ORDER RECEIVED IN RE: PETITION FOR VARIANCE

W/S of Hammonds Ferry Road, 122.5 ft. NW

centerline of Monumental Avenue

13th Election District

1st Councilmanic District

(2930 Hammonds Ferry Road)

C. W. Wright Construction Company, Inc. Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-271-SPH

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, C. W. Wright Construction Company, Inc. for the property at 2930 Hammonds Ferry Road in the Lansdowne area of Baltimore County. The variance request is from Sections 255 and 243.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 5 ft. in lieu of the required 30 ft.

The property was posted with Notice of Hearing on January 24, 2004, 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 January 27, 2004 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 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

FOR





existing driveway from Hammonds Ferry Road which allows access to the rear of the property. Thus constrained, the only reasonable place to locate the new building is as shown, which is within 5 ft. of the southern property line. Mr. Karceski noted that the owner of property to the south that would be most impacted by the proposed location was granted an identical variance of 5 ft in a prior case to allow building its 2-story building. In addition, the lessee of this property, Mr. Machado, has sent a letter of support as shown in Petitioner's Exhibit No. 3. The property is surrounded by property zoned ML–IM and the uses made of the surrounding property are consistent with the manufacturing zoning.

Mr. Miller, President of the Lansdowne Improvement Association, testified that the association supports the proposed variance and related that the Petitioner had many times in the past come to the community's service especially in installing lighting on recreational facilities

Findings of Fact and Conclusions of Law

I find 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 this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such 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 Petitioner, I find that the Petitioner's variance request should be granted subject to the conditions set forth below.

THEREFORE, IT IS ORDERED, this _____ day of February, 2004, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Sections 255 and 243.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 5 ft. in



- 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 ZAC comments submitted by DEPRM dated February 6, 2004, a copy of which is attached hereto and made a part hereof.
- 3. 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

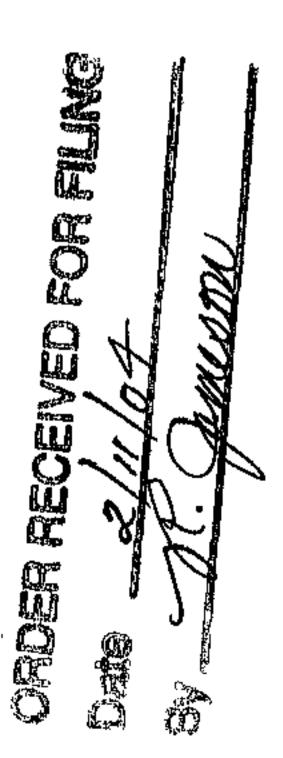
DEPUTY ZONING COMMISSIONER

V. mush

FOR BALTIMORE COUNTY

JVM:raj

condition:



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

February 11, 2004

David Karceski, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21202

Re: Petition for Variance
Case No. 04-271-A
Property: 2930 Hammonds Ferry Road

Dear Mr Karceski:

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: C. W. Wright Construction Co. c/o Samuel A. Mudd, Vice-President 2930 Hammonds Ferry Road Baltimore, MD 21227 Mitch Kellman
Daft, McCune & Walker
200 E. Pennsylvania Avenue
Towson, MD 21286

Jake Miller Lansdowne Improvement Assn. 135 Hazel Avenue Baltimore, MD 21227



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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2930 Hammonds Ferry Road

which is presently zoned ML-IM

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)

Variance from Sections 255 and 243.2 of the Baltimore County Zoning Regulations to permit a side yard setback of 5 feet in lieu of the required 30 feet.

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

To be determined at hearing.

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

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

	IAVe do solemnly declare and affirm, under the penalties of perjury, that IAVe are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
	C.W. Wright Construction Company, Inc
Name - Type or Print	Name - Type or Print
Signature	Signature Ca. Mudd
	By: Samuel A. Mudd, Vice President
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	11500 Ironbridge Road
Robert A. Hoffman	Address Chester, Virginia 23831
Name - Type or Print 1: Hollins 1661	City State Zip Code
Signature 1: 17/1/2/6/4L	Representative to be Contacted:
Verable LLP	Robert A. Hoffman
ompany	Name
21 Allegheny Avenye (410)494-6200 Addres S Telephone No.	7
Towson Maryland 21204	Address Telephone No. Towson, Maryland 21204
State Zip Code	City State Zip Code
0 2 .	OFFICE USE ONLY
ase No. 04-271- A	ESTIMATED LENGTH OF HEARING
8/1	UNAVAILABLE FOR HEARING Reviewed By JRA Date 12/4/03
220 PNS 188	Reviewed By JRF Date 12/4/03
2 1	
\mathcal{X}	



to Accompany Zoning Petition

for a Variance Request

2930 Hammonds Ferry Road

Baltimore County, Maryland



Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same on the western side of Hammonds Ferry Road, 40 feet wide, at the distance of 122.5 feet, more or less, northwesterly from a point formed by the intersection of the western side of said Hammonds Ferry Road with the centerline of Monumental Avenue, 40 feet wide, running thence and binding along the northernmost outline of the parcel of land conveyed by John J. Hagermann and wife to John J. Kunz and wife by Deed dated September 19, 1911, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 385, Folio 195, (1) South 67 degrees 32 minutes 54 seconds West 351.49 feet, running thence and binding along the westernmost outline the said parcel of land conveyed to John J. Kunz and wife, (2) South 16 degrees 47 minutes 30 seconds East 101.87 feet to the northern side of Monumental Avenue, 40 feet wide, running thence and binding along the northernmost side of the said Monumental Avenue, (3) South 67 degrees 29 minutes 45 seconds West 50.00 feet to an alley, 15 feet wide, said alley to be left open for the use in common of the lot now being described and the lot immediately adjoining hereto to the north, which lot is herein now described as part of this parcel, running thence along the eastern side of said alley, (4) North 16 degrees 47 minutes 30 seconds West 101.91 feet, running thence and binding along the northern end of said fifteen feet wide alley, (5) South 67 degrees 32 minutes 54



seconds West 15.07 feet, running thence and binding on the eastern outline of Parcel 26 as laid out on a "Plat of GROSEDALE", C. W. Hull's Subdivision of 98 acres and 27 perches of land at Lansdown Station B & O Railroad, which plat is recorded among the Land Records aforesaid in Liber W.P.C. No. 3, Folio 124, (6) North 16 degrees 47 minutes 30 seconds West 132.12 feet, running thence and binding along a line of division through Lot 25 as designated on the "Plat of Grosedale" as aforesaid (7) North 72 degrees 00 minutes 32 seconds East 321.47 feet to a point, running thence and binding along the same, (8) North 69 degrees 54 minutes 27 seconds East 90.05 feet to the western side of the said Hammonds Ferry Road, 40 feet wide, running thence and binding along the western side of the said Hammonds Ferry Road, (9) South 18 degrees 35 minute 21 seconds East 103.00 feet to the place of beginning, containing 53,113 square feet, or 1.219 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

December 3, 2003

Project No. 03062 (L03062-Zoning.doc)



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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, Marviand on the property identified herein as follows:

Case: #04-271-A
2930 Hammonds Ferry Road
W/side of Hammonds Ferry Road at the distance of 122.5 feet northwest of Monumental Avenue
13th Election District — 1st Councilmanic District
Legal Owner(s): C.W. Wright Construction Co., by
Samuel Mudd, V.P.
Variance: to permit a side yard setback of 5 feet in lieu of the required 30 feet.
Hearing: Wednesday, February 11, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Che'sapeake Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 1/773 Jan. 27

C646771

CERTIFICATE OF PUBLICATION

130,200+
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
nce in each ofsuccessive weeks, the first publication appearing
$\frac{127}{2004}$
The Jeffersonian
🖵 Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
North County News LEGAL ADVERTISING





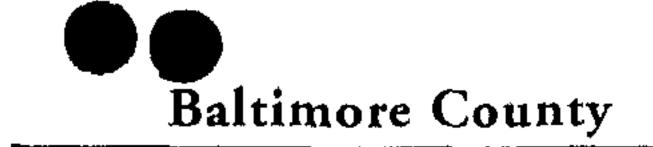
CERTIFICATE OF POSTING

	RE: Case No.: 04-27/-A
	Petitioner/Developer: $C - \omega \cdot \omega RI$
	CONST. Co:
	Date of Hearing/Closing: 2/11/04
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:	
posted conspicuously on the property loc	es of perjury that the necessary sign(s) required by law were eated at: HAMMONDS FERM RD
The sign(s) were posted on	(Month, Day, Year)
	Sincerely, (Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(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

December 29, 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: 04-271-A

2930 Hammonds Ferry Road

W/side of Hammonds Ferry Road at the distance of 122.5 feet northwest of Monumental Avenue

13th Election District – 1st Councilmanic District

Legal Owners: C.W. Wright Construction Co., by Samuel Mudd, V.P.

Variance to permit a side yard setback of 5 feet in lieu of the required 30 feet.

Hearing: Wednesday, February 11, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco

Director

TK:klm

C: Robert Hoffman, 210 Allegheny Ave., Towson 21204 C.W. Wright, 11500 Ironbridge Road, Chester, VA 23831

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 27, 2004.
 - (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, January 27, 2004 Issue - Jeffersonian

Please forward billing to:

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

410-494-6200

micked

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein follows:

CASE NUMBER: 04-271-A

2930 Hammonds Ferry Road

W/side of Hammonds Ferry Road at the distance of 122.5 feet northwest of Monumental Avenue

13th Election District – 1st Councilmanic District

Legal Owners: C.W. Wright Construction Co., by Samuel Mudd, V.P.

Variance to permit a side yard setback of 5 feet in lieu of the required 30 feet.

Hearing: Wednesday, February 11, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Januarence B. Schmidt

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

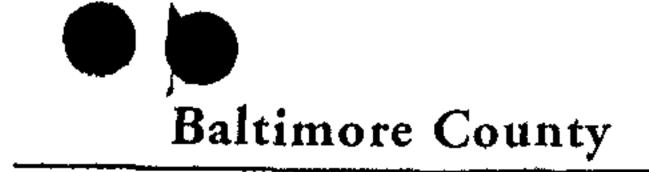
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

Department of Permits and Development Management

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

December 26, 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: 04-271-A

2930 Hammonds Ferry Road

W/side of Hammonds Ferry Road at the distance of 122.5 feet northwest of Monumental Avenue

13th Election District – 1st Councilmanic District

Legal Owners: C.W. Wright Construction Co., by Samuel Mudd, V.P.

Variance to permit a side yard setback of 5 feet in lieu of the required 30 feet.

Hearing: Thursday, February 5, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco

Director

TK:klm

C: Robert Hoffman, 210 Allegheny Ave., Towson 21204 C.W. Wright, 11500 Ironbridge Road, Chester, VA 23831.

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 21, 2004.

- (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, January 20, 2004 Issue - Jeffersonian

Please forward billing to:

Robert Hoffman Venable, Baetjer & Howard 210 Allegheny Avenue Towson, MD 21204 410-494-6200

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein follows:

CASE NUMBER: 04-271-A

2930 Hammonds Ferry Road

W/side of Hammonds Ferry Road at the distance of 122.5 feet northwest of Monumental Avenue

13th Election District – 1st Councilmanic District

Legal Owners: C.W. Wright Construction Co., by Samuel Mudd, V.P.

Variance to permit a side yard setback of 5 feet in lieu of the required 30 feet.

Hearing: Thursday, February 5, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

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.



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: 04-271-A
Petitioner: C.W. Wright Constitut Co. Inc
Petitioner: C.W. Wright Construction Co., Inc. Address or Location: 2930 Hammonds Ferry Rd.
• • • • • • • • • • • • • • • • • • •
PLEASE FORWARD ADVERTISING BILL TO:
Name: Robert Hoftman
Address: Vonable, Bactier, + Howard.
210 Alleghany Are
Tousm MD 21204
Telephone Number: 410 - 494-6 200

Department of Permits and Development Management

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





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

February 5, 2004

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

Dear Mr. Hoffman:

RE: Case Number: 04-271-A, 2930 Hammonds Ferry Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 4, 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

Samuel Mudd, 11500 Ironbridge Road, Chester, Virginia 23831



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

December 18, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: December 18, 2003

Item No.: 267-271, 273-283

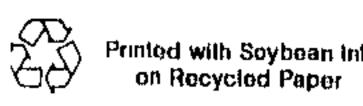
Dear Ms. Hart:

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





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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12.16.03

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

RE:

Baltimore County

Item No. 271

JRF

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,

.1

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley MyS

DATE:

February 6, 2004

SUBJECT:

Zoning Item

04-271

Address

2930 Hammonds Ferry Road

C.W. Wright Construction Co., Inc.

Zoning Advisory Committee Meeting of December 15, 2003

COMMENTS REVISED February 6, 2004

X 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).

X Show and label the 100 year floodplain and the Forest Buffer Easement onsite. A Forest Buffer Variance must be approved for any proposed impacts to the Forest Buffer. Mitigation for impacts must be addressed. Recordation of the Forest Buffer Easement may be required.

Reviewer:

John Russo

Date:

January 12, 2004

GROUNDWATER MANAGEMENT

There is an on-going groundwater contamination investigation on this property. For further information contact the Maryland Department of the Environment.

Reviewer:

Sue Farinetti

Date: December 17, 2003

The comments listed above must be satisfactorily addressed prior to approval of any Record Plats, building or grading permits.



2/11

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

SUBJECT:

Zoning Advisory Petition(s): Case 04-271

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:

RECEIVED

DATE: January 5, 2004

JAN 0 6 2004

ZONING COMMISSIONER

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: December 29, 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 December 22, 2003 Item Nos. 267, 269, 270, 272,

273, 274, 275, 279, and 283

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE

2930 Hammonds Ferry Rd; W/side

Hammonds Ferry Rd, 122.5' Monumental Ave*

13th Election & 1st Councilmanic Districts

Legal Owner(s): C.W Wright Construction

Company, Inc, by Samuel A Mudd, VP

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-271-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 Haday of December, 2003, a copy of the foregoing Entry of Appearance was mailed to, Robert A. Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Leter Max Lunnerman

Phones: 242-0260 and 242-5825

HARTING & SONS BUILDING SUPPLIES, INC.

Building Supplies of all Description
2917 Hammonds Ferry Road Lansdowne, Md. 21227

January 29, 2004

Lawrence E. Schmidt, Zoning Commissioner for Baltimore County County courts Building 401 Bosley Avenue Towson, Maryland 21204

Re: Petition for Variance
Zoning Case No. 04-271-A
2930 Hammonds Ferry Road

Dear Mr. Schmidt:

We are the owners of Harting & Sons Building Supplies, Inc. located at 2917 Hammonds Ferry Road, directly east of the above captioned property. As a local business and landowner of this location and the four adjacent houses on Hammonds Ferry Road in Lansdowne, we have an interest in Case No. 04-271-A.

It is our understanding the C.W. Wright Construction Company, Inc., owner of 2930 Hammonds Ferry Road, has requested zoning relief, which, if granted, would allow it to construct a one-story structure for storage use setback a minimum of five feet from its southern property line. We have met with Samuel A. Mudd, Vice President of C.W. Wright, to discuss the proposed use of the building and are familiar with the relief necessary to construct it as shown on the site plan filed in this case. We believe that the variance, if approved, would not have an adverse impact on any of the neighboring properties or the community as a whole.

We, therefore, encourage you to approve C.W. Wright Construction Company's request. Thank you in advance for you consideration of our position.

Sincerely,

Anniel Harting Sr & Bonnie

January 21, 2004

Lawrence E. Schmidt, Zoning Commissioner for Baltimore County County Courts Building 401 Bosley Avenue Towson, Maryland 21204

RE:

Petition for Variance Zoning Case No. 04-271-A 2930 Hammonds Ferry Road

Dear Mr. Schmidt,

We are the owners of the commercial building located at 2340 Monumental Avenue which is directly adjacent and to the South of the above-captioned property. As commercial property owners in Lansdowne, we have an interest in Case No. 04-271-A.

It is our understanding that C.W. Wright Construction Company, Inc., owner of 2930 Hammonds Ferry Road, has requested zoning relief, which, if granted, would allow it to construct a one-story structure for storage use setback a minimum of five feet from its Southern property line. We have met with Samuel A. Mudd, Vice President of C.W. Wright, to discuss the proposed use of the building and are familiar with the relief necessary to construct it as shown on the site plan filed in this case. We believe that, the variance, if approved, would not have an adverse impact on any of the neighboring properties or the community as a whole.

We, therefore, encourage you to approve C.W. Wright Construction Company's request. Thank you in advance for your consideration of our position.

Sincerely,

Douglas W. Townsley

Member, 2340 Monumental, LLC



JANUARY 21, 2004

LAWRENCE E. SCHMIDT, ZONING COMMISIONER FOR BALTIMORE COUNTY COUNTY COURTS BUILDING 401 BOSLEY AVENUE TOWSON, MD. 21204

RE: PETITION FOR VARIANCE ZONING CASE NO. 04-271-A 2930 HAMMONDS FERRY ROAD

DEAR MR. SCHMIDT:

I AM THE OWNER OF MACHADO CONSTRUCTION CO., INC. LOCATED AT 2320 AND 2334 MONUMENTAL AVENUE IN LANSDOWNE. WE ARE ADJACENT TO AND DIRECTLY TO THE WEST OF THE ABOVE REFERENCED PROPERTY. AS A LOCAL BUSINESS OWNER AND LAND OWNER IN LANSDOWNE, I HAVE AN INTEREST IN CASE NO. 04-271-A.

IT IS MY UNDERSTANDING THAT C.W. WRIGHT CONSTRUCTION CO. INC., OWNER OF 2930 HAMMONDS FERRY ROAD, HAS REQUESTED ZONING RELIEF, WHICH, IF GRANTED WOULD ALLOW IT TO CONSTRUCT A ONE-STORY STRUCTURE FOR STORAGE USE SETBACK A MINIMUM OF FIVE FEET FROM ITS SOUTHERN PROPERTY LINE. I HAVE MET WITH SAMUEL A. MUDD, VICE PRESIDENT OF C.W. WRIGHT, TO DISCUSS THE PROPOSED USE OF THE BUILDING AND AM FAMILIAR WITH THE RELIEF NECESSARY TO CONSTRUCT IT AS SHOWN ON THE SITE PLAN FILED IN THIS CASE. I BELIEVE THAT, THE VARIANCE, IF APPROVED, WOULD NOT HAVE AN ADVERSE IMPACT ON ANY OF THE NEIGHBORING PROPERTIES OR THE COMMUNITY AS A WHOLE.

I, THEREFORE, ENCOURAGE YOU TO APPROVE C.W. WRIGHT CONSTRUCTION COMPANY'S REQUEST. THANK YOU FOR YOUR CONSIDERATION IN THIS MATTER.

SINCERELY,

MARIO MACHADO

PRESIDENT

MACHADO CONSTRUCTION CO., INC.

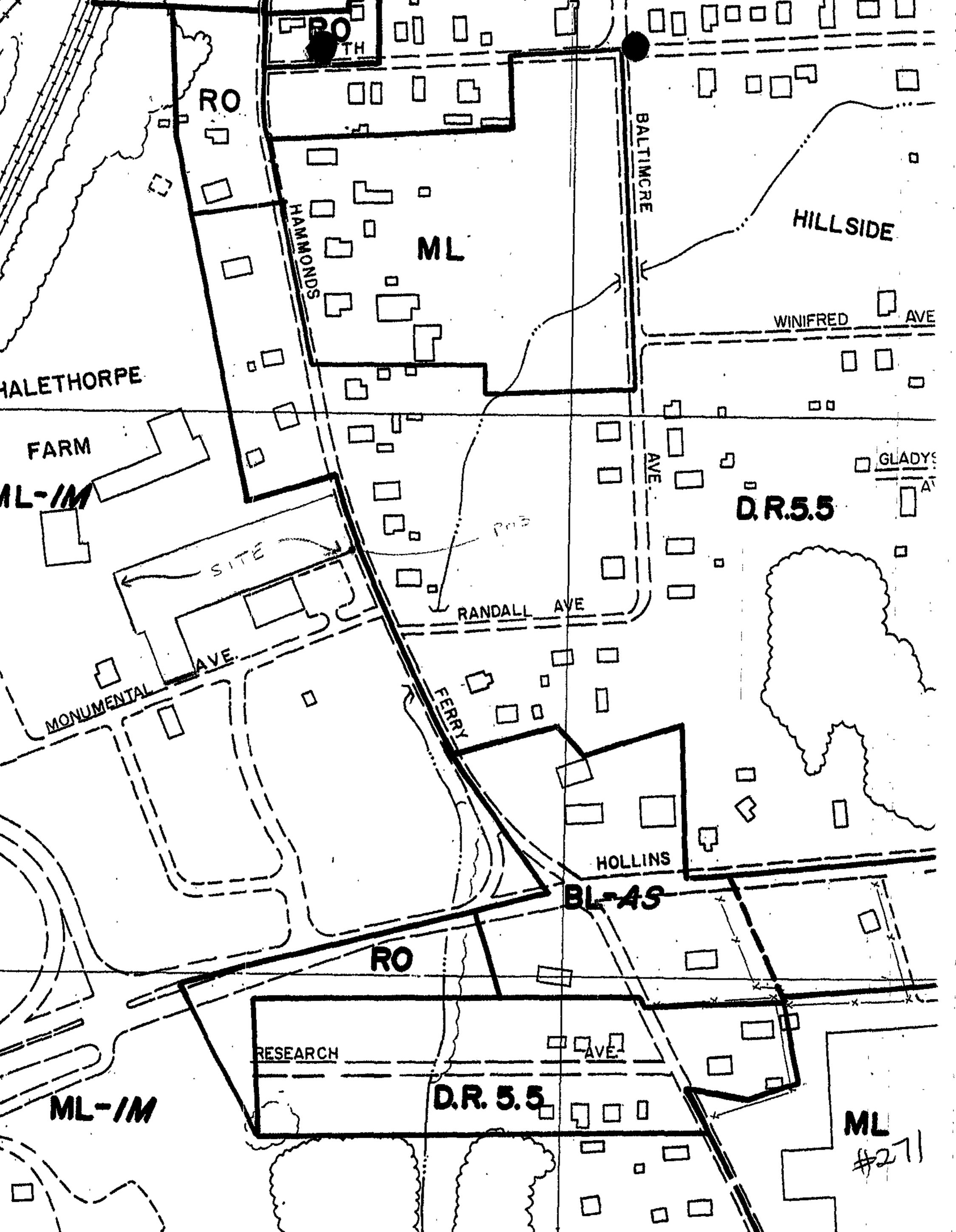
Phone: 410-247-2662 ~ Fax: 410-247-3103

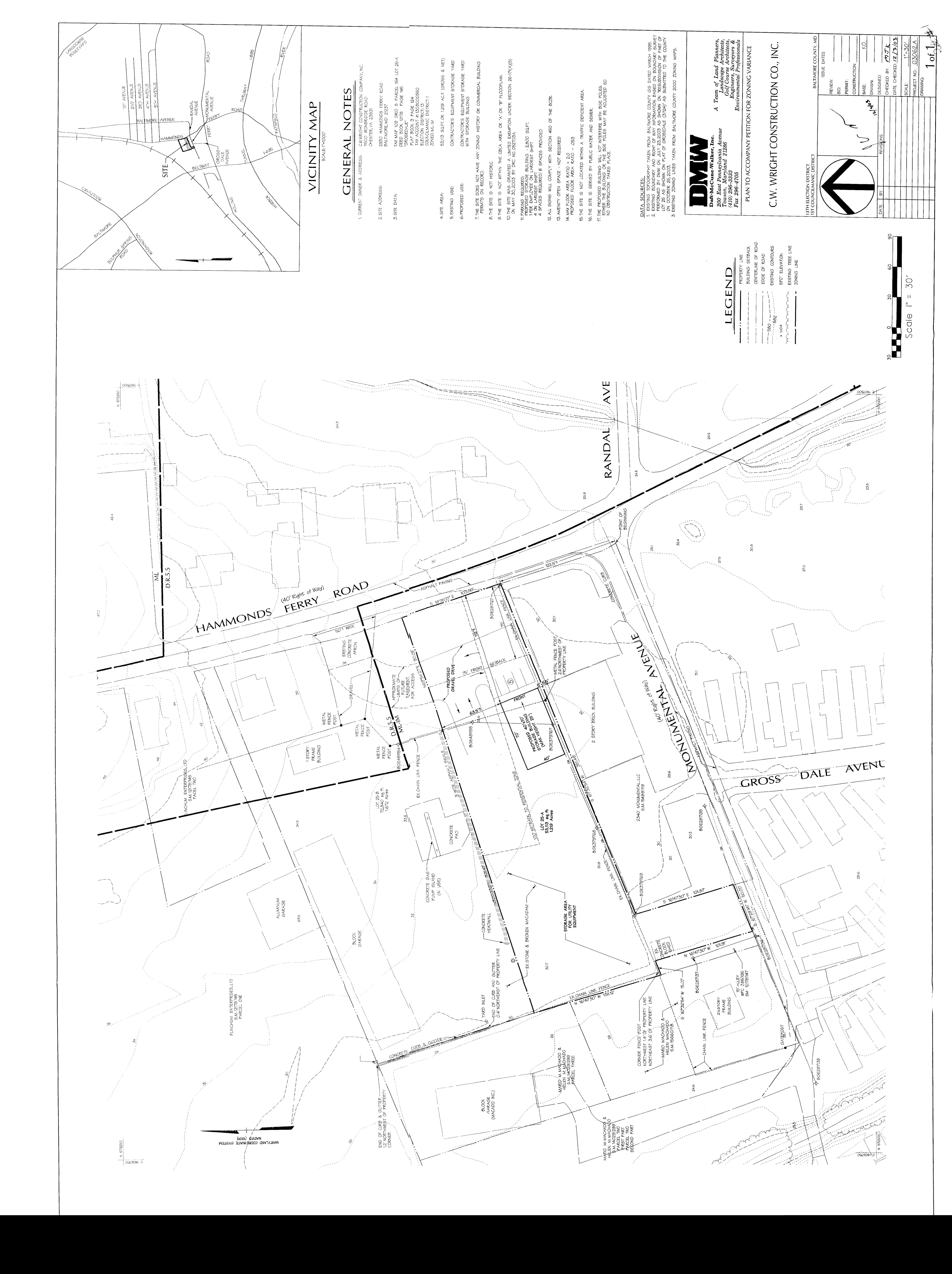
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
CASE NUMBER / 11/0 4

PETITIONER'S SIGN-IN SHEET

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CITY, STATE, ZIP		B M 21227	the area	(owson, mo a 12 52							
ADDRESS	2930 Hannands Ferral	135 more mosis	enddonine Improve	200 Cast Kennsylvania Au							
NAME	DAVID ICARCESE	ahe milles, Tree	11 1 1 1 1	Witon Reliman							









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: Revised ZAC comments from the Department of Environmental Protection & Resource Management (DEPRM) dated February 6, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was Samuel Mudd, Vice President of the Petitioner Corporation, Mitch Kellman, from Daft, McCune & Walker, the engineering firm that prepared the plat and David Karceski, Esquire who represented the Petitioner. Mr. Jake Miller, President for the Lansdowne Improvement Association, came and testified in support of the petition. There were no Protestants or others in attendance. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the Petitioner corporation owns the subject property, which is 1.2 acres, and zoned ML-IM, as well as the adjacent property to the north. The Petitioner supports various power companies regionally using both properties. However, the Petitioner wishes to erect a new building on the site from which it can operate its smaller projects separately from the major projects, which would continue to be operated from the adjacent property.

Mr. Karceski proffered that the location of the new building was constrained by the 100 ft. setback line from residentially zoned property as shown on Petitioner's Exhibit No. 1, by the existence of the flood plain and forest buffer as shown on Petitioner's Exhibit No. 2 and the