IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE -

SE/Corner Brentwood & Fifth Avenues,

N of Holabird Avenue

(6701 Brentwood Avenue)

12th Election District

7th Council District

Petitioner

Robert E. Rosso

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 03-133-SPHXA

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* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Robert E. Rosso. The Petitioner requests a special hearing to approve an amendment to the previously approved site plan and Order issued in Case No. 02-027-SPHA to affirm the variances to RTA parking requirements granted therein and amend Restrictions 2 and 4 thereof. In addition, special exception relief is requested to permit a community building in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.) and parking for a community building in a D.R.5.5 zone, pursuant to Section 1B01.1.C.4 of the B.C.Z.R. Lastly, variance relief is sought from Section 409.6A.2 of the B.C.Z.R. to permit 31 parking spaces in lieu of the required 68. 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 1.

Appearing at the requisite public hearing in support of the requests were Robert E. Rosso, property owner; Richard E. Matz and Judy Floam, on behalf of Colbert Matz Rosenfelt, the engineering consultants who prepared the site plan for this property; and, Charles M. Sussan, Vice President of the Norwood/Holabird Community Association & COP, Inc., and nearby resident of the area. There were no Protestants or other interested persons present.

The undersigned Zoning Commissioner is familiar with the subject site by virtue of prior Case No. 02-027-SPHA. Following the public hearing in that matter, the undersigned

ORDER FEFFINE POR FILING

granted special hearing and variance relief on October 19, 2001 to allow business parking in a residential zone and certain RTA variances for a proposed boarding house/contractor's office; however, five restrictions were imposed upon the grant of the relief. The opinion and order issued in that case speaks for itself. As noted therein, the property is actually comprised of two parcels located on both sides of the southeast corner of the intersection of Brentwood Avenue and Fifth Avenue, just north of Holabird Avenue in Dundalk. In addition to the fact that the two parcels are separated by Fifth Avenue, the Baltimore County/Baltimore City line runs through the front portion of the site; however, most of the property is located in Baltimore County.

The parcel on the north side of Fifth Avenue is triangular in shape and is located at the apex of the angle created by the intersection of Brentwood Avenue and Fifth Avenue. This parcel contains 0.113 acres, more or less, zoned B.L., and is improved with a large, two-story building which occupies nearly the entire site. This building was previously used as a restaurant known as the Brentwood Inn, and more recently, as a hair salon; however, the building is now vacant. The second parcel is located on the south side of Fifth Avenue, across from the building formerly known as the Brentwood Inn. Apparently this parcel has been used as a parking lot for many years. It contains approximately 0.464 acres, more or less, zoned D.R.5.5 and is unimproved. An alley, which runs along the rear of the site, separates the subject parcel from the rear of a number of commercial parcels which front Holabird Avenue. This alley is paved in part, but is not fully improved. The parcels serve as a buffer between the adjacent residential community and the commercial uses along Holabird and Dundalk Avenues. To the east of the properties is a long-established residential community of well-maintained, single family dwellings on modest lots. However, to the west and south, there are a number of businesses and commercial uses along the major thoroughfares, namely Dundalk Avenue and Holabird Avenue.

The record of the prior case will show that Mr. Rosso's plans were the source for concern by many of the residents in the neighborhood. They were concerned over the potential tenants in the boarding house and the use of the property to store construction vehicles. Apparently, during the process of rehabilitating and refurbishing the building, Mr. Rosso learned

that a sprinkler system needed to be installed in order to accommodate the boarding house use and that the installation of same was cost-prohibitive. Thus, Mr. Rosso decided to change his plans. Mr. Rosso now proposes utilizing the structure as a community building, which is permitted in the B.L. zone by special exception, pursuant to Section 230.13 of the B.C.Z.R. Therein, it is indicated that a "community building, swimming pool, or other structure or land use devoted to civic, social, recreational and educational activities, including use of the building as a catering hall" is permitted by special exception in the B.L. zone. It is to be noted that a community building is not defined under Section 101 of the B.C.Z.R. Interestingly, there is a definition of community building within the sign regulations (i.e., Section 450 of the B.C.Z.R.) under Section 450.3 thereof. Therein, a community building is defined as "A building used for recreational, social, educational or cultural activities which is open to the public or a designated part of the public, and is operated by a public or non-commercial organization."

The specific use intended by Mr. Rosso is for the building to be utilized as a Bingo Hall. In this regard, he indicated that the building is actually comprised of two sections. Although the building is two stories in height, only one portion of the building contains two floors; however, both floors were used simultaneously when the building was used as a restaurant (Brentwood Inn). It is anticipated that the first floor of the building, which covers both sections of the structure, will be used for the Bingo Hall. That part of the structure has the capacity for 100-125 people.

Mr. Sussan appeared on behalf of the community and produced a letter which indicates their support of the proposal. Apparently, most of the neighbors had been concerned about the use of the property in conjunction with Mr. Rosso's construction business and prefer the proposed Bingo Hall to that use. At the prior hearing, they had also expressed concerns about the tenants who might occupy the boarding house. Thus, the proposed use of the building as a Bingo Hall is a much-preferred alternative.

(C)

In terms of operation, Mr. Rosso produced a letter from the Dundalk/Eastfield Soccer Program indicating that this organization might also use the facility. At the present time, that is the only organization identified by Mr. Rosso; however, there may be other renters of the property for Bingo fundraisers. It is anticipated that such events would be primarily held on Friday and Saturday evenings, although occasionally during the week.

Based on the testimony and evidence presented, I am persuaded to grant the Petition for Special Exception. The evidence was undisputed that the proposed use of the structure as a Bingo Hall/community building will not be detrimental to the health, safety or general welfare of the locale. As noted above, and to the contrary, the residents who opposed the previous Petitions now support the proposed use.

Relief is also requested under the Petition for Special hearing. That request is to modify the previous Order, specifically, Restriction Nos. 2 and 4 thereof. In this regard, Mr. Rosso indicated that he does not wish to abandon the prior relief granted. His plans for the proposed community building have not been finalized and it is not his intent to abandon or relinquish the special hearing and variance relief granted in the prior case. Therefore, it is to be noted that the grant of the relief does not eliminate the terms and conditions upon the prior approval granted, excepted as specifically modified herein. In this regard, Restriction No. 2 shall remain in full force and effect, in the event the building is used for a boarding house. However, this restriction is not intended to limit the special exception relief granted in the instant case to allow the use of the building as a community building.

As to Restriction No. 4, same shall be amended to allow patrons of the community to park on the premises. In this regard, it is also to be noted that the prior Order limited parking on that lot. I noted that adjacent businesses, which front Holabird Avenue and/or Dundalk Avenue, occasionally use this lot for employee and visitor parking. These businesses include, but are not limited to a medical office near the site. Mr. Sussan testified at the hearing that as a result of that restriction and limitation, residential public streets in the vicinity had experienced an increase in parking and congestion. That is, employees and customers who formerly parked on the lot were no longer doing so but were now parking on the neighborhood streets. Therefore, at the discretion of Mr. Rosso, the lot may be made available to other businesses for parking during

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times that the community building is not used; however, the lot cannot be used for the parking or storage of trucks and other construction equipment. Based upon the testimony of Mr. Rosso and Mr. Sussan in the instant case, a modification of the parking arrangement to allow visitors of the community building to use that lot is appropriate.

Turning to the variance, I will approve the request to allow 31 parking spaces in lieu of the required 68 for a community building. Although off-site parking is less than that required, it is to be noted that there are several additional spaces available on that portion of the property located in Baltimore City. These spaces, due to their location in a different municipality, could not be counted under the B.C.Z.R. It was also indicated that on-street parking is available. Thus, it appears the granting of the variance will not adversely impact the surrounding locale.

Insofar as restrictions, it is to be noted that the restrictions imposed in the prior case shall remain in force unless changed. Additionally, it is clear that Mr. Rosso has not precisely identified the nature of the uses that will occur in the community building. As noted above, he has identified the potential lease of the property as a Bingo Hall; however, there may be other activities. In this regard, he should advise the Norwood/Holabird Community Association of events other than Bingo. In the event these other activities are objectionable, the neighbors/ Protestants could request that the Zoning Commissioner reconvene the hearing, pursuant to Section 500.7 of the B.C.Z.R., to consider whether those activities/uses are appropriate.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Alkay of November, 2002 that the Petition for Special Hearing to approve an amendment to the previously approved site plan and Order issued in Case No. 02-027-SPHA to affirm the variances to RTA parking requirements granted therein and to amend Restriction Nos. 2 and 4 thereof for a proposed 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 for a community building in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to permit parking for a community building in a D.R.5.5 zone, pursuant to Section 1B01.1.C.4 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6A.2 of the B.C.Z.R. to permit 31 parking spaces in lieu of the required 68, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

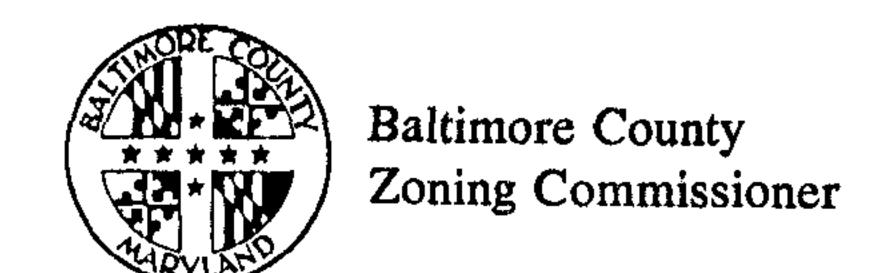
- 1) The Petitioners may apply for their building/use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall advise the Norwood/Holabird Community Association of events at the community building other than Bingo. In the event these other activities are objectionable, the neighbors/Protestants could request that the Zoning Commissioner reconvene this hearing under Section 500.7 of the B.C.Z.R. for consideration of whether those activities/uses are appropriate.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that, except as modified herein, all other terms and conditions of the Order issued in prior Case No. 02-027-SPHA shall remain in full force and effect.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



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

November 20, 2002

Fax: 410-887-3468

Mr. Robert E. Rosso 3111 Newton Road Baltimore, Maryland 21219

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE SE/Corner Brentwood and Fifth Avenues, N of Holabird Avenue (6701 Brentwood Avenue) 12th Election District – 7th Council District Robert E. Rosso - Petitioners Case No. 03-133-SPHXA

Dear Mr. Rosso:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

Mr. Richard E. Matz & Ms. Judy Floam, Colbert Matz Rosenfelt, Inc. cc: 2835 Smith Avenue, Suite G, Baltimore, Md. 21208

Mr. Charles Sussan, 67/29 Fifth Avenue, Baltimore, Md. 21222

People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: <u>6701 Brentwood Avenue</u>	ocated at: <u>.6701 Brentwood Avenue</u>
which is presently zoned <u>BL and D.R5.5</u>	which is presently zoned BL and D.R5.5

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

To amend the Plan and Zoning Order previously approved in Case No. 02-027-SPHA, to affirm the variances to RTA parking requirements granted in that Case and to amend the conditions of the Zoning Order referencing the previously Monditions 244) RR approved use.

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: Legal Owner(s): Robert E. Rosso Name - Type or Print Name - Type or Print Signature Signature Address. Telephone No. Name - Type or Print City Zlp Code State Signature Attorney For Petitioner: 3111 Newton Road 410-388-1462 Address. Telephone No. Baltimore Md. 21219 Name - Type or Print City State Zip Code Representative to be Contacted: Signature Company Richard E. Matz, P.E. COLBERT MATZ ROSENFELT, INC (eve) 410-484-8757 II. 410-653-3838 (day) 2835 Smith Avenue, Suite G Address Telephone No. Address Telephone No. Baltimore MD 21209 Zip Code State Clty Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING_ UNAVAILABLE FOR HEARING_ Ħ. Date_ Reviewed By _______ THE CO

Colbert Matz Rosenfelt, Inc.

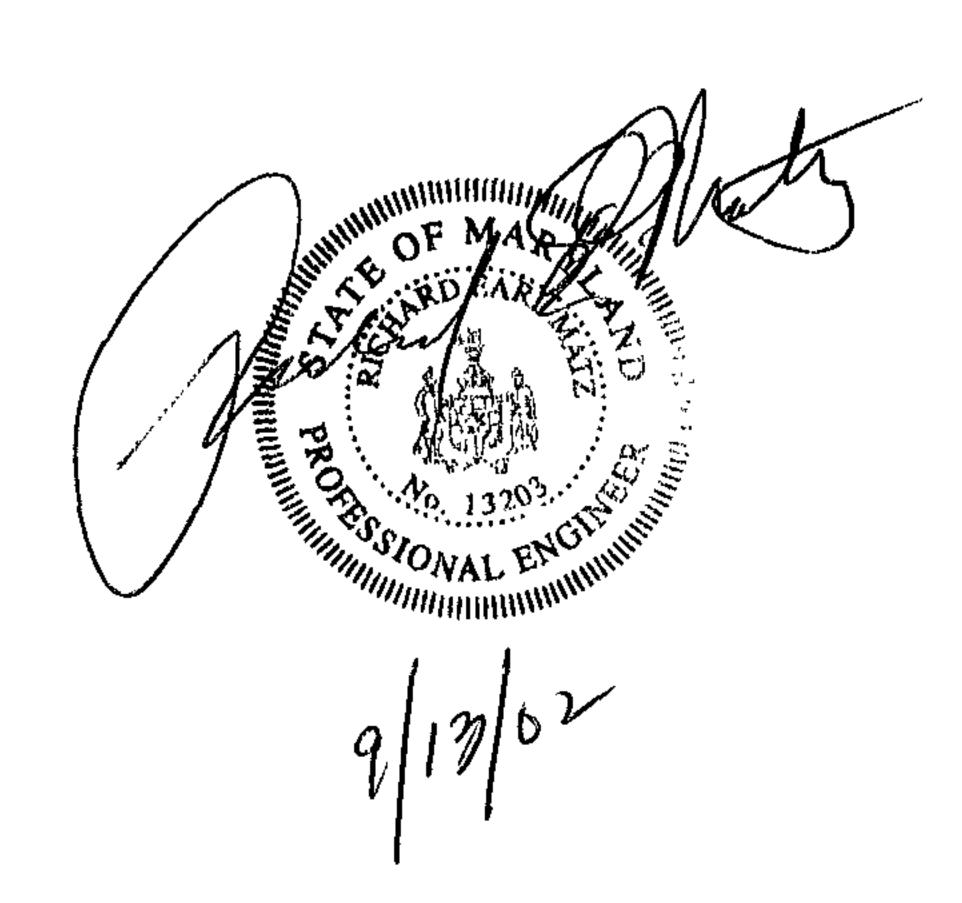
Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION

- 1. Beginning at a point on the south side of Fifth Avenue, which is 50 feet wide, at a distance of 255 feet from the centerline of Brentwood Avenue, which is 50 feet wide. Being Lots 7, 8, 9, 10, 11, 12 and 13 in Block A, in the subdivision of Fairlawn, as recorded in Baltimore County Plat Book 6, Folio 100, and containing 0.466 acres, more or less. Also known as 6701 Brentwood Avenue, and located in the 12th Election District, 7th Councilmanic District.
- 2. Beginning at a point on the north side of Fifth Avenue, which is 50 feet wide, at a distance of 180 feet from the centerline of Brentwood Avenue, which is 50 feet wide. Being Lots 17 and 18 in Block H, in the subdivision of Fairlawn, as recorded in Baltimore County Plat Book 6, Folio 100, and containing 0.107 acres, more or less. Also known as 6701 Brentwood Avenue and located in the 12th Election District, 7th Councilmanic District.

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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 hole a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #03-133 SPHXA
6701 Brentwood Avenue
On the southeast side of Brentwood Ave. on both the north and south, sided with the intersection of Fifth Ave 12th Election District - 7th Councilmanic District
Legal Owner(s): Robert E. Rosso
Special Hearing: to amend the Plan and Zoning Order refreshiously approved in Case No. 02-27-SPHA, to affirm the variances to RTA parking requirements granted in that Case and to amend the conditions of the Zoning Order refreshions to use the herein described property for a community building. Variance: to use the herein described property for a community building. Variance: to approve 31 parking spaces in lieu of 68 spaces required.

Hearing: Tuesday, October 22, 2002 at 2:00 p.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.

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

X The Jeffersonian

Arbutus Times

Catonsville Times

Towson Times

NE Booster/Reporter Owings Mills Times

North County News

William Sm

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE Case No O3-133-SPHXA

Petitioner/Developer MATZ ETAL

Date of Hearing/Closing: 10/22/02

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

Attention

it" brand fax transmittal memo 7671

2002

at 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 #670 | BRENTWOOD AVE 2. SIGNS ON SITE

The sign(s) were posted on

Month, Day, Year)

Sincerely,

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

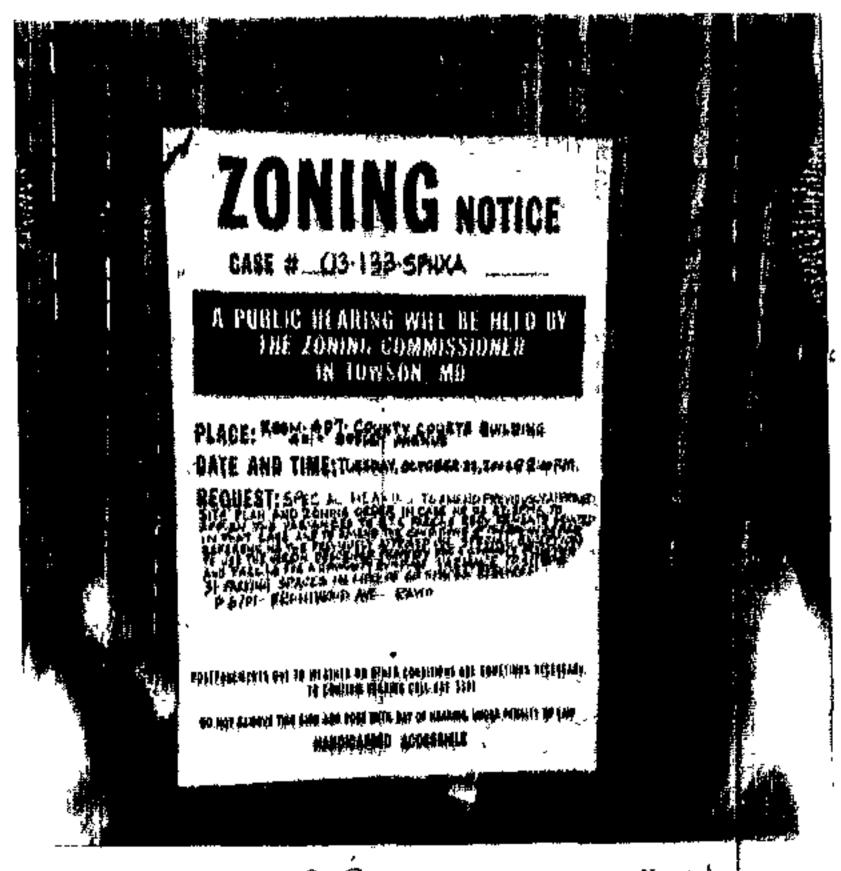
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666:5366 ; CELL-410-905-8571

(Telephone Number)



:0701-BRENTWOOD 3357 HXA1

RE: PETITION FOR SPECIAL HEARING **BEFORE THE** SPECIAL EXCEPTION & VARIANCE

6701 Brentwood Ave. SE side of Brentwood* ZONING COMMISSIONER

Ave., sided with intersection of Fifth Ave. 12th Election District 7th Councilmanic * **FOR**

District

Legal Owner: Robert E. Rosso

BALTIMORE COUNTY Petitioner(s)

03-133-SPHXA

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 2nd day of October, 2002, a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, P.E., COLBERT MATZ ROSENFELT, INC., 2835 Smith Avenue, Suite G, Baltimore, MD 21209 Representative for Petitioner(s).

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 8, 2002 Issue – Jeffersonian

Please forward billing to: Robert E. Rosso

410-388-1462

3111 Newton Road Baltimore, MD 21219

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: 03-133 SPHXA

6701 Brentwood Avenue

On the southeast side of Brentwood Ave. on both the north and south, sided with the

intersection of Fifth Ave.

Election District 12th - Councilmanic District 7th

Legal Owner: Robert E. Rosso

SPECIAL HEARING to amend the Plan and Zoning Order previously approved in Case No. 02-27-SPHA, to affirm the variances to RTA parking requirements granted in that Case and to amend the conditions of the Zoning Order referencing the previously approved use. SPECIAL EXCEPTION to use the herein described property for a community building and parking for a community building. VARIANCE to approve 31 parking spaces in lieu of 68 spaces required.

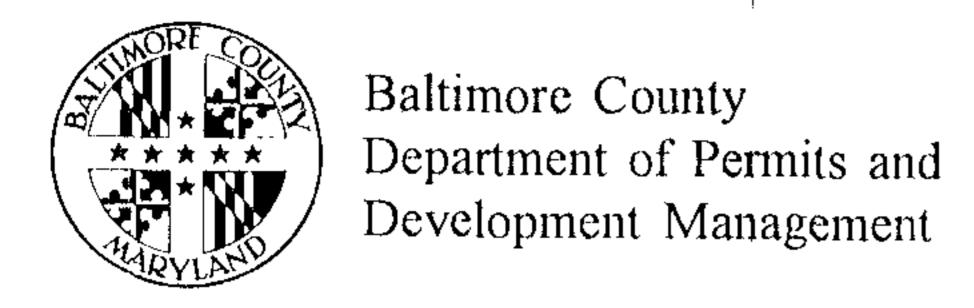
HEARING: Tuesday, October 22, 2002 at 2:00 pm in Room 407, County Courts Building 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386

FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

September 25, 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: 03-133 SPHXA

6701 Brentwood Avenue

On the southeast side of Brentwood Ave. on both the north and south, sided with the intersection of Fifth Ave.

Election District 12th - Councilmanic District 7th

Legal Owner: Robert E. Rosso

SPECIAL HEARING to amend the Plan and Zoning Order previously approved in Case No. 02-27-SPHA, to affirm the variances to RTA parking requirements granted in that Case and to amend the conditions of the Zoning Order referencing the previously approved use. SPECIAL EXCEPTION to use the herein described property for a community building and parking for a community building. VARIANCE to approve 31 parking spaces in lieu of 68 spaces required.

HEARING:Tuesday, October 22, 2002 at 2:00 pm in Room 407, County Courts Building

401 Bosley Avenue

Arnold Jablon

Director

Cc: Robert E. Matz P.E. Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue Suite – G Baltimore, MD 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY Monday October 7, 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of 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 03 - 5PHXA = 133-
Petitioner: Robert E. Rosso
Address or Location: 6701 Brentwood Ave.
PLEASE FORWARD ADVERTISING BILL TO
Name: Robert E. Bosso
Address: 3111 Kewton Pd.
Balteriose, Md. 21219
Telephone Number: 410 - 388 - 14 62

Revised 2/20/98 - SCJ



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6701 Brentwood Avenue which is presently zoned BL and D.R.-5.5

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

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 of thereof, hereby petition for a Variance from Section(s)

Section 409.6.A.2 for 31 parking spaces in lieu of 88 spaces required.

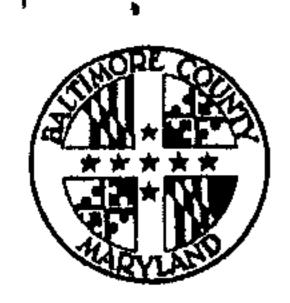
Of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property. Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

Property 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.

		is the subject of this Petition.	
Contract Purchaser/Lessee:		Legal Owner(s):	
		Robert E. Rosso	
Name - Type or Print	+1	Name - Type or Print	
Signature	······································	Signature	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Address.	Telephone No.	Name - Type or Print	
City	State Zip Code	Signature	
Attorney For Petitioner:		3111 Newton Road	410-388-1462
		Address.	Telephone No.
····		Baitimore	Md. 21219
Name – Type or Print		City	State Zip Code
Signature		Representative to be Contacted:	
		Richard E. Matz, P.E.	
Company		COLBERT MATZ ROSENFELT, INC (eve)	410-484-8757
		2835 Smith Avenue, Suite G (day)	410-653-3838
Medices	Telephone No.	Address	Telephone No.
		_Baltimore	MD 21209
en de la company	State Zlp Code	City	State Zip Code
Case No	SPHXA	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING Reviewed By Date	~ / C
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THE CO

Petition for Special Exception

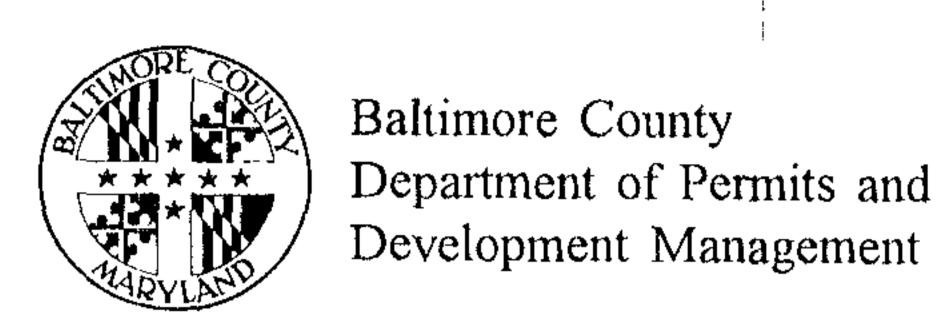
to the Zoning Commissioner of Baltimore County

UNAVAILABLE FOR HEARING

Date_C

Reviewed By

	for the property loc	eated at: 6701 Brentwo	od Avenue	
		nich is presently zoned	· · · · · · · · · · · · · · · · · · ·	5.5
This Petition shall be filed with owner(s) of the property situate in made a part of hereof, hereby petitierein described property for	Baltimore County and wh	rich is described in the descrip	iption and plat attached	ched hereto and
A community building in a BL zone, pursuant to Sec. 1B01.1.C.4,	zone pursuant to Sec. 230 , BCZR.	.13, BCZR and parking for a c	community building	in a D.R5.5.
Property is to be posted and advertised, or we, agree to pay expenses of above oning regulations and restrictions of B	ve Special Exception, advertis	sing, posting, etc and further agre	ore County. and affirm, under the p	penalties of
		Is the subject of this Petition	- · · · · · · · · · · · · · · · · · · ·	
Contract Purchaser/Lessee:		Legal Owner(s):		
		Robert E. Rosso		
Name - Type or Print		Name - Type or Print		
		furt &		
Signature		Signature		
Address.	Telephone No.	Name – Type or Print	- 1 	
N				
City	State Zip Code	Signature		
Attorney For Petitioner:		3111 Newton Road		410-388-1462
		Address.		Telephone No.
lame – Type or Print		Baltimore	·	Md. 21219
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ompany		Richard E. Matz, P.E.	NEEL TO 10 10 10 1	
		COLBERT MATZ ROSE		410-484-8757
		2835 Smith Avenue, Suite	e G (day)	410-653-3838
Chiesa.	Telephone No.	Address		Telephone No.
	State 71a Carta	Baltimore		MD 21209
#\1	State Zip Code	City		State Zip Code
10	~ 11.1.	OFFICE ESTIMATED LENGTH	CE USE ONLY	0 - 1
Case No. 03-133	- SPHXA	ESTIMATED LENGTH	OF HEARING	×4R5



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

October 16, 2002

Robert E. Rosso 3111 Newton Road Baltimore, MD 21219

Dear Mr. Rosso:

RE: Case Number: 03-133-SPHXA, 6701 Brentwood Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 17, 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

· W. Carl Richards, Jr.

WCR:rlh

Enclosures

c: Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore 21209
People's Counsel



700 East Joppa Road Towson, Maryland 21286 5500 410-887-4500

September 27, 2002

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

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

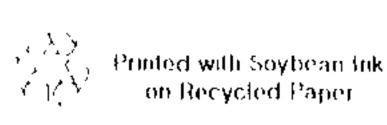
Dear Mr. Zahner:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: (133)

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

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 17, 2002

TO: Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 6701 Brentwood Avenue

INFORMATION:

Item Number:

03-133

Petitioner:

Zoning:

Robert Rosso

Property Size:

.107 acres

BL, DR 5.5

Requested Action:

Variance, Special Exception, Special Hearing

Hearing Date:

October 22, 2002

REQUEST:

The request in this case is for; 1) a Special Hearing to amend the order previously approved in Case No. 02-027-SPHA, to affirm the variances to RTA parking requirements granted in that case and to amend the conditions of the Zoning Order referencing the previously approved use, 2) a Special Exception to use the building as a community building in a BL zone pursuant to Section 230.13 BCZR and parking for a community building in a D.R. 5.5 zone, pursuant to Section 1B01.C.4, BCZR, and 3) grant a variance from Section 409.6.A.2 for 31 parking spaces in lieu of 68 spaces required. The site is located directly east of the city/county line in the Norwood community of the Baltimore County and bordering the Graceland Park community in Baltimore City. The existing building, which is zoned BL, was originally constructed and used for many years as a restaurant. The applicant has renovated both the interior and exterior of the building and proposes to use the building as a community center. Upon approval of this use, the applicant has indicated that the building would be open to civic groups (Dundalk Optomist Club) for use as a bingo hall in the evening, and open for limited daytime hours as a coffee house. Parking (31 spaces) to serve the patrons is located on an adjacent lot in the DR 5.5 zoning district.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning offers the following comments regarding the above requests:

- 1. The use of the building shall be limited to a bingo operation during evening hours with all activity ceasing at 11:00 pm. When/if the applicant decides upon other/additional uses for the facility, another hearing shall be required to ensure compliance with those uses allowed under the definition of Community Building. Additionally, the applicant shall be required to meet with the appropriate community association to discuss any additional uses as his plans become more definite.
- 2. The applicant shall submit a landscaping/screening plan for the parking area for review and approval by this office prior to the issuance of permits.

Section Chief



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams
Administrator

Date: 10.1.02

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

RE: Baltimore County

Item No. 133

JL

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,

L. J. Lewis Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

My telephone number is ______

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

E- MAIL	LORUDO DEO POSACION				
BANTE, MP 21209	to. M. 2122 Turner Md. 2120				
2835 SMITH AVE SUITEG	FIFTH New 10.				
Kume T. MAR	CHARLES M. SUSSAN				



Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz, Secretary Mary Abrams Deputy Secretary

September 27, 2002

Mr. George Zahner
Baltimore County Dept. of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Zoning Advisory Committee Agenda, 10/7/02 re: case numbers 03-131-A, 03-132-A, 03-133-SPHXA, 03-134-A, 03-135-A, 03-136-SPH, 03-137-SPHA, 03-138-SPH, 03-139-SPH, 03-140-A, 03-141-A, 03-142-SPHA, 03-143-SPHA, 03-144-A, 03-145-A, 03-146-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 9/26/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

BALTIMORE COUNTY DEPARTMENT OF RECREATION DUNDALK/EASTFIELD RECREATION COUNCIL DUNDALK SOCCER PROGRAM 2801 YORKWAY DUNDALK, MARYLAND 21222 410-887-7155

October 11, 2002

Mr. Robert Rosso Brentwood Bingo 3111 Newton Road Baltimore, Maryland 21219

Dear Mr. Rosso:

We are very excited about participating in your Bingo venture. The opportunity is very promising for our program. I enthusiastically support your efforts. The community has everything to gain from your Bingo. This is a fantastic use of an old, abandoned building, it provides many people an opportunity to enjoy Bingo in their own community, and it provides groups such as ours an opportunity to fund their programs. We look forward to a long relationship.

Our soccer program serves approximately 700 children each year. In conversations with parents I have discovered that they are very supportive of your plans. We have already began promoting Bingo with those involved in our program and the response has been overwhelming. We struggle each year to raise funds to support our program. This will afford us the opportunity to include other children in our soccer program. You certainly understand the value of keeping children busy in structured programs.

In closing, let me again thank you for your support. Please keep us informed of your progress. Should you need any assistance from me, or anyone else involved in our program, do not hesitate to call.

Sincerely,

Fred Thiess

Soccer Chairman

Norwod/Holabird Community Association & COP

October 17, 2002

Baltimore County Zoning Commissioner Commissioner 401 Bosley Avenue Towson, Maryland 21401

Dear Commissioner,

I am sorry that I am unable to attend the hearing being held on October 22, 2002 case number 03-133-SPHXA. Mr. Charles Sussan, Vice-president, has said that he is going to attend this hearing.

As President, of the Norwood/Holabird Community Association & COP, Inc., I felt it necessary to write you this letter.

In regards to the above case, the community association has discussed Mr. Rosso using the Brentwood Inn, 6701 Brentwood Avenue, as a Coffee House and having Bingo there. There was a motion put on the floor for endorsement of him doing this rather than the boarding house and offices. It was stated that he needed to have this zoning changed to due to the previous zoning variance. This was seconded and approved unanimously by the members attending the September 16, 2002 meeting.

In regards to Robert Rosso, he has become a member of our association and has attended two of three meetings since he joined in March; we only meet on the odd months of the year.

If you would like to contact me please call me at 410-284-8664(home) or 410-458-5477.

I hope the above information is helpful in your decision.

Best Regards,

John Heuchan

Colle E. Heuchen

President

The following Officers of The Norwood/Holabird Community Association & COP, Incattest to the above.

Charles Sussan

Vice-President

CC:Robert Rosso Lori Hayes Terry Godwin

Sergeant at Arms

PO Box 21821, Dundalk, Maryland 21222



January 24, 2003

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

Fax: 410-887-3468

Mr. Richard E. Matz Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue, Suite G Baltimore, Maryland 21209

RE:

PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE

(6701 Brentwood Avenue) Case No. 03-133-SPHXA

Dear Mr. Matz:

In response to your letter of December 11, 2002 concerning the above-captioned matter and your request to approve an amended site plan attached thereto as being within the spirit and intent of the original Order, the following comments are offered.

I have reviewed the contents of your letter, the site plan submitted, and the prior zoning Orders issued for the subject property (Case Nos. 02-027-SPHA and 03-133-SPHXA). You may recall that special hearing relief was granted in Case No. 02-027-SPHA to approve business parking in a residential zone and variance relief from certain RTA parking and landscape buffer requirements was granted, subject to five restrictions attached thereto. Thereafter, in subsequent Case No. 03-133-SPHXA, special hearing relief was granted to approve an amendment to the site plan approved in the prior Order and to affirm the RTA parking variance. Additionally, an amendment of Restrictions 2 and 4 was also approved. Further, special exception relief was granted to allow a community building in a B.L. zone and parking for said building in a D.R.5.5. zone. Lastly, variance relief was granted to permit 31 parking spaces in lieu of the required 68. There were three restrictions incorporated into that Order.

My recollection of the testimony and evidence offered in the latter case is consistent with my written decision. Specifically, I indicated on Page 3 of my Order, "It is anticipated that the first floor of the building, which covers both sections of the structure, will be used for a bingo hall. That part of the structure has the capacity for 100 – 125 people." Your letter of December 11, 2002 indicates that an updated parking calculation was based on the actual square footage of both the first and second floors of the building. It further indicates that the initial assumption was that the building contained 3400 sq.ft. of floor area; however, the actual square footage is 5465 sq.ft.

It is unclear whether the Petitioner now proposes an expansion of the use of the building so that activity will occur on both the first and second floors. Additionally, the increase in the square footage now proposed is significant, particularly on a percentage wise basis. Thus, I do not believe that the proposed amendment under the spirit and intent of the prior Order is appropriate. It is also to be noted that the community has taken active interest in both of the above-referenced cases. In my judgment, further amendment through a Petition for Special Hearing is more appropriate.

Please do not hesitate to contact me should you wish to discuss this matter further.

Very truly yours,

LAWRENCE E, SCHMIDT

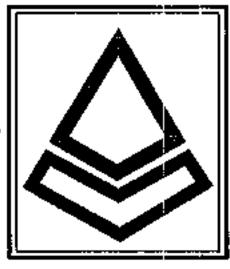
Zoning Commissioner for Baltimore County

LES:bj8

oc: Case File

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



December 11, 2002

Commissioner Lawrence E. Schmidt Zoning Commissioner's Office 401 Bosley Avenue Towson, Md. 21204

12

Re:

Case No. 03-133-SPHXA 6701 Brentwood Avenue

Dear Commissioner Schmidt,

In the above referenced Order, on November 20, 2002, you approved a Community Building use on this property with a variance for 31 parking spaces provided in lieu of 68 required. The requirement of 68 spaces was based on an assumed floor area of 3400 square feet. In preparing the plans for building permit, the architect indicates an actual square footage of 5465 square feet, which includes the first and second floors but not the basement. This floor area generates a parking requirement of 110 spaces. There are no exterior changes to the building and, as you are aware, the community was in support of this use.

Therefore, in the Spirit and Intent of the original approval, we request approval of an amended Zoning Order or Spirit and Intent Acknowledgement to reflect the above change. Enclosed is an amended Zoning Plat with the correct information noted on the plan.

Æichard E. Matz, P.E.

COLBERT MATZ ROSENFELT, INC.

S& I Approval Acknowledgement Lawrence E. Schmidt

Date

COLBERT MATZ ROSENFEL NC.

2835 Smith Avenue Suite G BALTIMORE, MARYLAND 21209

LETTER OF TRANSMITTAL

(410) 653-3838 ATTENTION FAX (410) 653-7953 া**র** Attached WE ARE SENDING YOU Under separate cover via __ the following items: □ Shop drawings Prints □ Plans □ Samples □ Specifications Copy of letter ☐ Change order COPIES DATE NO **DESCRIPTION** THESE ARE TRANSMITTED as checked below: ∠
★
For approval. Approved as submitted ☐ Resubmit _____ copies for approval Approved as noted ☐ Submit _____ copies for distribution As requested Returned for corrections ☐ Return _____ corrected prints □ For review and comment ☐ FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US REMARKS ____ COPY TO fill Drole Keal If enclosures are not as noted, kindly notify us at once.

DATE

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – SE/Cor. Brentwood
and Fifth Avenues, N of Holabird Avenue
(6701 Brentwood Avenue)
12th Election District
7th Council District

Robert E. Rosso Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 02-027-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 owner of the subject property, Robert E. Rosso, through his attorney, Deborah C. Dopkin, Esquire. The Petitioner requests a special hearing to approve business parking in a residential zone, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is sought from Section 1B01.1.B.1.e(5) of the B.C.Z.R. to permit a Residential Transition Area (RTA) parking setback of 10 feet in lieu of the required 75 feet, and an RTA landscape buffer of 10 feet in lieu of the required 50 feet. 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 1.

Appearing at the requisite public hearing in support of the requests were Robert Rosso, property owner, his wife, Janette Rosso, Richard E. Matz, the Professional Engineer who prepared the site plan for this property, and Deborah Dopkin, Esquire, attorney for the Petitioner. Appearing as Protestants in the matter were numerous residents from the surrounding community, all of whom signed the Protestants' Sign In Sheet circulated at the hearing. Serving as spokespersons for the group were Charles H. Creamer and John Heuchan.

The subject property is actually comprised of two parcels located on both sides of the southeast corner of the intersection of Brentwood Avenue and Fifth Avenue, just north of Holabird Avenue in Dundalk. In addition to the fact that the two parcels are separated by Fifth Avenue, the Baltimore County/Baltimore City line runs through the front portion of the site; however, the majority of the property is located in Baltimore County.

.

The parcel on the north side of Fifth Avenue is triangular in shape and is located at the apex of the angle created by the intersection of Brentwood Avenue and Fifth Avenue. This parcel contains 0.113 acres, more or less, zoned B.L., and is improved with a large, two-story building which occupies nearly the entire site. This building was previously used as a restaurant known as the Brentwood Inn, and more recently, as a hair salon; however, the building is now vacant and in need of repair. In fact, many of the concerns expressed by the Protestants were that Mr. Rosso had not kept up the building since he acquired same approximately one year ago and that the building is an eyesore and causes blight to the neighborhood.

The second parcel is located on the south side of Fifth Avenue, across from the building formerly known as the Brentwood Inn. Apparently this parcel has been used as a parking lot for many years. It contains approximately 0.464 acres, more or less, zoned D.R.5.5 and is unimproved. An alley, which runs along the rear of the site, separates the subject parcel from the rear of a number of commercial parcels which front Holabird Avenue. This alley is paved in part, but is not fully improved.

The location of these parcels is interesting in that they serve as a buffer between the adjacent residential community and the commercial uses along Holabird and Dundalk Avenues. That is, the plan shows that a residence owned by Douglas Baker is located immediately adjacent to the B.L. zoned parcel (formerly the Brentwood Inn). Likewise, the parcel containing the parking lot immediately abuts a residence owned by the Bednarek family. The nature of the properties as a buffer was evident during a site visit I conducted following the hearing. To the east of the properties is a long-established residential community of well-maintained, single family dwellings on modest lots. However, to the west and south, there are a number of businesses and commercial uses along the major thoroughfares, namely Dundalk Avenue and Holabird Avenue.

Testimony indicated that Mr. Rosso purchased the subject property approximately one year ago. He is in the contracting business and has stored some of his trucks and trailers on the parking lot parcel or in the neighborhood, much to the consternation of the neighbors. Mr. Rosso proposes to refurbish and repair the building for use in accordance with the B.L. zoning of the property. However, in that the building occupies the entire B.L.-zoned parcel, there is no on-site

parking available. Thus, the Petitioner requests special hearing and variance relief as set forth above to permit parking on the adjacent parcel zoned D.R.5.5. Apparently, the use of the adjacent parcel for parking is an arrangement that has existed for many years. Nonetheless, the neighbors are concerned about not only the use of the subject site, but Mr. Rosso's construction business.

This case is made difficult because of a number of neighbors' concerns. They have fears regarding the potential use of the old Brentwood Inn building. In addition, they fear the use of the parking lot and adjacent public streets to support Mr. Rosso's business. I have no jurisdiction as to the use of the public streets. If Mr. Rosso parks his vehicles illegally on these streets, that is a matter for enforcement of the traffic laws by the Baltimore County Police Department.

As to the use of the old Brentwood Inn parcel, the record of the case will show that the hearing was suspended when the undersigned Zoning Commissioner required that Mr. Rosso need identify the specific use of that property before consideration of the instant Petitions could be given. After a recess, Mr. Rosso was recalled to the witness stand at which time he testified more specifically about his plans. In this regard, he indicated that he proposes rehabilitating the building and using same as a boarding house for up to six individuals and using a portion of the building as an office for his contracting business. It is to be noted that a boarding house is permitted by right in the B.L. zone, pursuant to Section 230.3 of the B.C.Z.R. Thus, Mr. Rosso has the absolute right to use the parcel containing the building as a boarding house. In this context, a boarding house is defined under Section 101 of the B.C.Z.R. as "a building which is not the owner's residence and which is occupied in its entirety by three or more adult persons not related by blood, marriage or adoption to each other." Again, it is to be emphasized that a boarding house is permitted by right in the B.L. zone.

The question presented under the Petition for Special Hearing is whether relief should be granted to permit parking for the tenants of the boarding house and storage of vehicles used in connection with Mr. Rosso's contracting business on the parking lot across the street. As noted above, this parking lot has apparently been in existence for a number of years. The undisputed testimony and evidence presented was that it is presently being used without the owner's express

permission, by a number of businesses in the area, including, but not limited to, certain medical offices located nearby on Holabird Avenue. The continued use of the parcel as a parking lot for the proposed use is certainly consistent with its historic use. Properly restricted, it appears that this arrangement should continue.

The variance relief requested relates to Residential Transition Area (RTA) standards. The RTA standards are set out in Section 1B01.1.B of the B.C.Z.R. That Section indicates that the purpose of the RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types. Although the RTA standards are applicable here, the identified purpose is not relevant to the issue.

As noted above, the undersigned Zoning Commissioner visited the site after the hearing and drove the neighborhood. I looked not only at the old Brentwood Inn building, but also drove through the residential neighborhood. I also went onto the parking lot and traveled up the unimproved alley that separates that lot from the businesses that front on Holabird Avenue. It is the responsibility of the Zoning Commissioner to insure that relief can be granted without detrimental impact to the surrounding locale. Nonetheless, it is clear that commercial and business uses exist immediately adjacent to the subject property and indeed, the triangularly shaped parcel on which the building is located is zoned B.L. As such, certain uses are permitted as of right.

Under all of these circumstances, I am persuaded to grant the requested relief. However, in granting the relief, I will impose a number of conditions which are designed to preserve and protect the health, safety and general welfare of the locale. First, the boarding house use will be limited to a maximum of six residents. Second, the office use will be restricted to the Petitioner's construction company, only, and none other. Third, the Petitioner shall comply fully with the requirements set out in Section 408.B of the B.C.Z.R., which regulates boarding houses in the D.R. zone. They require, for example, that the owner keep and preserve accurate tenant occupancy records. Moreover, upon 24-hour notice, County representatives shall be permitted to enter and inspect the premises or property. The Section further provides that the Director of Permits and Development Management (DPDM) may revoke the use and occupancy permit if the Petitioner fails to comply with the livability code, the applicable zoning regulations, or the noise,

litter, fire, health, or sanitation ordinances of Baltimore County. Fourth, the Petitioner shall be required to improve the parking lot with a durable and dustless surface. It is recognized, from a financial perspective, that the applicant may be limited in the amount of improvements that can be made to the building and parking lot, and it seems appropriate that the building be improved first, and the parking lot thereafter. Thus, the Petitioner shall be given a period of one year from the date of this Order to improve the parking lot. The Petitioner shall also install landscaping on the east and north sides of the parking lot. Landscaping to the south and west of that property is not practical, due to the commercial establishments which abut those sides; however, landscaping should be installed to buffer the lot from the residential community. The landscaping and improvements to the parking lot shall be completed within one year of the date of this Order. Fifth, the Petitioner shall only be allowed to park cars, vans and pick-up trucks on the parking lot. No vehicles over ¼ ton shall be stored or parked on the lot.

It is hoped that the restrictions imposed upon the relief granted will provide a reasonable solution to the contention presently existing between Mr. Rosso and the neighbors. Again, some degree of balance is appropriate between the business zoning of the property and nearby commercial uses, and the residential neighborhood abutting the other side of this property. If the property is cleaned up, and the proposed boarding house and parking lot are used in accordance with all applicable regulations and conditions as set forth above, I believe that the Protestants' concerns can be resolved.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Aday of October, 2001 that the Petition for Special Hearing to approve business parking in a residential zone, pursuant to Section 409.8.B 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 Petition for Variance seeking relief from Section 1B01.1.B.1.e(5) of the B.C.Z.R. to permit a Residential Transition Area (RTA) parking setback of 10 feet in lieu of the required 75 feet, and an RTA landscape buffer of 10 feet in lieu of the

required 50 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

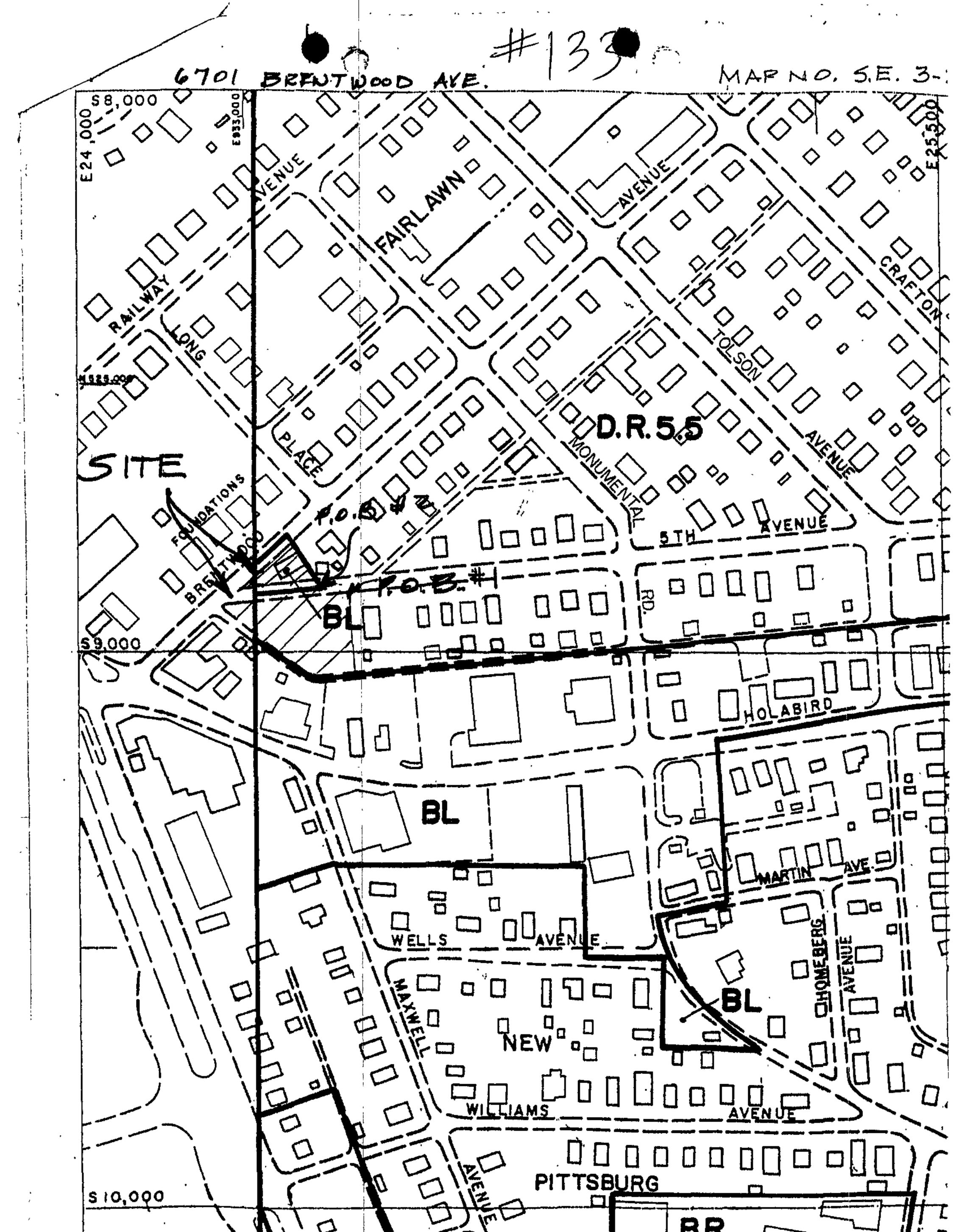
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The use of the existing building shall be limited to a boarding house for no more than six residents, and office space for the Petitioner's construction business, only, and no other. Moreover, the Petitioner shall comply with all requirements set out in Section 408.B of the B.C.Z.R., which regulates boarding houses in the D.R. zone. These include keeping and maintaining accurate tenant occupancy records and compliance with the livability code, the applicable zoning regulations, and the noise, litter, fire, health, and sanitation ordinances of Baltimore County.
- 3) The Petitioner shall be required to improve the parking lot with a durable and dustless surface. The Petitioner shall also install landscaping on the east and north sides of the parking lot to buffer same from the adjacent residential community. The landscaping and improvements to the parking lot shall be completed within one year of the date of this Order.
- 4) Only cars, vans and pick-up trucks owned by tenants of the boarding house or used by the Petitioner in connection with his construction business shall be parked on the parking lot; however, no vehicles weighing over ¾ ton shall be stored or parked on the lot.

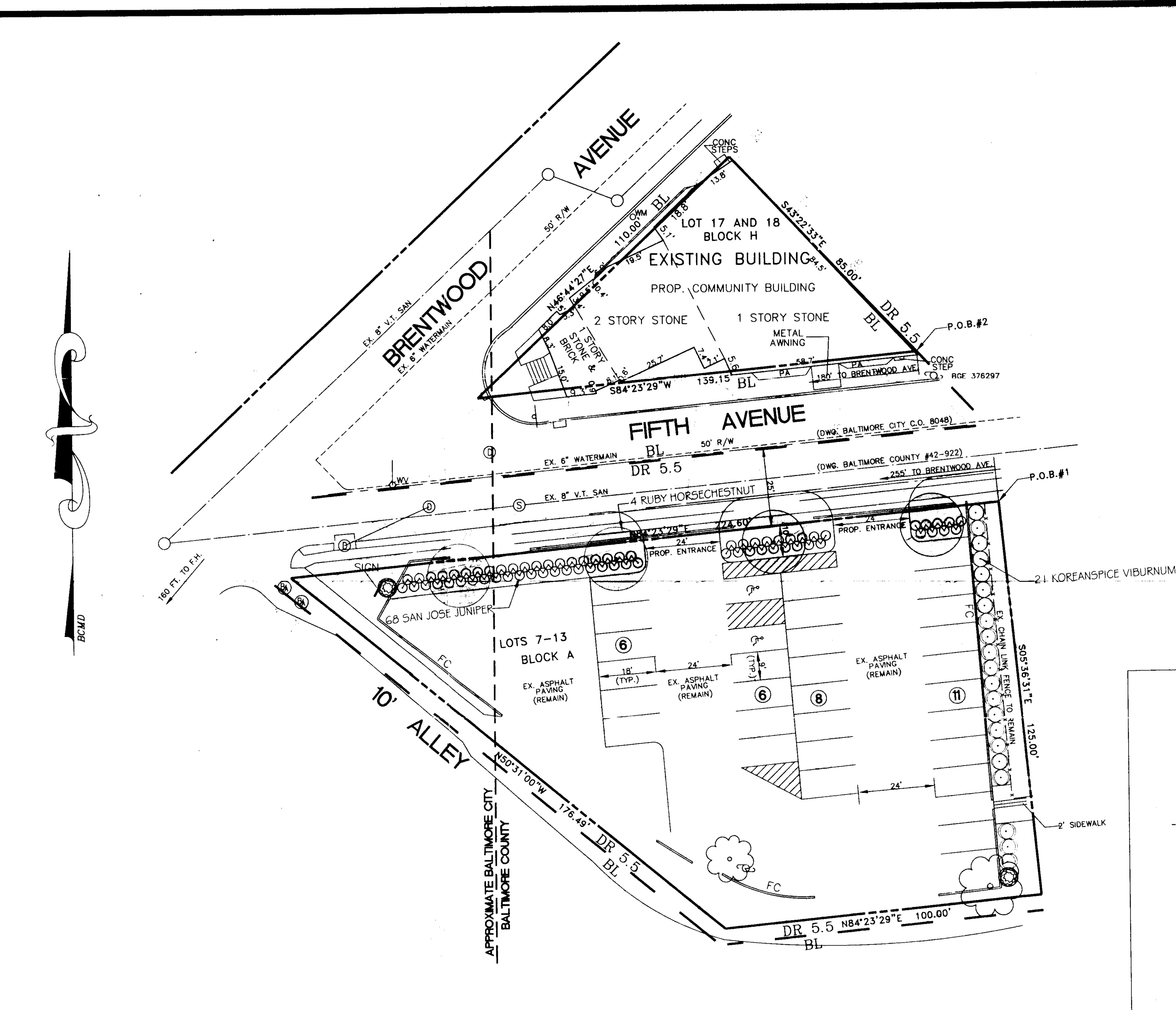
When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs





Plant List

COMMON NAME	BOTANICAL NAME	SIZE	QUANTITY	NOTES
RUBY HORSECHESTNUT SAN JOSE JUNIPER KOREANSPICE VIBURNUM	Aesculus xcarnea 'BRIOTTI' Juniperus chinensis 'SAN JOSE' Viburnum carlesii	2"-2 1/2" CAL. 18"-24" HGT 24"-30" HGT	4 67 21	3' O/C, SET AS SHOWN

CASE NO. 3400 (1955) - ZONING FOR RECLASSIFICATION GRANTED 1955 FROM "A" RESIDENCE TO "B" RESIDENCE.

CASE NO. 4465-RX (1958) - ZONING RECLASSIFICATION FROM B-6 TO BL. ALSO VARIANCE TO PERMIT O FT. REAR YARD INSTEAD OF 20-FT. SETBACK AND SIDE YARD OF 2 FT. INSTEAD OF 20 FT. GRANTED AUGUST 8, 1959 FROM B-6 TO BL.

9. SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA. 10.PUBLIC WATER AND SEWER IS AVAILABLE TO THIS SITE.

11.IN ACCORDANCE WITH SEC. 409.8.B.2, BCZR, THE PARKING FACILITY SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

g. THE LAND SO USED MUST ADJOIN OR BE ACROSS AN ALLEY OR STREET FROM THE BUSINESS OR INDUSTRY INVOLVED.

b. ONLY PASSENGER VEHICLES, INCLUDING VANS AND PICKUP TRUCKS MAY USE THE PARKING FACILITY. (PER ZONING ORDER CASE NO.02-027-SPHA).

c. NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED.

d. LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE AND INTENSITY, AS REQUIRED.

e. A SATISFACTORY PLAN SHOWING PARKING ARRANGEMENT AND VEHICULAR ACCESS MUST BE PROVIDED.

f. METHOD AND AREA OF OPERATION, PROVISION FOR MAINTENANCE AND PERMITTED HOURS OF USE SHALL BE SPECIFIED AND REGULATED AS REQUIRED.

COMMISSIONER, ARE NECESSARY TO ENSURE THAT THE PARKING FACILITY WILL NOT BE DETRIMENTAL TO ADJACENT PROPERTIES .

12. FLOOR AREA RATIO: EX. BUILDING-4389 SQ.FT. (3400 SQ.FT. EXCLUDING BASEMENT STORAGE SPACE) EX. LOT-4660 SQ.FT. FAR. = 0.94MAX. PERMITTED=3.0

ZONING REQUESTS

PARKING FOR A COMMUNITY BUILDING IN A D.R.-5.5 ZONE. VARIANCE FOR 31 PARKING SPACES IN LIEU OF 68 REQUIRED.

SECTION 409.6.A.2, BCZR.

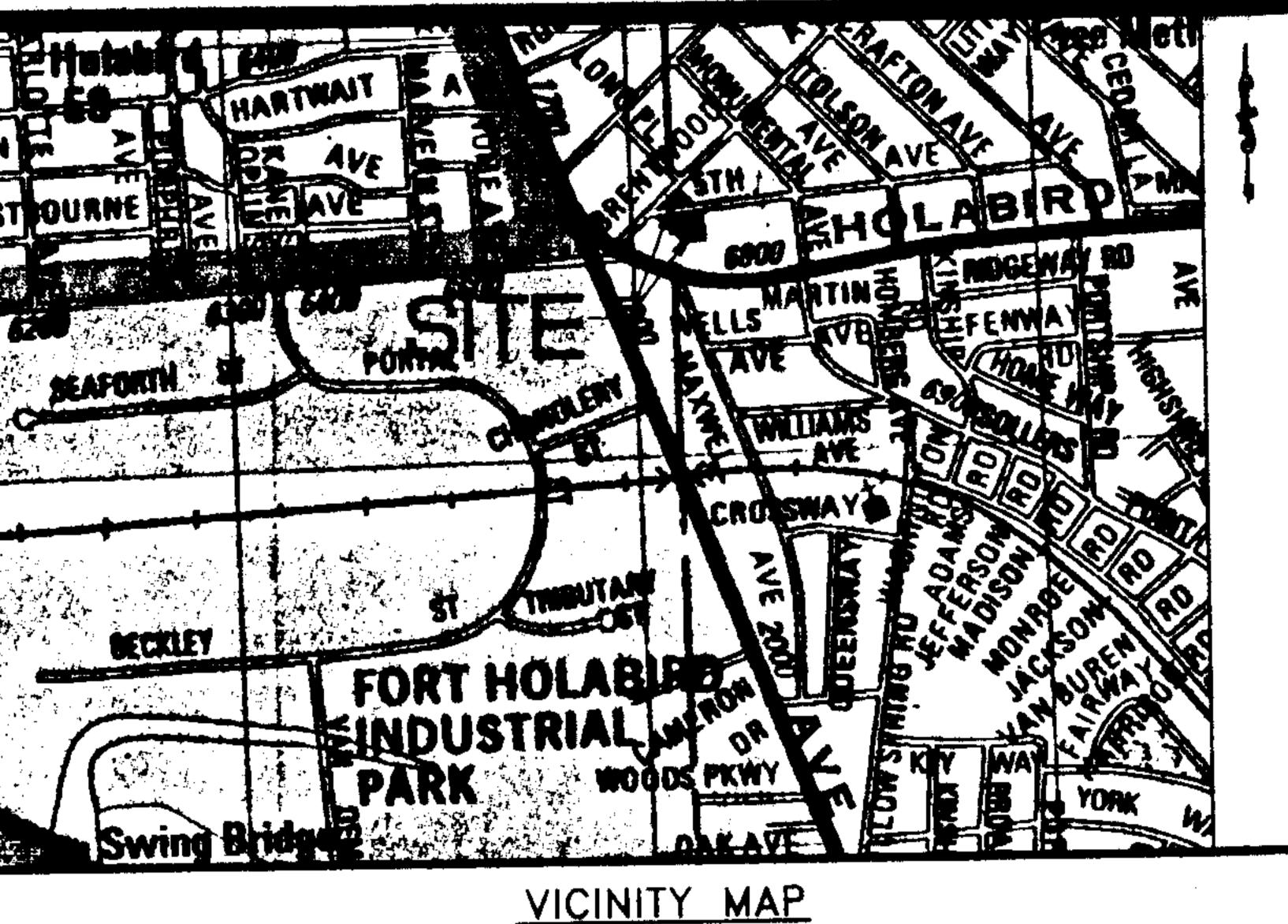
ORDER CASE NO. 02-027-SPHA

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this May of October, 2001 that the Petition for Special Hearing to approve business parking in a residential zone, pursuant to Section 409.8.B 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 Petition for Variance seeking relief from Section 1B01.1.B.1.e(5) of the B.C.Z.R. to permit a Residential Transition Area (RTA) parking setback of 10 feet in lieu of the required 75 feet, and an RTA landscape buffer of 10 feet in lieu of the required 50 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 use of the existing building shall be limited to a boarding house for no more than six residents, and office space for the Petitioner's construction business, only, and no other. Moreover, the Petitioner shall comply with all requirements set out in Section 408.B of the B.C.Z.R., which regulates boarding houses in the D.R. zone. These include keeping and maintaining accurate tenant occupancy records and compliance with the livability code, the applicable zoning regulations, and the noise, litter, fire, health, and sanitation ordinances of Baltimore County.
- 3) The Petitioner shall be required to improve the parking lot with a durable and dustless surface. The Petitioner shall also install landscaping on the east and north sides of the parking lot to buffer same from the adjacent residential community. The landscaping and improvements to the parking lot shall be completed within one year of the date of this Order.
- 4) Only cars, vans and pick-up trucks owned by tenants of the boarding house or used by the Petitioner in connection with his construction business shall be parked on the parking lot; however, no vehicles weighing over % ton shall be stored or parked on the lot.
- 5) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this

PROPERTY LINES SHOWN HEREON ARE APPROXIMATE.
THIS PLAN WAS PREPARED WITHOUT THE BENEFIT



GENERAL NOTES OWNER/DEVELOPER: ROBERT E. ROSSO

3111 NEWTON ROAD

DEED REFERENCE: 14829/158
TAX ACCOUNT NO.: 1203098092 PLAT REF. 6/100: FAIRLAWN, LOTS 7-13, Block A; Lots 17 & 18, Block H

3. SITE DATA PROPOSED USE: COMMUNITY BUILDING

CURRENT ZONING AND ACREAGE BL: NET ACREAGE = 0.107 AC.+/-

DR-5.5: NET ACREAGE = 0.466 AC.+/-

ZONING MAP NO .: SE 3-E

4. ZONING SETBACK REQUIREMENTS:

REQUIRED PROVIDED

O FT., PER VARIANCE SETBACKS FOR EXISTING BUILDING PER VARIANCE CASE 4465-RX

DR 5.5 ZONE (PARKING LOT)

PARKING SETBACK :

10 FT. FROM R.O.W.

10 FT. FROM RESIDENTIAL

RTA AREA: RTA SETBACK:

* SEE VARIANCE ORDER CASE NO. 02-027-SPHA 5. PREVIOUS PERMITS: B270878,E271765, P272367, E271761, E271772

THERE ARE NO FLOODPLAINS ON THE PROPERTY PER THE BALTIMORE THERE ARE NO KNOWN STREAMS, WETLANDS OR STORM WATER MANAGEMENT FACILITIES ON THE SITE.

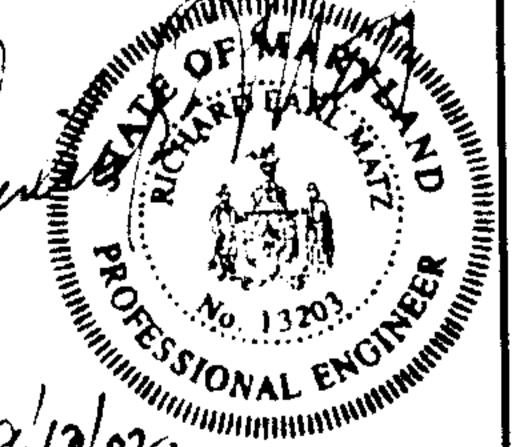
7. PARKING CALCULATIONS: REQUIRED: 1 SPACE/50 SQ.FT.=3400=68 SPACES PROVIDED: 31 SPACES INCLUDING 2 HANDICAPPED (EXISTING) VARIANCE REQUESTED.

PARKING TO BE DURABLE AND DUSTLESS SURFACE AND STRIPED.

PLAN TO ACCOMPANY SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE PETITION

BRENTWOOD AVENUE

COUNCILMANIC DISTRICT: 7 ELECTION DISTRICT: 12 BALTIMORE CITY AND BALTIMORE COUNTY, MD.



Colbert Matz Rosenfelt, Inc.

1 2835 Smith Avenue, Suite G

