IN RE: PETITIONS FOR SPECIAL * BEFORE THE HEARING, SPECIAL EXCEPTION

AND VARIANCE * ZONING COMMISSIONER

SE/S Bellona Avenue, 174' N of

Morris Avenue

* OF

(1605-1607 Bellona Avenue)

* BALTIMORE COUNTY 8th Election District

3rd Council District *

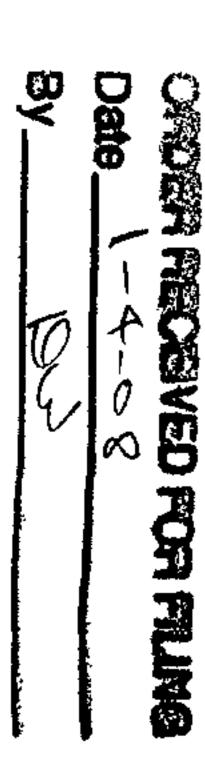
Lutherville Volunteer Fire Co., Inc. * Case No. 08-169-SPHXA

Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Lutherville Volunteer Fire Company, Inc., through its attorney, Lawrence F. Haislip, Esquire, for the properties located at 1605 and 1607 Bellona Avenue. The Petitioner requests a special hearing to approve an amendment to the previously approved zoning Orders and Plans and to confirm that the proposed addition to an existing structure devoted to a civic activity is exempt from the Residential Transition Area (RTA) requirements of Section 1B01.1B.1.g(9) of the Baltimore County Zoning Regulations (B.C.Z.R.)¹. Petitioner requests a special exception, pursuant to Section 1B01.1C.23 of the B.C.Z.R. to permit an addition to a volunteer fire company station in an existing D.R.2 and D.R.5.5 zone. In addition, variance relief is requested from B.C.Z.R. Section 1B01.2C.1.a to permit a front yard setback of 30 feet in lieu of 60 feet for a non residential building in a D.R.2 zone and to permit a front yard setback of 30 feet in lieu of

¹ For a history of the 40-year use at this location through the County's review process, the Lutherville Volunteer Fire Company was the subject of prior approvals starting in the 1960's with Case No. 68-143-X granting a portion of the property (1.92 acres) to be utilized for a volunteer fire company, Case No. 78-55-SPH allowing for the expansion of facilities, Case No. 78-225-A permitting a reduction of side and front yard setbacks and most recently, Case No. 94-226-XA for the construction of a storage garage with a finding that the improvements complied with RTA requirements, subject to certain restrictions.



40 feet for a non residential building in a D.R.5.5 zone. The subject property and the requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

At the requisite public hearing in support of the request were several volunteer firefighters and Timothy L. Mullin, Jr., Director and member of the Lutherville Volunteer Fire Company, Inc., and their attorney, Lawrence F. Haislip, Esquire. Appearing on behalf of the Lutherville Community Association was Eric Rockel². Testimony was also offered in support of the petition from expert witness James E. Matis, with Matis Warfield, the professional engineer who prepared the site plan for this property, and Eric Beck, AIA, the architect and planner with Beck, Powell & Parsons, Inc., who prepared the building elevations for the proposed new fire company addition which was accepted into evidence as Petitioner's Exhibit 4. There were no Protestants or other interested citizens in attendance.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the south side of Bellona Avenue just west of Norman Avenue within a community conservation area and near the Lutherville Historic District. The property is now comprised of two (2) adjacent parcels identified as Parcels 220 and 221 on Baltimore County Tax Map 60. Parcel 220 is an unimproved parcel acquired by the Lutherville Volunteer Fire Company, Inc. in 1993 for its anticipated expansion needs and contains approximately 0.612 acres zoned D.R.2. Parcel 221 is improved with a two-story masonry building 75' wide x 85' deep fronting on Bellona Avenue which has served as the fire company for many years and contains 1.923 acres, more or less, predominantly zoned D.R.5.5 with a small strip of D.R.2 land

² The Lutherville Community Association, Timonium Community Council, and the Greater Towson Council of Community Associations fully support the fire company's plan and future development proposal. See Petitioner's Exhibit 3. Additionally, Loni Ingraham, a <u>Jeffersonian</u> reporter did a feature article (November 16, 2007 edition) outlining the capital campaign to raise \$3.5 million for the new firehouse and rescue squad. That article highlighted the neighbors support and listed 17 other community associations that have come together in this effort.

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running along the western boundary. A storage garage for storage of backup equipment, accessories and vehicles was also built on the rear portion of the property (Parcel 221) that extends all the way to Seminary Avenue to the south as illustrated on the site plan. Messrs. Matis and Beck testified at length about the plan, the existing and proposed facilities and opined that the proposal meets the special exception criteria set forth in B.C.Z.R. Section 502.1. They also expressed opinions that variance relief should be granted, pursuant to Section 307, to allow for the extension of the front façade. This would allow the proposed addition to match the existing building that previously received similar variance relief.

An aerial photograph of the subject property and the surrounding area was marked and accepted into evidence as Petitioner's Exhibit 2. This photograph shows the commercial businesses and residential properties nearby. The exhibit shows the front of the firehouse, surrounding parking and the recent storage garage structure. Mr. Mullin explained that the fire company is in need of additional space for positioning of its first response vehicles and that the comprehensive reconstruction of the existing building with the addition (See Petitioner's Exhibit 4) would better fit the existing emergency vehicle apparatus. It should be noted that no additional fire or rescue units will result from the improvements. The number of emergency dispatched 911 calls for service and the number of pieces of equipment will remain the same. Presently, due to the storage constraints, some of the vehicles are stored at the rear of the property at the far end of the parking lot and some are also "double stacked" in the vehicle bays. This makes access to some of the vehicles and response times difficult during emergency operations. In order to alleviate the storage problems, Petitioner proposes a two-story addition, approximately 84 feet wide on Parcel 220 at the west side of the existing building. This addition will add three (3) needed storage bays and will be similar in structure and height as the original

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building but as illustrated on Petitioner's Exhibit 4 will be aesthetically a significant visual improvement to the neighborhood and historic area.

Turning first to the petition for special exception, relief is requested as described above. Section 502.1 of the B.C.Z.R. states the criteria under which a special exception may be evaluated. In this case, it appears that this use at this location has not been injurious to the health, safety or general welfare of the community since its beginning nearly forty (40) years ago. Such a track record of use at a site is unusual in a special exception case, but it is clear from the record and reading of the previous cases pertaining to the use that it has not caused any congestion to the roads, streets or alleys nor created a potential hazard at this location. The citizens and community associations have no objection to the building addition/expansion. In my judgment, the unique circumstances created by the Petitioner's ownership of these adjacent parcels is a persuasive factor which supports the granting of the additional special exception area. I concur with Mr. Matis's conclusions, which were undisputed, that the proposed use meets the requirements of Section 502.1 of the B.C.Z.R.

As to the petition for special hearing, I will also confirm that the proposed addition to the existing structure devoted to a civic activity is exempt from the RTA requirements as provided for in B.C.Z.R. Section 1B01.1B.1.g(9). Petitioner previously filed a petition for special exception in Case No. 94-226-XA and within that petition, the RTA issue was raised and decided by then Zoning Commissioner Lawrence E. Schmidt. In pertinent part, the well-written Order states beginning at Page 9:

"Section 101 of the B.C.Z.R. defines a number of the terms used throughout the regulations. Moreover, it is provided that if any term is not specifically defined, the ordinarily accepted meaning of the word shall be applied as found in Webster's Third New International Dictionary of the English Language Unabridged. The term *civic* is not defined in the B.C.Z.R. However, the term is quite obviously defined within Webster. Therein, civic is defined to mean

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forming a component of or connected with the functioning, integration and development of a civilized community involving the common public activities and interests of the body of citizens. Moreover, the definition includes those activities concerned with or contributing to the general welfare of the betterment of life for the citizenry of a community. In my view, a fire house is a civic building. The use of the fire house and the nature of the business operated on this property are civic in nature. Services provided by the Lutherville Volunteer Fire Company are among the most basic services required by any community. This is a not for profit operation which exists to serve the needs of the citizens of Lutherville and the surrounding area. The proposed building, which will be used to store equipment used in this purpose, must be considered a civic building. Thus, in my view, the proposed structure is, indeed, devoted to civic activity and is thereby exempt from the R.T.A. requirements."

In view of the exemption language contained in Section 1B01.1.B.1.g(9), and based upon the testimony and evidence presented, I find that the proposed addition is planned in such a way that compliance, to the extent possible with RTA use requirements, will be compatible with the character and general welfare of the surrounding residential premises. Thus, I will find and confirm that the civic activity is exempt from the RTA requirements as did this Commission's predecessor before me.

Variance relief is also requested to approve a front yard setback of 30 feet. Essentially, the split zoning of the property creates two (2) separate requests. The D.R.2 zone in which the new addition is to be built requires a 60-foot setback for a non-residential or civic building while the existing fire company building located in the D.R.5.5 zone requires a 30-foot setback. The unique configuration of these adjacent lots and the proposed use warrants variance relief. Petitioner desires to be consistent with the existing setback depths and to follow the existing building façade as illustrated on Petitioner's Exhibit 4. In support of this request, Mr. Beck pointed out that granting a variance in this case would be necessary given the configuration of Parcel 220. Section 307 of the B.C.Z.R. provides the standard by which variances must be adjudged. That section provides that a variance can be granted only if the Petitioner shows a

practical difficulty or unreasonable hardship. Additionally, variance relief can only be approved if the proposed use will not be detrimental to the surrounding locale and is consistent with the spirit and intent of the regulations. In this case, I easily find that the Petitioner has satisfied its burden at law. The site constraints imposed by the narrow configuration of the property satisfies the uniqueness and practical difficulty standard. The new addition cannot be located in any other area than where it is proposed. Strict compliance with the setback regulations would deprive the Petitioner of a reasonable use of the property for this purpose. Petitioner is simply extending the front façade to match the setbacks of an existing building, a building that was similarly granted identical relief. Thus, the petition for variance shall be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of January 2008, that the Petition for Special Exception, pursuant to Section 1B01.1.C.23 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition to a volunteer fire company station in an existing D.R.2 and D.R.5.5 zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Petition for Special Hearing, pursuant to Section 1B01.1B.1.g(9) of the B.C.Z.R., to confirm that the proposed addition to the existing structure devoted to a civic activity is exempt from Residential Transition Area (RTA) requirements, be and is hereby confirmed; and

IT IS FURTHER ORDERED, that the Petition for Variance, pursuant to Section 1B01.2C.1.a of the B.C.Z.R., to permit a front yard setback of 30 feet in lieu of 60 feet for a non

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residential building in a D.R.2 zone and to permit a front yard setback of 30 feet in lieu of 40 feet for a non residential building in a D.R.5.5 zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that an amendment to the previously approved zoning Orders and Plans, in accordance with Petitioner's Exhibits 1 and 4 respectively, be and is hereby GRANTED, subject to the following restriction:

1. Petitioner is hereby made aware that proceeding at this time is at its 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.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

Zoning Commissioner of Baltimore County

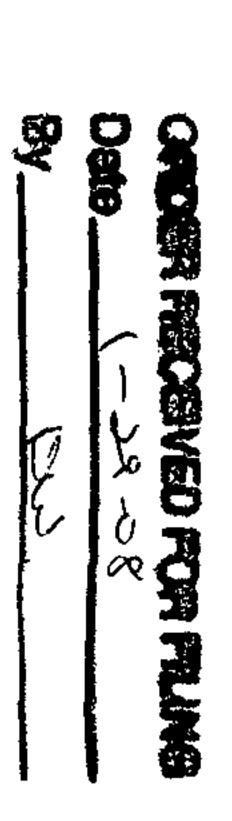
BEFORE THE IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION ZONING COMMISSIONER AND VARIANCE SE/S Bellona Avenue, 174' N of OF * Morris Avenue (1605-1607 Bellona Avenue) BALTIMORE COUNTY 8th Election District 3rd Council District **Case No. 08-169-SPHXA** Lutherville Volunteer Fire Co., Inc. Petitioner

AMENDED ORDER

Upon review of the timely Motion for Reconsideration filed by People's Counsel for Baltimore County raising a concern of the approval of an "exemption" from the Residential Transition Area (RTA) requirements, I shall amend my Order, dated January 4, 2008, by way of interlineation. I believe it is appropriate to entertain the Motion in this manner chiefly due to drafting errors that occurred in the zoning regulations in 1988 and again in 1998. The pertinent subsection relied upon by the Lutherville Volunteer Fire Co., Inc. when filing its petition was, as People's Counsel correctly points out, inadvertently and deficiently placed within the Baltimore County Zoning Regulations (B.C.Z.R.). Because of this, I am reluctant to entertain the Motion in its entirety. I shall endeavor to explain.

The "exception" language from RTA requirements relevant here is recited in B.C.Z.R. Section 1B01.B.1.g.9 as follows:

- "g. Exceptions to residential transition. The restrictions contained in Paragraphs a through e above, of this Subsection B.1, do not apply to:
- (9) An addition to an existing community building, or other structure devoted to civic, social, recreational, fraternal or educational activity, including parking, and screening requirements, are maintained."



The Baltimore County Council, however, when it enacted the exceptions to the RTA requirements, intended the Subsection to read as follows:

"(9) An addition to an existing community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, including parking areas and driveways, *provided all other applicable zoning regulations, including setback*, parking, and screening requirements, are maintained." (See Bills 109-82 and 40-92)

Given this backdrop and People's Counsel's assertion that since Lutherville Volunteer Fire Co., Inc. had requested *a front yard setback* in its variance petition, the RTA exception relief they were granted becomes suspect. While perhaps correct, I find this position to be troubling as the language relied upon by People's Counsel is not found within the B.C.Z.R. regulations. Thus, having confirmed within my Order that the firehouse is a *civic building*, the exception under the regulations as written was automatically in place. The only burden the site has per B.C.Z.R. Section 1B01.B.g(9) is meeting the minimum screening requirements for offstreet parking. These are usually 5 to 10 feet and mostly left to the County's Landscape Architect, Avery Harden, in the Department of Permits and Development Management.

In an effort to further clarify my position, I believe it is appropriate to rule that if the regulations had been written to mirror the Council's intention thereby triggering the need for a variance as opposed to the requested RTA exception that relief would have also been granted for those reasons set forth in my Order at Pages 5 and 6.

THEREFORE, it is ORDERED, by the Zoning Commissioner of Baltimore County this

29

day of January 2008, that the Order issued in conjunction with the Lutherville

Volunteer Fire Co., Inc.'s proposed new fire company addition and site plan approved as

Petitioner's Exhibit 1, be and is hereby AMENDED, by interchanging the word "exception" in

place of "exemption" as that word was used in the approval of the Residential Transition Area (RTA) requirements and to incorporate the following additional language:

"IT IS FURTHER ORDERED, that the Petition for Special Hearing, pursuant to Sections 1B01.1B.1.g(9) and 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) to confirm that the proposed addition to the existing structure devoted to a civic activity is entitled to receive an "exception" or "variance" from the Residential Transition Area (RTA) requirements, be and is hereby GRANTED and confirmed."

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued on January 4, 2008 shall remain in full force and effect.

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

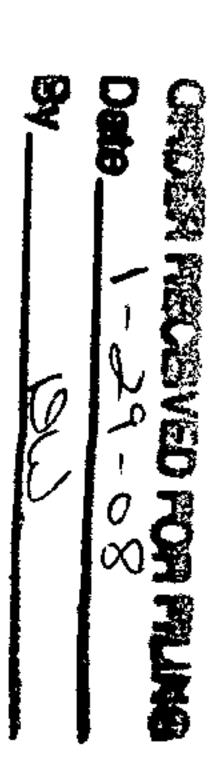
Zoning Commissioner of
Baltimore County

Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47, Old Courthouse, 400 Washington Avenue, Towson, MD 21204
 Lawrence F. Haislip, Esquire, 1 West Pennsylvania Avenue, Suite 900, Towson, Maryland 21204
 Timothy L. Mullin, Jr., 1611 Francke Avenue, Lutherville, MD 21093
 Eric Rockel, 1610 Riderwood-Lutherville Drive, Lutherville, MD 21093

James E. Matis, Matis Warfield, 10540 York Road, Suite M, Hunt Valley, MD 21030 Eric Beck, AIA, Beck, Powell & Parsons, 29 West Susquehanna Avenue, #300,

Towson, MD 21204

Jeffrey Dier, President, Lutherville Community Association, 209 Morris Avenue, Lutherville, MD 21093





Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at 1605-1607 Bellona Avenue, Lutherville, MD 21093

which is presently	zoned D	R 2 and D	R <u>5.5</u>	
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Deed Reference: 9953 /444 Tax Account # 08-0819007901

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

A volunteer fire company station in an existing DR 2 and DR 5.5 zone

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

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

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

	perjury, that live are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
	Lutherville Volunteer Fire Co., Inc.
Name - Type or Print	Name - Type or Print
Signature	Signature
Address Telephone N	No. Name - Type or Print
City State Zip Co	ode Signature
Attorney For Petitioner:	1605-1607 Bellona Avenue 410-887-7778
Lawrence,F. Haislip. Esq.	Address Telephone No.
Name - Type or Print	Lutherville MD 21093
Signature	City State Zip Code  Representative to be Contacted:
Miles & Stockbridge P.C.	Lawrence F. Haislip, Esq.
Company Company	Name
1 W. Pennsylvania Avenue 410-823-823	
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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1605-1607 Bellona Avenue, Lutherville, MD 21093 which is presently zoned DR 2 and DR 5.5

(This petition must be filed in person, in the zoning office, in triplicate, with original signatures.)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal

owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part 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 (This box to be completed by planner) AMENDMENT TO PRENOUSLY APPROVED ZONING-HEARINGS AND TO PLANS AND TO CONFIRM RTA EXEMPTION. I

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

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

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

		******			
Contract Purchaser/Les	see:		Legal Owner(s):		
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Attorney For Petitioner:	•		1605-1607 Bellon Address	a Ave. 410	-887-7778 Telephone No.
Lawrence F. Haislin	o. Esa		Lutherville	MD	21093
Name - Type of Print	^ <u> </u>		City	State	Zip Code
Signature ) // Cars	<u> </u>	<del></del>	Representative to be	Contacted:	
Miles & Stockbridge	P.C.		Lawrence F. Hais	lip. Esa.	
Company			Name		
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## Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 1605-1607 Bellona Avenue Lutherville, MD 21093

which is presently zoned DR2 and DR5.5

Deed Reference: 9953 / 444 Tax Account # 08-0819007901

5947 / 455 08-1800003621
This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B01.2C.12.a

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

To permit a front yard setback of 30 feet in lieu of 60 feet for a non residential building in a DR 2 zone and to permit a front yard setback of 30 feet in lieu of 40 feet for a non residential building in a DR 5.5 zone.

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

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

Representative to be Contacted:  Miles & Stockbridge P.C.  Company  1 W. Pennsylvania Avenue 410-823-8234 Address Suite 900 Towson MD 21204 City State Zip Code  Case No. OB 169 SPHXA  Estimated Length of Hearing Unavailable For Hearing.		perjury, in	olemnly declare and affirm at I/we are the legal owne ject of this Petition.	i, under the penalt r(s) of the property	ies of / which
Signature  Address Telephone No. Name - Type or Print  City State Zip Code Signature  Attorney For Petitioner:  Lawrence F. Haislip, Esq. Name - Type or Print  Lawrence F. Haislip, Esq. Name - Type or Print  Lawrence F. Haislip, Esq.  Miles & Stockbridge P.C. Company 1 W. Pennsylvania Avenue  Address  Lawrence F. Haislip, Esq.  Lawrence F. Haislip, Esq.  Lawrence F. Haislip, Esq.  Lawrence F. Haislip, Esq.  Name  Lawrence F. Haislip, Esq.  Name  1 W. Pennsylvania Avenue  Address Suite 900  Telephone No.  Address Suite 900  Telephone No.  Towson  MD  21204  City State Zip Code  Case No.  OB  OB  OB  OB  OB  OB  OB  OB  OB  O	Contract Purchaser/Lessee:	<u>Legal O</u>	wner(s):		
Address Telephone No.  City State Zip Code Signature  Attorney For Petitioner:  Lawrence F. Haislip, Esq. Name - Type or Print  Lawrence F. Haislip, Esq.  Miles & Stockbridge P.C.  Company  1 W. Pennsylvania Avenue 410-823-8234 Address Suite 900 Towson MD 21204 City State Zip Code  Case No.  D8 169 SPH XM-  Telephone No.  Towson MD 21204 City State Zip Code  Case No.  D6 169 SPH XM-  Telephone No.  Towson MD 21204 City State Zip Code  Case No.  D6 169 SPH XM-  Telephone No.  Towson MD 21204 City State Zip Code  Case No.  D6 169 SPH XM-  Telephone No.  Towson MD 31204 City State Zip Code  Case No.  D6 169 SPH XM-  Telephone No.  Towson MD 31204 City State Zip Code	Name - Type or Print	Name Ty	pe or Print	<u>∍ Co., Inc,</u>	<del></del>
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Attorney For Petitioner:  Lawrence F. Haislip, Esq.  Name - Type or Print  Lawrence F. Haislip, Esq.  Miles & Stockbridge P.C.  Company  1 W. Pennsylvania Avenue 410-823-8234 Address Suite 900  Towson  MD  21204  City  State  Lawrence F. Haislip, Esq.  Lawrence F. Haislip, Esq.  Lawrence F. Haislip, Esq.  Name  1 W. Pennsylvania Avenue 410-823-8234 Address Suite 900  Towson  MD  21204  City  State  Towson  MD  Towson  MD  Towson  MD  Towson  MD  Towson  MD  Towson  MD  Telephone No.  Towson  Towson  MD  Towson  MD  Telephone No.  Towson  MD  Telephone No.  Towson  Towson  MD  Towson  MD  Telephone No.  Towson  Towson  Towson  MD  Telephone No.  Towson  Towson  Towson  Towson  MD  Telephone No.  Telephone No.  Towson  Telephone No.  Telephone No.  Telephone No.  Telephone No.  Towson  Towson  Towson  Towson  Telephone No.  Telephone No.  Towson  Towson  Towson  Towson  Towson  Towson  Telephone No.  Telephone No.  Telephone No.  Towson  Telephone No.  Telephone No.  Telephone No.  Towson  Towson  Towson  Telephone No.  Telephone No.  Towson  Telephone No.  Towson  Towson  Towson  Telephone No.  Telephone No.  Towson  Towson  Towson  Towson  Telephone No.  Telephone No.  Telephone No.  Towson  Towson  Towson  Telephone No.  Telephone No.  Towson  Towson  Towson  Telephone No.  Telephone No.  Towson  Telephone No.  Telephone No.  Towson  Towson  Towson  Telephone No.  Telephone No.  Telephone No.  Towson  Towson  Telephone No.  Telephone No.  Telephone No.  Towson  Towson  Towson  Telephone No.  Telephone No.  Towson  Towson  Telephone No.  Towson  Towson  Telephone No.  Towson  Towson  Telephone No.  Telephone No.  Telephone No.  Towson  To	Address	<del></del>		u f	<del></del>
Lawrence F. Haislip, Esq.  Name - Type or Print  Signature  Miles & Stockbridge P.C.  Company  1 W. Pennsylvania Avenue 410-823-8234 Address Suite 900  Towson  Towson  City  Telephone No.  Address  Lawrence F. Haislip, Esq.  Name  1 W. Pennsylvania Avenue 410-823-8234 Address Suite 900  Telephone No.  Towson  MD 21204  City  State  Telephone No.  Towson  MD 31204  City  State  Telephone No.  Towson  MD 31204  City  State  Telephone No.  Telephone No.  Towson  MD 31204  City  State  Telephone No.  Telephone No.  Telephone No.  Towson  MD 31204  City  State  Telephone No.  Towson  MD 31204  City  State  Telephone No.  Telephone No	City	Zip Code Signature	<del></del>		<del>_</del>
Lawrence F. Haislip, Esq.  Name - Type or Print  City  State  City  State  Zip Cod  Representative to be Contacted:  Lawrence F. Haislip, Esq.  Miles & Stockbridge P.C.  Company  1 W. Pennsylvania Avenue  410-823-8234  Address Suite 900  Telephone No.  Towson  MD  21204  City  State  Zip Code  City  State  Diffice Use Only  Estimated Length of Hearing Unavailable For Hearing Unavailable For Hearing	Attorney For Petitioner:		607 Bellona Aven	ue 410-88	7-7778
Representative to be Contacted:  Miles & Stockbridge P.C.  Company  1 W. Pennsylvania Avenue 410-823-8234 Address Suite 900 Towson  MD  21204 City  Case No.  D8  169  State  Towson  Case No.  D8  Towson  To	Lawrence F. Haislip, Esq.	Luthe	rville	•	•
Miles & Stockbridge P.C.  Company  1 W. Pennsylvania Avenue 410-823-8234  Address Suite 900  Towson  MD  21204  City  State  Case No.  DELAWrence F. Haislip, Esq.  1 W. Pennsylvania Avenue 410-823-8234  Address Suite 900  Telephone No.  Towson  MD  31204  City  State  Deffice Use Only  Case No.  Description of Hearing  Unavailable For Hearing.	_////am	,	entative to be Conta		Zip Code
Address Suite 900 Telephone No. Towson MD State  Case No.  Delta Sph XA   Telephone No. State  Telephone No. Towson MD Telepho	Miles & Stockbridge P.C.		nce F. Haislip, Esq	<u> </u>	
Towson MD 21204 Towson MD 31204 City State Zip Code  Case No. 08 169 SPH XA  Estimated Length of Hearing HR Unavailable For Hearing.	1 W. Pennsylvania Avenue 410-823 Address Suite 900 Telep	3-8234 1 W. P	ennsylvania Avenu		
Case No. 08 169 SPH XA  Office Use Only Estimated Length of Hearing HR Unavailable For Hearing.	Towson MD 212	<u> </u>	n MD	•	
Estimated Length of Hearing HR Unavailable For Hearing,	City State :	Zip Code City		State	Zip Code
DEVIATIONS.	Case No. 08 169 SPH XAL	Estimated Length of H	earing /HR		· · · · · · · · · · · · · · · · · · ·
CADER RECEIVED FOR FILING		Reviewed by	フレ Date 10	T09f07	
Date	_			1	

consulting engineers

168

October 9, 2007

Description to Accompany Zoning Petition of property known as NO.1605-1607 Bellona Avenue Baltimore County, Maryland Election District No. 8

Beginning for the same at a point located in the center of Bellona Avenue, said point distant North 55° 22'East 174 feet +/- from the intersection of the centerlines of Bellona Avenue and Morris Avenue thence binding on the center of Bellona Avenue the two following courses viz,

- 1) North 63° 09'13" East 128.88 feet, to a point, thence
- 2) North 63° 19' 07" East 150.64 feet, to a point, thence leaving the center of Bellona Avenue and running thence
- 3) by a curve to the right having a radius of 995.40 feet for an arc length of 317.09 feet, to a point, thence
- 4) North 88° 26' 27" East 15.00 feet, to a point, thence
- 5) by a curve to the right having a radius of 1010.40 feet for an arc length of 332.75 feet, to a point, thence
- 6) South 17° 24' 52" West 82.51 feet, to a point, thence
- 7) South 85° 41' 45" West 50.00 feet, to a point
- 8) North 72° 35' 08" West 45.56 feet, to a point, thence leaving said Silver Spring Road and running thence
- 9) South 17° 24' 52" West 168.33 feet, to a point on the north side of Seminary Avenue, State Route 131 thence binding along the north side of Seminary Avenue
- 10) South 85° 41' 45" West 19.36 feet, to a point, thence leaving the north side of Seminary Avenue and running the following courses viz;

Matis Warfield, Inc.
10540 york road • suite m
hunt valley, maryland 21030
phone 410-683-7004 • fax 410-683-1798

- 11) North 17° 24' 52" West 276.50 feet, to a point, thence
- 12) by a curve to the left having a radius of 900.40 feet for an arc length of 296.34 feet, to a point, thence
- 13) North 30° 10' 21" West 6.29 feet, to a point, thence
- 14) North 72° 46' 47" West 145.79 feet, to a point, thence
- 15) North 26° 50' 47" West 155.33 feet, to the place of beginning

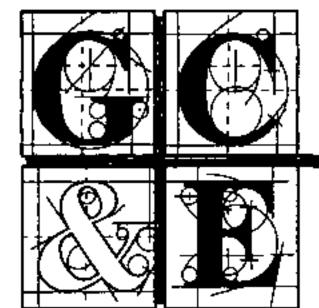
Containing 2.535 acres of land, more or less.

40

This description is intended for zoning purposes only and is not for use in conveyance of land.



Matis Warfield, Inc.
10540 york road • suite m
hunt valley, maryland 21030
phone 410-683-7004 • fax 410-683-1798



## 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#08-169-SPHXA
PETITIONER/DEVELOPER:
Lutherville Volunteer Fire Co., Inc.
DATE OF HEARING: December 12,
2007

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:

1605 – 1607 Bellona Avenue

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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

POSTED ON: 11/26/07

## NOTICE OF ZONING HEARING

County, by authority of the Zoning Act and Regulations of Baltimore Editify of the Zoning Act and Regulations of Baltimore Editify of the Zoning Act and Regulations of Baltimore Editify of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on County, will hold a public herein as follows:

Case: # 08-169-SPHXA

1605-1607 Bellona Avenue
Syeast side of Bellona Avenue, 174 feet north of Morris Syeast side of Bellona Avenue

Avenue

Rh Election District — 3rd Councilmanic District
Bth Election District an amendment to previously approved zoning orders and plans and to confirm RTA expression in an existing DR 2 and DR 5.5 zone. Variance: to station in an existing DR 2 and DR 5.5 zone. Variance: to station in an existing DR 2 and DR 5.5 zone and to perfor a non-residential building in a DR 2.5 zone and to perfor a non-residential building in a DR 5.5 zone.

Hearing: Wednosday, December 12, 2007 at 10:00

Hearing: Wednosday, December 12, 2007 at 10:00

Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
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,
(2) For Information concerning the File and/or Hearing,
JT 11/787 Nov. 27

## OF PUBLICATION (T)

-, 20th

that the annexed advertisement was published THIS IS TO CERTIFY,

in the following weekly newspaper published in Baltimore County, Md.,

successive weeks, the first publication appearing once in each of

如 The Jeffersonian

- Arbutus Times
- Catonsville

Times

- Owings Mills Times ☐ Towson Times
- NE Booster/Reporter
- ☐ North County News

Wulling

LEGAL ADVERTISING

## MILES & STOCKBRIDGE P.C.

Lawrence F. Haislip 410.823.8234 lhaislip@milesstockbridge.com

October 31, 2007

Mr. Bruce E. Doak Gerhold, Cross & Etzel, Ltd. Suite 100 320 East Towsontown Boulevard Towson, MD 21286

Re: Notice of Zoning Hearing: Case No. 08-169-SPHXA; 1605-1607 Bellona Avenue;

Lutherville Volunteer Co., Inc.

## Dear Bruce:

I would like to engage your services on behalf of Lutherville Volunteer Fire Co., Inc., to provide sign posting for the above-referenced matters which are scheduled for Wednesday, December 12, 2007. Your contact information for purposes of billing to Lutherville Volunteer Fire Co. is as follows:

Mr. Robert Sinton Lutherville Volunteer Fire Co., Inc. 1605-1607 Bellona Avenue Lutherville, MD 21093

Please confirm to me in writing your agreement to undertake this task. Also, please confirm to me in writing once the posting has occurred and the appropriate certification of posting has been filed with Baltimore County.

Please note that the property abuts Bellona Avenue and extends through to a small outlet on Seminary Avenue. I believe that posting should occur at both entrances and exits.

Client Documents.4827-8621-4658v1(LVF-000002)10/31/2007



IAMES T. SMITH, JR. County Executive

October 22, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
ARING Development Management

## **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: 08-169-SPHXA

1 1/2 Kotroco

1605-1607 Bellona Avenue

S/east side of Bellona Avenue, 174 feet north of Morris Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: Lutherville Volunteer Fire Co., Inc.

Special Hearing for an amendment to previously approved zoning orders and plans and to confirm RTA exemption. Special Exception for a volunteer fire company station in an existing DR 2 and DR 5.5 zone. Variance to permit a front yard setback of 30 feet in lieu of the 60 feet for a non-residential building in an DR 2 zone and to permit a front yard setback of 30 feet in lieu of 40 feet for a non-residential building in a DR 5.5 zone.

Hearing: Wednesday, December 12, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Lawrence Haislip, 1 W. Pennsylvania Avenue, Ste. 900, Towson 21204 Lutherville Fire Co., 1605-1607 Bellona Avenue, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 27, 2007

(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.



JAMES T. SMITH, JR. County Executive

October 22, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
ARING
Development Management

## **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: 08-169-SPHXA

Kotroco

1605-1607 Bellona Avenue S/east side of Bellona Avenue, 174 feet north of Morris Avenue 8th Election District – 3rd Councilmanic District

Legal Owners: Lutherville Volunteer Fire Co., Inc.

<u>Special Hearing</u> for an amendment to previously approved zoning orders and plans and to confirm RTA exemption. <u>Special Exception</u> for a volunteer fire company station in an existing DR 2 and DR 5.5 zone. <u>Variance</u> to permit a front yard setback of 30 feet in lieu of the 60 feet for a non-residential building in an DR 2 zone and to permit a front yard setback of 30 feet in lieu of 40 feet for a non-residential building in a DR 5.5 zone.

Hearing: Wednesday, December 12, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Lawrence Haislip, 1 W. Pennsylvania Avenue, Ste. 900, Towson 21204 Lutherville Fire Co., 1605-1607 Bellona Avenue, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 27, 2007

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

PATUXENT PUBLISHING COMPANY TO:

Tuesday, November 27, 2007 Issue - Jeffersonian

Please forward billing to:

Lawrence Haislip 1 W. Pennsylvania Avenue, Ste. 900

Towson, MD 21204

410-823-8234

## 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: 08-169-SPHXA

1605-1607 Bellona Avenue

S/east side of Bellona Avenue, 174 feet north of Morris Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: Lutherville Volunteer Fire Co., Inc.

Special Hearing for an amendment to previously approved zoning orders and plans and to confirm RTA exemption. Special Exception for a volunteer fire company station in an existing DR 2 and DR 5.5 zone. Variance to permit a front yard setback of 30 feet in lieu of the 60 feet for a non-residential building in an DR 2 zone and to permit a front yard setback of 30 feet in lieu of 40 feet for a non-residential building in a DR 5.5 zone.

Hearing: Wednesday, December 12; 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMX

ZONING COMMISSIONER FOR BALTIMORE COUNTY

HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL NOTES: (1) 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

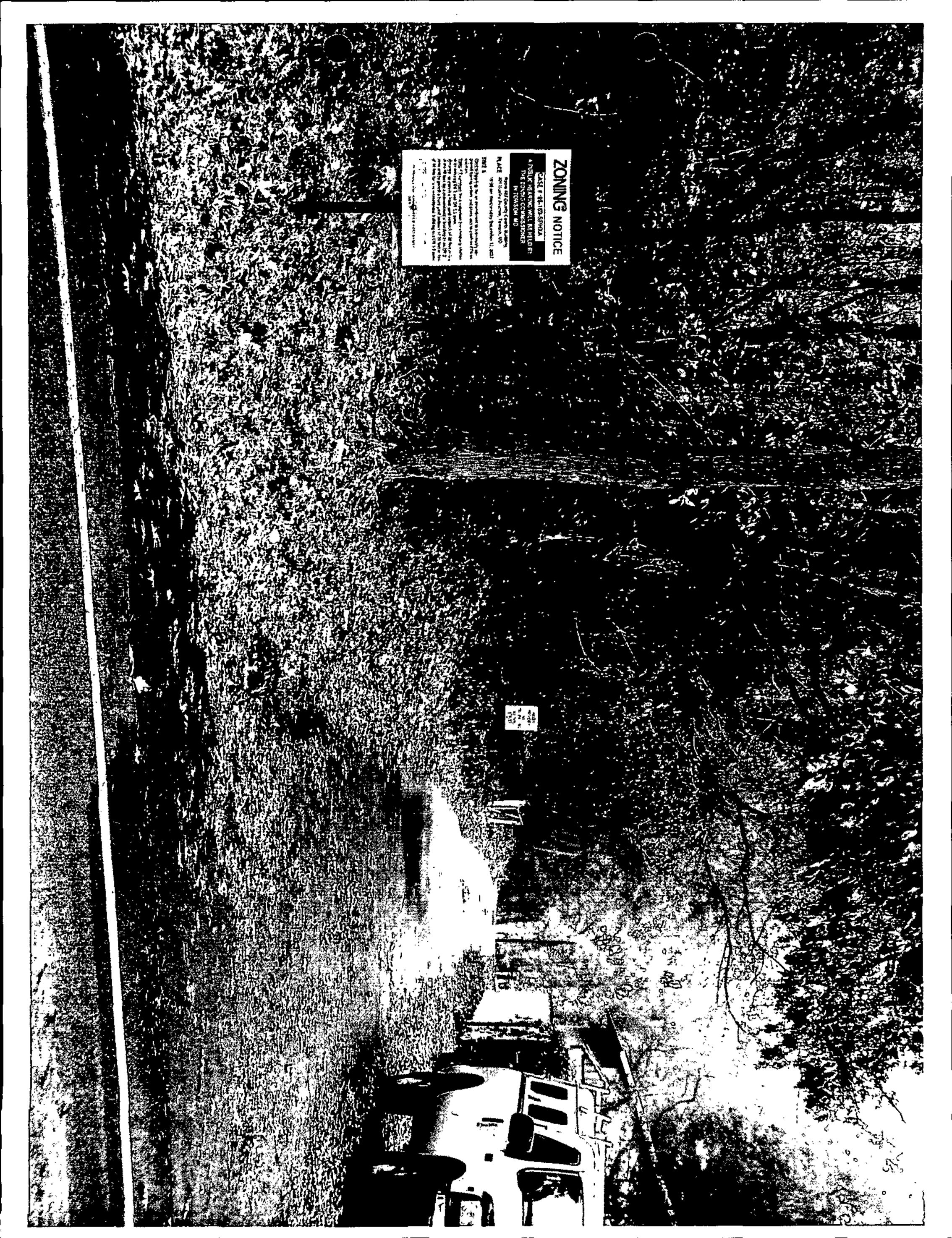
## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

For Newspaper Advertising:
Item Number or Case Number: 08 169 SPHXA
Petitioner: Luthenville V. F.D.
Address or Location: 1605-7 Bellon ANE LOTHERVILLE
PLEASE FORWARD ADVERTISING BILL TO:  Name: LAWRONG F. HAISLIN
Address: 1 W. PENNA AVE
STE-980
Towson mo 21204
Telephone Number: 410 823 8234



# ZONNO NOTICE

CASE # :08-169-SPHXA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON MD

PLACE: 401 Bosley Avenue, Towson, MD

10:00 am Wednesday December 12, 2007

## TIME &

Special Hearing: for an amendment to previously approved zoning orders and plans and to confirm RTA exemption.

Special Exception: for a volunteer fire company station in an existing DR 2 and DR 5.5 zone.

Variance: to permit a front yard setback of 30 feet in lieur of the 60 feet for a non-residential building in an DR 2 zone and to permit a front yard setback of 30 feet in lieur of 40 feet for a non-residential building in a DR 5.5 zone of 40 feet for a non-residential building in a DR 5.5 zone

MEARINGS ARE HAND APPED ACCESSIBLE



## 

CASE #:08-169-SPHXA

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER NTOWSON, WD.

Room 407 County Courts Building LACE: 401 Bosley Avenue, Towson, MD

10:00 am Wednesday December 12, 2007

IME &

Special Hearing: for an amendment to previously approved zoning orders and plans and to confirm RTA exemption.

Special Exception: for a volunteer fire company station

in an existing DR 2 and DR 5.5 zone.

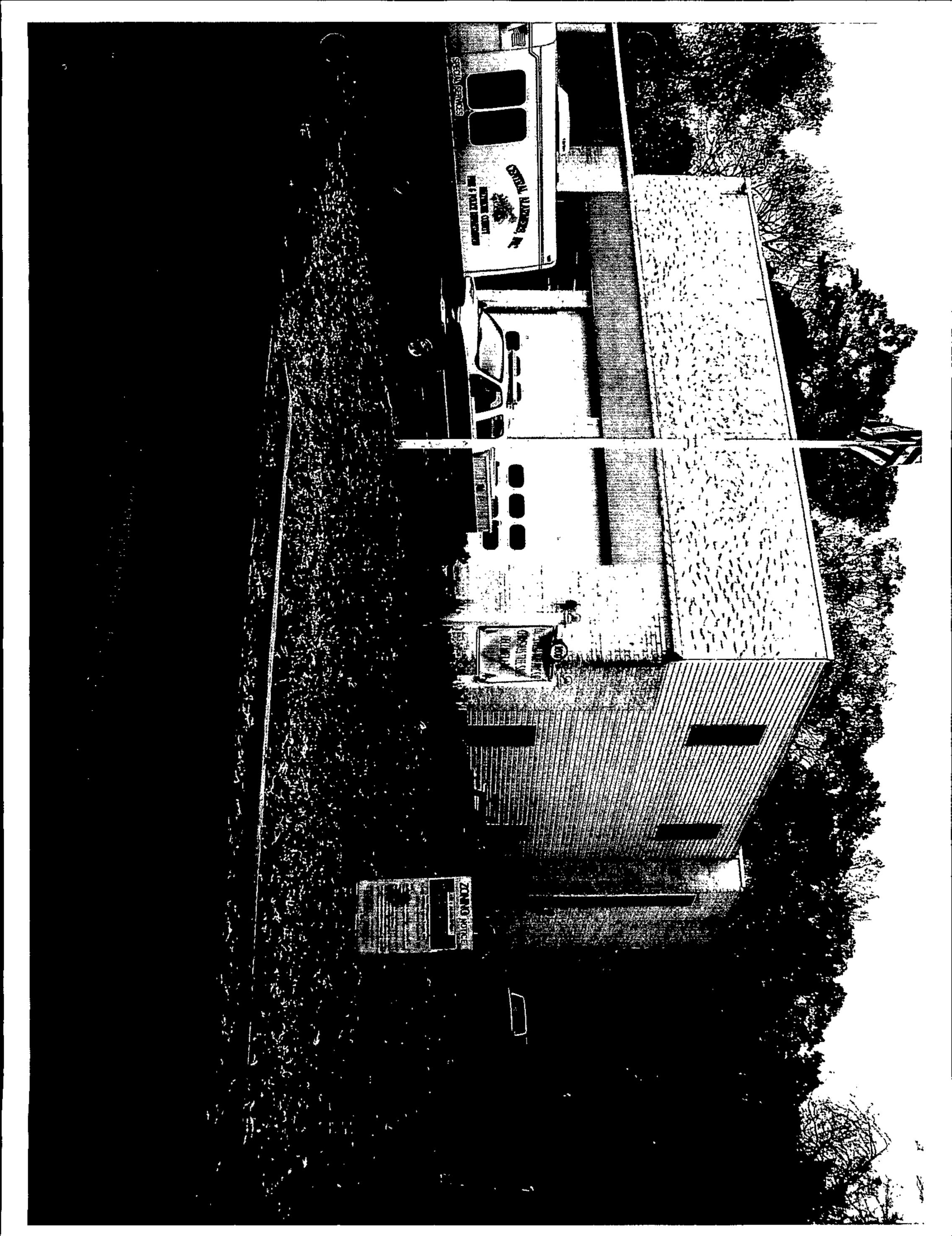
<u>Variance</u>: to permit a front yard setback of 30 feet in lieu of the 60 feet for a non-residential building in an DR 2 zone and to permit a front yard setback of 30 feet in lieu of 40 feet for a non-residential building in a DR 5.5 zone

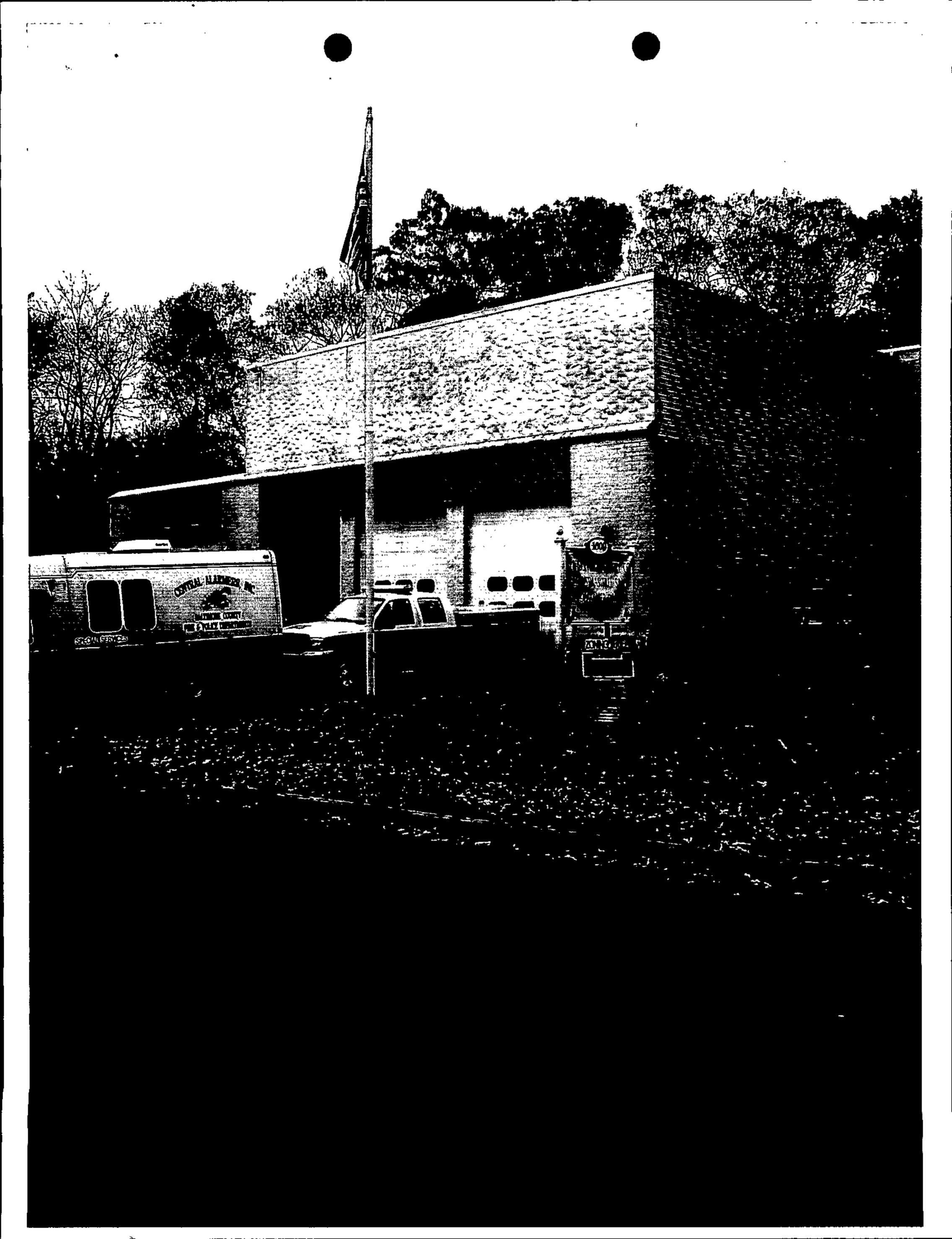
POSTPONIEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES

ECHOSIAY TO CONFIRM HEARING.

THE DAY BEFORE THE SCHEDULED HEARING DATE. DENNY THE SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

THE MARIE HANGE MARIED ACCESSIBLE







CASE #:08-169-SPHXA

A PUBLIC HEARING MILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD.

Room 407 County Courts Building PLACE: 401 Bosley Avenue, Towson, MD*

10:00 am Wednesday December 12, 2007

## TIME &

Special Hearing: for an amendment to previously approved zoning orders and plans and to confirm RTA exemption

Special section: for a volunteer fire company station in an Lang DR 2 and DR 5.5 zone.

Variance to permit a front yard setback of 30 feet in lieu of the 60 feet for a non-residential building in an DR 2 zone and to permit a front yard setback of 30 feet in lieu of 40 feet for a non-residential building in a DR 5.5 zone.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFIRM HEARING.
CALL 410-887-3381 THE DAY BEFORE THE SCHEDULED HEARING DATE.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW HEARINGS ARE HANDICAPPED ACCESSIBLE



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

December 5, 2007

Lawrence F. Haislip, Esquire Miles & Stockbridge P.C. 1 W. Pennsylvania Avenue, Suite 900 Towson, Maryland 21204

Dear Mr. Haislip:

RE: Case Number: 08-169-SPHXA, 1605-1607 Bellona Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 9, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel

Lutherville Volunteer Fire Co., Inc. 1605-1607 Bellona Avenue Lutherville 21093



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 11, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 15, 2007

Item Number: Item Number 156,160, 162, 163, 164, 165, 166,167,168, 169,170

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4880 (C)443-829-2946 MS-1102F

cc: File



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: OCTOBEZ 17, 2007

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

RE:

**Baltimore County** 

Item No. 8-169-9PHXA

1605-1607 BELLONAAVE LUTHERVILLE VOLUNTEER FIRE CO.

SPECIAL EXCEPTION

OPECIAL CIAL

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No.8-169-5PHXA

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A Steven D. Foster, Chief

For Engineering Access Permits

Division

SDF/MB

## BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

**DATE:** October 15, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 22, 2007.

Item Nos. 08-156, 160, 162, 164, 165,

166, 167, 169, and 170

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

DAK:CEN:clw

cc: File

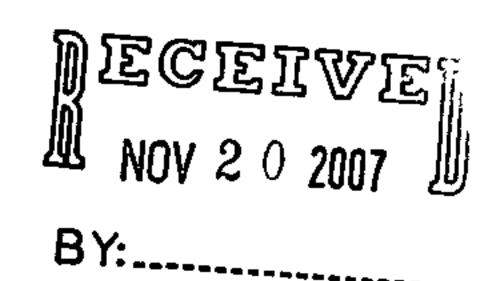
ZAC-NO COMMENTS-10152007.doc

BW 12/12

## BALTIMORE COUNTY, MARYLAND

## Inter-Office Correspondence





TO:		Timothy M. Kotroco		
FROM:		Dave Lykens, DEPRM - Development Coordination		
DATE: November 19, 2007		2007		
		Zoning Item Address	# 08-169-SPHXA 1605 - 1607 Bellona Avenue (Lutherville Volunteer Fire Company)	
2	Zoning	Advisory Con	nmittee Meeting of October 15, 2007	
<del></del>	vironmental Protection and Resource Management has no ve-referenced zoning item.			
	vironmental Protection and Resource Management offers on the above-referenced zoning item:			
<del>-</del>		Protection of \	of the property must comply with the Regulations for the Water Quality, Streams, Wetlands and Floodplains (Section 1911) 120 of the Baltimore County Code).	
_		Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).		
_	——— Development of this property must comply with the Chesaper Critical Area Regulations (Sections 33-2-101 through 33-2-other Sections, of the Baltimore County Code).		Regulations (Sections 33-2-101 through 33-2-1004, and	
<u> </u>	Additic	nal Comments	• <u>•</u>	

Reviewer: Michael S. Kulis

Date: November 14, 2007

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** October 25, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

W OCT 2 9 2007

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-169 Special Exception, Special Hearing, and Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By

**Division Chief:** 

CM/LL

## BALTIMORE COUNTY, MARYLAND

## Inter-Office Correspondence

TO:

Mike Field, Assistant County Attorney

DATE:

January 29, 2008

Office of Law

FROM:

William J. Wiseman, III

Zowing Commissioner

SUBJECT:

Desired Changes in B.C.Z.R. Regulations

I recall your telling me that the zoning regulations were undergoing a redraft. I'm not certain whether you can still make changes but I attach for your review an Amended Order that had to be done in view of some words missing in a rather obscure section of the B.C.Z.R; in particular, Section 1B01.B.1.g.9. I've attached a copy of Pete Zimmerman's letter to me with the referenced bills for your easy review of the subsection. Also, Appendix G, which are the rules of practice for the Zoning Commissioner/Hearing Officer, bears the names at the end of Larry Schmidt and Arnold Jablon – perhaps if there is to be any names at all at the end my name should be substituted as well as Tim Kotroco's.

WJW:dlw
Attachments

¢:

John E. Beverungen, County Attorney, Office of Law

## Bill:

I took a gander at it and came up with the following.

The typographical error carried through the order using "exempt/ion" instead of exception doesn't seem to be critical in light of the fact that clear reference was made to the appropriate Section # listed under Exceptions to residential transition under 1B01.B.1.g. (9) in both the request and your order. The motion to reconsider made by Pete should be addressed with an acknowledgement (mea culpa) and correction of the typographical errors.

The assertion that the variance affects the RTA exception has me all at sea. Pete's quote in the 1st paragraph isn't in the section we referenced above. (check your reg's) There is no necessity for a community building to have a hearing for the right to the exception. Once you confirmed the community building use of the site as requested, the exception was automatically in place as stated in the regulations. The only burden the site has per 1B01.B.1.g. (9) is meeting the minimum screening requirements for off-street parking. These are usually 5-10 ft. and we mostly let Avery Harden in DPR use his landscape manual on that.



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO
Deputy People's Counsel

January 18, 2008

ECELAE

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

Re:

PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE

Lutherville Volunteer Fire Co.- Petitioners

1605-1607 Bellona Avenue Case No: 08-169-SPHXA

Dear Mr. Wiseman:

Please accept this letter as a Rule K Motion for Reconsideration of the Findings of Fact and Conclusions of Law and Order dated January 4, 2008 in the above case.

It concerns the request for and approval of an "exemption" from the residential transition area (RTA) requirements based on BCZR § 1B01.B.1.g.9. Please note that Bills 109-82 and 40-92, enclosed, provide in this subsection for a conditional "exception" to the RTA requirements, not an "exemption." The relevant subsection here allows an "exception" for "An addition to an existing community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, including parking areas and driveway, provided all other applicable zoning requirements, including setback, parking, and screening requirements are maintained." An "exemption" would effectively immunize the use from the particular requirement. That is not what the law provides.

The present petition does include a separate request for a front yard setback variance of 30 feet instead of 60 feet for a nonresidential building in a D.R. 2 Zone and a front yard setback of 30 feet instead of 40 feet for a nonresidential building in a D.R. 5.5 Zone. Therefore, the petition does not qualify for an "exception" in this case. It is necessary, therefore, for petitioner to request a variance from the BCZR § 1B01.1.B.1.e RTA setback and buffer requirements under BCZR § 1B01.B.1.c and/or BCZR § 307.1.

William J. Wiseman, III, Zoning Commissioner January 18, 2008 Page 2

The opinion notes that the Lutherville Volunteer Fire Company provides an important service to the community, and that area community groups "fully support" the proposal. Footnote 2. I appreciate that.

Nevertheless, for the purpose of this case and as a precedent, the petition is subject to the "exception" criteria. The law does not provide for an "exemption." Because the proposal in its entirety does not qualify for an exception, the law of variances comes into play. Therefore, I ask that you reconsider and treat the petition as involving a request for a variance from the RTA requirements.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

PMZ/rmw

cc: Lawrence F. Haislip, Esquire

RE: PETITION FOR SPECIAL HEARING

SPECIAL EXCEPTION & VARIANCE

1605-1607 Bellona Avenue; SE/S Bellona

Avenue, 174' N of Morris Avenue 8th Election & 3rd Election Districts

Legal Owner(s): Lutherville Volunteer Fire Co, Inc

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

**BALTIMORE COUNTY** 

08-169-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/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of October, 2007, a copy of the foregoing Entry of Appearance was mailed to Lawrence F. Haislip, Esquire, 1 W. Pennsylvania Avenue, Suite 900, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

CCT 15 2007

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

# PLEASE PRINT CLEARLY

CASE NAME Luxurian Ver Fine C CASE NUMBER 68 - 169-5PHXR

# PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
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both nationally and in Mary land. The reasons for the decline are not clear.

"We feel we really have a good program, and it really comes down to people have to be aware of their own responsibility," said Charles Reighart, the county's recycling and waste prevention manager.

- Bryan P. Sears

### **Groups raise money** for fire company

The Lutherville Volunteer Fire Company is now \$85,000 closer to the \$3.5 million goal of its capital campaign, thanks to the "Climb the Ladder Bull Roast" that local community associations staged in September.

The proceeds from the which was campaign, launched in May, will fund a new firehouse and a new

rescue vehicle. Noting that 1,200 people attended the event, company president Kevin Burns, said, "It was a remarkable night, with so many of our communities coming together to support our quest for a new firehouse and rescue

squad."

The volunteers thanked the Greater Timonium Community Council, and the Greater Towson Council of Community Associations, as well as community associations for Pine Valley, Valleywood, Lutherville, Seminary Ridge, Huntridge, Knollwood-Donnybrook, Dulaney Valley, Orchard Hills, Rodgers Forge, Anneslie, Mays Chapel, Valley Crest, Ruxton-Riderwood-Lake Roland, Pot Spring, Spring Lake, Carroll Manor and Sherwood Hills.

- Loni Ingraham

### **Hunt Valley Masons** collecting for troops

Masonic Warren Lodge No. 51, of Hunt Valley, is accepting donations of items to be sent to Maryland National Guard troops serving in Iraq.

The lodge needs money for postage, and the following items to be included in care packages: snacks such

# After 88 years, Ordnance Musel

BY DAN LAMOTHE CAPITAL NEWS SERVICE

PROVING ABERDEEN GROUND - It doesn't take long to realize the U.S. Army Ordnance Museum isn't your garden, ist attractions, is eclipsed by the variety shrine.

Some 240 tanks, cannons and other heavy equipment are scattered across the museum's grounds. Across the street, a German K5 Leopold rail gun captured by Allied troops in Italy sits on railroad tracks, its 70-foot to see the museum go. barrel offering silent witness to the long-range power it showed during World War II.

When the base realignment process is finished reshaping military installations in 2011, though, the museum will be gone.

After 88 years in Aberdeen, the military plans to relocate the Ordnance Museum to Fort Lee, Va., where it will be combined with two existing museums.

"It'll be one of the largest

Army museum complexes ever," said William Atwater, museum director.

The loss of the Ordnance Museum, once considered one of Harford County's biggest tourultimate boon to Maryland as the state readies for thousands of new jobs and the transfer of dozens of military units.

cials managing the expansion at Aberdeen say they are sad

But they consider Maryland fortunate, considering the many new jobs expected to move to the state in the next five years.

the new things that are coming understand the decision to Aberdeen Proving Ground," move the museum. said Jim Richardson, executive director of the Harford County Office of Economic Army and the Ordnance C Development.

"While we really hate to see

any disruption here, char is inevitable, and the over changes we will see are for better," he said.

U.S. Rep. C.A. Dutch Rt persberger, a former Ba more County Executive n in Congress, said "we m move on.

"I can understand that so of the veterans who are Veterans groups and offi- part of the Ordnance might concerned it's leaving," R persberger said. "But I th it's important that whereve goes, they create their own dition and be proud of w they're doing today."

Luis Fernandez, cc mander of VFW Post 10 "We're very excited about in Aberdeen, said veter

> "It doesn't belong to he said. "It belongs to ter School."

Atwater, who will re

# Last call, last nerve

After bars close, area turns wild

BY LONI INGRAHAM

Jim Oleyar, a resident of run red lights, he said. the Penthouse high-rise on. Allegheny Avenue, loves living in the middle of Towson "they go crazy."

- until the bars let out on Thursday, Friday and Saturday nights, he said.

That's when his neighthing," he said.

Even though he lives on the 21st floor, the yelling, cursing and fighting wake him up just before 2 a.m. like clockwork.

for 16 years. "But when I dents living off campus." come home I'd like a little . The patrol was created

University isn't in session. dealing with the after-hours After they leave the bars,

tles at each other, slam car doors, gun their motors and

They are so jacked up with alcohol and anger,

He has called the police several times, but he doesn't want to make a nuisance of himself. Oleyar said. borhood turns into "a wild" Anyway, the students quiet down when the police come and start up again when they leave, he said.

It would seem that the situation would be suitable. fodder for the special two-"I'm used to yelling and man patrol the Towson Prescreaming during the day," cinct instituted Nov. 1 to Oleyar said, noting he has handle complaints between been a teller for the Pim- 10 p.m. and 6 a.m. about the lico and Laurel race tracks bad behavior of college stu-

solitude." 'S and to give the surrounding He thinks it's college stu- neighborhoods the attendents, he said, noting that it tion, they deserve because quiets down when Towson the midnight shift is tied up

# Portraits (

BY LINDA GARMAN WEIMER

Art teacher Teddy Richar likes to start off the school with "something powerful."

And judging by the qualit and impact of the project, sh succeeded.

Richardson's sixth- to ei grade students at Perry Hall ( tian School on Schroeder A produced portraits of Mar military men and women who been killed in Iraq and Afg stan.

The portraits, done in an er ing-like style and tinted with pastels, are hanging from wal section of the Perry Hali Lib

"The staff and the clients a ciate them. I've overheard of conversations about ho artwork is very nice," said R Gnau, a library staff membe works closely with schools.

Each portrait is labeled wi name of the fallen soldier as student-artist.

There was no space to have 70 portraits, but 49 made it will remain there through N ber, Gnau said.



December 18, 2007

Home

**Contact Us** 

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Business in Brief (Th)

**Auctions & Public** 

Notices

BCPD BUSINESS BEAT

County unveils new recycling campaign

BUSINESS CONNECTIONS

**BUSINESS LICENSES** 

County officials are rolling out a new public awareness campaign designed to encourage county residents to recycle more.

**BUSINESS & EDUCATION** 

BUSINESS & POLITICS County Executive Jim Smith and other county officials were scheduled to announce the "It's your waste, your responsibility" campaign and logo at a Nov.

IN BUSINESS

12 ceremony recognizing St. Paul's School for Girls in Brooklandville as a Maryland Green School.

11/16/07

CHAMBER

CONNECTIONS Radio ads began running on WPOC-FM last week. Additional adds are expected CIVIC CONNECTIONS to run on Comcast Cable throughout the county and at some movie theaters.

cans -- representing a drop of more than 8 percent.

COMMENT

CRIME LOG

The county collected 32,700 tons of paper in 2006 -- a 13 percent decline since 2001. Over the same period, the county collected 7,700 tons of bottles and

**DEVELOPMENT REVIEW** 

NEWSMAKERS

Find A Home!

The decline mirrors trends both nationally and in Maryland. The reasons for the decline are not clear.

WHAT'S IN STORE

"We feel we really have a good program, and it really comes down to people have to be aware of their own responsibility," said Charles Reighart, the county's recycling and waste prevention manager.

Classifieds

-- Bryan P. Sears Searchable Ads Online

Movies, Arts &

Groups raise money for fire company

Entertainment **Archives** 

The Lutherville Volunteer Fire Company is now \$85,000 closer to the \$3.5 million goal of its capital campaign, thanks to the "Climb the Ladder Bull Roast" that local community associations staged in September.

Weather

Other Publications

The proceeds from the campaign, which was launched in May, will fund a new firehouse and a new rescue vehicle.

LifeShots New!

E-Games Fun!

Noting that 1,200 people attended the event, company president Kevin Burns, said, "It was a remarkable night, with so many of our communities coming together to support our quest for a new firehouse and rescue squad."

Lutherville, MD

The volunteers thanked the Greater Timonium Community Council and the Greater Towson Council of Community Associations, as well as community associations for Pine Valley, Valleywood, Lutherville, Seminary Ridge, Huntridge, Knollwood-Donnybrook, Dulaney Valley, Orchard Hills, Rodgers Forge, Annesite, Mays Chapel, Valley Crest, Ruxton-Riderwood-Lake Roland, Pot Spring, Spring Lake Carroll Manor and Sherwood Hills.

Forecast Radar Cameras

Loni Ingraham

Recyclin We picku recycle ir DC/MD/V Woman-c Landfill fr Secure www.TURT

Electron

Maryland Recyclin We offer search in area. Fin-Maryland Here! Maryland.Lc

Maple La Spectacu homes fro builders i County, F www.maple

Clarksbu Homes Free list ( foreclosu uppers ar sales sav montgomer





IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE

AND ZONING VARIANCE

S/S Bellona Ave., at intersection* ZONING COMMISSIONER

with Division Avenue

1609 Bellona Avenue * OF BALTIMORE COUNTY

8th Election District

4th Councilmanic District * Case No. 94-226-XA

Lutherville Volunteer Fire Co.

Petitioner

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition

for Special Exception and Petition for Zoning Variance for the property located at 1609 Bellona Avenue in Lutherville. The Petition is filed by the Lutherville Volunteer Fire Co., Inc., property owner. Within the Petition for Special Exception, relief is sought, pursuant to Section 1B01.1.C.19 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a volunteer fire company storage garage for storage of backup equipment, accessories and vehicles. Moreover, special exception relief is requested pursuant to Section 1B01.1.B.1.g(10) for a finding that the proposed improvements are planned in such a way that compliance to the extent possible with residential transition area (RTA) use requirements will be maintained, and that the special exception can, otherwise, be expected to be compatible with the character and general welfare of the surrounding residential prem-As to the Petition for Variance, relief is sought from Section ises. 1801.2.C.1.a. of the B.C.Z.R. to permit a proposed steel prefabricated garage with a rear yard setback of 10 ft. in lieu of the required 30 ft. Secondly, variance relief is requested for an existing garage to allow a side yard of 10 ft. in lieu of the required 20 ft. Lastly, variance relief is required to allow a distance of 10 ft. between the rear of the proposed steel prefrabicated garage and the side of an existing garage in lieu of the required 50 ft. All of the relief requested is more particular-

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ly shown on Petitione Exhibit No. 1, the plat to a mpany the Petitions for Special Exception and Variances.

Appearing at the public hearing held for this case was Michael L. Huber, Captain of the Lutherville Volunteer Fire Company and James D. Cahn, President of that corporation which operates the volunteer fire company. Also present was James S. Kline, a Planner with G.W. Stephens and Associates. The Petitioner was represented by Timothy L. Mullin, Jr., Esquire. Appearing in opposition to the request was Marsha McLaughlin and George Nixon, neighbors. They were represented by J. Carroll Holzer, Esquire. Walter L. Brewer, who lives in the subject area also testified, as did Gary Kerns from the Office of Planning and Zoning,

Michael L. Huber, Captain of the Lutherville Volunteer Fire Company appeared and described the property and proposed plans. Captain Huber is employed as a paid member of the Baltimore County Fire Department but is also the part time Captain of the Lutherville Volunteer Fire Company. He indicated that the membership of the company is comprised of 112 volunteers. The company has been at its present location on Bellona Avenue for many years; and its good deeds are well known throughout the community. In 1993, the company answered approximately 1523 emergency calls. clude responding to fires, as well as other emergency requests such as motor vehicle accidents and injuries. The subject site is presently improved with an existing two story concrete block fire station building. This building sits on the front of the fire company property immediately adjacent to Bellona Avenue. That section of the property is comprised of .77 acres and is predominantly zoned D.R.2. The fire company also owns a lot to the rear of the frontage on Bellona Avenue. This rear lot is 1.153 acres and is split zoned D.R.2 and D.R.5.5. It extends all the way to Seminary Avenue to the south.

Captain Huber testified that the fire company presently maintains six pieces of equipment on this site. These include a 1990 pumper engine, a 1975 pumper engine, 1986 heavy rescue squad vehicle, a 1984 Chevrolet utility vehicle, a 1992 Ford utility vehicle and a restored 1954 Mack pumper engine. He also indicated that the existing concrete building contains only 4 bays. Moreover, the 1975 pumper unit is to be replaced in July of 1994 by a new unit. Due to the number of units and proposed replacement, Captain Huber opined that the existing concrete block facility is cramped and overcrowded. Specifically, there is not enough inside storage space and a number of the units must be stored outside and exposed to the elements.

In order to alleviate these storage problems, the fire company proposes to construct a garage on the rear lot adjacent to an existing garage. The proposed structure is a one story 45 ft. wide by 42 ft. long by 24 ft. 3 inches tall structure. The proposed garage will be steel sided, gray in color with white trim to match the fire station. There will be two overhead steel doors on the garage and this additional space will allow inside storage of all of the fire company's vehicles.

Captain Huber also noted that the construction of the proposed garage will not affect the operation of the fire company in any manner. The same number of calls are expected to be answered. Moreover, it is anticipated that the new garage will be used for storage purposes only. The units which are actively answering calls will be stationed in the existing two story concrete block building which immediately faces Bellona Avenue. Moreover, there will be no heavy vehicular repair in the proposed garage, just light maintenance including oil changing, vehicle cleaning, tire rotation, etc. The garage will also be single story in height and there will be no second floor.

'n

Captain Huber and described the present and and ipated operations of the fire company. As noted above, these operations will not be affected by the construction of the proposed garage. Presently, there is training of volunteers on site relating to emergency service. There is no burning or open flames on the site in that most of the fire training is received at the Baltimore County Fire Department Headquarters.

Mr. James Cahn, President of the corporation which maintains the fire company also testified. He has been a member of the fire company for 10 years and described in great detail the prefabricated garage which is pro-He noted that the cost would be approximately \$65,000.00 and that posed. some utilities would be extended to the garage. There will be no water, however, gas and electric will be extended. Moreover, there are no lifts, rather a single floor for storage of the vehicles which are not used frequently. 'Although the garage is located to the rear of the site, the entrance will be by way of a crusher run surface driveway which extends from Bellona Avenue. Mr. Cahn also noted that the special exception use presently granted for the fire house does not extend to the rear lot including that part of the property on which the garage is to be located. Mr. Cahn also described efforts made to shield the fire company's operations and the proposed building from the community. He indicated that vegetation and landscaping in the rear of the site would not be removed but will be left to buffer the buildings. He also opined that indoor storage of the vehicles might be more acceptable to the community in that that would take them out of open view.

James Kline, the land planner who prepared the site plan, also testified. He offered into evidence Petitioner's Exhibit No. 3, which is a plat of the property showing the correct placement of the tree line and landscaping towards the rear of the site. Mr. Kline described in detail the pro-

posed improvements and corroborated much of Captain Huber's and Mr. Cahn's testimony.

Testifying in opposition to the request was Marsha McLaughlin who lives in Lutherville. She conceded that the station has been part of the Lutherville landscape for many years and complimented that station on the fine public service which it provides. However, she believes that over time, the station has outgrown its property. She noted the explosion of development in the Lutherville and surrounding area which the fire station serves and that the number of calls answered by the station have increased dramatically over the years. In view of this increase in population in this area, she believes that the time has come for the fire station to find a larger property from which to base its operations. Although not particularly opposed to the proposed garage, any future expansion is a cause for concern in Mrs. McLaughlin's view.

Mrs. McLaughlin's testimony was echoed by George Nixon and other residents of the area. He lives not far from the intersection of Morris Bellona Avenues and acknowledged the good work by the volunteer fire company in Lutherville. However, he did observe that this is a mature residential community and a stable neighborhood. He is concerned that continued expansion of the fire company will overcrowd the land and burden the area.

Testimony was also received from Walter Brewer. Mr. Brewer has been a member of the volunteer fire company for many years and also lives in the surrounding community. He described his position as being caught on the horns of a dilemma, in that he appreciates the fine work of the fire company but is aware of the community's concerns. After balancing these considerations, he opined that the volunteer fire company is an integral part of this community and that the proposed special exception and variance should be granted.

Planning Division of the Office of Planning and Zoning (OPZ), and John McGrain, also, of OPZ. Their testimony will be discussed in connection with the special relief requested herein.

It is also to be noted that after the public hearing was concluded, counsel for both the Petitioner and Protestants requested an opportunity to submit written briefs outlining their respective positions. This Zoning Commissioner provided both sides with adequate opportunity to submit written memorandum. Prior to the submission of memorandum, additional correspondence was received evidencing an agreement between the fire company and the Lutherville Community Association, Inc. In fact, written correspondence was received by this Zoning Commissioner evidencing said agreement which included a Declaration of Restrictive Codenants which have been recorded among the Land Records of Baltimore County. The parties jointly requested that any decision issued by this office approving the zoning relief sought include, as a restriction, adoption of the restrictions previously referred to. Thus, it appears as if the parties have addressed and resolved their concerns by agreement. This agreement will be considered within my deliberations of the merits of this case.

The first issue for consideration relates to the requested special exception for a volunteer fire company in a D.R.5.5 zone pursuant to Section 1801.1.C.19 of the B.C.Z.R. As noted above, the "front" portion of the property previously received special exception approval. The Petitioner has requested an extension of the special exception use to the rear lot.

A special exception use is part of the comprehensive zoning process which enjoys a presumption that same is appropriate in a particular zone.

See Rockville Fuel and Feed Co., Inc. v. Board of Appeals of the City of

Gaithersburg, 257 Md. 183, 262 A2d 499 (1970). That is, a special exception is presumptively permissible, absent a showing that the proposed use fails to meet the standards contained within Section 502.1 of the B.C.Z.R. Schultz v. Pritts, 432 A2d 1319 (1981). That section of the regulations provides a comprehensive list of those factors which must be considered by the Zoning Commissioner in evaluating a special exception use. They include such items as traffic, pollution, water run off, stormwater management, and etc. The Petitioner bears the burden of adducing testimony and evidence that the proposed use will not be detrimental to the health, safety and general welfare of the locale in accordance with the factors enumerated in Section 502.1 of the B.C.Z.R.

There was no direct opinion testimony offered by the Petitioner as to whether those standards were met. Rather, the testimony offered described the general and specific impacts of the existing fire station use and proposed expansion. In this instance, I am afforded the luxury of receiving testimony about this use as it has existed over the years. That is, this is not a new use proposed for the site. As was noted by both Captain Huber and Mr. Cahn, the proposed operation of the facility will not be changed due to the proposed expansion.

After due consideration of the evidence and testimony presented, I am persuaded that the Petition for Special Exception should be granted. I am appreciative of the citizens' concern regarding this site. It is indeed nestled within a residential community and Bellona Avenue is not an arterial roadway. Nonetheless, as presently constituted and operated, the special exception use is appropriate. The proposed garage will not enlarge operations. In fact, it may prove to be of benefit to the community by placing vehicles inside which are presently stored out of doors and visible to the neighborhood. Thus, I am persuaded to approve the Petition for Special exception for Special exception of the special exception of the

cial Exception in that I believe that the present trations can continue without detriment to the community. Expansion of said operations or additional construction, however, would mandate an additional public hearing pursuant to a Petition for Special Exception and/or Special Hearing in the future.

The second issue raised within the Petition for Special Exception relates to the Residential Transition Area (RTA) and the Petitioner's request for a finding that the proposed use complies with Section 1801.1.B.1.g.(10) of the B.C.Z.R. RTA's are defined within Section 1B01.1.B.1 of the B.C.Z.R. Therein, an RTA is defined as a 100 foot area, including any public road or public right of way which extends from a D.R.zone tract boundary into the site to be developed. Moreover, the regulations provide that the purpose of an R.T.A. is to assure that similar housing types are built adjacent to one another or that adequate buffers or screening are provided between dissimilar housing types. The regulations go on to list a number of exemptions from the R.T.A. requirements. One of the exemptions is contained within Section 1B01.1.B.1.g.(10) of the B.C.Z.R. Therein, it is provided that a new community building or other structures devoted to civic, social, recreational, fraternal or educational activity are exempt from the R.T.A. requirements if the Zoning Commissioner determines that the proposed improvements are planned in such a way that compliance to the extent possible with the R.T.A. use requirements will be maintained. Moreover, a finding must be made that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. The Office of Planning and Zoning; during the testimony and Gary Kerns, Chief of Community Planning Division, has taken the position that R.T.A. is indeed applicable to

this site. Thus, OPZ believes that a variance from the R.T.A. requirements is required in that same are applicable to this site. I disagree.

Section 101 of the B.C.Z.R. defines a number of the terms used throughout the regulations. Moreover, it is provided that if any term is not specifically defined, the ordinarily accepted meaning of the word shall be applied as found in Webster's Third New International Dictionary of the English Language Unabridged. The term "civic" is not defined in the B.C.Z.R. However, the term is quite obviously defined within Webster. Therein, civic is defined to mean "forming a component of or connected with the functioning, integration and development of a civilized community involving the common public activities and interests of the body of citizens". Moreover, the definition includes those activities "concerned with or contributing to the general welfare of the betterment of life for the citizenry of a community". In my view, a fire house is a civic building. The use of the fire house and the nature of the business operated on this property are civic in nature. Services provided by the Lutherville Volunteer Fire Company are among the most basic services required by any community. This is a "not for profit" operation which exists to serve the needs of the citizens of Lutherville and the surrounding area. The proposed building, which will be used to store equipment used in this purpose, must be considered a civic building. Thus, in my view, the proposed structure is, indeed, devoted to civic activity and is thereby exempt from the R.T.A. requirements.

Moreover, in view of that exemption language, and based upon the testimony and evidence presented, I find that the proposed improvements are planned in such a way that compliance, to the extent possible with R.T.A. use requirements, will be maintained and that the special exception can, otherwise, be expected to be compatible with the character and general

welfare of the surrous ing residential premises. Thus, the Petition for Special Exception, in its entirety, shall be granted. Again, it is to be particularly emphasized that my judgment is based upon the site plan presented which depicts the existing use of the property and the proposed garage. Any future expansion need require additional consideration.

Having addressed the Petition for Special Exception, attention is next turned to the Petition for Variance. As noted above, three variances are requested, all which relate to the location of the proposed garage. Section 307 of the B.C.Z.R. provides the standard by which variances must be adjudged. Therein, it is provided that a variance can be granted only if the Petitioner shows a practical difficulty or unreasonable hardship. Moreover, variance relief can only be approved if the proposed use will not be detrimental to the surrounding locale and is consistent with the spirit and intent of the regulations. In this case, I find that the Petitioner has satisfied its burden at law. The site constraints imposed by the narrow configuration of this property satisfy the practical difficulty stan-The garage cannot be located in any area other than where it is dard. proposed. Strict compliance with the setback regulations would deprive the Petitioner of a reasonable use of the property for this purpose. Thus, the Petition for Variance shall be granted.

Having addressed the special exception and variance relief requested, a final comment is in order about restrictions to the relief granted (Section 502.2). The B.C.Z.R. and County Code (Section 26-127) allow this Zoning Commissioner to impose reasonable restrictions upon the grant of any variance or special exception. As noted above, I share the community's concerns over additional expansion. The site is, indeed, within a community conservation area and near the County historic district. In fact, Mr. McGrain indicated that the County historic district line coincides exactly

with the western boundary of this property. Thus, provisions should be made for the protection of the existing community and to ensure that the operation and character of the site do not change. For these reasons, I shall impose as conditions on the relief granted, the terms and provisions of the Declaration for Restrictive Covenant attached to the agreement by and between the parties. In addition to running with the land as part of the Land Records of Baltimore County, the covenants and agreements therein shall be a condition precedent to the granting of this Order. Thus, a copy of the aforementioned restrictive covenants entitled "Declaration of Restrictions" will be attached to this Order and incorporated herein.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this I day of March, 1994 that, pursuant to the Petition for Special Exception, approval for addition of a storage garage for storage of backup equipment, accessories and vehicles, pursuant to Section 1801.1.C.19 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a special exception, pursuant to Section 1B01.1.B.1.g(10), for a finding that the proposed improvements are planned in such a way that compliance to the extent possible with residential transition area (RTA) use requirements will be maintained and that the special exception can, otherwise, be expected to be compatible with the character and general welfare of the surrounding residential premises, be and is hereby GRANTED: and

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.1.a. of the B.C.Z.R. to permit a proposed steel prefabricated garage with a rear

yard setback of 10 ft in lieu of the required 30 ft be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance for an existing garage to allow a side yard of 10 ft., in lieu of the required 20 ft., be and is hereby GRANTED: and,

IT IS FURTHER ORDERED that a variance to allow a distance of 10 ft. between the rear of the proposed steel prefrabicated garage and the side of an existing garage, in lieu of the required 50 ft., be and is hereby GRANT-ED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1. The Petitioner is hereby made aware that proceeding at this time is at its 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 agreement by and between the Lutherville Volunteer Fire Company and the Lutherville Community Association, entitled Declaration of Restrictions, dated February 15, 1994, be and is hereby incorporated as a condition to the relief granted herein.

LAWRENCE É. SCHMIDT

Zoning Commissioner for

Baltimore County

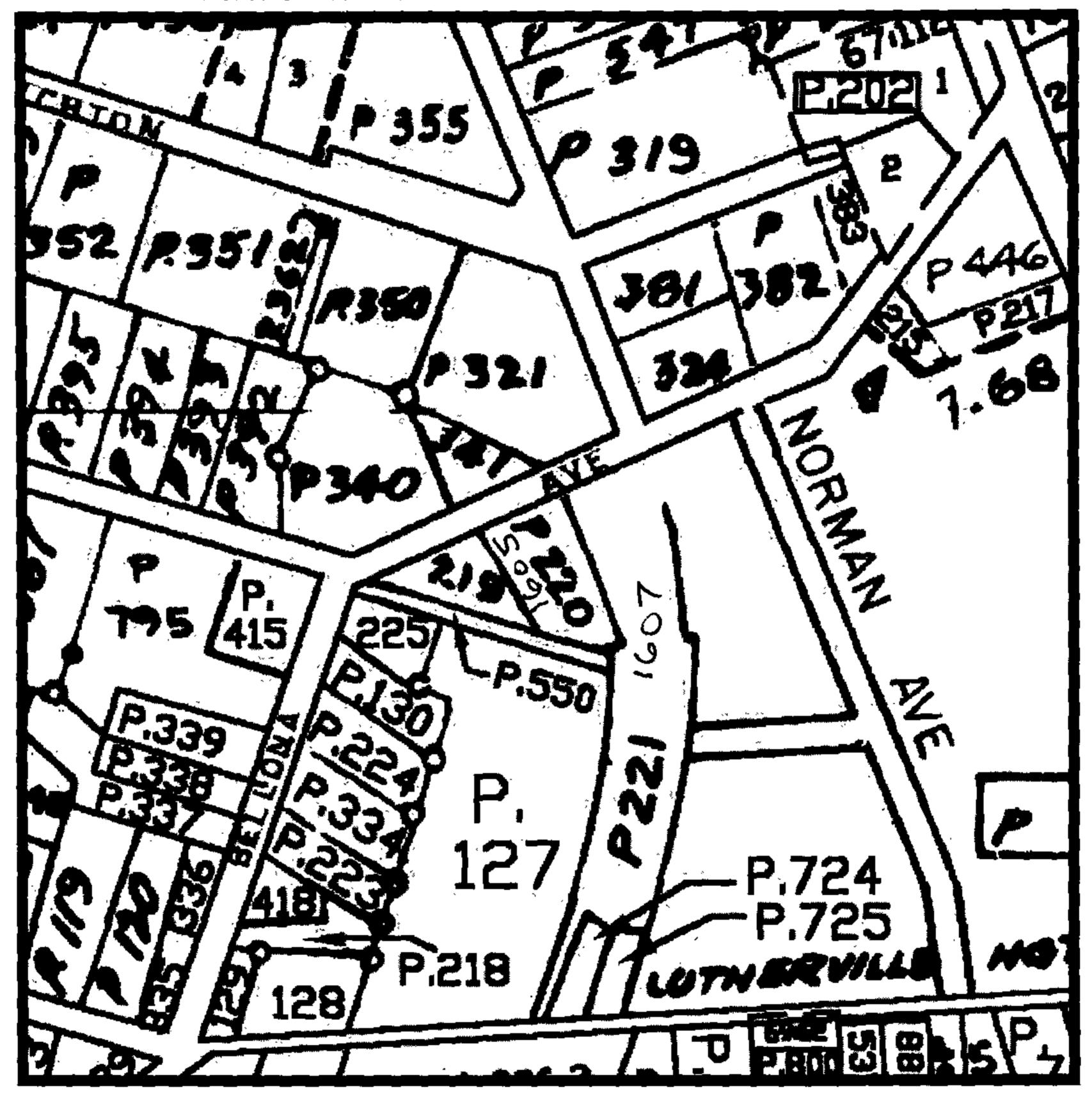
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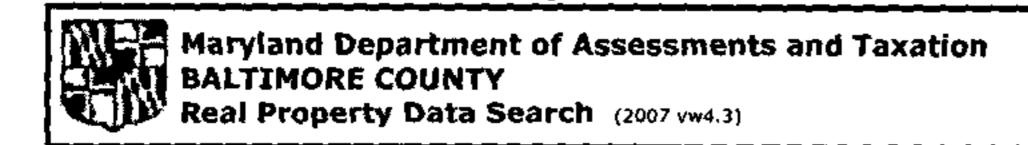
Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

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District - 08 Account Number - 0819007901



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 <a href="https://www.midp.state.md.us/webcom/index.html">www.midp.state.md.us/webcom/index.html</a>



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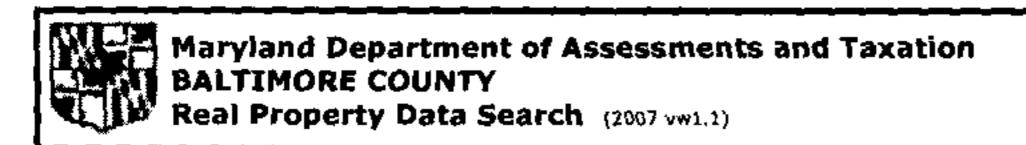
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**Account Identifier:** District - 08 Account Number - 1800003621 **Owner Information** LUTHERVILLE VOLUNTEER FIRE CO INC EXEMPT COMMERCIAL **Owner Name:** Use: Principal Residence: NO **Deed Reference:** 1) / 5947/ 455 Mailing Address: 1607 BELLONA AV **LUTHERVILLE MD 21093 Location & Structure Information Legal Description Premises Address** 1,923 AC SS BELLONA **BELLONA AVE** 142 W NORMAN AV Plat No: Parcel **Sub District** Section Block Lot Grid Subdivision Assessment Area Map Plat Ref: 60 24 221 Town **Special Tax Areas Ad Valorem** Tax Class **Primary Structure Built Enclosed Area Property Land Area** County Use 1.00 AC 01 0000 Exterior **Basement** Stories Type Value Information **Base Value** Value Phase-in Assessments As Of As Of As Of 01/01/2005 07/01/2007 07/01/2008 147,700 147,700 Land Improvements: 521,500 521,500 669,200 NOT AVAIL Total: 669,200 669,200 Preferential Land: NOT AVAIL **Transfer Information** Seiler: LUTHERVILLE VOLU NTEER FIRE CO **Date:** 10/17/1978 Price: \$0 Type: NOT ARMS-LENGTH **Deed1:** / 5947/ 455 Deed2: Seller: Date: Price: Deed1: Deed2: Type: Price: Seller: Date: Deed2: Deed1: Type: **Exemption Information Partial Exempt Assessments** 07/01/2007 07/01/2008 Class County 000 State 000 Municipal 000 Tax Exempt: **COUNTY AND STATE** Special Tax Recapture: * NONE * **Exempt Class:** 

2.533



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COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND LEGISLATIVE SESSION 1992, LEGISLATIVE DAY NO. 5
BILL NO. 40-92
A BILL
ENTITLED

AN ACT concerning

Baltimore County Zoning Regulations

FOR the purpose of modifying the Baltimore County Zoning Regulations in order to permit certain exceptions to the residential transition area provisions.

BY adding

Section 1801.18.1g. and h.

Baltimore County Zoning Regulations, as amended by Bill No. 2-92 WHEREAS, the Baltimore County Council has received a final report from the Planning Board dated September 19, 1991 concerning the subject legislation and held a public hearing thereon on November 26, 1991; and

WHEREAS, pursuant to that report, the Council approved Bill No. 2-92; and

WHEREAS, Bill No. 2-92 inadvertently deleted the exceptions to the residential transition area provisions, and it is the intention of this legislation to reinstate those exceptions; now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 1801.18.1g. and h. be and they are hereby added to the Baltimore County Zoning Regulations, as amended by Bill No. 2-92, to read as follows:

G. EXCEPTIONS TO RESIDENTIAL TRANSITION

THE RESTRICTIONS CONTAINED IN SUB-SUBPARAGRAPHS A. THROUGH

E. ABOVE, OF THIS SUB-PARAGRAPH B.1, DO NOT APPLY TO:

1. A PROPOSED DWELLING TO BE PLACED IN A RTA CONTAINING EXISTING DWELLINGS OF THE SAME TYPE, OR, IF TWO OR MORE TYPES OF DWELLINGS EXIST, A PROPOSED DWELLING OF THE SAME TYPE AS THE EXISTING DWELLING WITH THE FEWEST NUMBER OF DWELLING UNITS. SUCH DWELLINGS SHALL BE GOVERNED BY THE APPLICABLE LAWS, ZONING REGULATIONS AND POLICIES OTHERWISE APPLICABLE. AS USED HEREIN, A "DWELLING OF THE SAME TYPE" MEANS A DWELLING WHICH HAS THE SAME OR LESSER NUMBER OF DWELLING UNITS AND PARTY WALLS AS THE EXISTING DWELLING UNITS.

- 2. PUBLIC UTILITY USES (EXCEPT PUBLIC UTILITY SERVICE CENTERS AND STORAGE YARDS). SUCH USES SHALL BE GOVERNED BY THE PROVISIONS OF SECTIONS 411, 502 AND SUCH OTHER APPLICABLE SECTIONS OTHESE REGULATIONS.
- 3. NOTWITHSTANDING THE PROVISIONS OF SECTION 104, THE RECONSTRUCTION OF AN EXISTING CHURCH, COMMUNITY BUILDING, OR OTHER STRUCTURE DEVOTED TO CIVIC, SOCIAL, RECREATIONAL, FRATERNAL, OR EDUCATIONAL ACTIVITY WHICH IS DESTROYED BY FIRE OR OTHER CASUALTY. HOWEVER, SUCH RECONSTRUCTION MAY NOT INCREASE THE SIZE OR GROUND FLOAREA OF THE STRUCTURE OR ALTER THE LOCATION OR USE OF THE STRUCTURE.
- RELIGIOUS WORSHIP, INCLUDING PARKING AREAS AND DRIVEWAYS, PROVIDED ALL OTHER APPLICABLE ZONING REGULATIONS, INCLUDING SETBACK, PARKING, AND SCREENING REQUIREMENTS, ARE MAINTAINED.
- 5. A NEW CHURCH OR OTHER BUILDING FOR RELIGIOUS WORSHIP CONSTRUCTED ON A PARCEL OF LAND LARGE ENOUGH TO PROVIDE LANDSCAPED BUT OTHERWISE UNIMPROVED YARD AREAS OF 100 FEET BETWEEN ANY IMPROVEMENT AN ANY PROPERTY LINE OTHER THAN STREET FRONTAGES.
- THE SITE PLAN FOR WHICH HAS BEEN APPROVED AFTER A PUBLIC HEARING IN ACCORDANCE WITH SECTION 500.7. ANY SUCH HEARING SHALL INCLUDE A FINDING THAT THE PROPOSED IMPROVEMENTS ARE PLANNED IN SUCH A WAY THAT COMPLIANCE, TO THE EXTENT POSSIBLE WITH RTA USE REQUIREMENTS WILL BE MAINTAINED AND THAT SAID PLAN CAN OTHERWISE BE EXPECTED TO BE COMPATIBLE WITH THE CHARACTER AND GENERAL WELFARE OF THE SURROUNDING RESIDENTIAL PREMISES.
- 7. SHORELINE FISHING AND SHELLFISH FACILITIES. SUCH USES SHALL BE GOVERNED BY THE PROVISIONS OF SECTION 500.4 AND SUBPARAGRAPHS 1A01.2.C9, 1A02.2.B.10, IA04.2.B.7, AND 1B01.1.C.7A OF THESE REGULATIONS.
- 8. AN ADDITION TO AN EXISTING TRAILER PARK OR HOBILE HOME PARK OR TO PROPERTY WHICH IS A PART OF SUCH PARK OR CONTIGUOUS TO SUCH PARK, IF THE PARK IS LAWFULLY IN EXISTENCE IN A D.R. ZONE ON THE EFFECTIVE DATE OF THIS ACT.
- STRUCTURE DEVOTED TO CIVIC, SOCIAL, RECREATIONAL, FRATERNAL OR OTHER EDUCATIONAL ACTIVITY, INCLUDING PARKING AREAS AND DRIVEWAYS, PROVIDED ALL OTHER APPLICABLE ZONING REGULATIONS, INCLUDING SETBACK, PARKING, AND SCREENING REQUIREMENTS, ARE MAINTAINED.

MAINTAINED AND THAT THE COMPLIANCE, THAT THE PROPOSED IMPROVEMENTS ARE RESIDENTIAL PREMISES. BE COMPATIBLE WITH THE CHARACTER AND GENERAL WELFARE OF THE SURROUNDING ZONING COMMISSIONER DETERMINES SOCIAL, TO THE EXTENT POSSIBLE WITH RTA USE RECREATIONAL, FRATERNAL OR EDUCATIONAL ACTIVITY, IF A NEW COMMUNITY BUILDING, OR OTHE SPECIAL EXCEPTION CAN OTHERWISE DURING THE PLANNED IN SUCH A WAY THAT SPECIAL EXCEPTION PROCESS REQUIREMENTS, WILL BE R STRUCTURES DEVOTED TO BE EXPECTED 표 검

CENTERS, PROVIDED THAT THE ZONING COMMISSIONER DETERMINES, DURING THE SPECIAL EXCEPTION PROCESS THAT THE PROPOSED IMPROVEMENTS ARE PLANNED IN SUCH A WAY THAT COMPLIANCE WITH THE BULK STANDARDS OF SECTION 424.7 WILL BE MAINTAINED AND THAT THE SPECIAL EXCEPTION CAN OTHERWISE BE EXPECTED TO BE COMPATIBLE WITH THE CHARACTER AND GENERAL WELFARE OF THE SURROUNDING RESIDENTIAL PREMISES.

12. THE CONVERSION OF A DWELLING TO A BED AND BREAKFAST HOME, BED AND BREAKFAST INN, OR COUNTRY INN PURSUANT TO SECTION 402D OR 402E.

13. NOTWITHSTANDING THE PROVISIONS OF SECTION 104, THE RECONSTRUCTION OF AN EXISTING NURSING HOME WHICH IS DESTROYED BY FIRE OR OTHER CASUALTY. HOWEVER, SUCH RECONSTRUCTION MAY NOT INCREASE THE SIZE OR GROUND FLOOR AREA OF THE STRUCTURE OR ALTER THE LOCATION OR USE OF THE STRUCTURE.

14. TRANSIT FACILITIES AND RAIL PASSENGER STATIONS SHALL BE EXEMPT FROM THE RTA REQUIREMENTS.

H. THE PROVISIONS CONTAINED IN SUB-SUBPARAGRAPHS A. THROUGH E., OF SUBPARAGRAPH B.1., SHALL NOT APPLY TO EXISTING DEVELOPMENTS AS DESCRIBED IN SUB-PARAGRAPH A.1 OF SUBSECTION 1802.3, NOR TO SUBDIVISION DESCRIBED IN SUBPARAGRAPH A.2 OF SAID SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect on March 2, 1992.

READ AND PASSED this and day of Manch, 1992

FY OPDER

Thumas J. Peddicord, Jr.

Thomas J. Peddicord, Jr.
Secretary

APPROVED AND ENACTED:

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15 TRUE AND COPROCT

AND TOOK EFFECT ON

I HEREAY CERTIFY THAT

William A. Howard, IV Chairman, County Council

263

A. (4)

# County Council of Baltimore County Maryland

Legislative Session 1982, Legislative Day No. 14

BILL NO. 109-82

Messrs. Gallagher, Hickernell, Lauenstein, Councilmembers

By the County Council, June 21, 1982

### A BILL

### ENTITLED

AN ACT concerning

Residential Transition Areas

FOR the purpose of clarifying certain language of the Baltimore County Zoning Regulations with respect to Residential Transition Areas and uses permitted therein; clarifying the requirements relating to a minimum building setback and buffer area in an RTA; and providing certain exceptions to RTA requirements in certain cases.

BY repealing and re-enacting, with amendments,

Subsection 1B01.1

Subsubparagraphs B.1.b. and c.

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon, now, therefore

SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland, that subsubparagraphs B.1.b. and c. of Subsection 1B01.1. of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

Section 1B01.1 — REGULATIONS WITH RESPECT TO D.R. ZONES IN GENERAL.

1B01.1 — General Use Regulations in D.R. Zones.

- B. Dwelling-Type and Other Supplementary Use Restrictions Based on Existing Subdivision and Development Characteristics.
  - 1. Residential Transition Areas and Uses Permitted Therein.
- b. Restrictions in residential transition areas. A residential transition use is permitted, either as a matter of right or by special exception in accordance with sub-subparagraph a.2 above, in a residential transition area subject to the following restrictions:
  - 1. The maximum height of any building is 35 feet.
- 2. The maximum width OR LENGTH of any elevation of a detached building or group of attached buildings is 130 feet.
- 3.(A) The following [measurements are] SETBACK IS to be measured along a line which is perpendicular at any point along the property line. For purposes of this requirement, the property line is the outermost boundary of the lot or site of the new use to be developed:
- [(a)] The minimum building setback from any [abutting] residential lot line that is in a residential transition area, and that exists at the time the new use is to be established, is 75 feet if the front or side of any PROPOSED building faces the lot line, or 150 feet if the rear of any PROPOSED building faces the lot line.
- (b) [A buffer area shall be provided between any new use and any abutting residential lot line that is in a residential transition area and that exists at the time the propose use is to be established.] A BUFFER AREA SHALL BE PROVIDED AND SITUATED SO AS TO EFFECTIVELY SCREEN OFF-SITE DWELLINGS, YARD AREAS, AND VACANT LOTS OF TWO (2) ACRES OR LESS IN AREA, THAT LIE WITHIN 300 FEET OF A PROPOSED BUILDING OR PARKING LOT. The buffer area may not be less than 50 feet in width if the front or side of any PROPOSED building faces the lot line, or NOT LESS THAN 75 feet in width if the rear of any PROPOSED building faces the lot line or the new use is a parking lot.
- (C) THE REQUIREMENTS OF (A) AND (B) OF THIS PART 3. ARE NOT AFFECTED BY THE EXISTENCE OF A PUBLIC OR PRIVATE ROAD, RIGHT-OF-WAY, OR EASEMENT, OR A PROPOSED ROAD, RIGHT-OF-WAY, OR EASEMENT, BETWEEN OR INTERSECTING THE NEW USE AND THE RESIDENTIAL LOT LINE OR THE OFF-SITE DWELLING OR LOT.

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- 4. A minimum separation is required between detached principal buildings in a residential transition area. The minimum separation shall be a distance equal to one and one-half times the height of the higher building.
- 5.(a)(1) The purpose of the buffer area requirement is to provide a method of screening a proposed residential transition area. In order to accomplish that purpose, the buffer area shall consist of vegetation or woodland, at least 70% of which shall be evergreen trees of a minimum height of 6 feet, and 10% of which shall be shrubs of a minimum spread of 15 inches. The buffer area shall contain one tree or shrub for each 3-12 feet of the [boundary] TOTAL LENGTH AND WIDTH of the buffer area.
- (2) UPON THE ADOPTION BY THE COUNTY COUNCIL OF THE MANUAL OF LANDSCAPING STANDARDS PURSUANT TO SECTION 22-105 OF TITLE 22 OF THE BALTIMORE COUNTY CODE, THE STANDARDS CONTAINED IN SUCH MANUAL SHALL SUPERSEDE THE REQUIREMENTS OF (A)(1) ABOVE WITH RESPECT TO THE MINIMUM CONTENTS OF THE BUFFER AREA.
- (b) No other uses are permitted within the buffer area, except walkways, site landscaping, STORM DRAIN EASEMENTS, and tother similar site amenities.] PUBLIC UTILITY USES OTHER THAN A PUBLIC UTILITY SERVICE CENTER OR A STORAGE YARD OR A ROAD OR A RIGHT-OF-WAY.
- (c) If a portion of the requirement can be met with existing vegetation or woodland, the existing vegetation or woodland may be supplemented in a manner acceptable to the Planning Board, the Zoning Commissioner, or the Board of Appeals, as the case may be.
- 6. (a) The maximum height of any lighting fixture in a residential transition area is 16 feet.
- (b) Any lighting fixture in a residential transition area shall be designed and placed so as to prevent the spillage of light into

any adjoining dwelling or lot. The intensity of any lighting fixture shall also be limited in order to accomplish this purpose.

- 7. The provisions of Section 307 of these regulations are not applicable to the requirements of this sub-subparagraph.
  - c. Exceptions to residential transition

The [provisions of] RESTRICTIONS CONTAINED IN subsubparagraph [B.] b. of this subparagraph [b.1] B.1 do not apply to:

- 1. [A] EXCEPT IN A CASE ARISING UNDER SUBSUB-PARAGRAPH b.3.(d), A proposed dwelling to be placed in a residential transition area containing existing dwellings of the same type, or, if two or more types of dwellings exist, a proposed dwelling of the same type as the existing dwelling with the fewest number of dwelling units. Such dwellings shall be governed by the applicable laws, zoning regulations and policies otherwise applicable. As used herein, A "dwelling of the same type" means a dwelling which has the same or a lesser number of dwelling units and party walls as the existing dwelling units.
- 2. Public utility uses (except public utility service centers and storage yards). Such uses shall be governed by the provisions of Sections 411, 502 and such other applicable sections of these regulations.
- 3. Notwithstanding the provisions of Section 104, the reconstruction of an existing church, community building, or other structure devoted to civic, social, recreational, fraternal, or educational activity which is destroyed by fire or other casualty. However, such reconstruction may not increase the size or ground floor area of the structure or alter the location or use of the structure.
- 4. AN ADDITION TO AN EXISTING CHURCH OR OTHER BUILDING FOR RELIGIOUS WORSHIP, INCLUDING PARKING AREAS AND DRIVEWAYS, PROVIDED ALL OTHER APPLICABLE ZONING REGULATIONS, INCLUDING SETBACK, PARKING, AND SCREENING REQUIREMENTS, ARE MAINTAINED.
- 5. A NEW CHURCH OR OTHER BUILDING FOR RELIGIOUS WORSHIP CONSTRUCTED ON A PARCEL OF LAND LARGE ENOUGH TO PROVIDE LANDSCAPED BUT OTHERWISE UNIMPROVED YARD AREAS OF 100 FEET BETWEEN ANY IMPROVEMENT AND ANY PROPERTY LINE OTHER THAN STREET FRONTAGES.

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- 6. A NEW CHURCH OR OTHER BUILDING FOR RELI-GIOUS WORSHIP, THE SITE PLAN FOR WHICH HAS BEEN APPROVED AFTER A PUBLIC HEARING IN ACCORDANCE WITH SECTION 500.7. ANY SUCH HEARING SHALL IN-CLUDE A FINDING THAT THE PROPOSED IMPROVEMENTS ARE PLANNED IN SUCH A WAY THAT COMPLIANCE, TO THE EXTENT POSSIBLE WITH RTA USE REQUIREMENTS, WILL BE MAINTAINED AND THAT SAID PLAN CAN OTHER-WISE BE EXPECTED TO BE COMPATIBLE WITH THE CHAR-ACTER AND GENERAL WELFARE OF THE SURROUNDING RESIDENTIAL PREMISES.
  - [4.] 7. Shoreline fishing and shellfish facilities.

Such uses shall be governed by the provisions of Section 500.4 and subparagraphs 1A01.2.C.9, 1A02.2.B.10, 1A04.2.B.7, and 1B01.1.C.7A of these regulations.

- 8. AN ADDITION TO AN EXISTING TRAILER PARK OR MOBILE HOME PARK OR TO PROPERTY WHICH IS A PART OF SUCH PARK OR CONTIGUOUS TO SUCH PARK, IF THE PARK IS LAWFULLY IN EXISTENCE IN A D.R. ZONE ON THE EFFECTIVE DATE OF THIS ACT.
- 9. AN ADDITION TO AN EXISTING COMMUNITY BUILDING, OR OTHER STRUCTURES DEVOTED TO CIVIC, SOCIAL, RECREATIONAL, FRATERNAL OR EDUCATIONAL ACTIVITY, INCLUDING PARKING AREAS AND DRIVEWAYS, PROVIDED ALL OTHER APPLICABLE ZONING REGULATIONS, INCLUDING SETBACK, PARKING, AND SCREENING REQUIREMENTS, ARE MAINTAINED.
- 10. A NEW COMMUNITY BUILDING, OR OTHER STRUCTURES DEVOTED TO CIVIC, SOCIAL, RECREATIONAL, FRATERNAL OR EDUCATIONAL ACTIVITY, IF THE ZONING COMMISSIONER DETERMINES DURING THE SPECIAL EXCEPTION PROCESS THAT THE PROPOSED IMPROVEMENTS ARE PLANNED IN SUCH A WAY THAT COMPLIANCE, TO THE EXTENT POSSIBLE WITH RTA USE REQUIREMENTS, WILL BE MAINTAINED AND THAT THE SPECIAL EXCEPTION CAN OTHERWISE BE EXPECTED TO BE COMPATIBLE WITH THE CHARACTER AND GENERAL WELFARE OF THE SURROUNDING RESIDENTIAL PREMISES.
- 11. ANY ZONING PETITION PREPARED IN ACCORDANCE WITH BILL NO. 124-81 AND FILED PRIOR TO JUNE 30, 1982.

### (Page 6 — Bill No. 109-82)

SECTION 2. And Be It Further Enacted, that this Act shall take effect forty-five days after its enactment.

READ AND PASSED this 6th day of July, 1982.

By Order

Thomas Toporovich, Secretary

PRESENTED to the County Executive for his approval this 7th day of July, 1982.

Thomas Toporovich, Secretary

APPROVED AND ENACTED: 7/12/82

Donald P. Hutchinson, County Executive

I HEREBY CERTIFY THAT BILL NO. 109-82 IS TRUE AND CORRECT AND TOOK EFFECT ON AUGUST 26, 1982.

James T. Smith, Jr., Chairman, County Council

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter stricken from existing law.

Strike out indicates matter stricken from bill.

Italics indicate amendments to bill.

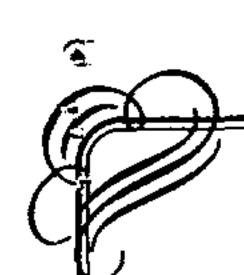
Case No.: 08-169 SPHXA 1605-07 Bellona ave

### **Exhibit Sheet**

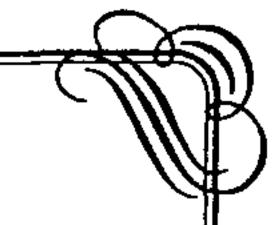
### Petitioner/Developer

### Protestant

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No. 2	avial Photograph or Existing Site	
No. 3	Letter of Support	
No. 4	Proposed Tolds anchetectul Elevation	
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No. 12		







William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
111 West Chesapeake Avenue
Towson, MD 21204

Re:

Petition for Special Hearing, Special Exception and Variance

1605-1607 Bellona Avenue

Lutherville Volunteer Fire Company, Inc., Petitioner

Case Number: 08-169-SPHXA

Dear Sir:

I am writing to you on behalf of the Lutherville Community Association ("LCA") to express its support for the petitions of the Lutherville Volunteer Fire Company, Inc. (the "Fire Company") in the above matter. The LCA represents the community in which the above property is located and the adjacent area. The Fire Company has been part of our community since 1909, and at this location since about 1927.

At the General Meeting of the LCA held on January 9, 2007, the Fire Company made a presentation to the membership about its proposed building renovation and expansion plans. At the conclusion of that presentation, a motion was made, seconded and passed overwhelmingly for the LCA to support the project. The Chairman of our Zoning Committee has also had an opportunity to review the above Petitions and the accompanying site plan and has not objections to the Petitions. We are pleased to offer the support of the LCA to the Petitions so that the Fire Company can move forward on its project. LCA respectfully requests that the Petitions be granted.

PETITIONER'S

EXHIBIT NO.

3

Jeffrey Dier

President

Sincerely

Lutherville Community Association

209 Morris Ave.

Lutherville, Md. 21093

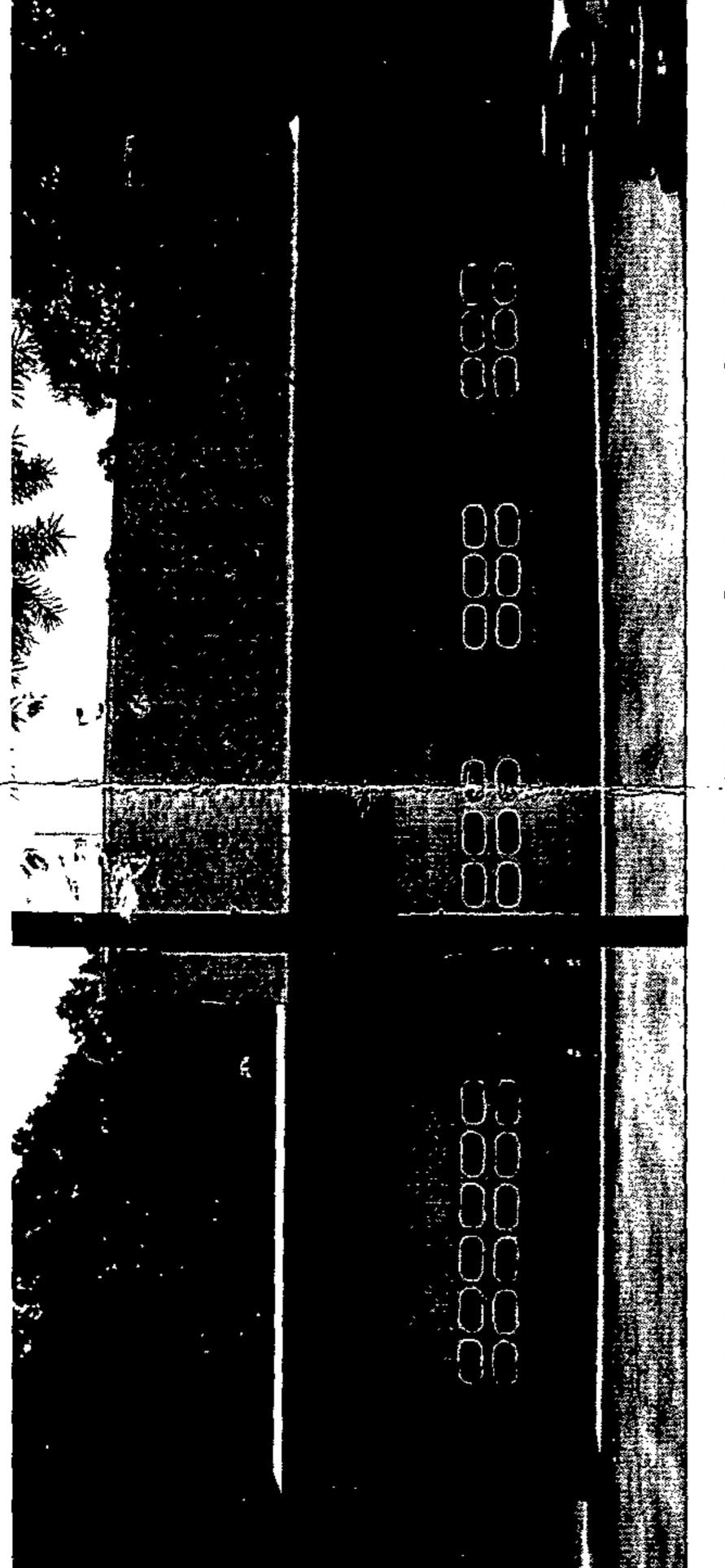
443-834-2161

cc: Lutherville Volunteer Fire Company, Inc.

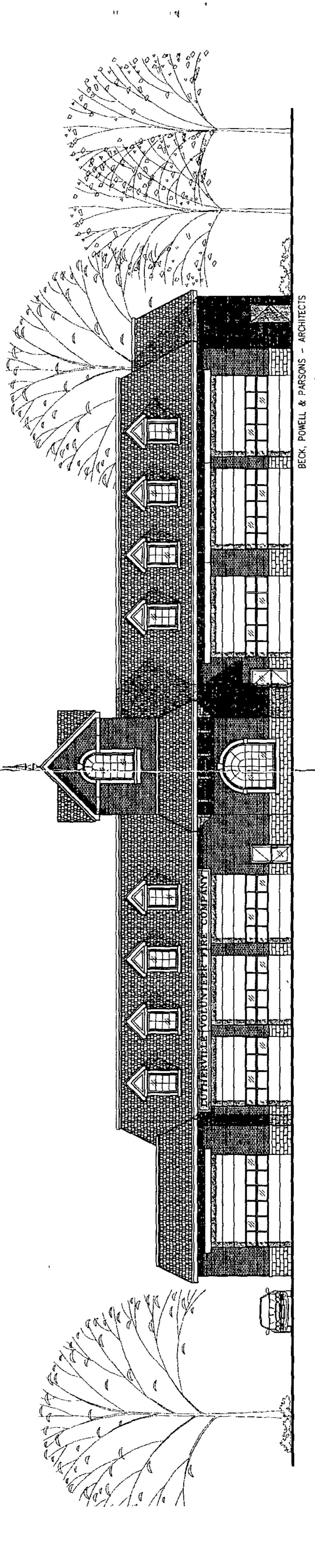
People's Counsel for Baltimore County Lutherville

Community Association

Post Office Box 6 Lutherville, Maryland 21094

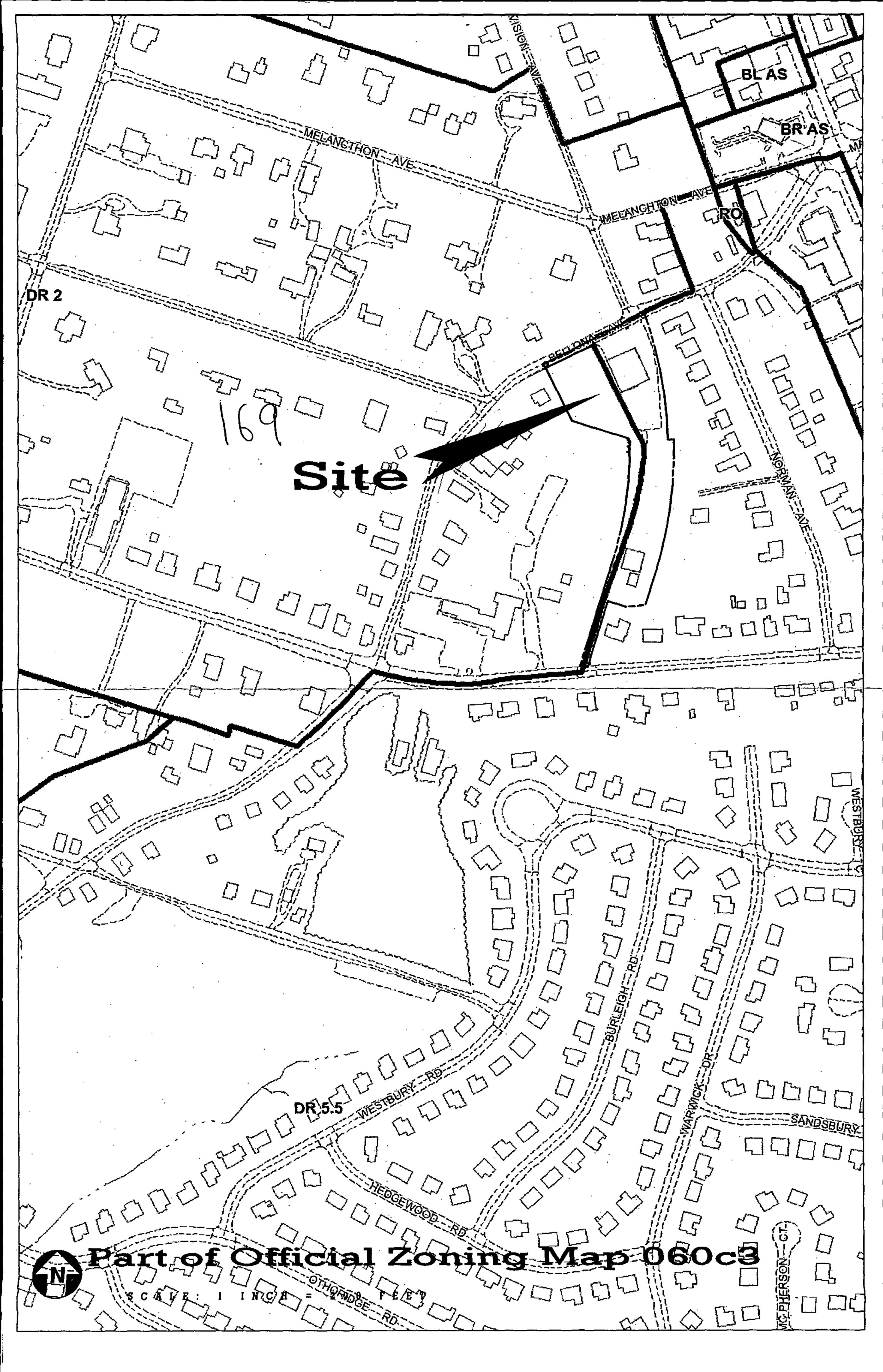



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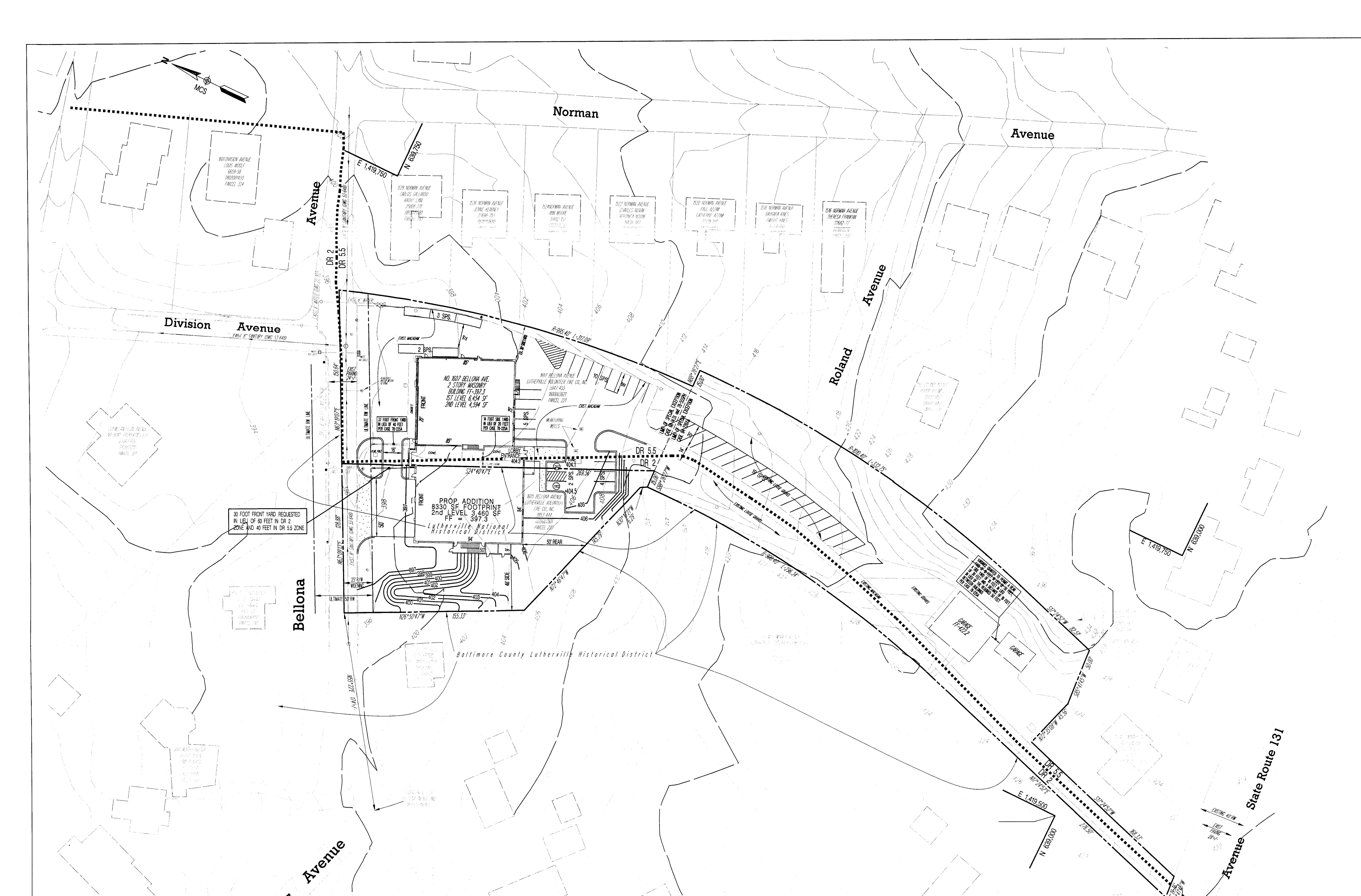


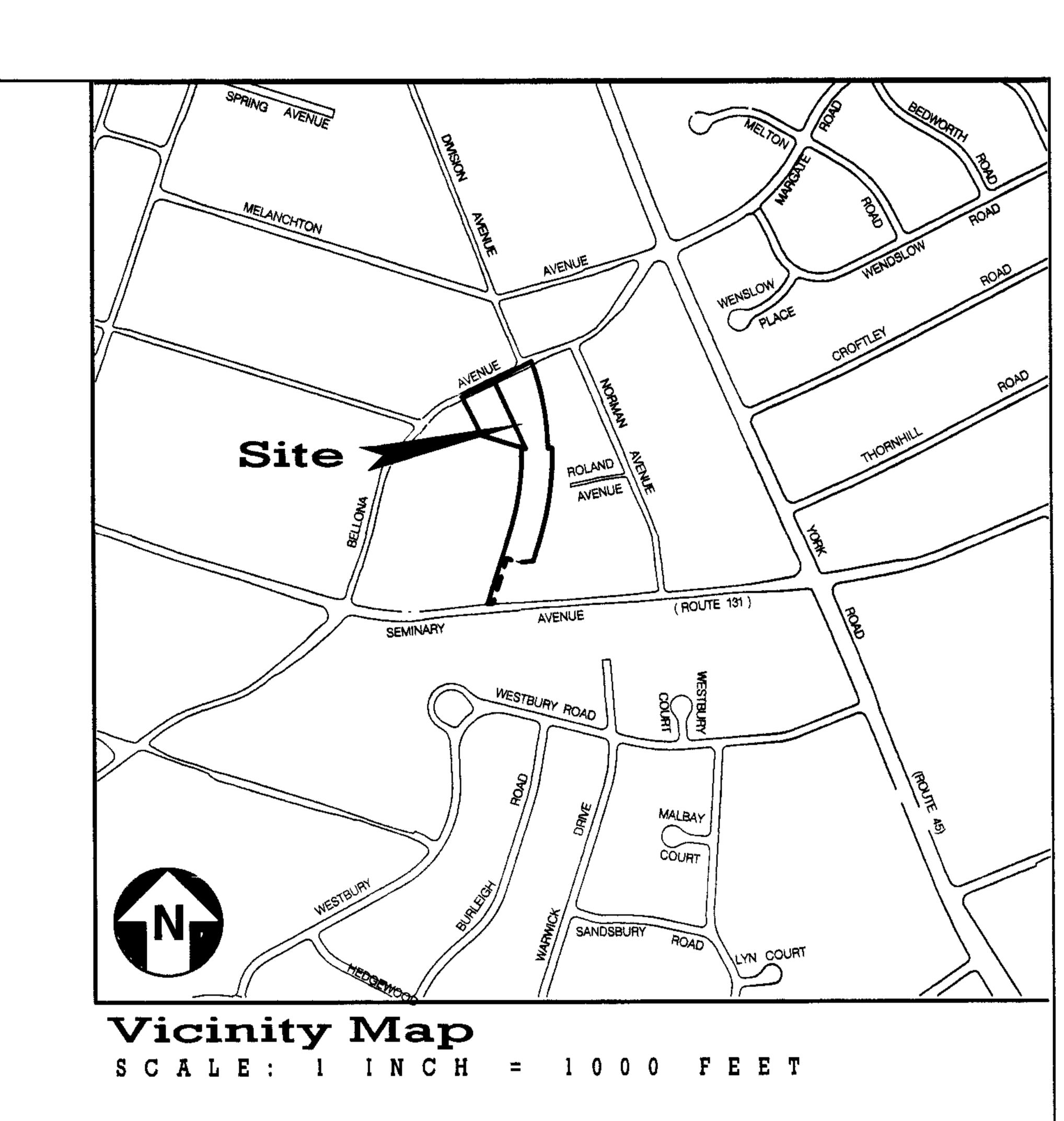
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## Site Data

GROSS AREA OF PROPERTY - 2.535 acres

NET AREA OF PROPERTY (MINUS BELLONA AVE RW) - 2.37 acres

TAX MAP 60 PARCELS 220 AND 221

EXISTING ZONING - DR 2 and DR 5.5

AREA OF DR 2 ZONED PROPERTY - 0.90 acres

AREA OR DR 5.5 ZONED PROPERTY- 1.635 acres

EXISTING USE - PARCEL 221 - VOLUNTEER FIRE DEPARTMENT FACILITIES

PARCEL 220 - VACANT

FIRST FLOOR 6,454 SF

SECOND FLOOR 4,594 SF

PROPOSED USE - SAME WITH 2 STORY BI

PROPOSED USE - SAME WITH 2 STORY BLDG. ADDITION -11,790 SF TOTAL DEED REFERENCE - 5947-455 and 9953-444

PLAT REFERENCE - NA

DEVELOPMENT APPROVAL - LTD EXEMPTION PER SECTION 32-4-106(a)(1)(vi)

ZONING HISTORY: SEE SUMMARY HEREON

TAX ACCOUNT NUMBER - 1800003621 AND 0819007901

COUNCILMANIC DISTRICT: 3

AMENITY OPEN SPACE - NONE REQUIRED
BUILDING HEIGHT - 44'+/STORMWATER MANAGEMENT: REQUIREMENTS TO BE DETERMINED

OF EXISTING FOREST.

PUBLIC WATER AND SEWER FACILITIES - EXIST

WATER AND SEWER DESIGNATIONS: W-1 and S-1

PRIOR COMMERCIAL PERMITS: UNKNOWN

SIGNAGE - NO SIGNAGE PROPOSED AT THIS TIME. ANY FUTURE SIGNAGE TO COMPLY

WITH SECTION 450 BCZR AND ALL ZONING SIGN POLICIES.

ANY FIXTURE USED TO ILLUMINATE THE OFFSTREET PARKING AREA SHALL BE ERECTED

AS TO REFLECT LIGHT AWAY FROM ADJOINING RESIDENTIAL AREAS AND PUBLIC STREETS.

THIS PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
A PORTION OF THIS PROPERTY LIES WITHIN THE LUTHERVILLE NATIONAL HISTORIC DISTRICT
THE PROPERTY SHOWN HEREON ABUTS THE BALTIMORE COUNTY LUTHERVILLE HISTORIC DISTRICT
THIS SITE LIES WITHIN THE YORK ROAD AND SEMINARY AVENUE INTERSECTION TRAFFIC SHED
IDENTIFIED AS A LEVEL OF SERVICE 'D' ON THE 2007 BASIC SERVICES TRANSPORTATION MAP
THIS SITE LIES WITHIN AN "AREA OF SPECIAL CONCERN" IDENTIFIED ON THE 2007 BASIC SERVICE
SEWER SERVICE MAP

# Zoning History

CASE 68-143X
A SPECIAL EXCEPTION WAS GRANTED BY ZONING COMMISSIONER ON JANUARY 4, 1968
FOR A VOLUNTEER FIRE COMPANY - NO RESTRICTIONS
SPECIAL EXCEPTION COVERS PORTION OF PARCEL NO. 221

CASE 78-55 SPH
A SPECIAL HEARING TO AMEND SPECIAL EXCEPTION CASE 68-143X TO ALLOW AN EXPANSION OF THE FACILITIES WAS GRANTED BY THE ZONING COMMISSIONER ON NOVEMBER 29, 1977- NO RESTRICTIONS

CASE 78-225A
A VARIANCE REQUEST TO PERMIT SIDE SETBACK OF 14 FEET IN LIEU OF 20 FEET
AND A FRONT SETBACK OF 37 FEET IN LIEU OF 40 FEET WAS GRANTED BY THE
ZONING COMMISSIONER ON APRIL 25, 1978- NO RESTRICTIONS RELATES TO PARCEL 221

A SPECIAL EXCEPTION TO PERMIT A VOLUNTEER FIRE COMPANY STORAGE GARAGE WITH A FINDING THAT THE IMPROVEMENT WAS COMPLIANT WITH THE RTA USE REQUIREMENTS WAS GRANTED. A VARIANCE TO PERMIT A REAR YARD OF 10 FEET IN LIEU OF 30 FEET, A SIDE YARD OF 10 FEET IN LIEU OF 20 FEET AND A DISTANCE OF 10 FEET IN LIEU OF THE REQUIRED 50 FEET BETWEEEN BUILDINGS WAS GRANTED BY THE ZONING COMMISSIONER ON MARCH 24, 1994 SUBJECT

TO THE FOLLOWING RESTRICTIONS:

1. THE PETITIONER IS HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT ITS OWN RISK UNTIL SUCH TIME AS THE 30 DAY APPELLATE PROCESS FROM THE DATE OF THIS ORDER HAS EXPIRED. IF FOR WHATEVER REASON THIS ORDER IS REVERSED THE PETITIONER WOULD BE REQUIRED TO RETURN AND BE RESPONSIBLE FOR RETURNING THE PROPERTY TO ITS ORIGINAL

CONDITION.

2.THE AGREEMENT BY AND BETWEEN THE LUTHERVILLE VOLUNTEER FIRE COMPANY AND THE LUTHERVILLE COMMUNITY ASSOCIATION ENTITLED DECLARATION OF RESTRICTIONS DATED FEBRUARY 15, 1994 IS HEREBY INCORPORATED AS A CONDITION TO THE RELIEF GRANTED HEREIN.

# Parking Tabulation

OFFICES, LOUNGE, BUNK ROOM, COMMUNICATIONS ROOM, KITCHEN

PARKING REQUIRED:

22,838 SF TOTAL FLOOR AREA (ALL LEVELS)

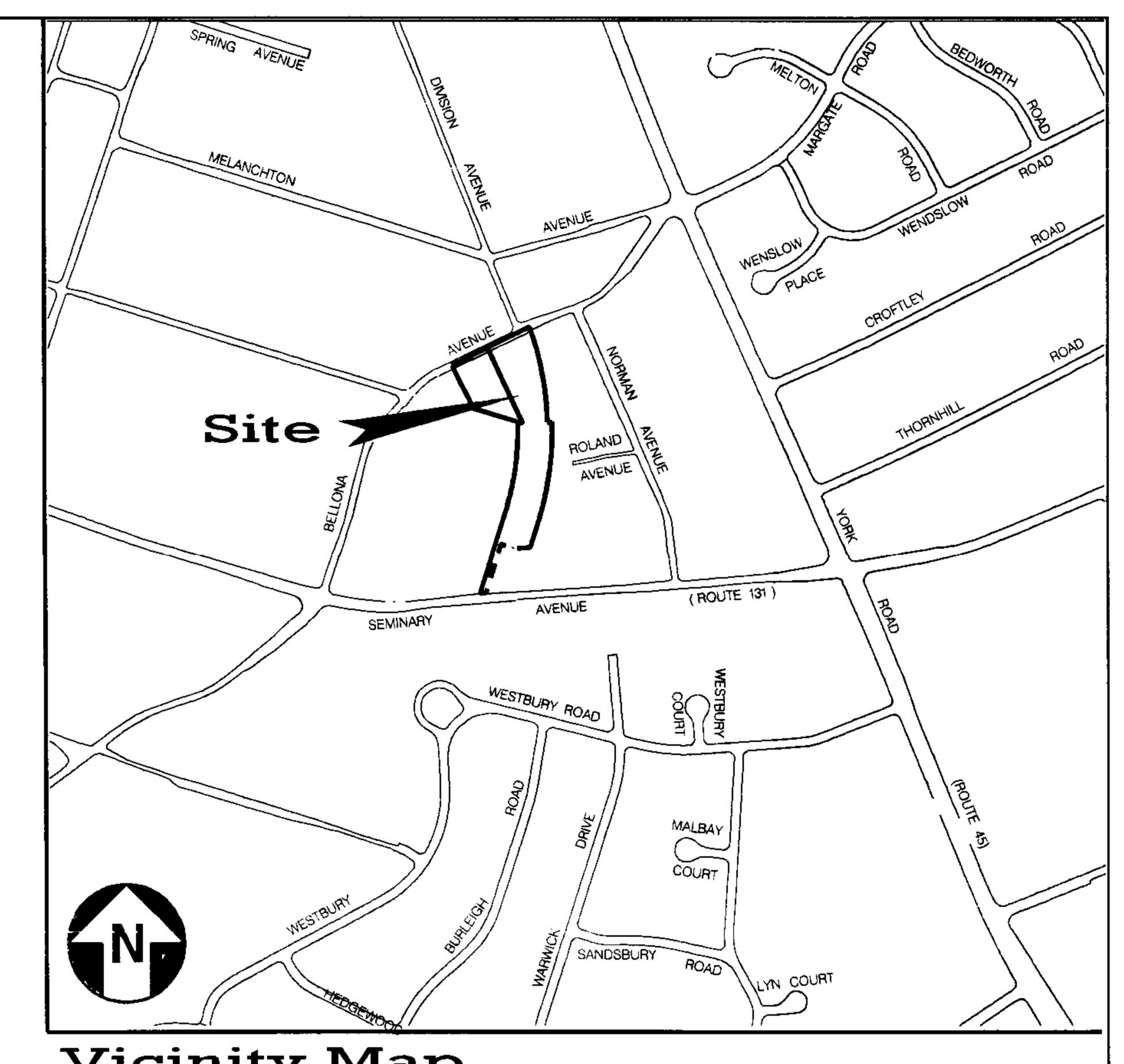
PARKING REQUIREMENT FOR VOLUNTEER FIRE COMPANY USE IS

NOT SPECIFICALLY ADDRESSED IN BCZR

PARKING REQUIREMENT CALCULATED BASED ON VARIOUS COMPONENTS OF BUILDING

APPARATUS AREAS (TRUCK BAYS), STORAGE, GENERATOR ROOM 9338 SF © 0 SPACES = 0 SPACES





THIS SITE LIES WITHIN AN "AREA OF SPECIAL CONCERN" IDENTIFIED ON THE 2007 BASIC SERVICES

A SPECIAL EXCEPTION WAS GRANTED BY ZONING COMMISSIONER ON JANUARY 4, 1968

A SPECIAL HEARING TO AMEND SPECIAL EXCEPTION CASE 68-143X TO ALLOW AN

A VARIANCE REQUEST TO PERMIT SIDE SETBACK OF 14 FEET IN LIEU OF 20 FEET AND A FRONT SETBACK OF 37 FEET IN LIEU OF 40 FEET WAS GRANTED BY THE ZONING COMMISSIONER ON APRIL 25, 1978- NO RESTRICTIONS RELATES TO PARCEL 221

A SPECIAL EXCEPTION TO PERMIT A VOLUNTEER FIRE COMPANY STORAGE GARAGE RTA USE REQUIREMENTS WAS GRANTED. A VARIANCE TO PERMIT A REAR YARD OF 10 FEET IN LIEU OF 30 FEET, A SIDE YARD OF 10 FEET IN LIEU OF 20 FEET AND A DISTANCE OF 10 FEET IN LIEU OF THE REQUIRED 50 FEET BETWEEEN BUILDINGS

IS AT ITS OWN RISK UNTIL SUCH TIME AS THE 30 DAY APPELLATE PROCESS FROM THE DATE OF THIS ORDER HAS EXPIRED IF FOR WHATEVER REASON THIS

AND THE LUTHERVILLE COMMUNITY ASSOCIATION ENTITLED DECLARATION OF RESTRICTIONS DATED FEBRUARY 15, 1994 IS HEREBY INCORPORATED AS A CONDITION

OFFICES, LOUNGE, BUNK ROOM, COMMUNICATIONS ROOM, KITCHEN MEETING ROOM, CONFERENCE ROOM, STAIRWAYS, BATHROOMS

