IN RE:

PETITION FOR VARIANCE

W/S York Road, 650' N of its intersection w/Industry Lane

(10150 York Road) 8th Election District 3rd Councilmanic District

AAI Corporation, Owners; Sterling Advisors Realty Co.,

Contract Purchaser

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 98-350-A

\* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, AAI Corporation, by Stanley J. Mecinski, Esquire, Corporate Counsel, and the Contract Purchaser, Sterling Advisors Realty Company, by Brian Doyle, through their attorney, Richard Rubin, Esquire. The Petitioners seek relief from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum rear yard setback of 8 feet in lieu of the required 30 feet for a proposed one-story parking deck. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

It is to be noted that since the filing of the instant Petition, Sterling Advisors Realty Company has actually settled on the subject property and are now the owners.

Appearing at the hearing on behalf of the Petition were Richard Rubin, Esquire, attorney for the Petitioners, and Timothy Madden, Professional Engineer with Morris & Ritchie Associates, the consulting firm which prepared the site plan for this property. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING
Date
By

ONDER RECEIVED FOR FILING

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.008 acres, more or less, split zoned M.L.-I.M. and M.L.-A.S., and is improved with an office building and a parking lot. Since purchasing the subject property, the Petitioners have found that the existing parking lot is inadequate to serve its needs. Thus, the Petitioners propose to construct a second level to the existing parking area to provide the additional parking necessary to serve its patrons and customers. However, in order to construct a second level to the existing parking lot, the requested variance is necessary.

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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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 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 struc-

ture 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, and meets 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  $27^{\frac{1}{12}}$  day of May, 1998 that the Petition for Variance seeking relief from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum rear yard setback of 8 feet in lieu of the required 30 feet for a proposed one-story parking deck, 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; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

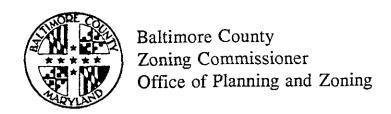
TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

ORIDER RECEIVED FOR FILING



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

May 29, 1998

Richard Rubin, Esquire One South Street, 27th Floor Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE

W/S York Road, 650' N of its intersection w/Industry Lane

(10150 York Road)

8th Election District - 3rd Councilmanic District

Sterling Advisors Realty Co., Owners

Case No. 98-350-A

Dear Mr. Rubin:

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, luther llofroco

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. Brian Doyle, Sterling Advisors Realty Co.
31 Light Street, Suite 200, Baltimore, Md. 21202

Stanley J. Mecinski, Esquire, AAI Corporation 100 Industry Lane, Hunt Valley, Md. 21030

People's Counsel; Case Files



# etition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at

100 Industry Lane, Hunt Valley, MD 21030

#350

which is presently zoned ML-IM and ML-AS

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

255.1 of the Baltimore County Zoning Regulations (BCZR) is hereby requested to allow a minimum rear yard setbæk of eight feet (8'0") in lieu of the required 30 feet. This is to allow construction of approposed one-story parking deck.

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

- The existing building locations and topographical conditions impose building and subdivision constraints that limit the configuration of the building parcel.
- For other reasons to be determined at the hearing.

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

Contract Purch	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition
Contract Purchaser/Lessee	Legal Owner(s)
Sterling Advisors Realty Co.	AAI Corporation
(Type or Print Name)	(Type or Print Name)
Signature Brian Dovie	Signature Mecanilis for
31 Light Street, Suite 200	Stanley J. Mecinski, Esq. Corporate County (Type or Print Name)
Baltimore, MD 21202 City State Zipcode Attorney for Petitioner	Signature
Richard Rubin	100 7 4
(Type or Prog Name)	100 Industry Lane 40-628-6674
Spraine Suba	Hunt Valley, MD 21030
	Name, Address and phone number of representative to be contacted.
27th Floor, One South Street  Address Phone No Baltimore, MD 21202 332-8509  Gity State Zipcode	Richard Rubin, Esq. One South Street, 27th Floor, Baltimore MD 21202
, idental,	OFFICE USE ONLY 410-332-8509
January Williams	ESTIMATED LENGTH OF HEARING  unevailable for Hearing
Printed with Soybean Ink on Recycled Paper	ALL OTHER
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DUNTY, MAR Et & FINANCE US RECEIPT	80		In Car	120 Variance	
BALTIMORE COUNTY, MARYL/ OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE 3-23-78		RECEIVED STORY IN C	020 Yan	٠

of the Zoning Act and Bagula-tions of Baltimore, County will hold a public hearing in Tow Son, Waryland on the property Identified herein as/follows:

Case #98-350-A
100 Industry Lane
100 Industry Lane
W/s York Road, 650 +/- N
of Industry Lane
8th Election District
2ad Owner(s): AAI CorLegal Owner(s): AAI CorContract Purchases: Sterling
Advisors Reatly Corpany

Variance: to allow a mini-trium tear yard sedback of 8 feet in fieu of the required 30 feet for construction of a pro-posed one-story parking test. Hearing: Thursday, May 14, 1998 at 10:00 a.m. in Room 407, County Courts Bidg., 401 f08/69/ Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissional for
Ballimore County
NOTES. (1) Heachings are
NOTES. (1) Heachings are
Handicapped Accessible, for
special
accontintiodations press bases ball (410) 887-3353.
(2) For Information Concerning the File and/or Hearing
Please ball (410) 887-3353.

4/538 Apr. 30

# CERTIFICATE OF PUBLICATION

TOWSON, MD., \_

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published -successive in Towson, Baltimore County, Md., once in each of  $\overline{I}$ weeks, the first publication appearing on \_

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

# **MORRIS & RITCHIE ASSOCIATES, INC.**

ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS



ZONING DESCRIPTION

AAI Corporation

Eighth Election District

Third Councilmanic District

Baltimore County, Maryland

Beginning for the same at a point on the westerly right of way of York Road (Maryland Route 45) which is 80 feet wide, at the distance of 650± feet northerly from the intersection of Industry Lane, which is 60 feet wide, thence from the POINT OF BEGINNING so fixed the following six courses and distances, viz:

- 1. South 71°31' 55" West, 214.89 feet,
- 2. 39.53 feet, along the arc of a curve to the right, having a radius of 110.00 feet, and being subtended by a chord of North 28°47' 38" West, 39.31 feet,
- 3. North 18°29' 59" West, 368.21 feet,
- 4. North 71°30' 01" East, 202.14 feet,
- 5. South 63°28' 05" east, 28.28 feet,
- 6. South 18°28' 05" East, 386.99 feet to the POINT OF BEGINNING.

Containing 90,063 square feet or 2.008 acres of Land more or less.

Being part of Parcel 2, 4th Amended Subdivision of AAI Corporation to be recorded in the Land Records of Baltimore County, Maryland, the said subdivision being part of the following Deed, Liber G.L.B. 2639, folio 228 and Liber W.J.R. 3779, folio 356. Also known as 10150 York Road in the Eighth Election District.

MAB:mak\s\10210.04\zoning.des\032098

139 N. MAIN STREET, SUITE 200 BELAIR, MARYLAND 21014 (410) 879-1690 (410) 836-7560 FAX (410) 879-1820 110 WEST ROAD, SUITE 105 TOWSON, MARYLAND 21204 (410) 821-1690 FAX (410) 821-1748

9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9446 (301) 470-4470
E004(410) 792-7395

# 350





RE: PETITION FOR VARIANCE

100 Industry Lane, W/S York Road, at dis-

tance of 650' ± N of Industry Lane

8th Election District, 3rd Councilmanic

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Legal Owner: AAI Corporation

Contract Purchaser: Sterling Advisors Realty Co.

Petitioners \*

CASE NO. 98-350-A

\* \* \* \* \* \* \* \* \* \* \*

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice 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

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse 400 Washington Avenue

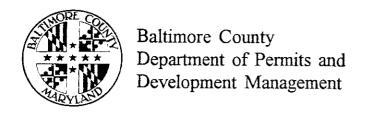
Towson, MD 21204

(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this \( \sum\_{0.0000} \) day of April, 1998, a copy of the foregoing Entry of Appearance was mailed to Richard Rubin, Esq., 1 South Street, 27th Floor, Baltimore, MD 21202, attorney for Petitioners.

PETER MAX ZIMMERMAN



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

April 2, 1998

# NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-350-A

100 Industry Lane

W/S York Road, 650' +/- N of Industry Lane 8th Election District - 3rd Councilmanic District

Legal Owner: AAI Corporation

Contract Purchaser: Sterling Advisors Realty Company

<u>Variance</u> to allow a minimum rear yard setback of 8 feet in lieu of the required 30 feet for construction of a proposed one-story parking deck.

**HEARING**:

Thursday, May 14, 1998 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

c: Richard Rubin, Esquire AAI Corporation

Toll follow

Sterling Advisors Realty Company

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 30, 1998.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY April 30, 1998 Issue - Jeffersonian

Please forward billing to:

Mr. Brian Doyle

410-986-2603

Sterling Advisors, Inc.

31 Light Street

Baltimore, MD 21202

# NOTICE OF ZONING HEARING

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LAWRENCE E. SCHMIDT

**ZONING COMMISSIONER FOR BALTIMORE COUNTY** 

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



# Baltimore County Department of Permits and Development Management

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

# ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

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

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

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

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 98-350-A
Petitioner: Sterling Advisors Realty Co.
iocation: 100 Industry Lane Cucleusville M.
PLEASE FORWARD ADVERTISING BILL TO:
IAME: Mr. Brign Dayle, Sterling Advisors, Inc.
DDRESS: 31 Light Street Battimore Ml. 21202
HONE NUMBER: 410 - 986- 2603
J:ggs

(Revised 09/24/96)

0

Request for Zoning: Vari	iance, Special Exception, or Special Hearing
Date to be Posted: Anytin	ne before but no later than
Format for Sign Printing	Black Letters on White Background:
	ZONING NOTICE  Case No.: 98 - 350-A
	A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE:	
DATE AND TIME:	
to permit	riance from BCZR Section 255.]  I an 8 Foot rear yard in the required 30 foot rear
- Yard.	
POSTPONEMENTS DUE T	O WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.
DO NOT REMOVE T	HIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
	HANDICAPPED ACCESSIBLE



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

April 16, 1998

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

RE: Property Owner: AAI CORPORATION

CAVES VALLEY GOLF CLUB, INC. BETHEL PARK LIMITED PTNP.

Location: DISTRIBUTION MEETING OF APRIL 6, 1998

Item No.: (350) 352, 353 Zoning Agenda:

Gentlemen:

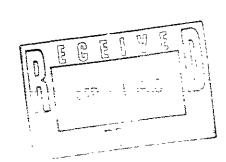
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

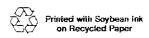
- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





# BALTIMORE COUNTY, MARYLAND

# INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 16, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for April 13, 1998 Item Nos. 348, 350, 352, 353, 355, 356, 357, 358, 359, and 360

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



David L. Winstead Secretary

Parker F. Williams Administrator

April 7, 1998

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

RE: Baltimore County
Item No. 350
Variance
AAI Corporation
MD 45 (west side)

1200' north of Industry Lane

Mile Post 7.20

Dear Ms. Eubanks:

We have reviewed the referenced item and have no objection to approval of the variance.

However, we will require the owner to obtain an access permit through this office. Please have their representative contact this office regarding the required improvements conditioned to the permit.

Should you have any questions, please contact Larry Gredlein at 410-545-5606. You may also E-mail him (lgredlein@sha.state.md.us).

Very truly yours,

P.J. Buller

Ronald Burns, Chief

**Engineering Access Permits Division** 

LG/eu

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

# INTER-OFFICE CORRESPONDENCE

TO:

MCP

DATE: 4

FROM:

R. Bruce Seeley.

Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee

Meeting Date:

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

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

**DATE**: April 14, 1998

TO: Arnold Jablon, Director

Department of Permits

and Development Management

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

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

Item No. 350, 351, 352, and 362

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

Division Chief: Aug L. Kens Prepared by

AFK/JL

