

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
 ZONING VARIANCE *
 NE/S Ingleside Ave., 170 ft. N * ZONING COMMISSIONER
 of Lodge Road *
 644 and 646 Ingleside Avenue * OF BALTIMORE COUNTY
 1st Election District *
 1st Councilmanic District * Case No. 95-306-SPHA
 Thomas E. Booth/Warren Group, L.P. *
 Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for adjoining properties in Catonsville. The Petition for Special Hearing relates to the property known as 644 Ingleside Avenue. Special Hearing relief is requested to approve commercial parking in a residential zone to allow 11 parking spaces. The Petition for Variance relates to both 644 Ingleside Avenue and 646 Ingleside Avenue, the neighboring property. Variance relief is requested pursuant to Sections 232.2.B and 1B01.2.C.1.b of the Baltimore County Zoning Regulations (BCZR) to permit an 8 ft. side yard setback for 646 Ingleside Avenue in lieu of 15 ft. and a 2 ft. side yard setback for 644 Ingleside Avenue, also in lieu of 15 ft. Also requested is approval to allow 2 ft. and 12 ft. side yard setbacks in lieu of the required 75 and 50 ft., respectively, as a buffer to the R.T.A. zone. These variances are requested to relieve pre-existing conditions on buildings which are approximately 50 years old. All of the subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Zoning Variance.

Appearing at the requisite public hearing was the property owner, Thomas E. Booth on behalf of Warren Group Ltd. Partnership. Also present was Michael Tabor, proposed lessee. Herbert Malmud, the land surveyor who prepared the site plan also appeared and testified. The Petitioners were

ORDER RECEIVED FOR FILING

Date

By

4/26/95
 [Signature]

MICROFILMED

represented by Michael Tanczyn, Esquire. Linda Rogers, Milton Porter and Victor Pacheco appeared as interested persons. They all reside nearby.

The lots known as 644 Ingleside Avenue and 646 Ingleside Avenue, known as the "property" are located across from the Old Salem Church in Catonsville. The property is approximately 2.92 acres. It is split zoned, D.R.5.5 and B.L. The predominant zoning of the property is D.R.5.5. The property is nestled in a residential community which is zoned D.R.5.5.

The site has a significant zoning history. The lot known as 644 Ingleside Avenue was owned for many years by the Wilhide family and used as a florist shop. This use was a staple of the Catonsville business community for many years. Recognizing this long standing use, the Baltimore County Council imposed a somewhat unusual zoning designation for the property in 1988 during the comprehensive zoning process. As shown on the site plan, the Council zoned an area consistent with the perimeter footprint of the building B.L. That is, the land on which the existing building sits is zoned B.L., as is a perimeter yard area around same. The remainder of the property was zoned D.R.5.5. Hypothetically, the zoning designation was imposed in recognition of the long standing Wilhide's florist business, yet, to retain the residential character of the balance of this rather large site, consistent with the neighborhood.

This property also came in for review before this Zoning Commissioner in 1994. Under case No. 94-365-SPHX, the then owners of the property requested special hearing and special exception relief to permit an automobile service garage on the subject site. By my order of May 20, 1994, the relief requested was denied.

As to the structures currently on site, the old florist building is presently unoccupied. As shown on the site plan, the improvements at 644 Ingleside originally contained a roughly rectangular concrete and frame

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Date 4/26/95
By M. Book

structure. A large addition was ultimately placed on the side of that building as the flower shop prospered. The lot known as 646 Ingleside Avenue is also owned by the Petitioner. That property is improved with an existing two story concrete and frame dwelling. That lot is entirely zoned D.R.5.5 and is used for residential purposes.

Apparently, the Wilhides vacated the florist shop approximately three years ago. The property was subsequently acquired by the Petitioner who desires to lease same to Mr. Tabor. Mr. Tabor is the proprietor of a small office equipment business known as Atlantic Business Machines. He has been in business since approximately 1986 and presently operates a small store in Catonsville. The nature of the business is to sell and service office equipment including computers, fax machines, transcribers, etc. He employs three service technicians and two office employees. There is one company truck, a Chevy Astro van, which is used to make deliveries and service calls. He receives deliveries on an infrequent basis, most commonly through UPS.

As noted above, Mr. Tabor wishes to relocate his business to 644 Ingleside Avenue. He also proposes utilizing the existing macadam parking area which surrounds the building. A limited area of new paving will also be installed as shown on the site plan. When completed, the macadam lot will provide parking spaces for 14 vehicles. In view of the unusual zoning lines which bisect this property between the B.L. and D.R.5.5 designations, 11 of the parking spaces will be located on that portion of the site zoned D.R.5.5. Special hearing approval is needed to legitimize the proposed parking layout. The Petitioner's witnesses all testified that the proposed parking arrangement was substantially similar to the parking arrangement utilized to serve the Wilhide's florist business. Clearly, as the florist business grew and changed over the years, a dirt and later macadam area

ORDER RETURNED FOR FILING

Date

7/26/95

By

M. Howard

100-1000000000

immediately adjacent to the building was used to support customer and employee parking. The Petitioner proposes the same arrangement for the office supply business but for the small area of additional paving to bring several spaces into compliance with County standards for parking lot spaces.

Based upon the testimony and evidence offered, I am persuaded that the Petition for Special Hearing should be granted. Due to the unusual placement of the zoning lines, it would be impossible for the Petitioner to provide any more than 3 parking spaces in the B.L. zoned portion of the property. Obviously, any use which occupies the old florist shop would generate more parking than 3 spaces could accommodate. The Petitioners are left in a difficult position where the special hearing relief must be requested. If same were denied, it would present a difficult hardship upon them. The grant of the relief will not enlarge or expand the B.L. zoned portion of the property, nor alter the predominant residential character of the site. Rather, the grant of the Petition recognizes the practical constraints imposed by the zoning of the site.

The variances requested all relate to the setbacks between the existing structures and the property line and/or the residential area (RTA). It is to be noted that no new construction is planned. The dwelling at 646 Ingleside Avenue will remain residential in character. The old florist shop, although improved with interior renovations to accommodate the office supply business, is not being enlarged or structurally changed in its exterior. The variances are requested to legitimize the existing situation. Surely, the unusual site constraints imposed by the unusual placement of the zoning line and the existing placement of the dwellings satisfies the Petitioner's burden in this respect. These conditions present unique characteristics to this site which justify the variances.

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4/26/15
By: M. G. G. G.

Also, I am persuaded that the business on this site will not be detrimental to the surrounding locale. For patently obvious reasons, the office equipment business, as described by Mr. Tabor, causes less impact on the neighborhood than the service garage which was rejected by me in the former case. The business as described by the Petitioners will not result in any detriment to the neighborhood or cause adverse affect to the residential character of this locale. Thus, the Petition for Special Hearing will be granted.

Notwithstanding my approval of the Petition for Variance and Petition for Special Hearing relief, I am inclined to impose certain restrictions on the grant of the relief. These restrictions were the subject of testimony at the hearing and also comments within the Zoning Plans Advisory Committee (ZAC). First, I agree with the spirit and intent of the comment from the Office of Planning and Zoning (OPZ) wherein they suggest that the use of the subject property be restricted. However, the special hearing relief does not relate to the use of the B.L. portion of the property, per se. A Petition for Special Exception for the B.L. portion of the property is not pending. Thus, it seems inappropriate to restrict potential uses on the B.L. portion of the site. Rather, the special hearing does request commercial/business parking on the D.R.3.5 portion of the property. Therefore, I shall limit and restrict the potential users of the parking area. In this regard, the relief granted shall be limited so that only commercial parking in the D.R.5.5 portion of the site shall be allowed for Mr. Tabor's business. That is, the commercial parking in the D.R.5.5 zone shall be permitted to serve only Atlantic Business Machines, Inc., its successors and assigns. If a different entity occupies the B.L. portion of the site and building thereon, the approval granted herein shall lapse and be forfeited, subject to further public hearing. Thus, although not limiting the uses

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Date

4/26/95

By

Mr. Novak

available on the B.L. portion of the site, I will limit the parking so as to allow only the above described business to utilize the parking area which is shown on the site plan.

Secondly, I will expressly approve the site plan as submitted. That plan shows the area of the building within the B.L. zone as existing. Any improvements, additions or enlargements of the building in the future need be approved by the special hearing process. That is, the neighbors and public should be allowed input prior to any future improvements being made to the existing building at 644 Ingleside Avenue.

Lastly, I will require the Petitioners to submit a landscape plan for approval by the County's Landscape Architect. Appropriate buffering of the commercial use seems warranted. The landscaping required should be reasonable in view of the long term commercial use of this site while, nonetheless, recognizing the surrounding residential and institutional (i.e., church) uses.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26th day of April 1995, that, pursuant to the Petition for Special Hearing, approval for commercial parking in a residential zone to allow 11 parking spaces, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 232.2.B and 1B01.2.C.1.b of the Baltimore County Zoning Regulations (BCZR) to permit an 8 ft. side yard setback for 646 Ingleside Avenue in lieu of 15 ft. and a 2 ft. side yard setback for 644 Ingleside Avenue, in lieu of 15 ft., be and is hereby GRANTED; and,

ORDERED FOR THE
DATE 4/26/95
BY Mr. Goad

IT IS FURTHER ORDERED that approval to allow a 2 ft. and 12 ft. side yard setbacks in lieu of the required 75 and 50 ft., respectively, to buffer an R.T.A. zone , be and is hereby GRANTED, subject, however to the following restrictions, which are conditions precedent to the relief granted herein:

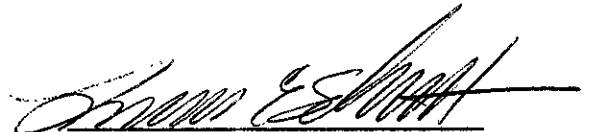
1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The relief granted shall be limited so that only commercial/office parking in the D.R.5.5 portion of the site shall be permitted to serve only Atlantic Business Machines, Inc., its successors and assigns. The parking shall not serve other businesses or uses.

3. Any improvements, additions or enlargements of the building on 644 Ingleside Avenue in the future need be approved by the special hearing process.

4. The Petitioners shall submit a landscape plan for approval by the County's Landscape Architect for appropriate buffering of the commercial use. The landscaping required should be reasonable in view of the long term commercial use of this site and existing surrounding uses.

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



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECALLED FOR FILING
Date 4/26/95
By M. Good

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 25, 1995

Michael Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

RE: Case No. 95-306-SPHA
Petitions for Special Hearing and Variances
Location: 644 Ingleside Avenue
Thomas E. Booth/Warren Group, L.P., Petitioner

Dear Mr. Tanczyn:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variances have been granted, with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered 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 the Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.

cc: Mr. Thomas E. Booth, Warren Group, L.P.
623 Edmondson Avenue, 21228
cc: Mr. Michael Tabor
608 Edmondson Avenue, 21228



296



Petition for Special Hearing

95-306-SPTA

to the Zoning Commissioner of Baltimore County

for the property located at 644 Ingleside Avenue
which is presently zoned BL & DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

Commercial parking in a residential zone to allow 11 parking spaces in a DR 5.5 Zone

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

I, or we, agree to pay expenses of above Special Hearing 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/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Thomas E. Booth
(Type or Print Name)

Thomas E Booth
Signature

Warren Group, L.P.
(Type or Print Name)

Edward J. Warren
Signature
EDWARD J. WARREN

623 Edmondson Avenue 788-5390
Address Phone No

Catonsville, Maryland 21228
City State Zipcode

Name, Address and phone number of representative to be contacted.

Thomas E. Booth
Name

623 Edmondson Avenue 788-5390
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing _____

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



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Petition for Variance

95-306-SPHA

to the Zoning Commissioner of Baltimore County

for the property located at 644 & 646 Ingleside Avenue

which is presently zoned BL & DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s) 232.2B + B01.2C16

To allow 8' side yard for 646 Ingleside in lieu of 15' & 2' side yard for 644 Ingleside in lieu of 15' (to align with the BL zone line) ANDA
Sec. 1B01.1B.1C.2. to allow 7' + 12' side yard in lieu of 75' & 50' buffer in R.T.A. SETBACK

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

Pre-existing conditions buildings approximately 50 years old.

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/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Thomas E. Booth

(Type or Print Name)

Signature

Warren Group, L.P.

(Type or Print Name)

Signature

623 Edmondson Avenue 788-5390
Address Phone No.

Catonsville, Maryland 21228
City State Zipcode

Name, Address and phone number of representative to be contacted.

Thomas E. Booth
Name

623 Edmondson Avenue 788-5390
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY [Signature] DATE 3/2/95



Printed with Soybean Ink on Recycled Paper



H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208
TELEPHONE (410) 653-9511

296
95-306-SPHA

DESCRIPTION FOR ZONING PETITION
644 INGLESIDE AVENUE
BALTIMORE COUNTY, MARYLAND

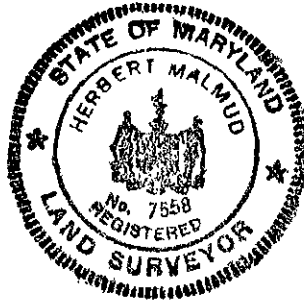
Beginning for the same on the east side of Ingleside Avenue, 60 feet wide, at a point distant 170 feet northerly from the center of Lodge Road, thence binding on the east side of Ingleside Avenue:

(1) North 18 44' 43" West 184.51 feet; thence leaving said avenue and running the five (5) following courses and distances.

- (2) North 71 30' 12" East 153.51 feet;
- (3) North 18 59' 48" West 40.27 feet;
- (4) North 85 26' 46" East 383.31 feet;
- (5) South 00 30' 50" East 214.09 feet and
- (6) South 80 00' 42" West 463.57 feet to the place of beginning.

containing 2.9 acres, more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE



Herbert Malmud
Registered Land Surveyor
Maryland No 7558

February 7, 1995

FILE: Ingle644Zon DESC 27

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-306-SPH A

District 1st

Date of Posting 3/24/95

Posted for: Special Hearing of Variance

Petitioner: Thomas F. Bottig & Warren Group, L.P.

Location of property: 6444 Ingleside Ave.

Location of Signs: Facing roadway on property being zoned

Remarks: No photo

Posted by M. Stalio
Signature

Date of return: 3/31/95

Number of Signs: 1



NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Board of Zoning Appeals, will hold a public hearing on the property described herein in Room 118 of the County Office Building, 111 West Chesapeake Avenue, in Towson, Maryland 21284, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284, as follows:

Case: #95-308-SPHA
(Item 298)
844 Inglede Avenue and
846 Inglede Avenue
NE/S Inglede Avenue,
170' N of Lodge Road
1st Election District
1st Councilmanip
Legal Owner(s):
Thomas E. Booth and
Warren Group, L.P.
Hearing: Tuesday,
April 11, 1995, at 9:00
a.m. in Rm. 118, Old
Courthouse.

Special Hearing to approve commercial parking in a residential zone to allow 11 parking spaces. Variance to allow 8 foot side yard for #846 Inglede in lieu of 15 feet and a 2 foot side yard for #844 Inglede in lieu of 15 feet to align with the B.L. zone line; and to allow 2 feet and 12 feet side yard in lieu of 75 foot setback and 50 foot buffer in RTA.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3383.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.
3/24 March 18.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

March 17, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on *March 16, 1995.*

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

Publisher

MARCH 17 1995



Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

95-306-SPHA

Account: R-001-6150

Number 296
 By JLL

Date 3/2/95

COMMERCIAL

SP, HRNG

CODE 040 250.00

VAR.

CODE 020 250.00

2 SIGNS POSTING.

CODE 080 70.00

TOTAL. \$ 570.00

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LOC. 644 AND 646 MOLESIDE AVE

OWNER BOOTH AND WARREN GROUP L.P.

02A0280075MTC HRC
 BA. C009:53AMP3/02/95

\$570.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

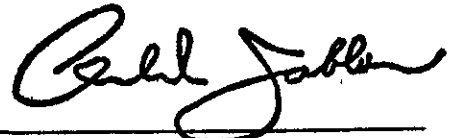
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 296

Petitioner: THOMAS BOOTH

Location: 644-646 INGLESDALE AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: THOMAS E. BOOTH

ADDRESS: 623 EDMONDSON AVENUE

CATONSVILLE MD 21228

PHONE NUMBER: 788-5390

AJ:ggs

(Revised 04/09/93)

MICROFILMED

TO: PUTKENT PUBLISHING COMPANY
March 16, 1995 Issue - Jeffersonian

Please forward billing to:

Thomas E. Booth
623 Edmondson Avenue
Catonsville, Maryland 21228
410-788-5390

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 herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-306-SPHA (Item 296)
644 Ingleside Avenue and 646 Ingleside Avenue
NE/S Ingleside Avenue, 170' N of Lodge Road
1st Election District - 1st Councilmanic
Legal Owner(s): Thomas E. Booth and Warren Group, L.P.
HEARING: TUESDAY, APRIL 11, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve commercial parking in a residential zone to allow 11 parking spaces.
Variance to allow 8 foot side yard for #646 Ingleside in lieu of 15 feet and a 2 foot side yard for #644 Ingleside in lieu of 15 feet (to align with the B.L. zone line); and to allow 2 feet and 12 feet side yard in lieu of 75 foot setback and 50 foot biffer in RTA.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 13, 1995

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 herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-306-SPHA (Item 296)
644 Ingleside Avenue and 646 Ingleside Avenue
NE/S Ingleside Avenue, 170' N of Lodge Road
1st Election District - 1st Councilmanic
Legal Owner(s): Thomas E. Booth and Warren Group, L.P.
HEARING: TUESDAY, APRIL 11, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve commercial parking in a residential zone to allow 11 parking spaces.
Variance to allow 8 foot side yard for #646 Ingleside in lieu of 15 feet and a 2 foot side yard for #644 Ingleside in lieu of 15 feet (to align with the B.L. zone line); and to allow 2 feet and 12 feet side yard in lieu of 75 foot setback and 50 foot biffer in RTA.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Thomas E. Booth/Warren Group, L.P.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 3, 1995

Mr. Thomas E. Booth
Warren Group, L. P.
623 Edmondson Avenue
Catonsville, Maryland 21228

RE: Item No.: 296
Case No.: 95-306-SPHA
Petitioner: Thomas Booth, et al

Dear Mr. Booth:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 2, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-10-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +296 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/10/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 13, 1995.

Item No.: SEE BELOW Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 296, 297, 299, 300,
301 AND 303.

RECEIVED
MAR 14 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: March 20, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for March 20, 1995
Item No. 296

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the RTA Buffer requirements of the Landscape Manual. Buffering should be provided to the full extent possible. Opaque fencing may also be required, if deemed useful.

RWB:sw

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 17, 1995

SUBJECT: 644 Ingleside Avenue

INFORMATION:

Item Number: 296

Petitioner: Thomas E. Booth and Warren Group, L.P.

Property Size: 2.9 acres

Zoning: BL and DR-5.5

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Hearing to approve commercial parking in a residential zone to allow 11 parking spaces in a DR-5.5 zone.

Based upon review of the information provided and analysis conducted, the staff offers the following comments:

B.L. zoning was applied to the property as part of the 1988 Comprehensive Zoning Map Process (see Issue No. 1-035). The zoning line was carefully drawn to coincide precisely with the florist shop's building footprint, and it was the County Council's expressed intent to accommodate a long-term, nonconforming, Catonsville family operated florist shop.

The Old Salem Evangelical Lutheran Church, located at 701 Ingleside Avenue, is across the road from this proposed service station. The church structure has been on the Baltimore County Final Landmarks List since the first accumulated set of listings was passed by the County Council in 1977.

The Old Salem Evangelical Lutheran Church and its cemetery were also added to the National Register on December 13, 1977.

This church building has been restored at considerable expense by its preservation group. The structure dates from 1849. Its original plans strongly resemble renderings of other Catonsville buildings by architect Robert Cary Long, Jr., or his office. Any incompatible development near this 145-year-old architectural monument would degrade its scenic qualities and environmental setting.

The applicant's site is located in a Community Conservation Area. The Master Plan indicates that "community conservation refers to public and private efforts designed to maintain or enhance the physical, social, and economic resources of the County's older, urban area communities." Under the heading of Community Planning and Conservation, the following policy, in part, is stated on page 37 of the Master Plan

Baltimore County's planning efforts should be focused on new, as well as existing communities to ensure that the County's built environment provides desirable places for its citizens to live and work.... Commercial activities incompatible with local neighborhoods should be restricted in such areas.

Due to the unique circumstances of this property, staff recommends any approval be conditioned upon a restriction that would limit the use of the site to office supplies and related service use. In the event that the use of the property changes, a subsequent hearing should be held to examine the need for parking on a use related basis. In addition, the applicant should be required to submit a landscape plan to the Landscape Architect for approval prior to occupancy.

Prepared by: Jeffrey M. Long

Division Chief: Gary L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: March 2, 1995

TO: Hearing Officer

FROM: John L. Lewis
Planner II, ZADM

SUBJECT: Item #296
644 & 646 Ingleside Avenue

The requirements of Section 409.8.B.2 (BCZR) should have been addressed for parking in a residential zone. Please see they are in restrictions if you see fit.

JLL:scj

Handwritten signature or initials

PETITION PROBLEMS - AGENDA OF 3/13/95

#296 - JLL

1. No printed or typed title for person signing for person signing for Warren Group.
2. No authorization for person signing for Warren Group.

#297 - JLL

1. No authorization for person signing for Bell Atlantic.

#298 - JLL

1. Need power of attorney statement for personal representative.
(See JLL's note to the hearing officer.)

#302 - CAM

1. No telephone number for legal owner.
2. Plan is too large to be microfilmed. (Should not be larger than 24" x 36")
3. Receipt was not given to petitioner.

#303 - JJS

1. No authorization for person signing for American PCS.
2. No authorization for person signing for Longview Executive Park.

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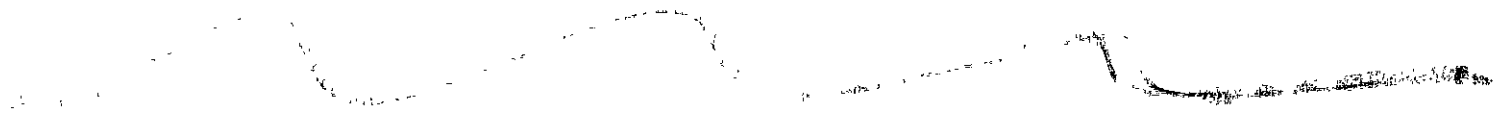
TO: C W ENI

Brook⁺
Warren Camp
6/14/646 Angeles

RE: 276

Not 4/3 to 4/7

re: 276



4/26
My copy

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
SPECIAL EXCEPTION *
E/S Ingleside Avenue, 170 ft. +/- * ZONING COMMISSIONER
N of c/l Lodge Road *
644 Ingleside Avenue * OF BALTIMORE COUNTY
1st Election District *
1st Councilmanic District * Case No. 94-365-SPHX
Legal Owners: Edward Warren, et al *
Contract Purchaser: Advance *
Automobile, Inc., Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Special Exception for the property located at 644 Ingleside Avenue in the Catonsville section of Baltimore County. Special Exception relief is requested to permit an automobile service garage in a B.L. zone. As to the Special Hearing, approval is requested of a nonconforming use for parking and business access in a D.R.5.5 zone. The relief request and subject property are more particularly shown on the plat to accompany the Petitions for Special Exception and Special Hearing marked as Petitioner's Exhibit No. 3.

Appearing at the requisite public hearing were James Hannon and several members of his family, who are proprietors of the proposed business. Also present on behalf of the Petition was Matt Decker, the realtor who listed the property for sale to the Petitioner and Gerald L. Millman, a long time resident of the locale. Also appearing was Albert W. Remy, a Civil Engineer with Fisher, Collins and Carter, Inc., who prepared the site plan. Lastly, Francis A. Flannery, who owns property next door, also testified in support of the Petition. The Petitioner was represented by Francis X. Borgerding, Jr., Esquire.

Numerous individuals appeared in opposition to the Petition. These included Jolené Morseberger, appearing on behalf of the Old Salem Evangeli-

4/26/94

cal Lutheran Church, an historic place of worship which is located across the street from the site. Other residents who testified included David S. Mortimer, Victor Pachecl, Lynda Rodgers, and Mary Clark. Jeffrey Long, an employee with the Office of Planning and Zoning, also appeared and testified.

Testimony from Mr. Hannon was that he and his family are the owners and operators of the Westown Exxon Station which is located slightly less than 1/2 mile from the site. This is a family business which has been at its present location for 26 years. The business includes the sale of gasoline and a service garage operation where automobiles are repaired. It is apparent that this is a successful operation which enjoys a good rapport with the surrounding community.

The Petitioner has entered into a contingent contract of sale for the subject site. Mr. Hannon proposes transferring a portion of the existing business to the site. Specifically, he wishes to operate a service garage on the property and proposes relocating the repair business to this site. There will be few changes to the existing building. Two garage doors will be added so that the building will have three bays. Interior renovations will also be made to accommodate the work areas. The Petitioner does not anticipate any storage of vehicles on the site, nor sales of gasoline or other fuels from this property. The proposed hours of operation will be from 8:00 A.M. to 5:00 P.M., Monday through Friday and 8:00 A.M. to 12:00 noon on Saturday. Additional improvements are proposed to screen the property and to further landscape same. These improvements are proposed with an eye towards buffering the property from the surrounding residential community. In Mr. Hannon's view, he believes that the proposed use can be conducted on this site without negative impact to the surrounding locale.

He indicated that most of his clients schedule appointments in advance to have their vehicles repaired. Thus, he anticipates minimal traffic volume generated by the operation. Particularly, he believes that no more than ten vehicles will be repaired on any given day and there will not be a steady in and out of traffic, in that the facility will not sell gasoline.

Also testifying on behalf of the Petition was Albert W. Remy, a Land Consultant, who assisted in the preparation of the site plan. He described the subject site and its environs. The property is approximately 2.83 acres in net area and is split zoned B.L. and D.R.5.5. It has a long history of use as the site of the Wilhide's Florist business. In fact, the unusual zoning of this property reflects the long history of use of the building for the flower business. Particularly, as shown on the site plan, the B.L. zoning encompasses a footprint reflecting the configuration of the building. Apparently, the County Council, in recognizing the Wilhide's long use of the property, zoned the building and a small area around the perimeter of same B.L., in order to protect the validity of this business. However, the remaining acreage of the property, including much of the parking area and the perimeter of the property as a whole, is zoned D.R.5.5.

Mr. Remy also discussed the surrounding locale. As noted above, the property bears an Ingleside Avenue address and is located between Maryland Route 40 and the Baltimore Beltway (I-695). Obviously, those roads are major thoroughfares and there is much commercial business use on the Baltimore National Pike (Route 40). However, the subject property is located within an enclave of residential properties. Residential properties exist immediately adjacent to the site, although some of these residential structures have been converted to business uses nearby. Most importantly, the Old Salem Evangelical Lutheran Church is located across the street from the

property. This is an historic landmark which has been on the County's list of historic places for many years. Also, across the street is the M.I.E. Corporate Park, an office complex which contains five single story office buildings.

Mr. Remy discussed the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), which govern all special exception uses. In his view, the proposed use will not be detrimental to the surrounding locale.

Also testifying was Matt Decker, a Realtor with O'Conor, Piper and Flynn. Mr. Decker outlined the history of the property and its long use as a flower shop, as discussed above. He believes that the proposed use is appropriate.

Mr. Jerry Millman also testified. He was a long standing customer of the Wilhide's Florist and remembers buying flowers at that location in 1942. He testified that the florist use was there for many years and quite probably existed prior to World War II. He was less than clear on cross examination, however, as to the exact area of the parking lot at that time. It is clear that there was a parking area on the site to serve Wilhide's Florist but the exact location of the improvements and parking area were unclear.

Lastly, Francis Flannery, who resides next door, also testified. He supports the proposed use. He is particularly concerned over the present use of the property. Apparently, it is run down and has been used for storage and dumping purposes since Wilhide's Florist left the site. In his view, installation of the proposed business next door would clean up the property and improve same.

In opposition to the request, testimony was received from Joleen Morseberger, a Director of the Old Salem Church. She noted that the Church is a historic landmark and has been so designated by both Baltimore County, the State of Maryland and the Federal Government. She and her fellow directors on the Church's Board oppose the special exception. They believe that same is inappropriate in this area. She is desirous of protecting the Church property and preserving the viability of the neighborhood. These comments were echoed by Jeffrey Long from the Office of Planning. Mr. Long related the history of the zoning of the property and provided an explanation of the unusual B.L./D.R.5.5 zoning. His office also opposes the special exception. He noted that this was an older urban area and that service garages are among the least favored uses in this type of locale. He believes that the granting of a special exception would be detrimental to the Church and a destabilizing factor to the surrounding neighborhood.

As to the many neighbors who testified, their comments were uniform in opposition to the proposed use. They fear increased traffic congestion, pollution and similar negative effects associated with this proposed business. They wish to preserve the residential character of the neighborhood and also believe that the proposed use would be esthetically damaging to the surrounding locale.

As is well settled, any Petition for Special Exception must be evaluated pursuant to those standards set forth in Section 502.1 of the B.C.Z.R. Therein, numerous considerations are listed as to the proposed uses including potential impact on traffic, pollution, overcrowding of land, etc. In essence, the Petitioner must adduce testimony and evidence that the proposed use can be operated without detriment to the health, safety and general welfare of the locale.

Moreover, the case law requires the Petitioner demonstrate that the proposed use at the particular location can be allowed only if it would not have adverse impact above and beyond that inherently associated with the special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981).

Thus, the uniqueness of the property and its environs are significant when considering any special exception request. In the instant case, I am persuaded that the Petitioner has failed to meet its burden. I have no doubt that Mr. Hannon runs a clean operation at his present address and will continue to do so at any new location where he expands. He appears to be a conscientious businessman who is sensitive to public concerns. Nonetheless, the inherent effects of any service garage use are apparent. They are particularly incompatible to the locale in this case due to the historic church which is located within close proximity. In my view, the existence of the church at this location makes this site unique and magnifies the negative impacts of the operation above and beyond which might be expected. The negative impact produced by the use will be particularly detrimental to the historic character of the property immediately across the street. Thus, the Petition for Special Exception must and should be denied.

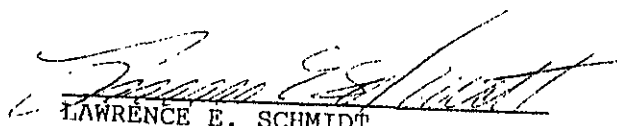
As to the Petition for Special Hearing, same is rendered moot by the denial of the Petition for Special Exception. Special Hearing relief had been requested to validate the continued parking and business use of a portion of the property as a nonconforming use. The testimony offered by the Petitioner in this respect was unsettled. Although it is clear that business parking has been on the site for many years serving the Wilhide business, it is not certain exactly where that parking occurred. Moreover,

since the Wilhide business has discontinued operations on site, it is uncertain whether there has been a discontinuance or an interruption of this nonconforming use. In any event, I decline to specifically rule on this issue in view of my decision to deny the Petition for Special Exception.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of May, 1994 that, pursuant to the Petition for Special Exception, approval to permit an automobile service garage in a B.L. zone, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that, as per the decision on the Petition for Special Exception, no decision is made on the Petition for Special Hearing and is considered MOOT.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

DRAFT

IN RE: PETITION FOR SPECIAL HEARING
BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
CASE No. 95-306-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 644 Ingleside Avenue in the Catonsville area of Baltimore County. The Petition is filed by the owners of the property, the Warren Group, L.P. by Thomas Booth, through their attorney, Michael P. Tanczyn. The Special Hearing Petition requests commercial parking in a residential zone to allow eleven spaces in a DR 5.5 zone. Additionally, the Petition requests variances for the subject property, ~~as well as~~ ^{and} the property at 646 Ingleside Avenue, which is also owned by the Petitioner. The variances ~~request~~ ^{are for} an ~~allowance of~~ an eight foot side yard for 646 Ingleside in lieu of the fifteen ~~feet~~ ^{Foot} required, ^{side yard} and a variance for a two foot side yard for 644 Ingleside Avenue in lieu of the fifteen foot required in order to align with the BL zone. Finally a variance is requested from Section 1B01.1B.1C.2. to allow a two foot and a twelve foot side yard in lieu of the seventy five foot setback and the fifty foot buffer in a Residential Transition Area. These variances are requested to relieve pre-existing conditions on buildings which are approximately fifty years old.

Appearing at the requisite public hearing ^{was} ~~were~~ Herbert Malmud, a licensed land surveyor. Also appearing as an

MICROFILMED

interested party was proposed tenant Michael Taber, the owner of an office equipment supply and repair shop. Community members Lynda Rogers, Milton Porter, and Victor Pacheco were also in attendance.

The subject property has a long and varied zoning history. For as long as anyone in the community can remember, even pre-dating World War II, the property at 644 Ingleside Avenue was owned by the Wilhide family and used as a flower shop. The Wilhide's business was nestled amongst the residences and an historic church. In 1988, the County Council voted to make the Wilhide's nonconforming use official; they rezoned the area around the business BL. For reasons which remain subject to conjecture, the County Council did not extend the BL zone to the whole of the 2.92 acre lot. A significant portion of the lot remains^{ed} zoned DR 5.5. The zoning remained as such in 1992. Now comes the Petitioner asking for relief from this bizarre zoning anomaly. In order to support the proposed business use, an office^{equipment} supply and repair store, Petitioner requests eleven commercial parking spaces be allowed in this DR zone.

Testimony was given by Mr. Malmud, the land surveyor who prepared the Petitioner's exhibits, that such commercial zoning requires fourteen spaces, and the existing paving in the BL zone can only accommodate three. Therefore, with minimal additional paving, the DR zone could support the required remainder.

Mr. Malmud testified that the owner's intention was to utilize as much of the existing macadam surface as possible, with

minimal additional paving, in order to comply with the zoning regulation's prescribed number of parking spaces and isle widths. The new paving would provide full size parking spaces to the rear of the building, which would be shielded from view from the street.

Finally, Mr. Malmud stated that the property had been abandoned by the Wilhide's for three years, and the present owner purchased the property in 1991. This property is located in a Residential Transition Zone, and the housing pre-dates the modern zoning restrictions, hence the variance requests for set backs.

The owner, Mr. Booth, testified that the only expansion would be in the parking area, and not of the building itself. He stated that he merely wanted to continue Wilhide's use of the paved area; he had observed patrons of the flower shop park anywhere on the macadam area. This testimony was supported by long-time neighbor Lynda Rogers.

The neighbors who came to the hearing were concerned about the growth of any proposed business use, and the resulting cacophony with the residential area. Their concerns were based on a 1994 case regarding the same subject property in which the proposed use was a service garage. In case number 94-365-SPHX, Zoning Commissioner Schmidt denied the special exception for a service garage at 644 Ingleside Avenue because of its impact on the historic character of the environs and the nearby old church.

While a service garage would have a serious detrimental effect on its environs, the proposed office equipment repair and

supply store would not. Testimony was given by Mr. Taber, the proprietor of the business, that there would be little increase in traffic due to his use of the property. He stated that he receives UPS deliveries once daily, supply deliveries once monthly, and only has one company vehicle. Most of his customers have service contracts in their respective offices; few customers come in with their office equipment from off the street. This type of business is permitted as of right in a BL zone. Since the use is permitted, would be harmonious with the neighborhood and consistent with previous business use at the site, the special hearing request for the supporting accessory parking in a DR zone should be granted, with limited restrictions: because of the unique characteristics of this neighborhood, the use of the accessory parking in the DR zone at 644 Ingleside Avenue should be limited to the proposed office equipment supply and repair shop. Reasonable restrictions on landscaping are also to be imposed to further shield the neighbors from the business.

Finally, the variance requests for a waiver of the minimum setback requirements should also be granted; granting of the variances give the Petitioner relief from a pre-existing condition, and is simply a housekeeping matter of record.

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

April 11, 1995


Lawrence Schmidt, Zoning Commissioner
Old Court House
400 Washington Avenue
Towson, MD 21204

Re: Petition for Special Hearing
Case No. 95-306-SPHA
Thomas E. Booth & Warren Group, LP

Dear Commisioner Schmidt:

Please enter my appearance in the above matter on behalf of the Petitioners.

Very truly yours,


Michael P. Tanczyn

MPT/ed

[Faint handwritten notes or initials]

Interested Persons
PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Lynda Rogers

706 Ingleside Ave 21228

Milton Porter

600 Woodhurst Way 21228

Victor Pacheco

700 Ingleside Ave 21228

Blank lined area for names.

Blank lined area for addresses.

Faint handwritten text at the bottom left.

CVS/aan

12434:74131

12/18/86

7597J

WARREN GROUP LIMITED PARTNERSHIP
CERTIFICATE AND AGREEMENT
OF LIMITED PARTNERSHIP

STATE DEPARTMENT OF ASSESSMENT
AND TAXATION

Preliminary Statement

APPROVED FOR RECORD

2/5/87 at 3:26

By the following Certificate and Agreement of Limited Partnership, by and among the signatories hereto, the signatories hereto hereby agree to form a Maryland Limited Partnership to be known as Warren Group Limited Partnership. The effective date of this Certificate and Agreement is the 13th day of December, 1986.

In consideration of the foregoing and of the mutual covenants, conditions and agreements hereinafter set forth, the parties hereto, intending to be legally bound, hereby agree as follows:

ARTICLE I

Defined Terms

The defined terms used in this Agreement shall, unless the context otherwise requires, have the meanings specified in this Article I.

"Act" means the Maryland Revised Uniform Limited Partnership Act, as from time to time amended.

²⁶
"Adjusted Capital Balance" means the fair market value of any property contributed by a Partner to the Partnership at the date of its contribution, plus the amount of any cash or cash equivalents contributed by the Partner to the Partnership, less the amount of any cash and the fair market value of any property previously distributed to such Partner pursuant to Sections 4.1C and 4.2. With respect to any fiscal year of the Partnership, a Partner's Adjusted Capital Balance shall be his average Adjusted Capital Balance for such year, as determined by the General Partners in their reasonably exercised discretion.

"Agreement" means this Certificate and Agreement of Limited Partnership as originally executed and as amended from time to time, as the context requires. Words such as "herein,"

1987 FEB - 5 P 3:26

Det No 3

70378025

2891 1072

ARTICLE V

Rights, Powers and Duties of General PartnersSection 5.1 Management and Control of the Partnership.

A. Edward J. Warren, while he is a General Partner, shall have the exclusive right to manage the day-to-day business of the Partnership and to be designated and to represent himself to be the Managing Partner of the Partnership.

B. Except as otherwise provided in Section 5.1A, the General Partners shall have the exclusive right to manage the business of the Partnership, and all Partnership decisions shall be made by a majority vote of the General Partners.

C. No Limited Partner in his capacity as such shall participate in or have any control over Partnership business or have any authority or right to act for or bind the Partnership.

D. A decision by any General Partner to require the conveyance of title to real property to the Partnership pursuant to Section 2.6 shall be binding on the Partnership.

Section 5.2 Authority of General Partners.

Except as otherwise provided herein, the General Partners for, in the name of, and on behalf of, the Partnership are hereby authorized by a majority vote:

A. To acquire and hold by lease, purchase, or exchange and to own, lease, sell, convey, finance, or assign all or any portion of the Property.

B. To execute any and all agreements, contracts, documents, certifications and instruments necessary or convenient in connection with the management, maintenance and operation of the Property.

C. To borrow money and issue evidences of indebtedness in furtherance of any or all of the purposes of the Partnership, and to secure the same by deed of trust, mortgage, security interest, pledge or other lien or encumbrance on the Property or any other assets of the Partnership.

D. To prepay in whole or in part, negotiate, refinance, recast, increase, renew, modify or extend any secured or other indebtedness affecting the Property, and, in connection therewith, to execute any extensions, renewals or modifications of any evidences of indebtedness secured by deeds of trust, mortgages, security interests, pledges or other encumbrances covering the Property.

E. To enter into any kind of activity and to perform and carry out contracts of any kind necessary to, or in connection with, or incidental to the accomplishment of the purposes of the Partnership, so long as said activities and contracts may be lawfully carried on or performed by a limited partnership under applicable laws and regulations.

F. Any person dealing with the Partnership or the General Partners may rely upon a certificate signed by a General Partner, as to:

(i) the identity of the General Partners or any Limited Partner,

(ii) the existence or non-existence of any fact or facts which constitute conditions precedent to acts by the General Partners or in any other manner are germane to the affairs of the Partnership,

(iii) the Persons who are authorized to execute and deliver any instrument or document of the Partnership, or

(iv) any act or failure to act by the Partnership or as to any other matter whatsoever involving the Partnership or any Partner.

Section 5.3 Restrictions on Authority.

A. With respect to the Partnership and the Property, the General Partners shall have no authority to perform any act in violation of any applicable law or regulations thereunder, nor shall the General Partners, as such, without the unanimous written consent of the Limited Partners, (unless another form of consent is specified below) have any authority:

(i) to dissolve or terminate the Partnership prior to the expiration of its term;

(ii) except as permitted in this Agreement, to do any act required to be approved or ratified by the Limited Partners under the Act;

regard to principles of conflict of laws, and the rights, duties and obligations of the Partners shall be as stated in the Act except as otherwise provided in this Agreement.

Section 10.7 Separability of Provisions.

Each provision of this Agreement shall be considered separable and if for any reason any provision or provisions herein are determined to be invalid and contrary to any existing or future law, such invalidity shall not impair the operation of or affect those portions of this Agreement which are valid.

Section 10.8 Paragraph Titles.

Paragraph titles are for descriptive purposes only and shall not control or alter the meaning of this Agreement as set forth in the text.

Section 10.9 Venue.

The venue for any suit involving this Agreement shall be in Baltimore City, Maryland.

Section 10.10 Entire Agreement.

This Agreement constitutes the entire understanding and agreement among the parties hereto with respect to the subject matter hereof, and supersedes all prior and contemporaneous agreements and understandings, inducements or conditions, express or implied, oral or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

WITNESS:

GENERAL PARTNERS:

Vanessa Stewart

Edward J. Warren
Edward J. Warren

Anna Brown

Timothy S. Warren
Timothy S. Warren

Alan Lewis Stewart

Mark B. Warren

Mark B. Warren

CLASS A LIMITED PARTNERS:

Alan Lewis Stewart

Edward J. Warren

Edward J. Warren, Trustee U/A dated January 24, 1986 between Edward J. Warren, as Grantor, and Edward J. Warren, as Trustee

CLASS B LIMITED PARTNERS

Jenna Cross

Timothy S. Warren

Timothy S. Warren

Alan Lewis Stewart

Mark B. Warren

Mark B. Warren

WARREN LIMITED PARTNERSHIP CERTIFICATE

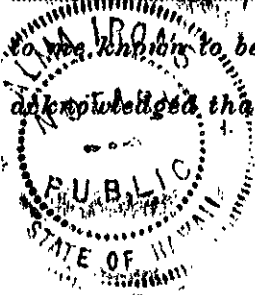
INDIVIDUAL + AGREEMENT OF LIMITED PARTNERSHIP

STATE OF HAWAII, } ss:
City and County of Honolulu.

On this 30th day of December, A. D. 1986, before me personally appeared

TIMOTHY S. WARREN

and he acknowledged that he executed the same as his free act and deed.



Jenna Cross

Notary Public, First Judicial Circuit, State of Hawaii.

My Commission Expires 5-1-89

ZONING
VARIANCE &
SPECIAL
HEARING

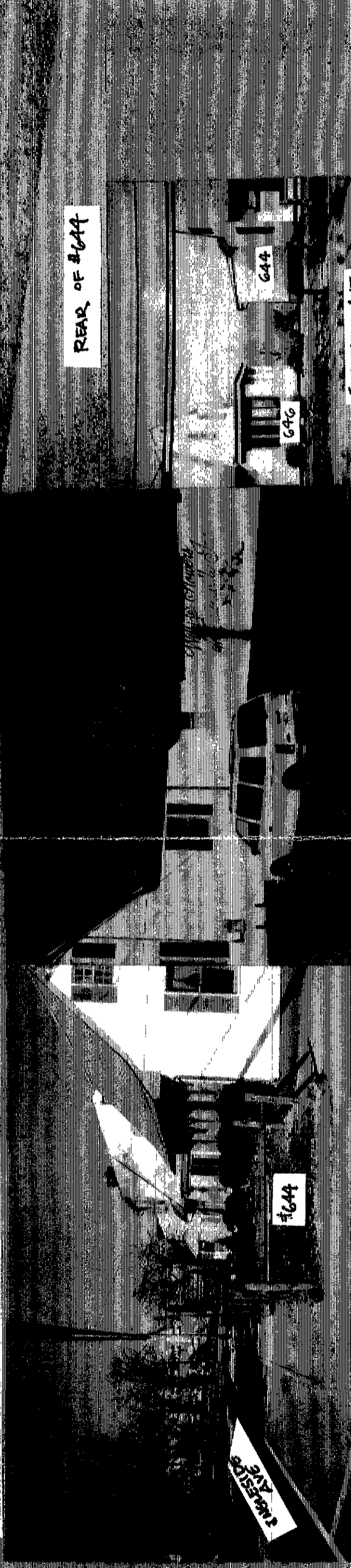
PHOTO DATE MAR 95

#644 INGLESIDE AVE.

Prepared by:
H. MALMUD & ASSO. INC.
100 CHURCH LANE BALTO. 21208
653-9511



INGLESIDE AVE



REAR OF #644

#644

INGLESIDE AVE

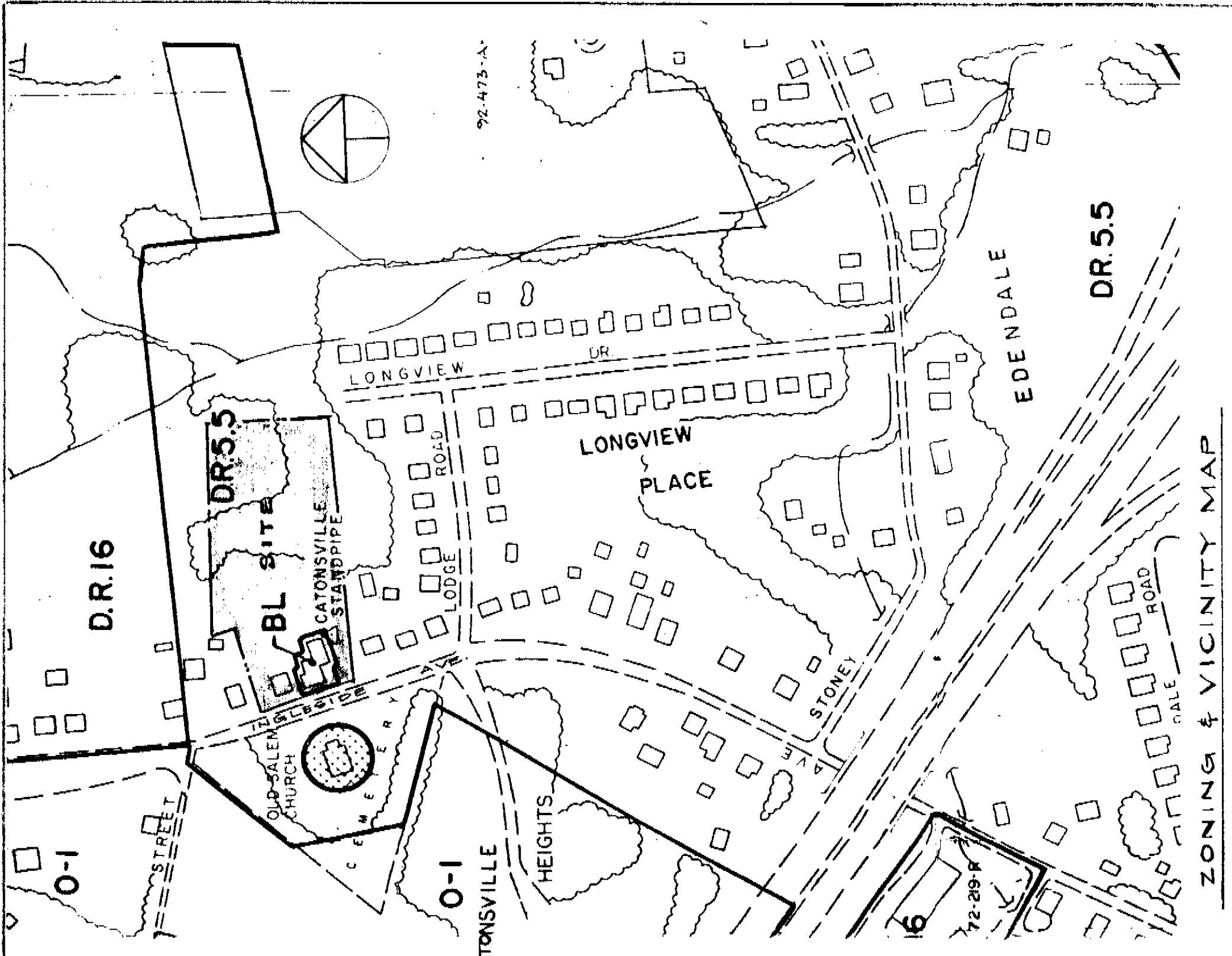
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INGLESIDE AVE



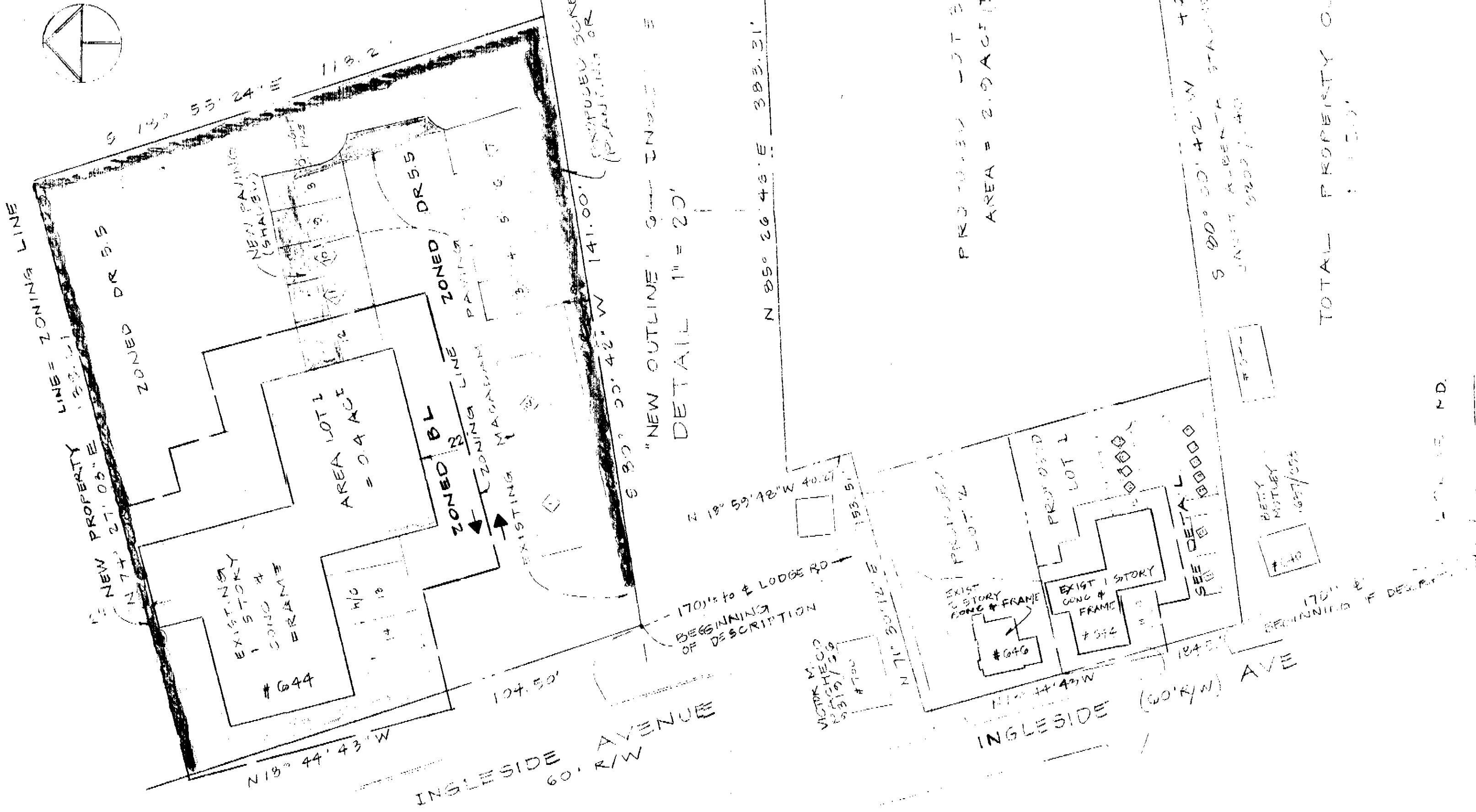
PLAT TO ACCOMPANY PETITION FOR A ZONING VARIANCE & SPECIAL HEARING

644 INGLESIDE AVENUE
 Election District No. 3 - Councilmanic District No. 1
 Baltimore County, Maryland
 Scale: As shown February 5, 1995

prepared by
H. MALMUD & ASSOCIATES, INC.
 100 Church Lane
 Baltimore, Maryland 21208
 Telephone (410) 653-9511

NOTES

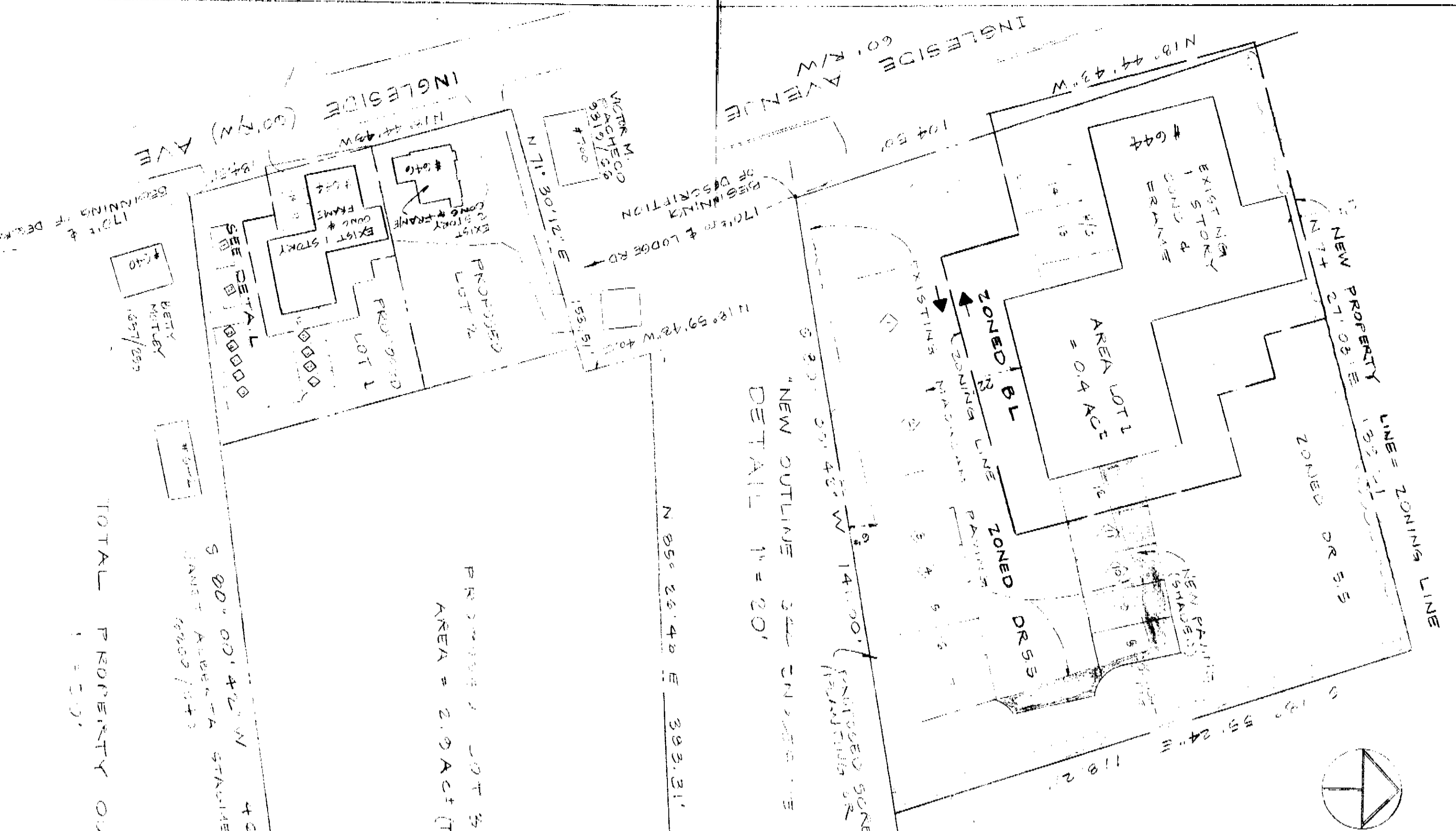
- PETITIONER: THOMAS E. BOOTH
 DEED REFERENCE: LT8626951, FOLIO 137
 - EXISTING ZONING: BL & D.R. 5.5
 - EXISTING USE: RETAIL
 - PROPOSED USE: SAME USE WITH NEW LINES OF DIVISION AROUND 644 INGLESIDE AVENUE.
 - TOTAL AREA OF PROPERTY: 2.92 ACRES, +/-
 - PUBLIC WATER AND SEWER SERVES THIS SITE. PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA AND NOT FROM A PROPERTY LINE SURVEY. THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.
- ZONING NOTES**
- TOTAL FLOOR AREA: 2718 S.F. +/- PROPOSED AND EXISTING USE: RETAIL
 - PARKING REQUIRED: 14 (571000 x 2718 S.F. = 13,590) TYPICAL SPACE SIZE: 8.5 x 18 FEET.
 - EXISTING PARKING MAXIMUM PAVING SURFACE.
 - VARIANCE REQUESTED FOR:
 SIDEYARD SETBACK LINES (PRE-EXISTING CONDITION)
 - SPECIAL HEARING REQUESTED FOR:
 PARKING IN A RESIDENTIAL ZONE (D.R. 5.5) - 14 SPACES, MAX. ZONE, SPACES IN D.R. ZONE SHOWN, etc.



PETITIONER'S EXHIBIT No. 1

TOTAL PROPERTY OUTLINE

INGLESIDE AVENUE

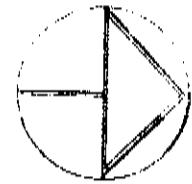


TOTAL PROPERTY OUTLINE
1 = 2.0'

PROPOSED 2 LOTS
AREA = 2.0 AC (TOTAL LOTS 1, 2 & 3)
S 20° 00' 42" W 403.57'
EAST ALBERTA STATION/E.T.A.
12207/1243

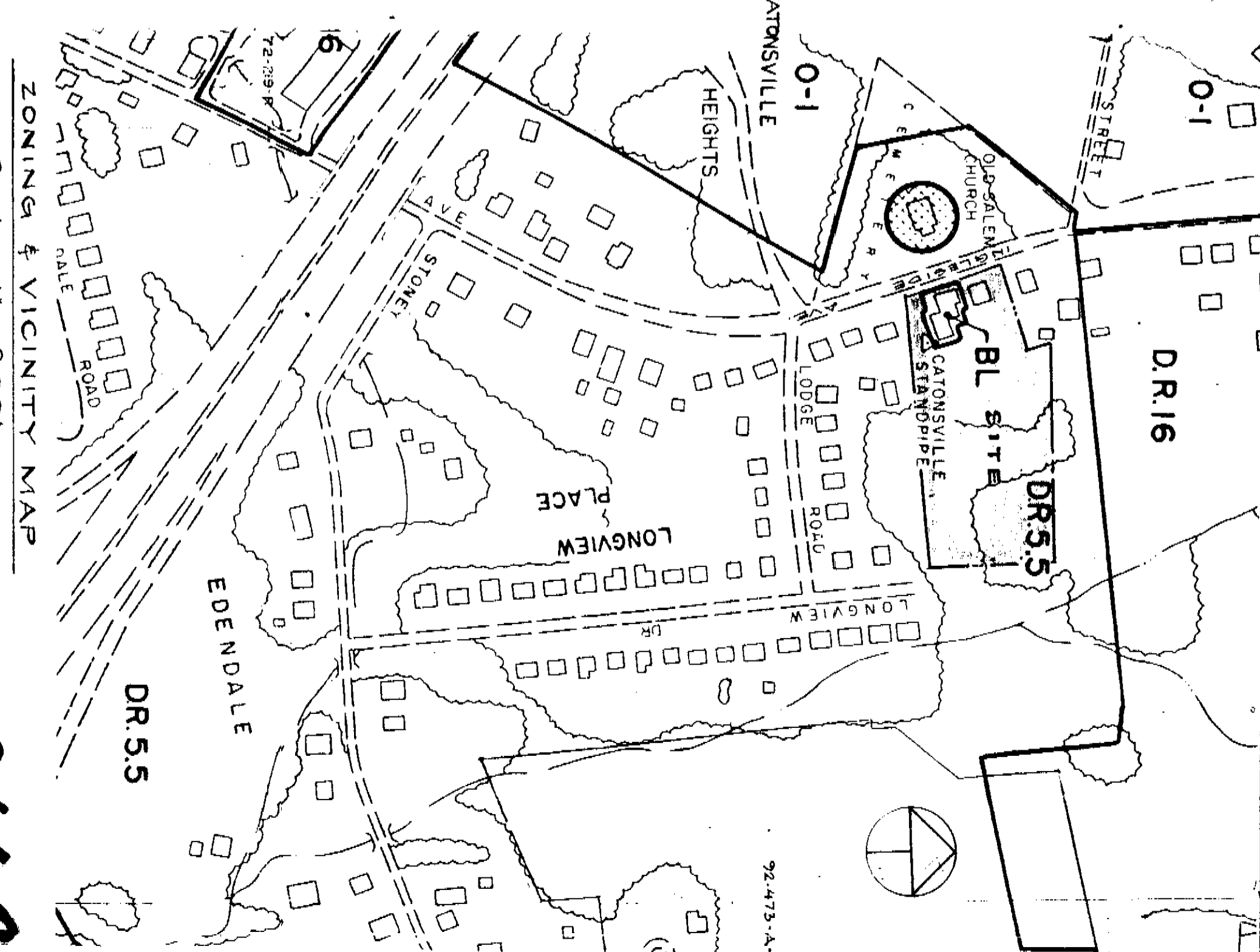
PROPOSED 2 LOTS
AREA = 2.0 AC (TOTAL LOTS 1, 2 & 3)

NEW OUTLINE 34' ON INGLETSIDE AVE.
DETAIL 1 = 20'



- NOTES
1. PETITIONER, THOMAS S. NORTH, USED REFERENCE: LIBREC931, FOLIO 137
 2. EXISTING ZONING: BL & D.R. 5.5
 3. EXISTING USE: RETAIL
 4. PROPOSED USE: SAME USE WITH NEW LINES OF DIVISION AROUND 444 INGLETSIDE AVENUE.
 5. TOTAL AREA OF PROPERTY: 2.92 ACRES, +/-
 6. PUBLIC WATER AND SEWER SERVES THIS SITE.
- PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA AND NOT FROM A PROPERTY LINE SURVEY. THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.

- ZONING NOTES
1. TOTAL FLOOR AREA: 2718 S.F. +/- PROPOSED AND EXISTING USE: RETAIL
 2. PARKING REQUIRED: 14 SPACES X 270 S.F. = 3780 S.F. TOTAL SPACES PROVIDED: 14 INCLUDING 1 HANDICAP SPACE. TYPICAL SPACE SIZE: 8.5 X 18 FEET.
 3. EXISTING PARKING: HANDICAP PAVING SURFACE.
 4. VARIANCE REQUESTED FOR: SIDEWALK SETBACK LINES (PRE-EXISTING CONDITION)
 5. SPECIAL HEARING REQUESTED FOR: PARKING IN A RESIDENTIAL ZONE (D.R. 5.5) - 11 OF 14 SPACES IN D.R. 5.5 ZONE SPACES IN D.R. 5.5 ZONE SHOWN IN 1/4" & 1/8" PLANS.



ZONING & VICINITY MAP
Scale: 1" = 200'
95-306-5PHA
PLAT TO ACCOMPANY PETITION
FOR A ZONING VARIANCE &
SPECIAL HEARING

644 INGLETSIDE AVENUE
Election District No. 1 - Councilmanic District No. 1
Baltimore County, Maryland
February 5, 1975
Scale: As shown

Prepared by:

H. MALMUD & ASSOCIATES, INC.
100 Church Lane
Baltimore, Maryland 21208
Telephone (410) 653-9511

296

MICROFILMED

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
ZONING VARIANCE * ZONING COMMISSIONER
NE/S Ingleside Ave., 170 ft. N *
of Lodge Road * OF BALTIMORE COUNTY
644 and 646 Ingleside Avenue *
1st Election District * Case No. 95-306-SPHA
1st Councilmanic District *
Thomas E. Booth/Warren Group, L.P. *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for adjoining properties in Catonsville. The Petition for Special Hearing relates to the property known as 644 Ingleside Avenue. Special Hearing relief is requested to approve commercial parking in a residential zone to allow 11 parking spaces. The Petition for Variance relates to both 644 Ingleside Avenue and 646 Ingleside Avenue, the neighboring property. Variance relief is requested pursuant to Sections 232.2.B and 1B01.2.C.1.b of the Baltimore County Zoning Regulations (BCZR) to permit an 8 ft. side yard setback for 646 Ingleside Avenue in lieu of 15 ft. and a 2 ft. side yard setback for 644 Ingleside Avenue, also in lieu of 15 ft. Also requested is approval to allow 2 ft. and 12 ft. side yard setbacks in lieu of the required 75 and 50 ft., respectively, as a buffer to the R.T.A. zone. These variances are requested to relieve pre-existing conditions on buildings which are approximately 50 years old. All of the subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Zoning Variance.

Appearing at the requisite public hearing was the property owner, Thomas E. Booth on behalf of Warren Group Ltd. Partnership. Also present was Michael Tabor, proposed lessee. Herbert Malmud, the land surveyor who prepared the site plan also appeared and testified. The Petitioners were

represented by Michael Tanczyn, Esquire. Linda Rogers, Milton Porter and Victor Pacheco appeared as interested persons. They all reside nearby.

The lots known as 644 Ingleside Avenue and 646 Ingleside Avenue, known as the "property" are located across from the Old Salem Church in Catonsville. The property is approximately 2.92 acres. It is split zoned, D.R.5.5 and B.L. The predominant zoning of the property is D.R.5.5. The property is nestled in a residential community which is zoned D.R.5.5.

The site has a significant zoning history. The lot known as 644 Ingleside Avenue was owned for many years by the Wilhide family and used as a florist shop. This use was a staple of the Catonsville business community for many years. Recognizing this long standing use, the Baltimore County Council imposed a somewhat unusual zoning designation for the property in 1988 during the comprehensive zoning process. As shown on the site plan, the Council zoned an area consistent with the perimeter footprint of the building B.L. That is, the land on which the existing building sits is zoned B.L., as is a perimeter yard area around same. The remainder of the property was zoned D.R.5.5. Hypothetically, the zoning designation was imposed in recognition of the long standing Wilhide's florist business, yet, to retain the residential character of the balance of this rather large site, consistent with the neighborhood.

This property also came in for review before this Zoning Commissioner in 1994. Under case No. 94-365-SPHX, the then owners of the property requested special hearing and special exception relief to permit an automobile service garage on the subject site. By my order of May 20, 1994, the relief requested was denied.

As to the structures currently on site, the old florist building is presently unoccupied. As shown on the site plan, the improvements at 644 Ingleside originally contained a roughly rectangular concrete and frame

-2-

structure. A large addition was ultimately placed on the side of that building as the flower shop prospered. The lot known as 646 Ingleside Avenue is also owned by the Petitioner. That property is improved with an existing two story concrete and frame dwelling. That lot is entirely zoned D.R.5.5 and is used for residential purposes.

Apparently, the Wilhides vacated the florist shop approximately three years ago. The property was subsequently acquired by the Petitioner who desires to lease same to Mr. Tabor. Mr. Tabor is the proprietor of a small office equipment business known as Atlantic Business Machines. He has been in business since approximately 1986 and presently operates a small store in Catonsville. The nature of the business is to sell and service office equipment including computers, fax machines, transcribers, etc. He employs three service technicians and two office employees. There is one company truck, a Chevy Astro van, which is used to make deliveries and service calls. He receives deliveries on an infrequent basis, most commonly through UPS.

As noted above, Mr. Tabor wishes to relocate his business to 644 Ingleside Avenue. He also proposes utilizing the existing macadam parking area which surrounds the building. A limited area of new paving will also be installed as shown on the site plan. When completed, the macadam lot will provide parking spaces for 14 vehicles. In view of the unusual zoning lines which bisect this property between the B.L. and D.R.5.5 designations, 11 of the parking spaces will be located on that portion of the site zoned D.R.5.5. Special hearing approval is needed to legitimize the proposed parking layout. The Petitioner's witnesses all testified that the proposed parking arrangement was substantially similar to the parking arrangement utilized to serve the Wilhide's florist business. Clearly, as the florist business grew and changed over the years, a dirt and later macadam area

-3-

immediately adjacent to the building was used to support customer and employee parking. The Petitioner proposes the same arrangement for the office supply business but for the small area of additional paving to bring several spaces into compliance with County standards for parking lot spaces.

Based upon the testimony and evidence offered, I am persuaded that the Petition for Special Hearing should be granted. Due to the unusual placement of the zoning lines, it would be impossible for the Petitioner to provide any more than 3 parking spaces in the B.L. zoned portion of the property. Obviously, any use which occupies the old florist shop would generate more parking than 3 spaces could accommodate. The Petitioners are left in a difficult position where the special hearing relief must be requested. If same were denied, it would present a difficult hardship upon them. The grant of the relief will not enlarge or expand the B.L. zoned portion of the property, nor alter the predominant residential character of the site. Rather, the grant of the Petition recognizes the practical constraints imposed by the zoning of the site.

The variances requested all relate to the setbacks between the existing structures and the property line and/or the residential area (RTA). It is to be noted that no new construction is planned. The dwelling at 646 Ingleside Avenue will remain residential in character. The old florist shop, although improved with interior renovations to accommodate the office supply business, is not being enlarged or structurally changed in its exterior. The variances are requested to legitimize the existing situation. Surely, the unusual site constraints imposed by the unusual placement of the zoning line and the existing placement of the dwellings satisfies the Petitioner's burden in this respect. These conditions present unique characteristics to this site which justify the variances.

-4-

Also, I am persuaded that the business on this site will not be detrimental to the surrounding locale. For patently obvious reasons, the office equipment business, as described by Mr. Tabor, causes less impact on the neighborhood than the service garage which was rejected by me in the former case. The business as described by the Petitioners will not result in any detriment to the neighborhood or cause adverse affect to the residential character of this locale. Thus, the Petition for Special Hearing will be granted.

Notwithstanding my approval of the Petition for Variance and Petition for Special Hearing relief, I am inclined to impose certain restrictions on the grant of the relief. These restrictions were the subject of testimony at the hearing and also comments within the Zoning Plans Advisory Committee (ZAC). First, I agree with the spirit and intent of the comment from the Office of Planning and Zoning (OPZ) wherein they suggest that the use of the subject property be restricted. However, the special hearing relief does not relate to the use of the B.L. portion of the property, per se. A Petition for Special Exception for the B.L. portion of the property is not pending. Thus, it seems inappropriate to restrict potential uses on the B.L. portion of the site. Rather, the special hearing does request commercial/business parking on the D.R.5.5 portion of the property. Therefore, I shall limit and restrict the potential users of the parking area. In this regard, the relief granted shall be limited so that only commercial parking in the D.R.5.5 portion of the site shall be allowed for Mr. Tabor's business. That is, the commercial parking in the D.R.5.5 zone shall be permitted to serve only Atlantic Business Machines, Inc., its successors and assigns. If a different entity occupies the B.L. portion of the site and building thereon, the approval granted herein shall lapse and be forfeited, subject to further public hearing. Thus, although not limiting the uses

-5-

available on the B.L. portion of the site, I will limit the parking so as to allow only the above described business to utilize the parking area which is shown on the site plan.

Secondly, I will expressly approve the site plan as submitted. That plan shows the area of the building within the B.L. zone as existing. Any improvements, additions or enlargements of the building in the future need be approved by the special hearing process. That is, the neighbors and public should be allowed input prior to any future improvements being made to the existing building at 644 Ingleside Avenue.

Lastly, I will require the Petitioners to submit a landscape plan for approval by the County's Landscape Architect. Appropriate buffering of the commercial use seems warranted. The landscaping required should be reasonable in view of the long term commercial use of this site while, nonetheless, recognizing the surrounding residential and institutional (i.e., church) uses.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26th day of April 1995, that, pursuant to the Petition for Special Hearing, approval for commercial parking in a residential zone to allow 11 parking spaces, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 232.2.B and 1B01.2.C.1.b of the Baltimore County Zoning Regulations (BCZR) to permit an 8 ft. side yard setback for 646 Ingleside Avenue in lieu of 15 ft. and a 2 ft. side yard setback for 644 Ingleside Avenue, in lieu of 15 ft., be and is hereby GRANTED; and,

-6-

IT IS FURTHER ORDERED that approval to allow a 2 ft. and 12 ft. side yard setbacks in lieu of the required 75 and 50 ft., respectively, to buffer an R.T.A. zone, be and is hereby GRANTED, subject, however to the following restrictions, which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at 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. The relief granted shall be limited so that only commercial/office parking in the D.R.5.5 portion of the site shall be permitted to serve only Atlantic Business Machines, Inc., its successors and assigns. The parking shall not serve other businesses or uses.
3. Any improvements, additions or enlargements of the building on 644 Ingleside Avenue in the future need be approved by the special hearing process.
4. The Petitioners shall submit a landscape plan for approval by the County's Landscape Architect for appropriate buffering of the commercial use. The landscaping required should be reasonable in view of the long term commercial use of this site and existing surrounding uses.
5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mn

ORDER FOR FILING
Date
By

Herbert Malmud
Th. Booth

-7-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 25, 1995

Michael Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

RE: Case No. 95-306-SPHA
Petitions for Special Hearing and Variances
Location: 644 Ingleside Avenue
Thomas E. Booth/Warren Group, L.P., Petitioner

Dear Mr. Tanczyn:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variances have been granted, with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered 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 the Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mn

encl.
cc: Mr. Thomas E. Booth, Warren Group, L.P.
623 Edmondson Avenue, 21228
cc: Mr. Michael Tabor
608 Edmondson Avenue, 21228

296
95-306-SPHA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County
for the property located at 644 Ingleside Avenue
which is presently zoned BL & DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Commercial parking in a residential zone to allow 11 parking spaces in a DR 5.5 Zone

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Special Hearing 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.

When so solemnly sworn and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s):
 Thomas E. Booth
 Type or Print Name
 Signature: *Thomas E. Booth*
 Warren Group, L.P.
 Type or Print Name
 Signature: *Edward J. Warren*

623 Edmondson Avenue 788-5390
 Catonsville, Maryland 21228

Thomas E. Booth
 623 Edmondson Avenue 788-5390

ESTIMATED LENGTH OF HEARING: _____
 the following date: _____ Next Two Months
 ALL OTHER REVIEWED BY: _____ DATE: _____

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 644 & 646 Ingleside Avenue
which is presently zoned BL & DR 5.5
232.20 sq ft 2.21

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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 Sections 2-1.1, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 3.0, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 4.0, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 5.0 of the Zoning Regulations of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To allow 8' side yard for 646 Ingleside in lieu of 15' side yard for 644 Ingleside in lieu of 15' (to align with the BL zone line)
 Sec. 1B01.B.1C.2, to allow 1/2 side yard in lieu of 75' & 50' buffer in R.T.A.

Pre-existing conditions buildings approximately 50 years old.

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.

When so solemnly sworn and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s):
 Thomas E. Booth
 Type or Print Name
 Signature: *Thomas E. Booth*
 Warren Group, L.P.
 Type or Print Name
 Signature: *Edward J. Warren*

623 Edmondson Avenue 788-5390
 Catonsville, Maryland 21228

Thomas E. Booth
 623 Edmondson Avenue 788-5390

ESTIMATED LENGTH OF HEARING: _____
 the following date: _____ Next Two Months
 ALL OTHER REVIEWED BY: *John* DATE: *3/2/95*

296
95-306-SPHA

H. MALMUD & ASSOCIATES, INC.
 1000 CHURCH LANE
 BALTIMORE, MARYLAND 21208
 TELEPHONE (410) 653-9511

Petition for Zoning Petition

DESCRIPTION FOR ZONING PETITION
644 INGLESIDE AVENUE
BALTIMORE COUNTY, MARYLAND

Beginning for the same on the east side of Ingleside Avenue, 60 feet wide; at a point distant 170 feet northerly from the center of Lodge Road, thence binding on the east side of Ingleside Avenue:

- North 18° 44' 43" West 184.51 feet; thence leaving said avenue and running the five (5) following courses and distances.
- North 71° 30' 12" East 153.51 feet;
- North 18° 59' 48" West 40.27 feet;
- North 85° 26' 46" East 383.31 feet;
- South 00° 30' 50" East 214.09 feet and
- South 89° 00' 42" West 463.57 feet to the place of beginning.

containing 2.9 acres, acre or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE

Herbert Malmud
 Registered Land Surveyor
 Maryland No. 7558
 February 7, 1995

FILE: Inclsda44lon DESC 27

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

District: 155 Date of Posting: 3/2/95
 Posted for: Special Hearing & Variance
 Petitioner: Thomas E. Booth & Warren Group, L.P.
 Location of property: 644 & 646 Ingleside Ave.
 Location of Signs: Facing road on property being posted
 Remarks: No 156
 Posted by: M. J. [Signature] Date of return: 3/2/95
 Number of Signs: 7

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 7, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 19, 1995.

THE JEFFERSONIAN,
 LEGAL AD. - TOWSON
 Publisher: A. Henikson

receipt
95-306-SPHA

Account: R 001-6150
 Number: 296
 Date: 3/2/95

COMMERCIAL	SPHRNG	CODE 040	250.00
	VAR.	CODE 020	250.00
	2 SIGNS RESUME.	CODE 080	70.00
TOTAL			\$ 570.00

LOC. 644 AND 646 INGLESIDE AVE
 OWNER: BOOTH AND WARREN GROUP L.P.
 Please Make Checks Payable To: Baltimore County

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
 ARNOLD JABLON, DIRECTOR

For newspaper advertising:
 Item No.: 296
 Petitioner: THOMAS BOOTH
 Location: 644-646 INGLESIDE AVENUE

PLEASE FORWARD ADVERTISING BILL TO:
 NAME: THOMAS E. BOOTH
 ADDRESS: 623 EDMONDSON AVENUE
CATONSVILLE MD 21228
 PHONE NUMBER: 788-5390

AJ:ggg (Revised 04/09/93)

TO: FUTURE PUBLISHING COMPANY
 March 16, 1995 Issue - Jeffersonian

Please forward billing to:
 Thomas E. Booth
 623 Edmondson Avenue
 Catonsville, Maryland 21228
 410-788-5390

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 herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 95-306-SPHA (Item 296)
 644 Ingleside Avenue and 646 Ingleside Avenue
 RE/S Ingleside Avenue, 170' S of Lodge Road
 1st Election District - 1st Councilmatic
 Legal Owner(s): Thomas E. Booth and Warren Group, L.P.
 HEARING: TUESDAY, APRIL 11, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve commercial parking in a residential zone to allow 11 parking spaces. Variance to allow 8 foot side yard for 646 Ingleside in lieu of 15 feet and a 2 foot side yard for 644 Ingleside in lieu of 15 feet (to align with the B.L. zone line); and to allow 2 feet and 12 feet side yard in lieu of 75 foot setback and 50 foot buffer in R.T.A.

PLEASE FORWARD BILLING TO:
 LARRYSCHE E. SCHMIDT
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

March 13, 1995 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 herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 95-306-SPHA (Item 296)
 644 Ingleside Avenue and 646 Ingleside Avenue
 RE/S Ingleside Avenue, 170' S of Lodge Road
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Arnold Jablon
 ARNOLD JABLON, DIRECTOR

cc: Thomas E. Booth/Warren Group, L.P.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE OF THE HEARING DATE.
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



April 3, 1995

Mr. Thomas E. Booth
Warren Group, L.P.
623 Edmondson Avenue
Catonsville, Maryland 21228

RE: Item No.: 296
Case No.: 95-306-SPHA
Petitioner: Thomas Booth, et al

Dear Mr. Booth:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 2, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioners, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 3/13/95
DATE: 3/20/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

- Item #'s: 296
298
299
300
301

LS:sp

LETTY2/DEPRM/TXTSBP

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-10-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +396 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

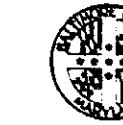
Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



DATE: 03/10/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1108

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 13, 1995.

Item No.: SEE BELOW Zoning Agenda:

Comments:

Pursuant to your request, the referenced property has been surveyed by this office and the standards below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 296, 297, 299, 300, 301 AND 302.

RECEIVED
MAR 14 1995
ZADM

REVIEWER: LT. ROBERT F. SMERLAW
FIRE MARSHAL OFFICE, FIRE PREVENTION SECTION

cc: File

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: March 20, 1995
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section
RE: Zoning Advisory Committee Meeting
for March 20, 1995
Item No. 296

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the RTA Buffer requirements of the Landscape Manual. Buffering should be provided to the full extent possible. Opaque fencing may also be required, if deemed useful.

RWB:sw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
FROM: Pat Keller, Director
Office of Planning and Zoning
DATE: March 17, 1995
SUBJECT: 644 Ingleside Avenue

INFORMATION:
Item Number: 296
Petitioner: Thomas E. Booth and Warren Group, L.P.
Property Size: 2.9 acres
Zoning: RL and DR-5.5
Requested Action: Special Hearing
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Hearing to approve commercial parking in a residential zone to allow 11 parking spaces in a DR-5.5 zone.

Based upon review of the information provided and analysis conducted, the staff offers the following comments:

B.L. zoning was applied to the property as part of the 1988 Comprehensive Zoning Map Process (see Issue No. 1-035). The zoning line was carefully drawn to coincide precisely with the florist shop's building footprint, and it was the County Council's expressed intent to accommodate a long-term, nonconforming, Catonsville family operated florist shop.

The Old Salem Evangelical Church, located at 701 Ingleside Avenue, is across the road from the proposed service station. The church structure has been on the Baltimore County Final Landmarks List since the first accumulated set of listings was passed by the County Council in 1977.

The Old Salem Evangelical Lutheran Church and its cemetery were also added to the National Register on December 13, 1977.

This church building has been restored at considerable expense by its preservation group. The structure dates from 1849. Its original plans strongly resemble renderings of other Catonsville buildings by architect Robert Cary Long, Jr., or his office. Any incompatible development near this 145-year-old architectural monument would degrade its scenic qualities and environmental setting.

ITEM296/PROBE/EXTJWL

The applicant's site is located in a Community Conservation Area. The Master Plan indicates that "community conservation refers to public and private efforts designed to maintain or enhance the physical, social, and economic resources or the County's older, urban area communities." Under the heading of Community Planning and Conservation, the following policy, in part, is stated on page 37 of the Master Plan

Baltimore County's planning efforts should be focused on new, as well as existing communities to ensure that the County's built environment provides desirable places for its citizens to live and work.... Commercial activities incompatible with local neighborhoods should be restricted in such areas.

Due to the unique circumstances of this property, staff recommends any approval be conditioned upon a restriction that would limit the use of the site to office supplies and related service use. In the event that the use of the property changes, a subsequent hearing should be held to examine the need for parking on a use related basis. In addition, the applicant should be required to submit a landscape plan to the Landscape Architect for approval prior to occupancy.

Prepared by: *Jeffrey W. Long*

Division Chief: *Edwy L. Lewis*

PK/JL

ITEM296/PROBE/EXTJWL

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: March 2, 1995
TO: Hearing Officer
FROM: John L. Lewis
Planner II, ZADM
SUBJECT: Item #296
644 & 646 Ingleside Avenue

The requirements of Section 409.8.B.2 (BCZR) should have been addressed for parking in a residential zone. Please see they are in restrictions if you see fit.

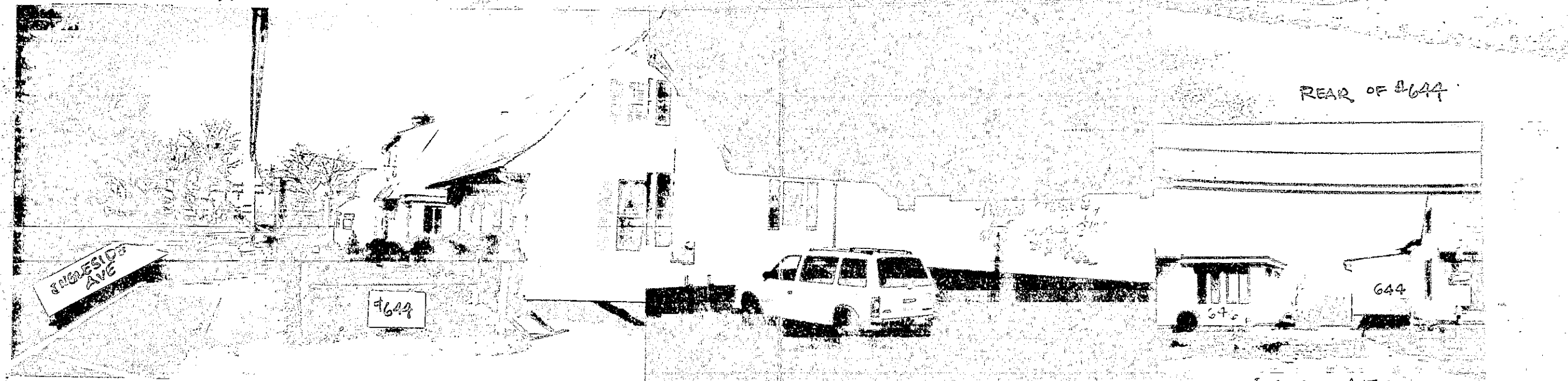
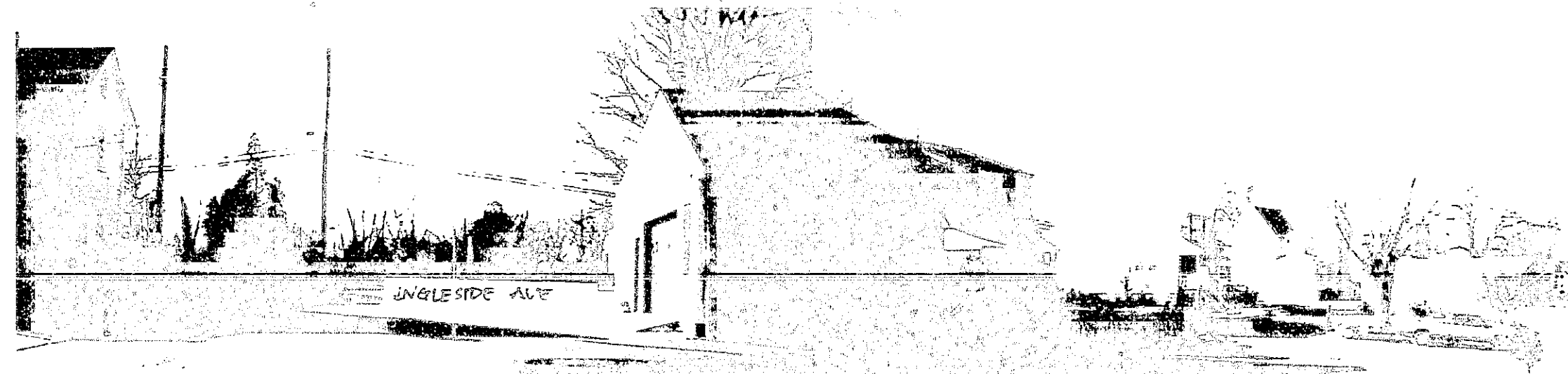
JLL:scj

ZONING
VARIANCE &
SPECIAL
HEARING

PHOTO DATE MAR 95

#644 INGLESIDE AVE.

Prepared by:
H. MALMUD & ASSO. INC
100 CHURCH LANE BALTO 21208
653-9511



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10511035

CVS/aan 12434:74131 12/18/86 7597J

WARREN GROUP LIMITED PARTNERSHIP
CERTIFICATE AND AGREEMENT
OF LIMITED PARTNERSHIP STATE DEPARTMENT OF TAXATION
ANNE ARD

Preliminary Statement AFFIRMED FILED
2/5/87 at 3:26

By the following Certificate and Agreement of Limited Partnership, by and among the signatories hereto, the signatories hereto hereby agree to form a Maryland Limited Partnership to be known as Warren Group Limited Partnership. The effective date of this Certificate and Agreement is the 13th day of December, 1986.

In consideration of the foregoing and of the mutual covenants, conditions and agreements hereinafter set forth, the parties hereto, intending to be legally bound, hereby agree as follows:

ARTICLE I

Defined Terms

The defined terms used in this Agreement shall, unless the context otherwise requires, have the meanings specified in this Article I.

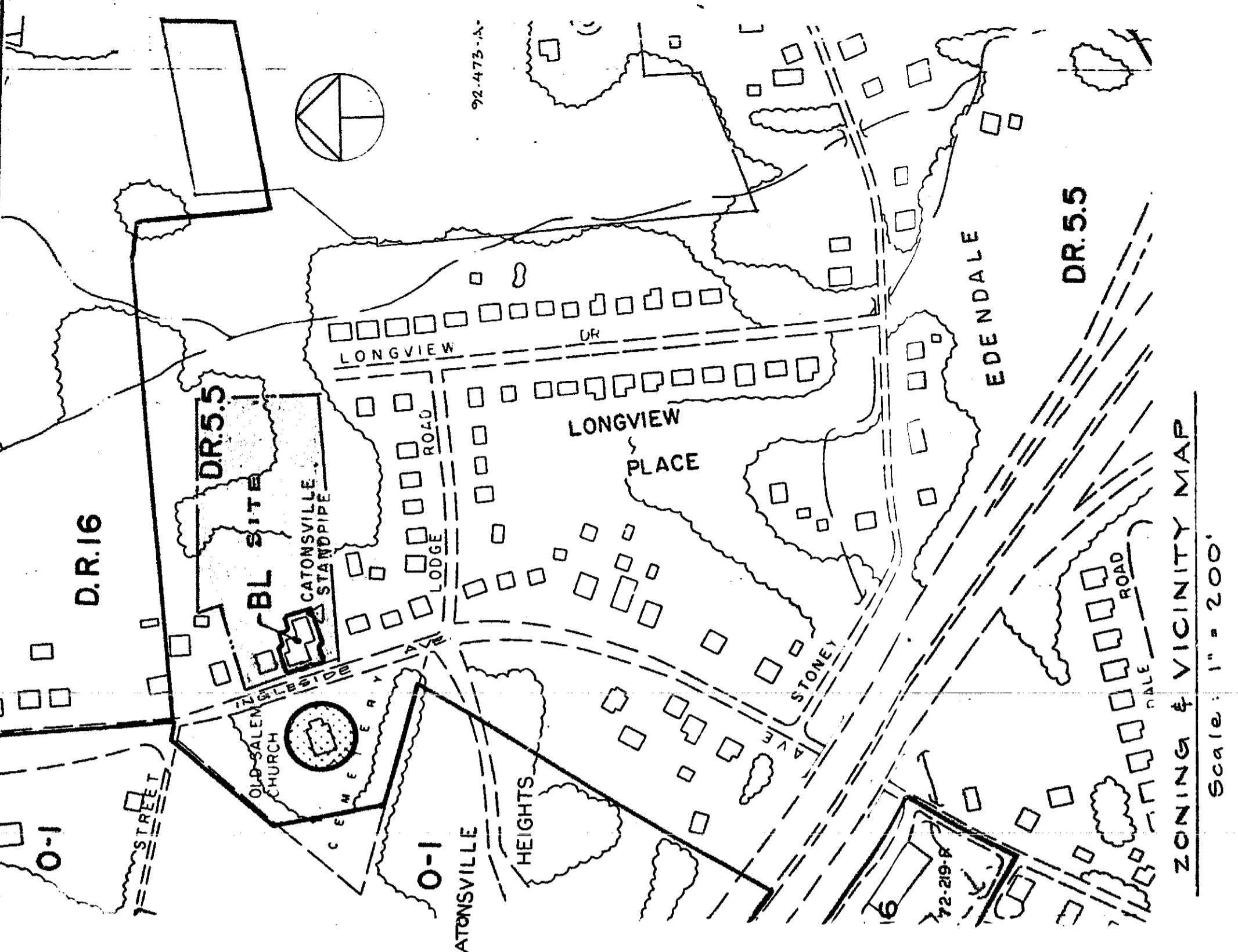
"Act" means the Maryland Revised Uniform Limited Partnership Act, as from time to time amended.

"Adjusted Capital Balance" means the fair market value of any property contributed by a Partner to the Partnership at the date of its contribution, plus the amount of any cash or cash equivalents contributed by the Partner to the Partnership, less the amount of any cash and the fair market value of any property previously distributed to such Partner pursuant to Sections 4.1C and 4.2. With respect to any fiscal year of the Partnership, a Partner's Adjusted Capital Balance shall be his average Adjusted Capital Balance for such year, as determined by the General Partners in their reasonably exercised discretion.

"Agreement" means this Certificate and Agreement of Limited Partnership as originally executed and as amended from time to time, as the context requires. Words such as "herein,"

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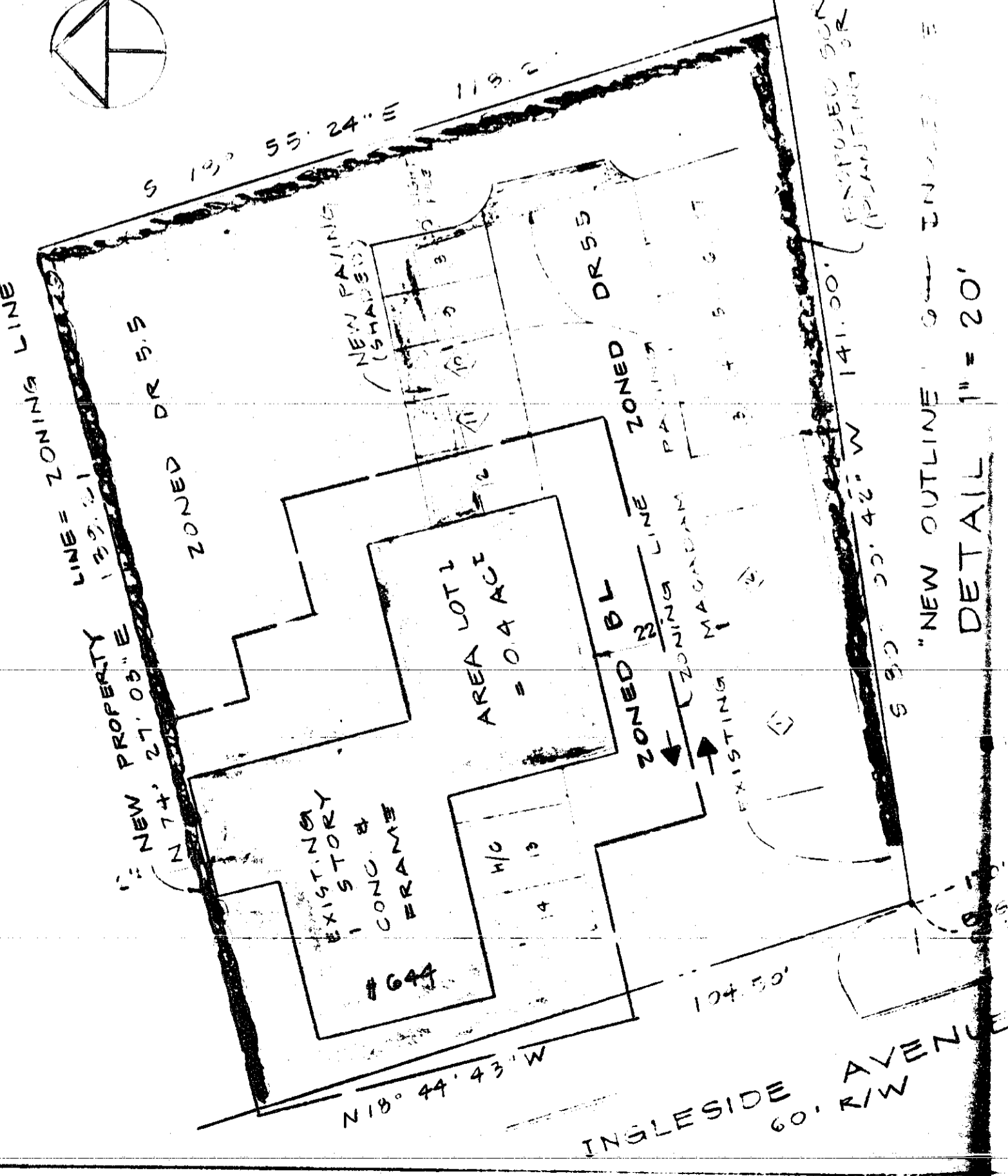


PLAT TO ACCOMPANY PETITION FOR A ZONING VARIANCE & SPECIAL HEARING

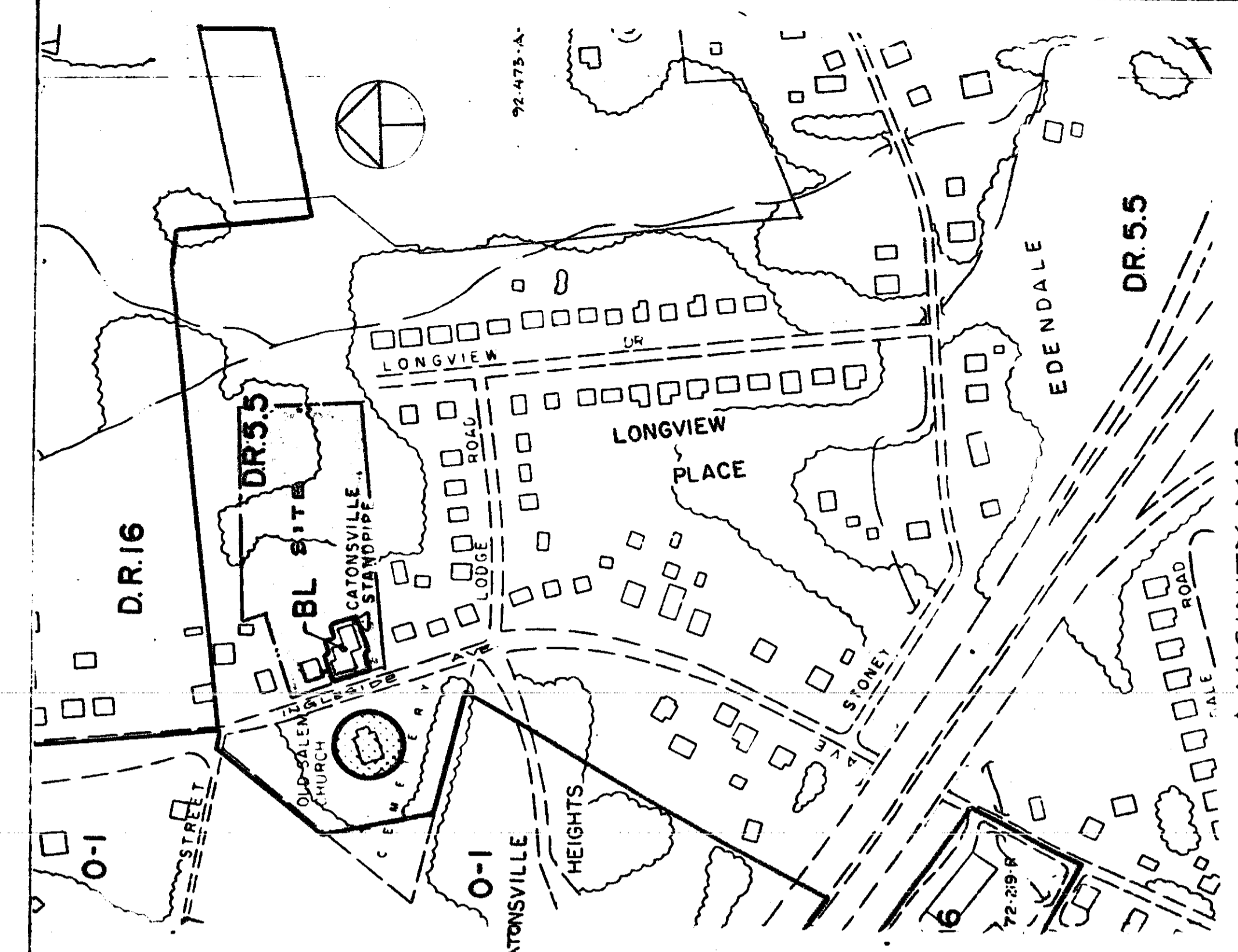
644 INGLESIDE AVENUE
 Election District No. 1, Councilmanic District No. 1
 Baltimore County, Maryland
 Scale: As shown. February 5, 1995

Prepared by:
H. MALMUD & ASSOCIATES, INC.
 100 Church Lane
 Baltimore, Maryland 21208
 Telephone (410) 653-9511

- NOTES**
- PETITIONER, THOMAS E. BOON, DEED REFERENCE: LIBRARY, FOLIO 197
 - EXISTING ZONING: DL & D.R. 5.5
 - EXISTING USE: RETAIL
 - PROPOSED USE: SAME USE WITH NEW LINES OF DIVISION AROUND 647 INGLESIDE AVENUE.
 - TOTAL AREA OF PROPERTY: 2.92 ACRES, +/-
 - PUBLIC WATER AND SEWER SERVICES THIS SITE.
 - PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA AND NOT FROM A PROPERTY LINE SURVEY.
 - THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND ALL COVENANTS OF RECORD AND L.I.C.
- ZONING NOTES**
- TOTAL FLOOR AREA: 2718 S.F., +/- PROPOSED AND EXISTING USE: RETAIL
 - PARKING IN A RESIDENTIAL ZONE D.R. 5.5: 13.591 TYPICAL SPACE PROVIDED: 14' X 20' (1.118 S.F. = 13.591)
 - EXISTING PARKING MAGNANUM PAVING SURFACE.
 - VARIANCE REQUESTED FOR:
 - SIDEWALK SETBACK LINES (PRE-EXISTING CONDITION)
 - SPECIAL HEARING REQUESTED FOR:
 - PARKING IN A RESIDENTIAL ZONE D.R. 5.5: 11.47 TYPICAL SPACE PROVIDED: 14' X 20' (1.118 S.F. = 11.47)
 - ZONE SHOWING: 5.5, etc.



PETITIONER'S EXHIBIT No. 1



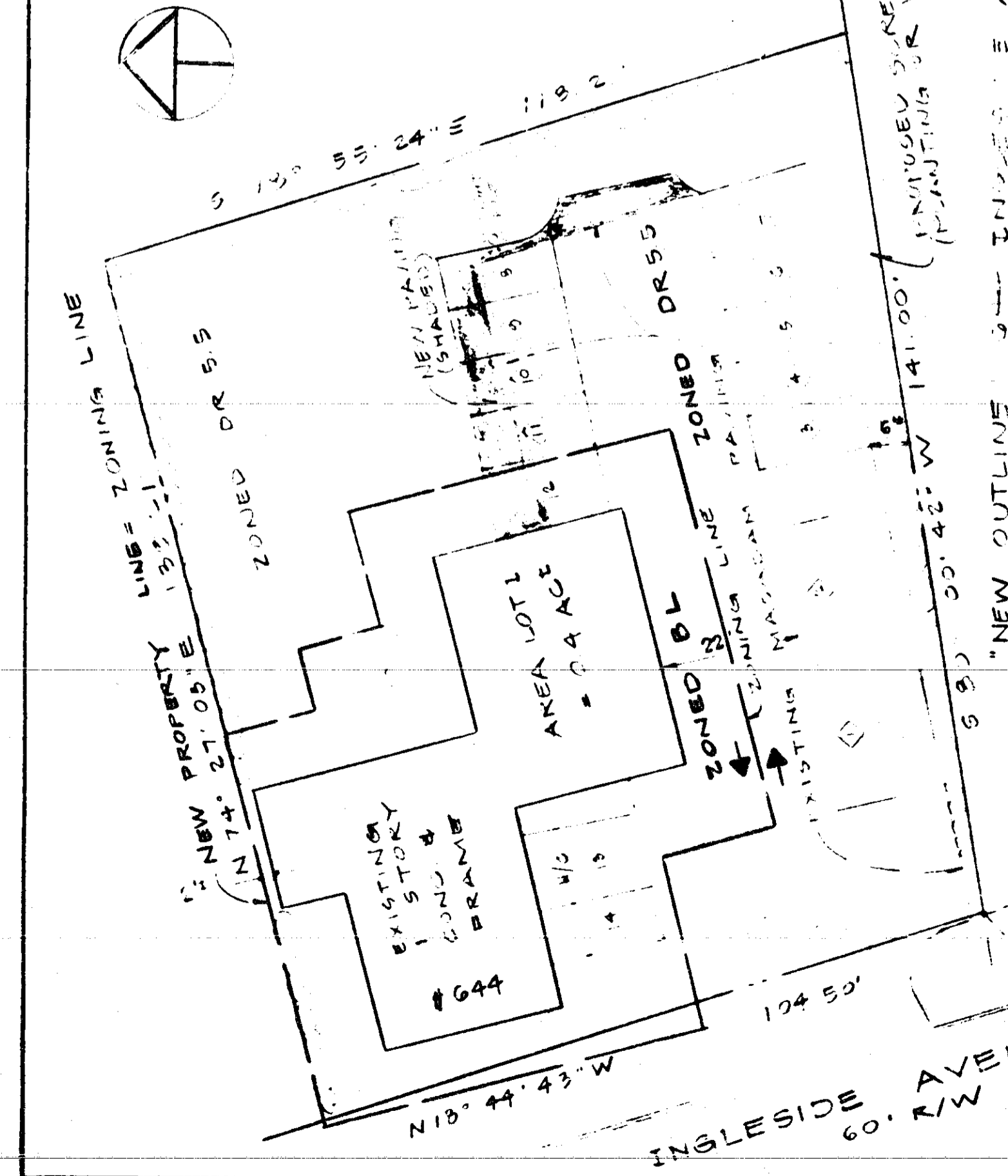
95-306-SPHA

PLAT TO ACCOMPANY PETITION FOR A ZONING VARIANCE & SPECIAL HEARING

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 Election District No. 1, Councilmanic District No. 1
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 Scale: As shown. February 5, 1995

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 - ZONE SHOWING: 5.5, etc.



296