

IN RE: PETITION FOR VARIANCE
W/S Fitch Lane, 150' S of the c/l
Fitch Avenue
(4321 Fitch Avenue)
14th Election District
6th Council District

Meyer Seed International
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-495-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 owner of the subject property, Meyer Seed International, through Kenneth O. Hurst, President. The Petitioner seeks relief from Sections 255.1, 238.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow front and side yard setbacks of 1 foot each in lieu of the required 25 feet, and from Section 301.1 of the B.C.Z.R. to allow a projection into the front and side yards of greater than 25% of the required setback. 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 on behalf of the Petitioners was Thomas A. Church, a Professional Engineer with Development Engineering Consultants, Inc., who prepared the site plan for this property. 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 west side of Fitch Lane, just south of Fitch Avenue in Rosedale. The property consists of a gross area of 4.926 acres, more or less, zoned M.L.-I.M. and is presently being developed with a one-story warehouse/office building. The property was the subject of prior zoning Case No. 00-255-A, in which Deputy Zoning Commissioner Timothy M. Kotroco granted variance relief to permit construction of the subject building with side and front setbacks of 1 foot each in lieu of the required 25 feet on January 31, 2000. To the extent applicable, the findings and

ORDER RECEIVED FOR FILING
Date 8/13/01
By [Signature]

conclusions in that decision are incorporated herein. The Petitioners now come before me seeking similar relief as set forth above to permit construction of a concrete platform on the northwest (front) corner of the building. As shown on the site plan, the proposed platform will be even with the front face of the building, and be located approximately 1 foot from the side property line.

On behalf of the Petitioners, Mr. Church testified that the subject platform is necessary to provide a base on which to place a temporary greenhouse building. It was indicated that Meyer Seed International proposes to utilize this building to store and display plants and similar stock used in connection with its business. A prototype of that building was submitted into evidence as Petitioner's Exhibit 2. The platform will essentially provide a base upon which this temporary unit will be constructed.

Based upon the testimony and evidence presented, I am persuaded to grant the relief. In my judgment, the Petitioner has satisfied the requirements of Section 307 of the B.C.Z.R. for variance relief to be granted. It is clear that the Petitioner would suffer a practical difficulty if relief were denied and that there will be no detrimental impacts to the health, safety or general welfare of the surrounding locale. However, reference is made to the Zoning Advisory Committee (ZAC) comment received from Robert W. Bowling, Development Plans Review division of the Department of Permits and Development Management (DPDM), dated June 27, 2001. Within that comment, a question was raised as to whether part of the proposed drainage swale for this site would be eliminated if a variance is granted for the platform and what route storm water runoff would take if the subject platform is permitted. Testimony at the hearing indicated that the site plan originally filed with the Petition was subsequently updated and that the site plan submitted at the hearing shows that the Petitioners now propose the construction of a culvert under the platform to accommodate that runoff. Mr. Church explained that the culvert would be installed to transport storm water runoff beneath the subject platform to the proposed storm water outfall. It appears that such a proposal is appropriate, subject to the approval of Development Plans Review. Thus, grant of the requested variance is conditioned upon the Petitioner obtaining such approval of its proposed culvert, prior to the issuance of any permits.

ORDER RECEIVED FOR FILING

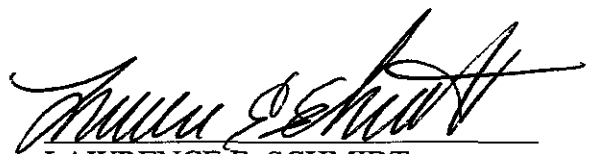
Date

By

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 13th day of August, 2001 that the Petition for Variance seeking relief from Sections 255.1, 238.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow front and side yard setbacks of 1 foot each in lieu of the required 25 feet, and from Section 301.1 of the B.C.Z.R. to allow a projection into the front and side yards of greater than 25% of the required setback, 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) Prior to the issuance of any permits, the Petitioners shall obtain approval from the Development Plans Review division of DPDM regarding the design, configuration and location of the proposed culvert to insure that any storm water runoff is conveyed to a suitable outfall.
- 3) When applying for any permits, 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 8/13/01
By [Signature]



Baltimore County
Zoning Commissioner

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

August 13, 2001

Mr. Kenneth O. Hurst
Meyer Seed International
8633 Belair Road
Baltimore, Maryland 21236

RE: PETITION FOR VARIANCE
W/S Fitch Lane, 150' S of the c/l Fitch Avenue
(4321 Fitch Avenue)
14th Election District – 6th Council District
Meyer Seed International - Petitioner
Case No. 01-495-A

Dear Mr. Hurst:

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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Thomas A. Church, Development Engineering Consultants, Inc.
6603 York Road, Baltimore, Md. 21212
Development Plans Review, DPDM; People's Counsel; Case File

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



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at ⁴²³¹~~4231~~ FITCH AVENUE

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 Variance from Section(s) 255.1, 238.1 AND 238.2 TO ALLOW A

FRONT AND SIDE SETBACK OF 1', AND SECT. 301.1 TO ALLOW A PROJECTION INTO THE FRONT AND SIDE YARDS GREATER THAN 25% OF THE REQUIRED SETBACK.

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

TO ALLOW A CONCRETE PLATFORM (OPEN PORCH) ON THE SIDE OF THE BUILDING FOR DISPLAY OF OUTDOOR PLANTS AND GARDENING EQUIPMENT.

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:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

KENNETH O. HURST

Name - Type or Print

Signature

Name - Type or Print

Signature

MEYER SEED INTERNATIONAL

8633 BELAIR ROAD

Address

410-256-8128

Telephone No.

BALTIMORE,

City

MD

State

21239

Zip Code

Representative to be Contacted:

THOMAS A. CHURCH, P.E.

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Name

6603 YORK ROAD

Address

day 2001
410-377-2601

Telephone No.

BALTIMORE,

City

MD

State

21212

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By ph

Date 5/18/01

ORDER RECEIVED FOR FILING

Date

By

Case No. 01-495-A

RECEIVED 9/15/98

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

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

ZONING DESCRIPTION

FOR
MEYER SEED COMPANY
SOUTHWEST CORNER OF FITCH AVENUE & FITCH LANE
14TH ELECTION DISTRICT

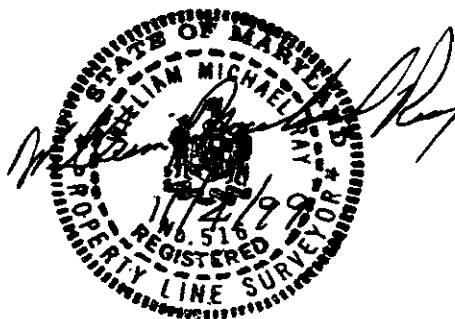
Beginning at a point on the west side of Fitch Lane which is 60 feet wide at the distance of 150 feet south of the centerline of the nearest improved intersecting street Fitch Avenue which is 60 feet wide. Thence the following courses and distances: 1) South 20 degrees 21 minutes 42 seconds West 282.42 feet, 2) South 72 degrees 22 minutes 36 seconds East 21.05 feet, 3) South 20 degrees 17 minutes 21 seconds West 1,029.87 feet, 4) North 11 degrees 48 minutes 39 seconds West 649.78 feet, 5) South 75 degrees 12 minutes 38 seconds East 208.99 feet, 6) North 17 degrees 01 minutes 36 seconds East 284.52 feet, 7) North 14 degrees 32 minutes 27 seconds East 163.36 feet, 8) North 15 degrees 12 minutes 52 seconds East 286.65 feet, 9) South 72 degrees 34 minutes 10 seconds East 174.72 feet to point of beginning.

Being the same parcel of land recorded in the Land Records of Baltimore County in Liber E.H.K. Jr. 6428, Folio 764.

Containing 4.926 acres of land, more or less.

98-110

11-03-99



#495

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 92895

DATE 5/18/01 ACCOUNT R001-006-6150

AMOUNT \$ 250.00

RECEIVED
FROM:

Development Engineering

FOR:

Zoning Variance

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item #495

PAID RECEIPT

PAYMENT ACTUAL TIME
5/18/2001 5:18/2001 13:46:06
REF: W905 CASHIER NOTE P.S. DRAWER 5
X: RECEIPT # 213616 DELN
Dep: 5 528 ZONING VARIATION
CR: 00. 092895

Receipt Tot 250.00
250.00 CR .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

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

632 Fitch Avenue
W/S Fitch Lane, 150' S

centerline Fitch Road
14th Election District
6th Councilmanic District
Legal Owner(s): Kenneth O.
Hurst, Meier Seed International
Variance to allow a front &
side yard setback of 1 foot
in lieu of the required 22.5
feet open projection set-
back.

Hearing: Wednesday, July
25, 2001 at 9:30 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue.

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 con-
cerning the file and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.
JT/7/652 July 10 C480365

CERTIFICATE OF PUBLICATION

7/12/2001

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 7/10/2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

P. H. H. H. H.

CERTIFICATE OF POSTING

RE: Case No.: 02-495-A

Petitioner/Developer: Kenneth O.

HURST Meyer SEED INT.

Date of Hearing/Closing: July 25, 2001

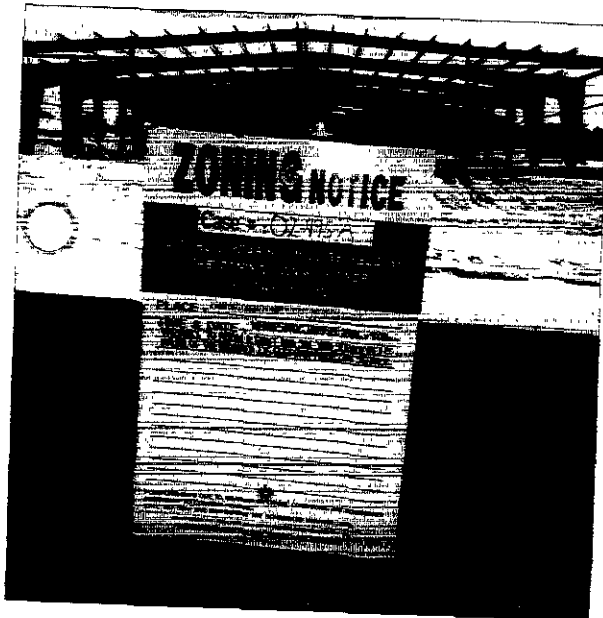
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 4321 Fitch Ave

The sign(s) were posted on July 10, 2001
(Month, Day, Year)



Sincerely,

[Signature] 7/10/01
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

RE: PETITION FOR VARIANCE
4321 Fitch Avenue, W/S Fitch Ave,
150' S of c/I Fitch Rd
14th Election District, 6th Councilmanic

Legal Owner: Meyer Seed International
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-495-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 18th day of June, 2001 a copy of the foregoing Entry of Appearance was mailed to Thomas A. Church, Development Engineering Consultants, Inc., 6603 York Road, Baltimore, MD 21212, representative for Petitioners.



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

June 13, 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: 01-495-A

4321 Fitch Avenue

W/S Fitch Lane, 150' S centerline Fitch Road

14th Election District – 6th Councilmanic District

Legal Owner: Kenneth O Hurst, Meyer Seed international

Variance to allow a front & side yard setback of 1 foot in lieu of the required 22.5 feet open projection setback.

HEARING: Wednesday, July 25, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon G.D.
Director

C: Kenneth O Hurst, President, Meyer Seed International, 8633 Belair Road,
Baltimore 21239
Thomas A Church PE, Development Engineering Consultants Inc,
6603 York Road, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 10, 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.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 10, 2001 Issue – Jeffersonian

Please forward billing to:

Thomas A Church PE
Development Engineering Consultants Inc
6603 York Road
Baltimore MD 21212

410 377-2600

NOTICE OF ZONING HEARING

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

CASE NUMBER: 01-495-A

4321 Fitch Avenue

W/S Fitch Lane, 150' S centerline Fitch Road

14th Election District – 6th Councilmanic District

Legal Owner: Kenneth O Hurst, Meyer Seed international

Variance to allow a front & side yard setback of 1 foot in lieu of the required 22.5 feet open projection setback.

HEARING: Wednesday, July 25, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G72
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: 01-495-A

Petitioner: MEYER SEED COMPANY

Address or Location: 4³²51 FITCH AVENUE, BALTIMORE, MD 21236

PLEASE FORWARD ADVERTISING BILL TO:

Name: THOMAS A. CHURCH, P.E.

Address: DEVELOPMENT ENGINEERING CONSULTANTS, INC.

6603 YORK ROAD, BALTIMORE, MD 21212

Telephone Number: 410/377-2600



Baltimore County
Department of Permits and
Development Management

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

July 20, 2001

Kenneth O Hurst President
Meyer Seed International
8633 Belair Road
Baltimore MD 21239

Dear Mr. Hurst:

RE: Case Number: 01-495-A, 4321 Fitch Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 18, 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.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Thomas A Church PE, Development Engineering consultants Inc, 6603 York Road,
Baltimore 21212
People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** June 27, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For June 18, 2001
Item 495

The Bureau of Development Plans Review has reviewed the subject zoning item.

If the variance is granted for this concrete platform, part of the proposed drainage swale shown parallel to the west property is eliminated. How will the storm water runoff get to the downstream water quality facility shown on Parcel 1163?

Revise the development plan and resubmit for approval.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

June 12, 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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 11, 2001

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:

460, 484, 486, 487, 488, 489, 490, 491, 492, 493, 495,
496, 497, 498, 500, and 501

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

cc: File

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 20, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-488 & 01-495

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:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/JL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 6.13.01

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

RE: Baltimore County
Item No. 495 32

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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Tom Church
(Development Engr.)

6603 York Rd.
Baltimore Md. 21212



Imu
1/20/00

IN RE: PETITION FOR VARIANCE
SW corner Fitch Avenue
and Fitch Lane
14th Election District
6th Councilmanic District
(SWC Fitch Ave. & Fitch Lane)

Kenneth Hurst
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-255-A

* * * * *

file
KJB

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Kenneth Hurst. The variance request is for property located at the southwest corner of Fitch Avenue and Fitch Lane in the Fullerton area of Baltimore County. The property is zoned ML-IM. The variance request is from Sections 255.1 and 238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a front yard setback of 1 ft. In lieu of the required 25 ft. for a proposed building.

Appearing at the hearing on behalf of the variance request was Thomas Church, professional engineer. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 4.926 acres, more or less, zoned ML-IM. The Petitioner, Meyer Seed International, by and through Kenneth Hurst, is requesting permission to construct a one-story warehouse building on the subject property. The subject building will also contain the offices of Meyer Seed, which has been in business in Baltimore County for many decades. Mr. Hurst is desirous of updating their facilities, and pursuant to those plans proposes to construct a 23,951 sq. ft. building on the subject property. The 1 ft. front yard setback as shown on the site plan is from a second parcel of land owned by Mr. Hurst. The building itself will be set back from Fitch

ORDER DEEMED FOR FILING

Date

1/31/2000

By

R. Johnson

Avenue in an appropriate fashion. The parking lot for the building is located at the corner of Fitch Lane and Fitch Avenue and the building sits back approximately 107 ft. from the centerline of Fitch Avenue. As stated previously, and is shown on the plan, the 1 ft. setback is from a lot line for property owned by the Petitioner.

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

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

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

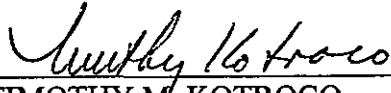
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

ORIGINAL SUBMITTED FOR FILING
Date 1/31/2000
By R. J. [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 31st day of January, 2000, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Sections 255.1 and 238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a front yard setback of 1 ft. In lieu of the required 25 ft. for a proposed building, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

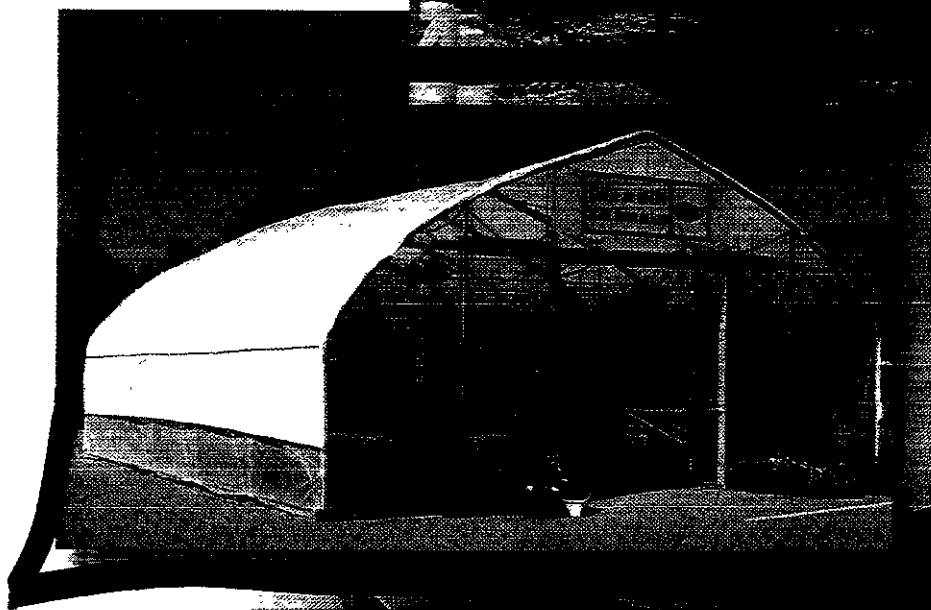
1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at his time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall be required to utilize a split-face block construction on the front portion of the building to be built on the property. The Petitioner shall be required to submit elevation drawings to the Office of Planning for their review and approval prior to the issuance of building permits.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

ORIGINAL FILED FOR FILING
DATE 1/31/2000
BY R. J. JAMESON
TMK:raj


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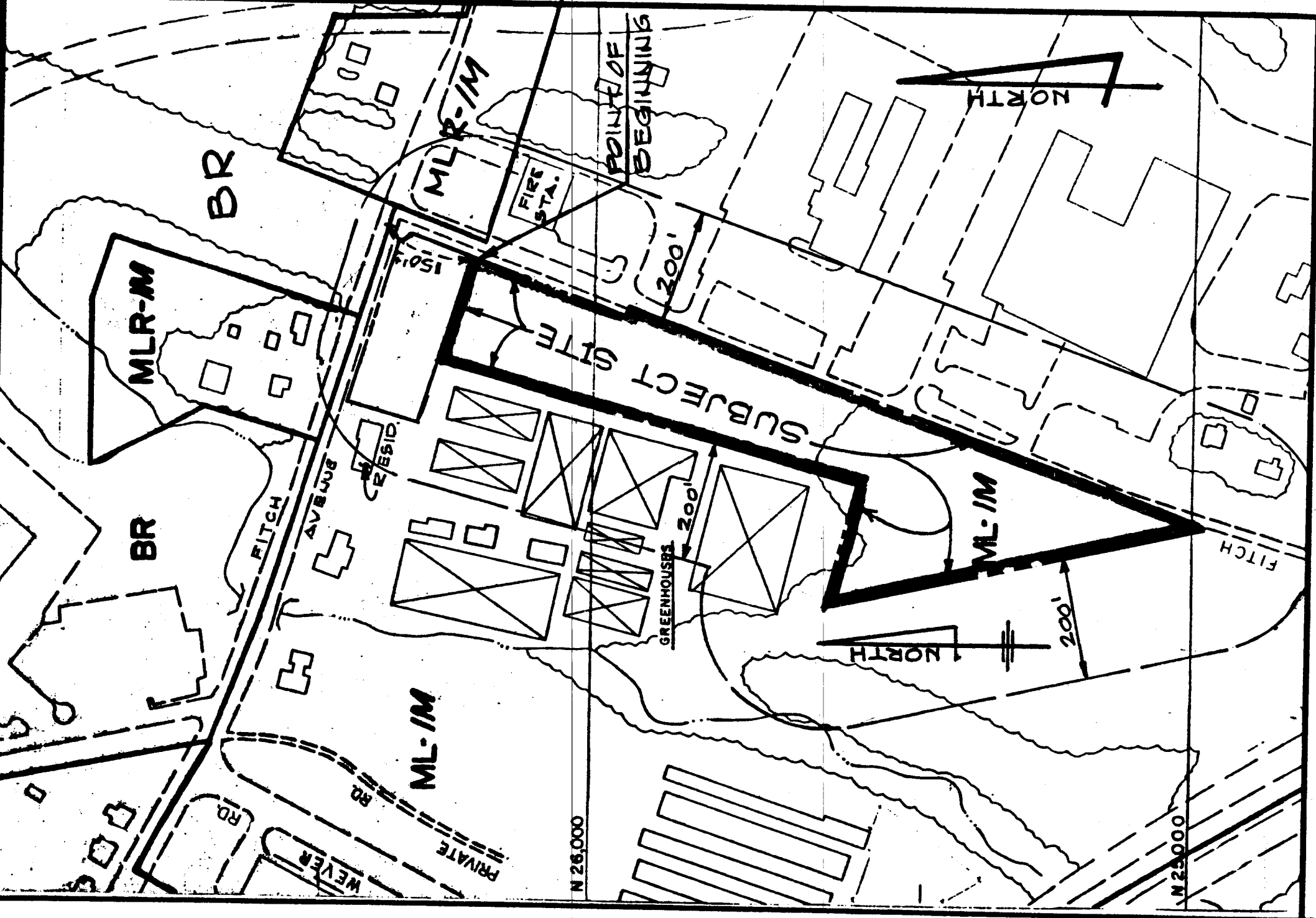
1-888-HARNOIS (427-6647)

Fax : (450) 756-8389

www.harnois.com



PLAT TO ACCOMPANY PETITION FOR ZONING: ☒ VARIANCE, ☐ SPECIAL HEARING

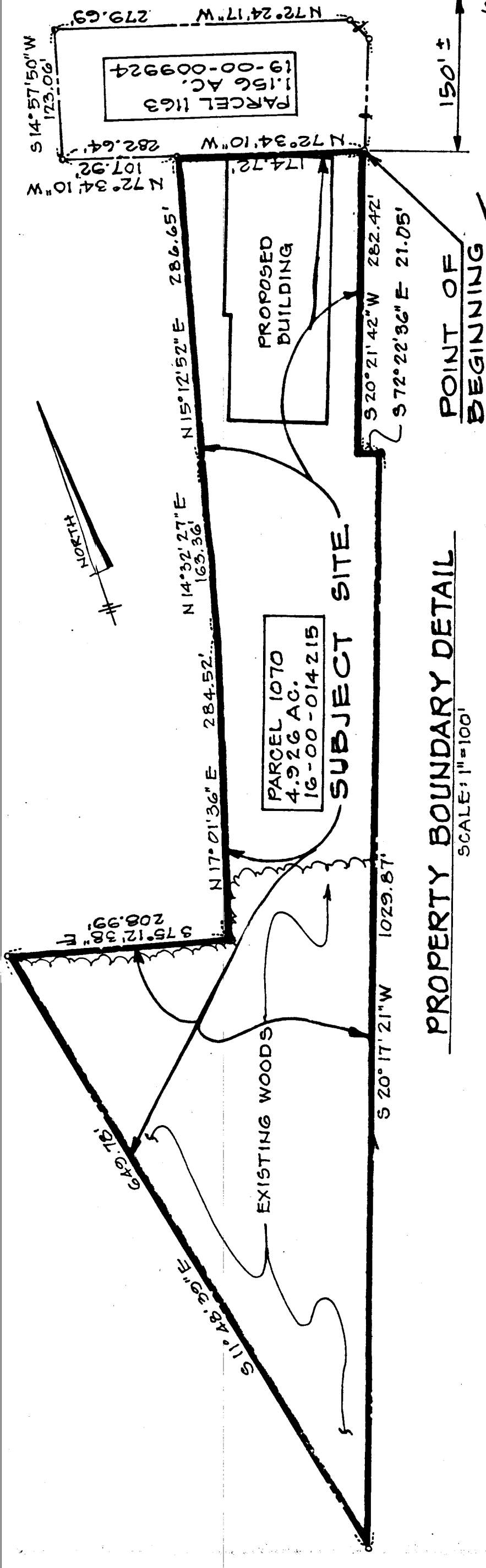


ZONING MAP (NE 1/4)
SCALE: 1"=200'

NOTES:

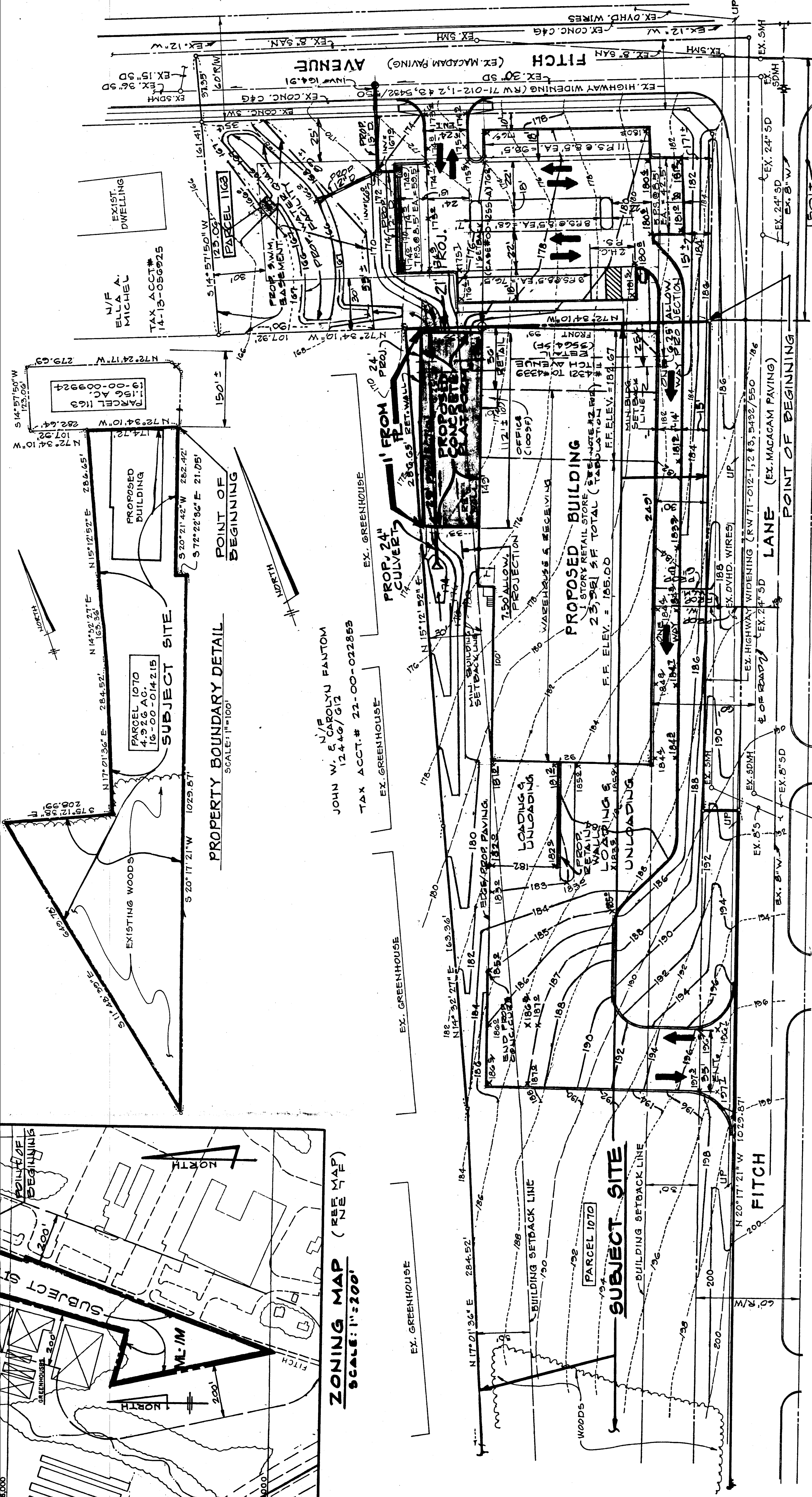
- 1) PARKING DATA: WAREHOUSE AND RECEIVING AREA: 1 PER EMPLOYEE X EMP. = 200 (1 P.S. MIN. 100) 2 PER 1,000 S.F. = 200 (1 P.S. MIN. 100) TOTAL REQUIRED = 200 (2 SPACES REQ'D)
- 2) PROPOSED BUILDING AREA: 23,951 SQ. FT.
BUILDING AREA TABULATION: WAREHOUSE & RECEIVING = 20,287 S.F.
OFFICE = 1,003 S.F.
TOTAL: 23,951 S.F.
- 3) FLOOR AREA RATIO (F.A.R.) - (BASED ON PARCEL 1070) 4) RETAIL FLOOR AREA ALLOWED: 15% OF TOTAL FLOOR AREA = 3,593 S.F. (23,951 X .15 = 3,593 S.F.)
ALLOWED: 3,593 S.F. (23,951 X .15 = 3,593 S.F.)
PROPOSED: 3,593 S.F.
- 5) PROPOSED RETAIL AREA WILL BE FOR SALE OF WAREHOUSE PRODUCT ONLY.

SIA WALL WILL BE CONSTRUCTED TO RESTRICT ACCESS TO WAREHOUSE AREA FROM RETAIL AREA.



PROPERTY BOUNDARY DETAIL
SCALE: 1"=100'

J/P POLYU FANTOM
12440/012
TAX ACCT. # 22-00-022853



CASE NO. 01-495-A

PROPERTY DATA (SUBJECT SITE)
DEED REFERENCE 14283/578
TAX ACCOUNT NO. 16-00-014215

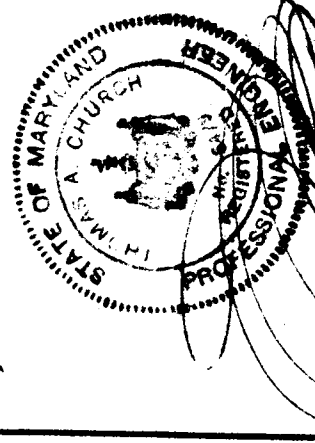
DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

OWNER (PARCELS 1070 & 1071)
FITCH AVENUE LLC
8623 BELAIR ROAD
BETHESDA, MD, 21286
410-256-0120

MEYER SEED COMPANY
4321 FITCH AVENUE
BALTIMORE COUNTY, MD
ELECTION DISTRICT NO. 14

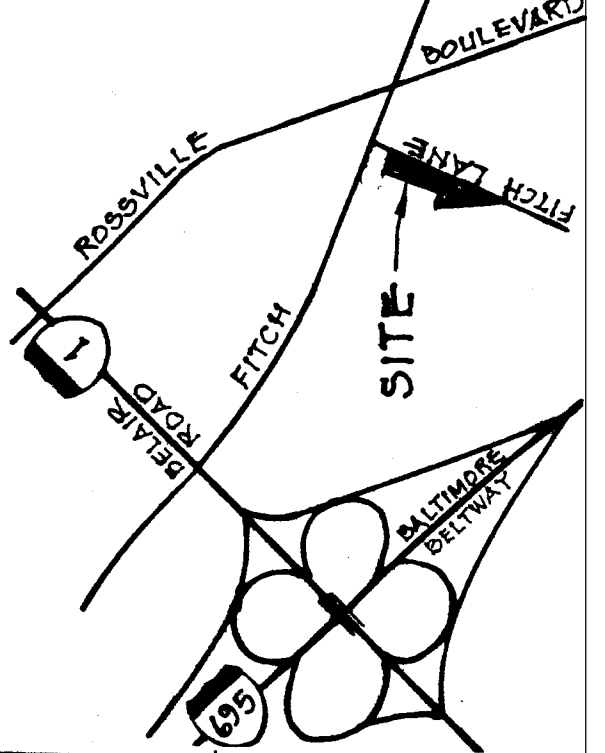
PD# XIV-205

CONTRACT NUMBER
05-15-01
SCALE
1"=30'



ZONING HISTORY
1) SITE WAS GRANTED A LIMITED EXEMPTION UNDER SECTION 22-71(b)(4) OF THE DEVELOPMENT REGULATIONS, MARCH 29, 1999 (D.R. C. NO. 03299L).
2) CASE #00-259-A
DATE: JAN. 20, 2000
REQUEST: TO PERMIT A RETAIL OFFICE IN LIEU OF THE REQUIRED 25% FOR A PROPOSED BUILDING DESIGN: GRANTED JAN. 31, 2000

LOCATION INFORMATION
ELECTION DISTRICT #: 14
COUNCILMANIC DISTRICT #: G
1"=200' SCALE MAP #: NE 7 F
ZONING: ML-M
LOT SIZE: 214,577 S.F. = 4.926 AC (PARCEL 1070)
SEWER: ☒ PUBLIC ☐ PRIVATE
WATER: ☒ ☐
CHESAPEAKE BAY CRITICAL AREA: ☐ YES ☒ NO
PRIOR ZONING HEARINGS: SEE BELOW
PREVIOUS COMMERCIAL PERMIT: B-418637 (SEE BUILDINGS)
ZONING OFFICE USE ONLY
REVIEWED BY: _____ ITEM #: _____ CASE #: _____



VICINITY MAP
SCALE: 1"=1000'