

PETITION FOR SPECIAL EXCEPTION 85-350-XA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the living quarters in a commercial building and herein described property for a service garage, to a B.U. zone pursuant to P.C.Z.R. § 230.13, or, in the alternative, to determine that the proposed engine and parts-repairs facility is legal, as a matter of right.

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

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

Chester L. Crossant

Signature

Chester L. Crossant

Address

Jean Marie Crossant

City and State

Jean Marie Crossant

Attorney for Petitioner:

7528 Philadelphia Road 866-4747

G. Scott Barhight

(Type or Print Name)

Signature

Address

City and State

204 West Pennsylvania Avenue

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 823-7800

7528 Philadelphia Road 866-4747

Address

City and State

Baltimore, Maryland 21237

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

G. Scott Barhight

204 West Pennsylvania Avenue

Towson, Maryland 21204

Address

Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 17th day of May, 1985, that 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, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of June, 1985, at 1:30 o'clock P.M.

Carl J. Jablon
Zoning Commissioner of Baltimore County.

(over)

PETITION FOR ZONING VARIANCE 85-350-XA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2 a. and b. (5) to permit one (1) parking space in lieu of the required five (5) parking spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

As the parking requirements of Baltimore County Zoning Regulations Section 409 exceed the number of parking spaces actually needed for the site, to require the Petitioner to provide the required parking would create an undue hardship.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

Chester L. Crossant

Signature

Chester L. Crossant

Address

Jean M. Crossant

City and State

Jean M. Crossant

Attorney for Petitioner:

7528 Philadelphia Road 866-4747

G. Scott Barhight

(Type or Print Name)

Signature

Address

City and State

204 W. Pennsylvania Avenue

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 823-7800

7528 Philadelphia Road 866-4747

Address

City and State

Baltimore, Maryland 21237

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

G. Scott Barhight, Esquire

204 W. Penna. Ave., Towson, MD 21204

Address

Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 17th day of May, 1985, that 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, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of June, 1985, at 1:30 o'clock P.M.

Carl J. Jablon
Zoning Commissioner of Baltimore County.

(over)

85-350-XA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 7th day of May, 1985.

Petitioner: Chester L. Crossant, et ux
Petitioner's Attorney: Scott Barhight, Esquire

Carl J. Jablon
ARNOLD JABLON
Zoning Commissioner
Received by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 17, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ofo
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

G. Scott Barhight, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 278
Petitioner: Chester L. Crossant, et ux
Special Exception Petition

Dear Mr. Barhight:

I have reviewed the above referenced petition and have determined that I must discuss this matter with you. Until I hear from you, the petition will not be scheduled for a hearing.

In view of this, please contact me at 494-3391 as soon as possible.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

cc: Frank S. Lee
1277 Neighbors Avenue
Baltimore, Maryland 21237

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 31, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ofo
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

G. Scott Barhight, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 278 - Case No. 85-350-XA
Petitioner - Chester L. Crossant, et ux
Special Exception Petition

Dear Mr. Barhight:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

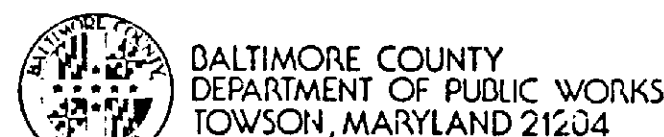
Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Mr. Frank Lee
1277 Neighbors Avenue
Baltimore, Maryland 21237



HARRY J. PISTEL P.E.
DIRECTOR

May 17, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #278 (1984-1985)
Property Owner: Chester L. Crossant, et ux
N/W cor. Philadelphia Rd. & Rosedale Heights Ave.
Acres: 0.25
District: 14th

Dear Mr. Jablon:

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.

General Comments:

Since no public facilities are involved, this office has no comment.

Very truly yours,

James A. Marshall
JAMES A. MARSHALL P.E., Chief
Bureau of Public Services

JAM:EAM:PMH:iss

cc: File



State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

April 19, 1985

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. N. Commodari

Re: ZAC Meeting of 4-2-85
ITEM: 278.
Property Owner: Chester L. Crossant, et ux
Location: NW/Cor. Philadelphia Road, Route 7, & Rosedale Heights Avenue
Existing Zoning: B.L. & D.R. 5.5
Proposed Zoning: Special Exception for a service garage and to determine that the proposed parts repair facility is legal as a matter of right.
Acres: 0.25
District: 14th

Dear Mr. Jablon:

On review of the site plan of 2-26-85 and field inspection, the State Highway Administration finds the plan generally acceptable.

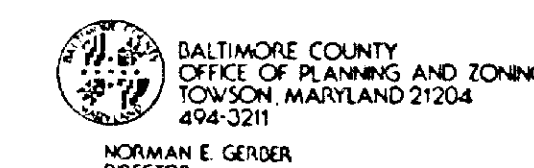
Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350

Telephone for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

JUNE 3, 1985

Re: Zoning Advisory Meeting of April 2, 1985
Item # 278
Property Owner: Chester L. Crossant, et ux
Location: NW/Cor. Philadelphia Rd. & Rosedale Heights Ave.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☐ There are no site planning factors requiring comment.
- ☐ A County Review Group Meeting is required.
- ☐ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☐ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☐ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☐ The access is not satisfactory.
- ☐ The circulation on this site is not satisfactory.
- ☐ The parking arrangement is not satisfactory.
- ☐ Parking calculations must be shown on the plan.
- ☐ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☐ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-54 of the Development Regulations.
- ☐ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☐ The amended Development Plan was approved by the Planning Board.
- ☐ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☐ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

Additional comments:
Existing Conditions - 1st Parking Space
Shown on Site Plan

Eugene A. Rober
Chief, Current Planning and Development

cc: James Howell

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

April 8, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 278 -ZAC- Meeting of April 2, 1985
Property Owner: Chester L. Crossont, et ux
Location: NW/Cor. Philadelphia Road and Rosedale Heights Avenue.
Existing Zoning: B.L. & D.R. 5.5
Proposed Zoning: Special exception for a service garage and to determine that the proposed parts repair facility is legal, as a matter of right.

Acres: 0.25
District: 14th

Dear Mr. Jablon:

The plan should be revised to show the parking and the beauty salon.
The proposed parking fails to meet county standards and insufficient to serve both a garage and a beauty salon. Rosedale Heights Avenue should be improved with curb and gutter.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/ccm



PAUL H. REINCKE
CHIEF

April 15, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Chester L. Crossont, et ux

Location: NW/Cor. Philadelphia Rd. and Rosedale Heights Avenue

Item No.: 278

Zoning Agenda: Meeting of 4/2/85

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *Ray W. Kemmer* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

April 15, 1985

TO: ZALSKA JR.

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 278 Zoning Advisory Committee Meeting are as follows:

Property Owner: Chester L. Crossont, et ux
Location: NW/Cor. Philadelphia Road and Rosedale Heights Avenue
Existing Zoning: B.L. & D.R. 5.5
Proposed Zoning: Special exception for a service garage and to determine that the proposed parts repair facility is legal, as a matter of right.

Acres: 0.25
District: 14th.

The items checked below are applicable:

- A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 14-82 State of Maryland Code for the Handicapped and Age; and other applicable Codes.
- B. A building/_____ permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 501.2.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section/4.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

1. Comments - Section 103.1 as amended by Bill 14-82 or effective April 22, 1985 Council Bill #17-85 shall be applicable. See also Section 103.2.

NOTE: These comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 112 (Plans Review) at 111 N. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner
Norman E. Gerber, Director
Office of Planning & Zoning
SUBJECT: Zoning Petition No. 85-350-XA

Date: June 3, 1985

Assuming compliance with the comments of the Zoning Plans Advisory Committee, this office is not opposed to the granting of the subject request.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning & Zoning

NEC:JGH:slm

IN RE: PETITIONS SPECIAL EXCEPTIONS AND ZONING VARIANCE
NW/Cor. Philadelphia Road and Rosedale Heights Avenue - 14th Election District
Chester L. Crossont, et ux, Petitioners
Case No. 85-350-XA
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request special exceptions for living quarters in a commercial building and a service garage or, in the alternative, a determination that the existing use is permitted as a matter of right and, additionally, a variance to permit one parking space instead of the required five spaces, as shown on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. Frank Lee, a registered land surveyor, also testified on behalf of the Petitioners. There were no Protestants.

Testimony indicated that the subject property, zoned B.L. with a portion to the west zoned D.R.5.5, is located on approximately .25 of an acre at the corner of Rosedale Heights Avenue and Philadelphia Road. The Petitioners have lived and worked on the site since its purchase in 1979. The property consists of a two-story dwelling, a one-story beauty salon attached to the dwelling, and a garage which has been used for many years as a machine shop for the repair of automobile engines, i.e., rebuilding of engine blocks, et al. All of the building have been in existence for many years. The Petitioners wish to convert the sal into office use without any exterior changes.

The Petitioners testified that no automobiles are brought to the site, only the engines or parts thereof needing repair. After repair, they are either picked up or returned by the Petitioners. There are no other employees. The

machinery used includes an air compressor, cylinder boring equipment, valve seat equipment, valve grinders, small milling machines, etc., none of which employ more than five horsepower in their operation and no more than 15 horsepower for the entire operation.

The Petitioners seek relief pursuant to Section 230.13, pursuant to Section 502.1, and from Section 409.2.a and b.(5), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

Section 230.1, BCZR, allows those uses permitted and as limited in the residential zone immediately adjoining in a B.L. Zone. In this case, the property is divided by the B.L. and D.R.5.5 zone line. Obviously, a residential use would thus be permitted in a B.L. Zone. However, for any such use to be permitted, there must be adherence to lot size requirements. If the Petitioners were to continue to utilize the dwelling as their residence as a matter of right, they must also provide the requisite lot size, which would be 6,000 square feet reserved for residential use. This property is approximately 120' x 113' x 33' x 107 in its entirety. It is an intensely developed site. There is no way the Petitioners could reserve 6,000 square feet for residential use.

Therefore, a special exception would be required for living quarters in a commercial building. Although there is no access between the existing salon and the dwelling, the two are physically attached. Section 101, BCZR, defines "building" as "[a] structure enclosed within exterior walls..." Certainly, the dwelling and salon are enclosed and structurally attached. Although not a single use, they are owned and maintained by a single owner as a unit and the structure was constructed so as to resemble one building. See *Akers v. Balt.*, 20 Md 181 (1941). Inasmuch as the building is being used for commercial purposes, the Petitioners need to obtain a special exception under Section 230.13. The Petitioners also seek a special exception for a service garage. They propose that the current use, in fact, does not require a special exception but

is permitted as a matter of right, subject to the conditions of Section 230.12, BCZR. The B.L. Zone allows various retail uses as a matter of right, but this use is not one of them. Section 230.12 impacts only those uses permitted by Section 230.1 through Section 230.11, BCZR. Although the policy of the Zoning Commissioner is to allow minor automotive repair, provided the conditions delineated by Section 230.12 are satisfied, the use described here does not meet that exception. Therefore, the use described requires a special exception.

After reviewing all of the testimony and evidence presented, it appears that the special exceptions should be granted with certain restrictions, as more fully described below.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed uses met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed uses would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances do not show that the proposed uses at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such special exception uses irrespective of their location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed uses will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

The Petitioners also request a variance to permit one parking space instead of the required five spaces. Section 409.2.b.(5) requires one parking space for each 300 square feet of institutional, office, and non-retail commercial use, excluding garage structures, having a total floor area of more than

5,000 square feet. Section 409.2.b.(6), BCZR, requires buildings devoted to retail trade to have one space for each 200 square feet of total floor area. Section 409.2.a also requires one parking space for a dwelling. The total commercial square footage on this site is 1,100 square feet of which 484 square feet is for the service garage and 616 square feet is for the beauty salon proposed to be converted to office use. While the office use would not require parking to be provided, the service garage would, as would the dwelling. Testimony presented by the Petitioners indicated that they have never had a parking problem. There is sufficient available parking nearby, without causing any neighborhood congestion, which mitigates any problem. The Petitioners testified that there is no need for more than the one space.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is concluded that a practical difficulty or unreasonable hardship would result if the

instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of June, 1985, that the Petition for Special Exceptions for living quarters in a commercial building and a service garage and, additionally, the Petition for Zoning Variance to permit one parking space instead of the required five spaces be and the same are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief herein granted:

1. The Petitioners shall satisfy the concerns of the Department of Traffic Engineering as to curb and gutter on Rosedale Heights Avenue before a building permit may be issued; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The service garage shall be limited to the repair of automobile engines.

G. Scott Barhight, Esquire
People's Counsel

PETITION FOR SPECIAL EXCEPTION AND VARIANCE

14th Election District

LOCATION: Northwest corner of Philadelphia Road and Rosedale Heights Avenue (7528 Philadelphia Road)

DATE AND TIME: Monday, June 10, 1985 at 1:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for living quarters in a commercial building and a service garage in a B.L. zone pursuant to BCZR, Section 230.13, or in the alternative, to determine that the proposed engine and parts repair facility is legal, as a matter of right and Variance to permit one parking space in lieu of the required five parking spaces

Being the property of Chester L. Crossant, et ux, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

DATE June 19, 1985
BY John P. Kelly

ORDER RECEIVED FOR FILING

DATE June 19, 1985
BY John P. Kelly

ORDER RECEIVED FOR FILING

DATE June 19, 1985
BY John P. Kelly

Phone: 687-4922

FRANK S. LEE

Registered Land Surveyor

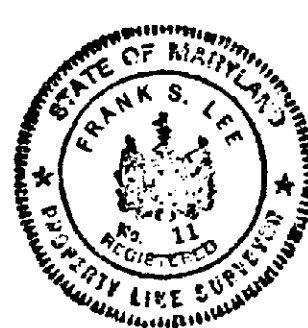
1277 NEIGHBORS AVE. — BALTIMORE, MD. 21217

March 5, 1985

No. 7528 Philadelphia Road
14th District Baltimore County, Maryland

Beginning for the same at the corner formed by the intersection of the northwest side of Philadelphia Road with the southwest side of Rosedale Heights Avenue, thence running and binding on the northwest side of Philadelphia Road South 57 degrees 22 minutes West 119.77 feet, thence leaving Philadelphia Road for two lines of division as follows: North 32 degrees 38 minutes West 106.55 feet and North 57 degrees 22 minutes East 83.49 feet to the southwest side of Rosedale Heights Avenue, and thence running and binding on the southwest side of Rosedale Heights Avenue South 51 degrees 26 minutes East 112.55 feet to the place of beginning. Saving and excepting that portion of the above described property zoned residential.

Containing 0.25 acres of land more or less.



RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE
NW Corner Philadelphia Rd. and : OF BALTIMORE COUNTY
Rosedale Heights Ave. (7528
Philadelphia Rd.), 14th Dist. :

CHESTER L. CROSSANT, et ux, : Case No. 85-350-XA
Petitioners

ENTRY OF APPEARANCE

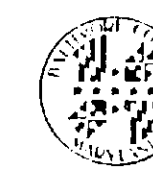
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 23rd day of May, 1985, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3355

ARNOLD JABLON
ZONING COMMISSIONER

June 5, 1985

G. Scott Barhight, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Variance
NW/corner of Philadelphia Rd. and Rosedale
Heights Ave. (7528 Philadelphia Road)
Case No. 85-350-XA
Chester L. Crossant, et ux - Petitioners

Dear Mr. Barhight:

This is to advise you that \$65.30 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene Januszy, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 007335

DATE 6/10/85 ACCOUNT 2-01-615-000

AMOUNT \$65.30

RECEIVED FROM J. Plumoff, Esquire

FOR Advertisement and Posting Case 85-350-XA

0155*****007335 0112F

VALIDATION OR SIGNATURE OF CASHIER

May 14, 1985

G. Scott Barhight, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Special Exception and Variance
NW/cor. of Philadelphia Rd. & Rosedale Heights
Chester L. Crossant, et ux - Petitioners
Case No. 85-350-XA

TIME: 1:30 p.m.

DATE: Monday, June 10, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 005328

DATE 7/2/85 ACCOUNT 2-01-615-000

AMOUNT \$112.55

RECEIVED FROM John P. Kelly

FOR for the 14th 772

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

July 25, 1985

G. Scott Barhight
204 West Pennsylvania Avenue
Towson, Maryland 21204

SUBJECT: ZONING CASE #85-350-XA
PETITIONER: Chester L. Crossont
SPECIAL EXCEPTION PETITION

Dear Mr. Barhight:

This office has conducted a field investigation of the subject property as it pertains to the need for curb and gutter along Rosedale Heights Avenue.

This investigation reveals that there should be no major change in traffic pattern since it is assumed that the beauty salon generates more traffic than would be anticipated as just a service garage.

Therefore, we will waive our requirement to install curb and gutter along Rosedale Heights Avenue provided there is no expansion of the existing commercial area. Should there be any expansion or addition to the commercial area, curb and gutter shall be required.

We hope this meets with your approval and if we can provide you with further information, please don't hesitate to contact us.

Very truly yours,

C. Richard Moore

C. Richard Moore
Deputy Director of Traffic Engineering

CRV/bza

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. RENNER
WILLIAM R. ENGLISH, JR.
STEPHEN J. NOLAN
G. SCOTT BARHIGHT
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800

OF COUNSEL
RALPH C. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 822-2121
RUSSELL J. WHITE

*ALSO ADMITTED IN D.C.

August 2, 1985

Honorable Arnold E. Jablon
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Zoning Case No. 85-350-XA
Petitioner: Chester L. Crossont, et ux
Special Exception and Variance

Dear Mr. Jablon:

As you are aware, this office represents the petitioner in the above matters. Pursuant to your Order in this case dated June 19, 1985, I have attempted to satisfy the concerns of the Department of Traffic Engineering as to curb and gutter on Rosedale Heights Avenue.

Enclosed is a photocopy of a letter dated July 25, 1985 to me from Mr. Moore, Deputy Director of Traffic Engineering, regarding his department's final position. As the letter indicates, Traffic Engineering has waived their requirement to install curb and gutter along Rosedale Heights Avenue, provided there is no expansion of the existing commercial area.

Since the concerns of Traffic Engineering have been satisfied, I have instructed my clients that they may proceed with any necessary building permits or occupancy permits.

Your cooperation in this matter has been greatly appreciated. If this office or the petitioner can be of any further service, please feel free to contact me.

Very truly yours,

G. Scott Barhight

GSB:ylm
Enclosure
cc: Mr. C. Richard Moore
Mr. and Mrs. Chester Crossont (w/encl.)
Mr. Frank S. Lee

CERTIFICATE OF PUBLICATION

85-350-XA

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222 May 23, 1985

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Petition for Special Exception & Variances - P.O. #65760 - Reg. #L71766, was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week

for one successive week before the

24th day of May 1985; that is to say, the same was inserted in the issues of May 23, 1985

Kimbel Publication, Inc.

per Publisher.

By *K.C. Della*

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

85-350-XA

District: 14th Date of Posting: 5/21/85

Posted for: Special Exception & Variance

Petitioner: Chester L. Crossont, et ux

Location of property: N.W. corner Phil. Rd. & Rosedale Hgts. Ave.

7521 Phil. Rd.

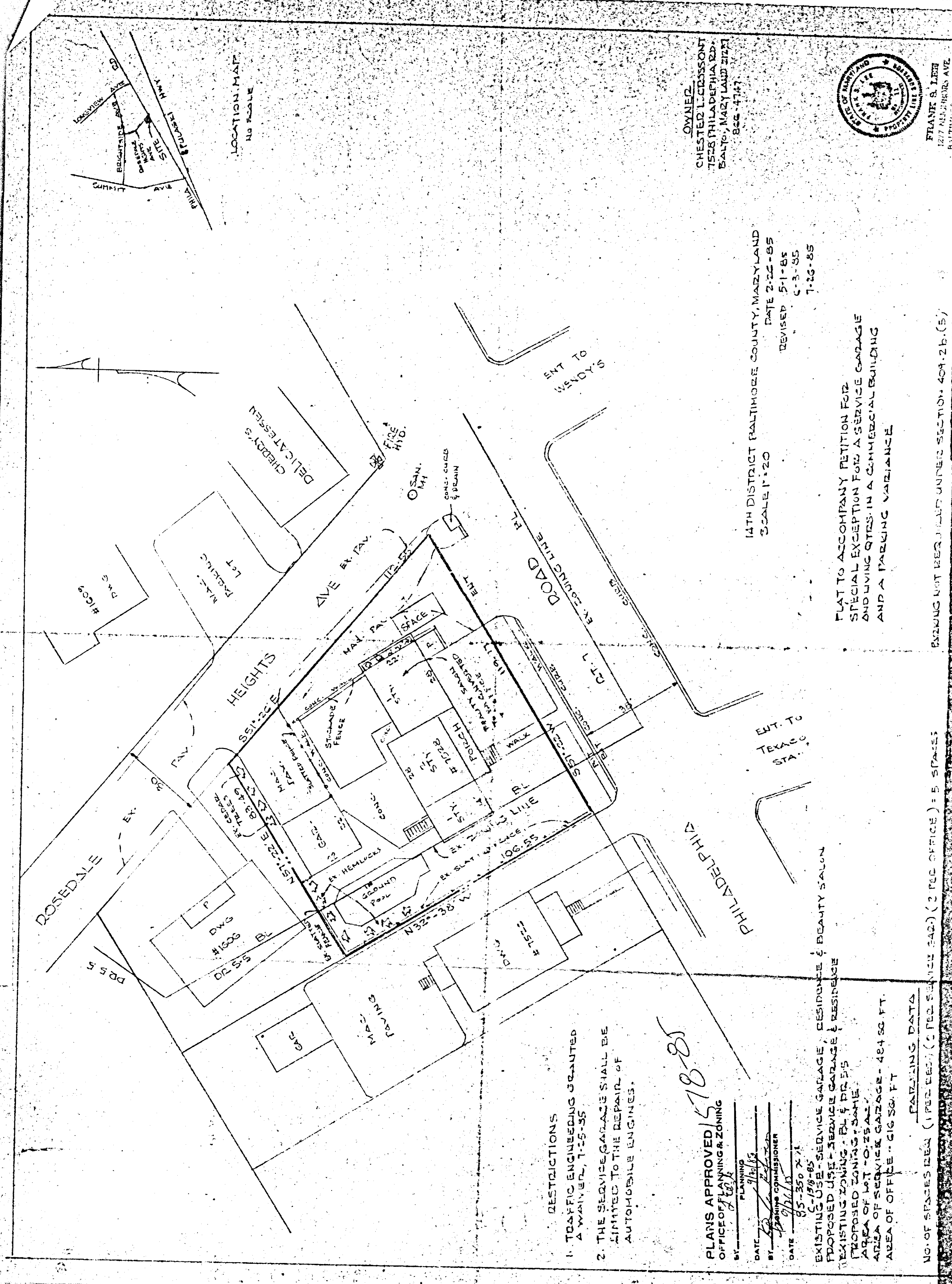
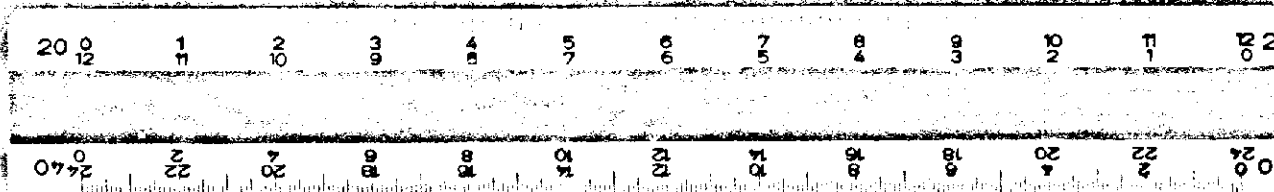
Location of Signs: At the corner of Phil. Rd. & Rosedale Hgts. Ave.

at Rosedale Phil. & Rosedale Hgts. Ave.

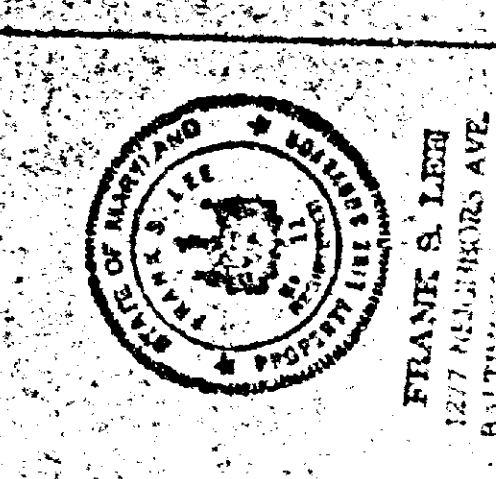
Remarks:

Posted by: [Signature] Date of return: 5/21/85

Number of Signs: 2



OWNER:
CHESTER L. CROSSONT
7521 PHILADELPHIA RD.
BALTO., MARYLAND 21204
826-4747



14TH DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE 1" = 20'
DATE 2-22-85
REVISED 5-11-85
7-23-85

PLAT TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION FOR A SERVICE GARAGE
AND LIVING QTRS. IN A COMMERCIAL BUILDING
AND A PARKING VARIANCE

BEARING NOT REQUIRED UNDER SECTION 404.2(b)(5)

- RESTRICTIONS
1. TRAFFIC ENGINEERING GRANTED A WAIVER, 7-25-85
 2. THE SERVICE GARAGE SHALL BE LIMITED TO THE REPAIR OF AUTOMOBILE ENGINES.

1518-85

PLANS APPROVED 5/18/85

OFFICE OF PLANNING & ZONING

DATE 5/18/85

BY [Signature]

DATE 5/18/85

BY [Signature]

DATE 5/18/85

BY [Signature]

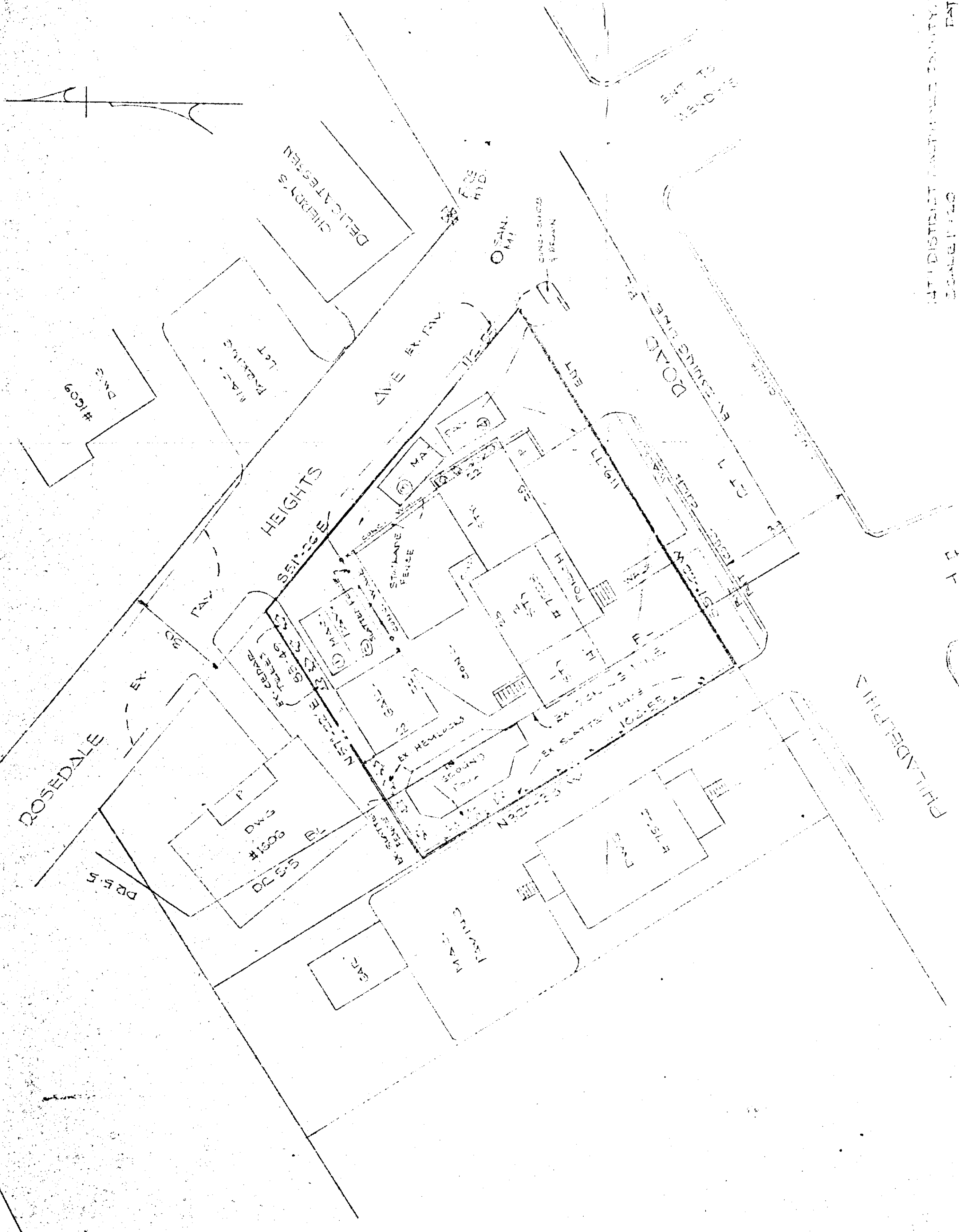
DATE 5/18/85

BY [Signature]

DATE 5/18/85

BY [Signature]

DATE 5/18/85



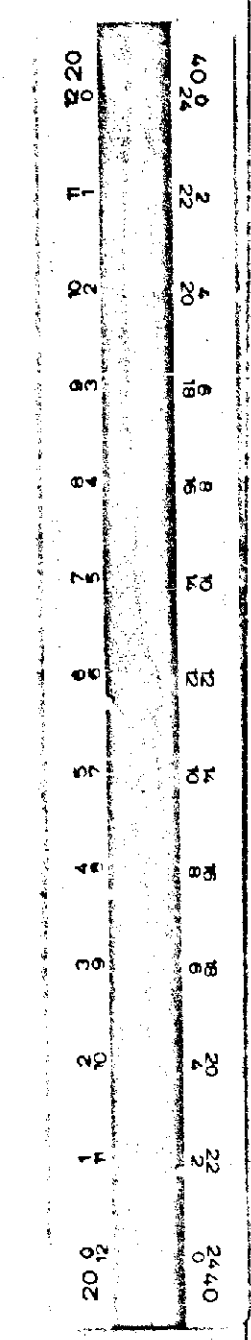
NO. 418
SECTION
DATE 5-1-85
BY 1/1
1/1

OWNER:
CHESTER L. CROSSANT
7558 PHILADELPHIA AVE.
BALTO., MARYLAND 21237
955-4747

14TH DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE 1"=20'
DATE 5-25-85

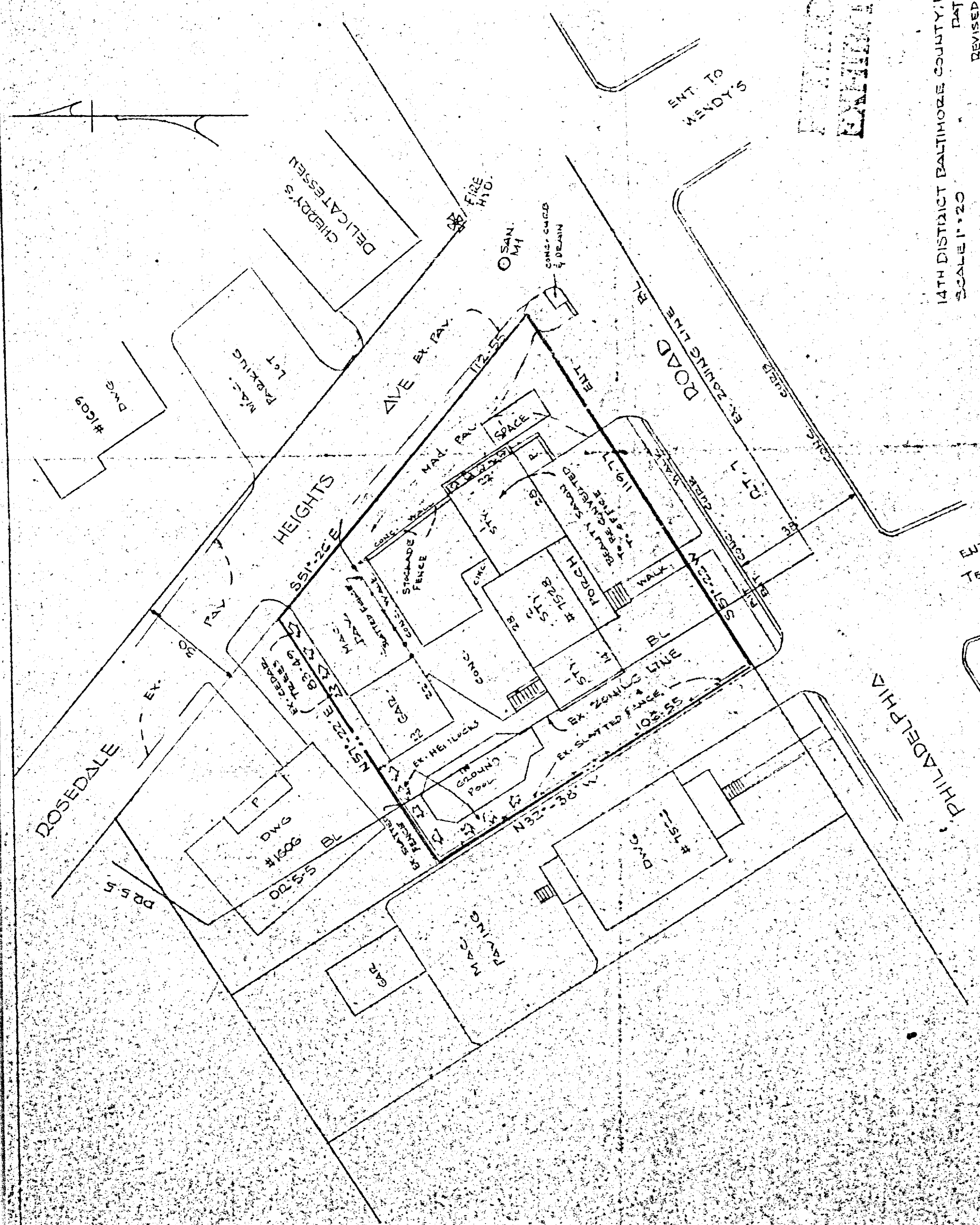
4226
old plot

PLAT TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION FOR A SERVICE GARAGE



EXISTING USE - SERVICE GARAGE & RESIDENCE
PROPOSED USE - SAME
EXISTING ZONING - RL & PR 5.5
PROPOSED ZONING - SAME
AREA OF LOT - 0.25 AC.
AREA OF SERVICE GARAGE - 184 SQ. FT.
AREA OF OFFICE - 615 SQ. FT.

PARKING DATA
NO. OF SPACES REQ. (1 PER RES.) (2 PER SERVICE) = 4 SPACES
NO. OF SPACES PROVIDED



OWNER'S
PLAT

OWNER:
CHESTER L. CROSSANT
7558 PHILADELPHIA AVE.
BALTO., MARYLAND 21237
955-4747

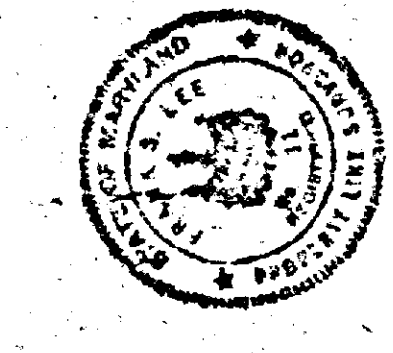
14TH DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE 1"=20'
DATE 5-25-85
REVISED 5-1-85
5-3-85

PLAT TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION FOR A SERVICE GARAGE
AND LIVING QTRS. IN A COMMERCIAL BUILDING
AND A PARKING VARIANCE

EXISTING USE - SERVICE GARAGE, RESIDENCE & BEAUTY SALON
PROPOSED USE - SERVICE GARAGE & RESIDENCE
EXISTING ZONING - RL & PR 5.5
PROPOSED ZONING - SAME
AREA OF LOT - 0.25 AC.
AREA OF SERVICE GARAGE - 484 SQ. FT.
AREA OF OFFICE - 615 SQ. FT.

PARKING DATA
NO. OF SPACES REQ. (1 PER RES.) (2 PER SERVICE) = 5 SPACES
NO. OF SPACES PROVIDED

PARKING NOT REQUIRED UNDER SECTION 409.2b (5)



FRANK S. LEE
1277 BALTIMORE AVE.
BALTO., MD. 21207
537-5922