



KATHERINE A. KLAUSMEIER
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

February 4, 2025

Adam M. Rosenblatt, Esquire – amrosenblatt@venable.com
David Karceski, Esquire – dkarceski@venable.com
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500,
Towson, MD 21204

RE: Petition for Special Exception
Case No. 2024-0251-X
Property: 301 Alleghany Avenue

Dear Messrs. Rosenblatt and Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in cursive script that reads "Maureen E. Murphy".
MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm
c: - See Next Page –

c: Dotsie Bregel - dbregel@gmail.com
Meghan Wadsworth - meghanwadsworth1@gmail.com
Mary London, 512 Park Avenue, Towson, MD 21204
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IN RE: PETITION FOR SPECIAL EXCEPTION*	BEFORE THE
(301 Allegheny Avenue)	
9 th Election District *	OFFICE OF
6 th Council District	
301 Allegheny Avenue, LLC *	ADMINISTRATIVE HEARINGS
Legal Owner	
Assistance Center of Towson Churches, Inc. *	FOR BALTIMORE COUNTY
Contract Purchaser	
	Case No. 2024-0251-X
Petitioners	

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Exception filed on behalf of 301 Allegheny Avenue, LLC, legal owner, and Assistance Center of Towson Churches, Inc., contract purchaser (“Petitioners”) for the property located at 301 Allegheny Avenue, Towson (the “Property”). The Petition for Special Exception was filed under Baltimore County Zoning Regulations (“BCZR”), §204.3.B to allow a Community Building in an RO zone.

A combined in-person/virtual public WebEx hearing was conducted on January 22, 2025 at 105 W. Chesapeake Ave., Rm. 205, Towson. The Petition was properly advertised and posted. Linda Lotz, Executive Director of Assistance Center of Towson Churches, Inc. (“ACTC”) testified at the hearing in support of the Petition, along with Brian Dietz, professional property line surveyor, who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex. 1). David Karceski, Esquire, Adam M. Rosenblatt, Esquire and Venable, LLP represented the Petitioners. There were Protestants and interested citizens who attended the hearing and/or testified in opposition to the Petition as set forth below.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Department of Plans Review (“DPR”)/Department of Public Works and

Transportation (“DPWT”) and Department of Environmental Protection and Sustainability (“DEPS”) which these agencies did not oppose the requested relief.

FINDINGS OF FACT

The Property is a 10,050 sf +/- parcel located at the corner of Allegheny Ave. and Bosley Ave. in Towson. There is a 20 ft. wide alleyway which adjoins the rear, paved parking lot. The Property is improved with a 1,957 sf, 2-story stone building, and a detached accessory garage. The building is listed on the Baltimore County Landmarks list, Landmark #246, Methodist Protestant Church (Women’s Club of Towson). It is also surveyed in the Maryland Inventory of Historic Properties as BA-1104. It is zoned Residential-Office (RO). The building was previously occupied by the Baltimore County Democratic Committee which used the rear door facing the parking lot, as its entrance. The rear parking lot has 18 striped and paved parking spaces. There are two (2) access points into the rear parking lot; one (1) from Bosley Avenue and one (1) from the alleyway.

Linda Lotz, Executive Director of ACTC, explained the proposed Community Building use. ACTC, an organization of 7 Towson churches, began in 1985 and has been operating in Towson for 40 years. The proposal here is to move the business operation from its existing location on 116 W. Pennsylvania Ave. to the Property. While ACTC does not pay rent at 116 W. Pennsylvania Ave., ACTC has outgrown the available space at that location. Because ACTC is currently obligated on leases for 3 buildings, including warehouse space located at 201 W. Padonia Rd., Timonium, ACTC desires to consolidate its operation at one location.

The ACTC business consists of a food pantry where people who are in-need come to pick up bags of groceries, and individually prepared bagged meals. Proudly, Ms. Lotz stated that ACTC has provided food for 1,883 families. In addition to the food pantry, ACTC also assists with: (1)

preventing rental evictions; (2) paying for medicine/medical equipment; (3) paying for BGE services to prevent shut offs; (4) paying for hygiene and cleaning supplies; and (5) making referrals for clothing or to other agencies. ACTC can also assist with referrals to programs for ex-criminals who have been released from jail. Ms. Lotz confirmed that the ACTC service area includes 21 zip codes in Baltimore County.

The hours and days of operation for food pickup are Monday – Friday from 10:00 am to 2:00 pm; and Wednesday from 4:00 pm to 7:00 pm. Those days and hours of operation will continue at the new location. Additionally, at most, 8 to 10 volunteers will work at the Property Monday-Friday from 9:00 am to 5:00 pm, but typically there are 3 to 4 volunteers working at one time. The longest volunteer shift is from 9:00 am to 3:00 pm. People in need, as well as volunteers, will use the rear door(s) off the parking lot which is handicap accessible. Vehicles will use the access driveway off Bosley Avenue to enter the parking lot. Most customers will drive to the Property. Using the street view photographs, Ms. Lotz explained that ACTC is not proposing to make any exterior changes to the building; some interior renovations/remodeling may occur. (Pet. Exs. 4). The food pantry will be located on the rear entry level while offices for staff and event space will be located on the second floor.

Ms. Lotz emphasized that the proposed Community Building will not operate a soup kitchen and there will not be any place on site for people in-need to eat meals. The Community Building is not a homeless shelter. There will not be any sleeping quarters on the Property. ACTC is agreeable to conditions in the Order prohibiting the same. Security cameras will be installed on the building.

Brian Dietz, a licensed, professional land surveyor, was accepted as an expert in land surveying with special knowledge of Special Exceptions. (Pet. Ex. 2). He prepared and sealed the

Site Plan. (Pet. Ex. 1). Using the aerial photograph, Mr. Dietz described the rectangularly-shaped Property at issue here. (Pet. Ex. 3). He confirmed that no exterior changes are being proposed to the building and that no building permit is needed. He also verified that there are 18 parking spaces with an ADA compliant entrance in the rear.

With regard to the required Special Exception factors, Mr. Dietz opined that the proposed use as a Community Building will not be detrimental to the health, safety or general welfare of the neighborhood. It was his opinion that the Property's location on the corner of Bosley Ave. and Allegheny Ave., along with 2 access points into the parking lot, will help with traffic flow into and out of the site. As a result, he stated that the proposed use will not create congestion on the roads, streets or alleyways. With 18 parking spaces and limited hours and days of operation, the number of people coming to and leaving the Property will not overcrowd the land or cause undue concentration of population. The length of stay needed to pick up and leave with food takes minutes. Additionally, there will not be any potential fire, panic or other danger, and no interference with light or air as no improvements or additions are proposed to the building. Mr. Dietz confirmed that while the Property is serviced by public water and sewer, the use will not have any detrimental impact on any public improvements. There is a public bus stop on the east side of Bosley Ave. In regard to consistency with the RO zone, Mr. Dietz testified that the proposed use is consistent with the RO zone because it is permitted by Special Exception in the DR zone. Moreover, the former use as a church, and as a Democratic Club, support this Community Building use. Lastly, the use is consistent with the impermeable surface and vegetative retention provisions of the BCZR and there are no environmental or natural resources on the Property. The Property already has a paved parking lot.

Dotsie Bregel, 401 W. Chesapeake Ave., has lived in her home for 42 years, and she testified in support of the Petition. Likewise, Meghan Wadsworth, 604 Meadowridge Rd., has lived in her home for 12 years, is a volunteer at ACTC, and testified that in all years that ACTC has been in operation, there were 2 people who caused an issue. Similarly, Mary London, 512 Park Ave., has lived in her home for 35 years, is an active participant in the ACTC operation, and is in support of the Petition. David Britt, 14200 Robcaste Rd., Phoenix, is the Chairperson of the ACTC Board of Directors. Having worked with other non-profit organizations, Mr. Britt echoed that ACTC is a stable center for the local community and he did not see any negative impact here. Mitchel Posner, 3207 Labrinth Rd., Pikesville, explained that he has worked with ACTC and has operated similar food pantries without negatively impacting the community.

Cathi Forbes, 529 Park Ave., has lived in her West Towson home for 25 years. She is a member of the House of Delegates and is in support of the proposed Community Building. Julie Miller Breetz, 513 W. Joppa Ave., believes that ACTC will be a great neighbor. Kirsten Lovo, 519 Piccadilly Ave., is a 10-year, West Towson homeowner, and testified that there are similar services in other buildings already existing in the neighborhood. She added that the surrounding roads and streets are already busy and that 18 more vehicles will not adversely impact the neighborhood.

PROTESTANTS CASE

Michael Weinfeld, Principal of Kittredge Properties, 300 W. Pennsylvania Ave. and 500 Bosley Ave., Towson, testified that Kittredge Properties has owned and operated Towson Overlook Apartments for 17 years. Both apartment buildings were constructed in 1955 and have a private parking area between the buildings. The building at 500 Bosley Ave. is separated from the Property to the south by the 20 ft. alleyway. Both of his properties are also zoned RO. Mr.

Weinfeld submitted street view photographs. (Prot. Weinfeld Exs. 1-6). One photograph depicts 18 windows of 500 Bosley Ave. which overlook the parking lot of the Property here.

Mr. Weinfeld is opposed to the proposed Community Building due to his concerns for the safety of his tenants, security, noise, loitering and inadequate parking at the Property. He testified that people coming to the Community Building will not use the access driveway from Bosley Ave. He believes that those vehicles will enter and exit the Property's parking lot using the alley, thereby increasing traffic in and around his buildings. He voiced his concern for not only the peace and enjoyment of his tenants which, in his view, will be disrupted with the influx of people to the Property, but with the addition of homelessness and crime. Mr. Weinfeld believes that homeless people coming to the Property for services may use the parking area between the apartment buildings as a shelter. Because of this, he concludes that he will need to invest \$20,000.00-\$30,000.00 in additional safety measures including a key pad for a locked gate into the parking area; the installation of a fence; and the installation of bars on the windows facing the Property. (Prot. Weinfeld Ex. 6). He stated that these additional security costs will pass onto his tenants, and drive up the otherwise affordable rent.

Marchel Simmons, 500 Bosley Ave., testified that she is the tenant occupying the first floor of 500 Bosley Ave. (Prot. Weinfeld Ex. 6). Her vehicle is shown in the street view photograph provided by Mr. Weinfeld. (Prot. Weinfeld Ex. 2, 5, 6). Ms. Simmons has rented the apartment from Mr. Weinfeld for 4 years. Due to its location, she is able to walk to work at the Bykota Senior Center where she is the General Manager of the Towson Loop and County Ride programs. Ms. Simmons is concerned for her safety and with the future growth of the Community Building. She believes that the Community Building will be open on evenings and weekends.

Louise Teubner-Rhodes, 5 Orchard Rd., testified that she has lived in her home in West Towson for 42 years. Using the information provided by the ACTC, Ms. Teubner-Rhodes highlighted that 1,883 families could be coming to the Property to pick up food. She believes this will increase traffic, which will in-turn change the residential character of West Towson. In her view, the proposed use is not appropriate for an RO zone which primarily consists of small offices. She believes that a suitable location for the proposed use is the east side of Bosley Ave.

William Smith, 529 ½ Allegheny Ave., is the President of West Towson Neighborhood Association. After hearing a presentation by ACTC, the Board of Directors for West Towson voted not to take a position on the Petition.

Chris Compton, 403 Allegheny Avenue, Towson, owns Red Oak Financial Group, a business with 16 employees at that location. In terms of proximity to the Property, it is located approximately 7 properties away, west of Central Ave. He confirmed that all of the uses between the Property and his property are commercial. Mr. Compton emphasized that crime is an existing problem and that his building was robbed. In his opinion, the proposed Community Building will be a detriment to the neighborhood. He further highlighted the service area for ACTC is outside of Towson.

Rachel Mazurek, 306 W. Pennsylvania Ave., rents the apartment on the second floor above Bollinger Roofing Company, which occupies the first floor. After the hearing, a written statement was provided by the owner of that building, William Bollinger. (See File). Both Ms. Mazurek and Mr. Bollinger emphasized that the 20 ft. alley which extends past the rear of 306 W. Pennsylvania Ave. is already congested with traffic and is in need of repair. Ms. Mazurek parks her vehicle in the alley. Ms. Mazurek testified that when the Democratic Club rented the Property, drivers used the alley and not Bosley Ave. Ms. Mazurek is concerned that when the ACTC is

closed, homeless people will still come to the Property and find shelter in and around her building. While Ms. Mazurek stated that a better location for ACTC would be in Parkville or on the east side of the County, Mr. Bollinger wrote that a flex space in Timonium was more appropriate.

Robert Tully, Esquire, 305 Allegheny Ave., has operated his law practice from that location for the last 3 years. His building is on the same block and one building west of the Property. Mr. Tully characterized the existing businesses in the area as appointment-only, and not on a walk-in basis. As such, he is opposed to the proposed use as he believes it will change the character of the business neighborhood.

Jeffrey Rogyom, 607 Debaugh Ave., testified that ACTC will not benefit West Towson and serves a larger community. Although his property is ½ mile away from the Property, he is concerned that the ACTC will attract even more business through foot traffic, which will change the nature of the neighborhood. He likened the food pantry as akin to a small grocery store which he feels belongs on east side of Bosley Ave.

REBUTTAL CASE

In rebuttal, Linda Lotz clarified that while ACTC has some 200 volunteers, only 8-10 volunteers (at most) would be working at the Property. However, typically, the number of staff simultaneously working is 3 - 4 people. She added that she often left the office at 116 W. Pennsylvania Ave. at night and never felt unsafe. Nonetheless, ACTC plans to install security cameras at the Property.

OTHER AVAILABLE PROCEDURAL REMEDIES

Prior to filing the Petition for Special Exception, as part of their due diligence, Petitioners, through Counsel, inquired of County agencies as to the available course of action for seeking approval of this Community Building in an RO zone. It was not surprising that the recommended

course of action was to post the Property with Notice, to publish the Notice in newspapers of general circulation, and to hold a public hearing. Nonetheless, this Opinion and Order would be incomplete without mentioning that there are two (2) other, separate paths available for this proposed use at this location.

First, in BCZR, §204.3.B.2, there is a specifically-tailored approval process through the Baltimore County Planning Board, for a building which is listed on the Baltimore County Final Landmarks List, which is sought to be used as a community building, and which is located in an RO zone. That Section provides that where a Special Exception approval would otherwise be required to approve a Community Building in a RO zone, if such use will be located in a historic structure, its status is elevated from a Special Exception use to a '*permitted use*', provided the Planning Board agrees:

Special exception uses required for community buildings or community swimming pools that involve a Baltimore County final landmarks structure may be reviewed as a permitted use subject to review and approval by the Baltimore County Planning Board.

Toward that end, it appears from the language in BCZR, §204.3.B.2, that the repurposing of County-designated historic buildings, was an important distinction for the County Council in that historic office buildings are also *permitted* to be repurposed as carry-out, or standard restaurants, and may have wine storage:

A Class B office building listed on the Baltimore County Final Landmarks List, as part of the adaptive reuse of the building, is allowed up to 1,200 square feet of carry-out restaurant or standard restaurant (without service of alcoholic beverages), and storage of wine is permitted.

Notably, Planning Board meetings are open to the public and each of the Protestants or interested citizens here would have been provided with time to voice any opposition or concerns. (See BCC, §3-3-1402 *et seq.*)

In this Case, the DOP ZAC comment lends support for such Planning Board approval here in that the DOP considered the proposal to simply be a ‘change of use/occupancy’ and that such change of use would not impact the historic structure and does not require any additional historic reviews. (See File). As a result, the unambiguous language in BCZR, §204.3.B.2 makes clear that County Council intended to provide for the repurposing of County historic buildings into community buildings. Accordingly, nothing contained in this Opinion and Order should be construed as foreclosing that Planning Board approval process.

A second method of approval is through the Use Permit process. Brian Dietz confirmed that the Petitioners will not make any changes or improvements to the exterior of this historic building. (Pet. Ex. 2). Likewise, the DOP in its ZAC comment confirmed that there will not be any exterior alterations to this historic structure. Accordingly, because Petitioners will not be filing or needing a building permit, BCZR, §500.4 permits the filing of an Application for a Use Permit with Permits, Approvals and Inspections (“PAI”):

§ 500.4. - Issuance of use permits.

In cases in which no building permit is required, any person desiring to use any land for any purpose other than that for which said land is being used at the time of adoption of this Order and Resolution shall make application to the Director of Permits, Approvals and Inspections for a use permit, upon such form as the Director may prescribe. If such use is permissible the Director may issue a use permit, conditioned by other provisions contained in the regulations which shall indicate that it authorizes the particular use applied for.

If an Application were granted by PAI, it would have been subject to a *de novo* appeal before the Board of Appeals. (MD Code Ann., Art 25A, 5(U); Charter of MD, Article VI, Sec. 602(d)). Again, nothing contained in this Opinion and Order should be construed as foreclosing this second option.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Notwithstanding the other available paths for approval as above, Petitioners here followed the recommended advice of County agencies in filing for Special Exception relief. Applying the law to the evidence presented here, I find that the Special Exception relief should be granted. Specifically, I find that the evidence presented by the Petitioners was persuasive and supports each of the Special Exception factors in BCZR, §502.1. I further find that the proposed use as a Community Building is within the spirit and intent of the BCZR, §204.3.B.2, particularly given the County Council's express language that a historic building - repurposed as a community building in an RO zone - is elevated from a Special Exception use to a 'permitted use', provided it receives Planning Board approval.

I find that the Petition for Special Exception to use this Property as a Community Building will not have adverse impacts above and beyond those inherently associated with that use.

Applying the other factors in BCZR, §502.1, I find that the Community Building use at this location will not cause congestion on the roads or alleyway, and will not cause an undue concentration of population, or create fire, panic or other danger because the time period for the pick-up of food requires minutes; there are no sit-down tables or places to congregate. There are 18 parking spaces in the paved parking lot behind the building which can accommodate the typical 3-4 volunteers working, and at worst 8-10 volunteers, plus the people coming to pick up food. No parking Variance has been requested because the number of parking spaces provided is met. With 2 access points into and out of the parking lot, the daily food distribution will be efficient because it uses the same area where people will enter and exit the building. There was no evidence that the alleyway can not be used by all of the properties which adjoin it. It was undisputed that tenants of 500 Bosley Ave. and 306 W. Pennsylvania use the alley to park their vehicles. In the same way, people driving to the Property should not be restricted from using the alley.

Moreover, I find that there will not be any more interference with public improvements, schools, water or sewerage as the Property is not located within any deficient area on the Basic Services Map. This proposed use has no effect on schools. As mentioned, because there are no exterior changes to the existing building being proposed, its height is the same as when it was constructed in 1919, which makes the building consistent with home on the adjoining property at 303 Allegheny Ave. As such, I find that there will not be any interference with light or air. The Community Building use is also consistent with the RO zone under BCZR, §204.B.1 as all uses permitted by Special Exception in the DR 5.5 zone, are also permitted by Special Exception in an RO zone. I also find that the proposed Community Building will not be inconsistent with impermeable surface or vegetative retention provisions as the parking lot, like the parking lots on neighboring properties is required to be durable and dustless. Lastly, I find that the proposed use

will not be detrimental to environmental or natural resources as there are none on the Property. If there were, DEPS and/or DPR would have noted the same in the ZAC comments. All of the Special Exception factors having been met, the proposed use will be granted.

I am cognizant of the testimony of the Protestants, and their collective apprehension about having people who are in need of services provided by the Petitioner, come to the Property. It should be noted that each of the reviewing County agencies were not opposed to the requested relief. Based on some of the opposition testimony provided, it is important to correct several misnomers. First, the Petition filed in this Case is not a request to change the RO zoning. The County Council is the only governing body with the authority to change the zoning. The RO zoning will remain in place for this Property unless and until the County Council decides otherwise.

Second, there was testimony that only smaller professional offices with a limited number of appointment-only clients are the type of uses envisioned for an RO zone. Some Protestants voiced concerns that any use other than a small professional office was incompatible with the west side of Bosley Avenue. However, in creating the RO zone, the County Council decided that all of the uses permitted by Special Exception in the DR 5.5 zone, are also permitted by Special Exception in the RO zone. Indeed, small professional offices are only 1 of 24 potential uses as follows in BCZR, §1B01.1.C:

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

1. Camps, public or quasi-public, including day camps.
2. Conservatories for music or other arts.
3. Convalescent homes.

4. Community buildings, swimming pools, commercial beaches, golf courses, country clubs or other similar civic, social, recreational or educational uses, including tennis facilities, provided that no tennis facility in a D.R.I or D.R.2 Zone shall comprise more than four courts and no tennis facility in a D.R.3.5, D.R.5.5, D.R.16 Zone shall comprise more than six courts.

5. Community care centers.

6. Class B group child care centers for more than 40 children subject to the standards set forth in Section 424 (family child care homes, group child care centers and nursery schools) and principal use Class A and Class B group child care centers providing for up to 40 children, if located in a residential transition area.

7. Excavations, controlled (see Section 403).

8. Fishing and shellfishing facilities, shoreline Class I or Class II, except that a facility existing on July 1, 1977, may continue without a special exception if a use permit has been granted for it, provided that:

* * * *

9. Funeral establishments.

10. Helistops.

11. Home occupations of disabled persons, where the use is established in a structure originally constructed as a dwelling or as accessory to a dwelling or where the use is established in a structure that is situated on the same lot as a dwelling and which the Zoning Commissioner finds to be compatible with its surrounding neighborhood, provided that:

* * * *

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

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

14. Private colleges (not including business or trade schools), dancing schools, dormitories or fraternity or sorority houses.
15. Public utility uses other than those permitted as of right, but excluding steam power plants, service centers and storage yards.
16. Public utility service centers.
17. Public utility storage yards.
18. Radio studios.
19. Rail passenger stations, subject to Section 434.
20. Television studios.
21. Tourist homes.
22. Veterinarians' offices.
23. Volunteer fire company stations.
24. Wireless telecommunications towers, subject to Section 426.

(BCZR, §1B01.1.C). Clearly, some of the above uses would be eliminated on this Property due to lack of area, location, or by otherwise failing to meet specific BCZR restrictions for a particular use. However, it should not be lost that funeral establishments, and fraternity and sorority houses, are possible uses. Moreover, in addition to DR 5.5 Special Exception uses, and Class B office buildings, the RO zone also specifically allows 'Animal Grooming Facilities' by Special Exception. (BCZR, §204.3.B.3).

Substantively, the Protestants' collective concern was that this use was not appropriate at this location because it will have certain deleterious effects on West Towson neighborhood by way of additional people, traffic, concern for increase in homeless people, and alleged increase in crime. However, because all of these effects are inherent in the proposed use, they do not justify the denial of the Special Exception. The Supreme Court of Maryland in *Attar, supra*, and *Schultz*

v Pritts, supra, held that the County Council has already determined that a Special Exception use is an appropriate use, and that it promotes the health, safety and general welfare of the community. As such, a Community Building in an RO zone is entitled to that presumption of validity. The law requires that that presumption can only be rebutted when there are strong and substantial existing facts or circumstances showing that the particular proposed use has detrimental effects *above and beyond the inherent ones ordinarily associated with such use*. *Schultz*, 291 Md. at 14-15. Applying the holding in *Schultz* here, I find that the Protestants' testimony and evidence did not rebut that presumption, and did not prove that the Community Building here would result in adverse effects upon adjoining or surrounding properties, unique and different, or above and beyond those inherent effects, that would otherwise result from a Community Building being located elsewhere in the RO zone. To the contrary, ACTC food pantry operation has existed at the 116 E. Pennsylvania Ave. address without an increase in homelessness or crime being solely attributed to it. As such, the Special Exception can not be denied under the case law based on speculations which have not been substantiated.

THEREFORE, IT IS ORDERED this 4th day of **February, 2025** by this Administrative Law Judge, that the Petition for Special Exception under BCZR, §204.3.B to allow a Community Building in an RO zone be, and it is hereby, **GRANTED**; and

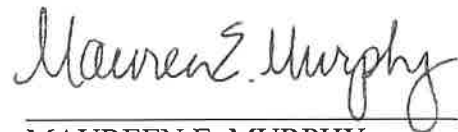
IT IS FURTHER ORDERED that, pursuant to BCZR, §502.3, the Special Exception is valid for a period of five (5) years from the date of this Order.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are 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, Petitioners would be required to return the subject property to its original condition.

2. The Site Plan (Pet. Ex. 1) is attached hereto and incorporated herein in its entirety.
3. Petitioners must comply with the DPR-Landscaping ZAC comment, a copy of which is attached hereto and made a part thereof.
4. All signs shall comply with BCZR, §450.
5. The use as a Community Building shall not be converted into a soup kitchen where people are served food or meals on the premises, or into a homeless shelter, without a public hearing being held either before the Planning Board or before the OAH.
6. The hours of operation of ACTC services to people in-need shall be Monday through Friday between the hours of 10:00 am to 2:00 pm, and on Wednesdays between the hours of 4:00 pm to 7:00 pm. Any change to those days or time periods of operation for ACTC services must be requested through a public hearing before the Planning Board or the OAH. Notwithstanding the foregoing, such restricted days and hours of operation shall not prohibit staff and/or volunteers from working at any or all other days/times as ACTC, in the operation of its business, directs.

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



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0251-X

DATE: December 2, 2024

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

DPR: No comment.

DPW-T: No exception taken.

Landscaping: If Special Exception is granted a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

Recreations & Parks: No comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

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Landscaping: If Special Exception is granted a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

Recreations & Parks: No comment LOS & No Greenways affected.



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 301 Allegheny Avenue

which is presently zoned RO

Deed References: 21860/599

10 Digit Tax Account # 0 9 2 3 7 5 1 8 0 0

Property Owner(s) Printed Name(s) 301 Allegheny Avenue LLC

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

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether

2. **X** a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for a community building in the RO zone.

3. a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

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

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

Contract Purchaser/Lessee:

SEE ATTACHED

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Adam M. Rosenblatt

Name- Type or Print

Signature

210 W. Penn. Ave, Suite 500 Towson MD
Mailing Address City State

21204 / 410-494-6271 / amrosenblatt@venable.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature # 2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Adam M. Rosenblatt

Name – Type or Print

Signature

210 W. Penn. Ave, Suite 500 Towson MD
Mailing Address City State

21204 / 410-494-6271 / amrosenblatt@venable.
Zip Code Telephone # Email Address

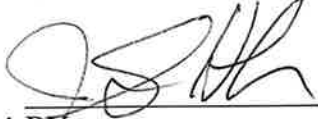
CASE NUMBER 2024-0251-X Filing Date 11/20/24 Do Not Schedule Dates: _____ Reviewer JS

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

**301 ALLEGHENY AVENUE
TAX ACCOUNT NO. 0923751800**

PROPERTY OWNER

301 ALLEGHENY AVENUE LLC

 John S. Holman 11-11-2024
BY:
AUTHORIZED REPRESENTATIVE

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

**301 ALLEGHENY AVENUE
TAX ACCOUNT NO. 0923751800**

CONTRACT PURCHASER

ASSISTANCE CENTER OF TOWSON CHURCHES, INC.

David Britt (DAVID T. BRITT) 11/11/2024
BY:
AUTHORIZED REPRESENTATIVE

Dietz Surveying, Inc.

8119 Oakleigh Road, Baltimore, MD 21234
Phone 410-661-3160 Fax 410-661-3163

Zoning Description
For
301 Allegheny Avenue
November 12, 2024

Beginning at the southwest corner formed by the intersection of Allegheny Avenue (80' R/W) and the West side of Bosley Avenue (133' R/W), thence running with and binding on the South side of Allegheny Avenue

1. North 83 degrees 56 minutes 15 seconds West 67.00 feet, thence leaving Allegheny Avenue, and continuing to bind on the land of the herein petitioner,
2. South 06 degrees 26 minutes 45 seconds West 150.00 feet,
3. South 83 degrees 56 minutes 15 seconds East 67.00 feet, to the West side of Bosley Avenue, and thence binding on Bosley Avenue,
4. North 06 degrees 03 minutes 50 seconds East 150.00 feet, to the place of beginning.

Containing 0.231 Ac. or 10,050 sq.ft. of land more or less. Being known as 301 Allegheny Avenue and located in the 9th Election District, 6th Councilmanic District.



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

No. 235027

Date: 11/20/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 500.00

Total: \$ 500.00

Rec

From: ASSISTANCE CENTER OF TOWSON CHURCHES

For: 2024-0251-X

301 ALLEGHENY AVE (LLC) / VENABLE

JSS24-1066

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

ASSISTANCE CENTER OF TOWSON CHURCHES

07-19

1636

116 W PENNSYLVANIA AVE.
TOWSON, MD 21204-4518

15-3/540
403

DATE 11/5/24

CHECK ARMOR
FALSIFY PROTECTION

PAY
TO THE
ORDER OF

Baltimore County Md.

\$ 500.00

Five Hundred and no/100

DOLLARS

PNCBANK

PNC Bank, N.A. 040

Photo
Safe
Deposit
Details on back

FOR young application

Sadie Strauband

MP



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 301 Allegheny Avenue which is presently zoned RO
Deed References: 21860/599 10 Digit Tax Account # 0 9 2 3 7 5 1 8 0 0
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(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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Contract Purchaser/Lessee:

SEE ATTACHED

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Adam M. Rosenblatt

Name- Type or Print

Signature

210 W. Penn. Ave, Suite 500 Towson MD
Mailing Address City State

21204 / 410-494-6271 / amrosenblatt@venable.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED

Name #1 – Type or Print

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Signature #1

Signature # 2

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CASE NUMBER 2024-0251-X Filing Date 11/20/24 Do Not Schedule Dates: _____ Reviewer JS

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Containing 0.231 Ac. or 10,050 sq.ft. of land more or less. Being known as 301 Allegheny Avenue and located in the 9th Election District, 6th Councilmanic District.



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: 2024-0251-X

Property Address: 301 ALLEGHENY AVENUE

Legal Owners (Petitioners): 301 ALLEGHENY AVENUE, LLC

Contract Purchaser/Lessee: ASSISTANCE CENTER OF TOWSON CHURCHES, INC.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): VENABLE / ADAM ROSENBLATT

Address: 210 W. PENNSYLVANIA AVE.
SUITE 500
TOWSON, MD 21204

Telephone Number: 410-494-6271

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

CERTIFICATE OF POSTING

2024-0251-X

RE: Case No.: _____

Petitioner/Developer: _____

301 Allegheny Avenue, LLC
Assistance Center of Towson Churches, Inc.

January 2, 2025

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: Jeff Perlow:

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: _____

301 Allegheny Avenue ***SIGN 1A & 1B***

December 12, 2024

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

Sincerely,

December 12, 2024

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

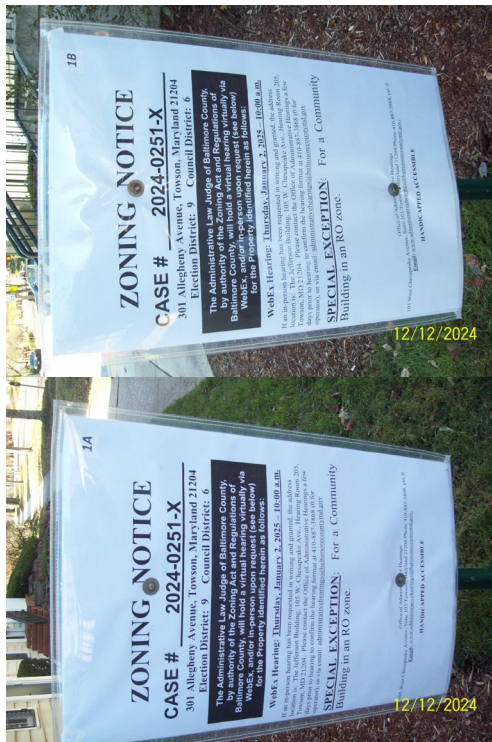
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: December 3, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0251-X
Address: 301 ALLEGHENY AVENUE
Legal Owner: 301 Allegheny Avenue, LLC

Zoning Advisory Committee Meeting of December 3, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 12/3/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

INFORMATION: Case Number: 2024-0251-X
Property Address: 301 Allegheny Avenue
Petitioner: 301 Allegheny Avenue, LLC.
Zoning: R.O.
Requested Action: Special Exception

The Department of Planning has reviewed the petition for the following:

Special Exception – Under the Zoning Regulations of Baltimore County to use the herein described property for a community building in the R.O. Zone.

The subject site is a 0.231-acre parcel located at the corner of Allegheny Avenue and Bosley Avenue in Towson. The site is currently developed with a 1,957-square-foot, two-story office building, an asphalt parking lot, and a detached accessory garage. The property owners propose contracting with a community-based organization to operate out of the existing office building.

The Department of Planning has reviewed the site plan submitted with the zoning petition and makes the following recommendation:

1. Note number 7 on the site plan states, “This is not a historic property/building.” Add the following note to reflect the property’s historic designation as a Baltimore County Final Historic Landmark:

“The structure located at 301 Allegheny Ave is listed on the Baltimore County Landmarks list, Landmark #246, Methodist Protestant Church (Women’s Club of Towson). It is also surveyed in the Maryland Inventory of Historic Properties as BA-1104. A change of use/occupancy does not impact the historic structure and does not require any additional historic reviews. Historic reviews are for exterior alterations only.”

The Department of Planning has no objections to the requested Special Exception for allowing a community building in an R.O. Zone.

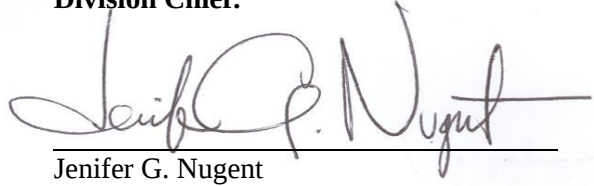
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



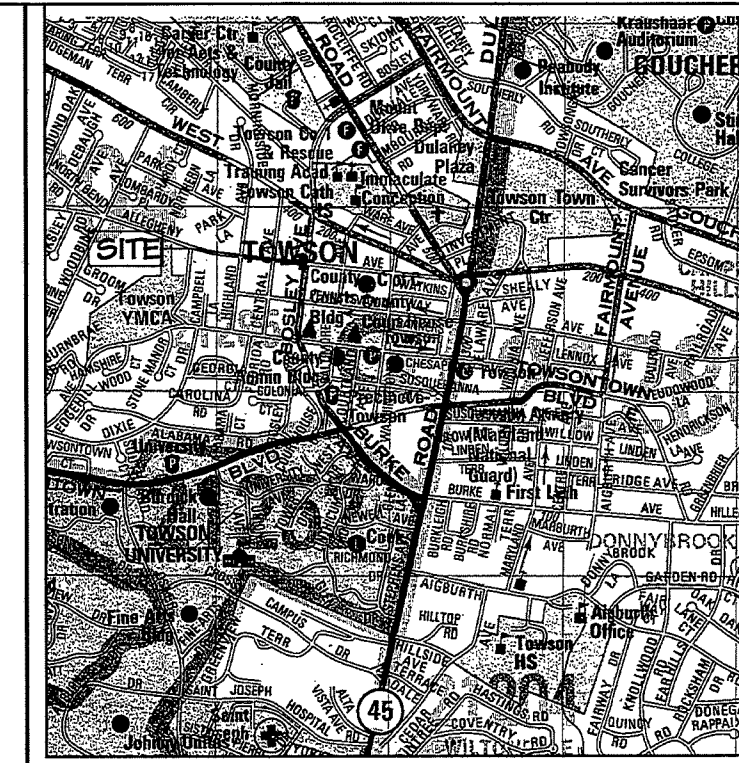
Jenifer G. Nugent

SL/JGN/KP

c: Adam M. Rosenblatt, Esquire, Venable, LLP.
Megan Oliver, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

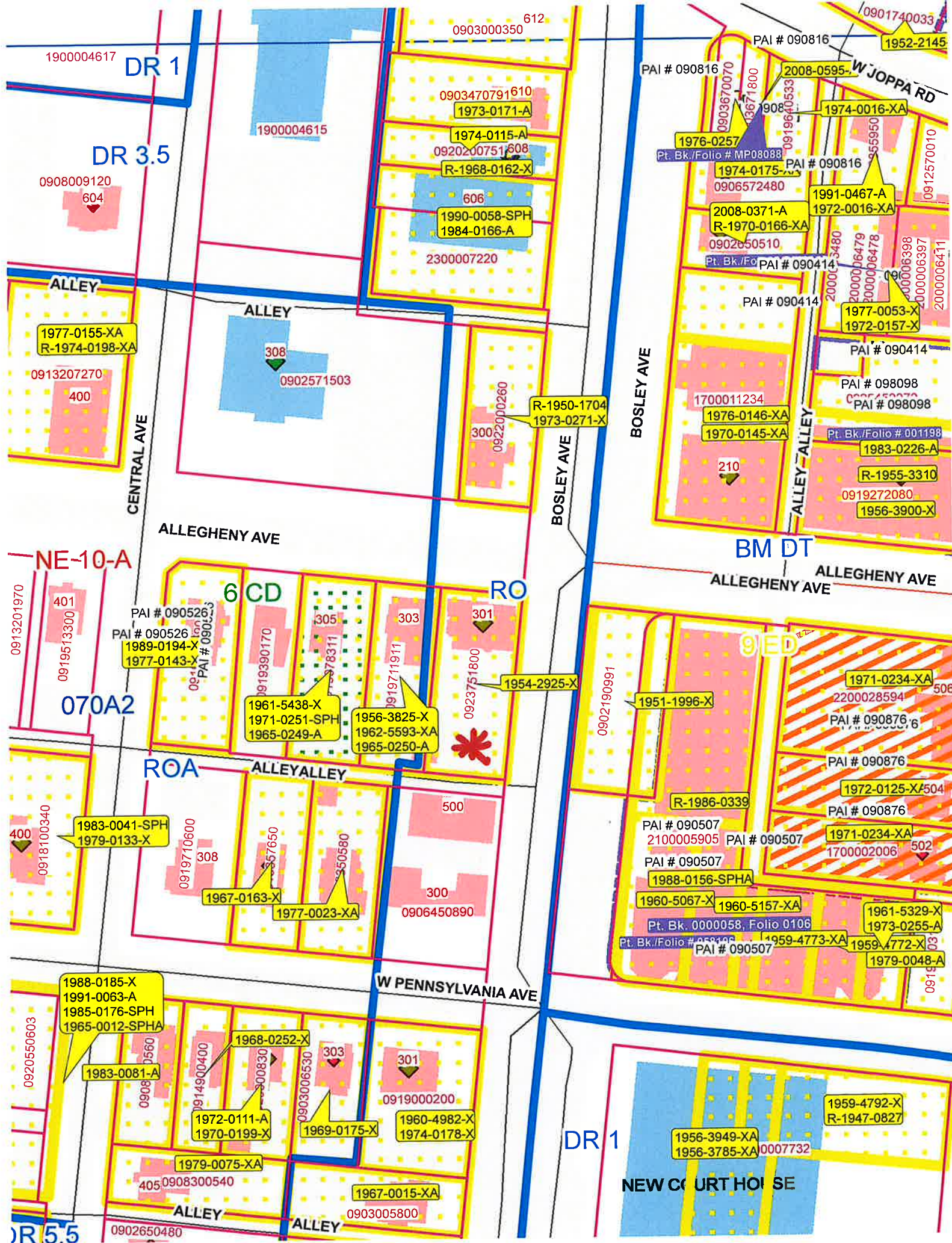
Real Property Data Search ()
Search Result for BALTIMORE COUNTY

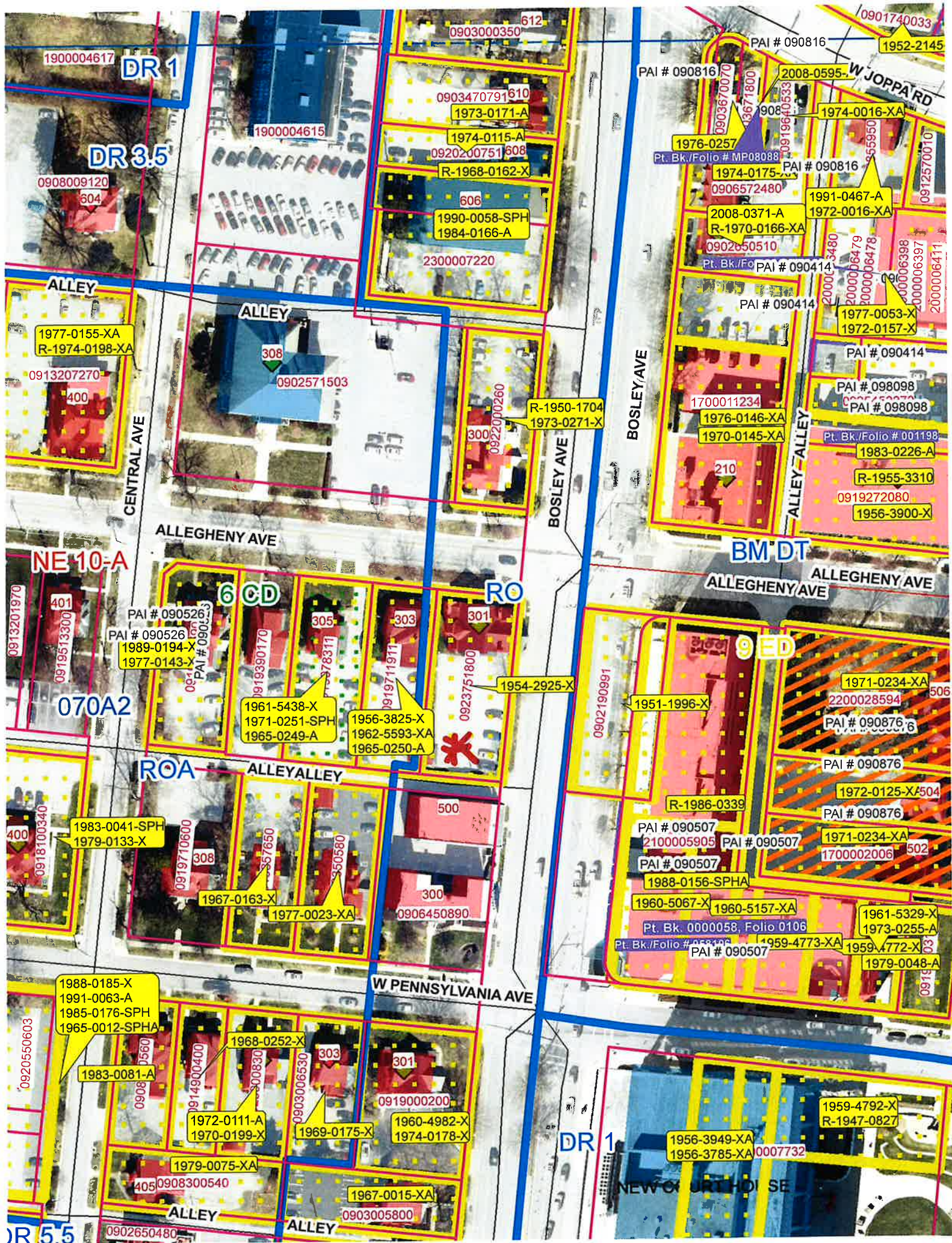
View Map	View GroundRent Redemption	View GroundRent Registration	
Special Tax Recapture: None			
Account Identifier: District - 09 Account Number - 0923751800			
Owner Information			
Owner Name:	301 ALLEGHENY AVENUE LLC	Use: COMMERCIAL	
		Principal Residence: NO	
Mailing Address:	301 ALLEGHENY AV BALTIMORE MD 21204-4258	Deed Reference: /21860/ 00599	
Location & Structure Information			
Premises Address:	301 ALLEGHENY AVE BALTIMORE 21204-4258	Legal Description: 301 ALLEGHENY AVE SS SW COR OF BOSLEY AV	
Map: Grid: 070A 0010 0525	Parcel: 20000.04	Subdivision: 0000	
		Section: 0000	
		Block: 0000	
		Lot: 0000	
		Assessment Year: 2023	
		Plat No: 06	
Town: None			
Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use			
1919	1,988 SF	10,050 SF 06	
Stories	Basement Type	Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements	
	OFFICE BUILDING/	C5	
Value Information			
	Base Value	Value	Phase-in Assessments
		As of 01/01/2023	As of 07/01/2024 As of 07/01/2025
Land:	288,000	288,000	
Improvements	306,500	304,300	
Total:	594,500	592,300	592,300
Preferential Land:	0	0	
Transfer Information			
Seller: WOMANS CLUB OF TOWSON	Date: 05/13/2005	Price: \$725,000	
Type: ARMS LENGTH IMPROVED	Deed1: /21860/ 00599	Deed2:	
Seller:	Date:	Price:	
Type:	Deed1:	Deed2:	
Seller:	Date:	Price:	
Type:	Deed1:	Deed2:	
Exemption Information			
Partial Exempt Assessments: Class	07/01/2024	07/01/2025	
County: 000	0.00		
State: 000	0.00		
Municipal: 000	0.00 0.00	0.00 0.00	
Special Tax Recapture: None			
Homestead Application Information			
Homestead Application Status: No Application			
Homeowners' Tax Credit Application Information			
Homeowners' Tax Credit Application Status: No Application Date:			

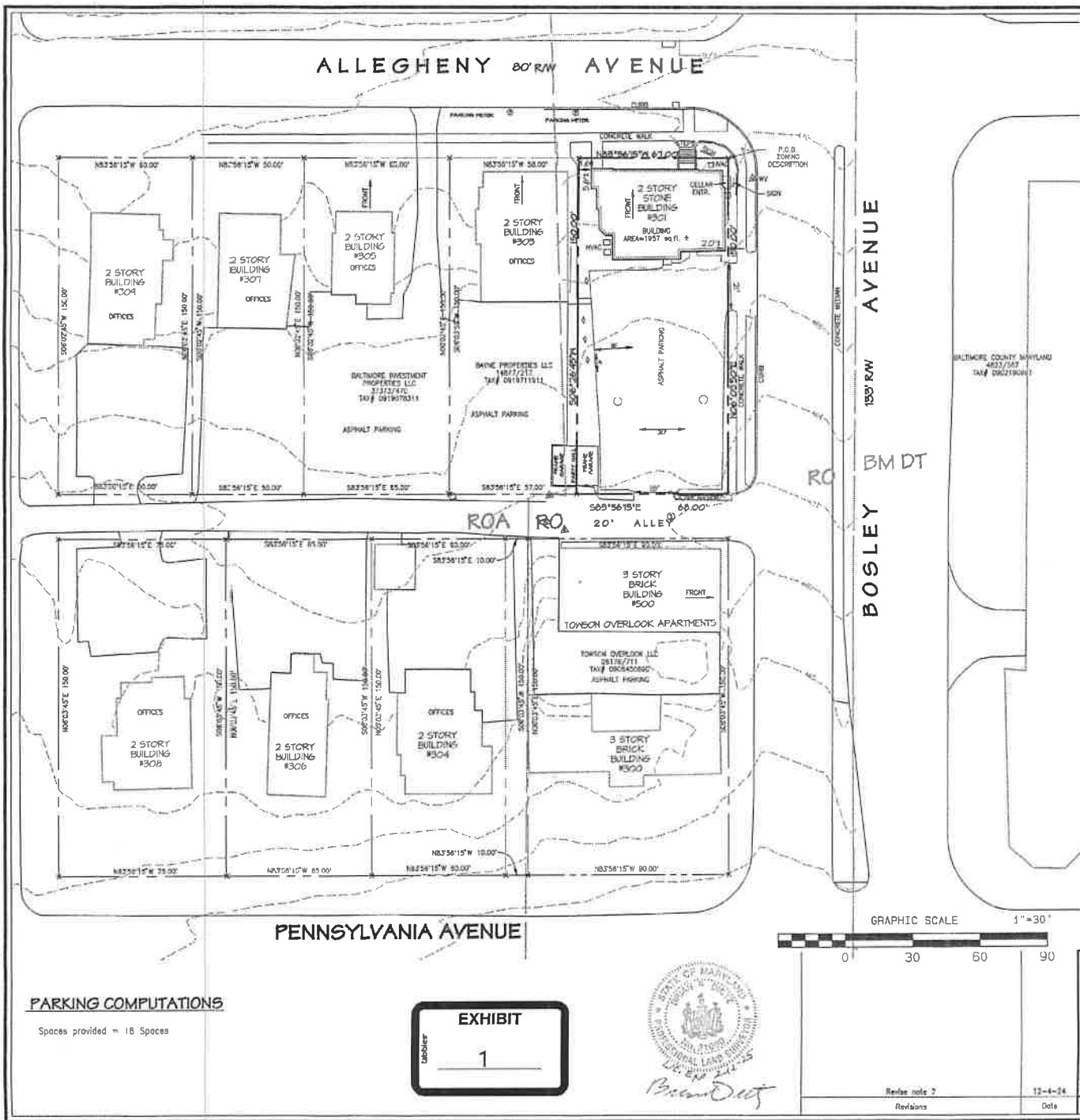


Scale: 1" = 2000'

File Name:	Z:\Allegheeny Avenue 301 Job# 24298\ALLEGHENY AVE 301.pro
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Vicinity Map

Scale: 1" = 200'

Notes

1. Owner: 301 ALLEGHENY AVENUE LLC
301 ALLEGHENY AVE
BALTIMORE MD 21204
2. Zoned: RO
3. Site Area: 10,050 sq.ft.
4. This site is not in the Chesapeake Bay Critical Area.
5. This site is not in the 100 year flood plain.
6. There are no underground fuel tanks.
7. This is not a historic property/building.
The structure located at 301 Allegheny Ave is listed on the Baltimore County Landmarks list, Landmark #246, Methodist Protestant Church (Women's Club of Towson). It is also surveyed in the Maryland Inventory of Historic Properties as BA-1104. A change of use/occupancy does not impact the historic structure and does not require any additional historic reviews. Historic reviews are for exterior alterations only.
8. This site is serviced by public water and sewer.
9. Prior Zoning Hearings:
Case No. 1954-2925-X, March 29, 1954
Special Permit to use the property as a private club restricted to the Women's Club of Towson, Inc. Not transferable - GRANTED

Plan to Accompany Petition for Special Exception of the property of

301 ALLEGHENY AVENUE, LLC

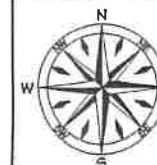
301 Allegheny Avenue
Baltimore County, Maryland

Deed Ref: S.M. No. 21860, folio 599
Tax Map 70A: Grid 10; Parcel 525

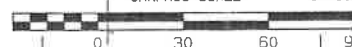
9th Election District, 6th Councilmanic District
Scale: 1"=30' Date: September 23, 2024

Dietz Surveying Inc.

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



GRAPHIC SCALE 1"=30'



Revised note 3
Revisions

Date

Plot Date: 12/4/2024

FIELD: KCK, JMD

DRAWN: SAL

Job No: 24209



PARKING COMPUTATIONS

Spaces provided = 18 Spaces

EXHIBIT

1