FINDINGS OF FACT AND CONCLUSIONS OF LAM

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for the subject property, known as 9630 Pulaski Highway located in the Middle River area of southeastern Baltimore County. The Petition was filed by the owner of the property, Vance A. Stovall, through his attorney, Edward C. Covahey, Jr., Esquire. The Petitioner seeks relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 10 feet in lieu of the required 30 feet, for a proposed addition in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Vance Stovall, owner, Steve Annis, Professional Engineer, and Thomas P. Dore, Esquire, attorney for the Petitioner. There were no Protestants.

Testimony indicated that the subject property consists of 0.23 acres, more or less, zoned M.L.-C.S.-1 and is improved with a one-story block building of 8,500 sq.ft. The Petitioner is desirous of constructing a 5100 sq.ft. addition onto the existing building in order to accommodate his growing business. Testimony revealed that the Petitioner operates an electric fork lift repair company on the site and that he needs the additional space in order to expand. Further testimony indicated that due to the pie shape of the lot and the location of existing improvements thereon,

the relief requested is necessary in order to proceed with the propose

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:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensomes.
- 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
- whether relief can be granted in such fas that the spirit of the ordinance will be observed public safety and welfare secured.

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

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 ness or conditions exist that are necessar 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. Purther, the granting of the Peti-

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tioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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Pursuant to the advertisement, posting of the presents 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 _/5+ day of March, 1994 that the Petition for Variance seeking relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 10 feet in lieu of the required 30 feet, for a proposed addition 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; bowever, Petitioners are hereby made sware that pro-ceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has capired. If, for whatever reason, this Order is reversed, the relief granted bersin shall be rescinded.

THOTHY N. KOTROCO

STIPPED BY

TMX:bis

ZONING DESCRIPTION

94-277-A

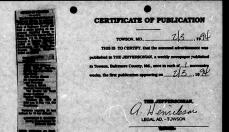
Begining at a point on the south side of Pulaski Highway on which the property fronts, which is 70 feet of right-of-way wide, at a distance of property fronts, which is 70 feet of right-of-way wide, at a distance 667.55 feet from the centerline of the nearest improved intersecting street, Middle River Road, which is 50 feet right-of-way. Thence the following courses and distances

Typical metes and bounds: N49°E 629.81'., S65°43'W 657.57'., and S41°E 189.04' to the place of beginning as recorded in Deed Liber 8478, Folio 101



277

ITHERT OF BALTHESE COLUMN 94-247- A Diane 15th mar 2/7/94 Pested for Verlence More helbert of the set tout with Mathers 62 town a fair the swy, con fre forty buig rand Posted by MHealty Date of return . 2/11/54



Baltimore County Government Zoning Commissioner Office of Planning and Zon Suite 113 Courthous

March 1, 1996

(410) 887-4386

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

realise FOR VARIANCE MRS Dolask Ligheave 667.55' Mt of the c/l of Middle River Boad (Mrs Dolask) Ligheave 667.55' Mt of the c/l of Middle River Boad (Mrs Dolask) Light State 15 th Councilmonic District Vance A. Stowall - Putlioner Case No. 94-277-A RE: PETITION FOR VARIANCE

Dear Mr. Covahey:

TMX:bis

Enclosed please find a copy of the decision renjered 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 Adm.nistration and Development Management Office at 887-1391.

Lux Mey Mo Hoco TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

cc: Mr. Vance A. Stovall 9630 Pulaski Highway, Baltimore, Md. 21220

1/11/94 The Electric Lift Truck Service Co -9630 Pulasti Hybrany

Teten In By: MIK Item Runby : 277

020 - Commercial Variance - \$ 250.00 080 - 1sign - \$ 35.0t

\$ 285.00

france from

94-277-4

9630 Pulaski Highway Baltimore, Maryland 21220

Edward C. Covahey, Jr.

The Electric Lift Truck Jervice Co. Nome a Start

(410) 828 9441 614 Souley Ave.

Towson, MD 21204

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Petition for Variance

to the Zoning Commissioner of Baltimore County

od with the Office of Zenting Administration is Development Management, which is described in the description and plus Machine Courty and which is described in the description and plus Machine and, handly person for a Virtualization from Machine $(Z_{\mathcal{P}_{ij}}, x_i, x_j, x_j, x_j)$.

of the Zoning Regulators of Belimons County, to the Zoning Law of Belimons County, by the Jedouing reasons, Sedicate handship or

meanings/recited difficulty and limbs bareholds will be selected to the property of the proper

for the property located at 9630 Pelanki Highway

SETBACK, FOR 10'-0" SETBACK.

41-05-1

* set within 30 days

un Acuntectues Georghic

With the sectionary discloses and efficies, while the paradition of periods. That there are the Vance A. Stoval

9630 Pulaski Highway (410) 682-4600 Baltimore, Maryland 21220

720 S. MONTEDED AND 274:7128 OFFICE USE COLY Ihr -

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ZUNING BEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Satisface County Source Regulations require that notice be given to the querial public numbers on properties that notice be reported to the property public partial to the property of the public points of horizon. For those political 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 operate circulation in the 6-28y.

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:

111 West Chesapeake Avenue Towson, MD 21204

- Posting fees will be accessed and paid to this office at the time of filing.

2) billing for legal advertising, dae upon receipt, will come from and should be remitted directly to the newspaper. NOS-HANNOT OF ACCEPTATION FIRST WILL STAN ISSUED TO CANADO GROUP.

ASSUE JABLES, DESCRIPTION.

For newspaper advertising:

Petitioner: The Electric Lift Truck Service Co westion: 96 30 Pulaski Highway

PLEASE FORWARD ADVERTISING BILL TO: NAME Edward C Cornbuy, Jr

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

Zoning Advisory Committee Meeting for January 31, 1994 Item No. 277

RWB s

To around fallow Director DATE: February 1, 1994 India definition and Development Hanagement From Development Sealing, F. E. Chief Development Sealing of the Control of th

The howelepers Engineering Section has reviewed the salest Lonion time. The entire site is subject to the London's Memonia, i.e., a 10-foot parking estable from the wight of way is required, and parking should be 6-foot off the building the salest off the

ROBERT W. BOWLING, P.E., Chief Developers Engineering Section

ADDRESS: 614 Bosley Are Towson , mp 21204 PHONE NUMBER: (410) \$28-9441

Atrons

(Sevised 04/09/95)

TO: PUTULENT PUBLISHING COMMENT

Please found billing to:

Edward C. Covaboy, Jr., Enq. 614 Rosley System Towner, Maryland 21204 828-9441

NOTICE OF HEARING

The Louiny Commissioner of Nattimore County, by authority of the Zeniny Act and Regulations of Nattimore
County, will hold a public bearing on the property identified herein in
Room 106 of the County Office United, 111 M. Chesapoule Recome in Tourne, Waryland 21204

or Scom 118, Old Courthouse, 400 Mashington Avenue, Tomsco, Maryland 21204 as follows:

CASE MERGER: 94-277-à (Hom 277)
950 Palanki Highway
850 Palanki Highway, 667-55° M of c/l Riddle River foad
15th Election Bistrict - 5th Conciliantic
Legal Omer(s): Yance i. Storal
Contact Parchamer(s): The Electric Lift Truck Service Comp 19th Local Omer(s): Yance A. Stoval Contract Purchaser(s): The Electric Lift Truck Service Company NGARIES: MEMBERGAY, FERNIARY 23, 1994 at 9:00 a.m. in Re. 118, 016 Courthouse

Variance requiring 30 foot aethack for 10 foot setback.

NOTES: (1) HEARINGS MAE HANDICHOPHED ACCESSIBLE; FOR SPECIAL ACCOMMENDATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCURRED THE FILE MENOR MEANING, PLEASE CALL 887-3391.

HOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by methority of the Zoning Sct and Requisitons of Baltimore County, will hold a public bearing on the property Johntified herein in Room 106 of the County Office Building, 111 Mr. Comesponds browns in Tomons, Mary-Paided 22004

form 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE MEMBER: 94-277-A (Hom 277) 96,30 Pulanki Highmay MA/S Pulanki Highmay, 667.55° ME of c/l Hiddle River Road

Variance requiring 30 foot methods for 10 foot methods.

cc: Yance A. Sloval The Electric Lift Truck Service Co. Edward C. Covabey, Jr., Esq. Fidelity Architectural Group, Inc.

NOTES: (1) DESIRES SIGN & POST PROT SE RETURNED TO SM. 104, 111 W. OPERAPHATE DYESTE ON THE MÉMBRIS DETE. (2) MEMBRISS DES MANDICAPPED ACCESSIBLE, FOR SPECIAL ACCORDANGE PLANE CALL SHY-DAYS. (3) FOR INCOMPLINE OCCUPIED TO BY LIE BARYON MEMBRISS, CONTRECT THIS OFFICE AN SHY-DAYS.

♥ -------

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

February 16, 1994

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

RE: Case No. 94-277-A, Item No. 277
Petitioner: Vance A. Stoval, et al.
Petition for Variance

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The citached comments from the soning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made ware of plans or problems with repart to the proposed improvement that may have a bearing

Enclosed are all comments substitute than far from the mesons of Jack that offer or expense information on your partials. If additional comments are received from other subbers of ZAC, i will forward then toyu. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 11, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future <u>soning petitions</u> and are aimed at expediting the petition filing process with this office.

The director of Zoning Administration and Development Hanapamer.
has instituted a system whereby seasoned zoning attorneys who
all aspects of the zoning requisitions and petitions filing
requirements can file their putitions with this office without
the necessity of a preliationary review by zoning perceited.

Maryland Department of Transportation State Highway Administration

Hal Kassoff 1-24.94

Re: Baltimore County
Item No.: +377(MJK)

Dear Ms. Minton:

Ms. Charlotte Minton

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

Thank you for the opportunity to review this item.

DAVID N. RAMSEY, ACTING CHIEF

Maryland Relay Service for Impaired Hearing or Speech Mailing Address: P.O. Box 717 - Beltimore, MD 21203-0717 Street Address: 707 Horth Calvert Street - Baltimore, Maryland 21202

INTER-OFFICE CORRESPONDENCE Arnold Jablon, Director Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 277, 278, 281, 286, 287 and 288.

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 887-3480.

red by: Juffrey N Lings

DK / II. - 1w

ZAC. 277/PZONE/ZAC1

BALTIHORE COUNTY, MARYLAND DATE: Jamery 28, 1994

JAN 3 1 1994

94-277.1

700 East Joppa Road Suite 901 Towson, MD 21286-5500 DECENVED Arnold Jablon

(410) 887-4500

DATE: 01/27/94

RE: Property Owner: VANCE A. STOVAL LOCATION: 141/5 PULASKI MWY.,667.55'NE OF CENTERLINE MIDDLE RIVER RU.
(9630 PULASKI MWY.)

Item No.: 877 (MJK)

Zoning Agenda: VARIANCE

Gentlenen:

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

Zoning Administration and

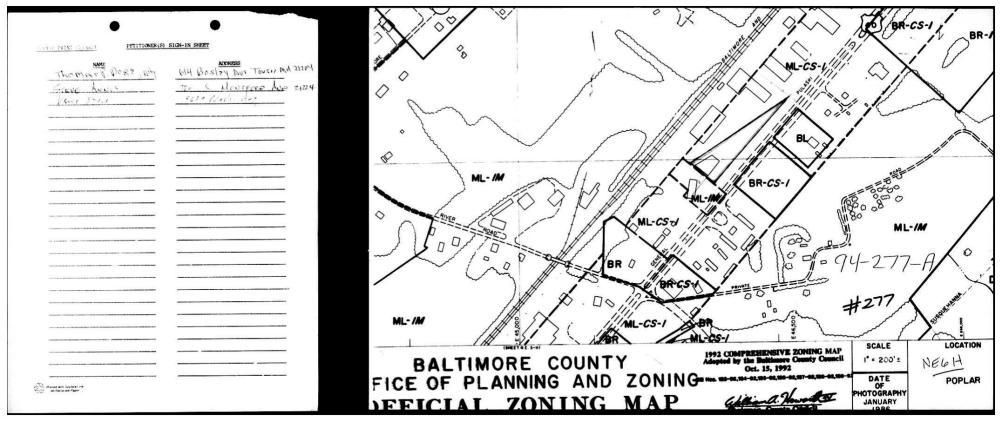
Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

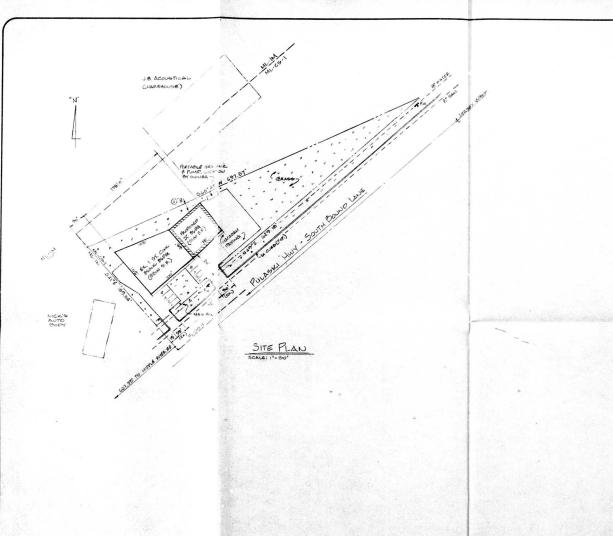
The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

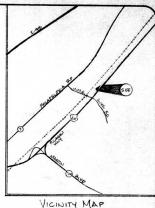


REVIEWER: LT. ROBERT P. SALEBUALD Fire Prevention, PHONE 887-4881, MS-1102F

8







SCALE: 1": 1000"

PROPSETY MUNERS VANCE STOVAL PROPERTY TAX NO: 04-368525-00-7

COUNCIL PISTRICT: 5

Convolutional Princet: 9
Election Princet: 15
Previous Commercial Princets: 8:84995
Previous Zouing Hearings: None
Gust & Proposed Use: Electric Fork Lift Repair.

NO APPITIONAL SIGN EXIST. SIGN ON EX. BUDG. SIGN

PARK OF CALCULATIONS!

FLOO: AREA RATIO: 13,000 S.F. BLDG / 59,470 S.F. LET = 0.25

EXIST ZOUNG: ML-CG-1

A PR PERTY LINE SURVEY WAS NOT PERFORMED. THIS PLAT IS NOT TO BY 1960 TO ESTABLISH PROPERTY LINES.

SCR WING SHALL BE PROVIDED IN ACCORDANCE WITH BALTO, CO. LINDSCAPE MANUAL

NOT IN CRITICAL ARGA (CBCA)

(1) S EXING VARIANCE OF SECTION 238.2; FOR A 10'0" FOR SETBACK IN LIGHT OF SOLO!

94-277-A

Fidelity Architectural Group, Inc. Architectural Decigne & Renovati

720 S. Montford Avenue timore, Maryland 21224-3654 (410) 276-7128



ELECTRIC LIFT TRUCK SERVICE CO. 9630 PULASKI HWY. BALTIMORE, MARYLAND

PLAN TO ACCOMPANY VARIANCE HEARING

SP-1 SHT. NO. 1 OF L SCALE AS NOTED JOB NO. A 29.