

IN RE: PETITION FOR SPECIAL HEARING

NW/S Railroad Avenue, 480' SW
centerline Seminary Avenue
8th Election District
4th Councilmanic District
(1412 Railroad Avenue)

Ronald G. Alessi
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-313-SPHA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, Ronald G. Alessi. The special hearing request is for property located at 1412 Railroad Avenue, which property is split-zoned B.R. and D.R.5.5. The special hearing request is from Section 500.6 of the Baltimore County Zoning Regulations and Section 517.2 (510.2) of the Building Code and Sections 26-276, 26-670 and 26-172(a) of the Baltimore County Code, for a waiver to permit the reconstruction of a warehouse in a riverine floodplain. The variance request was originally requested to permit the warehouse to be 5,000 sq. ft. in lieu of the permitted non-conforming 4,525 sq. ft. However, that variance was withdrawn at the hearing before me. The matter proceeded on the special hearing request only.

Appearing at the hearing on behalf of the special hearing request were Ron Alessi, owner of the property, Donald Gleiman, Bruce Doak and Brian Dietz, representatives of Gerhold, Cross & Etzel and Jenn Busse, attorney at law, representing the Petitioner. David Thomas, a representative of Public Works also attended the hearing. There were no protestants in attendance.

ORDER RECEIVED FOR FILING

Date

4/10/2000

By

J.R. Johnson

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 6.3 acres, more or less, split-zoned BR and D.R.5.5. The subject property is located on the northwest side of Railroad Avenue, in the Lutherville area of Baltimore County. The site is currently improved with several buildings and storage areas and is the home of the Bond Lumber Company. The Petitioner is desirous of reconstructing a warehouse building on the property which was previously destroyed by fire. The reconstruction will take place on the foundation which has existed on the property for many years. The Petitioner does not propose to expand the warehouse building any more than that which existed on the property in the past. However, in order to proceed with the plans, a special hearing for a waiver is necessary due to the fact that the majority of the building is within the 100 year floodplain.

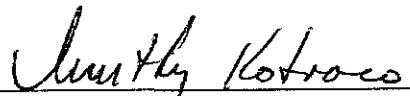
The Petitioner's plans to reconstruct the warehouse building were reviewed by Mr. Dave Thomas of Public Works and Mr. John Joyce from the Maryland Department of Environment. Both Mr. Thomas and Mr. Joyce have recommended that the waiver be granted. The Petitioner has agreed to store certain building materials out of the floodplain in an area designated on the site plan. A question arose at the hearing as to whether the Petitioner needed to request variance relief to allow the warehouse to be situated closer to the property line than what is permitted under current regulations. However, given that the location of the warehouse is non-conforming, the replacement of same does not generate the need for a requested variance. Furthermore, it is not necessary for any variance relief for the storage of the building materials in the areas designated on the site plan or the parking spaces set aside for employee parking. The parking spaces are permitted to be gravel in lieu of a durable and dustless surface as they have existed that way on the property for many years.

After considering the testimony and evidence offered at the hearing, I find that the special hearing request for a waiver to permit the reconstruction of a warehouse in a riverine floodplain shall be approved. The testimony and evidence offered at the hearing demonstrated that the Petitioner has good and sufficient cause for the granting of this waiver and that a failure to grant this waiver would result in exceptional hardship to the applicant. Furthermore, the granting of this waiver will not increase flood heights, impact public safety, incur extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local and state laws and ordinances. These findings are made pursuant to Section 26-670 (a) of the Baltimore County Code.

Pursuant to the advertisement, posting of the property, and public hearing held, the relief requested in the petition for special hearing shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of April, 2000, that the Petitioner's Special Hearing request for a waiver to permit the reconstruction of a warehouse in a riverine floodplain, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at his time is at his 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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

COPIES RECEIVED FOR FILING
Date 4/10/2000
By R. J. Jameson



Baltimore County
Zoning Commissioner

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

April 10, 2000

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515

Re: Petition for Special Hearing
Case No. 00-313-SPHA
Property: 1412 Railroad Avenue

Dear Ms. Busse:

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Copies to:

Mr. Ronald G. Alessi
1412 Railroad Avenue
Lutherville, Maryland 21093

Mr. Bruce Doak
Mr. Brian Dietz
Gerhold, Cross & Etzel
320 E. Towsontown Boulevard
Towson, Maryland 21286

Mr. Donald M. Gleiman
12609 Worthington Ridge Road
Reisterstown, Maryland 21136

Mr. David L. Thomas
Department of Public Works
For Baltimore County



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1412 Railroad Avenue

which is presently zoned B.R. & D.R.5.5

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 FOR A WAIVER PUSUANT TO SECTION 500.6 BCZR: SECTION 517.2 (510.2), BUILDING CODE; AND SECTIONS 26-276, 26-670, 26-172(a) (3), BCC TO PERMIT THE CONSTRUCTION OF A WAREHOUSE IN A RIVERINE FLOOD PLAIN.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

City

State

Zip Code

410-832-1077

Telephone No.

Legal Owner(s):

Ronald G. Alessi

Name - Type or Print

Signature

Name - Type or Print

Signature

1412 Railroad Ave. 410-546-3566

Address

Telephone No.

Lutherville MD 21093

City

MD

21093

State

Zip Code

Representative to be Contacted:

Bruce Doak/Gerhold Cross & Etzel

Name

320 E. Towsontown Blvd 410 823-4470

Address

Telephone No.

Towson MD 21286

City

MD

21286

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JRF/LTM

Date 1-28-00

Case No. 00-313-SPHA

Date 2/15/00

By R. J. Emerson

ORIGINAL FILED FOR PERMIT
Date 2/15/00
By R. J. Emerson



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1412 Railroad Avenue

which is presently zoned R.R. & D.R. 5.5

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) 109.2 BCZR *Allowed*

TO ALLOW THE PROPOSED WAREHOUSE OF 5000 ϕ IN LIEU OF THE REQUIRED FIRE DESTROYED NON CONFORMING WAREHOUSE OF 4525 ϕ AND TO AMEND THE PREVIOUSLY APPROVED HEARING CASE # 77-130-SPH

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

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Ronald G. Alessi

Name - Type or Print

Signature

Name - Type or Print

Signature

1412 Railroad Avenue 410-546-3566

Address

Telephone No.

Lutherville MD

21002

City

State

Zip Code

Representative to be Contacted:

Bruce Doak/Gerhold Cross & Etzel

Name

320 E. Towsontown Blvd. #100

Address

Telephone No.

Towson

MD 21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

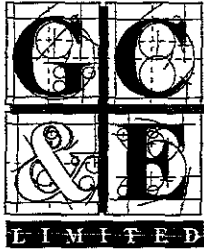
UNAVAILABLE FOR HEARING

Reviewed By JRF/LTM

Date 1-28-00

Case No. 00-313-SPHA

REV 9/15/98



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

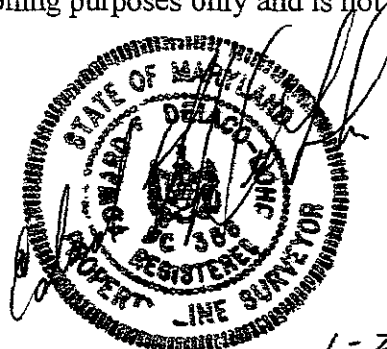
January 24, 2000

ZONING DESCRIPTION OF THE RONALD G. ALESSI PROPERTY 1412 RAILROAD AVENUE

Beginning for the same on the north west side of Railroad Avenue, 20 feet wide, at a point distant 480 feet, more or less, southwesterly from the center line of Seminary Avenue, thence leaving Railroad Avenue, the thirteen following courses and distances, viz: 1) North 32 degrees 56 minutes West 174 feet, 2) South 56 degrees 29 minutes West 10.15 feet, 3) North 63 degrees 30 minutes West 93.79 feet, 4) South 26 degrees 30 minutes West 131.06 feet, 5) North 57 degrees 55 minutes West 331.4 feet, 6) North 63 degrees 40 minutes West 140.00 feet, 7) South 02 degrees 09 minutes East 54 feet, more or less, 8) North 86 degrees 00 minutes West 8 feet, more or less, 9) South 04 degrees 00 minutes West 217 feet, more or less, 10) South 84 degrees 21 minutes East 121 feet, 11) South 04 degrees 00 minutes West 235.94 feet, 12) South 89 degrees 00 minutes West 121.41 feet, and 13) South 04 degrees 00 minutes West 122 feet, more or less, 14) North 86 degrees West 250.50 feet, 15) South 04 degrees West 86 feet to the northwest side of said Railroad Avenue, thence binding thereon, 16) South 86 degrees East 374.33 feet, and 17) North 54 degrees 30 minutes East 565.71 feet, 18) North 35 degrees 30 minutes West 20 feet to the northwest side of said Railroad Avenue, thence thereon, 19) North 54 degrees 30 minutes East 50 feet, and 20) North 56 degrees 29 minutes East 105 feet to the place of the beginning.

Containing 6.33 Acres of Land, more or less.

Note: This description has been prepared for the zoning purposes only and is not intended to be used for conveyance.



1-27-00

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 NUMBER: 00-313-SPHA

1412 Railroad Avenue

NW/SE Railroad Avenue, 480' SW from centerline Seminary Avenue

8th Election District - 4th Councilmanic District

Legal Owner(s): Ronald G. Alessi

Special Hearing: for a waiver pursuant to Section 500.6, BCZR; Section 517.2 (510.2), Building Code; and Sections 26-276, 26-670, 26-172(a)(3), BCC to permit the construction of a warehouse in a riverine floodplain. **Variance:** to allow the proposed warehouse of 5,000 square feet in lieu of the allowed 4,525 square feet; and to amend the previously approved hearing case number 77-130-SPH.

Hearing: Friday, March 3, 2000 at 10:00 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.

2/17/1 Feb 17, 2000 C370094

CERTIFICATE OF PUBLICATION

TOWSON, MD, 2/17, 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 2/17, 2000.

THE JEFFERSONIAN,

S. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 078655

DATE 1-21-00 ACCOUNT 8-001-0150
AMOUNT \$ 500.00

RECEIVED FROM: Getold. cars & Steel LTD
1412 2nd Ave.
FOR: 020 1/0000-
000 304
ITEM # 313
TAKEN BY: JF/LTM

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT TOTAL DUE
1/31/2000 1/28/2000 1/27/00
OLG 4605 CASHIER NOTE NER DAWSON
Dept 5 500 ZOMBIE VERIFICATION
Receipt # 141564
OR NO. 078655
Receipt Tot 500.00
500.00 OK 20 00
Baltimore County, Maryland

00-313-SPHA

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

**RE: CASE # 00-313-SPHA
PETITIONER/DEVELOPER
(Ronald G. Alessi)
DATE OF Hearing
(3-3-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

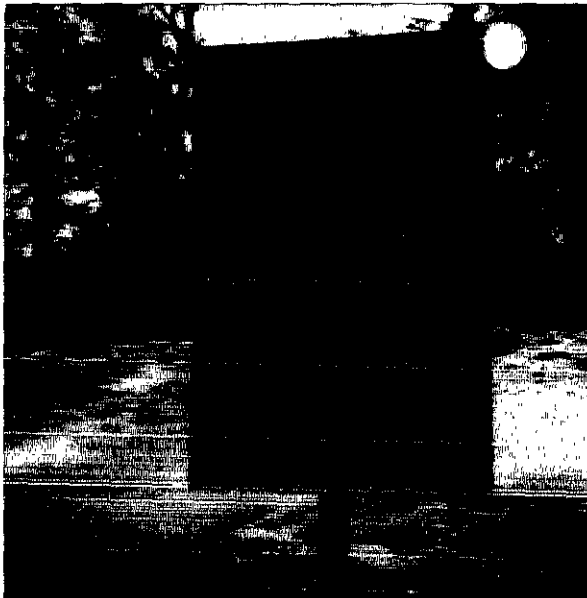
ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

1412 Railroad Avenue Lutherville, Maryland 21093_____

THE SIGN(S) WERE POSTED ON_____ 2-16-00 _____
(MONTH, DAY, YEAR)



SINCERELY,

Thomas P. Ogle
(SIGNATURE OF SIGN POSTER & DATE)

____THOMAS P. OGLE SR.____

____325 NICHOLSON ROAD____

____BALTIMORE, MARYLAND 21221____

____410-687-8405____
(TELEPHONE NUMBER)

CERTIFICATE OF POSTING

RE: CASE # 00-313-A *SPHA*
PETITIONER/DEVELOPER
(Ronald G. Alessi)
DATE OF Hearing
(Apr. 5, 2000)

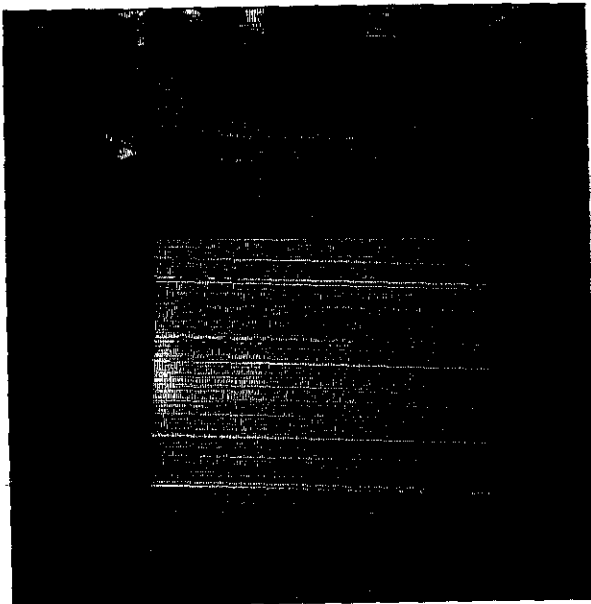
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
1412 Railroad Avenue Lutherville, Maryland 21093_____

The sign(s) were posted on _____ 3-20-00 _____
[Month, Day, Year]



Sincerely,


[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

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



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

February 7, 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: 00-313-SPHA

1412 Railroad Avenue

NW/S Railroad Avenue, 480' SW from centerline Seminary Avenue

8th Election District – 4th Councilmanic District

Legal Owner: Ronald G. Alessi

Special Hearing for a waiver pursuant to Section 500.6, BCZR; Section 517.2 (510.2), Building Code; and Sections 26-276, 26-670, 26-172(a)(3), BCC to permit the construction of a warehouse in a riverine floodplain. Variance to allow the proposed warehouse of 5,000 square feet in lieu of the allowed 4,525 square feet; and to amend the previously approved hearing case number 77-130-SPH.

HEARING: Friday, March 3, 2000 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue

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

Arnold Jablon
Director

c: Ronald Alessi, 1412 Railroad Avenue, Lutherville 21209
Bruce Doak, Gerhold Cross & Etzel, 320 E. Towsontown Blvd., Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FEBRUARY 17, 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
Thursday, February 17, 2000 Issue – Jeffersonian

Please forward billing to:

Ronald G. Alessi
1412 Railroad Avenue
Lutherville, MD 21209

410-546-3566

NOTICE OF ZONING HEARING

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CASE NUMBER: 00-313-SPHA

1412 Railroad Avenue

NW/S Railroad Avenue, 480' SW from centerline Seminary Avenue

8th Election District – 4th Councilmanic District

Legal Owner: Ronald G. Alessi

Special Hearing for a waiver pursuant to Section 500.6, BCZR; Section 517.2 (510.2), Building Code; and Sections 26-276, 26-670, 26-172(a)(3), BCC to permit the construction of a warehouse in a riverine floodplain. Variance to allow the proposed warehouse of 5,000 square feet in lieu of the allowed 4,525 square feet; and to amend the previously approved hearing case number 77-130-SPH.

HEARING: Friday, March 3, 2000 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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: 00-313 - SPHA

Petitioner: Ronald G. Alessi

Address or Location: 1412 Railroad Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: RONALD G. ALESSI

Address: 1412 RAILROAD AVENUE

LUTHERVILLE MD 21209

Telephone Number: 410-546-3566

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
pdmlandacq@co.ba.md.us

February 25, 2000

Mr. Bruce Doak
Gerhold Cross & Etzel
320 E. Towsontown Blvd.
Towson MD 21286

Dear Mr. Doak:

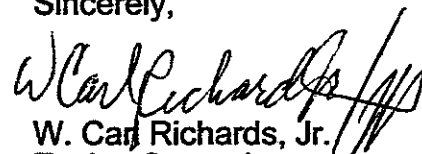
RE: Case Number 00-313-SPHA , 1412 Railroad Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 28, 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





Baltimore County
Fire Department

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

February 15, 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 25 2000

ATTENTION: Gwen Stephens

RE: Property Owner:
BELAIR RD. WHITE MARSH JOINT VENTURE - 309
RONALD G. ALESSI - 313

Location: DISTRIBUTION MEETING OF February 7, 2000

Item No.: 309, 313

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.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F



mk
3/3
10:00

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

INTEROFFICE CORRESPONDENCE

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

DATE: February 18, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
 for February 14, 2000
 Item No. 313

The Bureau of Development Plans Review has reviewed the subject zoning item. This site is located in a 100-year riverine flood plain designated as Zones A5 and B on the Flood Insurance Rate Map.

No development, new buildings, or additions in any riverine flood plain shall be permitted.

The lowest floor elevation for houses or buildings adjacent to a riverine flood plain shall be two feet above the base flood elevation.

Also, attached is a letter from David Thomas, P.E., Assistant to the Director of the Department of Public Works, indicating their concerns that must be addressed before waiver approval.

RWB:HJO:jrb

Enclosure

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Department Of Permits And Development Management DATE: February 17, 2000

ATTENTION: Ronnay Jackson

FROM: David L. Thomas, P.E. *DLT*
Assistant to the Director
Department of Public Works

SUBJECT: ZAC Item Number 313
1412 Railroad Avenue (Alessi Property)
Case No. 00-313-SPHA

The petitioner has requested a waiver from floodplain regulations to allow replacement of a warehouse building destroyed by fire. The building was located in Zone A7, Map 240010-0245E dated November 17, 1993.

Any waiver approval for this project should address the following concerns:

The proposed building is larger in footprint than the building it is to replace. Section 510.2.2 (517.2.2) of the Building Code limits the replacement building to no larger than the footprint of the previous building, and then only if the building cannot be relocated out of the floodplain. The applicant should be required to show why the proposed building cannot be located on a portion of the site outside of the floodplain.

There are several nearby existing residences located close to or within the floodplain. The applicant should be required to submit calculations proving (using the usual and customary engineering practices as approved by Bureau of Engineering & Construction, and sealed by a licensed and insured Professional Engineer) that there is no adverse impact from flooding to any properties whether upstream or downstream due to the proposed building.

Since this business is identified as a lumber yard, there is a real possibility of floating debris during a flood event creating flood damage to other properties both directly and by blocking waterway openings through downstream bridges and culverts. The waiver approval order should require all materials on site to be secured to prevent release into the stream during a flood event. Requiring all materials to be stored above the flood protection elevation on a flood resistant structure would be an appropriate solution.

All other Building Code requirements for construction in the tidal floodplain should also be observed.

DLT/s

CC: Tom Hamer, John Joyce, John Reisinger, Bob Bowling, **John Maple**

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *MS*

DATE: February 11, 2000

SUBJECT: Zoning Item #313
1412 Railroad Avenue

Zoning Advisory Committee Meeting of February 7, 2000

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X_____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X_____ This proposal would require a variance to the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. There are no guarantees of any approval. There are environmental concerns since this entire project is proposed within a floodplain.

Reviewer: Paul Dennis

Date: February 11, 2000

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Department Of Permits And Development Management DATE: February 17, 2000

ATTENTION: Ronnay Jackson

FROM: David L. Thomas, P.E. *DLT*
 Assistant to the Director
 Department of Public Works

SUBJECT: ZAC Item Number 313
 1412 Railroad Avenue (Alessi Property)
 Case No. 00-313-SPHA

The petitioner has requested a waiver from floodplain regulations to allow replacement of a warehouse building destroyed by fire. The building was located in Zone A7, Map 240010-0245E dated November 17, 1993.

Any waiver approval for this project should address the following concerns:

The proposed building is larger in footprint than the building it is to replace. Section 510.2.2 (517.2.2) of the Building Code limits the replacement building to no larger than the footprint of the previous building, and then only if the building cannot be relocated out of the floodplain. The applicant should be required to show why the proposed building cannot be located on a portion of the site outside of the floodplain.

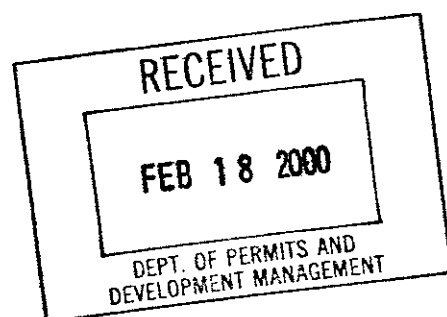
There are several nearby existing residences located close to or within the floodplain. The applicant should be required to submit calculations proving (using the usual and customary engineering practices as approved by Bureau of Engineering & Construction, and sealed by a licensed and insured Professional Engineer) that there is no adverse impact from flooding to any properties whether upstream or downstream due to the proposed building.

Since this business is identified as a lumber yard, there is a real possibility of floating debris during a flood event creating flood damage to other properties both directly and by blocking waterway openings through downstream bridges and culverts. The waiver approval order should require all materials on site to be secured to prevent release into the stream during a flood event. Requiring all materials to be stored above the flood protection elevation on a flood resistant structure would be an appropriate solution.

All other Building Code requirements for construction in the tidal floodplain should also be observed.

DLT/s

CC: Tom Hamer, John Joyce, John Reisinger, Bob Bowling, John Maple



File
3/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 28, 2000

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

FEB 29

SUBJECT: 1412 Railroad Avenue

INFORMATION:

Item Number: 313
Petitioner: Bruce Doak/Gerhold, Cross and Etzel
Property Size: 6.3 acres
Zoning: B.R. and D.R. 5.5
Requested Action: Special Hearing and Variance
Hearing Date: March 3, 2000

REQUEST:

The request in this case is for a special hearing for a waiver pursuant to Section 500.6 of the BCZR; Section 517.2 (510.2), Building Code; and Sections 26-276, 26-670, 26-172(a)(3)BCC to permit the construction of a warehouse in a riverine flood plain. Additionally, a waiver of Section 104.2 of the BCZR is being requested to allow the enlargement of a fire destroyed structure from 4525 square feet to 5000 square feet, and to amend the previously approved case number 77-130-SPH, which recognized the structure as a nonconforming use.

The subject property, located in the Lutherville Community, previously functioned as a lumber yard with wholesale and retail sales of lumber, and has enjoyed a nonconforming use since 1977(Case 77-130-SPH.) The building was recently destroyed by fire. The applicants are now requesting to enlarge the warehouse from 4525 square feet to 5000 square feet as they begin the rebuilding process.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the requested special hearing and variance be denied. The proposed enlargement of the structure violates the original conditions of the order issued in 1977. Additionally, the fact that the new, enlarged structure is located in the floodplain could potentially exacerbate drainage problems for adjacent property owners. It is the opinion of this office that the structure should be rebuilt within the same footprint originally as approved in Case Number 77-130-SPH.

Section Chief

A handwritten signature in cursive script, appearing to read "Jeffery M. Long", is written over a horizontal line.



**Maryland Department of Transportation
State Highway Administration**

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

Date: 2-7-00

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

RE: Baltimore County
Item No. 313

JRF/LT

RECEIVED FEB 8 2000

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,

sa 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



Baltimore County
Zoning Commissioner

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

March 9, 2000

Jenifer Busse, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
Case No. 00-313-SPHA
Property: 1412 Railroad Avenue
8th Election District, 4th Councilmanic District
Petitioner: Ronald G. Alessi

Dear Ms. Busse:

This letter is to confirm that the above-captioned matter previously scheduled for hearing on March 3, 2000 has been rescheduled for Wednesday, April 5, 2000 at 9:00 A.M. in Room 407 of the County Courts Building. Please arrange to have the property reposted with the new hearing date, time and location by no later than March 20, 2000 so as to meet the required 15-day posting period. It will not be necessary to readvertise the property.

In the meantime, should you have any questions concerning this matter, please do not hesitate to call me.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj

c: Mr. Ronald G. Alessi, 1412 Railroad Ave., Lutherville, MD 21093
Mr. Bruce Doak, 320 E. Towson Town Blvd., Towson, MD 21286
Ms. Sophia Jennings, DPDM; People's Counsel; Case File

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For You, For Baltimore County

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PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BRUCE E. DOAK GORDON, CROSS & ETEEL 320 E. TOWSONTOWN BLVD. TOWSON MD 21286

BENNY DETZ " " " "

" " " "

RON ALESSI SR

5388 ROYAL MALE BLVD SANSBURY MD 21801

DAVID M. GREIMAN

12609 WASHINGTON RIDGE RD

JENN BUNNE

WT+P

REIST RD 21136

210 W. Pennsylvania Ave.

GLEIMAN



PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME

ADDRESS

David L. Thomas

Rm. 307 COB (DPW)



7867 Oakdale Avenue
Rosedale, MD 21237

410-686-1196

P. Dietz 2

Brian Dietz

Experience

1998–2000

Gerhold Cross & Etzel Ltd.

Towson, MD

Project Manager

- Prepare plats to accompany zoning submittals.
- Prepare boundary and topographic plats.
- Schedule work in order to meet deadlines.
- Meet with Baltimore County officials to discuss development issues.
- Process field work and prepare final plats.
- Research public and private records.
- Oversee field crew's work.

1989–1998

Hastings Surveying

Baltimore, MD

Project Manager

- Prepare plats to accompany zoning submittals.
- Meet with Baltimore County officials to discuss development issues.
- Prepare minor subdivision plats.
- Schedule work in order to meet dead lines.

1988–1989

Harris Samriga & Matz

Pikesville, MD

Junior Party Chief

- Perform daily work assignments in an efficient and accurate manor.
- Responsible for the maintenance and upkeep of field equipment.
- Expanded sales to include mass market accounts.

1987–1988

KCW Consultants Inc.

Pikesville, MD

Instrument Operator

Education

1989–1992

Catonsville Community College Catonsville, MD

- A.A. in general engineering.

Interests

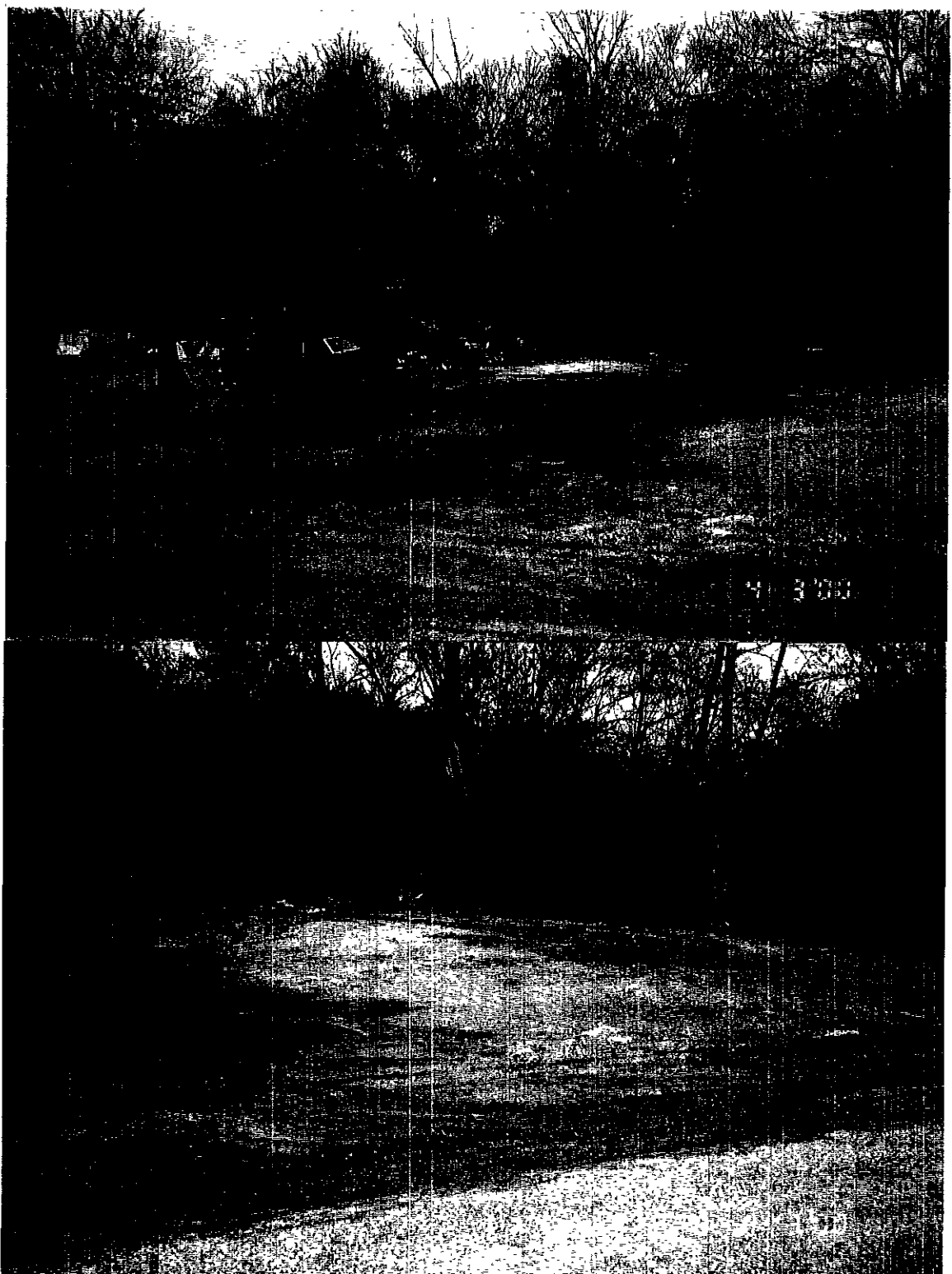
Member of the Maryland society of surveyors



Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204



Photographs
#00-313-SPHA

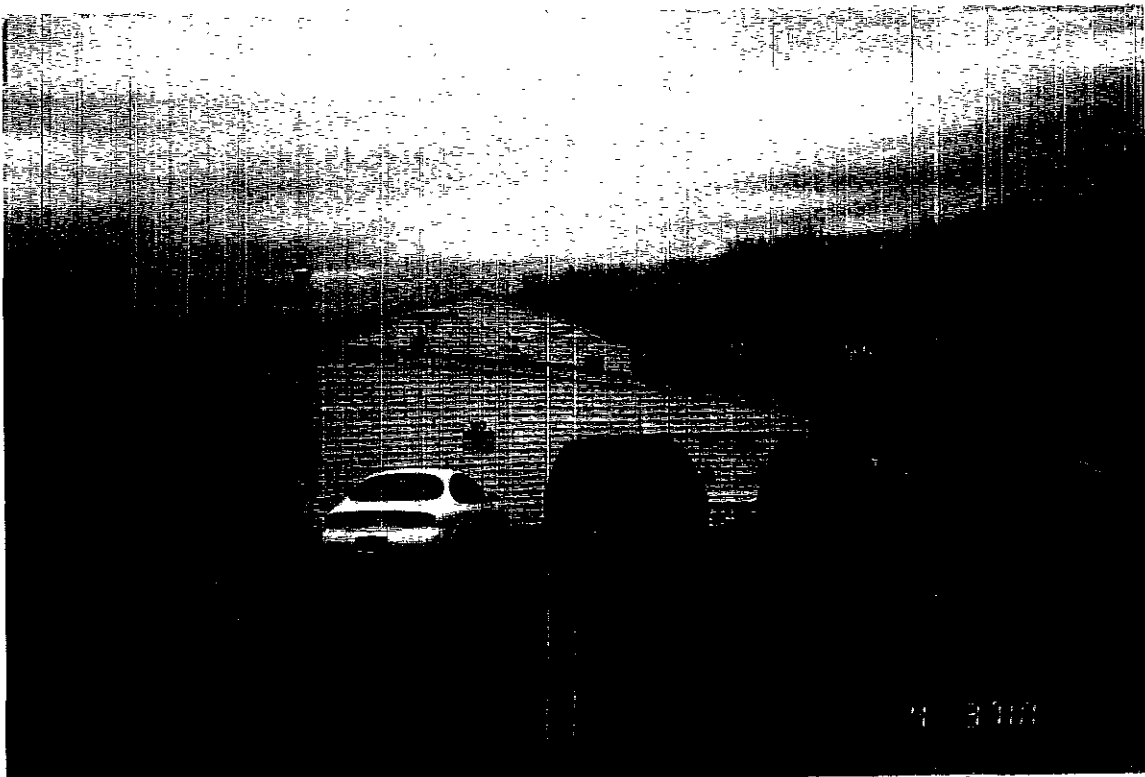


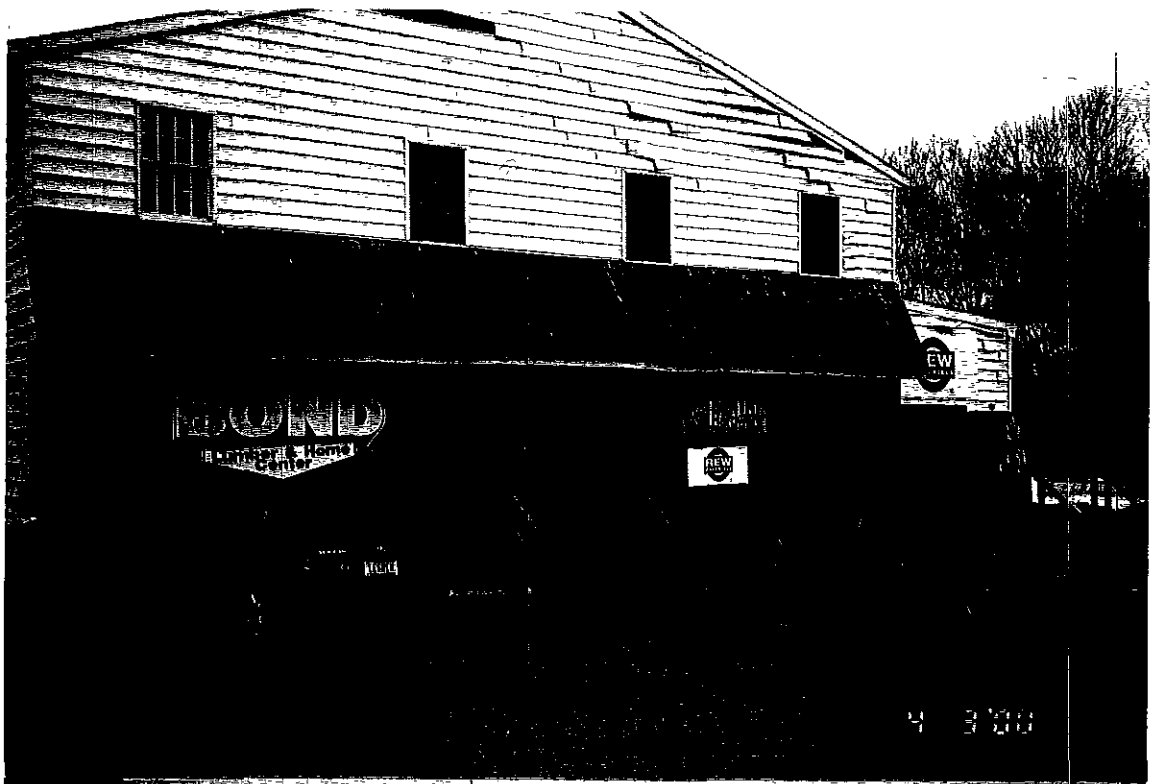


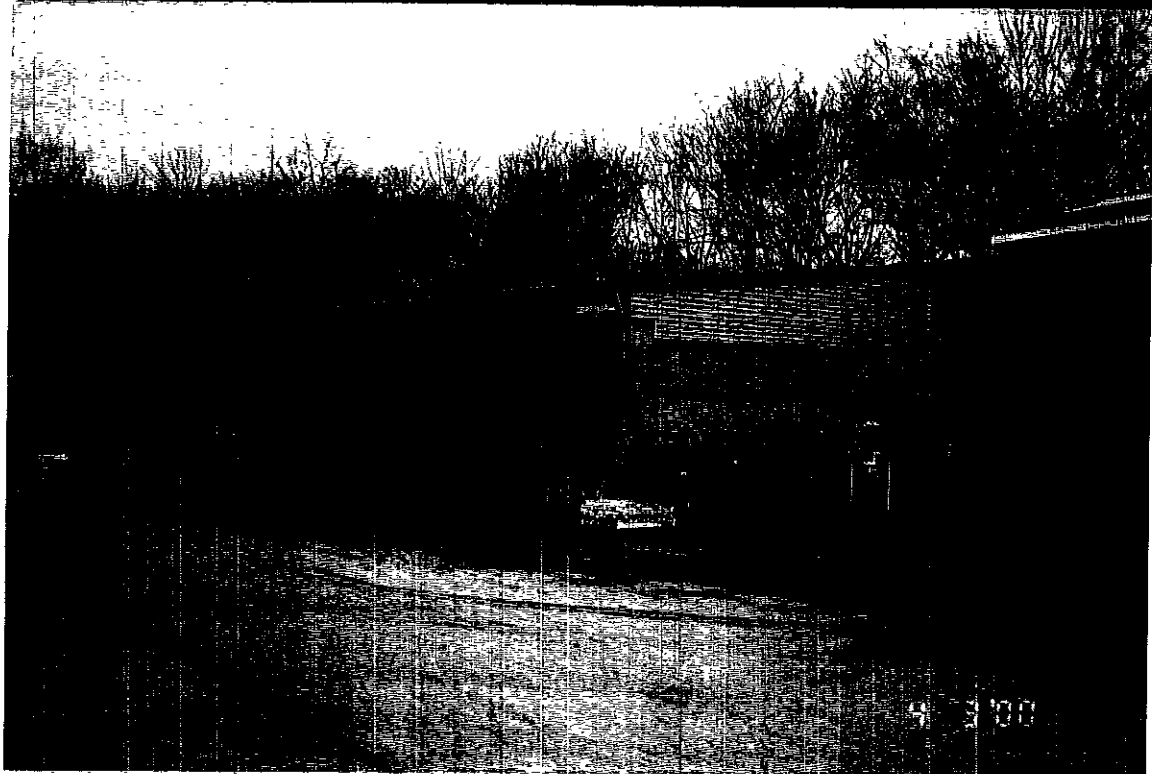
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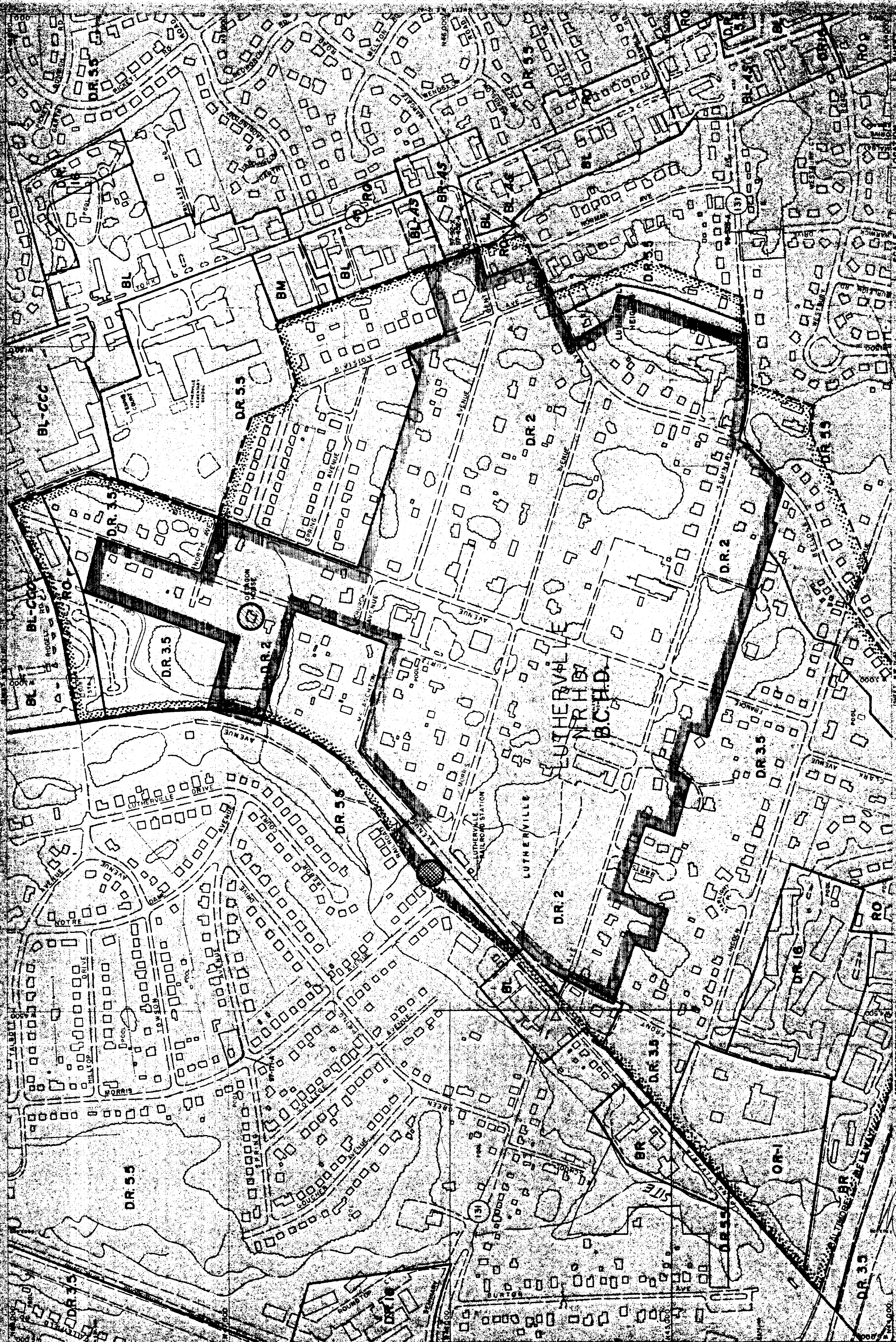


6









**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

DATE OF PHOTOGRAPH
JANUARY 1966

SCALE
1" = 200'

LOCATION
LUTHERVILLE

THE BALTIMORE COUNTY ZONING MAP
THE BALTIMORE COUNTY COUNCIL
APPROVED FOR THE BALTIMORE COUNTY COUNCIL
JANUARY 1966

John L. ...

313

S - SE P - SW

100-113 SPHA