IN RE: PETITION FOR ZONING VARIANCE
NE/S Stansbury Road,
SE of Graves Court
12th Election District
7th Councilmanic District

Edgemere Terminals, Inc.
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 88-212-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a front yard setback of 20 feet in lieu of the required 25 feet, for an existing building, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by its President, Gordon L. Walker, appeared, testified and was represented by Robert W. Cannon, Esquire. Also appearing on behalf of the Petition was William R. Anderson, an engineer with The Riemer Group, Inc. Numerous residents of the area appeared as Protestants (See Protestants Sign-In sheet).

Testimony indicated that the subject property, zoned M.L.-I.M., consists of 6.23 +/- acres, and is currently improved with several warehouse and storage buildings located at 8004 Stansbury Road. Mr. Walker testified that at the time the Petitioner filed for a Special Hearing in Case No. 88-211-SPH, the plat of the property was reviewed by a technician with the Office of Zoning who indicated that an existing building required a variance as it was located within 20 feet from the front property line in lieu of the required 25 feet, pursuant to Section 238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioner testified that the building in question was constructed in 1981 following the issuance of a building permit, at a cost in excess of $500,000. The application for a building permit was received on August 18, 1981 and approved by the Office of Zoning on August 25, 1981. On the application, the Petitioner indicated that the front property line setback would be 15 feet. Subsequently, the

building was constructed an additional 5 feet from the front property line, for a total front yard setback of 20 feet. Petitioner contends that at the time the permit was processed in 1981 a representative of the Petitioner was advised that the setback requirement was 10 feet rather than 25 feet. Mr. Cannon suggested that Article 3 was mistakenly and inappropriately used to calculate the front yard setback which led Petitioner to believe that the front yard setback requirement was 10 feet rather than 25 feet. Mr. Walker testified that to the best of his knowledge, the building could not be practically modified to comply with the zoning regulations and still be functional.

Petitioner contends that to require strict compliance with Section 238.1 of the B.C.Z.R. would result in an unreasonable hardship and practical difficulty to the Petitioner since the building was constructed in good faith after properly applying for permits.

William Anderson testified that he was familiar with the property, that Petitioner's Exhibit 1 is a fair and accurate representation of the property, and that the building is in fact 20 feet from the front yard. In his opinion, the building complies with the spirit and intent of the B.C.Z.R. and does not create a substantial injury to the community's health, welfare or safety.

Numerous Protestants testified that they are opposed to approval of the requested variance as the building is unsightly. Further, the Protestants believe that after construction of the building there was increased water runoff from its roof into the street which creates flooding and hazardous icing conditions on Stansbury Road, the only access route to many of their homes.

Mr. Walker indicated that in his opinion the addition of the building has created no more of a water runoff problem than previously experienced prior to its construction and that the building was constructed in compliance with storm water management regulations imposed by Baltimore County.

The Petitioner seeks relief from Section 238.1, pursuant to Section 307 of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. The Petitioner constructed the building in 1981 in good faith and with the approval of the Zoning Office. The fact that a variance was necessary was not known until the Petitioner requested the special hearing regarding a separate use of the property. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare, provided there is compliance with the restrictions imposed hereinafter.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of March, 1988 that a front yard setback of 20 feet in lieu of the required 25 feet for an existing building, in accordance with Peti-

tioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner shall have an engineer certify to the Bureau of Engineering and the Sediment Control Division of the Department of Permits & Licenses within twenty-five (25) days of the date of this Order that the Petitioner has complied with the storm water management plan which was originally submitted by Petitioner prior to construction of the building in 1981. Said certification shall be reviewed by each agency and all documentation requested by them shall be supplied by the Petitioner. If said plan is found not to be in compliance, Petitioner shall take whatever steps are necessary to insure compliance within a reasonable period of time following notification.

2) If for any reason the original storm water management plan for the building is not available, the Petitioner shall take whatever steps as deemed necessary by the Bureau of Engineering and the Sediment Control Division of the Department of Permits and Licenses to insure that an appropriate storm water management plan is in effect for the building.

3) The Petitioners shall contact the Office of Current Planning and submit a landscaping plan in compliance with the Baltimore County Landscaping Manual, if deemed applicable, within thirty (30) days of the date of this Order.

ANW:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

PETITION FOR ZONING VARIANCE

239

88-212-A

Building permit was approved and building built with front yard setback of 20'. Article 3 was used to calculating front setback for these 1.

Front yard depth 8004 Stansbury = 20'
Front yard depth 8040 Stansbury = 0'
Average front yard depth = 10'

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

239

8004 Stansbury Road in
the 12th Election District

EXHIBIT A

239

88-212-A

Date of Posting 11/13/87

Posted for: Variance

Petitioner: Edgemere Terminals, Inc.

Location of property: 8004 Stansbury Rd., SE of Graves Ct.

Location of sign: Facing Stansbury Rd., approx. 6' fr. nearest edge of road, in front approximately 4 feet

Posted by: [illegible]

Date of return: 11/20/87

March 23, 1988

Robert W. Cannon, Esquire
100 S. Charles Street
Baltimore, Maryland 21201

RE: Petition for Zoning Variance
NE/S Stansbury Road, SE of Graves Court
12th Election District; 7th Councilmanic District
Edgewere Terminals, Inc. - Petitioner
Case No. 88-212-A

Dear Mr. Cannon:

Enclosed please find the decision rendered in the above-referenced case. Your Petition for Zoning Variance has been granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

[illegible]
Zoning Commissioner
for Baltimore County

AMHobje
Enclosures
cc: Mr. Jack Simons
Simons Builders
515 E. Joppa Road, Baltimore, Md. [illegible]

Ms. Patricia A. Walz
8406 Cove Road, Baltimore, Md. [illegible]

Ms. Mary A. Lynnett
8500 Cove Road, Baltimore, Md. [illegible]

Mr. George Meyhemin
8007 Edgewere Road, Baltimore, Md. [illegible]

People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

88-212-A

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

Variance from Section 238.1 (front yard setback) (to permit a 20 foot setback

instead of the required 25 foot setback)

MAP ___
ELD ___
DATE ___
200 ___
1000 ___
DP ___

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Building permit was approved and building built with front yard setback of 20'. Article 3 was used in calculating front setback for Phase I.

Front yard Depth 8004 Stansbury = 20'
Front yard Depth 8100 Stansbury = 0'
Average front yard Depth = 10'

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

I, or we, agree to pay expenses of above Variance 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:	Legal Owner(s):
(Type or Print Name)	Edgewere Terminals, Inc. (Type or Print Name)
Signature	Signature
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	
Robert W. Cannon (Type or Print Name)	8004 Stansbury Road 337-6990 Address Phone No.
Robert W. Cannon Signature	Baltimore, Maryland 21222 City and State
100 S. Charles Street Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Baltimore, Maryland 21201 City and State	Simons Builders - Jack Simons Name
Attorney's Telephone No.: 332-8816	515 E. Joppa Rd. Baltimore, MD 21204 Address 337-6990 Phone No.

Zoning Petition
Edgewere Terminals

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of September, 19 87, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building, in Towson, Baltimore County, on the 3rd day of December, 19 87 at 9:00 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

239

8004 Stansbury Road in

the 12th Election District

EXHIBIT A

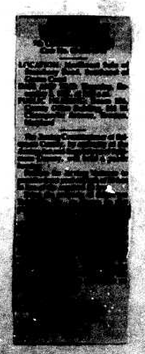
BEGINNING for the same at a point on the northeast side of Stansbury Road, at the distance of 99.23 feet, as measured South 59 degrees 33 minutes East along said northeast side of Stansbury Road from its intersection with the southeast side of Graves Court, fifty feet wide, said beginning point being at the beginning of the land conveyed to the Trident Corporation by deed recorded among the Land Records of Baltimore County in Liber GLB No. 2715, folio 543, running thence binding on said northeast side of Stansbury Road, (1) South 59 degrees 33 minutes East 617.77 feet to the beginning of the land conveyed to Trident Corporation by deed recorded among the said Land Records in Liber GLB No. 2715, folio 551, thence binding reversely on the sixth and fifth lines the said last mentioned land, (2) North 30 degrees 27 minutes East 439.00 feet, thence binding on the southwest side of Flood Road, forty feet wide, (3) North 59 degrees 33 minutes West 617.77 feet, and thence binding on the last line of said first mentioned land, (4) South 30 degrees 27 minutes West 439.00 feet to the place of beginning.

SUBJECT to ten foot widening strip for widening of Stansbury Road.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-212-A

District 12th
Date of Posting 10/23/87
Posted for: Variance
Petitioner: Edgewere Terminals, Inc.
Location of property: NE/S Stansbury Rd., SE of Graves Ct.
Location of Signs: Facing Stansbury Rd., approx. 40' from road way, attached to house belonging to Lynnett
Remarks: (No Parking)
Posted by [illegible] Signature
Date of return: 10/24/87
Number of Signs: 1



CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov 12, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Nov 12, 1987

THE JEFFERSONIAN,

Susan Gudus Obrecht
Publisher

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O Box 8936
Dundalk, Md. 21222

November 12, 19 87

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrg. Case #88-212-SPH - P.O. #94812 - Req. #M08724 - 61 lines @ $24.40.
was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for one [redacted] weeks before the 13th day of November 19 87 ; that is to say, the same was inserted in the issues of Nov. 12, 1987

Kimbel Publication, Inc.
per Publisher.

By K. E. Oller

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 29857

DATE 12/14/86 ACCOUNT 01-615-000
AMOUNT $ 100.00
RECEIVED Simons Cust Co.
FOR Variance # 239
B 801*****100001* 2114F
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 45842

DATE 12/3/87 ACCOUNT R-01-615-000
AMOUNT $ 71.58
RECEIVED Robert W. Cannon
FOR Posting & Advertising 88-212-A
B 801*****71581* 2033F
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

November 19, 1987

Robert W. Cannon, Esq.
100 South Charles Street
Baltimore, Maryland 21201

Re: **Petition for Zoning Variance**
NE/S Stansbury Rd., SE of Graves Ct.
12th Election District - 7th Councilmanic District
Edgemere Terminals, Inc. - Petitioner
Case number: 88-212-A

Dear Mr. Cannon:

Please be advised that 71.58 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:

Robert W. Cannon, Esquire
100 South Charles Street
Baltimore, Maryland 21201

November 5, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
NE/S Stansbury Rd., SE of Graves Ct.
12th Election District - 7th Councilmanic District
Edgemere Terminals, Inc. - Petitioner
Case No. 88-212-[redacted]

TIME: 9:00 a.m.

DATE: Thursday, December 3, 1987

PLACE: **Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland**

J. Robert Haines
J. Robert Haines
Zoning Commissioner
of Baltimore County

JRH:med

ccs: Edgemere Terminals, Inc.
8004 Stansbury Road
Baltimore, Maryland 21222

Mr. Jack Simons
515 East Joppa Road
Baltimore, Maryland 21204

Mr. David Green, Zoning Inspector
(RE: CASE NO. C-87-558)

IN CASE OF SNOW, HEARING WILL BE CANCELLED AND RESCHEDULED FOR A LATER DATE AND TIME. JRH

Baltimore County
Department of Public Works
Towson, Maryland 21204

Gene L. Neff, P.E.
Director

May 17, 1988

Dennis F. Rasmussen
County Executive

Robert W. Cannon, Esquire
Weinberg and Green
100 South Charles Street
Baltimore, Maryland 21201

RE: Edgemere Terminals, Inc.
Zoning Case #88-212-A
Election District 12C7
Building App. #C-1238-81
Permit #38787

Dear Sir:

This office has been contacted by the engineer for the subject site, the Riemer Group, regarding the status of Storm Water Management under the 1981 building permit. Please be advised that the Storm Water Management Regulations in effect at the time of application for permit #38787 were imposed on commercial developments only where the total new impervious area was greater than 1/2 acre or more.

Since the site development was considerably less than 1/2 acre it was automatically exempt from Storm Wate Management requirements.

Very truly yours,

JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:CEB:g

cc: Ann M. Nastarowicz
File

RECEIVED
MAY 18 1988
ZONING OFFICE

Baltimore County
Department of Public Works
Towson, Maryland 21204

Gene L. Neff, P.E.
Director

May 17, 1988

Dennis F. Rasmussen
County Executive

Robert W. Cannon, Esquire
Weinberg and Green
100 South Charles Street
Baltimore, Maryland 21201

RE: Edgemere Terminals, Inc.
Zoning Case #88-212-A
Election District 12C7
Building App. #C-1238-81
Permit #38787

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Very truly yours,

JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:CEB:g

cc: Ann M. Nastarowicz
File

RECEIVED
MAY 18 1988
ZONING OFFICE

April 22, 1988

Robert W. Cannon, Esquire
Weinberg and Green
100 South Charles Street
Baltimore, Maryland 21201

RE: Petition for Zoning Variance
NE/S Stansbury Road, SE of Graves Court
12th Election District - 7th Councilmanic District
Case No. 88-212-A

Dear Mr. Cannon:

[illegible]

Robert W. Cannon, Esquire
April 22, 1988
Page 2

cc:c: Mr. Dennis A. Wolf
[illegible]

Mr. Gene S. Lamson
[illegible]

Mr. George Dorsey
[illegible]

James Pilson [illegible]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. J. Robert Haines
Zoning Commissioner

Date November 23, 1987

FROM Norman E. Gerber, AICP
Director of Planning and Zoning

SUBJECT Zoning Petition No. 88-212-SPH

A CRG meeting may be required. This possibility as well as site plan details should be discussed with the Division of Current Planning and Development.

Director

NEG:JGH:dms

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

Md. November 12, 1987 Page 47

PETITIONS FOR ZONING VARIANCE
12th Election District
7th Councilmanic District
Case No. 88-212-SPH
LOCATION: Northwest Side of Stansbury Road, Southeast of Graves Court
DATE AND TIME: Thursday, December 3, 1987, at 9:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Zoning Variance to permit a front yard setback of 20 feet in lieu of the required 25 feet.
Being the property of Edgemere Terminals, Inc., as shown on plat plan filed with the Zoning Office.
In the event that this Petitioned is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will hold a hearing if requested for a copy of the decision of said petition filed for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md 21222

November 12, 19 87

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. Case #88-212-SPH - P.O. #94812 - Req. #M08724 - 61 lines @ $24.40.
was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for one ~~successive~~ week before the 13th day of November 19 87 ; that is to say, the same was inserted in the issues of Nov. 12, 1987

Kimbel Publication, Inc.
per Publisher.

By _____

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

November 19, 1987

Robert W. Cannon, Esq.
100 South Charles Street
Baltimore, Maryland 21201

Re: Petition for Zoning Variance
NE/S Stansbury Rd., SE of Graves Ct.
12th Election District - 7th Councilmanic District
Edgemere Terminals, Inc. - Petitioner
Case number: 88-212-A

Dear Mr. Cannon:

[illegible]

J. Robert Haines

Dennis F. Rasmussen
County Executive

JRH:

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 29857
DATE _____ ACCOUNT _____
AMOUNT $ _____
RECEIVED FROM _____
FOR _____
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 45842
DATE _____ ACCOUNT _____
AMOUNT $ _____
RECEIVED FROM _____
FOR _____
VALIDATION OR SIGNATURE OF CASHIER

November 2, 1987

NOTICE OF HEARING

[illegible]
Petition for Zoning Variance
NE/S Stansbury Rd., SE of Graves Ct.
Edgemere Terminals, Inc. - Petitioner
Case number: 88-212-A
[illegible]

TIME: [illegible]

DATE: Thursday, November 19, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

cc: Edgemere Terminals, Inc.
[illegible] Stansbury Road
Baltimore, Maryland 21222

Mr. [illegible]
[illegible] East Joppa Road
Baltimore, Maryland 21204

Mr. David Fenney, Zoning Inspector
RE: CASE No. 88-212-A

IN CASE OF SNOW, HEARING WILL BE CANCELLED AND RESCHEDULED FOR A LATER DATE AND TIME. JRH

[illegible]
Baltimore, Maryland 21201

May 17, 1988

Robert W. Cannon, Esquire
Weinberg and Green
100 South Charles Street
Baltimore, Maryland 21201

RE: Edgemere Terminals, Inc.
Zoning Case #88-212-A
Election District 12C7
Building App. #[illegible]
Permit #38787

Dennis F. Rasmussen
County Executive

Dear Sir:

This office has been contacted by the engineer for the subject site, the Rimmer Group, regarding the status of Storm Water Management under the 1981 building permit. Please be advised that the Storm Water Management Regulations in effect at the time of application for permit #38787 were imposed on commercial developments only where the total new impervious area was greater than 1/2 acre or more.

Since the site development was considerably less than 1/2 acre it was automatically exempt from Storm Water Management requirements.

Very truly yours,

JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:CEB:g

cc: Ann M. Nastarowicz
File

RECEIVED
MAY 18 1988
ZONING OFFICE

Baltimore County
Department of Public Works
Towson, Maryland 21204

Gene L. Neff P.E.
Director

May 17, 1988

Robert W. Cannon, Esquire
Weinberg and Green
100 South Charles Street
Baltimore, Maryland 21201

RE: Edgemere Terminals, Inc.
Zoning Case #88-212-A
Election District 12C7
Building App. #C-1238-81
Permit #38787

Dennis F. Rasmussen
County Executive

Dear Sir:

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Since the site development was considerably less than 1/2 acre it was automatically exempt from Storm Water Management requirements.

Very truly yours,

JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:CEB:g

cc: Ann M. Nastarowicz
File

April 22, 1988

Robert W. Cannon, Esquire
Weinberg and Green
100 South Charles Street
Baltimore, Maryland 21201

RE: Petition for Zoning Variance
NE/S Stansbury Road, SE of Graves Court
12th Election District - 7th Councilmanic District
Case No. 88-212-A

Dear Mr. Cannon:

The following is in response to your letter dated April 18, 1988 on the above-captioned matter.

I am not in agreement with your conclusion regarding Restrictions Nos. 1 and 2 having been met. The issuance of the building permit prior to construction does not evidence compliance with storm water management requirements. The Petitioner is expected to provide this Office with documentation from the Bureau of Engineering and the Division of Sediment Control that a storm water management plan in compliance with County regulations at the time the building was constructed in 1981, is, or will be, in effect. If said documentation cannot be provided within thirty (30) days of the date of this letter, please let me know before the thirty days have expired if additional time is necessary and the reasons for requesting an extension.

Pursuant to our telephone conversation of April 20, 1988 regarding compliance with Restriction No. 3 of the above-captioned matter and Restriction No. 4 of Case No. 88-211-SPH, a twenty-day extension is hereby granted for supplying information regarding the applicability of the Baltimore County Landscaping Manual. You are correct in stating the Manual is not applicable regarding Case No. 88-212-A since it was not in effect at the time the building was constructed in 1981. However, the Manual may be deemed applicable in Case No. 88-211-SPH as a result of the Filing granted thereto.

If you have any further questions on the subject, please do not hesitate to call me. Thank you for your consideration in this matter.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:mlw
cc: See the addition

Robert W. Cannon, Esquire
April 22, 1988
Page 2

cc(s): Ms. Patricia A. Wolf
8406 Cove Road, Baltimore, Md. 21222

Ms. Mary R. Lennett
8500 Cove Road, Baltimore, Md. 21222

Mr. George Woytowitz
8007 Sagamore Road, Baltimore, Md. 21237

Case Files (2)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines, Zoning Commissioner — Date: November 23, 1987

FROM: Norman E. Gerber, AICP, Director of Planning and Zoning

SUBJECT: Zoning Petition No. 88-212-SPH

A CRG meeting may be required. This possibility as well as site plan details should be discussed with the Division of Current Planning and Development.

Norman E. Gerber, AICP
Director

NEG:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

PETITION FOR ZONING VARIANCE

12th Election District - 7th Councilmanic District

Case No. 88-212-[redacted]

LOCATION: Northeast Side of Stansbury Road, Southeast of Graves Court

DATE AND TIME: Thursday, December 3, 1987, at 9:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a front yard setback of 20 feet in lieu of the required 25 feet

Being the property of Edgemere Terminals, Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
NE/S Stansbury Rd., SF of Graves Ct., 12th Election District : OF BALTIMORE COUNTY

EDGEMERE TERMINALS, INC., Petitioner : Case No. 88-212-SPH

ENTRY OF APPEARANCE

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

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 13th day of November, 1987, a copy of the foregoing Entry of Appearance was mailed to Robert W. Cannon, Esquire, Weinberg and Green, 14th Floor, 100 S. Charles St., Baltimore, MD 21201.

Peter Max Zimmerman

WEINBERG AND GREEN
ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201

BALTIMORE (301) 332-8600
WASHINGTON AREA 470-7400

TELECOPIERS
(301) 332-8882
(301) 332-8883

WRITER'S DIRECT DIAL NUMBER

April 18, 1988

(301) 332-8816

FILE NUMBER 11912.13

BY HAND DELIVERY

RECEIVED ZONING OFFICE
DATE: 4/18/88

Hon. Ann M. Nastarowicz
Deputy Zoning Commissioner of
Baltimore County
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 88-212-A
Petitioner - Edgemere Terminals, Inc.
Petition for Zoning Variance

Dear Commissioner Nastarowicz:

In accordance with your March 23, 1988 Order (the "Order") granting the captioned Petition for Zoning Variance, this letter will outline the Petitioner's actions complying with conditions 1 and 2 (Order, page 4) concerning compliance with Storm Water Management ("SWM") requirements in effect at the time of construction of the subject building.

At our request, the Petitioner's engineer, The Riemer Group, Inc., has reviewed its files concerning the existence of any SWM plan submitted by Petitioner in connection with construction of the subject building in 1981. Mr. Arthur E. Muegge, P.E. of The Riemer Group, Inc. has confirmed that their files do not contain a SWM plan nor is there any evidence that a SWM plan was required. Because no SWM plan exists, the engineer's certificate referred to in condition 1 to the Order is not applicable.

Condition 2 of the Order requires, in the alternative, that if no SWM plan exists, the Petitioner take whatever steps necessary to insure that an appropriate SWM plan is in effect for the building. Both Mr. Muegge and Mr. Gordon Walker, President of Edgemere Terminals, Inc., have confirmed that a building permit was obtained prior to construction of the building in question. The issuance of the building permit prior to construction is evidence of compliance with all applicable regulations, including SWM requirements.

WEINBERG AND GREEN

Ann M. Nastarowicz, Esquire
April 18, 1988
Page 2

Finally, condition 3 of the Order requires that the Petitioner contact the Office of Current Planning to determine whether a landscape plan complying with the Baltimore County Landscaping Manual must be submitted. This condition requires that the Petitioner contact the Office of Current Planning no later than Friday, April 22, 1988. Because the identical condition is contained in the companion Order resulting from the Petition for Special Hearing (Case No. 88-211-SPH), we will submit a combined letter confirming compliance no later than this Friday.

As always, please do not hesitate to call me or Steve Hilsee (332-8787) if you have any questions or comments concerning this matter.

Respectfully,

Robert W. Cannon
Counsel to Petitioner

265/csg

cc: Mr. Gordon Walker
Mr. Arthur E. Muegge
Steven C. Hilsee, Esquire

WEINBERG AND GREEN
ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201

BALTIMORE (301) 332-8600
WASHINGTON AREA 470-7400

TELECOPIERS
(301) 332-8882
(301) 332-8883

WRITER'S DIRECT DIAL NUMBER

May 14, 1988

(301) 332-8816

FILE NUMBER 11912.13

Hon. Ann M. Nastarowicz
Deputy Zoning Commissioner of
Baltimore County
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 88-211-SPH and Case No. 88-212-A
Petitioner - Edgemere Terminals, Inc.
Petition for Special Hearing and
Petition for Zoning Variance

Dear Commissioner Nastarowicz:

This will confirm our telephone conversation on May 12, 1988. You asked me to drop you a letter and confirm the 21-day extension which you kindly granted to us in order to supply information regarding the applicability of the Baltimore County Landscape Manual in connection with the two referenced matters. Copies of this letter are being forwarded to the parties to whom you provided copies of your earlier correspondence.

Thank you for providing us the time necessary to provide meaningful responses.

Very truly yours,

Robert W. Cannon
Counsel to Petitioner

681/dr
cc: Ms. Patricia A. Wolf
Ms. Mary R. Lennett
Mr. George Woytowitz

RECEIVED
MAY 17 1988
ZONING OFFICE

File

WEINBERG AND GREEN
ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773

BALTIMORE (301) 332-8600
WASHINGTON AREA 470-7400

TELECOPIERS
(301) 332-8882
(301) 332-8883

WRITER'S DIRECT DIAL NUMBER

10480 LITTLE PATUXENT PARKWAY
SUITE 950
COLUMBIA, MARYLAND 21044-3508
(301) 740-8500

FILE NUMBER

May 23, 1988

(301) 332-8787

FILE NUMBER 11912.13

BY HAND DELIVERY

RECEIVED ZONING OFFICE
DATE: 5/23/88

Hon. Ann M. Nastarowicz
Deputy Zoning Commissioner of
Baltimore County
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 88-212-A
Petitioner - Edgemere Terminals, Inc.
Petition for Zoning Variance

Dear Commissioner Nastarowicz:

In accordance with your March 23, 1988 Order (as extended by your April 22, 1988 letter and May 12, 1988 conversation with Bob Cannon of our office, collectively the "Order") granting the captioned Petition for Zoning Variance, this letter will confirm the Petitioner's satisfaction of conditions 1 and 2 of the Order (page 4) concerning compliance with Storm Water Management Regulations.

Enclosed is a copy of a May 17, 1988 letter from Mr. James A. Markle, P.E., Chief, Bureau of Public Services, Department of Public Works to Bob Cannon of our office confirming exemption of SWM requirements (Mr. Markle's letter indicates that a copy of this letter was also sent to you).

In addition, on Friday, May 20, 1988 I spoke to Mr. Steve Willis, also with the Department of Public Works, to request that a supplemental letter be sent to your attention which will update the building permit reference in this matter.

We believe that conditions 1 and 2 of the Order (Case No. 88-212-A) have now been satisfied by the Petitioner.

WEINBERG AND GREEN

Hon. Ann M. Nastarowicz
May 23, 1988
Page 2

Please call me or Bob Cannon (332-8816) if you have any questions concerning this matter.

Very truly yours,

Steven C. Hilsee

265/cwp

Enclosure

cc: Mr. Gordon Walker, Sr. (with enclosure)
Robert W. Cannon, Esquire

---

file

WEINBERG AND GREEN
ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773

BALTIMORE (301) 332-8600
WASHINGTON AREA 470-7400

TELECOPIERS
(301) 332-8882
(301) 332-8883

WRITER'S DIRECT DIAL NUMBER

10480 LITTLE PATUXENT PARKWAY
SUITE 950
COLUMBIA, MARYLAND 21044-3508
(301) 740-8500

FILE NUMBER

June 2, 1988

(301) 332-8787

FILE NUMBER 11912.13

RECEIVED
JUN 2 1988
ZONING OFFICE

BY HAND DELIVERY

The Hon. Ann M. Nastarowicz
Deputy Zoning Commissioner of
Baltimore County
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case Nos. 88-211-SPH and 88-212-A
Petitioner - Edgemere Terminals, Inc.
Petitions for Special Hearing and Variance

Dear Commissioner Nastarowicz:

In accordance with your March 23, 1988 Orders granting the captioned Petitions for Special Hearing and Variance, this letter will confirm the Petitioner's satisfaction of condition 3 of the Order granting the Variance and condition 4 of the Order granting the Petition for Special Hearing concerning compliance with the Baltimore County Landscape Manual.

This will confirm my June 1, 1988 telephone conversation with Mr. Avery Harden with the Office of Current Planning concerning applicability of the Baltimore County Landscape Manual (the "BCLM"). Mr. Harden informed me that the BCLM and its landscaping requirements are not applicable to the subject property in connection with the captioned zoning petitions. Further, Mr. Harden confirmed that he had recently informed you of his analysis and that you had acknowledged the inapplicability of the BCLM in this situation.

Mr. Harden continued by indicating that the Petitioner, Edgemere Terminals, Inc., may choose to make certain landscape modifications on a purely voluntary basis. Specifically, Mr. Harden suggested that the installation of slats in the chain-link fence adjoining Stansbury Road would be an appropriate visual buffer. Although the Petitioner is not required to install these

slats, I agreed to relay this information to Mr. Gordon Walker, Sr., President of Edgemere Terminals, Inc. If Mr. Walker chooses to pursue this option, he will contact Mr. Avery Harden at 494-3335 (please note that I am sending a copy of this letter to Mr. Harden and Mr. Walker).

As a technical matter, satisfaction of this Landscape Manual condition has been accomplished within the time period set forth in your March 23, 1988 Orders (as extended by your April 22, 1988 letter and May 12 conversation with Bob Cannon). Two originals of this letter have been delivered for simultaneous filing under Case Nos. 88-211-SPH and 88-212-A.

We believe that all conditions requiring affirmative action or approvals by the Petitioner under the two captioned zoning Orders have now been satisfied by the Petitioner.

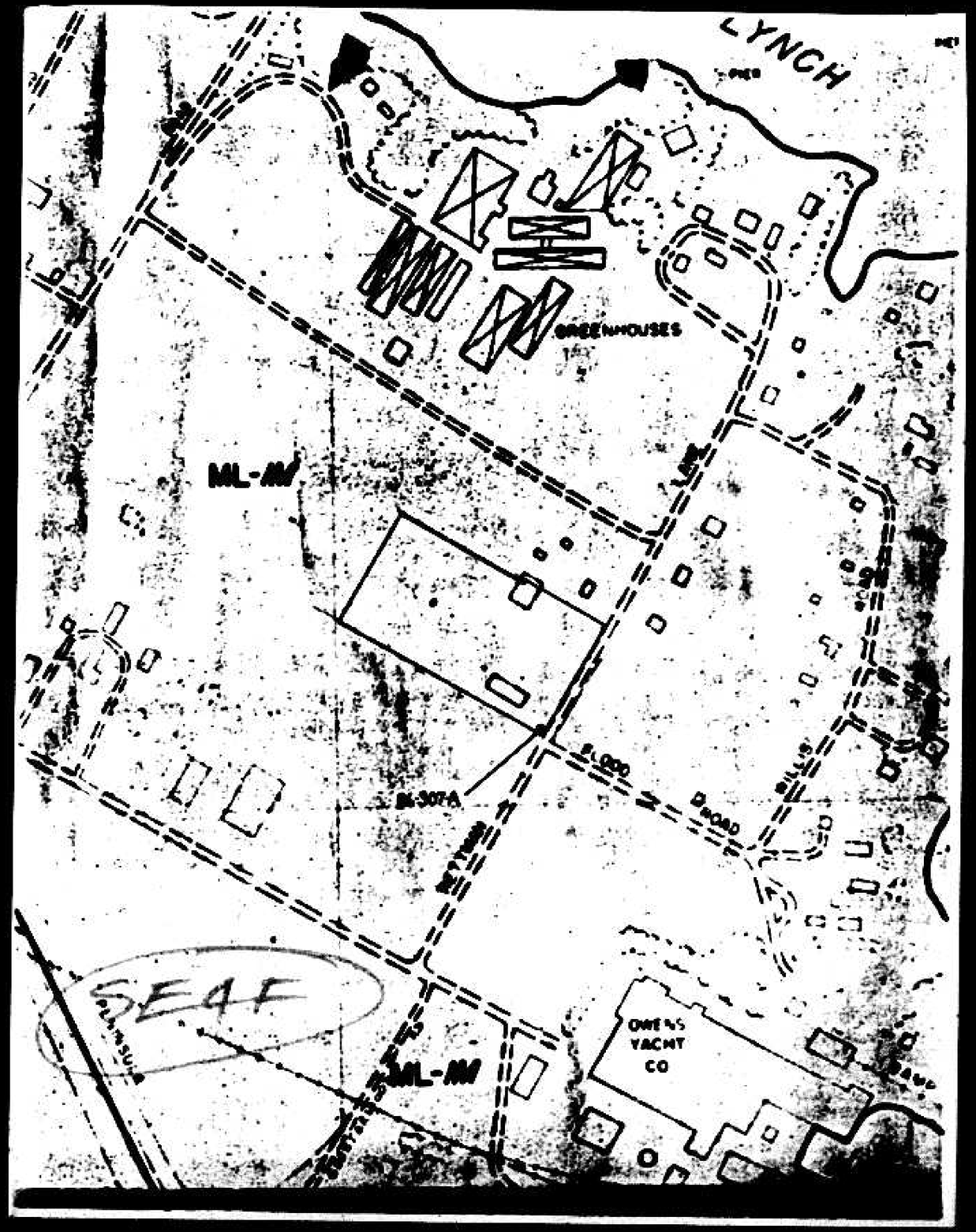
As always, please call me (332-8787) or Bob Cannon (332-8816) if you have any questions concerning the information contained in this letter.

Very truly yours,

Steven C. Hilsee

265/csg

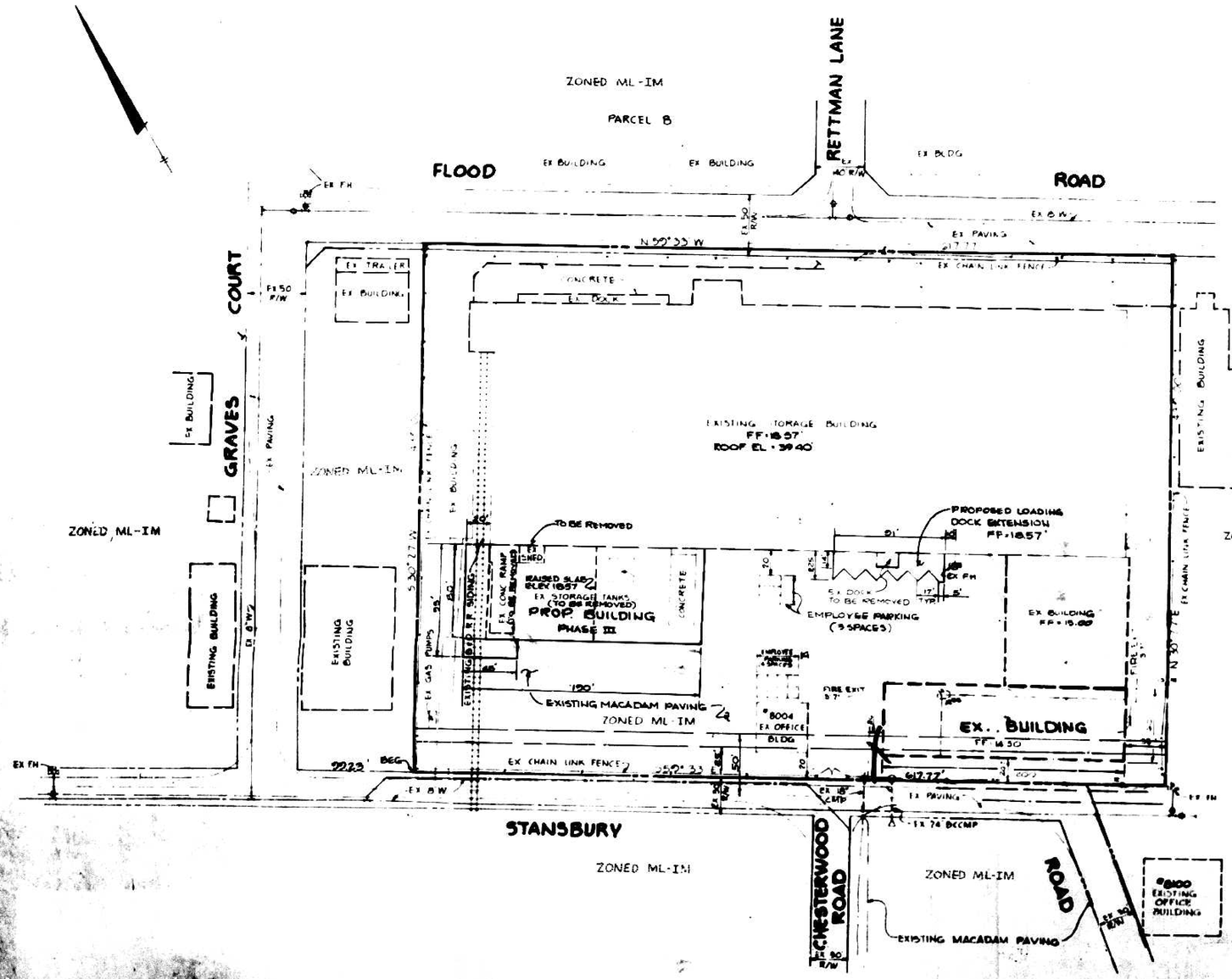
cc: Mr. Gordon Walker, Sr.
Mr. Avery Harden
Robert W. Cannon, Esquire



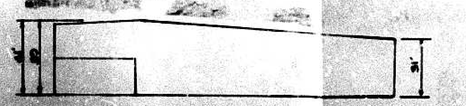
SITE ANALYSIS

	EXISTING	PROPOSED
1 ZONING	ML-IM	ML-IM
2 ACREAGE	6.2759 ACRES	6.2759 ACRES
3 USE	WAREHOUSE AND STORAGE	WAREHOUSE AND STORAGE
4 Nº OF EMPLOYEES	18	8
5 REQUIRED PARKING	6 SPACES	7 SPACES
6 PARKING PROVIDED	6 SPACES	7 SPACES

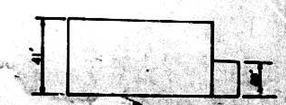
VICINITY MAP
SCALE 1"=2,000'



NOTE:
ELEVATIONS SHOWN ON THIS PLAN ARE BASED ON AN ASSUMED DATUM.



SOUTH ELEVATION
PHASE III
NO SCALE



WEST ELEVATION
PHASE III
NO SCALE

PETITIONER'S EXHIBIT 1

1 Sign

DATE	NO	REVISIONS

OWNER
EDGEMERE TERMINALS INC.
8004 STANSBURY ROAD
BALTIMORE, MARYLAND 21224

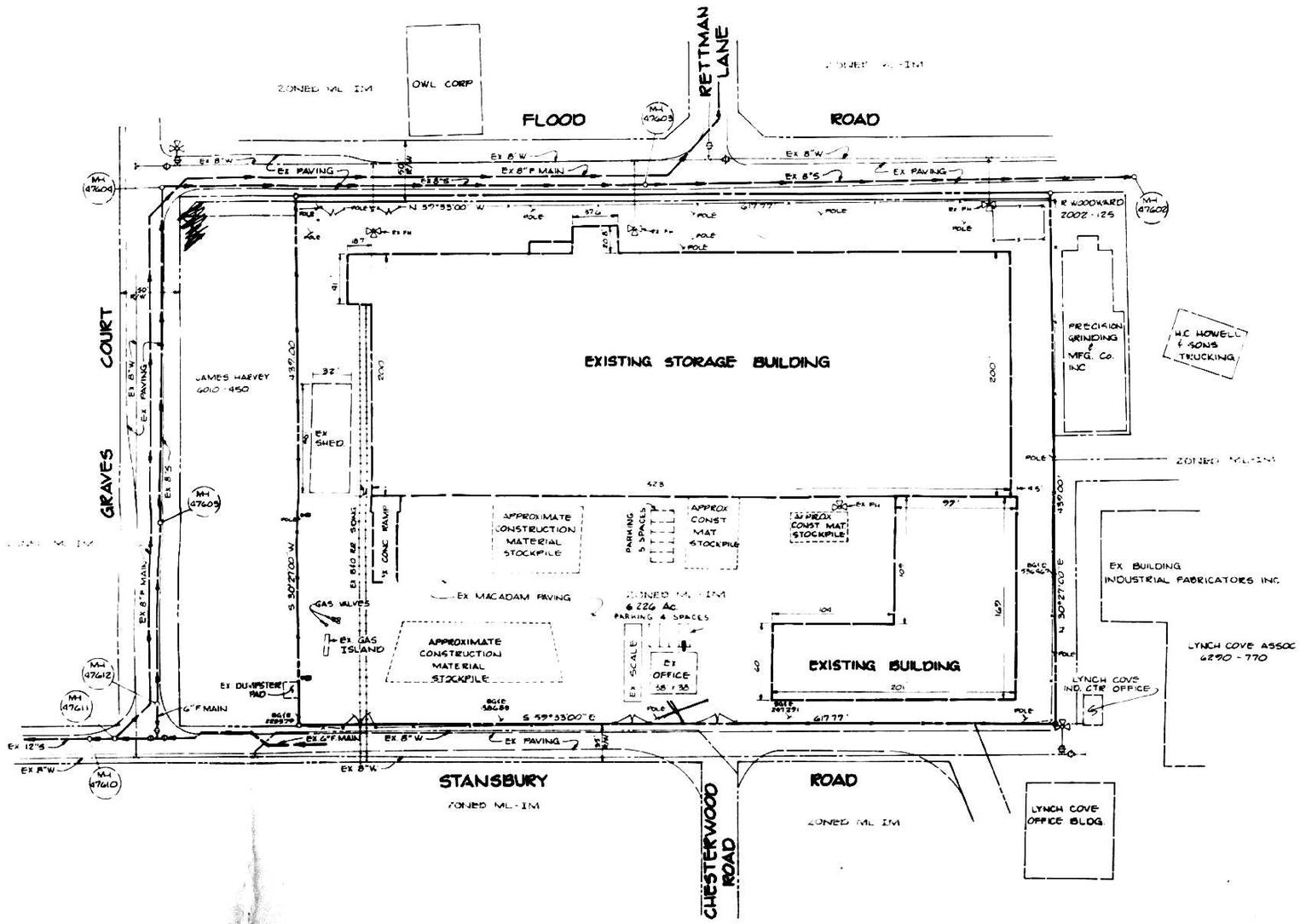
PROJECT
EDGEMERE TERMINALS INC.
STORAGE FACILITY

AREA
ZONED ML-IM
ELECTION DISTRICT Nº 12
BALTIMORE COUNTY, MARYLAND
L.5426 F.453 TAX MAP 109 PARCEL 116

TITLE
PLAT FOR ZONING VARIANCE

THE REMER GROUP, INC.
A LAND PLANNING, SURVEY & CIVIL ENGINEERING FIRM
5404 WALTER FORD DRIVE, ELLICOTT CITY, MD. 21043 410-465-9292

STATE OF MARYLAND

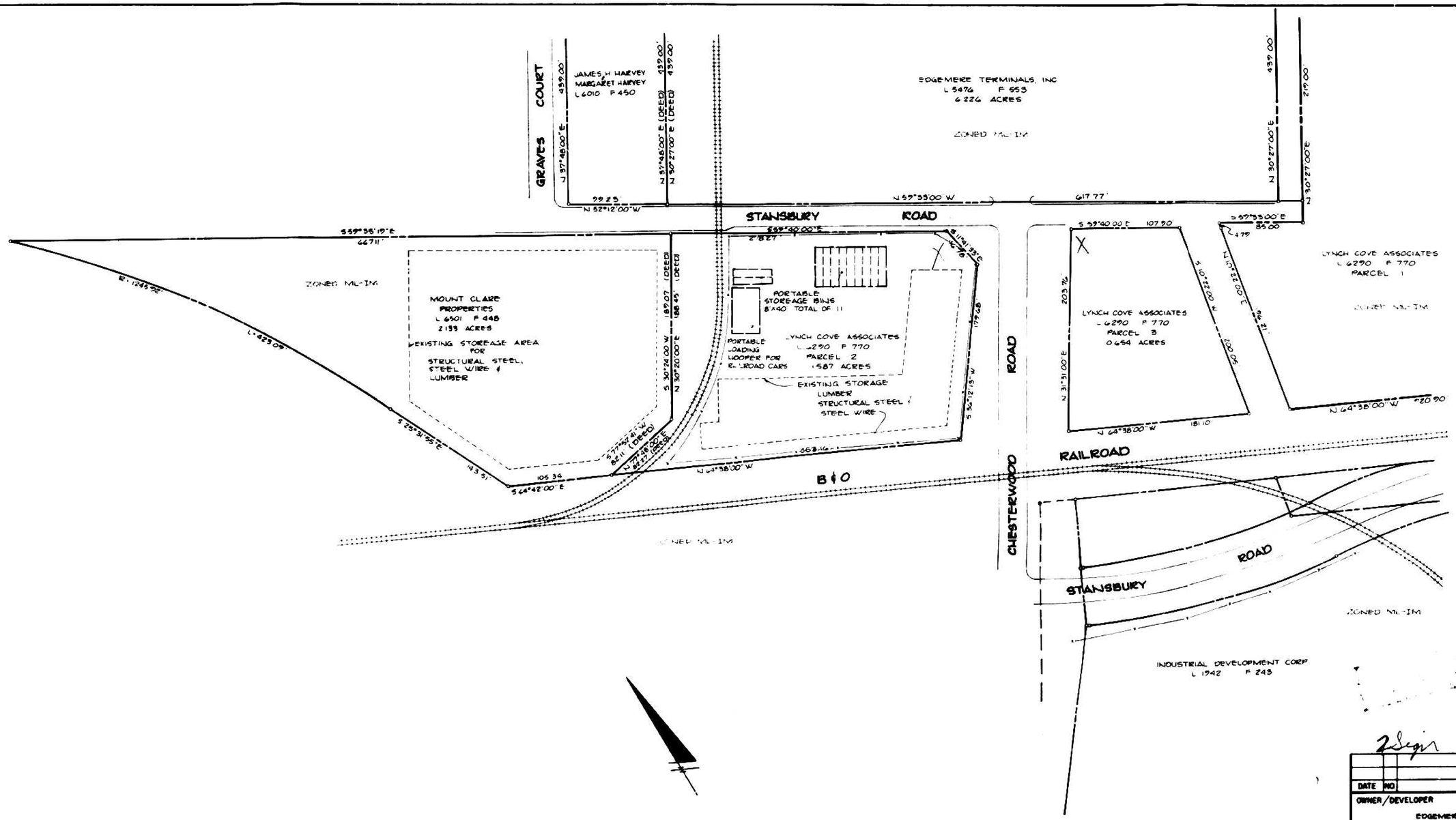


1

NOTE:
CONSTRUCTION MATERIALS MAY CHANGE.

OWNER	EDGEMERE TERMINALS INC 8004 STANSBURY ROAD BALTIMORE, MARYLAND 21222
PROJECT:	EDGEMERE TERMINALS STORAGE FACILITY
AREA:	ELECTION DISTRICT No 12 BALTIMORE COUNTY, MARYLAND
TITLE:	PLATS TO ACCOMPANY ZONING PETITIONS
1 Sign	546
DATE	
	DESIGNED BY:
	DRAWN BY: R.E.A.
	PROJECT NO: 17102
	DATE: 6-15-87
	SCALE: 1" = 50'
	DRAWING NO 1 OF 4

Total 4 Signs



GENERAL NOTES

1. ANTICIPATE RELOCATION OF ALL PORTABLE STORAGE BINS TO SHARPER PARCEL UPON DEVELOPMENT OF STORAGE AREA IN CONNECTION WITH RAILROAD SPUR
2. PARKING REQUIREMENTS:
   EDGEMERE TERMINALS:
   OFFICE 1444 S.F. @ 1/300=4.8
   COMMERCIAL USE:
   ONE SPACE FOR EACH THREE EMPLOYEES IN NUMERICALLY LARGEST SHIFT 13 @ 1/3 = 4.3
   TOTAL REQUIRED: 9
   TOTAL PROVIDED: 9
3. SEE SHEET 1 OF 6 FOR LOCATION OF PARKING SPACES

DATE	NO	REVISION

OWNER/DEVELOPER

EDGEMERE TERMINALS INC.
8004 STANSBURY ROAD
BALTIMORE, MARYLAND 21222

PROJECT:
EDGEMERE TERMINALS INC.

AREA ELECTION DISTRICT NO 12
BALTIMORE COUNTY, MARYLAND

TITLE: **PLATS TO ACCOMPANY ZONING PETITIONS**

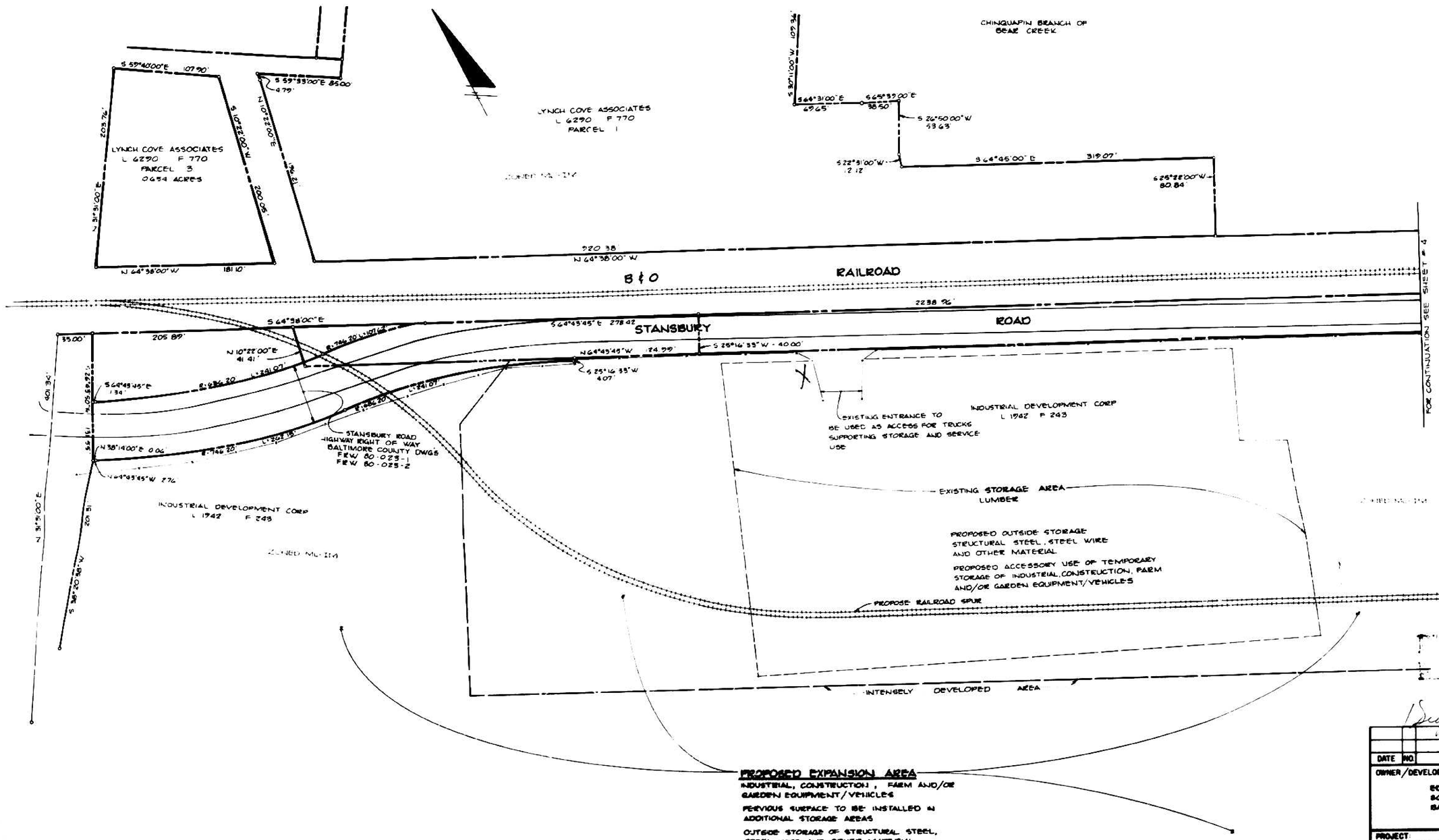
THE RIEMER GROUP, INC.

The Riemer Group, Inc. A Land Planning, Design & Civil Engineering Firm
8100 Health Park Drive, Ellicott City, Maryland 21043 (301) 461-0800

DATE

ANTHONY S. MURDOCK

DESIGNED BY:	
DRAWN BY:	R.E.A.
PROJECT NO:	17102
DATE:	6-15-87
SCALE:	1"=50'
DRAWING NO.	2 OF 6



PROPOSED EXPANSION AREA

INDUSTRIAL, CONSTRUCTION, FARM AND/OR GARDEN EQUIPMENT/VEHICLES

PERVIOUS SURFACE TO BE INSTALLED IN ADDITIONAL STORAGE AREAS

OUTSIDE STORAGE OF STRUCTURAL STEEL, STEEL WIRE, AND OTHER MATERIAL

NOTE:

1. EXISTING FENCE MAY BE RELOCATED FOR SECURITY REASONS
2. USE OF THE PROPOSED STORAGE EXPANSION AREA IS SUBJECT TO SATISFACTION OF THE CONDITIONS SET FORTH IN THE LETTER FROM NORMAN E. GERBER, DIRECTOR OF PLANNING AND ZONING TO ROBERT W. CANNON, ESQUIRE. DATED MAY, 22 1987.

FOR CONTINUATION SEE SHEET # 5

DATE	NO.	REVISION

OWNER/DEVELOPER

EDGEMERE TERMINALS INC.
8004 STANSBURY ROAD
BALTIMORE, MARYLAND 21222

PROJECT: **EDGEMERE TERMINALS INC.**

AREA: ELECTION DISTRICT NO. 12
BALTIMORE COUNTY, MARYLAND

TITLE: **PLATS TO ACCOMPANY ZONING PETITIONS**

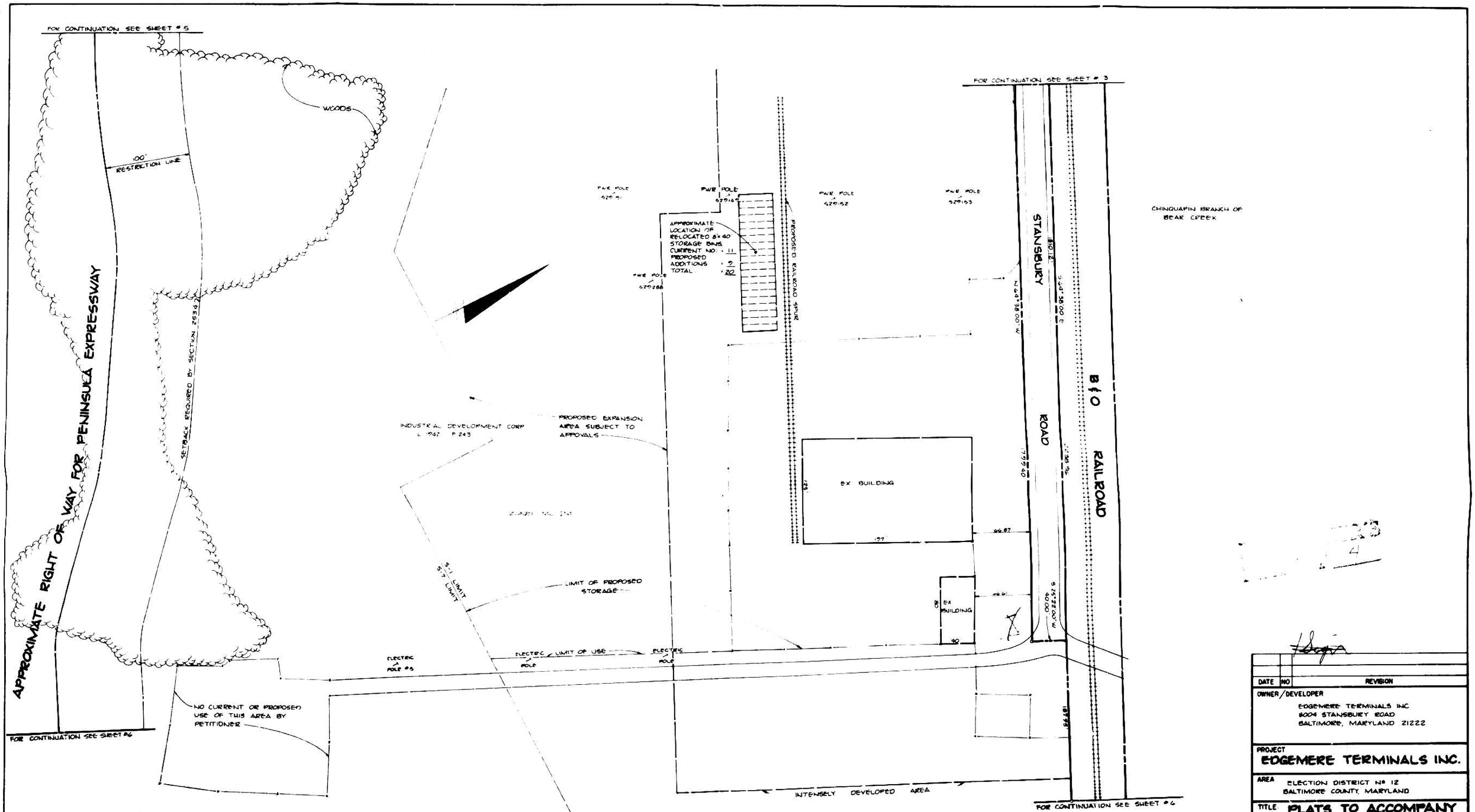
THE RIEMER GROUP, INC.

The Riemer Group, Inc. A Land Planning, Design & Civil Engineering Firm
8100 North Point Drive, Ellicott City, Maryland 21043 (301) 461-0550

DATE

ARTHUR E. RIEMER

DESIGNED BY:	
DRAWN BY:	R.E.A.
PROJECT NO:	17102
DATE:	6-15-87
SCALE:	1"=50'
DRAWING NO.	3 OF 6



NOTE

1. S-7 LINE SHOWN ON THIS SHEET IS TAKEN FROM BALTIMORE COUNTY SEWER DESIGNATION MAP AND HAS NOT BEEN VERIFIED BY FIELD RUN ELEVATIONS
2. EXISTING FENCE MAY BE RELOCATED FOR SECURITY REASONS
3. PROPOSED STORAGE EXPANSION AREA WILL BE LIMITED TO THE S-7 SEWER DESIGNATION LINE AS SHOWN
4. USE OF THE PROPOSED STORAGE EXPANSION AREA IS SUBJECT TO SATISFACTION OF THE CONDITIONS SET FORTH IN THE LETTER FROM NORMAN E. GERBER, DIRECTOR OF PLANNING AND ZONING TO ROBERT W. CANNON, ESQUIRE, DATED MAY, 26 1987.

DATE	NO	REVISION

OWNER/DEVELOPER
EDGEMERE TERMINALS INC
8004 STANSBURY ROAD
BALTIMORE, MARYLAND 21222

PROJECT
EDGEMERE TERMINALS INC.

AREA
ELECTION DISTRICT Nº 12
BALTIMORE COUNTY, MARYLAND

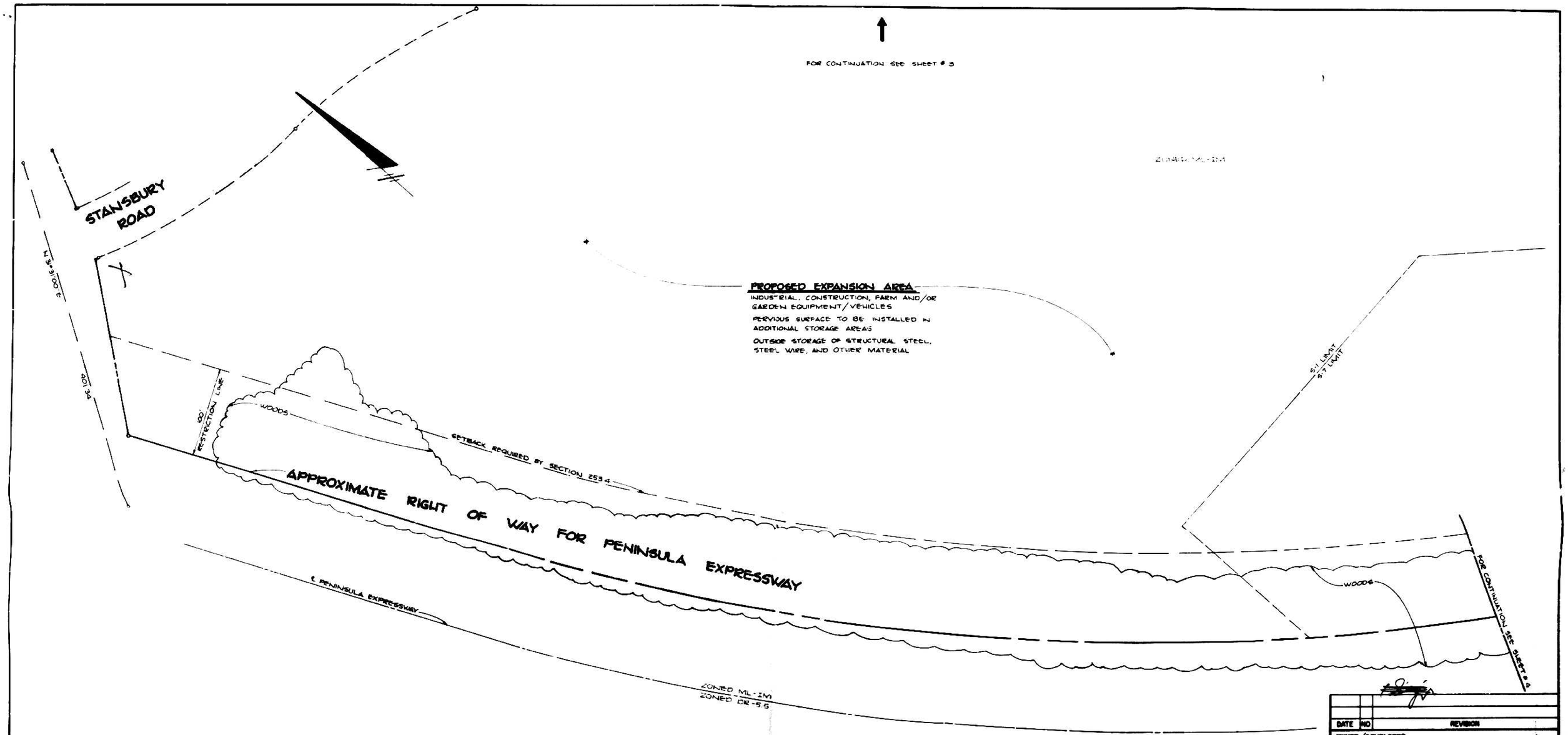
TITLE
PLATS TO ACCOMPANY ZONING PETITIONS

THE RIEMER GROUP, INC.
The Riemer Group, Inc. A Land Planning, Design & Civil Engineering Firm
3100 Health Park Drive, Ellicott City, Maryland 21043 (301) 461-9000

DATE

ARTHUR E. MURAGE #7761

DESIGNED BY:	
DRAWN BY:	R.E.A.
PROJECT NO:	17102
DATE:	6-15-87
SCALE:	1"=50'
DRAWING NO.	4 OF 6



NOTE:

S-7 LINE SHOWN ON THIS SHEET IS TAKEN FROM BALTIMORE COUNTY SEWER DESIGNATION MAP AND HAS NOT BEEN VERIFIED BY FIELD RUN ELEVATIONS

PROPOSED STORAGE EXPANSION AREA WILL BE LIMITED TO THE S-7 SEWER DESIGNATION LINE AS SHOWN.

DATE	NO	REVISION

OWNER/DEVELOPER

EDGEMERE TERMINALS INC.
8004 STANSBURY ROAD
BALTIMORE, MARYLAND 21222

PROJECT:
EDGEMERE TERMINALS INC.

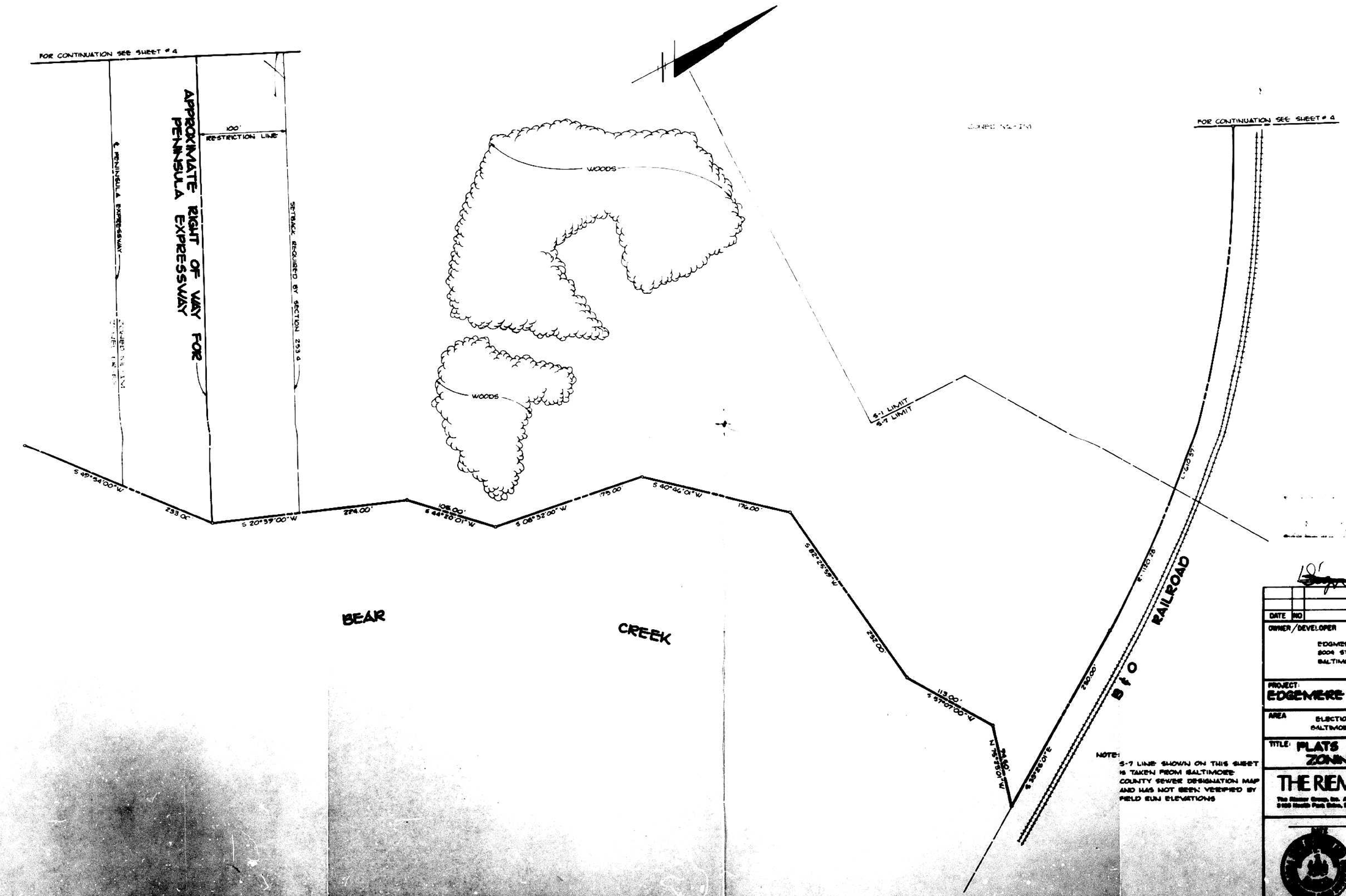
AREA
ELECTION DISTRICT Nº 12
BALTIMORE COUNTY, MARYLAND

TITLE: **PLATS TO ACCOMPANY ZONING PETITIONS**

THE RIEMER GROUP, INC.

The Riemer Group, Inc. A Land Planning, Design & Civil Engineering Firm
8105 Health Park Drive, Glen Burnie, Maryland 21061 (301) 461-0000

DESIGNED BY:
DRAWN BY: R.E.A.
PROJECT NO: 17102
DATE: 6-15-87
SCALE: 1" = 60'
DRAWING NO. 4 OF 4



NOTE:
S-7 LINE SHOWN ON THIS SHEET IS TAKEN FROM BALTIMORE COUNTY SEWER DESIGNATION MAP AND HAS NOT BEEN VERIFIED BY FIELD RUN ELEVATIONS

DATE	NO	REVISION

OWNER/DEVELOPER
EDGEMERE TERMINALS INC.
2004 STANSBURY ROAD
BALTIMORE, MARYLAND 21222

PROJECT:
EDGEMERE TERMINALS INC.

AREA
ELECTION DISTRICT Nº 12
BALTIMORE COUNTY, MARYLAND

TITLE: PLATS TO ACCOMPANY ZONING PETITIONS

THE RIEMER GROUP, INC.

DESIGNED BY:
DRAWN BY: E.D.A.
PROJECT NO: 17102
DATE: 6-15-87
SCALE: 1" = 60'
DRAWING NO. 6 OF 6