

IN RE: PETITIONS FOR SPECIAL HEARING  
AND SPECIAL EXCEPTION  
SW/S Winters Lane, 995' NW  
centerline of Edmondson Avenue  
1st Election District  
1st Councilmanic District  
(151 Winters Lane)

Jackson & Johnson Memorial Post 263  
By: Isaac Johnson  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 02-379-SPHX

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Special Exception filed by the legal owners of the subject property, the Jackson & Johnson Memorial Post 263 (American Legion). The Petitioners are requesting a special hearing to modify the previously approved site plan granted in Case No. 73-174-X. In addition, a special exception is being requested to approve a new community building, pursuant to Section 1B01.1C4 of the Baltimore County Zoning Regulations, which complies to the extent possible with the RTA use requirements and which can be expected to be compatible with the surrounding residential premises.

Appearing at the hearing on behalf of the zoning requests were Isaac Johnson, the Post Commander of the Jackson & Johnson American Legion Post 263, along with Paul Jones, Thomas Randall, Jr., Larry Grant, Rob Brennan and Archie Shaw. The Petitioners were represented by C. William Clark, attorney at law. There were no protestants or others in attendance.

Testimony and evidence offered revealed that the subject property consists of 1.008 acres, more or less, zoned D.R.5.5 and is improved with a two-story brick and frame building, which is

On 6/14/02  
By R. Jones

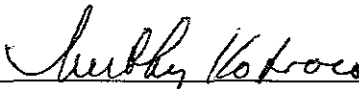
the home of the American Legion Post 263. The property previously came before this Deputy Zoning Commissioner in Case No. 96-476-SPHXA. In that case, the Petitioners were granted approval to construct a new community building on the subject property in accordance with the site plan submitted into evidence. Furthermore, the Petitioners were given a period of 5 years from the date of the order within which to utilize the special exception granted therein. The 5 years previously granted to the Petitioners has since expired. They now petition for a new special exception requesting the same relief which was granted in Case No. 96-476-SPHXA. The Petitioners are seeking a new 5-year period within which to utilize this special exception. As stated previously, nothing has changed regarding this project since the case was originally approved. Again, there is no opposition at that hearing before me, which was the case at the 1996 hearing. After considering the testimony and evidence offered at the hearing before me, I find that the special hearing and special exception requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 11<sup>th</sup> day of June, 2002, that the Special Hearing request to modify the previously approved special exception for a community building granted in Case No. 73-174-X, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the Special Exception for a new community building pursuant to Section 1B01.1C4, which complies to the extent possible with the RTA use requirements and which can be expected to be compatible with the surrounding residential premises, pursuant to Section 1B01.B.1.G.(10), be and is hereby APPROVED.

IT IS FURTHER ORDERED that the Petitioners shall be given five (5) years from the date of this Order, to utilize the relief granted herein.

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

  
\_\_\_\_\_  
TIMOTHY M. KOTROCO  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

TMK:raj

RECEIVED PLANNING  
Date 6/4/02  
By H. J. [Signature]



Baltimore County  
Zoning Commissioner

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

June 11, 2002

C. William Clark, Esquire  
Nolan, Plumhoff & Williams, Chtd.  
502 Washington Avenue  
Towson, Maryland 21204

Re: Petitions for Special Hearing & Special Exception  
Case No. 02-379-SPHX  
Property: 151 Winters Lane

Dear Mr. Clark:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and special exception 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, reading "Timothy M. Kotroco".

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure



Copies to:

Isaac A Johnson  
7012 Deerfield Rd  
Baltimore MD 21208

Paul D Jones  
3501 Keston Rd  
Baltimore MD 21207

Thomas N. Randall, Jr.  
208 Suter Rd  
Baltimore MD 21208

Larry L Grant  
8203 Brattle Rd  
Baltimore MD 21208

Rob Brennan  
640 Frederick Rd  
Baltimore MD 21228

Archie Shaw  
402-D Misty Wood Way  
Baltimore MD 21228



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County  
1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT

for the property located at 151 WINTERS LANE

which is presently zoned D.R. 5.5

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 modification of the Special Exception for a community building granted in Case No. 73-174X.

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:

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

## Attorney For Petitioner:

C. WILLIAM CLARK

Name - Type or Print

City

Signature

NOLAN, PLUMHOFF & WILLIAMS, CHTD.

Company

522 WASHINGTON AVE.

(410) 823-7800

Address

Telephone No

TOWSON

MD

21204

State

Zip Code

## Legal Owner(s):

JACKSON & JOHNSON MEMORIAL POST 263  
(AMERICAN LEGION)

Name - Type or Print

Signature

Name - Type or Print

Signature

151 WINTERS LANE

(410) 788-9266

Address

Telephone No.

CATONSVILLE,

MD

21228

State

Zip Code

## Representative to be Contacted:

LAURI STUBB

BRENNAN & CO., P.C.

Name

(410) 788-2289

Address

Telephone No

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By

Date

3-11-02

ORDER RECEIVED FOR FILING  
Date 3/15/98  
By [Signature]

Case No. 02-379-SPHX

# PHOENIX ENGINEERING, INC.

813 Maiden Choice Lane • Suite 300 • Baltimore, MD 21228 / CONSULTING ENGINEERS

## ZONING DESCRIPTION

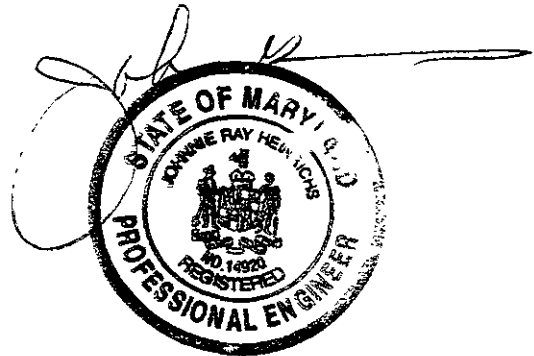
American Legion - Post 263  
151 Winters Lane  
Catonsville, Maryland 21228

BEGINNING at a point on the southwest side of Winters Lane, which is a 40 foot wide Right-of-way at the distance of 994 feet northwest of the centerline of the nearest improved street, Edmondson Avenue, which is 70 feet wide; thence the following courses and distances

1. South 56° 16' 50" West 248.02 feet to a point; thence
2. North 34° 44' 43" West 176.81 feet to a point; thence
3. North 57° 06' 52" East 252.41 feet to a point on said right-of-way of Winters Lane; thence running with said right-of-way
4. 135.90 feet along a curve with a radius of 2480.00 feet and having a chord bearing South 33° 34' 10" East 135.89 feet to a point; thence continuing along said right-of-way
5. 37.23 feet along a curve with a radius of 2520.00 feet and having a chord bearing South 32° 25' 26" East 37.23 feet to the place of beginning.

CONTAINING 1.008 Acres of land more or less.

1st Election Dist.  
1st Council Dist.



5-17-76

Item #379

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 11130

DATE 3-11-02 ACCOUNT 001 006 6150

AMOUNT \$ 550<sup>00</sup>

RECEIVED  
FROM: \_\_\_\_\_

FOR: Special Hearing - Special Exemption  
Case # 02 379-SF-1X

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

| PAYMENT                          | ACTUAL    | TIME                    |
|----------------------------------|-----------|-------------------------|
| 3/11/2002                        | 3/11/2002 | 11:30:50                |
| REG MS04 CASHIER DDOL DND DRAWER |           | 2                       |
| >> RECEIPT # 177634              |           |                         |
| Dept                             | 5         | 529 ZONING VERIFICATION |
| CR NO.                           | 011130    |                         |

Recpt Tot 550.00  
550.00 CK .00 CA  
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: #02-379-SPHX

151 Winters Lane

SW/S of Winters Lane, 995' NW of centerline Edmondson Avenue  
1st Election District - 1st Councilmanic District

Legal Owner(s): Isaac A. Johnson

**Special Exception:** for a new community building, which complies to the extent possible with the RTA use requirements and can be expected to be compatible with the surrounding residential premise. **Special Hearing:** to approve a modification of the special exception for the community building granted in case no. 73-174-X.

**Hearing: Tuesday, May 15, 2002 at 10:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue.**

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please 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.

JT 4/795 April 30 C535506

## CERTIFICATE OF PUBLICATION

5/3/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/30/, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

*J. Wilkinson*

LEGAL ADVERTISING

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Hearing: Friday, June 7, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bayley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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5/329 May 23

C540683

## CERTIFICATE OF PUBLICATION

5/23/2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/23/2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: Case No.: 02-379-SPHX

Petitioner/Developer: ISAAC A  
JOHNSON

Date of Hearing/Closing: 5/15/07

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 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 151 WINTERS LANE

The sign(s) were posted on 4/28/02  
(Month, Day, Year)

Sincerely,

[Signature] 4/28/02  
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

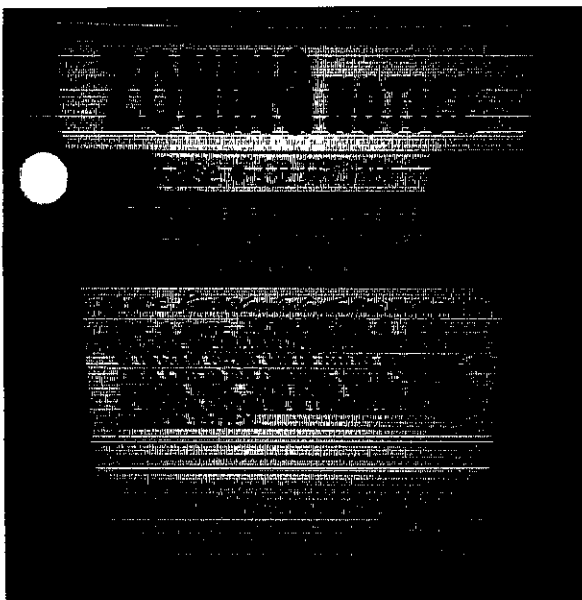
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**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.**

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**For Newspaper Advertising:**

Item Number or Case Number: #02-379-SPHX

Petitioner: American Legion, Jackson & Johnson Memorial Post 263

Address or Location: 151 Winters Lane, Catonsville, MD 21228

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: C. William Clark, Esquire

Address: 502 Washington Ave. Suite 700, Towson, MD 21204

Telephone Number: (410) 823-7800

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, April 30, 2002 Issue – Jeffersonian

Please forward billing to:

C. William Clark, Esquire  
Nolan Plumhoff & Williams  
502 Washington Avenue  
Suite 700  
Towson MD 21204

410 823-7800

---

## 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: 02-379-SPHX

151 Winters Lane

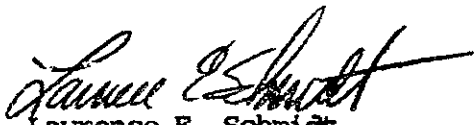
SW/S of Winters Lane, 995' NW of centerline Edmondson Avenue

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Leal Owner: Isaac A Johnson

Special Exception for a new community building, which complies to the extent possible with the RTA use requirements and can be expected to be compatible with the surrounding residential premise. Special Hearing to approve a modification of the special exception for the community building granted in case no. 73-174-X.

HEARING: Tuesday, May 15, 2002 at 10:00 a.m. in Room 106, Baltimore County Office Building,  
111 W Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G D Z  
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.



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

April 2, 2002

## 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: 02-379-SPHX  
151 Winters Lane  
SW/S of Winters Lane, 995' NW of centerline Edmondson Avenue  
1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District  
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HEARING: Tuesday, May 15, 2002 at 10:00 a.m. in Room 106, Baltimore County Office Building, 111 W Chesapeake Avenue

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

Arnold Jablon GJZ  
Director

C: C. William Clark, Nolan Plumhoff & Williams, 502 Washington Ave, Towson 21204  
Jackson & Johnson Memorial Post 263 (American Legion), Isaac A Johnson

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 29, 2002.**
- (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, May 07, 2002 Issue – Jeffersonian

Please forward billing to:

C. William Clark, Esquire  
Nolan Plimhoff & Williams  
502 Washington Avenue  
Suite 700  
Towson MD 21204

410 823-7800

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## 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: 02-379-SPHX

151 Winters Lane

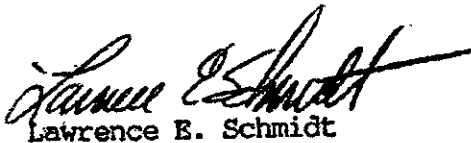
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1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

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HEARING: Friday, June 7, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G D Z  
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.



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

May 13, 2002

## 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: 02-379-SPHX  
151 Winters Lane  
SW/S of Winters Lane, 995' NW of centerline Edmondson Avenue  
1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District  
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Special Exception for a new community building, which complies to the extent possible with the RTA use requirements and can be expected to be compatible with the surrounding residential premise. Special Hearing to approve a modification of the special exception for the community building granted in case no. 73-174-X.

HEARING: Friday, June 7, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon GDD  
Director

C: C. William Clark, Nolan Plumhoff & Williams, 502 Washington Ave, Towson 21204  
Jackson & Johnson Memorial Post 263 (American Legion), Isaac A Johnson

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 07, 2002.**
- (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.





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

May 31, 2002

Mr. C. William Clark  
Nolan, Plumhoff & Williams, Chtd.  
502 Washington Avenue  
Towson, MD 21204

Dear Mr. Clark:

RE: Case Number: 02-379-SPHX, 151 Winters Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 11, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:

Enclosures

c: Jackson & Johnson Memorial Post 263 American Legion, 502 Washington Avenue, Towson MD 21204  
People's Counsel

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper



Baltimore County  
Fire Department

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

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

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 25, 2002

Item No.: 379

Dear Mr. Zahner:

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.

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

cc: File  
COUNTY REVIEW GROUP MEETING{PRIVATE }

### County Review Group comments

1. The fire marshal's office has no comments at this time.

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RS 1765*

DATE: April 30, 2002

Zoning Advisory Committee Meeting of March 25, 2002

**SUBJECT:** NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

378, 379, 380, 383, 384, 385, 386, 387, 389, 390, 392, 395, 396, 397, 399

Granted 6/11/02

Jim  
5/14  
6/7/02

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** April 5, 2002

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

APR 5

**SUBJECT:** 151 Winters Lane

### INFORMATION:

**Item Number:** 02-379

**Petitioner:** Jackson & Johnson Memorial Post 263

**Zoning:** DR 5.5

**Requested Action:** Special Hearing/Special Exception

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request provided building elevations are submitted to this office for review and approval prior to the issuance of any building permits.

**Prepared by:** Mart A. Cunningham

**Section Chief:** Jeffrey W. Long  
**AFK/LL:MAC:**



**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 3.26.02

Mr. George Zahner  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 379 RDD

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

*for* Kenneth A. McDonald Jr., Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

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

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

RE: PETITION FOR SPECIAL HEARING  
PETITION FOR SPECIAL EXCEPTION  
151 Winters Lane, SW/S Winters Ln,  
994' NW of c/I Edmondson Ave  
1st Election District, 1st Councilmanic

Legal Owner: American Legion Memorial Post 263  
(Jackson & Johnson)  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 02-379-SPHX

\* \* \* \* \*

**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. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



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 27<sup>th</sup> day of March, 2002 a copy of the foregoing Entry of Appearance was mailed to C. William Clark, Esq., Nolan, Plunhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner(s).



PETER MAX ZIMMERMAN

THOMAS J. RENNER  
 WILLIAM P. ENGLEHART, JR.  
 STEPHEN J. NOLAN\*  
 ROBERT L. HANLEY, JR.  
 ROBERT S. GLUSHAKOW  
 DOUGLAS L. BURGESS  
 C. WILLIAM CLARK  
 CATHERINE A. POTTHAST  
 E. BRUCE JONES\*\*  
 CORNELIA M. KOETTER\*\*

## CHARTERED

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J. EARLE PLUMHOFF  
 (1940-1988)

NEWTON A. WILLIAMS  
 (RETIRED 2000)

RALPH E. DEITZ  
 (1918-1990)

\* ALSO ADMITTED IN D.C.  
 \*\* ALSO ADMITTED IN NEW JERSEY

5/9/02  
 George Zahner is  
 wrong  
 it?  
 g

May 8, 2002

VIA HAND DELIVERY

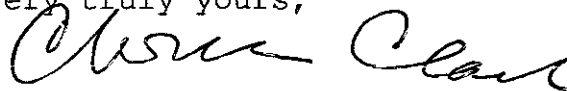
Arnold Jablon, Director  
 County Department of Permits and  
 Development Management  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, MD 21204

Re: Case No. 02-379-SPHX, 151 Winters Lane

Dear Mr. Jablon:

As a result of my conversations with George Zahner, we discovered that the official Notice of the Zoning Hearing contains an error, in that it states that the Hearing will be held on Tuesday, May 15, 2002 at 10:00 a.m. in Room 106. Unfortunately, Tuesday is May 14<sup>th</sup>, not the 15<sup>th</sup>. The advertisement ran in the newspaper and the sign posted on the property both say May 15<sup>th</sup>, and unfortunately, there is no room nor Zoning Commissioner available at the time indicated for the Hearing to be held on May 15<sup>th</sup>. Accordingly, it will be necessary to reschedule the Hearing. Mr. Zahner advised me that June 7, 2002 would be available as a Hearing date. Both I and my clients are available on that date and we ask that you schedule it as indicated. Obviously, the property needs to be readvertised and reposted, which I hope will be at the expense of Baltimore County since that is the origination of the error. If you need any further information, or have any questions, please contact me. Until then, I remain.

Very truly yours,



C. William Clark

CWC:jkc  
 Enclosures  
 cc: Archie Shaw  
 Laurie Stubb

02-1635  
 MAY 9 2002

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

ARCHIE SHAW  
Rob Brennan  
Larry L. Grant  
Thomas N. Randall JR  
PAUL D JONES  
ISAAC A. JOHNSON

402 D Misty Wood Way 21228  
640 Frederick Rd 21228  
8203 Brattle Rd 21208  
208 SUTER Rd 21208  
3501 KESTON RD 21207  
7012 DEERFIELD RD-21208

THE AMERICAN LEGION  
JACKSON & JOHNSON MEMORIAL POST #263  
JOHNSON

ISAAC A. "IKE" JOHNSON

POST COMMANDER

151 Winters Lane  
Baltimore, MD 21228

(410) 747-9762



IN RE: PETITIONS FOR SPECIAL HEARING,  
SPECIAL EXCEPTION & VARIANCE -  
SW/S Winters Lane, 884' W of  
the c/l of Edmondson Avenue  
(151 Winters Lane)  
1st Election District  
1st Councilmanic District  
  
American Legion Post #263  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-476-SPHXA

\* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance for that property known as 151 Winters Lane, located in the vicinity of Edmondson Avenue in Catonsville. The Petitions were filed by the owner of the property, the American Legion Post No. 263, by John A. Copeland, Commander, through their attorney, Newton A. Williams, Esquire. The Petitioner seeks approval of a modification of the special exception granted in prior Case No. 73-174-X and a special exception to permit a community building which complies to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1B01.1.B.1.g(10) of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioner seeks a variance from Section 409.4 of the B.C.Z.R. to permit 61 parking spaces in lieu of the required 115 spaces. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were John D. Copeland, Sr., and Newton A. Williams, Esquire, attorney for the Petitioner. Numerous members of American Legion Post No. 263 as well as residents from the surrounding community also attended the hearing. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 1.008 acres, more or less, zoned D.R. 5.5 and is improved with a two-story brick and frame building which is the home of American Legion Post No. 263. The property was the subject of prior Case No. 73-174-X in which the Petitioner was granted a special exception for a community building on the subject property many years ago. The existing building is an old house which was converted for use by Post No. 263, subsequent to the granting of the special exception on February 7, 1973. The Petitioner is now desirous of razing that structure and building a new building as shown on Petitioner's Exhibit 1. Testimony revealed that Post No. 263 presently has 163 members and that because the existing structure is very small and has no kitchen, the Petitioner is in desperate need of upgrading their facility. Due to the proposed modifications to the relief granted in the prior case, and the property's location within the D.R. 5.5 zone, the special hearing and special exception relief are necessary. Furthermore, the Petitioner requested a period of five (5) years from the date of this Order in which to accomplish the proposed improvements.

As to the parking variance requested, testimony indicated that there is currently not enough space to meet current parking requirements; thus, a variance is needed in order to proceed with the proposed improvements. However, testimony revealed that the Petitioner has entered into an agreement with the Morningstar Baptist Church located on the adjacent property to utilize their parking lot for overflow parking. It was clear from the testimony that the parking provided on site as well as the overflow parking available on the adjacent lot will more than meet the needs of American Legion Post No. 263. In support of its request, the Petition-

er submitted letters from many nearby community organizations as well as their neighbors indicating they have no objections to the relief requested.

In the opinion of this Deputy Zoning Commissioner, the proposed improvements will be a tremendous benefit to the surrounding community, given the services the American Legion Post No. 263 now provides, and the fact that the improvements themselves will have an aesthetic value.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

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

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

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

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

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

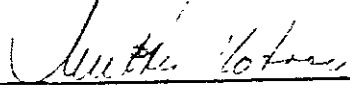
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5<sup>th</sup> day of August, 1996 that the Petition for Special Hearing seeking approval of a modification of the special exception granted in prior Case No. 73-174-X to construct a new and improved community building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a community building which complies to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1B01.1.B.1.g(10) of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

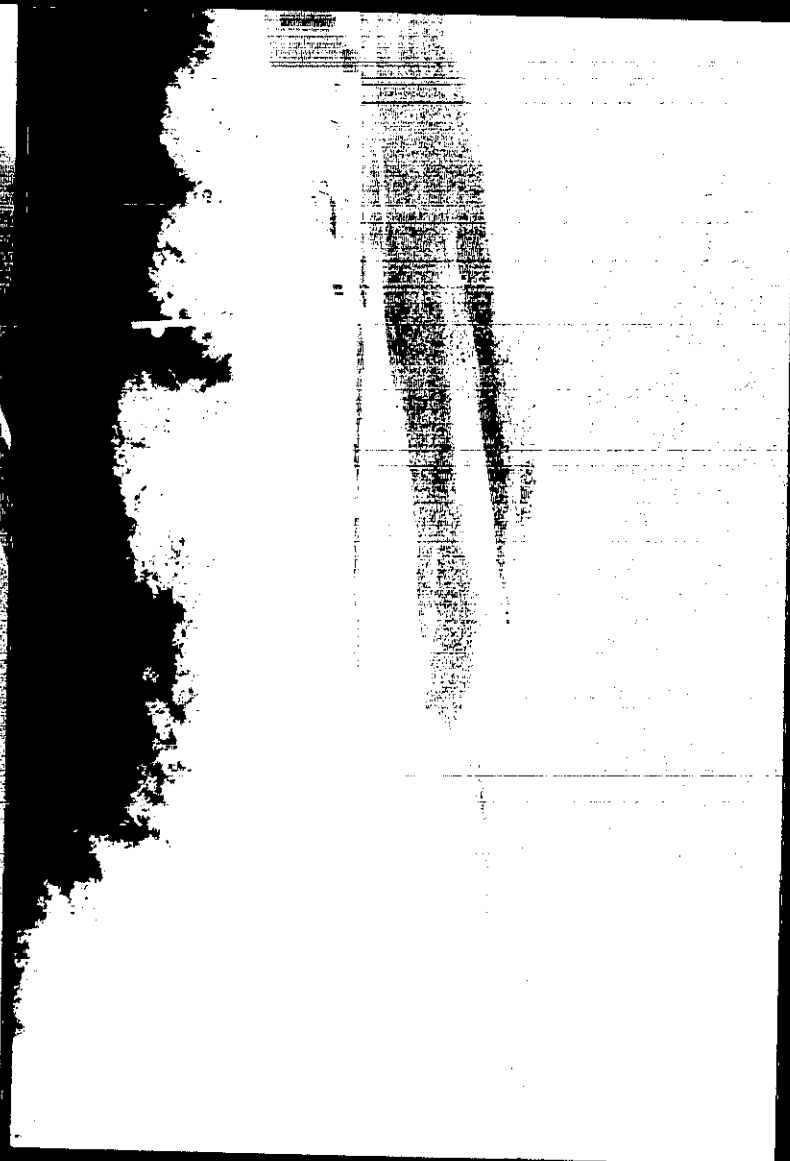
IT IS FURTHER ORDERED that the Petitioner shall have five (5) years from the date of this Order in which to utilize the special exception granted herein; and,

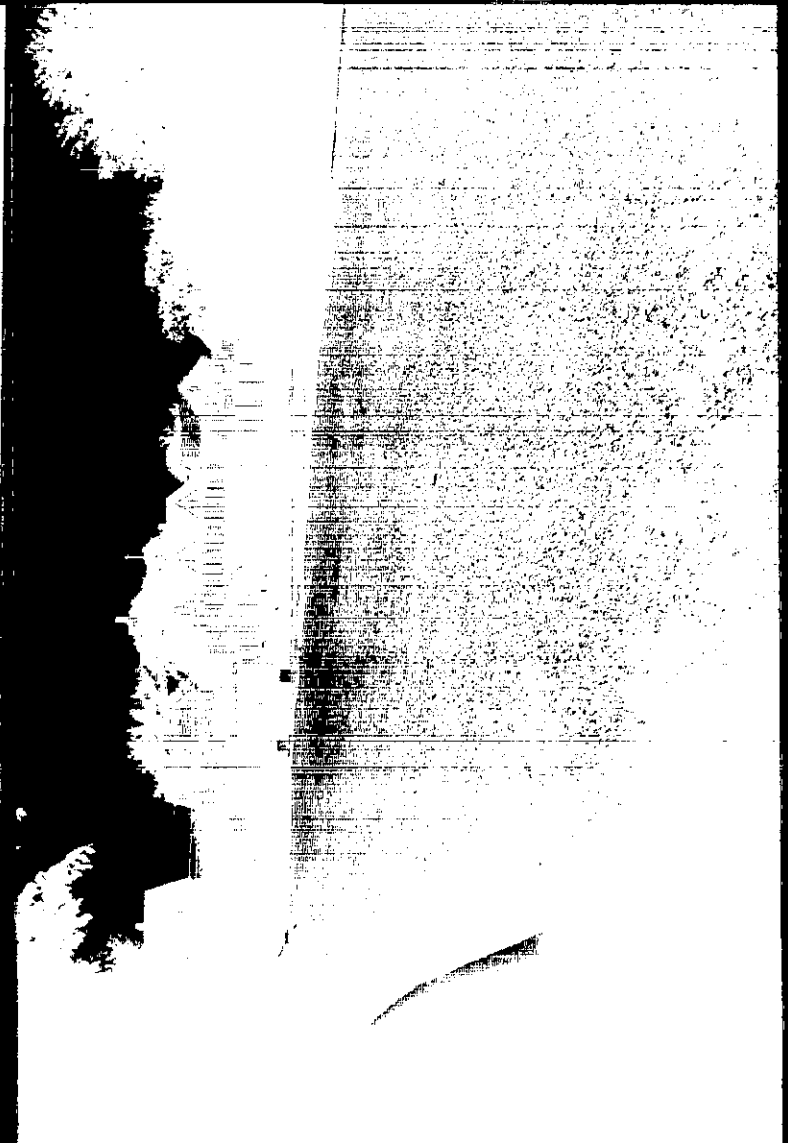
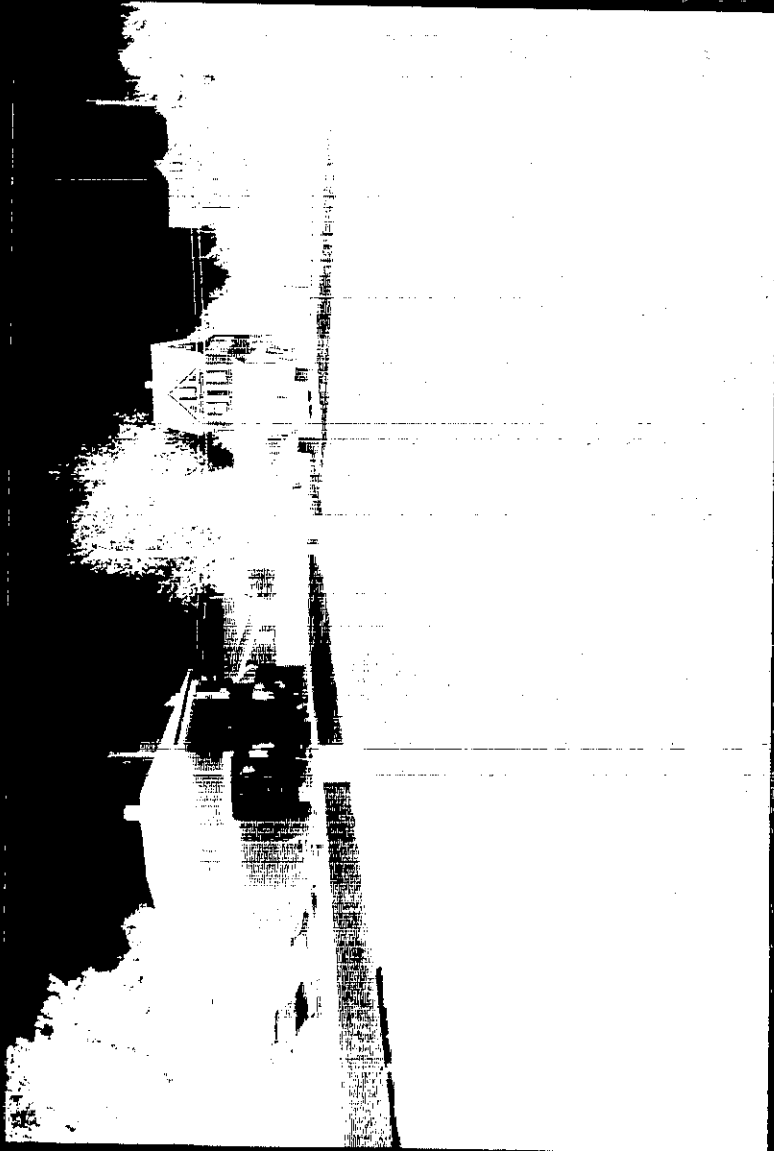
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.4 of the B.C.Z.R. to permit 61 parking spaces in lieu of the required 115 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

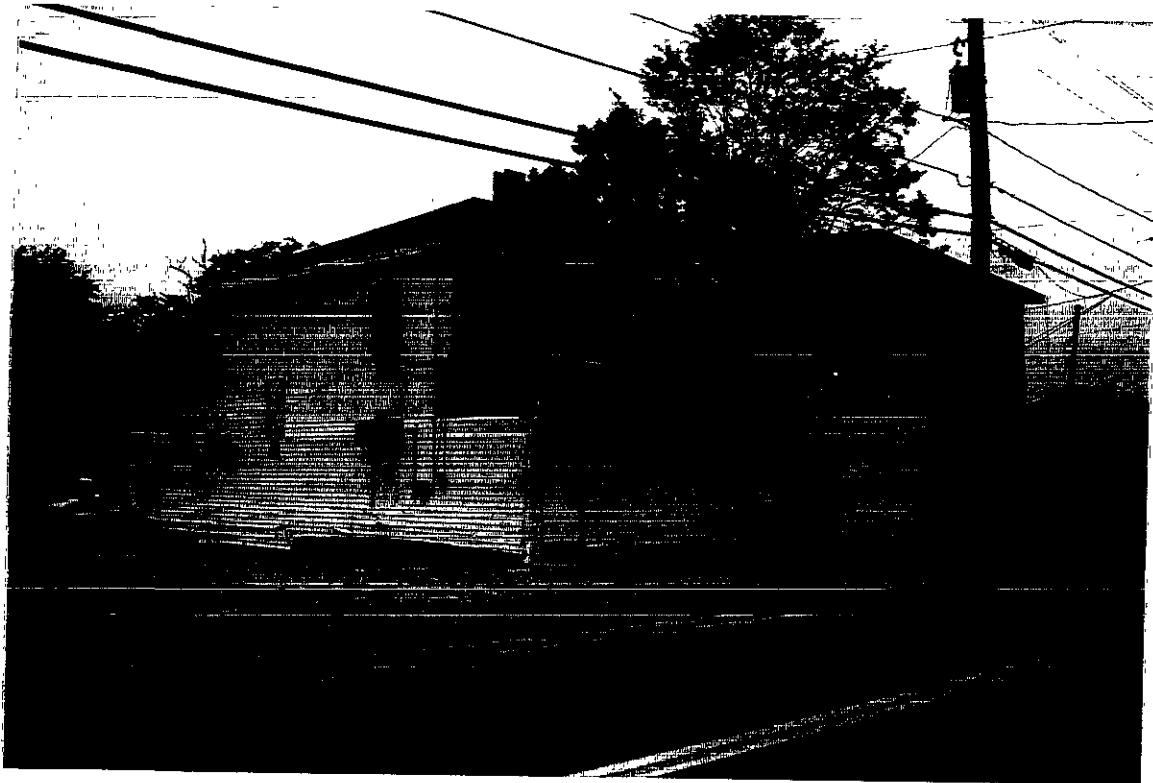
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Baltimore County Zoning Commissioner  
Office of Planning  
Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204

*Photographs*  
*# 02-379-SPHX*





