IN RE: PETITION FOR SPECIAL HEARING SW/Corner of Magruder Avenue, W Side of Bloomsbury Avenue 1st Election District 1st Councilmanic District **(102 Bloomsbury Avenue)** Gaino IV, LLC, By: John Gaino, Legal Owner *Petitioner*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 04-506-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Gaino, IV, LLC, by John Gaino. The Petitioner is requesting special hearing relief for property owned at 102 Bloomsbury Avenue in the Catonsville area of Baltimore County. The special hearing request is to approve and confirm the existing non-conforming use (Class A office building) pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The property was posted with Notice of Hearing on June 23, 2004, 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 June 22, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section XI – *Nonconforming Uses*

A lawful non-conforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such non-conforming use to a conforming use, or any attempt to change from such non-conforming use to a different non-conforming use or any discontinuance of such non-conforming use for a period of one year, or in case a non-conforming structure shall be damaged by fire or otherwise to extent of seventy-five (75%) per cent of its value, the right to continue to resume such non-conforming use shall terminate, provide, however, that any such lawful non-conforming use, may be extended or

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enlarged to an extent not more than once again the area of the land used in the original non-conforming use.

Section 104, Nonconforming Uses [BCZR 1955]

104.1A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate. [Bill Nos. 18-1976; 124-1991]

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.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Bureau of Development Plans Review dated June 2, 2004, a copy of which is attached hereto and made a part hereof. In addition, ZAC comments were received from the Office of Planning dated June 9, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief were Bob Infussi, Bruce Henderson, Kent Krabbe and John Gaino, Petitioner. Pierce Macgill, representing the Department of Economic Development, attended the hearing in support of the requested relief. Arnold Jablon, esquire and David Karceski, Esquire, represented the Petitioner. There were no protestants or citizens at the hearing. Peter Max Zimmerman, entered the appearance of his office in this case.

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Testimony and Evidence

Mr. Jablon proffered that the subject site was 0.459 acres and zoned RO. The property is improved by a two-story office building, a modular office and garage. He related that Mr. Gaino recently purchased the property and thereafter applied for and was granted permits for a very substantial renovation program. However, during an inspection of the improvements a question arose as to the zoning status of the property.

Mr Jablon proffered that the property had been the former location of the offices of Catonsville Plumbing Company since 1970. He presented a series of official zoning maps (Petitioner's Exhibit No. 3) which showed that the property was part of the Catonsville High School in 1945 and likely was the principal's home. The property was not zoned in the 1955 maps because it was classified as public property, and public property was not zoned at the time. This policy changed and the property was zoned DR16 according to the 1971 map. In 1975, Catonsville Plumbing applied for and was granted a reclassification to BM by the Board of Appeals.

Mr. Jablon proffered that an office use is allowed by right in BM zones. More significantly, BM allowed two principal office buildings on the same site. Finally, the County Council changed the zoning once again to RO in 1980. RO also allows offices, but only one building per site. Consequently, the question for this case is whether the continued use of the two buildings as offices may continue as nonconforming uses.

Bruce Henderson, who sold products to Catonsville Plumbing, confirmed that the main building and modular office were used continuously as offices since 1977.

Mr. Gaino, the Petitioner, described the extensive investment he was making in the property and presented 50 affidavits of individuals who had contact with Catonsville Plumbing

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Company since the 1970's (Petitioner's Exhibit No. 7) and who confirmed that the two principal buildings were used as offices without interruption since that time. He also presented 20 affidavits from individuals who have had contact with Catonsville Plumbing Company since the 1980's (Petitioner's Exhibit No. 8) and who confirmed that the two principal buildings were used as offices without interruption since that time.

Mr. Jablon indicated that his client does not object to implementing the ZAC comments of the Office of Planning dated June 9, 2004 and the ZAC comments from the Bureau of Development Plans Review dated June 2, 2004. However, as a matter of law, he believed that there is no provision in law to place conditions on Special Hearings for nonconforming uses.

Findings of Fact and Conclusions of Law

As I indicated at the beginning of the hearing, I am also personally familiar with the buildings. At one time, I represented Catonsville Plumbing as a private attorney and visited the owner, Mr. Tim Kraus, at his office on the second floor of the main building during the 1980's. I did this on several occasions in the 1980's and 1990's. I also knew that Catonsville Plumbing operated its business from the site from the 1970's. I was involved in a committee to find uses for the surplus school adjacent to the site in the 1990's and recommended that the County purchase the property to enhance the renovations and revitalization of the area.

I find that the use of the main and modular buildings as offices was a legal use before 1980 when the County Council changed the zoning to RO. It is clear from the testimony and evidence that the use of these buildings as offices continued without interruption since 1979. Therefore, I confirm the nonconforming status of the two office buildings on this site.

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I also would like to express my personal appreciation to the Petitioner for the work done to renovate the site, especially the outside fencing and landscaping which I believe will enhance the revitalization efforts that the County is making on the adjacent surplus school property.

In regard to the comments by the Office of Planning and the Bureau of Development Plans Review, Mr. Jablon argues that no conditions may be applied to a Special Hearing for nonconforming uses. While I note the logic in his argument, I believe that Section 500.7 of the B.C.Z.R. which states "The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary....." gives this office power to impose conditions, if those conditions directly apply to the uses found to be continuing and nonconforming. As one example, the access issues raised by the County will directly affect the use of the two office buildings because the clients and employees of the Petitioner will have safe access to the two buildings. Traditionally, this office looks to Section 502.1, criteria for special exceptions, as guides to granting special hearings. Conditions may be applied in such cases.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing request shall be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 15 day of July, 2004 that the Special Hearing Request to approve and confirm the existing nonconforming use (Class A office building) pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners must be in compliance with the ZAC comments submitted by the Bureau of Development Plans Review dated June 2, 2004, a copy of which is attached hereto and made a part hereof, wherein they state that the existing access off of Bloomsbury Avenue

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should be eliminated and the new access should be located close to the southern property line.

2. The Petitioners must be in compliance with the ZAC comments submitted by the Office of Planning dated June 9, 2004, a copy of which is attached hereto and made a part hereof, wherein they request that the following conditions be met:

   a. The Petitioners should consult with the Department of Public Works to determine what repairs should be made to the sidewalks and curbs abutting this property along Bloomsbury Avenue and Magruder Avenue that are in poor condition;

   b. The Petitioner should revise the plan to show the building now under construction in the area of the site where the old plat shows a "turn around area" and a dumpster location in the southwest corner of the property.; and

   c. The Petitioner should submit a landscape plan to Avery Harden, Baltimore County Landscape Architect, for review and approval prior to issuance of any permits.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 7/15/04
By Raj

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 13, 2004

David Karceski, Esquire
Arnold Jablon, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 04-506-SPH
Property: 102 Bloomsbury Avenue

Dear Messrs. Karceski & Jablon:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has 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

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: John Gaino, 1100 Magruder Ave., Catonsville, MD 21228
Bruce Henderson, 31 Ballyhaunis Ct., Timonium, MD 21093
Bob InFussi, P. O. Box 1043, Bel Air, MD 21014
Kent Krabbe, Esq., 1108 Elm Road, Arbutus, MD 21227
David Billingsley, 601 Charwood Ct., Edgewood, MD 21040

Printed on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 102 Bloomsbury Ave.
which is presently zoned R.O.

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 AND CONFIRM THE EXISTING NON-CONFORMING USE (CLASS A OFFICE BUILDING).

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

M. KENT KRABBE
Name - Type or Print

Signature

M. Kent Krabbe Attorney at Law
Company

P.O. Box 5410 — 410-815-8252
Address — Telephone No.

Laurel — MD — 20726
City — State — Zip Code

Legal Owner(s):

GAINO IV LLC
Name - Type or Print

x
Signature

JOHN GAINO, OWNER
Name - Type or Print

Signature

709 Frederick Rd. — 410-747-8831
Address — Telephone No.

Balto. — Md. — 21228
City — State — Zip Code

Representative to be Contacted:

Robert Infussi
Name

P.O. Box 1043 — 410-812-2236
Address — Telephone No.

Bel Air, — Md — 21014
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D. THOMPSON Date 5/3/04

Case No. 04-506-SPH

ORDER RECEIVED FOR FILING
Date 7/15/04
By

Revised 9/15/98

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING

102 BLOOMSBURY AVENUE

Beginning for the same at the point formed by the intersection of the south side of Magruder Avenue (50 feet wide) with the west side of Bloomsbury Avenue (40 feet wide), thence (1) S 10°15' 00" E 100 feet thence (2) S 78°13' 00" W 200 feet thence (3) N 10°15' 00" W 100 feet thence (4) N 78°13' 00" E 200 feet to the place of beginning. Containing 20,000 square feet or 0.459 acre of land, more or less.

Being known as 102 Bloomsbury Avenue, located in the 1st Election District, 1st Councilmanic District.

STATE OF MARYLAND
J. TILGHMAN DOWNEY, JR.
No. 114
REGISTERED
PROPERTY LINE SURVEYOR

J. Tilghman Downey Jr.

04-506-SPH

04-

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 36097

DATE 5/3/04 ACCOUNT 001006616150

AMOUNT $ 275.00

RECEIVED FROM: EXPEDITE LLC

FOR: ITEM # 506 04-506-SPH

102 BLOOMSBURY AVE BY D.THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
5/05/2004	5/05/2004	11:32:04	2

REG W002 MAIL JEVA JEE
>RECEIPT # 336534 5/05/2004 OPEN
Dept 5 528 ZONING VERIFICATION
JR NO. 036097
Recpt Tot $275.00
$275.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Certificate Of Posting

RE: Case NO.: 04-506-SPH

Petitioner/Developer: JOHN GAINO

Date of Hearing/Closing: 7/8/04

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

Attention:

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 at 102 BLOOMSBURY AVE

This sign(s) were posted on 6/23/04.
(Month, Day, Year)

Sincerely,

Martin Ogle 6/23/04
(Signature of Sign Poster and Date)

Martin Ogle
(Printed Name)

5016 Castlestone Drive
(Address)

Balto.MD 21237
(City,State,Zip Code)

(410)-933-9470
(Phone Number)

im000021 (1152x864x256 jpeg)

ZONING NOTICE

CASE # 04-506-SPH

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: ROOM 407 COUNTY COURTS BUILDING 401 BOSLEY AVENUE TOWSON MARYLAND

DATE AND TIME: THURSDAY JULY 8, 2004 AT 9:00 AM

REQUEST: SPECIAL HEARING TO CONFIRM THE EXISTING NON-CONFORMING USE (CLASS A OFFICE BUILDING).

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Martin Ogle 6/23/04

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. #04-506-SPH
102 Bloomsbury Avenue
S/west corner of Magruder Avenue and w/side of Bloomsbury Avenue
1st Election District
1st Councilmanic District
Legal Owner(s): Gaino IV LLC, John Gaino
Special Hearing: to confirm the existing nonconforming use (class A office building).
Hearing: Thursday, July 8, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are Handicapped- Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT/6/763 June 22 9924

CERTIFICATE OF PUBLICATION

6/25/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/22/, 2004.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-506-SPH

Petitioner/Developer: JOHN GAINO / GAINO IV, LLC

Date of Hearing/Closing: JULY 8, 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}

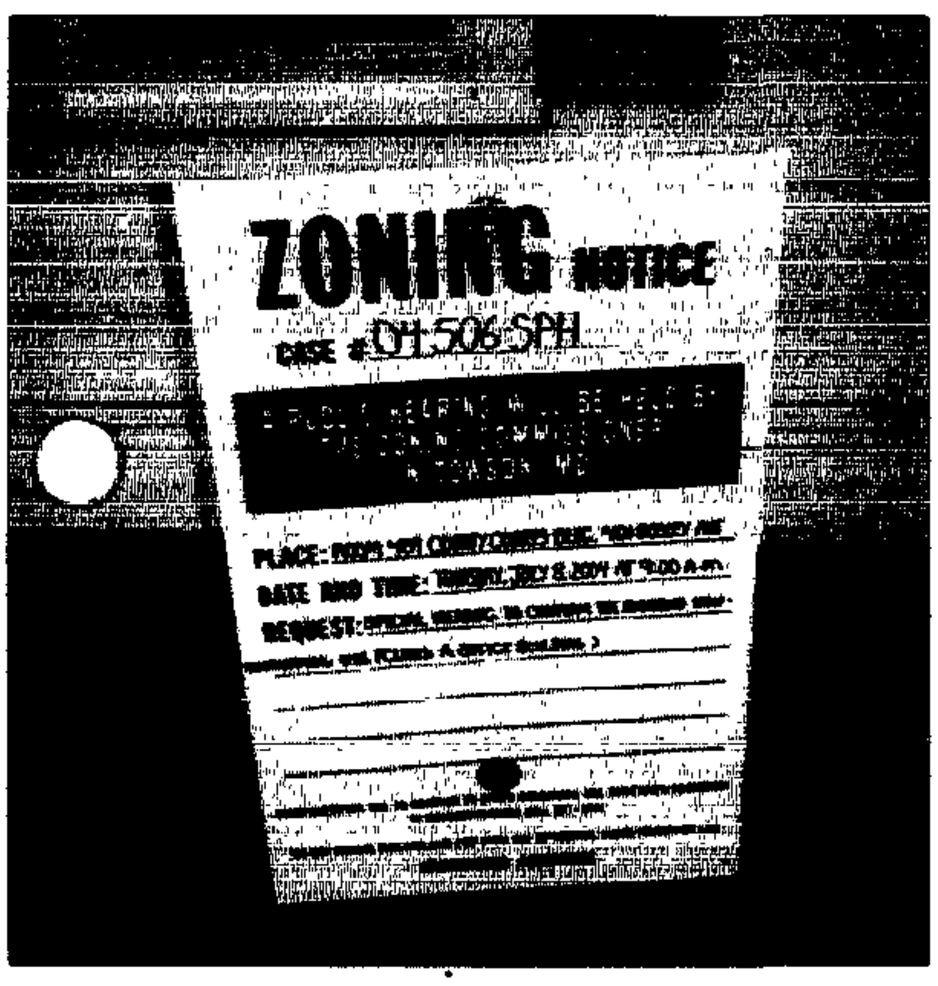
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

102 BLOOMSBURY [redacted] AVENUE

The sign(s) were posted on 6/22/04
(Month, Day, Year)

Sincerely,



Robert Black 6/23/04
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 04-506-SPH

Petitioner: GAINO IV LLC

Address or Location: 102 BLOOMSBURY AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN GAINO, GAINO IV LLC

Address: 709 FREDERICK RD.
BALTO. MD 21228

Telephone Number: 410-747-8831

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 22, 2004 Issue - Jeffersonian

Please forward billing to:
John Gaino
709 Frederick Road
Baltimore, MD 21228

410-747-8831

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: 04-506-SPH
102 Bloomsbury Avenue
S/west corner of Magruder Avenue and w/side of Bloomsbury Avenue
1st Election District – 1st Councilmanic District
Legal Owner: Gaino IV LLC, John Gaino

Special Hearing to confirm the existing non-conforming use (class A office building).

Hearing: Thursday, July 8, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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: 04-506-SPH
102 Bloomsbury Avenue
S/west corner of Magruder Avenue and w/side of Bloomsbury Avenue
1st Election District – 1st Councilmanic District
Legal Owner: Gaino IV LLC, John Gaino

Special Hearing to confirm the existing non-conforming use (class A office building).

Hearing: Thursday, July 8, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: M. Kent Krabbe, P.O. Box 5410, Laurel 20726
John Gaino, Gaino IV LLC, 709 Frederick Road, Baltimore 21228
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 WEDNESDAY, JUNE 23, 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.

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

June 28, 2004

M. Kent Krabbe
P.O. Box 5410
Laurel, Maryland 20726

Dear Mr. Krabbe:

RE: Case Number:04-506-SPH, 102 Bloomsbury Avenue

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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Gaino IV, LLC John Gaino 709 Frederick Road Baltimore 21228
Robert Infussi P.O. Box 1043 Bel Air 21014

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: June 9, 2004

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

RECEIVED

JUN - 9 2004

ZONING COMMISSIONER

SUBJECT: 102 Bloomsbury Avenue

INFORMATION:

Item Number: 4-506

Petitioner: Gaino IV, LLC

Zoning: RO

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. The existing curbs and sidewalks abutting this property along Bloomsbury Avenue and Magruder Avenue are in fair to poor condition. The petitioner should consult with the Department of Public Works to determine what repairs should be made to the sidewalks and curbs, 410-887-3932.
2. The plat shows a "turn around area" and a dumpster location in the southwest corner of the property. However, a site visit on June 2, 2004 revealed that a building is under construction in this area of the site. The petitioner should revise the plan to show this building.
3. Submit a landscape plan to Avery Harden, Baltimore County Landscape Architect for review and approval prior to issuance of any permits.

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Date 7/15/04
By

For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480

Prepared by: Mark A. Cunningham

Division Chief: Lynn Tarbert

AFK/LL:MAC:

ORDER RECEIVED FOR FILING
Date 7/15/04
By R. Jameson

\\NCH_NW\VOL3\WORKGRPS\DEVREV\ZAC\4-506.doc

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

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley

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

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

SHA
State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.17.09

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

RE: Baltimore County
Item No. 506 DT

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,

L. L. Gredlein

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: June 2, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For May 24, 2004
Item No. 506

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The existing access off of Bloomsbury Avenue should be eliminated, and the new access should be located close to the southern property line.

RWB:CEN:jrb

cc: File

RE:	PETITION FOR SPECIAL HEARING 102 Bloomsbury Avenue; SW corner Magruder Avenue & w/side Bloomsbury Ave* 1st Election & 1st Councilmanic Districts Legal Owner(s): Gaino IV, LLC; John Gaino, Owner Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-506-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th 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 and M. Kent Krabbe, Esquire, P.O. Box 5410, Laurel, MD 20736, Attorney for Petitioner(s).

RECEIVED
MAY 19 2004
Per.....

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

PLEASE PRINT CLEARLY

CASE NAME 04-506-SPH
CASE NUMBER 102 BLOOMSBURY AVE
DATE 7/8/04

PETITIONER'S SIGN-IN SHEET

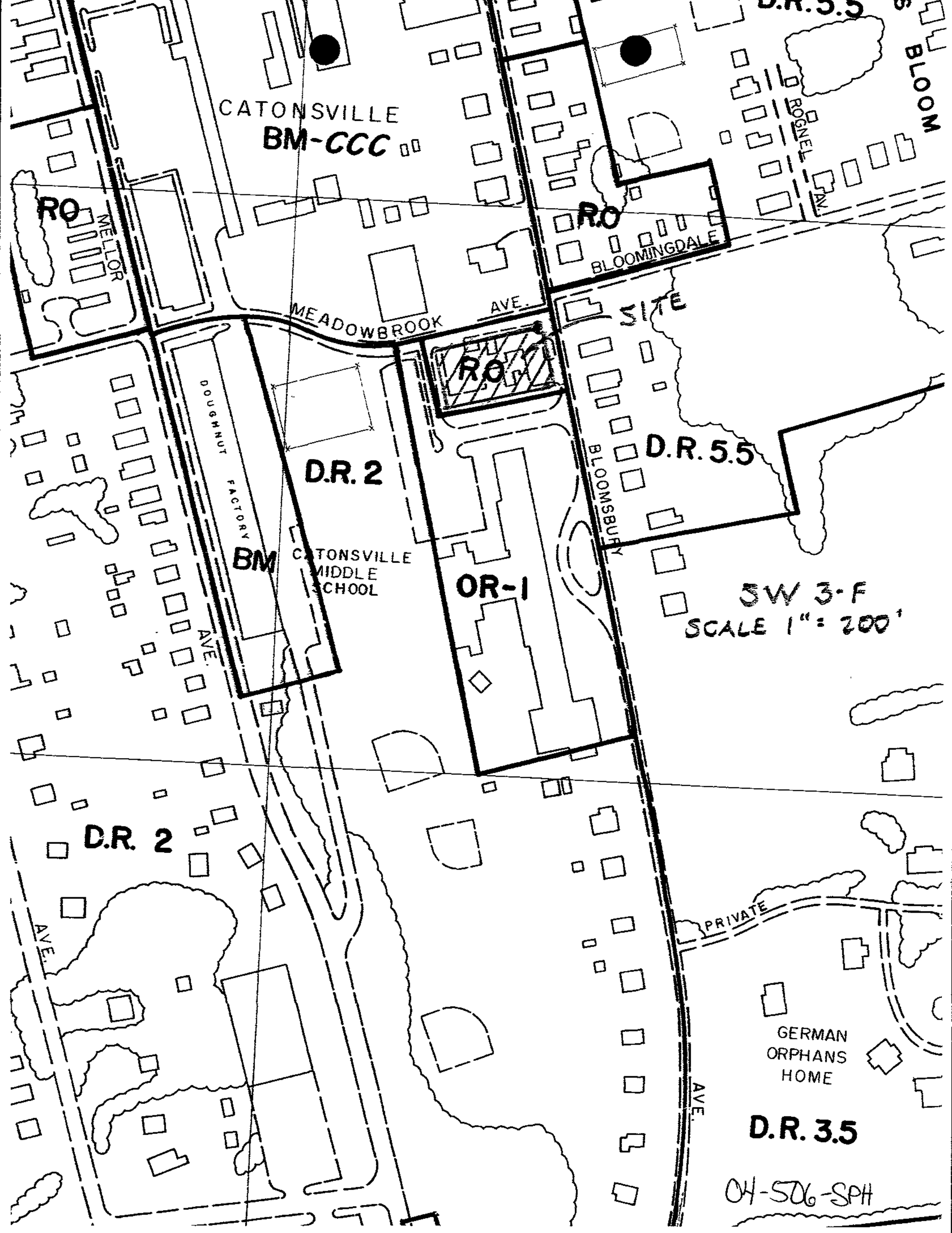
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Bob Infussi	P.O. Box 1043	Bel Air, Md 21014	—
John Gaino	1100 Masrouder Ave.	Catonsville, Md. 21228	
Bruce Henderson	31 Ballyhaunis Ct	Timonium Md 21093	
DAVID KARCESKI	210 ALLEGHENY AVENUE	TOWSON MD 21204	
ARNOLD JABLON			aejablon@venable.com
DAVID BILLINGSLEY	601 CHARLWOOD CT	EDGEWOOD, MD 21040	
Kent Knabb Esq	1108 Elm Rd	Arbutus, MD 21227	mkknabb@comcast.net

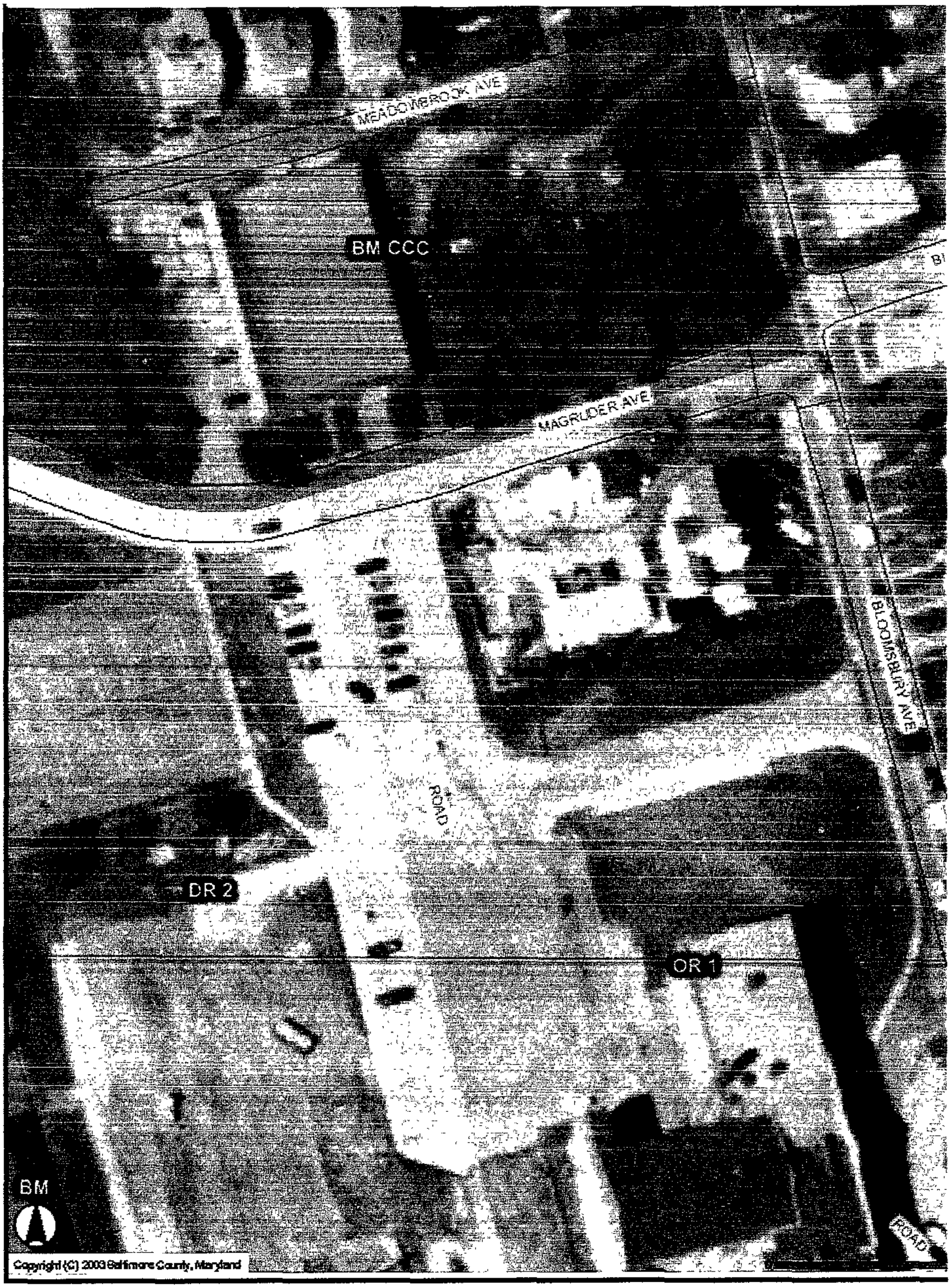
PLEASE PRINT CLEARLY

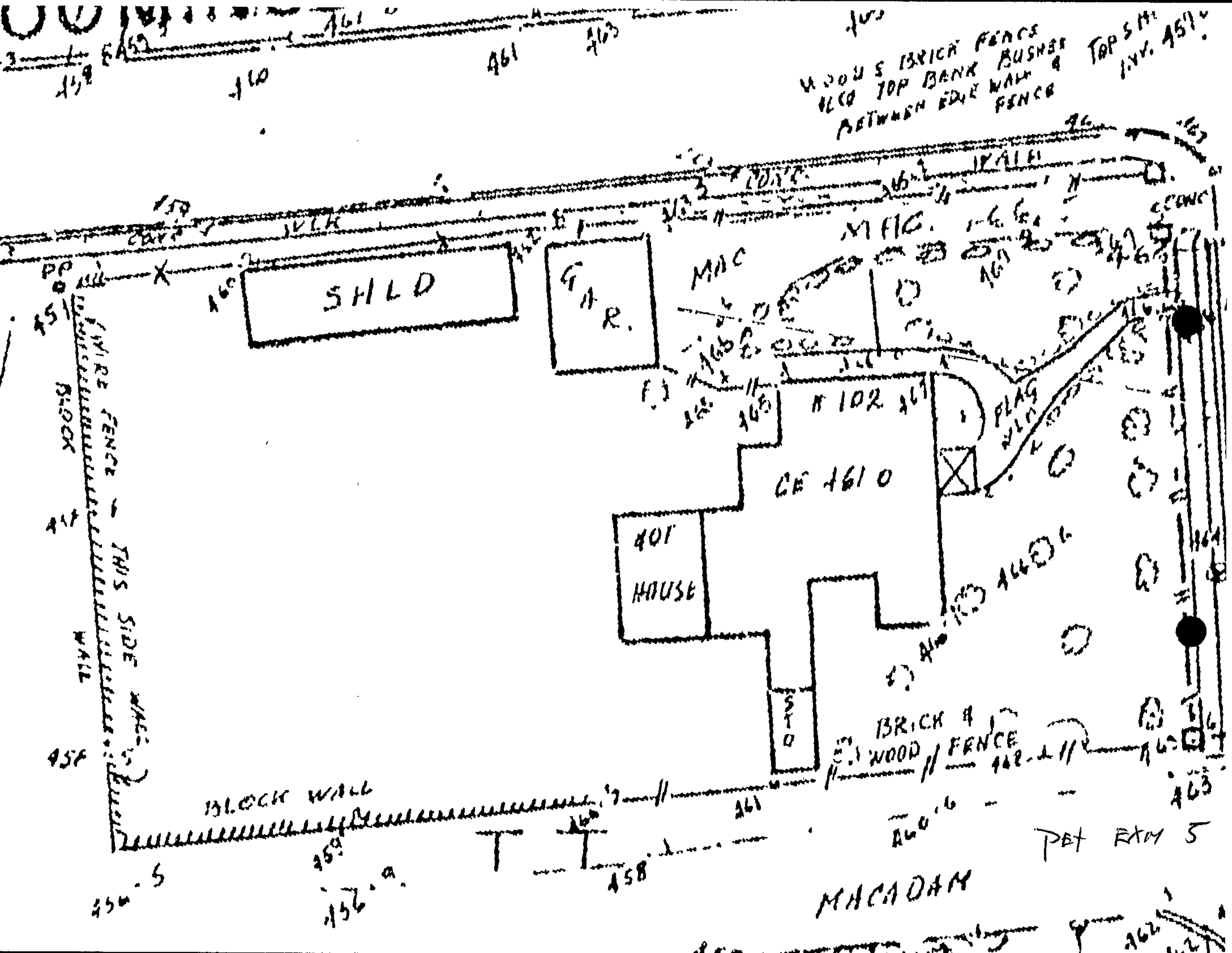
CASE NAME 04-506-SPH
CASE NUMBER 102 BLOOMSBURY AVE
DATE 7/8/04

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME	Dept Econ Develop ADDRESS	CITY, STATE, ZIP	E- MAIL
Pierre Macgill	400 Wash. Ave., ~~21204~~	Towson, MD 21204	pmacgill@co.ba.md.us


CATONSVILLE
BM-CCC
RO
MELLOR
MEADOWBROOK
AVE.
RO
D.R. 2
DOUGHNUT FACTORY
BM
CATONSVILLE MIDDLE SCHOOL
D.R. 2
AVE.
RO
BLOOMINGDALE
SITE
D.R. 5.5
BLOOMSBURY
OR-1
ROGNEL
AV.
BLOOM
SW 3-F
SCALE 1" = 200'
PRIVATE
AVE.
GERMAN ORPHANS HOME
D.R. 3.5
04-506-SPH


MEADOWBROOK AVE
BM CCC
MAGRUDER AVE
BLOOMSBURY AVE
ROAD
DR 2
OR 1
BM
ROAD
Copyright (C) 2003 Baltimore County, Maryland


WOOD & BRICK FENCE
ALCO TOP BANK BUSHES
BETWEEN EDGE WALK & FENCE
TOP S
INV. 451
SHLD
GAR.
MAC
MAC.
CONC
N 102
PLAG
CE 461 0
HOT HOUSE
STO
BRICK & WOOD FENCE
WIRE FENCE
BLOCK
THIS SIDE WALL
BLOCK WALL
PET EXM 5
MACADAM

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury as follows: That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto.

Affiant (handwritten signature)

Timothy C. Kraus
Affiant (printed name)

26 Old Granary Ct
address (printed) Balto, MD 21228

410-744-2233
telephone number

9/10/46
Date of Birth:

Pet Ex # 7

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. I verify by this affidavit and/or testify in court, if necessary, that I have personal knowledge about the property located at 102 Bloomsbury Ave., Baltimore, Maryland 21228. I can attest that there exists a 2 story building and frame garage constructed in their current locations on this property in or about 1910. In addition, I can attest that a one-story frame addition to the 2 story building and a one story stationary double wide trailer, both of which were used for office use, have existed on the property and used continuously without interruption since 1978. I have personal knowledge that this property has been used for office use continuously and without interruption. The period of time that I can verify the existence of these buildings and use is 1980

2. I further verify and testify, if necessary, that this property has been used by a plumbing contractor for offices continuously and without interruption since 1975

3. I gained this personal information as a result of Working There

STATE OF MARYLAND:

I HEREBY CERTIFY this 7 day of JULY, 2004, before me, a Notary public of the State of Maryland, in and for Baltimore City/County, personally appeared Timothy C KRAUS, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the maters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

As witness my hand and Notarial Seal.

Jacqueline J. Kelly
Notary Public

My commission expires.
5 12, 2007

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury as follows: That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto.

Stephen L. Lauer
Affiant (handwritten signature)

Stephen L. Lauer
Affiant (printed name)

2919 Normandy Dr. Ellicott City Md. 21043
address (printed)

410-465-8321
telephone number

Pet Ex #8

2-21-39
Date of Birth:

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. I verify by this affidavit and/or testify in court, if necessary, that I have personal knowledge about the property located at 102 Bloomsbury Ave., Baltimore, Maryland 21228. I can attest that there exists a 2 story building and frame garage constructed in their current locations on this property in or about 1910. In addition, I can attest that a one-story frame addition to the 2 story building and a one story stationary double wide trailer, both of which were used for office use, have existed on the property and used continuously without interruption since 1978. I have personal knowledge that this property has been used for office use continuously and without interruption. The period of time that I can verify the existence of these buildings and use is 1975

2. I further verify and testify, if necessary, that this property has been used by a plumbing contractor for offices continuously and without interruption since 1975..

3. I gained this personal information as a result of Worked in area

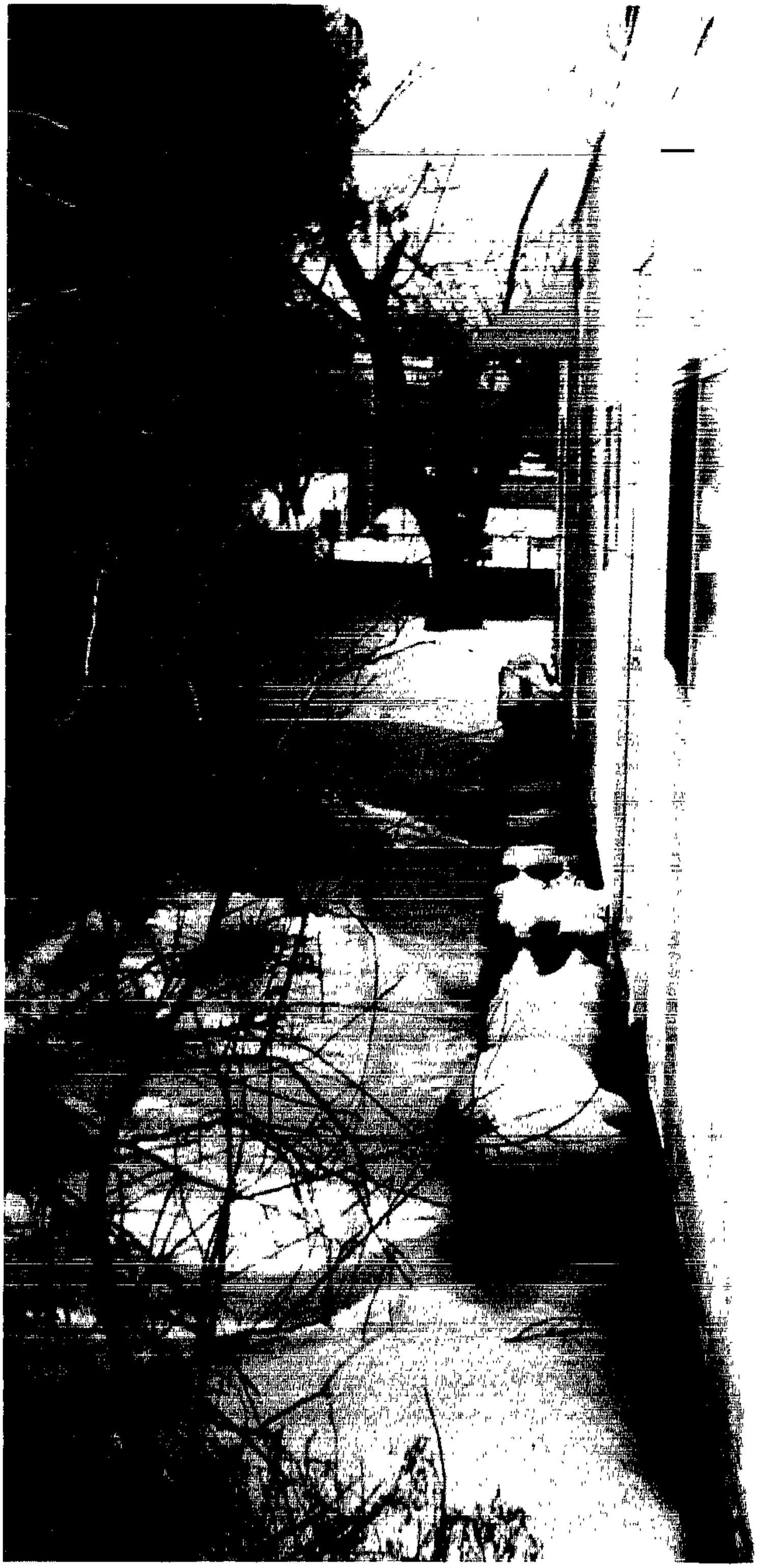
STATE OF MARYLAND:

I HEREBY CERTIFY this 7 day of July, 2004, before me, a Notary public of the State of Maryland, in and for Baltimore City/County, personally appeared STEPHEN L. LAUER, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the maters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

As witness my hand and Notarial Seal.

Jacqueline J. Kelly
Notary Public

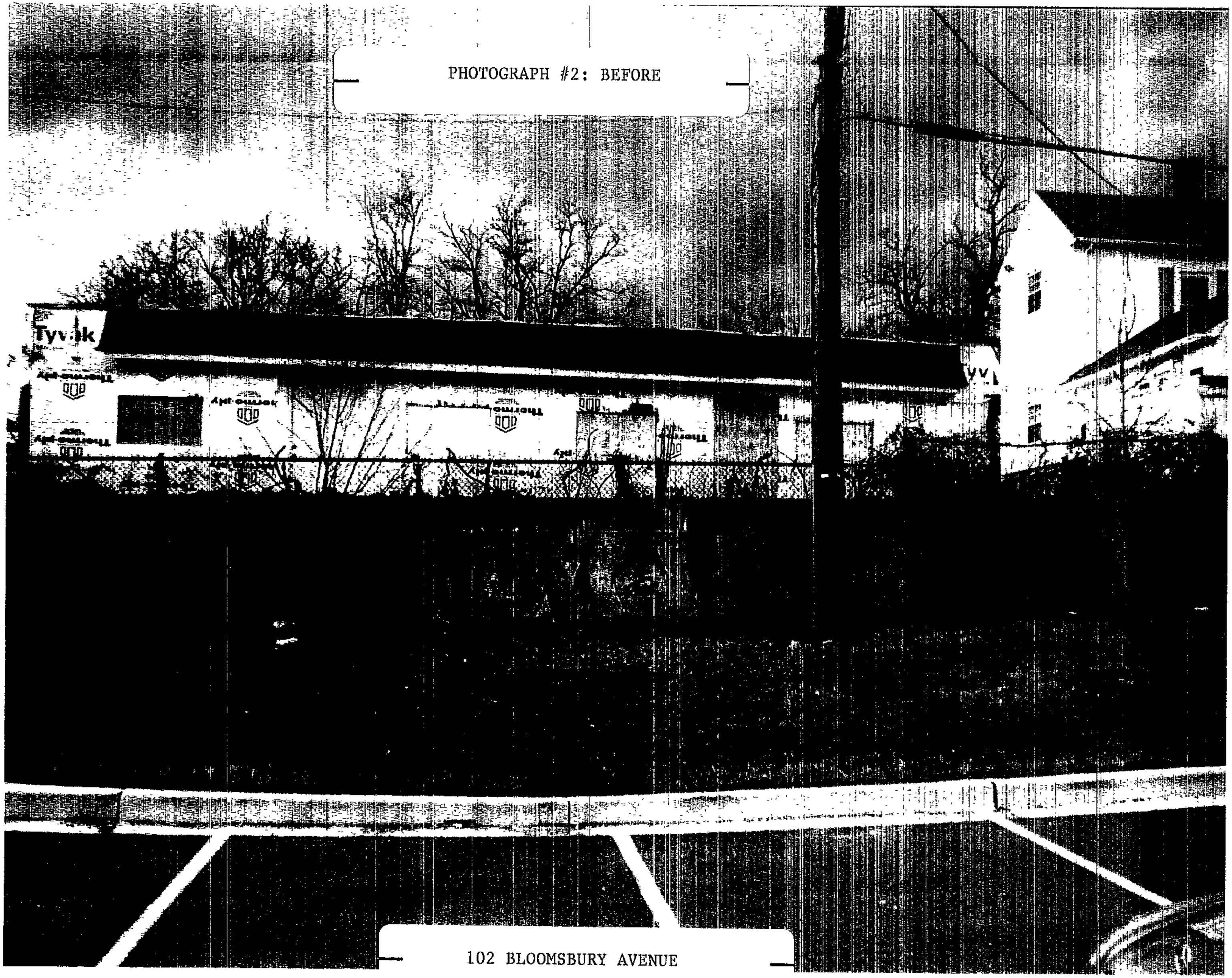
My commission expires.
5 12, 2007



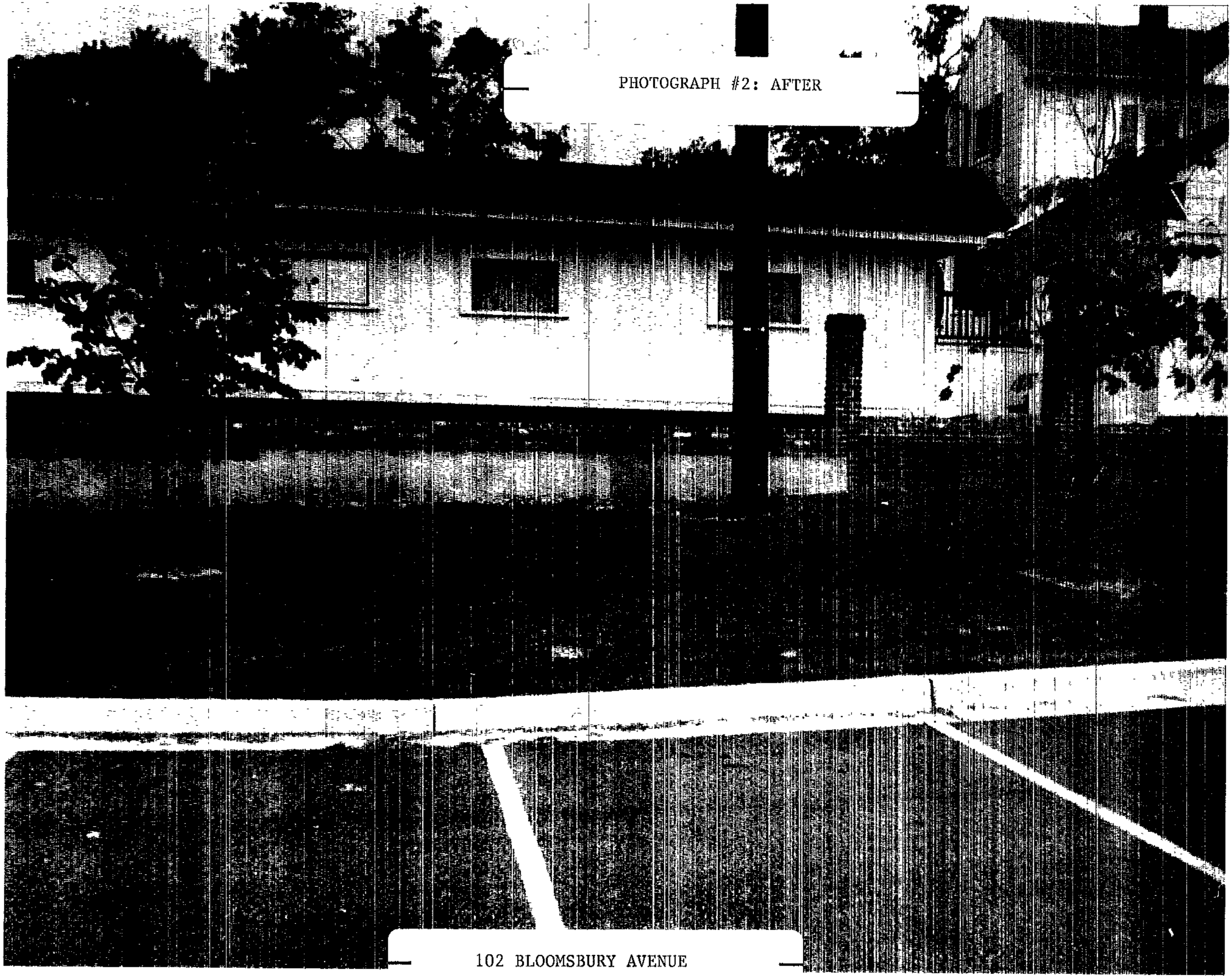
PHOTOGRAPH #1: BEFORE

PHOTOGRAPH #1: AFTER

PHOTOGRAPH #2: BEFORE

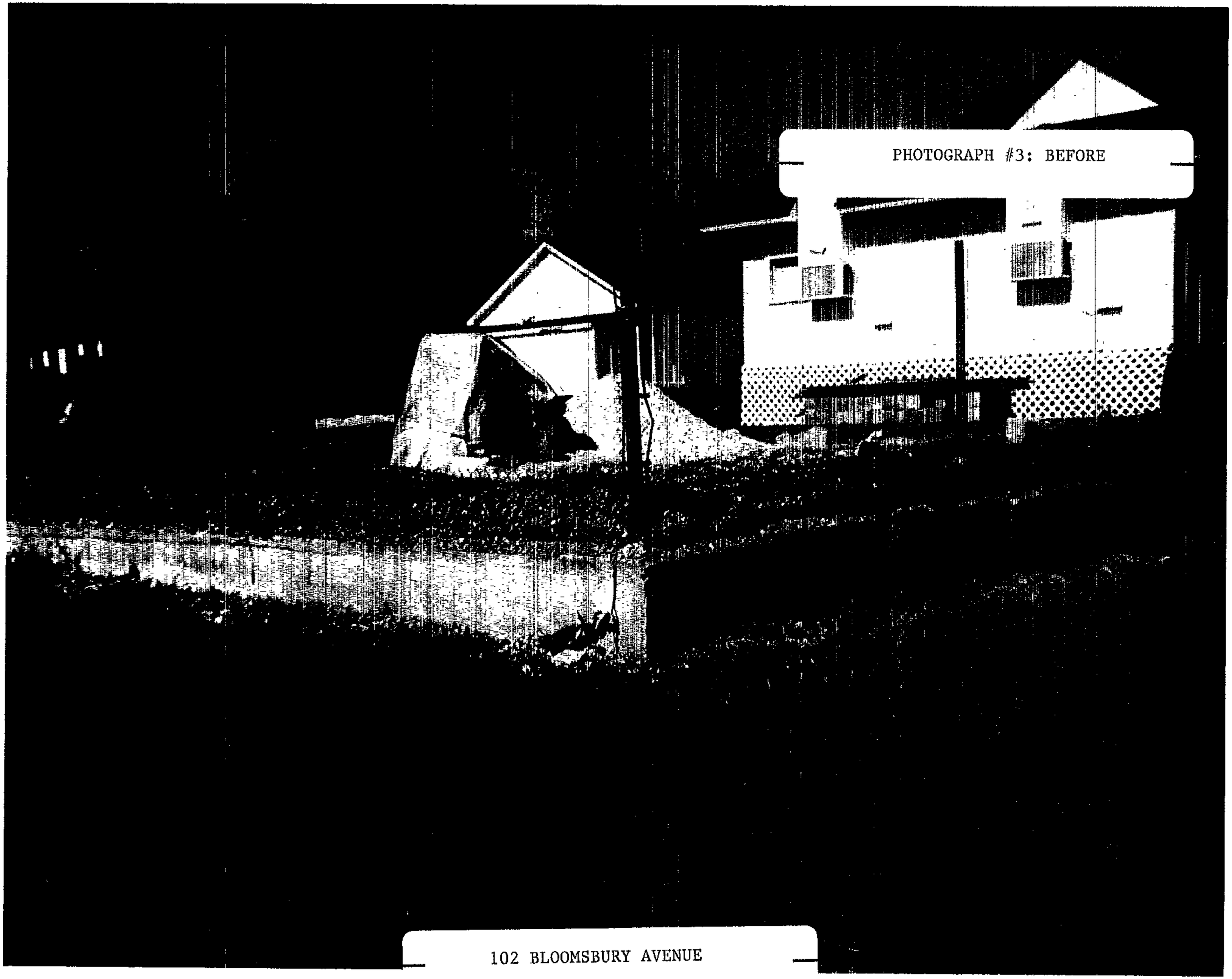


102 BLOOMSBURY AVENUE



PHOTOGRAPH #2: AFTER

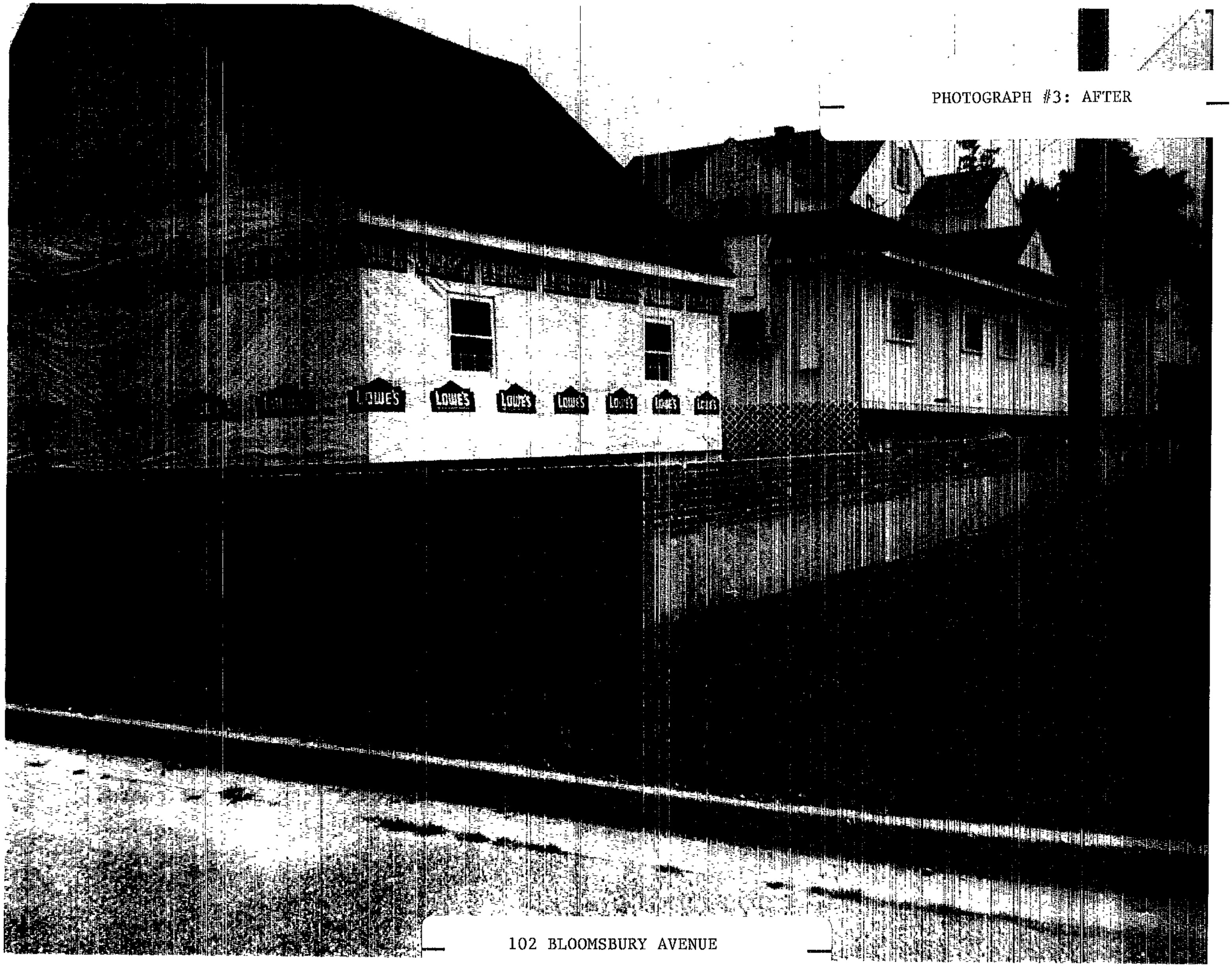
102 BLOOMSBURY AVENUE



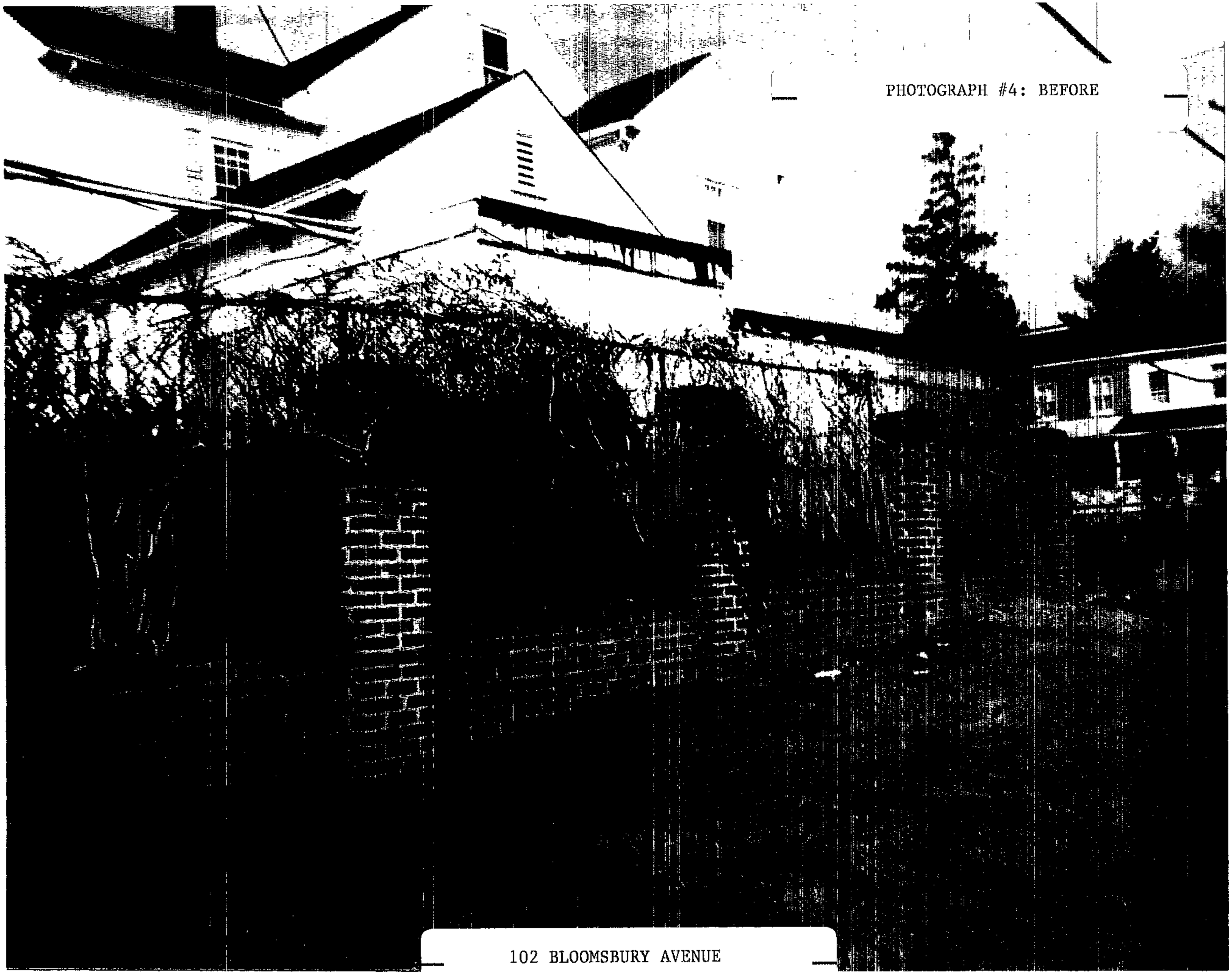
PHOTOGRAPH #3: BEFORE

102 BLOOMSBURY AVENUE

PHOTOGRAPH #3: AFTER

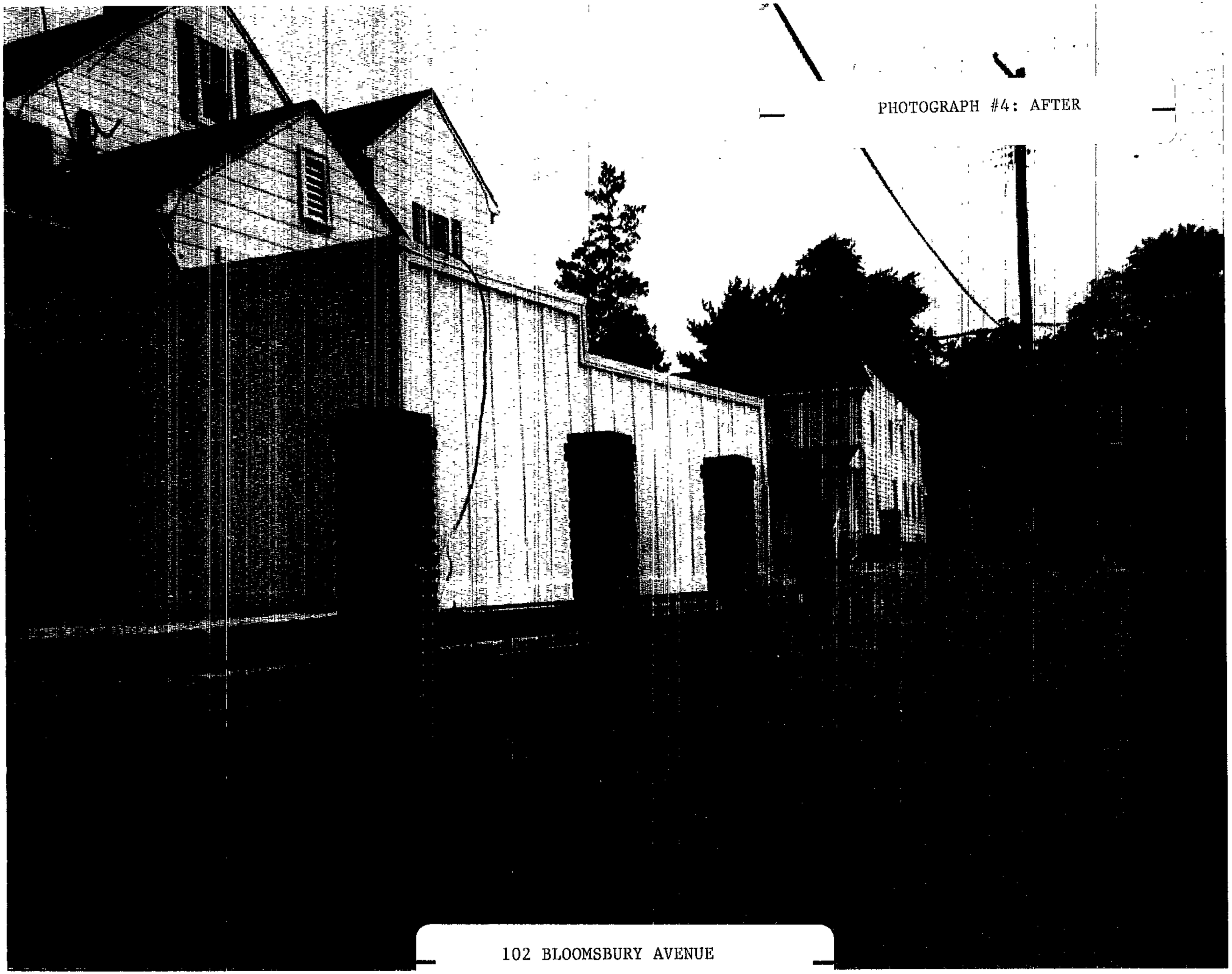


102 BLOOMSBURY AVENUE



PHOTOGRAPH #4: BEFORE

102 BLOOMSBURY AVENUE

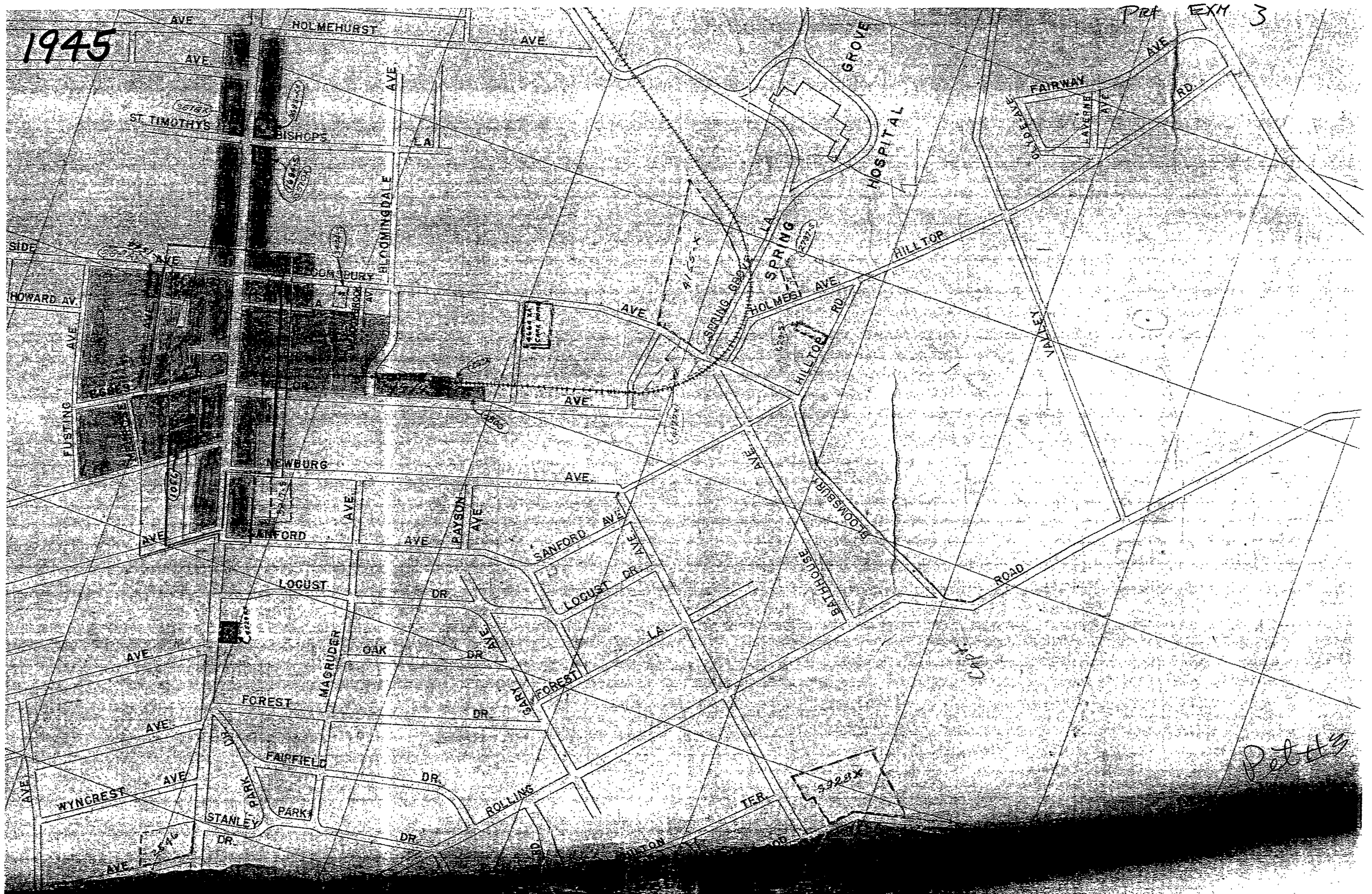


PHOTOGRAPH #4: AFTER

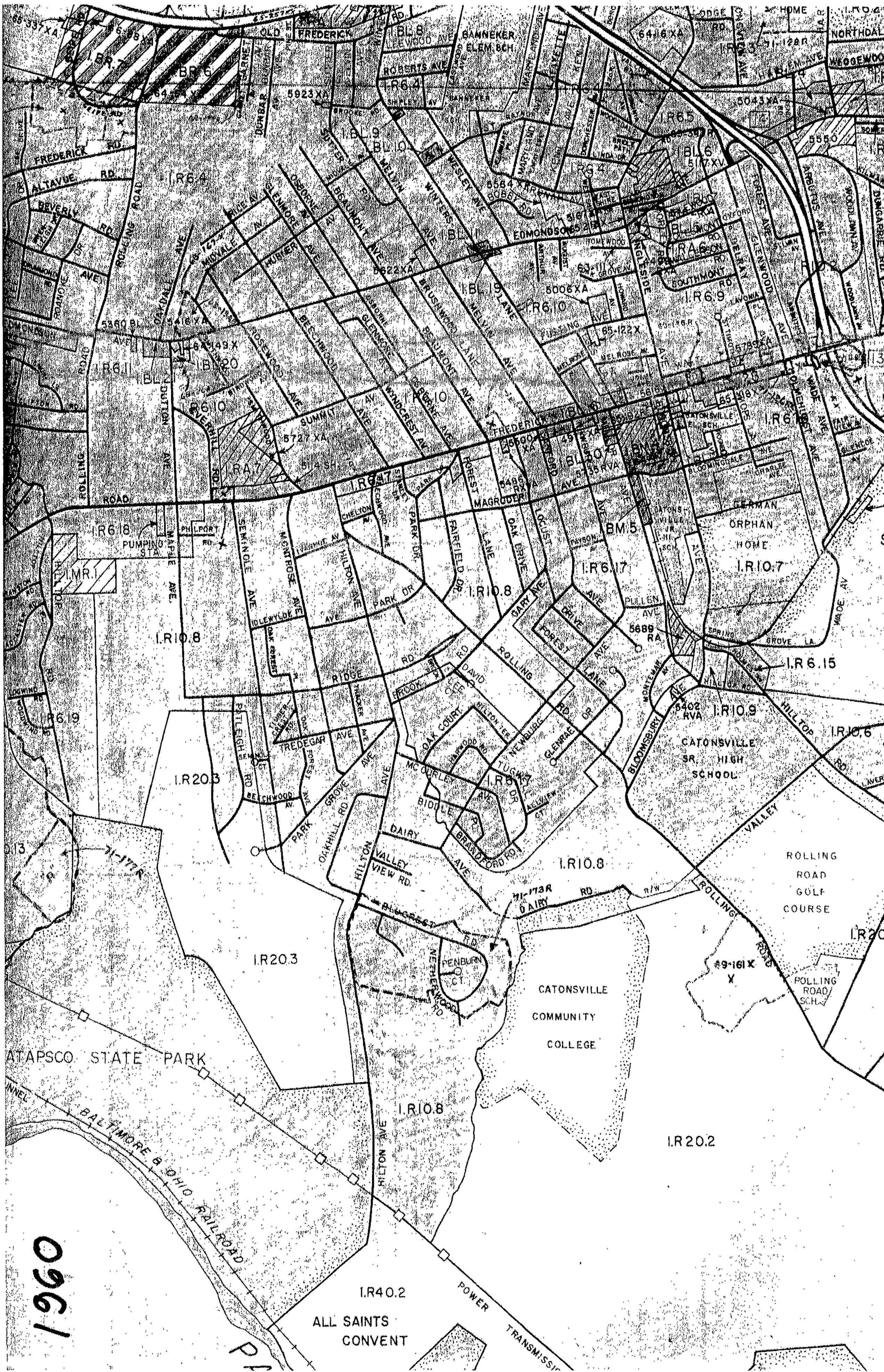
102 BLOOMSBURY AVENUE

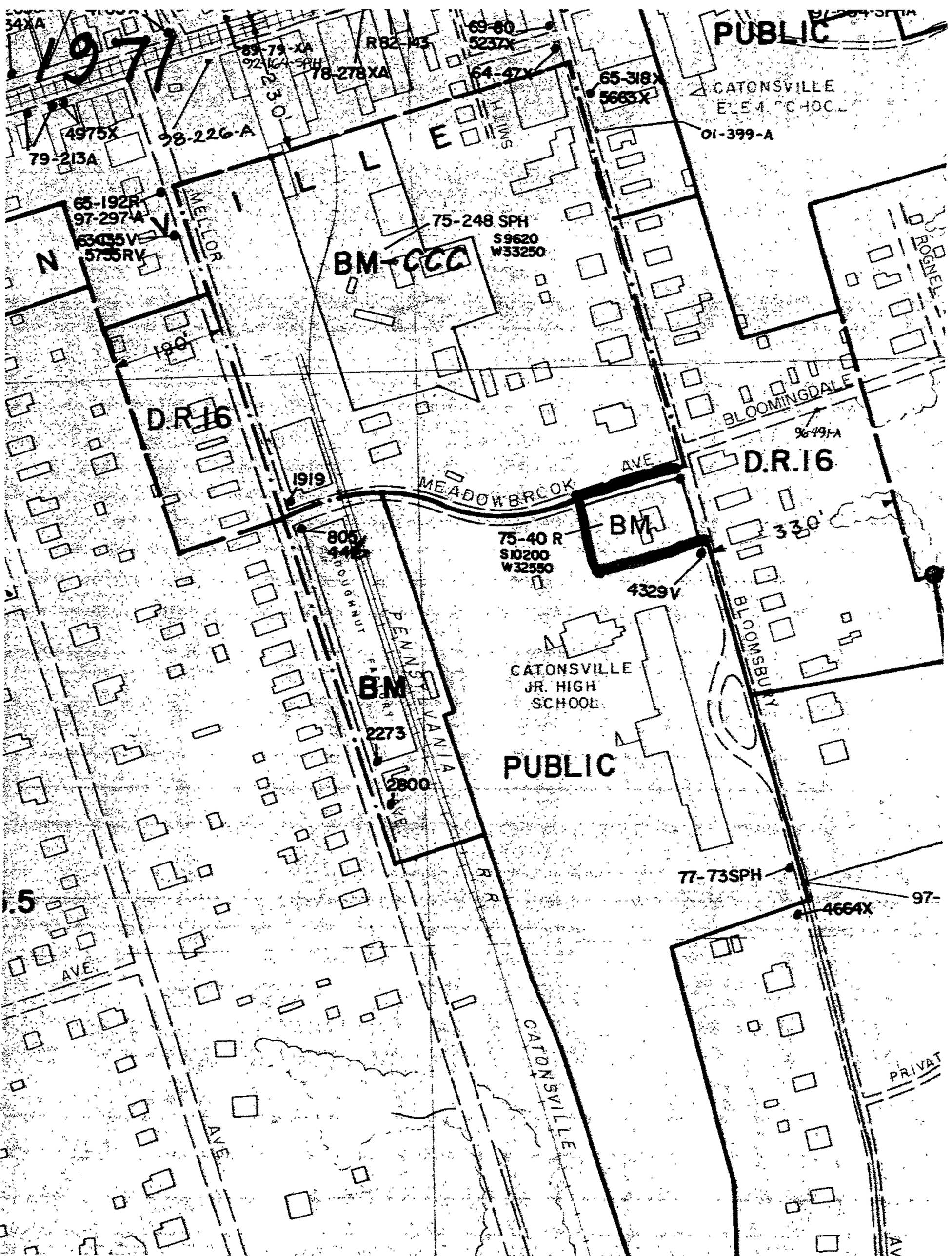
1945

PRA EXH 3



1955
B.M.
R.G.16
R.10.7
G.17
NEWBURG
BLOOMINGDALE
ROGNEL
LANE
AVE.
FAIR
CATONSVILLE
JR. HIGH
SCHOOL
RAYSON
AVE
POOL
ORCHARD
PRIVATE
ROAD
GERMAN
ORPHAN HOME
SPR
STAT


OLD FREDERICK RD.
FREDERICK RD.
ALTAVUE RD.
BEVERLY RD.
ROLLING ROAD
BANNEKER ELEM. SCH.
ROBERTS AVE
BANNEKER
BEAUMONT AVE
MELVIN AVE
WESLEY AVE
WINTERS LANE
EDMONDSON AVE
SOUTHMONT RD.
FOREST AVE
GLENWOOD
ARBUTUS AVE
WOODLAWN AVE
NORTHDALE
WEDGEWOOD RD.
SUMMIT AVE
WINDCREST AVE
FREDERICK RD.
MAGRODER
PARK DR.
FAIRFIELD DR.
OAK DRIVE
LOCUST
GARY AVE
PULLEN AVE
SPRING GROVE LA.
GERMAN ORPHAN HOME
CATONSVILLE JR. HIGH SCH.
CATONSVILLE SR. HIGH SCHOOL
BLOOMSBURY AVE
HILLTOP RD
VALLEY
ROLLING ROAD GOLF COURSE
ROLLING ROAD
POLLING ROAD SCH.
CATONSVILLE COMMUNITY COLLEGE
DAIRY RD.
VALLEY VIEW RD.
HILTON AVE
OAKHILL RD.
PARK GROVE AVE
TREDEGAR AVE
BEECHWOOD AV.
OAK COURT
MC CURLEY
BIDDLE
BRANDFORD RD.
NEWBURG RD.
GLENRAE DR.
PENBURN CT.
ATAPSCO STATE PARK
BALTIMORE & OHIO RAILROAD
POWER TRANSMISSION
ALL SAINTS CONVENT
I.R20.3
I.R10.8
I.R20.2
I.R40.2
I.R6.15
I.R10.9
I.R10.5
I.R6.17
I.R6.18
I.R6.19
I.R6.11
I.R6.10
I.R6.4
I.R6.7
I.R6.9
I.R10.7
I.MR.1
BM.5
BL.6
BL.9
BL.10
BL.11
BL.19
BL.20
BL.8
BR.6
BR.7
1960


1971
PUBLIC
CATONSVILLE
ELEM. SCHOOL
69-80
5237X
R82-143
89-79-XA
92-164-SPH
78-278XA
164-47X
65-318X
5663X
01-399-A
4975X
79-213A
98-226-A
65-192R
97-297-A
5755V
5755RV
MELLOR
75-248 SPH
S9620
W33250
BM-CCC
D.R.16
BLOOMINGDALE
96-491-A
D.R.16
1919
MEADOWBROOK
AVE
805
75-40 R
S10200
W32550
BM
330'
4329V
CATONSVILLE
JR. HIGH
SCHOOL
BM
2273
2800
PENNSYLVANIA
PUBLIC
77-73SPH
4664X
97-
CATONSVILLE
PRIVAT
AVE
AVE

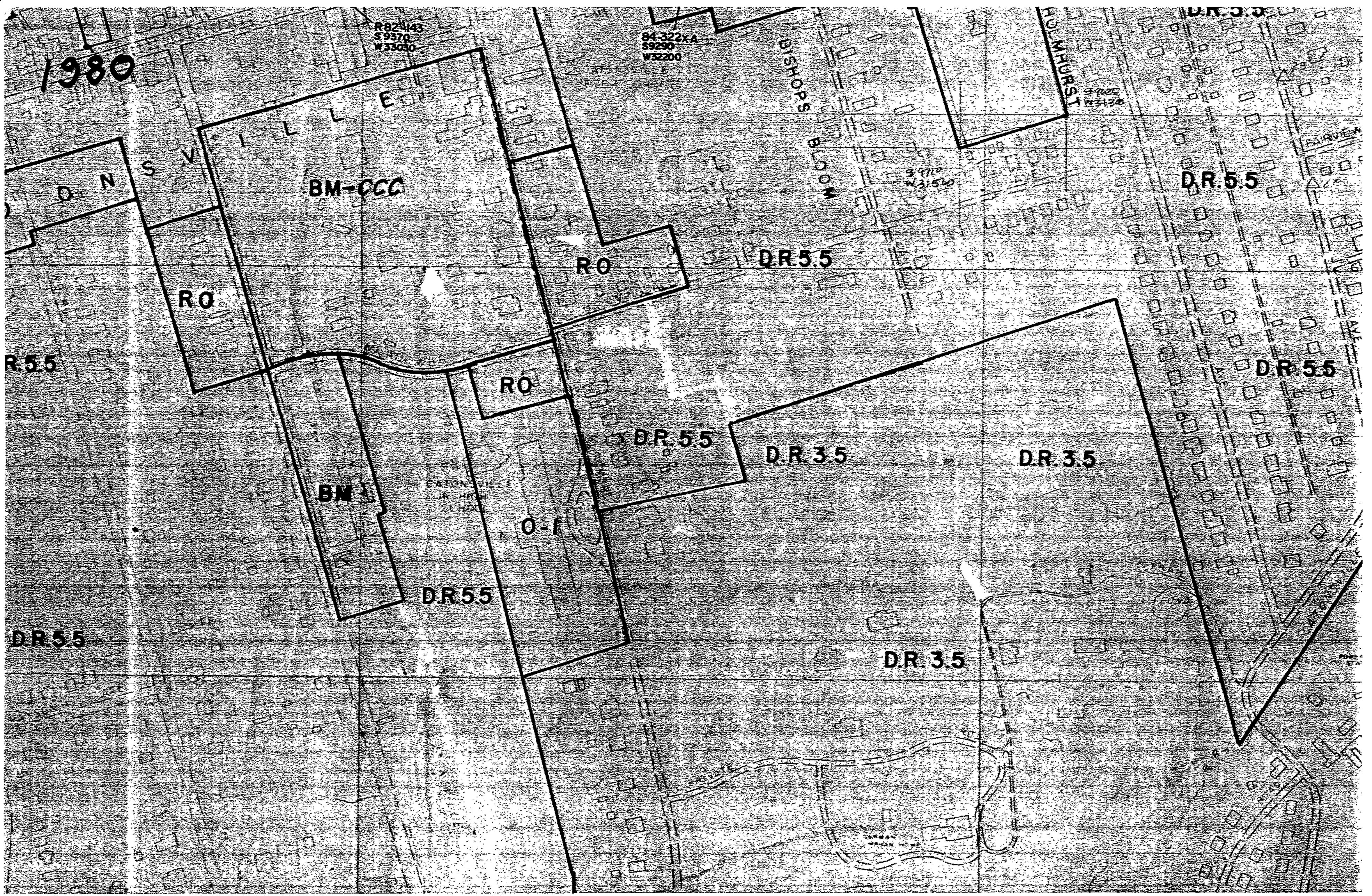
1976

(SHEET 2B)

BR-CSA G BR-CCC

F DR16 BL-CNS DR16

DR 5.5 DR 5.5 DR 16 DR 5.5 DR 5.5 DR 10.5 DR 16 DR 5.5 DR 5.5 DR 5.5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R82-143
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W33030
84-322XA
S9290
W32200
BISHOPS
BLOOM
HOLMHURST
S9025
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W3150
D.R.5.5
D.R.5.5
D.R.5.5
D.R.5.5
D.R.5.5
D.R.5.5
D.R.5.5
D.R.5.5
D.R.3.5
D.R.3.5
D.R.3.5
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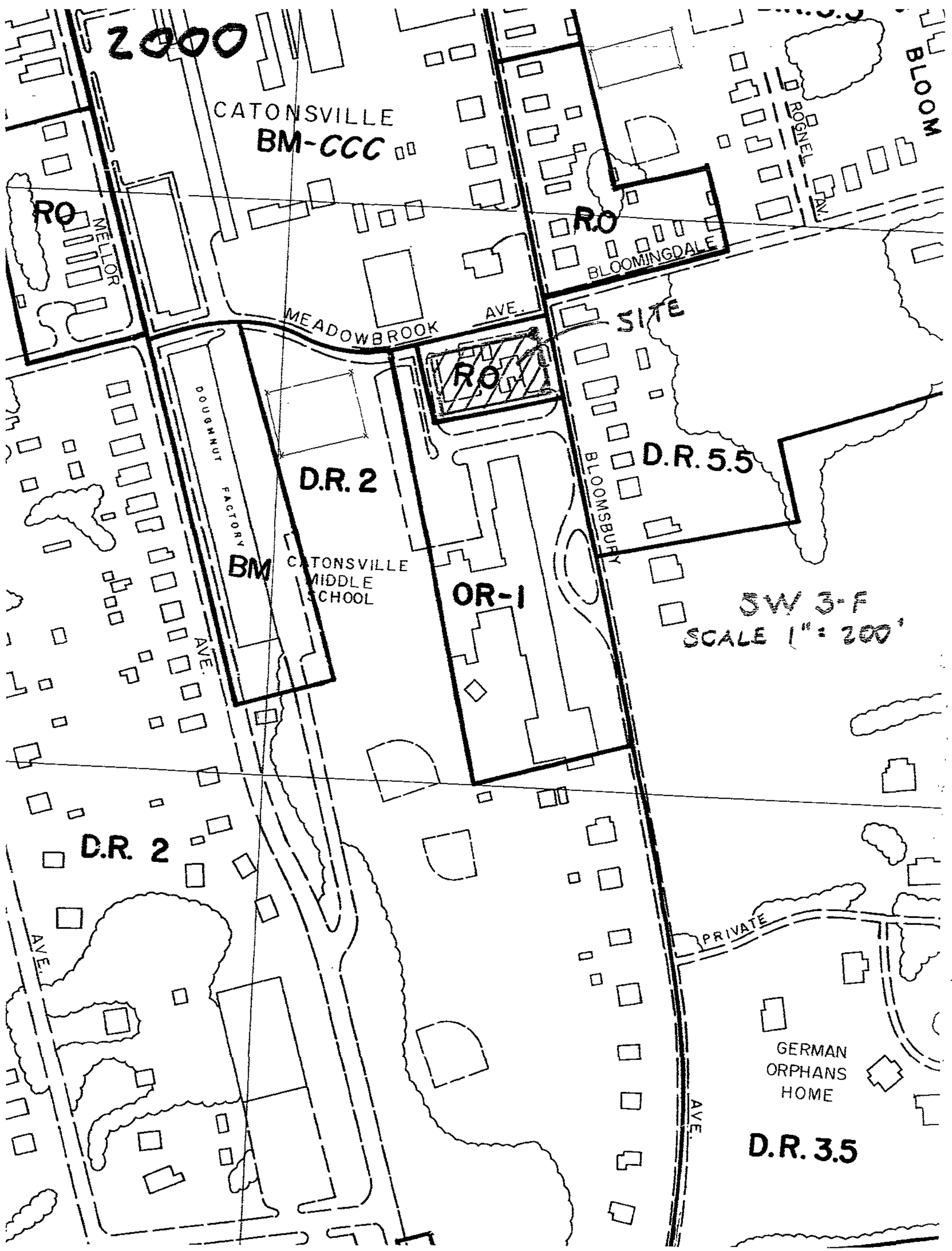
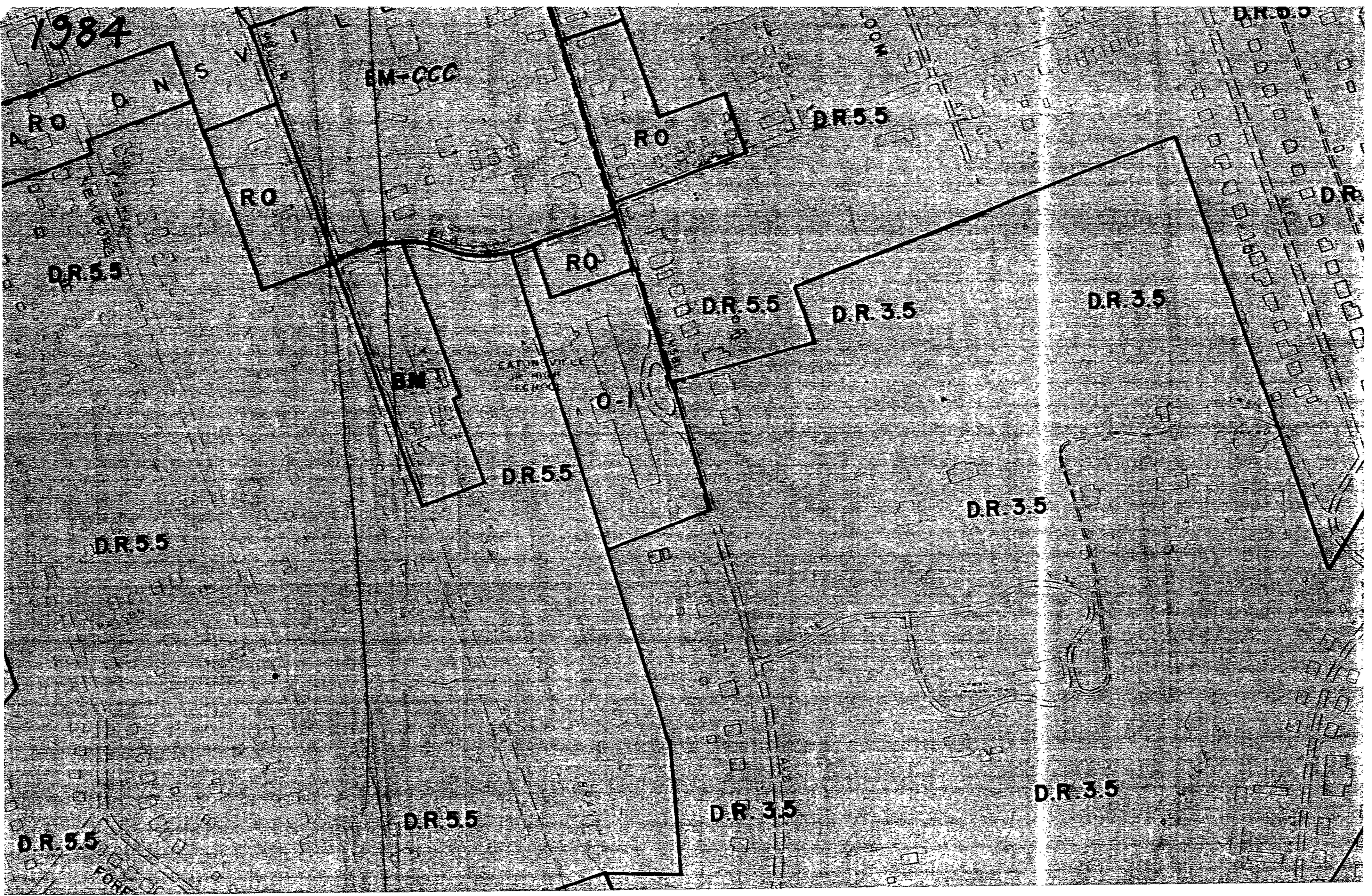
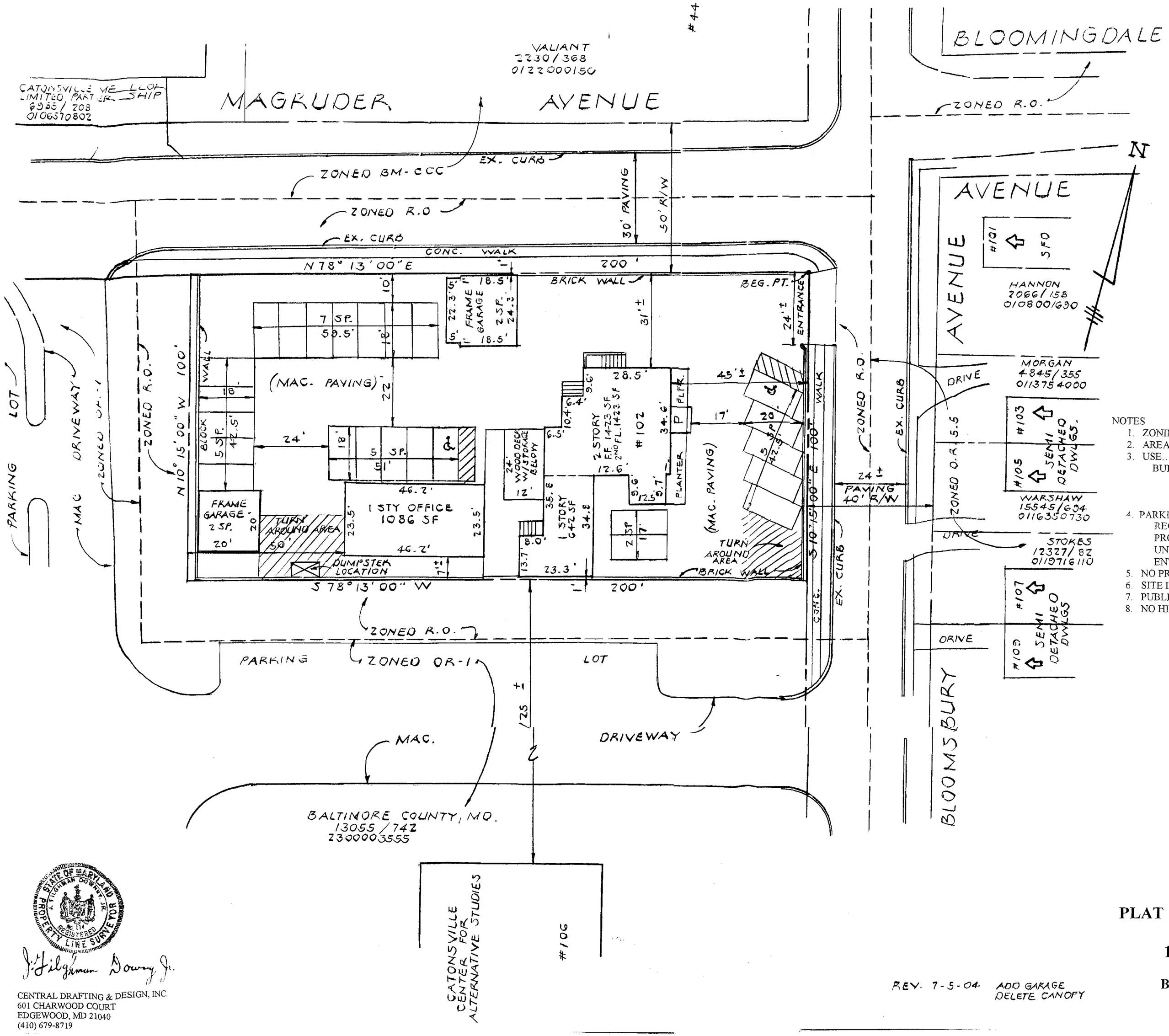
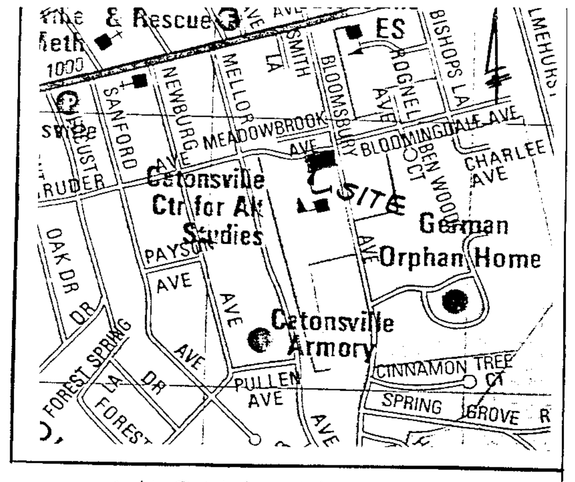
BM-CCC
RO
RO
RO
BM
O-1
CATONSVILLE
JR. HIGH
SCHOOL
FAIRVIEW
AVE


2000
CATONSVILLE
BM-CCC
RO
MELLOR
RO
BLOOMINGDALE
ROGNEL
AV.
BLOOM
MEADOWBROOK
AVE.
SITE
RO
DOUGHNUT FACTORY
D.R. 2
D.R. 5.5
BLOOMSBURY
BM
CATONSVILLE MIDDLE SCHOOL
OR-1
SW 3-F
SCALE 1" = 200'
AVE.
D.R. 2
AVE.
PRIVATE
GERMAN ORPHANS HOME
AVE.
D.R. 3.5

1984


RO
D
N
S
V
A
BM-CCC
RO
RO
D.R.5.5
RO
D.R.5.5
D.R.5.5
D.R.3.5
D.R.3.5
D.R.
BM
CATONSVILLE JR. HIGH SCHOOL
O-1
D.R.5.5
D.R.3.5
D.R.5.5
D.R.5.5
D.R.3.5
D.R.3.5
D.R.5.5
D.R.5.5
D.R.3.5





VICINITY MAP
SCALE: 1" = 1000'

NOTES

1. ZONING.....R.O. (SW 3-F)
2. AREA OF SITE.....20,000 S.F. OR 0.459 AC.
3. USE.....CLASS A OFFICE BUILDING (GENERAL OFFICE USE)
   BUILDING AREA.....FIRST FLOOR = 3151 S.F.
   SECOND FLOOR = 1423 S.F.
   TOTAL FLOOR AREA = 4574 S.F.
   F.A.R. = 0.23
4. PARKING DATA
   REQUIRED.....4574 S.F. @ 3.3 SP. / 1000 S.F. = 16 SPACES
   PROVIDED.....28 SPACES INCLUDING 4 SPACES IN GARAGE
   UNLESS OTHERWISE SHOWN ALL SPACES ARE 8.5 X 18.
   ENTIRE LOT IS PAVED.
5. NO PREVIOUS ZONING HISTORY KNOWN
6. SITE IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN
7. PUBLIC WATER AND SEWER EXIST
8. NO HISTORIC STRUCTURES EXIST

Prt Exh 2

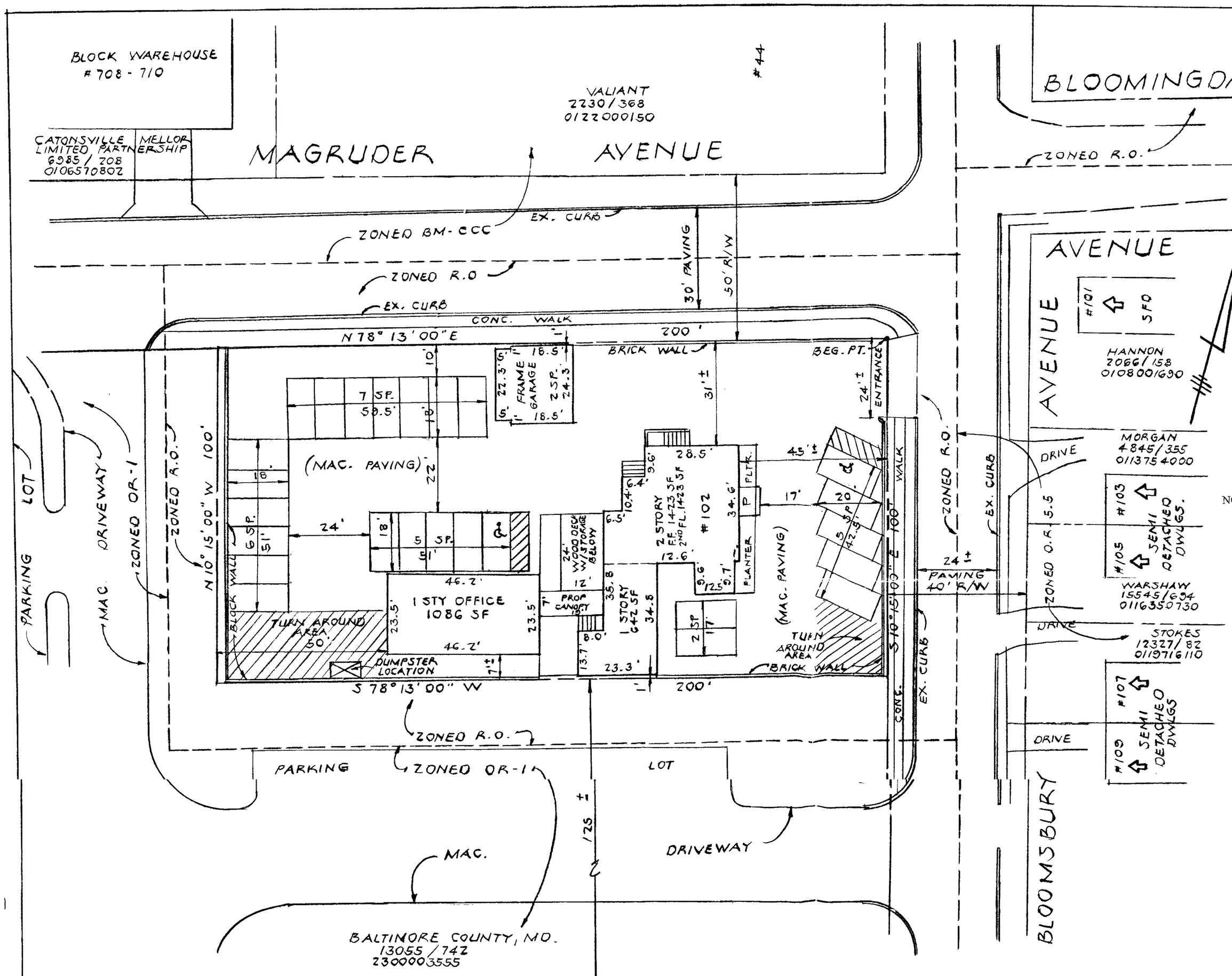
STATE OF MARYLAND
J. FILGHMAN DOWNEY, JR.
No. 114
REGISTERED
PROPERTY LINE SURVEYOR

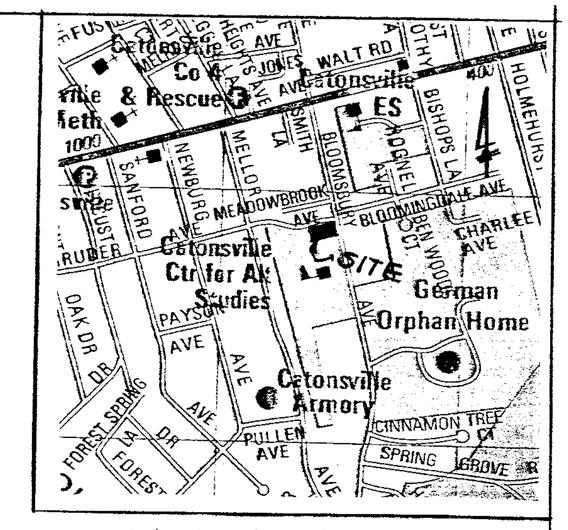
J. Filghman Downey Jr.

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

REV. 7-5-04 ADD GARAGE
DELETE CANOPY

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
102 BLOOMSBURY AVENUE
ELECTION DISTRICT 1,C1
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 20 FEET
APRIL 26, 2004





VICINITY MAP
SCALE : 1" = 1000'

NOTES

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   ENTIRE LOT IS PAVED.
5. NO PREVIOUS ZONING HISTORY KNOWN
6. SITE IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN
7. PUBLIC WATER AND SEWER EXIST
8. NO HISTORIC STRUCTURES EXIST

STATE OF MARYLAND
J. GILGHMAN DOWNEY, JR.
No. 714
REGISTERED PROPERTY LINE SURVEYOR

J. Gilghman Downey Jr.

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
102 BLOOMSBURY AVENUE
ELECTION DISTRICT 1,C1
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 20 FEET
APRIL 26, 2004

04-506-SPH