

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
NE/Corner Sparrows Point Road * ZONING COMMISSIONER
and Manor Avenue * OF BALTIMORE COUNTY
(2422 Sparrows Point Road) * Case No. 98-206-X
15th Election District *
7th Councilmanic District *
Deborah Y. Buchanan and *
John Houdersheldt - Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Deborah Y. Buchanan and John Houdersheldt. The Petitioners request a special exception to permit living quarters in a commercial building, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.). 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 Deborah Buchanan, property owner, and David Billingsley, a representative of Central Drafting & Design, Inc., the consultants 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 a gross area of 0.145 acres, more or less, zoned B.L.-A.S., and is located on the northwest corner of Sparrows Point Road at its intersection with Manor Avenue in Edgemere. The property is improved with a one-story building and accessory gravel parking area for a Barber Shop, which is owned and operated by Ms. Buchanan. The Petitioner is desirous of constructing a second floor addition to the existing building to pro-

ORDER RECEIVED FOR FILING

Date

By

vide living quarters for her father, John Houdersheldt. In addition, the Petitioner proposes an expansion and paving of the existing gravel parking lot to provide parking for up to five automobiles. Testimony indicated that the proposed apartment will provide an inexpensive place for her father to live and provide security for her business.

An examination of the site plan shows that the property is located in a mixed commercial/residential area. Most of the properties which front on Sparrows Point Road are commercially zoned and used for commercial/retail purposes. However, to the rear of the site down Manor Avenue, a number of properties are used for residential purposes.

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

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

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in

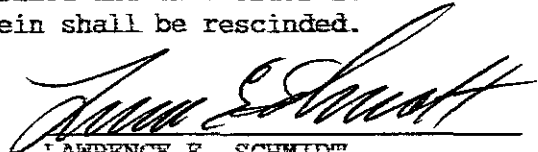
roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

Based upon the testimony and evidence offered, all of which was undisputed, I am persuaded to grant the Petition for Special Exception. In my judgment, the proposed addition is in keeping with the character of the neighborhood and appears an appropriate improvement to the property. It is also to be noted that there were no adverse Zoning Plans Advisory Committee (ZAC) comments submitted. Thus, it appears that the special exception should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition 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 7th day of January, 1998 that the Petition for Special Exception to permit living quarters in a commercial building, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), 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 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 1/7/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

January 7, 1998

Ms. Deborah Y. Buchanan
2422 Sparrows Point Road
Edgemere, Maryland 21219

RE: PETITION FOR SPECIAL EXCEPTION
NE/Corner Sparrows Point Road and Manor Avenue
(2422 Sparrows Point Road)
15th Election District - 7th Councilmanic District
Deborah Y. Buchanan and John Houdersheldt - Petitioners
Case No. 98-206-X

Dear Ms. Buchanan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. David Billingsley
601 Charwood Court, Edgewood, Md. 21040

People's Counsel; Case Files



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2422 Sparrows Point Road

which is presently zoned BL-AS

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a living quarters in a commercial building per Section 230.13 (B.C.Z.R.)

Wjm.

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

Deborah Buchanan

(Type or Print Name)

Signature

Signature

**Deborah Y. Buchanan*

Address

John Houdersheldt

(Type or Print Name)

City

State

Zipcode

Signature

**John Houdersheldt*

Attorney for Petitioner

2422 Sparrows Point Rd. 410-477-2255

Address

Phone No.

Edgemere, Md.

21219

City

State

Zipcode

Name, Address and phone number of representative to be contacted

(Type or Print Name)

Signature

David Billingsley

Name

601 Charwood Ct.

Edgewood, Md. 21040

410-679-8719

Address

Phone No.

Address

Phone No

City

State

Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

RT

DATE

11-26-97

ORDER RECEIVED FOR FILING

Date

BY

Revised 9/5/95

WANTS
MONDAY
HEARING

98-206-X

ITEM# 206



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2422 Sparrows Point Road

which is presently zoned BL-AS

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a living quarters in a commercial building per Section 230.13 (B.C.Z.R.)
vjm.

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

Deborah Buchanan

(Type or Print Name)

**Deborah Buchanan*
Signature

John Houdersheidt

(Type or Print Name)

**John Houdersheidt*
Signature

2422 Sparrows Point Rd. 410-477-2255

Address

Phone No

Edgemere, Md.

21219

City

State

Zipcode

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

David Billingsley

Name

601 Charwood Ct.

Edgewood, Md. 21040

410-679-8719

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: R.T.

DATE 11-26-97



Revised 9/5/95

98-206-X

ITEM #206

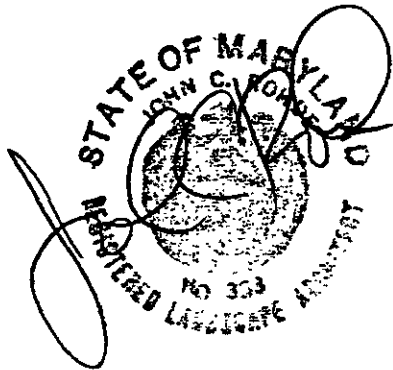
CENTRAL DRAFTING AND DESIGN, INC.

601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
(410) 679-8719 FAX (410) 538-6160

**ZONING DESCRIPTION
2422 SPARROWS POINT ROAD**

Beginning at a point on the north side of Sparrows Point Road (35 feet wide) at it's intersection with the west side of Manor Avenue (40 feet wide) thence: (1) S 87 47' W 50.01 feet, (2) N 01 04' W 126.56 feet, (3) N 88 56' E 50.00 feet and (4) S 01 04' E 125.56 feet to the place of beginning. Containing 0.145 acre of land.

Being lots 241 and 242 as shown on the plat entitled Sparrows Point Manor recorded in Baltimore County Plat Book 5 Folio 82. Also known as 2422 Sparrows Point Road and being located in the 15TH Election District.



ITEM # 206

98-206-X

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/18, 1997

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 12/18, 1997.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

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: #98-206-X
2422 Sparrows Point Road
NWC Sparrows Point Road
and Manor Avenue
15th Election District
7th Councilmanic District
Legal Owner(s):

Deborah Buchanan &
John Houdersheldt

Special Exception: for living quarters in a commercial building.

Hearing: Monday, January 5, 1998 at 11:00 a.m., Room 407, County Courts Bldg., 401 Buskey 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.

12/136 Dec. 18 C196319

BALTIMORE COUNTY, MAF AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

ITEM # 206

No.

046756

DATE 11-26-97 ACCOUNT R-001-6150

050-SPX

AMOUNT \$ 300.00

RECEIVED
FROM:

Deborah Abrams

FOR:

Special Exemption
3422 SPARROWS PT.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Reg. 1

PAID RECEIPT

PROCESS ACTUAL TIME

11/26/1997 11/26/1997 09:17:15

REF: USM4 CASHIER LSN1 LXS DRAWER

5 MISCELLANEOUS CASH RECEIPT

Receipt # 029036

OFLN

CR NO. 046758

300.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 98-206-X
Petitioner/Developer:
(Deborah Buchanan)
Date of Hearing/Closing:
(Jan. 5, 1998)

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 Gentleman:

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 _____

_____ 2422 Sparrows Point Road Baltimore, Maryland 21219 _____

The sign(s) were posted on _____ Dec. 19, 1997 _____
(Month, Day, Year)

Sincerely,

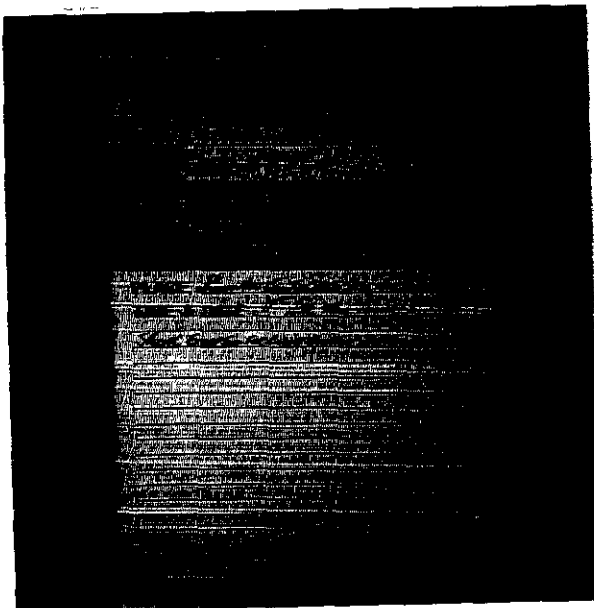

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)



98-206-X



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/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (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.: 206

Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JOAN HOUDESNEXT

ADDRESS: 2422 SPARROWS POINT Rd.

EDGEWATER, MO. 21219

PHONE NUMBER: 410-679-8719

AJ:ggs

(Revised 09/24/96)



Baltimore County
Department of Permits and
Development Management

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

December 5, 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: 98-206-X
2422 Sparrows Point Road
NWC Sparrows Point Road and Manor Avenue
15th Election District - 7th Councilmanic District
Legal Owner: Deborah Buchanan & John Houdersheldt

Special Exception for living quarters in a commercial building.

HEARING: Monday, January 5, 1998 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Deborah Buchanan & John Houdersheldt
David Billingsley

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 19, 1997.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
December 18, 1997 Issue - Jeffersonian

Please forward billing to:

John Houdersheldt 410-679-8719
2422 Sparrows Point Road
Edgemere, MD 21219

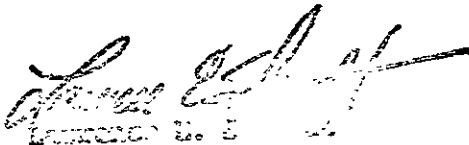
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HEARING: Monday, January 5, 1998 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.



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.

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:

ITEM # 206

ZONING NOTICE

Case No.: 98-206 X

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

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL EXCEPTION FOR A LIVING
QUARTERS IN A BL-AS ZONE.

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

December 17, 1997

Ms. Deborah Buchanan & Mr. John Houdersheldt
2422 Sparrows Point Road
Edgemere, MD 21219

RE: Item No.: 206
Case No.: 98-206-X
Petitioner: D. Buchanan, et al

Dear Ms. Buchanan & Mr. Houdersheldt:

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 November 26, 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." The signature is written in a cursive style.

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

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

RE: Property Owner: Barry S. Kraus - 202
Deborah Buchanan & John Houdersheldt - 206

Location: DISTRIBUTION MEETING OF December 8, 1997

Item No.: 202 and (206) 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.

- E. 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 P. SAUERWALD

Fire Marshal Office, PHONE 887-4881. M5-1102F

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

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: December 11, 1997

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for December 15, 1997
 Item No. 206

 The Bureau of Developer's Plans Review has reviewed the subject zoning item. The entrance to the parking lot shall be built per the Department of Public Works' Standard Plate R-32A.

RWB:HJO:jrb

cc: File

ZONE1215.206



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 12/5/97
Item No. 206 RT

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

FOR Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: December 9, 1997

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

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos. 190, 201, 202, 204, 205, 206 and 207

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

AFK/JL

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

TO: PDM

DATE: 12/15/97

FROM: R. Bruce Seeley. RBS/98
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Dec 3, 97

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

Item #'s: 261

262

~~265~~

266

RBS:sp

BRUCE2/DEPRM/TXTSBP



(SHEET S.E. 7-H)

MORE COUNTY PLANNING AND ZONING ZONING MAP

SPECIAL EXCEPTION
2422 SPARROWS POINT RD.
SE 6-H

ITEM # 206

98-206-X