

M E M O R A N D U M

DATE: July 27, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0301-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on July 26, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(623 S. Marlyn Avenue)	*	OFFICE OF
15 th Election District		
7 th Council District	*	ADMINISTRATIVE HEARINGS
Ocracoke Properties, LLC	*	FOR BALTIMORE COUNTY
Legal Owner		
Petitioner	*	Case No. 2018-0301-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 Ocracoke Properties, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") as follows: (1) to approve the nonconforming use of five dwellings along with a commercial building and an accessory parking lot with a garage on the subject property; and (2) to allow business parking in a residential zone including an existing enclosed garage.

A petition for variance seeks the following: (1) for relief from the Residential Transition Area ("RTA") requirements to allow a 0 ft. setback and 0 ft. buffer from the lot line to the proposed parking lot in lieu of the required 75 ft. setback and 50 ft. buffer; and (2) to allow a 0 ft. setback from the right-of-way line in lieu of the required 10 ft. distance and to allow an 18 ft. width drive for two-way movements in lieu of the required 20 ft. and to allow an 11 ft. one-way aisle in lieu of the required 14 ft. aisle for a 30 degree parking angle and 11 ft. one-way aisle in lieu of the 22 ft. required aisle width for a 90 degree parking angle. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

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Date 6/26/18

By Pen

Chris Cooke and landscape architect Nick Linehan appeared in support of the requests. Timothy M. Kotroco, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP") and the Bureau of Development Plans Review ("DPR"). Neither agency opposed the request.

SPECIAL HEARING

This case concerns a 4.12 acre property located in the Essex area. Beginning in or about 1949 the Freyers Hardware store was operated on site, and the proprietors of that business constructed on the same site/lot five (5) dwellings which were originally occupied by family members. The hardware store closed many years ago and since that time various retail businesses have been operated at the property. At present the commercial buildings are vacant, although the dwellings have been continually used as residences and at present each of the homes is occupied by a family. The Petitioner purchased the site recently, and though no new structures or buildings are proposed, zoning relief is required to "legitimize" several long-existing conditions at the property.

The first special hearing request concerns the five (5) dwellings on the property. These single-family dwellings were constructed at or about the time zoning regulations were first adopted in Baltimore County. Mr. Linehan testified aerial photos prove the homes were in existence since at least 1957 (*See* Pet. Ex. 3), and the DOP conducted a site visit and described the dwellings as non-conforming. As such the dwellings may remain and continue to be used as such pursuant to B.C.Z.R. §104.

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Date 6/26/18
By SEN

The second special hearing request seeks to permit commercial parking in a residential zone pursuant to BCZR §409.8. This portion of the site is covered with stone/gravel and has been used for customer parking for many years. In that respect it too would most likely qualify as a nonconforming use. Even so, Petitioner has included a special hearing request to expressly permit commercial parking in this area of the site, which is zoned DR 5.5.

Petitioner proposes to pave and stripe this parking lot as required by the Regulations. In addition, Mr. Linehan presented a landscape plan (Pet. Ex. 5) showing that a vegetative buffer will be planted to screen the parking area. Mr. Linehan confirmed Petitioner satisfied elements (a) through (g) as required by BCZR §409.8.B.2, and he opined the use would not have a detrimental impact upon the community, as required by that same regulation. I concur, and believe that the improvements to this moribund site will in fact represent a significant investment in and improvement of this community, and the special hearing petition will therefore be granted.

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The subject property is quite unique; it is long and narrow and is actually bisected by Back River. In addition, the lot is split-zoned and improved with two commercial buildings and five single-family dwellings. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it could not provide sufficient parking given the significant RTA seatbacks. Finally, I find that the variance can be granted in harmony with the spirit and intent of

ORDER RECEIVED FOR FILING

Date 6/26/18
By sln

the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED this 26th day of **June, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR"): (1) to approve the nonconforming use of five (5) single-family dwellings; and (2) to allow business parking in a residential zone including an existing enclosed garage, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) for relief from the Residential Transition Area ("RTA") requirements to allow a 0 ft. setback and 0 ft. buffer from the lot line to the proposed parking lot in lieu of the required 75 ft. setback and 50 ft. buffer; (2) to allow a 0 ft. setback from the right-of-way line for off street parking in lieu of the required 10 ft. distance; (3) to allow an 18 ft. width drive aisle for two-way movements in lieu of the required 20 ft.; (4) to allow an 11 ft. one-way aisle in lieu of the required 14 ft. aisle for a 30 degree parking angle; and (5) to allow 11 ft. one-way aisle in lieu of the 22 ft. required aisle width for a 90 degree parking angle, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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Date 6/26/18

By Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm

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Date 6/26/18

By slm



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 623 South Marlyn Avenue, Baltimore County, 21221 which is presently zoned

B.L. and D.R.- 5.5 Deed References: L 27446 / F0631 10 Digit Tax Account # 1506571380

Property Owner (s) Printed Name (s)

(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:

REVISED SPH

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. PLEASE REFER TO ATTACHMENT A

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) PLEASE REFER TO ATTACHMENT A

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition). Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

"TO BE PRESENTED AT HEARING"

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s)

Contract Purchaser/Lessee:

Name- Type or Print

Not Applicable

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner

Timothy M. Kotroco BY

Timothy M. Kotroco

Signature

305 Washington Avenue Suite 502 Towson, MD

Mailing Address

City

State

21204

(410) 299-2943

tkotroco@gmail.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Chris Cooke

OCRACOCKE PROPERTIES, LLC

Name - Type or Print

Signature

1604 Barthel Rd.

Lutherville

MD

21093

Mailing Address

City

State

Zip Code

Telephone # 443 -802-2728

Email Address: chris@chrisooketeam.com

Representative to be contacted:

Richard E. Matz, P.E.

Name - Type or Print

Signature

2835 Smith Ave., Suite G, Baltimore MD 21209

Mailing Address

City

State

21209

410-653-3838

rmatz@cmrengineers.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2018-0301-SPHA

Filing Date

5/3/2018

Do Not Schedule Dates:

Reviewer

JNP for WCR

REVISED 5/18/18

DROP OFF - NO REVIEW

REV. 10/4/11

五、

0-11-1964

**ATTACHMENT A
TO ZONING PETITION**

623 South Marlyn Avenue, Baltimore County 21221

The Petitioner, requests the following zoning relief:

 **SPECIAL HEARING**, pursuant to section 104.1 of the BCZR to approve the nonconforming use of ^{five} four dwellings along with a commercial building and an accessory parking lot with a garage on the subject property;

Or, in the alternative;

SPECIAL HEARING, pursuant to section 409.8 B.1. of the BCZR to allow business parking in a residential zone including an existing enclosed garage; and for a **MODIFIED PARKING PLAN** under Section 409.12.B;

VARIANCE relief from the RTA requirements under Section 1B01.1.B.1.e.(5) to allow a 0' setback and 0' buffer from the lot line to the proposed parking lot in lieu of the required 75' setback and 50' buffer; AND

VARIANCE relief from 409.8A.4 to allow a 0' setback from the right-of-way line in lieu of the required 10' distance and from Section 409.4.A. to allow an 18' width drive for two-way movements in lieu of the required 20', and from Section 409.4.C. to allow an 11' one-way aisle in lieu of the required 14' aisle for a 30° parking angle, and 11' one-way aisle in lieu of the 22' required aisle width for a 90° parking angle;

AND For such other and further relief as the nature of this cause may require.

REVISED 5/18/18

DROP OFF-NO REVIEW

2018-0301-SPHA

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

2835 Smith Avenue, Suite G Baltimore, MD 21209

LETTER OF TRANSMITTAL

To:

Baltimore County --DPAI
111 W. Chesapeake Ave
Towson, MD 21204

Date: 5/18/2018

Job No. 2018-018

Attn: Jeffery Perlow / Zoning Review

Re: 623 S. Marlyn Ave – **CASE # 2018-0301-SPHA**

Cc: File

We are sending you
the following items:

☒ Attached ☐ Under Separate Cover

☒ Prints ☒ Originals

Date	Copies	No.	Description
			Check for REVISION TO PETITION FORM Fee –
			REVISED PETITION FORM

These are transmitted as checked below:

☐ Information Only ☐ As Requested ☐ For Approval ☒ Review & Comment ☐ Original to Follow under Separate Cover

Message:

Thank you,



Nick Linehan

If enclosures are not as noted, kindly notify us at once.

Telephone: 410-653-3838
Fax: 410-653-7953



May 16, 2018
KEVIN KAMENETZ
County Executive

NOTICE OF ZONING HEARING

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,

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:

5/18/18

CASE NUMBER: 2018-0301-SPHA

623 S. Marlyn Avenue
E/s Marlyn Avenue, 492 ft. s/of Homberg Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Ocracoke Properties, LLC

5 (five)

Special Hearing 1. To approve the nonconforming use of four dwellings along with a commercial building and an accessory parking lot with a garage on the subject property; Or in the alternative; 2. To allow business parking in a residential zone including an existing enclosed garage; and for a Modified Parking Plan. Variance 1. For relief from the RTA requirements, to allow a 0 ft. setback and 0 ft. buffer from the lot line to the proposed parking lot in lieu of the required 75 ft. setback and 50 ft. buffer; and 2. To allow a 0 ft. setback from the right-of-way line in lieu of the required 10 ft. distance and to allow an 18 ft. width drive for two-way movements in lieu of the required 20 ft. and to allow an 11 ft. one-way aisle in lieu of the required 14 ft. aisle for a 30 degree parking angle and 11 ft. one-way aisle in lieu of the 22 ft. required aisle width for a 90 degree parking angle; and 3. For such other and further relief as the nature of this cause may require.

Hearing: Monday, June 25, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Chris Cooke, 1604 Barthel Road, Lutherville 21093
Richard Matz, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 5, 2018.**
- (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.



ZONING PROPERTY DESCRIPTION

FOR

623 SOUTH MARLYN AVENUE

BALTIMORE COUNTY, MD 21221

Beginning at the point on the east side of South Marlyn Avenue which is 60 feet of right-of-way width at the distance of 492 feet south of the centerline of the intersection with Homberg Avenue which is 60 feet wide at the right- of- way.

Thence the following courses and distances: (1st Point of Call "POC") N 77 ° 08' 17" E 1,422.61', (2nd POC) S51°39' 00"E, 89.61' (3rd POC) S16° 53' 21" E 52.68', (4th POC) S77°08'17"W 1,482.63', (5th POC) N123° 46' 56"W 125.58'., back to the point of beginning as recorded in Deed Liber No. 40053, Folio No. 00303 containing 179,413 square feet, or 4.12 Acres+/- . Located in the 15th Election District and 7th Council District. Also known as 623 South Marlyn Avenue, Baltimore County, MD 21221.

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

APRIL 27, 2018

Expiration Date: 11/02/2018





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 5621813

Sold To:

Chris Cooke - CU00657485
1604 Barthel Rd
Lutherville Timonium, MD 21093-1525

Bill To:

Chris Cooke - CU00657485
1604 Barthel Rd
Lutherville Timonium, MD 21093-1525

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

Jun 05, 2018

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: 2018-0301-SPHA
623 S. Marlyn Avenue
E/s Marlyn Avenue, 492 ft. s/of Homberg Avenue
15th Election District - 7th Councilmanic District
Legal Owners: Ocracoke Properties, LLC

Special Hearing 1. To approve the nonconforming use of four dwellings along with a commercial building and an accessory parking lot with a garage on the subject property; Or in the alternative; 2. To allow business parking in a residential zone including an existing enclosed garage; and for a Modified Parking Plan. Variance 1. For relief from the RTA requirements, to allow a 0 ft. setback and 0 ft. buffer from the lot line to the proposed parking lot in lieu of the required 75 ft. setback and 50 ft. buffer; and 2. To allow a 0 ft. setback from the right-of-way line in lieu of the required 10 ft. distance and to allow an 18 ft. width drive for two-way movements in lieu of the required 20 ft. and to allow an 11 ft. one-way aisle in lieu of the required 14 ft. aisle for a 30 degree parking angle and 11 ft. one-way aisle in lieu of the 22 ft. required aisle width for a 90 degree parking angle; and 3. For such other and further relief as the nature of this cause may require.

Hearing: Monday, June 25, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

5621813 6/5/2018

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

Sherry Nuffer

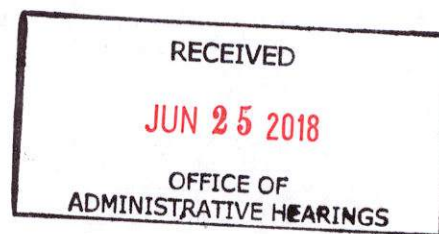
From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Friday, June 22, 2018 3:51 PM
To: Administrative Hearings
Subject: 2nd Certification for Case # 2018-0301-SPHA @ S. Marlyn Ave.
Attachments: 2nd Cert. S. Marlyn Ave..jpeg; 2nd & 3rd Sign .jpeg; Group Photos S. Marlyn Ave. .jpeg

Hi Sherry,

I have attached the 2nd Certification that was re-photographed on June 22, 2018 for Case # 2018-0301-SPHA @ 623 S. Marlyn Ave.
Have a nice weekend!

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com



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CERTIFICATE OF POSTING



ATTENTION: SHERRY NUFFER

DATE: 6/22/2018

Case Number: 2018-0301-SPHA

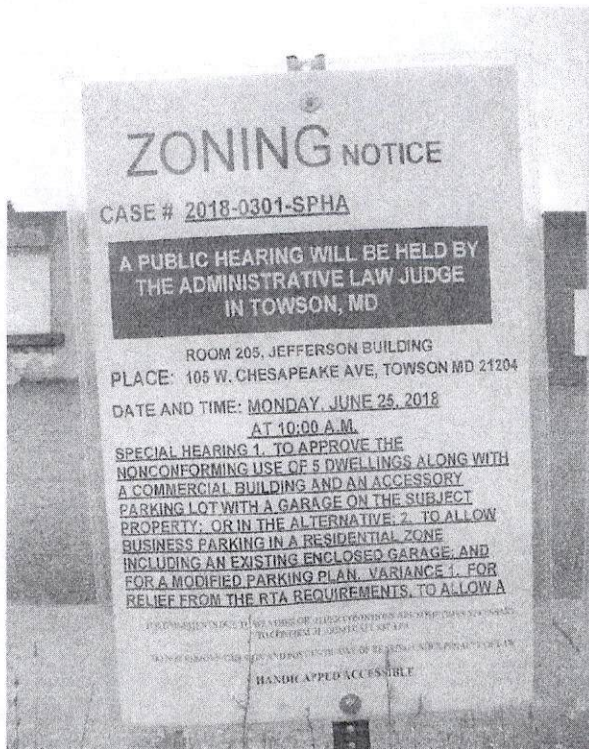
Petitioner / Developer: TIMOTHY KOTROCO, ESQ. ~ CHRIS COOKE~
RICHARD MATZ of COLBERT, MATZ & ROSENFELT, LLC

Date of Hearing: JUNE 25, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
623 S. MARLYN AVENUE

The sign(s) were posted on: JUNE 4, 2018

The sign(s) were re-photographed on JUNE 22, 2018



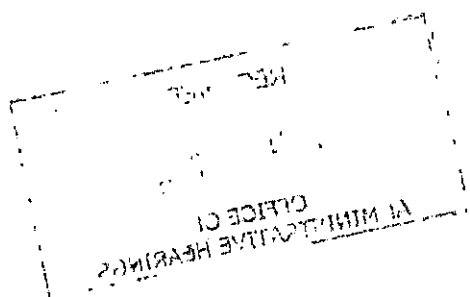
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



ZONING NOTICE

CASE # 2018-0301-SPHA

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

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE. TOWSON MD 21204

DATE AND TIME: MONDAY, JUNE 25, 2018
AT 10:00 A.M.

0 FT. SETBACK AND 0 FT. BUFFER FROM THE LOT LINE
TO THE PROPOSED PARKING LOT IN LIEU OF THE
REQUIRED 75 FT. SETBACK AND 50 FT. BUFFER; AND 2.
TO ALLOW A 0 FT. SETBACK FROM THE RIGHT-OF-WAY
LINE IN LIEU OF THE REQUIRED 10 FT. DISTANCE AND
TO ALLOW AN 18 FT. WIDTH DRIVE FOR TWO-WAY
MOVEMENTS IN LIEU OF THE REQUIRED 30 FT. AND TO
ALLOW AN 11 FT. ONE-WAY AISLE IN LIEU OF THE
REQUIRED 14 FT. AISLE FOR A 30 DEGREE PARKING

Handwritten notes and signatures are present in this section.

HANDWRITTEN ACCESSIBLE

C/

BY
ME

MD 21204

PL

DA

LOT LINE

AT THE

22-8-8 AND 2

PAV-OF-WAY

FENCE AND

RE-WAY

T AND TO

THE

ARKING

ZONING NOTICE

CASE # 2018-0301-SPHA

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

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE. TOWSON MD 21204

DATE AND TIME: MONDAY, JUNE 25, 2018
AT 10:00 A.M.

ANGLE AND 11 FT. ONE-WAY AISLE IN LIEU OF THE
22 FT. REQUIRED AISLE WIDTH FOR A 30 DEGREE
PARKING ANGLE; AND 3. FOR SUCH OTHER AND
FURTHER RELIEF AS THE NATURE OF THIS CAUSE MAY
REQUIRE - 623 S. MARLYN AVENUE

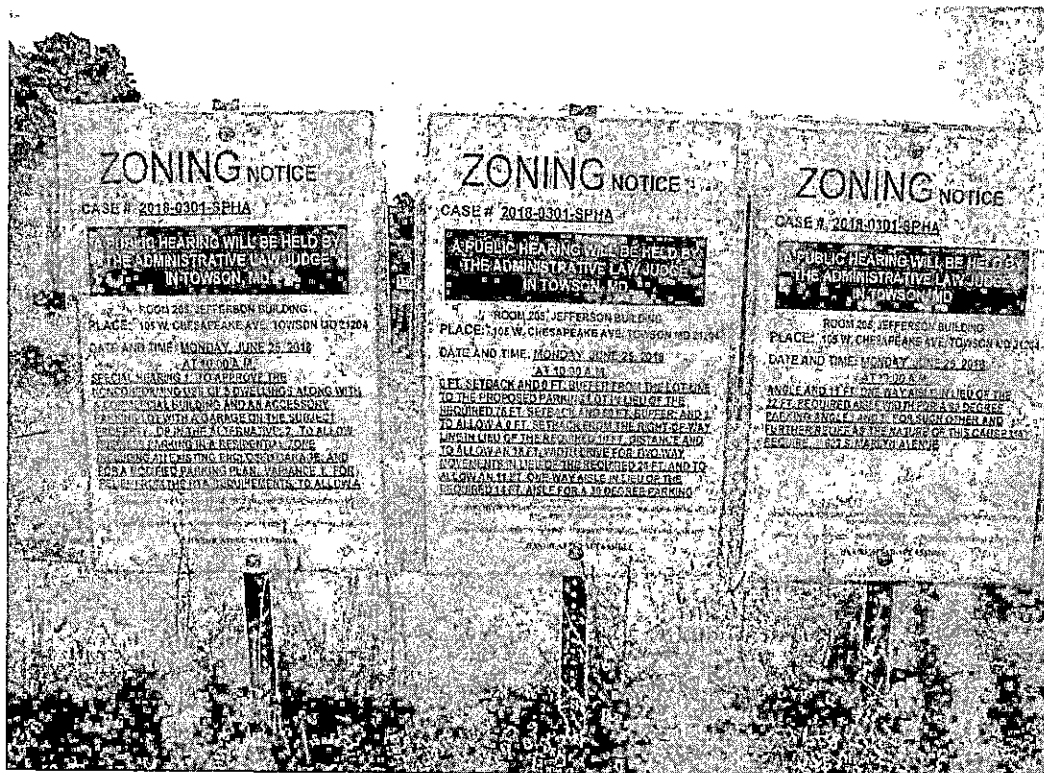
Handwritten notes and signatures are present in this section.

HANDWRITTEN ACCESSIBLE

2nd and 3rd Sign Case # 2018-0301-SPHA @ 623 S. Marlyn Ave. New Photos 6/22/2018



Set # (1) New Photos 6/22/2018 for Case # 2018-0301-SPHA @ 623 S. Marlyn Ave.



Set # (2) New Photos 6/22/2018 for Case # 2018-0301-SPHA @ 623 S. Marlyn Ave.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 6/4/2018

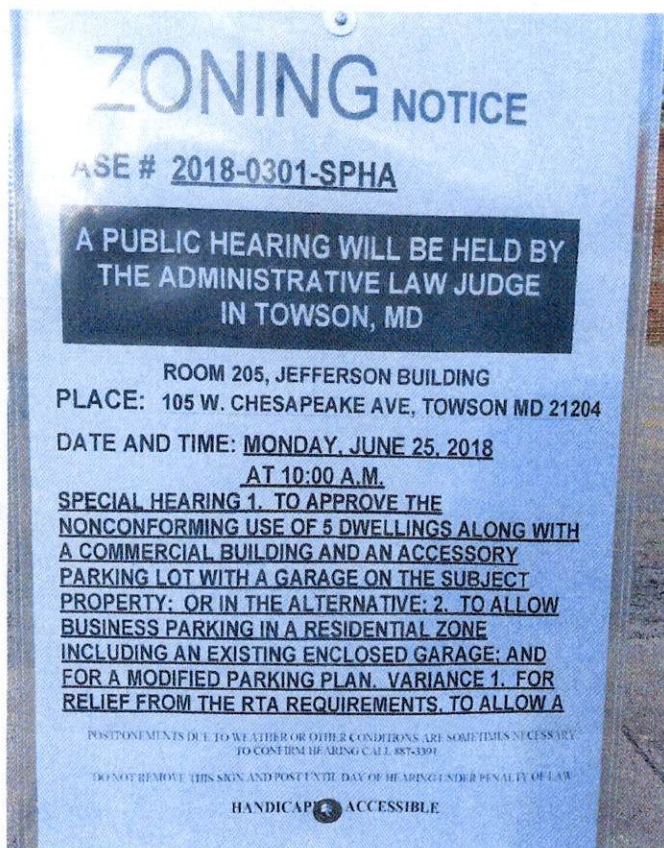
Case Number: 2018-0301-SPHA

Petitioner / Developer: TIMOTHY KOTROCO, ESQ. ~ CHRIS COOKE~
RICHARD MATZ of COLBERT, MATZ & ROSENFELT, LLC

Date of Hearing: JUNE 25, 2018

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
623 S. MARLYN AVENUE

The sign(s) were posted on: JUNE 4, 2018



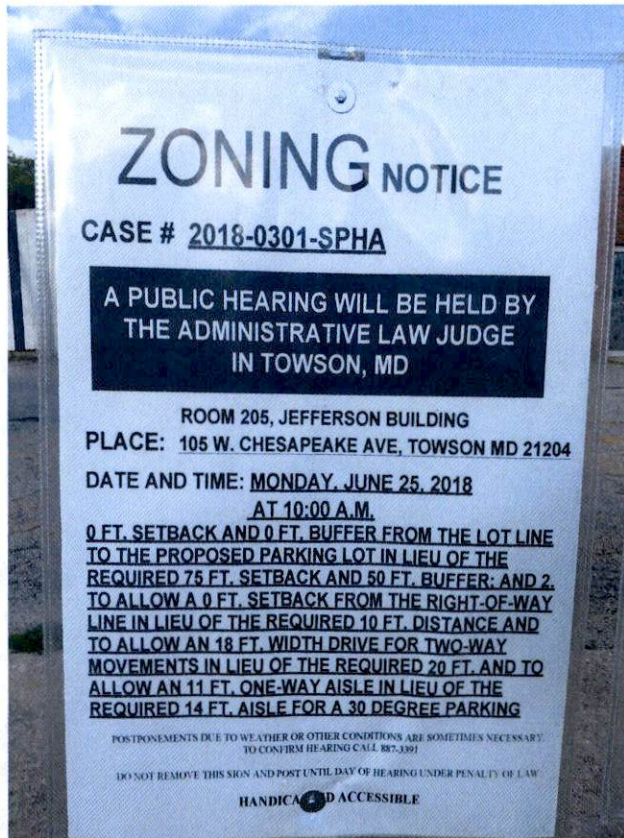
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

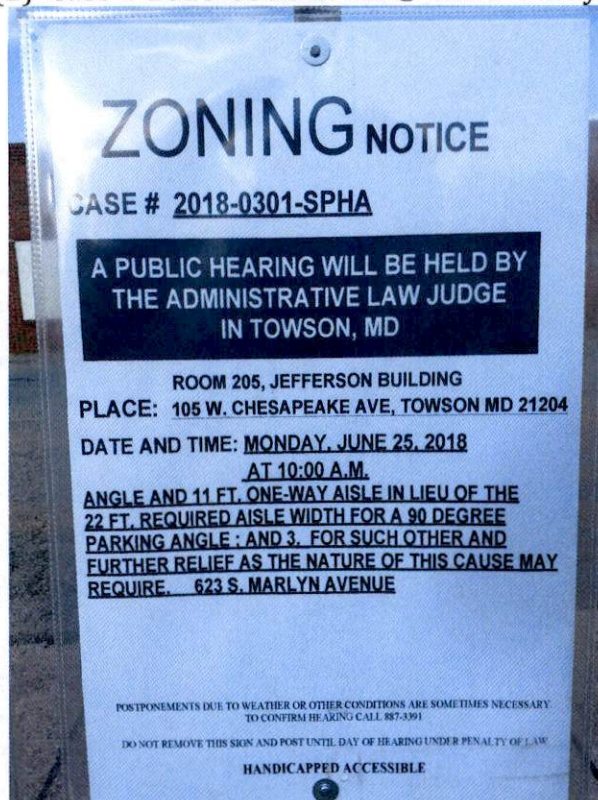
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



Sign # (2) Case # 2018-0301-SPHA @ 623 S. Marlyn Ave. Posted 6/4/2018



Sign # (3) Case # 2018-0301-SPHA @ 623 S. Marlyn Ave. Posted 6/4/2018



First Set of Signs Case # 2018-0301-SPHA @ 623 S. Marlyn Ave.



Second Set of Signs Case # 2018-0301-SPHA @ 623 S. Marlyn Ave.



Group Shot Case # 2018-0301-SPHA @ 623 S. Marlyn Avenue

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
623 S. Marlyn Avenue; E/S S. Marlyn Avenue * OF ADMINISTRATIVE
492' S of Homberg Avenue *
15th Election & 7th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Ocracoke Properties, LLC *
By Chris Cooke * BALTIMORE COUNTY
Petitioner(s) *
2018-301-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
MAY 16 2018

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 16th day of May, 2018, a copy of the foregoing Entry of Appearance was mailed to Richard Matz, P.E., 2835 Smith Avenue, Suite G, Baltimore, Maryland 21209 and Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0301-SPHA

Property Address: **623 South Marlyn Avenue, Baltimore County, MD 21221**

Property Description: **4.12 Acres on the East side of South Marlyn Avenue,**

492 Feet south of the Homberg Ave. & South Marlyn Avenue Intersection

Legal Owners (Petitioners)

Ocracoke Properties LLC

Contract Purchaser/Lessee:

PLEASE FORWARD ADVERTISING BILL TO:

Name: **Chris Cooke**

Company/Firm (if applicable):

Address: 1604 Barthel Rd. Lutherville MD 21093

Telephone Number: **443 802 2728**

Revised 7/9/2015

DROP OFF- NO REVIEW

REVISION
FEE
5/18/18

Colbert Matz Rosenfelt, LLC
2835 Smith Avenue, Suite G
Baltimore, MD 21209-1459



SERVISFIRST BANK
1801 WEST END AVE, SUITE 110
NASHVILLE, TN 37203

030494
61-650/620

5/18/2018

DATE

PAY TO THE
ORDER OF

Baltimore County

**250.00

\$

Two Hundred Fifty and 00/100*****

DOLLARS

Baltimore County

Security features. Details on back.



Memo

2018-018-623 S. Marlyn Avenue - Revision to Petition



Stuart L. Darley
AUTHORIZED SIGNATURE

⑈030494⑈ ⑈062006505⑈ ⑈110318134⑈

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

No. **168798**

Date **5/7/18**

DUPLICATE PAID RECEIPT

BUSINESS ACTUAL TIME
 5/08/2018 5/07/2018 10:33:53
 BMSOS WALKIN LRB

RECEIPT # 932721 5/07/2018

Dept 5 528 ZONING VERIFICATION
 CR NO 168798

Recd Tot \$75.00
 \$150.00 CK \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub-Unit	Obj	Sub-Obj	Dept	Obj	BS Acct	Amount
001	802	0000		6150					75.00

Total **75.00**

Rec From **Richardson Easing**
 For **5701 Edmondson Ave**
Prayer for Special Hearing
Case # 2018-0394-SPH

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

**CASHIER'S
 VALIDATION**



DONALD I. MOHLER III
County Executive

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

June 21, 2018

Ocracoke Properties LLC
Chris Cooke
1604 Barthel Road
Lutherville MD 21093

RE: Case Number: 2018-0301 A, Address: 623 South Marlyn Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 3, 2018. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Timothy M Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson MD 21204
Richard E Matz, P E, 2835 Smith Avenue, Suite G, Baltimore MD 21209



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 5/25/18

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0301-SPHA.

*Special Hearing, Variance
Ocracoke Properties LLC, Chris Cooke
623 S. Marilyn Avenue.*

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,

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 5/24/18

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0301-SPHA.

*Special Hearing, Variance
Coraloke Properties, LLC, Chris Cooke
623 S. Mathyn Avenue.*

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,

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

6/25 10 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 08 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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: June 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0301-SPHA *revised*
Address 623 Marlyn Avenue
(Ocracoke Properties Property)

Zoning Advisory Committee Meeting of **June 4, 2018**.

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

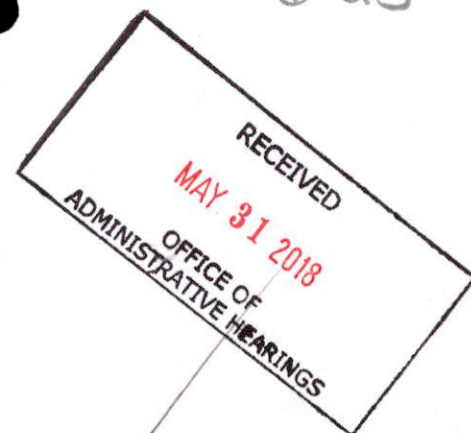
Reviewer: Steve Ford



6-25

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: May 31, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0301-SPHA
Address 623 S. Marlyn Avenue
(Ocracoke Properties, LLC)

Zoning Advisory Committee Meeting of **May 21, 2018**.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to allow the nonconforming use of four dwellings, a commercial building, accessory parking and a garage. The lot is waterfront, and all structures and uses are existing. It appears all structures and uses have been in existence since prior to the Critical Area regulations. Any proposed future development must meet all LDA requirements, including lot coverage limits, buffers, and forest requirements. The plan states the property is 4.12 acres; therefore, lot coverage is limited to a maximum of 15%. No lot coverage information was provided. Because the structures and uses are grandfathered and no new development activity is proposed, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront and must meet all applicable Critical Area requirements for any new proposed development activity. No new development activity is proposed, and so this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

This is a grandfathered property. Given that no new development activity is proposed, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/18/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-301

INFORMATION:

Property Address: 623 South Marlyn Avenue
Petitioner: Chris Cooke, Ocracoke Properties, LLC
Zoning: BL, DR 5.5
Requested Action: Special Hearing; Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve the nonconforming use of four dwellings along with a commercial building and an accessory parking lot with a garage. Or in the alternative, special hearing to approve business parking in a residential zone including an enclosed garage and for a modified parking plan. The Department also reviewed the petition for variance from the residential transition area (RTA) requirements to permit a 0' setback and 0' buffer from the lot line to the proposed parking lot in lieu of the required 75' and 50' and variances to permit a 0' setback from the right-of-way line, 18' width drive for two-way movements, an 11' wide one-way aisle and a 11' wide one-way aisle in lieu of the required 10', 20' width, 14' aisle width for a 30 degree parking angle and 22' aisle width for a 90 degree parking angle respectively.

A site visit was conducted on June 14, 2018. Staff observed a total of 5 domiciles on site accessed from South Marlyn Avenue via a private drive.

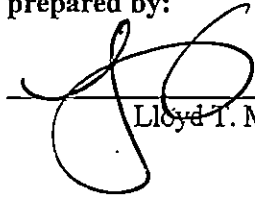
Pursuant to BCZR § 1B0.1.B.c (2) the Department recommends that the requested zoning relief is within the compatibility objectives of BCC § 32-4-402. The longstanding non-conforming use of the property, now integrated into the neighborhood, is not proposed to be altered or expanded. The applicant proposes cosmetic improvements to the commercial structures. The applicant also proposes to add vegetative screening and a dumpster enclosure meeting the requirements of the Baltimore County Landscape Manual to mitigate the impacts of the commercial use upon the adjacent residential units.

The Department has no objection to granting the petitioned zoning relief.

Date: 6/4/2018
Subject: ZAC # 18-301
Page 2

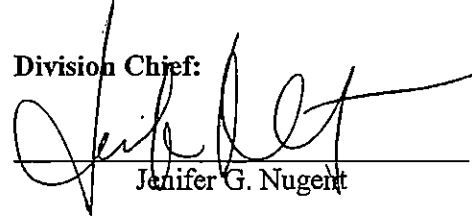
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak
Timothy M. Kotroco, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: VKD
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 21, 2018
Item No. 2018-0301-SPH

DATE: June 16, 2018

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

Developer/Owner shall re-configure on-site parking along the road frontage to allow for better traffic flow.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: *NPD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 28, 2018
Item No. 2018-0301-SPHA **REVISED**

DATE: June 21, 2018

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

Developer/Owner shall re-configure on-site parking along the road frontage to allow for better traffic flow.

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: June 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0301-SPHA *revised*
Address 623 Marlyn Avenue
(Ocracoke Properties Property)

Zoning Advisory Committee Meeting of **June 4, 2018**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: May 31, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0301-SPHA
Address 623 S. Marlyn Avenue
(Ocracoke Properties, LLC)

Zoning Advisory Committee Meeting of May 21, 2018.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to allow the nonconforming use of four dwellings, a commercial building, accessory parking and a garage. The lot is waterfront, and all structures and uses are existing. It appears all structures and uses have been in existence since prior to the Critical Area regulations. Any proposed future development must meet all LDA requirements, including lot coverage limits, buffers, and forest requirements. The plan states the property is 4.12 acres; therefore, lot coverage is limited to a maximum of 15%. No lot coverage information was provided. Because the structures and uses are grandfathered and no new development activity is proposed, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

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3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

This is a grandfathered property. Given that no new development activity is proposed, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Case No.: 2018-0301-A 623 S. Marilyn Ave

Exhibit Sheet

Petitioner/Developer

DW
1-27-18

Protestants

SEN
6-26-18

No. 1	Plan	
No. 2	Photos	
No. 3	Compatibility Findings	
No. 4	Elevations	
No. 5	Landscape Plan	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

**COMPATIBILITY FINDING
FOR
623 SOUTH MARLYN AVENUE
Zoning Petition ZAC 18-301**

The Zoning Petition ZAC 18-301 for the subject property 623 South Marlyn Avenue includes a variance request to the Residential Transition Area (RTA). The existing commercial parking lot that lies within the DR 5.5 Zone generates the RTA. Pursuant to Section 1B01.1. B. 1c. (2) a compatibility finding is required so that Administrative Law Judge can determine the extent of the modification to the RTA. To that aim the following Compatibility Finding was prepared in accordance with BCC Section 32-4-402.

THE SITE

The Subject property, 623 South Marlyn Avenue, is approximately 4.9 acres and contains 2 single story commercial buildings fronting South Marlyn Ave in the BL Zone. The remaining property behind the commercial buildings is zoned DR. 5.5 and contains a parking lot associated with the commercial use and 3 detached single family dwelling units and 2 semi-detached units. The residential units and the commercial buildings share one parcel that has not been subdivided. The residences share a private drive accessed from South Marlyn Avenue.

The Parcel is a long, narrow property approximately 1,360 linear feet deep and 122 feet wide. The property fronts on South Marlyn Avenue and extends east to Deep Creek.

The Principal retail store was built ca. 1949. Historical aerial photos indicate that the residential buildings existed in 1957.

PROJECT PROPOSAL

The Applicant proposes interior renovations of the two existing commercial buildings that front on to South Marlyn Avenue. In conjunction with the interior renovations, the Applicant proposes to install new windows, doors, a signage band and decorative façade lighting. Site improvements include new paving and striping of the existing parking areas and landscaping. No new structures or expansion of the existing parking areas are proposed. A site plan and landscape plan for the subject property accompanied the zoning petition for review by County agencies. Building elevations showing proposed façade improvements were provided to the Office of Planning for review.

NEIGHBORHOOD CONTEXT

The Neighborhood

This compatibility study defines the Neighborhood as bounded by Homberg Avenue to the North, South Marlyn Avenue / Deep Creek bridge crossing to the South, Deep Creek to the East and Duck Creek to the West.

The arrangement and orientation of the existing buildings and site improvements on the subject site are patterned in a similar manner to those in the neighborhood as exemplified by the following:

- The development patterns of properties along South Marlyn Avenue from Homberg Ave to the north of the subject property and south to the bridge crossing at Deep Creek exhibit a mixture of single-family attached dwellings, duplexes, apartment building, residential trailers and commercial buildings.
- The parcels on the east side of South Marlyn are similar to the subject parcel in that they are long and narrow with residences accessed by panhandles, and commercial buildings fronting South Marlyn Ave. Trees cover as much as 60% of the land area on the parcels providing a forested edge to Deep Creek and extending west.
- Residential and commercial structures along South Marlyn share similar setbacks from the road edge.

The Adjacent properties:

The subject property and its existing buildings and site improvements share many attributes with the properties adjacent to it, including building pattern, and orientation, parking layout and circulation, sidewalks and street edge, site development coverage, greens space (tree canopy), and adjacency to Deep Creek.

More specifically:

- The adjacent property to the north, 619 South Marlyn Avenue is zoned B. L. and D.R.5.5. it has a 1 story commercial building fronting South Marlyn Ave and 2 single family detached dwellings behind commercial building. Like the dwellings on the subject property these residences are not subdivided into fee simple lots.
- The commercial building matches the front setback of the subject property. The building scale, style and construction methods are also similar.
- The front parking and circulation pattern with head in parking from the road are the same for both properties.
- The subject property and the 619 South Marlyn Ave. property share Fryer Lane (private) to access the dwellings on both properties and the parking area behind the commercial buildings.
- The proposed commercial building façade improvements are generally restorative in nature and do not change the massing, size, scale, or height of the existing structures. In turn these renovations are sympathetic with the retail buildings located at 619 South Marlyn Avenue. Therefore, the proposed exterior signs, façade improvements will support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood.
- The adjacent property to the south, 625 South Marlyn Ave. is zoned D. R. 5.5 and contains 1 single family detached dwelling which is set back from South Marlyn Avenue approximately 320 feet from South Marlyn Ave. road edge. This dwelling generally lines up with first dwelling (#907) on the subject property.

RTA/Parking Renovations and Landscaping

The existing parking area behind the commercial building falls within the D. R. 5.5 S zone and therefore generates a 100 ft. Residential Transition Area (RTA). The adjacent D. R. 5.5 zoned properties to the north and south fall within 100 feet of the parking lot. Variances to the RTA at the north and south property lines were requested as part the zoning petition. So that the parking lot does not have an adverse impact on the neighborhood the following improvements are proposed:

- Reduce the parking lot impervious area to provide landscape planting strips along the north and south property lines
- Retain the existing solid fence along the south property line
- Supplement the solid fence screen with a Class A evergreen hedge
- Provide a dumpster enclosure and landscaping meeting Baltimore County Landscape Manual requirements

CASE NAME 2018-0301-A
CASE NUMBER _____
DATE 6-25-2018

[illegible]

*Baltimore County, MD
Monday, June 18, 2018*

ARTICLE 4. Special Regulations

SECTION 409. Off-Street Parking and Loading

§ 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.

Baltimore County, MD

Monday, June 18, 2018

ARTICLE 4. Special Regulations

SECTION 409. Off-Street Parking and Loading

§ 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.
[Bill No. 49-2016]
 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.

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/Conditions/Comments/No Comment</u>
6/16	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	Comment
6/7	DEPS (if not received, date e-mail sent _____)	NO COMMENT
	FIRE DEPARTMENT	
6/21	PLANNING (if not received, date e-mail sent _____)	NO Obj w/ Comment
5/25/18	STATE HIGHWAY ADMINISTRATION	NO Obj
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 6/5/18	
SIGN POSTING (1 st)	Date: 6/4/18	by O'Keefe
SIGN POSTING (2 nd)	Date: 6/22/18	by O'Keefe
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

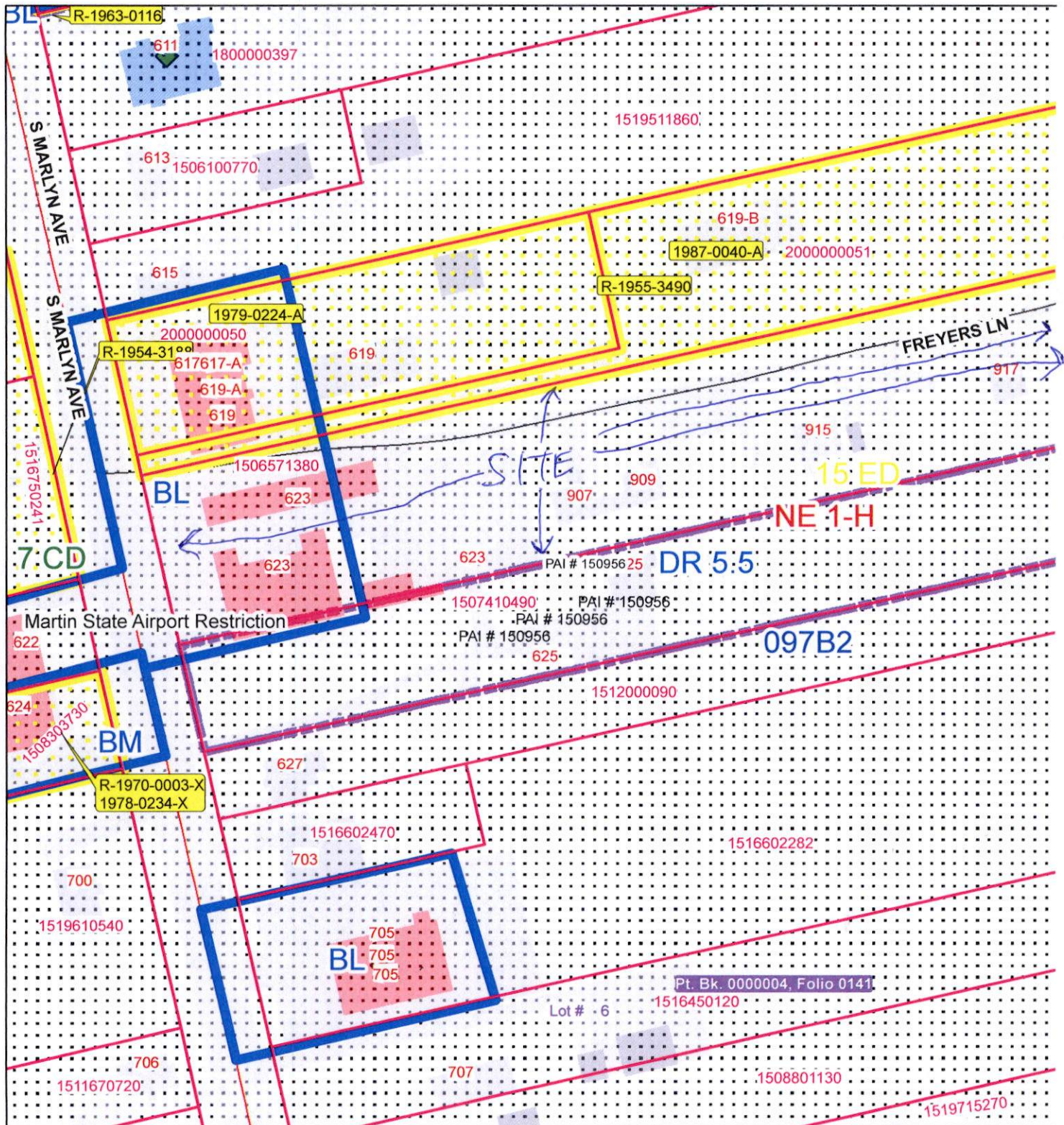
View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 15 Account Number - 1506571380							
Owner Information									
Owner Name:		OCRACOCKE PROPERTIES LLC				Use:		COMMERCIAL	
Mailing Address:		1604 BARTHEL RD LUTHERVILLE TIMONIUM MD 21093-				Principal Residence:		NO	
						Deed Reference:		/40053/ 00303	
Location & Structure Information									
Premises Address:		623 MARLYN AVE BALTIMORE MD 21221-0000				Legal Description:		4.9437 AC 623 MARLYN AVE S OF EASTERN AVE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0097	0009	0725		0000				2018	
Special Tax Areas:			Town:			NONE			
			Ad Valorem:						
			Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1949		4293				215,053 SF		06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
		RETAIL STORE							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2018		07/01/2017		07/01/2018	
Land:		310,300		310,300					
Improvements		132,300		134,900					
Total:		442,600		445,200		442,600		443,467	
Preferential Land:		0						0	
Transfer Information									
Seller: WACKER FRANCES LEE WACKER RONALD				Date: 03/16/2018			Price: \$496,000		
Type: ARMS LENGTH IMPROVED				Deed1: /40053/ 00303			Deed2:		
Seller: FREYER MARY A				Date: 11/12/2008			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /27446/ 00631			Deed2:		
Seller: FREYER WILLIAM K				Date: 10/07/2004			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /20790/ 00512			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Homestead Application Information									

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

623 South Marlyn Avenue



Publication Date: 4/23/2018



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



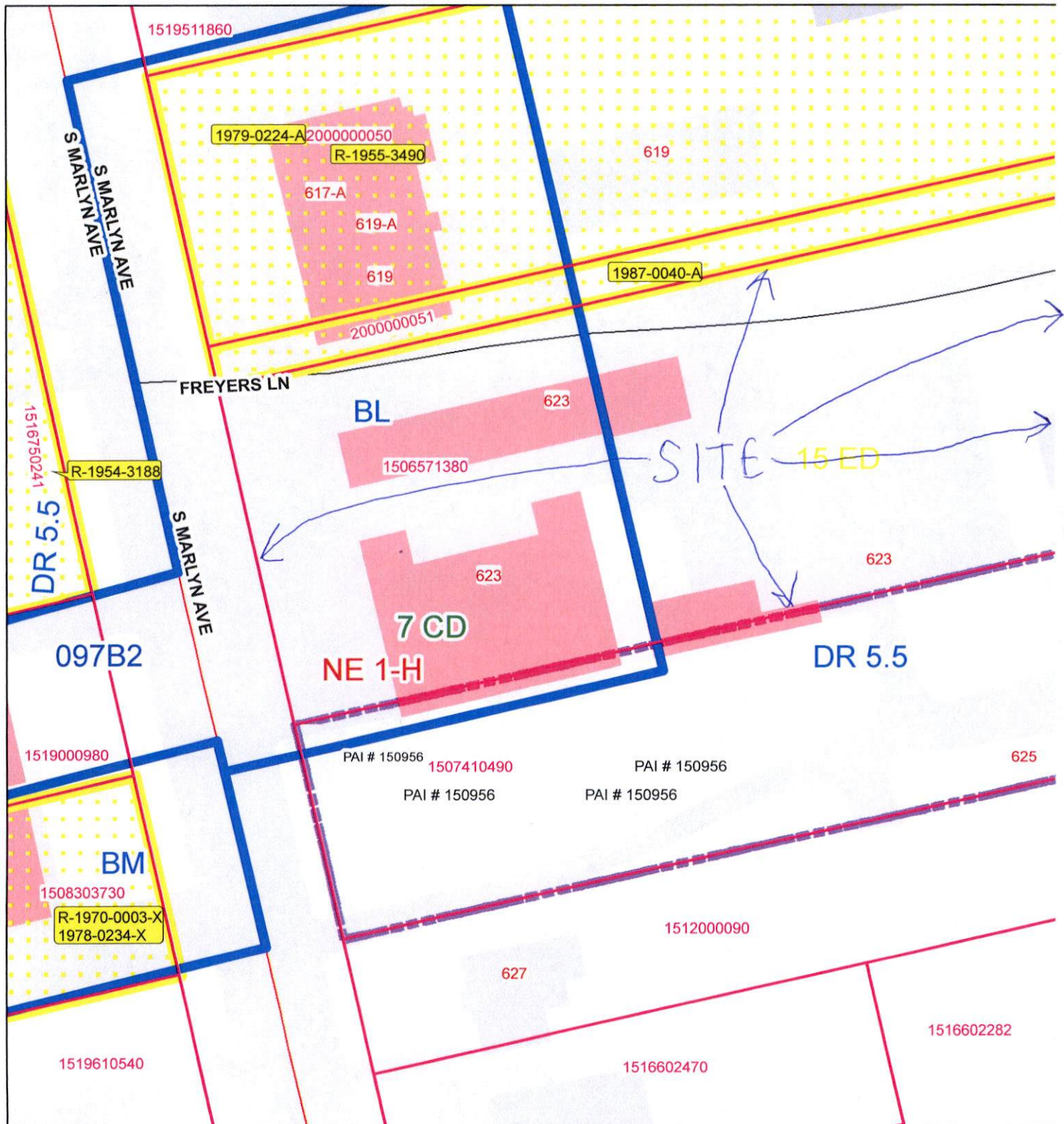
0 25 50 100 150 200 Feet

1 inch = 100 feet

2018-0301-SPHA

DROP OFF- NO REVIEW

623 South Marlyn Avenue



Publication Date: 4/23/2018



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



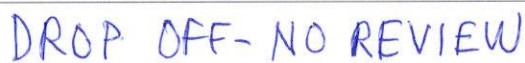
0 12.525 50 75 100 Feet

1 inch = 50 feet

2018-0301-SPHA

DROP OFF-NO REVIEW

2018-0301-SPHA

The seal of Baltimore County, Maryland, is a circular emblem. It features a black and white checkered pattern in the upper left and lower right quadrants, and a red and white checkered pattern in the upper right and lower left quadrants. A black star is centered in each quadrant, and a larger black star is positioned in the center of the seal. The words "BALTIMORE COUNTY" are written in a black arc across the top, and "MARYLAND" is written in a black arc across the bottom.

0 25 50 100 150 200 Feet

1 inch = 100 feet

LINE LEGEND

- PROPERTY LINE
- EXISTING CONTOUR
- EXISTING WOODS LIMITS
- EXISTING PAVING
- EXISTING STORM DRAIN
- EXISTING SANITARY
- EXISTING WATER
- EXISTING BUILDING
- EXISTING FENCE
- LIMIT OF SURVEY

ZONING / DEVELOPMENT DATA

TOTAL SITE AREA = 179,422.62 SF (4.22 AC)

SITE AREA IN D.R. 5.5 ZONE = 163,292.60 SF (3.75 AC)

SITE AREA IN B.L. ZONE = 16,130.02 SF (0.37 AC)

COMMERCIAL DEVELOPMENT (B.L. ZONE)

EXISTING BUILDING AREA IN B.L. ZONE = 7,015.00 S.F.

FLOOR AREA RATIO (FAR)

PERMITTED 3.00 FAR

PROVIDED 0.43 FAR (7,015.00 S.F. / 16,130.02 S.F. = 0.43)

EXISTING USES TO REMAIN

Retail Space (Suites A, B, D, E, Common Hallway) 3,295.00 S.F.

Office Space (Suites C & F) 1,622.00 S.F.

Garage (6 bays for tenant use) 1,600.00 S.F.

EXISTING BUILDING AREA = 7,015.00 S.F.

PARKING DATA

REQUIRED

Office Space = 1,622.00 S.F. x 3.3 / 1,000 S.F. = 6 Spaces

Retail Space = 3,295.00 S.F. x 5.5 / 1,000 S.F. = 19 Spaces

25 Spaces

PARKING SPACES PROVIDED = 20 Spaces (includes 2 handicap spaces)

RESIDENTIAL DEVELOPMENT (D.R. 5.5 ZONE)

SITE AREA IN D.R. 5.5 ZONE = 163,292.60 SF (3.75 AC)

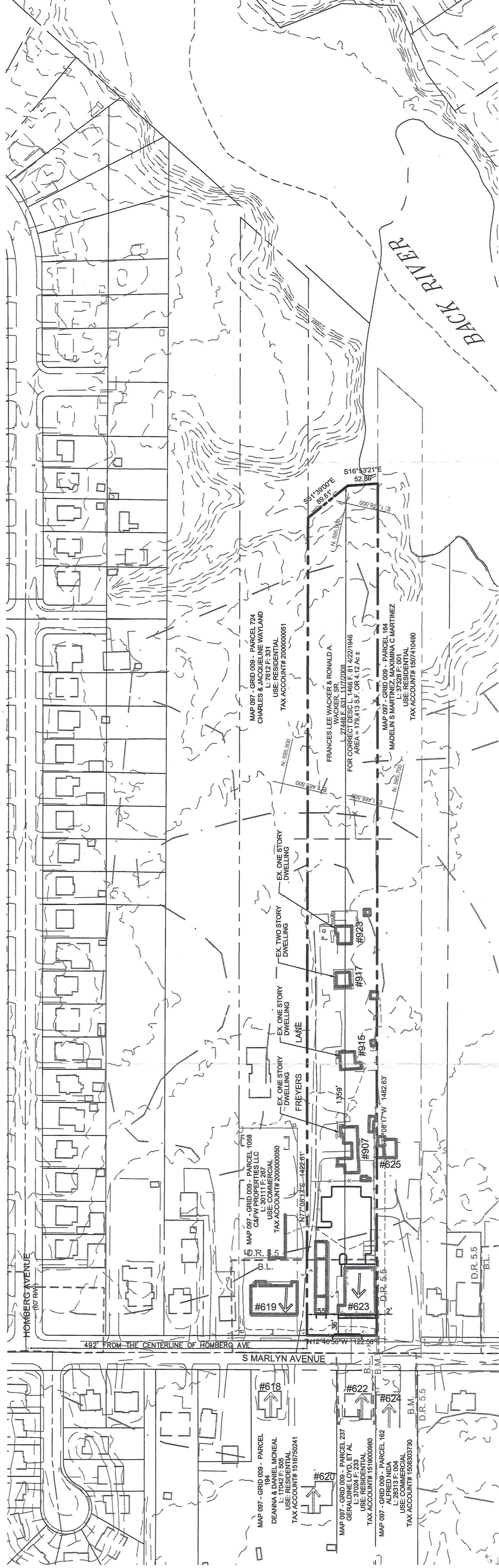
5.5 LOTS / 1 AC

PERMITTED DENSITY (5.5 X 3.75 AC) = 20 LOTS OR DWELLING UNITS

EXISTING SINGLE FAMILY DETACHED DWELLINGS (TO REMAIN) = 4

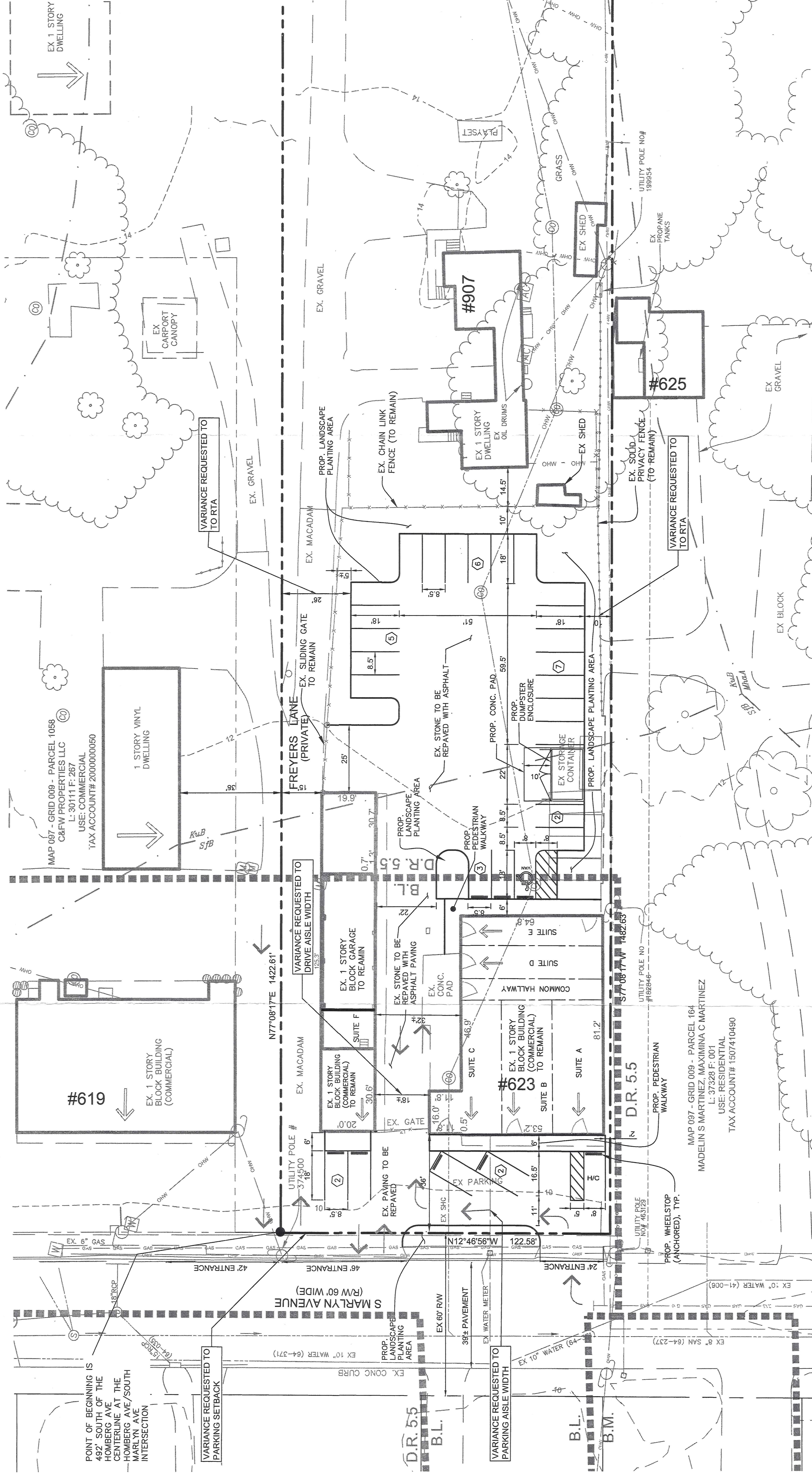
PRINCIPAL STRUCTURE SETBACKS

SETBACK TYPE - B.L.	REQUIRED (PROVIDED)
FRONT BUILDING FACE TO STREET CENTER LINE	40' (60')
FRONT BUILDING FACE TO PUBLIC ROW CENTER LINE	10' (30')
REAR BUILDING FACE TO SIDE YARD	0' (0')
REAR BUILDING FACE TO REAR PROPERTY LINE	0' (1,200')



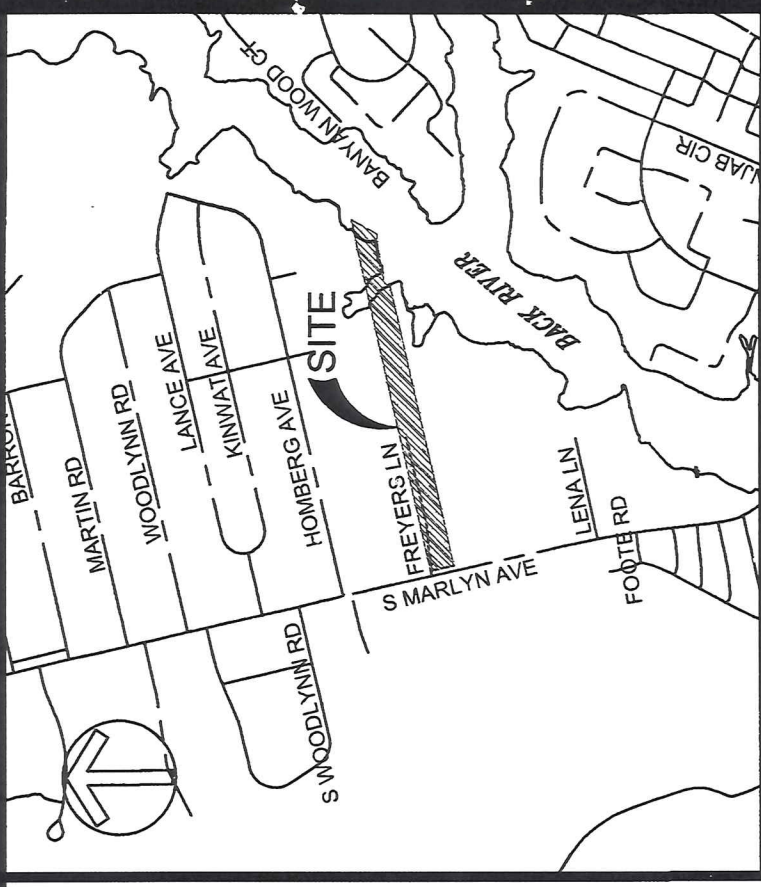
OVERALL SITE PLAN

SCALE: 1" = 100'



ENLARGED SITE PLAN

SCALE: 1" = 20'



GENERAL NOTES: VICINITY MAP

SCALE: 1" = 1,000'

OWNERS:

CORACONE PROPERTIES LLC

1000 MARLYN AVENUE

LUTHERVILLE TIMONUM, MD 21093

PREMISES ADDRESS:

623 MARLYN AVENUE

BALTIMORE MARYLAND, 21209

SITE DATA:

DEED REFERENCE NUMBER: 190871380

TAX MAP: 097

PARCEL: 725

WATERFORD BACK RIVER

GIS TILE (200 SCALE): 89782

SITE ZONING: B.L. DR. 5.5

ZONING CASE HISTORY: 1908, 1970, PETITION FOR

ZONING RECLASSIFICATION APPROVED

GRANTED - MAY 1969, R-4 ZONE TO R.G.

EXISTING USE: COMMERCIAL/RESIDENTIAL

SITE AREA: 179,422.62 SF OR 4.12 AC.

THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR

FLOODPLAIN

THIS SITE IS LOCATED WITHIN A FAILED BASIC

SERVICE AREA

ALL BUILDINGS ON THE SUBJECT SITE ARE SERVED BY

PUBLIC WATER AND SEWER

BOUNDARY INFORMATION SHOWN HEREON IS BASED

UPON A SURVEY PERFORMED BY COLBERT MATZ AND

ROSEFELT, DATED 03/27/18. ADDITIONAL INFORMATION

AVAILABLE RECORDS.

ANY EXISTING USED TO ILLUMINATE AN OFF STREET

PARKING AREA SHALL BE SO ARRANGED TO REFLECT

THE LIGHT AVAILABLE

ROADS MUST CONFORM WITH SECTION 450 OF THE

PUBLIC CODE

THERE ARE NO HISTORIC FEATURES ON THE SITE.

THE NEAREST FIRE HYDRANT IS LOCATED 14-152 TO

THE SOUTH ON MARLYN AVE.

EXISTING PARKING AREA WILL BE PAVED WITH

ASPHALT AND STIPPED PER

BALTIMORE COUNTY STANDARDS.

CONCRETE DUMPSTER PAD

Notes for All Concrete Paving

1. ALL CONCRETE SHALL BE 4" MIN. THICK

2. ALL CONCRETE SHALL BE 4" MIN. THICK

3. ALL CONCRETE SHALL BE 4" MIN. THICK

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35. ALL CONCRETE SHALL BE 4" MIN. THICK

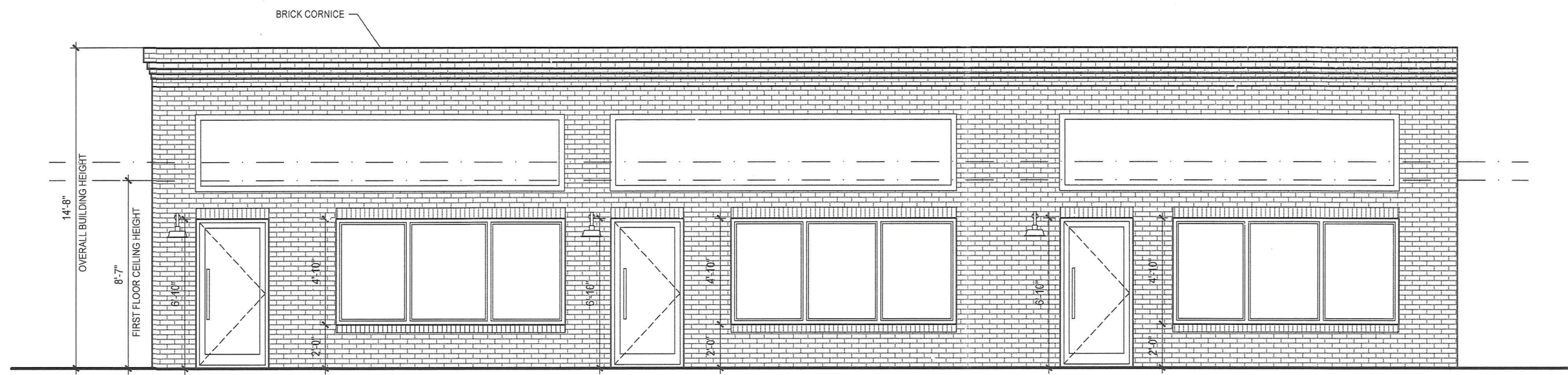
36. ALL CONCRETE SHALL BE 4" MIN. THICK

37. ALL CONCRETE SHALL BE 4" MIN. THICK

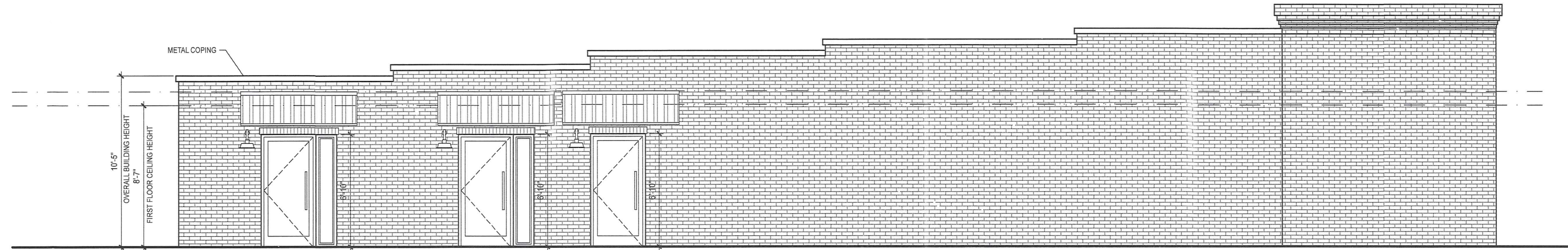
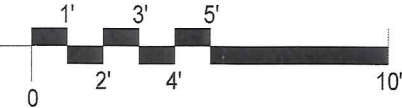
38. ALL CONCRETE SHALL BE 4" MIN. THICK

39. ALL CONCRETE SHALL BE 4" MIN. THICK

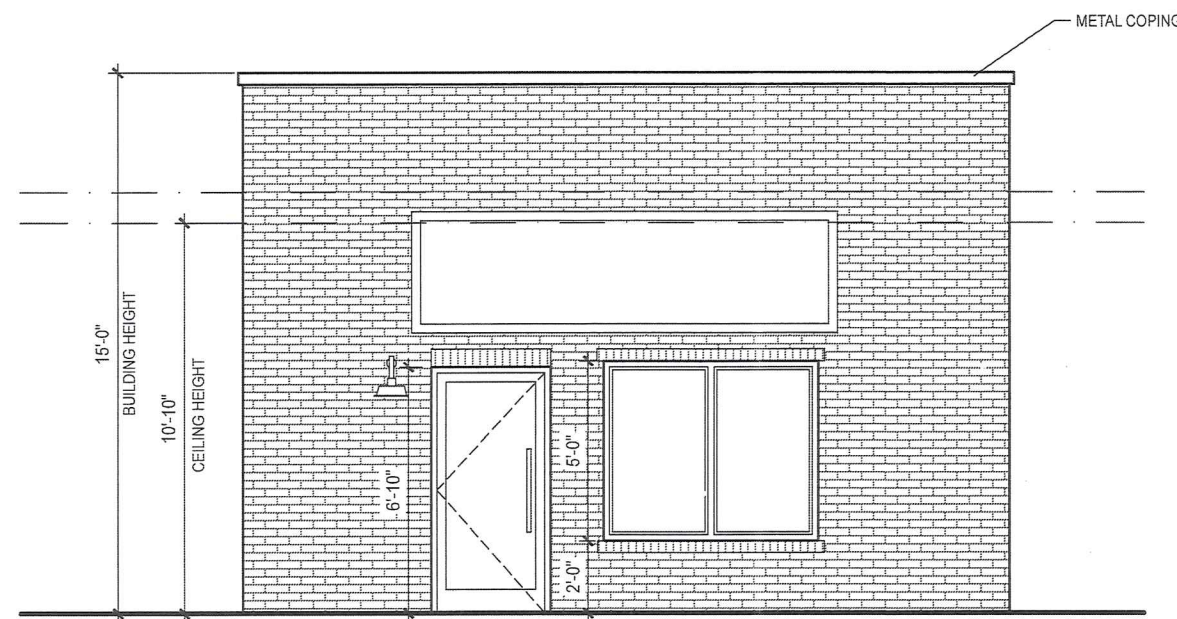
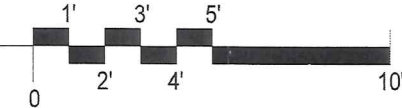
40. ALL CONCRETE SHALL BE 4" MIN. THICK



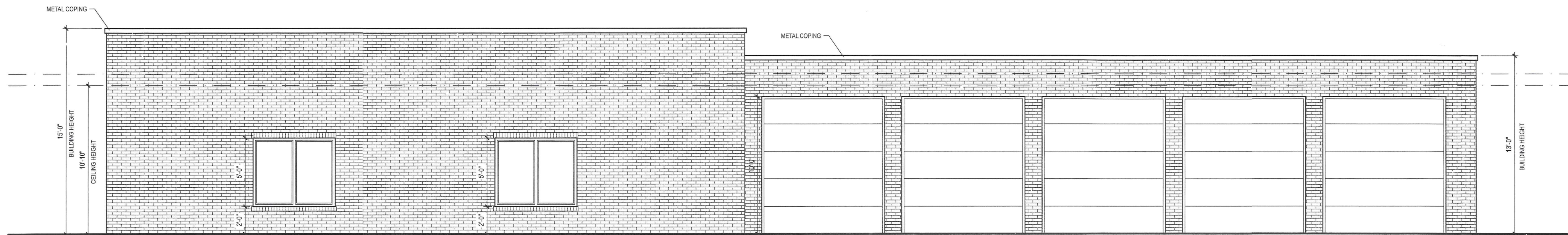
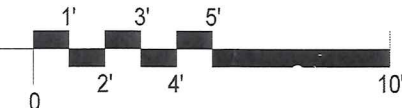
1 BUILDING A FRONT ELEVATION
SCALE: 3/16" = 1'-0"



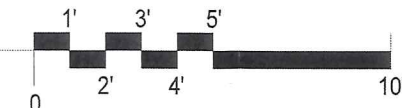
2 BUILDING A SIDE ELEVATION
SCALE: 3/16" = 1'-0"



3 BUILDING B FRONT ELEVATION
SCALE: 3/16" = 1'-0"



4 BUILDING B SIDE ELEVATION
SCALE: 3/16" = 1'-0"



ADAM CARBALLO ARCHITECT
1000 N. WILSON AVENUE, SUITE 100
ANN ARBOR, MI 48106-1500
TEL: 734.769.1177
WWW.ADCARBALLO.COM

REVISIONS

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