IN RE: PETITION FOR VARIANCE
N/S of Carroll Island Road, 500 ft. W
centerline of Bowleys Quarters Road
15th Election District
6th Councilmanic District

(105-107 Carroll Island Road)

Robert Roman, Legal Owner

and
P & S Development Company,

Contract Purchaser/Lessee

Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-104-A

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Robert Roman and P & S Development Company, Contract Purchaser. The Petitioners are requesting variance relief from Section 229.6.D of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 10 ft. parking lot area setback from street right-of-way in lieu of the required 20 ft. setback for a proposed one-story retail building.

The property was posted with Notice of Hearing on October 6, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on October 7, 2003 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in

January I

residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated October 17, 2003 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Office of Planning dated October 21, 2003 recommending that certain conditions be imposed on any relief granted in this matter. A copy of these comments are also attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was Richard Matz, Registered Professional Engineer. The Petitioners were represented by D. Dusky Holman, Esquire. There were no Protestants or citizen who attended the hearing on this matter. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of approximately 1.2382 acres, more or less, zoned CB, BLR, BL-AS.

The majority of the property is zoned Commercial Business CB in which the proposed retail strip is located. The Petitioners had previously submitted a plan to accompany the variance request, but that the Planning Office had given comments on the plan with which the Petitioners wished to comply. As a result a modified redline plan was submitted as Petitioner's Exhibit No. 1 rather than the original plan. Mr. Holman proffered that the revised redline plan now meets all comments of the Office of Planning .dated October 21, 2003.

Some portions of the property are located in the Chesapeake Bay Critical Area and the Petitioner acknowledged the plan would have to meet these requirements as noted in comments from DEPRM. In addition, the property includes delineated wetlands. The property is vacant now but had been used for three homes all of which were razed in the past. These homeowners filled in the property up to the wetlands. The Petitioner is asking DEPRM for a variance to allow constructing a swale along the wetlands delineated area at present. Depending on the outcome of that request, they may need the full variance to 10 foot setback for the parking area from the street right-of-way, although the revised plan (Petitioner's Exhibit No. 1) shows a 15 foot dimension for this request.

Mr. Matz proffered that if the variance request is not granted, the owner would suffer hardship and practical difficulty in that the project would not be economically feasible in light of the many additional requirements imposed on the project as the result of the CB zoning, wetlands and Chesapeake Bay Critical Area.

Findings of fact and conclusions of law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

This site triggers some of the most strenuous zoning and environmental requirements in the County regulations. It clearly is unique and failure to grant the variance would undoubtedly be a hardship and practical difficulty. No increase in residential density beyond that otherwise allowable by the Zoning Regulations was requested. Furthermore, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare.

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

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
- 2. Compliance with the recommendations made by DEPRM in their ZAC comment dated October 17, 2003, a copy of which is attached hereto and made a part hereof;

- 3. Pursuant to the recommendations made by the Office of Planning in their ZAC comments dated October 21, 2003, the Petitioners' Development Plan shall comply with Section 229.3 of the B.C.Z.R. entitled "Performance Standards for CB and BLR Zones.
- 4. The Petitioners shall submit the following items to the Office of Planning for their review and approval prior to the issuance of building permits:

- a. Provide four-sided architectural elevations to scale, which also call out materials and colors to be used;
- b. Provide drawings indicating placement, color, size, materials and lighting for all proposed signage;
- c. Provide a landscape plan or the site indicating type, size and location of all plant material;
- d. Provide a fencing plan for the proposed storm water management facility if required, showing elevations and proposed fencing materials; and
- e. Provide a lighting plan.
- 5. The Petitioners shall show locations of all sidewalk and curb cuts to the Office of Planning for review and approval; and
- 6. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

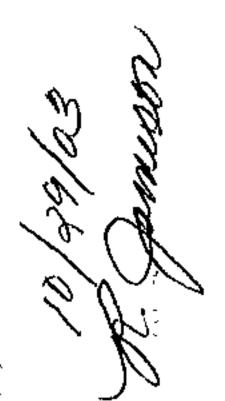
JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

- A . A . A

FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

October 27, 2003

D. Dusky Holman, Esquire Gildea, LLC 301 N. Charles Street, Suite 900 Baltimore, Maryland 21201

> Re: Petition for Variance Case No. 04-104-A

> > Property: 105 & 107 Carroll Island Road

Dear Mr. Holman:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance 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 Department 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,

John V. Murphy

Deputy Zoning Commissioner

John mughly

JVM:raj Enclosure

c: Richard E. Matz, P.E. Colbert, Matz & Rosenfelt, Inc. 2835 Smith Avenue, Suite G Baltimore, MD 21209

Thomas Scherr, Pres.

701 Fern Valley Circle

Baltimore, MD 21228

P & S Development Company

Robert Roman 724 Milldam Road Towson, MD 21286



Visit the County's Website at www.baltimorecountyonline.info



Fetition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 105 & 107 Carroll Island Rd. which is presently zoned CB, BLR, BL-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, lega 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)

BCZR Section 229.6D- to permit a 10 foot parking lot area setback from street right-of-way in lieu of the required 20 foot setback.

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

To be presented at hearing.

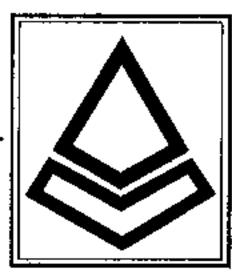
Property is to be posted and advertised as prescribed by the zoning regulations.

If 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:	Legal Owner(s):
P&S Development Company	Robert Roman
Name - Type or Print	Name Type or Print
SignatureThomas Scherr, President	Signature Janne
701 Fern Valley Circle (410)744-8589	
Address Telephone No	Name - Type or Print
Baltimore, MD 21228	
City State Zip Code	Signature
Attorney For Petitioner:	724 Milldam Road (410)732-2072
D. D. J	Address Telephone
D. Dusky Holman	Towson, MD 21286
Name - Type or Print	City State Zip C
D. Dusty doman	Representative to be Contacted:
Signature	representative to be contacted.
Gildea, LLC	Richard E. Matz, P.E.
Company	Name
301 N. Charles Street, Suite 900	2835 Smith Ave., Suite G
Address Telephone No	Address Telephone
Baltimore, MD 21201 (410) 234-0070	Baltimore, MD 21209 (410)653-383
City State Zip Code	City State Zip C
	OFFICE USE ONLY
Case No. 04-104- A	ESTIMATED LENGTH OF HEARING
REV 9/15/98	UNAVAILABLE FOR HEARING Reviewed By BR Date 8/27/03

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 105-107 CARROLL ISLAND ROAD

Beginning at a point on the north side of Carroll Island Road, which is of varying width, at the distance of 500 feet, more or less, west of the centerline of Bowleys Quarters Road, which is 70 feet wide. Thence the following courses and distances:

N 77°55'50" W, 78.18 feet;

Thence by a curve to the right with a radius of 784 feet and length of 233.63 feet;

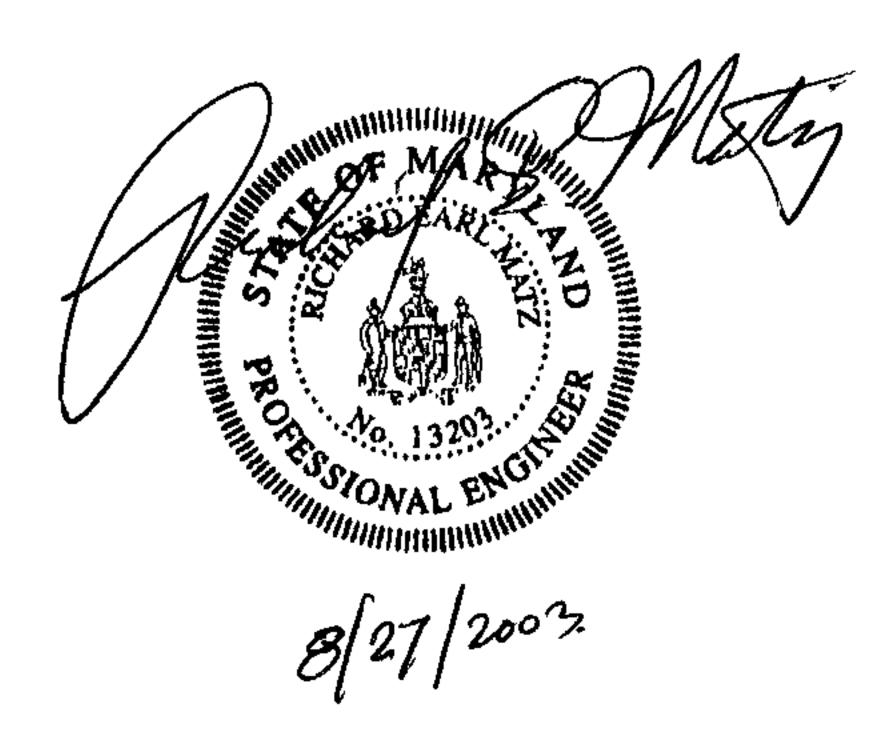
N 28°07'45" E, 56.58 feet;

N 01°58'23" W, 98.58 feet;

S 77°51'50" E, 322.33 feet, thence

S 13°50'11" W, 184.02 feet to the place of beginning.

As recorded in Deed Liber 14465, folio 439. Containing 53,935 square feet (± 1.2382 acres). Also known as 105 and 107 Carroll Island Road and located in the 15th Election District.



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No. 2011	2001-006-6150 325,00			IMER TO THE TO T
RE COUNTY, MARYLAND BUDGET & FINANCE ANEOUS RECEIPT	AMOUNT \$	A Company of the second of the		PINK - AGENCY YELLOW - CUSTON
BALTIMORE CO OFFICE OF BUDGI MISCELLANEO	DATE	RECEIVED FROM:	FOR	DISTRIBUTION WHITE - CASHIER

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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: #04-104-A

105 & 107 Carroll Island Road

N/side of Carroll Island
Road, 490 feet west centerline Bowleys Quarters Road

15th Election District

Contract Purchaser: P & S

Development Co.

Variance: to permit a 10foot parking lot area setback from street right-ofway in lieu of the required

20-foot setback.

Hearing: Wednesday, October 22, 2003 at 2:00

p.m. in Room 407, County
Courts Building, 401 Bosley Avenue.

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.

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JT/10/635 Oct. 7

2003

IFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERT once in each of O

The Jeffersonian

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

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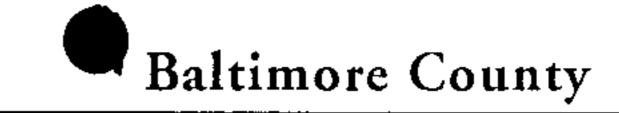
LEGAL ADVERTISING

	RE: Case No.: 04-104-19
•	Petitioner/Developer: ROBERT
72.01	MAN PAS DEVELOPMENT CO
	Date of Hearing/Closing: 10-22-03
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:	.
were posted conspicuously on the property	of perjury that the necessary sign(s) required by law located at ARROLL ISLAUD RD
	MULL LOCADO COL
The sign(s) were posted on	10/6/03
	(Month, Day, Year)
	Sincerely,
ZONIPG NOTICE	10/6/03
CASE # 04-104 A	(Signature of Sign Poster and Date)
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER	SSG ROBERT BLACK (Printed Name)
IN TOWSON, MD	1508 Leslie Rd
PLACE: MOON MOT COUNTY COUNTY DUTY MOUSE MOUSE EXAME DATE AND TIME: WEDNESDRY CETOPER 22, 2008 AT 200 M. REQUEST: MARIANCE TO PERMIT A 10-HOUT PHANING LOTAGE.	(Address)
SKITHER FROM SHITT RICHT OF VAN IN LIEU OF THE REMAIN 20 POUT	Dundalk, Maryland 21222
	(City, State, Zip Code)
ter historiabelt. Some beget beiten an times absorbiges are beneficielt occessings. Applications one in merules of times absorbiges are beneficielt occessings.	(410) 282-7940
	(Telephone Number)

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708





James T Smith, Jr., County Executive Timothy M. Kotroco, Director

September 15, 2003

CORRECTED 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: 04-104-A

105 & 107 Carroll Island Road

N/side of Carroll Island Road, 490 feet west centerline Bowleys Quarters Road

15th Election District – 6th Councilmanic District

Legal Owner: Robert Roman

Contract Purchaser: P & S Development Co.

Variance to permit a 10-foot parking lot area setback from street right-of-way in lieu of the required 20-foot setback.

Hearings:

Wednesday, October 22, 2003 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:rlh

C: D. Dusky Holman, Gildea, LLC, 301 N. Charles Street, Suite 900, Baltimore 21201 Robert Roman, 724 Milldam Road, Towson 21286

P & S Development Co., Thomas Scherr, President, 701 Fern Valley Circle, Baltimore 21228

Richard E. Matz, 2835 Smith Avenue, Suite G, Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 7, 2003.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO:

PATUXENT PUBLISHING COMPANY

Tuesday, October 7, 2003 Issue - Jeffersonian

Please forward billing to:

D. Dusky Holman

410-234-0070

Gildea, LLC

301 North Charles Street, Suite 900

Baltimore, MD 21201

NOTICE OF ZONING HEARING

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Wednesday, October 22, 2003 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1)

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Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T Smith, Jr., County Executive Timothy M. Kotroco, Director

September 15, 2003

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Hearings:

Wednesday, October 22, 2003 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:rlh

C: D. Dusky Holman, Gildea, LLC, 301 N. Charles Street, Suite 900, Baltimore 21201 Robert Roman, 724 Milldam Road, Towson 21286

P & S Development Co., Thomas Scherr, President, 701 Fern Valley Circle,

Baltimore 21228

Richard E. Matz, 2835 Smith Avenue, Suite G, Baltimore 21209

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TO:

PATUXENT PUBLISHING COMPANY

Tuesday, October 7, 2003 Issue - Jeffersonian

Please forward billing to:

D. Dusky Holman

410-234-0070

Gildea, LLC

301 North Charles Street, Suite 900

Baltimore, MD 21201

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Legal Owner: Robert Roman

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Hearings:

Wednesday, October 22, 2003 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Lawrence B. Schmidt

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT

THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 04-104- A
Petitioner: PyS Development Company
Address or Location: 70 Ferr 105-107 Carroll Island Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: D. Dusky Holman
Address: 301 North Charles St., Suite 900
Baltimore, MD 21201
Telephone Number: 410-234-0070

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

October 16, 2003

Dusky Holman Gildea, LLC 301 N. Charles Street, Ste. 900 Baltimore, MD 21201

Dear Mr. Holman:

RE: Case Number: 04-104-A, 105 & 107 Carroll Island Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 27, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

u. Callilal D

WCR:klm

Enclosures

c: People's Counsel Robert Roman, 724 Milldam Road, Towson 21286 Richard Matz, 2835 Smith Avenue, Ste. G, Baltimore 21209 P & S Development, 701 Fern Valley Circle, Baltimore 21228



Visit the County's Website at www.baltimorecountyonline.info



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLING DEPAREMENT OF TRANSPORTATION

Date: 9.10.03

Baltimore County

Item No. 104 (BPR)

RE:

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

Dear. Ms. Hart:

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,

P. J. Holl

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



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

September 11, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: September 8, 2003

Item No.:

098 - 111

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

J 10/1

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeleyzes / 727

DATE:

October 17, 2003

RECEIVED

OCT 2 0 2003

ZONING COMMISSIONER

SUBJECT:

Zoning Item

04-104

Address

105 and 107 Denton Ave (Haffer Property)

Zoning Advisory Committee Meeting of September 8, 2003

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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.

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X 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).

Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

__X__ 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).

Additional Comments:

The site design must be revised to provide a 25 foot buffer to non-tidal wetlands in the 25 foot setback from that buffer to the proposed retail building. The buffer shall be labeled Forest Buffer Easement as it is outside of the Critical Area. The portion of the property within the critical Area must comply with all Intensely Developed Regulations.

Reviewer:

Glenn Shaffer

Date: September 12, 2003

reamed .

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: October 21, 2003

RECEIVED

OCT 2 1 2003

SUBJECT:

105 & 107 Carroll Island Road

ZONING COMMISSIONER

INFORMATION:

Item Number:

04-104

Petitioner:

P & S Development Company

Zoning:

CB, BLR, and BL-AS

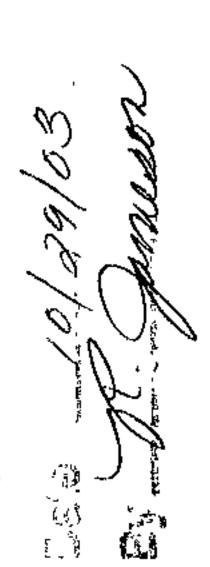
Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends the petitioner's request be approved provided that the following conditions are met:

- 1. The development plan shall comply with section 229.3 of the Baltimore County Zoning Regulations (BCZR) entitled "Performance Standards for CB and BLR Zones."
- 2. Prior to the issuance of building permits the following items shall be submitted to the Office of Planning for review and approval:
 - a) Provide four-sided architectural elevations to scale, which also call out materials and colors to be used.
 - b) Provide drawings indicating placement, color, size, materials and lighting for all proposed signage.
 - c) Provide a landscape plan for the site indicating type, size and location of all plant material.
 - d) Provide a fencing plan for the proposed storm water management facility if required, showing elevations and proposed fencing materials.



- e) Provide a lighting plan.
- 3. Show locations of all sidewalks and curb cuts.

Prepared by:

Section Chief: __

AFK/LL:MAC:

Result of the

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 26, 2003

♣ ...,

TO:

Timothy M. Kotroco, Director

Department of Permits &

Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 15, 2003 Item Nos. 099, 101, 102, 103, 104, 106, 107, 108, and 109

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE

105 & 107 Carroll Island Rd; N/side Carroll

Island Rd, 490' W c/line Bowleys Quarters Rd*

15th Election & 6th Councilmanic Districts

Legal Owner(s): Robert Roman

Contract Purchaser(s): P&S Development Co,

Thomas Scherr, President

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-104-A

* * * * * * * * *

ENTRY OF APPEARANCE

*

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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

RECEIVED

SEP 1 6 2003

Per....

CAROLE S. DEMILIO

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 day of September, 2003, a copy of the foregoing Entry of Appearance was mailed to, Richard E Matz, P.E., 2835 Smith Avenue, Suite G, Baltimore, MD 21209 & D. Dusky Holman, Esquire, Gildea, LLC, 301 N Charles Street, Suite 900, Baltimore, MD 21201, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

GILDEA, LLC

DAVID K. GILDEA

301 NORTH CHARLES STREET

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SEBASTIAN A. CROSS BALTIMORE, MARYLAND 21201 SCROSS GILDEALLO, COM TELEPHONE 410-234-0070

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JOSEPH R. WOOLMAN, III JWOOLMAN@GILDRALLO.COM

D. DUSKY HOLMAN DHOLMAN@GILDEALLC.COM

October 20, 2003

STUART W. COX SCOX@GILDEALLC.COM

Mr. Mike Viverito Bowleys Quarters Community Association 3619 Bay Drive Baltimore, MD 21220

Re: P&S Development/Carroll Island Road

Dear Mike:

I am following up on the various messages I have left you regarding a proposed development project located at 105-107 Carroll Island Road. Our firm represents the developer, P&S Development, and we are scheduled for a variance hearing at 2:00 P.M., Wednesday, October 22nd. The site is primarily located in the CB zone with a very small portion lying situate in the BL-AS and BLR zones; however, the proposed building will lie exclusively in the CB portion. My client intends to construct a 9,800 square foot building approximately 22 feet in height for use as a retail center. The proposed use is permitted as of right in this zone, and the development plan complies with all bulk regulations of the Baltimore County Zoning Regulations except for the front parking setback. My client is seeking a 10 foot front parking setback in lieu of the required 20 foot setback.

We have presented the project to David Pinning and Lynn Lanham of the Office of Planning and have heeded their suggestions with respect to the site design and architectural elements of the building. It is my understanding that the Office of Planning has no opposition to the project. In addition, we have presented the project to Councilman Bartenfelder, and he expressed no opposition; however, he requested that we contact you to obtain input from the Bowleys Quarters Community Association. I have left several messages for you but have obtained no reply; therefore, I wanted to at least provide you with the attached copy of the development plan for your review.

Should you have any questions, or wish to discuss this project further, please contact me immediately so that I may address any concerns. In fact, our schedules permitting, I

Det #4

Mr. Mike Viverito October 20, 2003 Page 2

would be pleased to meet with you to discuss the project prior to the variance hearing. I look forward to hearing from you soon. With kind regards, I am

Very truly yours,

D. Dusky Holman

DDH:dls

Attachment

CC: Thomas G. Scherr, P&S Development Company

Richard E. Matz, Colbert Matz Rosenfelt, Inc.

Section 229

Performance Based Business Zones: C.B. and B.L.R. Zones [Bill No. 86-1994]

- A. The existing commercial districts for use within the urban-rural demarcation line (A.S., C.C.C. and C.T.) and the underlying Business Zones (B.L., B.M. and B.R.) allow for a wide range of uses which in design, scale, intensity, use or traffic generation can be disruptive to communities.
- B. The Master Plan calls for a neighborhood business zone that could promote the development of attractive, convenient commercial centers designed to meet the daily shopping needs of community residents.
- C. The Master Plan also cites a need to upgrade the appearance of the county's major commercial corridors through new regulatory standards to be applied as older parts of the county are redeveloped.
- 229.1 Statement of legislative policy for C.B. and B.L.R. Zones.
 - A. Community Business Zone.
 - 1. The primary purpose of the Community Business Zone (C.B.) is to provide for the daily shopping and service needs of nearby residents through small businesses which do not generate large amounts of traffic at any one time. The zone shall accommodate vehicular parking needs, but also be pedestrian oriented. Where appropriate, parking should be located to the side and to the rear. In design, the C.B. Zone should reflect elements of the architectural style of neighboring residential buildings, so that the commercial development becomes an integral, harmonious component of the neighborhood.
 - 2. The C.B. Zone is not intended to be used to replace the B.L.R., B.L., B.M. or B.R. Zones on developed sites. Rather, the zone is intended as an additional classification which may be appropriate for locations that are no longer desirable for other noncommercial purposes but where application of the other business zones may prove detrimental to nearby residential properties. [Bill No. 180-1995]
 - B. Business Local Restricted Zone. The primary purpose of the Business Local Restricted Zone (B.L.R.) is to provide for a range of retail and service uses, some of which may be of a larger scale, such as supermarkets. The B.L.R. Zone also requires performance standards which protect adjacent communities from excessive vehicular congestion, use intensity and noise.
 - C. It is intended that no use in either the C.B. or the B.L.R. Zone create a nuisance due to noise, traffic or hours of operation and that no use be permitted which would likely cause disruption of the peace and quiet enjoyment of property in neighboring communities.

The zoning regulations are inclusive in that only those uses which are listed are permitted either by right or by special exception. Uses not listed are not permitted as contrary to the purposes of the performance based business zones,

Residences, including residences in a commercial building only above the first floor

3. Accessory uses:

Customary accessory uses associated with the uses permitted in Paragraphs 1 and 2, including signs, parking spaces and structures

B. Uses permitted by special exception:

Banks with no more than two drive-through lanes

229.5 Uses in the B.L.R. Zone. [Bill No. 180-1995]

A. Uses permitted by right:

Banks with drive-through lanes
Health and athletic clubs
Martial arts and dance studios
Restaurant, fast-food
Tavern
Uses permitted by right in the C.B. Zones

B. Uses permitted by special exception:

Arcades
Baseball batting range
Bowling alley
Miniature golf

Wireless transmitting or receiving structures 200 feet or less in height above grade level

229.6 Bulk and area regulations for Community Business Zones and Business Local Restricted Zones. [Bill No. 180-1995]

Permitted uses shall be subject to the following bulk and area regulations, except that the required setback, height and floor area restrictions do not apply to buildings that existed legally or which were approved by the county before the date of passage of Bill No. 180-1995.

A. Building size.

- 1. In any development plan proposed in a C.B. Zone, only one retail, restaurant or service use may have a gross floor area not to exceed 10,000 square feet. All other such uses in the proposed plan shall have a gross floor area not to exceed 5,000 square feet. No more than 25% of a commercial or office building's gross floor area may be occupied by medical office use.
- In a B.L.R. Zone, any retail, restaurant or service establishment may have a gross floor area up to 80,000 square feet.
- 3. The maximum floor area ratio in the C.B. Zone and the B.L.R. Zone shall not exceed 0.33.

- 4. The maximum height of new buildings or additions shall be restricted to two stories and shall not exceed 35 feet.
- B. The front building setback shall be no less than 25 feet from the ultimate street right-of-way line, or the average of the front setbacks of the adjacent buildings within 100 feet of either side of the proposed building, whichever is less.
- C. The rear and side yard building setback shall be no less than 20 feet from the property line of a residentially zoned property and no less than 10 feet from the property line of a nonresidentially zoned property except as provided below:
 - 1. No side yard building setbacks are required for commercial uses on adjacent lots with shared driveways or with parking accessible from either lot.
 - 2. Subject to the provisions of Subsection A above, building setbacks will be reduced 25% for proposed additions if the structures existed prior to the passage of Bill No. 180-1995, provided the addition is in keeping with the intent of this legislation based upon the written recommendations of the Director of the Office of Planning.
 - 3. If a residential zone line is in a public right-of-way, the setback shall be not less than 10 feet from the ultimate street right-of-way.
- D. Service and loading areas, parking lot areas and interior drives shall be a minimum of 20 feet from the ultimate street right-of-way, a minimum of 20 feet from residentially zoned properties and a minimum of eight feet from properties not predominantly zoned for residential uses, except that the drive-through lane of a bank shall be at least 25 feet from residentially zoned property.
- E. The required setbacks, except for required access drives and walkways, shall be landscaped and screened in accordance with the Landscape Manual requirements for performance based business zones.
- F. Residential uses in commercial buildings shall be limited by the height, bulk and floor area requirements of the performance based business zones. If the building is limited to residential use, the height, bulk and floor area requirements shall be those permitted and as limited in the residential zone adjoining or nearest the performance based business zone.
- 229.7 Signage standards for Community Business and Business Local Restricted Zones. [Bill Nos. 180-1995; 89-1997]

Signs are permitted, subject to Section 450.

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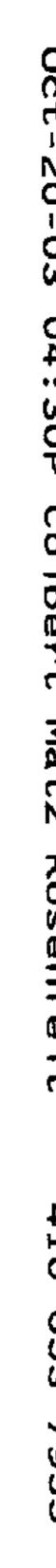
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CASE NAME 105+107 Garroll J5/40 &
CASE NUMBER 04-104-4
DATE 10-22-2003

PETITIONER'S SIGN-IN SHEET

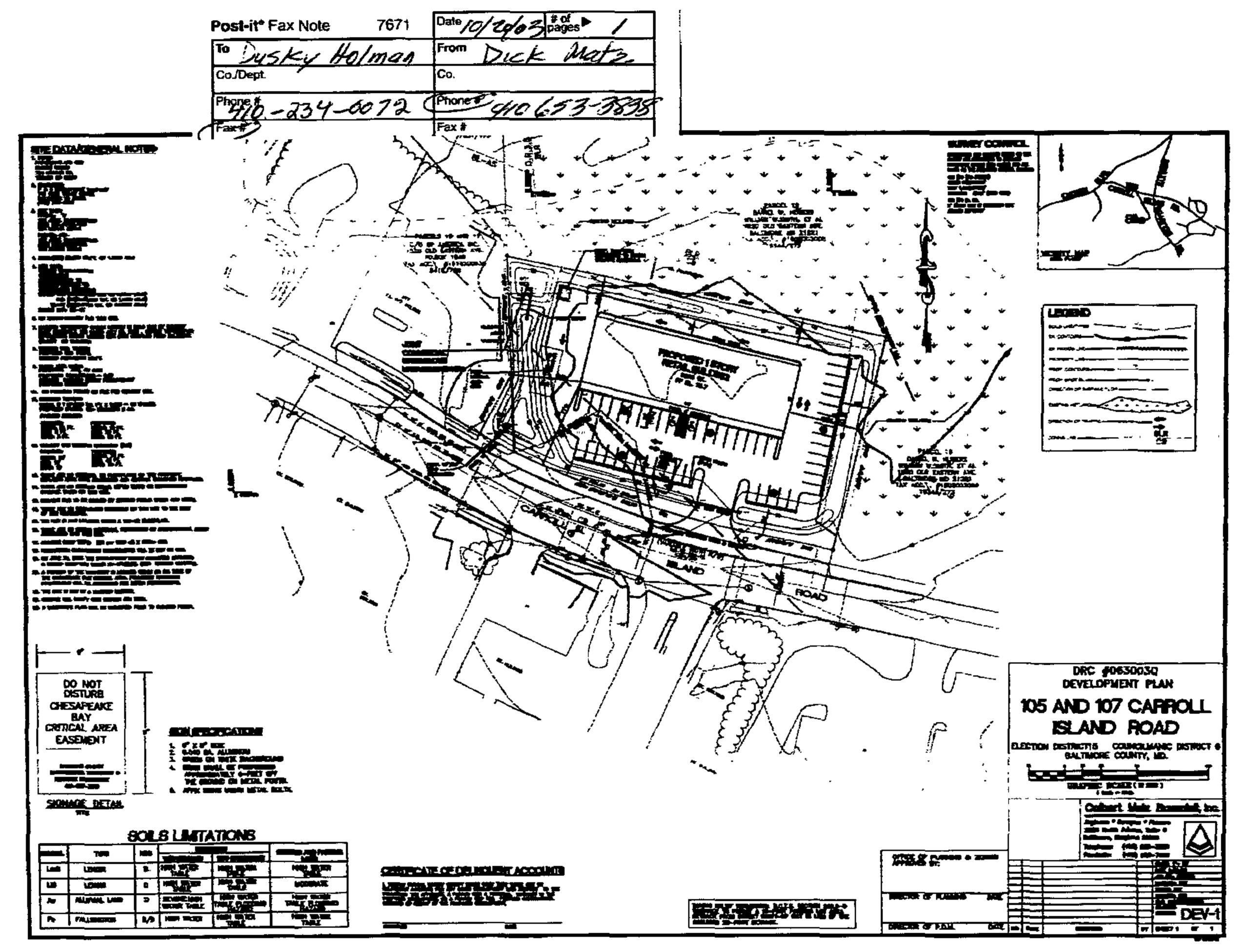
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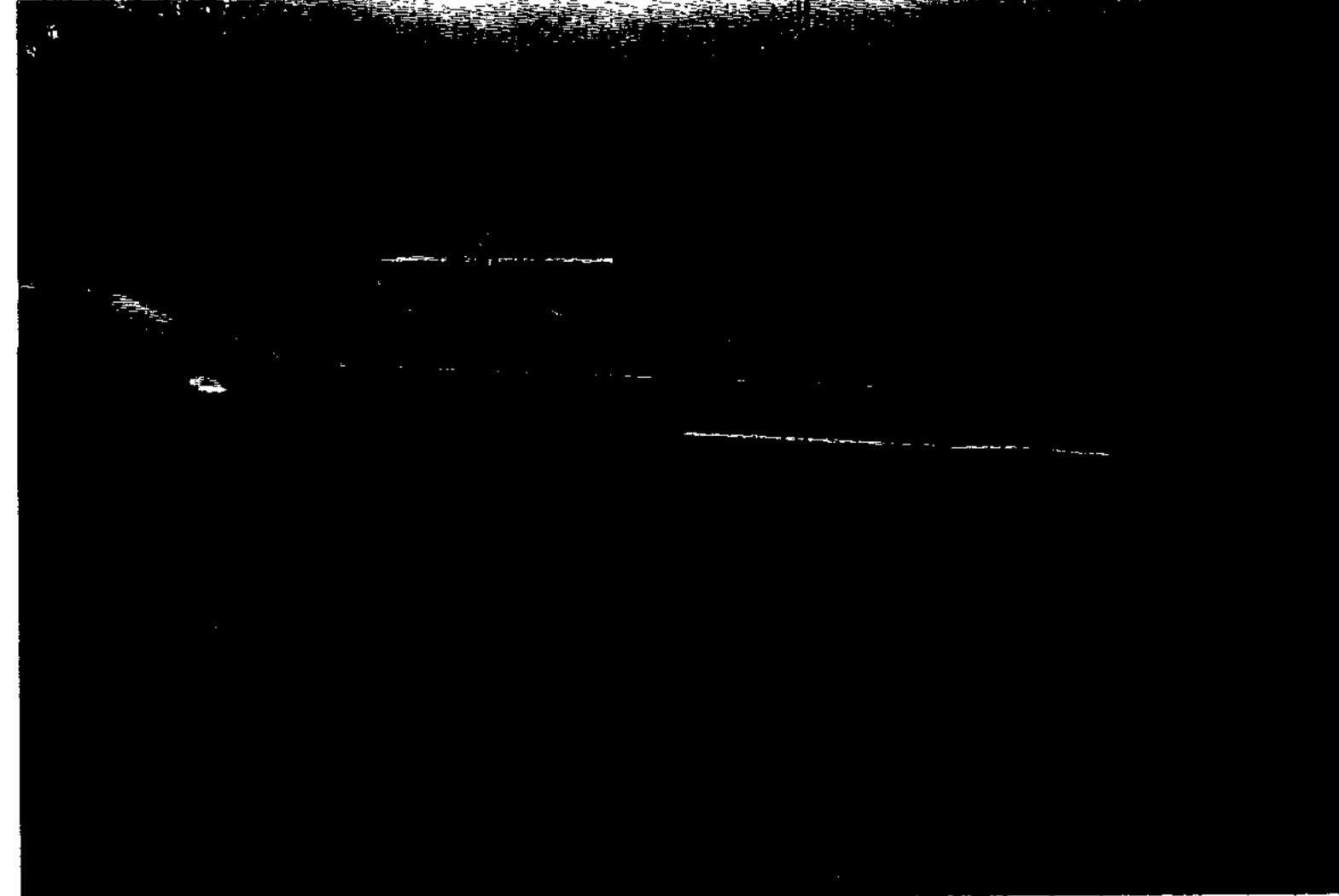


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401 Bosley Avenue
Towson, Maryland 21204



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Det #3

REVISIONS

