

IN RE: PETITION FOR SPECIAL EXCEPTION
AND VARIANCE
Corner SE/S Pulaski Highway and
NE/S Hanzlik Avenue
15th Election District
7th Councilmanic District
(8301 Pulaski Highway)

Concordville, LLC
By: Bryan Keen, Member
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 05-272-XA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception and Variance filed by the legal owner of the subject property Concordville, LLC, by Bryan Keen, member. The Petitioner is requesting special exception and variance relief for property located at 8301 Pulaski Highway in the eastern area of Baltimore County. The special exception request is to permit a contractor's equipment/storage yard and storage of inflammable liquids and gases above ground per Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is requested from Section 238 of the B.C.Z.R., to allow side and rear set backs as close as 5 ft. in lieu of the required 30 ft. set backs.

The property was posted with Notice of Hearing on January 10, 2005, 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 11, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 502.1 of the B.C.Z.R. - Special Exceptions

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;

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Det- 1/28/05

By- Ray

- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

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 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 and special exception requests was Bryan Keen, a principal in Concordville LLC, Petitioner. William D. Shaughnessy, Jr., Esquire represented the Petitioners. No protestants or interested citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

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 1/28/05
 By

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.821 acres of land, more or less, zoned BR-AS. Mr. Shaughnessy proffered that the Petitioner would like to open a compressed gas/welding supply sales and storage business in this existing building which is bounded on three sides by Pulaski Highway, Todds Lane and Hanzlik Avenue. The fourth side is a property owned by US Can Company. See Petitioner's Exhibit 1.

The prior owner operated a rental center from this location. Mr. Shaughnessy noted that the property is surrounded by industrial and/or business uses including a fork lift rental company, a printing company on the south side of Pulaski Highway, and restaurants, banks and retail sales business on the north side of the highway. The main line of the CSX Railroad is a few hundred feet to the south. The nearest residential area is several blocks to the west at Old Philadelphia Road.

He noted that the property was divided into two parcels that contain the existing one-story warehouse on Parcel 836 and a nearly vacant parcel 921, which will contain the bulk of the Petitioners' equipment. This area will be fenced to protect the equipment and customers. There are no plans to change the building footprint. The site has room for 17 parking spaces for employees and customers which meets the regulations.

The request for special exception arises because the equipment storage area is considered a contractor's storage yard under the regulations. In addition, a second special exception is needed because the Petitioner intends to store, sell and transport inflammable gases on the site. Mr. Shaughnessy pointed out that these gases are combustible and that storage and handling will conform to the Baltimore County Building Code and the National Fire Preventive Association Code. He proffered that the proposed uses met each criteria given in Section 502.1 of the

ORDER RECEIVED FOR RECORDS
1/28/05
Ray

B.C.Z.R. including the fact that the site is surrounded by commercial and industrial uses, and is located on a major highway (Pulaski Highway).

The variance request stems from the fact that the existing building is 10 ft. from the southern property line rather than the required 30 ft. Mr. Shaughnessy indicated that the building was constructed in 1968 and may have met the regulations at the time. Obviously, the building does not meet the regulations now. Mr. Shaughnessy noted that the Petition requests this variance to be 5 ft. not 10 ft. because the site has not been surveyed and there could be errors in the site plan. Finally, there is an internal variance, which arises because the division line between parcels is a property line boundary. Again, this may be as close as 5 ft. from the building. Mr. Shaughnessy indicated that it would be a hardship for the Petitioner to reduce the size of this existing building to meet the regulations. He proffered that the lot was unique in a zoning sense because of the existing building and odd shape. Finally, he noted that the property was surrounded by commercial and industrial use and that the proposed use would not in any way adversely affect the surrounding community.

Findings of Fact and Conclusions of Law

In regard to the request for variance, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Here there is an existing 1968 building on a lot that is oddly shaped. This is the kind of peculiar structure and lot that qualifies as unique in a zoning sense. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Clearly, no one suggests the building be shrunk to meet the zoning regulations. Furthermore, I find that these variances 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. Of course, the main issue here is safety. The Petitioner will sell, handle and store inflammable gases, which potentially could ignite or explode. However, this Petitioner

routinely handles these gases safely and will comply with all fire and building codes. There are no residences nearby. The surrounding commercial and industrial uses will be protected from this use as this property is protected from the surrounding uses. Therefore, I will grant the variances.

In regard to the request for special exception, I find the uses of contractor storage yard and storage of inflammable gases above ground will not adversely affect the surrounding community, that these uses are within the spirit and intent of the BR zoning regulations, and that the Petitioner has met each criteria given in Section 502.1 of the B.C.Z.R. for the reasons given above. Therefore, I will grant the special exceptions.

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 Petitioners' request for special exception should be granted.

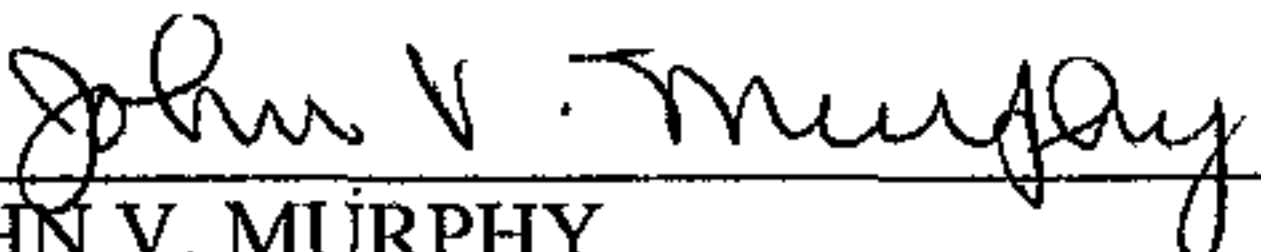
THEREFORE, IT IS ORDERED, this 28 day of January, 2005, by the Deputy Zoning Commissioner, that the Special Exception request to permit a contractor's equipment/storage yard and storage of inflammable liquids and gases above ground per Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED;

IT IS FURTHER ORDERED, that the variance relief requested from Section 238 of the B.C.Z.R., to allow side and rear set backs as close as 5 ft. in lieu of the required 30 ft. set backs, be and is hereby GRANTED, subject, however, to the following restriction, which are conditions precedent to the relief, granted herein:

1. The Petitioners may apply for their 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. The Petitioner shall comply with all applicable safety codes including the Baltimore County Building Code, and the National Fire Prevention Association Code.

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.

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

ORDER RECEIVED FOR FILING

DATE

1/28/05

BY

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
William J. Wiseman III, Zoning Commissioner

January 28, 2005

William D. Shaughnessy, Jr., Esquire
Gordon Feinblatt
233 E. Redwood Street
Baltimore, Maryland 21202

Re: Petitions for Special Exception & Variance
Case No. 05-272-XA
Property: 8301 Pulaski Highway

Dear Mr. Shaughnessy:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special exception and variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the 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,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Bryan Keen, Concordville LLC, 4063 New Castle Avenue, New Castle, DE 19720

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





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8301 Pulaski Hwy Balto MD 21237

which is presently zoned BR-AS

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

Contractor's equipment storage yard and

Storage of inflammable liquids and gases above ground per §236.4 of BCZR.

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):

Name - Type or Print

Name - Type or Print

Signature

by:

Signature

Address

Telephone No.

Bryan Keen, Member

Name - Type or Print

City

State

Zip Code

Signature

Attorney For Petitioner:

4063 New Castle Avenue (302) 594-4545

Address

Telephone No.

William D. Shaughnessy, Jr.

Name - Type or Print

City

New Castle

DE

State

19720

Zip Code

Signature

Gordon Feinblatt

Company

Representative to be Contacted:

William D. Shaughnessy, Jr.

Name

233 E. Redwood Street (410) 576-4092

Address

Telephone No.

233 E. Redwood Street (410) 576-4092

Address

Telephone No.

Baltimore

MD

21202

City

State

Zip Code

Baltimore

MD

21202

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr

UNAVAILABLE FOR HEARING —

Reviewed By JL

Date

11/24/04

Case No. 05-272-XA

REV 09/15/98

ORDER RECEIVED FOR FILING

1/28/05

Det

By



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8301 Pulaski Hwy., Baltimore, MD

which is presently zoned BR-AS 21237

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) 238 of the BCZR to allow side and rear set backs as close as 5 feet in lieu of the required 30 foot set backs.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Property consists of two lots with existing improvements which make it impossible to use as is without a variance.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

William D. Shaughnessy, Jr.
Name - Type or Print

Signature

Gordon Feinblatt

Company

233 E. Redwood Street 410-576-4092

Address Telephone No.

Baltimore MD 21202

City State Zip Code

Legal Owner(s):

Concordville, LLC
Name - Type or Print

Signature

Bryan Keen, Member
Name - Type or Print

Signature

4063 New Castle Avenue 302-594-4545

Address Telephone No.

New Castle DE 19720

City State Zip Code

Representative to be Contacted:

William D. Shaughnessy, Jr.
Name

233 E. Redwood Street 410-576-4092

Address Telephone No.

Baltimore MD 21202

City State Zip Code

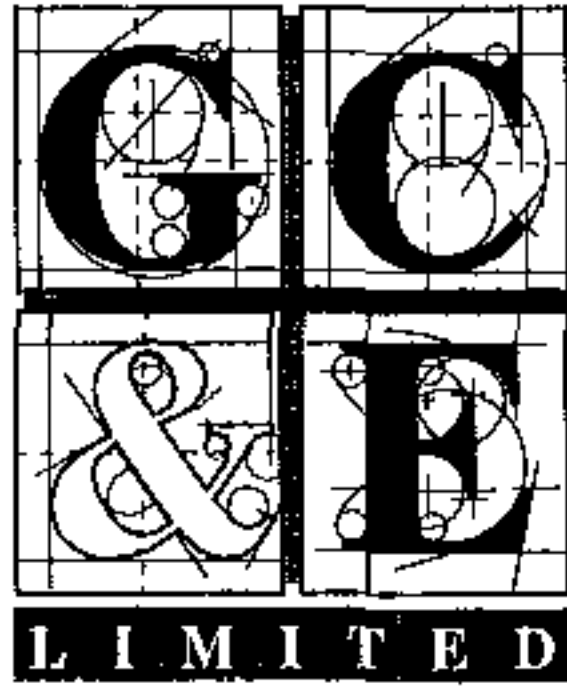
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING —

Reviewed By JK Date 11/24/04

Case No. 05 272 XA



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

October 19, 2004

**EAST CHASE ASSOCIATES L.L.C. PROPERTY
8301A & 8301B PULASKI HIGHWAY
BALTIMORE, MARYLAND 21237**

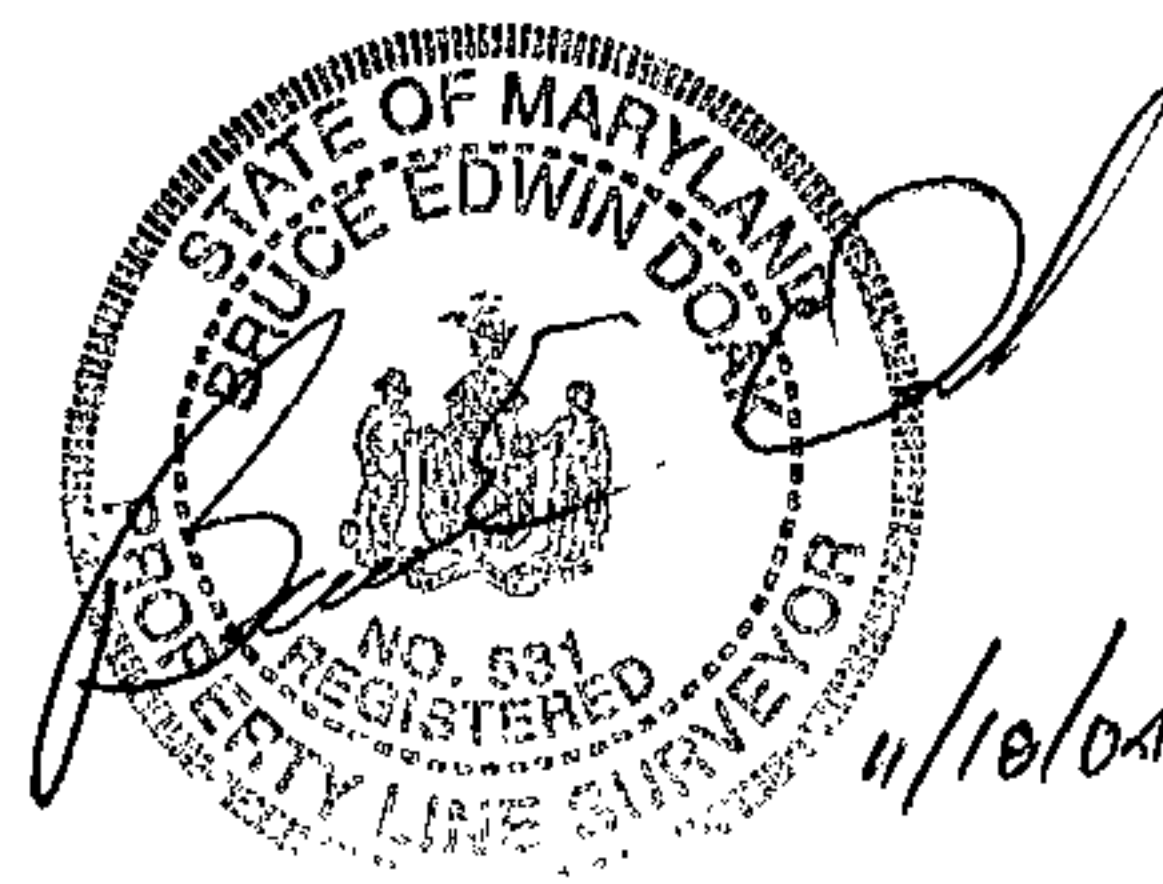
All that piece or parcel of land situate, lying and being in the Fifteenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the intersection of the southwest side of Pulaski Highway and the northeast side of Hanzlik Avenue, running thence along the southeast side of Pulaski Highway by a curve to the right, having a radius of 25,539.79 for an arc distance of 178.16 feet to a point on the south side of Todds Lane, thence running along the south side of Todds Lane South 62 degrees 41 minutes 10 seconds East 193.35 feet, thence leaving the south side of Todds Lane, South 66 degrees 00 minutes West 299.09 feet to the northeast side of Hanzlik Avenue, thence running along the northeast side of Hanzlik Avenue North 24 degrees 04 minutes West 148.35 feet to the place of beginning.

Containing 0.821 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

272



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 42872

DATE 11/24/04 ACCOUNT 001 006 6130

AMOUNT \$ 705.00

RECEIVED FROM GOREN, FENBLAT, ROBINSON

FOR XA 380.00 SPY
325.00 MR.
8301 PURCHASE HWY

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTED TIME DAY
11/24/2004 11:25:00 AM 15:02:50 2

RECEIVED MAIL 8:00 PM
ENVELOPE # 17082 11/24/2004 07:11

DEPT 5 531 TRUCKS VERIFICATION
ST NO. 10272

Receipt for \$705.00
\$705.00 53

Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #05-272-XA

8301 Pulaski Highway

Corner s/east side of Pulaski Highway and n/east side

of Hanzlik Avenue

15th Election District — 7th Councilmanic District

Legal Owner(s): Concordville, LLC.

Brian Keen, Member

Special Exception: to allow contractor's equipment storage and storage of inflammable liquids and gases about ground. **Variance:** to allow side and rear setbacks as close as 5 feet in lieu of the required 30 foot setbacks.

Hearing: Wednesday, January 26, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204.

WILLIAM WISEMAN

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 1/651 January 11 35387

CERTIFICATE OF PUBLICATION

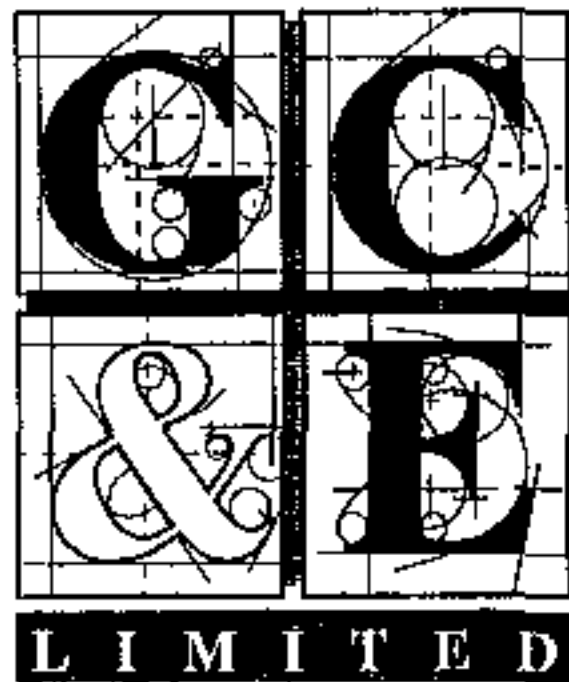
1/12/ 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/11/ 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING



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CERTIFICATE OF POSTING

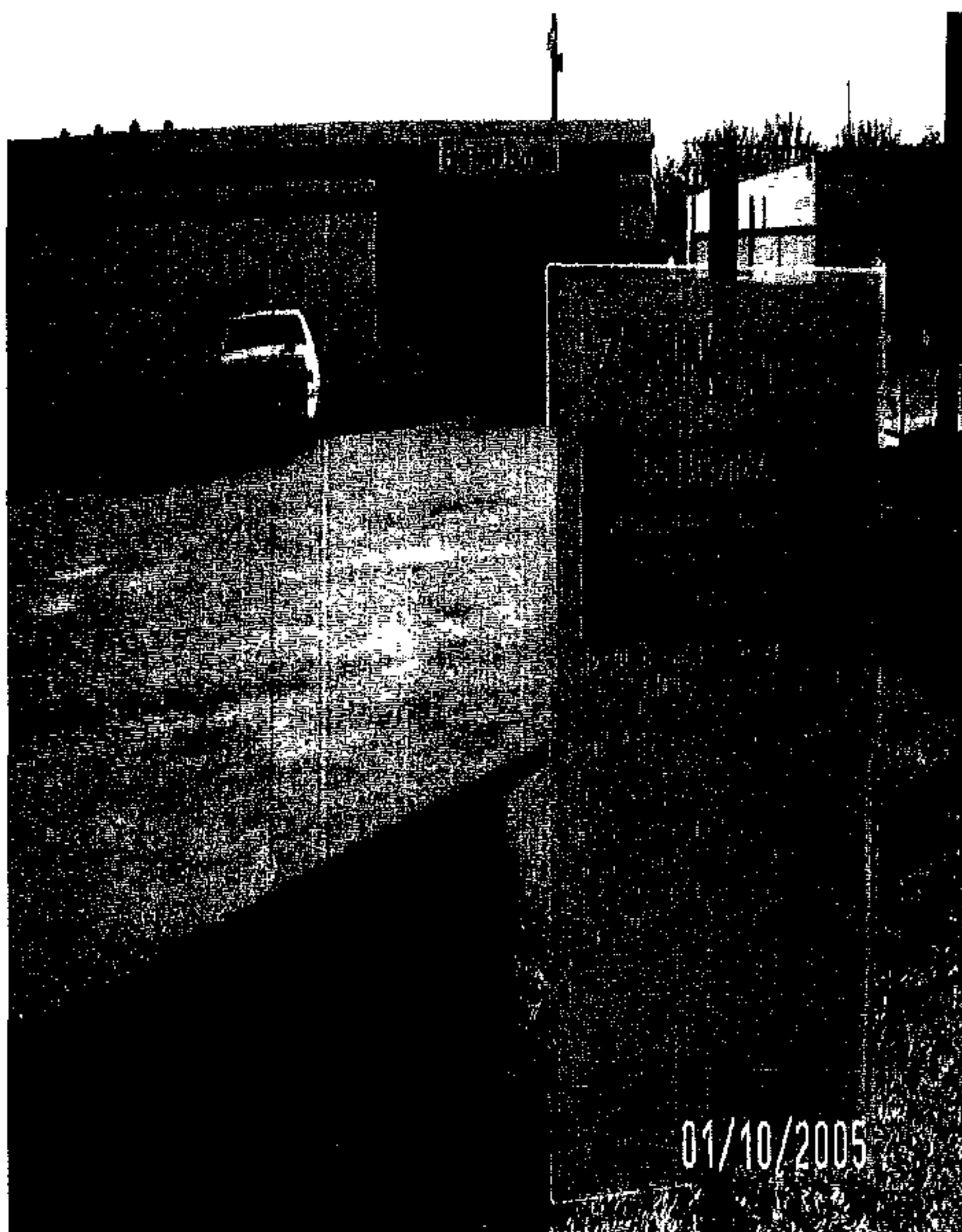
RE: CASE NO. 05-575-XA
PETITIONER/DEVELOPER:
Concordville, LLC, Bryan Keen,
Member
DATE OF HEARING:
January 26, 2005

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

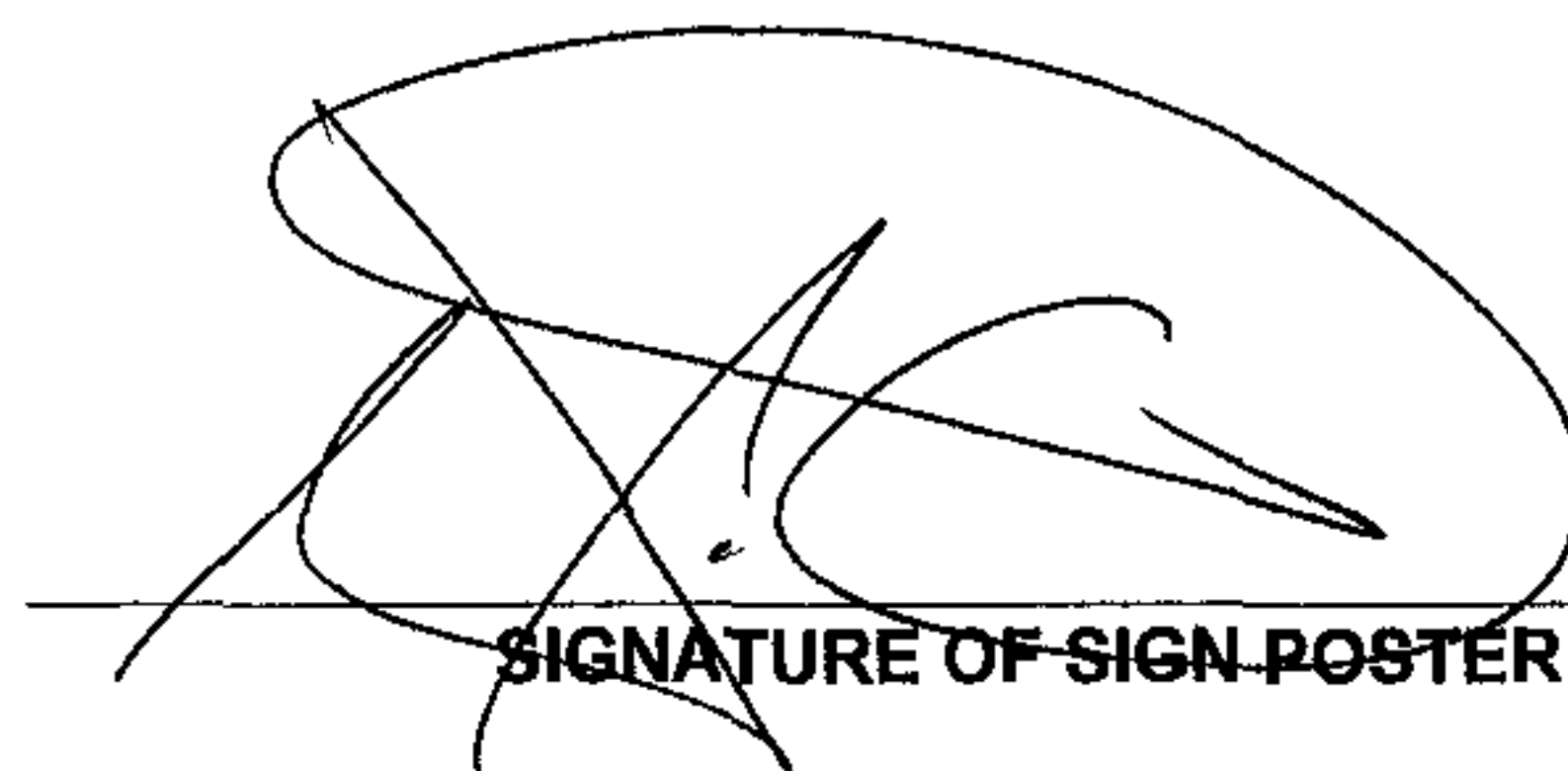
LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT



POSTED ON: January 10, 2005

LOCATION:
8301 Pulaski Highway
Baltimore, Maryland 21237



SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX



01/10/2005

01/10/2005

**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

December 8, 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: 05-272-XA

8301 Pulaski Highway

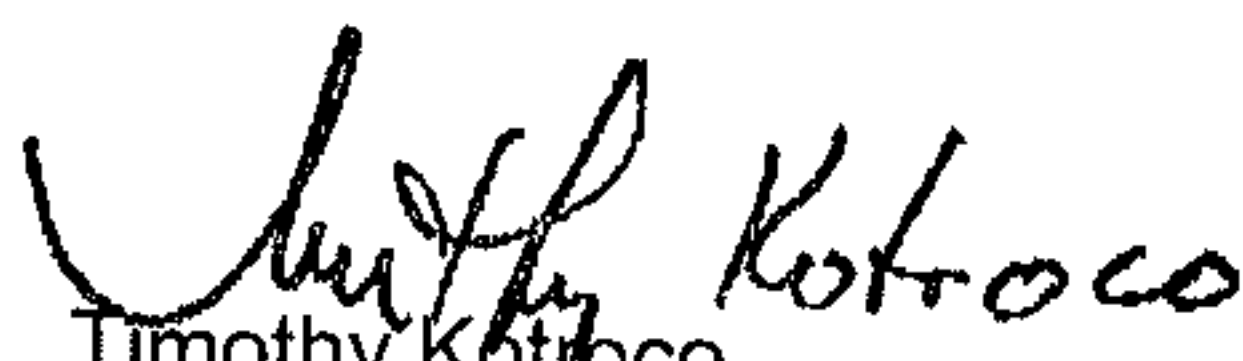
Corner s/east side of Pulaski Highway and n/east side of Hanzlik Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Concordville, LLC, Bryan Keen, Member

Special Exception to allow contractor's equipment storage and storage of inflammable liquids and gases about ground. Variance to allow side and rear setbacks as close as 5 feet in lieu of the required 30 foot setbacks.

Hearing: Wednesday, January 26, 2005 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: William Shaughnessy, Gordon Feinblatt, 233 E. Redwood St., Baltimore 21202
Bryan Keen, 4063 New Castle Ave., New Castle DE 19720

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 11, 2005.**
- (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 11, 2005 Issue - Jeffersonian

Please forward billing to:
William Shaughnessy
233 E. Redwood St.
Baltimore, MD 21202

410-576-4092

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: 05-272-XA

8301 Pulaski Highway
Corner s/east side of Pulaski Highway and n/east side of Hanzlik Avenue
15th Election District – 7th Councilmanic District
Legal Owner: Concordville, LLC, Brian Keen, Member

Special Exception to allow contractor's equipment storage and storage of inflammable liquids and gases about ground. Variance to allow side and rear setbacks as close as 5 feet in lieu of the required 30 foot setbacks.

Hearing: Wednesday, January 26, 2005 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204



WILLIAM WISEMAN
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**

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



Baltimore County

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

January 18, 2005

William D. Shaughnessy, Jr.
Gordon Feinblatt
233 E. Redwood Street
Baltimore, Maryland 21202

Dear Mr. Shaughnessy:

RE: Case Number: 05-272-XA , 8301 Pulaski Highway

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 24, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Concordville, LLC. Bryan Keen 4063 New Castle Avenue Delaware 19720

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

December 6, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of ~~December~~ ²⁷ December 6, 2004

Item No.: 250,268-176

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau, and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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



Printed on Recycled Paper

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



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

Maryland Department of Transportation

Date: / 2 . 3 . 0 4

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

RE: Baltimore County
Item No. 272 JLL

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 47, 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,

Steven D. Foster, Chief
Engineering Access Permits Division

gm
1/26

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

RECEIVED

FROM: John D. Oltman, Jr. JDO
DEPRM

DEC 10 2004

DATE: December 10, 2004

ZONING COMMISSIONER

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of December 6, 2004.

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

05-250
05-254
05-270
05-271
05-272
05-273

Reviewers: Sue Farinetti, Dave Lykens

Jm
1/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 9, 2004

RECEIVED

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

DEC 13 2004

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-272

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 David Pinning in the Office of Planning at 410-887-3480.

Prepared By:

Margaret A. Cunniff

Division Chief:

Lynn L. Latham

MAC/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: December 14, 2004

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 13, 2004
Item Nos. 250, 254, 268, 269, 270, 271,
272, 723, 274, 275, and 276

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 SPECIAL EXCEPTION	*	BEFORE THE
AND VARIANCE		
8301 Pulaski Highway; Corner SE/side	*	ZONING COMMISSIONER
Pulaski Highway and NE/side Hanzlik Ave		
15 th Election & 7 th Councilmanic Districts	*	FOR
Legal Owner(s): Concordville, LLC,		
Brian Keen-Member	*	BALTIMORE COUNTY
Petitioner(s)		
	*	05-272-XA

* * * * *

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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of December, 2004, a copy of the foregoing Entry of Appearance was mailed to William D. Shaughnessy, Jr, 233 E. Redwood Street, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

DEC 10 2004

Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DATE _____

E-MAIL

PETITIONER'S SIGN-IN SHEET

wshenghnessy@gfmlaw.com

bkean@keengss.com

GORDON • FEINBLATT
ROTHMAN HOFFBERGER & HOLLANDER, LLC

WILLIAM D. SHAUGHNESSY, JR.

ATTORNEYS AT LAW
233 EAST REDWOOD STREET
BALTIMORE, MARYLAND 21202-3332
www.gfrlaw.com

410-576-4000
DIRECT 410-576-4092
FAX 410-576-4246
wshaughnessy@gfrlaw.com

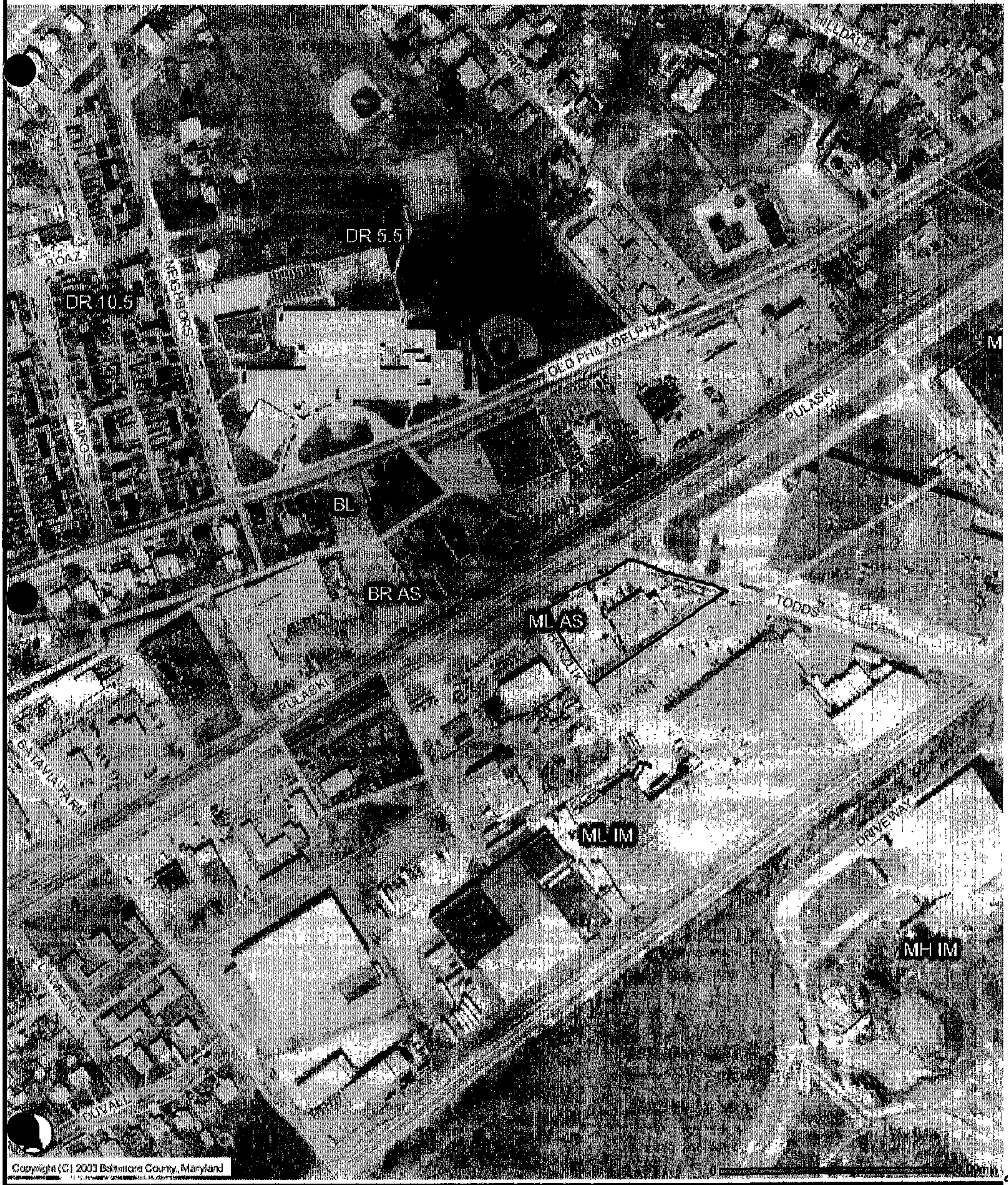
KEEN COMPRESSED GAS CO.
"Total Customer Satisfaction"

BRYAN KEEN
PRESIDENT

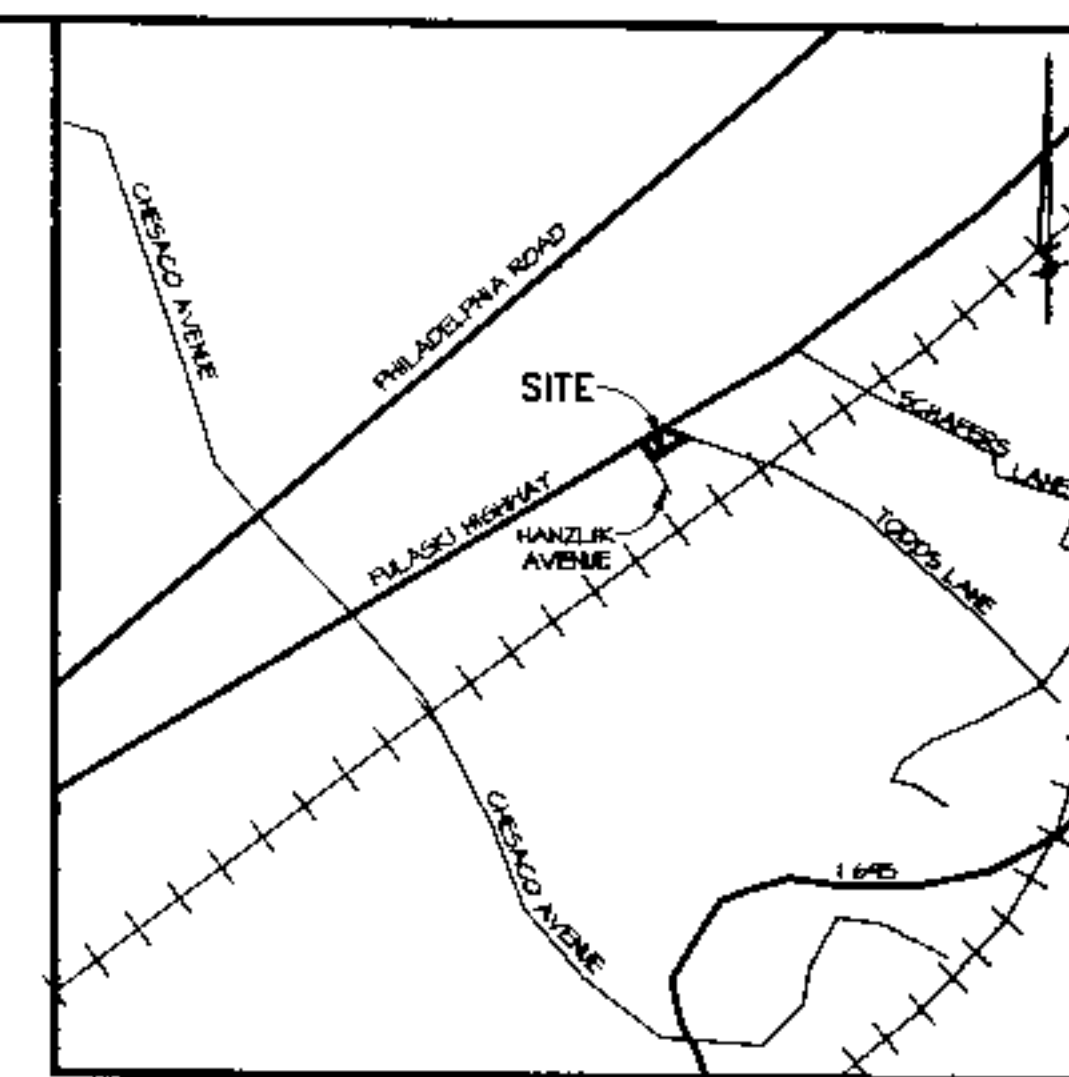
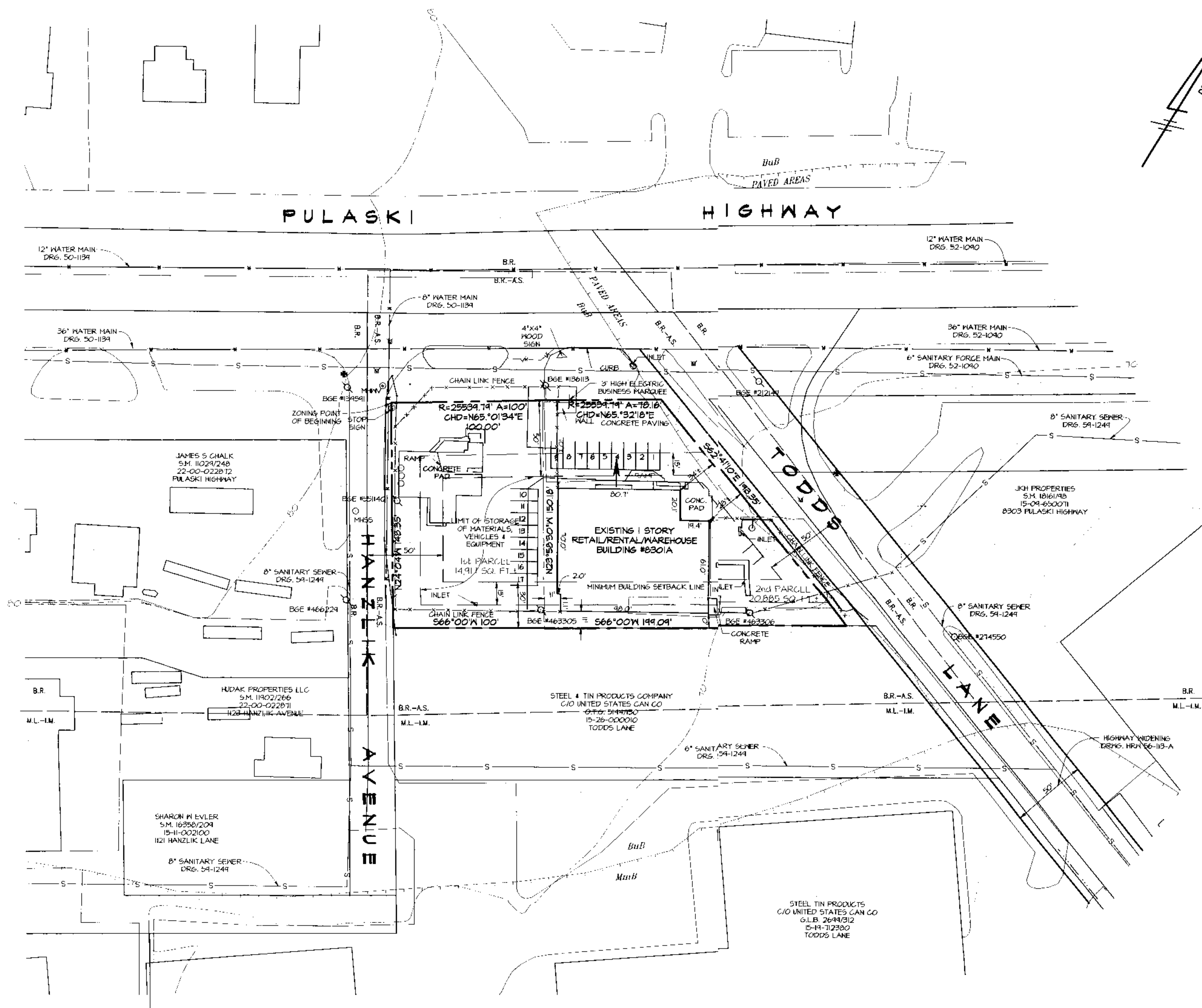
Wilmington Store
4063 New Castle Ave.
New Castle, DE 19720
(302) 594-4545
1-800-533-6427
FAX (302) 594-4569
email bkeen@nca.keengas.com
www.KeenGas.com

Distributor for

 **BOC GASES**



Pet #2



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 5 M. NO. 19796 FOLIO 471
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 84C3
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 40.
4. CENSUS TRACT 4501.00 REGIONAL PLANNING DISTRICT 326
- WATERSHED BACK RIVER SUBWERSHED 01
- SCHOOL DISTRICT: ELEMENTARY - RED HOUSE RUN ES; MIDDLE - GOLDEN RING M.S.; HIGH - OVERLEA H.S.
- A.D.C. MAP # GRID 36 JT
5. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
6. THE F.A.R. FOR THE TWO SUBJECT PROPERTIES COMBINED IS 0.215.
7. THERE ARE NO COMMERCIAL FIRE RESISTANT BUILDINGS WITHIN 100 FEET ALONG PULASKI HIGHWAY FOR 8301A AND 8301B SETBACK AVERAGES.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN A FLOODPLAIN.
9. THE SUBJECT PROPERTY IS NOT LOCATED IN A HISTORICAL ZONE.
10. LOADING OF MATERIALS ON THE SUBJECT PROPERTY OCCURS WITHIN THE EXISTING BUILDINGS.

PARKING CALCULATIONS

RETAIL (SHOWROOM & COUNTER) 2,200 SQ. FT.
2.2 X 5 = 11 SPACES

SHOP/WAREHOUSE/STORAGE 4,310 SQ. FT.
MAXIMUM NUMBER OF EMPLOYEES (2)
ON LARGEST SHIFT = 2 SPACES

GENERAL OFFICE 1,200 SQ. FT.
1.2 X 3.3 SPACES = 4 SPACES

TOTAL AREA OF BUILDING 7,710 SQ. FT.

TOTAL SPACES REQUIRED = 17
TOTAL SPACES PROVIDED = 17

OWNER

CONCORDVILLE, L.L.C.
C/O KEEN COMPRESSED GAS CO.
ATTN. BRYAN KEEN
4063 NEW CASTLE AVENUE
NEW CASTLE, DE 19720
(800) 533-6427

PLAT TO ACCOMPANY
A SPECIAL EXCEPTION AND VARIANCE
OF THE

**CONCORDVILLE L.L.C.
PROPERTY**

8301A & 8301B PULASKI HIGHWAY
0.821 AC±

Deed Ref: S.M. No. 19796 folio 471

Tax Account No.: 15-26-000300 / 15-19-074850

Zoned B.R.- A.S.; Map NE 3F (PER ISSUE 07-027)

Tax Map 89; Grid 23; Parcel 921 / 836

15th ELECTION DISTRICT

7th COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

Scale: 1"=40'

Date: SEPTEMBER 29, 2004

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100

320 East Townsontown Boulevard

Towson, Maryland 21286

(410) 823-4470

LEGEND

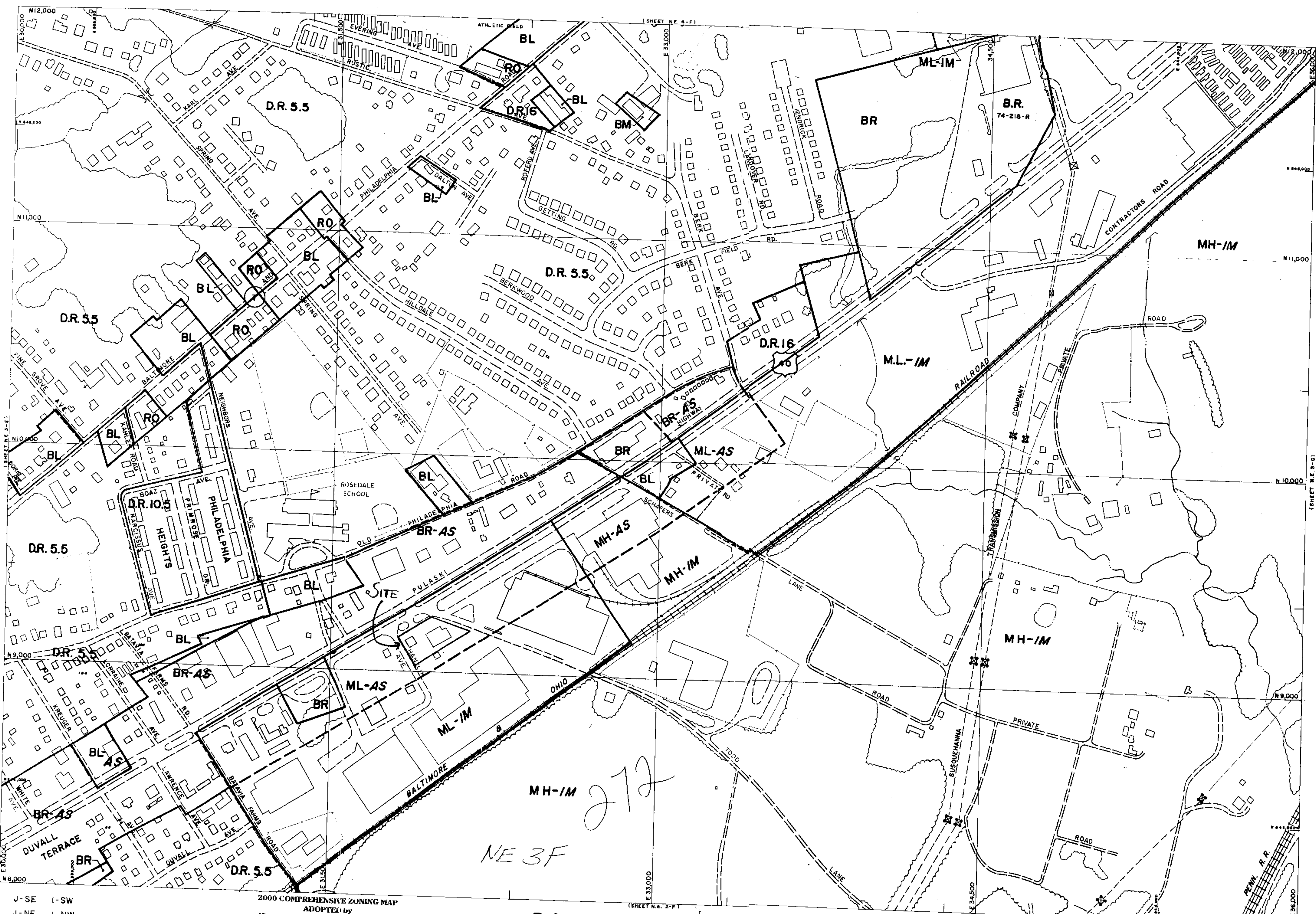
- MANHOLE SANITARY
- FIRE HYDRANT
- WATER VALVE
- UTILITY POLE
- EXISTING DWELLING
- CHAIN LINK FENCE
- SOIL LINE
- WOODS LINE
- EXISTING PAVING
- PROPERTY LINE
- CONTOURS

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/ BASEMENT	STREETS & PARKING
BuB	Severe; slow permeability; seasonally perched water table	Moderate; seasonally perched water table	Moderate; seasonally perched water table; slope
MmB	Severe; moderately slow permeability	Moderate; moderately high water table	Moderate; moderately high water table; slope

REVISED PER NOVEMBER 14, 2004 MEETING	11/25/04
REVISED PER NOVEMBER 16, 2004 MEETING	11/17/04
REVISED ZONING DESIGNATION	11/16/04
REVISION	DATE

COMPUTED: C.J.S. DRAWN: K.D.B. CHECKED: B.E.D. FILE: X:\Keen\Pulaski\zoning.pro



J-SE I-SW
J-NE I-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
The BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.

Joseph B. ...
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION ROSEDALE	SHEET N.E. 3-F
DATE OF PHOTOGRAPHY JANUARY 1986		

NE 3 F