

IN RE: PETITION FOR VARIANCE
SW/S Mohrs Lane, approximately
450' SE of Pulaski Highway
(9921 Pulaski Highway)
15th Election District
6th Councilmanic District
Home Depot USA, Inc.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-58-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Home Depot USA, Inc., by Stuart D. Kaplow, Legal Representative. The Petitioners seek relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 558 off-street parking spaces in lieu of the required 683, and from Section 238.2 of the B.C.Z.R. to permit a side yard setback of 17 feet in lieu of the required 30 feet for the proposed expansion of an existing garden center, as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Karl Frey, Real Estate Manager for Home Depot USA, Inc., Gary Zarnicki and Jack Stamm. The Petitioners were represented by Stuart D. Kaplow, Esquire. There were no Protestants present.

Testimony indicated that the subject property, known as 9921 Pulaski Highway, consists of 11.66 acres, more or less, and is the site of a Home Depot retail operation. The Petitioners are desirous of expanding the existing garden center with a proposed 16,500 sq.ft. addition on the south side of the existing building as shown on Petitioner's Exhibit 1. The proffered testimony presented by Mr. Kaplow indicated that the proposed expansion will allow the Petitioners to provide outside storage of plants

for sale to the general public. As to the parking variance, Mr. Kaplow testified that the Home Depot shares its boundary with the Price Club and other tenants located to the south and west of the Home Depot at this location and much of the on-site parking is shared. Due to the proposed expansion of the garden center, additional parking must be provided. The side setback variance is necessary as a result of the close proximity of the proposed garden center expansion to an interior lot line located between the Home Depot and Price Club. Although this lot line is not noticeable by visual inspection of the site, it is clearly depicted on the site plan submitted into evidence as Petitioner's Exhibit 1. Testimony indicated that the Home Depot has upgraded and expanded its garden centers at many of its other locations in Baltimore County and elsewhere around the State of Maryland, and that this is just one more expansion in a line of many planned for the Home Depot.

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).

- 2 -

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of October, 1993 that the Petition for Variance requesting relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 558 off-street parking spaces in lieu of the required 683, and from Section 238.2 of the B.C.Z.R. to permit a side yard setback of 17 feet in lieu of the required 30 feet for the proposed expansion of the existing garden center, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order;

- 3 -

however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

ORDER RECEIVED FOR FILING
Date 10/27/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/27/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/27/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/27/93
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

October 27, 1993

(410) 887-4386

Stuart D. Kaplow, Esquire
5125 Roland Avenue
Baltimore, Maryland 21210

RE: PETITION FOR VARIANCE
SW/S Mohrs Lane, 450' SE of Pulaski Highway
(9921 Pulaski Highway)
15th Election District - 6th Councilmanic District
Home Depot USA, Inc. - Petitioners
Case No. 94-58-A

Dear Mr. Kaplow:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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.

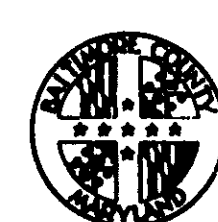
Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

cc: Mr. Karl M. Frey, Real Estate Manager, The Home Depot
5335 Wisconsin Avenue, Suite 750, Washington D.C. 20015

People's Counsel
File



Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 9921 Pulaski Highway
which is presently zoned BR-1H

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated 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(s)

See Attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or special circumstances)

Special circumstances and conditions exist that are peculiar to the land or structure such that strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

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.

Current Petitioner(s)/Owner(s)

Type or Plat Name

Signature

Address

City

State

Zip

Stuart D. Kaplow

Type or Plat Name

Signature

Address

City

State

Zip

5125 Roland Avenue 435-5632

Baltimore MD 21210

Stuart D. Kaplow

5125 Roland Avenue 21210 435-5637

Baltimore MD 21210

Stuart D. Kaplow

5125 Roland Avenue 21210 435-5637

Baltimore MD 21210

Stuart D. Kaplow

5125 Roland Avenue 21210 435-5637

Baltimore MD 21210

Stuart D. Kaplow

5125 Roland Avenue 21210 435-5637

Baltimore MD 21210

With the necessary declaration and affidavit, under the penalties of perjury, that they are the legal owner(s) of the property herein is the subject of this Petition.

Legal Owner(s)

Home Depot USA, Inc.

Type or Plat Name

Signature

Address

City

State

Zip

2727 Paces Ferry Road (404) 431-2725

Atlanta GA 30339

Stuart D. Kaplow

5125 Roland Avenue 21210 435-5637

Baltimore MD 21210

Stuart D. Kaplow

5125 Roland Avenue 21210 435-5637

Baltimore MD 21210

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Baltimore MD 21210

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5125 Roland Avenue 21210 435-5637

Baltimore MD 21210

Stuart D. Kaplow

5125 Roland Avenue 21210 435-5637

Baltimore MD 21210

ATTACHMENT TO PETITION FOR VARIANCE

Home Depot USA, Inc.

1. A variance from BC2R Section 409.6.A.2 to permit 550 off-street parking spaces in lieu of the required 683 off-street parking spaces.
2. A variance from BC2R Section 238.2 to permit a 17 foot side yard set back in lieu of the required 30 foot side yard set back.

home.100

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
448 KENNELWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description of Lot 3 to accompany
Petition for parking variance and
setback variance.

June 29, 1993

Beginning for the same at a point on the southwestern side of Mohrs Lane, 80 foot Right-of-Way, said point being designated 21, having Baltimore County Metropolitan District coordinate values of North 22807.69 and East 48472.73 and being at the division line between Lot 2 and Lot 3, all shown on a Plat entitled "PRICE CLUB PLAZA, Northeast Baltimore" dated July 20, 1990, recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 62 folio 129, said point of beginning being measured South 63 degrees 03 minutes 52 seconds East 444.34 feet from the centerline intersection of said Mohrs Lane and Pulaski Highway- U.S. Route 40, 150.00 foot wide, shown on said Plat, running thence leaving said point of beginning, for part of the distance binding on the southwestern side of said Mohrs Lane, shown on said Plat and for part of the distance binding on the southwestern side of the Proposed Highway Widening of said Mohrs Lane, shown on said Plat, in all, 1) South 66 degrees 55 minutes 50 seconds East 662.20 feet to a point designated 9 on said Plat, running thence continuing to bind on said Proposed Highway Widening, 2) southeasterly by a curve to the right having a radius of 970.00 feet for a distance of 138.98 feet, said curve being subtended by a chord bearing, reversing the bearing shown on said Plat, South 62 degrees 53 minutes 06 seconds East 138.87 feet to a point designated 8 on the Plat boundary and shown on said Plat, running thence leaving said Proposed Highway Widening, binding on said Plat Boundary, the three following courses, viz: 3) South 28 degrees 20 minutes 35 seconds West 216.87 feet to a point designated 11 shown on said Plat, 4) South 65 degrees 54 minutes 50 seconds East 242.18 feet to a point designated 12 shown on said Plat and 5) South 45 degrees 20 minutes 18 seconds West 177.20 feet to a point designated 24 at the division line between Lot 1 & Lot 3, shown on said Plat, running thence binding on said division line between said Lot 1 & Lot 3, reversing the bearings shown on said Plat, the six following courses, viz: 6) North 67 degrees 32 minutes 37 seconds West 173.16 feet to a point designated 23 shown on said Plat, 7) South 22 degrees 27 minutes 23 seconds West 305.00 feet to a point designated 18 on said Plat, 8) North 44 degrees 39 minutes 44 seconds West 149.06 feet to a point designated 17 shown on said Plat, 9) South 45 degrees 20 minutes 18 seconds West 20.37 feet to a point designated 18 on said Plat, 10) North 63 degrees 44 minutes 03 seconds West 630.43 feet to a point designated 19 shown on said Plat and 11) North 67 degrees 32 minutes 37 seconds West 118.99 feet to a point designated 20 at the hereinabove mentioned division line between Lot 2 & Lot 3, running thence binding on said division line between Lot 2 & Lot 3 shown on said Plat, 12) North 22 degrees 27 minutes 23 seconds East 543.26 feet to the point of beginning.

Containing 11.6566 acres of land more or less.

NOTE: THIS DESCRIPTION PREPARED FOR ZONING PURPOSES ONLY AND NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12A Date of Posting: 9/24/93
Posted for: Various
Petitioner: Home Depot USA, Inc.
Location of property: 9921 Pulaski Hwy, 5454th Ave
Location of Sign: Along road way, on property between
Remarks: None
Posted by: M. D. Kelly Date of return: 9/27/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 19, 1993
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 Aug 19, 1993.

THE JEFFERSONIAN,

A. Henricson
LEGAL AD., TOWSON

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: 3/9/93
Account: R-001-6180
Number: ITEM #61
#020 - VARIANCE \$250.00
#080 - SIGN POSTING \$35.00
TOTAL \$285.00

Home Depot USA, Inc.
9921 Pulaski Highway
15th Election District

Attorney: Stuart D. Kaplow

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: FUTURE PUBLISHERS COMPANY
August 19, 1993 Issue - Jeffersonian

Please forward billing to:

Stuart D. Kaplow, Esq.
5125 Roland Avenue
Baltimore, Maryland 21204
410-355-9532

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-58-A (Item 61)
9921 Pulaski Highway - Price Club Plaza - Home Depot
80/80 Home Lane, approximately 450' SE of Pulaski Highway
15th Election District - 6th Councilmanic
Petitioner(s): Home Depot USA, Inc.
HEARING: TUESDAY, SEPTEMBER 14, 1993 at 10:30 a.m. in Rm. 106, County Office Building.

Variance to permit 550 off-street parking spaces in lieu of the required 683 off-street parking spaces; and to permit a 17 foot side yard setback in lieu of the required 30 foot side yard setback.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

AUGUST 11, 1993

(410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Arnold Jablon
Arnold Jablon
Director

cc: Home Depot USA, Inc.
Stuart D. Kaplow, Esq.

NOTES: (1) HEARING TIME & DATE MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 3, 1993

Stuart D. Kaplow, Esquire
5125 Roland Avenue
Baltimore, Maryland 21210

RE: Case No. 94-58-A, Item No. 61
Petitioner: Home Depot USA, Inc.
Petition for Variance

Dear Mr. Kaplow:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 5, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

8-13-93

Re: Baltimore County
Item No.: +61 (WCR)

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Kehring:

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 effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestable, Chief
Engineering Access Permits
Division

My telephone number is _____

Telephone for Urgent Matters: 410-333-1350
300-7688 Baltimore Metro - 800-541-6161 (Toll Free)
707 North Calvert St., Baltimore, Maryland 21201-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 12, 1993

FROM: Pat Kaller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 40, 41, 45, 53, 54, 55, 56, 57, 59, 61 and 63.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3400.

Prepared by: Jeffrey W. Long
Division Chief: Shirley L. Kern

PK/JL:lv

SAC: 40/90000/SAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

August 24, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #61, Home Depot
9921 Pulaski Highway
Zoning Advisory Committee Meeting of August 16, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The proposed expansion will be subject to the Forest Conservation Regulations (Sections 14-400 through 14-420). Payment of a fee into the Baltimore County Forest Conservation Fund may be made in lieu of off-site afforestation. Said fee would be based on the area of disturbance for the proposed expansion.

JLP:ap

HOMEDP/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 12, 1993

FROM: Jerry L. Pfeiffer, Captain
Investigative Services

SUBJECT: August 23, 1993 - Meeting

- #46 - Proposed building shall comply with the 1991 Life Safety Code.
- #50 - Proposed buildings shall comply with the 1991 Life Safety Code.
- #51 - No comments.
- #52 - No comments.
- #53 - No comments.
- #54 - No comments.
- #55 - No comments.
- #56 - No comments.
- #57 - No comments.
- #59 - No comments.
- #60 - Building shall comply with the 1991 Life Safety Code.
- #61 - Proposed addition shall comply with the 1991 Life Safety Code.
- #63 - No comments.

JLP/dll
cc: file

RECEIVED
AUG 18 1993

ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

August 16, 1993

(410) 887-3353

Stuart D. Kaplow, Esquire
5125 Roland Avenue
Baltimore, MD 21210

RE: Preliminary Petition Review (Item #61)
Legal Owner: Home Depot USA, Inc.
9921 Pulaski Highway
15th Election District

Dear Mr. Kaplow:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

This site was originally approved as having combined maneuvering and parking with the adjacent commercial/warehouse uses. 58 parking spaces are shown off-site on this plan. A count of on-site spaces indicates that there are 517 parking spaces available on site (lot 3), while the variance request is to permit 550 parking spaces. Document the right to utilize the off-site spaces and provide parking calculations for the overall adjacent Price Company uses which clearly indicate that these spaces are surplus. Note on the plan that a parking agreement to permit the maneuvering and parking for the 58 spaces on the Price Company property will be filed with the zoning office prior to building permit application.

Stuart D. Kaplow, Esquire
August 16, 1993
Page 2

The parking and maneuvering areas should be noted to be a durable, dustless surface with the type stated.

If you need further information or have any questions, please do not hesitate to contact me at 887-3353.

Very truly yours,

John L. Lewis
John L. Lewis
Planner II

JLL:scj

cc: Zoning Commissioner

Enclosure: Receipt

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/S Mohra Lane, approx. 450' SE : OF BALTIMORE COUNTY
of Pulaski Hwy. (9921 Pulaski :
Hwy. - Price Club Plaza - Home :
Depot), 15th Election District, : Case No. 44-37-94-58-A
6th Councilmanic District :
HOME DEPOT USA, INC., Petitioner, :
: : : : :
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.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Charles S. DeWitt
Charles S. DeWitt
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 25th day of August, 1993,
a copy of the foregoing Entry of Appearance was mailed to Stuart D. Kaplow,
Esquire, 5125 Roland Ave., Baltimore, MD 21210, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

AUG 27 1993

ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood 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 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 posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) 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
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 101

Petitioner: HOME DEPOT USA, INC.

Location: 9921 PULASKI HIGHWAY

PLEASE FORWARD ADVERTISING BILL TO:

NAME: STUART D. KAPLOW, ESQUIRE

ADDRESS: 5125 ROLAND AVENUE

BALTIMORE MD 21210

PHONE NUMBER: 435-2632

AJ:ggg

(Revised 04/09/93)

Parking Demand and
Trip Generation Study

The Home Depot

PETITIONER'S
EXHIBIT NO. 2

Prepared for
The Home Depot, Inc.



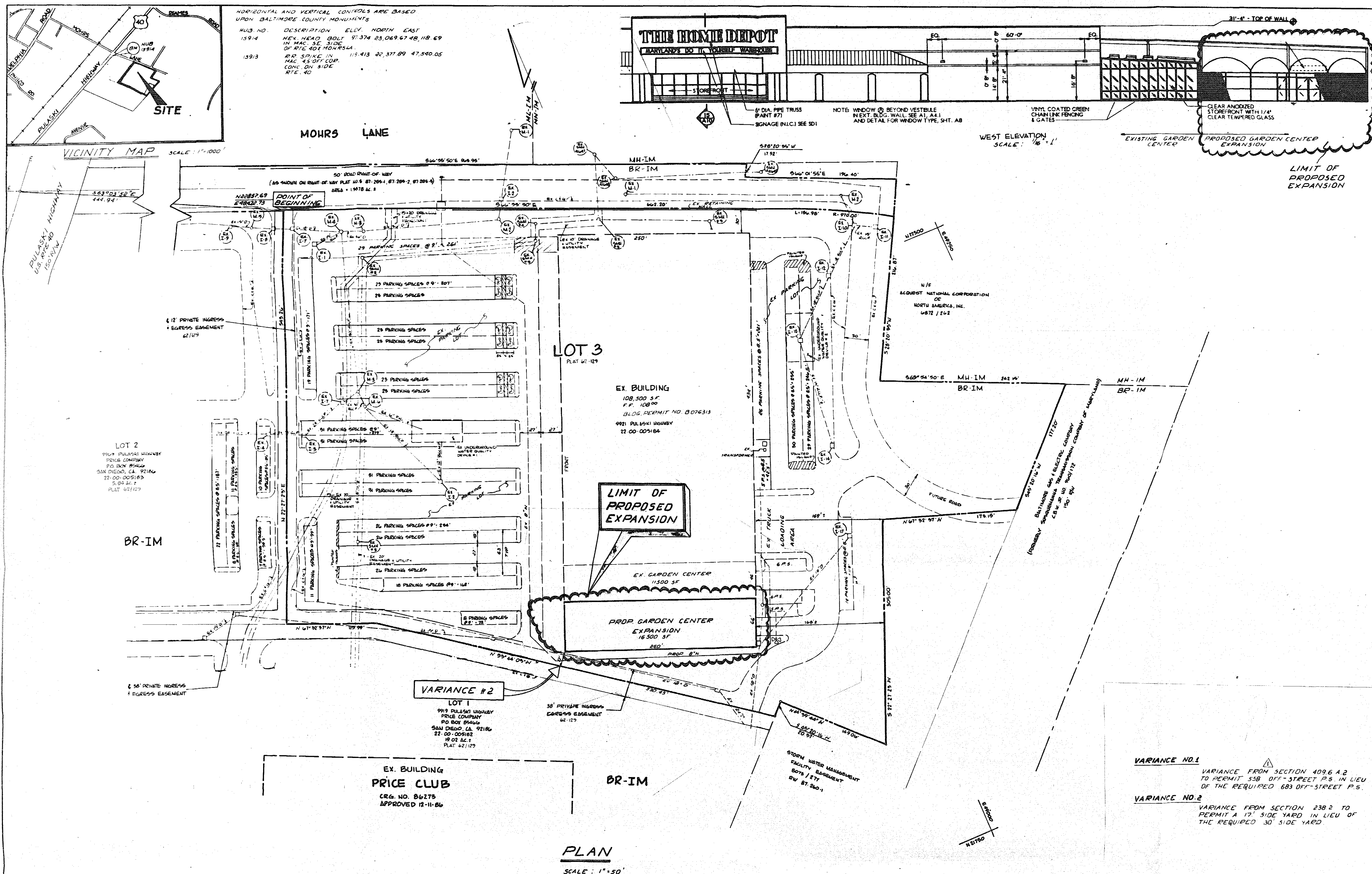
By Barton Aschman Associates, Inc.

[illegible]

SCALE 1" = 200'	LOCATION MIDDLE RIVER VICINITY	SHEET N.E. 6-1
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

#6



HORIZONTAL AND VERTICAL CONTROLS ARE BASED UPON BALTIMORE COUNTY MONUMENTS

MONUMENT DESCRIPTION ELEV. NORTH EAST

15914 HEX. HEAD BOLT 97.374 23.069 67.48 118.69

IN. H.C. 2.0 31.00

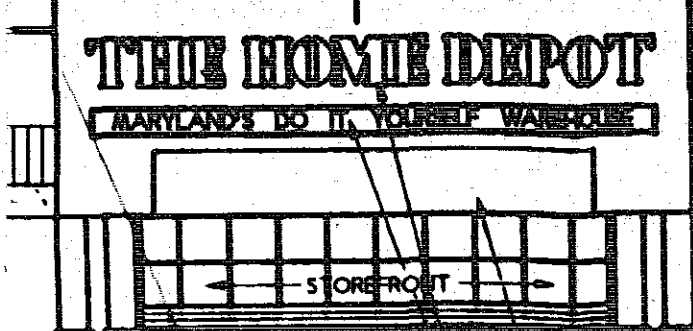
OF R.T.C. 401.104 15.14

15913 R.D. 45 OFF COR. 115.913 22.377 69 47.540 05

MAC 45 OFF COR.

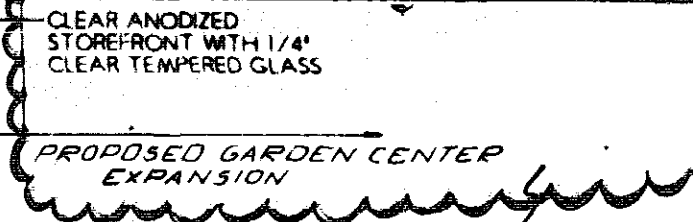
CONC. ON 5100

R.T.C. 40



NOTE: WINDOW @ BEYOND VESTIBULE IN EX. B.C. WALL SEE 21, 24, 25 AND DETAIL FOR WINDOW TYPE, SHT. AB

WEST ELEVATION SCALE: 1/8" = 1'



LIMIT OF PROPOSED EXPANSION

VARIANCE #2

EX. BUILDING
PRICE CLUB
CRG. NO. 86273
APPROVED 12-11-86

PLAN
SCALE: 1" = 50'

- SITE DATA**
1. ELECTION DISTRICT #15
 2. COUNCILMANIC DISTRICT #6
 3. CENSUS TRACT 4517.01
 4. WATERSHED - 6, SUBWERSHED - 16
 5. SITE AREA: 507,909 S.F. = 11.66 AC.
 6. EXISTING ZONE: BR-IM, (CONING MAP NO. 46)
 7. EXISTING USE: EXISTING RETAIL
 8. PROPOSED USE: EXISTING RETAIL AND GARDEN CENTER EXPANSION
 9. PROPERTY REFERENCE: HOME DEPOT USA, INC.
2727 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
DEED REF: 62/129
 10. TOTAL FLOOR AREA: 136,500 S.F.
 11. FLOOR AREA RATIO PROVIDED = 136,500/507,909 = 0.27
 12. FLOOR AREA RATIO PERMITTED = 2.0
 13. BUILDING COVERAGE WITH PARKING = 405,334 S.F. = 9.3 AC.
 14. AREA TO BE VEGETATIVELY STABILIZED = 102,575 S.F. = 2.35 AC.
 15. CRG PLAN APPROVED ON OCTOBER 11, 1986 (CRG 860273)
 16. CRG PLAN AMENDMENT APPROVED ON SEPTEMBER 7, 1990 (1990-217)

PARKING TABULATION

EXISTING RETAIL	108,300 S.F.
EXISTING GARDEN CENTER	11,500 S.F.
PROPOSED GARDEN CENTER EXPANSION	16,500 S.F.
TOTAL	136,500 S.F.

VARIANCE #1

TOTAL PARKING SPACES REQUIRED	136,500 S.F. @ 5 P.S./1000 S.F. = 683 P.S.
TOTAL PARKING SPACES PROVIDED	550 P.S. (INCL. 12 HDSP)

ALL PARKING SPACES ARE MINIMUM OF 9.5' X 18'

ALL HANDICAPPED PARKING SPACES ARE EQUIV. 13' X 18'

NOTE: CRG APPROVED 12/11/86
THIS CRG PLAN AMENDMENT FOR
THIS DEVELOPMENT WAS APPROVED
ON SEPTEMBER 7, 1990, AND ALL
PARKING AND LOADING ELEMENTS
ARE IN COMPLIANCE WITH COUNCIL
BILL NO. 86-88

OWNER
HOME DEPOT USA INC.
8727 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
1-404-488-8811

VARIANCE NO. 1
VARIANCE FROM SECTION 409.6 4.2
TO PERMIT 558 OFF-STREET P.S. IN LIEU
OF THE REQUIRED 683 OFF-STREET P.S.

VARIANCE NO. 2
VARIANCE FROM SECTION 238.2 TO
PERMIT A 17' SIDE YARD IN LIEU OF
THE REQUIRED 30' SIDE YARD

3/10/93 REVISED PARKING SPACES PROVIDED
V.2

PUBLIC SERVICES CRG #86273
CRG PLAN AMENDMENT N 90-217
CURRENT PLANNING FILE NO. XV-435

PLAT TO ACCOMPANY PETITION
FOR
TWO VARIANCES

THE HOME DEPOT
WHITE MARSH, MD.
5981 PULASKI HIGHWAY
ELECTION DIST. 15 BALTO. CO. MD.

SCALE: 1" = 50' JUNE 18 1993
SHT. 1 OF 1

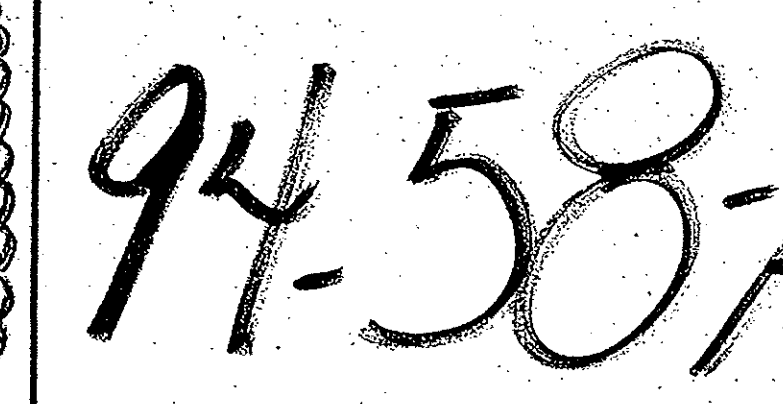
GREENBERG FARROW
GREENBERG FARROW ARCHITECTURE INCORPORATED

PETITIONER'S
EXHIBIT NO. 1

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GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 HENLOWTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120



REVISIONS AFTER PARTIAL OR FULL RELEASE

3927 Puozos Pde. N.E.
Atenas, Grecia 30318
Tel. 404 237 5297
Fax 404 237 0898

INITIAL RELEASE
- RELEASE

A circular seal of the State of Maryland. The outer ring contains the text "STATE OF MARYLAND" at the top and "1776" at the bottom. Inside the ring is a smaller circle containing the text "JOHN T. STANLEY" and a central emblem featuring a ship. A signature is written across the seal. To the right of the seal, the word "SHEETS" is printed vertically. Below the seal, the word "DEER" is printed.

EXISTING RETAIL	108,500 S.F.	
EXISTING GARDEN CENTER	11,500 S.F.	
PROPOSED GARDEN CENTER EXPANSION	16,500 S.F.	
PROPOSED TOOL CENTER CENTER	1,250 S.F.	
TOTAL	136,500 S.F.	
	1,250 S.F.	
	137,750 S.F.	
	137,750	
TOTAL PARKING SPACES REQUIRED	136,506 S.F. @ 5 P.S./1000 S.F.	684 P.S.
TOTAL PARKING SPACES PROVIDED	565 559 P.S. (INCL. 12 HDOP)	683 P.S.
		VARIANCE #1

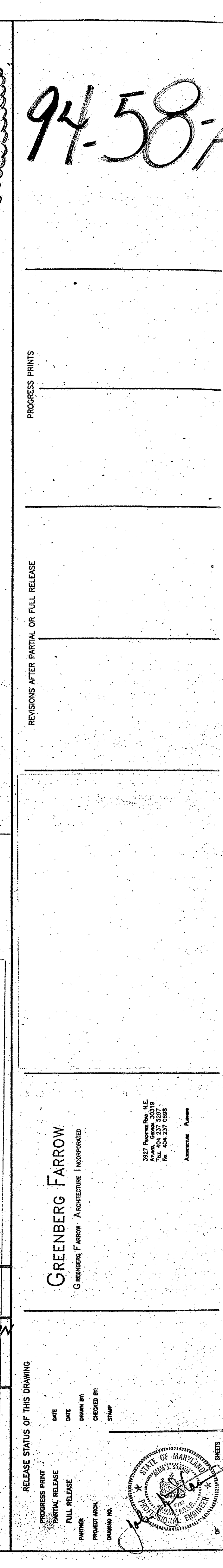
OWNER
HOME DEPOT USA INC.
2727 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
1-404-433-8211

THE HOME DEPOT
WHITE MARSH, MD.
9921 PULASKI HIGHWAY
ELECTION DIST. 15
1994-0058-A
SCALE: 1" = 50'
JUNE 18, 1993

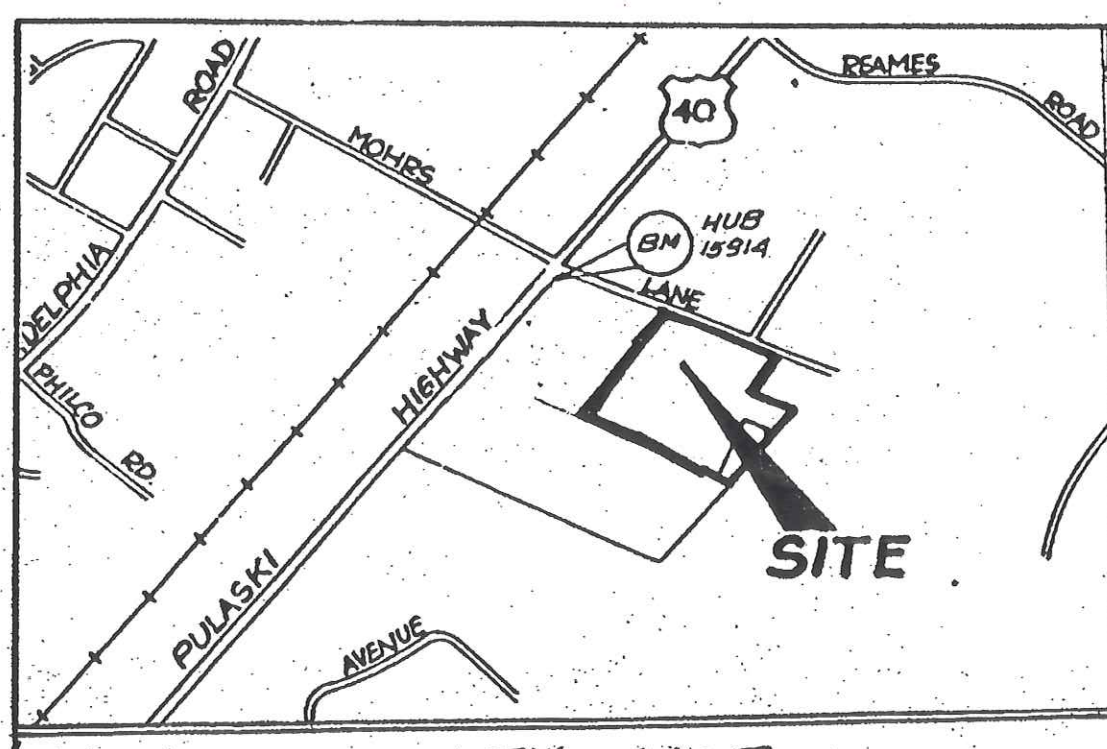
**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**

CIVIL ENGINEERS & LAND SURVEYORS

658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120



SHEETS



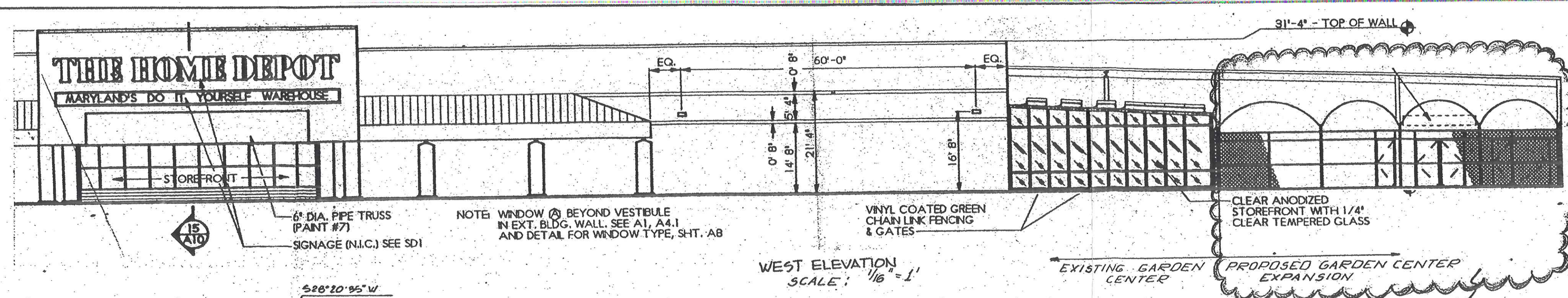
HORIZONTAL AND VERTICAL CONTROLS ARE BASED UPON BALTIMORE COUNTY MONUMENTS

HUB NO. DESCRIPTION ELEV. NORTH EAST

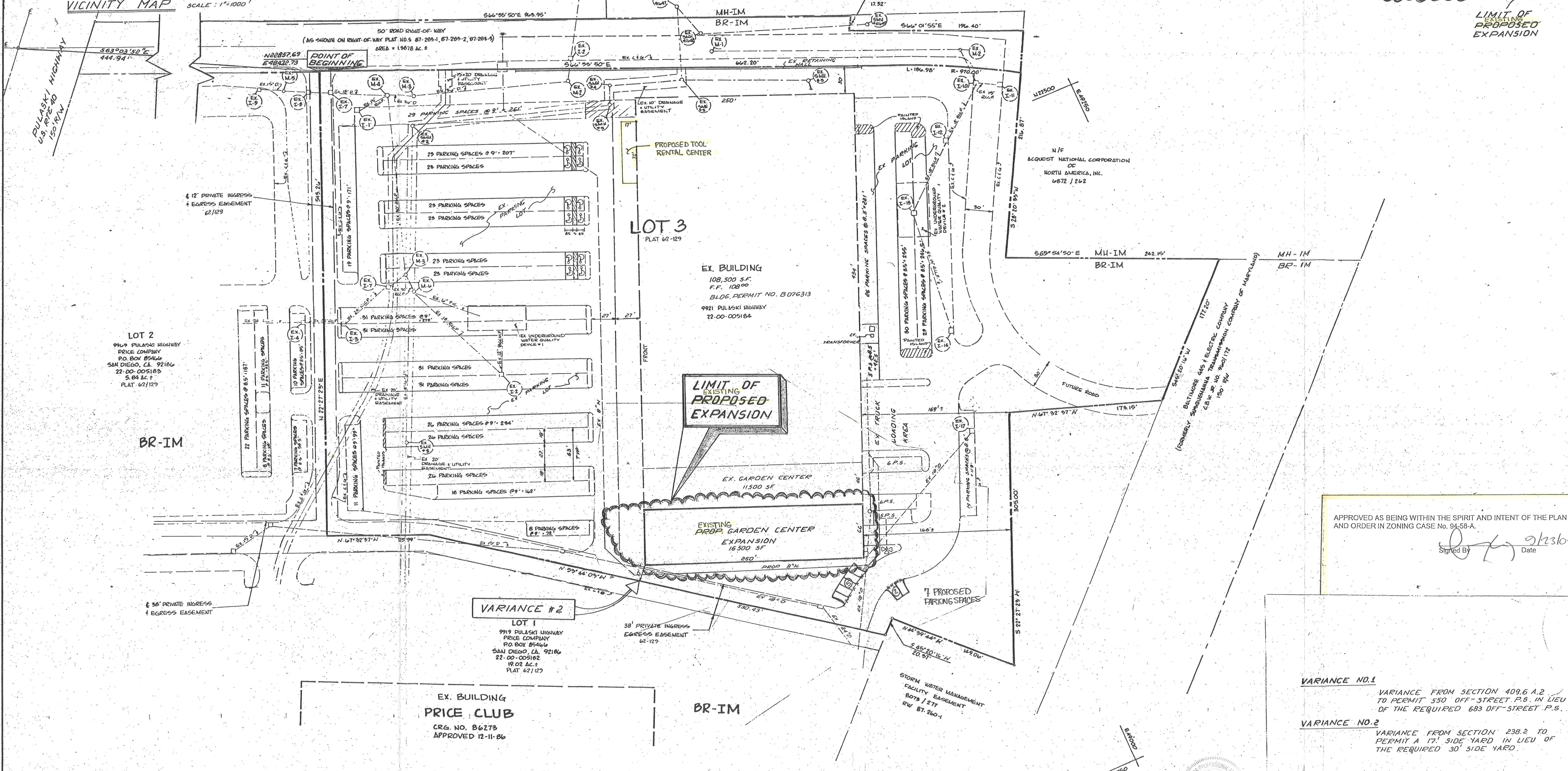
15914 HEX. HEAD BOLT 97.374 23,069.67 48,118.69 IN WAC. S.E. SIDE OF RTE 404 MOHRS LANE

15913 RR SPIKE IN WAC. S.E. SIDE OF RTE 404 MOHRS LANE CONC. ON SIDE RTE 40

MOHRS LANE



94-587



APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLAN AND ORDER IN ZONING CASE No. 94-58-A.

Signed By: [Signature] Date: 9/23/03

VARIANCE NO. 1
VARIANCE FROM SECTION 409.6 A.2 TO PERMIT 550' OFF-STREET P.S. IN LIEU OF THE REQUIRED 683' OFF-STREET P.S.

VARIANCE NO. 2
VARIANCE FROM SECTION 238.2 TO PERMIT A 17' SIDE YARD IN LIEU OF THE REQUIRED 30' SIDE YARD.

1ST AMENDED PLAT TO ACCOMPANY PETITION FOR TWO VARIANCES.

PUBLIC SERVICES CRG #86273
CRG PLAN AMENDMENT W 90-217
CURRENT PLANNING FILE NO. XV-435

PLAT TO ACCOMPANY PETITION FOR TWO VARIANCES

THE HOME DEPOT
WHITE MARSH, MD.
9921 PULASKI HIGHWAY

ELECTION DIST. 15 BALTO. CO. MD.
1994-0058-A
SCALE: 1" = 50'
JUNE 18/1993
SHT 1 OF 1

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

- SITE DATA**
- ELECTION DISTRICT #15
 - COUNCILMANIC DISTRICT #6
 - CENSUS TRACT 4317.01
 - WATERSHED - 6, SUBWATERSHED - 16
 - SITE AREA: 507,909 S.F. = 11.66 AC.
 - EXISTING ZONE: BR-IM, (ZONING MAP NO. NE 62)
 - EXISTING USE: EXISTING RETAIL
 - PROPOSED USE: EXISTING RETAIL AND GARDEN CENTER EXPANSION, AND PROPOSED TOOL RENTAL CENTER
 - PROPERTY REFERENCE: HOME DEPOT USA, INC., 2727 PACES FERRY ROAD, ATLANTA, GEORGIA 30339
 - DEED REF: 62/129 68/24
 - TOTAL FLOOR AREA: 196,500 S.F. = 4.51 AC.
 - FLOOR AREA RATIO PROVIDED = 196,500/507,909 = 0.2702
 - FLOOR AREA RATIO PERMITTED = 2.0
 - BUILDING COVERAGE WITH PAVING = 405,334 S.F. = 9.3 AC.
 - AREA TO BE VEGETATIVELY STABILIZED = 102,575 S.F. = 2.35 AC.
 - CRG PLAN APPROVED ON DECEMBER 11, 1996 (CRG #86273)
 - CRG PLAN AMENDMENT APPROVED ON SEPTEMBER 7, 1990 (#90-217)
 - CURRENT PLANNING FILE NO. XV-435

EXISTING RETAIL	108,500 S.F.
EXISTING GARDEN CENTER	11,500 S.F.
EXISTING PROPOSED GARDEN CENTER EXPANSION	16,500 S.F.
PROPOSED TOOL RENTAL CENTER	1,250 S.F.
TOTAL	137,750 S.F.
TOTAL PARKING SPACES REQUIRED	137,750
TOTAL PARKING SPACES PROVIDED	196,500 S.F. @ 5 P.S./1000 S.F. = 689 P.S. (INCL. 12 HDSP)

ALL PARKING SPACES ARE MINIMUM OF 8.5' X 18'
ALL HANDICAPPED PARKING SPACES ARE EQUIV. 13' X 18'

NOTES: CRG APPROVED 12/11/96
THE CRG PLAN AMENDMENT FOR THIS DEVELOPMENT WAS APPROVED ON SEPTEMBER 7, 1990, AND ALL PARKING AND LOADING ELEMENTS ARE IN COMPLIANCE WITH COUNCIL BILL NO. 26-88.

2ND CRG PLAN AMENDMENT WAS GRANTED ON SEPTEMBER 8, 2003 (DRC# 0908030)

OWNER
HOME DEPOT USA INC.
2727 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
1-404-433-8211

PROGRESS PRINTS
REVISIONS AFTER PARTIAL OR FULL RELEASE

GREENBERG FARROW
GREENBERG FARROW ARCHITECTURE INCORPORATED

2002 Professional Seal
No. 404-237-5297
No. 404-237-5298
Architect - Prince

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