

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
 NE/S Middle River road, 500' W *
 of Pulaski Highway * DEPUTY ZONING COMMISSIONER
 15th Election District *
 6th Councilmanic District * OF BALTIMORE COUNTY
 (1107 Middle River Road) *
 * CASE NO. 00-166-X
 Middle River, L.L.C. & Howard J. Klein *
 Petitioners *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owner of the subject property, Middle River, L.L.C. The special exception request is for property located at 1107 Middle River Road, located in the Middle River area of Baltimore County. The special exception request is to approve a service garage on the subject property pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Appearing at the hearing on behalf of the request were Howard Klein, a representative of the Middle River, L.L.C., Tom Church, the professional engineer who prepared the site plan of the property and Alan Fink, attorney at law, representing the Petitioner. There were no protestants in attendance.

The testimony and evidence indicated that the property, which is the subject of this special exception request, consists of 4.57 acres, more or less, zoned ML-IM. The subject property was recently developed with a long rectangular warehouse facility, which the owner of the property is currently offering for lease. Mr. Klein has had a number of individuals inquiring about leasing space which constituted a service garage use. Therefore, in order to accommodate certain tenants that are interested in leasing space, the special exception was filed. After considering the testimony and evidence offered at the hearing, the special exception should be granted.

It is clear the Baltimore County Zoning Regulations (B.C.Z.R.) permits the use proposed in an ML-IM zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

12/13/99
 R. J. ...

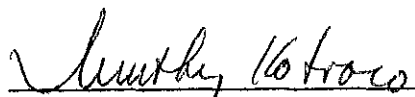
The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit No. 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

Pursuant to the advertising, posting of the property, and public hearing held, and for the reasons given above, the relief requested in the special exception shall be granted.

THEREFORE, IT IS ORDERED this 3rd day of December, 1999, by this Deputy Zoning Commissioner, that the Petitioners' Special Exception Request to approve a service garage on the subject property pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby APPROVED.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

07-05-2000 10:00 AM FOR FILING
12/13/99
MK:raj



Baltimore County
Zoning Commissioner

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

December 3, 1999

Alan Fink, Esquire
Berger & Fink, LLP
105 W. Chesapeake Avenue, Suite 101
Towson, Maryland 21204

RE: Petition for Special Exception
Case No. 00-166-X
Property: 1107 Middle River Road

Dear Mr. Fink:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Exception 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

Copies to:

Mr. Howard J. Klein
1107 Middle River Road
Baltimore, Maryland 21220

Thomas A. Church, P.E.
Development Engineering Consultants, Inc.
6603 York Road
Baltimore, Maryland 21212

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



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on Recycled Paper



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1107 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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SPECIAL EXCEPTION TO ALLOW SERVICE FACILITY ON SITE UNDER SECTION 253.2-B-3

OF THE BALTIMORE COUNTY REGULATIONS. *up to 50% of building area* / *CAF*

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Exception, 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:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

MIDDLE RIVER, L.L.C.
Name - Type or Print _____

Howard J. Klein
Signature _____

HOWARD J. KLEIN
Name - Type or Print _____

Signature _____

1107 MIDDLE RIVER ROAD 301/620-9629
Address Telephone No.

BALTIMORE, MD 21220
City State Zip Code

Attorney For Petitioner:

ALAN FINK, ESQUIRE
Name - Type or Print _____

[Signature]
Signature _____

BERGER & FINK, LLP
Company _____

105 W. CHESAPEAKE AVE., SUITE 101 410/828-5000
Address Telephone No.

TOWSON, MD 21204
City State Zip Code

Representative to be Contacted:

THOMAS A. CHURCH, P.E.
Name _____

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
Name _____

6603 YORK ROAD 410/377-2600
Address Telephone No.

BALTIMORE, MD 21212
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING _____

Reviewed By JL Date 10/21/99

Case No. 00-166-X

00-1667

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

ZONING DESCRIPTION

Beginning at a point on the north side of Middle River Road, which is a 50.00 foot wide right-of-way at a distance of 500 feet West of Pulaski Highway; thence 1) North 68 degrees 06 minutes 14 seconds West 175.46 feet; 2) North 40 degrees 55 minutes 43 seconds East 94.51 feet; 3) North 32 degrees 50 minutes 47 seconds East 87.64 feet; 4) North 41 degrees 17 minutes 51 seconds East 988.74 feet; 5) South 49 degrees 41 minutes 57 seconds East 171.83 feet; 6) South 40 degrees 55 minutes 43 seconds West 1,114.66 feet to the place of beginning.

Being Lot 2 as shown on the Plat of Middle River Warehouse as recorded in Baltimore County Plat Book S.M. 70 Folio 66.

Containing 190,051 square feet or 4.57 acres of land, more or less. Also known as 1107 Middle River Road in the 15th Election District.

97-108A

10-07-99



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

JL 166

No. **073233**

DATE 10/21/99 ACCOUNT R0016150

AMOUNT \$ 300.00

RECEIVED FROM:

TOM CHURCH #50.00 CASH + DEV. ENG-CONSULT.

CHECK # 250.00

FOR:

SPX

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

| PROCESS | ACTUAL | TIME |
|----------------------------|------------|----------|
| 10/22/1999 | 10/21/1999 | 15:20:50 |
| NO. 0005 | 000000 | PLTE PER |
| Dept | 5 | 520 ZRNG |
| Receipt # | 103616 | 0000 |
| CR NO. | 073233 | |
| Receipt Tot | 300.00 | |
| 250.00 | CR | 50.00 |
| Baltimore County, Maryland | | |

CASHIER'S VALIDATION

**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: #00-166-X
1107 Middle River Road
NE/S Middle River Road,
500' W of Pulaski Highway
15th Election District
6th Councilmanic District
Legal Owner(s): Middle
River, L.L.C. and Howard J.
Klein

Special Exception: To allow service facility on site to 50% of building area.

Hearing: Thursday, December 2, 1999 at 9:00 a.m. in Room 106, County Office Bldg., 111 W. 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.

JT/11/686 Nov 9 C352292

CERTIFICATE OF PUBLICATION

TOWSON, MD, 11/12, 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 11/9, 1999.

J. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 00-166-X
PETITIONER/DEVELOPER
[Middle River LLC]
DATE OF Hearing
(Dec. 2, 1999)

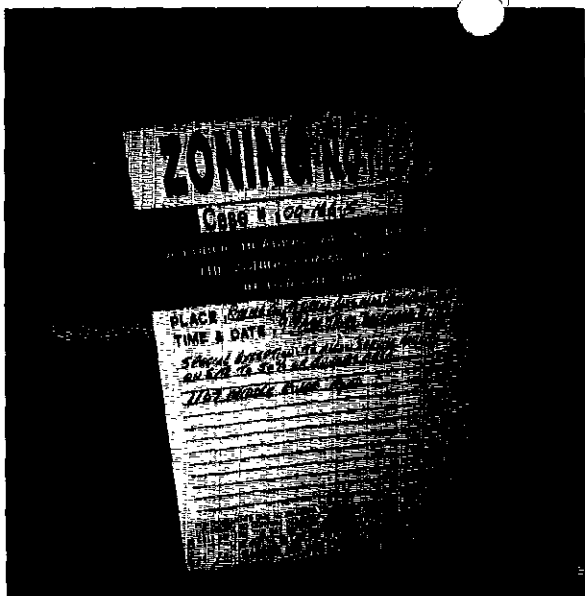
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
1107 Middle River Road Baltimore, Maryland 21220__

The sign(s) were posted on 11-15-99
[Month, Day, Year]



Sincerely,

Thomas P. Ogle, Sr.
[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
1107 Middle River Road, NE/S Middle River Rd,
500' W of Pulaski Hwy.
15th Election District, 6th Councilmanic


Legal Owner: Middle River LLC & Howard J. Klein
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-166-X

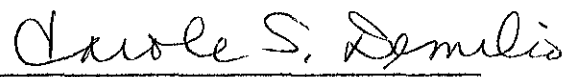
* * * * *

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 9th day of November, 1999 a copy of the foregoing Entry of Appearance was mailed to Alan Fink, Esq., Berger & Fink, 105 W. Chesapeake Avenue, Suite 101, Towson, MD 21204, attorney for Petitioners.



PETER MAX ZIMMERMAN

TO: PATUXENT PUBLISHING COMPANY
November 9, 1999 Issue - Jeffersonian

Please forward billing to:

Thomas A. Church
Development Engineering Consultants, Inc.
6603 York Road
Baltimore, MD 21212
410-377-2600

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: 00-166-X
1107 Middle River Road
NE/S Middle River Road, 500' W of Pulaski Highway
15th Election District - 6th Councilmanic District
Legal Owner(s): Middle River, L.L.C. and Howard J. Klein

SPECIAL EXCEPTION: To allow service facility on site to 50% of building area.

HEARING: THURSDAY, DECEMBER 2, 1999 at 9:00 A.M. IN ROOM 106 COUNTY OFFICE BUILDING, 111 W. 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.



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

November 4, 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: 00-166-X
1107 Middle River Road
NE/S Middle River Road, 500' W of Pulaski Highway
15th Election District - 6th Councilmanic District
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HEARING: THURSDAY, DECEMBER 2, 1999 at 9:00 A.M. IN ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Middle River LLC
Thomas A. Church
Alan Fink, Esq.

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 17, 1999.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT 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.



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/neighborhood 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: 00-166-X

Petitioner: Middle River, L.L.C.

Address or Location: 1107 Middle River Road, Baltimore, MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Thomas A. Church, President

Address: Development Engineering Consultants, Inc.

6603 York Road, Baltimore, MD 21212

Telephone Number: 410/377-2600



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

November 30, 1999

Alan Fink, Esq.
Berger & Fink, LLP
105 W. Chesapeake Ave, Ste 101
Towson, MD 21204

Dear Fink, Esq.:

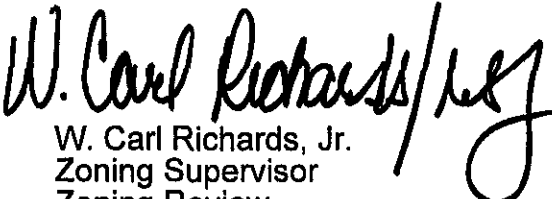
RE: 00-166-X , 1107 Middle River Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 10/21/99.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures

c: Thomas Church, P.E.
Howard Klein

Census 2000

For You, For Baltimore County

Census 2000



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on Recycled Paper

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: November 16, 1999

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

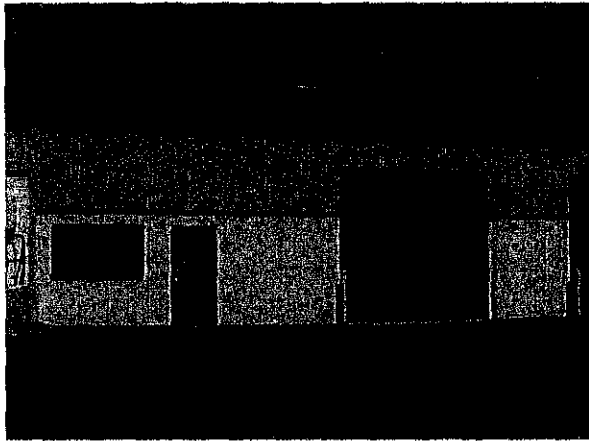
SUBJECT: Zoning Advisory Committee Meeting
for November 8, 1999
Item Nos. 155, 156, 157, 158, 159,
160, 161, 162, 163, 164, 165, 166,
167, 168, 169 & 170

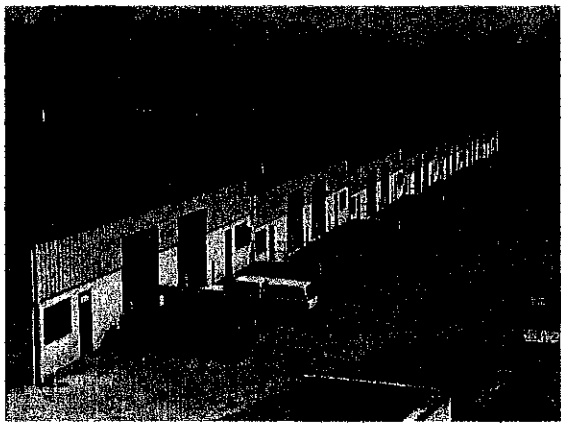
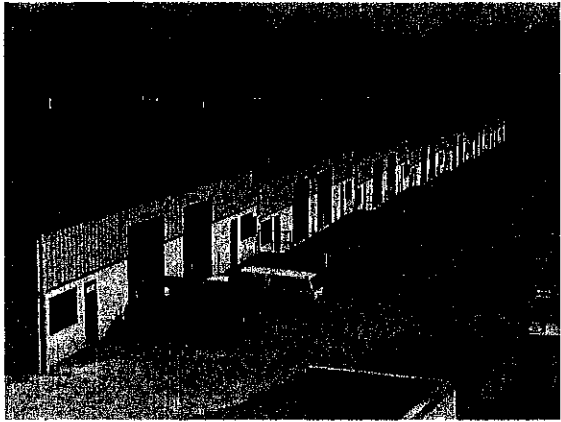
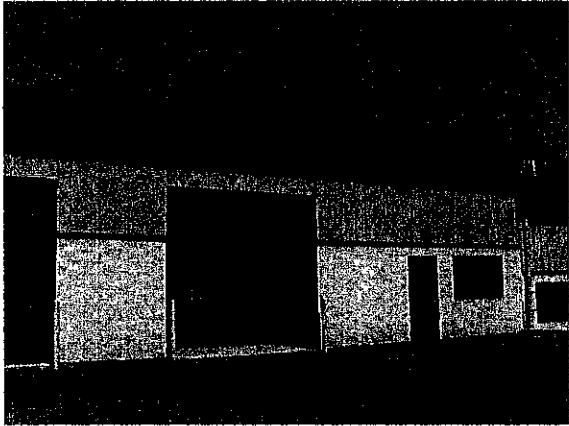
The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comment.

RWB:HJO:cab

cc: File

ZAC11089.NOC





Jim 2/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: November 16, 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): 161, 166, 172, and 178

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:

Jeffrey W. Long

AFK/JL

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

HOWARD S. KLEIN

211 ROCKWELL TERR
FREDERICK, MD. 21701

ALAN FINK, FSO.

105 W. CHESAPEAKE AVE
TOWSON, MD 21204

Tom Church

6603 York Rd. # 21212

