

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

March 12, 2024

John Waring – detailwizards1@gmail.com 134 Cockeysville Road Cockeysville, MD 21030

RE:

Petition for Special Exception

Case No. 2024-0022-X

Property: 134 – Rear – Cockeysville Road

Dear Petitioner:

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,

ANDREW M. BELT Administrative Law Judge

for Baltimore County

AMB:dlm Enclosure

Patrick Richardson – rick@richardsonengineering.net t@sachsrealty.com

IN RE: PETITION FOR SPECIAL	*	BEFORE THE
EXCEPTION		
(134 Cockeysville Road- Rear)	*	OFFICE OF
8 <sup>th</sup> Election District		
3 <sup>rd</sup> Council District	*	ADMINISTRATIVE HEARINGS
134 Cockeysville Road		
Legal Owner	*	FOR BALTIMORE COUNTY
John Waring		
Contract Purchaser/Lessee	*	Case No: 2024-0022-X
Petitioners		

#### OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Special Exception filed for property located 134 Cockeysville Road – Rear, Cockeysville (the "Property") by 134 Cockeysville Road, legal owner, and John Waring, contract purchaser/lessee (collectively the "Petitioners"). The Petition for Special Exception seeks approval from Baltimore County Zoning Regulations ("BCZR"), § 253.2.B.2 for a service garage in the ML-IM zone.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. John Warring authorized representative of the lessee, appeared in support of the Petition along with Patrick Richardson, PE of Richardson Engineering, the civil engineering firm who prepared and sealed a site plan (the "Site Plan"). (Pet. Ex. 1). There were no Protestants or interested citizens who attended the hearing.

A Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP") they did not oppose the requested relief.

The property is approximately .70 acres and is zoned ML-IM in the Cockeysville area on Cockeysville Road which runs between York Road and Beaver Dam Road. The site is improved with a two-story office building; a 25' tall storage shed; a one-story, three-bay garage with an attached office/waiting area, and a paved parking lot. The garage is located to the rear of the

property and appears to have a fence and gate separating it from a portion of the parking lot. (Pet. Ex. 1)

Mr. Richardson explained that the four service bays are to be used for a car detailing operation. No repair of vehicles will take place on the property. One of the four bays will serve as an office space for the operation. (Pet. Ex. 3) Mr. Richardson noted that the site had been previously used for a storge facility for equipment associated with a landscaping company. The area is surrounded by ML-IM zone and contains a variety of industrial and commercial uses. (Pet. Ex. 2)

Mr. Waring testified that there are several other auto repair facilities on Cockeysville Road for which he provides detailing services., He also noted that he provides detailing services for Baltimore County Police vehicles.

#### 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.

Based on the uncontroverted record evidence in this case, I find that the Petition for Special Exception relief to approve the use of the rear of 134 Cockeysville Road as a service garage should be granted. I find that the service garage will not be detrimental to the health, safety or general

welfare of the locale, particularly given that the proposed use is in keeping with several other auto repair operations on the same road and that no new construction, paving or grading is proposed. Mr. Richardson confirmed that the proposed use will not create congestion in the roads or streets. The evidence further supports the conclusion that the use will not create a hazard from fire, panic or other danger nor will it overcrowd the land or cause undue concentration of population. No actual auto repairs will occur on the premises and services will be limited to the washing and detailing of vehicles. Likewise, there will be no storage of damaged or disabled vehicles on the premises. I further find that there is no interference with adequate provision for school, parks, water, sewer, transportation. The Property is already connected to public water and sewer and is not located in a deficient water or sewer shed. Because the facility is a 1-story existing building, there will not be any interference with light or air. Regarding impermeable surface and vegetative retention provisions, the Property was previously developed and paved. Lastly, as shown by the absence of an adverse comment by DEPS, there are no environmental or natural resources which would be adversely affected.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this <u>12<sup>th</sup></u> day of March 2024 that the Petition for Special Exception per the BCZR, §253.2.B.2 for a service garage in the ML-IM zone be, and it is hereby **GRANTED**.

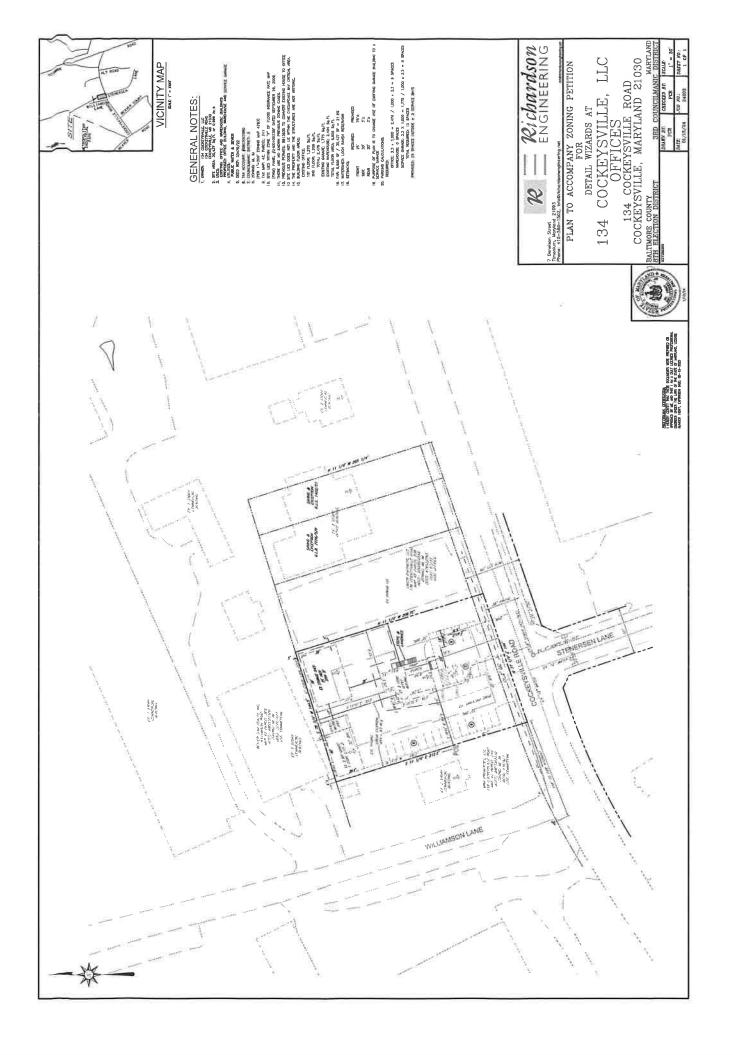
The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
- 2. The Site Plan (Pet. Ex. 1) is attached hereto and incorporated herein in its entirety.

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

ANDREW M. BELT Administrative Law Judge for Baltimore County

AMB: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:

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Signature	е					Signature 7 DENEISO	N STDEET	U	TIMONIUM	MD
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# ZONING DESCRIPTION FOR 134 COCKEYSVILLE ROAD 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the North side of Cockeysville Road (60' ultimate width R.O.W.) at a distance of 95 feet east of the centerline intersection of Cockeysville Road and Williamson Lane, thence parallel to the north side of Cockeysville Road (1) North 77 1/4 degrees East 144 feet, (2) North 11 1/4 degrees West 208.75 feet; (3) South 77 1/4 degrees West 144.3 feet, thence (4) South 11 1/4 degrees East 212.5 feet to the point of beginning;

Containing a net area of 30,437 square feet, or 0.70 acres of land, more or less.



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 NUMBER 16597,
EXPIRATION DATE: 08-15-2025

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**BALTIMORE COUNTY, MARYLAND** 

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

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

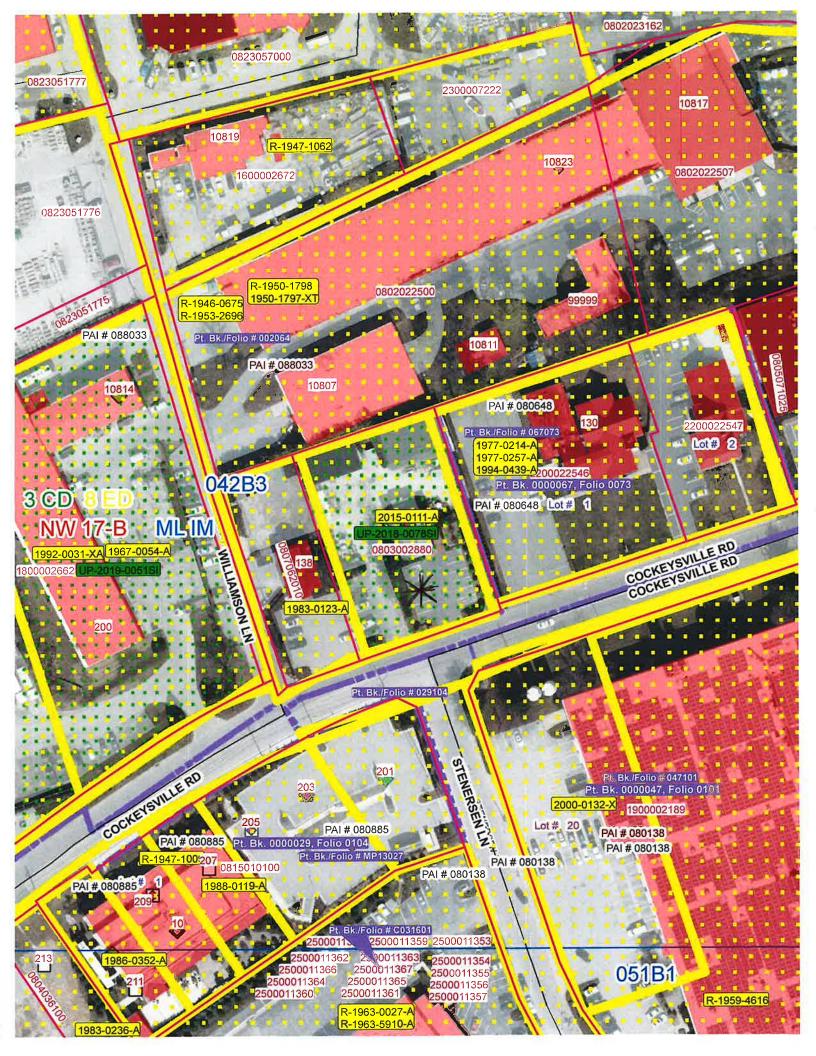
The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on 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.\*

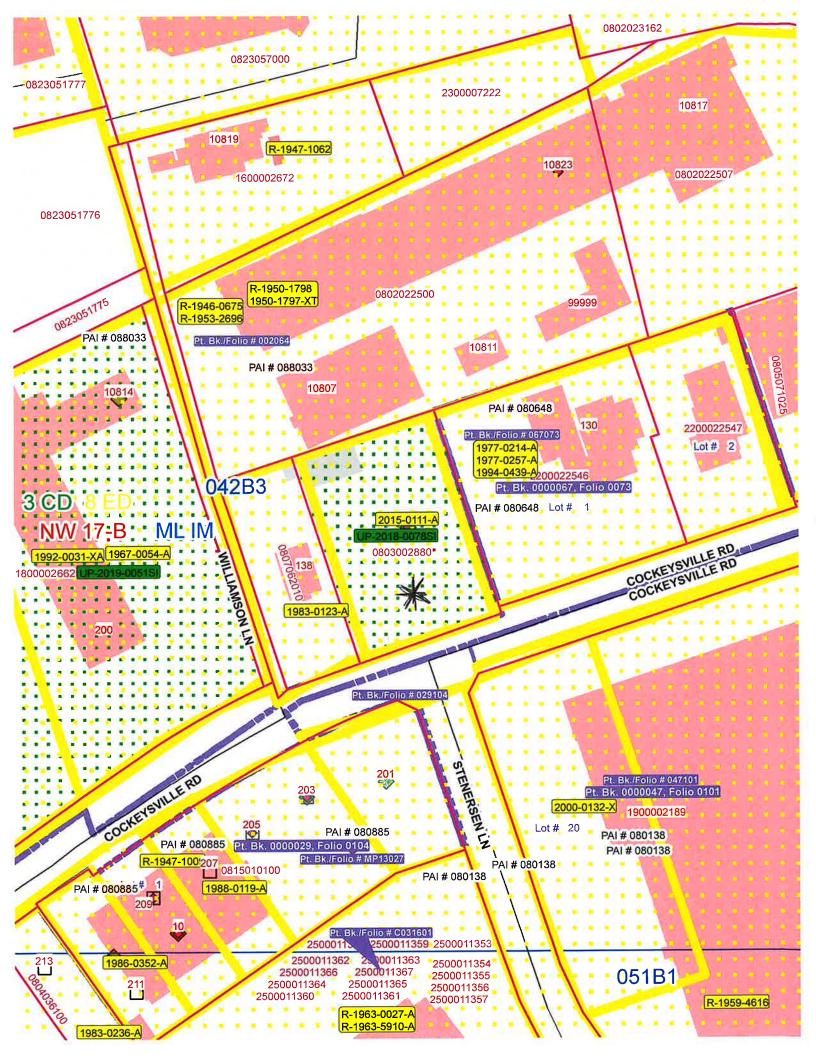
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Case Number:
Property Address: 134 COCKEYS VILLE ROAD REAR
Legal Owners (Petitioners): SEAN DARYANG 134 COCKEYSULUE ROAD, U.C.
Contract Purchaser/Lessee: WHU WARING
PLEASE FORWARD ADVERTISING BILL TO:
Name: Company/Firm (if applicable): 100 WARWG
Address: 34 COCKEYSVILLE ROAD REAR
COCKEYS VILLE, MD 4030
,
Telephone Number: 424 - 791 - 7209

<sup>\*</sup>Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.





#### Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map	View GroundRent	Redemption	View G	roundRent Re	gistration
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#### **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:

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#### ZONING DESCRIPTION FOR 134 COCKEYSVILLE ROAD 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the North side of Cockeysville Road (60' ultimate width R.O.W.) at a distance of 95 feet east of the centerline intersection of Cockeysville Road and Williamson Lane, thence parallel to the north side of Cockeysville Road (1) North 77 1/4 degrees East 144 feet, (2) North 11 1/4 degrees West 208.75 feet; (3) South 77 1/4 degrees West 144.3 feet, thence (4) South 11 1/4 degrees East 212.5 feet to the point of beginning;

Containing a net area of 30,437 square feet, or 0.70 acres of land, more or less.



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 NUMBER 16597,
EXPIRATION DATE: 08-15-2025

#### **CERTIFICATE OF POSTING**

	DE C. N	2024-0022-X
	RE: Case No.:	
	Petitioner/Developer:	
134 Cockeysvi	ille Road, LLC (Todd Sachs, M	anaging Member
	Date of Hearing/Closing:	March 12, 2024
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		
Attn: Jeff Perlow:		
Ladies and Gentlemen:		
This letter is to certify under the penalties o posted conspicuously on the property locate		equired by law were
134 Cockeysville Road	SIGN 1A & 1B	
The sign(s) were negted on	February 17, 2024	
The sign(s) were posted on	(Month, Day, Year)	



Sincerely,

**February 17, 2024** (Signature of Sign Poster) (Date) **SSG Robert Black** (Print Name) 1508 Leslie Road (Address) **Dundalk, Maryland 21222** (City, State, Zip Code) (410) 282-7940 (Telephone Number)

#### **CERTIFICATE OF POSTING**

	2024-0022-X
	RE: Case No.:
	Petitioner/Developer:
134 Cockeysvi	lle Road, LLC (Todd Sachs, Managing Member
	March 12, 2024 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
Attn: Jeff Perlow:	
Ladies and Gentlemen:	
This letter is to certify under the penalties o posted conspicuously on the property locate	f perjury that the necessary sign(s) required by law were d at:
134 Cockeysville Road	SIGN 2A & 2B
The sign(s) were negted on	February 17, 2024
The sign(s) were posted on	(Month, Day, Year)



**February 17, 2024** (Signature of Sign Poster) (Date) **SSG Robert Black** (Print Name) 1508 Leslie Road (Address) **Dundalk, Maryland 21222** (City, State, Zip Code) (410) 282-7940 (Telephone Number)

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: February 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0022-X

Address: 134 COCKEYSVILLE RD Legal Owner: 134 Cockeysville Road, LLC (Todd Sachs, Managing Member)

Zoning Advisory Committee Meeting of February 12, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Peter Gutwald, Director

DATE: February 9, 2024

Department of Permits, Approvals

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

Case 2024-0022-X

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

DPR: No comment.

DPW-T: No Exception taken

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald DATE: 2/15/2024

Director, Department of Permits, Approvals and Inspections

**FROM:** Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2024-0022-X

**INFORMATION:** 

**Property Address:** 134 Cockeysville Road

**Petitioner:** 134 Cockeysville Road, LLC c/o Todd Sachs, Managing Member

**Zoning:** ML IM

Requested Action: Special Exception

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

Special Exception -

1. To use the property as a service garage in an ML IM zone per Section 253.2.B.2 of the Baltimore County Zoning Regulations (BCZR).

The subject site is an approximately 29,520 square foot parcel in the Cockeysville area on Cockeysville Road, which runs between York Road and Beaver Dam Road. The site is improved with a two-story office building; a 25' tall storage shed; a one-story, three-bay garage with an attached office/waiting area, and a paved parking lot. The garage is located to the rear of the property, and appears to have a fence and gate separating it from a portion of the parking lot. Based on Google Streetview of the property from September 2023, the site appears to be well maintained and nicely landscaped.

Uses surrounding the subject site are primarily manufacturing and warehouse in nature, with automotive and other uses throughout. To the north, businesses include a truck repair shop, a stone supply warehouse, a recycling center, a welding business, and a landscaping company. To the east, businesses include a civil engineering company, an auto body shop, an auto repair shop, and warehouse space. As you approach York Road, uses become more commercial in nature, including multiple restaurants, a tire shop, and a comic book store. To the south, businesses include various warehouse and construction companies, and an automotive services business. To the west, businesses include a trash removal company, a daycare center, manufacturing warehouses, and a dog daycare facility.

The subject site is within the boundaries of the Hunt Valley/Timonium Master Plan, adopted by the County Council October 19<sup>th</sup>, 1998. The Plan provides guidance on development of the employment and commercial areas within the plan area boundary. Specific to manufacturing, the Plan encourages the preservation of ML zoned land in order to ensure it remains available for new development of manufacturing-related uses (page 10).

The three-bay garage is existing and appears to be in good condition. Further, the use appears to be consistent with the surrounding uses and properties, as well as with the spirit and intent of the Hunt Valley/Timonium Master Plan. As such, the Department of Planning has no objections to the requested relief.

For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:

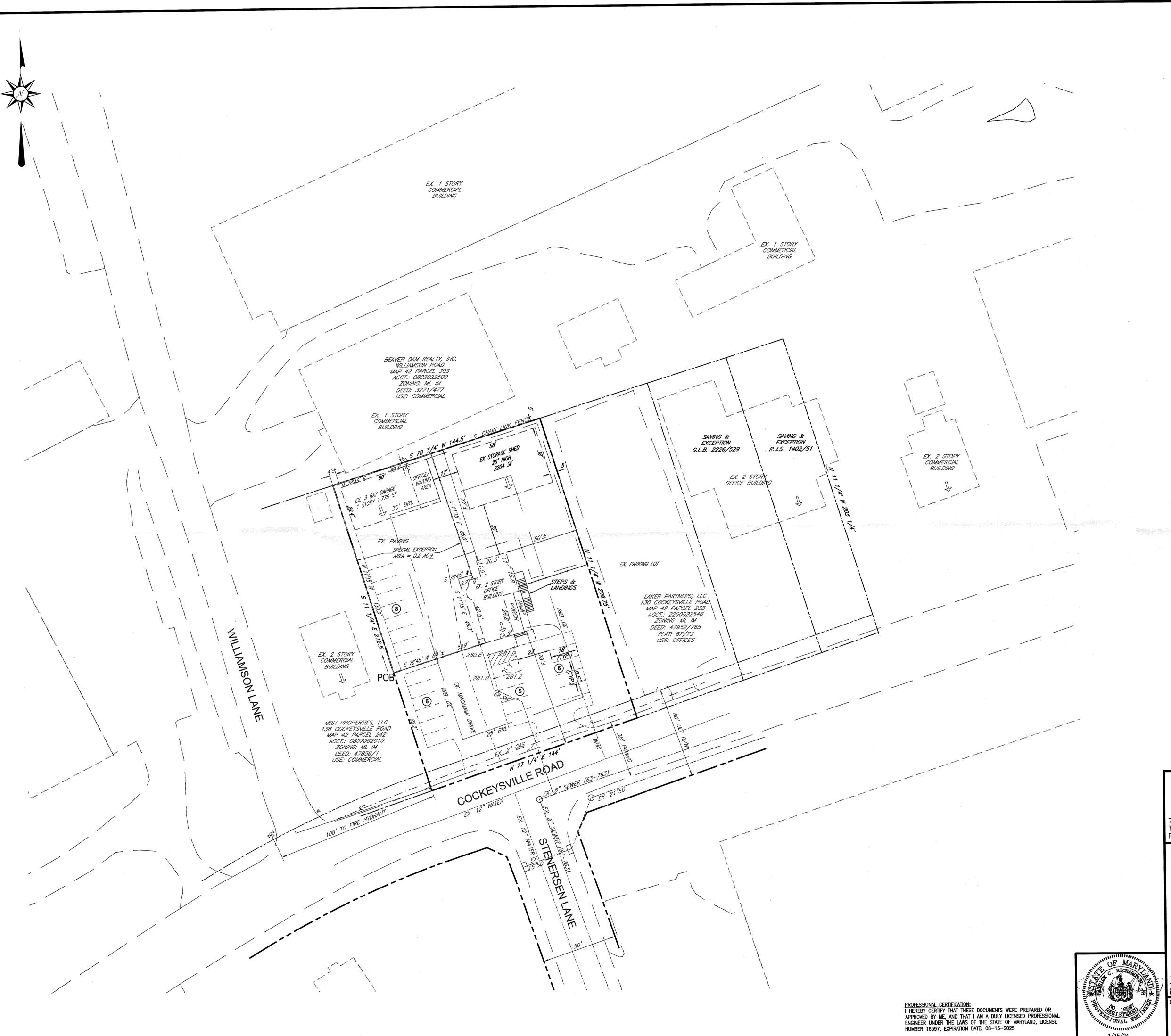
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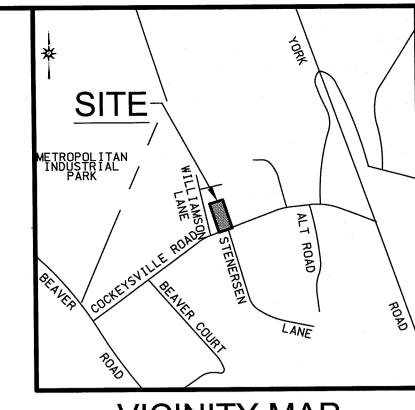
**Division Chief:** 

enifer G. Nugent

#### SL/JGN/KP

c: Patrick Richardson, Richardson Engineering, LLC
 David Birkenthal, Community Planner
 Jeff Perlow, Zoning Review
 Kristen Lewis, Zoning Review
 Office of Administrative Hearings
 People's Counsel for Baltimore County





**VICINITY MAP** SCALE: 1" = XXXX'

## **GENERAL NOTES:**

1. OWNER: 134 COCKEYSVILLE, LLC 134 COCKEYSVILLE ROAD

COCKEYSVILLE, MD 21030 2. SITE AREA: 30,437 Sq.Ft. or 0.699 Ac.±

EXISTING: OFFICE AND WAREHOUSE BUILDINGS

PROPOSED: OFFICE BUILDING, WAREHOUSE AND SERVICE GARAGE

4. UTILITIES: PUBLIC WATER & SEWER 5. DEED REF: 33470/22

6. TAX ACCOUNT: #0803002880

7. COUNCILMANIC DISTRICT: 3

8. ZONING: ML IM

(PER 1"=200' ZONING MAP 42B3)

9. TAX MAP: 42, PARCEL: 241 10. SITE LIES WITHIN ZONE "X" OF FLOOD INSURANCE RATE MAP

(FIRM) PANEL #2400100235F DATED SEPTEMBER 26, 2008.

11. THERE ARE NO KNOWN PREVIOUS ZONING CASES.

12. PREVIOUS PERMITS: B813835 TO CONVERT EXISTING HOUSE TO OFFICE

13 SITE LIES DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

14. THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC. 15. BUILDING FLOOR AREAS:

EXISTING OFFICE:

1ST FLOOR: 1,270 Sq.Ft. 2ND FLOOR: 1,206 Sq.Ft.

TOTAL: 2,476 Sq.Ft.

EXISTING GARAGE: 1,775 Sq.Ft.

EXISTING WAREHOUSE: 2,404 Sq.Ft.

TOTAL FLOOR AREA: 6,655 Sq.Ft.

16. FAR: 6,655 SF / 30,437 SF = 21.9%

17. WATERSHED: LOCH RAVEN RESERVOIR 18. SETBACKS:

78**'**±

3**'**± 3'±

19. PURPOSE OF PLAN IS TO CHANGE USE OF EXISTING GARAGE BUILDING TO A SERVICE GARAGE

20. PARKING CALCULATIONS: REQUIRED:

OFFICE:  $3.3 \times 1,000 = 2,476 / 1,000 \times 3.3 = 9$  SPACES

WAREHOUSE: 0 SPACES

SERVICE GARAGE:  $3.3 \times 1,000 = 1,775 / 1,000 \times 3.3 = 6 \text{ SPACES}$ TOTAL REQUIRED: 15 SPACES

PROVIDED: 25 SPACES OUTSIDE + 3 SERVICE BAYS

2024-0027-x



7 Deneison Street Timonium, Maryland 21093 Phone: 410—560—1502, info@richardsonengineering.net

PLAN TO ACCOMPANY ZONING PETITION FOR

DETAIL WIZARDS AT

134 COCKEYSVILLE, LLC OFFICES 134 COCKEYSVILLE ROAD COCKEYSVILLE, MARYLAND 21030

BALTIMORE COUNTY 8TH ELECTION DISTRICT

MARYLAND 3RD COUNCILMANIC DISTRICT

SCALE: CHECKED BY: 1" = 30'JOB NO.: SHEET NO.: 1 OF 1 01/15/24 24003

