

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE - * ZONING COMMISSIONER
W/S Main Street, 290'+/- S of *
the c/l of Bond Street * OF BALTIMORE COUNTY
(322 Main Street) *
4th Election District * Case No. 98-7-SPHXA
3rd Councilmanic District *

Michael S. Rosofsky *
Petitioner *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance for that property known as 322 Main Street in Reisterstown. The Petitions were filed by Michael S. Rosofsky, property owner, and Durkee & Rosofsky, Contract Lessees. The Petitioner requests a special exception to permit a service garage on the subject property, zoned B.L., and a special hearing to approve commercial parking in a D.R. 3.5 zone. In addition, the Petitioner seeks variance relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit six (6) parking spaces in lieu of the required eight (8) for a combination service garage and law office use. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Michael S. Rosofsky, Esquire, property owner/Petitioner, Glenn Cook, a traffic engineering expert from The Traffic Group, and Vince Moskunas, a representative of M & H Development Engineers, Inc., who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of approximately .36 acres in area, split zoned B.L. and D.R. 3.5.

ORDER RECEIVED FOR FILING

Date

By

The property is located in the historic community of Reisterstown and has frontage on Reisterstown Road (Maryland Route 140). At this location, Reisterstown Road is also known as Main Street. The property is split zoned, with the front portion of the site zoned B.L. and the rear portion zoned D.R. 3.5. A two-story brick building is located on the front portion of the site facing Reisterstown Road. This two-story building is used as a law office by Mr. Rosofsky and his firm, Durkee and Rosofsky. Additionally, an attached one-story concrete block building to the rear of the property is used by a tenant of Mr. Rosofsky, known as Baltimore After-Market Auto Sound and Security. Apparently, the business of that company is to install security and sound systems in automobiles after they are purchased by the owner by a dealer or at public sale.

Extensive testimony was presented by the Petitioner and his expert witnesses about these uses, the traffic pattern generated by same, and the character of the area. It was noted that similar commercial retail type uses are located near this site fronting Reisterstown Road. For example, a car sales operation is located nearby and the adjacent neighboring properties are used for retail (e.g., That Computer Store) and commercial (Creative Management Resources) purposes. Thus, it was argued that existing and proposed uses at the subject site are appropriate for the locale and should be permitted.

In this regard, it is to be observed that Section 101 of the B.C.Z.R. defines a service garage as "A garage other than a residential garage, where motor driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale." (Emphasis added). Thus, although the use on the site is not a traditional type service garage as that term may be utilized by the public, the equipping of vehicles with

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Date

By

sound systems and security systems falls within the service garage definition. As noted above, special exception relief is requested to permit a service garage in the B.L. zone.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Special Exception in this case. The testimony offered by Messrs. Cook and Moskunas was persuasive that the proposed service garage will not be detrimental to the health, safety or general welfare of the community. In this regard, the operation apparently accepts vehicles on an appointment basis, and thus, there is minimal traffic generation. Moreover, the business does not perform mechanical or body shop work thereby minimizing the impact of its use on adjacent properties. Based on these factors, I am persuaded to grant the Petition for Special Exception for service garage, limiting same only to the business known as Baltimore After-Market Auto Sound and Security, or other similar operation. That is, clearly a Jiffy Lube type operation or similar, heavy duty mechanical repair-type operation would not be appropriate here. However, the present operation is acceptable and should be approved.

The Petition for Special Hearing seeks relief to permit commercial parking in a D.R. 3.5 zone. In this regard, it is to be noted that a portion of the property is split zoned and a portion of the proposed parking is located within the D.R. 3.5 zone. An examination of the site plan shows that the zone line is somewhat irregular, in that it is set deeper from Reisterstown Road on neighboring properties than the subject site. This fact, as well as the means of access to this rear lot are persuasive factors in granting the Petition for Special Hearing. Mr. Cook's testimony was also persuasive in this regard. The law office and service garage operation can be expected to generate relatively low levels of traffic and

ORDER RECEIVED FOR FILING
Date 9/16/99
By [Signature]

the proposed parking arrangement appears appropriate and sufficient to accommodate the anticipated need.

The last request comes as a Petition for Variance to permit six parking spaces in lieu of the eight required under the zoning regulations. Again, the testimony offered by the Petitioner's expert witnesses as well as that received from Mr. Rosofsky was persuasive in supporting a finding that the variance Petition should be granted. It would be inappropriate to eliminate existing grass areas of the lot to provide more parking. Based upon the testimony and evidence presented, I am persuaded that six spaces is sufficient to accommodate these uses.

Although no Protestants or other interested persons appeared at the hearing, it is to be noted that the Petition was subject to review by the member agencies of the Zoning Plans Advisory Committee. With the exception of the Office of Planning, the agencies which review the plan, i.e., Public Works, Environmental Protection, etc., voice no objection to the proposal. The comment from the Office of Planning, however, suggested two restrictions on the granting of any relief. First, the Office of Planning suggests that the area of parking should be screened with a dense evergreen landscape treatment. Secondly, the Planning Office recommends that the existing freestanding sign which advertises the uses on the lot be replaced with one that is more in keeping with the historical character of the area. In order to evaluate these comments, I conducted a site visit to the property. This site visit was helpful, not only in evaluating the Petitions for zoning relief, but also Planning's comment.

As to the evergreen treatment, I do not find that additional landscaping is necessary. The rear of the lot already contains mature

ORDER RECEIVED FOR FILING
Date 9/16/92
By [Signature]

trees and the front portion of the lot lies adjacent to retail/commercial businesses. Thus, no additional landscaping will be required.

However, I am persuaded as to the validity of Planning's comment regarding the sign. The subject property lies within the historic Reisterstown area and as noted within the Office of Planning's comment, Baltimore County is directing considerable funds to improve and enhance the appearance of mixed use commercial properties located on Main Street. In fact, ongoing work to revitalize and rehabilitate the area was evident during my site visit. Moreover, the Petitioner's sign is inappropriate and not in keeping with these efforts. Thus, as a condition of approval, I will require the Petitioner to replace the sign package on this property. The existing sign shall be removed and replaced with one that is approved by the Office of Planning.

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

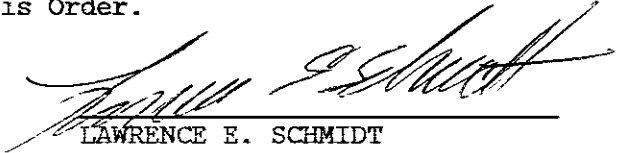
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of September, 1997 that the Petition for Special Hearing to approve commercial parking in a D.R. 3.5 zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a service garage on the subject property, zoned B.L., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit six (6) parking spaces in lieu of the required eight (8) for a combination service garage and law office use, in accordance

with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special exception relief granted herein is limited to the business known as Baltimore After-Market Auto Sounds and Security, or similar operation. There shall be no heavy duty, automotive/mechanical equipment repair-type operation on the premises.
- 3) The relief granted herein is conditioned upon the Petitioner's compliance with the Zoning Plans Advisory Committee (ZAC) comments submitted by the Office of Planning, revised August 15, 1997, as to an identification sign for the uses on the subject property.
- 4) When applying for any permits, 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:bjs

ORDER RECEIVED FOR FILING
Date 9/16/97
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

September 16, 1997

Michael S. Rosofsky, Esquire
Durkee & Rosofsky
322 Main Street
Reisterstown, Maryland 21136

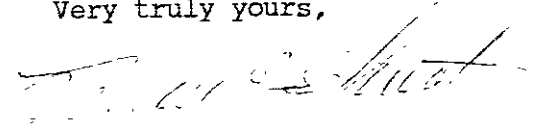
RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
W/S Main Street, 290'+/- S of the c/l of Bond Street
(322 Main Street)
4th Election District - 3rd Councilmanic District
Michael S. Rosofsky - Petitioner
Case No. 98-7-SPHXA

Dear Mr. Rosofsky:

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

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

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Vince Moskunas, M & H Development & Engineering, Inc.
200 E. Joppa Road, Suite 101, Towson, Md. 21286

Office of Planning; People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 322 Main Street, Reisterstown, MD 21136

which is presently zoned DR 3.5

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 parking in DR 3.5 zone.

Commercial (MSR)

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.

Contract Purchaser/Lessee:

Durkee & Rosofsky

(Type or Print Name)

Signature

322 Main Street

Address

Reisterstown, MD 21136

City

State

Zipcode

Attorney for Petitioner:

Michael S. Rosofsky

(Type or Print Name)

Signature

322 Main Street

Address

(410) 526-9220

Phone No.

Reisterstown, MD 21136

City

State

Zipcode

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.

Legal Owner(s):

Michael S. Rosofsky

(Type or Print Name)

Signature

(Type or Print Name)

Signature

322 Main Street

Address

(410) 526-9220

Phone No.

Reisterstown, MD 21136

City

State

Zipcode

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

Vince Moskunus

M & H Development & Engineering, Inc.

Name

200 E Joppa Rd, Ste 101, Towson, MD 21286

Address

(410) 828-9060

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

7-3-97

ORDER RECEIVED FOR FILING

Date

By





Petition for Special Exception

VIOLATION
98-7-SPHV

to the Zoning Commissioner of Baltimore County

for the property located at 322 Main Street, Reisterstown, MD 21136

which is presently zoned BL

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for service garage.

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

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

Contract Purchaser/Lessee:

Baltimore After-Market Auto
Sound & Security

(Type or Print Name) Richard Schneider

Richard Schneider, Pres
Signature

322 Main Street, Back Garage

Address

Reisterstown, MD 21136

City State Zipcode

Attorney for Petitioner:

Michael S. Rosofsky

(Type or Print Name)

[Signature]
Signature

322 Main Street (410) 526-9220

Address Phone No.

Reisterstown, MD 21136

City State Zipcode

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.

Legal Owner(s):

Michael S. Rosofsky

(Type or Print Name)

[Signature]
Signature

[Signature]
(Type or Print Name)

Signature

322 Main Street

Address

(410) 526-9220

Phone No.

Reisterstown, MD 21136

City State Zipcode

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

Vince Moskunas

M & H Development & Engineering, Inc.

Name

200 E. Joppa Rd, Ste 101, Towson, MD 21286

Address

(410) 526-9220

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL OTHER

REVIEWED BY: [Signature] DATE 7-3-97

ORDER RECEIVED FOR FILING

Date

By



Petition for ^{VIOLATION} Variance

to the Zoning Commissioner of Baltimore County ^{98-7-SPHXA}

for the property located at 322 Main Street, Reisterstown, MD 21136

which is presently zoned BL

This Petition shall be filed with the Department of Permits & 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.A.2; BCZR, to

perm: 6 parking spaces in lieu of the required 8
for a service garage & law office

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The improvements are located on a very narrow lot. The rear portion of the lot is too narrow to support the ^{8 (park)} necessary spaces to comply with the above Section. The improvements contain a law office, which is a permitted use. An adjacent part of the property is available as a parking lot and a Petition for Special Hearing to allow parking in a D.R. 3.5 zone has been filed in conjunction with this Petition.

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.

(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:

Durkee & Rosofsky By: Michael S. Rosofsky

(Type or Print Name)

Signature

322 Main Street

Address

Reisterstown, MD 21136

City

State

Zipcode

Attorney for Petitioner:

Michael S. Rosofsky

(Type or Print Name)

Signature

322 Main Street

(410) 526-9220

Address

Phone No

Reisterstown, MD 21136

City

State

Zipcode

Legal Owner(s):

Michael S. Rosofsky

(Type or Print Name)

Signature

(Type or Print Name)

322 Main Street

Address

(410) 526-9220

Phone No

Reisterstown, MD 21136

City

State

Zipcode

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

Vince Moskunas

M & H Development & Engineering, Inc.

Name

200 E Joppa Rd, Ste 101, Towson, MD 21286

Address

(410) 828-9060

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: Jay DATE 7-3-97

7

ORDER RECEIVED FOR FILING

Date

By



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

Towson Office
Malcolm E. Hudkins
Registered Surveyor
Phone 828-9060

JUNE 18, 1997

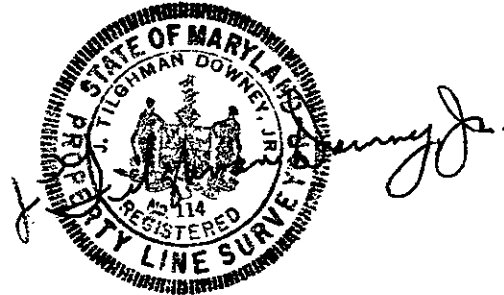
98-7-SPHXA

DESCRIPTION FOR SPECIAL EXCEPTION
FOR PROPERTY LOCATED AT
332 MAIN STREET

BEGINNING for the same at a point on the west side of Reisterstown Road (Main Street), 66 foot right-of-way, said point being measured 290 feet more or less southerly from the west side of Reisterstown Road (Main Street) and the centerline of Bond Avenue, 40 foot right-of-way; thence S 77° 25' 38" W, 294.24'; thence S 13° 56' 57" E, 65.18'; thence N 77° 35' 13" E, 144.26'; thence N 13° 56' 57" W, 22.00'; thence N 77° 35' 13" E, 150.00' and thence N 13° 56' 57" W, 44.00' to the Place of Beginning.

Containing 0.3672 of an acre, more or less; 15994.60 square feet.

As recorded in a deed dated June 17, 1996 in the Land Records of Baltimore County in Liber 11671, folio 559.



J. Tilghman Downey, Jr.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/24, 19 97

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 7/24, 19 97.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

The Zoning Commissioner of Baltimore County, by authority of the Zoning and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property

identified here as follows:

Case: 1997-05-00000
322 West Street
WES. Hill, Towson, MD. 21204-1101
4th Floor
3rd Floor
Legal Owner(s):

Michael S. Rosofsky
Contract Purchaser(s):
Durkee & Rosofsky

Special Hearing: to determine whether or not the Zoning Commissioner should approve commercial parking in a D.B.-3.5 zone. Special Exception: for a service garage. Variance: to permit 6 parking spaces in lieu of the required 8 for a service garage and law office.

Hearing: Friday, August 15, 1997 at 9:00 a.m., Room 106 County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible: for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

7/333 July 24 C160171

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

041015

DATE 7-3-97 ACCOUNT Pool-6150

AMOUNT \$ 650.00

RECEIVED
FROM:

M. Psotsky 322 Main St.

FOR:

JAR, SDH, X.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

PAID RECEIPT

PROCESS ACTION TIME
003/1997 7/03/1997 09:05:17

REC NO. CASHIER NO. FOR (4945)
MISCELLANEOUS CASH RECEIPT

Receipt # 004012

OF NO. 041015

001:

50.00 / 100%

Baltimore County Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 98-7-SPHA

Petitioner/Developer:

(Michael S. Rosofsky)

Date of Hearing/~~Certification~~:

(~~August~~ 15, 1997)

SEPT 3

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

322 Main Street Reisterstown, Maryland 21136 _____

The sign(s) were posted on _____

Aug 19

July 31, 1997

(Month, Day, Year)

Sincerely,

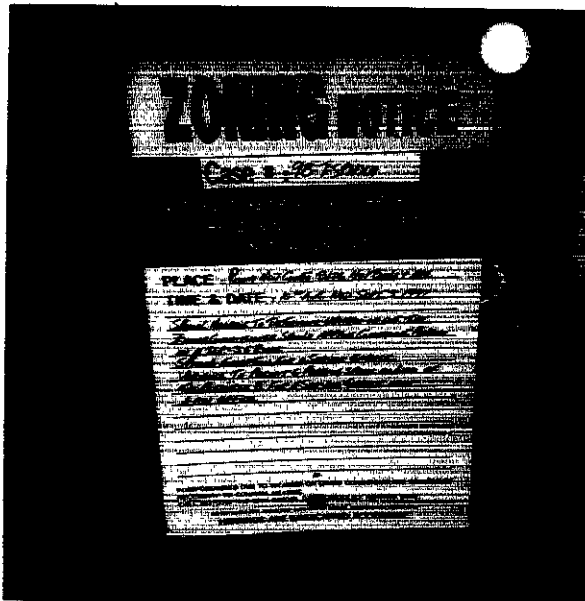

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.
(Printed Name)

325 Nicholson Road
(Address)

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)



98-7-SPHA



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 7

Petitioner: MICHAEL S. ROSOFSKY.

Location: 322 MAIN STREET REISTERSTOWN MD. 21136

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MICHAEL S. ROSOFSKY.

ADDRESS: 322 MAIN STREET
REISTERSTOWN, MD. 21136

PHONE NUMBER: 410-526-9220.

AJ:ggs

(Revised 09/24/96)

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-7-SPHXA

A PUBLIC HEARING WILL BE HELD BY:
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: A SPECIAL EXCEPTION FOR A SERVICE
GARAGE, ~~IN A~~ SPECIAL HEARING FOR COMMERCIAL
PARKING IN A RESIDENTIAL ZONE AND A
VARIANCE FOR 6 PARKING SPACES IN LIEU
OF THE REQUIRED 8 FOR A SERVICE GARAGE AND
LAW OFFICE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 4, 1997

NOTICE OF REASSIGNMENT

Postponed from 8/15/97
CASE NUMBER: 98-7-SPHXA
322 Main Street
W/S Main Street, 290'+/- S fromc /l Bond Avenue
4th Election District - 3rd Councilmanic
Legal Owner(s): Michael S. Rosofsky
Contract Purchaser(s): Durkee & Rosofsky

Special Hearing to determine whether or not the Zoning Commissioner
should approve commercial parking in a D.R.-3.5 zone.
Special Exception for a service garage.
Variance to permit 6 parking spaces in lieu of the required 8 for a
service garage and law office.

HEARING: WEDNESDAY, SEPTEMBER 3, 1997 at 10:00 a.m. Room 407 Courts
Building, 401 Bosley Avenue.

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

ARNOLD JABLON
DIRECTOR

cc: Baltimore After Market Auto Sound & Security
M & H Development & Enginerring, Inc.
Michael Rosofsky

PLEASE NOTE THAT THE ZONING SIGN ON THE PROPERTY MUST BE ALTERED TO
GIVE NOTICE OF THE ABOVE HEARING ON OR BEFORE AUGUST 19, 1997 AND
CERTIFICATION OF SAME FILED WITH THIS OFFICE. PLEASE CONTACT THE SIGN
VENDOR USED FOR THE ORIGINAL POSTING.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 31, 1997

Michael S. Rosofsky, Esq.
Durkee & Rosofsky
322 Main Street
Reisterstown, MD 21136

Re: CASE NUMBER: 98-7-SPHXA
PETITIONER(S): Rosofsky
LOCATION: 322 Main Street

Dear Mr. Rosofsky:

The above matter, previously assigned to be hearing on August 15, 1997 has been postponed at your request.

It is our understanding that M & H Development & Engineering, Inc. has contracted to have the sign posted and that they will contact the poster upon receipt of the new hearing date .

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name.

Arnold Jablon
Director

AJ:ggs

cc: Baltimore After Market Auto Sound & Security
M & H Development & Engineering, Inc.
Irv Schneider



TO: PUTTICK PUBLISHING COMPANY
July 24, 1997 Issue - Jeffersonian

Please forward billing to:

Michael S. Rosofsky
322 Main Street
Reisterstown, MD 21136
410-526-9220

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-7-SPHXA
322 Main Street
W/S Main Street, 290' +/- S from /l Bond Avenue
4th Election District - 3rd Councilmanic
Legal Owner(s): Michael S. Rosofsky
Contract Purchaser(s): Durkee & Rosofsky

Special Hearing to determine whether or not the Zoning Commissioner should approve commercial parking in a D.R.-3.5 zone.

Special Exception for a service garage.

Variance to permit 6 parking spaces in lieu of the required 8 for a service garage and law office.

HEARING: FRIDAY, AUGUST 15, 1997 at 9:00 a.m., Room 106 County Office Building, 111 W. Chesapeake Avenue.

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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 18, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-7-SPHXA
322 Main Street
W/S Main Street, 290'+/- S from /1 Bond Avenue
4th Election District - 3rd Councilmanic
Legal Owner(s): Michael S. Rosofsky
Contract Purchaser(s): Durkee & Rosofsky

Special Hearing to determine whether or not the Zoning Commissioner should approve commercial parking in a D.R.-3.5 zone.

Special Exception for a service garage.

Variance to permit 6 parking spaces in lieu of the required 8 for a service garage and law office.

HEARING: FRIDAY, AUGUST 15, 1997 at 9:00 a.m., Room 106 County Office Building, 111 W. Chesapeake Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Michael S. Rosofsky
M & H Development & Engineering, Inc.
Baltimore After-Market Auto Sound & Security

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 31, 1997.
(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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 8, 1997

Michael S. Rosofsky, Esquire
322 Main Street
Reisterstown, MD 21136

RE: Item No.: 007
Case No.: 98-7-SPHXA
Petitioner: Michael S. Rosofsky

Dear Mr. Rosofsky:

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 July 3, 1997.

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 Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



Baltimore County Government
Fire Department



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

(410) 887-4500
DATE: 10/07/96

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

RE: Property Owner: Michael S. Rosofsky

Location: DISTRIBUTION MEETING OF July 14, 1997

Item No.: 007 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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT A. GAUERWALD

Fire Marshal Office, PHONE 987-4881 MS-1002F

cc: File



B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

DATE: July 21, 1997

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SIGNED: ROBERT W. BOWLING

SUBJECT: Zoning Advisory Committee Meeting
 for July 21, 1997
 Item Nos. 590, 591, 003, 004, 005,
 007, 008

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

97-3936
7/30/97
P
R4E

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: July 25, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 322 Main Street

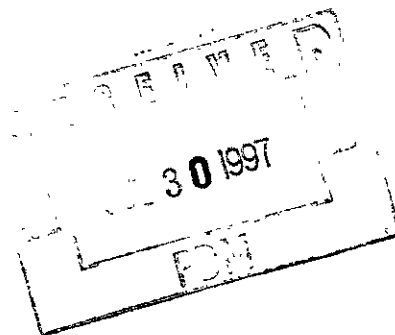
INFORMATION

Item Number: 7

Petitioner: Rosofsky Property

Zoning: BL

Requested Action: Special Exception



Summary of Recommendations:

The subject property is located within a National Register Historic District, and is listed on the Maryland Historic Trust Inventory (see BA 1233). Therefore, referral to the Landmarks Preservation Commission is required. Commission comments will be forwarded to the Zoning Commissioner after the next Landmarks Preservation meeting which is scheduled to be held on August 14, 1997. It is also important to note that the State of Maryland and Baltimore County have embarked on a Streetscape Improvement Program along historic Main Street. Clearly, the State and County have expended considerable funding to improve and enhance the appearance of the mixed use commercial properties located on Main Street.

The staff does not oppose the applicant's request; however, the following conditions should be imposed if the petitions are granted:

1) The area intended to be utilized for parking should be screened with a dense evergreen landscape treatment.

2) The freestanding sign which advertises another use on the lot should be replaced with one that is more in keeping with the historical character of the area. In addition, improvement of the property with a more compatible sign would contribute to the current streetscape program presently under construction along the Main Street corridor.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

AFK/JL

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

TO: PDM

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

DATE: 7/14/97

SUBJECT: Zoning Advisory Committee
Meeting Date: 7/14/97

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

Item #'s:

591
559
579
002
005
006
(007)
004

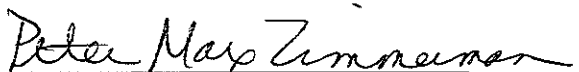
RBS:sp

BRUCE2/DEPRM/TXTS8P

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION		
PETITION FOR VARIANCE	*	ZONING COMMISSIONER
322 Main Street, W/S Main Street,		
290'+/- S from c/l Bond Avenue	*	OF BALTIMORE COUNTY
4th Election District, 3rd Councilmanic		
	*	CASE NO. 98-7-SPHXA
Legal Owner(s): Michael S. Rosofsky		
Contract Purchaser(s): Durkee & Rosofsky	*	
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

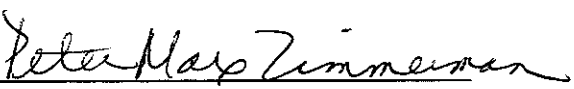
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County


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 6th day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to Michael S. Rosofsky, Esq., 322 Main Street, Reisterstown, MD 21136, attorney for Petitioners.


PETER MAX ZIMMERMAN



Code

Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: July 31, 1997

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - KW
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 007
PETITIONER: Michael Rosofsky

VIOLATION CASE NO.: C-97-5783

LOCATION OF VIOLATION: 322 Main Street
3rd Election District

DEFENDANTS: Michael S. Rosofsky

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

Irv Schneider

716 Main Street
Reisterstown, MD 21136

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/KW/hek

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: July 25, 1997
Revised: August 15, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 322 Main Street

INFORMATION

Item Number: 7

Petitioner: Rosofsky Property

Zoning: BL & DR 3.5

Requested Actions: Special Exception, Special Hearing and Variance

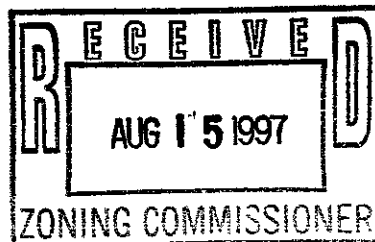
Summary of Recommendations:

The subject property is located within the Reisterstown National Register Historic District, and is listed on the Maryland Historical Trust Inventory (see BA 1233). Therefore, the advice of the Landmarks Preservation Commission was requested. At its meeting on August 14, 1997, the Commission agreed with the Planning staff's recommendations as stated below.

It is also important to note that the State of Maryland and Baltimore County have embarked on a Streetscape Improvement Program along historic Main Street. Clearly, the State and County are spending considerable money to improve and enhance the appearance of the mixed use commercial properties located on Main Street. Because Main Street is both a Commercial Revitalization area and a nationally recognized historic area, it is particularly important to make use of opportunities for improving its appearance in conjunction with conferring advantages through special implementation of the Baltimore County Zoning Regulations.

Thus, although the Planning staff does not oppose the applicant's requests, we do recommend that the following conditions should be imposed if the petitions are granted:

- 1) The area intended to be used for parking should be screened with a dense evergreen landscape treatment.
- 2) The freestanding sign which advertises another use on the lot should be replaced with one that is more in keeping with the historical character of the area.



*Case P.P.
sent to
Glen
for
filing
8/15*

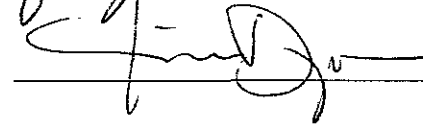
Improvement of the property with a more compatible sign would contribute to the streetscape program presently under construction along the Main Street corridor. The new sign should be the sole sign to identify both uses on the lot, and its placement and design, but not its content, should be made subject to approval by the Baltimore County Landmarks Preservation Commission.

Finally, it should be noted that, besides being on the MHT Inventory, the former dwelling at 322 Main Street is also on the Baltimore County Final Landmarks List (#122). If the sign is to be wall-mounted instead of freestanding, or if any other alteration is to be made to the exterior of the structure, it is mandatory to obtain the Landmarks Preservation Commission's prior approval pursuant to County Code Sections 26-542, et seq.

Prepared by:



Division Chief:



AFK/JL

98-17
8/15
9/3

8/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: July 25, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 322 Main Street

INFORMATION

Item Number: 7
Petitioner: Rosofsky Property
Zoning: BL
Requested Action: Special Exception

Summary of Recommendations:

The subject property is located within a National Register Historic District, and is listed on the Maryland Historic Trust Inventory (see BA 1233). Therefore, referral to the Landmarks Preservation Commission is required. Commission comments will be forwarded to the Zoning Commissioner after the next Landmarks Preservation meeting which is scheduled to be held on August 14, 1997. It is also important to note that the State of Maryland and Baltimore County have embarked on a Streetscape Improvement Program along historic Main Street. Clearly, the State and County have expended considerable funding to improve and enhance the appearance of the mixed use commercial properties located on Main Street.

The staff does not oppose the applicant's request; however, the following conditions should be imposed if the petitions are granted:

- 1) The area intended to be utilized for parking should be screened with a dense evergreen landscape treatment.
- 2) The freestanding sign which advertises another use on the lot should be replaced with one that is more in keeping with the historical character of the area. In addition, improvement of the property with a more compatible sign would contribute to the current streetscape program presently under construction along the Main Street corridor.

Prepared by: Jeffrey W. Low

Division Chief: Gary L. Kerns

AFK/JL

97-3929

7/30/97
8
70 SS

DURKEE & ROSOFSKY

ATTORNEYS AT LAW
322 MAIN STREET
REISTERSTOWN, MARYLAND 21136
TEL: (410) 526-9220 • FAX (410) 526-9224

MICHAEL S. ROSOFSKY*

CARL A. DURKEE
(RETIRED)

*ALSO ADMITTED IN D.C. AND PA.

COURT SQUARE BUILDING
200 EAST LEXINGTON STREET
SUITE 1005
BALTIMORE, MARYLAND 21202
TEL: (410) 539-1500

July 26, 1997

Via Certified Mail - Return Receipt Requested

Arnold Jablon, Director
Baltimore County
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Robin
okay 9/3

RE: Case No.: 98-7-SPHXA
322 Main Street
W/S Main Street
4th Election District - 3rd Councilmanic
Legal Owner: Michael S. Rosofsky
Contract Purchaser: Durkee & Rosofsky

Dear Mr. Jablon:

I am in receipt of the Notice of Hearing scheduled for August 15, 1997 at 9:00 am. The purpose of this letter is to request that the above hearing be postponed and rescheduled at your earliest convenience. The reason for my request is because I am scheduled to appear as attorney for the defense in the District Court for Baltimore City on August 15, 1997 at 9:00 a.m. for the trial of the matter of State v. Keeton.

Please contact my office to advise if this request for postponement is granted, and if so, to schedule a mutually agreeable hearing date.

In addition, please forward my office a list of "sign posters," as I did not receive one.

Thank you for your consideration in this regard.

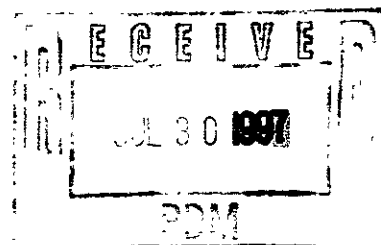
Very truly yours,

Michael S. Rosofsky/rms

Michael S. Rosofsky

MSR/rms

cc: Baltimore After Market Auto Sound & Security
M & H Development & Engineering, Inc.



BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

98-7-SPHXA

DATE: July 3, 1997

TO: Hearing Officer

FROM: Joseph C. Merrey
Planner I
Zoning Review, PDM

SUBJECT: Item #7
322 Main Street

Issues Covered With Petitioner:

Parking:

Not Delineated

Travel Lanes -- 2-way only 15 feet

Surface - i.e., Durable Dustless?

Service Garage Parking in D.R. Zone Without Screening

JCM:scj

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

GLENN COOK (The Traffic Group)

40 W. CHESAPEAKE AVE, Suite 600 Towson 21204

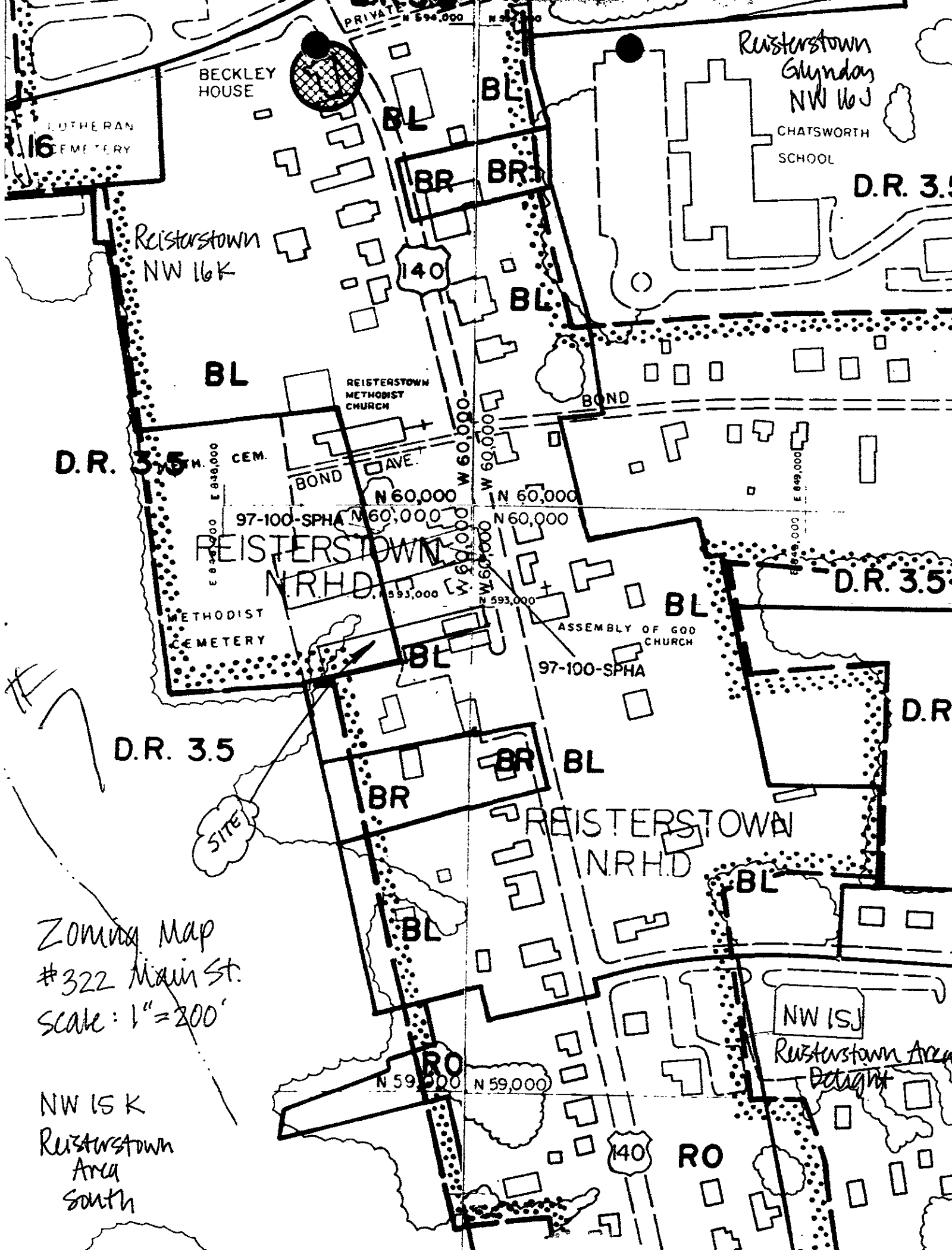
VINCE MOSKYNAC MEN-DEV. ENG, INC

200 E. JOPPA RD. SUITE 101 Towson, MD 21286

Michael Rosalby property

322 Main St, Res. Luthr, MD 21136

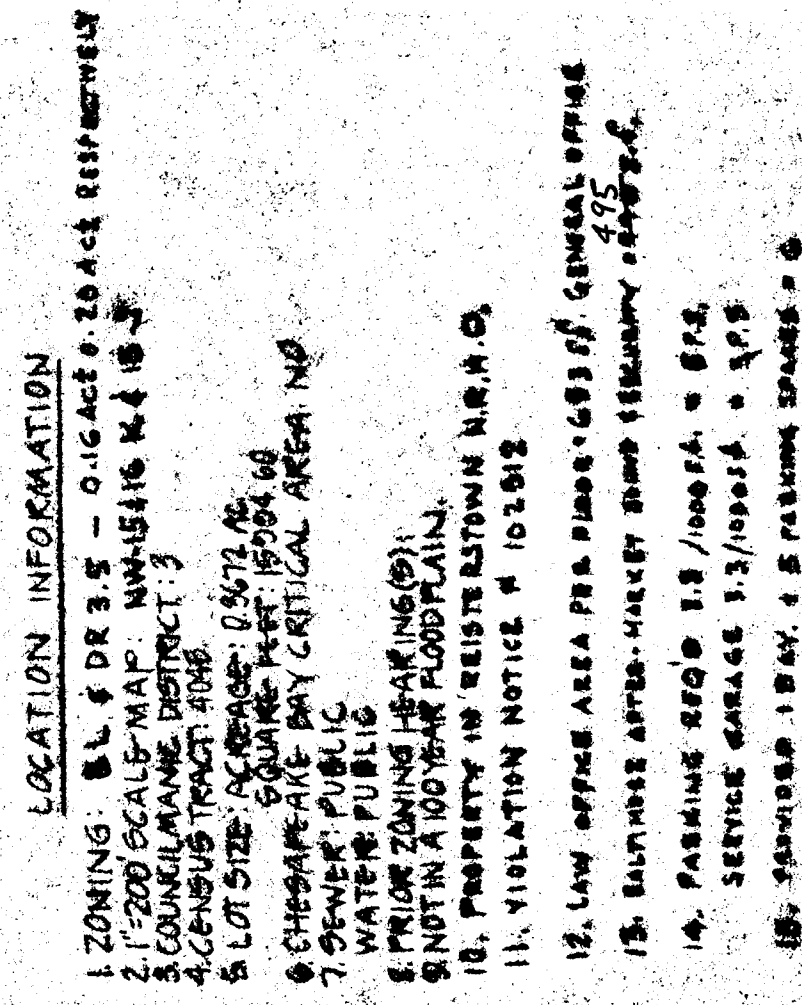




Zoning Map
#322 Main St.
Scale: 1" = 200'

NW 15K
Reisterstown
Area
South





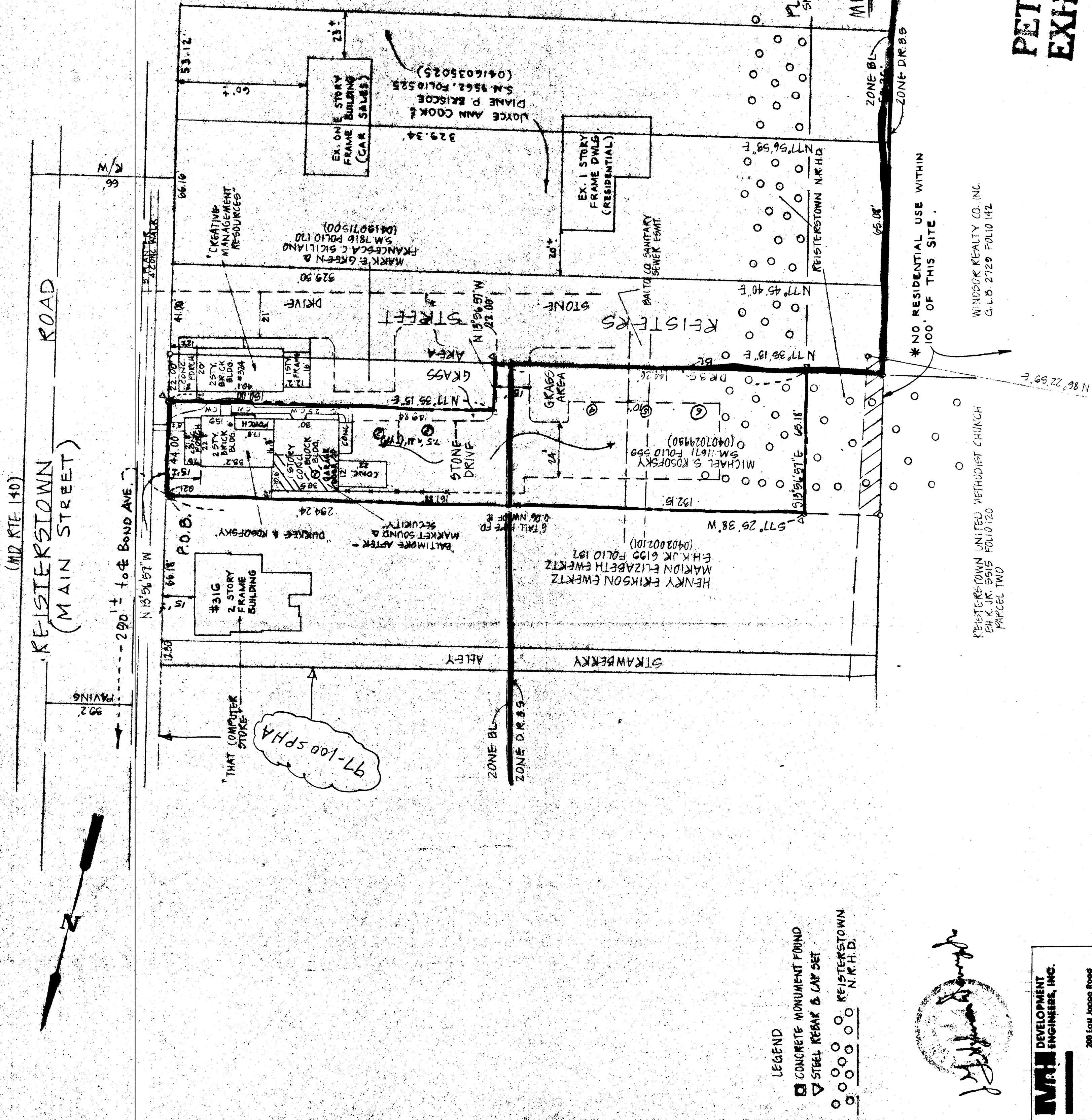
PLAT TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION/SPECIAL HEARING/VARIANCE
#322 MAIN STREET
MICHAEL S. KOSOFKY PROPERTY

ELECTION DISTRICT NO 4
BALTIMORE CO. MD
SCALE: 1"=50'
JUNE 11, 1997
REVISED JUNE 30, 1997
REVISED SEPT. 2, 1997.

**PETITIONER'S
EXHIBIT** *No 1*

666-116

ZONING OFFICE- USE ONLY !
REVIEWED BY: _____ ITEM # _____ CASE # _____

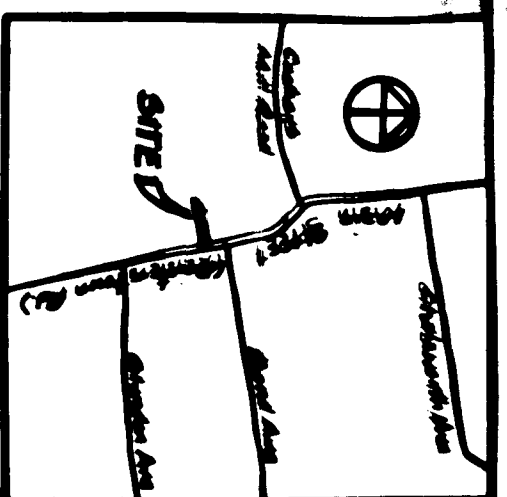


WINDSOR REALTY CO., INC.
G.L.B. 2729 FOLIO 142

KEISTERS TOWN UNITED METHODIST CHURCH
CH. K. JR. 5515 FOLIO 120
PARCEL TWO

M/R DEVELOPMENT
ENGINEERS, INC.

288 East Joppa Road
Room 101, Shell Building
Lowson, Maryland
828-9060



VICINITY MAP
Scale 1"=1000'

Scale 1" = 1000'

Petition for Variance
to the Zoning Commission of Baltimore County
for the property located at 310 Main Street, Baltimore, MD 21204

DE 153/16
The following is a copy of the petition for a variance from the Zoning Commission of Baltimore County, Maryland, for the property located at 310 Main Street, Baltimore, MD 21204, as shown on the map of Baltimore County, Maryland, in the Zoning Commission's file.

Property to be varied: 310 Main Street, Baltimore, MD 21204
Zoning District: R-1
Variance requested: To vary the height of the building from 35 feet to 40 feet.
Petitioner: James A. Eckhoff, et al.
Address: 310 Main Street, Baltimore, MD 21204
Date: September 15, 1996

DE 17-100-SPHA
The following is a copy of the petition for a variance from the Zoning Commission of Baltimore County, Maryland, for the property located at 310 Main Street, Baltimore, MD 21204, as shown on the map of Baltimore County, Maryland, in the Zoning Commission's file.

Baltimore County
Department of Permits and
Development Management
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

NOTICE OF HEARING
The following is a copy of the petition for a variance from the Zoning Commission of Baltimore County, Maryland, for the property located at 310 Main Street, Baltimore, MD 21204, as shown on the map of Baltimore County, Maryland, in the Zoning Commission's file.



97-100-SPHA
ZONING DISCRESSION
310 MAIN STREET
Baltimore, MD 21204
The following is a copy of the petition for a variance from the Zoning Commission of Baltimore County, Maryland, for the property located at 310 Main Street, Baltimore, MD 21204, as shown on the map of Baltimore County, Maryland, in the Zoning Commission's file.

Baltimore County
Department of Permits and
Development Management
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

NOTICE OF HEARING
The following is a copy of the petition for a variance from the Zoning Commission of Baltimore County, Maryland, for the property located at 310 Main Street, Baltimore, MD 21204, as shown on the map of Baltimore County, Maryland, in the Zoning Commission's file.

CERTIFICATE OF PUBLICATION
THIS IS TO CERTIFY that the proposed advertisement was published in THE BALTIMORE SUN, a weekly newspaper published in Baltimore, Maryland, on September 15, 1996, at the time and place specified in the petition for a variance.

97-100
The following is a copy of the petition for a variance from the Zoning Commission of Baltimore County, Maryland, for the property located at 310 Main Street, Baltimore, MD 21204, as shown on the map of Baltimore County, Maryland, in the Zoning Commission's file.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE
TO: Arnold Jablon, Director
FROM: Robert W. Bowling, Chief
SUBJECT: Zoning Advisory Committee Meeting
Date: Sept. 19, 1996