

IN RE: PETITION FOR VARIANCE
S/S Middle River Road, 970' W of the c/l
Pulaski Highway
(1120 Middle River Road)
15th Election District
7th Council District

DPA Holdings I, LLC
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-562-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by DPA Holdings I, LLC, owner of the subject property ("Petitioner"), through its attorney, Dino C. La Fiandra, Esquire. The Petitioner requests a variance from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (BCZR), to permit a side yard setback of 6 feet and a rear yard setback of 6.2 feet in lieu of the required 30 feet each for a proposed two-story office building. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were L. David Askew and Peter H. Askew on behalf of DPA Holdings I, LLC, owners of the subject property; and Patrick C. Richardson, Jr. of Richardson Engineering, LLC, the consultant who prepared the site plan for the property; and, Dino C. La Fiandra, Esquire, attorney for Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located on the south side of Middle River Road, between Pulaski Highway and Philadelphia Road in the Rosedale area of eastern Baltimore County. The property contains approximately 29,011 sq.ft., or 0.666 acres, more or less, zoned ML-IM and is currently improved with a two-story dwelling and detached garage. The Petitioner proposes to remove the existing structures and construct a two-story office building of 7,980 sq.ft. with an attached warehouse

ORDER RECEIVED FOR FILING
Date 7/14/05
By [Signature]

area of 1,860 sq.ft. Variance relief is necessitated given the unique shape and topography of the property. As shown on the site plan, the property is long and narrow. It also has a steep downward slope along its southeastern lot line. In order to position the required parking spaces in front of the proposed office building and in light of the steep slope at the rear of the proposed building, the 30-foot rear setback requirement cannot be met. The proposed front setback of the building is 86 feet, well beyond the required 30 feet.

In support of its request, Counsel for the Petitioner noted that an office and warehouse use is permitted as of right in the ML-IM zone, pursuant to Sections 253.1(A)(34) and (B)(26) of the B.C.Z.R. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, although the Office of Planning requested a condition be imposed providing them the authority to review and approve architectural elevation drawings of the proposed building prior to issuance of any permits.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. The uniqueness of the property is its unusual shape and narrow configuration. I find that the subject property is disproportionately affected by the area regulations contained in Section 238.2 of the BCZR and that strict compliance with the BCZR would create a practical difficulty upon the Petitioner. There is no indication of any adverse impact from the proposal to the surrounding properties. Moreover, I find that the granting of the variance is in strict harmony with the spirit and intent of the BCZR and will not be detrimental to the public health, safety or general welfare.

It is to be noted that Counsel for the Petitioner objected to the Office of Planning's request that I condition my approval on their authority to review and approve architectural elevation drawings for the proposed building. Counsel noted that the property is not subject to design review nor are there any design or architectural requirements applicable to this project or this

7/14/15
[Signature]

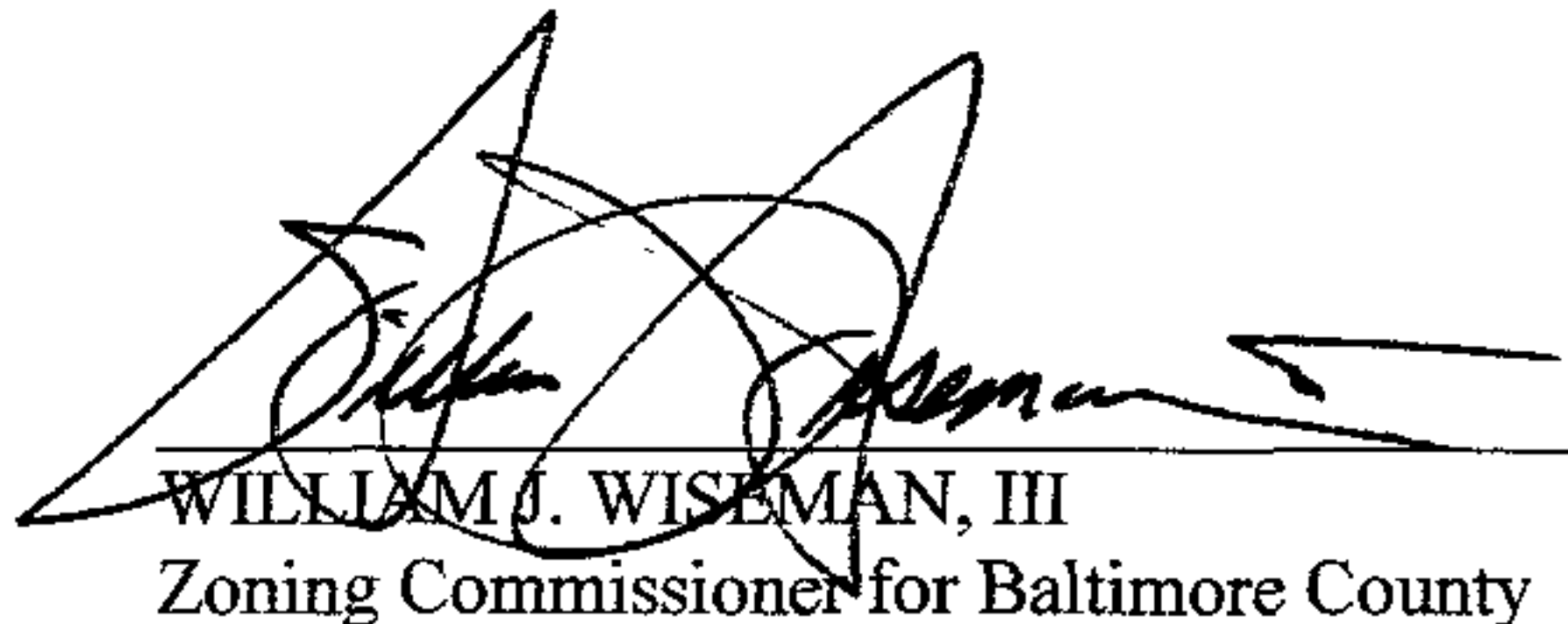
property. I believe it is reasonable to require the Petitioner to submit building elevation drawings of the proposed building to the Office of Planning prior to the issuance of any permits, and consider any comments recommended by that agency in good faith. However, I agree with the Petitioner in this regard and decline to give the Office of Planning approval authority over the architectural elevations.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of July 2005, that the Petition for Variance seeking relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 6 feet and a rear yard setback of 6.2 feet in lieu of the required 30 feet each for a proposed two-story office building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit 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) Prior to applying for a building permit for the proposed structure on-site, Petitioner shall provide a copy of the architectural elevation drawings of the proposed structure to the Office of Planning for comment, and the Petitioner shall consider any comments offered by the Office of Planning in good faith.
- 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.

IT IS FURTHER ORDERED that any appeal of this decision must be entered within thirty (30) days of the date hereof.

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR FILING
Date 7/14/05
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

July 14, 2005

Dino C. La Fiandra, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

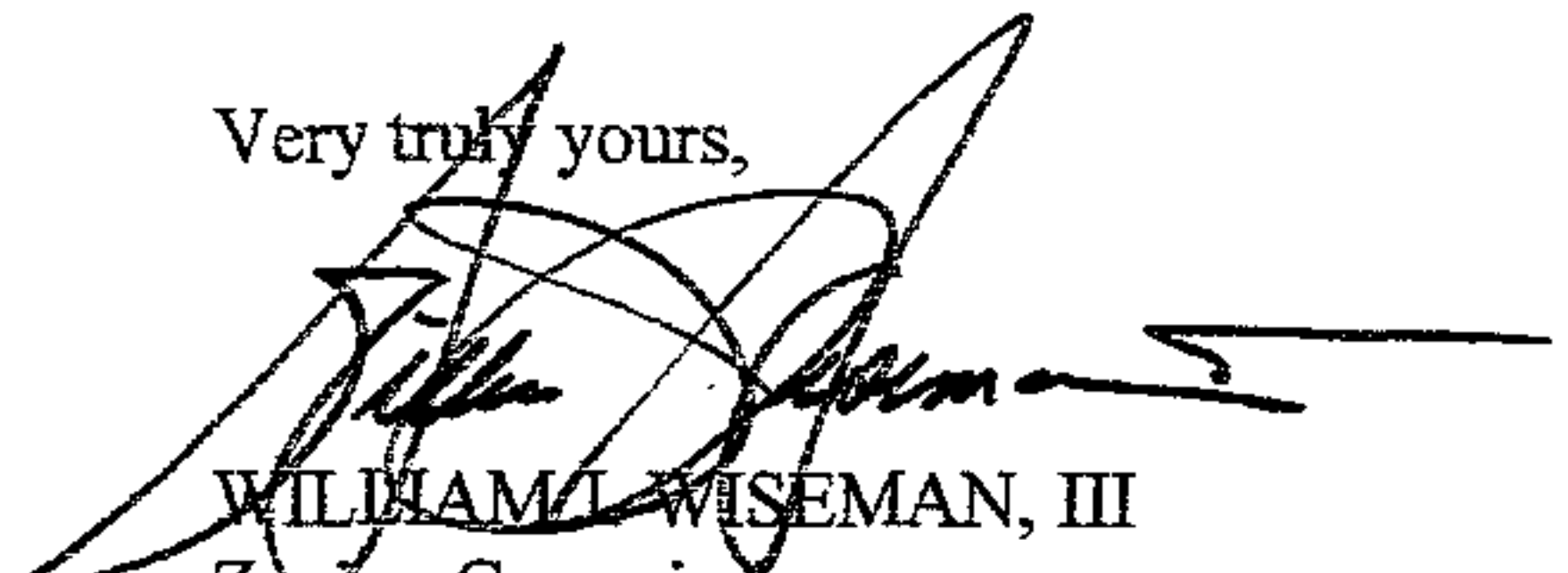
RE: PETITION FOR VARIANCE
S/S Middle River Road, 970' W of the c/l Pulaski Highway
(1120 Middle River Road)
15th Election District – 7th Council District
DPA Holdings I, LLC - Petitioner
Case No. 05-562-A

Dear Mr. La Fiandra:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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: Messrs. L. David Askew & Peter H. Askew, DPA Holdings I, LLC
9411 Philadelphia Road, Suite H, White Marsh, Md. 21237-4168
Mr. Patrick Richardson, 110 Old Padonia Road, Suite LC, Cockeysville, Md. 21030
Office of Planning; People's Counsel; Case/File

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





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1120 Middle River 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 continuation sheet

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 shown 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:

Dino C. LaFiandra
Name - Type or Print
Signature
Whiteford, Taylor & Preston LLP
Company
210 West Pennsylvania Avenue
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

DPA Holdings I, LLC
Name - Type or Print
By: *L. David Askew Jr.*
Signature
L. David Askew, Jr., Member
Name - Type or Print
Home: n/a
Signature
Work: 443-815-0280
9411 Philadelphia Rd, Suite H
Address Telephone No.
White Marsh, MD 21237-4168
State Zip Code

Representative to be Contacted:

Dino C. LaFiandra
Name
Whiteford, Taylor & Preston LLP
210 West Pennsylvania Avenue
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By *LTM* Date *5/3/05*

Case No. *05-562-A*

ORDER RECEIVED FOR FILING
Date *5/14/05*
By *[Signature]*

**CONTINUATION SHEET FOR PETITION FOR VARIANCE FOR THE
PROPERTY LOCATED AT 1120 MIDDLE RIVER ROAD**

DPA Holdings I, LLC, the legal owner of the property located at 1120 Middle River Road, hereby petitions for a Variance from Sections ^{235.1 and} 238.2 of the Zoning Regulations of Baltimore County to permit a side yard setback of 6 feet and a rear yard setback of 6.2 feet in lieu of the required 30 feet for each.

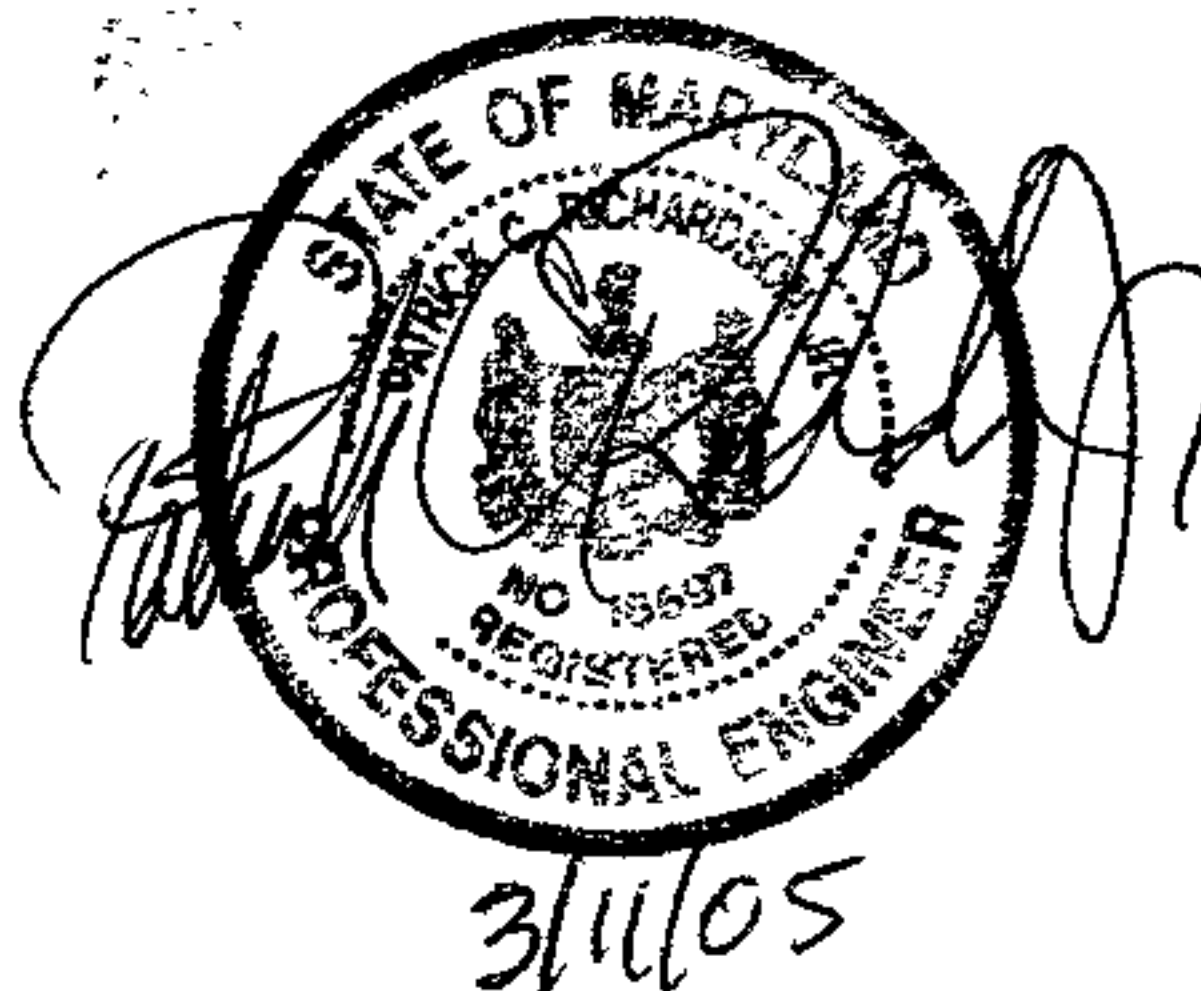
1611537

ORDER RECEIVED FOR FILING
Date 7/15/15
By [Signature]

**ZONING DESCRIPTION
DPA HOLDINGS I, LLC
1120 MIDDLE RIVER ROAD
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point in the centerline of Middle River Road approximately 970 feet northwest of the intersection of Pulaski Highway (MD. RTE. #40) and Middle River Road, thence leaving the centerline of Middle River Road (1) South 48 degrees 34 minutes 08 seconds West 291.59 feet, (2) North 62 degrees 59 minutes 48 seconds West 130.34 feet, (3) North 55 degrees 53 minutes 32 seconds East 294.69 feet, thence running and binding on the centerline of Middle River Road, (4) South 70 degrees 52 minutes 10 seconds East 96.05 feet to the point of beginning;

Containing a net area of 29,011 square feet, or 0.666 acres of land, more or less.



**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: #05-562-A
1120 Middle River Road
S/side of Middle River Road,
970 feet n/west of centerline
of Pulaski Highway
15th Election District
7th Councilmanic District
Legal Owner(s): DPA Holdings I, LLC

Variance: to permit a side yard setback of 6 feet and a rear yard setback of 6.2 feet in lieu of the required 30 feet for each.

Hearing: Tuesday, June 21, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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 6/606 June 7 53994

CERTIFICATE OF PUBLICATION

6/8/2005

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 6/7/2005.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 440892

DATE 8/13/04 ACCOUNT 0021 006 6150

AMOUNT \$ 325.00

RECEIVED FROM: EPA Validation LLC

FOR: 05-502-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS IN (100) FROM 1000

1000/1000 1000/1000 1000/1000

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1000/1000 1000/1000 1000/1000

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1000/1000 1000/1000 1000/1000

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CERTIFICATE OF POSTING

RE: Case No.: 05-562-A

Petitioner/Developer: DPA
HOLDINGS I, LLC

Date of Hearing/Closing: 6-27-05

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:

1120 MIDDLE RIVER ROAD

The sign(s) were posted on 6-11-05
(Month, Day, Year)

Sincerely,

Robert Black 6-13-05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

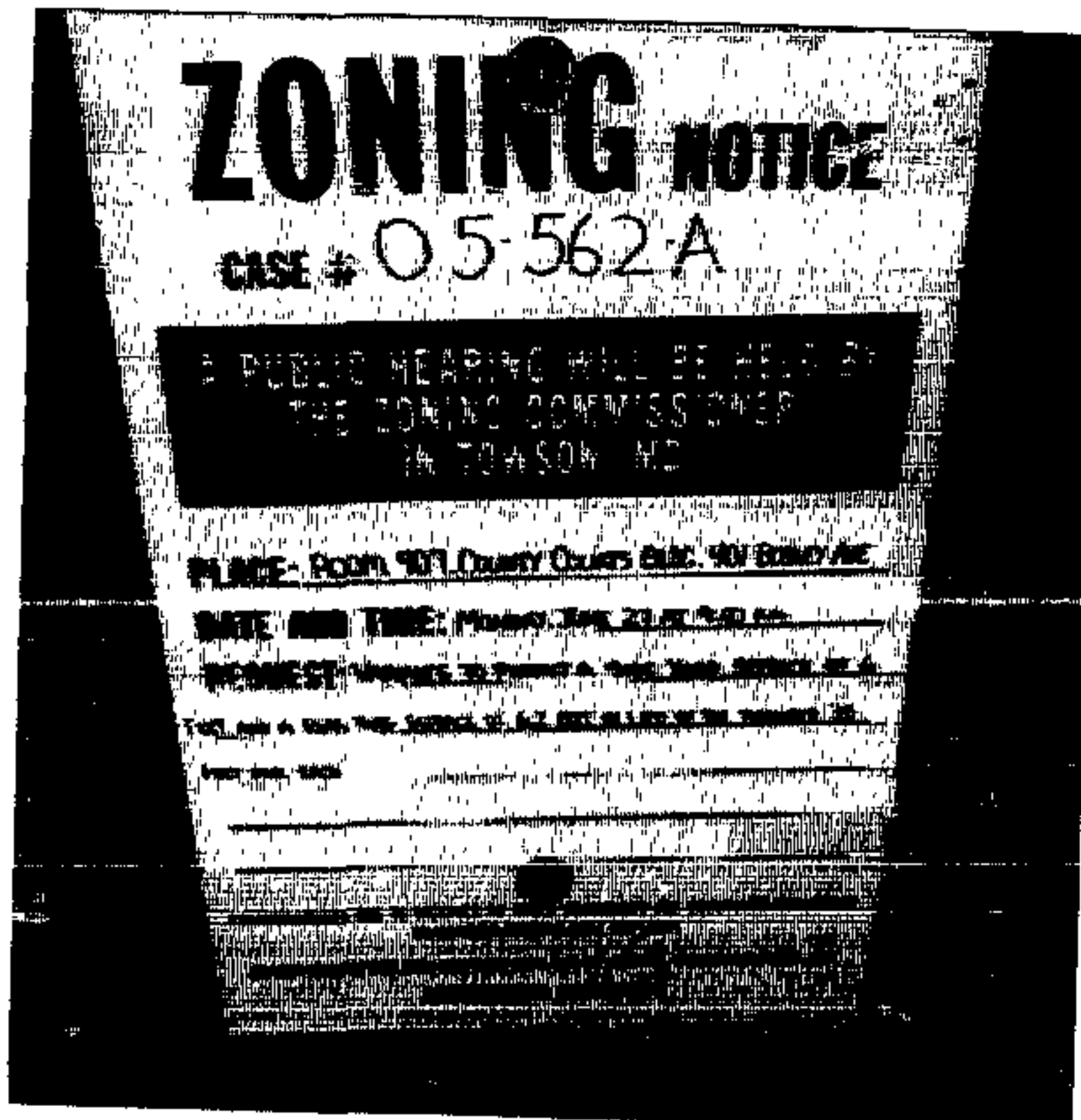
(Address)

Dandalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 7, 2005 Issue - Jeffersonian

Please forward billing to:

Dino LaFiandra
Whiteford, Taylor & Preston, LLP
Towson, MD 21204

410-832-2000

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: 05-562-A

1120 Middle River Road

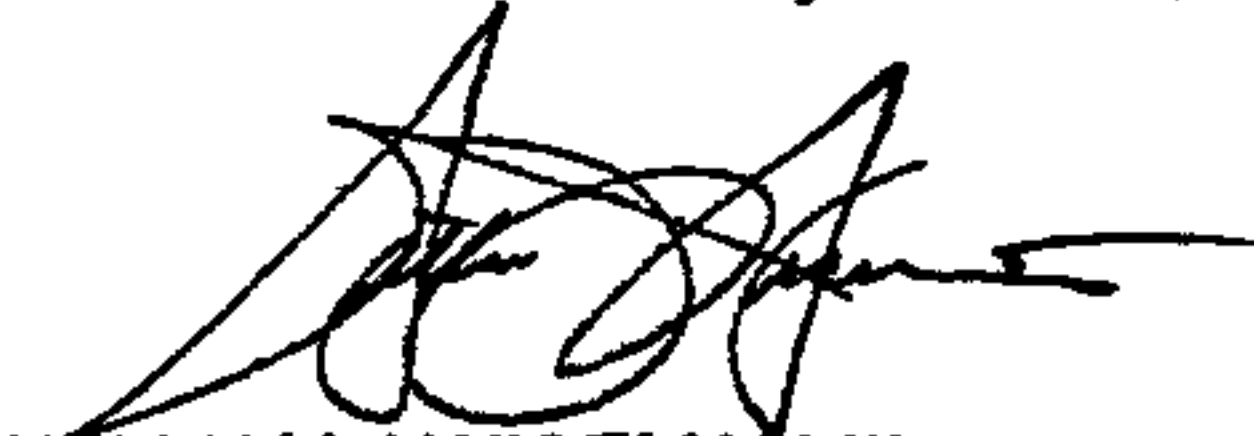
S/side of Middle River Road, 970 feet n/west of centerline of Pulaski Highway

15th Election District – 7th Councilmanic District

Legal Owners: DPA Holdings I, LLC

Variance to permit a side yard setback of 6 feet and a rear yard setback of 6.2 feet in lieu of the required 30 feet for each.

Hearing: Tuesday, June 21, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J WISEMAN III
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.



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*

May 12, 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: 05-562-A

1120 Middle River Road

S/side of Middle River Road, 970 feet n/west of centerline of Pulaski Highway

15th Election District – 7th Councilmanic District

Legal Owners: DPA Holdings I, LLC

Variance to permit a side yard setback of 6 feet and a rear yard setback of 6.2 feet in lieu of the required 30 feet for each.

Hearing: Tuesday, June 21, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Dino LaFiandra, 210 W. Pennsylvania Avenue, Towson 21204

L. David Askew, Jr., DPA Holdings, 9411 Philadelphia Rd., Ste. H, White Marsh 21237

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 6, 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.





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

June 9, 2005

NEW 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: 05-562-A

1120 Middle River Road

S/side of Middle River Road, 970 feet n/west of centerline of Pulaski Highway

15th Election District – 7th Councilmanic District

Legal Owners: DPA Holdings I, LLC

Variance to permit a side yard setback of 6 feet and a rear yard setback of 6.2 feet in lieu of the required 30 feet for each.

Hearing: Monday, June 27, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Dino LaFiandra, 210 W. Pennsylvania Avenue, Towson 21204

L. David Askew, Jr., DPA Holdings, 9411 Philadelphia Rd., Ste. H, White Marsh 21237

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 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.



**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: 05-562-A
Petitioner: DPA Holdings I, LLC
Address or Location: 1120 Middle River Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dwight C. Lafiandra
Address: 210 W. Pennsylvania Ave, 4th Floor
Towson, MD 21204
Telephone Number: 4108322000

**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

June 20, 2005

Dino C. LaFiandra
Whiteford, Taylor & Preston, LLP.
210 West Pennsylvania Avenue
Towson, Maryland 21204

Dear LaFiandra:

RE: Case Number: 05-562-A, 1120 Middle River Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 3, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
DPA Holdings I, LLC. David Askew, Jr. 9411 Philadelphia Road White Marsh 21237

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 20, 2005

FROM: Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 23, 2005
Item No. 562

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The proposed future alignment of Yellow Brick Road appears to be incorrect a 670-foot centerline radius shall be located at the "Holman" Property line.

DAK:CEN:clw
cc: File
ZAC ITEM NO 562-05202005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr
DEPRM

DATE: June 3, 2005

SUBJECT: Zoning Item # 05-562
Address 1120 Middle River Road

RECEIVED

JUN 3 2005

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of May 16, 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: Sue Farinetti, Martha Stauss

Date: June 3, 2005

gm
6/21
PO

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 7, 2005

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

SUBJECT: 1120 Middle River Road

INFORMATION:

Item Number: 5-562

Petitioner: David Askew, Jr.

Zoning: ML-IM

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a side yard setback of 6 feet or a rear yard setback of 6.2 feet provided the following conditions are met:

1. Submit architectural elevations to this office for review and approval prior to the issuance of any building permits.
2. Should the proposed alignment of Yellow Brick Road impact the subject property, the right-of-way must be reserved. Under project 05.011 in the FY 2006 Capital Improvement Program, construction funds have been programmed in FY 2009 to construct Yellow Brick Road from Lenning Lane to Middle River Road.

For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

Prepared by:



Division Chief:



AFK/LL:MAC:

Granted
7/14/05
w/ notes
6/21
PB

RECEIVED

JUN - 7 2005

ZONING COMMISSIONER

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



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

Maryland Department of Transportation

Date: 5.13.05

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

RE: Baltimore County
Item No. 562 LTM

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

RE: PETITION FOR VARIANCE * BEFORE THE
1120 Middle River Road; S/side Middle River
Road, 970' NW c/line Pulaski Highway * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts
Legal Owner(s): DPA Holdings I, LLC * FOR
by L. David Askew, Jr - Member
Petitioner(s) * BALTIMORE COUNTY
* 05-562-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
People's Counsel for Baltimore County



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of May, 2005, a copy of the foregoing Entry of Appearance was mailed to, Dino LaFiandra, Esquire, Whiteford, Taylor & Preston, LLP, 210 West Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

MAY 12 2005

Per...



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410-832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

AUDRA TROULAND CATHELL
DIRECT NUMBER
410 832-2025
acathell@wtplaw.com

June 8, 2005

Via Facsimile

Ms. Kristen Matthews
Baltimore County Dept. of
Permits & Development Mgmt.
111 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-5708

Re: Case No. 05-562-A/ 1120 Middle River Road

Dear Kristen:

This letter is to confirm our telephone conversation of this morning in which we rescheduled the hearing in the above-referenced case from June 21, 2005 at 11:00 am to June 27, 2005 at 9:00 am. The postponement is necessary because the property was not posted by June 6, 2005 as stated on the Notice of Zoning Hearing dated May 12, 2005.

Please send an updated Notice of Zoning Hearing at your earliest convenience. Thank you very much for your help in this matter. I really appreciate it.

Sincerely,



Audra Trouland Cathell

ATC:ac

Cc: Dino C. La Fiandra, Esq.
Sgt. Robert A. Black

CASE NAME 1120 MIDDLE RIVER RD
CASE NUMBER 05-562-A
DATE 6/27/05

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CASE NUMBER 05-562-A
DATE 6/27/05

[illegible]

Case No.:

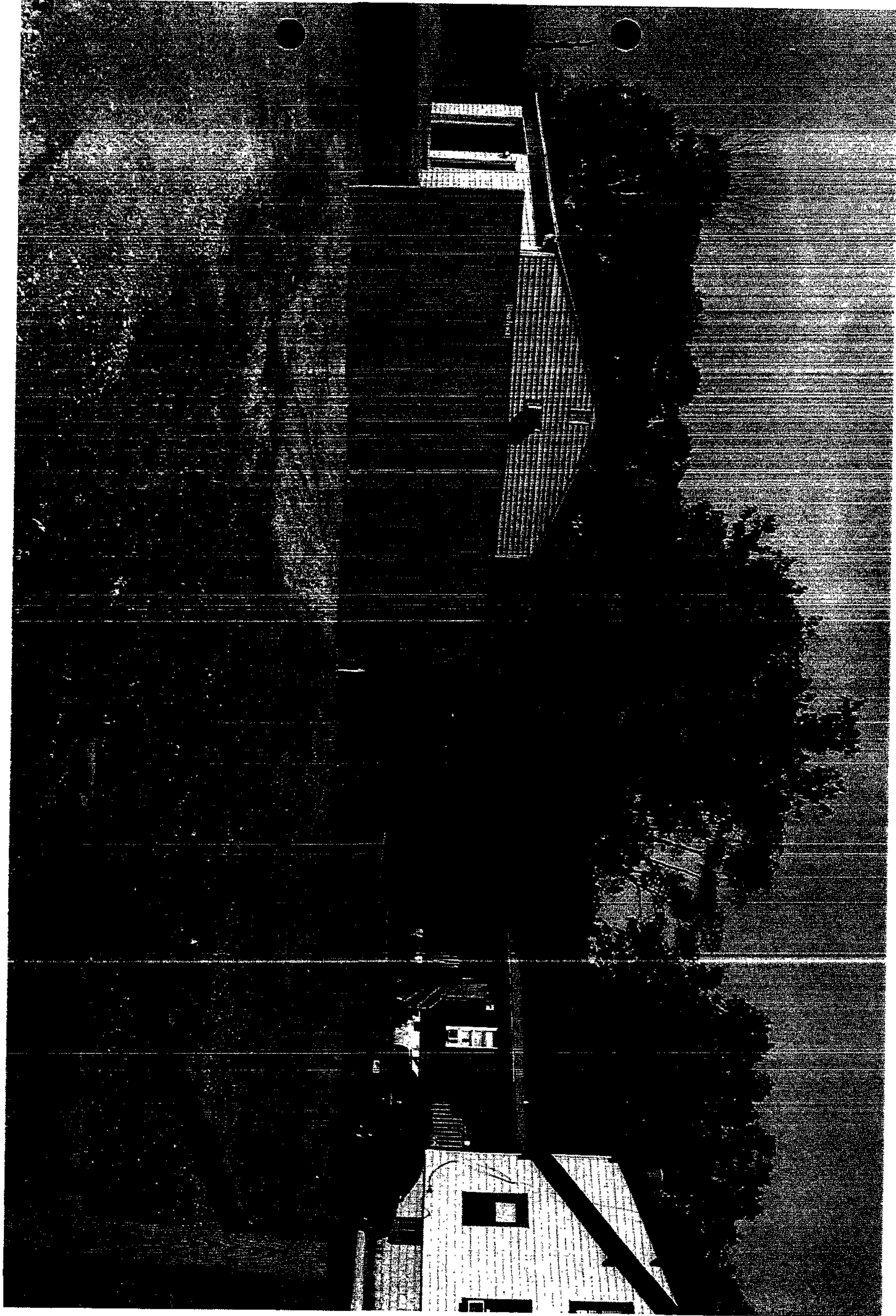
05-562 A

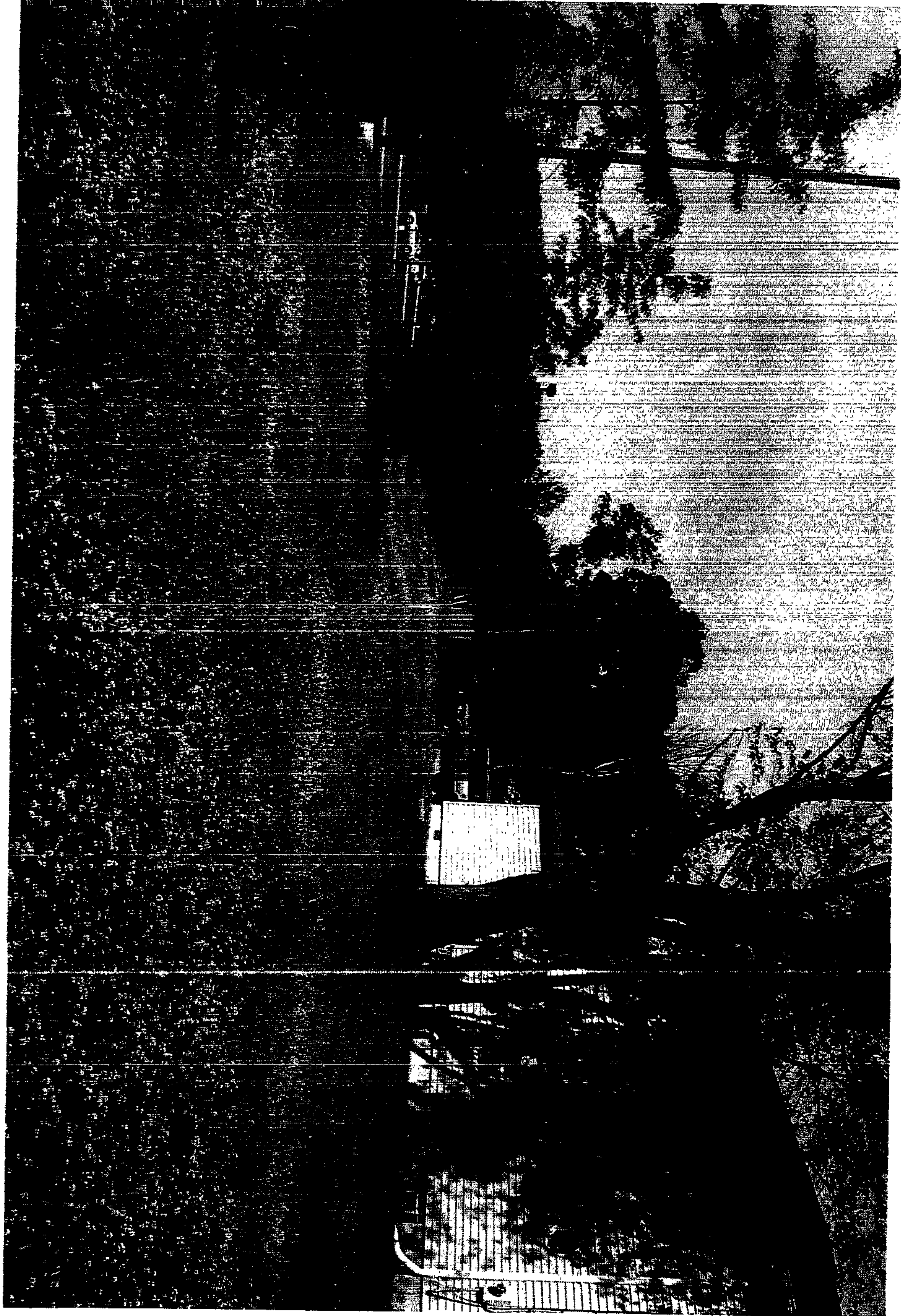
Exhibit Sheet

Petitioner/Developer

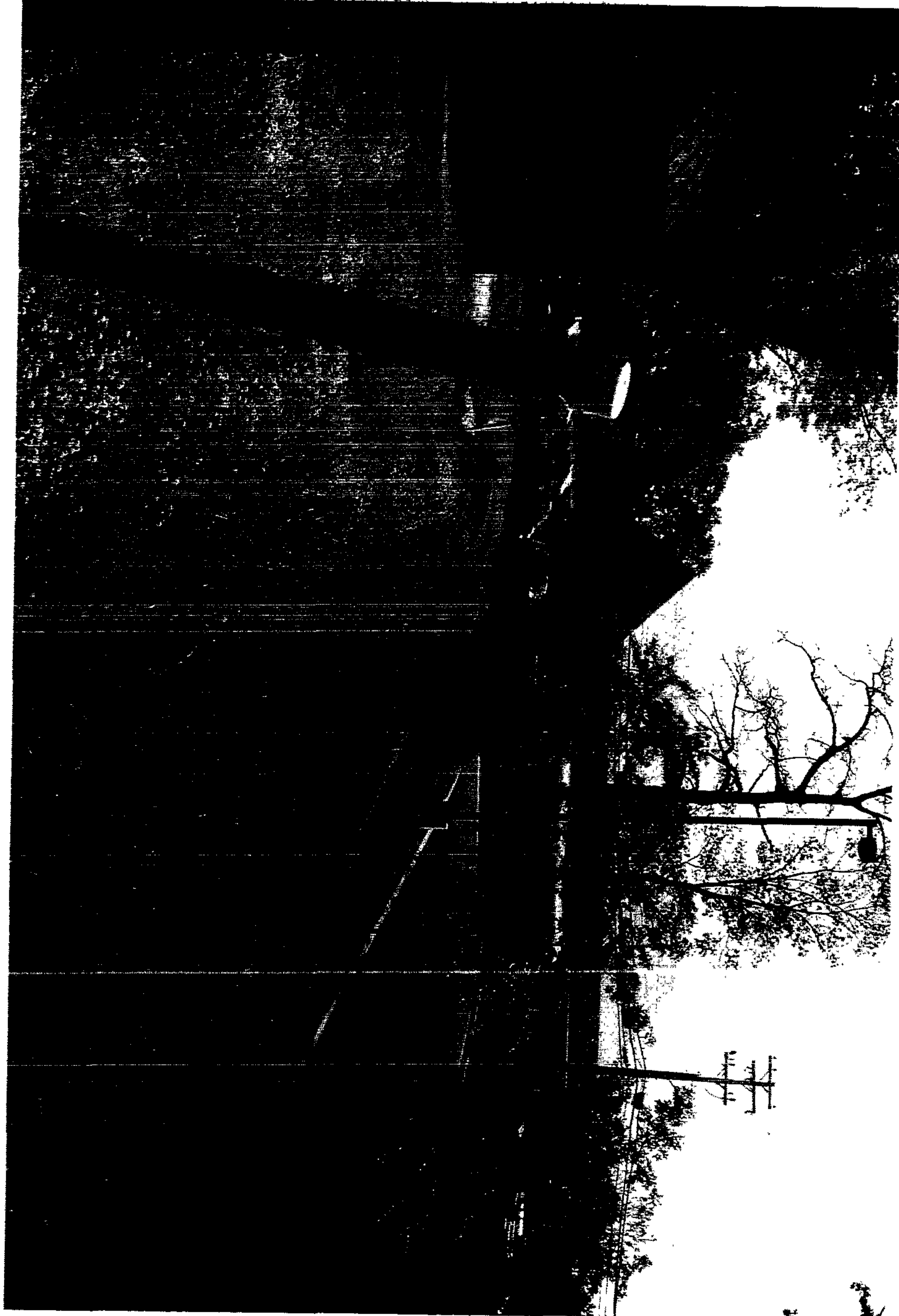
Protestant

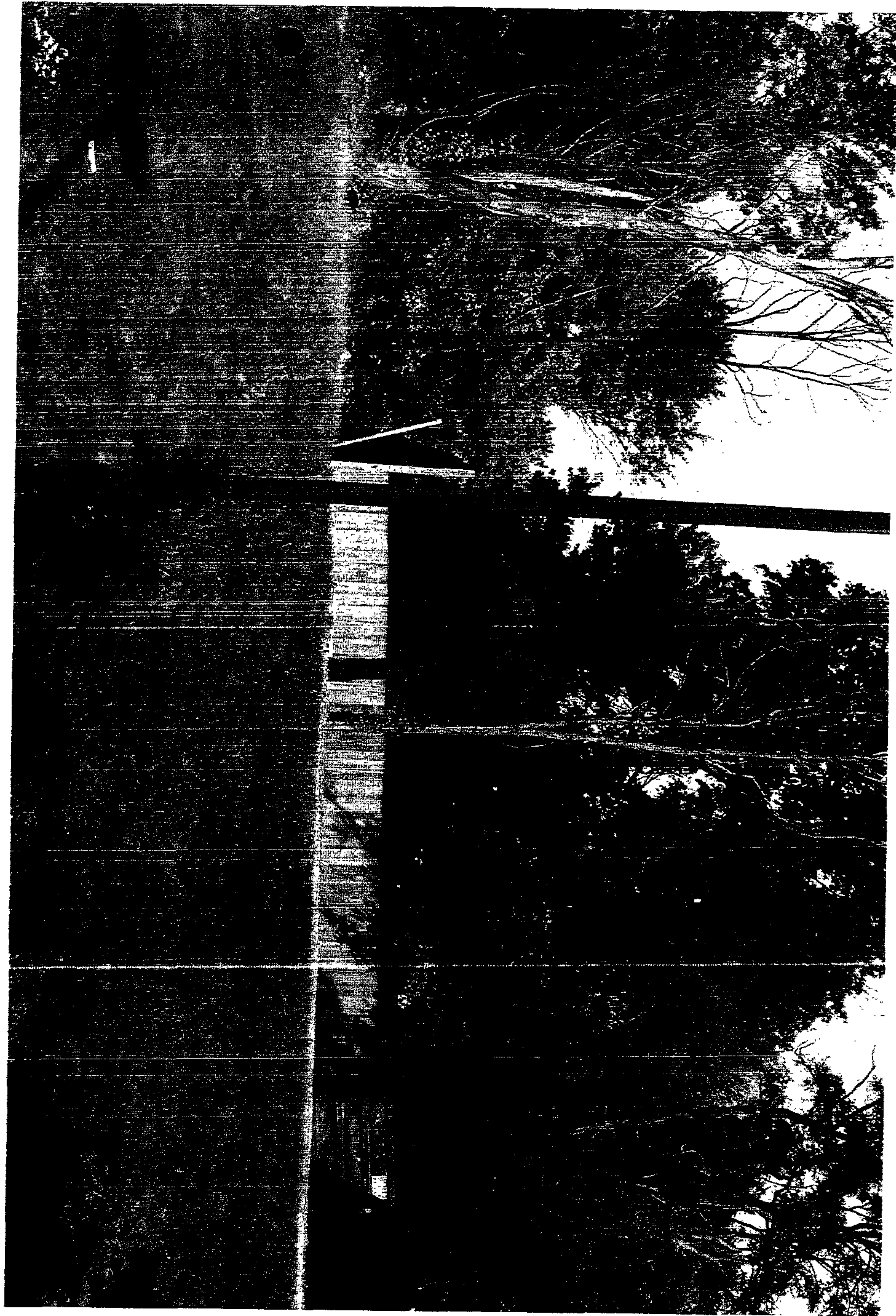
No. 1	REVISED SITE PLAN Charged to reflect Develop Plan Review - Load - yellow bordered.	
No. 2	PHOTO'S OF PROPERTY & ADJACENT PROPERTY 2A - 26	
No. 3	Richardson Engineering CV - Patrick C. Richardson	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		















Richardson Engineering, LLC

110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030

tel. 410-560-1502
fax 410-560-0827

Patrick C. Richardson, Jr., PE
110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030

EDUCATION

BSCE University of Delaware, 1982

Professional Engineer in Maryland 1988, Virginia 1993, Washington DC 1997, Delaware 1997

WORK EXPERIENCE

October 1999 to Present, Richardson Engineering, LLC

Owner of engineering firm specializing in Commercial and Residential Land Development. Work includes preparation of zoning plats, site development plans and project management for site development projects. Projects including: Giant Food Stores in Baltimore City and County, Krispy Kreme Stores in Maryland, Verizon switch station expansions in Maryland, Parkway 100 and Techwood Center in Anne Arundel County, and Columbia Technology Campus in Howard County.

July 1999 to September 1999, Purdum and Jeschke, LLC

Chief engineer responsible for preparation of layout and construction documents for commercial land developments. Work included preparation of zoning plats, site development plans and project management for sites in Maryland. Projects including: Loyola College play fields, Baltimore City, Md.; St Paul's Lutheran Church, Baltimore Co.; Red Star Yeast, Baltimore City; Giant Food Stores in Baltimore City.

February 1997 to June 1999, William Monk, Inc.

Chief engineer responsible for preparation of layout and construction documents for commercial land developments. Work included preparation of zoning plats, site development plans and project management for sites in Maryland and Washington DC.

Major projects including: Edmondson Square Shopping Center, Baltimore City, Md. Amoco Oil Company, sites in Baltimore, Anne Arundel, Prince George's, Howard and Baltimore City. Chick-fil-A Restaurant, Baltimore, Anne Arundel and Frederick Co., Md. International Trade Center Office Warehouse, Anne Arundel Co. Md. KFC Restaurants in Maryland and Washington DC.

April 1986 to Jan. 1997, STV Incorporated

Project Manager in the Site Development Department. Responsible for supervision of the preparation of design documents for the department, including review and sealing all documents submitted to reviewing agencies.

Major projects including: The New International Terminal at BWI Airport: Responsible for management of the civil aspects of the site construction including airfield taxiway and hardstand construction, reconstruction of the existing roadways and extension of the upper level roadway bridge to service the building addition. FILA Warehouse - 650,000 SF warehouse in Brandon Woods Industrial Park, Anne Arundel County, Md. Work included coordination with ongoing infrastructure grading, utilities, construction and sediment control for the adjacent activities. FILA Warehouse - 500,000 SF warehouse in Holabird Industrial Park, Baltimore City, Md. Work included getting permission to construct across Municipal Utilities, and Chesapeake Bay Critical Area mitigation. Amoco Oil Company Convenience Mart on Route 140 and Sandymount Road, Carroll County, Md. Blockbuster Video - New store in

PETITIONER' S

EXHIBIT NO.

3

Jacksonville, Baltimore County, Md. EXXON Company USA - Demolish and Rebuild' Belvedere and York Roads, Baltimore City, Md. Parkway Crossing Shopping Center - Work included reconstruction for several stores, and a new culvert and access from Perring Parkway including a State Highway Access Permit and WRA approval. Old Dominion Freight Lines - 25,000 SF Addition to existing warehouse, Howard County, Md. Ashton Meadows 300 unit apartment complex in Howard County, Md. Sunrise House of Towson 56 unit three story assisted living facility, Baltimore County, Md. SCM Chemicals Hawkins Point Plant Numerous projects including (2) million gallon tanks and secondary containment, chlorinator replacement, railroad track improvements, technical center building addition and secondary containment for existing tanks. Work included a stormwater management master plan for the facility, Chesapeake Bay Critical Area mitigation and railroad track design. National Gypsum - Canton Plant expansion including dock improvements, storm water management for the Chesapeake Bay Critical Area, grading, utilities, and sediment control. Bayview Medical Campus - Design of infrastructure for the first phase of development of the campus including 0.6 mile road and utilities, and a 19 acre park with a pond.

February 1985 to March 1996, Spellman, Larson and Associates

Engineer/Designer/Draftsman for land development projects in Baltimore County

May 1982 to January 1985, CBI Industries

Engineer for construction of steel plate structures. Field engineer responsible for layout of materials, and coordination with field personnel. Worked on the Peach Bottom No. 2 Recirculation and Reheat Piping Replacement preparing procedures and policies for the construction and field supervision of the work.