IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – NW/Corner East Biddle Street and 65th Street (1212 65th Street) 15th Election District 7th Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 03-283-SPHA
Rosedale Co., Inc., Owners; Red Hawk, LLC, Contract Lessees	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Rosedale Company, Inc., and the Contract Lessees, Red Hawk, LLC, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special hearing to confirm that the storage of golf carts is permitted in the M.L.-I.M. zone, pursuant to Section 253.1.B.16 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioners seek variance relief from Section 253.4 of the B.C.Z.R. to permit the storage of golf carts within 0 feet of a residential zone boundary in lieu of the required 100-foot setback. 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 request were Norman W. Wilder, Vice President of Rosedale Company, Inc., property owners; E. Gillet Boyce, on behalf of Red Hawk, LLC, Contract Lessees; and their attorneys Robert A. Hoffman, Esquire and Timmy Ruppersberger, Esquire. Also appearing were Mitch Kellman and Bob Green, on behalf of Daft-McCune-Walker, Inc., and Bill Miller, on behalf of Morris & Ritchie Associates, Inc. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel, located on the southwest corner of 65th Street and E. Biddle Street in Rosedale, not far from the Baltimore County/Baltimore City Line. The property is located within the Pulaski

ORDER RECEIVED FOR FILING
Date 3/4/03
By

Industrial Park and contains a gross area of 3.38 acres in area, zoned M.L.-I.M. The western portion of the property is improved with a one-story building and macadam-paved parking area, while the eastern most portion of the site which encompasses the side yard of the property is unimproved. A series of photographs were submitted at the hearing which depict the property and an aerial photograph from County records was also submitted as Petitioner's Exhibit 3. The property's frontage is primarily along 65th Street, which is characterized by commercial/industrial development. An auto repair shop is located on the adjacent lot, and other parcels within the Rosedale Industrial Park are located across 65th Street from the subject site. However, the rear of the property abuts a D.R.5.5 zone and the rear of a residential community, known as Maryland Manor. The homes to the rear of the subject property abut 64th Street.

Previously, the existing building was used as a warehouse; however, that business has vacated the property and the building is not currently in use. The property owners have entered into a lease with Red Hawk, LLC for use of the site. On behalf of that entity, Mr. Boyce testified that Red Hawk, LLC purchases used golf carts from country clubs, golf courses, etc., and refurbishes them for resale. Apparently, Red Hawk buys golf carts in quantity and there may be as many as 700 carts stored on the premises at any one time. Mr. Boyce testified that the refurbishment and repair would take place within the existing building; however, carts will be stored throughout the property, including within the building, on the paved parking area and in the side yard. Testimony indicated that the Petitioners wish to relocate to the subject site; however, special hearing approval and variance relief as set forth above are necessary in order to proceed.

Section 253 of the B.C.Z.R. sets out the uses permitted by right in the Manufacturing Light (M.L.) zone. Section 253.1.B.16 of the B.C.Z.R. provides that the storage, warehousing or wholesale distribution of any product for sale or final processing or production is permitted as of right in the M.L. zone. Additionally, among the uses permitted in the M.L. zone is automobile assembly (Section 253.1.A.2). Although golf carts are not automobiles, they are similar in that they are self-propelled motor vehicles designed to carry persons.

Based upon the testimony and evidence offered, I am persuaded that the proposed use is permitted by right in the M.L.-I.M. zone. Although "golf carts" are not specifically identified within the regulations, the sale and storage of such products is consistent with the uses permitted in the M.L. zone. Moreover, it is to be noted that service garages are permitted by special exception in the M.L. zone. (See Section 253.2.B3 of the B.C.Z.R.) Arguably, the service garage definition may apply in this instance, as that use is defined by the B.C.Z.R. as "A garage where motor driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale." If considered a service garage, the proposed use would be permitted here in that sufficient testimony and evidence was offered to support a finding that the proposed use would not be detrimental to the health, safety or general welfare of the surrounding locale. As noted above, a service garage operation exists immediately adjacent to the subject property. Thus, it appears that the proposed use is consistent with existing uses in the area and will not adversely impact adjacent properties.

Variance relief is also requested to allow the storage of golf carts within 0 feet of a residential zone boundary in lieu of the required 100-foot distance. As noted above, the rear of the site abuts D.R.5.5 zoned land and the Maryland Manor subdivision. In this regard, photographs submitted at the hearing show that the subject property changes grade along the rear property line and a line of existing trees and mature vegetation. Additionally, it appears that many of the residents of the Maryland Manor subdivision have extended their yards into the subject property. Although apparently no permission has been granted, the photographs show the existence of several gardens and playground equipment that is used by the residents who abut the rear of the subject property. At the hearing, the Petitioners indicated they did not intend to disturb these uses. It is anticipated that the existing vegetative screen will be retained to provide an adequate buffer between the use on the subject property and adjacent residential uses.

Subsequent to the hearing, the Petitioners submitted a landscape plan that had been developed in consultation with the Office of Planning. That plan was designed to address the Zoning Advisory Committee (ZAC) submitted by that agency, which suggested that a landscape buffer and fencing would be appropriate to shield the proposed operation from the adjacent

residential properties. The landscape plan, which has been marked as Petitioner's Exhibit 4, achieves that aim and takes advantage of the existing topography and vegetation. Relief will be granted conditioned upon the implementation of that plan.

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 4th day of March, 2003 that the storage of golf carts is permitted in the M.L.-I.M. zone, pursuant to Section 253.1.B.16 of the Baltimore County Zoning Regulations (B.C.Z.R.), and as such, the Petition for Special Hearing be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 253.4 of the B.C.Z.R. to permit the storage of golf carts within 0 feet of a residential zone boundary in lieu of the required 100-foot setback, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with the Landscape Plan reviewed and approved by the Office of Planning, incorporated into the case file and marked as Petitioner's Exhibit 4.

3) When applying for any permits, the site plan and/or landscape 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

3/4/03

Baltimore County
Zoning Commissioner

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

March 4, 2003

Robert A. Hoffman, Esquire
Timmy Ruppersberger, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SW/Corner 65th Street and East Biddle Street
(1212 65th Street)
15th Election District – 7th Council District
Rosedale Co., Inc., Owners; Red Hawk, LLC, Contract Lessees - Petitioners
Case No. 03-283-SPHA

Dear Mr. Hoffman & Ms. Ruppersberger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Norman W. Wilder, V.P., Rosedale Co., Inc.
Foxleigh Building, 2330 West Joppa Road, Suite 210, Lutherville, Md. 21093
Mr. E. Gillet Boyce, President, Red Hawk, LLC
2671 Merchant Drive, Baltimore, Md. 21230
Messrs. Mitch Kellman & Bob Green, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286
Mr. Bill Miller, 100 West Road, Towson, Md. 21204
People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1212 65th Street

which is presently zoned ML-IM

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

Special Hearing to confirm that the storage of golf cars is permitted in the ML-IM zone pursuant to Section 253.1.B.16.

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:

Red Hawk, LLC
Name - Type or Print

Signature E. Gillet Boyce, President

2671 Merchant Drive 410-646-4300
Address Telephone No.

Baltimore, Maryland 21230
City State Zip Code

Legal Owner(s):

Rosedale Co., Inc.
Name - Type or Print

Signature Norman E. Wilder, VP

Name - Type or Print

Signature 410-847-1433

Suite 210 Foxleigh Building
Address Telephone No.

Lutherville, Maryland 21093
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman, Esquire
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue 410-494-6262
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman, Esquire
Name

Venable, Baetjer and Howard, LLP

210 Allegheny Avenue 410-494-6262
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Case No. 283-SPHA

REV 9/15/98

CASE NUMBER
283-SPHA
Date 3/4/03
By

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date 12-13-02

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1212 65th Street

which is presently zoned ML-IM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Variance from Section 253.4 of the Baltimore County Zoning Regulations to permit the storage of golf cars within 0 feet of a residential zone boundary in lieu of the required setback of 100 feet.

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

To be determined at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Red Hawk, LLC
Name - Type or Print

Signature E. Gillet Boyce, President

2671 Merchant Drive 410-646-4300
Address Telephone No.

Baltimore, Maryland 21230
City State Zip Code

Legal Owner(s):

Rosedale Co., Inc.
Name - Type or Print

Signature Norman W. Wilder, VP

Name - Type or Print

Signature

410-847-1433
Suite 210 Foxleigh Building
Address Telephone No.

Lutherville, Maryland 21093
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman, Esquire
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue 410-494-6262
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman, Esquire
Name Venable, Baetjer and Howard, LLP

210 Allegheny Avenue 410-494-6262
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By _____ Date 12/13/0

Case No. D 3-283-SPHA

REV 9/15/98

DMW

Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

Description

To Accompany Variance and/or Special Hearing

3.38 Acre +/- Parcel

Part of Rosedale Industrial Park

Southwest Side of 65th Street

Northwest Side of East Biddle Street

Fifteenth Election District, Baltimore County, Maryland

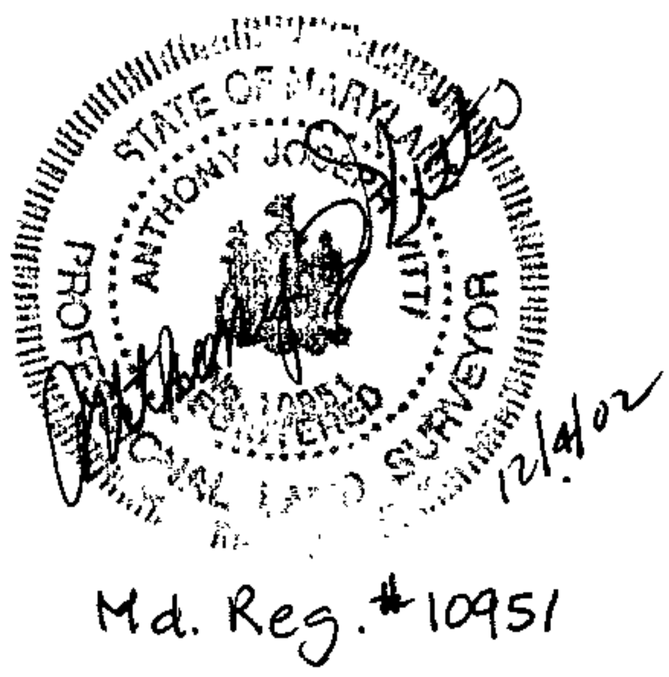
Beginning for the same at the end of the two following courses and distances measured from the intersection of the centerline of East Biddle Street (60 feet wide) with the centerline of 65th Street (50 feet wide), (1) Southwesterly 174 feet, more or less, along the centerline of East Biddle Street, and (2) Northwesterly 30 feet to the northwest side of East Biddle Street and the point of beginning, thence leaving East Biddle Street and running for the two following courses and distances, viz: (1) North 48 degrees 35 minutes 28 seconds West 632.42 feet, and thence (2) North 55 degrees 12 minutes 46 seconds East 337.25 feet to the southwest side of 65th Street, thence binding thereon, the two following courses and distances, viz: (3) South 34 degrees 16 minutes 01 second East 38.60 feet, and (4) South 31 degrees 15 minutes 40 seconds East 516.96 feet to point of curvature, thence (5) Southerly, 38.05 feet along a curve to the right, having a radius of 30.00 feet (the arc of said curve being subtended by a chord bearing South 05 degrees 04 minutes 31 seconds West 35.55 feet) to a point of tangency on the northwest side of East Biddle Street, thence binding thereon, (6) South 41 degrees 24 minutes 43 seconds West 135.33 feet to the

point of beginning; containing 3.38 acres of land, more or less, as now described by Daft-McCune-Walker, Inc., in November, 2002.

THIS DESCRIPTION WAS PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

November 26, 2002

Project No. 84110.L (L84110.L)



Md. Reg. #10951

283

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 20159

DATE 12.13.02 ACCOUNT 001-006-6150

AMOUNT $ 500.00

RECEIVED FROM: Rod Hank — 1212 65 ST.

FOR: SDH 250 —
UMR 250 —
500.—

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

JCM

PAID RECEIPT
PAID RECEIPT
BUSINESS ACTUAL TIME
12/16/2002 12/13/2002 14:16:56
REG 4304 WALKIN DOOL DAD DRAWER 2
RECEIPT # 206343 12/16/2002 DALH
DESC 5 528 ZONING VERIFICATION
CR NO. 020159
Recpt. Tot $500.00
500.00 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: #03-283-SPHA
1212 65th Street
N/west corner of 65th and Biddle Street
15th Election District - 7th Councilmanic District
Legal Owner(s): Rosedale Co., Inc.
Contract Purchaser: Red Hawk, LLC

Special Hearing: to confirm that the storage of golf cars *is permitted in the ML-IM zone.* **Variance:** to permit the storage of golf carts within "0" feet of a residential zone boundary in lieu of the required setback of the required 100 feet.

Hearing: Monday, February 10, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

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

1/332 Jan. 23 C583961

CERTIFICATE OF PUBLICATION

1/24/, 2003

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 1/23/, 2003.

☒ 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.: 03-283-SPHA

Petitioner/Developer: RED HAWK LLC

Date of Hearing/Closing: 2/10/03

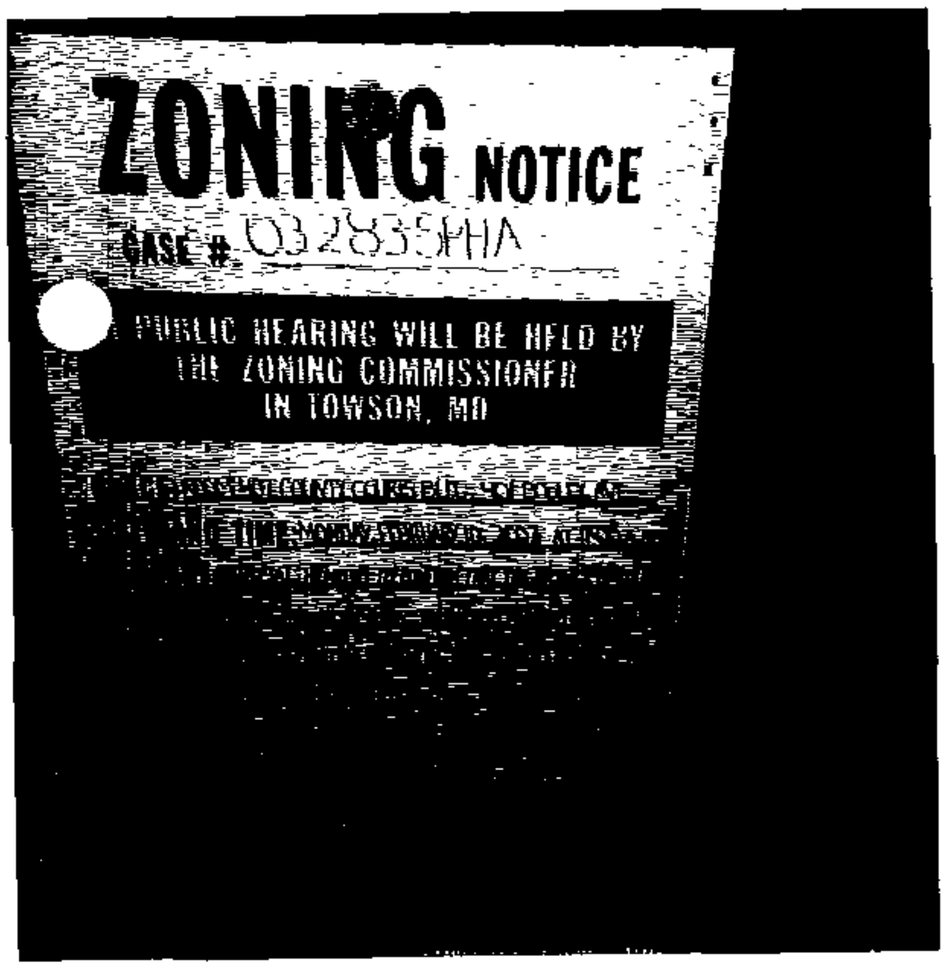
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 1212 65th STREET

The sign(s) were posted on 1/24/03
(Month, Day, Year)



Sincerely,

1/24/03
(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)

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	1212 65th Street; NW corner 65th & Biddle St.	*	ZONING COMMISSIONER
	15th Election District		
	7th Councilmanic District	*	FOR
	Legal Owner(s): Rosedale Co., Inc, Norman Wilder, VP	*	BALTIMORE COUNTY
	Contract Purchaser(s): Red Hawk, LLC	*	03-283-SPHA

* * * * * * * * * * * * *

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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 23rd day of December, 2002, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Venable, Baetjer and Howard, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 23, 2003 Issue - Jeffersonian

Please forward billing to:
Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, MD 21204
410-494-6262

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: 03-283-SPHA
1212 65th Street
N/west corner of 65th and Biddle Street
15th Election District – 7th Councilmanic District
Legal Owner: Rosedale Co., Inc.
Contract Purchaser: Red Hawk, LLC

Special Hearing to confirm that the storage of golf cars is permitted in the ML-IM zone. Variance to permit the storage of golf carts within "0" feet of a residential zone boundary in lieu of the required setback of the required 100 feet.

Hearings: Monday, February 10, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

January 3, 2003

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: 03-283-SPHA
1212 65th Street
N/west corner of 65th and Biddle Street
15th Election District – 7th Councilmanic District
Legal Owner: Rosedale Co., Inc.
Contract Purchaser: Red Hawk, LLC

Special Hearing to confirm that the storage of golf cars is permitted in the ML-IM zone. Variance to permit the storage of golf carts within "0" feet of a residential zone boundary in lieu of the required setback of the required 100 feet.

Hearings: Monday, February 10, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: Robert A. Hoffman, Venable, Baetjer & Howard, 210 Allegheny Ave., Towson 21204
Red Hawk, LLC, 2671 Merchant Drive, Baltimore 21230
Rosedale Co., Inc., Norman Wilder, Suite 210, Foxleigh Bldg., Lutherville 21093

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 24, 2003.**
(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.

Printed with Soybean Ink
on Recycled Paper

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/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: 283

Petitioner: Rosedale Co., Inc.

Address or Location: 1212 65th St.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert Hoffman, Esq.

Address: 210 Allegheny Avenue
Towson, Md. 21204

Telephone Number: 410-494-6262

Revised 2/20/98 - SCJ

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

February 7, 2003

Mr. Robert A. Hoffman
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 03-283-SPHA, 1212 65th Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 13, 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:rlh

Enclosures

c: People's Counsel
Rosedale Co., Inc., Norman Wilder, V. P., Suite 210, Foxleigh Building, Towson 21204
Red Hawk, LLC, E. Gillett Boyce, President, 2671 Merchant Drive, Baltimore 21230

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

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

December 31, 2002

ATTENTION: George Zahner

Distribution Meeting of December 23, 2002

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:

257-290

283

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

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 27, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 30, 2002
Item Nos. 257, 258, 259, 260, 261, 262,
263, 264, 265, 266, 267, 268, 270, 271,
272, 273, 274, 275, 276, 277, 278, 279,
280, 281, 282, 283, 284, 285, 286, 287,
288, 289, and 290

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

RWB:CEN:jrb

cc: File

ZAC-12-30-2002-NO COMMENT ITEMS-ALL-01272003

fp 2/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 7, 2003

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

SUBJECT: 1212 65th Street

INFORMATION:

Item Number: 03-283

Petitioner: Rosedale Co., Inc.

Zoning: ML-IM

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit the storage of golf cars in the ML-IM zone provided a landscape plan (including a "Class C" screening) is submitted to this office for review and approval prior to the issuance of any permits. The "Class C" screening shall consist of a 20-foot landscaped buffer and a 6-foot high board-on-board fence, masonry wall or berm to be setback at least five feet from the property line of the adjoining residential lots and public rights-of-way.

Prepared by: Martha A Cumpton

RECEIVED
FEB 7 2003
ZONING COMMISSIONER

Section Chief: Lyn Lanham

AFK/LL:MAC:

W:\DEVREV\ZAC\03-283.doc

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12.30.02

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

RE: Baltimore County
Item No. 283 JCM

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

Maryland Department of Planning

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

December 27, 2002

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

Re: **Zoning Advisory Committee Agenda, 12/30/02 re: case numbers 03-257-A, 03-258-SPHA, 03-259-SPHA, 03-260-A, 03-261-A, 03-262-A, 03-263-A, 03-264-SPH, 03-265-A, 03-266-XA, 03-267-A, 03-268-A, 03-270-A, 03-271-A, 03-272-A, 03-273-A, 03-274-A, 03-275-A, 03-276-A, 03-277-XA, 03-278-SPH, 03-279-A, 03-280-A, 03-281-SPHA, 03-282-A, 03-283-SPHA, 03-284-A, 03-285-A, 03-286-A, 03-287-A, 03-288-A, 03-289-A, 03-290-A**

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 12/26/02. The information has been submitted to Mr. Mike Nortrup.

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

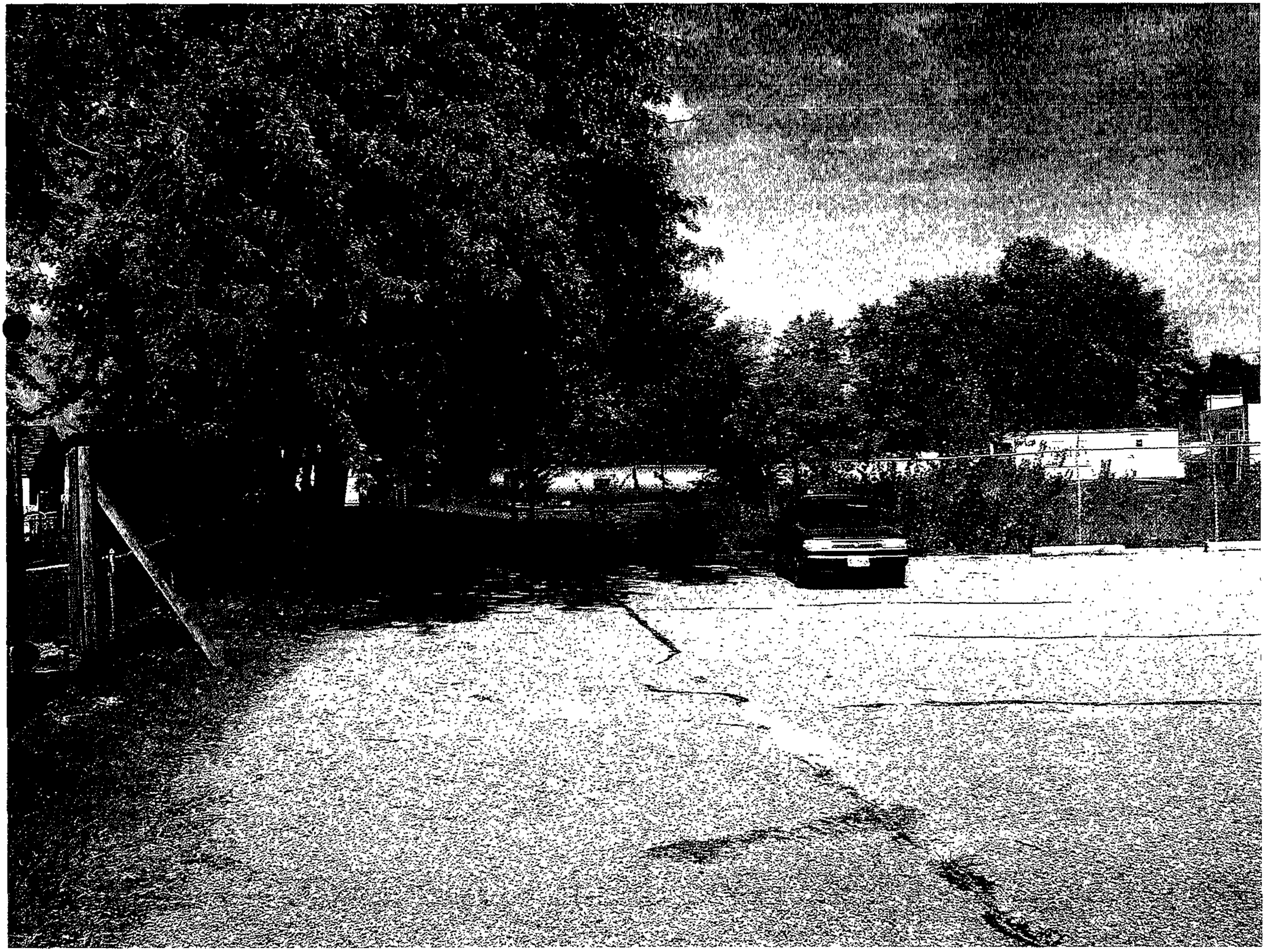
Sincerely,

Dawn for Jim Gatto

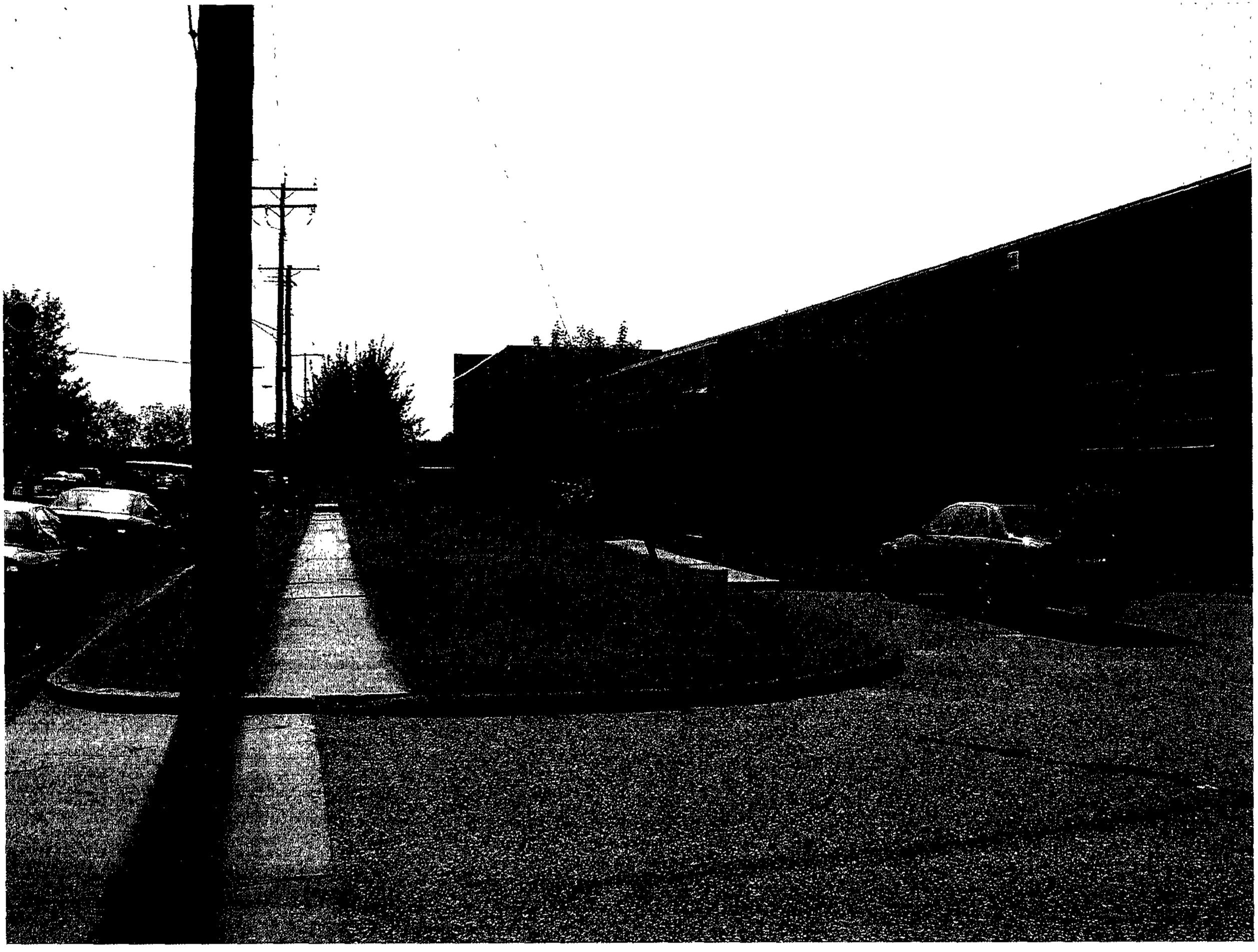
James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

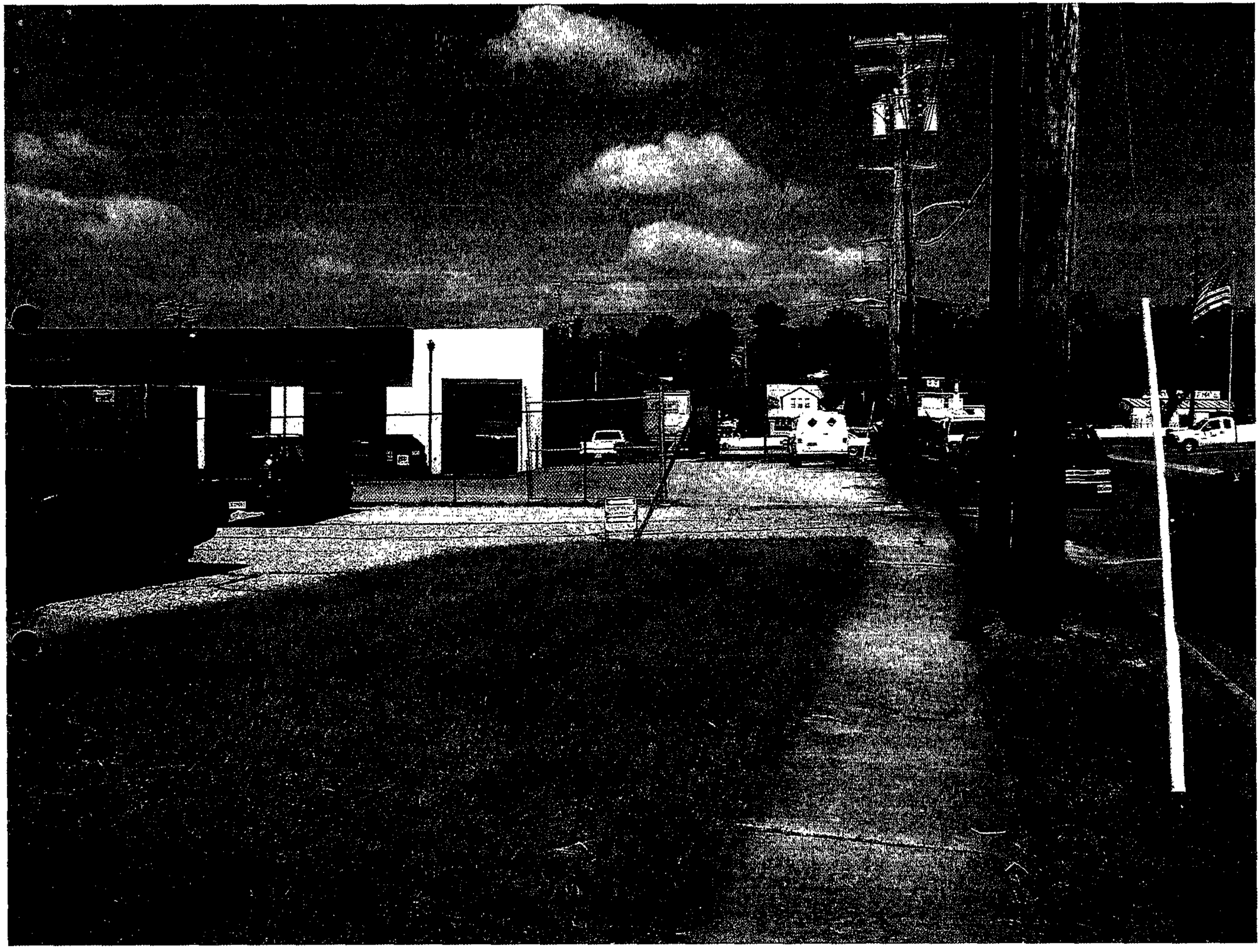
cc: Mike Nortrup

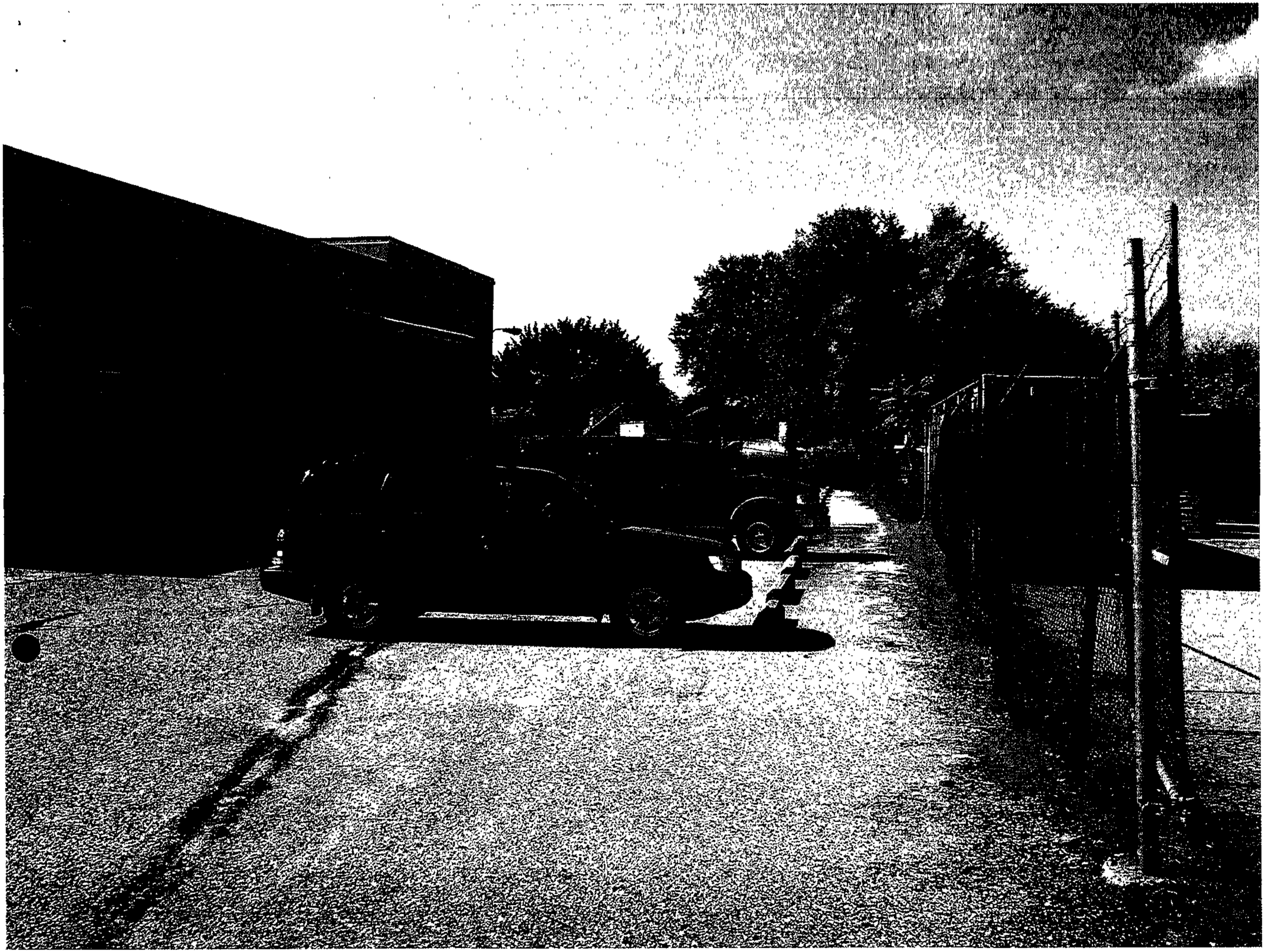
RECEIVED
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT



ALLIED







TRANSMITTAL

DMW

Daft•McCune•Walker, Inc.

RECEIVED

MAR 3 2003

ZONING COMMISSIONER

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 410-296-4705

A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

To: Lawrence Schmidt, Zoning Commissioner
Zoning Commissioner's Office
401 Bosley Avenue
Towson MD 21204

Date: 3/3/03
Job No.: 84110.LA
Attention: Landscape Plan
Reference: 03-283-SPHA

We are sending you ☐ attached ☐ under separate cover ☑ via hand delivered
☐ Shop drawings ☐ Samples ☐ Plans
☐ Specifications ☐

Copies	Date	Number	Description
1	2/27/03	1	65th Street Property Landscape Plan for
			Zoning Hearing 03-283-SPHA

These are transmitted as checked below:
☑ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☑ As requested ☐ Returned for corrections ☐ Return _____ corrected for prints
☐ For review and comment ☐

Remarks:

cc:

Signed: Mitch Kellman

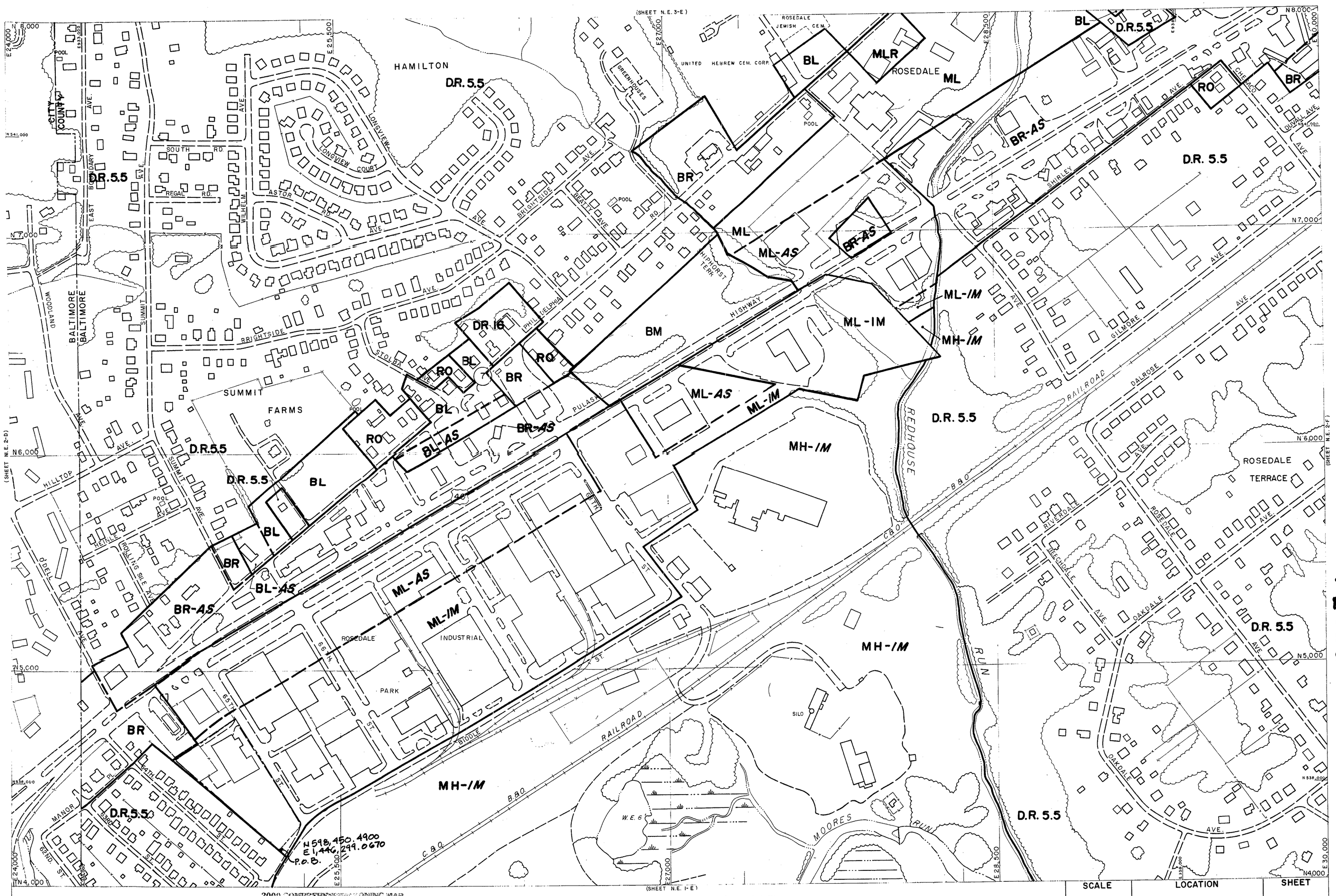
(Rev. 12/02)

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Rob Hoffman	210 Allegheny Ave	Towson, 21204	
Timmy Rippelberger	"	" "	
Mitch Kellman	200 E. Pennsylvania Ave	21286	
BOB GREEN	"	"	
Bill Miller	100 West Road	Towson 21204	
NORM WILDER	2330 W JOPPA RD #210	LUTHERVILLE 21093	
Gillet Boyce	2671 Merchant Dr.	Balto MD 21230	



DMW, Inc.
ROSEDALE INDUSTRIAL
65th STREET PROPERTY
12·11·02 1"=200'
84110.L TS

NE 2 E

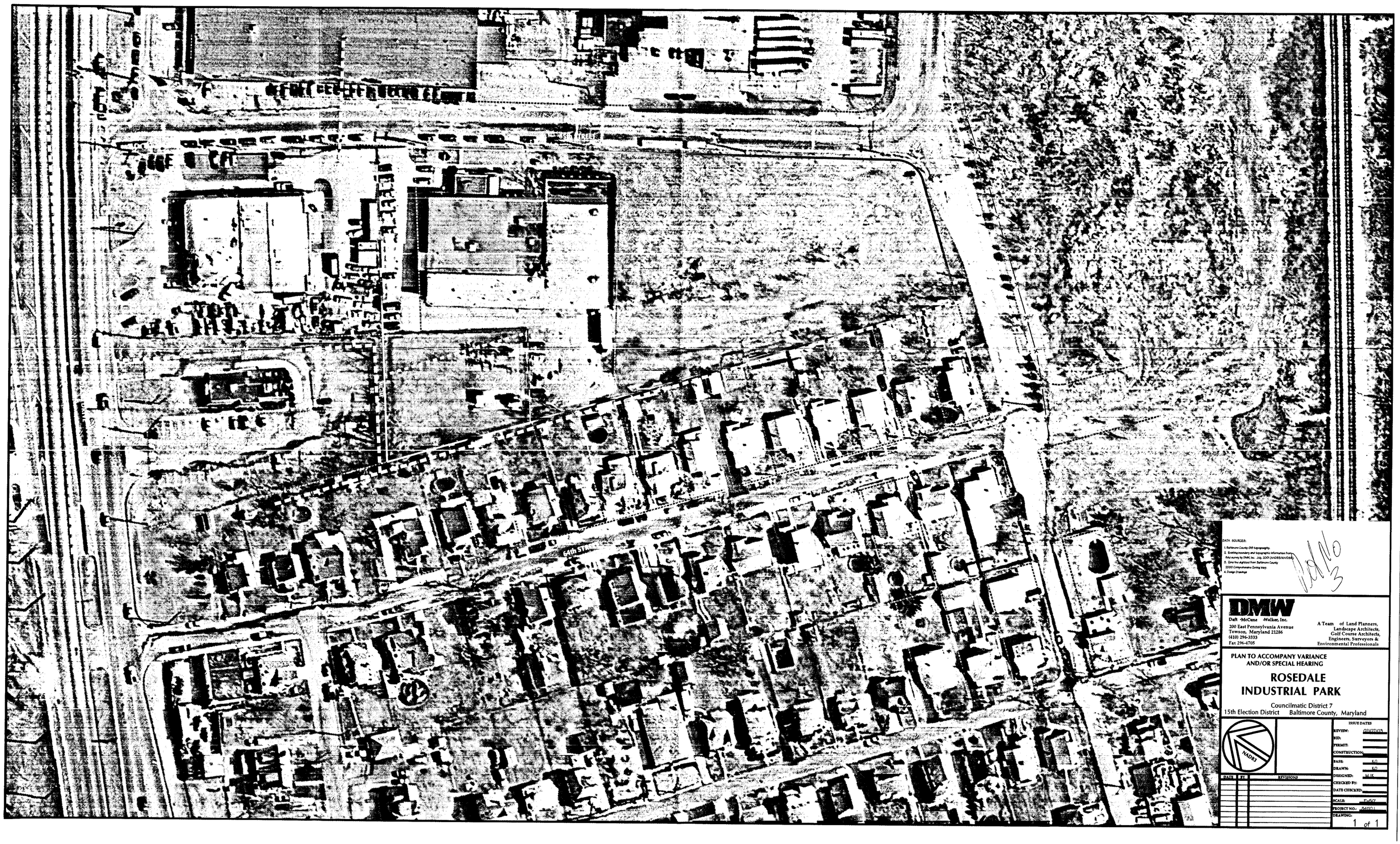
2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 16, 2000
Bill Nos. 57-00, 84-00, 89-00, 90-00, 91-00, 92-00, 93-00.

Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	ROSEDALE	N. E. 2-E
DATE OF PHOTOGRAPHY JANUARY 1986		



DATA SOURCES:
1. Baltimore County GIS topography.
2. Existing boundary and topographic information from field survey by DMW, Inc. July, 2001 (NAD83/NAVD88).
3. Zone line digitized from Baltimore County 2000 Comprehensive Zoning Map.
4. Design Drawings

Pet No 3

DMW

Daft McCune Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

PLAN TO ACCOMPANY VARIANCE AND/OR SPECIAL HEARING

ROSEDALE INDUSTRIAL PARK

Councilmatic District 7
15th Election District Baltimore County, Maryland

NADB3

DATE	BY	REVISIONS

ISSUE DATES

REVIEW:	02/07/03
BID:	
PERMIT:	
CONSTRUCTION:	
DATE:	KG
DRAWN:	KG
DESIGNED:	MJK
CHECKED BY:	
DATE CHECKED:	
SCALE:	1"=50'
PROJECT NO.:	2410/01
DRAWING:	1 of 1

65th STREET

64th STREET

EAST BIDDLE STREET

EXISTING 1 STORY BUILDING
1212 65TH STREET
PARCEL 510
EXISTING USE: WAREHOUSE
ROSEDALE CO., INC.
E.H.K. Jr. 7265/370

PROPOSED STORAGE & PARKING AREA

EXISTING VEGETATION TO REMAIN

EXISTING PAVING

PROPOSED 6' BOARD-ON-BOARD FENCE (TYP.)

EXISTING GARDEN TO BE REMOVED

EXISTING TREES (TYP.)

EXISTING 3' HIGH HEDGE

EXISTING 12' HIGH HEDGE

POINT OF BEGINNING

MULLAN ENTERPRISES, INC.
SM 12439/420
PARCEL 515

SCHISSLER RALPH W.
SCHISSLER SANDRA LEE
E.H.K. Jr. 7059/333
PARCEL 291

ROSEDALE CO., INC.
S.M. 14035/234
PARCEL 307

NORBERT H. MUENCH
MABEL A. MUENCH
E.H.K. Jr. 6734/520
PARCEL 11

NORBERT H. MUENCH
MABEL A. MUENCH
E.H.K. Jr. 6013/716
PARCEL 12

MARYLAND MANOR
E.H.K. Jr. 7265/370

ML-AS

ML-IM

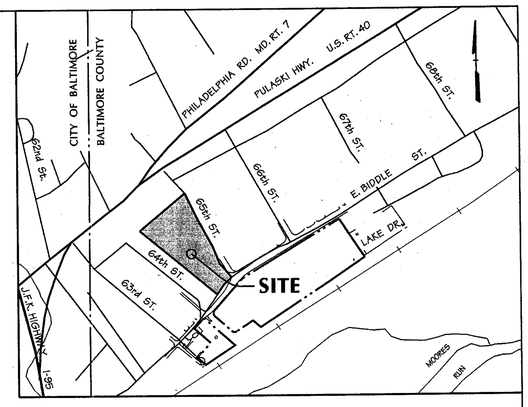
MH-IM

DR 5.5

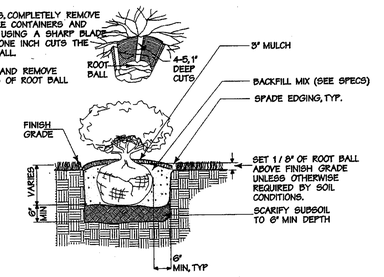
BR

VICINITY MAP

SCALE: 1"=1000'



NOTES:
1. FOR CONTAINER SHRUBS, COMPLETELY REMOVE ALL NON-BIODEGRADABLE CONTAINERS AND SCARIFY ROOTBALL BY USING A SHARP BLADE AND MAKING 4 TO 5 ONE INCH CUTS THE LENGTH OF THE ROOTBALL.
2. FOR B&B SHRUBS, CUT AND REMOVE BURLAP FROM TOP 1/3 OF ROOT BALL



Shrub Bed Planting

Not To Scale

DATA SOURCES:

1. Baltimore County GIS topography.
2. Existing boundary and topographic information from field survey by DMW, Inc. July, 2001 (NAD83/NAVD88).
3. Zone line digitized from Baltimore County 2000 Comprehensive Zoning Map.
4. Design Drawings

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

SCREENING LANDSCAPE PLAN
AS REQUIRED AT SPECIAL HEARING

ROSEDALE INDUSTRIAL PARK

65th Street Property
Councilmatic District 7
15th Election District — Baltimore County, Maryland

NAD83

STATE OF MARYLAND — RICHARD CHARLES HAMMOND — REGISTERED LANDSCAPE ARCHITECT — NO. 931

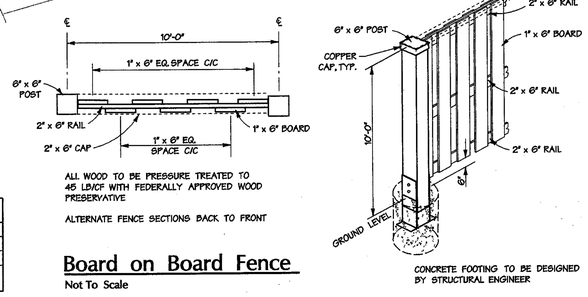
DATE	BY	REVISIONS
2/27/03	MSG	ADD SCREENING ON PARCEL 307 AS DIRECTED BY BALTIMORE COUNTY

RECEIVED
MAR 3 2003
ZONING COMMISSIONER

ISSUE DATES			
REVIEW:		BASE:	RTS
BID:		DRAWN:	SC
PERMIT:		DESIGNED:	RCH
CONSTRUCTION:		CHECKED BY:	
SCALE:	1"=30'	DATE CHECKED:	
PROJECT NO.:	84110.LA	DRAWING:	1 of 1

Plant List

KEY	QTY.	BOTANICAL/COMMON NAME	SIZE	ROOT	SPACING
PS	18	PINUS STROBUS/WHITE PINE	4'	B&B	12' O.C.
FI	10	FORSYTHIA X INTERMEDIA 'SPECTABILIS'	24"	CONT.	4' O.C.
EA	10	EUONYMUS ALATUS/BURNING BUSH	24"	CONT.	4' O.C.
PA	4	PLATUNUS ACERIFOLIA 'BLOODGOOD'/ LONDON PLANE TREE	2"	B&B	25'-30' O.C.



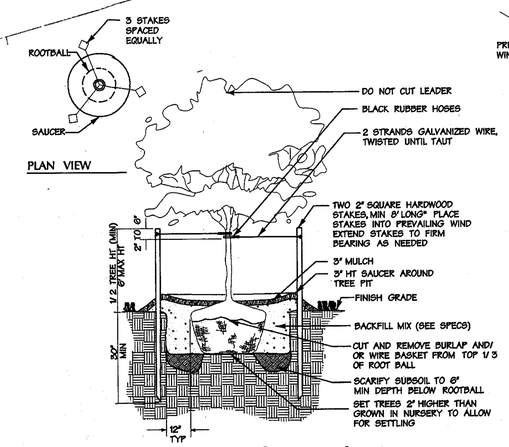
ALL WOOD TO BE PRESSURE TREATED TO 45 LB/CF WITH FEDERALLY APPROVED WOOD PRESERVATIVE

ALTERNATE FENCE SECTIONS BACK TO FRONT

CONCRETE FOOTING TO BE DESIGNED BY STRUCTURAL ENGINEER

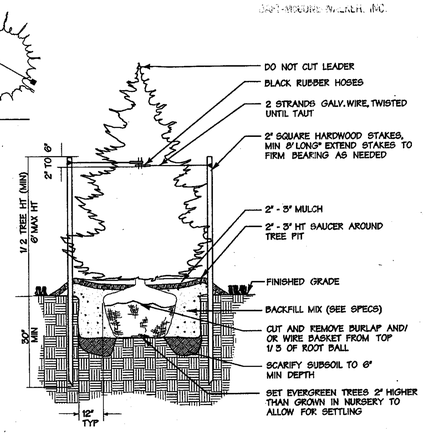
Board on Board Fence

Not To Scale



Less Than 3" Cal. Tree Planting

Not To Scale



Evergreen Tree Planting

Not To Scale

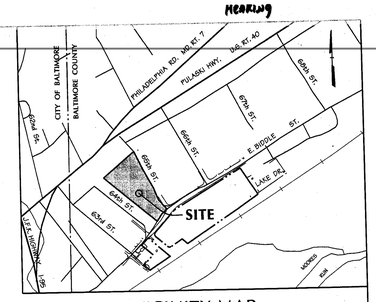
PRINTED
MAR 5 2003
DAFT-MCCUNE-WALKER, INC.

2/27/2003 11:17:48 PM \\ATHENS\MSTATION\CADNET\DOCS\daugref telovn d:\hpm\84110L1.t.hpm

N:\84110.DB\84110_Daugref\84110L.lst Tue Feb 27 15:55:00 2003

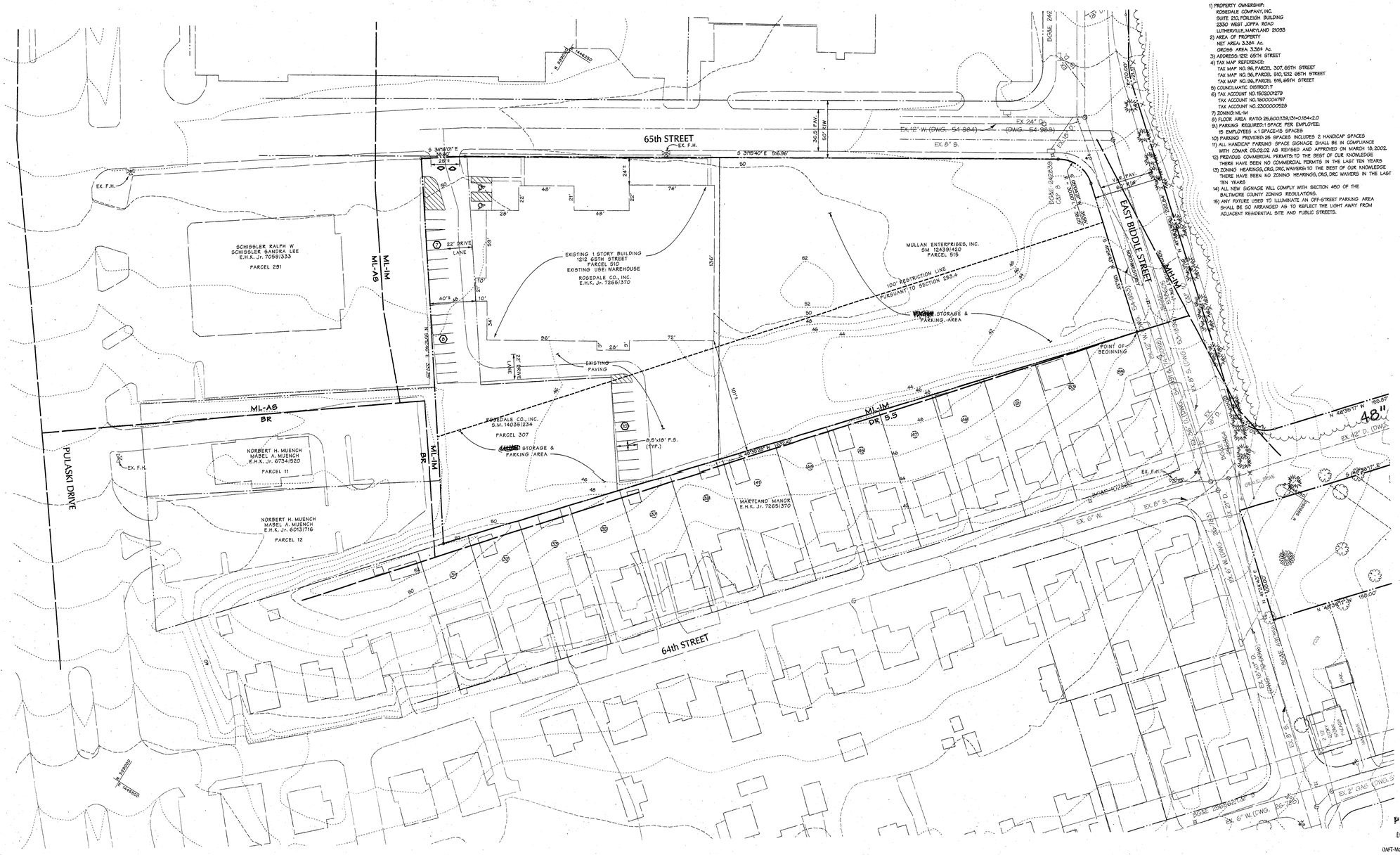
HEARING

1) PROPERTY OWNERSHIP:
ROSEDALE COMPANY, INC.
SUITE 210, FORLEIGH BUILDING
2330 WEST JOPPA ROAD
LUTHERVILLE, MARYLAND 21093
2) AREA OF PROPERTY
NET AREA: 3.381 Ac.
GROSS AREA: 3.381 Ac.
3) ADDRESS: 1212 65TH STREET
4) TAX MAP REFERENCE:
TAX MAP NO. 96, PARCEL 307, 65TH STREET
TAX MAP NO. 96, PARCEL 510, 1212 65TH STREET
TAX MAP NO. 96, PARCEL 515, 65TH STREET
5) COUNCILMATIC DISTRICT: 7
6) TAX ACCOUNT NO. 1500000279
TAX ACCOUNT NO. 1600004797
TAX ACCOUNT NO. 2300000528
7) ZONING: ML-IM
8) FLOOR AREA RATIO: 25,600/138,131=0.184<2.0
9) PARKING REQUIRED: 1 SPACE PER EMPLOYEE:
15 EMPLOYEES x 1 SPACE=15 SPACES
10) PARKING PROVIDED: 25 SPACES INCLUDES 2 HANDICAP SPACES
11) ALL HANDICAP PARKING SPACE SIGNAGE SHALL BE IN COMPLIANCE WITH COMAR 05.02.02 AS REVISED AND APPROVED ON MARCH 18, 2002.
12) PREVIOUS COMMERCIAL PERMITS: TO THE BEST OF OUR KNOWLEDGE THERE HAVE BEEN NO COMMERCIAL PERMITS IN THE LAST TEN YEARS
13) ZONING HEARINGS, CRG, DRC, WAIVERS: TO THE BEST OF OUR KNOWLEDGE THERE HAVE BEEN NO ZONING HEARINGS, CRG, DRC WAIVERS IN THE LAST TEN YEARS
14) ALL NEW SIGNAGE WILL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
15) ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.



VICINITY MAP

SCALE: 1"=1000'



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

November 19, 2002

Mr. Mitchell J. Kellman, Zoning Specialist
Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue
Towson, MD 21286

Dear Mr. Kellman:

RE: Verification of Zoning Compliance, Tax Map 96, Parcels 307, 510 and 515 (Tax Account # 15-02-001279, 16-00-004757, 23-00-000528), 15th Election District

Your recent letter to Arnold Jablon, Director, was forwarded to me for reply. Based on the information provided therein, my review of the zoning records, and after discussions with Carl Richards, Zoning Review Supervisor, the following has been determined:

1. The above referenced property has the current zoning classifications of ML-IM (Manufacturing Light-Industrial Major) according to the official Baltimore County zoning map.
2. A proposed golf cart repair establishment would be a use permitted by right in the ML-IM zone, subject to the restrictions of Sections 253.4, 254, 255.1 and 255.2, BCZR. If the proposed use is unable to meet the restrictions of Section 253.4, a zoning special hearing will be required and if unable to meet the other sections, a zoning variance will be required.
3. The Zoning Review Supervisor has requested an on-site inspection of the site in regards to any special hearings or variances that may be required. Please contact this office to schedule an appointment for that purpose.
4. Any inside or outside storage of golf carts must be accessory to the principle use golf cart repair establishment.
5. The occasional incidental sales of golf carts would be permitted.
6. Please be aware that this response applies to the zoning regulations (BCZR) and policies only and does not apply to regulations enforced by other County and State agencies

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

Sincerely,

Jeffrey N. Perlow
Jeffrey N. Perlow, Planner II
Zoning Review

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

JNP
Printed with Soybean Ink on Recycled Paper

DATA SOURCES:

1. Baltimore County GIS topography.
2. Existing boundary and topographic information from field survey by DMW, Inc. July, 2001 (NAD83/NAVD88).
3. Zone line digitized from Baltimore County 2000 Comprehensive Zoning Map.
4. Design Drawings

PRINTED
DEC 11 2002
DAFT-McCUNE-WALKER, INC.

The petitioner, Rad Hawk, L.L.C., is requesting the following:
1) A Special Hearing to confirm that the storage of golf carts is permitted in the ML-IM zone pursuant to Section 253.1.B.16.
2) Variance from Section 253.4 of the Baltimore County Zoning Regulations to permit the storage of golf carts within 0 feet of a residential zone boundary in lieu of the required setback of 100 feet.

Pet No 1

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

PLAN TO ACCOMPANY VARIANCE AND/OR SPECIAL HEARING

ROSEDALE INDUSTRIAL PARK

Councilmatic District 7
15th Election District — Baltimore County, Maryland

NAD83

STATE OF MARYLAND REGISTERED PROFESSIONAL ENGINEER

DATE	BY	REVISIONS

ISSUE DATES

REVIEW:	11/25/02
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	RTS
DRAWN:	RTS
DESIGNED:	MJK
CHECKED BY:	JB
DATE CHECKED:	12-4-02
SCALE:	1"=30'
PROJECT NO.:	84110.L
DRAWING:	1 of 1

12/4/2002 11:31:48 AM \\ATHENS\SYSTAT1DWG\CADNETWORK\dwg-def telerm dl\rpm\84110lzt.fpm