

IN RE: PETITION FOR SPECIAL HEARING
E/S Delaware Avenue, 105' N of
centerline Chesapeake Avenue
9th Election District
4th Councilmanic District
(408 Delaware Avenue)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

Richard D. Laskoski, Pres., Print-O-Stat,, Inc.
Successor In Interest to Towson Blue Print
& Engineering Supply Co., Inc.
and
Keith S. Franz, Member
Azrael, Gann & Franz, LLC
Petitioners

* CASE NO. 00-321-SPHA
*
*
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Richard Laskoski, as President of Print-O-Stat, Inc. and Keith S. Franz, a member of Azrael, Gann & Franz, LLC (AGF, LLC). The special hearing and variance request involved property located at 408 Delaware Avenue, located in the east Towson area of Baltimore County. The subject property is zoned BM-CT. The special hearing request is filed pursuant to Section 26-171, 26-172(b) of the Baltimore County Code, Sections 26-203(c)(8) and 26-278 of the Baltimore County Code, in order to allow the demolition of an existing historic building. In addition, a variance is requested from Section 409.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a standard parking space dimension of 8 ½ ft. x 16 ft. in lieu of the required 8 ½ ft. x 18 ft.

Appearing at the hearing on behalf of the special hearing and variance requests were Keith Franz, a member of AGF, LLC and Matthew Azrael, attorney at law, representing the Petitioners. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this request, consists of 0.181 acres, more or less, zoned BM-CT. The subject property is currently improved

COPIES RECEIVED FOR FILING
Date 5/24/00
By R. Gannon

with a building which the Petitioner proposes to tear down. The Petitioner is desirous of acquiring the subject property, tearing down the structure thereon, and converting the property to a parking lot which will be used in conjunction with a building that they own located on the corner of Chesapeake and Delaware Avenues.

The subject property is listed on the Maryland Historical Trust Inventory and thus the requested special hearing relief is necessary in order that the building be torn down. Specifically, the structure itself, known as 408 Delaware Avenue is identified as # BA-1472, ("J. H. Scharf House"). The request to tear down the subject structure was reviewed by the Landmarks Preservation Commission on May 11, 2000 and a recommendation has been made that the razing of the structure would be appropriate. (See memo from Office of Planning dated May 17, 2000.) The parking design and layout is similar to the existing parking lot located at 412 Delaware Avenue, which parking lot is also owned by the Petitioner herein. Testimony indicated that the customers and patrons who park on that parking lot have no problems maneuvering their vehicles in and out of the parking spaces provided. Therefore, the parking lot design for the subject property will also be suitable for the purposes intended by the Petitioner.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

RECEIVED PLANNING
5/24/00
J. P. JENNINGS


After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance and special hearing are not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED this 24th day of May, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for special hearing from Section 26-171, 26-172(b) of the Baltimore County Code, Sections 26-203(c)(8) and 26-278 of the Baltimore County Code, in order to allow the demolition of an existing historic building, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the variance request from Section 409.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a standard parking space dimension of 8 ½ ft. x 16 ft. in lieu of the required 8 ½ ft. x 18 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

ORDER RECEIVED FOR FILING
Date 5/24/00
By R. J. G. [Signature]

TMK:raj



Baltimore County
Zoning Commissioner

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

May 24, 2000

Matthew H. Azrael, Esquire
Azrael, Gann & Franz
101 e. Chesapeake Avenue, 5th Floor
Baltimore, Maryland 21286

Re: Petitions for Special Hearing & Variance
Case No. 00-321-SPHA
Property: 408 Delaware Avenue

Dear Mr. Azrael:

Enclosed please find the decision rendered in the above-captioned case. The Petitions for Special Hearing and Variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Census 2000

For You, For Baltimore County

Census 2000



Printed with Soybean Ink
on Recycled Paper

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

Copies to:

Mr. Richard D. Laskoski, President
Print-O-Stat, Inc.
1011 West Market Street
York, Pennsylvania 17404

Keith S. Franz, Esquire
Azrael, Gann & Franz, LLC
101 E. Chesapeake Avenue, 5th Floor
Towson, Maryland 21286

Ms. Bernadette L. Moskunas
M & H Development Engineers, Inc.
200 E. Joppa Road, Room 101
Towson, Maryland 21286



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at #408 Delaware Avenue
which is presently zoned BM-CT

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 waiver, pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code, of the requirements of Sections 26-203(c)(8) and 26-278 of the Code, to raze an existing historic building.

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:

Keith S. Franz, Member AGF, LLC
Name - Type or Print

Signature
101 E Chesapeake Ave., 5th Fl. 410-821-6800
Address Telephone No.
Baltimore, Maryland 21286
City State Zip Code

Attorney For Petitioner:

Matthew H. Azrael
Name - Type or Print

Signature
Azrael, Gann & Franz
Company
101 E. Chesapeake Ave., 5th Fl. 410-821-6800
Address Telephone No.
Baltimore, Maryland 21286
City State Zip Code

Legal Owner(s):

Richard D. Laskoski, Pres., Print-O-Stat, Inc.
Successor in Interest to Towson Blue Print
Name - Type or Print and Engineering Supply Co., Inc.

Signature
Name - Type or Print
Signature
1011 West Market Street 717-854-7821
Address Telephone No.
York, Pennsylvania 17404
City State Zip Code

Representative to be Contacted:

Bernadette L. Moskunas
M&H Development Engineers, Inc
Name
200 E. Joppa Road, Room 101 ²⁰² ^{717 854-7821} (410) 828-9060
Address Telephone No.
Towson, MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BR Date 2/7/00

Case No. 00-321-58HA

200 9/15/98

ORDER RECEIVED BY MAILING



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #408 Delaware Avenue

which is presently zoned BM-CT

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 Variance from Section(s) 409.3 to permit a standard

parking space dimension of 8 1/2' x 16' in lieu of the required 8 1/2' x 18'.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. The original lot width is too narrow for perpendicular parking requirements either the aisle way should be reduced or the parking space to fit within the lot.
2. Small car space is 7 1/2' x 16' would not need a variance.
3. This lot does not support the contract purchaser's office building. This is more of an overflow area for #101 E. Chesapeake Avenue.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, 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:

Keith S. Franz, Member AGF, LLC
 Name - Type or Print
 Signature
 101 E. Chesapeake Ave., 5th Fl. 410-821-6800
 Address Telephone No.
 Baltimore, Maryland 21286
 City State Zip Code

Attorney For Petitioner:

Matthew H. Azrael
 Name - Type or Print
 Signature
 Azrael, Gann & Franz
 Company
 101 E. Chesapeake Ave., 5th Fl. 410-821-6800
 Address Telephone No.
 Baltimore, Maryland 21286
 City State Zip Code

Legal Owner(s):

Richard D. Laskoski, Pres., Print-O-Stat, Inc.
 Successor in Interest to Towson Blue Print
 Name - Type or Print and Engineering Supply Co., Inc.

Signature
 Name - Type or Print
 Signature
 1011 West Market Street 717-854-7821
 Address Telephone No.
 York, Pennsylvania 17404
 City State Zip Code

Representative to be Contacted:

Bernadette L. Moskunas
 M&H Development Engineers, Inc.
 Name 206 717-854-7821
 200 E. Joppa Road, Room 101 dr. (410) 828-9060
 Address Telephone No.
 Towson, MD 21286
 City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

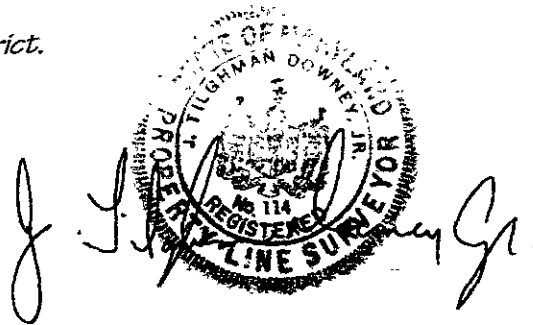
Reviewed By BR Date 9/7/00

Case No. 00-321-58HA

ON THE 7th DAY OF SEPTEMBER 2000

ZONING DESCRIPTION FOR #408 DELAWARE AVENUE

Beginning at a point on the east side of Delaware Avenue which is 53' wide at the distance of 105' north of the centerline of Chesapeake Avenue which is 60' wide. As recorded in Deed Liber 4672, folio 110 and running thence N 15 1/4 degrees E, 55'; thence parallel with Chesapeake Avenue, S 79 1/2 degrees E, 143.6' to the centerline of a 16' alley; thence S 15 1/4 degrees W, 55' and thence N 79 1/2 degrees W, 143.6' to the place of beginning. Also known as #408 Delaware Avenue and located in the 9th. Election District, 4th. Councilmanic District.



J. Tilghman Downey, Jr.
Reg. No. 114

M&H Development Engineers, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286

00-321-SPHA

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: #00-321-SPHA
408 Delaware Avenue
E/S Delaware Avenue, 105' N of centerline Chesapeake Avenue
9th Election District - 4th Councilmanic District
Legal Owner(s): Print-O-Stat, Inc.
Contract Purchaser: AGF, LLC

Special Hearing: to approve a waiver pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code of the requirements of Section 26-203(c)(8) and 26-278 of the Code, to raze an existing historic building. **Variance:** to permit a standard parking space dimension of 8-1/2 feet by 16 feet in lieu of the required 8-1/2 feet by 18 feet.

Hearing: Friday, March 17, 2000 at 9:00 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 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.

3/010 March 2 C373192

CERTIFICATE OF PUBLICATION

TOWSON, MD, 3/2/, 2000

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 3/2/, 2000.

THE JEFFERSONIAN,
J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **078672**

DATE 2/1/00 ACCOUNT F. 11-2150
AMOUNT \$ 200.00

RECEIVED FROM: 030 9 240

FOR: 2000000000 & Special Agency

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item # 341

PAID RECEIPT

PAYMENT	ACTUAL	TIME
2/07/2000	2/07/2000	07:05:25
PLS MAKE	CASHIER MAKE RES	NUMBER 5
Dept 5	BUS ZONING CERTIFICATION	
Receipt #	14342	8517
CR NO.	078672	
	Receipt Tot	500.00
	500.00	OK
		00 00
	Baltimore County, Maryland	

00-321-SPNA
CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 00-321-SPHA
PETITIONER/DEVELOPER
[AGF, LLC]
DATE OF Hearing
[Apr. 6, 2000]

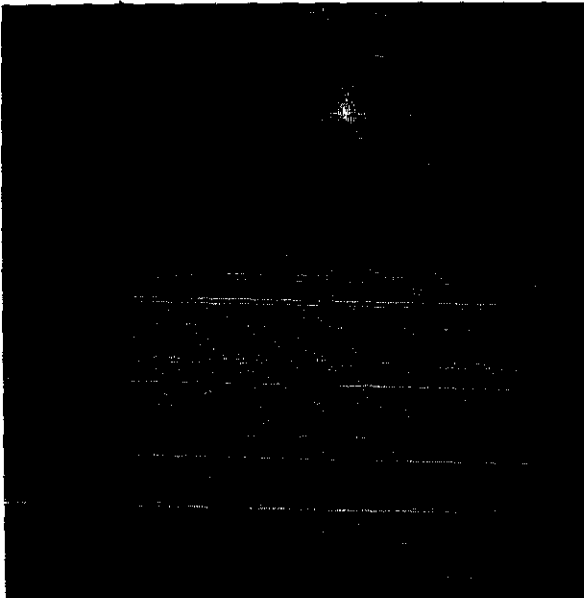
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
408 Delaware Ave. Towson, Maryland 21286_____

The sign(s) were posted on _____ 3-21-00 _____
[Month, Day, Year]



Sincerely,

Thomas P. Ogle Sr. 3/21/00
[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
PETITION FOR VARIANCE
408 Delaware Avenue, E/S Delaware Ave,
105' N of c/l Chesapeake Ave
9th Election District, 4th Councilmanic

Legal Owner: Print-O-Stat, Inc.
Contract Purchaser: AGF, LLC
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-321-SPHA

* * * * *

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.



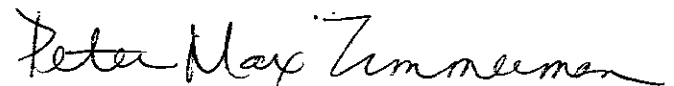
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 1st day of March, 2000 a copy of the foregoing Entry of Appearance was mailed to Matthew H. Azrael, Esq., Azrael, Gann & Franz, 101 E. Chesapeake Avenue, 5th Floor, Towson, MD 21286, attorney for Petitioner(s).



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

February 18, 2000

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: 00-321-SPHA
408 Delaware Avenue
E/S Delaware Avenue, 105' N of centerline Chesapeake Avenue
9th Election District – 4th Councilmanic District
Legal Owner: Print-O-Stat, Inc.
Contract Purchaser: AGF, LLC

Special Hearing to approve a waiver pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code of the requirements of Section 26-203(c)(8) and 26-278 of the Code, to raze an existing historic building. Variance to permit a standard parking space dimension of 8-1/2 feet by 16 feet in lieu of the required 8-1/2 feet by 18 feet.

HEARING: Friday, March 17, 2000 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

Arnold Jablon
Director

c: Matthew Azrael, Esquire, 101 E. Chesapeake Ave., 5th Floor, Baltimore 21286
Print-O-Stat, Inc., 1011 W. Market Street, York, PA 17404
AGF, LLC, 101 E. Chesapeake Ave., 5th Floor, Baltimore 21286
M&H Development Engineers, Inc., 200 E. Joppa Rd., Room 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 2, 2000**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 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
Thursday, March 2, 2000 Issue – Jeffersonian

Please forward billing to:

Matthew Azrael, Esquire 410-821-6800
101 East Chesapeake Avenue
5th Floor
Towson, MD 21286

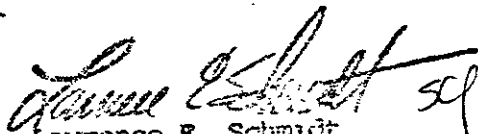
NOTICE OF ZONING HEARING

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CASE NUMBER: 00-321-SPHA
408 Delaware Avenue
E/S Delaware Avenue, 105' N of centerline Chesapeake Avenue
9th Election District – 4th Councilmanic District
Legal Owner: Print-O-Stat, Inc.
Contract Purchaser: AGF, LLC

Special Hearing to approve a waiver pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code of the requirements of Section 26-203(c)(8) and 26-278 of the Code, to raze an existing historic building. Variance to permit a standard parking space dimension of 8-1/2 feet by 16 feet in lieu of the required 8-1/2 feet by 18 feet.

HEARING: Friday, March 17, 2000 at 9:00 a.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 ACCOMODATIONS, 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.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-321-SPH A

Petitioner: Matthew Azrael, Esq.

Address or Location: #408 Delaware Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Matthew Azrael, Esq.

Address: 101 E. Chesapeake Avenue 5th. Floor

Towson, MD 21286

Telephone Number: (410)821-6800



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

March 1, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED MAR 03 2000

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEBRUARY ^{22,} ~~28,~~ 2000

Item No.: (321) 322, AND 324

Dear Ms. Stephens:

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

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: March 8, 2000
SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of February 22, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
323	9013 Liberty Road
324	9704 William Parks Road
325	609 Sunspot Road
327	314 Garrison Forest Road
328	122 Grist Shore Way
330	9901 York Road
331	4017 Black Rock Road
303	500-512 Eastern Boulevard
488	1823 York Road
321	408 Delaware Avenue
322	Melrose Avenue/Egges Lane

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 23, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
for *February 28, 2000*
Item Nos. 321, 323, 324, 325, 327, 328,
329, 330, 331, 332,

and

Case #99-488-SPHA
1823 York Road

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

RWB:HJO:jrb

cc: File

ZAC-2-28-28-2000-NOC

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 18, 2000

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

SUBJECT: No. 408 Delaware Avenue

INFORMATION

Item Number: 00-321-SPHA
Petitioner: Keith Franz (contract/purchaser)
Zoning: BM-CT
Requested Action: Special Hearing to raze a historic structure

RECOMMENDATIONS ON THE PROPOSAL

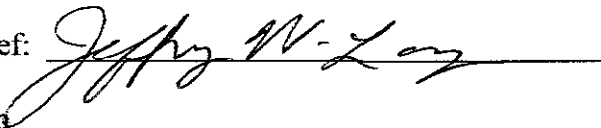
The structure located at No. 408 Delaware Avenue is listed on the Maryland Historic Trust (MHT) Inventory as the "J. F. Scharf House," MHT # BA 1472.

Ms. Abe informed Ms. Moskunas (project representative) in February 2000 that this item was scheduled for LPC review at their April 13, 2000 meeting.

At their April 13, 2000 meeting, the LPC unanimously agreed to recommend against demolition, in the absence of any presentation or other evidence from the applicant on which to base an opinion.

Ms. Abe will be contacting Ms. Moskunas to re-schedule the proposal for LPC review.

Section Chief:



AFK:KA:rlh

Jim
4/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 17, 2000

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

SUBJECT: No. 408 Delaware Avenue

MAY 18
2000

INFORMATION

Item Number: 00-321-SPHA
Petitioner: Keith Franz (owner)
Zoning: BM-CT
Requested Action: Special Hearing

RECOMMENDATIONS ON THE PROPOSAL

The "J. F. Scharf House" is listed on the Maryland Historic Trust (MHT) Inventory as MHT # BA 1472.

At their meeting on May 11, 2000, the Landmarks Preservation Commission (LPC) unanimously agreed not to oppose the issuance of a waiver from Section 26-278 to allow demolition of this structure.

Section Chief: Jeffrey W. Long
AFK:KA:rlh

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 00-321-SPHA

Date Completed/Initials

2/18/00 SCJ

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

2/29/00 SCJ

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

2/29/00 SCJ

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ~~ZAC in computer~~; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

Robin KHI ZC 4/3/00
PP 4/6/00



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

February 29, 2000

MAR - 1

Keith S. Franz, Esquire
Azrael, Gann & Franz, LLP
101 E. Chesapeake Avenue
Fifth Floor
Baltimore, MD 21286

Dear Mr. Franz:

RE: Case Number 00-321-SPHA, 408 Delaware Avenue

The above matter, previously scheduled for March 17, 2000, has been postponed at your request. The hearing has been **rescheduled for Monday, April 3, 2000 at 9:00 a.m. in room 407, County Courts Building, 401 Bosley Avenue.**

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of the new hearing date should be affixed to the sign(s).

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

Arnold Jablon
Arnold Jablon
Director

AJ:scj

C: AGF, Inc., 101 E. Chesapeake Avenue, 5th Floor, Baltimore 21286
Print-O-Stat, Inc., 1011 W. Market Street, York, PA 17404
M&H Development Engineers, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286



Baltimore County
Zoning Commissioner

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

March 9, 2000

Keith S. Franz, Esquire
Azrael, Gann & Franz
101 E. Chesapeake Avenue, 5th Floor
Towson, Maryland 21286

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
Case No. 00-321-SPHA
Property: 408 Delaware Avenue
9th Election District, 4th Councilmanic District

Dear Mr. Franz:

This letter is to confirm that the above-captioned matter previously scheduled for hearing on April 3, 2000 has been rescheduled for Thursday, April 6, 2000 at 2:00 P.M. in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland. Please arrange to have the property reposted with the new hearing date, time and location by no later than March 22, 2000 so as to meet the required 15-day posting period. It will be necessary to readvertise the property.

In the meantime, should you have any questions concerning this matter, please do not hesitate to call me.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj

c: Mr. Richard D. Laskoski, President, Print-O-Stat, Inc., 1011 W. Market St., York, PA 17404
M & H Development Engineers, Inc., 200 E. Joppa Road, Rm. 101, Towson, MD 21204
Azrael, Gann & Franz, 101 E. Chesapeake Ave., 5th Fl., Towson, MD 21286
Ms. Sophia Jennings, DPDM; People's Counsel; Case File

Census 2000

For You, For Baltimore County

Census 2000

EDWARD AZRAEL
JONATHAN A AZRAEL
KEITH S FRANZ
PAUL J SCHWAB, III
JUDSON H. LIPOWITZ
SUSAN H. TERLEP
MATTHEW H. AZRAEL*
JONATHAN S. BACH*

2/28/00
8
SJ
0/2

AZRAEL GANN+FRANZ
ATTORNEYS AT LAW

H DAVID GANN (1928-1983)
OF COUNSEL
DANIEL J. DREGIER, JR., PA
MIRIAM L. AZRAEL, PA *

February 25, 2000

*Also admitted in DC

Arnold Jablon, Esquire
Director's Office
Department of Permits and Development
Management County Office Building
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No.: 00-321-SPHA
Property : 408 Delaware Avenue

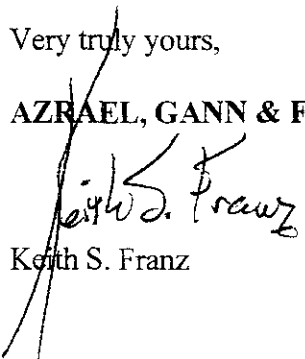
Dear Mr. Jablon:

I am the petitioner in the above-referenced case which is scheduled for a hearing on March 17, 2000, and I will be our witness in this case. Unfortunately, I will be in Utah on the date presently scheduled for the hearing in this matter. Therefore, I am requesting a postponement of the hearing so that I may be able to attend to present our position.

A hearing date any time in April or May, 2000 would be very much appreciated.

Very truly yours,

AZRAEL, GANN & FRANZ, LLP


Keith S. Franz

KSF:dmz
cc: M & H Development Engineers, Inc.

TRANSMISSION VERIFICATION REPORT

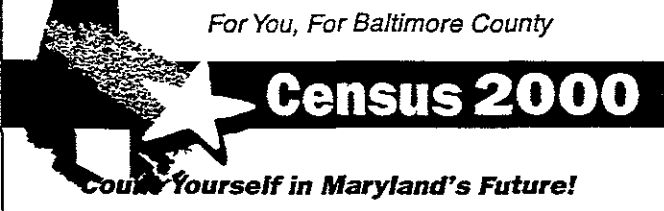
TIME: 04/26/2000 13:26
NAME: ZONING COMM OFFICE
FAX : 410-887-3468
TEL :

DATE, TIME	04/26 13:25
FAX NO. /NAME	94108211265
DURATION	00:00:52
PAGE(S)	02
RESULT	OK
MODE	STANDARD



FAX COVER SHEET

For You, For Baltimore County



Census 2000

Count Yourself in Maryland's Future!

Date: _____

Number of Pages including cover sheet: _____

To: MATT AZRAEL

Phone: _____

Fax # 821-1265

c: _____

From: TIM KOTROCO

Phone: _____

Fax # _____

REMARKS: Urgent For your review Reply ASAP Please comment

Per our conversation, please find the enclosed.

Tim Kotroco

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND VARIANCE – E/S Delaware Avenue, * ZONING COMMISSIONER
 215' N of the c/l of Chesapeake Avenue *
 (412 Delaware Avenue) * OF BALTIMORE COUNTY
 9th Election District *
 4th Councilmanic District *
 John F. Etzel and Eva A. Cross *
 Petitioners * Case No. 99-214-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, John F. Etzel and Eva A. Cross, and the Contract Purchaser, Keith Franz. The Petitioners seek approval of a waiver, pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code, of the requirements of Sections 26-203(c)(8) and 26-278 of the Code, to raze an existing historic building, and variance relief from Sections 409.4 and 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking spaces 16 feet in length in lieu of the required 18 feet, and a parking setback from the street right-of-way of 3 feet in lieu of the required 10 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner’s Exhibit 1.

Appearing at the hearing on behalf of the Petitions were John Etzel, property owner, Keith Franz, Contract Purchaser, Vincent J. Moskunas, the Professional Engineer who prepared the site plan for this property, Frank C. McCrystle, and Matthew Azrael, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.181 acres, more or less, zoned B.M.-C.T., and is located in the older community of East

Towson, with frontage on Delaware Avenue between Chesapeake and Pennsylvania Avenues. Testimony and photographs submitted show that the site is improved with a two-story dwelling, one-story garage, and macadam paved parking area. Mr. Franz, who is an attorney by occupation and practices law in a building near the subject site, proposes to acquire the subject parcel, raze the dwelling thereon, and utilize the property entirely for parking. In fact, a portion of the property is already used for parking; however, razing the existing dwelling will provide a larger area. The site plan submitted depicts not only existing conditions, but also the proposed parking lot that will have access from Delaware Avenue to the west, and an alley to the east (rear).

The subject property is listed on the Maryland Historical Trust Inventory and thus, the requested special hearing relief is necessary in order to raze the dwelling. Testimony and evidence presented was that at its meeting on December 10, 1998, the Landmarks Preservation Commission (LPC) agreed to recommend to this Zoning Commissioner that the requested waiver be granted. The LPC recommendation was conditioned on the submittal of photographic documentation prepared to National Register Standards as approved by the County Historian. In this regard, it is clear that the subject structure has little actual historic value. For these reasons, I find that the Petitioners have met the requirements of Section 26-172 of the Code and that a granting of the requested waiver is justified.

As to the requested variance, testimony indicated that due to the narrowness of the property, the parking spaces will be slightly shorter than required by Code, and the westernmost spaces will be set back 3 feet from the right-of-way for Delaware Avenue as opposed to the required 10 feet. In my view, strict compliance with the parking regulations is not warranted and impractical. Thus, I find that the Petitioners have satisfied the requirements set forth for variance relief in Section 307 of the B.C.Z.R.

Finally, as noted above, there were no Protestants present, and the Zoning Plans Advisory Committee comments were largely neutral. The Office of Planning and Zoning comment dated December 16, 1998 did record the Landmark Preservation Commission vote as outlined above. An amended comment was received from Robert W. Bowling, Supervisor of the Bureau of Developer's Plans Review Division of the Department of Permits and Development Management. That comment, as amended, shall be incorporated as a condition precedent to the granting of this relief.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of January, 1999 that the Petition for Special Hearing to approve a waiver, pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code, of the requirements of Sections 26-203(c)(8) and 26-278 of the Code, to raze an existing historic building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

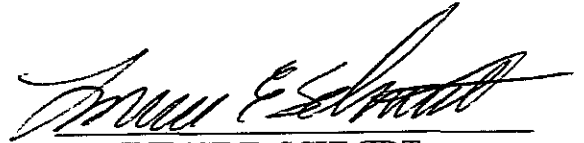
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 409.4 and 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking spaces 16 feet in length in lieu of the required 18 feet, and a parking setback from the street right-of-way of 3 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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.
- 2) The Petitioners shall comply with the requirements of the ZAC comment submitted by Robert W. Bowling, Supervisor, of the Developer's Plans

24' driveway

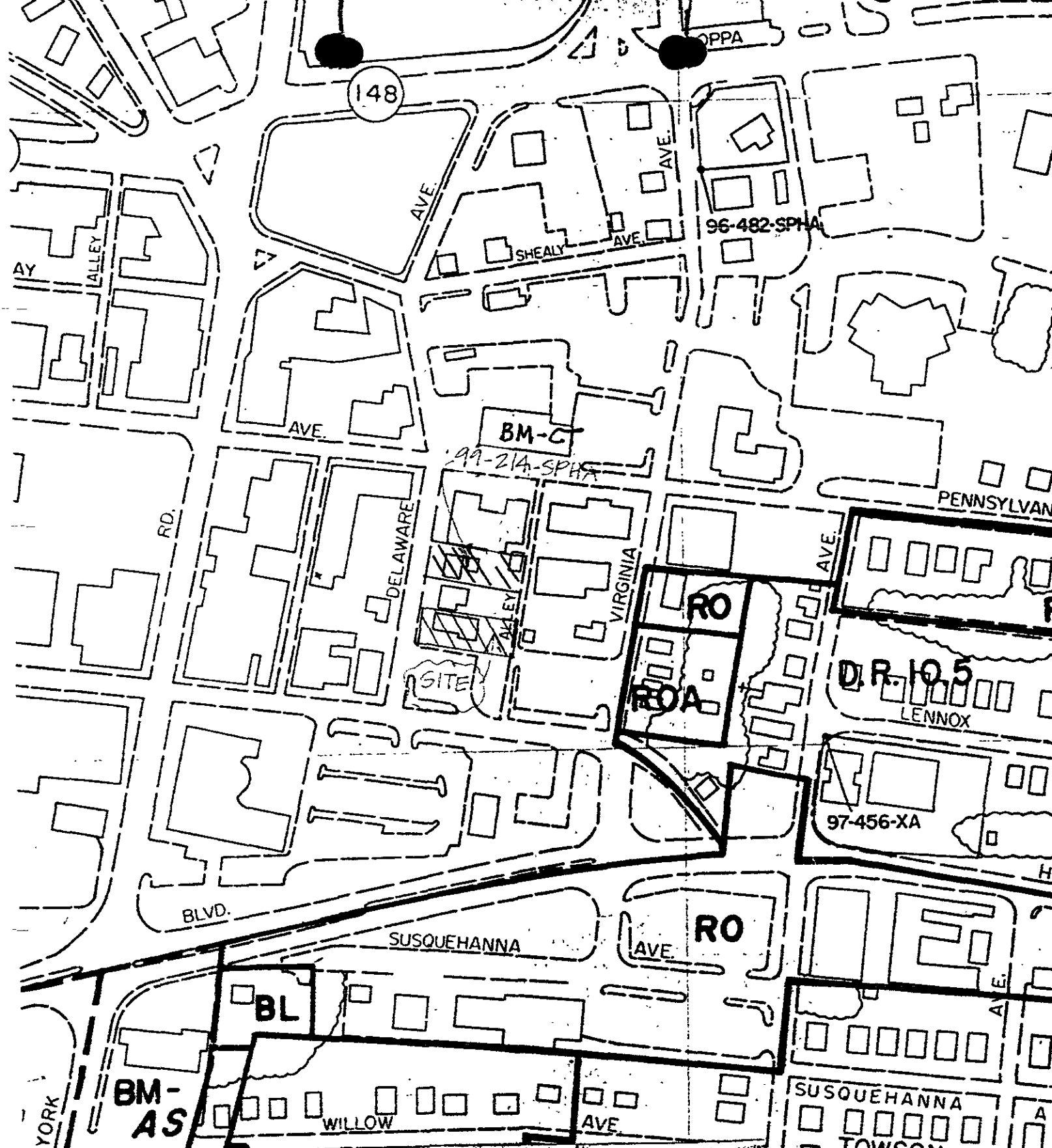
Review Division of DPDM, amended January 7, 1999.

- 3) The Petitioners shall submit photographic documentation of the structure to be razed, prepared to National Register Standards, as required by the County Historian.
- 4) When applying for the razing permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



SCALE

1" = 200' ±

DATE OF
PHOTOGRAPHY

LOCATION

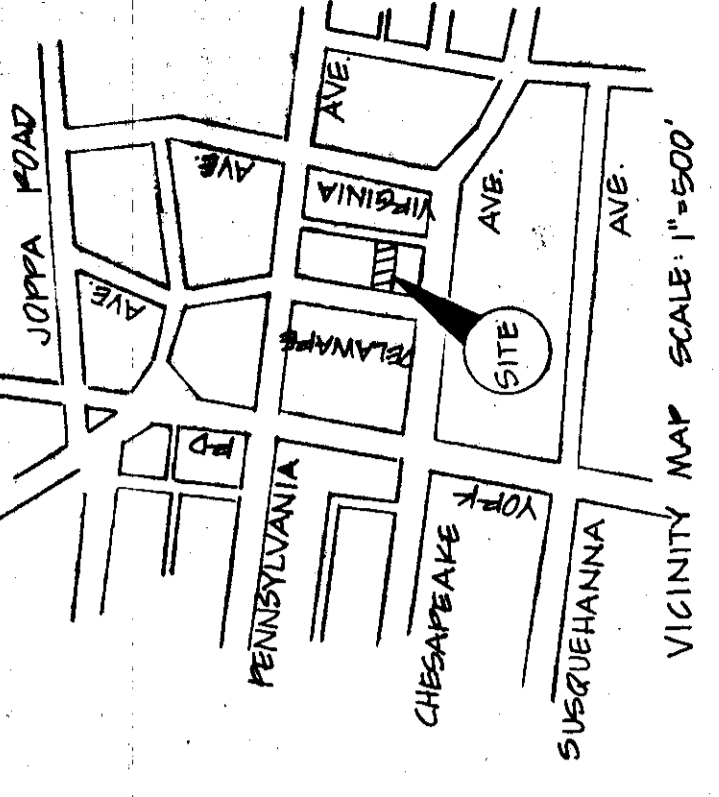
00-321-SPHA

TOWSON

321

SHEET

10-A



VICINITY MAP SCALE: 1"=500'

LOCATION INFORMATION

1. EX. ZONE: BM-CT
2. 200' SCALE MAP: N.E. 10-A
3. ELECTION DISTRICT # 9
4. COUNCILMANIC DISTRICT # 4
5. LOT SIZE: 0.181 AC ± 7892 S.F.
6. PAVING PERMIT # : NOT APPLICABLE
7. NOT LOCATED IN CHESAPEAKE BAY CRITICAL AREA
8. FLOOD INSURANCE RATE MAP COMMUNITY PANEL # 2
9. NO PROP ZONING HEARING
10. TAX MAP 70A GRID II PARCEL 374
11. DEED REF: 4672-110
12. EX. 2 STORY DWLG. TO BE PAVED, TO ALLOW FOR PAVED PARKING AREA.
13. TAX ACCT # 0920551710
14. THE LOT SIZE IS COMPLETELY IMPERVIOUS.
15. STORMWATER MANAGEMENT WAIVER HAS BEEN APPLIED FOR.

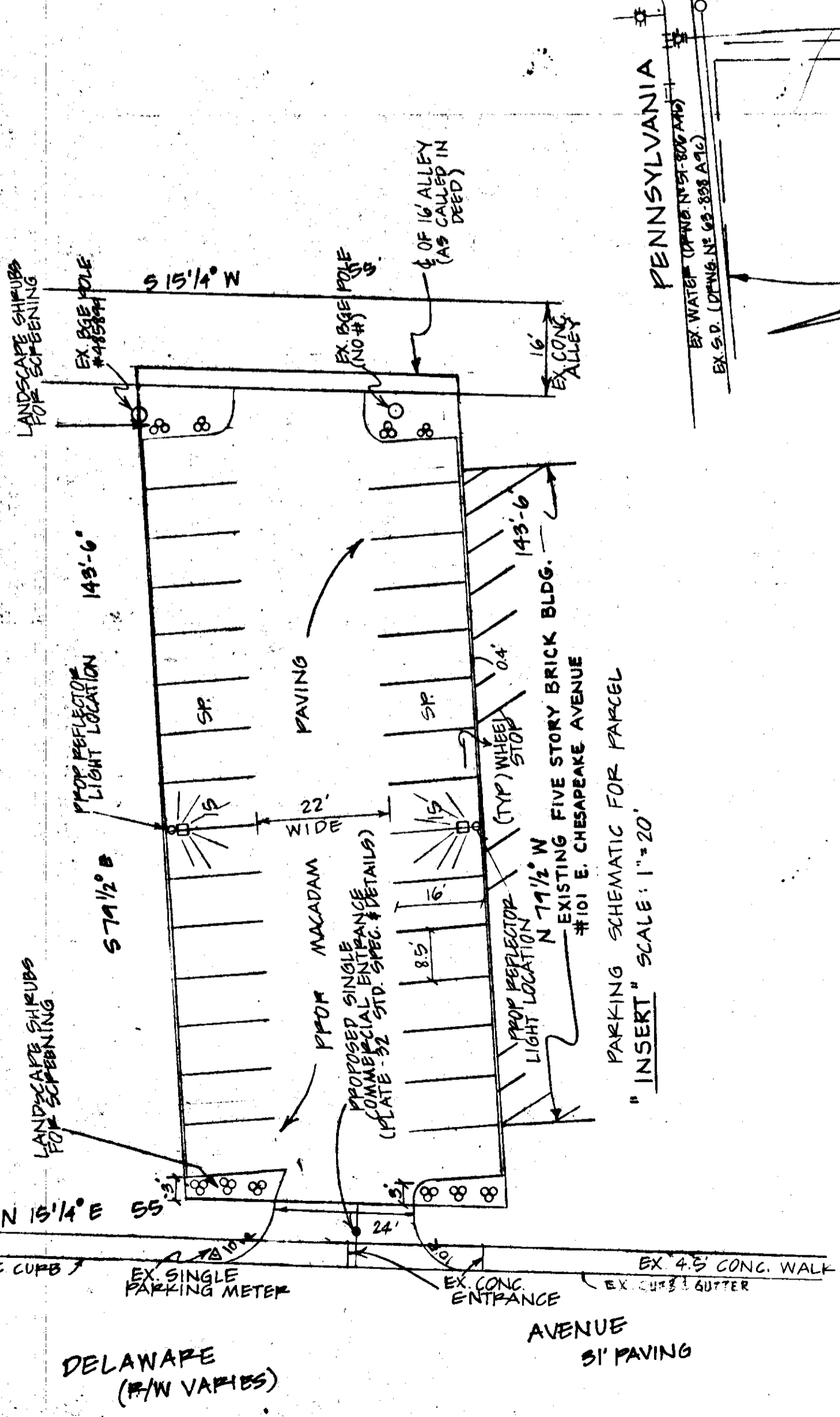
SPECIAL HEARING & VARIANCE PLAN

#408 DELAWARE AVENUE
 PARCEL 374
 BALTIMORE CO, MD
 ELECTION DISTRICT # 9
 SCALE: 1" = 50'
 JANUARY 13, 2000

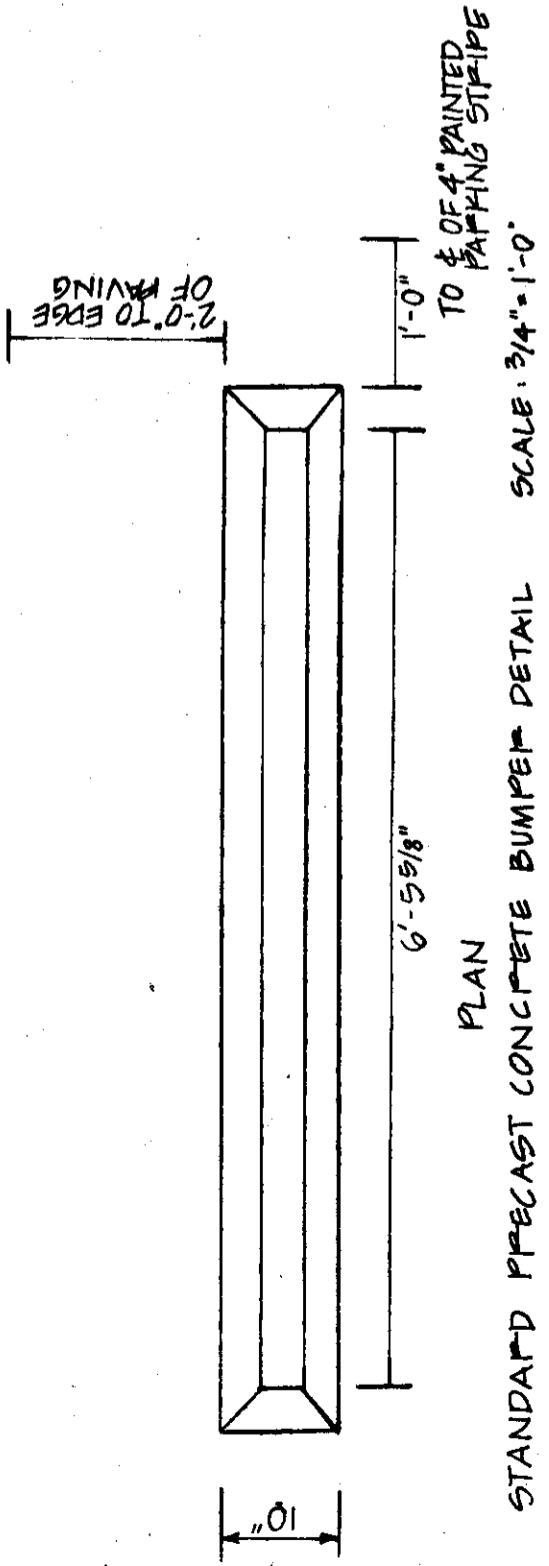
Per Ex #1

00-321-SPHA

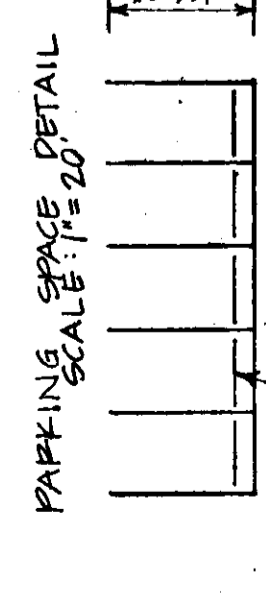
#321
 48-814



PARKING SCHEMATIC FOR PARCEL
 "INSERT" SCALE: 1"=20'



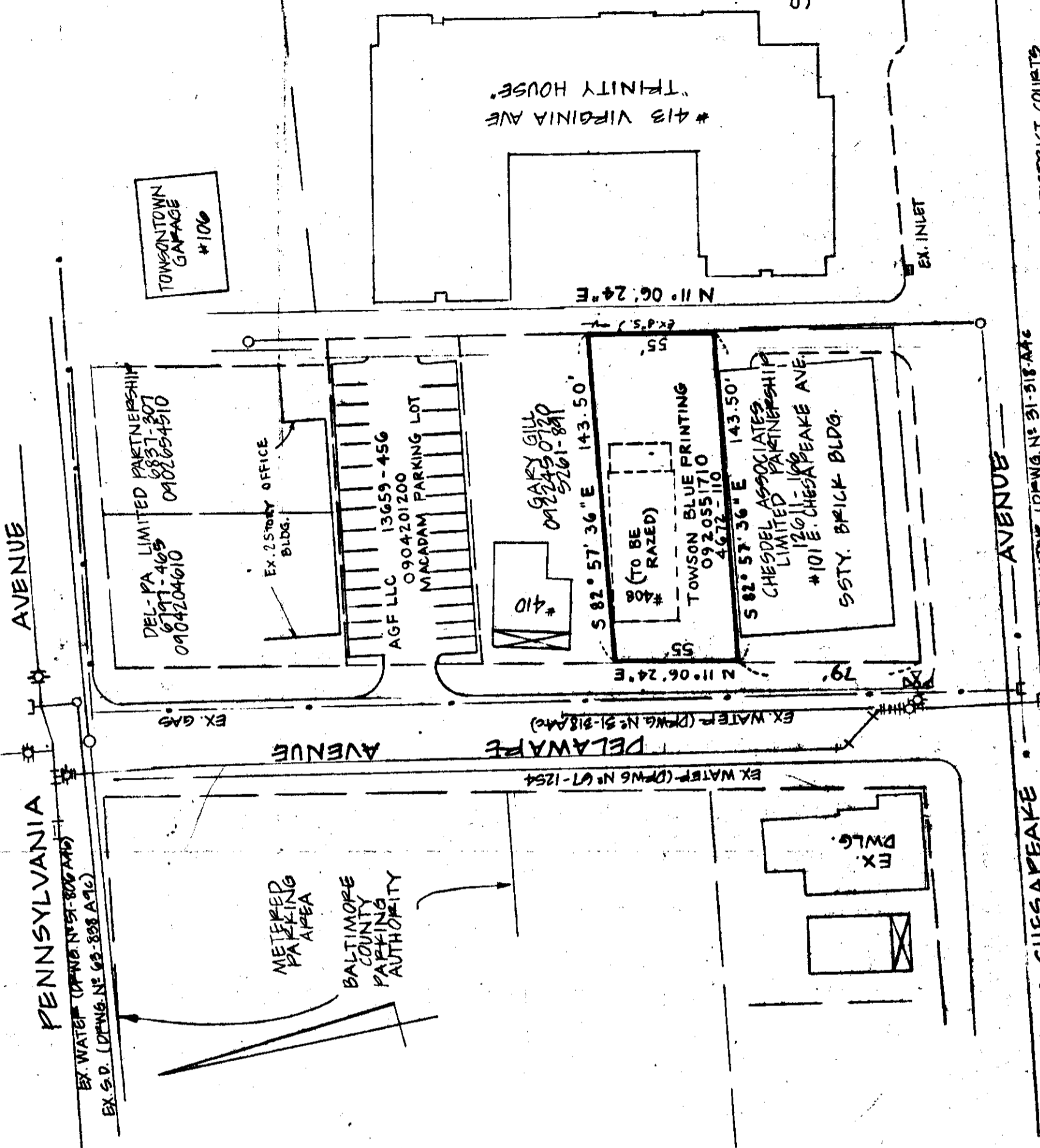
STANDARD PRECAST CONCRETE BUMPER DETAIL SCALE: 3/4"=1'-0"



SEE CONCRETE BUMPER DETAIL

STANDARD SPACE REQUIRED:
 18' X 8.5' FOR SPACE
 22' WIDE LANE

SPACE PROVIDED:
 16' X 8.5' FOR SPACE
 22' WIDE LANE



OWNER:
 RICHARD D. LASKY, PRESIDENT
 101 WEST MARKET STREET
 JOPPA, PA 17424
 (717) 854-7821