RE: PETITION FOR VARIANCE SW/Corner Eastern Blvd. & Marlyn Ave. (Parcels 983, 779, 277, & 841) 15<sup>th</sup> Election District 7<sup>th</sup> Council District

\* ZONING COMMISSIONER

\* FOR

Alfred & Marjorie Brennan, Owners, Parcel 983; \*
Paul Goodman, Owner, Parcels 277 & 779
Philip W. Ruby, Owner, Parcel 841
Contract Purchaser(s): Pace Properties, Inc.
By David LaPee \*

**BALTIMORE COUNTY** 

Case No. 06-091-A

BEFORE THE

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for Variance for the property located on the southwest side of the intersection of Eastern Avenue (Route 150) and Marlyn Avenue in Essex. The Petition was filed by Pace Properties, Inc, contract purchaser, and Phillip W. Ruby, Paul Goodman, Alfred L. Brennan Sr. and Marjorie L. Brennan, respective property owners as described below. Variance relief is requested as follows:

- 1. From BCZR Section 409.6.A.2 to permit 69 off street parking spaces in lieu of the required 75 off street parking spaces.
- 2. From Landscape Manual Condition B to permit a 5.02' landscape transition area in lieu of the previously approved 6.96' landscape transition area approved under Case #05-361-A.
- 3. From Landscape Manual Condition B to permit a 2.08' landscape transition area in lieu of the previously approved 7.55' landscape transition area approved under Case #05-361-A.

The subject property and requested relief are more particularly shown on the Plat to accompany the Petition for Variance, received into evidence as Petitioner's Exhibit No. 1.

Appearing at the public hearing in support of the Petition was David LaPee of Pace properties, like., Petitioner. Also present was Matthew Allen of Bohler Engineering, P.C., the preparer of the site plan. The Petitioners were represented by D. Dusky Holman, Esquire, of Gildea & Schmidt, LLC.

DENTITION OF THE ING

plan. The Petitioners were represented by D. Dusky Holman, Esquire, of Gildea & Schmidt, LLC. There were no Protestants or other interested persons present, although the Office of People's Counsel entered its appearance. There were no adverse Zoning Advisory Committee comments.

The property being considered under the instant zoning Petition is composed of four adjacent tracts owned by different parties. The Petitioner Paul Goodman owns two tracts of land known as Parcels 277 and 779, the Petitioner Philip Ruby owns Parcel 841 and Petitioners Alfred & Marjorie Brennan own Parcel 983. The contract purchaser, Pace Properties, Inc., intends to acquire three of these parcels (277, 779 and 841), raze all improvements thereon and redevelop the property with a Walgreen's Pharmacy. In addition, Pace Properties, Inc. has entered into an agreement with Alfred L. Brennan Sr. and his wife, Marjorie L. Brennan, the owners of a fourth adjacent tract referred to as Parcel 983. This will allow the parties to utilize a shared parking arrangement and provide a reciprocal access easement for improved egress/ingress to the proposed facility from Eastern Avenue.

The four properties, which all lie adjacent to one another and abut the southwest corner of Eastern Boulevard and Marlyn Avenue, are collectively 1.70 acres split zoned BM (Business Major) and BL (Business Local). The predominant zoning of the property is BM. A new pharmacy building is proposed, which will be approximately 120 feet by 105 feet in dimension, with a maximum height of 27 feet. The building will total 14,706 square feet in area and will feature a drive-through window along the rear of the building. Access to the property is by way of a curb cut along Marlyn Avenue, with a second access from Eastern Blvd. (Md. Rte. 150).

The first variance requested relates to the number of parking spaces to be provided for the phermacy use. As more particularly shown on the plan, the Petitioners propose a macadam parking field that will serve patrons who enter from either of the adjacent public roads. The parking is located along three sides of the proposed building and is designed to accommodate the proposed drive-through

lane. Additionally, the pharmacy will utilize a shared parking arrangement with the Brennan parcel, pursuant to Section 409.B.3 of the BCZR. That parcel (983) is improved with a one-story block building which is utilized as office space. The uncontradicted testimony and evidence presented was that the proposed parking layout was appropriate for these parcels and the uses thereon. It was indicated that sufficient spaces were being provided to accommodate these uses and not result in any parking spillage onto adjacent streets or properties.

The second and third variances requested relate to landscape transition area setbacks. These are more particularly shown on the rendered plan (Exhibit 2). That plan likewise demonstrates that the proposed building will represent an upgrade to this existing commercial neighborhood and generally enhance the area. Significant landscaping is proposed along the street right-of-way and the building and layout are of an attractive design.

The requested variances clearly result from the uniqueness of these parcels. The property as combined is of an irregular shape with uneven property lines. This requires the innovative design for redevelopment of the site as is proposed on the site plan. Moreover, strict adherence to the regulations would result in a practical difficulty upon the Petitioner, in that a reasonable use of the property would not be allowed.

It is also to be noted that this decision serves as a modification to the relief granted in Case No. 05-361-A. In that case, certain variance relief was granted to allow requested signage and proposed landscape transition areas. The initial decision in that case was appealed to the County Board of Appeals by the Office of People's Counsel. Following an agreement of the parties and remand, an amended order was issued by the undersigned. That order specifically amended the variance for signage to reflect an agreement by the parties. In the instant case, the layout has been modified in action or with that agreement and the extent of the landscape transition area variance has been

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reduced. It is also to be noted that the plan that was approved in that case has been modified at the request of DEPRM. Specifically, the underground storm water management system proposed for the subject tract has been modified at DEPRM's request. This has resulted in less impervious surface, more natural (green) area and fewer parking spaces (i.e. six spaces have been eliminated). This change has also resulted in the need for the parking variance described above and requested in this case.

Based upon the testimony and evidence presented, I am persuaded that relief should be granted. In this regard, I find the requirements of Section 307 of the BCZR have been satisfied, and the following Order will modify the relief granted in Case No. 05-361-A. Additionally, the applicable provisions of the prior case (as amended) shall remain in full force and effect and shall be incorporated herein.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of June 2006 that the Petition for Variance, from BCZR Section 409.6.A.2, to permit 69 off street parking spaces in lieu of the required 75 off street parking spaces, in accordance with the site plan submitted into evidence as Petitioner's Exhibit No. 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance from Landscape Manual Condition B – to permit a 5.02' landscape transition area in lieu of the previously approved 6.96' landscape transition area approved under Case No. 05-361-A and;

IT IS FURTHER ORDERED, that the Petition for Variance from Landscape Manual Condition by to permit a 2.08' landscape transition area in lieu of the previously approved 7.55' landscape transition area approved under Case No. 05-361-A.

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IT IS FURTHER ORDERED that all other terms and conditions of the Order issued in case No. 05-361-A, as amended shall remain in full force and effect except as modified herein.

Any appeal of this decision must be entered within thirty (30) days of the date hereof in accordance with the applicable provisions of law.

WILLIAM I WISEMAN, III

Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

June 2, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

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

RE: PETITION FOR VARIANCE

SW/Corner Eastern Boulevard & Marlyn Avenue

(Parcels 983, 779, 277 & 841)

15<sup>th</sup> Election District — 7<sup>th</sup> Council District

Alfred & Marjorie Brennan (Parcel 983), Paul Goodman (Parcels 277 & 779), and Philip W. Ruby (Parcel 841), Owners;

Pace Properties, Inc., Contract Purchasers - Petitioners

Case No. 06-091-A

Dear Mr. Holman:

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

WJW:dlw

Zoning Commissioner for Baltimore County

AMA-WISEMAN, III

Very traily yours,

c: Mr. David LaPee, Pace Properties, Inc. 1401 S. Brentwood Boulevard, Suite 100, St. Louis, MO 63144 Mr. Matthew Allen, Bohler Engineering, Inc., 810 Gleneagles Court, Suite 300, Towson, MD 21286 People's Counsel; Case File



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at: 6 Marlyn Avenue

Legal Owner(s):

B/2 Date \$711/0-

which is presently zoned: BM-AS & BL-AS

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 Variance from Section(s):

Please see attached document.

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 is 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.

Name

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:

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Date

Pace Properties, Inc. By: DAVID LAPEE

See attachment		
ype or Print	·	"···
Signature		· <del></del>
Name - Type or Print	<del></del>	
Signature Wayne M. Rush	····	· ·····
Address		Telephone No
	State	Zip Code

Variet Xatel					
Signature 1401 Brentwood Blvd., Suite	: 100	(314) 968-9898	Signature		······································
Address	. :	Telephone No.	Name - Type or Print	<del></del>	
St. Louis	MO	63144			
City	State	Zip Code	Signature Wayne M. Rush		
Attorney For Petitioner	<u>r:</u>				
D. Dusky Holman			Address		Telephone No.
Name - Type or Print		City		State	Zip Code
D. Justy Offm		· · · · · · · · · · · · · · · · · · ·	Representative to be	Contacted:	1
Signature Gildea & Schmidt, LLC			D. Dusky Holman		
Company 300 East Lombard Street, Sui	te 1440	410-234-0070	Name 300 East Lombard Street	Suite 1440	410-234-0070
Address	<u></u> -	Telephone No.	Address	<del>, </del>	Telephone No.
Baltimore	MD	21202	Baltimore	MD	21202
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Case No. 06 - 091-	4		ESTIMATED LENGTH OF HEA	IRING	·
<u> </u>			UNAVAILABLE FOR HEARING	<u> </u>	····-

Reviewed By \_\_

#### **PROPERTY OWNERS**

PHILIP RUBY - Owner of Parcel 841

Zoned BM-AS

16 South Marlyn Avenue

Baltimore, Maryland 21221

ALFRED BRENNAN, SR. - Owner of Parcel 983

Zoned BL-AS

825 Eastern Boulevard

Baltimore, Maryland 21221

MARJORIE BRENNAN - Owner of Parcel 983

Zoned BL-AS

825 Eastern Boulevard

Baltimore, Maryland 21221

PAUL GOODMAN - Owner of Parcels 779 & 277

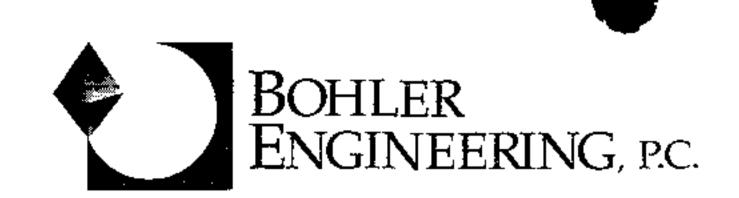
Zoned BM-AS

1 Slade Avenue

Baltimore, Maryland 21208

#### **Attachment to Petition for Variance**

- 1. Variance from BCZR Section 409.6.A.2 to permit 69 off street parking spaces in lieu of the required 75 off street parking spaces.
- 2. Variance from Landscape Manual Condition B to permit a 5.02' landscape transition area in lieu of the previously approved 6.96' landscape transition area approved under Case #05-361-A.
- 3. Variance from Landscape Manual Condition B to permit a 2.08' landscape transition area in lieu of the previously approved 7.55' landscape transition area approved under Case #05-361-A.



August 10, 2005

# ZONING DESCRIPTION OF PART OF THE LANDS KNOWN AS

PARCEL 841, TAX MAP 97 GRID 3 WITH DEED REFERENCE 7788/601, PARCEL 277, TAX MAP 97 GRID 3 WITH DEED REFERENCE 5776/426 PARCEL 779, TAX MAP 97 GRID 3 WITH DEED REFERNECE 6648/407 AND

PARCEL 983, TAX MAP 97 GRID 3 WITH DEED REFERNCE 18570/577
WHICH IS OF VARIABLE WIDTH AT A DISTANCE OF 125 FEET
SOUTHWEST OF THE INTERSECTION OF
EASTERN BLVD (MD RTE 150) AND MARLYN AVE
AS RECORDED IN THE DATABASE OF
BALTIMORE COUNTY, MARYLAND
15<sup>TH</sup> DISTRICT

BEGINNING AT A POINT ON THE WEST SIDE OF MARLYN AVE, AS WIDTH TO FORTY FEET, AT THE DISTANCE OF 27' FROM THE CENTERLINE.

- 1. SOUTH 12 DEGREES 44 MINUTES 24 SECONDS EAST; 259.34 FEET TO A POINT.
- 2. SOUTH 77 DEGREES 12 MINUTES 48 SECONDS WEST; 144.88 FEET TO A POINT.
- 3. SOUTH 15 DEGREES 25 MINUTES 48 SECONDS WEST; 15.75 FEET TO A POINT.
- 4. SOUTH 77 DEGREES 12 MINUTES 48 SECONDS WEST; 139.52 FEET TO A POINT.
- 5. NORTH 27 DEGREES 21 MINUTES 12 SECONDS WEST; 89.08 FEET TO A POINT.
- 6. NORTH 62 DEGREES 38 MINUTES 48 SECONDS EAST; 80.00 FEET TO A POINT.
- 7. NORTH 27 DEGREES 21 MINUTES 12 SECONDS WEST; 55.00 FEET TO A POINT.
- 8. NORTH 62 DEGREES 38 MINUTES 48 SECONDS EAST; 102.16 FEET TO A POINT.
- 9. NORTH 27 DEGREES 21 MINUTES 12 SECONDS WEST; 144.41 FEET TO A POINT.
- 10. NORTH 62 DEGREES 57 MINUTES 31 SECONDS EAST; 48.00 FEET TO A POINT.
- 11. NORTHERNLY BY A LINE CURVING TO THE EAST WITH A RADIUS OF 2420.78FEET FOR A DISTANCE OF 45.72 FEET THE CHORD OF SAID ARC BEING NORTH 62 DEGREES 05 MINUTES 17 SECONDS EAST; 45.72 FEET
- 12. SOUTHERLY BY A LINE CURVING TO THE EAST WITH A RADIUS OF 78.00 FEET FOR A DISTANCE OF 142.44 FEET THE CHORD OF SAID ARC BEING SOUTH 65 DEGREES 03 MINUTES 20 SECONDS EAST; 123.46 FEET TO A POINT.

BEING ALSO KNOWN AS PARCEL 841 AS RECORDED IN BALTIMORE COUNTY LIBER 7788 FOLIO 601, PARCEL 277 AS RECORDED IN BALTIMORE COUNTY LIBER 5776 FOLIO 426, PARCEL 779 AS RECORDED IN THE BALTIMORE COUNTY LIBER 6648 FOLIO 407, AND PARCEL 983, AS RECORDED IN THE BALTIMORE COUNTY LIBER 18570 FOLIO 577 CONTAINING IN ALL 1.579 ACRES OF LAND MORE OR LESS.

Prepared by ENJ Reviewed by GHR

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: #06-091-A

6 Marlyn Avenue N/west corner of Marlyn Avenue and Eastern Boulevard 15th Election District - 7th Councilmanic District

Legal Owner(s): Philip Ruby (Parcel 841), Affred & Marjorie Brennan (Parcel 983) &

Paul Goodman (Parcels 779 & 277)

Contract Purchaser: Pace Properties, Inc., David LaPee Variance: to permit 69 off street parking spaces in lieu of the required 75 off street parking spaces, to permit a 5.02-foot landscape transition area in lieu of the previously approved 6.96-foot landscape transition area approved under Case No. 05-361-A and to permit a 2.08 foot transition area in lieu of the previously approved 7.55 foot landscape transition area approved under Case 05-361-A

Hearing: Tuesday, October 4, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, 111

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/9/696 Sept. 20 67859

## CERTIFICATE OF PUBLICATION

922,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 920,20 <u>05.</u>
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

J. W. LUNGT LEGAL ADVERTISING

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# CERTIFICATE OF POSTING

		RE: Case No.: 06-091-A
		Petitioner/Developer: PACE PROPERTI
		INC. DAVID LAFee
		Date of Hearing/Closing: OCT 4, 7005
	Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3	
	Ladies and Gentlemen:	<i>□7=3</i>
	posted conspicuously on the property lo	ies of perjury that the necessary sign(s) required by law were cated at:  RLYN AVE.
	The sign(s) were posted on	9-19-05
í		(Month, Day, Year)
		Sincerely,
		Signature of Sign Poster) (Date)
"hills" - 11   12   12   12   12   12   12   12		SSG Robert Black
		(Print Name)  1508 Leslie Road
		(Address)
		Dundalk, Maryland 21222
		(City, State, Zip Code)
		(410) 282-7940
	······································	(Telephone Number)
6	MARLYN AVE	•
	,	

TO: PATUXENT PUBLISHING COMPANY

Tuesday, September 20, 2005 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt, LLC 300 East 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: 06-091-A

6 Mariyn Avenue

N/west corner of Marlyn Avenue and Eastern Boulevard

15th Election District - 7th Councilmanic District

Legal Owners: Philip Ruby (Parcel 841), Alfred & Marjorie Brennan (Parcel 983)& Paul Goodman

(Parcels 779 & 277)

Contract Purchaser: Pace Properties, Inc., David LaPee

<u>Variance</u> to permit 69 off street parking spaces in lieu of the required 75 off street parking spaces, to permit a 5.02-foot landscape transition area in lieu of the previously approved 6.96-foot landscape transition area approved under Case No. 05-361-A and to permit a 2.08 foot transition area in lieu of the previously approved 7.55 foot landscape transition area approved under Case 05-361-A.

Hearing: Tuesday, October 4, 2005 at 2:00 p.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 and Development Management

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





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

August 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: 06-091-A

6 Marlyn Avenue

N/west corner of Mariyn Avenue and Eastern Boulevard

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

Legal Owners: Philip Ruby (Parcel 841), Alfred & Marjorie Brennan (Parcel 983)& Paul Goodman

(Parcels 779 & 277)

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Hearing: Tuesday, October 4, 2005 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: D. Dusky Holman, 300 E. Lombard Street, Ste. 1440, Baltimore 21202 David LaPee, 1401 Brentwood Blvd., Ste. 100, St. Louis MO 63144 Philip Ruby, 16 South Marlyn Ave., Baltimore 21221 Mr. & Mrs. Brennan, 825 Eastern Boulevard, Baltimore 21221 Paul Goodman, 1 Slade Avenue, Baltimore 21208

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 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.



# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

Item Number or Case Number:	06 - 091- 4	
Petitioner: Pace Propert	ics	
Address or Location: Easter	4 Marlyn Ave	nucs 6 Merlyn Avenue
PLEASE FORWARD ADVERTI		
Name: Gildea & Schm	idt, LLC	
Address: 300 Fast Lo.	nbard Jt. Juite	1440
Address: 300 Fast Lo. Baltimore,	MD 2/202	
Telephone Number: 4/0-	200 20	

# 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

September 26, 2005

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

Dear Mr. Holman:

RE: Case Number: 06-091-A, 6 Marlyn Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 11, 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.

W. Carl Richards, Jr. Supervisor, Zoning Review

U. Carl Rolling De

WCR: clb

Enclosures

c: People's Counsel
Pace Properites, Inc. David Lapee 1401 Brentwood Blvd. Ste. 100 St. Louis MO 63144
Philip Ruby 16 South Marlyn Avenue Baltimore 21221
Alfred and Marjorie Brennan 825 Eastern Blvd. Baltimore 21221
Paul Goodman 1 Slade Avenue Baltimore 21208



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

## Fire Department

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





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

Department of Permits&Development Management Room 111 County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (Mail Stop#1105) August 26, 2005

ATTENTION: Kristen Matthews

Distribution Meeting of: August 29,2005

Item No. 1091-194,096-102&104

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.

Lt. Jimmie Mezick Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** September 2, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For September 6, 2005

Item No. 091, 094, 095, 096, 097, 098,

099, 100, 101, 103, and 104

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-09022005.doc

B44

# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: September 6, 2005

SEP 8 2005

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-091- Variance

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 Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

CM/LL





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

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

Maryland Department of Transportation

Administration 🔘

August 31, 2005

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

RE: Baltimore County
Item No. 091 (BPR)

6 Marlyn Avenue

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. However, the owner/developer will be required to obtain an access permit for the required entrance improvements along MD 150.

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

1. J. Soulle

Engineering Access Permits Division

BEFORE THE PETITION FOR VARIANCE RE: 6 Marlyn Avenue; NW corner Marlyn Avenue ZONING COMMISSIONER \* & Eastern Blvd 15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts Legal Owner(s): #1-Alfred & Marhorie Brennan, FOR #2- Paul Goodman, & #3 – Philip Ruby **BALTIMORE COUNTY** Contract Purchaser(s): Pace Properties, Inc by David LaPee 06-091-A Petitioner(s)

#### 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 all documentation filed in the case.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

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

RECEIVED

\*

AUG 2 5 2005

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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Per....

Case No.:	06-	09	1-2	

Exhibit Sheet

# Petitioner/Developer

## Protestant

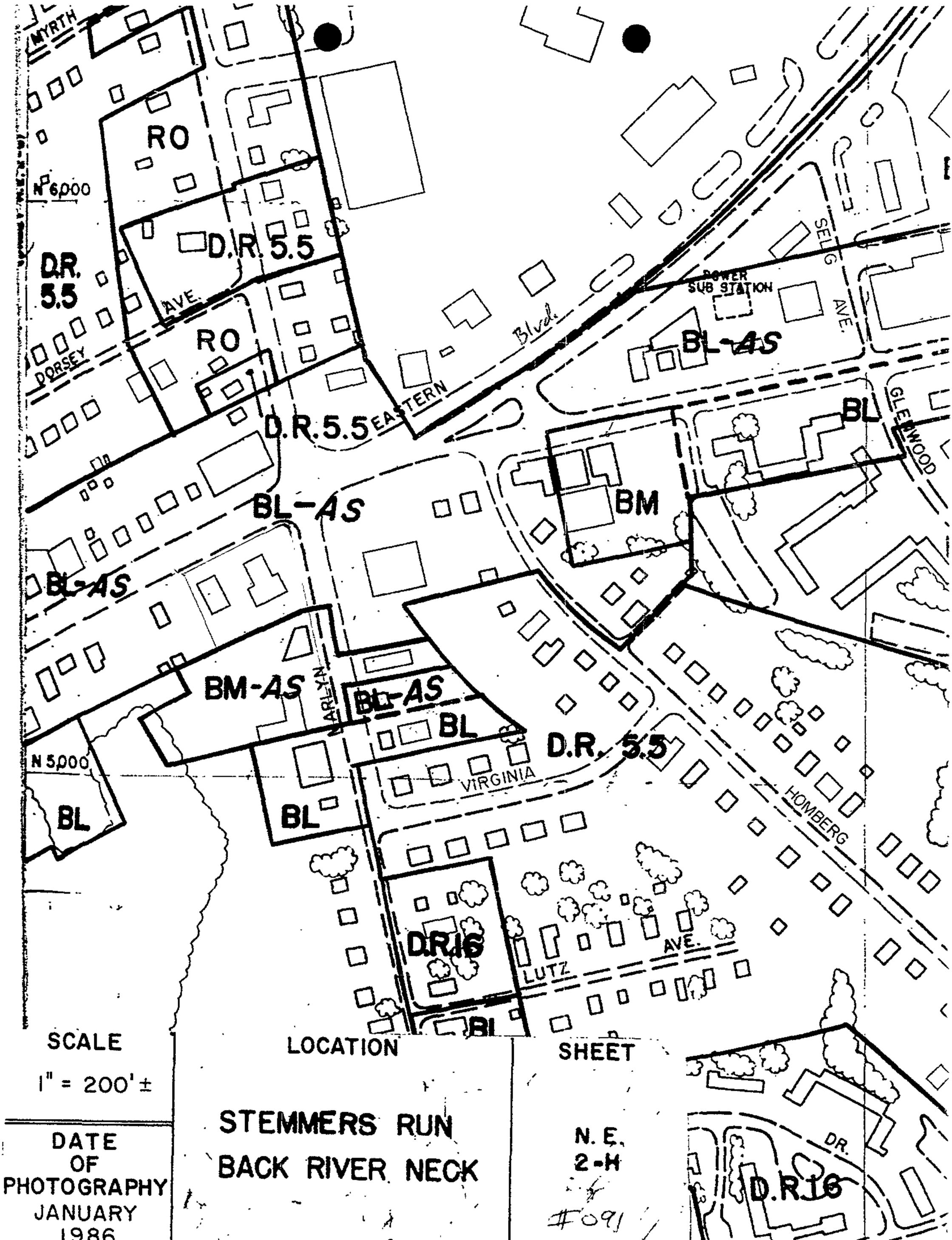
No. 1	REVISED SITE PLAN	
No. 2	Rendering Noting 3000 De Green Spree	
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# Department of Permits and Development Management

Development Processing County Office Building 111 W Chesapeake Avenue Towson, Maryland 21204





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

September 26, 2005

D. Dusky HolmanGildea & Schmidt, LLC.300 East Lombard Street, Ste. 1440Baltimore, Maryland 21202

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M. Carly yours, D.

WCR: db

Enclosures

c: People's Counsel
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James T. Smith, Jr., County Executive John J. Hohman, Chief

Department of Permits&Development Management Room 111 County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (Mail Stop#1105)

August 26, 2005

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Lt. Jimmie Mezick Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



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#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** September 2, 2005

TO: Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM: Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting

For September 6, 2005

Item No. 091, 094, 095, 096, 097, 098,

099, 100, 101, 103, and 104

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-09022005.doc

1014 1014

# BALTIMORE COUNTY, MARYLAND

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TO: Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: September 6, 2005

SEP & 2005

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-091- Variance

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For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

CM/LL







Robert L. Ehrlich, Jr., Governor Michael S Steele, Lt Governor Robert L. Flanagan, Secretary Neil J Pedersen, Administrator

Maryland Department of Transportation

August 31, 2005

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

RE: Baltimore County
Item No. 091 (BPR)
6 Marlyn Avenue

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Very truly yours,

Steven D. Foster, Chief

1. J. Soulle

Engineering Access Permits Division

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PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
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Towson, MD 21204
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RECEIVED

\*

AUG 2 5 2005

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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Рег....

Case No.: _	06	-091	- 4	

## Exhibit Sheet

# Petitioner/Developer

## Protestant

No. 1	REVISED SITE PLAN	
No. 2	Rendering Noting 3000 De Green Spree	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

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	Ch 300 Towson 110	1 Ste 100 St. Lows									
ADPRESS	nces hes	the Brookers									
NAME ///	Max Alla Beh	David Lake low Trapestic					•				

