

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - Corner NE/3 Hazelwood Avenue, E/S of Westwood Avenue (4902 Hazelwood Avenue) 14th Election District 6th Councilmanic District Ambrose A. Fellner, et al Petitioners

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-248-XA

FINDINGS OF FACT AND CONCLUSIONS - LAW

The Petitioners herein request a special exception to permit a service garage on the subject property zoned B.L.-C.N.S. and variances to permit parking spaces to be located 0 feet from the street property line in lieu of the required 10 feet in accordance with Petitioner's Exhibit 1.

The Petitioners, Joseph M. Fellner, appeared and testified. Also appearing on behalf of the Petition were, Raymond P. Cosgrove, Jr., Contract Purchaser, William P. Monk, Land Planning & Zoning Consultant, and Michael P. Neubauer. There were no Protestants.

Testimony indicated that the subject property, known as 4902 Hazelwood Avenue, consists of .42 acres zoned B.L.-C.N.S. and is improved with a one story building containing 1,628 sq.ft. of floor space currently used for an electrical contractors office and storage. Mr. Cosgrove is desirous of converting the subject building into an auto repair and service garage facility. Testimony indicated that the subject property was originally used as a two-bay ARCO gasoline service station subsequent to a reclassification and special exception granted in Case No. 65-186-RX. Thereafter, in 1976, the property was converted to its current use as an electrical contractors office and storage area. Petitioners submitted photographs depicting the present condition of the property and surrounding uses. Testimony indicated there would be no exterior changes to the

property other than converting some of the walls to install bay doors. Mr. Cosgrove has been employed in the service garage repair business for the past 10 years, the last 7 of which he has been self-employed. Petitioner testified there would be no body and fender work or painting done on the premises and that the hours of operation would be limited to from 7:00 AM to 7:00 PM, Monday through Friday, and from 7:00 AM to 2:30 PM on Saturdays, with no hours on Sundays. Petitioner testified that the number of employees would not exceed five, including Petitioner. Petitioner agreed that there would be no outside service work performed. Petitioner further agreed that there would be no external freestanding signs on the property and that any and all signs would be those permitted as of right by the zoning regulations, either placed on the building or on the roof. Petitioners further agreed that they would move the dumpster currently located in the front of the property to the rear and would work with the Baltimore County Landscape Planner to develop an appropriate landscaping plan for the front and sides of the subject site. Pictures introduced indicated that there is an adequate buffer of trees to the rear of the site; however, the Baltimore County Landscape Planner may determine that fencing is required in the event the buffer which is currently maintained by the adjoining property is removed.

The pictures introduced by Petitioners also depict a fence which Petitioner dictates is there for security reasons. However, the fence is aesthetically unpleasing and offensive due to its proximity to the street, its size, and the materials used without any landscape buffering. The relief granted herein will be subject to revising the fencing of the property and possibly even a reduction of the area fenced.

Testimony indicated that the Petitioners' request for a variance

is necessitated due to the unique shape of the subject property which is an elongated pie shaped lot with its point located at the corner end of the site at the intersection of Hazelwood and Westwood Avenues. To the north and south of the subject site are existing residential properties, and to the rear are undeveloped portions of R.O. zoned property. As indicated on the plat, the proposed parking spaces are not needed to meet the requirements of the B.C.Z.R.

The Deputy Director of Planning and Zoning originally submitted comments that were not in favor of the subject request. Subsequent to discussions with Mr. Monk, the Office of Planning and Zoning submitted revised comments dated December 26, 1989 indicating their support of Petitioners' request, subject to the conditions set forth therein.

Petitioners and Mr. Monk presented testimony which addressed the requirements of Section 502.1. It was their opinion that the granting of the special exception would not result in any detriment to the health, safety or general welfare of the community and that all the requirements set forth therein will be met.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.N.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

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 of the B.C.Z.R. 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 Exhibit 1 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, or in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After due consideration of the testimony and evidence presented, it appears that the relief requested in the special exception should be granted subject to the restrictions set forth hereinafter.

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. Loley, 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 is granted, subject to the restrictions imposed hereinafter, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petitions for Special Exception and Zoning Variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of February, 1990 that the Petition for Special Exception to permit a service garage on the subject property zoned B.L.-C.N.S. and the Petition for Zoning Variance to permit parking spaces to be located 0 feet from the street property line in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding in this time is at their own risk until such time as the 30-day 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) Compliance with the requirements of the Department of Environmental Protection and Resource Management, Bureau of Water Quality, as set forth in their comments dated September 27, 1989.
- 3) Compliance with the Office of Planning and Zoning revised comments dated December 26, 1989.
- 4) Prior to the issuance of any permits, Petitioner shall submit a landscaping plan for approval by the Baltimore County Landscape Planner. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.

Commissioner's Office for inclusion in the case file.

5) Prior to the issuance of any permits, Petitioner shall submit a fencing plan to the Deputy Director of Planning and Zoning and thereafter to the Deputy Zoning Commissioner for approval. Said fencing shall be different from that currently existing on the property and may be reduced as deemed appropriate by the Deputy Director of Planning at his sole discretion.

6) Petitioner shall at all times maintain the landscaping and fencing required in accordance with the approved landscaping plan.

7) There shall be no storage of damaged or disabled vehicles outside any approved fenced area.

8) There shall be no body and/or fender work or painting done on the premises. All service work shall be done inside the bay areas.

9) Hours of operation shall be limited to 7:00 AM to 7:00 PM, Monday through Friday, and 7:00 AM to 2:30 PM on Saturdays, with no Sunday hours.

10) The number of employees working at the subject location shall not exceed five (5), including the Petitioner.

11) There shall be no external freestanding signs placed on the property, even those permitted as of right, without filing a Petition for Special Hearing to approve an amendment of the instant case.

12) All dumpsters on the property shall be placed in the rear and screened as required by the Baltimore County Landscape Planner.

13) The parking variance granted herein is valid only as long as Hazelwood Avenue is not widened. In the event Hazelwood Avenue is widened along the subject property, the variance granted herein shall be rescinded and parking in said spaces shall cease immediately.

14) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Hines
Zoning Commissioner

February 13, 1990

Mr. Joseph M. Fellner
Ms. Ambrose A. Fellner
9623 Philadelphia Road
Baltimore, Maryland 21237

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
Corner, NE/3 Hazelwood Avenue, E/S Westwood Avenue
(4902 Hazelwood Avenue)
14th Election District - 6th Councilmanic District
Joseph M. Fellner, et ux - Petitioners
Case No. 90-248-XA

Dear Mr. & Mrs. Fellner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Hines
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
cc: People's Counsel
File

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-248-XA

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 SERVICE GARAGE in a B.L.-C.N.S. zoning district (Section 230.13.06Z.R.).

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:

Raymond P. Cosgrove, Jr.

(Type or Print Name)

Signature

3512 Glen Oak Drive

Address

Jarrettsville, MD 21084

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Ambrose A. Fellner

(Type or Print Name)

Signature

Address

City and State

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

William P. Monk, Inc.

100 Pennsylvania Avenue, Suite 305

Towson, MD 21204

Address

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of Oct, 1989, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of Dec, 1989, at 9:30 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County

TO THE HONORABLE COMMISSIONERS OF BALTIMORE COUNTY

any other description

ZONING DESCRIPTION

BEGINNING for the same at the intersection

SCALE _____ ft. = 1 inch

Signed This 28th day Oct.
J Robert Gull

ZONING DESCRIPTION

100-443887-100

W ALE - H-1 much
Fdr Sm

Signed This 28th day Oct
J Robert Casell

District 14 Date of Filing 28-02-1960
 Printed by Government Press, June 4-65, 1961
 For Deputy District
 Location of property NELSON of Hagerwood and 1/2 block 1000
 Location of Sign on property of 1/2 block 1000, Nelson and 1/2 block 1000
 Date of Sign June 4-65, 1961
 Printed by Government Press, June 4-65, 1961

Mr. William Stevenson
574 Survey Road
Tucson, Ark.

MEMORANDUM FOR MR. STEVENSON

November 12, 1964

Re: Petition for Reorganization
and Special Exception for C
SANDY Station, 1000 Macomber Ave.
1/2 Western Avenue -
10th District

The Joint Advisory Committee has reviewed the subject petition and makes the following comments:

OFFICE OF PLANNING AND ZONING The petitioners plan should be required to indicate the following: (a) the use of the proposed building located on the east side of property, (b) parking area.

BUREAU OF TRAFFIC ENGINEERING The petitioners engineer should contact this office prior to presentation the revised plans.

BUREAU OF ENGINEERING Will review and submit any necessary comments at a later date.

No. 27621

For Office Use Only All Other Use (Leave Blank)	Division of Customs and Border Protection OFFICE 4, BAYVIEW	Issuing Department of Customs Service	DATE TIME
For Office Use Only All Other Use (Leave Blank)	Division of Customs and Border Protection OFFICE 4, BAYVIEW	Issuing Department of Customs Service	DATE TIME
For Office Use Only All Other Use (Leave Blank)	Division of Customs and Border Protection OFFICE 4, BAYVIEW	Issuing Department of Customs Service	DATE TIME
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For Office Use Only All Other Use (Leave Blank)	Division of Customs and Border Protection OFFICE 4, BAYVIEW	Issuing Department of Customs Service	DATE TIME
For Office Use Only All Other Use (Leave Blank)	Division of Customs and Border Protection OFFICE 4, BAYVIEW	Issuing Department of Customs Service	DATE TIME
For Office Use Only All Other Use (Leave Blank)	Division of Customs and Border Protection OFFICE 4, BAYVIEW	Issuing Department of Customs Service	DATE TIME

TIME IS TO CERTIFY that the above information was

published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., WEEK-ENDS
ON _____, beginning on or before the ____ day of _____,
_____ 19____, at \$____ per week, the total publication
appearing on the _____ day of _____, A.D. _____
19____.

THE JEFFERSONIAN

H. Lash

Manager

Cost of Advertisement, \$_____

2766

[illegible]

FOR POSTAGE: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND.
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, 4 MARYLAND

102 90-248-XA **PETITION FOR ZONING VARIANCE** TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated 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 409.8 (A) (4) to allow parking spaces 0' from street property line in lieu of the minimum 10 feet Required.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
The parking/paved area presently extends to the street property line. The macadam would have to be removed. The lot was recently resurfaced. The 10' wide landscape strip, if required, would result in the loss of 5 spaces, (out of 9 being proposed) due to the narrowing of the site.

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 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: Raymond P. Cosgrove, Jr.
(Type or Print Name)
Signature: [Signature]
3512 Glen Oak Drive
Address
Jarrettsville, MD 21084
City and State

Legal Owner(s): Ambrose A. Fellner
(Type or Print Name)
Signature: [Signature]
(Type or Print Name)

Attorney for Petitioner: 9623 Philadelphia Rd. 301-687-5151
(Type or Print Name) Address Phone No.
Baltimore, MD 21237
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
William P. Monk, Inc.
100 W. Pennsylvania Ave. Suite 305
Towson, MD 21204 494-8931
Address Phone No.

Attorney's Telephone No.: [Blank] Phone No.

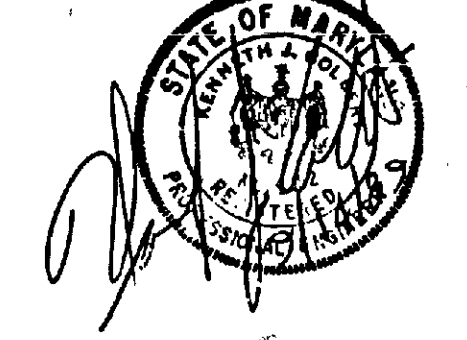
ORDERED By The Zoning Commissioner of Baltimore County, this 1 day of 10.82, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20 day of 10.82 at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County
(over)

102 90-248-XA **ZONING DESCRIPTION** PROPERTY KNOWN AS 4902 HAZELWOOD AVENUE 14TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTHERN R/W LINE OF HAZELWOOD AVENUE, R/W VARIES, WITH THE EASTERN R/W LINE OF WESTWOOD AVENUE, 50 FEET WIDE, AND RUNNING THE FOLLOWING COURSES AND DISTANCES:

- 1) NORTH 81 DEGREES 24 MINUTES 36 SECONDS EAST, 256.75 FEET.
- 2) SOUTH 24 DEGREES 08 MINUTES 00 SECONDS WEST, 127.22 FEET.
- 3) BY A CURVE TO THE LEFT WITH A RADIUS OF 1303.24 FEET THE DISTANCE OF 103.35 FEET.
- 4) NORTH 65 DEGREES 52 MINUTES 00 SECONDS WEST, 113.32 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.34 ACRES OF LAND MORE OR LESS.



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this 4th day of October, 1989.

J. Robert Haines
ZONING COMMISSIONER

Received By:

Chairman
Zoning Plans Advisory Committee

Petitioner: Raymond P. Cosgrove

Petitioner's Attorney:

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

November 9, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RECEIVED
NOV 16 1989

ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 87, 94, 95, 96, 97, 98, 99, 100, 101, 102 and 104.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 13, 1989

Mr. Raymond P. Cosgrove, Jr.
3512 Glen Oak Drive
Jarrettsville, MD 21084

RE: Item No. 102, Case No. 90-248-XA
Petitioner: Raymond P. Cosgrove
Petition for Special Exception and Zoning Variance

Dear Mr. Cosgrove:

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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JEP:jw

Enclosures

cc: Mr. Ambrose A. Fellner
Mr. William Monk

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 7, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Ambrose A. Fellner, Item 102
Zoning Petition No. 90-248

The Petitioner requests a Special Exception for a service garage in a BL-CNS zone.

In reference to this request, staff offers the following comments:

- The site is located adjacent to a single-family dwelling residential area.
- A service garage would adversely impact the use of neighboring residential properties.
- A review of the site plan indicates the Petitioner has made no effort to effectively mitigate the impact of the proposed use.

The Office of Planning and Zoning, based on an analysis of the information provided, believes the subject location is inappropriate for a service garage.

Should the Petitioner's request be granted, staff recommends the following conditions:

- Landscaping should be provided in the right-of-way of Hazelwood Avenue between the sidewalk and the existing fence.
- A note shall be included on the landscape plan indicating that any landscaping provided in the public right-of-way shall be maintained by the property owner.
- Should damaged or disabled motor vehicles be stored on the property, the Petitioner will need to improve the site to comply with Section 405A of the Baltimore County Zoning Regulations.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Tracking System
Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Receipt FEE
Date: 11/14/89
Number: 061110
TYPE: 1
Identification Number: 11421306

Petitioner: Cosgrove Jr.
(Last)

Property Address: 4902 Hazelwood Avenue
(Number) (Street)

Council District: [Blank]
Election District: [Blank]

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

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

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 102, Zoning Advisory Committee Meeting of September 26, 1989
Property Owner: Ambrose A. Fellner
Location: corner of NEIS of Hazelwood Ave.
Water Supply: metro
Sewage Disposal: metro

Comments are as follows:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charcoal generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewage facilities, or other appliances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management, Bureau of Regional Community Services, 687-6220 x 215, for review and approval.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations for more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work is performed on this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been conducted.
- () The results are valid until [Blank].
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until [Blank].
- () If not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the probability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others Drainage from interior service bays is to be directed to sanitary sewer via oil separator.

G.D. Petrus
BUREAU OF LAND QUALITY AND RESOURCE MANAGEMENT

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-5586
(301) 887-4500
Paul H. Reticker
Chief

September 25, 1989



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: AMY ROSE A. FELLNER
Location: CORNER OF NE/S OF HAZELWOOD AVENUE
Item No.: 102 Zoning Agenda: SEPTEMBER 26, 1989

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.
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", 1988 edition prior to occupancy.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REN

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJ: AMY ROSE A. FELLNER, Item 102
Zoning Petition No. 90-248

DATE: December 26, 1989

RECEIVED
DEC 28 1989

ZONING OFFICE

Staff has met with Mr. William P. Monk, planning consultant for the Petitioner, to discuss the office's comments regarding the above-referenced property. As a result of the meeting, staff wishes to revise its original comments dated December 7, 1989.

Staff supports the Petitioner's requests; however, the following conditions are recommended:

- No parking spaces shall be permitted in the public right-of-way.
- The plan should note that parking spaces dependent upon the county right-of-way could be lost in the event that Hazelwood Avenue is improved.
- A landscape plan, emphasizing street trees along Kenwood Avenue, shall be submitted to the County landscape planner for approval.
- A note shall be included on the landscape plan indicating that any landscaping provided in the public right-of-way shall be maintained by the Petitioner.
- The plat indicates that a fence is proposed for the western-most portion of the property. Prior to the erection of a fence, approval must be obtained from the Director of the Office of Planning and Zoning. This condition should be noted on the approved zoning plan.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

CAMPBELL BUILDING
100 W. PENNSYLVANIA AVENUE
TOWSON, MD 21204
301-494-8931



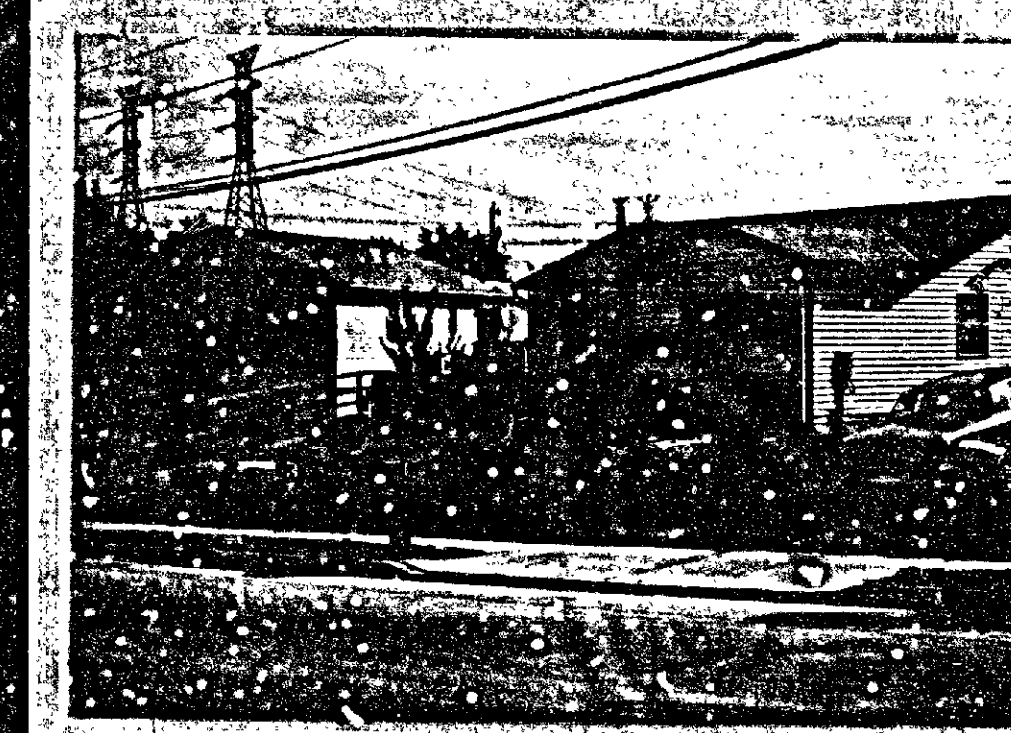
VIEW FROM HAZELWOOD FACING BUILDING

[Handwritten notes: Potomac, 6/16/89]

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

CAMPBELL BUILDING
100 W. PENNSYLVANIA AVENUE
TOWSON, MD 21204
301-494-8931



PETITIONER'S EXHIBIT 2

DWELLING ACROSS HAZELWOOD

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

CAMPBELL BUILDING
100 W. PENNSYLVANIA AVENUE
TOWSON, MD 21204
301-494-8931



VIEW LOOKING WEST

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

CAMPBELL BUILDING
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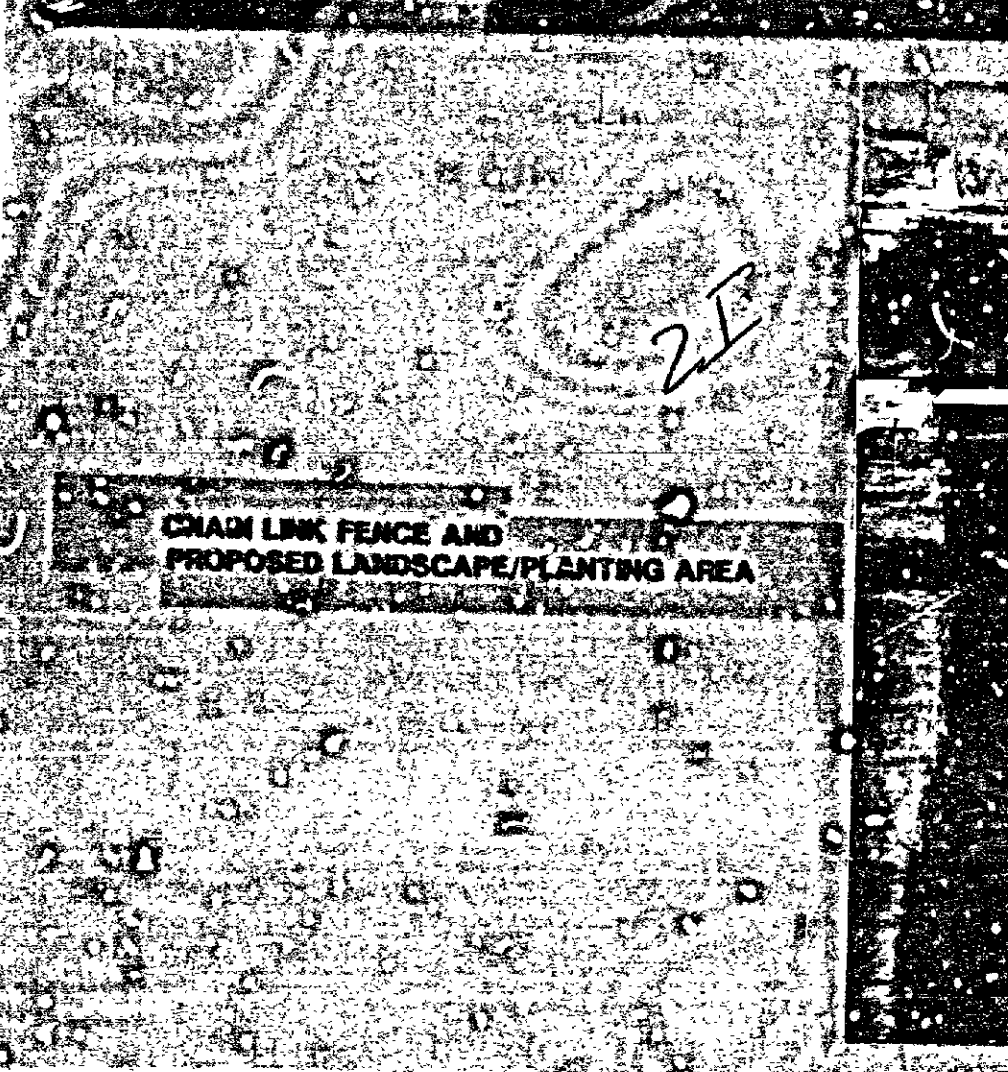
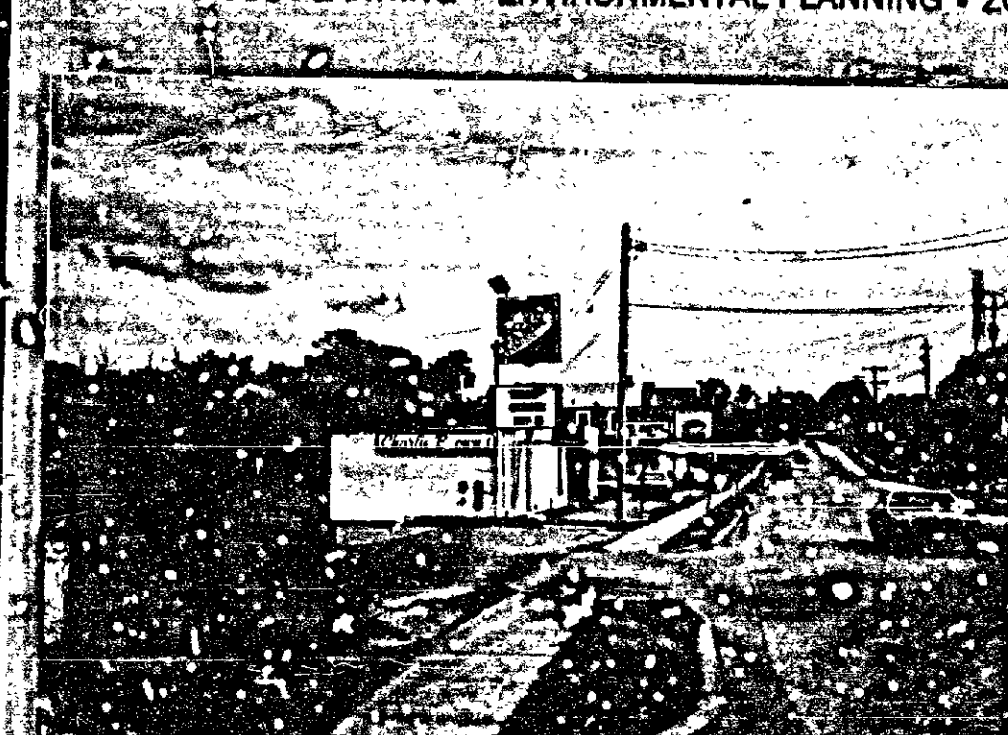


VIEW FROM HAZELWOOD FACING BUILDING

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

CAMPBELL BUILDING
100 W. PENNSYLVANIA AVENUE
TOWSON, MD 21204
301-494-8931



VIEW FROM HAZELWOOD FACING BUILDING

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-4500

11/24/89



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified below in Room 106 of the County Office Building, located at 111 W. Camp Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance and Special Exception
CASE NUMBER: 90-248-21
Corner of NE/S of Hazelwood Avenue, 1/2 of Hazelwood Avenue
4902 Hazelwood Avenue
14th Election District - 6th Councilman
Legal Owner(s): Raymond F. Long, Jr.
Contract Purchaser(s): Raymond F. Long, Jr.
HEARING: WEDNESDAY, DECEMBER 20, 1989 at 9:30 a.m.

Special exceptions for a service garage
Variance to allow parking spaces in the street property line to lines of the windows 10 feet required.

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

Signature

PLAT TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE APPLICATION

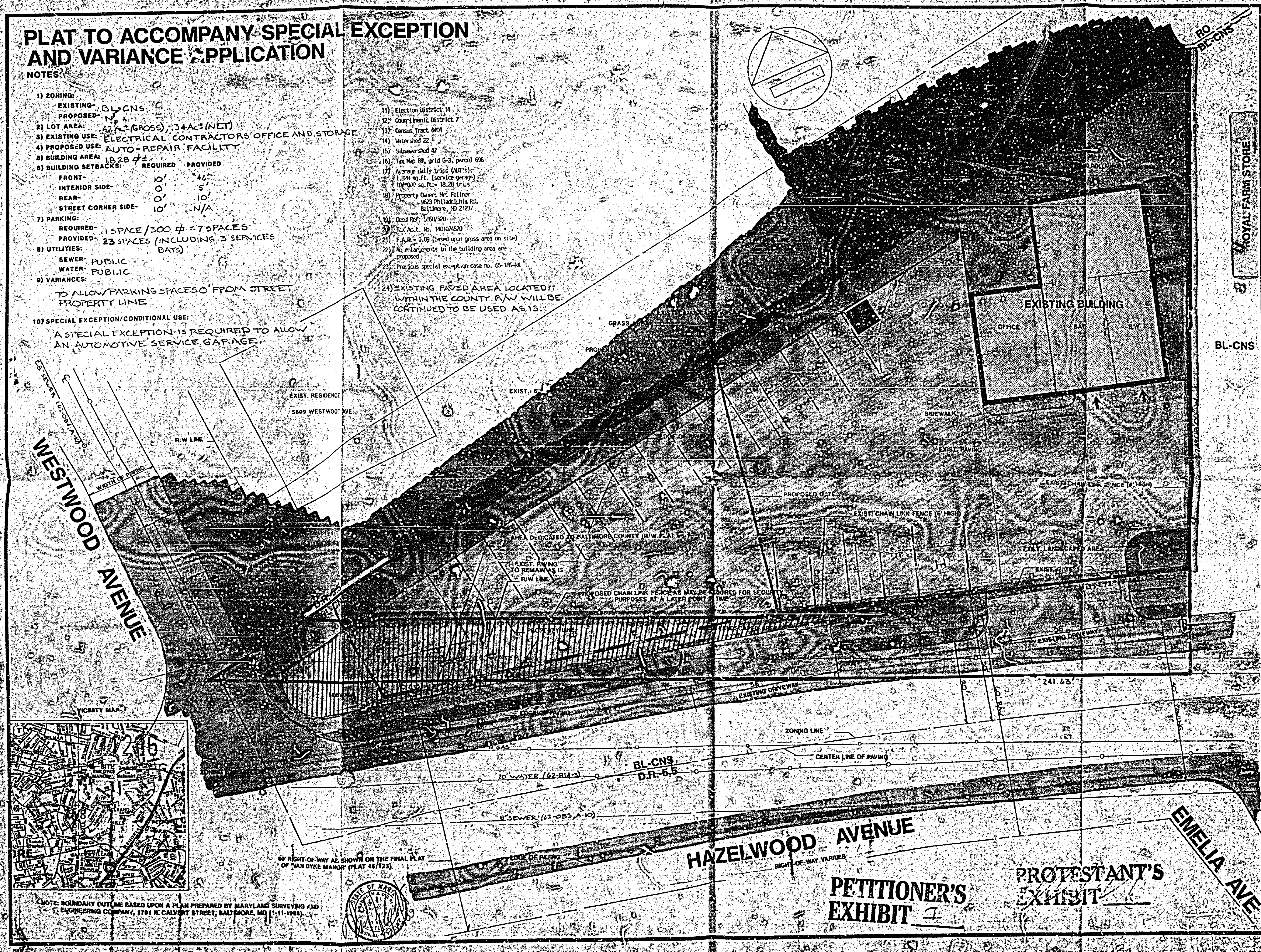
NOTES:

- 1) ZONING:
EXISTING: BL-CNS
PROPOSED: BL-CNS
- 2) LOT AREA: 42.42 (GROSS), 34.42 (NET)
- 3) EXISTING USE: ELECTRICAL CONTRACTORS OFFICE AND STORAGE
- 4) PROPOSED USE: AUTO-REPAIR FACILITY
- 5) BUILDING AREA: 18.28 #1
- 6) BUILDING SETBACKS:

	REQUIRED	PROVIDED
FRONT-	10'	46'
INTERIOR SIDE-	0'	5'
REAR-	0'	10'
STREET CORNER SIDE-	10'	N/A
- 7) PARKING:
REQUIRED: 1 SPACE/300 # = 7 SPACES
PROVIDED: 23 SPACES (INCLUDING 3 SERVICES BAYS)
- 8) UTILITIES:
SEWER- PUBLIC
WATER- PUBLIC
- 9) VARIANCES:
TO ALLOW PARKING SPACES 0' FROM STREET PROPERTY LINE
- 10) SPECIAL EXCEPTION/CONDITIONAL USE:
A SPECIAL EXCEPTION IS REQUIRED TO ALLOW AN AUTOMOTIVE SERVICE GARAGE.

- 11) Election District 14
- 12) Councilmanic District 7
- 13) Census Tract 4404
- 14) Watershed 22
- 15) Subwatershed 47
- 16) Tax Map 89, grid G-3, parcel 696
- 17) Average daily trips (ADT's):
1,828 sq.ft. (service garage)
10,000 sq.ft. = 18.28 trips
- 18) Property Owner: Mr. Fellner
9623 Philadelphia Rd.
Baltimore, MD 21237
- 19) Deed Ref: 5660/520
- 20) Tax Acct. No. 1401074570
- 21) F.A.R. = 0.09 (based upon gross area on site)
- 22) No enlargements to the building area are proposed
- 23) Pre-judicial special exception case no. 65-186-101

24) EXISTING PAVED AREA LOCATED WITHIN THE COUNTY R/W WILL BE CONTINUED TO BE USED AS IS.



NOTE: BOUNDARY OUTLINE BASED UPON A PLAN PREPARED BY MARYLAND SURVEYING AND ENGINEERING COMPANY, 1701 N. CALVERT STREET, BALTIMORE, MD (1-11-1988).



ROYAL FARM STORE

BL-CNS

PRELIMINARY SITE PLAN
PROPOSED SERVICE GARAGE
3902 HAZELWOOD AVENUE
BALTIMORE COUNTY, MARYLAND

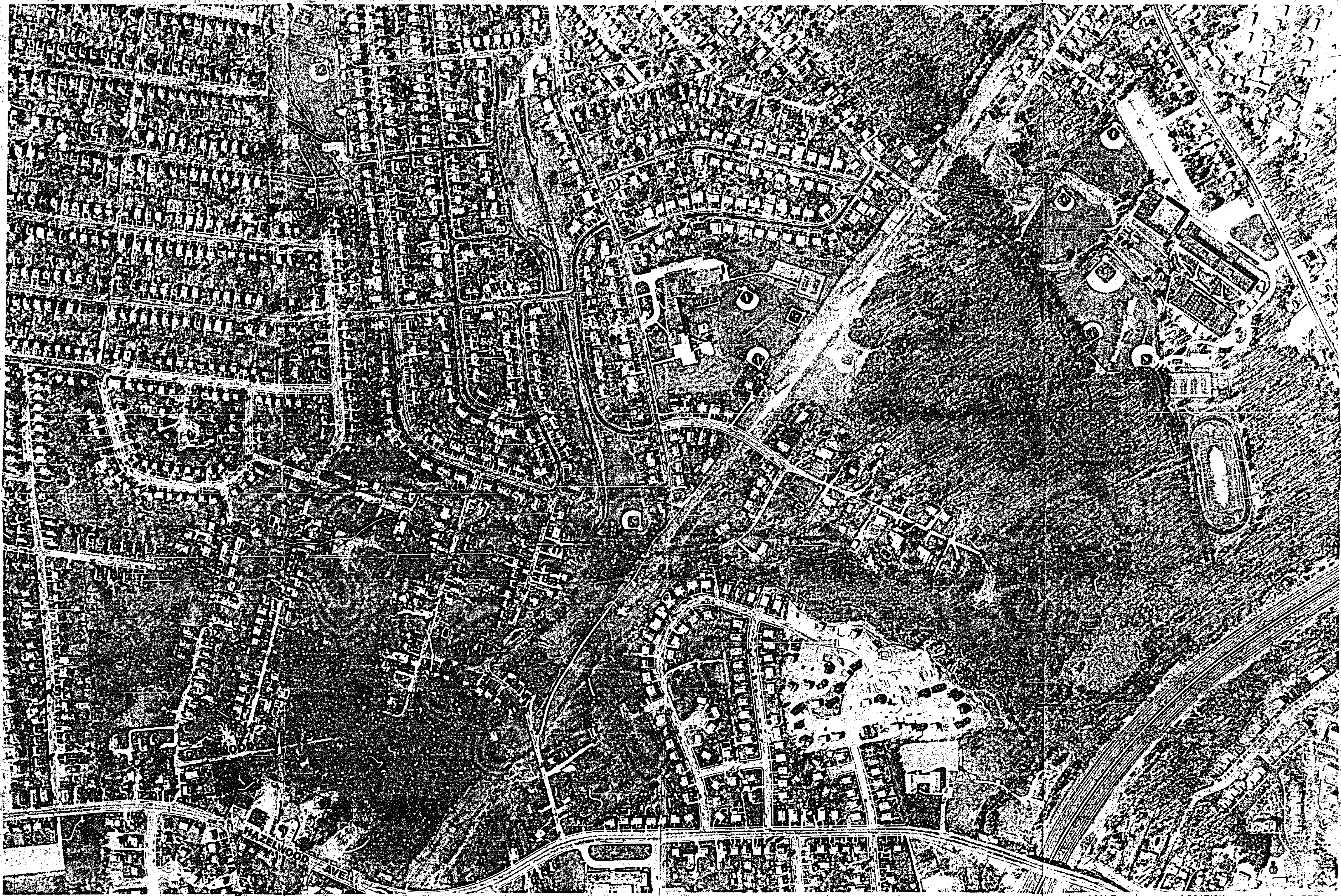
PREPARED BY:
WILLIAM P. BORK, INC.
LAND USE PLANNING • ZONING • ENVIRONMENTAL
CAMPBELL BUILDING
SUITE 305
100 W PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(410) 434-5651

PREPARED FOR:
JANIS P. COOPER, JR.
3512 ELEN OAK DRIVE
JANETTSVILLE, MARYLAND 21044

PETITIONER'S
EXHIBIT 1

PROTESTANT'S
EXHIBIT

SCALE: 1" = 10'	DRAWN BY: DFC	DATE: 7/7/98	REVISION:
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~~PROTESTANT'S~~
~~EXHIBIT~~

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

~~PETITIONER'S~~
~~EXHIBIT~~ 4

PREPARED BY AIR PHOTOGRAPHICS, INC.
HARTISBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	OVERLEA	N.E. 5-E
DATE OF PHOTOGRAPHY JANUARY 1986		

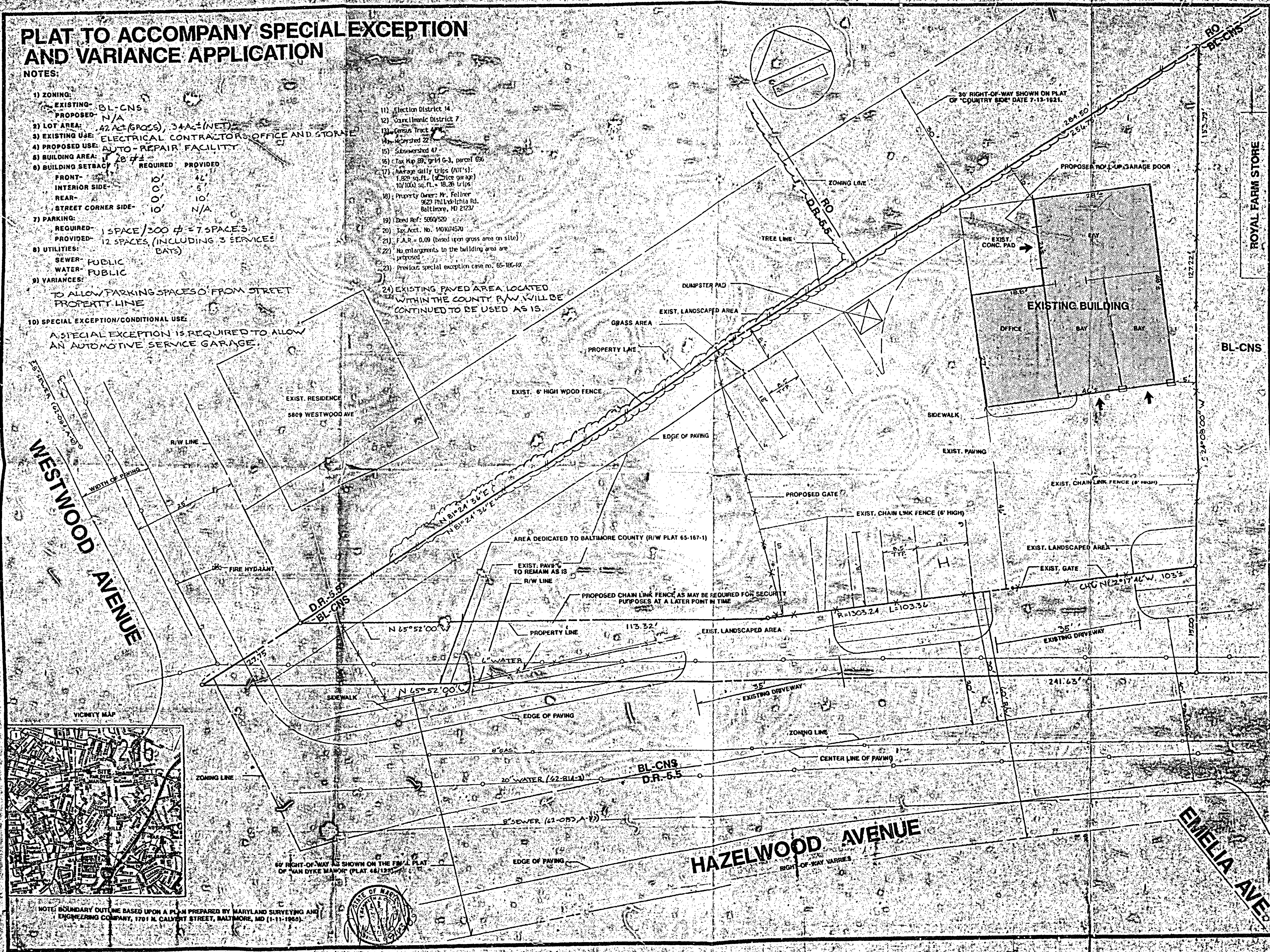
PLAT TO ACCOMPANY SPECIAL EXCEPTION
AND VARIANCE APPLICATION

NOTES:

- 1) ZONING:
EXISTING: BL-CNS
PROPOSED: N/A
- 2) LOT AREA: 42.42 (GROSS), 34.42 (NET)
- 3) EXISTING USE: ELECTRICAL CONTRACTORS OFFICE AND STORAGE
- 4) PROPOSED USE: AUTO-REPAIR FACILITY
- 5) BUILDING AREA: 1,828 sq. ft. (1,828 sq. ft. = 18,281 sq. ft.)
- 6) BUILDING SETBACK:
- | | REQUIRED | PROVIDED |
|--------------------|----------|----------|
| FRONT | 10' | 46' |
| INTERIOR SIDE | 0' | 5' |
| REAR | 0' | 10' |
| STREET CORNER SIDE | 10' | N/A |
- 7) PARKING:
REQUIRED: 1 SPACE/300 $\pm$ = 7.5 SPACES
PROVIDED: 12 SPACES, (INCLUDING 3 SERVICES BAYS)
- 8) UTILITIES:
SEWER: PUBLIC
WATER: PUBLIC
- 9) VARIANCES:
TO ALLOW PARKING SPACES 0' FROM STREET PROPERTY LINE
- 10) SPECIAL EXCEPTION/CONDITIONAL USE:
A SPECIAL EXCEPTION IS REQUIRED TO ALLOW AN AUTOMOTIVE SERVICE GARAGE.

- 11) Election District 14
12) Vancilmanic District 7
13) Census Tract 4
14) Maryland 22
15) Subdivision 47
16) Tax Map 89, grid G-3, parcel 696
17) Average daily trips (NOT'S):
1,828 sq. ft. (1,828 sq. ft. = 18,281 sq. ft.)
10/1000 sq. ft. = 18.28 trips
18) Property Owner: Mr. Fellner
9623 Philadelphia Rd.
Baltimore, MD 21237
19) Deed Ref: 5060/520
20) Tax Acct. No. 1401074570
21) F.A.R. = 0.09 (based upon gross area on site)
22) No enlargements to the building area are proposed
23) Previous special exception case no. 65-167-RV

24) EXISTING PAVED AREA LOCATED WITHIN THE COUNTY R.W. WILL BE CONTINUED TO BE USED AS IS.



NOTE: BOUNDARY OUTLINE BASED UPON A PLAN PREPARED BY MARYLAND SURVEYING AND ENGINEERING COMPANY, 1701 N. CALVERT STREET, BALTIMORE, MD (1-11-1966)



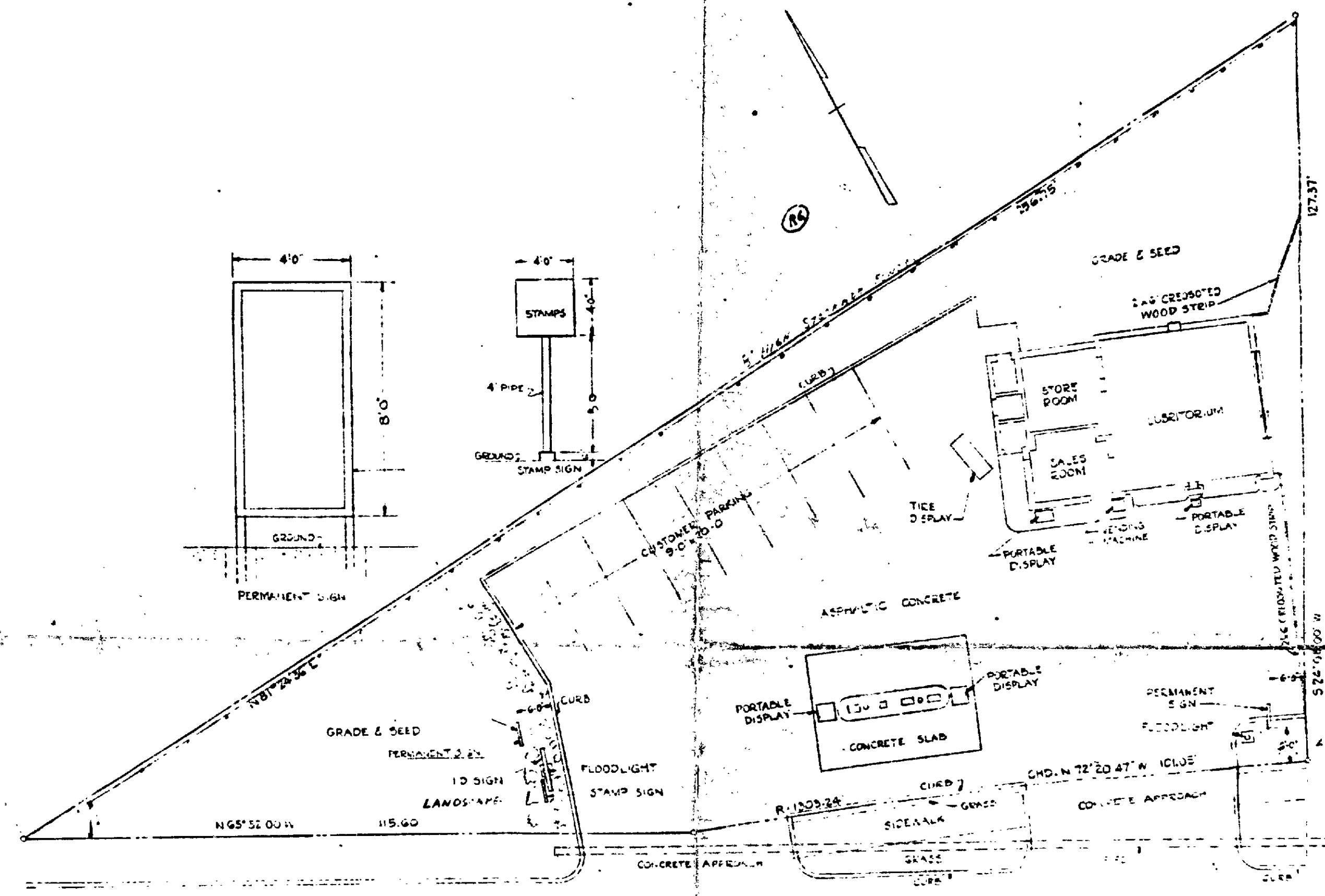
PREPARED BY:
WILLIAM P. MONE, INC.
LAND USE PLANNING, ZONING & ENVIRONMENTAL
CAMPBELL RD., SUITE 305
100 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(410) 486-5551

PREPARED FOR:
RAYMOND J. COOPER, JR.
3512 CLEN OAK DRIVE
ANNETTESVILLE, MARYLAND 21034

PRELIMINARY SITE PLAN
PROPOSED SERVICE GARAGE
1902 HAZELWOOD AVENUE
BALTIMORE COUNTY, MARYLAND

SCALE	1" = 10'
DRAWN BY	DPC
DATE	5/7/83
REVISOR	

WESTWOOD
AVENUE



- ANCILLARY USES
1. VEHICLE REPAIR SERVICE.
 2. SALE OF CIGARETTES, CANDY, SOFT DRINKS & OTHER ITEMS FROM VENDING MACHINES.
 3. TIRE SALE & INSTALLATION.
 4. SALE OF SMALL AUTO PARTS AND ACCESSORIES.
 5. LAWN MOWER, SALES & REPAIRS.
 6. CHRISTMAS TREE SALES.
 7. HOME ACCESSORY USES.
 8. LANDSCAPING, LOW GROWING SHRUBS, 5' TO 10' TALL.

HAZELWOOD

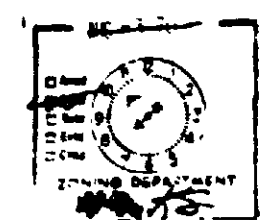
AVENUE

SCALE 1" = 20' 0"

HAZELWOOD AVENUE & WESTWOOD AVENUE

THE ATLANTIC & THE OLD COMPANY

NEW HIGHWAY 2 & LINDEN ST. BALTIMORE, MD



PLANS APPROVED

OFFICE OF PLANNING & ZONING

DATE: 11/1/71

PETTICOVER'S

EXHIBIT 5A