IN RE: PETITION FOR VARIANCE
N/S of North Point Road, 485 ft. +/- NW
from centerline of Merritt Road
15th Election District
7th Councilmanic District
(4510 North Point Road)

Joyce A. & Howard White Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

k CASE NO. 04-211-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Joyce A. and Howard White. The Petitioners are requesting variance relief for property located at 4510 North Point Road in the eastern area of Baltimore County. Variance relief is requested from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- 1. from Section 238.2, to allow side and rear yards of 10 ft. in lieu of the 30 ft. required; and
- 2. from Sections 102.2 and 238.2, to allow building to building separation of 48 ft. in lieu of the required side yard for each building of 60 ft.

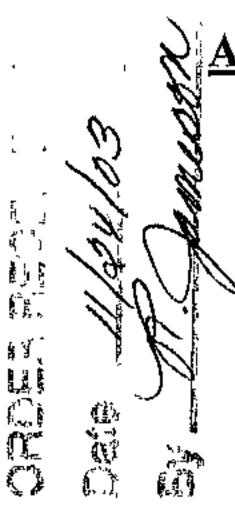
The property was posted with Notice of Hearing on November 6, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 6, 2003 to notify any interested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

### **Amended Petition**

At the outset of the hearing the Petitioner amended his request to be allowed to set the new building back 10.1 feet instead of his previous request for 10 feet even.

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 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, offstreet 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: None.

### **Interested Persons**

Appearing at the hearing on behalf of the variance request was Howard White, Petitioner and William Bafitis, civil engineer. J. Neil Lanzi, Esquire, represented the Petitioners. 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, is a 1.2 acre parcel zoned BR-AS. It is presently improved by a commercial lumber yard known as Lee Lumber Jack Company which until the snows of the previous winter included a large 12,000 sq. ft. warehouse. See the dashed line on Petitioners' Exhibit No. 1 for the location of the warehouse before the storm. Unfortunately, the roof collapsed under the weight of the snow and rain triggering this request. The replacement warehouse will be slightly smaller (10, 000 sq. ft.) and will be located 10.1 feet off the property lines in lieu of 30 ft. required by the B.C.Z.R.

The surrounding area is heavily industrialized and/or has commercial uses. The Petitioner owns the property next door in which a heating and air conditioning company operates. After the roof collapsed on the warehouse the Petitioner was forced to rent space across the street at additional cost to him. Mr. Bafitis testified that because of the widening of North Point Road over the years and very limited space on site, the zoning regulations requiring 30 ft. for buildings from property lines disproportionately impacted this property as compared to others in the neighborhood. He stated that if the variance were denied Mr. White would suffer unreasonable hardship with continued renting of space. In addition, Mr. White would find it impractical to build a building to replace the one destroyed in the storm if he had to set the building back 30 ft. from the property lines or to separate the buildings on site by 60 ft.

### 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. Furthermore, I find that these variances can be granted in strict harmony with the spirit and intent of the 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.

THEREFORE, IT IS ORDERED, this Athen Petitioners' request for variance from the Baltimore County Zoning Commissioner, that the Petitioners' request for variance from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) from Section 238.2, to allow side and rear yards of 10.1 ft. in lieu of the 30 ft. required and (2) from Sections 102.2 and 238.2, to allow building to building

separation of 48 ft. in lieu of the required side yard for each building of 60 ft., be and they are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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;

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

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

November 24, 2003

J. Neil Lanzi, Esquire 409 Washington Avenue, Suite 617 Towson, Maryland 21204

> Re: Petition for Variance Case No. 04-211-A Property: 4510 North Point Road

Dear Mr. Lanzi:

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

JVM:raj Enclosure

c: Howard White 4510 North Point Blvd. Baltimore, MD 21219 William Bafitis
1249 Engleberth Road
Baltimore, MD 21221



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



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 4510 North Point Road

which is presently zoned BR-AS

I/We do solemnly declare and affirm, under the penalties of

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)

1. 238.2 of BCZR to allow side and rear yards of 10 feet in lieu of 30 feet required and

2. 238.2 to allow building to building separation of 48 feet in lieu of required side yard for each building of 30 feet. (60')

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

1. Due to site constraints, practical difficulty results without variance relief;

2. Such other reasons to be provided at the hearing.

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

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

	is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Lee Lumberjack Company Name - Type or Print)	Howard White Name Type or Print
Signature Dain Dain Dan Hall	Signature Signature
4510 North Point Road 410-477-4444	Joyce A. White
Address Telephone No. Baltimore Maryland 21219	Name - Type or Print Witte
City State Zip Code	Signature
Attorney For Petitioner:	V4628 Roundhill Road 410-477-4444
J. Neil Lanzi	Address Ellicott City Maryland 21043
Name - Type or Print	City State Zip Code
Man Jam	Representative to be Contacted:
J. Neil Lanzi, P.A.	J. Neil Lanzi
Company 409 Washington Ave Ste 617 410-296-0686	Name 409 Washington Ave Ste 617 410-296-0686
Address Telephone No. Towk on Maryland 21204	Address Telephone No. Towson Maryland 21204
City 5 State Zip Code	City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No	UNAVAILABLE FOR HEARING Date



# ZONING DESCRIPTION FOR 4510 NORTH POINT ROAD 15<sup>TH</sup> ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same on the North side of North Point Road (State Road MD. Rte 151) 120' wide; and 485'± Northwesterly from the center line intersection of Merritt Road 30' wide; Thence leaving said point of beginning the five following courses and distances;

- 1) North 62°-18'-11" East 157.00' to a point;
- 2) North 28°-06'-49" West 54.67' to a point;
- 3) North 70°-40'-30" East 93.68' to a point;
- 4) South 27°-41'-49" East 241.03' to a point;
- 5) South 62°-18'-11" West 246.70' to a point on the North side of North Point Road (State Road MD Rte. 151)
- 6) Thence binding and running along said road North 27°-41'-49" West 200.00' to the point of beginning.

Containing 53,561.57 sq. ft. or 1.229 ac.

Being known as parcel 31 and lots 60-63 recorded among the Land Records of Baltimore County, Maryland. Deed Reference is Liber 8716 Folio 484 and Liber 8716 Folio 482. Plat Reference is Book 8 Folio 48.

William N. Bafins, P.E. MD Reg.# 11641

10/22/03 Date

#211

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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: #04-211-A

4510 North Point Road N/side of North Point Road, 485 feet n/west from centerline of Merritt Road

terline of Mierritt Road
16th Election District - 7th Gouncilmanic District
Legal Owner(s): Howard and Joyce White
Contract Purchaser: Lee Lumberlack Co.
Variance: to allow side and rear yards of 10 feet in lieu of
30 feet required and to allow building-to-building separation of 48 feet in lieu of required side yard for each building of 30 feet (60 feet total).
Hearing: Friday, November 21, 2003 at 19:00 a.m. in
Room 106, County Office Building, 111 W. Chesapsake

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.

Contact the Zoning Review Office at (410) 887-3391.

# CERTIFICATE OF PUBLICATION

[]6],2003
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 116,2003.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

	RE: Case No.: ()4-2//-/)
LEE LUMBERJACK	CO. Petitioner/Developer: HOWARD
	Date of Hearing/Closing: NOY Z/
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	*
This letter is to certify under the penalties of perjuit posted conspicuously on the property located at:	y that the necessary sign(s) required by law were
4510 NORT	# Point RD
The sign(s) were posted on//	16/03
(M	onth, Day, Year)
Sir	acorely,
•	, ,, ,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	11/6/03
·•  ·  ·  ·  ·  ·  ·  ·  ·  ·  ·  ·  ·	(Signature of Sign Poster) (Date)
	(Signature of Sign Poster) (Date)  SSG Robert Black
	SSG Robert Black
	SSG Robert Black (Print Name)
	SSG Robert Black (Print Name)  1508 Leslie Road
	SSG Robert Black  (Print Name)  1508 Lesile Road  (Address)
	SSG Robert Black  (Print Name)  1508 Lesile Road  (Address)  Dundalk, Maryland 21222

RE: PETITION FOR VARIANCE

4510 North Point Road; N/side North Point
Road, 485' NW c/line Merritt Road

15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts
Legal Owner(s): Howard & Joyce A. White \*
Contract Purchaser(s): Howard White,
President, Lee Lumberjack Company

\*

RECEIVED

NOV 0 6 2003

Per Lower

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

**FOR** 

BALTIMORE COUNTY

04-211-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

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 November, 2003, a copy of the foregoing Entry of Appearance was mailed to, J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

# 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

October 30, 2003

### **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: 04-211-A

4510 North Point Road

N/side of North Point Road, 485 feet n/west from centerline of Merritt Road

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Howard and Joyce White

Contract Purchaser: Lee Lumberjack Company

<u>Variance</u> to allow side and rear yards of 10 feet in lieu of 30 feet required and to allow building-to-building separation of 48 feet in lieu of required side yard for each building of 30 feet (60 feet total).

Hearings:

Friday, November 21, 2003, at 10:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

Timothy Kotroco

Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204 Howard and Joyce White, 4628 Roundhill Rd., Ellicott City 21043 Lee Lumberjack Co., 4510 North Point Rd., Baltimore 21219

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 6, 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



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

TO: PATUXENT PUBLISHING COMPANY

Thursday, November 6, 2003 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi 409 Washington Avenue, Ste. 617 Towson, MD 21204

410-296-0686

### **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: 04-211-A

4510 North Point Road

N/side of North Point Road, 485 feet n/west from centerline of Merritt Road

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Howard and Joyce White

Contract Purchaser: Lee Lumberjack Company

<u>Variance</u> to allow side and rear yards of 10 feet in lieu of 30 feet required and to allow building-to-building separation of 48 feet in lieu of required side yard for each building of 30 feet (60 feet total).

Hearings:

Friday, November 21, 2003, at 10:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avénue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

# ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <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 Ac		
Item Number or Car	se Number 211-A	
Petitioner:	Howard White	
Address or Location	n 4510 North Point Road	
PLEASE FORWAR	RD ADVERTISING BILL TO	
Name	J Neic Canzi	
Address	409 Washington are St 617	<del></del>
<del></del>	TOWSON MD 21204	
Telephone Number	: 410 296 - 0686	<del> </del>



Baltimore County
Department of Permits and
Development Management

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

November 14, 2003

J. Neil Lanzi 409 Washington Avenue, Ste. 617 Towson, MD 21204

Dear Mr. Lanzi:

RE: Case Number: 04-211-A, 4510 North Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 28, 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.

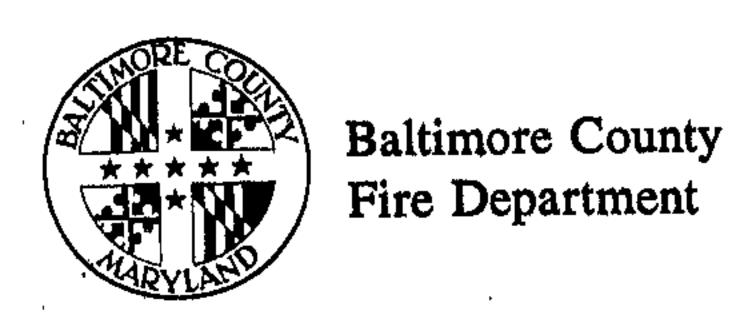
Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Howard & Joyce White, 4628 Roundhill Rd., Ellicott City 21043 Lee Lumberjack Co., 4510 North Point Rd., Baltimore 21219



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

November 5, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 3, 2003

Item No.:

195, 197-211,

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

## BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

**DATE:** November 13, 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 November 10, 2003

Item Nos. 195, 196, 197, 198, 199, 200, 202, 203, 204, 205, 206, and 211/

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

RWB:CEN:jrb

cc: File

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

**DATE:** November 5, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case 04-156 and 04-211

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:

**Section Chief:** 

AFK/LL



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

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

### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: //. 7.03

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

RE: Baltimore County

Item No. 211 LTM

Dear Ms. Hart:

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/U8 / \$/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,

1. f. Goedh

1

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



04-211A Filed 10/28/03 neel point# B 536918

October 28, 2003

Mr. Timothy Kotroco
Director
Baltimore County Government
Department of Permits
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Attn: Carl Richards

Dear Tim,

Ref: Lee Lumber Jack Warehouse Building Permit

As discussed per our meeting on October 10, 2003, Lee Lumber Jack's existing warehouse collapsed during the February 2003 snow storm. We are in the process of submitting the Zoning Variance Request and Building Permit needed to construct a new metal building warehouse.

We understand since this is an emergency situation, you are allowing us to obtain a Conditional Building Permit so the contractor can start construction immediately, however, Lee Lumber Jack acknowledges that they will be proceeding before all approvals are obtained at their own risk. Also, you have consented to shorten the Variance Petition Process to reduce any delays.

We appreciate all your help and consideration.

Sincerely,

BAFITIS & ASSOCIATES, INC.

William N. Bafitis F.F

President

WNB/lkb

cc: Ron Herd, Président, Tri-State Restoration & Construction, LLC Howard White, President, Lee Lumber Jack Company

Wireless telecommunications towers, subject to Section 426 [Bill Nos. 61-1967; 85-1967; 64-1986; 30-1998]

# Section 237 B.R. Zone Height Regulations [BCZR 1955]

Same as in B.L. Zones.

# Section 238 B.R. Zone Area Regulations [BCZR 1955]

Minimum requirements, except as provided in Article 3, shall be as follows:

- Front yard for residences, as in Sections 302 and 303.1; for commercial buildings the front building line shall be not less than 50 feet from the front property line if on a dual highway; and not less than 25 feet from the front property line and not less than 50 feet from the center line of any other street, except as specified in Section 303.2.
- Side and rear yards for residences, as in Section 302; for other buildings, 30 feet.
- Parking areas and loading space in accordance with the provisions of Section 409.
- Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than 15 feet in front of the required front building line.
- Floor area ratio. The maximum permitted floor area ratio for any site in a B.R. Zone, except in C.C.C. and C.T. Districts, shall be 2.0. [Bill Nos. 7-1962; 111-1968; 100-1970]

# Section 238A Special Regulations for C.C.C. Districts [Bill Nos. 111-1968; 100-1970; 26-1988; 36-1988]

Contrary provisions of these zoning regulations notwithstanding, the regulations of this section shall apply in C.C.C. Districts superimposed upon B.R. Zones. (All aspects of matters not governed by the following provisions of this section shall be governed by all other applicable provisions of these zoning regulations.)

- Apartments shall be permitted, but only above the first story of a building. Elderly housing facilities shall be permitted in any story of a building.
- No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

<sup>&</sup>lt;sup>5</sup> Editor's Note: This bill redesignated former Section 238A as Section 238B.

LEASE PRINT CLEARLY

CASE NAME CEC COMBER OF SILL TO THE NUMBER OF SILL TO THE PARTY OF SILL TO THE PARTY OF SILL TO THE SILL AS SI

# PETITIONER'S SIGN-IN SHEET

E- MAIL	barine Boursz. Nei								
CITY, STATE, ZIP	15215 MD 21218 154140 MD 21218								
ADDRESS	409 Washington aw Stell								
NAME	Marke Jahrit								



Tom Coffin G & H Hercules 4500 North Point Blvd. Baltimore, MD 21219

October 6, 2003

Re: New Building Construction

Dear Tom,

This letter will serve as a legal documentation of our conversation we had back on September 16, 2003. Baltimore County building codes today require a 30'-0" set back off the property line, with out going through a variance hearing.

It is our intent to construct the building 3'-0" off the line. As an adjacent property owner, this becomes an issue between the two companies. For a multitude of reasons, time is of the essence and I am trying to avoid any more delays.

By signing below it is understood that as an adjacent property owner you have accepted our plan and relinquish your rights to contest the location of the Lumber companies new building, regardless of Baltimore County set back laws.

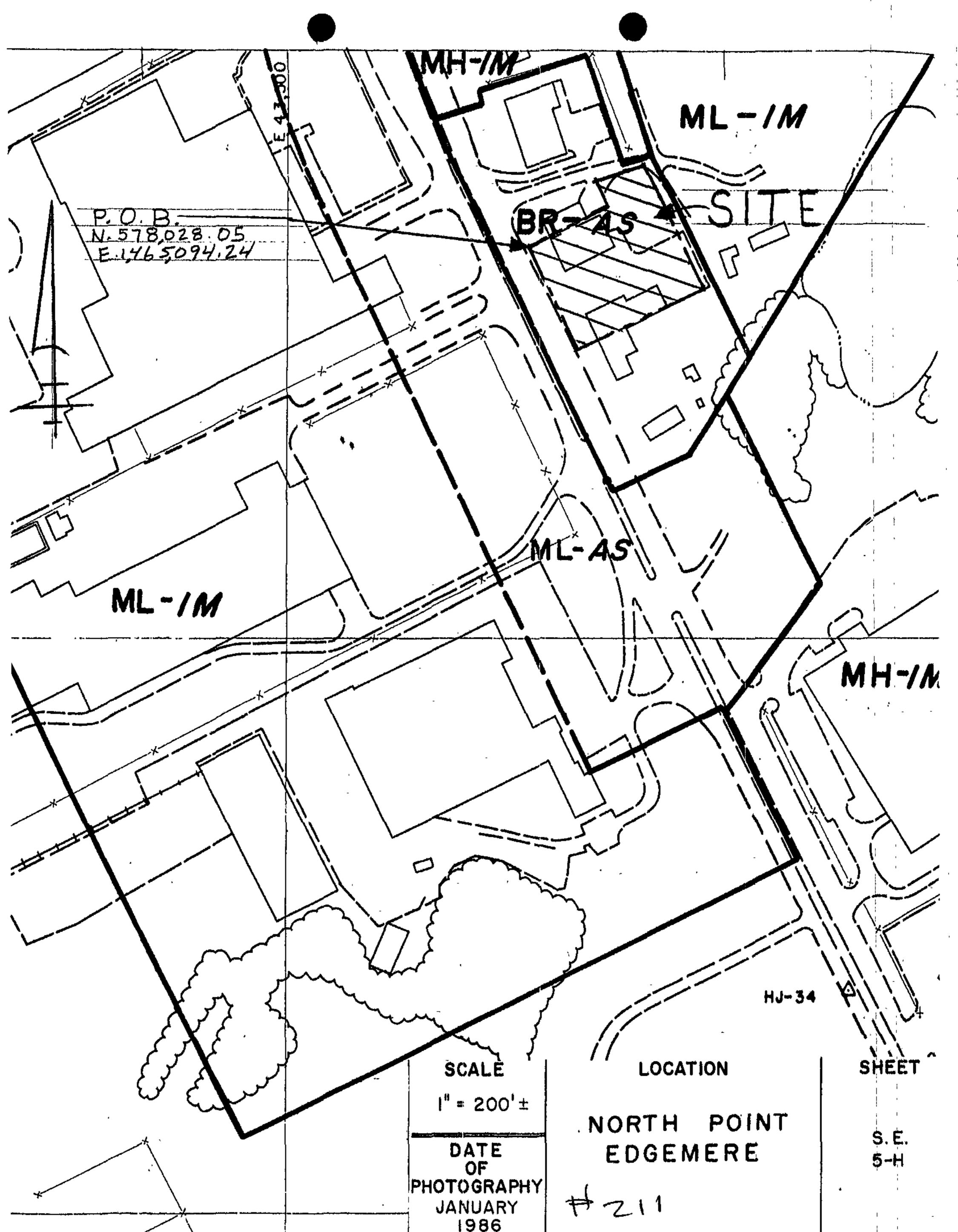
Thanking you in advance,

Howard White

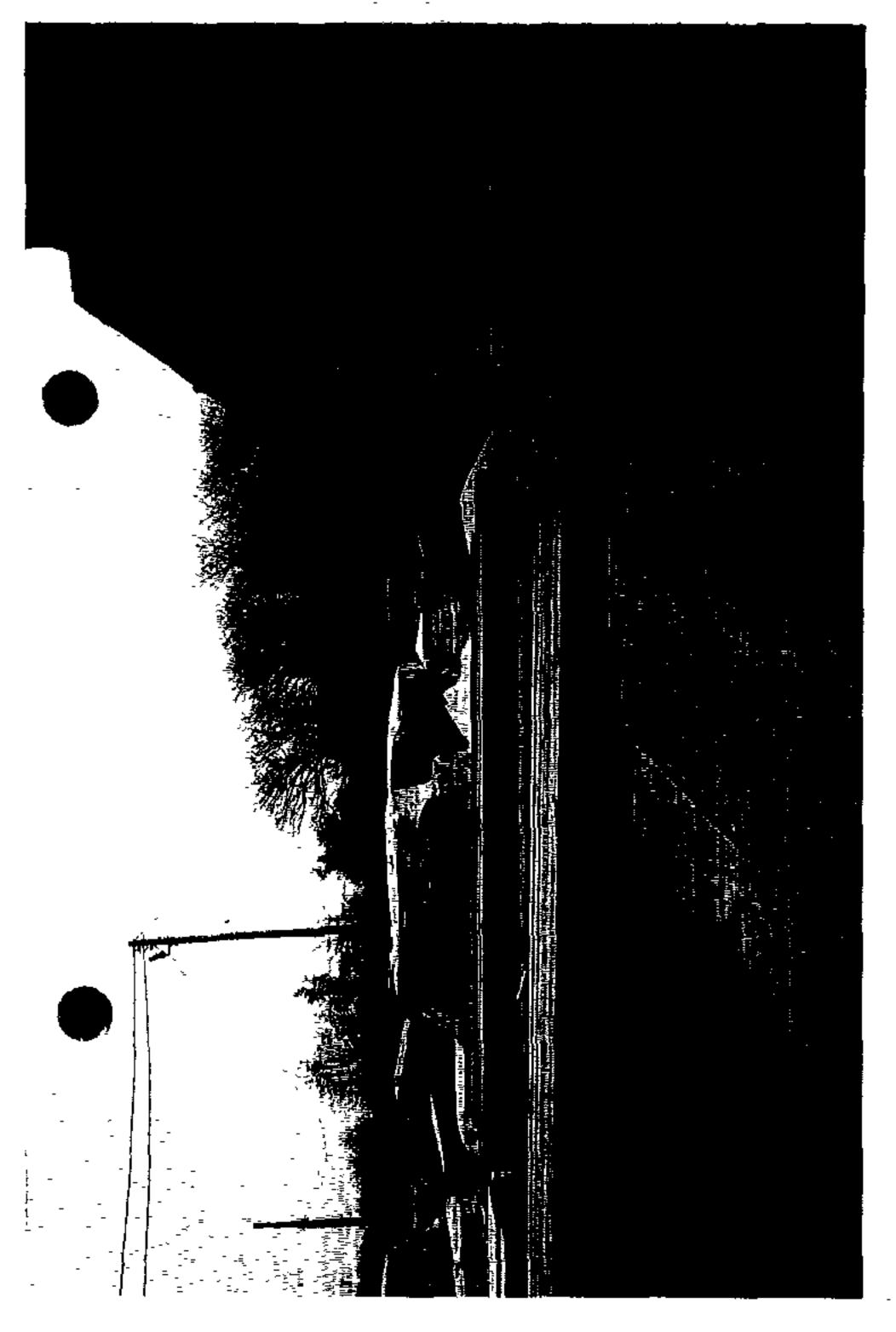
G & H Hercules

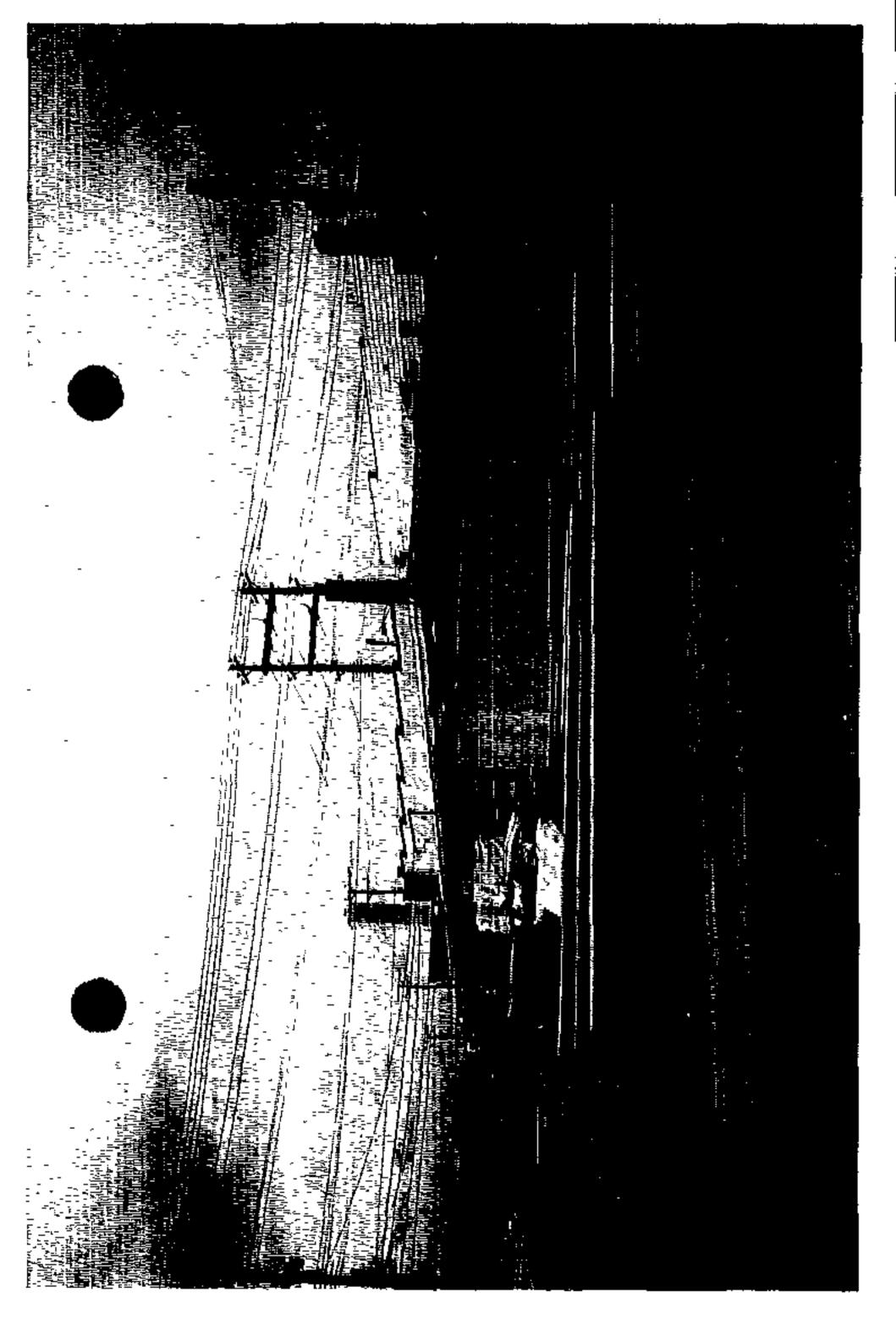
Tom Coffin

Date: 10-7-03

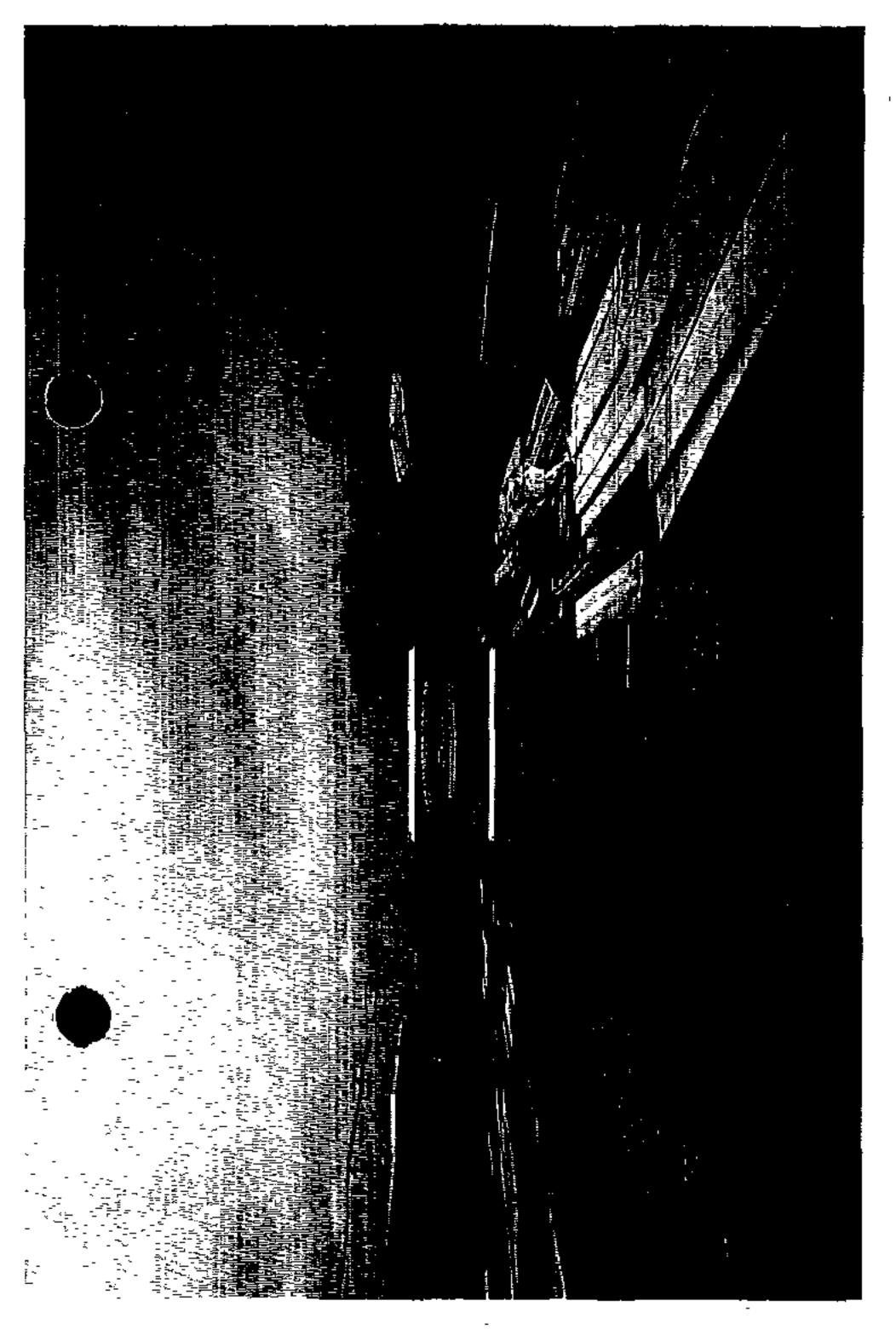


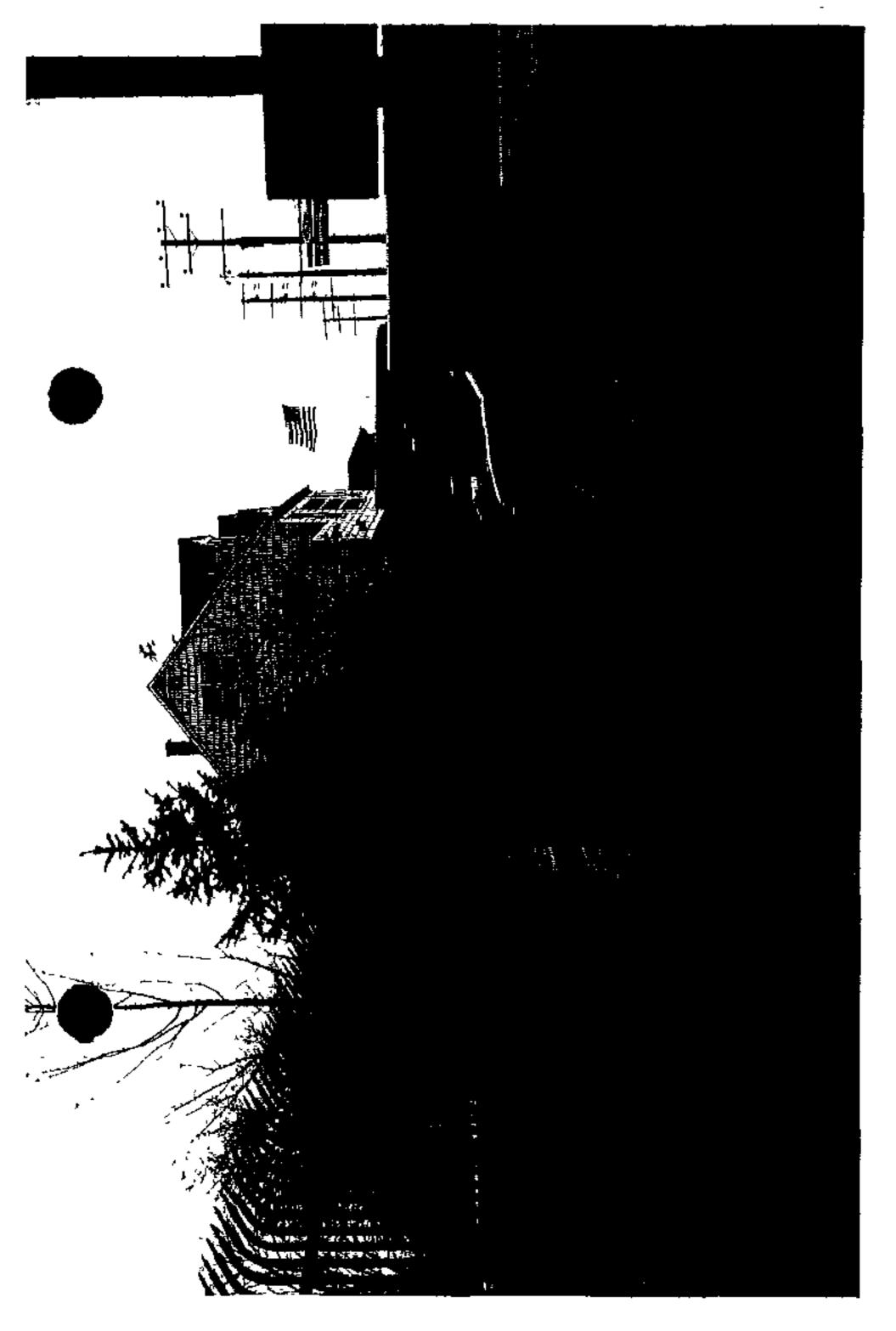


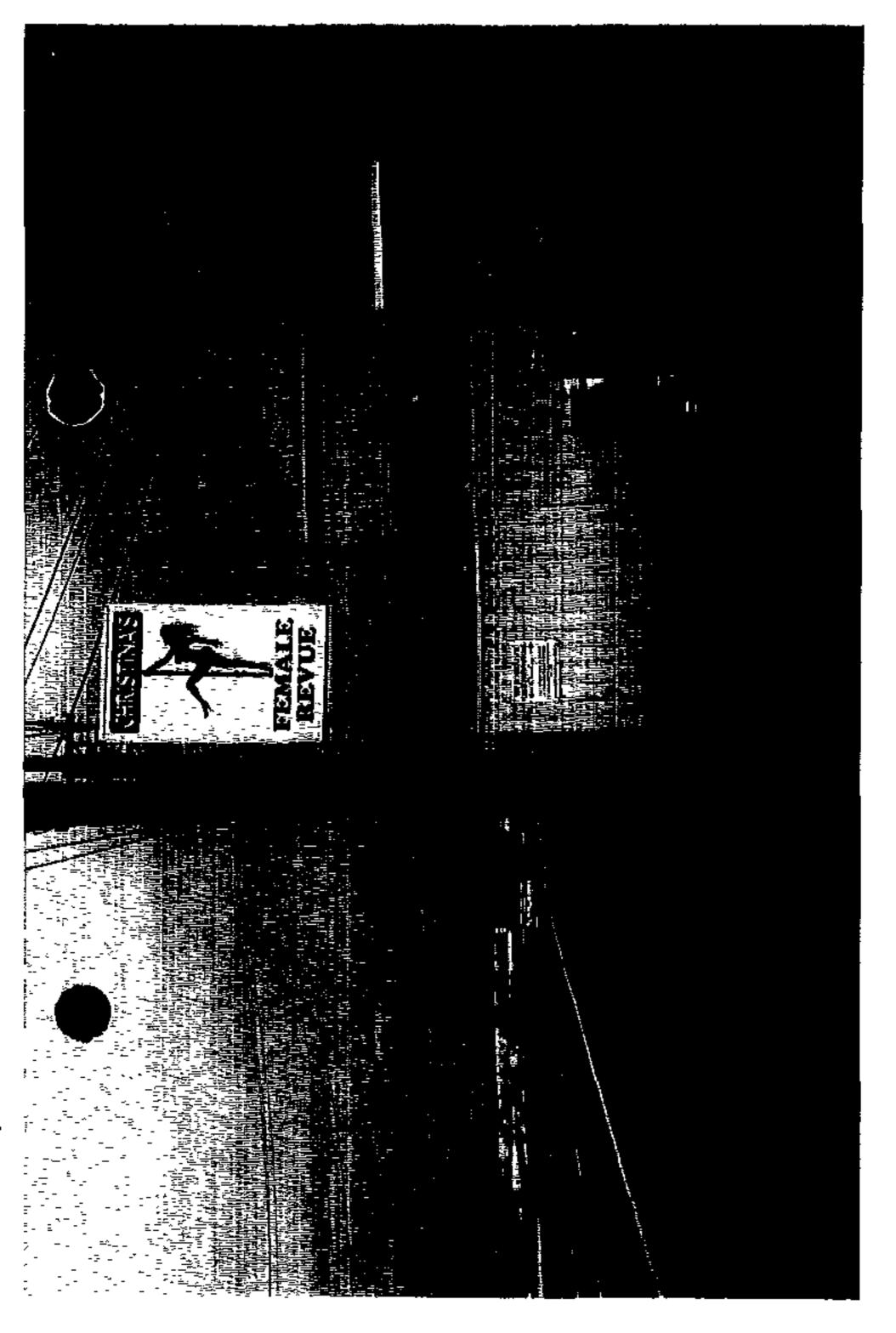


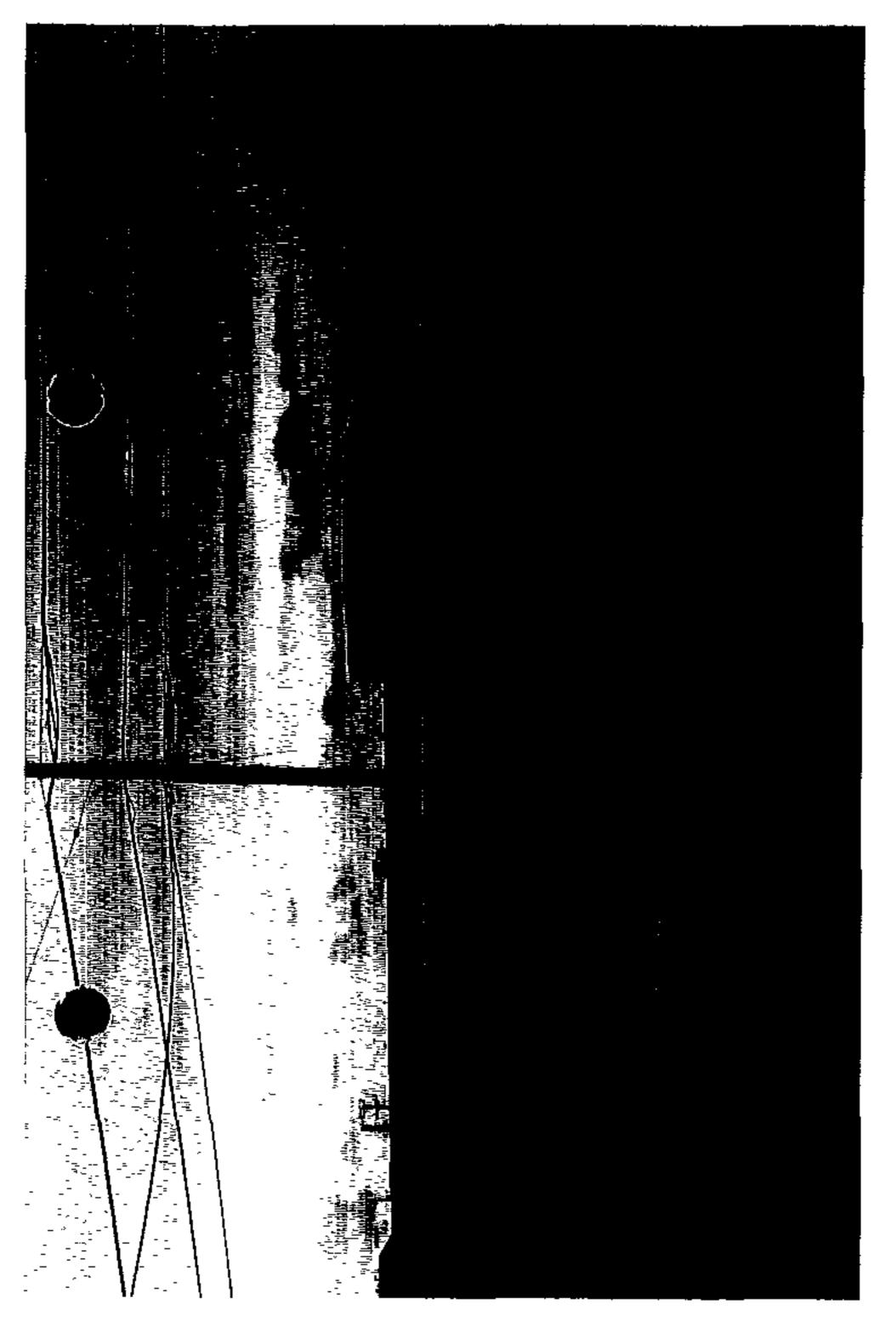


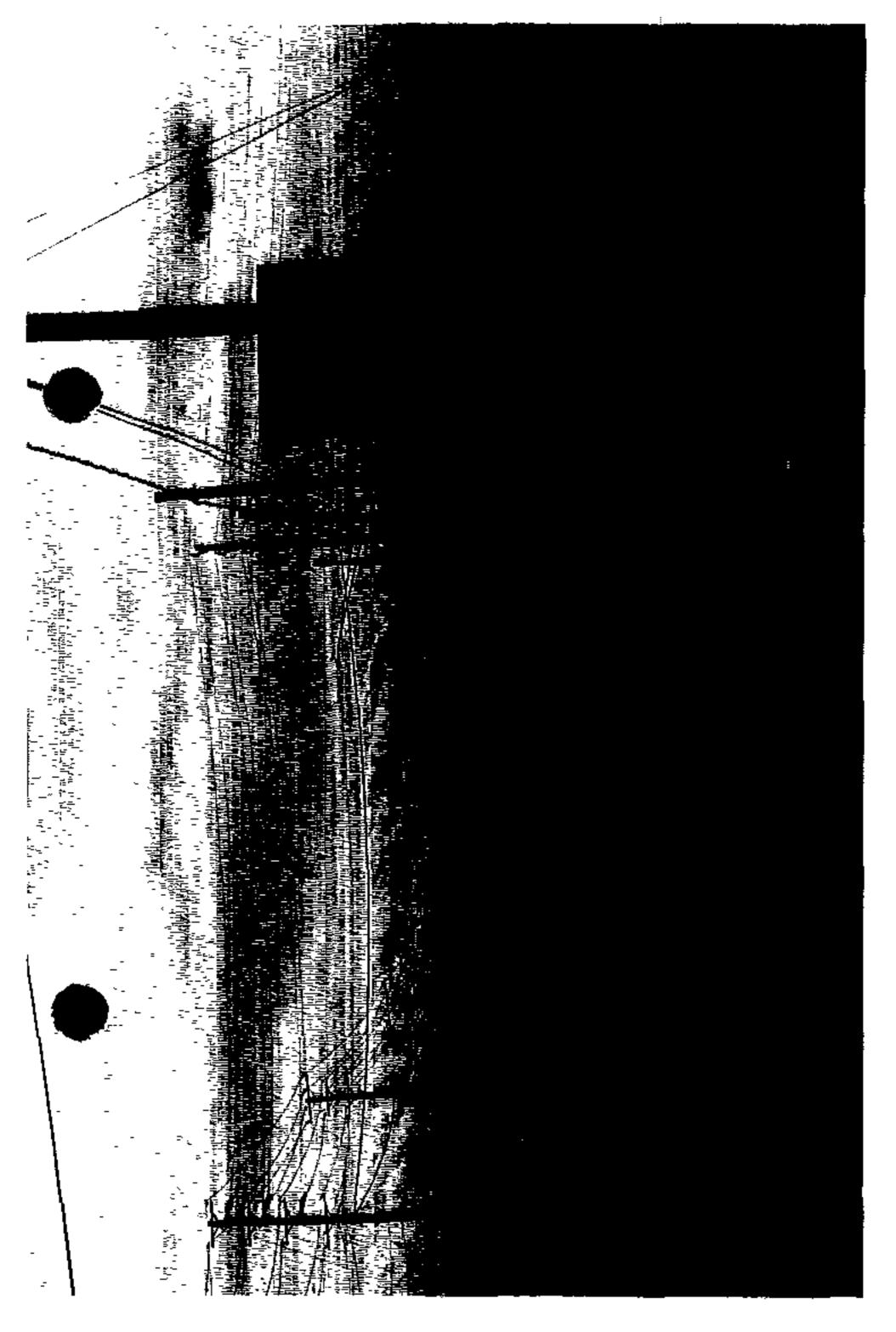


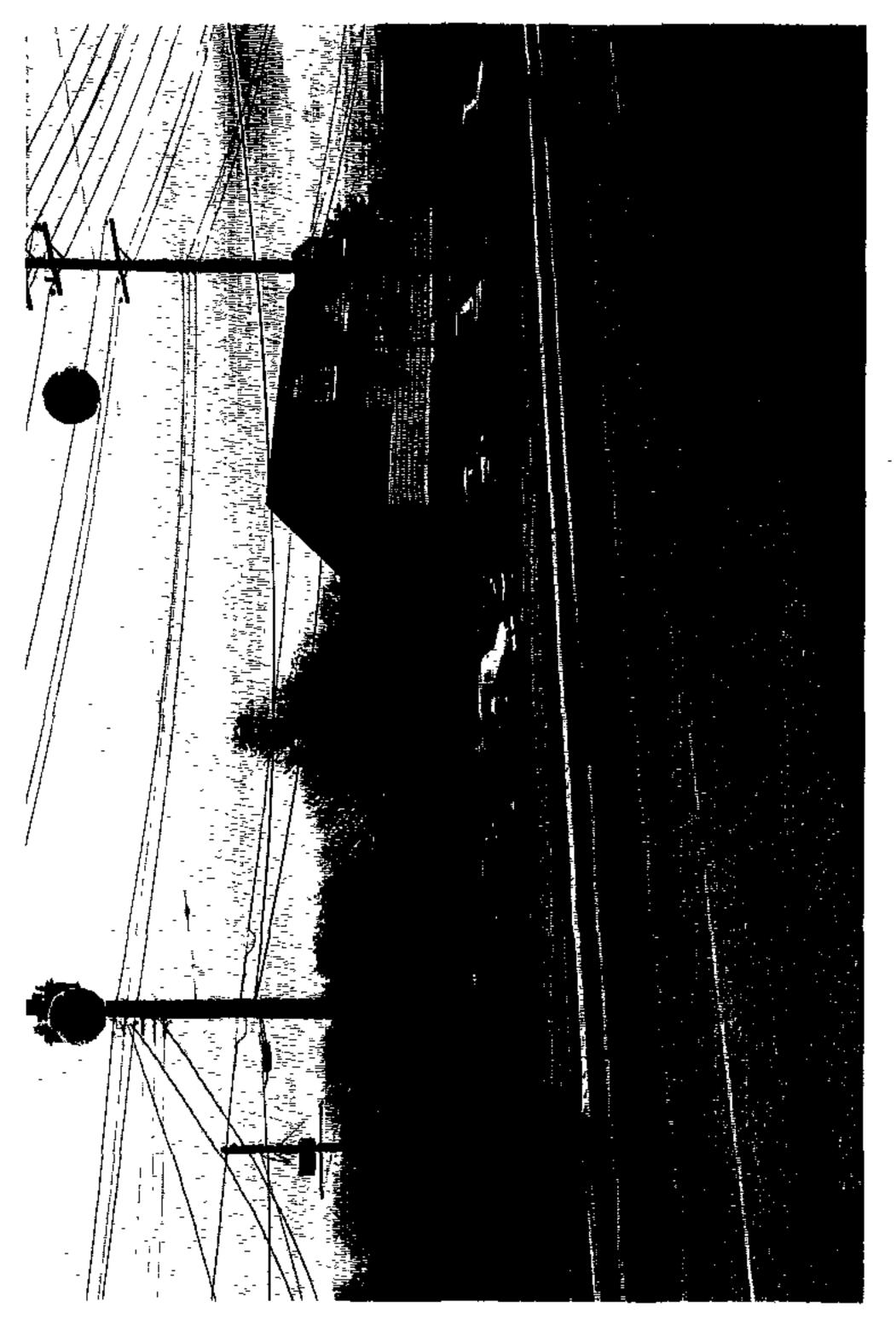




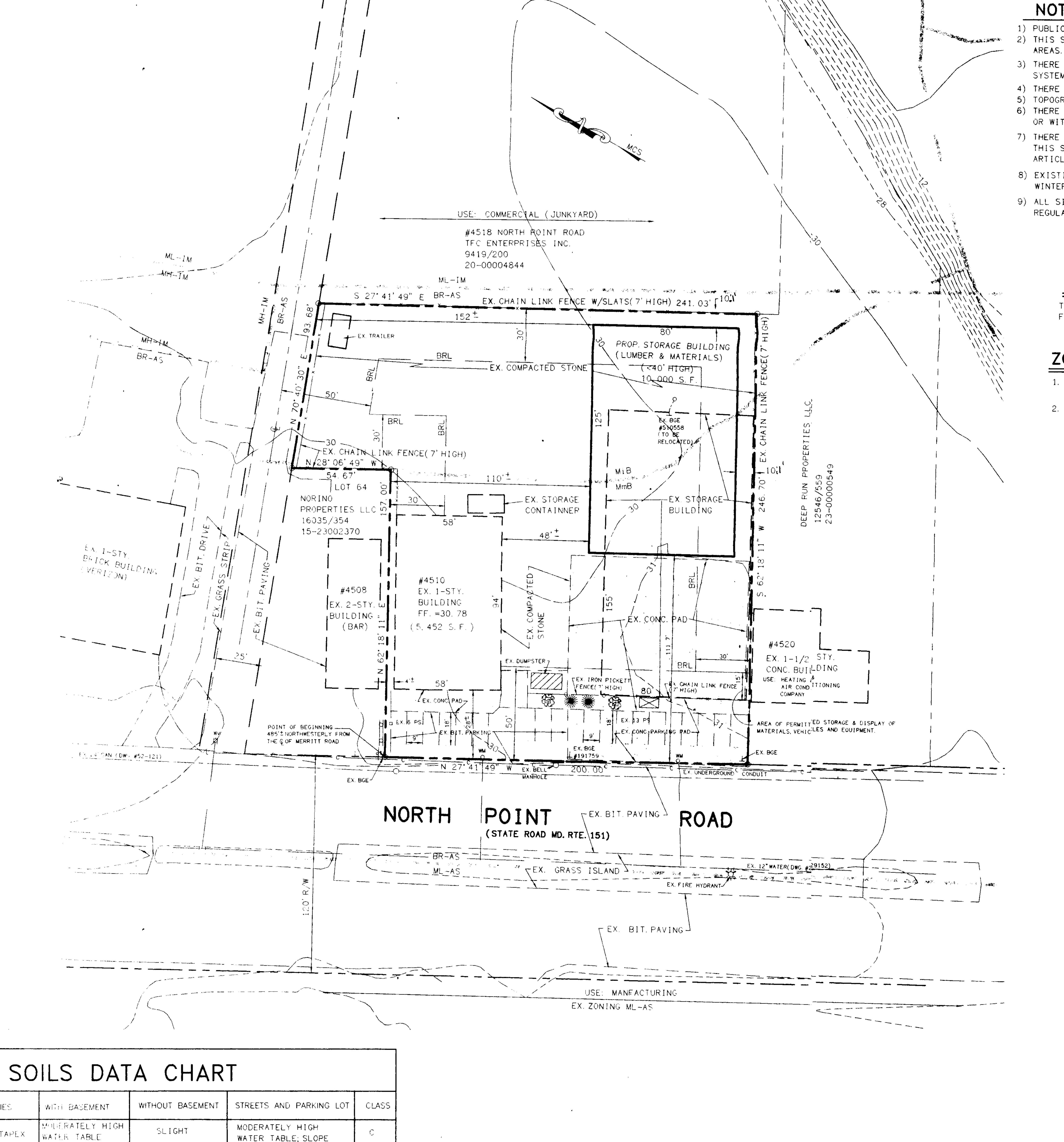












MOSERATELL HIGH

MATTAPEX

MATTAPEX SILT LOAM, 2 TO 5 PERCENT SLOPES

MATTAPEX URBAN LAND SOMPLEX, O TO 5 PERCENT SLOPES

MODERATELY HIGH

WATER TABLE; SLOPE

# NOTES

1) PUBLIC WATER AND SEWER ARE EXISTING.

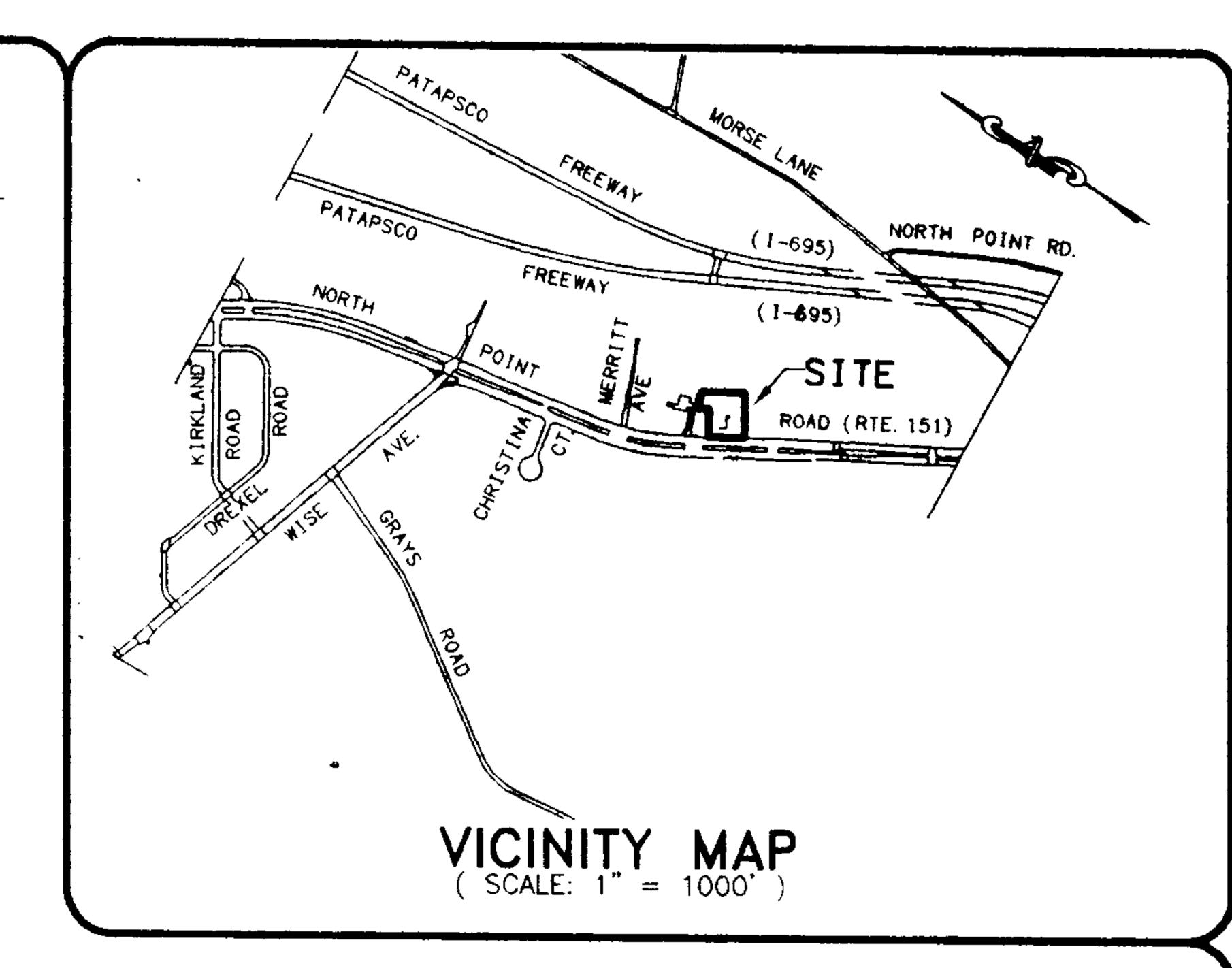
- 2) THIS SITE IS NOT SITUATED WITHIN THE CHESAPEAKE BAY CRITICAL
- 3) THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS OR SEPTIC SYSTEMS ON THIS SITE.
- 4) THERE ARE NO KNOWN WELLS ON THIS SITE.
- 5) TOPOGRAPHY SHOWN HEREON WAS FIELD RUN(AUGUST 2003).
- 6) THERE ARE NO TIDAL OR NON-TIDAL WETLANDS ON THIS SITE OR WITHIN 300' OF THIS SITE.
- 7) THERE ARE NO KNOWN POTENTIALLY HAZARDOUS MATERIALS ON THIS SITE AS DEFINED BY TITLE 7-HEALTH AND ENVIRONMENTAL ARTICLE, ANNOTATED CODE.
- 8) EXISTING STORAGE BUILDING COLLAPSED UNDER SNOW LOAD IN WINTER 2002-2003 & HAS BEEN RAZED.
- 9) ALL SIGNS SHALL COMPLY WITH BALTIMORE COUNTY ZONING REGULATIONS.

# ZONING HISTORY

THERE HAVE BEEN NO ZONING HEARINGS FOR SITE.

# ZONING VARIANCE REQUEST

- .. TO PERMIT SIDE AND REAR YARDS OF 101 IN-LIEU OF THE REQUIRED 30' PER SECTION 238. 2, BCZR.
- . TO PERMIT A BUILDING TO BUILDING SEPARATION OF 48' TIN-LIEU OF THE REQUIRED SIDEYARD FOR EACH BUILDING OF 30' PURSUANT TO SECTION 238. 1, BCZR AND SECTION 102. 2A AND 2B, BALTIMORE COUNTY ZONING COMMISSIONER'S POLICY MANUAL.



# BENCH MARK

HUB. NO. 11584-A

SQUARE CUT ON TOP COR, OF CONC. CURB ON WESTSIDE NORTH POINT BLVD. FRONT OF SIGNODE STEEL COMPANY 27' SOUTHWEST OF 11584 BALTIMORE COUNTY DATUM (BCMD) ELEV. 32.74 MARYLAND COORDINATE SYSTEM (MCS) ELEV. 31.04

# SITE DATA

1) OWNER: HOWARD M. WHITE & JOYCE A. WHITE & #4628 ROUNDHILL ROAD ELLICOTT CITY, MARYLAND 21043

- 2) DEED REF: 8716/484 & 8716/482
- 3) TAX ACC. NO.: 15-04000252
- 4) PLAT REF: BOOK 8 FOLIO 48
- 5) TAX MAP: 104 PARCEL: 31 LOT: 60-63
- 6) ELECTION DISTRICT: 15TH
- 7) CONCILMANIC DISTRICT: 7TH 8) REGIONAL PLANNING DISTRICT: 330
- 9) CENSUS TRACT: 4524
- 10) ZONING: BR-AS (MAP SE-5H)
- 11) USE: EXISTING & PROPOSED: BUILDING SUPPLIES & LUMBER SALES !
- 12) SITE AREA: LAND AREA = 53,561.57 S.F. OR 1.229 AC.
- 13) FLOOD MAP: COMMUNITY PANEL NO. 240010-0440C ZONE C

14) PARKING:

PROPOSED 5 P. S. /1, 000 S. F. RETAIL  $\frac{5,452}{1,000}$  X 5 = 27. 3 P. S.

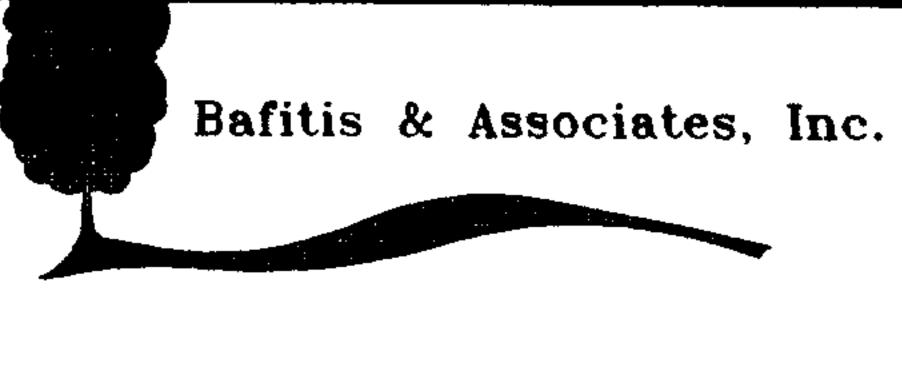
1 P.S. /EMPLOYEE STORAGE

= 1.0 P.S.

15) FLOOR AREA RATIO:

ALLOWED: 2.0 PROPOSED: < 2.0

DRC #: 092903I



William N. Bafitis, P.E. PRESIDENT

Civil Engineers/Land Planners SURVEYORS

1249 Engleberth Rd. Baltimore, MD 21221 J

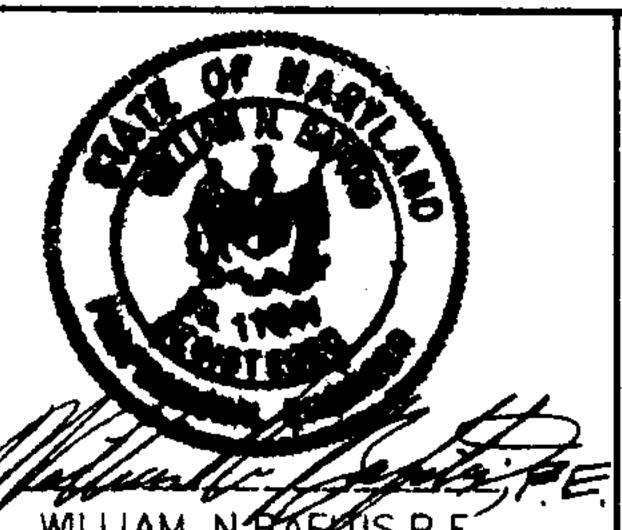
(410) 391-2336

# PLAN ACCOMPANY PETITION FOR ZONING VARIANCE

# LEE LUMBERJACK COMPANY #4510 NORTH POINT ROAD

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND



1'' = 30'

JOB ORDER NO:

SHEET\_1 OF 1

10/23/03

140.	REVISIONS	DATE
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