



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

November 21, 2023

Lawrence E. Schmidt, Esquire – lschmidt@sgs-law.com
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petitions for Special Hearing & Variance
Case No. 2023-0196-SPHA
Property: 3300 Hollins Ferry Road

Dear Mr. Schmidt:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive, flowing style.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm

Enclosure

C: Dreivin Chacon – dreivinchacon@gmail.com
Michael Rosofsky – michael@msrlawfirm.com
Bernadette Moskunus – siteriteinc.@aol.com
Patricia Terry – t111960@gmail.com
Bill Terry – bt6597@gmail.com
Charles – juiceyx87@gmail.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(3300 Hollins Ferry Road)	*	OFFICE OF
13 th Election District		
1 st Council District	*	ADMINISTRATIVE HEARINGS
DC CDR Investment, LLC		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2023-0196-SPHA
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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as Petitions for Special Hearing and Variance filed by legal owner, DC CDR Investment, LLC (“Petitioner”) for the property located at 3300 Hollins Ferry Road, Halethorpe (the “Property”). A Petition for Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”), §500.7:

(1) for a modified parking plan (in the alternative to a variance) pursuant to Baltimore County Zoning Regulations (“BCZR”), §409.12 to allow the following:

- A. to permit a 20 ft. two-way drive aisle in lieu of the required 22 ft., pursuant to BCZR, §409.4.C;
- B. to permit a parking lot with a setback of 0 ft. in lieu of the required 10 ft. to a street right of way, pursuant to BCZR, §409.8.A.4;
- C. to permit a parking lot with lighting as shown on the plan in lieu of the lighting requirements in BCZR, §409.8.A.3;
- D. to permit non-striped parking spaces in lieu of the requirements that parking spaces be striped in BCZR, §409.8.6;
- E. to permit an existing garage with a rear setback to a residentially zoned property of 19 ft. in lieu of the required 20 ft. pursuant to BCZR, §229.6.C;
- F. to permit an existing garage with a rear or side yard setback to non-residentially zoned property of 3 ft. in lieu of the required 10 ft. pursuant to BCZR, §229.6.C.

(2) to amend the prior order and site plan in Case 1985-0341-X, in order to allow an existing service garage to remain.

In the alternative, a Petition for Variance relief from the requirements stated in Paragraph 1a through 1f above.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Dreivin R. Chacon, authorized representative for Petitioner, appeared at the hearing in support of the Petition along with his attorney Michael Rosofsky, Esquire, and Bernadette Moskunas of Site Rite Engineering, the civil engineering/surveying firm who prepared and sealed a site plan (the "Site Plan"). (Pet. Ex. 1). Lawrence E. Schmidt, Esquire and Smith, Gildea & Schmidt, represented the Petitioner. William Terry and Patricia Terry, his wife, 2614 Gehb Ave., testified in opposition at the hearing.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), Development Plans Review ("DPR")/Department of Public Works and Transportation ("DPWT"), and Department of Environmental Protection and Sustainability ("DEPS"), which agencies did not oppose the relief.

The case proceeded by way of modified proffer by Mr. Schmidt. The Property is a 0.4675 acres +/- (20,365 sf +/-) and is located on the corner of Hollins Ferry Rd. and Gehb Ave., directly across from Hollinswood Shopping Center. The tip of the Property's corner is located in Baltimore City. It is improved with an existing 1-story block garage used for an automotive repair, body and paint shop which is operated by Dreivin R. Chacon, and an additional, 1-story building with a basement, which is proposed to be used for a barber shop/hair salon with 7 barber chairs. A chain link fence encircles the Property. There is a wooden stockade fence along the Terrys' property line. The Property is entirely paved with accessory parking. Aerial photographs were provided showing the extent of the improvements on the Property. (Pet. Exs. 2A-2C).

In the 2008 Comprehensive Zoning Map Process ("CZMP"), the Property was rezoned

from Business, Local (BL) to Community Business (CB), along with the adjoining properties to the south (3308 and 3312). This case originated as a result of a Code Enforcement case (CC2215002) filed by William and Patricia Terry for open dump conditions and failure to follow a site plan and existing zoning Order. (Pet. Ex. 5). In Case No.: 85-341-X, a Special Exception was granted for a service garage (automobile body and paint shop for repair and conditioning of automobiles) and the site plan in that Case was made a part of that Order (the "1985 Order" and the "1985 Site Plan"). (Pet. Ex. 6). The 1985 Order was conditioned upon all service work being conducted inside the garage and all business parking within, or to the east of, the garage.

Petitioner also owns/operates another vehicle repair/body shop in Baltimore City and uses the Property to park vehicles. Street view photographs show the existing buildings and parking layout. (Pet. Exs. 4A-4M). The parking lot of the Property shows both damaged and untagged vehicles parked throughout, and specifically damaged/disabled parked 3 deep, along the western boundary line (adjoining the Terrys' property). According to the Site Plan, 21 parking spaces are required to operate both a service garage and a barber shop/hair salon, and 21 spaces will be provided. The garage already has security lights and Petitioner requests to retain that lighting rather than file a Lighting Plan. The proffered evidence indicated that installing additional commercial lighting may negatively impact not only the Terrys' property, but the surrounding residential properties. The Property is entirely built-out and has no vegetative areas for landscaping. Petitioner is a licensed tow-truck operator. The hours of operation for both the service garage and for the barber shop/salon are Monday-Saturday, 8:00 am-6:00 pm.

The Terrys voiced numerous complaints about the auto repair business including using the Property as a storage or parking lot for damaged, disabled and/or untagged vehicles; for parking of tow truck(s); for working on vehicles outside the garage; for being opened for business outside

of normal business hours including Sundays; for failing to maintain a wooden fence/chain link fence which is in disrepair and/or falling down; and for noise related to the automobile repair business. The Terrys did not oppose the proposed barber shop/hair salon.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

With regard to the existing service garage, the 1985 Order granted Special Exception relief for a service garage which services specifically included automobile body and paint shop for repair and conditioning of automobiles. The 1985 Site Plan restricted business parking along the Terrys' property line, permitted only residential parking in that area. The photographs provided by the Petitioner showed at least 25 vehicles, some damaged and many untagged. While this Case does not decide the Code Enforcement case, it appeared at the hearing that the Petitioner and Terrys were interested in finding a solution to enable them to coexist.

Based on the uncontroverted evidence, the service garage is a non-conforming use which was permitted by Special Exception in 1985, and later became non-conforming in 2008 when the zoning was changed from BL to CB. Because the service garage use has continued, without interruption since 1985, and will continue to operate the same services, there is no need to amend the 1985 Order to allow the service garage to remain. As such, that Special Hearing relief will be dismissed as moot. Given the 1985 Site Plan was incorporated into the 1985 Order, and considering the objections raised by the Terrys, I will impose a condition that the business parking for the service garage will be along the front of the Property facing Hollins Ferry Rd., and the business parking for the barber shop/salon will be along the adjoining Property line with the Terrys. Additionally, Petitioner has agreed to erect an 8 ft. vinyl or wooden stockade fence along the Property line with the Terrys within 60 days of the Order. All activities associated with the service garage shall be conducted inside of the garage. The Property will not be used as a parking lot or storage yard/facility for any vehicles which are not there to be serviced as granted by the 1985 Order. There is no area on the Property which can be used for landscaping as the entire Property is impervious surface for this commercial use. Similarly, there is already security lighting on the garage and any additional lighting would negatively impact the surrounding residential properties.

With regard to the proposed barber shop/salon, the CB zone permits this commercial use by right. As a result, no zoning relief is needed.

VARIANCE

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). Given that the Petition for Special Hearing has been granted, the Petition for Variance relief is not needed and will be dismissed as moot.

THEREFORE, IT IS ORDERED, this 21st day of **November, 2023**, by the Administrative Law Judge for Baltimore County that the Petition for Special Hearing (1) for a modified parking plan (in the alternative to a variance) pursuant to Baltimore County Zoning Regulations (“BCZR”), §409.12 to allow the following:

- A. to permit a 20 ft. two-way drive aisle in lieu of the required 22 ft., pursuant to BCZR, §409.4.C;
- B. to permit a parking lot with a setback of 0 ft. in lieu of the required 10 ft. to a street right of way, pursuant to BCZR, §409.8.A.4;
- C. to permit a parking lot with lighting as shown on the plan in lieu of the lighting requirements in BCZR, §409.8.A.3;
- D. to permit non-striped parking spaces in lieu of the requirements that parking spaces be striped in BCZR, §409.8.6;
- E. to permit an existing garage with a rear setback to a residentially zoned property of 19 ft. in lieu of the required 20 ft. pursuant to BCZR, §229.6.C;
- F. to permit an existing garage with a rear or side yard setback to non-residentially zoned property of 3 ft. in lieu of the required 10 ft. pursuant to BCZR, §229.6.C

be, and they are each hereby, **GRANTED**; and

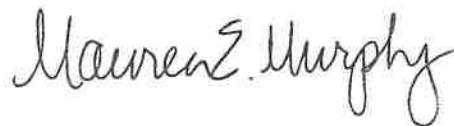
IT IS FURTHER ORDERED, that the Petition for Special Hearing to amend the prior order and site plan in Case 1985-0341-X, in order to allow an existing service garage to remain, be, and it is hereby **DISMISSED AS MOOT** in that a Petition for Special Exception for a service garage was granted in Case No.: 85-341-X and the service garage is a valid non-conforming use under the BCZR; and

IT IS FURTHER ORDERED, that the Petition for Variance relief which was filed in the alternative to the Petition for Special Hearing for the modified parking plan above, be, and it is hereby **DISMISSED AS MOOT**.

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 their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. The Site Plan (Pet. Ex. 1) is attached hereto and incorporated herein in its entirety.
3. The business parking for the service garage shall be along the front of the Property facing Hollins Ferry Rd. The business parking for the barber shop/salon shall be along the Property line adjoining 2614 Gehb Avenue.
4. Within 60 days of the date of this Order, Petitioner shall install an 8 ft. tall vinyl or wooden stockade fence along the Property line adjoining 2614 Gehb Avenue. Petitioner and all subsequent owners shall maintain, repair and/or replace that fence during the duration of the ownership of the Property and/or the operation of the service garage business.
5. All activities associated with the service garage shall be conducted inside of the garage.
6. The Property shall not be used as a parking lot for any vehicles which are not being serviced as permitted by the 1985 Order. The Property may not be used as a parking lot, storage yard, or storage facility for vehicles not being serviced by the business.
7. Petitioner and all subsequent owners shall not allow auto parts, equipment, oil, gasoline, etc. which are used in, and/or associated with the service garage, to be stored outside the garage.
8. Locate any dumpster away from public right of way and provide screening as required pursuant to Condition H of the Baltimore County Landscape Manual.

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



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 3300 Hollins Ferry Road Currently Zoned CB
Deed Reference 46665 / 00373 10 Digit Tax Account # 1700014908
Owner(s) Printed Name(s) DC CDR Investment LLC

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

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See attached D

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

3. ☒ **a Variance** from Section(s)

See attached D

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/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

Lawrence E. Schmidt, Esquire

Name - Type or Print *Lawrence E. Schmidt*
Signature *[Signature]*
600 Washington Ave., Ste 200 Towson MD
Mailing Address _____ City _____ State _____
21204 (410) 821-0070 lschmidt@sgs-law.com
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Dreivin R. Chacon, DC CDR Investment, LLC
Name #1 - Type or Print *Dreivin R. Chacon* Name #2 - Type or Print *[Signature]*
Signature #1 *[Signature]* Signature #2 *[Signature]*
3300 Hollins Ferry Road Halethorpe MD
Mailing Address _____ City _____ State _____
21227 (443) 707-9812 dreivinchacon@gmail.com
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

Lawrence E. Schmidt, Esquire

Name - Type or Print *Lawrence E. Schmidt*
Signature *[Signature]*
600 Washington Ave., Ste 200 Towson MD
Mailing Address _____ City _____ State _____
21204 (410) 821-0070 lschmidt@sgs-law.com
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2023-0196-A Filing Date 9/21/2023 Do Not Schedule Dates _____ Reviewer *[Signature]*

ATTACHMENT TO PETITION FOR ZONING HEARING

*3300 Hollins Ferry Road
13th Election District; 1st Councilmanic District*

Special Hearing to approve:

1. A modified parking plan (in the alternative to a variance) pursuant to BCZR §409.12 to allow the following:
 - a. To permit a 20' two way drive aisle in lieu of the required 22', pursuant to BCZR Section 409.4.C;
 - b. To permit a parking lot with a setback of 0' in lieu of the required 10' to a street right of way pursuant to BCZR Section 409.8.A.4;
 - c. To permit a parking lot with lighting as shown on the plan in lieu of the lighting requirements in BCZR Section 409.8.A.3;
 - d. To permit non-striped parking spaces in lieu of the requirements that parking spaces be striped in BCZR Section 409.8.6;
 - e. To permit an existing garage with a rear setback to residentially zoned property of 19' in lieu of required 20' pursuant to BCZR 229.6.C.
 - f. To permit an existing garage with a rear or side yard setback to non-residentially zoned property of 3' in lieu of required 10' pursuant to BCZR 229.6.C.
2. To amend the prior order and site plan in Case 1985-0341-SPX, in order to allow an existing service garage to remain.
3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

Variances to approve:

1. In the alternative to the Special Hearing, zoning variances from the requirements stated in paragraph 1 a through 1.f, above.

Zoning Description for #3300 Hollins Ferry Road

Beginning at a point on the west side of Hollins Ferry Road which is 60 feet wide at a distance of 15 feet south of the centerline of Gehb Avenue which is 30 feet wide.

Thence the following courses and distances:

- (1) Binding along the west side of Hollins Ferry Road widening (RW 67-222-1A 5811/25) by a curve to the left having a radius of 550.87 feet, arc length of 54.97 feet subtended by South 02 degrees 31 minutes 06 seconds East, 54.95 feet
- (2) South 05 degrees 22 minutes 38 seconds East, 97.62 feet
- (3) North 72 degrees 02 minutes 00 seconds West, 166.64 feet
- (4) North 17 degrees 57 minutes 42 seconds East, 157 feet to the south side of Gehb Avenue
- (5) Binding along said avenue South 72 degrees 02 minutes 00 seconds East, 29.78 feet to intersect the Baltimore City/County division line
- (6) Binding on said division line South 60 degrees 40 minutes 52 seconds East, 80.52 feet back to the point of beginning as recorded in Deed Liber 46665, folio 372, containing 20,365 square feet of land, more or less and located in the 13th Election District and 1st Council District.

This description is for zoning purposes only and not for conveyance of property.

Site Rite Surveying, Inc.
Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175
200 E. Joppa Road
Shell Building, Room 105
Towson, MD 21286
(410)339-5413



2023-0196-A

**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 fifteen (15) 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: 2023-0196-A

Property Address: 3300 Hollins Ferry Road

Property Description: Corner of South Side of Rehb Avenue
& West Side of Hollins Ferry Road

Legal Owners (Petitioners): DC CDR Investment, LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt, Esquire

Company/Firm (if applicable): Smith, Gildea & Schmidt

Address: 600 Washington Ave., Ste 200

Towson, MD 21204

Telephone Number: (410) 821-0070 or amoyers@sgs-law.com

Revised 5/20/2014

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

No. 226626

Date: 9/21/2023

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$1,111

Total: \$1,111

Rec
From:

Smith, Golden & Schmidt

For:

Zoning Variance & Special Hearing
 3300 Hollins Ferry Rd
 Zoning Case 2023-0196-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

WTH

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/27/2023

Case Number: 2023-0196-SPHA

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~
DREIVIN CHACON

Date of Hearing: NOVEMBER 16, 2023

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:
3300 HOLLINS FERRY ROAD

The sign(s) were posted on: NOVEMBER 27, 2023

ZONING NOTICE

CASE # 2023-0196-SPHA

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a virtual hearing on the property identified herein as follows:

DATE AND TIME: THURSDAY, NOVEMBER 16, 2023
AT 11:00 A.M.

SPECIAL HEARING FOR A MODIFIED PARKING PLAN (IN THE ALTERNATIVE TO A VARIANCE) PURSUANT TO BCZR. SEC. 409.12 TO ALLOW THE FOLLOWING: 1 A. TO PERMIT A 20 FT. TWO WAY DRIVE AISLE IN LIEU OF THE REQUIRED 22 FT., PURSUANT TO BCZR. SEC. 409.4.C; B. TO PERMIT A PARKING LOT WITH A SETBACK OF 0 FT. IN LIEU OF THE REQUIRED 10 FT. TO A STREET RIGHT OF WAY, PURSUANT TO BCZR. SEC. 409.8.A.4; C. TO PERMIT A PARKING LOT WITH LIGHTING AS SHOWN ON THE

For information on how to participate in the hearings Go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868, ext. 0

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, MD 21030
(City, State, Zip of Sign Poster)

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 10/12/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0196-SPHA

INFORMATION:

Property Address: 3300 Hollins Ferry Road
Petitioner: DC CDR Investment LLC, Dreivin R. Chacon
Zoning: CB
Requested Action: Special Hearing/Variance

The Department of Planning has reviewed the petition for the following:

Special Hearing -

1. To approve a modified parking plan (in the alternative to a variance) pursuant to BCZR Section 409.12 to allow the following:
 - a. To permit a 20' two-way drive aisle in lieu of the required 22', pursuant to BCZR Section 409.4.C;
 - b. To permit a parking lot with a setback of 0' in lieu of the required 10' to a street right of way pursuant to BCZR Section 409.8.A.4.
 - c. To permit a parking lot with lighting as shown on the plan in lieu of the lighting requirements in BCZR Section 409.8.A.3;
 - d. To permit non-striped parking spaces in lieu of the requirements that parking spaces be striped in BCZR Section 409.8.6
 - e. To permit an existing garage with a rear setback to residentially zoned property of 19' in lieu of required 20' pursuant to BCZR 229.6.C.;
 - f. To permit an existing garage with a rear or side yard setback to non-residentially zoned property of 3' in lieu of required 10' pursuant to BCZR 229.6.C.
2. To amend the prior order and site plan in Case 1985-0341-SPX, in order to allow an existing service garage to remain.
3. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Variance(s) -

1. In the alternative to the Special Hearing, zoning variances from the requirements stated in paragraph 1 a through 1 f above.

The proposed site is a 0.4675-acre property zoned C that is surrounded by predominantly residential uses. The proposed site has multiple previous zoning case history and is not in any historic district.

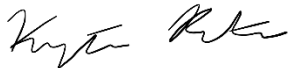
The existing land use is currently an Automotive Detail & Body Shop. The requested relief as said in the above request, does not create any adverse impacts on the surrounding neighborhood. It is understood that the requested conditions are currently existing and there are no building improvements proposed. The site is partially bisected by the Baltimore County and Baltimore City line. The applicant should coordinate with Baltimore City to ensure compliance with all applicable regulations.

The Department has no objections in granting the relief conditioned upon the following:

- 1) Coordinate with Baltimore City to ensure compliance with all applicable regulations.
- 2) Comply with any landscaping guidelines required by the Baltimore County Landscape Architect.
- 3) Provide/indicate the dumpster location. The dumpster should be located away from the public right-of-way and meet the screening requirements pursuant to Condition H of the Baltimore County Landscape Manual.
- 4) The plan conforms to all other bulk and setback regulations set forth in the Baltimore County Zoning Regulations for CB zoned property and
- 5) The plan meets all additional conditions as required by the Administrative Law Judge.

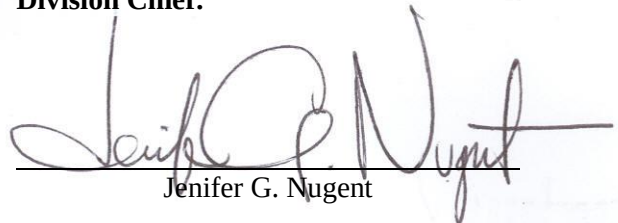
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

Lawrence E. Schmidt, Esquire
Sophie Kotzker, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: October 10, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0196-SPHA
Address: 3300 HOLLINS FERRY RD.
Legal Owner: DC CDR Investment, LLC – Dreivin Chacon

Zoning Advisory Committee Meeting of October 10, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 13 Account Number - 1700014908

Owner Information

Owner Name: DC CDR INVESTMENT LLC Use: COMMERCIAL
Principal Residence: NO

Mailing Address: 3300 HOLLINS FERRY RD Deed Reference: /46665/ 00373
HALETHORPE MD 21227-2041

Location & Structure Information

Premises Address: 3300 HOLLINS FERRY RD Legal Description: .467 AC WS
HALETHORPE 21227-2041 3300 HOLLINS FERRY RD
SW COR GEHB AV

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0109 0004 0163 20000.04 0000 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1920 3,936 SF 21,252 SF 06

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements

1 NO STANDARD UNIT/ 3 1 full

Value Information

	Base Value	Value	Phase-In Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	258,500	258,500		
Improvements	105,400	166,100		
Total:	363,900	424,600	384,133	404,367
Preferential Land:	0	0		

Transfer Information

Seller: SONG YON K Date: 04/04/2022 Price: \$450,000
Type: ARMS LENGTH IMPROVED Deed1: /46665/ 00373 Deed2:

Seller: KIM JOONG H Date: 03/07/2007 Price: \$140,000
Type: NON-ARMS LENGTH OTHER Deed1: /25310/ 00747 Deed2:

Seller: SONG CHANG SOO Date: 10/20/2000 Price: \$220,000
Type: ARMS LENGTH IMPROVED Deed1: /14764/ 00510 Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

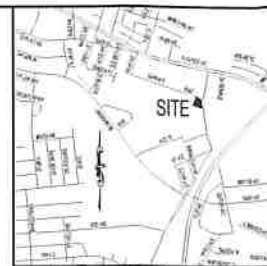
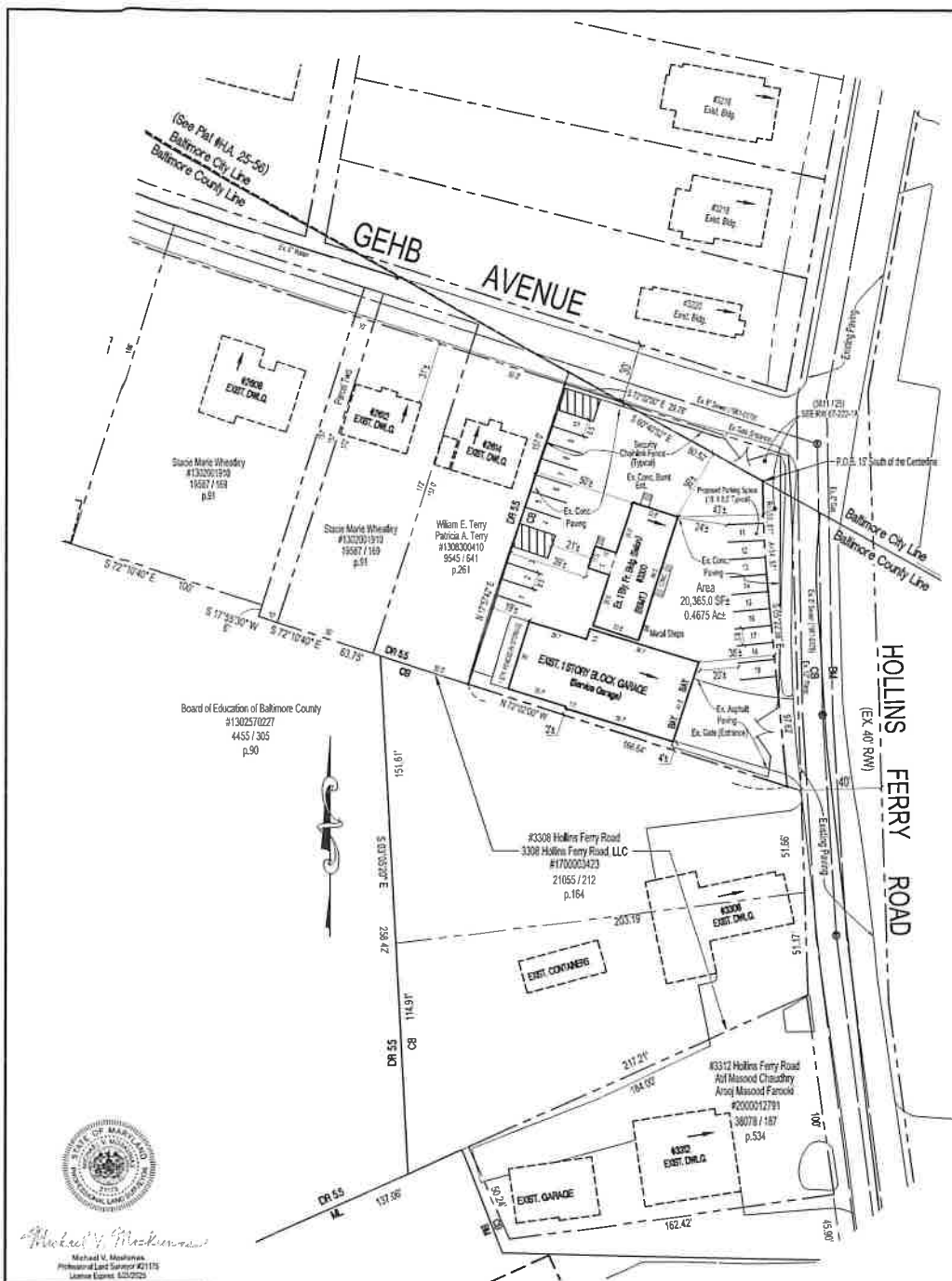
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0196-A



GENERAL NOTES

1. Zoned: CB-COMMUNITY BUSINESS ZONE (10263 & 10961)
2. Lot Area: 20,365 SF ± 0.4675 ACs
3. Existing Use: Automotive Detail & Body Shop
4. Proposed Use: Service Garage and Salon/Barbershop
5. Existing lots are serviced by public utilities.
6. The property is not located in a Flood Hazard Area.
7. Community Parcel No. 240010051F Zone: "C"
8. Not located in Historic, C.B.C.A. or Floodplain Areas.
9. There are NO building improvements proposed.
10. Required Parking: Salon/Barbershop 1661 SF ± 5:1000-4.2 or 9 spaces
Service Garage 2082 SF ± 3.3:1000-11.19 or 12 spaces
Required Parking Spaces Total: 21 spaces
11. Proposed Parking Spaces: 2 existing service bays + 19 regular spaces = 21 spaces provided
12. Typical parking space is 8.5' x 18'
13. Hours of Operation: Salon/Barbershop Monday - Saturday 8am-6pm
Service Garage Monday - Saturday 8am-6pm
14. Floor Area Ratio Max: 3.3
15. All parking spaces are durable and dustless and will be striped as shown.
16. There are no signs proposed at this time.
17. This property is not in any areas of delinquency per 2022 Basic Service Maps for water, sewer and transportation.
18. There is a light and security camera affixed to the garage building. There are also utility poles with street lights.
19. Zoning History: R-1973-0227-A denied zoning reclassification from DR-5.5 to BR
20. R-1983-0186 granted change from RD to BR
21. R-1985-0341-15 granted (withdrawn) a service garage and living quarters in a commercial building
22. The plan will serve as a Modified Parking Plan
23. Repair vehicles for the garage will be parked in the rear of the building, salon/barbershop customer parking in front.

Board of Education of Baltimore County
#1302570227
4455 / 305
p.90

#3308 Hollins Ferry Road
3308 Hollins Ferry Road, LLC
#1700003423
21055 / 212
p.164

#3312 Hollins Ferry Road
Arla Masood Chaudhary
Arooj Masood Farooqi
#2000012781
38078 / 187
p.534

Petitioner's
Exhibit 1



Plan to Accompany Special Hearing & Variance

#3300 Hollins Ferry Road
TM:0109 Grid:0004 Parcel:0163
Deed Reference: J.L.E. 46665 / 373
Tax ID #1700014908
13th Election District, 1st Councilmanic District
Baltimore County, Maryland

Scale: 1" = 30'	Date: 8/07/2023	JOB #107300RC
Drawn: M.V.M.	Checked: S.J.M.	SURVEYED: N/A

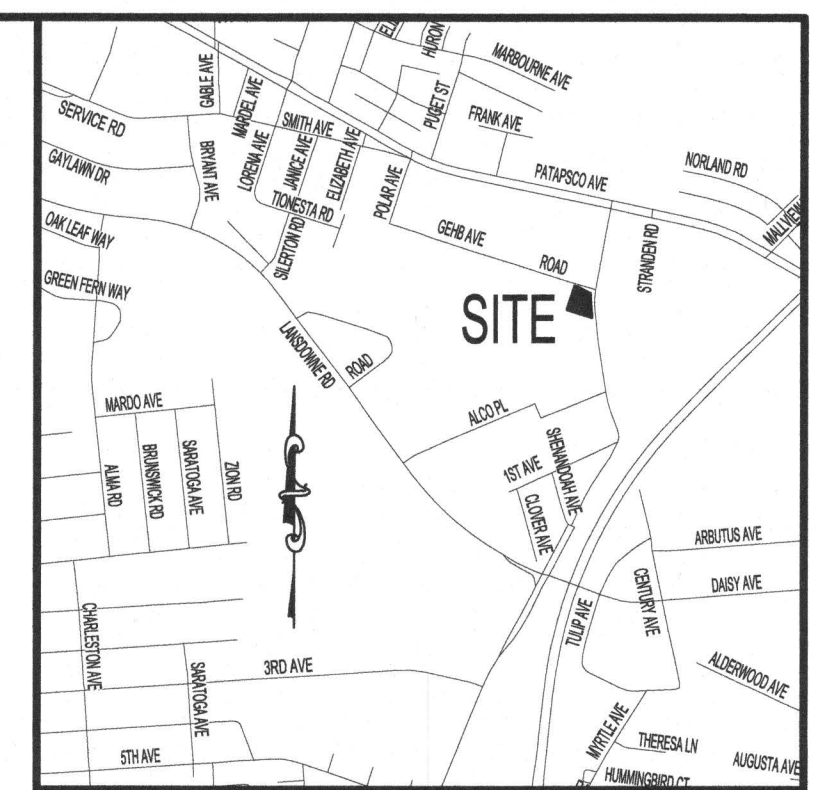
Owner
DC COR INVESTMENT, LLC
1022 E. Pincham Avenue
Baltimore, MD 21203
C/O: Drewlin Chason
Phone: 443-707-8812
Email: drewlinchason@gmail.com



Michael V. Mosher
Professional Land Surveyor #21175
License Expires: 8/22/2026



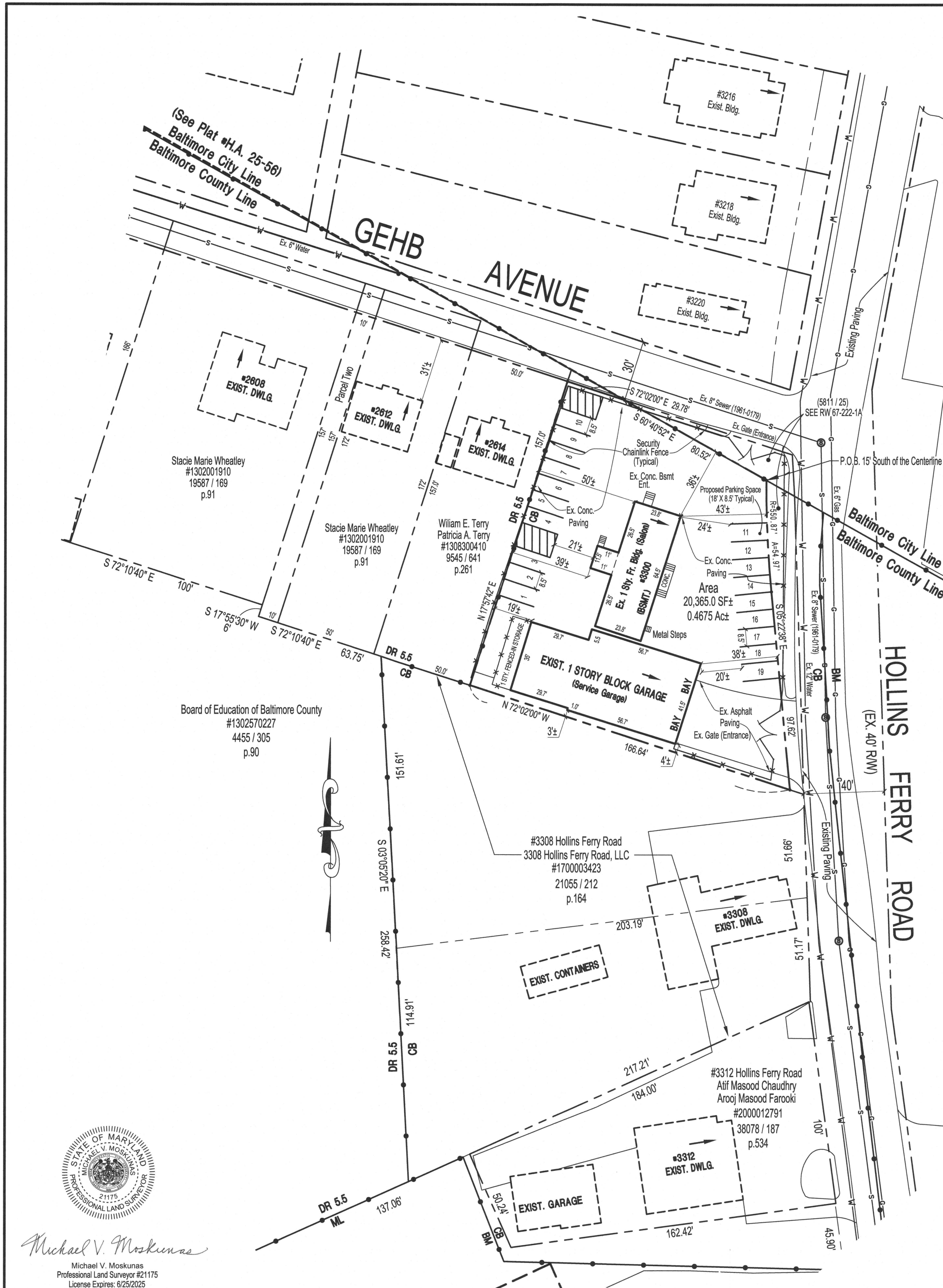
300 E. JOPPA RD
BAYTOWN, MD 21034
T: (410) 209-5400
F: (410) 209-5405



Vicinity Map Scale 1" = 1200'

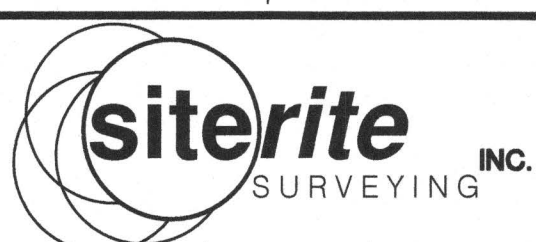
GENERAL NOTES

1. Zoned: CB-COMMUNITY BUSINESS ZONE (102B3 & 109B1)
2. Lot Area: 20,365 SF± / 0.4675 AC±
3. Existing Use: Automotive Detail & Body Shop
4. Proposed Use: Service Garage and Salon/Barbershop
5. Existing lots are serviced by public utilities.
6. This property is not located in a Flood Hazard Area.
Community Panel No. 240010051F Zone: "X"
7. Not located in Historic, C.B.C.A or Floodplain Area.
8. There are NO building improvements proposed.
9. Required Parking: Salon/Barbershop 1661 SF x 5/1000=8.3 or 9 spaces
Service Garage 3392 SF x 3.3/1000=11.19 or 12 spaces
Required Parking Spaces Total: 21 spaces
10. Proposed Parking Spaces: 2 existing service bays + 19 regular spaces= 21 spaces provided
11. Typical parking space is 8.5' x 18'
12. Hours of Operation: Salon/Barbershop Monday - Saturday 8am-6pm
Service Garage Monday - Saturday 8am-6pm
13. Floor Area Ratio Max: 3.3
14. All parking spaces are durable and dustless as shown.
15. There are no signs proposed at this time.
16. This property is not in any areas of deficiency per 2022 Basic Service Maps for water, sewer and transportation.
17. There is a light and security camera affixed to the garage building. There are also utility poles with street lights.
18. Zoning History: R-1973-0227-X denied zoning reclassification from DR5.5 to BR
R-1983-0186 granted change from RO to BL
R-1985-0341-X granted (w/restrictions) a service garage and living quarters in a commercial building
19. The plan will serve as a Modified Parking Plan
20. Repair vehicles for the garage will be parked in the rear of the building, salon/barbershop customer parking in front.



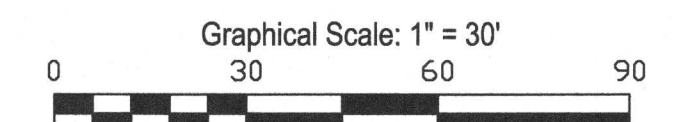
Michael V. Moskunas

Michael V. Moskunas
Professional Land Surveyor #21175
License Expires: 6/25/2025



T: (410)339-5413
F: (410)339-5415
200 E. JOPPA RD
SUITE 105
TOWSON, MD 21286

Owner
DC CDR INVESTMENT, LLC
1022 E. Patapsco Avenue
Baltimore, Md. 21225
C/O: Dreivin Chacon
Phone: 443-707-9812
Email: dreivinchacon@gmail.com



Plan to Accompany Special Hearing & Variance

#3300 Hollins Ferry Road

TM:0109 Grid:0004 Parcel:0163

Deed Reference: J.L.E. 46665 / 373

Tax ID #1700014908

13th Election District, 1st Councilmanic District
Baltimore County, Maryland

Scale: 1" = 30'	Date: 8/07/2023	JOB #10730DRC
Drawn: M.V.M.	Checked: B.L.M.	SURVEY'D: N/A

Baltimore County - My Neighborhood

