

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(11437 Eastern Avenue)
15th Election District
6th Councilmanic District
Christopher W. & Barbara A. Pasko
Petitioners**

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2013-0194-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 11437 Eastern Avenue. The Petitions were filed by Christopher & Barbara Pasko, the legal owners of the subject property. The Special Exception Petition seeks relief per Baltimore County Zoning Regulations (B.C.Z.R.) to use the herein described property for: (1) contractor's equipment storage yard, and (2) living quarters in a commercial building. As originally filed, Petitioners sought Variance relief under B.C.Z.R. Sections 409.4.A, 409.4.C and 409.6.A: (1) to permit a 10' width driveway in lieu of the required 20' width two-way traffic, (2) to permit a 14' drive aisle in lieu of the required 22' drive aisle, and (3) to permit 3 parking spaces in lieu of the required 9 spaces. At the hearing, those variance requests were modified as follows: (1) to permit a 15.75' width driveway in lieu of the required 20' width for two-way traffic, (2) to permit a 12' drive aisle in lieu of the required 22' drive aisle, and (3) the variance pertaining to the number of parking spaces was withdrawn; the plan shows the requisite 9 spaces are provided. The subject property and requested relief are more fully described on the site plans which were marked and accepted into evidence as Petitioners' Exhibits 1 and 2.

Appearing at the hearing was owner Christopher W. Pasko and Bernadette L. Muskunas from Site Rite Surveying, Inc., the firm that prepared the site plan. Timothy M. Kotroco, Esquire

ORDER RECEIVED FOR FILING

Date 4-15-13

By DW

with Whiteford, Taylor & Preston, LLP, represented the Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Though Mr. Kennedy (on behalf of Development Plans Review [DPR]) originally opposed the requested variance relief, he provided to the undersigned a letter dated April 10, 2013 (Exhibit 3) wherein he indicated the Petitioners had satisfied his ZAC comments dated March 13, 2013. Mr. Kennedy also indicated that the Petitioners did not need to provide a "durable and dustless surface" for the parking area. The only other substantive comment was from the Department of Planning (DOP), which did not oppose the petitions, but did request that the Petitioners relocate a storage trailer which was actually encroaching on neighboring property owned by Baltimore County. The redlined plan shows that the trailer will be relocated so that it is entirely on Petitioners' property, Exhibit 2, and the relief granted herein will be so conditioned.

Testimony and evidence offered at the hearing revealed that the subject property is 0.64 acres and is zoned BR. For the past six years, Petitioners have operated a landscaping business on the property. The County contends Petitioners are operating a contractor's equipment storage yard, and as such Petitioners were able to have the property re-zoned from BM to BR in the 2012 Comprehensive Zoning Map Process (CZMP). That zone permits the use by special exception.

SPECIAL EXCEPTION

Under Maryland law, a Special Exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a Special Exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question

ORDER RECEIVED FOR FILING

Date 4-15-13

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By low

would be above and beyond those inherently associated with the Special Exception use. There was no such evidence presented in this case, and the Petition for Special Exception will therefore be granted.

VARIANCE

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).

Petitioners have met this test. The property has several "pinch points." The most significant of which is at the junction with Eastern Avenue where a utility pole and fire hydrant prevent the Petitioners from complying with the driveway width requirements. Thus, the property is unique.

If the B.C.Z.R. were strictly enforced, the Petitioners would suffer a practical difficulty, in that they would be unable to lawfully operate their business on the property. 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 demonstrated by the lack of County and/or community opposition.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions, and after considering the testimony and evidence offered, I find that Petitioners' Special Exception and Variance requests should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 15th day of April, 2013, that Petitioners' request for Special Exception relief under the B.C.Z.R., to use the herein described property for: (1) contractor's equipment storage yard, and (2) living quarters in a commercial building, be and is hereby GRANTED; and

ORDER RECEIVED FOR FILING

Date 4-15-13

3

By DW

IT IS FURTHER ORDERED that Petitioners' request for Variance relief from the B.C.Z.R.: (1) to permit a 15.75' width driveway in lieu of the required 20' width for two-way traffic; and (2) to permit a 12' drive aisle in lieu of the required 22' drive aisle, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Variance to permit 3 parking spaces in lieu of the required 9 spaces, be and is hereby WITHDRAWN; the plan shows the requisite 9 spaces are provided.

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

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners must relocate, within thirty (30) days of the date of this Order, the storage trailer to the location shown on the revised site plan (Exhibit 2).

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


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING

Date 4-15-13

By DLW



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 15, 2013

Timothy M. Kotroco, Esquire
Whiteford, Taylor & Preston, L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
(11437 Eastern Avenue)
Case No. 2013-0194-XA

Dear Mr. Kotroco:

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 410-887-3868.

Very truly yours,

A handwritten signature in black ink, appearing to read "JEB", with a long, sweeping horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

CBCA



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 11437 Eastern Avenue which is presently zoned BP2
 Deed References: 25171/224 10 Digit Tax Account # 1513080140
 Property Owner(s) Printed Name(s) Christopher & Barbara Pasko

(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. X a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
1) Contractor's equipment storage yard and 2) Living quarters in a commercial BLDG

3. X a Variance from Section(s) 409.4.A and 409.4.C and 409.4.D BCZR.M.
 - 1) To permit a 10 ft. width driveway in lieu of the required 20 ft. width two way traffic
 - 2) To permit a 14 feet drive aisle in lieu of the required 22 feet drive aisle.
 - 3) To permit 3 parking spaces in lieu of the required 9 parking spaces.
- 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:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____
 Attorney for Petitioner: 4-15-13
 Date _____
 Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Christopher Pasko , Barbara Pasko
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
 Signature #1 _____ Signature #2 _____
 3812 Middle River Ave Middle River MD
 Mailing Address _____ City _____ State _____
 21220 , 443-228-8004 , mane3215@gmail.com
 Zip Code _____ Telephone # _____ Email Address _____

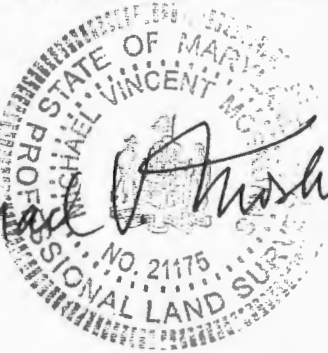
Representative to be contacted:

Bernadette L. Moskunas
 Name - Type or Print _____
 Signature _____
 200 E. Joppa Road Rm 101 Towson MD
 Mailing Address _____ City _____ State _____
 21286 , 410 828 9060, stherite inc@aol.com
 Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2013-0194XA Filing Date 2.22.13 Do Not Schedule Dates: _____ Reviewer G.H

ZONING DESCRIPTION FOR #11437 EASTERN AVENUE

BEGINNING at a point on the south side of Eastern Avenue, State Road, Route No. 150 which is 65 feet wide at the distance of 800 feet southwest of the centerline of Bowleys Quarters Road which is 50 feet wide. Thence the following courses and distances: North 62 degrees 54 minutes East, 80 feet; South 04 degrees 48 minutes East, 380.47 feet; South 84 degrees 38 minutes 51 seconds West, 80 feet and North 03 degrees 50 minutes West, 350.96 feet back to the Point of Beginning as recorded in Deed Liber 25171, folio 224, containing 0.64 acres of land, more or less. Located in the 15th Election District and 6th Council District.



Michael V. Moskun

Michael V. Moskun, PLS
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road, Suite 101
Towson MD 21286
(410) 828-9060

2013-0194-XA

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

No. 94122

Date: 2/22/13

PAID RECEIPT

DATE/TIME 2/22/2013 09:20:19

RECEIVED BY WALKIN, PHILIP

RECEIPT # 641149 - 2/22/2013

FOR \$20 ZONING VERIFICATION

94122

Grand Tot: 1075.00

1075.00 CR 4.00 CA

Baltimore County, Maryland

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				835.00

Total: 835.00

Rec From: Precision Landscaping LLC

For: 2013-0194XA

**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: 2013-0194XA
Petitioner: Christopher and Barbara Pasko
Address or Location: 11437 Eastern Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Chris Pasko
Address: 11437 Eastern Avenue
Baltimore, MD 21220
Telephone Number: 443-904-4015

CERTIFICATE OF POSTING

RE: Case No 2013-0194-XA

Petitioner/Developer SITE
RITE SURVEYING INC

Date Of Hearing/Closing: 4/12/13

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 11437 EASTERN AVENUE

This sign(s) were posted on March 20, 2013

Month, Day, Year

Sincerely,

Martin Ogle 3/20/13

Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411

ZONING NOTICE

CASE # 2013-0194-XA

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

PLACE: ROOM 205, JEFFERSON BUILDING 105
WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: FRIDAY, APRIL 12, 2013
AT 1:30 P.M.

REQUEST:

SPECIAL EXCEPTION FOR CONTRACTOR'S EQUIPMENT STORAGE YARD
AND LOADING DOCKS IN AN COMMERCIAL BUILDING. REQUEST TO PERMIT
A 10 FT WIDE DRIVEWAY IN LIEU OF THE REQUIRED 22 FT WIDE TWO
WAY TRAFFIC; TO PERMIT A 14 FT DRIVE AISLE IN LIEU OF THE
REQUIRED 22 FT DRIVE AISLE; TO PERMIT 3 PARKING SPACES IN LIEU
OF THE REQUIRED 9 PARKING SPACES.

THE ZONING COMMISSION IS A PUBLIC BODY AND ITS MEETINGS ARE OPEN TO THE PUBLIC. ANYONE INTERESTED IN THE MATTER SHOULD ATTEND THE MEETING.

NO NEW REQUESTS WILL BE CONSIDERED AFTER THE MEETING DATE. THE ZONING COMMISSION WILL NOT CONSIDER REQUESTS FOR A VARIATION OF THE ZONING ORDINANCE.

MEETING IS HANDICAP ACCESSIBLE

mgahm08/ 3/20/13

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: #2013-0194-XA

11437 Eastern Avenue
S/s Eastern Avenue, 800 ft. S/w of centerline of Bowleys Quarters Road

15th Election District - 6th Councilmanic District
Legal Owner(s): Christopher Pasko

Special Exception: for contractor's equipment storage yard and living quarters in a commercial building. **Variance:** to permit a 10 ft width driveway in lieu of the required 20 ft. width two way traffic; to permit a 14 ft drive aisle in lieu of the required 22 ft. drive aisle; to permit 3 parking spaces in lieu of the required 9 parking spaces.

Hearing: Friday, April 12, 2013 at 1:30 p.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.

3/248 March 21

911057



501 N. Calvert Street, Baltimore, MD 21278

March 21, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on March 21, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 21, 2013 Issue - Jeffersonian

Please forward billing to:

Chris Pasko
11437 Eastern Avenue
Baltimore, MD 21220

443-904-4015

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0194-XA

11437 Eastern Avenue

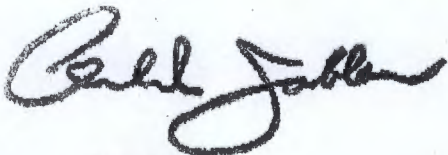
S/s Eastern Avenue, 800 ft. S/w of centerline of Bowleys Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: Christopher Pasko

Special Exception for contractor's equipment storage yard and living quarters in an commercial building. Variance to permit a 10 ft width driveway in lieu of the required 20 ft. width two way traffic; to permit a 14 ft drive aisle in lieu of the required 22 ft. drive aisle; to permit 3 parking spaces in lieu of the required 9 parking spaces.

Hearing: Friday, April 12, 2013 at 1:30 p.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 13, 2013

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: 2013-0194-XA

11437 Eastern Avenue

S/s Eastern Avenue, 800 ft. S/w of centerline of Bowleys Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: Christopher Pasko

Special Exception for contractor's equipment storage yard and living quarters in an commercial building. Variance to permit a 10 ft width driveway in lieu of the required 20 ft. width two way traffic; to permit a 14 ft drive aisle in lieu of the required 22 ft. drive aisle; to permit 3 parking spaces in lieu of the required 9 parking spaces.

Hearing: Friday, April 12, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Pasko, 3812 Middle River Avenue, Middle River 21220
Berndatte Moskunus, 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 21, 2013.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARING OFFICE AT 410-887-3868.**
- (3) **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

April 4, 2013

Christopher & Barbara Pasko
3812 Middle River Road
Middle River MD 21220

RE: Case Number: 2013-0194, Address: 11437 Eastern Avenue

Dear Mr. & Ms. Pasko:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 22, 2013. 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 the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Bernadette Moskunus, 200 E Joppa Road, Room 101, Towson MD 21286

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 19, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 11437 Eastern Avenue
Item Number: 13-194
Petitioner: Christopher Pasko
Zoning: BR
Requested Action: Special Exception and Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a special exception to permit a contractor's storage yard on the subject property and living quarters in a commercial building. The petitioner also requests a variance to permit a 14-foot drive aisle in lieu of the required 22-foot drive aisle and **3 parking spaces** in lieu of the required 9 parking spaces.

Only **two parking spaces** are shown on the site plan. If three are proposed, clearly delineate the third parking space.

The Department of Planning has no comment on the request for living quarters in a commercial building as the subject property is currently being used as a residence with an office in the basement.

The Department of Planning recommends that the storage trailer currently located on the adjacent (western) lot be relocated to the petitioner's lot, and that the new location is noted on the site plan before this department offers any support for the special exception for contractor's equipment storage yard.

The Department of Planning requests that the petitioner submit a landscape plan and proposed paving of the parking lot to this department and Jean Tansey, Baltimore County Landscape Architect for review and approval.

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

Prepared By:

Division Chief:
AVA/LL:cjm
Attachment:

RECEIVED

MAR 21 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: March 26, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0194-XA
Address 11437 Eastern Avenue
(Pasko Property)

Zoning Advisory Committee Meeting of March 4, 2013.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

The southeastern portion of the property beyond the parking area and buildings is within
the Critical Area.

Reviewer: *Regina Esslinger – Environmental Impact Review*

RECEIVED

MAR 26 2013

OFFICE OF ADMINISTRATIVE HEARINGS



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

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3-5-13

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

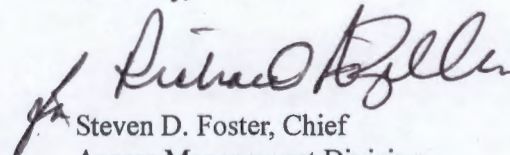
RE: Baltimore County
Item No. 2013-0194-XA
Special Exception Variance
Christopher & Barbara Pasko
11437 Eastern Avenue
MD 150

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 3-4-13. A field inspection and internal review reveals that an entrance onto MD 150 consistent with current State Highway Administration guidelines is required. As a condition of approval for *Variance*, Case Number 2013-0194-XA the applicant must contact the State Highway Administration to obtain an entrance permit.

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 E-mail him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/raz

\cc: Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. David Peake, District Engineer, SHA

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 11, 2013
Item No. 2013-0194

DATE: March 13, 2013

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

We do not agree that variance number 1 should be granted. It appears that the entrance could be widened to at least 16 feet. The standard entrance width on a State Road such as this, is 25 feet; however, a large pole and a fire hydrant preclude using the standard width. The wider entrance will allow vehicles to enter the site while another is exiting, thereby keeping vehicles from having to stop on Eastern Avenue.

We also do not agree with granting variance number 3. It appears that the petitioner's employees have been parking on adjacent County owned property. Since the County may sell the property and there is no place to park along Eastern Avenue, the nine required spaces should be provided on site.

DAK:CEN

cc: file

ZAC-ITEM NO 13-0194-03122013.doc

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE OFFICE
AND VARIANCE		
11437 Eastern Avenue; S/S Eastern Avenue;	*	OF ADMINISTRATIVE
800' SW c/line of Bowleys Quarters Road		
15 th Election & 6 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Christopher & Barbara Pasko		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2013-194-XA

* * * * *

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 07 2013

.....

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 7th day of March, 2013, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunas, Site Rite Surveying, 200 East Joppa Road, Room 101, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 11, 2013
Item No. 2013-0194

DATE: March 13, 2013

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

We do not agree that variance number 1 should be granted. It appears that the entrance could be widened to at least 16 feet. The standard entrance width on a State Road such as this, is 25 feet; however, a large pole and a fire hydrant preclude using the standard width. The wider entrance will allow vehicles to enter the site while another is exiting, thereby keeping vehicles from having to stop on Eastern Avenue.

We also do not agree with granting variance number 3. It appears that the petitioner's employees have been parking on adjacent County owned property. Since the County may sell the property and there is no place to park along Eastern Avenue, the nine required spaces should be provided on site.

Mr. Biverungen,

Revised Plan is acceptable in addressing the above comments and durable and dustless surface is not required in this case. No further comments.

Dennis Kennedy
4/10/13

DAK:CEM
cc: file
ZAC-ITEM NO 13-0194-03122013.doc

NOTE TO FILE

DATE: February 22, 2013

TO: Administrative Law Judge

FROM: Gary Hucik, Planner II
Zoning Review

RE: 2013-0194-XA, 11437 Eastern Avenue
Representative Burnadette Moskunas
15th Election District, 6th Councilmanic District

Burnadette Moskunas was advised that property site plan is required to show all parking dimensions space sizes all possible locations and meet all parking space requirements. Storage of contractor's equipment and materials locations are required to be shown on site plan.

MEMORANDUM

DATE: May 16, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0194-XA - Appeal Period Expired

The appeal period for the above-referenced case expired on May 15, 2013. 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

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.1A)
BALTIMORE COUNTY

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[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 1513080140

Owner Information

Owner Name: PASKO CHRISTOPHER W
PASKO BARBARA A
Use: COMMERCIAL/RESIDENTIAL
Principal Residence: YES
Mailing Address: 11437 EASTERN AVE
BALTIMORE MD 21220-1601
Deed Reference: 1) /25171/ 00224
2)

Location & Structure Information

Premises Address
11437 EASTERN AVE
0-0000
Legal Description
.64 AC
11437 EASTERN AVE SS
800 SW BOWLEYS QTR RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0091	0003	0016		0000				3	

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		29,200 SF	06

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	126,700	126,700		
Improvements:	100,000	100,000		
Total:	226,700	226,700	226,700	226,700
Preferential Land:	0			0

Transfer Information

Seller: MCGUIGAN JAMES
Type: ARMS LENGTH IMPROVED
Date: 02/05/2007
Deed1: /25171/ 00224
Price: \$223,000
Deed2:

Seller:
Type:
Date:
Deed1:
Price:
Deed2:

Seller:
Type:
Date:
Deed1:
Price:
Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:
Special Tax Recapture:
NONE

Homestead Application Information

Homestead Application Status: Approved 02/24/2009

CASE NAME 11437 Eastern Avenue
CASE NUMBER 2013-0194-XA
DATE 4/12/2013

CASE NAME 11437 Eastern Avenue
CASE NUMBER 2013-0194-XA
DATE 4/12/2013

[illegible]

Case No.: 2013-194-XA

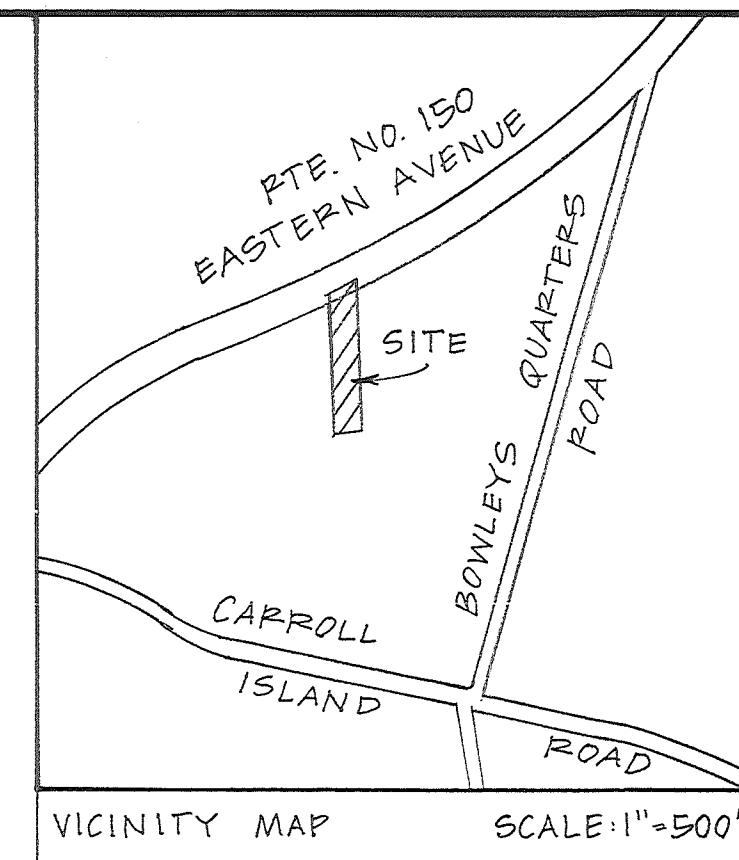
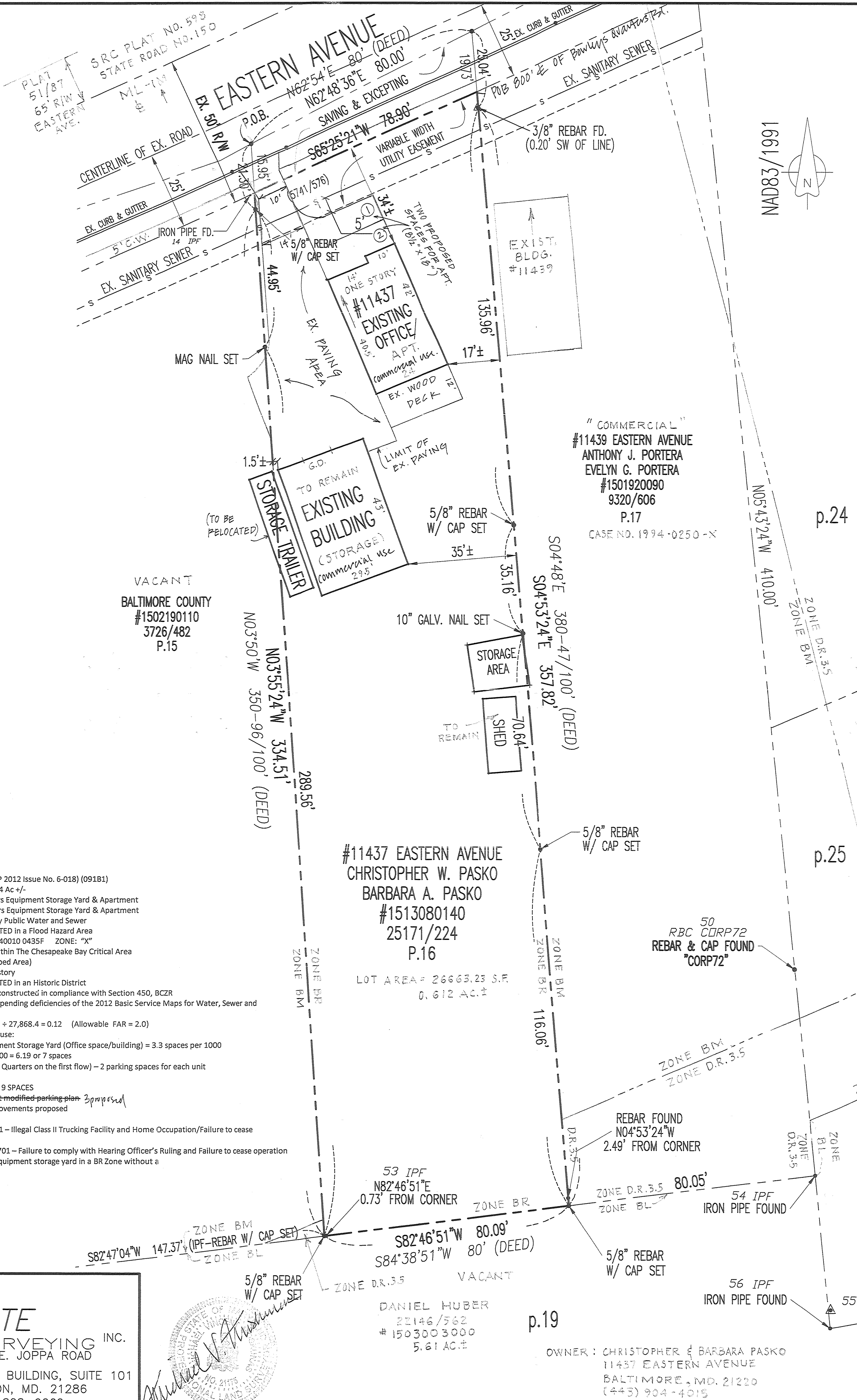
Exhibit Sheet

OW 4-15-13
OW 5-16-13

Petitioner/Developer

Protestant

No. 1	Site plan	
No. 2	Redlined Site Plan	
No. 3	Letter - April 10, 2013 D. Kennedy	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



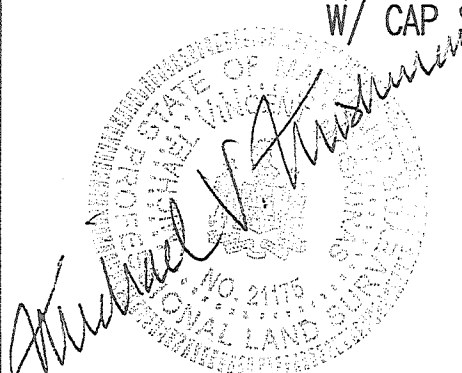
PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCE 2013-0194-XA

BOUNDARY SURVEY #11437 EASTERN AVENUE "PRECISION LANDSCAPING"

MAP:91 GRID:03 PARCEL:16
TAX ACCOUNT #1513080140
DEED REFERENCE:25171/224
15TH ELECTION DISTRICT C6
BALTIMORE COUNTY, MARYLAND

DRAWN: M.V.M.	SURVEY'D: MVM	DATE:02/08/2012	SCALE:1"=20'
CHECK'D: BLM	JOB NUMBER: 9987		

SITE RITE
SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-828-9060



DANIEL HUBER
22146/562
#1503003000
5.61 AC ±

p.19

OWNER: CHRISTOPHER & BARBARA PASKO
11437 EASTERN AVENUE
BALTIMORE, MD. 21220
(443) 904-4015

2013-0194-XA

