

PETITION FOR SPECIAL EXCEPTION & VARIANCE

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 herein described property for personal care establishment (hair care) in O-1 Office Zone pursuant to S. 204.3.B.2.b (B.C.Z.R.) and a variance to section 204.3.C.1.a to permit an accessory commercial use to occupy 10.5% of the gross floor area of the building in lieu of the allowed 7.5%.

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:
Paul William Brinn, Bernadette
Morrin, (Type or Print Name)

Signature
3514 Marble Arch Drive
Address
Pasadena, Md. 21122
City and State

Attorney for Petitioner:
John V. Murphy, Esquire
(Type or Print Name)
Signature
16 E. Lombard Street
Address
Baltimore, Maryland 21202
City and State

Attorney's Telephone No.: 837-0215

Legal Owner(s):
Calverton Road Joint Venture W-32,905
(Type or Print Name) S-4,440
Signature
Steven J. Knecht, Partner
(Type or Print Name)
Signature
9050 Frederick Rd.
Address
Ellicott City, Md. 21043
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John V. Murphy, Esquire
Name
16 E. Lombard St., Balti. Md.
Address 21202 Phone No. 837-02

ORDERED By The Zoning Commissioner of Baltimore County, this 20th day of July, 1987, 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 1st day of September, 1987, at 10:15 o'clock A.M.

Zoning Commissioner of Baltimore County

(over)

IN RE: PETITION FOR SPECIAL EXCEPTION & VARIANCE - S/S Calverton St. 60' S of c/l and 241' W of c/l of Ingleside Avenue 1st Election District 1st Councilmanic District Calverton Road Joint Venture Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 88-93-XA

The Petitioner herein requests a special exception for a personal care establishment (hair care) in a O-1 office zone, and a variance to permit an accessory commercial use to occupy 10.5% of the gross floor area of the building in lieu of the permitted 7.5%, as more particularly described on Petitioner's Exhibits 1 and 2.

The Petitioner appeared and testified and was represented by Counsel. Also appearing on behalf of the Petitioner were Raymond Monozewski and Scott Miller. George Grossgebauer and Stanforth Hopkins appeared as Protestants.

Testimony indicated that the subject property, zoned O-1 office, is located on Calverton Street near Ingleside Avenue and is improved with a two-story office building containing 6,850 sq.ft. The Contract Purchaser seeks to buy Unit 2A from the Petitioner and operate a hair care business therein as shown on Petitioner's Exhibit 2. There are no other accessory uses in the building. There will be ten (10) beauticians and work stations in this location. All services are by appointment only and there is to be no outside advertisement.

Mr. Monozewski and Mr. Miller testified that, in their opinion, the criteria delineated in Sections 502.1 and 307 are satisfied by this project and that there would be no adverse impact to the public health, safety, and welfare of the community.

It is clear that the Baltimore County Zoning Regulations (BCZR) permit the use requested by the Petitioner in an O-1 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses

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Date 9/28/87
By [Signature]

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Date 9/28/87
By [Signature]

in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

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

The proposed use 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 be inconsistent with the spirit and intent of the BCZR.

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

The Petitioner has also requested a variance pursuant to Section 307 of the BCZR. The variance is necessary due to the fact that Unit 2A contains 10.5% of the gross floor area of the building. Testimony indicated that a subdivision of Unit 2A would be nearly impossible and/or result in commercial space of only 351 sq.ft., which would not be suitable for the proposed project or for any commercial use. Such space could not be leased commercially, and therefore, would be rendered unuseable if developed under the restrictions in with Section 204.3.C.1.a.

IN THE MATTER OF THE APPLICATION OF CALVERTON ROAD JOINT VENTURE FOR SPECIAL EXCEPTION AND ZONING VARIANCE ON PROPERTY LOCATED ON THE SOUTH SIDE OF CALVERTON STREET, 60' SOUTH OF THE CENTERLINE AND 241' WEST OF THE CENTERLINE OF INGLESIDE AVE. 1st ELECTION DISTRICT 1st COUNCILMANIC DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 88-93-XA

OPINION

This matter comes before the Board as an appeal by the Office of the People's Counsel from the decision of the Zoning Commissioner of Baltimore County dated September 29, 1987. The case was presented to the Board by way of proffer, corroborated by limited testimony.

The undisputed facts as presented are as follows. The property is a two-story office building located near the intersection of Calverton Street and Ingleside Avenue. The petitioner is a contract purchaser of one of the condominiums within said building. He proposes to convert his unit to a personal care salon. In order to obtain approval for this use, he seeks a special exception pursuant to Section 204.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a personal care establishment within an O-1 zone. Further, the petitioner requests a variance from Section 204.3.C.1.a of the B.C.Z.R. to permit an accessory commercial use to occupy 10.5 percent of the gross floor area of the building in lieu of the allowed 7.5 percent.

It should be noted that the Office of the People's Counsel is the Appellant herein and that the basis of their appeal is as to the propriety of the requested variance. In view of these objections, the petitioner presented a revised floor plan of the proposed use wherein a wall was constructed across the unit creating a storage/employee lounge area. The petitioner proffered that

Case No. 88-93-XA
Calverton Road Joint Venture

this area would be used solely for office purposes and not as part of the area designated for providing personal care services to the public. Based upon this revised floor plan, the petitioned variance is rendered moot, and the concerns of the People's Counsel as expressed in open hearing are addressed and satisfied.

Insofar as the petitioned special exception, it is to be noted that no protestants appeared nor appealed the granting of same by the Zoning Commissioner. Testimony and evidence received by this Board indicate that the use as contemplated within the Petition for Special Exception complies with the requirements of 502.1 of the B.C.Z.R. We are therefore persuaded to grant the special exception, subject to restrictions, and will so order.

ORDER

It is therefore this 19th day of November, 1987 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Exception be and is hereby GRANTED subject to the following restrictions:

1. The floor plan of the condominium will be in accordance with Petitioner's Exhibit #2 as submitted to the County Board of Appeals.
2. The area contained within Petitioner's Exhibit #2 as office use/employee lounge containing some 354 square feet will be used solely for those purposes and not to provide services to members of the public.
3. The number of work stations allowed within the proposed site will be limited to ten.
4. The hours of operation shall not exceed 7:00 a.m. to 9:00 p.m., Monday through Saturday.

An area variance may be granted where strict application of the zoning regulations 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 was 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 clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirement from which the Petitioner seeks 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 Sections 502.1 and 307 having been met, and the health, safety, and general welfare of the community not being adversely affected, the special exception and variance should be granted.

ORDER RECEIVED FOR FILING
Date 9/28/87
By [Signature]

Case No. 88-93-XA
Calverton Road Joint Venture

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

Arnold G. Foreman

Harry E. Buinheister, Jr.

Case No. 88-93-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 20th day of July, 1987.

Petitioner: Calverton Road Joint Venture
Petitioner's Attorney: John V. Murphy
Received by: J. Robert Haynes, Zoning Commissioner
Chairman, Zoning Plans Advisory Committee

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 20th day of September, 1987, that a special exception for a personal care establishment in a O-1 Office zone, pursuant to Section 204.3.B.2.b, be approved and a variance to permit an accessory commercial use to occupy 10.5% of the gross floor area of the O-1 office zoned building, be permitted, and as such, the Petition for Special Exception and Variance is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return and be responsible for returning said property to its original condition.
- 2) There may be no increase in the number of work stations above the ten (10) shown on Petitioner's Exhibit 2.
- 3) This special exception is granted to Unit 2A. If Unit 2A is subdivided or in any way altered, the special exception cannot be transferred to another location in the same building.
- 4) The hours of operation shall not exceed from 7:00 AM to 9:00 PM, Monday through Saturday.

J. Robert Haynes
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 9/28/87
By [Signature]

boender associates

consulting engineers
land surveyors
land planners

J.N. 86385

METES AND BOUNDS DESCRIPTION UNIT 2A PLUS PARKING OF 2-STORY OFFICE BUILDING

BEGINNING for the same at a point, said point being at the centerline intersection of Calverton and Ingleside Roads and running thence from said point westerly along the centerline of Calverton Road approximately 241 feet to a point, thence at a 90 degree angle from said centerline running southerly approximately 60 feet to a point, said point being the Northwest corner of Unit 2A plus parking as shown on Sheet 1 of 5 of the site development plan, and running thence the following six new lines,

- 1) South 11°17'06" West 42.5 feet to a point, thence
- 2) South 78°42'54" East 18.0 feet to a point, thence
- 3) North 11°17'06" East 16.08 feet to a point, thence
- 4) South 78°42'54" East 56.33 feet to a point, thence
- 5) North 11°17'06" East 26.42 feet to a point, thence
- 6) North 78°42'54" West 74.33 feet to the place of beginning, containing 2253 square feet more or less.

Being a part of the 2-story office building plus parking located in the 1st election district, as shown on the approved site development plan, Sheet 1 of 5, dated October 15, 1985 prepared for the owner/developer known as Calverton Joint Venture.

Note: The above captioned description is based on an approved site development plan prepared by John C. Mellema Sr., Inc. Said description is to be used only for Unit 2A plus parking Special Exception and Variance Applications. A portion of special exception within the existing building pertains to Unit 2A.

The subject description is not in conformance with the subdivision regulations of Baltimore County and Boender Associates assumes no responsibility for conformance with the same.

COURT HOUSE SQUARE • 3565 ELLICOTT MILLS DRIVE • ELLICOTT CITY, MD 21043 • 301-465-7777



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

November 19, 1987

Phyllis Cole Friedman
People's Counsel for Baltimore County
Room 223, Courthouse
Towson, MD 21204

RE: Case No. 88-93-XA
Calverton Road Joint Venture

Dear Ms. Friedman:

Enclosed is a copy of the final Opinion and Order passed today by the County Board of Appeals regarding the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Calverton Road Joint Venture
Steven J. Knecht, Partner
John V. Murphy, Esquire
Mr. & Mrs. Paul W. Brinn
Norman E. Gerber
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robin Clark
Arnold Jablon, County Attorney

LAW OFFICES OF JOHN V. MURPHY, ESQUIRE

JOHN V. MURPHY
RICHARD DI SALVO

IN REPLY REFER TO:
32 LIGHT STREET
SECOND FLOOR
BALTIMORE, MD 21202
(301) 576-0006

16 EAST LOMBARD STREET
THIRD FLOOR
BALTIMORE, MD 21202
(301) 837-0215

14 NORTH ROLLING ROAD
CATONSVILLE, MD 21228
(301) 744-4967

November 4, 1987

Phyllis Friedman, Esquire
People's Counsel of
Baltimore County
Old Courthouse
Towson, Md. 21204

RE: Calverton Road Joint Venture -
Request for Special Exception
Item # 478
Case No.: 88-93XA

Dear Ms. Friedman,

Pursuant to our discussions on the above case please find attached a letter to Chairman Hackett noting our agreement in this case and requesting an early hearing. Would you kindly sign the letter and forward same to Mr. Hackett.

Thank you for your cooperation in this matter.

Very Truly Yours:

John V. Murphy
John V. Murphy

JVM/any
Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

October 22, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Special Exception and Zoning Variance
S/S Calverton Street, 60' S and 241' W of c/l of Ingleside Avenue
1st Election District, 1st Councilmanic District
Calverton Road Joint Venture - Petitioner
Case No. 88-93-XA

Dear Board:

An appeal of the above-referenced matter was filed in this office on October 20, 1987 by People's Counsel for Baltimore County. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:tjs

cc: John V. Murphy, Esquire, Attorney for Petitioners
16 E. Lombard Street, Baltimore, Maryland 21202

Paul W. & Bernadette M. Brinn, Contract Purchasers
3514 Marble Arch Drive, Pasadena, Maryland 21122

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Maryland 21204

File

LAW OFFICES OF JOHN V. MURPHY, ESQUIRE

JOHN V. MURPHY
RICHARD DI SALVO

IN REPLY REFER TO:
32 LIGHT STREET
SECOND FLOOR
BALTIMORE, MD 21202
(301) 576-0006

16 EAST LOMBARD STREET
THIRD FLOOR
BALTIMORE, MD 21202
(301) 837-0215

14 NORTH ROLLING ROAD
CATONSVILLE, MD 21228
(301) 744-4967

November 3, 1987

Honorable William Hackett
Baltimore County
Chairman Board of Appeals
Old Courthouse
Towson, Md. 21204

RE: Request for Special Exception
and Variance - Appeal by
Peoples Counsel
Case No.: 88-93XA

Dear Mr. Hackett,

As your file will indicate our request for a Special Exception for a hair salon in an Office Zone was granted by the Zoning Commissioner to Paul Brinn, contract purchaser of unit 2A. The Commissioner also granted our request for variance to increase Mr. Brinn's commercial space (hair salon) from 7.5% of the office building to 10%. This meant that Mr. Brinn could use the remaining portion of his condo unit for his hair salon. As you can see by the file, People's Counsel appealed the Commissioner's decision to the Board. I believe the appeal would be heard in March, 1988.

After extensive discussions with the People's Counsel about their concerns, Mr. Brinn has agreed to amend his site plan deleting business use of 354 square feet of the condo unit. Instead he will use this space as office storage. This change eliminates the People's Counsel main concern and as such the parties are in agreement that the case may be heard on the amended plan as soon as possible. Mr. Brinn's financing commitment runs out on November 26, 1987 and therefore we urgently ask you to schedule a 9:00 a.m. hearing within the shortest possible time to review the amended plan. If the Board's decision is favorable we could proceed to settlement.

Page 2
Honorable William Hackett
November 3, 1987

Yours Truly:

ARNOLD, BEAUCHEMIN & TINGLE, P.A.

John V. Murphy
John V. Murphy

JVM/any

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

John V. Murphy
John V. Murphy, Esquire

11/06/87 -Notice sent to following re hearing scheduled for Tuesday, November 10 at 9:00 a.m.

Calverton Road Joint Venture
John V. Murphy, Esquire
Mr. & Mrs. Paul W. Brinn
Mr. George Grossgebauer
Mr. Stanforth Hopkins
Phyllis C. Friedman
Norman E. Gerber
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Margaret E. du Bois
Arnold Jablon, County Attorney
Nancy C. West, Esquire

This case was set in by WM at request of Counsel for Petitioners and with agreement of P. Friedman as result of tentative agreement reached between Counsel for Petitioners and Appellant (People's Counsel).

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st
Posted for: Appeal
Petitioner: Calverton Road Joint Venture
Location of property: S/S Calverton St., 60' S of c/l and 241' W of c/l of Ingleside Avenue
Location of Sign: S/S of Calverton St. approx. 100' West of Ingleside Avenue
Remarks: L. J. Brinn
Number of Signs: 2
Date of Posting: October 26, 1987
Date of return: October 30, 1987

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE : OF BALTIMORE COUNTY
S/S Calverton Rd., 60' S of :
C/L & 241' W of C/L of :
Ingleside Ave., 1st District :
CALVERTON ROAD JOINT VENTURE, : Case No. 88-93-XA
Petitioner : : : : :

NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of September 29, 1987, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 20th day of October, 1987, a copy of the foregoing Notice of Appeal was mailed to John V. Murphy, Esquire, 16 E. Lombard St., Baltimore, MD 21202; Mr. Paul William Brinn, 3514 Marble Arch Dr., Pasadena, MD 21122; Mr. George Grossgebauer, 632 Ingleside Ave., Baltimore, MD 21228; and Mr. Stanforth Hopkins, 5704 Calverton St., Baltimore, MD 21228.

Phyllis Cole Friedman
Phyllis Cole Friedman

RECEIVED
OCT 20 1987
ZONING OFFICE

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE
S/S Calverton Rd., 60' S of : OF BALTIMORE COUNTY
C/L & 241' W of C/L of
Ingleside Ave., 1st District :
CALVERTON ROAD JOINT VENTURE, : Case No. 88-93-XA
Petitioner
: : : : :
NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of September 29, 1987, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 20th day of October, 1987, a copy of the foregoing Notice of Appeal was mailed to John V. Murphy, Esquire, 16 E. Lombard St., Baltimore, MD 21202; Mr. Paul William Brinn, 3514 Marble Arch Dr., Pasadena, MD 21122; Mr. George Grossgebauer, 632 Ingleside Ave., Baltimore, MD 21228; and Mr. Stanforth Hopkins, 5704 Calverton St., Baltimore, MD 21228.

Phyllis Cole Friedman
Phyllis Cole Friedman
RECEIVED
OCT 20 1987
ZONING OFFICE

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE
S/S Calverton St., 60' S of C/L : OF BALTIMORE COUNTY
and 241' W of C/L of Ingleside
Ave., 1st Election District :
CALVERTON ROAD JOINT VENTURE, : Case No. 88-93-XA
Petitioner
: : : : :
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
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 14th day of August, 1987, a copy of the foregoing Entry of Appearance was mailed to John V. Murphy, Esquire, 16 E. Lombard St., Baltimore, MD 21202, Attorney for Petitioner; and Paul William Brinn and Bernadette Marie Brinn, 3514 Marble Arch Dr., Pasadena, MD 21122, Contract Purchasers.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

October 22, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

Dennis F. Rasmussen
County Executive

RE: Petition for Special Exception and Zoning Variance
S/S Calverton Street, 60' S and 241' W of c/l of Ingleside Avenue
1st Election District, 1st Councilmanic District
Calverton Road Joint Venture - Petitioner
Case No. 88-93-XA

Dear Board:

An appeal of the above-referenced matter was filed in this office on October 20, 1987 by People's Counsel for Baltimore County. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

cc: John V. Murphy, Esquire, Attorney for Petitioners
16 E. Lombard Street, Baltimore, Maryland 21202

Paul W. & Bernadette M. Brinn, Contract Purchasers
3514 Marble Arch Drive, Pasadena, Maryland 21122

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. #23, Old Courthouse, Towson, Maryland 21204

File

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
494-3554

June 19, 1987

Dennis F. Rasmussen
County Executive

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

Item No. 478
Property Owner: Calverton Joint Venture
Location: Calverton Road

Dear Mr. Jablon:

It is recommended that a 4 ft. sidewalk be placed along the west side of the proposed addition by narrowing the 24 ft. aisle to 20 ft.

Very truly yours,

Gregory A. Jones
Gregory A. Jones
Traffic Engineer III

GMJ:lt

1st Election District 88-93-XA
Location: S/S Calverton St., 60' S of c/l and
241' W of c/l of Ingleside Ave.
Hearing: Tuesday, September 1, 1987, at 10:15 a.m.
Petition for Special Exception for a personal care
establishment (hair care)
Petition for Zoning Variance to permit an
accessory commercial use to occupy 10.5%
of the gross floor area of the building in lieu
of the permitted 7.5%
SOUTH SIDE OF CALVERTON ST.
PETITIONER: CALVERTON ROAD JOINT VENTURE
SEE CASE NO. 88-93-XA
1st Election District 88-93-XA
CASE #2
No. of Signs 2 STEVE ARATA POST: 8/18/87

PETITION FOR SPECIAL EXCEPTION AND VARIANCE
1st Election District - 1st Councilmanic District
Case No. 88-93-XA

LOCATION: South Side Calverton Street, 60 feet South of Centerline and
241 feet West of Centerline of Ingleside Avenue

DATE AND TIME: Tuesday, September 1, 1987, at 10:15 a.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 a personal care establishment (hair care)

Petition for Zoning Variance to permit an accessory commercial use to occupy 10.5 percent of the gross floor area of the building in lieu of the allowed 7.5 percent

Being the property of Calverton Road Joint Venture, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is 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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 25, 1987

COUNTY OFFICE BLDG.
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ooo

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

John V. Murphy, Esquire
16 E. Lombard Street
Baltimore, Maryland 21202

RE: Item No. 478 - Case No. 88-93-XA
Petitioner: Calverton Road Joint Venture
Petitions for Special Exception and Zoning Variance

Dear Mr. Murphy:

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,

James E. Dyer, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:bjs

Enclosures

cc: Paul W. & Bernadette M. Brinn
3514 Marble Arch Drive
Pasadena, Maryland 21122

File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines, Zoning Commissioner
TO: Zoning Administration

Date: August 20, 1987

Norman E. Gerber, AICP
FROM: Director of Planning and Zoning

SUBJECT: Zoning Petition 88-93-XA

This office cannot support the subject request. It is the opinion of this office that proposals in excess of the standard (7.5%) should be located on commercially zoned properties.

Further, the submittal does not include information substantiating compliance with either Section 204.3B.2 nor Section 204.3C.2. of the Baltimore County Zoning Regulations.

Norman E. Gerber, AICP
Norman E. Gerber, AICP
Director

NEG:KAK:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
AUG 27 1987
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

May 28, 1987

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

Re: Property Owner: Calverton Joint Venture

Location: S/S Calverton Road 60' S. of c/l and 241' W of c/l
Ingleside Avenue

Item No.: 478

Zoning Agenda: Meeting of 5/26/87

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.

REVIEWER: *Carl Joseph Kelly* 5-28-87 Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/31

APPEAL

Petitions for Special Exception and Zoning Variance
S/S Calverton Street, 60' S of c/l and 241' W of c/l of Ingleside Avenue
1st Election District - 1st Councilmanic District
Calverton Road Joint Venture - Petitioner
Case No. 88-93-XA

Petition for Special Exception and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1) Site Development Plan of Property revised 5/13/87

2) Floor Plan of Property revised 5/5/87

Zoning Commissioner's Order dated September 29, 1987

Notice of Appeal received October 20, 1987 from People's Counsel for Baltimore County

John V. Murphy, Esquire, Attorney for Petitioners
16 E. Lombard Street, Baltimore, Maryland 21202

Paul W. & Bernadette M. Brinn, Contract Purchasers
3514 Marble Arch Drive, Pasadena, Maryland 21122

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Maryland 21204

Request Notification: Norman E. Gerber, Director of Planning
James Hoswell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Margaret E. duBois, Docket Clerk

John V. Murphy, Esquire
16 East Lombard Street
Baltimore, Maryland 21202

July 28, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
S/S Calverton St., 60' S of c/l and 241' W of
c/l of Ingleside Ave.
1st Election District - 1st Councilmanic District
Calverton Road Joint Venture - Petitioner
Case No. 88-93-XA

TIME: 10:15 a.m.

DATE: Tuesday, September 1, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

AJ:med

cc: Mr. Steven J. Knecht
Calverton Road Joint Venture
9050 Frederick Road
Ellicott City, Maryland 21043

Mr. Paul W. Brinn
Mrs. Bernadette M. Brinn
3514 Marble Arch Drive
Pasadena, Maryland 21122

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 13, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on

August 13, 1987

THE JEFFERSONIAN,

[Signature]

Publisher

PETITION FOR SPECIAL EXCEPTION AND VARIANCE
S/S Calverton St., 60' S of c/l and 241' W of c/l of Ingleside Avenue
1st Election District - 1st Councilmanic District
Calverton Road Joint Venture - Petitioner
Case No. 88-93-XA

LOCATION: South Side Calverton Street, 60' S of c/l and 241' W of c/l of Ingleside Avenue
DATE AND TIME: Tuesday, September 1, 1987 at 10:15 a.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 and Land Regulations of Baltimore County, will hold a public hearing on the Petition for Special Exception for a proposed new establishment (their use).

Persons for Special Exception to present on necessary commercial use to occupy 100 percent of the gross floor area of the building in use of the proposed 7.5 percent.

Being the property of Calverton Road Joint Venture, as shown on plat filed with the Zoning Commission.

In the event that this Petitioner is granted, a building permit may be issued within the City for the proposed use. The Zoning Commissioner will, however, require a request for a stay of the issuance of such permit, which request may be made for a period of 30 days from the date of the hearing and shall be made at the hearing.

By Order of
ARNOLD JABLON
Zoning Commissioner
of Baltimore County
B117 Aug. 13

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

No. 36094

DATE 5/13/87 ACCOUNT 01-615

AMOUNT \$ 200.00

RECEIVED FROM Calverton Joint Venture

FOR SE + Van # 478

8 8024****200000 81467

VALIDATION OR SIGNATURE OF CASHIER



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

November 6, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-93-XA

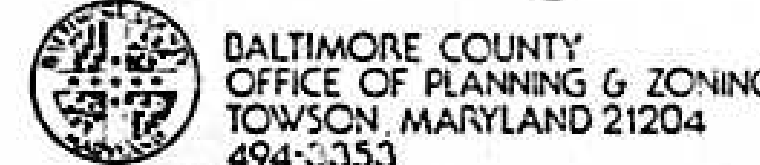
Calverton Road Joint Venture
S/S Calverton Street, 60' S of c/l & 241' W of c/l of Ingleside Avenue
1st Election District
1st Councilmanic District
9/29/87 -Petition for Special Exception and Variance GRANTED w/restrictions.

In response to correspondence from Counsel for Petitioners and with the concurrence of People's Counsel for Baltimore County, Appellant, this case will be set for hearing as a result of tentative agreement between Counsel for Petitioners and People's Counsel and has been

ASSIGNED FOR: TUESDAY, November 10, 1987 at 9:00 a.m.

cc: Calverton Rd. Joint Venture Appellee /Petitioner
John V. Murphy, Esquire Counsel for Appellee /Petitioner
Mr. & Mrs. Paul W. Brinn Contract Purchasers
Mr. George Grossgebauer
Mr. Stanforth Hopkins
Phyllis C. Friedman People's Counsel /Appellant
Norman E. Gerber
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Margaret E. du Bois
Arnold Jablon, County Attorney
Nancy C. West, Esquire Office of Law

Kathi Weidenhammer
Administrative Secretary



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

J. ROBERT HAINES
ZONING COMMISSIONER

August 25, 1987

John V. Murphy, Esquire
16 East Lombard Street
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
S/S Calverton St., 60' S of c/l and 241' W of c/l
of Ingleside Ave.
1st Election District - 1st Councilmanic District
Calverton Road Joint Venture - Petitioner
Case No. 88-93-XA

Dear Mr. Murphy:

This is to advise you that \$93.38 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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

Sincerely,
[Signature]
J. ROBERT HAINES
Zoning Commissioner

JRH:med

Office of
PATUXENT

10750 Little Patuxent Pkwy
Columbia, MD 21044

August 22 19 87

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR SPECIAL EXCEPTION
90666

was inserted in the following:

☐ Catonsville Times \$24.05
☐ Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 13 day of August 19 87, that is to say, the same was inserted in the issues of

August 12, 1987

PATUXENT PUBLISHING CORP.
By *[Signature]*

PETITION FOR SPECIAL EXCEPTION AND VARIANCE
S/S Calverton St., 60' S of c/l and 241' W of c/l of Ingleside Avenue
1st Election District - 1st Councilmanic District
Calverton Road Joint Venture - Petitioner
Case No. 88-93-XA

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

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Being the property of Calverton Road Joint Venture, as shown on plat filed with the Zoning Commission.

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By Order of
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County
B117 Aug. 22

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

VS.

Defendant

CERTIFICATE OF PUBLICATION OF

Architectural elevation drawing of a building facade. The drawing shows a symmetrical design with a central arched entrance and two large windows on either side. The roof is labeled "CONT ALUM. RIDGE VENT" and "26.0° FIBERGLASS ROOF SHINGLE". The walls are labeled "1x6 HORIZ SHIP LAP CEDAR SIDING w/ 3/8 BUTT" and "6\" STONE VENEER". The roofline is labeled "12 1/2\" SEAMLESS AL GUTTER". The drawing includes a dashed line indicating the ground level.

This architectural elevation drawing shows a symmetrical two-story house. The central feature is a large stone archway that serves as a recessed entrance, with a staircase leading up to it. On either side of the arch are tall, narrow windows with multiple vertical panes. The house has a gabled roof with a small circular window in the peak of the left gable. The exterior walls are a mix of horizontal siding and stone masonry, particularly around the arch and windows. The drawing is a black and white line sketch with some shading to indicate texture and depth.

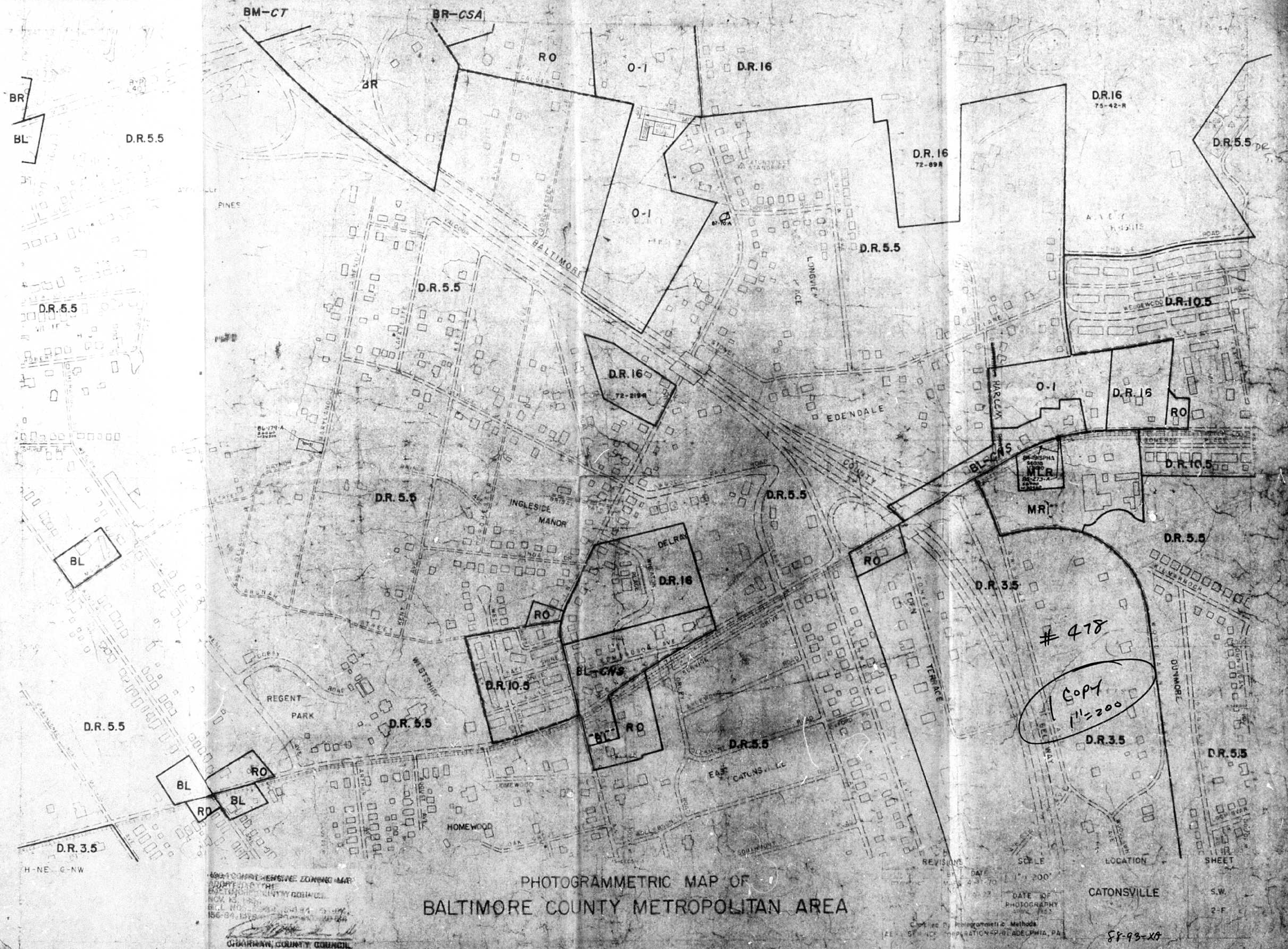
Architectural elevation drawing of a building facade. The drawing shows a symmetrical design with two gabled sections. Annotations include:

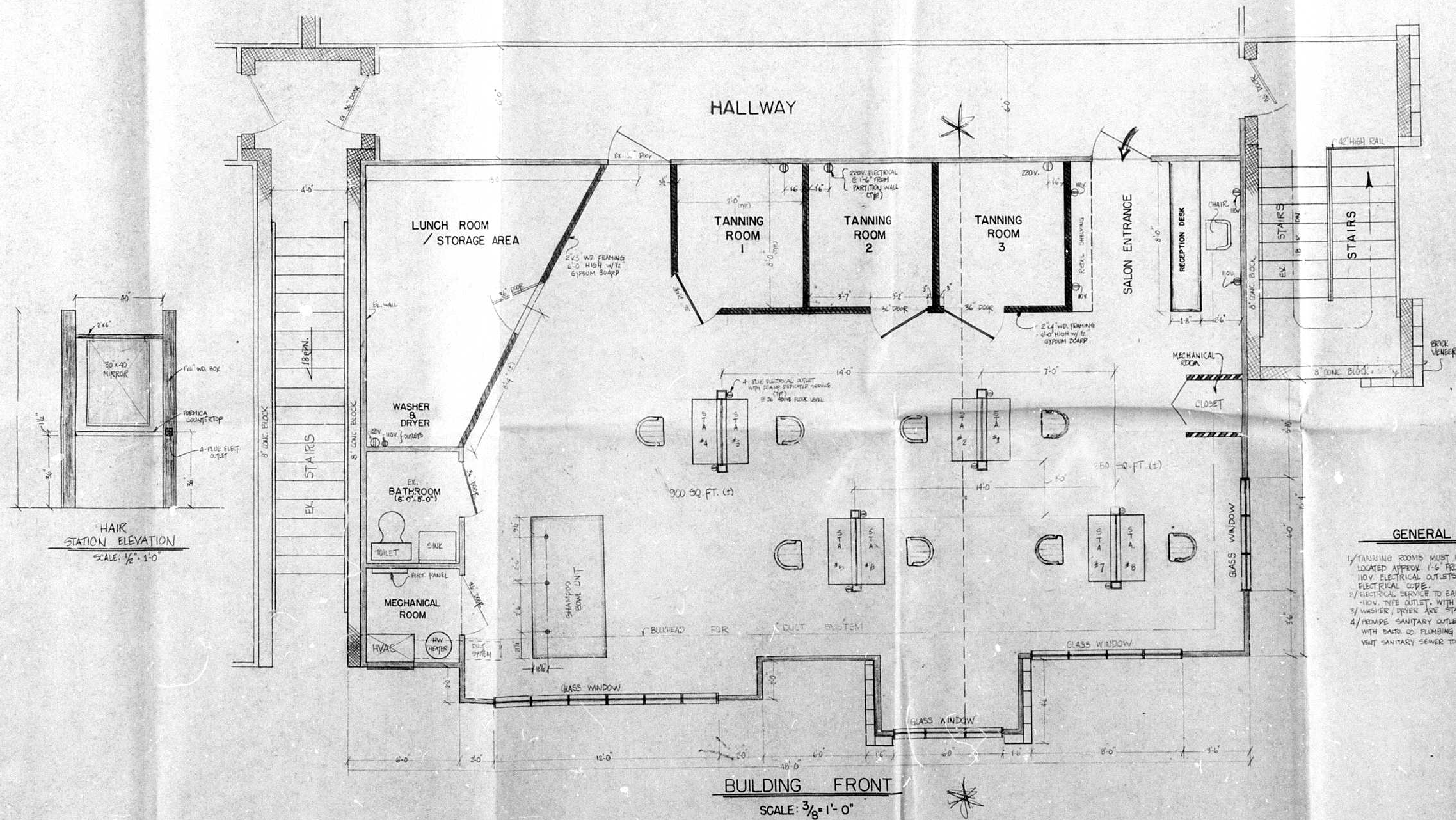
- CONT. ALUM. RIDGE VENT (pointing to the roof ridge)
- 3'0" x 4' WOOD LOUVERED VENT (pointing to the circular vent in the gable)
- 12' 12' (dimensioning the gable width)
- LOUVERED VENT = HWAC (pointing to the circular vent)
- SEAMLESS AL. GUTTER (pointing to the roof edge)

[illegible]

DOOR SCHEDULE																				
MARK		DOOR		FRAME		HARDWARE								REMARKS						
	QT.	SIZE	MATERIAL	TYPE	SIZE	MATERIAL	TYPE	B. B. HINGES	LOCK SET	LATCH SET	HEAD / FOOT BOLT	DEAD BOLT	PUSH / PULL	KICK PLATE	CLOSER	PANIC DEVICE	WEATHERSTRIPPING	THRESHOLD	U/L LISTED FIRE RATING	
D-1	6	3'-0" x 6'-8" x 1 3/4"	HOLLOW MTL		2' x 8 1/2" x 1 3/8 ga.	HOLLOW MTL		•	•						•		•	AL	B	
D-2	16	3'-0" x 6'-8" x 1 3/4"	↓		↓	↓		•	•						•			AL	B	
D-3	12	3'-0" x 6'-8" x 1 3/4"	S. C. WOOD	BIRCH	2' x 5 1/2" x 1 3/8 ga.					•								M		
D-4	12	2'-6" x 6'-8" x 1 3/4"	H. C. WOOD	BIRCH	↓					•										
D-5	4	3'-0" x 6'-8" x 1 3/4"	H. C. WOOD	BIRCH		DRYWALL														BI-FOLD
D-6	2	3'-0" x 6'-8" x 1 3/4"	ALUM./GLASS	BROVRE	2' x 4"	ANN. ALUM.		•	•						•		•	AL		MATCHING SIDE LIGHTS
D-7	4	3'-0" x 6'-8" x 1 3/4"	↓	↓	↓	↓		•	•						•		•	AL		

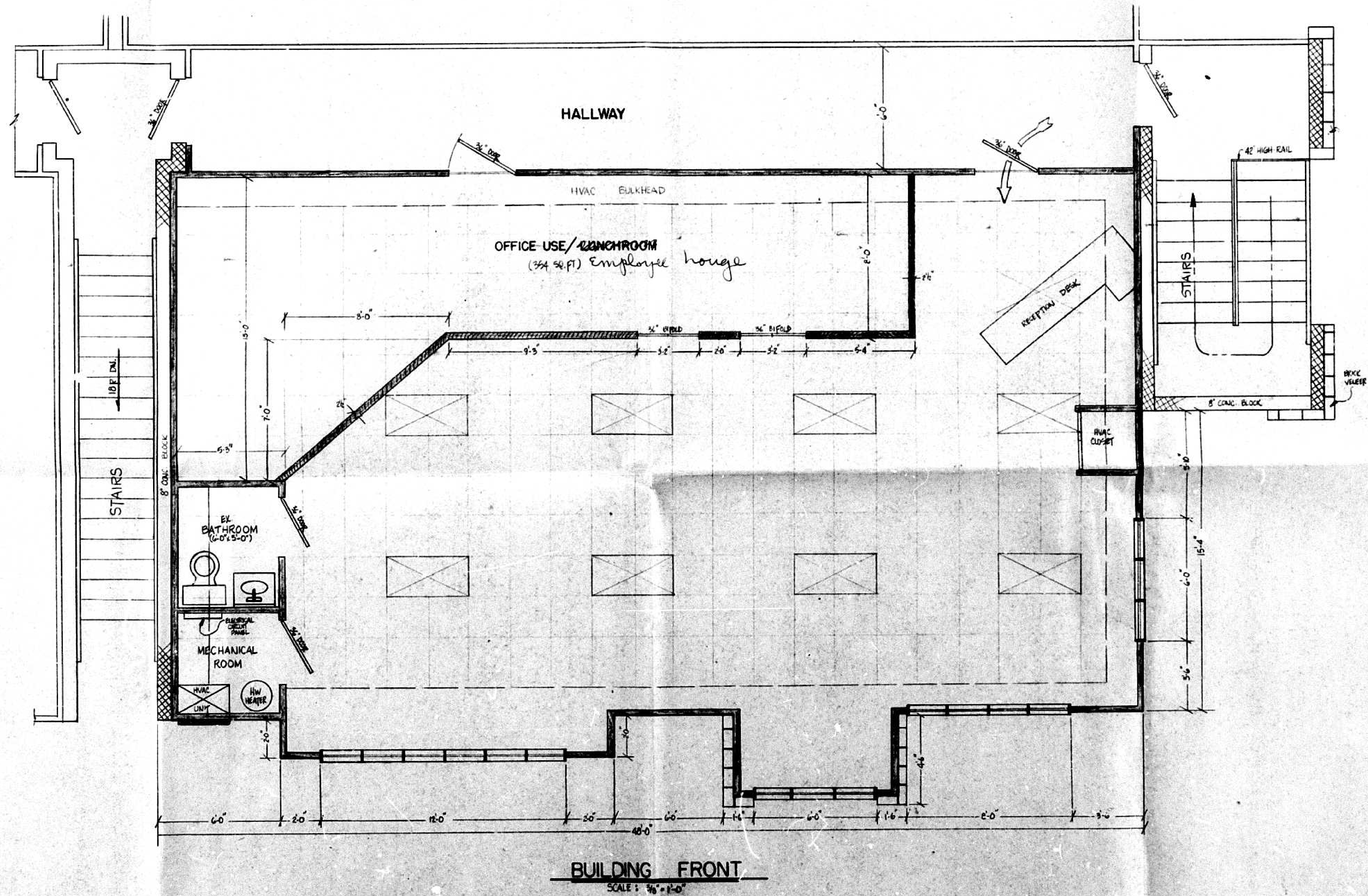
42





Det Exhibit #1

CLIENT MR. P. WILLIAM BRINN 34 MELLOR AVE. BALTIMORE, MD. 744-5656		DESIGNED GMH 4/87 DRAWN GMH 4/87 CHECKED P.W.B. 4/87 APPROVED P.W.B. 4/87		REVISIONS <table><thead><tr><th>DATE</th><th>BY</th><th>DESCRIPTION</th></tr></thead><tbody><tr><td>MAY 5, 87</td><td>GMH</td><td>SHAMPOO BOWL PLUMBING LAYOUT</td></tr><tr><td>OCT. 87</td><td>GMH</td><td>REVISED LUNCH RM. & SHAMPOO LOCATION</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>		DATE	BY	DESCRIPTION	MAY 5, 87	GMH	SHAMPOO BOWL PLUMBING LAYOUT	OCT. 87	GMH	REVISED LUNCH RM. & SHAMPOO LOCATION													 255-0912 HARDESTY GRAPHICS COMPANY PASADENA, MARYLAND		TITLE SHEAR EXCELLENCE LTD. - UNIT 2A - CALVERTON OFFICE CONDOMINIUM		SCALE: 3/8" = 1'-0" DRAWING: FLOOR PLAN		SHEET NO. 1 OF 1	
DATE	BY	DESCRIPTION																																
MAY 5, 87	GMH	SHAMPOO BOWL PLUMBING LAYOUT																																
OCT. 87	GMH	REVISED LUNCH RM. & SHAMPOO LOCATION																																



REVISIONS			
DESIGNED	DATE	BY	DESCRIPTION
DRAWN	DATE		
CHECKED	DATE		
APPROVED	DATE		