PETITION FOR SPECIAL HEARING

77.225-SPH (00-10. 10)

TO THE ZONING COMMISSIONER OF BALTHONE COUNTY:

1, or we, JODI, MILL METLO, BALESHALLEGAL OWNERS, Log the property at cluste in Baltimore County and which in seemribed in the description and state of the property and the property of the county of the cou Commissioner should approve on extension to the parking area that eas originally shoen on site plan filed eith case #76-256-

and to permit maneuvering area of said parking in DR.3.5 zone.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations.

Regulations.

agree to pay expenses of above Special Hearing advertising, posting, etc. upon filing of this petition, and further agree to and are to be hawful by the zoning regulations and restrictions of Baltimore County adopted Myssant to the Zoning Law for Baltimore County.



GENERED By the Zoning Commissioner of Baltimore County, this 8th..... Commissioner of Baltimore County, this DMA.

196071 Hat the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, in two newspapers of general circulation throughout Baltimore County in Rose County in Rose 106, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 186, County Office Building in Towson, Baltimore County, on the 1850 1

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Now de Rense -

RE: PETITION FOR SPECIAL HEARING for approval on extension to parking area originally shown on site plan filed with case #76-256-YA and to permit maneuvering area of said parking in a D.R. 3.5 zone NE/5 of York Road 82' John Buscemi, Petitione

REFORE

COUNTY BOARD OF APPEALS

OF

RAITIMORE COUNTY

No. 77-225-SPH

OPINION

This case comes before the Board on an appeal from a decision of the Zonina Commissioner which granted a petition for additional parking area in a D.R. 3.5 zone at the rear of the subject property. The subject property is located at 1911 York Road. This property is in the Eighth Election District of Rollimore County at the southeast corne of York Road and Gorsuch Avenue. A plat in the file of this case reflects that all of the subject property is zoned D.R. 16 with the exception of a small rectangle of land at the rear of this lot. The petition for parking is limited to the small D.R. 3.5 parcel.

The Board heard testimony and evidence from the property owner, a Baltimore County planner and two nearby residents who were opposed to the granting of the patition. One of the Protestants, Mrs. Lucy Mansfield, owns both of the properties that abut the subject property; i.e., 1909 York Road and 1 Garsuch Avenue; she rents 1909 York Road and resides at 1 Gorsuch Avenue,

After considering and reflecting upon all of the testimony and evidence presented in this case, it is the judgment of this Board that the legal principles set out by Judge Cicare in the Radebaugh decision (Circuit Court for Baltimore County 11/212/6762) ern our judgment in this case. This uncontradicted testimony clearly indicated thu the entire area for the proposed use is within a "transition area" as set out in the Zoning Regulations under Section 1801.1.8.1.a and the following sections. The subject area is but 117 feet from Mrs. Mansfield's residence at 1 Gorsuch Avenue. For this reason the petition cannot be granted. Hence, the Board need not go further considering whether or not the petition could be granted while satisfying the provisions of Sections 409.4 and 502.1.

RE: PETITION FOR SPECIAL HEARING to extend the parking area origing shown on the site plan filed with Case \$76-256-XA and to permit a maneuvering area for said parking in a D.R. 3.5 Zone BEFORE THE ZONING COMMISSIONER OF BALTIMORE COLIN TV

JOHN BUSCEMI, Petitioner

: Case No. 77-225-SPH (Item 195)

..... ORDER FOR APPEAL

Please note an appeal from your decision in the above-entitled matter, under date of April 5, 1979, to the County Board of Appeals and forward all papers in connection herewith to said Board for hearing

Max Peter Max Zimmerman Deputy People's Counsel

John W. Hessian, III People's Counsel County Office Building Towson, Maryland 21204

Jun Will

I HEREBY CERTIFY that on this 4th day of May, 1979, a copy of the aforegoing C.Jer for Appeal was mailed to Mr. John Buscemi, 3006 White Avenue, Baltimore, Maryland 21214; Mr. James V. Welsch, 6 Gorsuch Road, Timonium, Maryland 21093; Ms. Lucy A. Mansfield, 1 Gorsuch Road, Timonium, Maryland 21093; and Mr. William W. Pheil. 13 Northampton Road, Lutherville, Maryland 21093.

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2.



John Buscemi - #77-225-SPH

While the Board connot grant this petition it should be noted that testimony from various witnesses seemed to indicate that perhaps the entire property should be zoned D.R. 16 instead of having the very rear small parcel in a D.R. 3.5 zone. This apparent error on the zoning maps could and would legally be corrected by the Planning staff and the County Council by October, 1980, when the comprehensive zoning maps will be adopted. If such is the case the use sought by the Petitioner could be achieved at the subject property as a matter of right and the issue before the Board would be moot. In addition, it should be noted that this past Monday night, the County Council passed a new "resident office" zone. Based upon the testimony in this case and assuming this new "R-O" zone is a part of the Regulations, the property seems to fulfill the basic land use criteria for placement within this new R-O zoning classification. Again, if such would be the case in October of 1980 when the comprehensive land use maps are adapted, the use sought by this petition could be achieved as a matter of right within the R-O classification

However, after considering the specifics of the subject case, the Zoning Regulations as they exist today, and based upon the legal findings in the Radebaugh case, i is the judgment of this Board that it has no alternative but to find that the area requested for parking in the subject petition lies within a "transition zone" and, therefore, the petition cannot be granted. Hence, the petition will be denied.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 14th day of February, 1980, by the County Board of Appeals, ORDERED that the extension to the parking area petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chalrma atrices Milhous

April 6, 1979

RE: Petition for Special Hearing NE/S of York Road, 82' S of Gorauch Avenue - 8th Election District John Buscemi - Petitioner NO. 77-225-SPH (Item No. 195)

I have this date passed my Order in the above referenced matter, lance with the attached

> Very truly yours, ERIC DI NENNA Zoning Commissioner

SED:n

cc: Mr. James V. Welsch 6 Gorsuch Road Timonium, Maryland 21093

> Ms. Lucy A. Mansfield Timonium, Maryland 21093

Mr. William W. Pheil 13 Northampton Road Lutherville, Maryland 21093

John W. Hessian, III. Esquire

Reem 219, Court House Towners, Maryland 21204 February 14, 1980

on. Md. 2120

Re: Case No. 77-225-5PH John Buscemi

Enclosed please find a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case

Very truly yours.

Edito J Garage

Encl.

cc: Mr. John Buscami Mr. James V. Welsch Mrs. Lucy A. Mansfield Mr. William W. Pheil Mrs. Albert Ford Mr. W. E. Hammond

EVANS, HAGAN & HOLDEFER, INC.



8013 BELAIR RD BALTIMORE MD 21236 - 301 - 668 1501

a rugny 5, 1427

DESCRIPTION OF REAR PORTION OF BIRST YORK RUAS, TO ACCUMPANY PETITION YOU PROTAL MEARING TO ALLOW BURINESS PARKING MANUSVERING AREA IN A DR. R.S. ZONE.

BEGINNING FOR THE SAME on the South side of Consuch Avenue, 40 Feet wide, at a point distant the 2 following courses and distances, reasured along said South side of Gorsuon Avanue from its intersection with the Northeast side of York Road, as wisened to 92 feet: North 24 segrees 14 minutes 59 seconds East 32,31 feet and North 79 segrees 00 minutes 24 seconds East 97, 00 feet to the place of beginning, thence leaving said place of Decinning and running any binding on said South side of Barsuch Avanue, [A] North 79 degrees 00 minutes 24 seconds East 37 00 fact, man, or less thence loaving Soreuch Avenue and running and binding on the Northeast brundaries of lots 2, 3 and 4 as loid out in Section "I" of Yorkshire, recorded among the land records of Beltimore County in Plat Book #.P.C. No. 7, felio 21, (8) south 20 degrees 23 minutes 21 seconds East 52 Feet, more or less to a point distant 5.00 feet, measured southerly from and at right angles to the division line between lots 3 and 4 as laid out on the aforesaid plat, thence running parallel to and distant 5.00 feet; measured southerly and at right angles to seld division line (6) south 69 degrees 58 minutes 01 second west 33 fest, more on less, to a point distant 150 feet measured Northeasterly From the centerline of York Hood, thence running assisted to and distant 150.00 Feet measured Northeasterly from and at right angles to the centerline of York Acad, (D) North 20 decrees 01 minute 59 seconds west 57.00 fort, more or less to the place of beginning.

This description has been prepared for zoning purposes only, and is not intended to be used for conveyance.

EVANS, HACAN A MOLDEFELL INC



EPARING TO LANCED THE OPTION

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advertisement, porting of property, and public earing on the shown Petition and it appearing that by reason of the following finding of facts that in accordance with the power granted unto the Zoning Commissioner by Section 500. 7 of the Baltimore County Zoning Regulations. it is hereby determined that said Petition will not be detrimental to the health. safety, and seperal welfare of the community and would be within the spirit and intent of said Regulations; therefore, the Special Hearing to extend the parking area originally shown on the site plan filed with Case No. 76-256-XA and to perout a maneuvering area (or said parking in a D.R. 3.5 Zone should be granted.... IS ORDERED by the Zoning Commissioner of Baltimore County, this April...., 19 79, that the herein Petition for nentioned Special Hearing should be and the same is GRANTED, from and tter the date of this Order, subject to the approval of a site play by the State Highnistration, the Depart-Public Works, and the Zoning Commissioner of Baltimore County

Office of Planning and Zoning. Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____day of_____, 196__, that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Mr. John Buscem Page 2 Item No. 195

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded

Very truly yours, Mille Commelin NICHOLAS B. COMMODARI, Acting Chairman Zoning Plans Advisory Committee

MBC:rf

cc: Evans, Hagan & Holdefer, Inc. 8013 Belair Road Baltimore, Maryland 21236

PETITION FOR SPECIAL HEARING

: BEFORE THE ZONING COMMISSIONER NE/S of York Rd. 82' S of Gorsuch Ave.,

OF BALTIMORE COUNTY

: Case No. 77-225-SPH JOHN BUSCEMI, et al, Petitioners

ORDER TO ENTER APPEARANCE

AL Commissioner

Pursuant to the authority contained in Section 524.1 of the Beltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or finel Order in connection therewith.

Charles E. Kountz, Jr.

John W. Hessian, III People's Coursel County Office Building Towson, Maryland 21204

I HEREBY CERTIFY that on this 13th day of May, 1977, a capy of the aforegoing Order was mailed to Mr. John Buscami, 3006 White Avenue, Boltimore, Maryland 21214,





ON, MARYLAND 21204

THORNTON M. MOURING, P.E. DIRECTOR

April 12, 1977

Mr. S. Eric DiNenna Zoning Commissioner County Office Building

Item #195 (1976-1977)
PrOperty Owner: John Buscemi, et al
5/E cor. York Rd. & Gorsuch Ave.
Existing Zoning: D.R. 16 & D.R. 3.5
Propose: Zoning: Special Rearing to extend the parking
area as shown on plat of 76-256 JR and to permit offstreet parking in a residential scome. Acres: 0.19 District 8th

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Comments were supplied in connection with the Zoning Advisory Committee review of this property for Item \$183 (1975-1976). Those comments remain valid and are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning

Donald W. Tucky- James Very truly yours, DONALD W. TUCKER, P.E. Acting Chief Bureau of Engineering

BALTIMORE COUNTY, MARYLAND

3. Eric DiNenna, Zoning Commissioner Date Nav. 11, 1977 ...

Norman E. Gerber, Acting Director of Planning

Petition #77-225-SPH. Petition for Special Hearing for Off-Street Parking Northeast side of York Road 82 feet South of Gorsuch Avenue Petitioner - John Russessi

8th District

HEARING: Wednesday, May 18, 1977 (10:15 A.M.)

There are no comprehensive planning factors requiring comment on

NEG LIGHT PR

BALTIMORE COUNTY OFFICE OF PLANNING & SONING

County Office Building 111 W. Chesapeake Avenu Towson, Maryland 21204

Your Petition has been received and accepted for filing

Petitioner Rete Bresser Petitioner's Attorney

Harry R. Hughes

Bernard M. Evens

March 11, 1977

Mr. S. Eric DiNenna Zoning Commissioner County Office Bldg. Towson, Nd. 21204

Attention: Mr. N. Commoderi

Re: Z.A.C. Meeting, March 8, 1977
Item: 195
Property Owner: John Busceni, et al.
Location: 85/C York Rd. (Rtc. 45) 6
Location: 85/C York Rd. (Rtc. 45) 6
Existing Zork
Existing Zork
Existing Zork
Froposed Zoning: Special hearing to extend the parking area
as shown on plat of 76256 XA and to permit
256 XA and to permit
Acres: 0.19 a residential zone.

Acres: 0.19 District: 8th

Dear Mr. DiNenna:

There is no access from York Road, therefore there will be no requirements by the State Highway Administration.

CL:JEH:dj

Very truly yours, Charles Lee, Chief Bureau of Engineering Access Permits

By: John E. Meyers

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 9, 1977

Mr. John Buscemi 3006 White Avenue Baltimore, Maryland 21214

RE: Special Hearing Petition Item No. 195 Petitioner - John Buscemi

Dear Mr. Buscemi:

cholas, B. Commodari

ting Cheirnes

BUREAU OF

STATE BOADS BUREAU OF FIRE PREVENTION

DEPARTMENT OF

HEALTH DEPARTMEN

PROJECT PLANNING BUILDING DEPARTMEN

DARD OF EDUCATION

DEVELOPMENT

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and

These comments are not intended to indicate the appropriateness of the roning action requested, but to assure that all parties are made swort ans that one problems withing on this case. The birector of Planning may file a written report with the Zoning Commissions with recommendations as to the appropriateness of the requested Toning.

Located on the southeast corner of York Road and Occauch Avenue in the 8th Election District, this partially D.R. 16 and 3.5 somed site is improved with a two story office building and accessory parking area in the front.

This property was the subject of a previous zoning hearing. Case 475-256-2A, in which a Special Exception for the existing use and warisme to permit 7 parking spaces in lieu of the required 8 were granted. Your proposal at this time is to create an additional the proposal at this time is to create an additional hearing and saneuwering area to the original request coupled this state that of the original request coupled this state that the maneuwering area is required.

office of plan DWSON, MARYLAND 21204 311 494 3211

March 11, 1977

Mr. Fric S. DiNenna, Zonina Commissioner Mr. Eric S. DiNenno, Zoning Co Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Dear Mr. DiNenno

Comments on Item #195, Zoning Advisory Committee Meeting, March 8, 1977, are as follows:

Property Owner. John Bussemi, etal Lacation: 55°C York Road and Canuch Avenue Esisting Zening: D. 816, and D. 8.3.5. Proposed Zening: Special Reserving to extend the porking area as shown on plat of 76-256 XA and to permit off-street parking in a residential zone Acres: 0.19

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

March 22 1977

Mr. Eric S. DiMenna Zoning Commissioner 2nd Floor Courthouse Towson, Maryland 2120

Dear Mr. DiNenna

Item 195 - EMC - Narch 8, 1977
Property Owner: John Buscent, it al.
Location: CLT 'Vork Rd. 6 corsuch Ave.
Dristing Zoning: D.R. 16 6 D.R. 3.5
Proposed Zoning: Special Results of Section on place of 20-256 MA and to paralle of street; parking in a residential zone.

No traffic engineering problems are anticipated by the requested off-street parking in a residential zone.

Very truly yours,

Michael S. Flanigan Traffic Engineer Associate

MSF/111

July 17,1979 6 German Boad Timenium Ma 21093

Please Natify in Westing when Case # 77-225-SPH Will be Heard I Testified at the Zoning Appeal - I would Like To be Present when the Appeal is beard I will be appearing as a povestant

Thanks James V Walsel

CONALL BOYER

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your Petition has been received . this 24k day of Februar 1977. Filing Fee \$ 25.00

Petitioner John Bus com Submitted by John Braces Petitioner's Attorney ____

Reviewed by Dene date This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

March 8, 1977

Nr. S. Eric DiNenna, Zoning Commissioner Office of Planning and Zoning County Office Building Townon, Maryland 21204

Dane No. Divenne:

Connents on Item 195, Zoning Advisory Connittee Meeting, Warch 8, 1977, are as follows:

John Buscomi, et al.
SI/C Tork Rd. & Gorsuch Ave.
D.R. & Gorsuch A Property Owner: Location: Existing Zoning: Proposed Zoning:

Acres: District:

Since metropolitam water and sewer are available, no health hezards are anticipated.

Very truly yours,

Thomas A. Devisa, Director BUREAU OF ENVIRONMENTAL SERVICES

EVR : mah

CERTIFICATE OF PUBLICATION

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Denorite		5)14179	
	Date .	el reterm	

March 7, 1977

Comments on Item #195 Zoning Marisory Committee Meeting, are as follows:

Property Coner: John Buscemi, et al. location: \$2/\$C fork Road & Corsuch Are. Stristing Roaling R., 16 = D.M., 15 Froposed RoningSpecial Hearing to extend the parking area as shown on plat Proposed RoningSpecial Hearing to extend the parking area as shown on plat for 16-55 A. and to permit off street parking in a residential of 16-55 A. and to permit off street parking in a residential of 16-55 A. and to permit off street parking in a residential of 16-55 A. and to permit off street parking in a residential of 16-55 A. and to permit off street parking in a residential of 16-55 A. and to permit off street parking in a residential permit of the street parking and the street parking in a residential permit of the street parking and the street parking area as shown on plat permit of the street parking and the street parking area and the street parking and the street parking area and the street parking and the street parking area and the street parking and the street parking area and the street parking and the street parking area and the street parking and the street parking area and the street parking and the street parking area and the street parking and the street parking area and the street parking and the street parking and the street parking area and the street parking and the street parking area and the street parking and the street parking area and the street parking and the street parking area and the street parking and the street parking area and the street parking area and the street parking and the street parking area and the street parking and the street parking area and the s

The items checked below are applicables

2. Structure shall conform to Baltimore County Ballding Code (B.O.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes.

1970 Edition and the 1971 Depplement and other explicable codes.

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2. A change of comment of the security of one uses.

2. A change of comment of the security of the securit

D. Three sets of construction drawings with a registered Yaryland irchitect or Engineer's original seal will be required to file an application for a building permit.

E. Wood frame walls are not permitted within 3'C" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.

G. Requested setback variance conflicts with the Baltimore County Building Code. See Section ______

Ter truly yours.

Charles E. Purnham Flams Review Chief CEB:rFj



TOWSON MD 21204

Petision for Special Hearing

THIS IS TO CERTIFY, that the annexed advertisement of

El Towson Times ☐ Catonsville Times
☐ Dundalk Times

C Suburban Times Fast

☐ Arbutus Times C Suburban Times West

weekly newspapers published in Baltimore, County, Maryland, successive weeks before the 18 day of May 19.77, that is to say, the same

STROMBERG PUBLICATIONS, INC.

H77-225-5PH.

Date of Public 4-28-22 Part to Henny Web Dry 18' 1977 6 10:15 1991.

a proper Note Sile of york Rd 82 de of Second de

a see I Sign Both in Frent Gad of 1911 follow.

Posted by Mul N. Mar. Date of return. 5-5-22 BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: March 8. 1977

Mr. S. Eric DiNenna Zening Commissioner Baltimore County Office Building Towson, Maryland 21204

Z.A.C. Meeting of: March 8, 1977

Tem No: 195

Property Owner: John Buscent, et al.
Location: SEC Tork Rd & Correct Are.
Present Annia: SEC Tork Rd & Correct Are.
Present Annia: SEC Tork Rd & Correct Are.
Proposed Conting: Special Mearing to extend the parking area at Trapposed Conting: Special Mearing to extend the parking area at trapposed Conting: Special Mearing to extend to permit offstreet parking in a residential Eden.

WNP/bp

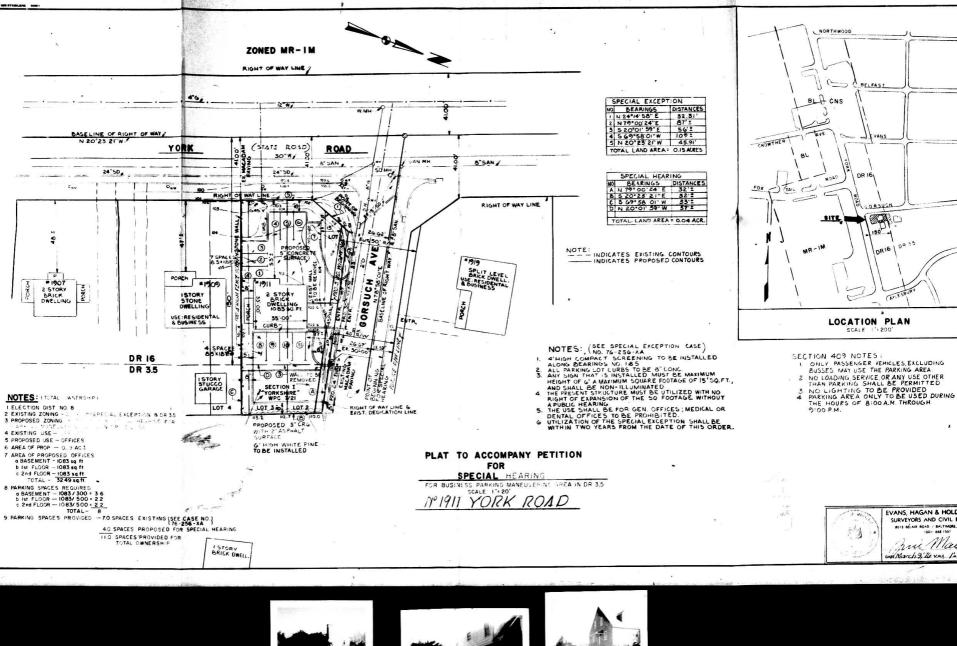
District: 8th

No bearing on student population.

Very truly yours,

1) bitteet











BELFAST

EVANS

AVLE SBUR

EVANS, HAGAN & HOLDEFER, IN

SURVEYORS AND CIVIL ENGINEERS BOIS BELAIR ROAD / BALTIMORE, MD. 21226

mi Maiste.

March 9:16 xme 1:20

LOCATION PLAN SCALE 1": 200"

SITE .