

IN RE: PETITION FOR VARIANCE
E/S of Philadelphia Road, 1,650 ft. +/-
N centerline of Middle River Road
15th Election District
6th Councilmanic District
(9907 Philadelphia Road)

Equitable Trust Mortgage Corporation
By: John Alascio, Vice-President
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-396-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Equitable Trust Mortgage Corporation, by John Alascio, Vice-President. The variance request is for property located at 9907 Philadelphia Road in the eastern area of Baltimore County. The variance requests are from Section 255.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), (1) to permit a front yard setback of 30 ft. in lieu of the required 75 ft. and (2) to permit side yard setbacks of 20 ft. in lieu of the required 50 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The property was posted with Notice of Hearing on March 9, 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 March 8, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or

RECEIVED FOR FILING
3/29/05
Ray

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: A ZAC comment was received from the Fire Department dated February 24, 2005, a copy of which is attached hereto and made a part hereof. In addition, the Bureau of Development Plans Review and the State Highway Administration each submitted ZAC comments dated March 7, 2005, copies of which are attached hereto and made a part hereof. Finally, the Office of Planning submitted ZAC comments dated March 15, 2005, and revised comments from the Bureau of Development Plans Review (dated March 22, 2005), copies of which are attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was Fred Thompson, PE. Who prepared the Plan to Accompany, Alfred Barry, Consultant and John Alascio, for the corporate Petitioner. Joseph R. Woolman, III, Esquire represented the Petitioners. There were no protestants or citizens who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

RECEIVED FOR FILE
3/29/05
Ray

Testimony and Evidence

Mr. Woolman proffered that the subject property is 0.46 acres of land zoned ML-IM and presently improved by a dwelling. The property was recently rezoned to its present designation in the 2004 comprehensive map process. The Petitioner would like to build a three-story office building with basement once the dwelling is raised. As a result of the rezoning process, the property is subject to private covenants between the Petitioner and the adjacent residential community, which specifies the uses and configuration of the property as shown in Petitioner's Exhibit 1. Note the parking lot is toward the rear rather than having conventional parking in the front. Apparently this was at the request of the community. Twenty-four parking spaces will be provided in lieu of the required 17.

The proposed office meets all the requirements of the Regulations except the front yard setback. This occurs because the State wants to increase the right-of-way of Philadelphia Road by 10 ft. and the office building is located in front of the parking lot. As a result, the building has a front yard setback of 30 feet in lieu of the required 75 feet. The width of the lot is approximately 100 feet. Consequently, the Petitioner can not meet the 50 foot side yard set back because there would be no room to erect a building.

Findings of fact and conclusions of law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The lot is narrow and relatively small compared to other industrially zoned properties. Consequently, I find it unique in a zoning sense. I find strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no way the Petitioner can meet the side yard

setbacks of 50 feet each with a 100 foot wide lot. There is no additional land to purchase to have the lot grow.

Residential density is not an issue. I find 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. The Petitioner and community have apparently come to an agreement as to how the property will be developed. The building is out front as requested by the community. I find that the proposed plan will not adversely affect the community.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance requests should be granted.

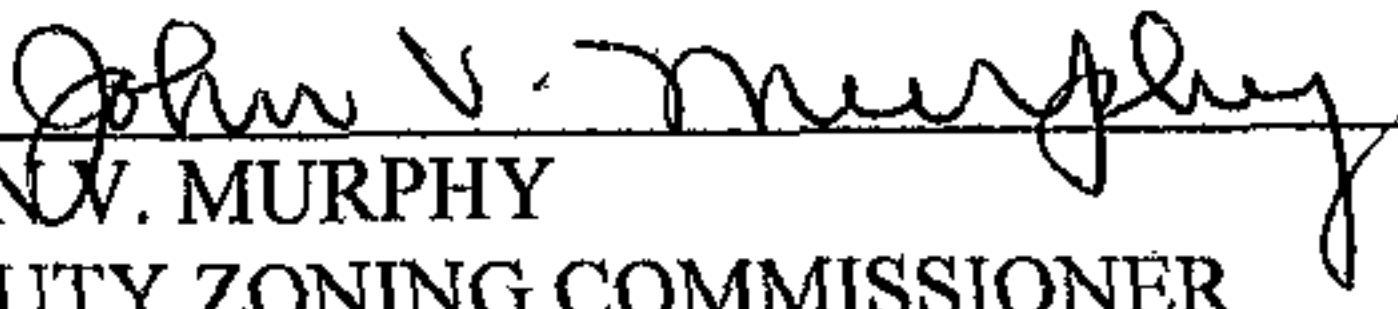
THEREFORE, IT IS ORDERED, this 29 day of March, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 255.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), 1) to permit a front yard setback of 30 ft. in lieu of the required 75 ft. and 2) to permit side yard setbacks of 20 ft. in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for any necessary 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. Compliance with the ZAC comments submitted by the Fire Department dated February 24, 2005, a copy of which is attached hereto and made a part hereof; and
3. Compliance with the ZAC comments submitted by the Bureau of Development Plans Review dated March 7, 2005 and revised as of March 22, 2005, copies of which are attached hereto and made a part hereof; and

COPIES RECEIVED FOR FILING
3/29/05
Ray

4. Compliance with the ZAC comments submitted by the State Highway Administration dated March 7, 2005, a copy of which is attached hereto and made a part hereof; and
5. Compliance with the ZAC comments submitted by the Office of Planning dated March 15, 2005, a copy of which is attached hereto and made a part hereof; and
6. 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 PLANNING
3/29/05
Ray

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 29, 2005

Joseph R. Woolman, III, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street, Suite 1440
Baltimore, Maryland 21202

Re: Petition for Variance
Case No. 05-396-A
Property: 9907 Philadelphia Road

Dear Mr. Woolman:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: John Alascio, 11805 Frederick Rd., Ellicott City, MD 21042
Fred Thompson, Gower Thompson, Inc., 429 E. Lake Ave., Baltimore, MD 21212
Alfred W. Barry, III, AB Associates, One South Calvert, Ste. 1150, Baltimore, MD 21202

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





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9907 Philadelphia Road

which is presently zoned ML-IM

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

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)

To be presented at hearing.

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

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:

Joseph R. Woolman, III

Name - Type or Print

City

Signature

Gildea & Schmidt, LLC

Company

300 E. Lombard Street, Suite 1440

Address

Telephone No.

Baltimore, MD 21202 (410) 234-0070

City

State

Zip Code

Legal Owner(s):

Equitable Trust Mortgage Corporation

Name - Type or Print

Signature

Name - Type or Print

Signature

5022 Campbell Blvd., Suite D

Address

Baltimore, MD 21236 (410) 933-8600

Telephone No.

State

Zip Code

Representative to be Contacted:

Joseph R. Woolman, III

Name

300 E. Lombard St., Suite 1440

Address

Baltimore, MD 21202 (410) 234-0070

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

Case No. 05-396A

ESTIMATED LENGTH OF HEARING 2hr

REV 9/15/98

Reviewed By [Signature]

UNAVAILABLE FOR HEARING

Date 2-02-05

RECEIVED FOR FILING
3/29/05
[Signature]

Attachment to Petition for Variance

1. From BCZR Section 255.2 to permit a front yard setback of 30 ft. in lieu of the required 75 ft.
2. From BCZR Section 255.2 to permit side yard setbacks of 20 ft. in lieu of the required 50 ft.

396

**ZONING DESCRIPTION
EQUITABLE TRUST MORTGAGE CORPORATION
9907 PHILADELPHIA ROAD**

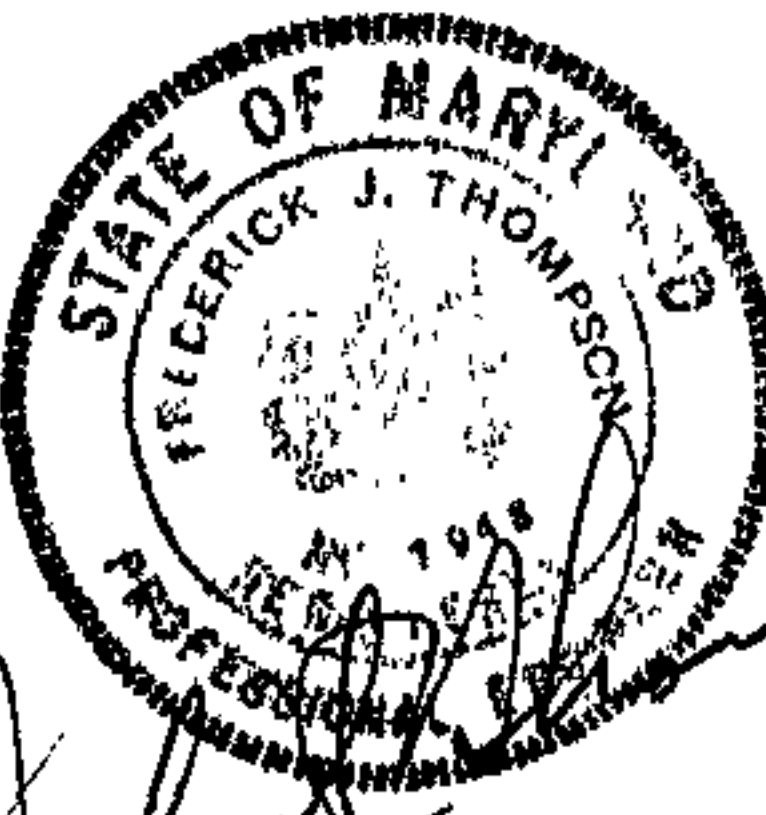
BEGINNING AT A POINT ON THE EAST SIDE OF PHILADELPHIA ROAD (60 FEET RIGHT OF WAY) 1,650 FEET, PLUS OR MINUS, NORTH OF THE INTERSECTION OF THE CENTERLINE OF MIDDLE RIVER ROAD AND THE EASTERN RIGHT-OF-WAY LINE OF PHILADELPHIA ROAD. THENCE EXTENDING THE FOLLOWING 4 COURSES AND DISTANCES:

- 1. NORTH 30 DEGREES 43 MINUTES 03 SECONDS EAST, 100.00 FEET ALONG THE RIGHT OF WAY LINE OF PHILADELPHIA ROAD;**
- 2. SOUTH 59 DEGREES 16 MINUTES 57 SECONDS EAST, 200.00 FEET;**
- 3. SOUTH 30 DEGREES 43 MINUTES 03 SECONDS WEST, 100.00 FEET, AND;**
- 4. NORTH 59 DEGREES 16 MINUTES 57 SECONDS WEST, 200.00 FEET TO THE PLACE OF BEGINNING.**

RECORDED IN LIBER 19010 FOLIO 62

CONTAINING 0.46 ACRES MORE OR LESS.

ALSO KNOWN AS 9907 PHILADELPHIA ROAD AND LOCATED IN THE 15TH ELECTION DISTRICT.


396

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 2-27-05

ACCOUNT Revenue 6150

Use No. 39312
05 3967

RECEIVED

FROM: Bildae School #111

AMOUNT \$ 325.00

FOR:

Commercial Vehicle License
for 9907 Pallock/Pho Ed

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Paid Receipt

RECEIVED 01/04 THE

2/07/2005 2/07/2005 12:00:00

001 0000 0000 0000 0000

001 0000 0000 0000 0000

001 0000 0000 0000 0000

001 0000 0000

001 0000 0000

001 0000 0000

001 0000 0000

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: #05-396-A

9907 Philadelphia Road

E/side of Philadelphia Road, 1,850 feet +/- north of centerline of Middle River Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Equitable Trust Mortgage Corporation, John Alascio, Jr., V.P.

Variance: to permit a front yard setback of 30 feet in lieu of the required 75 feet and to permit side yard setbacks of 20 feet in lieu of the required 50 feet.

Hearing: Thursday, March 24, 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.

JT/3/855 Mar. 8

41976

CERTIFICATE OF PUBLICATION

3/10, 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 3/8, 2005.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-396-A

Petitioner/Developer: EQUITABLE

TRUST MORTGAGE CORP, JOHN ALASOIO

Date of Hearing/Closing: 3/24/05

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: _____

9907 PHILADELPHIA RD

The sign(s) were posted on 3/9/05
(Month, Day, Year)

Sincerely,

Robert Black 3/11/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

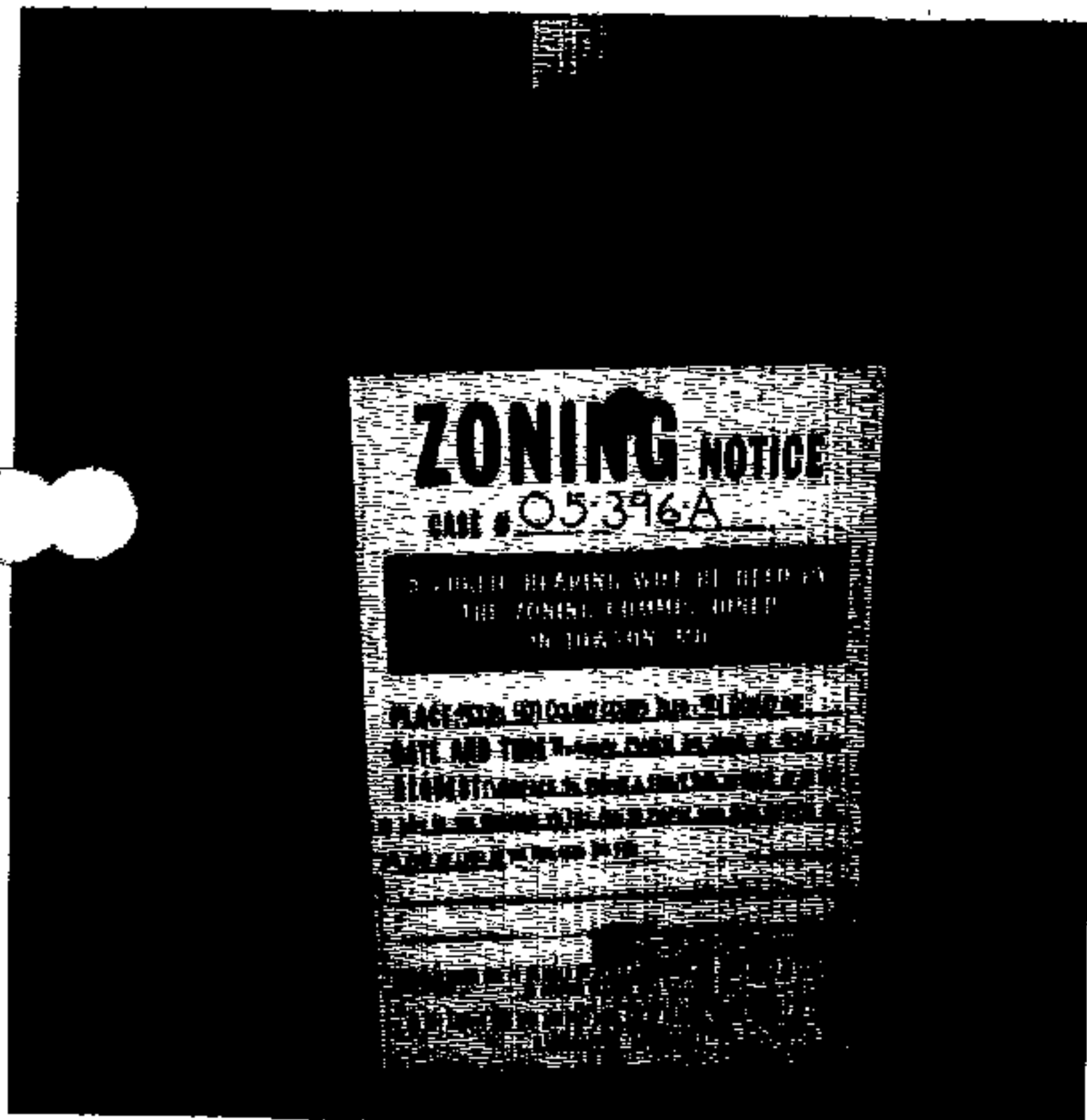
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RECEIVED

MAR 14 2005

DEPT. OF REVENUE
BUREAU OF TAXATION



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

February 22, 2005

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: 05-396-A

9907 Philadelphia Road

E/side of Philadelphia Road, 1,650 feet +/- north of centerline of Middle River Road

15th Election District – 6th Councilmanic District

Legal Owners: Equitable Trust Mortgage Corporation, John Alascio, Jr., V.P.

Variance to permit a front yard setback of 30 feet in lieu of the required 75 feet and to permit side yard setbacks of 20 feet in lieu of the required 50 feet.

Hearing: Thursday, March 24, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Joseph Woolman, III, Gildea & Schmidt, 300 E. Lombard St., Ste. 1440, Baltimore 21202
John Alascio, Jr., 5022 Campbell Blvd., Ste. D., Baltimore 21236

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 9, 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, March 8, 2005 Issue - Jeffersonian

Please forward billing to:

Joseph Woolman, III
Gildea & Schmidt, LLC
300 E. Lombard St., Ste. 1440
Baltimore, MD 21236

410-234-0070

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: 05-396-A

9907 Philadelphia Road

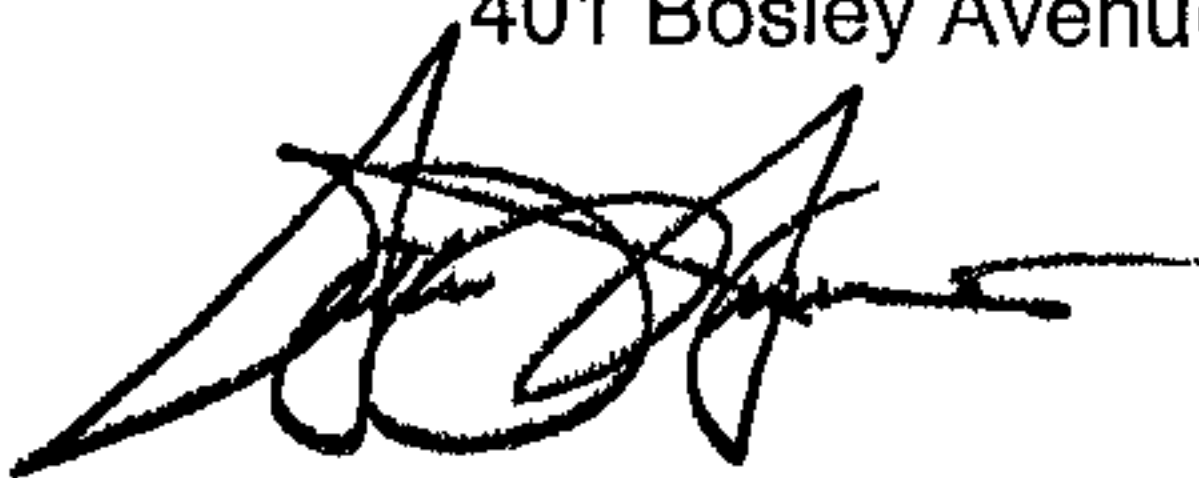
E/side of Philadelphia Road, 1,650 feet +/- north of centerline of Middle River Road

15th Election District – 6th Councilmanic District

Legal Owners: Equitable Trust Mortgage Corporation, John Alascio, Jr., V.P.

Variance to permit a front yard setback of 30 feet in lieu of the required 75 feet and to permit side yard setbacks of 20 feet in lieu of the required 50 feet.

Hearing: Thursday, March 24, 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: 05-396-A
Petitioner: Equitable Trust Mortgage Corporation
Address or Location: 9907 Philadelphia Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Joseph P. Woolman III, Gildea & Schmidt, LLC
Address: 300 E. Lombard St.
Ste. 1440
Baltimore, MD 21202
Telephone Number: 410-234-0070

**Department of Permits
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 14, 2005

Joseph R. Woolman, III
Gildea & Schmidt, LLC
300 E. Lombard Street, Ste 1440
Baltimore, Maryland 21202

Dear Mr. Woolman:

RE: Case Number: 05-396-A, 9907 Philadelphia Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 7, 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Equitable Trust Mortgage Corporation 5022 Campbell Blvd, Ste. D Baltimore 21236

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



Printed on Recycled Paper

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

February 24, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 22, 2005

Item No.: 396

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 site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

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



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

Maryland Department of Transportation

Date: March 7, 2005

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

RE: Baltimore County
Item No. 396 (JJS)
9907 Philadelphia RD
MD 7
Mile Post 5.32

Dear Ms. Matthews:

This office has reviewed the referenced Item and has no objection to approval of the Variance. However we will require the owner to obtain an access permit through our office and as a minimum the following roadway improvements will be required:

- 25' wide curbed entrance with 25' curbed radii using standard type "A" combination curb and gutter.
- A 15' wide auxiliary lane from property corner to property corner with type "A" combination curb and gutter.
- A deceleration lane at an 8:1 taper, 15' wide at the entrance and 4' wide at its terminus.
- Highway widening dedication to an ultimate 80' Right-of Way.
- A historical and archeological review will be conducted by our Office of Planning.

Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Should any additional information be required 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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

ORDER RECEIVED FOR 1220
3/29/05
Ray

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr ^{5th}
DATE: March 15, 2005
SUBJECT: Zoning Item # 05-396
Address 9907 Philadelphia Rd.

Zoning Advisory Committee Meeting of February 22, 2005

- ☒ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- ☐ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- ☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - ☐ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - ☐ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Mike Kulis Date: March 15, 2005

3/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 15, 2005

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

RECEIVED

MAR 16 2005

SUBJECT: 9907 Philadelphia Road

INFORMATION:

Item Number: 5-396

Petitioner: Equitable Trust Mortgage Corporation

Zoning: ML-IM

Requested Action: Variance

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Submit building elevations (all sides) of the proposed structure to this office for review and approval prior to the issuance of any building permits.
2. Submit a landscaping, signage, and lighting plan to Avery Harden, Baltimore County Landscape Architect for review and approval prior to the issuance of any building permits.

Prepared by:

Marla A. C...

Division Chief:

Jeff M...

AFK/LL:MAC:

3/29/05
Ray

gm
3/24/05

RECEIVED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

MAR 25 2005

ZONING COMMISSIONER

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

DATE: March 22, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For February 28, 2005
Item No. 396
Revised Comment

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The gravel drive that accesses the site shall be paved. This developer should work with the future developer of the White Marsh Commerce Park to provide a single access for both properties to Philadelphia Road.

The requested variances shall be modified access accordingly.

RWB:cab

cc: File

ORDER RECEIVED FOR FILING
3/29/05
K. Ray

ZAC-02-28-2005-ITEM NO 396-03072005

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 February 28, 2005
Item No. 396

DATE: March 7, 2005

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The access road to the site shall be improved along the entire property frontage as a 30-foot paved road on a 50-foot right-of-way. The proposed access shall be 24 feet wide minimum.

The requested variances shall be modified access accordingly.

RWB:CEN:jrb

cc: File

ORDER RECEIVED FOR FILING

3/29/05

Ray

ZAC-02-28-2005-ITEM NO 396-03072005

RE: PETITION FOR VARIANCE	*	BEFORE THE
9907 Philadelphia Road; E/side Philadelphia		
Road, 1,650' N c/line Middle River Road	*	ZONING COMMISSIONER
15 th Election & 6 th Councilmanic Districts		
Legal Owner(s): Equitable Trust Mortgage	*	FOR
Company, John Alascio, VP		
Petitioner(s)	*	BALTIMORE COUNTY
	*	05-396-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all 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 1st day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to, Joseph R. Woolman, III, Esquire, , Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

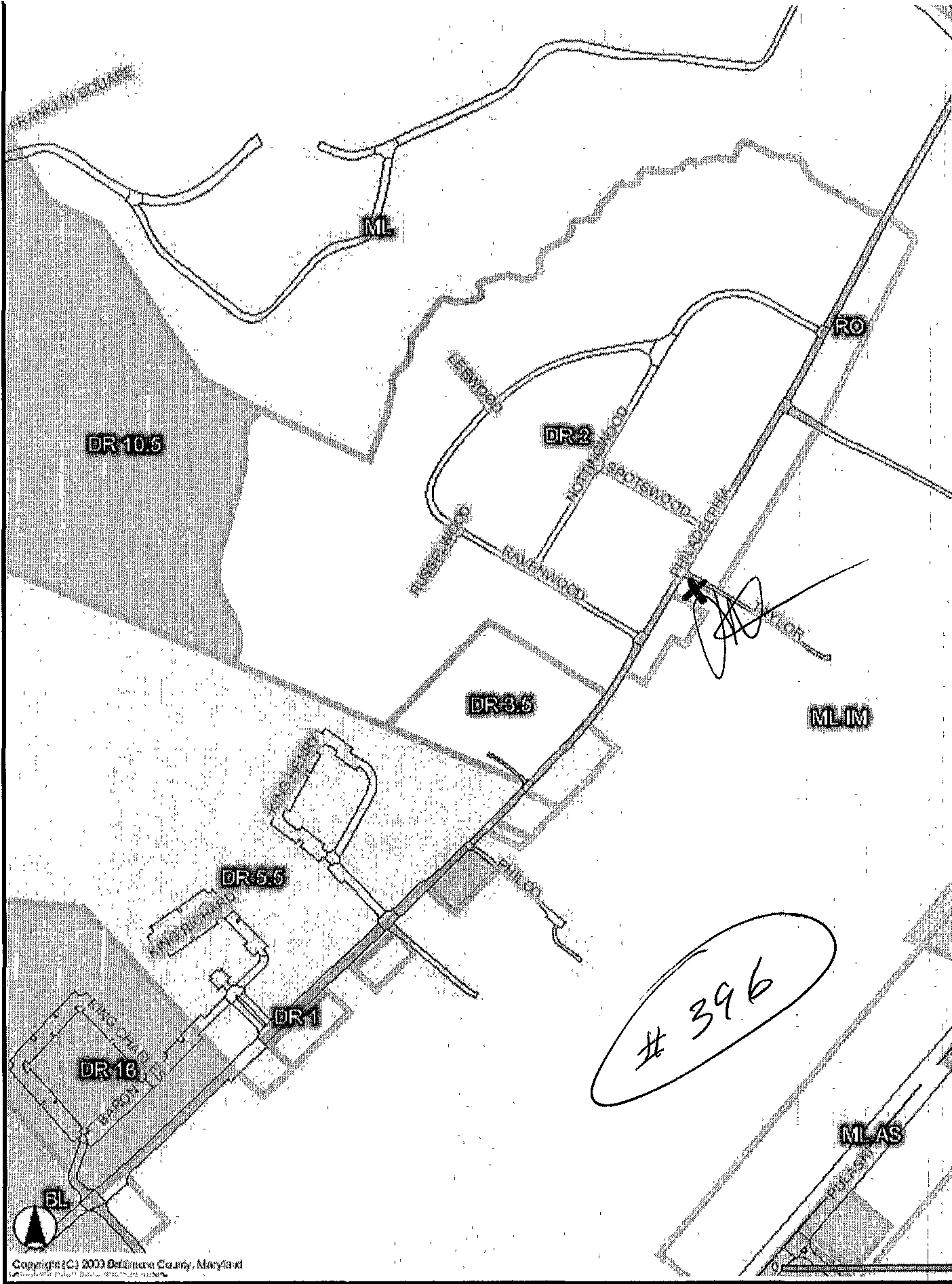
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

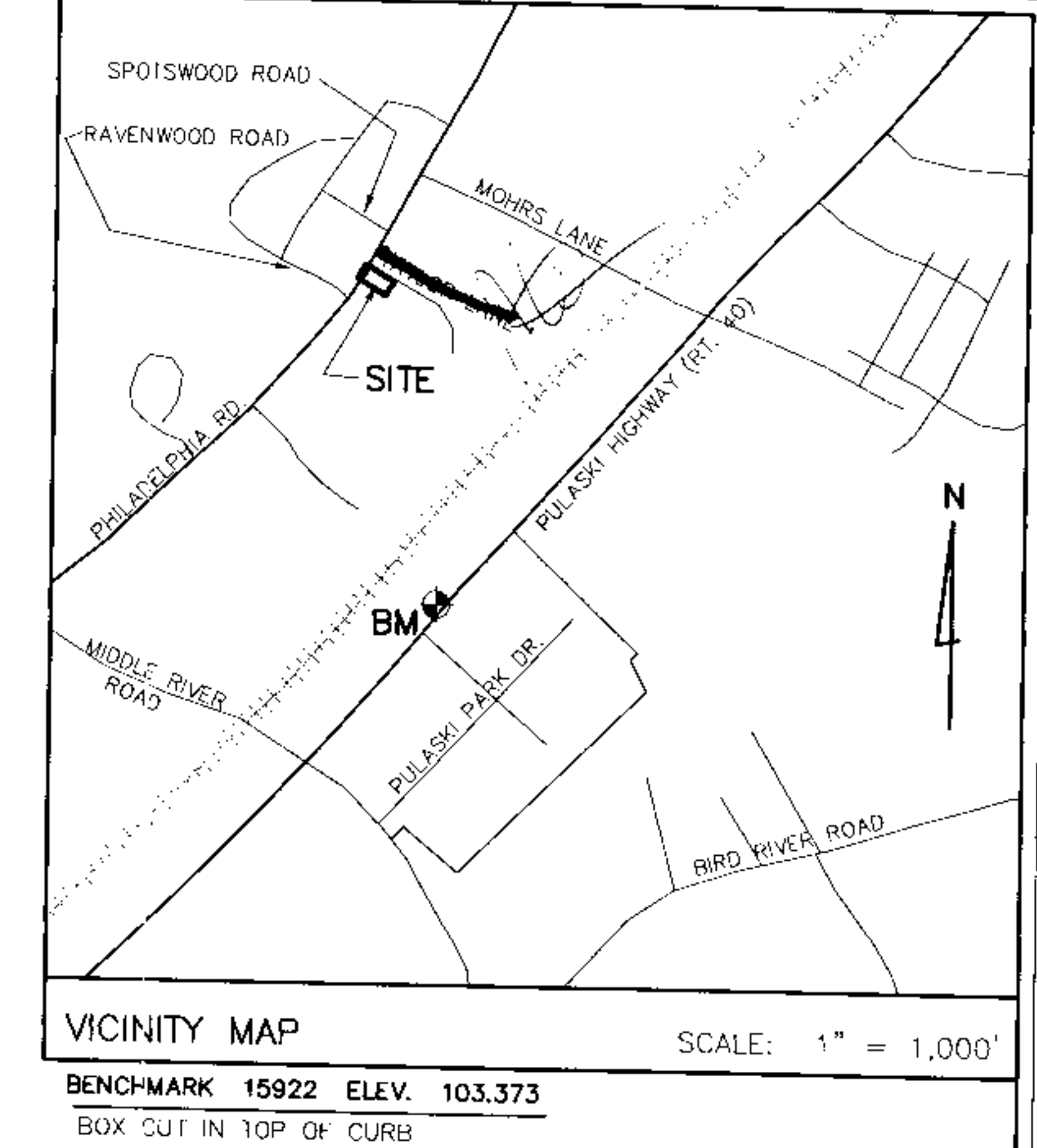
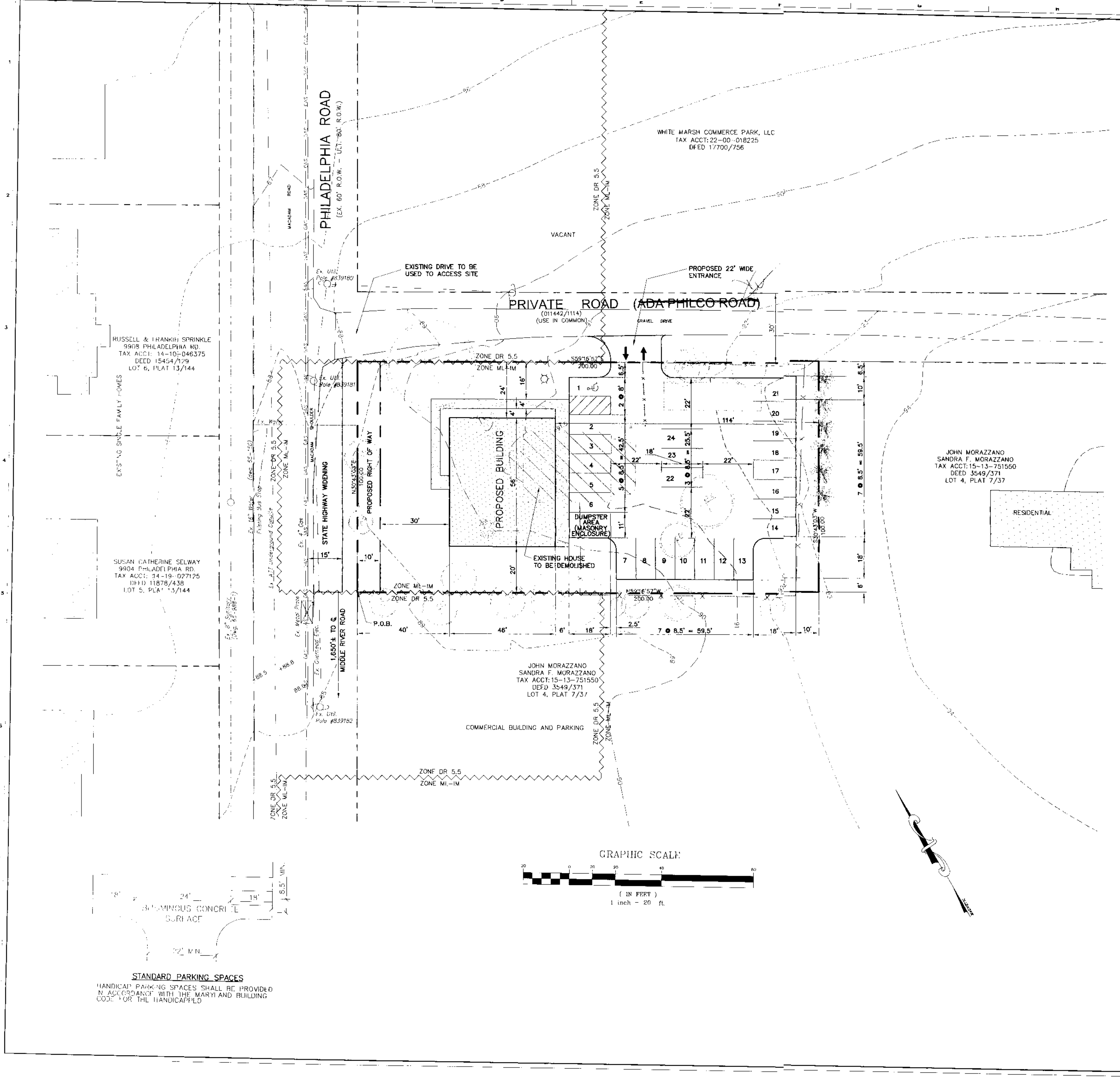
Per.....

CASE NAME 9907 Philadelphia Pol.
CASE NUMBER 05-396-A
DATE 3/24/05

NAME _____

[illegible]





ELECTION DISTRICT 15 COUNCILMANIC DISTRICT 6
SITE AREA: 0.46 ACRES
TAX ACCOUNT: 1513856310 TAX MAP: 82, PARCEL 47
DEED REFERENCE: 19010/62
1990 CENSUS TRACT: 451701
2000 CENSUS TRACT: 451701
1990 CENSUS BLOCK GROUP: 4517012
2000 CENSUS BLOCK GROUP: 4517012
LAND MANAGEMENT AREA : GROWTH AREA - WHITE MARSH
ELEMENTARY SCHOL DISTRICT: CHAPEL HILL ES
MIDDLE SCHOOL DISTRICT: GOLDEN RING MS
HIGH SCHOOL DISTRICT: OVERLEA HS
REGIONAL PLANNING DISTRICT: 322
WATERSHED: BIRD RIVER
WATER SERVICE AREA: EASTERN SECOND ZONE
SEWER SHED: 14
TRANSPORTATION ZONE: 0660
SITE IS SUBJECT TO DECLARATION OF COVENANTS DATED AUGUST 25, 2004. PLAN IS IN ACCORDANCE WITH THAT AGREEMENT
OWNER: EQUITABLE TRUST MORTGAGE CORPORATION
5022 CAMPBELL BLVD., SUITE D
BALTIMORE, MARYLAND 21236-4969
410-933-8600 (JOHN ALASCIO)

THERE ARE NO KNOWN PREVIOUS COMMERCIAL PERMITS, ZONING OR ORC HEARINGS FOR THIS SITE. NO PORTION OF THE SITE IS IN A DEFINED FLOODPLAIN.
SITE ZONING: ML-IM (MAP N.E. 6-H)
PROPOSED USE: OFFICE (3 STORIES PLUS BASEMENT)
BUILDING HEIGHT PERMITTED: 40'
SETBACKS:

	REQUIRED	PROVIDED
FRONT YARD	75'	30'
SIDE YARD	50'	20'/24' *
REAR YARD	50'	114'
FAR	2.0 MAX.	< 1.0

* VARIANCE REQUIRED
PARKING:
REQUIRED: OFFICE (3.3/1000SF * 5,152 SF) = 17
PROVIDED: 24 SPACES (INCLUDES 1 HANDICAP)

LIGHTING NOTE: ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL AND PUBLIC STREETS.
SIGNS WILL CONFORM TO SECTION 450 OF THE ZONING REGULATIONS.

RELIEF REQUESTED
VARIANCE FROM BCZR SECTION 255.2 TO PERMIT A FRONT YARD SETBACK OF 30' IN LIEU OF THE REQUIRED 75' AND SIDE YARD SETBACKS OF 20' AND 25' IN LIEU OF THE REQUIRED 50'.

REVISIONS	
NO.	DATE

GOWER THOMPSON INC.
CIVIL ENGINEERING - SITE PLANNING
428 E. Lake Avenue
Baltimore, Maryland 21212
Phone: 410-532-0101
Fax: 410-532-0101
Email: GOWERTHOMP@AOL.COM

EQUITABLE TRUST SITE
9907 PHILADELPHIA ROAD
BALTIMORE COUNTY, MARYLAND 21220

SITE PLAN TO ACCOMPANY
VARIANCE REQUESTS

PROJECT TITLE	
PROJECT NO.	
DATE	2/4/05
DRAWING NO.	C-1
SHEET	OF

396

2/4/05

