

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
N/S Easter Court, W/S Pleasant Hill Road,	*	ZONING COMMISSIONER
S of Camp Road	*	
(Lots 1 & 2, Easter Court Property)	*	OF BALTIMORE COUNTY
4 th Election District	*	
4 th Council District	*	Case No. 05-357-SPH
Dellcrest Realty, LLC, <i>Legal Owner</i>	*	
Dellcrest Properties 2, LLC,	*	
<i>Contract Purchaser</i>		
* * * * *		

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Dellcrest Realty, LLC, and the Contract Purchaser, Dellcrest Properties 2, LLC, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special hearing seeking approval of a waiver of the requirements of Sections 32-4-301, 32-4-302 and 32-4-407 of the Baltimore County Code to not require sidewalk installation on the north side of a future, on-site road, known as Easter Court. The subject property, also known as Lots 1 and 2 of the "Easter Court Properties," and requested relief are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Tom Pilon, on behalf of Dellcrest Properties 2, LLC, Contract Purchaser, Nick Brader, Professional Engineer who prepared the site plan for this property, and Arnold Jablon, Esquire and David H. Karceski, Esquire, attorneys for the Contract Purchaser. There were no Protestants or other interested persons in attendance at the public hearing.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located west of and adjacent to Pleasant Hill Road, and south of Red Run Boulevard in Owings Mills. The property is comprised of seven separate parcels, Lots 1 and 2 of which are the

ORDER RECEIVED FOR FILING
Date 3/14/05
By [Signature]

subject of the instant request. Lots 1 and 2 contain a combined gross area of 16.398 acres, more or less, split-zoned ML-IM and DR.1 and are proposed for development with seven warehouse/office use structures, labeled "Buildings A through G" on the site plan. It is envisioned that all buildings to be constructed will be used primarily for warehouse space with some office use; however, no tenants have been identified at the present time. Proposed Building A will be located closest to Pleasant Hill Road and Buildings B through G will be located west of Building A and south and southwest of future Easter Court.

Vehicular access to the site and buildings thereon will be by way of future Easter Court, which will lead into the property from Pleasant Hill Road. Lot 3 of the "Easter Court Properties" located northwest of the subject site, will also access Pleasant Hill Road by way of Easter Court. Inasmuch as future development of the subject property will occur only on the south and southwest sides of Easter Court, the Petitioners request a waiver of sidewalks on the north side of Easter Court. This request is made pursuant to Sections 32-4-107(b), 32-4-301, 32-4-302, and 32-4-307 of the Baltimore County Code.

It is important to note that this matter does not come before the undersigned as a Hearing Officer's Hearing for development plan review, pursuant to the development regulations codified in Title 32 of the Baltimore County Code ("B.C.C."). In this regard, the Development Review Committee (DRC) recommended and the Department of Permits and Development Management (DPDM) granted the instant waiver request on May 11, 1999, subject to the Zoning Commissioner's decision in this case. DPDM approved the waiver in accordance with the memorandum dated April 13, 1999 from Robert W. Bowling, Development Plans Review, DPDM, to Donald T. Rascoe, Chairman of the Development Review Committee, in which he recommended approval of the waiver. A copy of that memorandum was accepted into evidence as Petitioner's Exhibit 2. In so granting the waiver request, DPDM directed the Petitioners to file

3/14/05

Rgo

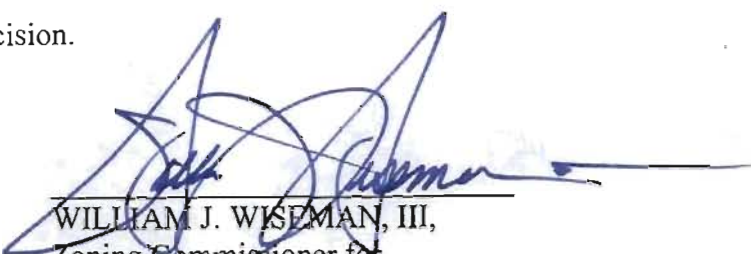
the instant Petition for Special Hearing for consideration at a public hearing which took place on February 28, 2005. Such hearing was scheduled to provide notice to the general public that the waiver had been requested and for the receipt of public comment. As noted above, no interested citizens attended the February 28th public hearing.

On behalf of Mr. Pilon and Mr. Brader, testimony was proffered by Mr. Jablon and Mr. Karceski that the sidewalk to be installed on the south side of Easter Court is more than adequate to accommodate any pedestrian traffic associated with the future use of the subject property, as well as Lot 3 of the "Easter Court Properties." The nature of the property's intended use will generate only a small amount of pedestrian traffic on a daily basis. I find that to require sidewalk installation on the north side of Easter Court would impose an unnecessary hardship on Petitioners, would serve no useful purpose, and, therefore, is inappropriate.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by this Zoning Commissioner for Baltimore County this 14th day of March 2005, that the Petition for Special Hearing seeking approval of a waiver of the requirements of Sections 32-4-301, 32-4-302 and 32-4-407 of the Baltimore County Code to not require sidewalk installation on the north side of a future, on-site road, known as Easter Court, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that any interested person shall have thirty (30) days from the date of this Order to file an appeal of this decision.


WILLIAM J. WISEMAN, III,
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING

Date 3/14/05

By [Signature]

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

March 14, 2005

Arnold Jablon, Esquire
David Karceski, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, Maryland 21204

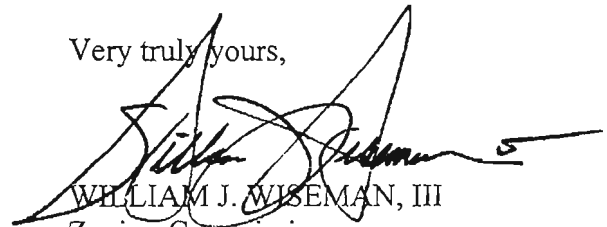
RE: PETITION FOR SPECIAL HEARING
N/S Easter Court, W/S Pleasant Hill Road, S of Camp Road
(Lots 1 & 2, Easter Court Property)
4th Election District – 4th Council District
Dellcrest Realty, LLC, Owners; Dellcrest Properties 2, LLC, Contract Purchaser- Petitioners
Case No. 05-357-SPH

Dear Messrs. Jablon & Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has 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,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Edward C. Dell, Dellcrest Realty, LLC, 10117 York Road, Cockeysville, Md. 21030
Messrs. Edward St. John and Tom Pilon, Dellcrest Properties 2, LLC
5720 Executive Drive, Baltimore, Md. 21228
Mr. Nick Brader, Matis Warfield, 10540 York Road, Suite M, Hunt Valley, Md. 21030
People's Counsel; Case File

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

N/S Easter Court, W/S of Pleasant Hill Road
for the property located at (South of Camp Road)
which is presently zoned ML-1M

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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 Hearing, 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:

Dellcrest Properties 2, LLC
Name - Type or Print By: Edward St. John
Signature [Signature]
5720 Executive Drive 410-788-0100
Address Telephone No.
Baltimore, Maryland 21228
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print [Signature]
Signature
Venable LLP
Company
210 Allegheny Avenue 410-494-6200
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

Dellcrest Realty, LLC
Name - Type or Print [Signature]
Signature
By: Edward C. Dell, Partner
Name - Type or Print [Signature]
Signature
10117 York Road 410-666-0900
Address Telephone No.
Cockeysville, Maryland 21030
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name
210 Allegheny Avenue 410-494-6200
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

UNAVAILABLE FOR HEARING -

Reviewed By JL Date 1/14/04

ORDER RECEIVED FOR FILING

Date

REC 9/15/98

Case No. 05-357-SPH

ATTACHMENT TO PETITION FOR SPECIAL HEARING

Special Hearing to approve a waiver from Sections 32-4-301, 32-4-302, and 32-4-407 of the Baltimore County Code Development Regulations to waive sidewalk installation on the north side of Easter Court.

TO1DOCS1/DHK01/#199687 v1

ORDER RECEIVED FOR FILING

Date

3/14/05

By

Pop

LEO W. RADER SURVEYORS, INC.

STATE REGISTERED

ESTABLISHED IN 1948

HYDROGRAPHY
TOPOGRAPHY
GEODESY

SUBDIVISION ENGINEERING
TITLE SURVEYS
LAND PLANNING

38 Belfast Road - Timonium, Maryland 21093

Phone: (410) 252-2920
Fax: (410) 252-2920 or (410) 252-4115

EASTER COURT ZONING DESCRIPTION "EASTER COURT PROPERTIES" December 2, 2004

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

BEGINNING for the same at coordinate position N638846.6983-E1366587.7128, referred to the Maryland State Plane Coordinate System (NAD83), said point of beginning being on the westerly side of ~~future~~ Dolfield Boulevard as shown on the plat entitled RESUBDIVISION OF "EASTER COURT PROPERTIES", recorded or intended to be recorded among the Land Records of Baltimore County, Maryland, thence running with and binding on the westerly side of said Dolfield Boulevard as shown on said plat, referring all bearings of the present description to the grid meridian of the Maryland State Plane Coordinate System (NAD83,

(1) South 10 degrees 30 minutes 54 seconds West 83.61 feet; thence leaving said Dolfield Boulevard and running for the outlines of the right of way of Easter Court (variable width) by the nine following lines respectively, viz:

(2) North 34 degrees 09 minutes 03 seconds West 27.23 feet,

(3) North 79 degrees 55 minutes 21 seconds West 341.59 feet,

(4) by a line curving to the right with a radius of 5030 feet, for distance of 235.35 feet (the chord of said curving line bearing North 78 degrees 34 minutes 55 seconds West 235.33 feet),

(5) North 77 degrees 14 minutes 30 seconds West 115.88 feet,

(6) by a line curving to the left with a radius of 4970.00 feet, for a distance of 165.63 feet (the chord of said curving line bearing North 78 degrees 11 minutes 47 seconds West 165.62 feet)

(7) North 79 degrees 09 minutes 04 seconds West 106.12 feet,

(8) by a line curving to the left with a radius of 25.00 feet, for a distance of 27.13 feet (the chord of said curving line bearing South 69 degrees 45 minutes 23 seconds West 25.82 feet),

(9) by a line curving to the right with a radius of 50.00 feet, for a distance of 211.35 feet (the chord of said curving line bearing North 20 degrees 14 minutes 37 seconds West 85.63 feet) and

(10) South 79 degrees 09 minutes 04 seconds East 1049.51 feet to the place of beginning.

CONTAINING 73,705 square feet or 1.6920 acres more or less.

BEING the right of way of Easter Court as shown on the plat entitled RESUBDIVISION OF "EASTER COURT PROPERTIES", recorded or intended to be recorded among the Land Records of Baltimore County, Maryland.



Richard Rader

357

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 441305

DATE

1/14/05

ACCOUNT

001 006 6150

AMOUNT \$

325.00

RECEIVED
FROM:

Venue, B & H.

FOR:

SPH and res. against Pub
works. Eastern Ct Prop.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DAY
1/18/2005	1/14/2005	14:02:05	2
REG MS04	WALKTH DOOR PAD		
RECEIPT # 298929	1/14/2005		OFFN
Dept 5	528 ZONING VERIFICATION		
OR NO.	441305		

Recpt Tot: 4325.00
4325.00 OK \$.00 CA
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: #05-357-SPH

N/s Easter Court, W/s Pleasant Hill Rd., S/of Camp Road
N/west corner of the intersection of Dolfield Blvd., and
Easter Court, S/of Camp Road

4th Election District - 4th Councilmanic District

Legal Owner(s): Dellcrest Realty, LLC,

Edward C. Dell Partner

Special Hearing: for a waiver to waive sidewalk installation on the north side of Easter Court.

Hearing: Monday, February 28, 2005 at 9:00 a.m. in
Room 407, County Courts Building, 401 Bosley
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.
2/096 Feb. 10 38677

CERTIFICATE OF PUBLICATION

2/10/2005

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 2/10/2005.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-357-SPH

Petitioner/Developer: DELICREST

REALTY, EDWARD C DELL

Date of Hearing/Closing: 2/28/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

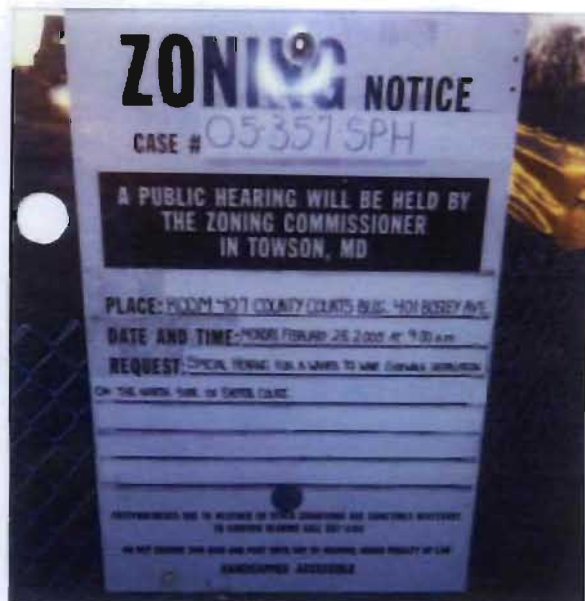
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

N/S EASTER COURT, W/S PLEASANT HILL RD, S/OF
CAMP RD

The sign(s) were posted on _____

2/12/05
(Month, Day, Year)

Sincerely,



Robert Black 2/15/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

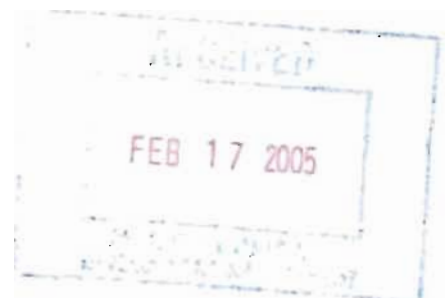
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





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

NOTICE OF ZONING HEARING

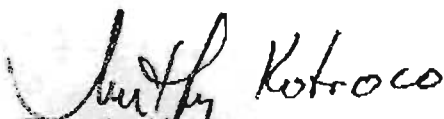
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CASE NUMBER: 05-357-SPH

N/s Easter Court, W/s Pleasant Hill Rd., S/of Camp Road
N/west corner of the intersection of Dolfield Blvd., and Easter Court, S/of Camp Road
4th Election District – 4th Councilmanic District
Legal Owner: Dellcrest Realty, LLC, Edward C. Dell, Partner

Special Hearing for a waiver to waive sidewalk installation on the north side of Easter Court.

Hearing: Monday, February 28, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Robert Hoffman, Venable, 210 Allegheny Ave., Towson 21204
Dellcrest Realty, Edward C. Dell, Partner, 10117 York Road, Cockeysville 21030
Dellcrest Properties 2, LLC, 5720 Executive Drive, Baltimore 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 12, 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
Thursday, February 10, 2005 Issue - Jeffersonian

Please forward billing to:

Amy Dontell
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

410-494-6244

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: 05-357-SPH

N/s Easter Court, W/s Pleasant Hill Rd., S/of Camp Road
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Special Hearing for a waiver to waive sidewalk installation on the north side of Easter Court.

Hearing: Monday, February 28, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley 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
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 05-357-SPT

Petitioner: Dellcrest Realty, LLC

Address or Location: N/S Eastern Court, w/ S Pleasant Hill Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dorell

Address: Venable LLP

210 Allegheny Avenue

Towson Maryland 21204

Telephone Number: 410 494 6244

**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

February 22, 2005

Robert A. Hoffman
Venable, LLP.
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number: 05-357-SPH

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 14, 2005.

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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Dellcrest Properties, LLC. Edward St. John 5720 Executive Drive Baltimore 21228
Dellcrest Realty, LLC. Edward C. Dell 10117 York Road Cockeysville 21030

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

January 25, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.: 348, 349, 351, 353-358

357

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.

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

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
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

Date: 1.21.05

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

RE: Baltimore County
Item No. 357 JLL

Dear Ms. Matthews:

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,

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr. JDO
DEPRM

DATE: February 3, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 24, 2005.

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

05-348
05-351
05-357
05-358
05-370

Reviewers: Sue Farinetti, Dave Lykens

100
2/25

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 7, 2005

RECEIVED

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

FEB - 7 2005

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-357

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 Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Mark A Cunningham

Division Chief:

Mark A Cunningham - By D.r.

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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 January 31, 2005
Item Nos. 348, 349, 350, 351, 352, 355,
357, 358 and 359

DATE: February 9, 2005

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

RWB:CEN:cp

cc: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S Easter Ct; W/S Pleasant Hill Rd, S Camp *
Rd; NW corner Dolfield Blvd & Easter Ct * ZONING COMMISSIONER
4th Election & 4th Councilmanic Districts
Legal Owner(s): Dellcrest Realty, LLC * FOR
by Edward C. Dell
Contract Purchaser(s): Dellcrest Properties 2,* BALTIMORE COUNTY
LLC by Edward St. John
Petitioner(s) * 05-357-SPH

* * * * *

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 and documentation filed in the case.

RECEIVED

JAN 25 2005

Per. *CLK*

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 25th day of January, 2005, 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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER 05-357-SpH
DATE 2/28/05

[illegible]

Case No.:

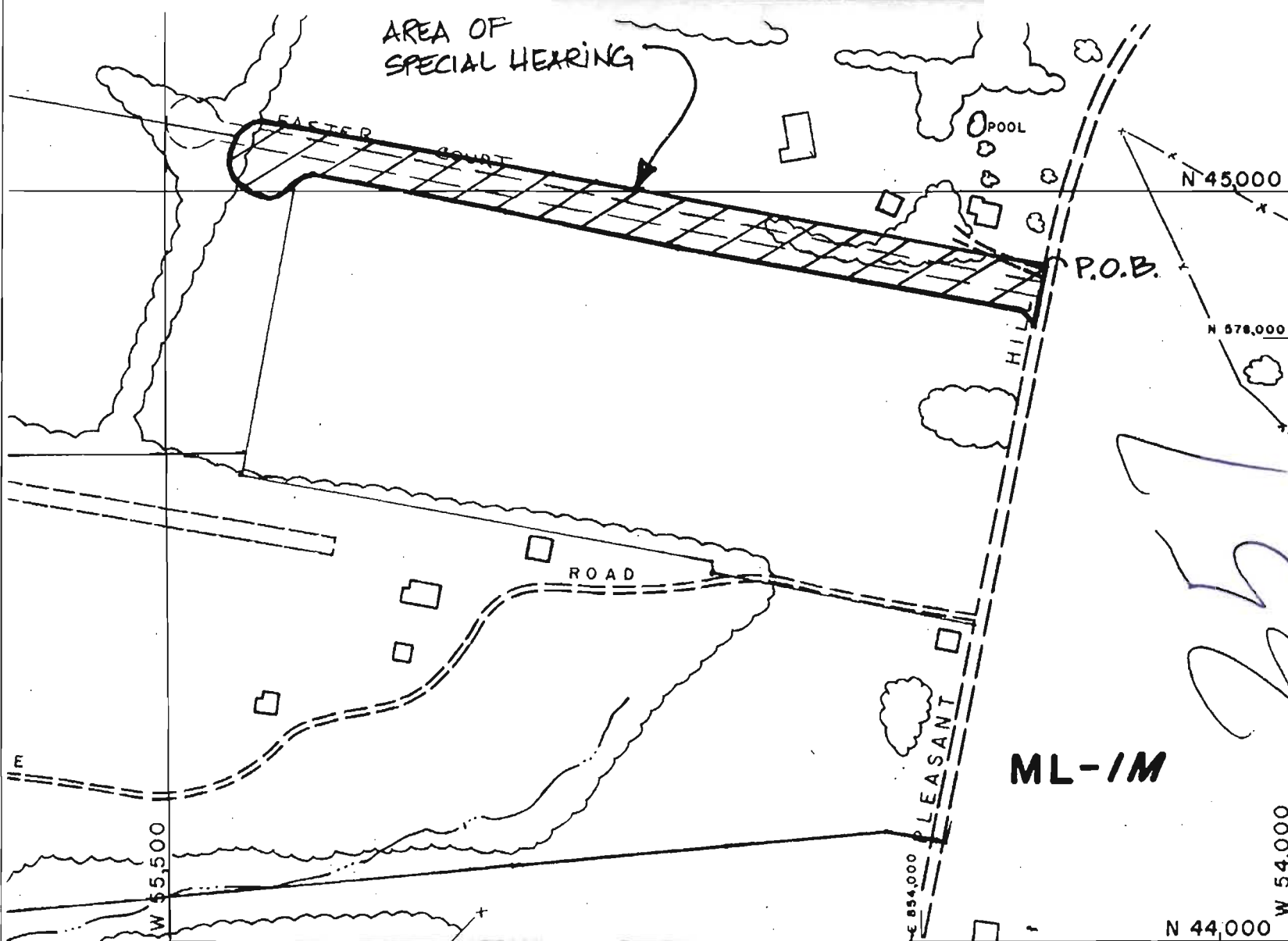
05-357 SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	
No. 2	WAIVER Letters	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

BELLTOWN
VICINITY

SHEET

N.W.

12-J

NW 12 J

ROB HOFFMAN
EDWARD DELL
NICHOLAS BRADER III PE

Tom
Nick

(SIGN IN SHEETS – OPPORTUNITY TO SIGN) - (RECORDER)

Good Morning – My name is Bill Wiseman, I am the Zoning Commissioner for Baltimore County and I've been assigned to hear your case pursuant to Art. 32 of the Baltimore County Code. **THESE PROCEEDINGS ARE BEING RECORDED**

FOR THE RECORD, THIS IS A PUBLIC HEARING ON case number number 05-357 SPH
_____. This is a Petition for _____

☐ Variance
☒ Special Hearing

☐ Special Exception

filed by ATTY ROBERT A HOFFMAN - VENABLE LLP ON BEHALF OF DELLCREST REALTY LLC
N/S EASTER CRT W/S PLEASANT HILL RD for property located at _____ and zoned ML-IM.

"Read language from file"

The Code requires that notice of today's hearings be provided to neighbors and interested parties by the posting of a sign on the property for at least 15 days prior to the hearing. The sign was posted 2-12-05 by ROBERT BLACK, an approved sign poster and shows the time, date, place and subject matter of the hearing.

The Code further requires that notice be placed in a newspaper of general circulation, in this case the Jeffersonian, and the file contains the requisite certification of publication.

I THEREFORE FIND THAT THE POSTING AND NOTICE REQUIREMENTS HAVE BEEN SATISFIED

IF ATTORNEYS PRESENT, HAVE THEM IDENTIFY THEMSELVES; ASK IF THERE ARE ANY PRELIMINARY MATTERS

LOOK AROUND ROOM – AND ASK – IS ANYONE HERE APPEARING IN OPPOSITION TO THE REQUEST?

NO PROTESTANTS: For the record, no one is here in opposition to the request. Mr./Ms. MR HOFFMAN, since there is no opposition, if you want to make AN **INFORMAL PROFFER** of the *testimony* and *evidence*, you're welcome to do so.

IF PROTESTANTS: This is your opportunity to come forward and have a seat at the table. You will be able to see and hear better, so come forward and I have a sign-in sheet here for you to sign so that we can mail you a copy of the decision in this case.

EXPLAIN PROCESS:

First the owner of the property will have an opportunity to present testimony and evidence regarding the _____ request for the property at _____.

Listen carefully, if you have any questions that you want to ask of any witness who testifies, I'll give you an opportunity to do so.

Once Petitioner is finished putting forward their testimony, and you've had an opportunity to ask questions, you will be given an opportunity to present testimony and evidence for me to consider in this _____ request. I'll tell you when it's appropriate to ask questions and when it's appropriate to testify – help you along as we proceed.

PRESENT CASE

SWEAR WITNESS – NAME AND ADDRESS – HAVE A SEAT

All right Mr./Ms. _____, please proceed with your case:

TO PROTESTANTS: Do you have any questions about the testimony that Mr./Ms. _____ just gave? I don't want to hear any testimony from you at this point, but if you would like to ask him/her any questions go ahead.

CLOSE OF PETIONERS CASE: This is your opportunity to tell me why you might be opposed to this _____. Where do you live? How long have you lived there? What is it about the _____ that bothers you/or what would you like to tell me about this case.

CONCLUSION: ALRIGHT – THANK YOU. THIS WILL CONCLUDE THE MATTER.
THANK YOU FOR ATTENDING

I'm not prepared to make a decision here and now.

I want some time to think about the evidence presented – might want to look at the property

Hopefully, within a few weeks, I'll issue a written decision in the case

If you do not like my decision, YOU HAVE A RIGHT TO APPEAL TO THE Board of Appeals. This must be done within 30 days from date of my Order.

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Avenue
Towson, Md. 21204

410-887-3335

May 11, 1999

McKee & Associates, Inc.
Five Shawan Road, Suite 1
Cockeysville, MD 21030-1351

RE: Easter Property
PDM Number IV-423
DRC Number 04059A, Dist. 4C3

Dear Sir:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has, in fact, met in an open meeting on April 26, 1999, and made the following recommendations:

The DRC reviewed the plan submitted on the above referenced project and determined that a partial waiver for Public Works Standards as requested would be within the scope, purpose, and intent of the development regulations of Baltimore County. Please refer to the memo from Robert Bowling, dated April 13, 1999.

PETITIONER' S

EXHIBIT NO. 2

McKee & Associates, Inc.
Easter Property
May 11, 1999
Page 2

The DRC has recommended your waiver for approval. Now you must file for the special hearing.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 11th day of May 1999, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:DTR:dak
c: Bruce Seeley
File
Enclosure

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Donald T. Rascoe, Development Manager DATE: April 13, 1999
Division of Development Processing

FROM: *[Signature]* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Easter Property
D.R.C. #04059A

Representatives of the Department of Public Works and I met to discuss the waiver request for the elimination of sidewalks along proposed Easter Court. We recommend a partial waiver for sidewalk on one side only. This walk should be five (5) feet wide and be placed four (4) feet off of the face of curb along the frontage of Lot 2.

If you have any questions, please call me at extension 3751.

RWB:jrb

cc: File

RWB240

DRC HEARINGS
10198 D - REQUEST FOR CRG REFINEMENT APPROVED
022800 D - REQUEST FOR CRG REFINEMENT APPROVED
021704 C - REQUEST FOR CRG REFINEMENT APPROVED
090704 D - REQUEST FOR CRG REFINEMENT APPROVED
04059 A - REQUEST FOR SIDEWALK WAIVER APPROVED

PREVIOUS COMMERCIAL PERMITS
B559373
Issued 10/14/2004
2580 Dolfeld Road
Razing permit for 2 houses, chicken coop,
foundation - completed

B556545
Issued 12/7/2004
3 Easter Court
Bldg B - under construction

B556546
Issued 12/7/2004
1 Easter Court
Bldg A - under construction

B568981
Issued 10/20/2004
1, 23 Easter Court, 2580 Dolfeld Blvd
Easter property grading - under construction

B568969
Issued 11/23/2004
504 Pleasant Hill Road
Owings property demo - complete

B568965
Issued 10/20/2004
1, 23 Easter Court, 2580 Dolfeld Blvd
Easter property SWM - under construction

B405829
Issued 3/30/00
Easter Property Grading - permit not active

B476617
Issued 5/8/02
33 Easter Court
Easter Property SWM - permit not active

N 639500

MCS

E 1364000

SITE TABULATION

GROSS AREA OF SITE: = 66.55 Ac±
PARCEL A = 9.086 Ac±
PARCEL B = 0.807 Ac±
PARCEL C = 0.176 Ac±
LOT 1 = 7.050 Ac±
LOT 2 = 9.319 Ac±
LOT 3 = 9.587 Ac±
LOT 4 = 17.465 Ac±
EASTER COURT R/W = 0.56 Ac±
FUTURE DOLFELD BLVD. = 10.26 Ac±
GREENWAY RESERVATION = ML-1M, DR-1, RC-5
FLOOR AREA RATIO: [Bldg. Area (Ac.)/Site Area (Ac.) = F.A.R.]
LOT 1: 159/7.05 = 22
LOT 2: 263/9.32 = 28
LOT 4: 218/17.46 = 12

LOT	BUILDING	TOTAL FLOOR AREA	PARKING REQUIRED	PARKING PROVIDED
LOT 1 -	P10 BUILDING 'C' (OFFICE/WAREHOUSE)	26,120 S.F.	OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'C' = 81 SPACES OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'C' = 81 SPACES	79 SPACES INCLUDING 3 HANDICAP SPACES
LOT 2 -	BUILDING 'A' (OFFICE/WAREHOUSE)	32,120 S.F.	OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'A' = 81 SPACES OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'A' = 81 SPACES	74 SPACES INCLUDING 4 HANDICAP SPACES
	BUILDING 'B' (OFFICE/WAREHOUSE)	31,120 S.F.	OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'B' = 81 SPACES OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'B' = 81 SPACES	68 SPACES INCLUDING 3 HANDICAP SPACES
	BUILDING 'C' (OFFICE/WAREHOUSE)	34,140 S.F.	OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'C' = 81 SPACES OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'C' = 81 SPACES	70 SPACES INCLUDING 3 HANDICAP SPACES
	BUILDING 'D' (OFFICE/WAREHOUSE)	17,000 S.F.	OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'D' = 81 SPACES OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'D' = 81 SPACES	25 SPACES INCLUDING 2 HANDICAP SPACES
LOT 4 -	P10 BUILDING 'E' (OFFICE/WAREHOUSE)	16,800 S.F.	OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'E' = 81 SPACES OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'E' = 81 SPACES	34 SPACES INCLUDING 2 HANDICAP SPACES
	P10 BUILDING 'F' (OFFICE/WAREHOUSE)	21,000 S.F.	OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'F' = 81 SPACES OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'F' = 81 SPACES	56 SPACES INCLUDING 2 HANDICAP SPACES
	BUILDING 'G' (OFFICE/WAREHOUSE)	60,120 S.F.	OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'G' = 81 SPACES OFFICE - 3.5 SP./1000 S.F. x 18,060 S.F. = 63 SPACES WAREHOUSE - 1 SP./1000 S.F. x 18,060 S.F. = 18 SPACES TOTAL FOR BUILDING 'G' = 81 SPACES	122 SPACES INCLUDING 5 HANDICAP SPACES

TOTAL PARKING REQUIRED = 575 PARKING SPACES
TOTAL PARKING PROVIDED = 606 PARKING SPACES (INCLUDING 28 HANDICAP)

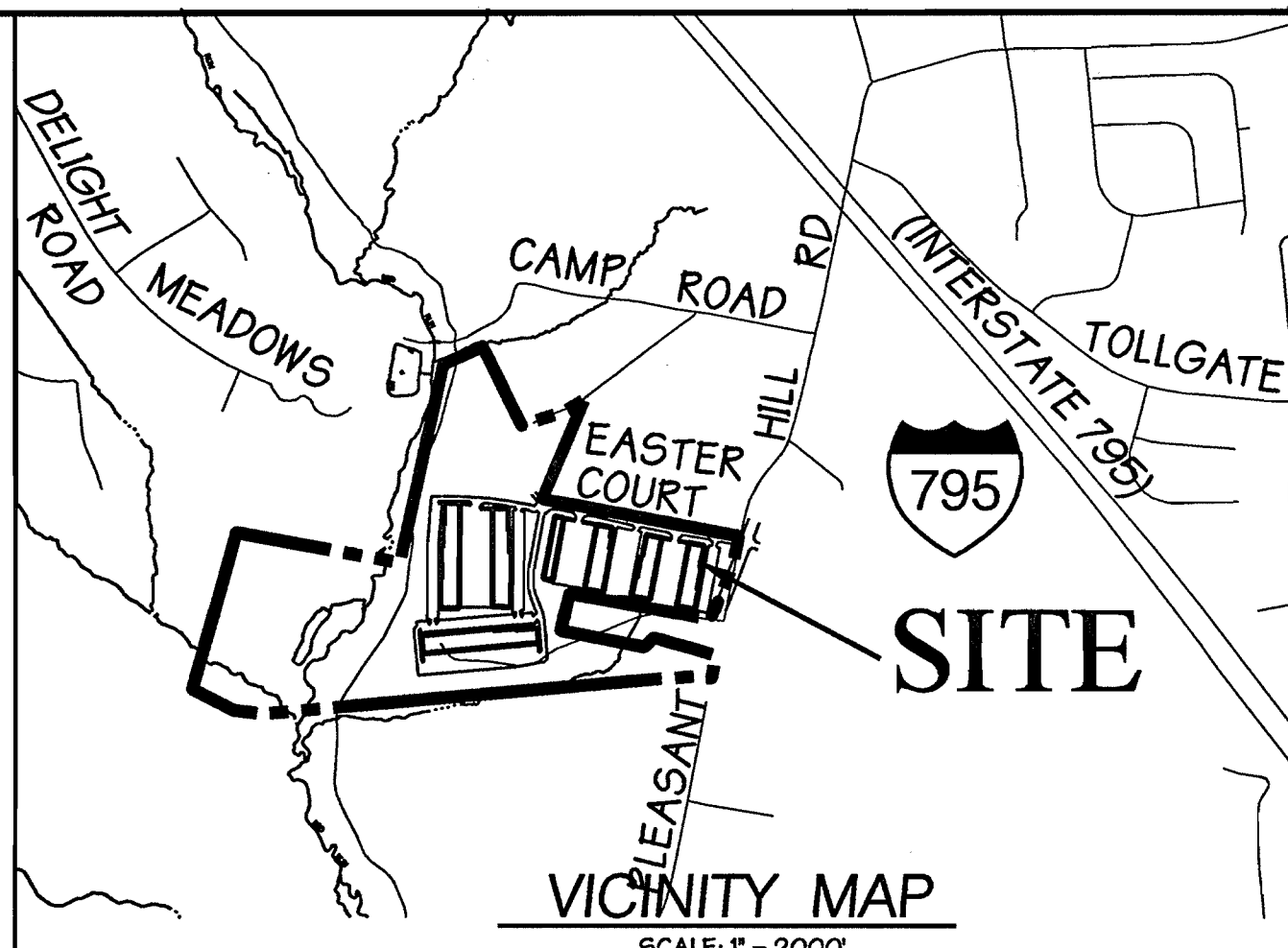
SPECIAL HEARING AREA :

- 1) S 10°30'54" W 83.61'
- 2) N 34°09'03" W 27.23'
- 3) N 79°55'21" W 341.59'
- 4) R = 5030.00', L = 235.35' (CHD = N 78°34'55" W 235.33')
- 5) N 77°14'30" W 115.88'
- 6) R = 4970.00', L = 165.63' (CHD = N 78°11'47" W 165.62')
- 7) N 79°09'04" W 106.12'
- 8) R = 25.00', L = 27.13' (CHD = S 69°45'23" W 25.82')
- 9) R = 50.00', L = 211.35' (CHD = N 20°14'37" W 85.63')
- 10) S 79°09'04" E 1049.51'

N 639500

MCS

E 1366000

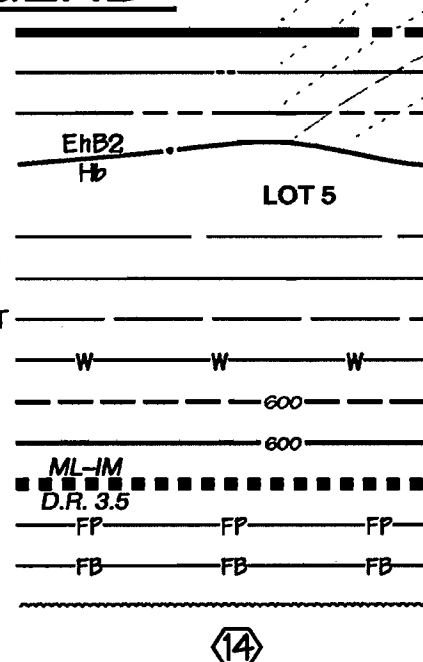


P.O.B.
N 638846.6983
E 1366587.7128



LEGEND

PROPERTY OUTLINE
ROAD RIGHT-OF-WAY
LOT LINES
SOIL LINES
LOT NUMBERS
BUILDING SETBACK LINE
S.W.M. EASEMENT
DRAINAGE & UTILITY EASEMENT
WETLANDS
EXISTING CONTOURS
PROPOSED CONTOURS
ZONING LINE
FLOODPLAIN
FOREST BUFFER EASEMENT
EXISTING WOODS
PROP. PARKING SPACES



PETITIONER'S
EXHIBIT NO. 1

SPECIAL HEARING FOR WAIVER OF PUBLIC WORKS STANDARDS FOR
A WAIVER OF SIDEWALK ON THE NORTH SIDE OF EASTER COURT.

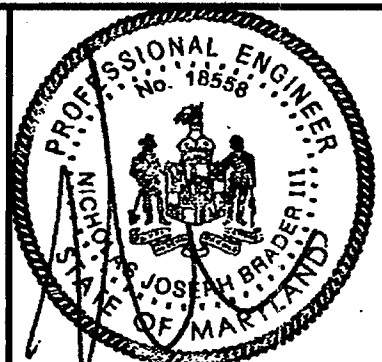
PLAN TO ACCOMPANY SPECIAL HEARING EASTER COURT PROPERTY

BALTIMORE COUNTY, MARYLAND
TAX MAP 57, PARCELS 158, 525, p/o 166
SCALE: 1" = 100'

ELECT. DIST. 4/ COUNCIL DIST. 4
JANUARY 4, 2005
SHEET 1 OF 1

PDM #IV-285

Matis Warfield
consulting engineers
10540 York Road, Suite M
Hunt Valley, Maryland 21090
Phone 410-888-7004
Fax 410-888-7004
www.matiswarfield.com



Developer:

Ownership of Proposed Easter Court:

DELLCREST REALTY COMPANY
P.O. BOX 206
COCKEYSVILLE, MD 21030-0206

LOT 2, PLAT 72/99, EASTER COURT PROPERTIES; DEED: 2/153/220
EASTER COURT R/W, PLAT 72/99, EASTER COURT PROPERTIES; DEED: 13340/424