

IN RE: PETITION FOR SPECIAL HEARING
N/S of E. Joppa Road, 315 ft. SW
centerline of Eddington Road
9th Election District
5th Councilmanic District
(1750 E. Joppa Road)

Ronnal and Helen Simpson, Legal Owners
and
Richard W. Byrd, Lessee
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-417-SPH

* * * * *

ORDER OF DISMISSAL

This matter came before this Deputy Zoning Commissioner on a Petition for Special Hearing filed by the legal owners of the subject property, Ronnal & Helen Simpson and Richard W. Byrd, lessee. The Petitioners requested special hearing relief for property located at 1750 E. Joppa Road in Baltimore County. The special hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a pre-existing nonconforming use of a commercial storage building of 45 ft. long x 21 ft. wide and existing commercial parking in a D.R. 5.5 zone.

WHEREAS, a hearing was held in this matter on April 11, 2005.

WHEREAS, a representative for the Petitioners, Vince Moskunas, notified this office in a letter dated June 28, 2005 that the Petitioners' request was now moot and that the case should be dismissed.

IT IS THEREFORE, ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 14 day of July, 2005, that the hereinabove Petition for Special Hearing having been withdrawn, be and is hereby DISMISSED, without prejudice.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

RECEIVED FOR FILING
7/14/05
JVM

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
William J. Wiseman III, Zoning Commissioner

July ¹⁴/₁₃, 2005

Helen & Ronnal Simpson
c/o Richard Byrd
1750 E. Joppa Road
Baltimore, Maryland 21234

Re: Petitions for Special Hearing & Special Exception
Case No. 05-417-SPH
Property: 1750 E. Joppa Road

Dear Ms. & Mrs. Simpson:

Enclosed herewith is a copy of an Order of Dismissal regarding the above-captioned case. The matter has been withdrawn and dismissed, without prejudice.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: R. M. Atkins, Esq., 410 Delaware Ave., Towson, MD 21286
Vince Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson, MD 21286
Richard Byrd, 2312 Wilker Ave., Baltimore, MD 21234
Donna Spicer, 8719 Eddington Rd., Baltimore, MD 21234

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at #1750 E. Joppa Road
which is presently zoned BLR/D.R.5.5

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

*A Pre-Existing Now-
CONFORMING USE OF A COMMERCIAL STORAGE BLDG. OF 45 FT
LONG X 21 FT. WIDE, AND EXISTING COMMERCIAL PARKING
IN A D.R. 5.5 ZONE*

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:

RICHARD W. BYRD
Name - Type or Print
Richard W Byrd
Signature
2312 WILKEN AVE 443-2507202
Address Telephone No.
Balti MD 21234
City State Zip Code

Attorney For Petitioner:

RAYMOND M. ATKINS, Jr
Name - Type or Print
RMA
Signature
RAYMOND M. ATKINS JR.
Company Attorney at Law
410 Delaware Ave.
Address
Towson, MD 21286
City State Zip Code
410-321-7117
Telephone No.

Legal Owner(s):

Ronnal Simpson
Name - Type or Print
[Signature]
Signature
Helen Simpson
Name - Type or Print
Helen Simpson
Signature
c/o Richard Byrd
1750 E. Joppa Rd 443-250-7202
Address Telephone No.
Baltimore MD 21234
City State Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.
Name
200 E Joppa Road
Room 101
Address
410 - 828-9060
Telephone No.
Towson MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 02-17-05

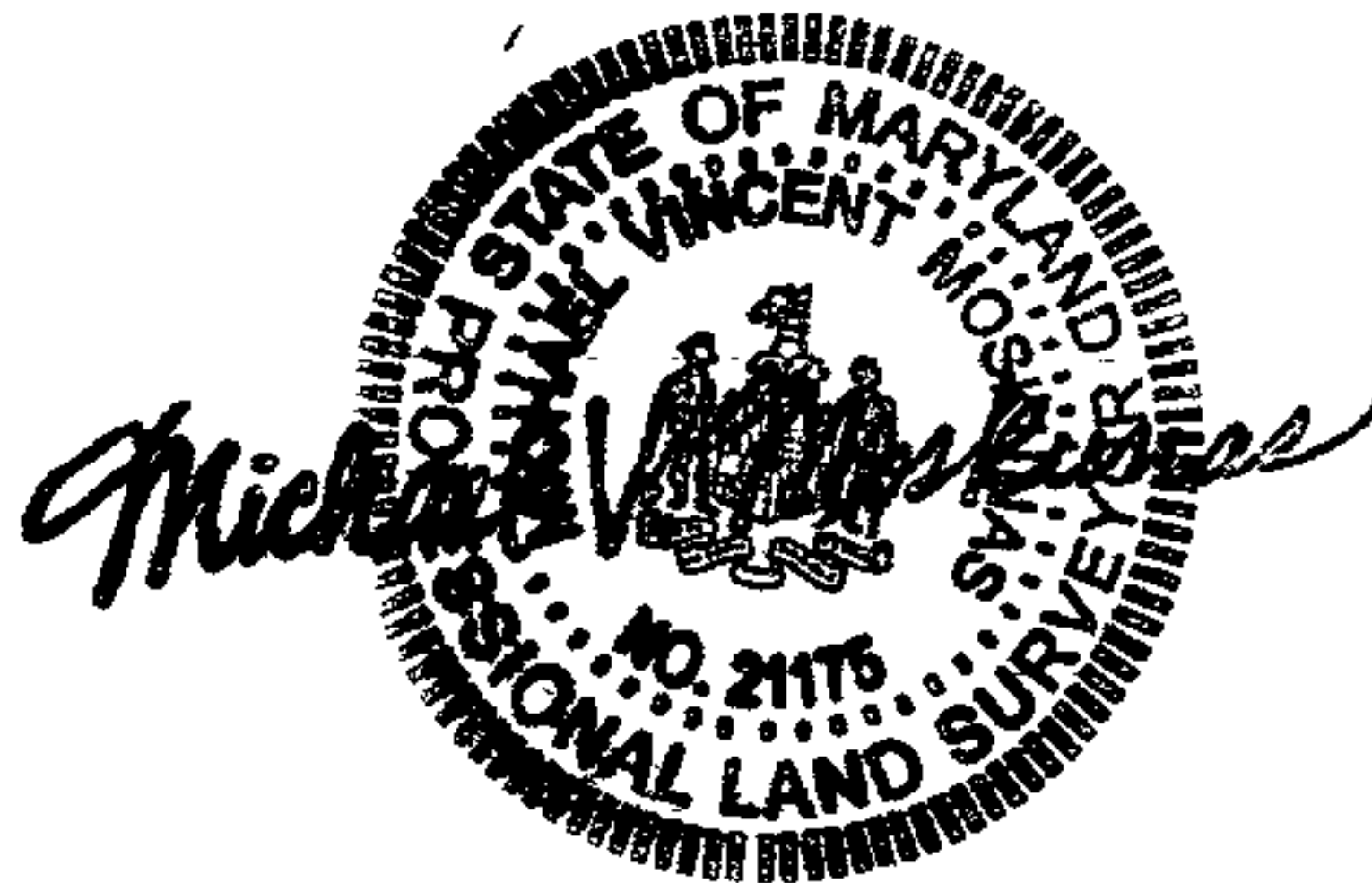
Case No. OS-417-SP4

ZONING DESCRIPTION
#1750 E. JOPPA ROAD

BEGINNING at a point on the north side of East Joppa Road which is 70 feet wide at a distance of 315 feet southwest of Eddington Road which is 30 feet wide. Thence the following courses and distances:

Thence running S85°16'W, 193' 3"; thence N1°16'E, 65'; thence N6°55'07"W, 210.77'; S78°39'43"W, 359.50'; thence N5°35'07"W, 20.20'; thence N78°39'43"E, 200.00'; thence N4°35'07"W, 120.00'; thence S78°39'43"W, 207.19'; thence N5°35'07"W, 6.50'; thence N14°45'20"E, 36.62'; thence N31°09'53"E, 37.49'; thence N50°16'53"E, 36.49'; thence N75°21'51"E, 605.78'; thence S9°40'E, 451.72'; thence S75°47'W, 150.41'; thence S7°23'E, 93.65' to the POINT OF BEGINNING, containing 4.834 acres, more or less.

Also known as #1750 E. Joppa Road and located in the 9th Election District and 5th Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

OS-417-SPA

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

NO LEFT OVER

ACCOUNTING

RCF-6150

Amount

100

ANALYST: 1711-7

SECRET

PINK - AGENCY

YELLOW • CUSTOMER

17

THE UNIVERSITY OF CHICAGO

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RESEARCH

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CASHIER'S VALIDATION

NOTICE OF ZONING

HEARINGS

The Zoning Commission 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: #05-417-SPH

1750 E. Joppa Road

N. side of Joppa Road, 315

feet west of Cadogan Road

9th Election District

5th Councilmanic District

Legal Owner(s): Ronald &

Helen Simpson

Contract Purchaser:

Richard Byrd

Special Hearing: to permit

a pre-existing non-

conforming use of a com-

mercial storage building, of

45 feet long by 21 feet wide

and existing commercial

parking in a D.R. 5.5 zone.

Hearing: Monday, April

11, 2005 at 9:00 a.m. in

Room 407, County Courts

Building, 401 Besley Ave-

nue, Towson 21204.

WILLIAM WISEMAN

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are

Handicapped Accessible;

for special accommoda-

tions Please Contact the

Zoning Commissioner's Of-

fice at (410) 887-4386.

(2) For information con-

cerning the file and/or

Hearing, Contact the Zon-

ing Review Office at (410)

887-3391.

3/318 Mar. 24 43804

CERTIFICATE OF PUBLICATION

3/24/2005

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 3/24/2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE:Case No. USE PERMITPetitioner/Developer: RICHARDBYEDDate of Closing/Hearing: 4/8/05

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

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 1750 E. FOLLA ROAD

This sign(s) were posted on May 23, 2005
Month, Day, Year

Sincerely,

Martin Ogle 5/23/05
Sign Poster and Date
Martin Ogle
5016 Castlestone Drive
Baltimore Maryland 21237
(443-629-3411)

[illegible]

Master of May 23, 2005

140055 AVENUE
TOWSON, MD 21204

DATE AND TIME MONDAY, APRIL 12, 2005
AT 9:00 AM

REQUEST SPECIAL HEARING TO PERMIT A
PRE-EXISTING NON-CONFORMING USE OF A COMMERCIAL
STORAGE BUILDING OF 45 FEET LONG BY 21 FEET
WIDE AND EXISTING COMMERCIAL PARKING IN A
D.R. 5.5 ZONE

CERTIFICATE OF POSTING

RE: Case No.: 05-417-SPH

Petitioner/Developer: RICHARD BYRD

Date of Hearing/ Closing: APRIL 11, 2005

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

Attention: Becky Hart

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 #1750 E. JOPPA ROAD

The sign(s) were posted on MARCH 25, 2005
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BAUTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

ZONING NOTICE

CASE # 05-417-SP4

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

ROOM 407, COUNTY COURTS BUILDING
401 BOSLEY AVENUE

PLACE TOWSON MD 21204

DATE AND TIME MONDAY APRIL 25, 2005 9:00AM

REQUEST SPECIAL LEARN (TO DETERMINE)

PRE-EXISTING NON-CONFORMING USE OF A COMMERCIAL

STORAGE BUILDING OF 45 FEET LONG BY 2 FEET

DEEPLY COMMERCIAL PARKING

OR SEIZURE

MAR 28 2005



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

March 7, 2005

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: 05-417-SPH

1750 E. Joppa Road
N/side of Joppa Road, 315 feet s/west of Eddington Road
9th Election District – 5th Councilmanic District
Legal Owners: Ronnal & Helen Simpson
Contract Purchaser: Richard Byrd

Special Hearing to permit a pre-existing non-conforming use of a commercial storage building, of 45 feet long by 21 feet wide and existing commercial parking in a D.R. 5.5 zone.

Hearing: Monday, April 11, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Raymond Atkins, Jr., 410 Delaware Avenue, Towson 21286
Ronnal & Helen Simpson, c/o Richard Byrd, 1750 E. Joppa Rd., Baltimore 21234
Richard Byrd, 2312 Wilker Avenue, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 26, 2005.**
- (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
Thursday, March 24, 2005 Issue - Jeffersonian

Please forward billing to:
Richard Byrd
2312 Wilker Avenue
Baltimore, MD 21234

443-250-7202

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: 05-417-SPH

1750 E. Joppa Road

N/side of Joppa Road, 315 feet s/west of Eddington Road

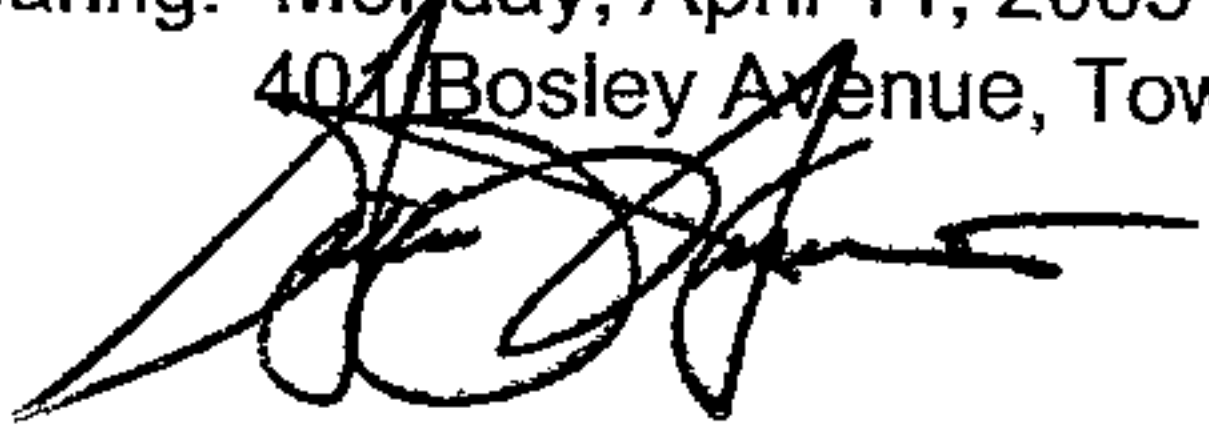
9th Election District – 5th Councilmanic District

Legal Owners: Ronnal & Helen Simpson

Contract Purchaser: Richard Byrd

Special Hearing to permit a pre-existing non-conforming use of a commercial storage building, of 45 feet long by 21 feet wide and existing commercial parking in a D.R. 5.5 zone.

Hearing: Monday, April 11, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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 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: OS-417-SPL
Petitioner: Richard Byrd
Address or Location: #1750 E. Joppa Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Richard Byrd
Address: 2312 Wilker Avenue
Baltimore, MD 21234
Telephone Number: 443-250-7202

Revised 2/20/98 - SCJ

**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*

April 5, 2005

Raymond M. Atkins, Jr.
410 Delaware Avenue
Towson, Maryland 21286

Dear Mr. Atkins:

RE: Case Number: 05-417-SPH, 1750 E. Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 17, 2005.

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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Richard W. Byrn 2312 Wilker Avenue Baltimore 21234
Ronnal and Helen Simpson c/o Richard Byrn 2312 Wilker Avenue Baltimore 21234
Site Rite Survey, Inc. 200 E. Joppa Road Rm 101 Towson 21286

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



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

March 9, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: March 14, 2005

Item No.: 416, 417, 421

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant Don W. Muddiman
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



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



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

Maryland Department of Transportation

Date: 3.8.05

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

RE: Baltimore County
Item No. 417 JRA

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr *JDO*

DATE: April 13, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 7, 2005

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

~~05-416~~
05-417
05-418
05-420
05-421
05-422
05-424
05-425
05-426
05-428
05-431
05-432
05-433

Reviewers: Sue Farinetti, Dave Lykens

gr
4/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 4, 2005

RECEIVED

APR - 4 2005

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

ZONING COMMISSIONER

SUBJECT: 1750 E. Joppa Road – **REVISED COMMENTS**

INFORMATION:

Item Number: 5-417

Petitioner: Ronnal Simpson

Zoning: BLR/DR 5.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

Per Section 104.1 of the BCZR, any abandonment or discontinuance of a non-conforming use for a period of one year or more shall result in the termination of the right to continue or resume said use. It is therefore incumbent upon the petitioner to demonstrate to the Zoning Commissioner that this requirement has been met. If the existing use is permitted to continue, it should be contingent upon the petitioner making all necessary repair to the exterior of said structure.

This office does not oppose the petitioner's request to utilize the existing commercial parking in a residential zone provided the following conditions are met:

1. The parking surface shall be dustless and durable and shall be striped in accordance with Baltimore County Regulations.
2. Clearly indicate via appropriate signage that vehicular circulation shall be one-way only. One-way signage shall direct traffic to enter at the eastern access point of the site and exit from the western access point. Directional arrows on the surface pavement shall be provided.

3. Provide a safe pedestrian walkway between the proposed pit stand and the rear portion of the parking area.
4. All on-site dumpsters shall be enclosed and screened from view of the adjacent residential properties.

For further information concerning the matters stated herein, please contact Kevin Gambrell at 410-887-3480.

Prepared by: Marc A. Campbell

Division Chief: [Signature]

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 23, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For March 14, 2005
Item Nos. 417, 418, 420, 421, 422, 425,
426, 427, 428, 429, 430, 431,
432, 433

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

RWB:CEN:cp

cc. File

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
1750 East Joppa Road; N/side Joppa Road,	*	ZONING COMMISSIONER
315' SW Eddington Road		
9 th Election & 5 th Councilmanic Districts	*	FOR
Legal Owner(s): Ronnal & Helen Simpson	*	
Contract Purchaser(s): Richard W. Byrd		
Petitioner(s)	*	BALTIMORE COUNTY
	*	05-417-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 11th of March 5, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, and Raymond M. Atkins, Jr, Esquire, 410 Delaware Avenue, Towson, MD 21286, Attorney for Petitioner(s).

RECEIVED

Per.....

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

SITE RITE SURVEYING, INC.

200 East Joppa Road, Suite 101
Towson Maryland 21286
(410) 828-906

RECEIVED

May 12, 2005

MAY 13 2005

ZONING COMMISSIONER

Baltimore County
Zoning Commissioner's Office
Attn: John Murphy
401 Bosley Avenue, Room 405
Towson, Maryland 21204

Re: Case No. 05-417-5PH
1750 E. Joppa Road

Dear Mr. Murphy:

This is a request for a continuance for the above project. The petitioner has filed a Petition for a "Use Permit" with the Zoning Department to allow the existing parking of the existing commercial building inside the D.R.5.5 zoning for the commercial use.

Richard Byrd has filed the application for the use permit and it was suggested by John Alexander of the Zoning Department that this letter be directed to you.

We are requesting a continuance of the above case until there appears to be a request for a hearing from an individual that may have concerns with the said application. The applicant has been working out the issues with the Business Improvement Association which is LRBA and their contact person is Donna Spicer. It would seem that they are satisfied with the plan revision as filed and there will be no rebuttal with this case. The existing storage building will be razed which is the greatest concern with the Zoning Department for the approval of the Use Permit.

If the Use Permit is not contested, I would think that the above zoning case becomes ~~mute.~~ moot and should be ratified.

Very truly yours,

Vincent J. Moskunas, Sr.

Vincent J. Moskunas, Sr.
President

*Pet picked up
revised plans
6/15/05*

**Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286**

**Phone (410)828-9060
Fax (410)828-9066**

June 28, 2005

**Baltimore County
Zoning Commissioner's Office
Mr. John Murphy, Deputy Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, MD 21204**

**RE: Case No. 05-417-S2PH
"The Old Smokehouse"**

Dear Mr. Murphy,

Per Mr. Richard Byrd, with regard to the above referenced project, there have been no requests for a hearing for the use permit filed with the Baltimore County Zoning Department. The use permit sign was posted on May 23, 2005 by Mr. Martin Ogle, a qualified sign poster for Baltimore County, see attached certificate. Therefore, due to no contest, the above zoning case becomes mute.

Thank you for your attention to the above.

Best regards,

Vincent J. Moskunas

**Vincent J. Moskunas
President**

Cc: Mr. Richard Byrd

Enclosure

*I will dismiss
case 05-417 SPT
accordingly
John Murphy
6/28/05*

restriction, a restrictive covenant or a binding contractual agreement, including a lease. Any plans approved are conditioned upon and subject to periodic review by the Director to ensure that adequate parking arrangements continue to exist. [Bill No. 144-1997]

409.8 Design standards.

A. Requirements for parking facilities in all zones. All off-street parking facilities shall be subject to the following requirements:

1. Design, screening and landscaping. Design, screening and landscaping shall be provided in accordance with the Landscape Manual and all other manuals adopted pursuant to Section 26-283 of the Baltimore County Code, 1988 Edition, as revised.
2. Surface. A durable and dustless surface shall be provided and shall be properly drained so as not to create any undesirable conditions.
3. Lighting. Any fixture used to illuminate any parking facility shall be so arranged as to reflect the light away from residential lots and public streets. Light standards shall be protected from vehicular traffic by curbing or landscaping.
4. Distance to street line. No parking space in a surface parking facility for a nonresidential use shall be closer than 10 feet to the right-of-way line of a public street, excluding vehicle overhang, except that in the C.T. District of Towson such setback is not required if the parking facility is screened from the street in accordance with the Landscape Manual.
5. Dead ends. All dead-end aisles shall be designed to provide sufficient backup area for the end parking spaces.
6. All parking spaces must be striped. Striping shall be maintained so as to remain visible.

B. Business or industrial parking in residential zones.

1. Upon application, the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6, under the following procedure:
 - a. On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of 15 days following the filing of the application.
 - b. Within the fifteen-day posting period, any interested person may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7.
 - c. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for parking in a residential zone if the proposed use meets all the requirements of Section 409.8.B.2. The use permit may be issued with

such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of Section 409.8.B.2 below and to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community.

- d. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing, such hearing to be held not less than 30 days and not more than 90 days from the date of filing of the request for public hearing.
 - e. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:
 - (1) His findings following the public hearing;
 - (2) The character of the surrounding community and the anticipated impact of the proposed use on that community;
 - (3) The manner in which the requirements of Section 409.8.B.2 and other applicable requirements are met; and
 - (4) Any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations.
2. In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions:
- a. The land so used must adjoin or be across an alley or street from the business or industry involved.
 - b. Only passenger vehicles, excluding buses, may use the parking facility.
 - c. No loading, service or any use other than parking shall be permitted.
 - d. Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required.
 - e. A satisfactory plan showing parking arrangement and vehicular access must be provided.
 - f. Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.
 - g. Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.
- C. Requirements for parking bays on a street. Parking bays on a street are subject to the following requirements and all applicable requirements of the Department of Public Works:

CASE NAME 1750 E. Jappa Rd.
CASE NUMBER 05-417-5PH
DATE 4-11-05

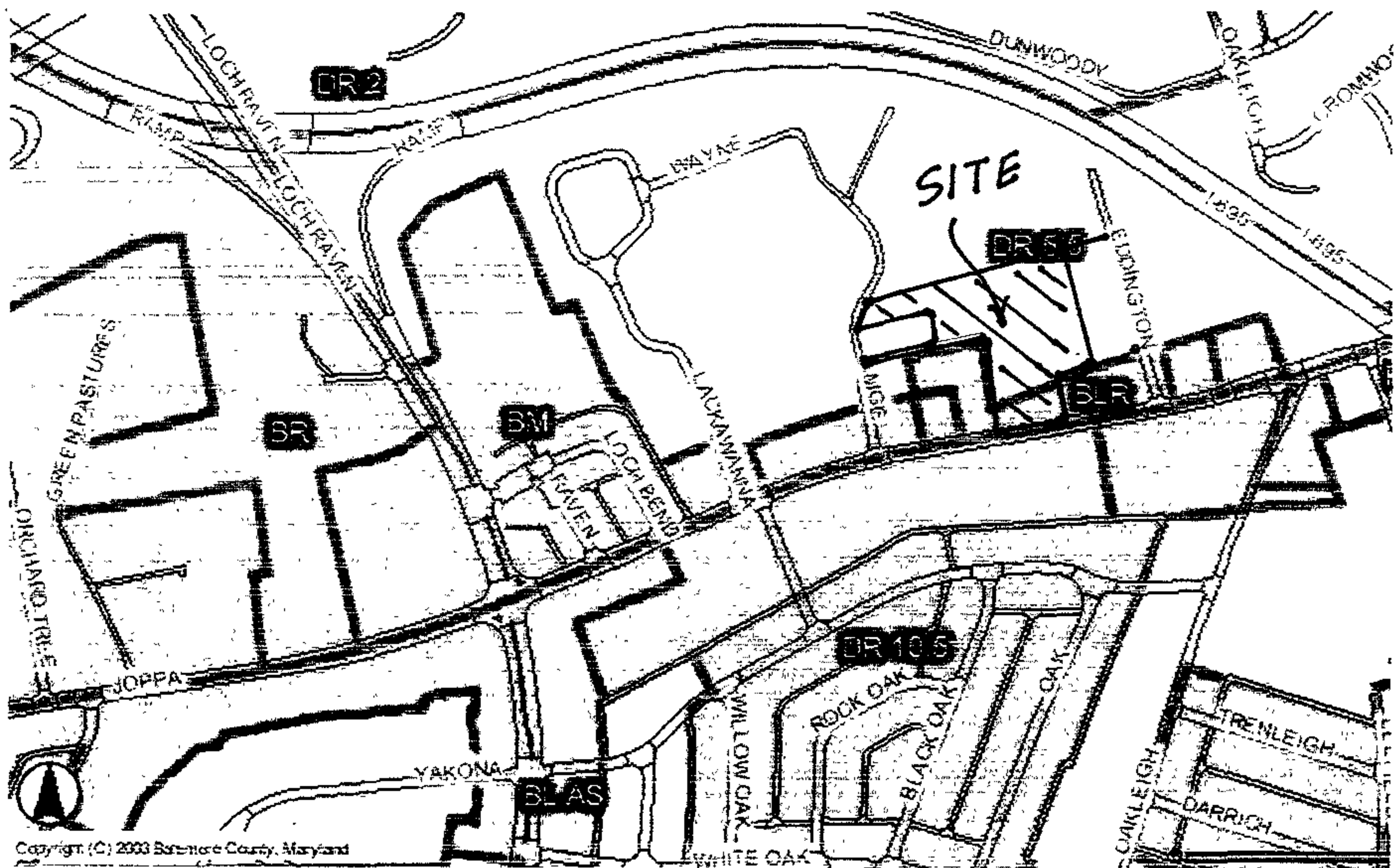
CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME 1750 E. JOPPA Rd
CASE NUMBER 5-417
DATE 4-11-05

PETITIONER'S SIGN-IN SHEET

[illegible]



ZONING MAP FOR #1750 E. JOPPA ROAD

SCALE: 1" = 1/4 MILE

ZONING DESIGNATION: BLR/DR 5.5

BALTIMORE COUNTY
SPECIAL HEARING

3.99 AC.±
P564
LAWRENCE EMGE
0907470250
5512/391
"RESIDENTIAL"
#8711 EMGE ROAD

PARKING CALCULATIONS

Harold's Fruit Market: (3,722 S.F.)
Parking Required: 5 spaces per 1000 S.F.
19 Spaces required

Parking Provided: 44 spaces

(25 additional spaces available above require 19 spaces
- need to eliminate 9 spaces to accommodate proposed
accessory structure)

Proposed Pit Sandwich Stand: (12' x 18' = 216 S.F.)
Parking Required: 5 spaces per 1000 S.F.
1.08 spaces or 2 spaces required

Parking Provided: 2 spaces

Excess of 14 parking spaces above the combined
required 21 spaces

- GENERAL NOTES:**
- EXISTING ZONING: BLR and D.R. 5.5
 - BLR AREA: 0.249 AC.±. D.R. 5.5 AREA: 4.58 AC.±.
 - EXISTING USE: HAROLD'S FRUIT MARKET
 - PROPOSED USE: TO PLACE A 12' X 18' CARRY-OUT PIT SANDWICH STAND AT THE REAR OF THE EXISTING MARKET
 - PRIOR ZONING HEARINGS: NONE
 - GROSS LOT AREA: 210,594 S.F.± OR 4.834 AC.±.
 - TAX MAP: 70 GRID: 12 PARCEL: 906 AND 478
 - TAX ACCT. NOS.: 0911671850, 0911671851 AND 0908550150
 - DEED REF.: 11899/52, 11922/36 AND 11899/55
 - NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA
 - COMMUNITY PANEL NO.: 240010 0270B ZONE: "C"
 - NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
 - NOT LOCATED IN A HISTORIC AREA
 - DRC NO. 12070M HAS BEEN TABLED PENDING OUTCOME OF SPECIAL HEARING.
 - HOURS OF OPERATION FOR THE PROPOSED CARRY-OUT MONDAY - SUNDAY: 11 A.M. TO 6 P.M.
 - HOURS OF OPERATION FOR THE FRUIT MARKET: MONDAY - SUNDAY: 8 A.M. TO 6 P.M.
 - PARKING CALCULATIONS SEE CHART THIS SHEET.
 - HAROLD'S FRUIT MARKET BUILT IN 1950, THERE IS NO COMMERCIAL PERMIT AVAILABLE DUE TO THE AGE OF THE BUILDING.
 - FLOOR AREA RATIO: 4.883 S.F. DIVIDED BY 210,594 S.F. = 0.023 (MAX. ALLOWED 3.0)
 - LANDSCAPE REQUIREMENTS TO BE REVIEWED AND APPROVED AT TIME OF BUILDING PERMIT FOR PROPOSED CARRY-OUT.
 - EXISTING PAVING CONSISTS OF A DURABLE AND DUSTLESS SURFACE.
 - ALL PARKING SPACES ARE STRIPED AS SHOWN.
 - BUS ROUTE NO. 13 CROMWELL BRIDGE AVAILABLE ALONG E. JOPPA ROAD
 - SPECIAL HEARING FOR NON-CONFORMING USE:
 - EXISTING ONE STORY METAL STORAGE BUILDING
 - PARKING SPACES WITHIN D.R. 5.5 ZONING (PARKING SPACE LAYOUT TO REMAIN AS EXISTING UNLESS OTHERWISE DETERMINED BY THE ZONING COMMISSIONER AT TIME OF HEARING)

**PLAN TO ACCOMPANY SPECIAL HEARING
"THE OLD SMOKEHOUSE"
#1750 E. JOPPA ROAD
LOTS 27-29
BLOCK "G"
"ROSINA DEI PLAT" 7/147
AND PARCEL 478
ELECTION DISTRICT NO. 9
COUNCILMANIC DISTRICT NO. 5
BALTIMORE COUNTY, MD
SCALE: 1" = 30'
FEBRUARY 17, 2005
9021**



Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410) 225-9060

USE FOR #1754: "NATIONWIDE INSURANCE & FINANCIAL SERVICES" AND "PAIN CLINIC/ACUPUNCTURE"

OWNER: RONNAL AND HELEN SIMPSON
C/O HAROLD'S FRUIT MARKET
1750 E. JOPPA ROAD
BALTIMORE, MD 21234-3620

APPLICANT: RICHARD BYRD
2312 WILKER AVENUE
BALTIMORE, MD 21234
(443) 250-7202

OS-417-6PH