IN RE: PETITION FOR VARIANCE

N/S Blair Hill Lane, 572' W of the c/l

Clarkview Road (6310 Blair Hill Lane) 3<sup>rd</sup> Election District

2<sup>nd</sup> Council District

Blair Hill Lane, LLC Petitioners \* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 01-327-A

\*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Blair Hill Lane, LLC, by Gary Lawrence Cayce, Member, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a variance from Section 255.1 (Section 238.2) to permit a side yard setback of 26 feet in lieu of the minimum required 30 feet for a proposed addition. The subject property and requested relief 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 in support of the request were Geoffrey C. Schultz, Vice President, McKee & Associates, Inc., 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 a rectangular shaped parcel located at the end of the south side of Blair Hill Lane, immediately adjacent to a BGE right-of-way which abuts the Jones Falls Expressway (I-83). The property consists of a gross area of 0.827 acres, more or less, zoned M.L., and is improved with a one-story masonry building of 12,000 sq.ft. This property was the subject of prior Case No. 00-563-A in which Deputy Zoning Commissioner Timothy M. Kotroco granted relief to permit the construction of a 3,750 sq.ft. addition to the existing structure, pursuant to his Order dated August 24, 2000. Specifically, relief

was granted to permit a rear yard setback of 5 feet in lieu of the required 30 feet. However, it was not realized until after the decision was rendered in that case that additional variance relief was necessary. That is, due to the unusual taper of the property adjacent to the BGE right-of-way, the northwest corner of the proposed addition will be located 26 feet from the side property line, slightly less than the required 30 feet. Thus, the requested variance relief is necessary.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. I am satisfied that the Petitioners have met the requirements of Section 307.1 of the B.C.Z.R. Moreover, the granting of the relief will be consistent with Deputy Commissioner Kotroco's Order.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of April, 2001 that the Petition for Variance seeking relief from Section 255.1 (Section 238.2) to permit a side yard setback of 26 feet in lieu of the minimum required 30 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bis



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

April 19, 2001

Howard L. Alderman, Jr., Esquire Levin & Gann Nottingham Centre, 8<sup>th</sup> Floor 502 Washington Avenue Towson, Maryland 21204-2801

RE: PETITION FOR VARIANCE

N/S Blair Hill Lane, 572' W of the c/l Clarkview Road

(6310 Blair Hill Lane)

3<sup>rd</sup> Election District — 2<sup>nd</sup> Council District

Blair Hill Lane, LLC - Petitioners

Case No. 01-327-A

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Gary Lawrence Cayce, Blair Hill Lane, LLC
6310 Blair Hill Lane, Baltimore, Md. 21209-2132
Mr. Geoffrey C. Schultz, McKee & Assoc., Inc.
5 Shawan Road, Suite 1, Cockeysville, Md. 21030
People's Counsel; Case File



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 6310 Blair Hill Lane
which is presently zoned

ML

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

255.1 [which refers to 238.2 (BR)] to allow a side yard setback of 26 feet in lieu of the minimum required 30 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 building has a deficient sideyard and thus, the addition to the rear of the building also is deficient. Other reasons to be presented at the hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s): Blair Hill Lane, LLC Gary Lawrence Cayce, Authorized Member
Name - Type or Print	Name - Type of Print
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	6310 Blair Hill Lane (410) 296-1117 Address Telephone No
Howard L. Alderman, Jr.	Baltimore, Maryland 21209-2132
Name Type or Print Alder Signature	City State Zip Code  Representative to be Contacted: Geoffrey C. Schultz, V.P.
<b>6</b>	McKee & Associates, Inc.
Lavie & Gann, P.A. Company Nottingham Centre, 8th Floor	Name
502 Washington Avenue (410) 321-0600 Address Telephone No.	5 Shawan Road, Suite 1 (410) 527-1555 Address Telephone No.
Tewson, Maryland 212-4-2801	Cockeysville, Maryland 21030
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
No. 01-327-A	ESTIMATED LENGTH OF HEARING
	UNAVAILABLE FOR HEARING

Engineering • Surveying • Environmental Planning Real Estate Development

June 30, 2000



ZONING DESCRIPTION OF 6310 BLAIR HILL LANE 3<sup>RD</sup> ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING at a point on the north side of Blair Hill Lane (30-foot wide private Right-of-Way), said point being 572 feet west of the west side of Clarkview Road (60-foot wide Right-of-Way), thence running South 20 degrees 02 minutes 24 seconds East, 236.57 feet, by a curve to the left having a radius of 9.25 feet and an arc length of 13.80 feet, South 77 degrees 34 minutes 00 seconds West, 171.55 feet, North 15 degrees 54 minutes 09 seconds West, 223.61 feet, and North 69 degrees 57 minutes 36 seconds East, 145.88 feet to the point of beginning.

**CONTAINING** 36,024 square feet or 0.827 acres of land as recorded in Deed Liber 11771, Folio 384.

BEING known as 6310 Blair Hill Lane.

**BEING** a part of Lot 6310 as shown on Resubdivision of Part of Plat One, Northern Central Distribution Center and recorded in Plat Book 56, Page 63.

01- 327-A

BALTIMORE COUNTY, MAF. AND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	9005 No.	3,
DATE 2-14-01 ACCOUNT	001-006-6150	_
AMOUNT 3	\$ 250. <u>20</u>	
RECEIVED MISKES MASSOCIOTES		K)
6310 Blo - HILL.	ITEM # 327	<b>-</b> ` ,
FOR: CI VARIANCE	TAKEN BY : JRF	_
		_
DISTRIBUTION  WHITE - CASHIER PINK - AGENCY YELLOW - C	HOTOMED	-

BALTIMORE COUNTY, MAF. AND

PAYSENT ASTURE THE 2/16/2001 2/16/2001 11/16/33 HE MADE CASTLY MALINE SPARES OF A Per 5 500 Frank Walter 1881 TR 10. 190851 People for 250.00 Ca. 250.00 Ca. 250.00 Ca. 250.00 Ca. 250.00 Ca. 250.00 Ca. 250.00 Callisons County, Reviews

CASHIER'S VALIDATION

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property dentified herein as follows:

Case: #01-327-A
6310 Blair Hill Lane
N/S Blair Hill Lane, 572' W
of Clarkview Road
3rd Election District
2nd Councilmanic District
Legal Owner(s): Blair Hill
Lane, LLC
Variance: to allow a side
yard setback of 26 feet in
lieu of the minimum required 30 feet.
Hearing: Thursday, April 5,
2001 at 9:00 a.m. in Room
407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

MOTES: (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/3/705 Mar.20 C457521

# **CERTIFICATE OF PUBLICATION**

	1
TOWSON, MD,	323 ,2001
THIS IS TO CERTIFY, that the a	annexed advertisement was
published in THE JEFFERSONIAN, a we	eekly newspaper published in
Towson, Baltimore County, Md., once in ea	ach ofsuccessive
weeks, the first publication appearing on _	<u> 320 , 2001 .</u>
	·
	,
JUHE TE	EFFERSONIAN,
J. Wil	llur
EGAL	ADVERTISING

# ZONING NOTICE

CASE # OI-327-A

A PUBLIC HEARING WILL BE HELD E THE ZONING COMMISSIONER IN TOWSON, MD

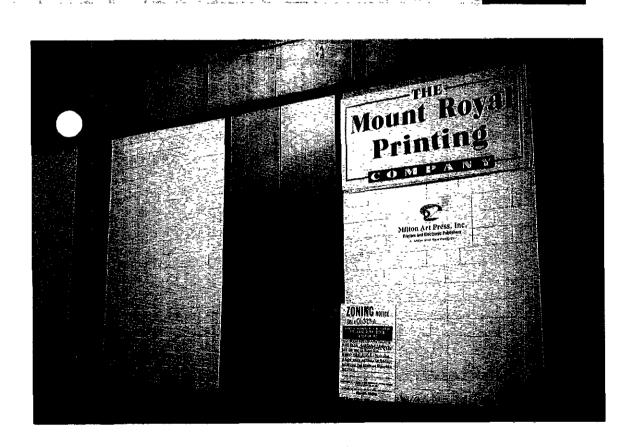
PLACE: BLDG., 401 BOSLEY AVENUE
DATE AND TIME: AT 9: 00 A.M.
REQUEST: VARIANCE - TO ALLOW

A SIDE YARD SETBACK OF ZGFEET IN LIEU OF THE MINIMUM REQUIRED 30 FEET.

POSTROMEMENTS DUE TO WEATHER DE GITHER CONDITIONS ARE SOMETURES NECESSARY.
TO CONFIDM NEARING CALL 887-3391

DO MOTHERONE THIS SIGH AND POST UNTIL DAY OF REARING, UNDER PERALTY OF LAW

RAIDICAPPED ACCESSIBLE



# CERTIFICATE OF POSTING

cert.doc

	RE: Case No.: <u>O1-327-A</u>
	Petitioner/Developer:
	BLAIR HILLLANG, LLC
	Date of Hearing/Closing: APric 5, 700
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 perjuence posted conspicuously on the property locat  # 6310 Bu	ed at
The sign(s) were posted on MARCH	19 TH Zeol Month, Day, Year)
	Sincerely,  (Signature of Sign Poster and Date)  (Printed Name)  3225RYERSONI (CINCLE  (Address)  BACTIMONE, MD. 2127)  (City, State, Zip Code)  (410) 247-4763  (Telephone Number)
9/96	(

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 327		
Petitioner: BLAIR HILL LANE, LLC.		
Address or Location: 6310 BLAIR HILL LANE		
PLEASE FORWARD ADVERTISING BILL TO:		
Name:MCKEE + ASSOC. JNC.		
Address: 5 SHAWAN ROAD		
HUNT VALLEY MD- Z1030		
Telephone Number: 410 - 527 - 1555		

Revised 2/20/98 - SCJ

01-327-A

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 20 2001 Issue - Jeffersonian

Please forward billing to:

Geoffrey C Schultz VP McKee & Associates Inc 5 Shawan Road Suite 1 Cockeysville MD 21030

410 527-1555

### 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: 01-327-A

6310 Blair Hill Lane

N/S Blair Hill Lane, 572' W of Clarkview Road 3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owner: Blair Hill Lane, LLC

Variance to allow a side yard setback of 26 feet in lieu of the minimum required 30 feet.

HEARING: Thursday, April 5, 2001 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Lawrence E. Schmidt

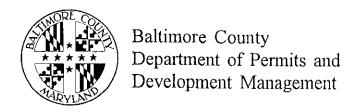
G)Z

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.



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

Fax: 410-887-5708

March 2, 2001

#### 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: 01-327-A

6310 Blair Hill Lane

N/S Blair Hill Lane, 572' W of Clarkview Road 3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owner: Blair Hill Lane, LLC

Variance to allow a side yard setback of 26 feet in lieu of the minimum required 30 feet.

HEARING: Thursday, April 5, 2001 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

C: Howard L Alderman Jr, Levin & Gann PA 502 Washington Ave 8<sup>th</sup> Floor, Towson 21204

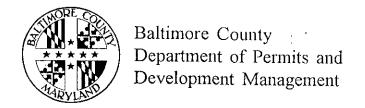
Gary L Cayce, Authorized Member, Blair Hill Lane LLC, 6310 Blair Hill Lane, Baltimore 21209

Geoffrey C Schultz VP, McKee & Associates Inc, 5 Shawan Rd Suite 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 20, 2001.

(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.



Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900

Fax: (410) 887-2824

April 2, 2001

Howard L Alderman Jr Levin & Gann PA Nottingham Centre 8<sup>th</sup> Floor 502 Washington Avenue Towson MD 21204

Dear Mr. Alderman:

RE: Case Number: 01-327-A, 6310 Blair Hill Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 14, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

W Carl Richards Ir

WCR: gdz

Enclosures

c: Gary Lawrence Cayce Authorized Member, Blair Hill Lane LLC 6310 Blair Hill Lane, Baltimore 21209 Geoffrey C Schultz VP, McKee & Associates Inc, 5 Shawan Road Suite 1 Cockeysville 21030 People's Counsel

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** March 08, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-297 & 01-327

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/JL:MAC



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

Administrator

Date: 2.26.01

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

RE: Baltimore County

Item No. 327 JRF

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,

1. 1 soll

Lev

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division



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

February 28, 2001

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

Property Owner: BLAIR HILL LANE, LLC

Location: DISTRIBUTION MEETING OF February 26, 2001

Item No.: 327

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

## BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

**DATE:** March 8, 2001

Department of Permits & Development Mgmt.

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For March 5, 2001

Item Nos. 327, 329, and 330

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

RWB:HJO:jrb

cc: File

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley (M)

DATE:

March 19, 2001

SUBJECT:

**Zoning Petitions** 

Zoning Advisory Committee Meeting of February 26, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address	
327	6310 Blair Hill Lane	
12PM	2000 Towson Avenue	
319 Revised	8 and 14 Hillside Avenue	•





RE: PETITION FOR VARIANCE 6310 Blair Hill Lane, N/S Blair Hill Ln, 572' W of Clarkview Rd 3rd Election District, 2nd Councilmanic

Legal Owner: Blair hill Lane, LLC Petitioner(s)

\* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* Case No. 01-327-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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

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 27th day of February, 2001 a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 502 Washington Avenue, 8th Floor, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

# CASE NO. 01-327 A

PLEASE PRINT CLEARLY

## PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS		
GEOFFREY C SCHULTZ	5 SHAWAN RD 21030		
**************************************			

