

IN RE: PETITION FOR VARIANCE
E/S Philadelphia Road, 800' NE of
Middle River Road
(9625 & 9627 Philadelphia Road)
15th Election District
5th Councilmanic District

Charles H. Magsamen, Jr., et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-062-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject adjacent properties, Charles H. Magsamen, Jr. and William D. Magsamen, and the Contract Lessees, ABG Enterprises, LLC, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek relief from Section 450.4.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a directory sign in a residential zone with a height of 11 feet, 6 inches, in lieu of the maximum allowed 6 feet; and, from Section 450.7.A.1 of the B.C.Z.R. to permit lettering 9 inches high in lieu of the maximum allowed 3 inches. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing were William and Donna Magsamen, co-owners of the subject property, John Trueschler, Registered Landscape Architect who prepared the site plan for this property, and Robert A. Hoffman, Esquire. There were no Protestants present.

Testimony and evidence offered revealed that the subject property is a large rectangular shaped parcel located on the south side of Philadelphia Road, across from Barron Place in Middle River. The property consists of a gross area of 8.16 acres, more or less, split zoned D.R. 5.5 and M.L.-I.M, and is presently improved with two single family dwellings. Interestingly, the D.R. 5.5 zoned portion of the site occupies a narrow strip of land along the front of the property adjacent to Philadelphia Road. The vast portion of the site is zoned M.L.-I.M. As more particularly shown on

ORDER RECEIVED FOR FILING

Date

By

the site plan, the Petitioners propose development of the site with a series of buildings, including a bank building in the front portion of the lot, two one-story buildings of 14,000 sq.ft. each in the middle of the site for use as flex space, and a two-story L-shaped building to the rear of the site. The L-shaped building will be occupied by ABG Enterprises, LLC, also known as Atlantic Builders Group, Inc., general contractors. These uses are permitted in the M.L.-I.M. zone by right. Although none of the buildings will be located in the D.R.5.5 zoned portion of the property, the proposed sign will be located at the entrance to the site, in the D.R.5.5 zone, so as to be visible to motorists traveling along Philadelphia Road. Typically, one might expect a joint identification sign to serve the applicant's needs and identify the various businesses and tenants on the property. However, a joint identification sign is not permitted in the D.R.5.5 zone. A directory sign is permitted by right in the D.R.5.5 zone, subject to certain restrictions on its height and size of the letter. As noted above, these restrictions permit a maximum sign height of 6 feet and lettering of no greater than 3 inches. The Petitioners request variance relief from these requirements to permit a sign appropriate and visible at this location.

A detail of the proposed sign is shown on the site plan. The sign appears to be appropriately designed and will be aesthetically pleasing. The proposed sign will be ground-mounted, constructed atop a brick or stone base, and feature the address of the property itself, identify the Petitioners (Atlantic Builders Group, Inc.) as a primary tenant, and list the names of the other businesses that will occupy space on the property.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. The uniqueness of this property is found in the unusual zoning classification and the D.R. 5.5 zoned portion of the site occupies the front portion of the lot. Strict adherence to the B.C.Z.R. would not permit a visible or practical sign to advertise the proposed uses on the property. In sum, I am persuaded that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. and that relief can be granted without detriment to the surrounding locale. As noted above, there were no Protestants present, and there were no adverse Zoning Advisory Committee

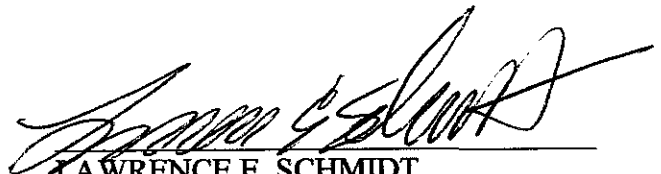
ORDER RECEIVED FOR FILING
Date 9/31/99
By [Signature]

(ZAC) comments. In fact, the Office of Planning, who typically might intervene in such a case, raised no objections to the proposal.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of September, 1999 that the Petition for Variance seeking relief from Section 450.4.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a directory sign in a residential zone with a height of 11 feet, 6 inches, in lieu of the maximum allowed 6 feet; and, from Section 450.7.A.1 of the B.C.Z.R. to permit lettering 9 inches high in lieu of the maximum allowed 3 inches, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their sign 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/31/99
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 30, 1999

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
E/S Philadelphia Road, 800' NE of Middle River Road
(9625 & 9627 Philadelphia Road)
15th Election District – 5th Councilmanic District
Charles H. Magsamen, Jr., et al - Petitioners
Case No. 00-062-A

Dear Mr. Hoffman:

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,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Messrs. Charles H. Magsamen, Jr. & William D. Magsamen
c/o Century 21 Horizon Realty, Inc., 3117 E. Joppa Road, Baltimore, Md. 21234

Mr. Eric G. Regelin, ABG Enterprises, Inc.
23 Fontana Lane, Baltimore, Md. 21237

People's Counsel; Case ☒ File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9625 and 9627 Philadelphia Road

which is presently zoned DR5.5 and ML-IM

This Petition shall be filed with the Department of Permits and 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)

450.4.4 to permit a directory sign with a height of 11 feet, 6 inches and a variance of Section 450.7.A.1 to permit lettering 9 inches high in a residential zone. in lieu of the allowed 6' high and 3" high respectively

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

ABG Enterprises, LLC

Name - Type or Print

By:

Signature Eric G. Regevin, Managing Member

23 Fontana Lane 410-682-8900

Address

Telephone No.

Baltimore

MD

21204

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable, Baetjer & Howard

Company

210 Allegheny Avenue 410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Charles H. Magsamen, Jr.

Name - Type or Print

Signature

William D. Magsamen

Name - Type or Print

Signature

c/o Century 21 Horizon Realty, Inc.
3117 E. Joppa Road 410-882-0021

Address

Telephone No.

Baltimore

MD

21234

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue

410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By ROD/BN

Date 8/14/99

Case No. 00-62-A

220 9/15/98

UNDER RECEIVED FOR FILING

Date

By

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

Zoning Description of the Atlantic Builders Group Property 9625 Philadelphia Road

All that piece or parcel of land situate, lying and being in the Fifteenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the East side of Philadelphia Road (70 foot right-of-way) said point being northerly 800 feet, more or less, from the intersection of the center line of Middle River Road and the South East side of Philadelphia Road, 70 feet wide thence, and referring the courses of this description to the Baltimore county Grid Meridan 1) North 46 degrees 38 minutes 58 seconds East 296.20 feet, thence leaving said road, 2) South 48 degrees 43 minutes 56 seconds East 1116.73 feet, 3) South 41 degrees 20 minutes 58 seconds West 313.17 feet, 4) North 47 degrees 48 minutes 52 seconds West 1144.20 feet to the point of beginning.

Containing 7.89 Acres of land, more or less.

This description only satisfies the requirements of the office of zoning and is not intended to be used for conveyance purposes.



C:\OFFICE\WPWIN\WPDOS\DESCRIPTION\SRIPHIL.WPD

Item # 62

00-062-A

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANC.
MISCELLANEOUS RECEIPT**

No. **069836**

DATE 8/11/99

ACCOUNT R 001-6150

AMOUNT \$ 250.00

RECEIVED FROM:

Atlantic Resource Group, Inc.

FOR:

County various code 000

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 62

00-062-A

CASHIER'S VALIDATION

PAID RECEIPT

PROCESS	ACTUAL	TIME
08/11/1999	08/11/1999	10:54:25
REG 6502	CASHIER LSN LNS	INQUIRY
Dept 5	620 ZIMING VERIFICATION	2
Receipt #	104411	0111
CR NO.	069836	

Receipt 101 250.00
OK
250.00
Baltimore County, Maryland

CERTIFICATE OF POSTING

RE: Case No.: 00-62-A

Petitioner/Developer: MAGSAMAN, ETAL
% ROBERT HOFFMAN, ESQ

Date of Hearing/Closing: 9/24/99
2:00 P.
CCB

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

Attention Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This 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 #9625 & 9627
PHILADELPHIA RD.

The sign(s) were posted on 9/9/99
(Month, Day, Year)

Sincerely,

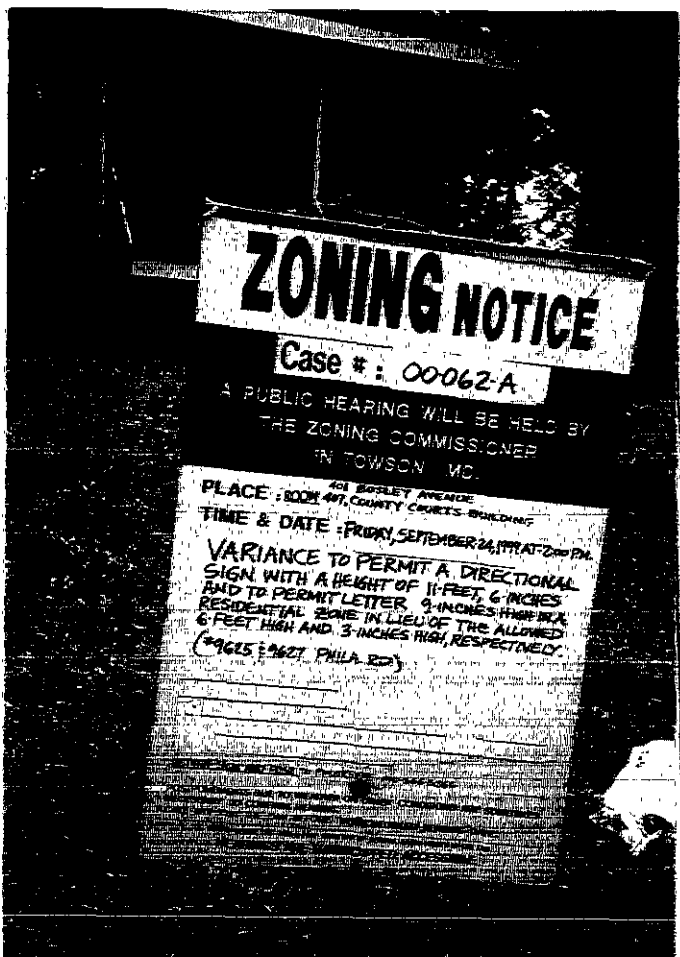
Patrick M. O'Keefe
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **078906**

DATE 2/3/00 ACCOUNT 001-6150

AMOUNT \$ 40.00 (WIK)

RECEIVED FROM:

Verabie, Bret...

FOR:

00-244

4625+27 Phila Rd

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAID TO: REG 4601 DATE: 2/03/2000 TIME: 14:34:41
DEPT: 5 CASHIER: JRIC JMR BANKER: J
RECEIPT # 134321
CR NO. 078906

Receipt Tot 40.00
40.00 OK
Baltimore County, Maryland

CASHIER'S VALIDATION

RE: PETITION FOR VARIANCE
9625-27 Philadelphia Road, E/S Philadelphia Rd,
800' N of c/I Middle River Rd
15th Election District, 5th Councilmanic

Legal Owner: Charles H. Magsamen, Jr. and
William D. Magsamen
Contract Purchaser: ABC Enterprises, LLC
Petitioner(s)

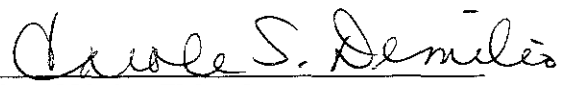
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-62-A

* * * * *

ENTRY OF APPEARANCE

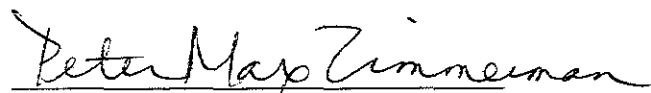
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of August, 1999 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN

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: 00-082-A

9825 & 9827 Philadelphia Road
E/S Philadelphia Road, 850' N of centerline Middle River Road
15th Election District - 5th Councilmanic District
Legal Owner: Charles H. Maggsman, Jr. & William D. Maggsman

Contract Purchaser: ABG Enterprises, LLC
Variance: to permit a directional sign with a height of 11 feet, 6 inches and to permit letter 9 inches high in a residential zone in lieu of the allowed 6 feet high and 3 inches high, respectively.
Hearing: Friday, September 24, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bayley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4388.

(2) For information concerning the file and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

9/17 Sept. 9

0338237

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/9, 1999

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 9/9, 1999

THE JEFFERSONIAN,

S. Williams

LEGAL ADVERTISING



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

September 1, 1999

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: 00-062-A

9625 & 9627 Philadelphia Road

E/S Philadelphia Road, 800' N of centerline Middle River Road

15th Election District – 5th Councilmanic District

Legal Owner: Charles H. Magsamen, Jr. & William D. Magsamen

Contract Purchaser: ABG Enterprises, LLC

Variance to permit a directional sign with a height of 11 feet, 6 inches and to permit letter 9 inches high in a residential zone in lieu of the allowed 6 feet high and 3 inches high, respectively.

HEARING: Friday, September 24, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablen", with a circled "30" below it.

Arnold Jablen
Director

c: Robert A. Hoffman, Esquire, 210 Allegheny Avenue, Towson 21204

William & Charles Magsamen, Jr., c/o Century 21 Horizon Realty, 3117 E. Joppa Road, Baltimore 21234

ABG Enterprises, LLC, 23 Fontana Lane, Baltimore 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SEPTEMBER 9, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, September 9, 1999 Issue – Jeffersonian

Please forward billing to:

Barbara W. Ormond

410-494-6201

Venable

210 Allegheny Avenue

Towson, MD 21204

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: 00-062-A

9625 & 9627 Philadelphia Road

E/S Philadelphia Road, 800' N of centerline Middle River Road

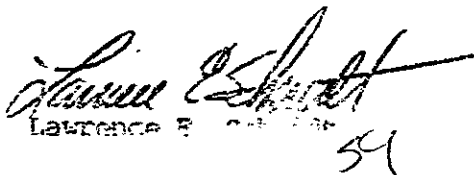
15th Election District – 5th Councilmanic District

Legal Owner: Charles H. Magsamen, Jr. & William D. Magsamen

Contract Purchaser: ABG Enterprises, LLC

Variance to permit a directional sign with a height of 11 feet, 6 inches and to permit letter 9 inches high in a residential zone in lieu of the allowed 6 feet high and 3 inches high, respectively.

HEARING: Friday, September 24, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-62-A

Petitioner: Charles H. Magsamen, Jr.

Address or Location: 9625 and 9627 Philadelphia Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara W. Ormord

Address: Venable

210 Allegheny Avenue, Towson, Md 21204

Telephone Number: 410-494-6201



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

August 30, 1999

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

RE: Property Owner:
MYANMAR BUDDHIST MEDITATION SOCIETY -046
ISAIAH BAPTIST CHURCH OF MONKTON - 055
CHARLES H. MAGSAMEN, JR. & WILLIAM D. MAGSAMEN - 062
THE TRUSTEES OF ST. PAUL'S LUTHERAN CHURCH OF KGSV. - 066
WHALEN PROPERTIES - 067

Location: DISTRIBUTION MEETING OF August 23, 1999

Item No.: 046, 055, 062, 066, & 067 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: Lieutenant Herb Taylor, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon; Director
 Department of Permits & Development
 Management

Date: September 2, 1999

FROM: *pub* Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for August 30, 1999
 Item Nos. 049, 051, 052, 053, 054,
 055, 056, 058, 059, 061, 062, 063,
 064, 065, 067, 068

and

Case Number 99-297-SPH
18414 Vernon Road)

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: August 31, 1999

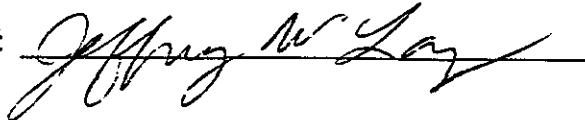
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 045, 052, and 062

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: September 9, 1999

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

RE: Baltimore County
Item No. 062 (BR/DD)
9625 & 9627 Philadelphia Blvd.
MD 7
Mile Post 4.89

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval.

However we will require the owner to obtain an access permit and as a minimum the following will be conditioned to the permit:

- Highway widening, from property corner to property corner, to include sidewalk, curb and gutter.

Should any additional information be required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr.
Acting Chief
Engineering Access Permits Division

My telephone number is _____

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

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 11, 2001

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-062-XA

IN THE MATTER OF: *Branchwater Farms, Inc.* – Legal Owner
1800 Knox Avenue
8th Election District; 3rd Councilmanic District

10/12/2000 – ZC's Order in which Petitions for Special Exception and Variance were GRANTED.

which was assigned to be heard on 11/13/01 has been **POSTPONED** at the request of Counsel for Petitioner due to trial conflict; and has been

REASSIGNED FOR:

TUESDAY, JANUARY 29, 2002 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

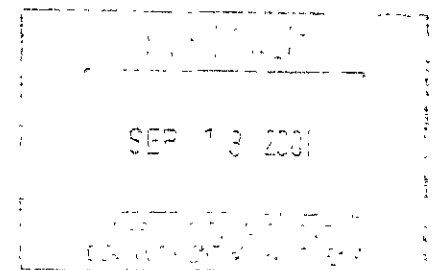
c: Appellant

: Office of People's Counsel

Counsel for Petitioner
Petitioner

: C. William Clark, Esquire
: Mr. and Mrs. Suchting /Branchwater Farms Inc.

Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM





Baltimore County
Department of Permits and
Development Management

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

February 7, 2000

Ms. Barbara W. Ormord,
Legal Assistant
Venable, Baetjer, and Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21285-5517

Dear Ms. Ormord:

RE: Spirit and Intent, 9625 and 9627 Philadelphia Road, Zoning Case 00-062-A,
15th Election District

Thank you for your letter of February 2, 2000 regarding the referenced property and zoning case.

Please be advised that the Zoning Review Office will permit the storm water management pond and access via the DR5.5 zone as the approved variance site plan illustrated the proposed sign, pond, and access within the residential zone. In addition, the adjacent property to the south, which is closest to the subject property's driveway, is a commercial use with its access within the DR5.5 zone.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Kellman".

Mitchell J. Kellman
Planner II
Zoning Review

MJK:kew



ABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

VENABLE
ATTORNEYS AT LAW

February 2, 2000

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

(410) 494-6201

Mr. Mitchell J. Kellman
Department of Permits and Development
Management
County Office Building - Room 123
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 9625 and 9627 Philadelphia Road
Zoning Case No. 00-062-A

Dear Mr. Kellman

This firm represents ABG Enterprises, Inc. with regard to the above-referenced properties. On August 11, 1999, we filed a Petition for sign variance and also discussed whether or not it would be necessary for us to request a special hearing to allow commercial access through a residential zone and to confirm that a storm water management pond is permitted by right in a residential zone. We were prepared to file the petitions if necessary but were told by the zoning technician that accepted the filing that the petition for special hearing would not be required. Enclosed for your reference is a copy of the variance petition and site plan that were filed as well as the special hearing petition that we were prepared to file at that time.

The sign variance case went forward and the Zoning Commissioner issued his Order on September 30, 1999. At the Development Review Committee Meeting (DRC # 06219I), Joe Merrey questioned whether we had applied for the special hearing relief with regard to the access and storm water management pond issues. As we discussed on January 27, 2000, you verbally confirmed that it is Baltimore County's policy to allow commercial access through a residential zone when it is the only means of access and you also confirmed that the storm water management pond would be permitted in a residential zone because it is considered a "natural land form". In discussing this issue with you, I understand there is prior case history backing up this determination. I am requesting your confirmation that a special hearing is not needed with regard to these issues. Enclosed is our check in the amount of \$40.00 for the costs incurred for this request.

87-362
n.t. = use regulated
by zoning

2/2/00
g
p: mjk
2/3/00
ua
Section

Mitchell J. Kellman
February 2, 2000
Page 2

Please do not hesitate to call me, if you have questions.

Sincerely,



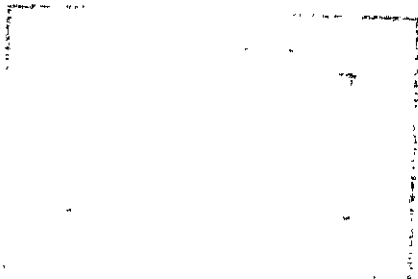
Barbara W. Ormord,
Legal Assistant

BWO/e
Enclosure
cc: Robert A. Hoffman, Esquire

ACCEPTED AND AGREEED:

Mitchell J. Kellman

TO1DOCSI/sam01/#95037 v1



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
JOHN TRUESCHLER
SITE RESOURCES INC
Donna Magamen
William D Magamen
Adrian
Rob Hoffman
Donald Paul

ADDRESS
14307 SARRETTSVILLE PIKE
PHOENIX MD 21131
9625 Philadelphia Rd 21237
9625 Phila. Rd 21237
9105 Belair Rd
210 Allegheny Ave 21214
11603 Mohr Rd, Kingsville Md 21087





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9625 and 9627 Philadelphia Road
which is presently zoned DR5.5 and ML-IM

This Petition shall be filed with the Department of Permits and 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Special hearing to allow commercial access through a residential zone and to confirm that the Stormwater Management Pond is permitted by right in a residential zone.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

ABG Enterprises, LLC
Name - Type or Print
By: Eric G. Regelin
Signature Eric G. Regelin, Managing Member
23 Fontana Lane 410-682-8900
Address Telephone No.
Baltimore MD 21237
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print
Signature
Venable, Baetjer & Howard
Company
210 Allegheny Avenue 410-494-6200
Address Telephone No.
Towson MD 21204
City State Zip Code

Legal Owner(s):

Charles H. Magsamen, Jr.
Name - Type or Print
Signature Charles H. Magsamen, Jr.
William D. Magsamen
Name - Type or Print
Signature William D. Magsamen
c/o Century 21 Horizon Realty, Inc.
3117 E. Joppa Road 410-882-0021
Address Telephone No.
Baltimore MD 21234
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name
210 Allegheny Avenue 410-494-6200
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. _____

REV 9/15/98

Reviewed By _____ Date _____

ATLANTIC BUILDERS GROUP
SIGN VARIANCE EXHIBIT

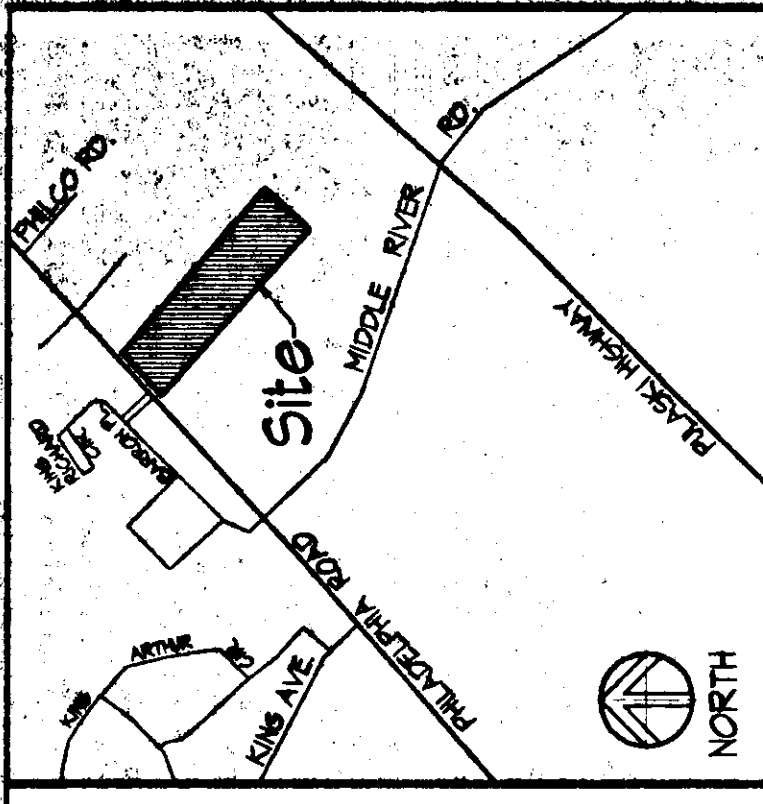


**VIEW LOOKING NORTHEAST ALONG PHILADELPHIA ROAD
THE PROJECT SITE IS ON RIGHT SIDE OF ROAD.**

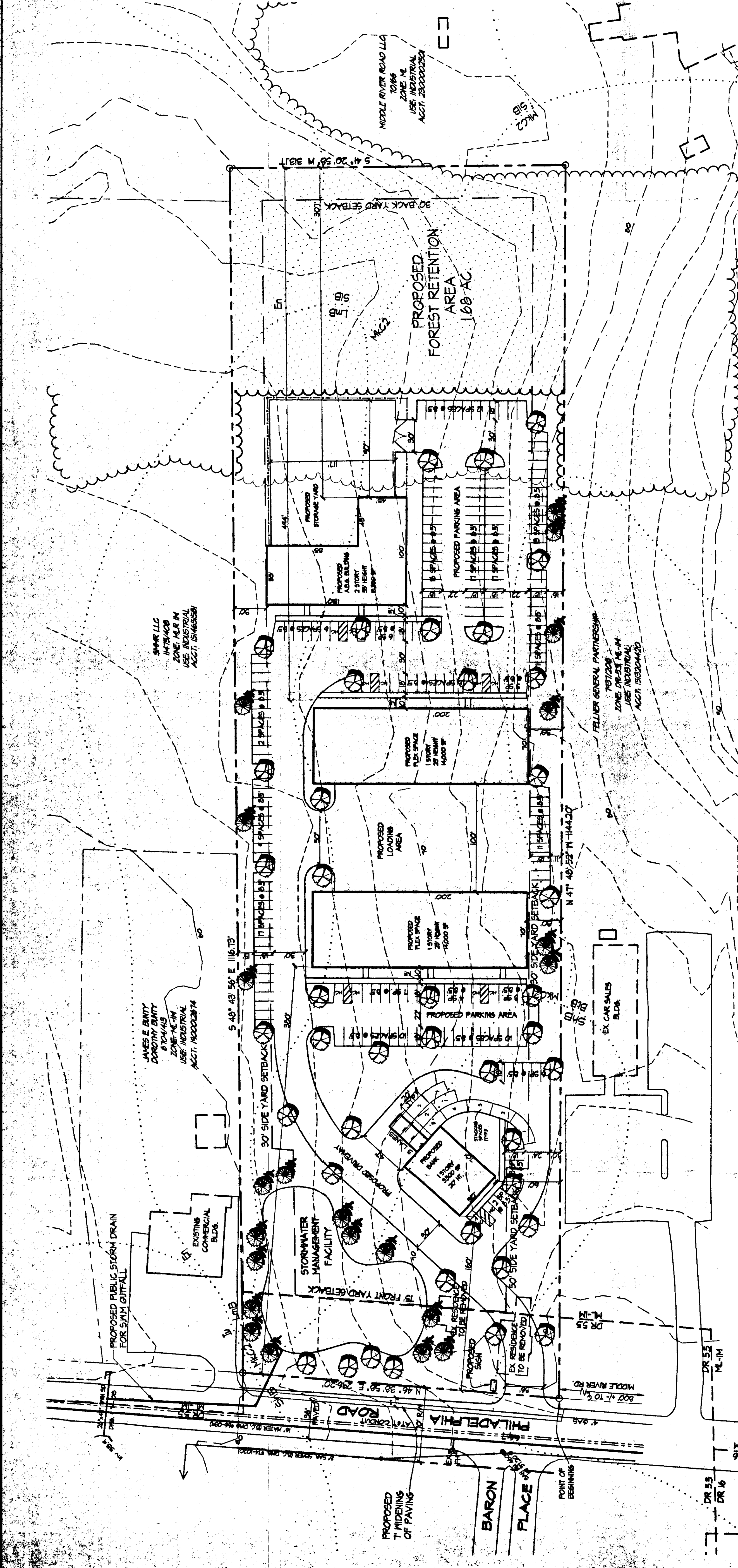
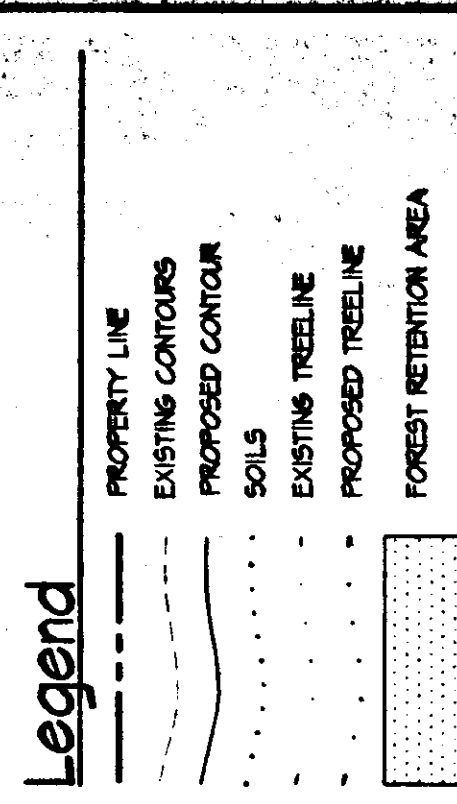


**VIEW LOOKING SOUTHWEST ALONG PHILADELPHIA ROAD
THE PROJECT SITE IS ON LEFT SIDE OF ROAD.**

Pat Noz



Vicinity Map
Scale: 1"=1000'



00-062-A

SITE RESOURCES
INCORPORATED
Comprehensive Land Planning & Site Design Services
14877 Ardmore Rd. • Philadelphia, PA 19134
(481) 882-3388 • Fax (481) 882-3389

ATLANTIC BUILDERS GROUP
9825 PHILADELPHIA ROAD
BALTIMORE COUNTY, MARYLAND

ELECTION DISTRICT 15 COUNTY COUNCIL DISTRICT 5

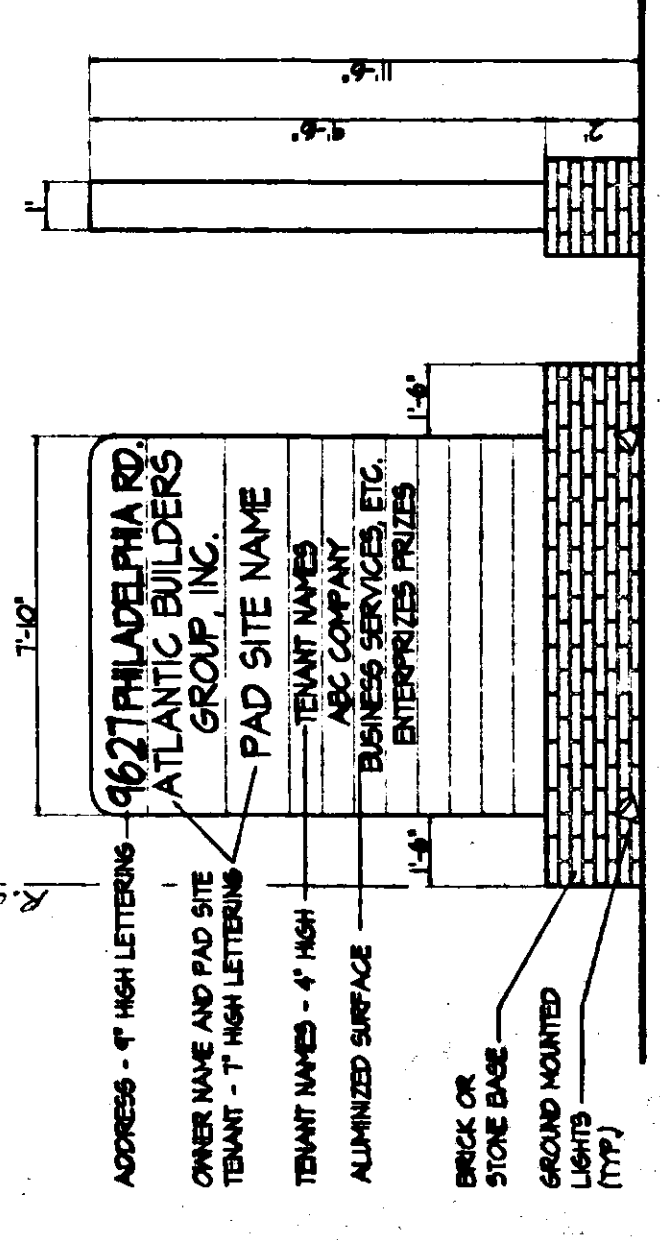
SITE PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE

DATE: 8/10/1999
SCALE: 1"=50'
PROJECT NO: 87006-A
DRAWING NO:
SHEET 1 OF 1

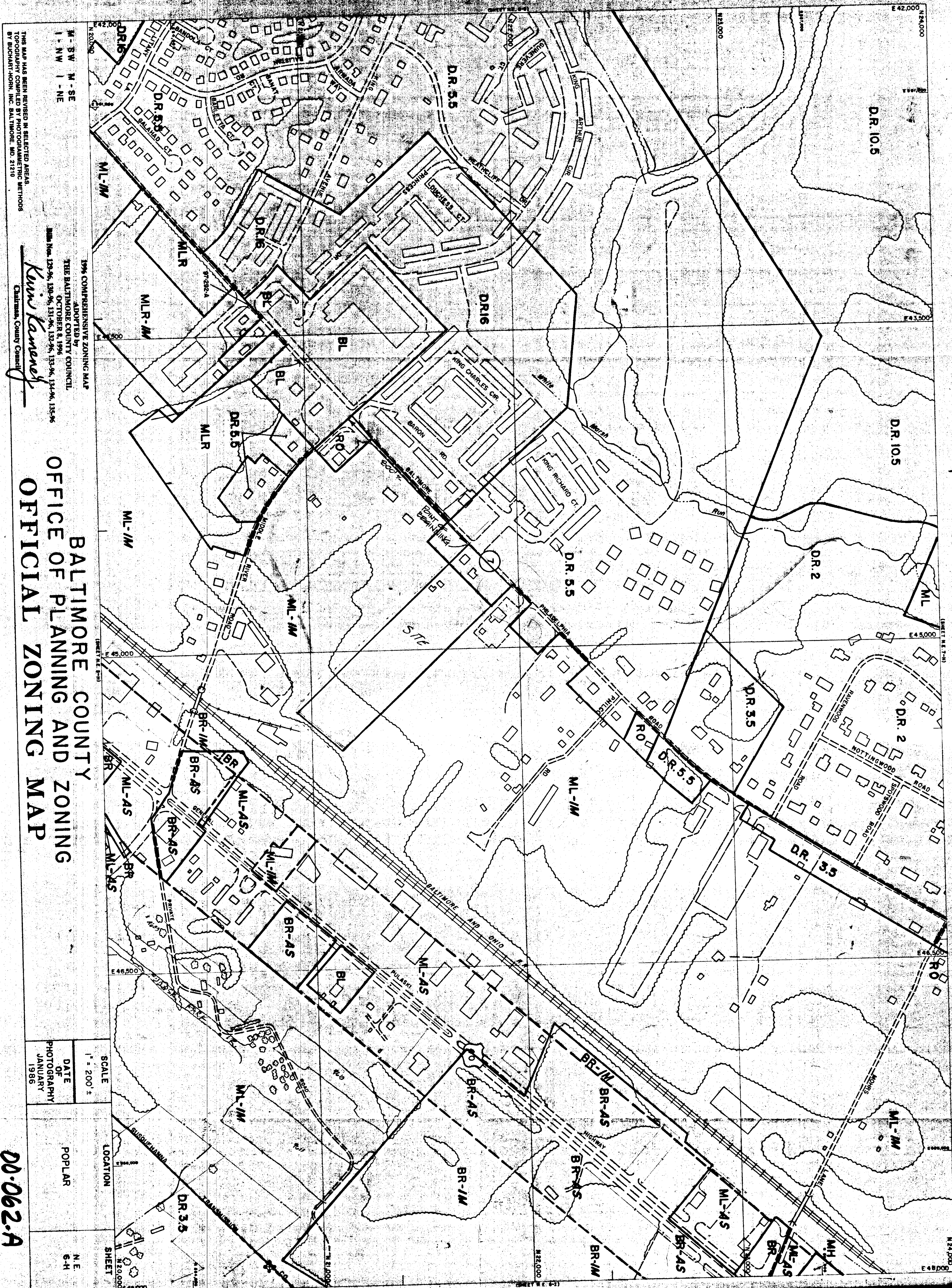
- General Notes:**
1. Correct Owner: Charles H. Haggan and William D. Haggan, 9825 Philadelphia Road, Baltimore, MD 21237-4607
 2. Contract Purchaser: Atlantic Builders Group, Inc., 23 Fontana Lane, Suite 100, Baltimore, MD 21237 (410) 682-9400
 3. Site Area: Net: 1.54 ac., 245,715 sq. ft. Gross: 0.16 ac., 225,565 sq. ft.
 4. Existing Use: Residential
 5. Site Data: Tax Map 82, Grid 16, Parcel 581
Zoning Map: M-4
Census Tract: 457.01
Deed Reference: 5947148
County: Baltimore
Election District: 15
County Council District: 5
 6. Proposed Site Improvements:
Proposed Subdivision: No subdivision is proposed; only development of the existing property. The existing residential structure will be demolished prior to construction.

Proposed Building	Area
2 story Atlantic Builders Group Office & Building (29' high)	19,350 sq. ft.
1 story 1st floor (25' high)	14,000 sq. ft.
1 story 2nd floor (25' high)	14,000 sq. ft.
1 story 3rd floor (25' high)	14,000 sq. ft.
1 story 4th floor (25' high)	14,000 sq. ft.
Total proposed building	44,950 sq. ft.

Proposed parking spaces required:
Add building: 8,350 sq. ft. @ 1.5 spaces/1000 sq. ft. = 12,525 spaces
Existing building: 22,500 sq. ft. @ 1.5 spaces/1000 sq. ft. = 33,750 spaces
Total parking spaces required: 46,275 spaces
Total proposed spaces: 46,275 spaces
 7. Proposed Landscaping:
Required:
Interior road: 100 LF @ 1 PL / 20 LF @ 2 PL = 20 PL
Adjacent road: 250 LF @ 1 PL / 40 LF @ 2 PL = 40 PL
Lighting: 25 spaces @ 1 PL / 12 PL @ 2 PL = 12 PL
Total planting: 72 PL required.
Proposed:
Major: 25 spaces @ 1 PL = 25 PL
Minor: 25 spaces @ 1 PL = 25 PL
Total planting: 50 PL
 8. Average Daily Traffic (ADT):
4,850 A.D.T. @ 17 A.D.T.'s per 1000 sq. ft. = 8413 A.D.T.'s
 9. Signage:
A zoning variance is requested for the sign shown herein.
 10. Storm Water Management: Stormwater management shall be provided as shown.
 11. There are no previous commercial permits issued for the site.
 12. No Limitations or Restrictions: There are no known limitations established by the county, county board of appeals, planning board, and zoning commission or restrictive covenants recorded with individuals or groups that would limit proposed development on the site.
 13. Local Open Space: Not required for the site.
 14. Streams, Wetlands, Floodplains: There are none on the site.
 15. Hazardous Materials: There are none on the site.
 16. Underground Facilities: There are none on the site.
 17. Critical Areas & Endangered Species: There are none on the site.
 18. Archaeological Sites & Historic Structures: There are none on the site.
 19. The property will be served by public water & sanitary sewer systems. There are no wells or septic systems on the site.



SIGN DETAIL
SCALE: 1/4"=1'-0"



M - SW M - SE
1 - NW 1 - NE

1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 123-96, 129-96, 131-96, 132-96, 133-96, 134-96, 135-96

Karin Kameny
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200'	LOCATION SHEET
DATE OF PHOTOGRAPHY JANUARY 1986	POPULAR 6-H

00-062.A