

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
W/S of Hanover Pike and		
N/S of Butler Road (NW corner)	*	DEPUTY ZONING COMMISSIONER
3rd Election District		
4th Councilmanic District	*	OF BALTIMORE COUNTY
(205 Hanover Pike)		
	*	CASE NO. 02-390-XA
Michael Ray Warner		
<i>Petitioner</i>	*	

* * * * *

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, Michael Ray Warner. The Petitioner is requesting zoning relief for property he owns at 205 Hanover Pike, located in the Reisterstown area of Baltimore County. The special exception request is to approve a greenhouse building in accordance with Section 259.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) which would exceed the floor area requirements of Section 259.3.C.1 of the B.C.Z.R. In addition to the special exception request, the Petitioner is also requesting a variance to allow a total gross floor area for all buildings on the property of 24,400 sq. ft. in lieu of the maximum allowed 8,800 sq. ft. and a total ground floor gross area of 23,200 sq. ft. in lieu of the maximum allowed 6,600 sq. ft.

Appearing at the hearing on this matter were Michael Warner, property owner, Geoffrey Schultz, appearing on behalf of McKee & Associates, the engineers who prepared the site plan of the property, Lawrence Hammond, a representative of Reisterstown/Owings Mills/Glyndon Community Associations (ROG) and Michael Paul Smith, attorney at law, representing the Petitioner. Appearing as an interested citizen was George Harmon, representing the Hanover Road Association.

IDENTIFIED FOR FILING
 Date 5/24/02
 By J.P. Jernigan

Testimony and evidence indicated that the property, which is the subject of this request, consists of 4.289 acres of land, more or less, the majority of which is zoned BL-CR and a small portion of which is zoned D.R.3.5. The subject property is located on the northwest corner of the intersection of Hanover Pike and Butler Road in Reisterstown. The property is improved with a large retail building, parking area, and nursery display areas, all of which constitutes the business known as "Glyndon Gardens". Mr. Warner is the owner of Glyndon Gardens and has been in business since 1981. At this time, he proposes to expand his operation by constructing a one-story greenhouse building on the subject property in the manner depicted on Petitioner's Exhibit No. 1, the site plan submitted into evidence. Mr. Warner intends to utilize the greenhouse building for purposes of growing nursery stock for his business and displaying same for sale. This currently occurs on the property in an open-air fashion. Photographs of the greenhouse building proposed to be constructed on the property were submitted into evidence. In addition, Mr. Warner had prepared architectural elevation drawings of the greenhouse building itself. In order to proceed with the construction of this new building, the special exception and variance relief is necessary.

As stated previously, Mr. Lawrence Hammond, President of ROG, attended the hearing and offered the general support of his associations. However, he did defer to the Hanover Road Association for any particular issues which may be raised by that group. In addition, support was offered by the Office of Planning, by virtue of their extensive report dated May 10, 2002. The Planning Office recommends approval of this request and further found that the use in question is compatible and in accordance with the design guidelines of the Hanover Pike Corridor Study and the duly adopted Master Plan.

RECEIVED FOR FILING
5/24/02
H. Hammond

Mr. George Harman, President of the Hanover Road Association, attended the hearing and testified in support of the Petitioner's request. Mr. Harmon testified that his association requests the imposition of certain conditions and restrictions in the event the special exception and variance are granted. These issues were discussed at the hearing with Mr. Warner, the owner of the property, and shall be set forth at the end of this Order. Mr. Harman also pointed out that the Petitioner has been storing materials on property zoned R.C.2 which is adjacent to the property owned by the Petitioner. Mr. Warner testified that the deed by which he took title to this property authorizes him to utilize that area of the land adjacent to his property owned by Baltimore Gas & Electric. In fact, Mr. Warner has an access road, through the area improved with BG&E power lines, which allows for truck deliveries to his business. Customer access is provided by another access point along Hanover Pike. This secondary means of access allows for large truck deliveries to come to the property without interfering with routine customer traffic.

Mr. Warner further explained that in the course of petitioning for this zoning relief, the Planning Office, as well as the Hanover Road Association, asked that certain items offered for sale, such as firewood, mulch and stone, which were displayed along the parking area in the front of the Petitioner's business, be moved and stored to the rear of the Petitioner's business, out of view from the intersection of Hanover Road and Butler Road. Mr. Warner, in an effort to accommodate the Planning Office and the Hanover Road Association, moved these items and stored them to the rear of his business. Mr. Warner has agreed to leave that area, which was previously used to display materials for sale, open and intends to landscape that area of the property. However, relocating those materials and losing that area of his property for display purposes, has caused the Petitioner's business to spill over onto the R.C.2. zoned portion of the

APPROVED FOR FILING

DATE 5/24/02
BY R. J. [Signature]

adjacent parcel. Mr. Harman brought this to the attention of this Deputy Zoning Commissioner for a ruling as to its permissibility. It was made clear at the hearing that Mr. Warner has full legal rights to utilize the area of land under the BG&E power lines for his business. That right is contained within his deed. In addition, the storage of those materials are permitted in the area under the BG&E power lines by this special exception request. In my opinion, this is a better area to store this mulch, firewood, and ornamental stone material, in that these items are out of view of the general public utilizing Butler Road and Hanover Pike. It certainly provides for a nicer and cleaner appearance of this business from this intersection which is the gateway to the Hanover Road communities. Therefore, I find that it is entirely permissible for this Petitioner to allow those materials, which were formerly stored on the front of his property, to be relocated and stored on the R.C.2 portion under the BG&E power lines. It shall also be permissible for the Petitioner to store other landscaping materials in that area of land. The special exception relief granted herein shall extend to that use.

As stated previously, in order for the Petitioner to move forward with the construction of this new greenhouse building a special exception, pursuant to Section 259.3.B of the B.C.Z.R., is necessary. The testimony and evidence offered at the hearing clearly showed that the proposed development for this property is in compliance with the site design guidelines and performance standards which are part of the duly adopted Master Plan for this property and the Hanover Pike Corridor Study. Furthermore, the testimony and evidence offered satisfied the additional requirements for the granting of this special exception in this CR district as are enunciated in Section 259.3.B.1-5 of the B.C.Z.R. Finally, the testimony satisfied the provision of Section 502.1 of the B.C.Z.R.

CONFIDENTIAL
5/24/02
R. J. Warner

Along the same lines of the granting of the special exception is the request to approve the variance to allow all buildings on this property to exceed 8,800 sq. ft. and 6,600 sq. ft. on the ground floor. Pursuant to the testimony and evidence offered at the hearing, the variance relief shall also be granted.

Therefore, having considered the totality of the testimony and evidence offered at the hearing, I shall approve the special exception and variance requests.

THEREFORE, IT IS ORDERED this 24th day of May, 2002, by this Deputy Zoning Commissioner, that the Petitioner's Request for Special Exception to approve this greenhouse building in accordance with Section 259.3.B.3 of the B.C.Z.R., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the requested variance relief to allow a total gross floor area for all buildings on the property of 24,400 sq. ft. in lieu of the maximum allowed 8,800 sq. ft. and a total ground floor gross area of 23,200 sq. ft. in lieu of the maximum allowed 6,600 sq. ft. , be and is hereby GRANTED.

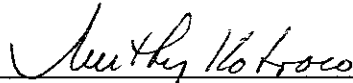
IT IS FURTHER ORDERED, that the relief granted herein is conditioned upon the following restrictions:

1. The greenhouse building to be constructed on the property shall be of the materials and as depicted on the architectural drawings submitted into evidence as Petitioner's Exhibit No. 3.
2. The Petitioner shall submit a landscape plan to Avery Harden, landscape architect for Baltimore County, showing a 15 ft. landscape strip along Hanover Pike. The landscaping shall not be installed until such time as the wooded area in front of the Petitioner's business is cleared. The Petitioner may use this wooded area for the installation of a water reservoir tank, septic reserve area and the display of plant materials.

IT IS FURTHER ORDERED, that the relief granted herein shall include that area of land under the BG&E power lines whereupon the Petitioner is currently storing materials.

FILED
MAY 24 2002
CLERK OF DISTRICT COURT
BALTIMORE, MARYLAND
J. J. GUNN
5/24/02

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

ORDERED: ZONING BOARD
12:40 5/24/02
BY: 



Baltimore County
Zoning Commissioner

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

May 24, 2002

Michael Paul Smith, Esquire
Bodie, Nagle, Dolina, Smith & Hobbs, P.A.
143 Main Street
Reisterstown, Maryland 21136

RE: Petitions for Special Exception & Variance
Case No. 02-390-XA
Property: 205 Hanover Pike

Dear Mr. Smith:

Enclosed please find the decision rendered in the above-captioned case. The Petitions for Special Exception and Variance 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,

A handwritten signature in black ink, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper

Copies to:

Michael Ray Warner
20 Pellview Avenue
Glyndon, MD 21071

Geoffrey C. Schultz
c/o McKee & Associates, Inc.
5 Shawan Road, Suite 1
Cockeysville, MD 21030

Lawrence Hammond, Esq.
465 Main Street
Reisterstown, MD 21136

George Harmon
5429 Weywood Drive
Reisterstown, MD 21136



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 205 Hanover Pike

which is presently zoned BL-CR & DR-3.5

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A greenhouse in accordance with Section 259.3B.3 which would exceed the floor area requirements of Section 259.3.C.1, but is in compliance with site design guidelines and performance standards which are part of a duly adopted master plan for the district.

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 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:

Michael Paul Smith

Name - Type or Print

Signature

Bodie, Nagle, Dolina, Smith & Hobbs, P.A.

Company

143 Main Street (410) 833-1221

Address

Reisterstown, Maryland 21136

City

State

Zip Code

Telephone No.

Legal Owner(s):

Michael Ray Warner

Name - Type or Print

Signature

Name - Type or Print

Signature

20 Bellview Avenue (410) 833-2791

Address

Telephone No.

Glyndon, Maryland 21071

State

Zip Code

Representative to be Contacted:

Geoffrey C. Schultz

c/o McKee & Associates, Inc.

Name

5 Shuman Road, Suite 1

(410) 527-1555

Address

Telephone No.

Cockeysville, Maryland 21030

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

Case No.

02-390-XA

REV 09/15/98

ORDER RECEIVED FOR FILING

Date 5/24/02

By J.P. [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 205 Hanover Pike

which is presently zoned BL-CR & DR-3.5

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 Variance from Section(s)

259.3C.1.a to allow a total gross floor area for all buildings of 24,400 S.F. in lieu of the maximum allowed 8800 SF. and a total ground floor gross area of 23,200 S.F. in lieu of the maximum allowed 6600 S.F.

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

* See Attachment "A"

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Michael Paul Smith
Name - Type or Print

Signature

Bodie, Nagle, Dolina, Smith & Hobbs, P.A.

Company

143 Main Street (410) 833-1221

Address

Reisterstown, Maryland 21136

City

State

Zip Code

Telephone No.

Legal Owner(s):

Michael Ray Warner

Name - Type or Print

X

Signature

Name - Type or Print

Signature

20 Bellview Avenue (410) 833-2791

Address

Telephone No.

Glyndon, Maryland 21071

City

State

Zip Code

Representative to be Contacted:

Geoffrey C. Schultz

c/o McKee & Associates, Inc.

Name

5 Shuman Road, Suite 1

(410) 527-1555

Address

Telephone No.

Cockeysville, Maryland 21030

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By SDA Date 03-14-02

Case No. 02-390-XA

Petition for Variance
to the Zoning Commissioner of
Baltimore County, Maryland
Page 2
March 14, 2002

ATTACHMENT "A"

The lot size combined with its proximity to Rt. 795, for the subject parcel is peculiar to this parcel. It is immediately adjacent to the extension of Rt. 795 and its connection to MD. Route 30. Its lot size, 3.472 acres, is such that the proposed structure and the existing structure's combined gross floor area is significantly less than the floor area ratio set forth in Section 259.3.C.1.b and yet would exceed the gross floor area regulations set forth in Section 259.3.C.1.a. Strict compliance to the zoning regulations would result in a practical difficulty and unreasonable hardship in that the configuration of the lot (all the acreage contained in one parcel) would subject the owner to a gross floor area ratio of .058 when the regulations in Section 259.3.C.1.b contemplate a ratio of .200.

02-390-XA

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

March 11, 2002

**ZONING DESCRIPTION OF
205 HANOVER PIKE
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**



BEGINNING for the first at a point lying on the west side of Hanover Pike (variable width right-of-way) and the north side of Butler Road (variable width right-of-way); thence running along the north side of Butler Road, South 64 degrees 28 minutes 32 seconds West, 57.48 feet, North 76 degrees 08 minutes 25 seconds West, 52.61 feet and North 86 degrees 16 minutes 40 seconds West, 40.84 feet; thence running North 65 degrees 02 minutes 29 seconds West, 401.48 feet, and North 53 degrees 29 minutes 15 seconds East, 635.12 feet to the west side of Hanover Pike; thence along the west side of said road South 04 degrees 47 minutes 33 seconds East, 90.24 feet, South 09 degrees 48 minutes 22 seconds West, 103.34 feet, South 00 degrees 55 minutes 05 seconds West, 100.50 feet, South 04 degrees 47 minutes 33 seconds East, 200.00 feet, and South 09 degrees 37 minutes 48 seconds West, 46.89 feet to the place of beginning, containing 3.472 acres of land, more or less.

BEGINNING for the second at a point located South 53 degrees 29 minutes 15 seconds West, 77.34 feet from the end of the fourth line of the above-described parcel; thence running South 03 degrees 58 minutes 45 seconds East, 109.66 feet to the north side of Butler Road; thence running along the north side of said road North 79 degrees, 30 minutes 43 seconds West, 49.60 feet and South 76 degrees 20 minutes 50 seconds West, 144.60 feet; thence running North 53 degrees 29 minutes 15 seconds East, 226.04 feet to the place of beginning, containing 0.206 acres of land, more or less.

BEING known as 205 Hanover Pike as recorded in deed Liber 11788, folio 111.

02-390-XA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

07390X10
No. 11236

DATE 6.3.14.02 ACCOUNT REC'D. 106.615C

AMOUNT \$ 550.00

RECEIVED FROM: Golden SA Foods LLC

FOR: Supplies Special Supplies
total 550

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

5007

PAID RECEIPT

5/14/2002 3/14/2002 11:27:42

DEPT 5 528 ZIMMING VERIFICATION

CR NO. 011236

RECEIPT 4 193777

DEPT 5 528 ZIMMING VERIFICATION

CR NO. 011236

RECEIPT 101

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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: #02-390-XA

205 Hanover Pike

W/S of Hanover Pike & N/S of Butler Road (NW corner)

3rd Election District - 4th Councilmanic District

Legal Owner(s): Michael Ray Warner

Special Exception: to use a greenhouse which would exceed the floor area requirements, but is in compliance with the site design guidelines and performance standards which are part of a duly adopted master plan for the district. **Variance:** to allow a total gross floor area for all buildings of 24,400 square feet in lieu of the maximum allowed 8,800 square feet and total ground gross area of 23,200 square feet in lieu of the maximum allowed 6,600 square feet.

Hearing: Wednesday, May 15, 2002 at 2:00 p.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.

IT 4/7/93 April 30.

CS35496

CERTIFICATE OF PUBLICATION

5/3/, 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 4/30/2002.

- ☒ 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.: 02-390-XA

Petitioner/Developer: _____

Michael R. Warner

Date of Hearing/Closing: 5-15-02

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

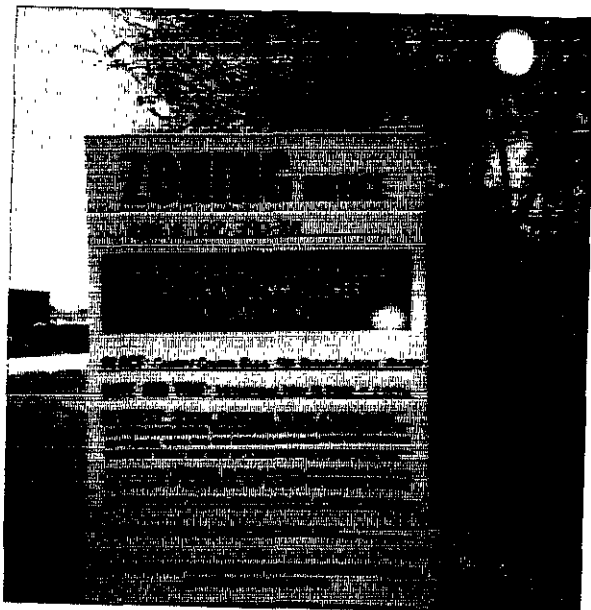
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 205 Hanover Pike
Reisterstown, MD 21136

The sign(s) were posted on April 24, 2002

(Month, Day, Year)



Sincerely,

Stacy Gardner 4/25/02
(Signature of Sign Poster and Date)

Stacy Gardner

(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

(City, State, Zip Code)

410-781-4000

(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 30, 2002 Issue – Jeffersonian

Please forward billing to:
Michael R Warner
20 Pellview Avenue
Glyndon MD 21071

410 833-2791

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: 02-390-XA

205 Hanover Pike

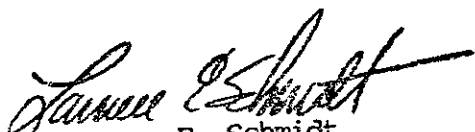
W/S of Hanover Pike & N/S of Butler Road (NW corner)

3rd Election District – 4th Councilmanic District

Legal Owner: Michael Ray Warner

Special Exception to use a greenhouse which would exceed the floor area requirements, but is in compliance with the site design guidelines and performance standards which are part of a duly adopted master plan for the district. Variance to allow a total gross floor area for all buildings of 24,400 square feet in lieu of the maximum allowed 8,800 square feet and total ground gross area of 23,200 square feet in lieu of the maximum allowed 6,600 square feet.

HEARING: Wednesday, May 15, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDS
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

April 8, 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: 02-390-XA
205 Hanover Pike
W/S of Hanover Pike & N/S of Butler Road (NW corner)
3rd Election District – 4th Councilmanic District
Legal Owner: Michael Ray Warner

Special Exception to use a greenhouse which would exceed the floor area requirements, but is in compliance with the site design guidelines and performance standards which are part of a duly adopted master plan for the district. Variance to allow a total gross floor area for all buildings of 24,400 square feet in lieu of the maximum allowed 8,800 square feet and total ground gross area of 23,200 square feet in lieu of the maximum allowed 6,600 square feet.

HEARING: Wednesday, May 15, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon GDL
Director

C: Michael P Smith, Bodie Nagle Dolina Smith & Hobbs, 143 Main Street,
Reisterstown 21136
Michael R Warner 20 Pellview Avenue, Glyndon 21071
Geoffrey C Schultz, McKee & Associates Inc, 5 Shawan Road, Suite 1,
Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 30, 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

May 10, 2002

Michael P Smith
Bodie Nagle Dolina Smith & Hobbs PA
143 Main Street
Reisterstown MD 21136

Dear Mr. Smith:

RE: Case Number: 02-390-XA, 205 Hanover Pike

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

WCR: gdz

Enclosures

c: Michael R Warner, 20 Pellview Avenue, Glyndon 21071
McKee & Associates Inc, Geoffrey C Schultz, 5 Shawan Road,
Suite 1, Cockeysville 21030
People's Counsel

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





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

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

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 25, 2002

Item No.: 390

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File
COUNTY REVIEW GROUP MEETING{PRIVATE }

County Review Group comments

1. The fire marshal's office has no comments at this time.

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



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RS 1765*

DATE: April 30, 2002

Zoning Advisory Committee Meeting of March 25, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

378, 379, 380, 383, 384, 385, 386, 387, 389, 390, 392, 395, 396, 397, 399

Sign
5/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: 5/10/02

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

SUBJECT: ZAC # 02-390XA Special Exception to exceed CR District sq. footage allowance

INFORMATION:

Item Number: # 02-390XA

Petitioner: Michael Ray Warner

Property Size: 3.67 acres

Zoning: BL-CR and DR 3.5

Requested Action: Special Exception

Hearing Date: 5/15/02

SUMMARY OF RECOMMENDATIONS:

The C.R. District zoning regulations (BCZR 259.3) require that a proposed building can exceed the bulk standards of the District "only when the proposed development is in compliance with the site design guidelines and performance standards which are part of duly adopted Master Plan for the district." The following site design/compatibility report is presented to support the Office of Planning's position that the subject development does meet the design guidelines of the "Hanover Pike Corridor Study", that was adopted by the Baltimore County Council on April 19, 1993.

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Section 26-282 (2) of The Baltimore County Development Regulations requires the Director Of Planning to make compatibility recommendations to the Hearing Officer for development in the CR District. The Office of Planning has reviewed the Special Exception Plan and architectural elevations and offers the following Compatibility analysis.

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- 1. The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood.**

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- 2. The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood.**

The existing and proposed improvements are set back from Hanover Pike in order to retain the existing vegetation that parallels the street. The proposed greenhouse is set behind the existing smaller 1 ½-story building. The existing parking lot is single loaded along the driveway in two separate small lots. The existing landscaping effectively screens the parking from the Pike.

- 3. The proposed streets are connected with the existing neighborhood road network wherever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood.**

The driveway is existing and provides a single means of access directly to Hanover Pike. Sidewalks are not a part of the rural landscape of Hanover Pike.

- 4. The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems.**

Although open space is not required for this proposal, the retention of the existing vegetation/open space along Hanover Pike helps retain the scenic character along the Pike.

- 5. Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design.**

The retention of the existing vegetation/open space along Hanover Pike helps retain the scenic character along the Pike.

- 6. The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities.**

The landscape design is informal with retention of existing vegetation for screening.

- 7. The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood.**

No additional signs, lighting or accessory structures are proposed.

- 8. The scale, proportions, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood.**

Although the greenhouse is large, the materials, glass and metal frame, and the series of four gabled roofs reduce the overall mass.

The Office of Planning recommends to the Hearing Officer that this Development meets the Compatibility Objectives of the CMDP and Baltimore County Development Regulations subject to the recommendations below.

In addition to the findings of the site design/compatibility report, the Office of Planning recommends that any storage materials and equipment currently stored in the front yard of the garden center (on the left, upon entering the site) be relocated to the side or rear yard pursuant to the outside storage regulations of the C.R. District.

Prepared By:

WPH / Lynne L.

Section Chief:

April Jackson

AFK:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 3 . 26 . 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. 390 JRA

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/US 30. 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

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 EXCEPTION
PETITION FOR VARIANCE

205 Hanover Pike, W/S Hanover Pike and
N/S Butler Rd (NW cor)
3rd Election District, 4th Councilmanic

Legal Owner: Michael Ray Warner
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-390-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



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March, 2002 a copy of the foregoing Entry of Appearance was mailed to Michael Paul Smith, Esq., Bodie, Nagle, Dolina, 143 Main Street, Reisterstown, MD 21136, attorney for Petitioner(s).



PETER MAX ZIMMERMAN

BodieNagle

ATTORNEYS AT LAW

MICHAEL PAUL SMITH

BODIE, NAGLE, DOLINA, SMITH & HOBBS, P. A.

REISTERSTOWN OFFICE:

143 MAIN STREET
REISTERSTOWN, MD 21136
410.833.1221

410.833.0026 FAX

WEB SITE: <http://www.bodienagle.com>

E-mail: MPSMITH@BODIENAGLE.COM

May 17, 2002

Timothy M. Kotroco, Deputy Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, MD 21204

RE: Glyndon Gardens, LLC

Dear Commissioner Kotroco:

In accordance with the agreement reached between Hanover Pike Community Association and my client, my client will agree that in the event that he removes the existing mature trees within 100 feet of the property line bordering Maryland Route 30, starting 50 feet north of the current driveway to the north corner of the property, my client will plant two rows of Leyland Cypress, staggered, 5 feet on center within the 15-foot landscape buffer bordering Maryland Route 30 and identified in the plan submitted in connection with this petition.

I trust this accurately reflects this agreement placed on the record before Your Honor. I ask that you incorporate this in your Order.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Michael Paul Smith

MPS/cd

cc: Glyndon Gardens, LLC
George Harman
President Hanover Pike Community Association

Dictated but not read

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

DATE: March 14, 2002

TO: Baltimore County PDM
Zoning Office

RE: Glyndon Gardens

ATTENTION:

(X) We are submitting () We are returning () We are forwarding
(X) Herewith () Under separate cover

No.	Description
12	Site Plans
3	Zoning Petitions
3	Zoning Descriptions
1	200-Scale Zoning Map

() For processing () For your use () For your review
() Please call when ready () Please return to this office () In accordance with your request

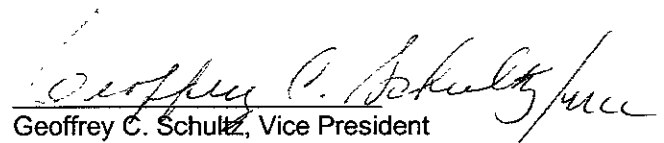
Remarks:

For further information, please contact the writer at this office.

Very truly yours,

McKee & Associates, Inc.

Enclosures


Geoffrey C. Schultz, Vice President

cc: Mike Warner, w/enclosures
Mike Smith, w/enclosures
McKee File

02-390-X17

Case Number 02-390-XA

PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

[illegible]

Case Number 02-390XA

PLEASE PRINT LEGIBLY

May 15, 2002

PROTESTANT'S SIGN-IN SHEET

[illegible]

HANOVER ROAD ASSOCIATION, INC.

P.O. Box 70
Boring, Maryland 21220

May 12, 2002

Mr. Lawrence E. Schmidt, Zoning Commissioner
County Courts Bldg., Room 407
401 Bosley Avenue
Towson, Maryland 21224

02-390XA

RE: Petitions for Special Exception and Variance
Glyndon Gardens, 205 Hanover Pike, Reisterstown, MD 21136

Dear Mr. Schmidt:

The Hanover Road Association, Inc. (HRA) was formed to serve the residents along the MD Route 30 corridor from Reisterstown northward to the Carroll County line. A primary goal of the organization is the maintenance of property values through the protection of aesthetic conditions and adherence of property owners to zoning ordinances. We also attempt to support growth and business development that is in conformity with these guiding principles. These guiding principles are outlined generally in the Hanover Corridor Study adopted by the Baltimore County Council, April 19, 1993 as the planning document for the area.

In the matter concerning the special exception and variance requests by Glyndon Gardens, Inc., we find that the quality and site positioning of the proposed building, as presented to the organization, would tend to preserve the aesthetic character of the site. This site is of significant importance to the organization in that it lies at the southern "gateway" to the corridor. The organization is also aware that this building would be considerably beyond the size authorized in zoning regulations and that it could set an adverse precedent for other proposed development.

Therefore, if the petition is entertained, the HRA is requesting that the Commissioner set conditions on the proposed building and site that would achieve the desired aesthetic protection values desired by the community. Specifically, the organization wants that:

- All existing wooded ~~areas along~~ ^{WITHIN 100 FEET OF} Route 30 be retained in their natural state without any reductions, thinning, or alterations, and the variance granted by DEPRM for offsite forest conservation be amended to require that ~~all current wooded areas~~ ^{THE 100 FOOT BUFFER ALONG ROUTE TO} be retained. GJS
- The construction of the proposed greenhouse would be of, and only with, those materials presented to the HRA, specifically almost entirely of glass (some plastic allowed for selected vents) with a stone or brick foundation.
- Evergreen shrubs or trees would be planted on at least two sides of the structure to add additional screening and aesthetic value to the project.
- ~~Evergreen screenings of sufficient potential height and density to screen a substantial portion of the operations would also be planted in the 15 foot landscape buffer on the south and west margins of the site.~~ Deleted GJS

The organization has also noted that Glyndon Gardens has expanded its operation beyond that which was in their original plan. The original plan indicated a substantial amount of wooded conditions to the south and west of the main office building, which would have provided screening from the Butler Road/I-795 road. These wooded areas are no longer found on the site as indicated in the current plan, which was likely taken from the original site plan. There continues to be a section of wooded area to the east of the existing building along Hanover Pike that HRA would like to see retained without any alteration.

Glyndon Gardens operations have also been extended onto adjoining property that is believed to be owned by BGE, and they may have also encroached onto property of the State Highway Administration that is apparently zoned DR-3.5. The zoning of the BGE property is RC-2. The organization has the understanding that permission was granted by BGE for the use of the land, but is concerned that type of commercial use may be in violation of RC-2 zoning without benefit of a special exception.

The Hanover Road Association would like to support the business in its actions being proposed, however, it cannot do so unless the matters relating to zoning compliance are verified and resolved prior to any action by the Zoning Commissioner. Therefore, the Hanover Road Association is requesting that the matter before the Zoning Commissioner be continued until the outstanding questions are resolved. We believe that consideration of a requested action by the Zoning Commissioner is inappropriate while there are potential zoning enforcement issues, especially if those zoning issues are being caused by the petitioner.

In conclusion, the HRA is requesting that the petition of Glyndon Gardens be continued until documentation and verification can be provided of the potential zoning violations that are being caused by the petitioner.

If there are any questions or information relating to this matter, I can be reached at 410-526-2494 (evenings) and 410-631-3856 (daytime).

Sincerely,


George Harman, President

cc: Michael Paul Smith, Esquire
Bodie Nagle Attorneys at Law
143 Main St.
Reisterstown, MD 21136

5/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: 5/10/02

MAY 13 2002

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

SUBJECT: ZAC # 02-390XA- Special Exception to exceed CR District sq. footage allowance

INFORMATION:

Item Number: # 02-390XA

Petitioner: Michael Ray Warner

Property Size: 3.67 acres

Zoning: BL-CR and DR 3.5

Requested Action: Special Exception

Hearing Date: 5/15/02

SUMMARY OF RECOMMENDATIONS:

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Ref Ex #2

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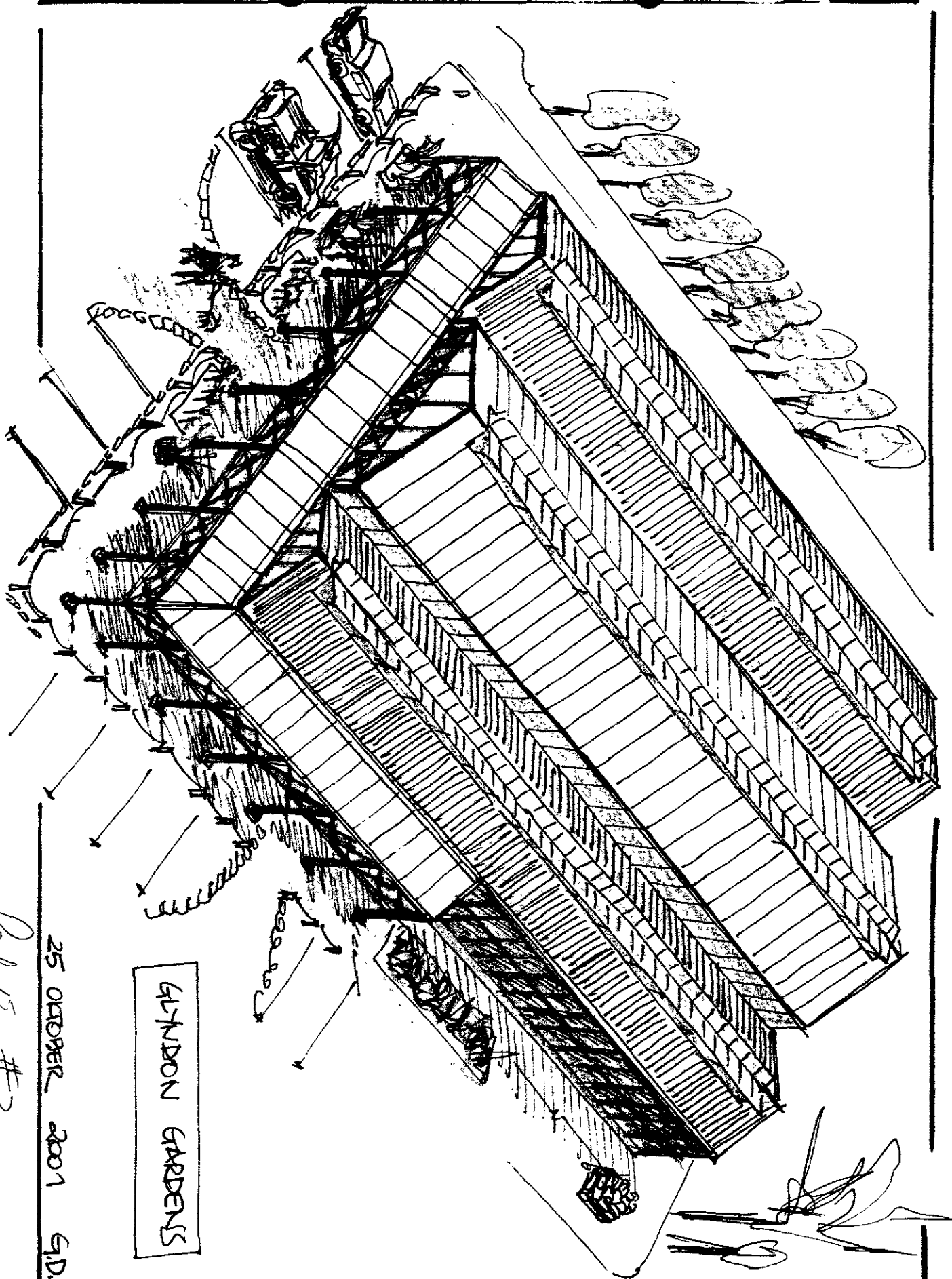
Prepared By:

WPH / Lynne L.

Section Chief:

Lynne L. Graham

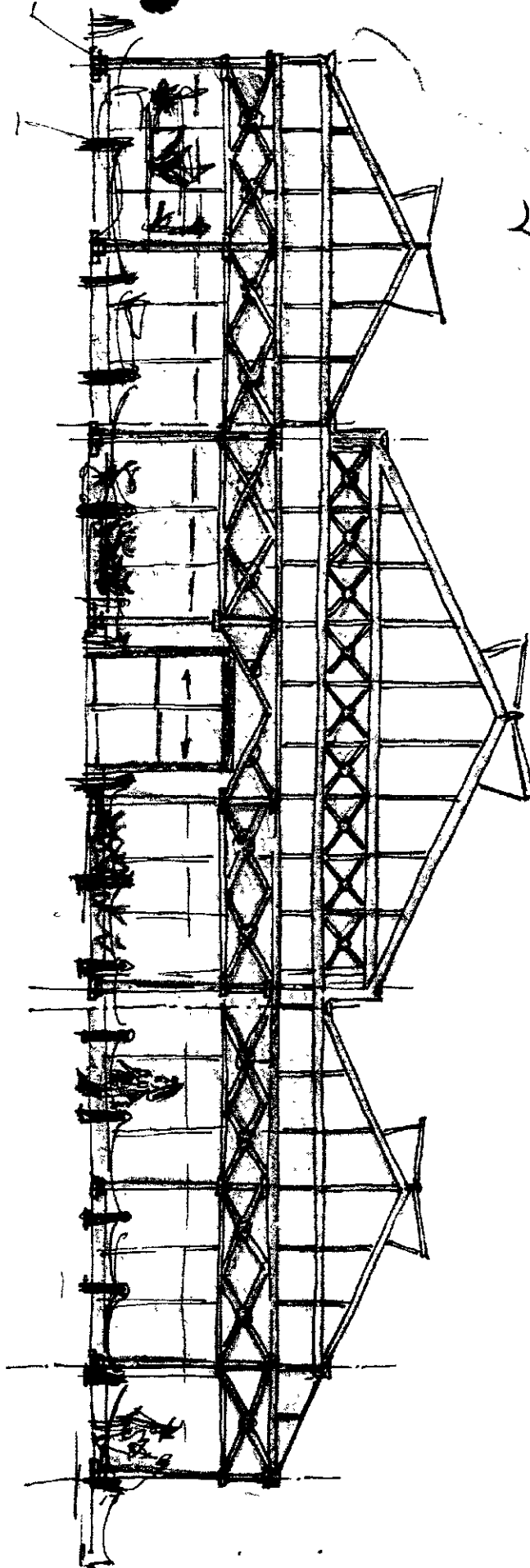
AFK:



ALTON GARDENS

25 OCTOBER 2001 G.D.

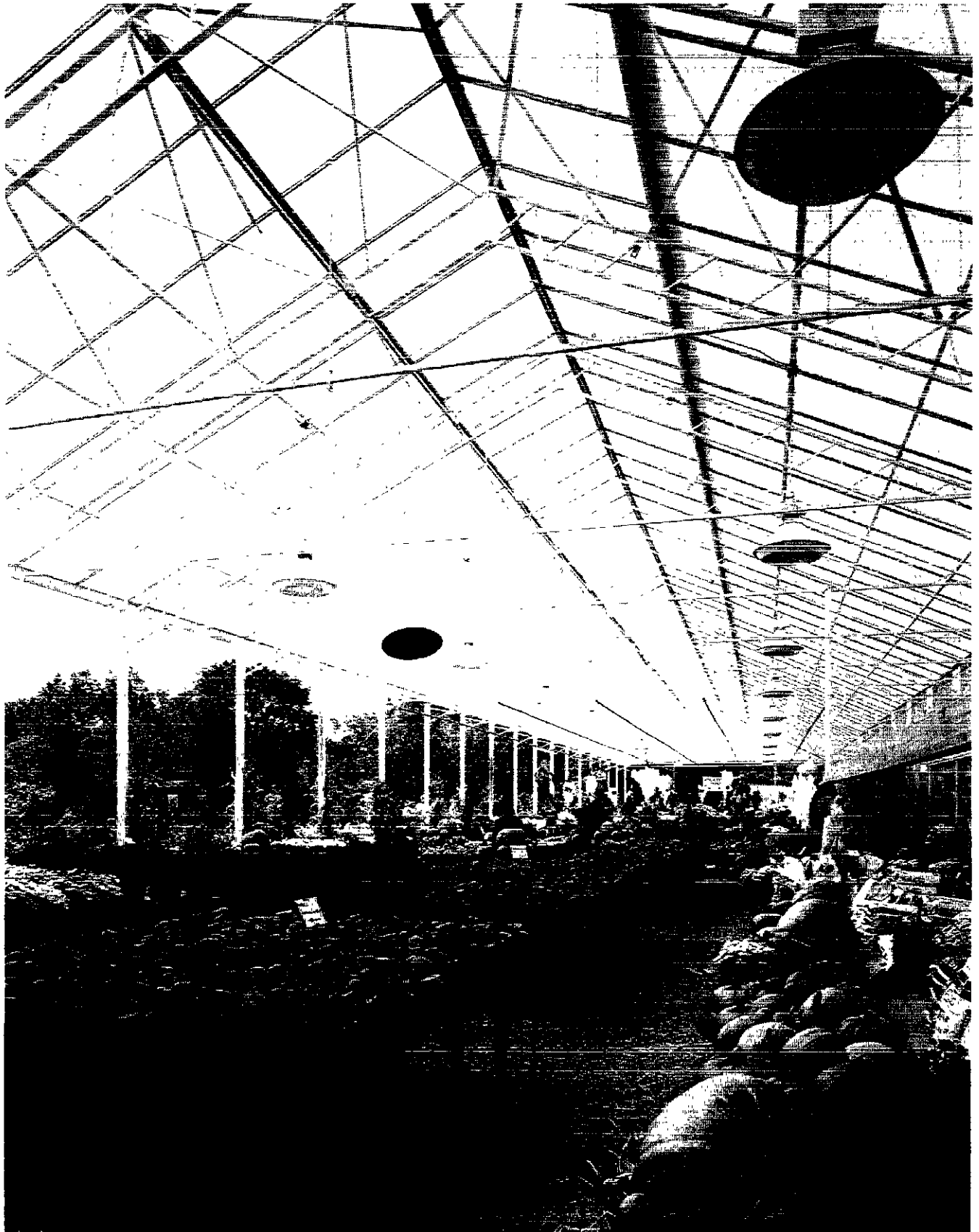
Ref Ex #3



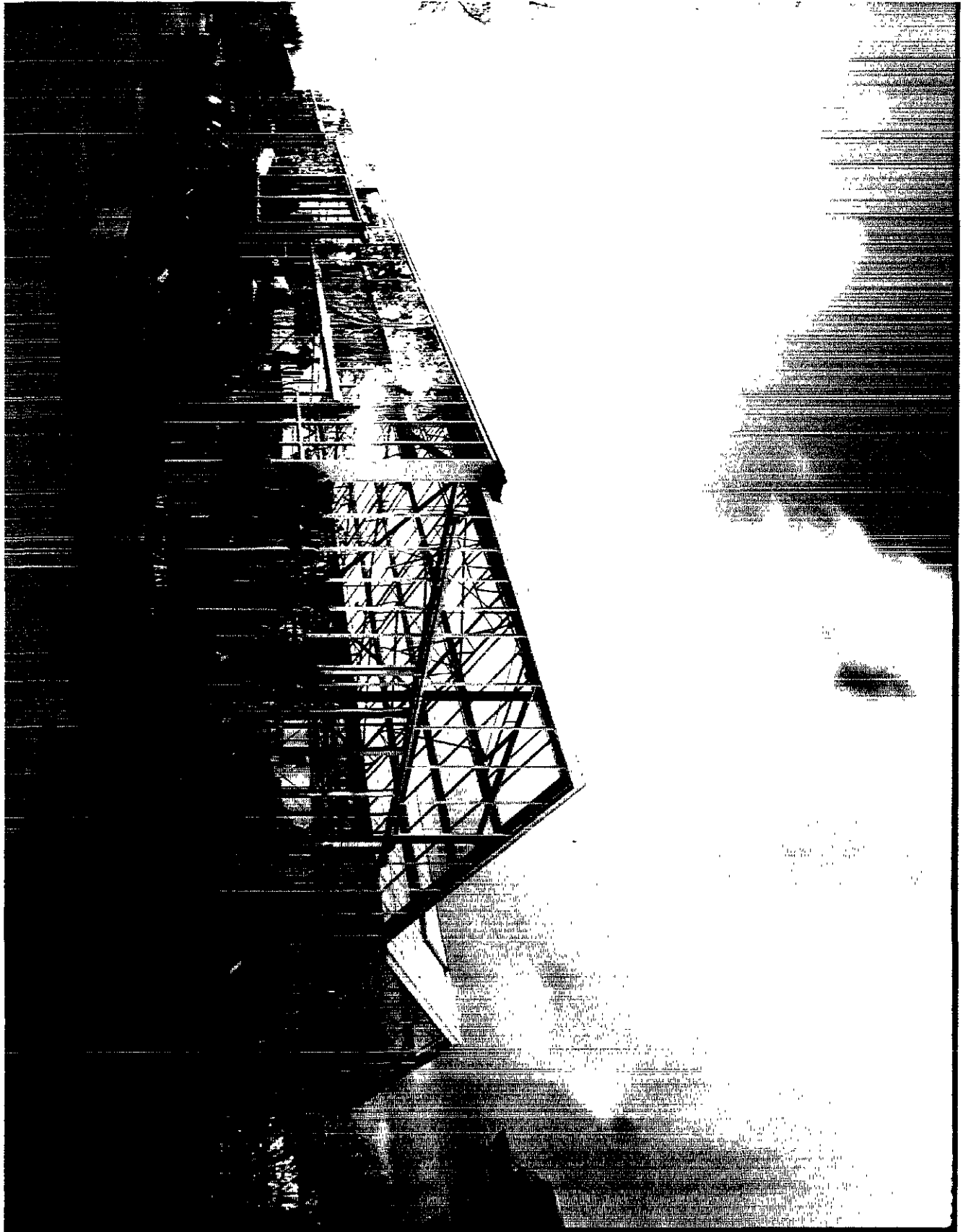
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GUYNDON GARDENS

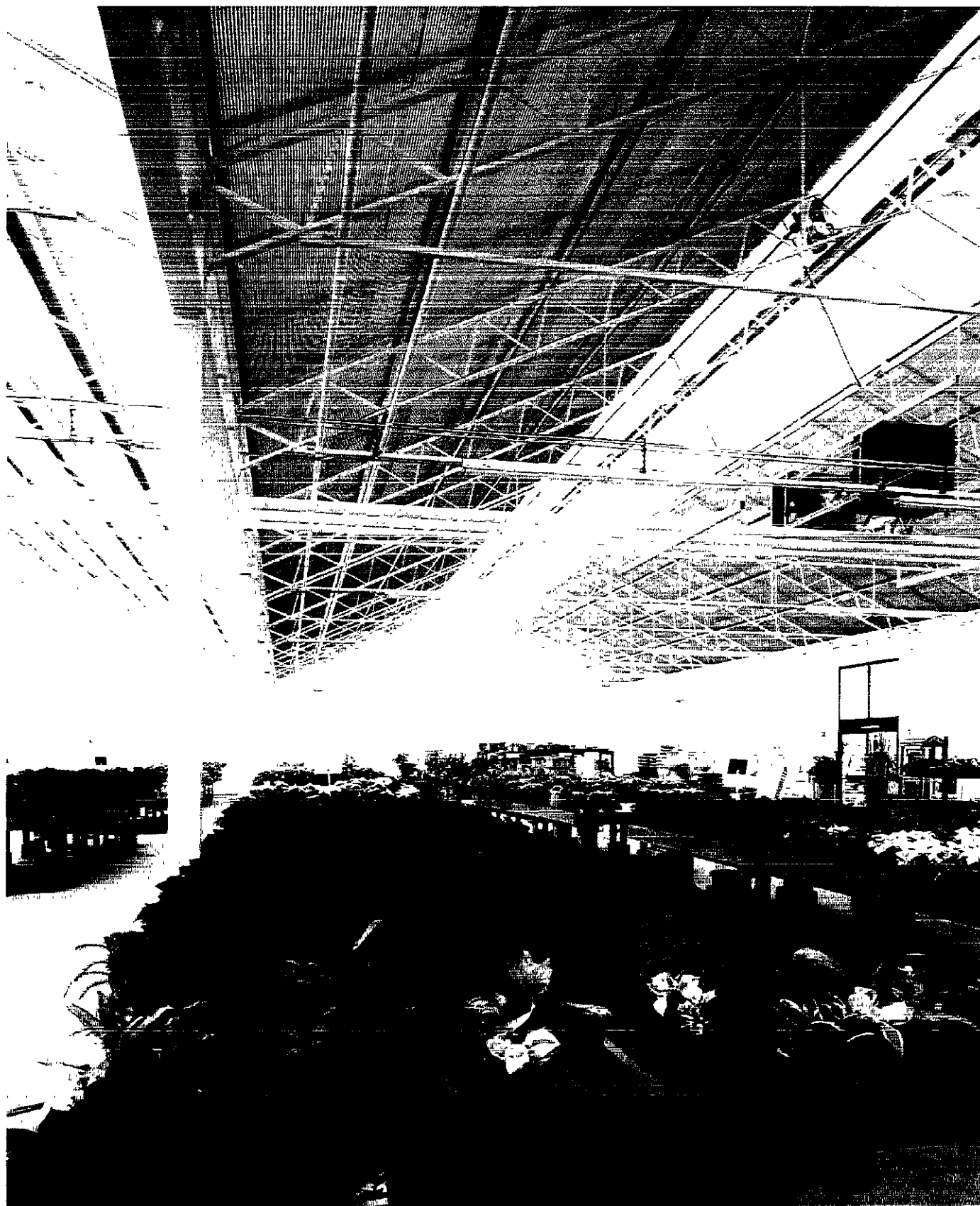
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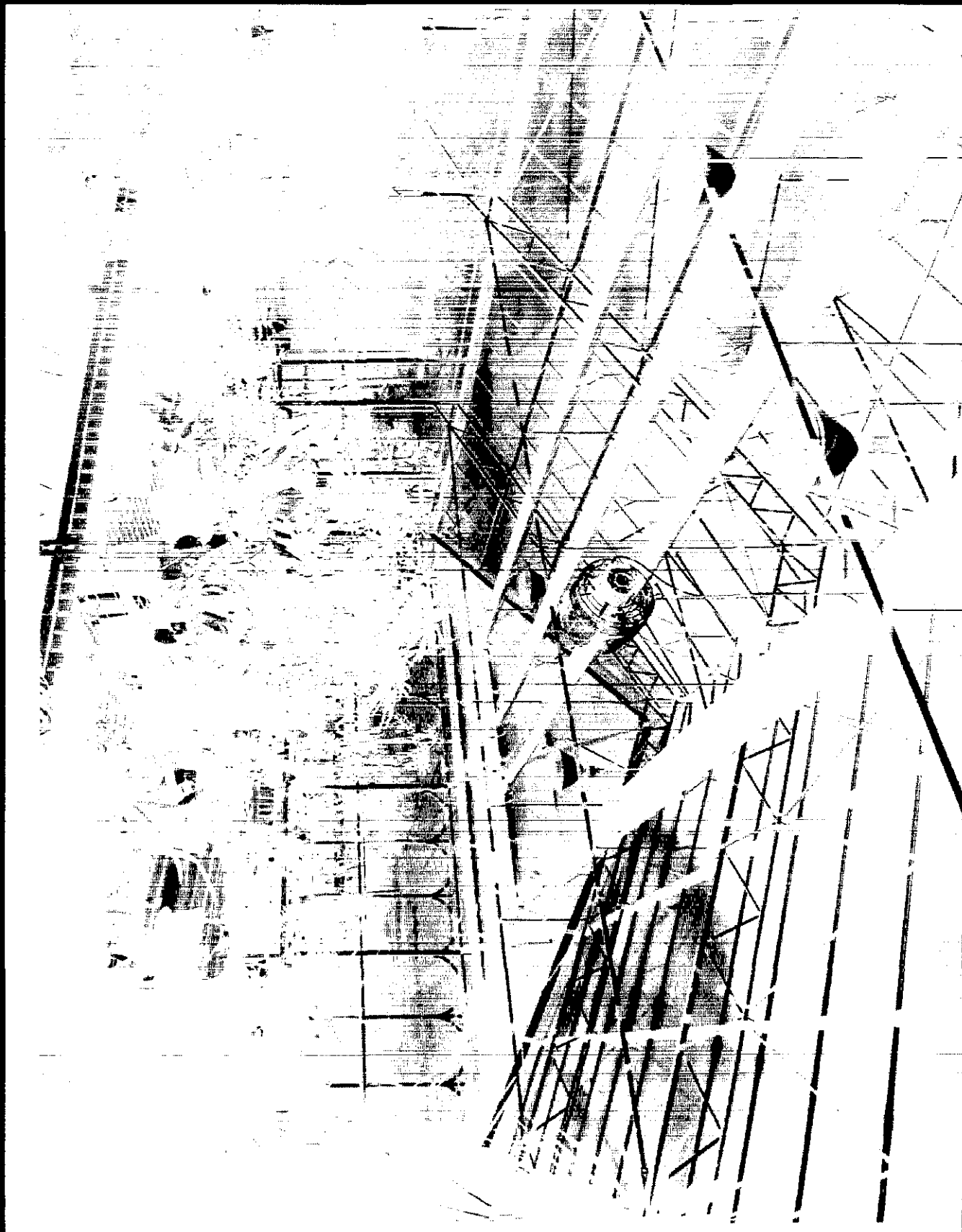


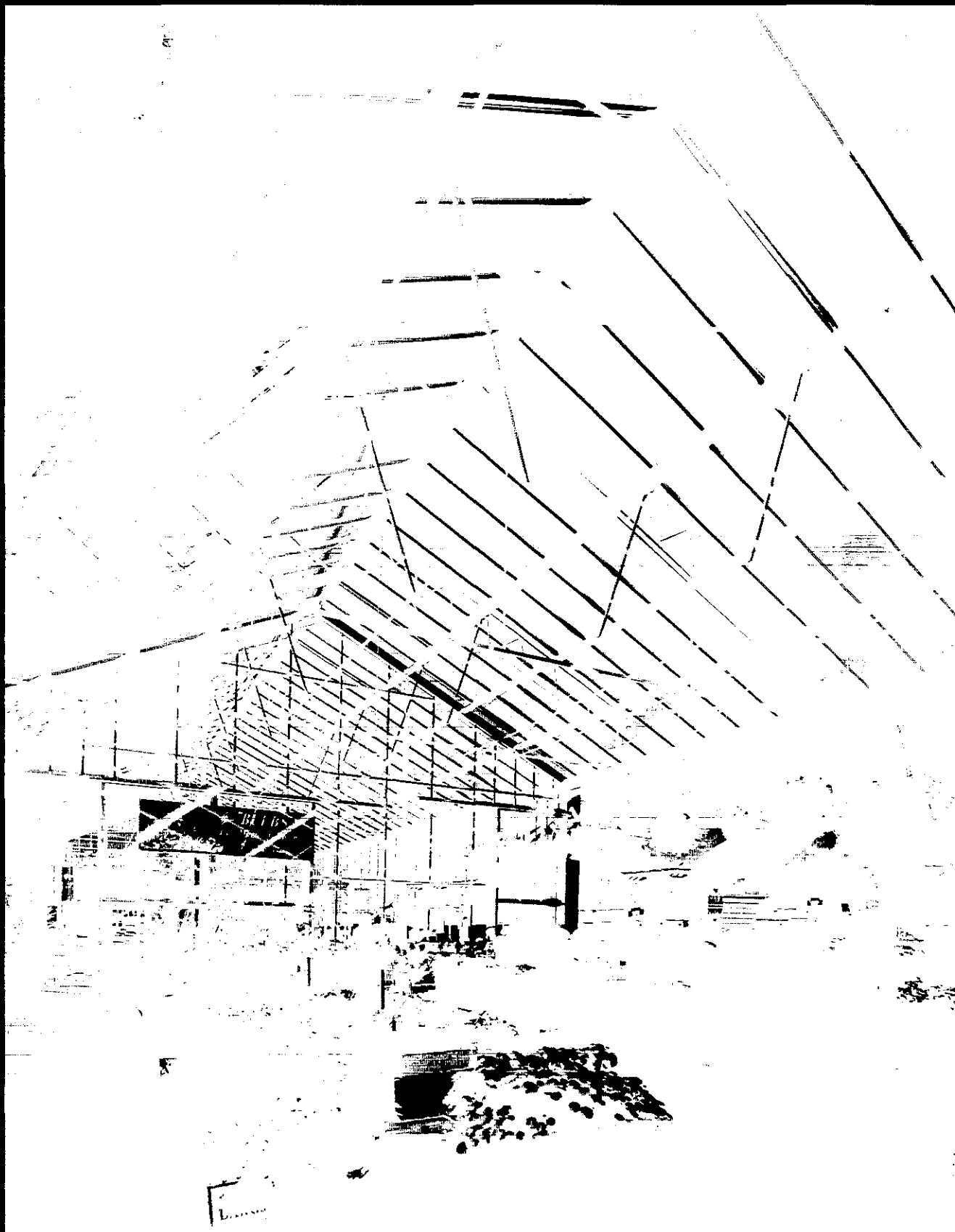












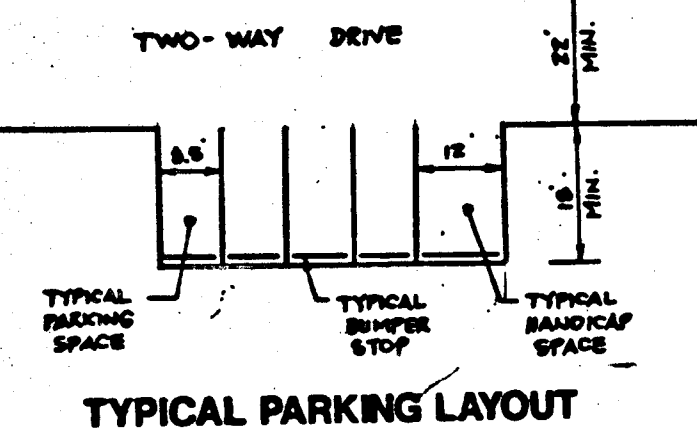


GENERAL NOTES

- COUNCILMANIC DISTRICT: 3RD
- ELECTION DISTRICT: 4TH
- WATERSHED: 32
- SUBWATERSHED: 87
- CENSUS TRACT: 4046.01
- 200-SCALE ZONING MAP NO. NW 17K
- EXISTING TOPOGRAPHY SHOWN HEREON IS FIELD-RUN.
- SOIL TYPES SHOWN HEREON ARE TAKEN FROM BALTIMORE COUNTY SOIL MAP NO. 20.
- ALL SIGNS SHALL COMPLY WITH ALL APPLICABLE ZONING REGULATIONS AND ARE SUBJECT TO FINAL APPROVAL BY THE OFFICE OF PLANNING.
- THE CONTRACTOR SHALL VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES, PUBLIC, OR PRIVATE, PRIOR TO BEGINNING WORK.
- AVERAGE DAILY TRIPS: 2400 S.F./1000 X 51.3 = 123
- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO STREAMS, SPRINGS, STORMWATER MANAGEMENT SYSTEMS, DRAINAGE SYSTEMS, WETLANDS, CRITICAL AREAS, FLOOD PLAINS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, HISTORICAL AREAS, OR UNDERGROUND FUEL STORAGE TANKS ON OR WITHIN 50 FEET OF THIS SITE.
- NO OPEN SPACE IS REQUIRED FOR THIS SITE.
- THERE HAVE BEEN NO PREVIOUS ZONING HEARINGS FOR THIS SITE.
- CERTIFICATIONS AS TO DELINQUENT ACCOUNTS: THERE ARE NO DELINQUENT ACCOUNTS OF ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.
- A VARIANCE HAS BEEN GRANTED BY D.E.P.M. TO ALLOW OFFSITE FOREST RETENTION TO SATISFY FOREST CONSERVATION REQUIREMENTS FOR THIS SITE.
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- ALL PARKING AND PAVING SURFACES ARE TO BE DURABLE AND DUSTLESS.
- ALL PARKING SPACES ARE TO BE PERMANENTLY STRIPED, WITH BUMPER STOPS.
- GREENHOUSES FOR EMPLOYEE USE ONLY - 2 EMPLOYEES.
- THIS PROPERTY OPERATES ON PRIVATE WELL AND SEPTIC SYSTEMS.
- THERE ARE NO 100-YEAR FLOOD PLANS ON THIS SITE.
- THIS SITE IS NOT LOCATED IN ANY DEFICIENT AREA ON THE BASIC SERVICE MAPS PURSUANT TO SECTION 4402-8C2R.

OUTSIDE STORAGE REGULATIONS

- Outside storage. Outside storage of equipment and material shall be permitted only on the lot, subject to the following requirements:
 - The storage area must be located to the side or rear of the building, outside of the required setbacks;
 - The storage area shall not cover more than 15% of the lot, except as determined by the Zoning Commissioner in a special exception hearing; and
 - The storage area shall be screened by a fence in association with plantings.



PROPERTY REFERENCES

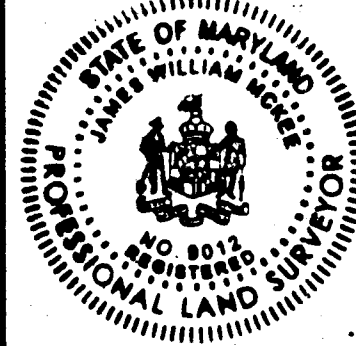
PARCEL 1 PARCEL 2
TAX MAP 48 GRID 4 PARCEL 1138 TAX MAP 48 GRID 4 PARCEL 1139
ACCOUNT NO. 22-00-027218 ACCOUNT NO. 22-00-027219

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(410) 527-1555

Computed by: GCS
Drawn by: YDG
Checked by: GCS
Job Number: 01-1808

James W. McKee Date
(Maryland Registered No. 9012)

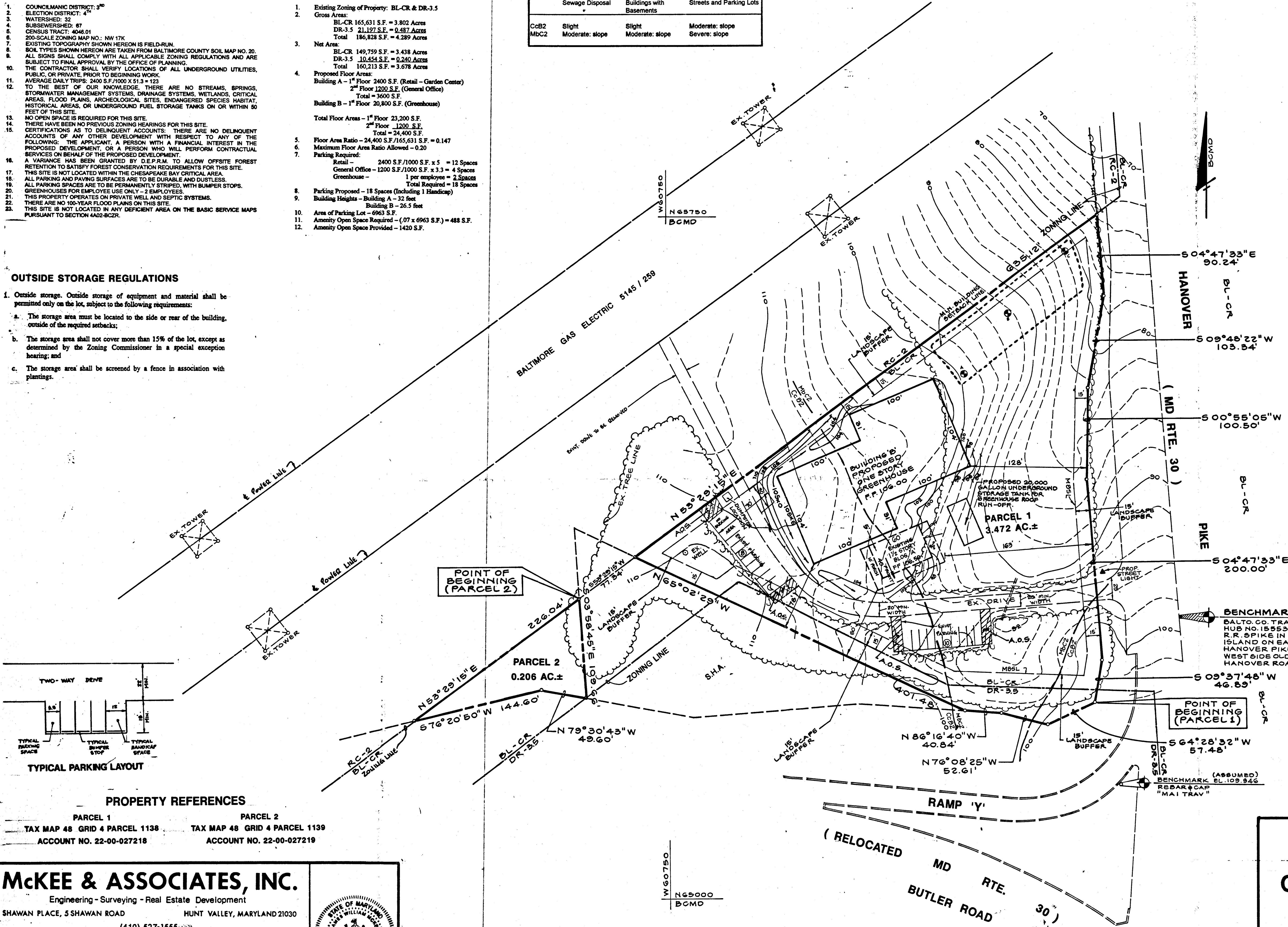


SITE TABULATION

- Existing Zoning of Property: BL-CR & DR-3.5
- Gross Areas:
BL-CR 165,631 S.F. = 3.802 Acres
DR-3.5 21,197 S.F. = 0.487 Acres
Total 186,828 S.F. = 4.289 Acres
- Net Area:
BL-CR 149,759 S.F. = 3.438 Acres
DR-3.5 10,454 S.F. = 0.240 Acres
Total 160,213 S.F. = 3.678 Acres
- Proposed Floor Areas:
Building A - 1st Floor 2400 S.F. (Retail - Garden Center)
2nd Floor 1200 S.F. (General Office)
Total = 3600 S.F.
Building B - 1st Floor 20,800 S.F. (Greenhouse)
Total Floor Area - 1st Floor 23,200 S.F.
2nd Floor 1200 S.F.
Total = 24,400 S.F.
Floor Area Ratio - 24,400 S.F./165,631 S.F. = 0.147
Maximum Floor Area Ratio Allowed - 0.20
- Parking Required:
Retail - 2400 S.F./1000 S.F. x 5 = 12 Spaces
General Office - 1200 S.F./1000 S.F. x 3.3 = 4 Spaces
Greenhouse - 1 per employee = 2 Spaces
Total Required = 18 Spaces
- Parking Proposed - 18 Spaces (Including 1 Handicap)
- Building Heights - Building A - 32 feet
Building B - 26.5 feet
- Area of Parking Lot - 6963 S.F.
- Amenity Open Space Required - (.07 x 6963 S.F.) = 488 S.F.
- Amenity Open Space Provided - 1420 S.F.

SOIL TYPES & LIMITATIONS

Sewage Disposal	Buildings with Basements	Streets and Parking Lots
CcB2	Slight	Moderate: slope
MbC2	Moderate: slope	Severe: slope



LEGEND

- EXISTING CONTOURS
- PROPOSED CONTOURS
- EXISTING TREE LINE
- SOIL LINE
- SEPTIC SYSTEM AREA
- PERCOLATION TEST
- PAVED
- FAILED

PREVIOUS DRC REQUEST
LIMITED EXEMPTION GRANTED IN ACCORDANCE WITH SECTION 26-171(b)(9) OF THE DEVELOPMENT REGULATIONS ON FEB. 29, 1996 BY DRC NO. 022661.

PREVIOUS DEVELOPMENT PLAN
THIS PLAN REPRESENTS AN AMENDMENT TO THE PREVIOUSLY APPROVED DEVELOPMENT PLAN DATED 11-27-96. REASON FOR AMENDMENT: TO ENLARGE THE PROPOSED GREENHOUSE.

OWNER & APPLICANT

GLYNDON GARDENS
c/o MICHAEL RAY WARNER
4825 BUTLER ROAD
REISTERSTOWN, MD. 21071
(410) 833-2945

DEED REFERENCE: 11788/111

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

GLYNDON GARDENS

205 HANOVER PIKE
REISTERSTOWN, MD.
PDM NO. IV-503

4 TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50'
MARCH 13, 2002

3RD COUNCILMANIC DISTRICT

02-390 XA