

M E M O R A N D U M

DATE: November 8, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0395-XA - Appeal Period Expired

The appeal period for the above-referenced case expired on November 7, 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: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(1202 Middle River Road)**

15th Election District

6th Council District

SS & AA Singh, LLC

Legal Owner

Petitioner

*

BEFORE THE

*

OFFICE OF

*

ADMINISTRATIVE HEARINGS

*

FOR BALTIMORE COUNTY

*

Case No. 2019-0395-XA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 1202 Middle River Road. The Petitions were filed on behalf of SS & AA Singh, LLC, legal owner of the subject property ("Petitioner"). The Special Exception petition seeks approval to permit a service garage in a BL and MLR zone, pursuant to Baltimore County Zoning Regulations ("BCZR") Section 230.3. The Petition for Variance seeks: (1) to permit a side yard setback of 13 feet in lieu of the required 30 feet; and (2) to permit a rear yard setback of 27 feet in lieu of the required 40 feet. A site plan was marked as Petitioner's Exhibit 1.

Appearing in support of the petitions were David and Sharon Singh, the property owners. Timothy M. Kotroco, Esq. represented the Petitioner. Landscape Architect Matt Bishop of the firm Colbert Matz Rosenfelt was accepted as an expert and attested that he had prepared the Site Plan (Exhibit 1), as well as a red-lined plan that was submitted as Exhibit 2. There were no protestants or interested citizens in attendance. 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, subject to their comments.

ORDER RECEIVED FOR FILING

Date 10/8/19

By Sen

The subject property is approximately 33,541 square feet in size and split- zoned BL, ML & MLR. Mr. Kotroco offered aerial photos from the County's My Neighborhood site which showed the commercial nature of the surrounding area (Exhibit 3); and which showed the old, abandoned residence on the property (Exhibit 4), which will be razed according to the Site Plans. Mr. Kotroco explained that the proposed conversion of this property from an abandoned residence to a viable commercial property is a positive development for the County. The petitioners have operated a body shop on Belair Road for a number of years but they have been renting that property and they have recently purchased the subject property in order to keep and grow their business in Baltimore County. As shown in Exhibit 3, this proposed special exception use is entirely in keeping with the surrounding commercial uses.

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.

In the instant case Mr. Kotroco proffered that if asked to testify Mr. Bishop would explain that all the factors in BCZR 502.1 were met by the proposed site plan and that this project will have no greater adverse impact than that inherently associated with this special exception use if it were located anywhere else in these zones.

ORDER RECEIVED FOR FILING

Date 10/8/19

By sen

Based on the testimony and evidence I am satisfied that the legal requirements for a special exception have been proven in this case. Indeed I find that this proposed Plan is an ideal use of the property and will positively impact the public health and welfare, especially as compared with the abandoned residence that currently exists. The special exception will therefore be granted.

VARIANCES

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 the variance relief is denied the Petitioner will experience a practical difficulty or hardship.

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

In this case there are several unique aspects of the property. First, it is an irregularly shaped lot which impacts the siting of the proposed structure. Second, there is a substantial slope from the front to the rear of the property which impacts siting, primarily as it relates to parking. Finally, there are wetlands on the adjoining property to the rear which create the need for buffering and stormwater management, as depicted in the red-lined plan (Exhibit 2). As such the property is unique within the meaning of the law.

Regarding the second prong of the analysis, I also find that the Petitioner would experience practical difficulty and hardship if the variances were not granted. As discussed above, the dimensions and topography of the site require that the proposed structure and parking be located as depicted on the Site Plans. If the BCZR setbacks were strictly interpreted Petitioner would suffer a practical difficulty since it would make the site plan untenable and they would be unable to operate the proposed service garage on property they have already purchased for this use. I find that the engineer sited the building so as to conform with the BCZR to the extent possible. Finally,

ORDER RECEIVED FOR FILING

I find that the variances can be granted in harmony with the spirit and intent of the BCZR, and without injuring the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

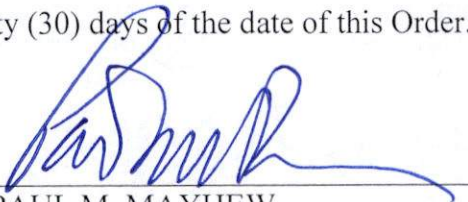
THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 8th day of **October, 2019**, that the Petition for Special Exception to permit a service garage in a BL and MLR zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a side yard setback of 13 feet in lieu of the required 30 feet; and (2) to permit a rear yard setback of 27 feet in lieu of the required 40 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of 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.


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/sln

ORDER RECEIVED FOR FILING

Date 10/8/19

By sen



P E T I T I O N F O R Z O N I N G H E A R I N G (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 1202 Middle River Road which is presently zoned BL, ML, MLR
Deed References: 41213/383 10 Digit Tax Account # 1507001200
Property Owner(s) Printed Name(s) SS & AA Singh LLC

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

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

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

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

Zip Code

BY

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

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):

David Singh
Name #1 - Type or Print

Signature #1

4234 B Silver Spring Rd., Perry Hall, MD
Mailing Address City State

21128 410-808-9931 singhsantobody@gmail.com
Zip Code Telephone # Email Address

Sharon Singh
Name #2 - Type or Print

Signature #2

Representative to be contacted:

Richard E. Matz
Name - Type or Print

Signature

2835 Smith Ave, Ste. G, Baltimore, MD
Mailing Address City State

21209 410-653-3838 dmatz@cmrengineers.com
Zip Code Telephone # Email Address

CASE NUMBER 2019-0395-XA Filing Date 7/11/19

Do Not Schedule Dates: _____ Reviewer JF

Attachment A

Requested Variance Relief

1. Variance from BCZR Section 250.2 to permit a side yard setback of 13 feet in lieu of the required 30 feet.
2. Variance from BCZR Section 250.3 to permit a rear yard setback of 27 feet in lieu of the required 40 feet.

Special Exception Relief

1. Pursuant to BCZR Section 230.3 to permit a Service Garage in a BL and MLR Zone.



**ZONING PROPERTY DESCRIPTION FOR
1202 Middle River Road
Baltimore, Maryland 21220**

Beginning at a point in the center of Middle River Road, which is 50 feet wide, at a distance of 560' +/- East from the center of Philadelphia Road (MD Route 7, variable width), and thence running with the centerline of Middle River Road, the following two courses;

1. South 53 degrees 34 minutes 34 seconds East 51.45 feet, and
2. South 62 degrees 53 minutes 34 seconds East 78.69 feet, thence leaving Middle River Road,
3. South 17 degrees 50 minutes 26 seconds West 108.50 feet,
4. South 55 degrees 55 minutes 20 seconds West 142.52 feet,
5. North 53 degrees 50 minutes 27 seconds West 120.80 feet, and thence,
6. North 37 degrees 37 minutes 03 seconds East 225.06 feet to the place of beginning.

Containing 33,258 square feet or 0.763 of an acre of land more or less.

Being the same parcel of land, which by a deed dated November 13, 2018 and recorded among the land records of Baltimore County, Maryland in deed Liber J.L.E. 41213, folio 383, was conveyed by Timothy Walter to Jeffry Walter.

Located in the 15th Election District and 6th Councilmanic District. Known as 1202 Middle River Road.



7-8-19

**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: 2019-0395-XA

Property Address: 1202 Middle River Rd

Property Description: _____

Legal Owners (Petitioners): SS & AA Singh LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kevin Kurbel

Company/Firm (if applicable): Colbert Matz Rosentfelt

Address: 2835 Smith Ave, Ste. G
Baltimore, MD 21209

Telephone Number: 410-653-3838

Revised 7/9/2015

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

No. **187054**

PAID RECEIPT

Date: **7/10/19**

BUSINESS ACTUAL TIME DRW
 7/11/2019 7/10/2019 10:19:49 5

REG WSD5 WALKIN LRB
 >>RECEIPT # 016126 7/10/2019 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount	Dept	5	528 ZONING VERIFICATION
001	806	0000		6150					1,000.00	CR 187054		
										Receipt Tot \$		1,000.00
										1,000.00 CK		.00 CA
										Baltimore County, Maryland		

Total: **1,000.00**

Rec

From: **SINGH'S AUTO BODY INC.**

For:

1202 Middle River Rd.

Variance & Special Exception

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/17/2019

Case Number: 2019-0395-XA

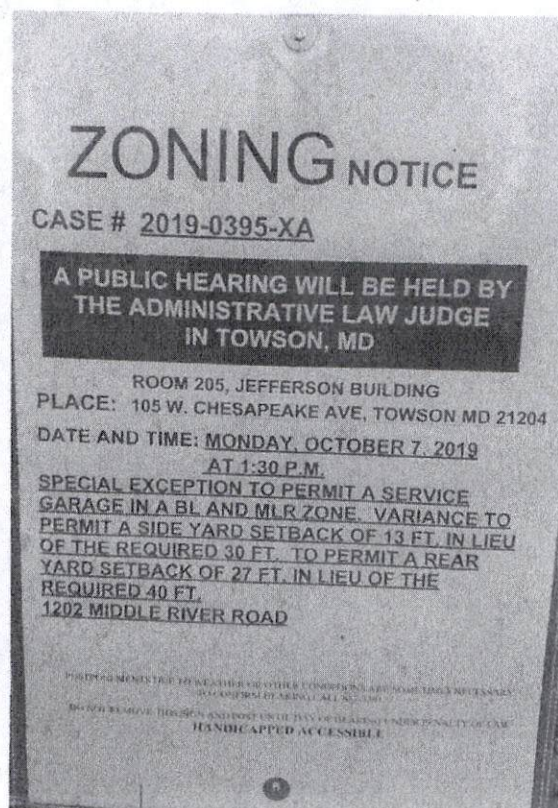
Petitioner / Developer: TIMOTHY KOTROCO, ESQ. ~

MR. & MRS. SINGH ~ RICHARD MATZ

Date of Hearing: OCTOBER 7, 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:
1202 MIDDLE RIVER ROAD

The sign(s) were posted on: SEPTEMBER 17, 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)

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:

9/17/2019

Order #: 11789736
Case #: 2019-0395-XA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0395-XA



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: 2019-0395-XA

1202 Middle River Road

S/s Middle River Road at a distance of 560 ft. from east from centerline of Philadelphia Road

15th Election District - 6th Councilmanic District

Legal Owners: David & Sharon Singh

Special Exception to permit a service garage in a BL and MLR zone. Variance to permit a side yard setback of 13 ft. in lieu of the required 30 ft. To permit a rear yard setback of 27 ft. in lieu of the required 40 ft.

Hearing: Monday, October 7, 2019 at 1:30 p.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 ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-837-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-837-3391.

s17

PM 10-7-19
1:30 PM

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Friday, October 4, 2019 11:37 PM
To: Administrative Hearings
Subject: Middle River Road Cert Case # 2019-0395-XA
Attachments: Middle River Rd Cert.jpeg; photos Middle River 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 Sherry,

I have a Cert for you of Case # 2019-0395-XA @1202 Middle River Road.

Have a nice 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: 10/4/2019

Case Number: 2019-0395-XA

Petitioner / Developer: TIMOTHY KOTROCO, ESQ.~

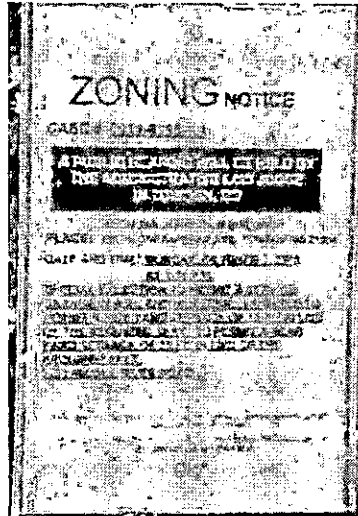
MR. & MRS. SINGH ~ RICHARD MATZ

Date of Hearing: OCTOBER 7, 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:
1202 MIDDLE RIVER ROAD

The sign(s) were posted on: SEPTEMBER 17, 2019

The sign(s) were re-photographed on: OCTOBER 4, 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 @1202 Middle River Road ~ 10/4/2019

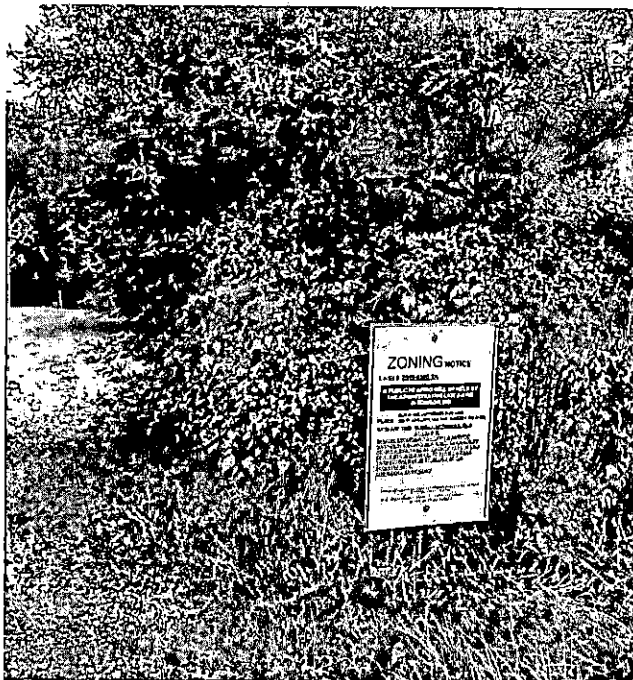


Re-photographed 2nd Sign @ 1202 Middle River Road ~ 10/4/2019

CASE # 2019-0395-XA



Background Photo 1st Sign Posted @ 1202 Middle River Road ~ 9/17/19



Background Photo 2nd Sign Posted @ 1202 Middle River Road ~ 9/17/19
CASE # 2019-0395-XA

RE: PETITION FOR SPECIAL EXCEPTION
AND VARIANCE
1202 Middle River Road; S/S of Middle
River Road, 560' E of Philadelphia Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): SS & AA Singh, LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-395-XA

* * * * *

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 18 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 18th day of July, 2019, a copy of the foregoing Entry of Appearance was mailed to Richard Matz, 2835 Smith Avenue, Suite G, Baltimore, Maryland 21209 and 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



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:

CASE NUMBER: 2019-0395-XA

1202 Middle River Road

S/s Middle River Road at a distance of 560 ft. from east from centerline of Philadelphia Road
15th Election District – 6th Councilmanic District

Legal Owners: David & Sharon Singh

Special Exception to permit a service garage in a BL and MLR zone. Variance to permit a side yard setback of 13 ft. in lieu of the required 30 ft. To permit a rear yard setback of 27 ft. in lieu of the required 40 ft.

Hearing: Monday, October 7, 2019 at 1:30 p.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 Avenue, Ste. 502, Towson 21204
Mr. & Mrs. Singh, 4234 B Silver Spring Road, Perry Hall 21128
Richard Matz, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUES., SEPTEMBER 17, 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.

TO: THE DAILY RECORD
Tuesday, September 17, 2019 - Issue

Please forward billing to:

Kevin Kurbel
Colbert, Matz & Rosenfelt
2835 Smith Avenue, Ste. G
Baltimore, MD 21209

410-653-3838

NOTICE OF ZONING HEARING

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CASE NUMBER: 2019-0395-XA

1202 Middle River Road

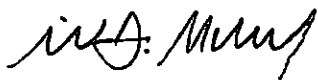
S/s Middle River Road at a distance of 560 ft. from east from centerline of Philadelphia Road

15th Election District – 6th Councilmanic District

Legal Owners: David & Sharon Singh

Special Exception to permit a service garage in a BL and MLR zone. Variance to permit a side yard setback of 13 ft. in lieu of the required 30 ft. To permit a rear yard setback of 27 ft. in lieu of the required 40 ft.

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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

October 02, 2019

Richard E. Matz
2835 Smith Ave Suite G
Baltimore MD 21209

RE: Case Number: 2019-0395-XA, 1202 Middle River 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 11, 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.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Timothy M. Kotroco 305 Washington Ave suite 502 Towson MD 21204
David Singh 4234 B Sliver Spring Road Perry Hall MD 21128

10-7-19
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: 19-395

DATE: 8/2/2019

INFORMATION:

Property Address: 1202 Middle River Road
Petitioner: David Singh, Sharon Singh
Zoning: BL, ML, MLR
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for special exception to use the property for Service Garage and the petition for variance to permit a side yard setback of 13 feet and a rear yard setback of 27 feet in lieu of the required 30 feet and 40 feet respectively.

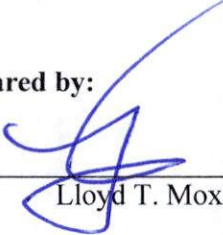
A site visit was conducted on July 19, 2019. Architectural elevations of the proposed service garage were submitted to the Department on July 30, 2019.

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

- The left side building elevation shall incorporate additional architectural detailing so as not to present such a vacant façade to Middle River Road right of way. This may take the form of banding, color variations and or windows.
- Through the hearing process the plan shall be amended to remove the front orientation indicated towards Middle River Road and to show a dumpster location with landscape screening to the satisfaction of the Baltimore County Landscape Architect.

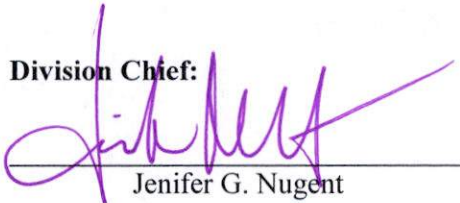
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Krystle Patchak
Richard E. Matz
Timothy M. Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

10-7-19

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

DATE: 8/2/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-395

INFORMATION:

Property Address: 1202 Middle River Road
Petitioner: David Singh, Sharon Singh
Zoning: BL, ML, MLR
Requested Action: Special Exception, Variance

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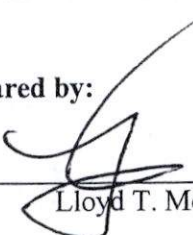
A site visit was conducted on July 19, 2019. Architectural elevations of the proposed service garage were submitted to the Department on July 30, 2019.

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

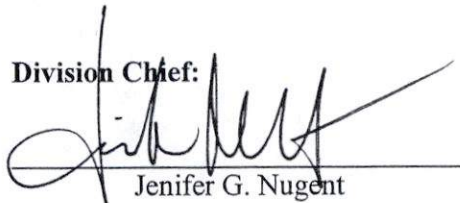
- The left side building elevation shall incorporate additional architectural detailing so as not to present such a vacant façade to Middle River Road right of way. This may take the form of banding, color variations and or windows.
- Through the hearing process the plan shall be amended to remove the front orientation indicated towards Middle River Road and to show a dumpster location with landscape screening 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
Richard E. Matz
Timothy M. Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 10/8/19
By sen

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mallinoff, Director
Department of Permits, Approvals

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

SUBJECT: Zoning Advisory Committee Meeting
For July 15, 2019
Item No. 2019-0395-XA

DATE: 08/21/ 2019

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

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

*

*

*

*

*

VKD: cen
cc: File

ORDER RECEIVED FOR FILING

Date

10/8/19

By

Sen

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 8/2/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-395

INFORMATION:

Property Address: 1202 Middle River Road
Petitioner: David Singh, Sharon Singh
Zoning: BL, ML, MLR
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for special exception to use the property for Service Garage and the petition for variance to permit a side yard setback of 13 feet and a rear yard setback of 27 feet in lieu of the required 30 feet and 40 feet respectively.

A site visit was conducted on July 19, 2019. Architectural elevations of the proposed service garage were submitted to the Department on July 30, 2019.

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

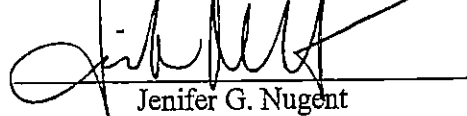
- The left side building elevation shall incorporate additional architectural detailing so as not to present such a vacant façade to Middle River Road right of way. This may take the form of banding, color variations and or windows.
- Through the hearing process the plan shall be amended to remove the front orientation indicated towards Middle River Road and to show a dumpster location with landscape screening 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
Richard E. Matz
Timothy M. Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mallinoff, Director
Department of Permits, Approvals

FROM: *MD*
Vishnu Desai, Supervisor
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VKD: cen
cc: File

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 7/17/19

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

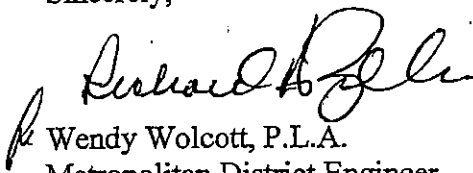
Dear Ms. Lewis:

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. 2019-0345-XA

*Variance, Special Exception
SS & AA Sligh, LLC
1202 Middle River 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

CASE NAME 1202 Middle River Road
CASE NUMBER 2019-0395-XA
DATE 10/7/19

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

[illegible]

CHECKLIST

ATTY: TIM KOTROCO

Comment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

8/21

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

Comment

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

FIRE DEPARTMENT

8/20

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

7/17

STATE HIGHWAY ADMINISTRATION

NO objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 9/17/19

THE Daily Record

SIGN POSTING (1st)

Date: 9/17/19

by O'Keefe

SIGN POSTING (2nd)

Date: 10/4/19

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 - 1507001200			
Owner Information					
Owner Name:	SS & AA SINGH LLC		Use:	COMMERCIAL/RESIDENTIAL	
Mailing Address:	UNIT B 3234 SILVER SPRING RD BALTIMORE MD 21236-2409		Principal Residence:	NO	
			Deed Reference:	/41713/ 00269	
Location & Structure Information					
Premises Address:	1202 MIDDLE RIVER RD BALTIMORE 21220-2409		Legal Description:	SWS MIDDLE RIVER RD .77 AC 545 E PHILADELPHIA RD	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0082	0021	0244	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
1952	1,930 SF				33,541 SF
County Use	06				
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
1 1/2	YES	STANDARD UNIT	BRICK/	3	2 full
Garage Last Notice of Major Improvements					
Value Information					
	Base Value		Value		Phase-in Assessments
			As of		As of
			01/01/2018		07/01/2019
					As of
					07/01/2020
Land:	322,000		322,000		
Improvements	158,300		158,300		
Total:	480,300		480,300		480,300
Preferential Land:	0				0
Transfer Information					
Seller: WALTER JEFFRY		Date: 08/05/2019		Price: \$300,000	
Type: ARMS LENGTH IMPROVED		Deed1: /41713/ 00269		Deed2:	
Seller: WALTER JEFFRY		Date: 03/13/2019		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /41213/ 00383		Deed2:	
Seller: WALTER JEFFRY		Date: 01/16/2019		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /41063/ 00060		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					

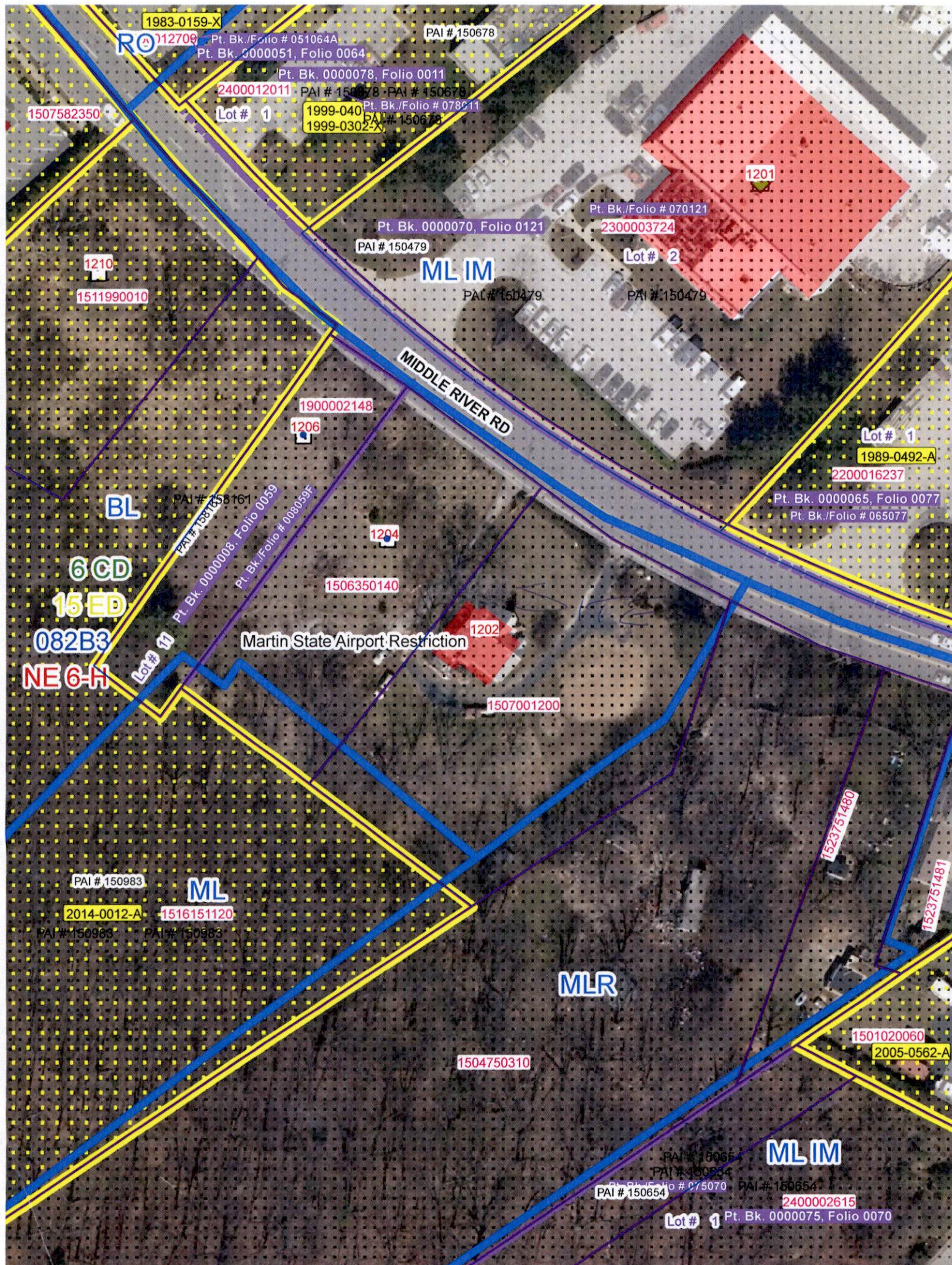
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:



Case No.: 2019-0395-XA 1202 Middle River Road

Exhibit Sheet

Petitioner/Developer

11-8-19

Protestants

Sen
10/8/19

No. 1	Plan	
No. 2	Red line plan	
No. 3	My Neighborhood Photo	
No. 4	My Neighborhood Photo	
No. 5	Street Level Scene Photos	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



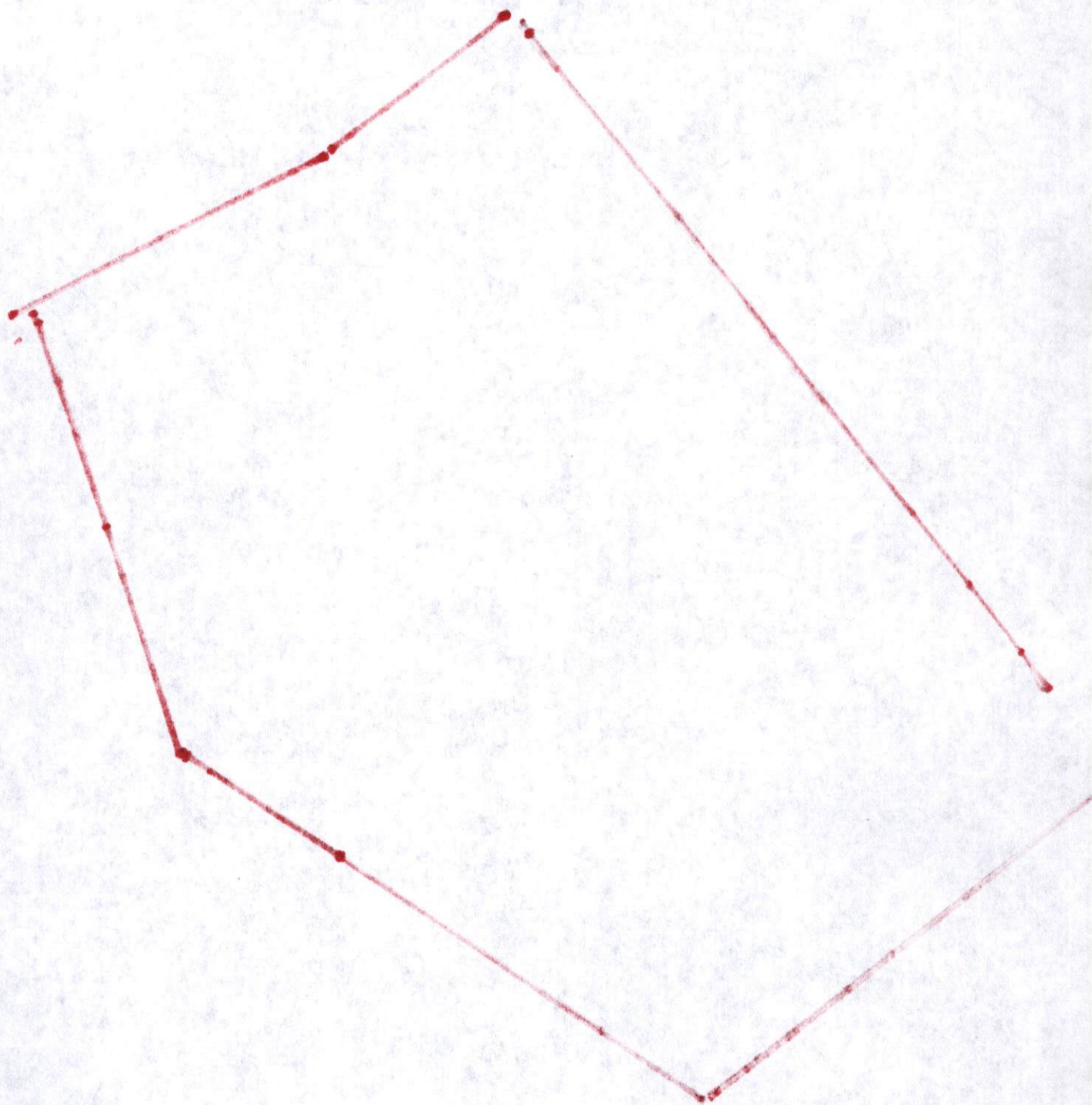
Baltimore County - My Neighborhood



PETITIONER' S
EXHIBIT NO. 3









PETITIONER' S

EXHIBIT NO.

5







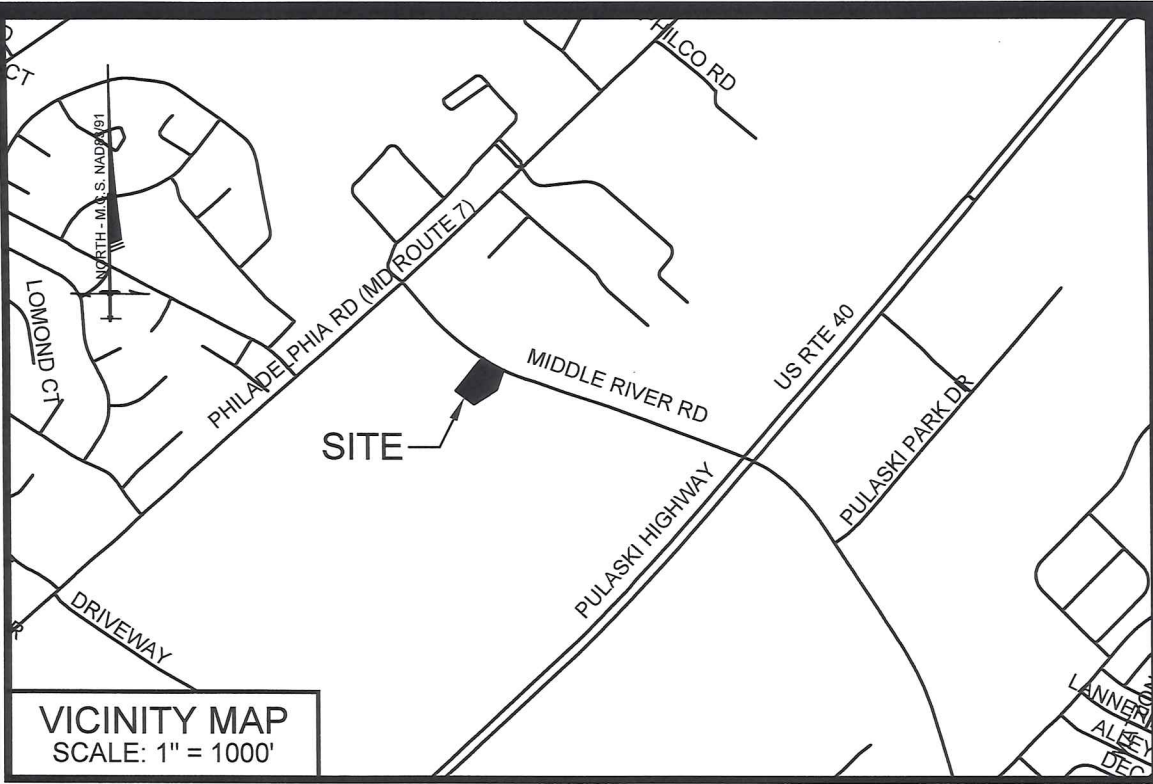




BENCHMARK/DATUM

COORDINATES AND NORTH SHOWN HEREON REFER TO THE NAD83(2011) HORIZONTAL DATUM.
ELEVATIONS SHOWN HEREON REFER TO THE NAVD88 VERTICAL DATUM.
BOTH OF WHICH ARE BASED ON THE FOLLOWING BALTIMORE COUNTY CONTROL STATIONS:

STATION	NORTHING	EASTING	ELEVATION
382	614,175.536	1460,546.087	130.31
826	615,399.656	1465,081.287	89.11

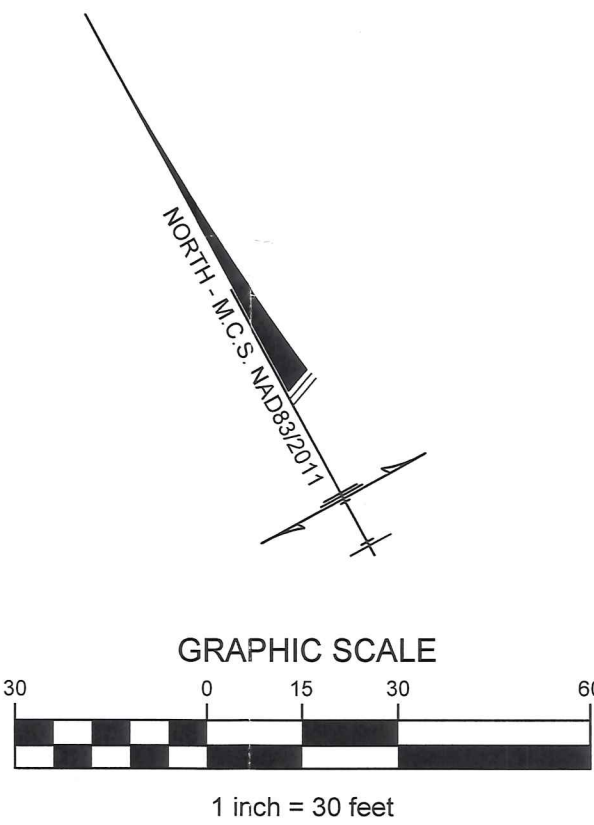


GENERAL NOTES:

- OWNERS:
DAVID AND SHARON SINGH

MAILING ADDRESS:
4234 B SILVER SPRING ROAD
PERRY HALL, MARYLAND 21128-9659
- SITE DATA:
TAX ACCOUNT NUMBER: 1507001200
DEED REFERENCE: (FORMERLY) LIBER 41213 FOLIO 383
TAX MAP: 082
GRID: 021
PARCEL: 244
CENSUS TRACT: 451200
WATERSHED: BIRD RIVER
GIS TILE (200 SCALE): 082B3
- SITE ZONING: E.L., M.L., M.L.R.
- EXISTING USE: RESIDENTIAL
PROPOSED USE: AUTO BODY/GARAGE (SPECIAL EXCEPTION REQUIRED)
- SETBACKS:

	REQUIRED	PROVIDED
B.L. ZONE:		
FRONT TO FRONT PL:	10'	10'
FRONT TO STREET CL:	40'	46.2±
INTERIOR SIDE:	NONE	8±
REAR:	NONE	110±
M.L. ZONE:		
FRONT TO FRONT PL:	25'	N/A
FRONT TO STREET CL:	50'	N/A
INTERIOR SIDE:	30'	N/A
REAR:	30'	N/A
M.L.R. ZONE:		
FRONT TO FRONT PL:	40'	N/A
FRONT TO STREET CL:	NONE	N/A
INTERIOR SIDE:	30'	13' (VARIANCE REQ.)
REAR:	40'	27' (VARIANCE REQ.)
- FLOOR AREA RATIO:
PERMITTED - 0.0 OR 88.113 SF
PROPOSED - 0.15 (5,211/29,371)
- MAXIMUM BUILDING HEIGHT:
PERMITTED - B.L. ZONE=40' H.T., M.L. ZONE=UNLIMITED, M.L.R. ZONE=60'
PROPOSED: 19'
- VEHICLE PARKING REQUIREMENT:
PROPOSED SERVICE GARAGE: 5,211 SQ. FT. @ 3.3/1,000 = 17.2 OR 18 SPACES
TOTAL PARKING PROVIDED: 25 SPACES INCLUDING ONE HANDICAP
- SITE AREA:
GROSS - 33,258 SF OR 0.763 AC.±
NET - 29,371 SF OR 0.67 AC.±
- THERE ARE NO KNOWN ZONING CASES FOR THIS SITE.
- THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
- THE SUBJECT SITE IS NOT IN ANY FAILED BASIC SERVICE MAPS AREA.
- ZERO SETBACK BUILDING DOES NOT APPLY.
- PROPOSED PARKING AREA SHALL BE A DURABLE/DUSTLESS SURFACE AND STRIPED PER BALTIMORE COUNTY STANDARDS.
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON A FIELD RUN SURVEY BY COLBERT MATZ ROSENFELT DATED MAY 24, 2019. ADDITIONAL INFORMATION IS TAKEN BALTIMORE COUNTY GIS AND AVAILABLE RECORDS AND DOES NOT REPRESENT A FIELD RUN SURVEY.
- PREVIOUS COMMERCIAL PERMITS: NONE
- ALL SIGNS WILL COMPLY WITH SECTION 450 OF THE B.C.Z.R.
- THERE ARE NO STREAMS OR STORMWATER SYSTEMS WITHIN 50' OF THE SUBJECT PROPERTY. FOREST BUFFER IS SHOWN HEREON.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHTING AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREET.
- STORMWATER MANAGEMENT IS REQUIRED FOR THIS DEVELOPMENT.



PETITIONER'S
EXHIBIT NO. 1

**PLAN TO ACCOMPANY ZONING PETITION
FOR SPECIAL EXCEPTION AND VARIANCE**

1202 MIDDLE RIVER ROAD
BALTIMORE COUNTY, MARYLAND 21220-2409

15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT

Colbert Matz Rosenfelt

Engineers • Surveyors • Planners

2835 Smith Avenue, Suite G
Baltimore, Maryland 21209

Telephone: (410) 653-3838
Facsimile: (410) 653-7953



THIS PLAN IS ACCURATE AND HAS BEEN
PREPARED IN ACCORDANCE WITH
BALTIMORE COUNTY REGULATIONS.

Professional Certification

I hereby certify that these documents were prepared or approved by me, and
that I am a duly licensed professional engineer under the laws of the State of
Maryland. License No. 13203 Expiration Date: 11-02-20

DATE:	07/29/2019
JOB NO.:	2019070
DESIGNED:	KCKMS
DRAWN:	KCKMS
CHECKED:	CMR
FILE:	2019070-SPE.dwg
DRAWING NUMBER:	SPX-01

NO.	DATE	REVISIONS	BY	SHEET	1 OF 1
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SCALE: 1" = 30'
DATE: 07/29/2019
JOB NO.: 2019070
DESIGNED: KCKMS
DRAWN: KCKMS
CHECKED: CMR
FILE: 2019070-SPE.dwg
DRAWING NUMBER: SPX-01



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- OWNERS:
SS & AA SINGH, LLC
PHONE: 410-808-9931

MAILING ADDRESS:
4234 B SILVER SPRING ROAD
PERRY HALL, MARYLAND 21128-9659
- SITE DATA:
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	REQUIRED	PROVIDED
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FRONT TO STREET CL:	40'	45.2'±
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REAR:	NONE	110'±
M.L. ZONE:		
FRONT TO FRONT PL:	25'	N/A
FRONT TO STREET CL:	50'	N/A
INTERIOR SIDE:	30'	N/A
REAR:	30'	N/A
M.L.R. ZONE:		
FRONT TO FRONT PL:	40'	N/A
FRONT TO STREET CL:	NONE	N/A
INTERIOR SIDE:	30'	13" (VARIANCE REQ.)
REAR:	40'	27" (VARIANCE REQ.)
- FLOOR AREA RATIO:
PERMITTED - 3.0 OR 88,113 SF
PROPOSED - 0.18 (5,211/29,371)
- MAXIMUM BUILDING HEIGHT:
PERMITTED: B.L. ZONE=40'-H.T., M.L. ZONE=UNLIMITED, M.L.R. ZONE=60'
PROPOSED: 19'2"
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FOR SPECIAL EXCEPTION AND VARIANCE

1202 MIDDLE RIVER ROAD
BALTIMORE COUNTY, MARYLAND 21220-2409

15TH ELECTION DISTRICT

6TH COUNCILMANIC DISTRICT

Colbert Matz Rosenfelt

Engineers • Surveyors • Planners

2835 Smith Avenue, Suite G

Baltimore, Maryland 21209

Telephone: (410) 653-3838

Facsimile: (410) 653-7953

Professional Certification

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SCALE: 1" = 30'

DATE: 07/09/2019

JOB NO.: 2019070

DESIGNED: KCK/MMS

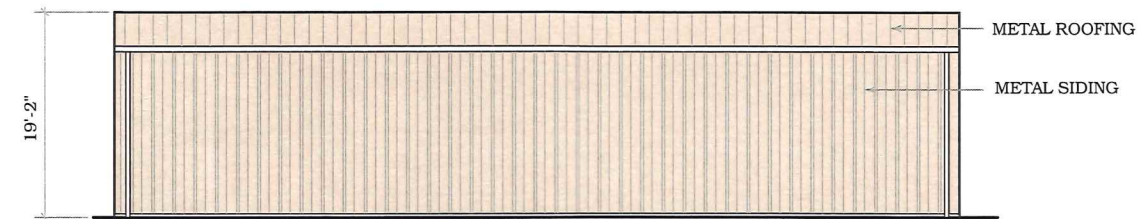
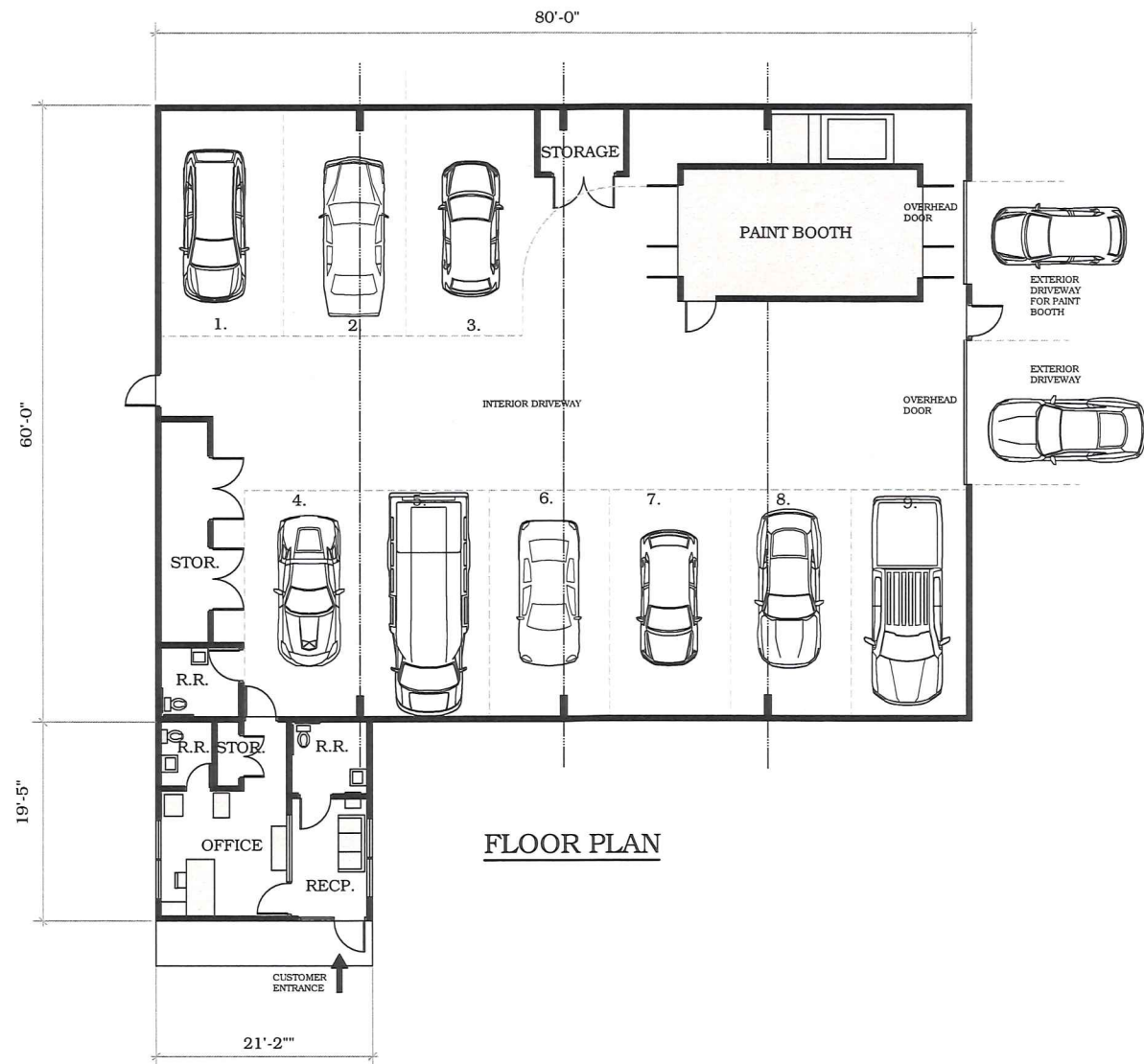
DRAWN: KCK/MMS

CHECKED: CMR

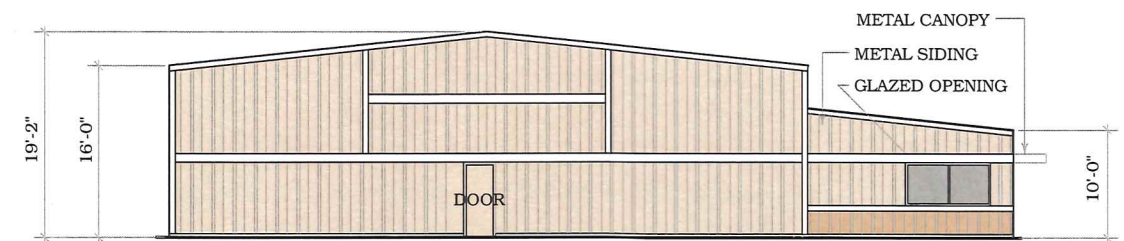
FILE: 2019070-SPX.dwg

DRAWING NUMBER: SPX-01

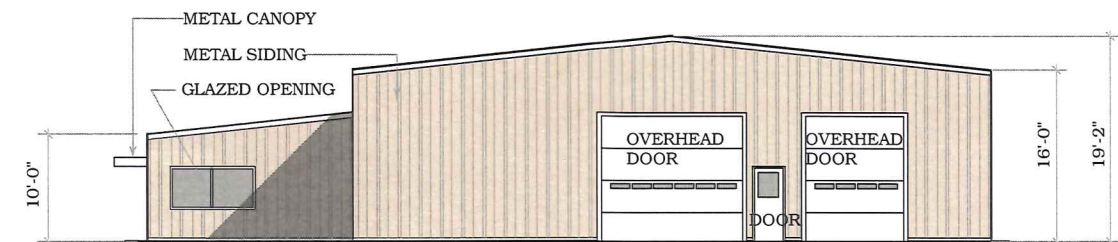
NO.	DATE	REVISIONS	BY	SHEET
1				1 OF 1



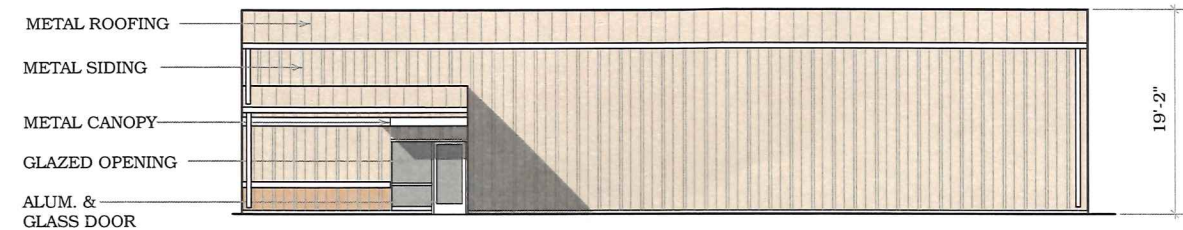
REAR ELEVATION



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



FRONT ELEVATION

MACKLIN & KAMHI
 ARCHITECTS LLC
 3406 RANCHCROFT ROAD, BALTIMORE, MD 21215
 TEL : 410.598.1838, 410.282.5373, FAX 443.789.1543
 STUARTARCH@YAHOO.COM, KOZ2.KAMHI@YAHOO.COM

REVISIONS
 PLANNING COPIES: 8/28/2018

NEW BUILDING FOR
SINGH'S AUTO / BODY SHOP
 1202 MIDDLE RIVER ROAD
 SCALE : 1/8" = 1'-0"

DRAWN BY: SUM
 5/15/2018
 JOB NUMBER
S1-1

SHEET NUMBER

A-1.0