IN RE: PETITION FOR VARIANCE SE/side Pulaski Highway 1334' SW Rossville Blvd. **(8645 Pulaski Highway)** 15th Election District 7th Council District	* * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
8645 Pulaski Highway Limited Partnership, *Legal Owner*	* *	Case No. 05-566-A
VEI Pulaski LLC, *Contract Lessee*	*	
Petitioner	*	

* * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, 8645 Pulaski Highway Limited Partnership, and the contract lessee, VEI Pulaski LLC. The Petitioner (VEI Pulaski, LLC) seeks relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 19.95 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on the redlined site plan submitted which was accepted into evidence as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing in support of the request were Leonard Weinberg II, managing member on behalf of VEI Pulaski, LLC and Patrick C. Richardson, Jr., a professional engineer with Richardson Engineering, LLC, the consultant who prepared the site plan. David H. Karceski entered his appearance as attorney for Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is comprised of approximately 4.529 acres of land and zoned B.R. (Business, Roadside) with frontage on

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Date 7/12/06
By

the southeast side of Pulaski Highway (MD Rte. 40) and opposite the Center at Golden Ring, formerly known as Golden Ring Mall. It lays inside of I-695 and in close proximity to Exit 35 of the Beltway. An 88,267 square-foot "L-shaped" building exists on-site, which is occupied by a furniture retailer. Two existing access points onto Pulaski Highway serve the property and connect to its parking areas. Petitioner's Exhibit No. 1 also identifies the presence of railroad tracks off-site and in close proximity to the rear of the described structure.

The property was the subject of a prior zoning case, Case No. 73-156-RA. By way of the Order issued in the 1973 case, variances were granted, including a variance for a rear yard setback of 23 feet in lieu of the required 30 feet. The site plan in the 1973 case indicated the existence of a railroad siding that at one time traversed a portion of the property and served a then on-site warehouse distribution facility use. For that reason, the rear building line of the existing structure was placed in this location.

Mr. Karceski proffered that Petitioner intends to redevelop the existing improved structure as shown on the site plan, to accommodate two commercial tenants, one will occupy approximately 30,038 square feet of retail space and the other approximately 20,579 square feet in size for a furniture store. Specifically, the front portion of the existing building, labeled "STICKS AND STUFF" EX. BUILDING #8645," will be razed, a new front facade provided, and new loading dock areas constructed along the rear building lines of both tenant spaces.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. The Office of Planning issued a ZAC comment confirming no objection to the requested relief provided Petitioner agreed to certain improvements to the property. The Office of Planning requested and the Petitioner has agreed to the

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Date 11/29/05
By

following: (1) installation of sidewalks along the property's frontage on Pulaski Highway; (2) installation of a pedestrian connection from Pulaski Highway to the proposed building entrance; (3) stripping of a crosswalk in front of the proposed building entrance; and (4) installation of landscaping along Pulaski Highway and internal to the parking area. Petitioner's revised site plan and Exhibit No. 2, a preliminary landscape plan, evidence full compliance with Planning's comment. A note was also added to Petitioner's Exhibit No. 1 indicating that the front portion of the existing building will be razed, as requested by the Office of Planning. No other County reviewing agencies objected to the requested relief.

After due consideration of all the testimony and evidence presented, I am persuaded to grant the variance relief. The property is unique by virtue of its close proximity to the existing railroad tracks to the rear of the site and the location of the existing structure in relation to those tracks. In order redevelop the property, loading dock areas must be constructed at the existing rear building line. For that reason, the variance relief requested is necessary in order to make a re-adaptive use of the site possible. I, therefore, find that special circumstances exist that are peculiar to the land and structure which are the subject of the variance request and that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioner. Finally, the variance relief granted is in strict harmony with the spirit and intent of the regulations, and will not be a detriment to the health, safety and general welfare of the surrounding local.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of July, 2005, that the Petition for Variance seeking relief from Section 238.3 of the Baltimore County Zoning Regulations (R.C.Z.R.) to permit a rear yard

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Date 7/12/05
By

setback of 19.95 feet in lieu of the required 30 feet in accordance with Petitioner's Exhibits 1 and 2, be and are 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. When applying for any permits, the revised red line site plan filed must reference this case and set forth and address the restrictions of this Order.

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

ORDER RECEIVED FOR FILING
Date 7/12/16
By

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 12, 2005

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

RE: PETITION FOR VARIANCE
SE/S Pulaski Highway, 1334' SW of Rossville Boulevard
(8645 Pulaski Highway)
15th Election District – 7th Council District
8645 Pulaski Highway LP, Owners; VEI Pulaski LLC, Lessees - Petitioners
Case No. 05-566-A

Dear Messrs. Hoffman & Karceski:

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: Mr. Leonard Weinberg, 1408 Bare Hills Road, Suite 210, Baltimore, Md. 21208
Mr. Patrick Richardson, 110 Old Padonia Road, Suite LC, Cockeysville, Md. 21030
People's Counsel; Case File

Printed on Recycled Paper

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8645 Pulaski Highway

which is presently zoned BR

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 determined 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:

See Attached
Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

See Attached
Name - Type or Print

Signature

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Robert A Hoffman / JHK
Signature

Venable LLP
Company

210 Allegheny Avenue — 410-494-6200
Address — Telephone No.

Towson, Maryland 21204
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

ORDER RECEIVED FOR FILING
Date 7/12/05
By

Case No. 05 566 A

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING

Reviewed By JL Date 5/04/05

DROP OFF PET.
SEE POLICY

REV 9/15/98

ATTACHMENT TO PETITION FOR VARIANCE

8645 Pulaski Highway

Legal Owner:

8645 Pulaski Highway Limited Partnership
By: Wiltonwood, Inc., General Partner

Gloria Levenson President
Gloria Levenson, President

c/o Mr. Ira Askin
4001 Old Court Road, Apt. 219
Baltimore, Maryland 21208
(410) 484-7522

Lessee:

VEI Pulaski LLC
By: Vanguard Management Services, Inc.,
Managing Member

Leonard Weinberg II, President

1408 Bare Hills Road, Suite 210
Baltimore, Maryland 21209
(410) 296-1770

ORDER RECEIVED FOR FILING
Date 7/12/16
By

TO1DOCS1/DHK01/#202862 v1

ATTACHED SHEET

8645 Pulaski Highway

Request for a

Variance to permit a rear yard setback of 19.95 feet in lieu of the required 30 feet, pursuant to Section 238.2 of the Baltimore County Zoning Regulations.

ORDER RECEIVED FOR FILING
Date 11/2/16
By

TO1DOCS1/DHK01/#205533 v1

Richardson Engineering, LLC

110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

ZONING DESCRIPTION
VANGUARD PROPERTIES
8645 PULASKI HIGHWAY
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the Southeast side of Pulaski Highway, at the distance of 1,334 feet, more or less, as measured southwesterly along said southeast side of Pulaski Highway from its intersection with the center line of Rossville Boulevard, said beginning point running thence binding on said southeast side of Pulaski Highway and on the first line of said land, (1) South 44 degrees 37 minutes 14 seconds West 421.00 feet, thence leaving Pulaski Highway, (2) South 45 degrees 22 minutes 46 seconds East 429.50 feet, (3) North 47 degrees 06 minutes 24 seconds East 421.40 feet, and (4) North 45 degrees 22 minutes 46 seconds West 447.80 feet to the point of beginning.

Containing 4.2395 acres of land, more or less.

4/8/05

566

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: #05-566-A
8645 Pulaski Highway
S/east side of Pulaski Highway, 1,334 feet s/west of Rossville Blvd.
15th Election District — 7th Councilmanic District
Legal Owner(s): 8645 Pulaski Highway Ltd. Partnership, Gloria Levenson, President
Contract Purchaser: VEI Pulaski LLC, Leonard Weinberg, II, President

Variance: to permit a rear yard setback of 19.95 feet in lieu of the required 30 feet.

Hearing: Wednesday, June 22, 2005 at 9:00 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 6/608 June 7 53998

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.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

566 JL

No. 443693

DATE 5/04/05 ACCOUNT 001 006 6150

AMOUNT $ 325.00

RECEIVED FROM: Venable B+H

FOR: Non Res. Variance
9645 Pulaski Hwy

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS DATE TIME DRW
5/04/2005 05/04/2005 11:12:49 2
REG WS09 WALK-IN NON NMD
RECEIPT # 31 135 5/04/2005 01 LN
Appeal 5 523 ZONING VERIFICATION
CK NO. 443696
Recpt Tot $325.00
325.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-566-A

Petitioner/Developer: YEI PULASKI LLC
LEONARD WEINBERG II, PRES.

Date of Hearing/Closing: 6-22-05

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

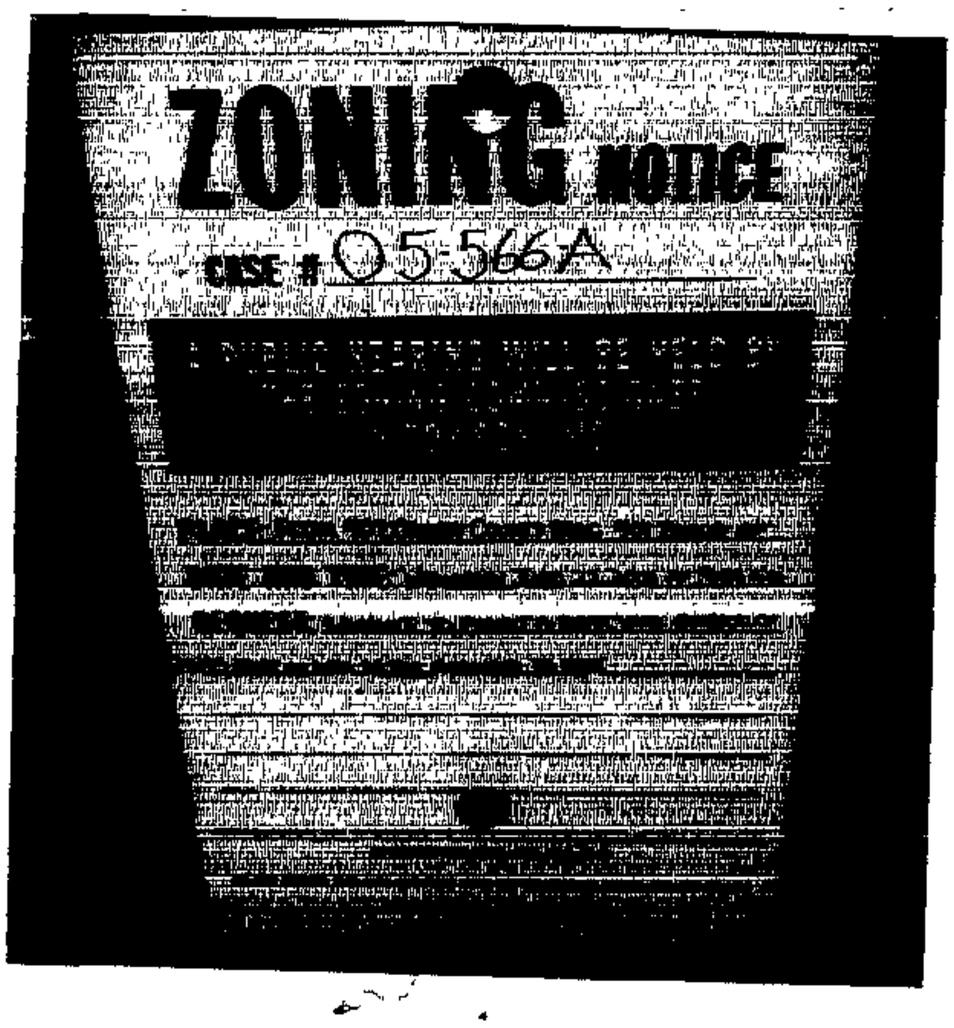
ATTN: Kristen Matthews {(410) 887-3394}

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:

8645 PULASKI HIGHWAY

The sign(s) were posted on 6-5-05
(Month, Day, Year)



Sincerely,

Robert Black 6/7/05
(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)

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

Please forward billing to:
Amy Dontell
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: 05-566-A
8645 Pulaski Highway
S/east side of Pulaski Highway, 1,334 feet s/west of Rossville Blvd.
15th Election District – 7th Councilmanic District
Legal Owners: 8645 Pulaski Highway Ltd. Partnership, Gloria Levenson, President
Contract Purchaser: VEI Pulaski LLC, Leonard Weinberg, II, President

Variance to permit a rear yard setback of 19.95 feet in lieu of the required 30 feet.

Hearing: Wednesday, June 22, 2005 at 9:00 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.

Department of Permits and Development Management

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

Baltimore County

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

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: 05-566-A
8645 Pulaski Highway
S/east side of Pulaski Highway, 1,334 feet s/west of Rossville Blvd.
15th Election District – 7th Councilmanic District
Legal Owners: 8645 Pulaski Highway Ltd. Partnership, Gloria Levenson, President
Contract Purchaser: VEI Pulaski LLC, Leonard Weinberg, II, President

Variance to permit a rear yard setback of 19.95 feet in lieu of the required 30 feet.

Hearing: Wednesday, June 22, 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, LLP, 210 Allegheny Avenue, Towson 21204
Mr. Ira Askin, 4001 Old Court Rd., Apt. 219, Baltimore 21208
Leonard Weinberg II, 1408 Bare Hills Rd., Ste. 210, Baltimore 21209

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 7, 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: 05 566 A

Petitioner: 8645 PULASKI HWY. LTD. PRTNRSHP

Address or Location: 8645 PULASKI HWY

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dontell

Address: 210 Allegheny Avenue
Towson, MD. 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

June 10, 2005

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

Dear Mr. Hoffman:

RE: Case Number: 05-566-A, 8645 Pulaski Highway

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 4, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Gloria Levinson 8645 Pulaski Highway Baltimore 21208
Ira Askin 4001 Old Court Road, Apt. 219 Baltimore 21208
VEI Pulaski, LLC Leonard Weinberg 1408 Bare Hills Road, Ste. 210 Baltimore 21209

Printed on Recycled Paper

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: 558, 559, 561, 563, 565, 566, 569,

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

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

BW 6/22

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED
JUN 3 2005
ZONING COMMISSIONER

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: June 3, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 16, 2005

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

05-557
05-558
05-559
05-561
05-564
05-566

Reviewers: Sue Farinetti, Dave Lykens

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

BW 6/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 16, 2005

RECEIVED

MAY 17 2005

ZONING COMMISSIONER

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

SUBJECT: 8645 Pulaski Highway

INFORMATION:

Item Number: 5-566

Petitioner: Pulaski Limited Highway Partnership

Zoning: BR

Requested Action: Variance

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

1. Add a note to the site plan stating that front portion of the existing building will be razed.
2. Show/provide sidewalks along Pulaski Highway.
3. Provide a pedestrian connection from the sidewalks/main vehicular access at Pulaski Highway, to the proposed entrance of the building. A striped pedestrian crosswalk shall also be provided in front of the proposed building entrance.
4. Provide landscaping along Pulaski Highway, and internal to the parking lot.

For further information concerning the matters stated herein, please contact Amy Mantay at 410-887-3480

Prepared by: Mark A. Cunningham

Division Chief: Lynn Lanham
AFK/LL:MAC:

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: May 18, 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. 566 (JLL)
8645 Pulaski Highway

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval of the Variance. However, we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

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,

L. G. Gredlein

Steven D. Foster, Chief
Engineering Access Permits Division

RE:	PETITION FOR VARIANCE 8645 Pulaski Highway; SE/side Pulaski Highway, 1334' SW Rossville Blvd 15th Election & 7th Councilmanic Districts Legal Owner(s): 8645 Pulaski Highway Limited Partnership, Gloria Levenson, President Contract Purchaser(s): VEI Pulaski, LLC by Vanguard Management Services, Inc Petitioner(s)	* * * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-566-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 12th day of May, 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

RECEIVED
MAY 12 2005
Per

8645

PULASKI HWY. PET. DROP OFF.

THE FOLLOWING COMMENTS ARE MADE CONCERNING PLAN (OR OTHER) DEFICIENCIES.
SEE THE ZONING POLICY FOR FREQUENT FLYER ATTORNEYS DROP OFF PETITIONS WHICH IS ATTACHED TO THESE COMMENTS.

THE ZONING LINE ON THE PETITION FORMS IS BLANK.
THE FRONT SETBACK SHOWN AS "REQUIRED" ON THE PLAN IS INCORRECT
(1ST FRONT ~~AVG.~~ AVERAGE, IF NO FRONT AVG., THEN 50' FROM ~~[illegible]~~ RIGHT OF WAY OF A DIVIDED ~~HWY~~ HIGHWAY.

NO REQUEST IS BEING MADE TO AMEND THE PREVIOUSLY APPROVED ZONING HEARING PLANS AS REFERENCED IN THE PLAN NOTES.

PLANNER II
ZONING RVW.
5/04/05

TO FILE
#566

1 COPY TO ATTNY

FREQUENT FLYER ATTORNEYS
DROP OFF ZONING PETITIONS
POLICY PROCEDURES

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with **all** technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.

2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.

3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

#566
1 copy to ATTNY

3/22/05
JLL/rjc

PLEASE PRINT CLEARLY

CASE NAME VEI Pulaski LLC
CASE NUMBER 05-566-A
DATE 6/22/05

Petitioners

~~CITIZEN'S~~ SIGN-IN SHEET

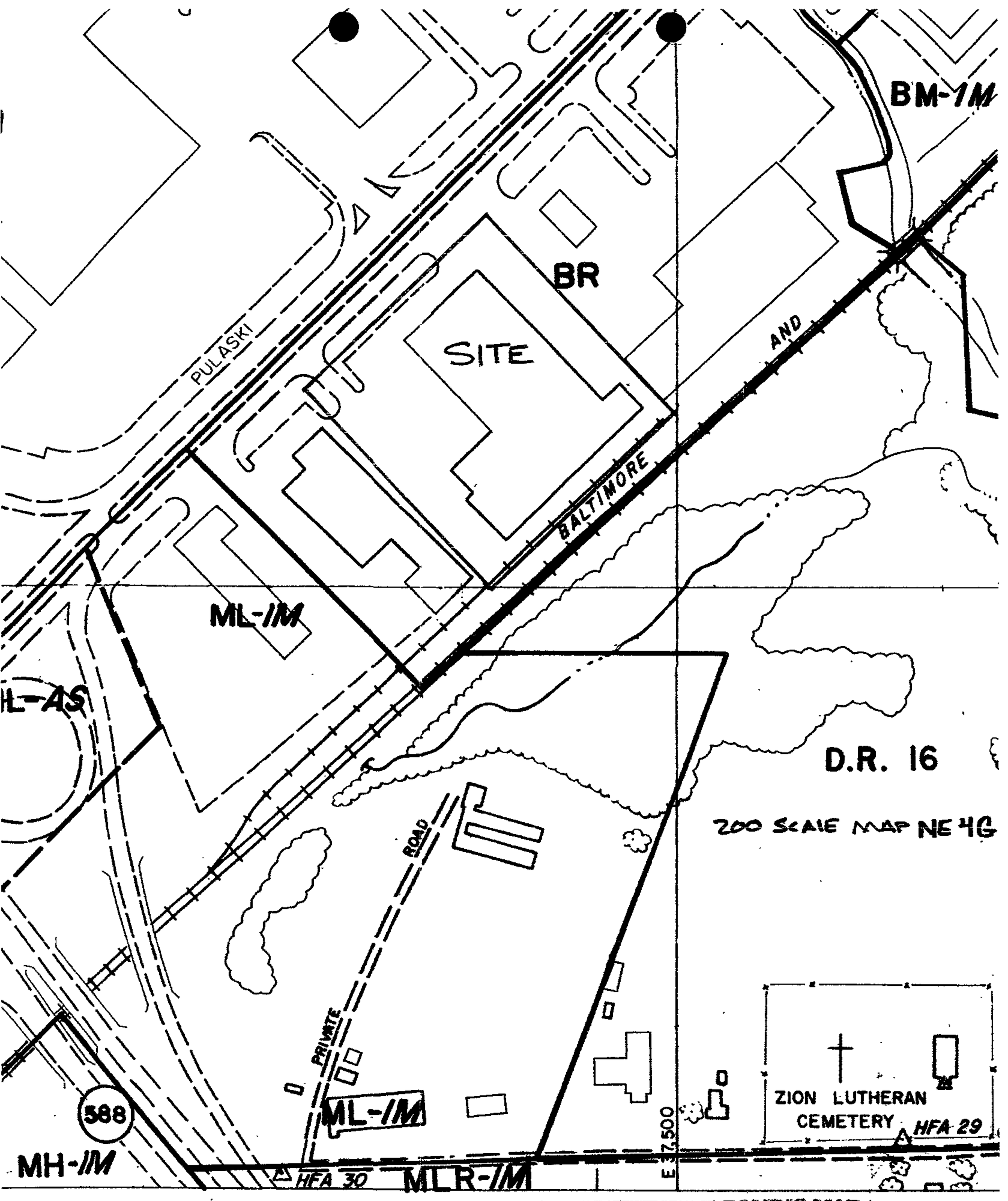
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DAVID KARCESKI	210 Allegheny Ave	Towson MD 21204	dhkarceski@venable.com
RICK RICHARDSON	110 OLD PADONIA RD SUITE LC	COCKEYSVILLE, MD 21030	RICK@RICHARDSONENGINEERING.NET
Leonard Weinberg	1408 Bare Hill Rd. Suite 210	Baltimore, MD 21209	lweinberg@vanguardgroup.com
Lauren Taylor	409 Washington Ave.	Towson, MD 21204	Htaylor@paulxcert.com
Jefferson			

1425-33 Restaurant

Case No.: 05-566A

Exhibit Sheet

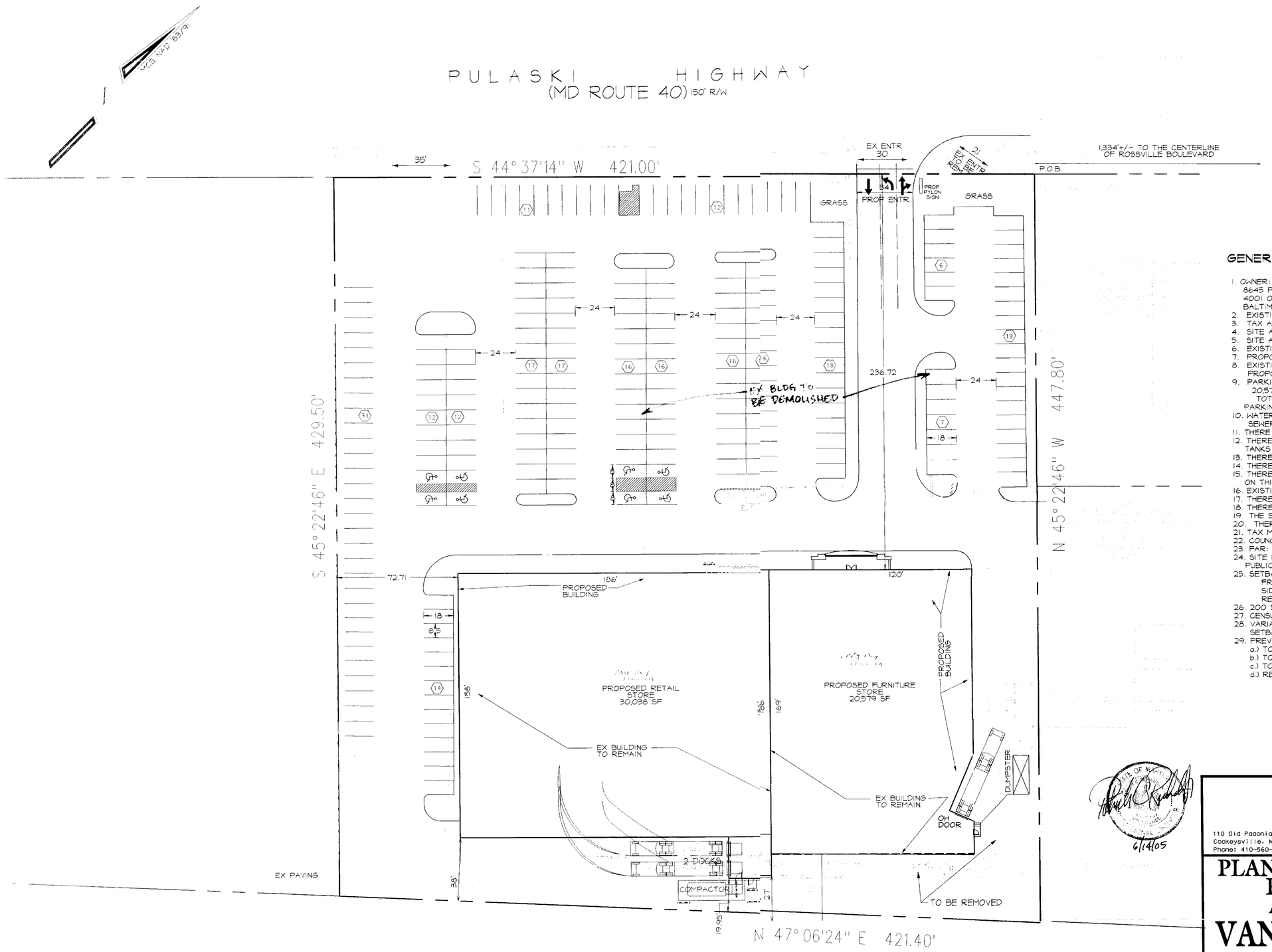
	Petitioner/Developer	Protestant
No. 1	RED LINE SITE PLAN	
No. 2	LANDSCAPE PLAN (Marked for identification only)	
No. 3	ZONING MAP - MARKED for identification only	
No. 4	AERIAL OF AREA OFFICE of PLANNING	
No. 5	SITE PLAN 1973 ZONING CASE - DENOTES RAIL SPUR	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

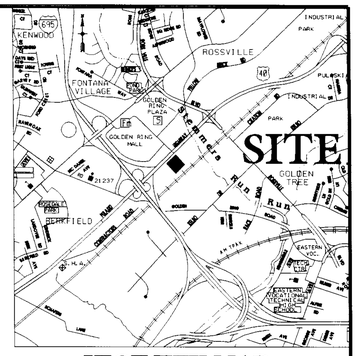


2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000

PETITIONER'S

EXHIBIT NO. 4





VICINITY MAP
1"=1000'

GENERAL NOTES:

1. OWNER:
   8645 PULASKI HIGHWAY ASSOCIATES
   4001 OLD COURT ROAD, SUITE 219
   BALTIMORE, MARYLAND 21208
2. EXISTING ZONING: BR
3. TAX ACCOUNT NO.: 1519321550
4. SITE AREA: NET AREA: 184,669 SF OR 4.234 AC +/-
5. SITE AREA: GROSS AREA: 197,299 SF OR 4.529 AC +/-
6. EXISTING USE: FURNITURE STORE (STICKS & STUFF)
7. PROPOSED USE: RETAIL STORE & FURNITURE STORE
8. EXISTING BUILDING AREA: 88,267 SF
   PROPOSED BUILDING AREA: 50,617 S.F.
9. PARKING REQUIRED: 30,038 SF RETAIL @ 5/1000 SF = 151 SPACES
   20,579 SF FURNITURE @ 2.5/1000 SF= 52
   TOTAL REQUIRED = 203
   PARKING PROVIDED: 240 SPACES *
10. WATER: PUBLIC
    SEWER: PUBLIC
11. THERE ARE NO HISTORIC STRUCTURES ON THIS SITE.
12. THERE ARE NO KNOWN UNDERGROUND FUEL OR CHEMICAL STORAGE TANKS EXISTING ON THIS PROPERTY.
13. THERE ARE NO WETLANDS ON THE SITE.
14. THERE ARE NO FLOODPLAINS ON THE SITE.
15. THERE ARE NO SIGNIFICANT PLANT OR WILDLIFE COMMUNITIES ON THIS SITE.
16. EXISTING FOREST AREA: 0 ACRES
17. THERE ARE NO HISTORICAL FEATURES ON THIS SITE.
18. THERE ARE NO FOREST BUFFERS ON THIS SITE.
19. THE SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA
20. THERE ARE NO FLOODPLAINS ON THIS SITE
21. TAX MAP 90, GRID 7, PARCEL 1096
22. COUNCILMANIC DISTRICT: 7
23. FAR: 50,617/197,299 = 0.26 (MAX PERMITTED= 2.0)
24. SITE ILLUMINATION DOES NOT REFLECT INTO RESIDENTIAL LOTS OR PUBLIC STREETS.
25. SETBACKS:

	REQUIRED	PROVIDED
FRONT	10'	236.72'
SIDE	30'	40'
REAR	30'	19.95'

26. 200 SCALE ZONING MAP NE 4-G
27. CENSUS TRACT: 4512
28. VARIANCE REQUESTED PER SECTION 238.2 TO PERMIT A REAR YARD SETBACK OF 19.95' IN LIEU OF THE REQUIRED 30'.
29. PREVIOUS ZONING CASE #73-156-RA, APPROVAL GRANTED: 1-8-73
    a.) TO PERMIT A REAR YARD OF 23 FEET IN LIEU OF THE REQUIRED 30 FEET.
    b.) TO PERMIT A SIDE YARD OF 21 FEET IN LIEU OF THE REQUIRED 30 FEET.
    c.) TO PERMIT 196 PARKING SPACES IN LIEU OF THE REQUIRED 210.
    d.) RECLASSIFIED FROM ML ZONING TO BR ZONING.

PETITIONER'S
EXHIBIT NO. 1

6/14/05

Richardson Engineering, LLC

110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030
Phone: 410-560-1502 Fax: 410-560-0827

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING

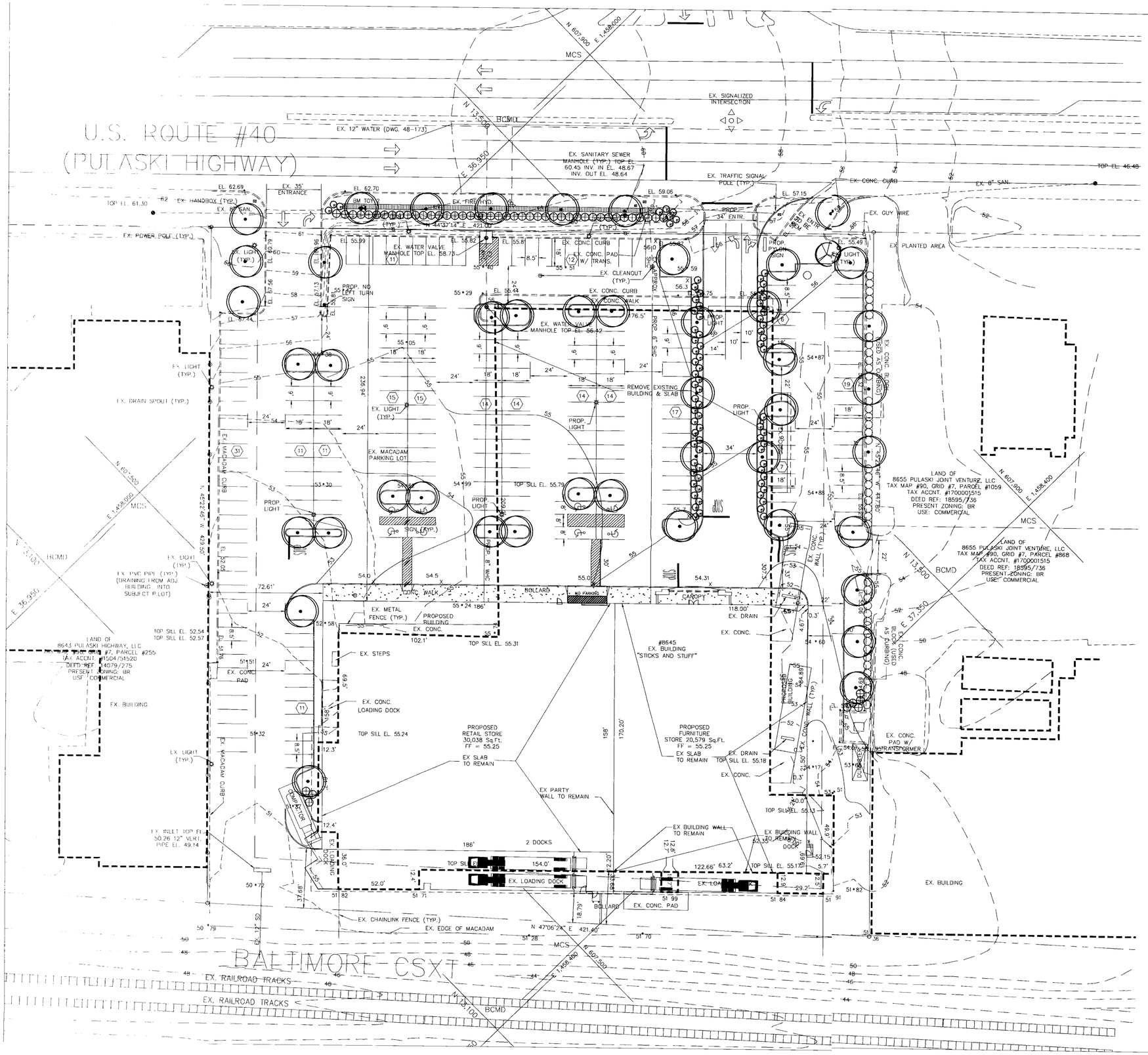
VANGUARD PROPERTIES

8645 PULASKI HIGHWAY

DEED REF: 8417 FOL10 511
TAX ACCOUNT NO.: 1519321550; ZONED BR
TAAX MAP 90; GRID 7; PARCEL 1096

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
06/14/2005	PCR	PCR	1" - 30'
	DATE: 04/14/2005	JOB NO.: 04097	SHEET NO.: 1 OF 1



PLANTING CALCULATIONS

KEY	ELEMENT	RATE	LINEAR FEET	PLANTING UNITS (PU)
A	ADJACENT PUBLIC ROADWAY	1 PU / 40 LF	421 LF	10.5
B	INTERIOR ROADWAY	1 PU / 20 LF	775 LF	38.8
C	PARKING LOT INTERIOR	1 PU / 12 SPACES	222 SPACES	18.5
D	PARKING ADJACENT TO A PUBLIC ROADWAY	1 PU /20 LF	210 LF	10.5
TOTAL REQUIRED / TOTAL PROPOSED			78 / 80 P.U.'S	

KEY

PROPOSED MAJOR DECIDUOUS TREE

PROPOSED ORNAMENTAL TREE

PROPOSED SHRUBS

PROPOSED GROUNDCOVER

Schematic Landscape Plan

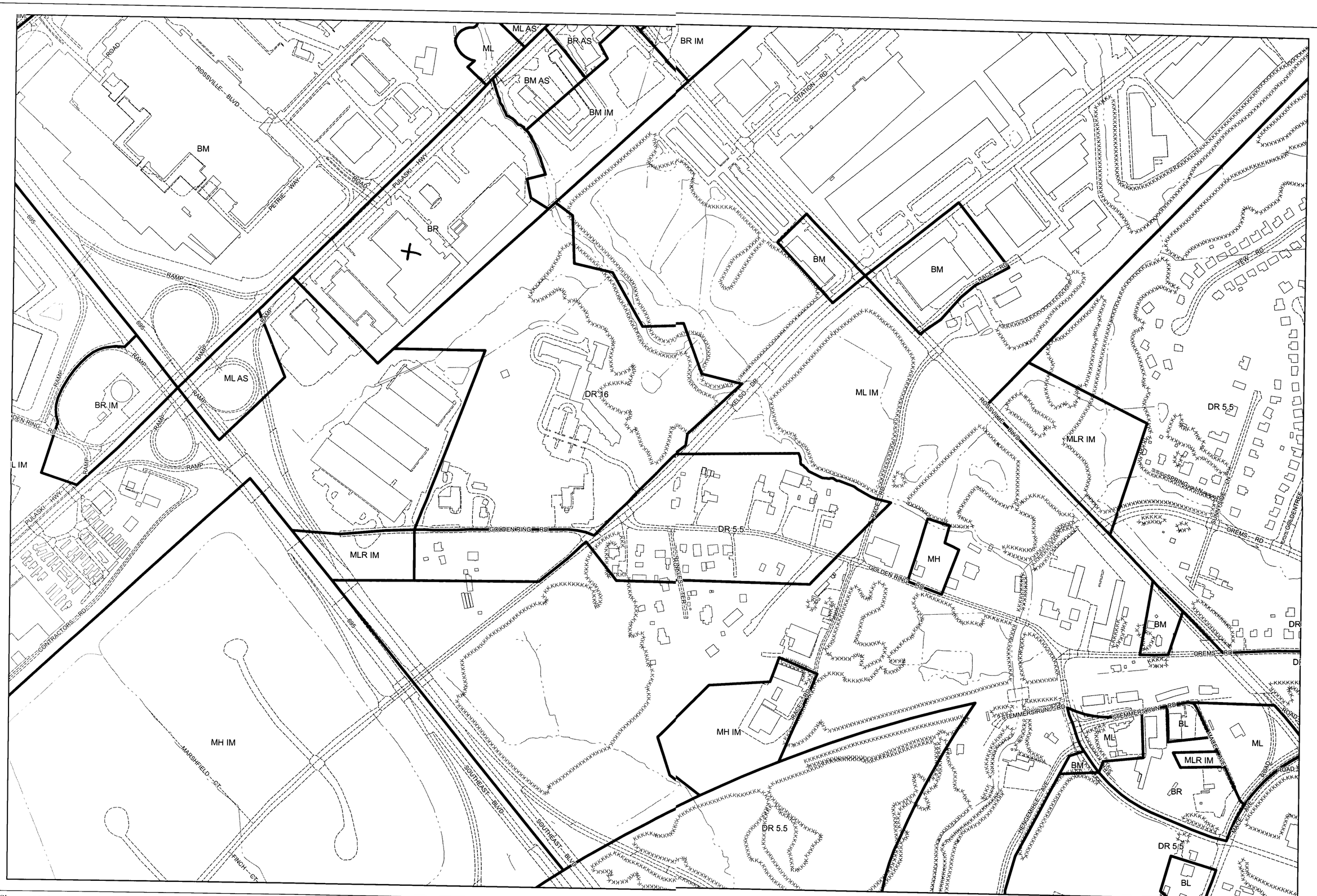
8645 Pulaski Highway
Baltimore County Maryland

Scale: 1" = 30'
Date: 6 - 8- 05

HUMAN & ROHDE, INC.
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410 825 3885

PETITIONER'S
EXHIBIT NO. 2

\landscape.dgn 6/7/2005 5:31:12 PM



Plan Sheet: *090A2*

Note:
Section 32-3-202 of the Baltimore County, 2003 Code establishes the zoning geodatabase. This map represents the actions of the Baltimore County Council on August 31, 2004 (Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04) effective September 7, 2004.

Legend

Zoning — Streams — Vegetation
Buildings — Roads

Baltimore County
Office of Planning and Zoning
Official Zoning Map

089B1	089C1	090A1	090B1	090C1
089B2	089C2	090A2	090B2	090C2
089B3	089C3	090A3	090B3	090C3

Scale

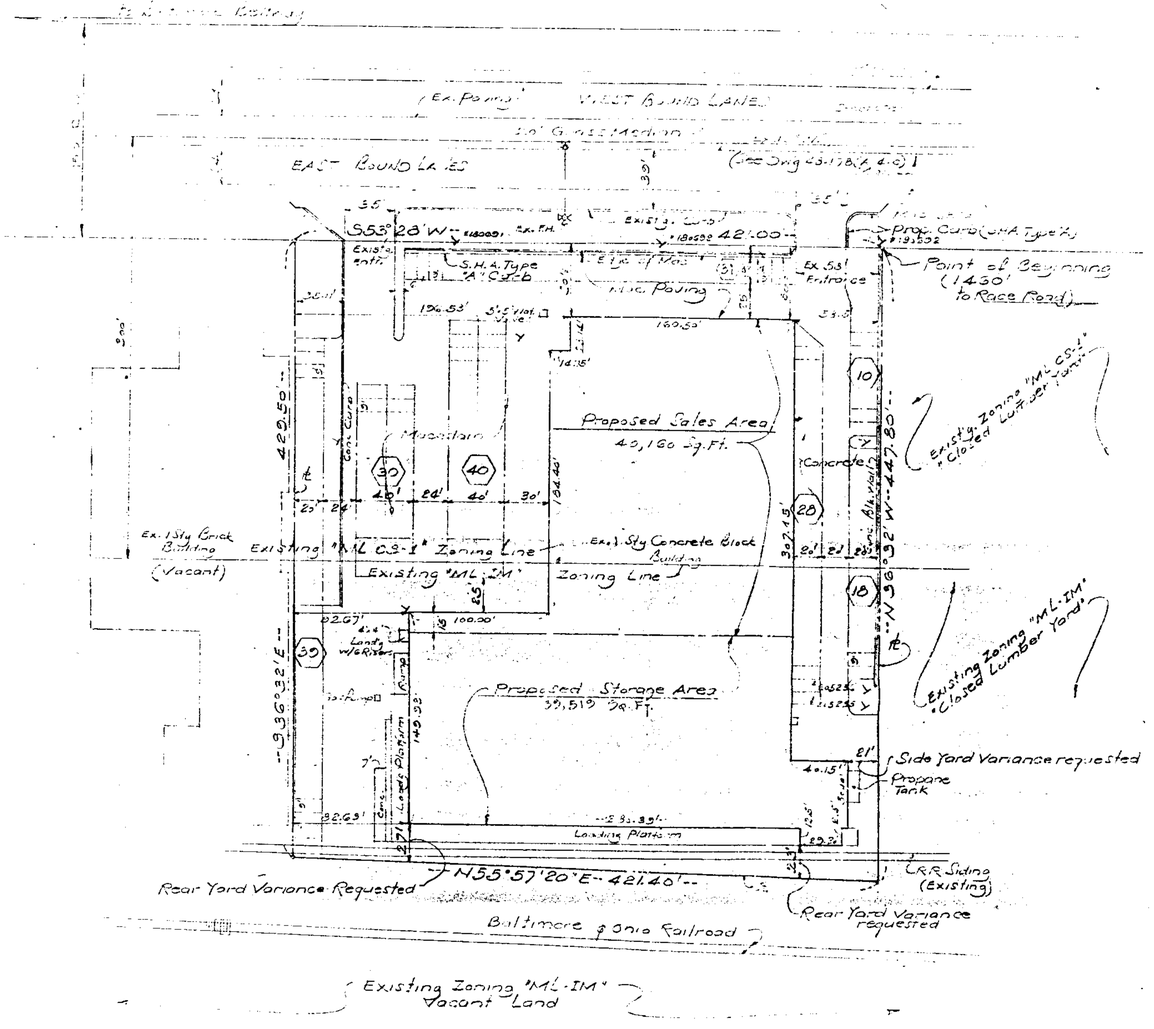
1" = 200'

0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

PETITIONER'S
EXHIBIT NO. 3



GENERAL NOTES:

1. Area of Property equals 4.2335 Ac.
2. Existing Zoning of Property: "ML CS-1" & "ML-IM"
3. Existing Use of Property: "Vacant Warehouse"
4. Proposed Zoning: "BR"
5. Proposed Use: "Retail Furniture Store & Warehouse"
6. Off Street Parking Data:
   A. Proposed Retail Area equals 40,160 Sq. Ft. requiring 201 Spa.
   B. Proposed Storage Area equals 39,519 Sq. Ft. & 45 Employees req. 9 Spa.
   C. Required Parking Total - 210 Spaces
   D. Proposed Parking - 138 Spaces
7. Petitioner is requesting a variance to Sect. 409.(b) 6 of the Zoning Code to permit a total of 138 Parking Spaces instead of the required 210 (a variance of 14 Spaces)
8. Petitioner is requesting a variance to Section 238.2 of the Zoning Code to permit a side yard of 21' instead of the required 30'
9. Petitioner is requesting a variance to Section 238.2 of the Zoning Code to permit a rear yard of 28' instead of the required 30'
10. Site has "Public Water" & "Private Septic" system.

PLAT TO ACCOMPANY PETITION
FOR RECLASSIFICATION
YARD VARIANCES & PARKING VARIANCES
OF PROPERTY AT
3244 PULASKI HIGHWAY

Baltimore County, Maryland

PETITIONER'S
EXHIBIT NO. 5

23 1973