



KEVIN KAMENETZ
County Executive

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

June 12, 2013

Bruce E. Doak
3801 Baker Schoolhouse Road
Freeland, Maryland 21053

RE: Petitions for Special Hearing and Variance
Case No.: 2013-0229- SPHA
Property: 1901 Halethorpe Avenue

Dear Mr. Doak:

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.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm
Enclosure

c: Daniel E. Rosenberger, 12520 Indian Hill Drive, Sykesville, Maryland 21784

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE *
(1901 Halethorpe Avenue) *
13th Election District *
1st Councilmanic District *
Daniel E. Rosenberger *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0229-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Bruce Doak, on behalf of the Petitioner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) to allow shipping containers in the BR zone within a proposed enclosed building; and (2) to allow commercial parking in a residential zone (DR 2). The Variance petition seeks relief from B.C.Z.R. §§ 409.8A2 and 409.8A6, to: (1) allow a gravel surface of the parking area in lieu of a durable and dustless surface; and (2) to allow no striping of the parking area. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Bruce E. Doak and Daniel E. Rosenberger. There were no Protestants or interested citizens in attendance. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

Zoning Advisory Committee (ZAC) comments were received and are included in the file. Although the Bureau of Development Plans Review (DPW) indicated it did not support the

ORDER RECEIVED FOR FILING

Date 6/12/13

By Den

variance relief regarding the parking area, the Department of Planning (DOP) advised that after a site visit it did not oppose the Petitioner's Special Hearing or variance requests.

The subject property is 1.78 acres in size and is zoned BR & DR 2. The Petitioner purchased the property in 2011, and operates on site a landscape design business. In addition, the site is improved with a one-story building, which Petitioner leases to a company that sells deck materials and related hardware to contractors and builders. The Petitioner indicated that approximately one half of the lot was paved and one half was covered with road millings, which he explained creates a very durable surface that also accommodates the bobcats and other heavy equipment he operates on site as part of his landscape business.

The petition for Special Hearing seeks approval for shipping containers on site, which will be stored inside a proposed building, as shown on the plan. The containers are used by the Petitioner to store materials and equipment for his landscaping business, and neither the containers themselves nor the contents will be visible to adjoining owners or motorists. This request seems reasonable, and I do not believe the relief would in any way jeopardize the public's health or safety.

The second aspect of Special Hearing relief seeks approval for commercial parking in a residential zone. As shown on the plan, the DR 2 zoned portion of the property is extremely small; it could accurately be described as a "sliver." Given other site constraints, the Petitioner needs to locate four (4) of the fifteen (15) spaces required on the DR 2 portion of the site. The Petitioner testified the nearest dwelling was approximately 230' from the proposed parking spaces, and photos submitted also show that screening and vegetation will screen the parking spaces from view. In these circumstances, I believe the Petitioner has satisfied the requirements set forth in B.C.Z.R. 409.8B and the Special Hearing relief should be granted.

ORDER RECEIVED FOR FILING

Date 6/12/13

By Den

Based upon the testimony and evidence presented, I will also grant the request for variance relief. 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).

The Petitioner has met this test. The site is split zoned and of irregular dimensions, and is thus unique for zoning purposes. The Petitioner would experience a practical difficulty if the regulations were strictly enforced, given that he would incur great expense to pave a portion of his current parking lot, that has been operated in its current condition for many years without complaint.

Finally, I do not believe the grant of variance relief would endanger the public's health, safety and welfare.

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

THEREFORE, IT IS ORDERED this 12th day of June 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), (1) to allow shipping containers in the BR zone within a proposed enclosed building; and (2) to allow commercial parking (four spaces) in a residential zone (DR 2) and a use permit for same, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner's request for Variance pursuant to §§ 409.8A2 and 409.8A6, to allow a gravel surface of the parking area in lieu of a durable and

ORDER RECEIVED FOR FILING

Date 6/12/13

By Den

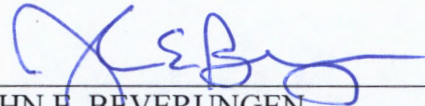
dustless surface; and (2) to allow no striping of the parking area, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 6/12/13
By Den



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 1901 HALETHORPE AVENUE which is presently zoned BR & DR2
Deed References: SM 31351 / 432 10 Digit Tax Account # 1301020011
Property Owner(s) Printed Name(s) DANIEL E. ROSENBERGER

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

SEE ATTACHED SHEET

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)

SEE ATTACHED SHEET

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 THE 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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER

2013-0729-SAHA

Filing Date

4,9,13

Legal Owners (Petitioners):

DANIEL E. ROSENBERGER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

12520 INDIAN HILL DR. SYKESVILLE MD 21784

Mailing Address

City

State

21784

443-463-4187

Zip Code

Telephone #

Email Address

DANROSENBERGER@VERIZON.NET

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONTRACTING

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD.

Mailing Address

City

State

21053

410-419-4906

Zip Code

Telephone #

Email Address

BDOAK@BRUCEEDOAKCONSULTING.COM

Do Not Schedule Dates:

Reviewer

JS

Variances Requested:

- 1) To allow a gravel surface of the parking area in lieu of a durable and dustless surface per section 409.8A2 BCZR
- 2) To allow no striping of the parking area per section 409.8A6 BCZR

Special Hearing Requests:

- 1) To allow shipping containers in the BR zone within a proposed enclosed building
- 2) To allow commercial parking in a residential zone (DR 2)

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

Zoning Description

1901 Halethorpe Avenue
Thirteenth Election District First Councilmanic District
Baltimore County, Maryland

Beginning at the intersection of the northeast side of Halethorpe Avenue, variable width, and the southeast side of Washington Boulevard, variable width, thence running on the southeast side of Washington Boulevard and running with and binding on the outlines of the subject property, the two following courses and distances, viz 1) North 04 degrees 05 minutes 24 seconds West 32.51 feet and 2) North 40 degrees 56 minutes 19 seconds East 389.94 feet, thence leaving Washington Boulevard and continuing to run and bind on the outlines of the subject property, the two following courses and distances, viz. 3) South 35 degrees 33 minutes 19 seconds East 186.61 feet and 4) South 40 degrees 00 minutes 11 seconds West 398.06 feet to the northeast side of Halethorpe Avenue, thence running on the northeast side of Halethorpe Avenue and continuing to run with and bind on the outlines of the subject property, the two following courses and distances, viz 5) North 35 degrees 07 minutes 08 seconds West 82.36 feet and , 6) Northwesterly by a line curving to the left with a radius of 300.00 feet and an arc distance of 73.30 feet to the point of beginning.

Containing 1.78 acres of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor



**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: 2013-0729-SPHA

Petitioner: DANIEL E. ROSENBERGER

Address or Location: 1901 HALETHORPE AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: DANIEL E. ROSENBERGER

Address: 12520 INDIAN HILL DRIVE
SYKESVILLE, MD 21784

Telephone Number: 443-463-4187

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

No. **96135**

Date: **4/9/13**

PAID RECEIPT

BUSINESS ACTUAL TIME INH
4/10/2013 4/09/2013 09:50:47 2
DEPT 5005 WALKIN WALK TND
>>RECEIPT # 661105 4/09/2013 OFLN
Dept 5 525 ZONING VERIFICATION
CR NO. 096135

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
00	806	0000		6156						\$ 770.00

Total: **\$ 770.00**

Rec From: **ROSENBERGER**

For: **2013 CDD - SPHA**

Recpt Tot \$770.00
\$770.00 CR 1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

DISTRIBUTION

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

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

May 14, 2013

Re:

Case Number: 2013- 0229-SPHA

Petitioner / Developer: Daniel Rosenberger

Date of Hearing: June 5, 2013

**Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204**

Attention: 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 **1901 Halethorpe Avenue.**

The sign(s) were posted on **May 13, 2013.**

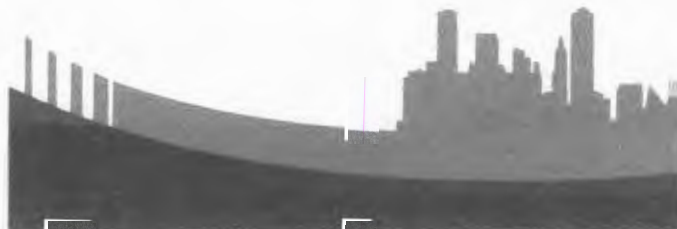
Sincerely,



Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

1901

TimberTech
Lam. Decking

100% WOOD
NO NAILS
NO STAIN

100% WOOD
NO NAILS
NO STAIN

100% WOOD
NO NAILS
NO STAIN

ZONING NOTICE

CASE NO. 2013-0229-SPHA

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE IN TOWSON
MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204

DATE/TIME: Wednesday June 5, 2013 5:00pm

SPECIAL HEARING TO ALLOW SHIPPING CONTAINERS IN THE
ZONE WITHIN A PROPOSED ENCLOSED BUILDING AND TO ALLOW
COMMERCIAL PARKING IN A RESIDENTIAL ZONE (R-100)
VARIANCE TO ALLOW A GRAVEL SURFACE OF THE PARKING AREA
INSTEAD OF A DIRT/GRASS AND DIRT/GRASS SURFACE TO ALLOW THE
STRIPPING OF THE PARKING AREA.

PROTECTIONS ARE TO BE MAINTAINED
APPROPRIATE TO COMPLY WITH THE
APPLICABLE ZONING ORDINANCE.

DO NOT APPROVE THIS CASE WITHOUT THE



KEVIN KAMENETZ
County Executive

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

May 1, 2013

CORRECTED 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: 2013-0229-SPHA

1901 Halethorpe Avenue

NE corner of intersection of Washington Blvd., and Halethorpe Avenue

13th Election District – 1st Councilmanic District

Legal Owner: Daniel Rosenberger

Special Hearing to allow shipping containers in the BR zone within a proposed enclosed building; and to allow commercial parking in a residential zone (DR 2). Variance to allow a gravel surface of the parking area in lieu of a durable and dustless surface; to allow no striping of the parking area.

Hearing: Wednesday, June 5, 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: Daniel Rosenberger, 12520 Indian Hill Dr., Sykesville 21784
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 16, 2013.**
- (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.



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 16, 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 May 14, 2013

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

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2013-0229-SPHA

1901 Halethorpe Avenue
NE corner of intersection of Washington Blvd., and
Halethorpe Avenue
13th Election District - 1st Councilmanic District
Legal Owner: Daniel Rosenberger

Special Hearing to allow shipping containers in the BR zone within a proposed enclosed building; and to allow commercial parking in a residential zone (DR2). **Variance** to allow a gravel surface of the parking area in lieu of a durable and dustless surface; to allow no striping of the parking area.

Hearing: Wednesday, June 5, 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.
JT 05/641 May 14 921679



KEVIN KAMENETZ
County Executive

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

May 1, 2013

CORRECTED 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: 2013-0229-SPHA

1901 Halethorpe Avenue

NE corner of intersection of Washington Blvd., and Halethorpe Avenue

13th Election District – 1st Councilmanic District

Legal Owner: Daniel Rosenberger

Special Hearing to allow shipping containers in the BR zone within a proposed enclosed building; and to allow commercial parking in a residential zone (DR 2). Variance to allow a gravel surface of the parking area in lieu of a durable and dustless surface; to allow no striping of the parking area.

Hearing: Wednesday, June 5, 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: Daniel Rosenberger, 12520 Indian Hill Dr., Sykesville 21784
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 16, 2013.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 14, 2013 Issue - Jeffersonian

Please forward billing to:
Daniel Rosenberger
12520 Indian Hill Drive
Sykesville, MD 21784

443-463-4187

CORRECTED 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: 2013-0229-SPHA

1901 Halethorpe Avenue

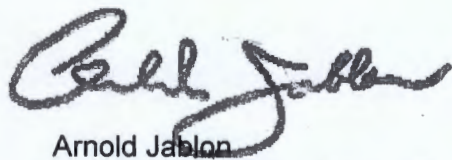
NE corner of intersection of Washington Blvd., and Halethorpe Avenue

13th Election District – 1st Councilmanic District

Legal Owner: Daniel Rosenberger

Special Hearing to allow shipping containers in the BR zone within a proposed enclosed building; and to allow commercial parking in a residential zone (DR 2). Variance to allow a gravel surface of the parking area in lieu of a durable and dustless surface; to allow no striping of the parking area.

Hearing: Wednesday, June 5, 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

April 29, 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: 2013-0229-SPHA

1901 Halethorpe Avenue

NE corner of intersection of Washington Blvd., and Halethorpe Avenue

13th Election District – 1st Councilmanic District

Legal Owner: Daniel Rosenberger

Special Hearing to allow shipping containers in the BR zone within a proposed enclosed building; and to allow commercial parking in a residential zone (DR 2). Variance to allow a gravel surface of the parking area in lieu of a durable and dustless surface; to allow no striping of the parking area.

Hearing: Tuesday, June 4, 2013 at 10:00 a.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: Daniel Rosenberger, 12520 Indian Hill Dr., Sykesville 21784
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 15, 2013.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 14, 2013 Issue - Jeffersonian

Please forward billing to:
Daniel Rosenberger
12520 Indian Hill Drive
Sykesville, MD 21784

443-463-4187

NOTICE OF ZONING HEARING

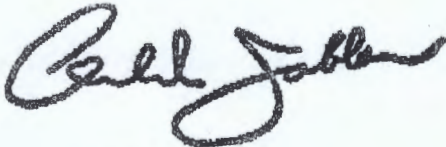
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0229-SPHA

1901 Halethorpe Avenue
NE corner of intersection of Washington Blvd., and Halethorpe Avenue
13th Election District – 1st Councilmanic District
Legal Owner: Daniel Rosenberger

Special Hearing to allow shipping containers in the BR zone within a proposed enclosed building; and to allow commercial parking in a residential zone (DR 2). Variance to allow a gravel surface of the parking area in lieu of a durable and dustless surface; to allow no striping of the parking area.

Hearing: Tuesday, June 4, 2013 at 10:00 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.

MEMORANDUM

DATE: July 16, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0229-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on July 12, 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

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE

1901 Halethorpe Avenue; NE cor of intersection*
of Washington Blvd & Halethorpe Avenue
13th Election & 1st Councilmanic Districts

Legal Owner(s): Daniel Rosenberger
Petitioner(s)

* BEFORE THE OFFICE
OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-229-SPHA

* * * * *

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

APR 19 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 19th day of April, 2013, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013-0229-SPHA

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

4/19/13

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

C

4/22/13

DEPS
(if not received, date e-mail sent _____)

N/C

FIRE DEPARTMENT

5/2/13

PLANNING
(if not received, date e-mail sent _____)

C

4/16/13

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/14/13

SIGN POSTING

Date:

5/13/13

by

Doak

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any:

Called Bruce Doak on 6/4/13 - left
message

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 22, 2013
Item No. 2013-0229

DATE: April 19, 2013

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

We do not support using a non-durable and dustless surface. The abutting properties have durable and dustless surfaces. The grades are such that site drainage could create a nuisance for the neighboring properties.
After paving, the parking area should be striped.

DAK:CEN
cc: file
ZAC-ITEM NO 13-0229-04222013.doc

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: April 22, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0229-SPHA
Address 1901 Halethorpe Avenue
(Rosenberger Property)

Zoning Advisory Committee Meeting of April 15, 2013.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

APR 22 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 2, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1901 Halethorpe Avenue
INFORMATION:

Item Number: 13-229

Petitioner: Daniel E. Rosenberger

Zoning: BR and DR 2

Requested Action: Variance and Special Hearing

RECEIVED

MAY 10 2013

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 variance request to continue using the existing gravel surface, un-striped parking lot on the subject property. After visiting the site, it was discovered that most of the subject lot is paved and only a small portion is gravel surfaced.

Also, the Department of Planning does not oppose the petitioner's request for a special hearing to permit shipping containers to be stored in the BR zoned portion of the site within a proposed enclosed building. However, at no time shall shipping containers be stored outside of the enclosed building and visible from Washington Boulevard or surrounding properties. Lastly, this department does not oppose commercial parking in the residentially (DR 2) zoned portion of the site subject to landscape screening and a 5 foot setback from the residential property line and 10 foot setback from the right-of-way.

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

Prepared By:

Division Chief:
AVA/LL:cjm



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4-16-13

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

RE: Baltimore County
Item No 2013-0229-SPHA
Special Hearing Variance
Daniel E. Rosenberger
1901 Halethorpe Avenue

Dear Ms. Lewis:

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. 2013-0229-SPHA

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

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz



KEVIN KAMENETZ
County Executive

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

May 30, 2013

Daniel E Rosenberger
12520 Indian Hill Drive
Sykesville MD 21784

RE: Case Number: 2013-0229 SPHA, Address: 1901 Halethorpe Avenue

Dear Mr. Rosenberger:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 9, 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
Bruce E Doak, Bruce E Doak Contracting, 3801 Baker Schoolhouse Road, Freeland MD 21053

CASE NAME ROSENBERGER
CASE NUMBER 2013-0229-SPHA
DATE 6/05/13

CASE NAME ROSENBERGER
CASE NUMBER 2013-0229-SPHA
DATE 6/05/13

[illegible]

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 13 Account Number - 1301020011

Owner Information

Owner Name:	ROSENBERGER DANIEL E	Use:	INDUSTRIAL
Mailing Address:	12520 INDIAN HILL DR SYKESVILLE MD 21784-	Principal Residence:	NO
		Deed Reference:	1) /31351/ 00432 2)

Location & Structure Information

Premises Address	Legal Description
1901 HALETHORPE AVE 0-0000	LT NES HALETHORPE AV NE COR WASHINGTON BL

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0108	0012	0202		0000				2	
									Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1960	11293	1.7800 AC	07

Stories	Basement	Type	Exterior
		STORAGE WAREHOUSE	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
Land	534,000	534,000		
Improvements:	338,500	282,500		
Total:	872,500	816,500	816,500	816,500
Preferential Land:	0			0

Transfer Information

Seller:	TONEY ROBERT C	Date:	11/02/2011	Price:	\$810,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/31351/ 00432	Deed2:	
Seller:	GREENBLATT STANLEY D	Date:	01/26/1993	Price:	\$475,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/09572/ 00548	Deed2:	
Seller:	A B C ENGINEERIN G CO	Date:	12/31/1975	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/05596/ 00940	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:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

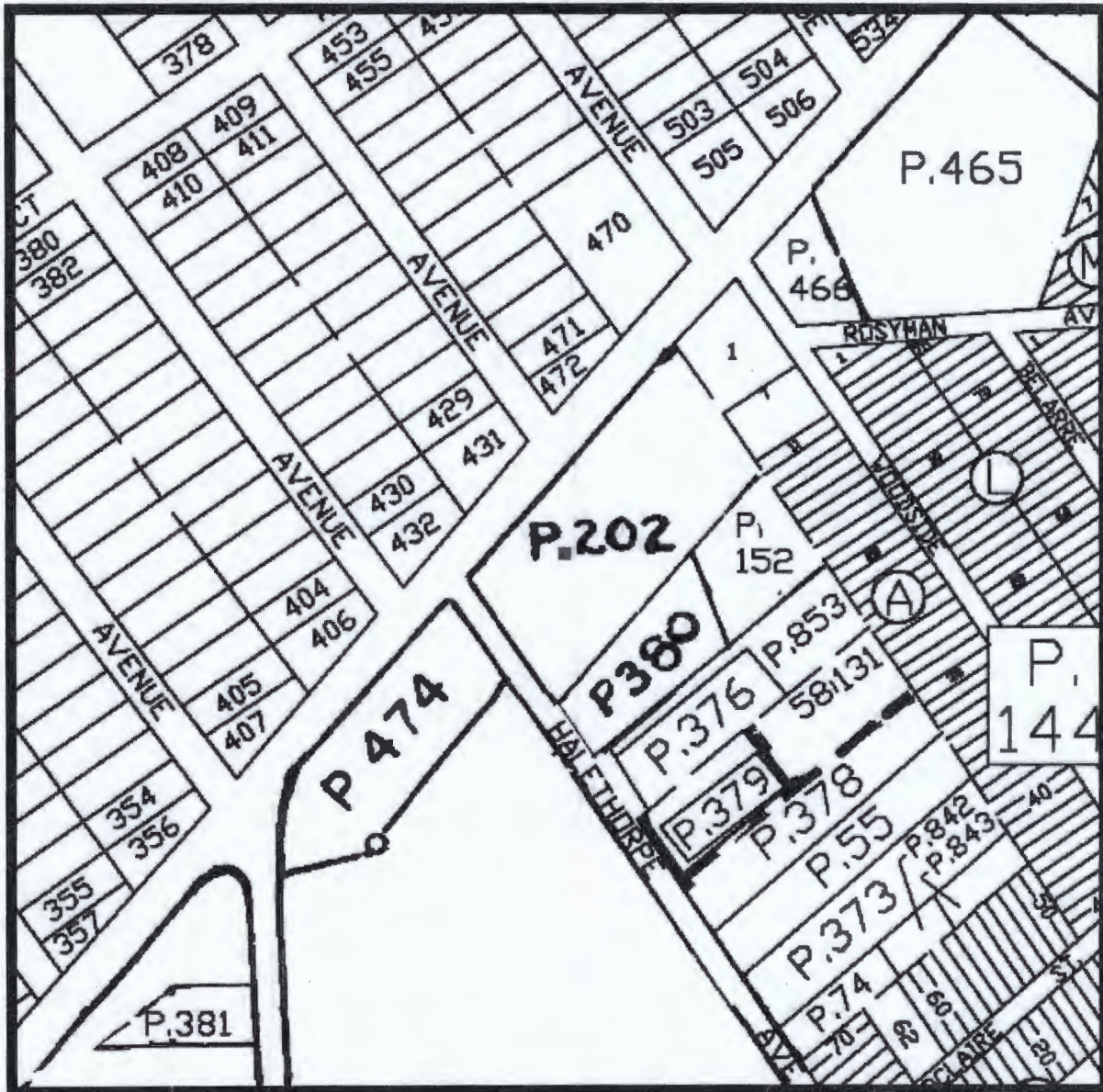
Homestead Application Status:	No Application
--------------------------------------	----------------



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

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

District - 13 Account Number - 1301020011



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Case No.: 2013-229-SPHA

Exhibit Sheet

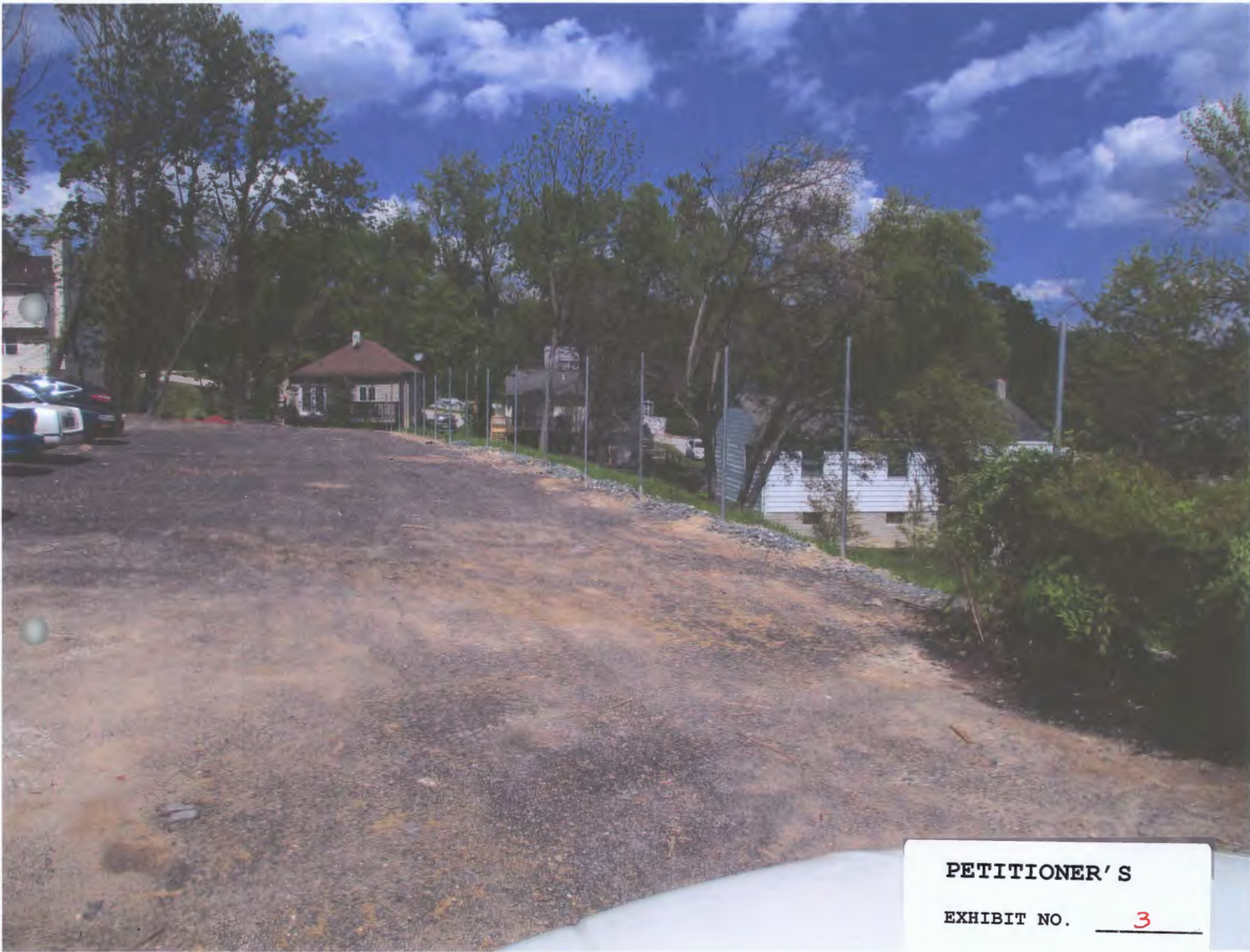
DW
1-16-13

Aln
6-12-13

Petitioner/Developer

Protestant

No. 1	Site plan	
No. 2	site plan (redline)	
No. 3	Photo of site	
No. 4	4A-4C Photo of fencing	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 3

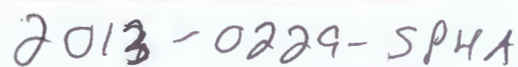


PETITIONER' S

EXHIBIT NO. 4A-C

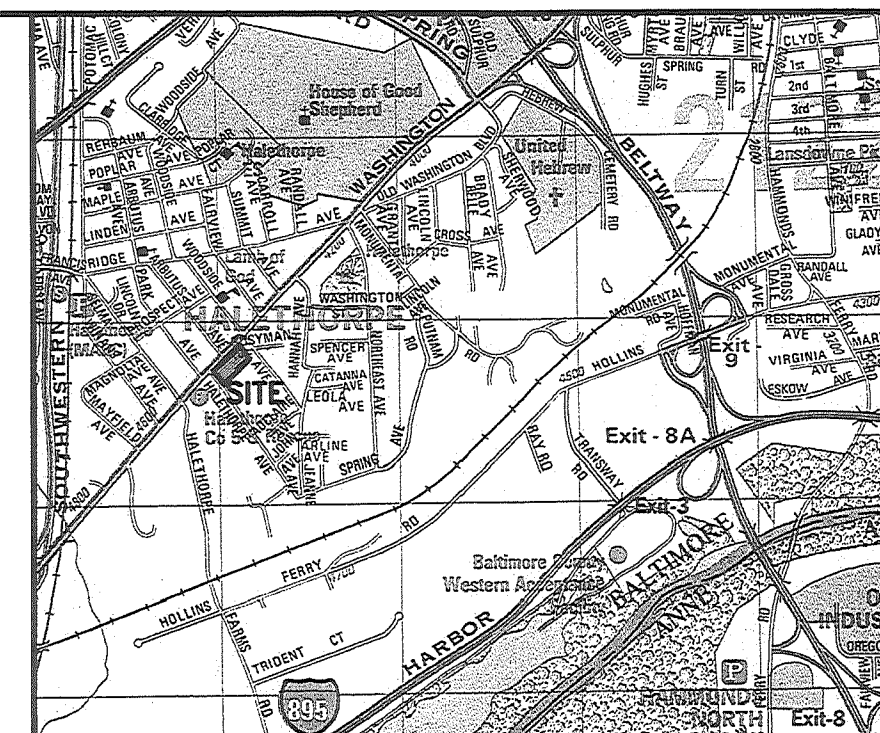




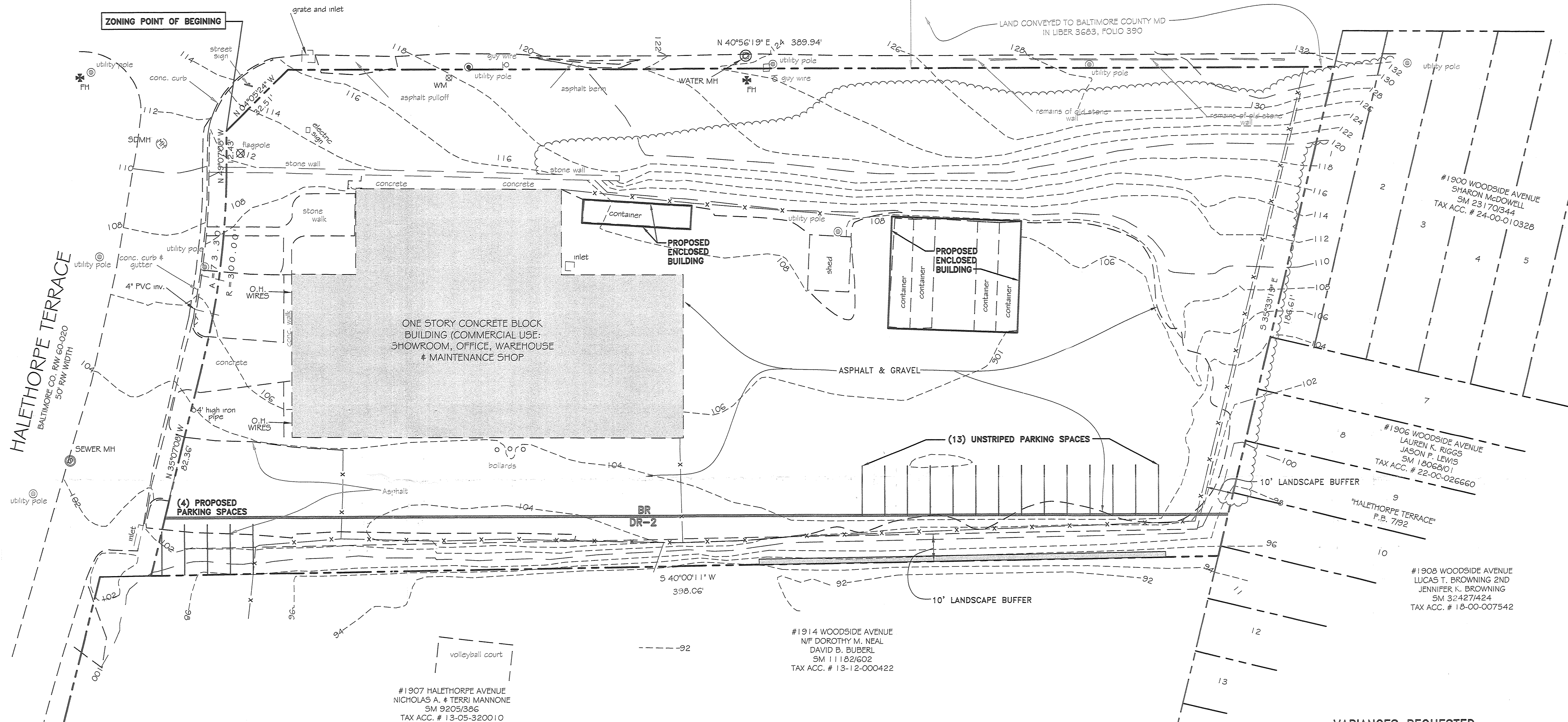


WASHINGTON BOULEVARD

NO STATE RIGHT-OF-WAY PLAT
60' RW WIDTH



Vicinity Map - Scale: 1" = 2000'
ADC The Map People - Permitted Use # 20612205



GENERAL NOTES

- Ownership: Daniel E. Rosenberger
- Address: 1901 Halethorpe Avenue
- Deed references: SM 31351 / 432
- Tax Map / Parcel / Tax account #: 108 / 202 / 13-01-020011 (1.78 acres)
- Zoning: BR and DR 2. There are no previous zoning cases on the subject property
- The boundary shown hereon is from deeds recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS files 108C2 and the information provided by Baltimore County on the internet.
- Improvements: Concrete block building commercially used.
- The existing building is currently serviced by public water and sewer.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

B.R. SETBACKS FOR COMMERCIAL BUILDINGS

Front yard (per section 238.1 BCZR)
For commercial buildings the front building line shall be not less than 50 feet from the front property line if on a dual highway; and not less than 25 feet from the front property line and not less than 50 feet from the center line of any other street, except as specified in Section 303.2.

Side and Rear yard (per section 238.2 BCZR)
For commercial buildings, 30 feet.

PARKING CALCULATIONS

Warehouse (5500 square feet) requires one off street parking per employee on the largest shift per section 409.6 BCZR

Number of employees: 1
Number of parking spaces required: 1
Number of parking spaces provided: 1 (inside garage)

Showroom (retail)- 500 square feet

5 per 1000 square feet per section 409.6 BCZR
Number of parking spaces required: 3
Number of parking spaces provided: 3

Office (general)- 1500 square feet

3.3 per 1000 square feet per section 409.6 BCZR
Number of parking spaces required: 5
Number of parking spaces provided: 5

Maintenance Shop- 1500 square feet

3.3 per 1000 square feet per section 409.6 BCZR
Number of parking spaces required: 5
Number of parking spaces provided: 5

Warehouse (2500 square feet) requires one off street parking per employee on the largest shift per section 409.6 BCZR

Number of employees: 1
Number of parking spaces required: 1
Number of parking spaces provided: 1 (inside garage)

Total number of parking spaces required: 15
Total number of parking spaces provided: 15

VARIANCES REQUESTED:

- To allow a gravel surface for the parking area in lieu of a durable and dustless surface per section 409.8A2 BCZR
- To allow no striping of the parking area per section 409.8A6 BCZR

SPECIAL HEARING REQUESTS:

- To allow shipping containers in the BR zone within a proposed enclosed building
- To allow commercial parking in a residential zone (DR 2) (4 parking spaces shown hereon)

REVISIONS

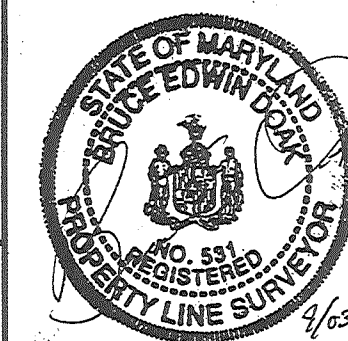
Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-800-5535 m 410-419-4806
bdoak@bruceedoakconsulting.com

DRAFTED BY: **Tesseract**
Tesseract Survey, Inc.
401 Washington Ave. Suite 305
Towson, Maryland, 21204
P: 410.321.7900
F: 410.321.7901

Plan to Accompany
A Petition
Rosenberger Property

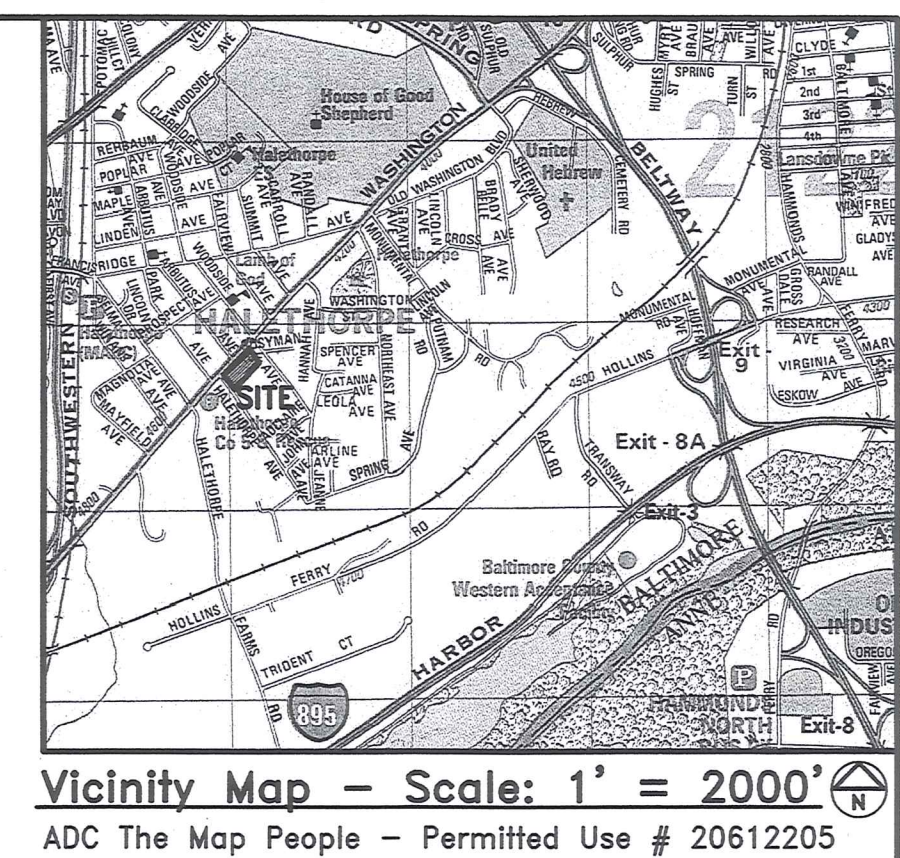
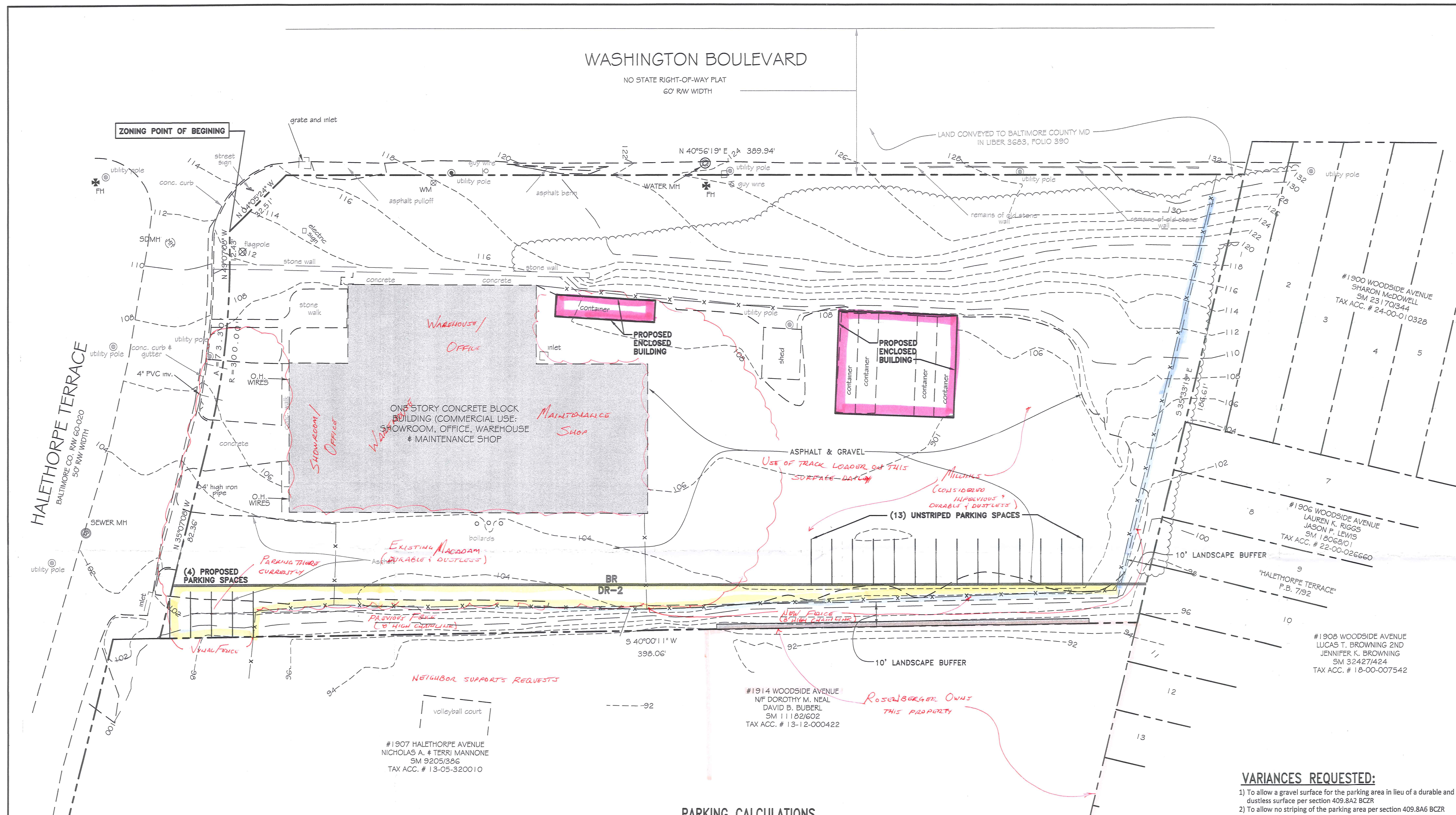
1901 Halethorpe Avenue
Baltimore County, Maryland
13th Election District 1st Councilmanic District

Date: 4/3/2013
Scale: AS SHOWN



I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed property line surveyor under the laws of the State of Maryland, License No. 531, Expiration Date: 2/22/15.

Petitioner's No. 1



- GENERAL NOTES**
- Ownership: Daniel E. Rosenberger
 - Address: 1901 Halethorpe Avenue
 - Deed references: SM 31351 / 432
 - Tax Map / Parcel / Tax account #: 108 / 202 / 13-01-020011 (1.78 acres)
 - Zoning: BR and DR 2. There are no previous zoning cases on the subject property
 - The boundary shown hereon is from deeds recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS files 108C2 and the information provided by Baltimore County on the internet.
 - Improvements: Concrete block building commercially used.
 - The existing building is currently serviced by public water and sewer.
 - There are no underground storage tanks on the subject property.
 - The subject property is not in the Chesapeake Bay Critical Area.
 - The subject property is not located within a 100 year flood plain.

B.R. SETBACKS FOR COMMERCIAL BUILDINGS

Front yard (per section 238.1 BCZR)
For commercial buildings the front building line shall be not less than 50 feet from the front property line if on a dual highway; and not less than 25 feet from the front property line and not less than 50 feet from the center line of any other street, except as specified in Section 303.2.

Side and Rear yard (per section 238.2 BCZR)
For commercial buildings, 30 feet.

PARKING CALCULATIONS

Warehouse (5500 square feet) requires one off street parking per employee on the largest shift per section 409.6 BCZR

Number of employees:	1
Number of parking spaces required:	1
Number of parking spaces provided:	1 (inside garage)

Showroom (retail)- 500 square feet

5 per 1000 square feet per section 409.6 BCZR	
Number of parking spaces required:	3
Number of parking spaces provided:	3

Office (general)- 1500 square feet

3.3 per 1000 square feet per section 409.6 BCZR	
Number of parking spaces required:	5
Number of parking spaces provided:	5

Maintenance Shop- 1500 square feet

3.3 per 1000 square feet per section 409.6 BCZR	
Number of parking spaces required:	5
Number of parking spaces provided:	5

Warehouse (2500 square feet) requires one off street parking per employee on the largest shift per section 409.6 BCZR

Number of employees:	1
Number of parking spaces required:	1
Number of parking spaces provided:	1 (inside garage)

Total number of parking spaces required: 15
Total number of parking spaces provided: 15

- VARIANCES REQUESTED:**
- To allow a gravel surface for the parking area in lieu of a durable and dustless surface per section 409.8A2 BCZR
 - To allow no striping of the parking area per section 409.8A6 BCZR
- SPECIAL HEARING REQUESTS:**
- To allow shipping containers in the BR zone within a proposed enclosed building
 - To allow commercial parking in a residential zone (DR 2) (4 parking spaces shown hereon)

REVISIONS

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed property line surveyor under the laws of the State of Maryland, License No. S31, Expiration Date: 2/22/15.

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

DRAFTED BY: **Tesseract**
Tesseract Sites, Inc.
401 Washington Ave., Suite 302
Baltimore, Maryland 21201
P. 410-351-7500 F. 410-351-7501

Plan to Accompany A Petition Rosenberger Property

1901 Halethorpe Avenue
Baltimore County, Maryland
13th Election District 1st Councilmanic District

Date: 4/3/2013
Scale: AS SHOWN

STATE OF MARYLAND
BRUCE E. DOAK
PROPERTY LINE SURVEYOR
No. S31
Exp. 2/22/15

PETITIONER'S EXHIBIT NO. 2