

IN RE: **PETITION FOR VARIANCE**

NE Corner Holabird and
Crafton Avenues
(6918 Holabird Avenue)
12th Election District
7th Council District

Andrew J. Brown, Jr., et ux
Petitioners

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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2008-0470-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Andrew J. Brown, Jr., and his wife, Linda L. Brown, property owners. The Petitioners seek relief from Section 409.8A(4) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit surface parking for a non-residential use to be 3 feet from the right-of- way line of a public street in lieu of the 10 feet required (on the eastside of the property closest to Crafton Avenue); to permit surface parking for a nonresidential use to be 4 feet from the right-of- way line of a public street in lieu of the 10 feet required (on the north side of the property closest to the alley), and finally from Section 409.8A(5) of the B.C.Z.R. to allow the design of a dead end aisle with less than the desired backup area for an end parking space. The subject property and requested relief are more particularly described on the revised site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Linda and Andrew Brown, legal owners; Donald E. Hicks with Hicks Engineering Associates, Inc., the civil engineer who prepared the site plan for this property, and J. Neil Lanzi, Esquire representing the Petitioners. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING
Date 6-20-08
By [Signature]

Testimony and evidence offered revealed that the subject property is a narrow rectangularly shaped lot located on the northeast corner of Holabird Avenue and Crafton Avenue in the Lynch Point area of Dundalk. The property contains a gross area of .095 acres, more or less, zoned B.L.-A.S. and is improved with a snowball stand and commercial advertising sign which are to be razed. Mr. Brown testified that he is the owner of various properties in the Dundalk area and operates several businesses. Mr. Brown stated that it is his intention to improve the property by constructing a one-story masonry block 800 square foot building for a carry-out seafood restaurant.

As noted above, three variances are requested. The evidence demonstrated that the Browns have owned this particular property for over five years and that it is a lot of record (Lot 35 and a portion of Lot 34) in the Fairlawn subdivision established in the 1920's. The photographs accepted into evidence clearly document the commercial nature of the neighborhood and how well the Petitioners have maintained the subject property and other business properties they own in the area. As stated, this is a corner lot with Crafton Avenue to the east, a public alley to the north, Holabird Avenue to the south and an existing commercial structure immediately to the west.

Although no one appeared in opposition to the request, a Zoning Advisory Committee (ZAC) comment was received from the Office of Planning relative to the proposed dumpster location. Petitioners' Exhibit 1 provided for redline revisions documenting the relocation of the dumpster closer to the proposed restaurant structure in accordance with the request of the Office of Planning. The result of this redline change and the relocation of the dumpster effectively eliminated the third variance concerning the end parking space deficiency. Additionally, the Office of Planning requests architectural elevations to be submitted for review and approval.

ORDER RECEIVED FOR FILING
Date 6-20-08
By [signature]

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the B.C.Z.R. for variance relief. The B.L.-A.S. zoning in the area is a significant factor. Moreover, it is to be noted that the existing property and adjacent properties have been used for commercial purposes for a number of years. Relief shall be granted as requested, however, the Petitioners shall be required to relocate the dumpster adjacent to the proposed building in accordance with Petitioners' Exhibit 1 and to submit architectural elevations to the Office of Planning for review and approval prior to the issuance of a building permit. Petitioner has agreed as a condition of approval to provide employee parking in accordance with Petitioners' Exhibit 3, which provides for three parking spaces at 6926 Holabird Avenue. Petitioners shall also provide two parking spaces to the rear of their existing liquor store property at 6916 Holabird Avenue just across Crafton Avenue. The uniqueness of this property originates from the small area of the site, its corner location and the need to provide for landscaping and parking. Indeed, Petitioners' expert, Donald E. Hicks, testified that a landscape plan would be provided at the time of building permit application to show proposed landscaping as well as new curb and gutter. Simply stated, strict adherence to the B.L. area requirements would result in a minimal building area which would be impractical and prevent a reasonable use. These factors contribute to the "practical difficulty" finding that is required for the variance relief to be granted. That is, if strict adherence to the regulations were required, the property owner would have no reasonable use of the property for the permitted purpose listed. Finally, I find that there will be no adverse impact caused by the proposed improvements upon adjacent properties and the granting of the requested relief will be consistent with the spirit and intent of the B.C.Z.R. I find that the removal of the large advertising sign and snowball stand with the proposed new construction will be an improvement

ORDER RECEIVED FOR FILING
Date 5-20-08
By [signature]

to this property and neighborhood. There is no arguable adverse impact of the carry-out restaurant use on the commercial property and the use fits in well with the other business uses in the locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of June 2008, that the Petition for Variance seeking relief from Section 409.8A(4) of the Baltimore County Zoning regulations (B.C.Z.R.) to permit surface parking for a nonresidential use to be 3 feet and 4 feet respectively from the right-of-way line of a public street in lieu of the 10 feet required, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Petition for Variance seeking relief from Section 409.8A(5) to allow the design of a dead end aisle with less than the desired backup area for an end parking space, be and is hereby DISMISSED AS MOOT.

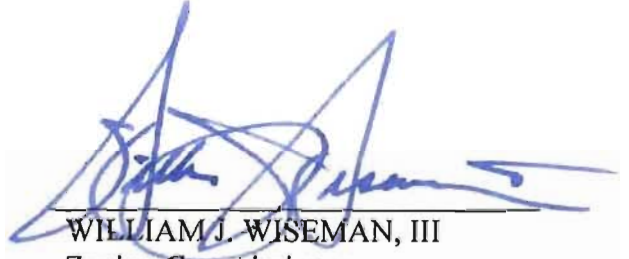
IT IS FURTHER ORDERED, for the reasons stated above, that this decision is subject to the following conditions precedent to the relief granted:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are made aware that proceeding is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. Prior to the issuance of any permits, the Petitioners shall submit a landscape plan to the Baltimore County Landscape Architect for review and approval.
3. The relief provided by this Order shall be subject to Petitioners providing employee parking in accordance with Petitioners' Exhibit 3, which provides for three parking spaces at 6926 Holabird Avenue and two spaces at 6916 Holabird Avenue.
4. Prior to the issuance of any permits, the Petitioners shall remove the existing snowball stand and commercial advertising structure.

ORDER RECEIVED FOR FILING
DATE 6-20-08
BY [signature]

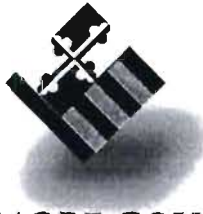
5. Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings of the proposed structure to the Office of Planning for review and approval.
6. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6-20-08
BY [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 20, 2008

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

RE: PETITION FOR VARIANCE
NE Corner Holabird and Crafton Avenues
(6918 Holabird Avenue)
12th Election District - 7th Council District
Andrew J. Brown, Jr., et ux – Petitioners
Case No. 2008-0470-A

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in part and dismissed as moot in part, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Andrew J. and Linda L. Brown, 3100 Greenhill Road, Baltimore, Maryland 21219
Donald E. Hicks, Hicks Engineering Associates, Inc., 200 East Joppa Road,
Suite 402, Towson, MD 21286
Avery Harden, Baltimore County Landscape Architect, DPDM
People's Counsel; Office of Planning; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 6918 Holabird Avenue

which is presently zoned BL-AS

Deed Reference: 16806 / 545 Tax Account # 1216062210

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. Neil Lanzi

Name - Type or Print

Signature

J. Neil Lanzi, P.A.

Company

409 Washington Ave, Suite 617 410-296-0686

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

Legal Owner(s):

Andrew Brown

Name - Type or Print

Signature

Linda Brown

Name - Type or Print

Signature

3100 Greenhill Avenue

410-477-1823

Address

Telephone No.

Baltimore, MD 21219

City

State

Zip Code

Representative to be Contacted:

J. Neil Lanzi, Esquire

Name

409 Washington Ave, Suite 617 410-296-0686

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

Case No. 2008-0470-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

REV 8/20/07

ORIGINAL RECEIVED FOR FILING

Date 6-20-08

By [Signature]

Reviewed by D.T.

Date 4/8/08

Attachment

Petitioner's, Linda Brown and Andrew Brown, for the Property known as 6918 Holabird Avenue, in Baltimore County, hereby petition the Zoning Commissioner for the following variances from the Baltimore County Zoning regulations:

1. Variance from Section 409.8A(4) to allow surface parking for a non-residential use to be 3 feet from the right-of-way line of a public street in lieu of the 10 feet required.

2. Variance from Section 409.8A(4) to allow surface parking for a non-residential use to be 4 feet from the right-of-way line of a public street in lieu of the 10 feet required.

JNH * See below

The Zoning Commissioner has the power to grant variances in cases where strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty or unreasonable hardship to Petitioner. Petitioner further states the granting of the variance requested will provide substantial justice to the Petitioner and will allow for the observance of the spirit of the regulations while maintaining the security of the public safety and welfare.

JNH 3. Variance from Section 409.8 A (5) to allow the design of a dead end aisle with less than the desired back up area for an end parking space.

Now
moot
due to

ZONING DESCRIPTION
FOR
NO. 6918 HOLABIRD AVENUE
DUNDALK
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE, MARYLAND 21222

BEGINNING at a point on the north side of Holabird Avenue, 50-feet wide right of way, at the east corner of Crafton Avenue, 50-feet wide right of way, said property being identified as Lot No. 35 and 7-feet of the west portion of Lot No. 34, for a total property width of thirty-two feet, said lots shown on Block 'D' of the plat of subdivision entitled "Fairlawn" and recorded among the Land Records of Baltimore County, Maryland in plat book W.P.C. Liber 6 at Folio 100, and containing approximately 4,128 square feet or 0.095 acres, more or less, of land.

Also known as No. 6918 Holabird Avenue and located in the 12th Election District and 7th Councilmanic District of Baltimore County.

Donald Edwin Hicks, P.E.



HICKS ENGINEERING ASSOCIATES, INC.
CIVIL ENGINEERS ~ LAND SURVEYORS
200 E. JOPPA ROAD, SUITE 402
TOWSON, MD 21286
TELEPHONE: 410.494-0001

APRIL 7, 2008

SHEET NO. 1 OF 1

2008-0470-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 2068

Date: 4/2/08

PAID RECEIPT

BUSINESS ACTUAL TIME (PM)
4/09/2000 4/08/2008 15:44:28 I
REG 1501 WALKIN TRIC JNR
>>RECEIPT N 370243 4/08/2008 OFLH
Dept 5 520 ZONING VERIFICATION
012068
Recpt Tot: 1325.00
1325.00 Ch 4.00 CA
Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				325.00

Total: 325.00

Rec

From:

For:

2008-0470-A 6918 HOLABIRD AVE.

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 05/21/08

Case Number: 2008-0470-A

Petitioner / Developer: J. NEIL LANZI, ESQ.~ANDREW BROWN

Date of Hearing (Closing): JUNE 5, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
6918 HOLABIRD AVENUE

The sign(s) were posted on: 05/20/08



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

**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: 2008-0470-A

Petitioner: BROWN

Address or Location: 6918 HOLABIRD AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS. ANDREW J. BROWN

Address: 3100 GREENHILL AVE.

BALTO. MD 21219

Telephone Number: 410-477-1823

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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For Newspaper Advertising:

Item Number or Case Number: 2008-0470-A

Petitioner: BROWN

Address or Location: 6918 HOLABIRD AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: ANDREW J. BROWN, JR.

Address: Nº 3100 GREENHILL AVENUE

BALTIMORE, MD 21219-1102

Telephone Number: 410-477-1823

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 20, 2008 Issue - Jeffersonian

Please forward billing to:

Andrew Brown, Jr.

410-477-1823

3100 Greenhill Avenue

Baltimore, MD 21219-1102

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: 2008-0470-A

6918 Holabird Avenue

N/east corner of Holabird and Crafton Avenues

12th Election District – 7th Councilmanic District

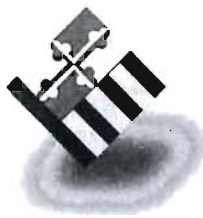
Legal Owners: Andrew and Linda Brown

Variance to allow surface parking for a non-residential use to be 3 feet from the right-of-way line of a public street in lieu of the 10 feet required and to allow surface parking for a non-residential use to be 4 feet from the right-of-way line of a public street in lieu of the 10 feet required and to allow the design of a dead end aisle with less than the desired back up area for an end parking space.

Hearing: Thursday, June 5, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Room 106, 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

April 23, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
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: 2008-0470-A

6918 Holabird Avenue
N/east corner of Holabird and Crafton Avenues
12th Election District – 7th Councilmanic District
Legal Owners: Andrew and Linda Brown

Variance to allow surface parking for a non-residential use to be 3 feet from the right-of-way line of a public street in lieu of the 10 feet required and to allow surface parking for a non-residential use to be 4 feet from the right-of-way line of a public street in lieu of the 10 feet required and to allow the design of a dead end aisle with less than the desired back up area for an end parking space.

Hearing: Thursday, June 5, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Room 106, Towson 21204

Timothy Kotroco
Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204
Andrew Brown, 3100 Greenhill Avenue, Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 21, 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
MARYLAND

JAMES T. SMITH, JR.
County Executive
Andrew & Linda Brown
3100 Greenhill Ave.
Baltimore, MD 21219

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management
May 28, 2008

Dear: Andrew & Linda Brown

RE: Case Number 2008-0470-A, Address: 3100 Greenhill Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 8, 2008. 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
J. Neil Lanzi, Esquire, 409 Washington Ave. Ste. 617, Towson, MD 21204

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 28, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 28, 2008
Item No. 08-470, 471, 472, 474, 475, 476,
477, 478, 479, 480, 481, 482, 483, 484,
485, 486, 487, and 488.

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

DAK:CEN:lrk
cc: File

ZAC-04282008-NO COMMENTS



BALTIMORE COUNTY

M A R Y L A N D

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

April 24, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 21, 2008

Item Number 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481,
482, 483, 484, 485, 486 and 488

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.

1The 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*

State Highway
Administration

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

Maryland Department of Transportation

Date: April 21, 2008

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

RE: Baltimore County
Item No. 8-470-A
6918 HOLABIRD AVENUE
BROWN PROPERTY
VARIANCE

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. 8-470-A.

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,

For 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

BW 6/5
11AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 2, 2008

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

SUBJECT: 6918 Holabird Avenue
INFORMATION:

Item Number: 08-470

Petitioner: Andrew and Linda Brown

Property Size: 4128 sq. ft.

Zoning: BL-AS

Requested Action: Variance

RECEIVED
MAY 07 2008

BY:

The petitioner is seeking a variance to permit non-residential parking 3 ft. and 4 ft. from the edge of public rights-of-way in lieu of 10 ft. and a dead-end aisle with less than the required backup area for an end parking space. The requested parking variances are to accommodate the application to construct an addition to an existing building to house a carryout restaurant.

SUMMARY OF RECOMMENDATIONS:

1. Front and side elevations should be provided to determine compatibility.
2. The dumpster must be placed next to the building. As shown on the plan it is closer to the residential houses across the alley from the subject property.

Prepared By:

Curtis M. Murray

Section Chief:
AFK/LL/CM

John F. Anderson

RE: PETITION FOR VARIANCE * BEFORE THE
6918 Holabird Avenue: NE corner Holabird *
& Crafton Avenues * ZONING COMMISSIONER
12th Election & 7th Councilmanic Districts *
Legal Owner(s): Andrew & Linda Brown * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-470-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

APR 29 2008

Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April, 2008, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 **Account Number -** 1513200020

Owner Information

Owner Name:	MARSH ALBERT LEE BROWN LINDA LEE/ANDREW JOSEPH, JR	Use:	RESIDENTIAL
Mailing Address:	3100 GREENHILL RD BALTIMORE MD 21219-1102	Principal Residence:	YES
		Deed Reference:	1) /20267/ 58 2)

Location & Structure Information

Premises Address	Legal Description
3100 GREENHILL RD	LT 6-10 LYNCH POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
111	5	141			B		6	3	
									Plat Ref: 8/ 38

Special Tax Areas

Town

Ad Valorem

Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1954	1,086 SF	16,875.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	43,210	76,210		
Improvements:	89,100	150,780		
Total:	132,310	226,990	195,430	226,990
Preferential Land:	0	0	0	0

Transfer Information

Seller: MARSH ALBERT LEE	Date: 06/18/2004	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /20267/ 58	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *



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

[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - 1513200020



Property maps provided courtesy of the Maryland Department of Planning ©2004.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web
 site at www.mdp.state.md.us/tax_mos.htm



CASE NAME _____
CASE NUMBER 2008-470
DATE 6-5-08

CITIZEN'S SIGN-IN SHEET

[illegible]



BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 4, SPECIAL REGULATIONS****Section 409, Off-Street Parking and Loading [Bill Nos. 26-1988; 36-1988]****409.8** Design standards.**A.** Requirements for parking facilities in all zones. All off-street parking facilities shall be subject to the following requirements:

1. Design, screening and landscaping. Design, screening and landscaping shall be provided in accordance with the Landscape Manual and all other manuals adopted pursuant to § 32-4-404 of the Baltimore County Code. [Bill No. 137-2004]
2. Surface. A durable and dustless surface shall be provided and shall be properly drained so as not to create any undesirable conditions.
3. Lighting. Any fixture used to illuminate any parking facility shall be so arranged as to reflect the light away from residential lots and public streets. Light standards shall be protected from vehicular traffic by curbing or landscaping.
4. Distance to street line. No parking space in a surface parking facility for a nonresidential use shall be closer than 10 feet to the right-of-way line of a public street, excluding vehicle overhang, except that in the C.T. District of Towson such setback is not required if the parking facility is screened from the street in accordance with the Landscape Manual.
5. Dead ends. All dead-end aisles shall be designed to provide sufficient backup area for the end parking spaces.
6. All parking spaces must be striped. Striping shall be maintained so as to remain visible.

B. Business or industrial parking in residential zones.

1. Upon application, the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6, under the following procedure:
 - a. On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of 15 days following the filing of the application.
 - b. Within the fifteen-day posting period, any interested person may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7.
 - c. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for parking in a residential zone if the proposed use meets all the requirements of Section 409.8.B.2. The use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of Section 409.8.B.2 below and to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community.
 - d. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing, such hearing to be held not less than 30 days and not more than 90 days from the date of filing of the request for public hearing.
 - e. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:

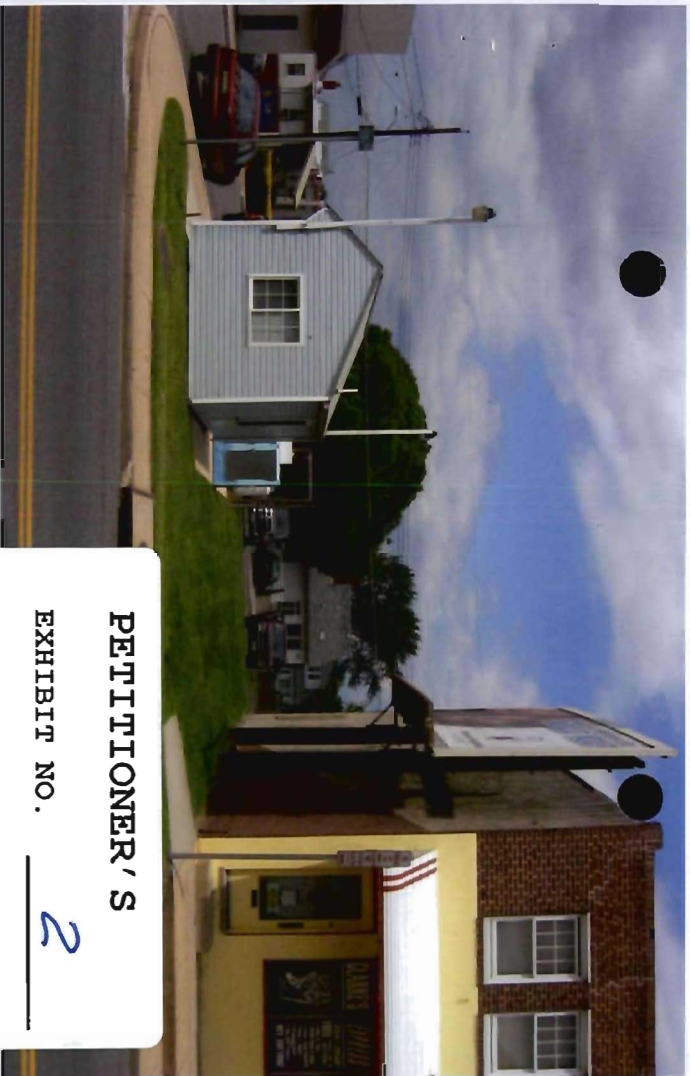
Case No.: 2008-470-A 6918 HOLABIRD AVENUE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	RED LINE SITE PLAN	
No. 2	Photo's - Existing CONDITIONS	
No. 3	Alternate Parking Agreement.	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

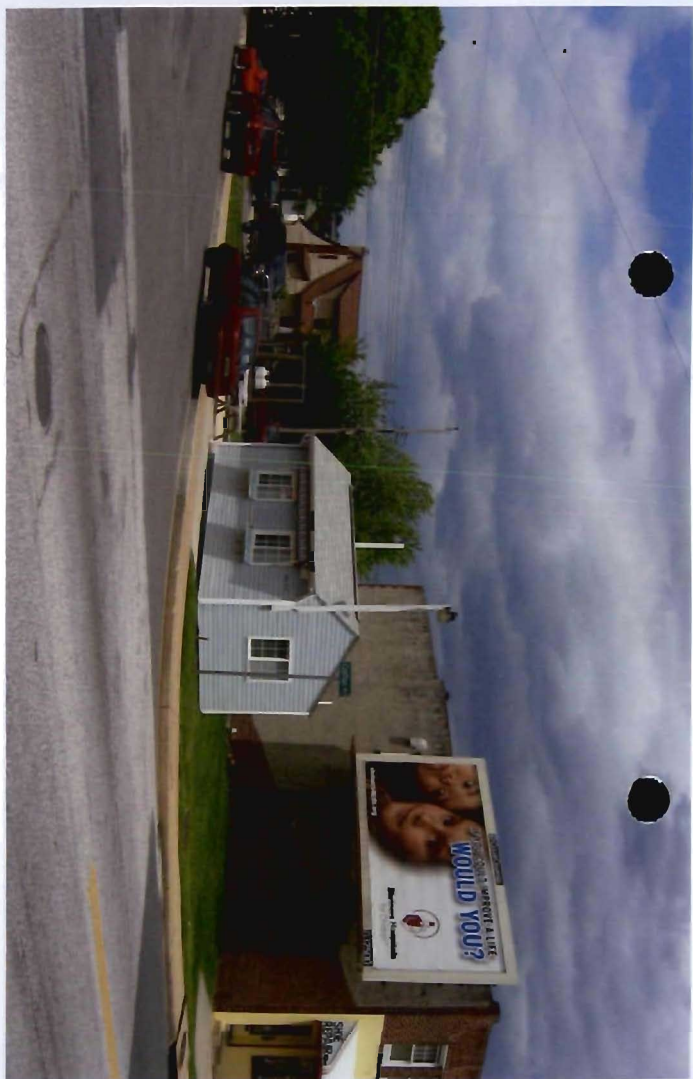


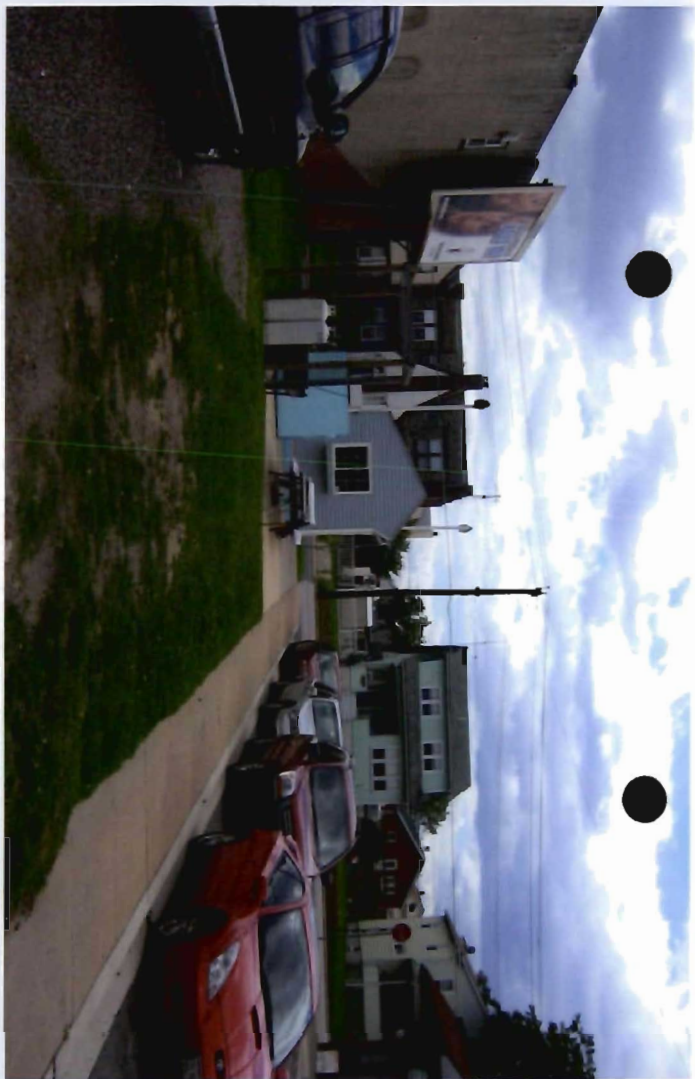
PETITIONER'S

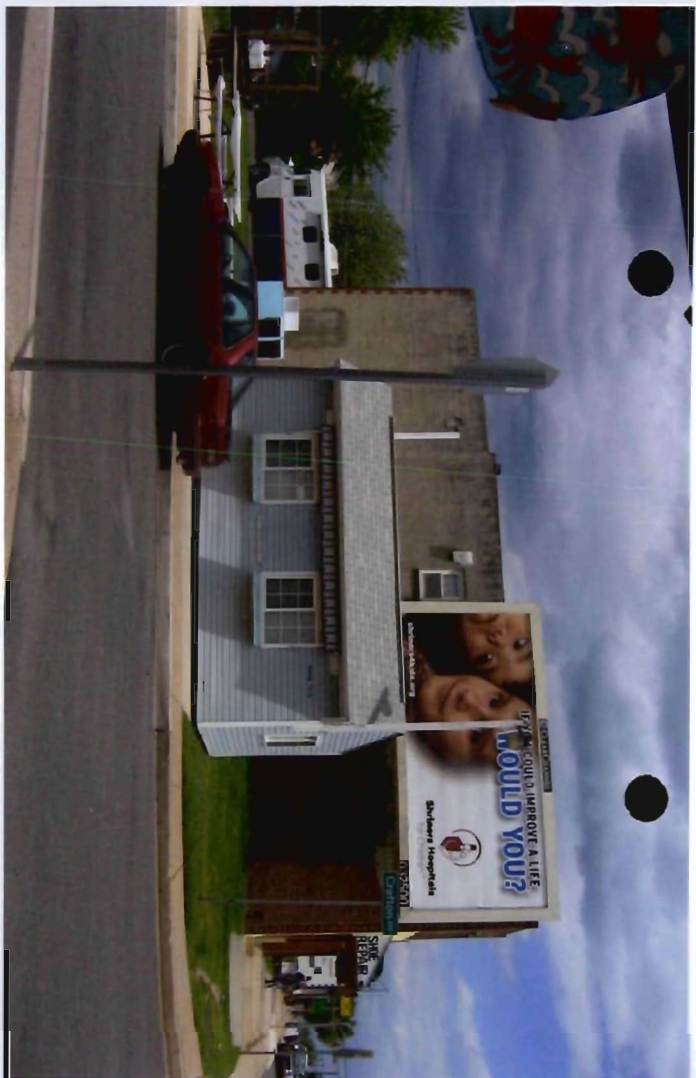
EXHIBIT NO. _____

2



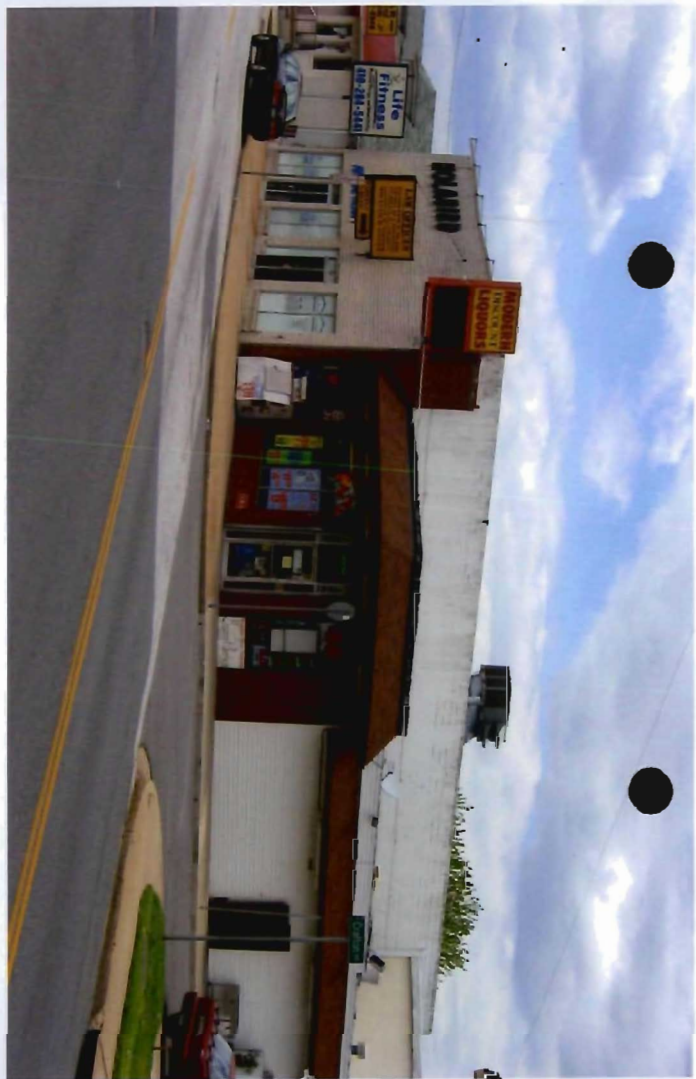


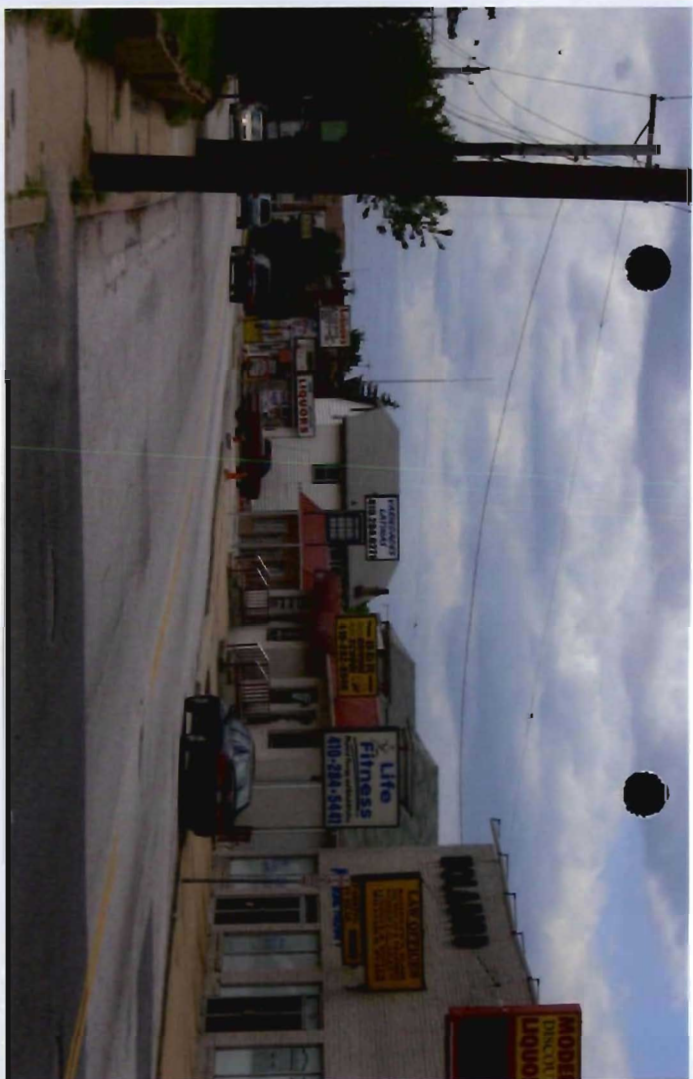












Dizzy Pleasure Club, Inc.

1935 to 2006

6926 Holabird Avenue

Dundalk, MD 21222

410-284-9829

The President of Dizzy Pleasure Club Inc.
Will allow Andrew Brown Three Parking Places.
at 6926 Holabird Ave. Balto MD 21222

ATTN:

Don Hicks

Frank H. Guido
PRESIDENT
D.P.C.

PETITIONER'S

EXHIBIT NO.

3

SITE DATA

DEED REFERENCE:
SITE AREA:

16806/545/ & 8655/385
4,128 SQ.FT.
OR 0.095 ACS.±.

EXISTING ZONING:
PLAT REERENCE:
TAX ACCT.NO.:

BL-AS
P.B. 6, PG. 100
1216062210(LOT 35 &
P/O LOT 34)

MAXIMUM HEIGHT
OF BUILDINGS:
ELECTION DISTRICT:
COUNCILMANIC DISTRICT:

50 FEET
12
7

EXISTING USE:

IMPROVED WITH EX.SIGN AND
SNOW-BALL STAND, TO BE REMOVED.

PROPOSED USE:

ONE STORY BUILDING WITH PARTIAL
BASEMENT, FOR MECHANICAL EQUIPMENT.
RESTAURANT FOR TAKE-OUT ONLY.

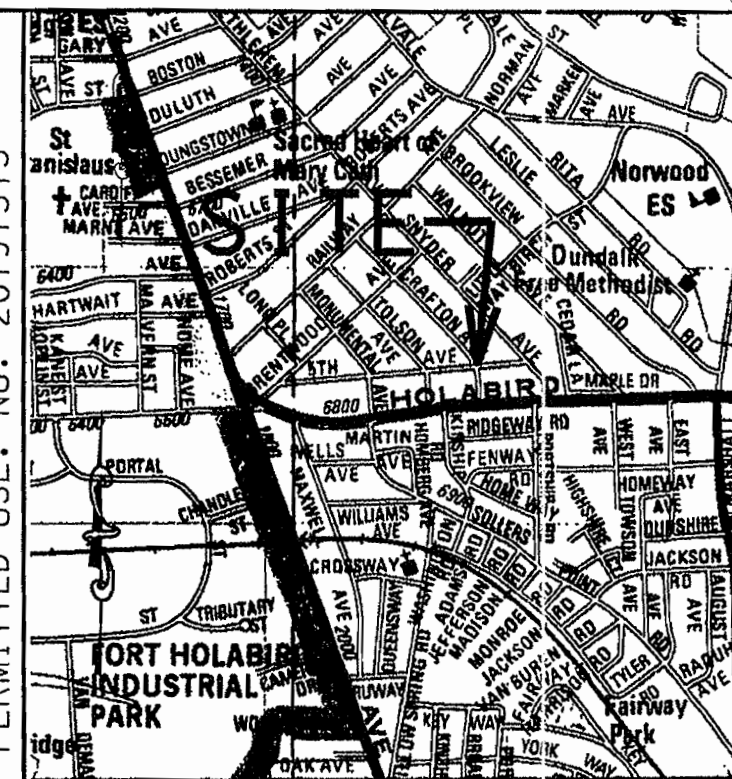
PARKING:

4 SPACES REQUIRED
3 SPACES PROVIDED & 1 HANDICAP SPACE

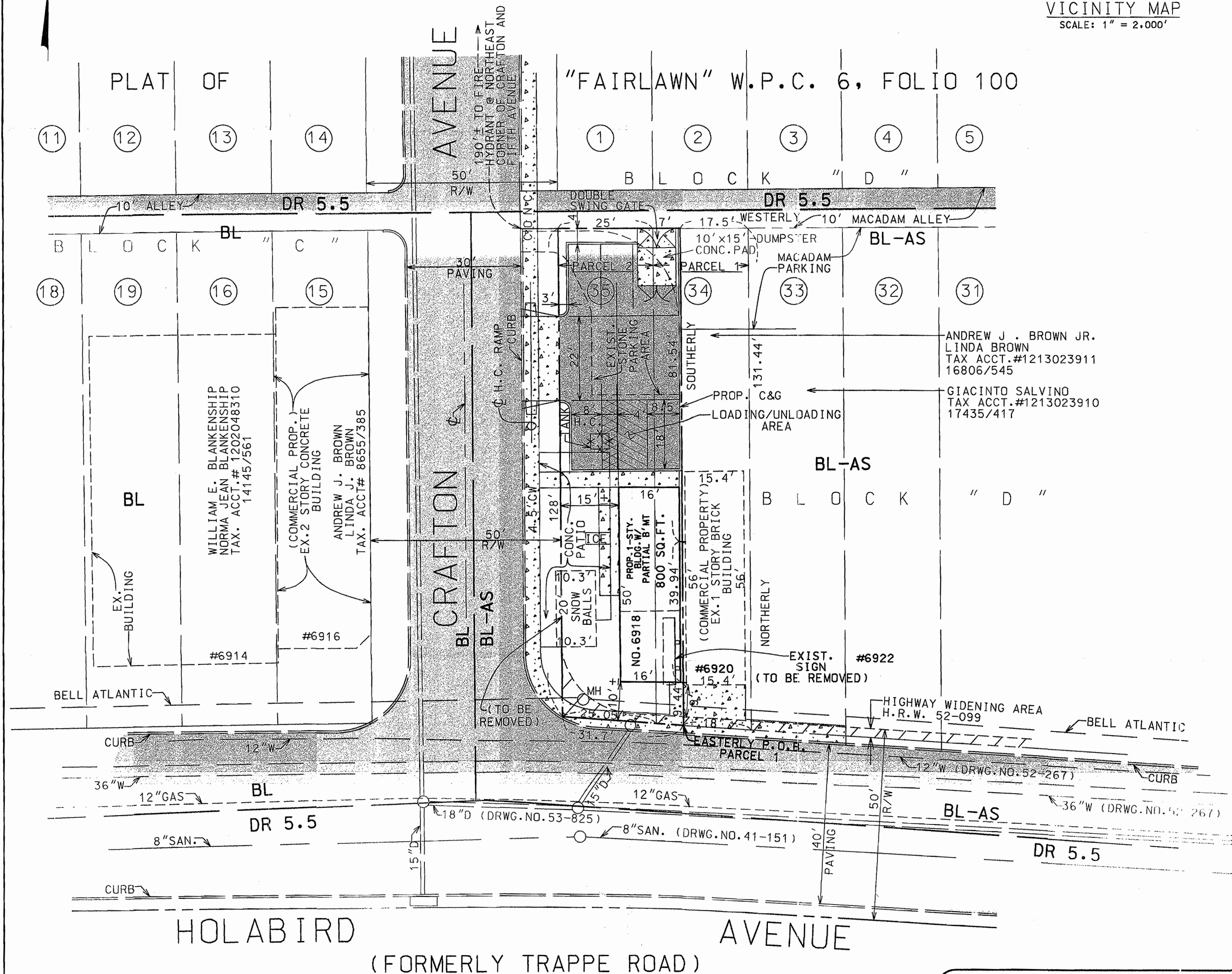
GENERAL NOTES

- 1.THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER FACILITIES.
- 2.THE SUBJECT PROPERTY IS NOT A HISTORICAL SITE NOR DOES IT LIE WITHIN A HISTORICAL DISTRICT.
- 3.THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- 4.THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE 100-YEAR FLOOD PLAIN. FLOOD ZONE C PER FEMA FIRM PANEL #240010 0420B.
- 5.THE SUBJECT PROPERTY HAS NO PRIOR ZONING HEARINGS ON SITE.
- 6.SIGNS FOR THE PROPOSED PROJECT WILL COMPLY WITH BALTIMORE COUNTY ZONING REGULATIONS.

COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE, NO. 20797515



VICINITY MAP
SCALE: 1" = 2,000'



OWNER:

ANDREW J. BROWN, JR.
LINDA L. BROWN
#3100 GREENHILL AVENUE
BALTIMORE, MD. 21219-1102
TELEPHONE: 410-477-1823

Hicks Engineering Associates, Inc.
ENGINEERS, SURVEYORS & PLANNERS
200 EAST JOPPA ROAD - SUITE 402
TOWSON, MARYLAND 21286-3160
(410) 494-0001 FAX: (410) 821-8890

PROJECT TITLE: HOLABIRD AVENUE
LOT 35 & PART OF LOT 34, BLOCK "D"
"FAIRLAWN"
W.P.C. NO.6, FOLIO 100
BALTIMORE COUNTY, MD.
MAP 103 • GRID 3 • PARCEL 513

DRAWING TITLE:
PLAT TO ACCOMPANY APPLICATION
FOR ZONING VARIANCE

HOLABIRD AVENUE @ CRAFTON AVENUE

JOB NO.:	21920	DRAWING NO.:	
DRAWN BY:	MEH		
CHECKED BY:	DH/LB		
DATE:	APRIL 4, 2008		
SCALE:	1"=20'	SHEETS PER SET:	1 OF 1

**ZONING
PLAT**

OWNER/DEVELOPER:
ANDREW J. BROWN, JR.
LINDA L. BROWN
#3100 GREENHILL AVENUE
BALTIMORE, MD. 21219-1102
410-477-1823



PARKING: 4 SPACES REQUIRED
3 SPACES PROVIDED & 1 HANDICAP SPACE

16806/545/ & 8655/385
4,128 SQ.FT.
OR 0.095 ACS.±.

BL-AS
P.B. 6, PG. 100
1216062210(LOT 35 &
P/O LOT 34)

50 FEET
12

12

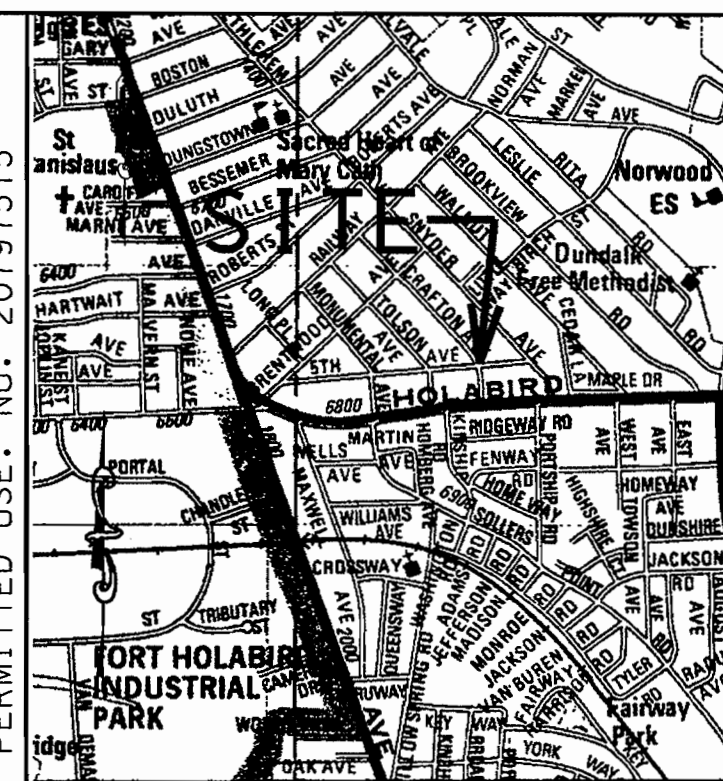
7

IMPROVED WITH EX.SIGN AND
SNOW-BALL STAND, TO BE REMOVED.

ONE STORY BUILDING WITH PARTIAL
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RESTAURANT FOR TAKE-OUT ONLY.

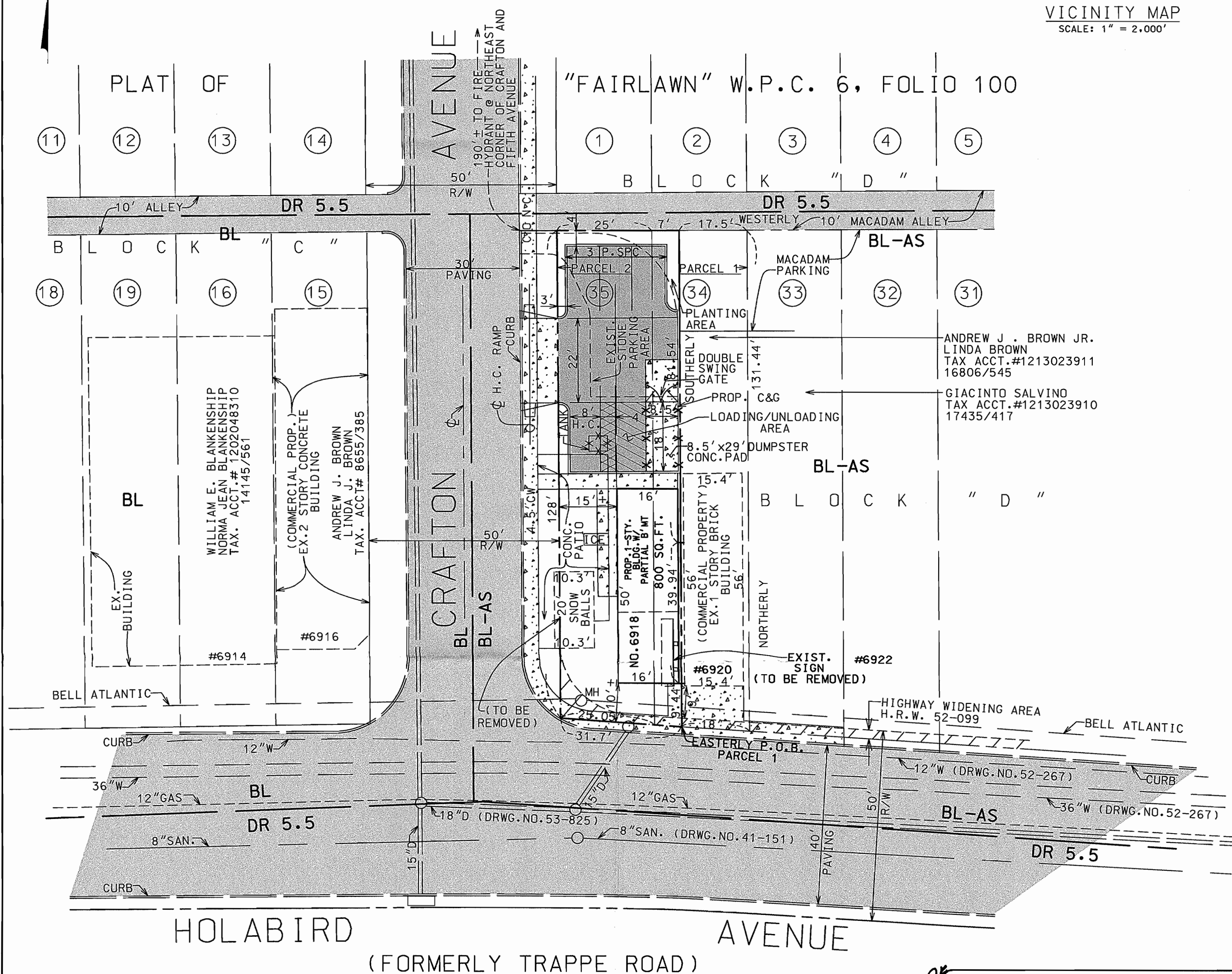
4 SPACES REQUIRED
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PERMITTED USE. NO. 20797515

VICINITY MAP
SCALE: 1" = 2,000'



OWNER:

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LINDA L. BROWN
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BALTIMORE, MD. 21219-1102
TELEPHONE: 410-477-1823



PETITIONER' S

EXHIBIT NO.

OWNER/DEVELOPER:
ANDREW J. BROWN, JR
LINDA L. BROWN
#3100 GREENHILL AVENUE
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LOT 35 & PART OF LOT 34, BLOCK "D"
"FAIRLAWN"
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BALTIMORE COUNTY, MD.
MAP 103 • GRID 3 • PARCEL 513

DRAWING TITLE:
PLAT TO ACCOMPANY APPLICATION
FOR ZONING VARIANCE

HOLABIRD AVENUE @ CRAFTON AVENUE

JOB NO.: 01000

DRAWN BY: MEH

CHECKED BY: *DH/LP*

DATE: APRIL 4, 2008

SCALE: $1''=20'$

DRAWING NO.:

ZONING
PLAT

SHEETS PER SET:
1 OF 1

REVISED: JUNE 4, 2008