

IN RE: **PETITION FOR SPECIAL HEARING**

NE Corner of Holabird Avenue and
Holaview Road
(7444 Holabird Avenue)

12th Election District
7th Council District

Holabird East, Inc.
Petitioner

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BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2009-0143-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by Frank D. Scarfield, Sr., on behalf of Holabird East, Inc., through its attorney, Deborah C. Dopkin, Esquire. Holabird East, Inc. owns the subject property and is owner of an adjacent 7.8-acre tract of land known as the Holabird East Apartments. The Petitioner requests a special hearing to modify the site plan and relief granted in Case No. 68-132-R and affirm the existing non-conforming use. In addition, relief is requested from the off-street parking regulations as follows: From Section 409.4.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an existing two-way drive aisle of 19' feet in lieu of the required 22'; from Section 409.6.A to approve 39 (28 on-site and 11 off-site) parking spaces in lieu of the 51 required; from Section 409.7.B to approve off-site parking of 11 business parking spaces in a residential zone; from Section 409.8 to approve (i) a modification of landscaping standards, (ii) parking as close as 0' to the right-of-way of a public street in lieu of the required 10', and (iii) existing business parking in a residential zone. Finally, the Petitioner requests, in the alternative, relief pursuant to Section 409.12.B of the B.C.Z.R. to approve a modified parking plan. The subject property and requested relief are more particularly described on the site plan submitted which were accepted into evidence and marked as Petitioner's Exhibit 1.

COPY RECEIVED FOR FILING

Date

2-10-09

By

1923

Appearing at the requisite public hearing in support of the request were Bettina Mabry and Deborah Torre, co-property managers and relatives of the principal owner of the property owner; Donald E. Hicks, professional engineer with Hicks Engineering Associates, Inc., who prepared the site plan for this property; Thomas J. Hoff, landscape architect with Thomas J. Hoff, Inc., who prepared a landscape plan to improve the property's appearance, and Deborah C. Dopkin, Esquire, attorney for the Petitioner. Also in attendance and participating at the hearing was John R. Alexander, Community Planner, with the Office of Planning. There were no Protestants or other interested persons present. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case and at the onset of the hearing it was acknowledged that the Petitioner hired Thomas J. Hoff, Inc., who worked in concert with Avery Harden in preparing a landscape plan for this property in response to comments submitted by Mr. Zimmerman and Stephen E. Weber, Chief of Traffic Engineering, Department of Public Works, who had reviewed the initial site plan. The schematic landscape plan provides for the removal of angled parking in front of the office and carry-out store, removing existing paving that borders along the County right(s)-of-way(s) that allows for the providing of a landscape buffer between the sidewalk areas and the property line and a 6' high wood screen fence between the rear of the site and the adjoining residentially zoned and used properties in that area.

Testimony and evidence presented revealed that the subject property is an irregularly shaped parcel, containing approximately 0.52 acres in area, primarily zoned B.L. with a narrow strip of D.R.16 that runs across the rear of the lot at its northern boundary. The property is part of a small commercial strip surrounded by single-family and multi-family residential units with other commercial properties to the east fronting on Holabird Avenue. See the 20 photographs received as Petitioner's Exhibit 3B depicting existing conditions and surrounding uses.

The facts of the case are relatively simple as referenced in the testimony and evidence produced at the hearing. In order to appreciate the nature of the relief requested, an understanding of the prior zoning history of the subject site is appropriate. The property was originally developed in the late 1960's with a 7-Eleven convenience store fronting on Holabird Avenue (formerly Trappe Road) followed by connecting offices and a carry-out restaurant to the rear. Frank D. Scarfield, as President of Holabird Apartments, Inc., along with the Diekmann and Martin families, sought approval for a Zoning Re-classification and/or Special Exception to allow for these facilities in Case No. 68-132-R. The site plan filed with that petition asked for, among other approvals, the inclusion of 11 parking spaces across the rear of the property that was rezoned from R-A to B.L. (See Petitioner's Exhibit 4).¹ The relief requested was granted by John G. Rose, Zoning Commissioner, on December 13, 1967. Thereafter, Frank Scarfield (Holabird East, Inc.) purchased the property from the Diekmann and Martin families in 1972 and has maintained the uses to date. The offices situated between the 7-Eleven store and DiDi's pizza carry-out serve as the management offices for the center and adjoining Holabird East Apartments wherein Mesdames Mabry and Torre oversee the operations.

The relief sought in the instant case relates to a proposed addition to the west side of the first floor of the building underneath an existing second floor overhang (See Petitioner's Exhibit B – photographs 4, 5 and 6). As shown on the site plan, a 6'-6" wide x 57'-2" long (378 square feet) office and carry-out addition is proposed). Evidently, this work under the canopy was being performed by the St. John's Construction Company without the benefit of a proper

¹ These are the same 11 parking spaces depicted on the current site plan (Petitioner's Exhibit 1) that are now located in the residential D.R.16 zoning classification. Ms. Dopkin opined that this more than likely resulted from a drafting error of the zoning maps over the years under the Comprehensive Zoning Map Process (CZMP). In any event, this has resulted in a non-conforming use as the parking in a residential zone has existed continuously since the property was developed pursuant to a lawful zoning Order. In other words, Case No. 68-132-R creates a presumption of correctness as to the zoning classification and use granted, which were supported by the record in that case.

building permit. Code Inspection and Enforcement Office Grant Kidd issued a Stop Work Notice. Thus, the requested special hearing relief is necessary in order to amend the previous site plan and modify, if necessary, the accessory off-street parking regulations contained in Section 409 of the B.C.Z.R. These requests are necessitated by the existing uses of the property of an office (first and second floors) and the convenience and carry-out store on the first floors. Although in operation for more than 39 years, the square footage calculations as shown on Petitioner's Exhibit 1 for each use require 51 spaces. It is beyond debate to assert that the proposed addition will have a detrimental impact on the deficient parking inherent at this site. I find the addition would be fairly negligible vis-à-vis traffic and parking impacts. The addition would be used by the existing business employees. That is to say, the number of employees will remain the same. No new uses or services are to be provided. This finding is substantiated by Stephen E. Weber, who in his correspondence to the Office of People's Counsel, dated January 13, 2009, states in pertinent part:

"Admittedly the proposed addition to the west side of the first floor of the building . . . would be a fairly negligible traffic/parking impact. While the site is deficient with parking, a check of our records indicates that we have never received a complaint from anyone about traffic or parking issues at this site."

Similarly, on February 3, 2009, Mr. Weber addressed drive aisle and landscaping concerns stating:

"Please be advised that I met with Tom Hoff, engineer for the petitioner, and Avery Harden this morning regarding this case. Apparently John Alexander from the Planning Office had prepared some comments regarding providing landscaping within the County right-of-way . . . Tom's client is prepared to remove the paving that is within the County right-of-way and provide a landscaped buffer between the sidewalk area and the property line. In discussing the issue with Avery, we will probably not require that a curb be constructed on the petitioners property line, but we will require either use of items like landscaping timbers and/or wheel stops along the parking lot side of the landscape buffer to help insure that cars are not able to encroach into the right-of-way and

the landscaping area and ruin it. Given the narrow width of available pavement on the site, we're not necessarily looking to take any of it away from the property owner, but we do want to see that the County right-of-way is returned to the use of the public and that it provides a buffer area between pedestrians walking along Holaview Rd. In addition, this action will make angle parking next to the building basically impossible, thus solving that habit. If customers do happen to parallel park next to the building, I don't necessarily find that to present any significant traffic issues and at least will contain the issues on the site itself".

In regard to parking, the small center has 28 spaces, having been built many years ago. Fifty-one (51) spaces are needed under the present regulations for the existing carry-out restaurant (8 spaces), convenience store (13 spaces) and office with addition (30 spaces). Mesdames Torre and Mabry testified from their personal knowledge of the property and that there are no parking lot problems on site today. The two (2) employees of DiDi's Pizza live in the adjacent apartments and walk to work. There are no tables inside for eating and most of DiDi's business is by delivery off-site. The 7-Eleven operates 24/7 and has four (4) employees who maintain the site in a clean and orderly fashion. The lighting on the building provides security to the site. Many of the patrons are apartment complex tenants, including those that make visits to the Holabird Apartments rental office. Most walk to this commercial strip. Ms. Torre pointed out that fortunately there is parking along Holaview Road. See photographs 16 through 20 – Petitioner's Exhibit 3-B. Many visitors coming and going from the apartment complex park on Holaview Road when stopping at the stores and do not occupy on-site customer parking spaces.

On behalf of the Petitioner, Ms. Dopkin submitted photographs and site plans of the Holabird East Apartments demonstrating pedestrian walkways to multiple off-street parking sites within 300 feet. See photographs 3B-9 through 3B-15 and site plan exhibits 5A and 5B. In this regard, the apartment complex has 50 additional spaces than needed and Mesdames Torre and

CASE FILED FOR FILING
Date 2-10-09
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Mabry confirm the allowed off-premises parking arrangement. B.C.Z.R. Section 409.7B allows off-street parking spaces in the Business, Local zone provided they "shall be located within 500 feet walking distance of a building entrance to the use that such spaces serve". Ms. Dopkin and Donald E. Hicks, P.E. opined that this arrangement meets the requirements and that present parking is adequate. On the other hand, Mr. Hicks opined that if these requests proceed under a modified parking plan of Section 409.12 the need to provide all spaces required would be an undue hardship on the Petitioner for the reasons given.

Based upon the testimony and evidence offered, I am persuaded to grant the amended relief. As noted above, most of the requests are to legitimize existing conditions. In my judgment, the Petitioner's providing a landscape buffer of a sufficient height to block from residential view parked cars is well thought out and appropriate. Mr. Hoff testified at the hearing that he had reviewed these changes with the Office of Planning and the County's Landscape Architect Avery Harden and that they are not opposed to the modified request. Based on these findings, I conclude that the Petitioner has met the requirements of Sections 500.7 and 502.1 of the B.C.Z.R. to allow an amendment to the previously approved site plan in accordance with the relief granted herein.

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 10th day of February 2009, that the Petition for Special Hearing seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to modify the site plan and relief granted in Case No. 68-132-R; (2) to approve an existing two-way drive aisle of 19' feet in lieu of the required 22' (Section 409.4.C); (3) to approve 39 (28 on-site and 11 off-

CASE FILED FOR FILING

Date 2-10-09

By [Signature]

site) parking spaces in lieu of the 51 required (Section 409.6.A); (4) to approve off-site parking of 11 business parking spaces in a residential zone (Section 409.7.B); (5) to approve (i) a modification of landscaping standards, (ii) parking as close as 0' to the right-of-way of a public street in lieu of the required 10', and (iii) existing business parking in a residential zone (Section 409.8), and (6) to approve a modified parking plan (Section 409.12.B), in accordance with Petitioner's Exhibits 1 and 2, be and are hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however Petitioner is hereby made aware that proceeding at this time is at its own risk until the thirty (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) Use of the off-site parking lot on the adjacent residentially zoned property (Holabird East Apartments) shall be limited to passenger cars. Additionally, Petitioner and their tenants shall use good faith efforts to have their employees park on the off-site parking lot whenever possible.
- 3) Petitioner shall remove the paving from the right-of-way(s) and install vegetative screening along the frontage of both roads between the sidewalk area and property lines as illustrated on Petitioner's Exhibit 2. The landscaping shall be consistent with the goals and objectives contained in the Office of Planning's Zoning Advisory Committee (ZAC), dated December 8, 2008, a copy of which is attached hereto and made a part hereof. Avery Harden, Baltimore County Landscape Architect, should be consulted to obtain his advice as to the type of plantings and their precise location and obtain his approval. The plantings of such trees is to be done (weather permitting) within nine (9) months of the date of this Order. The perpetual maintenance of the landscape areas will be the responsibility of the Petitioner or its assigns.
- 4) As noted on Petitioner's Exhibit 2, Petitioner shall install a 6-foot high wood fence along a portion of the north and eastern property lines separating this area of the site from the adjacent D.R.16 residentially zoned properties.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the portion of the Petition for Special Hearing to affirm the existing non-conforming use and to approve existing business parking in a residential zone,

ORDER RECEIVED FOR FILING

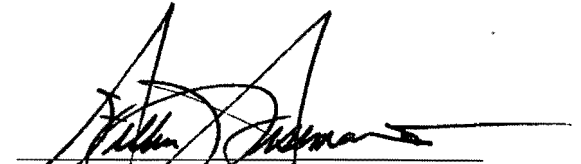
Date 2-10-09

By

are hereby DISMISSED AS MOOT.

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

WJW:dlw


WILLIAM L. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 2-10-09
By [signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: 12-08-08

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

SUBJECT: Zoning Advisory Comments
INFORMATION: 7444 Holabird Avenue

Item Number: 09-143-SPH

Petitioner: Holabird East Inc./Frank Scarfield

Property Size: .52 ac.

Zoning: BL/DR-16

Requested Action: Special Hearing to seek approval of modification of standards of site, parking uses, and landscaping. Variances for parking.

SUMMARY OF RECOMMENDATIONS:

The property is part of a small commercial strip surrounded by single family and multifamily residential units. Therefore the landscaping standards must be retained sufficient to provide a landscaped buffer between the public rights of way and the subject property and between adjacent residential uses and the subject property. The vegetation should be of sufficient height to block from view, the parked cars while permitting view of the buildings. Thereby the residential community will not look at on more naked parking lot from their homes.

Please submit a landscape plan that addresses these issues.

Prepared By: Arnold F. Keller

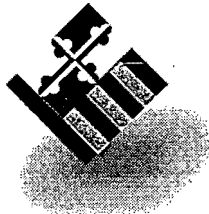
Section Chief: _____

AFK/JM/JRA

ORDER RECEIVED FOR FILING

Date 7-10-09

By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

February 10, 2009

WILLIAM J. WISEMAN III
Zoning Commissioner

Deborah C. Dopkin, Esquire
409 Washington Avenue
Towson, MD 21204

RE: PETITION FOR SPECIAL HEARING
NE Corner of Holabird Avenue and Holaview Road
(7444 Holabird Avenue)
2th Election District - 7th Council District
Holabird East, Inc. – Petitioner
Case No. 2009-0143-SPH

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in part and dismissed 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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Frank D. Scarfield, Sr., Holabird East, Inc., 7444 Holabird Avenue, Baltimore, MD 21222
Bettina Mabry, 1705 Holaview Road, A-4, Baltimore, MD 21222
Deborah Torre, 7444 Holabird Avenue, Suite D, Baltimore, MD 21222
Donald E. Hicks, P.E., Hicks Engineering Associates, Inc., 200 East Joppa Road, Suite 402,
Towson, MD 21286
Thomas J. Hoff, Thomas J. Hoff, Inc., 406 West Pennsylvania Avenue, Towson, MD 21204
People's Counsel; John R. Alexander, Office of Planning; Avery Harden, Landscape Architect,
DPDM; Stephen E. Weber, Chief of Traffic Engineering, DPW;
Grant Kidd, Division of Code Inspections and Enforcement, DPDM; File

STOP WORK ORDER.



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7444 HOLABIRD AVENUE BALTIMORE, MD
 which is presently zoned BL & DR16

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

DEED REFERENCE: 5270/944 Acct. Nos. 1208069120 & 1204037110

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
 (This box to be completed by planner)

See attached

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

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

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: N/A

Name - Type or Print _____
 Signature _____
 Address _____ Telephone No. _____
 City _____ State _____ Zip Code _____

Attorney For Petitioner:

DEBORAH C. DOPKIN, ESQ.
 Name - Type or Print _____
 Signature Deborah C. Dopkin
 DEBORAH C. DOPKIN, P.A.
 Company _____
 409 WASHINGTON AVENUE 410-821-0200
 Address _____ Telephone No. _____
 TOWSON MD 21204
 City _____ State _____ Zip Code _____

Legal Owner(s):

HOLABIRD EAST, INC.

Name - Type or Print _____
 Signature Frank D. Scarfield Sr.
 FRANK D. SCARFIELD, SR.
 Name - Type or Print _____
 Signature Frank D. Scarfield Sr.
 7444 HOLABIRD AVENUE 410-284-2200
 Address _____ Telephone No. _____
 BALTIMORE MD 21222-1848
 City _____ State _____ Zip Code _____

Representative to be Contacted:

DEBORAH C. DOPKIN, ESQ.
 Name _____
 Address _____ Telephone No. _____
 City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2008-0143-SPH

UNAVAILABLE FOR HEARING _____

REV 9/15/98

Date 11.13.08

Date 2-10-09

By [Signature]

Special Hearing

1. To modify the site plan and relief granted in Case No. 68-132 R and affirm the existing non-conforming use;
2. To approve an existing two-way drive aisle of 19' in lieu of the required 22' pursuant to Section 409.4.C
3. To approve 39 (28 on-site and 11 off-site) parking spaces in lieu of the 51 required pursuant to Section 409.6.A;
4. To approve off-site parking of 11 business parking spaces in a residence zone pursuant to Section 409.7.B;
5. To approve (i) a modification of landscaping standards, (ii) parking as close as 0' to the right-of-way of a public street in lieu of the required 10', and (iii) existing business parking in a residence zone pursuant to Section 409.8,
6. To approve a modified parking plan pursuant to section 409.12.B - *Mooted*

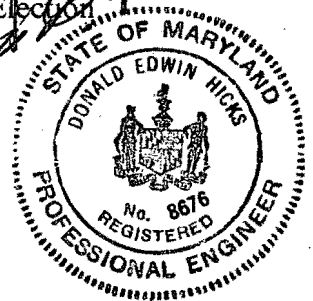
ZONING DESCRIPTION
NO. 7444 HOLABIRD AVENUE
BALTIMORE COUNTY, MARYLAND
TAX MAP 103 ~ GRID 11 ~ PARCEL 205

BEGINNING for the same at the point formed by the intersection of the northernmost side of Holabird Avenue as shown on Baltimore County Bureau of Right of Way Drawing HRW 52-095 as filed in Highways Liber No. 15A, folio 190, with the easternmost side of Holaview Road (60 feet wide), as shown on the Plat of Section 1, Holabird East Apartments, as filed among the Land Records of Baltimore County in Plat Book OTG No. 32, folio 1, thence running with and binding on the easternmost side of said Holaview Road;

1. North 14° 10' 00" East 57.55 feet, to a point thence running,
2. 156.19 feet along a curve to the left having a radius of 460.00 feet and being subtended by a chord North 04° 26' 23.5" East 155.43 feet to a point, thence leaving said point and running along a line of division,
3. South 75° 50' 00" East 119.46 feet to a point, thence running,
4. South 13° 36' 00" West 210.7 feet to the northernmost side of Holabird Avenue, thence running with and binding on a portion of the northernmost side of Holabird Avenue,
5. North 75° 50' 00" West 95.28 feet to the point of beginning.

CONTAINING 22,651.2 square feet or 0.52 acres, more or less, of land.

PROPERTY known as No. 7444 Holabird Avenue and located in the 12th Election District, and the 7th Councilmanic District.



HICKS ENGINEERING ASSOCIATES, INC.
CIVIL ENGINEERS ~ LAND SURVEYORS
200 E. JOPPA ROAD, SUITE 402
TOWSON, MD 21286
TELEPHONE: 410.494.0001

DATE: NOVEMBER 12, 2008

SHEET 1 OF 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **31450**

Date: **11-13-08**

PAID RECEIPT

BUSINESS ACTION TIME DRN
 11/13/2008 11/13/2008 15:24:08
 REC DATED BALCON DOLL DRD
 RECEIPT N 31450 11/13/2008 15:24

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	006	0000		6150				325.00

Total: **325.00**

Rec From: **HOLABIRD EAST, INC.**

For: **7444 HOLABIRD AVE STA.**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

520 ZONING VERIFICATION
 001450
 325.00
 BALTIMORE COUNTY, MARYLAND

BW
2-5-08

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: # 2009-0143-SPH

7414 Holabird Avenue

Next corner of Holabird Avenue and Holaview Road

12th Election District -- 7th Councilmanic District

Legal Owner(s): Holabird East, Inc.

Special Hearing: to modify the site plan and relief granted in case no 68-132 and affirm the existing non-conforming use. To approve an existing two way drive aisle of 19' in lieu of the required 22'. To approve 39 (28 on site and 11 off site) parking spaces in lieu of the 51 required. To approve off-site parking of 11 business parking spaces in a residence zone. To approve a modification of landscaping standards, parking as close as 0' to the right-of-way of a public street in lieu of the required 10' and existing business parking in a residence zone. To approve a modified parking plan.

Hearing: Thursday, February 5, 2009 at 9:00 a.m. County Office Building, 111 West Chesapeake 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) 887-1386.

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

JT 1/7/09 Jan. 20

192506

CERTIFICATE OF PUBLICATION

2/2/2009

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 1/20/2009.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 01/19/09

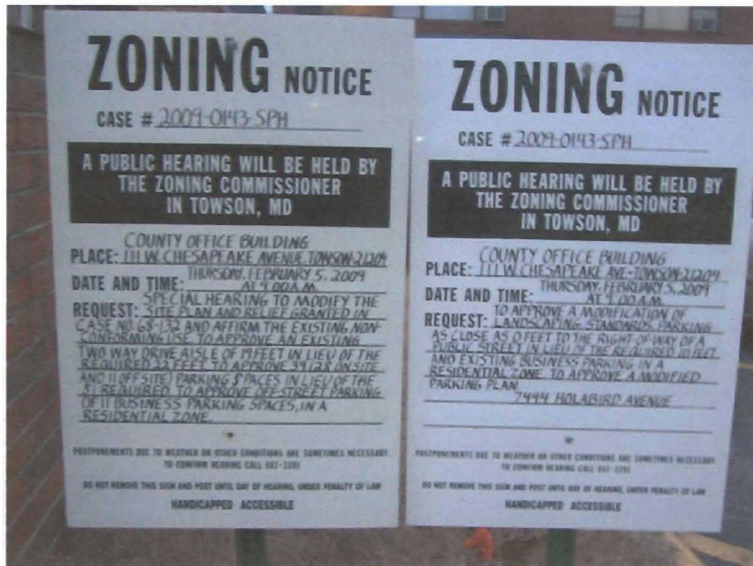
Case Number: 2009-0143-SPH

Petitioner / Developer: DEBORAH DOPKIN, ESQ.~
FRANK SCARFIELD SR.

Date of Hearing (Closing): FEBRUARY 5, 2009

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:
7444 HOLABIRD AVENUE

The sign(s) were posted on: JANUARY 18, 2009



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)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 20, 2009 Issue - Jeffersonian

Please forward billing to:

Holabird East, Inc.
C/o Holabird Management Co.
7444 Holabird Avenue
Baltimore, MD 21222

410-284-2200

NOTICE OF ZONING HEARING

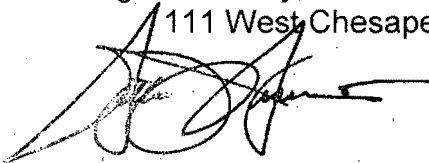
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0143-SPH

7444 Holabird Avenue
N/east corner of Holabird Avenue and Holaview Road
12th Election District – 7th Councilmanic District
Legal Owners: Holabird East, Inc.

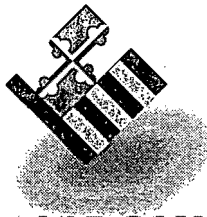
Special Hearing to replace the approved rollover/retail use with a self-service car wash amend zoning case 08-032-SPHXA.

Hearing: Thursday, February 5, 2009 at 9:00 a.m., County Office Building,
111 West Chesapeake 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 22, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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N/east corner of Holabird Avenue and Holaview Road
12th Election District – 7th Councilmanic District
Legal Owners: Holabird East, Inc.

Special Hearing to replace the approved rollover/retail use with a self-service car wash amend zoning case 08-032-SPHXA.

Hearing: Thursday, February 5, 2009 at 9:00 a.m., County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy M. Kotroco".

Timothy Kotroco
Director

TK:klm

C: Deborah Dopkin, 409 Washington Avenue, Towson 21204
Frank Scarfield, Sr., 7444 Holabird Avenue, Baltimore 21222-1848

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., JANUARY 21, 2009.**
- (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.

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: 2009-0143-SPH

Petitioner: HOLABIRD EAST, INC.

Address or Location: 7444 HOLABIRD AVENUE BALTIMORE, MD 21222

PLEASE FORWARD ADVERTISING BILL TO:

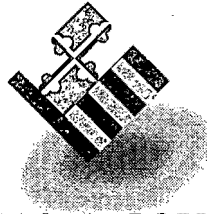
Name: HOLABIRD EAST, INC.

Address: c/o HOLABIRD MANAGEMENT CO.

7444 HOLABIRD AVENUE

BALTIMORE, MD 21222

Telephone Number: 410.284.2200



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 31, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

CORRECTED 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: 2009-0143-SPH

7444 Holabird Avenue
N/east corner of Holabird Avenue and Holaview Road
12th Election District – 7th Councilmanic District
Legal Owners: Holabird East, Inc.

Special Hearing to modify the site plan and relief granted in case no. 68-132 and affirm the existing non-conforming use. To approve an existing two way drive aisle of 19' in lieu of the required 22'. To approve 39 (28 on site and 11 off site) parking spaces in lieu of the 51 required. To approve off-site parking of 11 business parking spaces in a residence zone. To approve a modification of landscaping standards, parking as close as 0' to the right-of-way of a public street in lieu of the required 10' and existing business parking in a residence zone. To approve a modified parking plan.

Hearing: Thursday, February 5, 2009 at 9:00 a.m., County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Deborah Dopkin, 409 Washington Avenue, Towson 21204
Frank Scarfield, Sr., 7444 Holabird Avenue, Baltimore 21222-1848

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., JANUARY 21, 2009.**
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TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 20, 2009 Issue - Jeffersonian

Please forward billing to:
Holabird East, Inc.
C/o Holabird Management Co.
7444 Holabird Avenue
Baltimore, MD 21222

410-284-2200

CORRECTED NOTICE OF ZONING HEARING

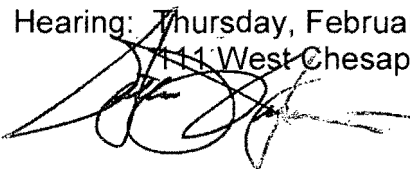
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Hearing: Thursday, February 5, 2009 at 9:00 a.m., County Office Building,
111 West Chesapeake Avenue, Towson 21204



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.

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Case: # 2009-0143-SPH

7444 Holabird Avenue

N/east corner of Holabird Avenue and Holaview Road

12th Election District — 7th Councilmanic District

Legal Owner(s): Holabird East, Inc.

Special Hearing: to modify the site plan and relief granted in case no 68-132 and affirm the existing non-conforming use. To approve an existing two way drive aisle of 19' in lieu of the required 22'. To approve 39 (28 on site and 11 off site) parking spaces in lieu of the 51 required. To approve off-site parking of 11 business parking spaces in a residence zone. To approve a modification of landscaping standards, parking as close as 0' to the right-of-way of a public street in lieu of the required 10', and existing business parking in a residence zone. To approve a modified parking plan.

Hearing: Thursday, February 5, 2009 at 9:00 a.m. County Office Building, 111 West Chesapeake 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 1/706 Jan. 20

192506

CERTIFICATE OF PUBLICATION

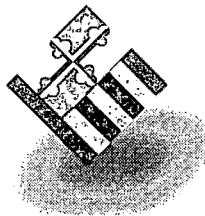
1/22/2009

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 1/20/2009.

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

S. Wilkinson

LEGAL ADVERTISING



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 29, 2009

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

Deborah C. Dopkin
409 Washington Ave.
Towson, MD 21204

RE: Case Number 2009-0143-SPH, 7444 Holabird Ave

Dear: Deborah C. Dopkin

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 13, 2008.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lw

C: People's Counsel
Holabird East, INC; 7444 Holabird Ave.; Baltimore, MD 21222

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: 12-08-08

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

SUBJECT: Zoning Advisory Comments
INFORMATION: 7444 Holabird Avenue

Item Number: 09-143-SPH

Petitioner: Holabird East Inc./Frank Scarfield

Property Size: .52 ac.

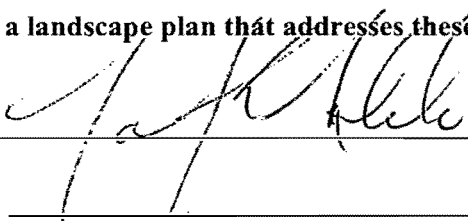
Zoning: BL/DR-16

Requested Action: Special Hearing to seek approval of modification of standards of site, parking uses, and landscaping. Variances for parking.

SUMMARY OF RECOMMENDATIONS:

The property is part of a small commercial strip surrounded by single family and multifamily residential units. Therefore the landscaping standards must be retained sufficient to provide a landscaped buffer between the public rights of way and the subject property and between adjacent residential uses and the subject property. The vegetation should be of sufficient height to block from view, the parked cars while permitting view of the buildings. Thereby the residential community will not look at on more naked parking lot from their homes.

Please submit a landscape plan that addresses these issues.

Prepared By:  _____

Section Chief: _____
AFK/JM/JRA

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
7444 Holabird Avenue; NE corner Holabird *
Avenue & Holaview Road * ZONING COMMISSIONER
12th Election & 7th Councilmanic Districts *
Legal Owner(s): Holabird East, Inc * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-143-SPH

* * * * *

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.

RECEIVED
DEC 09 2008

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of December, 2008, a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Stephen Weber
To: People's Counsel
CC: Avery Harden; Dennis Kennedy; John Alexander; tom@thomasjhoff.com
Date: 02/03/09 12:24 PM
Subject: Fwd: Case No. 09-143-SPH, 7444 Holabird Ave - Parking layout for DRC
Attachments: 7444Holabirdb.bmp; 7444Holabirda.bmp

Mr. Zimmerman:

Similarly, on Feb 3, 2009 Mr. Weber addressed the noise and landscaping concerns state:

→ Please be advised that I met with Tom Hoff, engineer for the petitioner, and Avery Harden this morning regarding this case. Apparently John Alexander from the Planning Office had prepared some comments regarding providing landscaping within the County right-of-way, ~~although John is not in the office today so was not able to meet with us. Anyway,~~ Tom's client is prepared to remove the paving that is within the County right-of-way and provide a landscaped buffer between the sidewalk area and the property line. In discussing the issue with Avery, we will probably not require that a curb be constructed on the petitioners property line, but we will require either use of items like landscaping timbers and/or wheel stops along the parking lot side of the landscape buffer to help insure that cars are not able to encroach into the right-of-way and the landscaping area and ruin it. Given the narrow width of available pavement on the site, we're not necessarily looking to take any of it away from the property owner, but we do want to see that the County right-of-way is returned to the use of the public and that it provides a buffer area between pedestrians walking along Holaview Rd. In addition, this action will make angle parking next to the building basically impossible, thus solving that habit. If customers do happen to parallel park next to the building, I don't necessarily find that to present any significant traffic issues and at least will contain the issues on the site itself.

On a legal note, while this resolves the traffic concerns we had with the site, I'm not sure what problems are created by setting up a landscaping buffer on County property that the petitioner does not own. While the Planning Office would like to see this area kept up with nice landscaping and we would likewise find that desirable to insure continued separation of the sidewalk area from the parking lot, I'm not sure how the petitioner can be legally held continually responsible for maintaining the landscaping in this area. Normally such areas are provided on the owner's property in a minimum 10-foot strip. In this case, it will be in the County right-of-way in an approximate 7-foot strip. (Obviously there would be serious impacts to the property if we required the landscaping buffer on this own property and the site would not be able to work acceptably from a traffic standpoint with the existing building.) Therefore, is there a way to require the petitioner to have to maintain a landscape buffer strip on the adjacent County right-of-way and make it a part of the subject plan?

If you have any questions or wish to discuss the matter further, please feel free to give me a call.
 Steve Weber

>>> Stephen Weber 1/23/09 10:26 PM >>>
 Dear Mr. Zimmerman:

In reviewing this case, I note that we were asked by Dennis Kennedy of RDM to review this site plan last September. Below is the e-mail that I sent to Dennis regarding that review. In reviewing the plan currently submitted to the Zoning Commissioner, we note that the 11 angle parking spaces we referenced below on the west side of the building have all been removed. However, as is also noted below, even if these angle spaces are not shown on the plan, it is very doubtful that the prior habits, of the customers/clients coming to this site to angle park next to the building, are going to stop. You can see in the one attached aerial photo of the side of the building that these angle spaces had been painted at one time, although the lines in the photo are very faded.

The parking calculations indicate that 52 parking spaces are required and 28 spaces are being provided on site, not including the defacto angle parking spaces. The plan also indicates that there are 11 existing off-site parking spaces located about 390 feet away. Also attached is an aerial photo showing a red line of 390 feet in length from the site which ends up in a parking lot behind an apartment building off of Westfield Rd. While the distance may be 390 feet as the crow flies, for someone to walk from the site up Holaview Rd and then east on Westfield Rd to the parking lot, the distance actually walked would be about 585 feet.

Admittedly the proposed addition to the west side of the first floor of the building, underneath the existing 2nd floor overhang, would be a fairly negligible traffic/parking impact. While the site is deficient with parking, a check of our records indicates that we have never received a complaint from anyone about traffic or parking issues at this site. In addition, as noted below, it can be seen from the photograph that most likely the property owners at some long ago time in the past paved the entire area from the building to the sidewalk, including that area within the 60-foot right-of-way of Holaview Rd which the petitioner does not own. This is particularly undesirable because of the fact that the defacto angle parking on the west side of the building causes drivers to back towards and likely onto the sidewalk area for pedestrians, subjecting them to unnecessary risk. From some standpoints, it would be desirable for the petitioner to construct a curb along the right-of-way line and remove the paving within the right-of-way and replace it with grass. This would prevent any future encroachments, but at the same time would prohibit the defacto angle parking which does occur, thus eliminating current on-site parking and potentially shifting it off-site. Another potential alternative would be to designate parallel parking along the west side of the building and make the travel lane adjacent to it to be one-way northbound from the southern access to the northern access. This would add 5 additional parking spaces on-site and would then set up alignments that would not direct cars into pedestrian paths. Admittedly, parallel parking is not very desirable from a retail standpoint because of the difficulties some people having getting in and out of the spaces. However, it would provide a parking

arrangement which better meets desirable traffic elements and better protect adjacent pedestrian traffic.

Should you have any questions or wish to discuss this further, please give me a call at ext. 3554.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

>>> Stephen Weber 9/16/08 12:32 PM >>>

Dennis -

Please be advised that the 11 parking spaces shown on the west side of the subject building, and along the east side of Holaview Rd, are totally substandard and cannot be allowed to be painted or used as parking spaces. These are 60-degree parking spaces which require a width of 19.8' for the total parking area, measured perpendicular to the building, (the plan only shows 15.0') and then an adjacent drive aisle of 18.0', for a total of 37.8'. At the southern end of the building there is only 25 feet of area to the sidewalk and that assumes we'd even allow them to use 7 feet of the R/W for negotiating into and out of these parking spaces. There is no point along the entire west side of the building where this parking can be accommodated in any fashion. Even 45-degree parking would require a total of 29.7' and that can't be accommodated on their own property at any point either. In addition, the fact that this lot has paved the entire west side of the property plus the County R/W up to the sidewalk additionally places pedestrians at extra risk by eliminating any type of separation between pedestrians and moving vehicles on the property. While it appears that they can drive along the west side of the building to get between the north and south end of the property, there is no way that parking can be accommodated on that side of the building in any format while meeting all County and safety requirements.

We recognize that customers do unofficially park in this area. However, we certainly don't sanction what is occurring and if we ever had complaints made to us about the safety of pedestrians in this area, the County could always require the removal of the pavement where the property owner has encroached onto County R/W. The property owner cannot use the County property as part of their own in order to make their plan workable.

If you have any questions, please give me a call.

Steve

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 01/23/2009 10:27 PM
Subject: Fwd: Case No. 09-143-SPH, 7444 Holabird Ave - Parking layout for DRC
Attachments: 7444Holabirdb.bmp; 7444Holabirda.bmp

Dear Mr. Zimmerman:

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Should you have any questions or wish to discuss this further, please give me a call at ext. 3554.

Stephen E. Weber, Chief
 Div. of Traffic Engineering
 Baltimore County, Maryland
 111 W. Chesapeake Avenue, Rm. 326
 Towson, MD 21204
 (410) 887-3554

>>> Stephen Weber 9/16/08 12:32 PM >>>

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We recognize that customers do unofficially park in this area. However, we certainly don't sanction what is occurring and if we ever had complaints made to us about the safety of pedestrians in this area, the County could always require the removal of the

pavement where the property owner has encroached onto County R/W. The property owner cannot use the County property as part of their own in order to make their plan work.

If you have any questions, please give me a call.

Steve

Patricia Zook - Case 2009-0143-SPH - hearing is Thursday, Feb. 5 - comments needed for Bill

From: Patricia Zook
To: Kennedy, Dennis; Livingston, Jeffrey; Murray, Curtis; Wiley, Debra
Date: 2/2/2009 11:05 AM
Subject: Case 2009-0143-SPH - hearing is Thursday, Feb. 5 - comments needed for Bill

Good morning -

We received the above-referenced case file on Friday afternoon and noticed that comments from your respective offices are missing. The hearing is scheduled for Thursday, February 5.

Case 2009-0143-SPH, located at 7444 Holibird Avenue

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

Patricia Zook - Re: Case 2009-0145 - hearing is Thursday, February 5 - comments needed for Bill

From: Dennis Kennedy
To: Zook, Patricia
Date: 2/2/2009 11:46 AM
Subject: Re: Case 2009-0145 - hearing is Thursday, February 5 - comments needed for Bill

Patti:

Apparently, the zoning office lost two whole batches of our comments. The comments were sent to them in November and December. In any event, we had no comments on Items 143, 144, 145, 149, 150, 151, and 152.

Dennis Kennedy

>>> Patricia Zook 2/2/2009 11:15 AM >>>

Good morning -

We received the above-referenced case file on Friday afternoon and noticed that comments from your respective offices are missing. The hearing is scheduled for Thursday, February 5.

CASE NUMBER: 2009-0145-A

7930 Pulaski Hwy.

Location: N side of Pulaski Highway, 380 feet S of the c/l of Chesaco Avenue.

15th Election District, 7th Councilmanic District

Legal Owner: Bernard O. Jeffers

VARIANCE To permit a proposed addition with a 14 feet side yard setback in lieu of the required 30 feet.

Hearing: Thursday, 2/5/2009 at 2:00:00 PM County Office Building, 111 West Chesapeake Avenue, Room 106, Towson

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Building Inspection:

410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.

Property No.

Zoning

Name(s):

HOLABIRD EAST SHOPPING CTR
ST. JOHN'S CONSTRUCTION (CONTRACTOR)

Address:

7401 JILLER POINT RD BALTO, MD 21111

Violation
Location:

7444 HOLABIRD AVE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

B.C.C.B. 19-07, SEC. 11.43

- ① UNLAWFUL CONTINUANCE AT JOB SITE
NO PERMIT ISSUED. FURTHER WORK
HAS BEEN PERFORMED AFTER ORIGINAL
STOP WORK ORDER. CIVIL PENALTY OF
\$14,000.00 MUST BE PAID AT ISSUANCE
OF PERMIT.

ANY QUESTIONS CALL OFFICE HRS 7:30-3:00/301-730

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:

Date Issued:

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

On or Before:

Date Issued:

INSPECTOR:

BAANT K. 00



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Building Inspection

410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.	Property No.	Zoning
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Name(s): HOLABIRD EAST SHOPPING ETC.
ST. JOHN'S CONSTRUCTION (CONTRACTOR)

Address: 7151 MILLER BLVD BALD, MD 21224

Violation Location: 7444 HOLABIRD AVE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

- ① PERMIT B-674 94L IS NON-COMPLIANCE WITH WORK BEING PERFORMED AT THIS SITE
- ② STORE FRONTS ARE BEING EXTENDED APPROX SIX FEET UNDER CANOPY
- ③ REVISE PERMIT TO REFLECT CORRECT WORK AT THIS SITE

ANY QUESTIONS CALL OFFICE HAS 730-8100
3.00-33

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:	Date Issued:
---------------	--------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

On or Before:	Date Issued:
---------------	--------------

INSPECTOR:

GRANT K. DO

Baltimore Co. Building Inspections

111 W. Chesapeake Ave.
Towson, Md. 21204
Office 410-887-3953
Fax 410-887-8081

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, Jr.
County Executive

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

To: Bill Wiseman Fax: 410-887-3468
From: Bldg. Insp. Date: 2-3-09
Re: 7444 Holabird Ave. Pages: 3
CC:

☐ Urgent

☒ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

Currently, all work has been stopped.
We monitor it occasionally to make
sure there's no work being done w/o
permits. Hunter Rowe is up to date
on this.

Karen Hopkins



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

January 27, 2009

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

RECEIVED

JAN 27 2009

Re: PETITION FOR SPECIAL HEARING
Holabird East, Inc- Petitioner
7444 Holabird Avenue
Case No: 09-143-SPH

ZONING COMMISSIONER

Dear Mr. Wiseman,

As is our custom, because this case involves traffic issues, we asked Stephen E. Weber, Chief of Traffic Engineering, to review the site plan. He sent the enclosed e-mail report dated January 23, 2009, with aerial photography, which we forward for your consideration. Mr. Weber's correspondence includes a number of serious concerns which should be addressed and remedied. The hearing date for this case has been set for February 5, 2009.

Thank you for your consideration.

Sincerely,

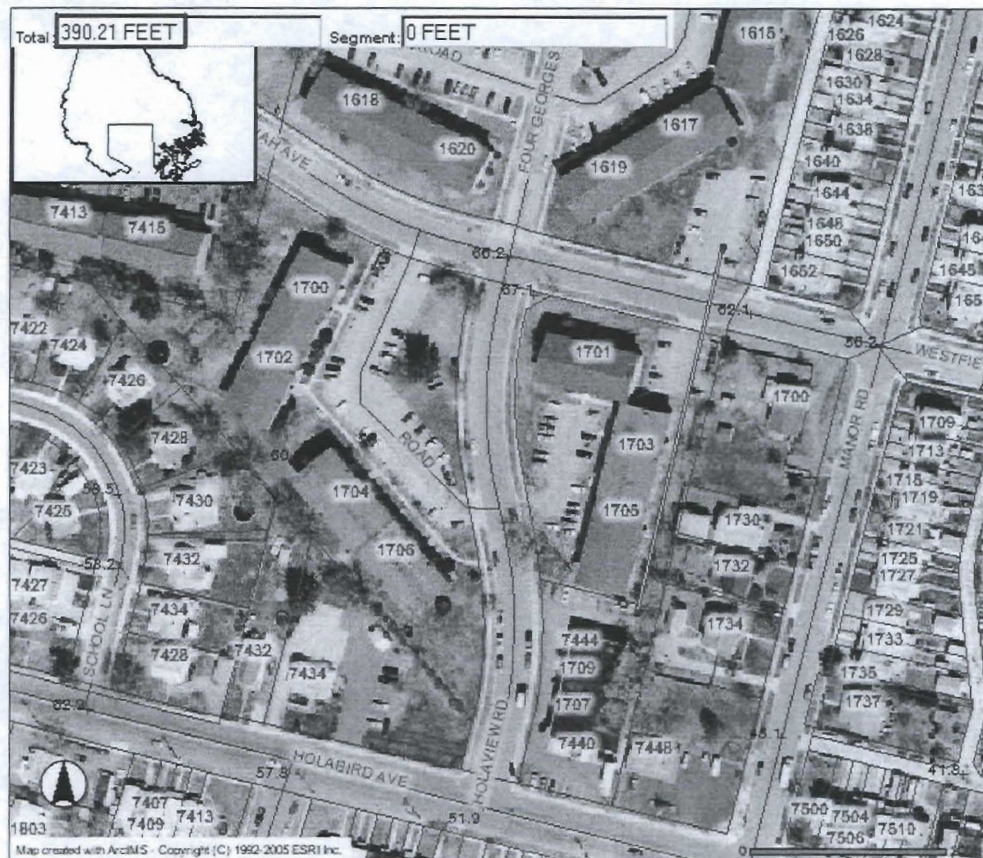
Peter Max Zimmerman
People's Counsel for Baltimore County

Enclosure

cc: Deborah C. Dopkin, Attorney for Petitioner
Stephen Weber, Chief

NO. 7444
CASE NAME HOLABIRD ANZ
CASE NUMBER 2009-0143 SPH
DATE FEB. 5, 2009
LET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
DONALD E. HICKS, JR.	HICKS ENGINEERING 200 E. JOPPA ROAD	TOWSON, MD 21286	dhicks@hickseng.com
THOMAS J. HOFF	406 W. PENN. AVE.	TOWSON, MD 21204	TOM@THOMASJHOFF.COM
Deborah C. Dopkin	409 Washington Ave	TOWSON, MD 21204	ddopkin@dopkinlaw.com
Bettina Mabry	1705 Holabird Ave A-4	Baltimore, MD 21222	bmabry2@comcast.net
Deborah Torre	7444 Holabird Ave, Suite D	Baltimore, MD 21222	
Grand Daughter of Frank Scenfield	Scenfield's Daughter		







1701 HOLAVIEW RD

1700 MANOR RD

1707 MANOR RD
1709 MANOR RD
1711 MANOR RD
1713 MANOR RD
1715 MANOR RD
1717 MANOR RD
1719 MANOR RD

1703 HOLAVIEW RD

1705 HOLAVIEW RD

1721 MANOR RD

1706 HOLAVIEW RD

1731 MANOR RD

1723 MANOR RD
1725 MANOR RD
1727 MANOR RD

7434 HOLABIRD AVE

1734 MANOR RD

1731 MANOR RD
1733 MANOR RD
1735 MANOR RD

1708 HOLAVIEW RD

1707 HOLAVIEW RD

7440 HOLABIRD AVE

7440 HOLABIRD AVE

7500 HOLABIRD AVE

7501 HOLABIRD AVE

7514 HOLABIRD AVE

7419 HOLABIRD AVE

7423 HOLABIRD AVE

7421 HOLABIRD AVE

7427 HOLABIRD AVE

7435 HOLABIRD AVE

7437 HOLABIRD AVE

7433 HOLABIRD AVE

7439 HOLABIRD AVE

7445 HOLABIRD AVE

7447 HOLABIRD AVE

7449 HOLABIRD AVE

7501 HOLABIRD AVE

7509 HOLABIRD AVE

7511 HOLABIRD AVE

7507 HOLABIRD AVE

7521 HOLABIRD AVE

7523 HOLABIRD AVE

7525 HOLABIRD AVE

7440 LAWRENCE RD

7444 LAWRENCE RD

7442 LAWRENCE RD

7454 LAWRENCE RD

7460 LAWRENCE RD

7456 LAWRENCE RD

7462 LAWRENCE RD

7504 LAWRENCE RD

7502 LAWRENCE RD

7516 LAWRENCE RD

7518 LAWRENCE RD

7520 LAWRENCE RD

7524 LAWRENCE RD

7526 LAWRENCE RD

26 SPACES PLUS 2 HANDICAP SPACES =
28 SPACES PROVIDED.

PARKING REQUIRED:

2ND FLOOR(OFFICE) 7,744 SQ.FT.

3.3 SPACES PER 1,000 SQ.FT. = 26 SPCS

1ST FLOOR

* OFFICE 1,028 SQ.FT. @ 3.3 SPCS/1,000 SQ.FT. = 4.0 SPCS

* CARRY-OUT RESTAURANT 1,584 SQ.FT. @ 5 SPCS/1,000 SQ.FT. = 8.0 SPCS

CONVIENCE STORE 2,613 SQ.FT. @ 5 SPCS/1,000 SQ.FT. = 13 SPCS

TOTAL PARKING SPACES REQUIRED = 51 SPCS

* INCLUDES ADDITON

HOLABIRD EAST, INC.
1208069120
PLAT OF HOLABIRD
EAST APARTMENTS
SECTION TWO
P.B. 32, FOLIO 36
EX.
2 STORY
BRICK APT.
BLDG.

COPY PERI

COMMUNITY
COLLEGE

VICINI
SCALE: 1"

EX.
GARAGE

EX
DWL

STANLEY DIANE MAR.
MICHAEL SU.

EX.
DWLG

1223017321
1223017322
DEED REF: 7373/

DR 16

11 EXISTING OFF-SITE
PARKING SPACES, 390 FT. ±
15' UTILITY EASEMENT

S 75°50'00" E

PROPOSED
LANDSCAPING

BL

DR 16

MACADAM
PAVING

3' O.H.

53.7'

42'

RESTAURANT
CARRY-OUT
(FIRST FLOOR)

OFFICE
(FIRST FLOOR)

CONVIENCE
STORE
(FIRST FLOOR)

#7444

(FRONT)

(2 ND FL)

74.9'

CONC. GR. FL.

H.C.

H.C.

WALK

SPACES

95.28'

WHEEL
STOPS(TYP.)

N 75°50'00" W

5' C.W.

CURB

24'

10"W

MACADAM
PAVING

CONC. BLOCK
RETAINING WALL

46' ±

EX.
MACADAM
PAVING

BL

DR 16

BL

CHESTER & LILLIAN I. MASON
1213023072
DEED REF: 8332/764
TAX MAP 103, P. 494

ZONING CASE NO.68-

PETITION FOR ZONING RE-CLA
AND/OR SPECIAL EXCEI

IT IS ORDERED by the Zoning Commissioner of Baltimore County
day of December, 1987, that the herein described property
the same is hereby reclassified from a R-4 and R-A zone
to a C-1 zone, and that the same be subject to the provisions of the
Baltimore County Zoning Ordinance, as amended, from and after the date of this order, subject to approval
by the Board of Public Services and the Office of
Planning and Zoning.

OWNER: HOLABIRD EAS
C/O HOLABIRD M.
COMPAN,
7444 HOLABIRD
BALTIMORE, MD.
TELEPHONE: 410-

Hicks Engineering
ENGINEERS, SURVE
200 EAST JOPPA F
TOWSON, MARYLAND
(410) 494-0001 F

PROJECT TITLE:
PROPOSED ADDI
EXISTING BUILD
NO. 7444 HOLABIR

ADD MASONRY
WALL AROUND
GARAGE
FOR DUMPSTER

return
vegeta
or rest

2005

11/11/87

Case No.: 2009-0143-SPH 7444 HOLABIRD AVE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	
No. 2	Landscape Plan	
No. 3 20 Photo	PLAN and Photo's 3A - Where Photos taken 3B - 1 thru 20	
No. 4	PRIOR ORDER 12/67 68-132R	
No. 5	A → PLAN OF HOLABIRD APTS	
No. 6	B → Another walkway to subject Property	
No. 7		
No. 8	no County agency Comments (e-mail sent)	
No. 9	no forwarding of	
No. 10	advertising	
No. 11	DPA - No Comments 3953	
No. 12		

SITE DATA

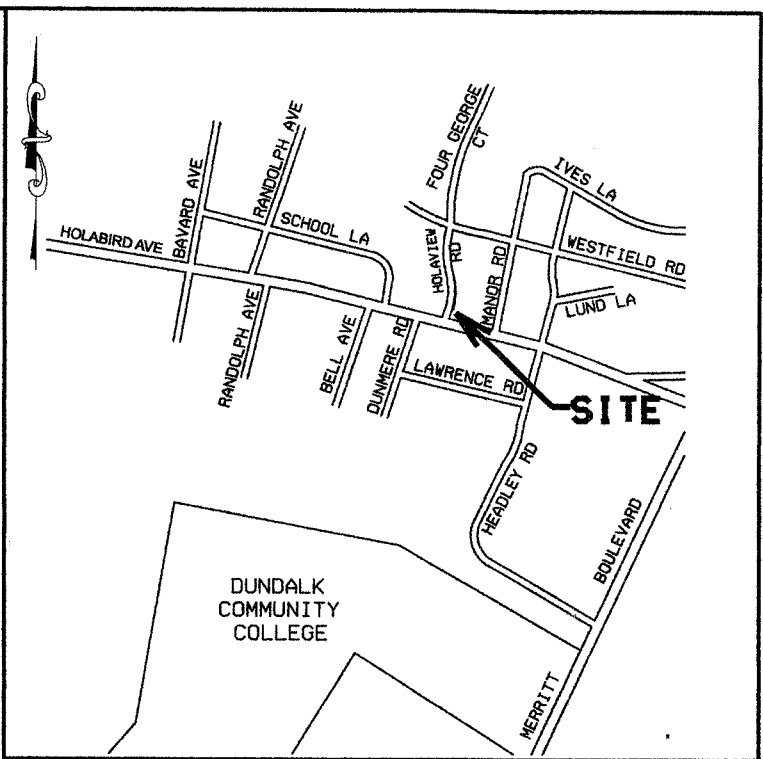
DEED REFERENCE: 5270/944
 SITE AREA: 22,651.2 SQ.FT.
 OR 0.52 ACS.
 EXISTING ZONING: BL
 PLAT REERENCE: N/A
 TAX ACCT.NO.: 1208069120/1204037110
 MAXIMUM HEIGHT OF BUILDINGS: 50 FEET
 ELECTION DISTRICT: 12
 COUNCILMANIC DISTRICT: 7
 EXISTING USE: RESTAURANT, CARRY-OUT - 1ST FLOOR
 EXISTING OFFICE - 1ST FLOOR
 CONVENIENCE STORE - 1ST FLOOR
 EXISTING OFFICE - 2ND FLOOR

PROPOSED USE: SAME, ALTERATION TO ADD 57.2'x6.6' = 378 SQ. FT. ADDITION, FIRST FLOOR ONLY
 PARKING: 26 SPACES PLUS 2 HANDICAP SPACES = 28 SPACES PROVIDED.

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 LIES WITHIN FLOOD ZONE C PER FEMA FIRM PANEL 240010 0420F

COPYRIGHT ADC THE MAP PEOPLE
 PERMITTED USE, NO. 20797515



VICINITY MAP
 SCALE: 1" = 2,000'

PARKING REQUIRED:
 2ND FLOOR(OFFICE) 7,744 SQ.FT.
 3.3 SPACES PER 1,000 SQ.FT. = 26 SPCS
 1ST FLOOR
 * OFFICE 1,028 SQ.FT. @ 3.3 SPCS/1,000 SQ.FT. = 4.0 SPCS
 * CARRY-OUT RESTAURANT 1,584 SQ.FT. @ 5 SPCS/1,000 SQ.FT. = 8.0 SPCS
 CONVENIENCE STORE 2,613 SQ.FT. @ 5 SPCS/1,000 SQ.FT. = 13 SPCS
 TOTAL PARKING SPACES REQUIRED = 51 SPCS
 * INCLUDES ADDITON

HOLABIRD EAST, INC.
 1208069120
 PLAT OF HOLABIRD
 EAST APARTMENTS
 SECTION TWO
 P.B. 32, FOLIO 36
 EX.
 2 STORY
 BRICK APT.
 BLDG.

STANLEY DIANE MARIE & MICHAEL SUFEZYNSKI JR.
 EX. DWLG
 1223017321
 1223017322
 DEED REF: 7373/588

EDWARD W. & JUDY ANN MIKULA
 EX. DWLG
 1213023074
 DEED REF: 14698/392

CHESTER & LILLIAN I. MASON
 1213023072
 DEED REF: 8332/764
 TAX MAP 103, P. 494

ZONING CASE NO.68-132R **PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION**

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19th day of December, 1997, that the herein described property or area should be and the same is hereby reclassified, from a R-6 and R-A zone to a B-1 zone, and any Special Exception should be and the same is hereby granted, from and after the date of this order, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

OWNER: HOLABIRD EAST, INC.
 C/O HOLABIRD MANAGEMENT COMPANY
 7444 HOLABIRD AVENUE
 BALTIMORE, MD. 21222
 TELEPHONE: 410-284-2200

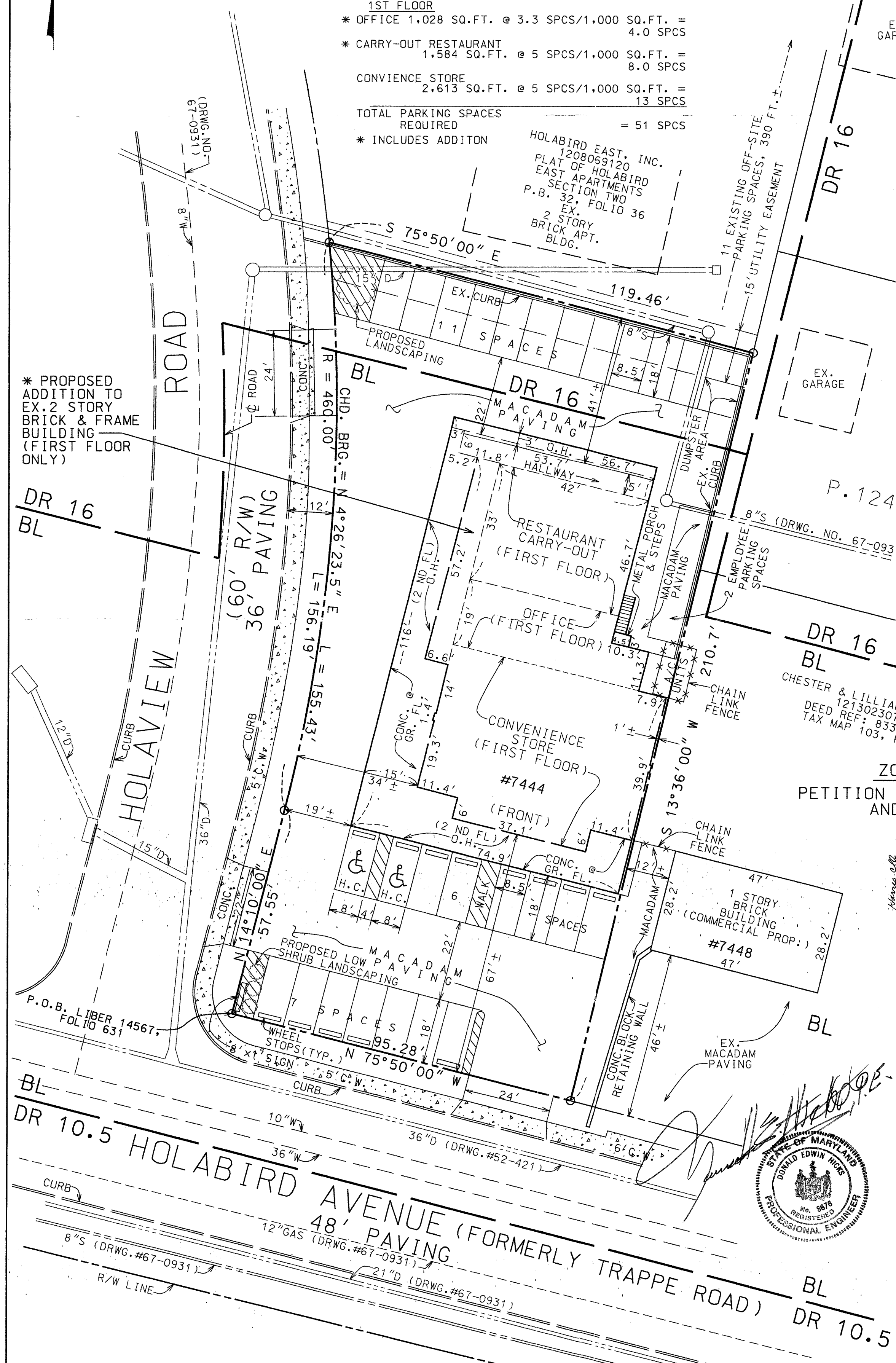
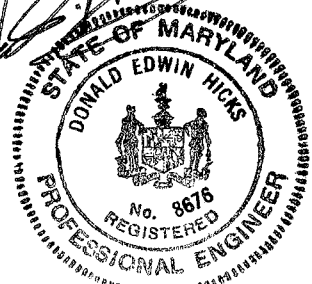
Hicks Engineering Associates, Inc.
 ENGINEERS, SURVEYORS & PLANNERS
 200 EAST JOPPA ROAD - SUITE 402
 TOWSON, MARYLAND 21286-3160
 (410) 494-0001 FAX: (410) 821-8890

PROJECT TITLE: PROPOSED ADDITION TO EXISTING BUILDING AT NO. 7444 HOLABIRD AVENUE BALTIMORE COUNTY, MD. MAP 103 • GRID 11 • PARCEL 205

DRAWING TITLE: PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING
 HOLABIRD AVENUE @ HOLAVIEW ROAD
 DUNDALK, MARYLAND

JOB NO.: 21968
DRAWN BY: MEH
CHECKED BY: DH/LB
DATE: NOVEMBER 12, 2008
SCALE: 1" = 20'

DRAWING NO.:
ZONING PETITION PLAT
SHEETS PER SET: 10/1



* PROPOSED ADDITION TO EX. 2 STORY BRICK & FRAME BUILDING (FIRST FLOOR ONLY)

PETITIONER'S
EXHIBIT NO. 1

HOLABIRD AVENUE

HOLAVIEW ROAD
(60' R/W)

WESTFIELD ROAD
(60' R/W)

MANOR ROAD

FOUR G

NO. 7444

7-ELEVEN

3 STORY BRICK
#1703
#1705

3 STORY BRICK
#1701

3 STORY BRICK
#1617
#1619

ZONED: DR 10.5

PETITIONER'S

EXHIBIT NO.

3A



① FACING FRONT OF 7-11
AT RIGHT SIDE

PETITIONER' S

EXHIBIT NO. 3B
1 thru 20



② FACING FRONT OF 7-11
AT CENTER.



③ FACING FRONT OF 7-11
AT LEFT SIDE.

3B-
photo



④ LOOKING ALONG LEFT SIDE
OF 7-11 FROM FRONT TO REAR.



⑤ FACING LEFT SIDE OF 7-11
AT CENTER.



⑥ FACING LEFT SIDE OF 7-11
AT REAR.



⑦ LOOKING AT REAR
OF 7-11



⑧ LOOKING UP RIGHT SIDE
OF 7-11 FROM REAR



⑨ LOOKING ALONG REAR OF
BLDG NO. 1703 AND 1705
FROM 7-11.



⑩ LOOKING ALONG FRONT OF
BLDG NO. 1703 AND 1705
FROM 7-11



⑪ LOOKING AT FRONT OF BLDG. NO. 1701
ON LEFT SIDE AND BLDG. NO. 1703
AND 1705 ON THE RIGHT.



⑫ VIEW OF PARKING LOT FROM
END OF BLDG. NO. 1703 AND 1705,



⑬ VIEW OF PARKING LOT FROM
END OF BLDG. NO. 1703 AND 1705.



⑭ FACING PARKING LOT FROM
WESTFIELD ROAD.



⑮ LOOKING ALONG THE REAR OF
BLDG. NO. 1703 AND 1705 TOWARDS
REAR OF 7-11.











PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

George O. Diekmann, Charlotte M. Diekmann, C. May Diekmann, Abbott W. Martin
I, or we, Anna M. Martin and _____ legal owner 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 (1) that the zoning status of the herein described property be re-classified, pursuant
to the Zoning Law of Baltimore County, from an R-6 and R-A zone to an
B.L. zone; for the following reasons:

- (a) Error in original zoning, as exemplified by
- (b) Changes in the neighborhood since adoption of the 12th Election District Land Use Map.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Holabird East Apartments, Inc.

By: Frank D. Scarfield
Frank D. Scarfield Contract purchaser
Pres.
Address 6610 Holabird Ave.

Baltimore, Md. 21224

John W. Armiger Petitioner's Attorney

Address 200 Padonia Road, East
Cockeysville, Md. 21030 - 666-0440

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day
of August, 1967, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be had before the Zoning
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore
County, on the 13th day of December, 1967, at 1:00 o'clock

P. M. Aug 28 '67 AM



(over)

Zoning Commissioner of Baltimore County.

PETITIONER'S

EXHIBIT NO. 4

68-132-R
GEO. O. DIEKMANN, ET AL.
E/S Holabird East Apartments, Inc.
13104 N. of
Holabird Ave.
12th

#68-132R
MAP
#12
SEC. 4-A
SE-3-F
B.L.

ORDER RECEIVED FOR FILING
DATE 12/21/67 - Jc Harris

ORDER RECEIVED FOR FILING