IN RE: PETITION FOR SPECIAL EXCEPTION E/S Ann Avenue, 350' N of Eastern Avenue **(101 Ann Avenue)** 15th Election District 7th Council District	* * *	BEFORE THE ZONING COMMISSIONER FOR
Ann Avenue LLC; Property Owners TruGreen Land Care, Inc; Lessees	* *	BALTIMORE COUNTY Case No. **05-546-X**

****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by Ann Avenue, LLC, property owner, and TruGreen Land Care, Inc., lessee for the property located at 101 Ann Avenue in the Essex community of eastern Baltimore County. The Petitioners request a special exception to approve a contractor's equipment storage yard on the subject property, pursuant to Section 236.4 of the Baltimore County Zoning Regulations ("BCZR"). The subject property and requested relief are more particularly shown on the Plat to accompany the Petition for Special Exception, marked as Petition's Exhibit No. 1.

Appearing at the requisite public hearing in support of the request were Charles R. Whealton Jr., Region Manager for TruGreen Land Care, Inc., Co-Petitioner, Vince Moskunas, the land-use consultant who prepared the site plan, and Lawrence E. Schmidt, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is a rectangularly shaped parcel located on the east side of Ann Avenue near Stemmer's Run Road within close proximity of Maryland Route 702 and Eastern Boulevard in Essex. The property contains a gross area of 2.38 acres, zoned BR, and is improved with an existing one story building of 17,366 sq.ft. In addition to the building, much of the property features a macadam parking lot, as well as a gravel/crushed stone parking area. There are two separate gated entrances to the site, on either side of the existing building.

UNDER RECEIVED FOR FILING
Date 11/16/05
By

For many years, the General Motors (GM) Corporation leased the property for use in connection with its auto manufacturing facility on Broening Highway. Vans built at that plant would be brought to the subject site and stored thereon. Additionally, GM used the facility to detail and equip the newly manufactured vehicles.

With the recent closure of the GM plant, the site is currently vacant. However, the property owners have entered into a lease with TruGreen Land Care, Inc. for use of the property. TruGreen Land Care, Inc. is a property maintenance company. Its sister corporation, TruGreen ChemLawn, serves residential properties. TruGreen Land Care, Inc. serves commercial and industrial sites and its business is to maintain and landscape industrial and office parks, as well as industrial and commercial grounds and buildings.

TruGreen Land Care, Inc. proposes to use the subject property as a staging area for its operations in this area of Maryland. The Petitioner will store trucks (Ford F10 pickups), trailers, equipment and supplies on the subject property. Additionally, other vehicles (mowers, Bobcats, etc.) will be stored on the property. Clearly, this proposed use falls within the definition of contractor's equipment storage yard as provided in the BCZR. Specifically, the definition of that term in Section 101 is "the use of any space, either inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage, or landscaping equipment and associated materials."

Typically, the operation will be open five days a week, Monday through Friday, although there will be an occasional Saturday. Normally, employees will arrive at the site at approximately 6:30 AM. There will be a small office operation featuring approximately a 10-12 person administrative staff. Additionally, crew supervisors will arrive to receive their assignments for the day. Each supervisor will oversee a labor crew of 4-8 individuals. It was indicated at the hearing that some of the labor crew are legal immigrants who are housed dormitory style at a location in Harford County. TruGreen has arranged for two large vans (15 passengers each) to pick up these individuals

ORDER RECEIVED FOR FILING
Date
By

and bring them to the site in the morning. Once the employees have arrived, crews will then be dispersed to various customer locations to perform landscaping and grounds maintenance operations. Obviously, this van operation and car pooling of employees reduces the number of vehicle trips and traffic to the site.

It is important to realize that there is no retail component to the operation at this site. That is, there will be no sales from the property and thus minimal traffic volumes are expected. The traffic will be generally limited to employees arriving at the site in the morning hours, dispersing to job sites and then returning in the afternoon. There will also be limited delivery of supplies. It is anticipated that traffic will be less than when the site was used by General Motors. The operation will be closed after 6 pm and there will be no evening activity. The only exception might be during winter, when the company occasionally provides snow removal services. Vehicles might be dispersed in early morning hours during a snowstorm. However, given the seasonal basis of the off-site landscaping operation, the property will be under-utilized during winter months as the landscaping operations will be greatly curtailed.

Additionally, there should be little noise, dust or other impacts associated with the use. Besides the office staff, the building will be used for periodic maintenance on company equipment and storage. The parking lots will be used for storage of the company's vehicles and machinery, as well as an area for bins towards the rear of the property for mulch and other supplies.

Photographs were submitted at the hearing which show that the perimeter of the property is heavily landscaped and wooded. This existing vegetation will provide a natural buffer to adjacent sites. Additionally, photographs of other TruGreen operations in Maryland were submitted at the hearing, which show that those properties are well maintained and attractive. A similar operation is proposed at the subject location.

As noted above, there were no Protestants present and no adverse Zoning Advisory Committee (ZAC) comments were submitted by any County reviewing agency. A "no comment"

ORDER RECEIVED FOR FILING
Date 1/11/05
By

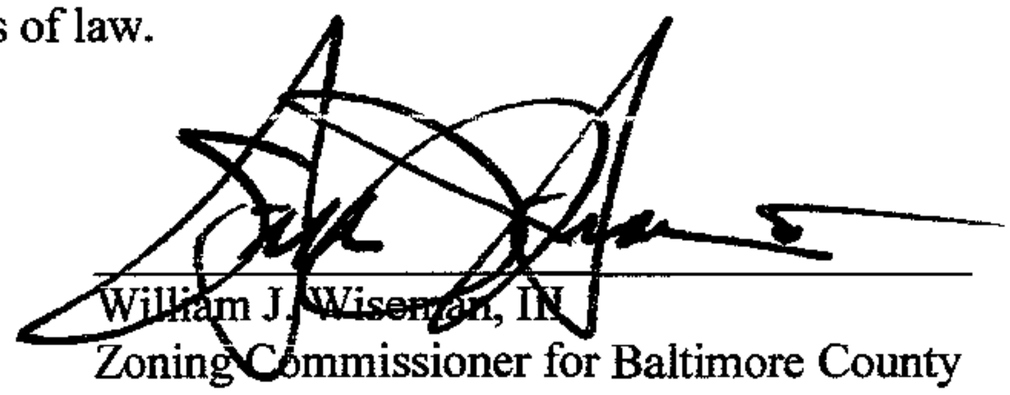
ZAC comment was issued by the Office of Planning. Additionally, testimony offered was that the Petitioner had contacted residential neighbors across Ann Avenue from the subject site and there was no opposition to the proposal. These neighbors reported to representatives of TruGreen that they welcomed an active business to the site, rather than the property's present vacant condition.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am easily persuaded to grant the Petition for Special Exception. Clearly, the proposed use will not be detrimental to the health, safety and general welfare of the locale. The operation will be consistent with this neighborhood, particularly the commercial/industrial uses nearby. Vehicular access to the site is favorable, given the proximity of Route 702, and Eastern Boulevard. There will be no detrimental impacts upon the nearest residential neighbors.

Pursuant to the advertisement, posting of the property as required by law, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of June 2005 that the Petition for Special Exception to approve a contractor's equipment storage yard on the subject property, pursuant to Section 236.4 of the Baltimore County Zoning Regulations ("BCZR"), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal from this Order shall be filed within thirty (30) days, in accordance with the applicable provisions of law.



William J. Wiseman, III
Zoning Commissioner for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 6/16/05
By

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

June 16, 2005

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION
E/S Ann Avenue, 350' N of the c/l Eastern Avenue
(101 Ann Avenue)
15th Election District – 7th Council District
Ann Avenue, LLC, Owners; TruGreen Land Care, Inc., Lessees - Petitioners
Case No. 05-546-X

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Ferdinand Greef, Ann Avenue, LLC
3417 Greenmount Avenue, Baltimore, Md. 21218
Mr. Charles R. Whealton, Jr., Regional Manager, TruGreen Land Care, Inc.
17701 New Hampshire Avenue, Ashton, Md. 20861
Mr. Doug Swistock, TruGreen Land Care
10711 Philadelphia Road, Baltimore, Md. 21128
Mr. Vince Moskunas, Site Rite Surveying, Inc.
200 Joppa Road, Baltimore, Md. 21286
People's Counsel; Case File

Printed on Recycled Paper

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 101 Ann Avenue

which is presently zoned BR

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a contractor's equipment storage yard permitted by special exception in Section 236.4 of the BCZR.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, 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:

TruGreen Land Care
Name - Type or Print

Signature Doug Swistock
10711 Philadelphia Road (410)335-4500
Address Telephone No.
Baltimore, MD 21128
City State Zip Code

Legal Owner(s):

Ann Avenue, LLC
Name - Type or Print

Signature Ferdinand Greeff
Ferdinand Greeff
Name - Type or Print

Signature
3417 Greenmount Avenue (410)889-8888
Address Telephone No.
Baltimore, MD 21218
City State Zip Code

Attorney For Petitioner:

D.Dusky Holman
Name - Type or Print

Signature
Gildea & Schmidt, LLC
Company
300 E. Lombard Street, Suite 1440
Address Telephone No.
Baltimore, MD 21202 (410)234-0070
City State Zip Code

Representative to be Contacted:

D. Dusky Holman
Name
300 E. Lombard Street, Suite 1440
Address Telephone No.
Baltimore, MD 21202 (410)234-0070
City State Zip Code

ORDER RECEIVED FOR FILING
Date 11/16/05
By

Case No. 05 546 X

R-01-09/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By WCR Date 4/25/05

DROP OFF

546

Exhibit A

BEGINNING for the first thereof at the intersection of the east side of Ann Avenue, 50 feet wide and the north side of a proposed fifty foot avenue to be known as Dorsey Avenue, said point of beginning being also at the distance of 350 feet north 06 degrees 14 minutes 00 seconds west from the intersection of the said east side of Ann Avenue and the north side of Old Eastern Avenue, thence running and binding on the north side of said proposed fifty foot avenue, north 83 degrees 46 minutes 00 seconds east 410.22 feet, thence north 06 degrees 14 minutes 00 seconds west 150 feet, thence for a line of division parallel to the aforesaid proposed fifty foot avenue, south 83 degrees 46 minutes 00 seconds west 410.22 feet to intersect the said east side of Ann Avenue, thence running and binding on the said east side of Ann Avenue, south 06 degrees 14 minutes 00 seconds east 150.00 feet to the place of beginning. Containing 1.41 acres of land, more or less.

BEGINNING for the second thereof at the intersection of the south side of Franklin Avenue, 50 feet wide, and the east side of Ann Avenue, 50 feet wide, said point of beginning being also at the distance of 650 feet, north 06 degrees 14 minutes 00 seconds west from the intersection of the said east side of Ann Avenue and the north side of Old Eastern Avenue, thence running and binding on the said east side of Ann Avenue, south 06 degrees 14 minutes 00 seconds east 150 feet, thence for a line of division parallel with Franklin Avenue, north 83 degrees 46 minutes 00 seconds east 410.22 feet, thence north 06 degrees 14 minutes 00 seconds west 150 feet to intersect the south side of Franklin Avenue, thence running and binding on the said south side of Anne Avenue, south 83 degrees 46 minutes 00 seconds west 410.22 feet to the place of beginning. Containing 1.41 acres of land, more or less.

The improvement thereon being known as 101 Ann Avenue; also known as 101 Ann Street.

STATE OF MARYLAND
MICHAEL VINCENT MOUNTS
NO. 21175
PROFESSIONAL LAND SURVEYOR

Michael V. Mounts

BALTIMORE COUNTY, MARYLAND
FFICE OF BUDGET & FINANCE
.MISCELLANEOUS RECEIPT

No. 443600

DATE 4/25/05 ACCOUNT 001 006 6150

AMOUNT $ ~~395.00~~ NO 380.00

RECEIVED FROM: GILDEA + SCHMIDT

FOR: SPX 101 Anne Ave.

05-546 Case

JLL

BUTION
- CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	TRN
4/25/2005	4/25/2005	09:46:57	[illegible]

REF MSCM HEALTH MISC REC

RECEIPT # 310610 4/25/2005 [illegible]

Dept 2 516 ZONING VERIFICATION

ITR NO. 443600

Dept Tot $380.00

$380.00 TD $.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

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: #05-546-X
101 Ann Avenue
E/side of Ann Avenue, s/west of Stemmers Run Road
15th Election District
7th Councilmanic District
Legal Owner(s): Ferdinand Greeff, Ann Avenue, LLC
Contract Purchaser: TruGreen Land Care
Special Exception: to permit a contractor's equipment storage yard.
Hearing: Friday, May 27, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN III
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.
5/188 May 12 51096

CERTIFICATE OF PUBLICATION

5/12, 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 5/12, 2005.

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

S. Wilkinson

LEGAL ADVERTISING

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: #05-546-X
101 Ann Avenue
E/side of Ann Avenue, s/west of Stemmers Run Road
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WILLIAM J. WISEMAN III
Zoning Commissioner for
Baltimore County

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

5/217 May 19 51617

CERTIFICATE OF PUBLICATION

5/19/, 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 5/19/, 2005.

- [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.: 05-546-X

Petitioner/Developer: TRUGREEN LAND CARE

Date of Hearing/Closing: JUNE 10, 2005

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

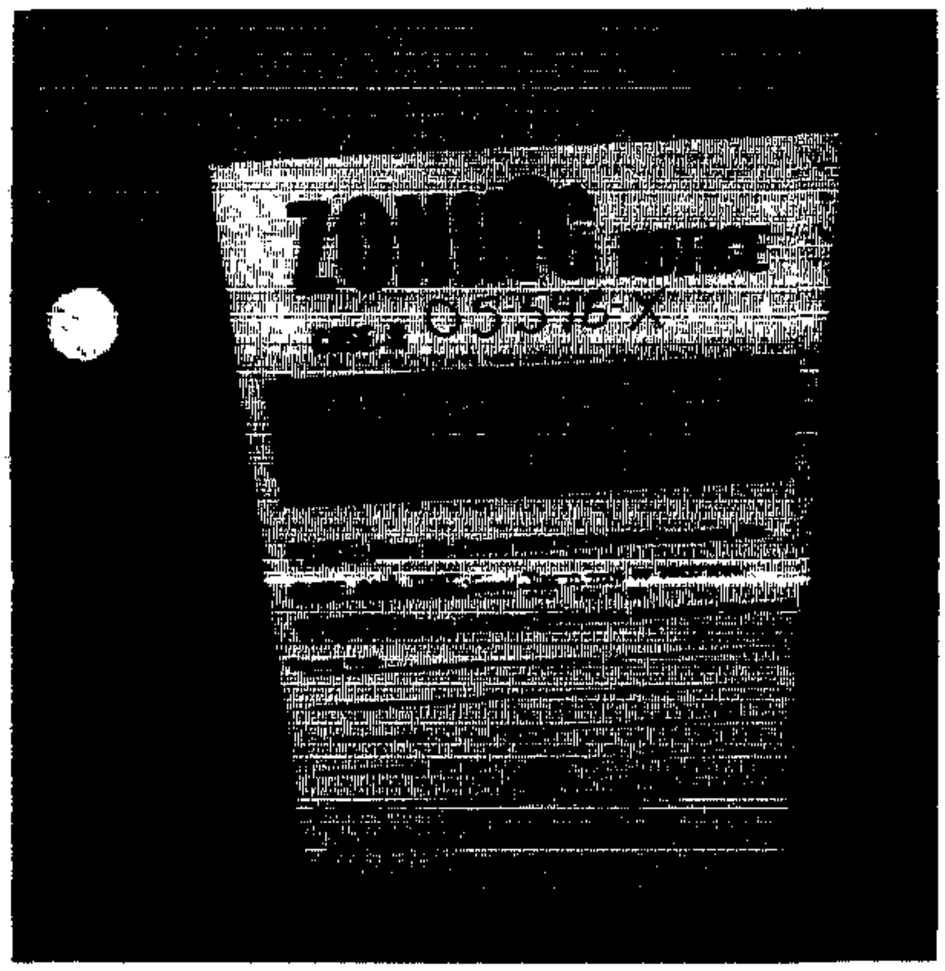
ATTN: Kristen Matthews {(410) 887-3394}

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: 101 ANN AVE.

The sign(s) were posted on MAY 22, 2005
(Month, Day, Year)

Sincerely,



Robert Black 5/24/05
(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)

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 19, 2005 Issue - Jeffersonian

Please forward billing to:
Gildea & Schmidt, LLC
300 E. Lombard Street, Ste. 1440
Baltimore, MD 21202

410-234-0070

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: 05-546-X
101 Ann Avenue
E/side of Ann Avenue, s/west of Stemmers Run Road
15th Election District – 7th Councilmanic District
Legal Owners: Ferdinand Greeff, Ann Avenue, LLC
Contract Purchaser: TruGreen Land Care

Special Exception to permit a contractor's equipment storage yard.

Hearing: Friday, May 27, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 W. Chesapeake Avenue, Towson 21204

WILLIAM J WISEMAN III
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 9, 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: 05-546-X
101 Ann Avenue
E/side of Ann Avenue, s/west of Stemmers Run Road
15th Election District – 7th Councilmanic District
Legal Owners: Ferdinand Greeff, Ann Avenue, LLC
Contract Purchaser: TruGreen Land Care

Special Exception to permit a contractor's equipment storage yard.

Hearing: Friday, May 27, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: D. Dusky Holman, Gildea & Schmidt, 300 E. Lombard Street, Ste. 1440, Baltimore 21202
Ferdinand Greeff, 3417 Greenmount Avenue, Baltimore, MD 21218
Doug Swistock, 10711 Philadelphia Road, Baltimore 21128

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 19, 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.

Printed on Recycled Paper

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: 546

Petitioner: ANN AVENUE LLC

Address or Location: 101 ANN AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: GILDEA & SCHMIDT, LLC

Address: 300 E. LOMBARD ST. SUITE 1440
BALTO. MD. 21202

Telephone Number: 410 234 0070

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

May 31, 2005

D. Dusky Holman
Gildea & Schmidt, LLC.
300 E. Lombard Street, Ste. 1440
Baltimore, Maryland 21202

Dear Mr. Holman:

RE: Case Number: 05-546-X, 101 Ann Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 25, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
TruGreen Land Care Doug Swistock 10711 Philadelphia Road Baltimore 21128
Ann Avenue, LLC. Ferdinand Greeff 3417 Greenmount Avenue Baltimore 21218

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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 8,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 15,2006

Item Numbers: ~~537 thru~~ 557
546

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: **Timothy M. Kotroco, Director** **DATE: May 16, 2005**
Department of Permits & Development Management

FROM: Dennis Kennedy, DK Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 16, 2005
Item No. *546*

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right of way for all public roads in Baltimore County is 40-foot. Setback shall be modified accordingly.

DAK:CEN:clw
Cc: file
ZAC-ITEM NO 546-05162005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: May 24, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 9, 2005

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

05-543
05-546
05-550
05-551
05-552
05-554
05-555

Reviewers: Sue Farinetti, Dave Lykens

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

BW
5/27
6/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 27, 2005

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-546**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By: _____

Division Chief: _____

MAC/LL

RECEIVED

JUN 2 2005

ZONING COMMISSIONER

W:\DEVREV\ZAC\nocomment.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: 5.6.05

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

RE: Baltimore County
Item No. 541 WCR

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

RE:	PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
	101 Ann Avenue; E/side Ann Avenue;		
	SW Stemmers Run Road	*	ZONING COMMISSIONER
	15th Election & 7th Councilmanic Districts		
	Legal Owner(s): Ann Avenue, LLC and	*	FOR
	Ferdinand Greeff		
	Contract Purchaser(s): Doug Swistock,	*	BALTIMORE COUNTY
	TruGreen Land Care		
	Petitioner(s)	*	05-546-X

* * * * * * * * * * * * *

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 sent 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

RECEIVED
MAY 10 2005
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of May, 2005, a copy of the foregoing Entry of Appearance was mailed D. Dusky Holman, Esquire, , Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

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

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1501540380

Owner Information

Owner Name:	ANN AVENUE LLC	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	3417 GREENMOUNT AVE BALTIMORE MD 21218-2824	**Deed Reference:**	1) /19513/ 47 2)

Location & Structure Information

Premises Address
101 ANN ST

Legal Description
1.41 AC
350FT NW OLD EASTERN AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
90	22	1052						3	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	17,366 SF	1.42 AC	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	126,200	126,200		
Improvements:	222,600	219,600		
Total:	348,800	345,800	345,800	345,800
Preferential Land:	0	0	0	0

Transfer Information

Seller:	GREENBLATT STANLEY D/JOAN F	**Date:**	01/29/2004	**Price:**	$500,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19513/ 47	**Deed2:**	
Seller:	GREENBLATT STANLEY D	**Date:**	03/09/1999	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/13576/ 728	**Deed2:**	
Seller:	ANN INC	**Date:**	11/26/1976	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 5700/ 649	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

410300

123000

43560 ft.

87120

PLEASE PRINT CLEARLY

CASE NAME TRU GREEN
CASE NUMBER 05-546-SPX
DATE 6/9/05

PETITIONER'S SIGN-IN SHEET

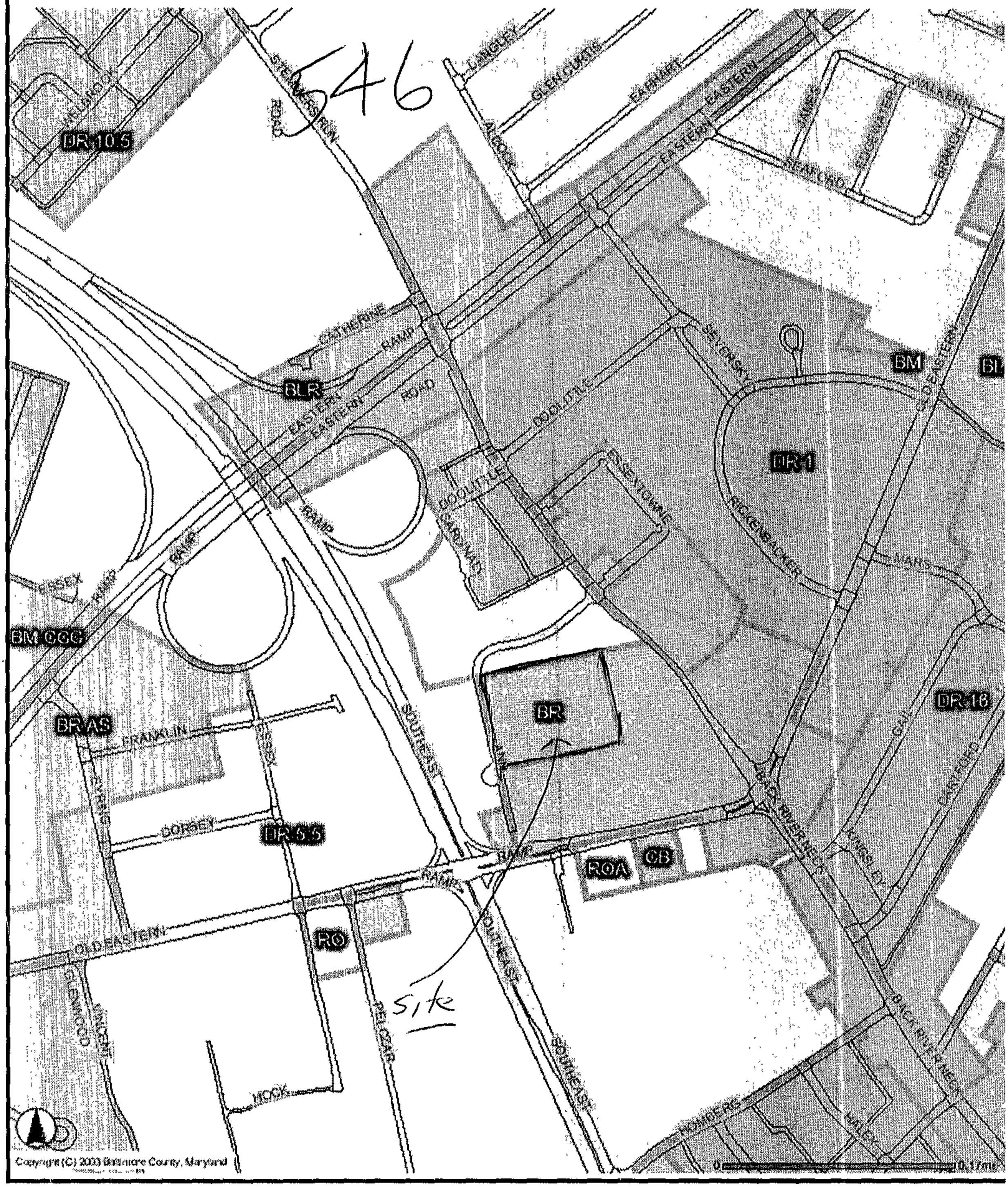
NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
TruGreen Landcare LLC Charles Wheelton	17701 New Hampshire Ave Ashton MD	20861	Chuck_Wheelton@landcare.com
SITE RITE SURVEYING VINCENT MOSKUNAS	200 E. TOPPA RD. TOWSON MD.	21286	VJMMVM@AOL.COM
LARRY SCHMIDT	300 E LOMBARD Dalto	MD	LSCHMIDT

Case No.: 05-546 X

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site PLAN	
No. 2	PHoto's 2A to 2Q	
No. 3	3A - 3C - Large Photo's of Forestville Operation	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Baltimore County - My Neighborhood



Gravel dot in rear
(wheel steps)

Ref 2 "O"

Adjacent Commercial Blgs

Pb 2P

Adjacent Commercial Bldgs

Ted
2 Q

ZONING NOTICE

CASE # 05-546-X

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

PLACE: [illegible] COUNTY OFFICE BLDG. 111 W. CHESAPEAKE AVE

DATE AND TIME: [illegible] JUNE 16, 2005 AT 10:00 A.M.

REQUEST: [illegible]

[illegible]

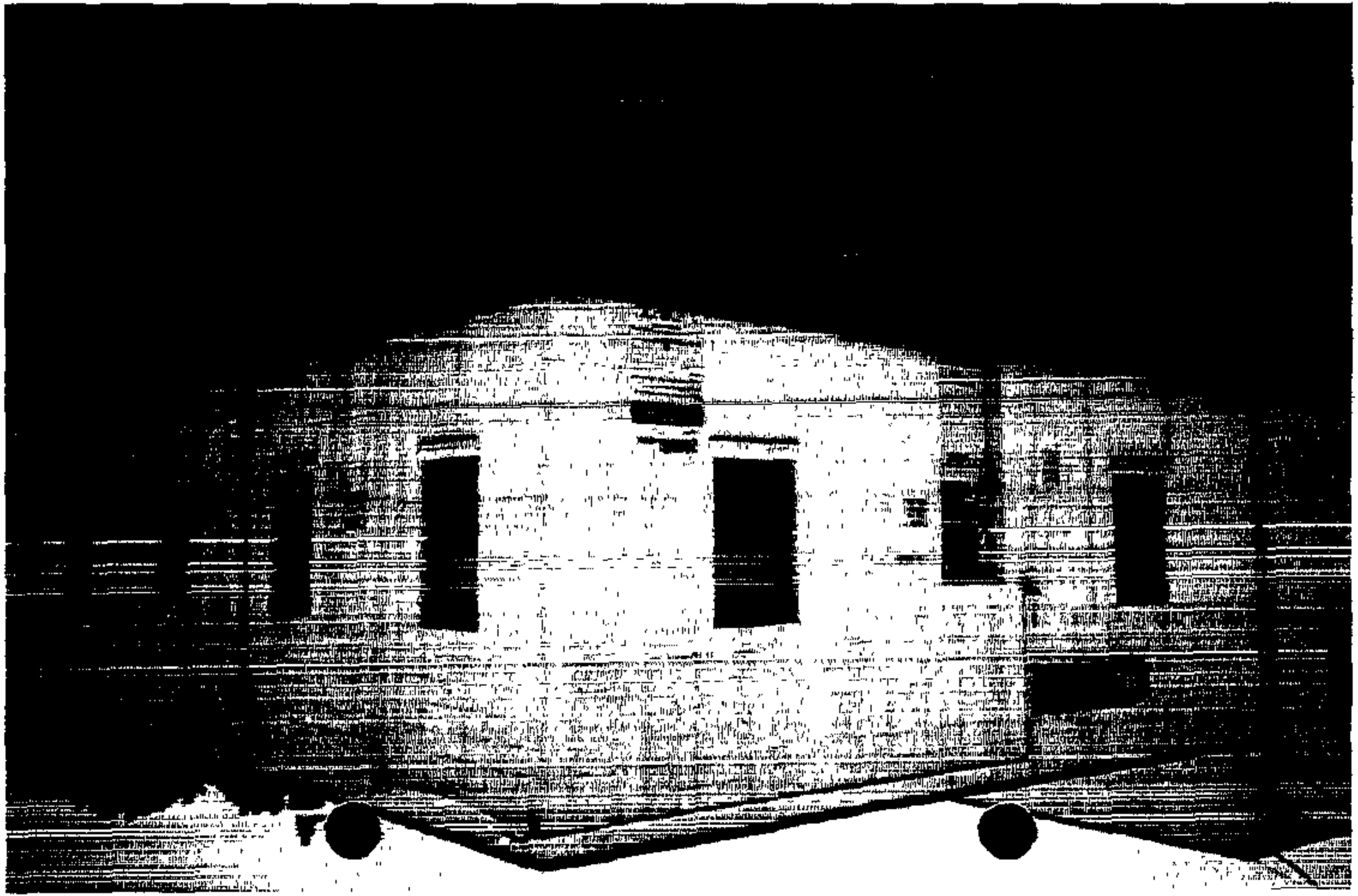
[illegible]

[illegible]

[illegible]

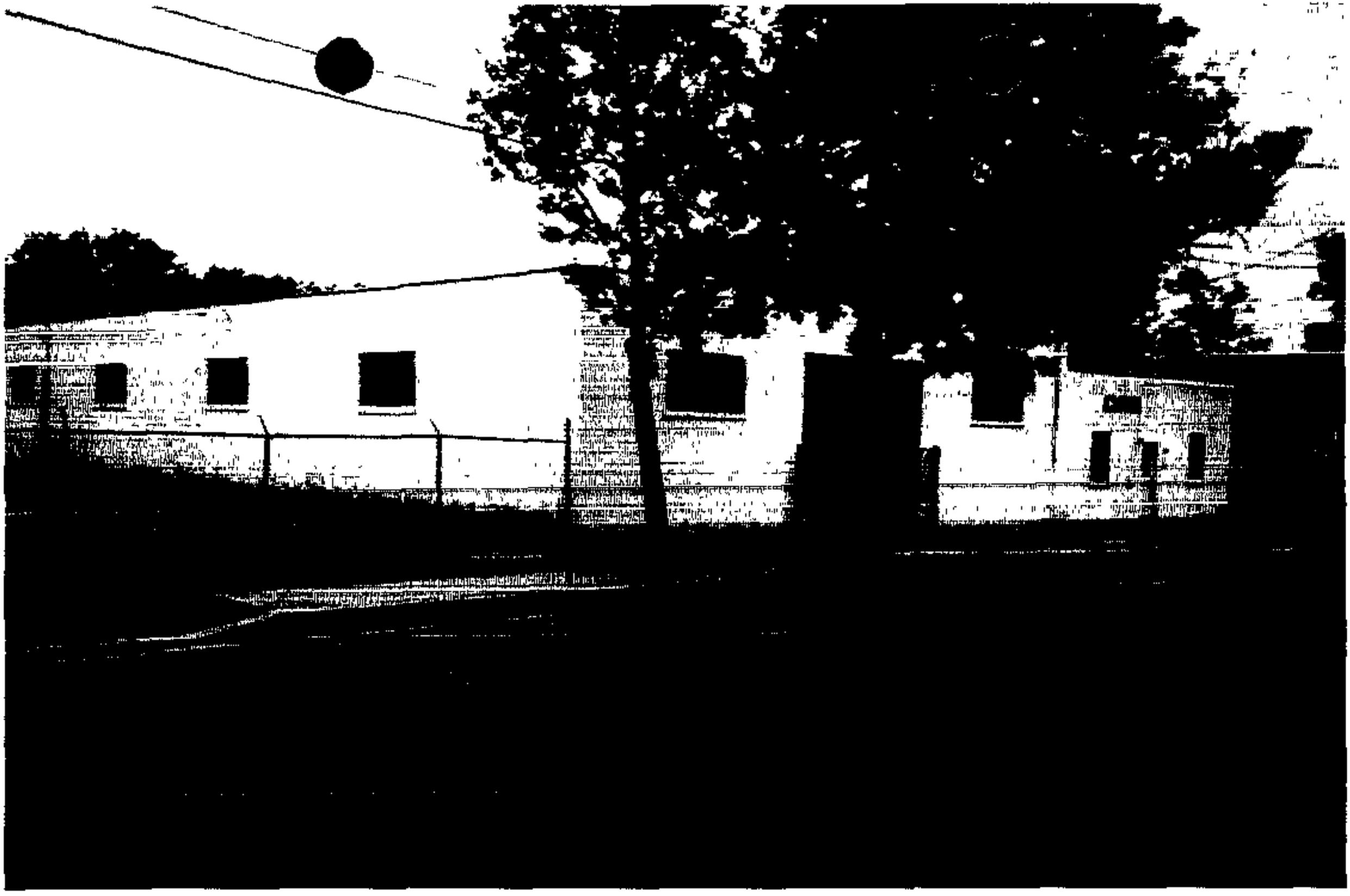
[illegible]

HANDICAPPED ACCESSIBLE



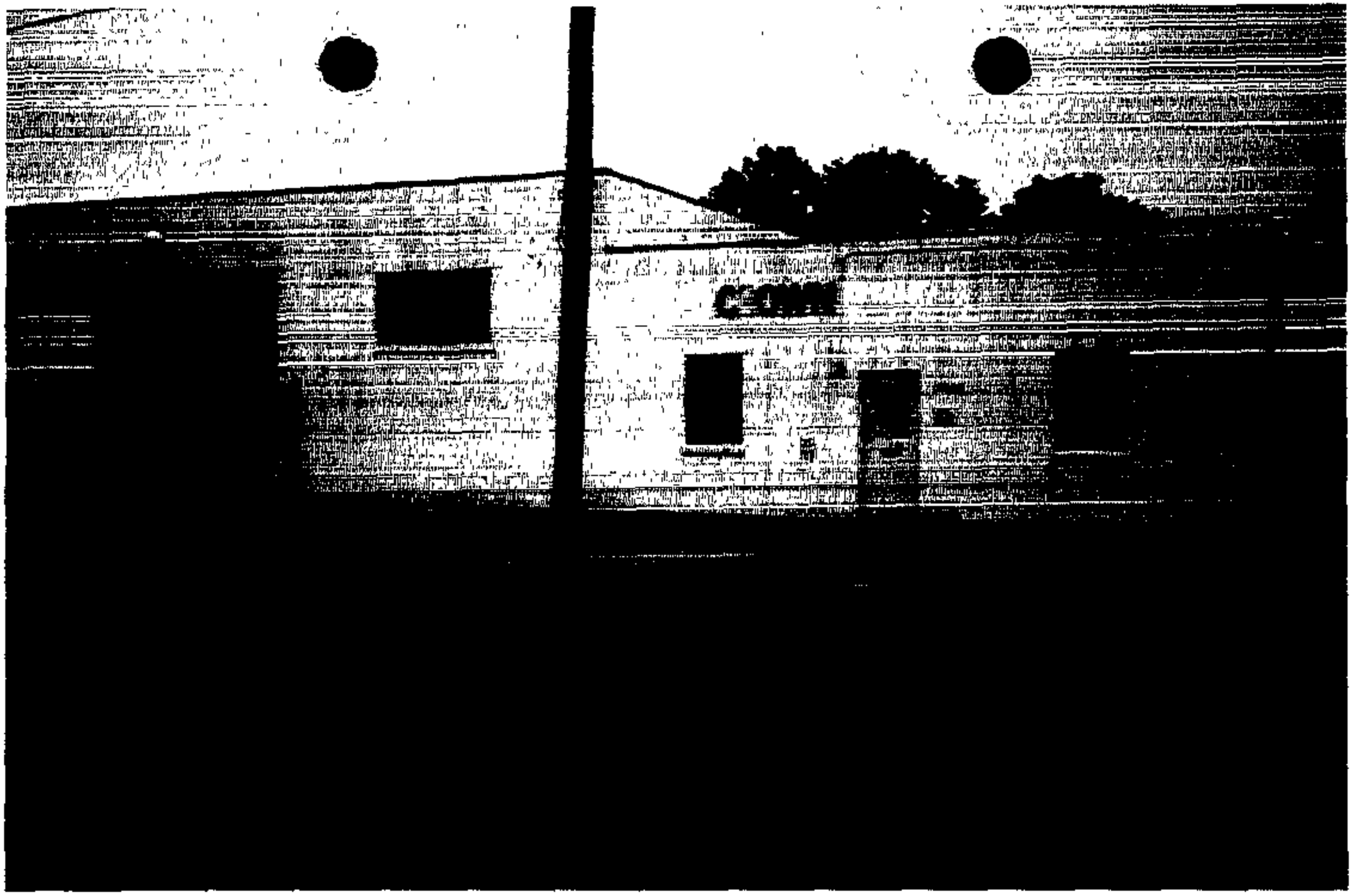
1ᶜ FRONT OF BLDG + SIGN

Pl 213



FRONT of Bldg.
(from ANN ST)

Ref 2C



FRONT OF BIDG
(FROM ANN ST)

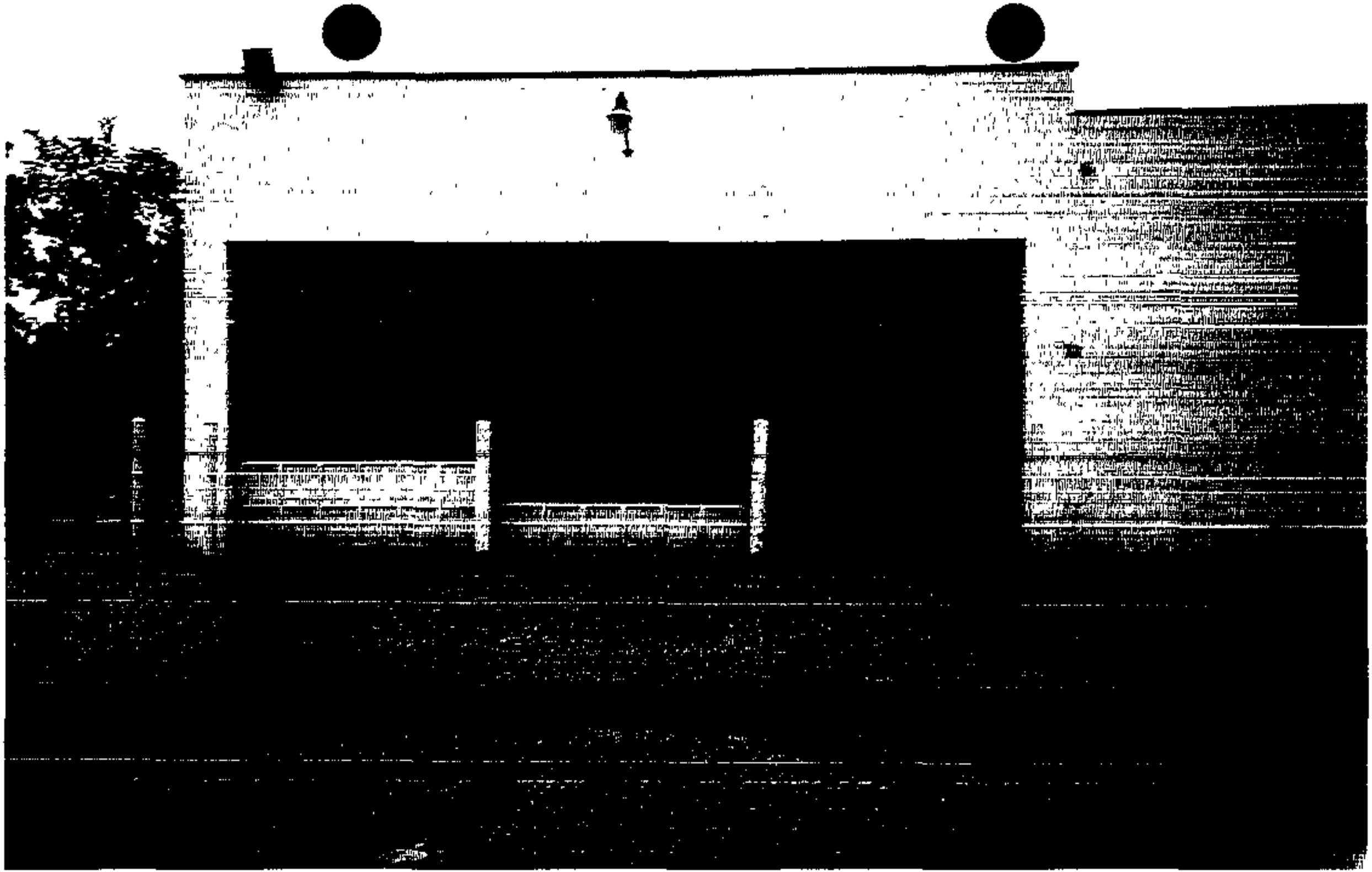
2D

SIDE OF BLDG - NORTH SIDE OF
PARKING AREA (MACADEM + GRAVEL)

Ref 2E

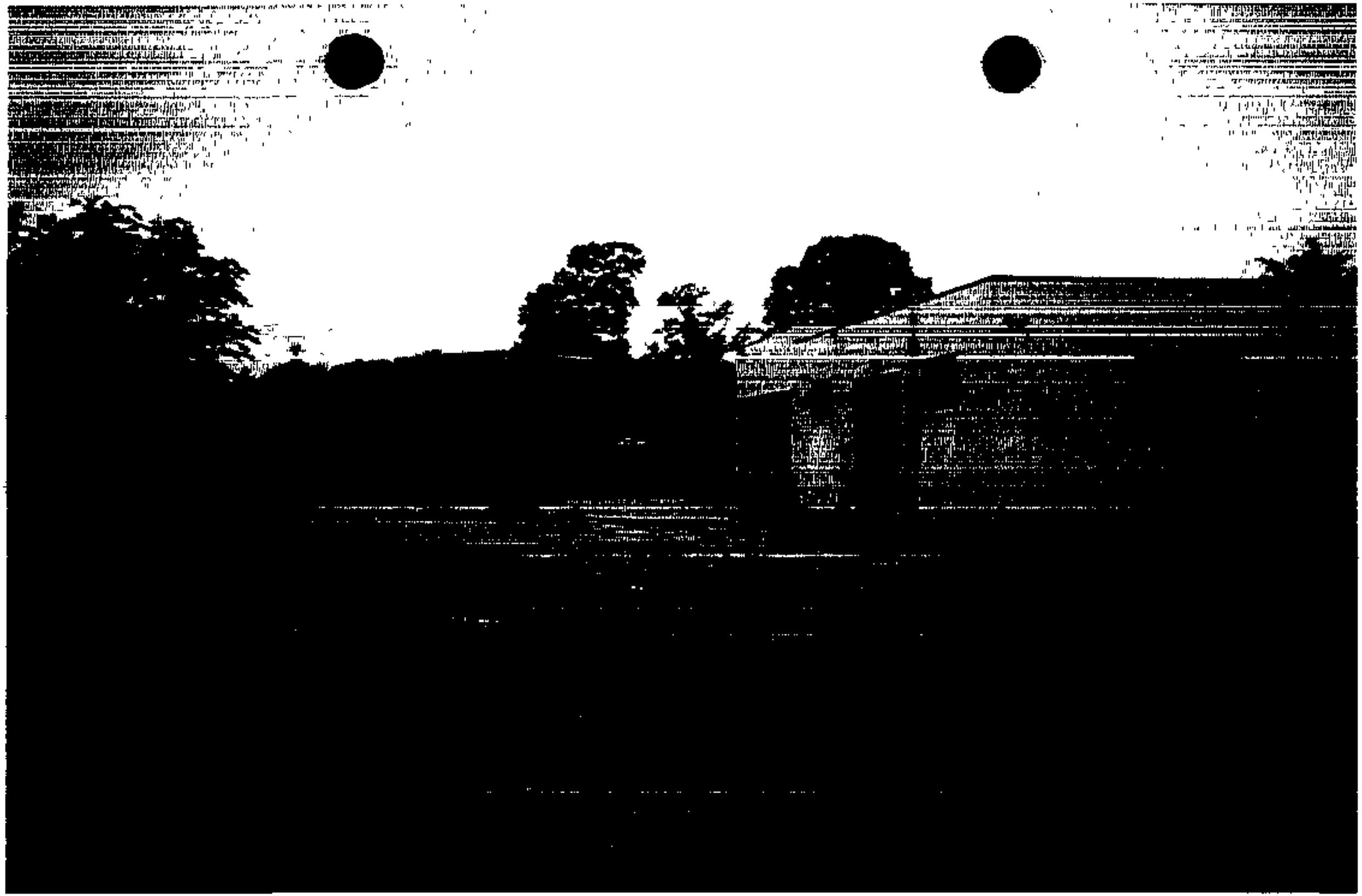
SIDE OF BLDG (SOUTH)

Pel 2 F



REAR ENTRY DOORS
OF BLDG

Feb
24



REAR OF BLDG

+ PARKING lot

(ADJACENT COMMERCIAL Bldg)

Ref

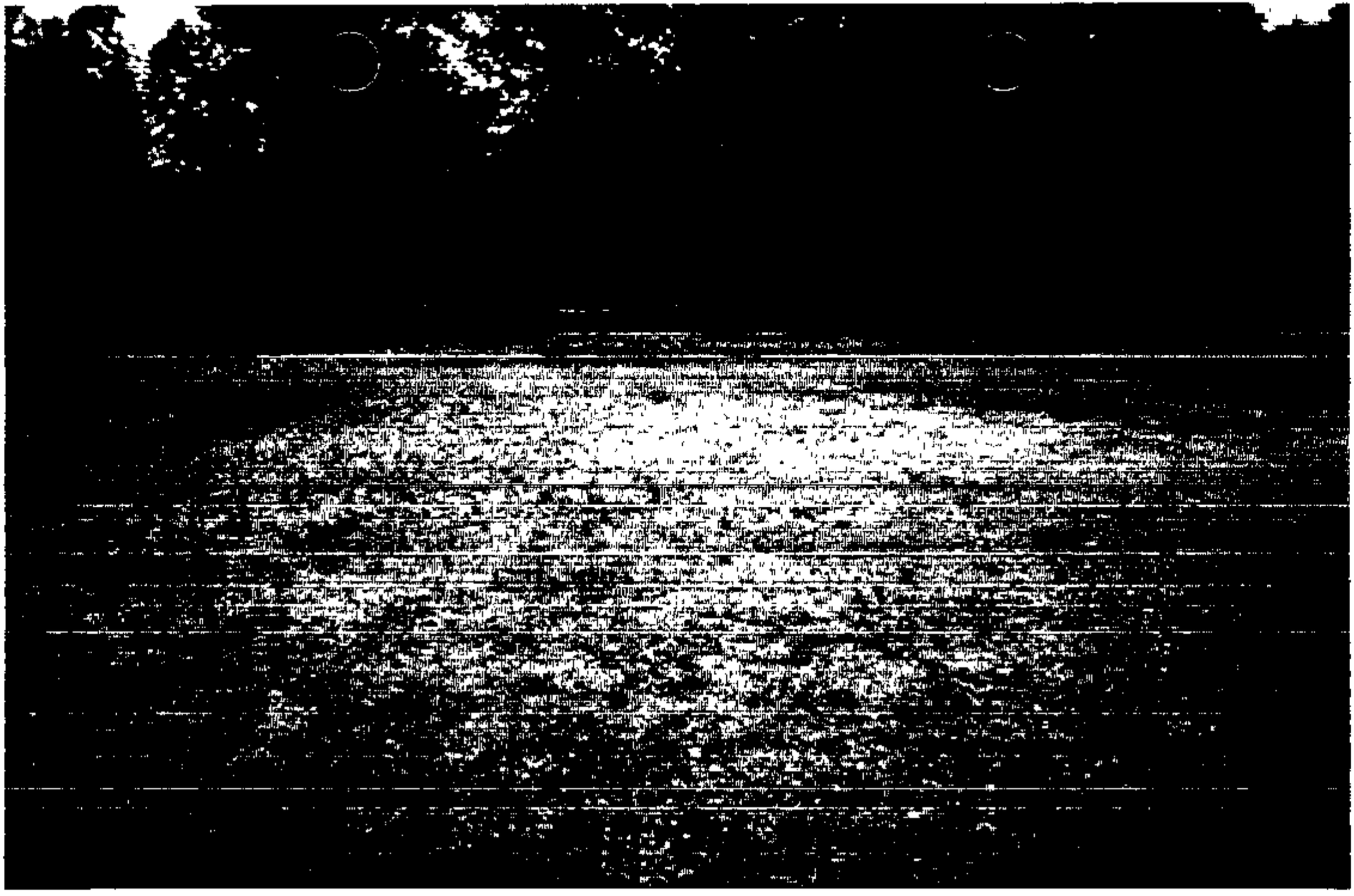
2 F

LANDSCAPING ALONG NORTH SIDE

Pet
25

LANDSCAPE BUFFER ALONG
SIDE & REAR YARDS

Ref 2K



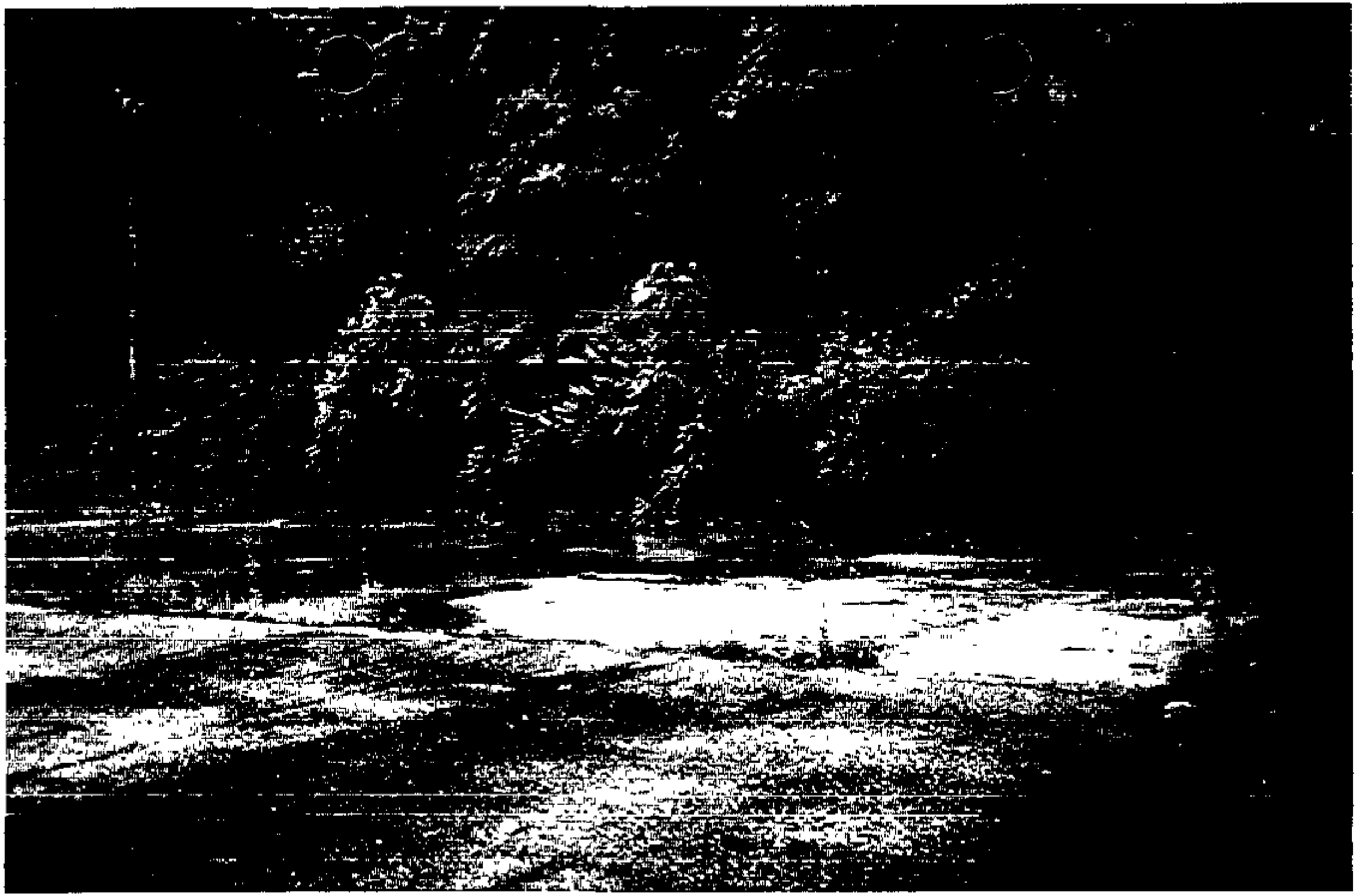
GRAVEL lot + LANDSCAPING

feb 24

CHAVEL ● ~~[illegible]~~ PAGE 10 ●

IN REAR

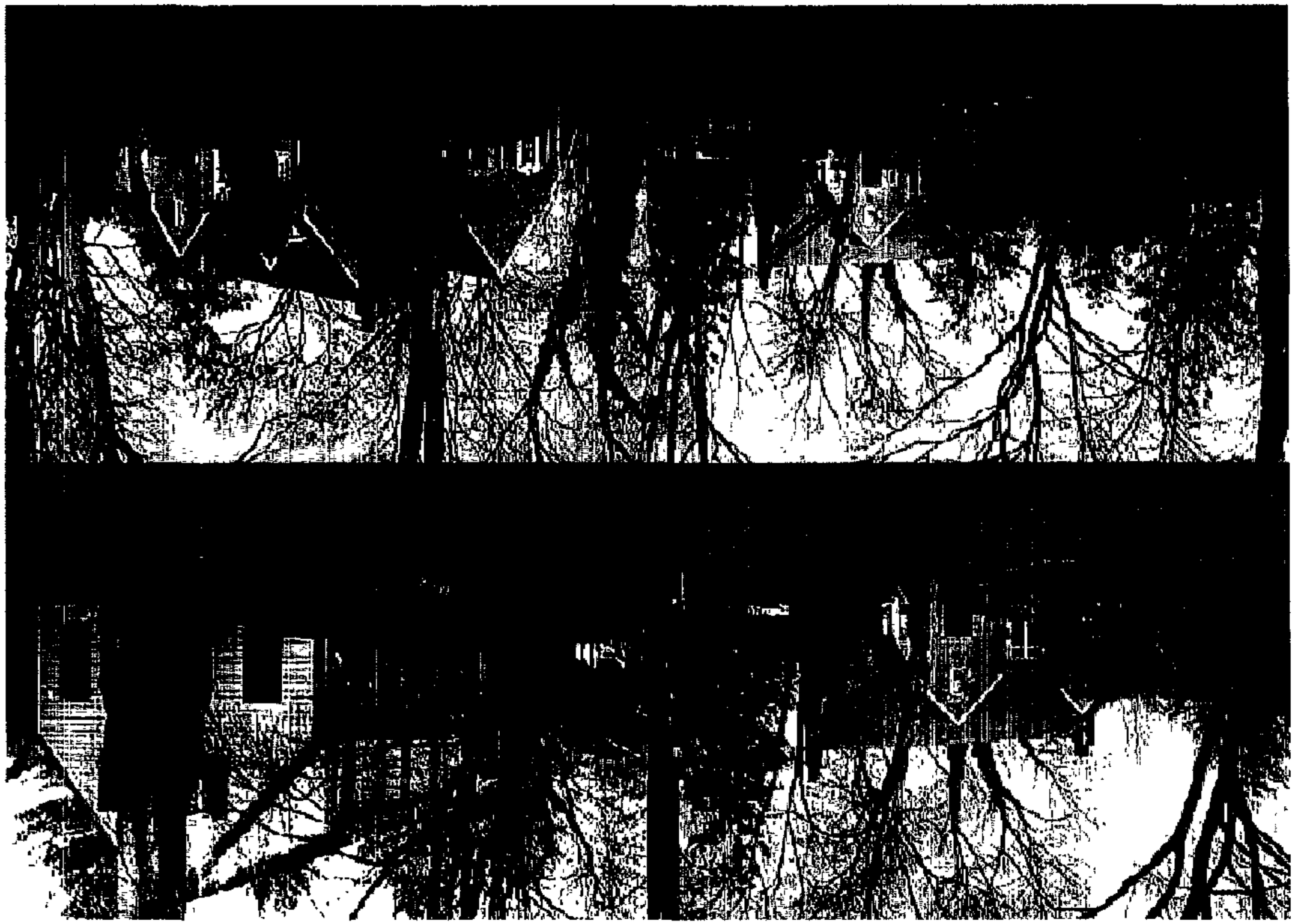
Feb 2 M



Concrete Pads in Rear for

Storage

Ref 2N



PETITIONER'S

EXHIBIT NO. 3C

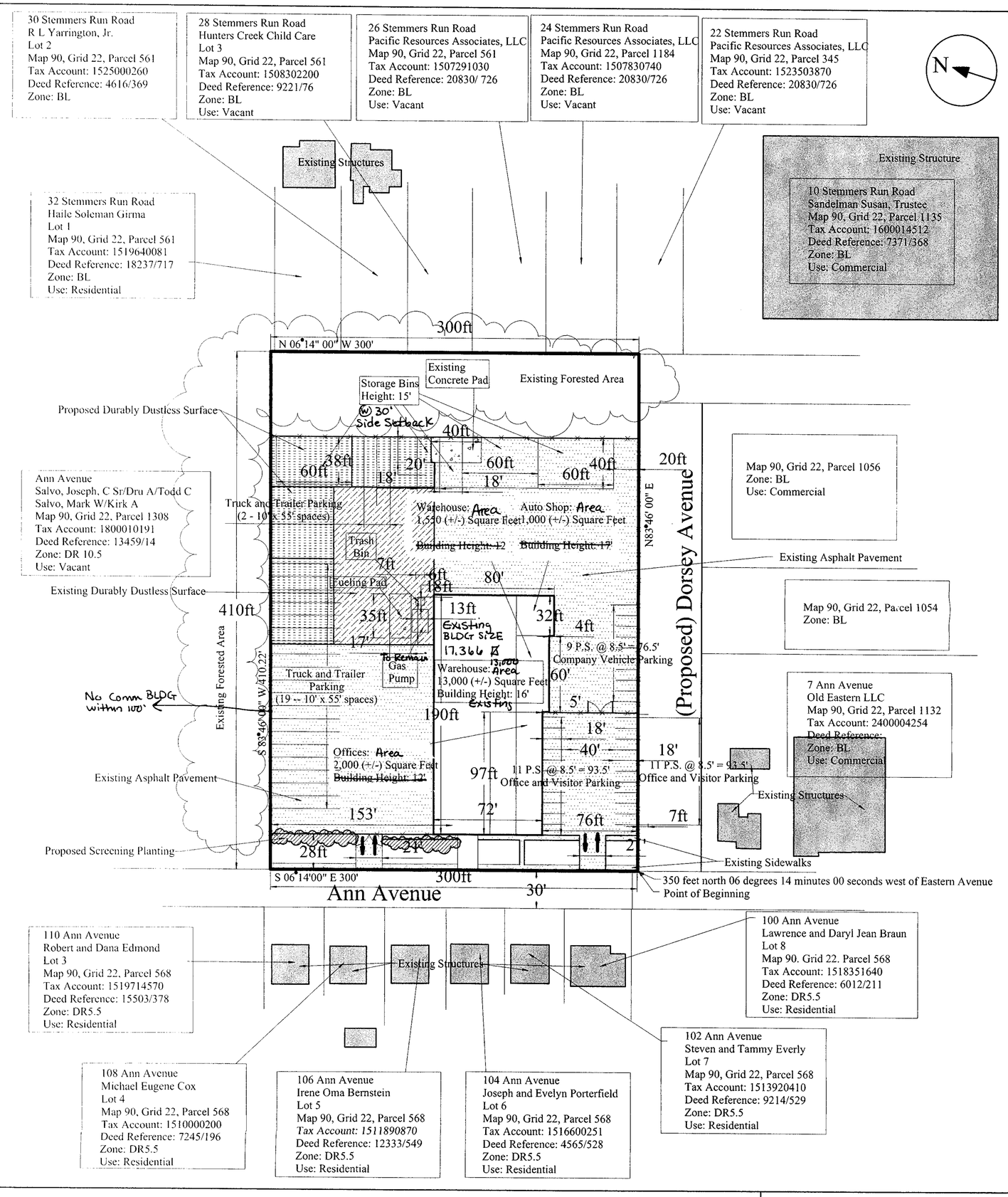
PETITIONER'S

EXHIBIT NO. 3B

PETITIONER'S

EXHIBIT NO. NO 3A

Plan to Accompany Petition for Special Exception



Location/Property Information

Address: 101 Ann Avenue
Baltimore, Maryland, 21221

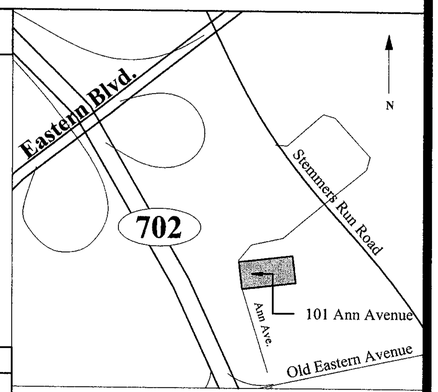
Lot Size: +/- 2.83 Acres
+/- 123,275 Square Feet

Zoning: BR

	Public	Private
Sewer:	☒	☐
Water:	☒	☐

	Yes	No
CBCA	☐	☒
Flood Plain	☐	☒

Zoning Office Use Only	Reviewed By	Item #	Case #



Vicinity Map Scale 1" = 1000'

Notes

1. Owner: Ann Avenue LLC
2. Property Address: 101 Ann Avenue, Baltimore, Maryland, 21221
3. County: Baltimore
4. Map: 90
5. Grid: 22
6. Parcel: 1052
7. Group: 82
8. Election District: 15
9. Councilmanic District: 7
10. Zone: BR
11. Adjacent Streets: Proposed Dorsey Avenue; Stemmers Run Road; Maryland 702; Old Eastern Avenue
12. This property has no prior zoning hearings.
13. Parking
    a. Required Parking
        i. Office: 6.6 spaces (3.3/1000 square feet)
        ii. Warehouse: 2 spaces (1/employee at largest shift)
    b. Provided Parking
        i. Office: 21 spaces
        ii. Warehouse: 9 spaces
14. Driveways
    a. Requirement: at least 20' in width for two way traffic
    b. Provided: 30' width
15. Gross Acreage
    a. Land
        i. 2.83 Acres (123,275 Square Feet)
    b. Building
        i. 0.399 Acre (17,366 Square Feet)
16. Floor to Area Ratio
    a. Allowable: 246,550 Square Feet
    b. Existing: 17,366 Square Feet
17. Use:
    a. Existing: Vacant
    b. Proposed: Contractors storage Yard
18. Environmental Note: 101 Ann Avenue is not located in CBCA.
19. Flood Plain: This property does not lie in a flood plain.
20. Note: All improvements as shown, except storage bins and gas/fuel facilities, are existing.
21. Signage: All signage will comply with Section 450 of BCCR.
22. Utilities
    a. 101 Ann Avenue uses public sewers.
    b. 101 Ann Avenue uses public water.

Michael V. Mackenrodt

Revised 4/27/05 KES

TRUGREEN LandCare

Baltimore Branch
10711 Philadelphia Road
Perry Hall, Maryland 21128

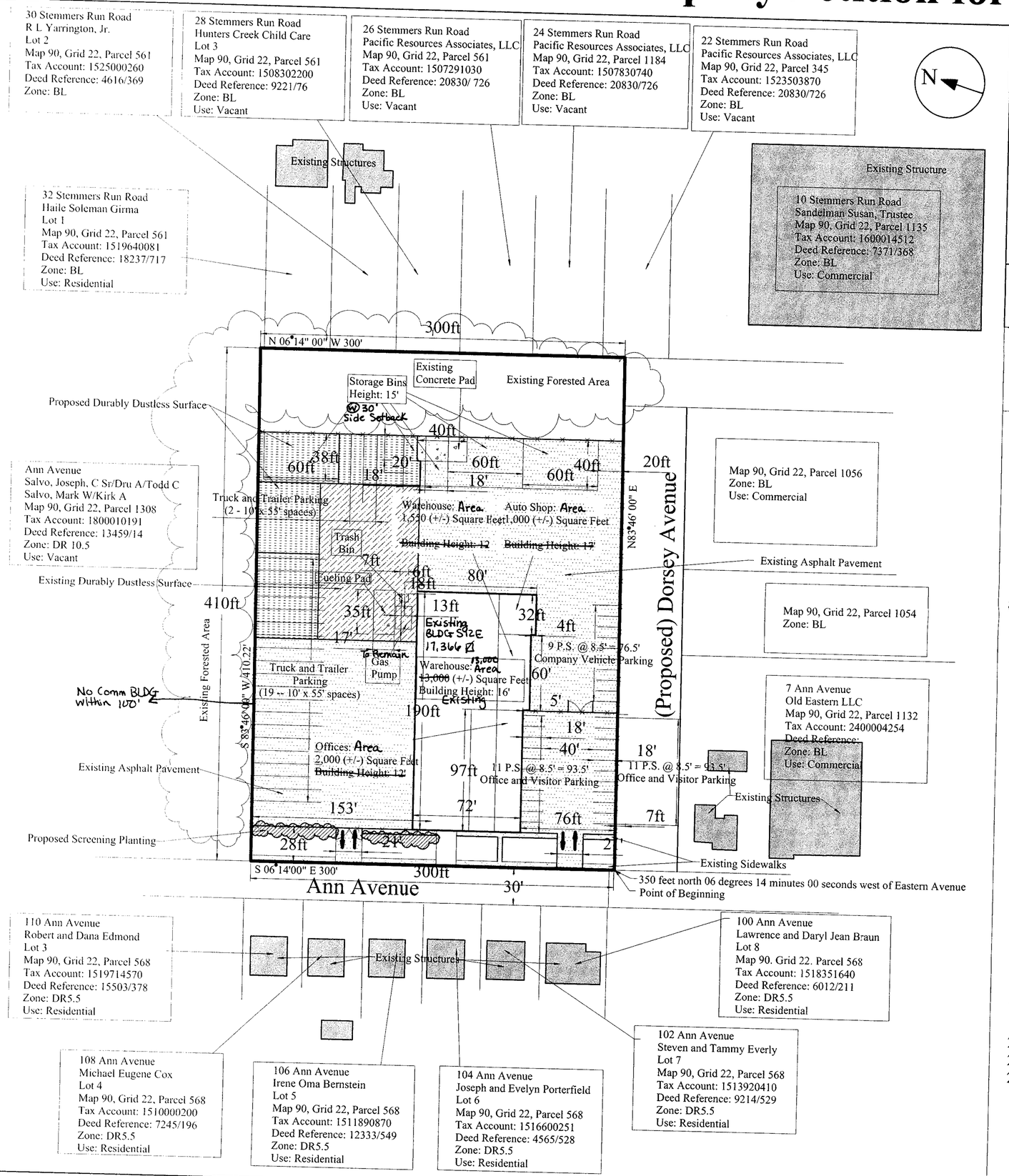
Drawn by Jenn Rodriguez
February 7, 2005

Sheet 1 of 1

Scale 1" = 50'

Revisions:

Plan to Accompany Petition for Special Exception



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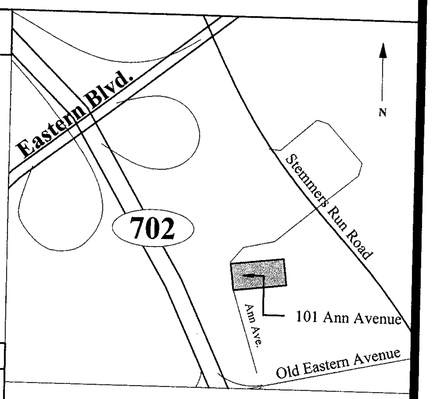
Zoning Office Use Only

Reviewed By	Item #	Case #



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PETITIONER'S EXHIBIT NO. No 1

STATE OF MARYLAND · MICHAEL VINCENT MOSKOWITZ · No. 21175 · PROFESSIONAL LAND SURVEYOR

Revised RGS 4/25/05

TRUGREEN LandCare

Baltimore Branch
10711 Philadelphia Road
Perry Hall, Maryland 21128

Drawn by Jenn Rodriguez
February 7, 2005

Sheet 1 of 1

Scale 1" = 50'

Revisions: