

IN RE: PETITION FOR VARIANCE * BEFORE THE
 NW/Corner Holabird and Crafton Aves. *
 (6916 Holabird Avenue) * DEPUTY ZONING COMMISSIONER
 13th Election District *
 7th Councilmanic District * OF BALTIMORE COUNTY

Andrew J. Brown, et ux * Case No. 95-458-A
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 6916 Holabird Avenue, located in the vicinity of Wise Avenue in Dundalk. The Petition was filed by the owners of the property, Andrew J. and Linda L. Brown. The Petitioners seek relief from Section 409.6.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 parking spaces in lieu of the required five (5), or to permit 0 parking spaces in lieu of the required 14, to be determined by the Zoning Commissioner at the hearing, and from Section 233.2.B of the B.C.Z.R. to permit a side yard setback of 0 feet in lieu of the minimum required 10 feet for a proposed two-story addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Andrew and Linda Brown, property owners, James McKinney, Consultant, and Colleen Cavanaugh, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 2,990 sq.ft., zoned B.L. and is improved with a one-story building in which the Petitioners have operated a liquor store since 1981. The Petitioners are desirous of constructing an addition to the existing building to provide badly needed storage space. Testimony indicated that

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 Date 5/21/95
 By [Signature]

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due to the number of new beer brands which have recently come onto the market, the Petitioners are desirous of constructing a 25.2' x 20.6', two story addition to the rear of the existing building. Mr. Brown testified that a two-story addition is needed to handle the storage space necessary to stock the many different micro-brewery beers and other new brands of beer for his customers. The proposed addition will be constructed of similar materials as the existing building and will maintain the same side setbacks as provided by the existing building, which takes up the entire width of the subject property. Inasmuch as the proposed addition will be utilized for storage purposes only, I find that the Petitioners are only required to provide five (5) parking spaces, and not the 14 spaces that would be required otherwise. The Petitioners testified that there is ample parking in the area, both on Holabird Avenue and Crafton Avenue. Furthermore, the owner of the adjoining commercial property, William Blankenship, will allow the Petitioners to utilize his parking lot when necessary, as evidenced by his letter dated April 3, 1995. Thus, it appears that the relief requested would pose no hardship on the surrounding locale.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such

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Date

5/2/95

By

[Signature]

APPROVED MED

that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular

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By [Signature]

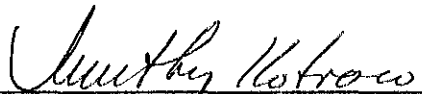
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standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of August, 1995 that the Petition for Variance seeking relief from Section 409.6.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 parking spaces in lieu of the required five (5) for a proposed addition to the existing building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding 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 relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Date 8/2/95
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 2, 1995

Colleen Cavanaugh, Esquire
2 N. Dundalk Avenue
Baltimore, Maryland 21222-4265

RE: PETITION FOR VARIANCE
NW/Corner Holabird and Crafton Aves.
(6916 Holabird Avenue)
13th Election District - 7th Councilmanic District
Andrew J. Brown, et ux - Petitioners
Case No. 95-458-A

Dear Ms. Cavanaugh:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Andrew J. Brown, Jr.
2922 Ritchie Avenue, Baltimore, Md. 21219

People's Counsel

File

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452



Petition for Variance

95-458-A

to the Zoning Commissioner of Baltimore County

for the property located at 6916 Holabird Ave.
which is presently zoned B.L.

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) 409.6.B and 233.2.B to permit 0 parking spaces in lieu of the required 5 parking spaces or to permit 0 parking spaces in lieu of the required 14 parking spaces as determined to be required by the Zoning Commissioner at the public hearing and a 0ft. side setback (for proposed building, in lieu of the of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) required 10ft.

Desperately need more storage space in order to stay competitive due to more brands available and customer demand for more variety ie: light products and non-alcoholic beers.

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.

Legal Owner(s)

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

Address

Phone No.

Signature

Name

Name, Address and phone number of representative to be contacted

Address

Phone No.

Name

City

State

Zipcode

Address

Phone No.

DATE 6/3/90 OF FICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL OTHER

REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING

Printed with Soybean Ink on Recycled Paper



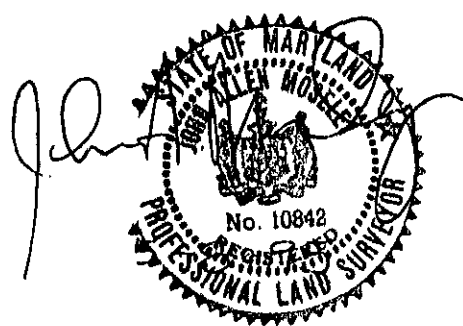
ZONING DESCRIPTION

BEGINNING at a point on the north right-of-way line of Holabird Avenue as shown on Baltimore County Bureau of Rights-of-way plat HRW 52-099 as recorded among the Land Records of Baltimore County, Maryland in Highways Liber No. 15A at Folio 194, said Point of Beginning being 50 feet west of the centerline of Crafton Avenue, a 50 foot right of way; THENCE departing said north right-of-way line

1. North 00°02'00" East, 122.38^{87 Juc} feet to the south line of an alley; THENCE along said south line
2. South 89°58'00" East, 25.00 feet to the west right-of-way line of Crafton Avenue; THENCE along said west right-of-way line
3. South 00°02'00" West, 103.07 feet to a point of curvature; THENCE
4. 32.30 feet along the arc of a curve to the right having a radius of 20 feet and a chord bearing and distance of South 46°09'03" West, 28.83 feet to a point of reverse curvature on the said north line of Holabird Avenue; THENCE along the said north line
5. 4.22 feet along the arc of a curve to the left having a radius of 1662.14 feet and a chord bearing and distance of North 87°48'17" West, 4.22 feet to the Point of Beginning and containing 2,990 square feet of land.

Being a portion of Lot 15, Block C as shown on a Plat of Subdivision entitled "Fairlawn" as recorded among the Land Records of Baltimore County, Maryland in Plat Book W.P.C. 6 at Folio 100 said property also know as 6916 Holabird Avenue located in the Twelfth Election District.

Also Being all of the Property conveyed to Andrew J. Brown, Jr. and Linda L. Brown by deed dated November 2, 1990 as recorded in Liber 8655, Folio 385.



5-8-95

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

95-4158

District: 12th Date of Posting: 7/1/95

Posted for: Vaviano

Petitioner: Andrew & Linda Brown

Location of property: 6916 Holibird Ave, NWB

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 7/7/95
Signature

Number of Signs: 1



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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: #95-458-A
(Item 452)

8918 Holabird Avenue
NWC Holabird Avenue and
Crafter Avenue
12th Election District
7th Councilmanic
Legal Owner(s):

Andrew J. Brown, Jr. and
Linda Lee Brown

Hearing: Tuesday,
July 18, 1995 at 11:00
a.m. in Rm. 118, Old
Courthouse.

Variance to permit zero parking spaces in lieu of the required 5 parking spaces or to permit zero parking spaces in lieu of the required 14 parking spaces and a zero foot side setback (for proposed building) in lieu of the required 10 feet.

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.
6/359 June 29.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/29, 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 6/29, 1995.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

~~Signature~~

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

receipt

95-458-87

Account: R-001-6150

Number 452

Date 6/12/95

NON RES. Z. VAR.

1 SIGN POSTAGE

CODE	
020	\$ 250.00
"080"	35.00
	<hr/>
	\$ 285.00

OWNER: BROWN

6916 HOLABIRD AVE

MICROFILMED

03A03#0058MICHR
 BA 0011#43AND6-12-95

\$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



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

receipt

95-458-A

Account: R-001-6150

Number

452

Date

6/12/95

NON. RES. Z. VAR.

CODE

020 \$ 250.00

"080"

35.00

\$ 285.00

1 SIGN POSTING

OWNER: BROWN

6916 HOLABIRD AVE

DIGNB3H0058MJEHRG

\$201.00

BA COLLETT3AND6-12-95

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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.: 452

Petitioner: Andrew J. Brown, Jr + Linda Lee Brown

Location: 6916 HOLABIRD AVENUE BALTO MD 21222

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Andrew J. Brown, Jr

ADDRESS: 2922 Ritchie Avenue

Baltimore, Maryland 21219

PHONE NUMBER: (410) 477-8328

AJ:ggs

(Revised 04/09/93)



TO: PUTUMENT PUBLISHING COMPANY
June 29, 1995 Issue - Jeffersonian

Please forward billing to:

Andrew J. Brown, Jr.
2922 Ritchie Avenue
Baltimore, MD 21219
477-8328

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: 95-458-A (Item 452)
6916 Holabird Avenue
NWC Holabird Avenue and Crafton Avenue
12th Election District - 7th Councilmanic
Legal Owner(s): Andrew J. Brown, Jr. and Linda Lee Brown
HEARING: TUESDAY, JULY 18, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit zero parking spaces in lieu of the required 5 parking spaces or to permit zero parking spaces in lieu of the required 14 parking spaces and a zero foot side setback (for proposed building) in lieu of the required 10 feet.

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.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 22, 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: 95-458-A (Item 452)
6916 Holabird Avenue
NWC Holabird Avenue and Crafton Avenue
12th Election District - 7th Councilmanic
Legal Owner(s): Andrew J. Brown, Jr. and Linda Lee Brown
HEARING: TUESDAY, JULY 18, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit zero parking spaces in lieu of the required 5 parking spaces or to permit zero parking spaces in lieu of the required 14 parking spaces and a zero foot side setback (for proposed building) in lieu of the required 10 feet.

A handwritten signature in black ink that reads "Arnold Jablon".

Arnold Jablon
Director
Department of Permits and Development Management

cc: Andrew J. Brown, Jr. and Linda Lee Brown

- 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.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 11, 1995

Mr. and Mrs. Andrew J. Brown, Jr.
2922 Ritchie Avenue
Baltimore, Maryland 21219

RE: Item No.: 452
Case No.: 95-458-A
Petitioner: A. J. Brown, et ux

Dear Mr. and Mrs. Brown:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 12, 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 (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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

10/10/95





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-23-95

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.: 452 (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/

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 07/03/95

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 JUN. 26, 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: 450, 451, 452, 453, 454, 455,
457, 458, 459, 460, 463 AND 464.

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JUL 3 1995

ZADM

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

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

TO: ZADM

DATE: 6/30/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 6/26/95

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

Item #'s:

450
451
452 ✓
453
456
457
458
459
460
463
465
467

LS:sp

LETTY2/DEPRM/TXTSBP

**PETITION PROBLEMS
AGENDA OF JUNE 26, 1995**

#451 --- MJK

1. No legal owner listed on petition form.
2. No address or telephone number for protestants.
3. Zoning listed on petition form does not agree with zoning on front of folder (D.R.-5.5 on petition form; D.R.-5.5, D.R.-10.5, D.R.-16, O-2 listed on folder).

#452 --- JLL

1. Petitioner's copy of receipt is still in folder.

#454 --- RT

1. No special hearing fee charged to amend the FDP.
2. Need attorney.

#455 --- MJK

1. No telephone number for legal owner.

#456 --- JRA

1. No telephone number for legal owner.
2. No councilmanic district on folder.

#457 --- MJK

1. No telephone number for legal owner.

#459 --- MJK

1. Need title of persons signing for legal owner.
2. No telephone number or address for representative to be contacted.

#461 --- JLL

1. No review information on bottom of petition forms.
2. No practical difficulty or hardship listed on variance petition.

#465 --- CAM

1. No review information on bottom of petition form.
2. No item number on petition form.
3. No legal owner signature, typed name, address, or telephone number.
4. No name or telephone number of representative to be contacted.

#466 --- MJK

1. No telephone number for legal owner.

RE: PETITION FOR VARIANCE
6916 Holabird Avenue, NWC Holabird Ave.
and Crafton Avenue, 12th Election Dist.
7th Councilmanic

Andrew J. Brown, Jr. and Linda Lee Brown
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-458-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

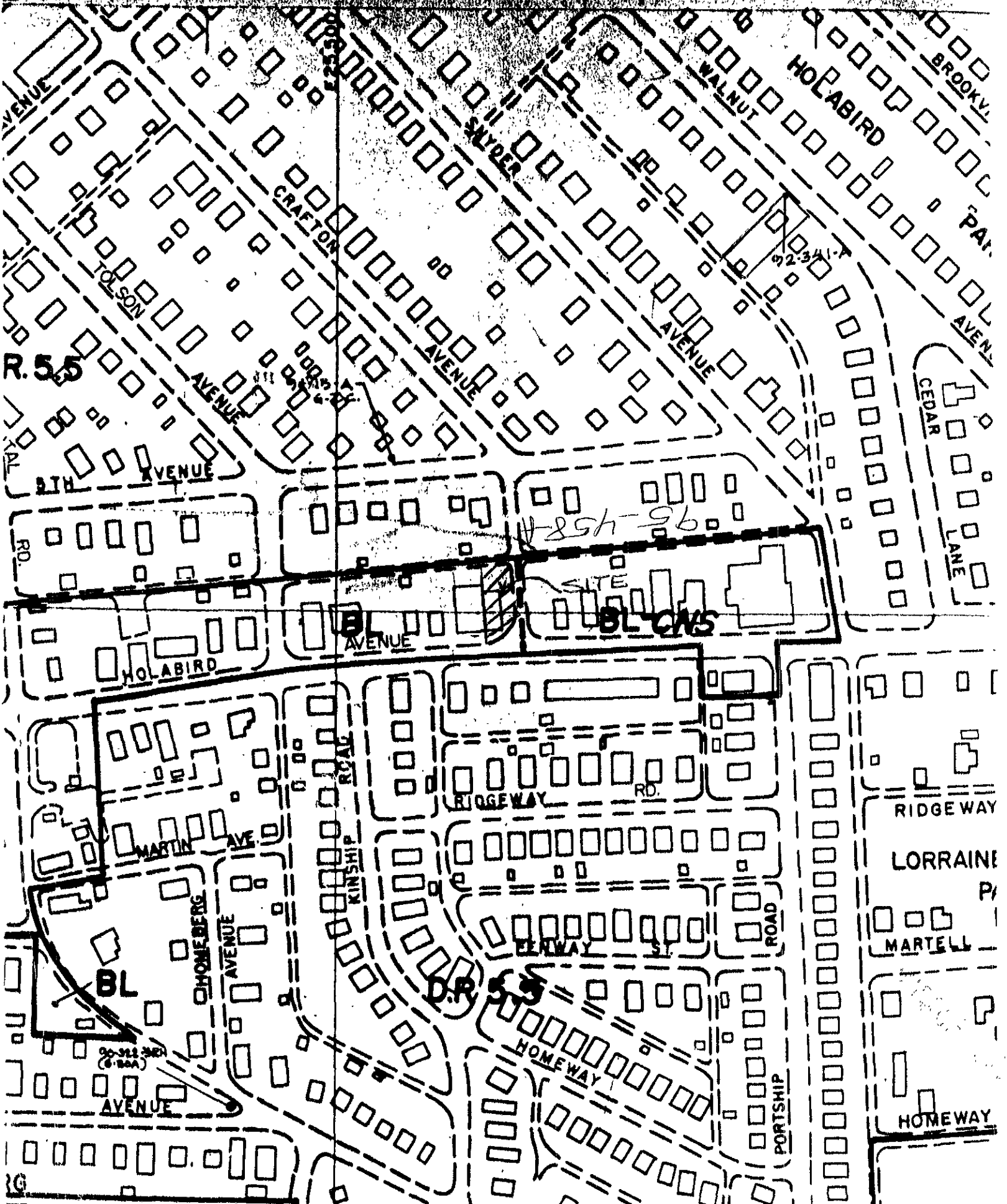
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 1995, a copy of the foregoing Entry of Appearance was mailed to Andrew J. Brown, Jr. and Linda Lee Brown, 2922 Ritchie Avenue, Baltimore, MD 21219, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



92-341-A

H-257-56

SITE

BL CAS

BL AVENUE

R. 55

D.R. 55

90-311-360
(6-80A)

AVENUE

MARTIN AVE

CHOMBERG AVENUE

KINSHIP RD

RIDGEWAY RD

TERWAY ST

HOMEWAY

ROAD

PORTSHIP

RIDGEWAY

LORRAINE

MARTELL

HOMEWAY

April 3, 1995

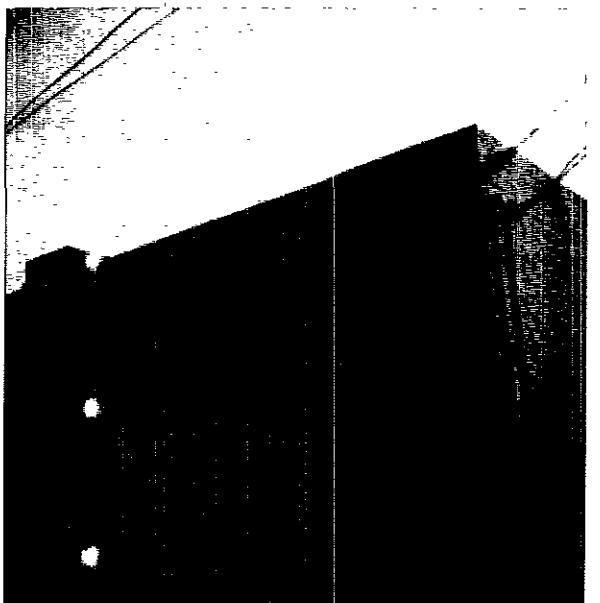
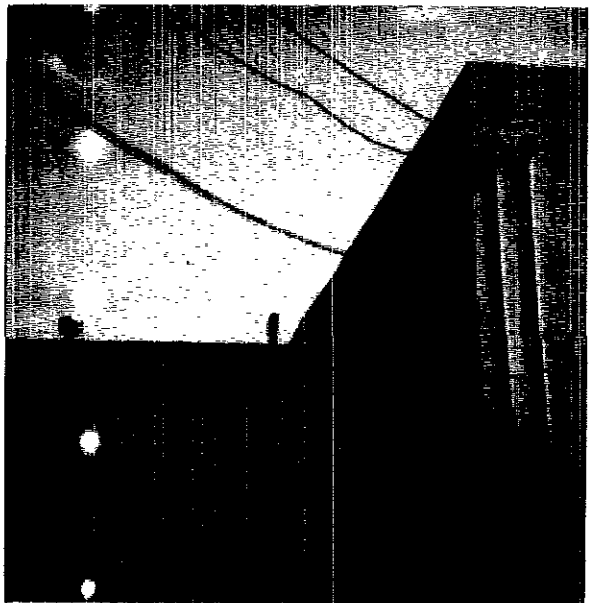
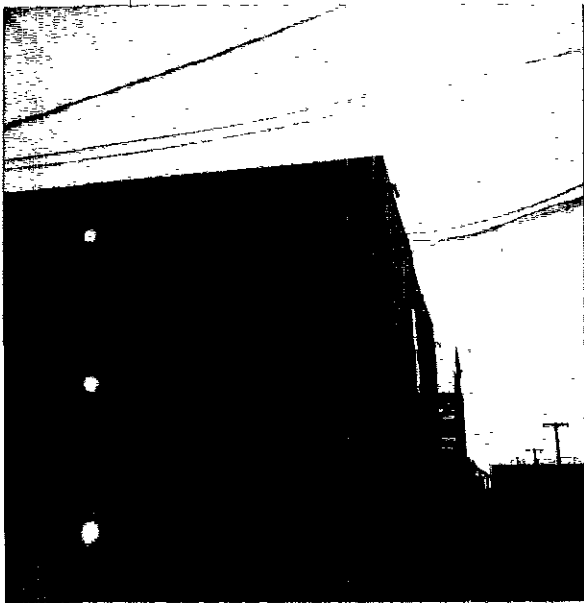
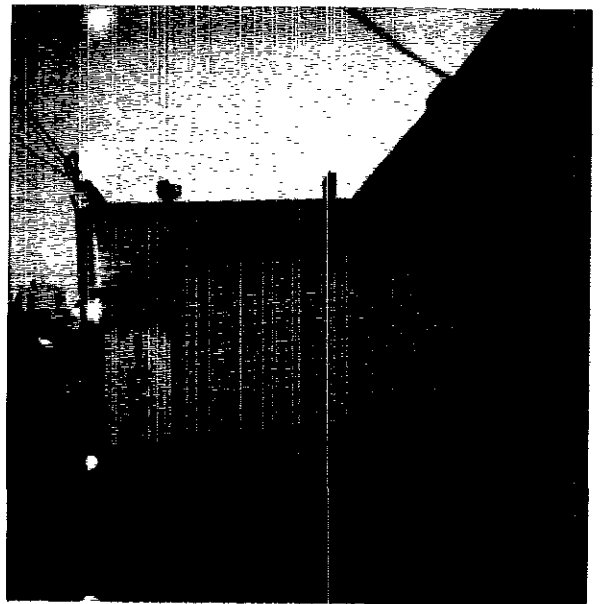
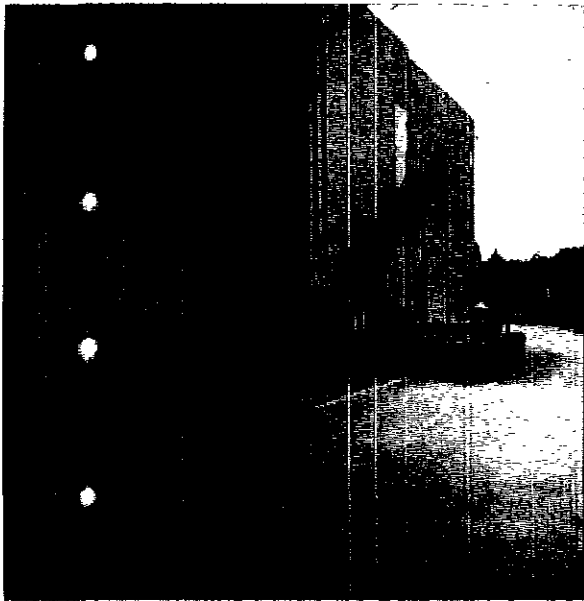
William Blankenship
6912 Holabird Avenue
Baltimore, Maryland 21222

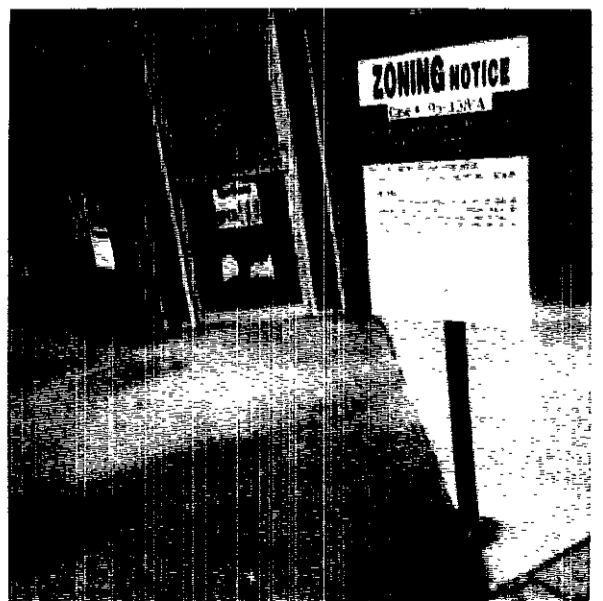
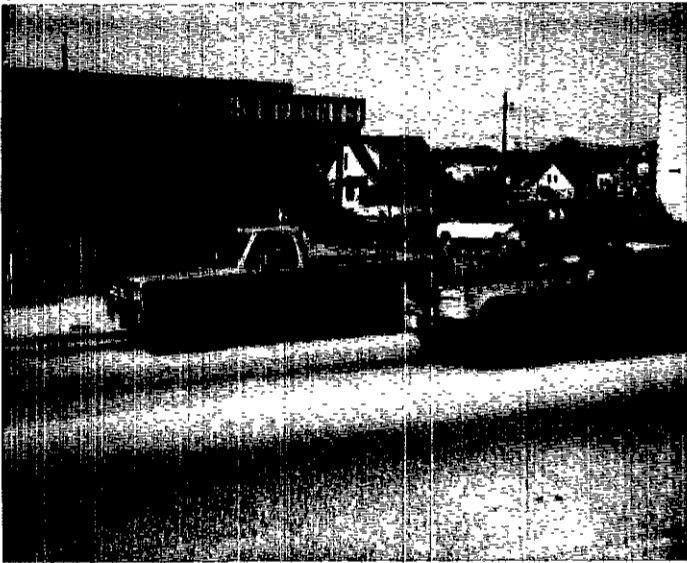
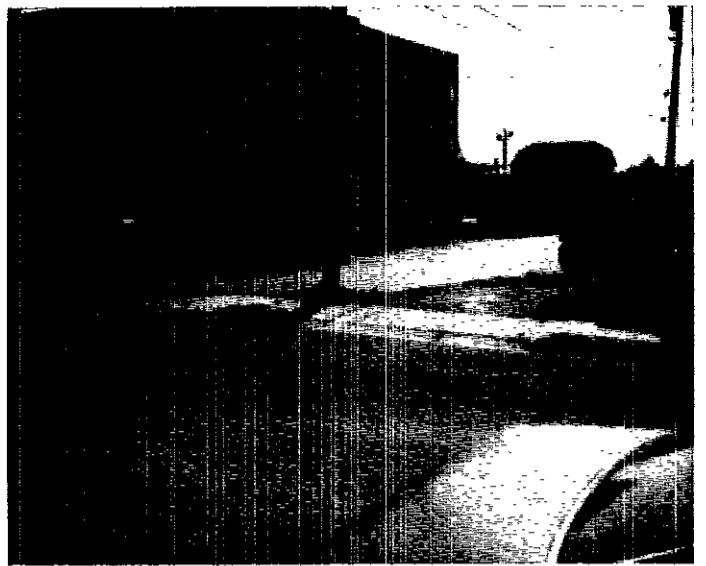
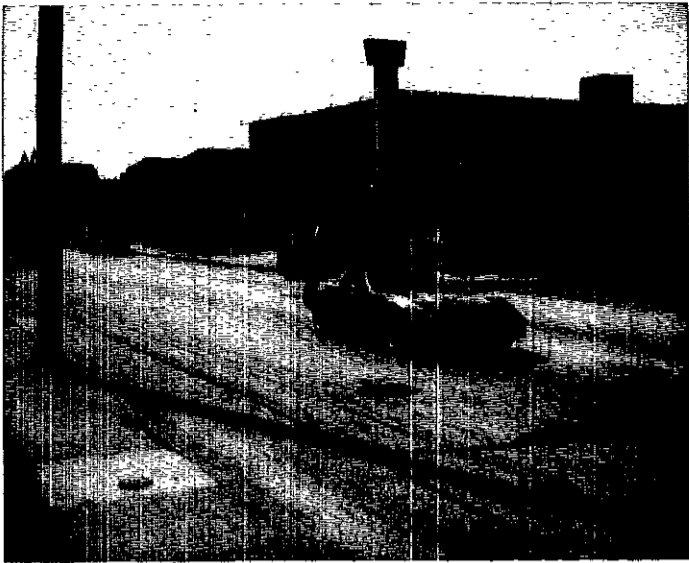
TO WHOM IT MAY CONCERN:

I WILLIAM BLANKENSHIP Owner of the commercial properties located at 6914 (only) Holabird Avenue authorize Andrew Brown owner of Modern Discount Liquors located at 6916 Holabird Avenue to use my off street parking for his customers.

William Blankenship
William Blankenship

**PETITIONER'S
EXHIBIT 2**





district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty

ORDER RECEIVED FOR FILING
Date 8/21/95
By [Signature]

PROPERTY LINE CURVE DATA
 CURVE 1
 R=20.00'
 Δ=92°14.05'
 A=32.30'
 T=20.80'
 CHD=28.83'
 CB=S 46°09.03'W

LEGEND
 @ I/P = IRON PIPE FOUND
 0.2' = TIE DISTANCE & DIRECTION FROM PROPERTY LINE TO BUILDING CORNER

ONE STORY FRAME & STUCCO DWELLING
 #8921 FIFTH AVE.

ONE STORY MASONRY GARAGE

ONE STORY FRAME
 LOT 13 & 14 "FAIRLAWN"
 WILLIAM J. & JOAN L. NICHOLS
 LIBER 9721, FOLIO 097
 ZONE D.R. 5.5 RESIDENTIAL

ONE STORY MASONRY & FRAME BUILDING
 JERRY'S STYLE SHOP
 WILLIAM M. FOEHLER
 CPA
 #8910

ONE STORY MASONRY & FRAME BUILDING
 LAW OFFICE
 RANDOLPH N. BLAIR
 #8912

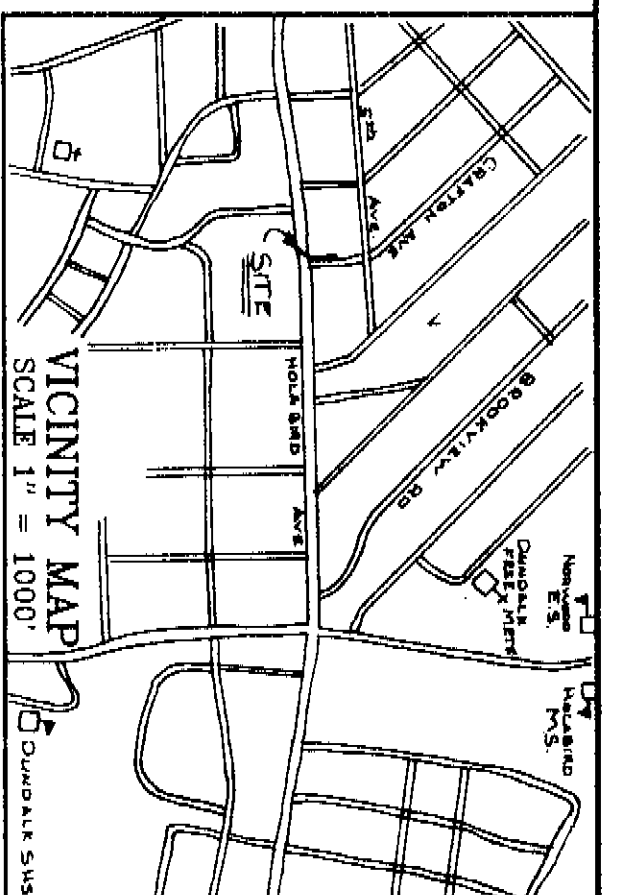
PB W.P.C. 6, F 100
 "FAIRLAWN"

HOLABIRD

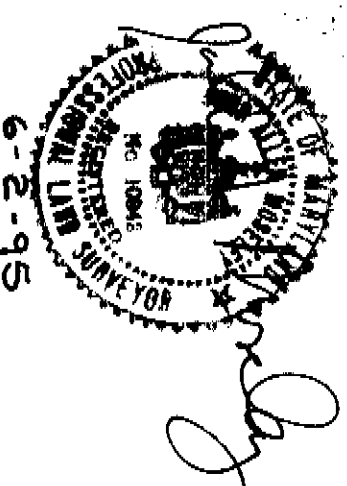
ZONE D.R. 5.5

AVENUE

MICROFILMED



SET, INC.
 Surveying Engineering Technologies
 3098 Newington Drive
 Riva, Maryland 21140-1440
 Phone & Fax (410) 974-8086



6-2-95

- NOTES:**
1. PROPERTY ZONED: B.L., ZONE MAP NO. SE-3E
 12th ELECTION DISTRICT, 7th COUNCILMANIC DISTRICT
 FLOOR AREA RATIO = 2634 / 7644 = 0.34; F.A.R. ALLOWED =
 AMENITY OPEN SPACE: NONE REQUIRED
 2. NO PRIOR ZONING HEARINGS, C.R.G. WAIVERS ON SITE.
 3. TAX ACCOUNT NO. 1204035954
 4. PARKING DATA CURRENT BC 2 R. REGULATIONS:
 RETAIL USE
 BUILDING: 2,634 SQ. FT.
 REQUIRED: 5 SPACES PER 1,000 SQ. FT.
 2634 X 0.005 = 14 SPACES REQUIRED
 PAVING TYPE: ASPHALT
 5. PRIOR ZONING REGULATIONS: PARKING
 PARKING FOR EXISTING BUILDING BASED ON
 ZERO PARKING SPACES REQUIRED OR PROVIDED
 SINCE BUILDING HAS EXISTED AS A RETAIL
 STORE SINCE PRIOR TO 1955.
 (SEE ZONING PETITION REQUEST)
 IF THE VARIANCE IS DETERMINED TO BE
 REQUIRED FOR NEW USE AREA ONLY,
 5 PARKING SPACES NEED TO BE VARIANCED.

PLAN TO ACCOMPANY
 ZONING VARIANCE AND
 PLAN TO ACCOMPANY
 ALTERATIONS PERMIT
 LOT 15, BLOCK C
FAIRLAWN
 PLAT BOOK W.P.C. 6, FOLIO 100
 TWELFTH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 SCALE 1" = 20'
 MAY 1995 tem

PETITIONER'S EXHIBIT

95-458-A

452

IN RE: PETITION FOR VARIANCE * BEFORE THE
NW/Corner Holabird and Crafton Aves. * DEPUTY ZONING COMMISSIONER
(6916 Holabird Avenue)
13th Election District * OF BALTIMORE COUNTY
7th Councilmanic District
Andrew J. Brown, et ux * Case No. 95-458-A
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 6916 Holabird Avenue, located in the vicinity of Wise Avenue in Dundalk. The Petition was filed by the owners of the property, Andrew J. and Linda L. Brown. The Petitioners seek relief from Section 409.6.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 parking spaces in lieu of the required five (5), or to permit 0 parking spaces in lieu of the required 14, to be determined by the Zoning Commissioner at the hearing, and from Section 233.2.B of the B.C.Z.R. to permit a side yard setback of 0 feet in lieu of the minimum required 10 feet for a proposed two-story addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Andrew and Linda Brown, property owners, James McKinney, Consultant, and Colleen Cavanaugh, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 2,990 sq.ft., zoned B.L. and is improved with a one-story building in which the Petitioners have operated a liquor store since 1981. The Petitioners are desirous of constructing an addition to the existing building to provide badly needed storage space. Testimony indicated that

due to the number of new beer brands which have recently come onto the market, the Petitioners are desirous of constructing a 25.2' x 20.6', two story addition to the rear of the existing building. Mr. Brown testified that a two-story addition is needed to handle the storage space necessary to stock the many different micro-brewery beers and other new brands of beer for his customers. The proposed addition will be constructed of similar materials as the existing building and will maintain the same side setbacks as provided by the existing building, which takes up the entire width of the subject property. Inasmuch as the proposed addition will be utilized for storage purposes only, I find that the Petitioners are only required to provide five (5) parking spaces, and not the 14 spaces that would be required otherwise. The Petitioners testified that there is ample parking in the area, both on Holabird Avenue and Crafton Avenue. Furthermore, the owner of the adjoining commercial property, William Blankenship, will allow the Petitioners to utilize his parking lot when necessary, as evidenced by his letter dated April 3, 1995. Thus, it appears that the relief requested would pose no hardship on the surrounding locale.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such

that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular

district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty

ORDER RECEIVED FOR FILING
Date 8/2/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/2/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/2/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/2/95
By [Signature]

standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of August, 1995 that the Petition for Variance seeking relief from Section 409.6.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 parking spaces in lieu of the required five (5) for a proposed addition to the existing building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding 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 relief granted herein shall be rescinded.

[Signature]
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/2/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 857-4386

August 2, 1995

Colleen Cavanaugh, Esquire
2 N. Dundalk Avenue
Baltimore, Maryland 21222-4255

RE: PETITION FOR VARIANCE
NW/Corner Holabird and Crafton Aves.
(6916 Holabird Avenue)
13th Election District - 7th Councilmanic District
Andrew J. Brown, et ux - Petitioners
Case No. 95-458-A

Dear Ms. Cavanaugh:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

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

Very truly yours,

[Signature]
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Andrew J. Brown, Jr.
2922 Ritchie Avenue, Baltimore, Md. 21219

People's Counsel

File

Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 6916 Holabird Ave.
which is presently zoned B.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 409.6.B and 233.2.B to permit 0 parking spaces in lieu of the required 5 parking spaces or to permit 0 parking spaces in lieu of the required 14 parking spaces as determined to be required by the Zoning Commissioner at the public hearing and a 0 ft. side setback (for proposed building, in lieu of the 10 ft. side setback required by the Zoning Regulations of Baltimore County, to the Zoning Line of Baltimore County, for the following reason: (indicate hardship or practical difficulty) required 10ft.

Disparately need more storage space in order to stay competitive due to more brands available and customer demand for more variety is: light products and non-alcoholic beers.

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.

Legal Owner(s)
Signature: Andrew J. Brown Jr.
Signature: Linda Lee Brown
Signature: [Signature]
Address: 6916 Holabird Ave.
City: Baltimore, State: Maryland, Zip: 21219
Phone No: 477-8328
Date: 8/2/95

ORDER RECEIVED FOR FILING
Date 8/2/95
By [Signature]

95-458-A
A52

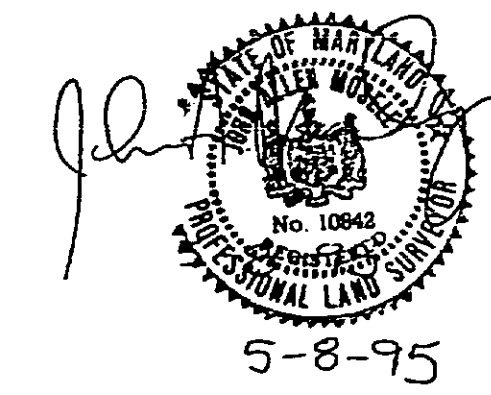
ZONING DESCRIPTION

BEGINNING at a point on the north right-of-way line of Holabird Avenue as shown on Baltimore County Bureau of Rights-of-way plat HRW 52-099 as recorded among the Land Records of Baltimore County, Maryland in Highways Liber No. 15A at Folio 194, said Point of Beginning being 50 feet west of the centerline of Crafton Avenue, a 50 foot right of way; THENCE departing said north right-of-way line

1. North 00°02'00" East, 122.98 feet to the south line of an alley; THENCE along said south line
2. South 89°58'00" East, 25.00 feet to the west right-of-way line of Crafton Avenue; THENCE along said west right-of-way line
3. South 00°02'00" West, 103.07 feet to a point of curvature; THENCE
4. 32.30 feet along the arc of a curve to the right having a radius of 20 feet and a chord bearing and distance of South 46°09'03" West, 28.83 feet to a point of reverse curvature on the said north line of Holabird Avenue; THENCE along the said north line
5. 4.22 feet along the arc of a curve to the left having a radius of 1662.14 feet and a chord bearing and distance of North 87°48'17" West, 4.22 feet to the Point of Beginning and containing 2,990 square feet of land.

Being a portion of Lot 15, Block C as shown on a Plat of Subdivision entitled "Fairlawn" as recorded among the Land Records of Baltimore County, Maryland in Plat Book W.P.C. 6 at Folio 100 said property also known as 6916 Holabird Avenue located in the 7th Election District.

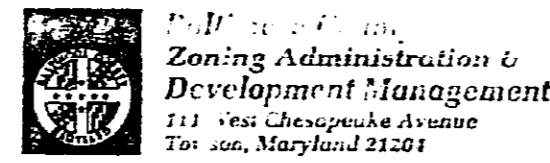
Also Being all of the Property conveyed to Andrew J. Brown, Jr. and Linda L. Brown by deed dated November 2, 1990 as recorded in Liber 8655, Folio 385.



5-8-95

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 17th Date of Posting: 7/18
Posted for: Variances
Petitioner: Andrew J. Brown, Jr. & Linda Lee Brown
Location of property: 6916 Holabird Ave, NWB
Location of Sign: Along the side on front side being road
Remarks:
Posted by: [Signature] Date of return: 7/18
Number of Signs: 1



Date: 6/12/95

NON RES. Z. VAR.
1 SIGN POSTIVE

CODE
020 \$250.00
080 35.00
\$285.00

receipt

75-458-A
Account: RC916150
Number: 452

OWNER: BROWN
6916 HOLABIRD AVE

03A03H0058H1CHR 4255.00
8A 001143AM06-12-95
Please Make Checks Payable To: Baltimore County

Cashier Validation

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: 95-458-A (Item 452)
6916 Holabird Avenue
NWB Holabird Avenue and Crafton Avenue
12th Election District
7th Councilmanic
Legal Owner(s):
Andrew J. Brown, Jr. and
Linda Lee Brown
Hearing: Tuesday,
July 18, 1995 at 11:00
a.m. in Rm. 118, Old
Courthouse.

Variance to permit zero parking spaces in lieu of the required 5 parking spaces or to permit zero parking spaces in lieu of the required 14 parking spaces and a zero foot side setback (for proposed building) in lieu of the required 10 feet.

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.
6/29 June 29.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/29 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 6/29 1995

THE JEFFERSONIAN,

A. Henderson
LEGAL AD. - TOWSON

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 22, 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: 95-458-A (Item 452)
6916 Holabird Avenue
NWB Holabird Avenue and Crafton Avenue
12th Election District - 7th Councilmanic
Legal Owner(s): Andrew J. Brown, Jr. and Linda Lee Brown
HEARING: TUESDAY, JULY 18, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit zero parking spaces in lieu of the required 5 parking spaces or to permit zero parking spaces in lieu of the required 14 parking spaces and a zero foot side setback (for proposed building) in lieu of the required 10 feet.

Arnold Jablon
Director
Department of Permits and Development Management

cc: Andrew J. Brown, Jr. and Linda Lee Brown

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 106, 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.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 11, 1995

Mr. and Mrs. Andrew J. Brown, Jr.
2522 Ritchie Avenue
Baltimore, Maryland 21219

RE: Item No.: 452
Case No.: 95-458-A
Petitioner: A. J. Brown, et ux

Dear Mr. and Mrs. Brown:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 12, 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 (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,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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.: 452

Petitioner: Andrew J. Brown, Jr. & Linda Lee Brown

Location: 6916 Holabird Avenue Towson MD 21222

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Andrew J. Brown, Jr.

ADDRESS: 2522 Ritchie Avenue

Baltimore Maryland 21219

PHONE NUMBER: (410) 477-8328

AJ:995

(Revised 04/09/93)

Printed with Soybean Ink
on Recycled Paper

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kessoff
Administrator

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.: 452 (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,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 07/03/95

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 JUN. 26, 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.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 450, 451, 452, 453, 454, 455, 457, 458, 459, 460, 463 AND 464.

RECEIVED
JUL 5 1995

ZADM

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

Printed on Recycled Paper

Printed with Soybean Ink
on Recycled Paper

Printed with Soybean Ink
on Recycled Paper

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

TO: ZADM
 FROM: DEPRM
 SUBJECT: Zoning Advisory Committee
 DATE: 6/30/95
 Agenda: 6/29/95

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

- Item #'s:
 450
 451
 452
 453
 456
 457
 458
 459
 460
 463
 465
 467

LS:sp

LETTY2/DEPRM/TXTSBP

PETITION PROBLEMS
 AGENDA OF JUNE 26, 1995

#451 -- MJK

- No legal owner listed on petition form.
- No address or telephone number for protestants.
- Zoning listed on petition form does not agree with zoning on front of folder (D.R.-5.5 on petition form; D.R.-5.5, D.R.-10.5, D.R.-16, O-2 listed on folder).

#452 -- JLL

- Petitioner's copy of receipt is still in folder.

#454 -- RT

- No special hearing fee charged to amend the FDP.
- Need attorney.

#455 -- MJK

- No telephone number for legal owner.

#456 -- JRA

- No telephone number for legal owner.
- No councilmanic district on folder.

#457 -- MJK

- No telephone number for legal owner.

#459 -- MJK

- Need title of persons signing for legal owner.
- No telephone number or address for representative to be contacted.

RE: PETITION FOR VARIANCE * BEFORE THE
 6916 Holabird Avenue, NMC Holabird Ave. * ZONING COMMISSIONER
 and Crafton Avenue, 12th Election Dist. * OF BALTIMORE COUNTY
 7th Councilmanic *
 Andrew J. Brown, Jr. and Linda Lee Brown *
 Petitioners * CASE NO. 95-458-A

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

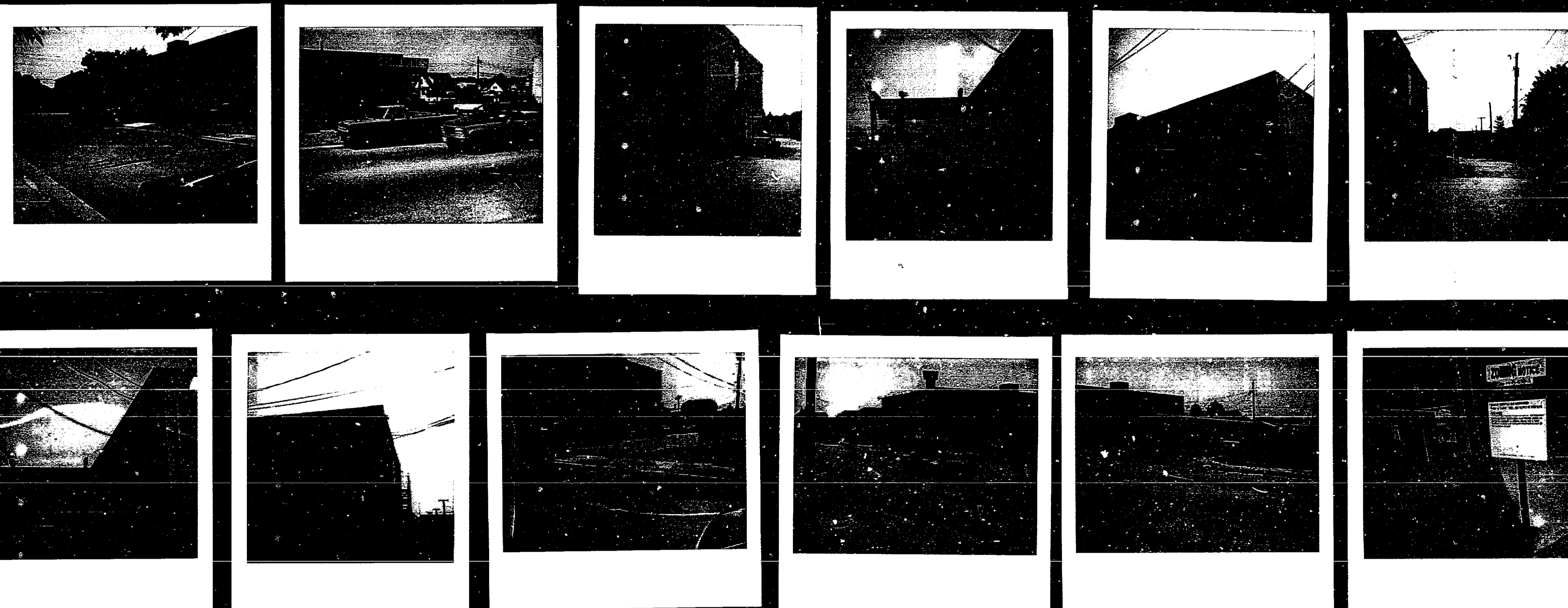
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 1995, a copy of the foregoing Entry of Appearance was mailed to Andrew J. Brown, Jr. and Linda Lee Brown, 2922 Ritchie Avenue, Baltimore, MD 21219, Petitioners.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN



*photographs
 Case 95-458-A*



April 3, 1995

William Blankenship
 6912 Holabird Avenue
 Baltimore, Maryland 21222

TO WHOM IT MAY CONCERN:

I WILLIAM BLANKENSHIP Owner of the commercial properties located at 6914 (only) Holabird Avenue authorize Andrew Brown owner of Modern Discount Liquors located at 6916 Holabird Avenue to use my off street parking for his customers.

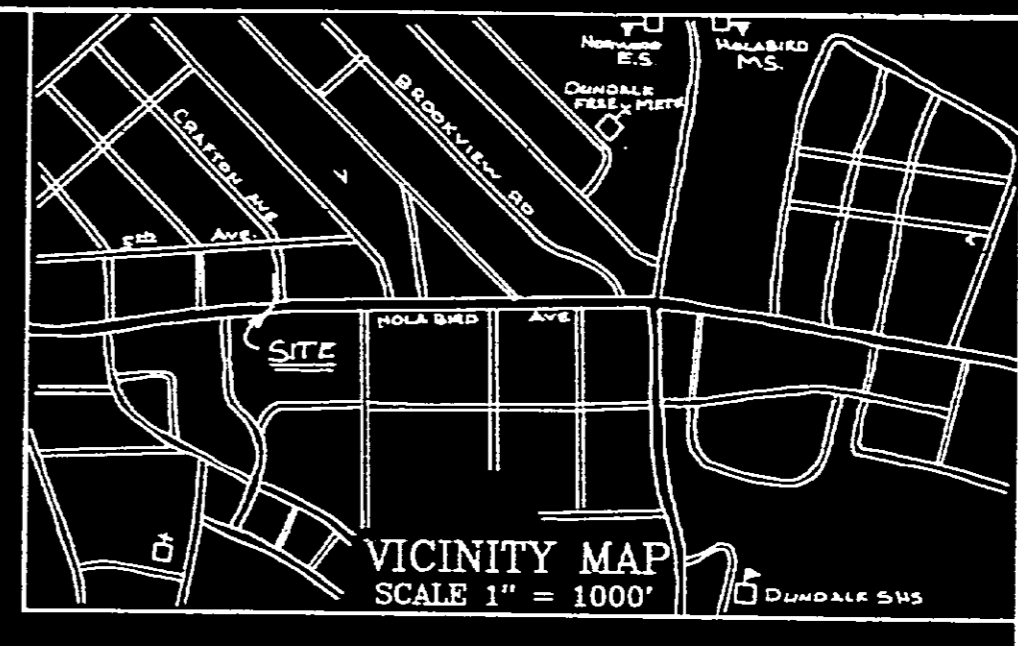
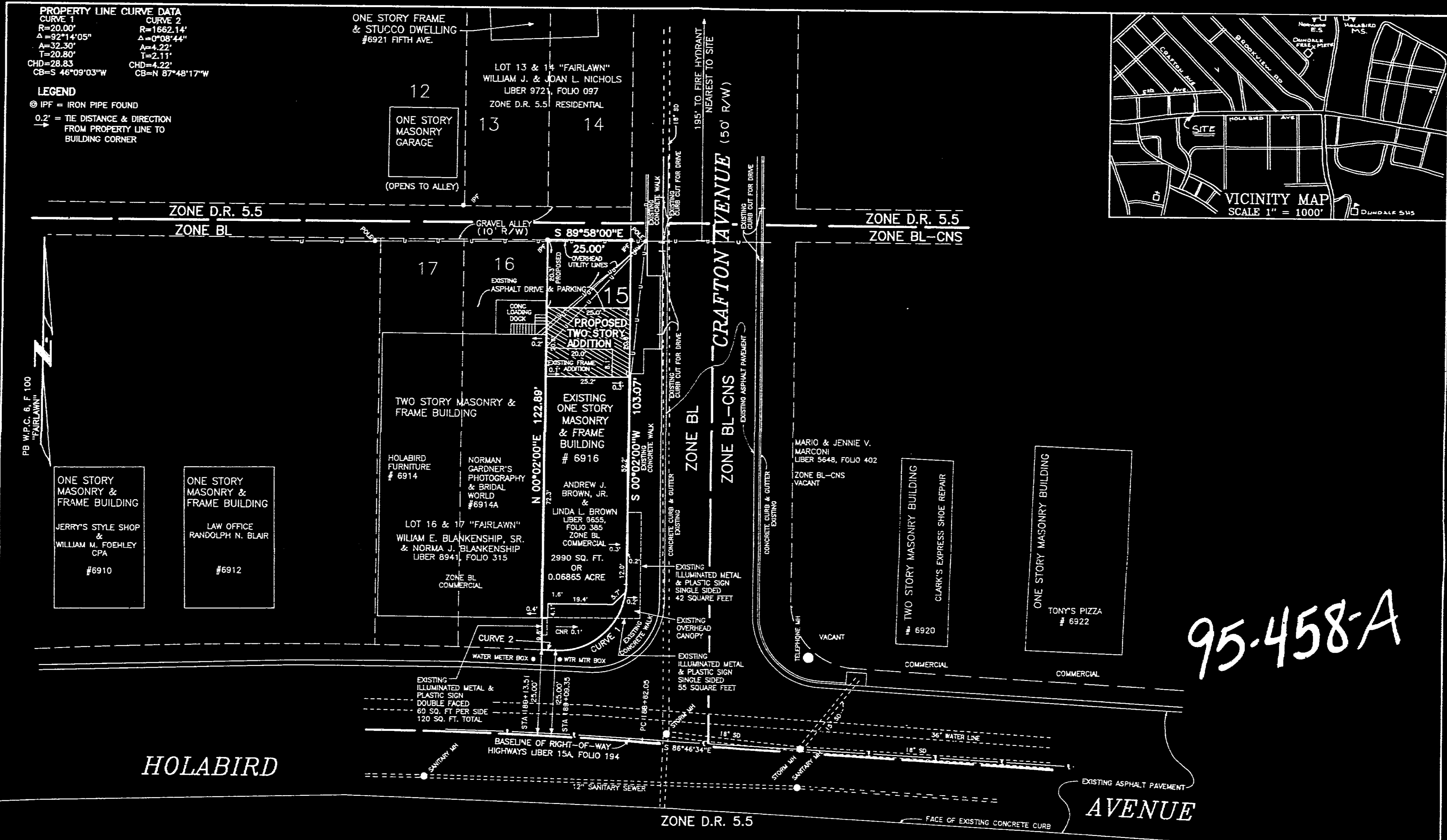
William Blankenship
 William Blankenship

PETITIONER'S
 EXHIBIT 2

PROPERTY LINE CURVE DATA
 CURVE 1
 R=20.00'
 Δ=92°14'05"
 A=32.30'
 T=20.80'
 CHD=28.83
 CB=S 46°09'03"W

CURVE 2
 R=1002.14'
 Δ=4°08'44"
 A=4.22'
 T=2.11'
 CHD=4.22'
 CB=N 87°48'17"W

LEGEND
 ⊙ IPF = IRON PIPE FOUND
 0.2' = THE DISTANCE & DIRECTION FROM PROPERTY LINE TO BUILDING CORNER



95-458-A

Handwritten signature
 6-2-95

SET, INC.
 Surveying Engineering Technology
 3098 Newington Drive
 Rye, Maryland 21140-1440
 Phone & Fax (410) 974-8088

- NOTES:
1. PROPERTY ZONED: B.L., ZONE MAP NO. SE-3E 12th ELECTION DISTRICT, 7th COUNCILMANS DIST. ST. FLOOR AREA RATIO = 2634 / 7644 = 0.34, P.A.R. ALLOWED = AMENITY OPEN SPACE: NONE REQUIRED
 2. NO PRIOR ZONING HEARINGS, C.R.G. WAIVERS ON SITE.
 3. TAX ACCOUNT NO. 1204035954
 4. PARKING DATA CURRENT BC.Z.R. REGULATIONS.
 RETAIL USE
 BUILDING: 2,634 SQ. FT.
 REQUIRED: 5 SPACES PER 1,000 SQ. FT.
 2634 X 0.005 = 14 SPACES REQUIRED
 PAVING TYPE: ASPHALT
 5. PRIOR ZONING REGULATIONS: PARKING FOR EXISTING BUILDING BASED ON ZERO PARKING SPACES REQUIRED OR PROVIDED SINCE BUILDING HAS EXISTED AS A RETAIL STORE SINCE PRIOR TO 1985. (SEE ZONING PETITION REQUEST) IF THE VARIANCE IS DETERMINED TO BE REQUIRED FOR NEW USE AREA ONLY, 5 PARKING SPACES NEED TO BE VARIANCED.

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PETITIONER'S EXHIBIT 1

PLAN TO ACCOMPANY ZONING VARIANCE AND PLAN TO ACCOMPANY ALTERATIONS PERMIT LOT 15, BLOCK C FAIRLAWN PLAT BOOK W.P.C. 6, FOLIO 100 TWELFTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND SCALE 1" = 20' MAY 1995 tem