

**IN RE: PETITIONS FOR SPECIAL EXCEPTION
AND VARIANCE**

N Greenspring Avenue, 830 +/- NW
of c/l Woodland Drive
8th Election District
2nd Councilmanic District
(11219 Greenspring Avenue)

Stiles T. Colwill and Jonathan Gargiulo
Legal Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

* **CASE NO. 08-221-XA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the legal property owners, Stiles T. Colwill and Jonathan Gargiulo. The Special Exception is requested pursuant to Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an antique shop in an R.C.5 zone outside the urban-rural demarcation line and on a lot no smaller than one acre. The Variance requests are as follows:

- From Section 409.12.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a modified plan for parking; *or in the alternative*
- From Section 409.4.A of the B.C.Z.R. to allow a 12 foot driveway for two-way movements in lieu of the required 20 feet; and
- From Section 409.4.C of the B.C.Z.R. to allow a 14 foot two-way aisle for perpendicular parking in lieu of the required 22 feet; and
- From Section 409.6.2. of the B.C.Z.R. to allow eight parking spaces in lieu of the required 16 spaces; and
- From Section 450.4.I.5(m) to allow one freestanding double sided sign with an area of five square feet on each side (10 square feet total) in lieu of the permitted single wall mounted sign with an area of eight square feet.

The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

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Appearing at the requisite public hearing in support of the special exception and variance requests were Petitioners Stiles T. Colwill and Jonathan Gargiulo, and their attorney, J. Carroll Holzer, Esquire. Also appearing was Thomas J. Hoff, the Landscape Architect who prepared the site plan, and Jack Dillon, Petitioners' land use and zoning consultant. Also appearing as witnesses in support of Petitioners' requests for relief were Amy Newhall, Bradley Fountain, Joan E. Buck, and Eric Walch. There were no Protestants or other interested citizens in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is an irregular-shaped parcel consisting of approximately eight acres, more or less, and zoned R.C.5. The property is situated on the north side of Greenspring Avenue, approximately ½ mile north and west of Greenspring Valley Road in the Greenspring Valley area of Baltimore County. The property is improved with an existing two-story dwelling which, according to the real property data search, was constructed in 1830. According to Petitioner Mr. Colwill, the subject property was once part of a much larger farm consisting of 112 acres and purchased by Petitioner's father, J.F. Colwill, in 1941. The farm has been known as "Halcyon Farm." In September 1951, the subject property was purchased by Richard Buck. Mr. Buck and his wife, Joan Buck, lived on the property for over 50 years, utilizing it primarily as a farm. In June 2007, Petitioners purchased the property from Mrs. Buck, seeking to preserve the rural and agricultural character of the land.

Mr. Colwill testified that he has a very personal interest in the subject property having lived in the immediate area his entire life. His educational and vocational background is in interior design and art history, and he has also been involved in antiques over the past 20 years. Mr. Colwill is also on the Board of the Valleys Planning Council (VPC), and indicated that his parents were original members of the VPC. In order to give some perspective and context to the

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desire to preserve the property, Petitioners submitted several photographs of the surrounding area from the 1950's and 1960's, which were marked and accepted into evidence as Petitioners' Exhibits 2A through 2D. These photographs show a large expanse of agricultural, livestock, and horse breeding uses of the land.

Following Petitioners' purchase of the subject property, they have spent significant sums to restore and renovate the dwelling. Because Petitioners have no further plans to develop or subdivide the property, in order to have the property be self-supporting to a degree, in terms of maintenance and property taxes, Petitioners desire to utilize the dwelling as an antique shop. They do not wish to promote a commercial enterprise, both functionally and aesthetically, but instead want the home to have the look and feel of a residence. Because the overriding goal is to keep the residential look and appeal of the property, Petitioners are hopeful of obtaining the variance relief in order to minimize the number of parking spaces and keep the present width of the driveway essentially as it is. In addition, the "shop" will have appropriate furniture in each room, except all the furniture will be for sale and have a price tag attached to it. The anticipated days and hours of operation will be Tuesday through Saturday, 10:00 AM to 6:00 PM.

Mr. Colwill indicated that on November 3, 2007, Petitioners hosted a reception at the home and discussed their plans and proposal with neighbors. Petitioners also met with the VPC Board and offered restrictions and limitations on the use and potential future uses of the property. In order to memorialize their commitment, Petitioners prepared a "Covenant Agreement" outlining the restrictions and limitations. A copy of this agreement was marked and accepted into evidence as Petitioners' Exhibit 3. Although this agreement has not been executed by the VPC, Petitioners indicated that in the event the relief is granted, they are willing to incorporate the particulars of the agreement as conditions of the use in the instant matter. Finally, as to the

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proposed sign, Mr. Colwill indicated that the sign for the antique store will be near the proposed new entrance to the property as shown on the site plan. The sign will be very similar to the sign at his existing farm and will reflect the name of the antique shop, "Halcyon House." As shown in the detail depicted on the site plan, it will be very tasteful and understated, hanging from an eight foot post and a two foot ledger. The sign itself will measure two feet by 2½ feet.

Mr. Hoff, Petitioners' Landscape Architect, testified in support of the special exception and variance requests. He noted that although the property consists of approximately eight acres, the proposed area of special exception will comprise only about a 1.09 acre area near Greenspring Avenue. As to the proposed parking and driveway issues, Mr. Hoff indicated that in keeping with the rural and residential character of the property, it does not lend itself to a large, expansive parking area connected by an equally large driveway. As such, Mr. Hoff's design attempts to balance the requirements of the zoning regulations with the spirit and intent of the regulations and the desires of Petitioners. As shown on the site plan, the new proposed driveway will be located approximately 100 feet east of the existing driveway. This location will have better access from the road and will offer improved sightlines over the existing driveway. The new driveway will be 16 feet wide at the entrance and will narrow to 12 feet wide inside the property. As the driveway curves toward the house, it will be widened to 14 feet.

The existing driveway will have a gate at that entrance (to be used for emergency access only) and will have two parking spaces inside the gate. Petitioner will also provide six additional parking spaces closer to the house for a total of eight spaces. Mr. Hoff calculated the parking requirements as follows: the proposed antique shop will have a total of 3,035 square feet of retail space. The zoning regulations require five spaces per 1,000 square feet for a total of 15 spaces required. However, Mr. Hoff pointed out that the proposed antique shop will not be a

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traditional "retail" store, with products strewn in a large area and taking up virtually all of the floor space. Rather, this shop will be more akin to a furniture store, with just the appropriate amount of furnishings in each room. For comparison purposes, Mr. Hoff calculated the parking requirement for a furniture store at 2.5 spaces per 1,000 feet to be eight spaces. He believes eight spaces to be a more practical parking need for the proposed antique shop use.

Mr. Hoff then testified as to the special exception criteria contained in Section 502.1 of the B.C.Z.R. and offered the uncontroverted opinion that the proposed use will not be detrimental to the health, safety, or general welfare of the locality, will not create congestion on the roads (and in fact moving the existing driveway will enhance ingress and egress on the property), will not overcrowd the land, and will be consistent with the property's zoning classification and be within the spirit and intent of the zoning regulations. Mr. Hoff further testified that the proposed use will not have a negative effect on the other 502.1 criteria.

Next to testify were nearby neighbors Amy Newhall, Bradley Fountain, and Joan E. Buck. All voiced their support for Petitioners' requests for special exception and variance relief, and indicated the proposed use of the property would reflect the rural feel and character of the surrounding area. In particular, Ms. Buck, who resided at the subject property for over 50 years, expressed support, stating that Petitioners' plans would preserve open space and would "keep the property as is." A letter of support dated January 30, 2008 from C. Carey Deeley, Jr., Esquire, was also marked and accepted into evidence as Petitioners' Exhibit 13. Mr. Deeley indicated he and his family have resided just north of the subject property for the past 20 years, and that he is "familiar and comfortable with the usage to which the Petitioners intend to place the property and approve in all regards."

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The final witness to testify was Jack Dillon, who was called as an expert witness in support of the requested relief. Mr. Dillon has an extensive background in land use, development, and zoning matters, and was offered and accepted as an expert in those fields. Mr. Dillon echoed the testimony of Mr. Hoff, indicating the special hearing and variance requests would not be detrimental to the health, safety, or general welfare of the locality, and were within the spirit and intent of the zoning regulations. Mr. Dillon also submitted a copy of an earlier admitted photograph, which was enlarged and shows a rendering of how the proposed entrance and driveway leading to the dwelling will look if the variance relief is granted. This rendering was marked and accepted into evidence as Petitioners' Exhibit 16 and shows an open entrance, with the driveway then bearing left and moving parallel to Greenspring Avenue, then extending back toward the location of the dwelling. Mr. Dillon opined that this configuration will be sufficient for the parking and vehicle traffic needs of the antique store, while not causing it to look like a commercial enterprise.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and are contained within the case file. Comments received from the Bureau of Development Plans Review dated November 28, 2007 indicates the driveway should be at least 16 feet wide from Greenspring Avenue to the rear parking spaces unless there are some physical constraints not shown on the plan.

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not have a negative impact on the criteria set forth in Section 502.1 of the B.C.Z.R. In the instant matter, based on the evidence set forth above, I find the request meets the criteria of Section 502.1 and will grant the request to permit an antique shop on 1.09 acres as shown on the site plan. The use of the property for such a purpose, though not as a

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single-family dwelling as before, will still enable the rural features of the property and open space characteristics to be preserved. In light of the support the request has garnered from the community, it is certainly a reasonable use of the property.

In regard to the requests for variance, considering all the testimony and evidence as set forth above, I find that special circumstances or conditions exist that are peculiar to the land and structure which are the subject of the variance requests, and therefore find the property unique in a zoning sense. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Although the Bureau of Development Plans Review has indicated that the proposed driveway should be made at least 16 feet wide from Greenspring Avenue to the rear parking spaces, in this particular case, given the distinctive characteristics of the property and the desire to have the antique shop be a relatively modest and understated use of the property, I believe it is appropriate here to deviate from the 16 foot width requirement.

Finally, I find that the parking, driveway width, and sign variances can be granted in strict harmony with the spirit and intent of said regulations and in a manner so as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested special exception and variance should be granted with conditions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 4th day of March, 2008 that Petitioners' requested Special Exception pursuant to Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an

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antique shop in an R.C.5 zone outside the urban-rural demarcation line and on a lot no smaller than one acre is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioners' Variance requests as follows:

- From Section 409.4.A of the B.C.Z.R. to allow a 12 foot driveway for two-way movements in lieu of the required 20 feet; and
- From Section 409.4.C of the B.C.Z.R. to allow a 14 foot two-way aisle for perpendicular parking in lieu of the required 22 feet; and
- From Section 409.6.2. of the B.C.Z.R. to allow eight parking spaces in lieu of the required 16 spaces; and
- From Section 450.4.I.5.(m) to allow one freestanding double sided sign with an area of five square feet on each side (10 square feet total) in lieu of the permitted single wall mounted sign with an area of eight square feet

be and are hereby GRANTED, and

IT IS FURTHER ORDERED that Petitioners' Variance request from Section 409.12.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a modified plan for parking be and is hereby DISMISSED as moot.

The aforementioned relief is subject, however, to the following conditions:

1. Petitioners may apply for their building permit and be granted same upon receipt this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The special exception for the antique shop shall continue as long as Petitioners or their immediate family continue to own the property and operate the antique shop. If the property is sold by Petitioners or their successors or assigns, the special exception for the antique shop shall terminate and the property shall revert back to a residential single-family dwelling. Petitioners also agree that upon the anticipated sale of the property and/or termination of the antique shop, they will file a Petition for Special Hearing with Baltimore County in order to terminate the special exception granted in this matter.

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3. The antique shop shall be open to the general public Tuesdays through Saturdays from 10:00 AM to 6:00 PM, except for deliveries, and shall be closed on Sundays and Mondays.
4. Lighting shall be of a rural/residential nature.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 4, 2008

J. CARROLL HOLZER, ESQUIRE
HOLZER & LEE
508 FAIRMOUNT AVENUE
TOWSON, MD 21286

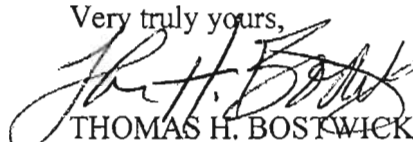
Re: Petitions for Special Exception and Variance
Case No. 08-221-XA
Property: 11219 Greenspring Avenue

Dear Mr. Holzer:

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

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

Very truly yours,


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
Enclosure

c: Stiles T. Colwill and Jonathan Garguilo, 11345 Greenspring Avenue, Lutherville MD 21093
Thomas J. Hoff, Thomas J. Hoff, Inc., 406 W. Pennsylvania Avenue, Towson, MD 21204
Amy Newhall, 2803 Caves Road, Owings Mills MD 21117
Bradley Fountain, 11218 Greenspring Avenue, Lutherville MD 21093
Joan E. Buck, 1055 West Joppa Road, Towson MD 21204
Eric Walch, 6 Over Ridge Court, Baltimore MD 21210



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 11219 GREENSPRING AVE
which is presently zoned RC-5

Deed Reference: 250521679 Tax Account # 0802086175

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)

SEE ATTACHED

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

SEE ATTACHED

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.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

J. CARROLL HOLZER

Name - Type or Print

Signature

J. CARROLL HOLZER, P.A.

Company

508 FAIRMOUNT AVE 410-825-6961

Address

Telephone No.

TOWSON MD 21286

City

State

Zip Code

Legal Owner(s):

STILES T. COLWILL

Name - Type or Print

Signature

JONATHAN GARGIULO

Name - Type or Print

Signature

11219 GREENSPRING AVE

Address

Telephone No.

LUTHERVILLE MD. 21093

City

State

Zip Code

Representative to be Contacted:

CARROLL HOLZER

Name

Address

Telephone No.

City

State

Zip Code

Case No. 08-221-XA

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

Date

REV 8/20/07

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PETITION FOR VARIANCES
11219 GREENSPRING AVENUE

ZONING RELIEF REQUESTED:

SECTION 409.12.B. – TO APPROVE A MODIFIED PLAN FOR PARKING.

IN THE ALTERNATIVE:

SECTION 409.4.A. – VARIANCE TO ALLOW A 12' DRIVEWAY FOR TWO-WAY MOVEMENTS IN LIEU OF THE REQUIRED 20'.

SECTION 409.4.C. – VARIANCE TO ALLOW A 14' TWO WAY AISLE FOR PERPENDICULAR PARKING IN LIEU OF THE REQUIRED 22'.

SECTION 409.6.2. – VARIANCE TO ALLOW 8 PARKING SPACES IN LIEU OF THE REQUIRED 16 SPACES

SECTION 450.4.I.5.(m) – VARIANCE TO ALLOW ONE FREESTANDING DOUBLE SIDED SIGN WITH AN AREA OF 5 SQUARE FEET ON EACH SIDE (10 SQUARE FEET TOTAL) IN LIEU OF THE PERMITTED SINGLE WALL MOUNTED SIGN WITH AN AREA OF 8 SQUARE FEET.

REASONS FOR VARIANCE REQUEST:
TO BE PRESENTED AT THE HEARING

Item #221



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at 11219 GREENSPRING AVE.

which is presently zoned RC-5

Deed Reference: 258521679 Tax Account # 0802086175

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

J. CARROLL HOLZER
Name - Type or Print

Signature

J. CARROLL HOLZER, P.A.
Company

508 FAIRMOUNT AVE 410-825-6961
Address Telephone No.

TOWSON MD 21286
City State Zip Code

Case No. 08-221-NA

REV 07/27/2007

Legal Owner(s):

STILES T. COLWILL
Name - Type or Print

Signature

JONATHAN GARGIULO
Name - Type or Print

Signature 410-828-7805

11245 GREENSPRING AVE.
Address Telephone No.

LUTHERVILLE MD 21093
City State Zip Code

Representative to be Contacted:

CARROLL HOLZER
Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
UNAVAILABLE FOR HEARING

Reviewed By RDD Date 11/9/07

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PETITION FOR SPECIAL EXCEPTION
11219 GREENSPRING AVENUE

ZONING RELIEF REQUESTED:

SECTIONS 1A04.2.B.1. & 402B.1 – SPECIAL EXCEPTION TO PERMIT AN ANTIQUE SHOP IN A RC-5 ZONE OUTSIDE THE URBAN-RURAL DEMARCATION LINE AND ON A LOT NO SMALLER THAN ONE ACRE.

Item #221

THOMAS J. HOFF, INC.
Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

November 9, 2007

Description of 11219 Greenspring Avenue, to Accompany Petition for Special Exception and Variances

BEGINNING FOR THE SAME at a point in the centerline of Greenspring Avenue, 830 feet more or less northwest of the centerline of Woodland Drive.

Thence leaving the centerline of Greenspring Avenue,

- 1) North 04 degrees 58 minutes 58 seconds East 98.31 feet, thence,
- 2) North 62 degrees 45 minutes 47 seconds West 149.44 feet, thence,
- 3) North 00 degrees 39 minutes 06 seconds West 142.57 feet, thence,
- 4) North 62 degrees 45 minutes 47 seconds West 102.02 feet, thence,
- 5) South 27 degrees 14 minutes 13 seconds West 217.00 feet to the centerline of Greenspring Avenue, thence binding on the centerline of Greenspring Avenue,
- 6) South 62 degrees 45 minutes 47 seconds East 377.26 feet to the place of beginning.

Containing 1.09 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.

8th Election District

2nd Councilmanic District



Item # 221

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: #08-221-XA

11219 Greenspring Avenue

N/side of Greenspring Avenue, 830 +/- n/west of centerline of Woodland Drive

8th Election District - 2nd Councilmanic District

Legal Owner(s): Stiles Colwill & Jonathan Gargiulo

Special Exception: to permit an antique shop in RC 5 zone outside the urban-rural demarcation line and on a lot no smaller than one acre. **Variance:** to approve a modified plan for parking, in the alternative to allow a 14 foot two way aisle for perpendicular parking in lieu of the required 22 feet and to allow 8 parking spaces in lieu of the required 16 spaces and to allow one freestanding double sided sign with an area of 5 square feet on each side (10 square feet total) in lieu of the permitted single wall mounted sign with an area of 8 square feet.

Hearing: Wednesday, January 30, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 1/742 Jan. 15

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CERTIFICATE OF PUBLICATION

1/17/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/15/2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

PAID RECEIPT

~~11/9/6~~

DATE	ACTUAL	TIME	REMARKS
11/13/2007	11:09/2007	14:22(23)	4
11/15	NO DATA	NO DATA	

11/09/2007 07:41

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1000	1.0

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Patience County, Maryland

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CASHIER'S
STATION

VALIDATION

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

1998

100

ZONING NOTICE

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

CASE # 08-221-XA

PLACE: ROOM 407 COUNTY COURTS BUILDING
401 BOWLEY AVE. TOWSON ZONING

DATE AND TIME: WEDNESDAY, JANUARY 30, 2009
AT 9:00 AM

REQUEST: SPECIAL EXCEPTION TO PERMIT AN ANTIQUE
DEMONSTRATION LINE AND QUALITY SHARPER THAN ONE ACRE
VARIABLE TO APPROVE A MODIFIED DRIVE FOR PARKING, IN THE
ALTERNATIVE TO ALLOW IN FRONT TWO WAY A HALF AND SIDEWALK
PARKING IN LINE OF THE REQUIRED 22 FEET AND TO ALLOW 8
PARKING SPACES IN LINE OF THE REQUIRED 10 SPACES AND TRAILING
ONE FREE PARKING TOWNSHIP SIDEWALK WITH AN AREA OF 8 SQUARE
FEET ON EACH SIDE (10 SQUARE FEET TOTAL) TO LINE OF THE REQUIRED
SIDEWALK WALL MOUNTED SIGN WITH AN AREA OF 8 SQUARE FEET

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 N. COTTAGE STREET
TOWSON, MD 21204

TEL. 887-3391

FOR MORE INFORMATION, PLEASE CALL THE ZONING COMMISSIONER OR THE ZONING BOARD AT 887-3391.

MEETING IS HANDICAP ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No: 08-221-XA

Petitioner/Developer: J. CARROLL HOLZER

Date Of Hearing/Closing: 1/30/08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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
at 11219 GREENSPRING AVENUE

This sign(s) were posted on January 15, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 1/15/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 08-221-XA
Petitioner: STILES COLWILL & JONATHAN GARGIULO
Address or Location: 11219 GREENSPRING AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: STILES COLWILL
Address: 11245 GREENSPRING AVE.
LUTHERVILLE, MD 21093

Telephone Number: 410-828-7805

TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 15, 2008 Issue - Jeffersonian

Please forward billing to:

Stiles Colwill

410-828-7805

11245 Greenspring Avenue

Lutherville, MD 21093

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: 08-221-XA

11219 Greenspring Avenue

N/side of Greenspring Avenue, 830 +/- n/west of centerline of Woodland Drive

8th Election District – 2nd Councilmanic District

Legal Owners: Stiles Colwill & Jonathan Gargiulo

Special Exception to permit an antique shop in RC 5 zone outside the urban-rural demarcation line and on a lot no smaller than one acre. Variance to approve a modified plan for parking, in the alternative to allow a 14 foot two way aisle for perpendicular parking in lieu of the required 22 feet and to allow 8 parking spaces in lieu of the required 16 spaces and to allow one freestanding double sided sign with an area of 5 square feet on each side (10 square feet total) in lieu of the permitted single wall mounted sign with an area of 8 square feet.

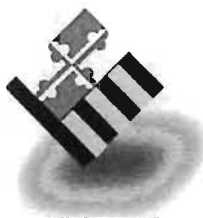
Hearing: Wednesday, January 30, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 18, 2007
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

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Hearing: Wednesday, January 30, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286
Stiles Colwill/Jonathan Gargiulo, 11245 Greenspring Avenue, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 15, 2008.**
- (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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

January 23, 2008

J. Carroll Holzer
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer:

RE: Case Number: 08-221-XA, 11219 Greenspring Avenue

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

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Stiles T. Colwill Jonathan Garguilo 11245 Greenspring Avenue Lutherville 21093

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 4, 2007

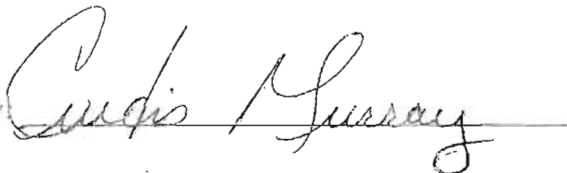
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-221- Special Exception**

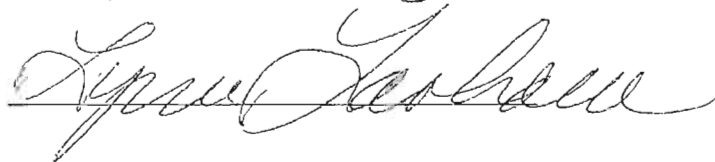
The Office of Planning has reviewed the above referenced case(s) and requests that the petitioner provide landscape screening of the two parking spaces adjacent to Greenspring Avenue.

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

Prepared By



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: November 28, 2007

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 3, 2007
Item No. 08-221

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The driveway should be made at least 16-feet-wide from Greenspring Avenue to rear parking spaces unless there are some physical constraints not shown on the plan.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 08-221-11282007.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: Nov, 26, 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. 8-221-XA
11219 GREENSPRING AVE.
GARGULO PROPERTY
VARIANCE &
SPECIAL EXCEPTION

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. 8-221-XA.

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,

Foal Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



Baltimore County
Fire Department

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

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

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 26, 2007

Item Number: 221, 230, 233, 234

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

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

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

cc: File



Printed with Soybean Ink
on Recycled Paper

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

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE *
11219 Greenspring Avenue; N/S Greenspring * ZONING COMMISSIONER
Avenue, 830' NW c/line Woodland Drive *
8th Election & 2nd Councilmanic Districts * FOR
Legal Owners: Stiles Colwill & Jonathan Gargiulo *
Petitioner(s) * BALTIMORE COUNTY
* 08-221-XA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 29th day of November, 2007, a copy of the foregoing Entry of Appearance was mailed J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286, Attorney for Petitioner(s).

RECEIVED

NOV 29 2007

Per.....

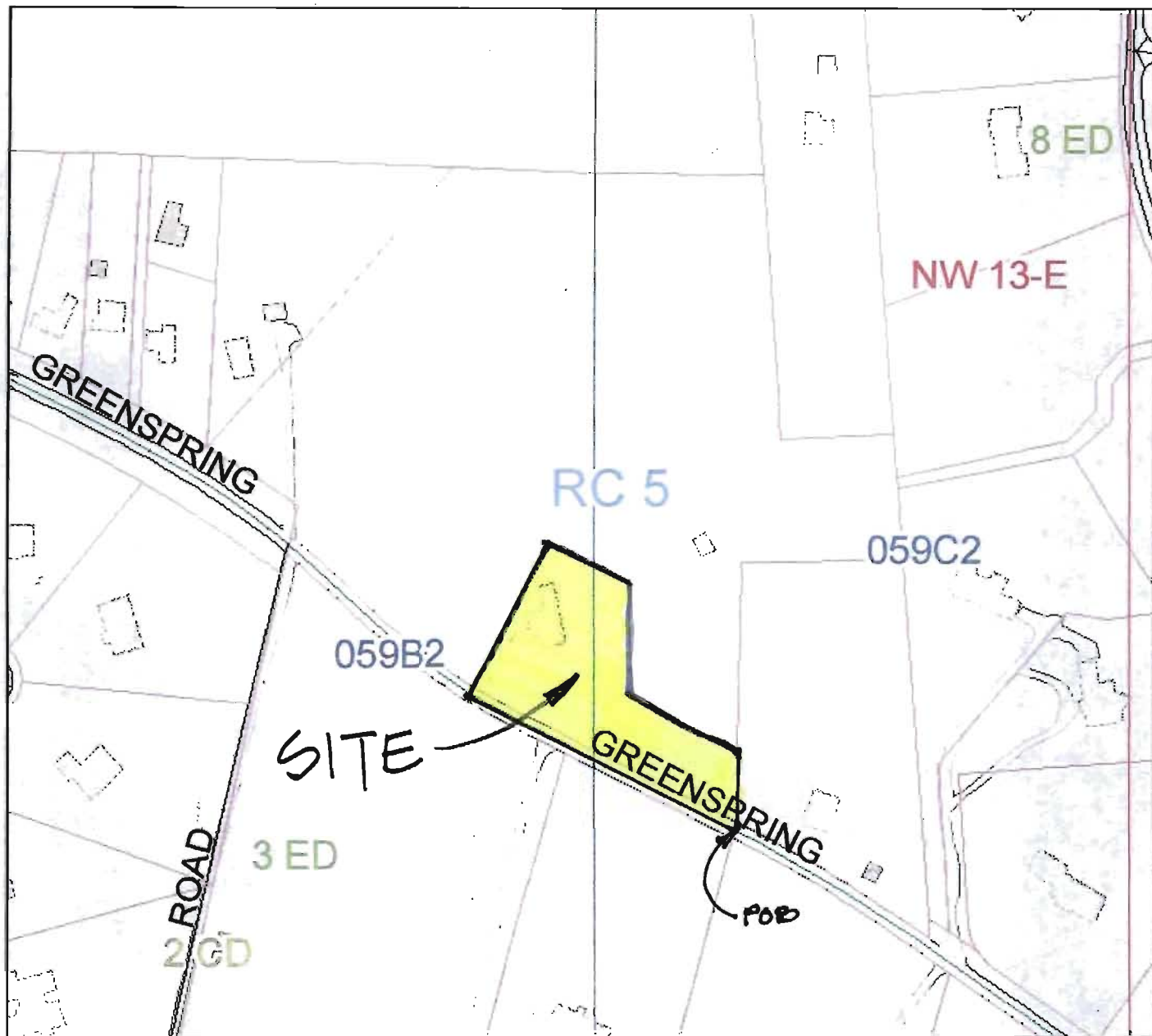
Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER 08-221-XA
DATE _____

[illegible]

11219 Greenspring Rd



DQ Map Notes



Publication Date: November 08, 2007
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



200 0 200
Feet
1 inch equals 200 feet

Item #221

COVENANT AGREEMENT

THIS AGREEMENT ("Agreement"), made this _____ day of January 2008, by and among the Valleys Planning Council, Inc., by Peter Fenwick, President (VPC), and Stiles T. Colwill and Jonathan Gargiulo, owners of 11219 Greenspring Avenue ("Colwill and Gargiulo"), hereby say:

RECITALS:

WHEREAS, Colwill and Gargiulo desire to open an antique shop at 11219 Greenspring Avenue, presently zoned R.C. 5 and further request certain variances to allow a twelve foot (12') driveway for two-way movements in lieu of the required twenty feet (20'); to allow a fourteen foot (14'), two-way aisle for perpendicular parking in lieu of the required twenty-two (22'); to allow eight (8) parking spaces in lieu of the required sixteen (16) spaces and to allow one free-standing double-sided sign with an area of five (5') square feet on each side (ten square feet (10') total)) in lieu of the single wall mounted sign with an area of eight feet (8'); and

WHEREAS, the Valleys Planning Council, Inc., representing individual neighbors and a significant portion of northern Baltimore County; and further has an interest in preserving the aesthetic character of the area, has expressed concerns about the proposed development; and

WHEREAS, the Petition for Special Exception and Petition for Variance is presently scheduled for January 30, 2008, at 9:00 a.m. before the Zoning Commissioner of Baltimore County in Case No.: 08-221-XA; (See Site Plan, Exhibit #1) and

WHEREAS, the parties, the Valleys Planning Council and Colwill and Gargiulo have had an opportunity to discuss the concerns of the Valleys, and Colwill and Gargiulo have agreed to certain limitations to the proposed plan as presented to the Zoning Commissioner;

PETITIONER' S

EXHIBIT NO. 3

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties hereby covenant and agree as follows:

Colwill and Gargiulo agree to the following limitations and conditions to be imposed by the Zoning Commissioner upon the Petition for Special Exception to permit an antique shop in the R.C. 5 zone as follows:

1. Colwill and Gargiulo agree that the Special Exception to permit an antique shop will expire upon the following events:

i. If the property is sold by Colwill and Gargiulo, the Special Exception for an antique shop will terminate and the property listed as a residential single-family house.

ii. The Special Exception for the antique shop will continue as long as Stiles T. Colwill and/or Jonathan Gargiulo and their immediate family continue to own the property and operate the antique shop. At the time Colwill and/or Gargiulo and his family cease the use of the antique shop, the Special Exception will terminate

iii. Colwill and Gargiulo agree that upon the anticipated sale of the property and/or the termination of the antique shop, they will file a Petition for Special Hearing to terminate the Petition for Special Exception with Baltimore County.

iv. Lighting – will be of a rural/residential nature

v. Colwill and Gargiulo also agree to limit the area requested for Special Exception to 1.09 acres plus or minus in lieu of the entire site area of 8.23 acres plus or minus.

vi. Colwill and Gargiulo further agree to adopt and incorporate into this Agreement, the plan to accompany the Petition for Special Exception and Variances dated November 9, 2007.

vii. Colwill and Gargiulo further agree to the following proposed regular days and hours of operation:

The antique shop shall be closed on Sundays and Mondays to the general public. It shall be open Tuesdays through Saturdays from 10:00 a.m. to 6:00 p.m. except for deliveries.

2. The Valleys Planning Council agrees not to oppose the Petition for Special Exception to provide for an antique shop as set forth in Exhibit #1, the Site Plan to accompany the Petition for Special Exception; and further agrees not to oppose the requested variances.

3. The parties to this Agreement, their successors, heirs and assigns agree to be bound by the terms of this Agreement. Further, the parties agree that the terms of this Agreement shall be incorporated in the action of the Zoning Commissioner and/or Board of Appeals and become part of the approved Special Exception and Variance.

In addition, Colwill and Gargiulo agree that they will record this Agreement and its attachments in the Land Records of Baltimore County within thirty (30) days of the final approval of the Special Exceptions and Variances.

4. This Agreement contains the full and complete Agreement of the parties hereto and no oral Agreements past, present or future shall be effective or binding on or against the parties unless the same shall be reduced to writing and executed in the same manner as this Agreement.

5. Each of the parties hereto warrant that they have the authority to enter into this Agreement and bind themselves hereby and have carefully read and understand this Agreement and are cognizant of the terms and conditions hereof and the obligations associated herewith.

6. Any notices required or permitted to be given by either party to the other shall be addressed to the parties as follows:

To:

with a copy to:

To:

with a copy to:

To:

with a copy to:

7. Any notice that is required to be given pursuant to this Agreement shall be in writing, and shall be deemed given upon actual receipt and shall be sent to all other parties by certified or registered mail, prepaid, or by federal express or other commercial overnight courier service to the last known address of the receiving party.

8. This Agreement is binding on the parties hereto and their respective successors and/or assigns and may be amended only by a subsequent written instrument and signed by the parties hereto or their respective successors and/or assigns.

9. The failure in any instance to enforce any of the covenants, restrictions and conditions contained in this Agreement shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction or condition in the event of another violation occurring prior or subsequent thereto. In the event any one or more of the covenants, restrictions and conditions herein contained should for any reason be declared invalid, the remaining covenants, restrictions or conditions shall continue in full force and effect.

10. Each of the parties hereto have had the benefit of private legal counsel before entering into this Agreement and each has agreed to be responsible for their respective counsel fees.

11. This Agreement may be executed in counterparts, each of which shall be deemed an original for all purposes, all of which shall together constitute a single and the same Agreement; each counterpart may be signed and transmitted initially by telefacsimile and the facsimile shall be considered as containing original signatures, provided that said counterpart is provided subsequently to each other party in its original form.

12. The parties hereto covenant and agree to execute such instrument or instruments as may be necessary from time to time to carry out the intent of the Agreement.

13. Prior to any party hereto seeking judicial enforcement of this Agreement, they shall give the other written notice of the alleged grievance as provided herein. Within twenty-one (21) days thereafter representatives of the respective parties to this Agreement shall meet to attempt to resolve amicably the alleged non-compliance or grievance. Failure to comply with the dispute resolutions of this enumerated paragraph shall nullify the complaining party's ability to enforce the alleged grievance.

IN WITNESS WHEREOF, the parties hereto have affixed their respective hands and seals the date and year first above written.

WITNESS/ATTEST:

BY: _____ (SEAL)
STILES T. COLWILL

BY: _____ (SEAL)
JONATHAN GARGIULO

THE VALLEYS PLANNING COUNCIL

BY: _____ (SEAL)
PETER FENWICK, President

C. Carey Deeley, Jr.

410-494-6259

ccdeeley@venable.com

January 30, 2008

HAND-DELIVERED

Mr. Thomas H. Bostwick
Deputy Zoning Commissioner
Zoning Commissioner's Office
401 Bosley Avenue
Towson, Maryland 21204

RE: Case No: 08-221-XA
Petition of Stiles T. Colwill and Jonathan Gargiulo

Dear Mr. Bostwick:

I write in support of the request of Stiles T. Colwill and Jonathan Gargiulo ("Petitioners") to permit the use of their property (formerly known as the Buck property) for purposes of an antique shop on Greenspring Avenue in Lutherville.

My family has lived at 11427 Greenspring Avenue, just north of the property for nearly 20 years. I am familiar and comfortable with the usage to which the Petitioners intend to place the property and approve in all regards.

Should you have any questions, please feel free to contact me at your convenience.

Sincerely yours,



C. Carey Deeley, Jr.

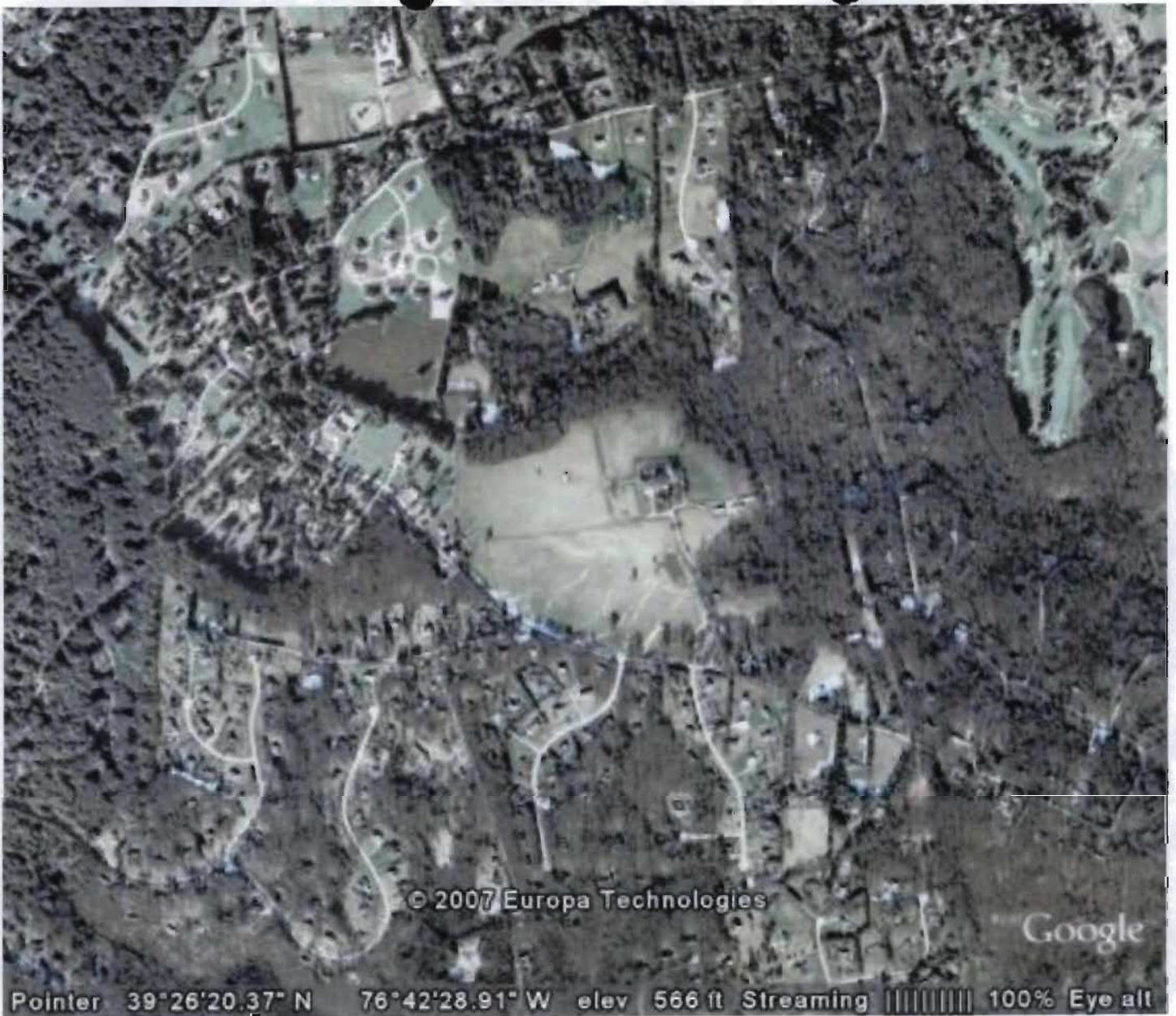
CCDJr/rab
cc: Mr. William J. Wiseman
Zoning Commissioner ✓
TO1DOCS1/255197/v1/rab03

PETITIONER'S

EXHIBIT NO. 13

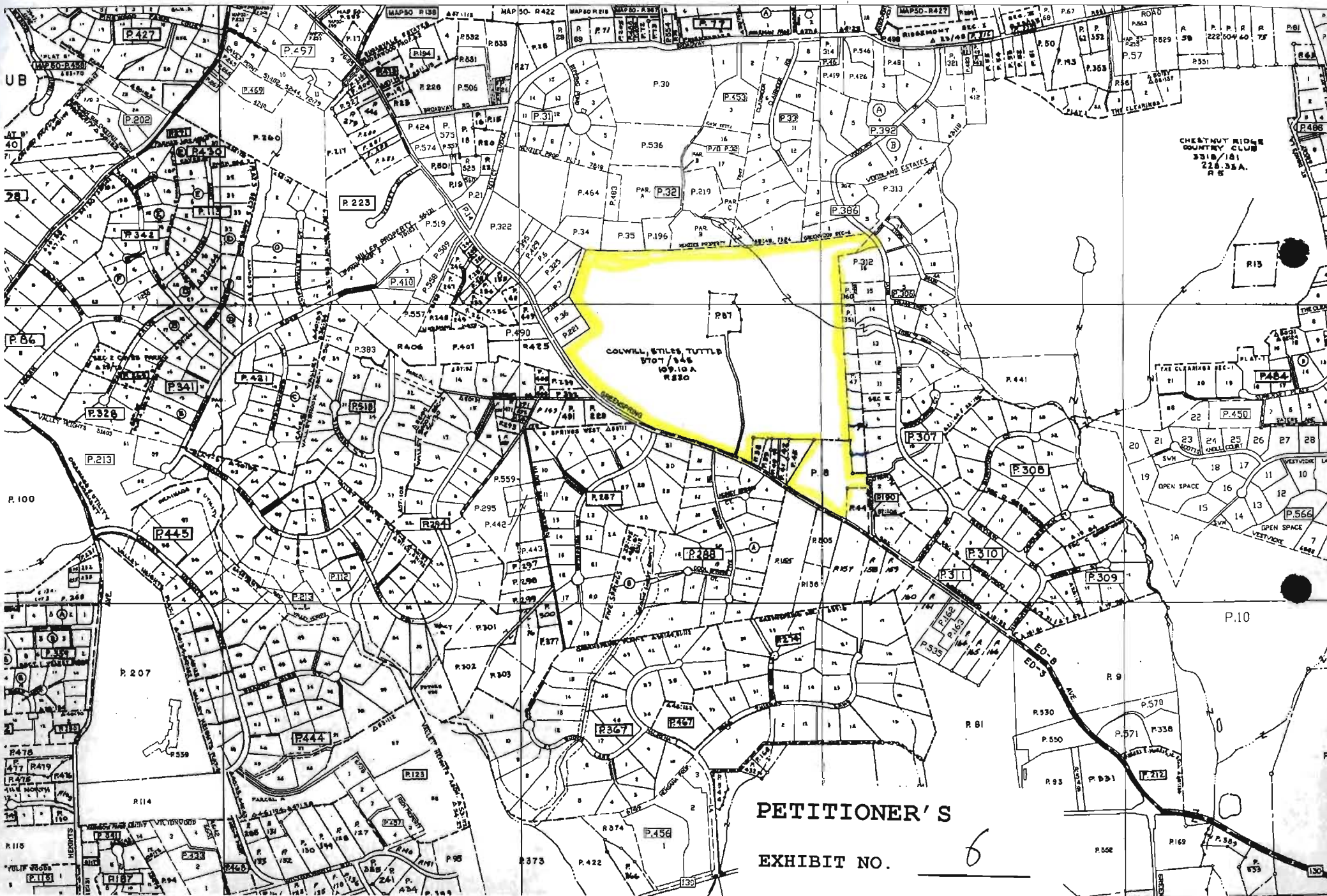


PETITIONER'S
EXHIBIT NO. 4



PETITIONER' S

EXHIBIT NO. 5



PETITIONER'S

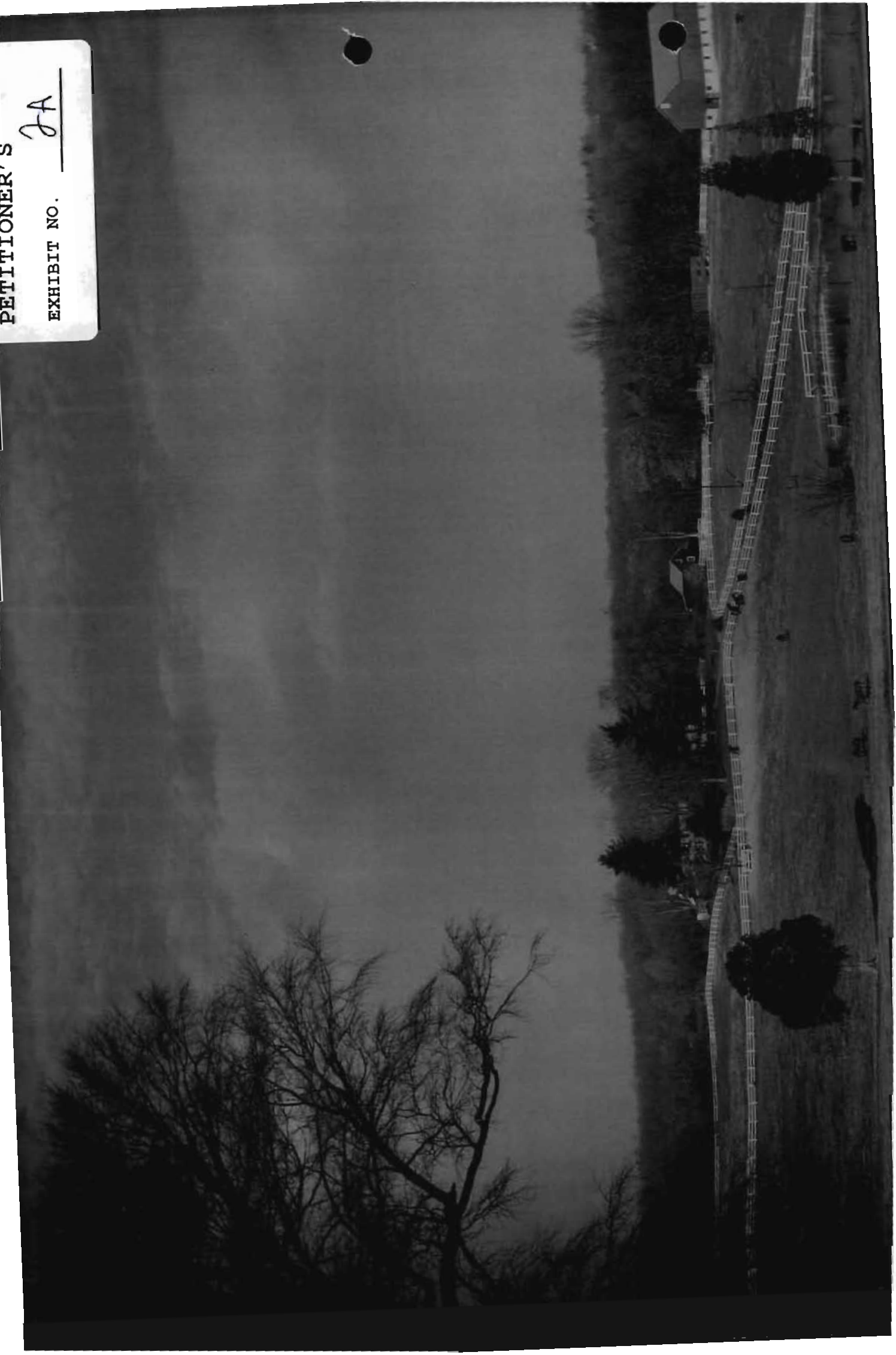
EXHIBIT NO.

6

PETITIONER'S

EXHIBIT NO.

2A





PETITIONER' S

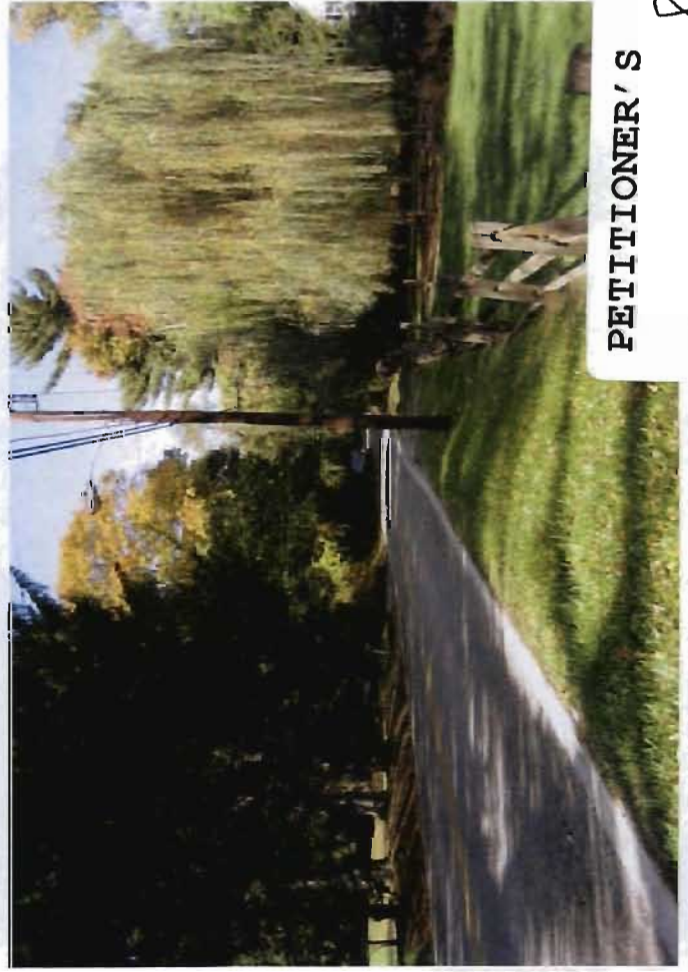
EXHIBIT NO. 15A+B



PETITIONER'S

EXHIBIT NO.

16



PETITIONER'S

EXHIBIT NO.

8A-

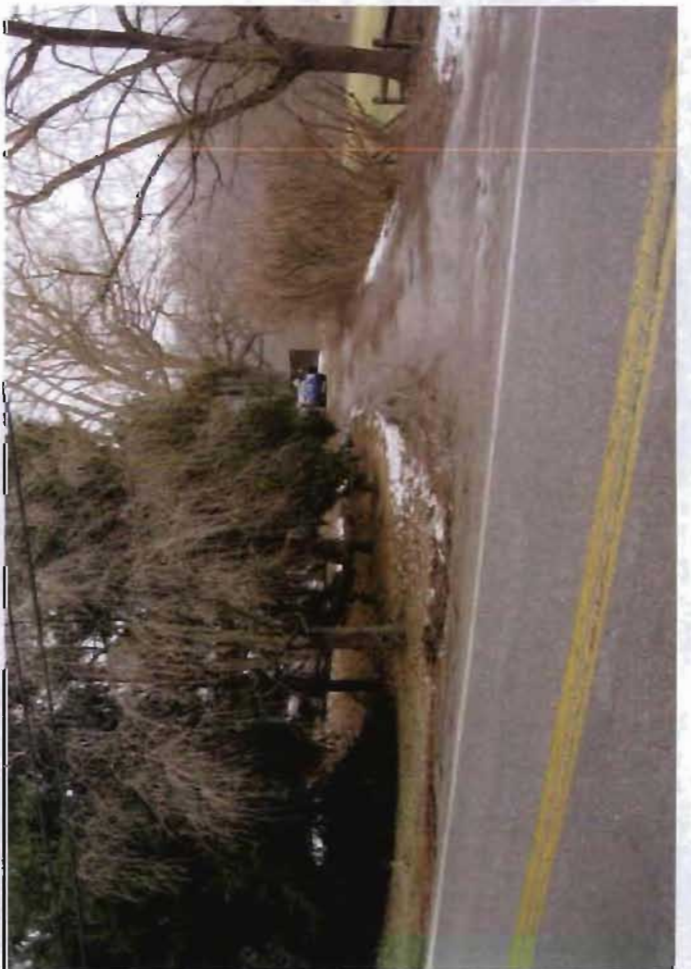
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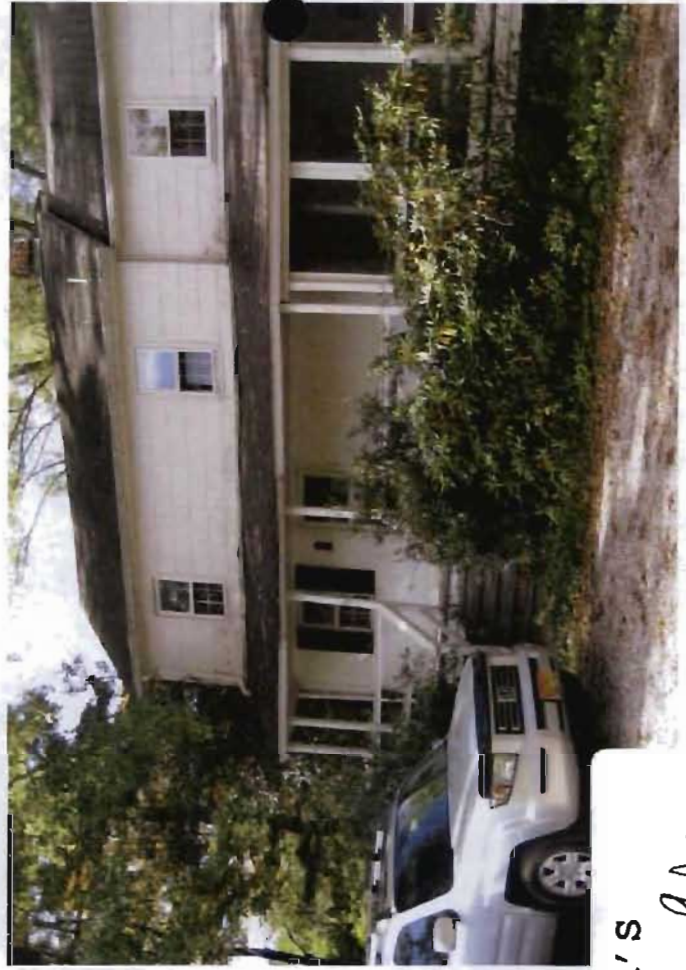
B





7





PETITIONER'S

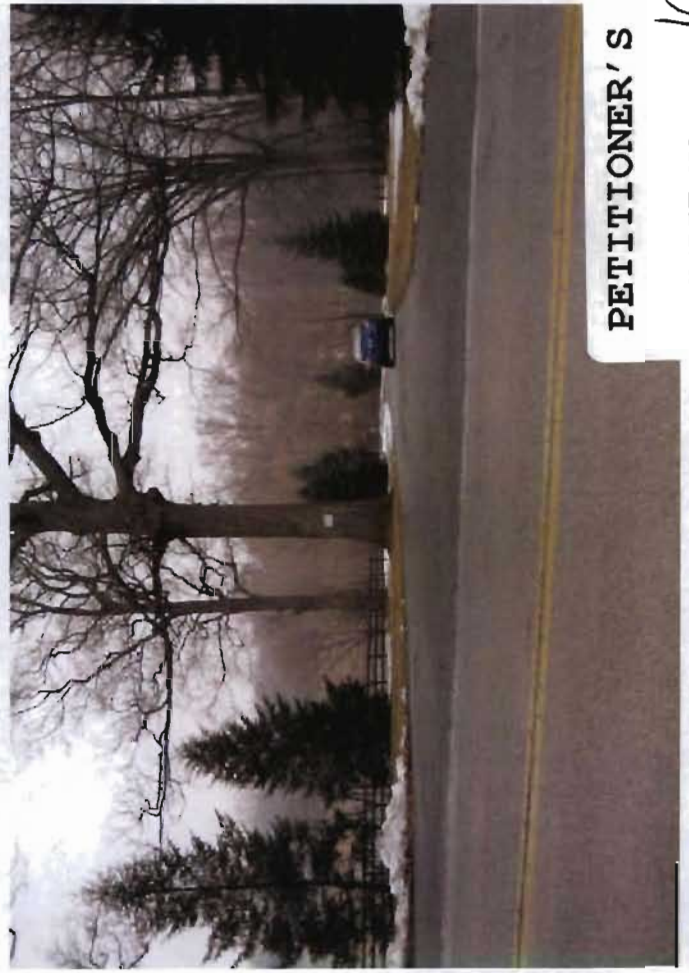
EXHIBIT NO.

9A-

C

D





PETITIONER'S

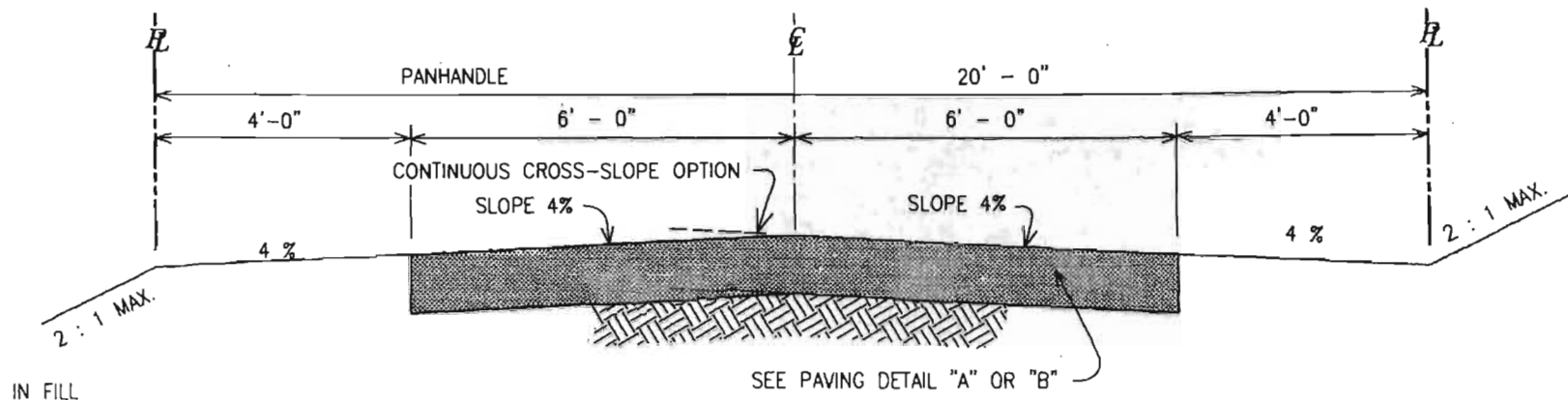
EXHIBIT NO. 10A-



H





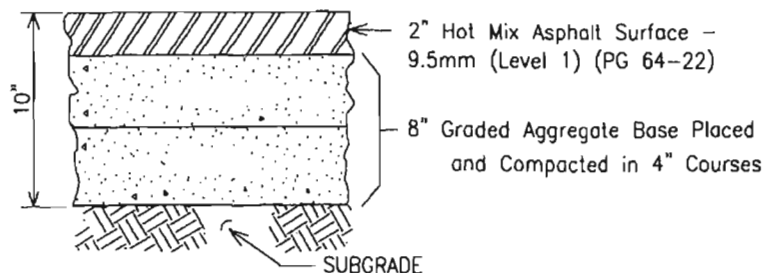


NOTES

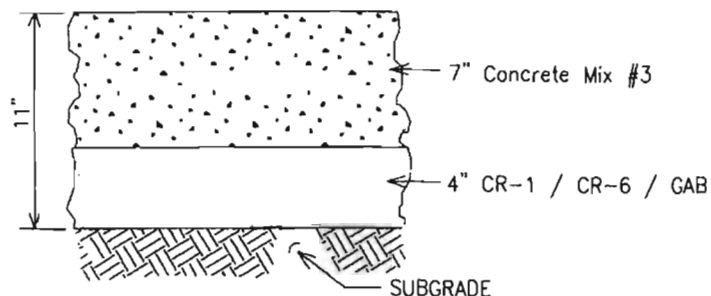
1. MINIMUM HORIZONTAL CURVATURE = 30 FOOT ϵ RADIUS
2. MAXIMUM ABRUPT CHANGE IN GRADE ϵ AT ROAD R/W LINE = 8° OR 13%.
3. MAXIMUM VERTICAL CURVATURE ON ϵ PROFILE SHALL BE ESTABLISHED BY PLOTTING A 3-1/2" RADIUS CIRCULAR CURVE ON A 5 FOOT VERTICAL SCALE BY 50 FOOT HORIZONTAL SCALE PROFILE (20 MILE PER HOUR DESIGN SPEED).
4. SIDEWALKS MAY BE DEPRESSED 4 INCHES BELOW STANDARD GRADE THROUGH PANHANDLE FRONTAGE.
5. MAXIMUM GRADE = 14%.
6. WHERE DRAINAGE, ENVIRONMENTAL PROTECTION & OTHER CONDITIONS PERMIT, A NON-CROWN SECTION WITH CROSS-SLOPE AT 4% (1/2" TO 1") MAY BE UTILIZED TO ENCOURAGE DISPERSION AND/OR INFILTRATION OF RUNOFF.
7. THREE FOOT SHOULDER OF 6" CRUSHER RUN STONE IS REQUIRED FOR CUT S
8. LIMIT GROUND IRON BI 35% MAXIMUM IN MIX

PETITIONER'S

EXHIBIT NO. 11



DETAIL "A"



DETAIL "B"

FORMER STANDARD DETAIL PLATE R-47.



APPROVAL

 DIRECTOR
 BUR. OF ENGINEERING/CONSTRUCTION
 2-22-06
 DATE

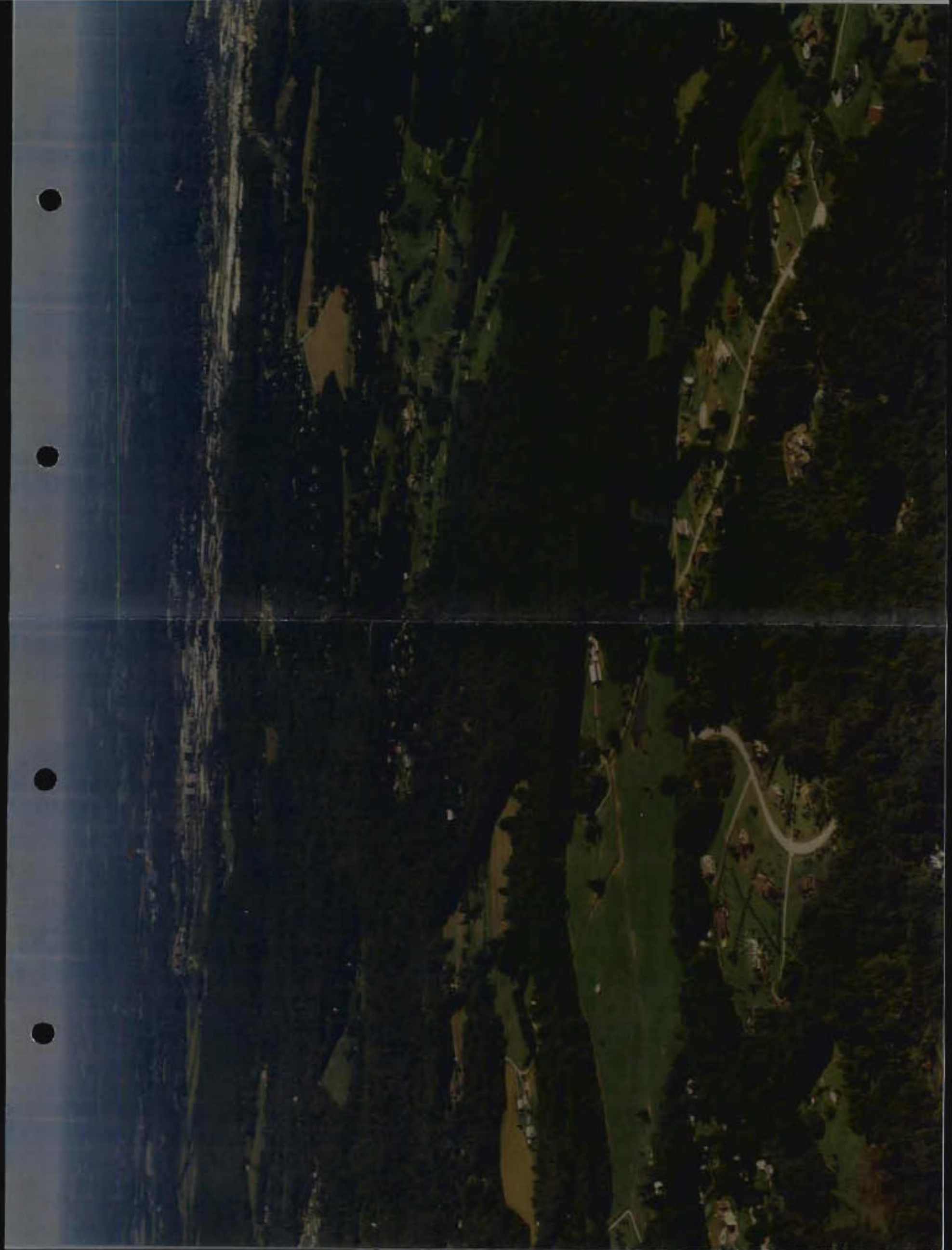
DEPARTMENT OF PUBLIC WORKS
 STANDARD ROAD AND STREET DESIGN
PANHANDLE DRIVEWAY
 DRIVEWAY LESS THAN 300 FEET
 URBAN OR RURAL ZONES, 1 LOT ONLY

ISSUED: AUGUST, 1997
 REVISED: MARCH, 2002
 REVISED: NOVEMBER, 2005

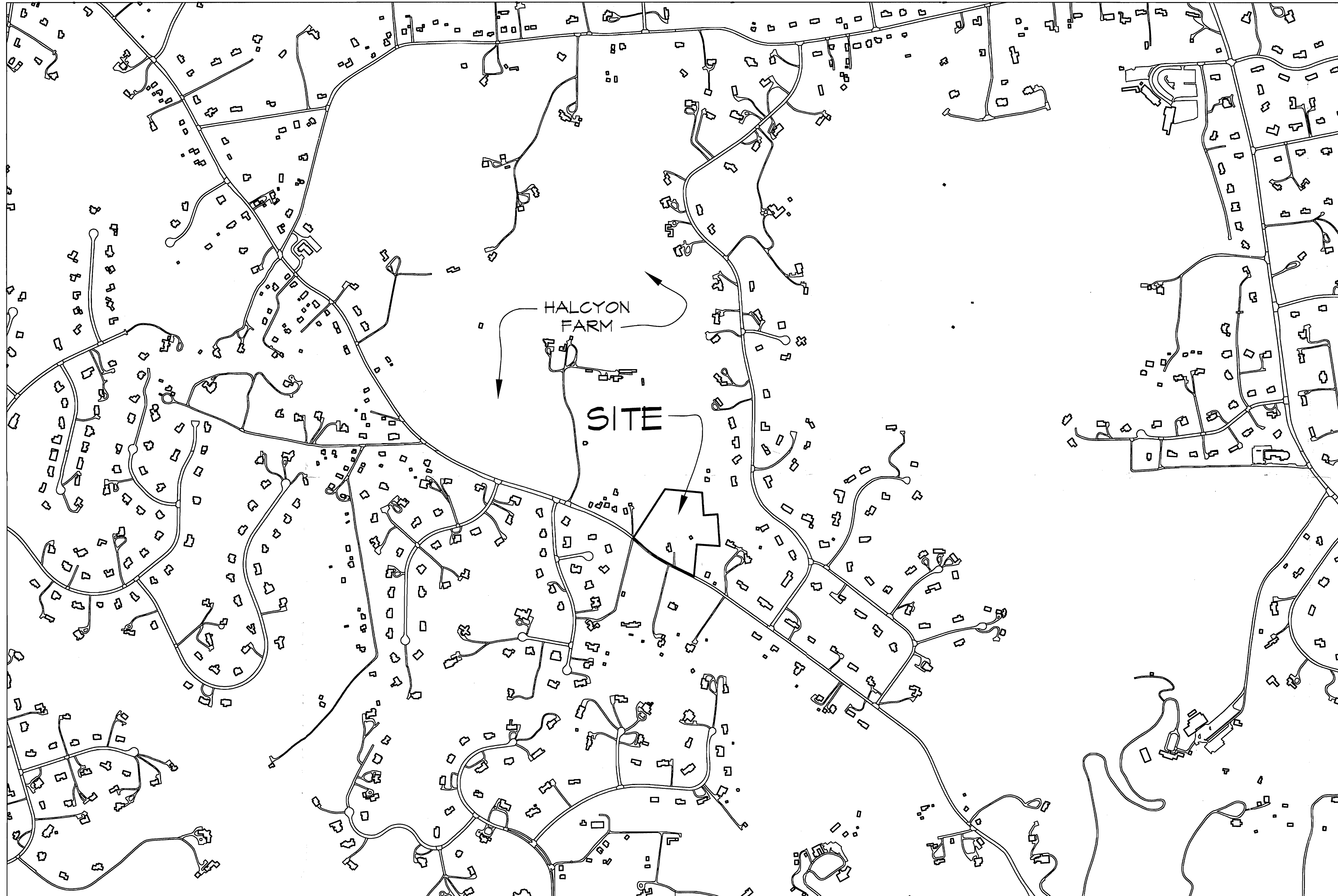
PLATE

R-R









PETITIONER'S EXHIBIT
11219 GREENSPRING AVE.

TAX MAP #54, GRID #11, PARCEL #43
8th ELECTION DISTRICT, 2nd COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.

LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS

406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

SCALE: 1"=500'

DATE: 01/29/08

JOB NO.: 0524-01

DESIGNED: TJH

DRAWN: TJH/LAL

CHECKED:

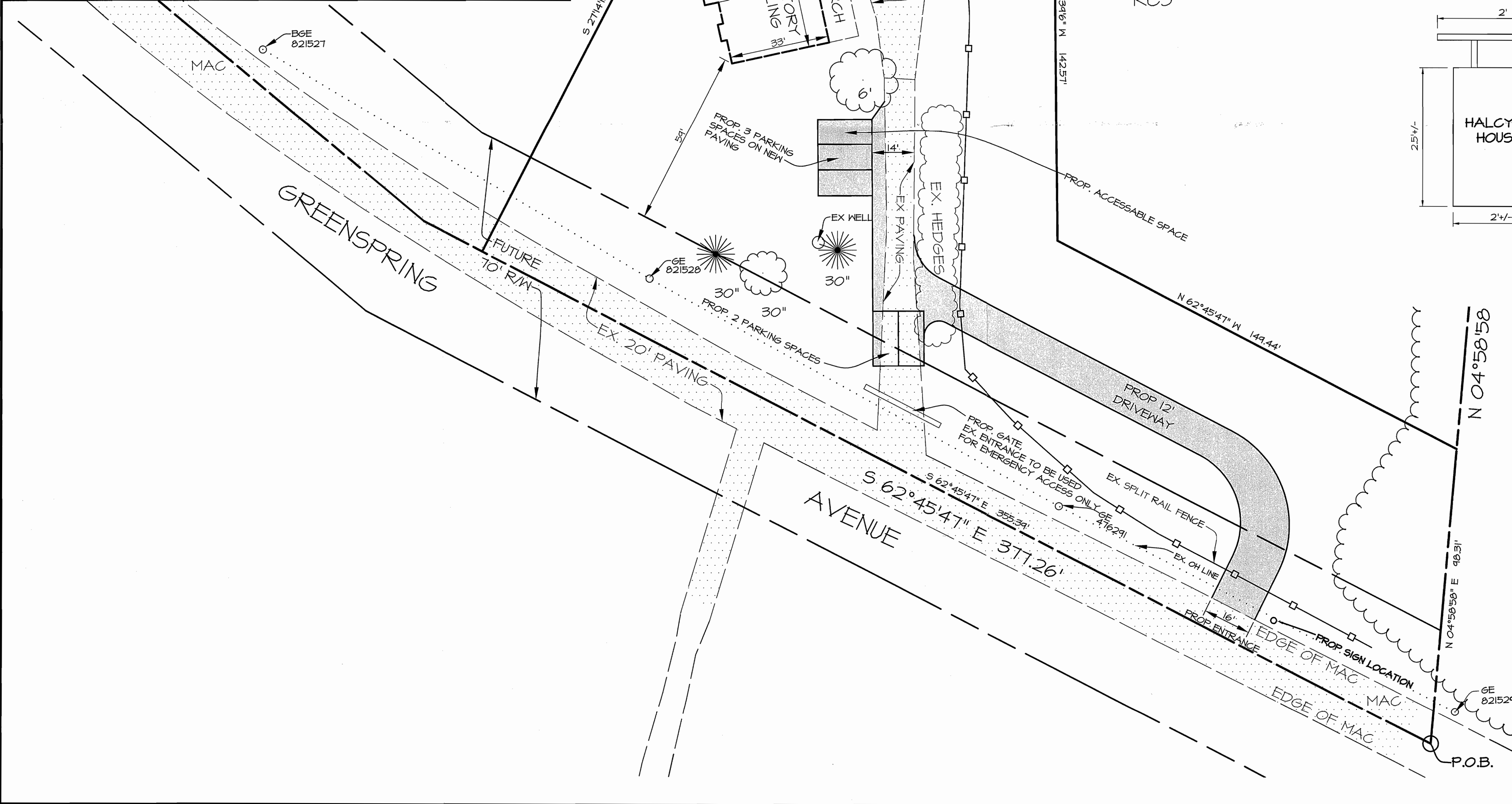
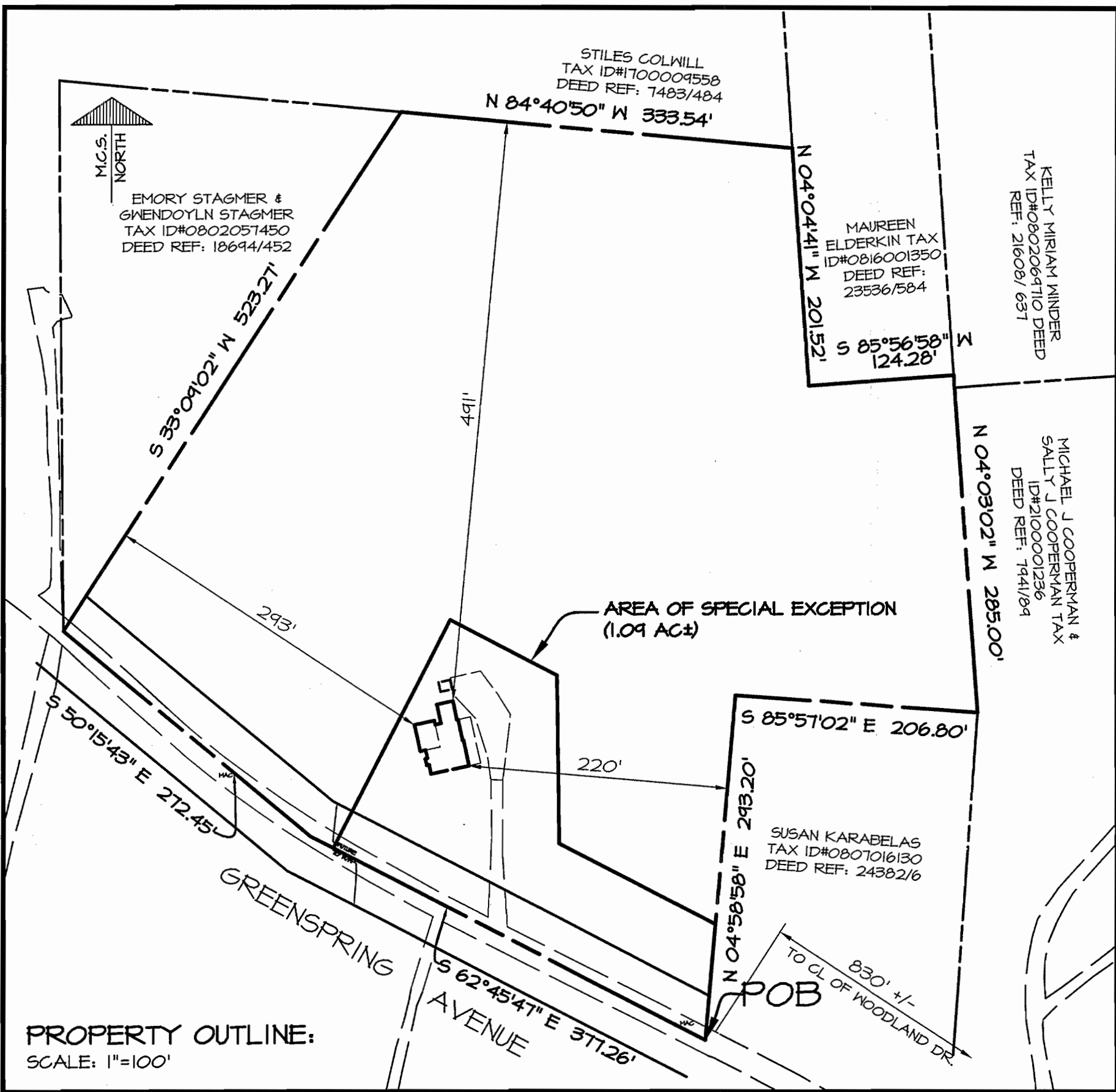
REVISIONS:

DRAWING NUMBER:

PETITIONER'S

EXHIBIT NO. 12

SHEET | OF |



ZONING RELIEF REQUESTED:

SECTIONS 1A04.2.B.1. & 402B.1. - SPECIAL EXCEPTION TO PERMIT AN ANTIQUE SHOP IN A RC-5 ZONE OUTSIDE THE URBAN-RURAL DEMARCATION LINE AND ON A LOT NO SMALLER THAN ONE ACRE.

SECTION 409.12.B. - TO APPROVE A MODIFIED PLAN FOR PARKING.

IN THE ALTERNATIVE:
SECTION 409.4.A. - VARIANCE TO ALLOW A 12' DRIVEWAY FOR TWO-WAY MOVEMENTS IN LIEU OF THE REQUIRED 20'.

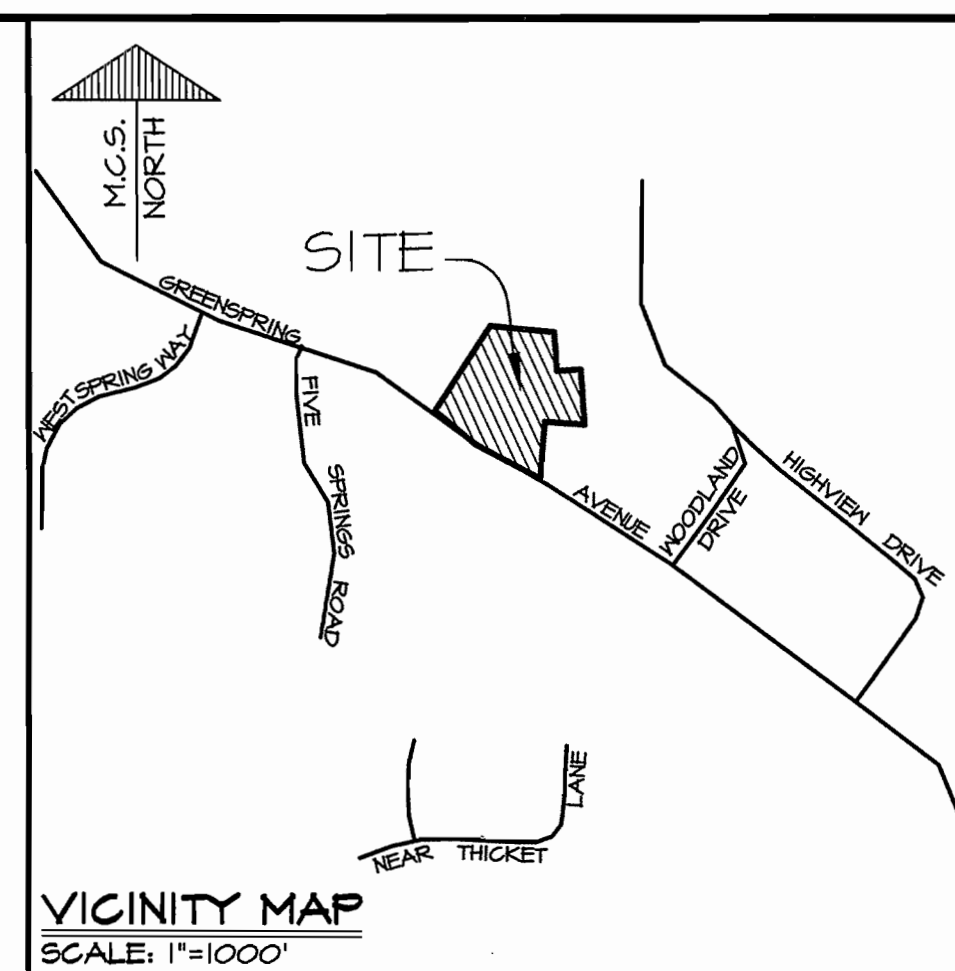
SECTION 409.4.C. - VARIANCE TO ALLOW A 14' TWO WAY AISLE FOR PERPENDICULAR PARKING IN LIEU OF THE REQUIRED 22'.

SECTION 409.6.2. - VARIANCE TO ALLOW 8 PARKING SPACES IN LIEU OF THE REQUIRED 16 SPACES.

SECTION 450 - VARIANCE TO ALLOW ONE FREESTANDING DOUBLE SIDED SIGN WITH AN AREA OF 5 SQUARE FEET ON EACH SIDE (10 SQUARE FEET TOTAL) IN LIEU OF THE PERMITTED SINGLE WALL MOUNTED SIGN WITH AN AREA OF 8 SQUARE FEET.

GENERAL NOTES:

- 1) PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
- 2) THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON SITE.
- 3) THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
- 4) PARKING LOT SHALL BE DURABLE & DUSTLESS PAVING AND PARKING SPACES SHALL BE STRIPED.
- 5) PROPERTY IS NOT IN ANY MORTUARY AREA.
- 6) ALL SIGNAGE SHALL COMPLY WITH SECTION 450, BCZR.
- 7) PROPERTY IS SERVED BY PRIVATE WELL & SEPTIC.



SITE DATA:

NET SITE AREA - 8.23 AC±, 358,542 SQ. FT.
EXISTING ZONING - RC-5,
ZONING MAP: 54B2 & 54C2
EXISTING USE: RESIDENTIAL
PROPOSED USE: ANTIQUE SHOP

COMMERCIAL PERMIT HISTORY:

THERE ARE NO RECENT COMMERCIAL BUILDING PERMITS ON THIS SITE.

ZONING & DEVELOPMENT PLAN HISTORY:

THERE ARE NO PRIOR ZONING CASES OR DEVELOPMENT PLANS ON THIS SITE.

BUILDING AREA:

FIRST FLOOR 1,716 SQ. FT. (RETAIL)
SECOND FLOOR 1,319 SQ. FT. (RETAIL)
TOTAL BUILDING AREA 3,035 SQ. FT.

PARKING CALCULATIONS:

PARKING REQUIRED
FIRST FLOOR 1,716 SQ. FT. @ 5/1000 = 8.6 SPACES
SECOND FLOOR 1,319 SQ. FT. @ 5/1000 = 6.6 SPACES
PARKING REQUIRED = 15.2 SPACES
PARKING PROPOSED - 8 SPACES (INCLUDING 1 ACCESSIBLE SPACE)

OWNER:

STILES COLWILL
JONATHAN GARGIULO
11245 GREENSPRING AVE
LUTHERVILLE-TIMONIUM, MD 21093
DEED REF: 25852/671
TAX ACCOUNT: 0802086175

PETITIONER'S

EXHIBIT NO. 1

#08-221-XA

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION & VARIANCES

11219 GREENSPRING AVE.

TAX MAP #54, GRID #11, PARCELS #43
8th ELECTION DISTRICT, 2nd COUNCILMANIC BALTIMORE COUNTY, MD

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TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326



REVISIONS:

SCALE: 1"=20'

DATE: 11/9/07

JOB NO.: 0524-01

DESIGNED: T.J.H.

DRAWN: T.J.H./P.L.T.

CHECKED:

DRAWING NUMBER:

ZP-1

SHEET OF