IN RE: PETITION FOR SPECIAL EXCEPTION NW/Corner Harford Road and Putty Hill Avenue (8800 Harford Road) 9th Election District 6th Councilmanic District Charles F. Evans, Jr. Petitioner	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 98-410-X

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by the owner of the subject property, Charles F. Evans, Jr. In accordance with the Petition filed, the Petitioner requests a special exception for a funeral establishment in both the R.O. and D.R. 5.5 zones, pursuant to Sections 1B01.1.C.8 and 204.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioner seeks approval of the existing use of D.R. 5.5 zoned land for parking purposes, pursuant to Section 1B01.1.A.14.F of the B.C.Z.R. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Charles F. Evans, Jr., owner of the subject property, and Edward C. Covahey, Jr., Esquire, attorney for the Petitioner. Ms. Ruth Baisden appeared as an interested party on behalf of the Greater Parkville Community Council. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.8 acres, split zoned B.L., R.O., and D.R. 5.5, and is improved with a two-story, 7,748 sq.ft. building, and accessory parking area for the Evans Funeral Chapel. While most of the improvements

ORDER RECEIVED FOR FILING
Date 12/30/98
By

are located within the B.L. zoned portion of the site, some of the parking spaces in the front portion of the property are traversed by a small sliver of R.O. zoned land along the northern property line. In addition, the rear portion of the property, which is zoned D.R. 5.5, contains an overflow parking area and the required Residential Transition Area (R.T.A.) buffer. The Petitioners have filed the special exception request to legitimize existing conditions on the property to allow the continued use of the D.R. 5.5 zoned portion of its property for overflow parking and to permit the future expansion of the existing building into the R.O. and D.R. 5.5 zoned portions of its property.

Further testimony revealed that the Evans family has operated a funeral establishment on the subject property since 1950 and have used a portion of its D.R. 5.5 zoned land for overflow parking for many years. This overflow parking area is presently a gravel lot; however, the Petitioners wish to macadam pave this lot. Testimony indicated that the parking area will be utilized for business purposes only for the Evans funeral establishment and will remain outside the R.T.A. setback area as required. However, the relief requested is necessary in order to proceed with the proposed paving improvements. In addition, while there are presently no plans for expansion of the existing building, the Petitioners want the option to expand into the R.O. and D.R. 5.5 zoned portions of its property, if it becomes necessary. When calculating the size of the existing building to the area of land zoned B.L., an addition of less than 1,000 sq.ft. in area would be permitted. Thus, it is clear that any substantive expansion of the existing building would require some encroachment into the R.O. and D.R. 5.5 zoned portions of the Petitioners' property. Therefore, the Petitioners request special exception relief to allow a

ORDER RECEIVED FOR FILING
Date
By

funeral establishment in the R.O. and D.R. 5.5 zones, pursuant to Sections 204.3.B.1 and 1B01.1.C.8 of the B.C.Z.R.

As noted above, Ms. Ruth Baisden appeared on behalf of the Greater Parkville Community Council. Ms. Baisden's organization is concerned for the R.T.A. setback area, considering that there are some residents who live in close proximity to the subject property. Ms. Baisden wanted assurance that the R.T.A. would be protected.

It is clear that the B.C.Z.R. permits the use proposed in the R.O. and D.R. 5.5 zones by special exception. However, it must be determined if the conditions delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After due consideration of the testimony and evidence presented, I am persuaded to grant the special exception. The Evans family has

ORDER RECEIVED FOR FILING
Date 6/30/98
By

operated a funeral establishment at this location for many years and are very much a part of this community and have the community's best interests in mind in the operation of their business and in their request to provide additional parking. Thus, the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of June, 1998 that the Petition for Special Exception to allow a funeral establishment in both the R.O. and D.R. 5.5 zones, pursuant to Sections 1B01.1.C.8 and 204.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and approval of the existing use of D.R. 5.5 zoned land for parking purposes, pursuant to Section 1B01.1.A.14.F of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners may apply for their paving permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
>
> 2) Prior to the issuance of any permits, the Petitioner shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect.
>
> 3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 7/13/98
By

Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

June 30, 1998

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
NW/Corner Harford Road and Putty Hill Avenue
(8800 Harford Road)
9th Election District - 6th Councilmanic District
Charles F. Evans, Jr. - Petitioner
Case No. 98-410-X

Dear Mr. Covahey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Charles F. Evans, Jr.
2325 York Road, Timonium, Md. 21093

Mr. Ricky Isaacs, Hicks Engineering Co., Inc.
200 E. Joppa Road, Suite 402, Towson, Md. 21286-3160

Ms. Ruth Baisden
7706 Oak Avenue, Baltimore, Md. 21234

People's Counsel; Case Files

Printed with Soybean Ink
on Recycled Paper

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8800 HARFORD ROAD

which is presently zoned BL, RO, DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

Funeral establishment in an RO (Residential Office) Zone pursuant to Sections 204.3B1 of the Baltimore County Zoning Regulations, and to use the premises for a funeral establishment in a DR (Density Residential) Zone pursuant to Section 1B01.1C8 of the Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do 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 Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

CHARLES F. EVANS, JR.

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2325 YORK ROAD (410) 252-8722

Address Phone No.

TIMONIUM MD 21093

City State Zipcode

Attorney for Petitioner:

EDWARD C. COVAHEY, JR.

(Type or Print Name)

Signature

614 BOSLEY AVENUE (410) 828-9441

Address Phone No.

TOWSON MD 21204

City State Zipcode

Name, Address and phone number of representative to be contacted.

RICKY ISAACS - HICKS ENGINEERING COMPANY, INC.

Name

200 E. Joppa Rd - Ste 402 (410) 494-0001

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: RT DATE 4-29-98

ORDER RECEIVED FOR FILING

Date 4/29/98

By

98-410-X

410

ZONING DESCRIPTION
TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
FOR
EVANS FUNERAL CHAPEL @ 8800 HARFORD ROAD
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING at a point on the North side of Putty Hill Avenue (54' wide, more or less), 430' West, more or less, of the centerline of Harford Road, which is 60' wide. Thence the following nine (9) courses and distances, viz;

1) North 44°00'East, 195'±, thence;
2) South 47°30'East, 354'±, thence;
3) South 45°00'West, 7'±, thence;
4) North 56°30'West, 54'±, thence;
5) North 47°00'West, 103'±, thence;
6) South 34°30'West, 115'±, thence;
7) South 53°00'East, 25'±, thence;
8) South 33°30'West, 90'±, thence;
9) North 42°30'West, 258'± to the Point of Beginning.

CONTAINING 1.3 acres of land, more or less zoned 'DR-5.5' and 'RO' ('RO'portion contains less than 0.1 acres).

BEING all or part of each of Lots 26 and 27 of Plat of "Property of George A. Miller" as recorded in Baltimore County Plat Book Liber W.P.C. 7, Folio 95, and all or part of Lots 1 through 8 of Plat of "Geary A. Long Property" as recorded in Baltimore County Plat Book Liber W.P.C. 8, Folio 55.

ALSO being part of the property known as 8800 Harford Road and located in the Ninth Election District.

STATE OF MARYLAND
DONALD EDWIN HICKS
No. 8676
REGISTERED
PROFESSIONAL ENGINEER

HICKS ENGINEERING COMPANY, INC.
200 East Joppa Road, Suite 402
Towson, MD 21286

March 16, 1998

98-410-X

410

BALTIMORE COUNTY, MARYLA
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

ITEM# 410

No. 53707

DATE 4-29-98 ACCOUNT R001-6150

AMOUNT $ 300.00

RECEIVED FROM: CHARLES F. EVANS & SON, INC.

FOR: 8800 HARFORD RD.

ITEM# 050-SPX

R.T.

98-410-X

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTION TIME
[illegible] 4/29/1998 [illegible]
REG [illegible] CASHIER [illegible]
5 MISCELLANEOUS CASH RECEIPT
Receipt # [illegible]
CR NO 53707
300.00 CHECK [illegible]
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: #98-410-X
8800 [redacted] Evans Funeral [redacted]
NW [redacted] and Harford Road
9th Election District
6th Councilmanic District
Legal Owner(s): Charles F. Evans, Jr.

Special Exception: to allow a funeral establishment in a R-O zone.

Hearing: Monday, June 15, 1998 at 9:00 a.m., in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

5/405 May 28 C231918

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/28, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/28, 1998

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

[redacted]

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 13, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: 98-410-X
8800 Harford Road -- Evans Funeral Chapel
NWC Putty Hill Road and Harford Road
9th Election District - 6th Councilmanic District
Legal Owner: Charles F. Evans, Jr.

Special Exception to allow a funeral establishment in a R-O zone.

HEARING: Monday, June 15, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Edward C. Covahey, Jr., Esquire
Charles F. Evans, Jr.
Hicks Engineering Company, Inc.

NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 31, 1998.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
May 28, 1998 Issue - Jeffersonian

Please forward billing to:
Mr. Charles Evans 410-252-8722
2325 York Road
Timonium, MD 21093

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: 98-410-X
8800 Harford Road -- Evans Funeral Chapel
NWC Putty Hill Road and Harford Road
9th Election District - 6th Councilmanic District
Legal Owner: Charles F. Evans, Jr.

Special Exception to allow a funeral establishment in a R-O zone.

HEARING: Monday, June 15, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 410

Petitioner:

Location: 8800 HARFORD ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MR. CHARLES EVANS

ADDRESS: 2325 YORK ROAD

TIMONIUM, MD. 21093

PHONE NUMBER: 410-252-8722

AJ:ggs

(Revised 09/24/96)

98-410-X

Printed with Soybean Ink

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ITEM #410

ZONING NOTICE

Case No.: 98-410 SPX

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: PETITION FOR SPECIAL EXCEPTION FOR FUNERAL ESTABLISHMENTS.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96
post.4.doc

RE: PETITION FOR SPECIAL EXCEPTION 8800 Harford Road (Evans Funeral Chapel), NWC Putty Hill Road and Harford Road, 9th Election District, 6th Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
Legal Owners: Charles F. Evans, Jr.	*	BALTIMORE COUNTY
Petitioner(s)	*	Case Number: 98-410-X

* * * * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., Esq., Covahey & Boozer, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN

CERTIFICATE OF POSTING

RE: Case No.: 98-410-X

Petitioner/Developer:

CHARLES F. EVANS

Date of Hearing/Closing: 6/15/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

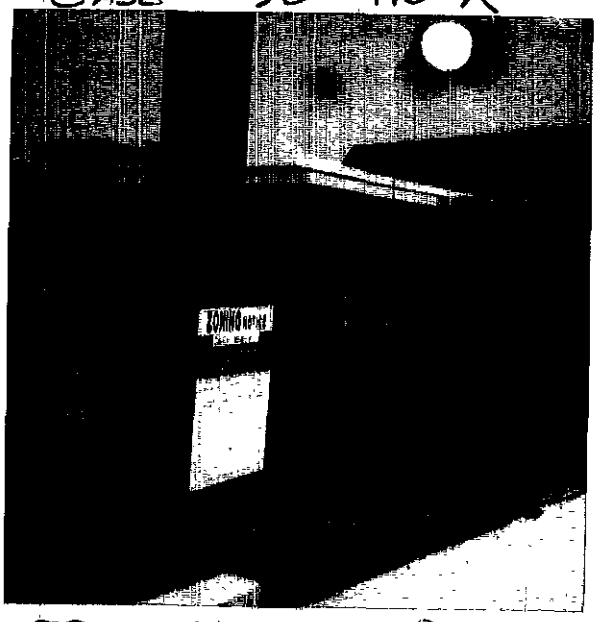
Ladies and Gentlemen:

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

8800 HARFORD ROAD

The sign(s) were posted on 5/31/98
(Month, Day, Year)

CASE # 98-410-X



8800 HARFORD ROAD
POSTED 5/31/98
Richard E Hoffman 5/31/98

Sincerely,

Richard E Hoffman 5/31/98
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD. 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 11, 1998

Edward C. Covahey, Jr., Esq.
614 Bosley Avenue
Towson, MD 21204

RE: Item No.: 410
Case No.: 98-410-X
Petitioner: Charles F. Evans, Jr. & Sons, Inc.
Location: 8800 Harford Road

Dear Mr. Covahey:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 29, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

cc: Ricky Isaacs

WCR:ggs
Attachment(s)

Printed with Soybean Ink

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

June 1, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: FRANK D. REITTERER AND F. LEONARD
AXAYKUMAR AND SHITAL DAVE
DONALD J. RESTORFF AND J. RESTORFF
GEORGE A. KAHL
CHARLES F. EVANS, JR.
FIRST MARINER BANK
TODD LEONARD AND NANCY LEONARD
J.R. BROTHERS, INC.

Location: DISTRIBUTION MEETING OF MAY 11, 1998

Item No.: 406, 407, 408, 409, 410
411, 413, AND 415

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: May 18, 1998

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for May 18, 1998
Item No. 410

The Development Plans Review Division has reviewed the subject zoning item. If to be granted, this office requests that the Zoning Commissioner requires that existing parking on the Putty Hill and Harford Roads corner be made to conform with the Baltimore County Landscape Manual. The 10-foot landscape strip along the right-of-way should be provided as well as the 7% interior landscape area. The site plan should be revised before approval.

RWB:HJO:jrb

cc: File

ZONE0518.410

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: _____

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: May 11, 98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 406, 407, 408, 409, 410, 411, 412, 413, 414, 415

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: May 12, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 381, 393, [redacted], 407, 408, 409, and 410

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffrey W Long

Division Chief: Gary L. Kerns

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\NOCOM\381.DOC

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 5.12.98
Item No. 410 RT

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

L. J. Gredlein

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

HICKS ENGINEERING COMPANY, INC.
200 East Joppa Road, Suite 402
Towson, MD 21286-3160 • (410) 494-0001

April 28, 1998

Baltimore County Office of Zoning
Administration & Development Management
Development Control
111 West Chesapeake Avenue, Room 109
Towson, MD 21204

Attention: Mr. Joseph Merry
Zoning Officer

Subject: Evans Funeral Chapel
8800 Harford Road

Dear Mr. Merry:

We are writing to you on behalf of our client to request the enclosed plan of the referenced site to be considered for a special exception. We are requesting that the existing use of a D.R. 5.5 Zoned Property be used for parking purposes pursuant to Section 1B01.1.A.14.f. of the Baltimore County Zoning Regulations. The parking area is to be utilized for business purposes only for the adjacent funeral establishment. This parking area is to remain outside the R.T.A. setback area as demonstrated on the enclosed plans. Adequate landscape buffering will be provided within the 50' R.T.A. buffer as required for the parking area and will be provided as per the Baltimore County Landscape Manual of October 1, 1990.

In addition, we are also requesting that a special exception be granted for the use of a funeral establishment within this D.R.5.5. zoned land. This exception is required under Section 1B01.1.C.8. of the Baltimore County Zoning Regulations. At the present time our client is not planning any future expansion within this D.R.5.5. zoned piece of property. He desires to have the option to expand the existing building which is located in a BL zoned district. Our client currently has approximately 26,136 S.F. +/- of land zoned BL. The floor area rate of 0.33 or 1/3 of the land would equal 8,712 S.F. +/- of building coverage. The building currently has 7,748 S.F. +/- which leaves approximately 964 S.F. +/- for future expansion. This square footage may or may not be enough area for the future expansion. Given these percentages, it is evident that our client must seek a special exception to allow service expansion to take place in the D.R. 5.5 zoned property.

98-410-X

#410

Mr. Joseph Merry
Page Number Two
April 28, 1998

In addition, we are also requesting a special exception to use the property for funeral establishment in an RO (Residential Office) zone pursuant to Section 204.3.B.1 of the Baltimore County Zoning Regulations. This area will also be included in tabulations necessary to facilitate funeral home expansion plans. This segment may remain parking for the funeral establishment. However, our client desires to have this option available for his expansion purposes.

Should you have any questions or comments, please do not hesitate to call.

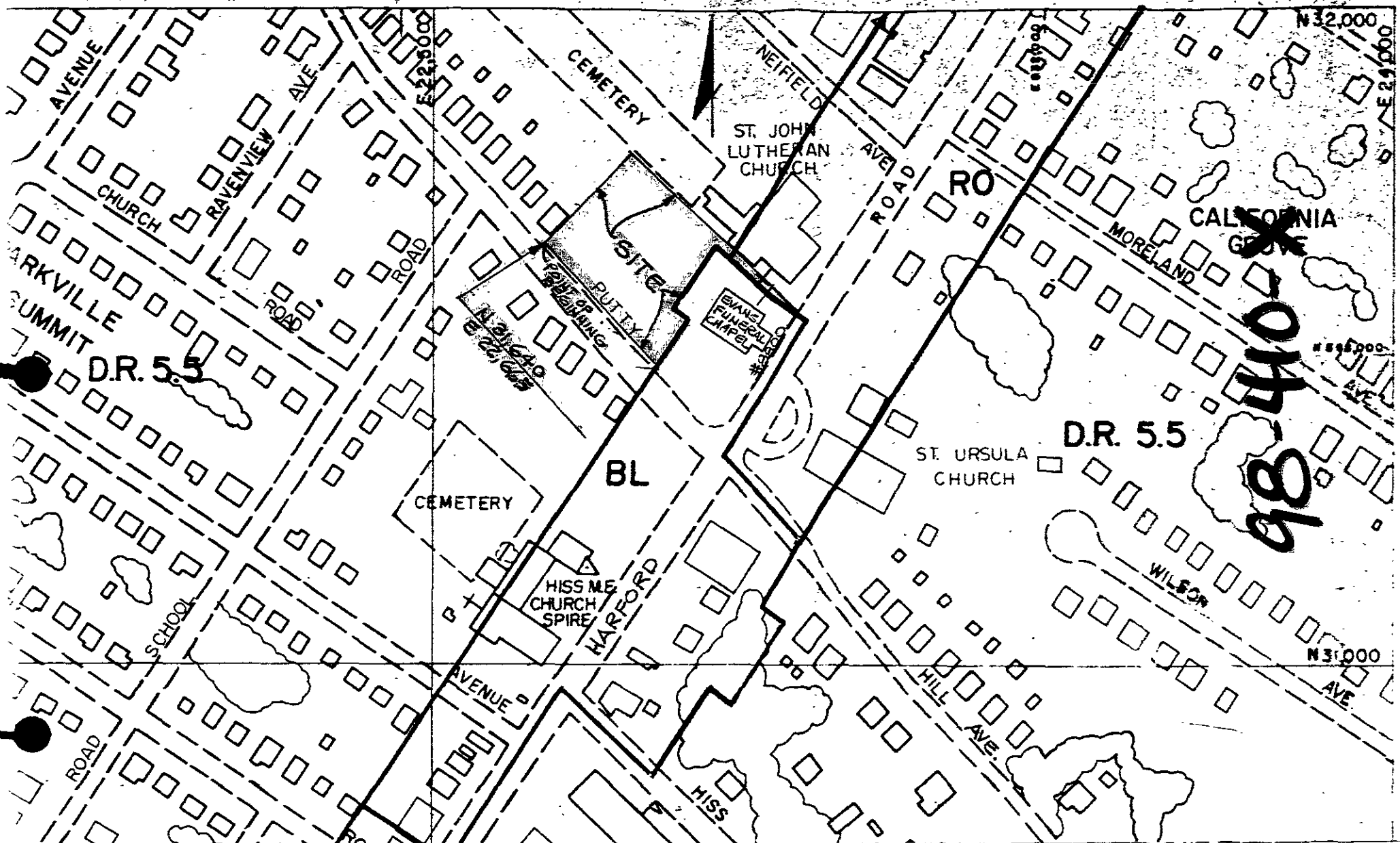
Very truly yours,

HICKS ENGINEERING COMPANY, INC.

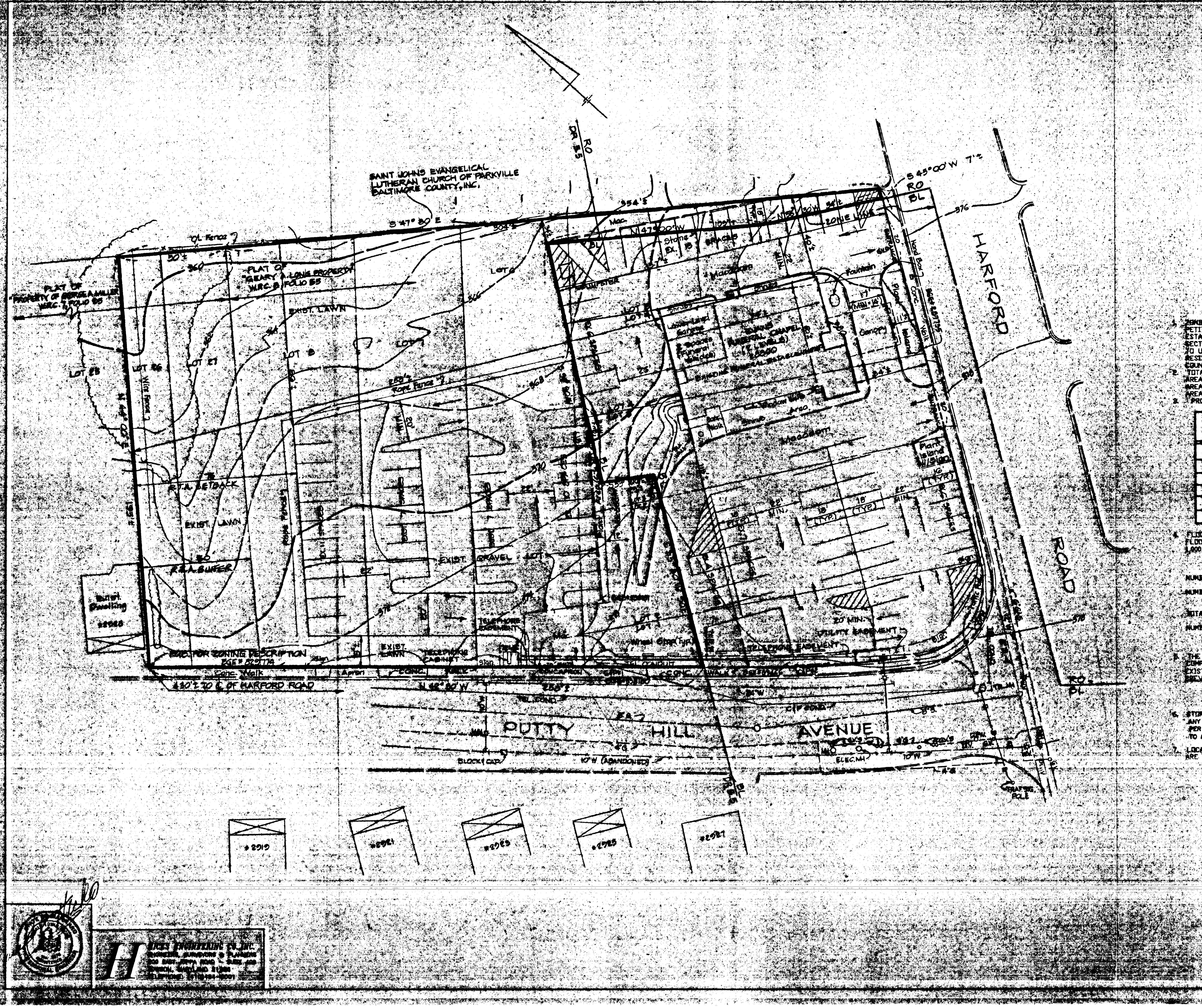
Ricky Isaacs
Project Engineer

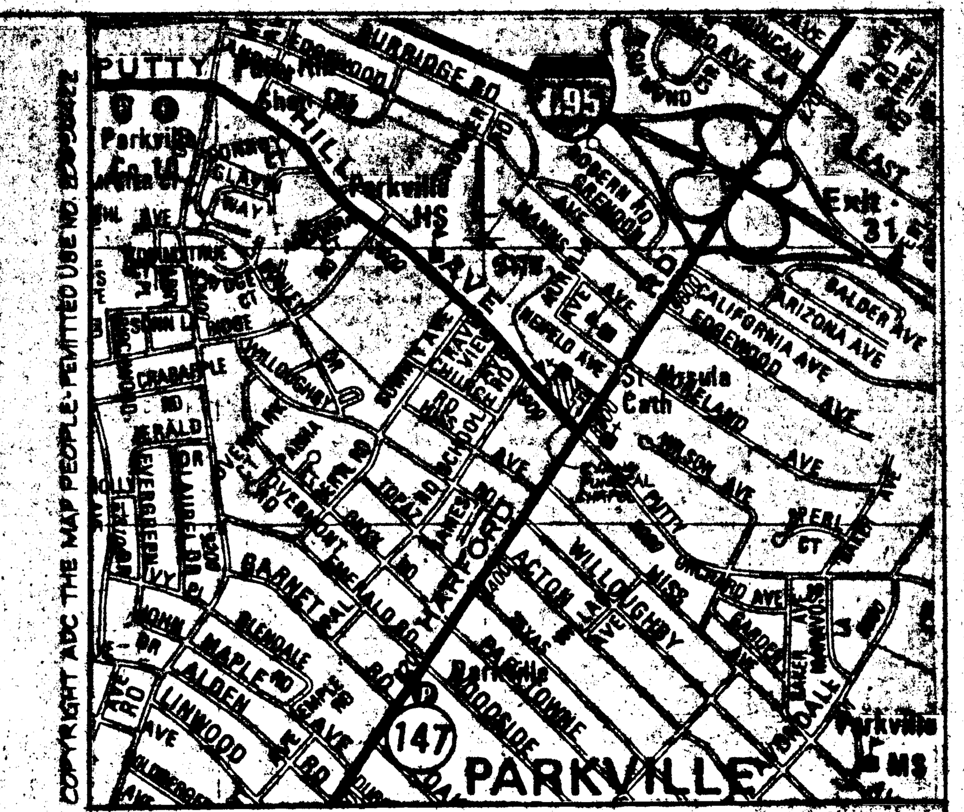
cc: File
Mr. Evans

410



SCALE	LOCATION	SHEET
1" = 200' ±	~~8800 HARFORD ROAD~~	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	PARKVILLE 9TH ELECTION DISTRICT BALTIMORE COUNTY, MD.	8-D #410





VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES

1. ZONING REQUEST:
PETITION FOR SPECIAL EXCEPTION TO USE THE PROPERTY FOR FUNERAL ESTABLISHMENT IN AN RO (RESIDENTIAL OFFICE) ZONE PURSUANT TO SECTION 204.3B) OF THE BALTIMORE COUNTY ZONING REGULATIONS AND TO USE THE PREMISES FOR A FUNERAL ESTABLISHMENT IN A DR (DENSITY RESIDENTIAL) ZONE PURSUANT TO SECTION 1B01.1C8 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
2. TOTAL AREA OF SITE: 1.8 ACRES±
AREA ZONED 'BL': 0.6 ACRES ±
AREA ZONED 'RO': <0.1 ACRES
AREA ZONED 'DR5.5': 1.2 ACRES± } 1.3 AC± TOTAL AREA OF SPECIAL EXCEPTION REQUESTED
3. PROPERTY REFERENCES:

LOT NO.	DEED REFERENCE	TAX ACCOUNT NUMBER
1	L.3697 F.432	09-05-880281
2-5	L.2940 F.484	09-05-880280
6	L.6177 F.524	19-00-001890
7	L.4759 F.198	09-05-880285
8	L.4419 F.567	09-05-880284
26 & 27	L.4248 F.87	09-05-880283

4. FLOOR AREA/PARKING DATA:
FLOOR SPACE AVAILABLE FOR USE BY PUBLIC (10 SPACES PER 1,000 SQ. FT.)
FIRST FLOOR: 3,250 SQ.FT.
LOWER LEVEL: 2,750 SQ. FT.
TOTAL: 6,000 SQ.FT. X 0.01 = 60 SPACES
NUMBER OF EMPLOYEES - MAX SHIFT (1 SPACE PER 2 EMPLOYEES)
8 EMPLOYEES - LARGEST SHIFT X .5 = 4 SPACES
NUMBER OF VEHICLES USED IN CONNECTION WITH THE BUSINESS (1 SPACE PER VEHICLE)
6 VEHICLES X 1.0 = 6 SPACES
TOTAL SPACES REQUIRED (PER CURRENT REGULATIONS)
70 SPACES
NUMBER OF SPACES AVAILABLE:
94 SPACES (57 WITHIN BL ('RO'*) ZONE & 37 IN DR-5.5 ZONE)
*THE 15 SPACES ADJACENT TO THE NORTHERNMOST BOUNDARY LINE ARE DIVIDED BY THE 'BL'/'RO' ZONE LINE.
5. THE PROPERTY SHOWN HEREON IS LOCATED ON THE 1"=200' SCALE, 1992 COMPREHENSIVE ZONING MAP OF BALTIMORE COUNTY - SHEET NE. 6-D
EXISTING ZONING D.R. 5.5, BL, RO
PREVIOUS ZONING CASES:
SPECIAL PERMIT FOR UNDERTAKING BUSINESS OR ESTABLISHMENT OF FUNERAL HOME. 1523-SA ORDERED SEPTEMBER 3, 1949. | SPECIAL HEARING CASE NO. 80-86 SPECIAL HEARING FOR NON-CONFORMING USE FOR A FUNERAL ESTABLISHMENT IN A DR.5.5 ZONE & D.R.R.D. ZONED LAND.
6. STORMWATER MANAGEMENT WILL BE PROVIDED AS REQUIRED FOR ANY PAVING OF THE EXISTING GRAVEL LOT. FACILITY WILL BE DESIGNED PER APPLICABLE COUNTY AND STATE STANDARDS AND SHALL BE SUBMITTED TO APPLICABLE AGENCIES FOR REVIEW AND APPROVAL.
7. LOCATION AND SIZE OF STORMWATER MANAGEMENT AREAS/DEVICES SHOWN ARE SCHEMATIC.

OWNER/PETITIONER
CHARLES F. EVANS & SONS, INC.
2325 YORK ROAD
TIMONIUM, MD 21093
PHONE (410) 252-8722

PETITIONER'S EXHIBIT 1

98-410-X #410

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR 8800 HARFORD ROAD (EVANS FUNERAL CHAPEL)

ELECTION DISTRICT 9CG
SCALE: 1"=20'
BALTIMORE CO., MD.
DATE: 4/28/98
H.E.C. JOB NO. 92148