IN RE: PETITION FOR SPECIAL EXCEPTION

South Side of Walker Avenue, 230' NE of

Centerline of Towne Centre Place Extended *

3rd Election District

2nd Councilmanic District

(27 Walker Avenue)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

*

27 Walker Avenue, LLC

By: Richard Yaffee, Managing Member Legal Owner

CASE NO. 06-408-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owner of the subject property, 27 Walker Avenue, LLC, by Richard Yaffee, Managing Member. The Petitioners are requesting a special exception for property located at 27 Walker Avenue in the Pikesville area of Baltimore County. The special exception request is to approve the existing ambulance service as a service garage, per Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R).

The property was posted with Notice of Hearing on March 19, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 21, 2006 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 502.1 of the B.C.Z.R. - Special Exceptions.

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- Tend to create congestion in roads, streets or alleys therein;
- Create a potential hazard from fire, panic or other danger;
- Tend to overcrowd land and cause undue concentration of population; D.
- Interfere with adequate provisions for schools, parks, water, sewerage, transportation or E. other public requirements, conveniences or improvements;

- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated March 27, 2006, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing in support of the request was Richard Yaffe, Managing Member of the corporate Petitioner. Also appearing at the hearing on behalf of the Petitioner was Richard E. Matz, P.E. from Colbert, Matz, Rosenfelt, Inc., who prepared the site plan. Stuart D. Kaplow, Esquire represented the Petitioners. Appearing in opposition to the requests were Sherie Becker, Executive Director of the Pikesville Chamber of Commerce, Alan Zukerberg, Esq., President of the Pikesville Communities Corporation and Lorna Diaz President of the Ralston Community Association. Peter Max Zimmerman entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence presented in this case indicated that this property contains 17,093 square feet (0.39 acres) and is zoned BL-CT. The property is improved with an existing two story fame office and garage which is the office headquarters of the Petitioner's ambulance service. This case arises because ambulance service is considered a vehicle for hire and therefore falls within the zoning definition of service garage. Service garages are allowed by special exception in BL zones. Mr. Kaplow indicated that the Petitioner was not seeking any physical change to the buildings on

the property. Rather the only relief being requested was to legitimize the existing ambulance service which has been operating at that location for the past four years.

Mr. Yaffe presented a series of photographs which show the site, its improvements and the surrounding community as shown in exhibits 4 and 5. He testified that he has operated the Butler Medical Transports ambulance service at this location since June 2002. He noted that this location is close to the Pikesville Volunteer Fire Station in which he is a volunteer. He recalled personally responding to approximately 300 emergency calls as a volunteer in one year. He described that functions of his ambulance business and noted that the service operates seven days per week and 24 hours each day. The service responds to 40 - 60 calls each day using ambulance vehicles parked on site including providing transportation services for nearby nursing homes which relieve the Volunteer Station providing that service. There are normally 25 employees at this location although the number of employees can be as high as 45 employees counting part time employees as well as full time.

He opined that this service was an asset to the community providing much needed transportation of patients and relieving the local fire departments of more routine transportation duties although his staff is fully trained to emergency service. He reiterated that he was not requesting any physical change or further development of the property but merely wanted to keep his ambulance service at this location.

On questioning by the protestants, he admitted that his ambulances often carry life sustaining drugs, that he keeps these drugs locked in the office when not out in response to call for service. He indicated that although technically he was asking for a special exception for a service garage, he had no intention to do body work, motor repair, fuel vehicles or the like on the property. He indicated however that occasionally his staff will repair a flat tire on an ambulance or perform other minor cleaning and repair functions. He admitted that his ambulances regularly carry oxygen for patients having trouble breathing and whatever fuel was in the fuel tank for the vehicle. However he did not

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intend to fuel vehicles from the site and indicated that his service met all safety regulations regarding flammable gases. He denied that he was violating any rule or regulation by parking a truck with his political signs mounted upon it.

Richard Matz, registered professional engineer, described the uses on the subject site, opined that the office use is by right but that the ambulance service requires a special exception as service garage. He further testified that the ambulance service meets each criteria of Section 502.1 of the BCZR and would not be a detriment to the community. In fact it is a beneficial use which relieves the pressure on the volunteer and paid fore services. He noted the site is surrounded by office and institutional uses such as the State Police facility to the south. He opined that there is no danger to the community as the service meets all MOSHA regulations. Finally he noted that there are no residential uses adjacent to the site, public water and sewer are available, and there would be no adverse impact on the neighborhood which would be beyond that of other similar locations.

Diana Itter, County Area Planner for the Pikesville region, testified that the Pikesviles Revitalization Plan does not preclude an ambulance service as proposed. However she indicated that in addition to the ZAC comments which are part of the file in this case, the Planning Office requests that if a special exception is granted that it should be personal to the Petitioner and should not run with the land.

Lorna Diaz from the Ralston Community Association indicated that she her Association did not oppose the requested relief but was concerned that this request was for changes to the site which would adversely affect the community. The Petitioner assured her this was not the case as no changes to the property were being requested.

Ms. Becker from the Chamber of Commerce opined that the proposed use as an ambulance service was not in keeping with the revitalization plan for Pikesville which was intended to bring in new business to the area. While she agreed that the Petitioner's business was a service to the

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community, it should be located on a more suitable site not on Walker Avenue. She noted that the use at this location would deter leasing and sale of properties in the area.

Mr. Zukerberg, representing the Dumbarton Community Association and others also agreed that the Petitioner provided a service to the community but reiterated Ms. Becker's testimony that this was not the right location. He further noted that there was no credible evidence regardin the safety of the ambulances which store flammable oxygen, have dangerous drugs on the ambulances and have diesel fuel on site in vehicle tanks. These could be fire hazards or attraction for theft.

In rebuttal Mr. Yaffe reviewed the procedures for securing drugs on site and in the ambulances, noted that the service is regulated and inspected by an agency of the State of Maryland, and there would be no storage of fuel on site other than what is located within the vehicle fuel tanks.

Findings of Fact and Conclusions of Law

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I think that once again we have alarmed a community unnecessarily. In order to allow an ambulance service in the County, we do so under the general heading of service garage as vehicles for hire. Citizens seeing the sign posted on the property proclaiming service garage immediately envision wrecked vehicles stacked haphazardly around a lot, fuel spills, environmental dangers and noise for which actual service stations and repair facilities have often become famous. None of these adverse effects flow naturally from an ambulance service. Thankfully the County Council has started to address this problem in Bill 122-05 which pulls rental car agencies out of the service garage category addressing the peculiar issues of these uses in a self contained regulation. However I know of no bill pending or passed by the Council that addresses the other vehicle for hire uses such as the subject case.

The protestants objections recognize this ambulance service is a benefit to the community, but opine that it should be located elsewhere. I can see that they are disappointed with the investment this Petitioner has made toward the goal of revitalizing Pikesville. I am sure they would welcome someone redeveloping this lot into a more upscale office or business. Even the Planning

Office comments regarding new sidewalks and landscaping is a further attempt to encourage the Petitioner to contribute to revitalizing the area. In response the Petitioner states emphatically states that they plan no changes and appear to oppose any improvement in the property. My sense is the Petitioner did not want to become entangled with any changes to the property as this might cloud the request for special exception. This strategy seems to have been translated as an unwillingness to improve the property. However I do not believe this was the Petitioner's message. My guess is that he would be willing to cooperate with the revitalization effort in a different setting. Perhaps the parties will find another opportunity to review this matter.

In regard to the zoning issue of special exception, there is no evidence that having an ambulance service at this location would impact the community more severely than other locations in the district. The Petitioner has shown through expert and lay testimony that the proposed use will not adversely affect the community and is within the spirit and intent of the BL regulations. I find that the Petitioner has met the criteria of Section 502.1 of the BCZR and consequently I will grant the request with conditions.

One technical issue has arisen in the matter of Butler Homes use of part of the building. Butler Homes use is not accessory to or in support of Butler Ambulance yet it operates within the special exception area. This raises a question whether or not a use not associated with a special exception use can be operated within the special exception area. To avoid this concern I will require the Petitioner to submit floor plans for the building and parking lot with the appropriate zoning use division lines to the Office of Zoning for review and approval which show the areas of use of the various business entities in the building and parking for each. I will grant the special exception to only those areas used by the ambulance service.

In regard to the enumerated conditions requested by the Planning Office I will require the site plan to show that this site is within the Pikesville Revitalization Area and thus be subject to all applicable regulations. This is obviously so. However I do not believe that I have the authority to

order that the Petitioner's property is subject to the Pikesville Revitalization Guidelines as a condition of approval. Nor is there a nexus between the request for a new sidewalk or repair of the parking lot to the special exception for an ambulance service in a BL zone. In order to mitigate the impact of the proposed use on the surrounding community, I can and will require the Petitioner submit a landscape and lighting plan to the Baltimore County Landscape Architect for his review and approval but I note the obvious that this is not a use bordering a residential development which will require extensive landscaping to buffer adjoining residences. This site is surrounded by offices and institutional uses.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' request for special exception should be granted with conditions.

THEREFORE, IT IS ORDERED, this <u>so</u> day of April, 2006, by the Deputy Zoning Commissioner, that the Petitioners' request for special exception to approve the existing ambulance service as a service garage, per Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R), be and is hereby GRANTED, subject, however, to the following conditions:

- 1. The Petitioners may apply for their use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners shall indicate that this site is the Pikesville Commercial Revitalization Area and is subject to all appropriate regulations arising therefrom; and
- 3. The Petitioner shall submit a landscaping and lighting plan to the Baltimore County Landscape Architect for his review and approval; and
- 4. The Special Exception granted in this case for a service garage is limited to the operation of an ambulance service. There shall be no major repairs performed on any vehicle, nor storage of damaged or disabled vehicles nor body work nor fueling of vehicles from the site.
- 5. The Petitioner shall comply with all applicable safety regulations including handling of flammable gases, drugs, etc.

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6. When applying for a use permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:dlw



JAMES T. SMITH, JR. County Executive

April 25, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Stuart D. Kaplow, Esquire 15 E. Chesapeake Avenue Towson, MD 21286

> Re: Petition for Special Exception Case No. 06-408-X Property: 27 Walker Avenue

Dear Mr. Kaplow:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Exception has been granted with restrictions in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:raj Enc.

c: Richard Yaffe, 27 Walker Avenue, Baltimore, MD 21208
Richard E. Matz, Colbert, Matz, Rosenfelt, Inc., 2835 Smith Ave.-Ste H, Baltimore, MD 21208
Alan P. Zukerberg, 7919 Long Meadow Road, Baltimore, MD 21208
Lorna Diaz, 21 Sherwood Ave., Baltimore, MD 21208
Sherrie Becker, 7 Church Lane, Pikesville, MD 21208



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at: 27 Walker A	venue
which is presently zoned	

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 hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

To approve the existing ambulance service as a service garage, per Section 230.13. BCZR.

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

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

> > 21208

Zip Code

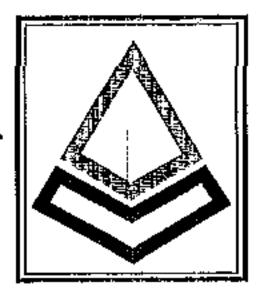
21209

Zip Code

Contract Purchaser/Lessee: Legal Owner(s): 27 Walker Avenue, LLC Richard Yaffe , Managing Member Name – Typa oriPjint i Name - Type or Print Signature Name - Type or Print Telephone No. Address. Signature Zip Code State Clty 27 Walker Avenue 410-602-4009 Attorney For Petitioner: Address. Telephone No. Md. **Baltimore** Stuart D. Kaplow, Esq. State Name - Type or Print-City Representative to be Contacted: Signature C Richard E. Matz, P.E. Stuart D. Kaplow, P.A. COLBERT MATZ ROSENFELT, INC mpany 410-653-3838 2835 Smith Avenue, Suite G 410-339-3910 Chesapeake Avenue Telephone No. Address Telephone No. Dwson Baltimore MD Md. 21286 State State Zip Code Clty City OFFICE USE ONLY No. 06-408-X ESTIMATED LENGTH OF HEARING____ UNAVAILABLE FOR HEARING_____

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 27 WALKER AVENUE

Beginning at a point on the south side of Walker Avenue, 50 feet wide, at a distance of 230 feet, more or less, from the centerline of Towne Centre Place, 50 feet wide, thence the following courses and distances:

N 56°19'28" E, 82.83. ft.; S 34°41'56" E, 207.63 ft.; S 55°23'04" W, 81.30 ft., thence N 35°06'56" W 208.99 ft. to the Point of Beginning.

As recorded in the Baltimore County Land Records, in Deed Liber 16569, folio 114 and containing 17,093 sq. ft. (0.39 acre). Also known as 27 Walker Avenue and located in the 3rd Election District, 2nd Councilmanic District.



408

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: # 06-408-X

27 Walker Avenue

South side of Walker Avenue at a distance of 230 feet northeast from the centerline of Towne Centre Place extended

3rd Election District — 2nd Councilmanic District
Legal Owner(s): 27 Walker Avenue, LLC, by: Richard
Yaffe, Managing Member
SPECIAL EXCEPTION: to approve the existing ambulance

service as a service garage. Hearing: Wednesday, April 5, 2006 at 10:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baitimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT 3/711 Mar. 21

CERTIFICATE OF PUBLICATION

323,2006	
THIS IS TO CERTIFY, that the annexed advertisement w	as published
in the following weekly newspaper published in Baltimore C	County, Md.,
once in each ofsuccessive weeks, the first publication	on appearing
on 321 ,2006.	
The Jeffersonian	
☐ Arbutus Times	
☐ Catonsville Times	
☐ Towson Times	 - -
Owings Mills Times	
□ NE Booster/Reporter	
☐ North County News	
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LEGAL ADVERTISING

	SHIER'S VALIDATION
	AGENCY YELOW CUSTOMER
BALTIMORE COFFICE OF BUD MISCELLANEC	DISTRIBUTION WHITE CASHIER PINK

CERTIFICATE OF POSTING

DATE: ATTENTION: Kristen Mathhews

Case Number: 06-408-X

Petitioner/Developer: Colbert, Matz & Rosenfelt, Stuart Kaplow, Esq. & Richard Yaffe

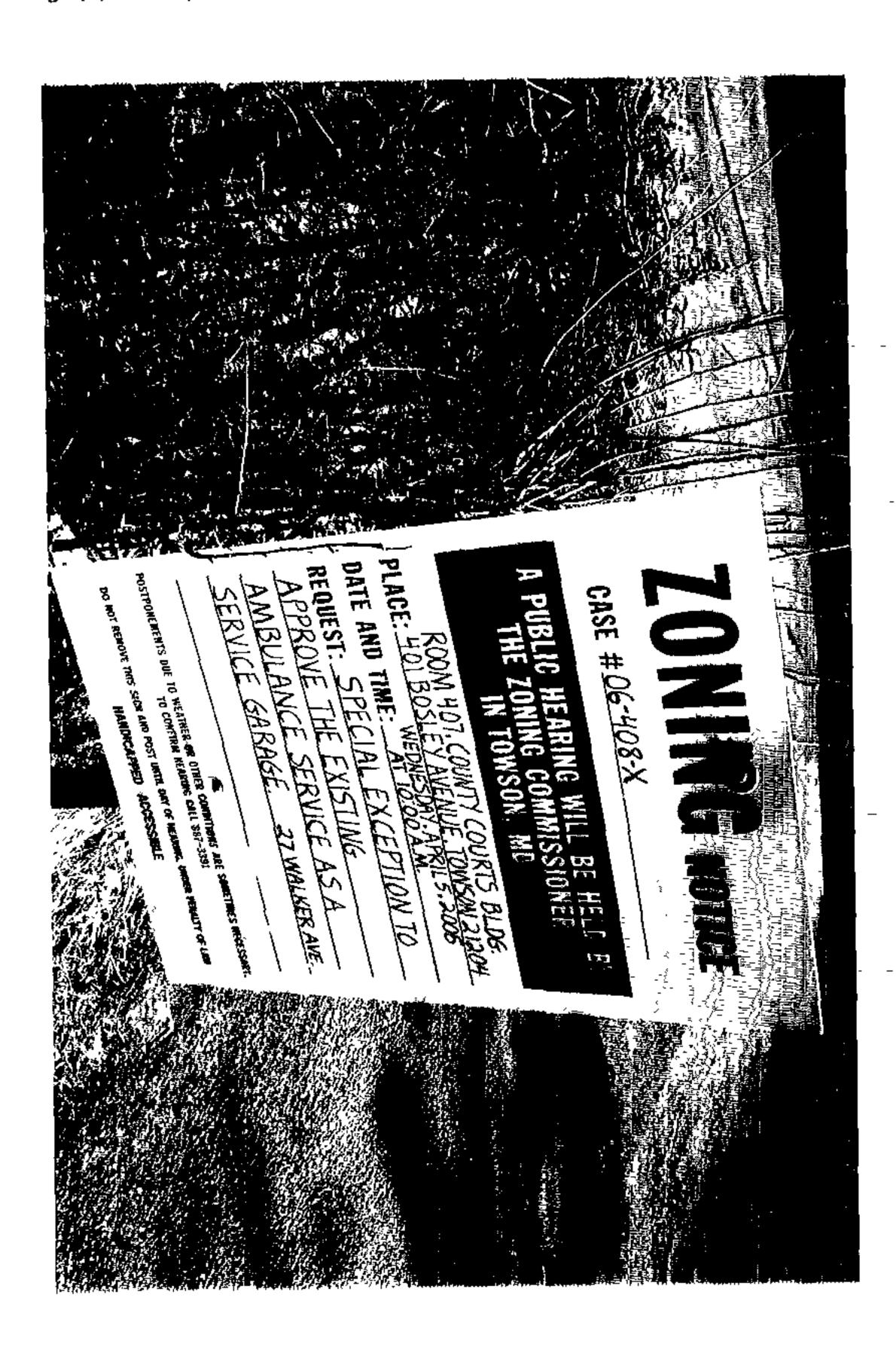
Date of Hearing (Closing): 4/05/06

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:

27 WALKER AVENUE

The sign(s) were posted on: 3/19/06



(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)

Department of Permits and Development Management

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



Baltimore County

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

March 10, 2006

NOTICE OF ZONING HEARING

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CASE NUMBER: 06-408-X

27 Walker Avenue

South side of Walker Avenue at a distance of 230 feet northeast from the centerline of Towne Centre Place extended

3rd Election District—2nd Councilmanic District

Legal Owner: 27 Walker Avenue, LLC, by: Richard Yaffe, Managing Member

SPECIAL EXCEPTION to approve the existing ambulance service as a service garage.

Hearing: Wednesday, April 5, 2006 @ 10:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco Director

TK: raj

C: Stuart D. Kaplow, Esq., 15 E. Chesapeake Ave., Towson, MD 21204
Richard Yaffe, Managing Member, 27 Walker Avenue, LLC, 27 Walker Ave., Baltimore, MD 21208
Richard E. Matz, P.E., Colbert, Matz, Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore, MD 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 21, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 21, 2006 Issue - Jeffersonian

Please forward billing to:

Richard Yaffe

(410-602-4009)

27 Walker Avenue Baltimore, MD 1208

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: 06-408-X

27 Walker Avenue

South side of Walker Avenue at a distance of 230 feet northeast from the centerline of Towne Centre Place extended

3rd Election District—2nd Councilmanic District

Legal Owner: 27 Walker Avenue, LLC, by: Richard Yaffe, Managing Member

SPECIAL EXCEPTION to approve the existing ambulance service as a service garage.

Hearing: Wednesday, April 5, 2006 @ 10:00 a.m., 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 410-887-3868.

(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 <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.

<u>For Newspaper Advertising:</u>
tem Number or Case Number: 06-408 X
Petitioner: 27 WALKER AVENUE LLC.
Address or Location: 27 WALKER AVENUE, PIKESVILLE, MD 21208
PLEASE FORWARD ADVERTISING BILL TO:
Name: PRICHARD YAFFE. Address: 27 WALVER AVENUE PIKESVILLE, MD 21208
Address: 27 WALKER AVENUE
PILESVILLE, MD 21208
;
Telephone Number: 410 - 602 - 4009
į
Revised 7/11/05 - SCJ

Department of Permits 8 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.

March 30, 2006

Stuart D. Kaplow. Esq. 15 E. Chesapeake Avenue Towson, MD 21286

Dear Mr. Kaplow:

RE: Case Number: 06-408-X, 27 Walker Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 21, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

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WCR:amf

Enclosures

People's Counsel 27 Walker Avenue, LLC Richard Yaffe, Managing Member 27 Walker Avenue 21208 Richard E. Matz, P.E. Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue, Suite G 21209



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



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

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

Maryland Department of Transportation

Date:

3.7.06

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

RE:

Baltimore County

Item No.

408 JRF

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

1. J. Gredl

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: March 27, 2006

MAR 2 0 2006

SUBJECT:

27 Walker Avenue

INFORMATION:

Item Number:

6-408

Petitioner:

27 Walker Avenue, LLC.

Zoning:

BL-CT

Requested Action:

Special Exception

The property in question is located within the Pikesville Revitalization area and is subject to the Pikesville Commercial Revitalization Guidelines. The proposed special exception for service garage if granted would legitimize the existing ambulance company's operation. Butler Homes also operates from the 27 Walker Avenue location. A separate use area should be defined for Butler Homes and Butler Ambulance pursuant to Section 102.2 of the BCZR.

SUMMARY OF RECOMMENDATIONS:

If the petitioner's request is granted, the Office of Planning requests that the Special Exception only apply to Butler Ambulance and not run with the land. Additionally this office requests the following restrictions be placed in the subject Zoning Commissioner's order.

- 1. Note #6 on the site plan should be changed to reflect that the site is within the Pikesville Revitalization area and is subject to the Pikesville Commercial Revitalization Guidelines.
- 2. Submit a revised site plan and landscape plan to the Office of Planning for review and approval. The plan must show a new concrete sidewalk along Walker Avenue, landscaping along the Walker Avenue frontage and the perimeter of the site. The paving on the parking lot that is in disrepair should also be repaved.
- 3. Any new signs also must comply with the Pikesville Commercial Revitalization Guidelines. Submit drawings to the Office of Planning for review and approval prior to issuance of any permits.
- 4. Any proposed changes to the buildings' facades are subject to an administrative review by the Office of Planning. New construction is subject to the design review panel's review.

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5. Add a note to the plan stating that the ambulance parking will be to the rear of the office building only.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: March 10, 2006

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 March 13, 2006

Item Nos. 401, 408, 409, 410, 413,

416, 417, 418 and 425

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS-03132006.doc

PETITION FOR SPECIAL EXCEPTION RE: 27 Walker Avenue; S/S Walker Avenue, 230' NE from c/line Towne Centre Place 3rd Election & 2nd Councilmanic Districts Legal Owner(s): 27 Walker Avenue, LLC,

Richard Yaffe, Managing Member

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-408-X

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and documentation filed in the case.

PETER MAX ZIMMERMAN

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 9th day of March, 2006, a copy of the foregoing Entry of Appearance was mailed Richard E. Matz, PE, Colbert, Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, and Stuart D. Kaplow, Esquire, 15 E. Chesapeake Avenue, Towson, MD 21286, Attorney for Petitioner(s).

RECEIVED

MAR 0 9 2006

People's Counsel for Baltimore County

27 Walker Avenue, LLC Operating Agreement

This Operating Agreement (this "Agreement") is entered into this $\frac{\sum_{i=1}^{N}}{\sum_{i=1}^{N}}$ day of June, 2002, by and among RICHARD M. YAFFE and EILEEN M. YAFFE, Maryland residents, as tenants by the entirety (collectively, the "Members")

Explanatory Statement

The parties have agreed to operate this limited liability company in accordance with the terms of, and subject to the conditions set forth in, this Agreement.

NOW, THEREFORE, for good and valuable consideration, the parties, intending legally to be bound, agree as follows:

- Organization. The members previously organized a limited liability company pursuant to the Maryland Limited Liability Company Act, as amended from time to time (the "Act") and, for that purpose, have caused Articles of Organization to be prepared, executed and filed with the Maryland State Department of Assessments and Taxation on June . 2002.
- 2. Name of the Company. The name of the Company is "27 Walker Avenue, LLC." The Company may do business under that name and under any other name or names upon which the Members agree. If the Company does business under a name other than that set forth in its Articles of Organization, then the Company shall file a trade name certificate as required by law.
- 3. Principal Office. The principal office of the Company in the State of Maryland is located at 27 Walker Avenue, Baltimore, Maryland 21208, or at any other place within the State of Maryland upon which the Members agree.
- 4. Resident Agent. The name and address of the Company's resident agent in the State of Maryland is David B. Abramoff, Esquire, c/o Abramoff, Neuberger and Linder, LLP, 250 W. Pratt Street, Baltimore, Maryland 21201.
- 5. Members. The only Members of the Company are the Members. The initial capital contribution and percentage share of each Member are set forth on Exhibit A attached hereto. Unless otherwise agreed by the members, Richard M. Yaffe shall be the Managing Member of the Company.
- 6. Operations. Unless otherwise stated herein or agreed by the Members, the operations of the Company shall be governed by the Act. The Members may elect to amend and/or restate this Operating Agreement.
- 7. Applicable Law. All questions concerning the construction, validity, and interpretation of this Agreement and the performance of the obligations imposed by this Agreement shall be governed by the internal law, not the law of conflicts, of the State of Maryland.
- 8. Binding Provisions. This Agreement is binding upon, and inures to the benefit of, the parties hereto and their respective heirs, executors, administrators, personal and legal representatives, successors, and permitted assigns.

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IN WITNESS WHEREOF, the parties have executed, or caused this Agreement to be executed, under seal, as of the date set forth hereinabove.

WITNESS:

MEMBERS:

(SEAL)

jchard M. Yaffe

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Eileen M. Yaffe

27 Walker Avenue, LLC Operating Agreement

Exhibit A List of Members, Capital, and Percentages

Name and Address	Initial Cash Capital Contribution	Percentages	
Richard M. Yaffe and Eileen M. Yaffe, as tenants by the entirety	\$100.00	100%	<u></u>

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March, 24, 2006

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Mr. William J. Wiseman, III Zoning Commissioner, Baltimore County 410 Bosley Avenue, Room 405 Towson. Maryland 21204

RE: Case #6-408-X, 27 Walker Avenue

Dear Mr. Wiseman:

This letter is in regards to the above referenced hearing for a special exception for 27 Walker Avenue. After careful consideration, the Pikesville Chamber of Commerce Chamber is asking that the special exception not be granted to accommodate this business as we feel that it is not suited to be in the core of Pikesville. We have a Pikesville Revitalization Master Plan for development in Pikesville and we have seen many improvements made to the buildings on Walker Avenue. The presence of multiple ambulances parked, stored and serviced on this lot is a discouragement to potential tenants and owners in the adjoining buildings and to the development and expansion of the neighboring office buildings. It detracts from our efforts to raise the level of available office space in Pikesville and to command higher, competitive rates for that space.

The Chamber feels that this type of business is more suited to a different area where the zoning allows for that type of business. In light of the fact that Butler Ambulance is operating in violation of the current zoning, we feel that this exception should not be granted.

We would be happy to assist Mr. Yaffe in finding a suitable place for the operation of an ambulance company where he could store and garage his ambulances.

Sincerely,

Sherrie Becker Executive Director

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NAME	Store D. KAROW	CHARO E. M	RIGHARD YATTE									



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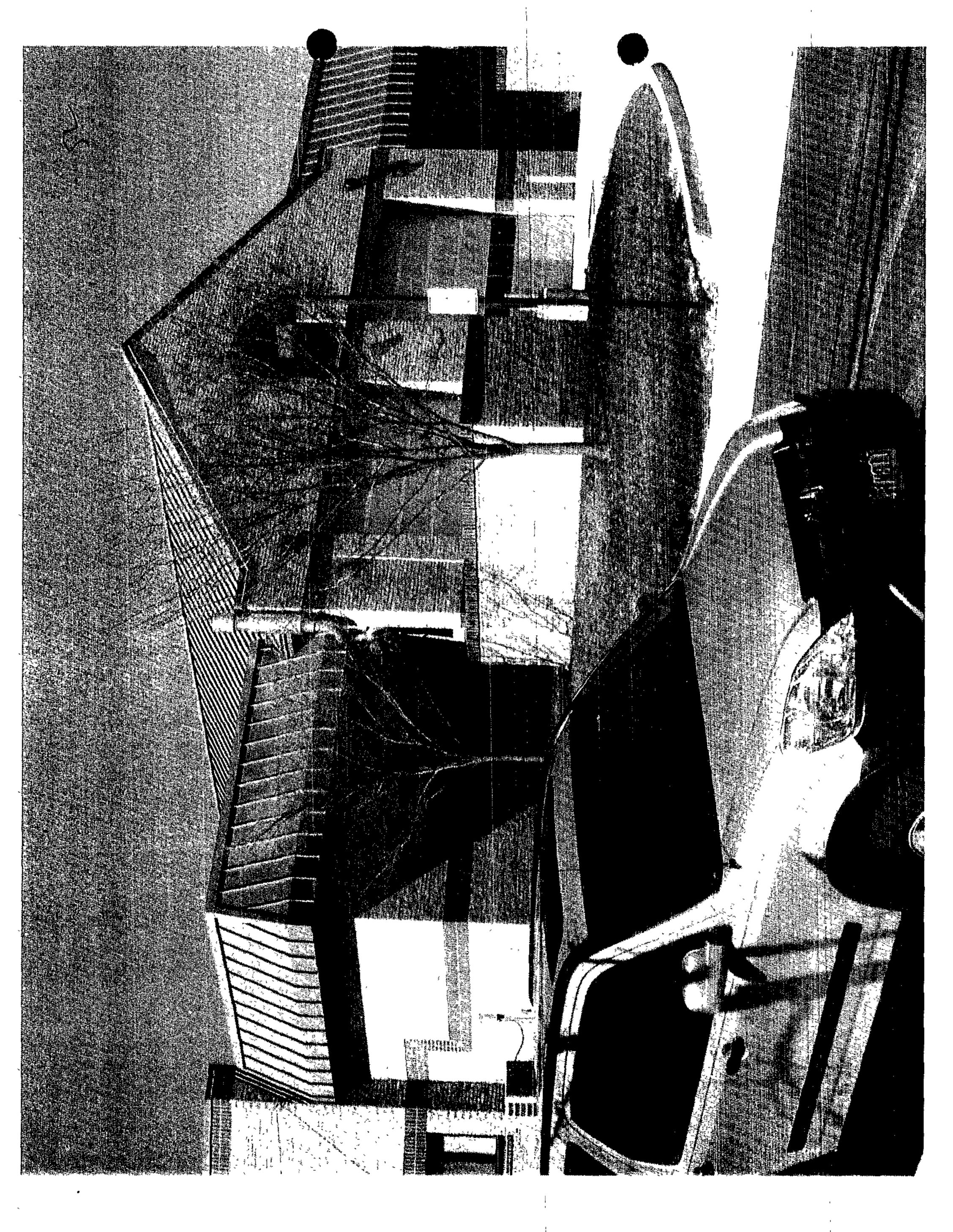
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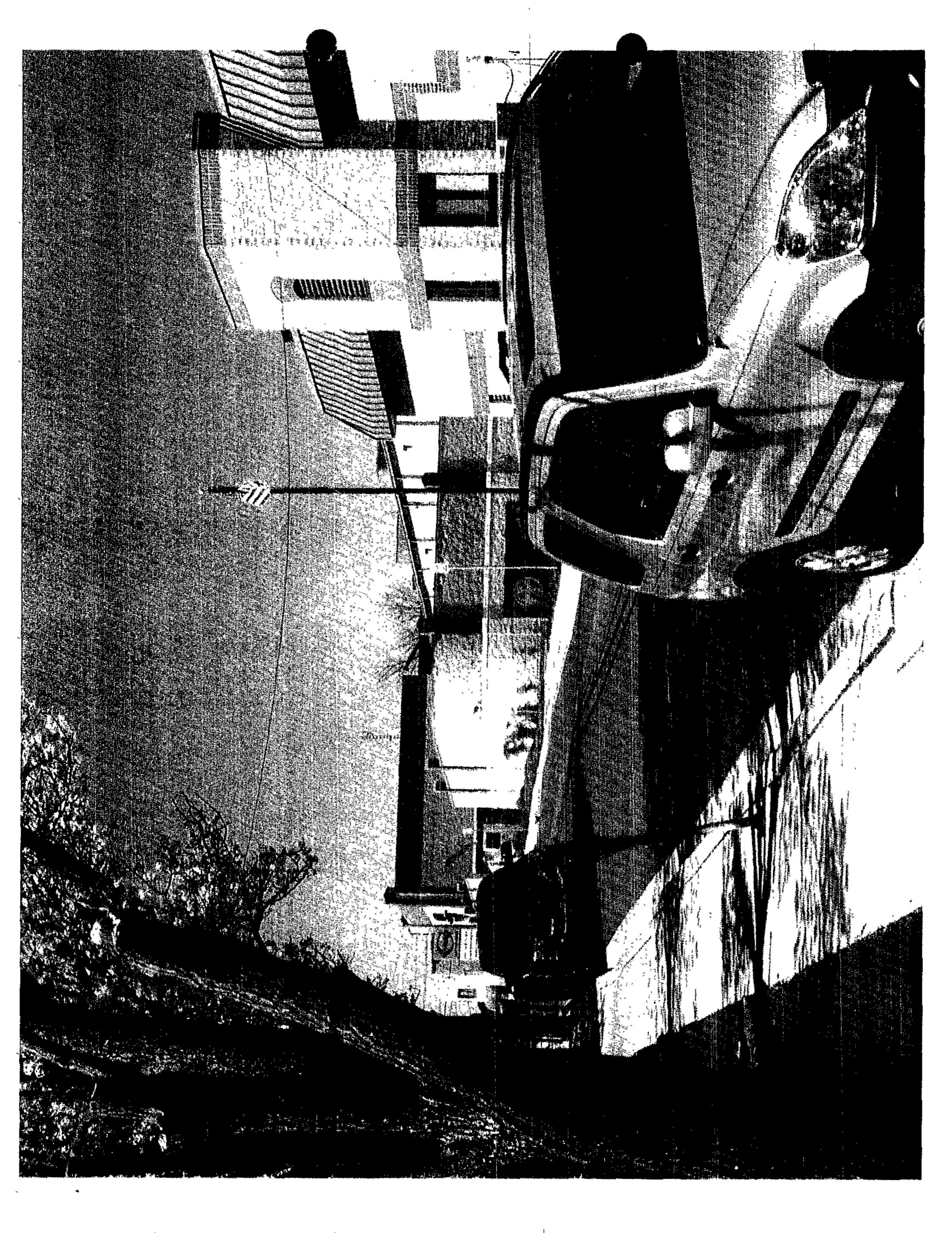
Baltimore County - My Neighborhood

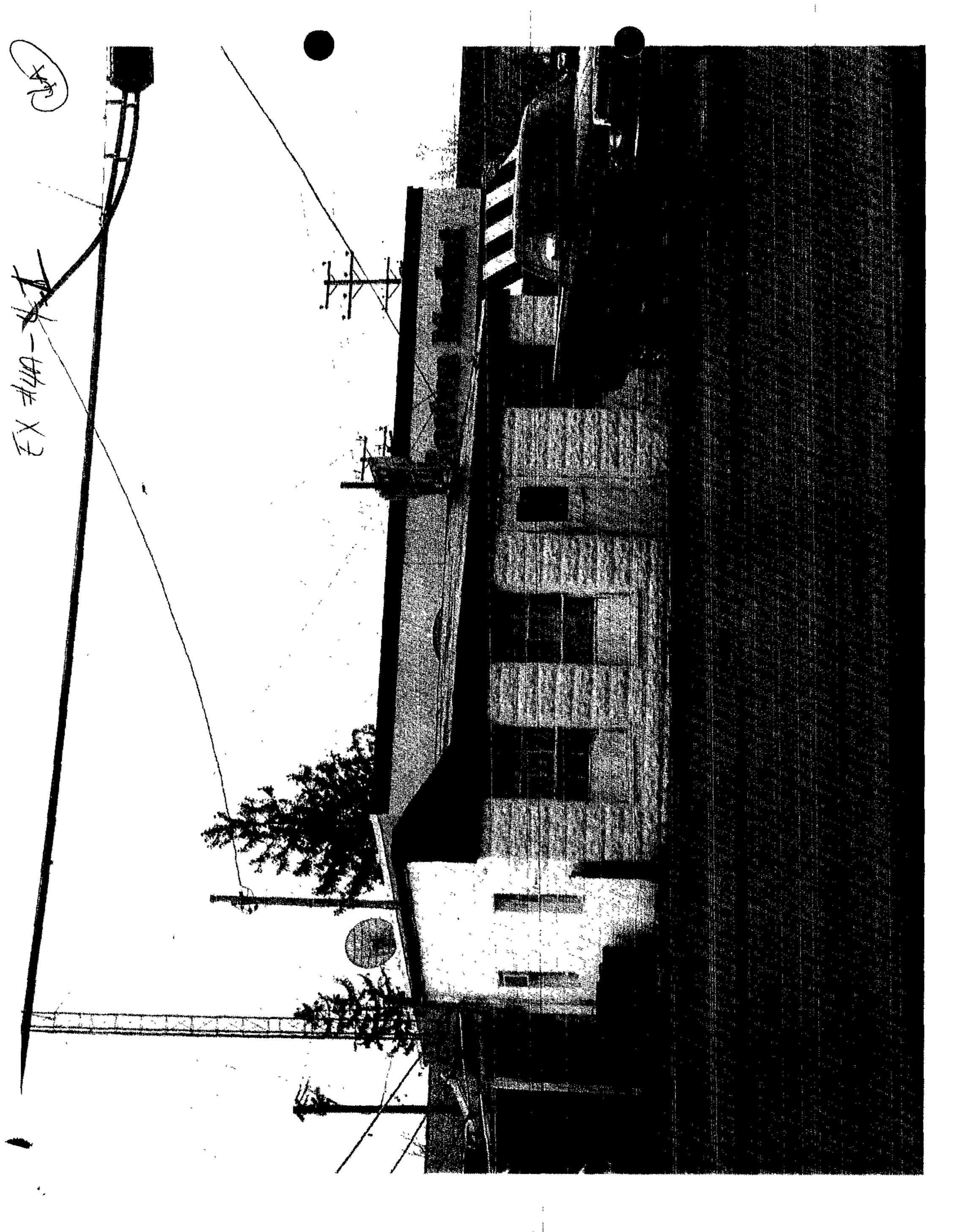


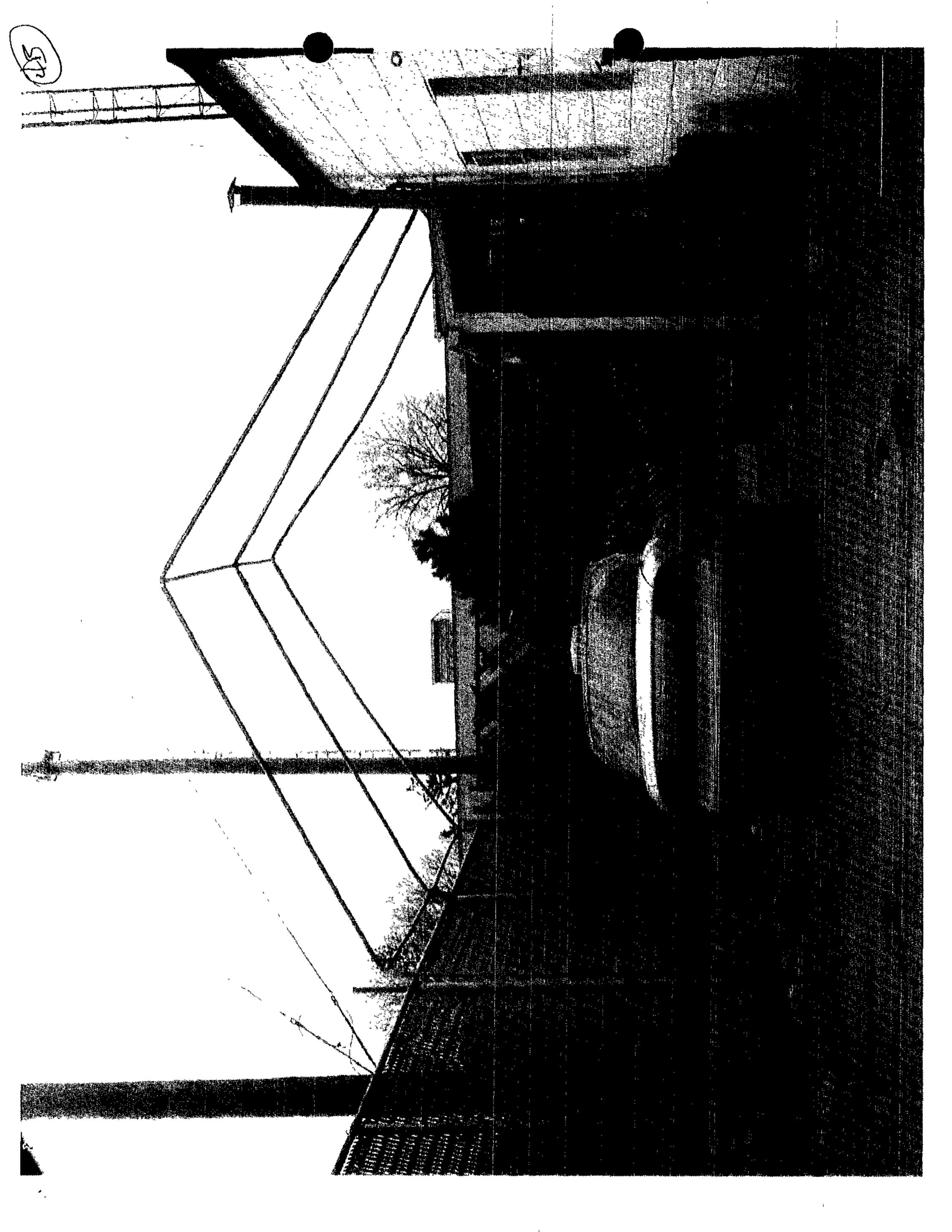
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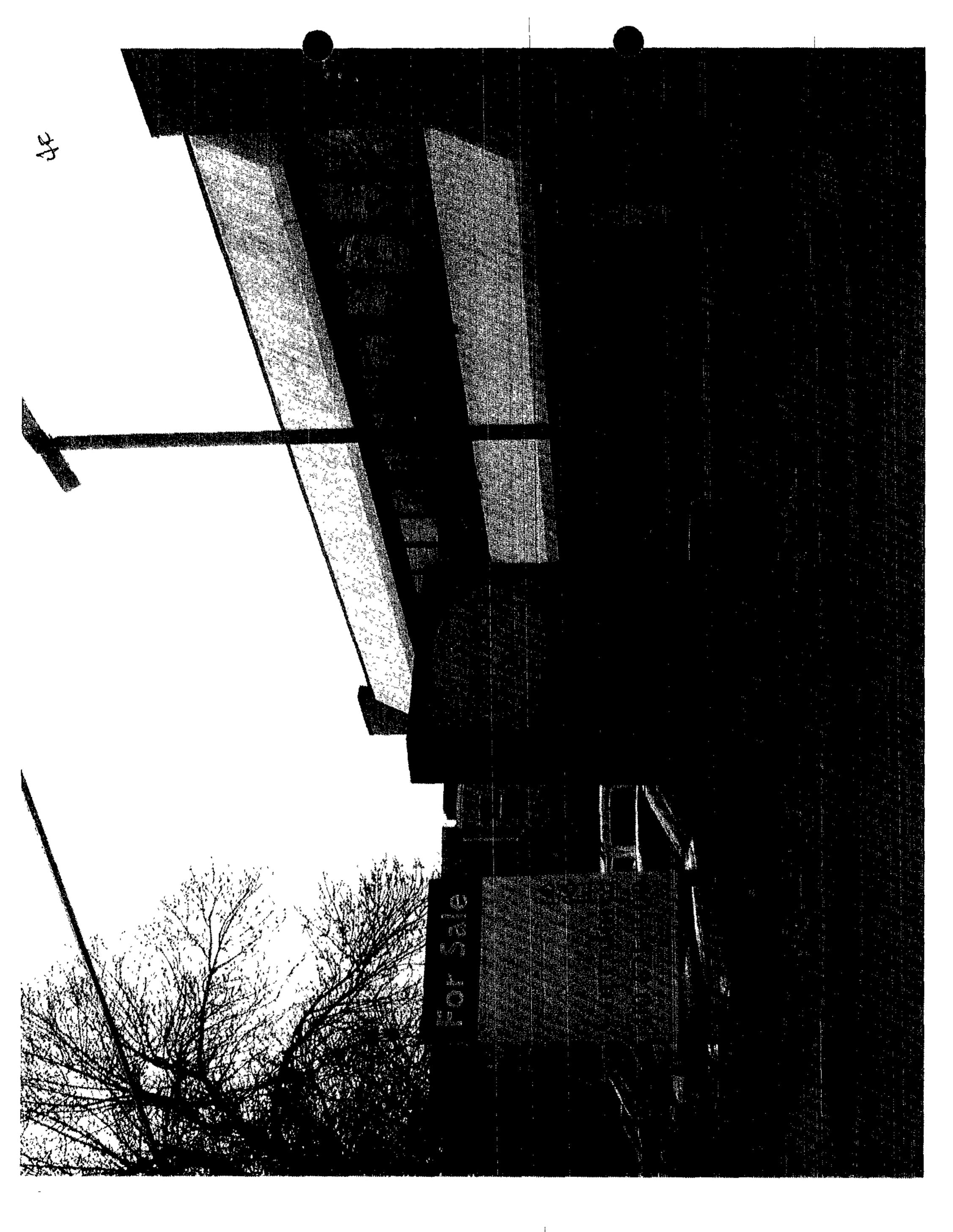






OFFICE SPACE FOR LEASE 443-548-019 FOR INFORMATION





ALTER BECKER, REALTOR

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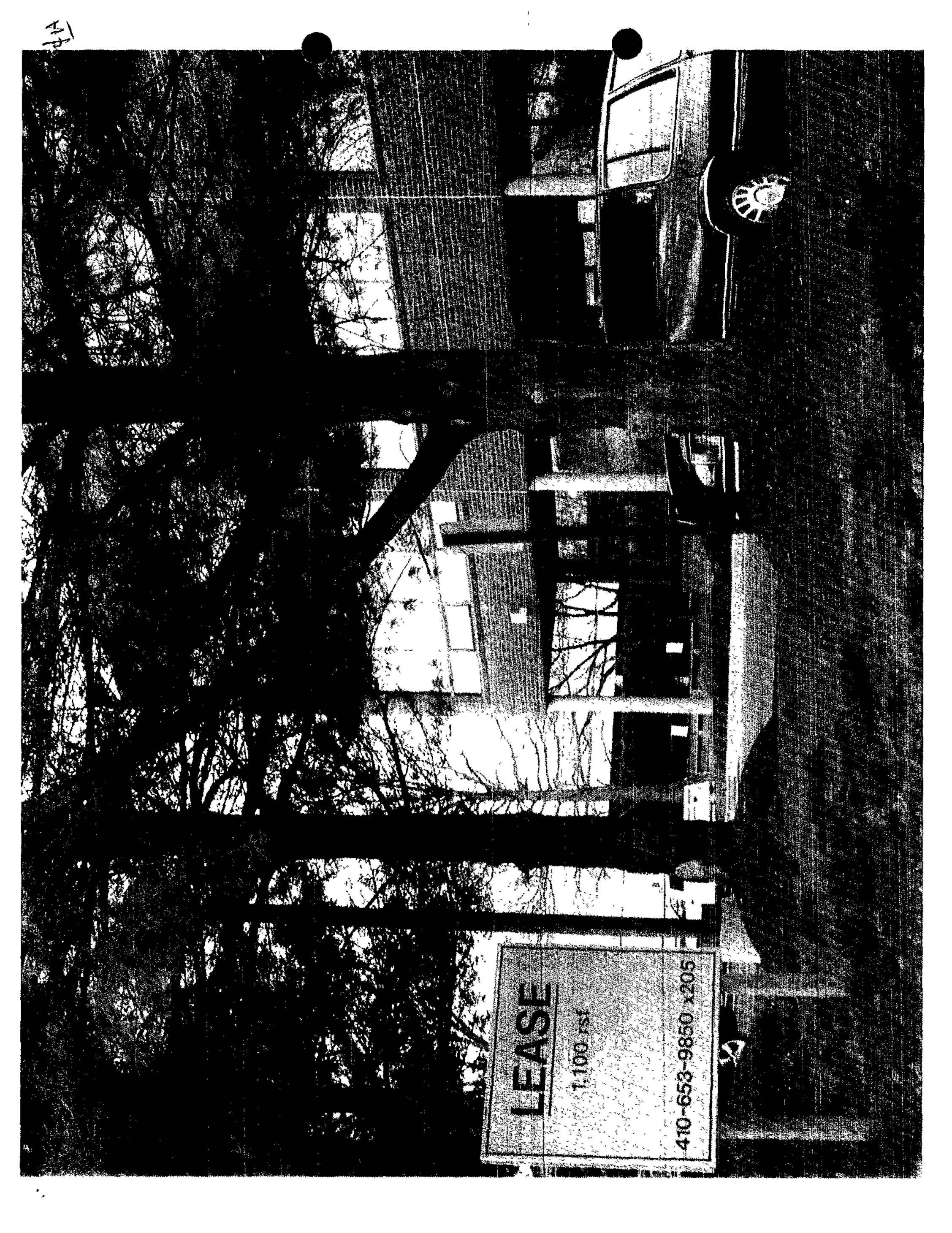
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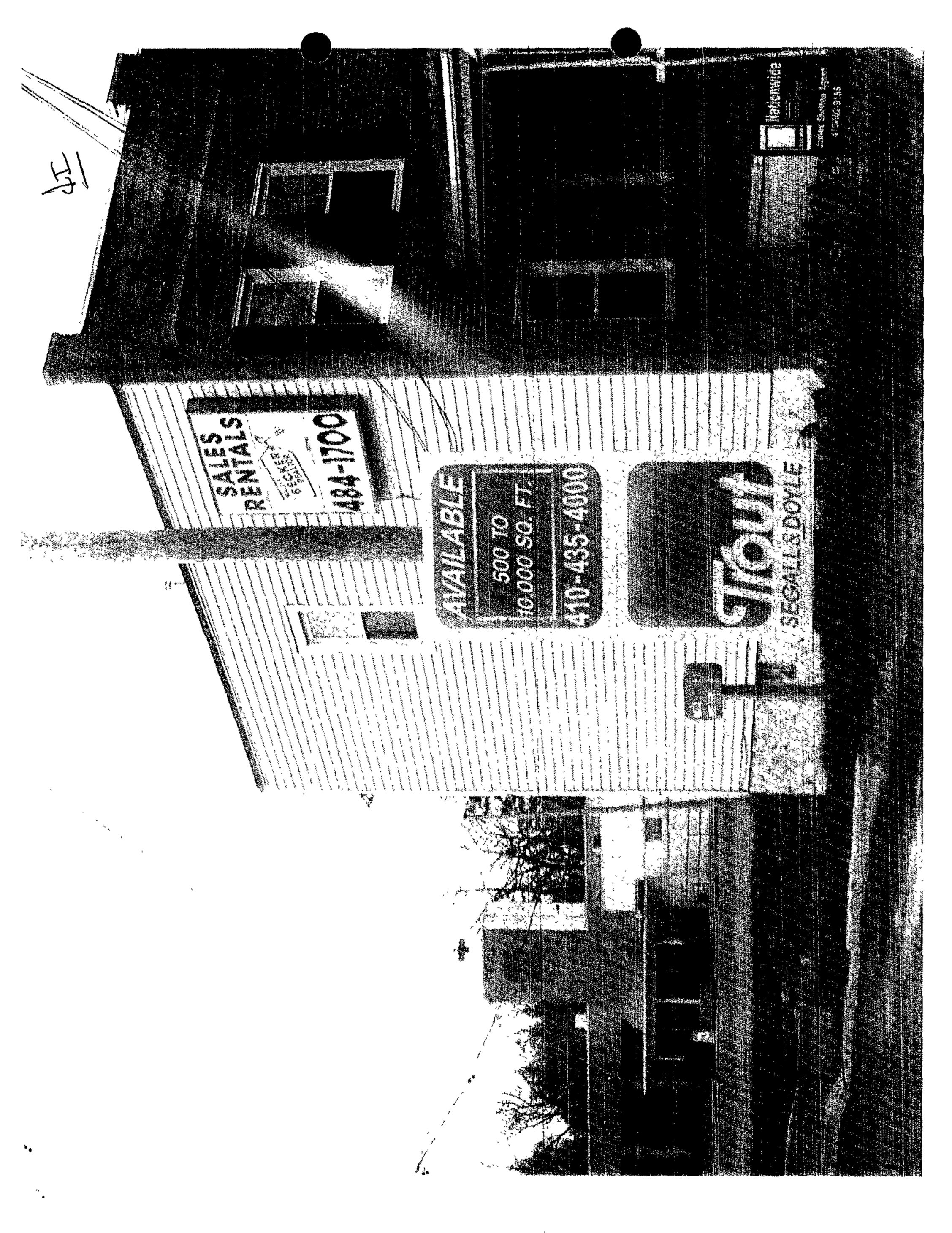
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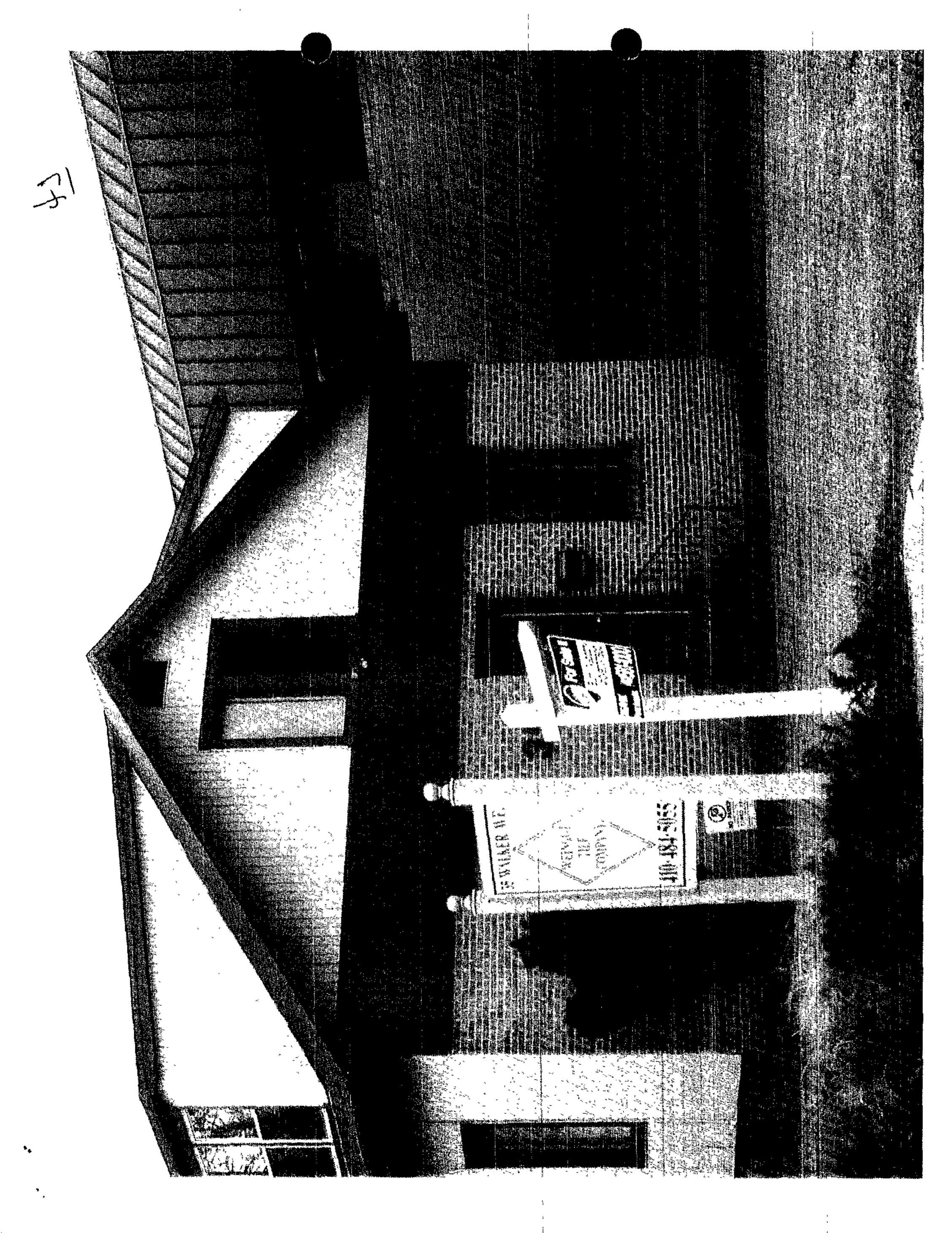
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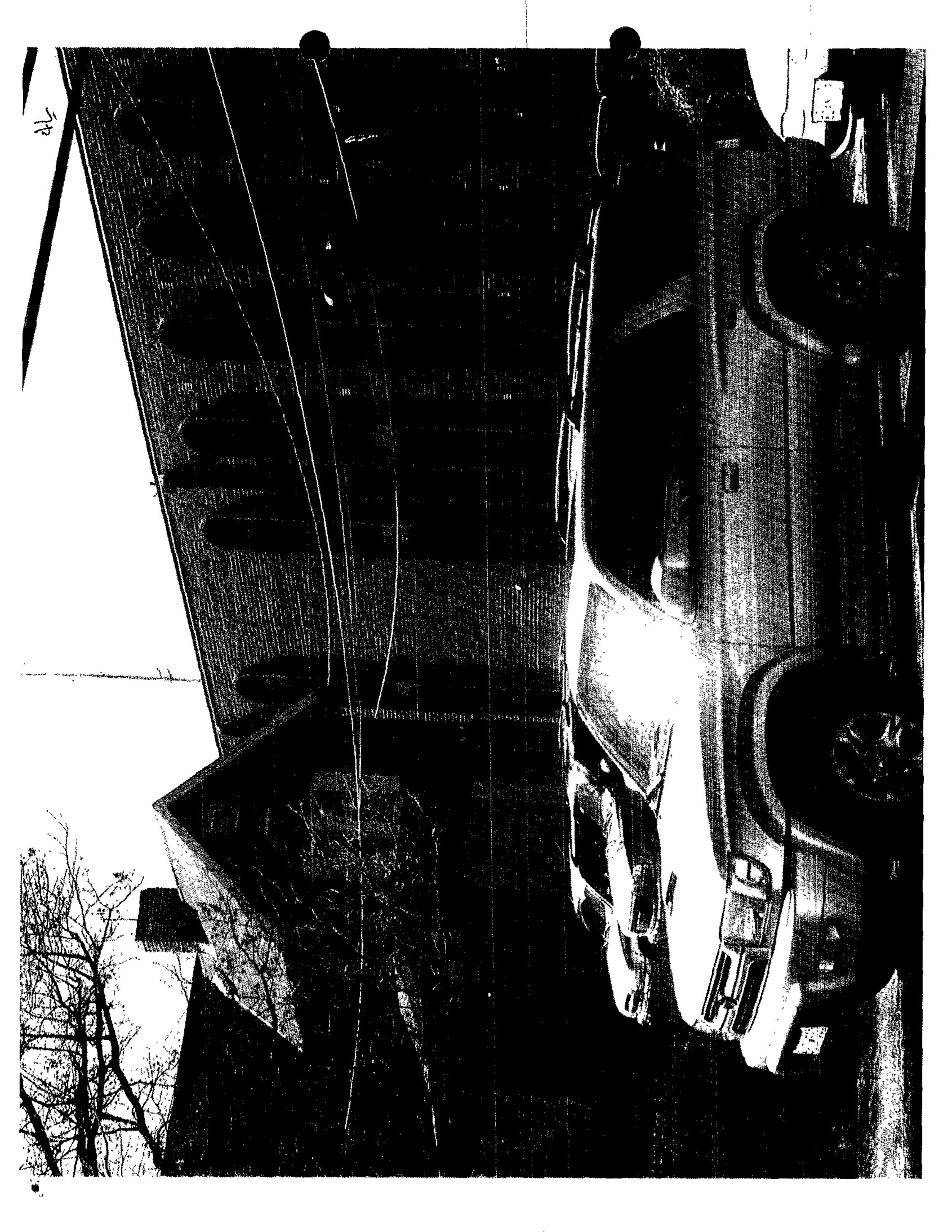
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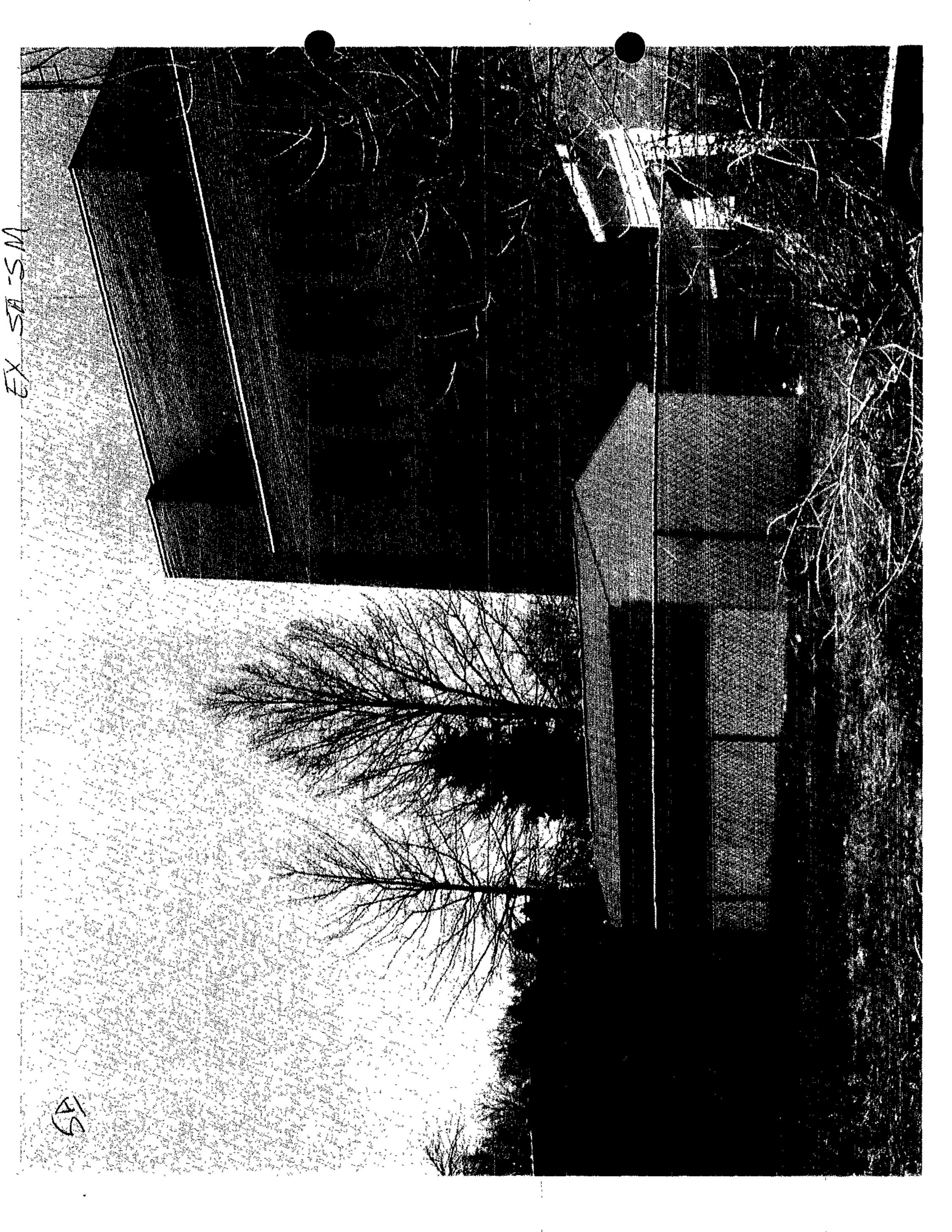
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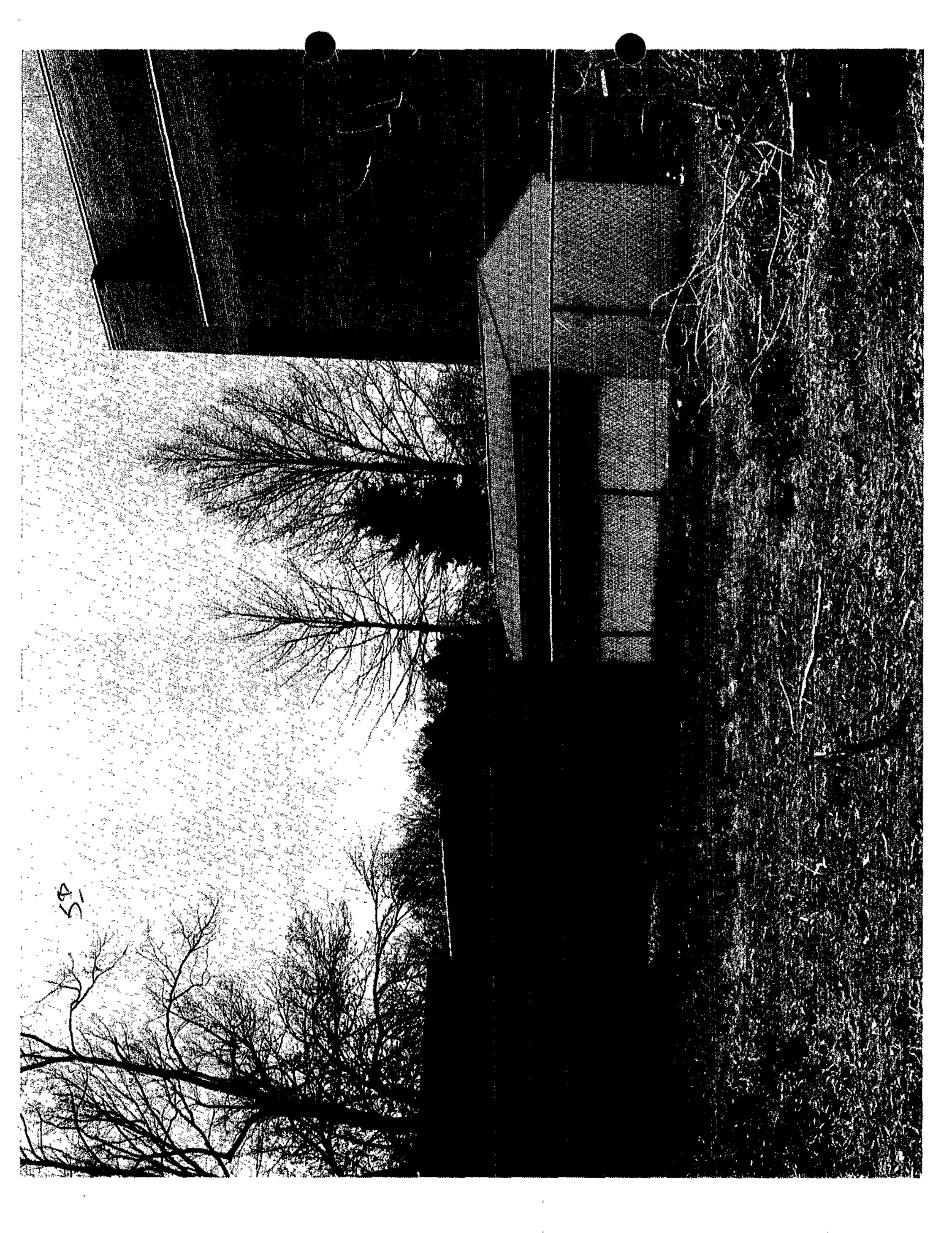


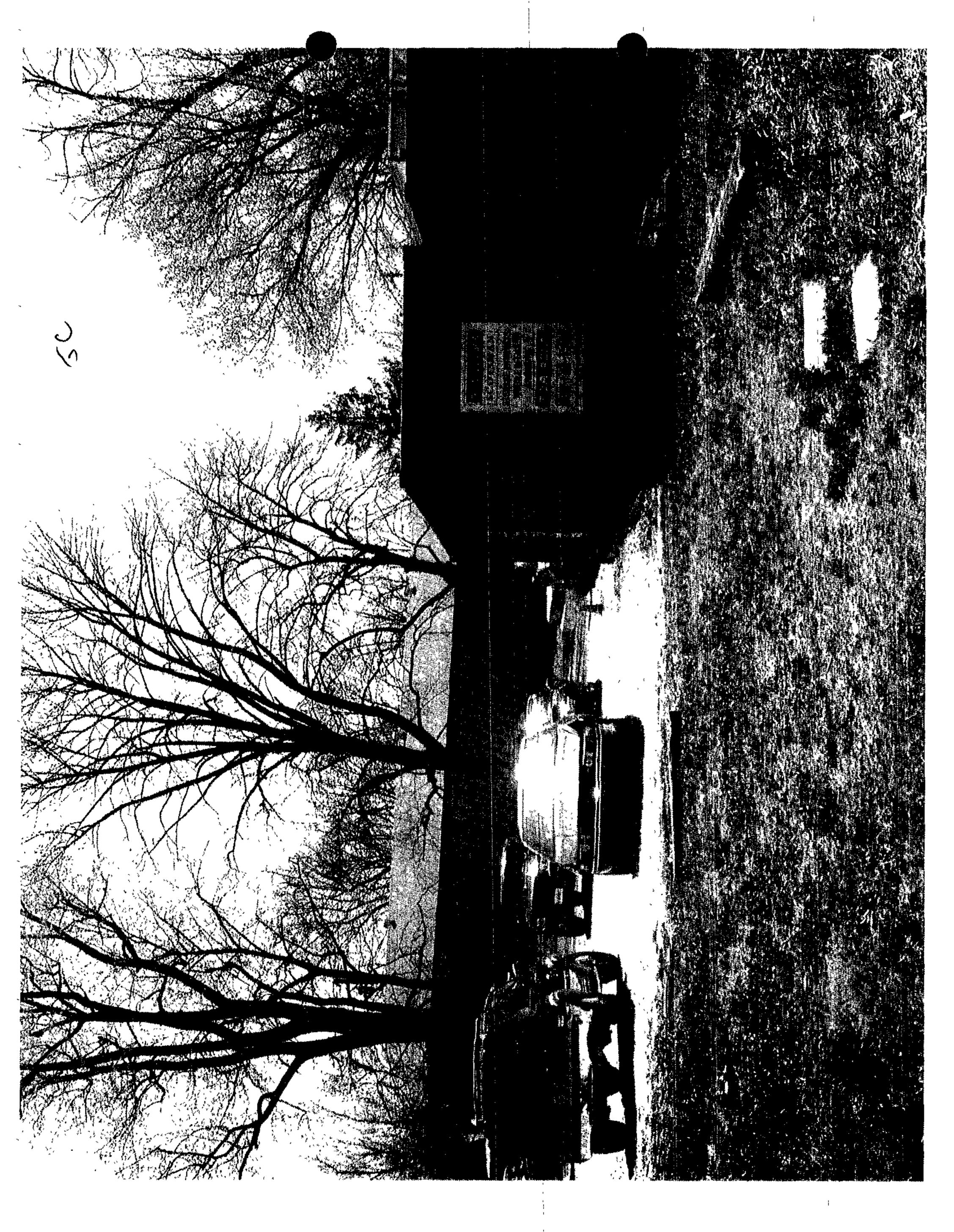




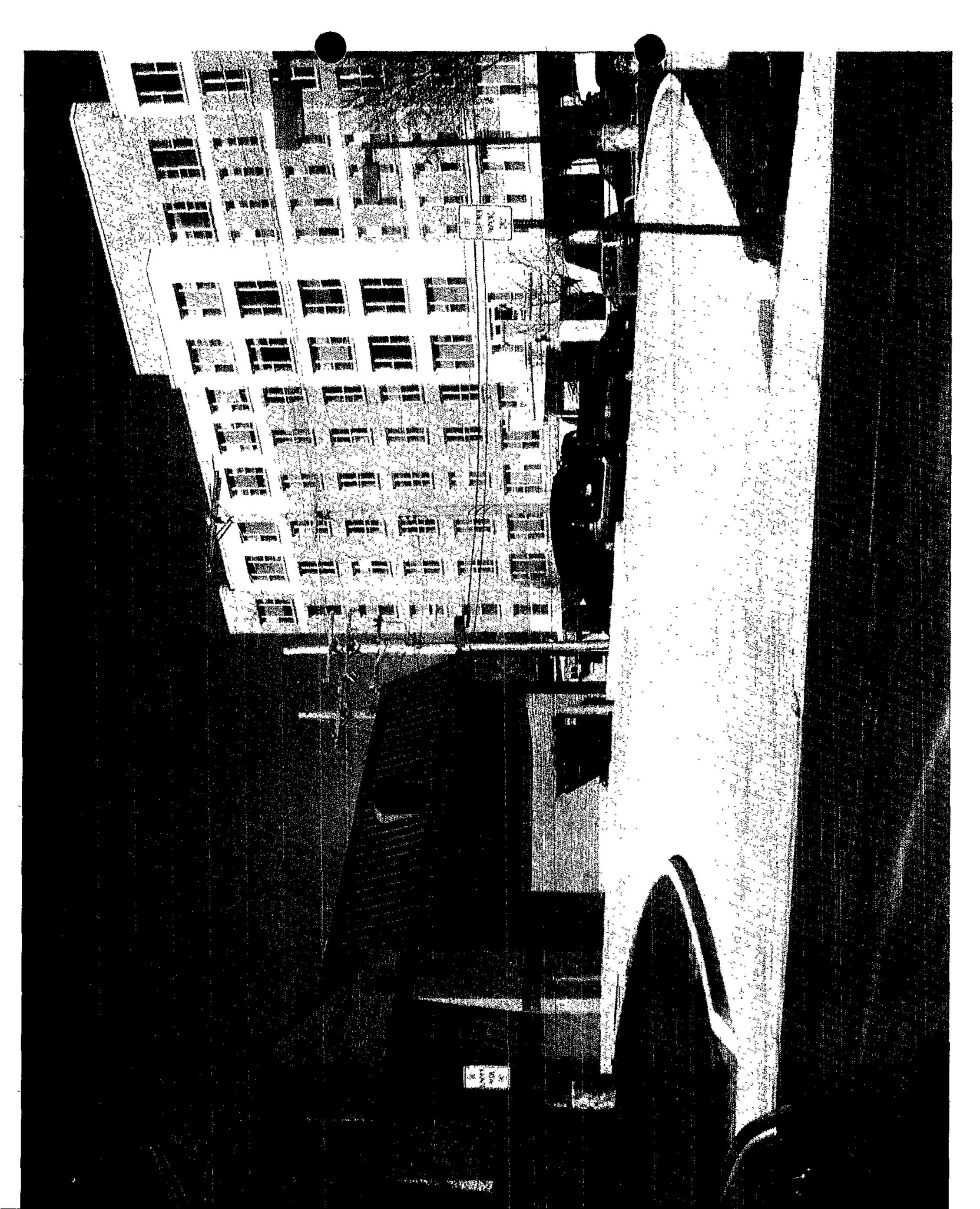




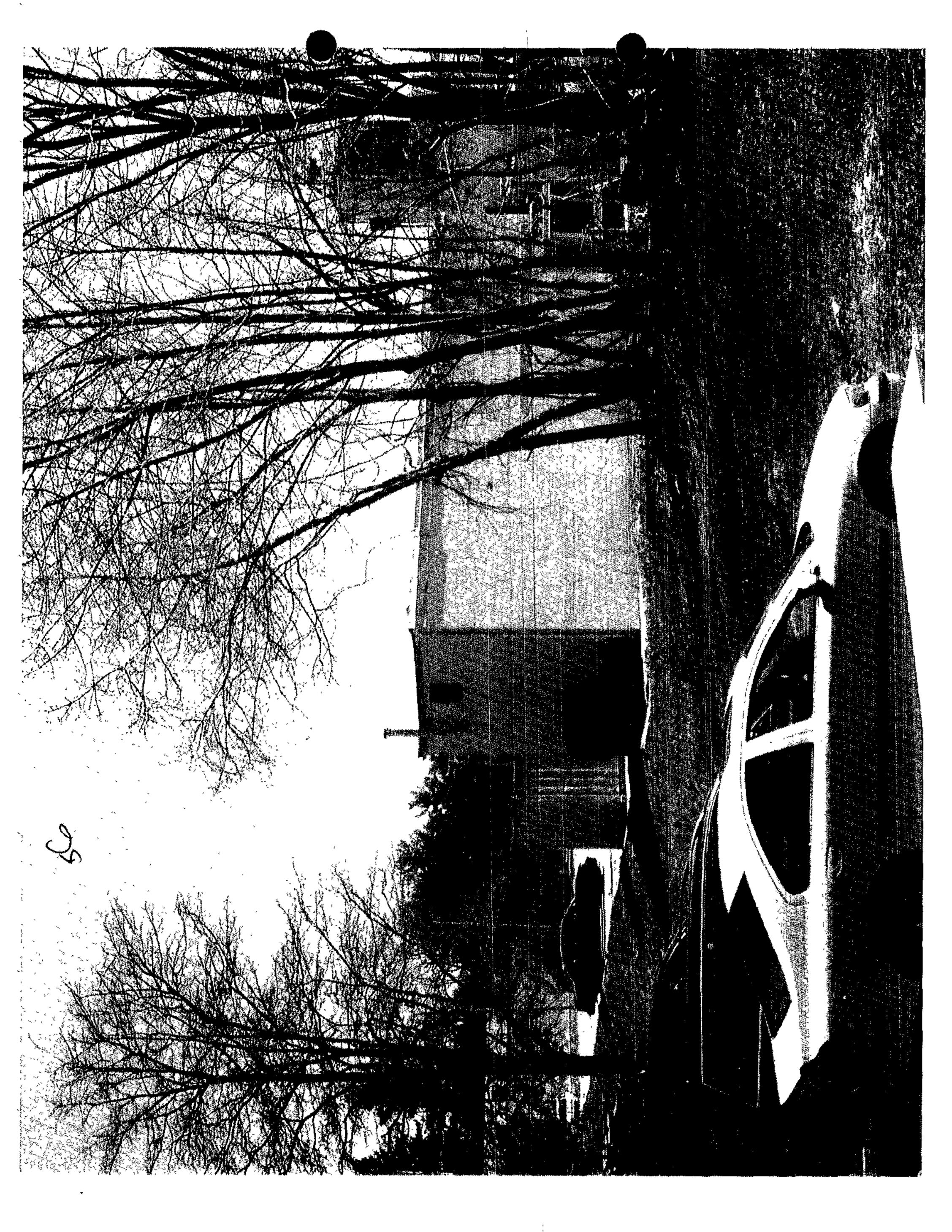


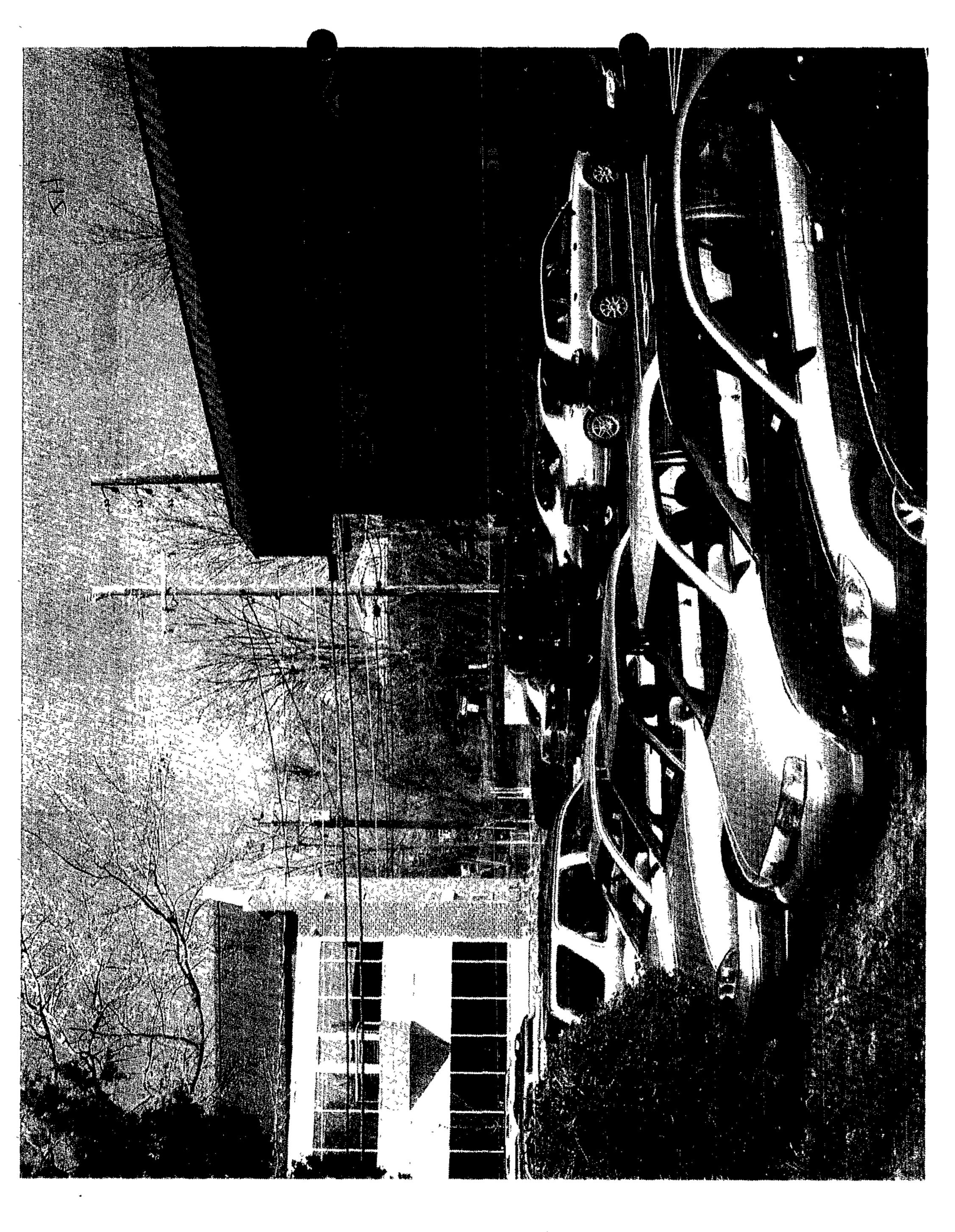


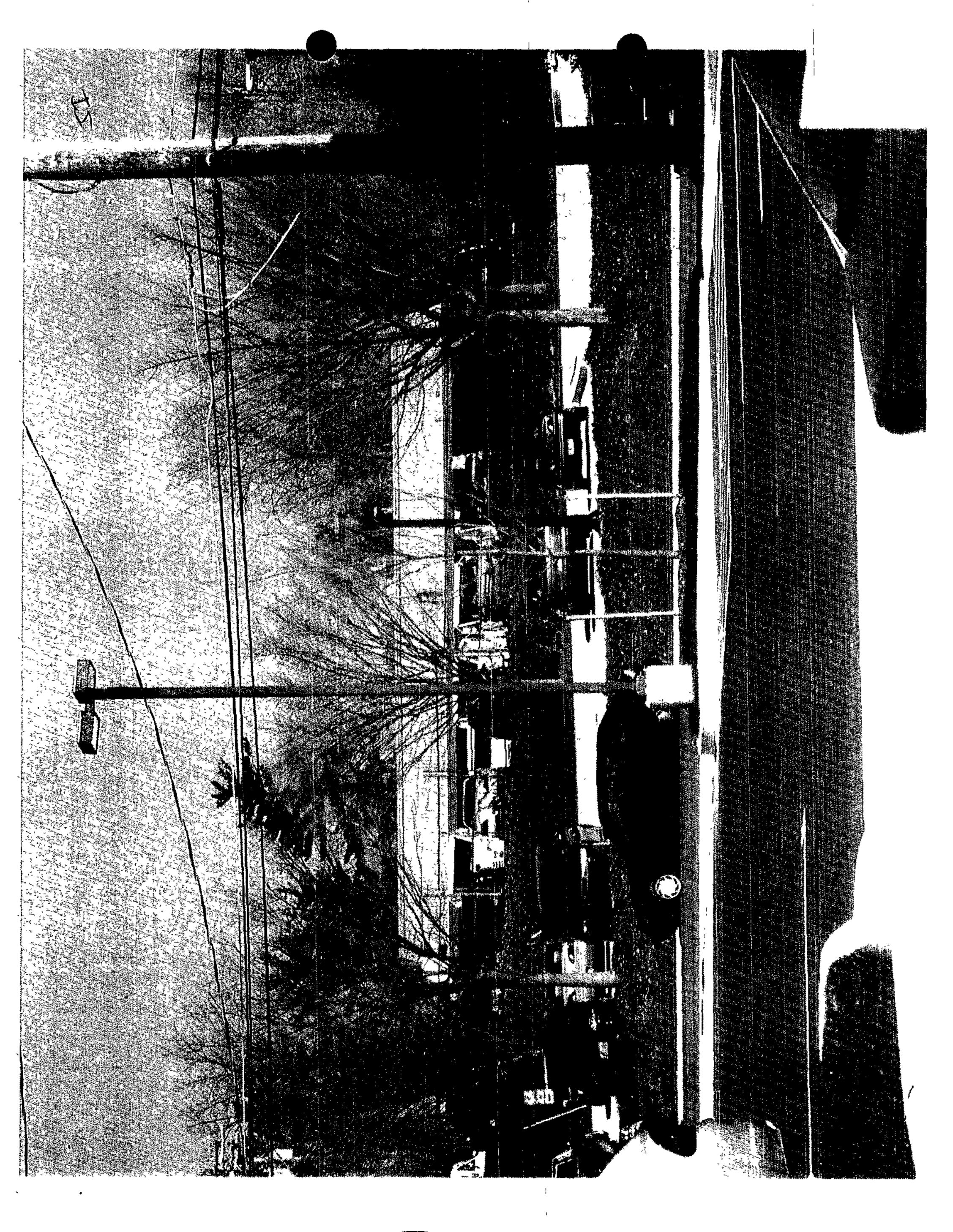


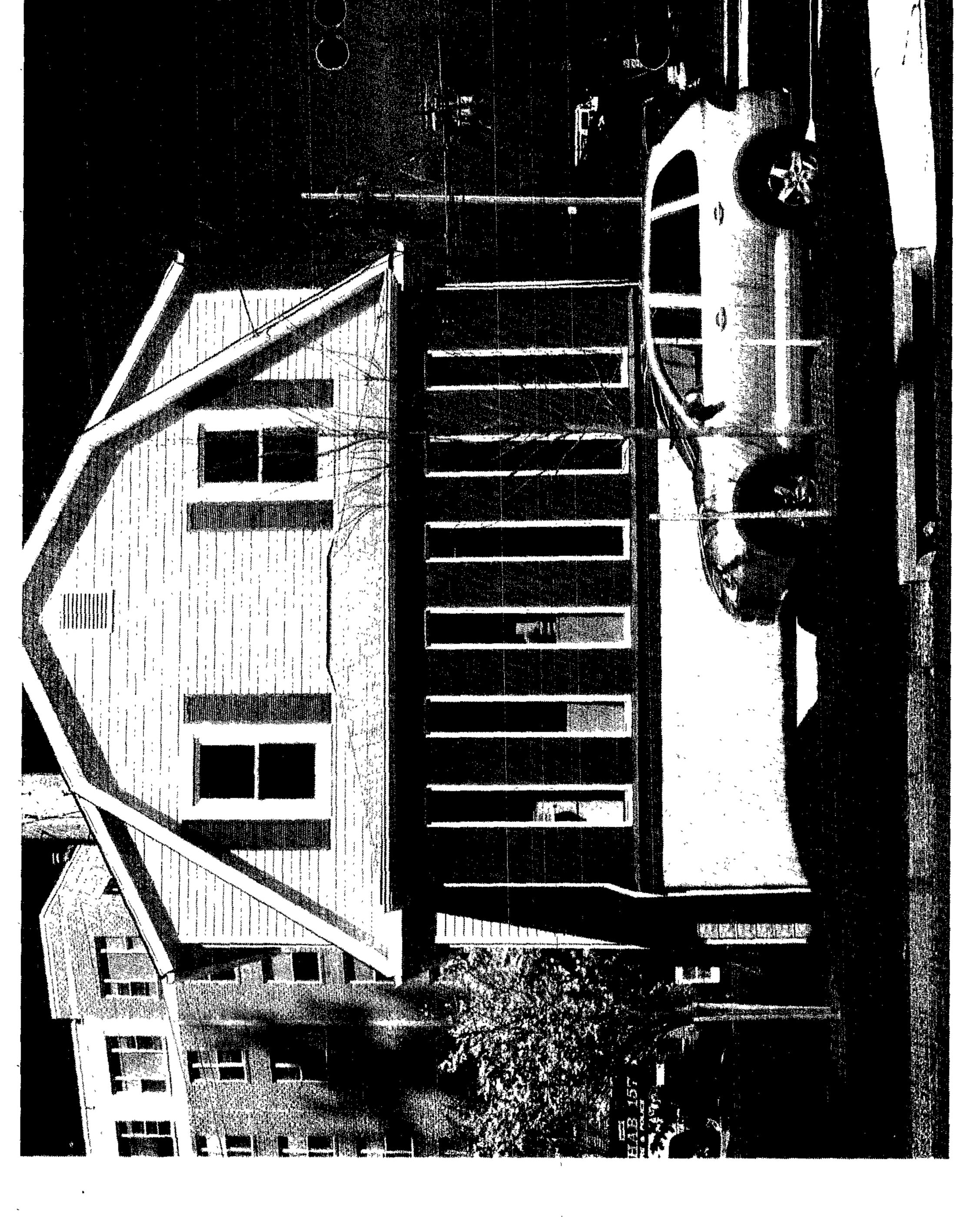










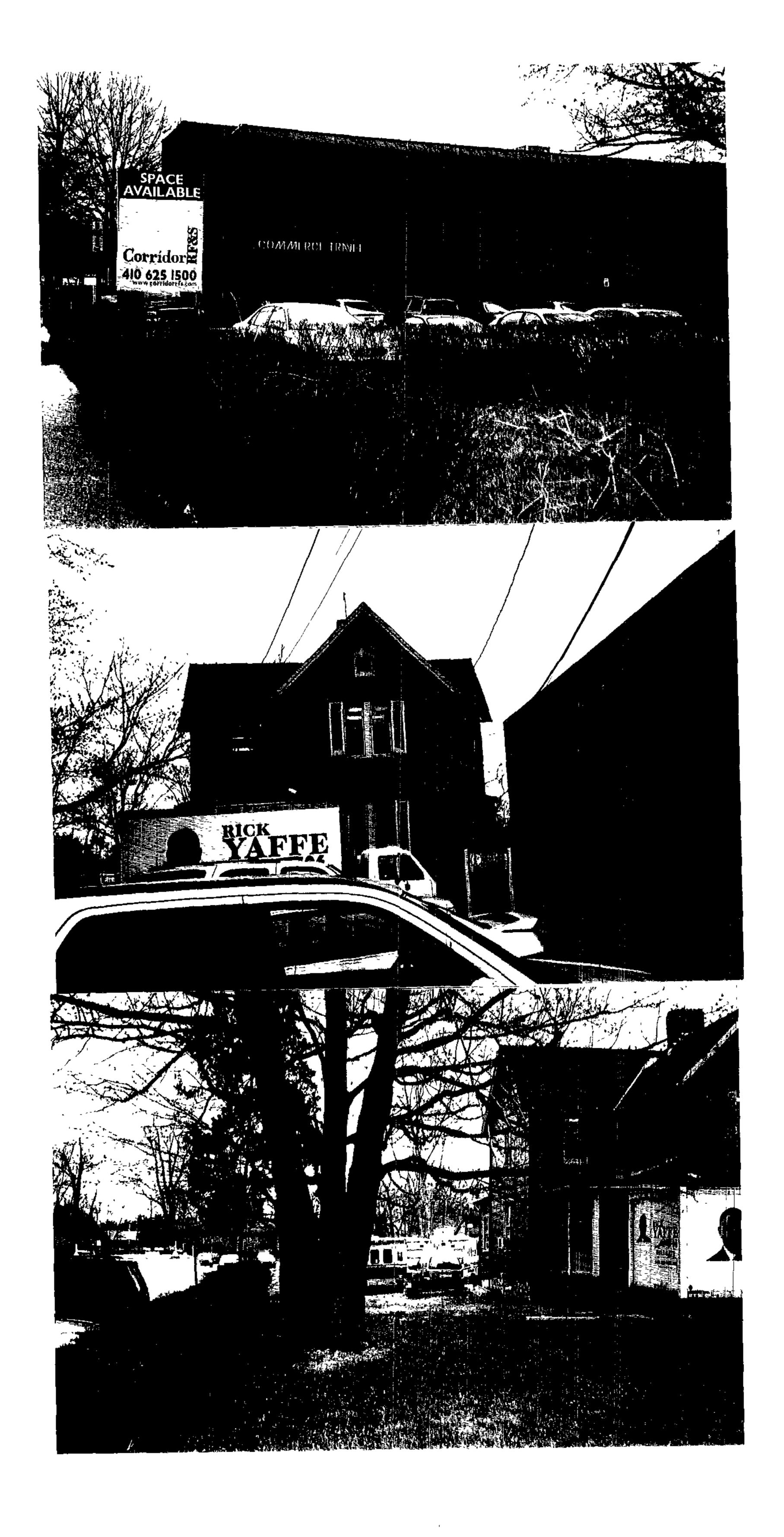




Zoning Commissioner
Office of Planning
401 Bosley Avenue, Suite 405
County Courts Building
Towsen, Maryland, 21204

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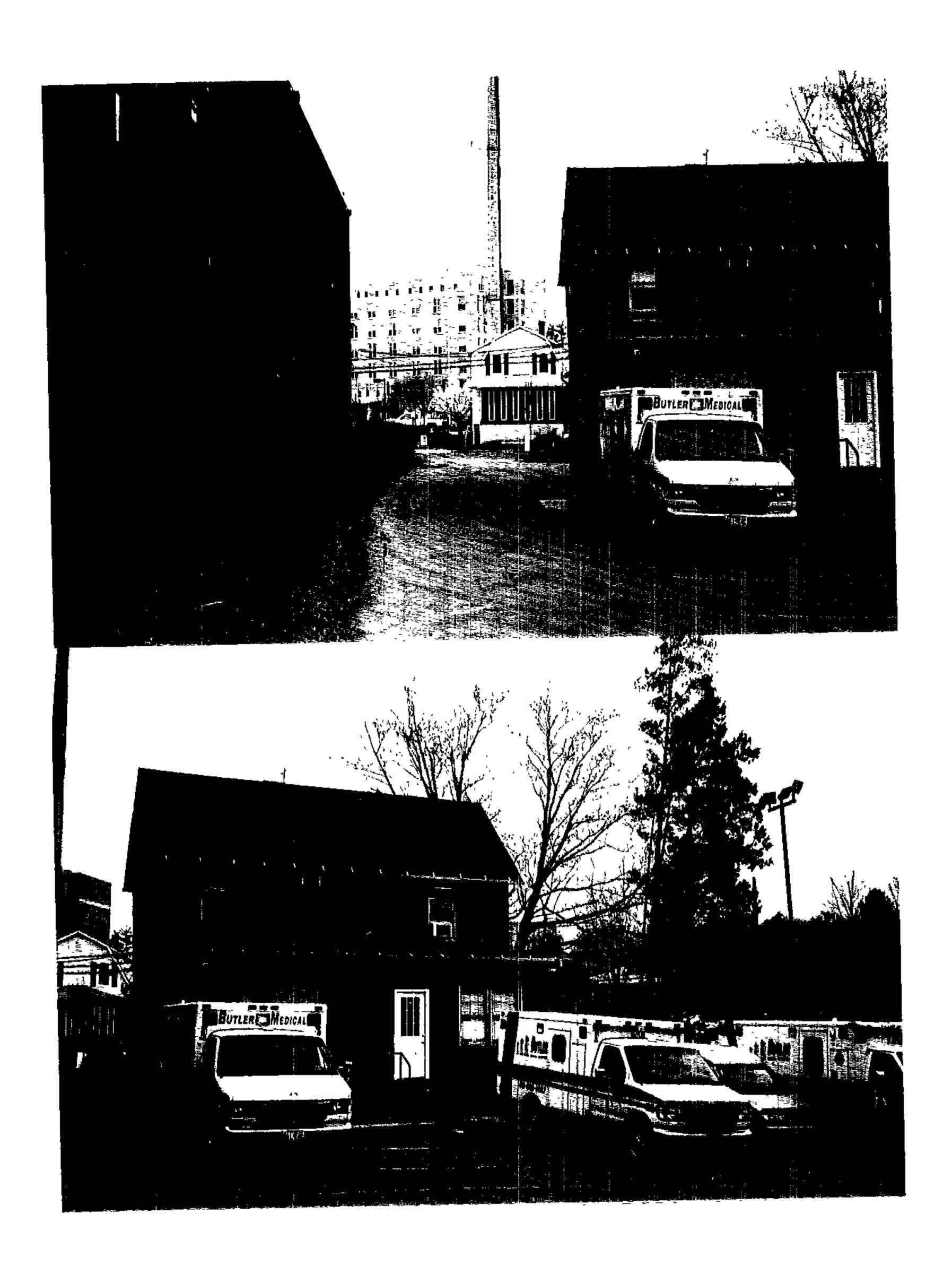
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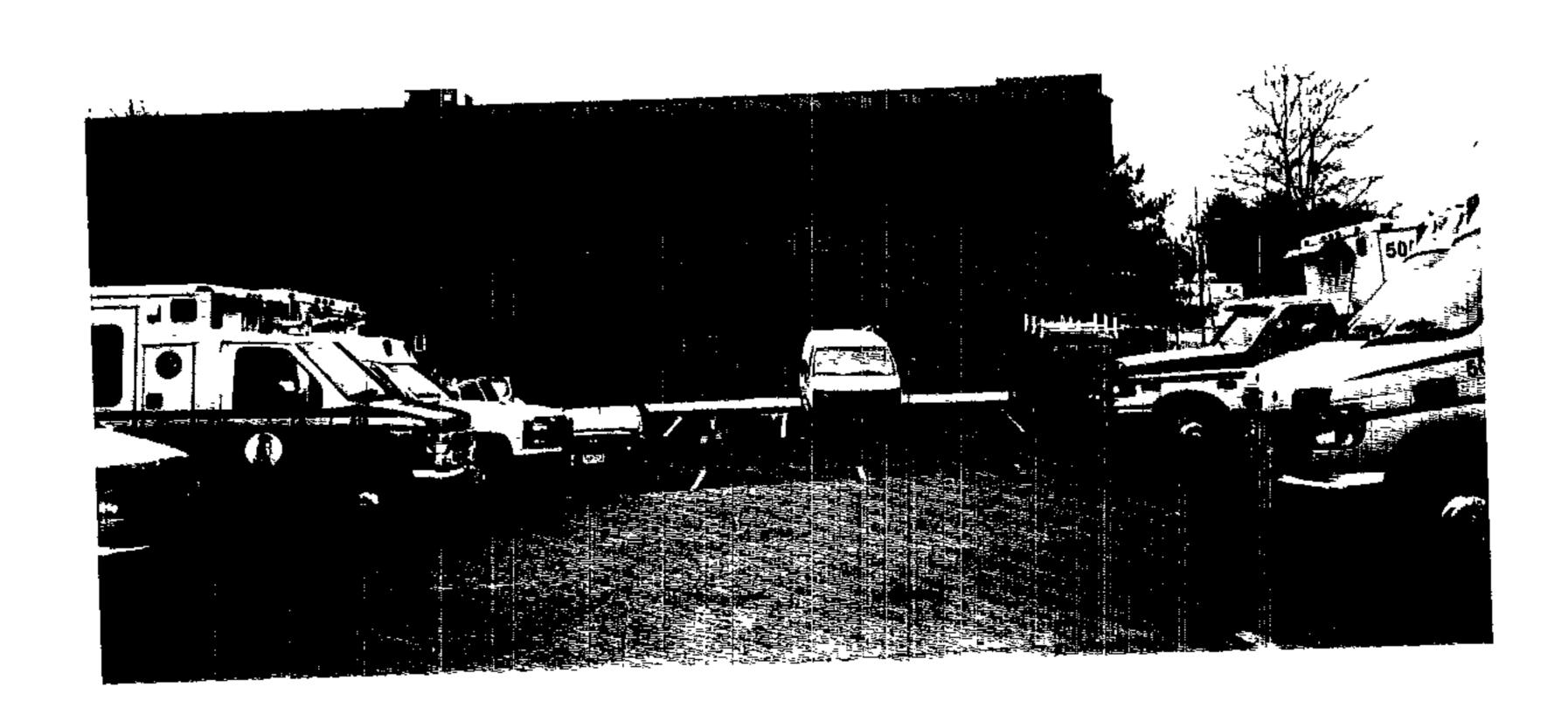


















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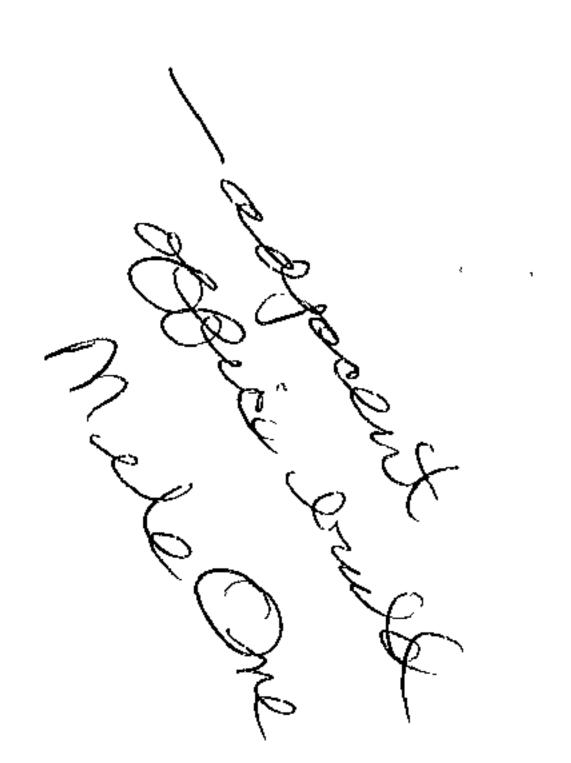


















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