IN RE: PETITION FOR ADMINISTRATIVE SPECIAL HEARING W/S of Virginia Avenue, N/S of Shealy Avenue 9th Election District 4th Councilmanic District 515 Virginia Avenue

> Josef of Vienna Inc., Petitioner

BEFORE THE **ZONING COMMISSIONER** OF BALTIMORE COUNTY

CASE NO. 04-308-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, Josef of Vienna Inc. property is located at 515 Virginia 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 2 story structure. Prior to the issuance of a decision on this petition, the Petitioner amended its petition to add another Specifically, a second waiver is sought from Sections 26-542 and 26-544 of the waiver. Baltimore County Code from the requirement that the waiver request to raze the structure need be considered by the Baltimore County Landmarks Preservation Commission. This building is listed on the Maryland Historical Trust (MHT) Inventory as MHT #BA 1483. 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 January 5, 2004. 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 0.126 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, a historic preservationist in the Office of Planning, reviewed the Petitioner's proposal and advised the undersigned that the Office of Planning and Landmarks Preservation Commission acknowledged 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.

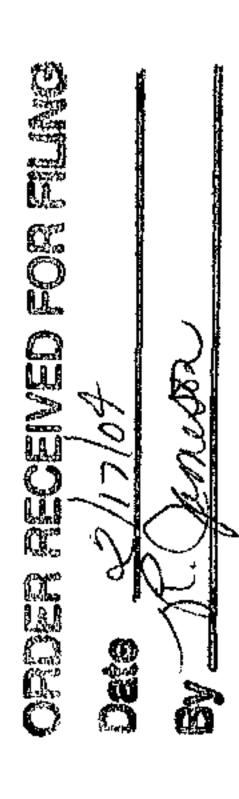
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 17th day of February, 2004, that the request for Administrative Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code of Section 26-203(C)(8) and Section 26-278 to raze a 2 story structure is hereby GRANTED.

IT IS FURTHER ORDERED, that a waiver of the requirements of Sections 26-542 and 26-544 of the Baltimore County Code that the matter be considered by the Baltimore County Landmarks Preservation Commission, 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.

LAWRENCE E. SCHMIDT, ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES





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

February 17, 2004

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

Re: Petitions for Administrative Special Hearing
Case Nos. 04-308-A - 515 Virginia Avenue
04-309-A - 514 Delaware Avenue
04-310-A - 517 & 519 Virginia Avenue

Dear Mr. Hoffman:

Enclosed please find the decisions rendered in the above-captioned cases. The petitions for administrative special hearing 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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj
Enclosure

c: Josef of Vienna, Inc. 518 Virginia Avenue Towson, MD 21286 Towson Circle Joint Venture, LLP c/o Heritage Properties, Inc. 515 Fairmount Avenue Towson, MD 21286



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

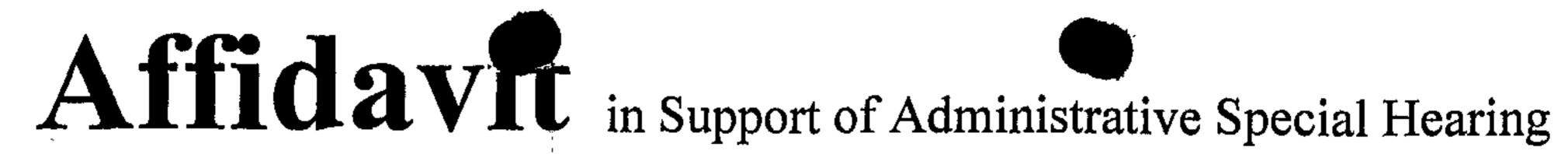
Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County

which is presently zoned BM-CT

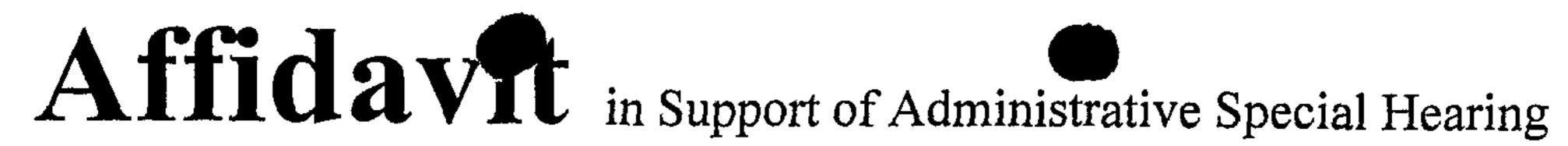
for the property located at ____515 Virginia Avenue

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Name - Type or	1 Affilher		City	ntative to be C	State Contacted:	ZIμ
Robert A.			Address Baltim	rginia Avenue ore, Ma	ryland	7424 Telephon 21286 Zip (
City	St	ate Zip Code		main here	(1701	828-7222
Signature c/o/	Hezitage Proper	Ties, Inc. (S-400 410) 769-6100 Telephone No. 21286		Unne Che	hung P	es.
11/100	VIVIIM	J. Batza, Jr., CE				
	ccle Joint Ventu	•		of Vienna Inc		
Contract Pu	urchaser/Lessee:		<u>Legal O</u>	wner(s):		
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-	Hearing to ap). Baltimore	County Code, C	-	6-203(c)(8)	•	,



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 the retain the event that a public hearing is scheduled in the future with regard the retain.

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 proportly regide at 534 HOUSTHENTY HUS
That the Affiant(s) does/do presently reside at Address
Tand Mar
City State Zip Code
That the Affiant(s) acknowledge(s) that⊧if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.
M_{2}
Signature Signature Signature
Ano & General Michael Bross V
Name - Type or Print Name - Type or Print Name - Type or Print
·
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
HEREBY CERTIFY, this Jay of January , 2009, before me, a Notary Public of the State
of Maryland, in and for the County aforesald, personally appeared
Ano & Comence and Monner Marson
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of
law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
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AS WITNESS my hand and Notarial Seal
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Date Notary Public Notary Publ
Date Notary Public
Notary Public Notary Public My Commission Expires P/1/06
REV 9/18/98



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	Address Address City State Town State T
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
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STATE OF MARYLAND, COUNTY OF BALTING I HEREBY CERTIFY, this 5th day of for Maryland, in and for the County aforesaid, per forms of Maryland, in and for the County aforesaid, per forms of Maryland.	rsonally appeared
the Affiant(s) herein, personally known or satisfa	ctorily identified to me as such Affiant(s), and made oath in due form of
	orth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal	
Data 1 0 0 7 million 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Notary Public
REV 9 18 98	My Commission Expires

Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County

which is presently zoned BM-CT

for the property located at 515 Virginia Avenue

undersigned, legal owner(s) of the attached hereto and made a part 26-171, 26-172(b), Baltimore Cour	e property situate in Baltim hereof, hereby petition for	r a Special Hearing to approve a	d in the description and plat-
Special Hearing to ap	prove a waiver p	ursuant to Sections 2	6-171,
26-172(b), Baltimore			
Section 26-278 to raz			
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of the zoning regulations of Baltim	ore County, to the zoning I	aw of Baltimore County.	
Property is to be posted and adver- l, or we, agree to pay expenses of ab- zoning regulations and restrictions of	ove Special Hearing, adverti:	sing, posting, etc. and further agree to	and are to be bounded by the County.
•		I/We do solemnly declare and a perjury, that I/we are the legal of this Petition.	ffirm, under the penalties of wner(s) of the property which
Contract Purchaser/Lessee:	•	Legal Owner(s):	
Towson Circle Joint Ventur	re, LLP	Josef of Vienna Inc.	
Name Tipe or Print By: Mi)chael	J. Batza, Jr., CEO	Name - Type or Print	
Signature c/o Mentitage Proper		Signature _{By} :	
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Oity	rate Zip Code	Signature	
	tate Zip Code		/ (410) 828-7222
Attorney For Petitioner:	Late Zip Code	518 Virginia Avenue	(410) 828-7222 Telephone No
	Late Zip Code	518 Virginia Avenue Address	Telephone No.
Attorney For Petitioner: Robert A. Hoffman		518 Virginia Avenue Address Baltimore, Mary	Telephone No. 21286
Attorney For Petitioner: Robert A. Hoffman		518 Virginia Avenue Address Baltimore, Mary City	Telephone No. rland 21286 State Zip Code
Attorney For Petitioner: Robert A. Hoffman		518 Virginia Avenue Address Baltimore, Mary	Telephone No. rland 21286 State Zip Code
Attorney For Petitioner: Robert A. Hoffman Name - Type or Print Out A. Hoffman Signature		518 Virginia Avenue Address Baltimore, Mary City Representative to be Co	Telephone No. rland 21286 State Zip Code
Attorney For Petitioner: Robert A. Hoffman Name - Type or Print Signature Venable LLP		518 Virginia Avenue Address Baltimore, Mary City Representative to be Co Robert A. Hoffman	Telephone No. rland 21286 State Zip Code
Attorney For Petitioner: Robert A. Hoffman Name - Type or Print Signature Venable LLP Company		518 Virginia Avenue Address Baltimore, Mary City Representative to be Co	Telephone No. rland 21286 State Zip Code
Attorney For Petitioner: Robert A. Hoffman Name - Type or Print Signature Venable LLP Company		518 Virginia Avenue Address Baltimore, Mary City Representative to be Co. Robert A. Hoffman Name	Telephone No. 21286 State Zip Code ntacted: (410) 494-6200 Telephone No.
Attorney For Petitioner: Robert A. Hoffman Name - Type or Print Signature Venable LLP Company 210 Allegheny Avenue (4	10)494-6200	Address Baltimore, Mary City Representative to be Co. Robert A. Hoffman Name 210 Allegheny Avenue	Telephone No. 71 and 21286 State Zip Code ntacted: (410) 494-6200 Telephone No.
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Attorney For Petitioner: Robert A. Hoffman Name-Type or Print Signature Venable LLP Company 210 Allegneny Avenue (4 Address Towson, Maryland City St A Public Hearing having been formally this day of regulations of Baltimore County and that the	10) 494-6200 Telephone No. 21204 late Zip Code demanded and/or found to be that the subject matter of the property be reposted.	Address Baltimore, Mary City Representative to be Co Robert A. Hoffman Name 210 Allegheny Avenue Address Towson, Maryla City required, it is ordered by the Zoning Commissioner of I	Telephone No. 21286 State Zip Code ntacted: (410) 494–6200 Telephone No. 21204 State Zip Code Commissioner of Baltimore County, Ivertised, as required by the zoning
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DESCRIPTION TO ACCOMPANY ADMINISTRATIVE SPECIAL HEARING FOR

9TH ELECTION DISTRICT 5TH COUNCIL MANIC DISTRICT
P. 432

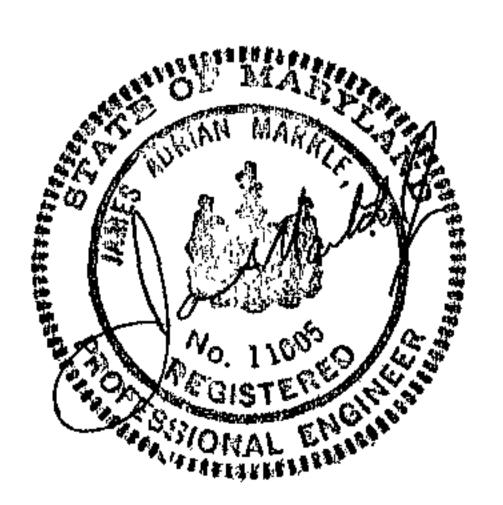
Beginning at a point on the west side of Virginia Avenue, which is 60-feet wide at the distance of 30.42-feet north 80° 34' 25" west of the centerline of Shealey Avenue 20-feet wide and Virginia Avenue 60-feet wide.

Thence the following courses and distances:

- 1. South 82° 21' 57" West 91.02-feet
- 2. North 14° 01' 05" West 59.54-feet
- 3. North 83° 47' 17" East 99.08-feet
- 4. South 06° 12' 43" East 56.73-feet

To the place of beginning.

CONTAINING 0,126 ACT



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BALTIMORE COUNDETS	FINANCE	No	32133		PAID RECEIPT	TIME	27.00
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FOR:							では、 ないかり
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CERTIFICATE OF POSTING

RE: Case No. 04-308-SPH Petitioner/Developer: JOSEPIOF Date of Hearing/Closing: FEB 2,04 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: 515 VIRGINIA AYE The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES

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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 Ad		
Item Number or Cas		<u>,</u>
Petitioner:	Josefut Vienna Inc.	
Address or Location	1: 515 Virginia Avenue	
•		
PLEASE FORWAR	D ADVERTISING BILL TO:	
Name:	Any Dortell	
Address:	7/0 Alleshenn Ave	<u> </u>
	TOWION 1/2 21207	
Telephone Number	· (410) 494-6262	



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

January 14, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: January 12, 2004

Item No.: 300-303, 305-310 308

Dear Ms. Hart:

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

LIEUTENANT JIM MEZICK Fire Marshal's Office THONE 887-4881 MS-III

cc: File

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1.13.04

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

RE:

Baltimore County

Item No. 308

LTM

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 Gredlem at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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

Phone 410.545.0300

Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

January 16, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 12, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-302

04-303

04-305

04-309

04-310

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** January 27, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JAN 2 8 2004

SUBJECT: Zoning Advisory Petition(s): Case 04-308, 04-309, and 04-310

LUNING COMMSSIONER

Case 04-308, 04-309, and 04-310

Administrative Special Hearings

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

DATE: February 2, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 20, 2004

Item Nos. 302, 303, 304, 305, 306, 308,)

309, and 310

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

RWB:jrb

cc: File

RE: PETITION FOR ADMINISTRATIVE

SPECIAL HEARING

515 Virginia Avenue; W/side Virginia Avenue*

30' W c/line of Shealey Avenue

9th Election & 5th Councilmanic Districts

Legal Owner(s): Josef of Vienna, Inc by

RECEIVED

JAN 4 5 Kg.,-

Per.....

Anne E Gehring, President

Contract Purchaser(s): Towson Circle Joint

Venture, LLP by Michael J Batza, Jr, CEO

Petitioner(s)

* BEFORE THE

ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 04-308-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.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Cardo 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 15th day of January, 2004, 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).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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hy adoug



Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

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

January 20, 2004

Robert Hoffman Venable, LLP 210 Allegheny Avenue Towson, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 04-308-SPH, 515 Virginia Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 5, 2004.

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

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

Very truly yours,

U. Calladell) W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:klm

Enclosures

C: People's Counsel Josef of Vienna, Inc., Anne Gehring, 518 Virginia Avenue, Baltimore 21286 Towson Circle Joint Venture, 515 Fairmount Avenue, Towson 21286