IN RE: PETITIONS FOR SPECIAL EXCEPTION \*

AND VARIANCE - NE/Corner York Road

And Matthews Avenue

(10615 York Road)

8<sup>th</sup> Election District

3<sup>rd</sup> Council District

William Warmkessel, et ux Petitioners BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 04-317-XA

\* \* \* \* \* \* \*

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owners of the subject property, William Warmkessel and his wife, Ann K. O'Shea-Warmkessel, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special exception for a Class B Office Building on the R.O. zoned portion of the subject property, pursuant to Section 204.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and for such additional relief as the nature of this case may require. In addition, variance relief is requested as follows: 1) From Section 204.4.C.4 of the B.C.Z.R. to permit a side yard setback of 11 feet in lieu of the required 29 feet; 2) from Section 204.4.C.9.a of the B.C.Z.R. (if required) to permit a 5-foot tall landscape buffer in lieu of an opaque fence, wall or berm; 3) from Section 204.4.C.6 to permit amenity open space within the interior of the parking lot of 0% in lieu of the required 7%; 4) from Section 204.4.C.9.c (if required) to permit landscape buffers of 0 feet in lieu of the required 20 feet and 10 feet respectively; and 5) for such further relief as may be deemed necessary. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were William and Ann Warmkessel, property owners, Mitchell Kellman, a representative of Daft-McCune-Walker,



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Inc., the consultants who prepared the site plan for this property, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the northeast corner of York Road and Matthews Avenue in the Hunt Valley area of northern Baltimore County. The property contains a gross area of .57 acres, more or less, predominantly zoned R.O.-C.B. with a narrow strip along the northern property line zoned C.B. and a small area to the rear of the site zoned D.R.3.5. The property is part of an older residential subdivision that was recorded in the Land Records of Baltimore County many years ago. This area of York Road is now generally a mix of commercial, residential and retail uses. Immediately across Matthews Avenue from the subject site is a building similar to the subject structure. That building was formerly a dwelling however has been converted for office use. To the south, the former Cockeysville Elementary School was converted to an elderly housing facility. In addition, across the street from the site is a large office/manufacturing use.

The subject property is presently improved with a two-story dwelling, which bears the address 10615 York Road, and is located in the front portion of the site zoned R.O. The Petitioners propose to convert the dwelling to a Class B Office Building and operate their home health care staffing business on the premises. Currently they have six employees and the hours of operation are generally 8:30 AM to 4:30 PM, Monday through Friday. The Petitioners also propose to construct a 24' x 25' addition to the rear of the structure to provide additional office space. A parking area for up to 12 vehicles will be provided to the rear of the structure with access thereto by way of Matthews Avenue. Relief is requested as set forth above to allow the proposed Class B Office building in an R.O. zone. In addition, variance relief is requested from certain landscaping and buffer requirements, many of which are necessary to legitimize the location of the existing building on the property.

Based upon the testimony and evidence presented, I am easily persuaded to grant the special exception. The proposed improvements and use of the property are entirely consistent with the commercial, retail and residential mix of the locale. I specifically find that the requirements of

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Section 502.1 of the B.C.Z.R. will be satisfied. As for the variance requests, I am likewise persuaded to grant relief. In this regard, the variance requested from side yard setback requirements is to legitimize the location of the existing building in relation to the property line along Matthews Avenue. The proposed addition will not be as wide as the existing structure and thus, is set back further from the road. Variance Requests Nos. 2 and 4 relate to landscaping and buffer requirements and were requested in the event deemed necessary. I find that the requirements of Sections 204.4.C.9a and 9c are applicable to this case, given the existence of residential uses immediately to the north (side) and east (rear) of this site. Although it may be arguable that these regulations are not applicable given the nature of the locale, I will nonetheless grant variance relief here as same is clearly warranted to buffer the proposed use from those adjacent residential uses. In this regard, the Petitioners propose a 5-foot tall landscape buffer to the rear of the parking lot in lieu of the required opaque fence, wall, or berm. In addition, relief is requested to allow amenity open space of 0% within the interior of the parking lot. In this regard, the proposed parking lot is relatively small and will be located within the interior of the property within the R.O. zoned portion of the site. I find the relief requested is entirely appropriate in this instance and that the proposed landscape buffer is sufficient.

It is also to be noted that a Zoning Advisory Committee (ZAC) comment was received from the Office of Planning. That comment suggests that building elevation drawings of the proposed improvements be submitted to the Office of Planning for their review and approval to insure compatibility with the surrounding locale, more specifically, the Hunt Valley/Timonium guidelines. Therefore, as a condition of approval, I will require that such drawings be submitted to that agency for review and approval prior to the issuance of any permits.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of April 2004 that the Petition for Special Exception for a Class B Office Building on the R.O. zoned portion of the subject property, pursuant to Section 204.3.B.2 of the Baltimore

County Zoning Regulations (B.C.Z.R.), and for such additional relief as the nature of this case may require, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: 1) From Section 204.4.C.4 of the B.C.Z.R. to permit a side yard setback of 11 feet in lieu of the required 29 feet; 2) from Section 204.4.C.9.a of the B.C.Z.R. (if required) to permit a 5-foot tall landscape buffer in lieu of an opaque fence, wall or berm; 3) from Section 204.4.C.6 to permit amenity open space within the interior of the parking lot of 0% in lieu of the required 7%; and, 4) from Section 204.4.C.9.c (if required) to permit landscape buffers of 0 feet in lieu of the required 20 feet and 10 feet respectively, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building/use permits and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall submit building elevation drawings of the proposed improvements to the Office of Planning for review and approval prior to the issuance of any permits.
- 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.

WRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

# 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

April 21, 2004

Howard L. Alderman, Jr., Esquire Levin & Gann 502 Washington Avenue, 8<sup>th</sup> Floor Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE NE/Corner York Road and Matthews Avenue (10615 York Road)

8<sup>th</sup> Election District — 3<sup>rd</sup> Council District William Warmkessel, et ux - Petitioners Case No. 04-317-XA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. & Mrs. William Warmkessel
4001 Cloverland Drive, Phoenix, Md. 21131
Mr. Mitchell Kellman, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286
Office of Planning; People's Counsel; Case/File



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



ORDER REC

# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 10615 York Road

which is presently zoned RO; CB; DR3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

# SEE ATTACHED

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

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

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

#### Contract Purchaser/Lessee: Legal Owner(s): **NONE** William Warmkessel Name - Type or Print Name - Type or Print Signature Ann K. O'Shea-Warmkessel Address Name - Type or Print Telephone No. 1 Osh - Warke Zip Code City State Signature 10615 York Road 410-592-6183 Attorney For Petitioner: Address Telephone No. 21030 Howard L. Alderman, Jr., Esquire MD Cockeysville Name / Type or Print City Zlp Code State Representative to be Contacted: Signature Mitchell J. Kellman DMW, Inc. Levin & Gann, PA Nottingham Centre, 8th Floor Company Name **502 Washington Avenue** 410-321-0600 200 East Pennsylvania Avenue 410-296-3333 Address Address Telephone No Telephone No. OR FILING Towson MD 21286 <u>Towson, MD 21204</u> City Zlp Code Zlp Code City State State OFFICE USE ONLY Case No. 04-3/7-XA ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING Reviewed By

# **ATTACHMENT 1**

### PETITION FOR SPECIAL EXCEPTION

CASE NO:	04	<u>-X</u>
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Address:

10615 York Road

Legal Owners:

William Warmkessel & Ann K. O'Shea-Warmkessel

Present Zoning:

RO; CB; DR 3.5

# REQUESTED RELIEF:

"why the Zoning Commissioner should" approve within the RO zoned portion of the subject property: [1] a Class B Office building pursuant to BCZR § 204.3.B.2; and [2] for such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

# FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. 8th Floor, Nottingham Centre 502 Washington Avenue Towson, Maryland 21204

#(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com

ORDER RECEIVED FOR FILING By Sylventree (1939)/9



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 10615 York Road

<u>Legal Owner(s):</u>

UNAVAILABLE FOR HEARING

which is presently zoned RO; CB & DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

# SEE ATTACHED

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

# SEE ATTACHED

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

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

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

# Contract Purchaser/Lessee:

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JADER RECEU

REV 9/15/98

NONE			William Warmk	essel	
Name - Type or Print		Na	me - Type or Print	Men	
Signature			Signature Ann K. O'Shea V		<u> </u>
Address	<del></del>	Telephone No.	Name - Type or Print	( -/1 -	<u></u>
Clty	State	Zip Code	Signature		<u></u>
Attorney For Petitions	er:		10615 York Road		410-592-6183
			Address	<del></del>	Telephone No.
Howard L. Alderma	n, Jr., Esqui	re	Cockeysville	MD	21030
Name Type or Print	Redes	Cit	y Representative	State to be Contact	Zip Code
Signature	Como c	<del>-</del>	Webieseiifafike	to be contact	<del>.ou.</del>
Levin & Gann, PA Noti	ingham Centro	e, 8th Floor	Mitchell J. Kellm	an Di	MW, Inc.
502 Washington Avenu	e 410-321-0	)600	Name 200 East Pennsylv	ania Avenue	410-296-3333
Address Towson, MD	21204	Telephone No.	Address Towson	MD	Telephone No. 21286
CityO	State	Zip Code	City	St	ate Zip Code
9			<u>OF</u>	FICE USE ONLY	
Case No. 04-	317-X	Δ	ESTIMATED LENGTH	OF HEARING	······································

Reviewed By

### **ATTACHMENT 1**

#### PETITION FOR VARIANCE

CASE NO:	04	<u>-A</u>
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Address:

10615 York Road

Legal Owners:

William Warmkessel & Ann K. O'Shea-Warmkessel

Present Zoning: RO; CB; DR 3.5

# REQUESTED RELIEF:

Variance relief: [1] pursuant to BCZR § 204.4.C.4 to permit a sideyard setback of 11 feet in lieu of the 20 feet required; [2] if necessary, pursuant to BCZR § 204.4.C.9.a to permit a 5 foot tall landscape buffer in lieu of an opaque fence, wall or berm; [3] pursuant to BCZR § 204.4.C.6 to permit 0% amenity open space area within the interior of the parking lot in lieu of the required 7%; [4] if necessary, pursuant to BCZR § 204.4.C.9.c to permit 0 feet of landscape buffer in lieu of the 20 feet and 10 feet respectively required; and [5] for such further relief as the nature of this case and development may require.

# FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire Levin & Garm, P.A. 8th Floor, Northgham Centre 502 Washington Avenue Towson, Maryland 21204

> (410),321-0600 Fax: (410),296-2801 halderman@LevinGann.com

ORDER RECEIVED FOR FILING Date Sy.

# Description

# To Accompany Special Exception and Variance

#### 0.57 Acre Parcel

#### East Side of York Road

# North Side of Matthews Avenue

# Eighth Election District, 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 at the intersection of the north side of Matthews

Avenue (30 feet wide) and the east side of York Road (66 feet wide), thence binding on the east side of York Road, (1) Northerly 100 feet, more or less, thence running for the three following courses and distances, viz: (2) Easterly 250 feet, more or less, thence (3) Southerly 100 feet, more or less, to the north side of said Matthews

Avenue, and thence binding thereon, (4) Westerly 251.1 feet more or less, to the point of beginning; containing 0.57 acres of land, more or less.

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

November 7, 2003

Project No. 03141 (L03141)



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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: #04-317-XA
10615 York Road
N/east corner of Matthews Avenue and York Road
8th Election District 3rd Councilmanic District
Legal Owner(s): William and Ann Warmkessel
Variance: to permit a sideyard setback of 1.1 feet in lieu of the 20 feet, if necessary, to permit a foot tall landscape buffer in lieu of an opaque fence, wall or berm. To permit 0% amenity open space area within the interior of the parking lot in lieu of the required 7%. If necessary, to permit 0 foot of landscape buffer in lieu of the 20 feet and 10 feet respectively required. Special Exception: to permit a Class B office building and such addition relief this petition may require. tion may require.

Hearing: Wednesday, March 31, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County NOTES; (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner'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/3/697 Mar. 16

C654737

# CERTIFICATE OF PUBLICATION

3/16,2004
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 on3/16,20_04.
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

Wilkingon

# CERTIFICATE OF POSTING

	RE: Case No.: 04-3/7-XA
	Petitioner/Developer: WILLIAM & ANN
	WARINKESSEL
	Date of Hearing/Closing: 3/3/04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-33	94}
Ladies and Gentlemen:	
posted conspicuously on the property loc	es of perjury that the necessary sign(s) required by law were ated at:  YORK RD
	JUKK KD
· ····································	ラ / /
The sign(s) were posted on	(Month, Day, Year)
	Sincerely,
	Cobert Black (Signature of Sign Poster)  SSG Robert Black  (Print Name)  1508 Leslie Road  (Address)  Dundalk, Maryland 21222  (City, State, Zip Code)  (410) 282-7940
	(Telephone Number)  (Telephone Number)  (Telephone Number)
Markey .	(Telephone Number)  DEPT OF PERMITS AND DEVELOPMENT MANAGE

RE: PETITION FOR SPECIAL EXCEPTION

AND VARIANCE

10615 York Road; NE corner Matthews

Avenue & York Road

8<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): William & Ann K. O'Shea-

Warmkessel

FOR

BALTIMORE COUNTY

ZONING COMMISSIONER

Petitioner(s)

04-317-XA

BEFORE THE

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

JAN 27 2004

Per.....

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 28<sup>th</sup> day of January, 2004, a copy of the foregoing Entry of Appearance was mailed to Mitch Kellman, DMW, INC, 200 E Pennsylvania Avenue, Towson, MD 21286 & to Howard L Alderman, Jr, Esquire, Levin & Gann, PA, 502 Washington Avenue, 8<sup>th</sup> Floor, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 2, 2004 Issue - Jeffersonian

Please forward billing to:

Mitch Kellman DMW, Inc.

200 E. Pennsylvania Avenue

Towson, MD 21286

410-296-3333

# NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-317-XA

10615 York Road

N/east corner of Matthews Avenue and York Road 8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owners: William and Ann Warmkessel

Variance to permit a sideyard setback of 11 feet in lieu of the 20 feet, if necessary to place foot tall landscape buffer in lieu of an opaque fence, wall or berm. To permit 0% and fill space area within the interior of the parking lot in lieu of the required 7%. If necessary permit 0 foot of landscape buffer in lieu of the 20 feet and 10 feet respectively reculled Exception to permit a Class B office building and such addition relief this petition may require

Hearing: Thursday, March 18, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence 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. TO:

PATUXENT PUBLISHING COMPANY

Tuesday, March 16, 2004 Issue - Jeffersonian

Please forward billing to:

Mitch Kellman DMW, Inc. 200 E. Pennsylvania Avenue

Towson, MD 21286

410-296-3333

# **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: 04-317-XA

10615 York Road
N/east corner of Matthews Avenue and York Road
8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District
Legal Owners: William and Ann Warmkessel

<u>Variance</u> to permit a sideyard setback of 11 feet in lieu of the 20 feet, if necessary, to permit a foot tall landscape buffer in lieu of an opaque fence, wall or berm. To permit 0% amenity open space area within the interior of the parking lot in lieu of the required 7%. If necessary, to permit 0 foot of landscape buffer in lieu of the 20 feet and 10 feet respectively required. <u>Special Exception</u> to permit a Class B office building and such addition relief this petition may require.

Hearing: Wednesday, March 31, 2004, at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

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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



# Baltimore County

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

February 18, 2004

# **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: 04-317-XA

10615 York Road
N/east corner of Matthews Avenue and York Road
8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District
Legal Owners: William and Ann Warmkessel

<u>Variance</u> to permit a sideyard setback of 11 feet in lieu of the 20 feet, if necessary, to permit a foot tall landscape buffer in lieu of an opaque fence, wall or berm. To permit 0% amenity open space area within the interior of the parking lot in lieu of the required 7%. If necessary, to permit 0 foot of landscape buffer in lieu of the 20 feet and 10 feet respectively required. <u>Special Exception</u> to permit a Class B office building and such addition relief this petition may require.

Hearing: Wednesday, March 31, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Howard Alderman, Levin & Gann, 502 Washington Avenue, 8<sup>th</sup> Floor, Towson 21204 William & Ann Warmkessel, 10615 York Road, Cockeysville 21030 Mitchell Kellman, 200 E. Pennsylvania Ave., Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 16, 2004, 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.

# 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

January 27, 2004

# **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: 04-317-XA

10615 York Road

N/east corner of Matthews Avenue and York Road 8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: William and Ann Warmkessel

<u>Variance</u> to permit a sideyard setback of 11 feet in lieu of the 20 feet, if necessary, to permit a foot tall landscape buffer in lieu of an opaque fence, wall or berm. To permit 0% amenity open space area within the interior of the parking lot in lieu of the required 7%. If necessary, to permit 0 foot of landscape buffer in lieu of the 20 feet and 10 feet respectively required. <u>Special Exception</u> to permit a Class B office building and such addition relief this petition may require.

Hearing: Thursday, March 18, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Howard Alderman, Levin & Gann, 502 Washington Avenue, 8<sup>th</sup> Floor, Towson 21204 William & Ann Warmkessel, 10615 York Road, Cockeysville 21030 Mitchell Kellman, 200 E. Pennsylvania Ave., Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 3, 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.



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

# 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.

Item Num	ber or Case Number: <u>04-3/7-メム</u>
Petitioner	William Warmkessel + Ann K. O'Shew - Warmkessel
Address c	r Location: 16615 York R.J.
•	
PLEASE I	FORWARD ADVERTISING BILL TO:
Name: _	Mitch Kellman @ DMW, Inc.
Address:	Zoo East Pennsylvanin Au
	Touson MD 21286

# 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

March 23, 2004

Howard Alderman, Esq. Levin & Gann Nottingham Centre, 8<sup>th</sup> Floor 502 Washington Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number: 04-317-XA, 10615 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 9, 2004.

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,

U. Callabal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel William and Ann Warmkessel 10615 York Road Cockeysville 21030 Mitchell J. Kellman DMW, Inc. 200 E. Pennsylvania Avenue Towson 21286



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

January 20, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: January 20, 2004

Item No.:

311-320 317

Dear Ms. Hart:

6. 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

TO:

Timothy M. Kotroco, Director

DATE: February 10, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For January 26, 2004

Item Nos. 311, 312, 313, 314, 315, 316, 317, 319, and 320.

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 DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley MS

DATE:

January 26, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 20, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

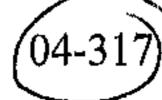
04-311

04-312

04-313

04-314

04-315



04-320

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

1/3/

# 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: February 23, 2004

RECEIVED

FEB 2 4 2004

ZONING COMMISSIONER

SUBJECT:

10615 York Road

**INFORMATION:** 

**Item Number:** 

4-317

Petitioner:

William Warmkessel

Zoning:

RO/CB/DR 3.5

Requested Action:

Variance/Special Exception

# SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided building elevations are submitted to this office for review and approval. Building design/architectural shall be in accordance with the Hunt Valley Timonium guidelines.

For further information concerning the matters stated herein, contact Bill Hughey at 410-887-3480.

Prepared by:

**Section Chief:** 

AFK/LL:MAC:

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



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

# MARYLAND DEPARTMENT OF TRANSPORTATION

1.20.04 Date:

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

RE: **Baltimore County** 

Item No. 317

JRF

Dear Ms. Hart:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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

HOWARD L. ALDERMAN, JR. halderman@LevinGann.com

DIRECT DIAL 410-321-4640 LAW OFFICES

Levin & Gann

A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

2-10-04 Kunter

ELLIS LEVIN (1893-1960) CALMAN A. LEVIN (1930-2003)

Pastponer non B Granted-

February 9, 2004

Timothy M. Kotroco, Director Baltimore County Department of Permits and Development Management 111 W. Chesapeake Avenue, Suite 109 Towson, Maryland 21204

Re:

10615 York Road Case No.: 04-317-XA

Request for Postponement

Dear Mr. Kotroco:

I have the pleasure of representing William Warmkessel and Ann O'Shea Warmkessel, Petitioners in the above-referenced matter. The hearing on this case is presently scheduled for Thursday, March 18, 2004 at 9:00. Mr. and Mrs. Warmkessel have advised me that they will be out of town from the 15<sup>th</sup> through and including the 22<sup>nd</sup> of March. Therefore, I am requesting that this matter be postponed to the next available hearing date on the docket. If approved, I will ask Mr. Mitchell Kellman, by copy of this letter, to have the sign which is currently required to be posted by March 3, 2004, changed to reflect the new hearing date.

Should you need any additional information in support of this request, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLA/pal

cc:

Mr. and Mrs. William Warmkessel

Mr. Mitchell Kellman

G:\Clients\Oshea-Warmkessel, Ann (14483)\kotroco-t.ltr.wpd

RECEIVED

04-299

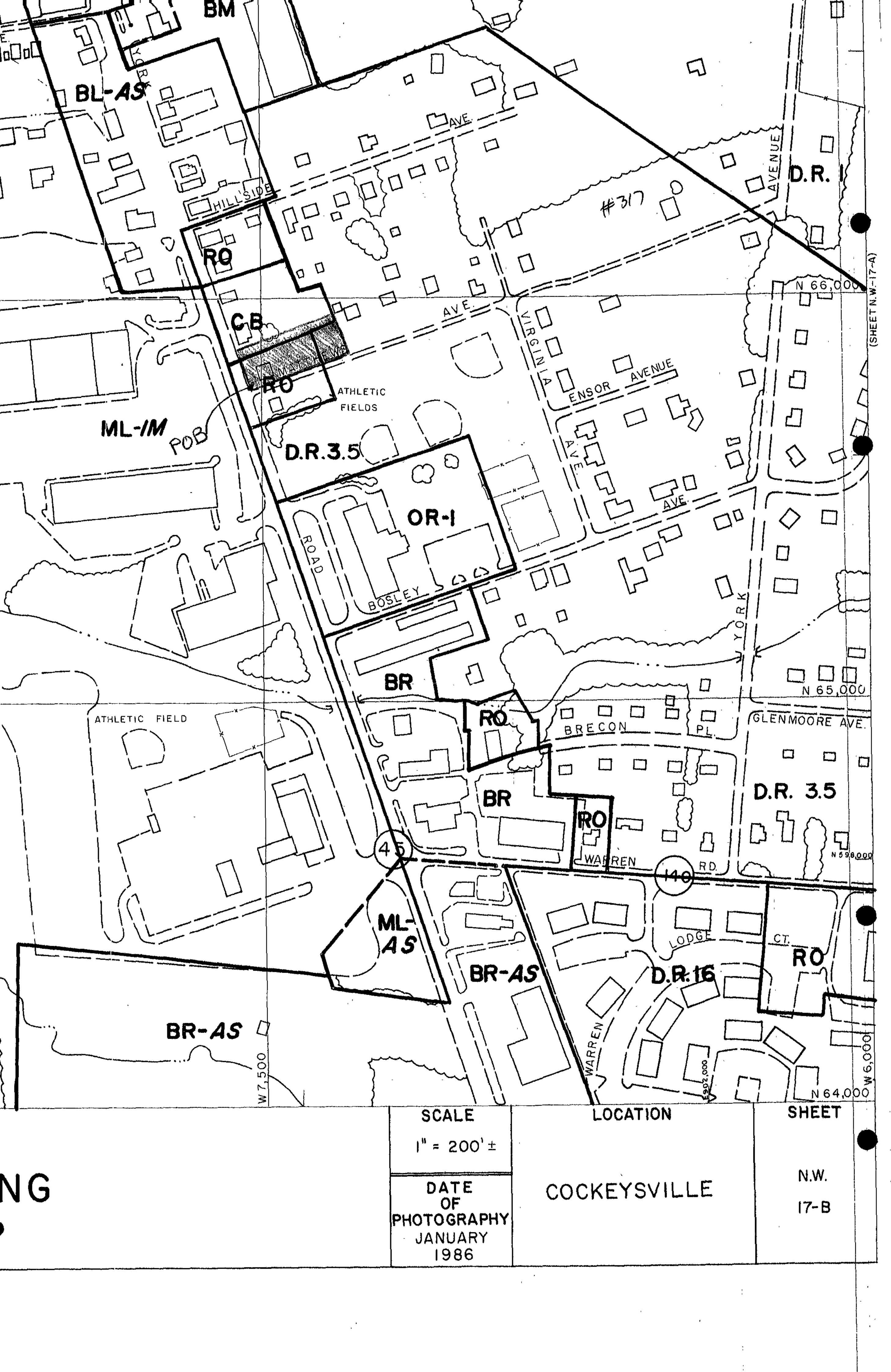
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

# PLEASE PRINT CLEARLY

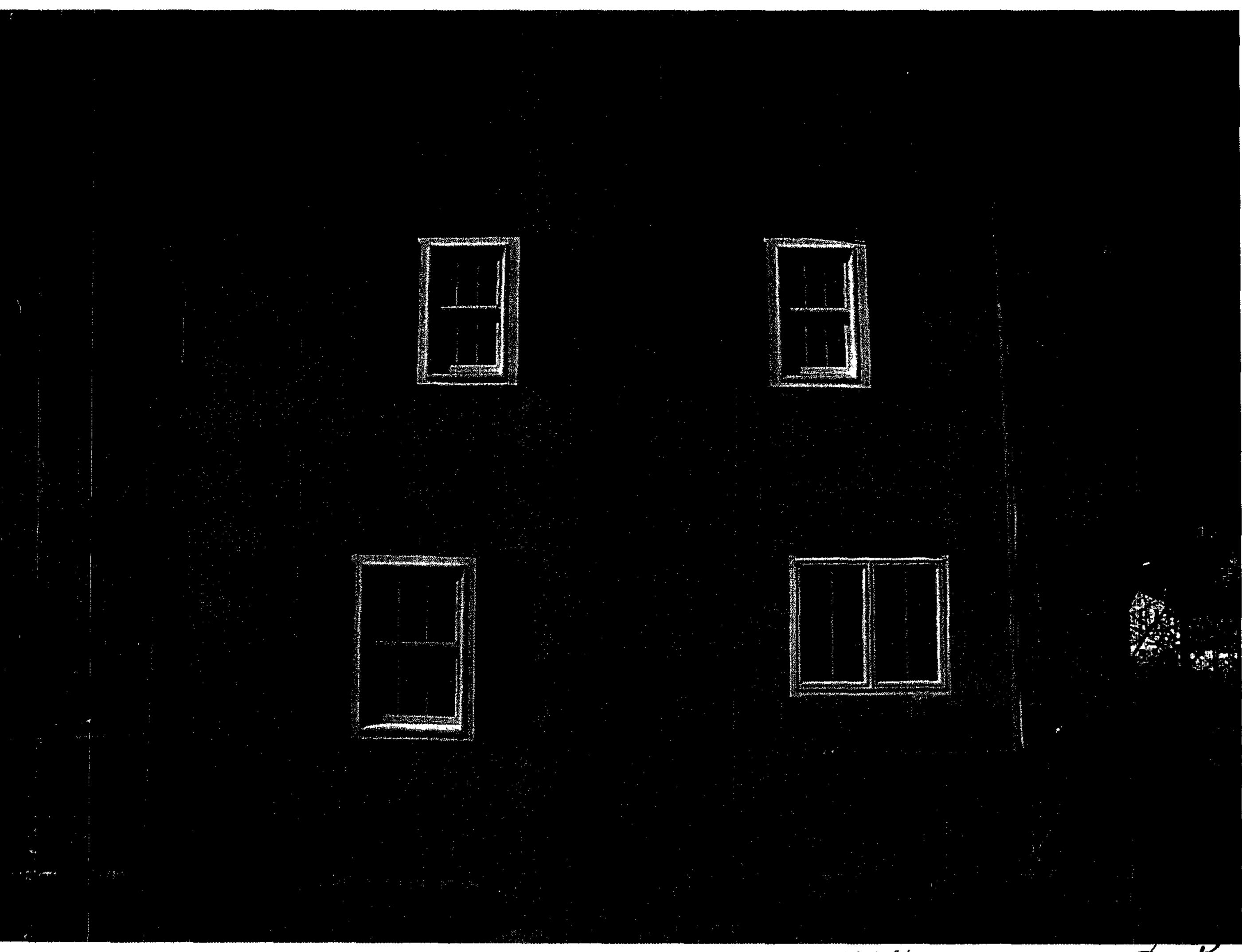
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# PETITIONER'S SIGN-IN SHEET

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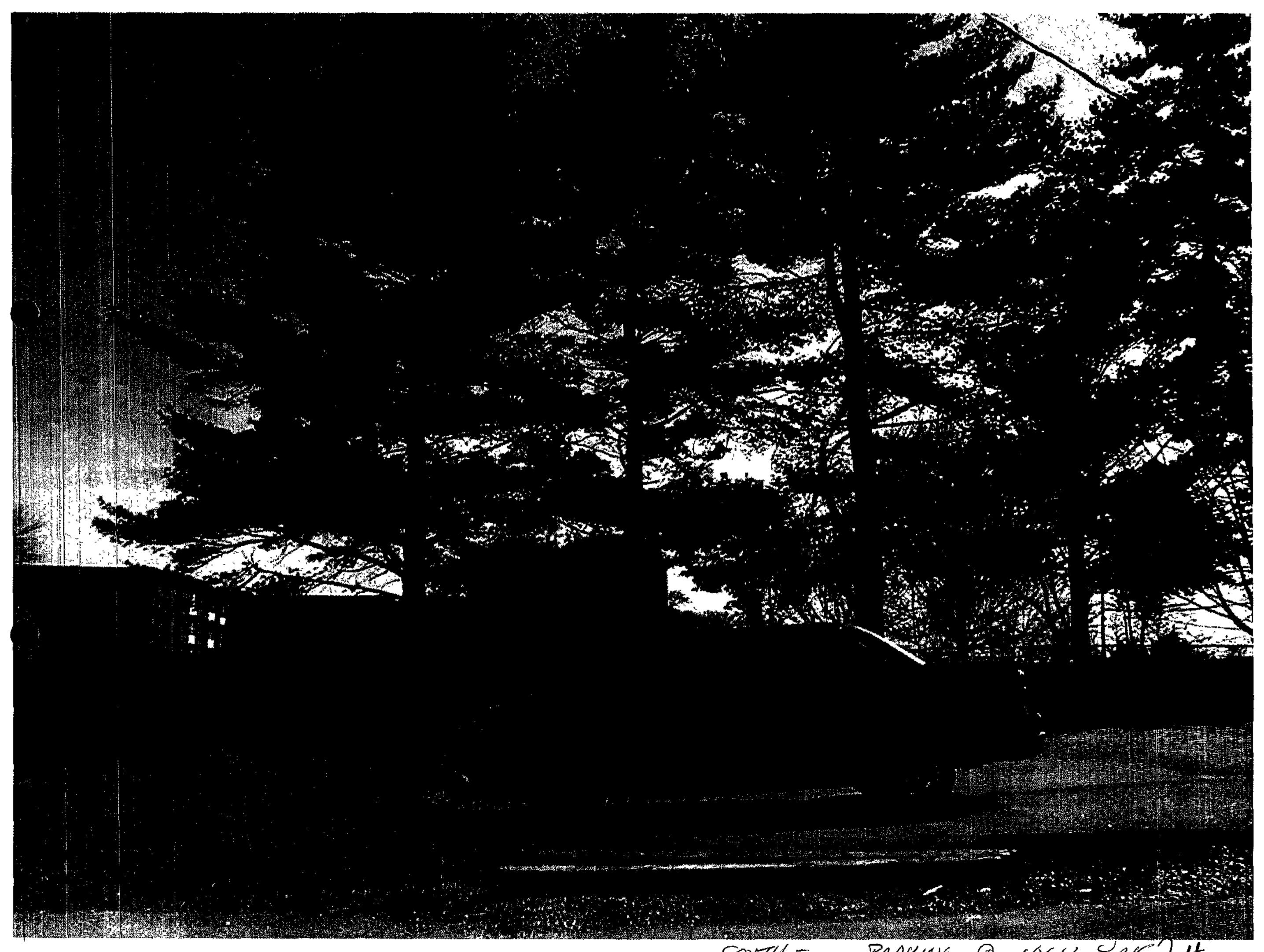








SOUTH EAST



SOUTH - PARKING @ 16611 YORK J.



16611 YORK





SOUTH 10611 YORK



LOOKING WEST 2 164



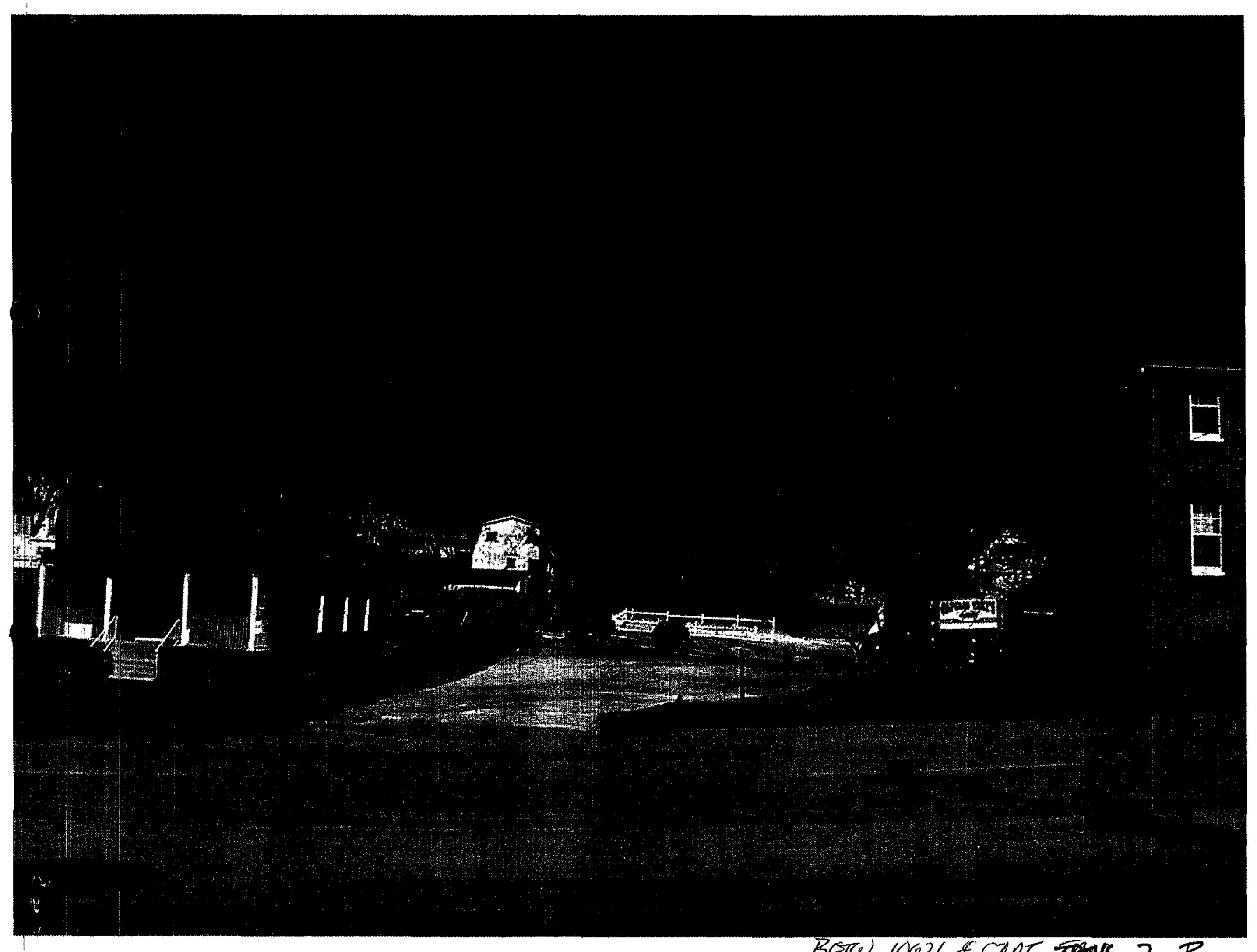
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10621 Tola 12



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