

KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 30, 2016

Mr. Dave Billingsley Central Drafting and Design 601 Charwood Court Edgewood, Maryland 21040

Dear Mr. Billingsley:

RE:

M and M Boat Sales

2010 Eastern Boulevard

Spirit and Intent, Zoning Case No. 2003-0546-SPHXA

This refers to your June 24, 2016 letter to Mr. Arnold Jablon, Director of Permits, Approvals, and Inspections, attaching a site drawing for a proposed 1380 square foot addition to an existing boat sales and service building on the subject property. You requested a zoning S&I (Spirit and Intent) verification that the proposed addition is within the S&I as in Zoning Case #2003-0546-SPHXA.

After consultation with Mr. John Beverungen, the Administrative Law Judge, Mr. Beverungen has determined that the proposed new addition is within the Spirit and Intent of the Zoning Case # 2003-0546-SPHXA. Please proceed with the development review and approval process for the proposed addition pursuant to Section 32-4-106 of the Baltimore County Codes.

This letter is strictly limited to the application of the BCZR as applied to the S&I request presented in your letter, and does not, in any fashion; represent verification or approvals for any other Local, State or other Regulations that may apply to this property.

Sincerely,

Aaron Tsui

Planner II, Zoning Review

File: 16-228

Zoning Case no.2003-0546-SPHXA



601 CHARWOOD COURT EDGEWOOD, MARYLAND 21040 (410) 679-8719 FAX (410) 538-6160

November 10, 2003

Mr. Timothy Kotroco
Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Baltimore, Maryland 21204

RE: M&MBOAT SALES
2010 EASTERN BOULEVARD
ELECTION DISTRICT 15

Dear Mr. Kotroco:

On July 29, 2003, the Deputy Zoning Commissioner's order for Case No. 03-546-SPHXA granted a special exception request to use the referenced property as a boatyard for sales and display.

The owner now wishes to construct a 1426 square foot addition on the rear of the existing building and place a 12 foot by 24 foot storage shed adjacent to the left side of the building.

We feel the additions, as proposed, are within the spirit and intent of the original plan as approved in the above mentioned case. Therefore, we are requesting permission to amend the site plan and file for building permits without the need for a Special Hearing.

Thank you for your consideration in this matter and should you need any additional information, please do not hesitate to contact this office.

Very truly yours,

David W. Billingsley

enclosures

cc: Mike Fierstein

RECEIVED

NOV 1 2 2003

03-5758

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT



IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE NW/Corner of Eastern Boulevard & Hawthorne Road 15th Election District 6th Councilmanic District (2010 Eastern Boulevard)

> John Michael Fierstein Petitioner

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 03-546-SPHXA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing, Special Exception and Variance filed by the legal owner of the property, John Michael Fierstein. The property, which is the subject of this request, is located at 2010 Eastern Boulevard in the Essex area of Baltimore County and is zoned BL-AS. The Petitioner is requesting special exception relief to use the property as a boatyard for sales and display purposes. The Petitioner has also requested a special hearing for amendment to the previously approved site plan (Case No. 4200 and 88-465-SPHA), to confirm that the proposed boatyard is not an out-of-water storage facility and not subject to the parking requirements of Section 409.6.A.4 of the Baltimore County Zoning Regulations and that the proposed 7 parking spaces shown on the plan are sufficient for the proposed use. Finally, the Petitioner is requesting a variance from Section 230.12.D of the B.C.Z.R., to permit sales/display of boats 27.5 ft. in front of the required front building line in lieu of the permitted 5ft.

The property was posted with Notice of Hearing on July 5, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 8, 2003 to notify any interested persons of the scheduled hearing date. Notice was taken that the subject of this request consists of 0.34 acres of land, more or less, zoned BL-AS.

Applicable Law

Section 502.1 of the B.C.Z.R. - Special Exceptions

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner

as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

There were no ZAC comments opposing this petition.

Interested Persons

David Billingsley, Civil Engineering Designer, testified for the Petitioner. Property owner, John Michael Fierstein, also testified in favor of the relief requested. People's Counsel entered their appearance in the case but did not participate in the hearing. There were no Protestants at the hearing.

Findings of fact and conclusions of law

Petitioner's testimony indicated the subject property is located on the northwest corner of Eastern Boulevard and Hawthorne Road. Testimony of the recent history of the uses of the property revealed that the site was approved as a service station in 1958 by special exception in case no. 4200. A site plan was filed with the special exception. In 1988 the owners successfully petitioned for a variance for a canopy and special hearing amending the site plan. In 1995 the site was acquired by Cutter Marine Company who changed the use from a service station to boat yard for sales. Apparently this owner did not ask for or receive County approval for the change in use. The present owner acquired the property in 2003 and recently become aware of this problem. The site has been used continuously as a boat yard for the sale of used boats since 1995. The present use shows the property improved by a one-story building containing an office of 300 sq. ft. and three service bays comprising 1498 sq. ft. The property is surrounding by business, office and commercial uses save one residence to the north of the property, which is a vacant residence.

It is clear from that the Baltimore County Zoning Regulations permit the Petitioner's use in a BL-AS zone by special exception. It is equally clear from the testimony and exhibits that the proposed use of boatyard for sales and display will not be detrimental to the primary uses in the vicinity considering each of the factors delineated in Section 502.1.

The Petitioner is requesting a variance from Section 230.12.D of the B.C.Z.R., to permit sales/display of boats 27.5 ft. in front of the required front building line in lieu of the permitted 5ft. It is clear from the testimony and evidence presented that special circumstances or conditions exist on the premises that are peculiar to the land or structure which is the subject of the variance request and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Given the location and nature of the existing building, there is no practical way to rearrange the location of the boats and still be consistent with the use of the property as a boatyard for sales and display. Customers must be able to see the boats from the street.

Finally, the Petitioner is requesting special hearing relief to amend the previously approved site plan in Case Nos. 4200 and 88-465, to confirm that the proposed boatyard is not an out-of-water storage facility and not subject to the parking requirements of Section 409.6.A.4 and that the proposed 7 parking spaces shown on the plan are sufficient for the proposed use. Not specifically stated in the request is the Zoning Office interpretation that the parking requirements for this use are instead parking specified by Section 409.6.A.2 "Retail – general" for the office of 5 spaces per 1000 sq. ft of office space and 3.3 spaces per 1000 sq. ft. for service/storage.

It is clear from testimony and evidence presented that the site plan should be amended to reflect the current uses. This is not a boatyard devoted to storage of boats but rather has the restricted use of sales and display and the site plan should be amended to reflect same. More

problematic is the Zoning Office interpretation that although this use is a boatyard, parking is not controlled by Section 409.6.A.4. Should this section control, the site plan shows ten boats on display for sales and therefore five spaces would be needed based upon Section 409.6.A.4 which requires 1 space per 2 boat storage spaces. It is clear that this use is not an Out of Water Storage Facility, Class A or Class B as defined in the BCZR. The Zoning Office concludes that since the use does not involve boat slips or out or water storage facility, the parking requirements of Section 409.6.A.4 do not apply. The Petitioner urges and the Zoning Office agrees that the proper method to calculate off street parking should be according to Section 409.6.A. 2 for general retail (office) at 5 spaces per 1000 sq. ft. and service/storage at 3.3 spaces per 1000 sq. ft. In this case 7 spaces would be required. In either case the seven parking spaces are more than adequate for the use

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 29 day of July, 2003, that the variance requested from Section 230.12.D of the B.C.Z.R., to permit sales/display of boats 27.5 ft. in front of the required front building line in lieu of the permitted 5ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the request for special hearing, for amendment to the previously approved site plan (Case No. 4200 and 88-465-SPHA), to confirm that the proposed boatyard is not an out-of-water storage facility and not subject to the parking requirements of Section 409.6.A.4 of the Baltimore County Zoning Regulations and that the proposed 7 parking spaces shown on the plan are sufficient for the proposed use, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the special exception request, to use the property as a boatyard for sales and display purposes, be and is hereby GRANTED.

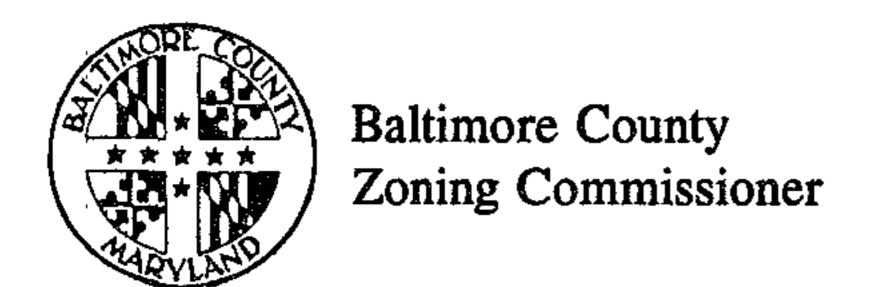
IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



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

Fax: 410-887-3468

July 29, 2003

John Michael Fierstein 2010 Eastern Boulevard Baltimore, Maryland 21221

Re: Petitions for Special Hearing, Special Exception & Variance

Case No. 03-546-SPHXA

Property: 2010 Eastern Boulevard

Dear Mr. Fierstein:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing, special exception and variance have been granted in accordance with the enclosed Order.

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

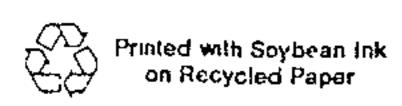
Very truly yours,

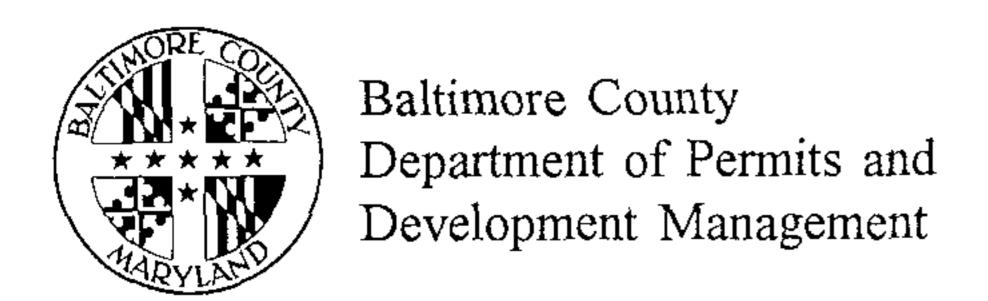
John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

David Billingsley 601 Charwood Court Edgewood, MD 21040





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

Fax: 410-887-5708

June 30, 2003

John Michael Fierstein 2010 Eastern Boulevard Baltimore, MD 21221

Dear Mr. Fierstein:

RE: Case Number: 03-546-SPHXA, 2010 Eastern Boulevard

The above matter, previously scheduled for July 17, 2003, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

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

Very truly yours,

Timothy Kotroco

Director

TK:klm

C



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at ZO/O EASTERN BOULEYARO which is presently zoned BL-AS

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

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

AN AMENDMENT TO THE PREVIOUSLY APPROVED SITE PLAN (CASE NO. 4200 AND 88-465 SPHA), TO CONFIRM THAT THE PROPOSED BOATYARD IS NOT AN OUT-OF-WATER STORAGE FACILITY AND NOT SUBJECT TO THE PARKING REQUIREMENTS OF SECTION 409.6.A.4 AND THAT THE PROPOSED T PARKING SPACES SHOWN ON THE PLAN ARE SUFFICIENT FOR THE PROPOSED 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.

			perjury is the s	, that I/we are ubject of this f	the legal owner(s) of the legal owner(s) and the legal owner(s) are	he property which
Contract Purchaser/Lessee:	•		<u>Legal</u>	Owner(s):		
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Attorney For Petitioner:			20/4	O EASTE	RN BLYD. (410	391-2333
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Name - Type or Print	· · ·	·	BAL	70.	MO.	2/22/
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Signature			Repre	<u>sentative t</u>	o be Contacted:	
Company		· · · · · · · · · · · · · · · · · · ·	Name	· · · · · · · · · · · · · · · · · · ·		
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Case No. 03-546-50	HXA		UNAVA	AILABLE FO	R HEARING	<u> </u>
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Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at ZOIO EASTERN BOULEVARD

which is presently zoned BL-AS 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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A BOATYARD FOR SALES AND DISPLAY

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, 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.

Contract Purchaser/Le.	ssee:		is the subject of this Legal Owner(s):		,
Name - Type or Print	<u> </u>	<u> </u>	Name - Type or Print	AEL FIERSTE	•
Signature		<u> </u>	Signature Much	filest	esis
Address	<u> </u>	Telephone No.	Name - Type or Print	<u></u>	······································
City	State	Zip Code	Signature		
Attorney For Petitioner	<u>.</u>		***	RN BLVO. (410)	
			Address BALTO.	MO.	Telephone No. Z/ZZ/
Name - Type or Print	·	<u> </u>	City 2	State	Zip Code
Signature			Representative t	to be Contacted:	
Company	 	·	Name	<u>,</u>	
Address	<u> </u>	Telephone No.	Address	-	Telephone No.
City	State	Zip Code	City	State	Zip Code
			<u>OF</u>	FICE USE ONLY	
Case No. <u>03-546-</u>	SPHXA			GTH OF HEARING	
REV 09 15 98			Reviewed By	BN Date_	5/16/03



REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>ZOIO EASTERN BOULEVARD</u> which is presently zoned <u>BL-AS</u>

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)

730.12,D TO PERMIT SALES / DISPLAY OF BOATS 27.5 FEET IN FRONT OF THE REQUIRED FRONT BUILDING LINE IN LIEU OF THE PERMITTED 5 FEET.

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

REQUIRING THE DISPLAY AREA TO BE LOCATED BEHIND THE REQUIRED SETBACK LIMITS THE NUMBER AND SIZE OF BOATS WHICH CAN BE DISPLAYED AND RESTRICTS ACCESS INTO THE BUILDING.

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 Purchase	r/Lessee:		Legal Owner(s):		
Name - Type or Print		<u> </u>	Name - Type or Print	AEL FIERSTE	_
Signature	· · · · · · · · · · · · · · · · · · ·	······································	Signature / Cuch	ad tees	tein
Address		Telephone No.	Name - Type or Print	·	
City	State	Zip Code	Signature		
Attorney For Petitic	ner:		2010 EAST	ERN BLVD.	(410) 391-2333 Telephone No.
*					
Name - Type or Print			BALTO. City	MD. State	2/27/ Zip Code
Signature			Representative t	o be Contacted:	
Company	 	· · · · · · · · · · · · · · · · · · ·	Name		
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zıp Code
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DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE

2010 EASTERN BOULEVARD

Beginning for the same at a point on the north side of Eastern Boulevard (150 Feet Wide) said point being distant southwesterly 53 feet from the center of Hawthorne Road (60 Feet Wide) thence southwesterly along the north side of Eastern Boulevard along a curve to the right having a radius of 5684.58 feet for an arc length of 133.64 feet thence: N 22° 40' 20" W 113.31 feet thence N 48° 38' 30" E 111.54 feet to a point on the west side of said Hawthorne Road, thence: S 46° 18' E 100.78 feet thence S 06° 51' 10" E 31.72 feet to the place of beginning. Containing 0.34 acre of land more or less.

Being known as 2010 Eastern Boulevard and being located in the fifteenth election district, sixth councilmanic district of Baltimore County, Maryland.





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.

Revised 2/20/98 - SCJ

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 30592	PAID RECEIPT BUSINESS ACTUAL TIME DRW
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DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER		CASHIER'S VALIDATION

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No. 23555

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NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #03-546-SPHXA 2010 Eastern Boulevard

N/west corner of Eastern Boulevard and Hawthorne Rd. 15th Election District - 6th Councilmanic District

Legal Owner(s): John Michael Fierstein

Special Hearing: to permit the proposed boatyard is not an out-of-water facility and not subject to the parking requirements and that the proposed 7 parking spaces shown on the plan are sufficient for the proposed use. Special Exception: to permit a boatyard for sales and display. Variance: to permit sales and display of boats 27.5 feet in front of the required front building in heu of the permitted 5 feet.

Hearing: Wednesday, July 23, 2003 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. C614040 JT/7/672 July 8

CERTIFICATE OF PUBLICATION

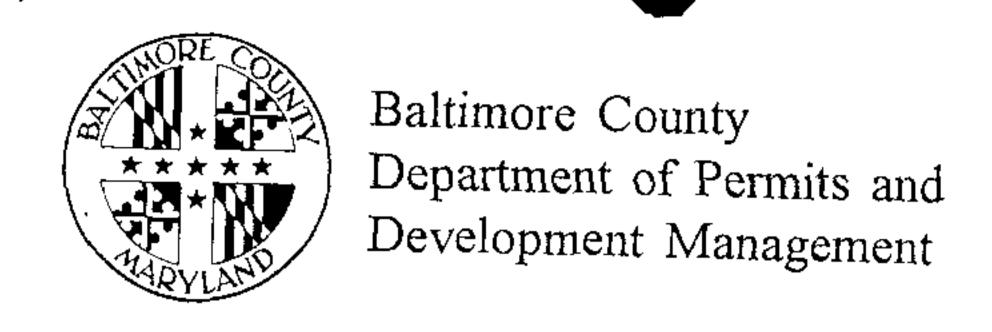
710,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 7/8 ,20 <u>03.</u>
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

CERTIFICATE OF POSTING

RE: Case No.: 03-546-SPHXA

Petitioner/Developer: John MIChAEL FIERSTEIN

Date of Hearing/Closing: 7/23/03 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Becky Hart {(410) 887-3394} 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: The sign(s) were posted on (Month, Day, Year) - Sincerely, (Signature of Sign Poster) **SSG Robert Black** CASE # 15165HXA (Print Name) A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MO 1508 Leslie Road PLACE RY. THE PLACE IN THE PLACE OF THE PARTY OF THE PART (Address) DATE AND TIME: THE DAY STLY DECISION TO THE REQUEST: SHOW HORKS TO PEDIET THE REPORTED TO Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)



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

Fax: 410-887-5708

June 30, 2003

CORRECTED 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: 03-546-SPHXA

2010 Eastern Boulevard
N/west corner of Eastern Boulevard and Hawthorne Road
15th Election District – 6th Councilmanic District
Legal Owner: John Michael Fierstein

Special Hearing to permit the proposed boatyard is not an out-of-water facility and not subject to the parking requirements and that the proposed 7 parking spaces shown on the plan are sufficient for the proposed use. Special Exception to permit a boatyard for sales and display. Variance to permit sales and display of boats 27.5 feet in front of the required front building in lieu of the permitted 5 feet.

Hearings:

Wednesday, July 23, 2003 at 2:00 p.m., in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: John Michael Fierstein, 2010 Eastern Boulevard, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 8, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 8, 2003 Issue - Jeffersonian

Please forward billing to:
John Michael Fierstein
2010 Eastern Blvd.
Baltimore, MD 21221

410-391-2333

CORRECTED 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: 03-546-SPHXA

2010 Eastern Boulevard N/west corner of Eastern Boulevard and Hawthorne Road 15th Election District – 6th Councilmanic District Legal Owner: John Michael Fierstein

<u>Special Hearing</u> to permit the proposed boatyard is not an out-of-water facility and not subject to the parking requirements and that the proposed 7 parking spaces shown on the plan are sufficient for the proposed use. <u>Special Exception</u> to permit a boatyard for sales and display. <u>Variance</u> to permit sales and display of boats 27.5 feet in front of the required front building in lieu of the permitted 5 feet.

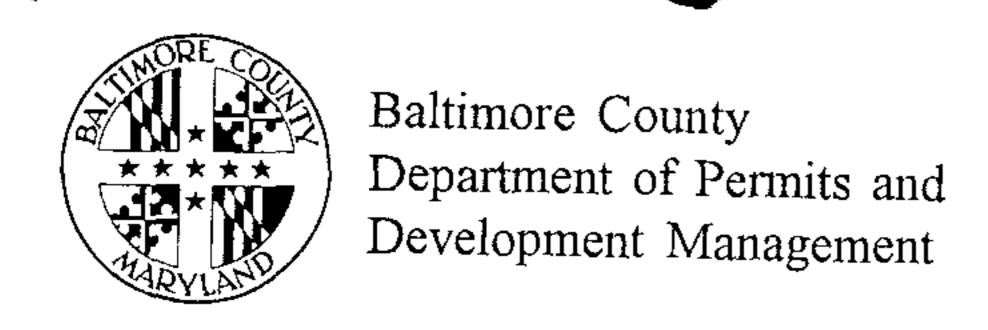
Hearings: Wednesday, July 23, 2003 at 2:00 p.m., in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



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

Fax: 410-887-5708

May 23, 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: 03-546-SPHXA

2010 Eastern Boulevard
N/west corner of Eastern Boulevard and Hawthorne Road
15th Election District – 6th Councilmanic District
Legal Owner: John Michael Fierstein

Special Hearing to permit the proposed boatyard is not an out-of-water facility and not subject to the parking requirements and that the proposed 7 parking spaces shown on the plan are sufficient for the proposed use. Special Exception to permit a boatyard for sales and display. Variance to permit sales and display of boats 27.5 feet in front of the required front building in lieu of the permitted 5 feet.

Hearings:

Thursday, July 17, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Arnold Jablon Director

AJ:klm

C: John Michael Fierstein, 2010 Eastern Blvd., Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 2, 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.

TO: PATUXENT PUBLISHING COMPANY Tuesday, July 1, 2003 Issue - Jeffersonian

Please forward billing to:
John Michael Fierstein
2010 Eastern Blvd.
Baltimore, MD 21221

410-391-2333

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: 03-546-SPHXA

2010 Eastern Boulevard N/west corner of Eastern Boulevard and Hawthorne Road 15th Election District – 6th Councilmanic District Legal Owner: John Michael Fierstein

Special Hearing to permit the proposed boatyard is not an out-of-water facility and not subject to the parking requirements and that the proposed 7 parking spaces shown on the plan are sufficient for the proposed use. Special Exception to permit a boatyard for sales and display. Variance to permit sales and display of boats 27.5 feet in front of the required front building in lieu of the permitted 5 feet.

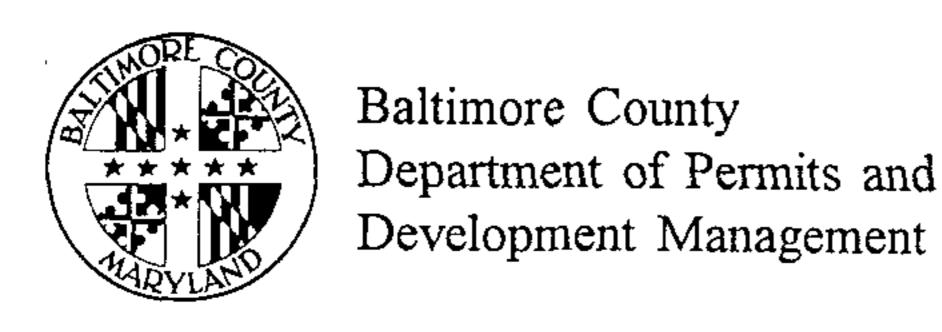
Hearings: Thursday, July 17, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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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.



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

July 18, 2003

John Michael Fierstein 2010 Eastern Boulevard Baltimore, MD 21221

Dear Mr. Fierstein:

RE: Case Number: 03-546-SPHXA, 2010 Eastern Blvd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 16, 2003.

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

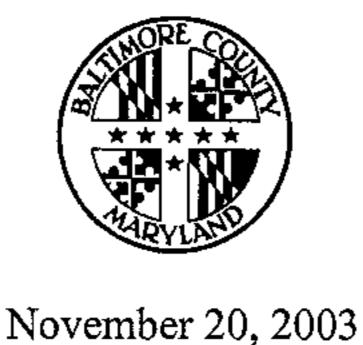
WCR:klm

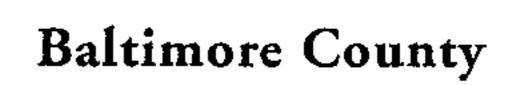
Enclosures

c: People's Counsel

Department of Permits a Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

Mr. David W.Billingsley Central Drafting and Design, Inc. 601 Charwood Court Edgewood, Maryland 21040

Re: 2010 Eastern Boulevard M & M Boats Sales 15th Election District

Dear Mr. Billingsley:

I have reviewed your letter of November 10, 2003 with the accompanying redlined plan for the above location and after consultation with Mr. John Murphy Deputy Zoning Commissioner and my staff, I have determined the following:

The proposed 1,714 feet expansion of the building with the increase in parking (none of which can be placed into the service bay areas as shown on the plan) far exceeds the limits of change of which can be approved without a new hearing. Regretfully, I can only find that your request for spirit and intent approval of the red-lined changes cannot be granted for case # 3-546-SPHXA. You may file for a special hearing by calling 410-887-3391 for a filing appointment. I have directed my staff to be of assistance to you in expediting this matter.

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,

Muthy lotroco

Timothy Kotroco

Director

TK/rjc

c: file



Visit the County's Website at www.baltimorecountyonline.info



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 May 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 27, 2003

Item No.:

546

Dear Ms. Hart:

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

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code.

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

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

TO:	Arnold Jab	lon		RECEIVE
FROM:	R. Bruce Se	eeley As Mi		
DATE:	July 3, 2003	3		JUL 1 7 2003
SUBJEC				ZONING COMMISS
	Address	2010 Eastern Bl	vd. (Fierstein Prop)
	Zoning Adv	isory Committee M	leeting of <u>May 2</u>	<u>19, 2003</u>
<u>X</u> T	he Department of omments on the al	Environmental Probove-referenced zor	tection and Resour ing item.	ce Management has no
ar	i extension for the	Environmental Property ironmental regulation	e-referenced zonin	ce Management requests g item to determine the e.
Tl	he Department of e following comn	Environmental Protection Environmental Protection in the above-research and the second entry of the entry of	ection and Resour eferenced zoning i	ce Management offers tem:
	Protection o	nt of the property more of Water Quality, Strugh 14-350 of the B	reams, Wetlands ar	e Regulations for the ad Floodplains (Sections ode).
	Conservation	nt of this property ments of this property ments of this property ments are not considered.	ust comply with thion 14-401 through	ne Forest n 14-422 of the
	Critical Area	nt of this property man Regulations (Section the Baltimore Coun	ons 26-436 through	e Chesapeake Bay h 26-461, and other
	Additional C	comments:		
Re	viewer: Keith	ı Kelley	Date:	July 7, 2003

Jul 3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case 03-564 - Special Hearing

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC

RECEIVED

DATE: July 16, 2003

JUL 1 7 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 30, 2003

Department of Permits & Development Management

Robert W. Bowling, Supervisor
Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting For June 2, 2003 Item Nos. 544, 545, 546, 547, 548,

549, and 551

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING

SPECIAL EXCEPTION & VARIANCE

2010 Eastern Boulevard; NW corner Eastern*

Blvd and Hawthorne Road

15th Election and 6th Councilmanic Districts *

Legal Owner(s): John Michael Fierstein

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

* 03-546-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 29th day of May, 2003, a copy of the foregoing Entry of Appearance was mailed to John Michael Fierstein, 2010 Eastern Boulevard, Baltimore, MD 21221, Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

June 30, 2003

PLEASE PLACE IN THE CASE FILE

Office of the Zoning Commissioner Baltimore County Courts Building Towson, Md. 21204

THANK YOU

DAVE BILLINGSLEY

RE: Case No. 03-546-SPHXA 2010 Eastern Boulevard

Gentlemen:

The undersigned have reviewed the plan to accompany the petition for a Special Hearing, Special Exception and Variance for the referenced site and have no objections to approval of same.

Very truly yours,

NED S. GREENBERG, DDS 2100 EASTERN BOULEVARD BALTIMORE, MD. 21221

blog + property must be reviewed middle of the Recutalization area. Elevation drawings must be Submitted - We cannot allow the owner to add on mahaphazard Hashier whe a response for My Standar

To: Jule 500 Me 57 F

11/10/03

portions of stormwater management facilities do not constitute common open space. [Bill Nos. 98-1975; 62-1978; 167-1980]

OPEN SPACE TRACT, LOCAL — Land provided in residential subdivisions and necessary and desirable for the local recreational needs of residents of such subdivisions for such recreation types of spaces as play lots, local play areas, small parks, stream valley parks, natural woods, areas of unusual natural scenic beauty, recreational walkways and pathways and special street center islands, but the term "local open space tract" shall not include the larger open space park and playfield areas of the type which serve larger than local need and which are incorporated in the master plan. [Bill No. 106-1963]

OR — The word "or" shall mean "and/or" unless modified by use of the word "either" or unless the context otherwise clearly indicates another meaning. [Bill No. 111-1968]

OUT-OF-WATER STORAGE FACILITY, CLASS A — A cradle, block or berth for the land storage of one or more recreational boats, which does not provide for the vertical stacking of such vessels. [Bill No. 149-1992]

OUT-OF-WATER STORAGE FACILITY, CLASS B — Cradies or berths for the land storage of boats that allow boats to be stored on multi-level racks, not exceeding a height of three levels. A Class B out-of-water storage facility shall be considered a structure whether it is fully or partially enclosed or open. [Bill No. 149-1992]

PANHANDLE DRIVEWAY — The paved roadway which is located within the in-fee strip area of one or more abutting panhandle lots and provides vehicular access to the local street or to a collector street. A "use in common" agreement is established if the panhandle driveway serves two or more abutting panhandle lots. [Bill No. 172-1989]

PANHANDLE LOT — A lot so shaped and situated that its only frontage or access to the local or collector street is a narrow in-fee strip of land which contains a driveway and may contain water and sewer lines and other utilities. [Bill No. 172-1989]

PARKING BAY ON A STREET — See Parking Space, Off-Street. [Bill No. 26-1988]

PARKING SPACE, OFF-STREET — A parking space of such dimensions as may be prescribed by these Zoning Regulations and located on a lot or in a parking bay on a street. As used in this definition, a "parking bay on a street" is a length of paving which is laid out next to and along the paved traveled way of a street and which serves as a parking facility for a residential use; it is not a parking lane. [Bill No. 26-1988]

PAWNSHOP — A business which loans money on deposits of personal property, other than securities or printed evidences of indebtedness, or deals in the purchase or possession of personal property on condition of selling the same back to the pledgor or depositor. A pawnshop is licensed by the state as a dealer and defined by the state as a pawnbroker. For the purposes of these regulations, a business operated by a dealer who loans money on deposits of secondhand precious metals and gems only shall not be considered a pawnshop, provided the dealer does not loan money on deposits of any other kind of personal property. [Bill Nos. 14-1995; 112-1995]

PET SHOP — A store for the sale of dogs, cats, birds, tropical fish and/or other domesticated pets, and related supplies and equipment. [Bill No. 85-1967]



- Which is the domicile of the owner and in which rooms with or without meals are provided, for compensation, to three or more adult persons not related by blood, marriage or adoption to the owner; or
- Which is not the owner's domicile and which is occupied in its entirety, for compensation, by three or more adult persons not related to each other by blood, marriage or adoption.
- The term does not include a hotel, motel, apartment building or a facility for foster care (as defined in the Family Law Article, Section 5-501(f) of the Annotated Code of Maryland and COMAR 07.02.17). The term does include a care home (as defined in the Health General Article, Section 19-307(b) of the Annotated Code of Maryland.)
- For purposes of this definition only, "owner" means a person who:
 - Has more than a 25% legal or equitable interest in the property; and
 - Shares in more than 25% of the profits or losses derived from the compensation paid under Paragraph A. of this definition.

BOATYARD — A commercial or nonprofit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types. [Bill No. 64-1963]

BREWERY — An establishment with a valid alcoholic beverage manufacturer's license Class 5, 6 or 7 issued in accordance with the Annotated Code of Maryland, Article 2B, Section 2-206, 2-207 or 2-208. [Bill No. 185-1995]

BREWERY, CLASS 5A — A brewery with a state Class 5 license which produces 100,000 or more barrels of malt beverage per year. [Bill No. 185-1995]

BREWERY, CLASS 5B — A brewery with a state Class 5 license which produces less than 100,000 barrels of malt beverage per year. [Bill No. 185-1995]

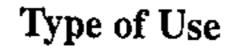
BREWERY, CLASS 6 — A brewery with a state Class 6 (pub-brewery) license. A Class 6 brewery is accessory to a standard restaurant and produces no more than 2,000 barrels of malt beverage per year. [Bill No. 185-1995]

BREWERY, CLASS 7 — A brewery with a state Class 7 (micro-brewery) license. A Class 7 brewery is established in conjunction with a standard restaurant and produces no more than 10,000 barrels of malt beverage per year. For the purposes of these regulations, a standard restaurant with a state Class 7 license shall be defined as a Class 7 brewery. [Bill No. 185-1995]

BUILDING — A structure enclosed within exterior walls or fire walls for the shelter, support or enclosure of persons, animals or property of any kind.

BUILDING HEIGHT — The height of the highest point on a building or other structure as measured by the vertical distance from the highest point on the structure to the horizontal projection of the closest point at exterior grade. In instances where it is obvious that the exterior grade has been artificially built up above natural or surrounding finished grade, the vertical distance will be measured by projecting the natural or surrounding finished exterior grade to the closest point (foundation wall). [Bill No. 151-1988]

> 1-9 1 - 25 - 2002



Marina, boatyard or yacht club

Minimum Number of Required **Off-Street Parking Spaces**

1 per 2 slips or boat storage spaces in an out-of-water storage facility unless the owner can certify that the out-of-water storage space is used only for the winter storage or repair of boats moored in the water; half of the spaces required for slips may be counted towards the parking required for any other use on the premises of a yacht club. Notwithstanding any other provision of these regulations, if located within the Chesapeake Bay Critical Area and subject to the approval of the Directors of Environmental Protection and Resource Management, Fire and Public Works, a durable and dustless parking surface and striped spaces need not be provided. [Bill Nos. 149-1992;

136-1996]

Nursing home

Pool hall or arcade

1 per 3 beds.

4 per 1,000 square feet of gross floor area. [Bill No. 136-1996]

Schools:

Elementary or middle school

l per employee, plus visitor spaces as determined by the Zoning

Commissioner.

High school

1 per employee, plus visitor spaces and student parking as determined by the Zoning

Commissioner.

College, university, business, trade or technical school

1 per employee, plus visitor spaces and student parking as determined by the Zoning

Commissioner.

Skating rink

5 per 1,000 square feet of gross

2000 ---

floor area.

Type of Use

Minimum Number of Required Off-Street Parking Spaces

Elsewhere: 3.3 per 1,000 square feet of gross floor area.

No parking spaces are required for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and have been adapted for reuse for office space.

Passenger rail station

As determined by the Zoning Commissioner upon the recommendation of the State of Maryland Mass Transit Administration. [Bill No. 91-1990]

Personal service establishment, except beauty shop and barbershop 3.3 per 1,000 square feet of gross floor area.

Residential art salon

See Section 402C.4.

Retail - general

3 per 1,000 square feet of gross floor area in the C.T. District of Towson; 5 per 1,000 square feet of gross floor area elsewhere. No parking spaces are required for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and have been adapted for reuse for retail space.

Shopping center (less than 100,000 square feet of gross leasable area)

The required number of spaces shall calculated according to the particular types of tenants in the shopping center, i.e., each tenant shall be considered as a separate use.

business and industrial, and therefore must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety or general welfare of the public, the uses listed as special exceptions are permitted only if granted by the Zoning Commissioner, and subject to an appeal to the County Board of Appeals.

In granting any special exception, the Zoning Commissioner and the County Board of Appeals, upon appeal, shall be governed by the following principles and conditions.

- Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:
 - A. Be detrimental to the health, safety or general welfare of the locality involved;
 - B. Tend to create congestion in roads, streets or alleys therein;
 - C. Create a potential hazard from fire, panic or other danger;
 - D. Tend to overcrowd land and cause undue concentration of population;
 - E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
 - F. Interfere with adequate light and air; [Bill No. 45-1982]
 - G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]
 - H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
 - I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone. [Bill No. 74-2000]
- In granting any special exception, the Zoning Commissioner or the Board of Appeals, upon appeal, shall impose such conditions, restrictions or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. The owners, lessees or tenants of the property for which a special exception is granted, if required by the Zoning Commissioner, or Board of Appeals, upon appeal, shall enter into an agreement in writing with said Zoning Commissioner and/or the County Commissioners of Baltimore County, stipulating the conditions, restrictions or regulations governing such special exception, the same to be recorded among the land records of Baltimore County. The cost of such agreement and the cost of recording thereof shall be borne by the party requesting such special exception. When so recorded, said agreement shall govern the exercise of the special exception

Editor's Note: Under Section 1107 of the Baltimore County Charter, the County Council and County Executive have succeeded "to all powers heretofore vested in the county commissioners by the constitution and laws of this state."

Section 259 Districts [Bill No. 40-1967]

259.1 General. [Bill Nos. 111-1968; 127-1994]

In any district, the use, height, area and other regulations applicable in the underlying zone(s) or district(s) upon which the district is superimposed shall govern except as may specifically be enlarged, modified or limited by the district regulations in this section. In the case of conflict between the provisions of an underlying zone and overlaying district(s), the most recently enacted provision shall prevail.

259.2 Statements of legislative intent for districts.

(Compliance with a statement of legislative intent shall not, in itself, be sufficient cause to classify property within the district to which such statement applies.)

A. C.R. (Commercial, Rural) District. [Bill No. 103-1988]

- 1. The C.R. District is established to provide opportunities for convenience shopping and personal services that are customarily and frequently needed by the rural residential and agricultural population and tourists. It is intended that the C.R. District be applied only to areas where such facilities are not available within a reasonable distance, where sewerage treatment and a potable water supply can be provided without an adverse effect on the environment and neighboring uses, and where public roads are capable of handling the anticipated increase in traffic without adverse impacts on surrounding areas. The commercial centers within C.R. Districts are not intended to be regional facilities providing specialty goods to a population outside of the rural area.
- 2. C.R. Districts may be assigned to areas of commercial development beyond the urban-rural demarcation line for which C.R. District designation is recommended in the Master Plan. The underlying zone may be B.L., B.M., B.R. or R-O. The C.R. District may also be applied to land zoned R.C.5 which is adjacent to a C.R. District, provided that the location, configuration and physical characteristics of the site and the potential for access to an adequate public road make the land suitable for commercial development.
- B. A.S. (Automotive Services) District. The A.S. District may be applied within the urban-rural demarcation line (URDL) to certain parcels of land zoned B.L., B.M. or B.R., which are appropriate for uses dominated by the parking and servicing of automobiles or characterized by frequent parking turnover, such as fuel service stations and car wash operations. Any land heretofore classified as C.N.S., C.S.A., C.S.-1 or C.S.-2 on the effective date of Bill No. 172-1993 shall hereby be classified an A.S. District. [Bill No. 172-1993⁸]

2-99 1-25-2003

Editor's Note: This bill repealed former Subsections E, F and G of this Section 259.2, which subsections contained the legislative intent for the C.S.A. (Commercial, Supporting Area) District; C.S-1 (Commercial, Strip) District; and the C.S-2 (Commercial, Strip) District.

Temporary or occasional outdoor sales of cut flowers or live plants (not in connection with florists' establishments), provided that the sales area does not exceed 200 square feet and that the sales are carried on for no more than 120 days per year. Before approving an application for any license required, the Zoning Commissioner must approve a site plan for the premises, showing the sales area and the dates on which flowers or plants are to be sold. Any provision of these regulations to the contrary notwithstanding, the Zoning Commissioner's approval of such a license shall expire one year after its issuance; however, such a license may be reapproved annually upon request of the licensee [Bill No. 174-1981]

Transit facilities [Bill No. 91-1990]

Variety and dry goods store

Veterinarian's office [Bill No. 85-1967]

Veterinarium [Bill No. 85-1967]

Wireless telecommunications antennas or wireless telecommunications towers, subject to Section 426. [Bill Nos. 64-1986; 30-1998]

- 230.10 Combinations of the above uses. [Bill No. 111-1968]
- Accessory uses or structures, including signs (see Section 450), garages and parking spaces for the use of owners, employees, tenants and invitees. A maximum of six coin-operated children's rides are permitted as an accessory use. [Bill Nos. 111-1968; 29-1982; 89-1997]
- 230.12 All the above uses in Section 230 are subject to the following conditions:
 - A. They shall be contained, except for signs, restaurants, swimming pools, outdoor sales or display areas, parking lots, helistops or picnic groves within completely enclosed buildings. [Bill No. 85-1967]
 - B. Not more than five persons shall be engaged in the repair or fabrication of goods on the premises.
 - C. Not more than five horsepower shall be employed in the operation of any one machine used in repair or fabrication, and not more than 15 horsepower in the operation of all such machines.
 - D. Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than five feet in front of the required front building line.
 - E. In case any property line of a commercially zoned corner lot abuts a residential zone on a side street, no separate and distinct commercial use may be made of that portion of the lot which abuts on the side street unless a site plan for the entire corner lot as a commercial unit shall have been approved by the Baltimore County Office of Planning and the Baltimore County Bureau of Engineering, Department of Public Works. Any division of ownership of such lots shall be a subdivision and require approval of the Office of Planning. [Resolution, November 21, 1956]
 - F. Where the requirements in Section 230.12.A, B or C would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and public hearing thereon.

PLEASE PRINT CLEARLY

CASE NAME ZOIO EASTERN BLYD.

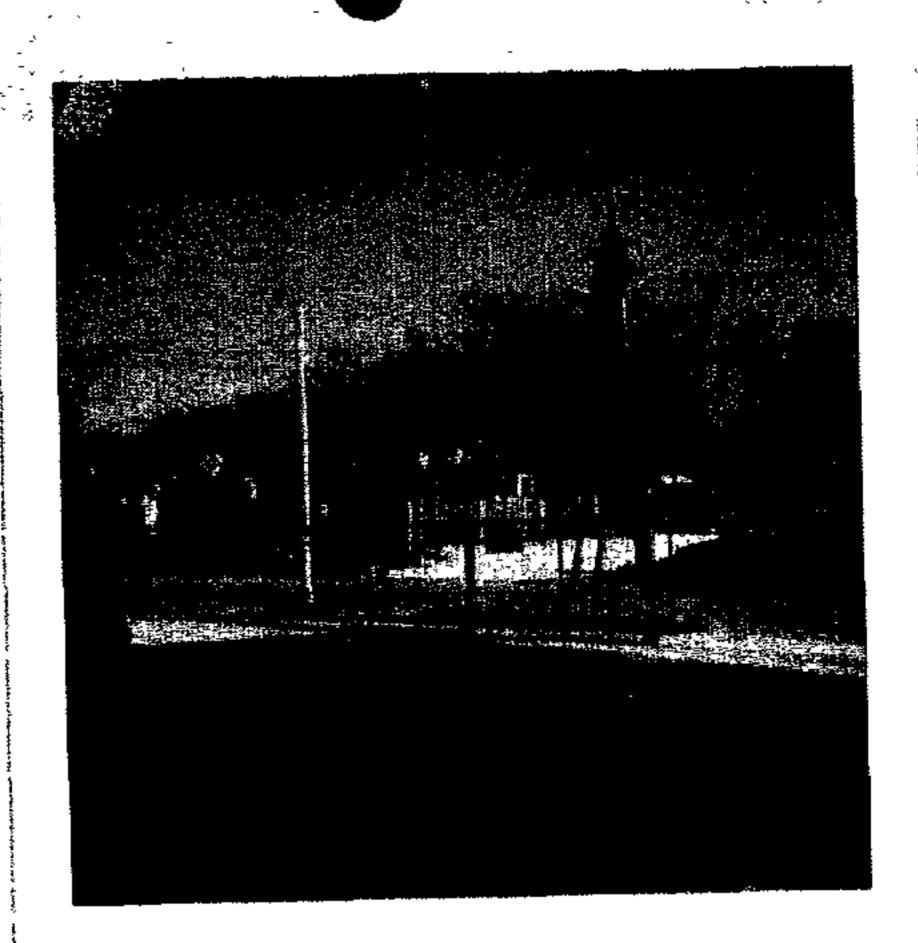
CASE NUMBER 03-546-5PHXA

DATE 7/73/03

PETITIONER'S SIGN-IN SHEET

ADDRESS	CITY, STATE, ZIP	E- MAIL
GOI CHARWOOD CT,	EDGESYOOD, MD. 21040	dwb ozog eyahao.com
ZOIO EASTERN BLVD	BALTO, MO. ZIZZI	
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