

IN RE: **PETITION FOR SPECIAL EXCEPTION ***

E/S Annapolis Road, 84' N of

Michigan Avenue *

(4021-4023 Annapolis Road) *

13th Election District *

1st Council District *

Demy Investment Group, LLC *

Petitioner *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2009-0250-X

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by Mark E. Bailey, managing member of the legal owner of the subject property, Demy Investment Group, LLC. Petitioner is requesting a special exception pursuant to Sections 1B01.1.C.9 and 230.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a funeral home on the B.L. portion of property that is split-zoned B.L. and D.R.5.5. The subject property and requested relief are more fully described on the amended 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 special exception were Mark E. Bailey, managing member of Demy Investment Group, LLC, and Thomas Church, the professional engineer with Development Engineering Consultants, Inc., who prepared the site plan for the Petitioner. Douglas L. Burgess, Esquire, of Nolan, Plumhoff & Williams, Chtd., appeared and represented the Petitioner. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence revealed that the subject property is rectangular shaped and contains approximately 19,823 square feet, or .46 acres, of land zoned primarily B.L. with a thin

¹ The site plan was amended to comply with comments received from the State Highway Administration regarding access to the property from Annapolis Road.

CASE FILED FOR FILING

5-1-10

Date

By

strip of D.R.5.5 on the eastern edge of the property. The property is located on the 4000 block of Annapolis Road between Pennsylvania and Michigan Avenues in the Baltimore Highlands area of Baltimore County. Petitioner submitted several photographs of the subject property and surrounding area, which were collectively marked and accepted into evidence as Petitioner's Exhibit 2. The photographs reveal that the property is improved with an existing two-story structure that was previously used as a local bank by Baltimore Savings and Loan Association, Incorporated. The property lies in a commercial strip of small local businesses on Annapolis Road, and is located between a bar/tavern to the north and an electrical contractor facility to the south of the property.

Evidence presented at the public hearing demonstrated that the prior business that occupied the subject property is no longer in operation, and the Petitioner purchased the property and is requesting a special exception to use the existing structure as a funeral home. Petitioner is not requesting any variance relief, as there will not be any additional construction and the property already contains the requisite parking required by the B.C.Z.R. The entire facility, including parking, is located in the B.L. portion of the subject property and there will be no parking on the residential side of the property. As indicated on the amended site plan, the facility will be accessed through one-way access points from Pennsylvania Avenue to the north and from Annapolis Road to the south of the existing building. There will be two-way traffic to the north of the building where parking is shared with customers of the bar/tavern.

Further testimony and evidence revealed that Mr. Bailey, a retired State Police Officer, is now a full time employee involved in the funeral home industry. After operating the Rendon-Bailey funeral home on East Baltimore Street in Baltimore City for several years, Mr. Bailey has become familiar with the industry and is now requesting zoning relief to operate a funeral home

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Date 9-1-90
By 32

on the subject property. Testimony revealed that the property will be used to host small gatherings on site, and Mr. Bailey fully understands that the property is limited in size and cannot support large funerals with numerous people and cars on site. Accordingly, Mr. Bailey testified that he has worked with local churches and organizations and will use off-site facilities to accommodate any larger events. Additionally, Mr. Bailey has actively attended and participated in meetings with the Baltimore Highlands Community Association, who provided a letter in support of the requested special exception. The letter was marked and accepted into evidence as Petitioner's Exhibit 3.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments received from the Office of Planning and Department of Environmental Protection and Resource Management (DEPRM) indicate no opposition or other recommendations concerning the requested relief. Comment was also received from the State Highway Administration (SHA) on April 13, 2009, which indicated that the Petitioner must obtain an access permit from the State.

After considering all of the customary special exception criteria outlined in B.C.Z.R. Section 502.1, I am persuaded that the requested relief should be granted. The proposed facility will be located in a fully developed area that is already served by public utilities and additional construction will not be necessary. Additionally, the Petitioner is not proposing to construct any additional parking as the site already contains adequate parking in the B.L. portion of the property and this use is not located in a traffic deficient area. There is no evidence that the proposed facility will create any adverse impacts greater than or above and beyond those inherent with such a use regardless of its location in the B.L. zone. *See Schultz v. Pritts*, 432 A.2d 1319 (1981); *People's Counsel for Baltimore County v. Loyola College*, 406 Md. 54

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Date 6-10-09
By 30

(2008). In fact, the proposed use will not have any negative impact on the surrounding locale, as testimony revealed that the Petitioner has a friendly relationship with the bar/tavern located immediately north of the property and will share parking due to the fact that the funeral home will primarily operate during the day time and the bar/tavern operates more typically at night. The proposed business will provide a service and employment opportunity to local residents without any additional construction in an already developed commercial area. I therefore find that Petitioner's special exception request can be granted in strict harmony with the spirit and intent of the regulations, and in such manner as to grant relief without injury to the public health, safety or general welfare of the locality.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that Petitioner's special exception request should be granted.

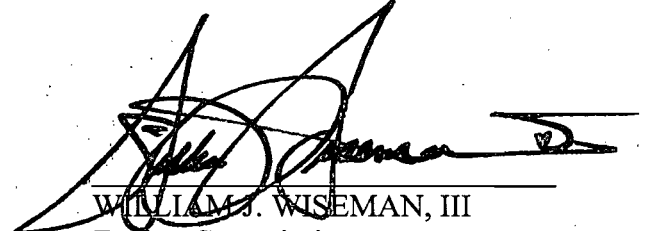
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 10th day of June, 2009 that Petitioner's request for Special Exception pursuant to Sections 1B01.1.C.9 and 230.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a funeral home on the B.L. portion of property that is split-zoned B.L. and D.R.5.5. is hereby GRANTED, subject to the following conditions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at their 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) Petitioner must obtain an access permit from the State Highway Administration (SHA) as requested in their April 13, 2009 comment.

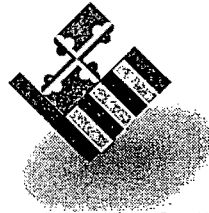
COPIES RECEIVED FOR FILING
Date 6-10-09
By 193

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

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

MAILED RECEIVED FOR FILING
Date 6-10-08
By 30



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 10, 2009

WILLIAM J. WISEMAN III
Zoning Commissioner

Douglas L. Burgess, Esquire
Nolan, Plunhoff & Williams, Chtd.
502 Washington Avenue, #700
Towson, Maryland 21204

RE: **PETITION FOR SPECIAL EXCEPTION**
E/S Annapolis Road, 84' N of Michigan Avenue
(4021-4023 Annapolis Road)
13th Election District - 1st Council District
Demy Investment Group, LLC – *Petitioner*
Case No. 2009-0250-X

Dear Mr. Burgess:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Exception has been granted with conditions, 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: Mark E. Bailey, Demy Investment Group, LLC, 4023 Annapolis Road, Baltimore, MD 21227
Thomas Church, P.E., Development Engineering Consultants, Inc., 6603 York Road,
Baltimore, MD 21212
Steven D. Foster, Chief, Engineering Access Permits Division, State Highway Administration,
MDOT, 707 N. Calvert Street, Baltimore, MD 21202
People's Counsel; Office of Planning; DEPRM; File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 4021- 4023 Annapolis Road
which is presently zoned BL + DR 5.5

Deed Reference: 4605-1269, Tax Account # 13-02-001351, 13-02-001350,
3693/558 and 5888/868 13-03-230091 and 13-03-230092

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

Funeral Establishment

Sections - 1B01.1.C.9 - DR Zone
- 230.3 - BL Zone

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

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

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

Contract Purchaser/Lessee:

Mark E. Bailey
Demy Investment Group, LLC
Name - Type or Print
Mal E. Bailey
Signature
7740 Central Avenue 443-790-0005
Address Telephone No.
Pasadena MD 21122
City State Zip Code

Attorney For Petitioner:

Douglas L. Burgess
Name - Type or Print
Douglas L. Burgess
Signature
Nolan, Plumbhoff & Williams, Chtd.
Company
502 Washington Ave #700 410-823-7800
Address Telephone No.
Towson MD 21204
City State Zip Code

Legal Owner(s):

United Medical Bank, F.S.B., successor to
Baltimore American Savings & Loan Association, Inc.
Name - Type or Print
Gerald H. Morganstern
Signature
Gerald H. Morganstern, Attorney for owner
Name - Type or Print
Signature
530 5th Avenue, 9th Floor
Address Telephone No.
New York NY 10036
City State Zip Code

Representative to be Contacted:

Douglas L. Burgess
Name
502 Washington Ave #700 410-823-7800
Address Telephone No.
Towson MD 21204
City State Zip Code

Case No. 2009-0250-X

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 3/24/09

REV 07/27/2007

UNDER REVIEW FOR FILING

Date 6-10-09

By [Signature]

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

ZONING DESCRIPTION

4021-4023 ANNAPOLIS ROAD

BEGINNING FOR THE SAME at a point on the east side of Annapolis road, 46 feet wide, said point being 84 feet more or less north of the centerline of Michigan Avenue, 50 feet wide. Thence the following courses and distances:

- 1) North 02 degrees 03 minutes 21 seconds East, 166.22 feet
 - 2) South 72 degrees 09 minutes 56 seconds East, 122.58 feet
 - 3) North 17 degrees 50 minutes 04 seconds East, 45.00 feet
 - 4) South 72 degrees 09 minutes 56 seconds East, 40.00 feet
 - 5) South 17 degrees 50 minutes 04 seconds West, 125.00 feet
 - 6) South 72 degrees 09 minutes 56 seconds East, 5.17 feet
 - 7) South 17 degrees 50 minutes 04 seconds West, 80.00 feet
 - 8) North 72 degrees 09 minutes 56 seconds West, 122.89 feet
- to the point of beginning.

Containing 15,000 s.f. or 0.34 acres of land, more or less.

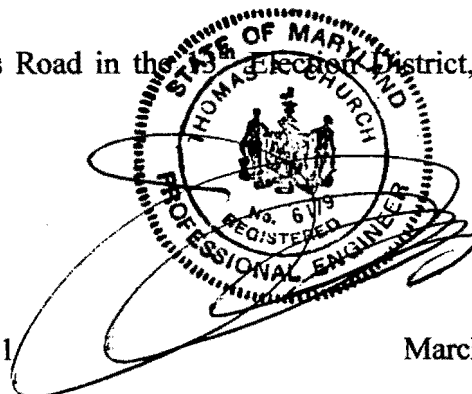
Being the same lots described in the following deeds recorded in the Land Records of Baltimore County: 1) G.L.B. Liber 3093 folio 558 dated January 23, 1957; 2) O.T.G. Liber 4605 folio 269, dated March 25, 1966; 3) E.H.K., Jr. Liber 5888 folio 868 dated May 22, 1978.

Also known as 4021-4023 Annapolis Road in the [unclear] District, Baltimore County, Maryland

Our Contract No. 09-103

1 of 1

March 5, 2009



2009-0250-X

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

No. **37853**

Date **3/25/09**

PAID RECEIPT

BUSINESS ACTUAL TIME DNM

3/24/2009 3/26/2009 09:27:21

67 US05 WALKIN DBL DNM

RECEIPT # 402714 3/26/2009 16:16

67 15 533-21000 VERIFICATION

NO 037853

Recpt Tot 4280.00

4380.00 CY 15 0306 LA

BALTIMORE COUNTY OFFICE

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				380.00

Total **380.00**

Rec

From **NOLAN, PLUMHOFF & WILLIAMS**

For

2009-0250-X

4021-4023-ANNAPOLIS RD

D. THOMPSON

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: #2009-0250-X

4021-4023 Annapolis Road

E/side of Annapolis Road, 84 feet north of the centerline of Michigan Avenue

13th Election District — 1st Councilmanic District

Legal Owner(s): United Medical Bank, F.S.B., Baltimore

American Savings & Loan Assoc.

Contract Purchaser: Demy Investment Group, LLC, Mark Bailey

Special Exception: to permit a funeral establishment.

Hearing: Wednesday, May 20, 2009 at 9:00 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.

JT 5/604 May 5

200396

CERTIFICATE OF PUBLICATION

5/7/2009

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 5/5/2009.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0250 X

Petitioner/Developer: _____

Demy Investment Group, LLC Mark Bailey
Date of Hearing/Closing May 20 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, _____

4021- 4023 Annapolis Road

The sign(s) were posted on _____ May 5, 2009
(Month, Day, Year)

Sincerely,

Robert Black May 11 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)

ZONING NOTICE

CASE # 2009-0250-X

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

Room 104, JEFFERSON BUILDING 21204
PLACE: 105 WEST CHESAPEAKE AVE TOWSON

DATE AND TIME Wednesday, May 20, 2009 AT 9:00^{AM}

REQUEST SPECIAL EXCEPTION TO PERMIT A FUNERAL
ESTABLISHMENT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 447-3391

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

**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.

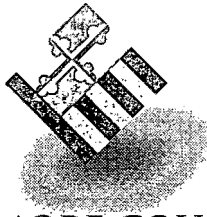
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009-0250-X
Petitioner: DEMY INVESTMENT GROUP, LLC
Address or Location: 4021-4023 ANNAPOLIS RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: TIM BROWN
Address: DEVELOPMENT ENG. CONSULTANTS, INC.
6603 YORK RD.
BALTO. MD 21212
Telephone Number: 410-377-2600



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

April 27, 2009
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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CASE NUMBER: 2009-0250-X

4021-4023 Annapolis Road

E/side of Annapolis Road, 84 feet north of the centerline of Michigan Avenue

13th Election District – 1st Councilmanic District

Legal Owners: United Medical Bank, F.S.B., Baltimore American Savings & Loan Assoc.

Contract Purchaser: Demy Investment Group, LLC, Mark Bailey

Special Exception to permit a funeral establishment.

Hearing: Wednesday, May 20, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Douglas Burgess, 502 Washington Avenue, Ste. 700, Towson 21204
Gerald Morganstern, 530 5th Avenue, 9th Floor, New York, NY 10036
Mark Bailey, Demy Investment Group, 7740 Central Avenue, Pasadena 21122

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 5, 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
Tuesday, May 5, 2009 Issue - Jeffersonian

Please forward billing to:

Tim Brown
Development Eng. Consultants, Inc.
6603 York Road
Baltimore, MD 21212

410-377-2600

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:

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E/side of Annapolis Road, 84 feet north of the centerline of Michigan Avenue

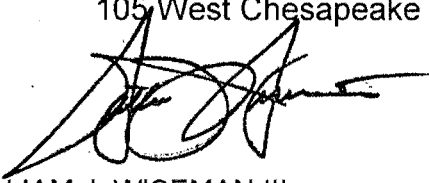
13th Election District – 1st Councilmanic District

Legal Owners: United Medical Bank, F.S.B., Baltimore American Savings & Loan Assoc.

Contract Purchaser: Demy Investment Group, LLC, Mark Bailey

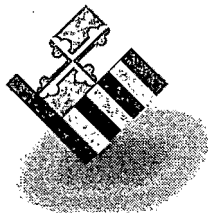
Special Exception to permit a funeral establishment.

Hearing: Wednesday, May 20, 2009 at 9:00 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
May 14, 2009

Douglas L. Burgess
Nolan, Plumhoff and Williams, Chtd.
502 Washington Ave. Ste. 700
Towson, MD 21204

Dear: Douglas L. Burgess

RE: Case Number 2009-0250-X, 4021-4023 Annapolis 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 24, 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,

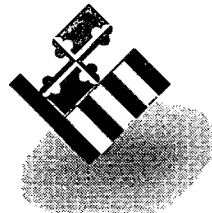
A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Gerald H. Morganstern; 530 5th Avenue Fl. 9th; New York, NY 10036
Mark E. Bailey; Demy Investment Group, LLC; 7740 Central Ave.; Pasadena, MD 21122



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

April 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 9, 2009

Item Numbers 0244, ~~0250~~ and 0254

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

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

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

cc: File

BW 5/20
9 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 27, 2009

RECEIVED

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

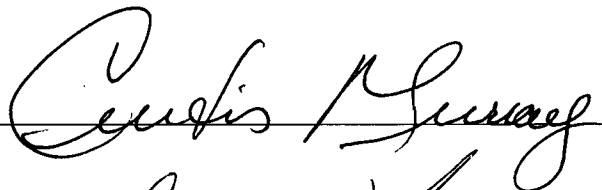
APR 29 2009

SUBJECT: Zoning Advisory Petition(s): ^{250 CM} Case(s) 09-~~253~~- Special Exception **ZONING COMMISSIONER**

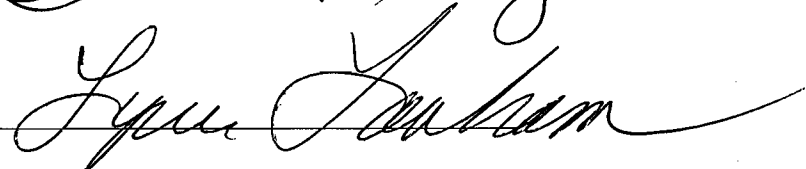
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:
CM/LL



BW
5-20-09
9am**BALTIMORE COUNTY, MARYLAND****Inter-Office Correspondence****RECEIVED****MAY 04 2009****ZONING COMMISSIONER**

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: May 4, 2009
SUBJECT: Zoning Item # 09-250-X
Address 4021-4023 Annapolis Road
(United Medical Bank Property)

Zoning Advisory Committee Meeting of April 6, 2009

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

Reviewer: JWL

Date: 5/4/09

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 13, 2009
Items Nos. 2009-238, 244, 247, 248,
249, ~~250~~ 251, 252, 253, 254, 255 and 256

DATE: April 9, 2008

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

DAK:CEN:cab

cc: File

ZAC-04072008-NO COMMENTS

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



Beverley K. Swaim-Staley, *Acting Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: August 3, 2009

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

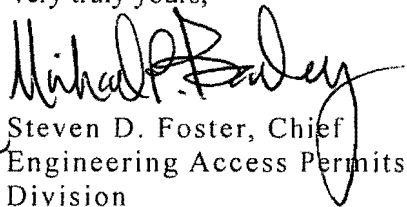
RE: Baltimore County
Item No. 2009-0250-X
MD 648 (Annapolis Road)
4021-4023 Annapolis Road
Baltimore American Savings
& Loan Assoc., Inc.
Special Exception

Dear Ms. Matthews:

This is in follow-up to our April 13, 2009 letter concerning the plat to accompany request for special exception for 4021-4023 Annapolis Road. Based on available information and a re-evaluation of the proposed use a field inspection and internal review revealed that existing access to the MD 648 (Annapolis Road) is acceptable. The owner agrees to coordinate sidewalk improvement with out District Four Utility Engineer's office. Therefore, the State Highway has no objection Zoning Advisory Committee approval for 4021-4023 Annapolis Road Case Number 2009-0250-X.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,


FOP Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. Mark Bailey, Applicant, United Medical Bank
Ms. Erin Kuhn, ADE-Traffic, SHA
Mr. David Malkowski, District Engineer, SHA
Mr. Joseph Merrey, Dept. Of Permits & Development Management, Baltimore County
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

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



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

State Highway
Administration

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

Maryland Department of Transportation

Date: April 13, 2009

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

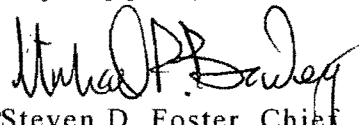
RE: Baltimore County
Item No. 2009-0250-X
MD 648 (Annapolis Road)
4021-4023 Annapolis Road
Baltimore American Savings
& Loan Assoc., Inc.
Special Exception

Dear Ms. Matthews:

We have reviewed the plat to accompany request for special exception for 4021-4023 Annapolis Road Property, which was received on April 6th. A field inspection and internal review reveals that existing access to the MD 648 (Annapolis Road) is inconsistent with current State Highway Administration ADA requirements and guidelines. Therefore, the State Highway requests that as a condition of Zoning Advisory Committee approval for 4021-4023 Annapolis Road Case Number 2009-0250-X the developer/owner be required to obtain an Access Permit issued by State Highway Administration (SHA).

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

Very truly yours,


For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. Mark Bailey, Applicant, United Medical Bank
Ms. Erin Kuhn, ADE-Traffic, SHA
Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

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

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



RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
4021-4023 Annapolis Road; E/S Annapolis *
Road, 84' N of Michigan Avenue * ZONING COMMISSIONER
13th Election & 1st Councilmanic Districts *
Legal Owner(s): United Medical Bank * FOR
Contract Purchaser(s): Mark Bailey *
Petitioner(s) * BALTIMORE COUNTY
* 09-250-X

* * * * *

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 documentation filed in the case.

RECEIVED

APR 20 2009

.....

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 20th day of April, 2009, a copy of the foregoing Entry of Appearance was mailed to Douglas Burgess, Nolan, Plumhoff & Williams, Chtd., 502 Washington Avenue, Suite 700, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 4021-3 ANNAPOLIS ROAD
CASE NUMBER 2009-0250X
DATE MAY 20, 2009

[illegible]

Case No.: 4021-4023 ANNAPOLIS ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED SITE PLAN	
No. 2	Photo's Existing, Conditions - Property & Area	
No. 3	LETTER OF SUPPORT from Community Assoc.	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

0

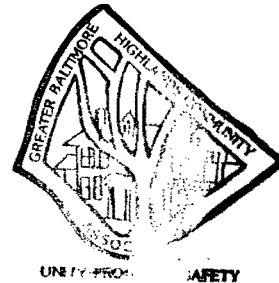
TO: BALTIMORE COUNTY
FROM : Moses Rodriguez /president Baltimore highlands community
association.

Thank you for the opportunity to address your board who be making some very important decisions concerning our community.

We have been informed about the plans of Mark Bailey on the purchase of the former bank united medical bank on annapolis rd.

We are thrilled to learn about Mark going through with his plans,he has come to our regular monthly meeting at christ united methodist church,and informed the community on his plans to establish a funeral parlor,he laid out his plan and has promised to work with us on any request we may have,at our meeting with Mark he made some promises to us and he has kept his promise,we in the community feel very confident with Mark Bailey and we ask that you make a very favorable decision on his request.we look forward to working with Mark Bailey and thanks again for giving us the chance to have our say

Thank You
Moses Rodriguez
410-789-5810/ 443-527-5772

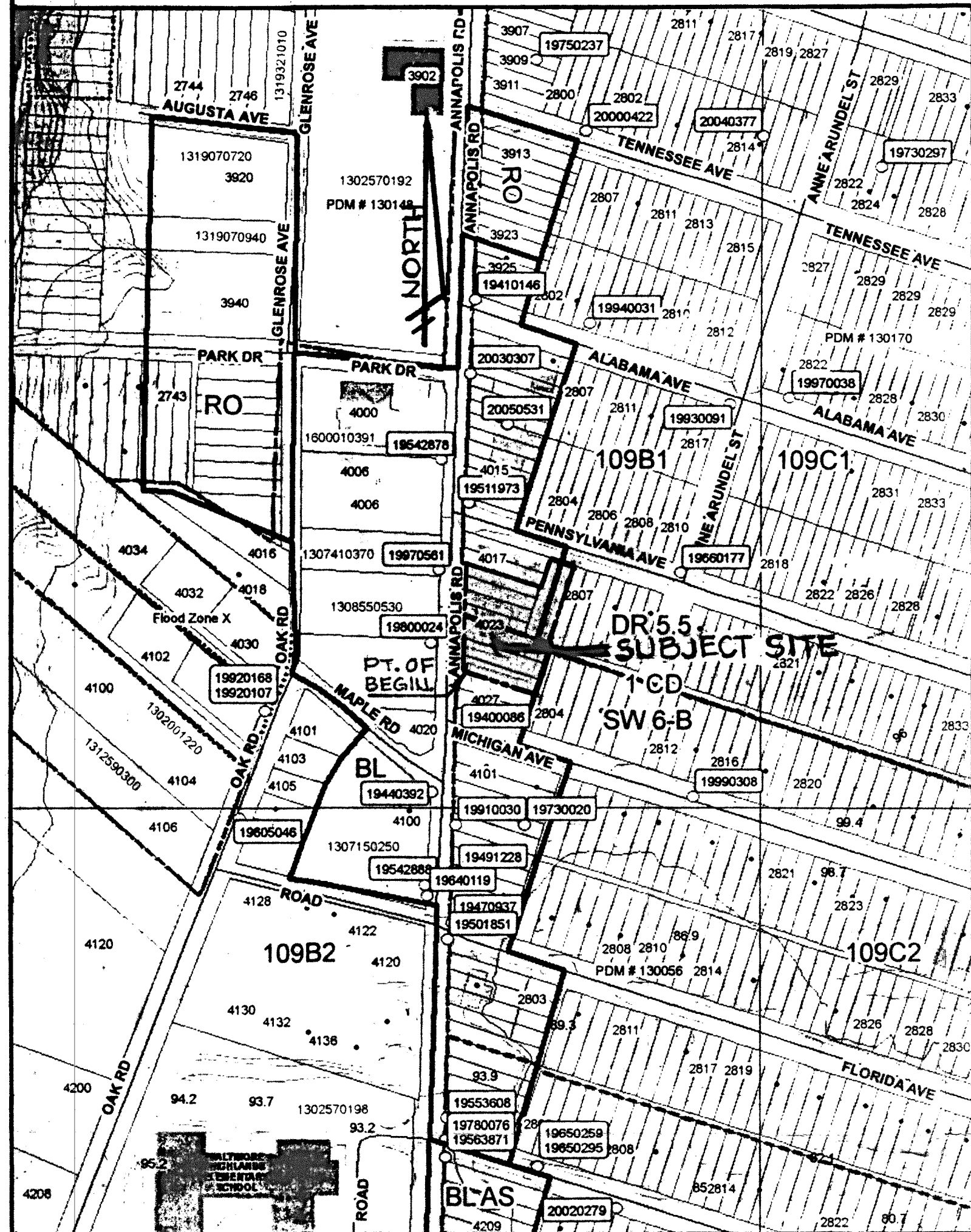


PETITIONER'S

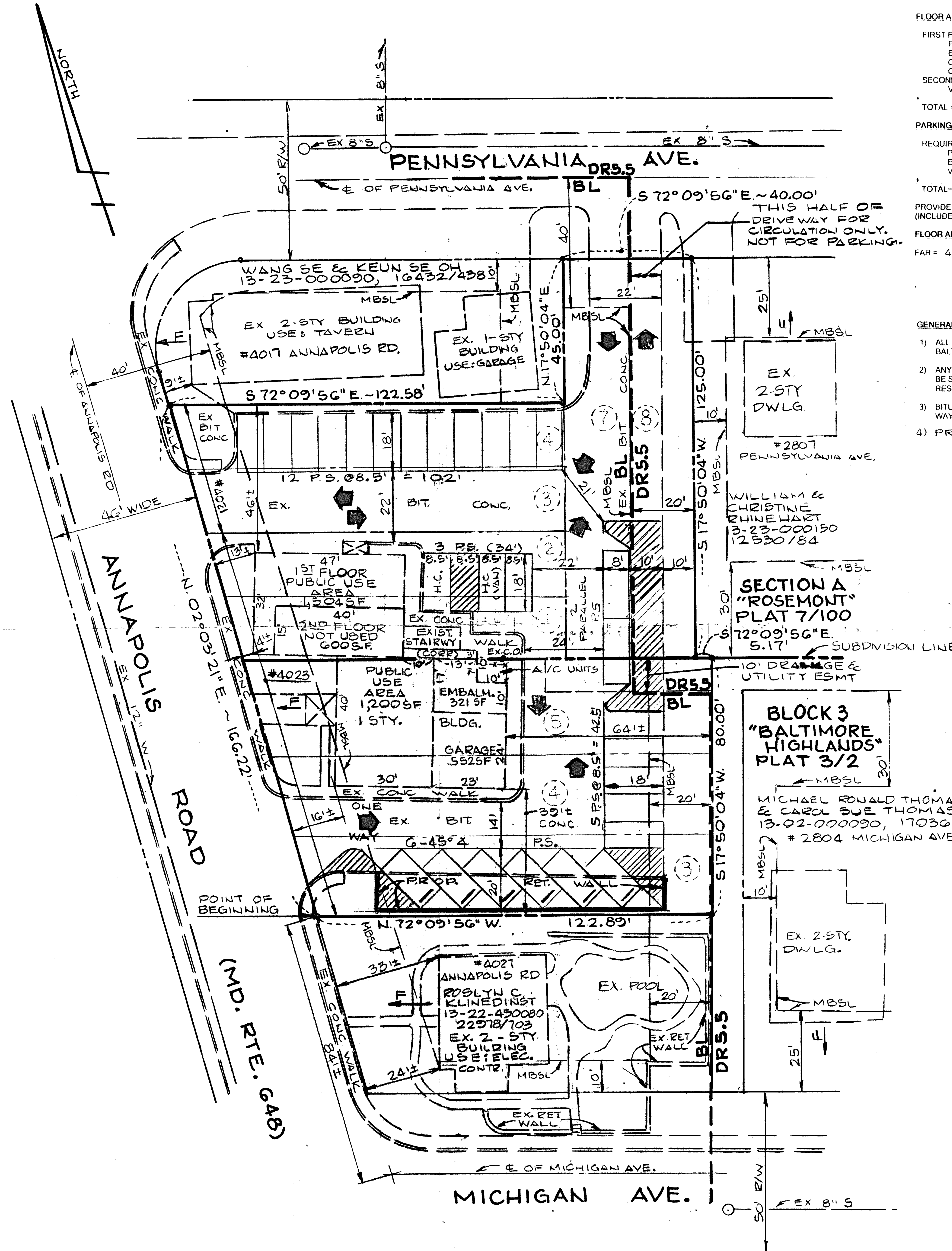
EXHIBIT NO.

3

PLAT TO ACCOMPANY PETITION FOR ZONING: ☐ VARIANCE, ☒ SPECIAL EXCEPTION



ZONING MAP (REFERENCE)
MAP 109 B 1
SCALE: 1"=200'



FLOOR AREA TABULATION

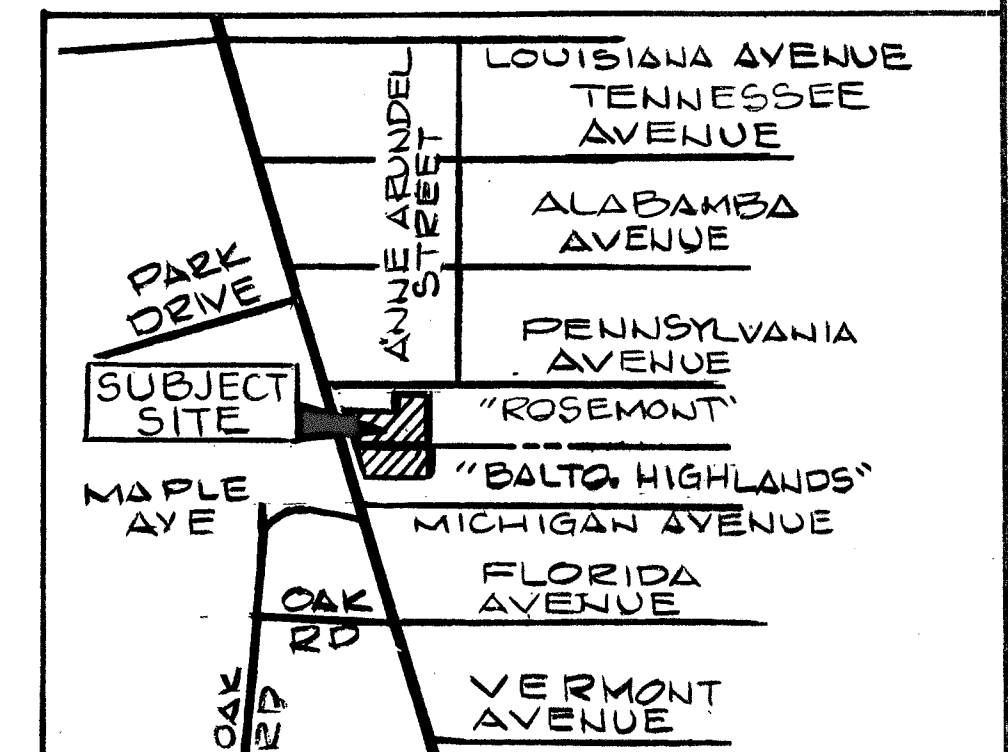
FIRST FLOOR	
PUBLIC USE=	2,704 SF
EMBALMING=	321 SF
GARAGE=	552 SF
CORRIDOR=	69 SF
SECOND FLOOR	
VACANT (NOT USED)=	600 SF
TOTAL =	4,246 SF

PARKING DATA

REQUIRED:	
PUBLIC USE= 2,704 SF X 10 / 1,000=	27.0
EMPLOYEES= 1 / EMPLOYEE=	2.0
VEHICLES= 1 / VEHICLE=	1.0
TOTAL=	30.0
PROVIDED=	30.0
(INCLUDES 2 H.C.P.S. W/ 1 BEING VAN ACCESSIBLE AND 2 P.S. IN GARAGE)	
FLOOR AREA RATIO (FAR)	
FAR = 4,246 / 19,823 = 0.21	

GENERAL NOTES

- 1) ALL PROPOSED SIGNS SHALL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
- 2) ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS.
- 3) BITUMINOUS CONCRETE SHALL BE THE PAVING TYPE USED FOR TRAVEL WAYS AND PARKING AREAS. PARKING SPACES SHALL BE STRIPED.
- 4) PROPOSED USE: FUNERAL ESTABLISHMENT



VICINITY MAP
SCALE: 1"=500'

LOCATION INFORMATION

ELECTION DISTRICT NO.: 13

COUNCILMANIC DISTRICT NO.: 1

ZONING: BL & DR 5.5
(REFERENCE MAP(S): 109 B 1)

AREA OF SITE:
NET= 15,000 SF = 0.34 AC ±
GROSS= 19,823 SF = 0.46 AC ±

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
	YES	NO
CHESAPEAKE AREA CRITICAL AREA	☐	☒
AREA DESIGNATION:		
100 YEAR FLOODPLAIN	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒

PRIOR ZONING HEARINGS: THERE ARE NO PRIOR ZONING HEARINGS PER MAP.
PREVIOUS COMMERCIAL PERMITS: THERE ARE NO PREVIOUS COMMERCIAL PERMITS ON FILE.

ZONING OFFICE USE ONLY

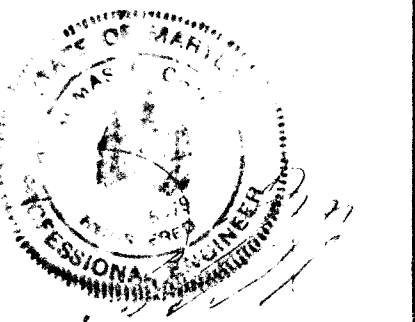
REVIEWED BY	ITEM #	CASE #
D.T.	0250	2009-0250-X

PROPERTY DATA
OWNER: BALTIMORE AMERICAN SAVINGS AND LOAN ASSOC, INC.

ADDRESS: 4021 ANNAPOLIS ROAD
BALTIMORE, MD, 21227

PHONE NUMBER: 410-789-1962

TAX ACCOUNT NUMBER(S):
13-03-230091, 13-02-001350, 13-02-001351
DEED REFERENCE(S):
5888/868, 3093/858, 4605/269
PLAT REFERENCE(S):
3/2, 7/100, 7/100



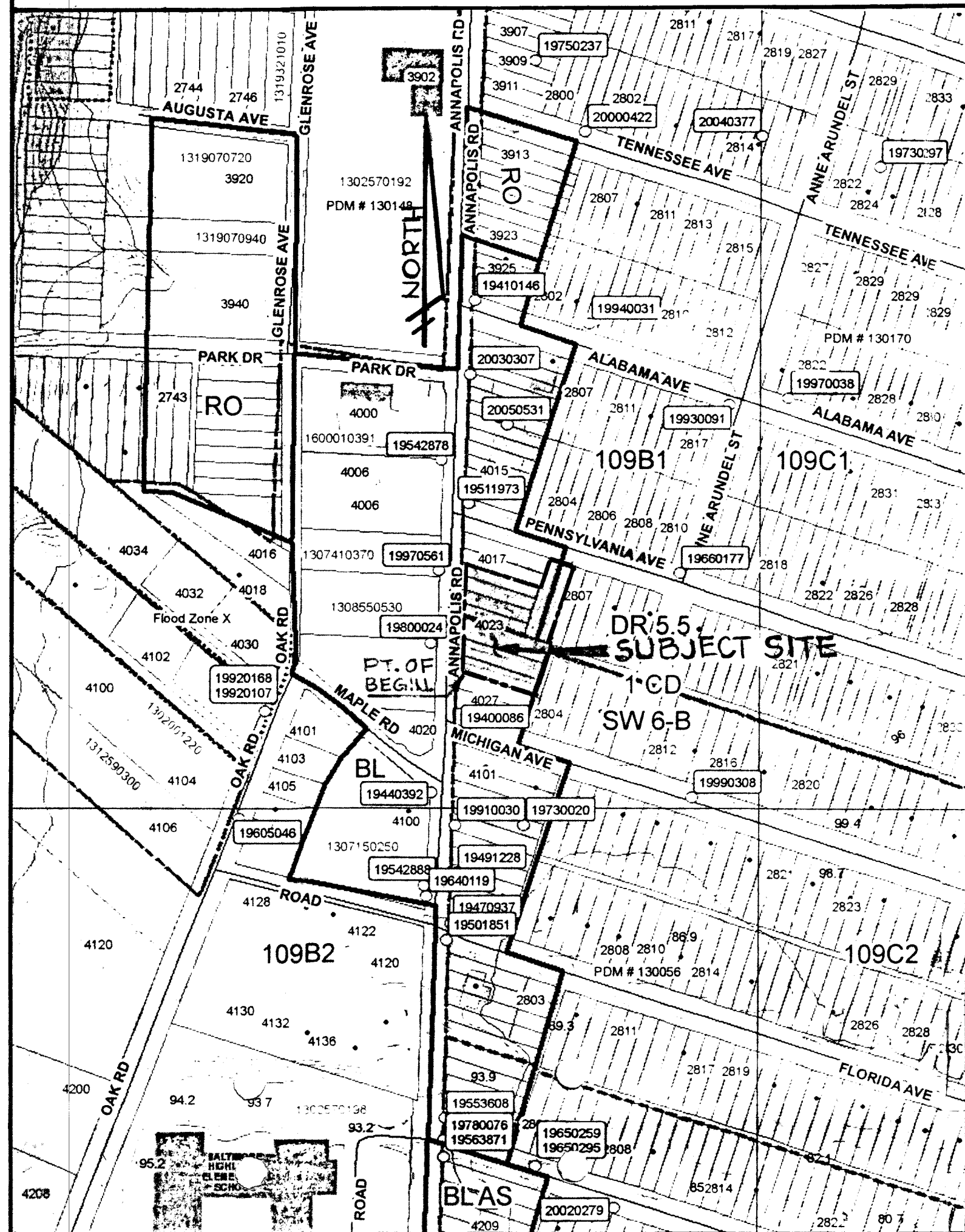
DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-577-2600 BALTIMORE, MARYLAND 21212

APPLICANT
MARK BAILEY
2818 EAST BALTIMORE ST.
BALTIMORE, MD, 21224
443-795-0005

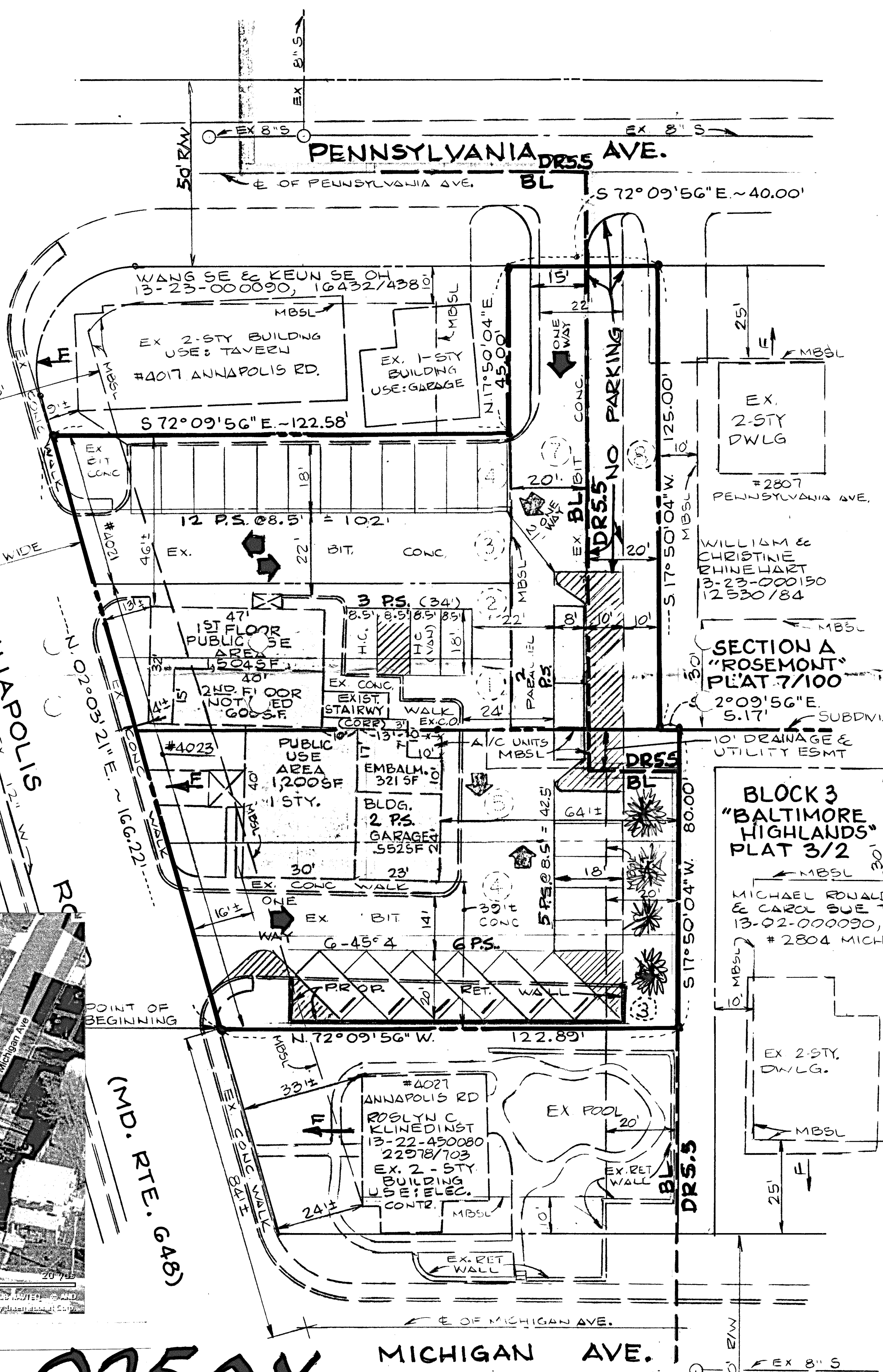
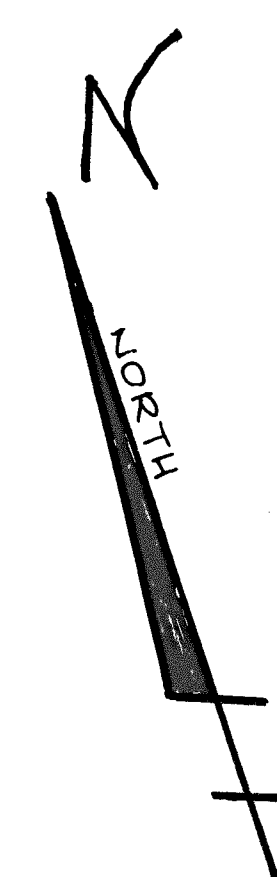
PLAT TO ACCOMPANY REQUEST SPECIAL EXCEPTION
#4021-4023 ANNAPOLIS ROAD
ELECTION DISTRICT NO. 13 COUNCILMANIC DISTRICT NO. 1
BALTIMORE COUNTY, MARYLAND

SHEET
1
OF
1
DATE
3/19/09
SCALE
1"=20'
CONTRACT
NUMBER
02-103

PLAT TO ACCOMPANY PETITION FOR ZONING: ☐ VARIANCE, ☒ SPECIAL EXCEPTION



ZONING MAP (REFERENCE MAP 109 B)
SCALE: 1"=200'

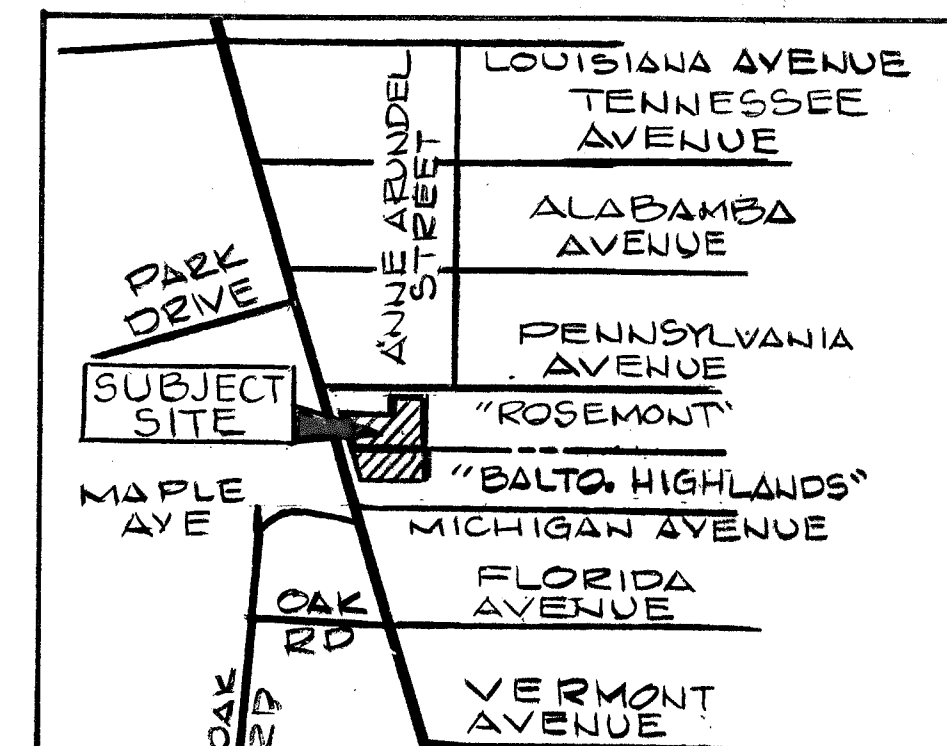


FLOOR AREA TABULATION

FIRST FLOOR	
PUBLIC USE=	2,704 SF
EMBALMING=	321 SF
GARAGE=	552 SF
CORRIDOR=	69 SF
SECOND FLOOR	
VACANT (NOT USED)=	600 SF
TOTAL =	4,246 SF
PARKING DATA	
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PUBLIC USE= 2,704 SF X 10 / 1,000=	27.0
EMPLOYEES= 1 / EMPLOYEE=	2.0
VEHICLES= 1 / VEHICLE=	1.0
TOTAL=	30.0
PROVIDED=	12+3+2+5+6+2 = 30.0
(INCLUDES 2 H.G.P.S. W/ 1 BEING VAN ACCESSIBLE AND 2 P.S. IN GARAGE)	
FLOOR AREA RATIO (FAR)	
FAR = 4,246 / 19,823 =	0.21

GENERAL NOTES

- ALL PROPOSED SIGNS SHALL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS
- BITUMINOUS CONCRETE SHALL BE THE PAVING TYPE USED FOR TRAVEL LANE AND PARKING AREAS. PARKING SPACE SHALL BE STRIPED
- PROPOSED USE: FUNERAL ESTABLISHMENT
- LOCATION OF EXISTING BUILDINGS, ROADS AND OTHER PHYSICAL FEATURES ARE BASED ON BALTIMORE COUNTY AERIAL PHOTOGRAPHS AND NOT AN ACTUAL SURVEY. THIS PLAN IS INTENDED TO BE USED FOR ZONING HEARING PURPOSES AND NOT FOR CONSTRUCTION OR DESIGN.



VICINITY MAP
SCALE: 1"=500'

LOCATION INFORMATION

ELECTION DISTRICT NO.: 13
COUNCILMANIC DISTRICT NO.: 1
ZONING: **BL & DR 5.5**
(REFERENCE MAP(S): 109 B)

AREA OF SITE:
NET= 15,000 S.F. = 0.34 AC ±
GROSS= 19,823 S.F. = 0.46 AC ±

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE AREA CRITICAL AREA DESIGNATION:	☐	☒
100 YEAR FLOODPLAIN	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒

PRIOR ZONING HEARINGS: THERE ARE NO PRIOR ZONING HEARINGS PER MAP
PREVIOUS COMMERCIAL PERMITS: THERE ARE NO PREVIOUS COMMERCIAL PERMITS ON FILE.

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #

PROPERTY DATA
OWNER: BALTIMORE AMERICAN SAVINGS AND LOAN ASSOC., INC.

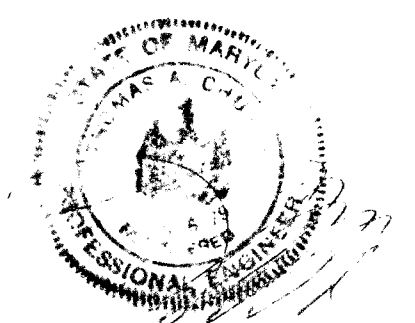
ADDRESS: 4021 ANNAPOLIS ROAD
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PHONE NUMBER: 410-789-1962

TAX ACCOUNT NUMBER(S):
13-02-230021, 13-02-001350, 13-02-001351
DEED REFERENCE(S):
5888/868, 3093/558, 4605/269
PLAT REFERENCE(S):
3/2, 7/100, 7/100

PETITIONER'S

EXHIBIT NO. 1



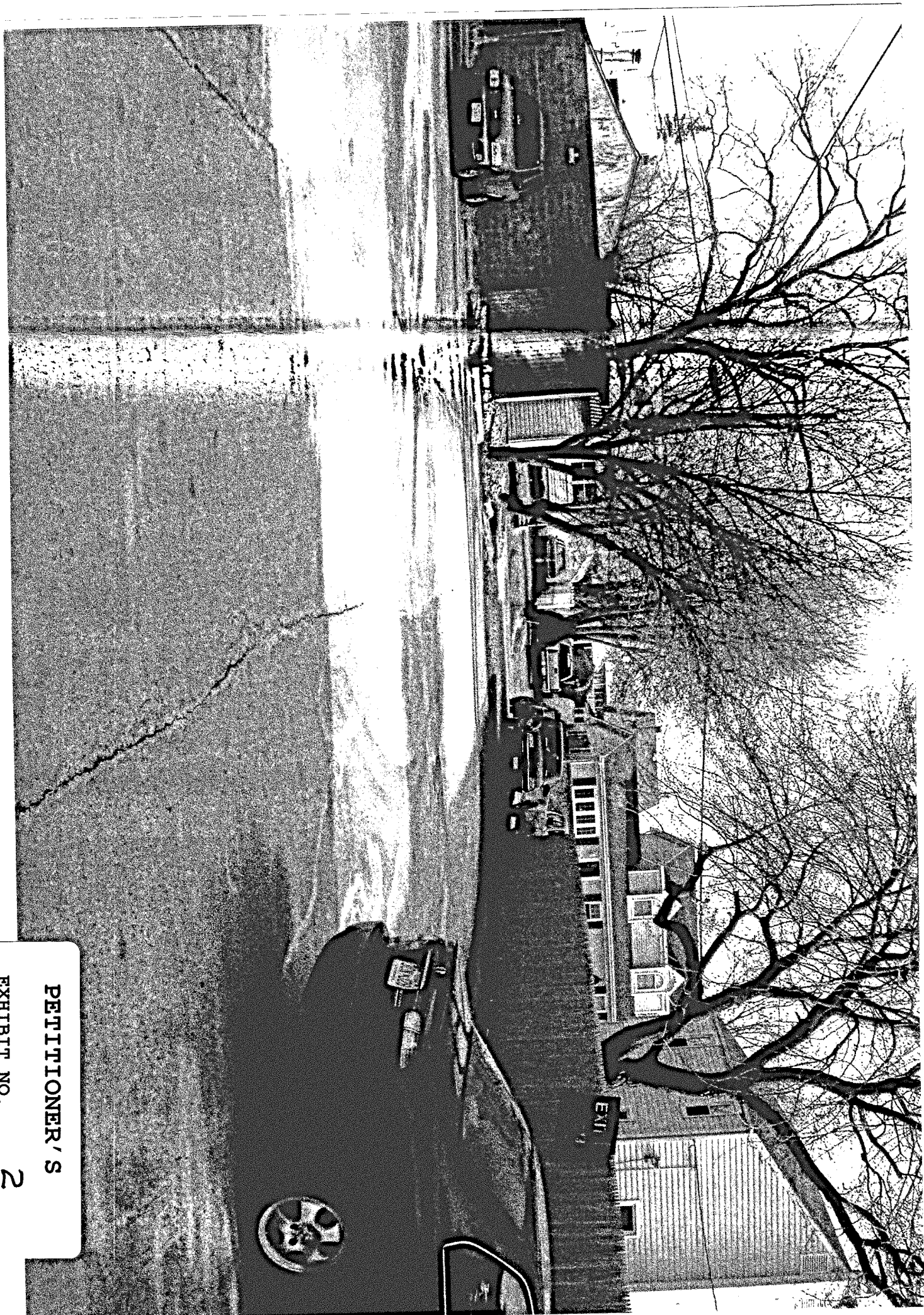
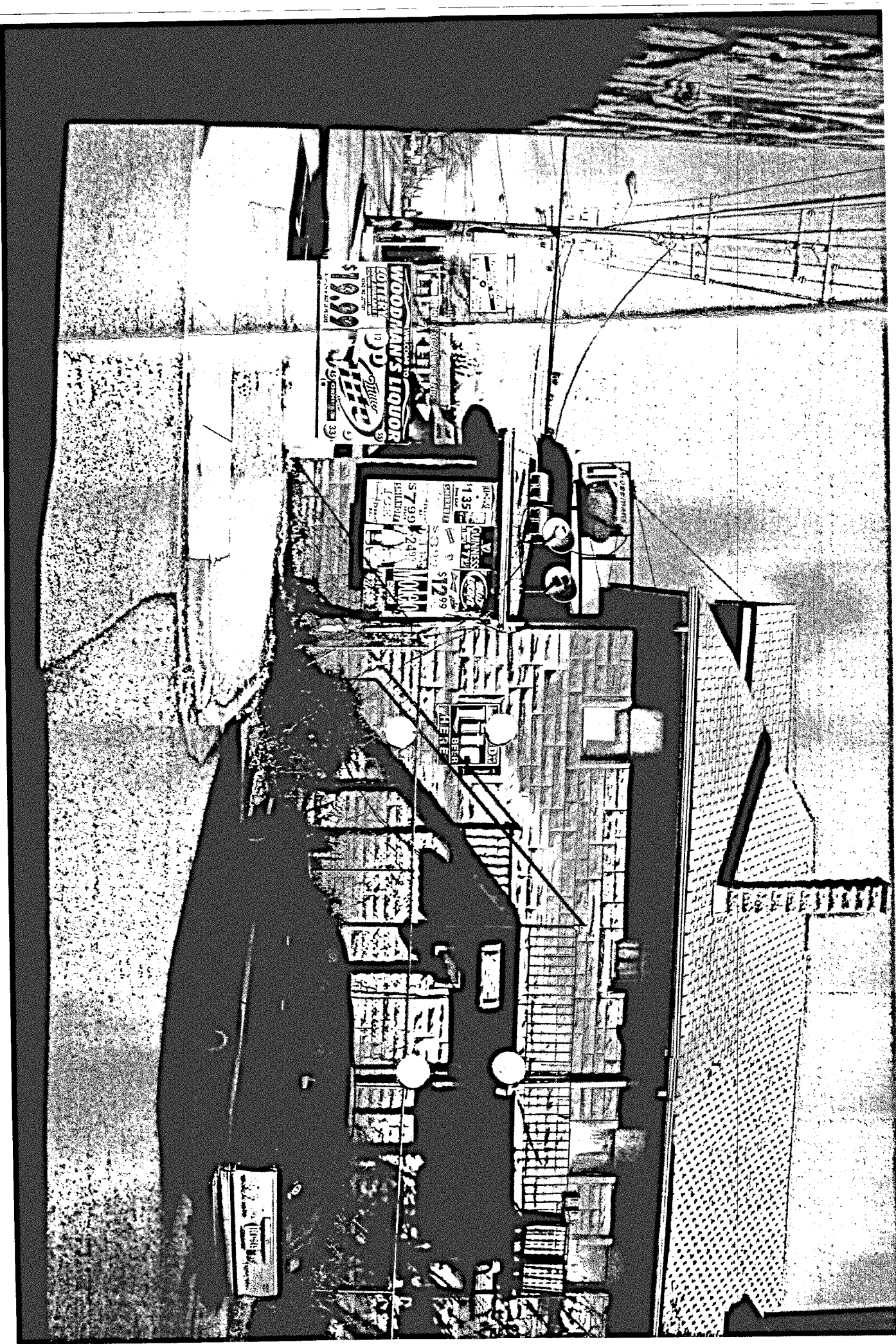
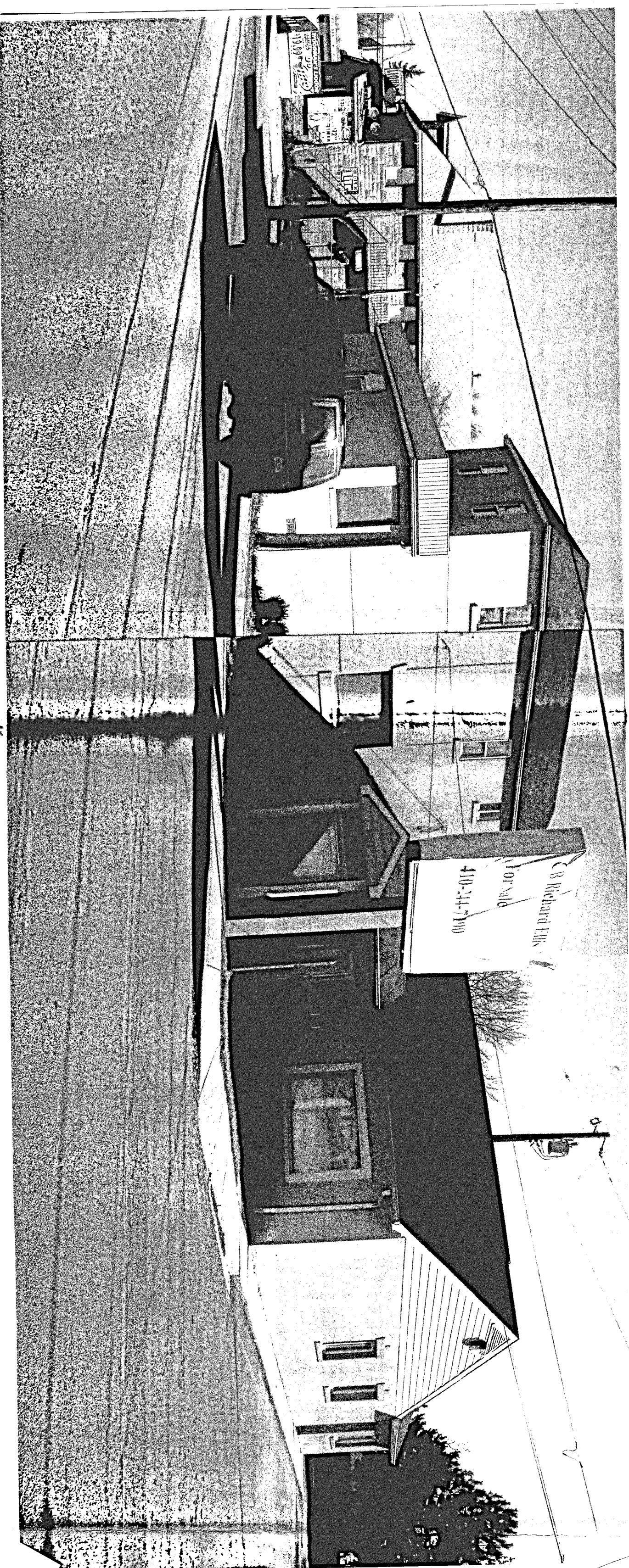
CASE NO: 2009-0250X

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-371-2600 BALTIMORE, MARYLAND 21212

APPLICANT
MARK BAILEY
2818 EAST BALTIMORE ST.
BALTIMORE, MD, 21224
443-795-0005

PLAT TO ACCOMPANY REQUEST SPECIAL EXCEPTION
#4021-4023 ANNAPOLIS ROAD
ELECTION DISTRICT NO. 13 COUNCILMANIC DISTRICT NO. 1
BALTIMORE COUNTY, MARYLAND

SHEET 1 OF 1
DATE 3/19/09
SCALE 1"=20'
CONTRACT NUMBER 09-103



PETITIONER'S
EXHIBIT NO. 2

PETITIONER'S
EXHIBIT NO. 2