

IN RE: PETITION FOR SPECIAL HEARING
N/S Melrose Avenue, 312' W of the c/l
Ingleside Avenue
(14-28 Melrose Avenue)
1st Election District
1st Councilmanic District

Elmer L. Morsberger, et al, Owners;
746 Associates, LLC, Contract Lessee

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-122-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Elmer L. Morsberger, Louis P. Morsberger, and Morsberger Developments, Inc., and the Contract Lessee, 746 Associates, L.L.C., by Thomas Booth, Managing Member, through their attorney, Michael P. Tanczyn, Esquire. The Petitioners seek approval of business parking in a R.O. (residential/office) zone and a use permit for the use of land in a residential office zone for parking facilities, pursuant to the requirements of Sections 409.6 and 409.8B.1(d) and (e), to provide required parking to support the commercial or business use adjacent thereto. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 3.

Appearing at the requisite public hearing on behalf of the request were Elmer L. Morsberger and Louis P. Morsberger, co-owners of the subject property; Iwona Rostek-Zarska, the Professional Engineer who prepared the site plan of this property; Salem Reiner, a representative of Baltimore County's Office of Economic Development; and, Michael P. Tanczyn, Esquire, attorney for the Petitioners. Others who appeared in support of the request were Gladys Boardley and Denise Nash, adjoining property owners, and James W. Mohler, Maureen Sweeney Smith, and Emily J. Sacchetti. Appearing in opposition to the request were Brian Nippard, Patricia A. Stack, Scott A. Westcoat, and Leslie and Michelle Buchanan, nearby residents.

The subject lot under consideration is part of an overall tract located in the "downtown" Catonsville business community that is proposed for redevelopment. Much of the tract is situated

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Date 11/3/99
[Signature]

between Frederick Road and Melrose Avenue, and is zoned B.L.-C.C.C. In prior Hearing Officer's Hearing, Case No. I-457, this Zoning Commissioner/Hearing Officer granted approval of a development plan for a portion of the site on January 5, 1999. That plan essentially called for the construction of a 4,220 sq.ft. Friendly's Restaurant on that portion of the property located immediately adjacent to Frederick Road. To the rear of the restaurant, adjacent to Melrose Avenue, approval was granted for a two-story office building containing 14,950 sq.ft. in area. In addition to these two structures, accessory parking areas on the site were also approved. The development is more particularly shown on Petitioner's Exhibit 3, a site plan of the property.

The issue in the instant case relates to property across Melrose Avenue from the B.L. zoned portion of the tract. That lot encompasses those properties known as 14 through 28 Melrose Avenue, and contains 16,214 sq.ft. in area, zoned R.O. As more particularly shown on the plan, the Petitioners propose utilizing the property as a parking lot to provide an additional 54 parking spaces. In this regard, it was indicated that a tenant for the new office building has been secured. This tenant is a corporation engaged in the business of administering standardized tests to Maryland grade school and secondary school students. Apparently, the proposed parking lot is necessary to provide parking for the staff of that tenant.

Section 409.8B of the B.C.Z.R. empowers the Zoning Commissioner to issue a use permit for the use of land in a residential zone for parking facilities. Section 409.8.B.1 sets out the process through which a use permit may be issued, including the holding of a public hearing, as in this case. Section 409.8.B.2 sets out the requirements for the issuance of such a use permit. Among the requirements listed is the standard that the lot at issue must adjoin or be across an alley or street from the business or industry involved. Clearly, the proposal in this case satisfies that requirement.

Testimony was received in support of the request from Salem Reiner on behalf of Baltimore County's Office of Economic Development. Mr. Reiner indicated that the development of the B.L. zoned portion of the tract was vital to the ongoing revitalization of the Catonsville commercial center. He indicated that the proposed parking lot was necessary to serve the proposed office building and believes that same is appropriate for the area.

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Date 11/3/99
by [Signature]

Testimony relative to the design and layout of the parking lot was offered by Iwona Rostek-Zarska. She noted that a storm drain will be installed through the center of the parking lot to collect and control storm water. This drain will manage the water and direct the flow of same to a suitable outfall. Apparently, a storm water management plan for this lot has been reviewed and accepted by the Department of Environmental Protection and Resource Management (DEPRM). Ms. Rostek-Zarska also indicated that the lot would be landscaped and that lighting would be directed downward and away from adjacent uses. In her judgment, the proposal will not detrimentally impact the health, safety or general welfare of the surrounding locale.

Credible testimony was also received from the two neighbors who would be most impacted by the proposed parking lot. Ms. Gladys Boardley resides immediately adjacent to the subject property. She testified that the lot is presently wooded and is frequently a haven for undesirable and dangerous individuals. She further testified that her house has been robbed twice in the recent past. Ms. Boardley believes that the use of the property as a parking lot is appropriate and would promote a safer environment. She also believes that lighting on the lot will provide more security to the area.

Similar testimony was offered by Ms. Denise Nash, who resides on the other side of the subject property from Ms. Boardley. Ms. Nash also believes that the lot is an appropriate land use.

Testimony was received from a number of the Protestants. Ms. Stack produced a Petition which had been signed by many individuals in the neighborhood. Reading that Petition, however, discloses that the signatories thereon object to the "rezoning" of the property from R.O. to B.L. to accommodate the parking lot. There is no rezoning proposed in this case, thus the Petition is erroneous. Nonetheless, the Protestants object to the lot and believe that same is inappropriate and that the proposed use, from a traffic standpoint, would have a detrimental effect on residential properties in the area.

Following the hearing, I conducted a site visit to the property. In addition to the building of the Friendly's Restaurant and office building on the subject parcel, there is significant construction in the area. No doubt most of this construction is an effort to revitalize this older business community. Frederick Road basically runs through the center of the Catonsville business

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Date 11/2/99
[Signature]

district. The properties which front on either side of that road contain business/commercial/retail uses. As is the case with many commercial corridors, the business zoning extends from the road frontage towards the rear of those properties. Behind the lots which front Frederick Road, many of the abutting properties are zoned R.O., or a similar designation, in order to buffer the residential lots which are located further to the interior.

Although this case is not about rezoning, the R.O. designation appears appropriate. During my site inspection, I noted the existence of the Baltimore County Health Center and a home for the elderly on Fusting Avenue. Both of these uses are not purely residential; that is, not single family residences.

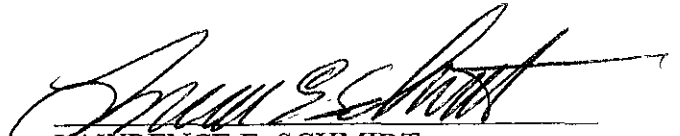
In my judgment, the proposed use is appropriate here. The parking lot will be located immediately across Melrose Avenue from a major project which was undertaken to revitalize the Catonsville community. The lot is consistent with the office building and other retail/commercial/business uses which are easily visible from this site. Moreover, it is not inconsistent with the character of the nearby community. The Petitioner proposes to landscape the lot and keep some existing vegetation. There is no proposal in these proceedings to convert the lot to business zoning and no above-ground construction proposed thereon. In my judgment, the Petitioner's request has met both the spirit and intent of the B.C.Z.R. and I find there will be no detrimental impact to the health, safety or general welfare of the locale.

However, in granting the relief requested, I will impose certain conditions and restrictions. Specifically, the Petitioner shall install appropriate landscaping and fencing to buffer the lot from Ms. Boardley's property. I will leave the specifics of that to the County's Landscape Architect, Mr. Avery Harden. In this regard, the Petitioner shall submit a landscape plan for review and approval by Mr. Harden, prior to the issuance of any use permits. The landscape plan, including any fencing, should be designed to mitigate the impacts of the lot on nearby residential properties. Additionally, any lighting on the property shall be directed downward and away from adjacent properties. Last, the Petitioner's final storm water management plan must be submitted and approved by the Department of Environmental Protection and Resource Management (DEPRM), prior to the issuance of any use permit.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

5th THEREFORE, IT IS ORDRED by the Zoning Commissioner for Baltimore County this day of November, 1999 that the Petition for Special Hearing seeking approval of business parking in a residential/office zone and a use permit for the use of land in a residential office zone for parking facilities to meet the requirements of Sections 409.6 and 409.8B.1(d) and (e) and to provide required parking to support the commercial or business use adjacent thereto, in accordance with Petitioner's Exhibit 3, 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) Prior to the issuance of any use permit, the Petitioners shall submit a landscape plan for review and approval by Mr. Avery Harden, Landscape Architect for Baltimore County. Said plan, including any fencing, should be designed to mitigate the impacts of the lot on nearby residential properties.
- 3) Prior to the issuance of any use permit, the Petitioner shall submit a final storm water management plan for review and approval by DEPRM.
- 4) All lighting on the subject lot shall be directed downward and away from adjacent properties.
- 5) When applying for any permits, the site plan and/or landscaping 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



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

November 4, 1999

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

RE: PETITION FOR SPECIAL HEARING
N/S Melrose Avenue, 312' W of the c/l Ingleside Avenue
(14-28 Melrose Avenue)
1st Election District – 1st Councilmanic District
Elmer L. Morsberger, et al, Owners/746 Assoc., LLC, Contr. Lessee - Petitioners
Case No. 00-122-SPH

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Messrs. Elmer L. Morsberger & Louis P. Morsberger
713 Frederick Road, Catonsville, Md. 21228
Mr. Thomas Booth, 746 Associates, LLC, 623 Edmondson Ave., Catonsville, Md. 21228
Mr. Steve Warfield, Matis-Warfield, 6600 York Road, Suite 209, Baltimore, Md. 21212
DEPRM; Code Enforcement Division, DPDM; People's Counsel; Case/File

Come visit the County's Website at www.co.ba.md.us





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 14-28 Melrose Avenue
Catonsville, MD 21228
which is presently zoned RO/BL

This Petition shall be filed with the Department of Permits and 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 a business parking lot in a residential zone and grant a use permit for the use of land in a residential zone for parking facilities to meet the requirements of BCZR Section 409.6 and Section 409.8(B)1, (d), and (e), and to provide required parking to support the commercial or business use adjacent thereto.

office

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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:

746 Associates, L.L.C. By:
Thomas Booth as Managing Member

Name - Type or Print Thomas Booth
Signature [Signature]
623 Edmondson Avenue
Address Telephone No.
Catonsville, Maryland 21228
City State Zip Code

Attorney For Petitioner:

Michael P. Tanczyn, Esq.

Name - Type or Print Michael P. Tanczyn
Signature [Signature]
Law Offices of Michael P. Tanczyn
Company
Suite 106, 606 Baltimore Ave. 410-296-
Address Telephone No.
Towson, Maryland 21204 8823
City State Zip Code

Legal Owner(s): (See attached list for additional owner)

Elmer L. Morsberger
Name - Type or Print Elmer L. Morsberger
Signature [Signature]
Louis P. Morsberger
Name - Type or Print Louis P. Morsberger
Signature [Signature]
713 Frederick Road
Address Telephone No.
Catonsville, Maryland 21228
City State Zip Code

Representative to be Contacted:

Steve Warfield c/o
Matis Warfield, Engineers
Name X-114
6600 York Rd. Ste. 209 410-377-4480
Address Telephone No.
Baltimore, Maryland 21212
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By ucr Date 9/17/99

No Review

Case No. 00-122-SPH

Date 9/15/98

Drop. Off

ORDER RECEIVED FOR FILING

ATTACHMENT TO PETITION FOR ADMINISTRATIVE SPECIAL HEARING

Property Located At:

**14-28 Melrose Avenue
Catonsville, MD 21228
Zoned: RO/BL**

Additional Owner:

Morseberger Developments, Inc. By:


Signature

713 Frederick Road
Baltimore, Maryland 21228-4502

ORDER RECEIVED FOR FILING
Date 11/5/99
By [Signature]

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

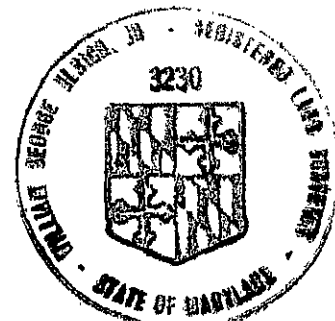
ZONING DESCRIPTION OF THE MORSBERGER DEVELOPMENTS, INC. PROPERTY

All that piece or parcel of land situate, lying and being in the First Election District of Baltimore County, State of Maryland and described as followed to wit:

Beginning for the same at a point on the north side of Melrose Avenue, said point being 312 feet more or less, Westerly from the intersection of the west side of Ingleside Avenue and the north side of Melrose Avenue, thence running and binding on the north side of Melrose Avenue 1.) Westerly 258.89 feet, thence leaving said Melrose Avenue and binding on the land of the herein petitioner and running for the five following courses and distances viz. 2.) Northerly 207 feet more or less, 3.) Easterly 221.00 feet, 4.) Southerly 91.5 feet, 5.) Easterly 39.93 feet, 6.) Southerly 122.98 feet, to the place of beginning.

Containing 1.183 acres of land more or less.

This description only satisfies the requirements of the office of zoning and is not intended to be used for conveyance purposes.



William G. Ulrich, Jr.

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANC
MISCELLANEOUS RECEIPT**

No. **07224**

DATE 9/20/99 ACCOUNT 001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Michael Tanczyn Escrow Acct

FOR: 122-SPH 14-28 Melrose Avenue

Drop-Off ☐ No Review ☐

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
9/21/1999 9/21/1999 14:25:20

REG W503 CASHIER PUES FEW CASHIER 3
Dent 5 ESE JURING VERIFICATION
Receipt # 098043 OFEN
CR NO. 072249

Receipt Tot 250.00
250.00 OK .00 CR
Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
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: #00-122-SPH
14-28 Melrose Avenue
N/S Melrose Avenue, 235' E
of centerline Egges Lane
1st Election District
1st Councilmanic District
Legal Owner(s):

Elmer L. Morsberger, et al
Contract Purchaser:
746 Associates

Special Hearing: to approve
a business parking lot in a
residential zone.

Hearing: Friday, October 29,
1999 at 2:00 p.m. in Room
407, County Courts Bldg.,
481 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

JTU/10/675 Oct. 12 C346011

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/15, 1999

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 Tues 10/12, 1999.

THE JEFFERSONIAN,

J. Williams
LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 00-122-SPH
PETITIONER/DEVELOPER:
(746 Associates)
DATE OF Hearing
(Oct. 29, 1999)

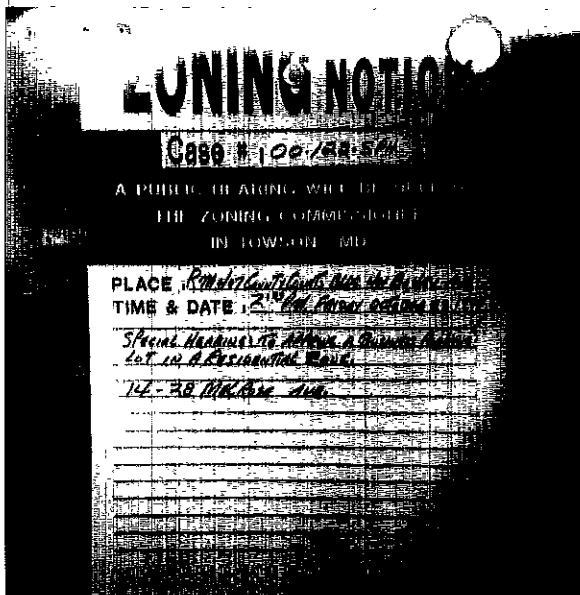
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
14-28 Melrose Ave. Baltimore, Maryland 21228__

The sign(s) were posted on__ 10-13-99 __
[Month, Day, Year]



Sincerely,

Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. ____

____ 325 Nicholson Road ____

____ Baltimore, Maryland 21221 ____

____ (410)-687-8405 ____
[Telephone Number]

RE: PETITION FOR SPECIAL HEARING
14-28 Melrose Avenue, N/S Melrose Ave,
235' E of c/I Egges Ln
1st Election District, 1st Councilmanic

Legal Owner: Elmer & Louis Morsberger and
Morsberger Developments, Inc.
Contract Purchaser: 746 Associates, LLC
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-122-SPH

* * * * *

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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of October, 1999 a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn, Esq., , 606 Baltimore Avenue, Suite 106, Towson, MD 21204, attorney for Petitioners.



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

October 7, 1999

NOTICE OF ZONING 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: 00-122-SPH

14-28 Melrose Avenue

N/S Melrose Avenue, 235' E of centerline Egges Lane

1st Election District - 1st Councilmanic Legal

Legal Owner: Elmer L. Morsberger, et al

Contract Purchaser: 746 Associates

SPECIAL HEARING: To approve a business parking lot in a residential zone.

HEARING: FRIDAY, OCTOBER 29, 1999 AT 2:00 P.M. IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Arnold Jablon
Director

cc: Michael P. Tanczyn, Esq.
Mr. Thomas Booth, 746 Associates
Mr. Steve Warfield
Mr. Elmer L. Morsberger, et al

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY OCTOBER 14, 1999.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
October 12, 1999 Issue - Jeffersonian

Please forward billing to:

Michael P. Tancyn, Esq.
606 Baltimore Avenue, #106
Towson, MD 21204

410-296-8823

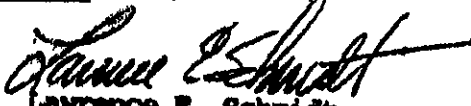
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HEARING: FRIDAY, OCTOBER 29, 1999 AT 2:00 P.M. IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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: October 19, 1999

FROM:  Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for October 18, 1999
 Item Nos. 101, 102, 103, 104, 105,
 108, 110, 111, 113, 114, 116, 117,
 118, 119, 120, 121, 122, 123, 127,
 128, and 129

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

RWB:HJO:jrb

cc: File

Jim
10/29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 20, 1999

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

SUBJECT: 14-28 Melrose Avenue

INFORMATION:

Item Number: 122
Petitioner: 746 Associates LLC
Property Size: 1.18 acres
Zoning: RO
Requested Action: Special hearing for parking

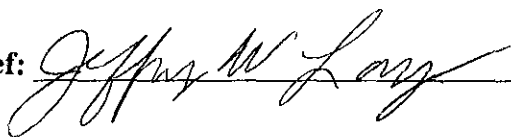
Hearing Date: October 29, 1999

The subject property is located on the north side of Melrose Avenue. The proposal is to improve the property with a 53 space parking lot. The parking lot will be used in conjunction with the retail and office development located to the south and known as 746 Frederick Road Development. It should be noted that the aforementioned development was approved by hearing officer's hearing (PDM 1-457 and CBA-99-195) and is currently under construction.

SUMMARY OF RECOMMENDATIONS:

1. Since the RO zoned property is being utilized in accordance with DR zoning regulations, it appears that RTA buffer and setback requirements apply since the parking lot is located within a RTA generated by the Boardley E. Gladys house, located at 12 Melrose Avenue. A detailed landscape plan should be provided to County landscape architect Avery Harden showing the specific landscaping proposed.
2. The stormwater outfall must be acceptable to the Department of Environmental Protection and Resource Management.

Section Chief:



AFK:DI



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

November 17, 1999

Ms. Patricia A. Stack
29 Fusting Avenue
Catonsville, Md. 21228

RE: PETITION FOR SPECIAL HEARING
N/S Melrose Avenue, 312' W of the c/l Ingleside Avenue
(14-28 Melrose Avenue)
1st Election District -- 1st Councilmanic District
Elmer L. Morsberger, et al, Owners/746 Assoc., LLC, Contr. Lessee - Petitioners
Case No. 00-122-SPH

Dear Ms. Stack:

In response to your faxed letter dated November 10, 1999, the following comments are offered. First, I should note that it appears that a copy of my decision was not mailed to you and the other Protestants who appeared at the hearing. I apologize for the oversight and am enclosing a copy of the decision with a copy of this correspondence to each individual who appeared from the neighborhood. I remind all individuals that the time frame for an appeal of my decision would run for a period of thirty (30) days from the date of my Order (November 5, 1999).

Turning to your letter, I will address the number of concerns raised therein. Concern #1 relates to the wording of the Petition, itself, and alleges that same was misleading and inaccurate. I disagree. The Petition seeks approval of an arrangement to permit business parking in a residential zone. Indeed, this is precisely what the property owners and contract purchasers requested.

The Baltimore County Zoning Regulations (B.C.Z.R.) contain some 34 different zoning classifications. These range from Resource Conservation to Manufacturing zones. Each particular zone permits a specified land use based upon the property's zoning classification. The subject property is zoned R.O. (Residential-Office), which is described in Section 204 of the B.C.Z.R. Therein, it is indicated that the R.O. zone is appropriate for those sites where it is not economically feasible for pure business or pure residential uses and those areas of the County which are "within or near town centers." As I indicated at the hearing, the R.O. zone is typically a buffer zone which separates a strictly pure residential zone from a business zone. The Petition filed in this case accurately describes the Petitioner's request to permit parking associated with the business to be located on the subject parcel which features a quasi-residential zoning classification. In any event, a fuller explanation of the particulars of the request would have been provided if an interested individual would have called the Department of Permits and Development Management (DPDM) office and spoken with a Zoning Technician. I see no attempt to deceive or mislead anyone.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

As to Concern #2, my decision is not colored by the precise nature of the business that will occupy the office building to be served by the proposed parking lot. Needless to say, the proposed tenant might eventually vacate the office building, or that lease may never be finalized. There could very well be another corporate tenant. Whatever the circumstances, however, it is my understanding that the Petitioners seek the proposed parking lot to provide a convenient and appropriate location for parking for employees of any tenant of that building. That purpose is appropriate.

As to Concern #3, you no doubt have read my Order and will note that I did visit the area. Certainly, it is understood that motorists will take the path of least resistance and there may be additional traffic generated on the side streets. However, it is clear that Frederick Road is a major corridor in this area and I suspect that most people will utilize that roadway to access I-695 and destinations that are reached therefrom. I frankly do not believe that people would go to the interior of the neighboring community in an effort to reach their home or some other destination.

As to Concern #4, the issues generated therein are largely a matter of judgment. I point out to you that the Baltimore County Office of Economic Development supports the proposed lot, believing that same will "revitalize" the Catonsville business district. As I indicated at the hearing, the subject property is indeed a buffer between the business and residential neighborhoods that surround this site. In my judgment, the proposed use of this property for a parking lot is appropriate. The lot will not be improved with any building, nor will it be used to support a store, office building or similar use. The site will remain open, but for the fact that it will be paved to accommodate motor vehicles. In my opinion, it is not out of character for the area.

As to Concern #5, Section 409.8.B.1 of the B.C.Z.R. (the parking regulations) does permit business and industrial parking in residential zones. That Section further provides that the parking lot must "adjoin or be across an alley or street from the business or industry involved." The Section also requires that I consider whether the proposed use would be detrimental to the health, safety or general welfare of the surrounding locale. In my judgment, the proposal is not. The language you quoted from Section 204.3 of the B.C.Z.R. indicates that "all required parking spaces shall be provided on the same lot as the structure or use to which they are accessory." (emphasis added) As you point out, these spaces are not required, per se, but are being provided for the convenience of the occupants of the building. Again, this is a matter of judgment and in my opinion, the lot is not inappropriate.

Finally, as to Concern #6, the testimony of Mrs. Boardley speaks for itself. You may disagree with her opinion and believe that she should insist that the owners of the subject property "clean up" the site in a manner to your satisfaction. However, this is largely a matter of taste. Mrs. Boardley's opinion is what it is. I believe that she feels that a parking lot is preferable, is appropriate, and voiced her support thereof. Obviously, she is the most directly impacted resident

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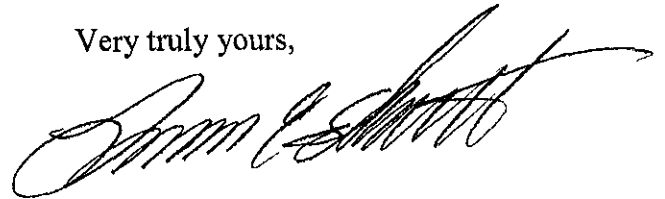
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Ms. Patricia A. Stack
November 17, 1999
Page 3

and I feel that her opinion must be given appropriate evidentiary weight. The speculative assertion from you that if you lived there you would not support the request, is irrelevant.

I trust that the above has addressed your concerns. I again remind you of the appeal time provided under County law for this case.

Very truly yours,



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Michael P. Tanczyn, Esquire, 606 Baltimore Ave., Suite 106, Towson, Md. 21204
Mr. Brian Nippard, 19 Egges Lane, Catonsville, Md. 21228
Mr. Scott Westcoat, 14 Fusting Avenue, Catonsville, Md. 21228
Mr. & Mrs. Leslie Buchanan, 108 Melrose Avenue, Catonsville, Md. 21228
People's Counsel; Case File

Below are a list of reasons that members of our community have for opposing a change in zoning of lots 14 through 28 Melrose Avenue and regard special zoning request case # 00122-SPH. The zoning change has been requested by the lots' owners who wish to construct a 40+ spaces parking lot on that site in order to provide additional parking for tenants of 746 Frederick Road.

- A. Increased traffic brought on by a 40+ spaces lot in the middle of the block would present a nuisance and a hazard along this short, narrow street on which at least a dozen children live and play.
- B. The color, quiet, and privacy of the woods and brush that exists on these mostly undeveloped lots would give way to the bleakness and noise of asphalt, cement, and the comings and goings of 40+ automobiles and their occupants.
- C. Parking facilities for 746 Frederick Road and other nearby businesses in the "Friendly's" lot have been deemed adequate by Baltimore County. In addition, there is an under-utilized parking lot within 200 feet of the one proposed in this request.
- D. The owners of the lots under consideration here have had much difficulty maintaining their properties in the area, both developed and undeveloped, residential and commercial. Over the years, neighbors have filed many complaints against them and/or their tenants for trash, debris, junked vehicles, unkept landscaping, delapidated structures, etc. We are concerned that this "habit" would carry-over to the proposed parking lot.
- E. We are concerned that the owners would use the zoning change proposed for these lots as a stepping stone to commercial development of their other residentially

zoned properties in proximity to these lots. The owners could cite a zoning change here as precedence and reason for yet another.

- F. In giving way to this parking lot, we would lose part of the spirit and unique feel of our community. This village atmosphere is what makes Catonsville so appealing to many and draws new residents and businesses. It is the walking distance convenience of businesses and public institutions that so many residents enjoy and that is so hard to come by in most other communities. Our neighborhood, one of the oldest in Catonsville, needs to be enriched not weakened and our business district needs to be effectively and efficiently utilized. A healthy balance and boundary between residential and commercial areas needs to be maintained here or, little by little, the Catonsville that we know and love will be lost to the ever-expanding parking lot.

Nov. 10, 1999

To: Zoning Commissioner Lawrence Schmidt

Re: Case # 00122-SPH (14-28 Melrose Ave.,
Catonsville)

From: Patricia L. Stack
29 Rustling Ave.
Catonsville, Md. 21228
(410) 744-0407

For your immediate attention!

Fax to: (410) 887-3468

No. of pages: 7 including cover sheet

Filing from: (410) 644-6977 - fax/phone

Nov. 9, 1999

Dear Commission Schmidt,

I am writing with the hope that you will consider several points I wish to make here as an addition to my rather inept testimony given at a hearing on Oct. 29, 1999 (2:00 PM), case #00122-SPH, regarding the construction of a parking lot on R-O zoned lots (14-28 Melrose Ave, Catonsville). Some of my concerns are related to information disclosed by the parking lot proponents during the hearing, and others are issues that I failed to raise or clearly express due to my nervousness at attending such a hearing for the first time.

Concern #1 — I believe the original wording of the request for a special hearing was misleading and inaccurate. The wording, as told to me by Gwen Stephens of your office per my phone conversation with her on Oct. 22, 1999, was for a special hearing for "business parking in a residential zone." I believe that wording was also posted on the sign giving notice of the hearing. And, I believe it is that wording that Mr. Tanczyn, attorney for the Morsbergers (owners of 14-28 Melrose Ave), had amended at the onset of the hearing. Thus, previous to the hearing, there was no indication given to the public that the lots involved were zoned residential-office and not strictly residential. Not being versed in the legalities of such matters, I have no idea if this

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inaccuracy is cause for refiling of the case and replotting of a sign with the appropriate zoning designation of the properties involved. Nonetheless, this inaccuracy is what led me and my neighbors to believe that the lots required a zoning change of some sort so as to accommodate a business parking lot on the side of Melrose Ave. that is solely comprised of residences (single family homes).

Concern #2 During the hearing, Mr. Pancygn indicated that the leasee of 746 Frederick Rd., for whom the adjunct parking lot is being sought, is a company that corrects a testing program used throughout local school systems. Because I work in a Baltimore County school, I know that system-required standardized testing is done at the same time throughout all schools. For example, the Maryland School Performance Assessment Program testing (MSPAP) is given throughout the state in May and results are usually completed and compiled by Fall of that year. My point here is that standardized school testing is neither done year round nor consistently throughout the year. It is done at a few specific times. Results and statistics of those tests are completed in a timely manner. A firm that corrects and compiles results is most likely in need of a large portion of its employees for only a few to several months out of the year. Thus an adjunct parking lot geared for an optimum / maximum

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number of employees may sit vacant for extended periods throughout the year. In addition to this, what happens when this testing correcting company moves out of 7416 Frederick Rd? There exists the possibility that the parking lot will not be needed by perspective tenants especially in light of the fact that Baltimore County has deemed the parking facilities at the front of 7416 Frederick Rd. as adequate per the square footage of the building. Thus, questions can be raised about the necessity for and the utilization of a large parking lot where a wooded lot now stands.

Concern #3 Our neighborhood currently has problems with increased morning traffic when the stop light at Frederick Rd. and Angelside Ave. causes a back-up or when the outer loop of the beltway gets backed-up. Motorists hastily zig-zag through our short narrow streets seeking alternate routes to I-95 or points south of Edmondson Ave. I feel certain that the 40 to 50 employees of the tenant at 7416 Frederick Rd., looking for a quick path to their parking lot on Melrose Ave. will also zig-zag their way through our neighborhood thereby increasing the risk to our many pedestrian residents and school children who travel along our streets without sidewalks.

Concern #4 By now you may have visited the site of the proposed parking lot on Melrose Ave. and

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perused the rest of our neighborhood. You may have seen signs that our neighborhood is struggling for cohesiveness. We have incurred a number of "insults" to the residential climate of our little community and frankly our neighborhood can't tolerate any more (a BGE substation, a nursing home, a small office building, a psychiatric day treatment center, encroaching commercial zone of Frederick Rd). Our neighborhood has an interesting and broad mix of residents with an equally broad mix of incomes. We need to have what little residential area we have stabilized and promoted so as to furnish a healthy life-line to the business community. A friendly and appealing residential area nearby a commercial one presents an inviting image to potential customers of our business district. Mr. Ruppertsberger has indicated that the County's older neighborhoods needed to be revitalized and strengthened. He has earmarked millions of tax-dollars for that purpose. A 40+ space parking lot replacing a wooded lot in the middle of a street of single family residences is not what I think he had in mind for revitalizing our older neighborhood.

Concern #5 During the hearing you explained that the R-O zoning status is designed to act as a buffer between business/commercial zoned areas and

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strictly residential zoned areas. If a parking lot for a business zoned structure is placed in a R-O zoned area, doesn't that contribute to the break-down of that buffer? In looking at what few zoning regulations I could get my hands on these past 2 weeks, I was impressed by a line in Section 204.2 under "Statement of Legislative Policy" pertaining to R-O zoning. It says "it is intended that building and uses in R-O zones shall not intrude upon or disturb present or prospective uses of nearby residential property." It appears that there are some fairly clear and restrictive regulations for parking lots of R-O zoned structures (houses converted to office buildings or small Class B office buildings). One such item in Section 204.3 indicates that "all required parking spaces shall be provided on the same lot as the structure or use to which they are accessory." So, if parking lots for R-O zoned structures are themselves subject to strict guidelines how can one allow a parking lot of a business zoned structure to be subject to less restriction in an area that is declared a buffer between its (the parking lot's) structure and the nearby residential area. I feel that a business parking lot in this R-O zoned neighborhood is an affront to the intent and spirit of our county's zoning laws. I also feel that the proponents of the proposed parking lot are trying to stretch the

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regulations to solve a conflict that they have with their perspective tenants at 746 Frederick Rd who don't fit the usual and customary parking specs for that building.

Concern#6 What stings the most about this entire issue is that Gladys Boardley (neighbor of the proposed parking lot / now over-grown wooded lot) needs help. It's being made to look as if the parking lot is the answer. I think Gladys needs some assistance from zoning enforcement, the Health Dept., and her many neighbors (me, for example) to "motivate" the owners of 14-28 Melrose Ave ~~to clean~~ (the wooded lot) to clean it up, fence it, file trespassing charges when possible, add some lighting or even, maybe, build a single family home on it so that Mrs. Boardley can feel peace of mind and safe in the house and neighborhood that she has cherished for almost 50 years.

Sincerely,

Patricia H. Stuck
29 Trusting Ave.
Catonsville, Md. 21228
(410) 744-0407

Friday
Oct 29, 1999

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

Case 00-122 SPT
14-28 Melrose Ave

NAME

ADDRESS

Michael TANCZYK
Iwona Rostek-Zarska
Elmer L. Moninger
Louis D. Moninger
Bladys Bradley
DENISE NASH
James W. Mohler
Maureen Sweeney Smith
Salim Reinert
Emily J. Sacchetti

56106 606 BALTIMORE AVE Towson MD 21204
6600 YORK RD., SUITE 209, BALTIMORE, MD 21212
604 Helton Ave Catonsville MD
612 Helton Ave Catonsville MD 21228
12 McHale Ave Catonsville MD 21228
32 Melrose Ave Catonsville MD 21228
7 Somerset Rd Catonsville MD 21228
P.O. Box 21100, Catonsville 21228
400 Washington Ave, Towson, 21204
9881 Contemp Dr. P.O. Box 11 City, MD 21040



PROTESTANT(S) SIGN-IN SHEET

NAME
Brian Nippard

19 Egges Lane, Catonsville Md
21228

29 Fusting Ave. Catonsville, MD 21228

14 Fastig. Ab. Gehraka 21225

108, Melrose Ave

Catonsville 21228

October 24, 1999

This petition regards a special zoning request, case # 00122-SPH, that is scheduled for a hearing on October 29, 1999 at 2:00PM.

We the undersigned, are strongly opposed to a change in zoning designation from residential (RO) to commercial (BL) of any lots named in this request for the purpose of constructing a parking lot. We are opposed to the change in zoning designation for any and/or all of the reasons stated on the previous pages.

Deb & Edward Sullivan
38 MELROSE AVE
410 788 0261

Sen & Kathy Westcott
14 FUSTINE AVE
410.869.8565

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① *George L. Choe*
23 FUSTING AVE
CATONSVILLE, MD 21228
410-747-7552

② *Patricia A. Stack*
29 Fusting Ave
Catonville, Md. 21228
(410) 744-0407

③ *Kristina Padgett*
104 Fusting Ave
Baltimore, Md. 21228
410-747-7847

④ *Esther Barner*
104 Fusting Ave.

⑤ ~~Sharon~~ *Thurs R. Schuler*
117 Ingleside Ave
Catonville, MD 21228
410-455-9441

⑥ *Sharon J. Schuler*
117 Ingleside Ave.

⑦ *AARON J BARVES*
104 Fustings Ave
Catonville, MD 21228

⑧ *DANIEL DE BOLD*
29 FUSTING AVE
BALT. MD 21228

⑨ *Jennifer Radcliff*
9 Fusting Ave
Baltimore, MD 21228

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(10) (410) 788-5381
Loretta C. Mauboules
104 Egges Lane
Catonsville Md 21228

(15) Jiselle A. Little
105 B Egges Ln
BALTIMORE, MD 21228

(11) Emmett L. Lacy
102 Egges Lane
Catonsville, Md 21228
410-455-5749

(16) William Schwaartz
27 Egges Lane
Catonsville, Md 21228

(12) Deborah J. Smith
101 Egges Lane
Catonsville MD. 21228
410-747-1612

(17) Steve & Betty Wimburn
113 Ingleside Ave
Balto Md. 21228
410-788-4472

(13) JOE PAUL MARTIN
36 MELROSE AVE
CATONSVILLE MD. 21228
410-747-8979

(18) Mike Zimbr
111 Ingleside Ave APT B
Balto Md 21228
410 455.0847

(14) Les & Phyllis Buchanan
108 Melrose Ave
Catonsville, Md 21228

(410) 788-8222

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reasons stated on the previous pages.

- 19 Shirley Leach
109 ~~Long~~side Ave.
Balto., Md. 21228
410-747-0650
20. Oera Lumpkins
8 Melrose Ave
Balto. Md 21228
- 21 Joe Hael
11 MELROSE AVE
22. Kathryn J Knows
14 Holmehurst Ave
Catonsville, Md 21228
410-788-6493
23. Marli Dirscherl
12 Howard Ave.
Catonsville, MD 21228
(410) 455-0958
24. Chas Stump
12 Howard Ave.
Catonsville, MD 21228
(410) 455-0958
- 25 Marion Wingrove
11 Rognel Ave
Catonsville, MD 21228
410-744-2336
- 26 Leslie VanHosen
25 Tanglewood Rd
Catonsville MD 21228
744-3119
- 27 Hattie Shene
Fredrick Shene
Meka Shene
115 Melrose Ave
Baltimore MD, 21228
(410) 788-1458

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- ① Leah Braggins 410-964-6558 10975 Swansfield Rd Columbia MD 21044
- ② Karimishly 443-741-4770 106 Embury Rd OM, Md 21117
- ③ Joseph Welsh 410-788-3255 6160 Regent Park Rd
- ④ Damar DeLoach 3300 Gaither Rd Balt. MD 21244 922 2100 ext 354
- ⑤ Holly LeAnn Cook 4117 Old Washington Blvd 21227 247-4528
- ⑥ Adam Rugg 2511 Westchester Ave. Apt. #2 21043
- ⑦ Oliver Jones (410) 788-8907 1200 Westlee Pl Apt T-2 Catonsville MD 21228
- ⑧ Wes Westcott 443-250-7042 6467 Freeburn Rd, Columbia, MD 21044
- ⑨ Billy Ormrod (410) 964-3206 5 Elliotts Oak Rd, Columbia, MD
- ⑩ Anna Schneider (410) 997-2346 5312 Catentilly St. Columbia, MD 21045
- ⑪ Susan Purcell (410) 992-3925 9377 Mellenbrook Rd. Columbia, MD 21045
- ⑫ Eric Kerne (410) 787-9575 940 Tally Ct. 21061
- ⑬ Dan Kwolek (410) 964-3200 5354 Eliot's Oak Rd.
- ⑭ Gretchen Hopper (410) 799-2142 6817 Old Waterloo Rd Elkins 21075
- ⑮ Diane Darts (410) 313-8785 3610 Mill Lawn Ct., Ellicott City, MD 21043
- ⑯ David Lancer (410) 744-8787 201 Kenwood Ave. Catonsville, MD 21228
- ⑰ Randy Belmont (410) 483-7372 4211 Hillshire Ave, Balt., MD 21206

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R. Mary May 10/28/99
619 Coleraine Rd
Baltimore MD 21227
410-788-5645

October 24, 1999

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David Wassman
8 Osborne Avenue
Catonsville MD 21228

Cheryl Wassman
8 Osborne Ave.
Catonsville, MD 21228

Carol Phillips
226 Edridge Way
Catonsville, Md.
21228-4832

Margaret Schyn
10 Wyndcrest Ave.
Catonsville MD 21228

Darlene P. Schoenfelder
445 Chalfonte Dr.
Catonsville, MD
21228

William Auman
23 Egges Lane
Catonsville MD 21228
office 410 744-3400
home 410 455 5455

Brian Nippard
19 Egges Lane
Catonsville Maryland
21228
H# 410 788 1806
W# 410 252 7600

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① Bethany Gresser
6442 Wehrhage Rd
Rd Columbia Md 21044
410.530.0110

② Christine Gunner
6031 Redclou arLn
clarksomille MD 21029
410-531-3691

③ Allison Anne Gravett
430 mallow Hill Rd
(atonsville, MD 21228
(410) 233-4770

④ Dennis Hry → 294-4498
4006 Calloway Ave

⑤ Eugenia Glsky
8128 McVeham Drive
(410) 971-1797

⑥ Amanda Chik
728 Frederick Rd (1 work @ 3rd's dog's next door to friend)
(410) 719-6668

⑦ Larza ALBER

5399 Sunny Field Ct
Ellicott City MD 21043
410-788-0666

⑧ Jesse Curtis ⑨ Don Josephits
804 Edmonson Ave 1117 Old Washington Rd.
410-655-9321

⑩ CHANVILLE MD 21228 ⑪ Steve Niedeiski
410-744-2219 ⑫ 2026 Eastwood Dr.
781-7945

⑬ Joe Franciamone 4348 College Ave. Ellicott City, MD
(410) 744-6497

⑭ Bethany Pontier
6819 Grimes Golden Ct
Columbia, MD 21045
410-309-0354

⑮ Brendt Hyre
7504 Rain Flower
Columbia MD 21046
301 604 5618

⑯ John 12
7504 Rain Flower way
Columbia MD 21046

⑰ Allyson Sieka
8000 Main St
E.C., MA 21043

⑱ Michael Blum
3466 Orange Grove Ct.
Ellicott City MD 21043
(410) 418-9560

⑲ Vicki Hill
6908 Rawhide Rd
Columbia, Md 21046

⑳ Jennifer Fleckenstein
8767 Autumn Hill Dr,
Ellicott City, MD
21043

Caroline Pancotti
7.3 Garden Ridge Rd
Catonsville, MD 21228
410-964-6784

Tony Donoghue
3768 Saint Paul St.
Ellicott City Md. 21043

Dana Spicer → 2203 Rockhaven Ave.
Catonsville, MD 21228
(410) 465-6603

Bill Helfrich (Freeman!)
P.O. Box 215, Main St.
Ellicott City, MD 21041-215

Dan Janssen
3764 St. Paul
Ellicott, MD 21043

ERICK ANKOR
WH CLOTTANK 612 D
UMBC BALTO, MD 21250

Amy Apperson
140 S. Twin Circle Way
Balto. MD 21227

Eric Butcher
8399 F Montgomery Run Rd
Ellicott City Md 21043

James Hurrell
10356 Kingsbridge Road
Ellicott City MD 21042

Lawrence Olcott
1943 Frederick Rd
Catonsville, MD 21228

(28) Jeremy Dill
10705 Faulkner Fridge Circle Rd
Columbia MD 21044
(410) 997-8228

(29) JESSE KALTENBACH
3424 Covecroft Ct E.C. 21042
410-480-2610

(30) John Monck
410-480-2610

(31) Melrose Bangs
410-653-0676
8819 Pikesville Rd
Baltimore, MD 21208

(32) Mary DiMaggio
(410) 788-0861
2020 Old Frederick Rd.
Baltimore, MD 21228

(33) John Wallace
505 265 3825
322A STANFORD DR.
Albuquerque NM. 87106

(34) Mike Riley
410 750 9643
3629 Dry Creek Ct.
Ellicott City, Md, 21043

(35) Christyn Hard
1212 Tugwell Dr.
BALTO., MD 21228

(36) Pamela Hand
1212 Tugwell Drive
Baltimore, MD 21228
410-747-1244

(37) Josh Vreno
2 Monmouth Rd.
Catonsville, MD 21228

(38) Sara Baldwin
5654 Cerville ave
Baltimore, MD 21227
410-242-7816

(39) Kelly Sandler
206 Glenmore Catonsville
MD 21228 410 869-4292
mickysa@hotmail.com

(40) Amy Lamp
938 Wilton Dr
Baltimore MD. 21227
410-247-0199

(41) Jeannine Garrettson
420 Stratford Rd.
Catonsville, MD. 21228

(42) Jon Reid
10 N. Beaumont Ave
Catonsville MD 21228

(43) Amanda Anton
47 Dunganrie Rd
Catonsville MD 21228

(44) William Miller
839 Hilltop Rd
Catonsville, MD. 21228

(45) Amanda Dunkerly
2010 Normurst Way South
Catonsville, Md. 21228
410-719-0123

(46) Helen Brooks
4210 Maryland Pl.
Balt. Md. 21229.
410-546-1250

(47) Todd Carpenter
2021 Edmondson Ave.
Catonsville, MD 21228

(48) Talmie Fangman
117 Woods Hurst Way
Catonsville, Md
21228 → 410-788-9016
~~410-788-9016~~

(49) Mickey Freeland
502 Seminole Ave. 410-788-2296
Catonsville, MD 21228

(50) Julie Greenwalt
20 University Ave
Catonsville, MD 21228
410-788-8761

(51) Annabehn Gallagher
534 Westside Blvd.
Catonsville, Md 21228

(52) Jen Haltermann
410 Avalon Rd
Catons., MD 21228

1. Caroline Pancotti
273 Garden Ridge Rd
Catonsville, MD 21228
410-964-6784

17 Tony Donoghue
3768 Saint Paul St.
Ellicott City Md., 21043

20 Laura Spica → 2203 Rockhaven Ave.
Catonsville, MD 21228
(410) 465-6603

21 Bill Helfrich (Freeman!)
810 E. 21st St.
Ellicott City, MD 21041-215

22 Dan Jensen
3764 St. Paul
Ellicott, MD 21043

23 ERICK ANKOR
WH CHITANK 612 D
UMBC BACTO, MD 21250

24 Amy Apperson
140 S. Twin Circle Way
Balto. MD 21227

25 Eric Butcher
8399 F Montgomery Run Rd
Ellicott City Md 21043

26 Tamer Hurrell
45356 Kingsbridge Road
Ellicott City Md 21042

27 Samuel O'Neill
1943 Frederick Rd
Catonsville, MD 21228

28 Jeremy Dill
10705 Faulkner Fidge Circle Rd
Columbia MD 21044

29 JESSE KALTENBACH
(410) 997-8228
3424 Covecroft Ct E.C. 21042
410-480-2610

30 John Monck
410-480-2610

31 Melrose Bangs
410-653-0676
8819 Parkesville Rd
Baltimore, MD 21208

32 Mary DiMaggio
(410) 788-0861
2020 Old Frederick Rd.
Baltimore, Md 21228

33 John Wallace
505 265 3825
322A STANFORD D.R.
Albuquerque NM. 87106

34 Mike Riley
410 750 9643
3629 Dry Creek Ct.
Ellicott City, Md, 21043

35 Christyn Hand
1212 Tugwell Dr.
Balto., MD 21228

① Tim Norbert
12350 Frederick Rd
West Friendship MD 21794
410-442-9717

② Angie Wyckoff
1007 Jahn ave, apt. 296
Baltimore, MD 2129
410-644-7292

③ Emily Cohen

410-290-7834
regain@erols.com

④ Patrick Dooley
7554 Seachange
Columbia, MD, 21045
410-381-3416

⑤ Andrew Ascoli
621 Orpington Rd.
Balt. MD 21221.

⑥ Lauren Drueholm
5 Edmonson Ridge Rd
Balt. MD 21228
410-744-5743

⑦ Ryan Hanna
8490 Linwood Dr.
Ellicott City, MD, 21043
(410) 461-2374

⑧ Christopher Ziemer
18 Wyndcrest Ave.
Balt. MD 21228
410-788-2851

⑨ Courtney Kurnitson
147 Longview Dr
Baltimore, MD 21228
410-744-7373

⑩ Stephanie Kunkel
10141 Maxine Street
Ellicott City, MD 21042
(410) 461-1627

⑪ Mike Harrison
106 HILTON AVE
CATONSVILLE, MD 21228
(410) 788-6318

Stephanie L. Kunkel

30) Sean O'Donnell
5113 maple Park Ave
Baltimore MD 21207
410-248-5952

31) Maura McCarthy
505 ~~Manor~~ Westgate Rd.
Baltimore, MD 21229
410 945-3022

32) Becky P Fan
104 Sanford Avenue
Baltimore, MD 21228
(410)-788-2640

33) April Heas
5113 maple Park Ave
Baltimore, MD 21207
(410) 448-5952

34) Sue Krauch
Catonsville High
431 Bloomsbury Ave
21228

35) Jennifer Meyers
311 Regency Circle
Luthicum Md 21090

36) Carroll Clark
421 Bloomsbury Ave.
Catonsville, Md. 21228
337-8808

37) Sarah Sheets
Catonsville High
421 Bloomsbury Ave.
Catonsville, MD 21228

(53) Brian Heldmann
2010 Oak Lodge R
Catonsville, MD 21228

(54) Carol Schmoeller
941 Palladi Dr
Balto, MD 21227

(55) David SCRIVNER
111 S. Rolling Rd
Balt MD 21228
¡Yo ♥ arboles!

56. Emily Azell
121 Newburg Ave
Bethesda, MD 21228

57. Eliot Pearson
6512 Alta Ave.
Baltimore, MD ~~21200~~ 21206

Baltimore County Government
Department of Economic Development



400 Washington Avenue
Towson, MD 21204

(410) 887-8000
Fax (410) 887-8017

MEMORANDUM

To: Lawrence E. Schmidt
Zoning Commissioner

From: Salem Reiner 
Revitalization Specialist

Date: October 28, 1999

Re: 14 - 28 Melrose Avenue, Catonsville - Parking
Case #: 122, 746 Associates, LLC

A handwritten signature in dark ink, appearing to read "R. E. Schmidt", is written vertically on the right side of the memorandum.

The Department of Economic Development supports the zoning request for the above noted case. The requested parking configuration is a necessary component for the success of this important redevelopment project, will have a negligible impact on surrounding residences, and is located on RO zoned property. The property is located within the Commercial Revitalization District, which has been targeted by the County for business revitalization efforts. In addition, The Catonsville Plan (adopted by the County Council) supports office development (p. 4.14, 4.15, and 7.7), and promotes the use of Melrose Avenue as an accessway to the Revenue Authority lot (p.5.4a) and to new development on the 700 block of Frederick Road (p. 5.5a).

The existing parking for the project meets zoning requirements. The new parking lot will serve two purposes:

- 1 providing dedicated spaces for the employees of the new office building, thereby increasing the functionality of the commercial district; and
2. reducing the number of office employee vehicles that will use the former Revenue Authority lot, which has been purchased by the developer. The developer is reconstructing the previously metered Revenue Authority lot and making it available as a free lot to all Catonsville merchants

Strengthening the commercial core is a principal objective of the County's Commercial Revitalization Program. The Department of Economic Development encourages quality office development due to the new employees, in this case up to 250, who will utilize Catonsville's business establishments. The provision of adequate and convenient parking is essential to the success of this project, the stability of the commercial district, and thereby the surrounding residential communities.

While the new lot will have a minimal impact on the two bordering residences, the developer has agreed to install attractive landscaping, buffering, and targeted lighting to further mitigate its presence.

The Department of Economic Development is confident that this project will serve as an asset to the Catonsville residential and business communities.

If you have any questions, please do not hesitate to call me at (410) 887-8011.

Cc. Honorable S.G. Moxley
Thomas Booth, Booth Properties
Michael P. Tanczyn, Esq.
Andrea Van Arsdale, Department of Economic Development
Kay Keller, Office of Community Conservation

Iwona Rostek - Zarska, P.E.

24 English Saddle Court
Parkton, Maryland, 21120
410-343-1208

Professional Registration

Licensed Professional Engineer in the State of Maryland (1994)
PE 21245

Education

*Masters of Science in Civil Engineering, Polytechnic of Bialystok / Technical University,
Bialystok, Poland, June 1981, with honors*

*Essex Community College, Baltimore, MD (1982 - 1984) placed on the Dean's Highest
List for Fall, 1983*

- Computer Programming
- Engineering Courses

Seminars: HEC-2, TR20

Summary of Qualifications

- Licensed professional engineer with nearly 15 years of experience in site development engineering, planning and management for various commercial, industrial, institutional and residential projects.
- Background in design, budget management, project scheduling, project coordination with the design team, design and construction supervision, obtaining regulatory land-use approvals and permits, bidding procedures, and employees training.
- Experience in developing innovative and the most cost effective design solutions.
- Strengths in design and analysis of storm water management facilities, water and wastewater systems, close and open channel drainage systems, site grading, erosion and sediment control, site planning, roads, flood plains.
- Knowledge and experience with preparation of drawings using CADD

Work Experience:

February 1999 - present

Principal with the engineering firm of Baltimore Land Design
Group, Inc., Baltimore, Maryland.
Responsible for overall engineering and administrative tasks.

Ref
Ex 2.

CONSULTING ENGINEER

Mr. Arnold Jablon, Director
Baltimore County Office of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

*\$ Another
project.*

RE: Commercial Parking in RO Zones

July 23, 1996

Dear Mr. Jablon,

Our office represents the contract purchaser of a lot which is presently zoned RO. The contract purchaser desires to construct a surface parking lot for a passenger vehicles. The parking lot will supplement an existing building located in a BL zone on an adjacent lot. The adjacent lot presently has adequate parking under the current zoning requirements. The additional parking will be provided on the RO zoned lot only to serve practical needs of the tenants in the existing building.

I have reviewed the BCZR with respect to parking in a RO zone. Section 204.3A. does not appear to permit commercial offstreet parking as of right. Likewise, Section 204.3B.1. does not appear to permit commercial offstreet parking by special exception. Parking would appear to be permitted only if it is accessory to a use permitted either by right or by special exception in the RO zone.

I spoke today with a zoning technician in your office, and they suggested that such a parking lot may be permitted under a "use permit" pursuant to Section 409.8B. I was of the understanding that Section 409.8B relates to commercial parking in a residential zone. Based on a reading of Section 101 it appears that a RO zone is not classified as a residential zone. I am therefore not convinced that this is the proper procedural process.

Prior to making any deposits on the property, the contract purchaser desires clarification as to the required zoning process necessary to pursue approval of the parking lot. I would therefore appreciate a formal opinion from your office indicating the required zoning process and detailing the bulk regulations which would govern such a parking lot.

I have enclosed a check in the amount of \$ 40.00 to cover the fee associated with this request. I thank you and your staff for your kind assistance in this matter.

Very truly yours,
MATIS WARFIELD, INC.

[Signature]
James E. Matis, P.E.

JEM:atn

Enclosure: \$ 40.00 review fee

cc: J. Scott Wimbrow

MATIS WARFIELD, INC.
6600 York Road • Suite 209 • Baltimore, Maryland 21212
Tel: 410-377-7596 • Fax: 410-377-7657

P 24 A



Baltimore County
Department of Permits and
Development Management

County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 15, 1996

*previous
same*

*correspondence
County*

RECEIVED AUG 17 1996
*from the
another
project.*

Mr. James E. Matis, P.E.
Matis Warfield, Inc.
6600 York Road
Suite 209
Baltimore, MD 21212

RE: Zoning Verification
Commercial Parking in
Residential Office (RO) Zones

Dear Mr. Matis:

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Your inquiry is if commercial parking can be permitted in a Residential Office (RO) zone. Per Sections 204.3.A.1. and 409.8.B., application for this use is permitted provided all site standards (i.e., aisle width, typical parking space dimensions, setbacks to the street right-of-way, etc.) can be met.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at (410) 887-3391.

Very truly yours,

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:scj

Enclosure

Use - Permit Plan



Printed with Soybean Ink
on Recycled Paper

Post 413

Louis & Elmer Morsberger
612 Hilton Avenue
Baltimore, Maryland
21228

October 20, 1999

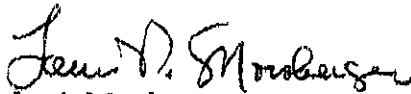
Larry Yeager
Baltimore County
Department of Environmental Protection
& Resource Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Yeager:

We, the owners, of 12, 14, 16, 18, 20, 22, 24, 26, 28, 30 and 32 Melrose Avenue, are constructing a parking lot on part of this property. It is acceptable to us, to discharge the water from this parking lot onto our remaining property, 14, 16, 18 and 20 Melrose Avenue.

Thank you for your consideration.

Sincerely,


Louis Morsberger


Elmer Morsberger

Pat 5A

MATIS WARFIELD INC.

410-377-7596 TEL.

410-377-7657 FAX.

He is from DPW (Bob Bowling group)

FACSIMILE TRANSMITTAL SHEET

TO:	Phil Martin, Ext. 3751	FROM:	Iwona Rostek-Zarska
COMPANY:	Baltimore County	DATE:	October 26, 1999
FAX NUMBER:	410-887-2931	TOTAL NO. OF PAGES INCLUDING COVER:	21
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	
RE:	Parking Lot on Melrose Avenue	YOUR REFERENCE NUMBER:	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

I would like to conform your decision regarding the location of the outfall from the storm water management facility as shown on the "Plan to Accompany Zoning petition for Special Hearing For a Passenger Vehicle Parking Lot in an Existing RO Zone", Case #00-122-SPH. Your office has no objections for approval of the proposed outfall as long as DEPRM is satisfied with it.

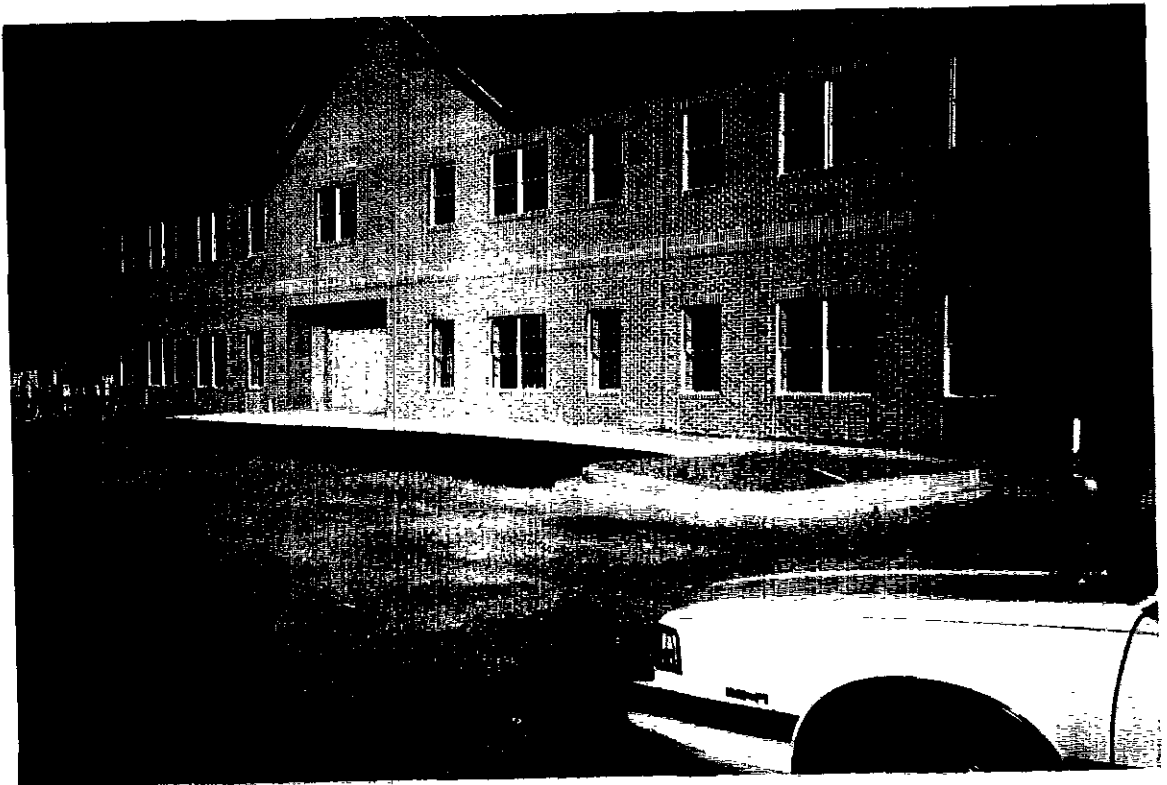
6600 YORK ROAD SUITE 209
BALTIMORE, MARYLAND 21212

Pst 3 B

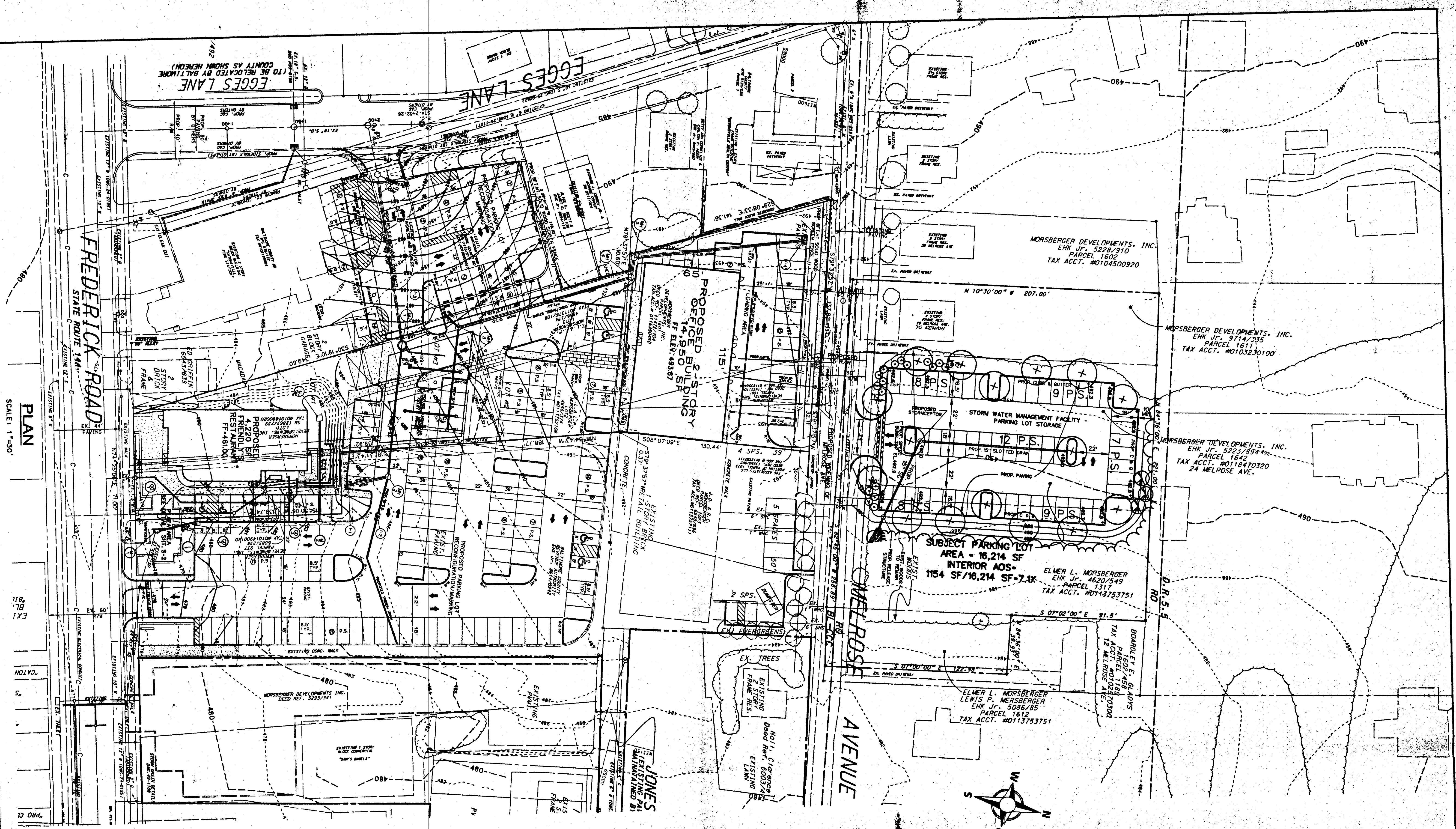
Petitioner's
Exhibits

6A-63, 8,
and 9A+9B

Case #00-122-SPN







746 FREDERICK ROAD
DEVELOPMENT
EXISTING APPROVED DEVELOPMENT PLAN

SITE DATA

SITE DATA

EXISTING ZONING: M-5C5
GROSS AREA: 1.2255 AC +/-
INCLUDES 10-FT. OF FEDERAL RD. R/W
INCLUDES 35-FT. OF FEDERAL RD. R/W
MELROSE AVE. PROPOSED RIGHT-OF-WAY WIDENING: 0.0000 AC.
NET AREA OF SITES: 1.1849 AC +/-
EXISTING USES:
1. FRAME STRUCTURES ON FORESTIC ROAD (COMMERCIAL)
2. PARLAMENT BUILDING FRONTING MELROSE AVENUE
PROPOSED USES:
BUILDING-1 RESTAURANT 4,420 SQ. FT.
BUILDING-2 OFFICE 19,170 SQ. FT.
TOTAL 23,590 SQ. FT.

DTG: 5003/2338 DTG42 FREDERICK ROAD
 EKM JF: 5926/2389 EKM42 FREDERICK ROAD
 DTG: 4068/31-01-75
 DTG: 4068/31-01-75
 EKM JF: 5862/623 EKM3 WEINSTE AVE.
 FLOOR AREA RATIO: 0.6 PARCELS: 337, 10, 41, 1601 & 1759
 REMOVED: - 0.364/91-1706/4-11, 2255/90-1
 MEANTY OPEN SPACE RATIO: 0.6 (DEVELOPMENT SITE ONLY)
 PROPOSED OPEN SPACE: - 14,060 sq.ft.
 MEANTY OPEN SPACE RATIO: - 0.73

#14,05068/-19,11106/-
 AMENITY OPEN SPACE RATIO - 10% off the 10% lots used for
 BLD SIZES: FIRE STN: 14,00068/-, RECY: 14061/-, 10611/-,
 14061/-, RECY: 14061/-, RECY: 14061/-, RECY: 14061/-,
 PROPOSED AMENITY OPEN SPACE - 27,480sf.
 PROPOSED AMENITY OPEN SPACE RATIO - 0.68
 #27,480sf/-40,420sf/-
 BUILDING HEIGHTS: 35' +/- OFFICE BLD' | 20' +/- FRIENDLY'S
 REDUCED STAIRS AND 10' FROM & 40' FROM & OF PAVING
 REAR SETBACKS - NONE REQUIRED
 SIDE SETBACKS - NONE REQUIRED
 LOT 450, AND ALL ZONING

STORAGE: 10000 LBS.
SPECIFICATIONS: 1000 LBS.
EXISTING RETAIL SITE, BLVD. PERMIT: B-064516
FLOODPLAIN: THE SITE IS SHOWN ON FEMA FIRM MAP COMMUNITY
FLOODING: THE AREA OF THE SITE FOR THE PROPOSED BUILDING
LIES IN ZONE "C" (AREAS OF MINIMAL FLOODING).
LIGHTING: EXISTING LIGHTING IS USED TO ILLUMINATE AN OFF-STREET PARKING
AREA. THE LIGHTING IS USED TO REFLECT LIGHT AWAY FROM ADJACENT
SITES AND PUBLIC STREETS.

PARKING TABULATION

DEVELOPMENT SITE ONLY

PARKING REQUIRED:	16	=	49.3 SPACES
14,950 S.F. REPAIR LOT	3.3	=	9.9 SPACES
TOTAL PARKING REQUIRED	16	=	59.2 SPACES
TOTAL PARKING PROVIDED	57	=	117 SPACES
TOTAL EXISTING PARKING	41	=	81 SPACES
TOTAL PARKING PROPOSED	2	=	4 SPACES
HANDICAPPED PARKING REQUIRED	2	=	2 SPACES
HANDICAPPED PARKING PROPOSED	2	=	2 SPACES

WITH RECORD IGAURED OFF-SITE LOTS

PARKING REQUIRED:
DEVELOPMENT SITE FROM ABOVE = 117 SPACES
EX. RETAIL BUILDING = 17 SPACES
EX. RETAIL BUILDING (23 PER FINE DEPT.) = 28 SPACES
TOTAL PARKING REQUIRED = 166 SPACES

PARKING PROVIDED:

	REQUIRED	PROG. OF SITE	PROG. ON
EX. RETAIL BUILDING	117	30	30
PREHOUSE	28	28	28

ZONING HISTORY

ZONING HISTORY

ZONING HISTORY

1. HEARING OFFICER'S ORDER GRANTING THE DEVELOPMENT PLAN.
2. DEVELOPMENT PLAN SIGNED - 1/21/1989.
3. COUNTY BOARD OF SUPERVISORS' ORDER GRANTING HEARING OFFICER'S ORDER - 3/27/1989 (CASE #64-93-05).
4. PETITION FOR JUDICIAL REVIEW FILED IN THE COUNTY BOARD OF SUPERVISORS' CIVIL ACTION NO. 3-C-93-00029884/1/99.
5. FIRST HEARING ON PETITION - 8/27/1993.
6. SECOND REFINED DEVELOPMENT PLAN SIGNED ON 8/21/1993 (CASE #64-93-05).

REASON FOR FIRST REFINEMENT:

ADDITIONAL EMPLOYEE RESTROOMS AS REQUIRED BY THE BUILDING CODE.

REASON FOR SECOND REFINEMENT:

- TO CHANGE THE SITE AND CONFIGURATION OF THE REAR RETAIL BUILDING FROM A SINGLE STORY, 12,450 SQUARE FOOT BUILDING, TO A TWO-STORY 12,450 SQUARE FOOT BUILDING.
- TO A MODIFIED 12,450 SQUARE FOOT BUILDING.
- TO A REAR PARKING AREA IN THE AREA WHERE THE SINGLE STORY BUILDING FOOTPRINT IS BEING REDUCED.

- LOT LINE ADJUSTMENT TO MATCH EDGE OF EXISTING RETAIL BUILDING.

THIS PROJECT IS LOCATED WITHIN THE KATYNSVILLE REVITALIZATION AREA, AS SHOWN ON THE MAP OF THE KATYNSVILLE REVITALIZATION AREA, AND IS SUBJECT TO REVIEW BY THE DESIGN REVIEW PANEL, ON 1/23/1999, AND APPROVED BY THE BULLHOLE COUNTY PLANNING BOARD, ON 7/23/1999.

TOTAL PARKING SPACES REQUIRED: 166 SPACES
TOTAL PARKING SPACES PROVIDED: 254 SPACES

PROPOSED PARKING LOT
ON NORTH SIDE OF
MELROSE AVENUE

SITE DATA

[illegible]

LANDSCAPE CALCULATIONS

LANDSCAPING REQUIRED:

3)	100' OF SOUTHERN REDWOOD	1.0
4)	100' OF 12" INTERIOR REDWOOD	4.2
5)	1 P.C. 20" INTERIOR REDWOOD	1.0
6)	1 P.C. 12" PLANTING SPECIES	4-4
7)	1 P.C. 12" PLANTING SPECIES	4-4
8)	SCREEN PLANTING FROM ADJACENT ROADWAY	4-4
9)	SCREEN ADJACENT RESIDENCES	4-4
10)	RESIDENCE ON WEST SIDE SCREENED BY EXISTING WOODS	6-3
	TOTAL REQUIRED:	20.6 P.C.U.
	LANDSCAPE PROVIDED:	16.0
	16 MAJOR DECIDUOUS TREES=	
	3 EVERGREEN TREES / 2 =	1.5
	11 SHRUBS FOR SCREEN / 5 =	2.2
	TOTAL PROVIDED:	20.9

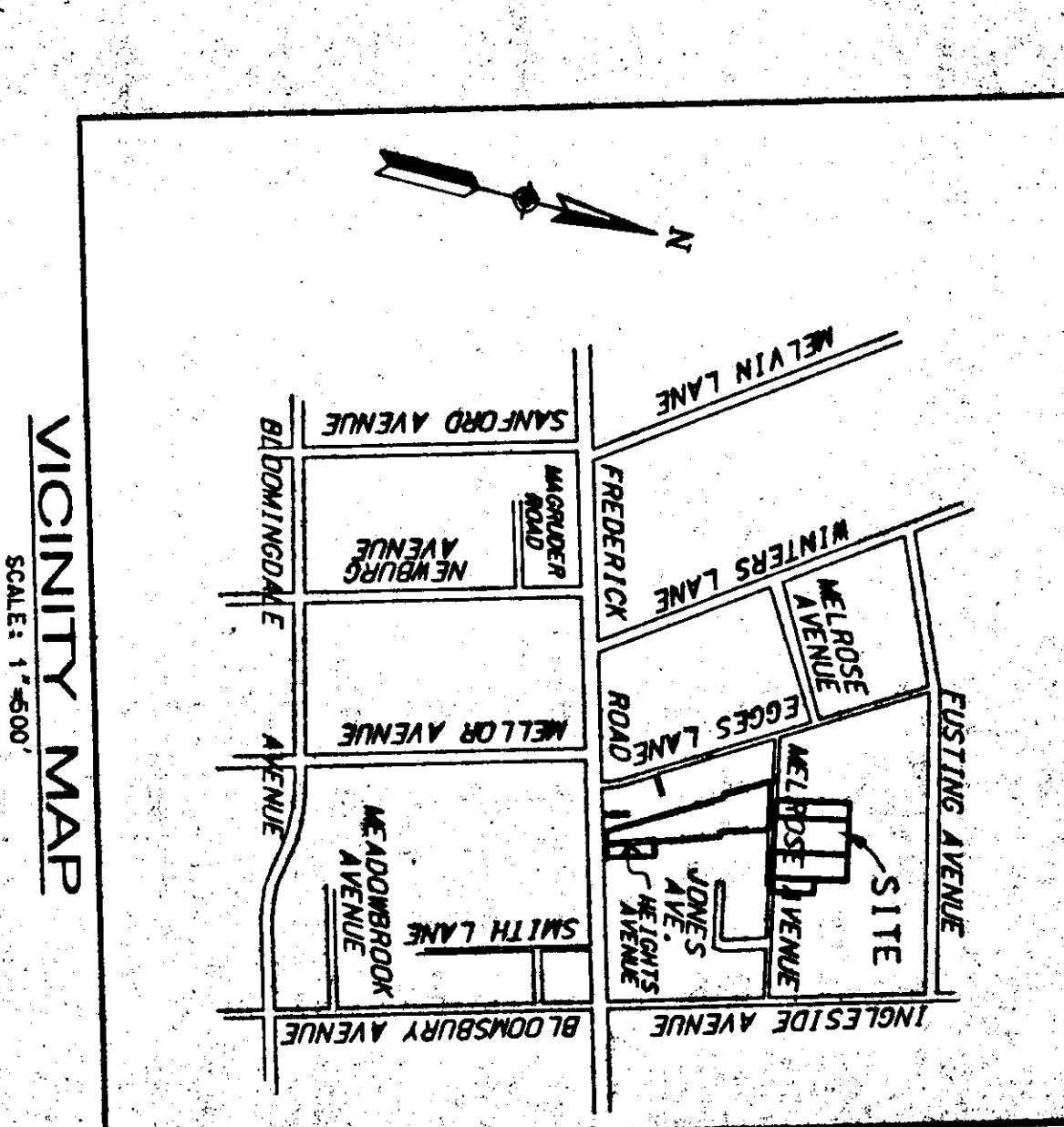
PARKING FACILITY

RESTRICTIONS

1. ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE THE FACILITY.
2. NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING IS PERMITTED.
3. LIGHTING SHALL BE LOW INTENSITY AND SHALL BE PLACED AS NOT TO REFLECT RAYS INTO ADJOINING RESIDENCES.
4. PARKING WILL BE LIMITED TO THE HOURS OF 8:00 AM TO 6:00 PM.
5. ONLY TENANTS, EMPLOYEES OR PATRONS OF THE OFFICE BUILDING LOCATED ON 746 FREDERICK ROAD WILL UTILIZE THESE SPACES.

NOTES:

1) THE PROPERTY OUTLINE SHOWN HEREON IS APPROXIMATE ONLY
AS COMPILED FROM DEEDS AND TAX RECORDS AND DOES NOT
REPRESENT A BOUNDARY SURVEY.



00-122-5PH

