IN RE: PETITIONS FOR SPECIAL EXCEPTION *

AND VARIANCE

North side of Frederick Road, 190 ft. +/-

West of Ingleside Avenue

1st Election District

1st Councilmanic District

(624 Frederick Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-440-XA

Jean R. McGuinness, Legal Owner and

Nick Margaritas, Owner, Piano Man, Contract Purchaser

D ...

Petitioners

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception and Variance filed by Jean R. McGuinness, *Legal Owner* and Nick Margaritas, Owner, Piano Man, *Contract Purchaser*. The requests are for property located at 624 Frederick Road in the western area of Baltimore County. The variance request is from Section 232 A.2 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit the construction of three windows to living quarters 14'6" from the property line in lieu of 25' as required; Section 232A.4 to permit amenity open space ratio of 8.5% in lieu of the required 20%. In addition, a special exception is requested for living quarters in a commercial building pursuant to Section 230.13 of the B.C.Z.R., or in the alternative, a special hearing to confirm the acceptance of an apartment on the second floor of a building pursuant to Section 232 A.1 of the B.C.Z.R.

The property was posted with a notice of the public hearing date and time on April 3, 2006, and notice given to the general public by publication in the Jeffersonian Newspaper on April 6, 2006.

Interested Persons

Appearing at the hearing on behalf of the variance request were Craig Stewart, Architect, Edwin Smith, Professional Engineer, and Leslie & Nicholas Margaritas, Petitioners. C. William

Marlot English

Clark, Esquire, represented the Petitioners. Bruce Van Dervort, representing the Catonsville Chamber of Commerce, also attended the hearing in support of the requests. Abul Kashim, appeared at the hearing in regard to his concerns about possible snow loading of his adjacent property. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

Zoning Advisory Committee

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 April 3, 2006, a copy of which is attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

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;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or 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]

Testimony and Evidence

The subject property is the location of the Petitioner's business known as the "Piano Man" in the central commercial district of Catonsville. The Petitioner's property is 50 feet wide, zoned BL-CCC and is improved by a one-story retail store in which the Petitioner buys, sells and services pianos. See Exhibit 1. The existing building is approximately 35 feet wide with a 15 foot wide driveway running from Frederick Road to the parking area along Orban Avenue. The Petitioner operates seven day each week from 9 AM to 6 PM. The basement of the building contains living quarters, which the Petitioner presently uses.

Mr. Clark indicated that the Petitioner would like to construct a two-bedroom apartment as a second story in which he would reside. The apartment would be built on the footprint of the existing building save for an entrance stairway in the rear and would have clear windows on the west side and glass block windows on the east side. He opined that no one uses the driveway off Frederick Road, since parking for the piano store is located on the rear of the lot with access onto Orban Avenue. As such, the Petitioner proposes to close off the driveway, construct a small amenity grassy area (of approximately 671 sq. feet) and two parking spaces for the residents of the apartment. These two spaces would be in addition to the 8 existing parking spaces on the lot, so that no additional parking variance is being requested. A parking variance of 8 spaces in lieu of the required 16 spaces was granted in Case No. 87-146-A for this property. See Exhibit 5.

Mr. Smith, professional engineer, indicated that the existing building was erected in 1936, obviously before the present zoning regulations were imposed. He noted that as an existing lot in the center of the commercial district, there was not enough area to have the full amenity open space required of 1,576 feet and continue to provide 8 parking spaces for customers

Mr. Stewart, the Petitioner's architect, presented the design of the new apartment as Exhibit 6. He suggests using the same stucco exterior as the existing building.

Mr. Kashim, the Petitioner's neighbor to the east, initially expressed concern about snow accumulation on his adjacent one story building as the result of the Petitioner building a second story on his property. After some discussion Mr. Stewart indicated on behalf of the Petitioner that he would make a structural calculation for Mr. Kashim's building and design a wall that would prevent snow from the Petitioner's building coming onto the adjacent building. Mr. Kashim indicated that he was satisfied with this approach and withdrew his objection to the subject requests.

As this property is within the boundaries of the Catonsville Commercial Revitalization area, the new construction is subject to review by the Design Review Panel (DRP). Mr. Stewart presented the DRP's December 21, 2005 report as Exhibit 7, which approved the proposed design for the apartment.

Mr. Stewart indicated that the proposed use is permitted by right in the CCC district (Section 232A.1), and so no special exception is needed. However, in an abundance of caution, the Petitioner requested in the alternative a special exception for living quarters in a commercial tuilding in this BL district under Section 230.13. He opined that the proposed use met each criteria of Section 502.1 of the BCZR and would not adversely affect the neighborhood.

In regard to the requested variances, he noted that Section 232.A.2 requires windows in appartments over retail uses be at least 25 feet from property lines. Since the apartment will be

snow on the Petitioner's property, if necessary. requested special hearing and variance should be granted.

THE WASHINGTON

In regard to variance requests, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The lot is only 50 feet wide and has an existing building on it. Consequently, I find the property unique from a zoning standpoint. I also find that where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no property available on either side to the property, which can be acquired to give greater distance to the property line or more room for amenity open space. It would be impractical to build the apartment other than on the footprint of the existing building. Finally, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is the preferred design for the new commercial center. In addition Mr. Kashim's concerns about snow accumulation as the result of a second story building next door were satisfied by the Petitioner's agreement to calculate snow loading on the Kashim property and construct structures to retain

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 27 day of April, 2006, that a variance from Section 232 A.2 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit the construction of three windows to living quarters 14'6" from the property line in lieu of 25' as required and from Section 232A.4 to permit amenity open space ratio of 8.5% in lieu of the required 20%, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that a special exception requested for living quarters in a commercial building pursuant to Section 230.13 of the B.C.Z.R., is DENIED as moot; and

IT IS FURTHER ORDERED that the special hearing to confirm the acceptance of an apartment on the second floor of a building pursuant to Section 232 A.1 of the B.C.Z.R., be and is hereby GRANTED, subject, however, to the following condition:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner shall perform such calculations and erect such structures as may be necessary to protect the adjacent property to the east from damaging snow accumulation resulting from the Petitioner building a second story on Petitioner's building.

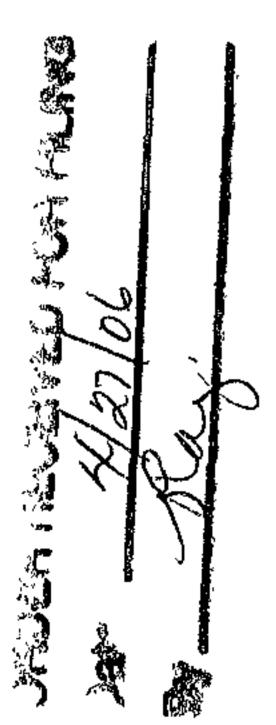
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj





JAMES T. SMITH, JR. County Executive

April 27, 2006

WILLIAM J. WISEMAN III Zoning Commissioner

C. William Clark, Esquire Nolan, Plumhoff & Williams, Chtd. 502 Washington Avenue, #700 Towson, MD 21294

Re: Petitions for Special Exception & Variance

Case No. 06-440-A

Property: 624 Frederick Road

Dear Mr. Clark:

Enclosed please find the decision rendered in the above-captioned case.

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

Joan V. Murphy

for Baltimore County

JVM:raj Enc.

Craig L. Stewart, AIA, 8329 Main Street, Ellicott City, Md. 21043
 Edwin L. Smith, 1020 Boyd Street, Baltimore, Md. 21223
 Leslie & Nicholas Margaritas, 624 Frederick Road, Baltimore, Md. 21228
 Bruce Van Dervort, Catonsville Chamber of Commerce, 822-B Frederick Road, Catonsville, Md. 21228
 Abul Kashim, 622 Frederick Road, Catonsville, Md. 21228



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the property located at 624 Frederick Road

Which is presently zoned BL CCC
This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Living quarters in a commercial building pursuant to Section 230.13; or in the alternative, a Special Hearing to confirm the acceptance of an apartment on the second floor of a building pursuant to Section 232 A.1.

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.

•	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
Nick Margaritas, Owner, Piano Man Name - Type or Print Mich Mulicular	Jean R. McGuinness Name - Type or Print
Signature 624 Frederick Road (410) 747-0200	Signature
Address Telephone No.	Name - Type or Print
Catonsville, MD 21228	
City State Zip Code	Signature
Attorney For Petitioner:	7308 Dooman Road (410) 944-0411 Address Telephone No.
C. William Clark	Baltimore, MD 21244
Name - Type of Print Car	City State Zip Code
Signature	Representative to be Contacted:
Nolan, Plumhoff & Williams, Chtd. Company	Craig L. Stewart, AIA Name
relephone No.	7800 <u>8329 Main St. (410) 465-7687</u> Address Teléphone No.
Towson, MD 21204 City State Zip Code	Ellicott City, MD 21043 City State Zip Code
	OFFICE USE ONLY
Case No. 06-440-44	ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING
REV 09 15 98	Reviewed By Chr. Date 3-13-0



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 624 Frederick Road

which is presently zoned BL CCC

This Petition shall be filed with the Department of Permits and Development Management. The undersigned legs owner(s) of the property situate in Baltimore County and which is described in the description and plat attached nereto are made a part hereof, hereby petition for a Variance from Section(s) 232 A.2 to permit the construction of three windows to living quarters 14'6" from the property line in lieu of 25' as required; 232A.4 to permit amenity open space ratio of 8.5%in lieu of the required 20%.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons (indicate hardship or practical difficulty) (practical difficulty) the configuration of the lot and existing building cause practical difficulty in complying with the BCZR, and for further reasons to be addressed at a hearing on the petition.

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

If 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/Lesse	e:		Legal Owner(s):
	ick Margaritas, Owner	er, Pia	no Man	Jean R. McGuinness
•	Mch/Mangeette	(1)	······································	Name - Type or Print Mid Till unas
•	624 Frederick Road	(410)	747-0200	Signature
ŕ	Address Catonsville,	MD	Telephone No. 21228	Name - Type or Print
(ity	State	Zip Code	Signature
4	Attorney For Petitioner:			7308 Dooman Road (410) 944-0411
_	. William Clark			Address Telephone No
7	lame Type or Print	~	· · · · · · · · · · · · · · · · · · ·	Baltimore, MD 21244 City State Zin Code
_	ignature (are		City State Zip Code Representative to be Contacted:
N	olan, Plumhoff & Wil	lliams,	Chtd.	Craig L. Stewart, AIA
3	02 Washington Ave.,	# 700	(410) 823-78 Telepnone No.	800 8329 Main St. (410) 465-7687 Address Telephone No
8_	owson,	MD State	21204 Zip Code	Ellicott City, MD 21043 Zip Code
				OFFICE USE ONLY
4	Tase No. 06-44	7-0	/) -	ESTIMATED LENGTH OF HEARING
	SX 9115198	·		UNAVAILABLE FOR HEARING Reviewed By State 3-13-01

Zoning Description

#624 Frederick Road, Catonsville, Baltimore County, Maryland

Beginning at a point on the north side of Frederick Road, which is 66 feet wide, at the distance of 190 feet from the intersection of the north side of Frederick Road with the east side of Ingleside Avenue, then,

N 74° 10' 02" E 50.00', N 14° 21' 58" W 157.57', S 74° 12' 38" W 50.00', and S 14° 21' 58" E 157.61' to the place of beginning, containing 7877 square feet, as recorded in Deed Liber 19798, Folio 651,

Being parcel #1747 on Tax Map #101, grid #8, Assessment Area 3, located in the 1st Election District, also known as 624 Frederick Road.

Edm J. Smiths March 13, 2006

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: #06-440-XA
624 Frederick Road
North side of Frederick Road, 190 feet +/- west of Indeside Avenue

Ingleside Avenue 1st Election District - 1st Councilmanic District Legal Owner(s): Jean McGulnness Contract Purchaser: Piano Man, Nick Margaritas Owner

Special Exception: to allow living quarters in a commercial building or in the alternative, a Special Hearing to confirm the acceptance of an apartment on the second floor of a building. Variance: to permit the construction of three windows to living quarters 14 feet 6 in line in the property line in fleu of 25 feet as required and to permit amenity open space ratio of 8.5% in fleu of the required 20%.

Hearing: Friday, April 21, 2006 at 10:00 a.m. is Room 407, County Courts Building, 401 Bosley Avenue (10) Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baitimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning.

4/010 Apr. 6

CERTIFICATE OF PUBLICATION

46,2006	
THIS IS TO CERTIFY, that the annexed advertisement	t was published
n the following weekly newspaper published in Baltimore	e County, Md.,
once in each ofs uccessive weeks, the first publica	tion appearing
on 4 (0 ,20 <u>06</u> .	i I
The Jeffersonian	ı
☐ Arbutus Times☐ Catonsville Times	
☐ Towson Times ☐ Owings Mills Times	i 1
NE Booster/Reporter North County News	1
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1 want YELLOW - CUSTOMER AMOUNT BALTIMORE COUNTY, MARYL PINK - AGENCY OFFICE OF BUDGET & MISCELLANEOUS PECENTED PATE
PORTE
PORT

CERTIFICATE OF POSTING

ME: Case No.: Co - 740 - XH
Petitioner/Developer: PIANO MA.
MICK MARGARITAS
Date of Hearing/Closing: 4-21-04
bat the necessary sign(s) required by law were ROAD
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rcly,
77
(Signature of Sign Foster) (Date)
SSG Robert Black
(Print Name)
Wid Lesie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(4±0) 282-1940
(Telephone Number)

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 22, 2006

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: 06-440-XA

624 Frederick Road

North side of Frederick Road, 190 feet +/- west of Ingleside Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Jean McGuinness

Contract Purchaser: Piano Man, Nick Margaritas, Owner

Special Exception to allow living quarters in a commercial building or in the alternative, a Special Hearing to confirm the acceptance of an apartment on the second floor of a building. <u>Variance</u> to permit the construction of three windows to living quarters 14 feet 6 inches from the property line in lieu of 25 feet as required and to permit amenity open space ratio of 8.5% in lieu of the required 20%.

Hearing: Friday, April 21, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco

Director

TK:klm

C: C. William Clark, 502 Washington Avenue, #700, Towson 21204 Jean McGuinness, 7308 Dooman Road, Baltimore 21244 Nick Margaritas, 624 Frederick Road, Catonsville 21228 Craig Stewart, 8329 Main Street, Ellicott City 21043

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 6, 2006.

- (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.



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

TO: PATUXENT PUBLISHING COMPANY

Thursday, April 6, 2006 Issue - Jeffersonian

Please forward billing to:

C. William Clark, Esq. Nolan, Plumhoff & Williams 502 Washington Avenue, Ste. 700 Towson, MD 21204

410-823-7800

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: 06-440-XA

624 Frederick Road

North side of Frederick Road, 190 feet +/- west of Ingleside Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Jean McGuinness

Contract Purchaser: Piano Man, Nick Margaritas, Owner

<u>Special Exception</u> to allow living quarters in a commercial building or in the alternative, a Special Hearing to confirm the acceptance of an apartment on the second floor of a building. <u>Variance</u> to permit the construction of three windows to living quarters 14 feet 6 inches from the property line in lieu of 25 feet as required and to permit amenity open space ratio of 8.5% in lieu of the required 20%.

Hearing: Friday, April 21, 2006 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson, MD 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.

RE: PETITION FOR SPECIAL EXCEPTION
AND VARIANCE
624 Frederick Road; N/S Frederick Road,
190' W Ingleside Avenue
1st Election & 1st Councilmanic Districts
Legal Owner(s): Jean McGuinness
Contract Purchaser(s): Nick Margaritas,
Owner, Piano Man
Petitioner(s)

*

BEFORE THE

ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

6 06-440-XA

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

<u>CERTIFICATE OF SERVICE</u>

I HEREBY CERTIFY that on this 23rd day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to Craig L. Stewart, 8329 Main Street, Ellicott City, Md 21043 and to C. William Clark, Esquire, Nolan, Plumhoff & Williams, Chtd., 502 Washington Avenue, Suite 700, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

WAR 2 3 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per

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.

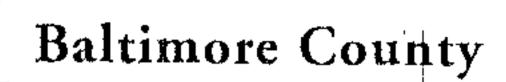
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Item Number or Case Number: 440	
Petitioner: Nick Margaritas, Owner, the Piano M	lan
Address or Location: 624 Frederick Road, Catonsv	/ille, MD 21228
PLEASE FORWARD ADVERTISING BILL TO: Name: C. William Clark, Esquire	
Address: Nolan, Plumhoff & Williams, Chtd., 5	02 Washington Ave.

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

April 14, 2006

C. William Clark Nolan, Plumhoff & Williams, Chtd. 502 Washington Avenue #700 Towson, MD 21204

Dear Mr. Clark:

RE: Case Number: 06-440-XA, 624 Frederick Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 13, 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,

u. Cal Robal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Jean R. McGuinness 7308 Dooman Road Baltimore 21244 Craig Stewart, AIA 8329 Main St Ellicott City 21043 Nick Margaritas, Owner, Piano Man 624 Frederick Road Catonsville 21228



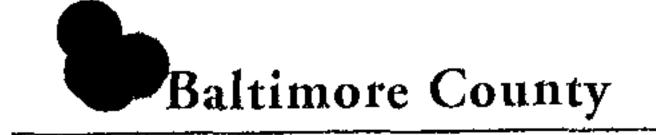
Visit the County's Website at www.baltimorecountyonline.info

Fire Department



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





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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 March 21, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: March 20, 2006

Item No.: Item Number 440

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.

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

LT. Roland P. Bosley Jr. Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 27, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 27, 2006

Item Nos. 429, 430, 431, 432, 433, 434, 435,

436, 437, 439, 440, and 441

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-03272006.doc

DATE: December 21, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DESIGN REVIEW COMMENTS

TO: NICK MARGARITAS BIAFAX- 400-747-0049

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Lynn Lanham

Design Review Panel

SUBJECT: Design Review Panel Meeting (December 14, 2005)

Minutes

PROJECT NAME: 624 Frederick Road

PROJECT: DRP # 467

PROJECT TYPE: Commercial/Residential

DESIGN REVIEW PANEL MEMBERS IN ATTENDANCE:

Dean Hoover, Thomas Repsher, Derrick Burnett, Betsy Boykin, Geoffrey Glazer, Donald Kann, Christopher Parts, Jack Dillon, Roger Katzenberg

PROJECT DESCRIPTION:

The applicant and architect of the project, Craig Stewart, is proposing a second story addition to an existing Piano Man store in the Catonsville Commercial Revitalization DRP area. The addition will be used for residential purposes and is approximately 2300 square feet. The second floor will be set back so that it is not overbearing on the street. There will also be a deck on the back of the addition and an exit stairwell. The materials used for the addition will be consistent with the existing.

Mr. Stewart presented building samples that included dryvit to match the existing stucco, gray paint to match the existing painted brick, decking material, stain color for the trellis on the rear deck, and a casement window with white finish.

DISPOSITION:

The Design Review Panel approved the plans as submitted.

Lynn Lapham

KP:File

Craig Stewart, Architect

Arnold Pat Keller, Office of Planning

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A/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 3, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-440- Special Exception

The Office of Planning has reviewed the above referenced case(s) supports the request provided the building is in compliance with the Design Review panel approval (see attached).

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz 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

Date: 3.21.02

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

RE: Baltimore County

Item No. 440 Jcm

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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. 1. Sredle

Engineering Access Permits Division

PHILIP A. PETTY

Attorney at Law
30 Corporate Center
10440 Little Patuxent Parkway, Suite 300
Columbia, Maryland 21044

Fick and Petty Law Firm
A Partnership of
Professional Corporations

Telephone (410) 461-4592 Facsimile (410) 461-6805 Email: lawpetty@comcast.net

April 21, 2006

C. William Clark, Esquire Nolan, Plumhoff & Williams, Chtd. Nottingham Centre, Suite 700 502 Washington Avenue Towson, MD 21204-4528

RE: Your Client:

Nick Margaritas t/a Piano Man

Property:

624 Frederick Road

Zoning Case No.:

06-440-XA

Dear Mr. Clark:

Thank you for speaking with me on the phone this afternoon. As mentioned, I have been retained by Abul Kashim, the owner of the building attached to your client's.

I understand that your client is seeking approval to add a second story to his building. Mr. Kashim has no objection if your client provides a written opinion from a qualified professional that Mr. Kashim's roof will safely support the added likely maximum load resulting from snow drifting on to it due to the projection of the higher addition your client wants to build. Based on our conversation, your client will consult with his architect in this regard and let us know if he can do this.

Sincerely,

Philip A. Petty

PAP:ms

cc: Kristen Matthews, Baltimore County Office of Permits and Development Management Abul Kashim



PAGE 01/03 P.01 100

Baltimore County Zoning Towson Md. 21204

ATTN: Kristen Matthews

Ref: Case number 06-440-XA

Please see attached letters reference to the above case, and make these letters part of the file for the hearing officer to consider.

Thank you,

ABUL KASHIM

Owner

622 Frederick Rd.

Catonsville, MD 21228

Phone (443) 255-6331

4-19-06

APR-19-2006 15:06

PAGE:

P. 02

02/03

JSK Systems, Inc. t/a Indian Delight Restaurant 622 Frederick Road Catonsville, MD 21228 (410) 744-4422 (443) 255-6331

March 13, 2006

Mr. Nick M. 624 Frederick Road Catonsville, MD 21228

> Property Extension Re:

FROM

MOD 32

Dear Mr. Nick:

Since you are proposing a two-story extension to your property, I foresee immediate problems of snow accumulation (drift) on the roof of my property, at 622 Frederick Road.

If you wish to extend the property, you should either provide me a structural calculation showing that snow drift will not affect my roof structure, or provide additional support to take load due to snow drift and the cost of such support. Any interruptions of my business should be fully compensated.

Please contact with me with any further questions or concerns.

Sincerely,

President of JSK Systems, Inc.

08873049

P.03

Hearing Officer Baltimore County Zoning Towson, MD. 21204

April 19, 2006

Subject: Case Number 06-440-XA

Dear Gentleperson,

Since my next door neighbor at 624 Frederick Rd, Catonsville, Md. 21228 proposing a two-story extension of the property, I foresee immediate problems of snow accumulation (DRIFT) on the roof of my property, at 622 Frederick Rd, Catonsville, MD. 21228,

If the owner wishes to extend the property, she should either provide me a structural calculation showing that snow drift will not affect the roof of my roof structure, or provide additional support to take load due to snow drift and the cost of such support. Any interruptions to my business should be fully compensated. Please see copy of a letter I sent to the owner through her son in law Mr. Nick who is the owner of the Piano Man the tenant of 624 Frederick Rd. Catonsville, Md. 21228. Please contact me with any further questions or concerns.

Sincerely,

Abul Kashim

Owner

622 Frederick Rd.

Catonsville, Md. 21228

443-255-6331

CASE NAME CASE NUMBER CC - 446-XA DATE

CITIZEN'S SIGN-IN SHEET

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NAME	ABUL KASHIM								•					

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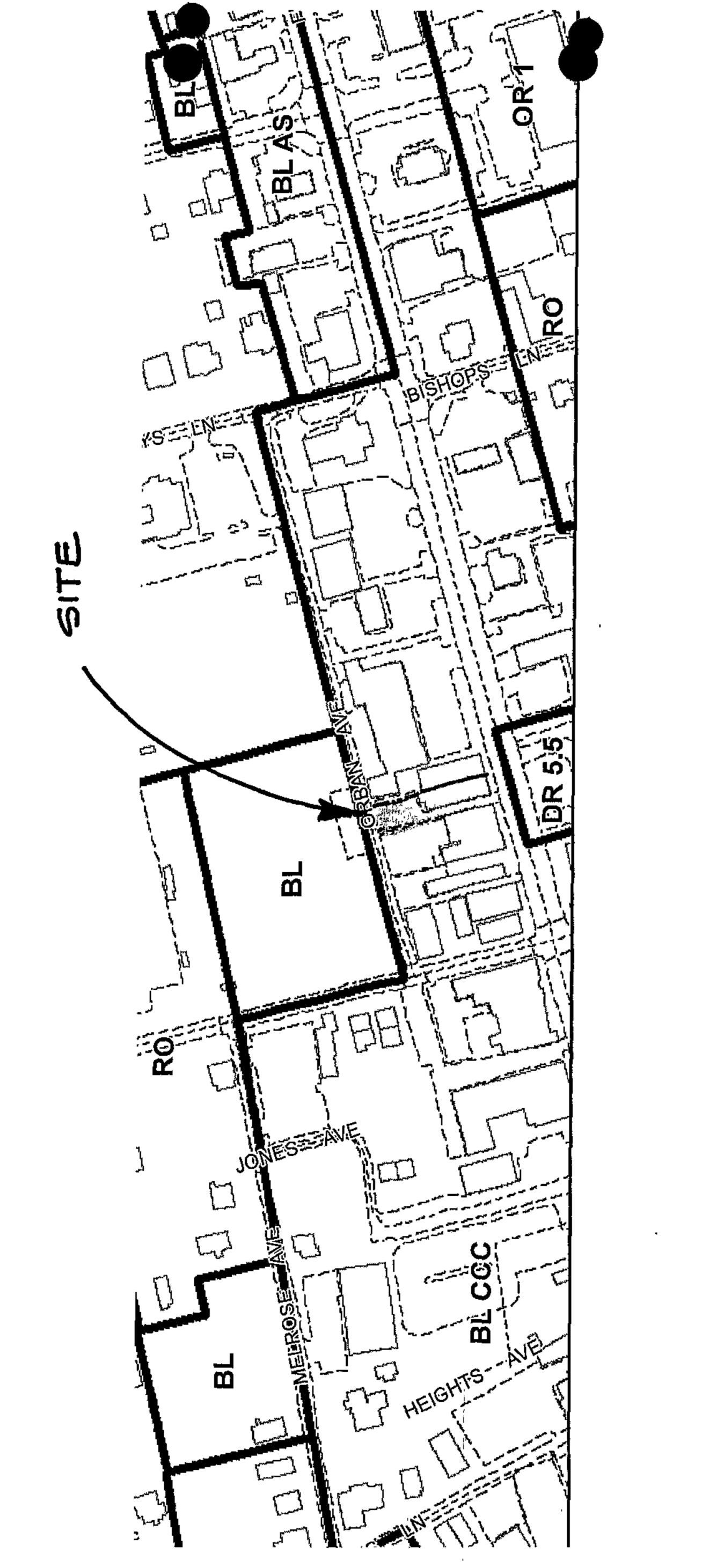
CASE NAME MAGGINAS

CASE NUMBER US-440 XA

PETITIONER'S SIGN-IN SHEET

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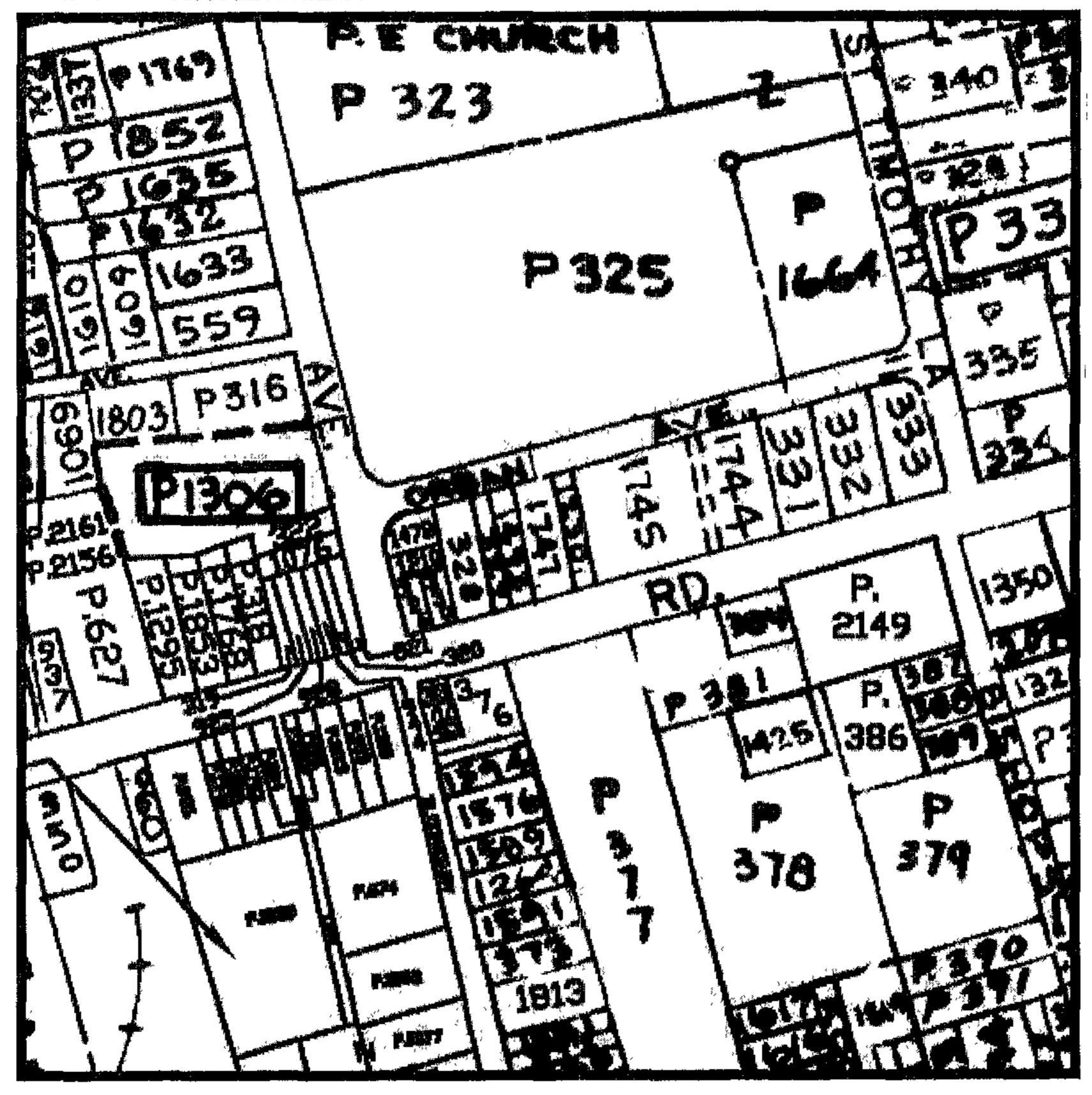
1 H-10/



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

Go Back View Map New Search

District - 01Account Number - 0121450050



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

Jack Hall

OH FILING

PETITION FOR ZUNING VARIANCE IN RE:

N/S of Frederick Road,

190' E of Ingleside Avenue

(624 Frederick Road) 1st Election District

Thomas E. Booth

Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 87-146-A

¥

X

The Petitioner herein requests a zoning variance to permit 8 parking spaces in lieu of the required 16 parking spaces.

Testimony by and on behalf of the Petitioner and Leesee indicates the property is located in the retail area of old Catonsville, where some establishments provide parking but others provide none. The building on site is 50 years old: for the first 15 years it was utilized as a confectionary store; for the next 35 years it was a Union Trust Bank; presently it contains a wedding gown business. Currently, business is generally conducted by appointment. The Leesee has a ten-year lease with two five-year options. The parking lot has never been full since the business opened in July 1986. There were no Protestants.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, it is determined that the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this same day of October, 1986, that the herein request for a zoning variance to permit 8 parking spaces, in accordance with the plan submitted Lidentified as Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order.

> Deputy Zoning Commissioner of Baltimore County

Mixed Use

Proposeel

The Greater Catonsville Chamber of Commerce believes the construction and improvement to the property at 624 Frederick Road represents the kind of innovative thinking along with a respect for the history of commercial areas that will improve our community.

Baltimore County has taken many positive steps to meet the needs of small communities and their historic commercial areas with Revitalization District benefits, Revitalization Grants, the ReDiscover promotional campaign and the Renaissance program.

In the spirit of these initiatives, the property owner and business owner at 624 Frederick Road has taken great strides to produce a plan that will benefit his family, his business, and dramatically enhance the aesthesis of the downtown area.

There are many benefits to what we consider a mixed-use building: A business owner who also owns and lives in the building is much more likely to take pride in that building, therefore will maintain and/or improve the structure.

Business owners that live adjacent to the place of business do not need to commute to work, leading to less cars on the roadways, less congestion, and less pollution.

Business owners living above or next to their place of business, increases security for the business, being ever vigilant to notice suspicious activity after hours.

The Greater Catonsville Chamber of Commerce supports the new second story structure at 624 Frederick Road and we hope it will be viewed as a standard, a model, an example of what will be a popular trend in the future of our community.

Bruce A. Van Dervort

Executive Director

pat #8

4/21/2006

230.13 Special exceptions. The following uses when permitted as special exceptions (see Sections 270 and 502):

Animal boarding place, Class A [Bill No. 85-1967]

Arcade, subject to the provisions of Section 423B [Bill No. 29-1982]

Automotive-service station, subject to the provisions of Section 405 [Bill Nos. 40-1967; 85-1967]

Boatyard [Bill Nos. 64-1963; 85-1967]

Car wash [Bill Nos. 108-1964; 85-1967]

Commercial beach; with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area and boat rental [Bill Nos. 64-1963; 85-1967]

Community building, swimming pool or other structural or land use devoted to civic, social, recreational and educational activities, including use of the building as a catering hall [Bill Nos. 64-1963; 85-1967; 26-1988; 110-1993]

Community care center [Bill No. 91-1974]

Drive-in restaurant [Bill Nos. 40-1967; 85-1967]

Dry-cleaning plant (see Section 416) [Bill Nos. 133-1958; 85-1967]

Excavations, controlled (see Section 403)²⁰

Funeral establishment, except that any funeral establishment which was a legal use immediately prior to this provision's taking effect²¹ and which has since remained continuously in operation is a conforming use, permitted as of right; as such, it may be expanded or otherwise changed in the same manner as any other use permitted as of right. Such funeral establishments shall be a permitted use without the necessity of obtaining a special exception, provided said site was either owned or leased for a term in excess of 15 years by a funeral director who is duly registered as such in accordance with state law, prior to April 9, 1970 and provided said ownership or lease is either as an individual person or in the name of a corporation, the majority of the common stock of which is owned by said registered funeral director or together with a spouse as joint owners, or joint lessees, or as tenants in common or joint lessees by virtue of a partnership or joint venture with one or more other duly registered funeral directors; and provided further said registered funeral director files with the Zoning Commissioner of Baltimore County no later than December 31, 1970 satisfactory evidence of ownership or leasehold interest as outlined above [Bill Nos. 43-1970; 105-1970]

Garage, service

Golf course, country club or other outdoor recreational clubs; also quasi-public camp, including day camps, but no such uses shall be located on less than five acres, and no building, parking lot or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line [Bill Nos. 64-1963; 85-1967]

Golf driving range, miniature golf and baseball batting range Heliport, Type II [Bill No. 85-1967]

Editor's Note: "Filling station," which followed this item, was repealed by Bill No. 40-1967.

Editor's Note: This provision became effective on April 9, 1970.

Hotel

Laboratory



Living quarters in a commercial building

Marina [Bill Nos. 64-1963; 85-1967]

Motel or motor court

Public utility uses other than those noted in Sections 200.11²² and 230.9 (see Section 411)

Signs, outdoor advertising (see Section 450) [Bill No. 89-1997]

Sludge disposal facility – co-landfilling (see Section 412A.2.A) [Bill No. 46-1982]

Sludge disposal facility – composting (see Section 412A.2.B) [Bill No. 46-1982] Sludge disposal facility – handling in general (see Section 412A.2.C) [Bill No. 46-1982]

Sludge disposal facility – incineration (see Section 412A.2.D) [Bill No. 46-1982] Sludge disposal facility – landspreading (see Section 412A.2.E) [Bill No. 46-1982]

Theater, excluding drive-in

Volunteer fire company

Wireless telecommunications towers, subject to Section 426 [Bill Nos. 61-1967; 85-1967; 64-1986; 30-1998]

Section 231 B.L. Zone Height Regulations²³ [Bill No. 7-1962²⁴]

A. Purpose and intent. The intent of the following method of height determination is to permit maximum flexibility in proportioning height and bulk in the architectural design and functional planning of buildings in commercial zones, while assuring that a new building will not deprive existing or potential adjacent buildings of adequate light and air circulation. Terms placed in quotation marks are not found as definitions in Section 101 and apply specifically to this section only. The regulations impose a flexible height "tent" within which the building may rise. Along a street, alley or other public way, such "tent" extends upward at a forty-five-degree angle toward the subject property from the opposite side of the street or alley along its front, side or rear. The height may be averaged; that is, some portions of the building may project above the "tent," provided other portions, equal in total area, stay proportionately below it. From any rear or side lot line which does not adjoin a street, alley or other

Editor's Note: Section 200.11 [BCZR 1955] was repealed by Bill No. 100-1970. It read as follows:

[&]quot;Public utility uses as follows:

[&]quot;a. Telephone and telegraph lines.

[&]quot;b. Electric light and power lines, including transformers and transformer banks, when located on poles, on or contiguous to public highways, alleys, rear lot lines, railroad rights-of-way or if carrying less than 35,000 volts.

[&]quot;c. Conduits, cables; gas, sewer, storm drain, and water mains, all located underground.

[&]quot;d. Railroad."

²³ Editor's Note: See also Appendix I of this volume.

Editor's Note: This bill also repealed the former provisions of this section, derived from BCZR 1995.

public way, a similar "tent" would extend upward more steeply with no averaging of height. These provisions make it practicable to assure adequate light and air to adjacent properties if the building height exceeds 40 feet.

- Height determination. The height limitation of a building shall be determined as follows: The "basic height" of the front or rear wall of a building along a street, alley or other public way is determined by a "base line plane" extending upward at a fortyfive-degree angle from a "base line" at the average elevation on the property line on the opposite side of the right-of-way, toward a vertical plane (the "measure plane") on the building line, as defined in Section 101. The horizontal line formed by the intersection of these two planes determines the "basic height," which is the vertical distance above the building line. Regardless of the right-of-way width the "basic height" shall not exceed 100 feet, except as permitted hereinafter as "averaged height," nor shall it be required to be less than 40 feet. In calculating "averaged height" on the "measure plane," the area resulting from multiplying the sum of the heights of portions remaining below the "basic height" by their respective widths shall not exceed the area resulting from multiplying the sum of the heights of portions extending above the basic height by their respective widths. In averaging the heights of component parts of the said wall along a public right-of-way, the total horizontal distances used for averaging shall not exceed twice the "basic height," nor shall the maximum height at the building line, resulting from averaging the height of said wall, exceed twice the "basic height." Any part of the building which is set back from the building line shall not project above a plane or planes sloping inward and upward at a forty-five-degree angle from the averaged permitted heights at the building line, except that heights of such portions of the building so set back may be used to determine the averaged height by projecting them downward at 45° to the "measure plane."25
- C. On a corner lot a building may have a height along the side street equal to the permitted height of the front wall of the building, determined as provided in Subsection B for a distance from the front corner of the lot equal to the width of the front right-of-way. For the remainder of the building wall along this side of such lot, the permitted height shall be computed in the manner specified in Subsection B.
- D. No part of any building wall adjacent to a side or rear lot line that does not adjoin a street or other public way shall exceed a height of 40 feet above the average ground level along such wall, except that any part of such wall may exceed that height, provided that no portion of the building would project above a plane sloping inward and upward from the lot line at the rate of one foot horizontally for each five feet of vertical distance above said average ground level.²⁶

Editor's Note: See also Appendix I for Basic and Averaged Height Diagrams.

Editor's Note: See also Appendix I for Basic and Averaged Height Diagrams.

Section 232 B.L. Zone Area Regulations [BCZR 1955]

Minimum requirements, except as provided in Article 3, shall be as follows:

- Front yard. For residences, as in Sections 302 and 303.1; for commercial buildings the front building line shall be not less than 10 feet from the front property line and not less than 40 feet from the center line of the street, except as specified in Section 303.2.
- 232.2 Side yards.¹
 - A. For residences, as in Section 302.
 - B. For commercial buildings, none required on interior lots, except that where the lot abuts a lot in a residence zone there must be a side yard not less than the greater minimum width required for a dwelling on the abutting lot and on corner lots the side yard on the street side shall be not less than 10 feet in width.
- 232.3 Rear yard. [Bill No. 26-1963]
 - A. For residences, as in Section 302.
 - B. For commercial buildings, none required, except that where the rear lot line abuts a lot in a residence zone there shall be a rear yard not less than 20 feet deep.
- 232.4. Parking area and loading space. In accordance with the provisions of Section 409.
- Floor area ratio. The maximum permitted floor area ratio for any site in a B.L. Zone, excepting C.C.C. and C.T. Districts, shall be 3.0. [Bill Nos. 7-1962; 111-1968; 100-1970]

Section 232A Special Regulations for C.C.C. Districts [Bill Nos. 111-1968; 100-1970;² 26-1988]

Contrary provisions of these zoning regulations notwithstanding, the regulations of this section shall apply in C.C.C. Districts superimposed upon B.L. Zones. (All aspects of matters not governed by the following provisions of this section shall be governed by all other applicable provisions of these zoning regulations.)

- 232A.1 Apartments shall be permitted, but only above the first story of a building. Elderly housing facilities shall be permitted in any story of a building. [Bill No. 36-1988]
- 232A.2 No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

2-57 1-25-99

Editor's Note: The title and Section 6 of Bill No. 64-1963 indicate amendment of this section, but it was assumed that it was the intent of that bill to amend Section 233.3 instead.

² Editor's Note: This bill redesignated former Section 232A as Section 232B.

- The maximum permitted floor area ratio for any site shall be 4.0; the specific number of dwelling or density units, as such, shall not be directly limited.
- 232A.4 The minimum permitted amenity open space ratio shall be 0.2.
- 232A.5 A brewery, Class 7, is permitted if within the urban rural demarcation line. [Bill No. 185-1995]

Section 232B Special Regulations for C.T. Districts [Bill Nos. 111-1968, Section 232A; 100-1970; 115-1982; 26-1988; 36-1988]

Notwithstanding other provisions of these zoning regulations to the contrary, the following regulations shall apply in C.T. Districts superimposed upon B.L. Zones. (All aspects of matters not governed by the following provisions of this subsection shall be governed by all other applicable provisions of these zoning regulations.)

- 232B.1 Apartments shall be permitted, but only above the first story of a building. Elderly housing facilities shall be permitted in any story of a building.
- No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.
- The maximum permitted floor area ratio for any site shall be 5.5; the specific number of dwelling or density units, as such, shall not be directly limited.
- The minimum permitted amenity open space ratio shall be 0.1, except that for above-grade floor space used for accessory off-street parking spaces, the ratio shall be 0.02.
- 232B.5 The maximum average permitted height of any building shall be 1½ times the maximum average height otherwise permitted in B.L. Zones.

Section 232C Special Regulations for B.L. Lots Within 750 Feet of an R.C. Zone [Bill No. 111-1998³]

Notwithstanding other provisions of these zoning regulations to the contrary, if the exterior wall of any proposed building located on a B.L. lot is within 750 feet of an R.C. Zone, the provisions of this section apply to the entire lot. The provisions of this section do not apply if, as of October 5, 1998, the lot is governed by a C.R., I.M., C.T. or C.C.C. District or is located in a planned unit development or in the White Marsh or Owings Mills growth areas. (All

2-58 1-25-99

Editor's Note: This bill further provided as follows: "[T]his Act shall not apply to any development for which a valid, unexpired building permit has been issued prior to October 5, 1998, or to the redevelopment of an improvement existing on October 5, 1998, if (1) the improvement occurs within the same footprint, (2) the square footage, per story, of the proposed improvement is equal to or less than the square footage, per story, of the existing improvement and, (3) a public works agreement is not required, in the opinion of the Directors of Public Works, Permits and Development Management and Environmental Protection and Resource Management."

aspects not governed by the provisions of this section are governed by all other applicable provisions of these zoning regulations.)

- 232C.1 Except as provided in Section 232C.2:
 - A. The height of a building may not exceed 35 feet; and
 - B. The floor area ratio of a building may not exceed 0.5.
- 232C.2 The Hearing Officer may approve a plan which exceeds the height and area standards in Section 232C.1 if:
 - A. The requirements of Section 502.1 are met;
 - B. The proposed height and floor area ratio requirements do not exceed the standards otherwise permitted for a B.L. Zone; and
 - C. Based on the recommendations of the Directors of Planning, Environmental Protection and Resource Management, Permits and Development Management and Public Works, the Hearing Officer determines that the proposed use is compatible, as determined in accordance with Section 26-282, with the existing uses of the contiguous R.C. Zone.

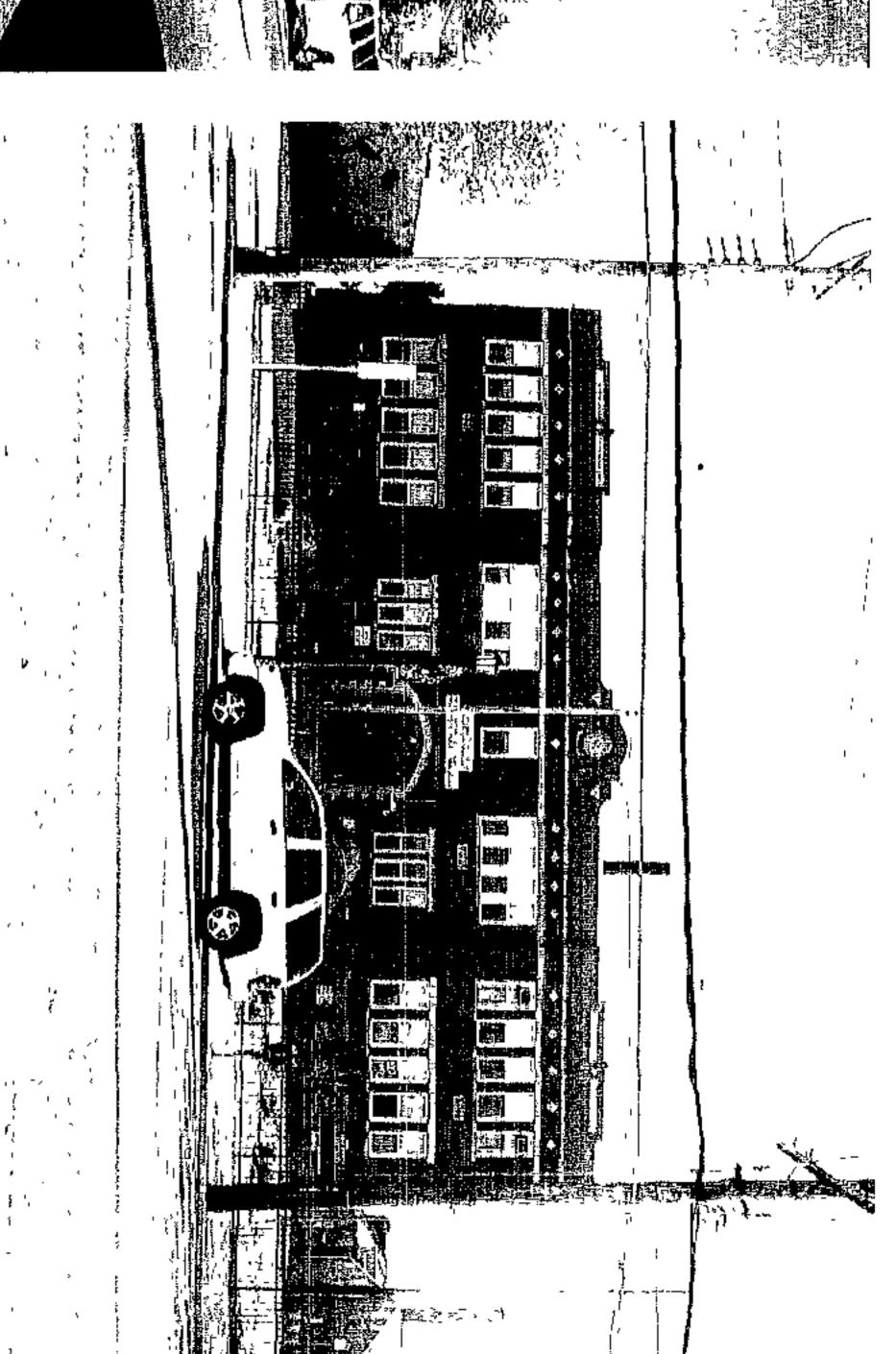
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2-58.1

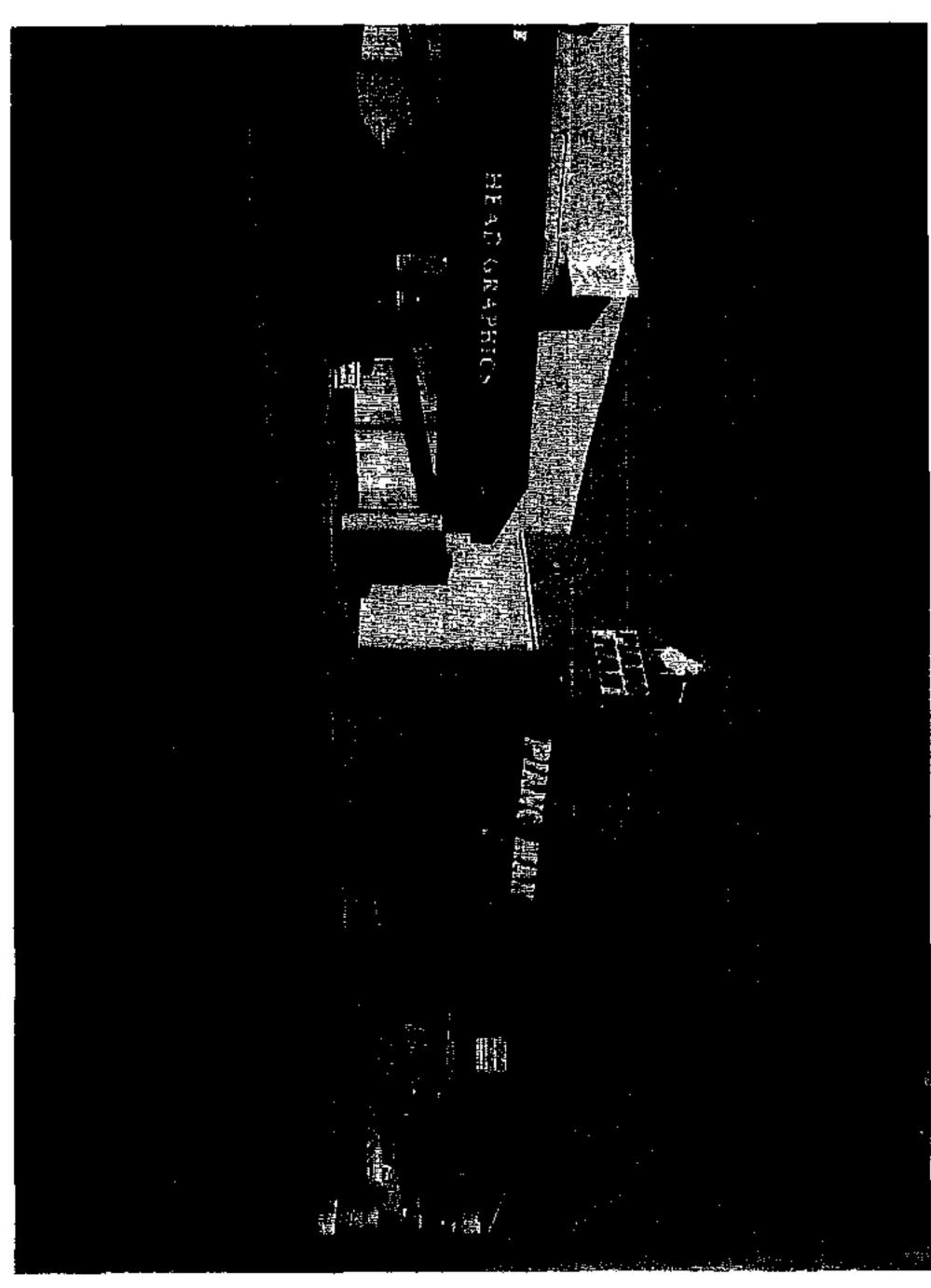
Building to the East of Parking Lot

Looking West on Walt Road






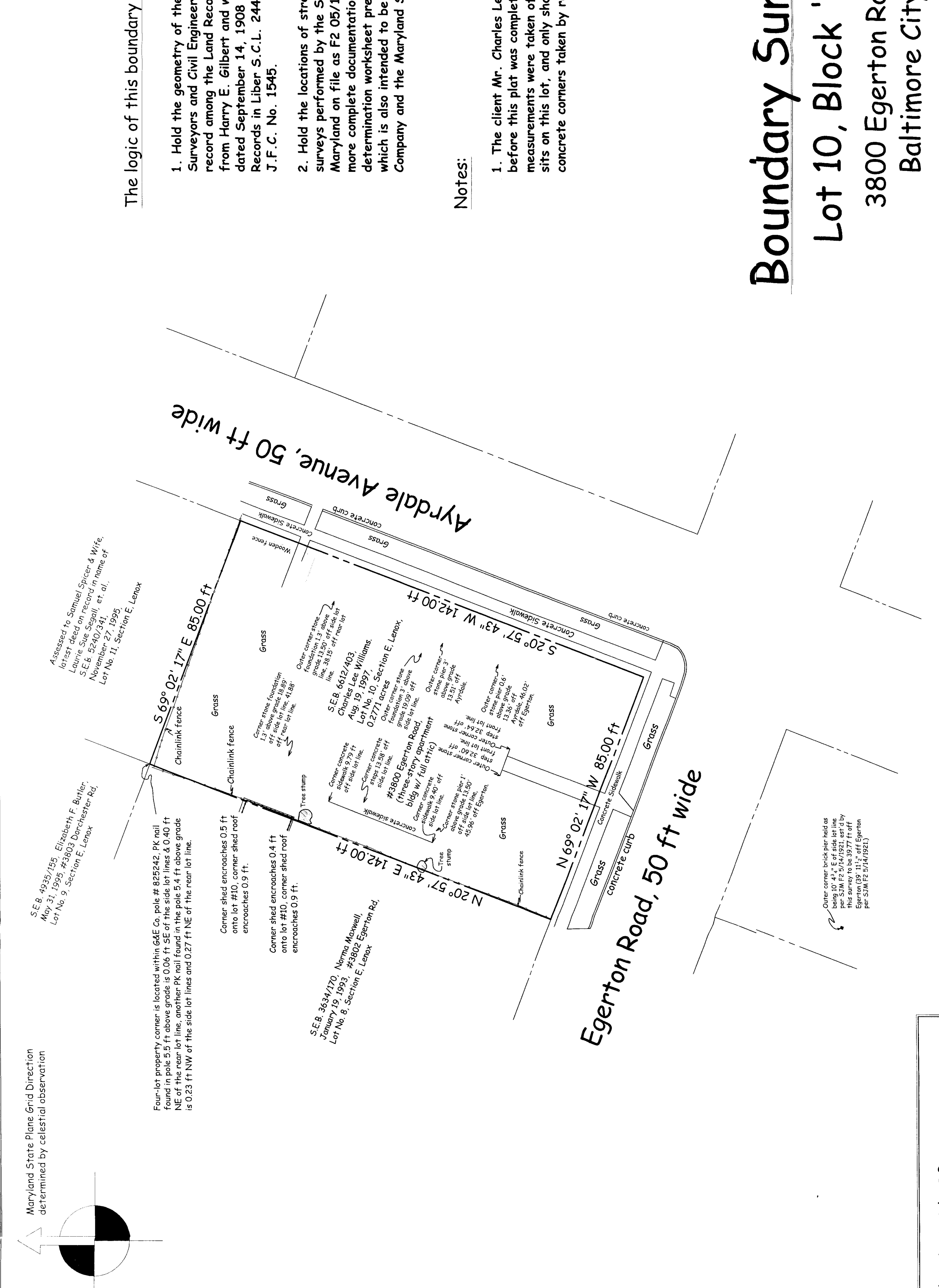
School Across the Street



Looking West on Frederick Road

Looking East on Frederick Road



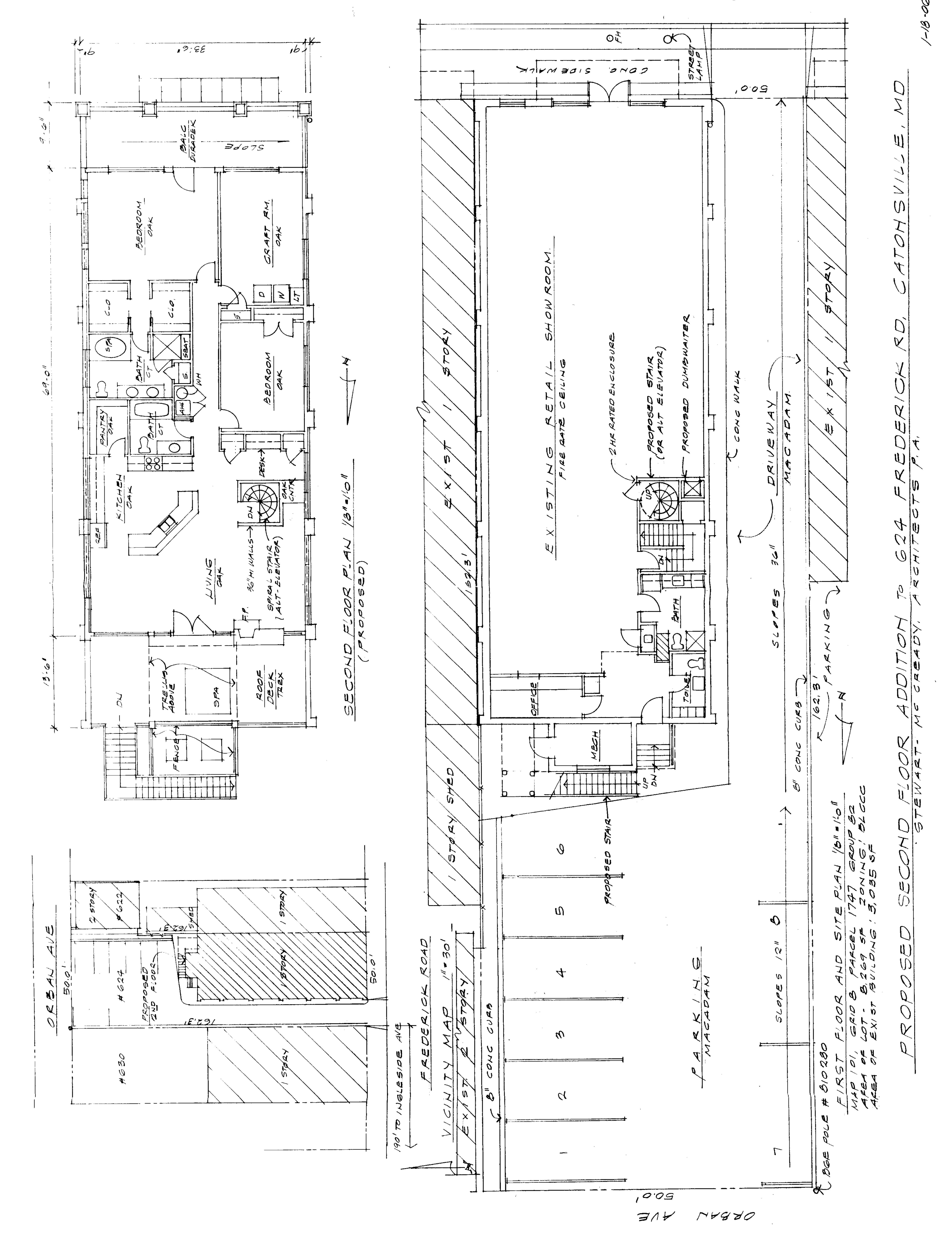


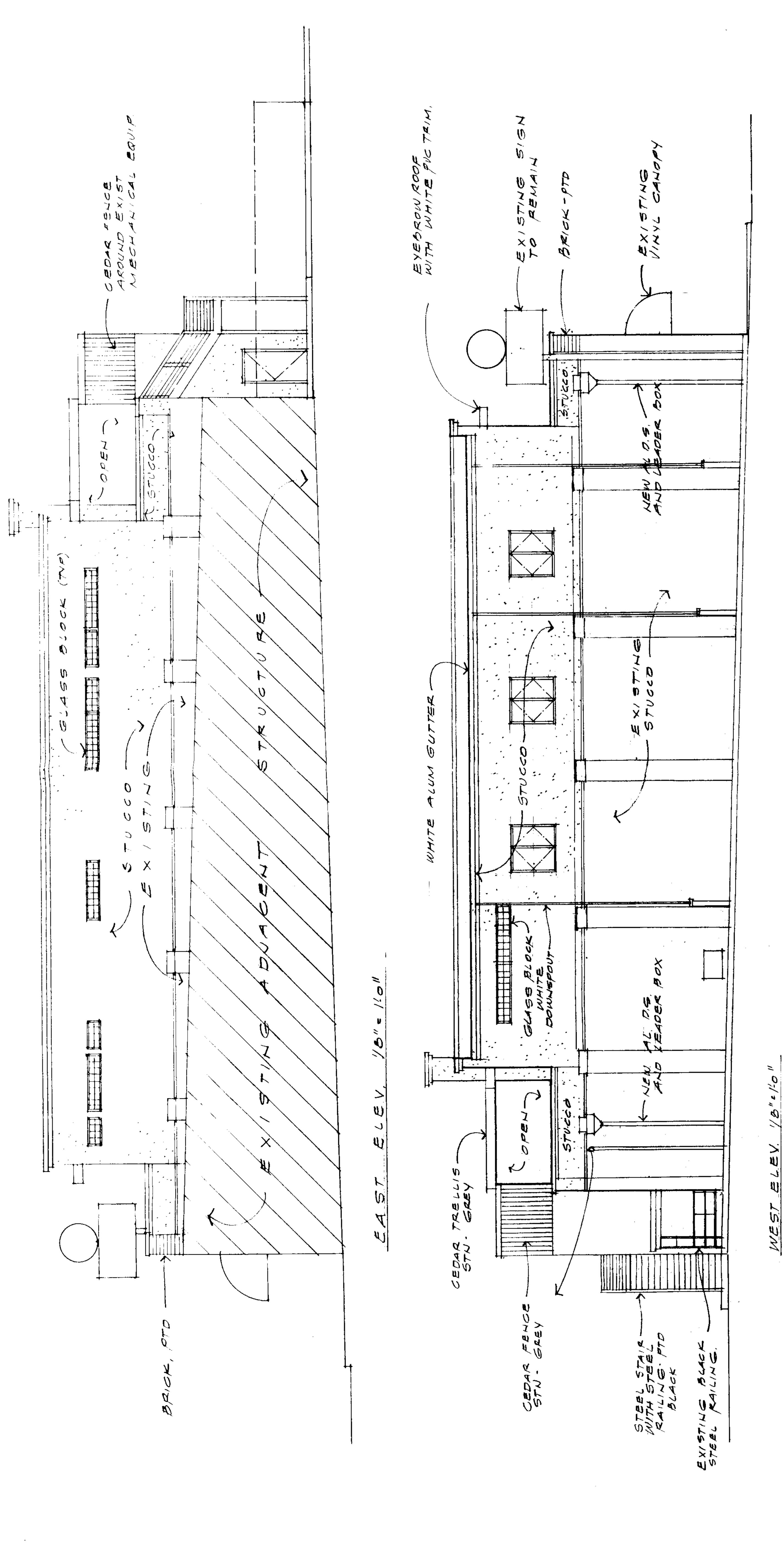
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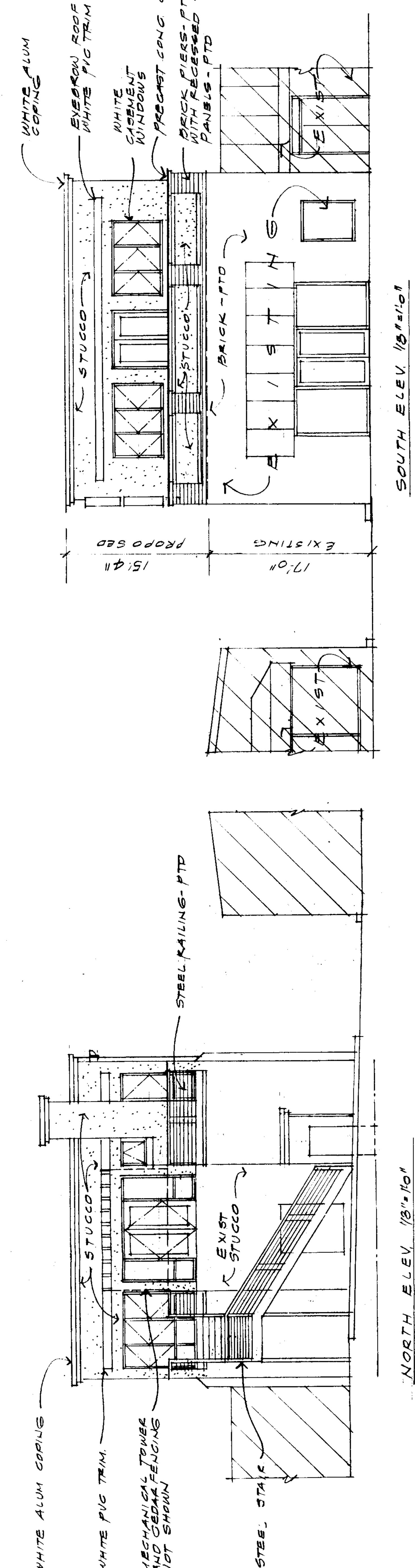
etry of the "Plat of Lenox," by A. Bouldin il Engineers, dated July 10, 1908, and file Land Records of Baltimore City with a Molbert and wife to John S. Gittings, Trustee 14, 1908 and recorded among the said Lais. C.L. 2448, folio 391, as well as in Plat F.

2. Hold the locations of street lines based on worksheets surveys performed by the S.J. Martenet Company of Balt Maryland on file as F2 05/14/1921 and F2 05/18/1940. more complete documentation of this analysis see the boun determination worksheet prepared in conjunction with this which is also intended to be put on file at the S.J. Marte Company and the Maryland State Archives in Annapolis.

ir. Charles Lee Williams called a halt to the vas completed. Therefore no final tape vere taken of the $3\frac{1}{2}$ -story apartment buildin and only shots taken to various outer stone is taken by robotic total station are shown he







built on the footprint of the existing building, the windows on the west side would be approximately 15 feet from the west property line. Finally, in regard to the amenity open space, he noted that given the small size of the lot, the existing building and parking spaces, it was impractical to meet the full amenity open space requirement of 20 %. The proposed open space of 8% is the largest that will permit the two additional parking spaces for the apartment residents. Finally, he opined that the property was unique in a zoning sense, considering the addition had to be constructed on the footprint of the existing building, the small size of the lot, and the need to provide 10 total parking spaces on site.

Bruce Van Dervort, representing the Catonsville Chamber of Commerce, also attended the hearing in support of the requests. See Exhibit 8.

Findings of Fact and Conclusions of Law

I find it reassuring that the most modern urban planners now want to create commercial centers in which living quarters are over retail businesses at street level just as was prevalent at the turn of the 20th century. As the Chamber of Commerce letter in support observes, having a store owner live above the store leads to them taking greater pride in the building, better security for the building and commercial center, and eliminates the need for them to commute to their business. Yet with these advantages there was a time when such arrangements were frowned upon by planners.

I agree with the Petitioner that apartments over the first story of buildings in CCC districts are allowed by right. Section 232A Special Regulations for CCC Districts directs that, "Contrary provisions of these zoning regulations notwithstanding, the regulations of this section apply in CCC districts superimposed on BL districts". Therefore, I shall grant the Petitioner's Special Hearing request and deny the alternative request for special exception as moot.