



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 320 Pennsylvania Ave which is presently zoned ROA
Deed References: 27239/00750 10 Digit Tax Account # 0910450250
Property Owner(s) Printed Name(s) Kevin Bielat

(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 Z To permit a new dwelling to be used immediately as a Class A office building in lieu of the required 5 year wait time as defined in BCZR Section 202.5.
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. a **Variance** from Section(s)

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)

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 _____

Legal Owners (Petitioners):

Kevin Bielat ,
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
K Bielat ,
 Signature #1 _____ Signature #2 _____
13825 Burntwoods Rd Glenelg, MD
 Mailing Address _____ City _____ State _____
21737 , 301.461.4671 , Kbielat7@gmail.com
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Kevin Bielat
 Name - Type or Print _____
K Bielat
 Signature _____
13825 Burntwoods Rd Glenelg, MD 21737
 Mailing Address _____ City _____ State _____
21737 , 301.461.4671 , Kbielat7@gmail.com
 Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2015-0264-SPH Filing Date 5/26/15 Do Not Schedule Dates: _____ Reviewer JS

May 20, 2015

Kevin Bielat
13825 Burntwoods Road
Glenelg, MD 21737

Zoning Review
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

RE: 320 Pennsylvania Avenue
Special Hearing Property Description

PART A: Property Description

ZONING PROPERTY DESCRIPTION FOR 320 Pennsylvania Avenue, Towson, Maryland.

Beginning at same stone set in the ground on the South side of Pennsylvania Avenue at the Northeast corner of that lot of ground which by deed dated the 12th of June, 1893, and recorded among the Land Records of Baltimore County in Liber Number 199, Folio 168, was conveyed by John Yellicott, Trustee to Kate B. Gott et al, and running thence South 76 1/2 degrees East 40 feet to a stone set in the ground on the south side of said Avenue, and to Lot 6, as designated in the hereinafter recited plat, thence bordering at the Western outline of the said lot South 13 1/2 degrees West 145 feet to an alley ten feet inside; thence along the North side of the alley, with the rise of the same north 76 1/2 degrees West 40 feet to the Eastern outline of the lot conveyed as aforesaid to Kate B. Gott et. al., and thence bordering thereon, North 13 1/2 degrees East 145 feet to the place of the beginning.

PART B: Property Description Continued - Option 2 (Subdivision Lot)

Being Lot B , in the subdivision of "Goff Plains" as recorded in Baltimore County Plat Book #2, Folio #167, containing 5,800 sqft (.013 acre). Located in the 9th Election District and 5th Council District.

2015-0264-SP4

May 20, 2015

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13825 Burntwoods Road
Glenelg, MD 21737

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2015-0264-SPH

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

GIS Attribute Table ID
(SEARCH ON THIS FIELD):

20150264

Case Type Prefix: Case Year: Case Number Case Type Suffix:

2015

0264

SPH

Existing Use:

Residential

Legal Owners/Petitioner
(SEARCH ON THIS FIELD):

Kevin Bielat

| House/St. Number: | House/Street Number Range: | House/St. No. | Prefix Dir.: | Pre. Type: | Street Name (SEARCH ON THIS FIELD): | Suf. Type: | Suffix Dir.: | Suite/Apt./Unit Number: |
|-------------------|----------------------------|---------------|--------------|------------|-------------------------------------|------------|--------------|-------------------------|
| 320 | | | | | Pennsylvania | Ave | | |

320

Pennsylvania

Ave

Property Description (SEARCH ON THIS FIELD):

S/S of E Pennsylvania Avenue, 112 ft. W of the centerline of intersection with Fairmount Avenue

Existing Zoning Classification: ROA Area: 5800 sq. ft. Election District: 9th Councilmanic District: 5th

Critical Area: NO Floodplain: NO Historic Area: NO Related (Prior and Future) Cases: 2015-0117 SPHA (Granted)

Violation Cases: Concurrent Cases:

| Tax Account ID: | Deed Liber #: | Deed Folio #: | Miscellaneous Notes |
|-----------------|---------------|---------------|---|
| 1.) 0910450250 | 1.) 27239 | / 00750 | Contacted many times for proof of payment. No response. June Wisnom. Case Canceled and Closed due to lack of payment and progress on petition filing. WCR |
| 2.) | 2.) | / | |
| 3.) | 3.) | / | |

1.) 0910450250

1.) 27239 / 00750

Contacted many times for proof of payment. No response. June Wisnom. Case Canceled and Closed due to lack of payment and progress on petition filing. WCR

2.)

2.) /

3.)

3.) /

Contract Purchaser:

Attorney:

Petition Reviewer: JS Petition Reviewer 2: Petition Filing Date: 05/21/2015

Day of Week: Hearing Date: Hearing Time: Hearing Location:

Closing Date: Commissioner Hearing Continued Fro Commisioner Hearing Resceduled From Formal Request For Hearing

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/neighborhood 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: 2015-0264-SPH

Petitioner: KEVIN BIELAT

Address or Location: 300 PENNSYLVANIA AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: KEVIN BIELAT

Address: 13825 BURNWOODS ROAD

GIGNELG, MD 21737

Telephone Number: 301-461-4671

Case Number

2015 0264

SPH

Petition Type # 1: SPECIAL HEARING

Petition Request # 1: To permit a new dwelling to be used immediately as a Class A office building in lieu of the required 5 year wait time as defined in BCZR Section 202.5.

Petition Type # 2:

Petition Request # 2:

Petition Type # 3:

Petition Request # 3:

Petition Type # 4:

Petition Request # 4:

200 Foot
Scale Map
Reference:

Existing Use:

Residential

Proposed Use:

Residential

Existing Zoning Classification

ROA

Requested Zoning Classification:

North/South Coordinate:

1000 Foot
Scale Map
Reference:

Existing District:

Requested District:

East/West Coordinate:

Census Tract:

Commissioner Case Number | 2015 | 0264 | SPH

Zon. Comm. or Dep. Zon. Comm | Carl Richards

Commissioner Order Date | 08/05/2015

Commissioner Decision | Case Canceled and Closed

Commissioner Order Restrictions | NO

Circuit Court Case Number |

Circuit Court Filing Date: |

Circuit Court Decision Date: |

Circuit Court Decision: |

MD Court of Special Appeals Filing Date |

MD Court of Special Appeals Decision Date: |

MD Court of Special Appeals Decision |

Board of Appeals Case Number |

Appeal to Board of Appeals?: |

Appellant: |

Board of App. Description |

Board of Appeals Filing Date |

Date Case Sent To Board: |

Board of Appeals Hearing Date: |

Board of Appeals Decision Date: |

Board of Appeals Decision |

MD Court of Appeals Filing Date |

MD Court of Appeals Decision Date: |

MD Court of Appeals Decision: |

U.S. Supreme Court Filing Date |

U.S. Supreme Court Decision Date |

U.S. Supreme Court Decision |

Find Record

Next Record

Previous Record

Preview ZAC

Public Hearings

Admin Variances

Open MS Word

Exit Access

Scanned Image

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 23, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 320 East Pennsylvania Avenue

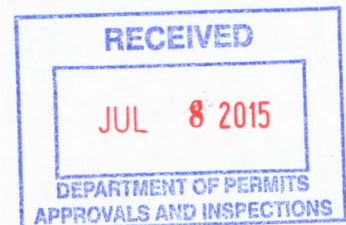
INFORMATION:

Item Number: 15-264

Petitioner: Kevin Bielat

Zoning: ROA

Requested Action: Special Hearing



SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Special Hearing to determine whether or not the Administrative Law Judge should approve a new dwelling to be used immediately as a Class A Office Building in lieu of the required 5 year residential use period. The Department recommends DENIAL of the petitioned zoning relief.

The property located at 320 East Pennsylvania Avenue was previously improved with a dwelling which was destroyed by fire in 2004. Throughout the prior Zoning Case 2015-0117 SPHA, Baltimore County Design Review Panel Case No. 566 and outreach to the community resulting in approval from the North East Towson Improvement Association, Inc. the present petitioner, Mr. Kevin Bielat, has consistently represented to all individuals having interest and standing in the disposition of the property his intention to improve the site with a single family dwelling in a manner that is compatible with the historic East Towson Community. Mr. Bielat no longer proposes to use the property for residential purposes in any capacity.

The Department finds that the proposal in the present zoning case is most appropriately defined in BZCR Section 101 as a Class B Office Building. Class B Office Building is not a permitted use in the ROA zone. Further, the Department holds that any structure purposely built as an office building in the ROA zone, and not meeting the 5 year domestic residency requirement in BCZR 202.5, necessarily cannot be "converted" from a residence to a Class A Office Building. Any conversion of an existing residence to a Class A Office Building is subject to specific review requirements. The review requirements applicable in the instant case are compounded by the duties and authority of the Baltimore County Design Review Panel (DRP) as established in BCC 32-4-203.

The petitioned relief cannot be supported by this Department based on the following reasoning.

Prior plan reviews by the Department and the DRP were conducted with an understanding that the property was to be used for residential purposes. Recommendations made in all prior zoning and DRP actions by the Department and the DRP are not appropriate to the current non-residential proposal. The filing of the current petition raises a reasonable concern on the part of the Department that Mr. Bielat may not have acted in good faith when presenting his position in the aforementioned zoning and DRP cases.

The Department holds that the setback relief granted to the proposed "single family dwelling" in the aforementioned zoning case 2015-0117 SPHA is beyond the spirit and intent of the Order issued in that case when considering a more intensive office use. All zoning relief granted should be rescinded if applied to any use other than a single family dwelling. Any proposed use on the property needing zoning relief, other than that of a single family dwelling, must petition the Administrative Law Office for said relief thereby allowing for Department review in the proper context.

It is the expectation of the DRP that a proposal put before them is in fact what it represents itself to be. The civic function of the DRP is diminished when its purview is circumvented by an arguably disingenuous filing. The Department repeats its position that the present proposal cancels all prior recommendations and approvals made by the DRP attached to this property. The Department stands on its position that the current office building proposal must be put before the DRP.

Continuing, BCZR Section 202.3.B, Uses permitted by Special Exception, applies when the floor area of a Class A Office Building is enlarged by 10 % or more within a period of five years prior to the date of application. Because in this case 100% of the floor area is to be "expanded" within a period of 5 years prior to the date of application, the proposal would require Special Exception approval. Additionally, BCZR Section 202.6 requires the Department to review a Class A Office Building conversion for adherence to the compatibility objectives listed in BCC Section 32-4-402(d). The Department finds the plan to be insufficient in detail to diligently perform such a review. The current site plan submitted in support of the petition fails to convey even the minimum information required by PAI's "Checklist for the Minimum Information to be shown on Site Plans for Commercial Permit Applications for Class "A" Office Building". Because the Petitioner misrepresented his intentions, the more stringent Special Exception tests in BCZR Section 502 1 and the BCC compatibility objectives cited above were not applied.

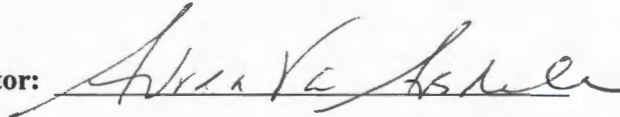
Baltimore County government has made significant investment in the East Towson neighborhood, including restoration of the existing housing stock, and improvements to roads and open spaces. In 2000, Baltimore County was approached by the leaders of the North East Towson Improvement Association, Inc. to request the County's assistance in increasing homeownership opportunities in the East Towson community. The community also expressed concern about the need for revitalization so as to reduce or eliminate the possibility of future commercial encroachment. As a response to those concerns, Baltimore County has invested more than \$3.3 million in federal funds to assist nonprofit development organizations to acquire and rehabilitate properties for the purpose of creating affordable home ownership opportunities. The County also acquired and preserved the Jacob House, a historic log cabin dating back to the 1800's. The County's efforts have paid off. Property values have increased as well as homeownership levels since the County has invested resources in the community. These actions were guided by the Towson Community Plan, adopted by the County Council on February 3, 1992 and made a part of the Master Plan. For the East Towson community, the plan seeks to "achieve neighborhood stabilization, redevelopment of affordable infill housing and adequate buffers and protection from commercial encroachment of the Towson commercial core" (p. 73). It also states that "Development of affordable housing on vacant parcels is the preferred use, since neighborhood stabilization is the primary objective of this plan." It identifies the 300 block of East Pennsylvania Avenue as a "transitional block," but states "the existing patterns of single family or semi-detached buildings should remain." (p. 73).

The existing land use of the block consists of a mix of residences, Class A Offices and vacant parcels. The plan, and subsequent rezoning to ROA, establishes an expectation that residences would be constructed on any vacant parcel, and only later converted to Class A office after a minimum 5-year period, if the owner finds the continued viability of residential use is impacted by adjacent nonresidential activity. The plan contains standards to address this potential for future conversion which address compatibility, landscaping, transportation and uses permitted by right and by special exception.

Based on the foregoing, the Department recommends that the use of the property for a Class B Office Building or, in the alternative, an "instantly" converted Class A Office Building is not appropriate to the intent of the ROA zone, the Baltimore County DRP recommendations, the community conservation goals of Master Plan 2020 and the Towson Community Plan.

For further information concerning the matters stated herein, please contact Lloyd Moxley at 410-887-3480.

Department Director:



AVA/LTM

C: Krystle Patchak



3994 - 19625658

Pt. Bk./Folio # 052049

Lot # 1

RAE 2.20

405

1700003907

4788 - 19622099

4794 - 19870

Lot # 3

200000380

515

200000379

0919718460

518

0904500260

2000013994

4785 - 19850280

4785 - 19850099

4785 - 19860060

1700003116

1700003117

1700003111

1700003119

1700003118

4819710024

3306 - 19820279

BM CT

0913404154

Lot # 5

0908801211

Lot # 3

0908801212

8589 - 19820189

9663 - 199900

1600004849

PDM # 098103

10437 - 19830111

0907582030

311

0908801210

309

1600004873

4813 - 1972014

4802 - 19700106

4803 - 19730059

OR 2

090200244

512

514

7100 - 19910188

7100 - 19870447

508

506

NOT LOCATED

E PENNSYLVANIA AVE

E PENNSYLVANIA AVE

4815 - 19511955

0902370110

0903470730

0919510360

5 CD

0919510340

308

312

070A2

0907582030

318

70377 - 20150

320

ROA

409

322

324

414

0904000370

412

0908656120

410

0908302570

0916800580

404

0918350430

402

0919710701

404

0908302570

402

0908302570

4940 - 19512114

E PENNSYLVANIA AVE

59663 - 20130141

404

406

408

0902003260

0908000730

0903770070

0907580530

414

416

DR 10.5

PDM # 098102

Pt. Bk./Folio # 002065A

Pt. Bk. 0000002, Folio 0065

0902003261

4939 - 19605110

LENNOX AVE

4820 - 19970456

NOT LOCATED

Pt. Bk./Folio # 002167

15278 - 20020495

318

NOT LOCATED

404

402

0919710701

404

0908302570

4940 - 19512114

Lot # 13

0902003261

4939 - 19605110

E TOWSONTOWN BLVD

NOT LOCATED

NOT LOCATED

56347 - 20120238

HILLEN RD

NOT LOCATED

337

339

343

345

4942 - 20030073

NOT LOCATED

CEN AVE

DR 5.5

Lot # 88

Lot # 88

Lot # 88

Lot # 88

Lot # 88

Lot # 88

210

212

216

220

218

4937 - 19830104

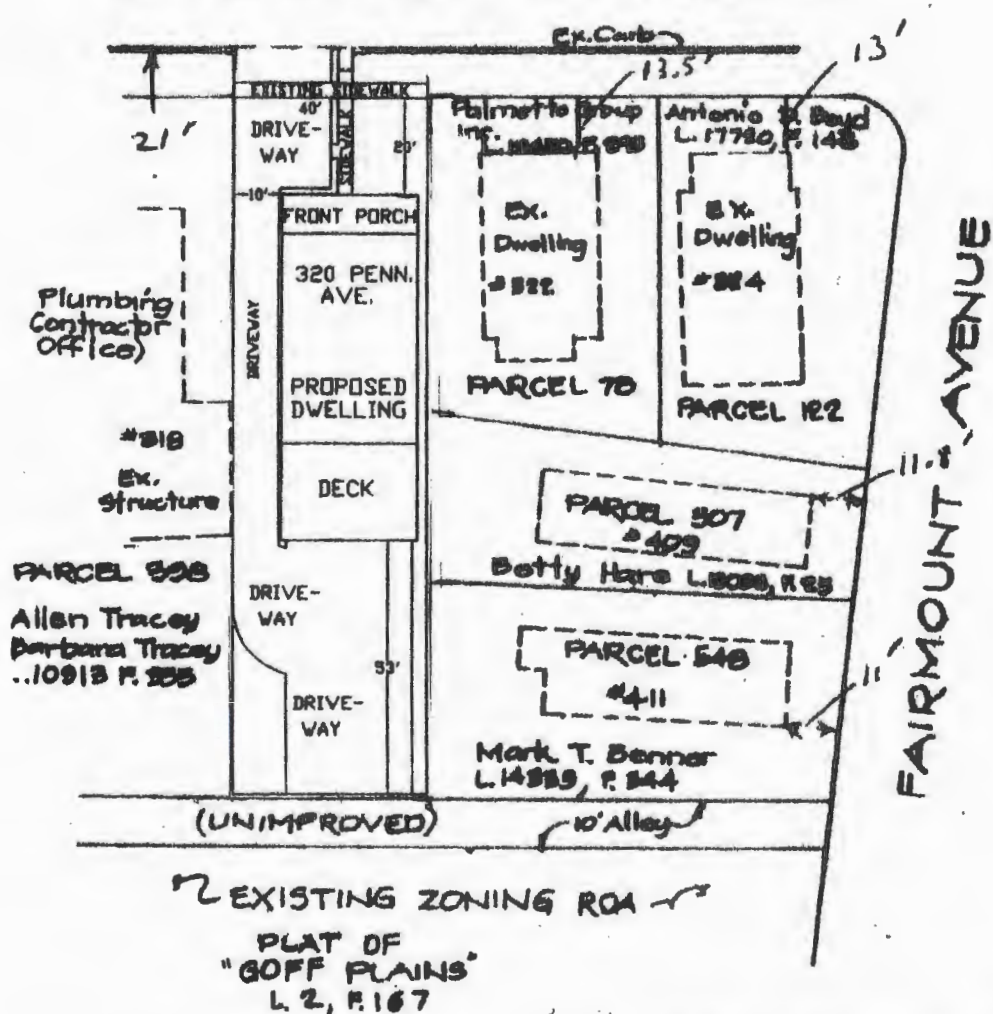
ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)

ADDRESS 320 Pennsylvania Ave OWNER(S) NAME(S) Kevin Bielat

SUBDIVISION NAME "Goff Plains" LOT # B BLOCK # - SECTION # -

PLAT BOOK # 2 FOLIO # 167 10 DIGIT TAX # 09 10 450250 DEED REF. # 27239 / 00750

E. PENNSYLVANIA AVENUE



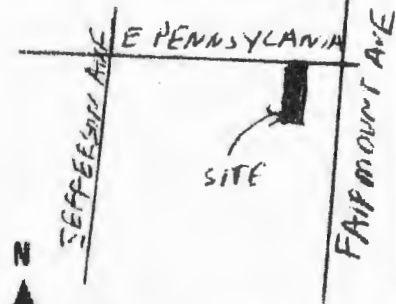
EXISTING ZONING ROA

PLAT OF "GOFF PLAINS" L. 2, P. 167



PLAN DRAWN BY Kevin Bielat DATE 5/29/15 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 07012

SITE ZONED ROA

ELECTION DISTRICT 9

COUNCIL DISTRICT 5

LOT AREA ACREAGE 0.13

OR SQUARE FEET 5,800 +/-

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE ●

SEWER IS:

PUBLIC X PRIVATE ●

PRIOR HEARING? NO YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2015-0117-SPHA

GRANTED

VIOLATION CASE INFO:

2015-0764-SPH

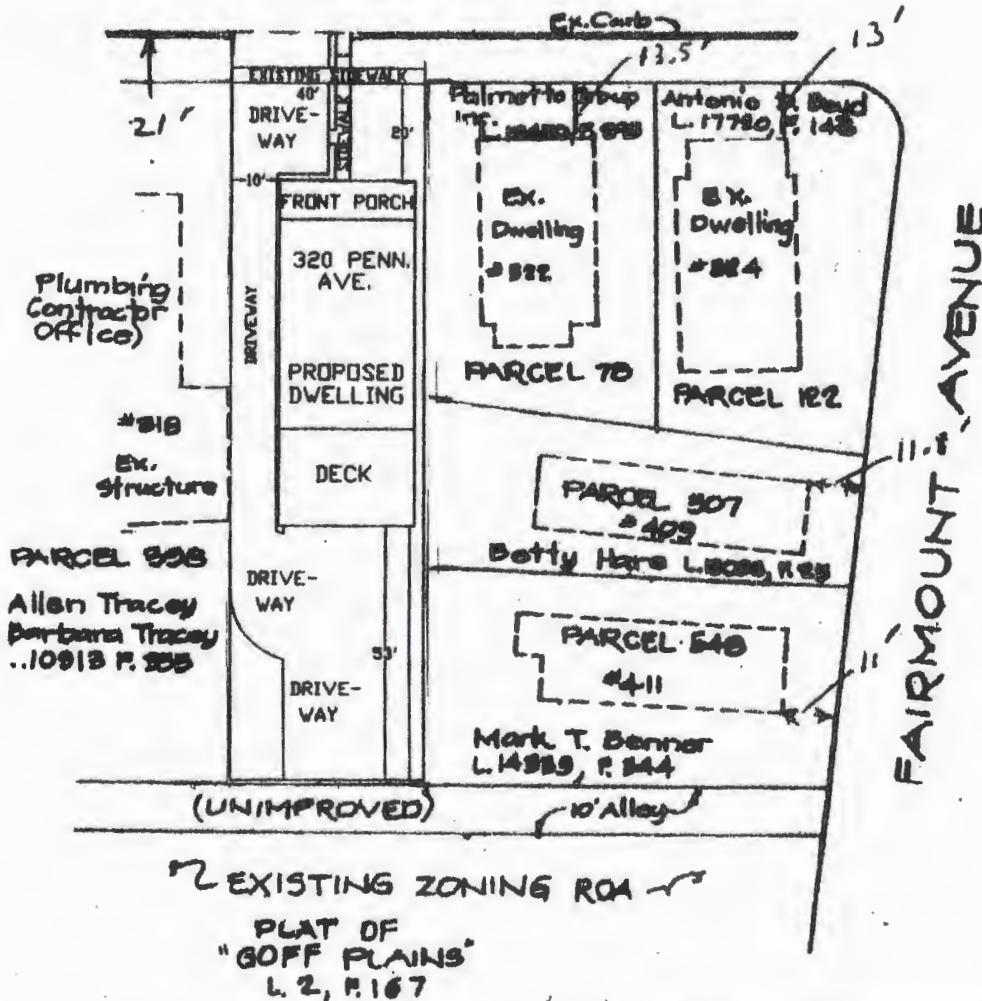
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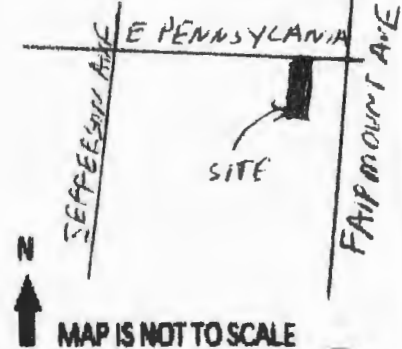
PLAT BOOK # 2 FOLIO # 167 10 DIGIT TAX # 09 10 450250 DEED REF. # 27239 / 00750

E. PENNSYLVANIA AVENUE



PLAN DRAWN BY Kevin Bickel DATE 5/29/15 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



ZONING MAP# 070.2
 SITE ZONED ROA
 ELECTION DISTRICT 9
 COUNCIL DISTRICT 5
 LOT AREA ACREAGE 0.13
 OR SQUARE FEET 5,800 +/-
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE ●
 SEWER IS:
 PUBLIC X PRIVATE ●
 PRIOR HEARING? NO YES
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
2015-0117-SPHA
GRANTED

VIOLATION CASE INFO:

2015-0264-SPH