

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

E side of Hammonds Ferry Road, 280 feet N
of the c/l of Minebank Lane
13th Election District
1st Councilmanic District
(2319 Hammonds Ferry Road)

Grace Bros., Inc.
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* Case No. 2009-0228-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by F. Michael Grace, President of Grace Bros., Inc., the legal owner of the subject property. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend a previous hearing to permit screening per current landscape manual in lieu of a 6 foot fence with slats pursuant to Section 409.8.A.1 of the B.C.Z.R. Petitioner is also requesting Variance relief from Section 409.8.A.2 of the B.C.Z.R. to permit crush and run in lieu of dustless durable surface required. The subject property and requested relief are more fully described on the redlined site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.¹

Appearing at the requisite public hearing in support of the requested relief was Petitioner Michael Grace, and his attorney, Charles E. Kountz, Esquire. There were no Protestants or other interested citizens in attendance at the hearing.

¹ The site plan submitted by Petitioner in this matter is actually a revised redlined version of the site plan dated March 15, 1971 that was entered into evidence in the original special hearing case. This plan was approved by the Office of Planning and Zoning on July 30, 1971 and incorporated into the Zoning Commissioner's decision in that case. The site plan shows the conditions as they were at that time, and the redlined version dated March 3, 2009 prepared by Matis Warfield, consulting engineers, shows the updated changes to the property and surrounding areas and the requested zoning relief in the instant matter.

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Testimony and evidence presented revealed that the subject property is irregular in shape and contains approximately 121,154 square feet or 2.781 acres, more or less, zoned B.L. (40,085 square feet) and D.R.5.5 (81,069 square feet). The property is located on the east side of Hammonds Ferry Road, east of Washington Boulevard, in the Lansdowne area of southwestern Baltimore County. The property is also bordered by the CSX Transportation rail line to the west, Mine Bank Lane to the south, and Ridge Avenue to the north. The property is home to Petitioner's family catering business known as Grace Bros., Inc. trading as Town & Country Caterers. The business has been a fixture in the Lansdowne community for many years. The subject property is improved with a large one-story masonry building that is used as an assembly hall for the catering business. The structure measures approximately 65 feet wide by 100 feet deep. As indicated previously, the property is split-zoned B.L. and D.R.5.5. The entrance area fronting Hammonds Ferry Road and the assembly hall are located in the B.L. zoned portion of the property, as well as approximately 35 parking spaces. The remaining area of the property toward the rear is relatively unimproved with macadam paving leading to a large area of crush and run stone for approximately 140 additional parking spaces.

Petitioner has requested the instant special hearing relief in order to amend a previous zoning hearing. In Case No. 72-19-SPH, Petitioner requested approval of off-street parking in a residential (D.R.5.5) zone. In an Order dated August 13, 1971, then-Zoning Commissioner Eric DiNenna granted the requested relief. A condition of granting the relief was written on the original site plan labeled "Exhibit 'A'" and indicated that Petitioner would be required to erect a 6 foot high chain link fence with slats in order to provide screening from car headlights during periods of ingress and egress for surrounding residential neighbors. Petitioner complied with this condition and erected a fence along the southern (side) and eastern (rear) property lines; however, during the ensuing years, the fence rusted and deteriorated and eventually was removed

during the 1990's in favor of landscaping that included trees and shrubs and naturally growing vegetation. In particular, Petitioner planted an extensive row of Bradford Pear trees along the southern property line. Petitioner submitted a disc with extensive photographs of the property that was marked and accepted into evidence collectively as Petitioner's Exhibit 2. The photographs provide a view of the property including the entranceway, the assembly hall, and the front, side, and rear parking areas. They also show the tree line that has replaced the chain link fence, as well as some of the topographical features of the subject property.

Petitioner is also requesting variance relief to permit crush and run stone in the rear parking area in lieu of the durable and dustless surface required pursuant to Section 409.4 of the B.C.Z.R. Mr. Grace testified that the crush and run surface has been utilized at the site over many years and has proven to be a dependable and durable surface for his customers' parking and walking needs. It has required very little maintenance over the years and when necessary, Petitioner has brought in additional stone to level deficient areas. He also indicated that more frequently, patrons have sufficient space to park in the macadam parking areas, and that the crush and run area is used mainly for overflow parking. He also stressed that the pervious surface of crush and run is appropriate at this site due to the unique topography of the property, especially toward the rear. As the site plan and photographs show, the property slopes fairly dramatically -- over 20 feet -- from north to south. If the crush and run area were to be paved with macadam, this impervious surface would result in significant runoff from Petitioner's property to adjacent residential properties to the south.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated March 16, 2009 which indicates that Petitioner should demonstrate to the Zoning Commissioner how the proposed alternative paving material will allow for equal or better results in preventing dust,

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PSS

erosion or other undesirable conditions pursuant to the definition of Durable and Dustless Surface in Section 101.1 of the B.C.Z.R. The Planning Office, however, supports the Petitioner's Special Hearing to permit screening per the current Landscape Manual in lieu of a 6 foot fence with slats. Landscaping should be shown on the plan to reflect the Baltimore County Landscape Manual requirements of a 15 foot landscape strip with Class A screening. See, Sections III.B.1.c and III.B.1.c(1) on page 19. A landscape plan should be submitted to the Baltimore County Landscape Architect, Avery Harden, for his review and approval. Comments were received from the Department of Environmental Protection and Resource Management dated April 8, 2009 which indicates that development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. Development of the property must also comply with the Forest Conservation Regulations. Development of the site may also require a Forest Buffer Variance request submittal and mitigation address. Comments were received from the Bureau of Development Plans Review dated March 10, 2009 which indicates that Avery Harden, Landscape Architect for Baltimore County, should be contacted for approval of the landscape work. They recommend that the durable, dustless surface be required unless the lot is frequently used by tracked vehicles.

Turning first to the Petition for Special Hearing, I am persuaded to grant the relief and allow the existing landscaping to provide screening in lieu of a 6 foot high chain link fence with slats, as was required by a previous special hearing case in 1971. After reviewing the site plan and Petitioner's photographs, I am satisfied that the existing landscape screening is sufficient to meet the intent of the original case, while also providing a visual improvement and upgrade to the original fencing.

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As to the variance request, considering all of the testimony and evidence presented, I am also persuaded to grant this relief. Section 101 of the B.C.Z.R. defines a "durable and dustless surface" as:

A surface adequately covered in accordance with good practice with bituminous surface treatment, concrete, bituminous concrete or equivalent paving material approved by the Zoning Commissioner, and maintained in good condition at all times. The words "equivalent paving material" as used herein mean any alternative paving material that, in the judgment of the Zoning Commissioner, will, in the case of a particular property or use, allow for equal or better results in preventing dust, erosion or other undesirable conditions.

In my judgment, the existing crush and run surface provides an "equivalent paving material" that allows for equal or better results in preventing dust, erosion, or other undesirable conditions. The uncontroverted testimony indicates that the crush and run surface has been utilized by Petitioner for many years with no adverse results. It has proven to be a long-lasting and resilient surface for Petitioner's needs.

In addition, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In particular, the significant slope of the property and its proximity to residential properties makes the use of concrete, bituminous concrete, or other impervious surfaces impractical, and could potentially result in an unnatural flow of storm water runoff to nearby residential properties. Further, I find there would be no adverse impacts to the surrounding community if the requested variance relief were granted. Hence, I find that the relief can be granted in strict harmony with the spirit and intent of the Zoning Regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted.

APPROVED FOR FILING

5.15.09

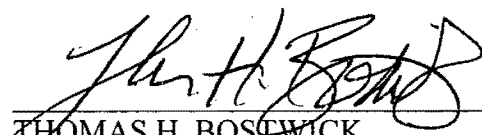
PS

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of May, 2009 that Petitioner's Special Hearing request in accordance with Section 500.7 of the B.C.Z.R. to amend a previous hearing to permit screening per current landscape manual in lieu of a 6 foot fence with slats pursuant to Section 409.8.A.1 of the B.C.Z.R. be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Variance request from Section 409.8.A.2 of the B.C.Z.R. to permit crush and run in lieu of dustless durable surface required be and is hereby GRANTED, subject to the following:

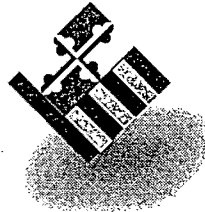
1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
4. Development of the site may also require a Forest Buffer Variance request submittal and mitigation address.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILED
5.15.09

BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 15, 2009

Charles E. Kountz, Esquire
4367 Hollins Ferry Road
Baltimore, Maryland 21227

Re: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
E side of Hammonds Ferry Road, 280 feet N of the c/l of Minebank Lane
13th Election District - 1st Councilmanic District
(2319 Hammonds Ferry Road)
Grace Bros., Inc. – Petitioner
Case No. 2009-0228-SPHA

Dear Mr. Kountz:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:dlw
Enclosure

c: F. Michael Grace, President, Grace Bros., Inc., 1 Rolling Farm Court, Catonsville, MD 21228
Avery Harden, Baltimore County Landscape Architect, DPDM
People's Counsel, Office of Planning, Development Plans Review, DEPRM, File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2319 Hammonds Ferry Road, Lansdowne, Maryland 21227
which is presently zoned BL/D.R. 5.5

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

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

(This box to be completed by planner)

To amend previous hearing to permit screening per current landscape manual in lieu of 6 foot fence with slats.

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 bound 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:

F. Michael Grace

Name - Type or Print

Signature

Bouland & Brush, LLC

Company

300 Frederick Road, Suite 100 410-744-5724

Address

Telephone No.

Catonsville, Maryland 21228

City

State

Zip Code

Legal Owner(s):

Grace Bros., Inc.

Name - Type or Print

Signature

F. Michael Grace, President

Name - Type or Print

Signature

1 Rolling Farm Court

410-917-9588

Address

Telephone No.

Catonsville, Maryland 21228

City

State

Zip Code

Representative to be Contacted:

F. Michael Grace

Name

1 Rolling Farm Court

410-917-9588

Address

Telephone No.

Catonsville, Maryland

21228

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

Case No. 2009-0228

REV 9/15/98

3/3/09



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2319 Hammonds Ferry Road, Lansdowne, Maryland 21227
which is presently zoned BL/D.R. 5.5

Deed Reference: 16071 / 355 Tax Account # 1307580840

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)

409.4 to permit crush and run in lieu of dustless durable surface required

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

to be provided at hearing

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:

F. Michael Grace, Esquire

Name - Type or Print

F. Michael Grace

Signature

Boulard & Brush, LLC

Company

300 Frederick Road, Suite 100, 410-744-5724

Address

Telephone No.

Catonsville, Maryland 21228

City

State

Zip Code

Legal Owner(s):

Grace Bros., Inc.

Name - Type or Print

F. Michael Grace

Signature

F. Michael Grace, President

Name - Type or Print

Signature

1 Rolling Farm Court

410-917-9588

Address

Telephone No.

Catonsville, Maryland 21228

City

State

Zip Code

Representative to be Contacted:

F. Michael Grace

Name

1 Rolling Farm Court

410-917-9588

Address

Telephone No.

Catonsville, Maryland 21228

City

State

Zip Code

Case No. 2009-0228-SPHA

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by *[Signature]*

Date

3/3/09

REV 8/20/07

5:15:09

MATISWARFIELD

Consulting Engineers

ZONING DESCRIPTION to Accompany Petition For Special Hearing Request

Beginning at a point along the Hammonds Ferry Road right-of-way, which is forty feet wide, at a distance of 280-feet north of the centerline of the nearest improved intersecting street, Minebank Lane. Thence the following courses and distances:

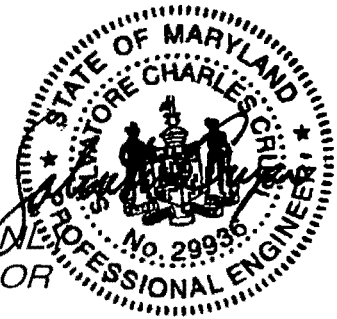
N 05° 13' 50" W, 108.71';
S 79° 44' 30" E, 207.28';
S 04° 30' 30" W, 99.13';
S 04° 30' 43" W, 69.59';
N 83° 03' 40" W, 208.70';

To the point of beginning,

As recorded in Deed Liber 16071, Folio 355
Containing 0.832-acres±. and located in the
13th Election District, 1st Councilmanic District.

{DESCRIPTION FOR BL ZONED PARCEL 151}

*THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY
AND IS NOT INTENDED TO BE USED FOR CONVEYANCES OR
AGREEMENTS*



2009-0228-SPHA

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

No. **35599**

Date: **3/3/09**

PAID RECEIPT

BUSINESS ACTUAL THE DAY
 3/03/2009 3/03/2009 10:34:02 2
 REG MOD2 MAIL JEVA JRE
 RECEIPT # 62541 3/03/2009
 \$ 320 ZONING VERIFICATION
 Recpt Tot 650.00
 650.00 CR
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				650.00 CR

Total: **650.00**

Rec From: **F Michael Grace**

For: **2319 Hammond's Ferry Rd**

2009-0228 SPHA

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

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: # 2009-0228-SPHA

2319 Hammonds Ferry Road

E/side of Hammonds Ferry Road, 280 feet north of centerline of Minebank Lane

13th Election District - 1st Councilmanic District

Legal Owner(s): Grace Bros., Inc.

Special Hearing: to amend the previous hearing to permit screening per current landscape manual in lieu of 6-foot fence with slats. **Variance:** to permit crush and run in lieu of the dustless durable surface required.

Hearing: Monday, April-27, 2009 at 11:00 a.m. In Room 104, Jefferson Building, 105 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.

4/223 April 9

198397

CERTIFICATE OF PUBLICATION

4/9/2009

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 4/9/2009.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0228-SPHA

Petitioner/Developer: _____

Grace Bros. Inc.

Date of Hearing/closing April 27, 2009

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn : Kristin Matthews:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at, _____
2319 Hammonds Ferry Road

The sign(s) were posted on _____ April 11 2009
(Month, Day, Year)

Sincerely,

Robert Black April 14, 2009
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ING COUNT
CATERERS

ZONING NOTICE

CASE # 2009-0228SPH

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

Room 104, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE. 21204

PLACE:

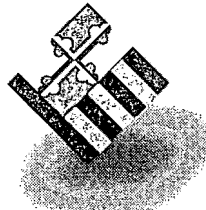
DATE AND TIME, MONDAY, APRIL 27, 2009 AT 11:00 A.M.

REQUEST: SPECIAL HEARING TO AMEND THE PREVIOUS
HEARING TO PERMIT SCREENING PER CURRENT LANDSCAPE
MANUAL IN LIEU OF 6-FOOT FENCE WITH SLATS. VARIANCE TO
PERMIT CROWN AND RAIN IN LIEU OF THE DUSTLESS DURABLE
SURFACE REQUIRED.

PROSIDENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOME TIMES NECESSARY.
TO CONFIRM HEARING: CALL 887-1331

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

March 18, 2009
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: 2009-0228-SPHA

2319 Hammonds Ferry Road

E/side of Hammonds Ferry Road, 280 feet north of centerline of Minebank Lane

13th Election District – 1st Councilmanic District

Legal Owners: Grace Bros. Inc.

Special Hearing to amend the previous hearing to permit screening per current landscape manual in lieu of 6-foot fence with slats. Variance to permit crush and run in lieu of the dustless durable surface required.

Hearing: Monday, April 27, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: F. Michael Grace, Bouland & Brush, LLC, 300 Frederick Rd., Ste. 100, Catonsville 21228
F. Michael Grace, Grace Bros., Inc., 1 Rolling Farm Court, Catonsville 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 11, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 9, 2009 Issue - Jeffersonian

Please forward billing to:

F. Michael Grace
1 Rolling Farm Court
Catonsville, MD 21228

410-917-9588

NOTICE OF ZONING HEARING

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Hearing: Monday, April 27, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 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.

**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.

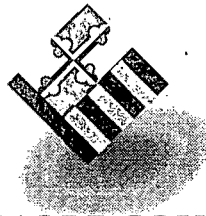
For Newspaper Advertising:

Item Number or Case Number: 2009-0228-SPHA
Petitioner: Grace Bros, Inc
Address or Location: 2319 Hammonds Ferry Road
Lansdowne, Md 21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: F. Michael Grace
Address: 1 Rolling Farm Court
Catonsville, Md. 21228

Telephone Number: 410 917 9588



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
April 22, 2009

F. Michael Grace
Boulard & Brush, LLC
300 Frederick Rd. Ste. 100
Catonsville, MD 21228

Dear: F. Michael Grace

RE: Case Number 2009-0228-SPHA, 2319 Hammonds Ferry Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 03, 2009. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Grace Bros., Inc.; 1 Rolling Farm Ct.; Catonsville, MD 21228



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

March 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 9, 2009

Item Numbers 0225, 0226, 0227, 0228 and 0229

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

TB 4/27 11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 16, 2009

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

SUBJECT: 2319 Hammonds Ferry Road

INFORMATION:

Item Number: 9-228

Petitioner: Grace Bros., Inc.

Zoning: BL and DR 5.5

Requested Action: Variance

RECEIVED

MAR 18 2009

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

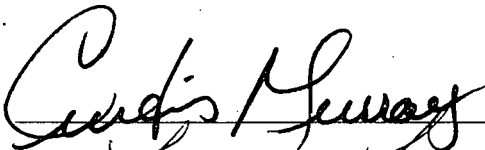
The petitioner requests the Zoning Commissioner to permit a crush and run surface in lieu of a dustless durable surface. The Office of Planning has reviewed the petitioner's request and accompanying site plan and offers the following:

The petitioner should demonstrate to the Zoning Commissioner how the proposed alternative paving material will allow for equal or better results in preventing dust, erosion or other undesirable conditions pursuant to the definition of Durable and Dustless Surface in Section 101.1 of the BCZR.

The Office of Planning however supports the petitioner's Special Hearing request to permit screening per the current landscape manual in lieu of a 6-foot fence with slats. Landscaping should be shown on the plan to reflect the, Baltimore County Landscape Manual requirements of a 15-foot landscape strip with Class A screening. See Sections III.B.1.c and III.B.1.c.(1) on page 19. A landscape plan should be submitted to the Baltimore County Landscape Architect (Avery Harden) for his review and approval.

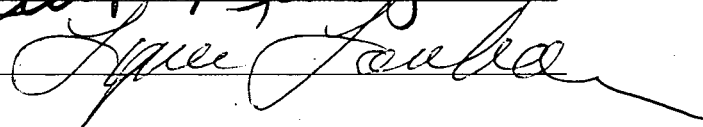
For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 10, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For March 16, 2009
Item No. 2009-0228 SPHA

Contact Avery Harden for approval of landscape work.

We recommend that the durable, dustless surface be required unless the lot is frequently used by tracked vehicles.

DAK:CEN:lrk

cc: File

ZAC-ITEM NO 2009-0228SPHA-03162006



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: MARCH 12, 2009

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

RE: Baltimore County-
Item No 2009-0228-SPHA
2319 HAMMONDS FERRY RD
GRACE BEOS, INC.
SPECIAL HEARING -
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. 2009-0228-SPHA.

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,

^{Foster} Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



Ms. Kristen Matthews

Page 2

SDF/mb

Cc: Mr. Dennis A. Kennedy, Bureau of Development Plans Review, Baltimore County
Mr. David Malkowski, District Engineer, SHA
Mr. Donald T. Rascoe, Deputy Director-PDM, Baltimore County
Mr. William J. Wisemen, Zoning Commissioner, Baltimore County

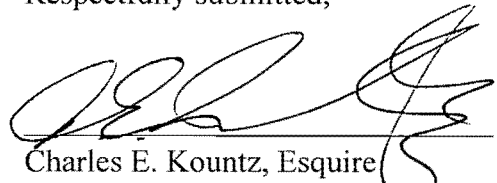
RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
2319 Hammonds Ferry Road, E/S Hammonds * ZONING COMMISSIONER
Ferry Road, 280'N of Minebank Lane *
13th Election & 1st Councilmanic Districts * FOR BALTIMORE COUNTY
Legal Owner(s): Grace Bros., Inc. *
* 09-228-SPHA

* * * * *

ENTRY OF APPEARANCE

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

Respectfully submitted,



Charles E. Kountz, Esquire
4367 Hollins Ferry Road, Suite 4-B
Baltimore, Maryland 21227
(410) 242-0100
Attorney for Petitioner, Grace Bros.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 31st day of March, 2009, a copy of the foregoing has been mailed, postage prepaid, to: Peter Max Zimmerman, People's Counsel for Baltimore County and Carole S. Demilio, Deputy People's Counsel, Jefferson Building, Room 204, 105 W. Chesapeake Avenue, Towson, Maryland 21204.



Charles E. Kountz, Esquire
Attorney for Petitioner, Grace Bros.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
2319 Hammonds Ferry Road; E/S Hammonds * ZONING COMMISSIONER
Ferry Road, 280' N of Minebank Lane *
13th Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Grace Bros., Inc. *
Petitioner(s) * BALTIMORE COUNTY
* 09-228-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAR 12 2009

[Signature]

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 12th day of March, 2009, a copy of the foregoing Entry of Appearance was mailed to F. Michael Grace, Esquire, Bouland & Brush LLC, 300 Frederick Road, Suite 100, Catonsville, MD 21228, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TB 4/27
11am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 09 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *JWL*
DATE: April 8, 2009
SUBJECT: Zoning Item # 09-228-SPHA
Address 2319 Hammonds Ferry Road
(Grace Brothers, Inc. Property)

Zoning Advisory Committee Meeting of March 9, 2009

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

1. Development of this site may also require a Forest Buffer Variance request submittal and mitigation addressed.

Reviewer: J. Russo

Date: 3/24/09

TB
4-27-09**BALTIMORE COUNTY, MARYLAND****Inter-Office Correspondence**

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: April 8, 2009

SUBJECT: Zoning Item # 09-228-SPHA
Address 2319 Hammonds Ferry Road
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Additional Comments:

1. Development of this site may also require a Forest Buffer Variance request submittal and mitigation addressed.

LAW OFFICES OF
CHARLES E. KOUNTZ, LLC.

4367 Hollins Ferry Road - Suite 4B Baltimore, Maryland 21227-3400

(410) 242-0100

Fax (410) 242-0212

1-800-750-0934

ckountz@charm.net

March 31, 2009

Baltimore County Zoning Review
County Office Building
111 W. Chesapeake Avenue
Room 111
Towson, Maryland 21204

**RE: 2319 Hammonds Ferry Road, E/S Hammonds Ferry Road, 280'N of
Minebank Lane & Grace Bros., Inc.
File #: 09-228-SPHA**

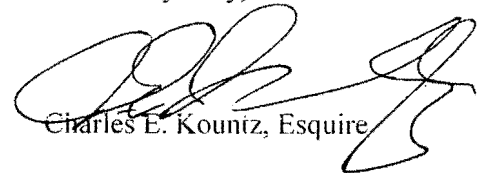
Dear Sir/Madam:

Enclosed please find the Entry of Appearance, relative to the above-captioned matter.

Kindly file accordingly. Please forward all future correspondence/pleadings to my attention on behalf the Petitioners, Grace Bros., Inc.

Thank you. I am,

Yours very truly,

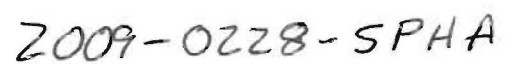


Charles E. Kountz, Esquire

CEK/tmd

Enclosure: As noted above.

cc: Peter Max Zimmerman, People's Counsel
Carole S. Demilio, Deputy People's Counsel



CASE NAME Grace Bros. INC
CASE NUMBER 09-228-SPH4
DATE 4-22-09

[illegible]

Case No.:

2009-0278-SPNA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Aerial Photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITION FOR SPECIAL HEARING

72-19-SPH

72-19-SPH
6/17/71

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Grace Corporation legal owner X 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 and/or Deputy Zoning Commissioner should approve Off-Street Parking in a Residential Zone (D.R. 5.5)

See attached description

11/17/70
SIO 500
6/24/71
10/22/71

ORDER RECEIVED FOR FILING

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

I, or we, agree to pay expenses of above Special Hearing 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.

Contract Purchaser

Grace Corporation

Joseph William Grace, Sr.
Legal Owner

Address 2207 Hammonds Ferry Road

Baltimore, Md. 21227

Petitioner's Attorney

Protestant's Attorney

Address

ORDERED By the Zoning Commissioner of Baltimore County, this 8th

day of June, 1971, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout 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 28th day of July, 1971, at 1:30 o'clock P.M.

JUN 8 7:1 PM

Deputy Eric L. Hanna
Zoning Commissioner of Baltimore County

(over)

1:30 P
6/28/71

by _____

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of _____

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this
-----day of-----, 196--, that the above Special Hearing be
and the same is hereby DENIED.

UNIVERSITY OF ALABAMA

March 15, 1971

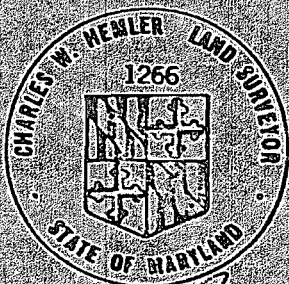
72-19-SM
HRS-61-26

Description of that parcel of land
to be zoned for a Parking Lot, located on the
easterly side of Hammonds Ferry Road being
363 feet southerly from Ridge Road, District 13,
Baltimore County, Maryland.

Beginning for the same at an iron pipe heretofore
set on the easterly side of Hammonds Ferry Road and at the end of the
north $79^{\circ}44'30''$ west 207.28 foot line in a Deed from Eugene Latham to
Jerome G. Grace et al recorded among the Land Records of Baltimore
County in Liber G.L.B. 2644 folio 225, thence binding on said line
reversely south $79^{\circ}44'30''$ east 207.28 feet to an iron pipe, thence
north $04^{\circ}30'30''$ east 110.56 feet to an iron pipe heretofore set on the
southerly line of American Avenue, thence on said Avenue south $76^{\circ}26'20''$
east 333.46 feet to an iron pipe heretofore set, thence leaving said
Avenue south $01^{\circ}24'20''$ east 208 feet to an iron pipe, thence south
 $88^{\circ}40'00''$ west 223.90 feet, thence south $00^{\circ}01'00''$ east 2.64 feet, thence
north $83^{\circ}03'40''$ west 337.04 feet to the easterly side of Hammonds Ferry
Road, thence on same north $05^{\circ}13'50''$ east 180.70 feet to the place of
beginning.

Comprising of those three parcels of land conveyed
to Grace Brothers, recorded among the Land Records of Baltimore County
in Liber G.L.B. 2644 folio 225
Liber W.J.R. 3829 folio 585
Liber 5096 folio 346.

Excepting therefrom that portion which has been
heretofore zoned Business Local; along Hammonds Ferry Road and easterly
190 feet and 290 feet.



Charles W. Hemler

BALTIMORE & OHIO RAILROAD

HARMONDS FERRY ROAD

WEST BRIDGE ROAD

BALTIMORE AVE (CHURCH)

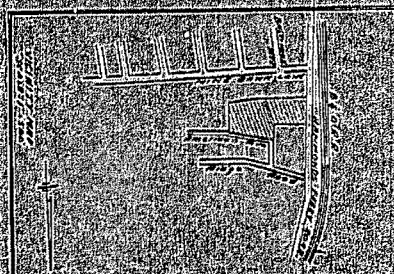
CONTRACT DAWSON
2115 HARMONDS FERRY RD
BALTIMORE, MD 21241

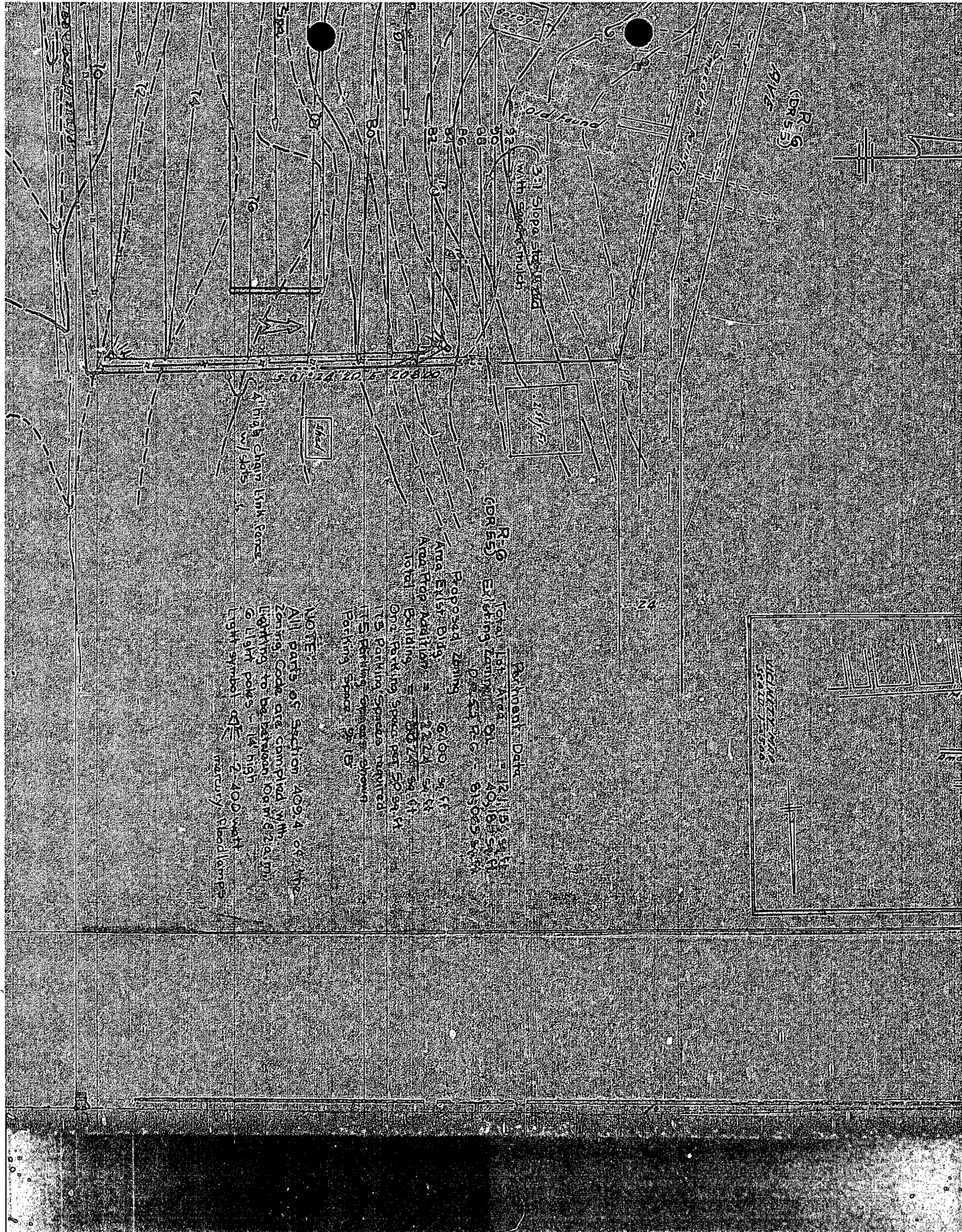
PROT. DLOD. & PARKING ADDITIONS
TOWN & COUNTRY, INC.
1315 HARMONDS FERRY RD
BALTIMORE, MD 21241



April 1961

NOTE: All proposed changes to the existing site plan shall be subject to the approval of the City of Baltimore. The proposed changes to the existing site plan shall be subject to the approval of the City of Baltimore. The proposed changes to the existing site plan shall be subject to the approval of the City of Baltimore.





R-6
(DR 55)

321 Slope site used
with speed trucks

24 ft

R-6
(DR 55)

Total Lot Area = 124,154 sq ft
Existing Building Area = 40,183 sq ft
Proposed Zoning = 81,971 sq ft

Proposed Zoning

Area Excl. Bldg. = 6,000 sq ft

Area Prop. Addition = 22,224 sq ft

Total Building = 62,407 sq ft

On 2 Parking Space per 50 sq ft

175 Parking Spaces required

15 Parking spaces shown

Parking Space 30 ft

NOTE:

All parts of Section 409.4 of the

Zoning Code are complied with.

Lighting to be between 100 w/ 622 a.m.

6 light poles - 14 high

light symbol of 2,400 watt

mercury vapor lamps

BALTIMORE & OHIO RAILROAD

HAMMOND'S FERRY ROAD



2009-0228-SHA



Plan Sheet: 109A1

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- Zoning
- Buildings
- Streams
- Roads
- Vegetation
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

101B3	101C3	102A3	102B3	
108B1	108C1	109A1	109B1	109C1
108B2	108C2	109A2	109B2	109C2

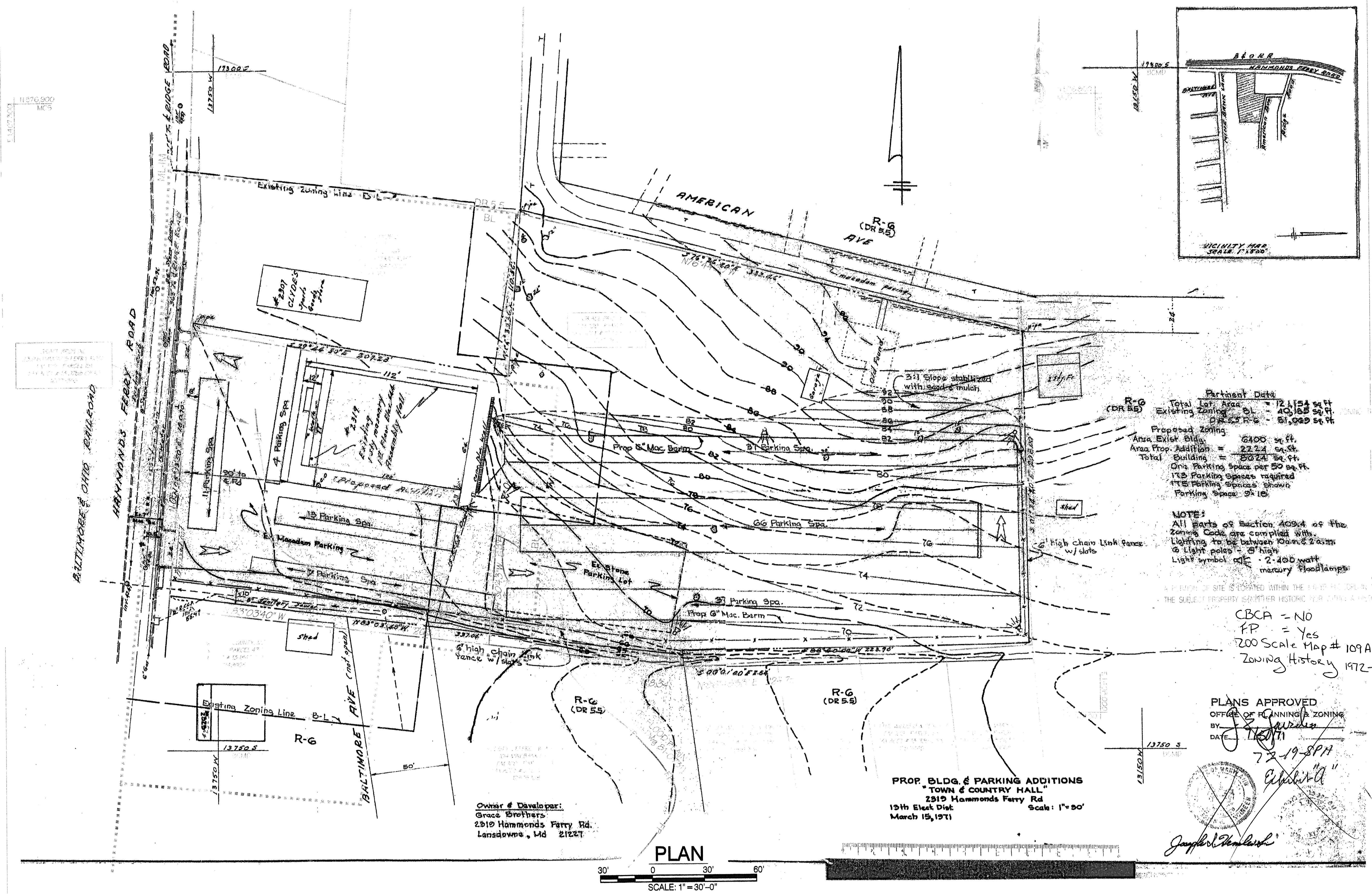
Scale

1" = 200'

0 100 200 400
Feet

1

Data Sources:
Planimetric Data - Baltimore County
OT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

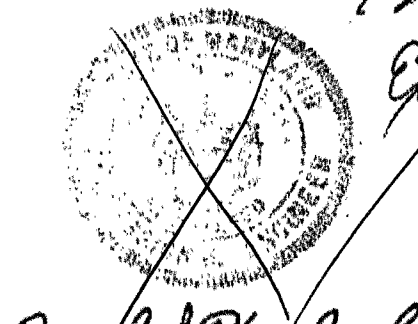


Partment Data
 Total Lot Area = 12,154 sq ft
 Existing Zoning = B-L = 40,185 sq ft
 Proposed Zoning = R-G (DR 55) = 51,000 sq ft
 Area Exist Bldg = 6400 sq ft
 Area Prop Addition = 2224 sq ft
 Total Building = 8624 sq ft
 One Parking Space per 50 sq ft
 173 Parking Spaces required
 115 Parking Spaces shown
 Parking Space 2x10'

NOTE:
 All parts of Section 409.4 of the Zoning Code are complied with.
 Lighting to be between 10am & 2am
 6' light poles - 5' high
 Light symbol - 2-400 watt mercury floodlamps

CBCA = NO
 KP = Yes
 200 Scale Map # 109A1
 Zoning History 1972-0019-SPH

PLANS APPROVED
 OFFICE OF PLANNING & ZONING
 BY: [Signature]
 DATE: 7-2-19-SPH



PROP. BLDG. & PARKING ADDITIONS
 "TOWN & COUNTRY HALL"
 2319 Hammonds Ferry Rd
 19th Elect Dist
 March 13, 1971
 Scale: 1" = 30'

Owner & Developer:
 Grace Brothers
 2319 Hammonds Ferry Rd.
 Lansdowne, Md 21227

PLAN

SCALE: 1" = 30'-0"

REQUESTS FOR SPECIAL HEARING
 TO ALLOW A VARIANCE FOR SCREENING OF HEADLIGHTS IN USE OF 6' HIGH CHAIN LINK FENCE WITH SLATS

VARIANCE REQUESTS
 TO ALLOW CHAIN LINK FENCE SCREENING IN USE OF 6' HIGH CHAIN LINK FENCE WITH SLATS

Plat To Accompany Zoning Petition
for Special Hearing and Variances
2319 Hammonds Ferry Road

BALTIMORE COUNTY, MARYLAND
 ELECTION DISTRICT NO. 19
 COUNCILMANIC DISTRICT 3
 Date: March 3, 2009

2009-0228-SPHA

MATIS

Consulting Engineers

10540 York Road, Suite M
 Hunt Valley, Maryland 21030
 PHONE 410.683.7004 FAX 410.683.1798
 www.matiswarfield.com