

IN RE: PETITION FOR SPECIAL HEARING
SE/S Painters Mill Road, 250' SW of the
c/l of Music Fair Road
(30 New Plant Court)
3rd Election District
3rd Councilmanic District

Painters Mill Enterprises, LLC
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-377-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Painters Mill Enterprises, LLC, by Ronald W. Hux, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special hearing to approve a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), of Section 517.2 (510.2) of the Baltimore County Building Code, and Sections 26-276, 26-670, and 26-172(a)(3) of the Baltimore County Code, to permit construction of a paved parking area in a riverine floodplain. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held were Gene Hux, a principal in the Painters Mill Enterprises, LLC, owners of the subject property, Edwin S. Howe, III, Professional Engineer who prepared the site plan for this property, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel, located on the east side of Painters Mill Road, across from its intersections with South Dolfield Road and New Plant Court in the Owings Mills Industrial Park. The property consists of a gross area of 1.23 acres, more or less, zoned M.L.-I.M. and is presently unimproved. The property is located adjacent to another parcel owned by the Petitioners which has been

ORDER RECEIVED FOR FILING

Date

By

5/9/00

HP

developed with a one-story building, containing a mixed use of offices and a bank, and an accessory parking area which serves those office uses. The Petitioners propose to develop the subject unimproved parcel with a 19-space parking lot to provide additional parking for the adjacent parcel. The requested waiver is necessary due to the fact that a large percentage of the parcel is located in a riverine floodplain. The limits of the floodplain are more clearly shown on the site plan submitted into evidence as Petitioner's Exhibit 1, and 18 of the 19 proposed spaces are located therein. As shown on the plan, there will be no new curb cuts for the proposed lot from Painters Mill Road. In lieu thereof, an internal connection has been proposed to connect the existing improvements to the proposed parking lot.

Special hearing relief is requested, pursuant to Section 500.6 of the B.C.Z.R. The proposed construction of the lot is not subject to the development regulations codified in Title 26 of the Baltimore County Code, but for the requirement that a waiver is necessary to permit construction/disturbance in a floodplain.

A recommendation for the requested waiver was received from Thomas H. Hamer, Deputy Director of the Department of Public Works, by way of his memorandum dated March 31, 2000. That memorandum indicates that the waiver is supported, subject to three conditions. The first condition recommends that signage be posted in the lot indicating that the area may flood during severe storms. The Petitioner indicated that the placement of such signs within the subject parking area is agreeable; thus, this condition will be incorporated as a restriction to the relief granted.

The second condition requests that the Petitioner reduce and realign the proposed parking area. In this regard, Mr. Howe indicated that the suggested reduction would not appreciably eliminate areas of impervious surface and could create a traffic flow problem. It is to be noted that Mr. Hamer's recommendation states that "The Developer should be requested..." (emphasis added) that the configuration of the lot be changed. That is, Mr. Hamer's comment appears to be more of a request than a mandate. In this regard, Mr. Alderman indicated that a realignment of the lot could cause additional environmental problems. He stated that the

Department of Environmental Protection and Resource Management (DEPRM) had granted a forest buffer variance (see DEPRM's letter of April 3, 2000), and that realignment of the lot as proposed could raise issues with that agency.

A similar concern was expressed relative to the third condition of Mr. Hamer's recommendation. The Department of Public Works requests that the Developer provide fill to raise the surface of the parking lot to no more than ½ foot below the 100-year water surface elevation. As is the case with the second recommendation, such a proposal could cause additional environmental problems. Moreover, adding fill to the surface would necessitate review and approval by not only DEPRM, but the Army Corp of Engineers as well.

In view of the fact that Mr. Hamer's conditions are requests rather than mandates, and further, due to the fact that such requests may raise environmental considerations and the involvement of other County, State or Federal agencies, I decline to specifically incorporate them. Instead, I will direct that the Petitioner continue to work with the Department of Public Works (DPW), in conjunction with DEPRM, the Army Corps of Engineers, and other agencies as is necessary and required to reach a suitable compromise. The scheme of the proposed parking lot in my judgment seems appropriate and I am hesitant to impose specific conditions, in view of my concern that such an imposition could result in unintended environmental consequences.

Based upon the testimony and evidence presented, I am persuaded that the waiver request should be granted. I believe that the grant of the waiver will not result in any detrimental impact to the health, safety or general welfare of the surrounding community. Moreover, I am persuaded that the waiver requirements, as contained in the above-referenced Sections have been met in this case. In addition, the recommendation of the Department of Public Works and the reasons therefore, is persuasive.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of May, 2000 that the Petition for Special Hearing to approve a waiver, pursuant

ORDER RECEIVED FOR FILING
Date 5/9/00
By [Signature]

to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), of Section 517.2 (510.2) of the Baltimore County Building Code, and Sections 26-276, 26-670, and 26-172(a)(3) of the Baltimore County Code, to permit construction of a paved parking area in a riverine floodplain, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall continue to work with the Department of Public Works (DPW), in conjunction with DEPRM, the Army Corps of Engineers, and other agencies as is necessary and required to reach a suitable compromise relative to the realignment of the proposed parking lot.
- 3) The Petitioners shall arrange to have appropriate signage posted in the lot to notify patrons that the area may flood during severe storms.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT

Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 5/9/00
By [Signature]



Baltimore County
Zoning Commissioner

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

May 5, 2000

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SE/S Painters Mill Road, 250' SW of the c/l Music Fair Road
(30 New Plant Court)
3rd Election District – 3rd Councilmanic District
Painters Mill Enterprises, LLC - Petitioners
Case No. 00-377-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Messrs. Ronald W. Hux and Gene Hux
Painters Mill Enterprises, LLC, 30 New Plant Court, Owings Mills, Md. 21117
DEPRM; DPW; People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

Painters Mill Road @ South Dolefield R
for the property located at Owings Mills, Maryland 21117
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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See Attachment 1

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:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr.
Name - Type or Print
Signature
Levin & Gann, P.A.
Company
305 West Chesapeake Avenue 410-321-0600
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

Painters Mill Enterprises, LLC
Name - Type or Print
By: (Ron Hux)
Signature
Name - Type or Print
Signature
30 New Plant Court 410-363-2600
Address Telephone No.
Owings Mills, Maryland 21117
City State Zip Code

Representative to be Contacted:

Ron Hux
Name
30 New Plant Court 410-363-2600
Address Telephone No.
Owings Mills, Maryland 21117
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By 8007 Date 03-15-00

Case No. 00-377-SPA

REV 9/15/98

Date
By

ORDER RECEIVED FOR FILING

Attachment 1

PETITION FOR SPECIAL HEARING

Address: Painters Mill Road @ South Dolefield Road, Owings Mills, Maryland
21117

Legal Owner: Painters Mill Enterprises, LLC
30 New Plant Road
Owings Mills, Maryland 21117

Contract Purchaser: N/A

Present Zoning: ML-IM

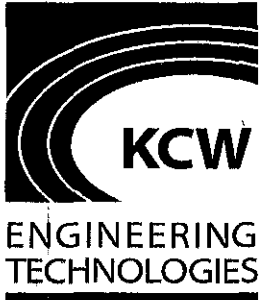
REQUESTED RELIEF:

Special Hearing for a **waiver** pursuant to Section 500.6, BCZR; Section 517.2 (510.2), Building Code; and Section 26-276, 26-670, 26-172 (a) (3), BCC to permit the construction of a paved parking area in a **riverine floodplain**.

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Date 5/6/10
By [Signature]

00 - 377 - SP4



KCW Engineering Technologies, Inc.
3104 Timanus Lane, Suite 101
Baltimore, MD 21244

(410) 281-0030
Fax (410) 298-0604
www.KCW-ET.com

William K. Woody
President and CEO

Douglas L. Kennedy
Senior Vice President

J. Peter McDonnell
Vice President

Ronald J. Lind
Associate Vice President

Martin J. Lipinski
Associate Vice President

Edwin S. Howe, III
Associate Vice President

Edward M. Shine
Associate

Joseph P. Wood
Associate

William C. Usher
Associate

Reginald C. Roberts
Associate

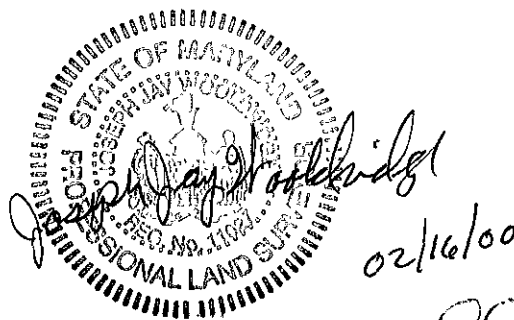
Re: Painters Mill Enterprises, LLC
30 New Plant Court
Owings Mill, Maryland

Zoning Description

BEGINNING at a point on the easterly right-of way of Painters Mill Road, eighty (80) foot right-of-way, said point being located 245 feet south of the centerline of Music Fair Road, seventy (70) foot right-of-way, thence leaving said easterly right of way,

- 1) South 49 degrees 54 minutes 34 seconds East 170.28 feet; thence
- 2) South 37 degrees 05 minutes 20 seconds West 350.73 feet to a point on the right-of-way line of said Painters Mill Road; thence running with and binding on said right-of-way line the following five (5) courses,
- 3) By a curve to the right having a radius of 875.00 feet, an arc length of 108.95 feet and a chord bearing North 04 degrees 19 minutes 05 seconds East 108.88 feet; thence
- 4) South 82 degrees 11 minutes 38 seconds 10.00 feet; thence
- 5) By a curve to the right having a radius of 865.00 feet, an arc length of 139.27 feet and a chord bearing North 12 degrees 29 minutes 55 seconds West 139.12 feet; thence
- 6) North 72 degrees 58 minutes 04 seconds West 10.00 feet; thence
- 7) By a curve to the right having a radius of 875.00 feet, an arc length of 318.96 feet and a chord bearing North 27 degrees 33 minutes 10 seconds East 317.20 feet to the Point of Beginning. Containing 1.383 acres of land more or less.

BEING the same property as described in a deed dated March 15, 1998 from Joanne M. Nicoll, Revocable Trust to Painters Mill Enterprises, LLC and recorded among the land records of Baltimore County, Maryland in Liber 14056 at Folio 731. Also being known as 30 New Plant Court, Owings Mills, and located in the Third Election District.



00-377-SPII

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **078974**

DATE 08-10-00 ACCOUNT 2000 GISC

AMOUNT \$ 72.00

RECEIVED FROM: Payroll Dept.

FOR: Payroll Dept.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

SPH

CASHIER'S VALIDATION

00-377-SPH

RECEIVED
OFFICE OF BUDGET & FINANCE
BALTIMORE COUNTY, MARYLAND
AUG 10 2000
CASHIER'S VALIDATION
00-377-SPH

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: #00-377-SPH

SE/S Painters Mill Road, 250' SW of centerline Music Fair Road

3rd Election District - 3rd Councilmanic District

Legal Owner(s): Painters Mill Enterprises, LLC

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 paved parking area in a riverine floodplain.

Hearing: Wednesday, April 26, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bowley 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 4/6/55 April 11

C383048

CERTIFICATE OF PUBLICATION

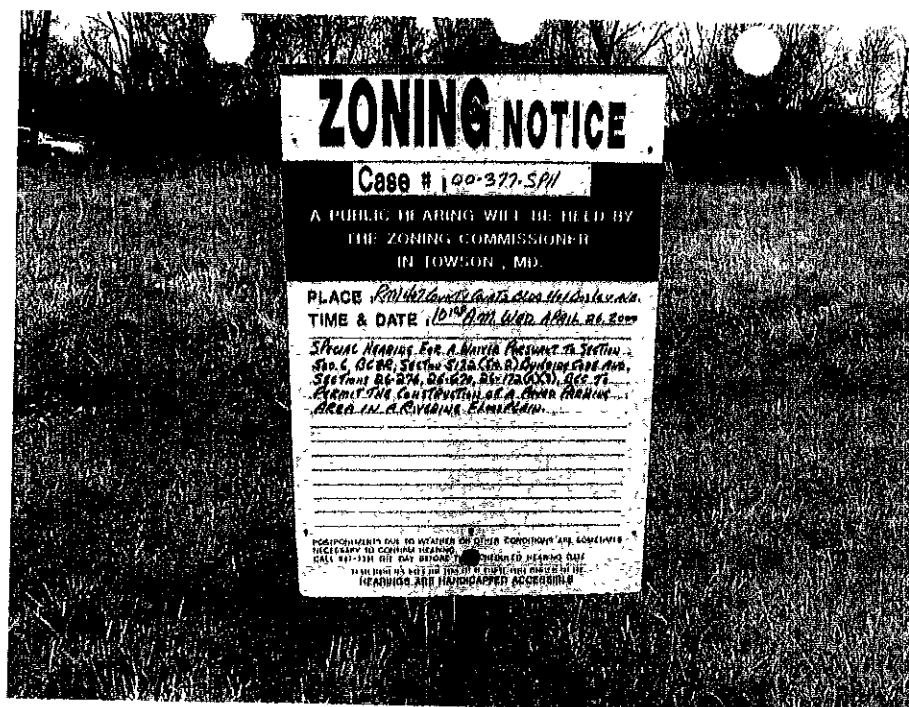
TOWSON, MD, 4/14, 2000

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 4/11, 2000.

THE JEFFERSONIAN,

J. Wilkinson

LEGAL ADVERTISING



Posted on SE/S Painters Mill Road

CERTIFICATE OF POSTING

**RE: CASE # 00-377-SPH
PETITIONER/DEVELOPER
(Painters Mill Entrp LLC)
DATE OF Hearing
(4-26-00)**

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

ATTENTION : MS. GWENDOLYN STEPHENS

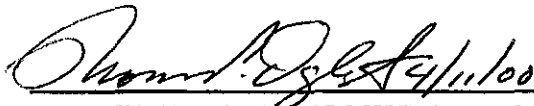
LADIES AND GENTLEMEN:

**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**

SE/S Painters Mill Rd Baltimore, Maryland 21117_____

THE SIGN(S) WERE POSTED ON _____ 4-11-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

_____ 410-687-8405 _____
(TELEPHONE NUMBER)

RE: PETITION FOR SPECIAL HEARING
Painters Mill Road at S. Dolfield Road,
SE/S Painters Mill Rd, 250' SW of c/I Music Fair Rd
3rd Election District, 3rd Councilmanic

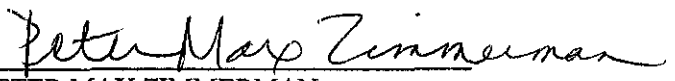
Legal Owner: Painters Mill Enterprises, LLC
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-377-SPH

* * * * *

ENTRY OF APPEARANCE

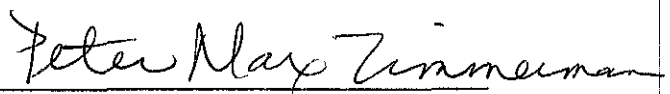
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


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 10th day of April, 2000 a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

March 28, 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: 00-377-SPH
SE/S Painters Mill Road, 250' SW of centerline Music Fair Road
3rd Election District – 3rd Councilmanic District
Legal Owner: Painters Mill Enterprises, LLC

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 paved parking area in a riverine floodplain.

HEARING: Wednesday, April 26, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Howard Alderman, Jr., Esquire, 305 W. Chesapeake Ave., Towson 21204
Painters Mill Enterprises, LLC, 30 New Plant Court, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY APRIL 11, 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, April 11, 2000 Issue – Jeffersonian

Please forward billing to:

Ronald W. Hux
Painters Mill Enterprises, Inc.
30 New Plant Court
Owings Mills, MD 21117

410-363-2600

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: 00-377-SPH

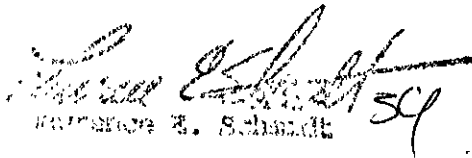
SE/S Painters Mill Road, 250' SW of centerline Music Fair Road

3rd Election District – 3rd Councilmanic District

Legal Owner: Painters Mill Enterprises, LLC

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 paved parking area in a riverine floodplain.

HEARING: Wednesday, April 26, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 00 - 377 - SP11
Petitioner: Painters Mill Enterprises, LLC
Address or Location: Painters Mill Road @ South Dolfield Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ronald W. Hux
Address: Painters Mill Enterprises, Inc.
30 New Plant Court
Owings Mills, Maryland 21117
Telephone Number: 410-363-2600

Revised 2/20/98 - SCJ

00 - 377 - SP11



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

April 21, 2000

Attorney Howard L. Alderman
Levin & Gann PA
305 W. Chesapeake Avenue
Towson MD 21204

Dear Attorney Alderman:

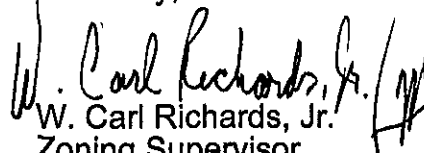
RE: Case Number 00-377-SPH , Painters Mill & South Dolefield Roads

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 15, 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
Fire Department

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

March 30, 2000

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

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MARCH 27, 2000

Item No.: See Below

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

371, 372, 374, 375, 376, (377) 378, AND 379

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

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *MB*
DATE: April 10, 2000
SUBJECT: Zoning Item #377
Painters Mill Enterprises

Zoning Advisory Committee Meeting of March 27, 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 A Forest Buffer Variance was granted on April 3, 2000 (see attachment).

Reviewer: Betty Kelley

Date: April 10, 2000

ATTACHMENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Department Of Permits And Development Management

ATTN: Gwendolyn Stephens

FROM: Thomas H. Hamer, Deputy Director 
Department of Public Works

DATE: March 31, 2000

SUBJECT: Floodplain Waiver
Case Number 00-377-SPH
Parking in Riverine Floodplain

A waiver has been requested to allow a paved parking area to be developed in a riverine floodplain area to the immediate south of the property at 101-111 Painters Mill Road.

This department supports the request subject to the following:

1. The flood-prone area of the proposed parking lot must be signed clearly indicating the hazard (for example: "Warning: Parking Area Floods During Severe Storms"). Flood-prone areas of existing parking lot should also be similarly signed, if this has not already been done.
2. The developer should be requested to reduce the size of the proposed parking area by reconfiguring the parking layout to provide the same number of spaces but without the large circular lane to the south and possibly using a single access lane surrounded by 90° parking on both sides.
3. The developer should be requested to provide fill to raise the paving surface to no more than one-half foot below the 100-year water-surface elevation (estimated at elev. 455.6 (BCD) at this location).

CC: John Joyce, John Maple
THH/dlt/s

G:\Users\jthomas\Home\General\MSDLT\FLOOD\ZACITEMS\Parking for 101-111 Painters Mill Rd.doc

fs
4/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

APR - 3

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

DATE: April 3, 2000

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

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comments on the following petitions(s):

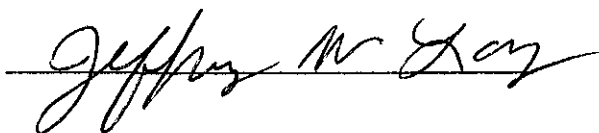
Item No(s): **375/377/388**

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

Prepared by:



Section Chief:



AFK/JL:MC



Maryland Department of Transportation
State Highway Administration

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

Date: 3.27.00

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

RE: Baltimore County
Item No. 377 JRA

Dear Ms. Jackson:

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

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., 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
Department of Environmental Protection
and Resource Management

Office of the Director
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

April 3, 2000

Mr. Edwin S. Howe, III, P.E.
KCW Engineering Technologies, Inc.
3104 Timanus Lane, Suite 101
Baltimore, MD 21244

Re: 100 Music Fair Road
Parking Addition adjacent property
Forest Buffer Variance

Dear Mr. Howe:

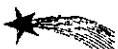
A request for a variance from the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department on February 16, 2000. This request proposes to construct nineteen parking spaces within a grassed portion of the Forest Buffer Easement (FBE) off of the Gwynns Falls. This FBE is generated from the 100 year floodplain. A total of 10,900 square feet of disturbance is proposed; however, no fill is to be placed within the floodplain in accordance with comments from Baltimore County Department of Public Works.

This Department has reviewed your request, and has determined that a practical difficulty/unreasonable hardship does exist, and that the potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures. Therefore, we will grant this request in accordance with Section 14-334 of the Baltimore County Code, with the following conditions.

- 1 The following note must appear on all plans submitted for this project:

"A variance was granted by the Baltimore County Department of Environmental Protection and Resource Management from Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. The Forest Buffer Easement and building setback shown hereon are reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts."

- 2 The Forest Buffer Easement shall be permanently posted at 50 foot intervals with "Forest Buffer - Do Not Disturb" signs that are available from this Department, by grading permit close-out.
- 3 A 22,000 square foot area of Forest Buffer Easement proximate to the stream shall be planted in accordance with an approved Forest Buffer Protection Plan (FBPP), using the guidance found in the Baltimore County Forest Conservation Technical Manual.
- 4 The FBPP shall be provided concurrently with the grading plan for the project. An Environmental Agreement shall be signed, and a security equal to \$0.25 per square foot of mitigation shall be posted prior to grading permit issuance.



Census 2000



For You, For Baltimore County



Census 2000



Mr. Edwin S. Howe, III
April 3, 2000
Page #2

5. Prior to grading permit approval, an Environment Agreement shall be signed, and a Forest Buffer Protection security shall be posted, in accordance with the attached Forest Buffer Protection security policy. Release of the FBPP security will be in accordance with the attached policy.

6 All State and Federal permits to impact waterways, wetlands and associated buffers shall be obtained prior to grading permit approval.

7 All work required as a condition of this variance approval shall be completed by September 30, 2000.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Please have the property owner sign the statement below/on the next page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Ms. Betty Kelley at (410) 887-3980.

Sincerely yours,



George G. Perdikakis
Director

C: Mr. Al Wirth
Mr. John Maple

GGP:blk

Betty10\w100musicfairrdbv

I/we agree to the above conditions to bring my/our property into compliance with Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains

Property Owner

Date

Property Owner

Date

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

To: Edwin Howe
From: Dave
Thomas

TO: Department Of Permits And Development Management
ATTN: Gwendolyn Stephens
FROM: Thomas H. Harner, Deputy Director
Department of Public Works
DATE: March 31, 2000
SUBJECT: Floodplain Waiver
Case Number 00-377-SPH
Parking in Riverine Floodplain

Let No 2

A waiver has been requested to allow a paved parking area to be developed in a riverine floodplain area to the immediate south of the property at 101-111 Painters Mill Road.

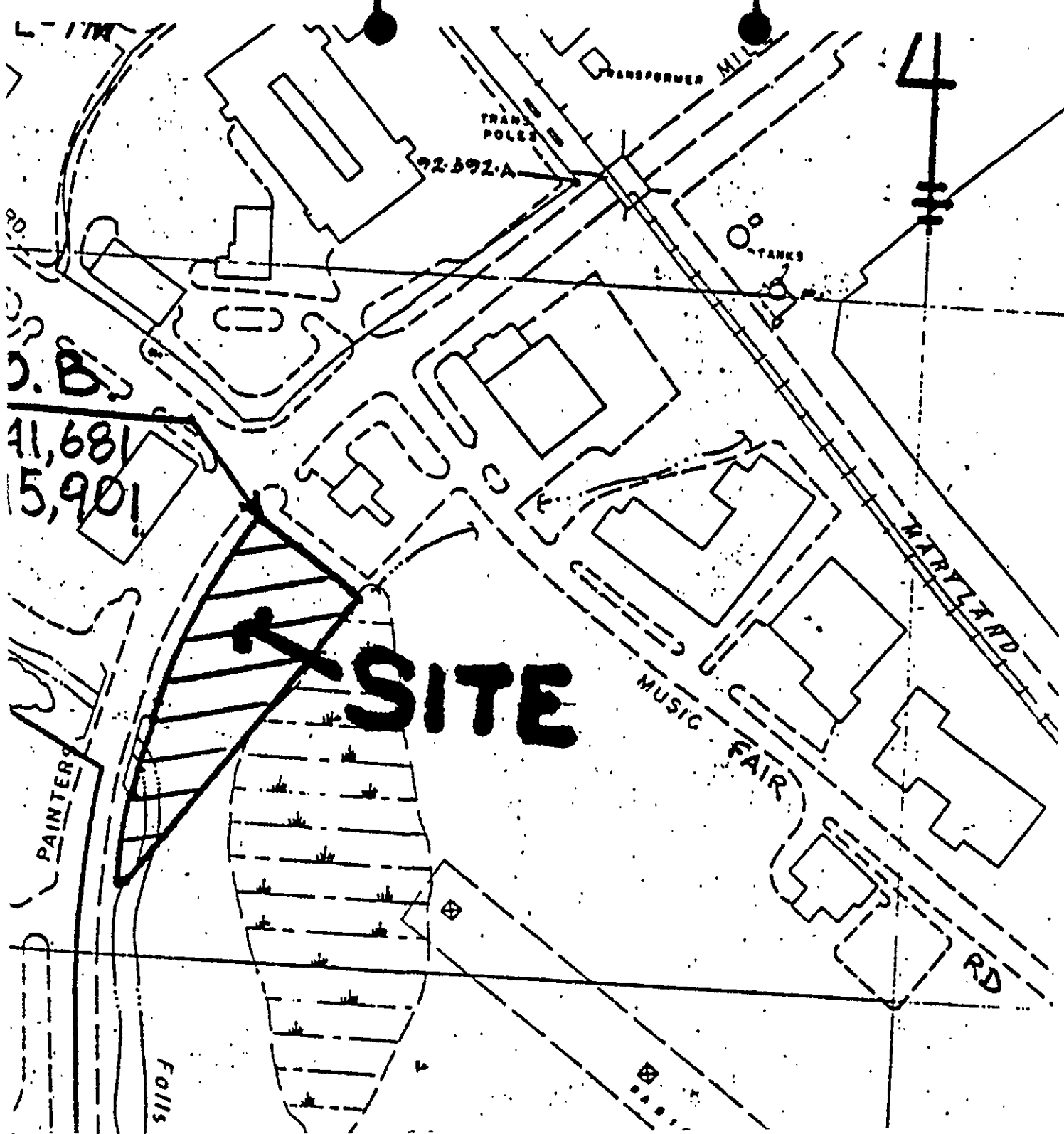
This department supports the request subject to the following:

1. The flood-prone area of the proposed parking lot must be signed clearly indicating the hazard (for example: "Warning: Parking Area Floods During Severe Storms"). Flood-prone areas of existing parking lot should also be similarly signed, if this has not already been done. / OK
2. The developer should be requested to reduce the size of the proposed parking area by reconfiguring the parking layout to provide the same number of spaces but without the large circular lane to the south and possibly using a single access lane surrounded by 90° parking on both sides. /
3. The developer should be requested to provide fill to raise the paving surface to no more than one-half foot below the 100-year water-surface elevation (estimated at elev. 455.6 (BCD) at this location).

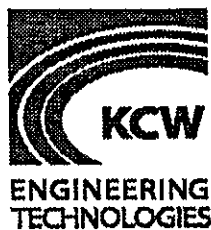
CC: John Joyce, John Maple

THH/dlt/s

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BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP N.W. 11-H (COPY)

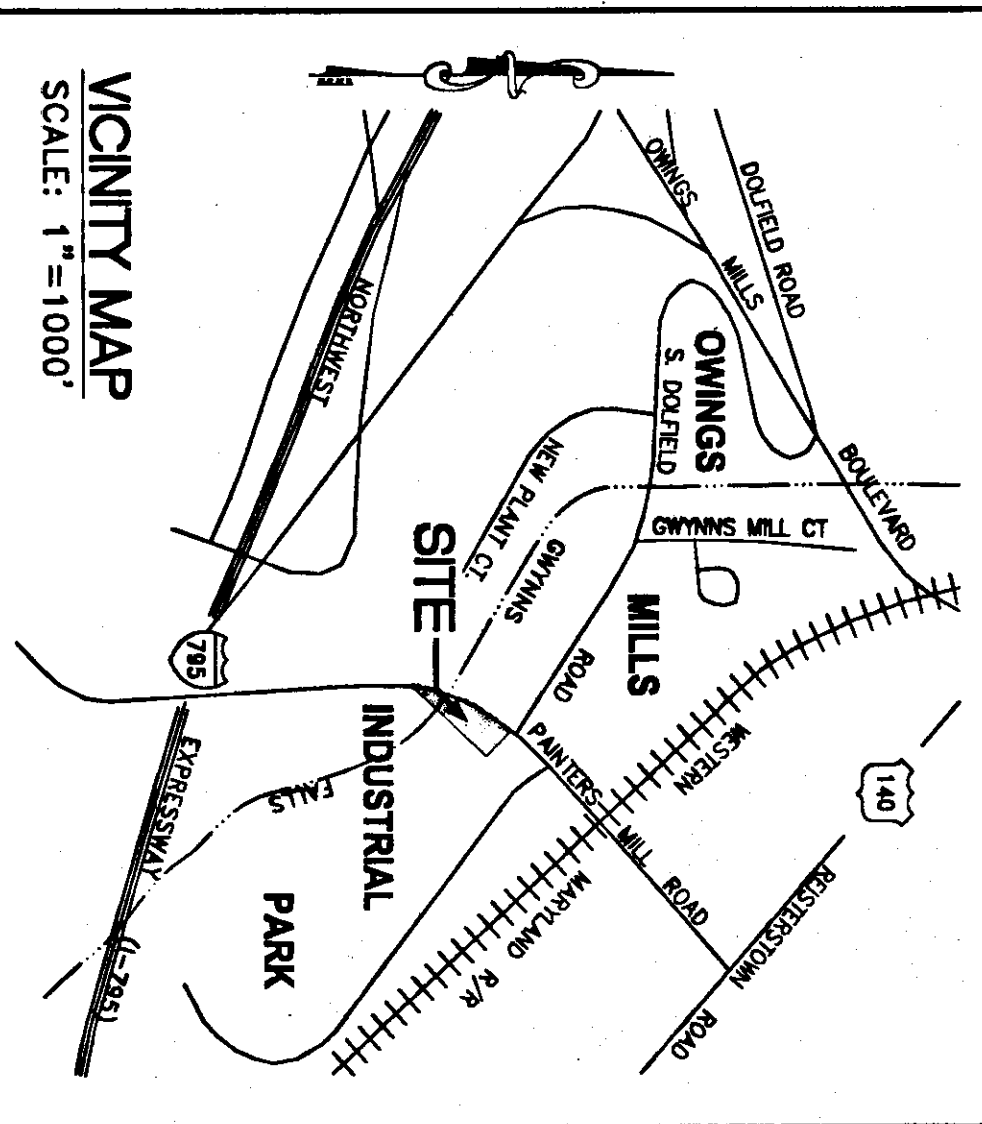
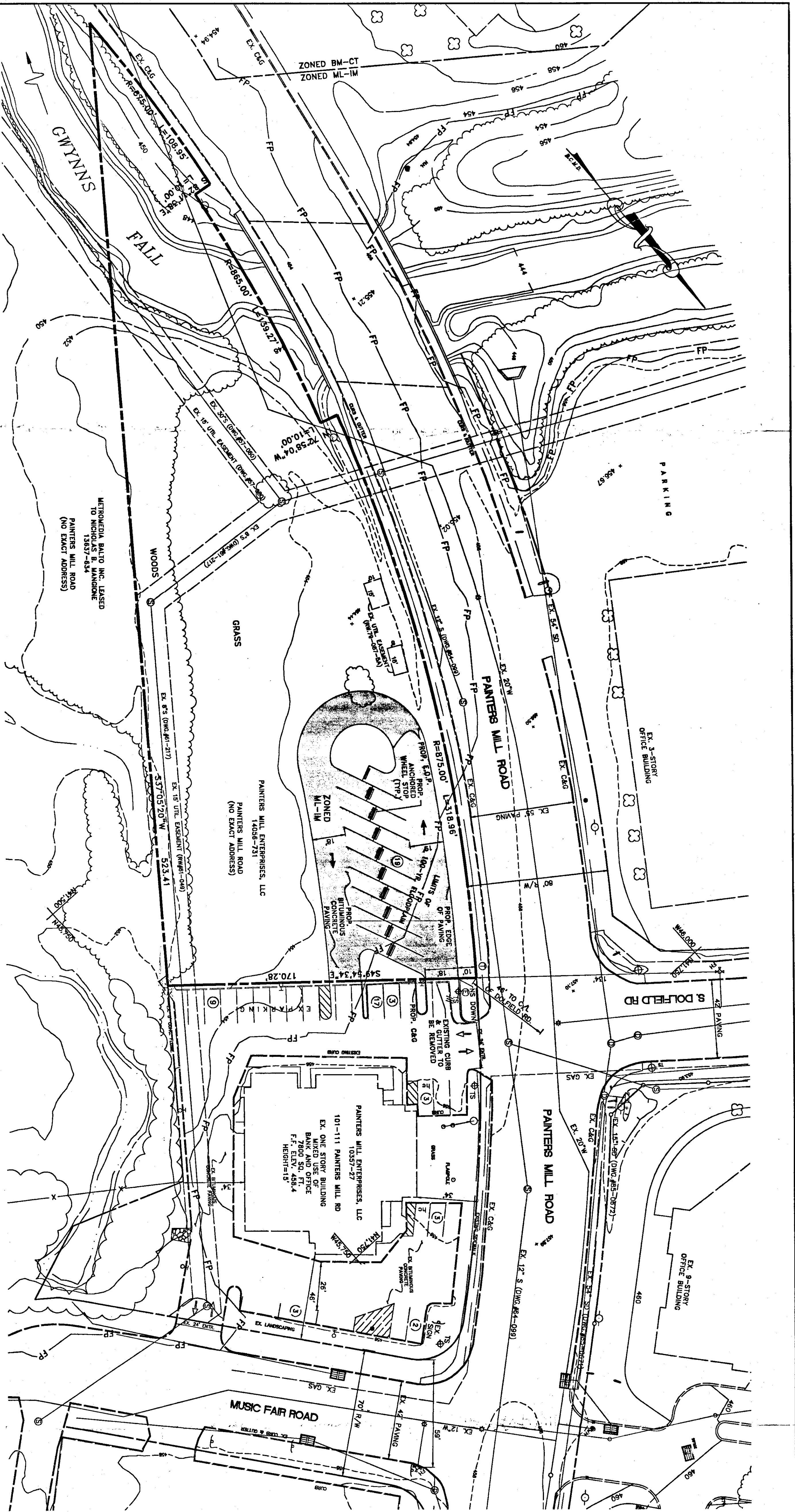


KCW Engineering Technologies, Inc.
3104 Timanus Lane, Suite 101
Baltimore, MD 21244
(410) 281-0033
Fax (410) 281-1065
www.KCW-ET.com

PLAT TO ACCOMPANY PETITION
for ZONING SPECIAL HEARING
PAINTERS MILL ENTERPRISES, INC.
PAINTERS MILL RD.
© S. DOLFIELD RD.

BALTIMORE CO., MARYLAND ELECTION DISTRICT - 03
SCALE: 1" = COUNCILMANIC DISTRICT - C3

00-377-SP4



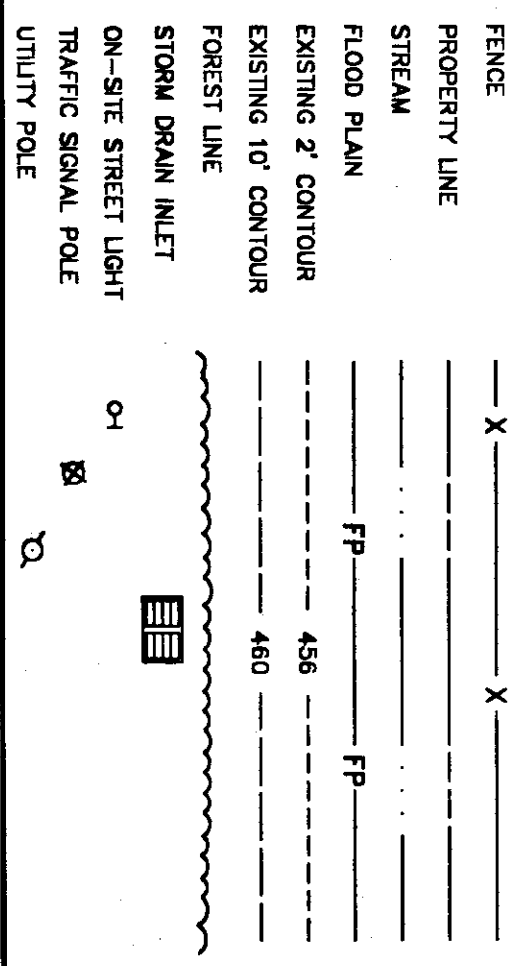
GENERAL NOTES

- OWNER: Panthers Mill Enterprises, LLC
30 New Plant Court
Owings Mills, Maryland 21117
- DEVELOPER: Panthers Mill Enterprises, LLC
30 New Plant Court
Owings Mills, MD 21117
- PROPERTY LOCATION: Panthers Mill Road
Owings Mills, Maryland 21117
- DEED: 14066-731
M.D. ACCOUNT NO.: 1320014426
TAX MAP: 52712 SS
ELECTION DISTRICT: 03
- ADJ. MAP: 24 11-4
- ZONING: ML-IM (Per 1"-200' Zoning Map N.W. 11-10).
- EXISTING LAND USE: This site is currently undeveloped.
- PROPOSED LAND USE: Additional parking to be provided for the adjacent property at 101-111 Panthers Mill Road.
- PARKING:
Ex. Located Office: 3,625 sq. ft. * 4.5 p.s./1000 sq. ft. = 5.5 p.s.
Ex. Bank: 1,828 sq. ft. * 3.3 p.s./1000 sq. ft. = 6.4 p.s.
Ex. Cellular Telephone: 800 sq. ft. * 5.0 p.s./1000 sq. ft. = 28 p.s.
Total parking spaces provided: 42 p.s.
- There are no known historic buildings, archaeological sites, endangered species habitats, or other features of significance on this property. There are no significant views or site features that may affect the development project. There are no significant regulated point or wildlife communities based upon DDTs and BNL data.
- Lighting: Proposed lights shall be shielded to minimize glare.
- Previous Commercial Permit: No known previous commercial building permits for subject property.
- Previous Commercial Permits for 101-111 Panthers Mill Road:
01-10-81 B077053 C-204-40 Contract (4) building additions
03-21-81 B088574 S-7218-22 Initial signs
03-13-81 B081656 S-7232-24 Initial signs
- Previous Zoning Cases: No known previous zoning cases.

Petition for SPECIAL HEARING

Special Hearing for a waiver pursuant to Section 500.6, BCCR, Section 517.2 (510.2), Building Code, and Sections 26-276, 26-670, 26-172(a)(3), BCC to permit construction of the paved parking area in a riverine floodplain.

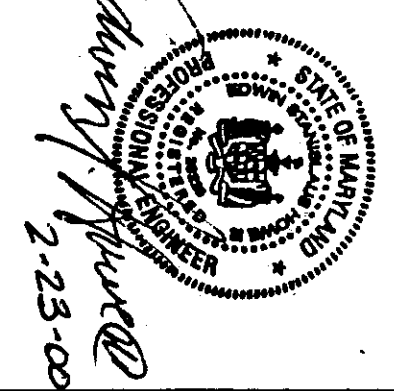
LEGEND



PLAN TO ACCOMPANY PETITION for ZONING SPECIAL HEARING

 ENGINEERING TECHNOLOGIES www.KCW-ET.com	KCW Engineering Technologies, Inc. 3104 Timarus Lane, Suite 101 Baltimore, MD 21244 (410) 281-0033 Fax (410) 281-1055	 <i>David J. Hux</i> 2-23-00																											
DEVELOPER:																													
PAINTERS MILL ENTERPRISES 30 New Plant Court Owings Mills, Maryland 21117 Attn: Ron Hux Tel#: (410) 363-2600																													
<table><thead><tr><th colspan="2">REVISIONS</th><th>KCW J.O.: 981025</th></tr><tr><th>DATE</th><th>DESCRIPTION</th><th>SCALE: 1" = 30'</th></tr></thead><tbody><tr><td></td><td>DESIGNED: MT</td><td></td></tr><tr><td></td><td>DRAWN: MT</td><td></td></tr><tr><td></td><td>CHECKED: ESH</td><td></td></tr><tr><td></td><td>DATE: FEB. 23, 2000</td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></tbody></table>			REVISIONS		KCW J.O.: 981025	DATE	DESCRIPTION	SCALE: 1" = 30'		DESIGNED: MT			DRAWN: MT			CHECKED: ESH			DATE: FEB. 23, 2000										
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