DATE RECEIVED FOR FILING BY

IN RE: PETITION FOR SPECIAL HEARING

N/S Townsend Road, 220' NW of the c/l

Mace Avenue

(366 Townsend Road)

15<sup>th</sup> Election District

7<sup>th</sup> Council District

Gregory Connelly Petitioner \* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 04-503-SPH

\*

\* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Gregory Connelly. The Petitioner requests a special hearing to allow the area of a proposed accessory structure (1,680 sq.ft.) to be greater than the area of the principal dwelling (1,000 sq.ft.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was Robert Infussi, a consultant retained by the property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the north side of Townsend Road, just west of Mace Avenue in Essex. The property contains a gross area of .230 acres, more or less, zoned D.R.5.5, and is improved with a two-story dwelling and three small accessory structures. The Petitioner has owned and resided on the property for many years. In fact, the Petitioner also owns the adjacent parcel, which is the site of the Connelly Funeral Home, a long-standing and well-known business establishment in Essex.

In any event, the Petitioner is desirous of constructing a 40' x 42' garage on the subject property and razing the existing accessory structures. On behalf of the Petitioner, Mr. Infussi

indicated that the proposed garage will be used to store household items and more importantly, the Petitioner's antique car collection, which currently includes three antique Corvettes. As shown on the site plan, the new garage will be located to the rear of the subject property, not far from an existing garage on the adjacent property.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. Given the nature of the uses in the vicinity, it appears that the proposed garage will be consistent with other structures in the neighborhood and will not be detrimental to the health, safety or general welfare of the locale. However, as a condition to the granting of relief, the Petitioner shall be required to comply with the Zoning Advisory Comment submitted by the Office of Planning relative to the design and use of the proposed structure. Mr. Infussi indicated that the Petitioner is agreeable to these restrictions, however, would like to have water extended to the building so that he has the ability to wash his automobiles. This is acceptable for so long as a bathroom is not incorporated into the design of the structure and the garage is limited to uses accessory to the residential use of the property.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of July 2004 that the Petition for Special Hearing to approve the area of a proposed accessory structure (1,680 sq.ft.) to be greater than the area of the principal dwelling (1,000 sq.ft.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioner shall not allow or cause the garage to be

 converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities; however, the Petitioner shall be permitted to extend water to the building so that he can wash his automobiles.

- 3) To insure compatibility with the existing dwelling, the Petitioners shall submit building elevation drawings of the proposed garage to the Office of Planning for review and approval prior to the issuance of any permits.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

### 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

July 29, 2004

Mr. Gregory Connelly 300 Mace Avenue Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING N/S Townsend Road, 220' NW of the c/l Mace Avenue (366 Townsend Road) 15<sup>th</sup> Election District – 7<sup>th</sup> Council District Gregory Connelly - Petitioner Case No. 04-503-SPH

Dear Mr. Connelly:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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:bis

P.O. Box 1043, Bel Air, Md. 21014 Office of Planning; People's Counsel; Case File



à





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



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	366	Towne	nend	ROAD
which is	presently	zoned DA	- 575	

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

THE AREA O	ZMAN	Acces	SSORY	STRUCTU	ire	•
(1680 S8. FT).	To C	tceed	The	AREA	07 +	4
PRINCIPAC	<tru0< td=""><td>eture</td><td>(1007</td><td>S8. (27)</td><td></td><td></td></tru0<>	eture	(1007	S8. (27)		

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. <u>Legal Owner(s):</u> Contract Purchaser/Lessee: CONNE//y Name - Type or Print Name - Type or Print Signature Telephone No. Name - Type or Print Address Zip Code Signature State City MACE AVE. Attorney For Petitioner: Telephone No. Address City Name - Type or Print Representative to be Contacted: Signature 1 NFUSS/ Name Company -812-2236 Telephone No. Telephone No. Address

Zip Code

State

OFFICE USE ONLY

State

Zip Code

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING \_\_

Reviewed By D.THOMPSON Date 5304

Case No. 04-503-SPH

REV 9/15/98

City



P.O. Box 1043-7043 Bel Air, Maryland 21014 410.812.2236 Fax: 410.893.8647

e-mail: expedite.llcrinfussi@comcast.net

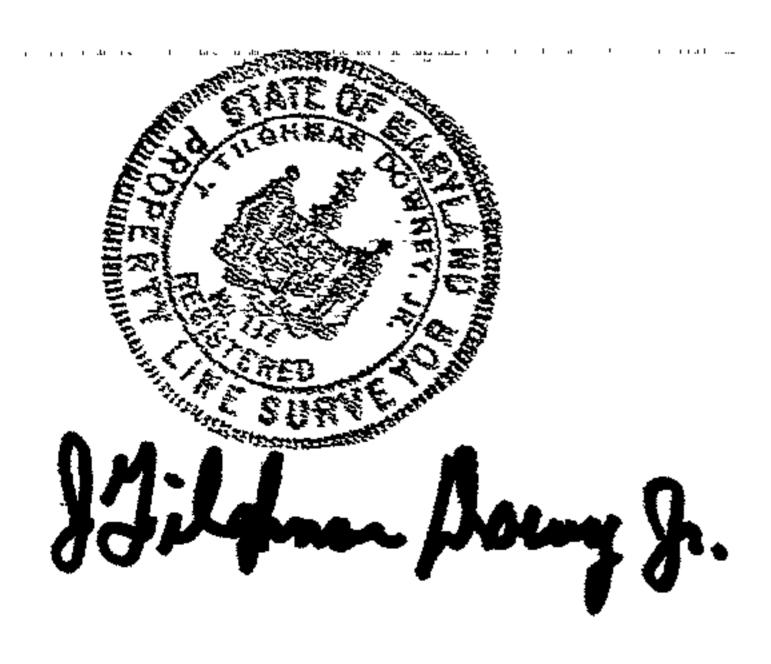


# DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING

### 366 TOWNSEND ROAD

Beginning for the same at a point on the north side of Townsend Road (50 feet wide), said point being distant northwesterly 220 feet from the centerline of Mace Avenue, thence being all of Lot 88, Block E as shown on the plat of Back River Highlands recorded among the plat records of Baltimore County, Maryland in Plat Book 4 Folio 64.

Containing 10,000 square feet or 0.230 acre of land more or less. Being located in the  $15^{th}$  election district,  $7^{th}$  councilmanic district of Baltimore County, Maryland.



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WHITE CASHIER PINK

#### 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: #04-503-SPH
366 Townsend Road
N/side of Townsend Road,
220 feet west of centerline
of Mace Avenue
15th Election District
7th Councilmanic District
Legal Owner(s): Gregory
Connelly
Special Hearing: to permit
the area of an accessory
structure (1,680 sq. ft.) to
exceed the area (footprint)
of a principal structure
(1,007 sq. ft.)
Hearing: Tuesday, July 6,
2004 at 11:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zering Commissioner for
Baltimore County
"NOTES: (1) Hearings are
Handicapped Accessible;
for special accommedations Please Contact the
Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing. Contact the Zonling Review Office at (410) 887-3391.

J79/762 June 22 9915

## CERTIFICATE OF PUBLICATION

$\frac{6 25 }{6 25 }$
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 622 ,2004.
The Jeffersonian  Arbutus Times
<ul><li>Catonsville Times</li><li>Towson Times</li></ul>
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News

J. WULLING
LEGAL ADVERTISING

### CERTIFICATE OF POSTING

	RE: Case No. 04-503-5PH
	Petitioner/Developer: GREGORY
	CONNELLY
	Date of Hearing/Closing: JUY 6, 2004
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	•
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perposted conspicuously on the property located at	erjury that the necessary sign(s) required by law were t:
	NSEND RD
The sign(s) were posted on	ONE 22, 2004 (Month, Day, Year)
	(Month, Day, Year)
· · · · · · · · · · · · · · · · · · ·	- Sincerely,
	Robert Black 6/22/2004
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
Ping production of the included with the production of the product	(410) 282-7940
eight for the state of the stat	(Telephone Number)
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### 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

May 17, 2004

#### **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: 04-503-SPH

366 Townsend Road

N/side of Townsend Road, 220 feet west of centerline of Mace Avenue

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner: Gregory Connelly

Special Hearing to permit the area of an accessory structure (1,680 sq. ft.) to exceed the area (footprint) of a principal structure (1,007 sq. ft.)

Hearing: Tuesday, July 6, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Gregory Connelly, 300 Mace Avenue, Baltimore 21221 Robert Infussi, P.O. Box 1043, Bel Air 21014

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 22, 2004.
  - (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, June 22, 2004 Issue - Jeffersonian

The state of the s

Please forward billing to:

Gregory Connelly 300 Mace Avenue Baltimore, MD 21221

410-687-7100

#### **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: 04-503-SPH

366 Townsend Road

N/side of Townsend Road, 220 feet west of centerline of Mace Avenue 15<sup>th</sup> Election District — 7<sup>th</sup> Councilmanic District

Legal Owner: Gregory Connelly

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Hearing: Tuesday, July 6, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

# 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.

Item Numl	ber or Case Number: 04-503-SPH	
	GREGORY CONNELLY	<u></u> ,
Address o	r Location: 366 TOWNSEND ROAD	
Name: Address: ,	FORWARD ADVERTISING BILL TO:  GREGORY CONNELLY  300 MACE AVENUE  BALTIMORE, MO. 21221	

# Department of Permit Care Development Management

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





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

June 28, 2004

Gregory Connelly 300 Mace Avenue Baltimore, Maryland 21221

Dear Mr. Connelly:

RE: Case Number:04-503-A, 366 Townsend Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 3, 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 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,

u. Calliball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Robert Infussi P.O. Box 1043 Belair 21014

# Fire Department

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



# Baltimore County

James T Smith, Jr, County Executive John J Hohman, Chief

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

May 18, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: May 18, 2004

Item No.:

495, 502-511, 513-515, 517

503

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.

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. Flanagan, Secretary Neil J. Pedersen, Administrator

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

MARYLAND DEPARTMENT OF TRANSPORTATION

5.17.04 Date:

RE:

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

Baltimore County

Item No. 503

Dear. Ms. Matthews:

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,

1. J. Soull

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

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr 📆 🗸 🗸

DATE:

May 24, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 17, 2004

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

04-495

04-502

04-503

04-506

04-507

04-508

04-509

04-512

04-513

04-514

04-517

Reviewers:

Sue Farinetti, Dave Lykens

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

Pole

# BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** May 24, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED
JUN - 1 2004

SUBJECT:

Zoning Advisory Petitions

Case #:

4-503

ZONING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit the subject accessory structure provided the following conditions are met:

- 1. Submit building elevation (all sides) of the proposed structure to this office for review and approval prior to the issuance of any building permits.
- 2. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The accessory structure shall not be used for commercial purposes.
- 4. Indicate the disposition of the existing garage and show the location of the driveway associated with the proposed garage.

Prepared by:

Section Chief:

AFK/LL: MAC

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 2, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 24, 2004, Item Nos. 502, 503, 507, 508, 509,

512, 513, 514, 515, and 517

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
366 Townsend Road; N/side Townsend Rd,
220' W of c/line of Mace Avenue
15th Election & 7th Councilmanic Districts

Legal Owner(s): Gregory Connelly

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

\* FOR

\* BALTIMORE COUNTY

\* 04-503-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

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 19<sup>th</sup> day of May, 2004, a copy of the foregoing Entry of Appearance was mailed to Robert Infussi, P.O. Box 1043, Bel Air, MD 21014, Representative for Petitioner(s).

RECEIVED

MAY 1 9 2004

PETER MAX ZIMMERMAN

People's Counsel for Baltimore Courty

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