

IN RE: PETITION FOR SPECIAL HEARING  
SW/S Sollers Point Road, approximately  
1120' SE Tyler Avenue  
12th Election District  
7th Councilmanic District  
(7201 Sollers Point Road)

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 02-338-SPH

Mitchel Plumbing & Heating, Inc.  
*Petitioner*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Mitchel Plumbing & Heating, Inc. The special hearing request is to approve an existing non-conforming use of an office, commercial, retail, warehouse and storage facility on the subject property, which does not meet current setback requirements on the site.

Appearing at the hearing were Richard Diotte, President of Mitchel Plumbing & Heating, Inc., Juona Rostek-Zarska, Robert E. Long, Sr., Richard Cobert, a representative of the Baltimore County Department of Economic Development and John B. Gontrum, attorney at law, representing the Petitioner. There were no Protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this request, is located at 7201 Sollers Point Road in the Dundalk area of Baltimore County. The subject property consists of 0.78 acres, more or less, and is split-zoned D.R.5.5 and ML. The property is improved with a host of structures as are shown on Petitioner's Exhibit No. 1, the site plan entered into evidence. Some of the buildings located on the property and the uses conducted therein are located in the D.R.5.5 zone and others in the ML zone. The purpose of

DATE 4/16/02  
BY J.B. Gontrum

the hearing is to approve the non-conforming status of these uses, as well as the buildings on the entire property.

The uncontradicted testimony demonstrated that the entire property has been used, prior to 1945, by the Dundalk Lumber Company as a commercial retail and warehouse establishment. The structures on site have always been used as offices, warehouse storage and retail sales for the Dundalk Lumber Company. At the present time, the subject property is utilized by Mitchel Plumbing & Heating, Inc. for the purpose of storing equipment and merchandise that they use in their business. Also occupying the property is the Dundalk Amish Furniture Store which warehouses and sells Amish furniture to the general public. The Petitioner proposes, at this time, to make renovations on the property which requires tearing down some old structures and replacing them with a new building which is configured in a different fashion than what exists on the property today. However, there will be no real changes to the setbacks that exist on the property or the uses that are conducted thereon. Therefore, the modifications and renovations proposed to be made by the Petitioner are consistent with the non-conforming use that has existed on this property since prior to 1945.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945 for that portion of the property zoned D.R.5.5 and 1970 for that portion zoned ML.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of

4/11/02  
R. Johnson

the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Maryland, 39 Md. App. 257, 385 A.2d 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Deputy Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Deputy Zoning Commissioner should consider the following factors:

- (a) "To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;
- (b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature and kind;
- (c) Does the current use have a substantially different effect upon the neighborhood;
- (d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., supra.

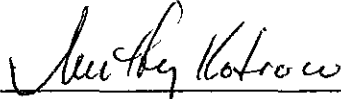
After due consideration of the testimony and evidence offered at the hearing, it is clear that the subject property has been used continuously and without interruption as a an office, commercial retail warehouse and storage facility since 1945 and enjoys a legal nonconforming use. Having considered the testimony and evidence presented at the hearing, the special hearing for a non-conforming use for this property should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 11<sup>th</sup> day of April, 2002, that the Petitioner's Request for Special Hearing from

DATE RECORDED OR FILED  
Date 4/16/02  
By D. Gannon

Section 500.7 of the Baltimore County Zoning Regulations to approve a nonconforming use for an office, commercial retail warehouse and storage facility, be and is hereby GRANTED.

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

DATE RECEIVED FOR FILING  
Date 4/11/02  
By R. Jensen



Baltimore County  
Zoning Commissioner

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

April 11, 2002

John B. Gontrum, Esquire  
Romadka, Gontrum & McLaughlin  
814 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Petition for Special Hearing  
Case No. 02-338-SPH  
Property: 7201 Sollers Point Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the 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,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Copies to:

Richard M. Diotte  
5 Bangert Avenue  
White Marsh, MD 21162

Juona Rostek-Zarska  
222 Schilling Circle, Suite 105  
Hunt Valley, MD 21030

Robert E. Long, Sr.  
2117 Middleborough Road  
Baltimore, Maryland 21221

Richard Cobert  
Baltimore County Dept. of Economic Development



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7201 SOLLERS POINT ROAD  
which is presently zoned ML D.R. 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

*existing non-conforming uses are office, commercial-retail warehouse and storage without conforming setbacks in a different configuration.*

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

### Contract Purchaser/Lessee:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Attorney For Petitioner:

JOHN B. GONTRUM  
Name - Type or Print \_\_\_\_\_  
Signature *[Signature]* \_\_\_\_\_  
ROMADKA, GONTRUM & MCLAUGHLIN  
Company \_\_\_\_\_  
814 EASTERN BOULEVARD 410-686-8274  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
BALTIMORE, MARYLAND 21221  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Legal Owner(s):

MITCHEL PLUMBING & HEATING, INC.  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
RICHARD DIOTTE, PRESIDENT  
Name - Type or Print \_\_\_\_\_  
Signature *[Signature]* \_\_\_\_\_  
301 WILLOW SPRING ROAD 410-284-2760  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
BALTIMORE, MARYLAND 21222  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Representative to be Contacted:

Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

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

Reviewed By D. THOMPSON Date 2/13/02

ORDER PREPARED FOR FILING

Date 2/13/02  
*[Signature]*

Case No. 02-338-SPH

# BLDG

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## BALTIMORE LAND DESIGN GROUP, INC. CONSULTING ENGINEERS

### DESCRIPTION TO ACCOMPANY ZONING PETITION 7201 SOLLERS POINT ROAD 12<sup>TH</sup> ELECTION DISTRICT, C-7

February 12, 2002

Beginning for the same at a point on the south side of former Sollers Point Road, having coordinates: N 582,198.20 and E 1,449,207.20, running thence:

1. South 41° 44' 00" West 281.30 feet thence,
2. North 02° 45' 00" West 285.00 feet thence,
3. North 51° 19' 00" East 107.81 feet to the south side of former Sollers Point Road thence,
4. South 43° 07' 00" East 102.96 feet along south side of former Sollers Point Road thence,
5. South 48° 25' 00" East 60.31 feet along south side of former Sollers Point Road to the place of beginning.

Containing 0.78 acres +/-

*This description is intended for zoning purposes only and shall not be used for conveyance of land.*



*Myrona Rostek-Zarski*



**BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT**

No. **09983**

DATE 2/13/02 ACCOUNT R0010066150

AMOUNT \$ 250.00

RECEIVED FROM: JOHN GONTRUM

FOR: ITEM 338 02-338-SPH 7201 SOLLERS PT RD.

TAKEN IN BY D. THOMPSON

PAID RECEIPT  
PAID RECEIPT

PAYMENT DATE TIME  
2/13/2002 2:15/2002 11:16:25

FOR US\$ CASHIER FROM MAN DRAWEF  
RECEIPT # 007610  
REF # 5 528 ZONING VERIFICATION  
OFFICER 009983

Receipt Total 250.00  
250.00 BY 00 EN  
Baltimore County, Maryland

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**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:

Case: #02-338-SPH

7201 Sollers Point Road

SW/S Sollers Point Road, approximately 1120' SE

Tyler Avenue

12th Election District - 7th Councilmanic District

Legal Owner(s): Mitchel Plumbing & Heating Inc.,

Richard Diotte

**Special Hearing:** to approve an existing non-conforming uses of office, commercial/retail warehouse and storage without conforming setbacks in a different configuration.

**Hearing:** Monday, April 8, 2002 at 11:00 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.

3/209 March 21 CS26790

**CERTIFICATE OF PUBLICATION**

3/21, 2002

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 3/21, 2002.

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

*J. Wilkinson*

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 02-338 SPH

Petitioner/Developer MITCHELL

Jo GONTRUM, ESO

Date of Hearing/Closing 4/8/02

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

Attention P.D.M. / ZONING / GEORGE ZAHNER

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 #7201 - SOLLERS POINT

RD

The sign(s) were posted on 3/18/02  
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 3/20/02

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

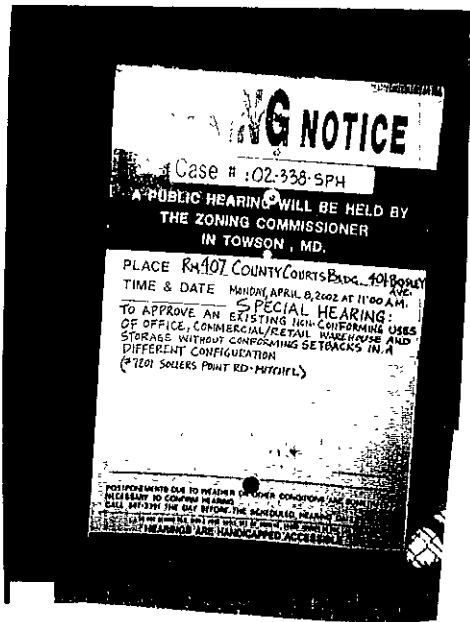
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

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

(Telephone Number)



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.**

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**For Newspaper Advertising:**

Item Number or Case Number. 02-338-SPH  
Petitioner: MITCHEL PLUMBING & HEATING INC.  
Address or Location: 7201 SOLLERS POINT RD., 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN B GONTRUM, ESQ  
Address: ROMADKA, GONTRUM & McLAUGHLIN  
814 EASTERN BLVD.  
BALTO. MD 21221  
Telephone Number: 410-686-8274

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY  
Thursday, March 21, 2002 Issue -- Jeffersonian

Please forward billing to:  
John B Gontrum Esquire  
Romadka Gontrum & McLaughlin  
814 Eastern Blvd  
Baltimore MD 21221

410 686-8274

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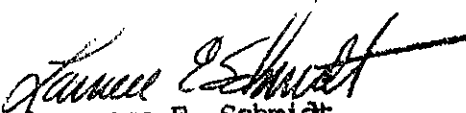
## NOTICE OF ZONING HEARING

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: 02-338-SPH  
7201 Sollers Point Road  
SW/S Sollers Point Road, approximately 1120' SE Tyler Avenue  
12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owner: Mitchel Plumbing & Heating Inc, Richard Diotte

Special Hearing to approve an existing non-conforming uses of office, commercial/retail warehouse and storage without conforming setbacks in a different configuration.

HEARING: Monday, April 8, 2002 at 11:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue

  
Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDL  
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

March 5, 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: 02-338-SPH  
7201 Sollers Point Road  
SW/S Sollers Point Road, approximately 1120' SE Tyler Avenue  
12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owner: Mitchel Plumbing & Heating Inc, Richard Diotte

Special Hearing to approve an existing non-conforming uses of office, commercial/retail warehouse and storage without conforming setbacks in a different configuration.

HEARING: Monday, April 8, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon G.D.Z.  
Director

C: John B Gontrum, Romadka Gontrum & McLaughlin, 814 Eastern Blvd,  
Baltimore 21221  
Mitchel Plumbing & Heating Inc, Richard Diotte, 301 Willow Spring Road,  
Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 23, 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

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

April 5, 2002

Romadka Gontrum & McLaughlin  
Mr. John B Gontrum  
814 Eastern Boulevard  
Baltimore MD 21221

Dear Mr. Gontrum:

RE: Case Number: 02-338-SPH, 7201 Sollers Point Road

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.*

W. Carl Richards, Jr. G22  
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Mitchel Plumbing & Heating Inc, Mr. Richard Diotte, 301 Willow Spring Road,  
Baltimore 21222  
People's Counsel

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

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

**DATE:** April 1, 2002

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

**SUBJECT:** Zoning Advisory Committee Meeting  
for *March 4, 2002*  
*Item Nos. 317, 331, 332, 334, 335,*  
*336, 337, (338) 340, 341, 342, 343,*  
*345, 348 and 349*

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

RWB:HJO:cab

cc: File





Baltimore County  
Fire Department

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

February 28, 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 March 4, 2002

Item No.: 332, 317, 336, and 338

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

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: March 27, 2002

Zoning Advisory Committee Meeting of March 4, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

317, 331, 332, 336, 338, 340-342, 345, 346, 348, 349

Still waiting on Agriculture Preservation Comments for 334, 335, 339.

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon  
FROM: R. Bruce Seeley  
DATE: April 1, 2002

Zoning Advisory Committee Meeting of March 4, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

317, 331, 332, 336-338, 340-342, 345, 346, 348, 349

No AG Comments for 334, 335, 339.

Jim  
4/8

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** March 11, 2002

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

MAR 12 2002

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 02-338 & 02-345

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 M. Long

AFK/LL:MAC



**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 3.1.02

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

RE: Baltimore County  
Item No. 338 PT

Dear Mr. Zahner:

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,

A handwritten signature in cursive script, appearing to read 'K. A. McDonald Jr.'.

*K.A.* 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**

RE: PETITION FOR SPECIAL HEARING  
7201 Sollers Point Road, SW/S Sollers Point Rd,  
appx. 1120' SE of Tyler Ave  
12th Election District, 7th Councilmanic

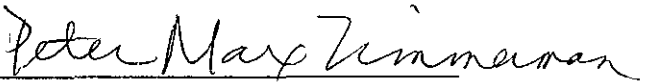
Legal Owner: Mitchel Plumbing & Heating, Inc.  
Petitioner(s)

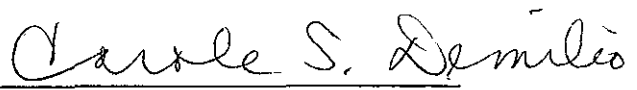
\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 02-338-SPH

\* \* \* \* \*

**ENTRY OF APPEARANCE**


Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **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 6<sup>th</sup> day of March, 2002 a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esq., Romadka, Gontrum & McLaughlin, 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioner(s).

  
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Richard M. Death

5. Bangor Ave White Mount, Md 21162

Iwona Rostek-Zarska

222 Schilling Circle, Ste 105, Hunt Valley, Md 21030

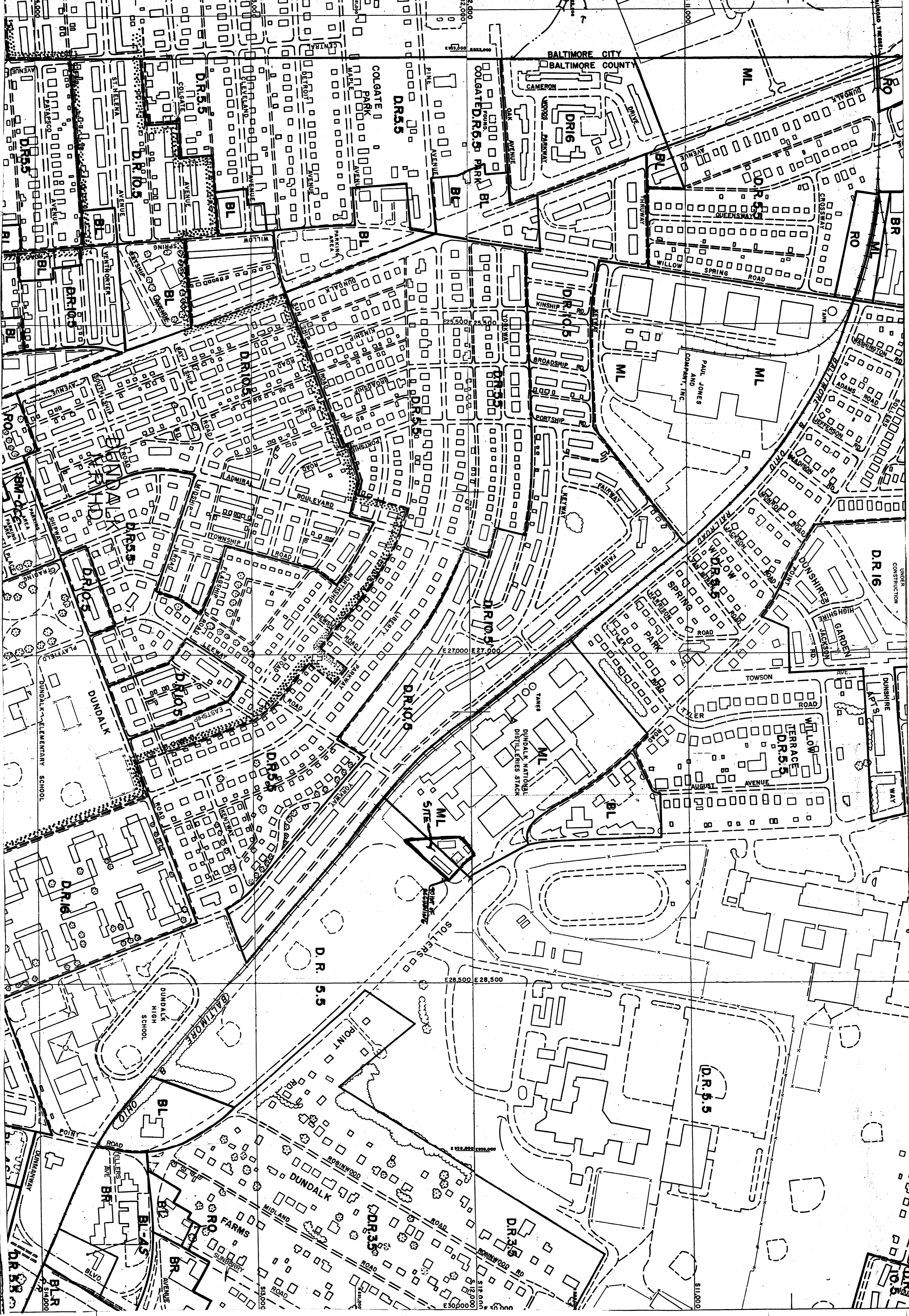
Robert E Long Sr.

2117 Middlebrook Rd 21221

Richard Cobert

Balt. City Economic Development





F-N E-NW  
F-SE E-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS  
PHOTOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHANAN-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING MAP  
ADOPTED BY  
THE BALTIMORE COUNTY COUNCIL  
OCTOBER 10, 2000

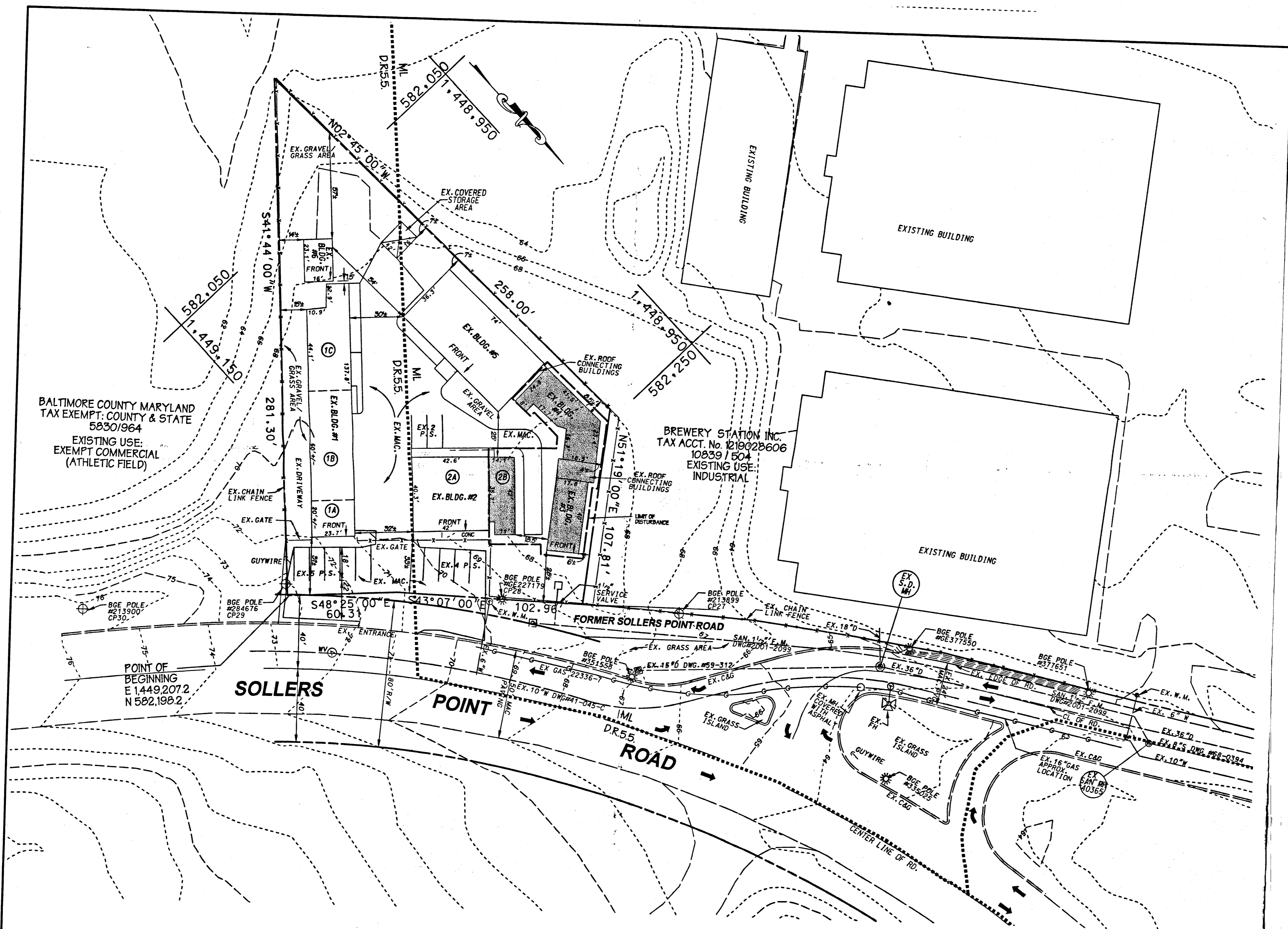
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

(SHEET 8.E.4-B)

SCALE 1" = 200'	LOCATION DUNDALK	SHEET 3-E 4-E
DATE OF PHOTOGRAPHY JANUARY 1986		





**PLAN**  
**EXISTING CONDITIONS**  
SCALE: 1" = 50'

**SITE DATA**

**1. SITE AREA**

NET AREA: 33,890 SF OR 0.78 AC  
NET AREA ZONED ML = 0.39 AC  
NET AREA ZONED DR 55 = 0.39 AC

**2. OWNER / APPLICANT / DEVELOPER:**

RICHARD M. & MADELINE A. DIOTTE  
5 BANGERT AVE  
WHITE MARSH MD 21162-1029  
PHONE: 410-284-2760

**3. DEED REFERENCES:**

MAP 103, PARCEL 290: 15647/631, TAX ACCT. #12-06-020911

**4. ELECTION DISTRICT 12: COUNCILMANIC DISTRICT 7**

**5. EXISTING USE:**

OFFICE / WAREHOUSE / FURNITURE STORE / STORAGE

**6. PROPOSED USE:**

OFFICE / WAREHOUSE / FURNITURE STORE / STORAGE / MANUFACTURING

**7. EXISTING BLDG GROSS FLOOR AREA**

- A) EX BLDG 1A - 474x2 = 948 SF
- B) EX BLDG 1B - 1422 SF
- C) EX BLDG 1C - 1225 SF
- D) EX BLDG 2A - 1721 SF
- E) EX BLDG 2B - 584 SF
- F) EX BLDG 3 - 711 SF
- G) EX BLDG 4 - 1079 SF
- H) EX BLDG 5 - 2660 SF
- I) EX BLDG 6 - 370x2 = 740 SF
- J) EX COVERED STORAGE AREA - 192 SF

TOTAL EX GROSS FLOOR AREA: 11,281 SF

**8. PROPOSED BLDG GROSS FLOOR AREA**

- A) EX BLDG 1A - 474x2 = 948 SF
- B) EX BLDG 1B - 1422 SF
- C) EX BLDG 1C - 1225 SF
- D) EX BLDG 2A - 1721 SF
- E) EX BLDG 2B - 584 SF
- F) EX BLDG 3 - 711 SF
- G) EX BLDG 4 - 1079 SF
- H) EX BLDG 5 - 2660 SF
- I) EX BLDG 6 - 370x2 = 740 SF
- J) EX COVERED STORAGE AREA - 192 SF
- K) PROP. BUILDING ADDITION - 2,015 SF

TOTAL PROP. GROSS FLOOR AREA: 10,923 SF

**9. BUILDING SETBACKS: FOR EXISTING CONDITION**

BUILDING NO.	MIN. FRONT YARD REQUIRED	EX. FRONT YARD	MIN. SIDE YARD REQUIRED	EX. SIDE YARD	MIN. REAR YARD REQUIRED	EX. REAR YARD	MIN. REQUIRED SEPARATION BETWEEN BUILDINGS	EX. SEPARATION
1	40'	31'	20'	15'+	30'	-	BLDG 1 & 2: 20'+50'-70' BLDG 1 & 5: 20'+75'-95' BLDG 1 & 6: 30'+40'-70'	32' 30' 15'
2	75'	33'	50'	-	50'	-	BLDG 2 & 5: 50'+75'-125' BLDG 2 & 3 & 4: 50'+50'-100'	25'
3, 4	75'	28'	50'	4' MIN.	50'	8.5'	BLDG 3 & 4: N/A (CONNECTED BY ROOF)	18.5'
5	75'	-	50'	-	50'	7'	BLDG 5 & 6: 50'+20' = 70' BLDG 5 & 4 & 3: N/A (CONNECTED BY ROOF)	54'
6	40'	-	20'	14'	30'	57'		

**10. BUILDING SETBACKS: FOR PROPOSED CONDITION**

BUILDING NO.	MIN. FRONT YARD REQUIRED	EX./PROP. FRONT YARD	MIN. SIDE YARD REQUIRED	EX./PROP. SIDE YARD	MIN. REAR YARD REQUIRED	EX./PROP. REAR YARD	MIN. REQUIRED SEPARATION BETWEEN BUILDINGS	EX./PROP. SEPARATION
1	40'	31'	20'	15'+	30'	68'	BLDG 1 & 2: 20'+50'-70' BLDG 1 & 5: 20'+75'-95' BLDG 1 & 6: 30'+40'-70'	32' 30' 15'
2 AND PROP. BLDG ADDITION	75'	33'	50'	15'	50'	-	PROP BLDG ADDITION & 5: 50'+75'-125'	25'
5	75'	-	50'	-	50'	7'	BLDG 5 & 6: 50'+20' = 70'	54'
6	40'	-	20'	14'	30'	57'		

**MIN. SETBACKS IN DR 5.5 ZONE (FOR NON-RESIDENTIAL BUILDINGS):**

- FRONT YARD - 40 FT
- SIDE YARD - 20 FT
- REAR YARD - 30 FT

**MIN. SETBACKS IN ML ZONE SHALL BE THE SAME AS SETBACKS IN MR ZONE IF STRUCTURE IS LOCATED WITHIN 100 FT FROM RESIDENTIAL ZONE:**

- FRONT YARD - 75 FT
- SIDE YARD - 50 FT
- REAR YARD - 50 FT

**11. HEIGHT OF BUILDINGS**

ALLOWED - 40' MAX OR 3 STORY  
EXISTING/PROPOSED - 20' MAX

**12. PARKING REQUIREMENTS FOR EXISTING CONDITION:**

- A) PARKING REQUIRED:  
GENERAL OFFICE: 3.3 PS/1000 SF =  $(3.3 \times 948) = 31$  P.S.  
FURNITURE STORE: 2.5 PS/1000 SF =  $(2.5 \times 1422) = 36$  P.S.  
WAREHOUSE: 1 PS/1 EMP = 1 PS x 3 EMP = 3 P.S.  
TOTAL REQUIRED: 10 P.S.
- B) EXISTING PARKING PROVIDED: 11 P.S.

**13. PARKING REQUIREMENTS FOR PROPOSED CONDITIONS**

- A) PARKING REQUIRED:  
GENERAL OFFICE: 3.3 PS/1000 SF =  $(3.3 \times 1000) = 33$  P.S.  
FURNITURE STORE: 2.5 PS/1000 SF =  $(2.5 \times 1721) = 43$  P.S.  
WAREHOUSE: 1 PS x 2 EMP = 2 P.S.  
TOTAL REQUIRED: 10 P.S.
- B) PARKING PROVIDED: 10 P.S.

**14. OPEN SPACE: NONE REQUIRED**

**15. FOREST CONSERVATION REQUIREMENTS:**  
N/A - UNIT OF LAND LESS THAN 40,000 SF WITH NO FOREST COVERAGE.

**16. STORM WATER MANAGEMENT:**  
EXEMPT FROM STORM WATER MANAGEMENT REQUIREMENTS - DEVELOPMENT WILL NOT DISTURB MORE THAN 5,000 SF OF LAND AREA.

**17. THERE ARE NO EXISTING OR PROPOSED WELL OR SEPTIC AREAS.**

**18. THERE ARE NO KNOWN WETLANDS REQUIRING REGULATION, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, OR HAZARDOUS MATERIALS ON SITE.**

**19. THERE ARE NO EXISTING STREAMS, BODIES OF WATER OR 100 YEAR FLOODPLAINS ON THE SITE.**

**20. THERE ARE NO HISTORIC BUILDINGS ON THE SITE.**

**21. ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE BCZR AND ALL ZONING SIGN POLICIES.**

**22. ALL SITE LIGHTING USED FOR ILLUMINATION AND SECURITY PURPOSES SHALL BE ARRANGED TO REFLECT THE LIGHT AWAY FROM ADJACENT PROPERTIES AND PUBLIC STREETS.**

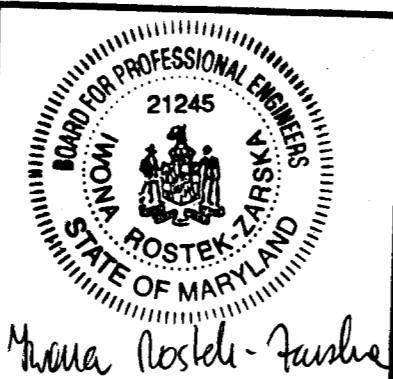
**23. KNOWN PERMITS:**

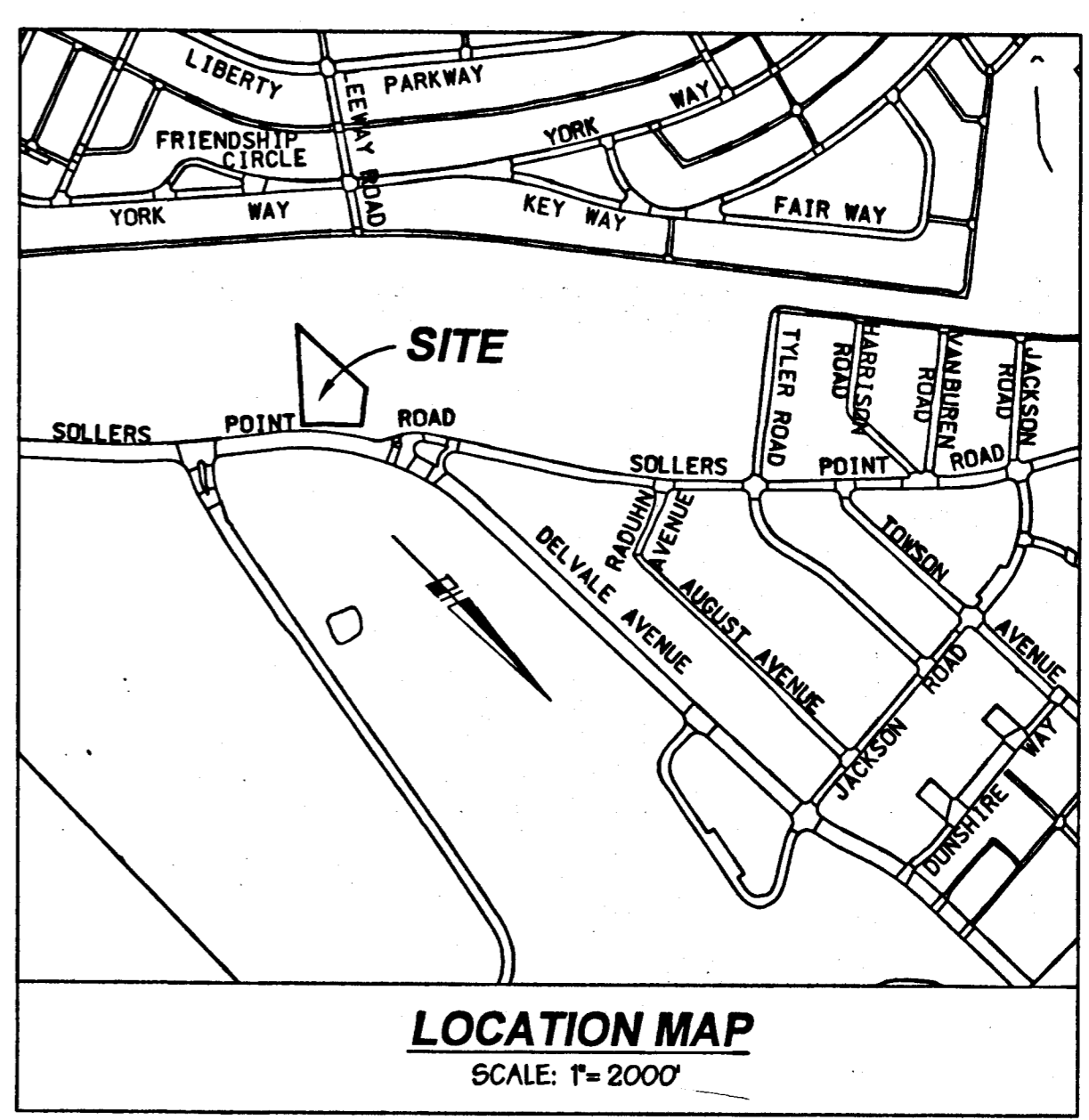
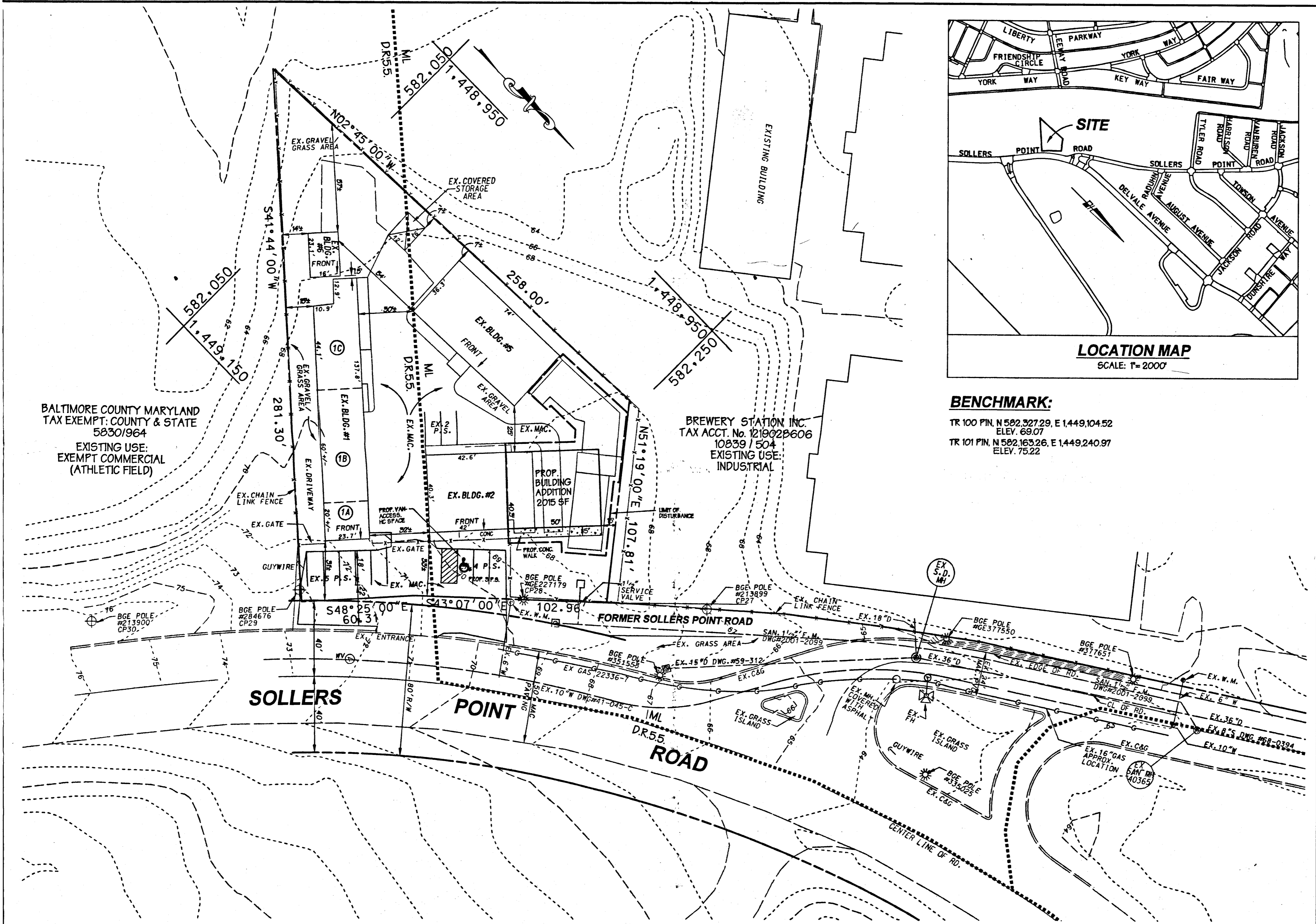
A RAZING PERMIT FOR DEMOLITION OF THREE EXISTING BLDGS: #2B, 3, & 4 (B462736)

**BLDG**

Baltimore Land Design Group Inc.  
Consulting Engineers

223 SCHILLING CIRCLE SUITE 105 • HUNT VALLEY, MARYLAND 21086  
PHONE: 410-229-9851 • FAX: 410-229-9865 • BLDG@WVNSTARMAIL.COM





**BENCHMARK:**  
 TR 100 PIN, N 582.32729, E 1.449.10452  
 ELEV. 68.07  
 TR 101 PIN, N 582.16326, E 1.449.24097  
 ELEV. 75.22

**PLAN**  
**PROPOSED CONDITIONS**  
 SCALE: 1" = 30'

**DEVELOPMENT APPROVALS**  
 THE PROPOSED IMPROVEMENTS WERE PRESENTED BEFORE THE DEVELOPMENT REVIEW COMMITTEE IN OCTOBER 2001 (DRC# 102 201 M). PROJECT WAS TABLED SUBJECT TO THE RESOLUTION OF THE BUILDING SETBACKS.

**ADDITIONAL NOTES**  
 THE PROPERTY LINE SHOWN HEREON IS BASED ON THE PLAT PREPARED FOR 7201 SOLLERS POINT PROPERTY BY K.L.S. CONSULTANTS, INC. IN SEPTEMBER 15, 2001 AND RECORDED IN THE LAND OF RECORDS, D.R.#7267/653.  
 THE FOLLOWING NOTES WERE INCLUDED ON THAT PLAT:  
 1. This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.  
 2. This plat is not to be relied upon for the establishment or location of fences, garages, buildings or other existing or future improvements.  
 3. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.  
 4. Setback Accuracy +/-

**LEGEND**

RIGHT OF WAY LINE	---
PROPERTY LINE	---
EXIST. CURB & GUTTER	EX C&G
EXIST. STORM DRAIN	EX S'D
EXIST. SANITARY	EX 1 1/2" F.M.
EXIST. WATER	EX 10" W
EXIST. GAS	---
ZONING LINE	ML DR 5.5
EX. CONTOURS	-70-
PROP. CONTOURS	-70-
EX. CHAIN LINK FENCE	X X
BGE / CP POLE	⊕
EX. LIGHT POLE	⊙
EX. BLDG. TO BE RAIZED	■

*Det. Ex. #1*

SPECIAL HEARING FOR NONCONFORMING USES FOR OFFICE, WAREHOUSE, FURNITURE STORE, AND STORAGE AND SETBACKS FOR THE SAME.

**OWNER / DEVELOPER / APPLICANT**  
**RICHARD M. & MADELINE A. DIOTTE**  
 5 BANGERT AVE  
 WHITE MARSH MD 21162-1029  
 PHONE: 410-284-2760

PLAN TO ACCOMPANY SPECIAL HEARING FOR  
**7201 SOLLERS POINT ROAD**  
 BALTIMORE COUNTY, MD  
 SCALE: 1" = 30'  
 SHEET: 1 OF 1  
 ELECTION DISTRICT: 12, C7  
 DATE: FEBRUARY 11, 2002