IN RE: PETITION FOR SPECIAL EXCEPTION

AND VARIANCE

W/S North Point Boulevard, 520' S

of Merritt Lane

15th Election District

7th Councilmanic District

(4515 North Point Boulevard)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* CASE NO. 02-255-XA

Port East, LLC, by and through Kenneth C. Jones, Vice President

**Petitioners** 

lent

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#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed by the legal owner of the subject property, Port East, LLC, by and through Kenneth C. Jones, its vice-president. The special exception request is to approve a Class II Trucking Facility in the ML-IM and ML-AS zones, pursuant to Section 253.2.A.12 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Variance relief as follows:

- 1. From Sections 410.3.B.6 and 409.8D.2 a of the B.C.Z.R., to allow a stone parking lot in lieu of the required durable and dustless surface;
- 2. From Section 409.8.A.6 of the B.C.Z.R., to allow a non-stripped parking lot;
- 3. From Section 410.A.3.B.3 of the B.C.Z.R., to allow 55% of the part of the site devoted to trucking operations to be devoted to the parking of truck tractors and trailers in lieu of the required 75%;
- 4. From Section 450.4.7.d of the B.C.Z.R., to allow a sign height of 36 ft. in lieu of the permitted 12 ft.; and
- 5. From Section 450.4.7.d of the B.C.Z.R., to allow for a sign face area of 297 sq. ft. in lieu of the permitted 75 sq. ft.

Appearing at the hearing on behalf of these zoning requests were Ed Hale, Ken Jones, Len Sipes and Buddy Getty, appearing on behalf of the owner of the property; Phil Der, Bob Capalongo and Jim Holls, appearing on behalf of Whitney, Bailey, Cox & Magnani, the professional engineers who prepared the site plan of the property; Rick Cobert, appearing on

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behalf of the Baltimore County Department of Economic Development; and David Karceski, attorney at law, representing the Petitioners. Appearing as Protestants in the matter were Harry Wujek, Kimberly & Stanley Holstein and Steven & Jean Wall.

Testimony and evidence indicated that the property which is the subject of this request consists of 24.11 acres, more or less, split-zoned MH-IM, ML-IM and ML-AS. The subject property is improved with an existing 2-story, concrete warehouse building containing approximately 145,000 sq. ft. of warehouse space. The subject property is located on the west side of North Point Boulevard, near its intersection with I-695.

The testimony and evidence offered by the Petitioners demonstrated that the front portion of the property, which, for the most part is zoned ML-IM, is currently utilized as warehouse space for the Fascan Company and a company known as MLP. Those two warehouse uses will continue to operate as they have in the past. To the rear of the property on that area zoned MH-IM, the Petitioners propose to operate a Class II Trucking Facility. This type of use is permitted as of right in the MH-IM zone. However, several variances are requested in order to permit the trucking facility to operate on that portion of the property. In addition, special exception relief is necessary for that area of the property over which trucks travel to get to the rear of the site. That area is illustrated on the site plan by way of a dark dashed line.

Mr. Ed Hale, the CEO of Hale Trans, testified that he wishes to relocate his business from their current Clinton Street location to the subject property. The subject site is ideal for the purpose of relocating this transportation and trucking facility. The trucking facility use will occur to the rear of the property, far removed from North Point Boulevard. In addition to the testimony offered by Mr. Hale, other representatives of Hale Trans testified as to the Petitioners' use of this property. Their testimony revealed that the Petitioners have agreed to make improvements to North Point Boulevard which will improve the flow of traffic into and out of

this site. Furthermore, there is a proposal at this time with the State Highway Administration to install an additional traffic signal along North Point Boulevard. The installation of the traffic signal may or may not occur and is something that is not the subject of the hearing before me. However, it was discussed with the citizens in attendance, in order to address some of the traffic concerns they had regarding traffic on North Point Boulevard.

As to the trucking operations proposed to occur on the property, the Petitioners testified that they estimate approximately 60 gate moves per day. A gate move was defined as "either the receiving or dispatch of a truck into or out of this facility". In addition, all trucks entering this trucking facility will make a left turn movement from North Point Boulevard into the property. Traffic leaving the site will make a "right turn only" onto North Point Boulevard and travel to I-695. The Petitioners agreed to restrict all traffic movement in this manner, which agreement was made in response to concerns raised by nearby residents. Mr. Jones, speaking on behalf of Hale Trans, indicated that he would place appropriate signage at the exit to the property advising all motorists that only a right turn is permitted onto North Point Boulevard.

In addition to the special exception request, the Petitioners are also requesting variance relief. Some of the variances relate to the parking and storage area located to the rear of the site and others to the identification sign which is proposed to be located adjacent to North Point Boulevard. The Petitioners propose to relocate their existing Hale Trans identification sign from their Clinton Street location to the existing property. The sign, as stated previously, is existing and is of the size and height as stated in the variance request. The sign is important in order to identify the entrance to the property for the many truck drivers who visit this property. Some of these truck drivers may be driving to this site for the first time and may be unfamiliar with the entrance drive to the site. An appropriately sized and located identification sign will greatly assist those drivers in finding this entrance, and will enhance traffic flow in and out of this

property. Therefore, in order to proceed with the operations of this trucking facility and the location of the sign in question, the variances are necessary.

As stated previously, several residents from the surrounding community appeared at the hearing out of concern for this request. Their main objections center around traffic coming from and going to this facility. The main objective of these citizens is to keep any and all commercial truck traffic off of Wise Avenue and other residential streets in the area. These citizens were encouraged to hear of the plans for the modifications to North Point Boulevard and the restrictions under which the Petitioners propose to operate. These residents believe that should the Petitioners follow and abide by those conditions and restrictions, then the traffic problems they feared would be mitigated. In addition, these residents were not opposed to the granting of the variances for the sign or those relating to the parking surface for the storage area situated to the rear of the property. As to the other concerns raised by these citizens, they shall be addressed by way of the conditions and restrictions imposed at the end of this Order.

It should be noted that a Class II Trucking Facility is a use permitted as of right on the rear portion of this property which is zoned MH-IM. However, the driveway that leads to the rear of the property is zoned ML-IM and ML-AS, and, therefore, a special exception is necessary for that small area, whereupon this driveway traverses. All other warehouse uses operating on this property are permitted as of right.

The Petitioners had the burden of adducing testimony and evidence which shows that the use meets the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioners have shown that the use will be conducted without real detriment to the neighborhood and does not adversely affect the public interest. The facts and circumstances do not show that the use at this particular location described by Petitioners' Exhibit No. 1 has any adverse impact above and beyond that inherently associated with such a

special exception use, irrespective of its location within the zone. <u>Schultz v. Pritts</u>, 432 A.2d 1319 (1981).

The use is not detrimental to the health, safety, or general welfare of the locality, nor tends to create congestion in roads, streets, or alleys therein, nor is it inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the B.C.Z.R.

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

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

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

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

THEREFORE, IT IS ORDERED this  $29^{1/4}$  day of March, 2002, by this Deputy Zoning Commissioner, that the Special Exception to approve a Class II Trucking Facility in the ML-IM and ML-AS zones, pursuant to Section 253.2.A.12 of the B.C.Z.R., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the variance requests (1) from Sections 410.3.B.6 and 409.8D.2 a of the B.C.Z.R., to allow a stone parking lot in lieu of the required durable and dustless surface; (2) from Section 409.8.A.6 of the B.C.Z.R., to allow a non-stripped parking lot; (3) from Section 410.A.3.B.3 of the B.C.Z.R., to allow 55% of the part of the site devoted to trucking operations to be devoted to the parking of truck tractors and trailers in lieu of the required 75%; (4) from Section 450.4.7.d of the B.C.Z.R., to allow a sign height of 36 ft. in lieu of the permitted 12 ft.; and (5) from Section 450.4.7.d of the B.C.Z.R., to allow for a sign face area of 297 sq. ft. in lieu of the permitted 75 sq. ft., be and they are hereby GRANTED.

IT IS FURTHER ORDERED, that the granting of the special exception relief and variances shall be conditioned upon the following conditions and restrictions:

- 1. All traffic, be it commercial trucks or passenger vehicles, must make a right turn only onto North Point Boulevard when exiting this property. The Petitioners must erect a sign at the exit point of this property so advising all motorists.
- 2. All trucks associated with the Petitioners' use shall abide by the trucking route as indicated on the site plan submitted into evidence. No Hale Trans trucks shall be permitted on Wise Avenue or any other residential street unless they are making a local delivery. Wise Avenue shall not be utilized as access to the Port of Baltimore.
- 3. There shall be no overnight storage of shipping containers or trailers on the front potion of the Petitioners' property. All such storage shall occur on that area of the site zoned MH-IM.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty

(30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





BEFORE THE

IN THE MATTER OF

THE APPLICATION OF

PORT EAST, LLC; KENNETH C. JONES, VP

FOR SPECIAL EXCEPTION AND VARIANCES
ON PROPERTY LOCATED ON THE W/S OF

NORTH POINT BOULEVARD, 520' S OF

MERRITT LANE (4515 NORTH POINT BLVD.)

15<sup>TH</sup> ELECTION DISTRICT

7<sup>TH</sup> COUNCILMANI DISTRICT

COUNTY BOARD OF APPEALS

OF

**BALTIMORE COUNTY** 

Case No. 02-255-XA

ORDER OF DISMISSAL OF SIGN VARIANCE REQUEST and DISMISSAL OF APPEAL

This case comes to the Board on appeal filed by Peter M. Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from the March 29, 2002 Order of the Deputy Zoning Commissioner in which the subject Petitions for Special Exception and Variance relief were granted with restrictions.

WHEREAS, the Board is in receipt of a letter of withdrawal of that portion of the Petition for Variance as it relates to the proposed sign only filed October 8, 2002 by David H. Karceski, Esquire, Counsel for Port East, LLC, Petitioner; and a letter of dismissal of appeal, conditioned on the Board's acceptance of Petitioner's withdrawal of the sign variance, filed October 11, 2002 by Peter M. Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, Appellant (copies of which are attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner requests that the Petition for Variance as to the proposed sign only be withdrawn, without prejudice, as of October 8, 2002; and

WHEREAS, in consideration of the withdrawal of the above-referenced Petition for Variance, as to the proposed sign only, the Office of People's Counsel requests that the appeal filed in this matter from the decision of the Deputy Zoning Commissioner be withdrawn as of October 11, 2002;



IT IS THEREFORE. this Atom day of October, 2002, by the County Board of Appeals of Baltimore County

ORDERED that said Petition for Variance filed in Case No. 02-255-XA as to the proposed sign only be and the same is WITHDRAWN AND DISMISSED without prejudice; and that portion of the Deputy Zoning Commissioner's Order in which said variance for the proposed sign was granted, including any and all relief granted therein with regard to this variance request, is rendered null and void; and it is further

ORDERED that the appeal filed by the Office of People's Counsel from the decision of the Deputy Zoning Commissioner in Case No. 02-255-XA be and the same is hereby WITHDRAWN AND DISMISSED, thereby allowing the remainder of the Deputy Zoning Commissioner's Order to remain in effect subject to the conditions set forth in said Order.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

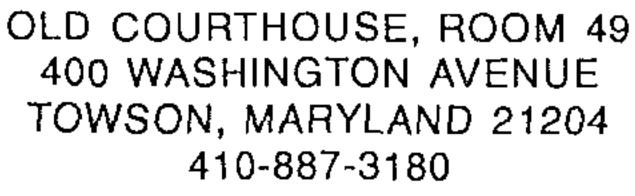
Charles L. Marks, Chairman

C. Lynn Barranger

Margaret Worrall



### County Board of Appeals of Baltimore County



FAX: 410-887-3182

October 24, 2002

Peter Max Zimmerman People's Counsel for Baltimore County Carole S. Demilio Deputy People's Counsel Room 48, Old Courthouse 400 Washington Avenue Towson, MD 21204

> RE: In the Matter of: Port East, LLC; Kenneth Jones, VP Case No. 02-255-XA /Withdrawal of Sign Variance Request /Withdrawal of Appeal /Dismissal

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal of Sign Variance Request and Dismissal of Appeal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

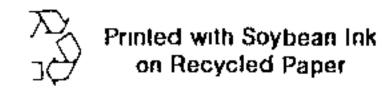
Very truly yours,

Hathleen C. Blace /ths

Administrator

#### Enclosure

Robert A. Hoffman, Esquire c: David Karceski, Esquire Kenneth C. Jones /Port East LLC Phil Der, Bob Capalongo, Jim Hollis /Whitney Bailey Cox & Magnani Buddy Getty Pat Keller, Planning Director Lawrence E. Schmidt, Zoning Commissioner Arnold Jablon, Director /PDM



## 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.

Querra de la companione	Item Number or Case Number: - 255
	Petitioner: PORT EAST, LLC
	Address or Location: 4515 NORTH PAINT BLUD
/	PLEASE FORWARD ADVERTISING BILL TO:
(product)	Name: AMY DONTELL
	Address: 210 ALLEGITERY AVENUE
	Touson, Manyrand 21204

#### Petition for Variance

- Variance from Sections 410A.3.B.6, 409.8.A.2 and 409.8.D.2 of the Baltimore County Zoning Regulations ("BCZR") to allow a stone parking lot in lieu of the required durable and dustless surface.
- Variance from BCZR Section 409.8.A.6 to allow a non-striped parking lot.  $\frac{550}{h}$
- 3. Variance from BCZR Section 410.A.3.B.3 to allow 54% of the part of the site devoted to trucking operations to be devoted to the parking of truck tractors and trailers in lieu of the required 75%.
- 4. Variance from BCZR Section 450.4.7.d to allow a sign height of 36 feet in lieu of the permitted 12 feet.
- Variance from BCZR Section 450.4.7.d to allow for a sign face area of 297 square feet in lieu of the permitted 75 square feet.

TOIDOCS1/ald99/#127575 v1



## Petetion for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 4515 North Point Boulevard

Which is presently zoned ML-IM and ML-AS owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto an herein described property for

Special Exception to permit a Class II Trucking Facility in the ML-IM and ML-AS Zones pursuant to Section 253.2.A.12 of the Baltimore County Zoning Regulations.

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

I, or we, agree to pay expenses of above Special Exception, 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 a perjury, that I/we are the legal of is the subject of this Petition.	affirm, under the owner(s) of the	e penalties of property which
Contract Purchaser/Les	see:		<u>Legal Owner(s):</u> Port East, LLC c/o Fi	rst Marine	r Bank
Name - Type or Print			By: Kenneth C. Jones Name - Type or Print	, Vice-Pre	<u>sident</u>
Signature		<u> </u>	Signature		
Address	<u></u>	Telephone No.	Name - Type or Print		
City	State	Zıp Code	Signature	<del>,</del>	
Attorney For Petitioner:			1801 South Clinton S Address	treet (410	) 558-4241 Telephone <b>No.</b>
Robert A. Hoffman			Baltimore	MD	-
Name - Type or Print Signature			City  Representative to be Co	State	Zip Code
Venable, Baetier and Company	·		Robert A. Hoffman Name	<del> </del>	
210 Allegheny Avenue Address	(410)494		210 Allegheny Avenue	(410)494	-6262
		Telephone No.	Address	·	Telephone No.
Towson City	MD State	Zip Code	Towson City	MD State	21204 Zip Code
			OFFICE US	E ONLY	
Case No. 02-253	5-XA		ESTIMATED LENGTH OF UNAVAILABLE FOR HEAR	-	VHIL-
REV 09[15]98			Reviewed By	Date _	2/14/01



Case No. \_ 02 255 XA

REV 9/15/98

# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 4515 North Point Boulevard

which is presently zoned MH-IM, ML-IM and

UNAVAILABLE FOR HEARING \_\_\_\_/

ML-AS

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)

See Attached Sheet

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

To be determined at 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.

			I/We do solemnly declar perjury, that I/we are the is the subject of this Pe	te legal owner(s) of the	he penalties of e property which
Contract Purchaser/Les	see:		<u>Legal Owner(s):</u> Port East, LLC	c/o First Marin	
Name - Type or Print	<del></del>	<del>-                                    </del>	Name - Type or Print	Jones, Vice-Pr	esident
Signature			Signature (		
Address		Telephone No.	Name - Type or Print	<u>,</u>	
City	State	Zıp Code	Signature	<u> </u>	
Attorney For Petitioner:			<u> 1801 South Clin</u> Address	ton Street (41	0)558-4241 Telephone No.
Robert A. Hoffman Name-Type of Print //			Baltimore	MD	21224
ignature		<u> </u>	Representative to	State be Contacted:	Zıp Code
Venable, Baetjer and	Howard, L	LP	Robert A. Hoffman	n	
210 Allegheny Avenue	(410)4	94-6262	210 Allegheny Ave	enue (410)494-	6262
ddress	<u> </u>	Telephone No.	Address	(410)4)4	Telephone No.
Towson	MD	21204	Towson	MD	21204
ity	State	Zip Code	City	State	ZIZO4 Zip Code
•			<u>OFFI</u>	CE USE ONLY	<b>!</b>

#### Petition for Variance

- 1. Variance from Sections 410A.3.B.6, 409.8.A.2 and 409.8.D.2 of the Baltimore County Zoning Regulations ("BCZR") to allow a stone parking lot in lieu of the required durable and dustless surface.
- 2. Variance from BCZR Section 409.8.A.6 to allow a non-striped parking lot.
- 3. Variance from BCZR Section 410.A.3.B.3 to allow 54% of the part of the site devoted to trucking operations to be devoted to the parking of truck tractors and trailers in lieu of the required 75%.
- 4. Variance from BCZR Section 450.4.7.d to allow a sign height of 36 feet in lieu of the permitted 12 feet.
- 5. Variance from BCZR Section 450.4.7.d to allow for a sign face area of 297 square feet in lieu of the permitted 75 square feet.

TO1DOCS1/ald99/#127575 v1

02-255-XA

Revises 2/13/02 PM

## "SPECIAL EXCEPTION / ZONING USE DIVISION" PORTION DESIGNATED AS ZONE ML-AS & ML-IM

TAX MAP 104; PARCEL 109; 15th ELECTION DISTRICT; BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a concrete monument found on the westerly right of way line of North Point Boulevard (120' wide), as shown on a drawing entitled "ALTA/ACSM LAND TITLE SURVEY OF THOMPSON STEEL COMPANY, INC.", (the Survey), by Whitney, Bailey, Cox, & Magnani, LLC dated 11-16-01 and revised 11-28-01. Said point of beginning being approximately 520' south of the centerline of Merritt Lane (30' wide right of way),

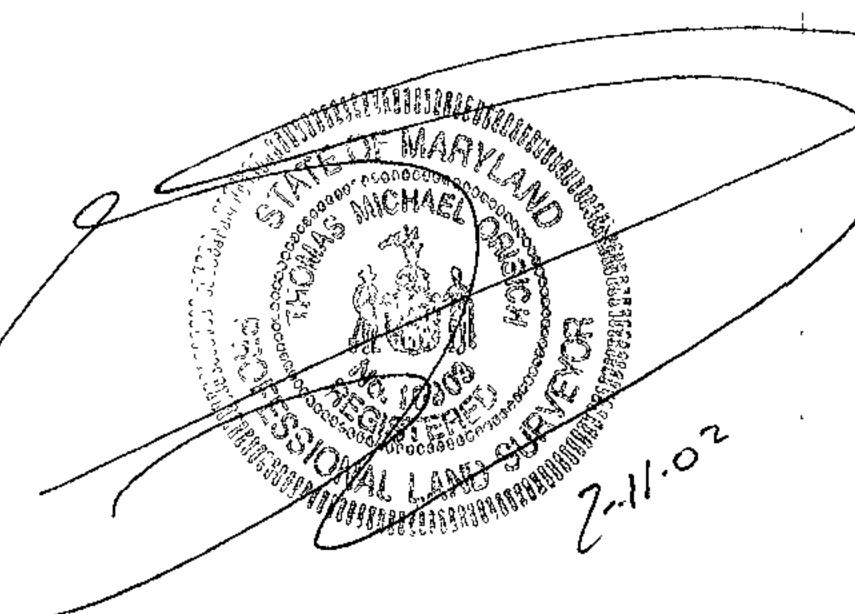
THENCE leaving said point of beginning, referring all courses of this description to the above mentioned drawing, (the Survey), the following sixteen (16) courses & distances, viz;

- (1) South 27 degrees 03 minutes 40 seconds East 74.16 feet
- (2) South 62 degrees 56 minutes 20 seconds West 80.00 feet
- (3) North 27 degrees 03 minutes 40 seconds West 10.00 feet
- (4) South 62 degrees 56 minutes 20 seconds West 693.96 feet
- (5) South 27 degrees 04 minutes 04 seconds East 56.47 feet
- (6) South 62 degrees 43 minutes 28 seconds West 132.40 feet
- (7) North 27 degrees 05 minutes 23 seconds West 30.67 feet
- (8) South 62 degrees 55 minutes 23 seconds West 113.14 feet
- (9) South 27 degrees 03 minutes 40 seconds East 145.20 feet
- (10) North 62 degrees 54 minutes 39 seconds East 110.63 feet
- (11) South 27 degrees 21 minutes 20 seconds East 107.73 feet
- (12) North 62 degrees 55 minutes 46 seconds East 508.53 feet
- (13) South 27 degrees 04 minutes 13 seconds East 106.72 feet
- (14) South 62 degrees 56 minutes 20 seconds West 620.23 feet
- (15) North 27 degrees 03 minutes 40 seconds West 450.00 feet
- (16) North 62 degrees 56 minutes 20 seconds East 1020.00 feet

To the point of beginning,

CONTAINING an AREA of 3.558 ACRES of land, more or less.

BEING a portion of the parcel of land as recorded in Deed Liber 5449, Folio 854 among the Land Records of Baltimore County. Being known as 4515 North Point Boulevard, and located in the 15<sup>th</sup> Election District.



#### Petition for Variance

- 1. Variance from Sections 410A.3.B.6, 409.8.A.2 and 409.8.D.2 of the Baltimore County Zoning Regulations ("BCZR") to allow a stone parking lot in lieu of the required durable and dustless surface.
- 2. Variance from BCZR Section 409.8.A.6 to allow a non-striped parking lot.
- 3. Variance from BCZR Section 410.A.3.B.3 to allow 54% of the part of the site devoted to trucking operations to be devoted to the parking of truck tractors and trailers in lieu of the required 75%.
- 4. Variance from BCZR Section 450.4.7.d to allow a sign height of 36 feet in lieu of the permitted 12 feet.
- 5. Variance from BCZR Section 450.4.7.d to allow for a sign face area of 297 square feet in lieu of the permitted 75 square feet.

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02-255-XA

Rev15e0 2/13/02

## "SPECIAL EXCEPTION / ZONING USE DIVISION" PORTION DESIGNATED AS ZONE ML-AS & ML-IM

TAX MAP 104; PARCEL 109; 15th ELECTION DISTRICT; BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a concrete monument found on the westerly right of way line of North Point Boulevard (120' wide), as shown on a drawing entitled "ALTA/ACSM LAND TITLE SURVEY OF THOMPSON STEEL COMPANY, INC.", (the Survey), by Whitney, Bailey, Cox, & Magnani, LLC dated 11-16-01 and revised 11-28-01. Said point of beginning being approximately 520' south of the centerline of Merritt Lane (30' wide right of way),

THENCE leaving said point of beginning, referring all courses of this description to the above mentioned drawing, (the Survey), the following sixteen (16) courses & distances, viz;

- (1) South 27 degrees 03 minutes 40 seconds East 74.16 feet
- (2) South 62 degrees 56 minutes 20 seconds West 80.00 feet
- (3) North 27 degrees 03 minutes 40 seconds West 10.00 feet
- (4) South 62 degrees 56 minutes 20 seconds West 693.96 feet
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To the point of beginning,

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BEING a portion of the parcel of land as recorded in Deed Liber 5449, Folio 854 among the Land Records of Baltimore County. Being known as 4515 North Point Boulevard, and located in the 15<sup>th</sup> Election District.



## REVISED 2/08/02 NCE" ZONING DESCRIPTION "VARIANCE" ZONING DESCRIPTION

DESIGNATED AS ZONE ML-AS, ML-IM, & MH-IM TAX MAP 104; PARCEL 109; 15th ELECTION DISTRICT; BALTIMORE COUNTY, MARYLAND

FOR THE ENTIRE PROPERTY

BEGINNING for the same at a concrete monument found on the westerly right of way line of North Point Boulevard (120' wide), as now laid out and shown on a drawing entitled "ALTA/ACSM LAND TITLE SURVEY OF THOMPSON STEEL COMPANY, INC.", (the Survey), by Whitney, Bailey, Cox, & Magnani, LLC dated 11-16-01 and revised 11-28-01. Said point of beginning being approximately 520' south of the centerline of Merritt Lane (30' wide right of way ),

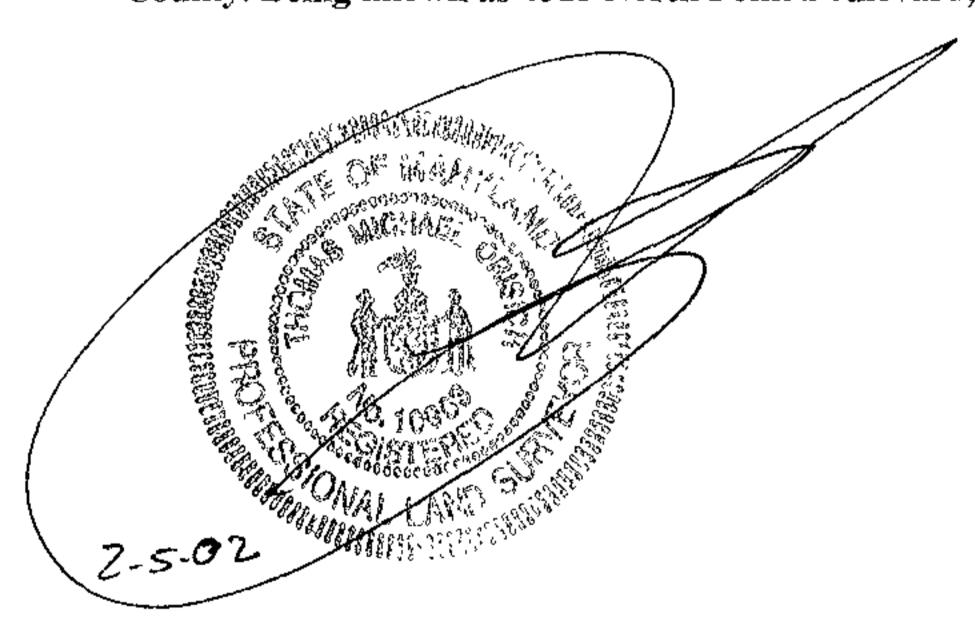
THENCE leaving said point of beginning, referring all courses of this description to the above mentioned drawing, (the Survey), the following four (4) courses & distances, viz;

- (1) South 27 degrees 03 minutes 40 seconds East 450.00 feet
- (2) South 62 degrees 56 minutes 20 seconds West 2429.51 feet
- (3) North 04 degrees 00 minutes 40 seconds West 489.04 feet
- (4) North 62 degrees 56 minutes 20 seconds East 2238.03 feet

To the point of beginning,

CONTAINING an AREA of 24.11 ACRES of land, more or less.

BEING all of the parcel of land as recorded in Deed Liber 5449, Folio 854 among the Land Records of Baltimore County. Being known as 4515 North Point Boulevard, and located in the 15th Election District.



#### 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 <u>Towson, Maryland</u> on the property identified herein as follows:

Case #02-255-XA

Gase #02-255-XA
4515 North Point Boulevard
W/S North Point Boulevard, 520' S of Morritt Lane
15th Election District - 7th Councilmanic District

Legal Owner(s): Kenneth C. Jones

Variance: to allow a stone parking lot in lieu of the required durable and dustless surface; to allow a non-striped parking lot; to allow 54% of the part of the site devoted to trucking operations to be devoted to parking of truck tractors and trailers in lieu of the required 75%; to allow a sign height of 36 feet in lieu of the permitted 12 feet; and to allow for a sign face area of 297 square feet in lieu of the permitted 75 square feet. Special Exception: to permit a Class II Trucking Facility in the ML-IM and ML-AS Zones

Hearing: Wednesday, March 27, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391, JT 3/648 March 12 C525383

## CERTIFICATE OF PUBLICATION

**************************************
$3/14/_{,2002}$
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County; Md.,
once in each ofsuccessive weeks, the first publication appearing
on $3/12$ , $2002$ .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S Millian Jan

LIDAL ADVERTISING

### APPEAL SIGN POSTING REQUEST

CASE NO.: 02-255-XA

Kenneth C. Jones - LEGAL OWNER
Port East LLC

4515 North Point Boulevard

15th ELECTION DISTRICT

APPEALED: 4/23/02

ATTACHMENT - (Plan to accompany Petition)

#### APPEAL SIGN POSTING REQUEST

CASE NO.: 02-255-XA

Kenneth C. Jones - LEGAL OWNER
Port East LLC

4515 North Point Boulevard

15th E	LECTION DISTRICT	APPEALED: 4/23/02			
ATTA	CHMENT – (Plan to accompany Petition)				
****	****COMPLETE AND RETURN BELOV	V INFORMATION****			
CERTIFICATE OF POSTING					
TO:	Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204				
Attenti	Attention: Kathleen Bianco Administrator				
RE:	Case No.: 02 - 255 - XA				
Petitioner/Developer:					
	KENNETH C. JONES	<del></del>			
This is located	to certify that the necessary appeal sign was posted at:	conspicuously on the property			
The sig	gn was posted on $5/13/02$	, 2002			
By:	(Signature of Sign Poster)				
	(Printed Name)	<del></del>			
	(Printed Name)				

### CERTIFICATE OF POSTING

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

Attention Vis Gwendolyn Stephens MR. GEORGE ZAHNER

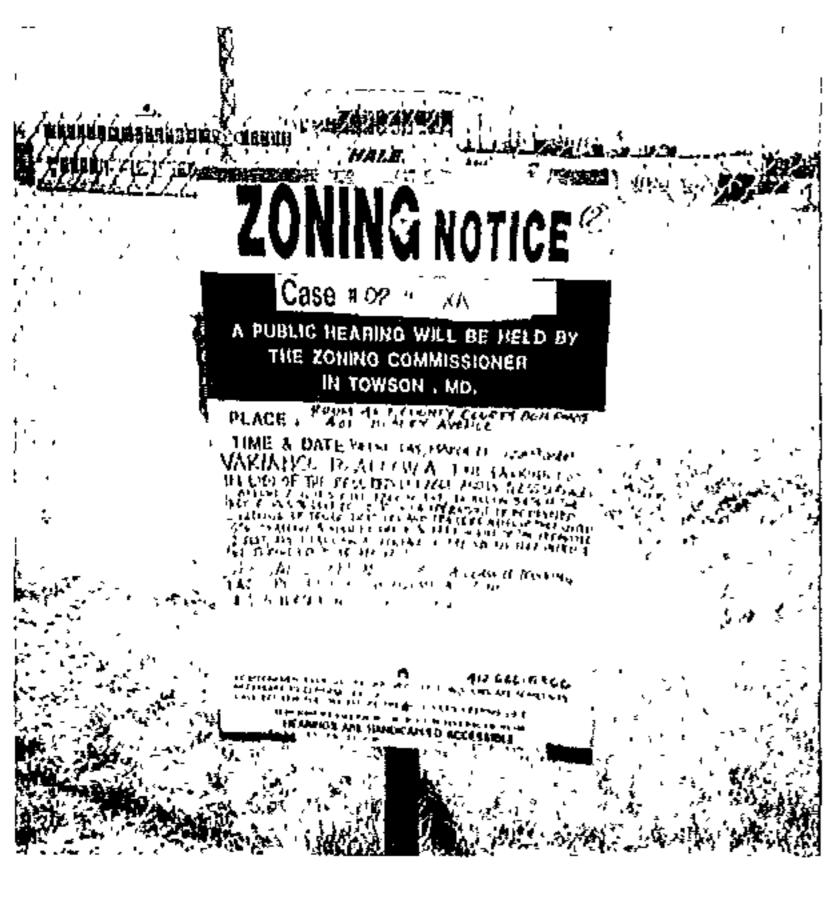
Lac es and Centiemen

r It Fax Note / 7671	Date # of \$
TO ROBINBETTY	From OVECU
CorDeal FONING COMM.	Tice
Phone + 15/1 4500	Phone # 666-5366
Fax # 887.3468	Fax 1 666-0929

This letter is to certify under the penalties of penjury that the necessary sign(s) required by law era posted conspicuous'y on the property located at #45/5 NORTHPOINT BLVD. 5

GRAYS ROAD (2 SIGNS)

The sign(s) is proposed on



7-255-XM F4515 N. POINT BLVD 产后EAYS RD, 3/27/03

VBH

Sincerely, (Signature of Sign Poster and Date)

PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD, 21030

(C::y, Sizie, Zip Code)

410-666-5366 ; CELL-210 905-8571

(Tedephone Number)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 12, 2002 Issue – Jeffersonian

Please forward billing to:

Amy Dontell Venable Baetjer & Howard 210 Allegheny Avenue Towson MD 21204

410 494-6244

#### **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: 02-255-XA
4515 North Point Boulevard
51

W/S North Point Boulevard, 520' S of Merritt Lane 15<sup>th</sup> Election District ~ 7<sup>th</sup> Councilmanic District

Legal Owner: Kenneth C Jones

<u>Variance</u> to allow a stone parking lot in lieu of the required durable and dustless surface; to allow a non-striped parking lot; to allow 54% of the part of the site devoted to trucking operations to be devoted to parking of truck tractors and trailers in lieu of the required 75%; to allow a sign height of 36 feet in lieu of the permitted 12 feet; and to allow for a sign face area of 297 square feet in lieu of the permitted 75 square feet. <u>Special Exception</u> to permit a Class II Trucking Facility in the ML-IM and ML-AS Zones.

HEARING: Wednesday, March 27, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

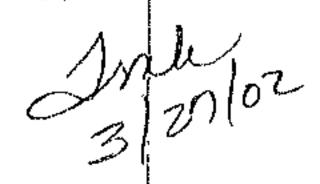
YUMUEL CEEFFULAN

lawrence m. acumos

LAWRENCE E. SCHMIDT & DZ 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.





Baltimore County
Department of Permits and
Development Management

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

Fax: 410-887-5708

February 19, 2002

#### 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: 02-255-XA
4515 North Point Boulevard
W/S North Point Boulevard, 520' S of Merritt Lane
15<sup>th</sup> Election District — 7<sup>th</sup> Councilmanic District
Legal Owner: Kenneth C Jones

<u>Variance</u> to allow a stone parking lot in lieu of the required durable and dustless surface; to allow a non-striped parking lot; to allow 54% of the part of the site devoted to trucking operations to be devoted to parking of truck tractors and trailers in lieu of the required 75%, to allow a sign height of 36 feet in lieu of the permitted 12 feet; and to allow for a sign face area of 297 square feet in lieu of the permitted 75 square feet. <u>Special Exception</u> to permit a Class II Trucking Facility in the ML-IM and ML-AS Zones

**HEARING:** 

Wednesday, March 27, 2002 at 9 00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ

Director

C: Robert A Hoffman, Venable Baetjer & Howard, 210 Allegheny Avenue, Towson 21204 Kenneth C Jones, Port East LLC, c/o First Mariner Bank, 1801 S Clinton Street, Baltimore 21224

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 12, 2002.

(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.



## Baltimore County Department of Permits and Development Management

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

March 22, 2002

Fax: 410-887-5708

Mr. Robert A Hoffman Venable Baetjer & Howard 210 Allegheny Avenue Towson MD 21204

Dear Mr. Hoffman:

RE: Case Number: 02-255-XA, 4515 North Point Boulevard

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 13, 2002.

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. 602

W. Carl Richards, Jr. 692 Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Port East, LLC, c/o First Mariner Bank, Kenneth C Jones VP, 1801 S Charles Street, Baltimore 21224
People's Counsel

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

- TO:	Arnold Jablon				
FROM:	R. Bruce Seeley M5				
DATE:	March 21, 2002				
SUBJECT:	Zoning Item <u>255-Revised Comments</u> Address <u>4515 North Point Blvd</u>				
Zoning	g Advisory Committee Meeting of January 14, 2002				
The D	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.				
an exte	epartment of Environmental Protection and Resource Management requests ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.				
X The Department of Environmental Protection and Resource Management of the following comments on the above-referenced zoning item:					
<u>X</u>	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).				
X	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).				
<u>X</u>	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).				
<u>X</u>	Additional Comments:				
Please note that	at the critical area comment is advisory. A small portion of IDA is located				

Reviewer: Mike Kulis Date: March 21, 2002

within the 300 foot BRL.

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** March 7, 2002

TO: Arnold Jablon, Director

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

Zoning Advisory Committee Meeting **SUBJECT:** 

For February 19, 2002

Item No. 255

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

RWB:HJO:cab

cc: File



### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams
Administrator

Date: February 25, 2002

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Baltimore County

Item No. 255 (JLL) 4515 North Point Blvd.

MD 151

RE:

Dear Mr. Zahner:

This office has reviewed the referenced Item and has no objection to approval to the "Administrative Variance to permit a stone parking lot in lieu of paving. To allow a non-striped parking lot in lieu of striped. To allow truck trailer and container storage no more than 35 feet in front of the required front building line in lieu of the permitted 15 ft. To allow 59% of the part of the site devoted to trucking operations to be devoted to the parking of truck tractors and tractors in lieu of the required 75%."

However we will require the owner to obtain an access permit and as a minimum the following will be required:

- We will withhold our approval of the "Trucking Facility Plan", access approval and median modifications, as shown on the plan, until we have reviewed and approved a traffic impact study.
- Hydraulic analysis.
- Highway widening dedication
- Coordination with our Highway Design Division regarding Contract No. BA2785184
   MD 151 from I-695 to Wise Avenue.

Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

My telephone number is \_\_\_\_\_\_



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

February 22, 2002

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

ATTENTION: George Zahner

**RE: Property Owner: SEE BELOW** 

Location: DISTRIBUTION MEETING OF February 11, 2002

Item No.: 02-255-XA

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.

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

cc: File

Sept 3/27

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** February 20, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

4515 North Point Blvd.

INFORMATION:

Item Number:

02-255 – REVISED SUBMITTAL

Petitioner:

Port East LLC

Zoning:

ML-IM/ML-AS

Requested Action:

Variance/Special Exception

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request providing that the front portion of the lot adjacent to North Point Boulevard will not be used for container storage and street trees are planted along North Point Boulevard.

Prepared by:

**Section Chief:** 

AFK:MAC:

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

TO:	Arnold Jablon					
FROM:	Todd G. Taylor くじ					
DATE:	February 12, 2002					
SUBJECT:	Zoning Item 255 Address 4515 North Point Boulevard					
Zonin	g Advisory Committee Meeting of <u>January 14, 2002</u>					
	The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.					
an ext	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 the following comments on the above-referenced zoning item:						
<u>X</u>	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).					
<u>X</u>	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).					
<u>X</u>	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).					
<u> </u>	Additional Comments:					
Revie	wer: Michael Kulis Date: 2/12/02					

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** February 7, 2002

Department of Permits & Development Mgmt

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 22, 2002

Item Nos. 241, 242, 243, 244, 245, 247, 248, 249, 250, 253, 254, (255, 256, 257, 258, 259, and 260

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

#### INTER-OFFICE CORRESPONDENCE

**DATE:** February 6, 2002

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

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

**SUBJECT:** 

4515 North Point Blvd.

INFORMATION:

Item Number:

02-255

**Petitioner:** 

Port East LLC

Zoning:

ML-IM/ML-AS

Requested Action:

Variance/Special Exception

#### SUMMARY OF RECOMMENDATIONS:

Planning staff has discussed the subject request with the applicant's representatives, and it is our understanding the front portion of the lot adjacent to North Point Boulevard will not be used for container storage. In addition the office has been advised that street trees will be planted along North Point Boulevard. Based upon the aforementioned, the Office of Planning supports the applicant's request.

Prepared by:

Section Chief: Jeffey W

AFK:MAC:

#### **APPEAL**

02 APR 26 PUIS: 15

Petition For Special Exception and For Variance
4515 North Point Boulevard
W/S North Point Boulevard,
520' S of Merritt Lane
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District
Port East, LLC, Kenneth C Jones, VP - Legal Owner
Case No.: 02-255-XA

Petition for Special Exception (dated 12/14/01)
Petition for Variance (dated 02/13/02) - ReviseD

✓ Zoning Description of Property Revises 2-13-02

✓ Notice of Zoning Hearing (dated 02/19/02)

V Certification of Publication (The Jeffersonian issue dated 03/12/02)

Certificate of Posting (dated 02/25/02 posted Patrick M O'Keefe)

Entry of Appearance by People's Counsel (01/23/02)

Petitioner(s) Sign-In Sheet (1 page)

Protestant(s) Sign-In Sheet (1 page)

✓ Citizen(s) Sign-In Sheet (none)

Vizoning Advisory Committee Comments

√ Petitioners' Exhibits: (none)

✓ Protestants' Exhibits: (none)

√ Miscellaneous (Not Marked as Exhibits):

√ ❖ Plan to Accompany Petitions for Special Exception & Variance (revised plan and refilled with zoning office dated 02/13/02)

√ ◆ Plan to Accompany Petitions for Special Exception & Variance (revised plan dated 03/26/02)

✓ Deputy Zoning Commissioner's Order (GRANTED w/ Restrictions – dated 03/29/02)

√Notice of Appeal received on April 23, 2002 from Peter M Zimmerman, People's Counsel for Baltimore County, Baltimore County Maryland

c: Robert A Hoffman, Venable Baetjer & Howard, 210 Allegheny Avenue Towson 21204

People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

David Karceski, Esquire Venable Baetjer & Howard 210 Allegheny Avenue Towson, MD 21204 Phil Der Whitney Bailey Cox & Magnani 849 Fairmount Avenue Towson, MD 21204

Bob Capalongo Whitney Bailey Cox & Magnani 849 Fairmount Avenue Towson, MD 21204

Robert A. Hoffman, Esquire Venable Baetjer & Howard 210 Allegheny Avenue Towson, MD 21204

> Buddy Getty 4515 North Point Blvd. Baltimore, MD 21219

Jim Hollis Whitney Bailey Cox & Magnani 849 Fairmount Avenue Towson, MD 21204

Kenneth C. Jones
Port East LLC
c/o First Mariner Bank
1801 S. Clinton Street
Baltimore, MD 21224





Case No. 02-255-XA

Port East LLC /Kenneth C. Jones, VP -Legal Owner

SE – To approve Class II Trucking Facility in ML-IM and ML-AS zones

VAR – stone parking lot ilo durable, dustless surface; non-striped parking lot; 55% devoted to parking truck tractors & trailers; sign height of 36' ilo permitted 12'; sign face of 297 sf ilo permitted 75 sf.

3/29/02 – DZC's decision in which SE was GRANTED and Variance relief GRANTED with restrictions.

9/10//02 -Notice of Assignment sent to following; assigned for hearing on Thursday, January 2, 2003, at 10 a.m.:

Office of People's Counsel
Robert A. Hoffman, Esquire
David Karceski, Esquire
Kenneth C. Jones /Port East LLC
Phil Der, Bob Capalongo, Jim Hollis /Whitney Bailey Cox & Magnani
Buddy Getty
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

10/08/02 – Letter from David Karceski, Esquire, counsel for petitioner; Petitioner withdrawing Petition for Variance as it relates to proposed sign only; People's Counsel's appeal was taken to the sign; therefore, with the withdrawal of the sign variance, People's Counsel will withdraw appeal (awaiting letter of withdrawal of appeal from C. Demilio). Upon receipt of Ms. Demilio's letter, Order of Dismissal to be issued incorporating as attachments both Mr. Karceski's and Ms. Demilio's letters, which language will be referenced in the Order of Dismissal.

10/11/02 - Letter from People's Counsel - in consideration of the withdrawal by Petitioner of the sign variance only, that office will withdraw its appeal in this matter. Order to be issued.

\_\_\_\_\_\_

#### BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

December 9, 2002

TO:

Arnold Jablon, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton (1)
Board of Appeals

SUBJECT:

CLOSED APPEAL CASE FILES

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	PDM FILE NUMBER	NAME	LOCATION
90-492-SPHA	90-492-SPHA	Chesapeake Equity Org., Inc.	Black Pine Farm
02-255-XA	02-255-XA	Port East LLC Kenneth C. Jones	4515 North Point Blvd
90-540-A	90-540-A	100 Church Lane Partnership	100 Church Lane
96-284-SPHX with CBA-97-100	96-284-SPHX III-377	Village Care, Inc. John W. Tastet – LO	Mt. Wilson Lane and Iron Horse Lane

Attachment: SUBJECT FILE(S) ATTACHED



# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

FAX: 410-887-3182

#### Hearing Room – Room 48

Old Courthouse, 400 Washington Avenue

September 10, 2002

NOTICE OF ASSIGNMENT

CASE #: 02-255-XA

IN THE MATTER OF: Port East LLC, Kenneth C. Jones, VP

4515 North Point Boulevard

15th Election District; 7th Councilmanic District

3/29/02 – Petition for Special Exception GRANTED and Petition for Variance GRANTED with restrictions by Deputy Zoning Commissioner.

**ASSIGNED FOR:** 

THURSDAY, JANUARY 2, 2003 at 10:00 a.m.

**NOTICE:** 

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County

Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests

must be in writing and in compliance with Rule 2(b) of the Board's Rules. No

postponements will be granted within 15 days of scheduled hearing date unless in full

compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

> Kathleen C. Bianco Administrator

c:

Appellant

: Office of People's Counsel

Counsel for Petitioner

: Robert A. Hoffman, Esquire David Karceski, Esquire

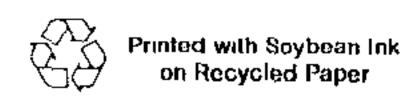
Petitioner

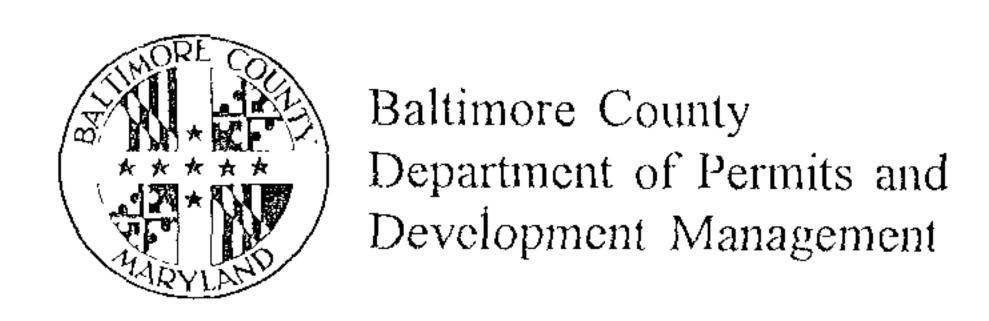
: Kenneth C. Jones /Port East LLC

Phil Der, Bob Capalongo, Jim Hollis /Whitney Bailey Cox & Magnani

**Buddy Getty** 

Pat Keller, Planning Director Lawrence E. Schmidt, Zoning Commissioner Arnold Jablon, Director /PDM





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

Fax: 410-887-5708

April 25, 2002

Mr. Robert A Hoffman Venable Baetjer & Howard 210 Allegheny Avenue Towson MD 21204

Dear Mr. Hoffman:

RE: Case No. 02-255-XA, 4515 North Point Boulevard

Please be advised that an appeal of the above-referenced case was filed in this office on April 23, 2002 by Peter M. Zimmerman, People's counsel for Baltimore County, Baltimore County, Maryland. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon Director Goz

AJ: gdz

c: Port East, LLC, Kenneth C Jones, VP 1801 S Clinton Street, Baltimore 21224 Buddy Getty & Len Sipes, 4515 North Point Blvd, Baltimore 21219 Phil Der, Bob Capalongo, Jim Holls, Whitney Bailey Cox & Magnani, 849 Fairmount Avenue, Towson 21286 Harry Wujek, 9005 Chesapeake Avenue, Baltimore 21219 Stanley Holstein, Ms Kimberly Holstein 8622 Wise Ave, Baltimore 21222 Steven Wall, Ms Jean Wall, 1723 Drexel Road, Baltimore 21222 Rick Colbert, Department of Economic Development People's Counsel

# Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

April 23, 2002

Deputy People's Counsel

PETER MAX ZIMMERMAN People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL EXCEPTION

PETITION FOR VARIANCE

4515 North Point Boulevard, W/S North Point

Peter May Zimmerman

Boulevard, 520' S of Merritt Lane

15th Election District, 7th Councilmanic

Port East LLC, Petitioner Case No.: 02-255-XA

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated March 29, 2002 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/caf

cc: Robert A. Hoffman, Esq. and David Karceski, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioners



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

Fax: 410-887-3468

March 29, 2002

David Karceski, Esquire Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, Maryland 21204

RE: Petitions for Special Exception & Variances

Case No. 02-255-XA

Property: 4515 North Point Boulevard

Dear Mr. Karceski:

Enclosed please find the decision rendered in the above-captioned case. The Petitions for Special Exception and Variances have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Office of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

buthy llo traco

TMK:raj Enclosure

#### Copies to:

Mr. Ken Jones
Port East, LLC
1801 S. Clinton Street
Baltimore, MD 21224

Mr. Buddy Getty Mr. Len Sipes 4515 North Point Boulevard Baltimore, MD 21219

Mr. Phil Der Mr. Bob Capalongo Mr. Jim Holls c/o Whitney, Bailey, Cox & Magnani 849 Fairmount Avenue Towson, MD 21286

Mr. Harry Wujek 9005 Chesapeake Avenue Baltimore, MD 21219

Mr. Stanley Holstein Ms. Kimberly Holstein 8622 Wise Avenue Baltimore, MD 21222

Mr. Steven Wall
Ms. Jean Wall
1723 Drexel Road
Baltimore, MD 21222

Rick Colbert
Department of Economic Development



210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147 www.venable.com



OFFICES IN

MARYLAND WASHINGTON, D.C. VIRGINIA

Writer's Direct Number: (410) 494-6285

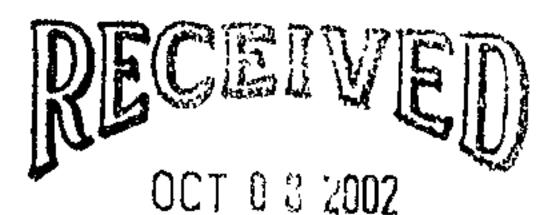
dhkarceski@venable.com

October 7, 2002

#### HAND-DELIVERED

ATTORNEYS AT LAW

Kathleen C. Bianco, Administrator County Board of Appeals for Baltimore County Old Courthouse 400 Washington Avenue Towson, Maryland 21204



BALTIMUME COUNTY BOARD OF APPEALS

Re: Petition for Variance

Case No. 02-255-XA – 4515 North Point Boulevard 15<sup>th</sup> Election District, 7<sup>th</sup> Councilmanic District

Dear Mrs. Bianco:

By way of an order dated March 29, 2002, the Deputy Zoning Commissioner granted Petitions for Special Exception and Variance filed by Petitioner Port East, LLC for the operation of a class II trucking facility on the above-referenced property. As part of its Petition for Variance, Petitioner sought approval of a height and area variance for a freestanding joint identification sign. People's Counsel appealed the grant of the Petitions to County Board of Appeals.

I am writing on behalf of the Petitioner to inform the Board that, at this time, Petitioner has elected not to pursue the Petition for Variance filed in the above-referenced case as it relates to the proposed sign only. Therefore, to the extent that People's Counsel's appeal, which is scheduled for January 2, 2003, was taken to the sign, it should be dismissed as moot. This withdrawal is without prejudice to the right of the Petitioner to seek any sign variance relief in the future.

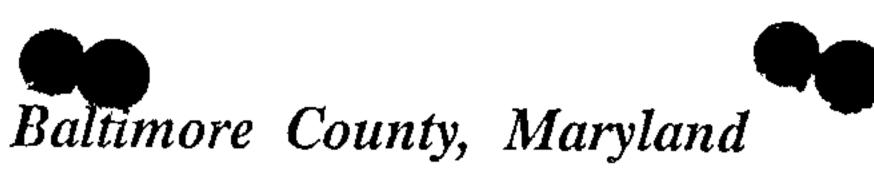
Please let me know if you require anything further on this matter.

Very truly yours,

David H. Karceski

DHK

cc: Carole S. DeMilio, Esquire TOIDOCSI/DHK01/#146031 v1





OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

> (410) 887-2188 October 11, 2002

PETER MAX ZIMMERMAN People's Counsel

Deputy People's Counsel

Kathleen C. Bianco Administrator County Board of Appeals 400 Washington Avenue, Room 49 Towson, MD 21204

Hand-delivered

RE: Case No. 02-255-XA, 4515 North Point Boulevard

Dear Mrs. Bianco:

RECEIVED
OCT 1 2002

BALTIMORE COUNTY BOARD OF APPEALS

We are in receipt of Mr. Karceski's letter of October 7<sup>th</sup>. The Petitioner filed for Variances, among then a sign variance, and a Special Exception. The Petitions were granted by the Deputy Zoning Commissioner. Our office filed an appeal from the decision with the Board.

Our primary concern was the sign variance requested by the Petitioner. The Petitioner has elected to withdraw the sign variance, without prejudice. This alleviates our concern with this case at this time. In light of this withdrawal, we do not feel it would be in the public interest to pursue the appeal of the remaining variances and the special exception. Of course, we reserve the right to contest any sign variance for the site that the Petitioner may seek in the future.

Please dismiss our appeal, conditioned on the Board's acceptance of Petitioner's withdrawal of the sign variance. We understand this can be done without the need to appear before the Board, and that the hearing scheduled for January 2, 2003 will be withdrawn.

Thank you for your attention to this matter. Please contact us if you need any further information.

Very truly yours,

Peter Max Zimmerman

Carole S. Demilio

Deputy People's Counsel

: David H. Karceski, Esquire

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
4515 North Point Boulevard, W/S North Point Bit

4515 North Point Boulevard, W/S North Point Blvd, 520' S of Merritt Ln

15th Election District, 7th Councilmanic

Legal Owner: Port East LLC Petitioner(s)

\* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* Case No. 02-255-XA

\* \* \* \* \* \* \* \* \*

#### 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

Oudle S. Damilio

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 23<sup>rd</sup> day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN



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

January 23, 2002

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: Wendy Jordan - 251

Kenneth C. Jones - 255

Location: DISTRIBUTION MEETING OF January 14 2002

Item No.: 251, (255)

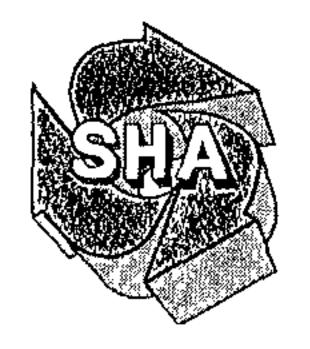
Dear Ms. Stephens:

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 Baltimore County 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



# Maryland Department of Transportation State Highway Administration

Parris N Glendening Governor

John D. Porcari Secretary

Parker F. Williams
Administrator

Date: 1.23.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 255

ساسال

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/VS 15% are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

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

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division Mr. George Zahner Page Two

Should any additional information be required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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

CC: Mr. Phil Humbertson, District 4 Mr. Ed Stein, Highway Design PLEASE PRINT CLEARLY

## PETITIONER(S) SIGN-IN SHEET

102-255-XA 3/27/02

NAME ADDRESS	
DAVID KARCESKY	210 Alleghen Aux
BHIL DER	210 Alleghen Auc 899 FAIRMount Alus BALTO MD 21286
Burny Gerry	4515 North F. Bert D. Bors
BOB CAPALONGO	349 FAIRMOINT AVE SUITE 100
Rick Cobert	Bast Cty Economic Development
Len 5, pes	17710.
Jim Holls	4515 N. PT. BL20) BA250.  8405 FAIRMOUNT DUE  BALTO. MD 21786
Ken Jones	180/ S. Clark St. Balk 2127
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Case Number # 02-255 -XA
3/27/02

## PLEASE <u>PRINT</u> LEGIBLY

# PROTESTANT'S SIGN-IN SHEET

/ Name	Address	City, State	Zip Code
HARRY WUSEK	9005 CHESAPERKE AUE	BALT., NO.	21219
	8622 W 150 AVC.	Ba 140 70	Alvar
Feet A-Fozankernstet		Batto, Mil	21286
Aug R Wall	1723 Deeplel Rt.	Ballo mid	21222
Stevelsall	1723 Dreik Rel	Balto Mal	7122
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