IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE

AND VARIANCE.

S of Pulaski Hwy. 125 ft. W of

Kreuger Avenue

8013 Pulaski Highway

15th Election District

7th Councilmanic District

Legal Owner: 80134 Pulaski, Inc.

Lessee: Henry McNew, et ux

Petitioners

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 98-371-XA

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Exception and Variance, for the property located at 8013 Pulaski Highway in Rosedale. The Petitions were filed by 8013 Pulaski, Inc., property owner, and Henry and Dorothy McNew, Contract Purchaser. Special Exception relief is requested to permit a contractor's equipment storage yard on the subject property. Variance relief is requested from Section 238.2 of the BCZR, to permit a 9 ft. side yard setback in lieu of required 30 ft., for an existing building. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Exception and Variance.

Appearing at the requisite public hearing held for this case were Cynthia Brown on behalf of 8013 Pulaski, Inc., (property owner) and Henry McNew and Dorothy McNew, (contract purchasers/co-Petitioners). Also present was H. Dean McNew (Mr. and Mrs. McNew's son), the proprieter of the business which will operate from the site. Also present was Frederick J. Thompson, the engineer who prepared the site plan. The Petitioners were represented by Newton A. Williams, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is approximately 2.81 acres in area, split zoned B.R.(1.90 acres) and D.R.S.5 (.91 acres). The property is located in Rosedale, with road frontage on

Moles In Fresh

Pulaski Highway. The rear of the property abuts Duvall Avenue, a small residential side street. The front of the property is adjacent to Pulaski Highway and is zoned B.R. The rear of the property, which is not proposed for development, is zoned D.R.5.5. Presently, the site is vacant but for an existing 20 ft. x 12 ft. storage building. That building is not served by utilities and is situated approximately 9 ft. in the side property line. A portion of the property is paved and fenced.

Mr. H. Dean McNew testified that he is the operator of a business known as McNew Excavating, Inc. This business was originally started by his parents in the 1960s. Although his parents are still active in the business, the younger Mr. McNew is assuming the day to day operation. The business employs approximately 12 to 15 employees and works in the Baltimore Metropolitan Area. The business performs excavating and contracting work. The business owns excavating equipment, including backhoes, bulldozers and several trucks and trailers.

The McNews propose to purchase the subject site and relocate their business thereto. As shown on the site plan, a building will be constructed to house the business offices and to provide storage. The site plan shows that a one story building is proposed, divided into two sections. One section will accommodate 2800 sq. ft. of office space and the second will be 4800 sq. ft. of storage space. Additionally, the site will be landscaped, the fence relocated and an area of parking upgraded and provided.

The uncontradicted testimony and evidence offered was that the proposed use would be appropriate for the location and not detrimental to the health, safety or general welfare of the locale. It appears that this small family-owned business will be an asset to the community and is consistent with similar uses along Pulaski Highway. The rear of the site

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is not proposed for development and, at this time, will serve as a buffer to the houses on Duvall Avenue. Moreover, it was indicated that the business operates full time, five days a week (Monday thru Friday), with a lighter schedule on occasional Saturdays. Much of the equipment will leave the site in the morning and remain at the jobsite during the day. Thus, the use is not expected to generate significant traffic at this location.

Based on the testimony and evidence offered, I am persuaded to grant the Petition for Special Exception. In my judgment, the proposed use satisfies the standards set forth in Section 502.1 of the BCZR. I find that the use will not be detrimental to the health, safety and general welfare of the community.

Turning to the zoning variance, same should also be granted. As noted above, this variance is for an existing building which the Contract Purchasers wish to retain. The building will be used for storage purposes and has been located on the site at its present footprint for many years. Photographs of the site show that a line of mature trees is located near the building, buffering same from the single family residences on Kreuger Avenue. In my judgment, the Petitioner has satisfied the requirements of Section 307 so that variance relief can be granted.

While granting the zoning Petitions, two restrictions shall be imposed. First, the Petitioners shall consult with Avery Harden, the County's Landscape Architect, to develop an appropriate landscape plan. That plan should recognize that variance relief is granted for the existing building with a 9 ft. setback. The plan should also recognize the inherent use of the site, the property's frontage on Pulaski Highway and the border of the subject property with residences to both the side and rear.

Second, the Petitioners requested permission to extend the utilization period for the Petition for Special Exception to a period not to exceed

five years, pursuant to Section 502.3 of the BCZR. Normally, special exception relief must be utilized within two years from the grant of the Petition. The Zoning Commissioner can extend that time period not to exceed five years. In view of the family nature of this firm and the Petitioners' time table for acquisition and development of the site, an extension of the utilization period to five years is appropriate.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of June 1998, that a Petition for Special Exception for approval to permit a contractor's storage yard on the subject property, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 238.2 of the BCZR, to permit a 9 ft. side yard setback, in lieu of the required 30 ft., from existing building principal structure, be and is hereby GRANTED, subject, however, to the following restrictions:



- 1. The 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners shall consult with Avery Harden, the County's Landscape Architect, to develop an appropriate landscape plan at the site consistent with the comments hereinabove.
- 3. The Petitioners shall be allowed permission to extend the utilization period for the Petition for Special Exception to a period not to exceed five years, pursuant to Section 502.3 of the BCZR.

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

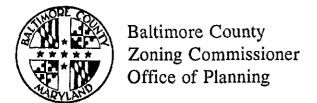
LAWRENCE E. SCHMIDT

Zoning Commissioner for

Baltimore County

The Horal

LES: mmn



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

June 12, 1998

Newton A. Williams, Esquire Nolan, Plumhoff and Williams 700 Nottingham Centre 502 Washington Avenue Towson, Maryland 21204

RE: Petitions for Special Exception & Variance

Case No. 98-371-XA

Property: 8013 Pulaski Hwy.

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Variance have been granted with restrictions.

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,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn att.

c: Mr. and Mrs. Henry McNew 9145 Lennings Lane Baltimore, Maryland 21237



## Petion for Special Exception

### to the Zoning Commissioner of Baltimore County for the property located at 8013 Pulaski Highway

which is presently zoned B.R. (Business Roadside)

and DiR. 5.5

This Petition shall be filed with the Department of Permits & 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, petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a contractors storage yard

#### See Attached Reasons

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

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filling 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.

	!, We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owners(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Henry and Dorothy McNew (Type or Print Name) Lensy My New Lingthy McNew Signature	8013 Pulaski inc. (Type or Print Name)  Xenny (i, Membardt Signature
9145 Lennings Lane Address	HENRY A. MEINHAR DT, UR., OFFICER. (Type or Print Name)
Baltimore MD 21237 City State Zip Code  Attorney for Petitioner:	Signature c/o Steve Feazell, Prudential/Caruthers Realty 312 South Main Street, Bel Air, Maryland 21014 and 8013 Pulaski Inc P.O. Box 68 410-879-3880 wk. Address Phone No.
Newton A. Williams Nolan, Plumhoff & Williams, Chtd (Type or Print Name)	Brandywine MD 20613 City State Zip Code
Newton a Williams	Name, Address and phone number of representative to be contacted.  Newton A. Williams  Nolan, Plumhoff & Williams, Chtd.
700 Nottingham Centre 502 Washington Avenue 410-823-7800 wk.	Name 700 Nottingham Centre 502 Washington Avenue Towson, MD 21204  Address  Phone No.
Towson MD 21204 City State Zip Code	Office Use Only ESTIMATED LENGTH OF HEARING unavailable for Hearing the following dates Next Two Months ALLOTHER REVIEWED BY: SR DATE 4/8/98
C:\OFFICE\WPWIN\WPDOCS\FORMS.GEMSPECEXCP\MCNEW.WPD	98.371-XA #371



## Pettion for Variance

### to the Zoning Commissioner of Baltimore County for the property located at 8013 Pulaski Highway which is presently zoned BR (Business Roadside)

and D.R. 515

This Petition shall be filed with the Department of Permits & 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, 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 practical difficulty)

#### See Attached

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

Sament Meres

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 it owners(s) of the property which is the subject of	
Contract Purchaser/Lessee:	Legal Owner(s):	
Henry and Dorothy McNew (Type or Print Name)  Wenny McNew  Watthy McNew Signature	8013 Pulaski, Inc. (Type or Print Name)  Lewy G. Mu Signature	inhadt
9145 Lennings Lane Address	V	HARDT, UR., OFFICER.
Baltimore MD 21237 City State Zip Code	Signature c/o Steve Feazell, Prudential/Ca 312 South Main Street, Bel Air, N	Maryland 21014 and
Attorney for Petitioner:	8013 Pulaski Highway, Inc P.C Address	D. Box 68 410-879-3880 ₩ Phone No.
Newton A. Williams Nolan. Plumhoff & Williams, Chtd. (Type or Print Name)	Brandywine MD City State	20613 Zip Code
Newton G-Williams	Name, Address and phone number of repr Newton A. Williams Nolan, Plumhoff & Williams, C	
700 Nottingham Centre 502 Washington Avenue 410-823-7800	Name 700 Nottingham Centre 502 Washington Avenue Towson, MD 21204	410-823-7800 ساد.
Address Phone No.	Address	Phone No.
Towson MD 21204 City State Zip Code	ESTIMATED LENGTH OF HEARING unavailable for Hearing the follow	
A Administration of the Administration of th	Next Two Months ALL OTHE REVIEWED BY: 3	R_DATE_4/X/9x

### MCNEW EXCAVATING COMPANY

### PROPOSED CONTRACTORS EQUIPMENT STORAGE YARD

### **8013 PULASKI HIGHWAY**

MCNEW HAS CONTRACTED TO PURCHAS E AND REUSE THE PROPERTY AT 8013 PULASKI HIGHWAY IN THE ROSEDALE SECTION OF BALTIMORE COUNTY.

THIS PROPOSED NEW USE WILL GIVE THIS COUNTY FIRM A HOME ON A MAJOR STATE HIGHWAY NEAR OTHER INTENSIVE COMMERCIAL AND INDUSTRIAL USES. MCNEW IS A FAMILY FIRM, WITH FAMILY MANAGING AND ON THE SITE DAILY.

THE MCNEWS PLAN A NEW ,ATTRACTIVE OFFICE AND SHOP BUILDING ON THE FRONTAGE WITH LANDSCAPED AND PLANNED INTERNAL DRIVES, AND THE APPEARANCE WILL BE UPGRADED.

THERE IS AN EXISTING OFFICE BUILDING ON THE EAST SIDE OF THE SITE WHICH MAY REQUIRE A REAR YARD VARIANCE. THE SPECIAL EXCEPTION AND VARIANCE WILL FOSTER THE HEALTH, SAFETY AND WELFARE OF THE AREA; AND THE BUILDING IS UNIQUE IN ITS EXISTING LOCATION AND ACTUALLY SERVES AS A VISUAL SCREEN. TO DEMOLISH OR MOVE IT AMOUNTS TO PRACTICAL DIFFICULTY AND UNREASONABLE HARDSHIP.

### THE REQUESTS THUS ARE:

- 1. A SPECIAL EXCEPTION FOR CONTRACTORS EQUIPMENT STORAGE YARD IN A BR ZONE, SECTION 236.4 [BCZR]; AND
- 2. A VARIANCE OF 9 FEET IN LIEU OF THE REQUIRED 30 FEET FOR AN EXISTING BUILDING, SECTION 238.2 [BCZR].

#### ZONING DESCRIPTION 8013 PULASKI HIGHWAY

BEGINNING AT A POINT ON THE SOUTH SIDE OF PULASKI HIGHWAY, WHICH IS 150 FEET WIDE, AT A DISTANCE OF 125.65 FEET WEST OF THE SOUTHWEST CORNER OF THE INTERSECTION OF PULASKI HIGHWAY AND KREUGER AVENUE (50 FEET WIDE). THENCE THE FOLLOWING COURSES AND DISTANCES:

- 1. NORTH 58 DEGREES 56 MINUTES 05 SECONDS WEST, 245.63 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF PULASKI HIGHWAY;
- 2. SOUTH 80 DEGREES 57 MINUTES 04 SECONDS EAST, 31.89 FEET;
- 3. SOUTH 35 DEGREES 36 MINUTES 24 SECONDS EAST, 275.20 FEET;
- 4. SOUTH 53 DEGREES 42 MINUTES 27 SECONDS WEST, 71.81 FEET;
- 5. SOUTH 36 DEGREES 32 MINUTES 08 SECONDS EAST, 122.00 FEET TO DUVALL AVENUE (30 FEET WIDE);
- 6. NORTH 53 DEGREES 42 MINUTES 27 SECONDS EAST, 299.58 FEET ALONG THE NORTH RIGHT OF WAY OF DUVALL AVENUE AND;
- NORTH 36 DEGREES 47 MINUTES 05 SECONDS WEST, 397.50 FEET TO THE PLACE OF BEGINNING AS RECORDED IN DEED LIBER 7407 FOLIO 806.

CONTAINING 2.29 ACRES MORE OR LESS. ALSO KNOWN AS 8013 PULASKI HIGHWAY AND LOCATED IN THE 15TH ELECTION DISTRICT.



### NOTICE OF 20NING HEARING.

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

Case: #98-371-XA 8013 Pulaski Highway S of Pulaski Highway, 125' W of Krueger Avenue 15th Election District Thir Councilmanic District Legal Owner(s): 8013 Pulaski, Inc. Contract Purchaser: Henry & Darothy McNew Special Exception: for a con-Special Exception: for a contractors storage yard.
Variance: to permit 9 feet in fleu of the required 30 feet for an existing building.
Hearing: Tuesday, May 19, 1998 at 10:00 a.m. in Room 407, County Courts Bidg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

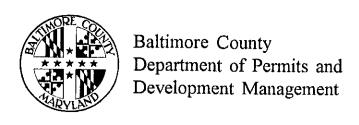
LAWRENCE E. SCHMIOT
Zoning Commissioner for
Balkimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353.
(2) For Information concernting the File and/or Hearing,
Please Call (410) 867-3391.

4/561 April 30 C225082-

### CERTIFICATE OF PUBLICATION

	41	~^
TOWSON, MD.,	4/30	, 19 <i>9</i> 8
THIS IS TO CERTIFY, that the a	annexed adve	rtisement was
published in THE JEFFERSONIAN, a w	veekly newsp	aper published
in Towson, Baltimore County, Md., one weeks, the first publication appearing of	}	
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AUT AUGUSTA		7Y A W/
THE JI	efferson	ILAN,
a. H	enre	lesar
LEGAL	. AD TOW	SON

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AMOUNT \$ 550.00	
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FOR: 080 4 050 Variable & Special F	reption 71 VA
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BALTIMORE COUNTY MAR ND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT  DATE 7/20/98 ACCOUNT 001-6150  AMOUNT 40.00 (CAM)  RECEIVED FROM: Gower Thompson Inc  FOR: VERIFICATION	PAID RECEIPT PROCESS ACTUAL TIME 7/21/1998 7/20/1998 16:13:42 RED USO3 COSHIER PMES PEU DRAMER 5 MISCELLANDUS CACH RECEIPT RECEIPT # 051454 OFTE CR MO. 055909 40.00 CHECK



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

April 17, 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: 98-371-XA

8013 Pulaski Highway

S of Pulaski Highway, 125' W of Krueger Avenue 15th Election District - 7th Councilmanic District

Legal Owner: 8013 Pulaski, Inc.

Contract Purchaser: Henry & Dorothy McNew

<u>Special Exception</u> for a contractors storage yard. <u>Variance</u> to permit 9 feet in lieu of the required 30 feet for an existing building.

**HEARING:** 

Tuesday, May 19, 1998 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

c: Newton A. Williams, Esquire 8013 Pulaski, Inc. Henry & Dorothy McNew

Tel Salley

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 4, 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:

Newton A. Williams, Esquire Nolan, Plumhoff & Williams 700 Nottingham Centre 502 Washington Avenue Towson, MD 21204

410-823-7800

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401 Bosley Avenue

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.

Request for Zoning: Variance, Special Exception, or Special Hearing
Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on White Background:

# ZONING NOTICE

Case No.: 98-371-XA

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

REQUEST: A special exception to allow a contractor storage yard in a BR zone and to request a side	rS
storage yard in a BR zone and to request a side	* YHYO!
setback of 9 ft. in lieu of the required 30	£t.

TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post.4.doc

#### CERTIFICATE OF POSTING

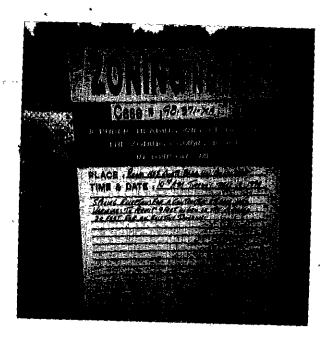
RE: Case No. 98-371-A
Petitioner/Developer:
(Henry McNew)
Date of Hearing/Glassing:
(May 19, 1998)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladles and Gentleman:

s letter is to certify under the penalties of perjury that the necessary sign(s) required by			
law were posted conspicuously on the property located at			
3 Pulaski Highway Baltimore, Maryland 21237			
e sign(s) were posted onMay 1, 1998 (Month, Day, Year)			
(Month, Day, Year)			
were 3 Pula			



Sincerely,  (Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE	*	BEFORE THE
8013 Pulaski Highway, S of Pulaski Hwy, 125' W of Kreuger Ave	*	ZONING COMMISSIONER
15th Election District, 7th Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner(s): 8013 Pulaski Inc. Contract Purchaser(s): Henry & Dorothy Mc		CASE NO. 98-371-XA
Petitioners	*	

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 May Cinneins

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 5 day of May, 1998, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

PETER MAX ZIMMERMAN



# Baltimore County Department of Permits and Development Management

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

May 13, 1998

Newton A. Williams, Esq. 700 Nottingham Centre 502 Washington Avenue Towson, MD 21204

RE:

Item No.: 371

Case No.: 98-371-XA

Petitioner: 8013 Pulaski, Inc. Location: 8013 Pulaski Highway

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 8, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

V. Con Richard

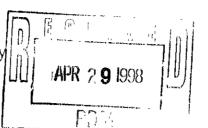
W. Carl Richards, Jr. Zoning Supervisor

WCR:ggs
Attachment(s)





# Baltimore County Fire Department



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

April 24, 1998

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

RE: Property Owner: 8013 Pulaski Inc.

Location: DISTRIBUTION MEETING OF April 20, 1998

Item No.: 371 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.

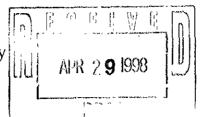
- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard 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 Fire Department



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

April 24, 1998

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

RE: Property Owner: 8013 Pulaski Inc.

Location: DISTRIBUTION MEETING OF April 20, 1998

Item No.: 371 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





David L. Winstead Secretary

Parker F. Williams
Administrator

April 22, 1998

RE:

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

Baltimore County
Item No. 371
Special Exception
8013 Pulaski Highway
US 40 (south side)
700' east of Chesaco Avenue

Mile Post 15.33

Dear Ms. Stephens:

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

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,

Ronald Burns, Chief

P. J. Gredlen

**Engineering Access Permits Division** 

LG/eu



My telephone number is \_\_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: May 1, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for April 27, 1998

Item No. 371

The Development Plans Review Division has reviewed the subject zoning item. A schematic landscape plan must be submitted.

A 10-foot landscape strip is required adjacent to the residential properties. A Class 'A' screen is required in this required 10-foot landscape strip. The proposed fence should be placed 10 feet off the property line. The required planting should be placed between the fence and property line.

RWB:HJO:jrb

cc: File

# BALTIMORE COUNTY MARYLAND

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

## INTER-OFFICE CORRESPONDENCE

TO:

POM

FROM:

R. Bruce Seeley MS/9

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Meeting Date: Clarit

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

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTS8P



### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** April 28, 1998

and Development Management

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

Office of Planning

SUBJECT: 8013 Pulaski Highway

INFORMATION

Item Number: 371

Petitioner: McNew Property

Zoning: BR

Requested Action: Special Exception and Variance

Summary of Recommendations:

A board-on-board fence should be erected on the south and east property lines to screen the property from residentially zoned and used land. In addition, a landscape plan should be submitted to the Baltimore County landscape planner. The plan should include the provision of street trees along Pulaski Highway, which is in keeping with the Pulaski Highway Corridor Study. Please note that similar recommendations were made for other properties along this corridor (see Case No. 97-398).

Jeffry N. Lang Eary L. Kerns Division Chief:

AFK/JL

Section 502--SPECIAL EXCEPTIONS [B.C.Z.R., 1955.]

(See Section 270--Schedule of Special Exceptions) [B.C.Z.R., 1955.]

NOTE: Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junk yards, are inherently so objectionable as to make extra regulations and controls advisable even in the M.H. Zone, to which they are restricted. Others, like a cemetery, do not fit into any of the zone categories, that is, residential, business, and industrial, and therefore must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as Special Exceptions are permitted only if granted by the Zoning Commissioner, and subject to an appeal to the Board of Zoning Appeals. 18.C.Z.R., 1955.]

In granting any Special Exception, the Zoning Commissioner and the Board of Zoning Appeals, upon appeal, shall be governed by the following principles and conditions. [B.C.Z.R., 1955.]

- 502.1-Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not: [B.C.Z.R., 1955; Bill No. 45, 1982.]
  - No effect Pulsake Huy OR growing a. Be detrimental to the health, safety, or general wedfare of the locality involved; [B.C.Z.R., 1955.]
  - b. Tend to create congestion in roads, streets or alleys— It therein; [B.C.Z.R., 1955.] Sow traffic generals compand to other BR uses.
  - c. Create a potential hazard from fire, panic or other dangers; [B.C.Z.R., 1955.] Public Water & Fise Survice, Back+ Fire Codes.
  - d. Tend to overcrowd land and cause undue concentration of population; [B.C.Z.R., 1955.] Jun FAR.
  - e. Interfere with adequate provisions for schools, parks, —No Community water. sewerage, transportation or other public requirements, conveniences, or improvements; [B.C.Z.R., 1955.]
  - f. Interfere with adequate light and air; [B.C.Z.R., 1955; Low body. Bill No. 45, 1982.]

- g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations; nor [Bill No. 45, 1982.]

  BR Contractors Strugt June

  h. Be inconsistent with the impermeable surface and vegeta
- h. Be inconsistent with the impermeable surface and vegeta tive retention provisions of these zoning regulations. [Bill No. 45, 1982.] Ancuse regulation
- 502.2-In granting any special exception, the zoning commissioner or the Board of Zoning Appeals, 38 upon appeal, shall impose such conditions, restrictions, or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. The owners, lessees or tenants of the property for which a special exception is granted, if required by the zoning commissioner, or Board of Zoning Appeals, 39 upon appeal, shall enter into an agreement in writing with said zoning commissioner and/or the county commissioners 40 of Baltimore County, stipulating the conditions, restrictions, or regulations governing such special exception, the same to be recorded among the Land Records of Baltimore County. The cost of such agreement and the cost of recording thereof shall be borne by the party requesting such special exception. When so recorded, said agreement shall qovern the exercise of the special exception as granted, as to such property, by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer. [B.C.Z.R., 1955.}
- 502.3--A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The zoning commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any special exception, shall fix within the aforegoing limits, 41 the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the zoning commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a special exception. After a final order granting a special exception the zoning commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same. [B.C.Z.R., 1955; Bill No. 42, 1962; No. 85, 1967.]

### ROSEDALE LANDSCAPING

### HORTICULTURAL SERVICES

May 16.1998

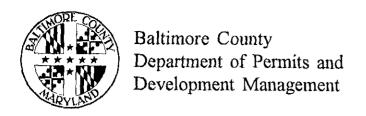
McNew Excavating 9625 Philadelphia Road Baltimore Maryland 21237

### Job Quotation,

8013 Polaski Highway

(A) Baw cut asphault pavement approximately \$50 long & 10 wide. Feel and remove asphault 4" thick from area. Haul and dispose of asphault off site. Excavate approximately of CR6 stone base. Haul and dispose of base material off site. Haul topsoil back on site to fill excavated area. Spread and grade 15 Tandem loads of topsoil. Furnish and install 34 White Pines 5-6 in height. Mulch area. 10 wide X 250 long.

Commercial & Industrial Horticultural Services • Tree Spaile Service Calf Course Construction • Landscape Contracting 1522 Boggs Road • Forest Hill, Maryland 21050 • (410) 893-1707



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

September 21, 1998

Frederick J. Thompson, P.E. Gower Thompson, Inc. 429 East Lake Avenue Baltimore, MD 21212

Dear Mr. Thompson:

RE: Spirit and Intent, 8013 Pulaski Highway, Zoning Case Number 98-371-XA, 15th Election District

A review of the revised plan for zoning case number 98-371-XA has led to the determination that the changes dated September 11, 1998 are within the spirit and intent of the original order. The note that was placed on the plan indicating that there would be NO vehicular access to the rear of the new structure was the one requirement Commissioner Schmidt asked for for this plan to be considered within the spirit and intent of zoning case number 98-371-XA.

The rebricated plan will be placed in the zoning case file.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

Catherine A. Milton

Planner II

Zoning Review

CAM:scj

Enclosure

c: zoning case number 98-371-XA



Jo! Cam Dury Dury 18

### GOWER THOMPSON INC.

July 14, 1998

Mr. Arnold Jabion
Baltimore County Department of
Permits and Development Management
111 W. Chesapeake Ave.
Room 123
Towson MD 21204

JUL 1'6 1998'
BALTIMONE COUNTY
ZADM/DM

Re: Sprit and Intent Case No. 98-371-XA 8013 Pulaski Highway

Dear Mr. Jabion,

The Zoning Commissioner for Baltimore County, Lawrence E. Schmidt, recently heard and issued a favorable decision in the subject case to permit a Contractor's storage yard as a Special Exception. Enclosed, for your reference, is a copy of those findings. The hearing for this case included a standard plan generally showing the proposed improvements; a copy of that plan is also included for your reference.

The Owner has recently examined the site more closely as it relates to his operations and has decided that he would prefer to locate the new building more to the rear of the site as shown on a marked second copy of the plan. This proposed change does not affect the Special Exception or Variance; it only affects the building location.

The Findings do not specifically refer to the site plan which was reviewed during the hearing. We trust that the proposed change can be made and the project submitted for building permit without the need for additional activity related to this Case. The purpose of this letter is to request your concurrence that this change is within the "Spirit and Intent" of the approval.

A \$40 review fee is also enclosed. Please call if there are any questions or if additional material is needed. We appreciate your cooperation and look forward to a favorable response in the near future.

Sincerely.

Gower Thompson Inc.

Frederick J. Thompson

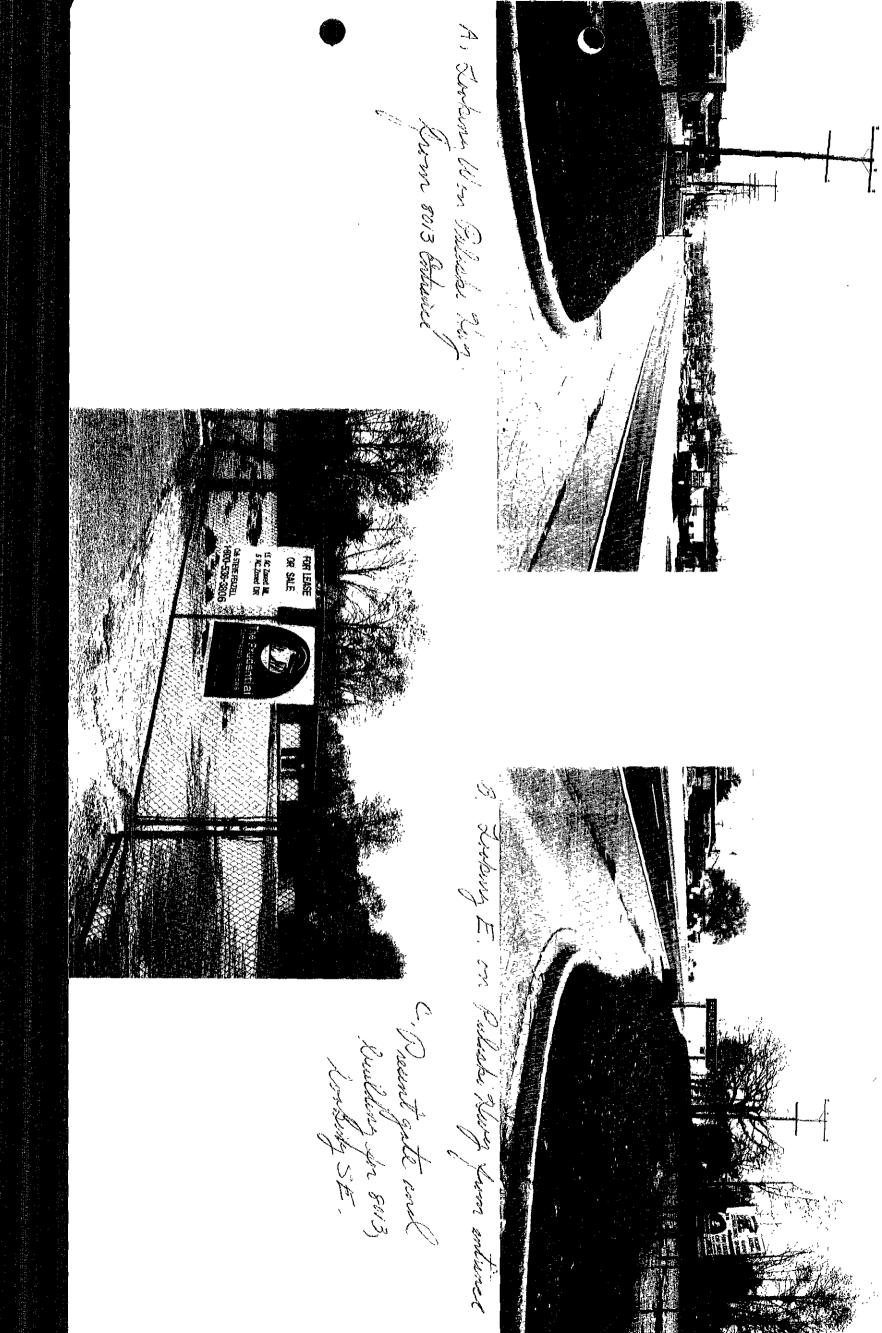
cc: D. McNew

### PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Newton a. Williams	502 Wash ave, 21204
W. Dear Mc Hu	8609 McDaniels Rd 21237
FRED THOMPSON,	9609 McDANIOS Rd 21237 9-WER THOMPSON INC. 429 E LAKE AVE 21212
Dorothy Mc new	9145 Lenning Lone 2/237
Henry Mc new	9145 Lenning Lane 2123)
Cypollia Brown	40. BOK 68 Brandystine, MD 20613
	Q -

Called Freel thempson Monday 3 Ay
to relate that Larry would have no
preplem previding that there was so
vehicles access to the sear of the very
Staucture Cend the a new sed-line
with this note be sessbrutted - Awaiting
New plan. Spoke w/ Freed again on 24 Avg he
said plan was in the works

O. 8013 Pulacki Hyhiry Gorkey SE from. Dr. Come, Comer of Escalable Torrace Shopping lister



E NE/C & ste missuat building



F. Late to show whitenessing to F/5 and NE/C.

6. Rosdile Turne Diappinglanter, looking 501, 8013 lett on left to E.

