

IN RE: PETITION FOR VARIANCE
SW/S Belair Road, 3258' NW
of Sunshine Avenue
11th Election District
5th Councilmanic District
(2036 Riverview Road)

Joseph & Doris Kraft and
Richard & Donna Kraft
Legal Owners/Petitioners

P. William Mackley
Contract Purchaser

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-288-A

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* * * * *

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, Joseph & Doris Kraft and Richard & Donna Kraft and the Lessee of the site, P. William Mackley, the owner and operator of Mackley's Carpets. The variance request is for property located at 12101 Belair Road, which property is zoned BM-CR. The variance request is from Section 409.8.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing gravel surface parking lot to remain on the property in lieu of the required durable and dustless surface, and to allow a side yard setback of 5 ft. in lieu of the required 15 ft. for a new one-story building.

Appearing at the hearing on behalf of the variance request were Paul Botzler, professional engineer who prepared the site plan of the property, Richard Kraft, one of the owners of the property and P. William Mackley, the lessee of the site. Also appearing at the hearing, as interested citizens, were Dorothy Foos and Robin Beers on behalf of the Greater Kingsville Civic Association. There were no others in attendance at the hearing.

Testimony and evidence indicated that the property, which is the subject of this variance request consists of 1.39 acres, more or less, zoned BM-CR. The subject property is located on

ORDER RECEIVED FOR FILING
Date 2/16/2000
By J. R. Garrison

the east side of Belair Road, north of its intersection with Sunshine Avenue. The subject property is currently improved with an existing one-story office building containing 2,500 sq. ft. The building is utilized by the Petitioner, Mr. Mackley, in furtherance of his carpet business which has existed on the property for the past nine years. Mr. Mackley is desirous of constructing a 4,100 sq. ft. one-story storage building on the subject property as shown on Petitioners' Exhibit No. 1, the site plan which was submitted into evidence. In addition, at the request of the Department of Environmental Protection, the Petitioner is also requesting to continue to utilize a gravel parking lot in lieu of paving this parking area. The reason for the request is to minimize the amount of impervious surface on the property. The 5 ft. setback for the building to be constructed on the property occurs at the rear corner of the building, only in that the property line is set at an angle to Belair Road.

The Petitioners met with representatives of the Greater Kingsville Civic Association and brought to their attention their plans to further improve the property. The association can offer its support to the Petitioner, so long as the seven (7) conditions as stated in their letter dated February 15, 1999 are met by the Petitioner. In addition, the Planning Office has asked that several conditions be placed on this approval. The Petitioners were more than willing to cooperate with the Kingsville Civic Association, as well as the Planning Office. They agreed to abide by all terms and conditions as stated in the Kingsville Civic Association letter and the comments from the Office of Planning.

After considering the testimony and evidence offered at the hearing, I find that the variance to allow the new building to be situated 5 ft. from the side property line and the gravel parking lot to exist in lieu of a durable and dustless surface should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

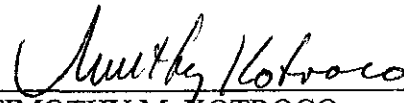
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek 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 Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 16th day of February, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 409.8.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing gravel surface parking lot

to remain on the property in lieu of the required durable and dustless surface, and to allow a side yard setback of 5 ft. in lieu of the required 15 ft. for a new one-story building, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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 be required to comply with and abide by the terms and conditions as stated in the letter from the Greater Kingsville Civic Association, Inc. dated February 15, 1999, a copy of which is attached to this Order as Exhibit A.
3. The Petitioner shall be required to comply with the comments contained in the Office of Planning's comment dated January 28, 2000, a copy of which is attached to this Order as Exhibit B.
4. The Petitioner shall be required to submit a landscape and lighting plan to Mr. Avery Harden, Landscape Architect for Baltimore County, for his review and approval.
5. When applying for a building permit, the site plan/landscape plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 2/16/2000
By R. Emerson

The Greater Kingsville Civic Association, Inc.

P. O. BOX 221 KINGSVILLE, MARYLAND 21087

February 15, 1999

Re: Bill Mackley Carpets variance request

To the Office of the Baltimore County Zoning Commissioner:

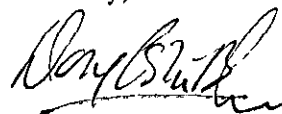
I am writing on behalf of the Rural Protection Committee of the board of the Greater Kingsville Civic Association, Inc. regarding the request for variance by the petitioner.

While we are not generally opposed to the request for variance, there are a few items of concern to members of the community which have been brought before the Association. After meeting with the petitioner, we have been given assurance that he is willing to have the following concerns be required in the granting of a request for variance:

1. We understand that all four exterior walls of the building are to be faced with brick;
2. The GKCA has been given permission to work with Avery Harden of the Baltimore County Zoning office on a planting plan, which will include planting between the buildings.
3. The dumpsters will be located so that they will not be in clear view from the drive to the back parking lot, and there will be some planting to 'soften' the view of the dumpsters from the present homeowners behind the site;
4. As is currently being done, dumpsters will not be unloaded before 7:00 a.m. , other business truck traffic will be limited to 7:30 a.m. to 5:30 p.m., and existing trailers will be removed;
5. The present free-standing sodium vapor light will be either (a) eliminated, with some additional light being provided by new, more architecturally-sensitive lighting on the new building; (b) readjusted to minimize the light spill onto Belair Road, including shielding and gridding the existing light, pointing it more downward, and possibly reducing the wattage. Further, we understand that no other new lights will be added except possibly a motion-sensitive light at the south side entrance. No new lighting will be sodium vapor. The GKCA would appreciate the opportunity to meet with the petitioner as this part proceeds;
6. The present fluorescent lights on the building facade are not shielded from the road, and present a glare to oncoming vehicles. The petitioner has agreed that there will be a valance of some sort to minimize this glare.
7. We would also wish to see unnessecery lighting turned off after closing hours, except, of course, for that lighting needed for security.

We are very grateful for the willing spirit shown by the petitioner and sincerely request that these items be included as a requirement for the granting of the variances.

Sincerely,



Douglas M. Behr

Corresponding Secretary

ORDER RECEIVED FOR FILING

Date 2/16/2000

By R. J. Munson

FEB - 2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 28, 2000

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

SUBJECT: 12101 Belair Road

INFORMATION:

Item Number: 288

Petitioner: P. William Mackley, Contract Purchaser

Zoning: BM-CR

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the requested variance to allow a side yard setback of 5 feet in lieu of the required 15 feet and to allow an existing gravel surface parking lot to remain in lieu of the required durable-dustless surface provided the following conditions are being met:

- 1) The proposed structure is constructed with brick that matches that of the principal structure and is designed to include at least one window in the front facing Belair Road. A garage door and the entrance door should also be located at the front of the building. A dark color should be used for the garage door.
- 2) The pitch, materials and color of the roof should resemble the roof of the principal structure.
- 3) A landscaped buffer should be added within the front yard setback of the property
- 4) The security fence connecting the two structures should be a faux wrought iron type fence.

5) Elevation drawings and a landscape plan should be submitted for review and approval to the Office of Planning prior to the issuance of a building permit.

Finally, Karin Brown and Lynn Lanham met with Paul Botzler on January 12, 2000, and he agreed to comply with the above referenced conditions and to also meet with representatives of the Greater Kingsville Improvement Association.

Section Chief: Jeffrey W. Long

AFK/JL

CADEN RECEIVED FOR FILING

Date 2/16/2000

By J.R. Jameson



Baltimore County
Zoning Commissioner

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

February 16, 2000

Mr. & Mrs. Joseph Kraft
Mr. & Mrs. Richard Kraft
7114 New Cut Road
Kingsville, Maryland 21087

Re: Petition for Variance
Case No. 00-288-A
Property: 12101 Belair Road

Dear Mr. & Mrs. Kraft:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been denied 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 Department of Permits and Development Management. 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 black ink, reading "Timothy Kotroco". The signature is written in a cursive, flowing style.

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. P. William Mackley
12101 Belair Road
Kingsville, Maryland 21087

Mr. Paul W. Botzler, P.E.
P. O. Box 226
Glen Arm, Maryland 21057

Ms. Dorothy E. Foos
6403 Lewis Road
Baldwin, Maryland 21013

Ms. Robin Beers
12442 Jerusalem Road
Kingsville, Maryland 21087

Copies to:

Mr. P. William Mackley
12101 Belair Road
Kingsville, Maryland 21087

Mr. Paul W. Botzler, P.E.
P. O. Box 226
Glen Arm, Maryland 21057

Ms. Dorothy E. Foos
6403 Lewis Road
Baldwin, Maryland 21013

Ms. Robin Beers
12442 Jerusalem Road
Kingsville, Maryland 21087



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12101 Belair Road

which is presently zoned BM-CR

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) 409.8.A.2 to allow existing gravel surface parking lot to remain, in lieu of required durable-dustless surface. And, 259.3.C.2a to allow side yard set back of 5 feet in lieu of required 15 feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) The existing gravel lot is more pervious than a paved surface and practical difficulty exists in providing for management of the water run-off associated with a paved lot. Additionally, the unique configuration of the side lot line with respect to existing improvements, present a difficulty in providing for a full setback and lot utility.

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:

P. William Mackley
Name - Type or Print
P. William Mackley
Signature
12101 Belair Road
Address
410-592-3411
Telephone No.
Kingsville, e. MD
City
21087
State
Zip Code

Attorney For Petitioner:

n/a
Name - Type or Print
[Signature]
Signature
[Signature]
Company
[Signature]
Address
[Signature]
Telephone No.
[Signature]
City
State
Zip Code

Case No. 00-288-A

Legal Owner(s):

Joseph and Doris Kraft
Name - Type or Print
Joseph Kraft - Doris Kraft
Signature
Richard and Donna Kraft
Name - Type or Print
Richard J Kraft Donna Kraft
Signature
7114 New Cut Road
Address
410-592-6789
Telephone No.
Kingsville, Maryland
City
21087
State
Zip Code

Representative to be Contacted:

Paul W. Botzler, P.E.
Name
P. O. Box 226 (410) 592-5020
Address
Glen Arm, MD
City
21057
State
Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING
Reviewed By JL Date 1/13/00

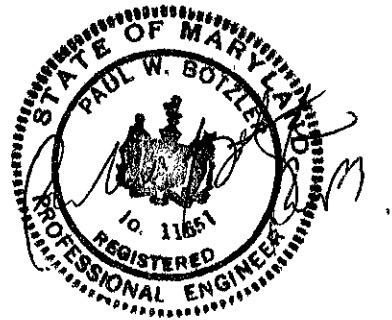
REU 9/15/98

ORDER RECEIVED FOR PLANS
2/16/2000

00-288-A

Zoning Property Description:
12101 Belair Road

Beginning at a point, on a pipe set on the Southeast side of Belair Road which is 3258 feet North West of the centerline of the intersection with Sunshine Avenue, being the lot as recorded in Deed Liber 7030 Folio 624, and following thence, binding on Southeasterly side of Belair Road South $22^{\circ}30'00''$ West, 258.4⁸/₄ feet; South $67^{\circ}30'00''$ East, 261.8⁷/₁ feet; North $22^{\circ}30'00''$ East, 204.3²/₈ feet; North $55^{\circ}50'00''$ West 267.3⁴⁰/₃₃ feet to the point of beginning. Containing 1.39 Acres of land more or less, the property and improvements there on being known as 12101 Belair Road and located in the 11th Election District and 5th Councilmanic District.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

JLL 288

No. 077924

DATE 1/13/00 ACCOUNT R0016150

AMOUNT \$ 250.00

RECEIVED FROM: TAMIRAK CONST. CO.

FOR: Comm VAR FILING

CONTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	AMOUNT	TIME
1/13/2000	0/13/2000	12:54:15
PFC MFG CASHIER PAYS FEE DOWNEY 3		
5 528 JUDICIAL VERIFICATION		
Receipt #	111612	06/1
PAID. 077924		
Receipt Tot	250.00	
250.00 CR		00 CR
Baltimore County, Maryland		

CASHIER'S VALIDATION

CERTIFICATE POSTING

RE: Case No.: 00-288-A

Petitioner/Developer: _____

RICHARD KRAFT

Date of Hearing/Closing: 2/16/00

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

Attention: Ms. Gwendolyn Stephens

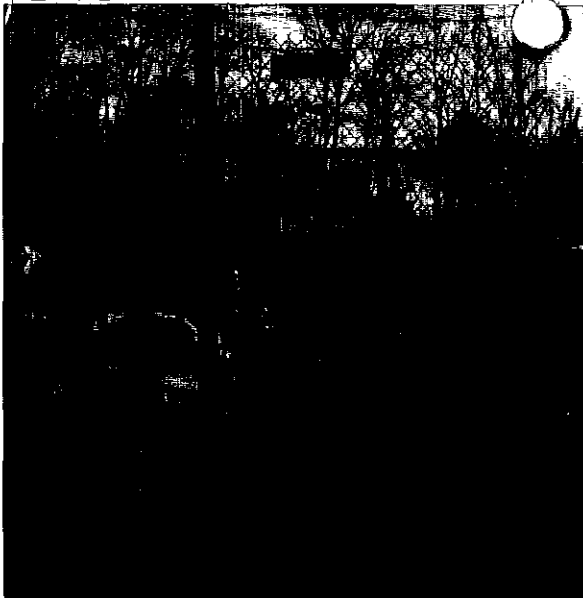
Ladies and Gentlemen:

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 _____

12101 BELAIR RD.

The sign(s) were posted on 2/1/00
(Month, Day, Year)

CASE # 00-288-A



Sincerely,

Richard E. Hoffman 2/1/00
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD. 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

12101 BELAIR ROAD

POSTED 2/1/00

Richard E. Hoffman 2/1/00

RECEIVED FEB 02 2000

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: #00-288-A

12101 Belair Road

SW/S Belair Road, 3258' NW of Sunshine Avenue

11th Election District - 5th Councilmanic District

Legal Owner(s):

Joseph & Doris Kraft and Richard & Donna Kraft

Contract Purchaser: P. William Mackley

Variance: to allow existing gravel surface parking lot to remain in lieu of required durable-dustless surface and to allow side yard setback of 5 feet in lieu of the required 15 feet.

Hearing: Wednesday, February 16, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley 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/2/605 February 1

0367495

CERTIFICATE OF PUBLICATION

TOWSON, MD, 2/3, 2000

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 2/1, 2000.

S. Wilkinson
THE JEFFERSONIAN,

LOCAL ADVERTISING

RECEIVED FEB 0 7 2000

RE: PETITION FOR VARIANCE
12101 Belair Road, SW/S Belair Rd,
3258' NW of Sunshine Ave
11th Election District, 5th Councilmanic

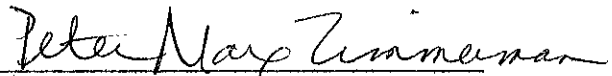
Legal Owner: Joseph & Doris Kraft;
Richard & Donna Kraft
Contract Purchaser: P. William Mackley
Petitioner(s)

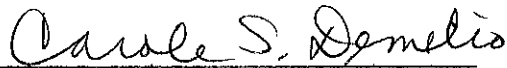
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-288-A

* * * * *

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 7th day of February, 2000 a copy of the foregoing Entry of Appearance was mailed to Paul W. Botzler, P.O. Box 226, Glen Arm, MD 21057, representative 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
pdmlandacq@co.ba.md.us

January 20, 2000

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: 00-288-A

12101 Belair Road

SW/S Belair Road, 3258' NW of Sunshine Avenue

11th Election District – 5th Councilmanic District

Legal Owner: Joseph & Doris Kraft and Richard & Donna Kraft

Contract Purchaser: P. William Mackley

Variance to allow existing gravel surface parking lot to remain in lieu of required durable-dustless surface and to allow side yard setback of 5 feet in lieu of the required 15 feet.

HEARING: Wednesday, February 16, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Joseph, Doris, Richard and Donna Kraft, 7114 New Cut Road, Kingsville 21087
P. William Mackley, 12101 Belair Road, Kingsville 21087
Paul Botzler, P.E., PO Box 226, Glen Arm 21057

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FEBRUARY 1, 2000.**
- (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
Tuesday, February 1, 2000 Issue – Jeffersonian

Please forward billing to:

Richard J. Kraft
7114 New Cut Road
Kingsville, MD 21087

410-592-6789

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: 00-288-A

12101 Belair Road

SW/S Belair Road, 3258' NW of Sunshine Avenue

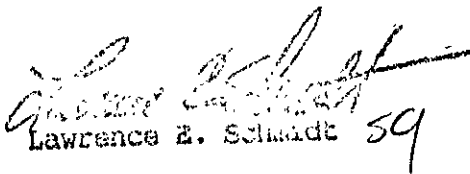
11th Election District – 5th Councilmanic District

Legal Owner: Joseph & Doris Kraft and Richard & Donna Kraft

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HEARING: Wednesday, February 16, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley 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: 288

Petitioner: Paul W. Bobler, P.E.

Address or Location: PO BOX 226 Glen Arm MD 21057

PLEASE FORWARD ADVERTISING BILL TO:

Name: Richard J. Kraft

Address: 7114 New Cut Road
Kingsville, MD 21087

Telephone Number: (410) 592-6789

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

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

February 11, 2000 pdmlandacq@co.ba.md.us

Mr. Paul W. Botzler
P.O. Box 226
Glen Arm MD 21057

Dear Mr. Botzler:

RE: Case Number 00-288-A , 12101 Belair Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 13, 2000.

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:ggs

Enclosures



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 3, 2000

RECEIVED FEB 08 2000

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

SUBJECT: Zoning Advisory Committee Meeting
for January 31, 2000
Item Nos. 286, 288, 290, 291, 293,
294, and 295

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

January 28, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED FEB 04 2000

ATTENTION: Gwen Stephens

Property Owner: Joseph & Doris Kraft, Richard & Donna Kraft - 288

DISTRIBUTION MEETING OF JANUARY 24, 2000 Item No.: 288

Dear Ms. Stephens:

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.
11. IF THE BUILDING PERMITS FOR THIS DEVELOPMENT ARE ISSUED AFTER JUNE 30, 1998; THE DEVELOPER SHALL PROVIDE A RURAL WATER SUPPLY FOR FIRE FIGHTING PURPOSES, OR INSTALL SPRINKLER SYSTEMS COMPLYING WITH NFPA 13D IN ALL HOUSES. AS PER FIRE DEPARTMENT REQUIREMENTS, IN ACCORDANCE WITH BALTIMORE COUNTY FIRE PREVENTION CODE; SECTION F-517.12.

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 28, 2000

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

SUBJECT: 12101 Belair Road

INFORMATION:

Item Number: 288

Petitioner: P. William Mackley, Contract Purchaser

Zoning: BM-CR

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

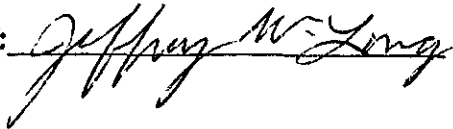
The Office of Planning supports the requested variance to allow a side yard setback of 5 feet in lieu of the required 15 feet and to allow an existing gravel surface parking lot to remain in lieu of the required durable-dustless surface provided the following conditions are being met:

- 1) The proposed structure is constructed with brick that matches that of the principal structure and is designed to include at least one window in the front facing Belair Road. A garage door and the entrance door should also be located at the front of the building. A dark color should be used for the garage door.
- 2) The pitch, materials and color of the roof should resemble the roof of the principal structure.
- 3) A landscaped buffer should be added within the front yard setback of the property
- 4) The security fence connecting the two structures should be a faux wrought iron type fence.

5) Elevation drawings and a landscape plan should be submitted for review and approval to the Office of Planning prior to the issuance of a building permit.

Finally, Karin Brown and Lynn Lanham met with Paul Botzler on January 12, 2000, and he agreed to comply with the above referenced conditions and to also meet with representatives of the Greater Kingsville Improvement Association.

Section Chief:

A handwritten signature in cursive script, appearing to read "Jeffrey W. Long", written over a horizontal line.

AFK/JL



**Maryland Department of Transportation
State Highway Administration**

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

Date: 1.24.00

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

RE: Baltimore County
Item No. 288 JLL

RECEIVED JAN 27 2000

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 1 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

Kenneth A. McDonald Jr., 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

Richard J Kraft

7114 New Cut Rd Kingsville MD 21087

P. William Mauck Jr

2102 Hy Oak Ln FARMINGTON MD

Paul W Boyler P.O.

PO Box 226 Glen Arm MD 21057

Dorothy E. Foss

6403 Lewis Rd Baldwin Md

Robin Beers

12442 Jerusalem Road 21013
KINGSVILLE, MD 21087

GREATER
KINGSVILLE
CIVIC
ASSOC.



Printed with Soybean Ink
on Recycled Paper

00-288-A #288

HO

Engineer had met with Arnold Jacobson,
G. PERDAKAKIS AND JOE MERREY OF THIS
OFFICE CONCERNING CR DISTRICT ISSUE SON SITE,
DUE TO PRIOR REVIEWS BY THIS OFFICE, I
TOOK PETITION IN AS ~~ENGINEER~~ SHOWN ON
ENGINEER'S PLAN WITHOUT FURTHER 2ND GUESSING
WHAT HE STATED HAD BEEN PREVIOUSLY RESOLVED
WITH THIS OFFICE, BASED ON HIS PRIOR REVIEWS
AS STATED THE PLAN APPEARS TO BE OK.

JOHN LEONIS
1/13/00

The Greater Kingsville Civic Association, Inc.

P. O. BOX 221 KINGSVILLE, MARYLAND 21087

February 15, 1999

Re: Bill Mackley Carpets variance request

To the Office of the Baltimore County Zoning Commissioner:

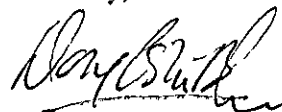
I am writing on behalf of the Rural Protection Committee of the board of the Greater Kingsville Civic Association, Inc. regarding the request for variance by the petitioner.

While we are not generally opposed to the request for variance, there are a few items of concern to members of the community which have been brought before the Association. After meeting with the petitioner, we have been given assurance that he is willing to have the following concerns be required in the granting of a request for variance:

1. We understand that all four exterior walls of the building are to be faced with brick;
2. The GKCA has been given permission to work with Avery Harden of the Baltimore County Zoning office on a planting plan, which will include planting between the buildings.
3. The dumpsters will be located so that they will not be in clear view from the drive to the back parking lot, and there will be some planting to 'soften' the view of the dumpsters from the present homeowners behind the site;
4. As is currently being done, dumpsters will not be unloaded before 7:00 a.m. , other business truck traffic will be limited to 7:30 a.m. to 5:30 p.m., and existing trailers will be removed;
5. The present free-standing sodium vapor light will be either (a) eliminated, with some additional light being provided by new, more architecturally-sensitive lighting on the new building; (b) readjusted to minimize the light spill onto Belair Road, including shielding and gridding the existing light, pointing it more downward, and possibly reducing the wattage. Further, we understand that no other new lights will be added except possibly a motion-sensitive light at the south side entrance. No new lighting will be sodium vapor. The GKCA would appreciate the opportunity to meet with the petitioner as this part proceeds;
6. The present fluorescent lights on the building facade are not shielded from the road, and present a glare to oncoming vehicles. The petitioner has agreed that there will be a valance of some sort to minimize this glare.
7. We would also wish to see unnessecery lighting turned off after closing hours, except, of course, for that lighting needed for security.

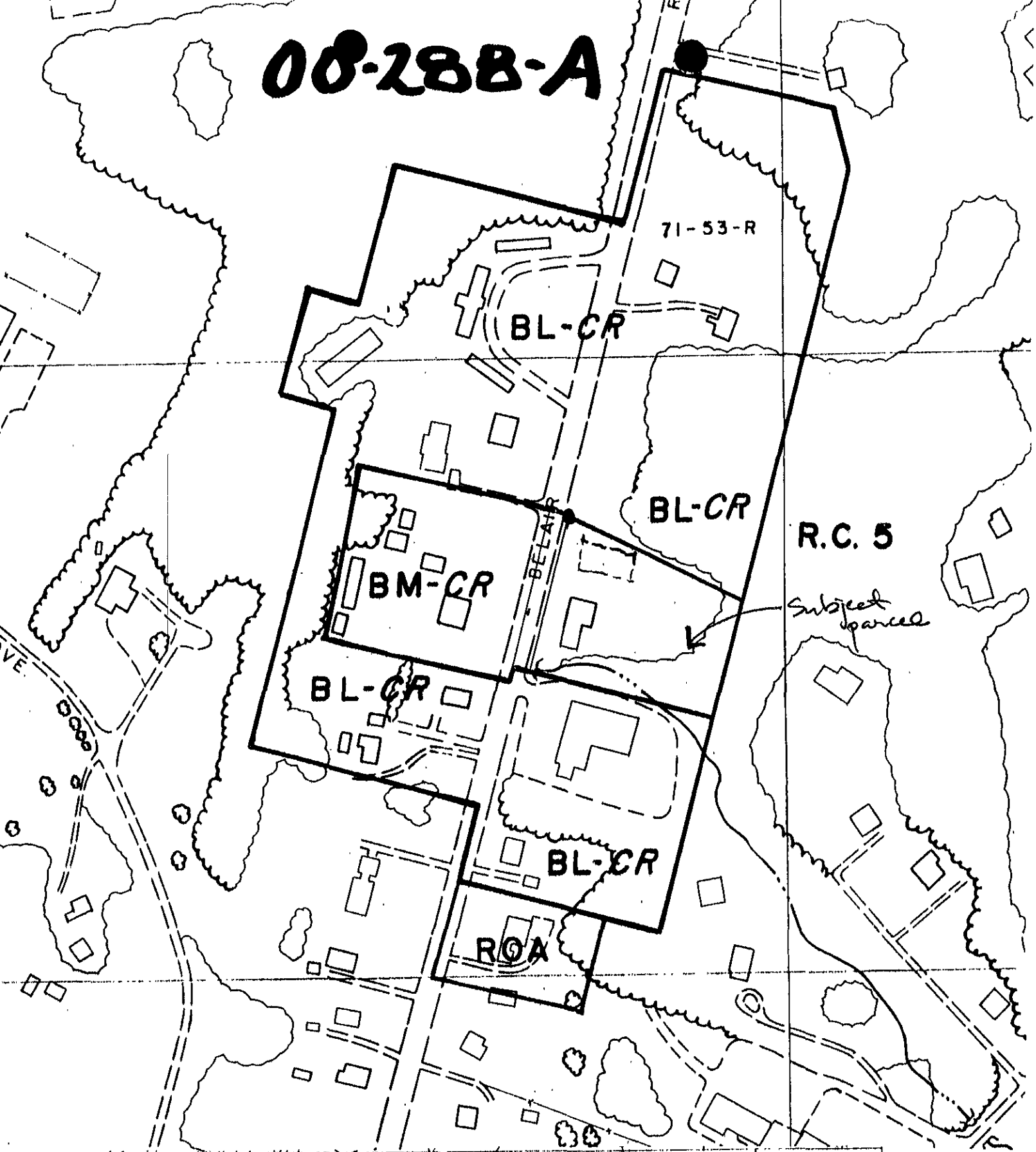
We are very grateful for the willing spirit shown by the petitioner and sincerely request that these items be included as a requirement for the granting of the variances.

Sincerely,



Douglas M. Behr
Corresponding Secretary

00-288-A



288

SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

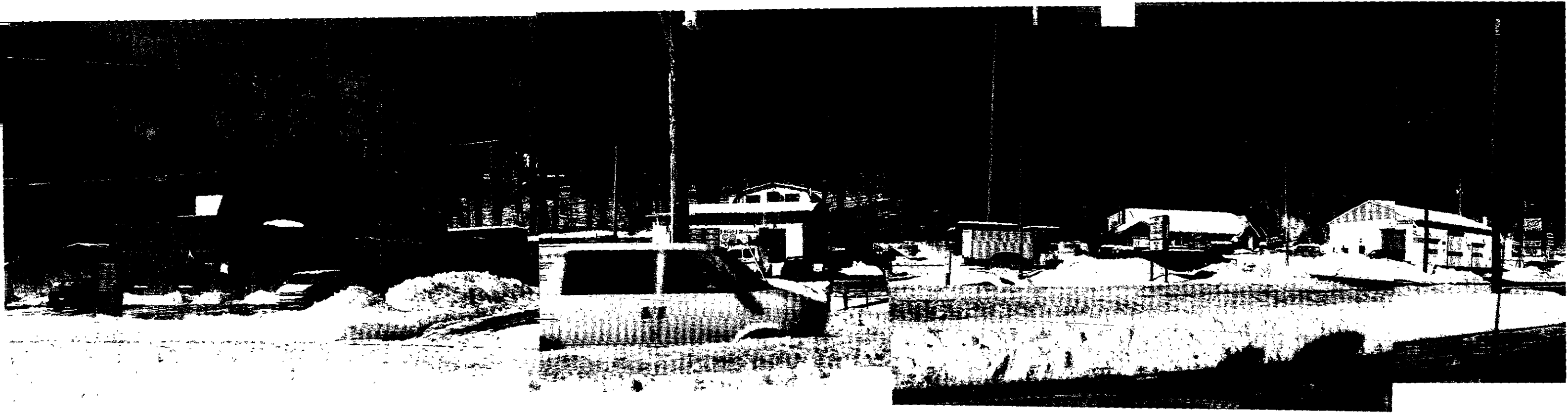
NORTH OF
KINGSVILLE

SHEET

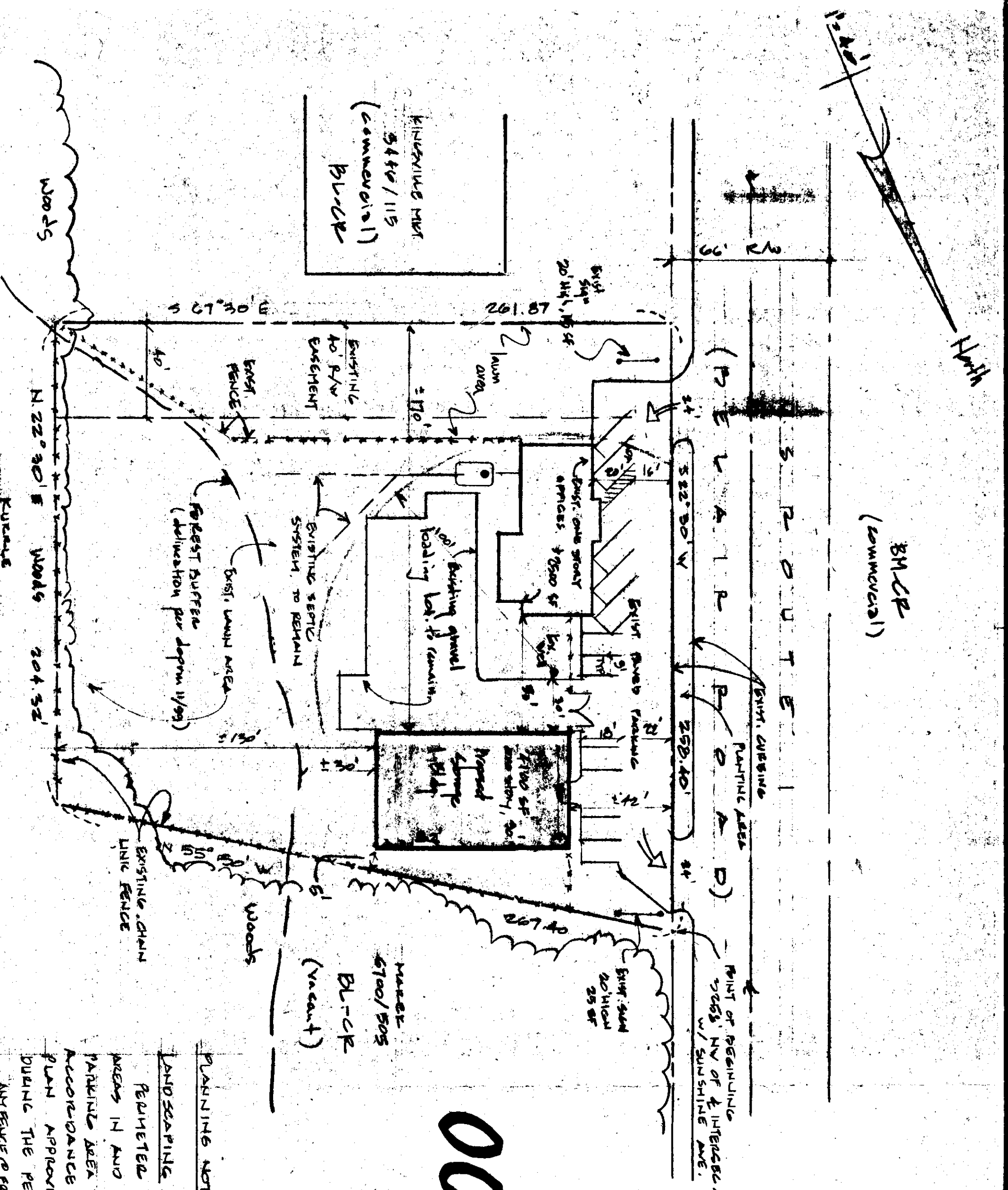
N. E.

15-J

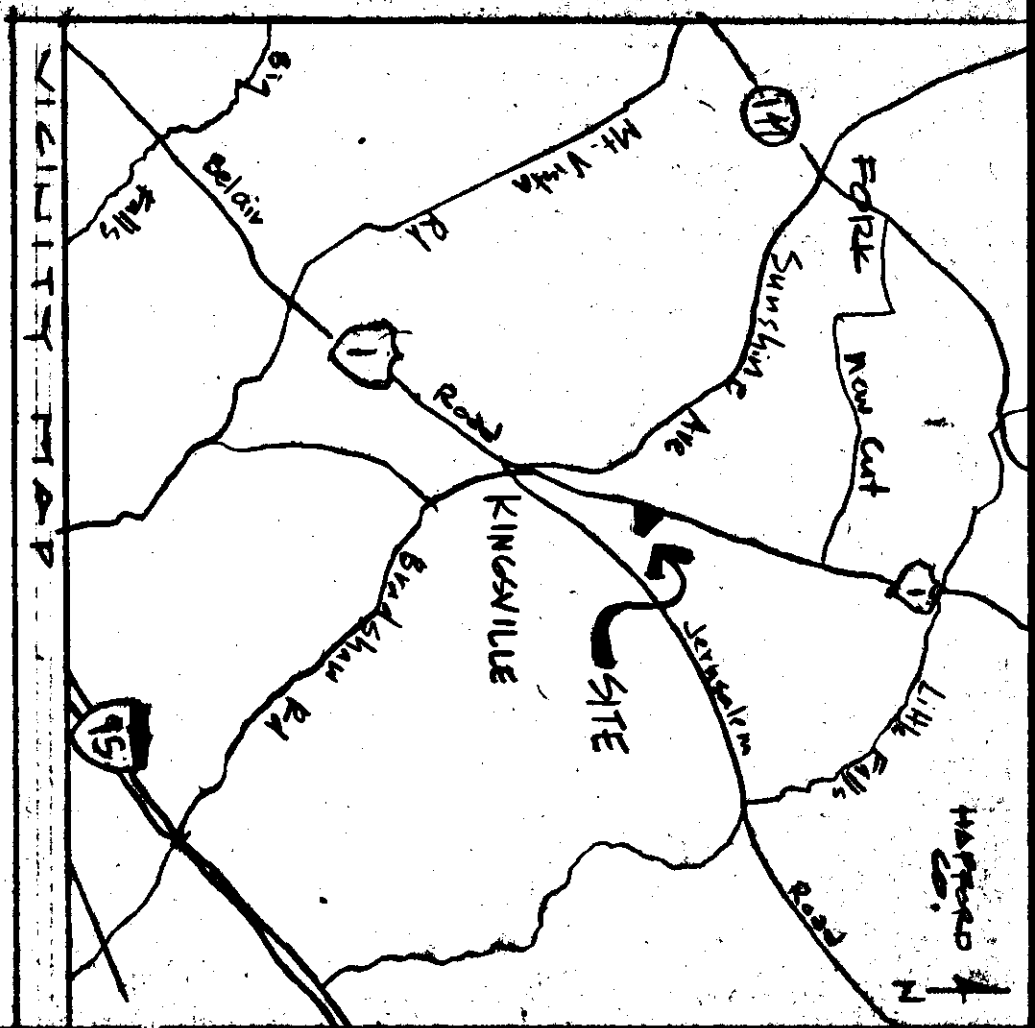
WEST SIDE PLEASANT 20 1957



Pet Ex 2



00-288-A



SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING VARIANCE(S)
PROPOSED STORAGE BUILD.

12101 BELAIR RD
KINGSVILLE, MD
11th ELECTION DISTRICT
5th CONGRESSIONAL DISTRICT
PARCEL 98 REF. 7080/624
TAX NO. 1115 010031

LOT SIZE - 1.39 AC.
EXISTING BUILDING - 1711-SR
PROPOSED F.A.R. - .035
DISTURBED AREA ± 5000 SF
WELL - EXISTING TO REMAIN (NO LOGS)
SEPTIC - EXISTING TO REMAIN

NO ARCHITECT -
LOCALITIES, STREETS, DISTURBED AREAS, HAZARDOUS MATERIALS EXIST ON THIS
SITE TO THE BEST OF OUR KNOWLEDGE
ADJACENT OPEN SPACE - N/A
CULMINATION HEIGHT(S) ± 30'

NO EXISTING BUILDING PERMITS
EXISTING USE: TANNERY BUSINESS OFFICES
PROPOSED USE: SAME W/ STORAGE/UTILITY BLDG.
(HAS BEEN ON SUBMIT WORK OF
J. FINLEY, TANNER & ASSOC., SURVEYOR.)

VARIANCES TO BE REQUESTED:

- 1) TO PERMIT EXISTING DRIVEWAY REMAIN LOT TO REMAIN IN USE OF RESIDUAL PROPERTY
- 2) TO PERMIT BLDG. SIDEWALL SETBACK OF 5 (MIN) IN USE OF RESIDUAL CA LANDSCAPED SET BACK OF 15'

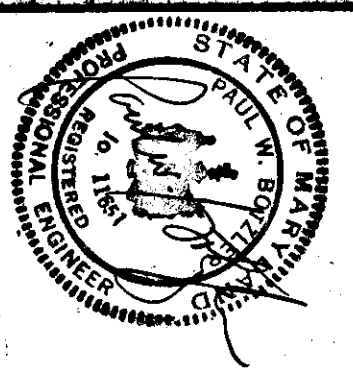
PARKING CALCULATIONS

PARKING REQUIRED: EXISTING OFFICE 4500 @ 3 1/4 = 6.75 PARKS
PROPOSED STORAGE/UTILITY 4000 @ 1 CHARGES - 1 PARKS
TOTAL: 8.25 PARKS
= 9 PARKS
w/ 1 ADA
10 PARKS OK

TAMTECH SERVICES, INC.

P.O. BOX 228 GLEN ARM, MARYLAND 21057

PAUL W. BOTZLER, PE



Date: JULY 30 '93
Revisions:
for Bldg. use, 10.10.94
for Variance appl. 3.13.96

Sheet Title:
SITE PLAN

Sheet one of one