

M E M O R A N D U M

DATE: September 19, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0367-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 18, 2019. 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.'

/dlw

c:  Case File
Office of Administrative Hearings

IN RE: **PETITION FOR VARIANCE**
(3300 Dundalk Avenue)
12th Election District
7th Council District
American Legion Dept. of Maryland
Dundalk Post 38, Inc.,
Legal Owner

Petitioner

*
*
*
*
*

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

Case No. 2019-0367-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Variance filed on behalf of American Legion Dept. of Maryland Dundalk Post 38, Inc., legal owner (“Petitioner”). A Petition for Variance was filed pursuant to §§ 450.4.1.a and 450.7.B.1.b from the Baltimore County Zoning Regulations (“BCZR”) to erect a freestanding changeable copy sign in an ML-IM zone as part of a permitted enterprise sign accessory to a community building with a maximum area face of 29.63 sq. ft. in lieu of the permitted 25 sq. ft., height of 10 ft. in lieu of the permitted 6 ft., and for a changeable sign area of 70% in lieu of the maximum 50%.

Professional land surveyor Brian R. Dietz with Dietz Surveying Co. appeared in support of the request. Edward C. Covahey, Jr., Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (“ZAC”) comments were received from any of the County reviewing agencies.

The subject property is 7.59 acres in size and zoned ML-IM. The site plan prepared by Mr. Dietz was marked and admitted as Petitioner’s Exhibit 8. The American Legion post is located on the property. Counsel noted that membership has been declining in recent years.

ORDER RECEIVED FOR FILING

Date 8/19/19
By Sen

Petitioner hopes that a modern sign will increase its presence in the area and attract new members and community groups wishing to utilize the assembly hall.

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 property has an irregular shape and mature vegetation along Dundalk Avenue partially obscures the view into the site. As such, the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to provide adequate "way finding" signage for the subject property. Finally, I find that the variance can be granted in harmony with the spirit and intent of 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 lack of County and/or community opposition.

THEREFORE, IT IS ORDERED this 19th day of **August, 2019**, by this Administrative Law Judge, that the Petition for Variance pursuant to Sections 450.4.1.a and 450.7.B.1.b of the Baltimore County Zoning Regulations ("BCZR") to erect a freestanding changeable copy sign in an ML-IM zone as part of a permitted enterprise sign accessory to a community building with a sign face/area of 29.63 sq. ft. in lieu of the maximum 25 sq. ft., height of 10 ft. in lieu of the maximum 6 ft., and an electronic changeable copy sign area of 70% in lieu of the maximum 50%, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 8/19/19

By Sen

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.
2. Petitioner must comply with BCZR Section 450 concerning the maintenance and operation of the electronic changeable copy portion of the freestanding sign.

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:slh

ORDER RECEIVED FOR FILING

Date 8/19/19
By slh



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 3300 Dundalk Ave, Dundalk, MD 21222 which is presently zoned UB ML-IM

Deed References: 1649 / 75 10 Digit Tax Account # 1 2 1 2 0 1 0 5 0 3 4 0

Property Owner(s) Printed Name(s) American Legion Dept. of MD Dundalk Post 38, Inc.

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code / Telephone # / Email Address

Attorney for Petitioner:

Edward C. Covahey, Jr.

Name- Type or Print

Signature

614 Bosley Ave, Towson, MD 21204

Mailing Address City State

Zip Code / Telephone # / Email Address

Legal Owners (Petitioners):

American Legion Dept. of MD Dundalk Post 38, Inc.
Glenn A. Beares, Commander

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

3300 Dundalk Avenue Dundalk MD

Mailing Address City State

21222 / /

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Date

Mailing Address City State

By Zip Code Telephone # Email Address

CASE NUMBER 2019-0367-A Filing Date 6/14/2019 Do Not Schedule Dates: Reviewer JNP

ATTACHMENT

A variance from the requirements of Section 450.4.1.a of the Baltimore County Zoning Regulations (BCZR) to erect a freestanding changeable copy sign in an ML-IM Zone as part of a permitted enterprise sign accessory to a community building with a maximum area face of 29.63 sq. ft. in lieu of the permitted 25 sq. ft., and a height of 10 ft. in lieu of the permitted 6 ft., and a variance from Section 450.7.B.1.b. of the Baltimore County Zoning Regulations with a sign area of 70% in lieu of the allowed 50%.

**AT THE HEARING THE PETITIONER WILL ESTABLISH THAT THE
PETITIONER WILL SUSTAIN AN UNREASONABLE HARDSHIP
OR PRACTICAL DIFFICULTY FOR THE FOLLOWING REASONS,
INCLUDING BUT NOT LIMITED TO:**

The subject property was acquired by Petitioner in 1948 and improved with existing structures and recreational areas as a veteran's organization whose charter limits membership to veterans of the armed services who served during designated periods and the sons of legionnaire members. The reduction in the size of the military services has greatly reduced the pool of veterans who would be eligible for legion membership.

The legion rents its facilities for use by numerous civic organizations and with the change in the demographics of the area, as illustrated by the demise of Bethlehem Steel, General Electric, General Motors and Proctor & Gamble, an unreasonable hardship and practical difficulty has been encountered because of the inability of the legion to advertise its availability and to promote services offered by the legion which are beneficial to the community. The installation of a freestanding changeable copy sign would enhance the ability of the legion to advertise its availability of the various community activities that are beneficial to all residents of the area. Without the freestanding changeable copy sign the legion's ability to promote its services is greatly impaired and could result in its dissolution.

Brian R. Dietz
Professional Land Surveyor #21080
7867 Oakdale Avenue, Baltimore, MD 21237
Phone 410-686-1198 Fax 410-682-6021

Zoning Description
For
3300 Dundalk Avenue
June 3, 2019

Beginning at the Northwest corner of Dundalk Avenue and Belclare Road, thence running with and binding on the West side of Dundalk Avenue

1. North 20 degrees 36 minutes 00 seconds West 495.16 feet, to the center of Dunhill Road Extension, thence running with and binding on the center of said road,
2. South 83 degrees 50 minutes 20 seconds West 909.70 feet, thence leaving said road and running with and binding on the land of the herein petitioner,
3. South 47 degrees 47 minutes 20 seconds East 606.22 feet, and
4. North 86 degrees 14 minutes 19 seconds East 630.97 feet, to the place of beginning.

Containing 7.59 Ac.+/- of land more or less. Being known as 3300 Dundalk Avenue and located in the 12th Election District, 7th Councilmanic District.

CERTIFICATE OF POSTING

2019-0367-A

RE: Case No.: _____

Petitioner/Developer: _____

American Legion Dept. of MD Dundalk Post 38, Inc.

August 15, 2019

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:

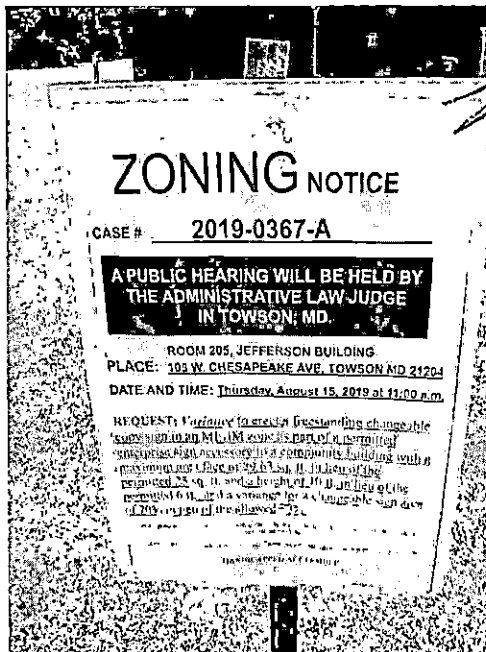
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

3300 Dundalk Avenue

SIGN 2

July 26, 2019

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



Sincerely,

July 26, 2019

(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)

**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: 2019-0367-A
Property Address: 3300 Dundalk Avenue
Property Description: SW/5 of Dundalk Avenue @ corner of
S/5 of Dunhill Road
Legal Owners (Petitioners): American Legion Dept. of MD Dundalk Post 38, Inc.
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Edward C. Cooney, Jr.
Company/Firm (if applicable): Cooney & Boozer, P.A.
Address: 614 Bosley Avenue
Towson, Maryland 21204

Telephone Number: 410-828-9441

JB 8-15-19
11Am

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Wednesday, August 14, 2019 12:26 AM
To: Administrative Hearings
Subject: Recertification's For 2019-0367-A
Attachments: Re-Cert 1 2019-0367-A.doc; Re-Cert 2 2019-0367-A.doc

CAUTION: This message from 1opie@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Recertification's for 3300 Dundalk Avenue, The American Legion Post 38



CERTIFICATE OF POSTING

2019-0367-A

RE: Case No.: _____

Petitioner/Developer: _____

American Legion Dept. of MD Dundalk Post 38, Inc.

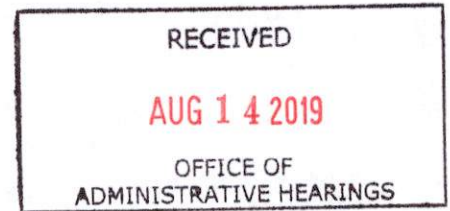
August 15, 2019

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:



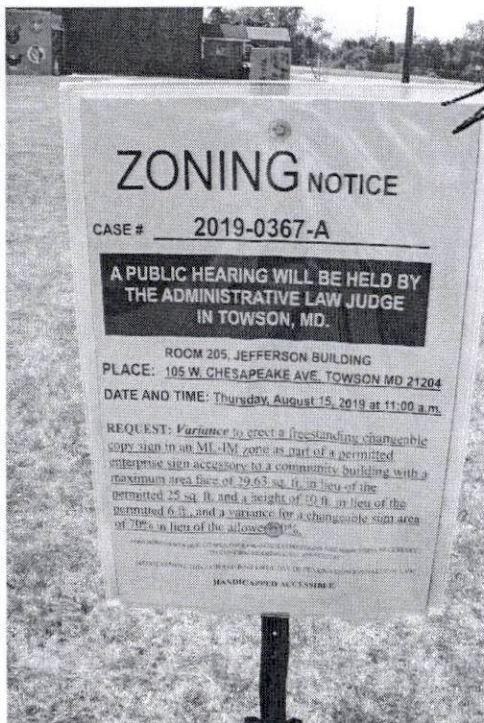
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

3300 Dundalk Avenue

SIGN 1 Recertification

July 26, 2019

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



Sincerely,

A handwritten signature in black ink, appearing to read "Robert Black".

August 12, 2019

(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)

CERTIFICATE OF POSTING

2019-0367-A

RE: Case No.: _____

Petitioner/Developer: _____

American Legion Dept. of MD Dundalk Post 38, Inc.

August 15, 2019

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:

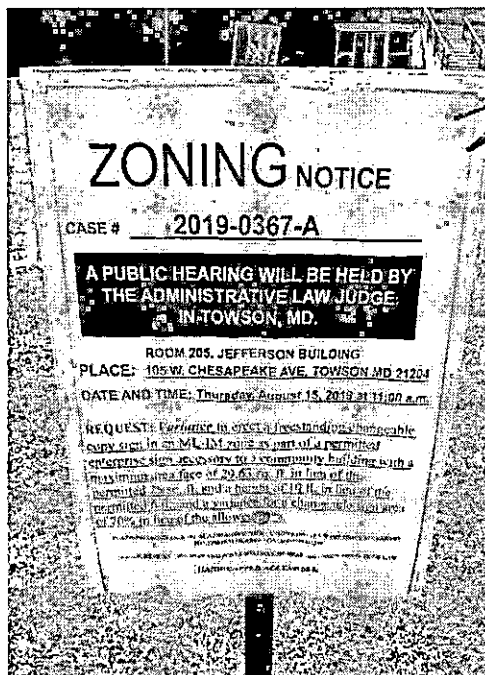
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

3300 Dundalk Avenue

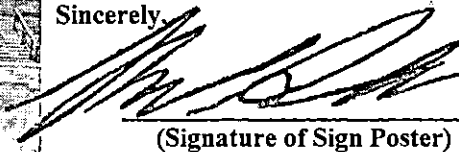
SIGN 2 Recertification

July 26, 2019

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



Sincerely,

 August 12, 2019
(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)

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11772014
Case #: 2019-0367-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0367-A

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

7/26/2019



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County
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: 2019-0367-A 3300 Dundalk Avenue S/westside of Dundalk Avenue, corner of Dunhill Road 12th Election District - 7th Councilmanic District Legal Owners: American Legion Dept. of MD Dundalk Post 38, Inc. Variance to erect a freestanding changeable copy sign in an ML-1M zone as part of a permitted enterprise sign accessory to a community building with a maximum area face of 29.63 sq. ft. in lieu of the permitted 25 sq. ft. and a height of 10 ft. in lieu of the permitted 6 ft., and a variance for a changeable sign area of 70% in lieu of the allowed 50%. Hearing Thursday, August 15, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204 Michael Mallinoff 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. jy26

TO: THE DAILY RECORD
Friday, July 26, 2019 - Issue

Please forward billing to:
Edward Covahey
Covahey & Boozer
614 Bosley Avenue
Towson, MD 21204

410-828-9441

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: 2019-0367-A

3300 Dundalk Avenue

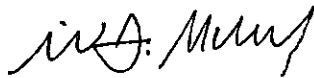
S/west side of Dundalk Avenue, corner of Dunhill Road

12th Election District – 7th Councilmanic District

Legal Owners: American Legion Dept. of MD Dundalk Post 38, Inc.

Variance to erect a freestanding changeable copy sign in an ML-IM zone as part of a permitted enterprise sign accessory to a community building with a maximum area face of 29.63 sq. ft. in lieu of the permitted 25 sq. ft. and a height of 10 ft. in lieu of the permitted 6 ft., and a variance for a changeable sign area of 70% in lieu of the allowed 50%.

Hearing: Thursday, August 15, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
3300 Dundalk Avenue; SW/S of Dundalk *
Avenue, Corner of Dunhill Road * OF ADMINISTRATIVE
12th Election & 7th Councilmanic Districts *
Legal Owner(s): American Legion Dept. of * HEARINGS FOR
MD Dundalk Post 38, Inc. *
Petitioner(s) * BALTIMORE COUNTY
* 2019-367-A

* * * * *

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

JUN 20 2019

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 20th day of June, 2019, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

July 22, 2019

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: 2019-0367-A

3300 Dundalk Avenue

S/west side of Dundalk Avenue, corner of Dunhill Road

12th Election District – 7th Councilmanic District

Legal Owners: American Legion Dept. of MD Dundalk Post 38, Inc.

Variance to erect a freestanding changeable copy sign in an ML-IM zone as part of a permitted enterprise sign accessory to a community building with a maximum area face of 29.63 sq. ft. in lieu of the permitted 25 sq. ft. and a height of 10 ft. in lieu of the permitted 6 ft., and a variance for a changeable sign area of 70% in lieu of the allowed 50%.

Hearing: Thursday, August 15, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Edward Covahey, Jr., 614 Bosley Avenue, Towson 21204
Glenn Beares, Commander, 3300 Dundalk Avenue, Dundalk 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 26, 2019.**
- (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.

CERTIFICATE OF POSTING

2019-0367-A

RE: Case No.: _____

Petitioner/Developer: _____

American Legion Dept. of MD Dundalk Post 38, Inc.

August 15, 2019

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: _____

3300 Dundalk Avenue

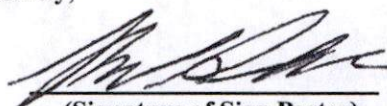
SIGN 1

July 26, 2019

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



Sincerely,

 July 26, 2019
(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)

CERTIFICATE OF POSTING

2019-0367-A

RE: Case No.: _____

Petitioner/Developer: _____

American Legion Dept. of MD Dundalk Post 38, Inc.

August 15, 2019

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:

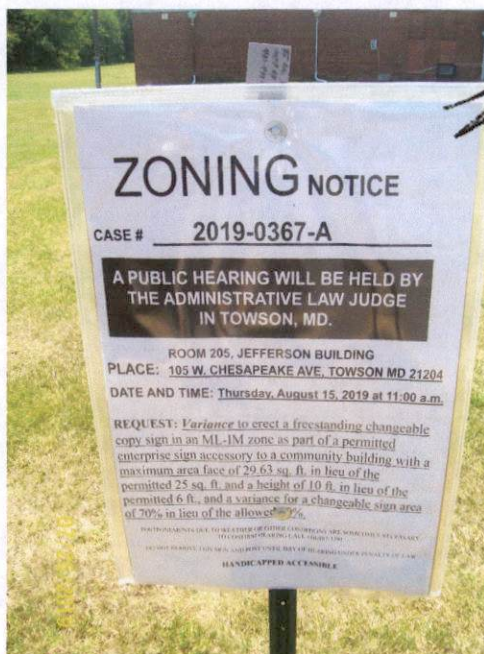
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3300 Dundalk Avenue

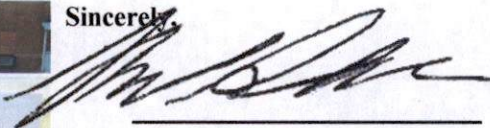
SIGN 2

July 26, 2019

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



Sincerely,



July 26, 2019

(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)

No. 184872

PAID RECEIPT

Date: 6/13/19 BUSINESS ACTUAL TIME DRW
6/13/2019 6/13/2019 14:05:53 3

REG US03 WALKIN CAM
 >>RECEIPT# 010958 6/13/2017 OFLN

Model 5-528 ZONING VERIFICATION
 CR NO. 194872

Recpt Tot \$ 500.00
500.00 CK .00 CA

Baltimore County, Maryland

Total: 500

Rec
From: American Legion Post 381 NC

For

3300 Dend. /k Ave

CASHIER'S VALIDATION

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

2019-0367-A

CERTIFICATE OF POSTING

2019-0367-A

RE: Case No.: _____

Petitioner/Developer: _____

American Legion Dept. of MD Dundalk Post 38, Inc.

August 15, 2019

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:

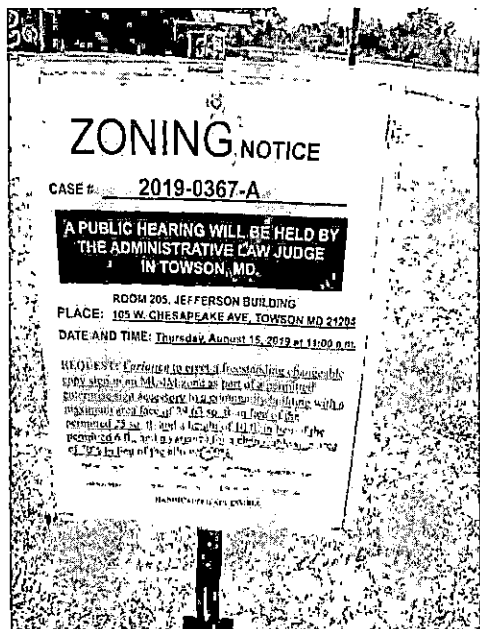
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3300 Dundalk Avenue

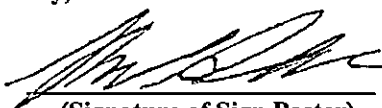
SIGN 1

July 26, 2019

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



Sincerely,

 July 26, 2019
(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)



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

August 08, 2019

Edward C. Covahey, Jr
614 Bosley Ave
Towson MD 21204

RE: Case Number: 2019-0367-A, 3300 Dundalk Ave

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 June 14, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Glenn A. Beares Commander 3300 Dundalk Avenue MD 21222

Date: 6/19/19

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

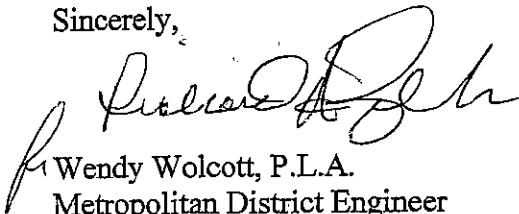
Dear Ms. Lewis:

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. 2019-0367-A

*Variance
American Legion Dept. of MD Dundalk Post 38, Inc.
3300 Dundalk 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,



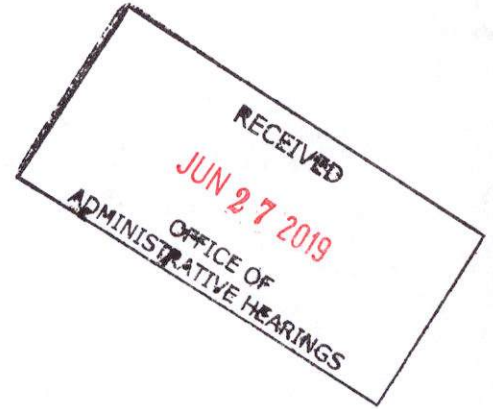
Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

8-15

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 27, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0367-A
Address 3300 Dundalk Avenue
(American Legion Post 38, Inc.
Property)

Zoning Advisory Committee Meeting of **June 24, 2019**.

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 MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 7/17/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-367



INFORMATION:

Property Address: 3300 Dundalk Avenue
Petitioner: American Legion, Dundalk Post 38, Inc.
Zoning: ML-IM
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to erect a freestanding changeable copy sign in a ML-IM zone as part of a permitted enterprise sign accessory to a community building with a maximum area face of 29.63 square feet in lieu of the permitted 25 square feet and a height of 10 feet in lieu of the permitted 6 feet and a petition for variance with a sign area of 70% in lieu of the allowed 50%.

A site visit was conducted on 6/27/2019.

The Department of Planning has no objection to granting the petitioned zoning relief conditioned upon the following:

- The signage elevations indicating the base with landscaping, sign materials and lettering type are submitted for review and approval by the Department of Planning at the time of building permit.

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

Prepared by:


Jessie Bialek

Division Chief:


Jenifer G. Nugent

CPG/JGN/LTM/


c: Laurie Hay
Edward C. Covahey, Jr.
Office of the Administrative Hearings
People's Counsel for Baltimore Count

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>6-19</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>7-26-19</u>	<u>Daily Record</u>
SIGN POSTING (1 st)	Date: <u>7-26-19</u>	by <u>Beach</u>
SIGN POSTING (2 nd)	Date: <u>8-12-19</u>	by <u>"</u>
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	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 12 Account Number - 1201050340			
Owner Information					
Owner Name:	AMER LEGION DEPT OF MD DUNDALK POST 38 INC			Use: Principal Residence:	EXEMPT COMMERCIAL NO
Mailing Address:	3300 DUNDALK AVE BALTIMORE MD 21222-5960			Deed Reference:	
Location & Structure Information					
Premises Address:	DUNDALK AVE 0-0000			Legal Description:	7.589 AC WS DUNDALK NE LINE B & SPARROWS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0103	0022	0250		0000	
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1948	12818		7.5900 AC	01	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		FRATERNAL BUILDING			
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2019	07/01/2020	
Land:	441,200	441,200			
Improvements	771,300	783,800			
Total:	1,212,500	1,225,000	1,220,833	1,225,000	
Preferential Land:	0			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	07/01/2019	07/01/2020		
County:	960	1,220,833.00	1,225,000.00		
State:	960	1,220,833.00	1,225,000.00		
Municipal:	960	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:

COVAHEY & BOOZER, P.A.

Attorneys & Counselors at Law
Since 1972

Edward C. Covahey, Jr.
F. Vernon Boozer *††
Bruce E. Covahey
Frank V. Boozer, Jr.

614 Bosley Avenue
Towson, Maryland 21204
(410)-828-9441
FAX - (410)-823-7530
Email: jkerns@cablaw.com

* ADMITTED TO D.C. BAR
†† OF COUNSEL

June 7, 2019

W. Carl Richards, Supervisor Zoning Office
Dept. of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Variance - 3300 Dundalk Avenue

Dear Carl:

Pursuant to our telephone conversation after meeting with you and Jeff, enclosed please find three copies of Petition for Variance, three copies of metes and bounds description, and twelve plats regarding request for sign variance.

I understand you will cause same to be reviewed; however, I believe that the enclosures are in accordance with our various discussions. If same is acceptable, I will deliver the \$500 check for the filing fee.

Thank you for your assistance.

Very truly yours,



Edward C. Covahey, Jr.

ECC/jk
Enclosures
0607jk09

2019-0367-A

Case No.: 2019-367-A

Exhibit Sheet

Petitioner/Developer

DW 9-19-19
~~8-19-19~~

Protestant

Sen
8-19-19

No. 1	Aerial B+w photo	
No. 2	Site photo	
No. 3	" "	
No. 4	" "	
No. 5	Letter of Support Don Hogan Assoc.	
No. 6	Letter of Support St. Helena Assoc.	
No. 7	Letter Project BIG	
No. 8	Site plan	
No. 9		
No. 10		
No. 11		
No. 12		

SE 4-E

2007-0004-SPHX
1970-0086-SPH

1800009263

TRUCK STORAGE

17112000

Pt. Bk. 0000008, Folio 0054

DUNDALK AVE

ALLEY

DUNLEER RD

Pt. Bk./Folio # 008054

R-1942-0266
PAI # 128011

DR 5.5

Pt. Bk./Folio # 079588

1950-1852-X

Pt. Bk. 0000079, Folio 0588

R-1942-0266

DUNHILL RD

B90

7 CD

12 ED

MLIM

103B3

1201050340

SE 5-E

3300

DUNDALK AVE

DUNHILL RD

1990-016

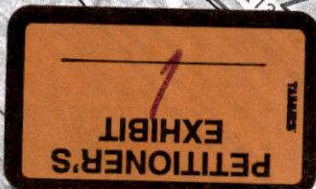
DR 10.5

BELCLARE RD

BROENING HWY

BROENING HWY

ENTRANCE





05/21/2019

PETITIONER'S
EXHIBIT
3

DISABLED
AMERICAN
VETERANS
COUNCIL CHAPTER 2019



05/21/2019



05/21/2019



Date: April 13, 2019

From: Dun Logan Association
6803 Dunbar Rd.
Dundalk, Md. 21222

To: American Legion
3300 Dundalk Ave.
Dundalk, Md. 21222

Dear Mr. Phoebus,

Thank you for contacting the Dun Logan Association regarding the new sign the American Legion would like to install in front of the Legion along Dundalk ave.. The Dun Logan Association is in support of the new electronic sign. Please contact me if you have any questions or concerns.

Thank you,

Sharon Mullaney

Sharon Mullaney
Sharon Mullaney
President

Dun Logan Association
410-365-5690

ST. HELENA COMMUNITY ASSOCIATION, INC.

6512 ST. HELENA AVENUE, BALTIMORE, MD 21222

410-633-6077 or 410-978-7566

FEIN # 27-0721218

April 23, 2019

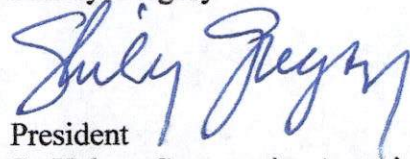
Dundalk American Legion Post 38
3300 Dundalk Avenue
Dundalk, MD 21222

To Whom It May Concern:

The St. Helena Community Association is in favor of the Dundalk American Legion Post 38, to install a changeable free standing sign in front of the property located at 3300 Dundalk Avenue, to help promote the community and the American Legion events.

Thank you,

Shirley Gregory



President

St. Helena Community Association, Inc.

6512 St. Helena Avenue

Baltimore, MD 21222



1402 Cherry Garden
Baltimore MD 21221
410.428.7738
Beth@ProjectBIG.org
ProjectBIG.org
f ProjectBIG

We are writing on behalf of Project BIG, a local, all volunteer organization. Our Non-Profit helps by filling in holes created by Cancer and terminal illnesses. Project BIG helps with small things such as Parking Passes, Goodness Backpacks, Gift Cards, Meals, Blankets, Medical Supplies, Prescriptions, etc. We also have raised over \$25,000, with our Motility Ambassador Connor Sheffield, for the Johns Hopkins Children Center. Connor created the Pediatric Motility Fund to further study treatments and research in GI motility. We visit hospitals, homes, and random locations to spread hope, love, kindness and joy.

Most of the time, it becomes a full time job for a parent with a child battling cancer or terminal illness. They are unable to continue working, between appointments and hospital stays, which become more often than not while their child is in the fight for their life. However, the need is growing as we learn about more children and adults affected.

Would you please join Project BIG - Believe in Goodness, and help these Children and Families? Project BIG would like your business to consider coming along with us. This is a great opportunity to promote your business and create goodwill within our community. All donations are tax deductible, we are a registered non-profit (501(c)3) foundation. If you would like a receipt for your donation, please contact us at 410.428.7738 or Beth@ProjectBIG.org.

We look forward to establishing a partnership with you and know these types of partnerships will help Project BIG give back more to the community, helping children and families.

With Appreciation,

Project BIG

Believe In Goodness



Project **BIG's **BASH****
June 1, 2019
American Legion Post 38
Sponsorship Packages

HOST/PLATINUM SPONSOR..... \$2,000

- Social Media/Radio Promotions leading up to the Event
- Company Logo/Info placed near Bar/Food
- Company Logo on Sponsors Recognition Placed at Each Table
- Recognition During Thank You Speech at the Event
- 8 tickets to the Bull Roast/Shrimp Feast
- 4 Bracelets for Free Family Fun Day Activities

BULL & SHRIMP ROAST/GOLD SPONSOR.....\$1,500

- Social Media/Radio Promotions leading up to the Event
- Company Logo/Info placed near Bar/Food
- Company Logo on Sponsors Recognition Placed at Each Table
- Recognition During Thank You Speech at the Event
- 4 tickets to the Bull Roast/Shrimp Feast
- 2 Bracelets for Free Family Fun Day Activities

BULLROAST SPONSOR/SILVER SPONSOR..... \$1,000

- Social Media/Radio Promotions leading up to the Event
- Company Logo on Sponsors Recognition Placed at Each Table
- Recognition During Thank You Speech at the Event
- 2 tickets to the Bull Roast/Shrimp Feast

ACTIVITIES/BRONZE SPONSOR..... \$500

- Social Media/Radio Promotions leading up to the Event
- Company Logo on Sponsors Recognition Placed at Each Table
- Recognition During Thank You Speech at the Event

BELIEVE IN GOODNESS SPONSOR..... \$250

- Company Logo on Sponsors Recognition Placed at Each Table

 **Believe In Goodness** 



Project **BIG's** 1st Annual **BASH**

American Legion Post 38
3300 Dundalk Avenue • Dundalk, Maryland 21222

June 1, 2019

Family Fun Day **12-4pm (OPEN TO ALL)**

Some Activities Require Purchase of Tickets

Food for Purchase, Photo booth, Vendors,
Gaming Truck, Pony Rides, Face Painting,
Dunk Tank, Firetrucks, Corn hole, etc.

Car Show

(can show up day of show) sponsored by
Smith's Lawncare & Landscaping

Shrimp Feast **Bull Roast** **7:30-11:00pm**

Music by **Jaded Love**, Wheels, 50/50's,
Auctions, Photo booth

Tickets \$45/Per Person

*Pit Beef & Ham, Turkey, and Steamed Shrimp, Salads, Desserts,
Soft Drinks & Draft Beer*

Proceeds support Project BIG, a 501(c)3 Non-Profit. ProjectBIG.org

Car in Show \$15/Vendor space \$30 from 12-4 pm - Call Scott 410.978.3529.

Tickets, Make a Donation, Sponsorship Opportunities call Beth 410.428.7738 or email beth@ProjectBIG.org

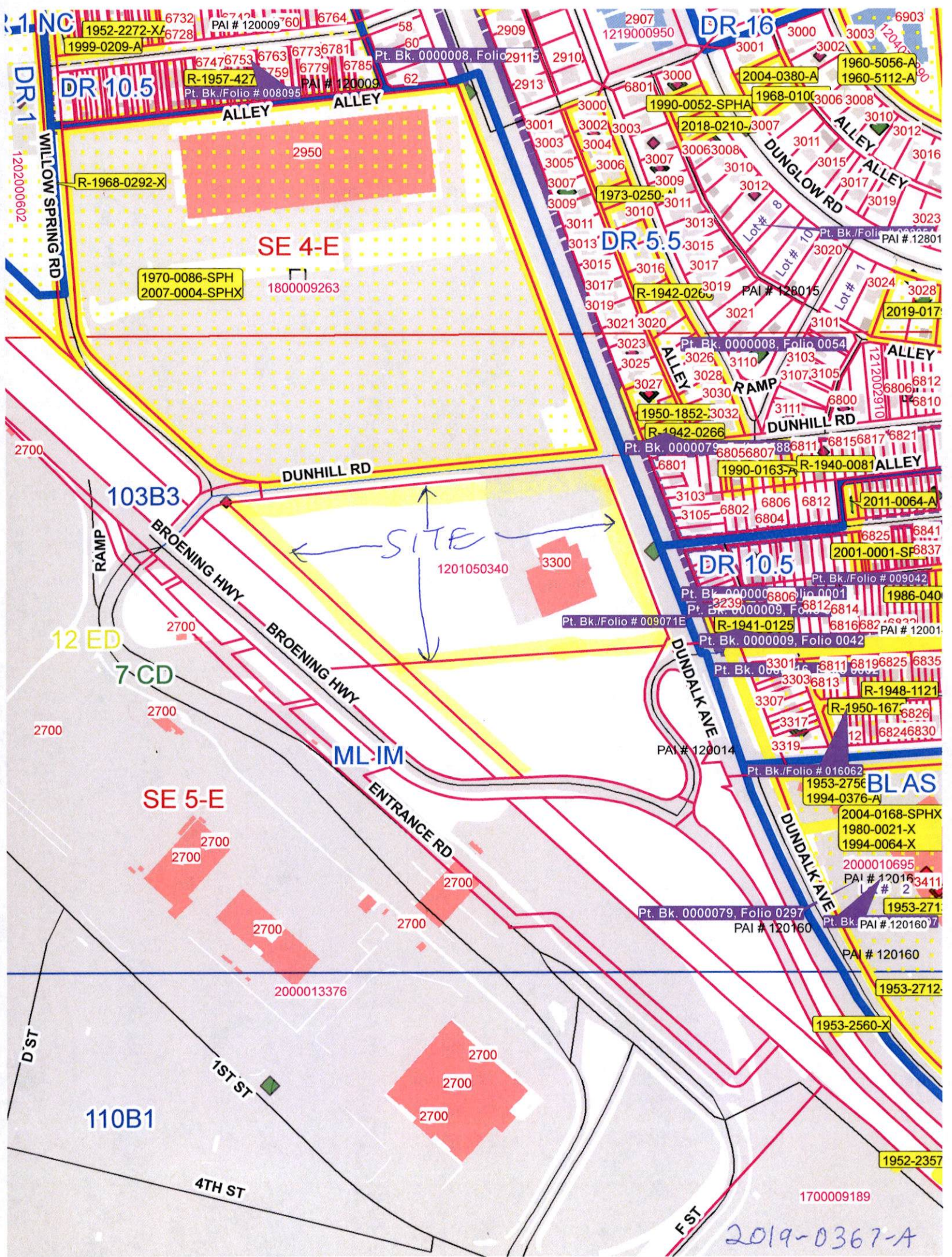
In Loving Memory of:

Tom Wheeler • Amy Bell • Mary McGloine

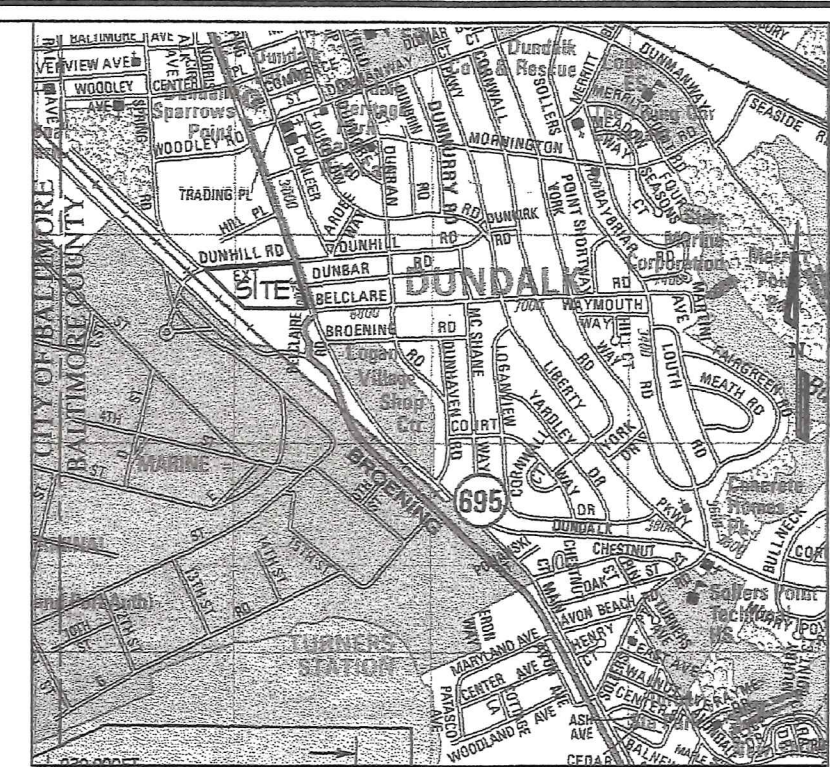
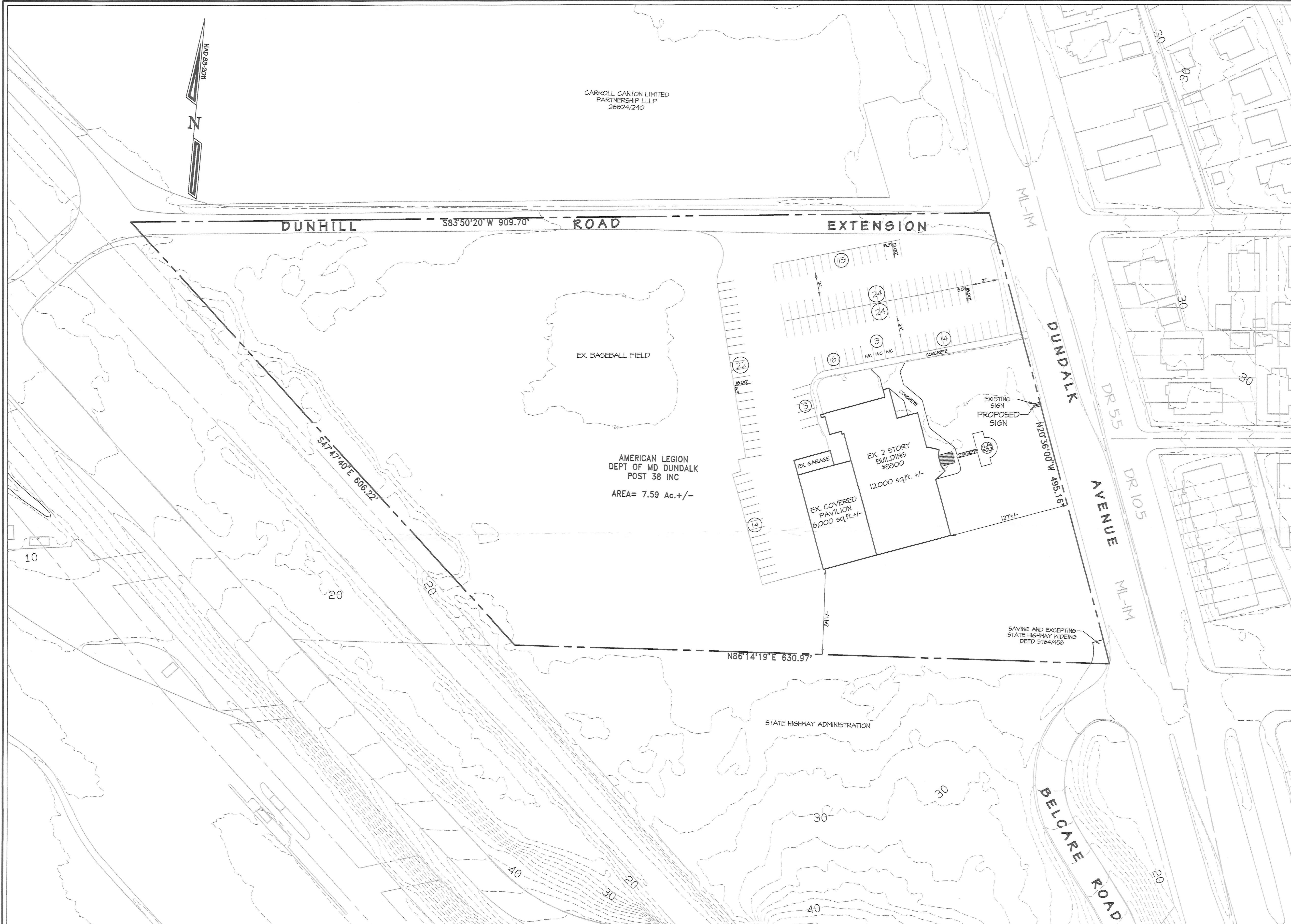
 **Believe In Goodness** 

CASE NAME _____
CASE NUMBER 2019-367-A
DATE 8-15-2019

[illegible]



2019-0367-A

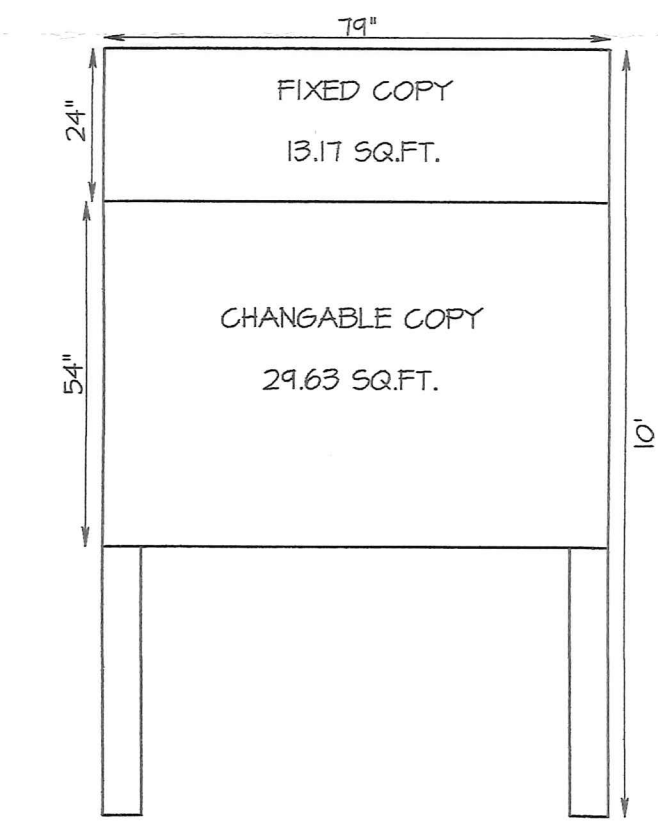


Vicinity Map
Scale: 1" = 2000'

Notes

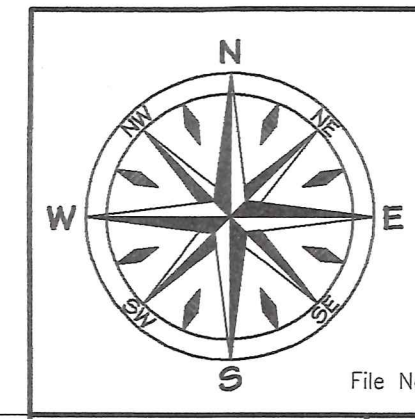
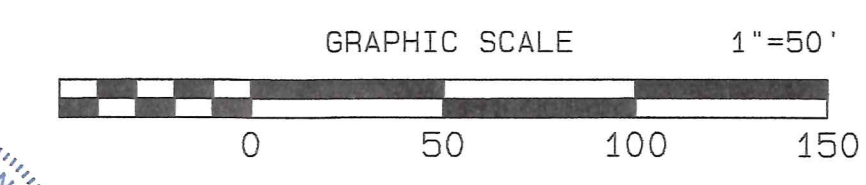
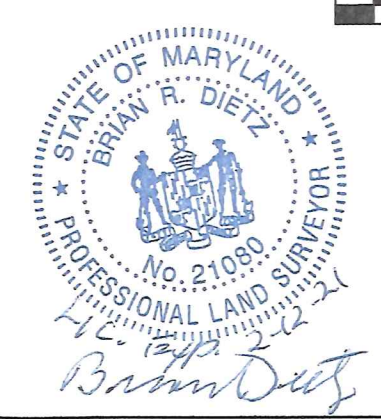
1. Owner: AMERICAN LEGION DEPARTMENT OF MARYLAND
POST 38 INC
3300 DUNDALK AVENUE
Baltimore MD. 21222
2. Zoned: ML-IM
3. This site is not in the Chesapeake Bay Critical Area.
4. This site is not in the 100 year flood plain.
5. There are no underground fuel tanks.
6. This is not a historic property/building.
7. This site is serviced by public sewer and water.
8. No prior Zoning Hearings.

PROPOSED SIGN DETAIL
NOT TO SCALE



PARKING COMPUTATIONS

PARKING SPACES REQUIRED: 20 PER 10,000 SQ.FT. = 36 SPACES
PARKING SPACES PROVIDED: 121 SPACES

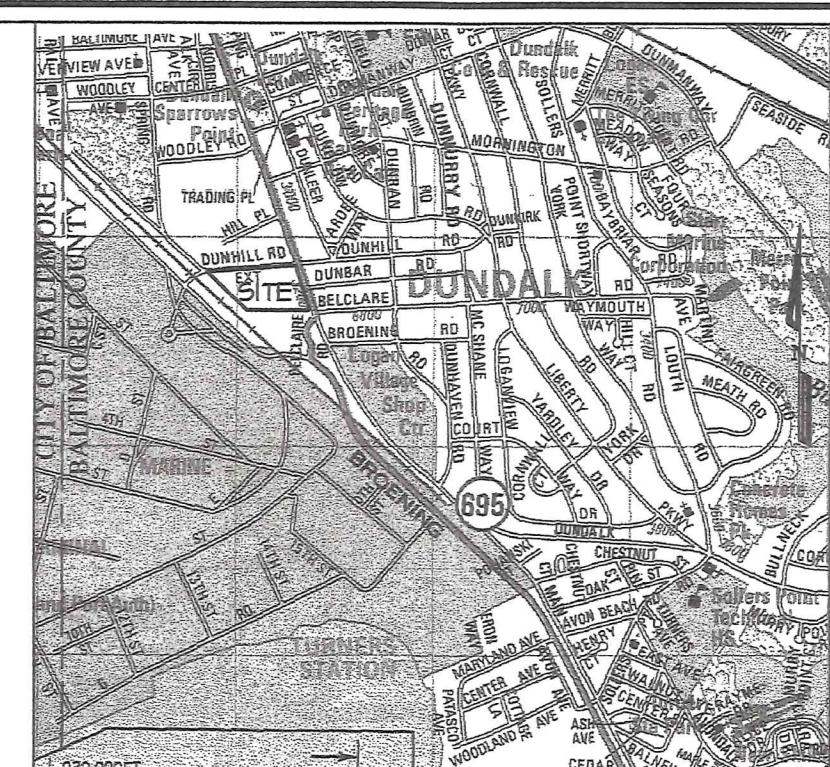
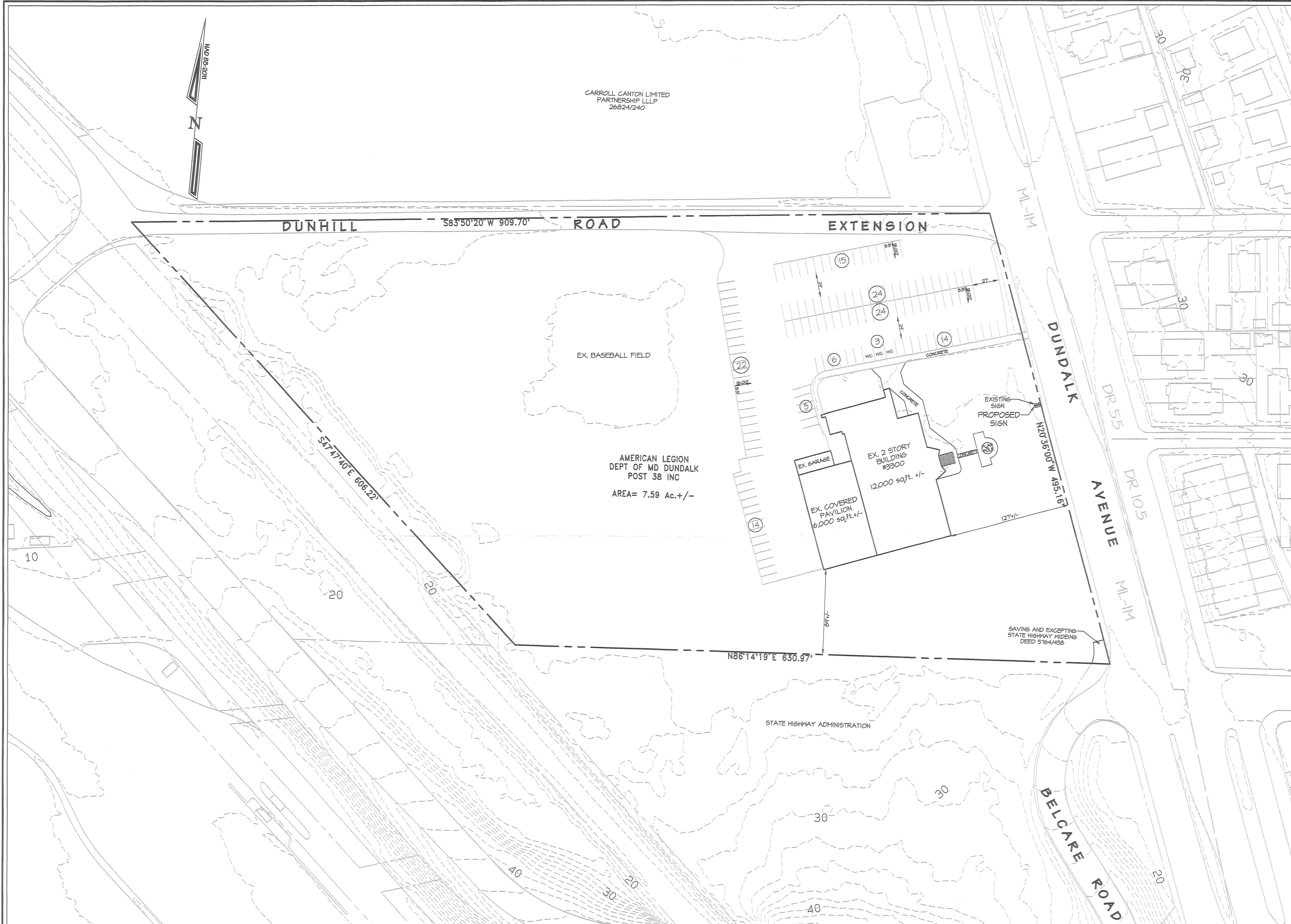


Dietz Surveying Co.
Land Surveying and Land Planning
2119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsveying.net

File Name: J:\Dundalk Ave 3300 American Legion\Dundalk American Legion\Zoning.plt

Revisions	Date	Plot Date: 6/3/2019	FIELD: BRD	DRAWN: BRD	Job No. 19091
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2019-0367-A PET. 8

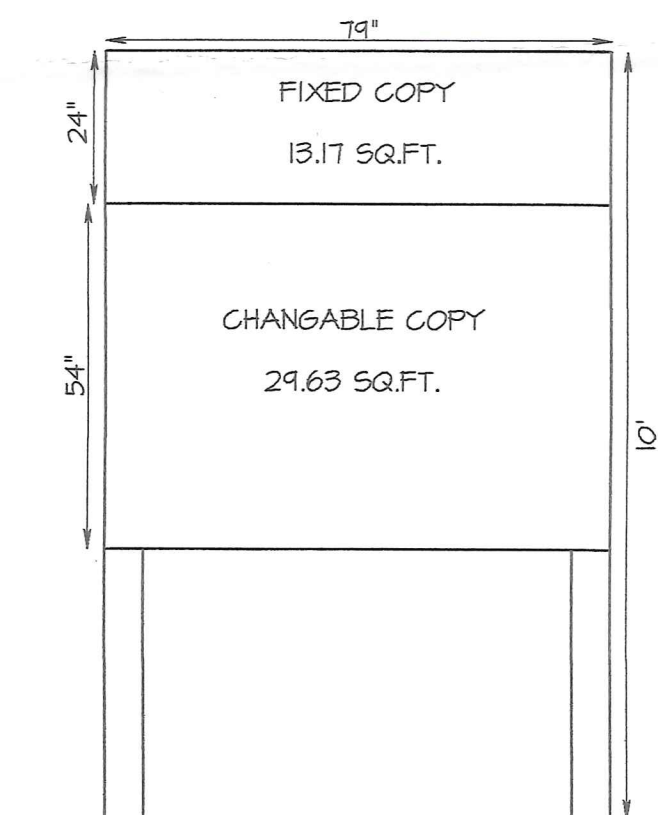


Vicinity Map
Scale: 1" = 2000'

Notes

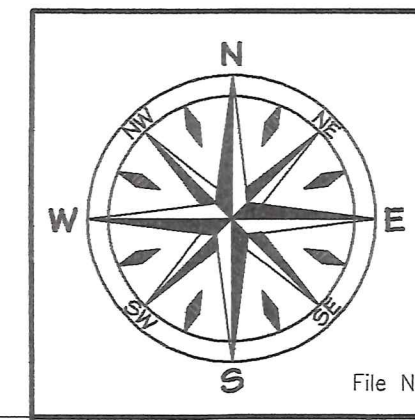
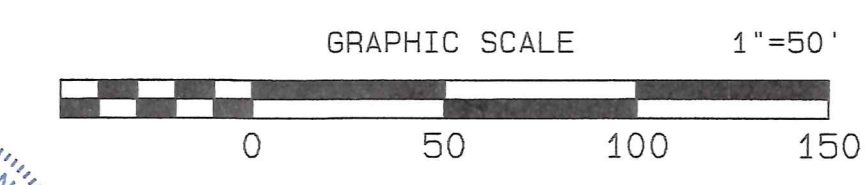
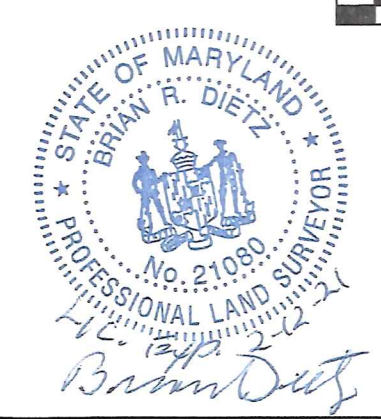
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PROPOSED SIGN DETAIL
NOT TO SCALE



PARKING COMPUTATIONS

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PARKING SPACES PROVIDED: 121 SPACES



Dietz Surveying Co.
Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.net

File Name: J:\Dundalk Ave. 3300 American Legion\Dundalk American Legion\Zoning.plt

Revisions	Date	Plot Date: 6/3/2019	FIELD: BRD	DRAWN: BRD	Job No. 19091
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2019-0367-A