IN RE: PETITIONS FOR SPECIAL EXCEPTION, *

SPECIAL HEARING & VARIANCE

NW/S of Eastern Avenue,

SW of Willshire Road

15th Election District

7th Councilmanic District

(204 Eastern Avenue)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-595-SPHXA

Albert Koom Yu Hom and Kirby Hom Legal Owners and Petitioner

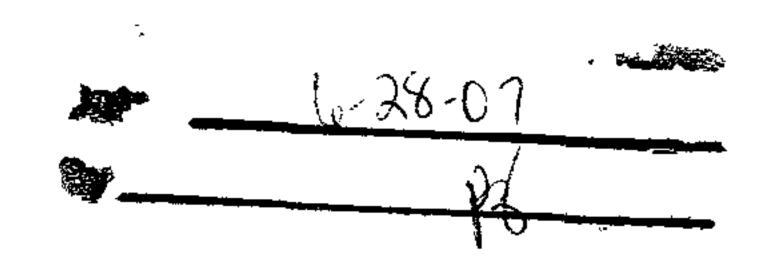
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception, Special Hearing and Variance filed by the legal owner of the subject property, Albert Koom Yu Hom and Kirby Hom. The Petitioners requesting special exception, special hearing and variance relief for property located at 204 Eastern Avenue. The special hearing is to apply for a use permit for existing commercial parking to remain in a residential zone and to apply for the continued non-conforming use of a service garage in a BL zone. The special exception is to permit the continued use of a service garage in a BL zone per Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.). The variance request is to permit a 0-foot wide landscape buffer in lieu of the required 6 feet.

The property was posted on July 7, 2006 with Notice of Hearing scheduled for July 17, 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 June 29, 2006 to notify any interested persons of the scheduled hearing date.

The first hearing on July 17, 2006 was continued at the request of the parties to allow further discussion and possible agreement. There would be no need to repost or re-advertise the



rescheduled case. All persons attending the first hearing were represented by an attorney to whom notice of the rescheduled hearing would be sent.

Again by agreement among the parties the second hearing was scheduled to be heard on August 23, 2006.

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:

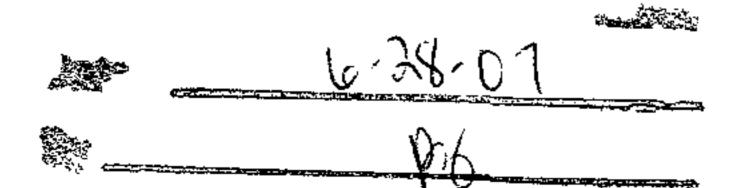
- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere 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]

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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



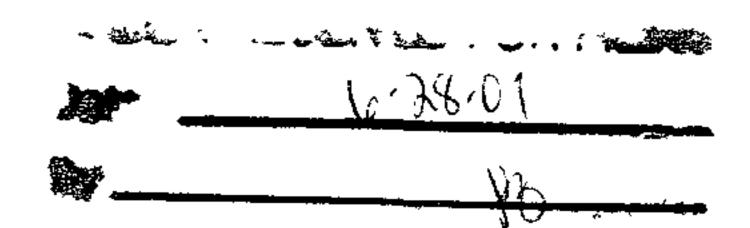
special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density 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."

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 letter was received from the Office of Planning dated July 14, 2006 which contains restrictions and a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance and special exception requests were Michelle McComas, as well as James Hom and Kirby Hom, Petitioners. Bruce Doak, from Gerhold, Cross and Etzel who prepared the site plan also attended the hearings. Frank Borgerding, Esquire, represented the Petitioners. Appearing in opposition to the requests was Steve Eliades, who operates adjacent business known as Bill's Terrace Inn. John Gontrum represented Bill's Terrace Inn. In addition, A. G. Caplan, Helene Caplan and Robin Cohen who operate nearby business known as Euclay Realty Company appeared at the hearing also in opposition to the requests. Euclay Realty was represented by John Packard, Esquire. Peoples Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.



Amended Petition

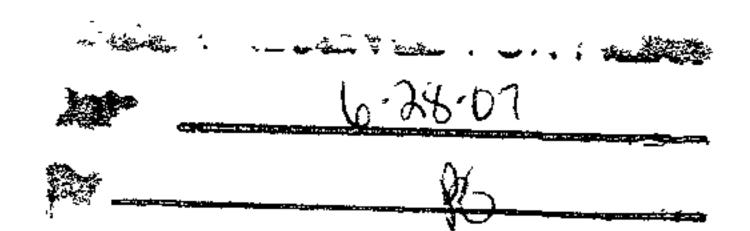
Mr. Borgerding indicated that as the result of an agreement among the parties, the Petitioners withdrew their request for a non conforming service garage in favor of proceeding with the requested special exception for a service garage in a BL zone.

Testimony and Evidence

Testimony and evidence indicated that the subject property contains 25,543 square feet and is zoned BL and DR 5.5. The property is improved by a commercial building containing Bill's Tavern, a restaurant and service garage as shown on Petitioner's exhibit 1, the Plat to Accompany. The subject commercial building is located on the north side of Eastern Avenue in the commercial strip along both sides of Eastern Avenue. As noted in the Planning Office comment, this property is located in the Eastern Boulevard Design Review Area which is part of the County's efforts to restore and renovate old commercial centers in the County.

The Petitioner presented exhibit 2, which is the redline plat to accompany which reflects the arrangement agreed to by the parties. As shown in exhibit 2, the subject property is split zoned BL and DR 5.5, the latter reflecting the residential character of the properties to the north. However the BL/DR 5.5 line bisects parking spaces 19 through 28 which triggers the need for a use permits of business parking in a residential zone. Mr. Borgerding proffered that these spaces have been used for many years by the Petitioner's business, that their continued use for that purpose meets the criteria of Section 409.8 of the BCZR and will not adversely affect adjacent properties or the surrounding community. Mr. Gontrum and Mr. Packard agreed.

In regard to the request for variance of the landscaping buffer along the eastern boundary of Mr. Borgerding proffered that parking in this location is controlled be deeds among the Parties, that these spaces are needed for the proper operation of the site and that these spaces have existed for



many years. This parking pattern is consistent with the development of the commercial development along Eastern Avenue. Consequently there is simply little room for the landscaping. However the Parties agreed to landscape according to the agreed upon site plan which will be subject to review and approval by the Planning Office.

In regard to the request for special exception for a service garage in a BL zone, Mr. Borgerding proffered that the Petitioners have operated the service garage at that location for many years and have been a service to the community. He opined that the Petitioner's site plan meets each criteria of Section 501.2 of the BCZR and will not adversely affect the neighborhood. Mr. Gontrum and Mr. Packard agreed provided the terms and conditions of the parties' agreement is incorporated into the Order granting the special exception. The terms of the agreement are given in exhibit 3.

Findings of Fact and Conclusions of Law

Variances

In regard to the variance request to permit a 0-foot wide landscape buffer in lieu of the required 6 feet, I find the property unique from a zoning standpoint because of the existing structures and parking arrangement on the site. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Finally, I find this variance 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. The pattern of development of the commercial strip as shown by the Petitioner is similar to this plan so there will be no change to the character of the neighborhood.

Special Hearing

In regard to the special hearing for a use permit for existing commercial parking to remain in a residential zone as shown in exhibit 2, I find that the request is consistent with the character of the surrounding community and that there will be no adverse impact on the community. These spaces have existed for many years without difficulty.

Special Exception

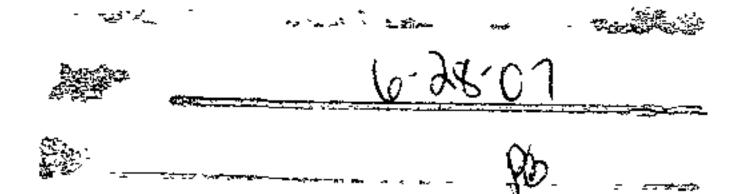
In regard to request for special exception to permit the continued use of a service garage in a BL zone per Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), I find that the proposed use as shown on the site plan meets the criteria of Section 502.1, that it also meets the spirit and intent of the regulations and will not adversely affect the community as long as the terms of the Parties agreement, exhibit 3, is complied with.

THEREFORE, IT IS ORDERED, this ______ day of June 2007 by the Deputy Zoning Commissioner, that the special hearing to apply for a use permit for existing commercial parking to remain in a residential zone be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petitioner's request by special hearing to confirm the continued non-conforming use of a service garage in a BL zone is hereby DISMISSED without prejudice, having been withdrawn by the Petitioner.

IT IS FURTHER ORDERED, that the special exception relief to permit the continued use of a service garage in a BL zone per Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.) be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the variance to permit a 0-foot wide landscape buffer in lieu of the required 6 feet be and is hereby GRANTED. All of the relief granted herein is subject to the following conditions:



- 1. The Petitioners may apply for their 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. Landscaping shall be consistent with the approved site plan, exhibit 2, the nature and extent of which shall be reviewed and approved by the Office of Planning; and
- 3. The terms of the Parties agreement, exhibit 3, shall be enforceable by Baltimore County including item 13 whereby substantial repeated non compliance with the site plan or agreement shall be grounds for rescinding the relief granted herein.

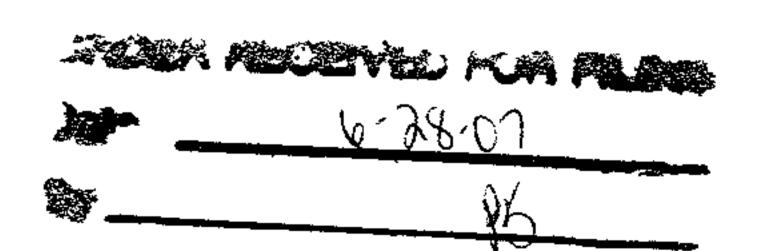
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

June 28, 2007

WILLIAM J. WISEMAN III

Zoning Commissioner

FRANK BORGERDING, ESQUIRE 409 WASHINGTON AVENUE, SUITE 600 TOWSON, MD 21204

Re: Case No. 06-595-SPHXA

Location: 204 Eastern Avenue

Petitioner: Albert Koom Yu Hom and Kirby Hom

Dear Mr. Borgerding:

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

JVM:pz

Enclosure

c: John Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W. Pennsylvania Avenue, Towson, MD 21204 John Packard, Esquire, 105 West Chesapeake Avenue #100, Towson MD 21204



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 204 Eastern Ave.

which is presently zoned BL 4 DR 5.5

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

see attached

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

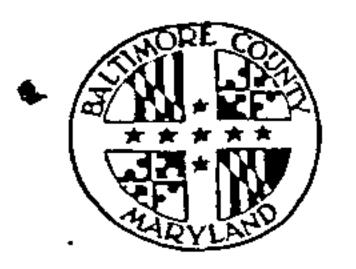
			perjury, that I/we are is the subject of this I	tlare and affirm, under the legal owner(s) of t Petition.	the penalties of he property which
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	LO-38-C1				

Petition for Special Hearing

204 Eastern Avenue

To apply for a use permit for existing commercial parking to remain in a residential zone per section 409.8.B.1 of the B.C.Z.R.

To apply for the continued non-conforming use of a service garage in a BL zone. This garage has existed and has been in continuous use since 1970. The zoning for the subject property prior to 1971 was BR. A service garage is a permitted use in a BR zone per section 236.1 of the B.C.Z.R..



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 204 EASTERN AVENUE

which is presently zoned BL 4 DR 5.5

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

see attached

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

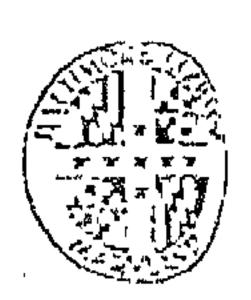
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Single in the control of Banking County adopted pares	
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
	Albert Koon Yu Hom
Name - Type or Print	Name - Type or Printy
Signature	Signature
Address Telephone No	Kicby Hom
Address Telephone No.	Name Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	722A Riverside Dr. 780-0670 Address Telephone No.
Name - Type or Print	Essex MD Zizzi City State Zip Code
Signature X My J	Representative to be Contacted:
	ERUCE DOAK @ G.C. & E.
Company	Name
Address 404 Wushington ave swe 600 (40) 246-600 Address	Address Telephone No.
Tomson ml 2/129	TOWSON MD 21286
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING?
Case No. 06-595-5PHXA	UNAVAILABLE FOR HEARING 425
	Reviewed By K Date 5/22/06
REV 09/15/98	
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0-280	
Α,	

Petition for a Special Exception

204 Eastern Avenue

To permit the continued use of a service garage in a BL zone per section 230.13 of the B.C.Z.R.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at ZOH Eastern Ave which is presently zoned BL & DF 5,5

This Petition shall be filled with the Department of Permits and Development Management. The undersigned, legal owner(s) of the poperty situate in Beltimore County and which is described in the description and plat attached necessarial made a pair hereof, hereby petition for a Variance from Section(s)

sec affected

ci the Zening Regulations of Baltimore County, to the zening law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

see alloched

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

If or we, adress to say expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zening regulations and respections of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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Contract Purchaser/Less	<u>jee:</u>		<u>Legal Owner(s):</u>		
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Attorney ForPetitioner:			722 A PINECON	de Drive 7	&\$~0€1 70
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Name Type or Pox			F-53cx	MD	21221
CHENCY - I A Prob HI SAIN		•	City	State	Zip Coca
S-G10114		~~~	Representative to	be Contacted:	
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City			Timson	MD	21286
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REV 9/18/93 TO THE PROPERTY PROPERTY.					
	6-28-67				

Petition for Variance

204 Eastern Avenue

To permit a 0' wide landscape buffer in lieu of the required 6' per section 405.4.A.2.b B.C.Z.R. (along the S35`56'59"E 203.85' property line)



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone (410) 823-4470 • Fax. (410) 823-4473 • www.gcelimited.com

April 19, 2006

ZONING DESCRIPTION HOM PROPERTY 204 Eastern Avenue Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Fifteenth Election District, Seventh Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point on the North West side of Eastern Avenue, 124 feet from the intersection of the South West side of Wiltshire Road and the North West side of Eastern Avenue, running thence along the North West side of said Eastern Avenue,

- 1) South 54 degrees 10 minutes 00 seconds West 120.00 feet,
- 2) North 35 degrees 50 minutes 00 seconds West 204.96 feet,
- 3) North 54 degrees 13 minutes 10 seconds East 119.57 feet,
- 4) South 35 degrees 56 minutes 59 seconds East 203.85 feet to the point of beginning.

Containing 24543 sq. ft. or 0.56 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

1/15/00 1/15/00 1/15/00

Item # 595

		CASHIER'S VALIDATION
No.		YELLOW · CUŞTOMER
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT AMOUNT	FROM:	DISTRIBUTION PINK - AGENCY WHITE - CASHIER PINK - AGENCY

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: #06-595-SPHXA

204 Eastern Avenue Northwest side of Eastern Avenue, 124 feet southwest of

centerline of Wiltshire Road 15th Election District - 7th Councilmanic District

Legal Owner(s): Albert Koon Yu Hom and Kirby Hom Special Hearing: to apply for a use permit for existing commercial parking to remain in a residential zone and to apply for the continued non-conforming use of a service garage in a BL zone. Special Exception: to permit the continued use of a service garage in a BL zone per section 230 13 of the B.C.Z R. Variance: to permit a 0foot wide landscape buffer in lieu of the required 6 feet Hearing: Monday, July 17, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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

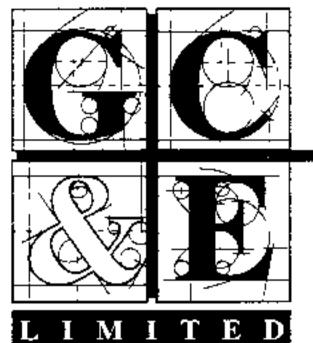
Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing Contact the Zoning Review Office at (410) 887-3391 1003€ 6/365 June 29

CERTIFICATE OF PUBLICATION

629,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $629,2006$.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkings

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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CERTIFICATE OF POSTING

RE: CASE# 06-595-SPHXA
PETITIONER/DEVELOPER:
Albert Koon Yu Hom & Kirby Hom
DATE OF HEARING: July 17, 2006

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:

204 Eastern Avenue

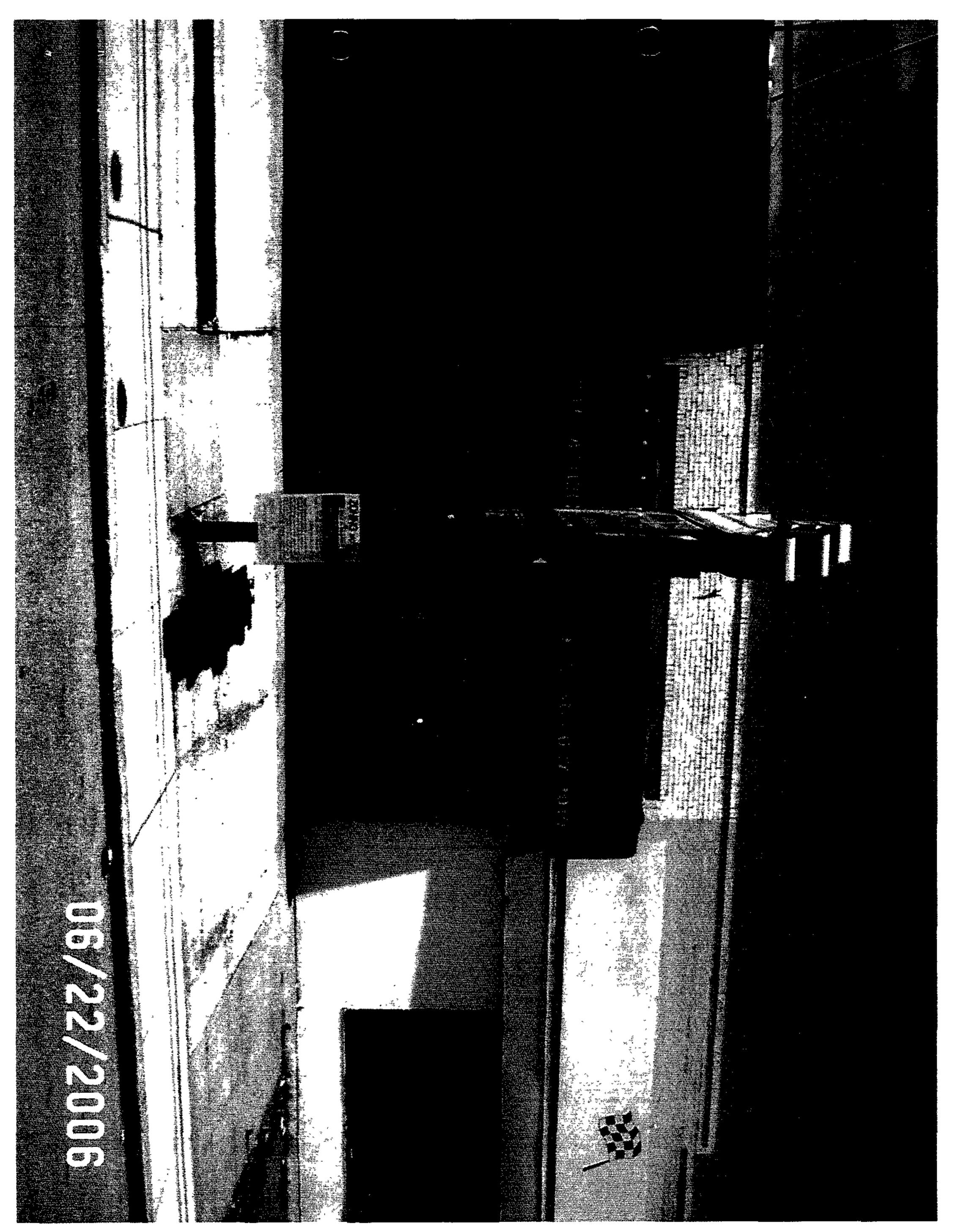
(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

John J.)Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

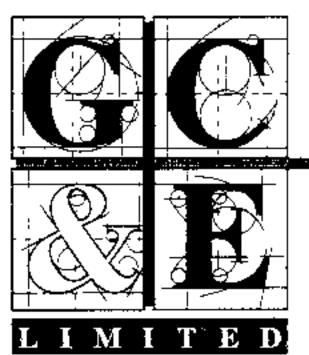
POSTED ON: June 22, 2006



THE TOTAL SAME COMMISSION IN THE PROPERTY OF T

N TOWSON, NO.

06/22/2006



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone (410) 823-4470 • Fax (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 06-595-SPHXA
PETITIONER/DEVELOPER:
Albert Koon Tu Hom & Kirby Hom
DATE OF HEARING: July 17, 2006

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE <u>RE-POSTED</u> CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:

204 Eastern Avenue

(see page 2 for full size photo)

Sign was stolen, Sign was reposted

SIGNATURE OF SIGN POSTER

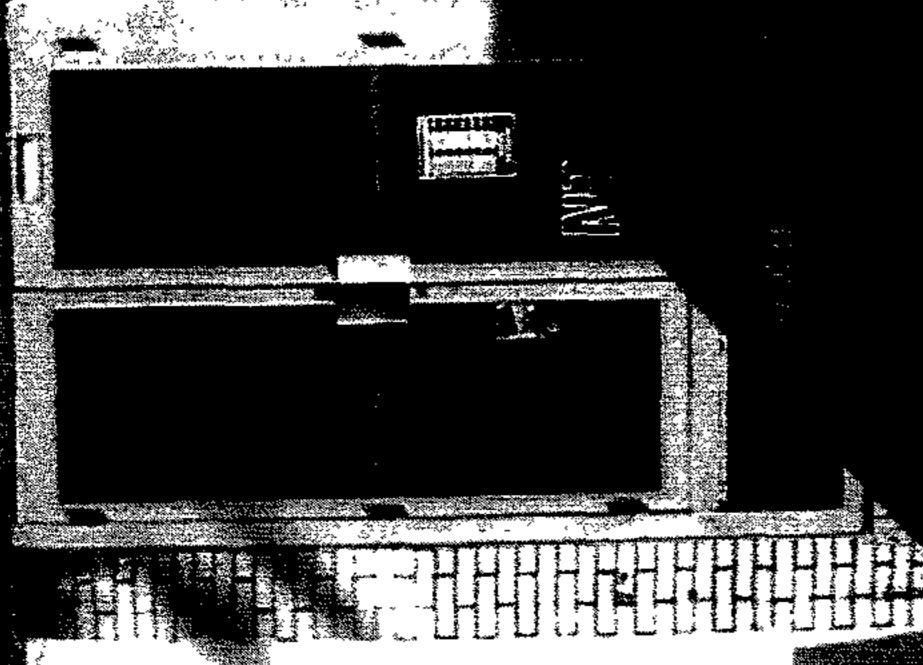
John J. Dili

GERHOLD, CROSS & ETZEL, LTD SUITE 100 320EAST TOWSONTOWN BLVD TOWSON, MARYLAND 21286 410-823-4470 PHONE 410-823-4473 FAX

POSTED ON: July 7, 2006

ZONING NOTICE

CASE I SE-50% SPHYA
A FOOLIG PEARWO COMMESSIONER
INF TOKENO COMMESSIONER
IN TOMESON MO



A Bossey Bussey Basson Basson

9:00 All, Honday, July 17, 2006

Special Hearing: To apply for aust permit for existing commercial parking to remain in a desidential zone and to apply for the continued by a conforming use of a service garage in a BL zone. Special Exception: To permit the continued use of a service garage in a BL zone per section as a service garage in a BL zone per section as a service garage in a BL zone per section and of the B.C.Z.R. Reflance to permit a B feet winterlands cape buffer in heart life countries of feet.

RESERVATIONS ONE TO WEATHER OR OTHER CONSTITUTIONS ARE SOMETHIES.

MESSESSAN TO CONFIRM HEARING.

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MESSESSAN TO CONFIRM HEARING.

HOUSE THE PROPERTY OF THE PROP

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

June 2, 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: 06-595-SPHXA

204 Eastern Avenue

Northwest side of Eastern Avenue, 124 feet southwest of centerline of Wiltshire Road 15th Election District – 7th Councilmanic District

Legal Owners: Albert Koon Yu Hom and Kirby Hom

Special Hearing to apply for a use permit for existing commercial parking to remain in a residential zone and to apply for the continued non-conforming use of a service garage in a BL zone. Special Exception to permit the continued use of a service garage in a BL zone per section 230.13 of the B.C.Z.R. <u>Variance</u> to permit a 0-foot wide landscape buffer in lieu of the required 6 feet.

Hearing: Monday, July 17, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

buth Kotroco

Director

TK:klm

C. Francis Borgerding, Jr., 409 Washington Avenue, Ste. 600, Towson 21128 Hom Residence, 722 A Riverside Drive, Essex 21221 Bruce Doak, 320 E. Towsontown Blvd., Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 1, 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, June 29, 2006 Issue - Jeffersonian

Please forward billing to:

Albert Koon Yu Hom 722A Riverside Drive Essex, MD 21221 410-780-0670

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: 06-595-SPHXA

204 Eastern Avenue

Northwest side of Eastern Avenue, 124 feet southwest of centerline of Wiltshire Road 15th Election District – 7th Councilmanic District

Legal Owners: Albert Koon Yu Hom and Kirby Hom

<u>Special Hearing</u> to apply for a use permit for existing commercial parking to remain in a residential zone and to apply for the continued non-conforming use of a service garage in a BL zone. <u>Special Exception</u> to permit the continued use of a service garage in a BL zone per section 230.13 of the B.C.Z.R. <u>Variance</u> to permit a 0-foot wide landscape buffer in lieu of the required 6 feet.

Hearing: Monday, July 17, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS 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 <u>06-595-5PHXA</u>	
Petitioner: Albert Koca Lu Hom	
Address or Location: 204 Eastern Ave	
PLEASE FORWARD ADVERTISING BILL TO: Name: Albert Koon Yu Hom	
Address: 204 Eastern Ave	
Essex Md	
Telephone Number: 4/0 780 0670	

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

July 13, 2006

Francis X. Borgerding, Jr. 409 Washington Avenue Suite 600 Towson, MD 21128

Dear Mr. Borgerding:

RE: Case Number: 06-595-SPHXA, 204 Eastern Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 22, 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. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Albert Koon Yu Hom Kirby Hom 722A Riverside Drive Essex 21221
Bruce Doak Gerhold, Cross & Etzel 320 E. Towsontowne Blvd Towson 21286



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 14, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

SUBJECT:

204 Eastern Avenue

INFORMATION:

JUL 1 7 2006

Item Number:

6-595

Petitioner:

Albert Koon Yu Hom

ZONING COMMISSIONER

Zoning:

BL and DR 5.5

Requested Action:

Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has no comments regarding the continued use on the subject site. However, given the status of the site within the Eastern Boulevard Design Review Area, the Office of Planning requests landscape enhancements be placed along the Eastern Boulevard edge of the property, per the design guidelines (see attached).

Landscape enhancements may consist of raised plant beds/ low screen walls placed along the front property line (Eastern Boulevard) between the existing sidewalk and subject building face. The bed walls shall be faced with brick. Submit a revised plan to show landscaping and sidewalk locations.

There should be a minimum 10-foot buffer for landscaping along the frontage between parking and sidewalks. Additionally landscaping shall be provided in the 20-foot right-of-way along the rear to buffer the adjacent residential use.

Lastly, the vacant signpost located in the front of the subject property shall be removed.

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

Prepared by: Lungis Juvens

Division Chief: AFK/LL: CM

Attachment

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

Timothy M. Kotroco, Director TO:

DATE: May 30, 2006 Department of Permits & Development

Management

Dennis A. Kennedy, Supervisor FROM:

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For June 5, 2006

Item No. 590, 591, 592, 593, 594, and 595

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-05302006.doc



JAMES T. SMITH, JR. County Executive

June 1, 2007

WILLIAM J. WISEMAN III

Zoning Commissioner

FRANK BORGERDING, ESQUIRE 409 WASHINGTON AVENUE, SUITE 600 TOWSON, MD 21204

JOHN GONTRUM, ESQUIRE WHITEFORD, TAYLOR & PRESTON, L.L.P. 210 W. PENNSYLVANIA AVENUE TOWSON, MD 21204

JOHN PACKARD, ESQUIRE 105 WEST CHESAPEAKE AVENUE #100 TOWSON MD 21204

Re: Case No. 06-595-SPHXA

Location: 204 Eastern Avenue

Petitioner: Albert Koom Yu Hom and Kirby Hom

Gentlemen:

My notes indicate that you were preparing a written agreement in the above-referenced case whose terms were to be incorporated into the Order. Much time has passed, but I have not received the written agreement discussed.

Is there some difficulty in this regard?

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure-September 20, 2006 letter



JAMES T. SMITH, JR. County Executive

September 20, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

JOHN GONTRUM, ESQUIRE WHITEFORD, TAYLOR & PRESTON, L.L.P. 210 W. PENNSYLVANIA AVENUE TOWSON, MD 21204

FRANK BORGERDING, ESQUIRE 409 WASHINGTON AVENUE, SUITE 600 TOWSON, MD 21204

JOHN PACKARD, ESQUIRE 105 WEST CHESAPEAKE AVENUE #100 TOWSON MD 21204

Re: Case No. 06-595-SPHXA

Location: 204 Eastern Avenue

Petitioner: Albert Koom Yu Hom and Kirby Hom

Gentlemen:

My notes indicate that you were preparing a written agreement in the above-referenced case whose terms were to be incorporated into the Order. A month has passed, but I have not received the written agreement discussed.

Is there some difficulty in this regard?

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

RE: PETITION FOR SPECIAL HEARING

SPECIAL EXCEPTION & VARIANCE

204 Eastern Avenue; NW/S Eastern Avenue,*

124' SW c/line Wiltshire Road

15th Election & 7th Councilmanic Districts *

Legal Owner(s): Albert Koon Yu & Kirby Hom

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-595-SPHXA

* * * * * * * * *

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.

RECEIVED

MAY 2 5 2006

Per Y

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 25th day of May, 2006, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286 and to Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

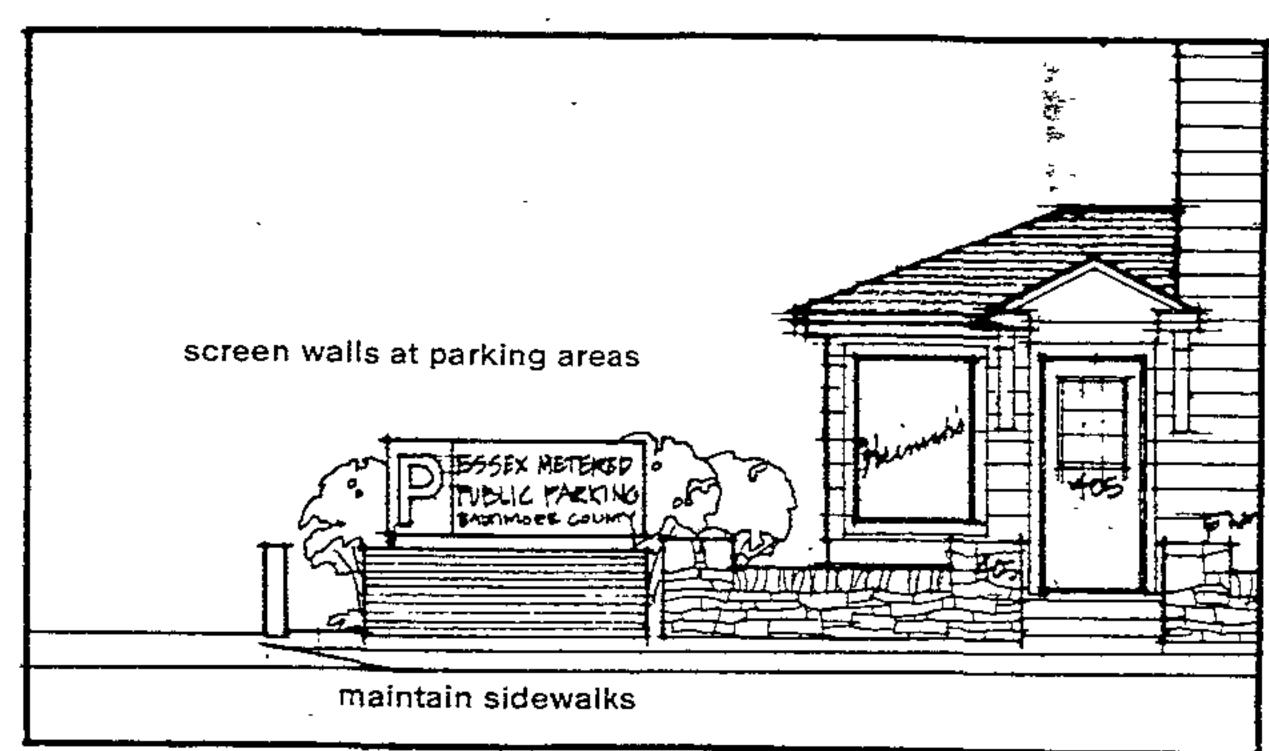
People's Counsel for Baltimore Councy

Peter Max Limmerman

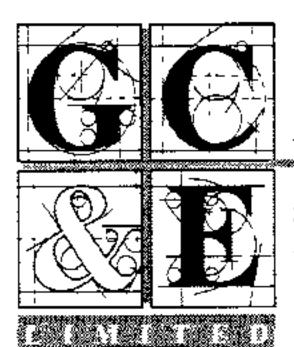
Individual, private site details such as planting, paving, curbing, fencing, etc., can contribute significantly to the quality of the district and the neighborhood. Planting can provide shade and privacy while adding color and texture to the street.

- Walls and fences can visually screen large, paved off-street parking areas. Exposed concrete block, chainlink, and unfinished board or split-rail fences should be avoided or concealed by plantings.
- When sidewalks are wide (as they are in Essex) plant beds or boxes can be installed.
- Residential conversions are appropriate locations, due to their scale, for window boxes.
- Sidewalks and walkways should be maintained in good condition and patched when damaged. (This enables the property owner to a insurance claims as well as improved the property of the pr

patched when damaged. (This enables the property owner to avoid insurance claims as well as improves the quality of the street and neighborhood.)







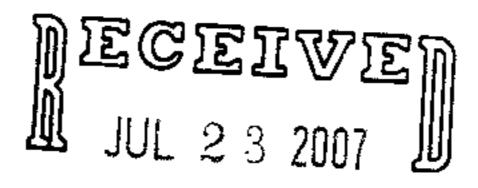
Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, MD 21286

Phone (410) 823-4470 ● Fax (410) 823-4473 ● www.gcelimited.com

TO		FROM		
<u>Cu</u>	ırtis Murray	Bruce E. Doak		
COMPANY Office of Planning 7/19/07				
RE Zo	ning Case 06-595	TOTAL NO OF PAGES INCLUDING COVER		
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NOTES/COMMENTS:

BY:

Curtis,

I have enclosed photos of the raised planting bed that my client is planning on building along the street. They installation of these beds will fulfill the commissioner's requirements for plantings per his order. Please call me with any questions you may have. Thanks

Bruce

Cc

Frank Borgerding 409 Washington Ave. Suite 600 Towson, MD 21204

William Wiseman
Baltimore County Courts Building
401 Bosley Avenue
M.S. 3401
Towson, MD 21204

IN RE: PETITIONS FOR SPECIAL EXCEPTION, *

ZONING COMMISSIONER OFF M

SPECIAL HEARING & VARIANCE
NW/S of Eastern Avenue,
SW of Willshire Road
15th Election District
7th Councilmanic District
(204 Eastern Avenue)

Albert Koom Yu Hom and Kirby Hom

Legal Owners and Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE-COUNTY

CASÉ NO. 06-595-SPHXA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception, Special Hearing and Variance filed by the legal owner of the subject property, Albert Koom Yu Hom and Kirby Hom. The Petitioners requesting special exception, special hearing and variance relief for property located at 204 Eastern Avenue. The special hearing is to apply for a use permit for existing commercial parking to remain in a residential zone and to apply for the continued non-conforming use of a service garage in a BL zone. The special exception is to permit the continued use of a service garage in a BL zone per Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.). The variance request is to permit a 0-foot wide landscape buffer in lieu of the required 6 feet.

The property was posted on July 7, 2006 with Notice of Hearing scheduled for July 17, 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 June 29, 2006 to notify any interested persons of the scheduled hearing date.

The first hearing on July 17, 2006 was continued at the request of the parties to allow further discussion and possible agreement. There would be no need to repost or re-advertise the

Post-It* Fax Note 767	1 Date # of pages
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commendeng	Baltz. Co.
Phone #	Phone #
Fax #410 296 188	Fax #

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 06-595-5PHXA
DATE 8/23

PETITIONER'S SIGN-IN SHEET

E- MAIL												
CITY, STATE, ZIP	JOHN 500 MO 21286		ESSEX, MD 2121/de	dd 1 & Birer								
ADDRESS	320 E. Towsentonia Bun		722A RIVERSIDE OR	2103 dakland Brad								
NAME	,	CTERHOLD CROSS & G7262	KIRBY HOM DUMPLUM JUN	Michalle McComas								

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBEROG-

PETITIONER'S SIGN-IN SHEET

E- MAIL												
CITY, STATE, ZIP	10 213 Mo 212 Cl	BALTIMORE MD >1111		Torsa 1 ml 2/204								
ADDRESS	320 E. Towarsons Bus	722A RIVERSIDE DR	IMURE MD									
NAME	SAR	JAMES HOM GTEL	KIRBY HOM	Trucis X Bargerding								

CASE NUMBER 06-595-5PHXA DATE

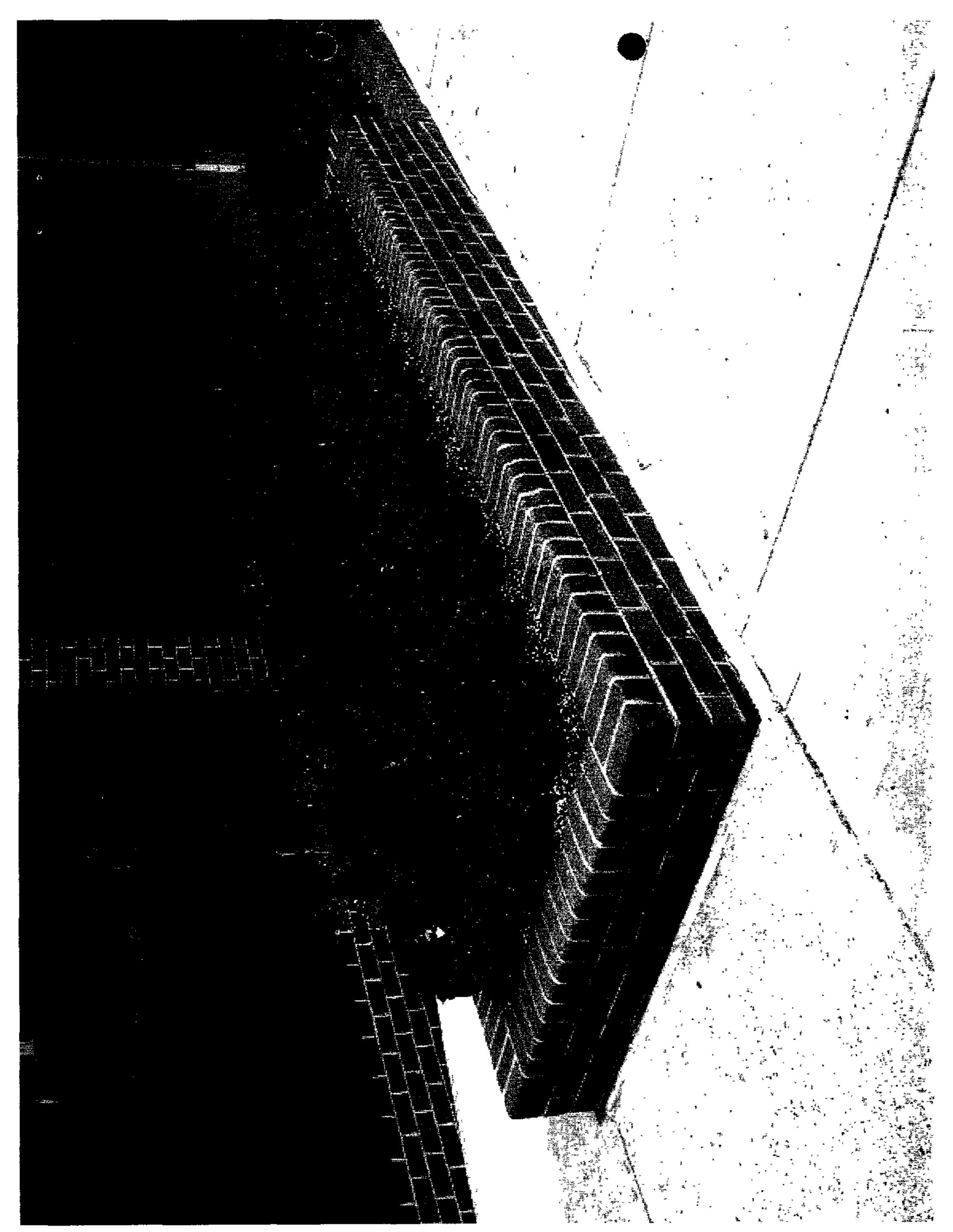
CITIZEN'S SIGN-IN SHEET

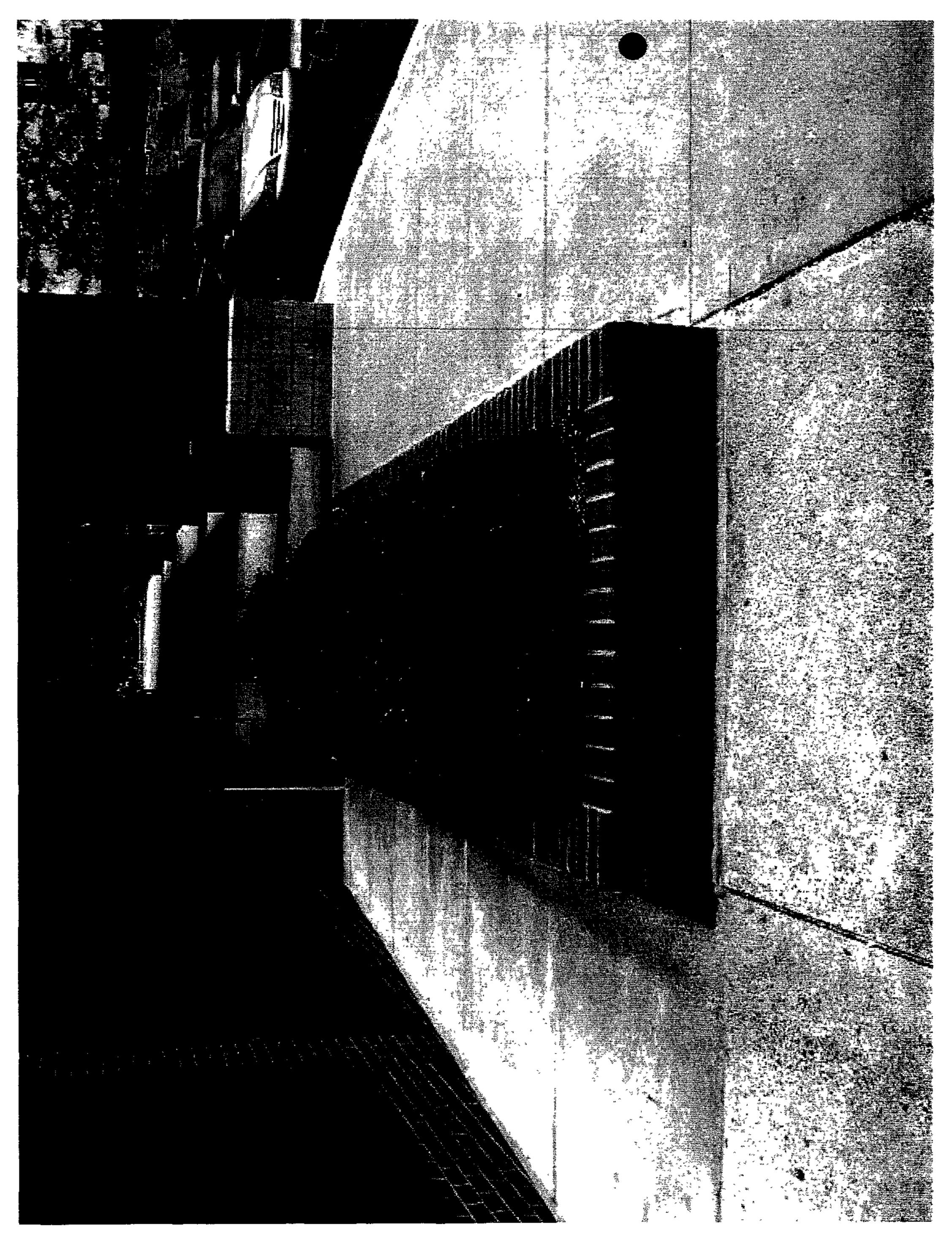
E- MAIL										
CITY, STATE, ZIP	Buson MD 21204 Buttoner MD 21231									
ADDRESS	105 m. Chesapeake tuite 400		4							
NAME	John Packara Robin Cohen	Euclay Realty	Jen Contrem &							

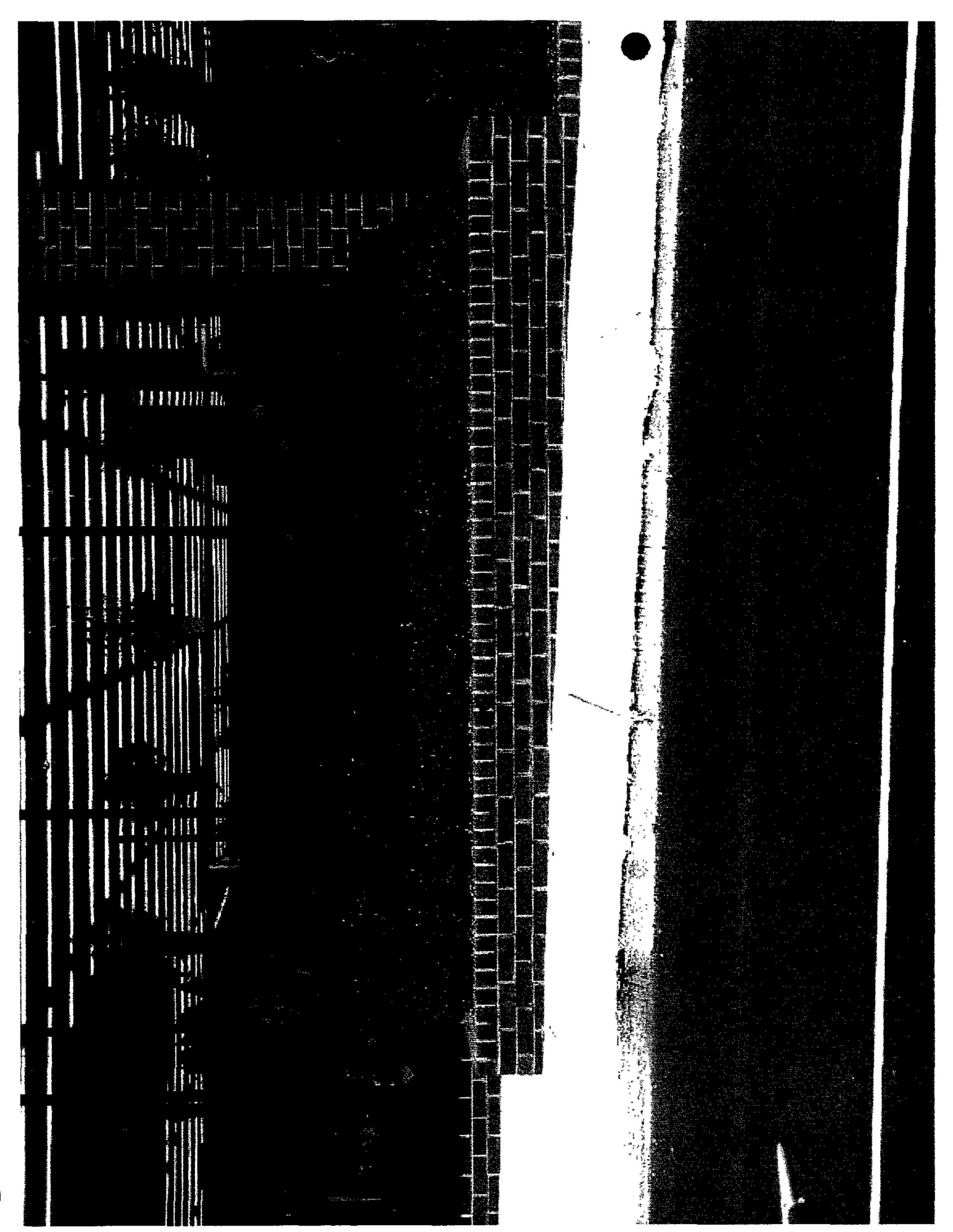
CASE NAME
CASE NUMBER 00-575-5PHXA
DATE 8(22

CITIZEN'S SIGN-IN SHEET

E- MAIL			
E, ZII	4		
ADDRESS ADDRESS OS W. Chesapeako Avettor	SLADE AVE #904		
Shur Elland John Packard A.G. CAPLAN	HELENE CAPLAN		

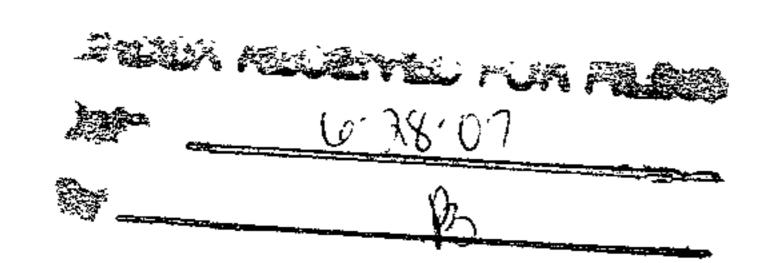






AGREED CONDITIONS TO CASE NO. 06-595-SPHXA 204 Eastern Boulevard

- 1. No damaged, disabled or inoperative (untagged) motor vehicles shall be kept or stored outside the screened in area.
- 2. Operable vehicles may be permitted to be kept on the site only for a period of up to one (1) week outside the screened area.
- 3. The screened in area shall be screened by a fence subject to the approval of the Office of Planning.
- 4. The screened in area shall be comprised of no more than five (5) parking spaces located in the northeastern corner of the property behind the sub shop facing Wiltshire Road.
- 5. Parking for the service garage use shall be located principally to the rear of the building and along the northern most portion of the eastern side of the property.
- 6. Hours of operation shall be from 8 a.m. to 5 p.m. Monday through Friday and from 8 a.m. to 2 p.m. on Saturday. Service garage operator may work on vehicles inside service garage after 5 p.m. Customers may drop off vehicles prior to 8 a.m. or after 5 p.m. Customers may pick up vehicles after 5 p.m., when necessary, due to customers' circumstances. The foregoing is subject to provisions of the other paragraphs herein.
- 7. After 5 p.m. each day there shall be no parking permitted for the service garage use along the northernmost parking spaces depicted on the site plan (Petitioner's Ex. 1) as parking spaces 19-28. Parking in the spaces closest to Eastern Boulevard shall be reserved for the restaurant uses.
- 8. Under no circumstances shall customer parking be permitted on adjoining property currently owned by Euclay Realty Corporation.
- 9. Landscaping as indicted on the site plan shall be performed within sixty (60) days from the date of the final Order and shall be continuously and regularly maintained.
 - 10. No servicing of vehicles shall occur outside of the service garage itself.
- 11. The travel way, access and egress as depicted on the site plan shall be maintained at all times as an open thoroughfare with no vehicles parked or left standing therein.
- 12. Petitioner shall have 30 days from the date hereof to come into compliance with the provisions of the Order.



一大地方

- 13. Substantial, repeated non-compliance, such as but not exclusively storage of unlicensed vehicles outside the fenced area or parking in the travel way, shall be grounds for rescinding the relief granted in the Order.
- 14. Any vehicles offered for sale as an accessory use to the service garage shall be stored inside the fenced area or inside the garage.

