

|                                                 |   |                      |
|-------------------------------------------------|---|----------------------|
| IN RE: <b>PETITIONS FOR SPECIAL HEARING and</b> | * | BEFORE THE           |
| <b>VARIANCE - SW/S Chesaco Avenue, 300'</b>     |   |                      |
| And 418' NW of the c/l Pulaski Highway          | * | ZONING COMMISSIONER  |
| 486' NW of Shirley Avenue                       |   |                      |
| <b>(1211 and 1213 Chesaco Avenue)</b>           | * | OF BALTIMORE COUNTY  |
| 15 <sup>th</sup> Election District              |   |                      |
| 7 <sup>th</sup> Council District                | * | Case No. 05-602-SPHA |
| <br>Philip E. Cvach, et ux                      | * |                      |
| Petitioners                                     |   |                      |

\* \* \* \* \*

ORDER ON THE MOTION

WHEREAS, this matter came before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance seeking certain zoning relief for an existing funeral home located at 1211 Chesaco Avenue, and an existing dwelling at 1213 Chesaco Avenue. The Petitions were filed by Stanley A. Snyder, Esquire on behalf of Philip E. Cvach, and his wife, Mary A. Cvach (1211 Chesaco Avenue), and by Philip E. Cvach, 2<sup>nd</sup> and his wife, Deborah B. Cvach (1213 Chesaco Avenue). Essentially, the Petitioners sought relief to allow a portion of the residential property to be used for commercial parking for the funeral home use, pursuant to Section 409.8.B of the B.C.Z.R., and an amendment to the special exception relief granted in prior Case No. 4288-X to reflect same. In addition, variance relief was requested to legitimize the location of the existing dwelling, to allow a reduced number of parking spaces from that required, and from RTA and landscape buffer requirements. In the alternative, the Petitioners sought approval that existing conditions on both properties were nonconforming. The subject properties and proposal were more particularly described on the site plan accepted into evidence and marked as Petitioner's Exhibits 2A and 2B.

At the public hearing held on July 28, 2005, the respective property owners and their attorney appeared, along with the engineer who prepared the site plan for these properties. There were no Protestants or other interested persons present. In fact, a letter of support was received from the Rosedale Community Association and entered into evidence as Petitioner's Exhibit 7.

For the reasons set forth in my Opinion and Order dated August 23, 2005, I granted approval of the special hearing and variance relief, subject to certain terms and conditions. Of particular concern was whether the parking arrangement on the residential lot should continue in the

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 By [Signature]

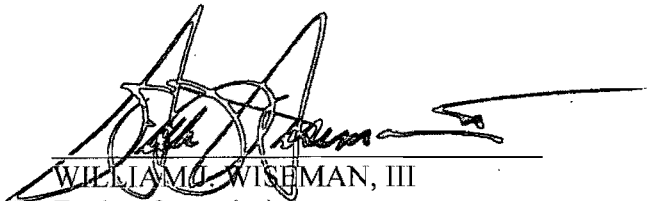
event the funeral home business is sold to a person outside the Cvach family. Thus, I imposed as a condition to the relief that should the business be sold, the special hearing, special exception and variance relief granted would cease.

By letter dated August 31, 2005, the Office of People's Counsel filed a Motion for Reconsideration seeking a modification of the Order to include a requirement that the unified ownership of the two properties remain as a condition of approval. This additional language would void the zoning approvals granted herein, in the event the ownership of the two properties is divided in any way. In response to the concerns raised by People's Counsel, Counsel for the Petitioners agreed to the requested modification. Pursuant to the agreement reached between the parties, I will amend Restriction No. 3 of the Order to incorporate the requested modification as set forth below.

27<sup>th</sup> THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of September 2005 that Restriction No. 3 of the Order issued on August 23, 2005 be and the same shall hereby be AMENDED as follows:

"3) In the event that both parcels (1211 and 1213 Chesaco Avenue) are (a) not owned by the same person or entity, or (b) are not owned by the current owners (Cvachs) or descendants or spouses of the Cvachs, then the special hearing, special exception and variance relief granted hereunder shall be void and of no further force and effect."

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued on August 23, 2005 shall remain in full force and effect.

  
WILLIAM C. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:bjs

cc: Stanley A. Snyder, Esquire, Margolis, Pritzker, Epstein & Blatt, P.A.  
406 E. Joppa Road, Suite 100, Towson, Maryland 21286  
Mr. & Mrs. Philip E. Cvach, 1211 Chesaco Avenue, Baltimore, Md. 21237  
Mr. & Mrs. Philip E. Cvach, II, 1209 Chesaco Avenue, Baltimore, Md. 21237  
Mr. Kenneth J. Colbert, Colbert Matz Rosenfelt  
2835 Smith Avenue, Suite G, Baltimore, Md. 21209  
People's Counsel; Case File

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Date 9/27/05  
By BP



**Baltimore County, Maryland**

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse  
400 Washington Ave.  
Towson, MD 21204

410-887-2188  
Fax: 410-823-4236

PETER MAX ZIMMERMAN  
People's Counsel

August 31, 2005

CAROLE S. DEMILIO  
Deputy People's Counsel

William J. Wiseman, III, Zoning Commissioner  
County Courts Building  
401 Bosley Avenue, Suite 405  
Towson, Maryland 21204

RECEIVED

AUG 31 2005

Re: PETITIONER FOR SPECIAL HEARING AND VARIANCE  
Philip E. Cvach, et al.- Petitioners  
Case Nos: 05-602-SPHA

ZONING COMMISSIONER

Dear Mr. Wiseman:

Please accept this letter as a Motion for Reconsideration under Rule 4K of the Findings of Fact and Conclusions of Law and Order dated August 23, 2005 in the above-referenced case.

Upon review of the opinion, it appears that an essential element of the justification for the zoning relief is that the 1211 Chesaco Avenue and 1213 Chesaco Avenue properties are under the same ownership. This rationalizes or mitigates the functional use of the two properties for funeral house use in combination with the existing residence.

The Order includes Condition 3, which limits zoning approval to this specific funeral home use. Another condition should be added which requires continuation of the unified ownership of the two properties, and which voids the approval in the event that ownership is divided in any way. This additional condition will reflect the importance of unified ownership to this unusual approval of variances which otherwise would undermine the intent of the residential transition area requirements.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman  
People's Counsel for Baltimore County

Carole S. Demilio  
Deputy People's Counsel for Baltimore County

PMZ/CSD/rmw

cc: Stanley A. Snyder, Esquire

IN RE: **PETITIONS FOR SPECIAL HEARING and\*** BEFORE THE  
**VARIANCE** - SW/S Chesaco Avenue, 300'  
 And 418' NW of the c/l Pulaski Highway \* ZONING COMMISSIONER  
 486' NW of Shirley Avenue \* OF BALTIMORE COUNTY  
**(1211 and 1213 Chesaco Avenue)** \*  
 15<sup>th</sup> Election District \* Case No. 05-602-SPHA  
 7<sup>th</sup> Council District \*  
 Philip E. Cvach, et ux \*  
 Petitioners \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Philip E. Cvach, and his wife, Mary A. Cvach (1211 Chesaco Avenue), and by Philip E. Cvach, 2<sup>nd</sup> and his wife, Deborah B. Cvach (1213 Chesaco Avenue), through their attorney, Stanley A. Snyder, Esquire. The Petitioners request alternative relief for an existing funeral home located at 1211 Chesaco Avenue and an existing dwelling known as 1213 Chesaco Avenue. Specifically, the Petitioners request a special hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit: 1) commercial parking in a residential zone, pursuant to Section 409.8.B; 2) an amendment to the special exception relief granted in prior Case No. 4288-X; and 3) approval to allow a portion of the minimum area required for a lot in a D.R.5.5 zone to be used for another use. In addition, the Petitioners request variance relief from the B.C.Z.R. as follows: 1) from Section 1B01.1.B.(e)(5) of the B.C.Z.R. to allow a residential transition area (RTA) parking setback of 0 feet and an RTA landscape buffer of 0 feet in lieu of the 50 feet and 75 feet required, respectively; 2) from Section 409.6.A.4 to permit 17 parking spaces in lieu of 49 spaces required; and, 3) from Section 1B01.2.C.1(b) to permit a rear yard setback of 22 feet in lieu of the required 30 feet for the existing dwelling (1213 Chesaco Avenue). In the alternative, the Petitioners request a special hearing to approve/confirm that the existing improvements and parking arrangement conform

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 By [Signature]



with the previously approved zoning hearings referenced on the plan, and variance relief from Section 1B01.1.B.(3)(5) to permit 12 parking spaces, as currently exist, in lieu of the required 49. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibits 2A and 2B.

Appearing at the requisite public hearing in support of the request were Philip E. Cvach and his wife, Mary A. Cvach, and their son, Philip E. Cvach, II, and their attorney, Stanley A. Snyder, Esquire. Also appearing was Kenneth J. Colbert, the Professional Engineer who prepared the site plan for this property. There were no Protestants or other interested persons present. Moreover, a letter of support from the Rosedale Community Association was received and placed into evidence as Petitioner's Exhibit 7.

The properties at issue in this case are located immediately adjacent to one another on the west side of Chesaco Avenue, between Maryland Routes 7 and 40 (Philadelphia Road and Pulaski Highway) in Rosedale. The property known as 1211 Chesaco Avenue contains a gross area of 0.40 acres, more or less, zoned B.L., and is improved with a 2½-story funeral home and related parking lot for 12 vehicles. This business, which is conducted under the trade name of Cvach/Rosedale Funeral Home, is owned by Philip and Mary Cvach, and has existed on the site since 1957. The immediately adjacent property known as 1213 Chesaco Avenue, contains a gross area of 0.17 acres, zoned D.R.5.5, and is improved with a single family dwelling, which is owned by Philip and Deborah Cvach. That property is used solely for residential purposes and is leased to a tenant. The need for the relief requested by Petitioners flows from the use of the adjacent property as a funeral home. Petitioners' Exhibit 1 shows photographs of the two subject properties. Petitioners' Exhibits 2A and 2B are the site plans for the two properties.

Counsel for the Petitioners proceeded by proffer to discuss the issues raised within the Petitions. As noted above, the funeral home and related parking lot have existed on the site since 1957. In this regard, the Petitioners obtained a special exception for the funeral home and

related parking lot under Case No. 4288-X on November 11, 1957. Although the business has operated successfully under existing conditions for almost 50 years, there is not enough parking onsite to meet current demands of the business. Even when multiple viewings occur, there are only 12 parking spaces on the property. Thus, the Petitioners proposed to utilize a portion of the rear yard of the adjacent property for overflow parking from the funeral home business. Petitioner's Exhibit 4 depicts the rear portion of that lot to be used for parking and a plat delineating the proposed parking area for 5 vehicles, vis-a-vis the rest of that lot. The front portion of the lot would continue to be used solely for residential purposes. Due to the residential zoning of that lot and the proposal to utilize a portion of that property to support the business on the adjacent B.L. zoned lot, the requested special hearing and variances are necessary. In this regard, variances are requested from Residential Transition Area (RTA) requirements to allow a parking setback of 0 feet from the west side property line in lieu of the required 50 feet, and a landscape buffer of 0 feet in lieu of the required 75 feet. Petitioner's Exhibit 5 shows the area affected by these proposed variances.

There was no opposition from any of the neighbors to the proposed plan. As noted above, a letter from the Rosedale Community Association dated May 31, 2005 was introduced into evidence as Petitioners' Exhibit 7. That letter states that at a meeting of that organization's membership, it was "unanimously voted that our organization supports an additional parked car variance at their location on Chesaco Avenue." It is also to be noted that the Cvach family also owns the immediately adjacent properties known as 1209 and 1215 Chesaco Avenue.

Further testimony indicated that there will be an attractive fence erected around the parking lot on 1213 Chesaco Avenue to screen the parking from the surrounding community, and the lighting on that property would be such so as to avoid disrupting the quiet enjoyment of the neighboring residences. All lighting will be directed downward and will not produce glare on surrounding properties.

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Date 8/23/15  
By [Signature]

After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing and variances. It is clear that the funeral home business has existed at this location under its current parking constraints without complaint for many years. It is equally clear that the proposed parking arrangement on the adjacent property will be beneficial to the Rosedale community and will help alleviate some of the parking problems arising from the operation of the funeral home. Nothing in the proposal changes the nature or area of the buildings on these two lots. Moreover, there will be no increase in residential density as a result of the request. I find that strict compliance with the B.C.Z.R. will result in a practical difficulty and unreasonable hardship to the Cvachs. It is clear that without the requested variances, the Petitioners will have great difficulty in continuing to operate this family-owned business that has existed in the Rosedale community for nearly 50 years and has continuously been a good neighbor in that community. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the neighbors support the proposal.

An issue was raised as to whether permitting commercial parking on the adjacent property should be allowed to continue in the event that either property is sold in the future to a person outside the Cvach family. In this regard, Counsel for the Petitioners indicated that they would be willing to accept a condition that in the event the funeral home ceases to operate, the use of the adjacent property for overflow parking will no longer be permitted, regardless of who owns the respective parcels.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23<sup>rd</sup> day of August 2005, that the Petition for Special Hearing seeking approval of: 1) commercial parking in a residential zone, pursuant to Section 409.8.B; 2) an amendment to the special exception relief granted in prior Case No. 4288-X; and 3) utilizing a portion of the

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Jate 5/23/05  
By [Signature]

minimum area required for a lot in a D.R.5.5 zone for another use, in accordance with Petitioner's Exhibits 2A and 2B, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: 1) from Section 1B01.1.B.(e)(5) of the B.C.Z.R. to allow a residential transition area (RTA) parking setback of 0 feet and an RTA landscape buffer of 0 feet in lieu of the 50 feet and 75 feet required, respectively; 2) from Section 409.6.A.4 to permit 17 parking spaces in lieu of 49 spaces required; and, 3) from Section 1B01.2.C.1(b) to permit a rear yard setback of 22 feet in lieu of the required 30 feet for the existing dwelling (1213 Chesaco Avenue), in accordance with Petitioner's Exhibits 2A and 2B, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Use of the proposed parking lot on the adjacent property (1213 Chesaco Avenue) shall be limited to passenger cars. In addition, a 6-foot high wood fence shall surround the lot. All lighting on the lot shall be directed away from the adjacent residential properties and public streets.
- 3) In the event the funeral home ceases to operate at 1211 Chesaco Avenue, then the special hearing, special exception and variance relief granted hereunder shall be void and of no further force and effect.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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Date 8/23/05  
By [Signature]

WJW:bjs

  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

## 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

August 23, 2005

Stanley A. Snyder, Esquire  
Margolis, Pritzker, Epstein & Blatt, P.A.  
406 E. Joppa Road, Suite 100  
Towson, Maryland 21286

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE  
SW/S Chesaco Avenue, 300' & 418' NW of the c/l Pulaski Highway  
(1211 & 1213 Chesaco Avenue)  
15<sup>th</sup> Election District – 7<sup>th</sup> Council District  
Philip E. Cvach, et al - Petitioners  
Case No. 05-602-SPHA

Dear Mr. Snyder:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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,

A handwritten signature in black ink, appearing to read "W. J. Wiseman III", is written over a horizontal line.

WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Philip E. Cvach  
1211 Chesaco Avenue, Baltimore, Md. 21237  
Mr. & Mrs. Philip E. Cvach, II  
1209 Chesaco Avenue, Baltimore, Md. 21237  
Mr. Kenneth J. Colbert, Colbert Matz Rosenfelt  
2835 Smith Avenue, Suite G, Baltimore, Md. 21209  
People's Counsel; Case File

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at: 1211-1213 Chesaco Avenue

Sheet 1 - See 2<sup>nd</sup> Sheet for Additional Signatures

which is presently zoned D.R.-5.5 and BL

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

To permit commercial parking in a residential zone, in accordance with Section 409.8.B, BCZR; to amend the Special Exception in Case No. 4288-X, and to permit a portion of the minimum area required for a lot in a D.R.-5.5 zone to be used for another use.

In the alternative, in the event of denial of the petitions for additional parking, a Special Hearing to approve/confirm that the existing improvements and parking are in conformance with the previously approved zoning hearings referenced on the plan.

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:

Stanley A. Snyder, Esq.

Name - Type or Print

Signature

Margolis Pritzker, Epstein and Blatt, P.A.

Company

465 E. Joppa Road, Suite 100

410-823-2222

Address

Telephone No.

Towson

Md. 21286

State Zip Code

### Legal Owner(s):

Philip E. Cvach

Name - Type or Print

Signature

Mary A. Cvach

Name - Type or Print

Signature

1211 Chesaco Avenue

410-682-2467

Address

Telephone No.

Baltimore

Md. 21237

City

State Zip Code

### Representative to be Contacted:

Kenneth J. Colbert, P.E.

COLBERT MATZ ROSENFELT, INC (eve.) 410-581-2282

2835 Smith Avenue, Suite G

(day) 410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

UNAVAILABLE FOR HEARING

Reviewed By LL Date 5/19/05

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Date 5/23/05  
By [Signature]

05 602 SPHA



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at: 1211-1213 Chesaco Avenue

which is presently zoned D.R.-5.5 and BL

**2<sup>nd</sup> Sheet - Additional Signatures**

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

To permit commercial parking in a residential zone, in accordance with Section 409.8.B, BCZR; to amend the Special Exception in Case No. 4288-X, and to permit a portion of the minimum area required for a lot in a D.R.-5.5 zone to be used for another use.

In the alternative, in the event of denial of the petitions for additional parking, a Special Hearing to approve/confirm that the existing improvements and parking are in conformance with the previously approved zoning hearings referenced on the plan.

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:

Stanley A. Snyder, Esq.

Name - Type or Print

Signature

Margolis, Pritzker, Epstein and Blatt, P.A.

Company

406 E. Joppa Road, Suite 100

410-823-2222

Address

Telephone No.

Towson

Md. 21286

State Zip Code

Case No.

**D5-602-SPN-A**

### Legal Owner(s):

Philip E. Cvach, 2nd

Name - Type or Print

Signature

Deborah B. Cvach

Name - Type or Print

Signature

1209 Chesaco Avenue

410-574-0875

Address

Telephone No.

Baltimore

Md. 21237

City

State Zip Code

### Representative to be Contacted:

Kenneth J. Colbert, P.E.

COLBERT MATZ ROSENFELT, INC (eve.) 410-581-2282

2835 Smith Avenue, Suite G

(day) 410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By Date

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Date

By



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1211 and 1213 Chesaco Avenue

Sheet 1 - See 2<sup>nd</sup> Sheet for Additional Signatures

which is presently zoned D.R.-5.5 and BL

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 of thereof, hereby petition for a Variance from Section(s)

Section 1B01.1.B (e)(5), BCZR, for an RTA parking setback of 0 feet and an RTA landscape buffer of 0 feet in lieu of 50 feet and 75 feet required, respectively, from Section 409.6.A.4, BCZR, for 17 parking spaces in lieu of 49 spaces required, and from Section ~~1B01.2.C.1.b~~ BCZR, to permit a rear yard of 22 feet in lieu of 30 feet required.

1B02.3.C.1

In the alternative, in the event of denial of the petitions for additional parking, a variance to Section 1B01.1.B(e)(5), to permit 12 parking spaces, as currently exist, in lieu of 49 required.

Of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing.

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

I, or we, agree to pay expenses of above Variance, 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:

Stanley A. Snyder, Esq.

Name - Type or Print

Signature

Margolis, Pritzker, Epstein and Blatt, P.A.

Company

100 E Joppa Road, Suite 100

410-823-2222

Address

Telephone No.

City

Md. 21286

State Zip Code

## Legal Owner(s):

Philip E. Cvach

Name - Type or Print

Signature

Mary A. Cvach

Name - Type or Print

Signature

1211 Chesaco Avenue

410-682-2467

Address

Telephone No.

Baltimore

Md. 21237

City

State Zip Code

## Representative to be Contacted:

Kenneth J. Colbert, P.E.

COLBERT MATZ ROSENFELT, INC (eve.) 410-581-2282

2835 Smith Avenue, Suite G

(day)

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

UNAVAILABLE FOR HEARING

Reviewed By JL

Date 5/19/05

Case No. 05 602 SPHA

Date

By

ORDER RECEIVED  
FILED  
MAY 19 2005  
CLERK OF BALTIMORE COUNTY





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1211 and 1213 Chesaco Avenue

which is presently zoned D.R.-5.5 and BL

**2<sup>nd</sup> Sheet -Additional Signatures**

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 of thereof, hereby petition for a Variance from Section(s)

Section 1B01.1.B (e)(5), BCZR, for an RTA parking setback of 0 feet and an RTA landscape buffer of 0 feet in lieu of 50 feet and 75 feet required, respectively, from Section 409.6.A.4, BCZR, for 17 parking spaces in lieu of 49 spaces required, and from Section ~~1B01.2.C.1.b~~, BCZR, to permit a rear yard of 22 feet in lieu of 30 feet required.

1B02.3.C.1 *Mc*

In the alternative, in the event of denial of the petitions for additional parking, a variance to Section 1B01.1.B(e)(5), to permit 12 parking spaces, as currently exist, in lieu of 49 required.

Of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing.

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

I, or we, agree to pay expenses of above Variance, 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:**

Stanley A. Snyder, Esq.

Name - Type or Print

Signature

Margolis, Fritsker, Epstein and Blatt, P.A.

Company

2706 E. Joppa Road, Suite 100

410-823-2222

Address

Telephone No.

City

Md. 21286

State Zip Code

**Legal Owner(s):**

Philip E. Cvach, 2nd

Name - Type or Print

Signature

Deborah B. Cvach

Name - Type or Print

Signature

1209 Chesaco Avenue

410-574-0875

Address.

Telephone No.

Baltimore

Md. 21237

City

State Zip Code

**Representative to be Contacted:**

Kenneth J. Colbert, P.E.

COLBERT MATZ ROSENFELT, INC (eve) 410-581-2282

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City

State Zip Code

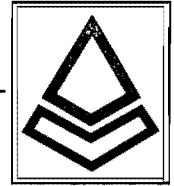
**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By Date

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Date  
By



## ZONING DESCRIPTION

1211 & 1213 CHESACO AVENUE

### AREA 1

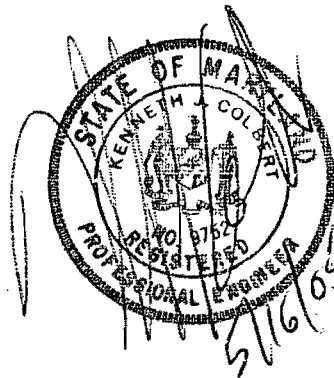
Beginning at a point on the southwest side of Chesaco Avenue, 50 ft. wide, 300 ft., more or less, northwest of Pulaski Highway (MD Route 40), thence running the following courses and distances:

South 68 degrees 15 minutes 00 seconds West, 151.41 ft.; thence  
North 36 degrees 20 minutes 00 seconds West, 167.56 ft.; thence  
North 68 degrees 15 minute 00 seconds East, 57.58 ft.; thence  
South 21 degrees 45 minutes 00 seconds East, 48.39 ft.; thence  
North 68 degrees 15 minute 00 seconds East, 106.42 ft.; thence  
South 36 degrees 20 minutes 00 seconds East, 117.56 ft. to the point of beginning.

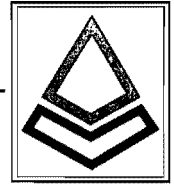
Containing 19708 square feet or 0.452 acres of land, more or less.

Being all of the property conveyed to Philip E. Cvach and Mary A. Cvach by Deed recorded in Liber 3350, page 32 and part of the property conveyed to Philip E. Cvach, 2<sup>nd</sup> and Deborah B. Cvach by Deed recorded in Liber 18647, page 122.

J:\2004\2004131zondes.doc, p. 1



602



## ZONING DESCRIPTION

1213 CHESACO AVENUE

### AREA 2

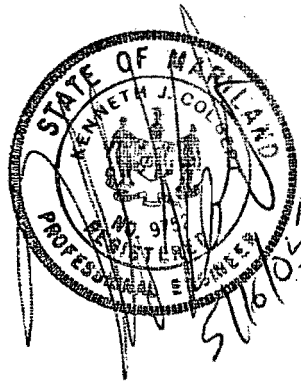
Beginning at a point on the southwest side of Chesaco Avenue, 50 ft. wide, 418 ft., more or less, northwest of Pulaski Highway (MD Route 40), thence running the following courses and distances:

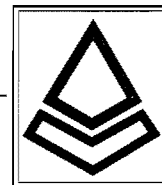
South 68 degrees 15 minutes 00 seconds West, 106.42 ft.; thence  
North 21 degrees 45 minutes 00 seconds West, 48.39 ft.; thence  
North 68 degrees 15 minute 00 seconds East, 93.83 ft.; thence  
South 36 degrees 20 minutes 00 seconds East, 50.00 ft. to the point of beginning.

Containing 4845 square feet or 0.111 acres of land, more or less.

Being part of the property conveyed to Philip E. Cvach, 2<sup>nd</sup> and Deborah B. Cvach by Deed recorded in Liber 18647, page 122.

J:\2004\2004131zondes.doc, p. 2





## ZONING DESCRIPTION

1213 CHESACO AVENUE

### AREA 3

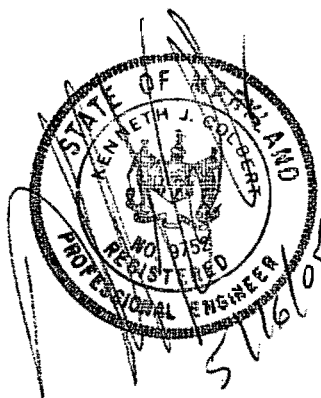
Beginning at a point S 68 degrees 15 minutes 00 seconds West, 106.42 ft. from a point on the southwest side of Chesaco Avenue, 50 ft. wide, said point being 418 ft., more or less, northwest of Pulaski Highway (MD Route 40), thence running the following courses and distances:

South 68 degrees 15 minutes 00 seconds West, 44.99 ft.; thence  
North 36 degrees 20 minutes 00 seconds West, 50.00 ft.; thence  
North 68 degrees 15 minute 00 seconds East, 57.58 ft.; thence  
South 21 degrees 45 minutes 00 seconds East, 48.39 ft. to the point of beginning.

Containing 2482 square feet or 0.056 acres of land, more or less.

Being part of the property conveyed to Philip E. Cvach, 2<sup>nd</sup> and Deborah B. Cvach by Deed recorded in Liber 18647, page 122.

J:\2004\2004131zondes.doc, p. 3



BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 445886

DATE

5/19/05

ACCOUNT

603 JL  
001 006 6150

AMOUNT

\$ 650.00

RECEIVED  
FROM

C. M. T. M. R.

FOR

CDNA 1211-1213.6

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

ISSUED TO: CASHIER  
DATE: 5/19/05  
AMOUNT: \$650.00  
RECEIVED BY: CASHIER  
DATE: 5/19/05  
AMOUNT: \$650.00  
RECEIVED BY: CASHIER  
DATE: 5/19/05  
AMOUNT: \$650.00

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: #05-602-SPHA**

1211 & 1213 Chesaco Avenue  
S/west side of Chesaco Avenue, 300 feet n/west of  
Pulaski Highway

15th Election District - 7th Councilmanic District

Legal Owner(s): Philip E. & Mary A. Cvach

**Special Hearing:** to permit commercial parking in a residential zone, to amend the Special Exception in Case 04-288-X and to permit a portion of the minimum area required for a lot in a D.R. 5.5 zone to be used for another use. In the alternative, in the event of denial of the petitions for additional parking a Special Hearing to approve/confirm that the existing improvements, and parking are in conformance with the previously approved zoning hearings referenced on the plan. **Variance:** to permit an RTA parking setback of 10 feet an RTA landscape buffer of 0 feet in lieu of 50 feet and 75 feet required. To permit 17 parking spaces in lieu of 49 spaces required and to permit a rear yard of 22 feet in lieu of 30 feet required.

**Hearing: Thursday, July 28, 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.

JT/7/632 July 12

58363

**CERTIFICATE OF PUBLICATION**

7/13/2005

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 7/12/2005.

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

J. Wilkinson

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date July 12, 2005

RE: Case Number 05-602-SPHA

Petitioner/Developer STANLEY A SNYDER/PHILIP & MARY CVACH/

Date of (Hearing/Closing) JULY 28, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1211 & 1213 CHESACO AVENUE

The sign(s) were posted on

JULY 9, 2005



Linda O'Keefe  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley Maryland 21030  
(City, State, Zip Code of Sign Poster)

410-666-5366  
(Telephone Number of Sign Poster)



[illegible]

*Westerly* 7/13/05



# CERTIFICATE OF POSTING

RE: Case No: 05-602-SPHA

Petitioner/Developer: PHILIP  
CUACH

Date Of Hearing/Closing: 7/28/05

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 1211 & 1213 CHESAPEAKE AVE

This sign(s) were posted on July 13, 2005  
(Month, Day, Year)

Sincerely,

Martin Ogle 7/13/05  
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



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

June 13, 2005

## NEW 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: 05-602-SPHA**

1211 & 1213 Chesaco Avenue

S/west side of Chesaco Avenue, 300 feet n/west of Pulaski Highway

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

Legal Owners: Philip E. & Mary A. Cvach

Special Hearing to permit commercial parking in a residential zone, to amend the Special Exception in Case 04-288-X and to permit a portion of the minimum area required for a lot in a D.R. 5.5 zone to be used for another use. In the alternative, in the event of denial of the petitions for additional parking a Special Hearing to approve/confirm that the existing improvements and parking are in conformance with the previously approved zoning hearings referenced on the plan. Variance to permit an RTA parking setback of 0 feet an RTA landscape buffer of 0 feet in lieu of 50 feet and 75 feet required. To permit 17 parking spaces in lieu of 49 spaces required and to permit a rear yard of 22 feet in lieu of 30 feet required.

Hearing: Thursday, July 28, 2005 at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Stanley A. Snyder, 406 E. Joppa Rd., Ste. 100, Towson 21286  
Philip & Mary Cvach, 1211 Chesaco Ave., Baltimore 21237  
Kenneth Colbert, 2835 Smith Ave., Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 13, 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  
Tuesday, July 12, 2005, 2005 Issue - Jeffersonian

Please forward billing to:  
Philip E. Cvach, 2<sup>nd</sup>  
1211 Chesaco Avenue  
Baltimore, MD 21237

410-574-0875

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## CORRECTED 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: 05-602-SPHA**

1211 & 1213 Chesaco Avenue

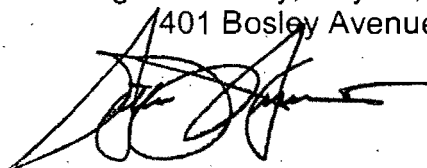
S/west side of Chesaco Avenue, 300 feet n/west of Pulaski Highway

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

Legal Owners: Philip E. & Mary A. Cvach

Special Hearing to permit commercial parking in a residential zone, to amend the Special Exception in Case 04-288-X and to permit a portion of the minimum area required for a lot in a D.R. 5.5 zone to be used for another use. In the alternative, in the event of denial of the petitions for additional parking a Special Hearing to approve/confirm that the existing improvements and parking are in conformance with the previously approved zoning hearings referenced on the plan. Variance to permit an RTA parking setback of 0 feet an RTA landscape buffer of 0 feet in lieu of 50 feet and 75 feet required. To permit 17 parking spaces in lieu of 49 spaces required and to permit a rear yard of 22 feet in lieu of 30 feet required.

Hearing: Thursday, July 28, 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 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 &  
Development Management**



**Baltimore County**

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

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

June 13, 2005

Stanley Snyder, Esq.  
Margolis, Pritzker, Epstein & Blatt, P.A.  
406 E. Joppa Rd., Ste. 100  
Towson, MD 21286

Dear Mr. Snyder:

RE: Case Number: 05-602-SPHA, 1211 & 1213 Chesaco Avenue

The above matter, previously scheduled for July 12, 2005, has been postponed. and since been rescheduled. The Notice of Zoning Hearing reflecting this change is attached.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over a horizontal line.

Timothy Kotroco  
Director

TK:klm

C: Kenneth Colbert, 2835 Smith Avenue, Ste. G, Baltimore 21209  
Mr. & Mrs. Philip Cvach, 1211 Chesaco Avenue, Baltimore 21237

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





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

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

May 24, 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: 05-602-SPHA**

1211 & 1213 Chesaco Avenue

S/west side of Chesaco Avenue, 300 feet n/west of Pulaski Highway

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

Legal Owners: Philip E. & Mary A. Cvach

Special Hearing to permit commercial parking in a residential zone, to amend the Special Exception in Case 04-288-X and to permit a portion of the minimum area required for a lot in a D.R. 5.5 zone to be used for another use. In the alternative, in the event of denial of the petitions for additional parking a Special Hearing to approve/confirm that the existing improvements and parking are in conformance with the previously approved zoning hearings referenced on the plan. Variance to permit an RTA parking setback of 0 feet an RTA landscape buffer of 0 feet in lieu of 50 feet and 75 feet required. To permit 17 parking spaces in lieu of 49 spaces required and to permit a rear yard of 22 feet in lieu of 30 feet required.

Hearing: Tuesday, July 12, 2005 at 9:00 a.m. in Room 106, County Office Building,  
111 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Stanley A. Snyder, 406 E. Joppa Rd., Ste. 100, Towson 21286  
Philip & Mary Cvach, 1211 Chesaco Ave., Baltimore 21237  
Kenneth Colbert, 2835 Smith Ave., Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 27, 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  
Tuesday, June 28, 2005 Issue - Jeffersonian

Please forward billing to:  
Philip E. Cvach, 2<sup>nd</sup>  
1211 Chesaco Avenue  
Baltimore, MD 21237

410-574-0875

---

## 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: 05-602-SPHA**

1211 & 1213 Chesaco Avenue

S/west side of Chesaco Avenue, 300 feet n/west of Pulaski Highway

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

Legal Owners: Philip E. & Mary A. Cvach

Special Hearing to permit commercial parking in a residential zone, to amend the Special Exception in Case 04-288-X and to permit a portion of the minimum area required for a lot in a D.R. 5.5 zone to be used for another use. In the alternative, in the event of denial of the petitions for additional parking a Special Hearing to approve/confirm that the existing improvements and parking are in conformance with the previously approved zoning hearings referenced on the plan. Variance to permit an RTA parking setback of 0 feet an RTA landscape buffer of 0 feet in lieu of 50 feet and 75 feet required. To permit 17 parking spaces in lieu of 49 spaces required and to permit a rear yard of 22 feet in lieu of 30 feet required.

Hearing: Tuesday, July 12, 2005 at 9:00 a.m. in Room 106, County Office Building,  
111 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  
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: 05 - 602 SPHA

Petitioner: CVACH, ET AL

Address or Location: 1211 & 1213 CHESACO AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: PHILIP E. CVACH, 2ND

Address: 1211 CHESACO AVE

BALTIMORE, MD 21237

Telephone Number: 410-574-0875

**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*

July 18, 2005

Stanley A. Snyder, Esquire  
Margolis, Pritzker, Epstein & Blatt, P.A.  
406 E. Joppa Road, Ste. 100  
Towson, Maryland 21286

Dear Mr. Snyder:

RE: Case Number: 05-602-SPHA, 1211 and 1213 Chesaco Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 19, 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.".

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel  
Philip E. and Mary A. Cvach 1211 Chesaco Avenue Baltimore 21237  
Kenneth E. Colbert, P.E. 2835 Smith Avenue, Ste. G Baltimore 21209

Visit the County's Website at [www.baltimorecountyonline.info](http://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

May 25, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 30, 2005

Item No.: 578, 597, 598, 599, 600, 602, 603, 604, 605 and 606

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

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



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



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

Maryland Department of Transportation

Date: 5.24.05

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

RE: Baltimore County  
Item No. 602 JLL

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,

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: June 14, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 31, 2005

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

05-596

05-597

05-598

05-599

05-600

05-601

05-602

05-603

05-604

05-605

05-606

Reviewers: Sue Farinetti, Dave Lykens

BW  
7/28

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** June 7, 2005  
**RECEIVED**

JUN 10 2005

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

**ZONING COMMISSIONER**

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 5-602 – Special Hearing

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 Curtis Murray in the Office of Planning at 410-887-3480.

**Prepared By:**

*Curtis Murray*

**Division Chief:**

*John L. L...*

CJM/LL

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** June 1, 2005

**RECEIVED**

**FROM:** Dennis A. Kennedy, Acting Supervisor  
Bureau of Development Plans Review

JUL 07 2005

**SUBJECT:** Zoning Advisory Committee Meeting  
For June 6, 2005  
Item No. 597, 598, 599, 602, 605, 606

**ZONING COMMISSIONER**

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-06012005.doc

|                                                                    |   |                     |
|--------------------------------------------------------------------|---|---------------------|
| RE: PETITION FOR SPECIAL HEARING                                   | * | BEFORE THE          |
| AND VARIANCE                                                       |   |                     |
| 1211 & 1213 Chesaco Avenue; SW/side                                | * | ZONING COMMISSIONER |
| Chesaco Avenue, 300' NW Pulaski Highway                            |   |                     |
| 15 <sup>th</sup> Election & 7 <sup>th</sup> Councilmanic Districts | * | FOR                 |
| Legal Owner(s): Philip E., Mary A.,                                |   |                     |
| Philip E., Jr., & Deborah B. Cvach                                 | * | BALTIMORE COUNTY    |
| Petitioner(s)                                                      | * | 05-602-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 sent/ 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 25<sup>th</sup> day of May, 2005, a copy of the foregoing Entry of Appearance was mailed to Kenneth J. Colbert, P.E., Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Stanley Snyder, Esquire, Margolis, Pritzker, Epstein and Blatt, P.A., 406 E. Joppa Road, Suite 100, Towson, MD 21286, Attorney for Petitioner(s).

**RECEIVED**

**MAY 25 2005**

Per.....

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

# Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



June 7, 2005

Mr. Timothy Kotroco, Director  
Department of Permits and  
Development Management  
111 W. Chesapeake Avenue  
Towson, Md. 21204

Re: Cvach Funeral Home  
Case No. 05-602-SPHA

Dear Mr. Kotroco,

I have a scheduling conflict with the hearing date assigned for this case, July 12, 2005. I will be unavailable between July 8, 2005 and July 15, 2005.

I respectfully request assignment of an alternative hearing date, the earliest possible date either before or after that time period.

Thank you for your attention to this matter.

Yours truly,

Kenneth J. Colbert, P.E.  
President  
COLBERT MATZ ROSENFELT, INC.

cc: Stanley Snyder, Esq  
Philip Cvach, 2<sup>nd</sup>

OK  
to postpone  
6/10/05

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](#)  
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[Ground Rent](#)

Account Identifier: District - 15 Account Number - 1511151380

#### Owner Information

Owner Name: CVACH PHILIP E,2ND  
CVACH DEBORAH B

Use: RESIDENTIAL

Principal Residence: NO

Mailing Address: 1213 CHESACO AVE  
BALTIMORE MD 21237-2601

Deed Reference: 1) /18647/ 122  
2)

*Handwritten:* 9500  
- 1900  
5600  
400 it's not

#### Location & Structure Information

Premises Address  
1213 CHESACO AVE

Legal Description  
PT LT 201  
1213 CHESACO AVE  
ROSEDALE TERRACE

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assesment Area | Plat No:  | C     |
|-----|------|--------|--------------|-------------|---------|-------|-----|----------------|-----------|-------|
| 96  | 5    | 190    |              |             |         |       | 201 | 3              | Plat Ref: | 3/ 90 |

Special Tax Areas  
Town  
Ad Valorem  
Tax Class

| Primary Structure Built | Enclosed Area   | Property Land Area    | County Use         |
|-------------------------|-----------------|-----------------------|--------------------|
| 1941                    | 1,464 SF        | 7,500.00 SF           | 04                 |
| Stories<br>1 1/2        | Basement<br>YES | Type<br>STANDARD UNIT | Exterior<br>SIDING |

#### Value Information

|                    | Base Value | Value As Of<br>01/01/2003 | Phase-in Assessments As Of<br>07/01/2004 | As Of<br>07/01/2005 |
|--------------------|------------|---------------------------|------------------------------------------|---------------------|
| Land:              | 29,620     | 29,620                    |                                          |                     |
| Improvements:      | 66,460     | 72,050                    |                                          |                     |
| Total:             | 96,080     | 101,670                   | 99,806                                   | 101,670             |
| Preferential Land: | 0          | 0                         | 0                                        | 0                   |

#### Transfer Information

|                                     |                    |                  |
|-------------------------------------|--------------------|------------------|
| Seller: KELLY WILLIAM R             | Date: 08/25/2003   | Price: \$141,000 |
| Type: IMPROVED ARMS-LENGTH          | Deed1: /18647/ 122 | Deed2:           |
| Seller: TELLJOHAN HENRY & ELIZABETH | Date: 12/23/1955   | Price: \$15,000  |
| Type: IMPROVED ARMS-LENGTH          | Deed1: / 2845/ 498 | Deed2:           |
| Seller:                             | Date:              | Price:           |
| Type:                               | Deed1:             | 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 \*

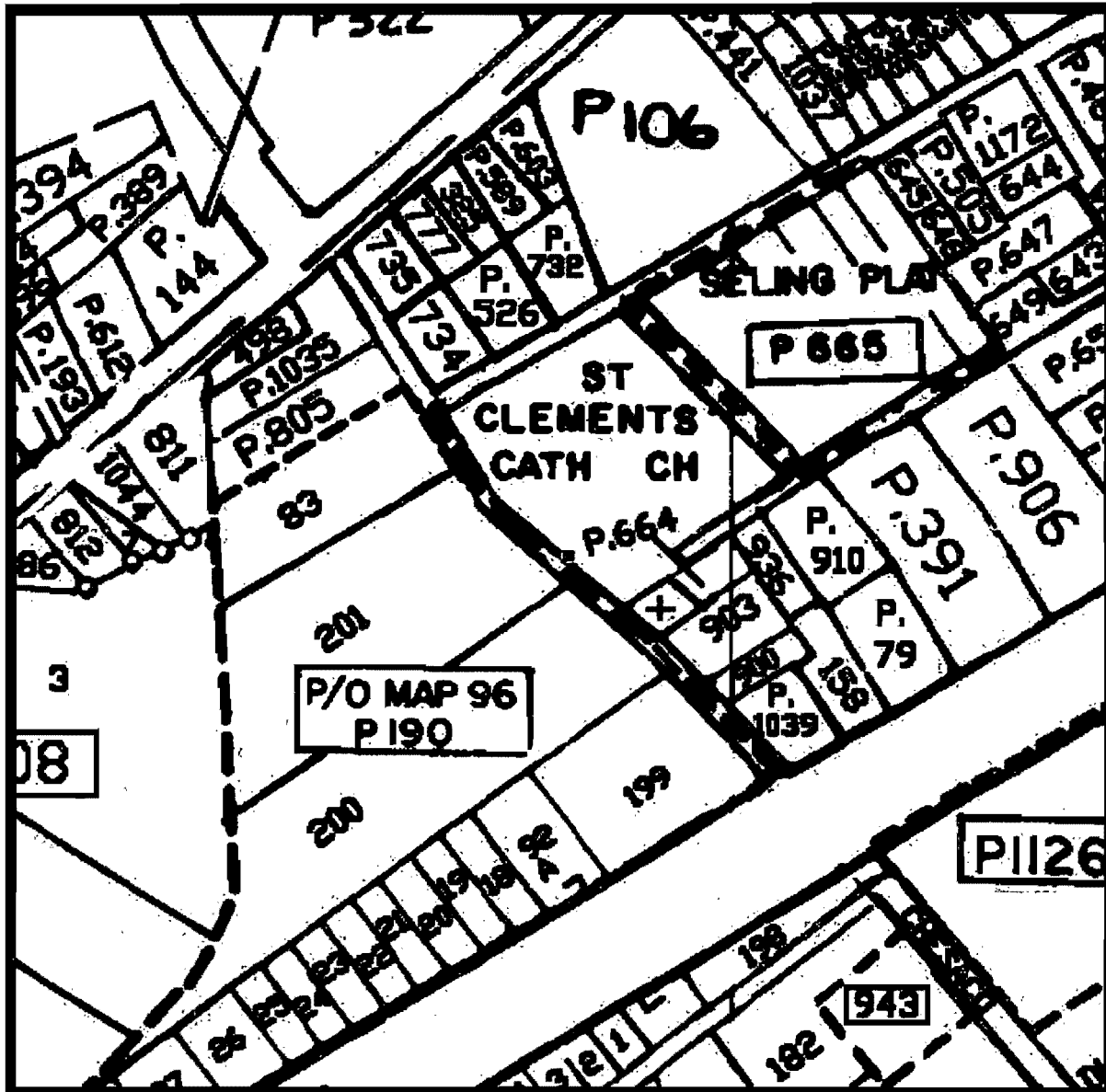




**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
**Real Property Data Search**

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**District - 15    Account Number - 1511151380**



Property maps provided courtesy of the Maryland Department of Planning ©2004.  
For more information on electronic mapping applications, visit the Maryland Department of Planning  
web site at [www.mdp.state.md.us/webcom/index.html](http://www.mdp.state.md.us/webcom/index.html)

Case No.:

05-602 SPHA

CVACT - ROSEDALE  
FUNERAL HOME

## Exhibit Sheet

Petitioner/Developer

Protestant

|        |                                                                                  |  |
|--------|----------------------------------------------------------------------------------|--|
| No. 1  | SERIES OF PHOTOGRAPHS<br>depicting Funeral Home<br>and Properties to West + East |  |
| No. 2  | SITE PLAN 2A<br>2B                                                               |  |
| No. 3  | SITE PLAN WITH PHOTOS<br>Special Heavy to Amend + Analyze                        |  |
| No. 4  | PLAN + PHOTO -<br>AREA #2 of Petition - undivided resulting lot + Set Back       |  |
| No. 5  | RTA Set backs + Buffers                                                          |  |
| No. 6  | GIS TOPOGRAPHIC WITH<br>SITE SUPERIMPOSED                                        |  |
| No. 7  | Rosedale Community<br>Assoc. - SUPPORT                                           |  |
| No. 8  |                                                                                  |  |
| No. 9  |                                                                                  |  |
| No. 10 |                                                                                  |  |
| No. 11 |                                                                                  |  |
| No. 12 |                                                                                  |  |

CASE NAME Philip E. & Mary A. Cack  
CASE NUMBER 05-602-SP1A  
DATE July 28, 2005

[illegible]



RECEIVED

JUN 3 2005

ZONING COMMISSIONER

May 31, 2005

By email: [wwiseman@co.ba.md.us](mailto:wwiseman@co.ba.md.us)

Baltimore County Zoning Commissioner  
William J. Wiseman, III  
401 Bosley Avenue  
Room 405  
Towson, Maryland 21204

Re: Variance for Cvach Funeral Home  
12 11 Chesaco Avenue  
Subject: Case No. 05-662-SPHA

602

Dear Mr. Wiseman:

Please be advised that members, officers and board members of the Rosedale Community Association met on May 26, 2005. It was unanimously voted that our organization supports an additional parked-car variance at their location on Chesaco Avenue.

Respectfully submitted,

*RPM*

Russ Mirabile  
President  
Rosedale Community Association

Cc:  
Philip Cvach  
1209 Chesaco Avenue  
Baltimore, Maryland 21237

PETITIONER'S

P.O. Box 9680 • Baltimore, MD 21237-9

EXHIBIT NO.

7

602





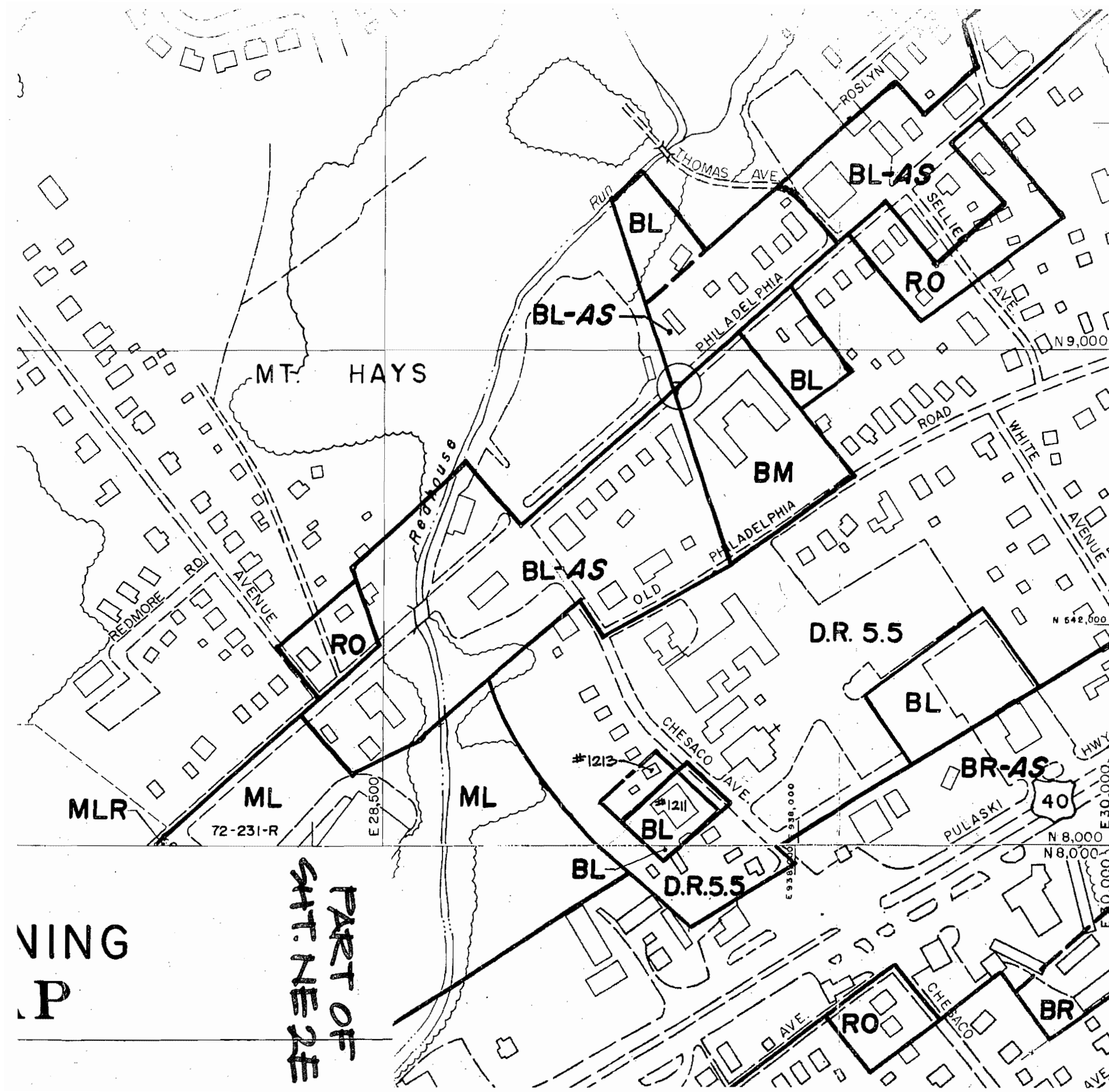
EXHIBIT TO ACCOMPANY  
PETITION FOR  
SPECIAL HEARING &  
VARIANCE

THE ROSEDALE FUNERAL  
HOME OF  
PHILIP E. CVACH  
1211 & 1213  
CHESACO AVENUE  
15<sup>TH</sup> ELECTION DISTRICT  
7<sup>TH</sup> COUNCILMANIC DISTRICT  
BALTIMORE COUNTY

NE  
3  
E

05 602 SPAS

2004 131

















AREA: 19,708 sq.ft.±  
or 0.452 ac.±











PET #1



DSCN1326.JPG 2005/07/24 15:41:36



DSCN1303.JPG 2005/07/24 15:25:18



DSCN1301.JPG 2005/07/24 15:24:30



DSCN1304.JPG 2005/07/24 15:25:47



DSCN1325.JPG 2005/07/24 15:40:46