

IN THE MATTER OF	*	BEFORE THE
JOHN AND BERNADETTE HOFFMAN-LEGAL	*	
OWNERS AND A & I REALTY, LLLP – PETITIONER	*	BOARD OF APPEALS
FOR SPECIAL HEARING AND VARIANCE ON THE	*	
PROPERTY LOCATED AT 1936 POWERS LANE	*	OF
1 ST ELECTION DISTRICT	*	BALTIMORE COUNTY
1 ST COUNCILMANIC DISTRICT	*	CASE NO. 16-062-SPHA

* * * * *

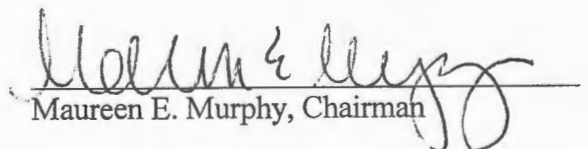
ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Adam Rosenblatt, Esquire and David Karceski, Esquire of Venable, LLP on behalf of A & I Realty, LLLP, Contract Purchasers/Petitioners and Appellants, from a final decision of the Administrative Law Judge dated November 20, 2015, in which the requested Special Hearing relief was DENIED and the requested Variance relief was DENIED AS MOOT.

WHEREAS, the Board is in receipt of a Notice of Dismissal filed on December 1, 2016 by Adam Rosenblatt, Esquire and David Karceski, Esquire of Venable, LLP on behalf of A & I Realty, LLLP, Contract Purchasers/Petitioners and Appellants requesting that his matter be dismissed without prejudice (a copy of which is attached hereto and made a part hereof); and

THEREFORE, IT IS ORDERED this 9th day of December, 2016 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 16-062-SPHA be and the same is hereby **DISMISSED without prejudice**.

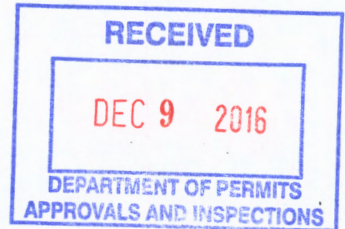
**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182



December 9, 2016

David H. Karceski, Esquire
Adam M. Rosenblatt, Esquire
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21286

RE: In the Matter of: *John and Bernadette Hoffman – Legal Owners*
A & I Realty, LLLP – Petitioner
Case No.: 16-062-SPHA

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure

c: Bernadette Hoffman
A & I Realty, LLLP/Jacob M. Antwerpen, Managing Partner
Klaus Philipsen, President/Westerlee Inc.
Westerlee Community, Inc. c/o Nayna Philipsen, Esquire/Resident Agent
Ann Uebel
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

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

(1936 Powers Lane)

**1st Election District
1st Council District**

**John A. & Bernadette S. Hoffman,
*Owners***

**A & I Realty, LLLP
*Contract Purchaser/Petitioner***

*** BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY**

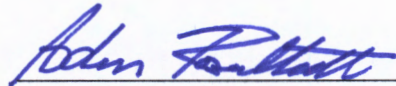
*** Case No. 2016-0062-SPHA**

* * * * *

NOTICE OF DISMISSAL

Pursuant to Rule 3(b) of the Rules of Practice and Procedure of the Baltimore County Board of Appeals, Contract Purchaser/Petitioner A & I Realty, LLLP respectfully dismisses the above-captioned appeal without prejudice.

Respectfully submitted,



David H. Karceski
Adam M. Rosenblatt
Venable LLP
210 W. Pennsylvania Ave., Suite 500
Towson, Maryland 21204
(410) 494-6200
Attorneys for Petitioner/Appellant

RECEIVED
DEC 1 2016

BALTIMORE COUNTY
BOARD OF APPEALS

David H. Karceski

T 410.494.6285
F 410.821.0147
dhkarceski@venable.com

November 29, 2016

Via Hand Delivery

Krysundra "Sunny" Cannington
Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED
DEC 1 2016

BALTIMORE COUNTY
BOARD OF APPEALS

Re: In the Matter of: John and Bernadette Hoffman
Case No. 16-062-SPHA

Ms. Cannington:

We are writing in response to your letter dated November 9, 2016 wherein you request an update regarding the above-captioned matter. On behalf of the Petitioner, we are hereby confirming that this appeal will be dismissed without prejudice and does not need to be set in for a hearing at this time. We have attached a Notice of Dismissal confirming the same.

Thank you for your time and consideration.

Sincerely,



Adam M. Rosenblatt
David H. Karceski

Krysundra Cannington

From: Tammy McDiarmid
Sent: Wednesday, November 23, 2016 9:41 AM
To: Krysundra Cannington
Subject: Hoffman case

Sunny,

David Karceski called regarding Hoffman, Case No. 16-062-SPHA

He received your letter about rescheduling the case. They will be sending a letter after Thanksgiving withdrawing the appeal.

Tammy A. McDiarmid, Legal Secretary
Board of Appeals of Baltimore County
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
(410) 887-3182 (Fax)

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Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 9, 2016

David Karceski, Esquire
Adam Rosenblatt, Esquire
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: In the Matter of: John and Bernadette Hoffman – Legal Owners
A & I LLLP – Contract Purchasers
Case number: 16-062-SPHA

Dear Counsel:

The subject matter, which was scheduled to be heard on Tuesday, February 23, 2016 was postponed pending the outcome of a request to reclassify the property as part of the Comprehensive Zoning Map Process ("CZMP") (Issue 1-017.)

The purpose of this letter is to request the current status and to determine if the matter needs to be set in for a hearing.

Thanking you in advance for your time and assistance in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

cc: Bernadette Hoffman
A & I Realty, LLLP/Jacob M. Antwerpen, Managing Partner
Klaus Philipsen, President/Westerlee Inc.
Westerlee Community, Inc. c/o Nayna Philipsen, Esquire/Resident Agent
Ann Uebel



Baltimore County 2016 Comprehensive Zoning Map Process

Log of Issues - District 1

September 13, 2016

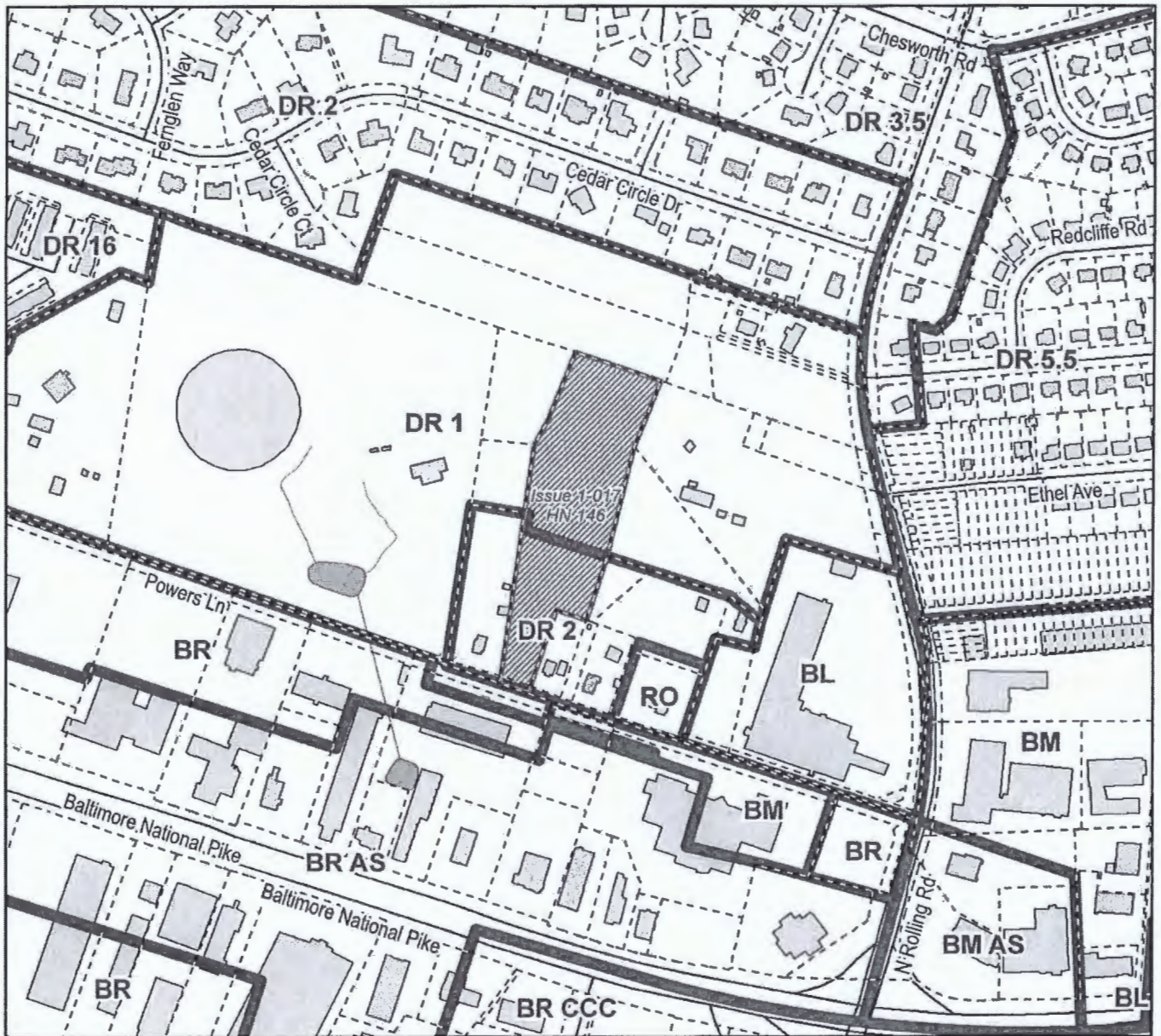
Issue Number	1-016	Petitioner	Cunningham Communication, Inc		Location	West side of North Rolling Rd, 600' north of Powers Ln			
Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations		County Council Decision	
BL	0.02	BL	6.73	BL	6.73	BL	6.73	BL	0.02
DR 1	6.45							DR 1	6.45
DR 2	0.26		6.73		6.73		6.73	DR 2	0.26
6.73								6.73	
Comments	See Issue 1-017, 1-020, 1-026, 1-027								

Issue Number	1-017	Petitioner	A&I Realty, LLP	Location	North side of Powers Ln, 1,000' west of Rolling Rd				
Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations		County Council Decision	
DR 1	2.59	BM	3.94	BM	3.14	BM	3.14	DR 1	2.59
DR 2	1.35			DR 1	0.80	DR 1	0.80	DR 2	1.35
3.94		3.94		3.94		3.94		3.94	
Comments	See Issues 1-016, 1-020, 1-026, 1-027								

Issue Number	1-018	Petitioner	Windsor Mill Gospel Hall		Location	Northeast corner of Frederick Rd and Hillside Rd			
Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations		County Council Decision	
DR 2	0.13	BL or CB	1.17	ROA	1.17	DR 2	0.13	DR 2	0.13
RO	1.05					RO	1.05	RO	1.05
1.18		1.17		1.17		1.18		1.18	
Comments	See Issue 1-009								

CZMP 2016 - Issue Map

Issue Number: 1-017



Iteration: COUNTY COUNCIL/1

Tracking#: CZMP16-00146

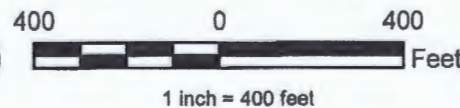
Zone	District	Acreage
DR 2		1.35
DR 1		2.59
Total Acreage:		3.94

*See
8/22/16*

Legend

- Zoning Boundary
- Issue Boundary

Publication Date: July 28, 2016
 Publication Agency: Department of Planning
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot





Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 4, 2016

David H. Karceski, Esquire
Adam M. Rosenblatt, Esquire
Venable, LLP
210 W. Pennsylvania Avenue, Ste 500
Towson, MD 21204

RE: *In the Matter of:* John and Bernadette Hoffman – Owners
A & I Realty, LLLP – Contract Purchaser/Petitioner
Case No. 16-062-SPHA

Dear Counsel:

It has come to our attention that a request to reclassify the subject property from DR 1 and DR 2 to BM is pending before the County Council as part of the Comprehensive Zoning Map Process ("CZMP") (Issue 1-017.) If this request is granted by the County Council it could affect the Petitions for Special Hearing and Variance pending before the Board. The Board has decided to hold this matter open on the Board's docket until the CZMP has completed. Therefore, in the interests of judicial economy, the Board will not reschedule the hearing at this time.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Sunny Cannington
Krysundra "Sunny" Cannington
Administrator

Enclosure

cc: Klaus Philipsen, President/Westerlee, Inc.
Peter M. Zimmerman, People's Counsel for Baltimore County



Baltimore County 2016 Comprehensive Zoning Map Process

Log of Issues

February 29, 2016

Issue Number 1-016 **Petitioner** Cunningham Communication, Inc **Location** West side of North Rolling Rd, 600' north of Powers Ln

Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations	County Council Decision
BL	0.02	BL	6.73	BL	6.73		
DR 1	6.45						
DR 2	0.26		6.73		6.73		
6.73							

Comments: See Issue 1-017, 1-020, 1-026, 1-027

Issue Number 1-017 **Petitioner** A&I Realty, LLP **Location** North side of Powers Ln, 1,000' west of Rolling Rd

Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations	County Council Decision
DR 1	2.59	BM	3.94	BM	3.14		
DR 2	1.35			DR 1	0.80		
3.94			3.94		3.94		

Comments: See Issues 1-016, 1-020, 1-026, 1-027; with covenant

Issue Number 1-018 **Petitioner** Windsor Mill Gospel Hall **Location** Northeast corner of Frederick Rd and Hillside Rd

Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations	County Council Decision
DR 2	0.13	BL or CB	1.17	ROA	1.17		
RO	1.05						
1.18			1.17		1.17		

Comments: See Issue 1-009

Krysundra Cannington

From: Klaus Philipsen <kphilipsen@archplan.com>
Sent: Monday, February 29, 2016 12:22 PM
To: Krysundra Cannington
Cc: 'Wanda Richardson'; Chris Goatee; 'Fred Kirk'; Fred Hickok
Subject: Bernadette Hoffman - LO/A&I Realty, LLLP - CP 16-062-SPHA

Dear Ms Cannington,

A request from you regarding alternative dates came to me through our previous legal counsel, Mr. McCann. We received a letter from regarding postponement on 2/10 as you stated but there were no alternative dates noted in the notice.

I understand that the alternative dates are new possible dates are March 31, April 6, April 14, and/or April 21. Our Association does not have a preference regarding those dates.

Please keep us advised about the new date as soon as it is set, preferably via e-mail.

Sincerely,

**Klaus Philipsen, President
Westerlee Inc.**

A proud covenant controlled community
2018 Cedar Circle Drive
Catonsville, MD 21228
(w) 410.685.2002 (c) 410.493.6239

Check out our webpage: www.westerleenews.com

David Karceski 2/29/16
9:00am

put back in queue

CZMP Issue

if zoning changes
may not need petition

Krysundra Cannington

From: Krysundra Cannington
Sent: Friday, February 26, 2016 3:41 PM
To: 'Michael McCann'
Cc: Peoples Counsel; David Karceski, Esquire; Adam Rosenblatt Esquire
Subject: RE: Hoffman 16-061-SPHA

Hi Michael,

I will update the file.

Thank you for your email.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Friday, February 26, 2016 3:40 PM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>; David Karceski, Esquire <dkarceski@venable.com>; Adam Rosenblatt Esquire <amrosenblatt@Venable.com>
Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>
Subject: RE: Hoffman 16-061-SPHA

Sunny: I will not be representing the Westerlee Comm Ass'n at the hearing, as I did before Judge Beverungen, but I made them aware of the dates. Thanks.

*Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410 825 2150
(f) 410 825 2149*

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From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Friday, February 26, 2016 10:35 AM
To: David Karceski, Esquire <dkarceski@venable.com>; Adam Rosenblatt Esquire <amrosenblatt@Venable.com>;

Michael McCann <michael@mmccannlaw.net>

Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>

Subject: RE: Hoffman 16-061-SPHA

Good morning Counsel,

To date, People's Counsel is the only entity who has responded regarding the rescheduling of the Hoffman/A&I Realty matter.

I kindly request your immediate response.

Please be advised that if a response has not been received by 4:00 p.m. Monday, February 29, 2016, we will no longer hold dates for this matter. This matter will go back into the queue to be scheduled at our convenience.

Thank you for your prompt attention to this matter.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

From: Krysundra Cannington

Sent: Thursday, February 18, 2016 10:07 AM

To: David Karceski, Esquire <dkarceski@venable.com>; Adam Rosenblatt Esquire <amrosenblatt@Venable.com>;
Michael McCann, Esquire <michael@mmccannlaw.net>

Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>

Subject: Hoffman 16-061-SPHA

Good morning Counsel,

The matter of Bernadette Hoffman – LO/A&I Realty, LLLP – CP 16-062-SPHA was postponed from February 23, 2016 at the request of Petitioner's Counsel. Please be advised that the attached letter and Postponement notice were mailed on February 10, 2016. The letter includes possible dates for rescheduling this matter.

Please contact me as soon as possible with your availability.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

Phone: 410-887-3180

Fax: 410-887-3182

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www.baltimorecountymd.gov

Krysundra Cannington

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Sent: Friday, February 26, 2016 3:40 PM
To: Krysundra Cannington; David Karceski, Esquire; Adam Rosenblatt Esquire
Cc: Peoples Counsel
Subject: RE: Hoffman 16-061-SPHA

Sunny: I will not be representing the Westerlee Comm Ass'n at the hearing, as I did before Judge Beverungen, but I made them aware of the dates. Thanks.

*Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410 825 2150
(f) 410 825 2149*

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From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Friday, February 26, 2016 10:35 AM
To: David Karceski, Esquire <dkarceski@venable.com>; Adam Rosenblatt Esquire <amrosenblatt@Venable.com>; Michael McCann <michael@mmccannlaw.net>
Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>
Subject: RE: Hoffman 16-061-SPHA

Good morning Counsel,

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I kindly request your immediate response.

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To: David Karceski, Esquire <dkarceski@venable.com>; Adam Rosenblatt Esquire <amrosenblatt@Venable.com>; Michael McCann, Esquire <michael@mmccannlaw.net>

Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>

Subject: Hoffman 16-061-SPHA

Good morning Counsel,

The matter of Bernadette Hoffman – LO/A&I Realty, LLLP – CP 16-062-SPHA was postponed from February 23, 2016 at the request of Petitioner's Counsel. Please be advised that the attached letter and Postponement notice were mailed on February 10, 2016. The letter includes possible dates for rescheduling this matter.

Please contact me as soon as possible with your availability.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

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www.baltimorecountymd.gov

Krysundra Cannington

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Sent: Friday, February 26, 2016 10:35 AM
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Cc: Peoples Counsel
Subject: RE: Hoffman 16-061-SPHA

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Board of Appeals of Baltimore County
410-887-3180

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To: David Karceski, Esquire <dkarceski@venable.com>; Adam Rosenblatt Esquire <amrosenblatt@Venable.com>; Michael McCann, Esquire <michael@mmccannlaw.net>
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Subject: Hoffman 16-061-SPHA

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Maryland Department of Assessments and Taxation Business Services (w3)

Search Help

Entity Name: A & I REALTY LLLP

Department ID: M01765890

General Information

Amendments

Personal Property

Certificate of Status

Principal Office (Current):

6440 BALTIMORE NATIONAL PIKE
BALTIMORE, MD 21228

Resident Agent (Current):

STANFORD D. HESS
6440 BALTIMORE NATIONAL PIKE
BALTIMORE, MD 21228

Status:

REVIVED

Good Standing:

Yes

What does it mean when a business is not in good standing or forfeited?

Business Code:

Other

Date of Formation or Registration:

12/16/1983

State of Formation:

MD

Stock/Nonstock:

N/A

Close/Not Close:

Unknown

2/24/16 Address changed.
J

Krysundra Cannington

From: Krysundra Cannington
Sent: Thursday, February 18, 2016 10:07 AM
To: David Karceski, Esquire; Adam Rosenblatt Esquire; Michael McCann, Esquire
Cc: Peoples Counsel
Subject: Hoffman 16-061-SPHA
Attachments: Letter to Counsel 2-10-16.pdf; Postponement Notice.pdf

Good morning Counsel,

The matter of Bernadette Hoffman – LO/A&I Realty, LLLP – CP 16-062-SPHA was postponed from February 23, 2016 at the request of Petitioner's Counsel. Please be advised that the attached letter and Postponement notice were mailed on February 10, 2016. The letter includes possible dates for rescheduling this matter.

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Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 10, 2016

NOTICE OF POSTPONEMENT

IN THE MATTER OF: John and Bernadette Hoffman – Legal Owners
A & I LLLP – Contract Purchaser
16-062-SPHA 1936 Powers Lane
1st Election District; 1st Councilmanic District

Re: Petition for Special Hearing to approve business parking in a residential zone; and
Petition for Variance to allow:
1. off-street parking spaces to be located a minimum of 19, 14, and 12 feet from the west, southeast, and northeast tract boundaries, respectively in lieu of the required 75 feet; and
2. a minimum RTA buffer of 19, 14, and 12 feet from the west, southeast, and northeast tract boundaries, respectively in lieu of the required 50 foot buffer.

11/20/15 Opinion and Order of the Administrative Law Judge DENYING requested relief.

This matter was assigned for Tuesday, February 23, 2016 and has been postponed. It will be rescheduled to a later date.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra "Sunny" Cannington
Administrator**

Distribution List
Notice of Postponement
John and Bernadette Hoffman – Legal Owners
A & I, LLLP – Contract Purchasers
16-062-SPHA
February 10, 2016
Page 2

c:	Counsel for Petitioners/Legal Owners	: David H. Karceski, Esquire and Adam Rosenblatt, Esquire
	Legal Owners	: John and Bernadette Hoffman
	Contract Purchaser	: A & I, LLLP
	Counsel for Protestants	: Michael McCann, Esquire
	Protestants	: Westerlee Community, Inc c/o Nayna Philipsen, Esquire, Ann Uebel

Office of People's Counsel
Andrea Van Arsdale, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 10, 2016

David H. Karceski, Esquire
Adam M. Rosenblatt, Esquire
Venable, LLP
210 W. Pennsylvania Avenue, Ste 500
Towson, MD 21204

RE: *In the Matter of: John and Bernadette Hoffman – Owners*
A & I Realty, LLLP – Contract Purchaser/Petitioner
Case No. 16-062-SPHA

Dear Counsel:

We are in receipt of your request for postponement dated February 5, 2016. This letter is to advise you that your request for postponement of the hearing scheduled for Tuesday, February 23, 2016 has been granted. A Notice of Postponement is enclosed.

In order to schedule a hearing before the Board of Appeals, without conflict; I am providing dates currently available on the docket. The Board sits on Tuesday, Wednesday and Thursday of each week. The following dates are presently open for assignment:

Thursday, March 31, 2016 at 10:00;
Wednesday, April 6, 2016 at 10:00;
Thursday, April 14, 2016 at 10:00; and
Thursday, April 21, 2016 at 10:00

Please contact this office upon receipt of this letter to confirm availability. The Notice of Assignment will be issued to all parties at the time an agreeable date is established.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Sunny Cannington
Krysundra "Sunny" Cannington
Administrator

Enclosure

cc: Michael R. McCann, Esquire
Peter M. Zimmerman, People's Counsel for Baltimore County

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

(1936 Powers Lane)

**1st Election District
1st Council District**

**John A. & Bernadette S. Hoffman,
Owners**

**A & I Realty, LLLP
Contract Purchaser/Petitioner**

*** BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY**

* Case No. 2016-0062-SPHA**

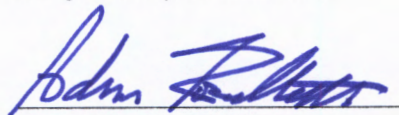
*

*** * * * ***

REQUEST FOR CONTINUANCE

Pursuant to Rule 2(b) of the Rules of Practice and Procedure of the Baltimore County Board of Appeals, Contract Purchaser/Petitioner A & I Realty, LLLP respectfully requests a postponement of the hearing in the above-captioned matter currently set for Tuesday February 23, 2016 at 10:00 a.m. The Petitioner and the professional engineer that prepared the site plan for this case are both unavailable the week of the scheduled hearing. As this request is filed more than 15 days prior to the scheduled hearing, Petitioner respectfully requests that the February 23 hearing be postponed and rescheduled at a time and date agreeable to all parties.

Respectfully submitted,



David H. Karceski
Adam M. Rosenblatt
Venable LLP
210 W. Pennsylvania Ave., Suite 500
Towson, Maryland 21204
(410) 494-6200
Attorneys for Petitioner/Appellant

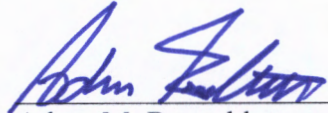
RECEIVED

FEB 05 2016

**BALTIMORE COUNTY
BOARD OF APPEALS**

CERTIFICATE OF SERVICE

I hereby certify on this 5th day of February, 2016, that a copy of the foregoing pleading was mailed to Michael McCann, Esq., 118 W. Pennsylvania Avenue, Towson, MD 21204


Adam M. Rosenblatt



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 11, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF: John and Bernadette Hoffman – Legal Owners
A & I LLLP – Contract Purchaser
16-062-SPHA 1936 Powers Lane
1st Election District; 1st Councilmanic District

Re: Petition for Special Hearing to approve business parking in a residential zone; and
Petition for Variance to allow:
1. off-street parking spaces to be located a minimum of 19, 14, and 12 feet from the west, southeast, and northeast tract boundaries, respectively in lieu of the required 75 feet; and
2. a minimum RTA buffer of 19, 14, and 12 feet from the west, southeast, and northeast tract boundaries, respectively in lieu of the required 50 foot buffer.

11/20/15 Opinion and Order of the Administrative Law Judge DENYING requested relief.

ASSIGNED FOR: TUESDAY, FEBRUARY 23, 2016, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

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For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra "Sunny" Cannington
Administrator**

cc: See attached Distribution List

Distribution List
Notice of Assignment
John and Bernadette Hoffman – Legal Owners
A & I, LLLP – Contract Purchasers
16-062-SPHA
January 11, 2016
Page 2

c:	Counsel for Petitioners/Legal Owners	:	David H. Karceski, Esquire and Adam Rosenblatt, Esquire
	Legal Owners	:	John and Bernadette Hoffman
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Office of People's Counsel
Andrea Van Arsdale, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



RECEIVED
DEC 18 2015

BALTIMORE COUNTY
BOARD OF APPEALS

KEVIN KAMENETZ
County Executive

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

December 18, 2015

David H. Karceski, Esq.
Adam Rosenblatt, Esq.
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

Michael McCann, Esq.,
118 Pennsylvania Avenue
Towson, MD 21204

RE: **APPEAL TO BOARD OF APPEALS**
Case Nos. 2016-0062-SPHA
Location: 1936 Powers Lane

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 17, 2015. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

c: ☒ Baltimore County Board of Appeals
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

RECEIVED
DEC 18 2015

BALTIMORE COUNTY
BOARD OF APPEALS
LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

December 18, 2015

David H. Karceski, Esq.
Adam Rosenblatt, Esq.
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

Michael McCann, Esq.,
118 Pennsylvania Avenue
Towson, MD 21204

RE: **APPEAL TO BOARD OF APPEALS**
Case Nos. 2016-0062-SPHA
Location: 1936 Powers Lane

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If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County

APPEAL

**Petitions for Special Hearing and Variance
(1936 Powers Lane)
1st Election District – 1st Councilmanic District
Legal Owners: John A. & Bernadette S. Hoffman
Contract Purchaser: A & I Realty, LLLP
Case No. 2016-0062-SPHA**

RECEIVED
DEC 18 2015

BALTIMORE COUNTY
BOARD OF APPEALS

Petition for Variance Hearing (September 9, 2015)

Zoning Description of Property

Notice of Zoning Hearing (September 30, 2015 for November 6, 2015 hearing)

Certificate of Publication (October 15, 2015)

Certificate of Posting (October 17, 2015) –SSG Robert Black

Entry of Appearance by People's Counsel – September 29, 2015

Petitioner(s) Sign-in Sheet – One

Citizen(s) Sign-in Sheet – One

Zoning Advisory Committee (ZAC) Comments

Petitioner(s) Exhibits:

1. Site Plan
2. Amended zoning petition
3. "My Neighborhood" exhibit
4. Signatures on petition supporting zoning requests
5. Vidaver resume
6. Photos of site
7. Venable letter dated 11/2/15
8. Brochure – lighting fixture
9. Tansey – email
10. DOP ZAC comment
11. Concept Landscape Plan
12. Malena CV
13. Aerial zoning map

Protestants' Exhibits:

1. Site plan w/RTA
2. Klaus Philipsen CV
3. Photos of site
4. Aerial photos 4A – 4C

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (DENIED and DENIED AS MOOT – November 20, 2015)

Notice of Appeal – David H. Karceski, Esq./Adam Rosenblatt, Esq. on December 17, 2015

APPEAL

**Petitions for Special Hearing and Variance
(1936 Powers Lane)
1st Election District – 1st Councilmanic District
Legal Owners: John A. & Bernadette S. Hoffman
Contract Purchaser: A & I Realty, LLLP
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Administrative Law Judge Order and Letter (DENIED and DENIED AS MOOT – November 20, 2015)

Notice of Appeal – David H. Karceski, Esq./Adam Rosenblatt, Esq. on December 17, 2015

IN RE: PETITIONS FOR SPECIAL
HEARING AND VARIANCE

(1936 Powers Lane)

1st Election District
1st Council District

John A. & Bernadette S. Hoffman,
Owners

A & I Realty, LLLP
Contract Purchaser/Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY

* Case No. 2016-0062-SPHA

*

*

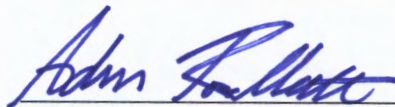
* * * * *

NOTICE OF APPEAL

Contract Purchaser/Petitioner A & I Realty, LLLP, of 6440 Baltimore National Pike, Baltimore, MD 21228, by undersigned counsel, feeling aggrieved by the November 20, 2015 Opinion and Order in the above-captioned matter, which is attached hereto and incorporated herein as Exhibit A, hereby notes an appeal to the Baltimore County Board of Appeals. Appellant submits that the review by the County Board of Appeals from the final decision of the Office of Administrative Hearings shall be a de novo hearing pursuant to the Baltimore County Zoning Regulations and Charter.

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the costs of the appeal.

Respectfully submitted



David H. Karceski
Adam M. Rosenblatt
Venable LLP
210 W. Pennsylvania Ave., Suite 500
Towson, Maryland 21204
(410) 494-6200
Attorneys for Petitioner/Appellant

RECEIVED

DEC 17 2015

OFFICE OF ADMINISTRATIVE HEARINGS

CERTIFICATE OF SERVICE

I hereby certify on this ____ day of December, 2015, that a copy of the foregoing pleading was mailed to Michael McCann, Esq., 118 W. Pennsylvania Avenue, Towson, MD 21204

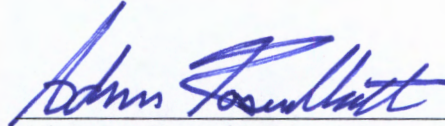

Adam M. Rosenblatt

EXHIBIT A

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(1936 Powers Lane) *
1st Election District
1st Council District *
John A. & Bernadette S. Hoffman, *Owners*
A & I Realty, LLLP, *Contract Purchaser* *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2016-0062-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of John A. and Bernadette S. Hoffman, legal owners and A & I Realty, LLLP, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to §409.8.B of the Baltimore County Zoning Regulations ("B.C.Z.R."), for approval of business parking in a residential zone. In addition, an amended Petition for Variance seeks: (1) to allow off-street parking spaces to be located a minimum of 19, 14 and 12 ft. from the west, southeast and northeast tract boundaries, respectively in lieu of the required 75 ft.; and (2) to allow a minimum RTA buffer of 19, 14, and 12 ft. along the west, southeast and northeast tract boundaries, respectively in lieu of the required 50 ft. buffer. A redline site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Julie Webb, Elaine Hoffman, Bernadette Hoffman, Stanford Hess, Bernadette Hoffman-Wild, Lawrence Wild, Chris Traczyk, Richard Matz and Sally Molena. David H. Karceski, Esq., and Adam Rosenblatt, Esq., represented the contract purchaser. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the

ORDER RECEIVED FOR FILING

Date 11/20/15

By SLN

Department of Planning (DOP). Several members of the community, represented by Michael McCann, Esq., opposed the requests.

The subject property is 3.91 acres and is split-zoned DR 1 (2.59 acres) and DR 2 (1.32 acres). The unimproved lot is located on Powers Lane, which parallels Baltimore National Pike (Rt. 40) in Catonsville. The contract purchaser operates the Antwerpen Hyundai dealership, which is located at 6440 Baltimore National Pike, approximately 910 feet from the subject property. Antwerpen proposes to store new vehicle inventory on the site, and would take vehicles from the lot approximately three times a day to replace vehicles sold from the dealership property.

Petitioners' expert planner Maxwell Vidaver opined that the use would be compatible with surrounding uses and would not have a detrimental impact upon the community. I concur, and also believe that the storage lot would be a low intensity "transition use" (separating the residential community to the north of the site from the Rt. 40 commercial corridor) as described by Mr. Vidaver. While there are two single family dwellings near the subject property, it appears based on photographs submitted that one of the homes is vacant and/or in deplorable condition. As such, the other single-family home (shown in photos marked as Protestants' Ex. 3) would in my opinion be the only property impacted in any substantial way by this use, and I believe the landscaping and screening proposed (Petitioners' Ex. 11) would reduce any negative impacts.

Even so, I do not believe the parking regulations permit the use proposed herein. The petition for special hearing seeks approval for business parking in a residential zone. Under B.C.Z.R. §409.8.B the Administrative Law Judge (ALJ) may issue a use permit for these purposes to enable the petitioner "to meet the requirements of Section 409.6." That section of the regulations provides a list of uses along with the requisite number of parking spaces which must be provided as an adjunct thereto. Here, the Antwerpen dealership proposes to utilize the lot for

ORDER RECEIVED FOR FILING

Date

11/20/15

By

sen

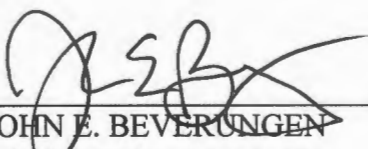
storage of new vehicle inventory, not to satisfy B.C.Z.R. §409.6. As such, I believe the petition must be denied.

THEREFORE, IT IS ORDERED this 20th day of November, 2015, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to §409.8.B of the Baltimore County Zoning Regulations ("B.C.Z.R.) for approval of business parking in a residential zone, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to allow off-street parking spaces to be located a minimum of 19, 14 and 12 ft. from the west, southeast and northeast tract boundaries, respectively in lieu of the required 75 ft.; and (2) to allow a minimum RTA buffer of 19, 14, and 12 ft. along the west, southeast and northeast tract boundaries, respectively in lieu of the required 50 ft. buffer, be and is hereby DENIED AS MOOT.

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 11/20/15

By sln



KEVIN KAMENETZ
County Executive

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

November 20, 2015

Adam Rosenblatt, Esq.
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

Michael McCann, Esq.
118 Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Variance
Case No. 2016-0062-SPHA
Property: 1936 Powers Lane

Dear Counsel:

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 of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

Case No.: 2016-0062-SPHA

Exhibit Sheet

11/20/15
Sen

Petitioner/Developer

Protestants

No. 1	Site plan	Site plan w/ RTA
No. 2	Amended zoning petition	Klaus Philipson CV
No. 3	"My Neighborhood" exhibit	photos of site
No. 4	Signatures on petition supporting zoning requests	Aerial photos 4A-4C
No. 5	Vidaver resume	
No. 6	photos of site	
No. 7	Venable letter dated 11-2-15	
No. 8	Brochure - Lighting fixture	
No. 9	Tansey e-mail	
No. 10	DDP ZAC comment	
No. 11	Concept Landscape Plan	
No. 12	Malena CV	

No. 13 | Aerial zoning map |

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

9/24/15

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

C

10/7/15

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

N/C

FIRE DEPARTMENT

11/5/15

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

C

9/2/15

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

10/15/15

SIGN POSTING

Date:

10/17/15

by SSG Black

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

CASE NAME _____
CASE NUMBER 2016-62-SPHA
DATE 11/5/15

PETITIONERS

DATE 11/6/15

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 2016-0062-SPHA

DATE 11-6-2015

CITIZEN'S SIGN - IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

Sherry Nuffer

From: John E. Beverungen
Sent: Monday, November 02, 2015 11:38 AM
To: Debra Wiley; Sherry Nuffer
Subject: FW: 2016-062 1936 Powers Ln

RECEIVED

NOV 02 2015

This ZAC comment is for the file....the hearing is Friday

OFFICE OF ADMINISTRATIVE HEARINGS

From: Jeanette Tansey
Sent: Monday, November 02, 2015 10:51 AM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Karceski, David H. <DKarceski@Venable.com>
Subject: 2016-062 1936 Powers Ln

Good morning, Judge – I received a revised plan on the above zoning case that removed several parking spaces, added fencing and significant planting adjacent to the residential dwellings, and islands between the parking spaces. The revised plan meets my initial comment requirements and, in my opinion, eliminates any adverse impacts to the adjacent residents. An approved Final Landscape Plan outlining these revisions and Photometric Lighting Plan will, of course, still be required. I hope this is helpful in making your final determination.

Jeanette M. S. Tansey, R.L.A.
Project Manager, Baltimore County
Permits, Approvals & Inspections
Development Plans Review
111 W. Chesapeake Ave., Room 119
Towson, MD 21204

410-887-3751
jtansey@baltimorecountymd.gov

TE-TP

NOV 01 2015

T 410.494-6271
F 410.821.0147
amrosenblatt@venable.com

November 2, 2015

HAND-DELIVERED

Greg Carski
Bureau Chief of Traffic Engineering and
Transportation Planning
Department of Public Works
105 W. Chesapeake Avenue, Room 326
Towson, Maryland 21204

Re: 1936 Powers Lane
Catonsville, MD 21286
Tax Account No. 0108654050

Dear Mr. Carski:

This firm represents A & I Realty, LLC ("A & I"), contract purchaser of the above-referenced property located on Powers Lane in the Catonsville area of Baltimore County (the "Property"). A review of the attached 2015 Baltimore County Basic Services Map – Transportation Zones, reveals that the Property is within a traffic zone that is rated at an "F" level of service. According to Section 4A02.4.D.1 of the Baltimore County Zoning Regulations ("BCZR"), the transportation standards of BCZR Section 4A02.4.D and the associated Basic Services Map are intended to regulate and restrict "development" in areas with roads operating at deficient levels, which includes those designated with an "F" level of service.

A & I intends to use the Property for storage of automobile inventory for the nearby Hyundai dealership located at 6440 Baltimore National Pike (the "Dealership"). I have attached an aerial photograph from Baltimore County's My Neighborhood system showing the Dealership and its location in relation to the Property. The Dealership, as it currently conducts business, will unload inventory at the Dealership and drive it to the Property by way of Powers Lane only.

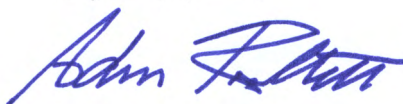
The intersection in question rated at an "F" level of service is the intersection of Rolling Road and Baltimore National Pike. As the attached aerial photograph reveals, any trips between the Dealership and the Property for inventory storage will not have any effect on the failing intersection. Cars will simply travel down Powers Lane between the Dealership and the Property without accessing the intersection of Rolling Road and Baltimore National Pike.

Greg Carski, Bureau Chief
November 2, 2015
Page 2

Please confirm by countersignature below that the use of the Property for inventory parking will not add any trips to the intersection of Rolling Road and Baltimore National Pike and therefore the proposed use of the Property is not prohibited by the "F" rating for the intersection.

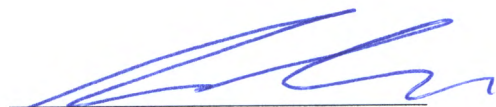
Thank you for your time and consideration.

Very truly yours,



Adam M. Rosenblatt

AGREED AND ACCEPTED:



Greg Carski
Bureau Chief

TE/HP

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 01 Account Number - 0108654050			
Owner Information					
Owner Name:		HOFFMAN JOHN A HOFFMAN BERNADETTE S		Use:	RESIDENTIAL
Mailing Address:		2038 POWERS LA BALTIMORE MD 21228		Principal Residence:	NO
				Deed Reference:	/09328/ 00039
Location & Structure Information					
Premises Address:		POWERS LN 0-0000		Legal Description:	3.961 AC NS POWERS LA 1032 W ROLLING RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0094	0024	0199		0000	
				Assessment Year:	2016
				Plat No:	
				Plat Ref:	
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
					4.9500 AC
				County Use	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2013	07/01/2015	07/01/2016
Land:		28,700	28,700		
Improvements		0	0		
Total:		28,700	28,700	28,700	
Preferential Land:		0			
Transfer Information					
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2015	07/01/2016
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.dat.maryland.gov/RealProperty>)District: **01** Account Number: **0108654050**

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.

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>).

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 15, 2015 Issue - Jeffersonian

Please forward billing to:

Adam Rosenblatt

410-494-6200

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

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: 2016-0062-SPHA

1936 Powers Lane

N/s Powers Lane, 1,040 ft. n/w of centerline of N. Rolling Road

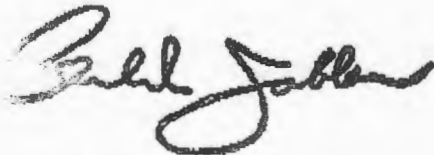
1st Election District – 1st Councilmanic District

Legal Owners: John & Bernadette Hoffman

Contract Purchaser/Lessee: A&I Realty, LLP, Jacob Antwerpen, Managing Member

Special Hearing for an approval of business parking in a residential zone. **Variance** to allow off-street parking spaces to be located a minimum of 12, 14, and 12 ft. from the west, southeast and northeast tract boundaries, respectively, in lieu of the required 75 ft. and to allow a minimum RTA buffer of 12, 14 and 12 ft. along the west, southeast and northeast tract boundaries, respectively, in lieu of the required 50 ft. buffer.

Hearing: Friday, November 6, 2015 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.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3658625

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Oct 15, 2015

The Baltimore Sun Media Group

By *S. Wilkin*
Legal Advertising

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: # 2016-0062-SPHA

1936 Powers Lane
N/s Powers Lane, 1,040 ft. n/w of centerline of N. Rolling Road

1st Election District - 1st Councilmanic District

Legal Owner(s): John & Bernadette Hoffman
Contract Purchaser(s): A&I Realty, LLP, Jacob Antwerpen, Managing Member

Special Hearing for an approval of business parking in a residential zone.

Variance to allow off-street parking spaces to be located a minimum of 12, 14, and 12 ft. from the west, southeast and northeast tract boundaries, respectively, in lieu of the required 75 ft. and to allow a minimum RTA buffer of 12, 14 and 12 ft. along the west, southeast and northeast tract boundaries, respectively, in lieu of the required 90 ft. buffer.

Hearing: Friday, November 6, 2015 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.

10/261 October 15 3658625

CERTIFICATE OF POSTING

RECEIVED

NOV 03 2015

2016-0062-SPHA

RE: Case No.: _____

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner/Developer: _____

John & Bernadette Hoffman
A & I Realty, LLP, Jacob Antwerpen, Managing Member

November 6, 2015

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

1936 Powers Lane

October 17, 2015

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



Sincerely,

 **October 17, 2015**

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive

September 30, 2015

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

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: 2016-0062-SPHA

1936 Powers Lane

N/s Powers Lane, 1,040 ft. n/w of centerline of N. Rolling Road

1st Election District – 1st Councilmanic District

Legal Owners: John & Bernadette Hoffman

Contract Purchaser/Lessee: A&I Realty, LLP, Jacob Antwerpen, Managing Member

Special Hearing for an approval of business parking in a residential zone. **Variance** to allow off-street parking spaces to be located a minimum of 12, 14, and 12 ft. from the west, southeast and northeast tract boundaries, respectively, in lieu of the required 75 ft. and to allow a minimum RTA buffer of 12, 14 and 12 ft. along the west, southeast and northeast tract boundaries, respectively, in lieu of the required 50 ft. buffer.

Hearing: Friday, November 6, 2015 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: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Jacob Antwerpen, 6631 Baltimore National Pike, Baltimore 21228
Mr. & Mrs. Hoffman, 2038 Powers Lane, Baltimore 21228

- NOTES:** (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 17, 2015**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
1936 Powers Lane; N/S Powers Lane,	*	OF ADMINSTRATIVE
1040' NW of c/line of N. Rolling Road	*	
1 st Election & 1 st Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): John & Bernadette Hoffman	*	
Contract Purchaser(s): A&I Realty, LLLP	*	BALTIMORE COUNTY
Petitioner(s)	*	
	*	2016-062-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

SEP 29 2015

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 29th day of September, 2015, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



1936
Powers
Lane

Amended 11/6/15

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 N/S Powers Lane, West of Rolling Road which is presently zoned DR1, DR2
Deed References: 9328-39 10 Digit Tax Account # 0108654050
Property Owner(s) Printed Name(s) John A. Hoffman, Bernadette S. Hoffman

(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 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:

A&I Realty LLLP

By: Jacob M. Antwerpen Managing Partner

Name- Type or Print

Signature

6631 Baltimore National Pike, Baltimore, MD

Mailing Address City State

21228

Zip Code Telephone # Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

John A. Hoffman

Bernadette S. Hoffman

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2038 Powers Lane,

Baltimore,

MD

Mailing Address

City

State

21228

Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285

Zip Code Telephone # Email Address

CASE NUMBER

Filing Date

Do Not Schedule Dates:

Reviewer

PETITIONER'S EXHIBIT

2



1936 Powers Lane

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: N/S Powers Lane, West of Rolling Road which is presently zoned DR1, DR2

Deed References: 9328-39 10 Digit Tax Account # 0108654050

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SEE ATTACHED SHEET

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3. X a Variance from Section(s)

SEE ATTACHED SHEET

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(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)

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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:

A&I Realty LLLP

By: Jacob M. Antwerpen Managing Partner

Name- Type or Print

Signature

6631 Baltimore National Pike, Baltimore, MD

Mailing Address City State

21228

Zip Code Telephone # Email Address

Attorney for Petitioner:

David H. Karcieski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285

Zip Code Telephone # Email Address dhkarcieski@venable.com

Legal Owners (Petitioners):

John A. Hoffman

Bernadette S. Hoffman

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2038 Powers Lane,

Baltimore, MD

Mailing Address City State

21228

Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karcieski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285

Zip Code Telephone # Email Address dhkarcieski@venable.com

CASE NUMBER 2016-0062

Filing Date 9/9/15

Do Not Schedule Dates

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 11/20/15

By sen

**ATTACHMENT
TO PETITION FOR SPECIAL HEARING**

POWERS LANE

Special Hearing for approval of business parking in a residential zone, pursuant to
Section 409.8.B of the BCZR.

**ATTACHMENT
TO PETITION FOR VARIANCE
POWERS LANE**

1. Variance from Section 1B01.B.1 of the BCZR to allow off-street parking spaces to be located a minimum of 12, 14 and 12 feet from the west, southeast and northeast tract boundaries, respectively, in lieu of the required 75 feet and to allow a minimum RTA buffer of 12, 14 and 12 feet along the west, southeast and northeast tract boundaries, respectively, in lieu of the required 50 foot buffer.

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



1936 Powers Lane

ZONING DESCRIPTION

**Parcel of Land on Powers Lane, Northwest of North Rolling Road
Tax Account Number 0108654050
Baltimore County, Maryland**

Beginning at a point on the north side of Powers Lane which is 60 feet wide 1,040 feet, more or less, northwest of the centerline of North Rolling Road, which is 90 feet wide at the intersection of Powers Lane and North Rolling Road. Thence the following courses and distances:

N 71° 05' 08" W 80.74 feet,
N 08° 04' 52" E 599.71 feet,
N 28° 20' 39" E 78.77 feet,
N 21° 32' 46" E 186.45 feet,
S 71° 12' 08" E 231.82 feet,
S 21° 33' 24" W 187.01 feet,
S 13° 45' 41" W 286.49 feet,
S 17° 41' 30" W 173.99 feet,
N 71° 20' 08" W 81.50 feet, and
S 18° 39' 52" W 206.00 feet,

to the place of beginning as recorded in Deed Liber 4850, Folio 96. Being Parcel 199 on Tax Map 94 containing 170,221 square feet or 3.91 acres, more or less. Located in the 1st Election District and 1st Councilmanic District.



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 No. 13203

Expiration Date: 11/02/2016

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

1936 Powers Lane



ZONING DESCRIPTION

**Parcel of Land on Powers Lane, Northwest of North Rolling Road
Tax Account Number 0108654050
Baltimore County, Maryland**

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S 13° 45' 41" W 286.49 feet,
S 17° 41' 30" W 173.99 feet,
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S 18° 39' 52" W 206.00 feet,

to the place of beginning as recorded in Deed Liber 4850, Folio 96. Being Parcel 199 on Tax Map 94 containing 170,221 square feet or 3.91 acres, more or less. Located in the 1st Election District and 1st Councilmanic District.



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 No. 13203

Expiration Date: 11/02/2016

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: _____

Petitioner: _____

Address or Location: _____

2016-62-58HA

John & Bevanadette Hoffman

1936 Power Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Adam Rotenbly

Venable LLP

210 W. Penn. Ave. Suite 500

Towson MD 21204

Telephone Number: _____

(410) 494-6200

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

No.

133639

Date:

12-17-15

Rev
Source/

Sub
Rev/

Fund Dept Unit Sub Unit Obj Sub Obj Dept Obj BS Acct Amount

000	806	000		6150					530.00

Total:

530.00

Rec

From:

OAH - Adam Rosenthal Esq. - Variable

For:

Appeal Case No. 2016-0062-SHA

1936 Powers Lane

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ADDRESS

1210 E. 10th St. Baltimore, MD 21202

RES. MGMT. - WALTER E. ELLIS LTD.

RECEIPT # 430010 12/17/2015 0010

AMT 530.00

12/17/15

Recpt Tot 530.00

530.00

Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

October 28, 2015

John A & Bernadette S Hoffman
2038 Powers Lane
Baltimore MD 21228

RE: Case Number: 2016-0062 SPHA, Address: 1936 Powers Lane

Dear Mr. & Ms. Hoffman:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 9, 2015. 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 that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Jacob M Antwerpen, 6631 Baltimore National Pike, Baltimore MD 21228
David H Karceski, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 9/21/15

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

RE: Baltimore County
Item No. 2016-0062-SPHA -
Special Hearing Variance
John A. & Bernadette S. Hoffman
1936 Powers Lane.

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. 2016-0062-SPHA

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Peake".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

My telephone number/toll-free number is _____

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 24, 2015

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

SUBJECT: Zoning Advisory Committee Meeting
For September 28, 2015
Item No. 2016-0062

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

This property and the business located at 6440 Baltimore National Pike are in an "F" level of service for traffic on the Basic Services Map. Before a grading permit is issued for this site, a traffic engineer must provide a study which details any increase in peak hour trips that may impact the surrounding intersection. If there will be an increase, it is possible that another Special Hearing may be required.

The property is located in the DR1and 2 zones and is adjacent to owner occupied residences and County Local Open Space, among other owners and uses. As such, parking setbacks adjacent to residences and LOS should be respected. If variances are granted, Landscape Planting should be as approved by the County Landscape Architect and fencing added along all boundaries adjoining County owned properties. As well, parking bays as shown are excessively long (up to 590 linear feet) and should meet Section 409.8.b.2.a and have bays after every 12 spaces.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0062-09282015.doc

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

OCT 07 2015

OFFICE OF ADMINISTRATIVE HEARINGS



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: 10-7-2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0062-SPHA
Address 1936 Powers Lane
(Hoffman Property)

Zoning Advisory Committee Meeting of September 21, 2015.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 5, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 1036 Powers Lane

NOV 05 2015

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 16-062

Petitioner: John A. Hoffman, Bernadette Hoffman

Zoning: DR 1, DR 2

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for a Special Hearing to determine whether or not the Administrative Law Judge should approve business parking in a residential zone and also the Petition for a Variance to allow off-street parking spaces to be located a minimum of 12, 14 and 12 feet from the west, southeast and northeast tract boundaries, respectively, and to allow a minimum RTA buffer of 12, 14 and 12 feet from the west, southeast and northeast tract boundaries, respectively, in lieu of the required 75 feet and 50 foot RTA buffer, respectively.

Should the requested relief be granted for business parking in a residential zone, the following conditions are required as a prerequisite for the Department to concur with the requested RTA variance:

- Eliminate the 15 parking spaces along the west side of the proposed access adjacent to #1942 Powers Lane and the 6 proposed parking spaces adjacent to the rear of #1934 Powers Lane pursuant to the red-lined plan received by this Department on 10/30/2015 from the Petitioners legal counsel.
- Provide attractive residential-style fencing along the property lines shared with #1934 and #1942 Powers Lane pursuant to the fence detail shown on the aforementioned red-lined plan. The Department has no objection to a chain-link type fence enclosing the balance of the property provided no concertina or barbed wire is used.
- Submit a landscaping and lighting plan to the Baltimore County Landscape Architect for approval prior to the issuance of permits. Lighting shall be directional so as to not spill onto the residential properties. Said plan shall include details on the proposed retaining wall.
- No loudspeaker or other fixed intercom system shall be permitted.
- There shall be no sales directly from the site or clientele permitted to browse on-site.

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

Division Chief: Kathy Gendrich

AVA/KS

c: Jeanette Tansey, RLA, PAI
Dennis Wertz

Antwerpen Auto 389 Vehicle Inventory Parking lot. Case #2015-062 SPHA

As a resident of the Westerlee community I am strongly opposed to the proposed business parking in a residential area at 1936 Powers Lane and demand that the requested use and variances for setback not be approved.

- Powers Lane is a border which curbs commercial and business use along US 40 from intruding into the residential communities to the north of Powers Lane. It sets a bad precedent to cross this line and put a commercial use north of Powers Lane.
- The proposed 389 vehicle inventory lot for Antwerpen will bring noise, fumes, pavement, lighting and unsightliness to a currently undisturbed meadow on a hill which is an excellent quiet area between the US 40 business zone and the residences of Westerlee. The proposed lot would drastically impact the residences directly adjacent to the meadow and would change the character of the entire area.
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Other comments:

Name/Date: Ann Uebel 11-5-2015

Street Address: 1942 Powers Lane

Signature: Ann Uebel

Antwerpen Auto 389 Vehicle Inventory Parking lot. Case #2015-062 SPHA

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Other comments:

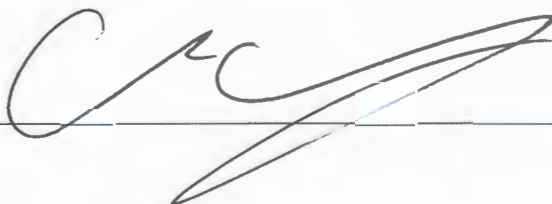
Name/Date:

Christopher Young 11-5-2015

Street Address:

1934 Powers Lane

Signature:



Antwerpen Auto 389 Vehicle Inventory Parking lot. Case #2015-062 SPHA

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Other comments:

Name/Date:

MICHAEL DOYLE

11-4-2015

Street Address:

1922 Powers Lane

Curtisville MD
21228

Signature:

Michael Doyle

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Other comments:

Name/Date: (Isaac Busch) Isaac Busch Nov 6th 2015

Street Address: 2019 Cedar Cir Dr Catonsville MD 21228

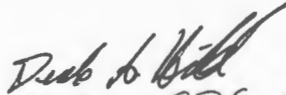
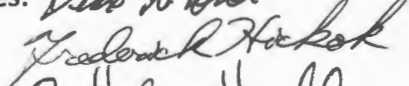
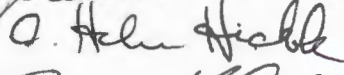
Signature: Isaac Busch

Antwerpen Auto 389 Vehicle Inventory Parking lot. Case #2015-062 SPHA

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Names: Derek Hickok
Frederick Hickok
Helen Hickok
Spencer Hickok
Address: 2114 Fernglen Way

Signatures: 




Name: Wanda Richardson

2025 Cedar Circle Drive

Address: Catonsville, MD 21228

Wanda Richardson

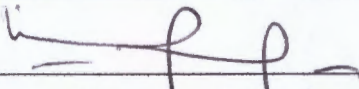
Signature:

Name: Emmanuel Agen-Douc

2021 Cedar Circle Rd

Address: Catonsville Md 21228

Signature:



Name:

Fred Kirk

Address:

2125 Fernglan Way

Catonsville, Md 21228

Signature:

Name:

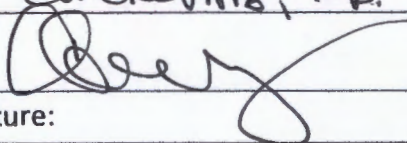
CHRIS Groat

2118 Cedar Circle Dr.

Address:

Catonsville, Md 21228

Signature:



Antwerpen Auto 389 Vehicle Inventory Parking lot. Case #2015-062 SPHA

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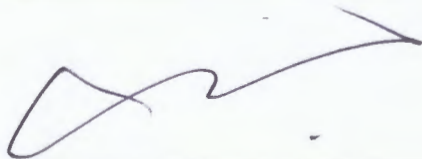
Name:

Shang Hui Zhao (Joe)

Address:

1214 N. Rolling Rd. Catonsville
MD. 21228

Signature:



Signature:

Name:

Deborah James

Address:

1200 Cedar Circle Ct.
Baltimore, Md 21228

Signature:

Name:

GEORGE + LULA SIMON

Address:

1203 WISTERIA DRIVE CATONSVILLE MD 21228

Signature:

Name:

George Simon / Lula Simon

Address:

Joan Gandy
2008 Funglen Way, 21228
Joan Gandy

Signature:

Name:

~~Muneera~~

MUNEERA

Address:

12006 North Rolling Road
Catonsville md 21228

Signature:

Name:

Muneera S Aijaz

21

Name: Chung K. Kye

Address: 1906 Cedar Circle Dr Md 21228

Signature: Chung K. Kye

Name: Justine Myers
2004 Cedar Circle Dr

Address: Catonsville Md 21228

Signature: Justine Myers

TYRONE CONAWAY

Name: Tyrone Conaway

Address: 2003 Cedar Circle Dr 21225

Signature: Joe Miller

Name: Joe Miller

Address: 2005 Cedar Circle Drive 21228

Signature: PAMELA HOFFMAN

Name: Pamela Hoffman

Address: 2027 Cedar Circle Drive

Signature:

Name: MARION J. SEABROOKS

Address: 2008 ~~CEEDER~~ CEDAR CIR. DR.

CATONSVILLE, MD. 21228

Signature: Marion J. Seabrooks

Name: Paul + Dawn Galindo

2011 Cedar Cir Dr. Baltz, 21228

Address:

Signature: Paul + Dawn Galindo

Name: Shirley McFARLAND

2009 CEDAR CIRCLE DR 21228

Address: Shirley M. McFarland

Signature: H. J. Moseley Gray

Name: H. J. Moseley Gray

2014 Cedar Circle Drive 21228

Address:

Antwerpen Auto 389 Vehicle Inventory Parking lot. Case #2015-062 SPHA

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Other comments:

Name/Date:

Umar Aiyaz

Street Address:

1700 North Rolling Rd, Catonsville MD 21228

Signature:

Umar Aiyaz

Isaac Busch <busch.isaac@gmail.com>

11:08 PM (7
hours ago)

to Klaus

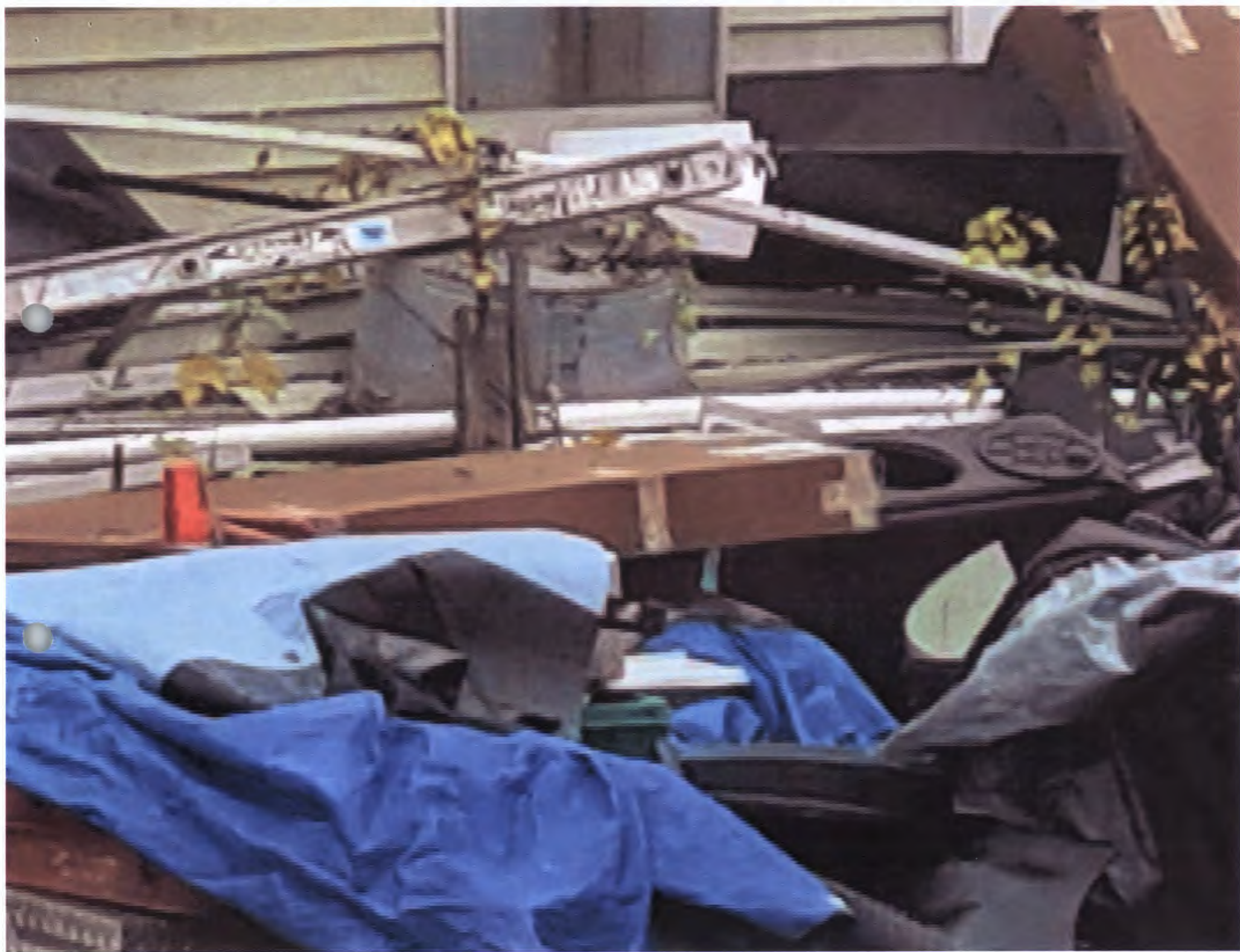
To whom it may concern: I, Isaac Busch, living at 2019 Cedar Circle Drive Catonsville MD 21228, am opposed to any residential zoned property being converted to commercial use in my community. Antwerpen might need more room to increase their profits, however their profits will do nothing for this community and in fact will only set a precedent of erosion that I fear in the end will engulf far more than the small area they are requesting now. The pursuit of profit is not and never should be a justifiable reason to any endeavor that strips a community of beauty. I recognize that we should encourage business growth, however I disagree that replacing a meadow with an asphalt parking lot is the best use of that land. If Antwerpen would like more parking space I would recommend a multi-storied parking garage. If they are opposed to this more efficient use of the space then I'd question their motives in the community as they clearly don't want to invest in anything long-term and they simply want a short-term fix that will ultimately rob our community of natural land.

If you would like to reach me about my opinions expressed above you can contact me via phone or email at [410-206-3876](tel:410-206-3876) or Busch.isaac@GMAIL.COM, and I give permission to my HOA president; Klaus, to use this document as a representation of my opinion in this manner as i can't be present in person and if needed I will provide a copy of this to anyone interested and swear that it is my opinion.

<SIGNED> ISAAC BUSCH















CERTIFICATION OF VITAL RECORD

STATE OF MARYLAND
Department of Health and Mental Hygiene
Division of Vital Records

Please Type or Print in Black Indelible Ink. Ensure All Copies Are Legible.

State of Maryland / Department of Health and Mental Hygiene

Certificate of Death

1- For State Registrar		Reg. No.	
Decedent's Name (First, Middle, Last) John Albert Hoffman		2. Date of Death Month March Day 21 Year 2014	
3. Facility Name (if not institution, give street and number) 2038 Powers Lane		4. City, Town, or Location of Death Catonsville	
5. Social Security Number 217-36-4814		6. Sex 19 M 2 F	
7. Age (in yrs. last birthday) 88		8. Date of Birth Month 04 Day 18 Year 1925	
9. Birthplace (State or Foreign Country) Maryland		10. Time of Death 8:15 PM	
11. Usual Residence of Decedent 10a. State Maryland 10b. County Baltimore 10c. City, Town, or Location Catonsville 10d. Inside City Limits ☐ Yes ☒ No		12. 10e. Street and Number 2038 Powers Lane 10f. Zip Code 21228 10g. Citizen of What Country? United States	
13. 11. Marital Status 1 ☐ Never Married 2 ☒ Married 3 ☐ Widowed 4 ☐ Divorced		14. 12. Was Decedent Ever in U.S. Armed Forces? 1 ☒ Yes 2 ☐ No If Yes, Give Year or Dates 1946-47	
15. Decedent's Education (Specify only highest grade completed) Elementary/Secondary (0-12) College (1-4 or 5+)		16. Decedent's Usual Occupation (Specify kind of work done during most of working life. DO NOT use retired) Farmer	
17. Father's Name (First, Middle, Last) Colin Albert Hoffman		18. Mother's Name (First, Middle, Maiden Surname) Rose May Blum	
19. Informant's Name/Relationship (Type, Print) Bernadette S. Hoffman / Wife		20. Mailing Address (Street and Number or Rural Route Number, City or Town, State, Zip Code) 2038 Powers Lane Catonsville, Maryland 21228	
21. Method of Disposition 1 ☒ Burial 2 ☐ Cremation 3 ☐ Removal from State 4 ☐ Donation 5 ☐ Other (Specify)		22. Place of Disposition (Name of cemetery, crematory or other place) Loudon Park National	
23. Date of Disposition 03/25/2014		24. Location - City or Town, State Baltimore, Maryland	
25. Signature of Funeral Service Licensee <i>David J. Weber</i>		26. Name and Address of Facility David J. Weber Funeral Homes PA 5311 Edmondson Avenue Baltimore, Maryland 21229	
27. Part I. Enter the disease, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. Immediate Cause (Final disease or condition resulting in death) a. Parkinson's Disease Due to (or as a consequence of): b. Cerebral Arterio Sclerosis Due to (or as a consequence of): c. Due to (or as a consequence of): d. Approximate Interval Between Onset and Death 34 years 49 years			
28. Sequentially list conditions, if any, leading to immediate cause. Enter Underlying Cause (Disease or injury that initiated events resulting in death) Last Respiratory A			
29. IF FEMALE: 29a. Was decedent pregnant in the past 12 months? 1 ☐ Yes 2 ☐ No 3 ☐ Unknown 29b. If yes, outcome of pregnancy 1 ☐ Live Birth 2 ☐ Fetal death 3 ☐ Ectopic pregnancy 4 ☐ Pregnant at time of death 5 ☐ Other (specify) 29c. Date of delivery Month March Day 21 Year 2014			
30. Part II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I. Respiratory A			
31. 23a. Did tobacco use contribute to the cause of death? 1 ☐ Yes 2 ☒ No 3 ☐ Probably 4 ☐ Unknown 24a. Was an autopsy performed? 1 ☐ Yes 2 ☒ No 24b. Were autopsy findings available prior to completion of cause of death? 1 ☐ Yes 2 ☒ No			
32. 25. Was case referred to medical examiner? 1 ☐ Yes 2 ☒ No 26. Place of Death (Check only one) Hospital: 1 ☐ Inpatient 2 ☐ ER/Outpatient 3 ☐ DDA Other: 4 ☐ Nursing Home 5 ☒ Residence 6 ☐ Other (Specify) 27. Manner of Death 1 ☒ Natural 2 ☐ Pending Investigation 3 ☐ Accident 4 ☐ Suicide 5 ☐ Homicide 6 ☐ Could not be determined 28a. Date of Injury (Month, Day, Year) 28b. Time of injury 28c. Injury at work? 1 ☐ Yes 2 ☒ No 28d. Describe how injury occurred 28e. Place of Injury - At home, farm, street, factory, office building, etc. (Specify) 28f. Location (Street and Number or Rural Route Number, City or Town, State)			
33. 29a. Certifier (Check) 1 ☐ Certifying Physician: To the best of my knowledge, death occurred at the time, date and place, and due to the cause(s) and manner as stated. 2 ☐ Medical Examiner: On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place, and due to the cause(s) and manner as stated. 3 ☒ Certifying Nurse Practitioner: To the best of my knowledge, death occurred at the time, date and place, and due to the cause(s) and manner as stated. 29b. Signature and title of certifier Dr. Thomas Kelly, MD 29c. License number RO51063 29d. Date signed (Month, Day, Year) March 21, 2014			
34. 30. Name and address of person who completed cause of death (Item 23a) (Type, Print) Thomas Kelly MD 3900 Lockwood Blvd Bldg 2 Baltimore 21218			
35. 31. Date Issued (Month, Day, Year) MAR 24 2014 32. Registrar's Signature <i>Shirley S. Spivey</i>			

1726977

Date Issued
March 24, 2014

I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE COPY OF A RECORD ON FILE IN THE DIVISION OF VITAL RECORDS.

STATE REGISTRAR

DO NOT ACCEPT UNLESS ON SECURITY PAPER WITH SEAL OF VITAL RECORDS CLEARLY EMBOSSED.

Maryland Department of Assessments and Taxation Business Services (w4)

Search Help

Entity Name: WESTERLEE COMMUNITY, INC.

Department ID: D00549824

General Information

Amendments

Personal Property

Certificate of Status

Principal Office (Current):

MARILYN T. MAXWELL
2019 CEDAR CIRCLE COURT
BALTIMORE, MD 21228*Sold Property
in 11/2009*

Resident Agent (Current):

NAYNA PHILIPSEN, ESQ.
2018 CEDAR CIRCLE DRIVE
BALTIMORE, MD 21288*mail for Notices*

Status:

INCORPORATED

Good Standing:

Yes

What does it mean when a business is not in good standing or forfeited?

Business Code:

Ordinary Business - Non-stock

Date of Formation or Registration:

08/30/1962

State of Formation:

MD

Stock/Nonstock:

Nonstock

Close/Not Close:

Unknown

CORPORATE CHARTER APPROVAL SHEET

*** KEEP WITH DOCUMENT ***

DOCUMENT CODE 88 BUSINESS CODE _____

D00549824



1000361989147974

Close _____ Stock _____ Nonstock _____

P.A. _____ Religious _____

Merging (Transferor) _____

ID # D00549824 ACK # 1000361989147974
LIBER: 000590 FOLIO: 0910 PAGES: 0002
WESTERLEE COMMUNITY, INC.

Surviving (Transferee) _____

12/01/2003 AT 03:12 P WO # 0000819122

New Name _____

FEES REMITTED

Base Fee: 25

Org. & Cap. Fee: _____

Expedite Fee: _____

Penalty: _____

State Recordation Tax: _____

State Transfer Tax: _____

_____ Certified Copies

Copy Fee: _____

_____ Certificates

Certificate of Status Fee: _____

Personal Property Filings: _____

Other: _____

TOTAL FEES: 25

- _____ Change of Name
- ☒ Change of Principal Office
- ☒ Change of Resident Agent
- ☒ Change of Resident Agent Address
- _____ Resignation of Resident Agent
- _____ Designation of Resident Agent
- _____ and Resident Agent's Address
- _____ Change of Business Code

_____ Adoption of Assumed Name

_____ Other Change(s)

Credit Card _____ Check _____ Cash _____

_____ Documents on _____ Checks

Approved By: WCS

Keyed By: _____

COMMENT(S):

Code _____

Attention: _____

Mail to Address:

WESTERLEE COMMUNITY, INC.
MARILYN T. MAXWELL
2019 CEDAR CIRCLE DRIVE
BALTIMORE

MD 21228

Stamp Work Order and Customer Number HERE

CUST ID: 0001257711
WORK ORDER: 0000819122
DATE: 12-02-2003 10:52 AM
PMT. PRID: \$25.00

RESOLUTION TO CHANGE PRINCIPAL OFFICE OR RESIDENT AGENT

The directors/stockholders/general partner/authorized person of _____

Westerlee Community, Inc.

(Name of Entity)

organized under the laws of Maryland, passed the following resolution:
(State)

[CHECK APPLICABLE BOX(ES)]

☒ The principal office is changed from: (old address)

1200 Cedar Circle Court

Baltimore, Maryland 21228

to: (new address)

Marilyn T. Maxwell, 2019 Cedar Circle Drive, Baltimore, Maryland 21228

☒ The name and address of the resident agent is changed from:

1200 Cedar Circle Court, Baltimore, Maryland 21228

21-01-1-330 0002

to:

Nayna Philipsen, Esq., 2018 Cedar Circle Drive, Baltimore, Maryland 21228

I certify under penalties of perjury the foregoing is true.

Marilyn T. Maxwell, President

Secretary or Assistant Secretary

General Partner

✓ Authorized Person

I hereby consent to my designation in this document as resident agent for this entity.

CUST ID:0001257711
WORK ORDER:0000819122
DATE:12-02-2003 10:52 AM
AMT. PAID:\$25.00

SIGNED Nayna Philipsen, Esq.
Resident Agent

Baltimore County, MD
Wednesday, November 4, 2015

ARTICLE 1B. Density Residential (D.R.) Zones

SECTION 1B01. Regulations With Respect to D.R. Zones in General

§ 1B01.1. General use regulations in D.R. Zones.

A. Uses permitted as of right. The following uses only are permitted as of right in D.R. Zones of all classifications, subject to the restrictions hereinafter prescribed.

[Bill No. 2-1992]

1. Dwellings as provided herein and as provided in Section 430 and subject to Section 402:
 - a. In all D.R. Zones: single-family detached, semidetached or duplex dwellings.
 - b. In all D.R. Zones: alternative site-design dwellings, subject to findings of compatibility pursuant to § 32-4-402 and the hearing officer's hearing under Article 32, Title 4, Subtitle 2 of the Baltimore County Code, and as provided for in the Comprehensive Manual of Development Policies.
[Bill No. 137-2004]
 - c. In D.R.5.5 Zones, subject to findings of compatibility by the hearing officer: group houses and multifamily buildings.
[Bill No. 85-1997]
 - d. In D.R.10.5 and D.R.16 Zones: group houses and multifamily buildings.
[Bill No. 85-1997]^[1]
[1] *Editor's Note: Former Section 1B01.1.A.1.e which followed, regarding elderly housing and assisted-living facilities, was repealed by Bill No. 19-2004.*
2. Trailers or mobile homes (Section 415).
[Bill No. 27-2015]
3. Churches, other buildings for religious worship or other religious institutions.
4. Aboveground electrical-power, telephone, telegraph lines, except aboveground electrical power lines having a capacity of 35 kilovolts or more; pole-mounted transformers or transformer banks.
5. Other cables; conduits; gas, water or sewer mains; or storm-drain systems, all underground.
6. Excavations, uncontrolled (as defined in Section 101).
7. Farms, produce stand in association with a farm, or limited-acreage wholesale flower farms (see Section 404).
[Bill No. 41-1992]

8. Garages, community.
9. Hospitals.
[Bill No. 37-1988]
10. Local open space tracts or other common amenity open space.
11. Privately sponsored day care and nursery programs, as an ancillary use, within housing for the elderly projects, as defined in Section 101 of these regulations.
[Bill No. 47-1982]
12. Class A group child care centers and Class B group child care centers providing for up to 40 children, if not located in a residential transition area, subject to the requirements of Section 424, and family child care homes, group child care centers and nursery schools.
[Bill No. 200-1990]
13. Research institutes or laboratories in existence at the time of the adoption of Bill No. 122-1984, subject to the zoning regulations in effect at the time of the approval by Baltimore County of the institute or laboratory.
[Bill No. 122-1984]
14. Schools, except business or trade schools or such schools as are permitted by special exception (Subsection C, below), but including schools for agricultural training.
[Bill Nos. 63-1980; 47-1982; 47-1985]
15. Signs, nonaccessory, to the extent permitted under Section 413.
16. Antennas used by CATV systems operated by companies franchised under Article 25 of the Baltimore County Code, if situated on property owned by the county, state or federal government or by a governmental agency.
[Bill Nos. 220-1981; 137-2004]
17. Transit facilities.
[Bill No. 91-1990]
18. Accessory uses or buildings other than those permitted only by special exception, including, but not limited to:
 - a. Accessory radio or television receiving antennas.
 - b. Wireless transmitting and receiving structures, provided that any such structure: is a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission; if it is an independent structure, shall be subject to the same requirements as are applied to buildings under Section 400; if it is a rigid-structure antenna, shall be no higher than 50 feet above grade level and with no supporting structure thereof closer than 10 feet to any property line; and does not extend closer to the street on which the lot fronts than the front building line.^[2]
[2] *Editor's Note: Former Item c, which followed this item and permitted automotive-service stations, was repealed by Bill No. 172-1993.*
 - c. Home occupations, as defined in Section 101.^[3]
[3] *Editor's Note: Former Item c, which followed this item and permitted offices of certain professional persons as an accessory use to their residences, was repealed by Bill No. 105-1972, effective 8-26-1982.*
 - d. Parking spaces, including accessory garage spaces.

- e. Offices for the conduct of business incidental to the rental, operation, service or maintenance of apartment buildings.
 - f. Signs, subject to Section 450.
[Bill No. 89-1997]
 - g. Swimming pools, tennis courts, garages, utility sheds, satellite receiving dishes (subject to Section 429) or other accessory structures or uses (all such accessory structures or uses subject to the height and area provisions for buildings as set forth in Section 400).
[Bill No. 71-1987]
19. Commercial film production, subject to Section 435.
[Bill No. 57-1990]

B. Dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics.

[Bill No. 124-1981]

1. Residential transition areas and uses permitted therein.

[Bill No. 2-1992]

a. Definitions and purpose.

[Bill No. 2-1992]

- (1) The residential transition area (RTA) is a one-hundred-foot area, including any public road or public right-of-way, extending from a D.R. zoned tract boundary into the site to be developed.
- (2) The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types.

b. Generation of residential transition area. An RTA is generated if the property to be developed is zoned D.R. and lies adjacent to land zoned D.R.1, D.R.2, D.R.3.5, D.R.5.5 or R.C. which:

[Bill Nos. 2-1992; 8-2004]

- (1) Contains a single-family detached, semi-detached or duplex dwelling within 150 feet of the tract boundary; or
- (2) Is vacant, less than two acres in size, and contains a buildable area at least 20 feet by 30 feet on which a dwelling meeting all required setbacks can be erected.

c. Variance of RTA.

[Bill No. 2-1992]

- (1) Notwithstanding the provisions of Section 307, the hearing officer, upon the recommendation of the Departments of Public Works, Planning, Environmental Protection and Sustainability, Permits, Approvals and Inspections, Recreation and Parks, or Economic and Workforce Development, may determine the amount of RTA in cases where a single tract is more than two acres, is vacant, or contains no more than one single-family detached, semidetached or duplex dwelling.
[Bill Nos. 122-2010; 71-2013]
- (2) The RTA for a tract may be modified as directed by findings pursuant to § 32-4-402 and the hearing officer's hearing under Article 32, Title 4, Subtitle 2 of the Baltimore County Code. However, the hearing officer may not reduce the amount of RTA

unless the officer specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed.

[Bill No. 137-2004]

d. A residential transition use is any use:

[Bill No. 2-1992]

- (1) Permitted as of right under Section 1Bo1.1.A; or
- (2) Any use permitted by special exception under Section 1Bo1.1.C, except an accessory use permitted only by special exception; or
- (3) Any parking area permitted under Section 409.8.B, subject to the approval of a specific landscape plan for the buffer area which must meet the requirements for a Class A plan.

e. Conditions in residential transition areas.

[Bill No. 2-1992]

- (1) The RTA may contain single-family detached, semidetached or duplex dwellings.
 - (2) Group-house, back-to-back group houses, multifamily building and parking lots shall be set back from the tract boundary 75 feet and provide a fifty-foot RTA buffer.
 - (3) The fifty-foot RTA buffer shall remain an upgraded, uncleared, landscaped buffer unless otherwise directed by the hearing officer, based upon recommendations of the county. It shall not contain cleared drainage areas, stormwater management ponds or accessory structures, but it may be bisected by roads, paths and trails that are designed to connect to adjoining developments.
 - (4) The maximum height of any lighting fixtures in an RTA buffer area shall be 16 feet, except for public utility uses which must be of reasonable height. The fixtures shall be designed and placed so as to prevent the spillage of light into any adjoining dwelling or lot. The intensity of the fixture shall not exceed 0.2 candle at the tract boundary.
 - (5) Parking lots or structures, either as principal or accessory use, whether permitted by right, special exception or pursuant to Section 409.8.B, shall provide a fifty-foot buffer and seventy-five-foot setback, and a height not to exceed 35 feet within the one-hundred-foot transition area. *
- f. Any subdivision of land or PUD that has received CRG approval or reclamation plan approval or has been accepted for filing prior to the date of adoption of Bill No. 2-92 or 3-92 is subject to the laws in effect at the time of the approval or filing.
[Bill No. 2-1992]
- g. Exceptions to residential transition. The restrictions contained in Paragraphs a through e above, of this Subsection B.1, do not apply to:
[Bill Nos. 109-1982; 40-1992]
- (1) A proposed dwelling to be placed in a RTA containing existing dwellings of the same type, or, if two or more types of dwellings exist, a proposed dwelling of the same type as the existing dwelling with the fewest number of dwelling units. Such dwellings shall be governed by the applicable laws, zoning regulations and policies otherwise applicable. As used herein, a "dwelling of the same type" means a dwelling

which has the same or lesser number of dwelling units and party walls as the existing dwelling units.

[Bill Nos. 109-1982; 40-1992]

- (2) Public utility uses (except public utility service centers and storage yards). Such uses shall be governed by the provisions of Sections 411 and 502 and such other applicable sections of these regulations.
[Bill 40-1992]
- (3) Notwithstanding the provisions of Section 104, the reconstruction of an existing church, community building or other structure devoted to civic, social, recreational, fraternal or educational activity which is destroyed by fire or other casualty. However, such reconstruction may not increase the size or ground floor area of the structure or alter the location or use of the structure.
[Bill No. 40-1992]
- (4) An addition to an existing church or other building for religious worship, including parking areas and driveways, provided all other applicable zoning regulations including setback, parking and screening requirements, are maintained.
[Bill Nos. 109-1982; 40-1992]
- (5) A new church or other building for religious worship constructed on a parcel of land large enough to provide landscaped but otherwise unimproved yard areas of 100 feet between any improvement and any property line other than street frontages.
[Bill Nos. 109-1982; 40-1992]
- (6) A new church or other building for religious worship, the site plan for which has been approved after a public hearing in accordance with Section 500.7. Any such hearing shall include a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.
[Bill Nos. 109-1982; 40-1992]
- (7) Shoreline fishing and shellfish facilities. Such uses shall be governed by the provisions of Sections 500.4, 1A01.2.C.9, 1A02.2.B.10, 1A04.2.B.7 and 1B01.1.C.8.
[Bill Nos. 109-1982; 40-1992]
- (8) An addition to an existing trailer park or mobile home park or contiguous to such park. If the park is lawfully in existence in a D.R. Zone on the effective date of this act.
[Bill Nos. 109-1982; 40-1992]
- (9) An addition to an existing community building, or other structure devoted to civic, social, recreational, fraternal or educational activity, including parking areas and driveways, provided all other applicable zoning regulations, including setback, parking, and screening requirements, are maintained.
[Bill Nos. 109-1982; 40-1992]
- (10) A new community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, if the Zoning Commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be

compatible with the character and general welfare of the surrounding residential premises.

[Bill Nos. 109-1982; 40-1992]

- (11) Principal use Class A and Class B group child care centers, provided that the Zoning Commissioner determines, during the special exception process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.
[Bill Nos. 200-1990; 59-1991; 40-1992]
 - (12) The conversion of a dwelling to a bed-and-breakfast home, bed-and-breakfast inn or country inn pursuant to Section 402D or Section 402E.
[Bill Nos. 113-1988; 40-1992]
 - (13) Notwithstanding the provisions of Section 104, the reconstruction of an existing nursing home which is destroyed by fire or other casualty. However, such reconstruction may not increase the size or ground floor area of the structure or alter the location or use of the structure.
[Bill Nos. 37-1988; 40-1992]
 - (14) Transit facilities and rail passenger stations shall be exempt from the RTA requirements.
[Bill Nos. 91-1990; 40-1992]
 - (15) Assisted living facilities, Class A.
[Bill No. 188-1993]
 - (16) A new church building or other building for religious worship, including any required parking, driveways, stormwater management facilities, and other related infrastructure, located on a tract zoned D.R., in part, and B.R., in part, where the footprint of the building is located entirely within the B.R.-zoned portion of the tract.
[Bill No. 68-2011]
 - (17) Any parking area permitted under Section 409.8.B in a Commercial Revitalization District.
[Bill No. 36-2013]
- h. The provisions contained in Paragraphs a through e of Subsection B.1 shall not apply to existing developments as described in Subsection A.1 of Section 1B02.3, nor to subdivision tracts for which tentatively approved plans remain in effect as described in Subsection A.2 of said section.
[Bill No. 40-1992]
2. Use regulations in existing developments. In existing developments as described in Subsection A.1 of Section 1B02.3, uses shall be limited to those now lawfully established or to those indicated in the subdivision plans on file with the Department of Permits, Approvals and Inspections, except as may otherwise be permitted under provisions adopted pursuant to the authority of Section 504.
[Bill No. 122-2010]
 3. Use regulations for existing subdivision tracts. On subdivision tracts for which tentatively approved plans remain in effect as described in Subsection A.2 of Section 1B02.3, the uses permitted shall be those indicated in the plan or, where the use is not indicated and if not

inconsistent with the plan, the uses shall be those permitted under zoning regulations in effect at the time the tentative approval was granted.

- C. Uses permitted by special exception. The following uses, only, are permitted by special exception in all D.R. Zones, subject to the restrictions hereinafter prescribed:

[Bill Nos. 105-1982; 36-1988]^[4]

1. Camps, public or quasi-public, including day camps.
2. Conservatories for music or other arts.
3. Convalescent homes.
4. Community buildings, swimming pools, commercial beaches, golf courses, country clubs or other similar civic, social, recreational or educational uses, including tennis facilities, provided that no tennis facility in a D.R.1 or D.R.2 Zone shall comprise more than four courts and no tennis facility in a D.R.3.5, D.R.5.5, D.R.16 Zone shall comprise more than six courts (Section 406A).
[Bill No. 62-1978]
5. Community care centers.
[Bill No. 142-1979]
6. Class B group child care centers for more than 40 children subject to the standards set forth in Section 424 (family child care homes, group child care centers and nursery schools) and principal use Class A and Class B group child care centers providing for up to 40 children, if located in a residential transition area.
[Bill Nos. 200-1990; 59-1991]
7. Excavations, controlled (see Section 403).
8. Fishing and shellfishing facilities, shoreline Class I or Class II, except that a facility existing on July 1, 1977, may continue without a special exception if a use permit has been granted for it, provided that:
 - a. The owner (or his legally authorized representative) applies for the use permit within six months hereafter (Section 500.4);
 - b. With the application for the use permit is filed a site plan in accordance with the Zoning Commissioner's rules of practice and procedure;^[5]
[5] *Editor's Note: See Appendix G of this edition.*
 - c. Any fencing, screening or other change in the site or limitations on the manner of selling the catch necessary to make the facility more compatible with its surroundings that is required by the Zoning Commissioner is completed within the time limits for partial and full compliance with a program of compliance submitted to him; and
 - d. No increase in the amount of floor or site area or in the number of boats devoted to the use nor any other change in the site plan is made.
[Bill No. 30-1978]
9. Funeral establishments.
10. Helistops.
11. Home occupations of disabled persons, where the use is established in a structure originally constructed as a dwelling or as accessory to a dwelling or where the use is established in a

structure that is situated on the same lot as a dwelling and which the Zoning Commissioner finds to be compatible with its surrounding neighborhood, provided that:

- a. Only three persons including the disabled person and the members of his immediate family who are residents of the dwelling are employed in the use on the premises; and
- b. In any case the use is conducted by a disabled person whose domicile is the dwelling to which the use is accessory and whom the hearing authority finds is so severely disabled as to be unable to engage in this occupation away from the premises of his home.
Any provision of Subsection 502.2 to the contrary notwithstanding, any special exception granted pursuant to this item shall expire upon the first to occur of the following:

- (1) Five years after the issuance of the permit;
- (2) The death of the disabled person;
- (3) The termination of the disability; or
- (4) The failure of the disabled person to permanently reside at the premises.

A new special exception for the use may be granted when the previous special exception expires but only upon the completion of the entire application and hearing process in the same manner as if it were the initial application for this special exception. It is the purpose of this provision to prevent the use of residential property for business purposes by an occupant other than a disabled person and to ensure that any occupation permitted pursuant to this item will be conducted in a manner appropriate to its surroundings.

[Bill No. 27-1981]

12. Office or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence at the time of application; does not occupy more than 25% of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees.

[Bill Nos. 105-1982; 65-1999]

13. Poultry killing, commercial, as an accessory use on farms, only.

14. Private colleges (not including business or trade schools), dancing schools, dormitories or fraternity or sorority houses.

[Bill No. 47-1985]

15. Public utility uses other than those permitted as of right, but excluding steam power plants, service centers and storage yards.

16. Public utility service centers.

17. Public utility storage yards.

18. Radio studios.

19. Rail passenger stations, subject to Section 434.

[Bill No. 91-1990]

20. Television studios.

21. Tourist homes.

- 22. Veterinarians' offices.
- 23. Volunteer fire company stations.
- 24. Wireless telecommunications towers, subject to Section 426.

[Bill No. 30-1998]^[6]

[6] *Editor's Note: Former Sections 1B01.1.C.25, 26, 27 and 28, which followed, regarding continuing-care and assisted-living facilities and housing for the elderly, were repealed by Bill No. 19-2004.*

- [4] *Editor's Note: Former Item 1 of this subsection, which permitted boarding or rooming houses, was repealed by Bill No. 124-1993, and former item 2, which permitted boat yards, including marinas, was repealed by Bill No. 179-1995. See, however, Section 408B of these regulations, which permits boarding- and rooming houses in D.R. Zones.*

- D. The following provision, which was enacted by Bill No. 140-1962, took effect on November 17, 1962, and was heretofore designated as Subsection 200.16 of these Zoning Regulations, is reenacted without amendment, and nothing in this article shall be construed to abrogate its effect:

Junkyards and open dumps as defined in Section 101. Any existing junkyards in this (R.40) or any other residential zone, and any existing open dumps in any zone shall be completely eliminated not later than two years after the date of effectuation of this amendment.

[Bill No. 140-1962]

Baltimore County, MD
Wednesday, November 4, 2015

ARTICLE 4. Special Regulations

SECTION 409. Off-Street Parking and Loading

§ 409.1. Applicability.

- A. All structures built and all uses established hereafter shall provide accessory off-street parking and loading in accordance with the following regulations. When an existing structure or use is enlarged, accessory off-street parking and loading shall be provided in accordance with the following regulations for the area or capacity of such enlargement.
- B. Those projects which have County Review Group (CRG) approval prior to the effective date of these regulations may modify their plans to satisfy these regulations or may proceed under the regulations in effect at the time of said approval.
- C. Those projects for which a building permit has been submitted but not approved may modify their plans to satisfy these regulations or proceed under the regulations in effect at the time of said submittal.

§ 409.2. Plan.

At the time of application for a building permit for the erection or enlargement of any building for which off-street parking or loading spaces are required, a plan shall be provided at an appropriate level of detail showing such parking or loading spaces, including the means of access and interior circulation both from the standpoint of the project itself and in relation to its surroundings.

§ 409.3. Parking space dimensions.

Minimum off-street parking space dimensions shall be as follows:

	Angled Parking (feet)	Parallel Parking (feet)
Standard space	8 1/2 x 18	7 1/2 x 21
Small car space	7 1/2 x 16	7 1/2 x 18

Small car spaces shall be designated as such and clearly marked to indicate the intended use.

§ 409.4. Access to parking spaces.

Vehicular travelways in off-street parking facilities where the parking spaces are located in parking bays or parking lanes shall be divided into driveways, with no direct access to parking spaces, and aisles, providing direct access to adjoining parking spaces.

- A. Driveways shall be at least 12 feet in width for one-way movements and at least 20 feet in width for two-way movements.
- B. All parking spaces shall adjoin and have direct access to an aisle, except in the following cases:
 - 1. In cases where vehicles will be parked by an attendant, the Zoning Commissioner may approve a parking facility in which up to 50% of all parking spaces do not adjoin and have direct access to an aisle.
 - 2. In office buildings less than 5,000 square feet, the Zoning Commissioner may approve a plan in which spaces designated for employee use only do not have direct access to an aisle.
- C. The permitted parking angles and the minimum required widths of aisles shall be as specified below. Parking angles and aisle widths which vary from those specified below may be approved by the Zoning Commissioner for any parking facility based upon the written findings of the Director of Public Works that the design of the particular parking facility involved will provide for the safe and efficient circulation and maneuvering of vehicles.

Parking Angle	One-Way Aisles (feet)	Two-Way Aisles (feet)
90°	22	22
75°	18	20
60°	16	20
45°	14	20
30°	14	20
0°	14	20

- D. Historic structures. For an existing structure within the Oella National Register District or the Ellicott Mills National Register District, the width of driveways and aisles with two-way movement in an interior private parking facility may be modified up to 25% of the minimum required width specified in Section 409.4.A and 409.4.C. Residential dwelling unit parking spaces that do not have access to aisles are permitted, and these spaces may count towards the number of spaces required under Section 409.6. Any parking spaces without direct access to a drive aisle and the space blocking access to that drive aisle shall be reserved for an individual unit.

[Bill No. 8-2004]

§ 409.5. Number of small car spaces.

- A. In off-street parking facilities where more than 50 parking spaces are provided, small car spaces shall be permitted as specified below.
 - 1. In facilities serving office or industrial uses: up to 40% of the number of spaces required for such uses.
 - 2. In parking structures serving residential or lodging uses: up to 40% of the number of spaces required for such uses. In surface parking facilities serving residential or lodging uses: no small car spaces permitted.
 - 3. In structured parking facilities serving a state-designated transit-oriented development: up to 40% of the number of spaces required for any uses within the boundaries of the plan of development.

[Bill No. 16-2015]

B.

Notwithstanding the provisions of Section 409.5.A., for any nonresidential development, all parking spaces provided which exceed the requirements of Section 409.6 may be small car spaces at the discretion of the developer.

§ 409.6. Required number of parking spaces.

- A. General requirements. The standards set forth below shall apply in all zones unless otherwise noted. If the required number of off-street parking spaces is not set forth for a particular type of use, the Director of Permits, Approvals and Inspections shall determine the basis of the number of spaces to be provided. If the number of spaces calculated in accordance with this section results in a number containing a fraction, the required number of spaces shall be the next highest whole number.

[Bill Nos. 124-1993; 136-1996; 144-1997; 122-2010; 37-2015]

1. Residential and lodging uses.

Type of Use

Boarding- or rooming house

Dormitory

Elderly housing facilities

Minimum Number of Required Off-Street Parking Spaces

1 per tenant bed plus 2 if owner resides on property.

[Bill No. 124-1993]

1 per 4 beds.

For housing for the elderly, Class A, at least 1 usable off-street parking space shall be provided for each 2 dwelling units in a town center or for each 1 1/2 dwelling units elsewhere.

For housing for the elderly, Class B, at least 1 usable off-street parking space shall be provided for each dwelling unit. However, if the development is supported substantially or in part by any type of rent subsidy, the developer may petition for a hearing before the Zoning Commissioner for a decrease in the number of spaces to be provided.

For continuing care facilities, at least 1 usable off-street parking space shall be provided for each dwelling unit and at least 1 usable off-street parking space shall be provided for each 2 assisted living beds and for each 3 convalescent or nursing beds.

For assisted living facilities, at least 1 usable off-street parking space shall be provided for each 3 beds.

[Bill No. 188-1993]

In R.A.E.1 and R.A.E.2 Zones and in all business and industrial zones, all parking requirements of the underlying zone must be met for any commercial or office use which is contained within the elderly housing facility.

For housing for the elderly, at least 0.75 usable off-street parking spaces shall be provided for each dwelling unit in the C.T. District of Owings Mills for a state-designated transit-oriented development.

[Bill No. 16-2015]

In the case of any type of elderly housing facility, the Zoning Commissioner may allow the provision of fewer parking spaces, after a public hearing at which evidence

Type of Use**Minimum Number of Required Off-Street Parking Spaces**

has been given regarding use of rent vouchers certificates or other subsidies or the availability of developer-sponsored van service or other ride-sharing for the prospective residents of the housing, and after the Director of Planning has furnished information regarding the availability and accessibility to the elderly of public mass transportation to the site. In no case, however, may the facility provide less than 1 parking space for each 3 dwelling units.

For assisted-living facilities, at least 1 usable off-street parking space shall be provided for each 4 beds in the C.T. District of Owings Mills for a state-designated transit-oriented development.

[Bill No. 16-2015]

Fraternity or sorority house
Group house (or townhouse),
apartment building, garden
apartment building and other
apartment buildings (i.e., multiple-
family rental or condominium
dwellings)

1 per 2 beds.

In a C.T. District or R.A.E.2 Zone:

1 per apartment with no separate bedroom, 1.25 per
apartment with 1 or 2 separate bedrooms, and 1.5 per
apartment with 3 or more separate bedrooms.

Elsewhere: 1.25 per apartment with no separate bedroom,
1.5 per apartment with 1 or 2 separate bedrooms, and 2 per
apartment with 3 or more separate bedrooms.

Hotel, motel

1 per guest room or suite; no spaces required for ancillary
uses.

Mobile home

2 per unit.

One-family detached or semi-
detached house, one-family group
house (or townhouse), patio
house, side-and-back attached
house, two-family house

2 per dwelling unit.

Tourist home

1 per guest room.

[Bill No. 124-1993]

No parking spaces are required for residential buildings
contributing to the historic character of an area, if such
buildings have been designated on the National Register of
Historic Places and are located within a C.T. or B.L.-C.C.C.
District.

2. Commercial and service uses.

Type of Use**Minimum Number of Required Off-Street Parking Spaces**

Automotive service station

See Section 405.

Bank

3.3 per 1,000 square feet of gross floor area.

Beauty shop or barbershop

5 per 1,000 square feet of gross floor area.

Car wash

See Section 419.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Carry-out restaurant	5 per 1,000 square feet of gross floor area. [Bill No. 110-1993]
Fast-food and standard restaurants: general rule	16 per 1,000 square feet of gross floor area with at least 10 spaces required in all cases, except that no parking spaces are required for restaurants in the C.T. District of Towson, the C.T. District of Owings Mills for a state-designated transit-oriented development, or for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and if such buildings will be adapted for reuse for a restaurant. [Bill Nos. 110-1993; 3-2003; 16-2015]
Standard restaurants in revitalization districts	In the Arbutus, Catonsville and Pikesville revitalization districts, 5 spaces per 1,000 square feet are required for a standard restaurant. However, a minimum investment of \$100,000 in interior and/or exterior improvements is required. The improvements shall be made within 6 months of the filing of the parking plan and verified by the Director of Permits, Approvals and Inspections. [Bill Nos. 3-2003; 122-2010]
Fast food, drive-through only	14 per 1,000 square feet of gross restaurant floor area, plus spaces for outdoor seating area in accordance with the requirement for fast food and standard restaurants. A minimum of 10 spaces is required. [Bill No. 110-1993]
Furniture or carpet store	2.5 per 1,000 square feet of gross floor area.
Health-care and surgery center	4 per 1,000 square feet of gross floor area. [Bill No. 37-2015]
Medical office or clinic	4.5 per 1,000 square feet of gross floor area. In the C.T. District of Owings Mills, 3.3 per 1,000 square feet of gross floor area for a state-designated transit-oriented development. [Bill No. 16-2015]
Neighborhood car rental agency	3 per 1,000 square feet of gross floor area (excluding any enclosed vehicular preparation area) plus 1 for each rental vehicle [Bill No. 122-2005]
Nightclub, tavern, striptease business, catering hall or drive-in restaurant	20 per 1,000 square feet of gross floor area with at least 10 spaces required in all cases, except no spaces required for nightclubs or taverns in the C.T. District of Towson or for buildings contributing to the historic character of an area, if such buildings have been designated on The National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and if such buildings will be adapted for reuse for a nightclub, tavern or striptease business. [Bill Nos. 137-1990; 110-1993]
Office — general	In the C.T. District of Towson: 3.3 per 1,000 square feet of gross ground floor area and 2 per 1,000 square feet of gross floor area of upper floors. Elsewhere: 3.3 per 1,000 square feet of gross floor area.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Passenger rail station	No parking spaces are required for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and have been adapted for reuse for office space. As determined by the Zoning Commissioner upon the recommendation of the State of Maryland Mass Transit Administration. [Bill No. 91-1990]
Personal service establishment, except beauty shop and barbershop	3.3 per 1,000 square feet of gross floor area.
Residential art salon	See Section 402C.4.
Retail — general	3 per 1,000 square feet of gross floor area in the C.T. District of Towson; 5 per 1,000 square feet of gross floor area elsewhere. No parking spaces are required for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and have been adapted for reuse for retail space.
Shopping center (less than 100,000 square feet of gross leasable area)	The required number of spaces shall be calculated according to the particular types of tenants in the shopping center, i.e., each tenant shall be considered as a separate use.
Shopping center (100,000 square feet or more of gross leasable area)	In the C.T. District of Towson: the required number of spaces shall be calculated according to the particular types of tenants in the shopping center, i.e., each tenant shall be considered as a separate use. Elsewhere: 5 per 1,000 square feet of gross leasable area, including any area devoted to restaurants, but excluding any area devoted to theaters and warehouses, in which case the theaters and warehouses shall be considered as separate uses. [Bill No. 57-2009]
Transit center or transit facility	As determined by the Baltimore County Zoning Commissioner upon the recommendations of the State of Maryland Mass Transit Administration. [Bill No. 91-1990]
Transit storage or repair yard	1 per employee on the largest shift. [Bill No. 91-1990]

3. Industrial uses.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Manufacturing wholesale or warehouse	1 per employee on the largest shift.
Research institute or laboratory	2.5 per 1,000 square feet of gross floor area.
Trucking facility, Class I	5 plus 1 per 2 employees in the largest shift.
Trucking facility, Class II	1 per 2 employees in the largest shift or 1 per 3,000 square feet of total area devoted to parking of truck tractors, truck

Type of Use	Minimum Number of Required Off-Street Parking Spaces
	trailers or tractor-trailers (not including truck maneuvering area or loading area), but in no case less than 10.

4. Recreational and institutional uses.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Athletic club or health spa	10 per 1,000 square feet of gross floor area, excluding any area devoted to tennis/racquetball courts or other similar courts in which case there shall be 3 per court, except that 3 parking spaces per 1,000 square feet of gross floor area are required for athletic clubs or health spas in the C.T. District of Towson or C.T. District of Owings Mills for a state-designated transit-oriented development. [Bill Nos. 136-1996; 11-2008; 16-2015]
Bowling alley	4 per lane.
Church, house of worship or religious assembly	1 per 4 seats in the principal place of worship. [Bill No. 144-1997]
Funeral home or mortuary	10 per 1,000 square feet of floor space available for use by the public, plus 1 per 2 employees, plus 1 per each vehicle used in connection with the business; unless located in the R.C. 6 Zone where a total of only 7 per 1,000 square feet of floor space available for use by the public is required. [Bill Nos. 136-1996; 11-2008]
Golf driving range or miniature golf	1.5 per tee. [Bill No. 136-1996]
Golf course	8 per hole.
Group child-care center or nursery school	1 per employee on the largest shift, but in no case less than 2.
Hospital	1.5 per bed, except for separate standing hospital-related facilities, in which case the minimum requirement shall be the number of spaces otherwise required for such facilities.
Marina, boatyard or yacht club	1 per 2 slips or boat storage spaces in an out-of-water storage facility unless the owner can certify that the out-of-water storage space is used only for the winter storage or repair of boats moored in the water; half of the spaces required for slips may be counted towards the parking required for any other use on the premises of a yacht club. Notwithstanding any other provision of these regulations, if located within the Chesapeake Bay Critical Area and subject to the approval of the Directors of Environmental Protection and Sustainability, Fire and Public Works, a durable and dustless parking surface and striped spaces need not be provided. [Bill Nos. 149-1992; 136-1996; 122-2010]
Nursing home	1 per 3 beds.
Pool hall or arcade	4 per 1,000 square feet of gross floor area. [Bill No. 136-1996]
Schools:	
Elementary or middle school	

Type of Use	Minimum Number of Required Off-Street Parking Spaces
High school	1 per employee, plus visitor spaces as determined by the Zoning Commissioner.
College, university, business, trade or technical school	1 per employee, plus visitor spaces and student parking as determined by the Zoning Commissioner.
Skating rink	5 per 1,000 square feet of gross floor area.
Swimming pool:	
Community	1 per 7 persons permitted in the pool at one time by the Department of Health.
Commercial	1 per 4 persons permitted in the pool at one time by the Department of Health.
Tennis, handball, or racquetball courts and other similar courts	3 per court.
Theater, auditorium, arena or stadium	1 per 4 seats. [Bill No. 136-1996]

B. Adjustments to general requirements.

1. Transit adjustment.
[Bill No. 45-2011]
 - a. The required number of off-street parking spaces for any office or industrial use may be reduced by 5% if a pedestrian entrance to the building is located within 1,000 feet walking distance of a transit stop on a Mass Transit Administration route with scheduled peak-period headway of 20 minutes or better. The number of spaces may be reduced by an additional 10% if the office or industrial use is located in a Commercial Revitalization District, subject to the approval of the Director of Permits, Approvals and Inspections pursuant to the procedure specified in Section 409.13 of the Baltimore County Zoning Regulations.
[Bill No. 36-2013]
 - b. The required number of off-street parking spaces for any plan of development with a minimum of 750,000 square feet of gross leasable area in a C.T. District may be reduced by 25% if served by a transit stop on a Mass Transit Administration route with scheduled peak-period headway of 20 minutes or better.
 - c. The required number of off-street parking spaces for any transit-oriented plan of development may be reduced up to 40% if served by a Mass Transit Administration Metro Rail station.
 - d. The transit adjustment shall not apply to general offices in the C.T. District of Towson.
2. Ridesharing adjustment. The required number of off-street parking spaces for any office or industrial use with 100 or more employees may be reduced by 10% for participation in a continuous, personalized ridesharing assistance program. The ridesharing adjustment shall not apply to general offices in the C.T. District of Towson.
 - a. Conditions for approval. To qualify for a 10% reduction, the owner or lesser shall meet the following requirements:
 - (1) Actively participate in the regional ridesharing program, as administered by the State of Maryland or Baltimore County.

- (2) Assign an on-site ridesharing coordinator to periodically interact with the regional ride-sharing program and promote the program internally to employees.
 - (3) Establish an in-house carpool promotion and matching program and provide such maps, displays and materials as are necessary to inform employees of its availability.
 - (4) Reserve a minimum of 10% of all parking spaces for carpools or vanpools and have those spaces so designated by appropriate signage.
 - (5) Demonstrate to the satisfaction of the Zoning Commissioner that, in the event of future noncompliance, it will be feasible to either construct or lease the additional required parking spaces.
 - (6) Certify annually to the Zoning Commissioner that these criteria are being met.
- b. Penalties for noncompliance. If the criteria for the reduction in the required number of off-street parking spaces are no longer being met, the owner or lessee shall be required to construct or lease additional parking spaces equal in number to the reduction granted. Failure to construct or lease the required additional parking spaces is a violation of these Zoning Regulations.
3. Shared parking adjustment. Two or more uses shall be permitted to share their off-street parking spaces in a common parking facility if the hours or days of peak parking for the uses are so different that a lower total will provide adequately for all uses served by the facility, without conflict or encroachment. To assure that no conflict or encroachment occur, shared parking spaces for such uses shall be provided according to the following table. The shared parking adjustment shall not apply to uses in the C.T. District of Towson, except for theater uses and office or industrial uses.

[Bill No. 5-1989]

	Weekday		Weekend		
	Daytime (6:00 a.m. to 6:00 p.m.)	Evening (6:00 p.m. to midnight)	Daytime (6:00 a.m. to 6:00 p.m.)	Evening (6:00 p.m. to midnight)	Nighttime (Midnight to 6:00 a.m.)
Church, house of worship or place of religious assembly*					
Hotel or motel	75%	100%	75%	100%	75%
Office or industrial	100%	10%	10%	5%	5%
Restaurant	50%	100%	100%	100%	10%
Retail	60%	90%	100%	70%	5%
Shopping center with 100,000 square feet or more of GLA	60%	90%	100%	70%	5%
Theater, commercial recreation, nightclub or tavern	40%	100%	80%	100%	10%
Other uses	100%	100%	100%	100%	100%

* The Director of Permits, Approvals and Inspections shall determine the percentage of parking spaces required for each of the five time periods on a case-by-case basis, depending on the existing and planned weekday and weekend activities.

[Bill Nos. 144-1997; 122-2010]

- a. Method of calculation.

Step I — For each of the five time periods, multiply the minimum number of parking spaces required for each use (including any transit or ride-sharing adjustments) by the corresponding percentage in the table.

Step II — Add the results of each column. The required number of parking spaces shall equal the highest column total.

b. Conditions for approval.

- (1) Reserved or otherwise restricted spaces shall not be shared.
- (2) The land uses served by the shared parking facility shall be in single ownership or permitted for multiple ownership by the Director of Permits, Approvals and Inspections upon satisfactory guarantees of the continued operation and proper maintenance of the shared parking facility.

[Bill Nos. 144-1997; 122-2010]

§ 409.7. Location of parking.

Pot. cities
All required off-street parking spaces shall be located either on the same lot as the structure or use to which they are accessory or off-site as provided for below.

- A. Off-street parking spaces for residential uses and lodging uses shall be located within 300 feet walking distance of a building entrance to the use that such spaces serve. Off-street parking spaces for residential uses located within a state-designated transit-oriented development in the C.T. District of Owings Mills shall be located within the boundaries of the plan of development.

[Bill No. 16-2015]

B. Uses other than residential.

1. Except in C.T. Districts and R-O-A and R-O Zones, off-site parking spaces for uses other than residential and lodging shall be located within 500 feet walking distance of a building entrance to the use that such spaces serve. In C.T. Districts, such spaces shall be permitted within 1,000 feet walking distance of the building entrance. In the C.T. District of Towson, such spaces shall be permitted within 1,500 feet walking distance of the building entrance, provided that they are located within the town center boundary. For a state-designated transit-oriented development in the C.T. District of Owings Mills, such spaces shall be located within the boundaries of the plan of development.

[Bill Nos. 155-1988; 170-1991; 16-2015]

2. In R-O and R-O-A Zones, all required off-street parking spaces shall be provided on the same lot as the structure or use to which they are accessory, except that in cases where adjacent dwellings have been converted to Class A office buildings, parking spaces may be provided on the adjacent lots. The use of an off-site parking facility which is accessory to a church or other existing principal use may satisfy the parking requirement, if located no more than 500 feet from the lot.

[Bill No. 170-1991]

- C. Prior to the approval of any building permit involving an off-site parking facility, the Director of Permits, Approvals and Inspections shall require guarantees of the continued future availability and proper maintenance of the facility, including, but not limited to, a grant of an easement, a deed restriction, a restrictive covenant or a binding contractual agreement, including a lease. Any plans approved are conditioned upon and subject to periodic review by the Director to ensure that adequate parking arrangements continue to exist.

[Bill Nos. 144-1997; 122-2010]

§ 409.8. Design standards.

- A. Requirements for parking facilities in all zones. All off-street parking facilities shall be subject to the following requirements:
1. Design, screening and landscaping. Design, screening and landscaping shall be provided in accordance with the Landscape Manual and all other manuals adopted pursuant to § 32-4-404 of the Baltimore County Code.
[Bill No. 137-2004]
 2. Surface. A durable and dustless surface shall be provided and shall be properly drained so as not to create any undesirable conditions.
 3. Lighting. Any fixture used to illuminate any parking facility shall be so arranged as to reflect the light away from residential lots and public streets. Light standards shall be protected from vehicular traffic by curbing or landscaping.
 4. Distance to street line. No parking space in a surface parking facility for a nonresidential use shall be closer than 10 feet to the right-of-way line of a public street, excluding vehicle overhang, except that in the C.T. District of Towson such setback is not required if the parking facility is screened from the street in accordance with the Landscape Manual.
 5. Dead ends. All dead-end aisles shall be designed to provide sufficient backup area for the end parking spaces.
 6. All parking spaces must be striped. Striping shall be maintained so as to remain visible.

B. Business or industrial parking in residential zones.

1. Upon application, the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6, under the following procedure:
 - a. On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of 15 days following the filing of the application.
 - b. Within the fifteen-day posting period, any interested person may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7.
 - c. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for parking in a residential zone if the proposed use meets all the requirements of Section 409.8.B.2. The use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of Section 409.8.B.2 below and to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community.
 - d. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing, such hearing to be held not less than 30 days and not more than 90 days from the date of filing of the request for public hearing.
 - e. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:
 - (1) His findings following the public hearing;
 - (2)

The character of the surrounding community and the anticipated impact of the proposed use on that community;

- (3) The manner in which the requirements of Section 409.8.B.2 and other applicable requirements are met; and
 - (4) Any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations.
2. In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions:
 - a. The land so used must adjoin or be across an alley or street from the business or industry involved.
 - b. Only passenger vehicles, excluding buses, may use the parking facility.
 - c. No loading, service or any use other than parking shall be permitted.
 - d. Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required.
 - e. A satisfactory plan showing parking arrangement and vehicular access must be provided.
 - f. Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.
 - g. Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.
3. Notwithstanding the provisions contained in Subsections B.1 and B.2, in a Commercial Revitalization District, business parking in residential zones is permitted by right if there is an existing parking facility.
[Bill No. 36-2013]
- C. Requirements for parking bays on a street. Parking bays on a street are subject to the following requirements and all applicable requirements of the Department of Public Works:
 1. The length of any parking bay (measured along the right-of-way) shall not exceed 180 feet. All bays must be separated by a divider which is at least 10 feet in width.
 2. Parking bays may not be located on any street where the average daily traffic exceeds 800 vehicles.
- D. Paving standards for trucking facility sites.
 1. Applicability. The provisions set forth below are adopted to regulate paving on the sites of both Class I and Class II trucking facilities.
 2. Standard. All parking, loading, maneuvering and aisle areas and all areas for the storage of empty containers and empty trailers must be paved and maintained with:
 - a. A bituminous concrete surface over a suitable base;
 - b. A portland-cement concrete surface over a suitable base; or

- c. Two or more applications of bituminous surface treatment over a suitable base.
- 3. Access to storage areas. All trucking facilities must be designed to provide access to storage areas via paved access aisles.
- 4. Engineering certification. A registered engineer of appropriate qualifications must certify that the paving, base and soil of all parking, loading, maneuvering, aisle and storage areas will withstand the loads imposed by expected truck traffic and storage activities.

§ 409.9. Provisions for physically handicapped.

Parking spaces for handicapped persons shall be provided in accordance with the standards specified in the Maryland Building Code for the Handicapped, as contained in the Code of Maryland Regulations, Section 05.01.07.

§ 409.10. Requirements for drive-through facilities.

- A. For uses with drive-through facilities, stacking spaces for vehicles waiting to complete a transaction shall be provided in addition to the parking spaces required by Section 409.6. Each stacking space shall be at least 20 feet in length. The stacking space requirement shall not include the space next to the transaction station. The following are the minimum number of required stacking spaces by type use:

Use	Required Stacking Spaces
Automotive service station	As required in Section 405
Bank	5 for the first station, plus 2 for each additional station
Car wash	As required in Section 419
Restaurant, fast food	7 per station, 5 of which must be behind the order board [Bill No. 110-1993]
Restaurant, fast food, drive-through only	Single drive-through lane: 10 if walkup window is provided; 12 if there is no walkup window [Bill No. 110-1993] Double drive-through lane: 16 with no less than 5 stacking spaces per lane if walkup window is provided; 20 with no less than 5 per lane if there is no walkup window. [Bill No. 110-1993]
Other uses	As determined by the Zoning Commissioner

- B. The drive-through lane shall be distinctly marked by special striping or pavement markings and shall not block entry to or exit from off-street parking spaces otherwise required on the site. The drive-through lane may not cross the principal pedestrian access to the facility, except that, in the case of a drive-through only restaurant with two drive-through lanes, the drive-through lanes are permitted to cross the pedestrian access if a painted crosswalk in association with warning signs for pedestrians and motorists is provided. The crosswalk may not be located between vehicle stacking spaces.
[Bill No. 110-1993]

§ 409.11. Off-street loading.

For any building used for commercial or industrial purposes, adequate space for off-street parking to accommodate the loading and unloading of materials shall be provided, consistent with the size and

proposed use of the building. Such space, whether inside or outside a building, shall be in addition to the parking spaces required by Subsection 409.6 and shall be located and designed so as not to impede normal vehicular circulation.

§ 409.12. Other requirements.

- A. The off-street parking requirements in Section 409 shall supersede any off-street parking requirements adopted pursuant to the authority of Section 504.
- B. If the requirements for parking space or loading space in Section 409 would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and after a public hearing, the procedure for which is set forth in Section 409.8.B.1 above.

§ 409.13. Reduction of parking requirements for large shopping centers.

[Bill No. 45-2012]

In order to prevent the establishment of a greater number of parking spaces than is actually required to serve the needs of shopping centers with 100,000 square feet or more of gross leasable area, a reduction of the number of required off-street parking spaces is permitted. On application, the Director of Permits, Approvals and Inspections may reduce the number of required parking spaces by up to 40% if the following procedures and conditions are satisfied:

- A. The applicant shall submit a certified site plan and documentary evidence of reduced parking needs to the Director. The site plan shall show all existing site improvements and proposed changes. The applicant's submittal shall be distributed to the Department of Planning and the Department of Environmental Protection and Sustainability for review and recommendations.
- B. In determining whether to grant any parking reduction, the Director may prescribe any site improvements that are appropriate for the proper function of the shopping center or that are in the public interest. Site improvements may include:
 - 1. Changes that will create a more attractive and pleasing appearance, such as additional or enhanced screening and landscaping, enhancement of building elevations, elimination or replacement of excessive or unsightly signage, and creation of an attractive cohesive architectural design.
 - 2. Modification of existing vehicular access arrangements, such as changing the location or design of a vehicular entrance or changes to internal circulation design to provide safer conditions for motorists.
 - 3. Creation of a safe and pedestrian-friendly environment, including the provision of bicycle amenities such as bike racks, and connections to adjacent neighborhoods.
 - 4. Enhancement of accessibility for the disabled.
 - 5. Replacement of existing outdoor lighting fixtures to eliminate or reduce the impacts of glare, light trespass, and excessive illumination.
 - 6. Provision of amenity open space that is designed and intended to be used by the general public.
 - 7. Incorporation of sustainable practices that will reduce the environmental impact of buildings or associated site improvements. Sustainable practices include:

- a. Application of best management practices, such as the use of bioswales, stormwater management tree planters, structural soils and porous paving.
- b. Proper installation of shade trees to mitigate the heat island effect from paved surfaces.
- C. After consideration of agency recommendations, the Director may grant a parking reduction. The parking space reduction may not exceed 40% of the number of parking spaces otherwise required by Section 409. Any prior reduction of parking space requirements through the grant of a variance (if still applicable) shall be considered the required amount of parking for the purpose of calculating the requested reduction.
- D. If a parking space reduction is approved by the Director, with any required changes to existing or proposed site improvements, the site plan shall be revised to be consistent with the approval by the Director.
- E. If a parking reduction is granted, the shopping center may not be enlarged or increased in intensity unless application is made and approved for a new or revised parking space reduction.

§ 409.14. Bicycle parking.

[Bill No. 38-2013^[1]]

- A. General requirements. Bicycle parking shall be provided and installed as part of all new construction projects (excluding single-family detached residential) and remodeling projects of over 50% expansion in the C.T. District of Towson, the Loch Raven Commercial Revitalization District, the Perry Hall Commercial Revitalization District, the Catonsville Commercial Revitalization District, the Arbutus Commercial Revitalization District, the Lansdowne Commercial Revitalization District, the Baltimore National Pike Commercial Revitalization District, and in the Honeygo Area as follows:

[Bill Nos. 48-2013; 53-2014]

1. The minimum amount of bicycle parking required shall be determined by multiplying the total number of off-street parking spaces required for the applicable use set forth in Section 409.6 by .04 (4%).
 2. If the calculation is determined to be a number less than .5 space, then providing and installing bicycle parking is optional.
 3. In all other cases, the amount of bicycle parking required shall be the next highest whole number.
- B. Location. Bicycle parking shall be located:
1. On the same lot as the principal use;
 2. In a manner that prevents damage to bicycles by motor vehicles;
 3. In a convenient, highly visible, active, well-lit area;
 4. In a manner that does not interfere with pedestrian movements; and
 5. As near the principal entrance of the building as practical.
- C. Design features. Bicycle parking racks or facilities shall be permanent fixtures on the property, and shall be consistent with the surroundings in color and design, and shall whenever possible be incorporated into building or street furniture design. Bicycle parking shall also be designed to:

1. Allow each bicycle to be supported by its frame;
 2. Allow the frame and wheels of each bicycle to be secured against theft and to avoid damage to the bicycles;
 3. Be anchored in a manner that resists rust or corrosion, or removal by vandalism; and
 4. Facilitate easy locking without interfering with adjacent bicycles.
- D. The provisions of this section may not be waived, except that a variance may be granted, consistent with the provisions of Section 307.1, only upon a finding that the bicycle parking rack or facility cannot be located on the same lot as the principal use and must be located on a property within at least 300 feet of the principal use lot or on publicly owned land by agreement with the property owner.
- [1] *Editor's Note: The provisions adopted by this bill, as amended by Bill No. 48-2013, were originally designated as § 409.13 but were renumbered as § 409.14 at the direction of the County Attorney to avoid duplicate section numbers.*

IN THE MATTER OF
THE APPLICATION OF
AUTO PROPERTIES, LLC
NE/CORNER EAST AVENUE AND
EAST AVENUE RELOCATED

11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* CASE NO.: 03-360-SPHA
AND
* CASE NO.: 06-109-SPH

* * * * *

OPINION

These cases are before the Baltimore County Board of Appeals on appeals of the decisions of the Zoning Commissioner, in Case No. 06-109-SPH, in which the Zoning Commissioner granted special hearing relief, and in Case No. 03-360-SPHA of a decision from the Deputy Zoning Commissioner in which petitions for special hearing and variance relief were granted with restrictions. The Petitioner was represented by Arnold Jablon, Esquire. People's Counsel appealed both the Zoning Commissioner's and the Deputy Zoning Commissioner's decisions and various individuals, as well as the Greater Parkville Community Council and the Carey Improvement Association, also appeared to protest the decisions.

Hearings were held on January 25, 2005, June 21, 2006, November 2, 2006 and November 14, 2006. A public deliberation was held on January 23, 2007.

Background

Auto Properties, LLC, hereinafter referred to as "Petitioner," owns the unimproved parcel located at the intersection of East Avenue relocated and East Avenue in Carney. This rectangular parcel is approximately 148 feet wide and 287 feet deep and contains a gross area of 38,250 square feet, or 0.8781 acre, more or less. It is predominately zoned D.R.5.5 with a small sliver of B.M. property along the north and western boundaries. The property is surrounded on

March 14, 1968, was valid and that the subject property may be utilized pursuant to the use permit.

On November 9, 2005, the Zoning Commissioner found that the use permit granted for off-street parking, in Case No. 68-177-RX, on March 16, 1968, was valid and that the subject property could be utilized pursuant to that use permit in accordance with the Petitioner's site plan.

Case No. 06-109-SPH

People's Counsel argues several points with respect to the use permit granted by the Zoning Commissioner in the 1968 case. First, he argues that Harford Warehouse Corporation, the Petitioner in the 1968 case, did not fulfill the requirements of the decision rendered by the Zoning Commissioner in that the site plan was never approved by the Bureau of Public Services and the Office of Planning and Zoning, and there was no evidence that the requirements of § 409 of the BCZR (as the regulation stood at that time) were met. In any event, People's Counsel contends that Harford Warehouse Corporation and subsequent owners, including the Petitioner herein, never acquired vested rights in the use permit for parking on the subject property. In support of its position, People's Counsel cites *Mayor & City Council v. Shapiro* 187 Md. 623, 51 A.2d, 273 (1947). In that case the court stated:

The mere issuance of a permit, where the permittee has not commenced the work or incurred substantial expense on the faith of it, does not create a vested right or stop the municipal authorities from revoking it.

People's Counsel contends that the subsequent Rural Transition Area (RTA) legislation passed by the Baltimore County Council, as well as subsequent amendments to § 409 of the BCZR,

invalidated the 1968 decision granting the use permit for parking in the D.R. Zone, because the use was never utilized.

The Petitioner presented six affidavits, five from employees and one from a person who had lived in the neighborhood, stating that they witnessed cars being parked on the property for storage and knew that these cars were moved to the sales lot for sale when needed.

Petitioner presented James Abbott who was employed by the previous owner, Doug-Griffith Chrysler Plymouth, since 1970 and employed by Heritage, the present owner, since 1999. He stated that they used to park wrecked cars on the lot and also stored some used cars there. He stated that in 1986 the company opened a Saturn store in Glen Burnie and stored Saturn automobiles on the lot. He also stated that since the 1980's the company has not stored cars on the lot.

Several witnesses presented by the Protestants indicated that they could not remember cars ever being stored on the lot except possibly during the construction phase of one of the buildings, when some of the employee parking was disrupted. Other than that, they could not remember seeing cars stored on the lot at any time. One witness, who lived in the area for 47 years, stated that nothing had been done with the lot since Doug Griffith had owned the lot. One of the individuals presented photographs of tractor-trailer car carriers unloading on East Avenue in the neighborhood and a trailer unhitched being parked on East Avenue in the neighborhood. In addition, the neighbors complained that cars would be test driven on their street, East Avenue, by prospective buyers thereby increasing the traffic on the road.

Auto Properties, LLC
Case No.: 03-360-SPHA and
Case No.: 06-109-SPH

The Board feels that a vested right for parking has not been obtained by the Petitioner.

The Board cites the case of *Sunrise Development*, 330 Md. 307, 410-411 in which the court stated:

Generally in order to obtain a vested right in an existing use that will be protected against a subsequent change in a zoning ordinance prohibiting that use, the owner must initially obtain a valid permit. Additionally, in reliance upon the valid permit, the owner must make a substantial beginning and construction and committing the land to the permitted use before the change in the zoning ordinance has occurred.

* * * * *

...in Maryland it is established that in order to obtain a "vested right" in the existing zoning use which will be constitutionally protected against a subsequent change in the zoning ordinance prohibiting or limiting that use, the owner must (1) obtain a permit or occupancy certificate where required by the applicable ordinance; (2) must proceed under that permit or certificate to exercise it on the land involved so that the neighborhood may be advised that the land is being devoted to that use. See *Feldstein v. LaVale Zoning Board*, 246 Md. 204, 211, 227 A.2d 731, 734 (1967), indicating that [*Mayor and City County v. Shapiro*], 187 Md. 623, 51 A.2d, 273 (1947) as well as *Chayt v. Board of Zoning Appeals* 177 Md., 426, 9 A.2d 747 (1939) established as one of the test for determining the existence of a nonconforming use "is whether such use was known in the neighborhood." 254 Md. 255-56, 255 A.2d 404.

It seems clear to this Board that the parking use was not vested in that, while cars may have been parked on the lot during several occasions in the 1970's, the lot has not been used for parking since the 1980's. Moreover, the County Council enacted new off-street parking controls in Bill 26-88 in 1988. Section 409.1.A of the BCZR indicates that parking is for accessory use for buildings to accommodate the persons using the buildings.

The housing of inventory is central to the principal use of a car dealership. It is distinguishable from the accessory use by employees and customers for parking.

Section 409.8 states as follows:

B. Business or Industrial Parking in Residential Zones.

1. Upon application, the Zoning Commissioner may issue

a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 under the following procedure:

* * * * *

Section 409.6 sets forth the number of parking spaces that should be available for buildings or homes depending upon their size. It does not contemplate the parking of inventory of new or used car dealers. New car dealerships are dealt with in § 233 of the BCZR. Since § 409 of the BCZR was amended or rewritten in 1988, to more strictly curtail parking in residential zones, the unvested parking use granted in the 1968 Zoning Commissioner's decision did not survive.

Case No.: 03-360-SPHA

In this case, the Petitioner filed a request for special hearing to permit business parking in a residential zone to include storage of unlicensed passenger vehicles. It also requested a variance to permit a 25-foot buffer and 25-foot set back in lieu of the required 50-foot RTA buffer and 75-foot RTA set back.

The Zoning Commissioner granted the use permit and the variances without even considering § 409 of the BCZR. As stated above, it is the position of this Board that § 409 pertains only to accessory parking provided for employees and customers. To reiterate, § 409.8.B.1 allows the Zoning Commissioner to issue a permit for the use of land in a residential zone for parking facilities to meet the requirements of § 409.6 of the BCZR. There has been no evidence presented that the Petitioner could not meet the requirements under § 409.6 since there is ample parking for employees and customers. The sole purpose of the request for special hearing is to park inventory of automobiles on the lot. The Board feels that this is not warranted in this situation.

Since the Board has found that an inventory of new cars could not be parked on the lot in accordance with § 409 of the BCZR, the Board sees no reason to discuss the RTA questions regarding variances to the buffers.

ORDER

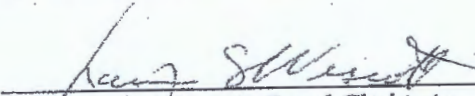
THEREFORE, IT IS THIS 6th day of April, 2007 by the
County Board of Appeals of Baltimore County

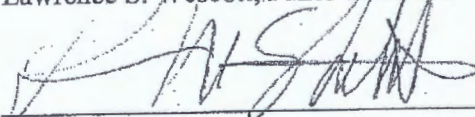
ORDERED, that the Petition for Special Hearing filed in Case No. 06-109-SPH, seeking approval that the use permit granted for off street parking in Case No. 68-177-RX on March 14, 1968 is valid and that the subject property may be utilized pursuant to the use permit and in accordance with the Petitioner's request, be and the same is hereby **DENIED**; and it is further

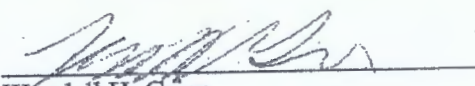
ORDERED that the special hearing relief requested in Case No. 03-630-SPHA, to allow business parking in a residential zone to include the storage of new unlicensed passenger vehicles, be and is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

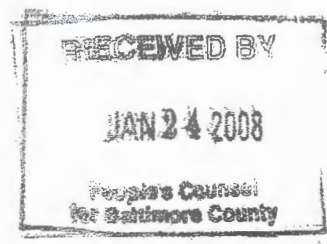
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Panel Chairman


Lawrence M. Stahl


Wendell H. Grier

C. J. M. M.



ON OF	*	IN THE
Auto Properties, LLC	*	CIRCUIT COURT
N.E. Corner East Ave. &	*	FOR
East Ave. Relocated	*	BALTIMORE COUNTY
Baltimore, MD 21221	*	
v.	*	
	*	
FOR JUDICIAL REVIEW OF	*	
THE BOARD OF APPEALS	*	
OF BALTIMORE COUNTY	*	
400 Washington Ave.	*	
Towson, MD 21204	*	Case No.: 03-C-07-4972
	*	
IN THE MATTER OF	*	
The Application of	*	
Auto Properties, LLC	*	
* * * * *	*	

ORDER

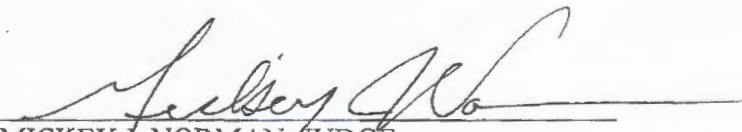
A Hearing on Petitioner's Appeal was held in this matter on January 10, 2008. Counsel for the Petitioner was present, as was People's Counsel for Baltimore County. The Court considered Auto Properties, LLC's Petition for Judicial Review, the pleadings, record and arguments of counsel and finds that the Baltimore County Board of Appeals did not abuse its discretion in rendering it's decision.

Further, upon consideration of the record and arguments of counsel, it is this 23rd day of January 2008,

ORDERED that the Use Permit granted for off street parking in Case No. 68-177-RX on March 14, 1968, is no longer valid because:

1. it was never perfected as required by the then applicable Baltimore County Zoning Regulation ("BCZR") § 409.4;

2. the code applicable at the time the 1968 permit was issued (BCZR § 409.4) changed to the current code (BCZR § 409.8), requiring more stringent standards, and the 1968 Use Permit does not conform to those standards.



MICKEY J. NORMAN, JUDGE
CIRCUIT COURT FOR BALTIMORE COUNTY

Copy to:

Arnold Jablon, Esq., VENABLE LLP, 210 Allegheny Ave., Towson, MD 21204
Peter M. Zimmerman, Esq., People's Counsel for Baltimore County, Old Courthouse,
400 Washington Ave., Towson, MD 21204.
Court File

CLERK: PLEASE DOCKET AND MAIL TO THE PARTIES.

**PETITION IN SUPPORT OF
CASE NO. 2016-62-SPHA
1936 POWERS LANE
N/S OF POWERS LANE, WEST OF ROLLING ROAD**

I am signing this Petition to show my support for use of the above-referenced property for business parking in a residential zone. I understand from Petitioner A&I Realty LLLP that the proposed parking spaces will be utilized by the existing automobile dealership at 6440 Baltimore National Pike, located on the opposite side of Powers Lane from the subject property in the Catonsville area. I have had the opportunity to meet with Petitioner's representative/s, who explained the intended use of the property and all of the requested zoning relief filed in Case No. 2016-62-SPHA including:

Special Hearing for Business Parking in a Residential Zone;

Variances for Reduced RTA Buffers; and

Variances for Reduced RTA Setbacks.

Petitioner has provided me a copy of the attached Petition for Zoning Hearing and site plan filed in the Case, and it is my opinion that (1) the proposed use, as shown and indicated on the site plan, is an appropriate one at this location on Powers Lane, and (2) Petitioner's intended use of the site and all of the requested relief, if granted, will not have any adverse impacts on the surrounding area.

Name/Company Name:

Street Address & Zip Code:

Alise Gatz
Chele Fish
Sasha Hamlet
Hancee Moore
Janice Korte

3802 Eriegen Ave 21206
1534 Hayledge Ct 21045
5306 Goodnow Rd. Apt. J 21206
634 Brisbane Rd 21229
2812 Cunningham Dr. 21244

[illegible][illegible]

[illegible][illegible]

**PETITION IN SUPPORT OF
CASE NO. 2016-62-SPHA
1936 POWERS LANE
N/S OF POWERS LANE, WEST OF ROLLING ROAD**

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Name/Company Name:

Street Address & Zip Code:

Doris Fletcher

2803 Bresham Way 21244

Chelcia Weaver

4704 Williston St. 21229

PHILLIP PATE

787 SUSSEX CT 21784

Linda A. Roles Ellison

5415 Balistan Rd 21237

Samantha L. Crutcher

166 S Twin Circle way 21227

[illegible][illegible]

[illegible][illegible]











PETITIONER'S EXHIBIT 6











Maxwell R. Vidaver

2506 Larryvale Road, Baltimore, Maryland • 410 340 6465

mrvidaver@gmail.com • www.maxwellvidaver.com

Education

Politecnico di Milano, Milan, Italy

Master of Urban Planning, Policy, and Design, July 2013

Master Project Title: Beyond the Center – Using Cycling as a Planning Tool

Binghamton University, State University of New York, Binghamton, New York

Bachelor of Arts in Geography, *cum laude*, May 2011

Concentration in Retail and Economic Analysis

Experience

Colbert Matz Rosenfelt, Inc., Civil Engineers, Baltimore, Maryland

October 2013-Present

Project Planner

- Strategize with clients and development teams to identify project goals; coordinate submittals to relevant government agencies, and manage multiple deadlines in land development process
- Produce project deliverables including feasibility analyses and site plans for zoning hearings, concept, and development plan submittals; consult with local stakeholders at community input meetings
- Meet with Baltimore City and County agency representatives to ensure project compliance with municipal and state codes for zoning, storm water management, and forest conservation regulations

Race Pace Bicycles, Owings Mills, Maryland

April 2005-Present

Salesperson and Mechanic

- Educate customers and community about bicycle equipment and safety; assist in making informed purchases
- Use superior customer service skills to establish client relationships in fast-paced, detail-oriented environment
- Independently assemble and repair race and recreational-level bicycles for bicycle shop with five stores

Global Site Plans, Milan, Italy (remote)

December 2012-July 2013

Environmental Design Blogger, The Grid Blog

- Functioned as blogging correspondent in Milan, Italy for media development company with focus on architecture, urban planning, and environmental design
- Engaged audience in urban planning issues through The Grid blog and social media platforms; experience writing within word-count constraints and working in WordPress online platform
- Worked with multidisciplinary and international team to effectively increase blog readership through prominent topic selection and company exposure using search engine optimization

Technical Skills

Software: Adobe Creative Suite 6 (Illustrator, InDesign, Photoshop); ArcGIS 10 (Spatial and Business Analyst extensions); AutoCAD Civil 3D 2013; Mac OS X; Microsoft Office Suite; Sketchup

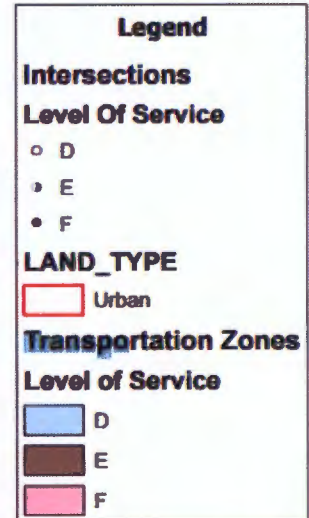
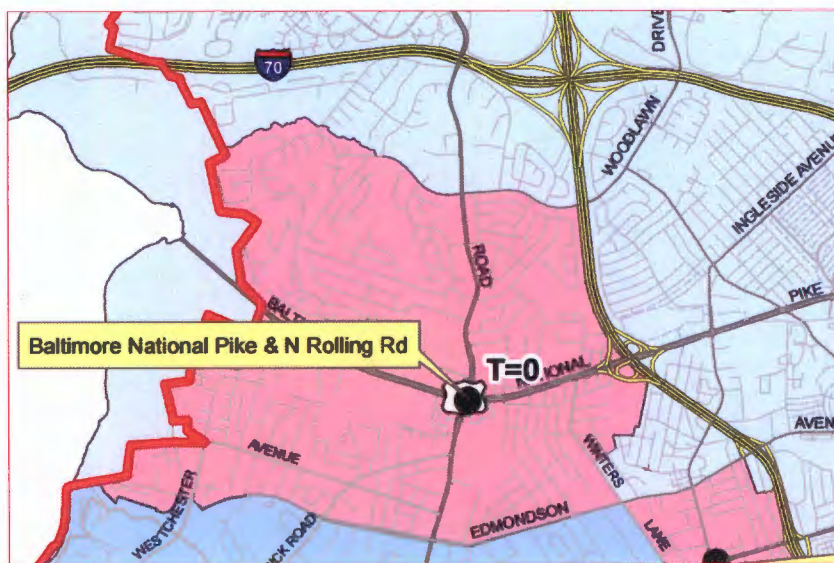
Honors and Awards

- Binghamton University Department of Geography Paul F. Gorman Memorial Scholarship, 2010-2011
- Binghamton University Department of Geography Distinguished Senior Award, Spring 2011



Department of Public Works

2015 Basic Services Map Transportation Zones



RELATIONSHIP BETWEEN 1936 POWERS LANE, 6440 BALTIMORE NATIONAL PIKE,
AND INTERSECTION OF ROLLING ROAD AND BALTIMORE NATIONAL PIKE



KEY



= Intersection of Route 40 and Rolling Road



= The Dealership and the Property



= Proposed travel for inventory storage/parking

LSI LED Slice Family XLCS/XLCM/XLCW

Area & Wall Mount Lighting

LSI's LED Slice is packed with performance and value. The Slice gives you the best possible lumens per dollar in the marketplace. Further, the ultra-thin area light's low-profile translates to very low EPAs for the use of lighter gauge poles. Low fixture cost plus reduced energy, pole, installation and maintenance costs – all take a slice out of the costs that affect your bottom line

AREA LIGHT

- **Low Profile** – less than 2" thick
- **Two Sizes** – XLCM – Over 31,100 Lumens
XLCS – Over 15,700 Lumens
- **Up to 119 lumens per watt**
- **Distribution Types FT, 3 and 5.**
Types FT-L and FT-R available on XLCM
- **5-year warranty**
- **0-10 Volt dimming option available with HO drive current.**

WALL MOUNT

- **Over 5000 lumens**
- **Easy one-person installation**
- **0-10 Volt dimming option and integral motion sensor**



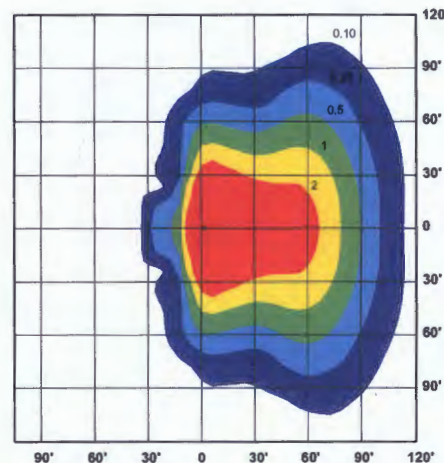
Internal Louver (IL) - Improved backlight control without sacrificing street side performance

For improved backlight control without sacrificing street side performance when using the Slice XLCS and XLCM forward throw (FT) distribution, specify LSI's innovative internal louver (IL) factory installed option.



The IL is a terrific solution –

- Sharp Cutoff
- No Up-light
- Up to 28,801 total lumens - 27% more than the HSS accessory
- Up to 84% Forward Throw Efficiency
- Up to 105 lumens per watt - 27% more than the HSS accessory
- Less Cost than the HSS accessory



Low EPA = lower gauge pole



The Slice's lightweight, aerodynamic housing results in exceptionally low EPAs enabling the use of lighter-gauge, lower-price poles. Lighter-gauge poles affect your shipping cost as well.

Ordering your LED fixtures and poles from LSI guarantees a continuous color match for the assemblies.

Like the Slice fixtures, each pole is finished with a baked-on polyester-powder finishing giving the pole an exceptionally attractive appearance. The process electrostatically applies and thermally fuses a polyester powder to the pole. This unique protection process provides an extremely smooth and uniform finish to withstand extreme weather changes without cracking or peeling.

Steel poles are finished with LSI's patented DuraGrip® finish process and carry a five-year limited warranty. When LSI's DuraGrip Plus finish is used a seven-year warranty applies.

Ultra-thin Means Ultra Savings!

The ultra-thin fixture housing goes way beyond aesthetics. The thin, lightweight fixture allows you to dual pack fixtures which means less packaging, which translates into reduced shipping costs and packing waste. Again taking a slice out of your costs while being environmentally conscious.



Rosenblatt, Adam M.

To: Karceski, David H.
Subject: RE: 2016-062 1936 Powers Ln

From: Jeanette Tansey
Sent: Monday, November 2, 2015 10:50 AM
To: John E. Beverungen
Cc: Karceski, David H.
Subject: 2016-062 1936 Powers Ln

Good morning, Judge – I received a revised plan on the above zoning case that removed several parking spaces, added fencing and significant planting adjacent to the residential dwellings, and islands between the parking spaces. The revised plan meets my initial comment requirements and, in my opinion, eliminates any adverse impacts to the adjacent residents. An approved Final Landscape Plan outlining these revisions and Photometric Lighting Plan will, of course, still be required. I hope this is helpful in making your final determination.

Jeanette M. S. Tansey, R.L.A.
Project Manager, Baltimore County
Permits, Approvals & Inspections
Development Plans Review
111 W. Chesapeake Ave., Room 119
Towson, MD 21204

410-887-3751
jtansey@baltimorecountymd.gov

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 5, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1036 Powers Lane

INFORMATION:

Item Number: 16-062

Petitioner: John A. Hoffman, Bernadette Hoffman

Zoning: DR 1, DR 2

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for a Special Hearing to determine whether or not the Administrative Law Judge should approve business parking in a residential zone and also the Petition for a Variance to allow off-street parking spaces to be located a minimum of 12, 14 and 12 feet from the west, southeast and northeast tract boundaries, respectively, and to allow a minimum RTA buffer of 12, 14 and 12 feet from the west, southeast and northeast tract boundaries, respectively, in lieu of the required 75 feet and 50 foot RTA buffer, respectively.

Should the requested relief be granted for business parking in a residential zone, the following conditions are required as a prerequisite for the Department to concur with the requested RTA variance:

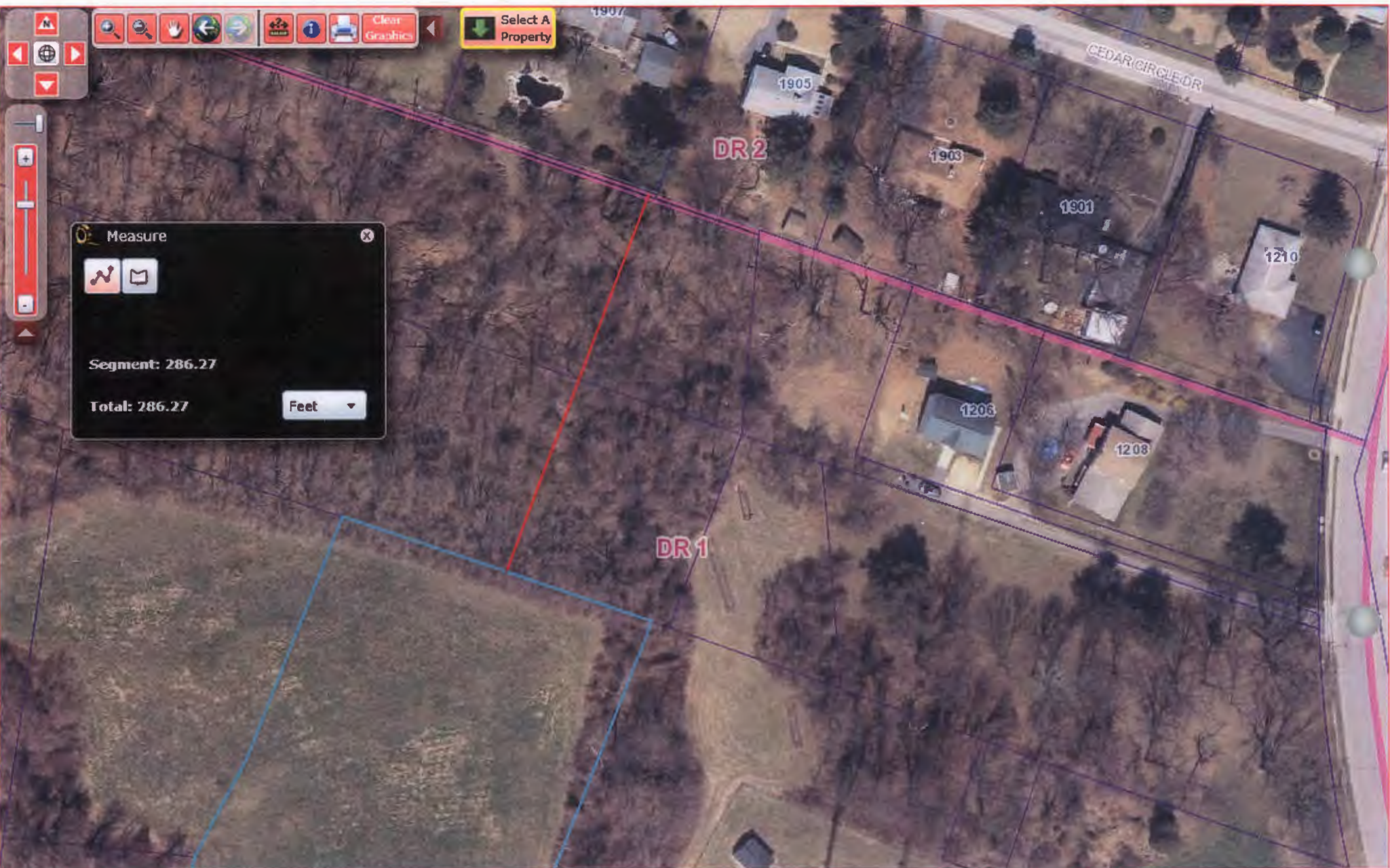
- Eliminate the 15 parking spaces along the west side of the proposed access adjacent to #1942 Powers Lane and the 6 proposed parking spaces adjacent to the rear of #1934 Powers Lane pursuant to the red-lined plan received by this Department on 10/30/2015 from the Petitioners legal counsel.
- Provide attractive residential-style fencing along the property lines shared with #1934 and #1942 Powers Lane pursuant to the fence detail shown on the aforementioned red-lined plan. The Department has no objection to a chain-link type fence enclosing the balance of the property provided no concertina or barbed wire is used.
- Submit a landscaping and lighting plan to the Baltimore County Landscape Architect for approval prior to the issuance of permits. Lighting shall be directional so as to not spill onto the residential properties. Said plan shall include details on the proposed retaining wall.
- No loudspeaker or other fixed intercom system shall be permitted.
- There shall be no sales directly from the site or clientele permitted to browse on-site.

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

Division Chief: Kathy Canlubang

AVA/KS

c: Jeanette Tansey, RLA, PAI
Dennis Wertz



PETITION NAMES IN SUPPORT OF POWERS LANE

Patel Bros. (Mukund Patel)

EmbroidMe Me (Dan Swearing)

Minute Man Press (Sandy Rada)

Press for Success Cleaners (Jinn Kim)

Miss Fit (Shelly Sharky)

Tint Max Specialty Films (T'kia Neal)

Caton Radio (Chris Kay)

Enterprise (Philip Gored)

Rim Renew (Sam Friedman)

Toper Mfg. (Bill Perna)

VG Group (Mr. Siegel)

Over stock Furniture (Mo Fallah)

Apsara Day Spa (Maryarat Krause)

India Style Store (Rameudeep Salya)

Neil Jewelers (Molina Thuparil)

Linsy's Restaurant (Franklin Moreira)

HT Zone (Jabinda Waheed)

Love Ones (Rebecca Davidson)

Double T Dinner (Tom Korohogos)

Next Car (Mike Savage)

Old Country Buffett (Matt Dehaiker)

Loaders Restaurant (Harold Xecaminos)

Metro PCS (Haley Plum)

Sassy Hair Salon (Kim Sassy)

Ramada Inn (Kenny Patel)

Sorrento's Restaurant (Diane Russell)

Kirkwood Pit Beef (Diane Russell)

Denny's Restaurant (TY Smith)

**PETITION IN SUPPORT OF
CASE NO. 2016-62-SPHA
1936 POWERS LANE
N/S OF POWERS LANE, WEST OF ROLLING ROAD**

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Name/Company Name:

Street Address & Zip Code:

Patel Bros

Embroid Me

Mindemann Press

JIN In Chen

Miss FIT

6504 Balt. Nat'l Pike

6600 Balt. Nat. Pike

6600F Balt. Nat'l Pike

6600 - E Baltimore - Nat'l Pike

6600-C Baltimore Nat'l Pike

Name/Company Name:

Street Address & Zip Code:

Ther Plaid Tim Max Specialty Films

Chk K CHRIS KAY, CATON RADIO

Philip Merod / Enterprise

SAM FRIEDMAN / Rim Review

Bill Ken Bill PERANT / H. J. R. Mfg Co

Smith & Sgl VGS Group LLC

Overstock Furniture

Apsara's Spa Massage & Hair

Indiana Style Ramandeep Saluja

Neil Jewels Malina Therapies

Lisa's Franklin Moreira

Restaurant NT Zone Tashinda Wahled

Leve Chris Reservations

1001 Kocakocog - J. B. BINDER

Jul C - NextCar

Patricia Dehaiken Old County Buffet

Loansers

Herb Pelly / Metro PCS

Sassy Kim

Kenny PATEL Ramadee Turn

Marie Friesz Sorentos

6328 Baltimore National Pike

6328 BALT. NATL. PIKE

6408 BALT. NATL. PIKE

6431 BALT NAT. PIKE, SUITE 104 21228

6427 BALT. NATL. PIKE

6326 Balt Nat Pike md 21228

6430 Balt Nat Pike 21228

6400 Baltimore Nat. Pike

6402 Baltimore Nat. Pike. 21228

6400 Baltimore Nat. Pike 21228

6400 Baltimore Nat Pike 21116

6400 Baltimore National. Pike

1400 Baltimore National Pike

6300 BALT. NATL. PIKE

6500 BALT NAT PIKE 21228

6506 Baltimore National Pike 21228

6518 BALTIMORE NATIONAL PIKE

5308 BALT. NATIONAL PIKE 21228

6400 BALT. NATIONAL PIKE 21228

6422 Baltimore National Pike 21228

6228 Baltimore National Pike 21228

Name/Company Name:

Street Address:

~~Red Bull~~ ~~12345678901234567890~~
TY SMITH/DeVingS

6220 Baltimore National Pike
6336 BALTIMORE NATIONAL PIKE
21228

Klaus Philipsen
ArchPlan, Inc.
Philipsen Architects
Baltimore, MD

Klaus Philipsen, FAIA, LEED AP is president of ArchPlan Inc., an architecture and urban design firm in Baltimore specializing in community revitalization, adaptive re-use, historic preservation and transportation planning since 1992. He has been named a Fellow of the American Institute of Architects for using his profession to affect communities through advocacy.

Additionally, Philipsen is engaged in the nonprofit sector such as the 1000 Friends of Maryland, a well-respected statewide growth management group which he helped found in 1994, NeighborSpace, an urban land trust for which he is president D center, a non-profit design center in Baltimore which he co-founded; He is chair of the Urban Design Committee of AIA Baltimore since 1995 and an appointed member of the Advisory Group of the national Regional and Urban Design Committee of AIA (RUDC) ; He was for ten years a member of the Maryland Growth Commission, Subcommittee on Planning Techniques and a member of a blue ribbon panel to study TOD in Maryland under the Transportation Secretary and was for 10 years a member of a Borough Council in Stuttgart

Philipsen received a master's degree of architecture in Stuttgart, Germany in 1975. He has also worked as an architect and planner in Stuttgart, Germany and London, England and resides in the US since 1986. His professional work as an architect mirrors his advocacy. Philipsen has served as an expert witness in forensic architecture and in zoning disputes. He has taught architecture and urban design as adjunct faculty at the University of Maryland and at Morgan State University, writes the blog Community Architect, is a frequent speaker at national, regional and local conventions and events and is a regular contributor to local radio and newspapers regarding urban design.

Prots. 2

Klaus H. Philipsen, FAIA, LEED AP, *President ArchPlan Inc.*

Mr. Philipsen has practiced planning, urban design and architecture in Germany, Great Britain and the United States since 1975. He has worked with private and public clients and has designed and managed a wide variety of projects ranging from large scale planning to small buildings. He is proficient in urban design, regional and local policy issues, community involvement as well as realization, design, detailing, specifications, and construction administration. He is the president and founder of ArchPlan Inc.

Professional Background

ArchPlan Inc.
President
1992 to present

Cho, Wilks and Benn
Architects Inc.
Associate
1986-1992

Aldinger Architects
Stuttgart, Germany
Senior Vice Principal
1984-1986

Egenhofer Architects
Stuttgart, Germany
Associate, 1976-1984

Greater London Council
London, England
1976

Awards:

AIA Fellowship, 2011

Larry Reich Award (given
by NDC and Baltimore City
Planning Dept.), 2004

Historic Preservation
Samester Apartments, 2000
Marlborough Apartments.
1999, Printers Square 2007
Druid Heights homes 2014

Design:
Station North, 2007,
Koppers Site Development,
Baltimore. , 1994,
Downtown Sector Study
Annapolis MD 1993
Light Rail System, Baltimore
1992, Canton Cove
Condominiums, 1989

Education

Masters of Architecture,
"summa cum laude"

University of Stuttgart,
Germany, 1975

Registration

Maryland, Architecture
License # 8410
LEED Accreditation, 2007

Teaching

2003-4, Visiting studio
professor (undergraduate),
University of Maryland at
College Park.

1997, Adjunct faculty,
Morgan State University.
Urban Design for graduate
students.

National, regional and local
Lectures on planning, urban
design and transportation.

Professional Affiliations

- AIA Baltimore
Board member 1995-1999

- Chair of Baltimore Urban
Design Committee 1994-
present.

-National Regional and
Urban Design Committee
AIA, 2012

- Board of Directors 1000
Friends of Maryland, a
growth management group

-Member Urban Land
Institute (ULI)

Professional Appointments

-Participant, State
Government Transition
Team 2007, Subcommittee
on Transit

-Member, Scenario Advisory
Group, Scenario Project
Maryland 2007

- State Planning Commission
Subcommittee for Planning
Techniques 1991-2000.

- Baltimore County Design
Review Panel 1992-2010.

- Governor's Transit
Oriented Development
Council 2001/2002

- West Side Project Area
Committee with Baltimore
Development Corp. 2005-
2014

- Borough Council member.
Caucus chair. 1974-1986
Stuttgart, Germany

Planning/ Urban Design

Station area planning
Baltimore Red Line
Community based land use
and transportation
integration along a planned
\$2 billion rail transit line

Masterplanning for inner city
community, Baltimore
Revitalization and renewal
plan for a 80 block area
around John Hopkins
Hospital. .

Mixed-Use Masterplan for
Phoenixville, PA
Masterplan for 130 acre
brownfield site for 1.5 m sf
of office, retail and housing
adjacent to historic
downtown and a planned
transit station.

Indian Head, Charles
County, MD
Neighborhood Development

Plan along Potomac
waterfront

Empowerment Zone
Strategic Plan, Baltimore
Strategic land use plan for
the inner City neighborhood
of Poppleton.

Planned Unit Residential
Development Plan,
Allenwood PA. 65 acre site
for 185 units, 50%
affordable housing.

Business Park and Open
Space Masterplan, and
Design Guidelines for a 640
acre business park in
Allenwood PA.

Transit Oriented
Development Plan,
Edgewood, Md
350 dwelling units and
300,000 sqft commercial
space infill development.

Koppers Site.
Redevelopment Plan 141
townhouses on 8 acres of
urban brownfield site near
downtown Baltimore.

Annapolis Sector Study
Masterplan for the historic
downtown area.
Annapolis, Maryland

Odenton Town Center Sector
Plan. Transit Oriented
Development
Anne Arundel County,
Maryland

AlliedSignal Site Industrial
Site. Planned Unit
brownfield Development for
1.7 m sqft. mixed use at the
Baltimore Inner Harbor.

Port Deposit Downtown Planning. Streetscape plan and design guidelines. Port Deposit, MD

Downtown Baltimore Renaissance.

Coordination of six district plans, town meetings and a report to the Mayor. With the AIA Urban Design Committee.

Housing

Station North Townhomes

New construction of 32 market-rate townhouses in the city's Arts District near Penn Station. Baltimore MD

Printers Square

Adaptive reuse of industrial buildings for about 60 low and moderate income housing units using historic tax credits, Baltimore MD

Professional Building

Adaptive reuse of historic commercial building as market-rate rental apartments using historic tax credits, Baltimore MD

The Aliceanna

New construction 22 condominiums as infill in historic neighborhood, Fells Point, Baltimore, MD

New Townhomes

New construction townhouses on infill sites in various places, Baltimore MD

Marlborough Apartments

Renovation of 280 apartments in a historic high rise building. Baltimore MD

Stewart Manor

Rehabilitation of 72 garden apartments and new construction of 18 townhouse units, Frederick MD

Samester Apartments

Design and construction documents for rehabilitation 72 apartments in an Art

Deco style development, Baltimore MD

The Uplands

Feasibility study for 1000 rental apartments in a housing community at the western edge of the city.

Rowhouse Rehabilitation

Full rehab of over 200 rowhouses in Baltimore MD renewal for private clients, CDCs and developers

Canton Cove.

60 Luxury Waterfront Condominiums, Baltimore. Adaptive reuse and new construction.

Inner City Infill Housing

56 new low-income units. Stuttgart, Germany.

Industrial Site Redevelopment.

New housing, Kornwestheim (Germany)

Condominiums

39 new apartments in three buildings Wendlingen, Ger.

Commercial and Retail

Negro League Baseball Museum and Restaurant.

New construction and rehabilitation with tax credits, Baltimore

Bus maintenance and repair facility for 200 buses

30% design documents, Baltimore

Light Rail Maintenance Facility, Baltimore.

Shop and Operations.

Tire Store and Repair Facility

New construction in near downtown Baltimore location

Media Center: feasibility analysis for a media center in downtown Baltimore. Adaptive re-use.

231 N. Eutaw Street

Design of a new 30,000 sf. retail/office building in downtown Baltimore MD

Retail Woodlawn Maryland

New 6000 sf facility

Shoe Store, Howard Street.

Interior and storefront remodeling in downtown Baltimore.

Liberty Road Corridor.

Streetscape, parking lot, bus stop design, Baltimore

Behr. Furniture Showrooms and corporate headquarters.

Wendlingen, Germany

Travel Agency and Cafe.

Stuttgart, Germany County, MD

Transportation

Red Line Transit, Baltimore

Urban Design and station design consultant for a 14 mile planned rail corridor

Langley Park Transit Center.

Large intermodal bus/rail transit center near Washington DC. (current)

Rapid Bus: Urban design and architectural consultant for a new rapid bus system in Baltimore

MTA Downtown Light Rail Loop, Baltimore

Feasibility study, urban design analysis.

MTA commuter parking lot

and greenway trailhead at the Coldspring Light Rail Station, Baltimore

MTA Downtown Connectivity

Study of improved Metro-Light Rail connections at Lexington Market, Baltimore

MTA Transit Hubs.

Feasibility analysis of intermodal stations at

Camden Yards and West Baltimore

Central Light Rail Line, Baltimore County, Baltimore City and Anne Arundel County.

Participation in Environmental Effects Report. feasibility through construction for all architectural elements: stations, the maintenance facility and signage.

Land Use and Transportation

Development of alternative land use scenarios for the Long Range Transportation Plan for the Metropolitan Region With Baltimore Metropolitan Council.

Transit Station Design.

Upgrade of Metro stations and custom bus stops. MTA, Baltimore MD

Traffic calming

Redesign of residential streets, Stuttgart, Germany

Educational/ Institutional

Spangdahlem MS/HS, army base Germany

Interior design, furnishings (current)

Nehemiah House: Homeless shelter, new construction, Baltimore County

2100 Eutaw Place.

Conversion into a daycare center and community outreach center

Greentree Community

Center, New Castle County, DE. New construction of a community center.

Somerset Center, Baltimore

New construction of a City community center in East Baltimore.







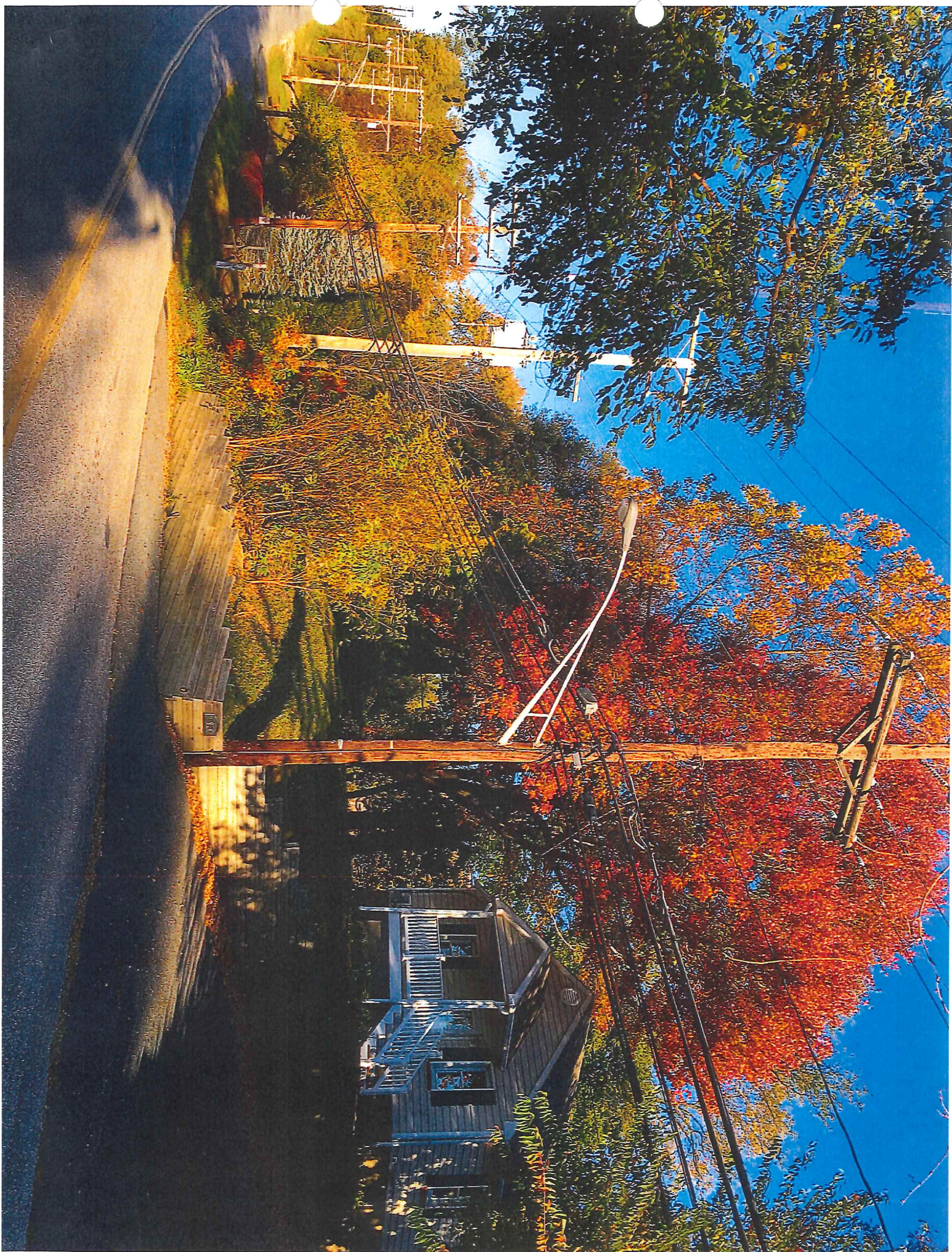




















PETITIONER'S EXHIBIT

6







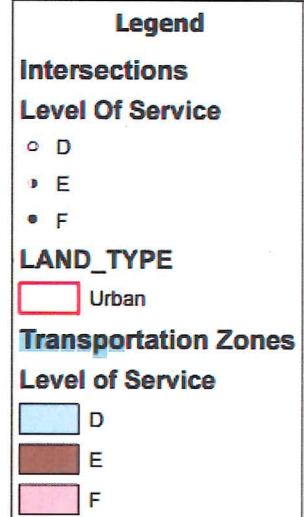




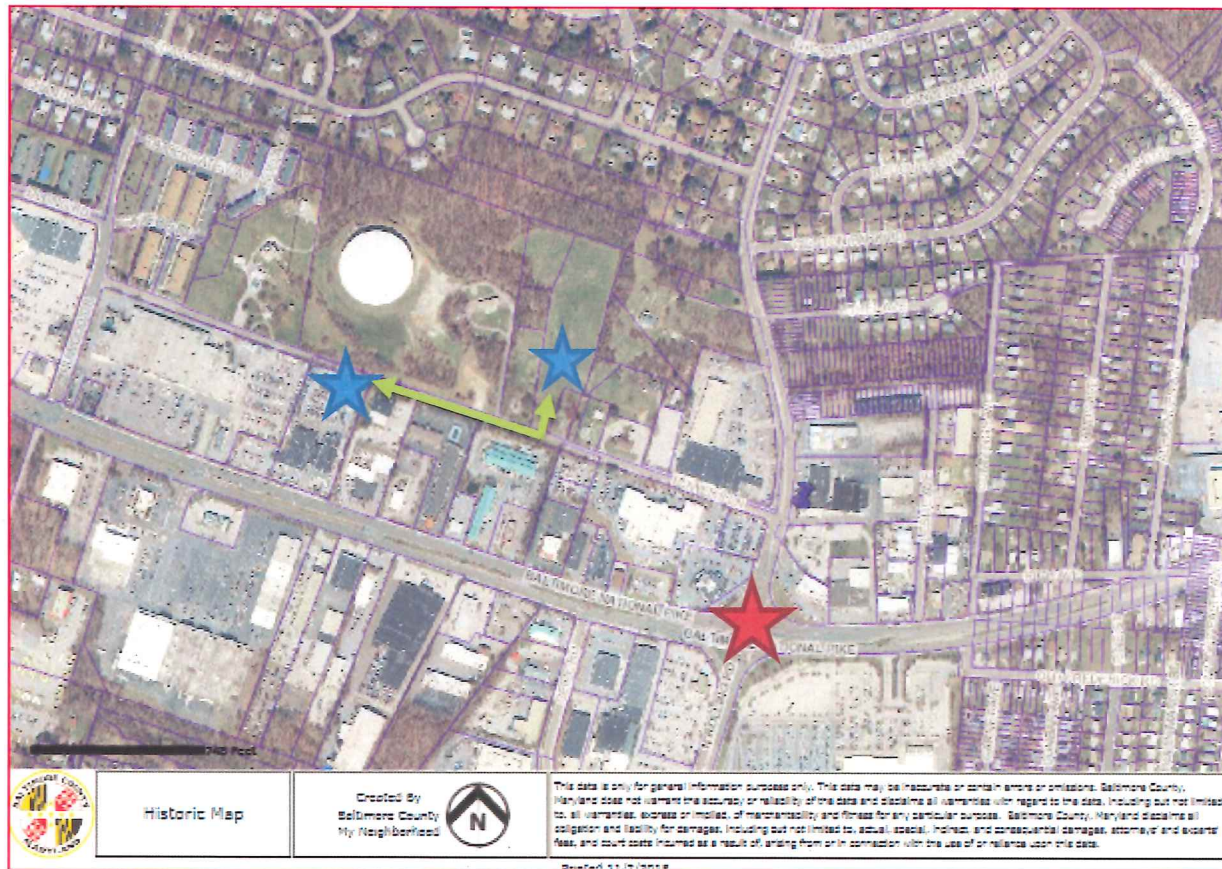


Department of Public Works

2015 Basic Services Map Transportation Zones



RELATIONSHIP BETWEEN 1936 POWERS LANE, 6440 BALTIMORE NATIONAL PIKE,
AND INTERSECTION OF ROLLING ROAD AND BALTIMORE NATIONAL PIKE



KEY



= Intersection of Route 40 and Rolling Road



= The Dealership and the Property



= Proposed travel for inventory storage/parking

LSI LED Slice Family XLCS/XLCM/XLCW

Area & Wall Mount Lighting

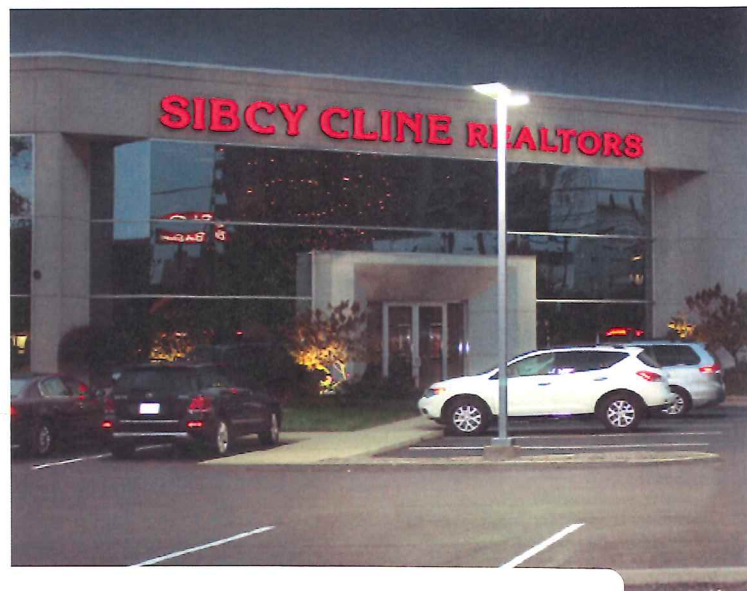
LSI's LED Slice is packed with performance and value. The Slice gives you the best possible lumens per dollar in the marketplace. Further, the ultra-thin area light's low-profile translates to very low EPAs for the use of lighter gauge poles. Low fixture cost plus reduced energy, pole, installation and maintenance costs – all take a slice out of the costs that affect your bottom line

AREA LIGHT

- **Low Profile** – less than 2" thick
- **Two Sizes** – XLCM – Over 31,100 Lumens
XLCS – Over 15,700 Lumens
- **Up to 119 lumens per watt**
- **Distribution Types FT, 3 and 5.**
Types FT-L and FT-R available on XLCM
- **5-year warranty**
- **0-10 Volt dimming option available with HO drive current.**

WALL MOUNT

- **Over 5000 lumens**
- **Easy one-person installation**
- **0-10 Volt dimming option and integral motion sensor**



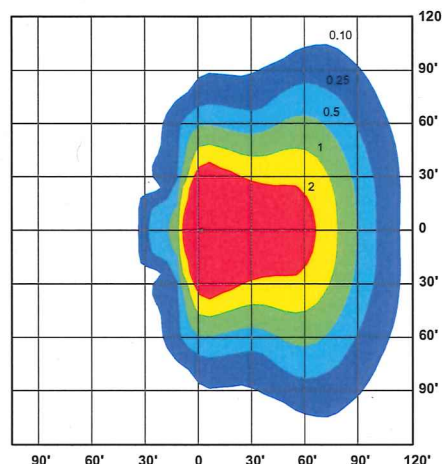
Internal Louver (IL) - Improved backlight control without sacrificing street side performance

For improved backlight control without sacrificing street side performance when using the Slice XLCS and XLCM forward throw (FT) distribution, specify LSI's innovative internal louver (IL) factory installed option.

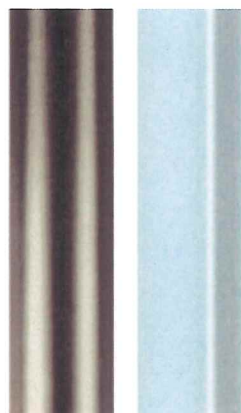


The IL is a terrific solution –

- Sharp Cutoff
- No Up-light
- Up to 28,801 total lumens - 27% more than the HSS accessory
- Up to 84% Forward Throw Efficiency
- Up to 105 lumens per watt - 27% more than the HSS accessory
- Less Cost than the HSS accessory



Low EPA = lower gauge pole



The Slice's lightweight, aerodynamic housing results in exceptionally low EPAs enabling the use of lighter-gauge, lower-price poles. Lighter-gauge poles affect your shipping cost as well.

Ordering your LED fixtures and poles from LSI guarantees a continuous color match for the assemblies.

Like the Slice fixtures, each pole is finished with a baked-on polyester-powder finishing giving the pole an exceptionally attractive appearance. The process electrostatically applies and thermally fuses a polyester powder to the pole. This unique protection process provides an extremely smooth and uniform finish to withstand extreme weather changes without cracking or peeling.

Steel poles are finished with LSI's patented DuraGrip® finish process and carry a five-year limited warranty. When LSI's DuraGrip Plus finish is used a seven-year warranty applies.

Ultra-thin Means Ultra Savings!

The ultra-thin fixture housing goes way beyond aesthetics. The thin, lightweight fixture allows you to dual pack fixtures which means less packaging, which translates into reduced shipping costs and packing waste. Again taking a slice out of your costs while being environmentally conscious.



PETITION NAMES IN SUPPORT OF POWERS LANE

Patel Bros. (Mukund Patel)
EmbroidMe Me (Dan Swearing)
Minute Man Press (Sandy Rada)
Press for Success Cleaners (Jinn Kim)
Miss Fit (Shelly Sharky)
Tint Max Specialty Films (T'kia Neal)
Caton Radio (Chris Kay)
Enterprise (Philip Gored)
Rim Renew (Sam Friedman)
Toper Mfg. (Bill Perna)
VG Group (Mr. Siegel)
Over stock Furniture (Mo Fallah)
Apsara Day Spa (Maryarat Krause)
India Style Store (Rameudeep Salya)
Neil Jewelers (Molina Thuparil)
Linsy's Restaurant (Franklin Moreira)
HT Zone (Jabinda Waheed)
Love Ones (Rebecca Davidson)
Double T Dinner (Tom Korohogos)
Next Car (Mike Savage)
Old Country Buffett (Matt Dehaiker)
Loaders Restaurant (Harold Xecaminos)
Metro PCS (Haley Plum)
Sassy Hair Salon (Kim Sassy)

Ramada Inn (Kenny Patel)

Sorrento's Restaurant (Diane Russell)

Kirkwood Pit Beef (Diane Russell)

Denny's Restaurant (TY Smith)

Rosenblatt, Adam M.

To: Karceski, David H.
Subject: RE: 2016-062 1936 Powers Ln

From: Jeanette Tansey
Sent: Monday, November 2, 2015 10:50 AM
To: John E. Beverungen
Cc: Karceski, David H.
Subject: 2016-062 1936 Powers Ln

Good morning, Judge – I received a revised plan on the above zoning case that removed several parking spaces, added fencing and significant planting adjacent to the residential dwellings, and islands between the parking spaces. The revised plan meets my initial comment requirements and, in my opinion, eliminates any adverse impacts to the adjacent residents. An approved Final Landscape Plan outlining these revisions and Photometric Lighting Plan will, of course, still be required. I hope this is helpful in making your final determination.

Jeanette M. S. Tansey, R.L.A.
Project Manager, Baltimore County
Permits, Approvals & Inspections
Development Plans Review
111 W. Chesapeake Ave., Room 119
Towson, MD 21204

410-887-3751

jtansey@baltimorecountymd.gov

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

PETITIONER'S EXHIBIT

9

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 5, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1036 Powers Lane

INFORMATION:

Item Number: 16-062

Petitioner: John A. Hoffman, Bernadette Hoffman

Zoning: DR 1, DR 2

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for a Special Hearing to determine whether or not the Administrative Law Judge should approve business parking in a residential zone and also the Petition for a Variance to allow off-street parking spaces to be located a minimum of 12, 14 and 12 feet from the west, southeast and northeast tract boundaries, respectively, and to allow a minimum RTA buffer of 12, 14 and 12 feet from the west, southeast and northeast tract boundaries, respectively, in lieu of the required 75 feet and 50 foot RTA buffer, respectively.

Should the requested relief be granted for business parking in a residential zone, the following conditions are required as a prerequisite for the Department to concur with the requested RTA variance:

- Eliminate the 15 parking spaces along the west side of the proposed access adjacent to #1942 Powers Lane and the 6 proposed parking spaces adjacent to the rear of #1934 Powers Lane pursuant to the red-lined plan received by this Department on 10/30/2015 from the Petitioners legal counsel.
- Provide attractive residential-style fencing along the property lines shared with #1934 and #1942 Powers Lane pursuant to the fence detail shown on the aforementioned red-lined plan. The Department has no objection to a chain-link type fence enclosing the balance of the property provided no concertina or barbed wire is used.
- Submit a landscaping and lighting plan to the Baltimore County Landscape Architect for approval prior to the issuance of permits. Lighting shall be directional so as to not spill onto the residential properties. Said plan shall include details on the proposed retaining wall.
- No loudspeaker or other fixed intercom system shall be permitted.
- There shall be no sales directly from the site or clientele permitted to browse on-site.

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

Division Chief: Kathy Sandbach

AVA/KS

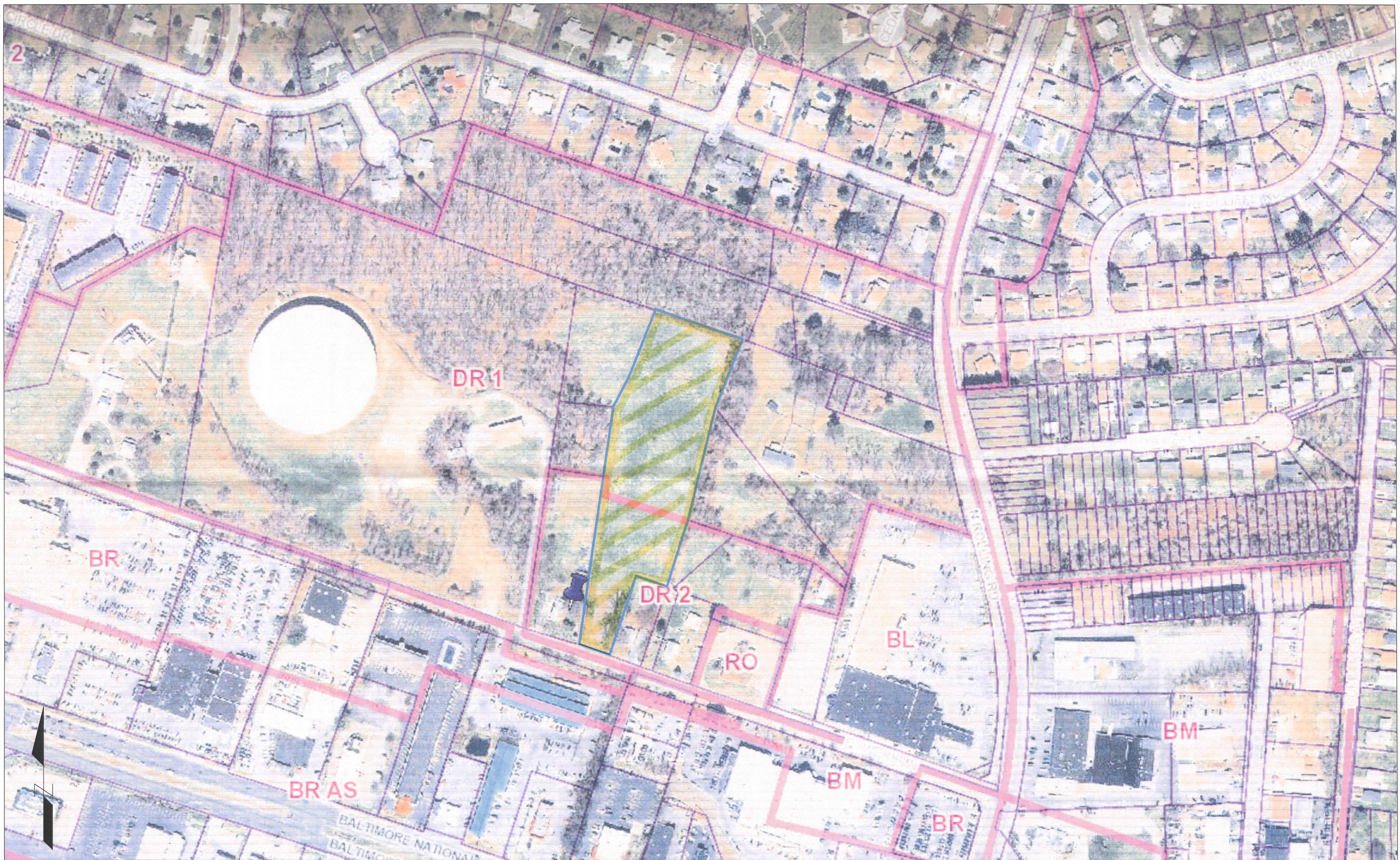
c: Jeanette Tansey, RLA, PAI
Dennis Wertz



E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT
(Complete one Section E for each key person.)

12. NAME SALLY A. MALENA	13. ROLE IN THIS CONTRACT Landscape Architect	14. YEARS EXPERIENCE	
		a. TOTAL 34	b. WITH CURRENT FIRM 32
15. FIRM NAME AND LOCATION (City and State) Human & Rohde, Inc., Towson, MD			
16. EDUCATION (DEGREE AND SPECIALIZATION) Michigan State Univ., BS 1969 - Textile Michigan State Univ., BLA 1980, Landscape Arch.		17. CURRENT PROFESSIONAL REGISTRATION (STATE AND DISCIPLINE) 1983 MD Registered Landscape Architect RLA #547 1994 MD Certified Horticulturist 2010 LEED Green Associate	
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.)			

19. RELEVANT PROJECTS			
(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED		
		PROFESSIONAL SERVICES	CONSTRUCTION (If applicable)
OLYMPIAN PARK Towson, MD	2009		2011
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if project performed with current firm a. Ms. Malena prepared design concepts and construction documents for this small urban park commemorating Baltimore County Olympians and celebrating the revitalization of the County Seat. Design challenges included multiple underground utilities, maintaining visibility, and addressing accessibility and County maintenance concerns. \$300,000			
GARRISON FOREST VETERAN'S CEMETERY Owings Mills, MD	2009		2011
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if project performed with current firm b. Ms. Malena prepared schematic plans and construction documents for Phase IV of the cemetery, including the layout and detailing of grave sites, Columbaria, a plaza, vehicular and pedestrian circulation, and a natural preservation area. Work included site visits and coordination with DGS and Federal Veteran's Administration. \$3.3 million			
FUNCTIONAL ENHANCEMENT OF SWM FACILITIES FOR MD SHA Anne Arundel County, MD	2010		2011
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if project performed with current firm c. Ms. Malena developed planting plans for six different existing storm water facilities being retrofitted by SHA. She worked closely with the engineers to develop pond aesthetics such as curvilinear forms, limited side slopes, and adequate aquatic benches suitable for planting. \$3 million			
OWINGS MILLS METRO CENTER Owings Mills, Maryland	2007		2013
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if project performed with current firm d. Ms. Malena prepared streetscape and planting design for this light rail parking facility, library and offices, including construction documents for intricate brick paving patterns, site furnishings and landscaping. David S. Brown, developer. \$6.5 million			
STEVENSON UNIVERSITY CAMPUS AT BOULEVARD CORPORATE CENTER Owings Mills, Maryland	2011		2015
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE ☒ Check if project performed with current firm e. Ms. Malena prepared the landscape plans for the new Campus at Boulevard Corporate Center as well as other commercial buildings on site. As a consultant to Stevenson and David S. Brown, she designed the plantings for hardiness and ease of maintenance, as well as provide color and interest appropriate to a place of learning. Planting: \$2 million			

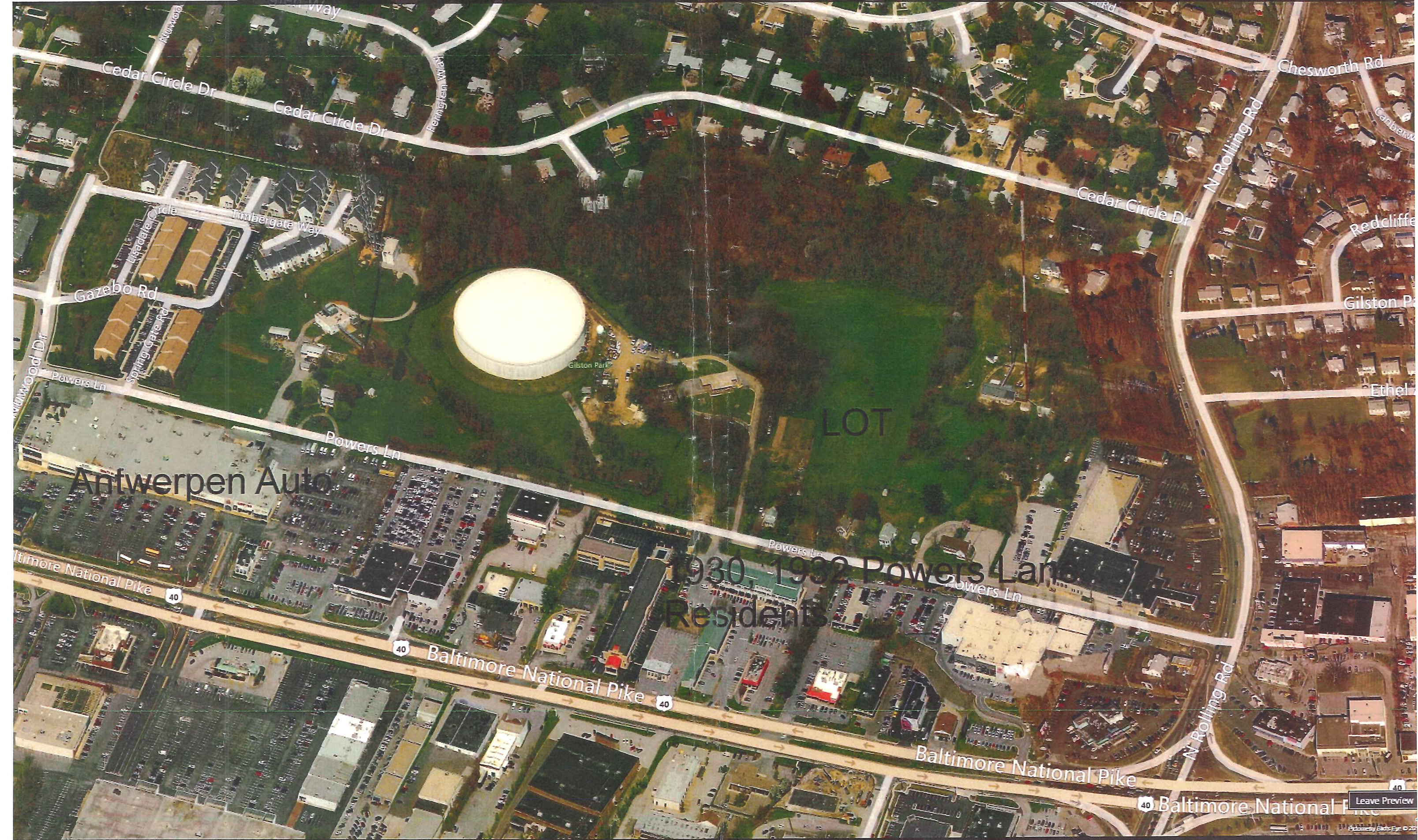


SCALE: 1" = 100'
SOURCE: BALTIMORE COUNTY MY NEIGHBORHOOD
DATE: 11/5/2015

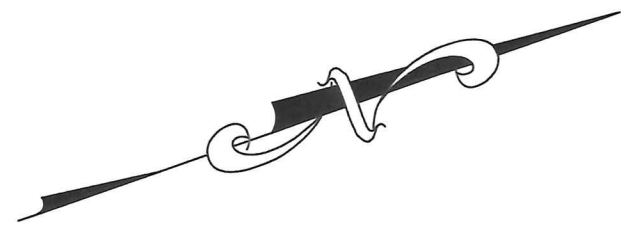
#1936 POWERS LANE PROPERTY
AERIAL SITE IMAGE EXHIBIT
ZONING CASE #2016-0062-SPHA

PETITIONER'S EXHIBIT 









EDGE OF PAVING
60'

POWERS LANE

EX-8-SEWER (DWG. 98-0833)

MAP-094 GRID-23 PARCEL-110
LOUIS C & ELEANOR A UEBEL
L: 4032 F: 104
TAX ACCOUNT# 0121070100

MAP-094 GRID-23 PARCEL-111
MATHEW MELENAS
L: 33694 F: 382
TAX ACCOUNT# 0114098200

SHAHZAD A RAJA
TAX ACCOUNT# 104000340

MAP-094 GRID-24 PARCEL-113
SHAHZAD A RAJA
L: 31546 F: 078
TAX ACCOUNT# 104000340

MAP-094 GRID-24 PARCEL-450
BALTIMORE COUNTY MD
L: 9328 F: 039
TAX ACCOUNT# 2200012731

MAP-094 GRID-23 PARCEL-340
BALTIMORE COUNTY MD
L: 5719 F: 788
TAX ACCOUNT# 1700010029

BALTIMORE COUNTY MD
L: 9328 F: 39
(FEE TAKING)
RW PLAT #55-341-3A

NOTE:
EXISTING TREELINE TAKEN
FROM AERIAL IMAGERY VIA
BALTIMORE COUNTY
WEBSITE. TREELINE WAS
NOT FIELD LOCATED BY
SURVEYOR.

MAP-094 GRID-17 PARCEL-302
BALTIMORE COUNTY MD
L: 2881 F: 550
TAX ACCOUNT# 0102000152

TW = 546.25
BW = 546.25
HGT = 0.00'

TW = 544.00
BW = 540.50
HGT = 3.50'

TW = 540.75
BW = 537.50
HGT = 3.25'

TW = 537.00
BW = 537.00
HGT = 0.00'

MAP-094 GRID-24 PARCEL-301
CUNNINGHAM COMMUNICATIONS INC
L: 7822 F: 102
TAX ACCOUNT# 0103472392

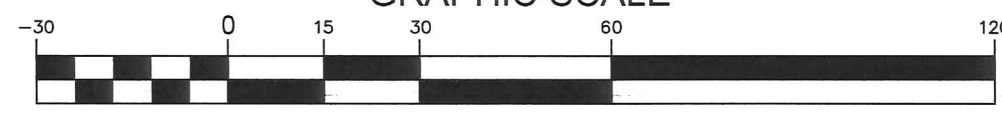
MAP-094 GRID-24 PARCEL-117
CUNNINGHAM COMMUNICATIONS INC
L: 7822 F: 102
TAX ACCOUNT# 0103472390

CONCEPTUAL LANDSCAPE PLAN

HOFFMAN PROPERTY
POWERS LANE

TAX MAP 94 - GRID 24 - PARCEL 199
BALTIMORE COUNTY, MD.

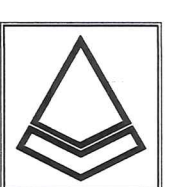
GRAPHIC SCALE



(IN FEET)
1 inch = 30ft.

Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



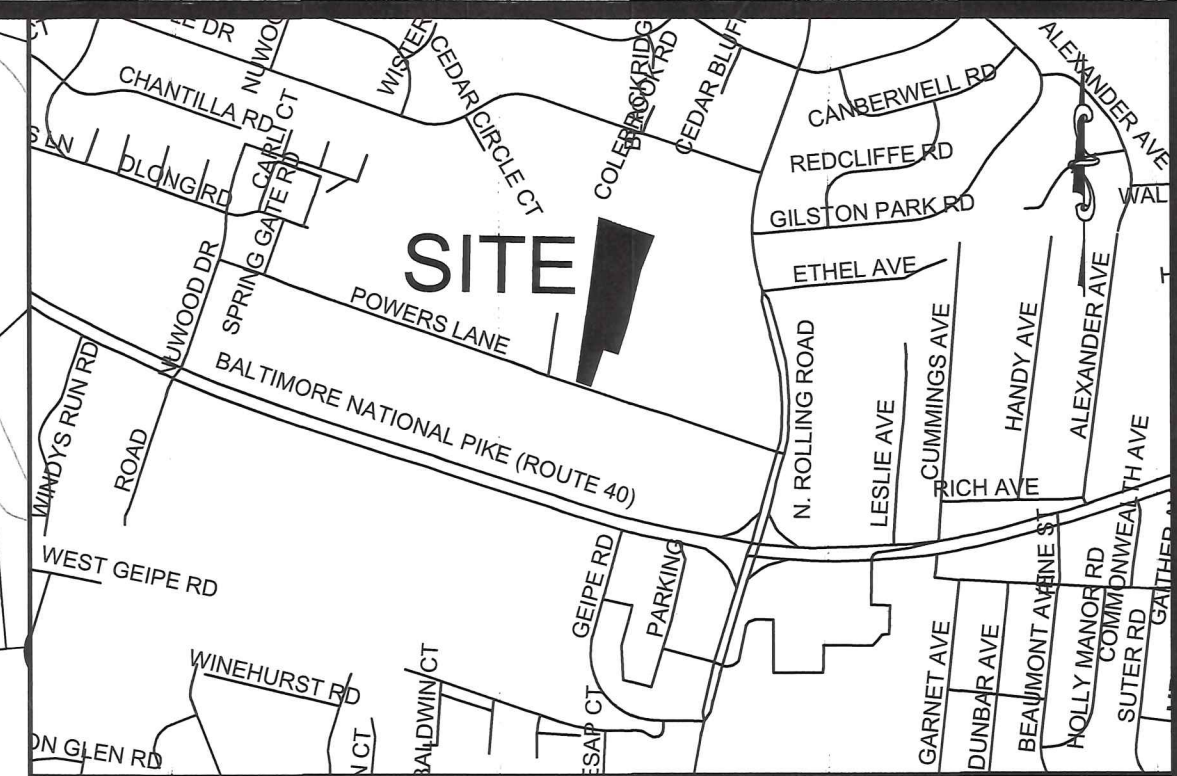
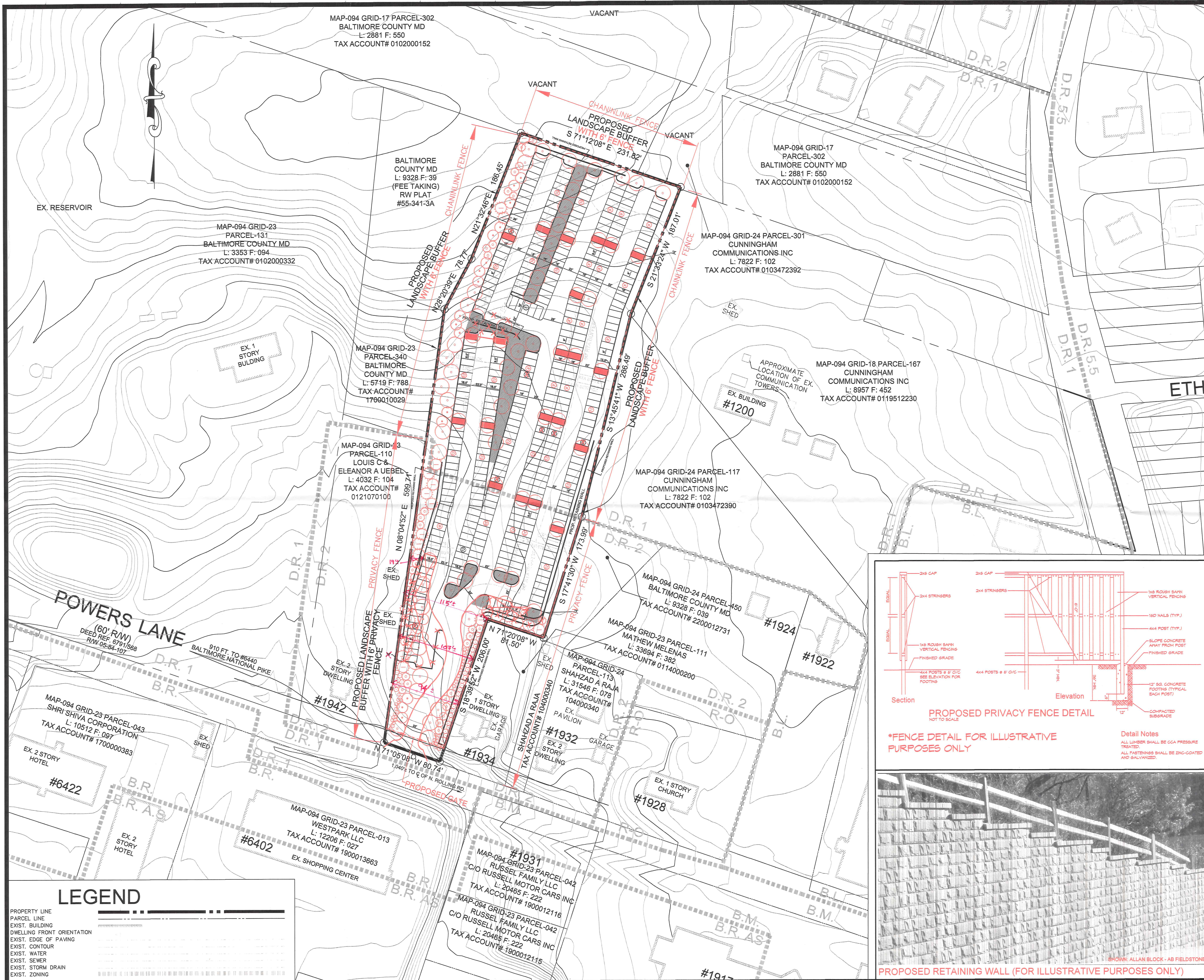
NO.	DATE	REVISIONS:	BY	SCALE: 1"= 30'
				DATE: NOV. 5, 2015
				JOB NO.: 2015-170
				DESIGNED: MRV
				DRAWN: MRV
				CHECKED:
				FILE: 2015170 SITE PLAN BASE
				DRAWING NUMBER: LA-1
				SHEET 1 OF 1

SCHEMATIC LANDSCAPE LEGEND

- SHADE TREES
- EVERGREEN TREES
- ORNAMENTAL / UNDERSTORY TREES
- SHRUBS

HUMAN & ROHDE, INC.
Landscape Architects
512 Virginia Ave.
Towson, Maryland 21286
(410) 825-3885 Phone
(410) 825-3887 Fax

PETITIONER'S EXHIBIT 11

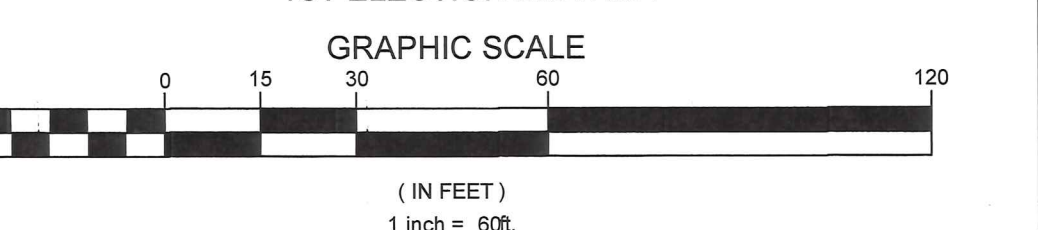


- ### GENERAL NOTES
- OWNER:
JOHN A. HOFFMAN
BERNADETTE S. HOFFMAN
MAILING ADDRESS:
2038 POWERS LANE
BALTIMORE MARYLAND, 21228
 - SITE DATA:
SITE AREA: 3.91 AC± OR 170,221 SF (PER SURVEY)
DEED REFERENCE: 4850/96
TAX ACCOUNT NUMBER: 010854050
TAX MAP: 94
GRID: 24
PARCEL: 199
200 SCALE GIS TILE 094C3
 - SITE ZONING: D.R. 1: 112,739 SF OR 2.59 AC±
D.R. 2: 57,482 SF OR 1.32 AC±
NET SITE AREA: 170,221 SF± OR 3.91 AC± (PER SURVEY)
 - USE:
EXISTING: VACANT
PROPOSED: BUSINESS PARKING LOT IN RESIDENTIAL ZONE WITH 346 PARKING SPACES.
 - THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 - THIS SITE IS NOT LOCATED WITHIN A DESIGN REVIEW PANEL AREA.
 - THIS SITE IS NOT LOCATED WITHIN A COMMERCIAL REVITALIZATION DISTRICT.
 - THERE ARE NO HISTORIC STRUCTURES LOCATED ON SITE.
 - THERE ARE NO PREVIOUS COMMERCIAL PERMITS ON FILE FOR THIS SITE.
 - THERE IS NO PRIOR ZONING HISTORY FOR THIS SITE.
 - VARIANCE REQUESTED:
A VARIANCE FROM SECTION 1801.B.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW OFF-STREET SURFACE PARKING SPACES TO BE LOCATED A MINIMUM OF 12 FEET, 14 FEET, AND 12 FEET FROM THE WEST, SOUTHEAST EAST, AND NORTHEAST TRACT BOUNDARIES, RESPECTIVELY, IN LIEU OF THE REQUIRED 75 FEET, AND TO ALLOW A MINIMUM RTA BUFFER OF 12 FEET, 14 FEET, AND 12 FEET ALONG THE WEST, SOUTHEAST, AND NORTHEAST TRACT BOUNDARIES, RESPECTIVELY, IN LIEU OF THE REQUIRED 50 FOOT BUFFER.
 - SPECIAL HEARING REQUESTED:
SPECIAL HEARING TO PERMIT BUSINESS PARKING IN A RESIDENTIAL ZONE, PURSUANT TO SECTION 409.8 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
 - ANY PROPOSED SIGNS WILL COMPLY WITH SECTION 450 OF THE BCZR.
 - PARKING FOR USE BY PROPERTY OPERATOR AT 6440 BALTIMORE NATIONAL PIKE, BALTIMORE MARYLAND, 21228.
 - ALL PROPOSED PARKING SPACES TO BE USED FOR PASSENGER VEHICLES ONLY.
 - NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING FOR PASSENGER VEHICLES WILL BE ALLOWED.
 - ALL PROPOSED LIGHTING FIXTURES SHALL BE LOCATED AND ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS.
 - PARKING ARRANGEMENT AND VEHICULAR ACCESS WILL BE AS PROVIDED ON THIS SITE PLAN.
 - HOURS OF OPERATION:
MONDAY THRU FRIDAY: 8AM-8PM
SATURDAY: 9AM-5PM
SUNDAY: CLOSED (NO OPERATION)
THE PARKING AREA WILL BE MAINTAINED BY THE OPERATOR OF THE USE LOCATED AT 6440 BALTIMORE NATIONAL PIKE, BALTIMORE, MARYLAND, 21228.
 - OTHER CONDITIONS OF PARKING, IF ANY, TO BE DETERMINED AT THE PUBLIC HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.
 - THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON A FIELD RUN SURVEY PERFORMED BY COLBERT MATZ ROSENFELT, INC. DATED SEPTEMBER 2, 2015. ADDITIONAL INFORMATION SHOWN IS TAKEN FROM AVAILABLE DEEDS AND BALTIMORE COUNTY GIS RECORDS.

PLAN TO ACCOMPANY SPECIAL HEARING AND ZONING PETITION

#1936 POWERS LANE

BALTIMORE COUNTY, MARYLAND
1ST COUNCILMANIC DISTRICT
1ST ELECTION DISTRICT

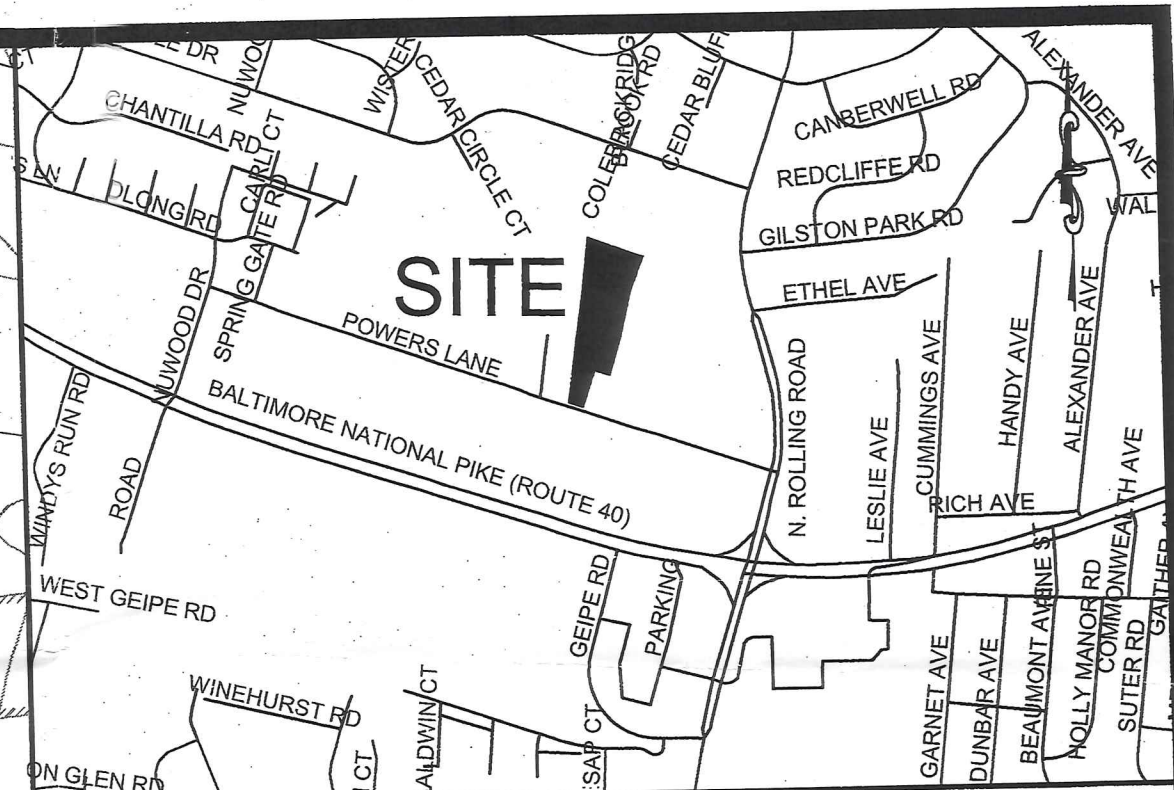
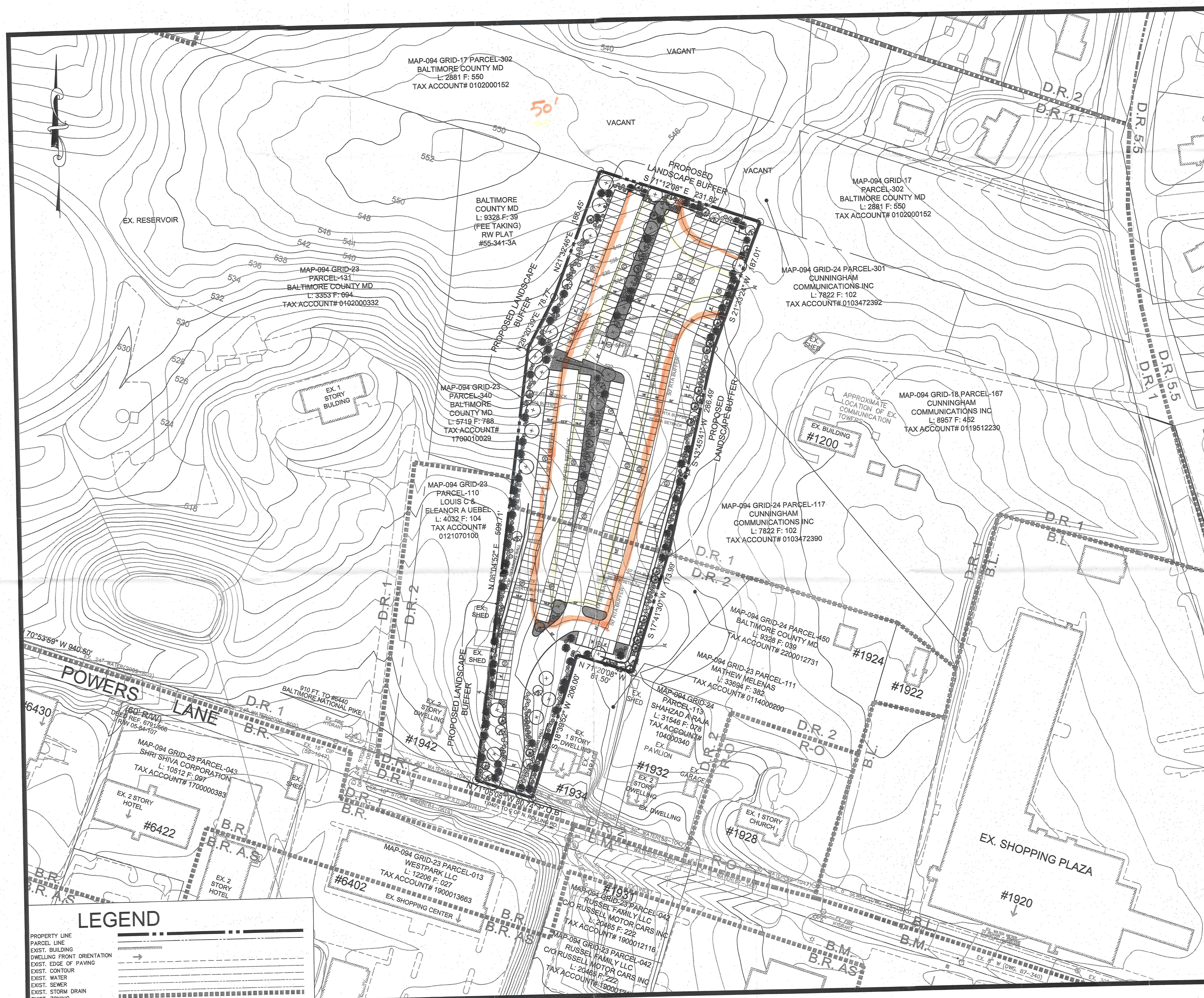


Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

Professional Certification				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.				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 No.	13203	Expiration Date:	11/02/2016	License No.	13203	Expiration Date:	11/02/2016
DESIGNED:	CMR	CHECKED:	CMR	DESIGNED:	CMR	CHECKED:	CMR
DRAWN:	MSMRV	DRAWING NUMBER:	SPH-1	DRAWN:	MSMRV	DRAWING NUMBER:	SPH-1
NO.	DATE	REVISIONS:	BY	NO.	DATE	REVISIONS:	BY

LEGEND

- PROPERTY LINE
- EXIST. BUILDING
- DWELLING FRONT ORIENTATION
- EXIST. EDGE OF PAVING
- EXIST. CONTOUR
- EXIST. WATER
- EXIST. SEWER
- EXIST. STORM DRAIN
- EXIST. ZONING



- ### GENERAL NOTES
- OWNER:
JOHN A. HOFFMAN
BERNADETTE S. HOFFMAN
MAILING ADDRESS:
2038 POWERS LANE
BALTIMORE MARYLAND, 21228
 - SITE DATA:
SITE AREA: 3.91 AC± OR 170,221 SF (PER SURVEY)
DEED REFERENCE: 485086
TAX ACCOUNT NUMBER: 0108654050
TAX MAP: 94
GRID: 24
PARCEL: 199
200 SCALE GIS TILE 094C3
 - SITE ZONING: D.R. 1: 112,739 SF OR 2.59 AC±
D.R. 2: 57,482 SF OR 1.32 AC±

NET SITE AREA: 170,221 SF± OR 3.91 AC± (PER SURVEY)
 - USE:
EXISTING: VACANT
PROPOSED: BUSINESS PARKING LOT IN RESIDENTIAL ZONE WITH 389 PARKING SPACES.
 - THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 - THIS SITE IS NOT LOCATED WITHIN A DESIGN REVIEW PANEL AREA.
 - THIS SITE IS NOT LOCATED WITHIN A COMMERCIAL REVITALIZATION DISTRICT.
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A VARIANCE FROM SECTION 1801.B.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW OFF-STREET SURFACE PARKING SPACES TO BE LOCATED A MINIMUM OF 12 FEET, 14 FEET, AND 12 FEET FROM THE WEST, SOUTHEAST EAST, AND NORTHEAST TRACT BOUNDARIES, RESPECTIVELY, IN LIEU OF THE REQUIRED 75 FEET, AND TO ALLOW A MINIMUM RTA BUFFER OF 12 FEET, 14 FEET, AND 12 FEET ALONG THE WEST, SOUTHEAST, AND NORTHEAST TRACT BOUNDARIES, RESPECTIVELY, IN LIEU OF THE REQUIRED 50 FOOT BUFFER.
 - SPECIAL HEARING REQUESTED:
SPECIAL HEARING TO PERMIT BUSINESS PARKING IN A RESIDENTIAL ZONE, PURSUANT TO SECTION 409.8 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
 - ANY PROPOSED SIGNS WILL COMPLY WITH SECTION 450 OF THE BCZR.
 - PARKING FOR USE BY PROPERTY OPERATOR AT 6440 BALTIMORE NATIONAL PIKE, BALTIMORE MARYLAND, 21228.
 - ALL PROPOSED PARKING SPACES TO BE USED FOR PASSENGER VEHICLES ONLY.
 - NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING FOR PASSENGER VEHICLES WILL BE ALLOWED.
 - ALL PROPOSED LIGHTING FIXTURES SHALL BE LOCATED AND ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS.
 - PARKING ARRANGEMENT AND VEHICULAR ACCESS WILL BE AS PROVIDED ON THIS SITE PLAN.
 - HOURS OF OPERATION: 8AM TO 6PM MONDAY THROUGH SATURDAY. THE PARKING AREA WILL BE MAINTAINED BY THE OPERATOR OF THE USE LOCATED AT 6440 BALTIMORE NATIONAL PIKE, BALTIMORE, MARYLAND, 21228.
 - OTHER CONDITIONS OF PARKING, IF ANY, TO BE DETERMINED AT THE PUBLIC HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.
 - THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON A FIELD RUN SURVEY PERFORMED BY COLBERT MATZ ROSENFELT, INC. DATED SEPTEMBER 2, 2015. ADDITIONAL INFORMATION SHOWN IS TAKEN FROM AVAILABLE DEEDS AND BALTIMORE COUNTY GIS RECORDS.

PLAN TO ACCOMPANY SPECIAL HEARING
AND ZONING PETITION
1936 POWERS LANE
BALTIMORE COUNTY, MARYLAND
1ST COUNCILMANIC DISTRICT
1ST ELECTION DISTRICT

GRAPHIC SCALE
30 0 15 60 120
(IN FEET)
1 inch = 60ft.

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

PROFESSIONAL ENGINEER
No. 13203
SEP 2 2015
THIS PLAN IS ACCURATE AND CORRECT
PREPARED IN ACCORDANCE WITH
BALTIMORE COUNTY REGULATIONS

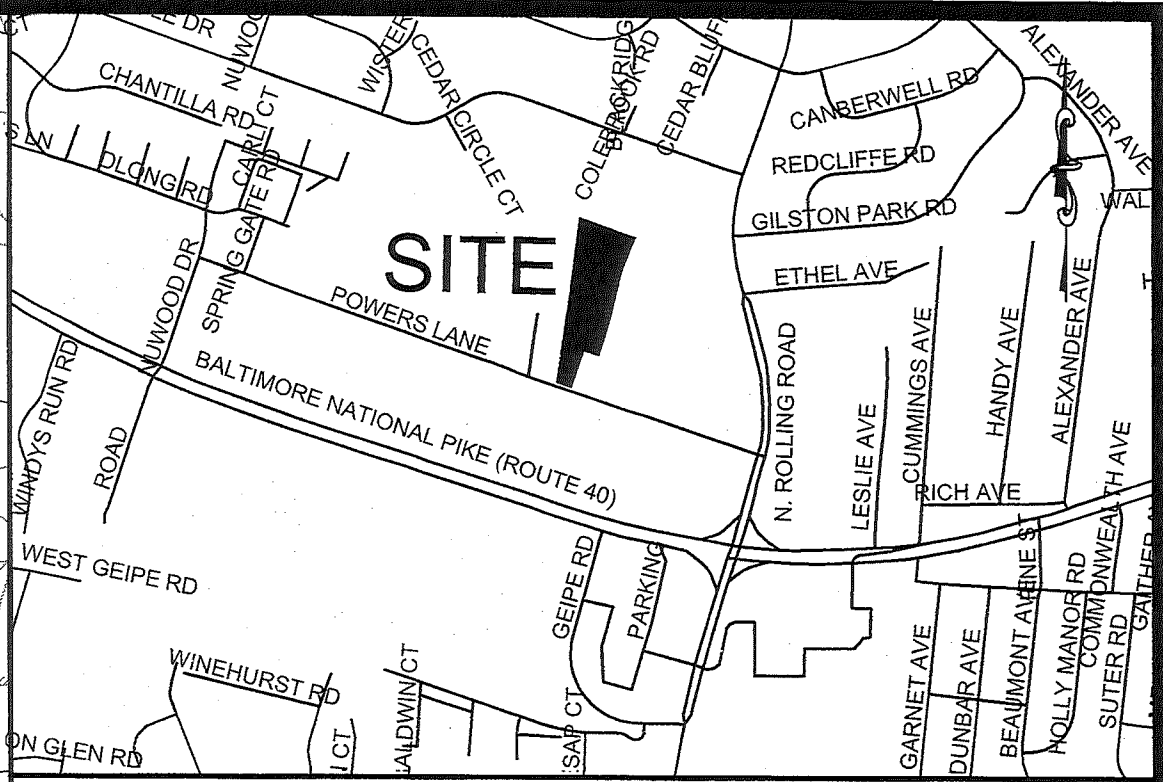
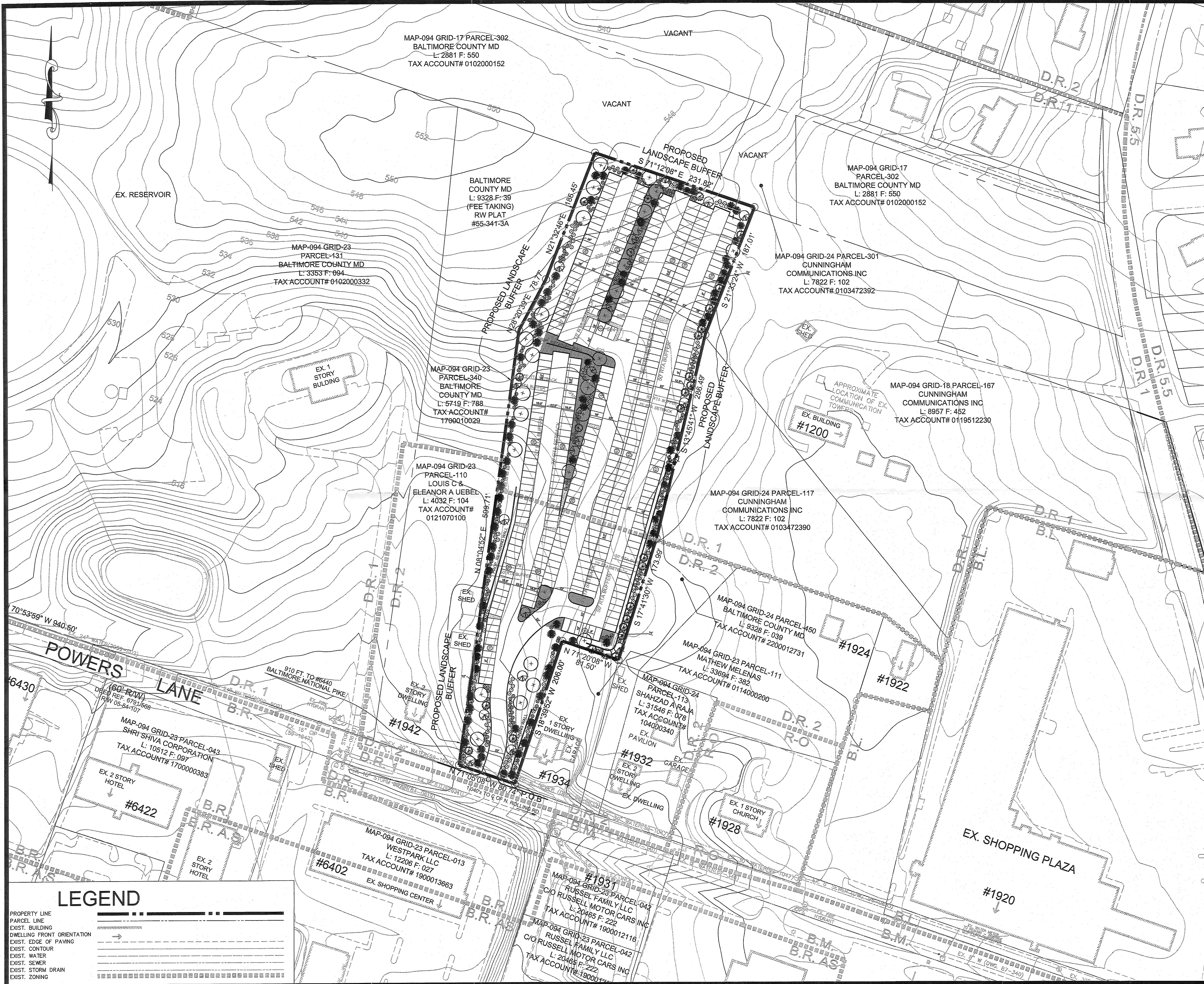
Professional Certification I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.		SCALE: 1" = 60'	DATE: 9/2/2015
License No. 13203	Expiration Date: 11/02/2016	JOB NO.: 2015-170	DESIGNED: CMR
		DRAWN: MS/MSRV	CHECKED: CMR
		FILE: 2015170 BASE.dwg	DRAWING NUMBER: SPH-1
NO.	DATE	REVISIONS:	BY SHEET 1 OF 1

LEGEND

PROPERTY LINE
PARCEL LINE
EXIST. BUILDING
DWELLING FRONT ORIENTATION
EXIST. EDGE OF PAVING
EXIST. CONTOUR
EXIST. WATER
EXIST. SEWER
EXIST. STORM DRAIN
EXIST. ZONING

→

Plots 1



- ### GENERAL NOTES
- OWNER:
JOHN A. HOFFMAN
BERNADETTE S. HOFFMAN
MAILING ADDRESS:
2038 POWERS LANE
BALTIMORE MARYLAND, 21228
 - SITE DATA:
SITE AREA: 3.91 AC± OR 170,221 SF (PER SURVEY)
DEED REFERENCE: 485096
TAX ACCOUNT NUMBER: 0108654050
TAX MAP: 94
GRID: 24
PARCEL: 199
200 SCALE GIS TILE 094C3
 - SITE ZONING: D.R. 1: 112,739 SF OR 2.59 AC±
D.R. 2: 57,482 SF OR 1.32 AC±
NET SITE AREA: 170,221 SF± OR 3.91 AC± (PER SURVEY)
 - USE:
EXISTING: VACANT
PROPOSED: BUSINESS PARKING LOT IN RESIDENTIAL ZONE WITH 389 PARKING SPACES.
 - THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 - THIS SITE IS NOT LOCATED WITHIN A DESIGN REVIEW PANEL AREA.
 - THIS SITE IS NOT LOCATED WITHIN A COMMERCIAL REVITALIZATION DISTRICT.
 - THERE ARE NO HISTORIC STRUCTURES LOCATED ON SITE.
 - THERE ARE NO PREVIOUS COMMERCIAL PERMITS ON FILE FOR THIS SITE.
 - THERE IS NO PRIOR ZONING HISTORY FOR THIS SITE.
 - VARIANCE REQUESTED:
A VARIANCE FROM SECTION 1801 B.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW OFF-STREET SURFACE PARKING SPACES TO BE LOCATED A MINIMUM OF 12 FEET, 14 FEET, AND 12 FEET FROM THE WEST, SOUTHEAST, AND NORTHEAST TRACT BOUNDARIES, RESPECTIVELY, IN LIEU OF THE REQUIRED 75 FEET, AND TO ALLOW A MINIMUM RTA BUFFER OF 12 FEET, 14 FEET, AND 12 FEET ALONG THE WEST, SOUTHEAST, AND NORTHEAST TRACT BOUNDARIES, RESPECTIVELY, IN LIEU OF THE REQUIRED 50 FOOT BUFFER.
 - SPECIAL HEARING REQUESTED:
SPECIAL HEARING TO PERMIT BUSINESS PARKING IN A RESIDENTIAL ZONE, PURSUANT TO SECTION 409.8 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
 - ANY PROPOSED SIGNS WILL COMPLY WITH SECTION 450 OF THE BCZR.
 - PARKING FOR USE BY PROPERTY OPERATOR AT 6440 BALTIMORE NATIONAL PIKE, BALTIMORE MARYLAND, 21228.
 - ALL PROPOSED PARKING SPACES TO BE USED FOR PASSENGER VEHICLES ONLY.
 - NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING FOR PASSENGER VEHICLES WILL BE ALLOWED.
 - ALL PROPOSED LIGHTING FIXTURES SHALL BE LOCATED AND ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS.
 - PARKING ARRANGEMENT AND VEHICULAR ACCESS WILL BE AS PROVIDED ON THIS SITE PLAN.
 - HOURS OF OPERATION: 8AM TO 9PM MONDAY THROUGH SATURDAY. THE PARKING AREA WILL BE MAINTAINED BY THE OPERATOR OF THE USE LOCATED AT 6440 BALTIMORE NATIONAL PIKE, BALTIMORE, MARYLAND, 21228.
 - OTHER CONDITIONS OF PARKING, IF ANY, TO BE DETERMINED AT THE PUBLIC HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.
 - THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON A FIELD RUN SURVEY PERFORMED BY COLBERT MATZ ROSENFELT, INC. DATED SEPTEMBER 2, 2015. ADDITIONAL INFORMATION SHOWN IS TAKEN FROM AVAILABLE DEEDS AND BALTIMORE COUNTY GIS RECORDS.

PLAN TO ACCOMPANY SPECIAL HEARING AND ZONING PETITION

1936 POWERS LANE

BALTIMORE COUNTY, MARYLAND
1ST COUNCILMANIC DISTRICT
1ST ELECTION DISTRICT

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 60ft.

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

Professional Certification		SCALE: 1" = 60'	
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.		DATE:	9/2/2015
License No. 13203		DESIGNED:	CMR
Expiration Date: 11/02/2016		DRAWN:	MS/MRV
		CHECKED:	CMR
		FILE:	2015170 BASE.dwg
		DRAWING NUMBER:	SPH-1
NO.	DATE	REVISIONS:	BY SHEET 1 OF 1