SPIDER RECEIVED FOR FILING

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IN RE: PETITION FOR ADMINISTRATIVE
SPECIAL HEARING
W/S of Delaware Avenue,
South of Shealy Avenue
9<sup>th</sup> Election District
4<sup>th</sup> Councilmanic District

Penn-Del LLC,

Petitioner

504 Delaware Avenue

BEFORE THE

\*

\*

ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 04-156-ASPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an Administrative Special Hearing filed by the legal owner of the subject property, Penn-Del LLC. The property is located at 504 Delaware Avenue in the Towson area of Baltimore County. The subject property is zoned BM-CT. The Petitioner herein seeks an Administrative Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code, of Section 26-203(C)(8) and Section 26-278 to raze a 1 story structure. This building is listed on the Maryland Historical Trust (MHT) Inventory as MHT #BA 1476. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Special Hearing.

Section 26-172(b) of the Baltimore County Code (B.C.C.) provides that waivers from the requirements of Section 26-203 of the Code (i.e., the development plan) can be granted by the Director of the Department of Permits and Development Management (DPDM). Such requirements can be waived upon a finding that the size, scope and nature of the proposed development does not justify strict compliance, that a waiver would be within the scope, purpose, and intent of the development regulations, and that the proposed development complies with all other County laws, ordinances, and

regulations. In order to afford due process, the Director has designated the Zoning Commissioner (Hearing Officer) to consider the waiver request filed in this instance. Moreover, in order to provide public notice, the property was posted with a sign describing the request on October 5, 2003. There was no request by the public for a hearing nor any public input for the requisite period of fifteen (15) days after posting the property. The matter is now eligible for review and resolution by this Hearing Officer.

The Petitioner has filed the supporting affidavits as required by Section 26-127(b)(1) of the Baltimore County Code. A description of the property contained within the case file indicates that the property consists of 0.33 acres of land, more or less, and is zoned BM-CT. The information submitted is persuasive to a finding that the proposed razing of the existing dwelling located on the property will not be inappropriate. Furthermore, Kimberly R. Abe, Secretary of the Landmarks Preservation Commission, reviewed the Petitioner's proposal and advised the undersigned that the Office of Planning and Landmarks Preservation Commission acknowledge that the subject structure has no historic value and therefore do not oppose the request to raze. There is no evidence in the file to indicate that the requested waiver would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. Moreover, the relief requested complies with the requirements of the Baltimore County Zoning Regulations and should therefore be approved.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 22 day of October, 2003, that the request for Administrative Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code of Section 26-203(C)(8) and Section 26-278 to raze a 1 story structure 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.

LAWRENCE E. SCHMIDT, ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES

# Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



# **Baltimore County**

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

October 24, 2003

Robert A. Hoffman, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE SPECIAL HEARING

W/S Delaware Avenue, S of Shealy Avenue

(504 Delaware Avenue)

9<sup>th</sup> Election District – 4<sup>th</sup> Council District

Penn-Del LLC - Petitioners

Case No. 04-156-SPH

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Special Hearing 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. Paul G. Brody, G.P., Penn-Del LLC

100 E. Pennsylvania Avenue, Towson, Md. 21286

Mr. Michael J. Batza, Jr., Towson Circle J.V., LLP, c/o Heritage Properties, Inc.,

515 Fairmount Avenue, Towson, Md. 21286

Office of Planning; People's Counsel; Case File



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

# Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County

which is presently zoned BM-CT

for the property located at 504 Delaware Avenue

This Petition shall be filed with the Depundersigned, legal owner(s) of the property situate in Baltimattached hereto and made a part hereof, hereby petition for 26-171, 26-172(b), Baltimore County Code of Sections 26-20	ore County and which a Special Hearing to 23(C)(8) and Section 2	n is described in the des papprove a waiver pursi 26-278 to	scription and plat uant to Sections
Special Hearing to approve a wat Baltimore County Code, of Section 26-278 to raze a building (MHT #	on 26-203(c)(8) a		5-172(Ъ),
of the zoning regulations of Baltimore County, to the zoning l	aw of Baltimore Coun	ty.	
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Special Hearing, advertiged and restrictions of Baltimore County adopted put to the property of the prop	sing, posting, etc. and fu	irther agree to and are to b v for Baltimore County.	se bounded by the
	I/We do solemnly operjury, that I/we a is the subject of the	declare and affirm, under the are the legal owner(s) of the iss Petition.	ne penalties of a property which
Contract Purchaser/Lessee:	Legal Owner(s	<u>s):</u>	
Towson Circle Joint Venture LLP	Penn-Del LLC	<u></u>	
Name · Type or PrintBy Michael J. Battae, Jr., CEO	Name - Type or Print		
Signature c/o Heritage Properties, Inc. (S-400)		aul (S. Brody, Gener	ral Partner
515 Fairmount Avenue (410) 769-6100 Address Telephone No.	Name - Type of Print	<u> </u>	<u></u>
Towson, Maryland 21286			
City State Zip Code	Signature	,	1
Attorney For Petitioner:	100 E. Per	nnsylvania Ave.	Telephone No.
Robert A. Hoffman	Towson	Maryland	21286
Name - Type or Print	City	State	Zip Code
Signature Coten + A. Homm John	Representativ	e to be Contacted:	•
Venable LLP	Robert A. Ho	ffman	•
Company	Name	<u> </u>	<u></u>
210 Allegheny Avenue (410) 494-6200 Address Telephone No.	210 Alleghen: Address	y Avenue (	410) 494-620 Telephone No.
Towson, Maryland 21204	Towson	Maryland	21204
City State Zip Code	City	State	Zip Code
regulations of Baltimore County and that the property be reposted.  Case No. 04-/56 SPH Re	this petition be set for a pu	mmissioner of Baltimore Cour	nty

ğ

# in Support of Administrative Special Hearing

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Afficiety of decayle was a water maintain	at 515 Fairmou	int Avenue	
That the Affiant(s) does/do presently reside	Address	THE AVEILUE	<del></del>
	<u>Towson</u> City	Maryland State	21286 Zip Code
That the Affiant(s) acknowledge(s) that if advertising fee and may be required to prov	a formal demand is file ide additional informatio	ed, Affiant(s) will be required n.	to pay a reposting and
Signature By: Michael J. Batza, Jr.	CEO Sig	gnature By: Paul S. Brody	, General Partner
Towson Circle Joint Venture, LLP Name-Type or Print		Penn-Del, LLC ime - Type or Print	
STATE OF MARYLAND, COUNTY OF BA I HEREBY CERTIFY, this 25 day of of Maryland, in and for the County aforesaid  Michael J. Batza, Jr. a	Septimu BER d, personally appeared	, <u>2003</u> , before me, a No	tary Public of the State
the Affiant(s) herein, personally known or salaw that the matters and facts hereinabove			•
AS WITNESS my hand and Notarial Seal	Man.	Lare Mar	Land
Date	Notary Pu	blic hission Expires	7,2007
REV 9/18/98		[] 0	-

# in Support of Administrative Special Hearing

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	515 Fairmo Address	unt Avenue	
	<u>Towson</u> City	Maryland State	21286 Zip Code
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide	• -		·
Signature By: Michael J. Batza, Jr., C	) FO Si	gnature By: Paul S. Brody	Conoral Partner
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Towson Circle Joint Venture, LLP Name - Type or Print		Penn-De1, LLC ame - Type or Print	
		·	<u> </u>
STATE OF MARYLAND, COUNTY OF BALTING STATE OF STATE OF MARYLAND, COUNTY OF BALTING STATE OF S	PTEMBEX	, <u>2003</u> , before me, a Not	ary Public of the State
Michael J. Batza, Jr. and	Paul S. Brody		-
the Affiant(s) herein, personally known or satisfallaw that the matters and facts hereinabove set f	actorily identified to	•	
AS WITNESS my hand and Notarial Seal		Lava Dark	2m
Date /	Notary Pu	iblic nission Expires	2007
REV 9/18/98	iviy Collin		<u> </u>

# Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County

which is presently zoned BM-CT

for the property located at 504 Delaware Avenue

This Petition shall be filed with the Depart undersigned, legal owner(s) of the property situate in Baltimore attached hereto and made a part hereof, hereby petition for a 26-171, 26-172(b), Baltimore County Code of Sections 26-203(	Special Hearing to approve a waiver pursuant to Sections
Special Hearing to approve a waive Baltimore County Code, of Section 26-278 to raze a building (MHT #BA	
of the zoning regulations of Baltimore County, to the zoning law	v of Baltimore County.
Property is to be posted and advertised as prescribed by the zool, or we, agree to pay expenses of above Special Hearing, advertising zoning regulations and restrictions of Baltimore County adopted pursuances.	g, posting, etc. and further agree to and are to be bounded by the
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Towson Circle Joint Venture LLP	Penn-Del LLC
Name · Type or Print Dr., Michael I Batza, Jr., CEO	Name - Type or Frint
Signature c/o Heritage Properties, Inc. (S-400)	Signature By: Paul S. Brody, General Partner
515 Fairmount Avenue (410) 769-6100 Address Telephone No.	Name - Type or Print
Towson, Maryland 21286	
City State Zip Code	Signature
Attorney For Petitioner:	Address T: parte No.
Robert A. Hoffman	Towson Maryland 21286
Name - Type or Print  Signature  Name - Type or Print  A Hoffman Alle  Signature	City State Zip Code  Representative to be Contacted:
Venable LLP	Robert A. Hoffman
Company	Name
210 Allegheny Avenue (410) 494-6200 Address Telephone No.	210 Allegheny Avenue (410) 494-620 Address Telephone No.
Towson, Maryland 21204 City State Zip Code	Towson Maryland 21204 City State Zip Code
	·
this day of, that the subject matter of this regulations of Baltimore County and that the property be reposted.	equired, it is ordered by the Zoning Commissioner of Baltimore County, s petition be set for a public hearing, advertised, as required by the zoning
this day of, that the subject matter of this	s petition be set for a public hearing, advertised, as required by the zoning
this day of, that the subject matter of this regulations of Baltimore County and that the property be reposted.	equired, it is ordered by the Zoning Commissioner of Baltimore County, is petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County wed By
this day of that the subject matter of this regulations of Baltimore County and that the property be reposted.  Case No 4-156. SPH Revie	s petition be set for a public hearing, advertised, as required by the zoning  Zoning Commissioner of Baltimore County

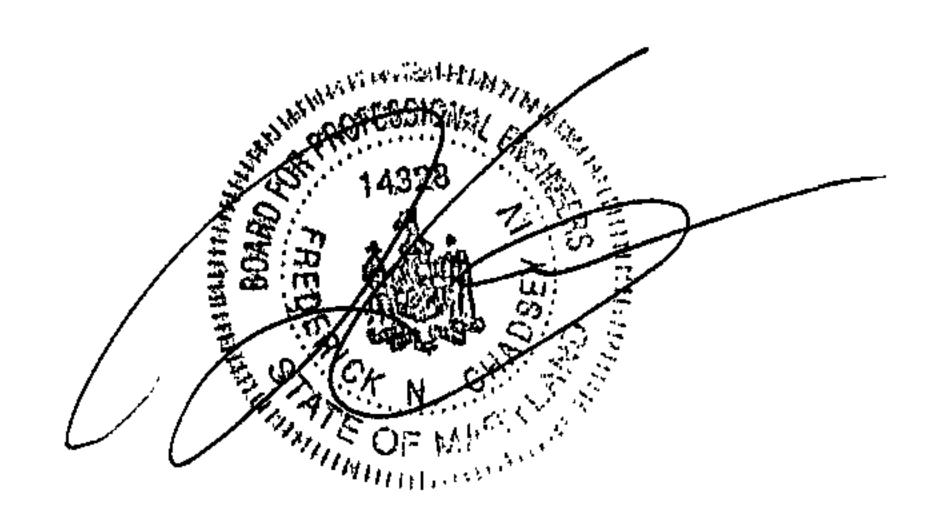
#### FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS 1020 CROMWELL BRIDGE ROAD • TOWSON, MARYLAND 21286-3396

# Description to Accompany

## Administrative Special Hearing

Beginning for the same at a point on the east side of Delaware Avenue, north 05° 22' 38" east 82.11 feet from the centerline intersection of Delaware Avenue (40 feet wide) and Pennsylvania Avenue (50 feet wide). Running thence the four following courses: (1) north 08° 26' 54" west 72.35 feet (2) north 89° 03' 06" west 200.87 feet (3) south 07° 40' 00" west 81.44 feet and (4) north 89° 15' 39" west 179.28 feet to the place of beginning, containing 14,466.45 square feet or 2.33 Ac. ±.



NOTE: This description is for zoning purposes only

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# CERTIFICATE OF POSTING

•	Petitioner/Developer: 100500
0/7	2016 JOINT VENTURE.
	Date of Hearing/Closing: 10-20-03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	₹ <b>*</b>
Attention: Ms. Gwendolyn Stephens	i
Ladies and Gentlemen:	
were posted conspicuously on the propert	V iocated at
	ELACIATE AVE
504 D	1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1
	ELAWARE AVE 10-4-09
	ELAWARE AVE  10-4-09  (Month, Day, Year)
	ELACIARE AVE  10-4-09  (Month, Day, Year)  Sincerely,
The sign(s) were posted on	ELACIARE AND  10-4-09  (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date)
The sign(s) were posted on  ZONICE  ADMINISTRATE  ADMINIST	ELACHRE AVE  /O-4-03  (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date)  SSG ROBERT BLACK  (Printed Name)  1508 Less Le Rd
The sign(s) were posted on	ELACARE AVE  /O-4-03 (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date)  SSG ROBERT BLACK (Printed Name)  1508 Leslie Rd (Address)
The sign(s) were posted on	ELACIANTS AVS  /O-4-09 (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date)  SSG ROBERT BLACK (Printed Name)  1508 Leslie Rd (Address)  Dundalk, Maxyland 21222
The sign(s) were posted on	ELACARE AVE  /O-4-03 (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date)  SSG ROBERT BLACK (Printed Name)  1508 Leslie Rd (Address)

RE: Case No.: 04.156. 5PH

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 04-156-501
Petitioner: Towson Cincle Joint Venture LLT
Address or Location: 504 De/Aware Avenue
PLEASE FORWARD ADVERTISING BILL TO:
Name: My LONTELL
Address: 210 Alkshens Avenue
TOWSON 1/2/204
Telephone Number: 4/9 79 5 6 4/9

Revised 2/20/98 - SCJ

# ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES

Case	Number	04	156	)	-SPH		Address	504	- DE	LAW	12e	Ave.	
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Filing	Date: _	9/	26/	03		•	<u> </u>	10.5	·03	Closin	g Date:	10.20.0	پ د
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2.	a forma	l req	uest fo	r a pi	ublic he	aring.	Please	underst	and tha	owner wit t even if osing date	there is	ofeet to file no formal	
	commission order the (typically	sione at th / with	r. He e matt in 7 to	may: er be 10 da	(a) gra set in vs of th	nt the for a e clos	requeste public h ing date)	ed relief; earing. as to wh	b) den) You wil ether th	y the req I receive	uested r written has bee	outy zoning elief; or (c) notification en granted, ail.	
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# Department of Permits and Development Management

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



## Baltimore County

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

October 20, 2003

Robert A. Hoffman, Esquire Venable LLP 210 Allegheny Avenue Towson, Maryland 21204

RE: Case Number 04-156-SPH 504 Delaware Avenue

Dear Mr. Hoffman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 5, 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:rjc

Printed on Remoted Pener

Enclosures

Penn-Del LLC Paul S. Brody, General Partner, 100 E. Pennsylvania Ave., Towson, C: Maryland 21204
Circle Joint Venture, LLP Michael J. Batza, Jr. CEO, c/o Heritage Properties, Inc. 515
Fairmount Avenue, Towson, Maryland 21204

People's Counsel

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

October 16, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 14, 2003

Item No.:

151-169

CEIVED

OCT 2 4 2003

ZONING COMMISSIONER

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File



Robert L. Ehrlich, Jr., Governor | State High Way | Administration State | Administration | Administration | State | S

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.14.23

Ms. Rebecca Hart Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

**Baltimore County** 

Item No. 156

JCM

Dear. Ms. Hart:

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,

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

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

**DATE:** November 5, 2003

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 04-156 and 04-211

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

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits &

**DATE:** November 26, 2003

Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 20, 2003 Item Nos. 151, 152, 153, 154, 156, 157, 158,159, 160, 161, 162, 163, 164,

167, and 168

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

RWB:CEN:jrb

cc: File

PETITION FOR ADMINISTRATIVE RE: SPECIAL HEARING 504 Delaware Ave; E/side Delaware Ave; 82' E of c/line Pennsylvania Ave 9<sup>th</sup> Election & 4<sup>th</sup> Councilmanic Districts Legal Owner(s): Paul S Brody, General Partner, Penn-Del, LLC Contract Purchaser(s): Michael J Batza, Jr., CEO Towson Circle Joint Venture LLP

Petitioner(s)

RECEIVED BEFORE THE

ZONING COMMISSIONER 2 2003

FOR

MING-COMMISSIONER

04-156-SPH

## 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 and documentation filed in the case.

RECEIVED

\*

OCT 2 1 2003

TER MAX ZIMMERMAN

People's Counsel for Baltimore County

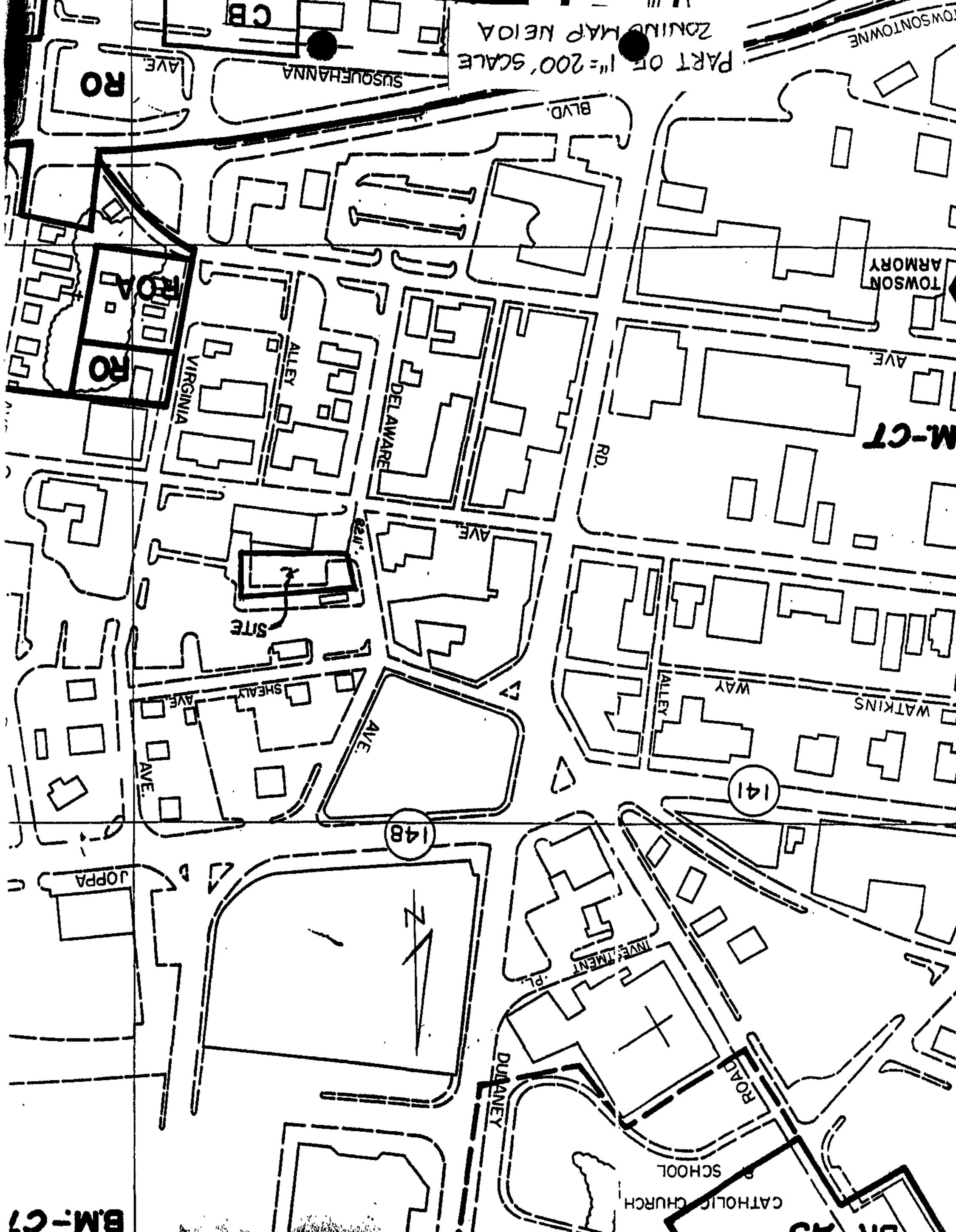
CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of October, 2003, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable LLP. 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

> tor Max 2 innerman PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



NEIOA

