

MEMORANDUM

DATE: November 7, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0386-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 6, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(4000 Old North Point Road)

15th Election District

7th Council District

Cochran Properties, Inc.

Legal Owner

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0386-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Cochran Properties, Inc., legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from Sections 243.2 & 243.3 of the Baltimore County Zoning Regulations ("BCZR") to permit a new one-story garage building to be constructed 3 ft. to a rear property line and 10 ft. from the side property line, in lieu of the required 50 ft. A site plan was marked as Petitioner's Exhibit 1.

Brian Dietz of Dietz Surveying Co. appeared in support of the petition. Timothy M. Kotroco, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. A number of letters and petitions from neighbors supporting Petitioners request were entered into evidence. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and the Bureau of Development Plans Review ("DPR"). Neither agency opposed the request.

The site is approximately 32,670 square feet in size and is zoned ML-IM.

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

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate

ORDER RECEIVED FOR FILING

Date

By

10/7/19

Sen

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

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

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

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

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

The property is quite narrow particularly in light of the requested use. As such, the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to construct the proposed addition for which the variance is requested, a truck repair facility. In order to maneuver trucks into the repair bays solely on the property and not on the public road, the variance is essential. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 7th day of **October, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations to permit a new one-story garage building to be constructed 3 ft. to a rear property line and 10 ft. from the side property line, in lieu of the required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at

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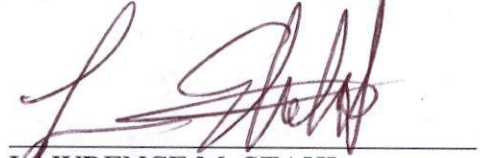
Date 10/7/19

By Sen

its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

2. Prior to issuance of permits Petitioner must comply with the ZAC comments submitted by the DOP and the DPR, copies of which are attached hereto and made a part hereof.

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



LAWRENCE M. STAHL
Administrative Law Judge for
Baltimore County

LMS/sln

ORDER RECEIVED FOR FILING

Date 10/7/19
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 4000 Old North Point Rd. Baltimore, MD 21222 which is presently zoned ML IM
 Deed References: 40436/00422 10 Digit Tax Account # 1513202711
 Property Owner(s) Printed Name(s) Cochran Properties, INC

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a **Variance** from Section(s)

*SEE
Attached*

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:

Timothy M. Kotroco

Name- Type or Print Timothy M. Kotroco
 Signature _____
 305 Washington Ave. STE 502 Towson MD
 Mailing Address _____ City _____ State _____
 21204 / 410-299-2943 / Tkotroco@gmail.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Cochran Properties, INC. by Jeff Cochran President

Name #1 - Type or Print _____ Name #2 - Type or Print _____
 Signature #1 Jeff Cochran Signature #2 _____
 1007 Chesaco Ave. Rosedale MD
 Mailing Address _____ City _____ State _____
 21237 / 443-829-4133 / jgcochran@outlook.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Same as attorney for petitioner
 Name - Type or Print _____
 Signature _____
 Date _____
 Mailing Address _____ City _____ State _____
 By _____
 Zip Code Telephone # Email Address

CASE NUMBER 2019-0386-A Filing Date 7/2/16 Do Not Schedule Dates: _____ Reviewer ga

2019-0386-A

ATTACHMENT TO VARIANCE PETITION

The Petitioner, requests the following zoning relief:

VARIANCE RELIEF from section 243.2 & 243.3, of the BCZR to allow a new, one story garage building to be constructed 3 feet from a rear property line and 10 feet from the side property line, in lieu of the required 50 feet.

AND For such other and further relief as the nature of this cause may require.

2019-0386-A

Brian R. Dietz

Professional Land Surveyor #21080

7867 Oakdale Avenue, Baltimore, MD 21237

Phone 410-686-1198 Fax 410-682-6021

Zoning Description

For

4000 Old North Point Road

April 10, 2019

Beginning on the Northeast side of Old North Point Road (40' R/W), distant 1490 feet +/- from the center of North Point Road (150' R/W), thence running with and binding on the Northeast side of Old North Point Road, the following two courses and distances viz;

1. By a curve to the right, having a radius of 994.19 feet for an arc length of 3.70 feet the chord of said arc bearing South 38 degrees 51 minutes 30 seconds East 3.70 feet, and
2. South 38 degrees 45 minutes 06 seconds East 179.02 feet, thence leaving Old North Point Road and running with and binding on the land of the herein petitioner
3. North 58 degrees 39 minutes 54 seconds East 172.52 feet,
4. North 39 degrees 28 minutes 06 seconds West 213.68 feet,
5. South 48 degrees 17 minutes 54 seconds West 168.83 feet, to the place of beginning.

Containing 0.772 Ac. or 33,631 sq.ft. of land more or less. Being known as 4000 Old North Point Road and located in the 15th Election District, 7th Councilmanic District.

PM 10-4-19
11 AM

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Sunday, September 29, 2019 11:25 PM
To: Administrative Hearings
Subject: 2nd Certifications
Attachments: Stemmers Run Rd. Cert..jpeg; Photos Stemmers Run Rd. .docx; Old N. Point Rd. Cert..jpeg; Photos Old North Point Rd. .docx

CAUTION: This message from luckylinda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

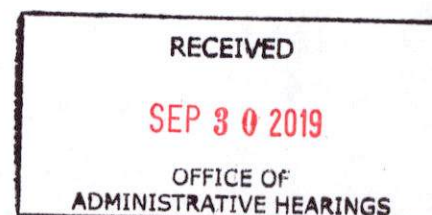
Hi Debrah,

I have attached the 2nd Certifications for Case # 2019-0371-SPH @ 32 Stemmers Run Rd. & Case # 2019-0386-A @ 4000 Old North Point Rd along with photos.

Have a good day,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com



SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 9/29/2019

Case Number: 2019-0386-A

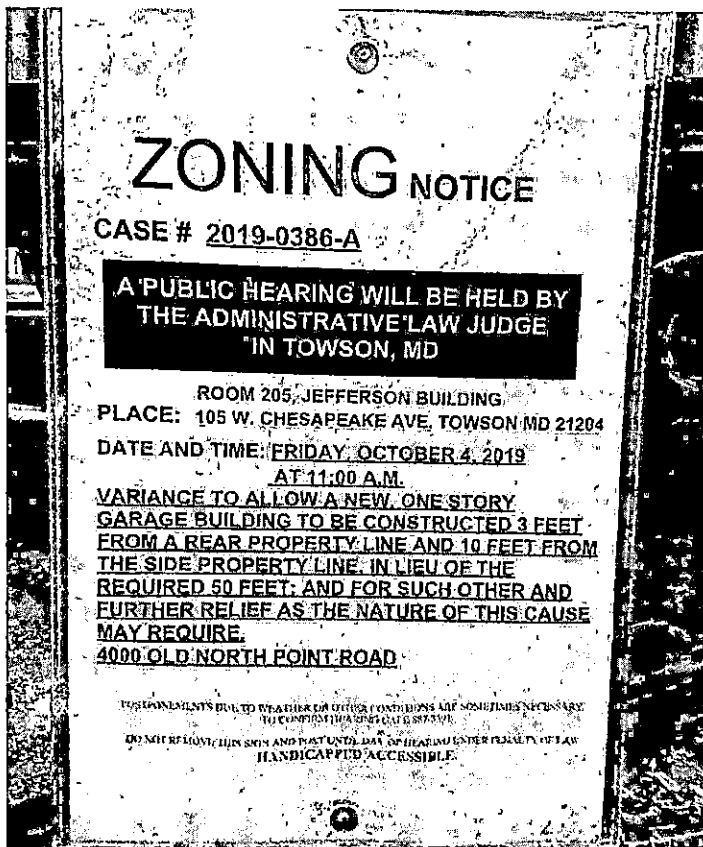
Petitioner / Developer: TIMOTHY KOTROCO, ESQ. ~ JEFF COCHRAN

Date of Hearing: OCTOBER 4, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
4000 OLD NORTH POINT ROAD

The sign(s) were posted on: **SEPTEMBER 14, 2019**

The sign(s) were re-photographed on: **SEPTEMBER 29, 2019**



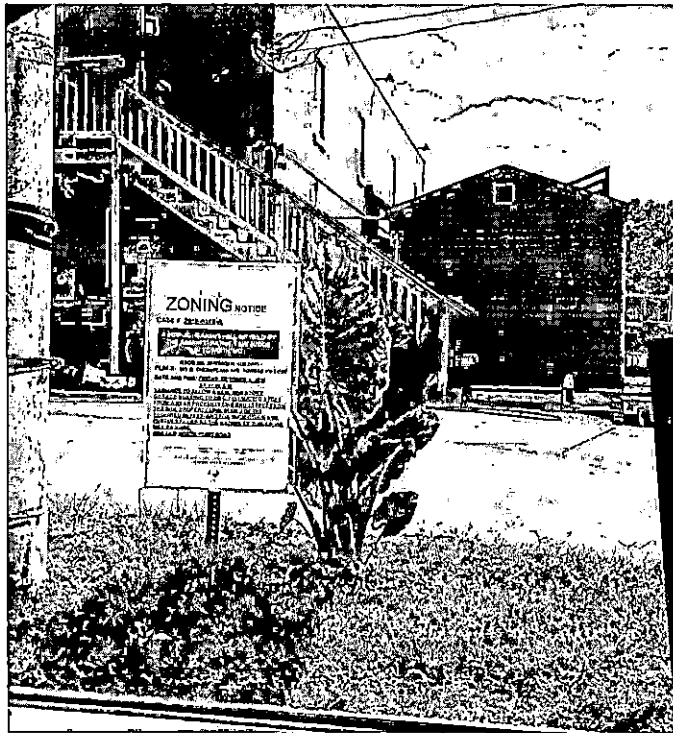
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

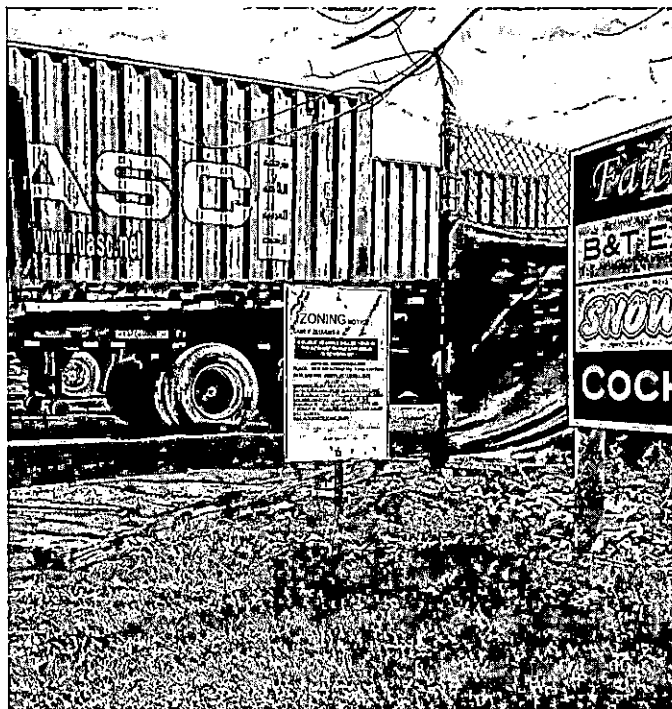
523 Penny Lane
(Street Address of Sign Poster)

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

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



Re-Photographed 1st Sign @ 4000 Old North Point Road ~ 9/29/2019



Re-photographed 2nd Sign @ 4000 Old North Point Road ~ 9/29/2019
CASE # 2019-0386-A

TO: THE DAILY RECORD
Friday, September 13, 2019 - Issue

Please forward billing to:
Timothy Kotroco
305 Washington Avenue, Ste. 502
Towson, MD 21204

410-299-2943

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: 2019-0386-A

4000 Old North Point Road

N/east side of Old North Point Road, s/west of Old Battle Grove Road

15th Election District – 7th Councilmanic District

Legal Owners: Cochran Properties, Inc.

Variance to allow a new, one story garage building to be constructed 3 feet from a rear property line and 10 feet from the side property line, in lieu of the required 50 feet; and for such other and further relief as the nature of this cause may require.

Hearing: Friday, October 4, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff

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.



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

September 4, 2019

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:

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4000 Old North Point Road

N/east side of Old North Point Road, s/west of Old Battle Grove Road

15th Election District – 7th Councilmanic District

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Hearing: Friday, October 4, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Timothy Kotroco, 305 Washington Ave., Ste. 502, Towson 21204
Jeff Cochran, 1007 Chesaco Avenue, Rosedale 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., SEPTEMBER 14, 2019.**
- (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.

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

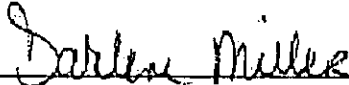
PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

9/13/2019

Order #: 11789233
Case #: 2019-0386-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0386-A



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County
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: 2019-0386-A 4000 Old North Point Road N/east side of Old North Point Road, s/west of Old Battle Grove Road 15th Election District - 7th Councilmanic District Legal Owners: Cochran Properties, Inc. Variance to allow a new, one story garage building to be constructed 3 feet from a rear property line and 10 feet from the side property line, in lieu of the required 50 feet; and for such other and further relief as the nature of this cause may require. Hearing: Friday, October 4, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204 Michael Mallinoff 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. s13

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
4000 Old North Point Road; NE/S of Old North *
Point Rd, SW 85' to c/line of Battle Grove Rd * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Cochran Properties, Inc. * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2019-386-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUL 11 2019

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of July, 2019, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, 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: 2019-0386-A

Property Address: 4000 Old North Point Rd

Property Description: _____

Legal Owners (Petitioners): Cochran Properties, Jeff Cochran

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy Kotroco

Company/Firm (if applicable): Kotroco & Associates, LLC

Address: 305 Washington Ave Suite 502
Towson MD 21204

Telephone Number: 410 299 2943



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

September 26, 2019

Timothy M. Kotroco
305 Washington Ave Ste 502
Towson MD 21204

RE: Case Number: 2019-0386-A, 4000 Old North Point Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 17, 2019. 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, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Cochran Properties INC 1007 Chesaco Ave Rosedale MD 21237

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 7/9/19

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

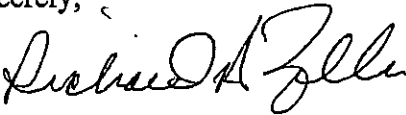
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2019-0386-A

*Variance
Cochran Properties, Inc.
4000 Old North Point Road*

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

Sincerely,



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

INTEROFFICE CORRESPONDENCE

TO: Michael Mallinoff, Director
Department of Permits, Approvals
DATE: 08/15/19

FROM: *MCD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 08, 2019
Item No. 2019-0386-A

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

If Zoning Relief is granted, a Final Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

* * * * *

VKD: cen
cc: File

10-4-19

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AUG 20 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-386

DATE: 8/5/2019

INFORMATION:

Property Address: 4000 Old North Point Road
Petitioner: Jeff Cochran, President-Cochran Properties, Inc.
Zoning: ML-IM
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit one story garage to be constructed 3 feet from a rear property line and 10 feet from the side property line in lieu of the required 50 feet.

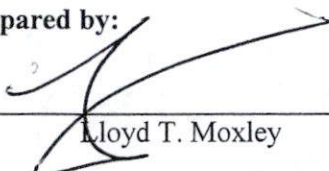
A site visit was conducted on Monday, July 15, 2019.

The Department of Planning has no objections to granting the petitioned zoning relief subject to the following:

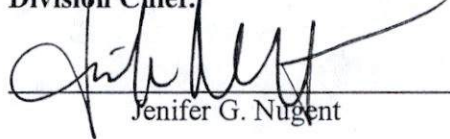
- Through the hearing process indicate on the plan a dumpster location.
- Through the hearing process provide parking calculations based upon the proposed use of the site. Demonstrate to the satisfaction of the Administrative Law Judge that all parking requirements pursuant to BCZR § 409 are met.
- To the extent possible locate vehicles to be repaired to the rear of the property, away from the public right-of-way
- Ensure that any required landscaping pursuant to the Baltimore County Landscape Manual is provided to the satisfaction of the Baltimore County Landscape Architect.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Jenifer G. Nugent

CPG/JGN/LTM/

c: Krystle Patchak

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy M. Kotroco, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 10/7/19
By sen

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mallinoff, Director
Department of Permits, Approvals

FROM: *MS*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 08, 2019
Item No. 2019-0386-A

DATE: 08/15/19

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If Zoning Relief is granted, a Final Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

*

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VKD: cen
cc: File

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Date 10/7/19

By Sen

10-4-19

RECEIVED
AUG 20 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-386

DATE: 8/5/2019

INFORMATION:

Property Address: 4000 Old North Point Road
Petitioner: Jeff Cochran, President-Cochran Properties, Inc.
Zoning: ML-IM
Requested Action: Variance

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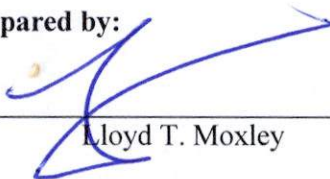
A site visit was conducted on Monday, July 15, 2019.

The Department of Planning has no objections to granting the petitioned zoning relief subject to the following:

- Through the hearing process indicate on the plan a dumpster location.
- Through the hearing process provide parking calculations based upon the proposed use of the site. Demonstrate to the satisfaction of the Administrative Law Judge that all parking requirements pursuant to BCZR § 409 are met.
- To the extent possible locate vehicles to be repaired to the rear of the property, away from the public right-of-way
- Ensure that any required landscaping pursuant to the Baltimore County Landscape Manual is provided to the satisfaction of the Baltimore County Landscape Architect.

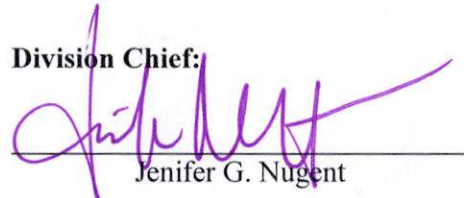
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Krystle Patchak

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy M. Kotroco, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 8/5/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-386

INFORMATION:

Property Address: 4000 Old North Point Road
Petitioner: Jeff Cochran, President-Cochran Properties, Inc.
Zoning: ML-IM
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit one story garage to be constructed 3 feet from a rear property line and 10 feet from the side property line in lieu of the required 50 feet.

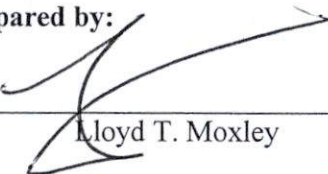
A site visit was conducted on Monday, July 15, 2019.

The Department of Planning has no objections to granting the petitioned zoning relief subject to the following:

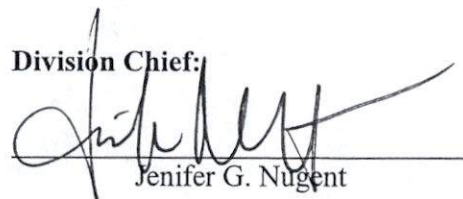
- Through the hearing process indicate on the plan a dumpster location.
- Through the hearing process provide parking calculations based upon the proposed use of the site. Demonstrate to the satisfaction of the Administrative Law Judge that all parking requirements pursuant to BCZR § 409 are met.
- To the extent possible locate vehicles to be repaired to the rear of the property, away from the public right-of-way
- Ensure that any required landscaping pursuant to the Baltimore County Landscape Manual is provided to the satisfaction of the Baltimore County Landscape Architect.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Jennifer G. Nugent

CPG/JGN/LTM/

c: Krystle Patchak

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy M. Kotroco, Esq.
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: July 10, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0386-A
Address 4000 Old North Point Road
(Cochran Properties, Inc. Property)

Zoning Advisory Committee Meeting of **July 8, 2019**.

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

Reviewer: Steve Ford

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

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

8/15

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

Comment

7/10

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

NO Comment

8/5

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)NO OBJ
w/Comment

7/9

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

NO Objection

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 9/13/19

SIGN POSTING (1st) Date: 9/14/19

by O'Keefe

SIGN POSTING (2nd) Date: 9/29/19

by O'Keefe

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

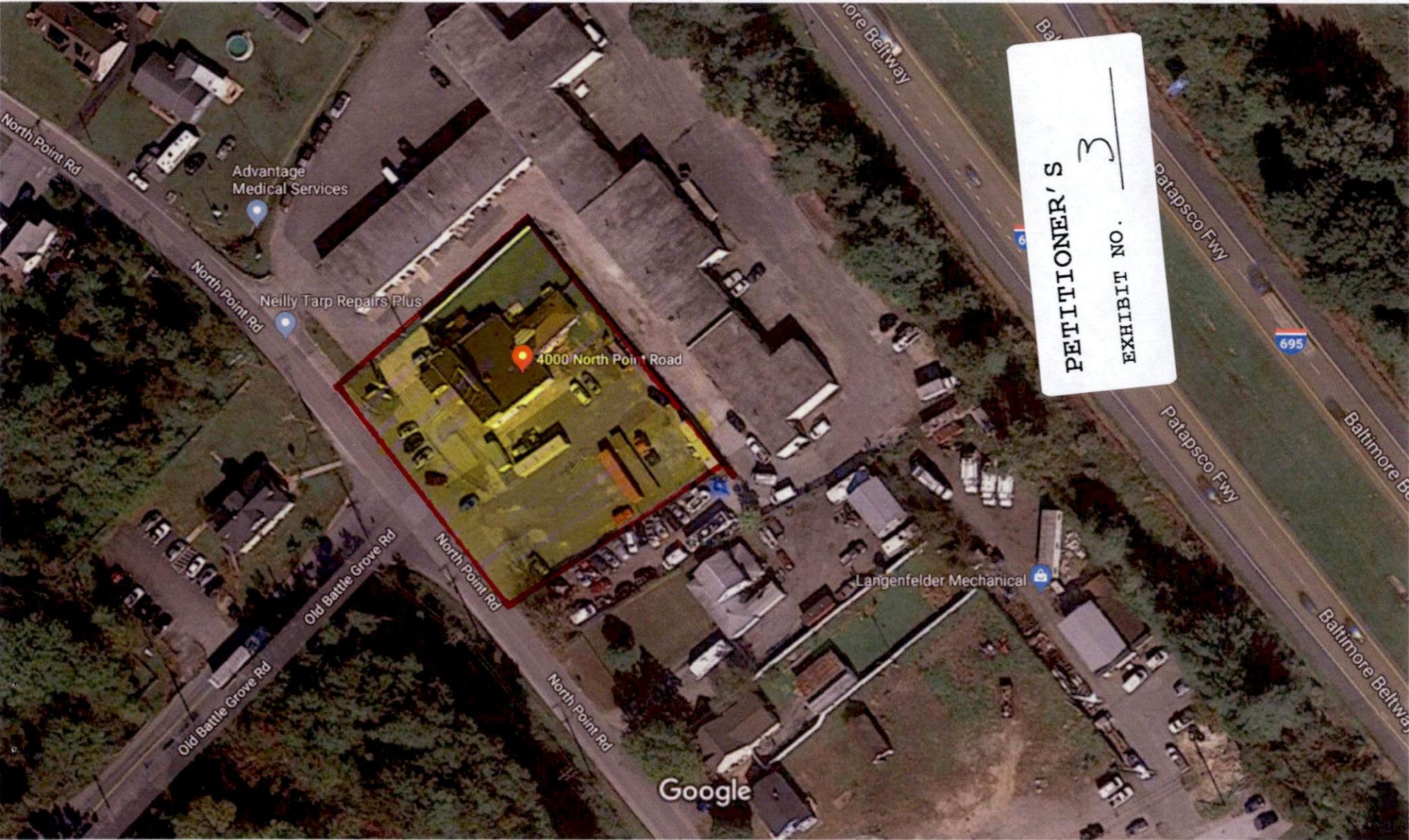
View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt: None		Special Tax Recapture: None			
Exempt Class: None					
Account Identifier:		District - 15 Account Number - 1513202711			
Owner Information					
Owner Name:	COCHRAN PROPERTIES INC		Use:	COMMERCIAL	
Mailing Address:	1007 CHESACO AV ROSEDALE MD 21237-		Principal Residence:	NO	
			Deed Reference:	/40436/ 00422	
Location & Structure Information					
Premises Address:	4000 OLD NORTH POINT RD BALTIMORE 21222-		Legal Description:	.75 AC 4000 OLD NORTH POINT RD BATTLE GROVE	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0104	0009	0189	30000.04	0000	2018
Special Tax Areas: None			Town:	None	
			Ad Valorem:	None	
			Tax Class:	None	
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
	4,566 SF		32,670 SF	23	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
		TAVERN	/	C3	
Last Notice of Major Improvements					
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2019	07/01/2020	
Land:	190,100	190,100			
Improvements	375,500	392,800			
Total:	565,600	582,900	577,133	582,900	
Preferential Land:	0			0	
Transfer Information					
Seller: A & R LLC		Date: 06/28/2018		Price: \$325,000	
Type: ARMS LENGTH IMPROVED		Deed1: /40436/ 00422		Deed2:	
Seller: 4000 NORTH POINT LLC		Date: 06/14/2002		Price: \$600,000	
Type: ARMS LENGTH IMPROVED		Deed1: /16515/ 00647		Deed2:	
Seller: MCNEILL BOBBIE		Date: 03/05/1998		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12701/ 00633		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2019	07/01/2020		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt: None		Special Tax Recapture: None			
Exempt Class: None					
Homestead Application Information					

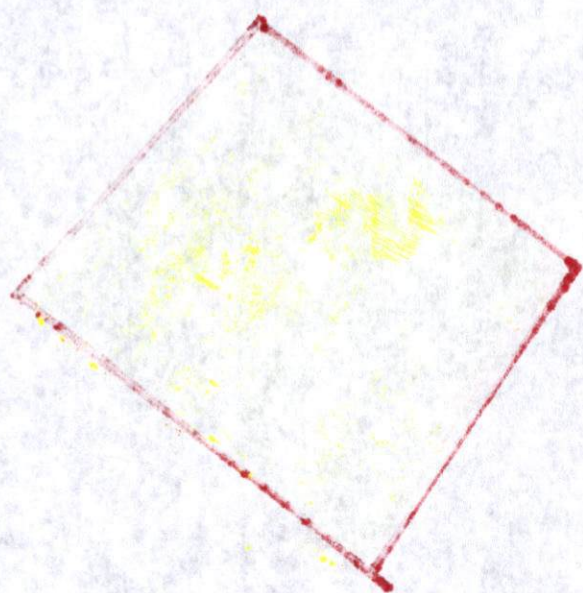
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application**Date:**

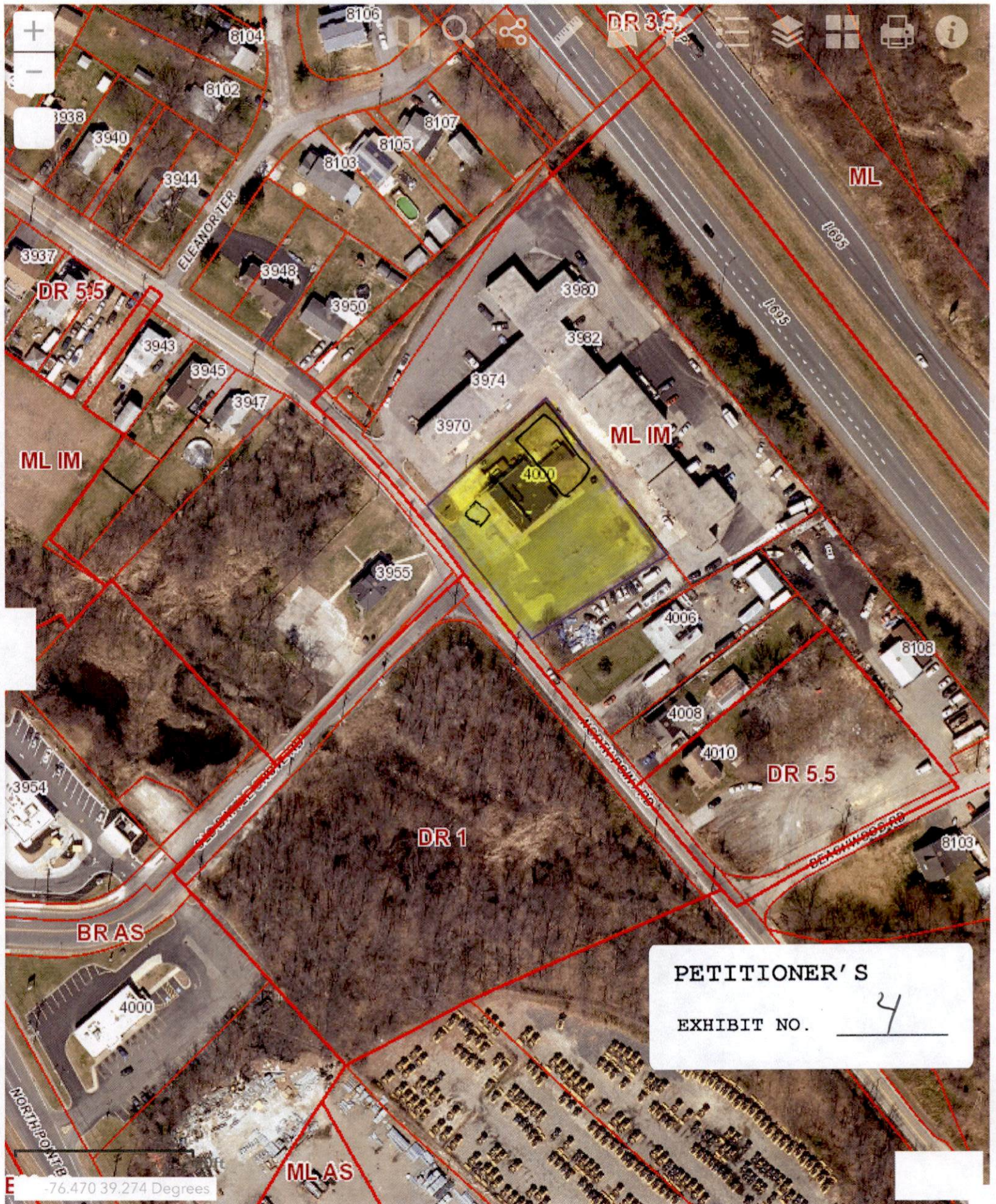
Google Maps 4000 north point







Baltimore County - My Neighborhood

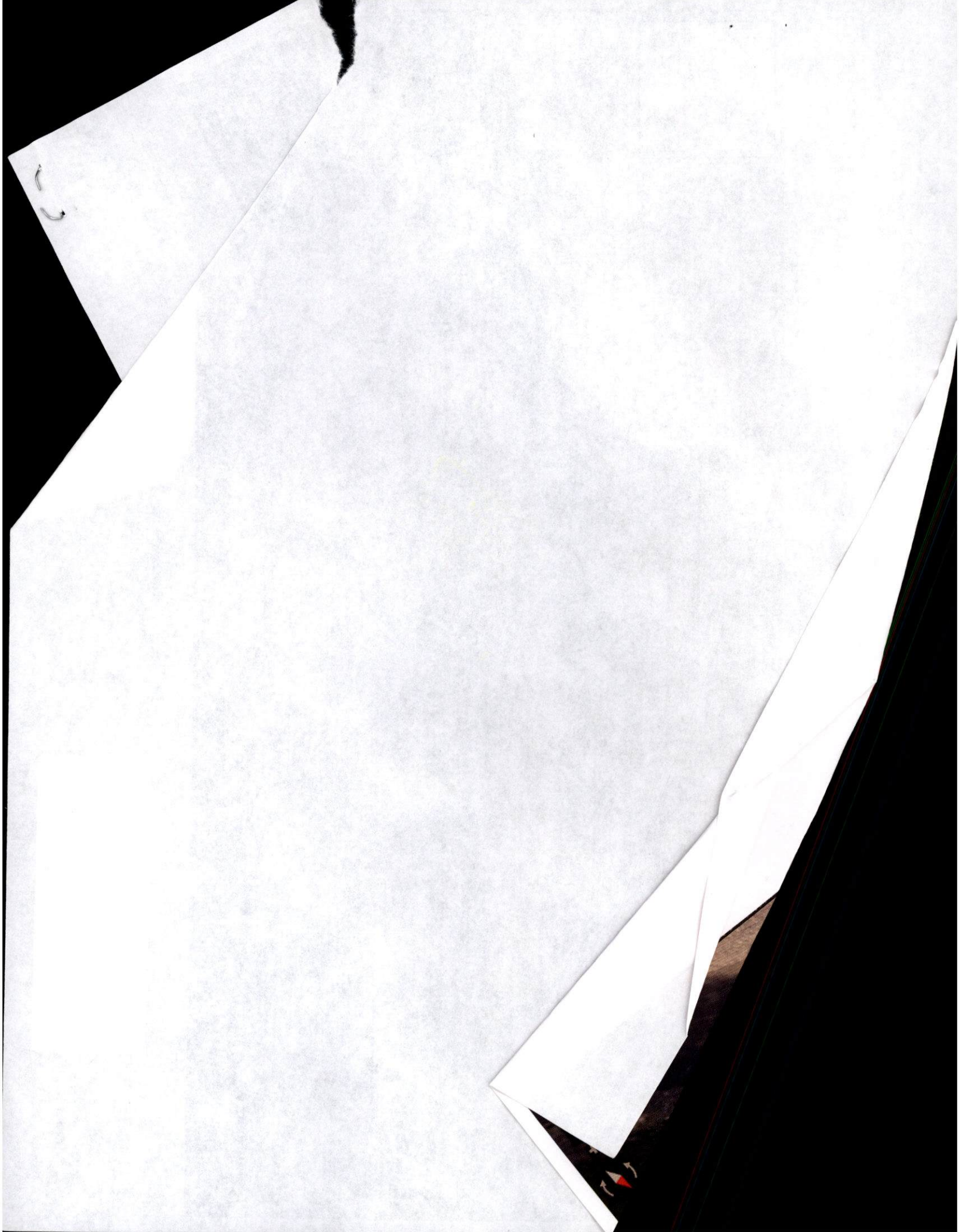


PETITIONER'S

EXHIBIT NO.

5





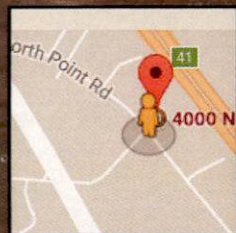
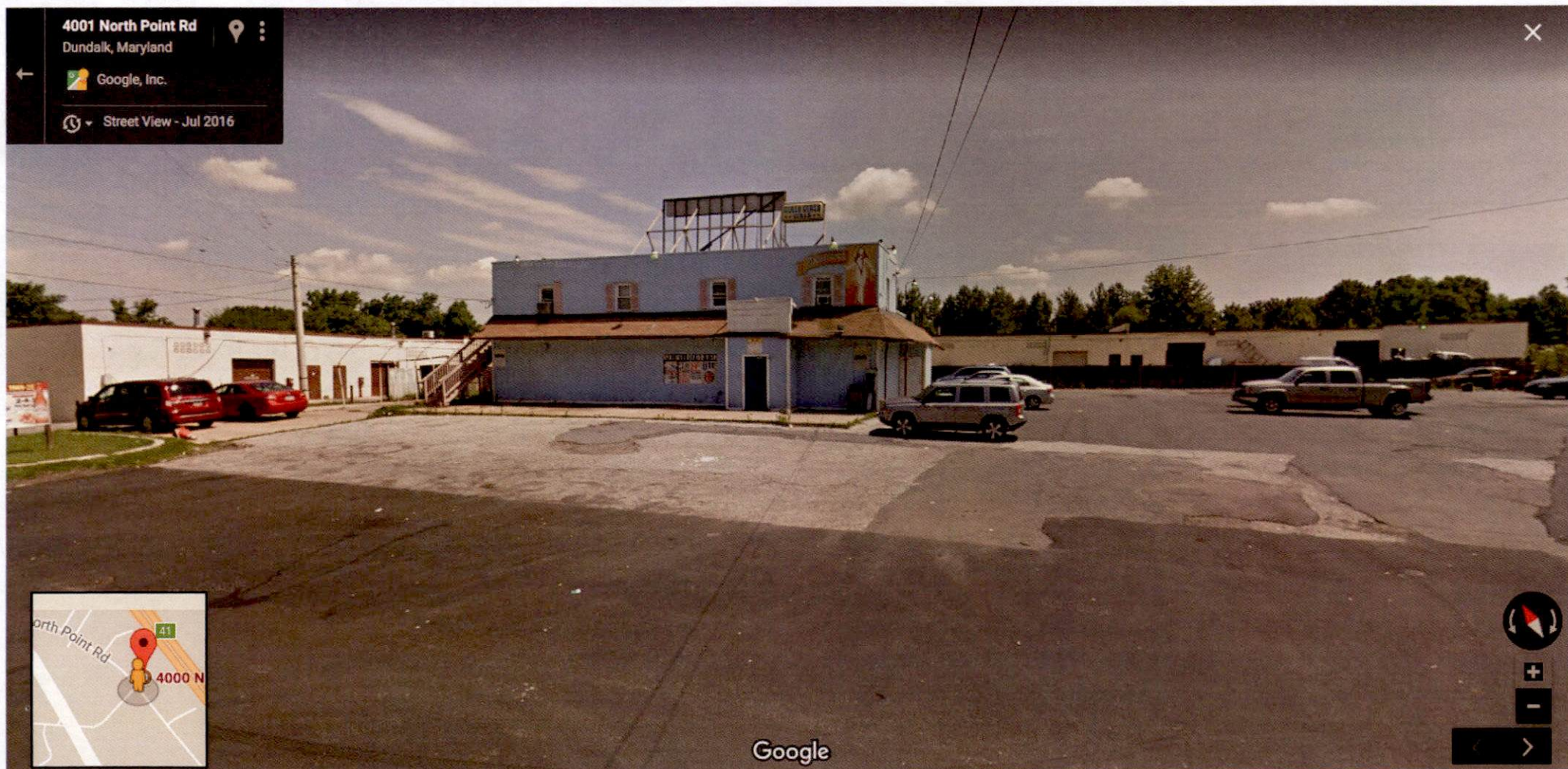
4001 North Point Rd
Dundalk, Maryland



Google, Inc.



Street View - Jul 2016



Google



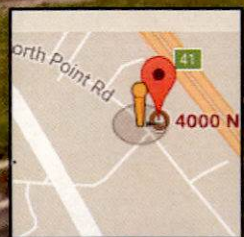
3994 North Point Rd

Dundalk, Maryland



Google, Inc.

Street View - Jul 2016



Google





PETITIONER'S

EXHIBIT NO. 6

...gout?projector=1&messagePartId=0.4

Mr. Robert Zacherl

President of Wells McComas Citizens Improvement Association

410-591-3233

Re: Variance to allow New Building

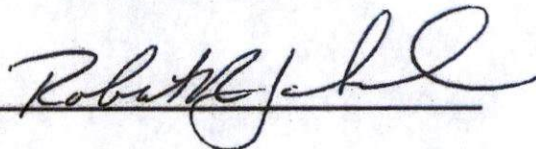
To Whom it May Concern:

My name is Robert Zacherl and I am the President of Wells McComas Citizens Improvement Association. Mr. Cochran's property is within the boundaries of our community. I have lived at 8230 Rosebank Avenue for 42 years. I am aware of the request that Mr. Cochran is making for his property at 4000 Old North Point Rd. I have seen a copy of the plan that he is submitting to Baltimore County for approval. I also will be signing for the Wells McComas Citizens Improvement Association.

I/we have no objection to his request to build a new building on his property and fully support him. Mr. Cochran has been a welcome addition to this property and the neighborhood. He operates a family run business.

The property has been a blight on our community in the past. It was formerly a strip club bar known as Dreamers. We were happy to see that former use leave our neighborhood and are lucky that Mr. Cochran has brought his family onto this property. I support his request and his business.

Sincerely:



Date:

10/1/19

Robert R. Zacherl

Print Name

PETITIONER'S

EXHIBIT NO.

7-A
8A

BOARD MEMBERS

Sincerely,

[illegible]

directly behind it

Mr. Jock McClees III

3970-3994 Old North Point Rd,

Baltimore, Md. 21224

443-994-6025

Re : Variance to allow New Building

To Whom it May Concern:

My name is Jock McClees and I own the property that surrounds 4000 Old North Point Rd which is subject of this zoning request. I have operated my business for 40+ years. I am aware of the request that Mr. Cochran is making for his property at 4000 Old North Point Rd. I have seen a copy of the plan that he is submitting to Baltimore County for approval.

I have no objection to his request to build a new building on his property and fully support him. Mr. Cochran has been a welcome addition to this property and our neighborhood. He operates a family run business.

This property has been a blight on our community in the past. It was formerly a strip club bar known as Dreamers. We were happy to see that former use leave our neighborhood and are lucky that Mr. Cochran has brought his family onto this property. I support his request and his business

Sincerely,

J. S. McClees

J. S. MCCLEES

Print Name

9/30/19

DATE

Jimmy Meyers

3842 North Point Blvd.

Dundalk, Md. 21222

410-477-2900

Re: Variance to allow New Building

To Whom it May Concern:

My name is Jimmy Meyers and I operate my business a few blocks away from the property which is the subject of this zoning request. I have operated my business at this location for 55 years. I am aware of the request that Mr. Cochran is making for his property at 4000 Old North Point Rd. I have seen a copy of the plan that he is submitting to Baltimore County for approval.

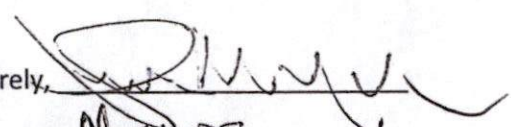
I have no objection to his request to build a new building on his property and fully support him. Mr. Cochran has been a welcome addition to this property and our neighborhood. He operates a family run business

This property had been a blight on our community in the past. It was formerly a strip bar know as Dreamers. We were happy to see that former use leave our neighborhood and are lucky that Mr. Cochran has brought his family onto this property. I support his request and his business.

9/30/19

DATE

Sincerely,


Jimmy Meyers

PRINT

Anthony Warble
8108 Eleanor Terrace
Dundalk, Md. 21222
410-746-5931

Re: Variance to allow New Building

To Whom it May Concern:

My name is Anthony Warble and I live directly down from the property which is subject of this zoning request. I have lived here quite sometime now. I am aware of the request that Mr. Cochran is making for his property at 4000 Old North Point Rd. I have seen a copy of the plan that he is submitting to Baltimore Count for approval.

I have no objection to his request to build a new building on his property and fully support him. Mr. Cochran has been a welcome addition to this property and our neighborhood. He operates a family run business.

This property has been a blight on our community in the past. It was formerly a strip bar known as Dreamers. We were happy to see that former use leave our neighborhood and are lucky that Mr. Cochran has brought his family onto this property. I support his request and his business.

In addition to my support I will be asking surrounding neighbors to sign to show their support.

Sincerely, Anthony Warble
Print: Anthony Warble

Date: 9.30.2019

Surrounding Neighbors in support of approval for New Building:

Date: <u>9/30/19</u>	Address: <u>3110 Eleanor Terr</u>	Sign: <u>Ray Warden</u>	Prnt: <u>Ray Warden</u>
Date: <u>9-30-19</u>	Address: <u>8106 ELEANOR TERR</u>	Sign: <u>Dee Hicks</u>	Prnt: <u>Dee Hicks</u>
Date: <u>9/30/19</u>	Address: <u>8104 Eleanor Terr.</u>	Sign: <u>Amy D. Lewis</u>	Prnt: <u>Amy D. Lewis</u>
Date: <u>9/30/19</u>	Address: <u>3950 North Point Rd</u>	Sign: <u>Joe Bruce</u>	Prnt: <u>Joe Bruce</u>
Date: <u>9/30/19</u>	Address: <u>3948 N. Point Rd</u>	Sign: <u>Sandy Tyree</u>	Prnt: <u>SANDY TYREE</u>
Date: <u>30 Sep 2019</u>	Address: <u>8108 Eleanor Terrace</u>	Sign: <u>Carol Swarth</u>	Prnt: <u>Carol Swarth</u>
Date: <u>9/30/19</u>	Address: <u>8109 ELEANOR</u>	Sign: <u>Joe Enchinski</u>	Prnt: <u>Joe Enchinski</u>
Date: <u>9/30/19</u>	Address: <u>8105 Eleanor Terr</u>	Sign: <u>Maggie Hillenburg</u>	Prnt: <u>Maggie Hillenburg</u>

Jay Luckert

4006 Old North Point Rd

Dundalk, Md. 21222

443 324 7575

Re: Variance to allow New Building

To Whom it May Concern

My Name is Jay Luckert and I operate my business directly next to the property which is the subject of this zoning request. I have operated my business at this location for several years. I am aware of the request that Mr. Cochran is making for his property at 4000 Old North Point Rd. I have seen a copy of the plan that he is submitting to Baltimore County for approval.

I have no objection to his request to build a new building on his property and fully support him. Mr. Cochran has been a welcome addition to this property and our neighborhood. He operates a family run business.

This property has been a blight on our community in the past. It was formerly a strip bar known as Dreamers. We were happy to see that former use leave our neighborhood and are lucky that Mr. Cochran has brought his family onto this property. I support his request and his business.

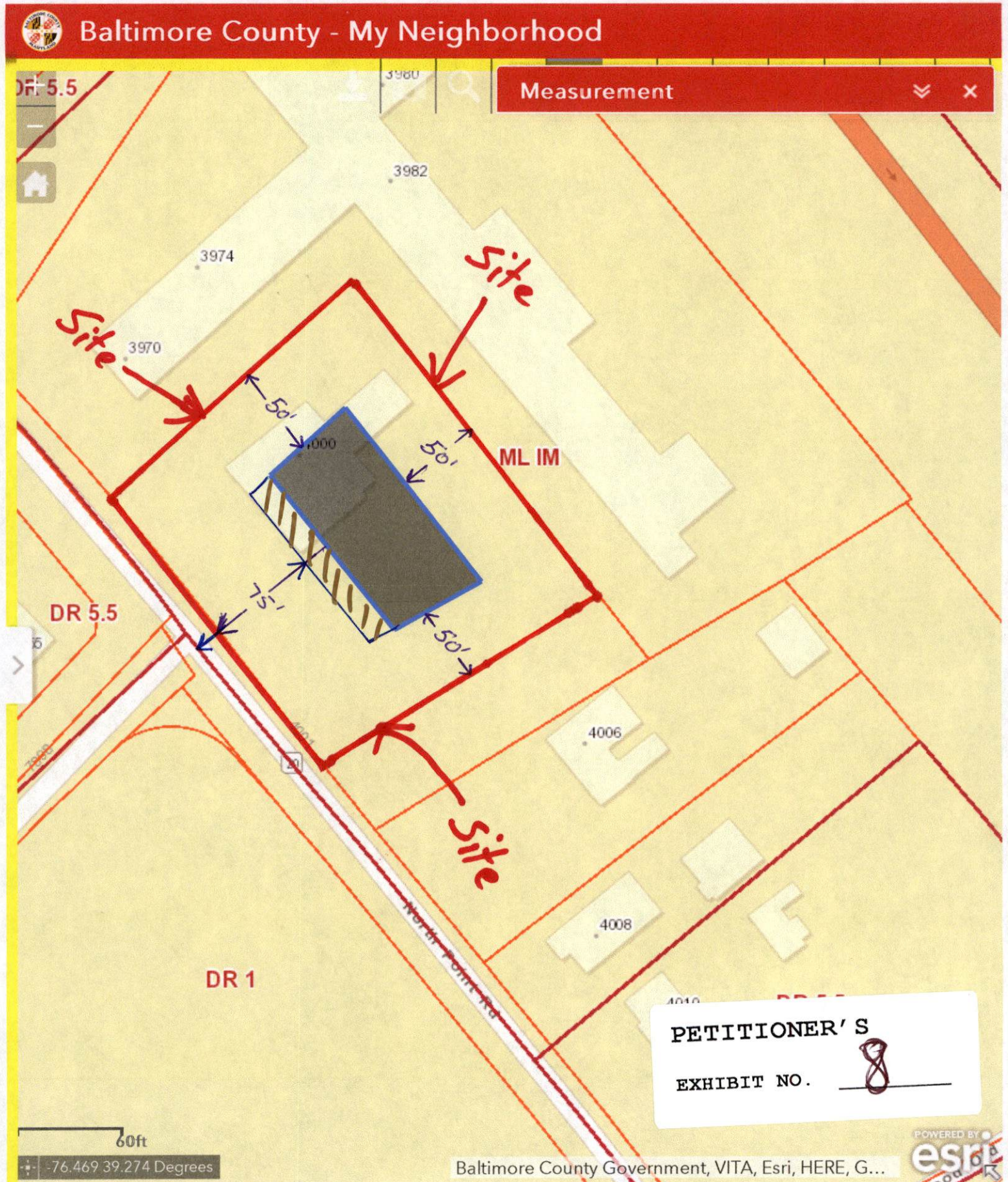
10-1-19

Date

Sincerely,

John Jay Luckert

Print



ATTACHMENT TO VARIANCE PETITION

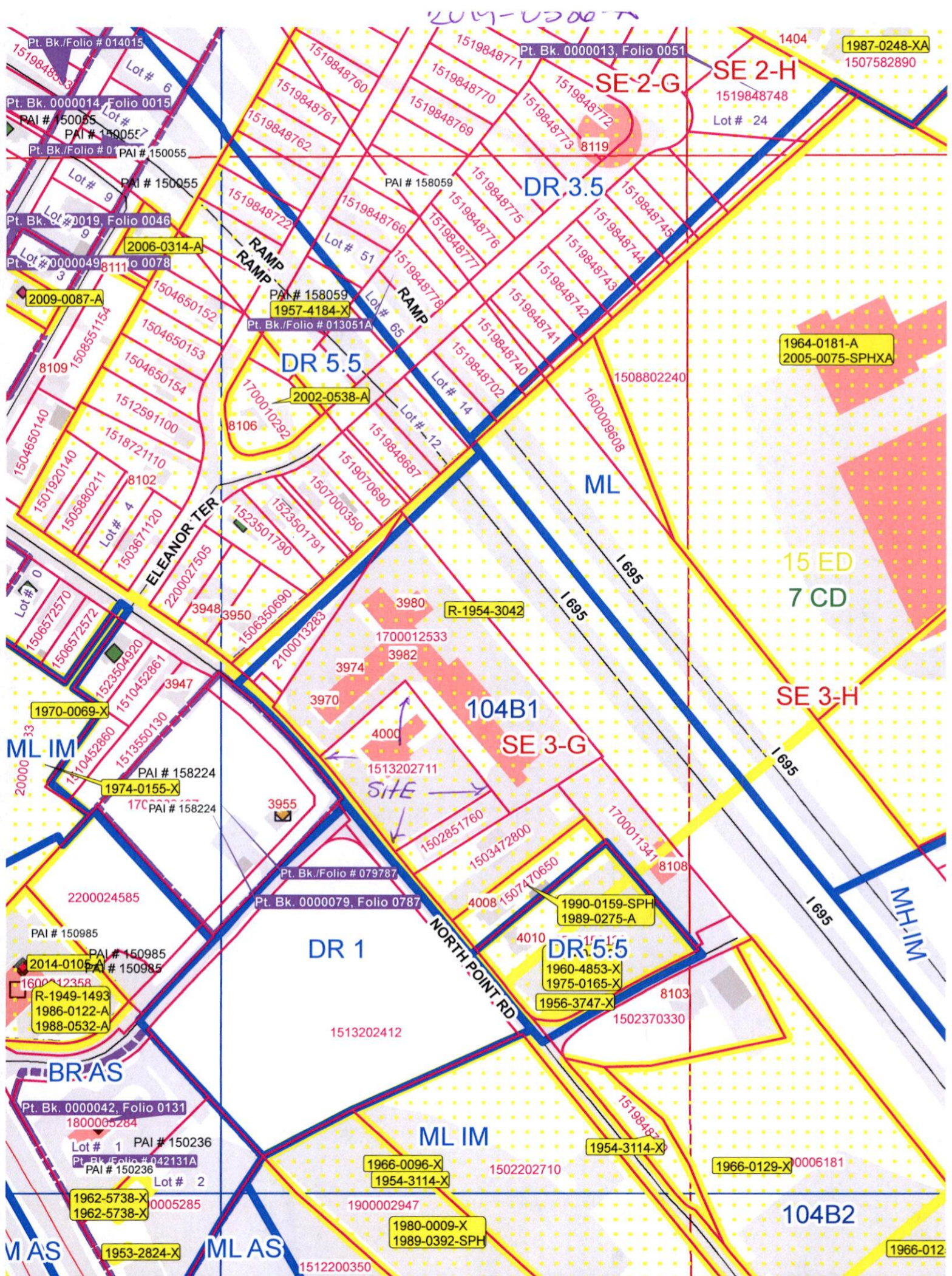
The Petitioner, requests the following zoning relief:

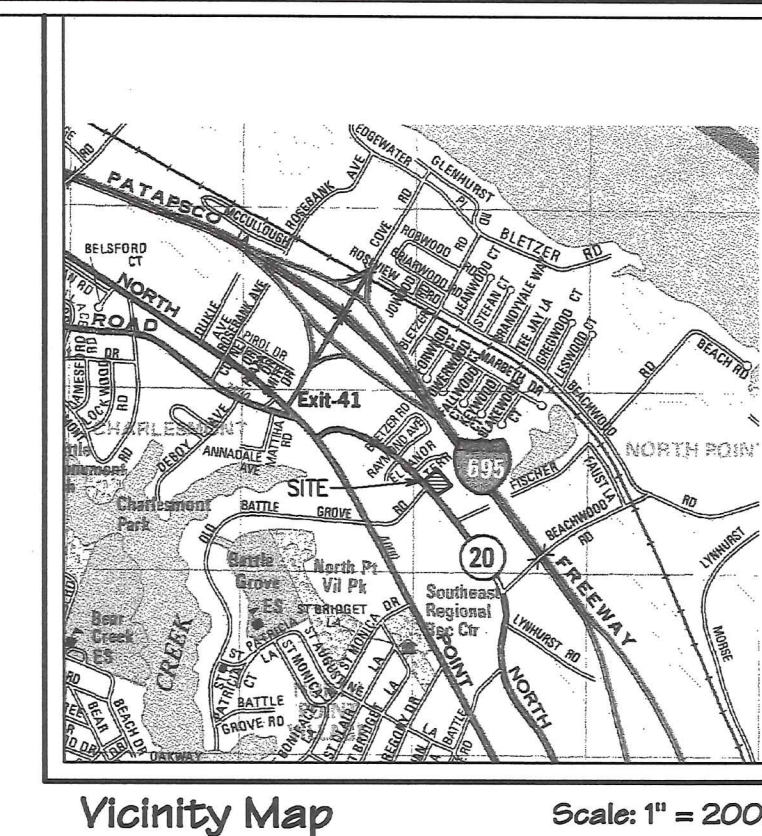
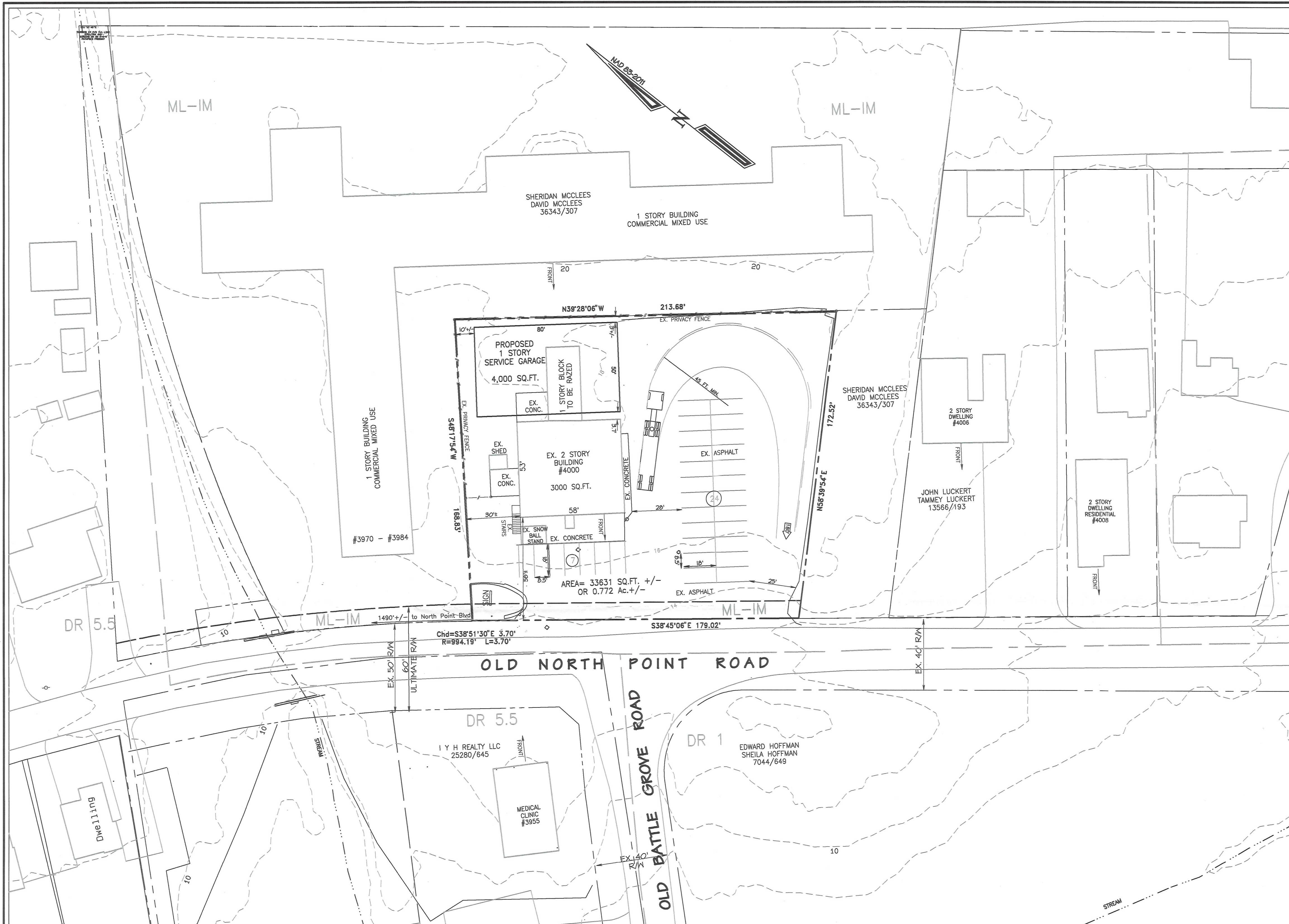
VARIANCE RELIEF from section 243.2 & 243.3, of the BCZR to allow a new, one story garage building to be constructed 3 feet from a rear property line and 10 feet from the side property line, in lieu of the required 50 feet.

AND For such other and further relief as the nature of this cause may require.

PETITIONER' S

EXHIBIT NO. 9





Notes

- Owner: Jeff Cochran
Cochran Properties LLC
1007 Chesaco Avenue
Baltimore MD. 21237
- Zoned: ML-IM
- This site is not in the Chesapeake Bay Critical Area.
- This site is not in the 100 year flood plain.
- There are no underground fuel tanks.
- This is not a historic property/building.
- This site is serviced by public sewer and water.
- Prior Zoning Hearings:
R-1954-3042, Petition to reclassify the property to residential. Denied

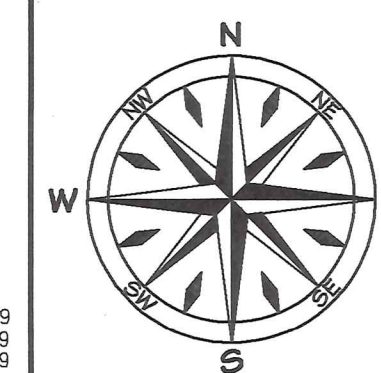
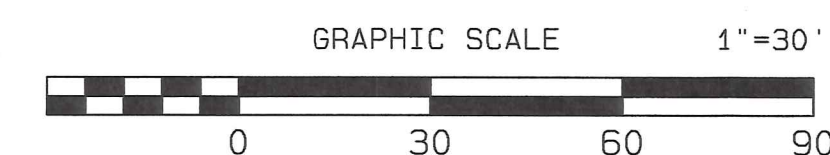
PARKING REQUIREMENTS

3.3 PER 1000 SQ.FT. = 3000 X 3.3= 10 SPACES REQUIRED
31 SPACES PROVIDED

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED
BY ME, OR UNDER MY DIRECT SUPERVISION AND IS IN ACCORDANCE WITH
THE "MINIMUM STANDARDS OF PRACTICE FOR PROFESSIONAL LAND
SURVEYORS" AS ADOPTED BY THE STATE OF MARYLAND.

BRIAN R. DIETZ
PROFESSIONAL LAND SURVEYOR NO. 21080
LICENSE EXPIRES 2-12-2021



Dietz Surveying Co.
Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.net

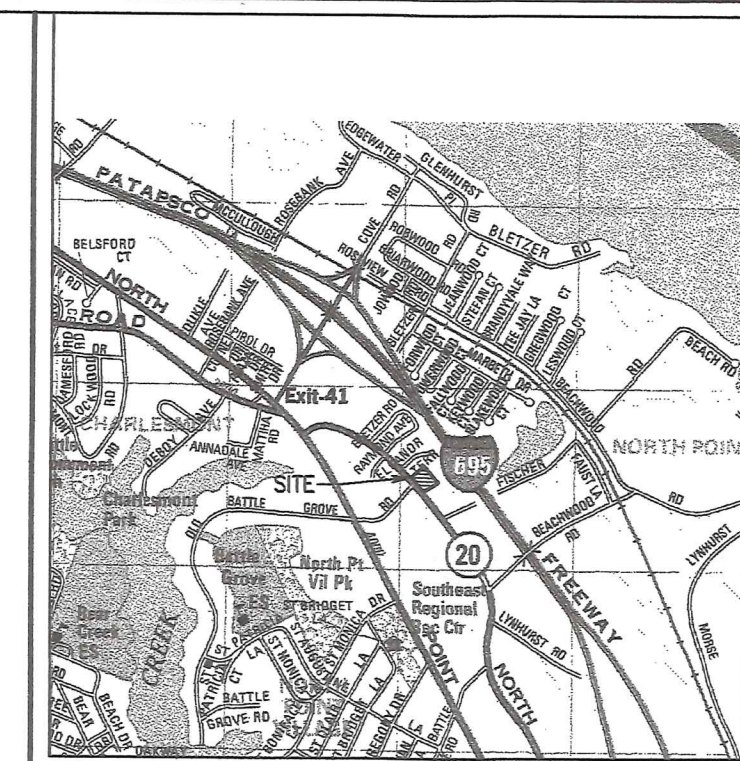
Plat to Accompany
a Petition for a
Variance
of the
Cochran Properties Inc.
4000 Old North Point Road
Baltimore County, Maryland
Tax Map 104, Grid 9, Parcel 189
15th Election District, 7th Councilmanic District
Scale: 1"=30' Date: February 20, 2019

PETITIONER'S
EXHIBIT NO. 1

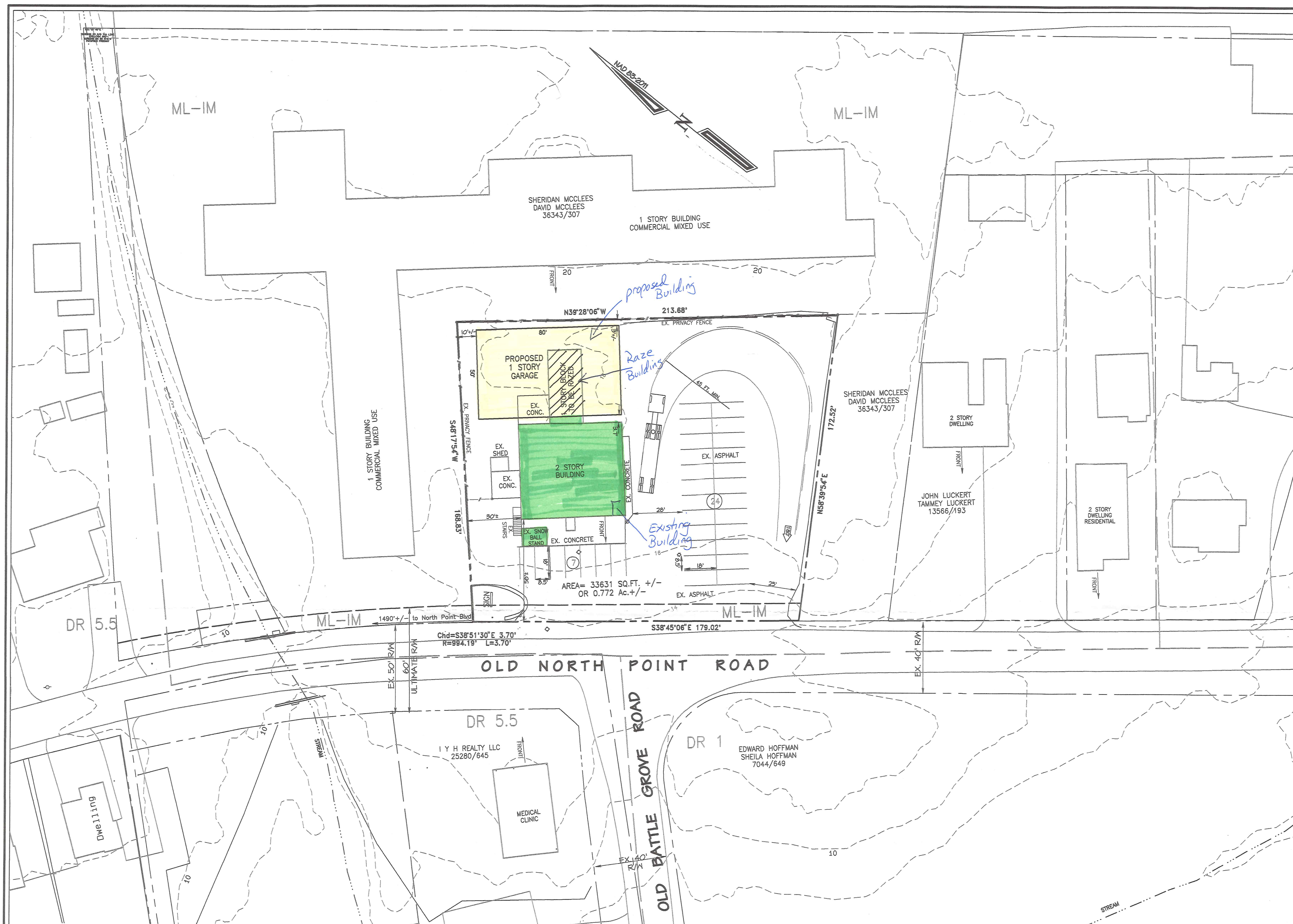
ADD PARKING REQUIREMENTS
REVISE REQUESTED VARIANCE
REVISE BUILDING LOCATION
REVISE BUILDING SIZE

10-03-19
6-20-19
4-10-19
4-9-19

File Name: J:\Old North Point Rd 4000\old north point rd 4000.pro
Plot Date: 10/4/2019 FIELD: BRD DRAWN: BRD Job No. 19032



Vicinity Map Scale: 1" = 2000'



Notes

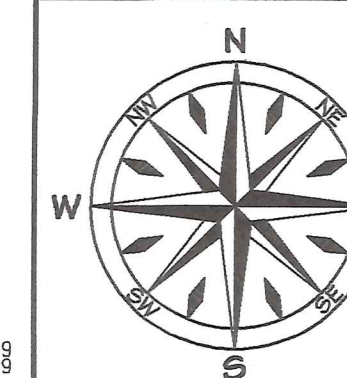
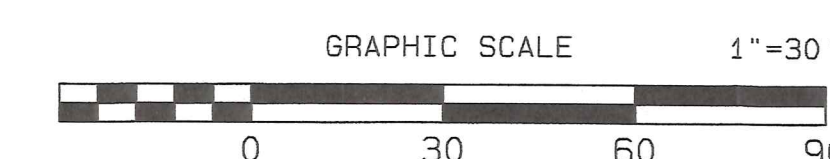
1. Owner: Jeff Cochran
Cochran Properties LLC
1007 Chesaco Avenue
Baltimore MD. 21237
2. Zoned: ML-IM
3. This site is not in the Chesapeake Bay Critical Area.
4. This site is not in the 100 year flood plain.
5. There are no underground fuel tanks.
6. This is not a historic property/building.
7. This site is serviced by public sewer and water.
8. Prior Zoning Hearings:
R-1954-3042, Petition to reclassify the property to residential. Denied

PETITIONER'S
EXHIBIT NO. 2

Plat to Accompany
a Petition for a
Variance
of the

Cochran Properties Inc.

4000 Old North Point Road
Baltimore County, Maryland
Tax Map 104, Grid 9, Parcel 189
15th Election District, 7th Councilmanic District
Scale: 1"=30' Date: February 20, 2019



Dietz Surveying Co.

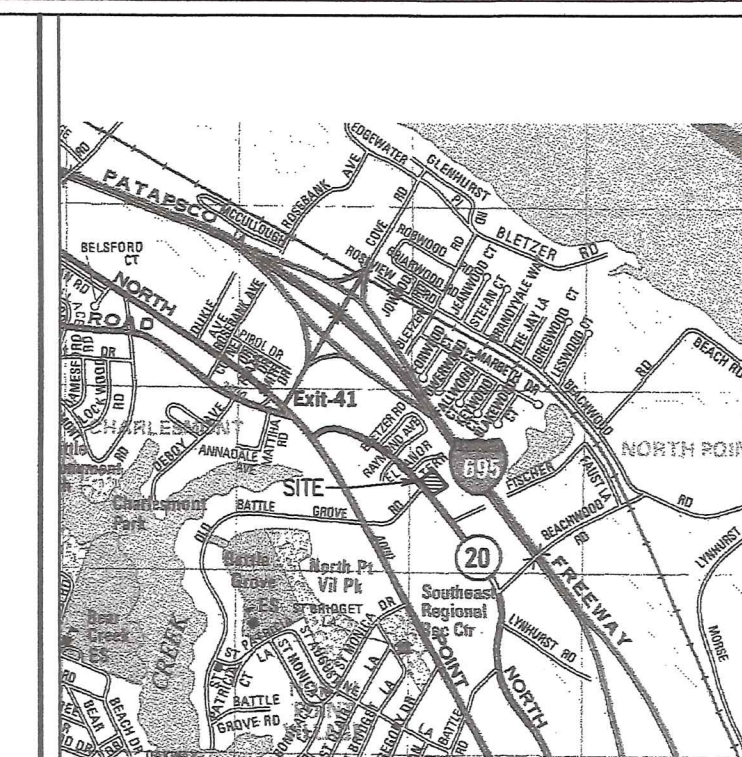
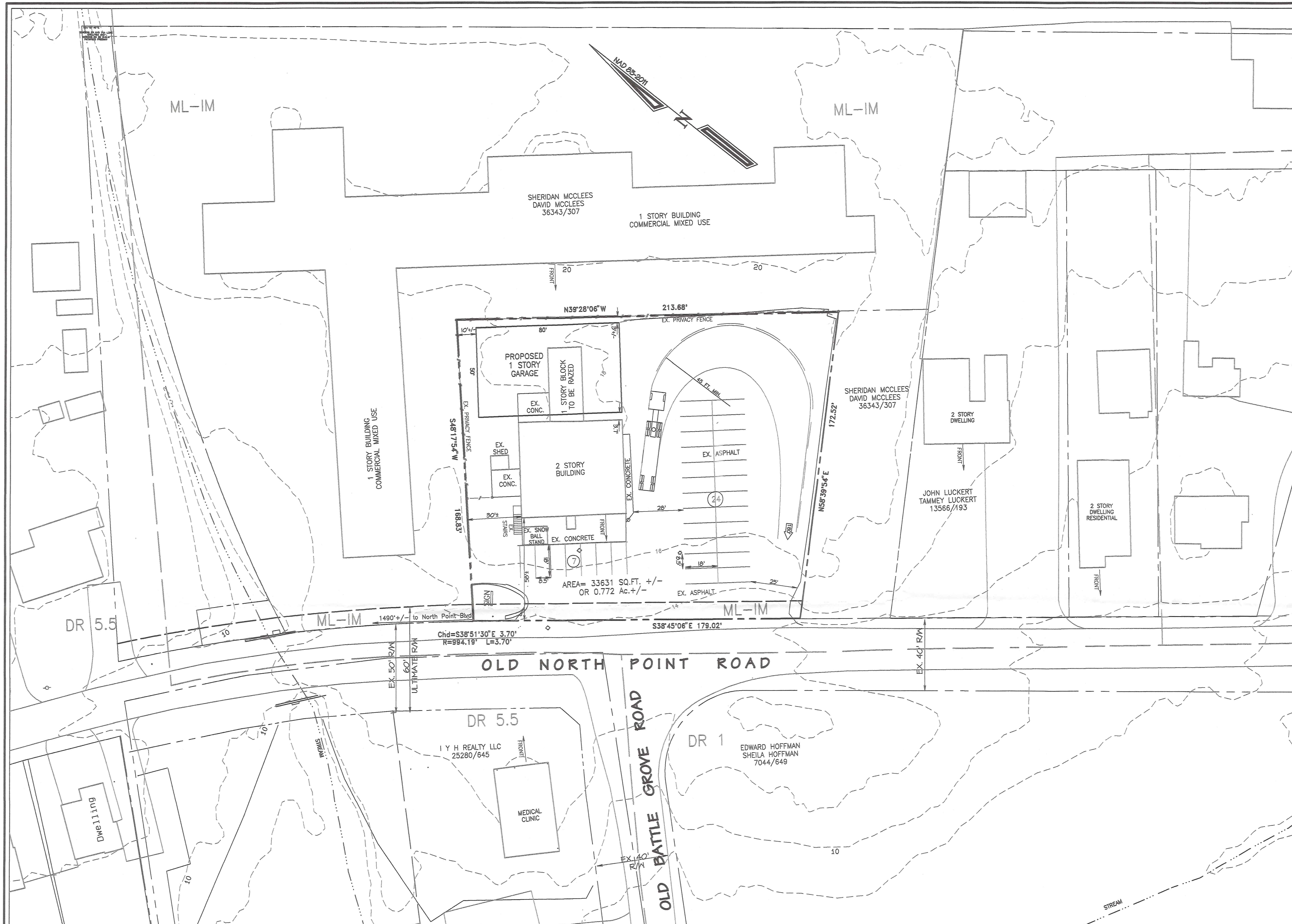
Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsveying.net

File Name: J:\Old North Point Rd 4000\old north point rd 4000.pro

REVISIONS
REQUESTED VARIANCE
REVISE BUILDING LOCATION
REVISE BUILDING SIZE

6-20-19
4-9-19

Date Plot Date: 6/20/2019 FIELD: BRD DRAWN: BRD Job No. 19032



Vicinity Map Scale: 1" = 2000'

Notes

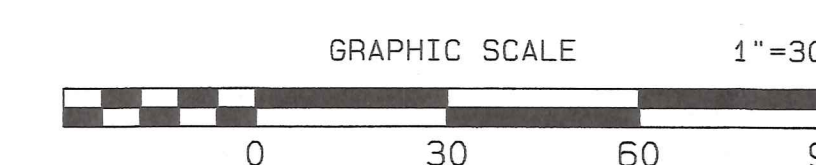
- Owner: Jeff Cochran
Cochran Properties LLC
1007 Chesaco Avenue
Baltimore MD. 21237
- Zoned: ML-IM
- This site is not in the Chesapeake Bay Critical Area.
- This site is not in the 100 year flood plain.
- There are no underground fuel tanks.
- This is not a historic property/building.
- This site is serviced by public sewer and water.
- Prior Zoning Hearings.
R-1954-3042, Petition to reclassify the property to residential. Denied

Plat to Accompany
a Petition for a
Variance
of the

Cochran Properties Inc.

4000 Old North Point Road
Baltimore County, Maryland

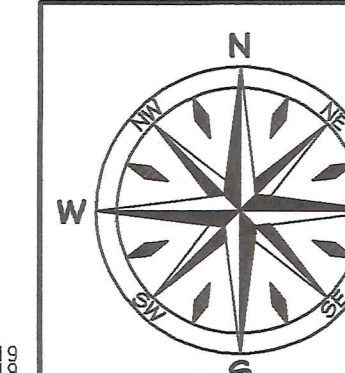
Tax Map 104, Grid 9, Parcel 189
15th Election District, 7th Councilmanic District
Scale: 1"=30' Date: February 20, 2019



REVISE REQUESTED VARIANCE
REVISE BUILDING LOCATION
REVISE BUILDING SIZE

6-20-19
4-10-19
4-9-19

Date Plot Date: 6/20/2019 FIELD: BRD DRAWN: BRD Job No. 19032



Dietz Surveying Co.

Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.net

File Name: J:\Old North Point Rd 4000\old north point rd 4000.pro

2019-0386-A