHED (SEE DEMO PLANS)
	NEW WALL/PARTITION

GENERAL DIMENSION PLAN NOTES

- G.C. SHALL VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO THE COMMENCEMENT OF WORK. REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH ANY WORK.
- ALL DOOR JAMBS IN METAL STUD WALL SHALL BE A MINIMUM OF 4" FROM ADJACENT / PERPENDICULAR WALLS UNLESS NOTED OTHERWISE.

GENERAL PARTITION NOTES

- ENTRY SPACES, LOBBIES, AND CORRIDORS TO RECEIVE ABUSE & IMPACT RESISTANT GYPSUM WALL BOARD, U.N.O.
- PROVIDE FIBERGLASS REINFORCED MOISTURE RESISTANT GYPSUM WALL BOARD IN ALL EQUIPMENT ROOMS, JANITOR'S CLOSETS, RESTROOMS, KITCHENS AND OTHER WET AREAS. PROVIDE FIBERGLASS REINFORCED MOISTURE RESISTANT WALL BOARD IN ALL OTHER AREAS WITHIN 8'-0" OF WATER SOURCE.
- CONTRACTOR SHALL PROVIDE BLOCKING AND NAILERS AS REQUIRED TO SUPPORT ALL NEW WORK, INCLUDING ITEMS TO BE PROVIDED AND/OR INSTALLED BY OWNER.
- ALL CORRIDOR AND FIRE-RATED PARTITIONS SHALL BE EXTENDED TO THE UNDERSIDE OF THE STRUCTURE ABOVE, U.N.O. THE PERIMETER WALLS OF ANY SPACE NOT PROVIDED WITH A CEILING SHALL EXTEND THE UNDERSIDE OF DECK ABOVE.
- PROVIDE DEFLECTION TRACKS AT TOP OF ALL NON-LOAD BEARING STUD WALLS EXTENDING TO THE UNDERSIDE OF STRUCTURE ABOVE, U.N.O.
- PROVIDE CONCRETE BACKER BOARD IN LIEU OF GYPSUM WALL BOARD WHERE TILE FINISH IS INDICATED.
- ALL FIRE WALLS SHALL BE PLACARDED OR STENCILED ON BOTH SIDES WITH THE PHRASE "FIRE WALL" PER IBC SECTION 703.7.1. THE LETTERS SHALL BE RED IN COLOR, 6" INCHES HIGH AND A MIN. OF 3/4" WIDE. THE PHRASE SHALL BE WRITTEN ONCE FOR EACH 15 FEET OF HORIZONTAL WALL LENGTH. THIS SIGNAGE MAY BE LOCATED IN THE CONCEALED SPACE ABOVE A CEILING.
- SEE METAL STUD PARTITION FRAMING SCHEDULE FOR INTERIOR PARTITION REQUIREMENTS.
- NEW MASONRY WALLS ABUTTING EXISTING MASONRY WALLS SHALL BE TOOTHED INTO EXISTING WALLS.
- MOISTURE RESISTANT GYPSUM WALL BOARD SHALL BE UTILIZED IN ALL AREAS WHERE GYPSUM WALL BOARD IS TO BE DIRECTLY ADHERED TO CONCRETE OR MASONRY SURFACES IN INTERIOR APPLICATIONS. SUBSTRATE SHALL BE CLEANED AS REQUIRED AND FREE OF DUST, DEBRIS, AND MOISTURE PRIOR TO ADHESION AND FINISHING.
- CONSTRUCTION OF RATED WALL ASSEMBLIES SHALL BE STRICTLY ADHERED TO IN ACCORDANCE WITH UL AND/OR GYPSUM ASSEMBLY SPECIFICATIONS. REFER TO CODE PLANS FOR ADDITIONAL INFORMATION.
- PROVIDE A BULLNOSE CMU AT ALL OUTSIDE CORNERS OF INTERIOR MASONRY WALLS & SILLS.

SCHEDULE - INTERIOR PARTITION & WALL TYPE

MARK	WIDTH	DESCRIPTION	FIRE RATING		
			RATING	ASSEMBLY REF	STC RATING
M8	7 5/8"	8" CMU - PAINTED			
M10	9 5/8"	10" CMU			
M12	11 5/8"	12" CMU - PAINTED			
P4	4 1/4"	3 5/8" METAL STUD W/ 5/8" GWB ONE SIDE			
P7	4 7/8"	3-5/8" METAL STUD W/ 5/8" GYPSUM WALL BOARD EACH SIDE			

SCHEDULE - EQUIPMENT

MARK	DESCRIPTION	BOD MANUFACTURER	BOD MODEL	OWNER FURNISH AND INSTALL	OWNER FURNISH CONTRACTOR INSTALL	CONTRACTOR FURNISH AND INSTALL	COMMENTS
EQ-1	ASYMMETRIC TWO POST LIFT	ROTARY LIFT	SPO10	•			THICKEN SLAB AS REQUIRED BY MFG, GENERAL CONTRACTOR TO COORDINATE
EQ-2	ASYMMETRIC TWO POST LIFT	ROTARY LIFT	SPO18	•			THICKEN SLAB AS REQUIRED BY MFG, GENERAL CONTRACTOR TO COORDINATE
EQ-3	SURFACE MOUNTED FOUR POST LIFT	ROTARY LIFT	SM18EL	•			THICKEN SLAB AS REQUIRED BY MFG, GENERAL CONTRACTOR TO COORDINATE

PARTITION TYPE DETAILS

P4	P7	P8	SP1 - ACOUSTIC
SP2 - BALLISTIC	SP3 - BALLISTIC	SP4 - BALLISTIC	SP5 - BALLISTIC/ACOUSTIC

INTERIOR NON-LOAD BEARING / NON-STRUCTURAL PARTITION METAL STUD FRAMING SCHEDULE

HEIGHT	SHAPE	GAUGE	SPACING
0' - 13'	3-5/8"x1-1/4"	20	16" o/c
0' - 18'	3-5/8"x1-5/8"	18	16" o/c
0' - 19'	6"x1-1/4"	25	16" o/c
0' - 21'	8"x2"	18	16" o/c

NOTE: WHERE STUDS ARE PLACED AGAINST MASONRY OR CONCRETE WALLS FOR THE PURPOSES OF FURRING, HIGHER SPANS THAN INDICATED WITHIN THIS SCHEDULE ARE PERMITTED PROVIDED THAT TIE BACK BRACING IS PROVIDED AT 10'-0" O.C. MAX. SEE STRUCTURAL DRAWINGS FOR LOAD BEARING AND STRUCTURAL LIGHT GAUGE METAL STUDS.

SEAL:

CONSULTANT:

JIM BARBEY AUTOMOTIVE, INC.
SHOP EXPANSION
10821 PHILADELPHIA ROAD
WHITE MARSH, MARYLAND 21162

NO.	DESCRIPTION	DATE

PROJECT NUMBER:
XX-XXX
PROJECT SET:
PRELIMINARY
DATE ISSUED:
05/16/2018

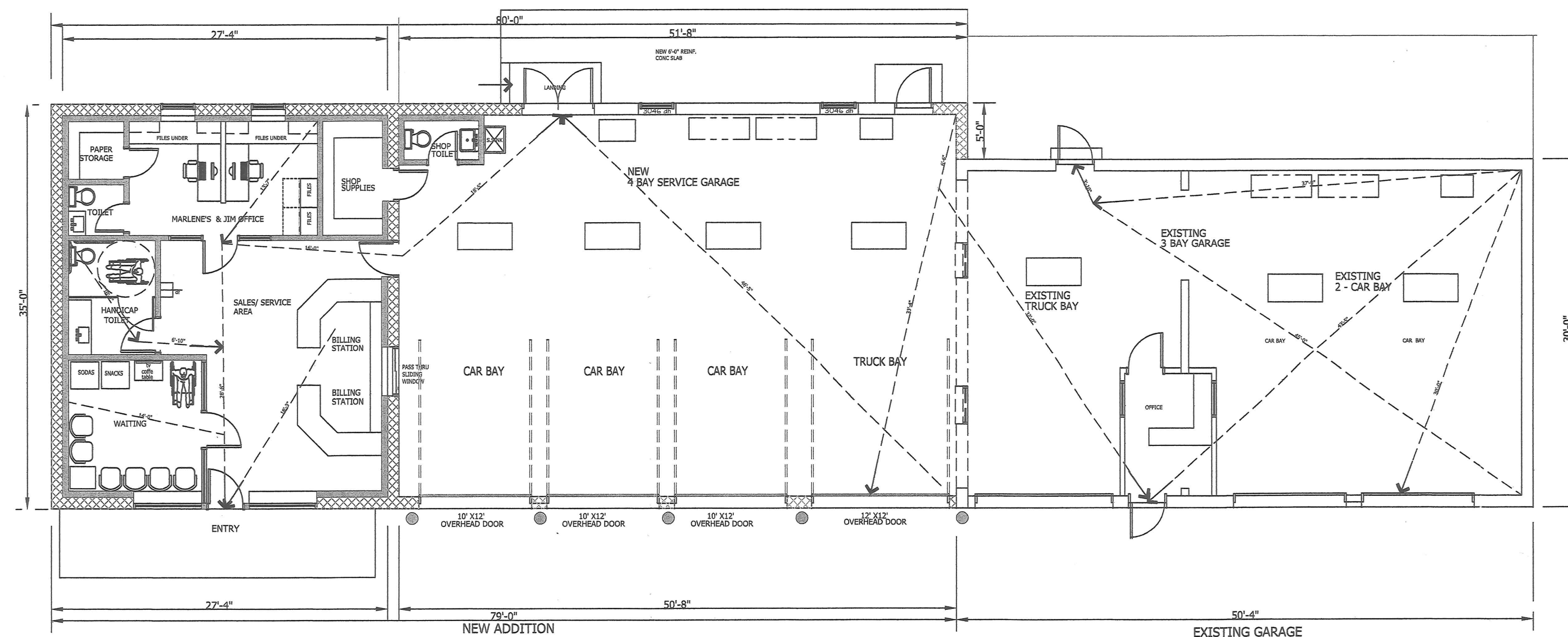
DRAWING TITLE:
DIMENSION PLAN

SHEET NUMBER:

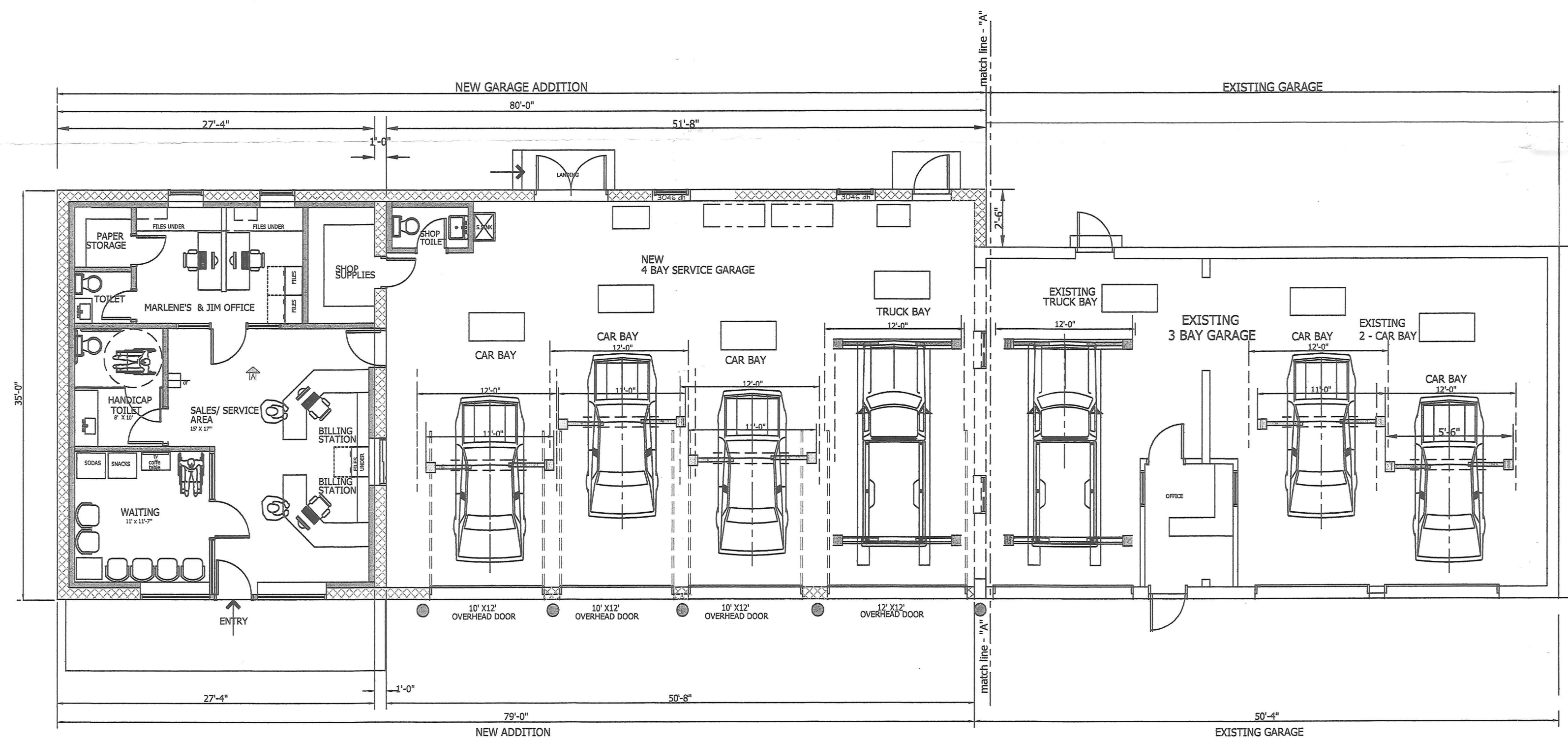
A101

"NEW ARCHITECTURAL PLAN"

PRELIMINARY - NOT FOR CONSTRUCTION



**FIRST FLOOR PLAN
MEANS OF EGRESS**
SCALE: 1/4"=1'-0"



KEY FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"

GEOFFREY A. TIZARD II, P.E.
5 LEADBURN COURT
TOWSON MD 21204

PROFESSIONAL CERTIFICATION

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND I AM A DUTY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MARYLAND, LICENSE NO. 15463,
EXPIRATION DATE: JULY 2, 2019



**BALTIMORE
DESIGN & DRAFTING
SERVICES**
JAMES W. BOYCE
6 BEECH DRIVE SUITE F
MIDDLE RIVER MD. 21220

NEW 1 STORY GARAGE ADDITION FOR:
BARBEY'S AUTOMOTIVE, INC.
10821 PHILADELPHIA ROAD
WHITE MARSH MD. 21162

**KEY FIRST FLOOR PLAN
MEANS OF EGRESS PLAN**
"ORIGINAL PLAN"

DATE: JAN. 9, 2018
SCALE: 1/4"=1'-0"
REV:
JOB NO: 2018-06

G-3

General Notes: Special Hearing & Special Exception

1. Zoning: RO/BL/DR 3.5 (072C3)
2. Lot Area: Parcel: 883 (#10821 Philadelphia Road) 17,150 sq. ft.
Parcel: 317 (#10825 Philadelphia Road) 21,165 sq. ft.
Total Lot Area: 38,315 sq. ft. or 0.979 acres +/-
3. Existing Use: two (2) Single Family Dwellings and Service Garage (1509 sq. ft.)
4. Proposed Use: two (2) Single Family Dwellings to remain, ex. Service Garage to remain
Proposed 35'x80' addition to the service garage
5. Required Parking Calculations
 - A. Single Family Dwellings = 2 spaces per unit = 4 spaces
 - B. Existing Service Garage 1509 sq. ft. x 3.3/1000 = 4.97 or 5 spaces
 - C. Proposed Service Garage addition 2800 sq. ft. x 3.3/1000 = 9.24 or 10 spaces
 Total spaces required: 19 spaces
Total spaces provided: 21 spaces (include the following: 2 car garage, 7 bays within existing and proposed service garage and 12 regular spaces 8.5'x18')
6. This property is not located within the Chesapeake Bay Critical Area, 100 year Flood Plain or Historic District
7. There are no violations for this property
8. A portion of the property was rezoned through the CZMP 2016 process (Issue No. 6-019)
9. Previous Zoning History:
 - A. Case No. 1975-0053RX dated October 22, 1974 (#10821 Philadelphia Road)
Granted: Reclassification of a portion of the property from DR 5.5 to BL
Special Exception for a two car service garage
 - B. Case No. 2006-0430-SPH dated April 21, 2006
Granted: Amendment to Case No. 75-53RX to allow an expansion of the existing service garage and allow continued use of an existing 12' wide access drive
 - C. Order on the Motion for Reconsideration Case No. 2006-0430-SPH dated May 24, 2006
Amend the above order to incorporate additional restrictions: no outside storage of damaged or disabled vehicles, the hours of operation shall be limited to between 8 am & 8 pm, Monday through Saturday, with no hours on Sundays except for emergency repairs

Owner: #10821 Philadelphia Road
Barbey Properties LLC
James and Marlene Barbey
11713 Jerome Avenue
White Marsh, MD 21162
Tax Map: 72 Parcel: 883
Tax Acct. No. 1107001520
Deed: 34880/306

Owner: #10825 Philadelphia Road
James and Marlene Barbey
11713 Jerome Avenue
White Marsh, MD 21162
Tax Map: 72 Parcel: 317
Tax Acct. No. 1103067650
Deed: 34545/429
443-324-3793

PLAN TO ACCOMPANY SPIRIT & INTENT LETTER
Plan to Accompany Special Hearing and Special Exception

"Barbey Auto"

#10821-#10825 Philadelphia Road

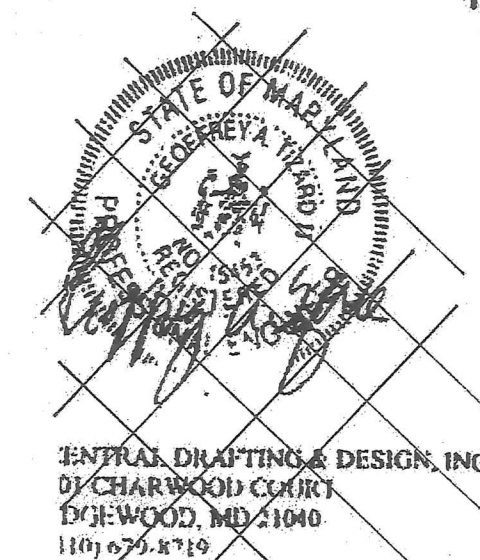
11th Election District
6th Councilmanic District
Baltimore County, MD

Scale: 1" = 30'
October 4, 2017
JUNE 5, 2018

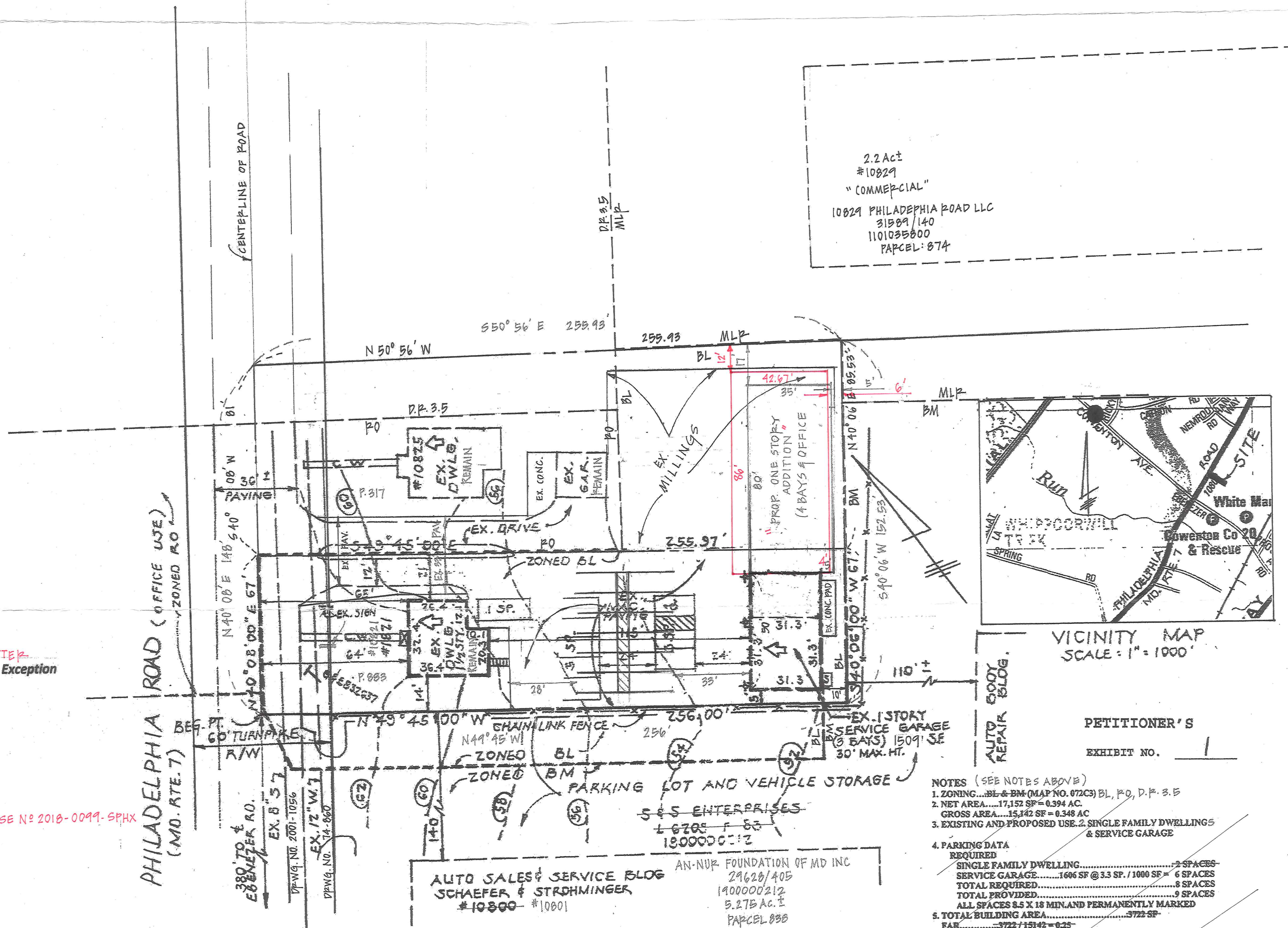
*THIS WAS THE EXHIBIT SUBMITTED FOR CASE NO. 2018-0099-SPHX



Michael V. Moskunas
Professional Land Surveyor #21175
License Expires: 6/25/2019



ENTRANCE DRAFTING & DESIGN, INC.
101 CHARWOOD COURT
DOWNSWOOD, MD 21040
410-679-8719



+ DENOTES WALL MOUNTED LIGHTING DIRECTED DOWNWARD

EXISTING SIGNS
-FREE STANDING.....50 S.F. (15 FEET HIGH) NOT ILLUMINATED
-WALL MOUNTED.....50 S.F. NOT ILLUMINATED
-FREE STANDING DOUBLE FACED SIGN: 42' S.F. (9' HIGH) NOT ILLUMINATED

OWNER
JAMES T. & MARLENE BARBEY
10821 PHILADELPHIA ROAD
BALTO. MD. 21162
DEED REF. L19544 F407
PROP. NO. 1107001520

- NOTES (SEE NOTES ABOVE)
1. ZONING...BL & BM (MAP NO. 072C3) BL, P.O., D.P. 3.5
 2. NET AREA.....17,152 SF = 0.394 AC
 3. GROSS AREA.....15,142 SF = 0.348 AC
 4. EXISTING AND PROPOSED USE: 2 SINGLE FAMILY DWELLINGS & SERVICE GARAGE
 5. PARKING DATA REQUIRED

SINGLE FAMILY DWELLING.....	2 SPACES
SERVICE GARAGE.....	1606 SF @ 3.3 SF / 1000 SF = 6 SPACES
TOTAL REQUIRED.....	8 SPACES
TOTAL PROVIDED.....	5 SPACES
ALL SPACES 8.5 X 18 MIN. AND PERMANENTLY MARKED	
 6. TOTAL BUILDING AREA.....3722 SF
 7. FAR.....3722 / 15142 = 0.25
 8. PUBLIC WATER AND SEWER ARE AVAILABLE
 9. SITE IS NOT LOCATED IN CBCA, 100 YR FLOOD PLAIN
 10. TO THE PREPARE KNOWLEDGE, NO UNDERGROUND STORAGE TANKS, CRITICAL AREAS OR HISTORIC STRUCTURES EXIST
 11. PREVIOUS ZONING HISTORY
CASE NO. 75-53 RX. ORDER DATED OCTOBER 22, 1974 RECLASSIFYING A PORTION OF THE SITE FROM DR 5.5 TO BL AND GRANTING A SPECIAL EXCEPTION FOR A TWO CAR SERVICE GARAGE

PLAT TO ACCOMPANY
ZONING PETITION
10821 PHILADELPHIA ROAD
ELECT. DIST. 11C2 BALTO. CO., MD
SCALE: 1 INCH = 30 FEET
FEBRUARY 27, 2006

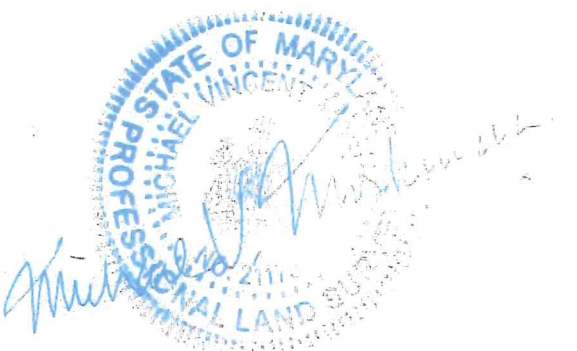
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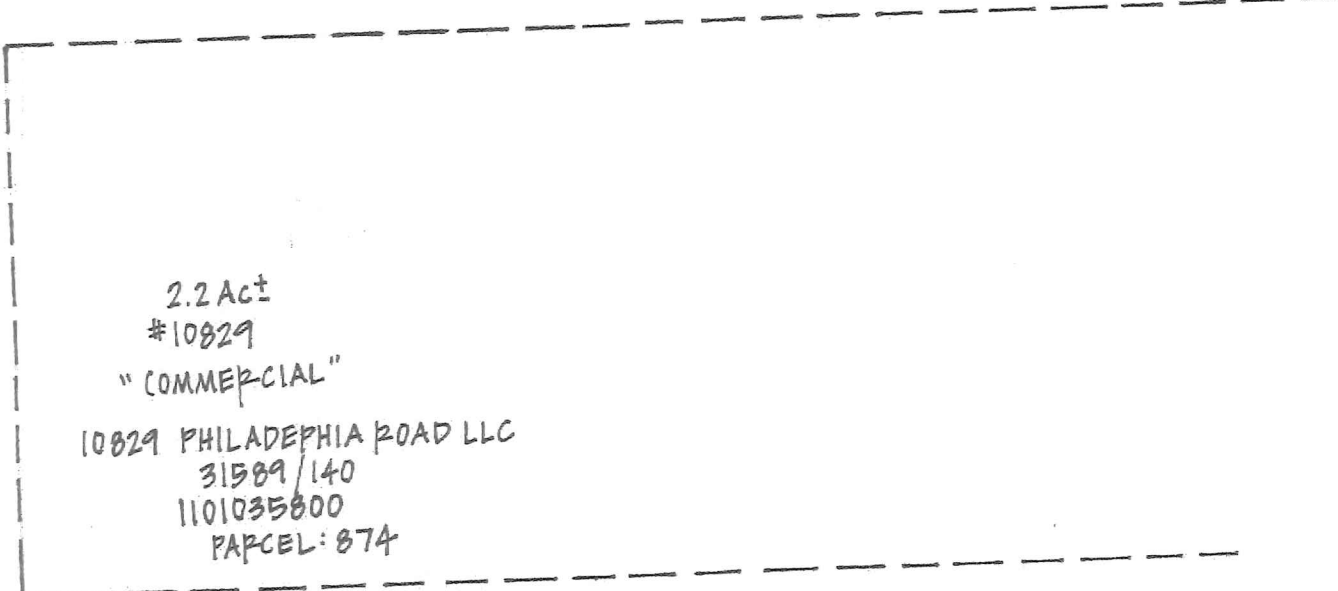
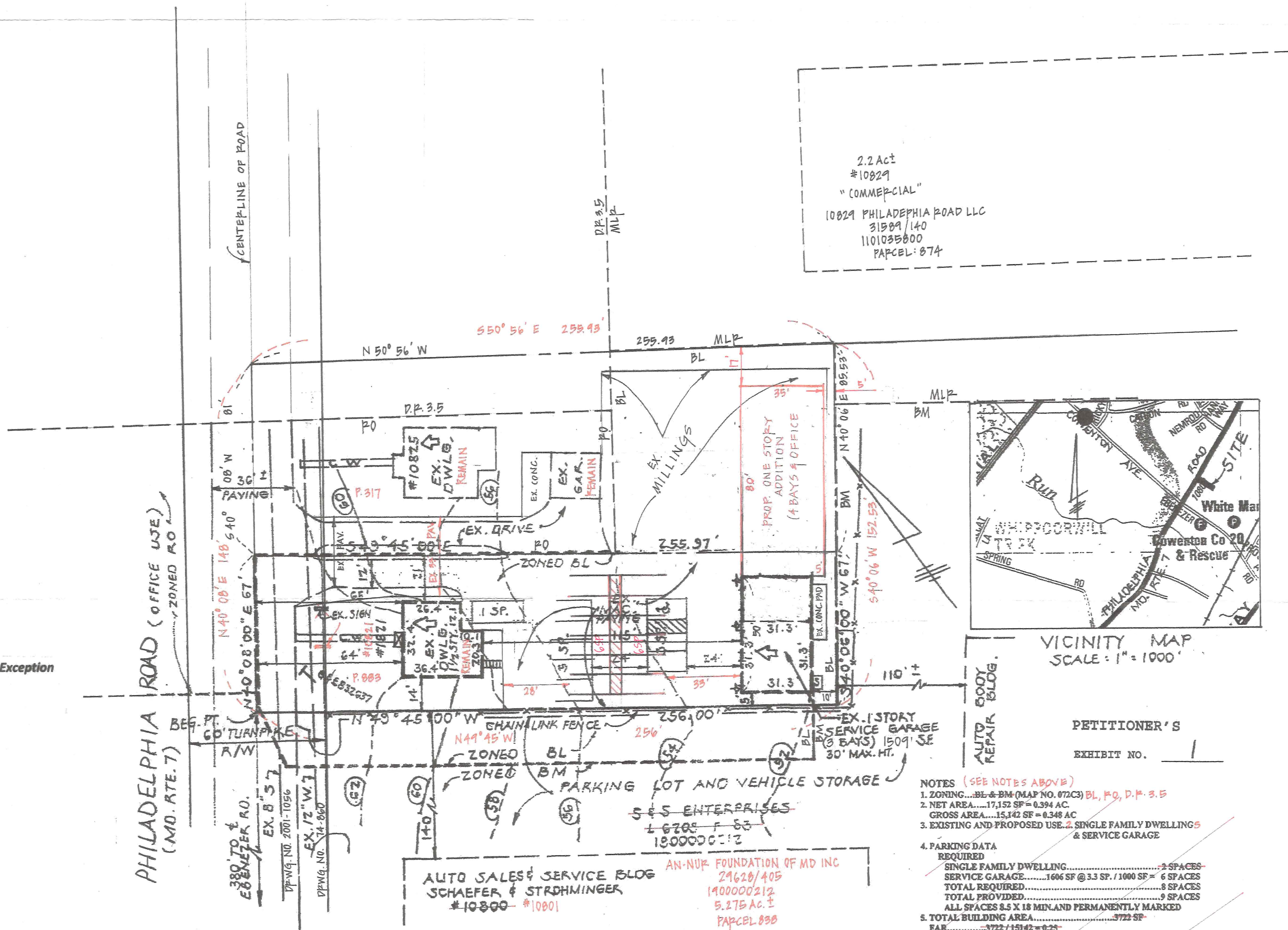
Plan to Accompany Special Hearing and Special Exception
"Barbey Auto"
#10821-#10825 Philadelphia Road
11th Election District
6th Councilmanic District
Baltimore County, MD
Scale: 1" = 30'
October 4, 2017



Michael V. Moskunas
Professional Land Surveyor #21175
License Expires: 6/25/2019



JENTRAL DRAFTING & DESIGN, INC.
87 CHARWOOD COURT
DOWNSWOOD, MD 21040
1101 679 8719



VICINITY MAP
SCALE: 1" = 1000'

PETITIONER'S
EXHIBIT NO. 1

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