

IN RE: PETITION FOR VARIANCE
E/S Middle River Road, 396' NW
of centerline of Bird River Road
15th Election District
5th Councilmanic District
(917-927 Middle River Road)

Two River Roads Partnership
and Wayne Lauman, Contract Purchaser
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-063-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for variance filed by the legal owners of the subject property, Two River Roads Partnership and the Contract Purchaser, Furniture Man Inc., by and through Wayne Lauman, owner. The Petitioners are requesting a variance for property located at 917-927 Middle River Road. The subject property is zoned ML-IM. The variance request is from Sections 255.2 and 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow the construction of a new building with a sideyard setback of 9 ft. and 15 ft. in lieu of the required 50 ft. and 30 ft. and to permit a rear yard setback of that building of 15 ft. in lieu of the required 50 ft. 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 No. 1.

Appearing at the hearing on behalf of the variance request were Wayne Lauman, President of the Furniture Man, Inc., James Matis, professional engineer who prepared the site plan of the property, Peter Swanson and Anthony Solomon, both appearing on behalf of the Baltimore County Office of Economic Development, and John B. Gontrum, Esquire, representing the Petitioner. There were no protestants in attendance.

COPIES RECEIVED FOR FILING
Date 9/29/99
By R. G. [Signature]

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.9932 acres, more or less, zoned ML-IM. The subject property is unimproved at this time. The Petitioner wishes to construct a 38,250 sq. ft. warehouse building on the subject property wherein he intends to operate a warehouse for his furniture business with a small showroom facility on site. The proposed building and parking area are shown on Petitioner's Exhibit No. 1, the site plan of the property. In order to proceed with the construction of this new furniture warehouse and showroom, a variance is necessary as requested.

The subject property has full support of the Baltimore County Economic Development Commission as well as the Planning Office. However, the Planning Office did wish to review elevation drawings and the sign package for the property which the Petitioner did agree to submit to that office. Mr. Wayne Lauman has been in business in Baltimore County for many years and owns and operates a quality furniture business. His current business located on Belair Road is very attractively designed and operates without any inconvenience to the general public. He is a good businessman and as a result continues to expand his furniture operation. This new building and store will be a benefit to the Middle River community, given that it will replace a vacant area of parking lot and will also provide a new business to the residents of the area. After considering the testimony and evidence, the variance shall be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and their 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;

ORDER RECEIVED FOR FILING

Date

9/29/99

By

R. Jamison

- 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 property which is the subject of this 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 relief 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 after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 29th day of September, 1999, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 255.2 and 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow the construction of a new building with a sideyard setback of 9 ft. and 15 ft. in lieu of the required 50 ft. and 30 ft. and to permit a rear yard setback of that building of 15 ft. in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

ORDER RECEIVED FOR FILING

Date

By

9/29/99

R. G. Mason

- 1) The Petitioner may apply for the building permit and be granted same upon receipt of this Order; however, Petitioner is 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall be required to submit elevation drawings and a detailed sign package to the Planning Office for their review.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 9/29/99
BY J.R. Jensen



Baltimore County
Zoning Commissioner

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

September 29, 1999

John Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

Re: Petition for Variance
Case No. 00-063-A
Property: 917-927 Middle River Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

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 from 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 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper

Copies to:

Mr. Wayne Lauman
8650 Belair Road
Baltimore, Maryland 21236

Mr. Louie E. Hampton
C/o Two River Roads Partnership
915 Middle River Road
Baltimore, Maryland 21220-2043

Mr. James Matis
6600 York Road, Suite 209
Baltimore, Maryland 21212

Peter Swanson
Anthony Solomon
Economic Development Commission
for Baltimore County



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 917-927 Middle River Road

which is presently zoned 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) 255.2 to permit side yard setbacks of 255.1

9 feet and 15 feet in lieu of the required 50 feet and 30 feet to permit a rear yard setback of 15 feet in lieu of the required 50 feet.

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 TIME OF 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.

Furniture Man., Inc t/a Lauman's Home

Contract Purchaser/Lessee: Furnishings

By: Wayne Lauman

Name - Type or Print

Signature

8650 Belair Road 410-256-2080

Address

Baltimore, Maryland

Telephone No.

21236

City

State

Zip Code

Attorney For Petitioner:

John Gontrum, Esq.

Name - Type or Print

Romadka, Gontrum & McLaughlin

Signature

Company

814 Eastern Boulevard 410-686-8274

Address

Baltimore, Maryland

Telephone No.

21221

City

State

Zip Code

Legal Owner(s): Two River Roads Partnership

By: Louie E. Hampton, Partner

Name - Type or Print

Signature

Name - Type or Print

Signature

915 Middle River Road

410-686-7034

Address

Telephone No

Baltimore, MD

21220-2403

City

State

Zip Code

Representative to be Contacted:

John Gontrum, Esq.

Name

814 Eastern Boulevard

410 592-2682 ext 200

410-686-8274 ext 200

Address

Baltimore, MD

Telephone No

21221

City

State

Zip Code

OFFICE USE ONLY

1/2 hr

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BR

Date 8-11

Case No. 00-63-A

REV 9/15/98

ORIGINAL RECEIVED FOR FILING
DMS
9/29/99

August 10, 1999

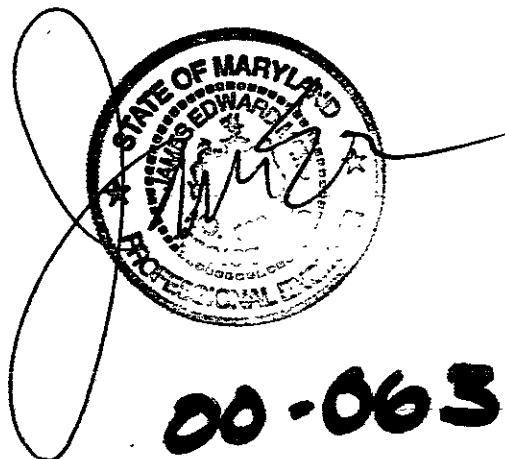
DESCRIPTION TO ACCOMPANY ZONING PETITION
NO. 917-927 MIDDLE RIVER ROAD
15th Election District
Baltimore County, Maryland

BEGINNING for the same at a point on the easterly right-of-way line of Middle River Road said point distant North 10 degrees 20 seconds West 396 feet more or less from the intersection of the centerlines of Bird River Road and Middle River Road running thence with said easterly right-of-way line of Middle River Road the two following courses viz:

1. North 16 degrees 15 minutes 00 seconds West 43.57 feet to a point; and
2. by a tangent curve to the left having a radius of 1530.00 feet, an arc length of 248.06 feet with a chord bearing and distance North 20 degrees 53 minutes 40 seconds West 247.79 feet to a point; thence leaving Middle River Road and running the three following courses viz:
3. North 45 degrees 18 minutes 5 seconds East 276.20 feet to a point
4. South 46 degrees 4 minutes 40 seconds East 255.39 feet to a point, and
5. South 43 degrees 55 minutes 20 seconds West 403.23 feet to a the place of beginning.

Containing 1.9932 acres of land more or less

This description is intended for zoning purposes only and is not intended for use in conveyance of land.



00-063-A

Item # 63

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **069837**

DATE 4/11/99 ACCOUNT 1001-6150

AMOUNT \$ 250.00

RECEIVED FROM: John Golfman

FOR: Ref on Govt Variances

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item #63

00-063-A

CASHIER'S VALIDATION

PAID RECEIPT

ENQUIRY ACTUAL TIME
4/11/1999 8/11/1999 14:26:23
REQ #804 CASHIER JAKE J.K. DRAHER 5
Dept 5 528 ZONING VERIFICATION
Receipt # 088019 ORLN
CR NO. 069837

Receipt Tot: 250.00
250.00 OK .00 EN
BALTIMORE COUNTY, MARYLAND

00-003-A

CERTIFICATE OF POSTING

RE: CASE #00-063-A
PETITIONER/DEVELOPER:
{Furniture Man, Inc.}
DATE OF Hearing
{Sept. 24, 1999}

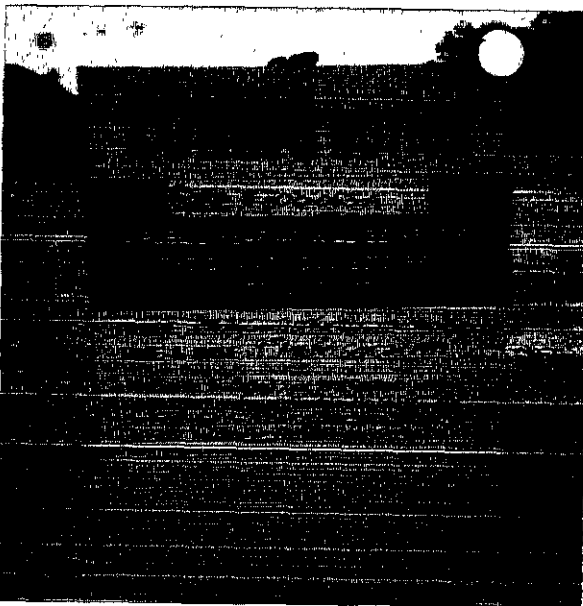
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
917-927 Middle River Road Baltimore, Maryland 21220_____

The sign(s) were posted on _____ 9-8-99 _____
[Month, Day, Year]



Sincerely,

Thomas P. Ogle Sr. 9/8/99
(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ [410]-687-8405 _____
(Telephone Number)

NOTICE OF ZONING HEARINGS

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 #00-053-A

917-927 Middle River Road

E/S Middle River Road, 396 NW of centaline Blvd River Road

15th Election District : 5th Councilmanic District

Legal Owner(s): Two River Roads Partnership

Contract Purchaser: Furniture Man, Inc, 7/A Lauman's Home

Furnishings

Variance: to permit side yard setbacks of 9 feet and 15 feet in lieu of the required 50 feet and 30 feet; and to permit a rear yard setback of 16 feet in lieu of the required 50 feet.

Hearing: Friday, September 24, 1999 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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) 887-4386
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

9/18 Sect. 9

CS99210

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. Wilkinson

LEGAL ADVERTISING

RE: PETITION FOR VARIANCE
917-27 Middle River Road, E/S Middle River Rd,
396' NW of c/1 Bird River Rd
15th Election District, 5th Councilmanic

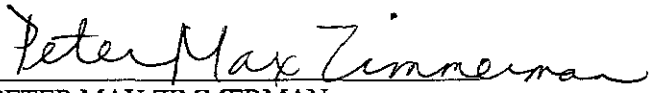
Legal Owner: Two River Roads Partnership
Contract Purchaser: Furniture Man, Inc., T/A
Lauman's Home Furnishings
Petitioner(s)


* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-63-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 John B. Gontrum, Esq., Romadka, Gontrum & McLaughlin, 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioners.


PETER MAX ZIMMERMAN



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: 00-063-A
917-927 Middle River Road
E/S Middle River road, 396' NW of centerline Bird River Road
15th Election District – 5th Councilmanic District
Legal Owner: Two River Roads Partnership
Contract Purchaser: Furniture Man, Inc., T/A Lauman's Home Furnishings

Variance to permit side yard setbacks of 9 feet and 15 feet in lieu of the required 50 feet and 30 feet; and to permit a rear yard setback of 15 feet in lieu of the required 50 feet.

HEARING: Friday, September 24, 1999 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the number "54" written below it.

Arnold Jablon
Director

c: John Gontrum, Esquire, 814 Eastern Boulevard, Baltimore 21221
Two River Roads Partnership, 915 Middle River Road, Baltimore 21220-2403
Furniture Man, Inc., T/A Lauman's Home Furnishings, 8650 Belair Rd., Balto. 21236

- 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:

John Gontrum 410-686-8274
814 Eastern Blvd.
Baltimore, MD 21221

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: 00-063-A
917-927 Middle River Road
E/S Middle River road, 396' NW of centerline Bird River Road
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HEARING: Friday, September 24, 1999 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue


Lawrence E. Schmidt

59

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/neighbor 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: 00-63A

Petitioner: Penn-Tone Hwy, Inc.

Address or Location: 917 Middle River Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: John Gontrom

Address: 814 Boston Blvd.

BALT., MD 21221

Telephone Number: 410-686-8274



**Baltimore County
Fire Department**

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

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

RE: Property Owner: Two River Roads Partnp. - 063

Location: DISTRIBUTION MEETING OF August 23, 1999

Item No.: 055 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.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
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 887-4381, MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: September 2, 1999

FROM: *RWB* 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

Jim
9/24

BALTIMORE COUNTY, MARYLAND

AUG 31

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: 917-927 Middle River Road

INFORMATION:

Item Number: 63

Petitioner: Furniture Man./ Inc t/a Lauman's Home Furnishings

Zoning: ML-IM

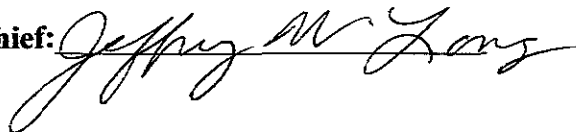
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the requested variances, provided the following condition is met: Elevation drawing (including proposed materials) for the building and signage should be submitted to the Office of Planning for review and approval.

If there should be any questions, please contact Karin Brown, Fifth District Planner, 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: 9-9-99

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

RE: Baltimore County
Item No. 063 BR

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, 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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JAMES MATIS

Peter Swanson

Anthony Solomon

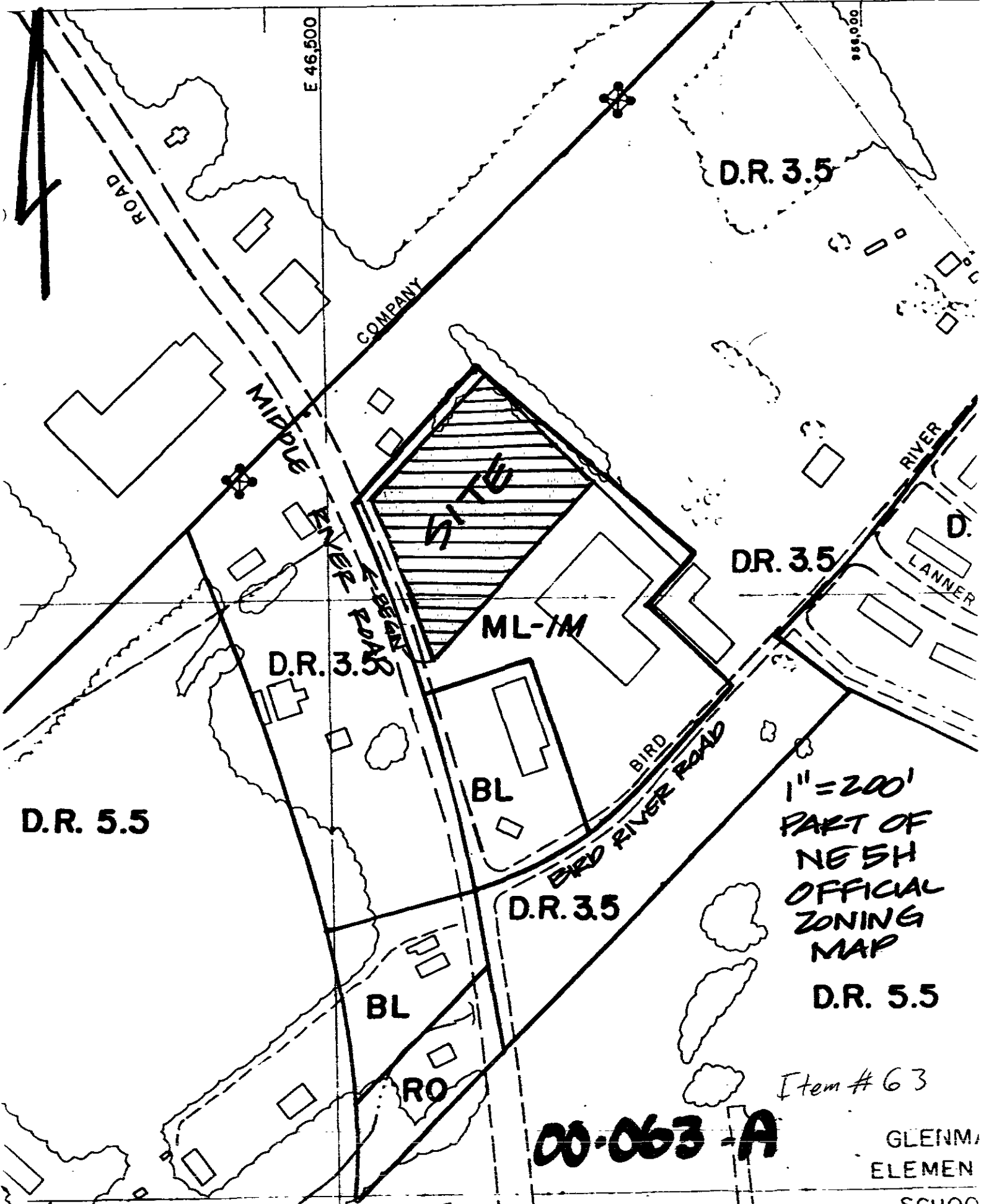
6600 YORK ROAD SUITE 209

BALTO 21212

Baltimore County - Economic Development

Baltimore County - EDC





E 46,500

955,000

D.R. 3.5

COMPANY

MIDDLE RIVER ROAD

BIRD RIVER ROAD

SITE

ML-1M

DR. 3.5

RIVER

D. LANNER

D.R. 3.5

BL

BIRD RIVER ROAD

1" = 200'
PART OF
NE 5H
OFFICIAL
ZONING
MAP

D.R. 5.5

D.R. 3.5

D.R. 5.5

BL

RO

Item # 63

00-063-A

GLENM
ELEMEN
SCHOOL

