

IN RE: PETITION FOR ZONING VARIANCE BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
 S/S Baltimore National Pike, 1100 S.W. Geipe Rd., 6427 Baltimore National Pike, 1st Election District, Patapsco Realty, Inc., Petitioner. Case #: 89-348-A

FINDINGS OF FACTS AND CONCLUSIONS

This case comes before the Zoning Commissioner by the Petitioner, Patapsco Realty, Inc., who requests a variance from Section 238.2 of the Baltimore County Zoning Regulations in regard to the setback dimensions from the property line of 4 feet instead of 30 feet for a new warehouse building in this BR zone.

L. Randolph Curlett and Stephen J. Bamberger, a civil engineer, appeared on behalf of the Petitioner who were represented by John V. Murphy, Esquire. No one appeared in opposition to the variance.

Testimony indicated that the owner, Patapsco Realty, Inc. proposes to build a new warehouse behind the Petitioner's commercial uses fronting on Baltimore National Pike. However, the 30 foot setback requirement was a significant problem because of the narrow width of the lot (150 feet). This prevented development of a reasonable warehouse if there was to be adequate truck turning distance to the loading dock and access to the remainder of the property to the south. Consequently, Petitioner

requested a variance to 4 feet instead of the 30 foot setback requirement along the eastern boundary of the property as shown on Petitioner's Exhibit #1.

The Petitioner testified to the need for the new warehouse to support the commercial stores on Baltimore National Pike and that the adjoining properties were all zoned and used for business and had enjoyed similar setback variances.

The evidence showed that the owner could not reasonably use the property as planned without the variance, and the variance would not adversely affect the neighborhood, or the general health, safety and welfare of the community. The evidence further showed that denying the variance would impose an undue hardship on the owner and pose such practical difficulties as to unduly restrict reasonable use of the premises.

Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and/or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of March, 1989 that the

Petition for Zoning Variance to permit a setback of 4 feet in lieu of the required 30 feet from the eastern property line, in accordance with the Petitioner's Exhibit #1, be and is hereby granted.

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

March 21, 1989



Dennis F. Rasmussen
 County Executive

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

John V. Murphy, Esquire
 14 North Rolling Road
 Catonsville, Maryland 21228

RE: Petition for Zoning Variance
 Case No. 89-348 A
 Patapsco Realty, Inc.

Dear Mr. Murphy:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
 J. Robert Haines
 Zoning Commissioner

JRH:mmm
 at:
 cc: Peoples Counsel

ORDER RECEIVED FOR FILING
 Date: 3/22/89
 By: M. J. [unclear]

LAW OFFICES OF JOHN V. MURPHY
 14 NORTH ROLLING ROAD
 CATONSVILLE, MARYLAND 21228
 (301) 784-0847

ORDER RECEIVED FOR FILING
 Date: 3/22/89
 By: M. J. [unclear]

ORDER RECEIVED FOR FILING
 Date: 3/22/89
 By: M. J. [unclear]

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 238.2 To allow a side yard setback of 4 ft. in lieu of the required 30 ft.

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

See letter attached.

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 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: Patapsco Realty, Inc.
 Legal Owner(s): Patapsco Realty, Inc.
 Randy Curlett (Type or Print Name)
 Signature: *Randy Curlett*
 Lewis R. Curlett, Jr. (Type or Print Name)
 Signature: *Lewis R. Curlett, Jr.*
 John V. Murphy (Type or Print Name)
 Address: 6427 Baltimore National Pike, Baltimore, MD 21228
 John V. Murphy (Signature)
 14 North Rolling Rd, Baltimore, MD 21228
 Attorney's Telephone No.: 744-4967

MAP 2A
 E.D. 1ST
 DATE 11/2/88
 1000
 55,670
 640,580
 2229

TRACY, SCHULTE & ASSOCIATES INC.
 planning • architecture • engineering • surveying

8480 Baltimore National Pike • Suite 418 • Ellicott City, Maryland 21043 • (301) 465-6105

August 8, 1988

Mr. P. David Fields
 Baltimore County Office of Planning & Zoning
 Room 107, County Office Building
 Towson, Maryland 21284

Re: Patapsco Realty Site
 Saumenig Warehouse Expansion

Dear Mr. Fields:

The referenced lot is relatively narrow, approximately 150'± and with the current 30' side setback requirement, the proposed building would not be able to provide adequate truck access. Therefore, we are hereby requesting a variance to Section 238.2 of the Baltimore County Zoning Regulations, to provide a 4' side setback, which would allow the proposed building to conform with existing building locations on the site and provide adequate loading and bypass areas.

If you have any questions or require additional information, please notify us.

Very truly yours,

Stephen J. Bamberger

Stephen J. Bamberger
 Project Engineer

SJB/cjv

Enclosure

#137

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 494-3353

J. Robert Haines
 Zoning Commissioner

December 12, 1988

Mr. Randy Curlett
 Patapsco Realty, Inc.
 6427 Baltimore National Pike
 Baltimore, Maryland 21228

Dennis F. Rasmussen
 County Executive

RE: Petition for a Zoning Variance
 Item #137
 6427 Baltimore National Pike
 1st Election District

Dear Mr. Curlett:

I am in receipt of 10 copies of revised plans from Tracy, Schulte & Associates, Inc. (transmittal date 12/7/88). Upon reviewing the plans I noted a discrepancy in parking spaces provided. Under Parking Tabulations the provided number is 89. However, the total when adding existing spaces (40, 12, 8, 5, 16 & 9 highlighted in yellow on one attached plan) is 90. When viewing the existing parking (16 spaces and 9 spaces) I am not clear where they are located. Are they to be inside "Proposed Warehouse E"? Please clarify. Additionally, per my letter of October 28th and accompanying regulations show parking space dimensions both typical 8-1/2' x 18' and group, i.e., for 40 spaces area = 18' x 340'. Are all parking areas striped? Is there any existing screening (fence or plantings) around existing parking areas? If so show on plan.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

John J. Sullivan, Jr.

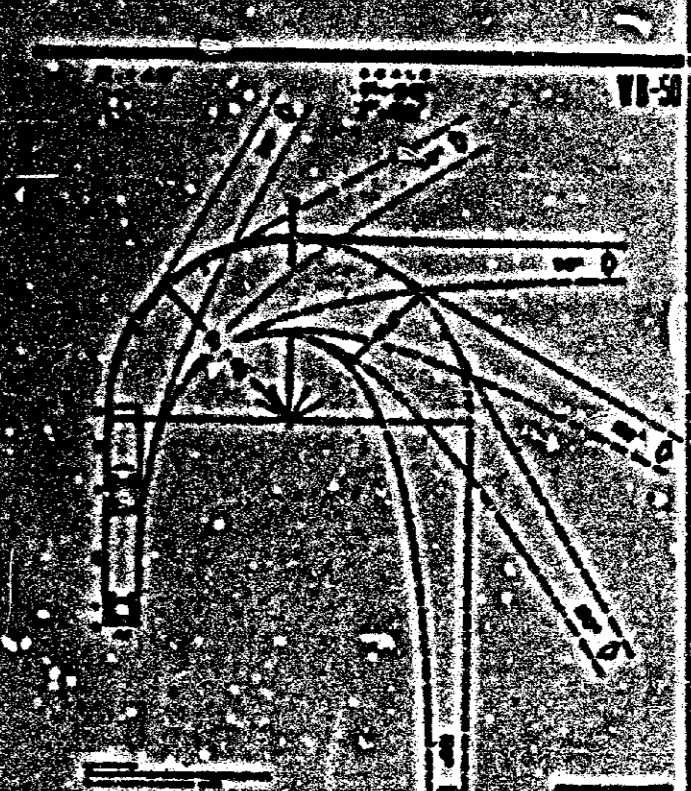
John J. Sullivan, Jr.
 Planning & Zoning Assoc. III

JJS,jr:dt

cc: John V. Murphy, Esquire
 14 North Rolling Road
 Baltimore, Maryland 21228

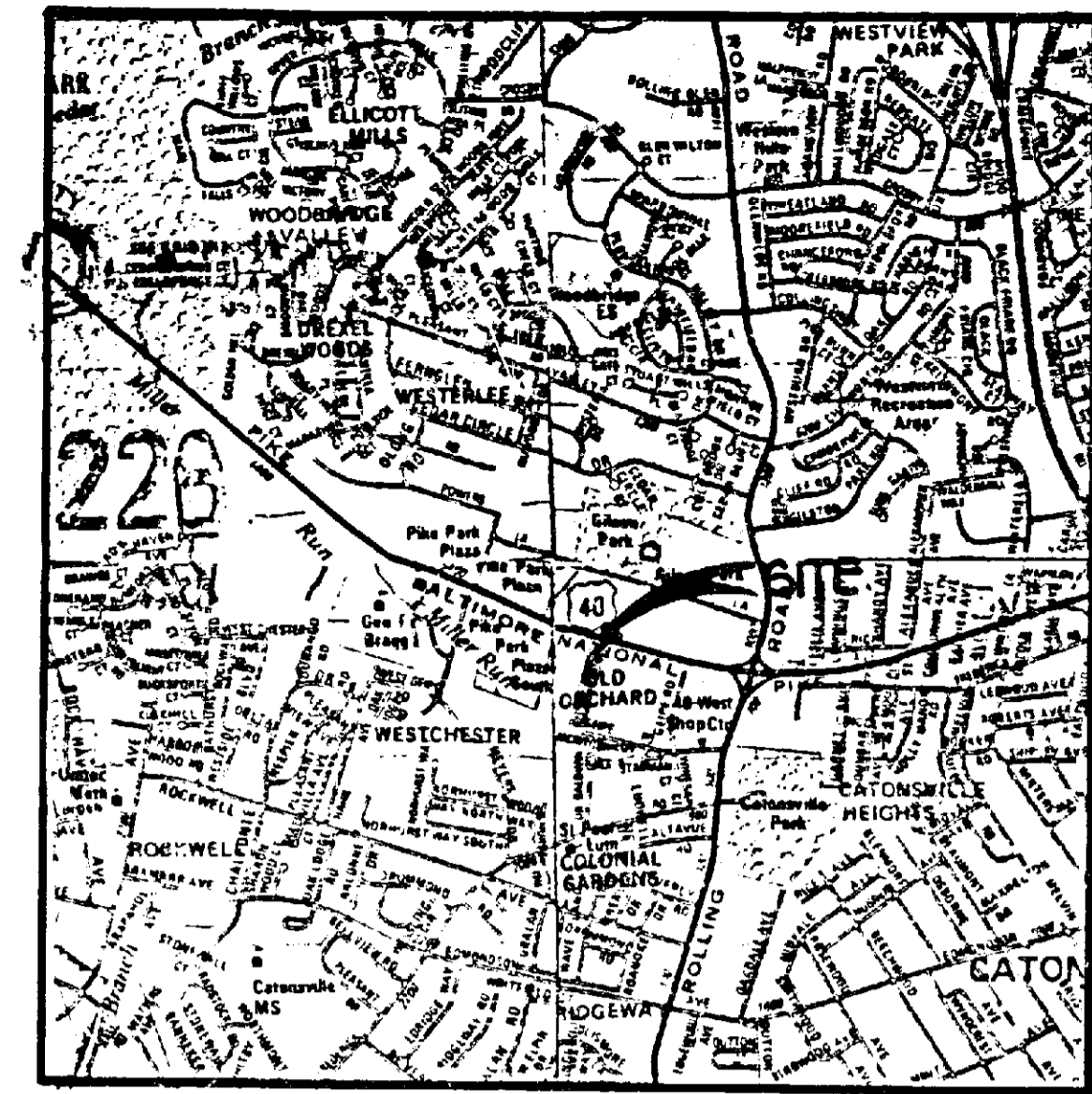
file #137

ORDER RECEIVED FOR FILING
 Date: 12/12/88
 By: M. J. [unclear]

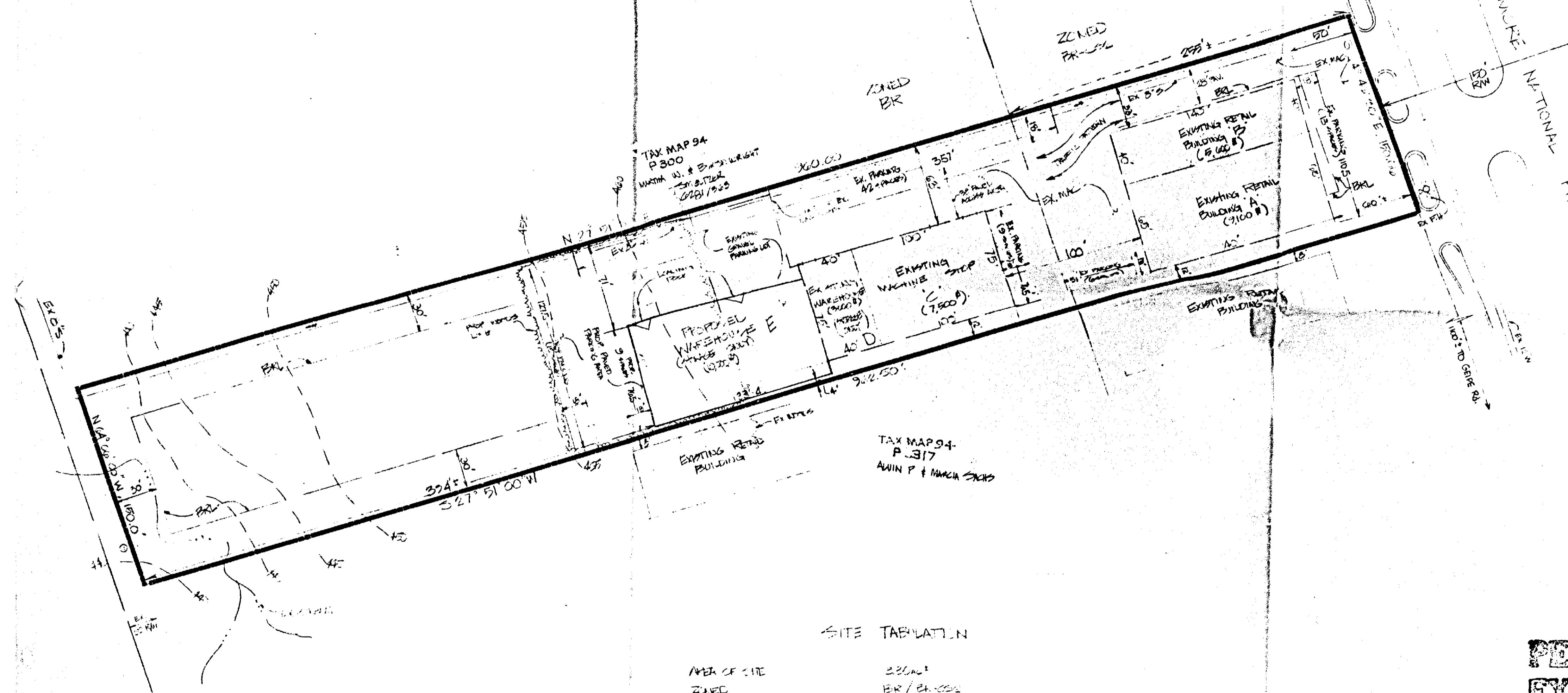


PETITIONER'S EXHIBIT 3

J. Robert Haines
 Zoning Commissioner of Baltimore County



VICINITY MAP
SCALE 1"=1000'

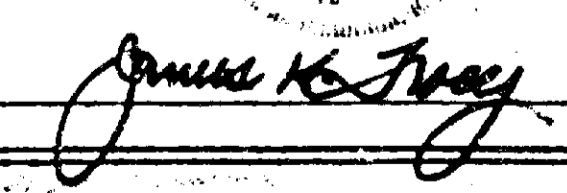


SITE TABULATION

AREA OF SITE	220,000
ZONED	BR / BR-200
PROPOSED USE	EXISTING WAREHOUSE
NEAREST RAIL	GENESSEE PIKE
TOWNSHIP	P-128
LOCAL ROAD	128
DEPARTMENT NO.	21000120
* BSCON DISTRICT, 128 WASHINGTON DISTRICT	
NO BUILDINGS ARE WITHIN 200 FEET OF THE NEAR FLIGHT LINE.	
ALL FINING RANGES ARE 30' MIN. (BSCON DISTRICT)	
EXISTING TABULATION	
REQUIRED:	
EXISTING BUILDING A, 200' X 100'	10,000
EXISTING WAREHOUSE, 100' X 100'	10,000
EXISTING RETAIL BUILDING B, 100' X 100'	10,000
EXISTING RETAIL BUILDING A, 100' X 100'	10,000
PROPOSED WAREHOUSE (300' X 100')	30,000
PROPOSED WAREHOUSE (200' X 100')	20,000
PROPOSED WAREHOUSE (100' X 100')	10,000
TOTAL	90,000
PROVIDED:	94,000

*Check returned
20/12/2000*

PETITIONER'S
EXHIBIT 1

TRACY, SCHULTE & ASSOCIATES INC. planning • architecture • engineering 1480 Baltimore National Pike • Ellicott City, Maryland 21043 • (301) 465-6105	
89-348-A 	
OWNER PATAPSCO REALTY CORP 6427 BALTIMORE NATIONAL PIKE BALTIMORE, MARYLAND 21228 (301) 747-3500	PROJECT SAUMONIS OFFICE PRODUCTS WAREHOUSE ADDITION
DEVELOPER PATAPSCO REALTY CORP 6427 BALTIMORE NATIONAL PIKE BALTIMORE, MARYLAND 21228 (301) 747-3500	LOCATION 6427 BALTIMORE NATIONAL PIKE CATONSVILLE, MARYLAND 21228
TITLE VARIANCE PETITION EXHIBIT	
DATE JUNE 21, 1996 DECEMBER 1, 2000	PROJECT NO. 0150
DES. SJB DRN. SJB	SCALE 1"=50' DRAWING 1 OF 1