



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 18, 2012

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petition for Variance
Case No.: 2012-0213-A
Property: 7418A & 7418B Eastern Avenue

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter

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 Office of Administrative Hearings at 887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

IN RE: PETITION FOR VARIANCE

N/side of Eastern Avenue at a distance
of 436' E from c/line of Westham Road
12th Election District
7th Council District
(7418A & 7418B Eastern Avenue)

Zgorski Family at Eastpoint, LLC
Legal Owner
Essex Moose Lodge
Contract Lessee/Purchaser

Petitioners

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BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY

CASE NO. 2012-0213-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by Lawrence E. Schmidt, Esquire with Smith, Gildea & Schmidt, LLC, on behalf of the Petitioners. The Petitioners are requesting Variance relief from Sections 409.6.A.4 and 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 19 parking spaces in lieu of the required 33 parking spaces and to allow an 8' setback and 3' setback from the road right-of-way in lieu of the required 10', respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the variance request was Robert F. Zgorski with Zgorski Family at Eastpoint, LLC, legal owner, Charles Neal with Essex Moose Lodge, contract purchaser/lessee, John C. Unitas, Jr. with UR Unitas Realty, Inc., and Paul Lee, professional engineer with Century Engineering, the consultants who prepared the site plan. Lawrence E. Schmidt, Esquire appeared as counsel and represented Petitioners. There were no Protestants or other interested parties in attendance. The file reveals that the Petition was properly

ORDER RECEIVED FOR FILING

Date 4-18-12

By DW

advertised and the site was properly posted as required by the B.C.Z.R., and the file does not contain any letters of opposition or protest.

Testimony and evidence revealed that the subject property is 16,530 square feet (0.433 acres) and zoned BR-AS. The property actually consists of two separate businesses: 7418B Eastern Avenue houses a "Labor Ready" facility, which organizes day work for heavy labor jobs in the area. 7418A Eastern Avenue, which is now vacant, will be the location of the Moose Lodge, a 501(c)(3) fraternal organization started in 1913.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. A ZAC comment was received from the Development of Planning, dated March 27, 2012, which indicated that agency did not oppose the variance requests, although it suggested that parking space #3 (shown on Exhibit 1) should be removed to allow for curbing and landscaping.

There were no other comments received from any of the County reviewing agencies, although Mr. Zimmerman by email dated April 4, 2012 expressed concern about the inadequacy of parking for the site.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

ORDER RECEIVED FOR FILING

Date 4-18-12

By [Signature]

Petitioners have met this test.

Mr. Neal, president of the Moose lodge, testified (via proffer) that the average age of club members is 70-80 years old. He stated that membership has been dropping in recent years, and while the lodge now has 360 members, only 15-18 of those members could be considered "active" in any sense. Mr. Neal said the lodge is open three days a week: Wednesday, 5-10 PM, Friday and Saturday, 4-10 PM, and may hold "special events" (like Orioles opening day to watch the game) four or five times a year.

Mr. Lee, the engineer that prepared the site plan, opined the property was unique given its irregular shape and the fact it shares a common wall with the adjoining tenant. Mr. Lee indicated the closest residential area was the Eastwood community at the rear of the site, which was separated by an alley and a tall, slatted fence. As such, he did not believe the variance relief would negatively impact the surrounding community.

As commonly occurs, the B.C.Z.R. does not provide a parking space calculation for a "community building," which in my opinion is the appropriate categorization of the lodge. Mr. Lee performed a calculation on the plan (note 5) showing that 33 spaces would be required for the lodge and the "Labor Ready" use, which was considered to be an office use. Mr. Schmidt indicated he spoke with the zoning review office, which indicated that 10 spaces for every 1,000 square feet would be appropriate, analogizing to an athletic club and recognizing this facility does not have a kitchen. In either event, the calculation would yield 25 spaces for the lodge and 8 spaces for Labor Ready, or 33 total.

I believe the variance request should be granted, to allow a total of 19 spaces for the two uses. The Ready Labor facility operates only in the early morning – when workers show up and are dispatched to job sites – and early evening, when the workers return and get paid. Conversely, the

ORDER RECEIVED FOR FILING

Date 4-18-12

By 123

lodge is operational only three days a week in the evening, so it does not appear as if the uses will conflict. Also, Mr. Neal indicated only about 15 members are active and attend lodge functions on a regular basis, so that also convinces me the provided parking will be sufficient.

With respect to the parking setback variances, those too should be granted. The Petitioners do not propose any construction on site, and the parking layout and configuration is an existing condition which the variance relief will legitimize.

I am not unmindful of Mr. Zimmerman's comments, but I believe the evidence presented addressed the points raised by People's Counsel. Specifically, Mr. Lee indicated he used the 80 person occupancy solely in an effort to perform the hypothetical parking calculation. Mr. Neal explained that membership and attendance have been dropping precipitously due to deaths of elderly members, and that the lodge has not had near 80 people in attendance for more than 15 years.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty. The Petitioners would be unable to use the site for a use which is permitted "as of right" in the BR zone.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the lack of community opposition, as well as the recommendation of the Department of Planning.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by the Petitioners, I find that Petitioners' variance request should be granted.

ORDER RECEIVED FOR FILING

Date 4-18-12

By [Signature]

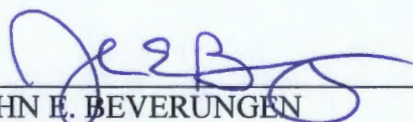
THEREFORE, IT IS ORDERED, this 18th day of April, 2012, by this Administrative Law Judge that Petitioners' Variance request from Sections 409.6.A.4 and 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 19 parking spaces in lieu of the required 33 parking spaces and to allow an 8' setback and 3' setback from the road right-of-way in lieu of the required 10', respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. The Petitioners may apply for any required permits and may be granted same upon receipt of this Order. However the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.

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

JEB:dlw



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 4-18-12

By DW



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 7418A & 7418B EASTERN AVENUE which is presently zoned BR-AS
 Deed References: 26504-502 10 Digit Tax Account # 1 2 0 6 0 4 6 3 2 0
 Property Owner(s) Printed Name(s) ZGORSKI FAMILY ENTERPRISE AT EASTPOINT, LLC.

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a Variance from Section(s) 409.6.A.4 & 409.8.A.4 OF BCZR TO PERMIT 19 PARKING SPACES IN LIEU OF THE REQUIRED 33 PARKING SPACES (A VARIANCE OF 14 PS) AND TO ALLOW 8' SETBACK AND 3' SETBACK FROM THE ROAD RIGHT-OF-WAY IN LIEU OF THE REQUIRED 10', RESPECTFULLY & ANY VARIANCES DEEMED NECESSARY BY THE ADMINISTRATION LAW JUDGE OF BALTIMORE COUNTY.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

ESSEX MOOSE LODGE CHUCK NEAL-ADMINISTRATOR

Name- Type or Print

Signature

P.O. BOX 7738 ESSEX MD
 Mailing Address City State

21221 / 410-598-3955 lodge70@verizon.net
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

ZGORSKI FAMILY AT EASTPOINT, LLC.

ROBERT F. ZGORSKI

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1866 BURLEY ROAD ANNAPOLIS MD
 Mailing Address City State

21401-6016 / 410-757-8966 rzgorski@comcast.net
 Zip Code Telephone # Email Address

Attorney for Petitioner:

SMITH, GILDEA & SCHMIDT, LLC. LAWRENCE E. SCHMIDT

Name- Type or Print

Signature

600 WASHINGTON AVE. STE. 200 TOWSON MD
 Mailing Address City State

21204 / 410-821-0700
 Zip Code Telephone # Email Address

Representative to be contacted:

SMITH, GILDEA & SCHMIDT - LAWRENCE SCHMIDT

JOHN C. UNITAS, JR. - UR UNITAS REALTY, INC.

Name - Type or Print

Signature

P.O. BOX 9682 BALDWIN MD
 Mailing Address City State

21013-9682 / 410-456-6785 ju@unitasrealestate.com
 Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

CASE NUMBER

Filing Date 3/7/12

Do Not Schedule Dates: April 18-23

Reviewer JRF

Date 4-18-12

REV. 10/4/11

By [Signature]

DESCRIPTION
7418 A & B EASTERN AVENUE
ELECT. DIST. 12C7

BEGINNING FOR THE SAME at a point located on the northwest right-of-way line of Eastern Avenue, said point also being located North 63° 11' 20" E – 436 ± along the northwest right-of-way line from the center of Westham Road. Thence binding along said right-of-way line and continuing on the same course.

- 1) North 63° 11' 20" E – 95.55' to the point of intersection with the lot line of #7420 Eastern Avenue, thence leaving said point of northwest right-of-way.
- 2) North 34° 43' 05" W – 181.72' to the southeast side of an existing 16' alley thence running with and binding on the southeast side of said alley.
- 3) South 54° 16' 22" W – 95.61' to the centerline of a 15' right-of-way shown on Baltimore County right-of-way drawing 55-617.A9. Thence leaving said 16' alley and continuing along same course of the 15' right-of-way.
- 4) South 35° 43' 38" E – 167.19' to the northwest right-of-way line of Eastern Avenue and said point of beginning.

Containing 0.376 acres of land, more or less. Subject to a 10' right-of-way along the third line of described parcel and shown on right-of-way drawing of Baltimore County No. 55-271. Subject also to a 7.5' right-of-way, the right-of-way drawing of Baltimore County No. 55-617, A9.



ITEM 2012-0213A

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

No.

80018

Date:

3-7-12

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 3/07/2012 3/07/2012 10:26:18 5

REC 0903 WALKIN REOS LRD
 RECEIPT # 579200 3/07/2012 OFLN

Post 5 528 ZONING VERIFICATION
 CR # 080018

Recpt Tot 1385.00
 1385.00 CR 0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Rev	Sub	Dept	Obj	BS Acct	Amount
					Source/	Rev/				
001	800	0000		6150						385.00

Total: **385.00**

Rec

From:

Essex Manor Lodge

For:

Paid for Van -

7418 - A Eastern Ave.

Case # 2012-0213-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

- Fax Transmission

To: Debbie

From: Debbie Gaskins

Fax: +1 (410) 8873468

Date: 4/11/2012

RE: Proof of Posting

Pages: 2

Comments:

Here is the proof of posting per your request.

FROM : SSG BOB BLACK

FAX NO. : 410 282 7940

Apr. 09 2012 10:45PM P2

CERTIFICATE OF POSTING

2012-0213-A

RE: Case No.: _____

Petitioner/Developer: _____

Essex Moose Lodge**April 17, 2012**

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

7418 & 7418B Eastern Avenue

April 2, 2012

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

Sincerely,

April 2, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

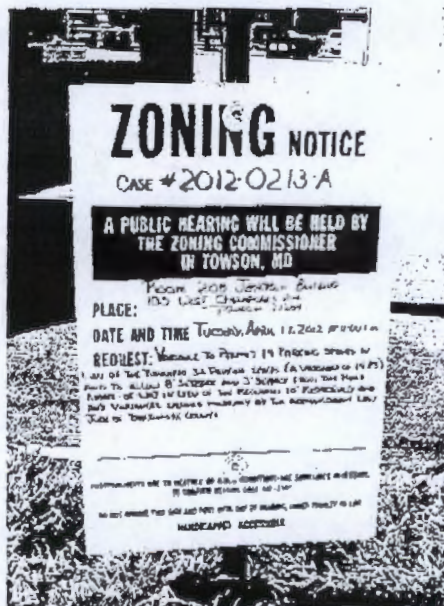
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0213-A

Petitioner: ESSEX MOOSE LODGE

Address or Location: 7418A EASTERN AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: ESSEX MOOSE LODGE

Address: P.O. Box 7738

ESSEX, MARYLAND 21221

ATTN: MR. CHUCK NEAL - ADMINISTRATOR

Telephone Number: 410-598-3955

Revised 2/17/11 DT

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 3, 2012 Issue - Jeffersonian

Please forward billing to:

Chuck Neal, Administrator
Essex Moose Lodge
P.O. Box 7738
Essex, MD 21221

410-456-6785

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0213-A

7418 & 7418B Eastern Avenue

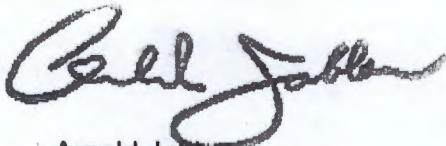
N/side of Eastern Avenue at a distance of 436' +/- east from the centerline of Westham Road
12th Election District – 7th Councilmanic District

Legal Owners: Zgorski Family at Eastpoint, LLC

Contract Purchaser: Essex Moose Lodge

Variance to permit 19 parking spaces in lieu of the required 33 parking spaces (a variance of 14 ps) and to allow 8' setback and 3' setback from the road right-of-way in lieu of the required 10', respectively and any variances deemed necessary by the Administrative Law Judge of Baltimore County.

Hearing: Tuesday, April 17, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 21, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0213-A

7418 & 7418B Eastern Avenue

N/side of Eastern Avenue at a distance of 436' +/- east from the centerline of Westham Road

12th Election District – 7th Councilmanic District

Legal Owners: Zgorski Family at Eastpoint, LLC

Contract Purchaser: Essex Moose Lodge

Variance to permit 19 parking spaces in lieu of the required 33 parking spaces (a variance of 14 ps) and to allow 8' setback and 3' setback from the road right-of-way in lieu of the required 10', respectively and any variances deemed necessary by the Administrative Law Judge of Baltimore County.

Hearing: Tuesday, April 17, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Robert Zgorski, 1866 Burley Road, Annapolis 21401
Chuck Neal, P.O. Box 7738, Essex 21221
John Unitas, Jr., P.O. Box 9862, Baldwin 21013-9682

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 2, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
7418A/B Eastern Avenue; N/S of Eastern	*	OF ADMINSTRATIVE
Avenue, 436' E c/line of Westham Road	*	HEARINGS FOR
12 th Election & 7 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Zgorski Family at Eastpoint LLC*	*	2012-213-A
Contract Purchaser(s): Essex Moose Lodge		
Petitioner(s)		

* * * * *

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

MAR 09 2012

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of March, 2012, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0213-A

7418 & 7418B Eastern Avenue

N/side of Eastern Avenue at a distance of 436' +/-

east from the centerline of Westham Road

12th Election District - 7th Councilmanic District

Legal Owner(s): Zgorski Family at Eastpoint, LLC

Contract Purchaser: Essex Moose Lodge

Variance: to permit 19 parking spaces in lieu of the required 33 parking spaces (a variance of 14 ps) and to allow 8' setback and 3' setback from the road right-of-way in lieu of the required 10', respectively and any variances deemed necessary by the Administrative Law Judge of Baltimore County.

Hearing: Tuesday, April 17, 2012 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT/4/600 Apr. 3

300851

CERTIFICATE OF PUBLICATION

4/5/ 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/3/ 2012.

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

S. Wilkinson

LEGAL ADVERTISING

M E M O R A N D U M

DATE: May 21, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0213-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 18, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

CASE NAME Essex Moose
CASE NUMBER 12-23-A LODGE
DATE 4/17/12

[illegible]

JB 4-17 11am
205

CASE NO. 2012- 0213-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>3-13</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
<u>3-30</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
<u>3-13</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>176-93-x Used Car Sales</u>)	<u>- Dismissed 12/15/15</u>
NEWSPAPER ADVERTISEMENT	Date: <u>4-3-12</u>	
SIGN POSTING	Date: <u>4-2-12</u> by <u>Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☒ No ☐	
<u>See Memo dated 4-4-12 - People's Counsel</u>		
Comments, if any: <u>Also, see email dated 4-6-12, from Counsel in response to Zimmerman's correspondence</u>		
<u>(Schmitt)</u>		

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JB
2/17/12
A

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 27, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 7418 Eastern Avenue

INFORMATION:

Item Number: 12-213

Petitioner: Zgorski Family at Eastpoint, LLC

Zoning: BR-AS

Requested Action: Variance

RECEIVED

MAR 30 2012

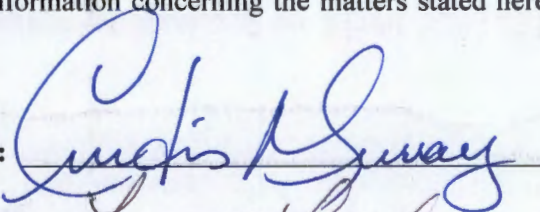
OFFICE OF ADMINISTRATIVE HEARINGS

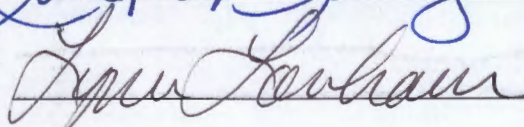
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for a variance from Sections 409.6.A.4 and 409.8.A.4 of the BCZR to permit 19 parking spaces in lieu of the required 33 parking spaces and to allow an 8' and 3' setback in lieu of 10' respectively from the road right-of-way.

This department has also observed that the subject site has had recent improvements, including façade upgrades and paving. The petitioner shall indicate on the site plan the location of the dumpster and provide details of the dumpster enclosure and screening. Lastly, the petitioner shall remove parking space '3' to allow for additional curbing and landscape area. Plantings should be consistent to the existing landscaping on the subject site.

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

Prepared by: 

Division Chief: 
AVA/LL: CM

Lawrence Stahl - RE: Zgorski Family at Eastpoint, LLC Case No.: 2012-213-A

From: Lawrence Schmidt <lschmidt@sgs-law.com>
To: People's Counsel <peoplescounsel@baltimorecountymd.gov>, Lawrence Stahl ...
Date: 4/6/2012 2:47 PM
Subject: RE: Zgorski Family at Eastpoint, LLC Case No.: 2012-213-A
CC: Lynn Lanham <mlanham@baltimorecountymd.gov>, Stephen Weber <sweber@balti...

Judge Stahl and others:

I have received Mr. Zimmerman's e-mail with the attachment from Mr. Weber.

Although I appreciate the comments, the analysis mis-interprets the proposed use of this property by the Moose Lodge and the anticipated volumes of traffic.

I will have a representative of the Lodge available to testify specifically about these matters at the hearing of this matter; as well as Mr. Lee; the preparer of the plan.

Thank you.

Lawrence E. Schmidt
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
lschmidt@sgs-law.com

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From: People's Counsel [mailto:peoplescounsel@baltimorecountymd.gov]
Sent: Wednesday, April 04, 2012 12:26 PM
To: Lawrence Stahl
Cc: Lynn Lanham; Stephen Weber; Lawrence Schmidt
Subject: Fwd: Zgorski Family at Eastpoint, LLC Case No.: 2012-213-A

Dear Managing Administrative Law Judge Stahl,

For your information, consideration, and review, I am respectfully forwarding to you promptly the substantive observations, analysis, and concerns of Stephen Weber, Chief, Division of Traffic Engineering, relating to the parking variance issues in this zoning case. His discussion is self-explanatory, but involves the amount of spaces in the context of the anticipated occupancy, the setbacks, landscaping, drive aisle. Mr. Weber's main sensible point is that the proposed 19 parking spaces (of which, only 16 are currently workable) are inadequate to accommodate the proposed occupancy of 80 persons.

The present case is currently scheduled for hearing on Tuesday, April 17, 2012.

I am sending a copy to counsel for Petitioner, Lawrence Schmidt, so that Petitioner may have a timely opportunity to review and respond to Mr. Weber's analysis.

Sincerely, Peter Max Zimmerman, People's Counsel for Baltimore County

>>> Stephen Weber 4/3/2012 10:16 PM >>>
Mr. Zimmerman:

We have examined the subject site and note that the plan is to take what was a retail store and divide it lengthwise into 2 spaces, one for a Moose Lodge and the other for an office. This then requires a variance for 19 spaces in lieu of the required 33 parking spaces. What is a bit disconcerting is the statement that the plan is to provide a Moose Lodge accommodating a maximum of 80 occupants at any one time. That in itself seems questionable given that there is only 2,440 sq. ft. of space and after subtracting out the bar, office, restrooms, and closet, that leaves about 20 sq. ft. per person, or a 4.5' x 4.5' square per person, obviously quite compact. The parking calculations for these 80 people is then based on the calculation of 1 space per 4 occupants. While there may be some element of carpooling going to this site, it is extremely unrealistic to think that the Moose Lodge at #7418A is going to deliver 80 people in 20 cars, and even if they do then they are already shy of one parking space, assuming the adjacent office at #7418B is closed at that time. Even in an optimal situation, it would likely be surprising that the Moose Lodge could get 2.5 persons on average in each car for the 19 parking spaces shown, thus a total of 47 people, again assuming nobody is next door.

While the use of the building as a Moose Lodge may be workable, what appears unreasonable is the number of people they indicate they are going to place in this very small building and the number of cars they would need to accommodate on site for that number of people. If the variance was based on a calculation of "Moose Lodge will not exceed 45 occupants at any time", then the requested parking variance would only be for 1 or 2 parking spaces, but even then it is highly probable that 45 people coming to this site are going to bring more than 19 + 1 or 2 vehicles. It would appear to be more accountable to have the maximum occupancy in the building commensurate with the ability of the site to accommodate the parking demands of that maximum occupancy. Right now the petition appears significantly out of scale with the ability of the site to accommodate the realistic demands for parking that an 80-person occupancy would generate. As such we do not feel it would be appropriate to grant the requested parking variance as currently outlined.

In addition, there is a variance request for setback of parking from the right-of-way line. The existing narrow planting area on the west side of the site creates only an 8-foot setback, and that setback is similar to the other adjacent planting areas on the businesses to the east and west. As such, we do not have any issue with the 8-foot setback request. However, there is also a 3-foot setback request for Parking Space #3, located at the eastern property line and adjacent to Eastern Ave. We feel that the petitioner should be required to construct a similar width planting area to force a minimum 8-foot setback to the parking at this location due to the fact that it can be accommodated and that Space #3 is in an undesirable and unsafe location given that it is unacceptably blocking the entrance from Eastern Ave, constraining it to a 20-foot wide entrance and that entering or exiting the space in that close a proximity to the Eastern Ave entrance is also unsafe. Therefore, a landscaping buffer would assist in helping to prevent drivers from parking in this area. Also, Parking Spaces #6 & 7 do not meet Baltimore County standards in that the adjacent drive aisle is constrained to 16 feet in this area, which would make it near impossible to get into these spaces without either driving over the sidewalk next to the building or utilizing area to either side of the parking space. As such, even though the plan shows 19 parking spaces, it appears that currently only about 16 of these spaces are workable and safe and meet County

regulations.

Should you have any questions regarding these comments or wish to discuss the issues further, please feel free to give me a call.

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 3/16/12 8:25 AM >>>
Mr. Weber

Attached you will find the Petition for Variance with regard to the above-mentioned case. Please review the case and let our office know if you have any traffic concerns with this case.

Thank you in advance.

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

Debra Wiley - Fwd: Zgorski Family at Eastpoint, LLC Case No.: 2012-213-A

From: People's Counsel
To: Stahl, Lawrence
Date: 4/4/2012 12:26 PM
Subject: Fwd: Zgorski Family at Eastpoint, LLC Case No.: 2012-213-A
CC: Lanham, Lynn; Weber, Stephen; Ischmidt@sgs-law.com
Attachments: 20120316082018.pdf

RECEIVED

APR 04 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Managing Administrative Law Judge Stahl,

For your information, consideration, and review, I am respectfully forwarding to you promptly the substantive observations, analysis, and concerns of Stephen Weber, Chief, Division of Traffic Engineering, relating to the parking variance issues in this zoning case. His discussion is self-explanatory, but involves the amount of spaces in the context of the anticipated occupancy, the setbacks, landscaping, drive aisle. Mr. Weber's main sensible point is that the proposed 19 parking spaces (of which, only 16 are currently workable) are inadequate to accommodate the proposed occupancy of 80 persons.

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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 3/16/12 8:25 AM >>>
Mr. Weber

Attached you will find the Petition for Variance with regard to the above-mentioned case. Please review the case and let our office know if you have any traffic concerns with this case.

Thank you in advance.

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



PETITION FOR ZONING HEARING(S)

CD
PMZ

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Law of Baltimore County for the property located at:

Address 7418A & 7418B EASTERN AVENUE which is presently zoned BR-AS
Deed References: 26504-502 10 Digit Tax Account # 1 2 0 6 0 4 6 3 2 0
Property Owner(s) Printed Name(s) ZGORSKI FAMILY ENTERPRISE AT EASTPOINT, LLC.

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a **Variance** from Section(s) 409.6.A.4 & 409.8.A.4 OF BCZR TO PERMIT 19 PARKING SPACES IN LIEU OF THE REQUIRED 33 PARKING SPACES (A VARIANCE OF 14 PS) AND TO ALLOW 8' SETBACK AND 3' SETBACK FROM THE ROAD RIGHT-OF-WAY IN LIEU OF THE REQUIRED 10', RESPECTFULLY & ANY VARIANCES DEEMED NECESSARY BY THE ADMINISTRATION LAW JUDGE OF BALTIMORE COUNTY.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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/ these Petition(s).

Contract Purchaser/Lessee:

ESSEX MOOSE LODGE CHUCK NEAL-ADMINISTRATOR

Name- Type or Print

Signature

P.O. BOX 7738 ESSEX MD
Mailing Address City State

21221 / 410-598-3955 / hodge70@verizon.net
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

ZGORSKI FAMILY AT EASTPOINT, LLC.

ROBERT F. ZGORSKI

Name #1 Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1866 BURLEY ROAD ANNAPOLIS MD
Mailing Address City State

21401-6016 / 410-757-8966 / rzgorski@comcast.net
Zip Code Telephone # Email Address

Attorney for Petitioner:

SMITH, GILDEA & SCHMIDT, LLC. LAWRENCE E. SCHMIDT

Name- Type or Print

Signature

600 WASHINGTON AVE. STE. 200 TOWSON MD
Mailing Address City State

21204 / 410-821-0700 /
Zip Code Telephone # Email Address

Representative to be contacted:

SMITH, GILDEA & SCHMIDT - LAWRENCE SCHMIDT

JOHN C. UNITAS, JR. - UR UNITAS REALTY, INC.

Name - Type or Print

Signature

P.O. BOX 9682 BALDWIN MD
Mailing Address City State

21013-9682 / 410-456-6785 / ju@unitasreale.com
Zip Code Telephone # Email Address

CASE NUMBER 2012-0210-A Filing Date 3/7/12 Do Not Schedule Dates: April 18-20 Reviewer JRF

Debra Wiley - Fwd: Zgorski Family at Eastpoint, LLC Case No.: 2012-213-A

From: John Beverungen
To: Debra Wiley
Date: 4/4/2012 2:14 PM
Subject: Fwd: Zgorski Family at Eastpoint, LLC Case No.: 2012-213-A
Attachments: Fwd: Zgorski Family at Eastpoint, LLC Case No.: 2012-213-A

Deb, can you please put Mr. Zimmerman's letter in the file for this case. Thanks, JB.

>>> Lawrence Stahl 04/04/12 12:42 PM >>>

John--The attached was sent to me by Pete. It relates to your 11am case on tuesday April 17th.

Lawrence M. Stahl
Managing Administrative Law Judge
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
lstahl@baltimorecountymd.gov

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Debra Wiley - ZAC Comments - Distribution Mtg. of 3/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 3/9/2012 11:02 AM
Subject: ZAC Comments - Distribution Mtg. of 3/12

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0178-SPHA - 2301 York Road
 No hearing date assigned as of today

2012-0207-SPHA - 18827 Spooks Hill Road
 No hearing date assigned as of today

2012-0208-A - 12519 Falls Road
 Administrative Variance - Closing Date: 3/26/12

2012-0209-SPH - 508 Warren Road
 No hearing date assigned as of today

2012-0210-A - 7731 North Cove Road - **CRITICAL AREA & FLOODPLAIN**
 No hearing date assigned as of today

2012-0211-A - 19007 Hopkins / 605 Calder Castle Court
 No hearing date assigned as of today

2012-0212-A - 702 Stevenson Lane
 Administrative Variance - Closing Date: 4/2/12

2012-0213-A - 7418 Eastern Avenue
 No hearing date assigned as of today

Thanks.

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



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 9, 2012

Robert F. Zgorski
Zgorski Family At Eastpoint, LLC
1866 Burley Road
Annapolis, MD 21401

RE: Case Number: 2012-0213A, Address: 7418A & 7418B Eastern Avenue

Dear Mr. Zagorski:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 7, 2012. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
John C. Unitas, Jr., UR Unitas Realty, Inc., P.O. Box 9682, Baldwin, MD 21013
Lawrence E. Schmidt, Esq., 600 Washington Avenue, Ste 200, Towson, MD 21204
Chuck Neal, Essex Moose Lodge, P.O. Box 7738, Essex, MD 21221

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 3-13-12

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2012-0213-A
Variance
Robert F. Zgorzki
7418 Eastern Avenue
MD150

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 3-12-12. A field inspection and internal review reveals that an entrance onto MD150 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2012-0213-A.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Zeller', is written over the typed name 'Steven D. Foster'.

Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: March 13, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For March 26, 2012
Item Nos. 2012-178,207,208,209,211
And 213

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-03262012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 27, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 7418 Eastern Avenue

INFORMATION:

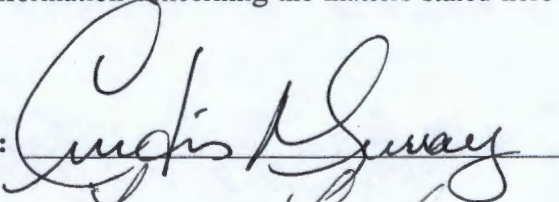
Item Number: 12-213
Petitioner: Zgorski Family at Eastpoint, LLC
Zoning: BR-AS
Requested Action: Variance

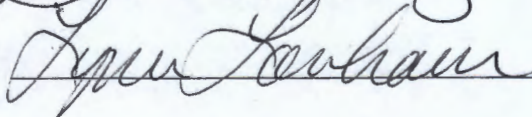
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for a variance from Sections 409.6.A.4 and 409.8.A.4 of the BCZR to permit 19 parking spaces in lieu of the required 33 parking spaces and to allow an 8' and 3' setback in lieu of 10' respectively from the road right-of-way.

This department has also observed that the subject site has had recent improvements, including façade upgrades and paving. The petitioner shall indicate on the site plan the location of the dumpster and provide details of the dumpster enclosure and screening. Lastly, the petitioner shall remove parking space '3' to allow for additional curbing and landscape area. Plantings should be consistent to the existing landscaping on the subject site.

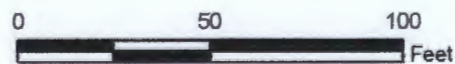
For further information concerning the matters stated here in, please contact Curtis Murray at 410-887-3480.

Prepared by: 

Division Chief: 
AVA/LL: CM

[illegible]

213



1 inch = 50 feet

Case No.:

2012-213-A

Exhibit Sheet

Petitioner/Developer

Protestant

4-18-12 DW
SA 52112

No. 1	Site Plan	
No. 2	Photos ZA - 20	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



© 2012 Google

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Google earth

Google earth

feet
meters



Pet 2A





© 2012 Google

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Google earth

feet
meters



Pet 2B

Eas



Pet 2C



Pet 2 D



WHEELS READY

WHEELS READY
TIRE & TUBE SHOP
443-503-5495



WHEELS READY
TIRE & TUBE SHOP
443-503-5495

WHEELS READY
TIRE & TUBE SHOP
443-503-5495



Set 2 E



Pet 26

Pet 2H





Pet 2 I



Ref 2 J



Ref 2 k-



Page 22



Google earth

feet
meters

300
100



Plot 2 m



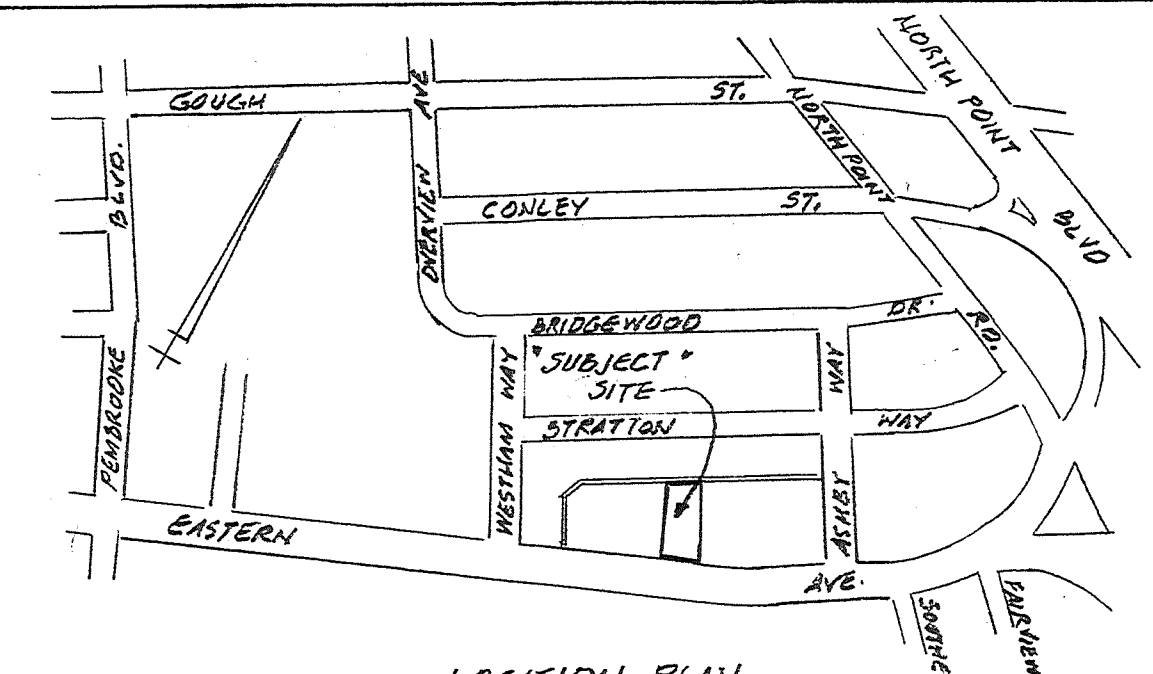
Google earth

feet
meters



Plot 2 N

EX. ZONING: DR-10.5" EASTWOOD - SECT. 4
EX. USE: "GROUP HOMES" REVISION TO PART OF BLOCKS D, E, G & H
P.B. 22-33



LOCATION PLAN
SCALE: 1"=500'

GENERAL NOTES

1. AREA OF PROPERTY: 16,530.35' (0.373 AC) GROSS (0.433 AC)
2. EXISTING ZONING OF PROPERTY: "BRAS"
3. EXISTING USE OF PROPERTY: 1STY. CONC. BK. BLDG. RETAIL (4,340 S.F.)
NOTE: AT/EDW ADDRESS CHANGED TO 7418A & 7418B PER OWNER REQUEST
*7418A (2,440 S.F.) VACANT; *7418B (2,500 S.F.) EMPLOYMENT CENTER
4. PROPOSED USE OF PROPERTY:
*7418A ESSEX MOOSE LODGE (PROPOSED TENANT FIT OUT) - NO KITCHEN
OFFICE, ASSEMBLY AREA, MEMBERS BAR, REST ROOMS (MENS & WOMEN), EX. JANITOR & MECH. CLOSET (ASSEMBLY USE)
*7418B EMPLOYMENT CENTER - 2,500 S.F. MERCANTILE/BUSINESS
5. REQUIRED OFFSTREET PARKING:
*7418A ESSEX MOOSE LODGE - OCCUPANCY LOAD (NO KITCHEN)
OFFICE = 168 GROSS/100 GROSS = 1 OCCUPANCY
ASSEMBLY AREA = 1,429 NET/15 (TABLES & CHAIRS) = 95 OCCUPANTS
MEMBERS BAR = 401 GROSS/200 GROSS = 2 OCCUPANTS
EX. JAN. CLOSET, MECH. CLOSET, & WALK-IN COOLER = 141 GROSS/300 GROSS = 1 OCCUPANT (OCCUPANCY LOAD PER ARCH. PROJECT DESIGN DATA)
TOTAL OCCUPANCY LOAD = 99 OCCUPANTS, MIN. 2 EXITS/STORE (1-500)
MOOSE LODGE WILL NOT EXCEED 80 OCCUPANTS AT ANYTIME
REQUIRED PARKING SPACES: 175/100 OCCUPANTS = 24.75 P.S.
*7418B EMPLOYMENT CENTER - 2,500 S.F. @ 3.3/1000 = 8.25 P.S.
TOTAL PARKING SPACES REQUIRED FOR BOTH STORES = 33 P.S.
6. NUMBER OF EXISTING PARKING SPACES (INCL. 1 INCL. SPACE = 19 P.S.)
7. PETITIONER IS REQUESTING A VARIANCE TO SECT. 402.6.A.4 & 409.B.A.4 OF BCZR TO PERMIT 19 PARKING SPACES IN LIEU OF THE REQUIRED 33 PARKING SPACES (A VARIANCE OF 14 P.S.) AND TO ALLOW 5' SETBACK AND 5' SETBACK FROM THE ROAD RIGHT-OF-WAY IN LIEU OF THE 10' RESPECTIVELY AND ANY VARIANCES DEEMED NECESSARY BY THE ADMINISTRATION LAW JUDGE OF BALTIMORE COUNTY
8. PUBLIC UTILITIES EXIST TO THE PROPERTY - B'S.S. (59-165A-7C) 410'W. (25-05-3)
9. PERMITTED FAR = 2.0, PROPOSED FAR = 4940/16530 = 0.299 < 2.0
10. PROPERTY LOCATED ON BALTO. CO. ZONING MAP 096B3
11. ZONING HISTORY - CASE 76-93K USED CAR SALES DISMISSED 12-15-75
12. EXISTING ALTERATION PERMITS - 7418A (B766768) & 7418B (B763429) 12-21-12
13. EXISTING SIGN FOR 7418B TO BE EXPANDED TO INCLUDE MOOSE LODGE SIGN
14. PETITIONER HAS BEEN GIVEN BY THE OWNER OF 7400 EASTERN AVE. PERMISSION TO UTILIZE HIS PARKING AREA IF NECESSARY.
15. MOOSE LODGE OCCUPANCY LOAD - PETER W. RATCUFFE, AIA ARCH. DWG.

OWNER:
ZGORSKI FAMILY ENTERPRISE
AT EASTPOINT LLC
1866 BURLEY ROAD
ANNAPOLIS, MARYLAND 21401-6016

PLAT TO ACCOMPANY PETITION
FOR

VARIANCE

*7418A & B EASTERN AVENUE

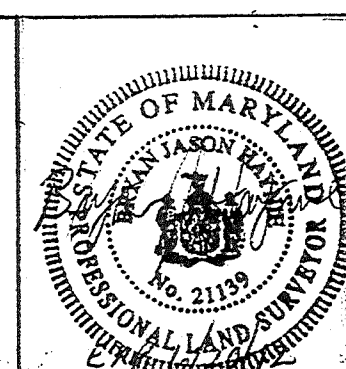
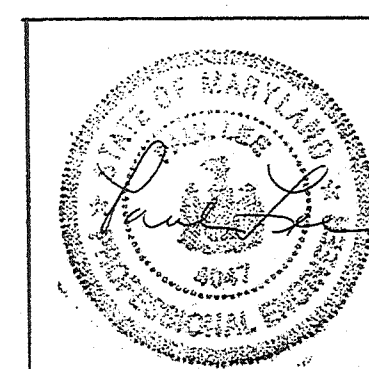
ELECT. DIST. 12C BALTIMORE COUNTY, MD.

SCALE: 1"=20'

MAR. 1, 2012

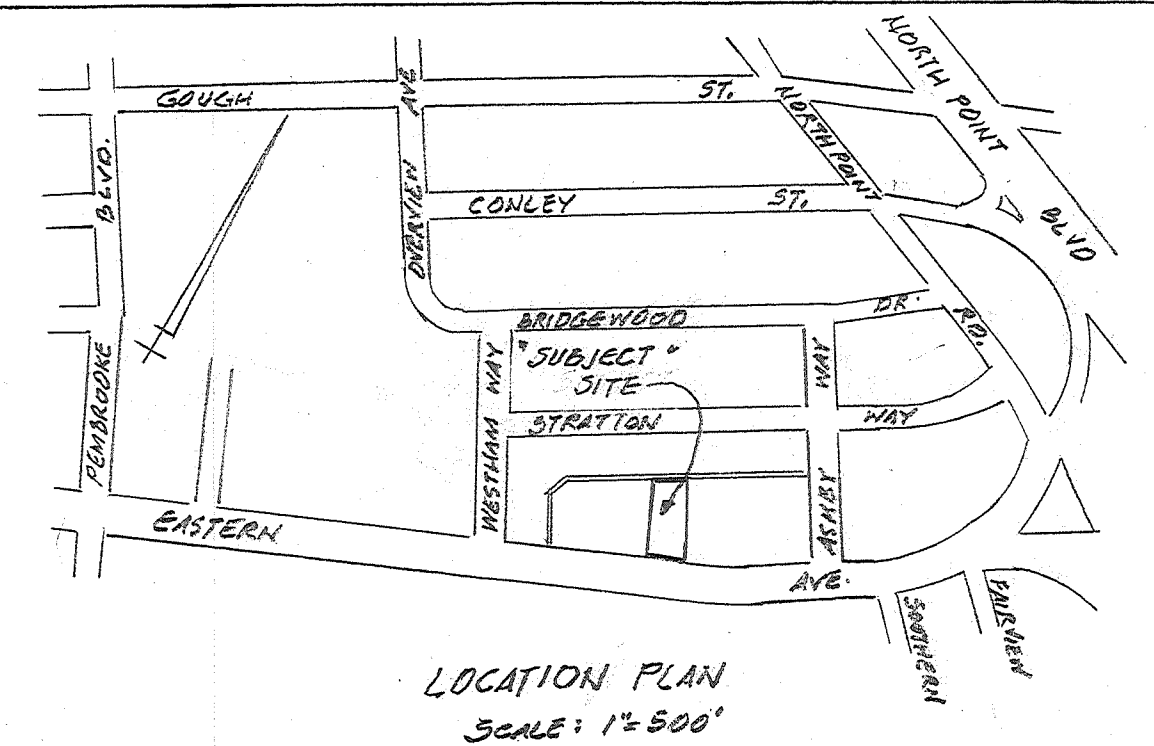
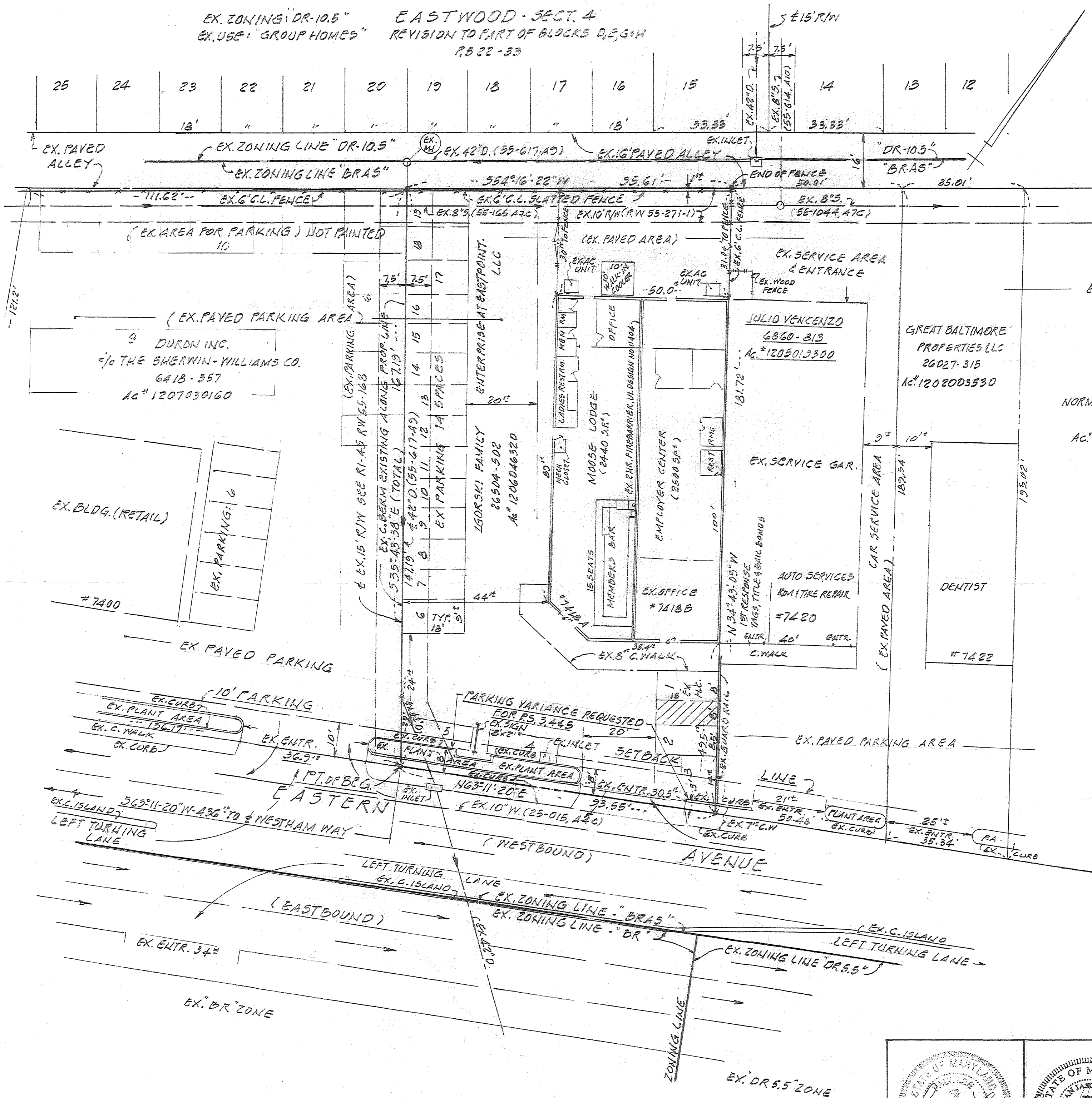
3-7-12 ITEM 2012-0213A

121050.00



CENTURY
ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 GILROY ROAD
HUNT VALLEY, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401

EX. ZONING: DR-10.5" EASTWOOD - SECT. 4
EX. USE: "GROUP HOMES" REVISION TO PART OF BLOCKS D, E, G & H
P.B. 22-33



GENERAL NOTES

1. AREA OF PROPERTY = 16,530.56' (0.373 AC) GROSS = (0.433 AC)
2. EXISTING ZONING OF PROPERTY: "BRAS"
3. EXISTING USE OF PROPERTY: 1 STY. CONC. BR. BLDG. RETAIL (4,340 SF)
NOTE: A/FEDW ADDRESS CHANGED TO 7418A & 7418B PER OWNER REQUEST
*7418A (2,440 SF) VACANT; *7418B (2,500 SF) EMPLOYMENT CENTER
4. PROPOSED USE OF PROPERTY:
*7418A 5556X MOOSE LODGE (PROPOSED TENANT FIT OUT) - NO KITCHEN OFFICE, ASSEMBLY AREA, MEMBERS BAR, REST ROOMS (MENS & WOMEN), EX. JANITOR & MECH. CLOSET (AS ASSEMBLY USE)
*7418B EMPLOYMENT CENTER - 2,500 SF MERCANTILE/BUSINESS
5. REQUIRED OFFSTREET PARKING:
*7418A 5556X MOOSE LODGE - OCCUPANCY LOAD (NO KITCHEN) OFFICE = 168 GROSS/100 GROSS = 1 OCCUPANCY
ASSEMBLY AREA = 1,429 NET/15 (TABLES & CHAIRS) = 95 OCCUPANTS
MEMBERS BAR = 401 GROSS/200 GROSS = 2 OCCUPANTS
EX. JAN. CLOSET, MECH. CLOSET, & WALK-IN COOLER = 141 GROSS/300 GROSS = 1 OCCUPANT (OCCUPANCY LOAD PER ARCH. PROJECT DESIGN DATA)
TOTAL OCCUPANCY LOAD = 99 OCCUPANTS, MIN. 2 ENITS/STORE (1-500)
MOOSE LODGE WILL NOT EXCEED 80 OCCUPANTS AT ANYTIME
REQUIRED PARKING SPACES: (PS/4 OCCUPANTS) = 24.75 PS.
*7418B EMPLOYMENT CENTER - 2,500 SF @ 0.33/1000 = 8.25 PS.
TOTAL PARKING SPACES REQUIRED FOR BOTH STORES = 33 PS.
6. NUMBER OF EXISTING PARKING SPACES (INCL. 1 HC SPACE) = 19 PS.
7. PETITIONER IS REQUESTING A VARIANCE TO SECT. 402.6.1.4.4 & 402.6.1.4.4 OF BCZR TO PERMIT 19 PARKING SPACES IN LIEU OF THE REQUIRED 33 PARKING SPACES (A VARIANCE OF 14 PS.) AND TO ALLOW 5' SETBACK AND 5' SETBACK FROM THE ROAD RIGHT-OF-WAY IN LIEU OF THE 10' RESPECTIVELY AND ANY VARIANCES DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE OF BALTIMORE COUNTY
8. PUBLIC UTILITIES EXIST TO THE PROPERTY - 8" S.S. (23-165A-1C) & 10" W. (25-05-3)
9. PERMITTED FAR = 2.0, PROPOSED FAR = 4940/16530 = 0.299 < 2.0
10. PROPERTY LOCATED ON BALTO. CO. ZONING MAP 09603
11. ZONING HISTORY - CASE 76-93X USED CAR SALES DISMISSED 12-15-75
12. EXISTING ALTERATION PERMITS - 7418A (0766768) & 7418B (0763429) 12-21-12
13. EXISTING SIGN FOR 7418B TO BE EXPANDED TO INCLUDE MOOSE LODGE SIGN
14. PETITIONER HAS BEEN GIVEN BY THE OWNER OF 7400 EASTERN AVE. PERMISSION TO UTILIZE HIS PARKING AREA IF NECESSARY.
15. MOOSE LODGE OCCUPANCY LOAD - PETER W. RATCFF, AIA ARCH. DWG.

OWNER:
ZGORSKI FAMILY ENTERPRISE
AT EASTPOINT LLC
1866 BURLEY ROAD
ANNAPOLIS, MARYLAND 21401-6016

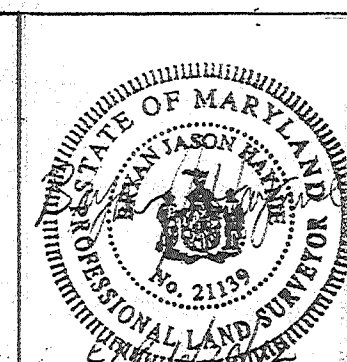
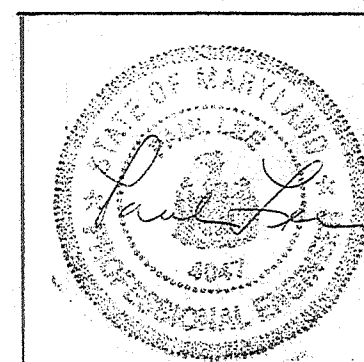
PLAT TO ACCOMPANY PETITION ITEM
FOR 2012-0213A

VARIANCE

*7418A & B EASTERN AVENUE

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