

IN RE: PETITION FOR SPECIAL HEARING *

SE/Corner Brentwood & Fifth Avenues,

N of Holabird Avenue *

(6701 Brentwood Avenue)

12th Election District *

7th Council District *

Robert E. Rosso

Petitioner *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2010-0168-SPH

* * * * *

ORDER ON THE MOTION FOR RECONSIDERATION

WHEREAS, this matter came before this Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, seeking, among other requests, an amendment to previous sanctioned zoning uses and to allow two (2) apartments in the existing building in conjunction with a church and continue the use of 31 business parking spaces in a residential zone, etc. As my Order explains, the allowed and anticipated potential principal uses permitted at this site as a matter of right are complicated due to an apparent error on the Zoning Map for Baltimore County.

By my opinion and Order, dated January 21, 2010, I granted the special hearing request, in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1, subject to certain terms and conditions. Among the relief granted was Item No. 4 – that the business parking in a residential zone be allowed to continue without the need for an additional hearing as accessory to any future use change (6701 Brentwood Avenue) provided such use is permitted in the zone.¹ Subsequent to the issuance of said Order, a timely Motion for Reconsideration was filed by the Office of People's Counsel, seeking clarification of the breadth of approval granted with regard to paragraph 4. People's Counsel aptly points out that the review and approval of

¹ The Petitioner, his professional engineer and land use attorney, believe the property enjoys a Business, Local classification as opposed to the Density Residential designation shown on the official zoning map.

accessory business parking in a residential zone by necessity should relate to a particular principal use. He opines that the land use impact may be different with respect to another principal use, even a use which is "permitted" in the zone. The Office of People's Counsel takes the position that the approval of accessory parking in connection with any hypothetical future use without a hearing is, therefore, inappropriate. While I find the Motion filed to raise sufficient grounds for modification of the Commission's decision, I see no compelling reason to do so in this particular case. I shall explain. The 0.464-acre parcel located in the D.R.5.5 zone on the south side of Fifth Avenue, across from the former Brentwood Inn, has historically been used as a parking lot for decades and has been the subject of prior deliberations and the imposition of limitations. See Case Nos. 02-027-SPHA and 03-133-SPHXA. In the initial case (2001), restrictions were placed on the accessory business parking in the residential zone that limited the lot's use to only "cars, vans, ... owned by tenants ... or used by Petitioner ...". This restriction, however, over time proved to be detrimental. In the second case heard in November, 2002, testimony was received and allowances made to the benefit of the community by allowing local businesses and medical offices, their employees and visitors to use the lot when available for use. This alleviated parking congestion on the community's neighboring streets. The site plan and approval in the subject case involves Sections 409.8.B.1 and 409.8.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) which apply to business or industrial parking in residential zones. These sections do not address the specific nature of the uses that the residential zone location parking will serve other than they are "business or industrial".

409.8.B.1(e) of this section is clear on the conditions for the Commissioner's granting or denying of a petition.

"(1) His findings following the public hearing;

- (2) The character of the surrounding community and the anticipated impact of the proposed use on that community;
- (3) The manner in which the requirements of Section 409.8.B.2 and other applicable requirements are met; and
- (4) Any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations."

B.C.Z.R. Section 409.8.B.2 provides:

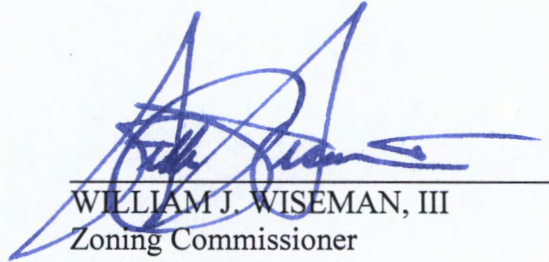
- "(a) The land so used must adjoin or be across an alley or street from the business or industry involved.
- (b) Only passenger vehicles, excluding buses, may use the parking facility.
- (c) No loading, service or any use other than parking shall be permitted.
- (d) Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required.
- (e) A satisfactory plan showing parking arrangement and vehicular access must be provided.
- (f) Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.
- (g) Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties."

In the case before me, the site plan, Petitioner's Exhibit 1, clearly lists the conditions of B.C.Z.R. Section 409.8.B.2(a) through (g) as stated above. See General Note No. 11 which incorporates these provisions and also references the applicable prior zoning Orders. These Order conditions are therefore by reference made part of the approved site plan and Order in the instant case. There are also conditions and restrictions placed on the accessory parking area by my Order that are intended to address the character of the surrounding community and the

anticipated impact of the proposed use on that community that were substantiated during the hearing through testimony and evidence received. It is, therefore, to be noted that all of the conditions and restrictions serve to limit the parking's "land use impact" in a manner that satisfied this Commissioner. In other words, a change of use – if permitted in the building at 6701 Brentwood Avenue by subsequent zoning change that is either "business or industrial" would have to adhere to the site plan and satisfy the above stated conditions of B.C.Z.R. Section 409.8.B.1(e) as it relates to this parking area. Accordingly, this Commission's Opinion and Order issued on January 21, 2010 remains the final decision in this matter.

IT IS THEREFORE ORDERED this 25th day of February, 2010, that the Motion for Reconsideration, filed in this matter is DENIED.

Any appeal of this decision must be filed within thirty (30) days hereof and in accordance with the applicable provisions of law.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Deborah C. Dopkin, Esquire, 409 Washington Avenue, Towson, MD 21204
Robert E. Rosso, 3111 Newton Road, Baltimore, MD 21219
Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G,
Baltimore, MD 21209
Alleen Baker, 6703 Brentwood Avenue, Baltimore, MD 21222
People's Counsel; Office of Planning; Division of Code Inspections & Enforcement,
DPDM; Traffic Engineering Division, DPW; Fire Department
Investigative Services; File

ORDER RECEIVED FOR FILING

Date

2-25-10

By

123



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

February 9, 2010

HAND DELIVERED

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

RECEIVED

FEB 09 2010

Re: PETITION FOR SPECIAL HEARING
Robert E. Rosso – Legal Owners
6701 Brentwood Avenue
Case No: 10-168-SPH

ZONING COMMISSIONER

Dear Mr. Wiseman,

Please accept this letter as a Rule K Motion for Reconsideration of the Findings of Fact and Conclusions of Law and Order dated January 21, 2010 in the above case.

The reconsideration focuses on the approval in paragraph 4 of the Order to allow business parking in a residential zone "... without the need for an additional hearing as accessory to any future change [sic] use of 6701 Brentwood Avenue provided such use is permitted in the zone." The review and approval of accessory business parking in residential zone necessarily relates to a particular principal use. The land use impact may be different with respect to another principal use, even a use which is "permitted" in the zone. To approve such accessory parking in connection with any hypothetical future use without a hearing is, therefore, inappropriate. It is also noteworthy that Alleen Baker, of 6703 Brentwood Avenue expressed concerns about the situation. As a concerned member of the public, she should have the opportunity to appear and present her views in the event there is any future change in use.

We appreciate the Commissioner's inclusion of Condition 4 requiring amendment of the site plan to conform to the comments of Stephen Weber, Chief, Division of Traffic Engineering, and improvement of the parking lot in accordance with the Office of Planning comment. As we understand it consistent with Mr. Weber's comments, the site shall remain limited to two access points. There may be relocation of the existing eastern driveway to another point on the parking lot, but not the creation of an additional or third access point. The Office of Planning comment involves stabilization, repair, and resurfacing with new asphalt surface. The Office of Planning

William J. Wiseman, III, Zoning Commissioner

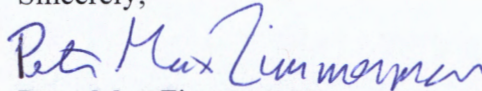
February 10, 2010

Page 2

requested cosmetic repair of the building and siding. It would appear this should be added to condition four.

Thank you for your consideration.

Sincerely,



Peter Max Zimmerman

People's Counsel for Baltimore County

PMZ/rmw

cc: Deborah C. Dopkin, Esquire
Stephen Weber, Chief, Division of Traffic Engineering
Lynn Lanham, Office of Planning
Alleen Baker, 6703 Brentwood Avenue, Dundalk, MD 21222

IN RE: PETITION FOR SPECIAL HEARING *

SE/Corner Brentwood & Fifth Avenues, *

N of Holabird Avenue *

(6701 Brentwood Avenue) *

12th Election District *

7th Council District *

Robert E. Rosso *

Petitioner *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2010-0168-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 Robert E. Rosso, by and through his attorney, Deborah C. Dopkin, Esquire. The Petitioner requests a special hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

1. To amend the Plan and Zoning Order previously approved in Case No. 03-133-SPHXA, to affirm variances to the Residential Transition Area (RTA) parking requirements granted therein, to affirm prior setback relief for the existing building at 6701 Brentwood Avenue, and to amend the conditions of that Order referencing previously approved use;
2. To allow two (2) apartments in the existing building in conjunction with a church and accessory parking notwithstanding B.C.Z.R. Section 102.2;
3. To continue the use of Lots 7-13 Block A of the Fairlawn Subdivision as 31 spaces of business parking in a residential zone, together with all previously approved relief in support of the proposed use of the existing building at 6701 Brentwood Avenue;
4. To confirm that the business parking in a residential zone be allowed to continue without the need for an additional hearing as accessory to any future change use of 6701 Brentwood Avenue provided such use is permitted in the zone, and
5. To determine, pursuant to B.C.Z.R. Section 1B01.1.B.1.g(6), that the proposed church use is planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises.

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

UNDER REVIEW FOR FILING
Date 1-21-10
By [Signature]

Appearing at the requisite public hearing in support of the requests were Robert E. Rosso, property owner, and Richard E. Matz, P.E., with Colbert Matz Rosenfelt, Inc., the consultant who prepared the site plan for this property. The Petitioner was represented by Deborah C. Dopkin, Esquire. The sole property owner adjoining the building, Alleen V. Baker (6703 Brentwood Avenue), was in attendance as a concerned neighbor. There were no Protestants or other interested persons present. There were no adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies, however, this matter came before me as a result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management and the Baltimore County Fire Department's Investigative Service Fire Inspection Report, dated July 2, 2009, relative to code violations for changes of the structure's use and fire code violations. (See Case No. 63327). Petitioner is seeking the instant approvals so he may apply for a building permit to make the improvements (most of which are interior or cosmetic) required by these violations.

Petitioner's counsel, in her opening remarks, identified the property as the former Brentwood Inn, and advised that though the petition sought only to affirm prior relief and change the use to permit the building to be used for church use and two (2) apartments, the case is complicated because of an apparent error on the Zoning Map for Baltimore County. In particular, the portion of the property containing the building improvements has historically enjoyed a B.L. zoning designation; however, at some time after the most recent zoning hearing in 2003, the designation for that part of the property was inadvertently changed on the official zoning map to D.R.5.5, notwithstanding the fact that there was no process, either through the Comprehensive Zoning Map Process (C.Z.M.P.) process or by petition, by which the re-designation was authorized. Accordingly, a request has been made to the Director of Planning to

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BY [signature]

initiate the map correction process pursuant to Baltimore County Code (B.C.C.) Section 32-3-231, *et seq.* Mrs. Dopkin stated that the petition asks for relief under the D.R. provisions since the official map is controlling. She then entered the official 2008 Zoning Map as Petitioner's Exhibit 2, and a letter dated November 23, 2009 from Richard Matz to Pat Keller calling for a map correction as Petitioner's Exhibit 3.

Petitioner's counsel next offered Richard E. Matz, a registered professional engineer, accepted as an expert and had him introduce the site plan. Testimony and evidence offered revealed that the subject property consists of two (2) parcels: the triangular shaped parcel on which the building is located, and the parking parcel, lying across Fifth Avenue. He also noted that the property is bifurcated by the City/County line, and a small portion of each property lies in Baltimore City. The property is served by public utilities and transportation, and lies in close proximity to both Dundalk Avenue and Holabird Avenue, which are major thoroughfares.

Mr. Matz then identified each item of relief requested, relating each to relevant prior zoning cases, which, in summary, allowed the use of the building as a boarding house, subsequently as a community building, and further permitted parking on the lot (which lies in a residence zone), and granting exceptions to the RTA requirements for the parking lot. Mr. Matz introduced the two (2) most recent cases, Case No. 03-133-SPHA and Case No. 02-027-SPHA, as Petitioner's Exhibits 4 and 5, respectively.

Mr. Matz pointed out that the property lies between the commercial uses on both Dundalk and Holabird Avenues, and the residential community on Brentwood and Fifth Avenues. The parking lot is served by a private alley and is bordered on the south by the rear yards of the businesses on Holabird Avenue. The building, on the other side of Fifth Avenue, occupies the entire lot on which it sits, and can best be described as a "hodgepodge" resulting

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By [Signature]

from additions and conversions of the original residence, built in 1929. Petitioner introduced the Maryland Department of Assessments and Taxation (SDAT) data sheet documenting the age of the building as Petitioner's Exhibit 6. Mr. Matz also used historic photographs to show the prior use as a restaurant, featuring a noted wine cellar, which was introduced as Petitioner's Exhibit 7. Current photographs (Petitioner's Exhibit 8) and aerial photographs (Petitioner's Exhibit 9) were introduced to show the current state of the building and parking area, adjoining and nearby uses, both residential and commercial.

Mr. Matz explained that the building is not currently being used because of the violation Order, and that proposed uses as a church and two (2) residential units, are permitted as of right, both in the D.R. zone, and in the B.L. zone, pointing out that the petitioned relief seeks application prospectively if the B.L. zone is restored. Based on the D.R. designation, RTA relief - which would not be required under a B.L. designation - is being sought for the building and affirmed for the parking lot. No exterior alterations are proposed other than cosmetic improvements and those necessary to achieve compliance. Mr. Matz introduced the Fire Inspection Report as Petitioner's Exhibit 10, enumerating the corrective actions that need to be taken. Petitioner has hired an architect to prepare drawings to accomplish these changes, which drawings were introduced as Petitioner's Exhibit 11, and show the use of the lower floors as church and assembly halls, and the upper floor (in the area of the original building) as two (2) single-family apartments. Mr. Matz stressed the need for approval of the subject petition as a prerequisite to obtaining a building permit.

Mr. Matz noted that the parking area has approximately 31 spaces on the portion lying in Baltimore County, and a few more available on the portion lying in Baltimore City. There is no need for a variance of the number of spaces, which in total exceed those required under the

NOT RECORDED FOR FILING

Date 1-24-10

By [Signature]

B.C.Z.R. The lot has two (2) street entrances providing circulation and easy ingress and egress, as well as access to the alley which leads directly to Brentwood Avenue just west of its intersection with Fifth Avenue. Mr. Matz indicated that the only residence that adjoins the parking lot actually parks on the lot, with Petitioner's consent, in exchange for maintaining the landscaped area between his house and the parking surface.

Mr. Matz noted that there were no adverse Zoning Advisory Committee (ZAC) comments, though the Planning Office, while recommending approval, conditioned that approval on improvement of the parking lot.

Upon questioning from Petitioner's counsel, Mr. Matz stated that in his opinion the relief, if granted would not be detrimental to the health, safety or general welfare of the locality, and would otherwise satisfy the criteria of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Explaining his conclusion, Mr. Matz stated that having a residential presence in the building was better for the safety both of the community and the building, particularly in light of the fact that the building has been vandalized twice since shut down by the County. Further, that since the church meets primarily on Sundays and on one or two weeknights, the church hours of peak use do not ordinarily conflict with residential uses. If the building is income producing, it will enable the owner to better maintain it and the parking area.

Petitioner's counsel next called on Mr. Rosso, who stated that he has owned the building since 2000. The title deed was entered as Petitioner's Exhibit 13. At the time he acquired the building it was vacant, after having been used for a variety of commercial and office purposes. Mr. Rosso indicated that he has leases with the two (2) churches who share the use of the building, but that the leases were in jeopardy as a result of the building having been shut down. Mr. Rosso stated that his intention is to limit the occupancy of the apartments to one family in

each of the two (2) apartments. Mr. Rosso also stated that since the violation case, he has attempted to make minor corrections to the extent these do not require a building permit, but can proceed no further until the subject relief is granted so he can obtain permits.

Prior to closing Petitioner's case, Petitioner's counsel introduced copies of all prior zoning cases, some as early as 1941, into the record.¹

Mrs. Baker, who has resided next to the improvements known as 6701 Brentwood Avenue for 24 years, did not have any questions for either Mr. Matz or Mr. Rosso. She did however express her frustration with Mr. Rosso and the occupants of the building. In particular, church attendees who park on the street have blocked the driveway to Mrs. Baker's property and have at times been unpleasant when she asked them to move their cars. In addition, Mrs. Baker was concerned because she believes that Mr. Rosso exceeded the number of boarding house occupants permitted under prior zoning relief. She expressed frustration that Mr. Rosso fails to communicate with her when people work on the building and trespass on her property when doing so. Trash on the street and an overflowing dumpster on the parking lot have also created a problem in the area. The level of Mrs. Baker's frustration was palpable, even though she has not pursued these matters with the Division of Code Inspections and Enforcement, preferring to deal directly with the property owner.

Based upon testimony and evidence offered, I find that despite the problematic nature of the case, Petitioner has satisfied the requirements of Section 502.1 of the B.C.Z.R., and that without the requested relief, the situation cannot be remedied. Even so, any relief granted today must be limited in scope and conditioned on the Petitioner maintaining the building in a proper

¹ Cases were numbered as follows: 0205 (1941), 0355 (1944), 3400 (1955), 4465-RX (1958) and 01-088-SPHA.

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Date 1-21-10
By [signature]

manner and use. The property's history, location and building configuration render the property a difficult one to adapt to a viable ongoing use.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of January 2010, that the Petition for Special Hearing, filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), seeking relief as follows:

1. To amend the Plan and Zoning Order previously approved in Case No. 03-133-SPHXA, to affirm variances to the Residential Transition Area (RTA) parking requirements granted therein, to affirm prior setback relief for the existing building at 6701 Brentwood Avenue, and to amend the conditions of that Order referencing previously approved use;
2. To allow two (2) apartments in the existing building in conjunction with a church and accessory parking notwithstanding B.C.Z.R. Section 102.2;
3. To continue the use of Lots 7-13 Block A of the Fairlawn Subdivision as 31 spaces of business parking in a residential zone, together with all previously approved relief in support of the proposed use of the existing building at 6701 Brentwood Avenue;
4. To confirm that the business parking in a residential zone be allowed to continue without the need for an additional hearing as accessory to any future change use of 6701 Brentwood Avenue provided such use is permitted in the zone, and
5. To determine, pursuant to B.C.Z.R. Section 1B01.1.B.1.g(6), that the proposed church use is planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises.

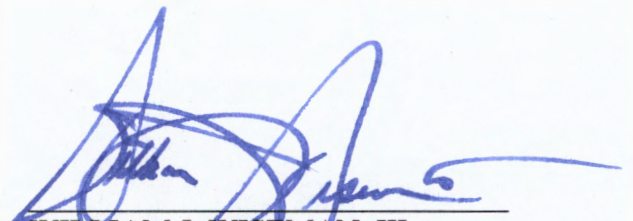
be and is hereby GRANTED subject to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his permit(s) and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

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Date 1-21-10
BY [Signature]

2. That the Petitioner brings the building into compliance with applicable building and fire safety codes and thereafter keeps the property in good order and repair and free of trash.
3. That no more than two (2) single-family apartments be permitted, and each must be occupied by one (1) family as defined in the Baltimore County Zoning Regulations (B.C.Z.R.).
4. That within 12 months from the date hereof, Petitioner shall amend his site plan (Exhibit 1) in accordance with Stephen Weber's comments, dated 1/19/10, concerning the two (2) access points onto Fifth Avenue and improve the parking lot in accordance with the recommendation of the Office of Planning, dated 1/6/10. Copies of these comments are attached hereto and made a part hereof.
5. No vehicles larger in size than a three-quarter ton pickup truck may be stored or kept overnight on the adjacent property across Fifth Avenue and no vehicles in a damaged or disabled state may be stored or allowed to remain on the property for more than forty-eight (48) hours.
6. The Petitioner shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management reasonable access to the building and apartments on the subject property to insure compliance with this Order.
7. These conditions are intended to bind the Petitioner and his successors and assigns. Accordingly, Petitioner, through Counsel, shall place in any Deed of Conveyance a reference to this case number and these restrictions.
8. When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

FILED
Date 1-21-10
BY [signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 21, 2010

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

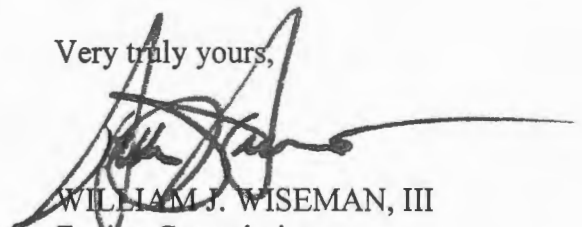
RE: **PETITION FOR SPECIAL HEARING**
SE/Corner Brentwood & Fifth Avenues, N of Holabird Avenue
(6701 Brentwood Avenue)
12th Election District - 7th Council District
Robert E. Rosso - Petitioner
Case No. 2010-0168-SPH

Dear Mrs. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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,



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Robert E. Rosso, 3111 Newton Road, Baltimore, MD 21219
Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G,
Baltimore, MD 21209
Alleen Baker, 6703 Brentwood Avenue, Baltimore, MD 21222
People's Counsel; Office of Planning; Division of Code Inspections & Enforcement, DPDM;
Traffic Engineering Division, DPW; Fire Department Investigative Services; File

From: Stephen Weber
To: People's Counsel
CC: Anthony Russell; Dennis Kennedy; James Shimek
Date: 1/19/2010 2:52 PM
Subject: Fwd: Robert Rosso 10-168-SPH, 6701 Brentwood Ave
Attachments: 10-168-SPH Petition.pdf; 6701BrentwoodAve.bmp

Dear Mr. Zimmerman:

We have reviewed the request for basically converting an existing building at 6701 Brentwood Ave to a church. Based on the size of the structure and that more than the required amount of parking is provided on a parking lot across 5th Ave, we have no substantive issues with the request. In addition, be advised that parking is allowed on both sides of Brentwood Ave and 5th Ave in this area.

However, attached please find an aerial photo of the location (this photo is looking to the east). Currently there are two accesses onto the subject parking lot from 5th Ave (one in the County and one at the City/County Line). The proposed layout of the parking lot on the site plan would remove the eastern access point and replace it with two accesses onto 5th Ave, thus creating a total of 3 driveways from one parking lot onto this street. The design of the proposed parking lot layout is such that it is really using 5th Ave as a portion of its circulation pattern. Based on the size of the parking area, it appears clearly feasible for the required parking to be contained on the lot WITHOUT the need to generate an additional access point. We would have no objection to a relocation of the existing eastern driveway access to another point into this parking lot, but do not find any justification to have an additional access point created. Therefore, provided the plan is amended accordingly, we have no objections to the submission.

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

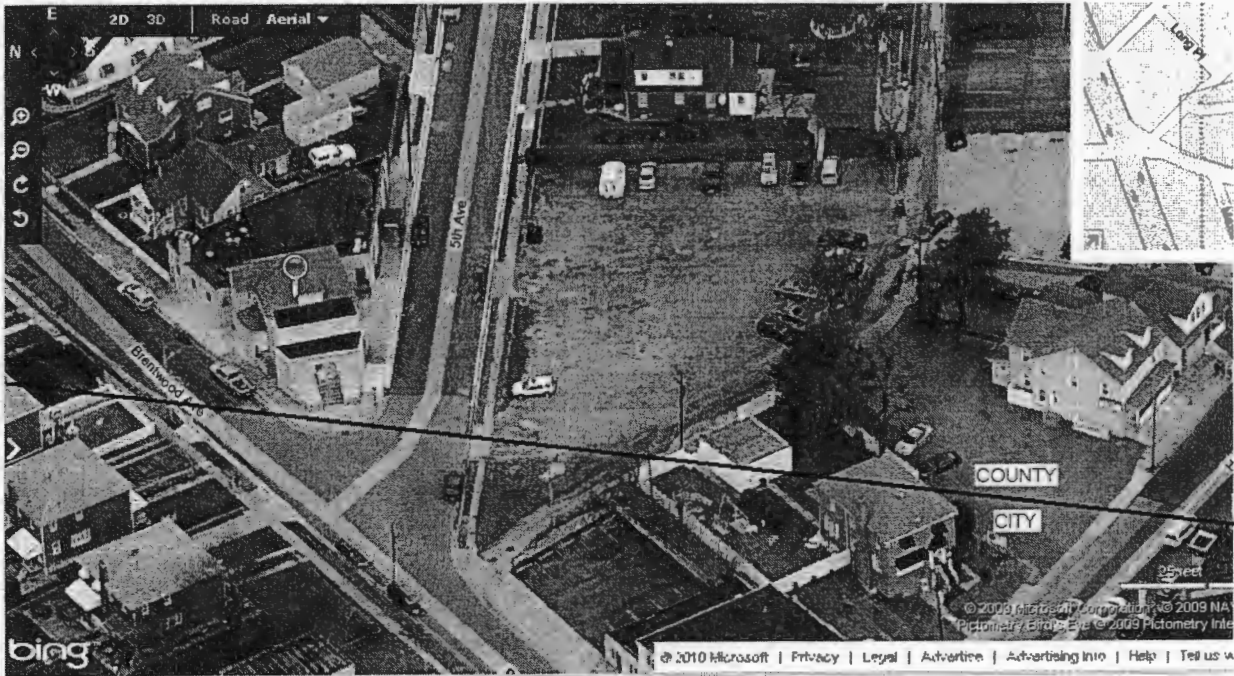
>>> People's Counsel 12/24/09 9:26 AM >>>
Mr. Weber,

Attached you will find the Petition for Special Hearing in the above case. Please review and let our office know if there are any traffic concerns.

Thank you in advance.
Peter Max Zimmerman

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

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Date 1-21-10
BY [signature]



NOT RECORDED FOR FILING

Date

1-24-10

BY

103



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 6701 Brentwood Avenue

which is presently zoned DR-5.5

Deed Reference 14829 / 158 Tax Account # 1203098092, 1203098091, 1203098090

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

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:

Name - Type or Print

Signature

Address.

Telephone No.

City

State Zip Code

Attorney For Petitioner:

Deborah C. Dopkin, Esq.

Name - Type or Print

Signature

Law Office of Deborah C. Dopkin, P.A.

Company

409 Washington Avenue, Suite 1000

410-821-0200

Address

Telephone No.

Towson

MD 21204

City

State Zip Code

Legal Owner(s):

Robert E. Rosso

Name - Type or Print

Signature

Name - Type or Print

Signature

3111 Newton Road

410-388-1462

Address.

Telephone No.

Baltimore

MD 21219

City

State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

Case No. 2010 0168 SPH

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HR

UNAVAILABLE FOR HEARING NOT DEC 24 - JAW3

Reviewed By JL Date 12/04/09

ORDER RECEIVED FOR FILING

Date 1-21-10

By [Signature]

Attachment to Special Hearing Petition – 6701 Brentwood Avenue

To amend the Plan and Zoning Order previously approved in Case No. 03-133 SPHXA, to affirm the variances to RTA parking requirements granted therein, to affirm prior setback relief for the existing building at 6701 Brentwood Avenue, and to amend the conditions of that Order referencing previously approved use;

To allow two apartments in the existing building in conjunction with a church and accessory parking notwithstanding BCZR Section 102.2;

To continue the use of Lots 7-13 Block A of the Fairlawn Subdivision as 31 spaces of business parking in a residential zone, together with all previously approved relief in support of the proposed use of the existing building at 6701 Brentwood Avenue;

To confirm that the business parking in a residential zone be allowed to continue without the need for an additional hearing as accessory to any future change use of 6701 Brentwood Avenue provided such use is permitted in the zone;

To determine, pursuant to Section 1B01.1.B.1.g (6), BCZR, that the proposed church use is planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises;



ZONING DESCRIPTION 6701 BRENTWOOD AVENUE

0168

1. Beginning at a point on the south side of Fifth Avenue, which is 50 feet wide, at a distance of 255 feet from the centerline of Brentwood Avenue, which is 50 feet wide. Thence the following courses and distances:

S 05° 36'31" E, 125.00';
S 84° 23'29" W 100.00';
N 50° 31' 00" W 93.49';
N 00° 00' 00" W 59.07', thence
N 84° 23'29" W 160.23' to the Point of Beginning.

Being Lots 7, 8, 9, 10, 11, 12 and 13 in Block A, in the subdivision of Fairlawn, as recorded in Baltimore County Plat Book 6, Folio 100, and containing 0.466 acres, more or less. Also known as 6701 Brentwood Avenue, and located in the 12th Election District, 7th Councilmanic District.

2. Beginning at a point on the north side of Fifth Avenue, which is 50 feet wide, at a distance of 180 feet from the centerline of Brentwood Avenue, which is 50 feet wide, thence the following courses and distances:

S 84° 23'29" W 134.68';
N 00° 00' 00" E 3.75';
N 46° 44' 27" E 103.89' thence,
S 43° 22' 33" E, 85.00' to the Point of Beginning.

Being Lots 17 and 18 in Block H, in the subdivision of Fairlawn, as recorded in Baltimore County Plat Book 6, Folio 100, and containing 0.107 acres, more or less. Also known as 6701 Brentwood Avenue and located in the 12th Election District, 7th Councilmanic District.



Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 13203, Expiration Date: 11-2-10

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 2010-168-SPH
Petitioner: Robert E. Rosso
Address or Location: 6701 Brentwood Ave.

PLEASE FORWARD ADVERTISING BILL TO

Name: Robert E. Rosso
Address: 3111 Newton Road
Baltimore, Md. 21219
Telephone Number: 443-386-6893

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

No. _____

Date: _____

Rev Sub
Source/ Rev/

Fund Dept Unit Sub Unit Obj Sub Obj Dept Obj BS Acct Amount

501	850	500							

Total: _____

Rec
From: _____

For: _____

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: # 2010-0168-SPH

6701 Brentwood Avenue

E/side of Brentwood Avenue and Fifth Avenue and

S/side of Intersection of same

12th Election District - 7th Councilmanic District

Legal Owner(s): Robert Rosso

Special Hearing: to amend the plan and zoning order previously approved in case no. 03-0133-SPHXA; to affirm the variance to RTA parking requirements granted therein, to affirm prior setback relief for existing building at Brentwood Avenue and to amend the conditions of that order referencing previously approved use; to allow two apartments in the existing building in conjunction with a church and accessory parking notwithstanding BCZR section 102.2; to continue the use of Lot 7-13 Block A of the Fairlawn subdivision as 31 spaces of business parking in residential zone; together with all previously approved relief in support of the proposed use of the existing building at 6701 Brentwood Avenue; to confirm that the business parking in a residential zone be allowed to continue without the need for an additional hearing as accessory to any future change use of 6701 Brentwood Avenue provided such use is permitted in the zone; to determine that the proposed church use is planned in such a way that compliance, to the extent possible with RTA use requirements; will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises.

Hearing: Tuesday, January 12, 2010 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/12/973 Dec. 29

225453

CERTIFICATE OF PUBLICATION

12/31/2009

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 12/29/2009.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 12/26/09

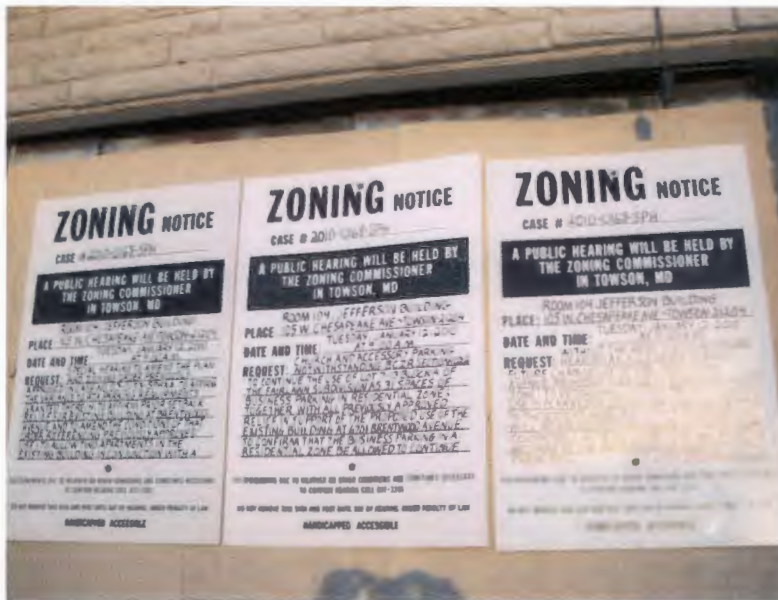
Case Number: 2010-0168-SPH

Petitioner / Developer: DEBORAH DOPKIN, ESQ.~RICHARD MATZ of COLBERT, MATZ & ROSENFELT, INC.~ROBERT ROSSO

Date of Hearing (Closing): JANUARY 12, 2010

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:
6701 BRENTWOOD AVENUE & FIFTH AVENUE (ON-SITE)

The sign(s) were posted on: DECEMBER 23, 2009



6701 Brentwood Avenue

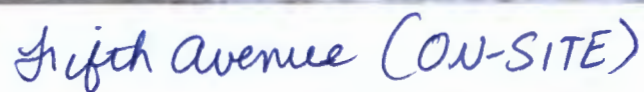
Linda O'Keefe
(Signature of Sign Poster)

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)



Fifth Avenue (ON-SITE)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 29, 2009 Issue - Jeffersonian

Please forward billing to:
Robert Rosso
3111 Newton Road
Baltimore, MD 21219

410-388-1462

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: 2010-0168-SPH

6701 Brentwood Avenue

E/side of Brentwood Avenue and Fifth Avenue and s/side of intersection of same

12th Election District – 7th Councilmanic District

Legal Owners: Robert Rosso

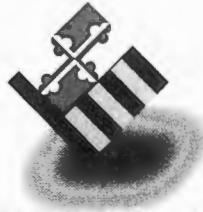
Special Hearing to amend the plan and zoning order previously approved in case no. 03-0133-SPHXA; to affirm the variance to RTA parking requirements granted therein, to affirm prior setback relief for existing building at Brentwood Avenue and to amend the conditions of that order referencing previously approved use; to allow two apartments in the existing building in conjunction with a church and accessory parking notwithstanding BCZR section 102.2; to continue the use of Lot 7-13 Block A of the Fairlawn subdivision as 31 spaces of business parking in residential zone; together with all previously approved relief in support of the proposed use of the existing building at 6701 Brentwood Avenue; to confirm that the business parking in a residential zone be allowed to continue without the need for an additional hearing as accessory to any future change use of 6701 Brentwood Avenue provided such use is permitted in the zone; to determine that the proposed church use is planned in such a way that compliance, to the extent possible with RTA use requirements; will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises.

Hearing: Tuesday, January 12, 2010 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

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
~~December 21, 2009~~

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: 2010-0168-SPH

6701 Brentwood Avenue

E/side of Brentwood Avenue and Fifth Avenue and s/side of intersection of same

12th Election District – 7th Councilmanic District

Legal Owners: Robert Rosso

Special Hearing to amend the plan and zoning order previously approved in case no. 03-0133-SPHXA; to affirm the variance to RTA parking requirements granted therein, to affirm prior setback relief for existing building at Brentwood Avenue and to amend the conditions of that order referencing previously approved use; to allow two apartments in the existing building in conjunction with a church and accessory parking notwithstanding BCZR section 102.2; to continue the use of Lot 7-13 Block A of the Fairlawn subdivision as 31 spaces of business parking in residential zone; together with all previously approved relief in support of the proposed use of the existing building at 6701 Brentwood Avenue; to confirm that the business parking in a residential zone be allowed to continue without the need for an additional hearing as accessory to any future change use of 6701 Brentwood Avenue provided such use is permitted in the zone; to determine that the proposed church use is planned in such a way that compliance, to the extent possible with RTA use requirements; will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises.

Hearing: Tuesday, January 12, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Deborah Dopkin, 409 Washington Avenue, Ste. 1000, Towson 21204
Richard Matz, Colbert, Matz & Rosenfelt, 2835 Smith Ave., Ste. G., Baltimore 21209
Robert Rosso, 3111 Newton Road, Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 28, 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

January 6, 2010

Deborah Dopkins
Law Office of Deborah Dopkins, PA
409 Washington Ave. Ste. 1000
Towson, MD 21204

Dear: Deborah Dopkins

RE: Case Number 2010-0168-SPH, 6701 Brentwood Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 04, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Robert Rosso; 3111 Newton Rd.; Baltimore, MD 21219
Richard Matz; Colbert Matz Rosenfelt, Inc.; 2835 Smith Ave. Ste. G; Baltimore, MD 21209

BW 1/12
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 6, 2010

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

RECEIVED

SUBJECT: 6701 Brentwood Avenue

INFORMATION:

JAN 11 2010

Item Number: 10-168

Petitioner: Robert Rosso

Zoning: DR 5.5

Requested Action: Special Hearing

ZONING COMMISSIONER

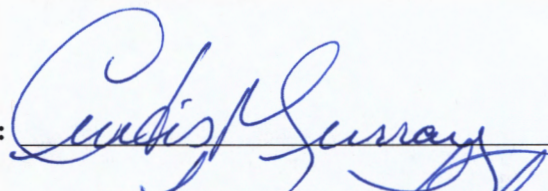
To amend case # 03-133 SPHXA, affirm parking and setback variances and amend conditions of the order, permit 2 apartments, continue business parking in a residential zone, and to determine continuation of church RTA to the extent possible.

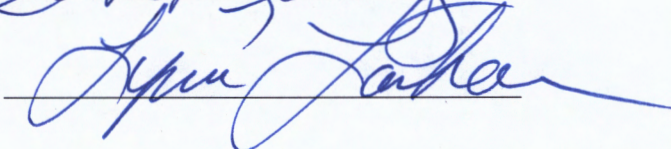
SUMMARY OF RECOMMENDATIONS:

The building is 2 original buildings and several additions that extend and connect the original structures. There are several materials used on the exterior of the building. Some of it is in poor repair. The parking lot across 5th Avenue from the building is on a sloping lot. The surface is in a deteriorated condition with badly eroded trenches at the access openings.

The staff recommends approval of the requests conditioned on cosmetic repair of the building and siding, and stabilization, repair and resurfacing of the parking lot with new asphalt surface.

For further information concerning the matters stated here in, please contact John Alexander 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

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

SUBJECT: Zoning Advisory Committee Meeting
For December 28, 2009
Item Nos. 2010-0166, 168, 169, 170,
171 and 172

DATE: December 15, 2009

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-12282009 -NO COMMENTS.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: DEC. 17, 2009

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

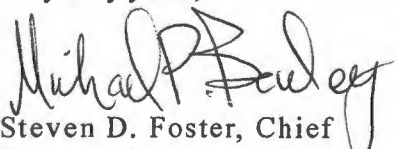
RE: Baltimore County
Item No. 2010-0168-SPH
6701 BRENTWOOD AVE
ROSSO PROPERTY
SPECIAL HEARING-

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. 2010-0168-SPH.

Should you have any questions regarding this matter, please 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).

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov



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

December 23, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 24, 2009

Item Numbers: 0166, 0167, 0168 and 0172

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
6701 Brentwood Avenue; E/S Brentwood *
Avenue & Fifth Avenue; S/S same intersection* ZONING COMMISSIONER
12th Election & 7th Councilmanic Districts
Legal Owner(s): Robert Rosso * FOR
Petitioner(s) * BALTIMORE COUNTY
* 10-168-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 18 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 18th day of December, 2009, a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and 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

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: December 21, 2009

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2010-0168-sph
Legal Owner/Petitioner: Rosso, Robert
Contract Purchaser: N/A
Property Address: 6701 Brentwood Ave.
Location Description: E/side Brentwood Ave & 5th Ave, S/side Int.

VIIOLATION INFORMATION: Case No. CO0063327
Defendants: Robert Rosso

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | | |
|--------------------------|-----|---|
| ☐ | 1. | Complaint letter/memo/email/fax (if applicable) |
| X | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| X | 3. | State Tax Assessment printout |
| ☐ | 4. | State Tax Parcel Map (if applicable) |
| ☐ | 5. | MVA Registration printout (if applicable) |
| ☐ | 6. | Deed (if applicable) |
| X | 7. | Lease-Residential or Commercial (if applicable) |
| X | 8. | Photographs including dates taken |
| X | 9. | Correction Notice/Code Violation Notice |
| X | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| X | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| X | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/hr
C: Code Enforcement Officer

June 23 2004 COMPLAINT FROM FIRE DEPT
" 25 MET W/ LEASING AGENT VERIFIED
HALFWAY HOUSE & 2 CHURCHES

June 26 } SENT NOTICE TO OWNER - OBTAIN PERMITS
PROPERTY WAS POSTED W/ SIGN - ILLEGAL OCC - REMOVED
AUGUST 4 NO PERMITS HAVE BEEN APPLIED FOR

APPROX FIRST WEEK OF AUG I SERVED MR
ROSSO WITH CITATION

3/2001 Demo Permit APPLIED USE - BAR, TAVERN

3/02 INT ALT & BATHROOM'S H/C RAMP CHANGE FROM
REST TO OFFICE

2/04 CHANGE OF OCC FROM OFFICE TO COMMUNITY CTR

6/20/04 NOTICE ISSUED

9/1/04 HEARING DATE - NO SHOW

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

In the Matter of

Civil Citation No. 63327

Robert Rosso
3111 Newton Road
Baltimore MD 21207

6701 Brentwood Avenue
Baltimore MD 21222

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on September 1, 2009, for a hearing on a citation for violations under the International Building Code (IRC) 2006) section 105.1, permits required on property known as 6701 Brentwood Avenue, 21222.

On May 1, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$22,200.00 (twenty-two thousand two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

The following persons appeared for the Hearing and testified: Hunter Rowe, Baltimore County Building Inspector, Glenn Berry, Baltimore County Building Inspector, and Fire Specialist Steven Judlick, Baltimore County Fire Department.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 26, 2009 for Respondent to obtain all necessary permits and required inspections for change of use of structure into two churches and halfway house. This Citation was issued on August 4, 2009. Building Inspector Hunter Rowe testified that he gave this Citation to the property owner, Robert Rosso, in person. Thus Mr. Rosso was personally served with this Citation and had notice of this Hearing.

B. Mr. Rowe testified that he investigated this property following receipt of a complaint from the Fire Department. This property was previously operated as the Brentwood Inn but the restaurant/tavern was closed following a fire. The property has been reopened and occupied without any permits or inspections by County agencies. On June 25, the leasing agent told Mr. Rowe that the property is being rented to two churches and a halfway house with 11 residents. Inspector Rowe testified that the churches have had 100 people in attendance, with one church meeting upstairs and one downstairs.

C. Because of the lack of the required use and occupancy permit for this building, Mr. Rowe testified that on Monday, August 17, he posted the building and applied large orange stickers notifying that the County Building Engineer has prohibited use or occupancy of the building, pursuant to Section 120.1 of the Baltimore County Building Code. By Friday, the stickers had been removed from the building by an unknown person. The stickers state "any unauthorized person removing this sign will be prosecuted." Inspector Rowe testified that the building is unsafe and that occupancy should not be permitted.

D. Inspector Rowe reviewed the permit history for this property. In March 2001, a demolition permit was issued for the building interior, for use as "restaurant and tavern." In March 2002, a permit was issued for interior alterations to bathrooms and handicapped ramp, to convert from restaurant to office use. In 2004, an application for a change of use to "community center" was filed. There are no other records of permits being issued for this property.

E. Fire Specialist Judlick, from the Office of the Fire Marshal in the Baltimore County Fire Department, testified that the Fire Department discovered the building was reoccupied after receiving an emergency call for a smoke detector going off. The Fire Department found two churches operating in the building, plus a "halfway house" to serve sixteen people. In 2004, the Fire Department denied an application for a use and occupancy permit, due to lack of compliance with Fire codes. No other permits have been issued. F.S. Judlick inspected the premises on July 2 and found fire code violations that fill three typed pages, including defective electrical service and no fire exits. The exit doors swing inward instead of outward, creating a significant safety hazard. The walls for the halfway house residence have open sheetrock that would allow fire to go from floor to floor. Also, a residence with 16 person capacity would require a sprinkler system. Respondent Rosso walked through the building with F.S. Judlick during this inspection, without identifying himself as the owner. Respondent Rosso told F.S. Judlick that he knew he had been denied a use and occupancy permit, but said he didn't know that meant he couldn't occupy the building.

F. Reinspection by F.S. Judlick on August 15 found only minor corrections, with fire extinguishers present that church members had brought in. The other fire code violations are unabated. The Fire Department opted to pursue criminal charges against Respondent, and F.S. Judlick has filed a complaint in District Court. The court date is November 10, 2009.

G. By using the property for operation of two churches, Respondent has made this building into a "public place" under the Baltimore County Code Section 35-2-204. A public place must have exit doors that open outward.

H. By using the property for operation of a halfway house with up to sixteen residents, Respondent has made this building into a residential rental property subject to the Baltimore County Livability Code. BCC Section 35-5-203 provides for condemnation if the structure is unsafe or unfit for human occupancy, and further provides that a structure is unsafe if it is dangerous to the life, health, property or safety of the tenants by not providing minimum protection from fire. Based on the evidence presented, particularly the lack of any outward swinging exit doors and the open sheetrock permitting fire to move freely between floors, this Hearing Officer finds that the structure is unsafe and that the building should not be occupied. BCC 35-5-202 provides for condemnation and further provides that if the Code Official determines that there is an immediate and serious danger to the health, safety, or

welfare of the tenants of the condemned structure, the Code Official may order the tenants to vacate immediately. The evidence presented supports such a finding, and this Order will accordingly direct that all tenants vacate the premises immediately.

1. Respondent has improperly occupied this building without required use and occupancy permits. The building has failed fire inspection. The imminent danger of harm to anyone inside the building requires boarding and posting of the property, and immediate removal of all tenants.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$22,200.00 (twenty-two thousand two hundred dollars),

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

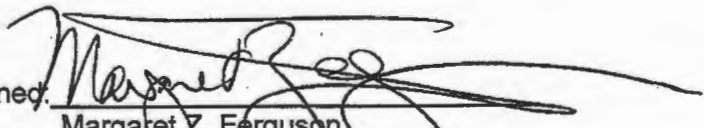
IT IS FURTHER ORDERED that the building at 6701 Brentwood Avenue be posted with notices prohibiting use or occupancy, and that the County board the property or take other appropriate security measures to prevent reoccupancy, pursuant to BCC Section 35-5-203(b).

IT IS FURTHER ORDERED that pursuant to Section 35-5-202 of the Baltimore County Code, Respondent shall not sell, transfer, mortgage, lease, or otherwise dispose of the premises at 6701 Brentwood Avenue until the violations have been corrected or the notice and acceptance requirements of Section 35-5-202(c) are satisfied.

IT IS FURTHER ORDERED that the County inspect the property to ensure that the property is not occupied without proper permits and inspections.

ORDERED this 3rd day of September 2009.

Signed


Margaret Z. Ferguson
Baltimore County Hearing Officer

DATE: 06/23/2009

STANDARD ASSESSMENT INQUIRY (1)

TIME: 14:42:13

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
12 03 098092	12	1-0	23-00	N	NO		06/03/09

ROSSO ROBERT E

DESC-1.. IMPSPT LT 17,18

DESC-2.. FAIRLAWN

3111 NEWTON RD

PREMISE. 06701 BRENTWOOD

AVE

00000-0000

BALTIMORE

MD 21219-1301 FORMER OWNER: HARRIS ALLAN G

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	45,800	65,500				
IMPV:	67,700	93,300	TOTAL..	158,800	158,800	143,700
TOTL:	113,500	158,800	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0

DATE: 09/03 09/06

---- TAXABLE BASIS ---- FM DATE

ASSESS: 158,800 11/15/06

ASSESS: 143,700

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Professional Property Management Company LLC

 7018 Holabird Ave Rear W-S Dundalk, MD 21222
Office # 410-284-6855 Fax # 410-284-6844

APPLICATION FOR TENANCY

Please be sure to fill out this application in full. Applications not fill in properly will not be processed. We will not call you to request information that should have been on this application. The application fee is non-refundable.

\$35.00 application fee must be attached or your application will not be processed

CO-APPLICANT () NO () YES

Applicant (Full Name) _____ Date of birth: _____

Present Address _____

How Long? _____ Home Phone _____ SS# _____

Landlord's Name _____ Landlord's Phone# _____

Monthly Rental Payment \$ _____ Your Cell # _____

Reason for leaving present address _____

() Marital Status () Unmarried () Separated No. Dependents _____ Ages _____
(Excluding CO-Applicant)

Driver's license number _____ State issued _____

Occupation (Position /type of business) _____ No. of yrs _____

Place of employment _____ Phone# _____

Supervisor _____ Monthly income \$ _____

Additional Information & Source:

Notice: Alimony, child support, or separate maintenance income need not be revealed if the Co-Applicant does not choose to have it considered as a basis for paying the rent obligation.

Liabilities and established credit—All current Obligations (debts). If little or no unpaid bills, give references of previous credit. List Alimony or Child support payments as a debit.

Name of Creditor (and address, if small business or out of town)

	Account # Number	Monthly Payment	Months Remaining	Approximate Balance
_____	_____	\$ _____	_____	\$ _____
_____	_____	\$ _____	_____	\$ _____
_____	_____	\$ _____	_____	\$ _____
_____	_____	\$ _____	_____	\$ _____

Two (2) Character Reference (Name, Address, and Telephone Number(s))

In case of emergency, please notify _____ Phone# _____

Do you own any pets? () No () Yes – What kind ? _____

Do you have any outstanding judgments ? () No () Yes – explain below

In the last 7 years, have you declared bankruptcy () No () Yes

The following persons, as named will occupy the residence applied for (List the name and age)

The above information is present with the understanding that it may be used as a basis for the acceptance of lease by owner. The applicant certifies that all information is true and correct and hereby authorizes verification of same. The applicant specifically authorizes landlord or landlords agent to order and obtain a consumer credit Report on applicant. The applicant hereby authorizes disclosure of the information contained herein (including credit card and other account numbers) to the owner, rental agent, and the credit reporting bureau.

Applicant's Signature: _____

Date: _____

CODE ENFORCEMENT REPORT

71

DATE: 6/23/09 INTAKE BY: Shelton CASE #: FA0021344 INSPEC: CO0063327

COMPLAINT

LOCATION: 6701 Brentwood Ave

ZIP CODE: 21219 DIST: 12

COMPLAINANT

NAME: Fire Marshall - Juellick PHONE #: (H) X5178 (W)

ADDRESS: Balto County ZIP CODE:

PROBLEM: Running Halfway House + 2 Churches

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT

INFORMATION:

TAX ACCOUNT #: 1203098092 ZONING:

INSPECTION: 6-25-09 MEET WITH LEASING

AGENTS FOR BUILD. IT IS BEING

USED FOR 2 CHURCHES + HALF WAY

HOUSE FOR 14 PEOPLE + STAFF.

BOTH CHURCHES LESS THAN 25 PEOPLE

REINSPECTION:

6/26/09 sent notice to owner to obtain permit and
all the required inspections for churches & halfway
house P.V. 7/27/09 H.R. 71

REINSPECTION:

8/4/09 Permits have not been applied
for issued for work ~~on~~ or change of use on
above property Hearing set for 9/1/09 HR

REINSPECTION:

TX

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave.
Towson, Maryland 21204



Code Enforcement 410-887-3351
Building Inspection 410-887-3953
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Signs/ Fences 410-887-3896

CODE ENFORCEMENT & INSPECTIONS CITATION

CASE NUMBER C00063327	PROPERTY TAX ID 1203098092	ZONE
---------------------------------	--------------------------------------	------

NAME(S): ROBERT ROSSO		
3111 NEWTON RD.		
BALTIMORE MD 21219		
MAILING ADDRESS: SAME		
CITY	STATE	ZIP CODE

VIOLATION ADDRESS: 6701 BRENTWOOD AVE		
CITY	STATE	ZIP CODE

VIOLATION DATES: 6/29/09 - 8/4/09

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

**MD EBC 105-1 FAILURE TO OBTAIN
PERMITS, INSPECTIONS & UO FOR
CHURCHES AND HALF-WAY HOUSE
3 - VIOLATIONS AT \$200 PER DAY
FINE OF \$22,200**

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

\$ **22,200**

A quasi-judicial hearing has been pre-scheduled in room 116, 111 W. Chesapeake Ave, Towson, Maryland, 21204, for:

DATE: **9/1/09**

TIME: **9** **(A.M.)** P.M.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name: **Rowe**

INSPECTOR SIGNATURE: **[Signature]** Date: **8/4/09**

PRINT NAME

DEFENDANT



CODE ENFORCEMENT & INSPECTIONS CITATION

CASE NUMBER C00063327	PROPERTY TAX ID 1203098092	ZONE
--------------------------	-------------------------------	------

NAME(S) ROBERT ROSSO		
3111 NEWTON RD.		
BALTIMORE MD 21219		
MAILING ADDRESS: SAME		
CITY	STATE	ZIP CODE

VIOLATION ADDRESS: 6701 BRENTWOOD AVE		
CITY	STATE	ZIP CODE

VIOLATION DATES: 6/29/09 - 8/4/09

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:
BC 105.1 FAILURE TO OBTAIN
PERMITS, INSPECTIONS & UO FOR
CHURCHES AND HALF WAY HOUSE
3 - VIOLATIONS AT \$200 PER DAY
FINE OF \$22,200

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

\$ 22,200

A quasi-judicial hearing has been pre-scheduled in room 116, 111 W. Chesapeake Ave, Towson, Maryland, 21204, for:

DATE: 9/1/09

TIME: 9 A.M.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name: Rowe

INSPECTOR SIGNATURE: [Signature] Date: 8/4/09
PRINT NAME AGENCY



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

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

Account Identifier: District - 12 Account Number - 1203098092

Owner Information

Owner Name: ROSSO ROBERT E **Use:** COMMERCIAL
Mailing Address: 3111 NEWTON RD **Principal Residence:** NO
 BALTIMORE MD 21219-1301 **Deed Reference:** 1) /14829/ 158
 2)

Location & Structure Information

Premises Address **Legal Description**
 6701 BRENTWOOD AVE PT LT 17,18
 6701 BRENTWOOD AVE
 FAIRLAWN

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
103	3	513				H	17	1	Plat Ref: 6/ 100

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1929	7,853 SF	6,550.00 SF	23

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2007	Phase-in Assessments As Of 07/01/2008	As Of 07/01/2009
Land	45,800	65,500		
Improvements:	67,700	93,300		
Total:	113,500	158,800	143,700	158,800
Preferential Land:	0	0	0	0

Transfer Information

Seller: HARRIS ALLAN G	Date: 11/28/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14829/ 158	Deed2:
Seller: OLD COURT INVEST MENT CORP	Date: 02/02/1987	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 7470/ 476	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



59014

0213-44

BT

4/20/09



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. 000063327	Property No. 1203098092	Zoning:
----------------------------------	----------------------------	---------

Name(s): ROBERT ROSSO
3111 NEWTON RD.

Address: BALT MD 21214

Violation Location: 6701 BRETWOOD AVE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

IBC 105.1 OBTAIN ALL NECESSARY
PERMITS AND REQUIRED INSPECTIONS FOR
CHANGE OF USE OF STRUCTURE INTO
2 CHURCHES AND HALFWAY HOUSE
SUBJECT TO \$1,000 FINE IF
PERMIT NOT OBTAINED BY 7/27/09

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

On or Before: 7/27/09	Date Issued: 6/26/09
--------------------------	-------------------------

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: Rowe

INSPECTOR: [Signature]

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: _____

AGENCY



Horizon Realty Inc

1732 Merritt Blvd

Baltimore, Maryland 21222

Business (410) 285-2510, Fax (410) 282-6048

Cell (410) 935-2351, E-Mail andrew.evans@century21.com

Web Site www.c21horizon.com

Andrew C. Evans

Sales Associate

Each Office is Independently Owned And Operated 

From: Debra Wiley
To: Murray, Curtis
CC: Are, Kathy
Date: 1/8/2010 3:13 PM
Subject: OP Comment Needed

OP - missing

Hi Curtis & Kathy,

Sorry about the earlier confusion - the comment we need is 2010-0168-SPH. The description is as follows:

CASE NUMBER: 2010-0168-SPH

6701 Brentwood Avenue

Location: E side of Brentwood Avenue and Fifth Avenue and S side of intersection of same.

12th Election District, 7th Councilmanic District

Legal Owner: Robert Rosso

SPECIAL HEARING 1) To amend the plan and zoning order previously approved in case no. 03-0133-SPHXA, to affirm the variance to RTA parking requirements granted therein; 2) To affirm prior setback relief for the existing building at Brentwood Avenue, and to amend the conditions of that order referencing previously approved use; 3) To allow two apartments in the existing building in conjunction with a church and accessory parking notwithstanding BCZR section 102.2; 4) To continue the use of Lot 7-13 Block A of the fairlawn subdivision as 31 spaces of business parking in a residential zone, together with all previously approved relief in support of the proposed use of the existing building at 6701 Brentwood Avenue; 5) To confirm that the business parking in a residential zone be allowed to continue without the need for an additional hearing as accessory to any future change use of 6701 Brentwood Avenue provided such use is permitted in the zone; 6) To determine that the proposed church use is planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises.

Hearing: Tuesday, 1/12/2010 at 9:00:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

Thanks and have a wonderful weekend !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

From: Debra Wiley
To: Matthews, Kristen
Date: 1/8/2010 11:43 AM
Subject: Newspaper Advertising Confirmation

*Missing
newspaper
advertising*

Hi Kristen,

In Bill's cases next week, we are missing the newspaper advertising confirmation (whether it's the Jeffersonian or the Daily Record) for the following cases:

2010-0168-SPH (1/12 @ 9 AM)
2010-0150-SPHA (1/12 @ 10 AM)
2010-0130-A (1/14 @ 9 AM)

Please provide ASAP. Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

To: Bill Wiseman
From: John Lewis
As we discussed on 2/18/10:

2010-0168-SPH

Section 409.8.B.1. of the BCZR "Business or Industrial parking in residential zones."

This Section does not address the specific nature of the uses that the residential zone location parking will serve other than they are "Business or industrial".

Paragraph 409.8.B.1.e. of this section is clear on the conditions for the Commissioner's granting or denying of the petition. These are:

- "(1) His findings following the public hearing;
- (2) The character of the surrounding community and the anticipated impact of the proposed use on that community;
- (3) The manner in which the requirements of Section 409.8.B.2 and other applicable requirements are met; and
- (4) Any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations."

409.8.B.2

- a. The land so used must adjoin or be across an alley or street from the business or industry involved.
- b. Only passenger vehicles, excluding buses, may use the parking facility.
- c. No loading, service or any use other than parking shall be permitted.
- d. Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required.
- e. A satisfactory plan showing parking arrangement and vehicular access must be provided.
- f. Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.

DEBORAH C. DOPKIN, Esq.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

To: KRISTIN
FOR
EARLY
HEARING.
0168

DEBORAH C. DOPKIN

December 4, 2009

Via Hand Delivery

Timothy M. Kotroco, Esquire
Director, Department of Permits and
Development Management
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 6701 Brentwood Avenue

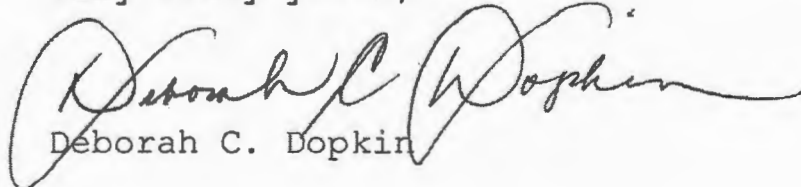
Dear Mr. Kotroco:

This office represents Robert E. Rosso, the owner of the above captioned property. On Friday, December 4th, Colbert, Matz, Rosenfelt filed a Petition for Special Hearing on behalf of Mr. Rosso to permit the use of the property for a church, apartments and accessory parking.

The church must relocate by February 1, 2010. Therefore, I am requesting that this matter be set in for an expedited hearing at the earliest opportunity so as to accommodate the needs of the congregation. The church is known as New Beginnings Ministries.

I appreciate your prompt attention to this matter.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

cc: Mr. Robert Rosso
Mr. Richard Matz



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3d)

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

Account Identifier: District - 12 Account Number - 1203098092

Owner Information

Owner Name: ROSSO ROBERT E **Use:** COMMERCIAL
Mailing Address: 3111 NEWTON RD **Principal Residence:** NO
 BALTIMORE MD 21219-1301 **Deed Reference:** 1) /14829/ 158
 2)

Location & Structure Information

Premises Address **Legal Description**
 6701 BRENTWOOD AVE PT LT 17,18
 6701 BRENTWOOD AVE
 FAIRLAWN

Map Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
103	3	513			H	17	1	Plat Ref: 6/ 100

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1929	6,777 SF	6,550.00 SF	23
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010
Land	65,500	65,500		
Improvements:	93,300	226,600		
Total:	158,800	292,100	158,800	203,233
Preferential Land:	0	0	0	0

Transfer Information

Seller: HARRIS ALLAN G	Date: 11/28/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14829/ 158	Deed2:
Seller: OLD COURT INVEST MENT CORP	Date: 02/02/1987	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 7470/ 476	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0
Tax Exempt: NO			
Exempt Class:			Special Tax Recapture: * NONE *

CASE NAME 6701 Briarwood
CASE NUMBER 2010-01685PH
DATE JAN 12, 2010

[illegible]

CASE NAME 6701 Brentwood
CASE NUMBER 2010-168 SPH
DATE 1-12-10

[illegible]

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – SE/Cor. Brentwood
and Fifth Avenues, N of Holabird Avenue
(6701 Brentwood Avenue)
12th Election District
7th Council District

Robert E. Rosso
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-027-SPHA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Robert E. Rosso, through his attorney, Deborah C. Dopkin, Esquire. The Petitioner requests a special hearing to approve business parking in a residential zone, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is sought from Section 1B01.1.B.1.e(5) of the B.C.Z.R. to permit a Residential Transition Area (RTA) parking setback of 10 feet in lieu of the required 75 feet, and an RTA landscape buffer of 10 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Robert Rosso, property owner, his wife, Janette Rosso, Richard E. Matz, the Professional Engineer who prepared the site plan for this property, and Deborah Dopkin, Esquire, attorney for the Petitioner. Appearing as Protestants in the matter were numerous residents from the surrounding community, all of whom signed the Protestants' Sign In Sheet circulated at the hearing. Serving as spokespersons for the group were Charles H. Creamer and John Heuchan.

The subject property is actually comprised of two parcels located on both sides of the southeast corner of the intersection of Brentwood Avenue and Fifth Avenue, just north of Holabird Avenue in Dundalk. In addition to the fact that the two parcels are separated by Fifth Avenue, the Baltimore County/Baltimore City line runs through the front portion of the site; however, the majority of the property is located in Baltimore County.

parking available. Thus, the Petitioner requests special hearing and variance relief as set forth above to permit parking on the adjacent parcel zoned D.R.5.5. Apparently, the use of the adjacent parcel for parking is an arrangement that has existed for many years. Nonetheless, the neighbors are concerned about not only the use of the subject site, but Mr. Rosso's construction business.

This case is made difficult because of a number of neighbors' concerns. They have fears regarding the potential use of the old Brentwood Inn building. In addition, they fear the use of the parking lot and adjacent public streets to support Mr. Rosso's business. I have no jurisdiction as to the use of the public streets. If Mr. Rosso parks his vehicles illegally on these streets, that is a matter for enforcement of the traffic laws by the Baltimore County Police Department.

As to the use of the old Brentwood Inn parcel, the record of the case will show that the hearing was suspended when the undersigned Zoning Commissioner required that Mr. Rosso need identify the specific use of that property before consideration of the instant Petitions could be given. After a recess, Mr. Rosso was recalled to the witness stand at which time he testified more specifically about his plans. In this regard, he indicated that he proposes rehabilitating the building and using same as a boarding house for up to six individuals and using a portion of the building as an office for his contracting business. It is to be noted that a boarding house is permitted by right in the B.L. zone, pursuant to Section 230.3 of the B.C.Z.R. Thus, Mr. Rosso has the absolute right to use the parcel containing the building as a boarding house. In this context, a boarding house is defined under Section 101 of the B.C.Z.R. as "a building which is not the owner's residence and which is occupied in its entirety by three or more adult persons not related by blood, marriage or adoption to each other." Again, it is to be emphasized that a boarding house is permitted by right in the B.L. zone.

The question presented under the Petition for Special Hearing is whether relief should be granted to permit parking for the tenants of the boarding house and storage of vehicles used in connection with Mr. Rosso's contracting business on the parking lot across the street. As noted above, this parking lot has apparently been in existence for a number of years. The undisputed testimony and evidence presented was that it is presently being used without the owner's express

litter, fire, health, or sanitation ordinances of Baltimore County. Fourth, the Petitioner shall be required to improve the parking lot with a durable and dustless surface. It is recognized, from a financial perspective, that the applicant may be limited in the amount of improvements that can be made to the building and parking lot, and it seems appropriate that the building be improved first, and the parking lot thereafter. Thus, the Petitioner shall be given a period of one year from the date of this Order to improve the parking lot. The Petitioner shall also install landscaping on the east and north sides of the parking lot. Landscaping to the south and west of that property is not practical, due to the commercial establishments which abut those sides; however, landscaping should be installed to buffer the lot from the residential community. The landscaping and improvements to the parking lot shall be completed within one year of the date of this Order. Fifth, the Petitioner shall only be allowed to park cars, vans and pick-up trucks on the parking lot. No vehicles over $\frac{3}{4}$ ton shall be stored or parked on the lot.

It is hoped that the restrictions imposed upon the relief granted will provide a reasonable solution to the contention presently existing between Mr. Rosso and the neighbors. Again, some degree of balance is appropriate between the business zoning of the property and nearby commercial uses, and the residential neighborhood abutting the other side of this property. If the property is cleaned up, and the proposed boarding house and parking lot are used in accordance with all applicable regulations and conditions as set forth above, I believe that the Protestants' concerns can be resolved.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions 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 19th day of October, 2001 that the Petition for Special Hearing to approve business parking in a residential zone, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.1.B.1.e(5) of the B.C.Z.R. to permit a Residential Transition Area (RTA) parking setback of 10 feet in lieu of the required 75 feet, and an RTA landscape buffer of 10 feet in lieu of the

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE -
SE/Corner Brentwood & Fifth Avenues,
N of Holabird Avenue
(6701 Brentwood Avenue)
12th Election District
7th Council District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-133-SPHXA

Robert E. Rosso
Petitioner

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Robert E. Rosso. The Petitioner requests a special hearing to approve an amendment to the previously approved site plan and Order issued in Case No. 02-027-SPHA to affirm the variances to RTA parking requirements granted therein and amend Restrictions 2 and 4 thereof. In addition, special exception relief is requested to permit a community building in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.) and parking for a community building in a D.R.5.5 zone, pursuant to Section 1B01.1.C.4 of the B.C.Z.R. Lastly, variance relief is sought from Section 409.6A.2 of the B.C.Z.R. to permit 31 parking spaces in lieu of the required 68. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Robert E. Rosso, property owner; Richard E. Matz and Judy Floam, on behalf of Colbert Matz Rosenfelt, the engineering consultants who prepared the site plan for this property; and, Charles M. Sussan, Vice President of the Norwood/Holabird Community Association & COP, Inc., and nearby resident of the area. There were no Protestants or other interested persons present.

The undersigned Zoning Commissioner is familiar with the subject site by virtue of prior Case No. 02-027-SPHA. Following the public hearing in that matter, the undersigned

that a sprinkler system needed to be installed in order to accommodate the boarding house use and that the installation of same was cost-prohibitive. Thus, Mr. Rosso decided to change his plans. Mr. Rosso now proposes utilizing the structure as a community building, which is permitted in the B.L. zone by special exception, pursuant to Section 230.13 of the B.C.Z.R. Therein, it is indicated that a "community building, swimming pool, or other structure or land use devoted to civic, social, recreational and educational activities, including use of the building as a catering hall" is permitted by special exception in the B.L. zone. It is to be noted that a community building is not defined under Section 101 of the B.C.Z.R. Interestingly, there is a definition of community building within the sign regulations (i.e., Section 450 of the B.C.Z.R.) under Section 450.3 thereof. Therein, a community building is defined as "A building used for recreational, social, educational or cultural activities which is open to the public or a designated part of the public, and is operated by a public or non-commercial organization."

The specific use intended by Mr. Rosso is for the building to be utilized as a Bingo Hall. In this regard, he indicated that the building is actually comprised of two sections. Although the building is two stories in height, only one portion of the building contains two floors; however, both floors were used simultaneously when the building was used as a restaurant (Brentwood Inn). It is anticipated that the first floor of the building, which covers both sections of the structure, will be used for the Bingo Hall. That part of the structure has the capacity for 100-125 people.

Mr. Sussan appeared on behalf of the community and produced a letter which indicates their support of the proposal. Apparently, most of the neighbors had been concerned about the use of the property in conjunction with Mr. Rosso's construction business and prefer the proposed Bingo Hall to that use. At the prior hearing, they had also expressed concerns about the tenants who might occupy the boarding house. Thus, the proposed use of the building as a Bingo Hall is a much-preferred alternative.

In terms of operation, Mr. Rosso produced a letter from the Dundalk/Eastfield Soccer Program indicating that this organization might also use the facility. At the present time, that is

times that the community building is not used; however, the lot cannot be used for the parking or storage of trucks and other construction equipment. Based upon the testimony of Mr. Rosso and Mr. Sussan in the instant case, a modification of the parking arrangement to allow visitors of the community building to use that lot is appropriate.

Turning to the variance, I will approve the request to allow 31 parking spaces in lieu of the required 68 for a community building. Although off-site parking is less than that required, it is to be noted that there are several additional spaces available on that portion of the property located in Baltimore City. These spaces, due to their location in a different municipality, could not be counted under the B.C.Z.R. It was also indicated that on-street parking is available. Thus, it appears the granting of the variance will not adversely impact the surrounding locale.

Insofar as restrictions, it is to be noted that the restrictions imposed in the prior case shall remain in force unless changed. Additionally, it is clear that Mr. Rosso has not precisely identified the nature of the uses that will occur in the community building. As noted above, he has identified the potential lease of the property as a Bingo Hall; however, there may be other activities. In this regard, he should advise the Norwood/Holabird Community Association of events other than Bingo. In the event these other activities are objectionable, the neighbors/Protestants could request that the Zoning Commissioner reconvene the hearing, pursuant to Section 500.7 of the B.C.Z.R., to consider whether those activities/uses are appropriate.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions 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 20th day of November, 2002 that the Petition for Special Hearing to approve an amendment to the previously approved site plan and Order issued in Case No. 02-027-SPHA to affirm the variances to RTA parking requirements granted therein and to amend Restriction Nos. 2 and 4 thereof for a proposed community building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

Case No.: 2010-0168-SPH

6701 BRENTWOOD AVE.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	ZONING MAP	
No. 3	LETTER REQUESTING MAP CORRECTION from DR S.S to BL	
No. 4	ORDER 03-133-SPHXA	
No. 5	ORDER 02-027-SPHA	
No. 6	Real Property Data Sheet	
No. 7	HISTORICAL DATA BRENTWOOD INN	
No. 8	Existing Condition Photos	
No. 9	Aerial Photo's	
No. 10	FIRE DEPT INSPECTION REPORT	
No. 11	Architectural Drawings Prepared to correct deficiency	
No. 12	Zoning Cases from 1941 to 2001	

Case No.: 2010-0168-SPH

Exhibit Sheet - Continued

Petitioner/Developer

Protestant

No. 13	Deed	
No. 14		
No. 15		
No. 16		
No. 17		
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

Petition for Zoning Re-Classification

To The ~~County~~ ^{Zoning} Commissioners of Baltimore County:—

That we, Frank Passaro and legal owner of the property situate
Maria Passaro, his wife,

on the northwest side of Brentwood Ave., at "Fairlawn" near Dundalk, in the 12th Election District of Balto. Co., beginning 105 feet northeasterly from Long Place, fronting 30 feet northeasterly on Brentwood Avenue with a depth northwesterly of 125 feet. Being lots Nos. 22 and 23, Section "K", as shown on plat of "Fairlawn" recorded in plat book W.P.C. #6, folio #100,

hereby petition that the above described property or area, (being within the ~~Baltimore County Met-~~
~~ropolitan District~~) ^{as established pursuant to Zoning Act of 1941} be changed or re-classified (as to zoning) from ~~residential use area, detached~~
~~single house~~ ^{cottage} to apartment dwelling use area

Reasons for Re-Classification: _____

Character of commercial use for which above property is to be used 4 family apartment
dwelling

Material of Construction of Building: concrete footing, stone foundation, stone & brick,
built-up roof,

Size and height of building: front 32 feet, depth 60 feet; height 20 feet.

Front and side set backs of building from street lines: front 20 feet; side 8 feet.

Property to be posted as prescribed by Zoning Department.

That we, agree to pay expenses of above re-classification, advertising, etc., upon filing of this petition, not to exceed \$8.00, and further agree to and are to be bound by the rules, regulations, provisions and requirements herein set forth and as set forth in the resolutions and orders of the ~~County~~ ^{Zoning} Commissioners of Baltimore County, pursuant to the Zoning Act for Baltimore County and as prescribed by or referred to in the "Applications for Building Permits now adopted and used in the Baltimore County Metropolitan District".

Frank Passaro
Maria Passaro

Legal Owner..

Address 609 S. Clinton St. Balt. Mo.

ORDERED by The ~~County~~ ^{Zoning} Commissioners of Baltimore County, this 30th day of
September 19 41, that the subject matter of this petition be advertised, as required
to of 1941
by the "Zoning Act", in a newspaper of general circulation throughout the ~~Metropolitan District of~~
Baltimore County, that property be posted, and that the public hearing hereon be had in the office of
^{Zoning} ~~County~~ ^{Reckord Building} Commissioners of Baltimore County, in the ~~Court House~~, in Towson, Baltimore County,
on the 20th day of October 1941, at 2 o'clock P. M.

[Signature]
~~County~~ ^{Zoning} Commissioners of Baltimore County.

I ~~disapprove~~ ^{recommend} the granting of the above Re-Classification.

PETITIONER'S

(over)

Zoning Clerk

EXHIBIT NO. 12

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

the above re-classification should be had.

Zoning

It Is Ordered by the County Commissioners of Baltimore County this 2nd day of November 1951, that the above described property or area should be and the same is hereby changed and re-classified, from and after the date of this Order, from a residential use area, district or division cottage to permit erection of a 4 family apartment dwelling, subject, however, to approval of building plans by the Building Engineer of Balto. Co.


County Commissioners of Baltimore County
Zoning

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

the above re-classification should NOT be had.

It Is Ordered by the County Commissioners of Baltimore County, this _____ day of _____ 19____, that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain a residential use area, district or division, subject, however, to the further order of the County Commissioners of Baltimore County.

County Commissioners of Baltimore County.

To County Commissioners for
Baltimore County

PETITION FOR
ZONING RE-CLASSIFICATION

PETITION NO. _____

Location: _____

Filed _____

19____

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

the above re-classification should be had.

It Is Ordered by the County Commissioners of Baltimore County this _____ day of _____

19____ that the above described property or area should be and the same is hereby changed and re-classified, from and after the date of this Order, from a residential use area, district or division to a commercial use area, district or division.

County Commissioners of Baltimore County.

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

the above re-classification should NOT be had.

It Is Ordered by the County Commissioners of Baltimore County, this _____ day of _____

19____ that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain a residential use area, district or division, subject, however, to the further order of the County Commissioners of Baltimore County.

County Commissioners of Baltimore County.

To County Commissioners for

Baltimore County

**PETITION FOR
ZONING RE-CLASSIFICATION**

PETITION NO. _____

Location: _____

Filed _____

19____

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of location and community need, the above re-classification should be had.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 20th day of March 1944, that the above described property or area should be and the same is hereby changed and re-classified, from and after the date of this Order, from a residential use area, _____ to a commercial use area, _____, subject to the provision and agreement that no outside signs of any kind or character shall be allowed on premises, except one sign on building advertising business conducted and such sign shall not exceed eighteen square feet in area and shall not be illuminated.

John F. ...
Zoning Commissioner

Accepted and Agreed to: *[Signature]*

OWNER

355

Approved by City Council
March 20, 1944
10th St.

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:—

I, or we, Walter S. Stefaniwicz legal owner of the property situate

All that parcel of land in the Twelfth District of Baltimore County, on the north-west corner of Brentwood Avenue and Long Place; thence westerly and binding on the north side of Brentwood Avenue 225 feet to the City - County line; thence northerly binding on said line 133 feet to the west side of Long Place; thence southerly and binding on the west side of Long Place 93.62 feet to place of beginning.

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an A zone to an B zone

Reasons for Re-Classification: Semi-detached

Size and height of building: front _____ feet; depth _____ feet; height _____ feet.
Front and side set backs of building from street lines: front _____ feet; side _____ feet.
Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification, 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.

Walter S. Stefaniwicz
Legal Owner
Address 3018 E Pratt St 24

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of February 1955, that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Reckord Building, in Towson, Baltimore County, on the 23rd day of February 1955, at 11:30 o'clock A. M.

Zoning Commissioner of Baltimore County

(over)

2/23/55
11:30

WALTER S. STEFANIWICZ
N.W. Cor., Brentwood Avenue and Long Place
#3400
2/23/55

3400

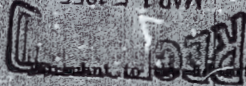
Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of location, being adjacent immediately to semi-detached houses in Baltimore City

the above re-classification should be had

It Is Ordered by the Zoning Commissioner of Baltimore County this 3rd day of March 1955 that the above described property or area should be and the same is hereby reclassified, from and after the date of this Order, from an "A" Residence zone to a "B" Residence zone, subject, however, to approval of the setback by the Zoning Department.

OFFICE
COUNTY COMMISSIONERS

MAR 15 1955



Paula F. Spentuck
Zoning Commissioner of Baltimore County

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

the above re-classification should NOT be had:

It Is Ordered by the Zoning Commissioner of Baltimore County, this 16th day of March 1955, that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain a _____ zone.

Zoning Commissioner of Baltimore County

Approved _____

MAR 16 1955

Date _____

County Commissioners of Baltimore County

Augustine J. Hall
President

WALTER S. STEFANOWICZ
12th Dist
N.W. Cor. Brentwood Avenue and Long Place
#2100

3400

4465-RX

JOHN J. CZERNIKOWSKI
SE corner of Brentwood &
5th Avenues
12th Dist.
4465-RX

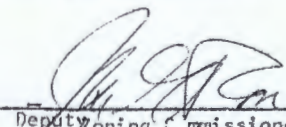
RE: PETITION FOR RECLASSIFICATION :
FROM AN R-6 Zone to B-L Zone - :
Variance to permit a Rear Yard : BEFORE
of 0 feet instead of the required : ZONING COMMISSIONER
20 feet and a side yard of 2' :
instead of the required 20' - :
SE/C Brentwood & 5th Aves., : OF
12th Dist., John J. Cernikowski, : BALTIMORE COUNTY
Petitioner :
No. 4465-RV

AMENDED ORDER

A petition was filed with the Zoning Department requesting reclassification of the subject property from R-6 Zone to B-L Zone and variances to the Baltimore County Zoning Regulations to permit a rear yard of 0 feet instead of the required 20 feet and a side yard of 2 feet instead of the required 20 feet.

An Order was passed by the Zoning Commissioner granting the reclassification as requested but inadvertently omitted granting the variances.

It is this 8th day of August 1958, by the Zoning Commissioner of Baltimore County, ORDERED that the above variances be granted to permit a rear yard of 0 feet instead of the required 20 feet and a side yard of 2 feet instead of the required 20 feet, which will grant relief to the petitioner without substantial injury to the public health, safety and the general welfare of the locality involved.


Deputy Zoning Commissioner

4465-R

4465-RX

JOHN J. CZERNIKOWSKI
SE corner of Brentwood &
5th Avenues
#4465-RX
12th Dist.

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County

I, or we, JOHN J. & LILLIAN CZERNIKOWSKI legal owner of the property situate

in that parcel of land in the Twelfth District of Baltimore County on Southeasternmost corner of Brentwood and 5th Avenues; thence running Easterly and binding on the South side of Brentwood Avenue 85 feet; thence Southeasterly 85.11 feet to the North side of 5th Avenue; thence Westerly and binding on the North side of 5th Avenue 107.6 feet to the place of beginning.

#4465-RX

MAP #12

BL

7/31/58

hereby petition that the zoning status of the above described property be re-classified pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an B-2 zone + VAR.

Reasons for Re-Classification:

Size and height of building: front _____ feet; depth _____ feet; height _____ feet.

Front and side set-backs of building from street lines: front _____ feet; side _____ feet.

Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification, 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.

John J. Czernikowski
Lillian H. Czernikowski
Legal Owner

Address 1427 Stanhope Rd. (22)

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of July, 1958, that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Reckord Bldg., in Towson, Baltimore County, on the 6th day of August, 1958, at 2 o'clock P.M.

Zoning Commissioner of Baltimore County

(over)

JUL 5 1958

4465-RX

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of location and the changes in the character of the neighborhood which have taken place since the original zoning warrant the requested change, therefore:

the above re-classification should be had
It Is Ordered by the Deputy Zoning Commissioner of Baltimore County this 27th day of August, 1958, that the above described property or area should be and the same is hereby reclassified, from and after the date of this Order, from a R.6 zone to a B.L. (business local) zone.


Deputy Zoning Commissioner of Baltimore County

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

the above re-classification should NOT be had:
It Is Ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain a _____ zone.

Zoning Commissioner of Baltimore County

Approved _____
County Commissioners of Baltimore County

Date _____ By _____
President

IN RE: PETITIONS FOR SPECIAL HEARING	* BEFORE THE
AND VARIANCE – SE/Corner	
Brentwood and Fifth Avenues	* ZONING COMMISSIONER
(6701 Brentwood Avenue)	
12 th Election District	* OF BALTIMORE COUNTY
7 th Council District	
	* Case No. 01-088-SPHA
Robert Rosso, Legal Owner	
(Allan G. Harris, former Owner)	*

* * * * *

ORDER OF DISMISSAL

This matter came before me at a public hearing held on October 10, 2000 to consider Petitions for Special Hearing and Variance filed by the then owner of the property, Allan G. Harris, through his attorney, C. William Clark, Esquire. The Petitioner sought special hearing relief for approval of a use permit for an existing parking lot on the subject property, zoned D.R.5.5, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R). In addition, the Petitioner requested variance relief from Sections 1B01.1.B.1(c)(2) and (e)(2) of the B.C.Z.R. to permit a tract boundary setback of 10 feet in lieu of the required 75 feet, and a Residential Transition Area (RTA) setback of 10 feet in lieu of the required 50 feet, for the existing parking lot. Apparently, the Petitions were filed as a result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (PDM) relative to the Petitioner's use of the subject property for parking facilities. The subject property and requested relief were more particularly described on the site plan submitted with the Petitions filed and accepted into evidence as Petitioner's Exhibit 1.

At the public hearing held in this case, Mr. Clarke appeared and advised that Mr. Harris had recently sold the property to Mr. Robert Rosso, and that he, Mr. Harris, and the engineer who prepared the site plan for this property, no longer had an interest in this case. Mr. Clarke then left. Mr. Rosso was not in attendance at the start of the hearing. Meanwhile, numerous individuals from the surrounding community appeared in opposition to the requests, and during the course of

ORDER RECEIVED FOR FILING

Date 11/3/11

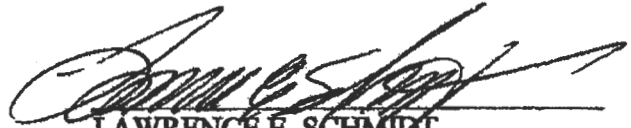
By [Signature]

this Zoning Commissioner answering their questions, Mr. Rosso arrived. Mr. Rosso indicated that he was not sure that he wanted to proceed with the matter, given the amount of neighborhood opposition. I gave Mr. Rosso 15 days from the date of the hearing to decide whether he wished to proceed and it was agreed that if no word was heard from him by October 25, 2000, the matter would be dismissed without prejudice. This agreement was confirmed in writing by my letter dated October 12, 2000 and the matter was continued, pending a decision by Mr. Rosso.

Inasmuch as the deadline for his response has passed and no word has been heard from Mr. Rosso, it is clear that he does not wish to proceed with this case.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of October, 2000 that the Petitions for Special Hearing and Variance filed in the above-captioned matter, be and the same are hereby DISMISSED without prejudice; and,

IT IS FURTHER ORDERED that the use of the subject property as a parking lot must cease immediately; it cannot be used to park or store vehicles or equipment and must be kept free of all trash and debris.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 11/3/10
By [Signature]

THIS CONFIRMATORY DEED, made this 3rd day
 of NOVEMBER, 2000, by and between ALLEN G. HARRIS and MARY E. HARRIS his
 wife, parties of the first part, GRANTORS, and ROBERT E. ROSSO, party of the second part, GRANTEE.

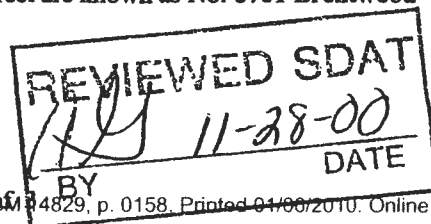
WHEREAS, by Deed dated September 29, 2000, and recorded among the Land Records of Baltimore
 County in Liber S.M. No. 14744, folio 416, ALLEN G. HARRIS and MARY E. HARRIS conveyed property
 therein described to ROBERT E. ROSSO; and,

WHEREAS, Lot 8 Block A was inadvertently omitted from the legal description in said Deed, and this
 Confirmatory Deed is made to correct the description.

WITNESSETH, that for and in consideration of the sum of Zero, and other valuable considerations, the
 receipt of which is hereby acknowledged, the said GRANTORS do hereby grant, convey, confirm, and assign
 unto the said GRANTEE, his personal representatives and assigns, partly in fee simple, and partly leasehold as
 hereinafter stated, all those lots of ground situate partly in Baltimore County and partly in Baltimore City, in the
 State of Maryland and described as follows, that is to say:

FIRST: BEING KNOWN AND DESIGNATED as Lot Nos. 17 and 18, in Block H, as
 shown on a plat entitled "Fairlawn", which plat is recorded among the Land
 Records of Baltimore County in Plat Book W.P.C. No. 6, folio 100. SAVING
 AND EXCEPTING therefrom that parcel of ground which by Deed dated
 January 28, 1959, and recorded among the Land Records of Baltimore County
 in Liber W.J.R. No. 3652, folio 378, was conveyed by John Joseph
 Czernikowski, et al., to Baltimore County, Maryland, for the widening of the
 intersection of Brentwood Road and Fifth Avenue.

The improvements on the above First parcel are known as No. 6701 Brentwood
 Avenue (formerly Road).



SECOND: **BEING KNOWN AND DESIGNATED** as Lot Nos. 9, 10, 11, 12 and 13, Block A, as shown on a plat entitled, "Fairlawn", which plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 6, folio 100.

THIRD: **BEING KNOWN AND DESIGNATED** as Lot No. 7 (which lies partly in Baltimore County and partly in Baltimore City and Lot 8, Block A, as shown on a plat entitled, "Fairlawn", which plat is recorded among the Land Records of Baltimore County in plat Book W.P.C. No. 6, folio 100, and among the Land Records of Baltimore City in plat book S.C.L. No 6, folio 100.

BEING the same properties which by Deed dated January 23, 1987, and recorded among the Land Records of Baltimore County in Liber S.M. No. 7470, folio 476, and among the Land Records of Baltimore City in Liber S.E.B. No. 1460, folio 69, were conveyed by State of Maryland Deposit Insurance Fund, Receiver for Old Court Savings and Loan, Inc., by its agreed representative, Old Court Investment Corporation, to **ALLEN G. HARRIS and MARY E. HARRIS, his wife.**

TOGETHER WITH the buildings and improvements thereupon erected, made or being, and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD the aforesaid lots of ground and premises unto and to the use of the said **GRANTEE**, his personal representatives and assigns, (as to Lot Nos. 7, 8, 9, 10, 11, 12, and 13, Block A, as above described) in fee simple, and (as to Lot Nos. 17 and 18, Block H, as above described) for all the residue of years yet to come and unexpired therein, with the benefit of renewal forever, subject in the payment of the annual rent of \$84.00, payable semi-annually on the 22nd days of June and December, in each and every year.

AND the said **GRANTORS** hereby covenant that the **GRANTORS** have not done or suffered to be done any act, matter or thing whatever, to encumber the property hereby conveyed, and to warrant specially the property hereby granted, and to execute such further assurances of the same as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS the hands and seals of the said GRANTORS:.

WITNESS:

Mary E. Harris
[Signature]

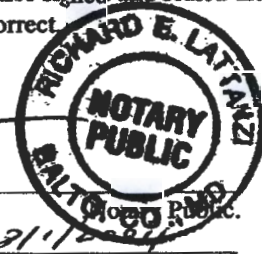
[Signature] (SEAL)
 ALLEN G. HARRIS
Mary E. Harris (SEAL)
 MARY E. HARRIS

STATE OF MARYLAND, BALTIMORE County, to wit:

I HEREBY CERTIFY, that on this 9th day of November, 2000 before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared ALLEN G. HARRIS and MARY E. HARRIS, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within Deed and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same, and further acknowledged that the consideration as stated above is true and correct.

AS WITNESS my hand and Notarial Seal:

[Signature]
 My Commission Expires: 2/1/2004



THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

[Signature]
 Richard E. Lattanzi Attorney

RECORD AND RETURN TO:
 MOORE, CARNEY, RYAN & LATTANZI, L.L.C.
 4111 East Joppa Road, Suite 201
 Baltimore, Maryland 21236
 File #0013661D

State of Maryland Land Instrument Intake Sheet
☐ Baltimore City ☒ County: BALTIMORE

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

1	Type(s) of Instruments	☐ Deed ☒ Mortgage ☐ Other _____ ☐ Deed of Trust ☐ Lease ☐ Other _____					
2	Conveyance Type Check Box	☐ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms-Length Sale [9]		
3	Tax Exemptions (If Applicable)	☒ CONFIRMATORY DEED + MTGE					
	Cite or Explain Authority	State Transfer	County Transfer				
4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only			
		Purchase Price/Consideration	\$ -0-	Transfer and Recordation Tax Consideration			
		Any New Mortgage	\$ -0-	Transfer Tax Consideration \$			
		Balance of Existing Mortgage	\$ -0-	X () % = \$			
		Other:	\$	Less Exemption Amount = \$			
		Other:	\$	Total Transfer Tax = \$			
		Full Cash Value	\$	Recordation Tax Consideration \$			
				X () per \$500 = \$			
				TOTAL DUE \$			
5	Fees	Amount of Fees		Doc. 1			
		Recording Charge	\$ 20.00	\$ 20.00	Agent: <u>Be</u>		
		Surcharge	\$ 5.00	\$ 5.00	Tax Bill: <u>yes</u>		
		State Recordation Tax	\$	\$	C.B. Credit: <u>-</u>		
		State Transfer Tax	\$	\$	Ag. Tax/Other: <u>N</u>		
		County Transfer Tax	\$	\$			
		Other	\$	\$			
		Other	\$	\$			
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
		12 - 03-098092	7470/476	103	513	2-5	
		Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)
		PENR LAWN	A 17.18	H		6/100	
		Location/Address of Property Being Conveyed (2)					
		6701 BRENTWOOD AVE.					
		Other Property Identifiers (if applicable)					
		Water Meter Account No.					
		Residential ☐ or Non-Residential ☒ Fee Simple ☒ or Ground Rent ☐ Amount:					
		Partial Conveyance? ☐ Yes ☒ No Description/Amt. of SqFt/Acreage Transferred:					
7	Transferred From	Doc. 1 - Grantor(s) Name(s)			Doc. 2 - Grantor(s) Name(s)		
		ALLEN G. HARRIS			ROBERT E. ROSSO		
		MARY E. HARRIS					
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)			Doc. 2 - Owner(s) of Record, if Different from Grantor(s)		
8	Transferred To	Doc. 1 - Grantee(s) Name(s)			Doc. 2 - Grantee(s) Name(s)		
		ROBERT E. ROSSO			ALLEN G. HARRIS		
					MARY E. HARRIS		
		New Owner's (Grantee) Mailing Address					
	3111 NEWTON RD. EDGEHURST, MD 21222						
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)			Doc. 2 - Additional Names to be Indexed (Optional)		
10	Contact/Mail Information	Instrument Submitted By or Contact Person					☒ Return to Contact Person
		Name: RICHARD E. LATTANZI, ESQ.					☐ Hold for Pickup
		Firm: MOORE, CARMEN, RYAN & LATTANZI, LLC					☐ Return Address Provided
		Address: 4111 E JOPPA RD BALTIMORE, MD 21236					
		Phone: (410) 529-4600					
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER	Assessment Information					
		☐ Yes ☐ No Will the property being conveyed be the grantee's principal residence? ☐ Yes ☐ No Does transfer include personal property? If yes, identify: _____ ☐ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).					
		Assessment Use Only - Do Not Write Below This Line					
		Transfer Number:		Date Received:		Deed Reference:	
		Year	19	19	Geo.	Map	Sub
		Land			Zoning	Grid	Plat
		Buildings			Use	Parcel	Section
		Total			Town Cd.	Ex. St.	Ex. Cd.
		REMARKS:					

TRANSFER TAX NOT REQUIRED
 Director of Budget and Finance
 BALTIMORE COUNTY MARYLAND
 Per: [Signature]
 Authorized Signature
 Date: 11/28/00 Sec 33-150

IMP FD SURE \$ 5.00
 RECORDING FEE 25.00
 TOTAL 30.00
 Reg # B485 Rpt # 88411
 S# BC Bk # 2338
 NOV 28, 2000 10:01 am

6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio		Map		Parcel No.	Var. LOG
	12	03-098091	742/476		103		573	☐ (5)
	Subdivision Name		Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)	
	FAIRLAWN		9-13	A		6/100		
	Location/Address of Property Being Conveyed (2)							
	FIFTH AVE							
	Other Property Identifiers (if applicable)						Water Meter Account No.	
	Residential ☐ or Non-Residential ☒		Fee Simple ☒ or Ground Rent ☐		Amount:			
	Partial Conveyance? ☐ Yes ☒ No		Description/Amt. of SqFt/Acreage Transferred:					
	If Partial Conveyance, List Improvements Conveyed:							

November 23, 2009

Mr. Pat Keller, Director
Baltimore County Office of Planning
105 W. Chesapeake Avenue
Towson, Md. 21204

Re: 6701 Brentwood Avenue
Map 103, Parcel 513, Block H, Lot 17
Tax Account No. 1203098092
CMR Job No. 2001-080

Dear Mr. Keller,

On behalf of our client, Robert Rosso, the owner of the above-referenced property, we wish to inform you that the zoning on the property, as shown on the current Baltimore County zoning maps, appears to be a mistake.

The property was zoned BL on the 2000 zoning maps and DR-5.5 on the 2004 zoning maps. To our knowledge, there was no CZMP zoning issue in 2004 or other rezoning requests since 2000. The 2008 zoning maps also shows the property as zoned DR-5.5.

We request that you pursue the correction of this mistake in a timely fashion.

Yours truly,

Richard E. Matz, P.E.
Vice-President
Colbert Matz Rosenfelt, Inc.

cc: Robert Rosso
Jeff Mayhew

PETITIONER'S
EXHIBIT NO. 3

2001-080

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE - * ZONING COMMISSIONER
SE/Corner Brentwood & Fifth Avenues, *
N of Holabird Avenue * OF BALTIMORE COUNTY
(6701 Brentwood Avenue) *
12th Election District * Case No. 03-133-SPHXA
7th Council District *

Robert E. Rosso *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Robert E. Rosso. The Petitioner requests a special hearing to approve an amendment to the previously approved site plan and Order issued in Case No. 02-027-SPHA to affirm the variances to RTA parking requirements granted therein and amend Restrictions 2 and 4 thereof. In addition, special exception relief is requested to permit a community building in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.) and parking for a community building in a D.R.5.5 zone, pursuant to Section 1B01.1.C.4 of the B.C.Z.R. Lastly, variance relief is sought from Section 409.6A.2 of the B.C.Z.R. to permit 31 parking spaces in lieu of the required 68. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Robert E. Rosso, property owner; Richard E. Matz and Judy Floam, on behalf of Colbert Matz Rosenfelt, the engineering consultants who prepared the site plan for this property; and, Charles M. Sussan, Vice President of the Norwood/Holabird Community Association & COP, Inc., and nearby resident of the area. There were no Protestants or other interested persons present.

The undersigned Zoning Commissioner is familiar with the subject site by virtue of prior Case No. 02-027-SPHA. Following the public hearing in that matter, the undersigned

PETITIONER'S

EXHIBIT NO.

4

IN RE: PETITIONS FOR SPECIAL HEARING	* BEFORE THE
AND VARIANCE – SE/Cor. Brentwood	* ZONING COMMISSIONER
and Fifth Avenues, N of Holabird Avenue	* OF BALTIMORE COUNTY
(6701 Brentwood Avenue)	* Case No. 02-027-SPHA
12 th Election District	
7 th Council District	
Robert E. Rosso	
Petitioner	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Robert E. Rosso, through his attorney, Deborah C. Dopkin, Esquire. The Petitioner requests a special hearing to approve business parking in a residential zone, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is sought from Section 1B01.1.B.1.e(5) of the B.C.Z.R. to permit a Residential Transition Area (RTA) parking setback of 10 feet in lieu of the required 75 feet, and an RTA landscape buffer of 10 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Robert Rosso, property owner, his wife, Janette Rosso, Richard E. Matz, the Professional Engineer who prepared the site plan for this property, and Deborah Dopkin, Esquire, attorney for the Petitioner. Appearing as Protestants in the matter were numerous residents from the surrounding community, all of whom signed the Protestants' Sign In Sheet circulated at the hearing. Serving as spokespersons for the group were Charles H. Creamer and John Heuchan.

The subject property is actually comprised of two parcels located on both sides of the southeast corner of the intersection of Brentwood Avenue and Fifth Avenue, just north of Holabird Avenue in Dundalk. In addition to the fact that the two parcels are separated by Fifth Avenue, the Baltimore County/Baltimore City line runs through the front portion of the site; however, the majority of the property is located in Baltimore County.

PETITIONER' S

EXHIBIT NO. 5



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3d)

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

Account Identifier: District - 12 Account Number - 1203098092

Owner Information

Owner Name: ROSSO ROBERT E **Use:** COMMERCIAL
Principal Residence: NO
Mailing Address: 3111 NEWTON RD **Deed Reference:** 1) /14829/ 158
 BALTIMORE MD 21219-1301 2)

Location & Structure Information

Premises Address **Legal Description**
 6701 BRENTWOOD AVE PT LT 17,18
 6701 BRENTWOOD AVE
 FAIRLAWN

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
103	3	513				H	17	1	Plat Ref: 6/ 100

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1929	6,777 SF	6,550.00 SF	23

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-In Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2009	07/01/2010
Land	65,500	65,500		
Improvements:	93,300	93,300		
Total:	158,800	158,800	158,800	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: HARRIS ALLAN G	Date: 11/28/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14829/ 158	Deed2:
Seller: OLD COURT INVEST MENT CORP	Date: 02/02/1987	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 7470/ 476	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

PETITIONER'S
 EXHIBIT NO. 6

Brentwood Inn Features SEAFOOD DINNERS FOR LENT

FINEST FISH SELECTION FRESH OBTAINABLE

Broiled Chesapeake Bay Trout (Whole)	\$1.75
Broiled Boston Mackerel (Whole)	1.50
Broiled Ocean Proffies (Whole)	1.25
Broiled Chesapeake Bay Rock (Whole)	1.50
Broiled Lake Whitefish (Whole)	1.50
Broiled Ocean City Flounder (Whole)	1.45
Broiled Chesapeake Bay Hardhead (Whole)	1.75
Broiled Large Canadian Silver Smelts	2.00
Broiled Ocean Sea Bass (Whole)	1.75
Broiled Chesapeake Bay White Perch (Whole)	1.75
Broiled Norfolk Spot (Whole)	1.25
Broiled Ocean Butter Fish (Whole)	1.25
Broiled Chesapeake Bay Blue Fish (Whole)	1.75
Broiled Smoked Nova Scotia Prawn Haddie	1.75
Broiled Alaskan Salmon Steak	2.00
Broiled Florida Red Snapper Steak	2.00
Broiled Eastern Haddock Steak	2.00
Broiled Ocean City Steak Fish	1.75
Broiled Gulfstream Newfish Steak	2.00
Fried Fillet of Ocean City Sole	1.50
Fried Fillet of Ocean City Perch	1.25
Fried Fillet of Ocean City Haddock	1.50
Swiss Style White Steak	2.00
Maryland Snapper Terrapin	5.00
All seafood dinners served complete with 2 garden-fresh vegetables, fresh Chef's salad, hot rolls and butter.	

Brentwood Inn

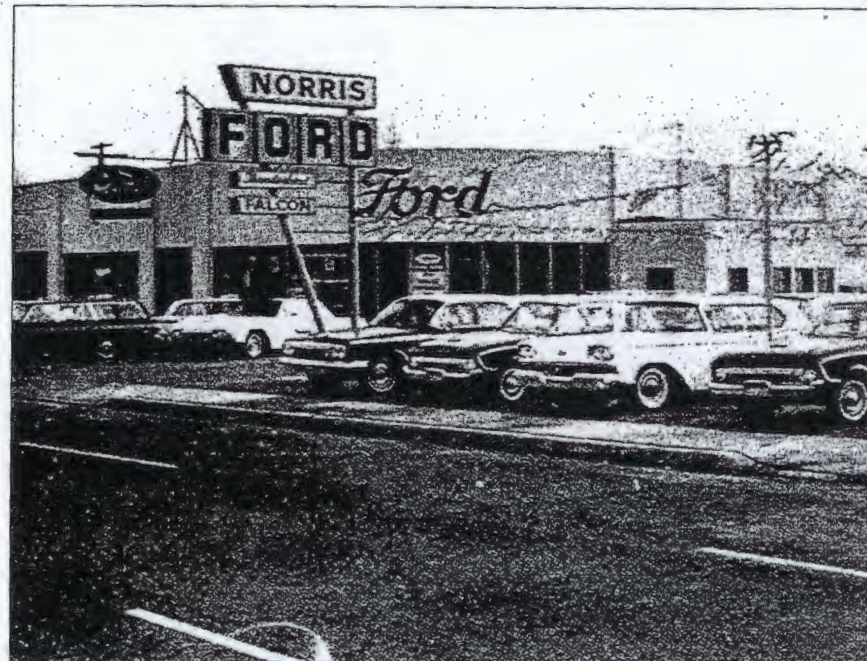
— FREE —
7-Day Home Delivery
Just Phone

ATwater 5-0520

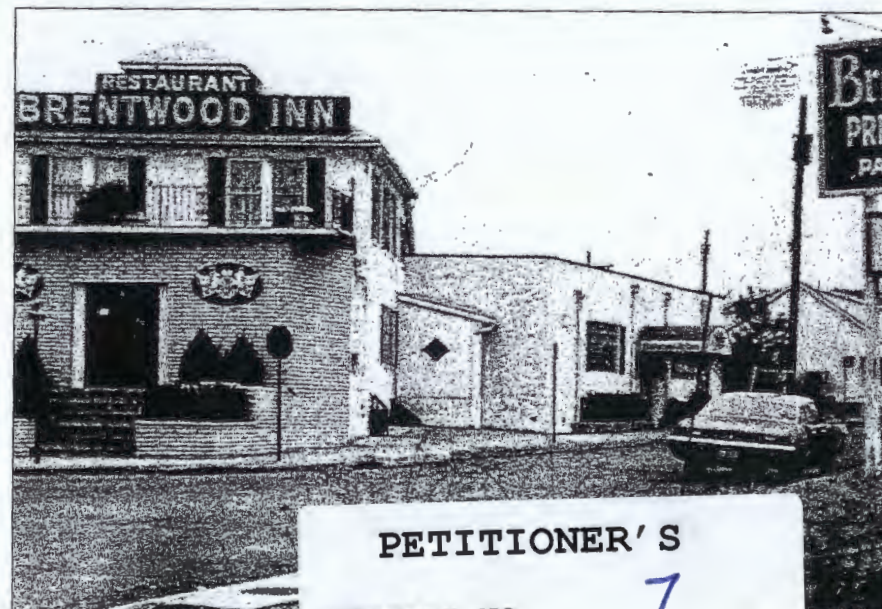
Corner Fifth & Brentwood Ave.
½ blk. from Dundalk and
Holabird Avenues

This 1956 advertisement for the Brentwood Inn offers a wide selection of seafood dinners "served complete with 2 garden-fresh vegetables, fresh Chef's salad, hot rolls and butter." Notice the most expensive menu item, Maryland Snapper Terrapin, went for just \$3. (Courtesy Dundalk-Patapsco Neck Historical Society Museum.)

The Kresge's store on Shipping Place was a favorite destination of both kids and adults for decades. Holiday decorations adorn the Dundalk Village Shopping Center in this image from the late 1950s. (Courtesy Dundalk-Patapsco Neck Historical Society Museum.)



Norris Ford occupied this corner at Dundalk Avenue and Willow Spring Road when they moved to their current and much larger location on Merritt Boulevard. (Courtesy Dundalk-Patapsco Neck Historical Society Museum.)



PETITIONER'S

EXHIBIT NO.

7

DUNDALK'S NEW RADIO STATION WAYE

is looking for an unusual girl
for receptionist - secretary.

CAN YOU QUALIFY?

Single, 21 - 30, outstanding personality, neat and
attractive. Good salary. In ultra modern office.

Phone ATwater 4-3800
between 2 and 4 P.M. for appointment.

Just try running a classified ad today like this one from 1955, posted by radio station WAYE.
(Courtesy Dundalk-Patapsco Neck Historical Society Museum.)



Shown here is the famous wine cellar of the Brentwood Inn. Here diners could sample fine wines and liqueurs in the cramped, dusty surroundings. (Courtesy Baltimore County Public Library.)



The mid-1950s saw construction of a new mall opened in 1956 at the intersection of the mall. Retailers like Hochschild Kohn and specialty shops like Arundel's, a pet store. Additional stores included Farms, Silber's Bakery, Pilsbury. The mall was enclosed in a brick building that had nothing to do with the original concept. Hochschild's fed a tank of presumably cold little primates at Hess Shop in 1948 and was dismantled and salvaged and can now be seen. (Courtesy Dundalk-Patapsco Neck Historical Society Museum.)

The Fifties, Moments to Remember



Left photo: 1950 Jim Patenella, Bruce Mills and Mike Lucas. Photo Courtesy of Bruce Mills

Middle photograph 1950 May Procession at Dundalk Elementary

Right photo: 1951, St. Helena Girls on Easter Sunday Front Virginia DeLoach, Benetta Fullwood, Jerry Back Carol Hinson, Beverly Gentry, behind Riverview Avenue off Willow Spring Road, where St. Helena Park is currently.

Dundalk Businesses



Phone: At 4-0700 - Speedy Delivery
201 Wise Avenue - Inverness Shopping Center
opp. Wise Ave. Vol. Fire Co.



1800 WILLOW SPRING ROAD
Phone: ATwater 5-2200
Fuel Oil • Building Supplies
Pittsburgh Paints
M. J. Birmingham, Jr.

Brentwood Inn and Old Mill

The "Home of Maryland's Internationally
Famous Wine Cellar"

FIFTH AVE., AND BRENTWOOD

1 Block N.E. of Dundalk and
Holabird Avenue

Smorgasbord Every Tues., Noon & Nite
Exciting Seafood Creations - Supurb Steaks
Tasty Sandwiches and Snacks
Unusual Tantalizing Drinks

Ample Parking Facilities for Your Convenience
Open Daily and Sunday 11 A.M.-2 A.M.

Phone: ATwater 5-0520

Featured in Gourmet's "Guide to Good Eating"
Recipient of Duncan Hines "Adventures in Good Eating"

We Honor the Following Credit Cards

DINER'S CLUB CARTE BLANCHE
AMERICAN EXPRESS INTERNATIONAL CHARGE
THE BRENTWOOD GOURMET'S CLUB

Courtesy of Dundalk-Patapsco Neck Historical Society



OLD MILL
SUPPER CLUB



THE FRIENDLIEST PLACE IN BALTIMORE COUNTY

WHERE BALTIMORE COUNTIANS MEET
TAVERN, BAR AND RESTAURANT

Visit Dundalk's Newest Cocktail Lounge
The Harbor House

Catering Facilities for Private Parties

Your Hosts: JOE and SAM D'ANNA

3-3-7-8 MARYLAND AVENUE
IN DUNDALK, MD.

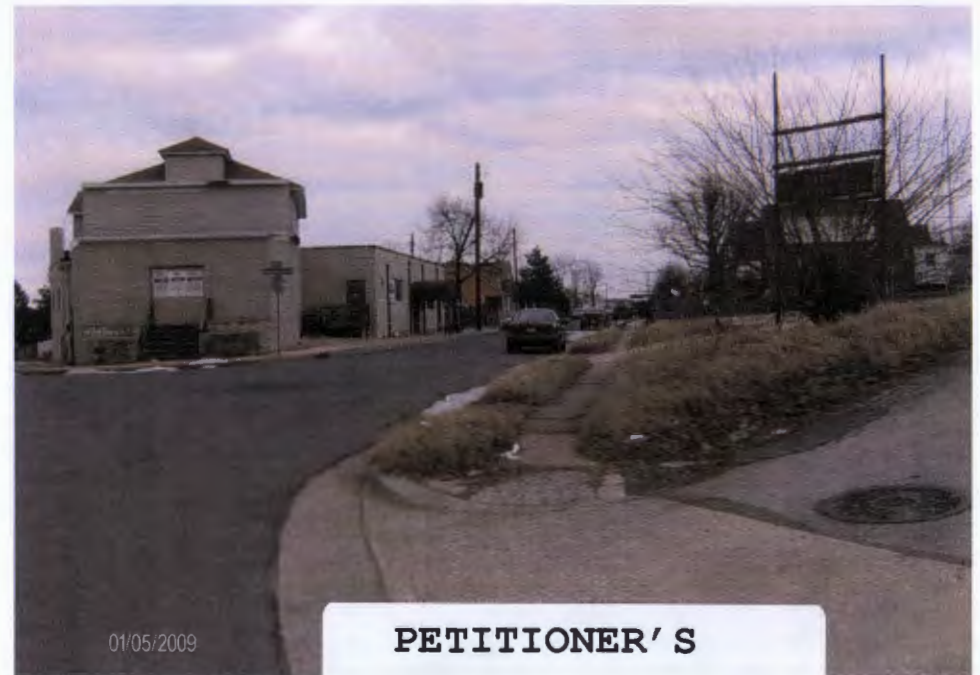
Phone: ATwater 8-0392



Norris Ford occupied this corner at Dundalk Avenue and Willow Spring Road until 1966, when they moved to their current and much larger location on Merritt Boulevard. (Courtesy Dundalk-Patapsco Neck Historical Society Museum.)



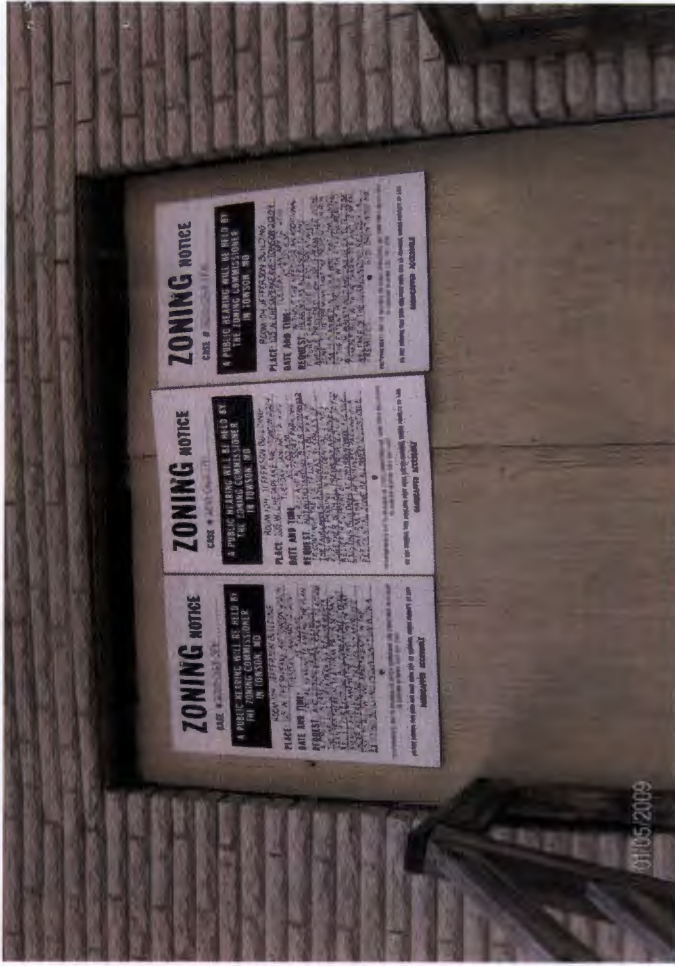
The Brentwood Inn was still featuring its "Fabulous Smorgasbord" when this photograph was snapped around 1970, but the popular restaurant's better days were already behind it. (Courtesy Dundalk-Patapsco Neck Historical Society Museum.)



PETITIONER' S

EXHIBIT NO.

8





PETITIONER'S

EXHIBIT NO.

9



**BALTIMORE COUNTY FIRE DEPARTMENT
INVESTIGATIVE SERVICES
FIRE INSPECTION REPORT**

Date 07/02/2009	Box 006-01	Occ 130/430	Hi-rise	C/sr/permit 676817	Units 06	Page 1 of 3
Address 6701	Dir	Street Brentwood Ave.	Suite/apt		Zip 21222	
Occupancy Rosso Property			Phone 410-284-6855			
Owner/rep Andrew Evans, Property Manager Professional Property Management company, LLC			Bldg owner name & address Robert Rosso 3114 Newton Rd. Baltimore, MD 21219			
Business owner name & address			Former occupant			

Code #	Action required	Location	comptd
	Church of New Beginning (Upstairs, rear)		
	PROVIDE SECOND EXIT THAT DOES NOT GO THROUGH KITCHEN	REMOTE FROM PRIMARY EXIT	
	REPAIR EXIT LIGHTS	THROUGHOUT	
	REPLACE EXIT DOORS TO SWING IN DIRECTION OF EGRESS	THROUGHOUT	
	EXIT DOORS MUST HAVE PANIC HARDWARE INSTALLED	THROUGHOUT	
	REMOVE EXTENSION CORDS	THROUGHOUT	
	INSTALL 2A40 BC FIRE EXTINGUISHER	IN SANCTUARY AND IN KITCHEN	
	INSTALL K TYPE FIRE EXTINGUISHER	IN KITCHEN	
	PROVIDE CLEAR PATH TO EXIT	REAR EXIT	
	REPAIR PENETRATIONS/HOLES IN WALLS	THROUGHOUT	
	REMOVE WIRES GOING THROUGH CEILING	SANCTUARY	
	INSTALL EMERGENCY LIGHTING TO CODE	THROUGHOUT	

REINSPECTION

Re-insp dt	Insp. name	Dt. Comt
Re-insp dt.	Insp. name	Dt. Comt
Re-insp dt.	Insp. name	Dt. Comt

Inspected by STEVEN JUDLICK	Received by	REFERRAL APPROVED BY:	
Signature	Completed	Capt.	Date:
COURT ACTION	COURT DATE:	B.C.	Date:

Station	Phone 410-887-	Fire prev off. EASTERN	FP# 43	Phone 410-887-5178
---------	----------------	------------------------	--------	--------------------

145-FP REV.3/93 white-master file

yellow-section file

pink-occupant

PETITIONER'S

EXHIBIT NO.

10

BALTIMORE COUNTY FIRE DEPARTMENT
INVESTIGATIVE SERVICES

[illegible]

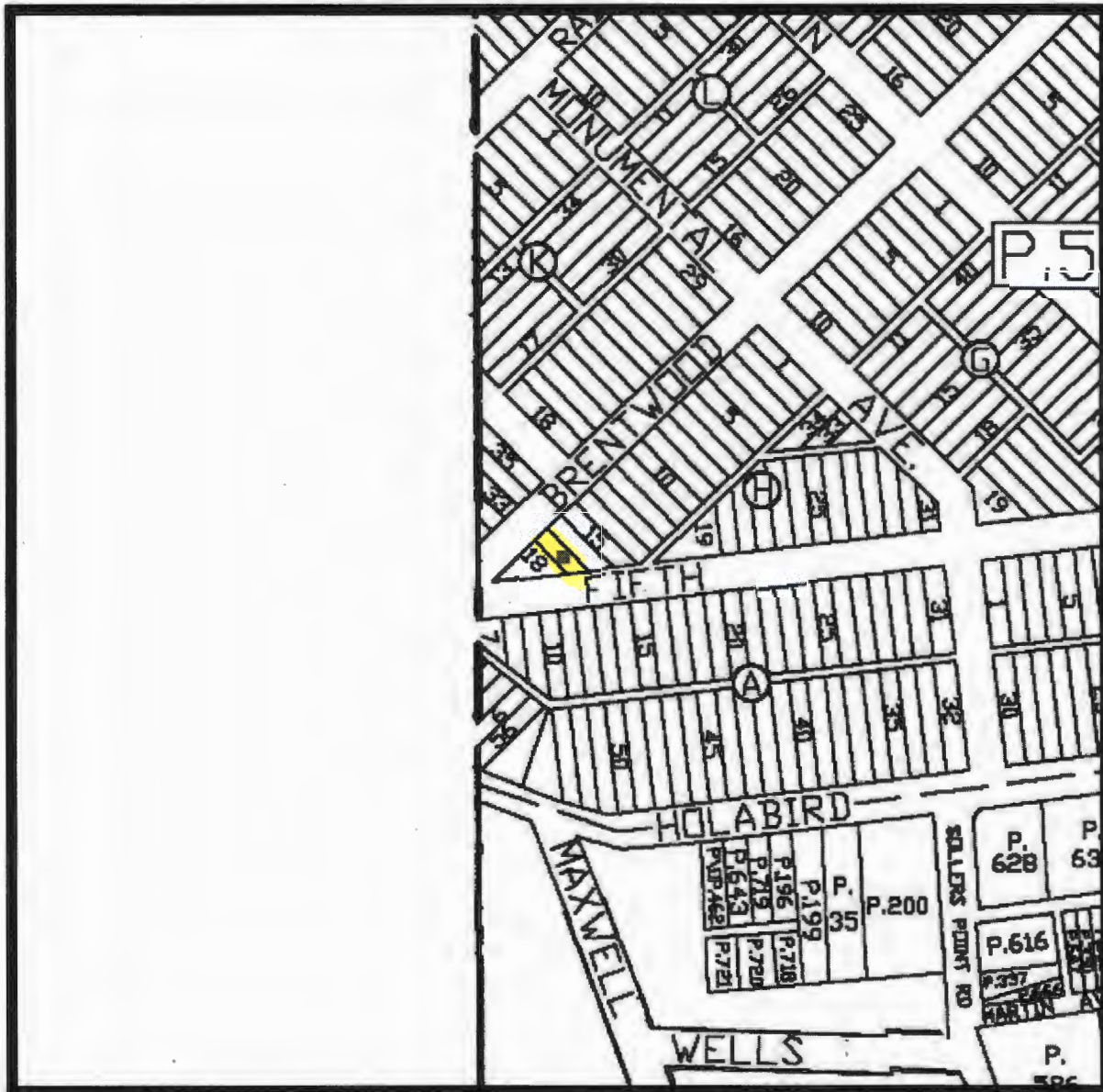
DISTRIBUTION - MASTER FILE - SECTION FILE - OCCUPANT COPY
121A OR 145A (REV: 3/04)



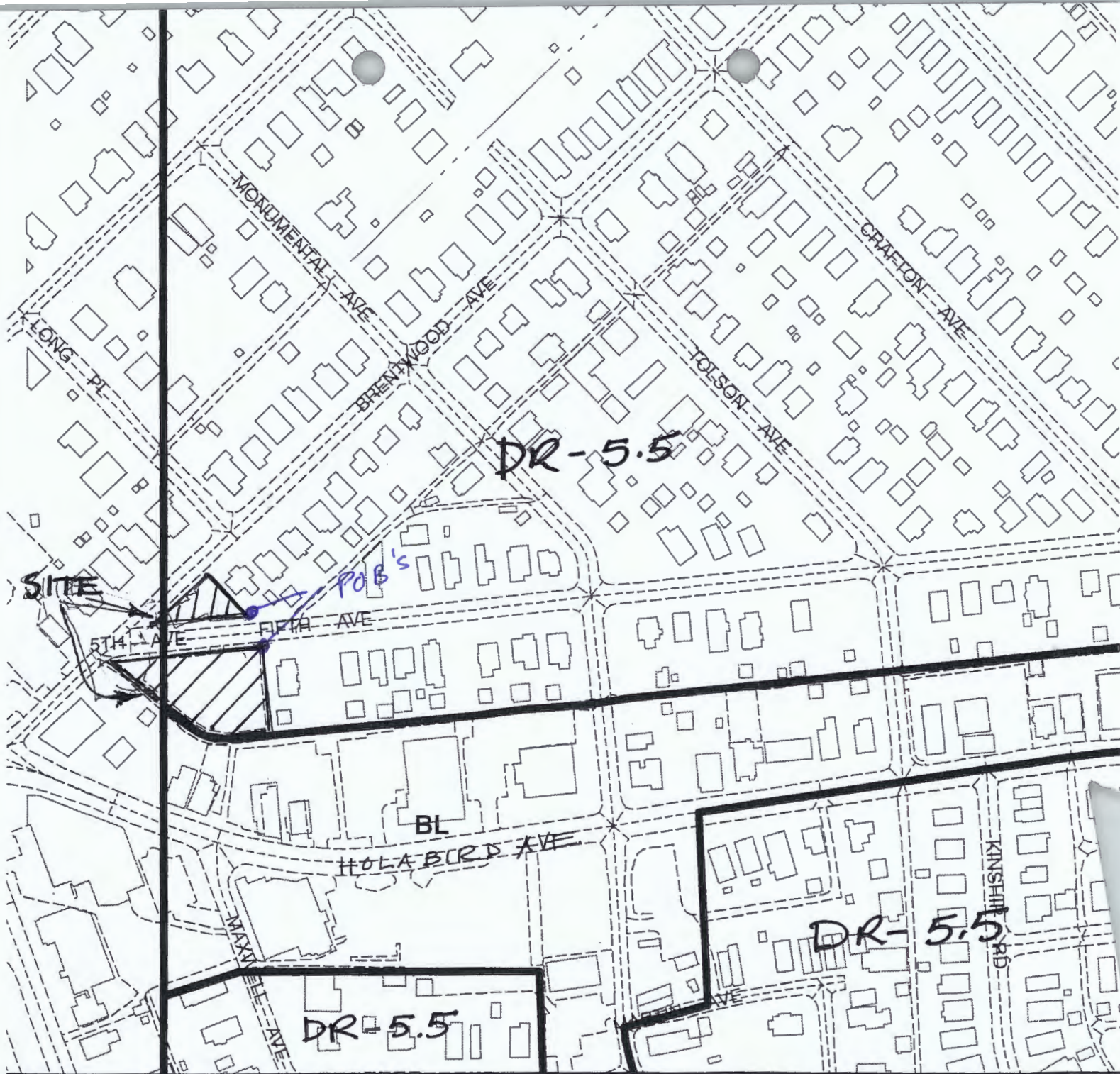
Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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

District - 12 Account Number - 1203098092



Property maps provided courtesy of the Maryland Department of Planning ©2008.
For more information on electronic mapping applications, visit the Maryland Department of Planning
web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml



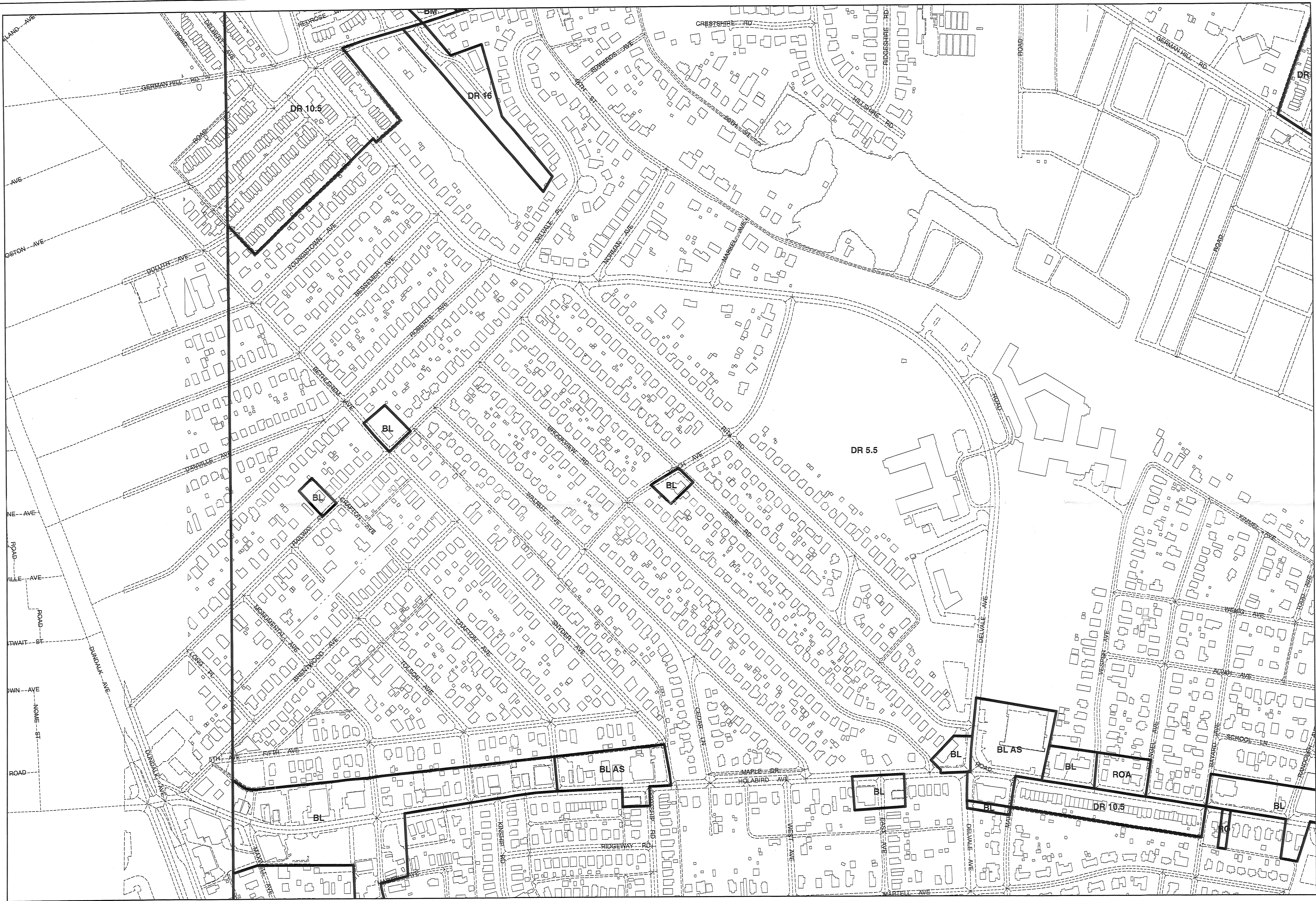
Legend

	Buildings		Streams		Vegetation
	Zoning		Roads		Rail Lines

0168

0:

MAP 103 B1



Plan Sheet: 103B1

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

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

Baltimore County Office of Planning and Zoning Official Zoning Map

096B3	096C3	097A3	097B3
103B1	103C1	104A1	104B1
103B2	103C2	104A2	104B2

Scale

1" = 200'

0 100 200 400 Feet



Data Sources:
Planimetric Data - Baltimore County
OT/GIS Services Unit
1:2400, from 1995/96 photograph
Zoning - Baltimore County Office
1:2400, 2008

PETITIONER'S

EXHIBIT NO. 2

2001080

BECK POWELL & PARSONS

Architecture • Planning • Interior Design

29 W. Susquehanna Avenue, Suite 300
Towson, Maryland 21204
410-828-9220
Copyright (c) 2009 BECK, POWELL, & PARSONS, INC.

Professional Certification: I hereby
certify that these documents were
prepared or approved by me and that
I am a duly licensed architect under
the laws of the State of Maryland.
Architect:
License Number:
Expiration Date:

REVISIONS		
NO.	DATE	DESCRIPTION

PROJECT:

ALTERATIONS AND CHANGE OF USE

6701 BRENTWOOD AVE.
BALTIMORE, MD 21222

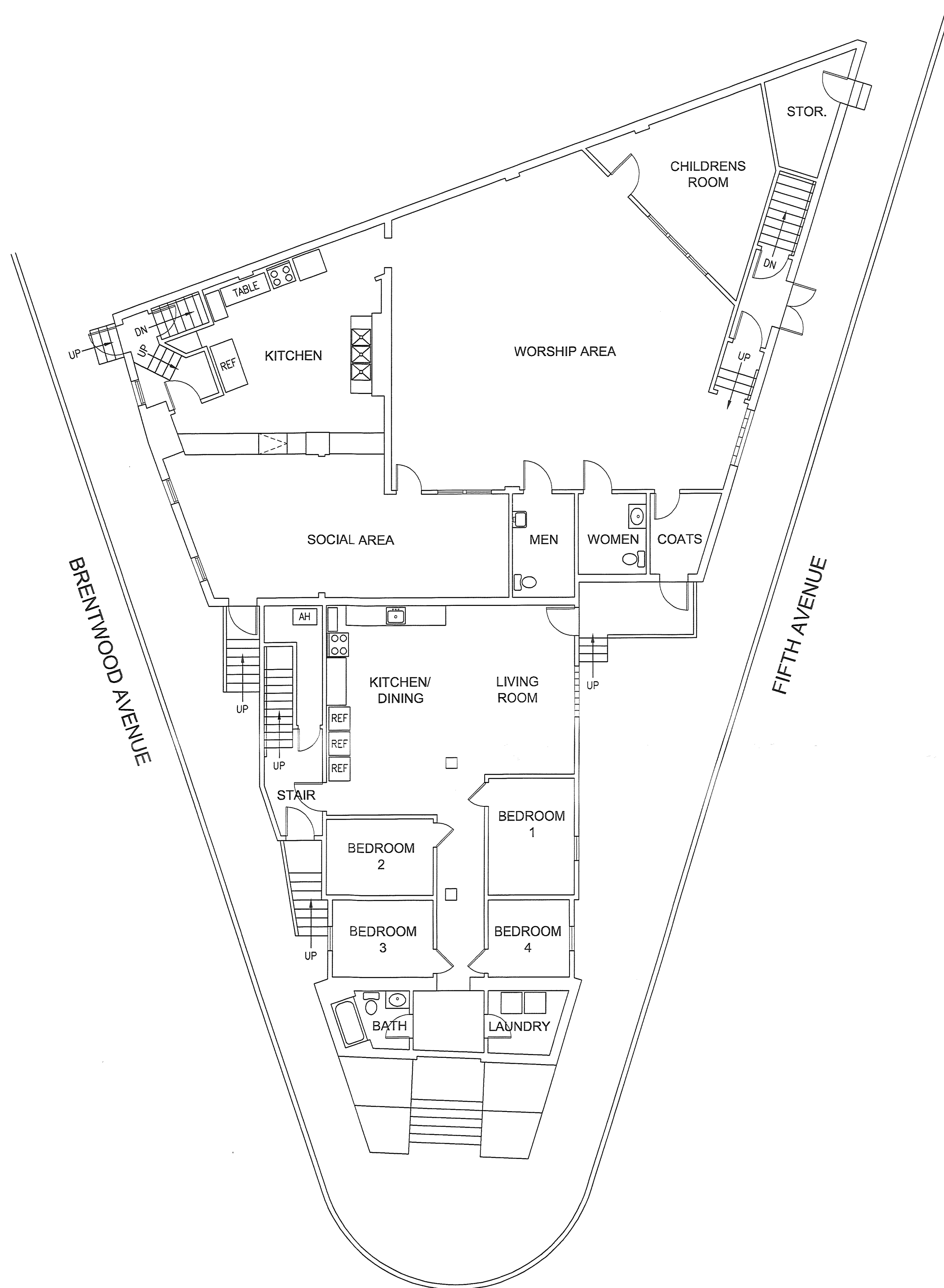
OWNER:

ROBERT ROSSO
3111 NEWTON RD.
EDGEMERE, MD 21219

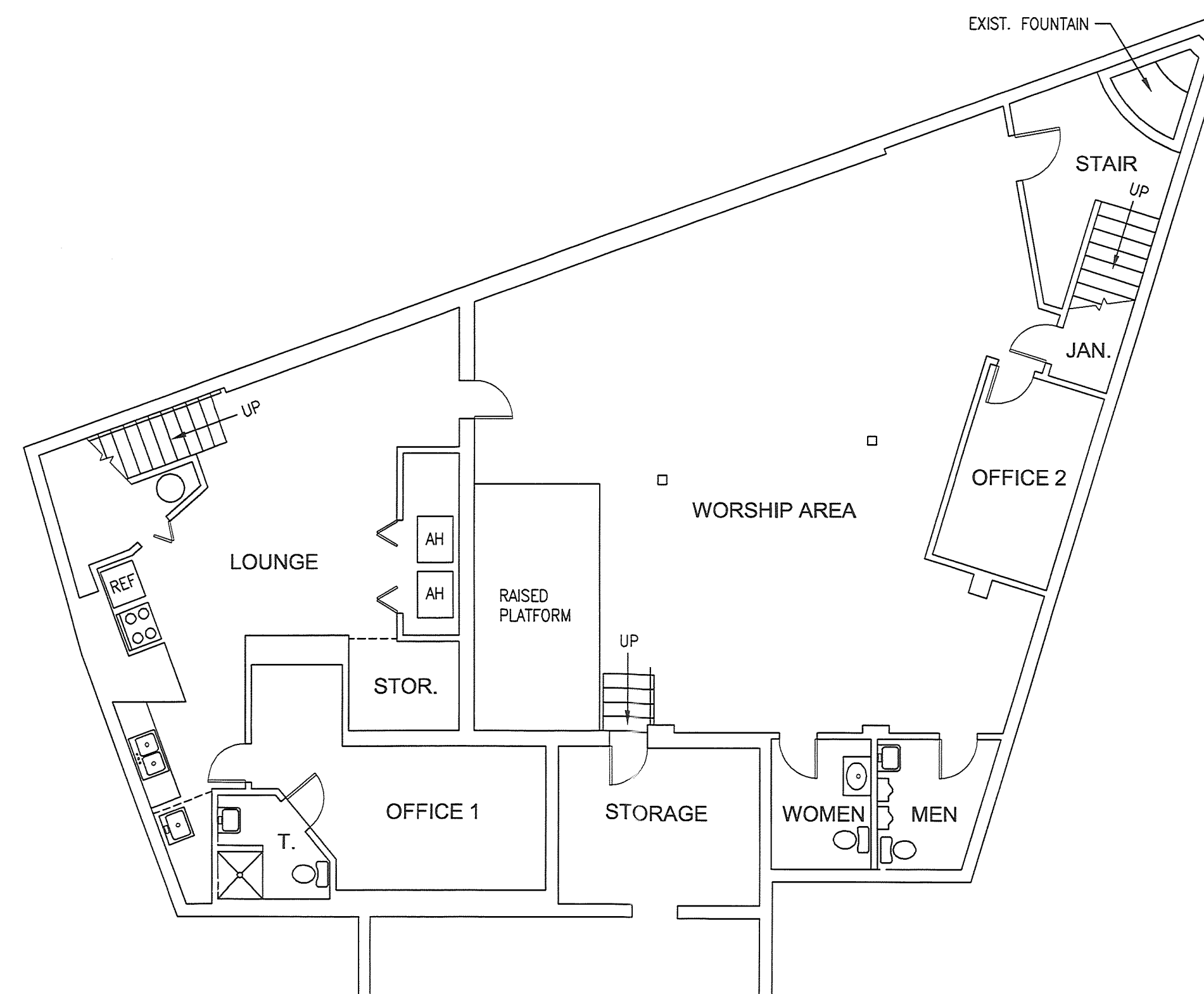
DRAWING TITLE:

EXISTING FLOOR PLANS

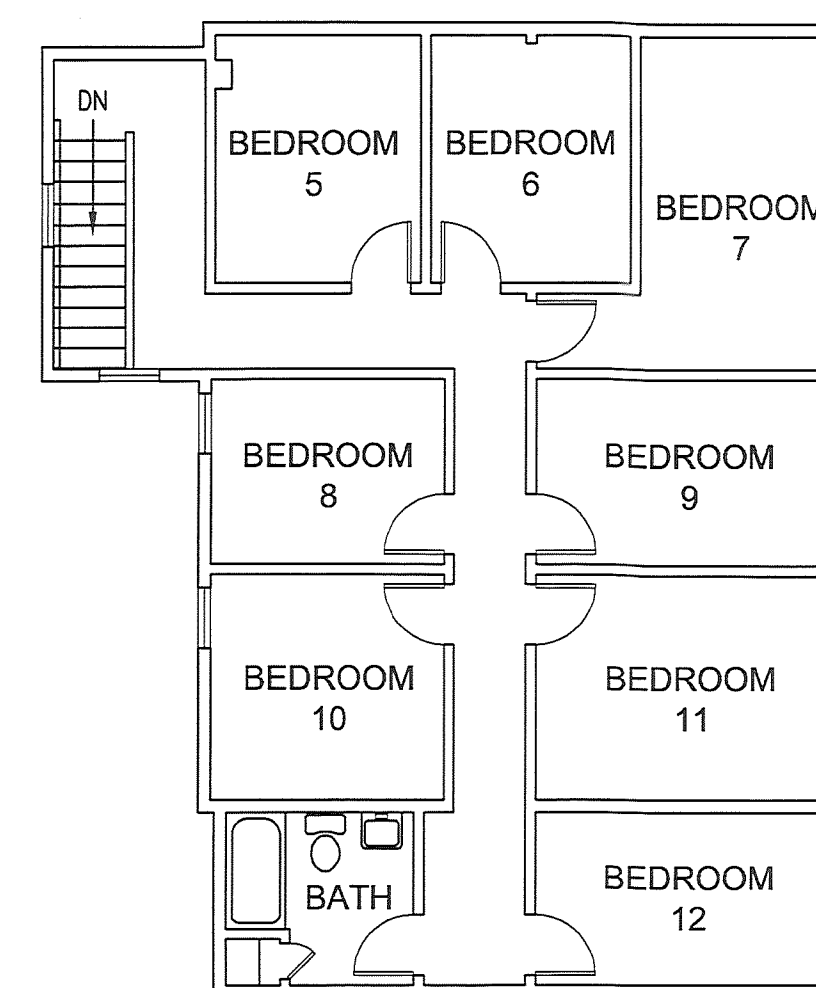
DESIGNED	JOB NO. 290033
DRAWN	SCALE AS SHOWN
CHECKED	DATE 10/28/09
FIRM BP&P	DRAWING A-0



1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 BASEMENT FLOOR PLAN
SCALE: 1/8" = 1'-0"



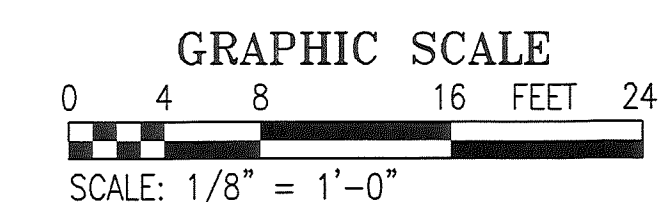
3 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

PROPOSED BUILDING AREAS AND OCCUPANCY

BUILDING GROSS AREA	4,305 SF
ASSEMBLY (A3)	2,872 SF
RESIDENTIAL	1,433 SF
(TWO-FAMILY DWELLING)	

USE AREAS	
CHURCH (FIRST FLOOR)	2,671 SF
BUSINESS (BASEMENT)	2,492 SF
APT. 1 (FIRST FLOOR)	1,162 SF
APT. 2 (SECOND FLOOR)	1,016 SF

OCCUPANT LOADS	
CHURCH	TOTAL 195
WORSHIP AREA	1,067/7 = 153
SOCIAL AREA	455/15 = 31
CHILDREN	231/35 = 7
KITCHEN	345/100 = 4
BUSINESS	2,492/100 = 25
APT. 1	1,162/200 = 6
APT. 2	1,016/200 = 6



BECK POWELL & PARSONS

Architecture • Planning • Interior Design

29 W. Susquehanna Avenue, Suite 300
Towson, Maryland 21204
410-828-9220
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Professional Certification: I hereby
certify that these documents were
prepared or approved by me and that
I am a duly licensed architect under
the laws of the State of Maryland.
Architect:
License Number: _____
Expiration Date: _____

REVISIONS		
NO.	DATE	DESCRIPTION

PROJECT:

ALTERATIONS AND CHANGE OF USE

6701 BRENTWOOD AVE.
BALTIMORE, MD 21222

OWNER:

ROBERT ROSSO
3111 NEWTON RD.
EDGEMERE, MD 21219

DRAWING TITLE:

FLOOR PLANS

DESIGNED	JOB NO.	290033
DRAWN	SCALE	AS SHOWN
CHECKED	DATE	10/28/09
FIRM	DRAWING	A-1
P&P		

PETITIONER'S

EXHIBIT NO. 11 2001-080 PROPOSED ALTERATIONS

DRAWING SYMBOLS

	EXISTING WALLS
	NEW WALLS
	FIRE SEPARATION WALL
	NEW WORK AREAS (SHADED)

GENERAL NOTES

- GENERAL:
1. PROVIDE FINISHES TO MATCH EXISTING.
 2. PROVIDE LEVER HANDLES FOR ALL NEW HARDWARE, TO COMPLY WITH ADA.
 3. PROVIDE TOILET ACCESSORIES TO COMPLY WITH ADA.

- CHURCH AREAS:
1. PROVIDE EXIT SIGNS PER CODE.
 2. PROVIDE EMERGENCY LIGHTING PER CODE.
 3. REPAIR CEILING PENETRATIONS PER CODE THROUGHOUT.
 4. REPAIR PENETRATIONS/HOLES IN WALLS THROUGHOUT.
 5. REMOVE EXTENSION CORDS THROUGHOUT.
 6. REMOVE WIRES GOING THROUGH CEILING IN WORSHIP AREA.
 7. REMOVE EXTENSION CORD PENETRATING WALL AND REPAIR LIGHT FIXTURE IN SOUTH STAIR HALL.

- APARTMENTS:
1. REPAIR ELECTRIC IN APARTMENTS PER CODE.
 2. REPAIR PENETRATIONS/HOLES IN WALLS THROUGHOUT.
 3. PROVIDE SMOKE DETECTORS PER CODE.

BUILDING CODES

- CHURCH AREAS:
- 2006 INTERNATIONAL BUILDING CODE (IBC)
 - 2006 NATIONAL STANDARD PLUMBING CODE
 - 2005 NATIONAL ELECTRIC CODE (NEC)
 - 2006 NFPA 101 LIFE SAFETY CODE
 - MARYLAND ACCESSIBILITY CODE COMAR 05.02.02
 - AMERICANS WITH DISABILITIES ACT (ADA)

- APARTMENTS:
- 2006 INTERNATIONAL RESIDENTIAL CODE

BUILDING AREAS AND OCCUPANCY

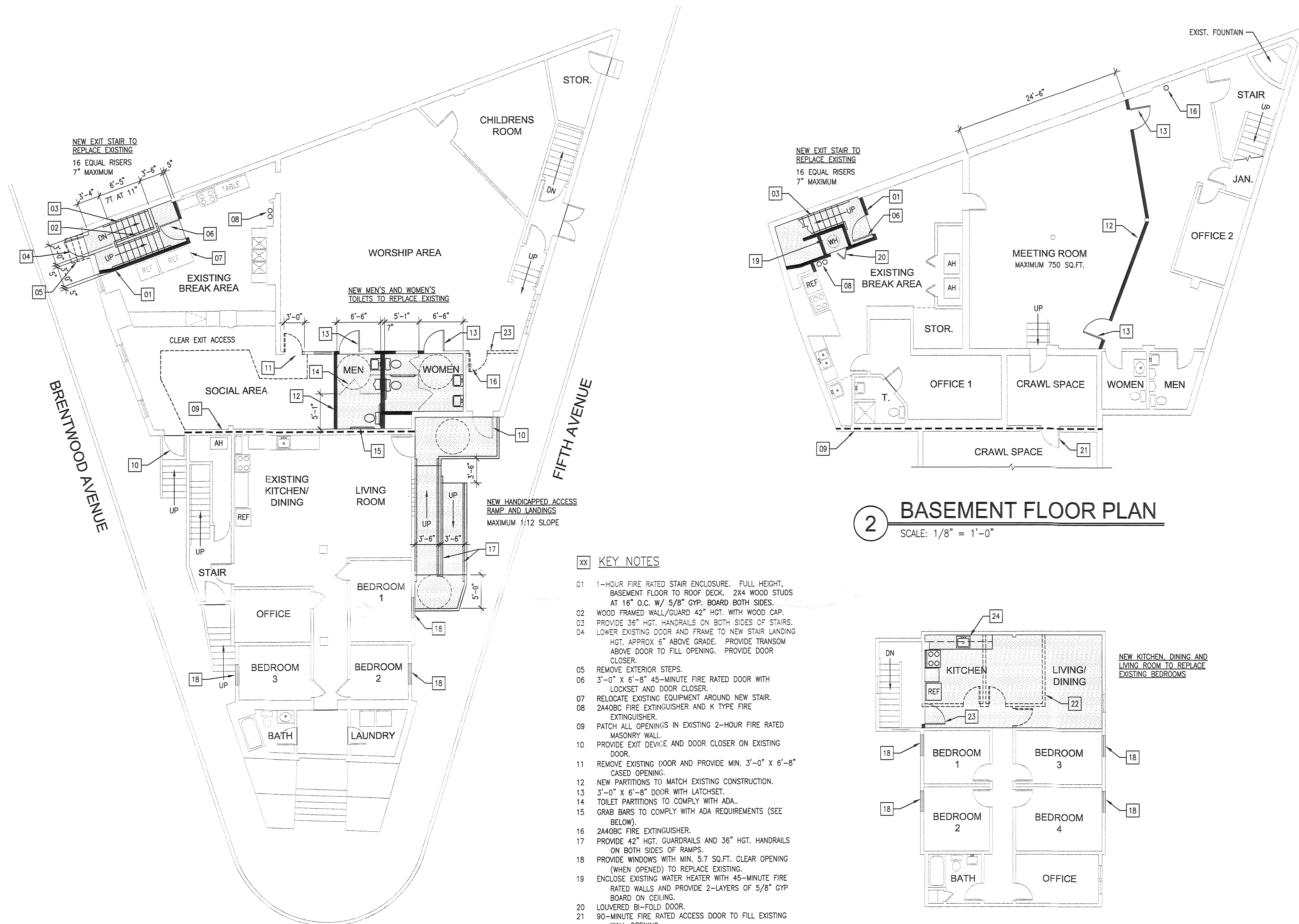
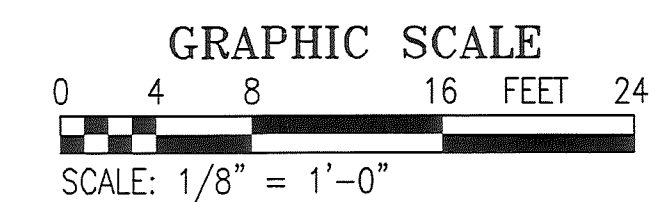
BUILDING GROSS AREA	4,305 SF
ASSEMBLY (A3)	2,872 SF
RESIDENTIAL	1,433 SF
(TWO-FAMILY DWELLING)	

USE AREAS	
CHURCH (FIRST FLOOR)	2,671 SF
BUSINESS (BASEMENT)	2,492 SF
APT. 1 (FIRST FLOOR)	1,162 SF
APT. 2 (SECOND FLOOR)	1,016 SF

OCCUPANT LOADS	
CHURCH	TOTAL 192
WORSHIP AREA	1,067/7 = 153
SOCIAL AREA	406/15 = 28
CHILDREN	231/35 = 7
KITCHEN	336/100 = 4
BUSINESS	2,492/100 = 25
APARTMENT 1	1,162/200 = 6
APARTMENT 2	1,016/200 = 6

CODE DATA

- CHURCH AREAS:
- USE GROUP: ASSEMBLY A-3 AND BUSINESS B
- NON-SEPARATED
- TYPE OF CONSTRUCTION: III-B
- ALLOWABLE HEIGHT: 55 FT. (2 STORIES)
- ALLOWABLE AREA: 9,500 SQ.FT.
- TOTAL AREA, ALL FLOORS: 5,163 SQ.FT.
- AREA OF LARGEST FLOOR: 2,872 SQ.FT.
- SPRINKLER SYSTEM: NONE.
- APARTMENTS:
- TWO-FAMILY DWELLING.



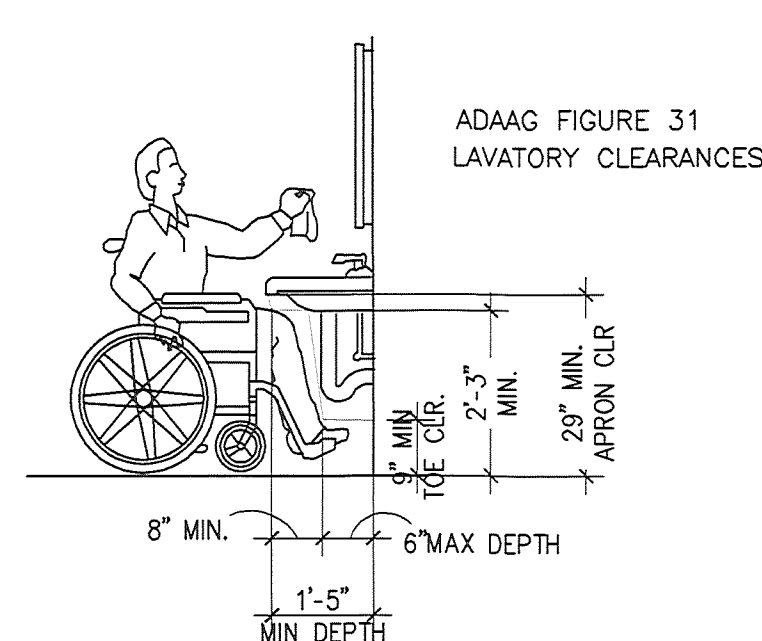
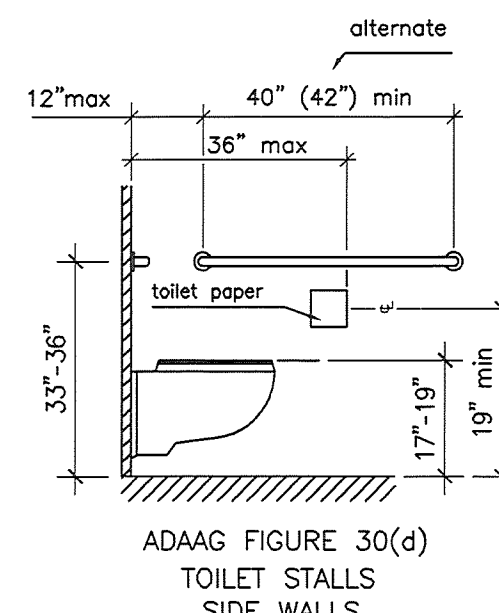
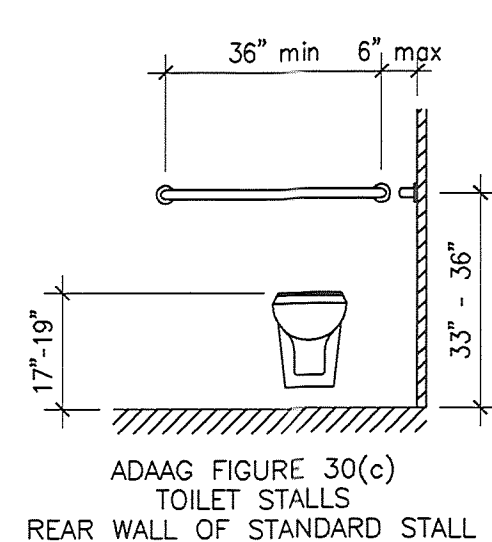
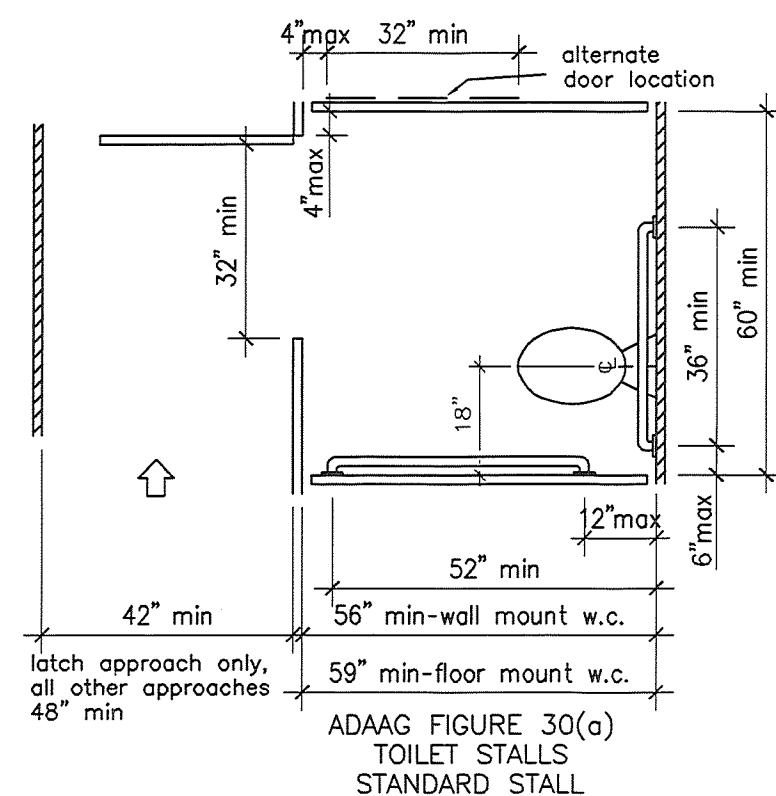
1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

3 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

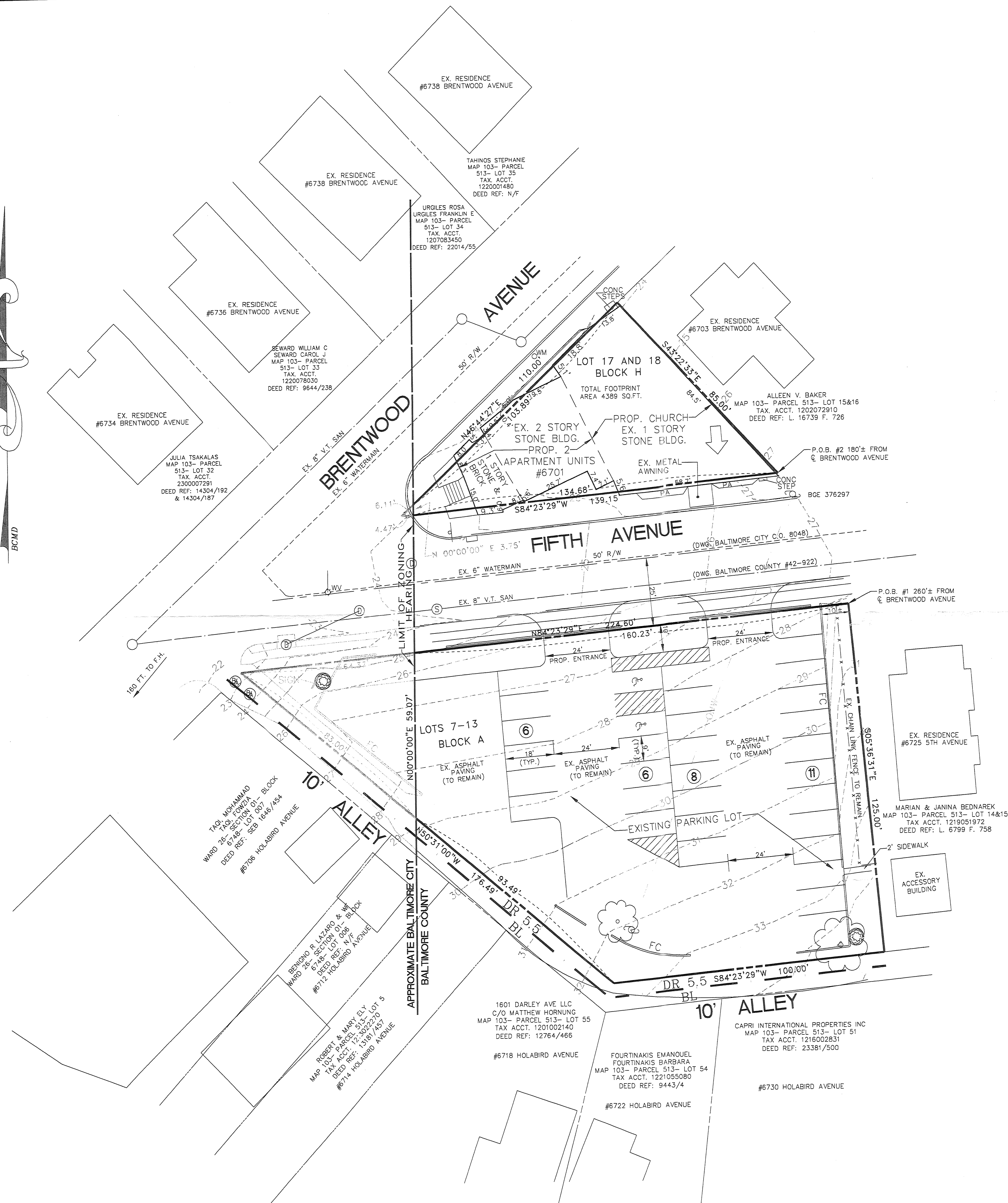
2 BASEMENT FLOOR PLAN
SCALE: 1/8" = 1'-0"

KEY NOTES

- 01 1-HOUR FIRE RATED STAIR ENCLOSURE. FULL HEIGHT, BASEMENT FLOOR TO ROOF DECK. 2X4 WOOD STUDS AT 16" O.C. W/ 5/8" GYP. BOARD BOTH SIDES.
- 02 WOOD FRAMED WALL/GUARD 42" HGT. WITH WOOD CAP.
- 03 PROVIDE 36" HGT. HANDRAILS ON BOTH SIDES OF STAIRS.
- 04 LOWER EXISTING DOOR AND FRAME TO NEW STAIR LANDING HGT. APPROX 6" ABOVE GRADE. PROVIDE TRANSOM ABOVE DOOR TO FILL OPENING. PROVIDE DOOR CLOSER.
- 05 REMOVE EXTERIOR STAIRS.
- 06 3'-0" X 6'-8" 45-MINUTE FIRE RATED DOOR WITH LOCKSET AND DOOR CLOSER.
- 07 RELOCATE EXISTING EQUIPMENT AROUND NEW STAIR.
- 08 2A40BC FIRE EXTINGUISHER AND K TYPE FIRE EXTINGUISHER.
- 09 PATCH ALL OPENINGS IN EXISTING 2-HOUR FIRE RATED MASONRY WALL.
- 10 PROVIDE EXIT DEVICE AND DOOR CLOSER ON EXISTING DOOR.
- 11 REMOVE EXISTING DOOR AND PROVIDE MIN. 3'-0" X 6'-8" CASED OPENING.
- 12 NEW PARTITIONS TO MATCH EXISTING CONSTRUCTION.
- 13 3'-0" X 6'-8" DOOR WITH LATCHSET.
- 14 TOILET PARTITIONS TO COMPLY WITH ADA.
- 15 GRAB BARS TO COMPLY WITH ADA REQUIREMENTS (SEE BELOW).
- 16 2A40BC FIRE EXTINGUISHER.
- 17 PROVIDE 42" HGT. GUARDRAILS AND 36" HGT. HANDRAILS ON BOTH SIDES OF RAMPS.
- 18 PROVIDE WINDOWS WITH MIN. 5.7 SQ.FT. CLEAR OPENING (WHEN OPENED) TO REPLACE EXISTING.
- 19 ENCLOSE EXISTING WATER HEATER WITH 45-MINUTE FIRE RATED WALLS AND PROVIDE 2-LAYERS OF 5/8" GYP BOARD ON CEILING.
- 20 LOUVERED BI-FOLD DOOR.
- 21 90-MINUTE FIRE RATED ACCESS DOOR TO FILL EXISTING WALL OPENING.
- 22 REMOVE EXISTING DOORS AND WALLS SHOWN DOTTED.
- 23 FORM OPENING IN EXISTING WALL AND PROVIDE 3'-0" X 6'-8" 20-MINUTE FIRE RATED DOOR WITH LOCKSET.
- 24 PROVIDE KITCHEN CABINETS, COUNTERTOPS, APPLIANCES AND KITCHEN SINK.



BCMD



7. OFF-STREET PARKING CALCULATIONS:

REQUIRED
2 APARTMENTS @ 2 SPACES PER UNIT= 4 SPACES, PLUS
CHURCH w/ 108 SEATS @ 1 SPACE/ 4 SEATS= 27 SPACES
TOTAL REQUIRED= 31 SPACES

PROPOSED
TOTAL PROVIDED= 31 SPACES INCLUDING 2 HANDICAPPED (EXISTING)
PARKING TO BE DURABLE AND DUSTLESS SURFACE AND STRIPED.

8. ZONING HISTORY:

CASE NO. 205 (1941) - PETITION FOR ZONING RECLASSIFICATION, NOVEMBER 1, 1941 GRANTED FOR A 4-FAMILY APARTMENT DWELLING TO BE CONSTRUCTED. BUILDING PERMIT ISSUED.

CASE NO. 355 (1944) - ZONING RECLASSIFICATION GRANTED MARCH 4, 1944. NEED FOR NEIGHBORHOOD GENERAL STORE. USE CHANGED USE FROM "RESIDENTIAL USE" TO "COMMERCIAL USE".

CASE NO. 3400 (1955) - ZONING FOR RECLASSIFICATION GRANTED '955 FROM "A" RESIDENCE TO "B" RESIDENCE.

CASE NO. 4465-RX (1958) - ZONING RECLASSIFICATION FROM B-6 TO BL. ALSO VARIANCE TO PERMIT 0 FT. REAR YARD INSTEAD OF 20-FT. SETBACK AND SIDE YARD OF 2 FT. INSTEAD OF 20 FT. GRANTED AUGUST 8, 1959 FROM B-6 TO BL.

IN CASE NO. 01-088-SPHA, A SPECIAL HEARING AND VARIANCE REQUEST FOR USE OF THE PARKING LOT WERE DISMISSED WITHOUT PREJUDICE.

IN CASE NO. 02-027-SPHA, THE ZONING COMMISSIONER APPROVED A VARIANCE FROM THE RTA PARKING SETBACK FOR 10 FT. IN LIEU OF 75 FEET REQUIRED, A VARIANCE FROM THE RTA BUFFER FOR 10 FT. IN LIEU OF 50 FEET REQUIRED AND A PERMIT TO ALLOW BUSINESS PARKING IN A RESIDENTIAL ZONE, IN ACCORDANCE WITH SECTION 409.8.B, BCZR. FOR CONDITIONS, SEE ZONING ORDER, HEREON.

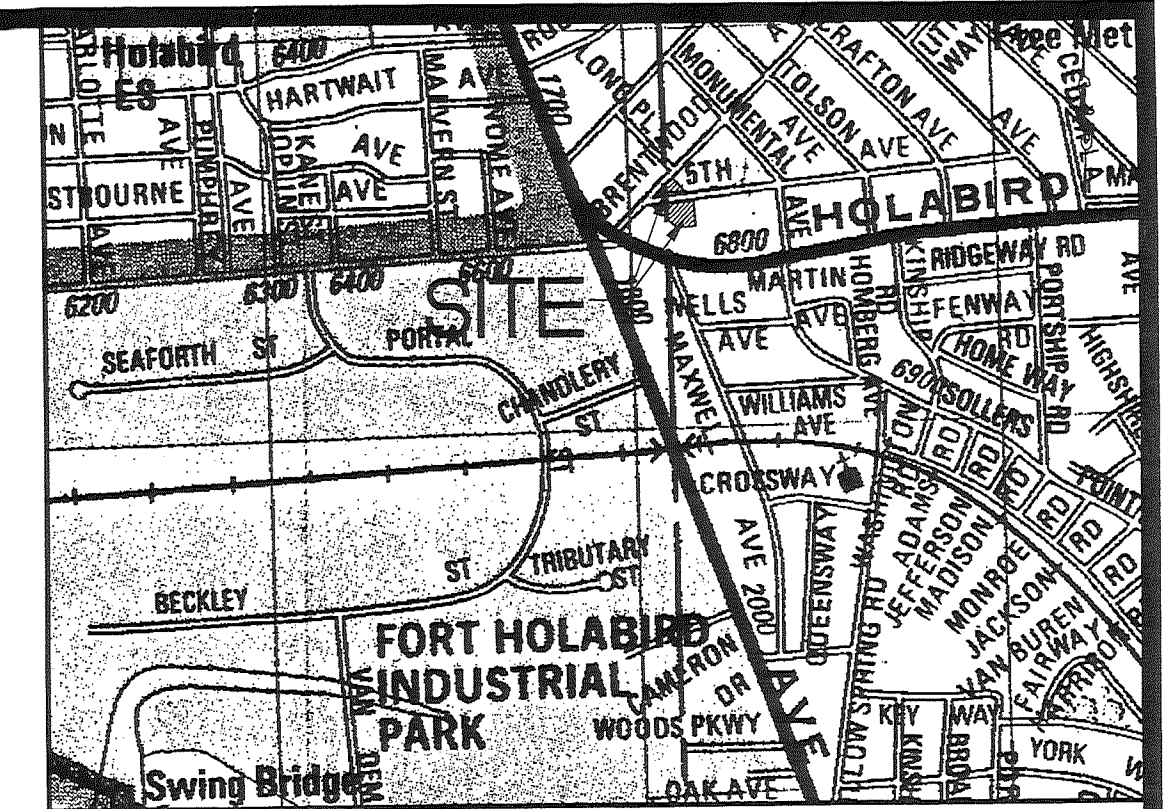
IN CASE NO. 03-133-SPHA, THE ZONING COMMISSIONER APPROVED A SPECIAL HEARING TO AMEND PLAN AND ZONING ORDER PREVIOUSLY APPROVED IN CASE NO. 02-027-SPHA, TO AFFIRM THE RTA VARIANCES AND AMEND RESTRICTION NUMBERS 2 & 4 FOR A PROPOSED COMMUNITY BUILDING. A SPECIAL EXCEPTION FOR A COMMUNITY BUILDING IN A BL ZONE AND PARKING FOR A COMMUNITY BUILDING IN A DR-5.5 ZONE AND A VARIANCE FOR 31 PARKING SPACES IN LIEU OF 68 REQUIRED. SECTION 409.6.A.2., BCZR.

9. SITE IS NOT IN A CHESAPEAKE BAY CRITICAL AREA.

10. PUBLIC WATER AND SEWER IS AVAILABLE TO THIS SITE.

11. IN ACCORDANCE WITH SEC. 409.8.B.2, BCZR, THE PARKING FACILITY SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- THE LAND SO USED MUST ADJOIN OR BE ACROSS AN ALLEY OR STREET FROM THE BUSINESS OR INDUSTRY INVOLVED.
 - ONLY PASSENGER VEHICLES, INCLUDING VANS AND PICKUP TRUCKS MAY USE THE PARKING FACILITY.
 - NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED.
 - LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE AND INTENSITY, AS REQUIRED.
 - A SATISFACTORY PLAN SHOWING PARKING ARRANGEMENT AND VEHICULAR ACCESS MUST BE PROVIDED.
 - METHOD AND AREA OF OPERATION, PROVISION FOR MAINTENANCE AND PERMITTED HOURS OF USE SHALL BE SPECIFIED AND REGULATED AS REQUIRED.
 - ANY CONDITIONS NOT LISTED ABOVE WHICH, IN THE JUDGMENT OF THE ZONING COMMISSIONER, ARE NECESSARY TO ENSURE THAT THE PARKING FACILITY WILL NOT BE DETRIMENTAL TO ADJACENT PROPERTIES (SEE ZONING ORDER).
12. THE SITE IS NOT IN A HISTORIC DISTRICT OR ON ANY HISTORICAL INVENTORY.



VICINITY MAP
SCALE: 1"=1000'

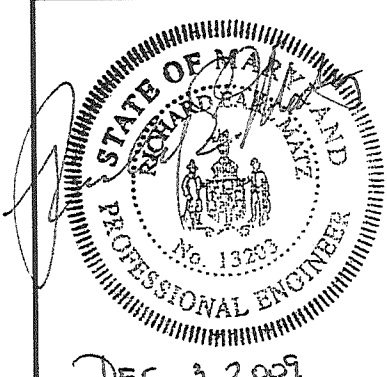
GENERAL NOTES

- OWNER/DEVELOPER: ROBERT E. ROSSO
3111 NEWTON ROAD
BALTIMORE, MD 21219
(443) 386-6893
- ELECTION DISTRICT: 12
COUNCILMANIC DISTRICT: 7
- LOTS 17 & 18
DEED REFERENCE: 14829/158
TAX ACCOUNT NO.: 1203098092
- LOTS 7 & 8
DEED REFERENCE: 14829/158
TAX ACCOUNT NO.: 1203098090
- LOTS 9-13
DEED REFERENCE: 14829/158
TAX ACCOUNT NO.: 1203098091
PLAT REF. 6/100: FAIRLAWN, LOTS 7-13, Block A; Lots 17 & 18, Block H
- SITE DATA
PROPOSED USES: CHURCH 108 SEATS & 2 APARTMENTS (EX. BUILDING)
EX. PARKING LOT TO REMAIN
BLDG PARCEL IN BALTIMORE COUNTY = 0.107 AC.± OR 4,667 SQ. FT.±
PARKING PARCEL IN BALTIMORE COUNTY = 0.422 AC.± OR 18,396 SQ. FT.±
TOTAL AREA IN BALTIMORE COUNTY = 0.529 AC.± OR 23,063 SQ. FT.±
BLDG PARCEL IN BALTIMORE CITY = 0.000 AC.± OR 8 SQ. FT.±
PARKING PARCEL IN BALTIMORE CITY = 0.043 AC.± OR 1,892 SQ. FT.±
TOTAL AREA IN BALTIMORE CITY = 0.044 AC.± OR 1,900 SQ. FT.±
TOTAL NET AREA = 0.573 AC.± OR 24,963 SQ. FT.±
ZONING MAP NO.: 103-B1
THE ENTIRE PROPERTY IS ZONED DR-5.5
- PARKING SETBACK REQUIREMENTS:
REQUIRED PROVIDED
10 FT. FROM R.O.W. 10 FT.
10 FT. FROM RESIDENTIAL 10 FT.
PROPERTY LINE
- PREVIOUS PERMITS: B270878, E271765, P272367, E271761, E271772
- THERE ARE NO FLOODPLAINS ON THE PROPERTY PER THE BALTIMORE COUNTY METROPOLITAN DISTRICT STORM DRAIN MAP KEY SHEET 1. THERE ARE NO KNOWN STREAMS, WETLANDS OR STORM WATER MANAGEMENT FACILITIES ON THE SITE.

PLAN TO ACCOMPANY SPECIAL
HEARING PETITION

6701 BRENTWOOD AVENUE

ELECTION DISTRICT: 12 COUNCILMANIC DISTRICT: 7
BALTIMORE CITY AND BALTIMORE COUNTY, MD.



Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

Professional Certification I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.		SCALE: 1"= 20'	
License No. 1203098092		DATE: NOVEMBER 30, 2009	
PETITIONER'S		JOB NO.: 2001080	
EXHIBIT NO. 1		DESIGNED: EVT	
		DRAWN: EVT / AKC	
		CHECKED: REM	
		FILE: 2001080 SPECIAL HEARING 2009.dwg	
		DRAWING NUMBER:	
NO.	DATE	REVISIONS:	BY SHEET 1 OF 1

PROPERTY LINES SHOWN HEREON ARE APPROXIMATE.
THIS PLAN WAS PREPARED WITHOUT THE BENEFIT
OF A BOUNDARY SURVEY. THE PROPERTY LINES SHOWN
WERE TAKEN FROM THE FAIRLAWN RECORD PLAT 6/100.