

IN RE: **PETITIONS FOR SPECIAL HEARING ***
AND VARIANCE

(Belair Road) *

14th Election District

6th Council District *

Carol & Edgar Lassahn and 7401 Belair Road, LLC.

Legal Owners *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0247-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 John B. Gontrum, Esquire, on behalf of Carol & Edgar Lassahn and 7401 Belair Road, LLC, the legal owners ("Petitioners"). The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) seeking to establish that the funeral home existed at the site since at least 1970; and (2) to allow a crematorium as an accessory use to a funeral establishment. The variance petition seeks relief from B.C.Z.R. §§ 450 & 232: (1) to allow 2 freestanding signs on a premises in lieu of permitted 1 sign; (2) to allow a side yard setback of 4.8 ft. in lieu of requiring 10 ft. from the residential zone; and (3) to allow a rear yard setback of 1 ft. in lieu of requiring 20 ft. from the residential zone.

The subject property and requested relief is more fully depicted on the revised site plan that was marked and accepted into evidence as Petitioners' Exhibit 1. Appearing at the public hearing in support of the requests was Heather, Ed and Carol Lassahn. John B. Gontrum, Esquire, from Whiteford, Taylor & Preston appeared and represented the Petitioners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance and the file does not contain any letters of protest.

ORDER RECEIVED FOR FILING

Date 7/16/14

By Sen

A substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP) dated June 9, 2014. That agency expressed support for the requests.

The subject property is approximately 2.43 acres and is zoned BL. The Petitioners have operated a funeral establishment at this location for over 150 years (5 generations of the Lassahn family). Given the growing popularity of cremation, the Petitioners would like to establish a crematory on site, so they will no longer have to "outsource" this function.

The side and rear yard setback requests concern long existing site conditions. The sign variance seeks to replace the two existing enterprise signs with more attractive new signs of roughly the same size.

According to the Zoning Commissioner's Policy Manual (ZCPM), crematories are not permitted as a principal use (by right or special exception) in Baltimore County. ZCPM, p.2-36. They are, however, permitted by special hearing as an accessory use to a funeral establishment principal use. Id. No new construction would be required for the crematory, and the Overlea Community Association expressed support for the proposal.

The second aspect of special hearing relief concerns BCZR § 230.3. In pertinent part, that regulation allows funeral establishments by special exception in the B.L. zone. But the regulation also states that any funeral establishment "which was a legal use immediately prior to ... [April 9, 1970] and which has since remained continuously in operation is a conforming use, permitted as of right." Id. As noted above, Petitioners testified (via proffer) that the Lassahn funeral home has been in continuous operation since long before 1970, and that the owners are state-licensed funeral directors.

ORDER RECEIVED FOR FILING

Date

7/16/14

By

Sen

As such, I will grant the petition for special hearing allowing the crematory as an accessory use to the funeral establishment. The special hearing will also be granted with respect to BCZR § 230.3, and the Lassahn funeral home will be deemed a lawful, conforming use under that regulation.

Based upon the testimony and evidence presented, I will also grant the petition for variance. To obtain variance relief a petitioner must show:

- (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 Petitioners have met this test. The property is irregularly shaped and is therefore unique.

I also find that strict compliance with the B.C.Z.R. would result in practical difficulty, given that Petitioners would be compelled to move or raze certain structures on site. 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 absence of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED this 16th day of July, 2014, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R"): (1) to establish that a funeral home has existed at this location (a BL zone) prior to 1970, and is therefore a lawful, conforming use; and (2) to allow a crematorium as an accessory use to a funeral establishment, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 7/16/14

By SEN

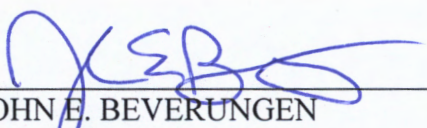
IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §§ 450 & 232: (1) to allow 2 freestanding signs on a premises in lieu of permitted 1 sign; (2) to allow a side yard setback of 4.8 ft. in lieu of the required 10 ft. from the residential zone; and (3) to allow a rear yard setback of 1 ft. in lieu of the required 20 ft. from the residential zone, be and is hereby GRANTED.

The relief granted herein shall be subject to 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.

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

7/16/14

By

sln

KEVIN KAMENETZ
County Executive



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

July 16, 2014

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, LLP
One W. Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Property: Belair Road
Case No.: 2014-0247-SPHA

Dear Mr. Gontrum:

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", is written over the printed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



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 7305, 7307, 7401 Belair Road which is presently zoned B.L.

Deed References: (see attached) 10 Digit Tax Account # (see attached)

Property Owner(s) Printed Name(s) Edgar Lassahn, Carol Lassahn, 7401 Belair Road, 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. 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 a funeral home existing in a B.L. zone prior to 1970; to allow a crematorium as an accessory use to a funeral establishment.

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) 450 attachment 1:3 to allow 2 freestanding signs on a premises in lieu of permitted 1 sign;

Section 232.2.B to allow a sideyard setback of 4.8' + in lieu of requiring 10' from the residential zone; and

Section 232.2.C to allow a rear yard setback of 1' in lieu of required 20' from the residential zone.

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)

Buildings have existed in the configuration on the site plan for many decades and would have to be removed if setbacks variances were not granted. 2 signs are needed because of topography and entrance configuration and such other reasons as 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).

Lessee:

Name - Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

John B. Gontrum, Esquire

Name - Type or Print

Signature

One W. Pennsylvania Ave., Suite 300, Towson, MD

Mailing Address

21204

City

410-832-2055

State

gontrum@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Carol & Edgar Lassahn/7401 Belair Road, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

7401 Belair Road, Baltimore, Maryland

Mailing Address

21236

City

410.665.2000

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

John B. Gontrum, Esquire

Name - Type or Print

Signature

One W. Pennsylvania Ave., St. 300, Towson, Md.

Mailing Address

21204

City

410-832-2055

State

gontrum@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0247-SP4A

Filing Date

5/20/14

Do Not Schedule Dates:

Reviewer JS

REV. 10/4/11

ATTACHMENT TO PETITION FOR ZONING HEARING

<u>Address</u>	<u>Liber/Folio</u>	<u>Tax I.D.</u>
7305 Belair Road	34670/00083	1412001425
	34670/00079	1412004210
7307 Belair Road	34670/00074	1412001407
7401 Belair Road	14848/00355	1412001405
	31164/00181	2500008659

**ZONING DESCRIPTION FOR
LASSAHN FUNERAL HOME
7305-7401 BELAIR ROAD
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the east side right-of-way of Belair Road (60 feet) wide at a distance of 150 feet south of the centerline intersection of Belair Road and Virginia Avenue which is (50 feet) wide, thence leaving the east side right-of-way of Belair Road the following courses and distances; (1) South 50 degrees 26 minutes 10 seconds East 201.15 feet, (2) North 40 degrees 08 minutes 40 seconds East 6.63 feet, (3) South 49 degrees 51 minutes 40 seconds East 13.00 feet, (4) North 40 degrees 08 minutes 20 seconds East 103.12 feet, (5) South 50 degrees 24 minutes 06 seconds East 162.97 feet, (6) South 45 degrees 59 minutes 19 seconds West 110.21 feet, (7) South 50 degrees 26 minutes 10 seconds East 144.92 feet, (8) South 44 degrees 38 minutes 43 seconds West 110.41 feet, (9) North 50 degrees 22 minutes 56 seconds West 350.50 feet, (10) South 39 degrees 27 minutes 50 seconds West 159.24 feet, (11) North 50 degrees 30 minutes 22 seconds West 156.41 feet to a point on the east side right-of-way of Belair Road, thence binding on Belair Road the following course and distance; (12) North 40 degrees 45 minutes 28 seconds East 269.13 feet to the point of beginning.

Containing a net area of 97,616 square feet, or 2.24 acres of land, more or less.


5/9/14

2014-0247-SP4A

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: 2014-0247-SP4A
Petitioner: Carol & Edgar Cassahn; 7401 Belair Rd, LLC
Address or Location: 7401, 7305, 7307 Belair Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: E. F. Cassahn General Home, P.A.
Address: 7401 Belair Rd.
Baltimore, MD 21236

Telephone Number: 410-665-2000

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

No. **112202**

Date: **5/20/14**

PAID RECEIPT

BUSINESS ACTUAL TIME
 5/21/2014 5/20/2014 11:10:01
 RES WSDS WALKIN RBO9 LRB
 RECEIPT # 737847 5/20/2014
 5 528 ZONING VERIFICATION
 NO. 112202
 Recpt Tot \$1,000.00
 \$1,000.00 CR \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$1,000.00

Total: **\$1,000.00**

Rec From: **LA SASHIN**

For: **2014-0717-SPHA**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

CASE NO: 2014-0247-S PHA

PETITIONER/DEVELOPER

JOHN GONTRUM
WHITEFORD, TAYLOR, PRESTON

DATE OF HEARING/CLOSING:

July 11, 2014

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE**

ATTENTION:

LADIES AND GENTLEMEN:

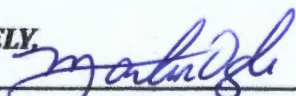
**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT** _____

7305, 7307, 7401

BELAIR ROAD

THIS SIGN(S) WERE POSTED ON JUNE 20, 2014
(MONTH, DAY, YEAR)

SINCERELY,


SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

60 CHELMSFORD COURT

BALTIMORE, MD 21220

(ADDRESS)

PHONE NUMBER: 443-629-3411

ZONING

CASE # 2014-0247-SPHA
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER

IN TOWSON, MD
Room 205 JEFFERSON BUILDING 105 WEST
CHESTER, AVENUE Towson 21204

DATE AND TIME: **FRIDAY, JULY 11, 2014 AT 7:30 P.M.**

REQUEST: SPECIAL HANDLINE TO APPROVE A FOOTBALL HOME EXERCISE IN A B.I. ZONE PRIOR TO THE TO ALLOW A CRASH PITCH AS AN ACCESSORY USE TO A FOOTBALL EXERCISE SHEDD VARIANCE TO ALLOW A FREE STANDING STUCCO ON A PITCH 15115 IN LINE OF THE REQUESTED 1540; TO ALLOW A SIDEYARD SETBACK OF 48 FT. IN LINE OF THE REQUIRED DEF. FROM THE RESIDUAL ZONE; TO ALLOW A BACKYARD SETBACK OF 1 FT. IN LINE OF THE REQUIRED 20 FT. FROM THE RESIDUAL ZONE.

DO NOT REMOVE THIS SIGN AND POST (NHL HEARING BATTERY EXPOSURE WARNING SIGN) FROM THE WEIGHING AND OTHER CONDITIONS ARE MODIFIED NECESSARY TO CORRECT READING. CALL 800-348-2991

MEETING IS HANDICAP ACCESSIBLE.

[Signature]
6/20/14



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

June 19, 2014

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 June 19, 2014

☐ The Jeffersonian

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: #2014-0247-SPHA

7305, 7307, 7401 Belair Road

SE/s Belair Road, 150 ft. s/of intersection with Virginia Ave
14th Election District - 6th Councilmanic District

Legal Owner(s): Carol & Edgar Lassahn

Special Hearing to approve a funeral home existing in a B.L. zone prior to 1970; to allow a crematorium as an accessory use to a funeral establishment. **Variance** to allow 2 free-standing signs on a premises in lieu of the permitted 1 sign; to allow a sideyard setback of 4.8 ft. in lieu of the requiring 10 ft. from the residential zone; to allow a rear yard setback of 1 ft. in lieu of the required 20 ft. from the residential zone.
Hearing: Friday, July 11, 2014 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.

6/29/14 June 19

983552



KEVIN KAMENETZ
County Executive

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

June 4, 2014

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: 2014-0247-SPHA

7305, 7307, 7401 Belair Road
SE/s Belair Road, 150 ft. s/of intersection with Virginia Avenue
14th Election District – 6th Councilmanic District
Legal Owners: Carol & Edgar Lassahn

Special Hearing to approve a funeral home existing in a B.L. zone prior to 1970; to allow a crematorium as an accessory use to a funeral establishment. **Variance** to allow 2 freestanding signs on a premises in lieu of the permitted 1 sign; to allow a sideyard setback of 4.8 ft. in lieu of the requiring 10 ft. from the residential zone; to allow a rear yard setback of 1 ft. in lieu of the required 20 ft. from the residential zone.

Hearing: Friday, July 11, 2014 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: John Gontrum, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Mr. & Mrs. Lassahn, 7401 Belair Road, Baltimore 21236

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 21, 2014.**
- (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
Thursday, June 19, 2014 Issue - Jeffersonian

Please forward billing to:

Carol & Edgar Lassahn
E.F. Lassahn Funeral Home, P.A.
7401 Belair Road
Baltimore, MD 21236

410-665-2000

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: 2014-0247-SPHA

7305, 7307, 7401 Belair Road
SE/s Belair Road, 150 ft. s/of intersection with Virginia Avenue
14th Election District – 6th Councilmanic District
Legal Owners: Carol & Edgar Lassahn

Special Hearing to approve a funeral home existing in a B.L. zone prior to 1970; to allow a crematorium as an accessory use to a funeral establishment. **Variance** to allow 2 freestanding signs on a premises in lieu of the permitted 1 sign; to allow a sideyard setback of 4.8 ft. in lieu of the requiring 10 ft. from the residential zone; to allow a rear yard setback of 1 ft. in lieu of the required 20 ft. from the residential zone.

Hearing: Friday, July 11, 2014 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.

M E M O R A N D U M

DATE: August 18, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0247-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on August 15, 2014. 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 * BEFORE THE OFFICE
AND VARIANCE *
7305, 7307, 7401 Belair Road; SE/S Belair Rd,* OF ADMINISTRATIVE
150' S of intersection w/ Virginia Avenue *
14th Election & 6th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Carol & Edgar Lassahn *
Petitioner(s) * BALTIMORE COUNTY
* 2014-247-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.



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 30th day of May, 2014, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, 1 West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2014-0247-SPHA

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

6/2/14

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

NIC

6/26/14

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

NIC

FIRE DEPARTMENT

6/9/14

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

C

6/2/14

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 6/19/14

SIGN POSTING

Date: 6/20/14

by Oge

PEOPLE'S COUNSEL APPEARANCE

Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

July 3, 2014

Carol & Edgar Lassahn
7401 Belair Road LLC
7401 Belair Road
Baltimore MD 21236

RE: Case Number: 2014-0247 SPHA, Address: 7305, 7307, 7401 Belair Road

Dear Mr. & Ms. Lassahn:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 20, 2014. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
John B. Gontrum, Esquire, One W. Pennsylvania Avenue, Suite 300, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 6/2/14

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

RE: Baltimore County
Item No. 2014-0247-SPHA
Variance Special Permitting
Carol & Edgar Lassahn
7401 Belair Road LLC
7305, 7307, 7401

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 5/28/14. A field inspection and internal review reveals that an entrance onto US 1 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2014-0247-SPHA.

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,

Steven D. Foster, Chief/
Development Manager
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

The Honorable John E. Beverungen, Esquire
Administrative Law Judge
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

June 30, 2014

JS 7-11-14 1:30 PM

Judge Beverungen,

As president of the Overlea Community Association (OCA) I am writing in support of the variance request submitted by the Lassahn Funeral home located at 7305, 7307, 7401 Belair Road, Case No. 2014-0247 SPHA. The OCA is in full support of the variance requested by this longstanding family business operating within the Overlea community. Lassahn's Funeral Home is a well respected business but more importantly a respected and supportive neighbor within our community. The property is such that it adds to both the character of the community and is one of the very few buildings on Belair Road that actually enhances the appearance of the corridor. The requested two signs will not detract from the desired appearance of the property and will facilitate greater ease in identifying the specific building. Additionally, the OCA has no objection to allowing a crematorium as an accessory to the funeral establishment. As a person who appreciates history I would add that the presence of the Lassahn business and family name on the two signs reflects a history that we as a community are proud to project along the Belair Road corridor.

Thank you for your consideration.

Sincerely,



Dennis M. Robinson Sr.

6709 Everall Avenue

Baltimore, Maryland 21206

RECEIVED

JUN 30 2014

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 2, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For June 2, 2014
Item Nos. 2014-0240, 0241, 0242, 0243, 0244, 0246, 0247, 0248
and 0249

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-06022014-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 9, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 7305, 7307, 7401 Belair Road

JUN 11 2014

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 14-247

Petitioner: Carol & Edgar Lassahn, 7401 Belair Road, LLC

Zoning: BL

Requested Action: Special Hearing, Variance

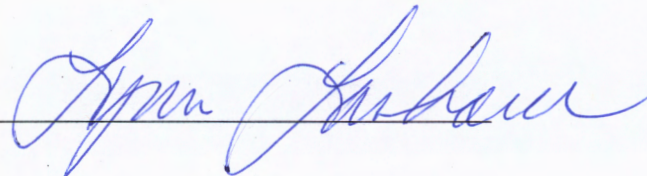
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning supports the petitioners request for special hearing to allow an existing funeral home and additional use as a crematorium in a BL Zone. The petitioner is not increasing square footage to add the crematorium use. Everything is existing on the site. The department also supports the variances requested regarding the existing two free-standing signs, as well as setbacks for the side and rear yard of the property.

The Lassahn Funeral Home recently celebrated their 150th anniversary. The business is very active in the Overlea Community Association and the revitalization efforts along Belair Road and is a prominent part of the Overlea Commercial Revitalization District.

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

Division Chief:
AVA/LL



7-11
1:30

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



JUN 26 2014

OFFICE OF ADMINISTRATIVE HEARINGS

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: June 26, 2014

SUBJECT: DEPS Comment for Zoning Item # 2014-0247-SPHA
Address 7305, 7307, 7401 Belair Road
(Lassahn Property)

Zoning Advisory Committee Meeting of May 26, 2014.

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

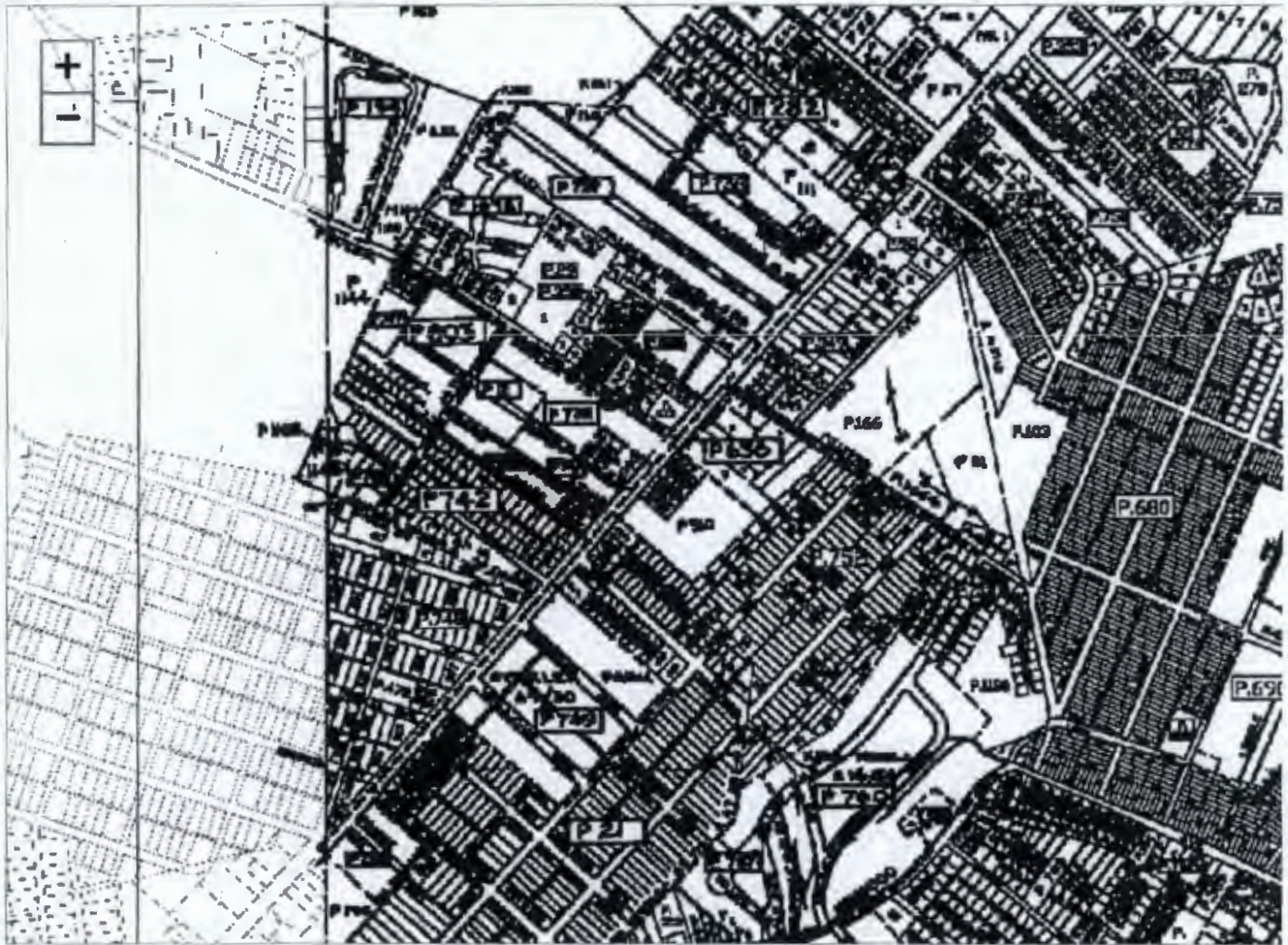
Reviewer: *Jeff Livingston – Development Coordination*

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registr
Account Identifier: District - 14 Account Number - 1412001405		
Owner Information		
Owner Name:	7401 BELAIR ROAD LLC	Use: COMMERCIAL
Mailing Address:	7401 BELAIR RD BALTIMORE MD 21236-4602	Principal Residence: NO Deed Reference: 1) /14848/ 2)
Location & Structure Information		
Premises Address:	7401 BELAIR RD 0-0000	Legal Description: 7401 BEL LASSAHN
Map: 0081	Grid: 0015	Parcel: 0636
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 8	Assessment Year: 2013
Plat No:	Plat Ref:	Town: NONE
Special Tax Areas:	Ad Valorem:	Tax Class:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
	11156	1.2600 AC
Stories	Basement	Type
		MORTUARY
Exterior	Full/Half Bath	Garage
		Last Major Renova
Value Information		
	Base Value	Value
		As of
		01/01/2013
Land:	424,900	424,900
Improvements	675,000	656,600
Total:	1,099,900	1,081,500
Preferential Land:	0	0
Transfer Information		
Seller: LASSAHN M ELEONORA	Date: 12/06/2000	Price:
Type: NON-ARMS LENGTH OTHER	Deed1: /14848/ 00355	Deed2:
Seller: LASSAHN M ELEANORA	Date: 12/16/1999	Price:
Type: NON-ARMS LENGTH OTHER	Deed1: /14210/ 00725	Deed2:
Seller: LASSAHN EDGAR F	Date: 01/14/1999	Price:
Type: NON-ARMS LENGTH OTHER	Deed1: /13451/ 00531	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	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		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **14** Account Number: **1412001405**

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 (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

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→

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Register
Account Identifier:	District - 14 Account Number - 1412001407	
Owner Information		
Owner Name:	LASSAHN EDGAR JR LASSAHN CAROL A	Use: COMMERCIAL/RES
Mailing Address:	7401 BELAIR RD BALTIMORE MD 21236-4602	Principal Residence: NO Deed Reference: 1) /34670/ 00074 2)
Location & Structure Information		
Premises Address:	7307 BELAIR RD BALTIMORE MD 21236-4602	Legal Description: SES BELAIR RD .21 AC 479 S FULLERTON
Map: 0081	Grid: 0015	Parcel: 0272
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2013
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built 1925	Above Grade Enclosed Area 2494	Finished Basement Area
Property Land Area 9,120 SF		
Stories 2.500000	Basement YES	Type STANDARD UNIT
Exterior ASBESTOS SHINGLE	Full/Half Bath 2 full	Garage
Last Major		
Value Information		
	Base Value	Value
		As of 01/01/2013
Land:	180,200	180,200
Improvements	169,400	144,700
Total:	349,600	324,900
Phase-in Assessments		As of 07/01/2013
As of 07/01/2013		324,900
Preferential Land:	0	0
Transfer Information		
Seller: LASSAHN EDGAR, JR	Date: 02/05/2014	Price:
Type: NON-ARMS LENGTH OTHER	Deed1: /34670/ 00074	Deed2:
Seller: LASSAHN M ELEANORA	Date: 10/25/2011	Price:
Type: NON-ARMS LENGTH OTHER	Deed1: /31324/ 00137	Deed2:
Seller: LASSAHN EDGAR F	Date: 01/14/1999	Price:
Type: NON-ARMS LENGTH OTHER	Deed1: /13451/ 00531	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	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		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **14** Account Number: **1412001407**

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Property maps provided courtesy of the Maryland Department of Planning ©2011.

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(<http://imsweb05.mdp.state.md.us/website/mosp/>)

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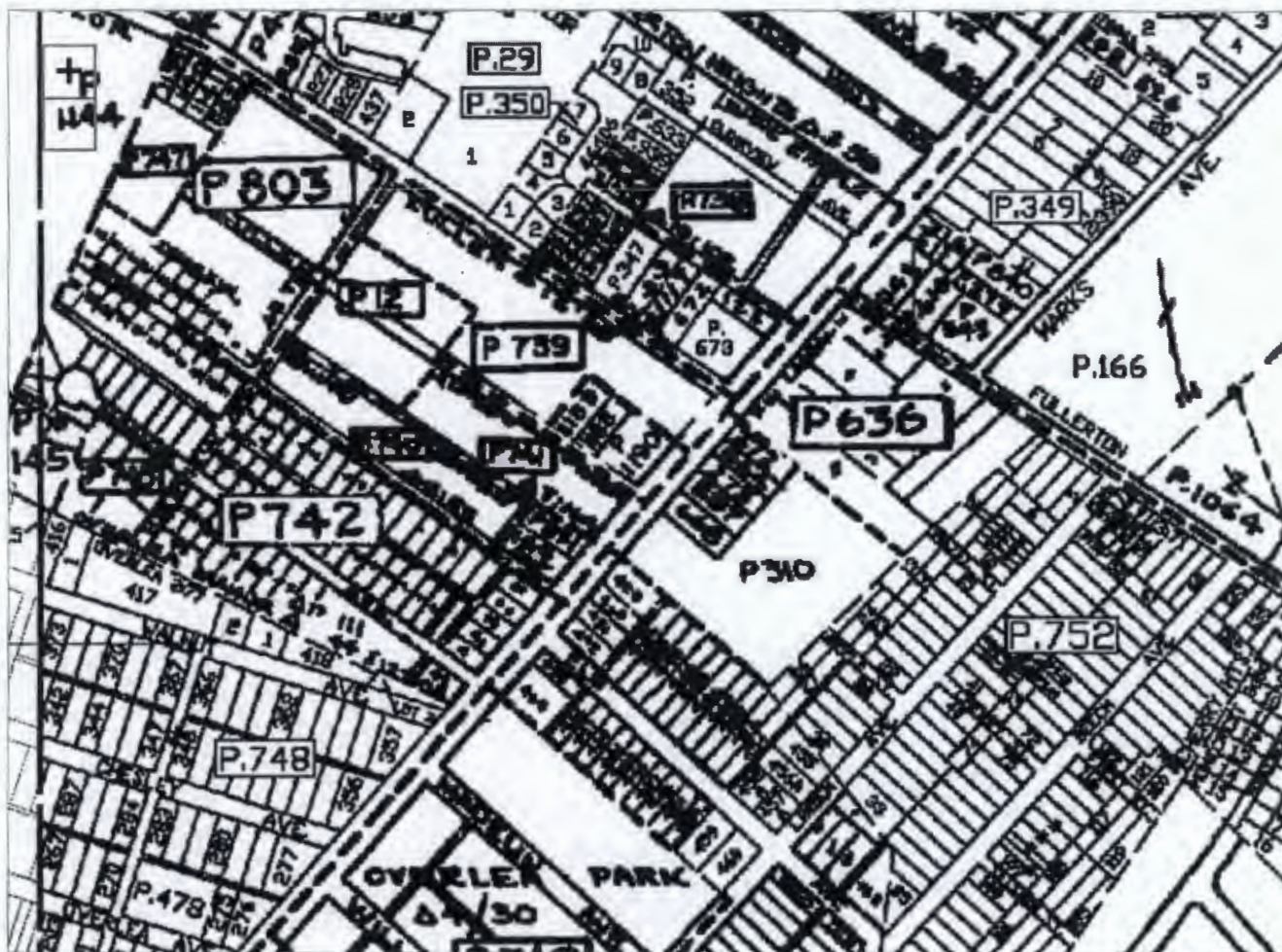
→

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Register
Account Identifier:	District - 14 Account Number - 1412001425	
Owner Information		
Owner Name:	LASSAHN EDGAR JR LASSAHN CAROL A 7401 BELAIR RD BALTIMORE MD 21236-4602	Use: COMMERCIAL Principal Residence: NO Deed Reference: 1) /34670/ 00083 2)
Mailing Address:		
Location & Structure Information		
Premises Address:	7305 BELAIR RD 0-0000	Legal Description: 7305 BELAIR RD 539 FT S FULLER
Map: 0081	Grid: 0015	Parcel: 0273
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2013
Special Tax Areas:	Town: NONE	Ad Valorem:
Primary Structure Built 1892	Above Grade Enclosed Area 1851	Finished Basement Area 7,700 SF
Stories	Basement	Type OFFICE BUILDING
Exterior	Full/Half Bath	Garage 1 Detached
Last Major Ren		
Value Information		
	Base Value	Value
		As of 01/01/2013
Land:	154,000	154,000
Improvements	90,900	139,700
Total:	244,900	293,700
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2013
		As of 07/01/2013
		261,167
		277,43
Transfer Information		
Seller: LASSAHN EDGAR, JR	Date: 02/05/2014	Price:
Type: NON-ARMS LENGTH OTHER	Deed1: /34670/ 00083	Deed2:
Seller: LASSAHN M ELEANORA TRUSTEE	Date: 10/25/2011	Price:
Type: NON-ARMS LENGTH OTHER	Deed1: /31324/ 00137	Deed2:
Seller: LASSAHN EDGAR F	Date: 06/09/1998	Price:
Type: NON-ARMS LENGTH OTHER	Deed1: /12921/ 00211	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013 07/01/2014
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		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **14** Account Number: **1412001425**

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(<http://imaweb05.mdp.state.md.us/website/mosp/>)

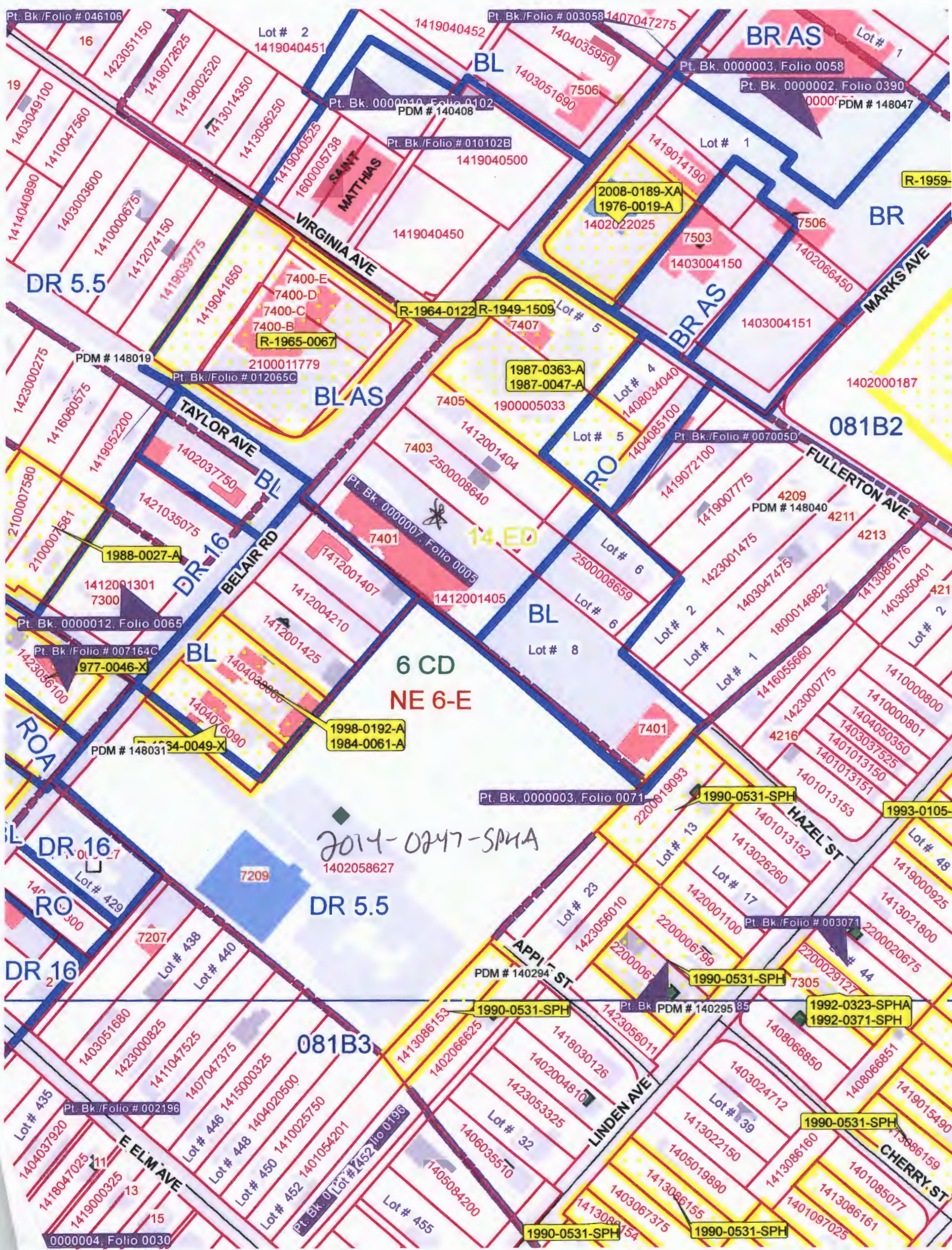
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CASE NAME Lassahn
CASE NUMBER 2014-0247-SPHA
DATE 7/11/14

[illegible]



2014-0247-SPHA

DR 5.5

081B3

BRAS

BL

DR 5.5

BLAS

RO

ROA

DR 16

DR 16

APPL ST

LINDEN AVE

HAZEL ST

CHERRY ST

MARKS AVE

FULLERTON AVE

VIRGINIA AVE

TAYLOR AVE

BELAIR RD

SANT MATTHIAS

6 CD
NE 6-E

BR

081B2

14 ED

ELM AVE

1990-0531-SPH

1990-0531-SPH

1990-0531-SPH

1992-0323-SPHA
1992-0371-SPH

1990-0531-SPH

1990-0531-SPH

1988-0027-A

1977-0046-X

1984-0049-X

1998-0192-A
1984-0061-A

1987-0363-A
1987-0047-A

2008-0189-XA
1976-0019-A

R-1965-0067

R-1964-0122
R-1949-1509

R-1959

Pt. Bk./Folio # 046106

Lot # 2
1419040451

Pt. Bk./Folio # 003058

Pt. Bk. 0000003, Folio 0058

Pt. Bk. 0000002, Folio 0390
PDM # 148047

Pt. Bk. 0000010, Folio 0102
PDM # 140408

Pt. Bk./Folio # 010102B

PDM # 148019

Pt. Bk./Folio # 012065C

Pt. Bk./Folio # 007005D

Pt. Bk. 0000012, Folio 0065

Pt. Bk./Folio # 007164C

Pt. Bk. 0000003, Folio 0071

Pt. Bk./Folio # 003071

Pt. Bk. PDM # 140295 85

Pt. Bk./Folio # 002196

Pt. Bk. 01452, Folio 0196

0000004, Folio 0030

Case No.: 2014-0247-SPHA

Exhibit Sheet

Petitioner/Developer

DW
8-18-14

Protestants

SLR
7/16/14

No. 1	Plan	
No. 2	Google Earth photos	
No. 3	Photos of sign	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



To see all the details that are visible on the screen, use the "Print" link next to the map.



EXHIBIT

2



To see all the details that are visible on the screen, use the "Print" link next to the map.





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To see all the details that are visible on the screen, use the "Print" link next to the map.



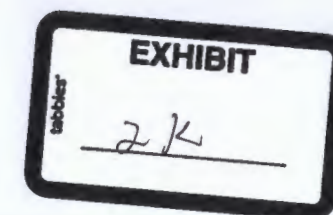
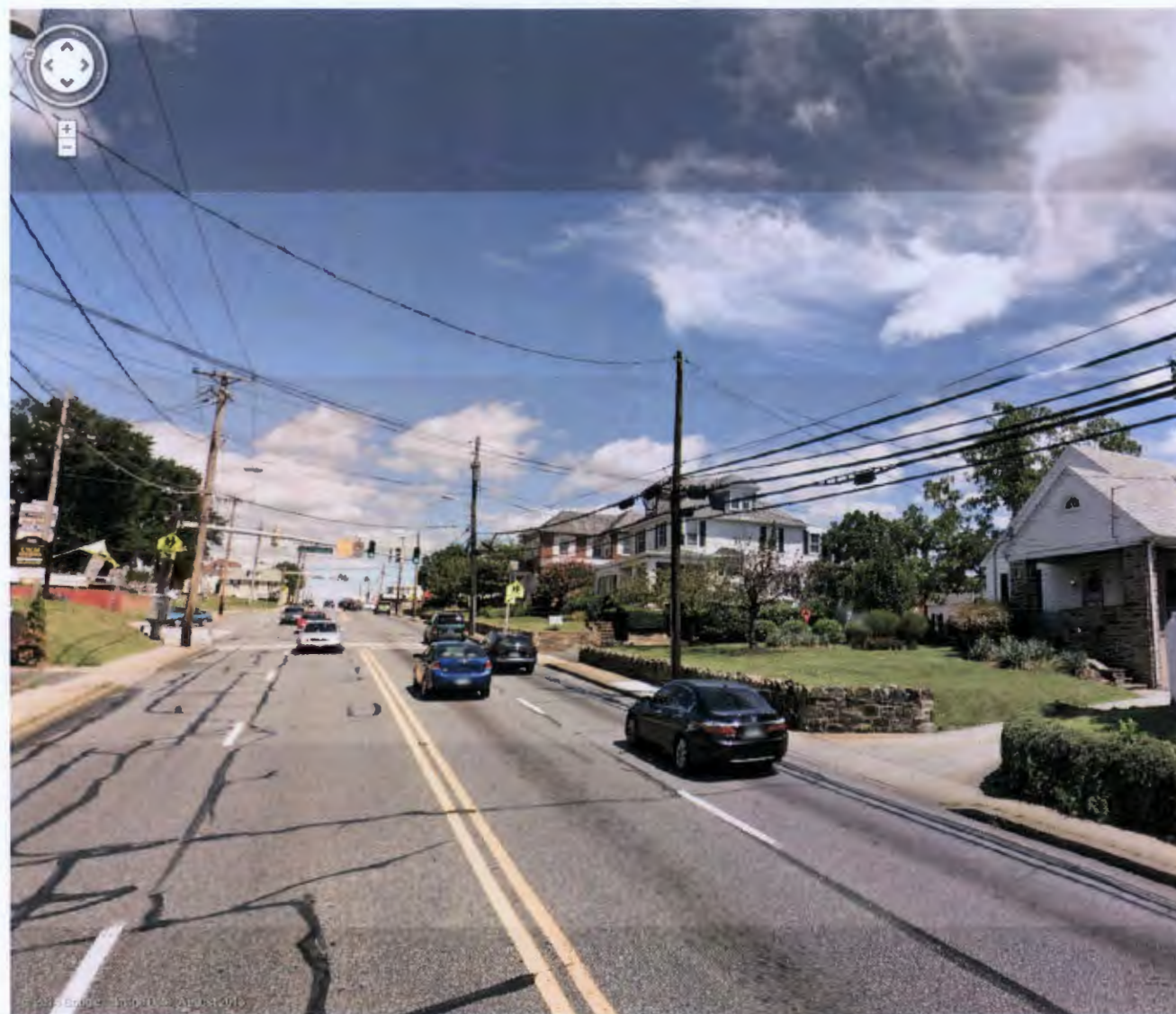


To see all the details that are visible on the screen, use the "Print" link next to the map.





To see all the details that are visible on the screen, use the "Print" link next to the map.



E.F. LASSAHN
FUNERAL HOME, P.A.

EXHIBIT

3

tabbler

Belair Rd.

96"

88"

68" 48"

7401



Pasadena
SIGNS

Since 1965

Quality Sign Displays Since 1965
6300 Arundel Cove Avenue
Baltimore, Maryland 21226

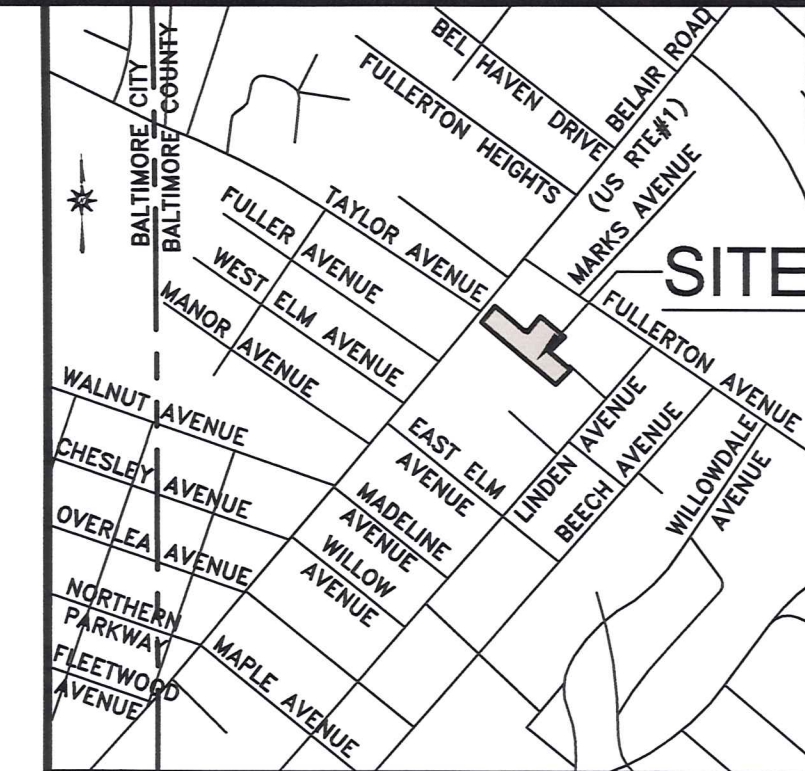
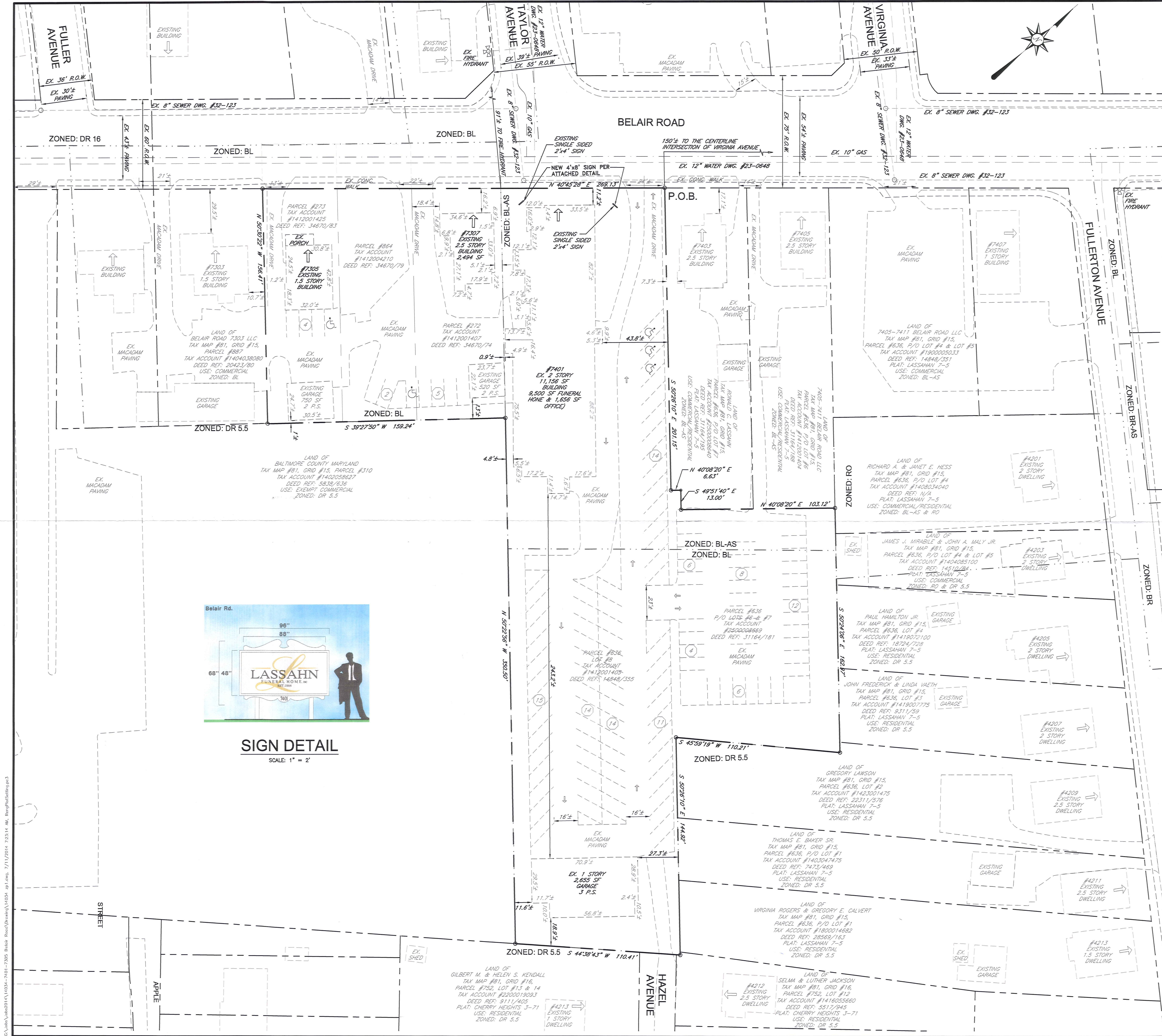
410-355-5400 fax 410-355-8343

Client	Lassahn Funeral Home	Draftsman	Alex
Salesperson	Jerry Sterling Jr.	Scale	NTS
Date	February 28, 2014	Version	1A
File		Price	

This Original Design is The Property Of Pasadena Sign Company Inc. (PSC Inc.) And is Protected By Federal Copyright Laws. Any Construction Of Reproduction Of a Display Product Similar To The One Embodied Herein is Expressly Forbidden. Should Such Construction Occur, PSC Inc. is Due \$1,000.00 As Compensation For The Time And Effort in Creating Each Individual Design. All Rights Reserved.

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. UL

Due to the phys. limits of the print process, this sample drawing cannot provide an exact match between ink, vinyl, & paint



LOCATION MAP
SCALE: 1" = 1000'

OWNER CHART

ADDRESS	OWNER	MAP #	GRID #	PARCEL #	LOT #	ACCOUNT #	DEED REF
#7305	EDGAR LASSAHN JR. & CAROL A. LASSAHN	81	15	273	N/A	1412001425	34670/63
#N/A	EDGAR LASSAHN JR. & CAROL A. LASSAHN	81	15	864	N/A	1412004210	34670/79
#7307	EDGAR LASSAHN JR. & CAROL A. LASSAHN	81	15	272	N/A	1412001407	34670/74
#7401	7401 BELAIR ROAD LLC	81	15	636	8	1412001405	14848/355
#N/A	7401 BELAIR ROAD LLC	81	15	636	P/O 6&7	2500008659	31164/181

GENERAL NOTES:

- DEVELOPER: 7401 BELAIR ROAD LLC
7401 BELAIR ROAD
BALTIMORE, MARYLAND 21236-4602
- SITE AREA: 97,616 SF or 2.24 Ac.±
GROSS: 105,691 SF or 2.43 Ac.±
- USES: EXISTING: FUNERAL HOME & OFFICES.
PROPOSED: FUNERAL HOME, OFFICES & CREMATORIUM.
- UTILITIES: PUBLIC WATER & SEWER
- COUNCILMANIC DISTRICT: 6TH
- ZONING: BL & BL-AS (PER 200 SCALE GIS TILE #081B2)
- PLAT REFERENCE: LASSAHN PLAT 7-5
- WATERSHED: BACK RIVER
- PARKING CALCULATIONS: REQUIRED:
FUNERAL HOME: 10/1000 @ 9,500 = 95 SPACES
OFFICE: 3.3/1000 @ 4,953 = 17 SPACES
EMPLOYEES: 1/2 @ 6 = 3 SPACES
VEHICLES: 1/1 @ 3 = 3 SPACES
TOTAL = 118 SPACES
- PROPOSED: 122 SPACES (5 HANDICAPPED, 117 STANDARD)
- NO KNOWN PRIOR ZONING HISTORY ON FILE.
- DRC 062811A: LIMITED EXEMPTION TO ADJUST LOT LINES FOR #7403 & #7405 BELAIR ROAD.
- NO KNOWN PRIOR PERMITS ON FILE.
- THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE DOES NOT LIE WITHIN A FLOOD ZONE.
- BUILDING AREAS:

ADDRESS	1ST FLOOR	2ND FLOOR	TOTAL
#7305	1,851 SF	750 SF	2,601 SF
#7307	1,448 SF	1,048 SF	2,496 SF
#7401	9,500 SF	1,656 SF	11,156 SF
TOTAL	12,797 SF	3,454 SF	16,251 SF
- NO PROPOSED SIGNS, EXISTING SIGNS ARE TO REMAIN.
- BASIC SERVICE MAPS:

TYPE	DEFICIENT (Y/N)	NOTE
SEWER	N	
WATER	N	
TRANSPORTATION	N	
- SETBACKS FOR BL TYPE FRONT:

	REQUIRED	PROVIDED
FROM P.L.	10'	11.2'±
FROM C.L.	40'	41.9'±
SIDE	NONE	0.9'±
REAR	20'	18.9'±
- FLOOR AREA RATIO:

	MAXIMUM PERMITTED:	PROVIDED:
	3.0	0.15 (16,251 SF/105,691 SF)

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2015



Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR LASSAHN FUNERAL HOME 7305-7401 BELAIR ROAD (US ROUTE #1) BALTIMORE, MARYLAND 21236

14TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND		
REVISION#	PETITIONER'S	DRAWN BY:	DESIGNED BY:	SCALE:
		CND	PCR	1" = 30'
	EXHIBIT NO. 1	DATE:	JOB NO.:	SHEET NO.:
		05-05-14	14034	1 OF 1

